

The second explanation has not been placed. He will convey it to me. Then I will see whether something more is needed.

12.19 hrs.

**PAYMENT OF WAGES (AMENDMENT) BILL—Contd.**

**Mr. Speaker:** Further consideration of the following motion moved by **Shri D. Sanjivayya** on 30th November, 1964, namely:—

“That the Bill further to amend the Payment of Wages Act, 1936, be taken into consideration”.

The hon. Minister to continue his reply.

**The Minister of Labour and Employment (Shri D. Sanjivayya):** Mr. Speaker, last evening as the House was about to rise for the day, I had started my reply. In fact, I have answered all the points raised by my hon. friend, **Shri Banerjee**.

Now I come to my hon. friend, **Shri Nambiar**, who raised two important points. One is with regard to the introduction of a provision relating to recovery of interest. In fact, in the original Act, no provision was made for deduction of loans in such a measure as it has been done now by the amending Bill. Therefore, we thought that a provision should be made with regard to deduction of interest also. Moreover the expression used there is ‘interest due’. So due regard may be paid to the word ‘due’ there. Moreover, in cl. 9 of the Bill, it has been clearly laid down that the State Government will make rules with regard to the interest that has got to be deducted.

The other point **Shri Nambiar** raised was whether the employees in the loco sheds were covered by the Payment of Wages Act. It is a fact that they are not covered by the Factories

Act, but the Payment of Wages Act as such applies to the railway administration, including the loco sheds. Therefore, the employees or the workers in the loco sheds are covered by the Payment of Wages Act.

He probably misunderstand the provision made in Clause 7 which intends to amend Section 10. There, we have not made any change whatsoever with regard to the existing provision in the original Act. All that we have done is that we have made provision for the new deductions which have been provided for in the amending Bill. The expressions used in the original Act, namely “on account of negligence” etc., are retained in the present Bill also.

Then, he wanted to know whether any deduction slips would be issued to all the workers. No doubt, it is a very good suggestion, but it involves a lot of work. We will certainly examine that suggestion further.

Coming to **Shri Heda**, I would like to answer one point which he raised, namely that the Financial Memorandum provides for only Rs. 25,000, and that amount is rather inadequate for the implementation of the new provisions. I would like to point out to the hon. Member that this is mainly implemented by the State Government's, except for the fact that we have taken on ourselves to implement the provisions relating to the air transport service etc. Therefore, the additional cost would be very negligible.

He also raised several other points with regard to the trade union movement. I entirely agree with him. Today the position is that almost all the trade unions have some political bias or the other. That is why we have started a new scheme called the Workers' Education Scheme. The main purpose of this new scheme is to see that leadership of the trade union movement is thrown up by members who are workers themselves.

[Shri D. Sanjivayya]

He supported the advances given for festivals etc., but I for one do not like this idea. In our country we spend much too much on festive occasions. We have got to cut it down.

The other very important point which the hon. Member raised relates to the prohibiting of moneylenders in the industrial areas. It is the moneylenders who really take the lion's share of the earnings of the workers. In fact, some legislation is very necessary to see that their activities are prevented in so far as they relate to the working classes in our country.

Shri Kachhavaia also made some points. Both he and Shri Wasnik made a suggestion with regard to the bidi industry. In fact, today the condition of the bidi workers is really deplorable. In the State of Madras there is an Act regulating their employment etc., but that Act is not being implemented I am told. Only recently I received a letter from some workers' organisations that the Act is not being properly or effectively implemented in the State of Madras because, if that Act is implemented effectively in that State, probably the industry would be transferred to the neighbouring States. Therefore, the Government of India is thinking of undertaking Central legislation. In fact, we have circulated the Madras Act to all the State Governments and others concerned, to elicit their opinions, and we are going to introduce legislation in Parliament with regard to the bidi industry.

Shri Tulshidas Jadhav spoke welcoming the provisions of the Bill but he has his own local difficulties in Sholapur where a textile mill has been closed down. The management, though they collected the provident fund shares from the workers, have not deposited them with the Government. So, the workers are put to a lot of difficulties. This subject, namely, the administration of the provident funds was with the Labour Ministry

till recently. While it was with the Labour Ministry, we made some part payment to the workers. Now, we understand that the Department of Social Security which is dealing with this subject is considering this matter. It is understood that they have already decided to pay to the workers the contribution made by them in full in spite of the fact that much of it was not deposited with the provident fund authority by the employers.

Shri Jadhav also referred to the delayed payments to teachers, etc., but unfortunately this Act does not apply to teachers. The teachers have probably their own method of recovering any delayed or denied payment. Then the hon. Member made a very valuable suggestion, namely, that the workers' wages should be the first charge on the assets whenever a firm or a company goes into liquidation. Both in the Companies Act and the Indian Succession Act, sufficiently high priority is given to the wages of the workers. I hope the Social Security Department will take into consideration the valuable suggestion given by the hon. Member Shri Jadhav and see that such a provision is made in the Employees' Provident Fund Act.

Shri A. P. Sharma stoutly opposed the provisions relating to the Railway Ministry. In fact the Railway Ministry have been deducting in the same manner as has been suggested in the present Bill. All that we have done is to legalise the deductions that were being made. In fact, the Public Accounts Committee also made a recommendation to that effect.

