

the State Bank of India (Subsidiary Banks) Act, 1959, and the Bankers' Books Evidence Act, 1891, and to provide for the winding up of certain minor State-associated banks and for matters connected therewith, be taken into consideration."

The motion was adopted.

Mr. Chairman: We now take up clause by clause consideration. There are no amendments. I shall put all the clauses to the House together. The question is:

"That clauses 2 to 6, clause 1, the Enacting Formula and the Long Title stand part of the Bill."

The motion was adopted.

Clauses 2 to 6, clause 1, the Enacting Formula and the Long Title were added to the Bill.

Shri B. R. Bhagat: I move:

"That the Bill be passed."

The motion was adopted.

15.45 hrs.

EMPLOYEES' PROVIDENT FUNDS (AMENDMENT) BILL

The Minister of Supply in the Ministry of Economic and Defence Coordination (Shri Hathi): Sir, on behalf of Shri Nanda, I beg to move:

"That the Bill further to amend the Employees' Provident Funds Act, 1952, as passed by Rajya Sabha, be taken into consideration."

As the House is aware, this Act was passed in 1952. The present amendment is a very simple one, a non-controversial one and still it is a

very important measure from different points of view. It aims at raising the contribution of the workers and the employers from 6½ per cent to 8 per cent for provident fund. The provident fund scheme has always been looked upon as a social security scheme for workers. Especially in a country like India where the wages of the workers are not high, these benefits, and retirement benefits are of great use to the workers in their after retirement life. Therefore, it was conceived that this scheme where the contribution is 6½ per cent may be raised to 8 per cent. The Act as it stands today, does provide for the workers to contribute voluntarily 8½ per cent if they so desire. But, it is not incumbent, under the existing Act, on the employers to contribute 8½ per cent. They have to contribute 6½ per cent. The measure raises that limit from 6½ per cent to 8 per cent, in the case of both the employers and employees.

As the House knows, when the scheme was implemented originally, it was extended to only 6 industries in 1952, because it was a new measure and administrative machinery had to be set up. Slowly and slowly, many more industries and commercial establishments have now been covered and today, it applies to 69 industries and establishments. The total number of workers who derive benefit is about 33 lakhs and the number of factories and establishments covered is about 200.

Shri Sham Lal Saraf (Jammu and Kashmir): Including the Government sector factories?

Shri Hathi: Yes; not the Railways. In the initial stages, we had only 6 industries. Then, slowly, we raised and in the last 3 years, the number has been increased by 30. It is now 69 industries.

Shri S. M. Banerjee (Kanpur): Sixty-nine?

Shri Hathi: That means different kinds of industries. We should take cotton textile as one, tea as another: it does not mean factories; sixty-nine different sets of industries.

The question of raising this limit from 6½ per cent to 8½ per cent was considered. Naturally, as the House is aware, these matters are being considered by the Indian Labour Conference and also by the Employers and workers. While it is essential and necessary and desirable that the limit should be raised, and everybody would like that a worker should get the maximum benefit under the scheme, and anybody who has the welfare of the worker at heart, and I am sure here everybody has, will support this measure, there is no question whatsoever about the utility and the importance of this measure. While today it is only 6½ per cent., the measure aims at raising it to 8 per cent.

While this was being discussed, the question had to be looked into that while we raised the provident fund contribution, it should not in any way affect the cost or the prices of the materials, that is, the industries should be able to bear the burden. Otherwise, if under the pretext of a slight increase, the cost of production or the prices rise, then again the consumers will have to suffer. Therefore, it was decided that a Technical Committee should go into this, and it was found that in these four industries the additional burden will be only 0·2 per cent. That means that they can easily take the burden. It is not such a heavy burden as could not be borne by the industries.

So, while the benefit has been given to the worker, care has also been taken to see that it does not in any way increase the cost of production. The Technical Committee's report was available in 1961, and forthwith, Government took this step of increasing the limit from 6½ per cent to 8 per cent and have now come forward

with this measure. So far as these four industries are concerned, they can bear the burden. There can be other industries also which can bear this, but the matter has only to be looked into. That, however, should not mean that there should be much delay or any delay in increasing the rate of contribution to the provident fund in other industries also. Government had that view also in mind, and they wanted to have as many industries as possible covered. But there were other provisions of the Act also which had to be amended, and later on, those amendments would be brought forward before the House for its consideration. But pending the consideration of those amendments, this particular amendment should not be delayed. That was the view which Government held, and it is, therefore, that this present one-clause amending measure has been brought forward before the House. The other provisions that require amendment are under the consideration of Government, and this does not mean that all other provisions which require amendment—and perhaps some hon. Members may draw the attention of the House to those provisions in the Act which require amendment—are not being looked into; in fact, they are being considered. For the present, this Bill has been brought forward in a limited sense, limited because we did not want to take more time and delay this important measure which is important from both points of view, firstly, as I said, from the point of view of the benefits which would accrue to the workers, and also from the point of view, secondly, of mobilising small savings. This will mean savings also. And today we do require resources, and, therefore, it is that the utility of this measure could not be over-emphasised.

I would not take more time of the House. But if hon. Members raise any points, I shall reply to them. But, for the present, I shall deal only with

these points, and with these words, move for the consideration of the Bill.

Mr. Chairman: Motion moved:

"That the Bill further to amend the Employees' Provident Funds Act, 1952, as passed by Rajya Sabha, be taken into consideration."

No time has been allotted for this Bill. May I know how much time do hon. Members want for this Bill?

Shri Indrajit Gupta (Calcutta South West): I think it was one hour.

Shri S. M. Banerjee: It is a very important Bill, and it will take more than one hour.

Mr. Chairman: Shall we continue the discussion of this till 5 P.M. then?

Shri S. M. Banerjee: Yes, we shall continue this till 5 P.M.

