

Clauses 2 and 3 were added to the Bill.

The Schedule was added to the Bill.

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

Shri S. K. Patil: Sir, I beg to move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

12.10 hrs.

COAL MINES PROVIDENT FUND AND BONUS SCHEMES (AMENDMENT) BILL—contd.

Mr. Deputy-Speaker: The House will now take up further consideration of the motion moved by Shri Jaganatha Rao that the Bill further to amend the Coal Mines Provident Fund and Bonus Scheme Act, 1948, be taken into consideration. Shri Warior will continue his speech.

Shri Hari Vishnu Kamath: (Hoshangabad): How much time is left?

Mr. Deputy-Speaker: One hour and fifteen minutes.

Shri Warior (Trichur): Mr. Deputy-Speaker, last evening I was saying that the rate of contribution from the workers should not be the same as that collected from the employers. There should be some distinction, especially when there is scope for that. I am not asking for any new imposition on the employers. Already, the employers are required to contribute 3 per cent towards the administrative charges of the provident fund and bonus scheme. Now it is sought to be reduced to 2.4 per cent. When we speak in terms of percentages it is always misleading, because even after reducing the percentage to 2.4 per cent, between 1961-62 and 1962-63 it came to about Rs. 7 lakhs. Simply because new entrants are taken in the

provident fund scheme or new workers are enlisted as members of the scheme, it does not mean that the administrative expenses increase. The same set up can manage the whole affair. But, as the scheme embraces more and more workers, the charges levied on the employers rise proportionately. Why should the employers gain anything out of this? Why not we continue to levy from the employers the same rate of 3 per cent? As far as possible, the benefit of reduction should be given to the workers so that they may not feel their contribution a big burden. It will be a big relief to them if there is a reduction in their contribution. It has its psychological effect also and it will act as an incentive for the workers to produce more.

Then I come to the question of provident fund contribution outstanding, which is a very important question. According to this Report on the administration of provident fund as on 31st March, 1963 a sum of Rs. 1,74,83,179.34 is estimated to be outstanding on account of unrealised provident fund contribution from the various coal mines. Out of this, sums aggregating to Rs. 97,14,505.91 have been realised and specific cases involving a total sum of Rs. 67,95,470.28 are pending realisation in various courts as on the 30th July, 1963. I should like to know why the employers are permitted to keep these amounts without depositing them, as required by the Act. When the employers are collecting these amounts as deduction from wages, why should they retain these amounts in their hands? What is the machinery set up by Government to ensure that the provident fund collections are promptly deposited by the employers? In order to safeguard the interests of workers, Government have devised a method whereby they will keep Rs. 50 lakhs in reserves to meet the claims of workers where the employers are defaulters. This is an indirect protection given to the defaulters. Instead of having such a provision, Government must ensure that

as soon as a single pie is collected from the worker as provident fund contribution by deduction from wages, it is immediately deposited. Why should Government set apart a big amount separately for meeting such contingencies where the employers are defaulters? I find that the arrears of deposit are mounting year after year and this will continue unchecked unless Government devises a machinery for prompt deposit of provident fund contributions.

On the question of administrative charges, I find it is increasing year after year. The Department has explained that there is decentralisation and new offices are being opened to facilitate the settlement of claims and payment of dues to workers. But that does not mean that the administrative charges should rise abnormally year after year. I think it is because of a large number of high-salaried officials and top heavy administration. It should be looked into.

The question of investments is an important one. Both the Estimates Committee and the Committee on Public Undertakings have referred to this problem. Now the development schemes of the coal mines like mechanisation and safety measures are delayed for want of funds. Not only that, Government have pleaded want of funds for establishing ancillary industries near the coal mines. In that case, why should the Government not utilize the vast funds emanating from the coal mines themselves for the development of ancillary industries and modernisation and mechanisation of coal mines? In that case, the labour becoming surplus in the coal industry could be employed in the ancillary industries. But that is not being done. I feel that whatever wealth is generated from the coal mines or nearabout must be earmarked for the development, modernisation and mechanisation of the coal mining industry or the mining industry as a whole. If that is done in the long run more profits will accrue from these investments. There is a big schedule given here of the investments. I find that almost the whole of it is Government

securities, semi-government or municipal or corporation loans. There is not even a single investment which will fetch more than 4½ to 5 per cent. Why should the contribution of the poor workers, who could ill-afford to contribute, be invested in securities which will give a poor return? After all, they are contributing it from their meagre wages.

**Mr. Deputy-Speaker:** All these points have already been stressed. They need no repetition.

**Shri Warior:** I want to stress them again. We have to tell this Government that simply because the workers do not understand all these things, Government should not play with the money of the poor workers. They must be invested in ventures where they will get a higher return. If this contribution is coming from the rich people, we need not worry about the return. But this is coming from the poor workers of the coal mines. This is deducted from the meagre wages of the coalmine workers. We must have some feeling for these poor people and their plight. I think the present system of investment should be done away with.

The more important question is that of bonus. I know the law as it stands now. But in most cases the standing orders are made according to the will and pleasure of the employers. Of course, there is a model standing order—I do not deny that. But what is this bonus scheme? This Government is fighting very shy of accepting or recognising bonus as deferred wage. I was attending very, very keenly to know what the attitude of the Government towards the entire bonus scheme is. Bonus is not only profit-sharing. The Government must come forward boldly in this era of socialism and say that bonus is also a deferred wage.

What is a deferred wage? It is a wage which is hidden and not given to the worker, a wage which is misappropriated by the employers. The workers are not given their due share. They are duped and defrauded. That

[Shri Warrior]

money is accumulating in the hands of the employers. It is not the employers' money; it is the workers' money. What right has this Government or any government to enact that that bonus can be forfeited? You will see from the figures that the bonus forfeited this year comes to a very huge amount. This must not be allowed. I think, the law must be changed.

**Dr. M. S. Aney (Nagpur):** Read out the figure.

**Shri Warrior:** The figure is always in lakhs and crores of rupees. It is all given in this report and the Minister has no difficulty in getting all these things. I have it noted also.

This bonus amount is forfeited when a strike or any such action of the workers is declared illegal. The present labour Acts and, more than the labour Acts, the present standing orders imposed upon the workers as well as, more than all these things, the attitude of the Government toward the rightful claims and demands of the workers itself is responsible for making many a strike action illegal; otherwise, it is quite legal. The workers have no resort. For any strike whether legal or illegal, the workers will have to suffer. They do not get their wages and so many other emoluments. Over and above that the Government has made a law or a rule in this bonus scheme to forfeit what they have earned. Why? Whose money is it? If it is a deferred wage, it is the workers' money. Why should the Government appropriate or forfeit it? I cannot understand the logic or reason of that. The Government must amend that and see that whatever is actually earned by the workers should go to them in the form of wages. Over and above that we can discuss about profit-sharing and other things. This bonus scheme, as it stands today, is not only a burden but a Damocles' sword on the workers.

It is said in the annual Bonus Report that 50 per cent of the workers

who are going underground in the coalmines do not get bonus whereas 97 per cent of the supervisory staff gets. The supervisory staff gets it because they do not resort to illegal strikes whereas 50 per cent of the underground workers, who risk their lives where there is the presence of very dangerous gases, where there are no safety measures imposed, were the ceiling will crumble any time and hundreds of workers are facing death every hour, 50 per cent of those workers are not getting this bonus. What is the use of this bonus scheme if 50 per cent of the coalminers in this country are not getting what is given by the Government by law? You can scrap the whole scheme and the workers know how to fight for their wages, for wage increase and for getting a share in the profits. That can be done.