**Shri A. P. Sharma (Buzar):** The hon. Minister said that whatever the Railway Ministry had been doing illegally will be now legalised. What action will be taken for the illegal action in the past?

**Shri D. Sanjivayya:** I am sorry if I have given that impression to the hon. Member. Whatever was being done, it is given a sort of statutory backing now.

**Shri Nambiar (Tiruchirapalli):** In that case, what happens is that in all and sundry cases the officials will try to deduct from the wages even at a later date, for counterfeit coins and so on. At the rush in the booking counter, it may be said that the booking clerk has received a false note, not deliberately, but it may be deducted after sometime, and it will be deducted from his wages at a subsequent date. This is very hard, and that is why we do not want that provision to be incorporated.

**Shri D. Sanjivayya:** That provision exists in the Posts and Telegraphs also. Moreover, as I said earlier, the Public Accounts Committee made a recommendation that such a provision should be made in the Payment of Wages Act.

**Shri A. P. Sharma:** What about the fixation of the responsibility? The people who fix the responsibility may themselves be responsible for this loss. But the onus of responsibility may fall on the smaller people and the deduction may be made.

**Shri D. Sanjivayya:** The administration must have fixed the responsibility at various stages. Suppose there is a booking clerk, he will be responsible for having received a counterfeit coin or a note which is not valid.

**Shri U. M. Trivedi (Mandsaur):** If he is cheated and the money is stolen from him, if somebody steals the money and if it is a theft case, who will be responsible then? That poor man will be made responsible and you will reimburse the amount from him!

**Shri D. Sanjivayya:** If it is stolen, that is a different matter. Probably a case will be registered. There is no provision with regard to such a kind of thing.

**Shri A. P. Sharma:** Whatever reference I made, I made it regarding

the loss and damage. In the past, the administration was required to prove the responsibility for loss and damage. But according to this Bill, it will not be necessary for the administration to prove that it is the responsibility of the workers.

**Shri D. Sanjivayya:** The employee or the worker is given an opportunity to say whether this is correct or not. Therefore, that provision is made.

**Shri Sharma** took objection to a particular provision in the present Bill, namely, that the State Government should consult the Central Government whenever they make a notification with regard to the industries of the Central Government which have a sort of all-India character. We wanted this provision particularly because if an industry which has an all-India character is going to be affected by a notification by the State Government, the Government of India should know it and should take such precautions as are necessary to see that uniformity obtains in all the States in the industry.

**Shri A. P. Sharma:** Who will decide? Is it the Labour Ministry or the employing Ministry? If it is the employing Ministry which is to be consulted, in that case they are the employers and this concession is not given in other industries.

**Shri D. Sanjivayya:** Normally it is the Labour Ministry which is consulted. But the Labour Ministry in its turn will certainly consult the employing Ministry.

श्री हुक्म चन्द कछवाय (देवास) :  
 अध्यक्ष महोदय, अभी मन्त्री जी ने कहा कि बीड़ी मजदूरों के लिये कुछ नियम बने मद्रास के अन्दर वह लागू नहीं हुए। इस का क्या कारण था, और केन्द्रीय सरकार इस नियम के बनाने में कितना समय लगायेगी ताकि उन्हें लाभ मिल सके। इसके अलावा मैंने कल कहा था कि कोयला खदान के और बीड़ी के मजदूरों

[ श्री हुकम चन्द कछवाय ]

के साथ पक्षपात किया जा रहा है। उन्हें ठीक से पैसा नहीं मिलता। इसके बारे में सरकार का क्या विचार है।

श्रीम श्री रोजगार मन्त्रालय में उपमन्त्री (श्री २० कि० माजबीय) : मिनिस्टर साहब ने मद्रास राज्य के एक के बारे में यह बतलाया है कि अगर इत एकट को पूरी तरह से लागू कर दिया जायेगा तो जो आस पास में दूसरे राज्य हैं, मैसूर वगैरह, वहाँ के बोड़ी मजदूरों पर उसका असर होगा। इसलिये भी उसका पूरा पूरा इम्प्लिमेंटेशन नहीं हो रहा है। इस लिये यह सोचा गया कि मद्रास और उसके आस पास मैसूर, केरल, आंध्र प्रदेश और दूसरे राज्यों में लागू करने के लिये एकसा एकट बने। इसके लिये जरूरी है कि सेंट्रल लेजिस्लेशन हो, और उसके लिये कांशिश हो रही है। मद्रास का एकट और राज्यों को भेज दिया गया है और उनकी राय उस पर मांगी गई है। जैसी राय आयेगी उसके अनुसार सेंट्रल लेजिस्लेशन बनाया जायेगा।

श्री हुकम चन्द कछवाय : मैंने पूछा था कि कब तक हो जायेगा, और कोयला खदानों और बोड़ी मजदूरों के साथ जो पक्षपात हो रहा है, जिनको महीने में कम पैसा मिलता है...