Shri Indrajit Gupta: As far as this Bill is concerned, as the hon. Minister has said, it will naturally command the support of everybody in this House and it should. However, if that was all that there was to be said, I would resume my seat immediately, but I have to give my support in a rather qualified manner, the reason being that the Bill itself is qualified. I feel that this step which is certainly a step forward—there is no doubt about it, and I welcome it because of that—is, however, a very halting step, a very hesitant step, a very long overdue step, a step which does not keep in step with the requirements of the times. I think the Ministry, if I may be emboldened to say so, still seems to be living in the pre-emergency days.

Beginning from all the talk that we had about the need for paper economy, the first thing that struck me was the way—of course, we are sticking to the good old rules, I know that—this one sheet containing the

amendment has been enclosed so beautifully between these two pink hard covers. One might make a beginning from here. I think paper economy should start from here.

The Deputy Minister in the Ministry of Food and Agriculture (Shri A. M. Thomas): It was out of respect to the House and to the hon. Members that it has been enclosed like that.

Shri Indrajit Gupta: That is all right, but we can do with a little less respect in a time of emergency. We are prepared to do all sorts of things. So, why not in this also?

Anyway, my point is that this matter has been under consideration for a very long time, and Government know very well that the discussion on this question in the tripartite labour conference and other bodies has been going on for the last two or three years, namely the question of the necessity to raise the rate of contribution.

I am glad that the hon. Minister has made a reference to the need not only for providing a greater measure of social security to the workers in a country like ours where the wages are low and where a comprehensive social security legislation is still to come, but also for augmenting small savings which I would have thought is a very important thing in today's circumstances. Therefore, regarding the extent of coverage which is the main thing at stake, there is nothing in this Bill; as regards everything else, as regards the attitude of Government and the general approach of Government etc. I support them, but the point is this. Today, where do we find in this Bill the urgency regarding the question of coverage which should be speedily brought into operation? I shall forget about social security for the time being. But what about the other aspect which the hon. Minister has mentioned, namely the need for mobilising small savings? I should have thought that at least from

[Shri Indrajit Gupta]

that point of view, Government would have shown a little more urgency in regard to this matter. Therefore, why this great reluctance on the part of Government, why this moving at the snail's pace and the refusal to extend this to other industries also immediately?

16 hrs.

Shri Hathi: Where is the refusal? It has to be notified.

Shri Indrajit Gupta: Then why have these four industries only been specified: I know that the employers' resistance and reluctance and all that was behind it. I know the history of that technical committee which was set up. It was at the employers' insistence, when they brought forward the plea that the capacity of the industry to bear this extra 0.2 per cent increase must be gone into in great deal, industry by industry, otherwise the industries would collapse, that willy-nilly not only the Government but the workers and everybody in that tripartite body had virtually to agree to the setting up of this technical committee. Then that committee went into a long investigation for nearly two years and throughout its proceedings the employers were at pains to try to prove that they could not possibly bear this burden. Ultimately, very reluctantly, the committee by a majority—not unanimously—decided in favour of increasing it in respect of these four industries and now at long last this has come before us. For instance, not even those two industries which were among the original six when this Act was first put on the statute book, namely, textiles and cement, have been covered in the first instance by this new Bill. Am I to take it that Government are satisfied that the great textile industry of India is not in a position to bear this 0.2 per cent increase in provident fund contribu-

tion? As regards the cement industry, everybody knows that it certainly cannot claim to be one of the least prosperous in the country. One branch of the textile industry, not the cotton textile industry but the jute textile industry, is passing through probably the most prosperous period in its history today. I would remind the Minister that even before the statutory legislation of 1952, the jute industry in West Bengal introduced this scheme in 1948. It is a matter on which that industry prides itself, perhaps quite legitimately, that even before the statute came, they had introduced this and it was given a sort of legal stamp by means of an omnibus tribunal award in 1948 and brought into force.

But when it comes to a question of increasing the rate of contribution, the cotton textile industry, the jute textile industry, the cement industry and all those industries are left out. Why? I find that the Bill as it has emerged from the other House carries a further amendment which says that the application can be extended to other establishments and industries too by the Central Government after making such enquiry as it deems fit. The words are innocent enough. I have no quarrel with that. But if that enquiry means that in the case of each subsequent industry that sort of technical committee is to be set up and it will go through a long rigmarole for two and three years, I do not think this is either in the spirit of development of social security provisions in our country or of mobilising small savings which are required today for the defence effort.

Therefore, my first contention is that as far as it goes, everybody will welcome the Bill, but it does not go far enough and rapid steps should be taken to see that at least the big, well-established organised industries are covered with the least possible delay.

Another point is that the question of financial capacity should not really come in in the case of what are called these fringe benefits. I can understand financial capacity being considered when it is a question of changing the whole wage structure or the question of paying bonus or something like that. But in the case of these small fringe benefits, the incidence of which is very very small, that question should not arise. I do not say that it should be totally ignored, but it should not be made into a fetish, as some employers try to do.

I can also say that the size of a concern does not necessarily have a proportionate bearing on its financial capacity. It does not follow that just because the number of employees in a particular establishment is relatively small, the financial capacity of that establishment is also correspondingly low. I can cite many instances. For instance, take cinema houses. Everybody knows that if there is one profitable line of business today in this country, it is the cinema houses. But there are cinema houses which do not employ more than 12 or 15 employees and yet they make proportionately very good profits. Only last year or so was this Act applied to cinema houses employing more than 20 or 25 workmen. But I can assure the Minister that there are cinema houses which employ 10 or 12 or 15 men and make very high profits.

All these things should be gone into. The question of extending coverage is, in my view, the basic question and questions of financial capacity and so on should be looked at realistically and not made into a fetish.