This is hanging like the Damocles' sword on the workers. They cannot resort to any action. They must suffer all the indignities, injustice, whims and fancies of employer. Why should they be left alone? There is a story about a cat. If you put a small piece of bread soaked in fish curry on a small stick, the cat will go round and round it but will not know where it is. It is like that.

I also want to point out about contract labour. What measures are the Government taking or are adopting to get the contractors pay actually? They say that contract labour is also included. It is all right when put in black and white, but what is happening actually? What is the result of all these things? What is the practical implications of all these things? What is the experience of all these things? With all the beneficial schemes, what actually is the experience of the coalminers? That is a thing to be looked into. There you will find that the coalminers are actually not a bit better than they were before these things had been there.

I ask the Government whether any worker will be able to complete the

stipulated number of days under this scheme to be able to be a beneficiary of this scheme? Suppose, in a calendar year a worker has put continuously . . .

**Mr. Deputy-Speaker:** The hon. Member's time is up.

**Shri Warrior:** I will close soon.

**Mr. Deputy-Speaker:** He has taken 25 minutes. Nobody has taken more than 10 minutes.

**Shri Warrior:** But these are very relevant things. Only very few people know of these things. It embraces very many people also, thousands of workers.

I want to know from the Government what is the mechanism that the Government is going to create to see that these contractors do not harass the workers in such a way that never will a worker under a contractor complete the stipulated number of days. I have my own experience in the trade union movement for plantations. Every three months the worker will be sacked and after three months will be retaken so that he can never complete 240 days. These things are there. These lacunae and loopholes are there in the enactment so that whoever wants to escape through them, escapes. The Government must see to it now itself that such a thing does not occur and that the workers under contractors also get the benefit in practice, in effect.

When the coalmine owners themselves are defaulting in the payment of provident fund contributions collected from workers and their own contributions. I want to know from the Government as to what measures they are going to take to see that in the case of contractors who, after the contract, leave the place and leave the workers to their own fate, whatever amounts are due to the workers from the contractors are realised. There must be some measure. I should like to know whether there is such a measure.

I have no opposition to the amendment and I support it.

**श्री हुकम चन्द कछवाय (देवास) :**  
घापने मुझे जो समय दिया है, उसका मैंने भी घापका इनामी :। कोयला प्रविश्य निधि के सम्बन्ध में जो कानून सरकार ला रहा है, इसका मैं समर्थन करता हूँ। दुख इतना ही है . . .

**श्री० मा० श्री० शरणे :** उपरोक्त महोदय, हाउस में कोरम नहीं है।

**Mr. Deputy-Speaker:** The bell is being rung.

12.30 hrs.

[SHRI SONAWANE in the Chair]

**Mr. Chairman:** Now there is quorum. The hon. Member may continue.

**श्री हुकम चन्द कछवाय :** यह जो बोनस का नियम बना है, मेरी समझ में नहीं आया कि इसमें खान उद्योग और दूसरे उद्योगों में क्यों अन्तर किया गया है, और अन्य उद्योगों से इस उद्योग को क्यों अलग रखा गया है।

पाँच लाख मजदूर कोयला खदानों में काम करते हैं और इस काम में मजदूरों की दशा शायद माननीय मंत्री महोदय ने जाकर न देखा होगी, लेकिन मुझे अनेकों बार इसे देखने का काम पड़ा है। जब यह मजदूर कोयला खदान से काम करके लौटता है तो कोई उसे पहचान नहीं सकता। मैं ने यह चीज देखा है कि उसके बच्चे भी उसे देख कर डरते हैं और पहचान नहीं पाते कि यह कौन है। वह कोयला मय हो जाता है, उसका बदन बिल्कुल काला हो जाता है। और वे लोग जो कोयला खदानों में काम करते हैं इन पर कभी भी घाफ्त घा सकती है, उनको पता नहीं कि कब खदान फिसल कर उनके ऊपर

[श्री हुकम चन्द कछवाय]

धा जाएगी। ये लोग जान की बाजी लगा कर खदानों में काम करते हैं। इनका पैसा भ्राज किस प्रकार उपयोग किया जा रहा है, यह देखने की बात है।

भ्रापने नियम बनाया है कि कोई भी मजदूर किसी भ्रान्दोलन में भाग नहीं ले सकता। ठीक है। लेकिन मैं भ्रापने भ्रानुभव से जानता हूँ कि यदि मजदूरों में कोई भ्रान्दोलन चलता है तो उससे किसी एक मजदूर का भ्रालग रहना भ्रयन्त कठिन होता है। और भ्रगर वह मजदूर हो कर भ्रान्दोलन में चला गया तो भ्राप उसका बोनस का सारा पैसा नहीं देंगे। तो यह तो उसकी कमाई के साथ खिलवाड़ है, जो उचित नहीं है।

शायद मालिक सोचता है कि मैंने पूंजी लगायी है, यह मेरा पैसा है। भ्रगर मालिक खदान खोदने के लिए पैसे के रूप में पूंजी लगाता है, तो मजदूर भ्रापने पसीने के रूप में भ्रापनी मेहनत की पूंजी उसमें लगाता है और उस में उस का भी भ्राधिकार है। भ्रगर मजदूर से कोई भ्रनियमितता हो जाए तो भ्राप उस के बोनस की सारी रकम जब्त कर लेंगे लेकिन मालिकों द्वारा जो भ्रनियमितताएं की जाती हैं उनके लिए उनको क्या दण्ड दिया जाता है? यह मेरा जानकारी में है कि मालिकों की भ्राौर से एक लाख 36 हजार भ्रनियमितताएं हुई हैं। भ्रापने उनके लिए मालिक को कौनसी सजा दी, या कौनसा उन पर केस चलाया है।

मैं भ्राप के सामने भ्रम मंत्रालय की रिपोर्ट से, जो कि सन् 1960 में प्रकाशित हुई, कुछ ध्रांकड़े रखना चाहता हूँ। मध्य प्रदेश में भ्राज एक मजदूरों के 4543 केस पेंडिंग हैं, उनको पैसा नहीं दिया गया, सन् 1960 में इन केसेज का टोल 13.056 था।

व्यवस्थापक कमेटी ने यह बताया है कि चालीस हजार मामले ऐसे हैं जिनमें बोनस का पैसा नहीं दिया गया मालिकों की तरफ से।

सन् 1960 में मालिकों की तरफ से 1 लाख 61 हजार 521 रुपया 83 पैसा लेना था, मध्य प्रदेश के भ्रन्दर और कुल टोटल सब प्रान्तों का था 7,69,684 रुपए 89 पैसे। तो इस प्रकार मालिकों से भ्राज काफी तादाद में पैसा लेना है। मंत्री जी से मेरा निवेदन है कि वह बताएं कि भ्राज कितना पैसा उनकी तरफ निकलता है। मैं ने भ्रापको सन् 1960 की रिपोर्ट का हवाला दिया है। भ्राज मालिकों जने मजदूरों का एक करोड़ 75 लाख रुपया जमा नहीं किया है। भ्रापकी भ्राौर से इंस्पेक्टर द्वारा एनक्वायरी की जाती है, तो वे साल में एक बार जाते हैं। मैं भ्रापको सुझाव देना चाहता हूँ कि हर महीने इंस्पेक्टरों को जा कर मालिकों के बही खाते देखने चाहिए।

भ्रापने ठेकेदारों के लिए यह कानून बनाया जो मजदूर 6 महीने ठेकेदार के पास काम कर लें तो यह च्राज उसको लागू होगा; शायद मंत्री महोदय के ध्यान में यह बात नही भ्रायी होगी कि ठेकेदार लोग किसी को भी भ्रापने यहां 6 महीने काम नहीं करने दें, उस तीन महीने बाद निकाल देते हैं। उसे फिर रख लेते हैं और तीन महीने बाद फिर निकाल देते हैं, किसी का 6 महीना पूरा नहीं होने देते ताकि वे इस कानून में न भावे।