अध्यक्ष महोदय : अब दूसरी तकरीर तो नहीं हो सकती। आपने सवाल किया और उन्होंने जवाब दे दिया।

श्री २० कि० माजबीय : मद्रास का एकट सम्बन्धित स्टेटों को भेजे हुए काफी दिन हो गये। कुछ स्टेटों का जवाब आया है और कुछ का आना बाकी है। आशा है कि हमें जल्दी उनका भी जवाब मिल जायेगा और तब हम लेजिस्लेशन पेश करेंगे।

श्री हुकम चन्द कछवाय : कोयला खदानों के मजदूरों के बारे में क्या बात है।

श्री २० कि० माजबीय : कोयला खदानों के बारे में अवार्ड मौजूद है। नया वेज बोर्ड बंटा हुआ है। उसके अवार्ड के मुताबिक वेज दिये जाते हैं। कोयला खदानों के मजदूरों की मजदूरी के बारे में इण्डस्ट्रियल रिलेशन्स मैगनेरी बड़ी सतर्क है और साथ ही मजदूर संगठन इतने मजबूत हो गए हैं कि जो झगड़े उठते हैं वे या तो आपस में और सेंट्रल गवर्नमेंट के द्वारा तय होते रहते हैं।

Shri K. N. Pande (Hata): When a fine is imposed upon a worker, it is realised first and later if the authority concerned decides that the fine was not properly imposed and the worker was not liable to pay it, then it is refunded. Why should not the realisation of the fine be held up till the final decision is given by the appellate authority?

Shri D. Sanjivayya: I do not think it is proper. So far as the fines are concerned, they should be paid. With regard to other things like loss, etc., opportunity is given to the person from whom it is claimed.

श्री हुकम चन्द कछवाय : अध्यक्ष महोदय, मैं व्यवस्था चाहता हूँ। व्यवस्था का सवाल यह है कि यहां पर जो बात उठाई गई उसके लिये माननीय मंत्री महोदय ने उत्तर दिया कि नियम बने हैं। इस पर मैंने कहा कि नियम बने हैं लेकिन उनका पालन नहीं होता। ऐसी हालत में बोड़ी मजदूरों के बारे में जो झगड़े उठेंगे उनका वह क्या करने जा रहे हैं।

अध्यक्ष महोदय : वह तय करने जा रहे हैं।

Mr. Speaker: The question is:

"That the Bill further to amend the Payment of Wages Act, 1936 be taken into consideration."

The motion was adopted.

Mr. Speaker: We shall now take up the Bill clause by clause. There are no amendments to clauses 2 to 10. I

shall put them to the vote of the House.

**Shri Nambiar:** No, Sir; I want to oppose clause 6.

**Mr. Speaker:** All right. The question is:

"That clauses 2 to 5 stand part of the Bill."

*The motion was adopted.*

*Clauses 2 to 5 were added to the Bill.*

#### **Clause 6—Amendment of Section 7**

**Shri Nambiar:** Sir, I have already stated my objection. My point is that the hon. Minister has not applied his mind fully to this question. On page 3 of the Bill you will find the words "interest due in respect thereof". He says that "interest due" covers whatever interest is due. Why should there be any necessity to deduct interest on the money advanced to an employee? Supposing an employee is given some travelling allowance in advance to undertake a journey and he completes his journey after some time, is interest to be deducted for the travelling allowance that was paid in advance? This was not there in the parent Act. Why has this been included now? This point has not been met by the hon. Minister in his reply.

Then, on page 4, sub-clause (m) reads like this:

"deductions for recovery of losses sustained by a railway administration on account of acceptance by the employed person of counterfeit or base coins or mutilated or forged currency notes;"

I have already raised this point. The hon. Minister has tried to give an explanation to this saying that the Public Accounts Committee wanted that to be done. Perhaps, the Public Accounts Committee might have found out that there were certain deductions which could have been made and they might have made a general recommendation. Once the Public Accounts Committee makes a general

recommendation, it is not incumbent on the part of the Government to accept it and introduce it straightaway unless and until the Government has gone into it in detail to find out whether it is necessary or not. Here, I would submit, this is not fair. How is it to be found out how much money is due from which employee in lieu of counterfeit or base coins or forged currency notes? Crores and crores of rupees are being collected daily from thousands of counters of the railways for booking passengers and goods. Supposing a railway employee in a hurry receives a forged ten rupee note, all the collection for the day in different counters at that station is given to the station master. The station master then deposits that amount in the cash chest which is taken out later to the central cash office. If there after some time that forged ten-rupee note is found out, even though employee 'A' at the counter received that note it may happen that you may decide to deduct that amount from employee 'B' after three or six months. That is why I say that it will be unfair. Employee 'B' may not be in a position to say whether it was through his counter that the forged note was received. All these things will create complications. That was exactly the reason why this provision was not there in the parent Act. Now, in the name of introducing some improvement in the Payment of Wages Act this provision is being introduced which will work to the detriment of the employees. That is why you will find that in the parent Act, section 7 contains only sub-sections (a) 'o' (b) and sub-sections (m) to (o) are being introduced as additional sub-sections. This goes against the interests of the employees and that is why I object to this clause.