There is one other question I would briefly touch on. It does not come strictly within the purview of the Bill. It is the question of administration of the Act and the scheme. The Minister will probably tell me that the administration is improving and so many pro-

secutions have been launched against defaulting employers and so on. That will not get us very far. Is it not time for Government to go a bit ahead and take some further steps by which these small savings—after all, that is among the two-fold purposes of the Act, small savings and old-age security—are safeguarded more effectively against possible misuse by certain people and so on. I have in mind a suggestion which I believe was made very recently at the last session of the standing Committee of the Indian Labour Conference, that some sort of compulsory insurance of provident fund deposit should be introduced. The scheme has to be worked out in all its details. It has to be considered how far it is practicable. But on principle I commend it and request Government to give some consideration to it and see whether it cannot be done. I know from personal experience that in a large number of concerns, workers' provident fund money has been tampered or trifled with in the sense that employers have not deposited the money they are required to do; they have also misused it for purposes other than those intended. If some system of insurance is introduced, it will go a long way in solving this problem.

The last point concerns a very important question—including within the definition of 'wages' for the purpose of the Provident Fund Act....

Shri Hathi: Bonus.

Shri Indrajit Gupta: ...not all bonuses, but production bonus. The Minister knows only too well that the Government itself was in favour of this and had even issued a notification to that effect, that it had been advised on the highest legal authority that the term 'wages' as defined in the Act should include incentive bonus or production bonus earned by workers. I have with me copies of those notifications too where Government has made it clear that this question 'having been re-examined in the light of the opinion of the Solicitor-General, the Government

[Shri Indrajit Gupta]

of India has been advised that production bonus payable as part of a contract of employment satisfies the definition of 'basic wages' under section 2(b) of the Employees Provident Fund Acts. This was the decision of Government. Then of course, as usual, the employers could not reconcile themselves to it. They took the matter to litigation. It went to the Supreme Court and that court in its wisdom held only recently, less than two months ago, that the legal phraseology of the Act is such that in the opinion of the court production bonus or incentive bonus is excluded from the definition. Though in the proceedings before the Supreme Court, not only the workmen concerned in that particular dispute but the Union Government itself represented and argued the viewpoint of Government, the court did not accept it.

With all respect to the Supreme Court, I think they came to this decision on the basis of the actual wording of the Act as it exists at present. They did not discuss the merits of the question in that way. They said the wording of the Act as it stands cannot include production bonus and incentive bonus. But if on the merits of the question, Government is convinced that production bonus and incentive bonus are part of wages earned by the worker on the actual output which he gives, I submit that it is very important in the present time, when the need for maximising production is urgent and all-important, that all possible incentives be given for greater production. If the Government is convinced—I hope it does not yield to the pressure of the employers—then it is for the Government to come forward with further amending legislation to see that the definition of wages is so amended that it can include production and incentive bonus, and that I think will be only doing very long delayed justice to the workers.

With these words, I support the Bill.

Shri K. N. Pande (Hata): I rise to support this Bill, but before I say

something on the amendment that is before the House, I want to say something about the background as to why this amendment has been brought forward.

The Act came into existence in 1952, and gradually it has covered 69 industries. In the beginning Government also thought that if this Act was applied to more industries, some industries might be in difficulties, but gradually the Government also came to the conclusion that the burden was not such that the industries could not bear it. Therefore, they decided to extend the benefit of this Act to a larger area.

For the information of the hon. Minister I want to say that although this Act came into existence, so far as the sugar industry is concerned, in 1956, yet there are instances of some sugar factories where the rate of contribution was two annas in the rupee, that is much more than 8 per cent. Anyhow, at that time the scheme had not been extended to cover the sugar industry. However, after some time they came to this conclusion to cover this industry in 1956.

Sometimes when a Government decides to do a thing, it is welcomed, but when it consults the people concerned, resistance comes from the side of the employers. An expert committee decided that in some industries the rate of contribution may be extended, but when the consultation started, resistance started coming from those industries, and it has been delayed for some years before this could come before Parliament.

My proposal is that this amendment should not cover only four industries, but should cover more industries if the Government is satisfied that the industries are in a position to bear the burden. I think this burden is not so much that an industry cannot bear it, unless it is economically very weak, because they are already paying 6 1/4 per cent. What difference does it make?

16.14 hrs.

[Mr. Deputy-Speaker in the Chair]

My suggestion is that as the Government are now taking this weapon in their hands, they should come to this conclusion gradually, that as they have been able to extend the scheme to cover a larger area of the workers, they should also gradually raise the rate of contribution in order to enable other workers also to take the benefit, because in the present conditions that is the only saving that the labourer can get when he retires, and with this sum he has to pass his remaining days. So, everybody should be sympathetic towards the workers who have already passed their youth. So, the Government should be liberal enough to extend the rate of contribution in order to cover other industries also.

I support Shri Gupta regarding production bonus, although in principle I do not agree that this is production bonus, because on the increased production I get a part of the production and that is a production wage and not production bonus. My proposal is that if the Act requires some amendment in the term "wages", it should be amended so as to cover this so-called production bonus which is actually production wage. I hope the Ministry will take steps to bring some amending legislation so that the term "wages" can be amended to cover all these things. The workers are required to put in hard work at the moment, and there will be many incentives offered to them, and they should not be deprived of the benefit of the extra production. My suggestion is that this production bonus should be termed as wage in order to enable the workers to pay their contribution on the production bonus also.

Mr. Deputy-Speaker: Shri S. M. Banerjee. Five minutes.

Shri S. M. Banerjee: We are continuing upto 5 P.M.

Shri Indrajit Gupta: That is what the Chairman said, because no time has been allotted.

2266 (A) LS—5.

Mr. Deputy-Speaker: We have to close by 5 P.M.

Shri Indrajit Gupta: In any case he said we will carry on up to 5 P.M.

Mr. Deputy-Speaker: This is a simple Bill. He can say anything in five minutes.