श्री हिम्मतसिंहका जी ने एक बात कही कि जो खदानें छोटी हैं उन पर इस कानून को लागू किया जाए। मैं माननीय मन्त्री की जानकारी में यह बात लाना चाहता हूँ कि भ्राज ऐसी बहुत सी छोटी खदानें हैं जिनके यहां बहुत से लोग काम करते हैं, लेकिन वे भ्रापने रजिस्टर में बहुत थोड़े लोगों को दिखाते हैं और कहते हैं कि हमारे यहां बहुत कम कोयला निकलता है। लेकिन मैं कहना चाहता हूँ कि इनके यहां काफी तादाद में कोयला निकलता है, और इनके यहां काफी संख्या में ध्रादमी काम करते हैं। इनको कोई छूट नहीं देनी चाहिए। यह कानून सब पर लागू होना चाहिए

दूसरी बात मैं यह कहना चाहता हूँ कि घाज मजदूर को उसकी आवश्यकता पड़ने पर, जैसे शादी विवाह या बीमारी आदि, अपने रुपये में से कर्ज मिलने की व्यवस्था नहीं है। उसको घाज पर रुपया लेना पड़ता है। अधिकतर कुछ मालिक या ठेकेदार यह काम करते हैं कि मजदूरों को दो घाना रुपया या चार घाना रुपया के मूद पर रुपया उधार देते हैं। ये मजदूर लोग उस कर्ज को कभी भदा नहीं कर पाते और जिन्दगी भर कर्ज में दबे रहते हैं। इसलिए मेरा सुझाव है कि उनको अपने रुपये में से कर्ज मिलने की व्यवस्था होनी चाहिए।

घाज सरकार द्वारा बहुत से नियम तो बनाए जाते हैं लेकिन उनका पालन नहीं होता। उन नियमों से मजदूरों को जो लाभ मिलना चाहिए वह नहीं मिल पाता। माननीय मन्त्री जाकर देखें तो उनको मान्य होगा कि मजदूरों को क्या कठिनाइयाँ होती हैं। ठेकेदार जिन लोगों को काम पर लगाता है उनके लिए रजिस्टर में लिखता है कि ड्राई रुपया रोज पर रखा गया, और उन धनपड़ लोगों के दस्तख्त भी ड्राई रुपए पर करवा लेता है, लेकिन उनको देता है एक रुपया दो घाना। मैंने इस सम्बन्ध में पिछली बार भी कहा था तो उस समय हमारे श्रम मन्त्री ने कहा था कि ऐसी कोई बात हमारी जानकारी में नहीं है, घाज बताइए। मैं कहता हूँ कि वह मेरे साथ चले लेकिन यह न बताए कि केन्द्र के मन्त्री हैं और यह बात देखने धाए हैं तो मैं उनको दिखा सकूँ कि मजदूरों को कितना पैसा दिया जाता है और कितने पर उनसे दस्तख्त कराए जाते हैं।

मैं यहाँ एक उदाहरण देना चाहता हूँ, होजंगाबाद में एक कामज मिल है, वह इसमें नहीं आती। लेकिन वहाँ मजदूर के लिए रजिस्टर में तो लिखा है साढ़े तीन रुपये और उली पर उनसे दस्तख्त लिए जाते हैं लेकिन उसको दिया जाता है सत्ता रुपया। यह पक्षपात वहाँ पर चलता है और ठेकेदारों की मदद से वह सारा कारोबार उबार चलता है। इसका

मूल कारण यह है कि हम कानून तो बनाते हैं लेकिन उस पर निगाह नहीं रखते हैं। जरूरत तो इत बात की है कि घाज मानिकान ने जो पैसा नहीं दिया और जमा नहीं कराया उस पैसे को तुरन्त उनके जरिए जमा करवाना चाहिए। सरकार को इस के लिए कोई ऐसा नियम बनाना चाहिए ताकि वह अपने राज्य के अन्दर उस पैसे को जमा करा दें बरना ऐसे मालिकान के विरुद्ध कड़ी कार्यवाही की जायगी। जिन मजदूरों का पैसा मालिकान पर बाक़ी है उन्हें वह पैसा तुरन्त दिलवाया जाय। जिस रिपोर्ट का इमामें हवाला दिया गया है उस से प्रतीत होता है कि लाखों की तादाद में उनको पैसा देना है लेकिन उनकी कोई सुनवाई नहीं होती है मालिकान की तो बड़ी बड़ी जगह पहुंच होती है लेकिन मजदूर बेचारा कहा जा सकता है? ज्यादा से ज्यादा चिन्सा लंगा? चिन्साने में भी उसे डर लगता है कि कहीं जो मेरा पैसा बाक़ी रहता है वह हजम न हो जाय। डर के मारे उसका मुंह बन्द रहता है। समापति महोदय, मैं आपके द्वारा मन्त्री जी से यह निवेदन करूँगा कि जो बकाया राशि है वह उन्हें दिया जाय। जो 40,000 मजदूर केसेब वीडिग पड़े हैं उन्हें तुरन्त निबटाया जाय। मालिकों से जो पैसा लेना है 1 करोड़ 75 लाख वह तुरन्त जमा होना चाहिए। इसके अलावा कोई भी और किसी कारण के मजदूरों को निकालना नहीं चाहिए अगर मजदूरों को निकालें तो उनके बोनस और प्राविडेंट फण्ड पर कोई असर नहीं होना चाहिए। इसके साथ साथ जो कपड़ा उद्योग में नियम है और अभी हमने चार बिन पहले जो एक बोनस कमीशन सम्बन्धी बिल को पास किया था विसा का विसा इन पर भी लागू होना चाहिए। इन शब्दों के साथ मैं आपको धन्यवाद करता हूँ कि आपने मुझे अपने विचार प्रकट करने का समय दिया।

Shri P. R. Chakraverti (Dhanbad):  
While I congratulate the Minister on  
the initiative taken by him in this ven-

[Shri P. R. Chakraverti]

ture, I have some suggestions to make to him. Undoubtedly the Ministry of Social Security has a definite role to play in the hierarchy of politics. We should have a definite attitude to the problems with which we are confronted and this is one problem which has been attempted to be tackled through this Bill with respect to 4,60,000 colliery employees in the whole of India. The objects have been stated before us. There are a few questions on which I have to make some comments.

Here in the term 'employee', an attempt has been made to bring in some new nomenclature, of which one is 'teachers'. When this question was mooted on another occasion we found reluctance on the part of mine owners to accept teachers as their own employees. They set up some educational board with six or seven members, all of whom were officials in the industrial organisation. But they say that they cannot accept the teachers as employees. This question has, therefore, to be very seriously taken care of.

Then I come to the question of contractors. We demanded the abolition of the entire contract system, yet the contractors are still in a position to squeeze the lives out of their employees who have reached the lowest layer of degradation. So, if we leave this question to them, we will not know what will happen. I give you a specific instance of a big industrialist—not a contractor—who makes it a point to see that the employees are deprived of the benefit to which they are legally entitled. I quote extracts from the reply that I got from the Government of India. "The Colliery authority did not deposit the Provident Fund contributions since the year ending 1958 (I wrote in 1964). Certificate cases were instituted against the colliery for realisation of the dues. The certificate cases have since been satisfied in respect of the Provident Fund dues for and upto the currency period ending 3/61, but we have not received the con-

tribution cards and supporting statement 'I' for the said period. Hence we do not know how much contributions are to be credited in the individual ledger account of the concerned members and we cannot pay." If this is the state of affairs, I do not know how these employees can be saved from the exactions of the contractors and the unscrupulous employers.