The argument that the Government may advance is that it is a loss to the exchequer. They may ask, is it not to be made good? If that is to be done, it has to be done on the spot. As I said, what happens is, the

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booking clerk takes the daily collection to the station master. Supposing the station master finds out a forged note in that day's collection, he points it out to the clerk. Then immediately that is made good on the spot. So the deduction question arises only if the money is received by the person concerned and deposited in the cash box, which is found out later on. That is exactly the reason why it was not provided earlier. I object to that provision.

Then I come to sub-clause (n) which reads:

"Deductions for recovery of losses sustained - by a railway administration on account of the failure of the employed person to invoice, to bill, to collect or to account for the appropriate charges due to that administration, whether in respect of fares, freight, demurrage, wharfage and cranage or in respect of sale of food in catering establishments or in respect of sale of commodities in grain shops or otherwise;"

It is all-embracing; everything under the sun is brought in. It is an omnibus amendment under which any mistake found out later on could be thrust on the poor employee and he could be asked to make good that amount. It is a very harsh provision. Let us take booking. Luggage is booked by a passenger. At the terminal point another set of people weigh the luggage and find it is a little more, which can very well be due to the defect of the weighing machine. If the money could not be collected at the destination from the passenger, the poor employee who has booked the luggage is found out and it is deducted from his wage bill. So, I submit it is going against the interests of the workers. Therefore, I want all these three sub-clauses to be omitted.

**Shri U. M. Trivedi:** On principle I support what has come out from Shri Nambiar. The provisions contained in sub-clauses (m), (n) and (o) are, to

say the least, absurd and oppressive propositions which will very badly hit the already poorly paid railway employees. Those of us who have some knowledge of how the railway officers work know to our utmost disgust that the railways officers jumps on the neck of every railway employee and squeeze out the last farthing from him, trying to make him more dishonest. The difficulty is, if he is not left with any money at the end of the month to feed his children even though he receives his wages what is the alternative left for him is a consideration which always escapes the attention of the hon. Minister. I do not understand why it is so.

I remember a case where a cheque for Rs. 2,000 was presented in the name of D.S. on a false trunk call. It was verified by office and on a further verification by a third call a cheque for Rs. 2,000 was given to the poor head booking clerk, who received it. Ultimately the cheque was found to be false. D.S. showed his hands and asked "why did you cash it? I cannot do anything in the matter." This was the attitude of his immediate superior who had the power to dismiss or remove him from service even though he was himself at fault. So, that Rs. 2,000 was recovered from this young man. He had to pay it by selling the ornaments that his wife had brought as Sreedan as well as his own property and now he has become a pauper.

Do you want such instances to go on? So, I vehemently protest against the inclusion of these three sub-clauses (m), (n) and (o). I hope they will be dropped by the Minister. Then, it is very difficult to find out even for experts whether a currency note is a counterfeit or forgery. There are clever forgeries which ultimately get detected in the State Bank. After they are detected by the State Bank a year or a year and a half hence, the booking clerk through whom this note was received is asked to make good the amount as "deduction for recovery of losses

sustained by a railway administration on account of acceptance by the employed person of counterfeit or base coins or mutilated or forged currency notes". It is a clear case of forgery by an outsider. There is absolutely no question of any negligence on his part; there is no malfeasance or non-feasance on his part. Yet you try to recover this money from the poor railway employee by depriving him of his wage. |

If the Government has got a case, let Government go before a court of law and file a suit; let the right be determined by a court of law as a civil right. The court will determine whether there is the question of negligence or not. On the one hand, Government refuses to pay any money on torts if it is committed by a Government department, because of a recent ruling on this question; on the other, when a railway employee, an individual, does something which is not even tort, that poor and ignorant fellow is asked to make good the full amount.

Very recently I had occasion to preside over the meeting of the Commercial Clerks' Association and I received a long memorandum from them. These are the people who will be hit by this provision, the poor commercial clerks, the lowest paid and the most heavily worked officers, who work for hours together and who help you earn money through their salesmanship. On these poor people you want to impose this penalty by the backdoor. It is an abominable measure on any principle and by any standards and it should not be put on the statute book.

Then I will draw your attention to sub-clause (o) which says:

"deductions for recovery of losses sustained by a railway administration on account of any rebates or refunds incorrectly granted by the employed person where such loss is directly attributable to his neglect or default".

Who will determine this neglect or default? Have you got any machinery? No. Who will determine it? The officer concerned. The officer will try to save his neck; he will ultimately trace it to somebody, some poor clerk.

I will give you an instance. Very recently a whole safe weighing seven maunds was stolen by some thieves. It was said to have been stolen between Neemuch and Ajmer. There was an inquiry by the police and the police as usual said:

गार्ड साहब चोर है, गार्ड ने चोरी की है ।

The poor guard was dragged into the enquiry and the money was tried to be recovered from him. As the money could not be recovered from him, he was removed from service. He lost his job. Now it is found that the safe was stolen from the running train between Ratlam and Neemuch and not between Neemuch and Ajmer and it is safely lying in a well. A whole safe weighing seven maunds, when it was stolen could not be detected and yet the poor guard got it in his neck.