Shri S. M. Banerjee: It is not so simple as it appears.

Mr. Deputy-Speaker: Just a one-clause Bill.

श्री स० मो० बनर्जी : उपाध्यक्ष महोदय, मैं इस विधेयक का समर्थन करने के लिये खड़ा हुआ हूँ। प्राविडेंट फण्ड की दर को सवा छः परसेंट से बढ़ा कर जो आठ परसेंट किया गया है, यह बहुत अच्छी चीज है और मैं समझता हूँ कि इसका हर भाई स्वागत करेगा।

लेकिन इसमें एक सवाल पैदा होता है। काफी दिन पहले इसी सदन में हम लोगों ने एक मुझाव रखा था कि इसको दूसरे उद्योगों में भी लागू किया जाए। इसको अभी तक भी माना नहीं गया है। मैं समझता हूँ कि कम-अज़-कम आज जबकि देश को पैसे की जरूरत है, इसको अगर टैक्सटाइल इण्डस्ट्री में, शूगर इण्डस्ट्री में, जूट इण्डस्ट्री में तथा और इण्डस्ट्रीज़ में जहाँ पर कि मुनाफे की कमी नहीं है और जो उनका मुनाफा है वह जाहिरा तरीके से ही इतना है कि वे इस पैसे को अदा कर सकती हैं, लागू कर दिया जाए तो कोई हानि की बात नहीं होगी, इससे देश को लाभ ही होगा।

उपाध्यक्ष महोदय, यह मानी हुई बात है कि मजदूरों के बुढ़ापे का यही एकमात्र सहारा होता है। फिलहाल अगर इसको बढ़ा दिया जाए तो देश को जो कुछ ज्यादा आमदनी होगी, उससे चीनी आक्रमण के खिलाफ लड़ने के लिये जो पैसे की हमें जरूरत है, वह पैसा भी हमें ज्यादा मात्रा में मिल सकता है। इस वक्त यह सिर्फ चार इण्डस्ट्रीज़ पर लागू है, एक सिग्रेट इण्डस्ट्रीज़ है, एक पेपर

[श्री स० मो० बनर्जी]

इंडस्ट्री है, एक आयरन एण्ड स्टील इंडस्ट्री है और एक और इंडस्ट्री है। मैं समझता हूँ कि इस एमरजेंसी के समय में अगर हम चाहें तो इसको टैक्सटाइल, शूगर, ज्यूट तथा ऐसी ही दूसरी इंडस्ट्रीज़ पर बड़ी आसानी से लागू कर सकते हैं। वहाँ पर आज यह लागू नहीं है। आज कम से कम, जबकि मालिगान चाहते हैं कि एमरजेंसी को ध्यान में रखते हुए देश सेवा के लिये मजदूर ज्यादा काम करें, इतवार को काम करें तथा दूसरी छट्टियों के दिन भी काम करें, तो देश के हितों में यह मांग है कि इसको बढ़ा कर आठ परसेंट कर दिया जाए तो वैसा करने के लिये भी हम को तैयार रहना चाहिये और वैसा कर दिया जाना चाहिये। इससे मजदूरों के बुढ़ाये का जो यह एकमात्र सहारा है, उससे इनका ही कल्याण नहीं होगा बल्कि देश का भी कल्याण होगा। मैं माननीय मन्त्री जी से निवेदन करूँगा कि जिन इण्डस्ट्रीज़ का मैंने नाम लिया है, उनमें हमेशा के लिये इसको वह बढ़ाना नहीं चाहते हैं और समझते हैं कि इसके लिये और जांच पड़ताल की आवश्यकता है, यह देखने की आवश्यकता है कि मुनाफा काफी होता है या नहीं होता है, तो इस एमरजेंसी के समय के लिए तो कम से कम इसको बढ़ा कर आठ परसेंट कर दें।

उपाध्यक्ष महोदय, इस में लिखा हुआ है :-

"Provided that in its application to any establishment or class of establishments which, the Central Government, after making such enquiry as it deems fit, may by notification in the Official Gazette specify, this sub-section shall be subject to the modification that for the words 'six and a quarter per cent', the words 'eight per cent' shall be substituted."

मैं यह जानना चाहता हूँ कि माननीय मन्त्री जी से कि क्या उनको ध्यान है कि क्या वाकई में आज इस बिल का फायदा दूसरे मजदूरों

को भी मिलेगा या वह इस वक्त नहीं मिलेगा। मेरा यह कहना इसलिए है कि आज हम लोग मजदूरों को यह नारा दे चुके हैं कि यह वक्त है कि वह सरकार का खुले आम समर्थन करें और अगर जरूरत पड़े तो और ज्यादा काम करें, कम पैसा लें, ओवर टाइम न लें। इस तरह के प्रस्ताव पास हो चुके हैं। ऐसी हालत में मैं समझता हूँ कि एम्प्लायर और एम्प्लायीज को मिल कर रेल के दो पहियों की तरह से चलना चाहिये। इस देश को मंजिले मकसूद पहुंचाने के लिये उन्हें ८ फी सदी देने में कोई एतराज नहीं होगा।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ और मानता हूँ कि इस एमरजेंसी के समय में मजदूरों को ८ परसेंट देंगे ताकि उन को उसका फायदा हो, उनके बाल बच्चों का भविष्य उज्ज्वल हो और उन के जीवन को सहारा मिलने की बात हो।

Dr. Melkote (Hyderabad): Mr. Deputy-Speaker, the Bill which has been brought forward today is rather a belated one. We have been expecting its introduction for a long time. Even then it is most welcome. Two salient points have been brought forward by the hon. Members who preceded me; it should have greater coverage and secondly, production bonus, etc. which the workers get should be included in calculation.

I support both these points and I welcome this Bill.