I understand that one of my hon. friends was thinking seriously about small colliery owners, but we must give them a caution. I have already given them a caution that we cannot tolerate any more exploitation on the score of ignorance of law; it is only a violation of law and not ignorance of law. They try to justify it on the plea that the employees offer constructive cooperation and, therefore, they give them 70 per cent of the dues. We must be very careful on that score.

Another suggestion which I want to put before this Ministry is that, since the Ministry has got potentialities of taking up wider work, the Coalminers' Welfare Fund should also be transferred to them, so that they can really utilise the Fund. Here is an amount of provident fund which runs roughly to Rs. 50 crores, if not Rs. 60 crores. The workers are living in shanties, i.e., in slum areas and in huddled houses; they are made to live there; four or five families have to live in one house and we cannot force the employers for better living conditions. I would very strongly suggest that the Ministry take up the question of the effective utilisation of not only the Provident Fund but also the Coalminers' Welfare Fund.

About the Provident Fund, I have a humble suggestion to make. In other countries of the world, the social security measures were introduced long back, but here in India we had to wait for so many years for the introduction of these measures. I had been to England seventeen years ago to study the social security measures

there and had to wait for so many years to see the initial venture in this country. This Provident Fund could be very effectively used for unemployment insurance and for non-contributory old age pension. We have not as yet introduced gratuity, nor unemployment insurance nor old age pension for these people. My positive suggestion is that the Provident Fund which has been collected and which amounts to Rs. 50 crores can be effectively used for setting up a scheme under which unemployment insurance and non-contributory old age pension can be introduced. Actually the coalminers become disabled at the age of 50 or 55 because of the hard work whereas we can continue to work upto 70 years or more. They should, therefore, have the benefit of old age pension when they reach 50—55 years of age and they should not be made to contribute for this compulsorily. About unemployment insurance I understand that the Government made a move in the matter, but they wanted to bring in other people connected with Employees' Provident Fund, namely, non-mining employees. We have some intelligent lawyers who always raise some legal issue and they stopped the little move which the Government had initiated by raising a legal and Constitutional point. I would suggest that we need not cover the other employees. What I am directly interested in is the coal-miners Provident Fund which can be used for developing a scheme of unemployment insurance. I do want to wait. I had a talk with the employers or the industrialists and they told me that so far as the coal mining industry was concerned, they were ready to negotiate this on a tripartite basis between the Government of India, the employers and the employees. And they wanted my help. I said that I was ready to help them provided they did not get themselves entangled with the other people. So, I would suggest that this factor also should be discussed separately, so that those industrialists who are in a co-operative mood could really find a helpful attitude of co-

operation in regard to this scheme of unemployment insurance.

Then, I come to the question of bonus which my hon. friend Shri Wriar had raised. It is a moot question whether the bonus which is paid today to the coal employees is really a bonus; it is practically deferred wage; it is an attendance bonus. There is a penalty attached to the payment of bonus which imposes certain periods of attendance for the employees. That question is now being discussed in another region as to whether this bonus scheme should be there or not. But so far as the existing system of payment of bonus is concerned, that is, so far as the attendance bonus is concerned, it is definitely a deferred wage, because the wages which are now being paid are calculated in terms of the basic wage plus the dearness allowance plus the bonus which they are entitled to get and then Government come forward and say that the minimum wage is so much. So, when new proposals are now being considered elsewhere, this question has also come up whether the attendance bonus will be there or not. So, so far as this bonus payment is concerned, it should not be mixed up with the other scheme of bonus which is related to efficiency of work, and which is used a form of incentive, because this is only an attendance bonus and it has nothing to do with incentive. This has been instituted because the mine-owners complained that the labour or the employees were not regular in their employment and they went to their residential places in UP or Madhya Pradesh or elsewhere and did not come back in time, and therefore, they wanted that there must be some clause in regard to attendance; and, therefore, this provision is there; it may be that it will be no more there in the new set-up. So, we should not confuse this bonus scheme with the other bonus scheme and discuss that question here.

When the Department of Social Security was first created, people forgot the importance of this Department because of the uncommon brilliance of



[Shri P. R. Chakraverti]

the two Ministers attached to this Department, who were also incharge of the Law Ministry, and they thought that it was but a minor work and that they would look after this work in addition to law. But I would like to submit that these are very important functionaries and are going to continue to serve to a great extent social interests. Irrespective of their eminence in the other fields to which they are attached the ministers will have to do a job. In fact I would say that they will find that their eminence in legal field will be eclipsed by the greater responsibilities which they would be taking upon themselves under the social security schemes of which just a humble beginning has been made.

I congratulate the hon. Minister on this humble beginning but I would suggest to him to think about this in all fairness, equity and propriety, and find out as to how far the Government can now utilise this fund standing in the name of the coal mines provident fund in developing the two schemes to which I have referred, namely the unemployment insurance scheme and the old-age pension scheme.

श्री शिवचरण माधुर (भीलवाड़ा) : सभापति महोदय, मैं सामाजिक सुरक्षा मन्त्री जी और उनके मन्त्रालय को इस बिल को लाने के लिए धन्यवाद देना चाहता हूँ। जैसा कि आपको और हम सबको को विदित है, यह एकट्टे धाज से सत्रह साल पहले पास हुआ था और इस में अन्तिम संशोधन 1951 में आया था। इस बीच में चौदह, पन्द्रह साल तक लगातार कोयला खानों में काम करने वाले मजदूर उन सुविधाओं से मेहरूम रहे थे, जो कि उन को काफ़ी धरसा पहले मिलनी चाहिए थी। धाज चाहे कितनी देर से यह बिल आया हो, लेकिन इसके जो प्रावधान हैं और जो सुविधाओं कोयला खानों में काम करने वाले मजदूरों और ऐसी कैटगरीज को दी गई हैं, जो कि धाज तक इसमें शामिल नहीं थे, उनको देखो हुए इस बिल को लाने के लिए

मैं मन्त्री महोदय और उनके मन्त्रालय को धन्यवाद देना चाहता हूँ।

कल इस बिल पर बोलते हुए स्वतंत्र पार्टी के माननीय सदस्य, श्री वांडेकर, ने कहा था कि इस वक्त इस बिल को लाने की आवश्यकता नहीं है, क्योंकि कोल माईन्स के लिए एक वेज बोर्ड पहले से मुफ़रत कर दिया गया है और उस वेज बोर्ड की रिपोर्ट आने तक इन्तज़ार करना चाहिए। मैं निवेदन करना चाहता हूँ कि जो मजदूर काफ़ी धरसे से जिन सुविधाओं से मेहरूम थे, इस बिल के द्वारा उन को उपलब्ध की जा रही है। इस स्थिति में पता नहीं यह सुझाव देने में उनका क्या मकसद है। शायद वह अपना उद्देश्य सीधे तौर से नहीं कहना चाहते क्योंकि वह एक ऐसे समाज का प्रतिनिधित्व करते हैं, जो इस बात को मानता है कि मजदूरों को कम से कम सुविधाएँ दी जायें। मैं माननीय सदस्य से यह निवेदन करना चाहता हूँ कि वह इसमें इस प्रकार की अड़चन न डालें और बहुत धरसे के बाद जो प्रावधान मजदूरों के लिए लाया गया है, उसका स्वागत करें।