The hon. Minister should take into consideration these instances. Who has recommended this law? It is something which is incomprehensible to me? I would suggest that you, as representative of this country, as the Minister who is handling this situation, have got a responsibility towards the workers also; you are not responsible merely to get more money, squeeze more money from the poor man. Therefore, I would appeal to you, and through you to the Ministry, to look into this matter and omit these provisions.

**Shri Ranga (Chittoor):** I support the plea for the omission of these sub-clauses (m), (n) and (o). When the original Act was introduced here as a Bill in the Central Assembly I had the privilege of taking part in the discussions. It was intended purely as a measure to protect the interests of the workers, not as a punitive measure, as implied in these

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three sub-clauses. If the Railways wish to prevent this kind of pilferage or wilful mischief, they should come forward with some legislation, take this House into confidence and ask for its approval. I do not see any reason why my hon. friend, who is in charge of labour and who is specially charged with the task of protecting the interests of labour and not penalising them, should have come forward with these sub-clauses also in this Bill. I do not know how he came to be advised so badly and so wrongly.

Thirdly, it is not proper that these railway employees should be saddled with these penalties and pains because, as my hon. friend, Shri Trivedi, has said, it may quite happen that for no fault of their own they may come to lose their whole monthly salary, or maybe, over a period also. So, it is better if my hon. friend would be good enough to agree to this suggestion to drop these three sub-clauses now and, if found necessary later on, to advise the Railway Ministry to come forward with the necessary legislation.

**Shri K. N. Pande:** Sir, although I do not oppose these sub-clauses that have been introduced here, we have to go into the merits of the case. It is very hard on the workers. There may be some *bona fide* cases; there may be some pilferage or loss incurred by the Railways not due to the fault of the employees or because of something which was beyond the control of the employee. For that if he is penalised . . .

**Mr. Speaker:** Why did it not strike any hon. Member to send in an amendment for the omission of these sub-clauses?

**Shri K. N. Pande:** I am sorry, I was not here. I came only today.

**Shri A. P. Sharma:** I had an intention to do so, but I am sorry, I did not.

**Mr. Speaker:** Who prevented him? The hon. Members support the other sub-clauses but they oppose sub-clauses (m), (n) and (o).

**Shri A. P. Sharma:** The reason is this.

**Mr. Speaker:** I follow the reason. I also appreciate the extent of that feeling, but either they have to oppose the whole clause or accept these also.

**Shri Nambiar:** I requested the hon. Minister yesterday that he could move an amendment himself.

**Shri K. N. Pande:** I suggested in the beginning that if the final authority also decides against the employee concerned, he should be required to pay that amount and till a decision is given by the authority concerned the matter of realisation should be held in abeyance so that he will get an opportunity to put his case before the authority. I was not here, I am sorry, otherwise I would have given notice of an amendment.

**Shri A. P. Sharma:** In my speech while generally supporting the other amendments, I also pointed out that the addition of these sub-clauses was not necessary because already there is a provision about deduction of losses and damages directly attributable to the fault of the employee. That should have been enough. According to the original Act, up till now a show-cause notice was, in practice, issued and the responsibility of the employee had to be established. According to this what will happen is this that deduction will be made without asking the reason. They have, for example, referred to the catering department. You can yourself imagine that whenever there is breakage of crockery or something like that, in most cases in the running train and even in restaurants it is beyond the control of the employees. Sometimes some passengers come, clash and the damage takes place and the employee is made responsible for



the damage. Therefore the addition of these three sub-clauses is definitely against the interest of the employees.

I know the Department and, as I pointed out yesterday in my speech, the Railway Department and most of the employing ministries, who are very keen to apply these rules against the employees, have not been able to implement the Industrial Disputes Act through which the employees can get justice, as it is done in the case of other employees in the private sector. Therefore I also hold the same opinion as other hon. Members. Yesterday also I requested the hon. Minister to consider this and, if necessary, consult the labour and later on come with an amendment.

**Mr. Speaker:** All the labour leaders are united. Now, the hon. Labour Minister.

**Shri D. Sanjivayya:** Including Professor Ranga.

**Shri Nambiar:** Labour plus political leaders.

**The Minister of Rehabilitation (Shri Tyagi):** Why not apply this to all the Government servants?

**Shri D. Sanjivayya:** In the original Act in section 7(2) provision is already made for certain deductions. It is not as though this Bill is intended to give protection to the workers only; it is also giving, to a certain extent, protection to the properties in charge of which the workers are placed. Under section 7(2) of the original Act, according to sub-clause (a) fines could be deducted; according to sub-clause (b) deduction for absence from duty could be made and so on and so forth up to sub-clause (k). They are there and we have added only sub-clauses (l), (m), (n) and (o). With regard to sub-clause (l) they will have no objection because they also welcomed the provision since we are providing for loans for

house construction, for purchase of cycle etc. Therefore it is in their own interest and, naturally, they were wanting to have such loans.

With regard to the other sub-clauses to which objection has been taken, namely, sub-clauses (m), (n) and (o), I would like to say that the employed are specifically entrusted with certain jobs or work. If, on account of the neglect of work by those employed, loss is caused, should not the management have an authority to deduct such loss? In fact, in practice the railway administration have been deducting that. If there is no provision in the Act and if the railway administration continues to do that, naturally, the relationship between the management and the employed will not be very cordial.