श्री श्री० ना० विद्यालंकार (होशियारपुर) : उपाध्यक्ष महोदय, मैं इस बिल का समर्थन करने के लिये खड़ा हुआ हूँ। जैसा श्री डा० मेलकांटे ने कहा इस बिल को बहुत देर पहले आना चाहिये था। मैं ऐसा महसूस करता हूँ कि पिछले १४ वर्षों में जिस रफ्तार से हम इस मामले में चले हैं वह रफ्तार कुछ धीमी रही है। मैं चाहता हूँ कि वह रफ्तार तेज हो जाये। मैं ऐसा अनुभव करता हूँ कि यह

एक सोशल सिक्वोरिटी मेजर है, और मैं ऐसा महसूस करता हूँ कि सोशल सिक्वोरिटी की हर मजदूर को जरूरत है। यह एक बुनियादी जरूरत है हर एक मजदूर के लिये जो कि हम को अब तक तमाम मजदूरों पर लागू कर देना चाहिये था। मैं इसका स्वागत करता हूँ।

अभी कुछ समय पहले गवर्नमेंट ने कुछ कामर्शल एम्प्लायीज को इसमें शामिल कर लिया है। मैं आशा करता हूँ कि कामर्शल एम्प्लायीज की जो मुश्तलफ कटेगरीज हैं उनके ऊपर भी तेजी से इसे लगाया जायेगा। इसी तरह से मैं आशा करता था कि इसमें ज्यादा से ज्यादा मजदूरों को फायदा पहुंचाने की कोशिश की जायेगी। जहां तक इसमें गवर्नमेंट ने एन्वयारी की बात रक्खी है वह काफी एन्वयारी या तहकीकात कर ले मगर इम तहकीकात के अन्दर वह बहुत ज्यादा देर न लगाये। यह मामला ऐसा है जो कि बुनियादी जरूरत का है। इसके लिये किसी लम्बी चौड़ी एन्वयारी की जरूरत नहीं है।

हमने हमेशा ८ १।३ परसेन्ट की मांग रक्खी थी, लेकिन उसको अब ८ परसेंट किया गया है। इसमें जो कुछ अगर एम्प्लायीज पर पड़ेगा वह दरग्रस्ल २ परसेंट से अधिक नहीं पड़ता है। इसमें सिर्फ २ परसेन्ट कास्ट बढ़ेगा। जितनी लेबर कास्ट पहले इंडस्ट्री की है उसमें अगर २ परसेन्ट बढ़ जाता है तो मैं समझता हूँ कि उसको हर एक इण्डस्ट्री वर्दाशत कर सकतों हैं।

दूसरा सुझाव मेरा यह है कि इसमें जो भी फैंक्ट्रीज कवर होतें हैं उनमें पांच वर्कर्स तक की फैंक्ट्रीज या एस्टैब्लिशमेंट्स जो हैं उनको हमें शामिल करना चाहिये इस से हम एक फायदा यह होगा कि जो रुपया हम इकट्ठा करते हैं वह स्माल सेविंग्स से इकट्ठा करते हैं अगर हम इस तक विधेयक में ५ वर्कर्स के एस्टैब्लिशमेंट्स को शामिल कर लें तो हमारे पास बहुत ज्यादा रुपया आयेगा। इस वक्त हम जो कुछ कर रहे हैं उससे मेरा अन्दाजा है कि तकरीबन १०० करोड़ ६० और आता है। इस बिल के मातहत

तकरीबन ६ या ६ १/२ लाख मजदूर आ जायेंगे और इस में कोई १०० करोड़ का फर्क पड़ेगा। इस वक्त हम को रुपये की जरूरत है और वह रुपया आप के नैशनल काम में आयेगा। यह सबसे बड़ा फायदा इसमें है इसलिये मैं समझता हूँ कि इसमें ज्यादा से ज्यादा मजदूरों को शामिल करना चाहिये।

अगली बात जो मैं कहना चाहता हूँ वह यह है कि इस कानून का जो एग्जिक्यूशन होगा उसमें हम को ज्यादा स्ट्रुक्चरनेस बरतनी चाहिये। बहुत से एम्प्लायर्स एम्प्लयीज से रुपया काट कर ले लेते हैं और एम्प्लायीज का हिस्सा और अपना हिस्सा दोनों अपने पास रख लेते हैं। इस तरह काफी रुपया हमारे पास नहीं आता है। मैं चाहता हूँ कि इस बारे में काफी देखभाल होनी चाहिये और गवर्नमेंट के पास पूरी इन्फार्मेशन इसके सम्बन्ध में होनी चाहिये। पहले हमने ५० मजदूरों की सीमा रक्खी थी, फिर २० की। आजकल एक टैंडेंसी यह भी देखी जाती है कि जहां किसी भी एस्टैब्लिशमेंट में या फैंक्ट्री में मजदूरों की संख्या बढ़ी कि एम्प्लायर अपने एस्टैब्लिशमेंट को स्प्लिट अप करने लगता है। जो भी बड़ी फैंक्ट्री होती है वह देखती है कि अगर निश्चित सीमा से अधिक मजदूर आ गये हैं तो वह बनावटी तौर पर अपनी फैंक्ट्री को कम मजदूरों वाली फैंक्ट्री बना देती है। फैंक्ट्री में एक मामूली दीवार जैसी चीज खड़ी करके कहती है कि यह दो फैंक्ट्रीज हैं। उनके नाम अलग अलग कर देती है और उस को करके जो प्राविडेंट फण्ड का प्राविजन होता है उससे बचने की कोशिश करती है। हमें इस बारे में काफी चौकन्ना रहना चाहिये और इस चीज को हम को इस तरह से लागू करना चाहिये जिसमें कि जो मजदूर उससे फायदा उठाते हैं उनको इस तरह से नुकसान पहुंचाने की कोशिश न हो।