कल इस बिल पर बोलते हुए श्री हिम्मल-सिंहका ने कहा था कि छोटी छोटी कोयला खानों पर इस बिल के प्रावधानों को लागू न किया जाये। मैं कहना चाहता हूँ कि प्राविडेंट फंड की योजना उन पर अधिक्त तौर से लागू करनी चाहिए। थोड़े धरसे के लिए, टेम्पोररी तौर पर काम करने वाले मजदूरों को तीन चार महीने के बाद काम से निकाल दिया जाता है। इसलिए आवश्यकता इस बात की है कि जब तक उनको दूसरा काम न मिले, तब तक उन के लिये कोई ऐसा निश्चित प्राधार हो, जिससे वे उस पीरियड को निकाल सकें। इसलिए यह प्राविडेंट फंड स्कीम सब मजदूरों पर एक सी लागू की जाये, चाहे वह किसने ही दिन से काम करते हों। मैं माननीय सदस्य की इस दलील से सहमत नहीं हूँ कि टेम्पोररी तौर पर काम

मजदूरों या छोटी खानों में काम करने वाले मजदूरों पर इस योजना को लागू न किया जाये। मेरा निवेदन है कि हिन्दुस्तान की कोयला खानों में जितने भी मजदूर हैं, उन सब पर यह योजना एक ही लागू की जाये।

मैं मंत्री महोदय को धन्यवाद देना चाहता हूँ कि उन्होंने कोलमाइन की परिभाषा को व्यापक बना कर लिग्नाइट की खानों, (भूरे कोयले की खानों) को भी शामिल कर लिया है। राजस्थान के बीकानेर इलाके में लिग्नाइट की खानें हैं। वहाँ काम करने वाले मजदूरों को आज तक इन सुविधाओं से बेहतर रखा गया है। मैं विशेष रूप से उन को धन्यवाद देना चाहता हूँ कि उन्होंने लिग्नाइट की खानों में काम करने वाले मजदूरों को भी इन सुविधाओं से लाभान्वित करने की योजना बनाई है।

पहले एक्ट में कोयला खानों में काम करने वाली कुछ खास कैटेगरीज को, सरफ़ेस पर काम करने वाले या कोयला खानों से सम्बन्धित अन्य मजदूरों या कर्मचारियों को, इस परिभाषा की परिधि में नहीं रखा गया था। इस बिल के जरिये उन सब लोगों को ये सुविधाएँ उपलब्ध होंगी, उसके लिये मंत्री महोदय धन्यवाद के पात्र हैं।

कोयला खानों में काम करने वाले मजदूरों के अलावा टीचर्स, सफ़ाई का काम करने वालों—क्यूँकि श्री बाल्मीकी ने 'स्वीपर' शब्द पर आपत्ति की है, इसलिए मैं वह शब्द इस्तेमाल नहीं करूँगा—और दूसरे कर्मचारियों को भी इसमें ले लिया गया है, जो सीधे तौर से उत्पादन का काम नहीं करते हैं। इसके लिए मंत्री महोदय धन्यवाद के पात्र हैं।

इस स्थिति में मेरी समझ में नहीं आता कि माननीय सदस्य, श्री दांडेकर, ने यह संशोधन क्यों पेश किया है कि "टीचर"

को इस परिभाषा से निकाल दिया जाये। पता नहीं, उन का क्या मतलब है। जो शिक्षा का काम करने वाले कर्मचारी हैं जो हमारे देश की भावी पीढ़ी को बनाने का काम करते हैं, जिन पर खानों में काम करने वाले बच्चों के भविष्य को बनाने की सीधी जिम्मेदारी है, माननीय सदस्य उन को क्यों इस व्यापक परिभाषा से निकालना चाहते हैं? मैं उन से निवेदन करूँगा कि उन्होंने 'टीचर' को इस परिभाषा से निकालने के सम्बन्ध में जो संशोधन रखा है, उस को वह वापस ले लें, क्योंकि टीचर हमारे समाज का एक महत्वपूर्ण काम करता है। कोयला खानों में काम करने वाले मजदूरों के बच्चों को पढ़ाने वाले अध्यापकों को भी इस परिभाषा में लिया जाना बहुत आवश्यक है। मुझे धारा है कि माननीय सदस्य अपने संशोधन को प्रैस नहीं करेंगे।

इस बिल में कोयला खानों के उन मालिकों को मस्तसना रखा गया है, जो रायल्टी लेते हैं, मैं कहना चाहता हूँ कि अगर कोई भी धादमी बुद लीज ले कर किसी कोयला खान को रायल्टी पर लीज घाउट कर दे, तो वह इस जिम्मेदारी से बरी नहीं हो जाता है। यदि सरकार इस प्रावधान को इस बिल में रखेगी, तो इसका नतीजा यह होगा कि धाम तौर से लोग इस बिल की मंशा से बचने के लिए अपने धाप से लीज ले लें और रायल्टी लेकर उसको दूसरों के लिए लीज घाउट कर देंगे। ऐसे लोगों पर प्रभुश रखने के लिए इस बिल में यह प्रावधान रखना चाहिए कि जिस धादमी के पास माइनिंग लीज है किसी कोयला खान का, तो चाहे वह रायल्टी पर सबलीज कर दे, उस पर इस कानून की धाराएँ लागू होंगी और उस को इस बिल के अनुसार मजदूरों को सब सुविधाएँ देनी पड़ेंगी।

इस फंड के लिए जो बोर्ड बनाने की बात कही गई है उसको काफी व्यापक आधार

[श्री शिव चरण मायूर]

दिया गया है, उसको काफी व्यापक रूप प्रदान किया गया है। यह खुशी की बात है। सरकार का जो कानून है वह मजदूरों की भलाई के लिए बन रहा है। इसलिए इस बात की सावधानी रखी गई है इस बिल में कि इस बोर्ड में ऐसे लोग रखे जायें अधिक संख्या में जो मजदूरों का हित चाहने वाले हों। यह भी खुशी की बात है कि इस बोर्ड में अधिकतर सरकार के प्रतिनिधि या मजदूरों के प्रतिनिधि होंगे, इन लोगों का बहुमत होगा और एम्प्लायर्स के कुन मिला कर—छः प्रतिनिधि ही आ सकेंगे और आ कर अपनी बात बोर्ड के सामने रख सकेंगे। यह बहुत अच्छी बात है। सरकार ने अच्छी तरह से सोच विचार करके जो बोर्ड का निर्माण किया है, उसके लिए मंत्री महोदय धन्यवाद के पात्र हैं।

कोलमाइंड फंड को इम्प्लेमेंट करने के बारे में, उसकी योजना को चलाने के लिये इस बिल में कहा गया है कि जो एक बोर्ड होगा उसके चार सौ रुपये से ऊपर तनख्वाह पाने वाले जितने भी कर्मचारी होंगे, उनको एक्साइट करने का अधिकार नहीं होगा, वह अधिकार भारत सरकार को प्राप्त होगा। मैं अनुभव के आधार पर आपकी एक बात बतलाना चाहता हूँ। हमारे यहां माइका माइंड लेबर बैनफर फंड का काम चलता है। उसमें भी जितने बड़े कर्मचारी हैं उनकी एक्साइटमेंट्स भारत सरकार के जिम्मे रखी गई है। इन लोगों को एक्साइट करने में काफी देर लग जाती है। इनका नतीजा यह होता है कि जो डाक्टर्स होते हैं या जो दूसरे कर्मचारी होते हैं उनकी नियुक्ति समय पर नहीं हो पाती है और काम सफर करता है। मैं निवेदन करना चाहता हूँ कि जब आपने काफी रिप्रेजेंटेटिव कैरेक्टर का बोर्ड को बनाया है तो उसको यह अधिकार दिया जाना चाहिये कि वह इन लोगों को एक्साइट-