Moreover, the Public Accounts Committee, as I stated earlier, has also recommended that such a provision should be made because the railway administration is losing.

**Shri Nambiar:** A very weak argument.

**Shri A. P. Sharma:** It has already been pointed out that there is no consideration . . .

**Mr. Speaker:** After the reply of the Minister there is no argument. The question is:

"That clause 6 stand part of the Bill".

*The motion was adopted.*

*Clause 6 was added to the Bill.*

*Clauses 7 to 10 were added to the Bill.*

**Clause 11—(Amendment of section 14)**

*Amendment made:*

Page 6, line 13,—

after "industrial establishment"  
 insert—

"at any reasonable time".

(1)

(Shri R. K. Malviya)

**Mr. Speaker:** The question:

"That clause 11, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 11, as amended, was added to the Bill.*

*Clauses 12 to 22 were added to the Bill.*

*Clause 1, the Enacting Formula and the Title were added to the Bill.*

**Shri D. Sanjivayya:** Sir, I move:

"That the Bill, as amended, be passed."

**Mr. Speaker:** Motion moved:

"That the Bill, as amended, be passed."

**Shri Rama:** I am glad that this Bill has been brought before us and is about to be passed. I only wish my hon. friend, the Labour Minister, had been permitted by his friend to agree to the suggestion that we had made just now. Unfortunately, he did not find it possible to accept it. That is a great pity.

But, apart from that, it is a wonder how it is that though the International Labour Organisation has recommended, through a Convention more than 15 years ago, against the continuance of contractual labour system, till now the Government has been remiss in this regard and have not been able to abolish this system in all sectors of employment in our country. I think they may have some good reasons for not having been able to abolish it till now. But I do think that it is high time that they should, if necessary, appoint a small study committee or a group and get this particular matter studied and find out to what extent they can work towards the elimination of this system and in that way afford the necessary protection to our labour.

I am glad that this Bill seeks to extend the protection of this Act to

the increasing number of workers who are now employed in this road transport systems. For a very long time this has been creating avenues of employment and larger and larger number of people have come under it. But unfortunately they have not been given this protection. That has caused a lot of loss to a number of workers as much because of the *mala fide* activities of some employers as because of the smallness of investment made by some employers and when they came to grief in that industry, they were not in a position to pay their employees properly and fully.

So, on the whole it is a good Bill and I welcome it but with that reservation that an opportunity should be taken by the Government to re-examine against about the possibility for re-phrasing those three sub-clauses, (m), (n) and (o), of clause 6 in such a manner that the harm that they are capable of doing to the workers can be minimised, if not eliminated. With these words, I support this Bill.

**Shri Dinen Bhattacharya** (Serampore): **Mr. Speaker,** Sir, as regards clause 10, a provision 13A after Section 13 has been added saying that every employer shall maintain these registers and records. I support these things. But in this respect I may point out that the leave wages, the medical leave wages and casual leave wages, are also the wages and, if so, I suggest that those wages also should be recorded. This is what has been found quite often. In case an employer refuses to pay the leave wages to any employee this is what happens. Where is he to go? If he goes to the Inspector of Factories, he tells him just to go to the Labour Commissioner who will deal with this matter.

**Mr. Speaker:** This is the third-reading stage. He should confine himself only to the submission of arguments either in support of the Bill or for the rejection of the Bill.

**Shri Dinen Bhattacharya:** There are very serious loopholes in the Bill due to which workers are suffering.

**Mr. Speaker:** That must have been brought to the notice of the Minister at the second-reading stage of the Bill. If there have been any amendments made, then only the case arises and he might say that those might have been accepted.

**Shri Dinen Bhattacharya:** At the second-reading stage, I tried to catch your eye but unfortunately I could not get an opportunity.

**Mr. Speaker:** There are certain unfortunate things that happen

**Shri Dinen Bhattacharya:** Then, I come to another point. The time-limit has been extended within which time an employee may apply for his dues. But where is the provision under which an employer is bound to pay the wages to his employees within a certain time-limit? What is taking place throughout the country? Where there is a legal strike, the employer refuses to pay the wages to the workmen in due time and in case of lock-out also the same thing is taking place. Only yesterday, I came back from Calcutta. There has been a lock-out in the Lagon Jute Engineering works in Bhadreswar area of my constituency for a very simple reason that a worker was smoking a cigarette and he was asked by the Manager as to why he was standing there and smoking a cigarette when he was smoking a cigarette in the specified area allotted for the smoking by the workers. But even then the Manager charge-sheeted the worker and ultimately as a result of that the workers protested and because the workers protested the management declared a lock out. Now the management is refusing to pay the wages to the workers in due time.

**Mr. Speaker:** Order, order. I may again repeat that he should confine himself to the general aspects of the Bill.

**Shri Dinen Bhattacharya:** There should be such a provision which may compel the management to pay the

wages within a certain limited time. The worker was just smoking a cigarette in a place which is specially allotted for the workers where they may smoke cigarettes. But I do not know why it enraged or infuriated the manager that he took him to task and as a result the workers protested and because the workers protested, the management declared a lock-out in the factory and now they are refusing to pay their wages. In my constituency, the workers came to me day before yesterday but the management is adamant. My point in this respect is that there should be a time-limit for the payment of wages also. In many cases . . .