एक बात और है जिसका सम्बन्ध वेजेज से है। इसमें उसकी डेफिनिशन भी बदलनी चाहिये। जो उसकी फेअर वेज है वह भी उसको

[श्री अ० ना० विद्यालंकार]

मिलनी चाहिये । लेकिन उसकी वेजेज में उसके सब इमालुमेंट्स शामिल होने चाहियें । All his emoluments should included in the definition of wages. वे सब उसकी वेज के हिस्से हैं । आज वर्कर्स को एम्प्लायर्स की ओर से फ़ैअर वेज या लिबिंग वेज नहीं मिलती है । यह उनकी विशेष कठिनाई है । इसके लिये कुछ ऐसा प्रबन्ध होना चाहिये जिससे कि जो भी उस के इमालुमेंट्स हैं वे सब उसकी वेज में शामिल हो जायें और वे लोग इस फ़ायदे से महारूम न रहें ।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ और आशा करता हूँ कि जो बातें मैंने और मेरे दोस्तों ने यहां कही हैं उनकी तरफ माननीय मन्त्री महोदय ध्यान देंगे और इस के बारे में जो कमियां हैं वह उन को पूरा करेंगे ।

श्री कछवाय (देवास) : उपाध्यक्ष महोदय यह जो बिल आया है मैं उसका समर्थन करता हूँ क्योंकि इसमें प्राविडेंट फंड में ९.२५ प्रतिशत से बढ़ा कर कटौती ६ न प्रतिशत कर दी गई है । इस सम्बन्ध में मैं दो चार बातों की तरफ माननीय मन्त्री जी का ध्यान दिलाना चाहूंगा ।

इस बिल के अन्दर जितने कारखानों पर इसको लागू करने की बात कही जाती है उतने कारखानों पर लागू होने की बात की पूर्ति इस से होती नहीं मालूम होती है । आज हमारे देश में ऐसे बहुत से कारखाने हैं और व्यवसाय हैं जिन पर इसको लागू होना चाहिये । इस लिये चाहे छोटे कारखाने हों या बड़े कारखाने हों, उन सब पर इसको लागू करने में कोई हिचकिचाहट नहीं होनी चाहिये । ऐसे भी बहुत से उद्योग हैं, जैसे कि सिनेमा हैं, होटल हैं, जिन में बीस बीस आदमी काम करते हैं, लेकिन ऐसे बहुत से उद्योग हैं जिन पर यह लागू नहीं है । इस पर विशेष ध्यान दिया जाना चाहिये ।

इस सम्बन्ध में मैं एक बात और कहना चाहता हूँ कि आज हिन्दुस्तान के मजदूर बड़े उत्साह के साथ देश पर जो आपत्ति आई है उसका मुकाबला करने के लिये तैयार हैं । ऐसे अवसर पर हमें अपने मजदूरों को खुश रखने की बहुत आवश्यकता है । लेकिन इस बिल में यह जो गुंजाइश रक्खी गई है कि इस कानून को जिस पर उचित समझेंगे लागू करेगी यह ठीक नहीं है । जब भी इस बारे में कोई विचार किया जाय तो समय समय पर संसद् की राय लिये बगैर न किया जाय ।

आज देश में मजदूरों के सम्बन्ध में जो समस्याएँ हैं उनको हल करने के लिये हमारे मजदूरों की राय ली जानी चाहिये । और जिस कारखाने में पांच व्यक्ति काम करते हैं उन कारखानों पर इस कानून को लागू करना चाहिये । इस सम्बन्ध में भारतीय मजदूर संघ का एक प्रतिनिधि मण्डल हमारे श्रम मन्त्री श्री जयमुखलाल जी हाथी से मिला था, आज से कोई तीन या चार महीने पहले । उन्होंने यह आश्वासन दिया था कि वे इस पर छः महीने बाद विचार करेंगे । मैं समझता हूँ कि यह ऐसी बातें हैं जो कि बहुत जल्दी लागू होनी चाहिये । इसमें इस बारे में विशेष ध्यान देने की आवश्यकता है कि कौन कौन से कारखाने ऐसे हैं जिन पर यह कानून लागू नहीं किया गया है । मुझे अनुभव है कि मध्य प्रदेश में ऐसे बहुत से कारखाने हैं जिन पर यह कानून लागू नहीं है हालांकि यह कानून बन चुका है कि २० आदमी जिस फ़ैक्ट्री में काम करते हैं उस पर यह लागू होगा । वहां आज ऐसे बहुत से कारखाने मौजूद हैं जिन में २००, २०० और ५००, ५०० मजदूर काम करते हैं लेकिन उन पर यह कानून लागू नहीं है । इसलिये मैं सरकार से बड़ी नम्रता से निवेदन करता हूँ कि उसको इस की छानबीन करनी चाहिये और जिस कारखाने पर यह लागू न हो उसके मालिकों पर सख्त कार्रवाई करनी चाहिये ताकि वह जल्दी से लागू हो जाये ।

श्री भागवत मा आजाद (भागलपुर) :
 उपाध्यक्ष महोदय, न केवल उन सदस्यों ने जिनका मजदूरों से सम्बन्ध है, बल्कि कई सदस्यों ने, जो कि इस से सम्बन्धित नहीं हैं, इस विधेयक का स्वागत किया है। इसमें मजदूरों के प्राविडेंट फण्ड का हिस्सा बढ़ा दिया गया है। यह बिल जरा देर से आया है, लेकिन देर आयद दुस्त आयद वाली कहावत के अनुसार आज इसका आना विशेष रूप से स्वागत योग्य है क्योंकि आज मजदूर लोग अपनी एड़ी चोटी का पसीना बहाकर काम में लगे हुए हैं और वे कुछ अतिरिक्त पैसा लिये बगैर अतिरिक्त काम करने को तैयार हैं। ऐसे समय में इस विधेयक का आना विशेष रूप से सहायनीय है।