मेंट कर सके। आप प्राविडेंट फंड कमिश्नर की नियुक्ति करें लेकिन बाकी जितने कर्मचारी हैं उन सब की नियुक्ति उस बोर्ड के द्वारा होनी चाहिये। भारत सरकार के पास इस काम के रहने से बहुत सी प्रमुविधायें होती हैं और यूनियन् पब्लिक सर्विस कमीशन भी बीच में आता है। नियुक्तियां करने में काफी समय लग जाता है और नतीजा यह होता है कि इस प्रकार की संस्थाओं में ग्राम तोर से लोग आना पसन्द नहीं करते हैं और पोस्ट्स खाली पड़ी रहती हैं। मेरा निवेदन है कि कोई भी कर्मचारी हो उसकी नियुक्ति की सारी की सारी जिम्मेवारी बोर्ड की होनी चाहिये और यह काम भारत सरकार के पास नहीं रहना चाहिये।

इस बिल में सब से अच्छी बात यह कही गई है कि यदि प्राविडेंट फंड एमाउंट किसी मजदूर का एक जगह रखा हुआ है और वह दूसरी जगह काम करने चला जाता है तो वह ट्रांसफर हो सकता है। पहले ग्राम तोर से यह होता था कि उसके एक जगह से दूसरी जगह ट्रांसफर होने में बड़ी दिक्कत होती थी और नतीजा यह होता था कि एक आदमी जब दूसरी एम्प्लायमेंट में चला जाता था तो उसको बहुत अर्थ तः, बहुत समय तक पैसे की आशा नहीं होती थी। इस बिल में खास तौर पर यह प्रावधान रखा गया है कि उसका एमाउंट ट्रांसफरबल होगा, एक फंड से दूसरे फंड में ट्रांसफर करने की सुविधा होगी ताकि मजदूर को दिक्कत न हो। वह यदि काम भी छोड़ना चाहे तो उसने प्राविडेंट फंड में जो पैसा जमा किया हुआ है, उसको वह आसानी से प्राप्त कर सकता है। मैं आशा करता हूँ कि इस चीज को कारगर तरीके से निभाया जायगा।

मैंने एक संशोधन इस बिल में पेश किया है। यह एक बहुत बड़ा सबाल है। करीब पांच लाख मजदूरों के लिए भलाई की

योजनायें ध्रुप बनायेंगे। मैं समझता हूँ कि धीरे धीरे अधिक मजदूर इसके अन्तर्गत आयेंगे और इसमें करोड़ों रुपयों का लेन देन होगा। करोड़ों रुपयों की योजनायें इसके अन्दर बनाई जायेंगी। मैं चाहता हूँ कि यह सारी योजनायें पार्लियामेंट के सामने आनी चाहियें। जो भी योजना इस फंड के अन्तर्गत ध्रुप बनायें उस योजना की दोनों सदनों के सामने पेश किया जाना चाहिये। यदि बीच में ध्रुपको कोई दिक्कत हो, इंटरसिंग पीरीयड हो और पार्लियामेंट न चल रही हो, उस वक्त कोई स्कीम लाना चाहते हों तो ध्रुप लायें लेकिन उस के बाद जब पार्लियामेंट की बैठक हो, तब तुरन्त उस सारी योजना को लाकर पार्लियामेंट के दोनों सदनों से पास करायें ? इस हेतु जो संशोधन मैंने रखा है मैं आशा करता हूँ कि माननीय मंत्री जी उसको मान लेंगे।

मैं विशेषतः उन माननीय सदस्यों को धन्यवाद देना चाहता हूँ जिन्होंने बहुत महत्वपूर्ण बातें और बहुत महत्वपूर्ण सजेजंज इस बिल के सम्बन्ध में दिये हैं। मैं इस बात में माननीय श्री चक्रार्ती की बात का समर्थन करता हूँ कि जो पैसा इस फंड में आए और जो भी योजनायें इस फंड के अन्तर्गत बनाई जायें उन योजनाओं का आधार केवल यह होना चाहिये कि अधिक से अधिक मजदूरों को लाभ मिले। आज हिन्दुस्तान में अनएम्प्लायमेंट की बहुत बड़ी समस्या है। प्राइवेट इंडस्ट्रीज में खास तौर से धादमी को एम्प्लायमेंट को कोई गारंटी नहीं है। इससे अनएम्प्लायमेंट और एम्प्लायमेंट मिलने का एक बहुत बड़ा लग होता है। उस लग को मिटाने के लिये यह आवश्यक है कि अनएम्प्लायमेंट इन्श्योरेंस स्कीम हमारे देश में लागू की जाए इस प्रकार की योजना इंग्लैंड में बीवरीड प्लान के अन्तर्गत लागू है। वहाँ इस प्रकार की योजना है कि कोई भी धादमी यदि किसी कारण से अनएम्प्लायड रहता है तो सरकार का फंड हो जाता है कि उसको कुछ न कुछ बेंनीफिट दे। इस प्रकार की योजना में

इस फंड के अन्तर्गत जो भी रुपया आता है उसके द्वारा चालू की जानी चाहिये। इस प्रकार की योजना अगर चालू की जाती है, तो मैं उसका समर्थन करूंगा।

इन शब्दों के साथ मैं मंत्री महोदय को धन्यवाद देता हूँ इस बिल को लाने के लिए। यह बहुत आवश्यक बिल था। इस बिल की बहुत दिनों से प्रतीक्षा की जा रही थी।

**Shri D. C. Sharma (Gurdaspur):** Mr. Chairman, every member of this House does not represent only his constituency but the whole of India. Therefore, he is justified in speaking on those problems which concern the nation.

When Mahatma Gandhi talked about Ram Raj, he talked in terms of the workers and peasants.

**Mr. Chairman:** We have ten minutes to each Member.

**Shri D. C. Sharma:** I think the whole country was in sympathy and accord with what he said. I think the whole world can be divided into two classes, peasants and workers. When I went to the Soviet Union, I found an educational and scientific workers' union there; I was very happy to find that the teachers and the scientists had also been classed as workers. But it will take some time before we are able to arrive at that kind of definition. All the same, nobody can deny that the coal mine workers are very much in the picture. When I think of coal mine workers of England, I remember the great personalities they have produced. D. H. Lawrence, who was a great writer, was the son of a coal miner. I may also say that some of the great leaders of politics in England have been the children of coal miners. Therefore when we speak of coal miners, we must do so with respect, not only with sympathy. We must speak of them in terms of their hu-

[Shri D. C. Sharma]

man dignity, which is their right and their prerogative.

I welcome this Bill—there is no doubt about it. I think this Bill marks a trend of liberalisation in the right direction. I hope that the Ministry of Social Security, which wants to be named as the Ministry of Social Security and Social Welfare, will carry on this movement for liberalisation in favour of workers all along the line.

I have been told that some people talk in terms of small collieries and big collieries. I am told that some people talk in terms of coal miners and teachers who are working for the children of those coal miners. I think this is the kind of obscurantism from which some of us suffer. I only pray to God to give them more light, more understanding and more knowledge of the currents of thought and action which free India has generated.

I welcome the idea of the extension of the term 'employer'. But I do not want royalty owners to be exempted from this kind of thing. The royalty-owner is a very abnoxious person. It is a misnomer. The term "royalty" should be used in a better context. These royalty-owners of mines are those who, to use the words of Solomon, neither spin nor toil—I do not remember the exact words—but even the kings do not wear clothes as they wear. I think that this parasitic class in India must be finished. This class which gets all the advantages from coal mines and which does not part with any of these advantages for the workers, must go. It has no right to live in India where we do not want anybody to be a parasite. I hope the hon. Minister will do something to bring these royalty-owners also within his net. I think it will not be difficult for him to do.