**Mr. Speaker:** I would read Rule 94 to the hon. Member:

"The discussion on a motion that the Bill or the Bill as amended, as the case may be, be passed shall be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill."

He should either say it should be passed or it should be rejected.

**Shri Dinen Bhattacharya:** There is no *via media*: I am supporting a part of it and opposing some other part of it.

**Mr. Speaker:** He cannot go into the details at this moment.

**Shri Dinen Bhattacharya:** I am not going into the details. I am only submitting to the hon. Minister to see that in future such provisions may be brought in.

**Shri K. N. Pande:** I am happy that the Bill has been adopted by the House. But in this connection I want to bring this to the notice of the hon. Minister. About those objectionable clauses that have been adopted, he has taken the shelter under the recommendation of the Public Accounts Committee. The Public Accounts Committee is a respectable Committee—there is no doubt about it—and we have to respect its recommendations. I know that many recommen-

[Shri K. N. Pande]  
dations of the Public Accounts committee and also of the Estimates Committee have not been implemented by the departments concerned because of some reason or the other. Here there was a vital question whether the executive should also be armed with the powers of judiciary.

**Mr. Speaker:** When the Government differs from a recommendation, it does not implement it; when the Government agrees with a recommendation, it implements it.

**Shri K. N. Pande:** Sir, before bringing in any legislation, any such Bill before the House, the practice of the Ministry has been to bring in all those things before the Indian Labour Conference or the Standing Committee in order to know the opinion of the parties concerned also. I do not think in this case the opinion of the Indian Labour Conference and the parties concerned has been taken. I think in future they will take their opinion also and, of course, there is no question of the parties concerned rejecting or accepting it. In any case, the Bills have to be brought here before the House, and this is the supreme body where a Bill can be approved or rejected. But the practice has been that they have been taking the advice of these bodies. But it was denied this time. I do not know what was the reason. But in future, I want that after the Bill comes into operation, the Minister concerned will kindly realise the difficulties of the workers and try to modify it again, if possible.

**Shri Nambiar:** My submission is that I make a general support to the Bill, but not full support. The reason why it is not full is because I feel....

**Mr. Speaker:** The question here is whether it should be passed or rejected.

**Shri Nambiar:** I am commenting on that point. I cannot give full support because..

**Mr. Speaker:** Therefore, it should neither be passed nor rejected

**Shri Nambiar:** In the end I will say what is to be done. My submission is this, that with regard to the addition of these three sub-clauses, it looks as if this is a measure which has been brought against the railway people.

**Mr. Speaker:** He has argued that twice.

**Shri Nambiar:** I have some fresh point, Sir.

The point is whether it is necessary to have such a thing here in the statute-book. The railway employees are governed by the Railway Servants' Conduct Rules, and whatever be the failure, commission or omission, there are provisions to deal with them separately. In a labour statute, in which the country should see that labour is given due consideration, in such a statute whether this portion should be there, singling out the railway employees and bringing them here, is the question. Whereas in the government service there are several other varieties of employees whose case is not brought in here, in this amendment only the railway employees are brought in. This shows the peculiar attitude towards railway employees or of a feeling of a witch-hunt against them. That is why it looks strange and out of the way. It is not a general clause, that wherever an employee is receiving a coin which is counterfeit or anything—applicable to all employees—the amount can be deducted. It is not a general clause like that. But it is particularly mentioning the railway employees.

**Mr. Speaker:** It has been said that it is already there in P. & T.

**Shri Nambiar:** Not in this Act. Then, he could have brought in the P. & T. also. But he does not. And I don't want him to do that. There are 12 lakhs of railway employees

and their feeling will be that something is being done against them in labour legislation also. They are getting it at the hands of the railway administration separately.

So it looks a very strange and a very bad thing to bring it on the statute-book, and that is why I object to it. If the money is to be correctly repaid, it has been repaid all these years. There is no objection. So I cannot give full support. However, Sir, I am in your hands...

**Mr. Speaker:** I am not asking him to say one way or the other. He has his own vote and he might exercise it in the way he likes.

**श्री यशपाल सिंह (कैराना) :** अध्यक्ष महोदय, जहाँ तक बिल का सम्बन्ध है, वह बहुत अच्छा है। मिनिस्टर साहब को इसके लिये मुबारकवाद है। पास भी होना चाहिये, लेकिन इसमें यह साफ नहीं किया गया कि कर्ज की क्या मियाद होगी। ऐसी चीजों के लिये वर्कर्स को कर्ज देना जिसका उसके बच्चों के भविष्य के साथ ताल्लुक नहीं है, उसकी तनख्वाह के साथ खिलवाड़ करना है। मान लीजिये कि वर्कर कर्ज लेकर उससे रेडियो खरीदता है, बच्चों के लिये किताबें नहीं खरीदता है, तो उससे क्या लाभ। मैंने भी एक दफे कर्ज लिया था। साहूकार ने मेरा छोड़ा पकड़ लिया। मैं समझता हूँ कि इस तरह से कर्ज लेना भी बच्चों के भविष्य के साथ ताल्लुक नहीं रखता। कर्ज दिये जायें, लेकिन कर्ज के साथ कुछ रेस्ट्रिक्शन्स भी होनी चाहियें क्योंकि इसमें बच्चों के भविष्य का सवाल है। मान लीजिये आपने कर्ज दे दिया और वह उसकी समय से वापस नहीं कर पाता है, तो वह तो बेकार हो गया। हमारे यहाँ धर्म शास्त्र में व्यवस्था है, धर्म शास्त्र में लिखा है कि सुखी वही है जो आठवें दिन भले ही सूखी रोटी खा ले लेकिन किसी का कर्जमन्द न बने। इसलिये यहाँ पर लजरीज के लिये कर्ज देना वर्कर्स के बच्चों के लिये अच्छा नहीं है। मैं कहना