लेकिन इस स्वागत के बाद में दो एक बातों की ओर सरकार का ध्यान खींचना चाहूंगा। अभी माननीय मन्त्री जी इसको केवल ६ उद्योगों पर ही लागू करना चाहते हैं। आज इन ६ उद्योगों में जिस तरह मजदूर काम करते हैं उसी प्रेम, सहानुभूति और मेहनत से दूसरे उद्योगों में भी मजदूर काम करते हैं। तो मेरा सुझाव यह है कि इसको अन्य उद्योगों में भी जल्दी से जल्दी लागू किया जाए।

दूसरी बात मैं यह कहना चाहता हूँ कि जैसा कि मजदूर नेता श्री विद्यालंकर जी ने कहा—कि हम कानून तो अच्छे बनाते हैं लेकिन सबसे बड़ी आशंका हम को यह रहती है कि जो इसको कार्यान्वित करने वाले हैं वे अपना काम सही तौर से करेंगे या नहीं। अक्सर देखा गया है कि चाहे अच्छे से अच्छा कानून यहां से पास किया जाए लेकिन कुछ ऐसे हथकण्डे लगाये जाते हैं कि उनसे मजदूरों को लाभ नहीं मिल पाता। जैसा कि अभी एक माननीय मित्र ने बतलाया बहुत से कारखानेदार ऐसा करते हैं कि अपने उद्योग को खंड खंड कर देते हैं जिससे एक खण्ड में २० आदमी न रहें और उन पर यह कानून लागू

न हो सके। तो इस ओर भी ध्यान रखना चाहिये।

इस बिल में मजदूरों के प्राविडेंट फण्ड का परसेंटेज बढ़ाया गया है। यह अच्छी बात है। इसको अधिक से अधिक उद्योगों पर लागू करना चाहिये और हमारे अफसरों को यह देखना चाहिए कि कारखाने वाले ऐसे हथकण्डे न लगा पावें कि मजदूर इसके लाभ से वंचित रह जाएं। यही दो मेरे सुझाव हैं।

इन शब्दों के साथ मैं इस बिल का स्वागत करता हूँ।

श्री विश्राम प्रसाद (लालगंज) : उपाध्यक्ष महोदय, जहां हम एक तरफ समाजवादी समाज की व्यवस्था की बात करते हैं और गरीबों और किसानों के बारे में बड़ी बड़ी अच्छी स्पीचें देते हैं, वहां यह देख कर मुझे बड़ा ताज्जुब हुआ कि आपने सवा ६ परसेंट फण्ड काटने का नियम केवल ६ उद्योगों में चलाया और फिर उसको ६३ उद्योगों में बढ़ाया। अब जो यह आठ परसेंट बढ़ाया जा रहा है इसको माननीय मन्त्री जी केवल चार उद्योगों पर लागू करना चाहते हैं। सरकारी नौकरों को हम देखें तो उनके लिये जनरल प्राविडेंट फण्ड और कांटीन्ब्यूटरी प्राविडेंट फण्ड की स्कीम है जिसमें उनका रूप में एक आना से लेकर ढाई आना तक काटा जा सकता है। यानी १५ परसेंट तक काटने की स्कीम है। लेकिन जो मजदूर कारखानों में काम कर रहा है, आपका प्रोडक्शन बढ़ा रहा है, आपके लिये हथियार बना रहा है, कपड़ा आदि भी बना रहा है, उसके लिये आप अपनी स्कीम केवल चार उद्योगों तक ही सीमित रखना चाहते हैं। इससे मुझे बड़ा ताज्जुब मालूम होता है।

हम कोशिश करते हैं कि स्माल सेविंग हो, लोग बीमें में ज्यादा रुपया जमा करें जिससे देश के पास रुपया आये और उससे योजनाओं का काम आगे बढ़ाया जाए। ऐसी अवस्था में यह समझ में नहीं आता कि इस

[श्री विश्राम प्रसाद]

प्रावीडेंट फण्ड की स्कीम को क्यों कुछ उद्योगों तक ही सीमित रखा जाता है। आज हमारे मजदूर दिन रात काम करके उत्पादन बढ़ा रहे हैं। उनको इस स्कीम का ज्यादा से ज्यादा लाभ देने की कोशिश करना चाहिये और इस स्कीम को ज्यादा से ज्यादा उद्योगों में लगा देना चाहिये।

दूसरी बात मैं यह कहना चाहता हूँ कि जो मजदूरों को कभी कभी बोनस मिलता है उस पर भी आठ परसेंट के हिसाब से जनरल प्रावीडेंट फण्ड में रकम काट कर जमा की जानी चाहिये, क्योंकि बोनस भी तो सेलेरी का अंग है। मुझे उम्मीद है कि जनरल प्रावीडेंट फण्ड की योजना सब कारखानों में लागू की जाएगी। इससे मजदूर ज्यादा मेहनत से काम करेंगे और अपना बुझापा काटने के लिये भी उनके पास कुछ पैसा हो जाएगा।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

Shri C. K. Bhattacharyya (Raiganj): Mr. Deputy-Speaker, Sir, I stand to support this amendment, but I feel that there should have been a schedule attached to it in which at least some of the industries to which this amendment would be immediately applicable should have been stated. The Bill, when it was brought before the Rajya Sabha, had four such industries mentioned in it, but as it emerged from Rajya Sabha and it has come to us there is no such statement of the industries to which it may be applicable. The power has been left in the hands of the Government to make enquiries and notify in the Gazette and then make it applicable to them.