I am very glad that the term "employee" has been extended. I wish this is done in the case of other wor-

kers also. We should not think of employees only in terms of technical workers or other workers, we should think in terms of all those ancillary and auxiliary workers who make up the complex of an industry, who make up the whole structure of industry. I am very happy that malis, sweepers, domestic servants and teachers have been included in the term "employee". In order to make this picture complete, they have also included apprentices and trainees. This is a move in the right direction. I would say that even those who do clerical jobs, jobs of a non-technical kind, should be included in this, they should not be deprived of the benefits of this Bill.

The penalty which has been recommended is very small. It is one year or fine of Rs. 2,000 or both. Such a kind of penalty can be given to a person who does not drive his car properly in these days of black-out. It is a ridiculous penalty. I think they have made this law nugatory, they have exposed this law to ridicule and contempt, if I can use that word by imposing this penalty. The penalty should be in proportion to the crime or sin, whatever it is. I think here the penalty is small, while what is at stake is very big. Therefore, I would request the hon. Minister to make the penalty great so that it can act as a deterrent. Unless that is done, I think the Bill will not be very effective.

Now I come to contractors. When I think of contractors, I tremble with fear. Why? You know Delhi is the paradise for contractors. In Delhi you will find that most of these shops, flats and bungalows are owned by these contractors. When we say that there should be a ceiling in urban property, my hon. friend the Planning Minister, Shri Bhagat, says it is a very difficult problem and that they are considering it. I think the problem will be solved only when Shri Bhagat is not there. What I want to

tell you is that these contractors are responsible for many anti-social activities; they specialise not in carrying out the provisions of the law, but in evading them. This is the real essence of the life of the contractors today. Therefore, I feel that in the case of contractors, the limit of days should be reduced, otherwise I know what they will do; I know they will balk every worker of his provident fund, bonus and everything else. I feel that something should be done about this.

Our Government has got into the pernicious habit of doing things piecemeal. Somehow, our Government has lost the over-all perspective. If we build up the Air Force, we neglect the Navy; if we build up the Navy, we neglect the ground force; if we build houses, we neglect drainage; if we build water works, we do not have pipes to carry the water to the houses. Unfortunately, my Government has got into the habit of doing things in a piecemeal fashion. The Minister of Social Security—I would say the name should be changed to Social Security and Social Welfare—should have brought a Bill of which the whole world should have taken note, and that Bill should have been not only for provident fund and bonus, I agree with my hon. friend Shri Warrior that this bonus is something which is not very just. It is meant for one class of workers and is denied to other classes of workers. Bonus should be a comprehensive thing, meant for every worker. The hon. Minister should not have brought this scheme only for provident fund and bonus, but also, as my hon. friend Shri P. R. Chakraverti said, for unemployment insurance and old age pension. In this country we are suffering from all the ills of industrialised countries of the world without having that quantum of industrialisation in the country. That is the misfortune of this country. Therefore, I think that so far as industries go, we must have all those things which are very useful.

I have seen the composition of the Board. Why don't you take some Members of the Lok Sabha and Rajya Sabha on that Board?

**Shri Shree Narayan Das (Darbhanga):** There are three.

**Shri D. C. Sharma:** Why don't you have more of them, because they will voice the opinion of the public on the Board? Why do you load the Board with the representatives of bureaucracy, employers and employees. I think you should have them, but you should also have more Members of the Lok Sabha and Rajya Sabha on this Board.

**Shri U. M. Trivedi (Mandsaur):** The Minister is sleeping.

**Shri D. C. Sharma:** The Minister is not sleeping, you are sleeping.

Therefore, I want to say that this Bill should be a precursor of a bigger, more comprehensive Bill, a Bill which includes welfare, which includes unemployment insurance, old age pension and also bonus not only for attendance, but also bonus as an incentive to productivity. He should bring forward such a Bill. When he brings forward such a Bill, his Ministry will justify its glorious existence.

**The Deputy Minister in the Ministry of Law (Shri Jaganatha Rao):** Mr. Chairman, I am grateful to the hon. Members who by and large have lent their wholehearted support to this Bill and in doing so they raised some objections and points which deserve consideration and also reply from me.

**Shri Elias** who initiated the debate asked why all the schemes were not integrated as recommended by the study group in 1947 whose report was available in 1958. May I tell him what the study group said was this:

"The test are, first, whether the integration will result in any substantial economy and, secondly, whether it will result in direct added convenience to the parties concerned—the employers and workers".

[Shri Jaganatha Rao]

It also recommended the amalgamation of the three organisations those dealing with the ESI scheme, the EPF scheme and the CMPF scheme all into one. Now, the ESI is implemented area-wise; the EPF, industry-wise and establishment-wise and the CMPF to coalmines situated in interior parts of the country. Therefore, if we apply this test of economy and convenience, what do we find? We have to see whether it will be possible to amalgamate all the three schemes, whether it will be economical and convenient to the employers and the employees. The point is whether the employer is the same person who owns the industry or owns the coalmines or an industry or establishment; if so there can be only one contribution deducted and entered into different accounts. I think this report is somewhat out-dated and I do not think it would be possible to integrate the systems in all the three schemes prevailing in the country today. The question is being considered by the Employees State Insurance review committee of which I am a member and the report is likely to be finalised in 2-3 months time. That is why the integration of the schemes could not be done.

Further more this question was considered by the Indian Labour Conference in October 1962; and decided to defer discussion for three years and again in October this year it will meet and it can be discussed there. Government is prepared to go ahead with integration if it is possible and is convenient to the parties concerned.

I for one am very anxious to introduce a somewhat integrated social security system in our country as many hon. Members expressed. But situated as we are, our resources are limited; it is not possible for us to have an integrated social security system at present. Perhaps we have to wait for some more years. We wanted to make a humble beginning

and extend the ESI scheme to as many areas as possible and also to bring many more industries and establishments under the EPF scheme. We are also considering whether we could have old-age pension scheme out of the provident fund scheme. They require some study and the matter is receiving consideration.

13.25 hrs.

[MR. SPEAKER in the Chair]

The unemployment scheme suggested by Shri Chakraverti and endorsed by Prof. D. C. Sharma was raised earlier also; I have answered many questions in this House and also in the other House. We have formulated a scheme which will be discussed by the Indian Labour Conference and if the scheme is approved Government is ready to implement it. Supposing the tripartite Indian Labour Conference does not agree to that, government would be prepared even to start with the coalmines provident fund scheme so that it will apply only to 4-5 lakhs of workers. If the scheme formulated by the department is approved it will benefit about four million workers. But four million are nothing when we take the entire population of the country. To have a social security system as a whole for the entire country is very difficult. Even in England social security system started in 1601 when the poor law Act came into force and only in 1942 the social security measures got a definite shape after the Beveridge report and even then they took four years to implement this report.

**Shri Warrior:** At that time a great war was waging.

**Shri Jaganatha Rao:** That is right. England wanted to build up its economy and that report had given the status to the social security system which was implemented in 1948.

before its implementation there were a multitude of organisations who were managing these various schemes. In our country having made a beginning, let us go ahead with it.

My friend Elias raised an objection to clause 3(a) of the Bill, to the provision about appointing one person who is not a member of any organisation. It is only taken out from the old Act. It is not a new provision. Clause (d) says:

"six persons, representing, employees in coal mines to be nominated by the Central Government of whom five shall be nominated in consultations with such organisations of employees as may be recognised by the Central Government, at least one nominee being an employee; and one shall represent the employees outside the organisations."

Not all employees are members of one organisation or the other; there are some employees who are out of the AITUC, INTUC or the HMS, unattached employees. Let them be represented also. It is not a new provision and therefore the objection of my friend is not valid.