चाहता हूँ कि वर्कर्स को कर्ज वहीं पर दिया जाये जहाँ पर कि उसका ताल्लुक बच्चों के भविष्य के साथ हो।

**Shri D. Sanjivayya:** Sir, coming to the point raised by the hon. Member Shri Nambiar, I would like to point out the fallacy in his argument. He is appealing, and he thinks that railways have been singled out and that this provision is made for that purpose. In fact, the Payment of Wages Act applies to the railways alone, not to the others. Of course, as regards the P & T, this Act applies only to certain industrial establishments under the P. & T. Therefore, the P & T as such cannot be brought under this Act, and it is not applicable also.

**Shri Nambiar:** I am not for bringing in that also. I may not be misunderstood. I am not for bringing in the P & T here. I am for taking it away so far as the railways are concerned.

**Shri D. Sanjivayya:** When the payment of Wages Act applies to the railways, including loco sheds as desired by Shri Nambiar, I do not know why he is objecting to the deduction. The deductions relate to all the employees to whom the provisions of this Act apply. Therefore, though these three clauses—sub-clauses (m), (n) and (o)—specifically apply to railways, there are other clauses which apply to other workers covered by this Act.

Moreover I would like to point out as to what has been provided under clause 7. Sub-section (1A) of section 10 says:

"A deduction shall not be made under clause (c) or clause (m) or clause (n) or clause (o) of sub-section (2) of section 7 until the employed person has been given an opportunity of showing cause against the deduction, or

[Shri D. Sanjivayya]

otherwise than in accordance with such procedure as may be prescribed for the making of such deductions."

Therefore, there is a safeguard also. Coming to the points raised by the hon. Member Prof. Ranga, he wanted that some action should be taken with regard to regulating or abolishing contract labour.

In fact, a Bill is almost ready. On the 9th and 10th of this month the Standing Labour Committee is meeting and will be considering this particular question, and thereafter legislation will be introduced.

**Shri Nambiar:** A Resolution is also coming on the 11th.

**Shri D. Sanjivayya:** Probably. The Bill will be introduced shortly in this House.

The other point that Prof. Ranga raised related to road transport workers. In fact, we have brought them under the purview of this Act by this amendment.

Then, the hon. Member Shri Dinen Bhattacharya was referring to various points, whether sick leave pay, etc. could be recovered under the Payment of Wages Act. In fact, this Act, the Payment of Wages Act, applies to all payments due to the worker. But he raised another very ticklish point, namely, the salaries or wages of the workers during the period of strike. That is dependent on several factors. If the strike is ultimately declared illegal, to what extent they are entitled to wages etc., that question has to be decided. (*Interruption*). If subsequently it is decided that the workers who were on strike are eligible for payment of back wages, then recovery of the wages will be covered by this Act.

**Shri Nambiar:** That is done in one out of a thousand cases.

**Shri D. Sanjivayya:** Then Shri K. N. Pande raised a valid point. He said that these amendments were not placed before any tripartite body like the Indian Labour Conference or the Standing Labour Committee. In fact, the practice has been that whenever any labour legislation is thought of, we consult these tripartite bodies. We have not specifically placed these amendments or the proposals for this amendment before any tripartite body but we have consulted all of them and we have got their views with us, and taking into consideration those views alone we came to a sort of final conclusion before introducing the Bill.

Sir, I have nothing more to say.

**Mr. Speaker:** The question is:

"That the Bill, as amended, be passed."

*The motion was adopted.*

13.19 hrs.

WEALTH-TAX (AMENDMENT) BILL

**The Minister of Finance (Shri T. T. Krishnamachari):** Mr. Speaker, I move: \*

"That the Bill further to amend the Wealth-tax Act, 1957, be taken into consideration."

The Wealth-tax Act, 1957 follows the pattern of the Income-tax Act, 1922. As the House is aware, the law relating to income-tax has been recodified by the Income-tax Act, 1961 and several changes of form and substance have been made in that Act with a view notably to checking avoidance and evasion of tax more effectively and ensuring prompt collection of tax and granting of prompt refunds. It is necessary that the provisions of the Income-tax Act pertaining to collection and recovery of tax, to the grant of refunds and to the checking of evasion of tax should be adopted for wealth-tax purposes as well.

\*Moved with the recommendation of the President.