In making this amendment applicable to certain industries, the question of capacity to pay will perhaps come. I should request the hon. Minister to take particular care beforehand, that those industries whose workers may be expecting help from this amend-

ment may not find themselves in difficulty being put into the Supreme Court as happened in the case of the working journalists, when the Wage Board's decision under the Working Journalists' Act was set aside by the Supreme Court on the ground that the capacity to pay had not been previously examined. The Minister should kindly take all possible care to test the capacity to pay so that somebody taking the case to the Supreme Court may not have the decision set aside, that the provident fund contribution of the workers as well as the employers be raised from 6½ per cent to 8 per cent.

The hon. Minister in the course of his speech has assured the House that he would bring in further amendments to the other provisions of the Bill. For the benefit of the workers I would particularly request him to take note of one fact, to which reference has already been made by some of the previous speakers, that there are industrial undertakings, very big industrial undertakings in which the contribution made to the provident fund has been misused, has been eaten up by the employers themselves for their own purpose and the workers, when they have insisted on getting accounts, were not given the accounts. This is within the knowledge of Government. They have dealt with such cases. But what I find is, in such cases, in dealing with the defaulting employers, the Government deals with them with a very soft hand. In fact, in cases in which an individual so implicated is charged with defalcation, the position that the Government has taken is this, that they have requested the employer to pay back the money in instalments and let him go. I would request the Government not to make any compromise of this sort. In case of defalcations by an employer of the provident fund money, to make compromises with the defalcating employer so that the defalcations may be made up by instalments, takes away or injures public morality and shakes the confidence of the workers in the administration of the fund itself.

I would suggest to the hon. Minister that in any future amendment that he may bring in after this he should kindly see that the administration of the funds is put on such a basis that these things may be made impossible and if anybody tries to do them he may be dealt with under the ordinary provisions of the law and not allowed to go unscathed by making defalcations and then paying it back in instalments.

Shri Hathi: Mr. Deputy-Speaker, I am grateful to the hon. Members who have given their general support to the measure. I am also thankful to them for drawing the attention of the Government to various other provisions which are not included in this Bill. But, as I submitted at the beginning, I did mention that the Government were considering various other provisions which need amendment.

One thing which has been mentioned by most of the members is the question of production bonus. Hon. Members will appreciate that the attitude of the Government and the approach of the Government, so far as production bonus was concerned, has always been that it should be included, and by suitable instructions Government did mention it categorically. However, the matter went to the Supreme Court, and that highest tribunal in the land in its wisdom held that it was not legal. That matter is being considered by the Government. As I mentioned earlier, we do not want to delay this matter pending consideration of that.

Similarly, there is another point which hon. Members did not mention, and that is the question of the contribution for the contractor's labour. These are the various points which are under consideration of Government. Those points which have been mentioned are being considered. It is not as if they are being neglected or not being considered. Suitable steps will be taken and, as I mentioned, Government is contemplating the incorporation of the various amendments in the Act itself.

Some points were made about the defaults made by the employers. Shri Bhattacharyya stated that Government compromised with the employers and if they pay back the money they are let free. I might inform hon. Members that it is not as if they are allowed to go free. In fact, the House may be interested to know that up to now 4,772 prosecutions have been launched against the defaulting employers out of which 1,916 have ended in conviction. Only 145 have been acquitted. The remaining cases are pending.

Shri Indrajit Gupta: That is in ten years.

Shri Hathi: As the hon. Members know, in the beginning it was applied only to six industries. Then thirteen more were added and then another four. It was only in 1959 that there were 39 covered industries. In the last three years alone we have covered 30 more industries. So, the prosecutions for the first six or seven years may be few.

Shri A. N. Vidyalkar: But lighter fines are imposed.

Shri Hathi: It is provided in the Act itself as to what the penalty should be. Anyhow, every defaulting employer should be prosecuted and there can be no question of leniency about that. It is the workers' money which they have given in trust to the employers. If defaults are made, naturally, it would be unfair to the workers if the employers are not strictly dealt with.

Another point that was made was why it is restricted to four industries only. As this Amendment Bill shows, after the Bill was introduced in the Rajya Sabha and as it has now been amended, it is not restricted only to the four industries. The Government can apply it to many more industries. I may say that when I accepted the amendment in the Rajya Sabha it was

[Shri Hathi]

only because of this emergency and because of the need to mobilise the savings. We thought that we should immediately take powers and apply this to as many industries as possible.

I may assure you that the enquiry which is mentioned here will not take that much time which we had to take earlier in 1960. I can assure that this enquiry will not be that much lengthy enquiry which we had to do earlier. It will be a quick and summary enquiry. May be that in some cases it may be a casual enquiry. But we do realise and we do appreciate the need for mobilising the resources at present.

I would also like at this time to join with hon. Members who have paid a tribute to the workers at this period of the emergency. These workers have come forward and have sincerely come forward with an offer to work extra hours, on Sundays and in three shifts wherever it is necessary. I have received a number of offers and letters from the various unions giving their day's salary or wages. In some cases they have mentioned particularly Rs. 11 or Rs. 12 for savings and Re. 1 for donation. In different ways they have stood up to the occasion and I sincerely join all the hon. Members in paying my tribute to the workers who have shown this spirit at this hour of the country's need.

It is, therefore, that the benefits that will accrue to the workers are uppermost in the mind of the Ministry of Labour. The mobilising of resources is an important feature, but so far as the workers are concerned, we are more keen to see that the retirement benefits do accrue and that they should accrue not only in these four industries but to workers in many more industries. It will now be merely a question of notification and we need not have to come now before the House for extending it to other industries. I can assure the House that many industries, many more than the four, will

be covered in due time, of course, after such enquiry as may be necessary. But in no case that enquiry will be a longer or a technical one as has been the case.

The other point that was mentioned was about bonus and defaulting employers. I do not think I have any other point left to reply. I would, therefore, submit that this measure be adopted by the House.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Employees' Provident Funds Act, 1952, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: We shall now take up clause-by-clause consideration of the Bill. There are no amendments.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

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

Shri Hathi: Sir, I move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.