He also referred to suspense accounts. It is a misnomer to call them suspense accounts because in fact they are deposit accounts. As soon as money are received they are entered in the accounts but they cannot be credited to the individual employee unless that card is received. Some time is taken in getting the individual contribution card. The money does not lie idle. As soon as it is received it is deposited in government securities and the benefit goes to the employees but only the records are not brought up to date because the contribution cards of each employee are not received in time. It is not correct to say that large amounts are kept in suspense accounts for a long time.

My friend Shri Dandekar raised the objection about piecemeal legislation and questioned government's wisdom in bringing forward this amendment when the wageboard is considering the question. The board was appointed in 1964 and I do not know when the report would come; it would also take some more time to consider it and come to decisions. Why should we wait for 2, 3 or 4 years?

**Shri N. Dandekar (Gonda):** Withdraw this from the Wage Board.

**Shri Jaganatha Rao:** I see nothing wrong in making amendments which are needed now; if necessary we will come forward with another amendment.... (An Hon. Member: Year after year?) Yes; we are bringing so many amending Bills as the House knows.

**Shri Sinhasan Singh (Gorakhpur):** Is it a good argument?

**Mr. Speaker:** It is an argument for keeping us busy.

**Shri Jaganatha Rao:** Nor can it be an argument to say that since the wage board had been constituted, we should wait for two or three years.

**Shri N. Dandekar:** Because the Wage Board had been constituted and this question had been specifically referred to them . . . (Interruptions.)

**An hon. Member:** What about the bonus?

**Shri Jaganatha Rao:** I will come to that later on.

Therefore, why should these amendments which are amendments to the Coal Mines Provident Fund Act be kept pending? Let us go ahead.

Then about bonus. Bonus under the Coal Mines Provident Fund Act is not a production bonus or an in-



[Shri Jaganatha Rao]

centive bonus; it is only an attendance bonus. Mr. Warrior may call it by whatever name he likes. But it is an attendance bonus. Even in the Payment of Bonus Bill which the House adopted a few days ago, clause 10 refers to minimum bonus which is dependent on a minimum attendance. So also in this Coal Mines Provident Fund Act and this bonus scheme, a bonus is paid for certain minimum days of attendance. I would also say that even the coal-mine workers are entitled to bonus under the Payment of Bonus Act. That is clearly stated by the Bonus Commission.

Shri Warrior: That is another thing.

Shri Jaganatha Rao: Therefore it does not prevent them from getting bonus under that Act.

Shri Mohammad Elias (Howrah): Most of the workers do not get this bonus under this scheme.

Shri Jaganatha Rao: If the Coal Mines Wage Board says that this system of minimum attendance as the criterion for payment of certain bonus as bonus should go, well, it will provide some other means—whether the wages should be increased or the bonus should be related to profits, etc. I cannot envisage that today. And if any change is necessary in the law, Government will be prepared to come forward with a Bill.

Shri Warrior: If the stoppage of work is for forty-eight hours or less, this will not be reduced. But if it is more than that?

Shri Jaganatha Rao: I will come to that.

Shri Warrior: He will lose whatever he has earned. That is the complaint, that whatever he has earned also he will forfeit.

Mr. Speaker: Order, order. Only one to be on his legs.

Shri Jaganatha Rao: About realisation of arrears it has been stated that the employers are not depositing the collections made from the employ-

ees and large arrears are due from them. It is a fact. There are some defaulting and bad employers who do not comply with the law and do not deposit the amounts contributed by the employees in time. I may inform the House that up to June 1965 about 543 prosecutions have been filed. And the number of certificate cases is 788. The amount involved is Rs. 1.02 crores, that is arrears.

Therefore, we want to tighten up the collection and the punishments by this amending Bill. We should have no sympathy for these defaulting employers. As soon as I came in charge of this Department I have been writing to the Labour Ministers of the State Government to see to the recovery of these arrears by initiating recovery proceedings. I may inform the House that in Kanpur itself, five industrialists owed Rs. 30 lakhs under the PF scheme. I took stringent measures, and I am glad to say that the amount was recovered in no time. We cannot allow industrialists to take advantage out of the contributions of the individual workers.

Then about suspense account, I have already dealt with it.

Then about non-effective accounts, some hon. Member referred to it yesterday. Workers in the coal industry are very mobile and very often they do not divulge their old membership of the Fund when they move from one coal mine to another. This results in opening of more than one account for a member. At the time of settlement of claims, accounts of a member in different collieries are consolidated. Some preventive measures have been taken to check the growth of such non-effective accounts.

My hon. friend Shri Dandekar seems to have objection to the inclusion of paid apprentices and trainees and teachers within the fold of 'employees'. If you take the provident fund scheme

as a social security measure, why not this class of persons be included? Trained apprentices who are paid by way of, say, wages or monthly salary or stipend, 95 per cent of them are absorbed in the coal mines. And it is not those trainees who study in the Dhanbad School of Mines that are sought to be included here; only paid apprentices or trainees.

And, secondly, as regards the private owners, coal-mine owners, in these mines there is no uniform practice. In some mines some teachers are allowed to contribute to the provident fund—gardeners, sanitary staff etc. There is no uniformity, though under the scheme voluntary contribution is also allowed. Therefore, we want to put it on a statutory basis, so that these servants or subordinates or workers, who are not in a very enviable position, should have the benefit. Further more about these apprentices and trainees, I would like to say that because they work in the mines, where there is so much hazard to their lives, they should have the benefit of this provident fund. We are not fastening a liability on these trainees and apprentices but are trying to give a benefit to them. Therefore, there should be no serious objection to the inclusion of this class of persons.

Then it is also stated that because of the delay in the payment of the dues which the employees are entitled to, these employees are put to a lot of inconvenience when they fall sick. I think this statement is not related to facts or law; because, the medical care and medical benefits of the coal-mine workers are given from the fund that is accumulated by the mine cess. They need not contribute; it is not a health insurance scheme as such. Medical care and attendance they get free from the mine cess that is collected. Therefore, no inconvenience is caused to them.

And these workers in the coal mines are entitled to get loans for the purchase of shares of consumer co-operatives, for purchase of house sites

or for building houses and so on. To my knowledge there is no inconvenience caused to them, though in fact the accounts are not being regularised or brought up to date because of some intervening circumstances over which the administration have no control.

Then it is said that the administrative charges are also rising. The apparent rise in these administrative charges is due to the increase on account of increments to staff, construction of buildings, construction of new regional offices, etc. And the officers under the scheme are not paid salaries higher than those paid by the Central Government.

**Shri Warrior:** What about the number of officers?

**Shri Jaganatha Rao:** If we have to expand, naturally the number of officers also has to expand.

Objection has been raised as to why persons who collect royalty are excluded from the definition of 'employer'. Persons who receive royalty are in the position of a superior landlord. A person who has possession of the mine, who works the mine himself or through a contractor, only such a person can come within the definition of 'employer', not an owner who does not work the mine, the ownership may be with somebody. Ownership is evidenced by the right to collect royalty. The person in possession or a contractor who takes lease of the mine or works it by some other arrangement, he should be deemed an 'employer'. This definition is in keeping with the definition under the Mines Act.

Sir, I think that by and large I have answered most of the points raised by hon. Members.

**Shri Warrior:** Contract labour.

**Shri Jaganatha Rao:** The idea is to bring in labour employed through

[Shri Jaganatha Rao]

contractors. That is why the amendment has been brought in. But then Shri Warior raised a doubt and an apprehension as to how the Board of Trustees are going to control or check it. Certainly, some method or machinery has to be devised and the supervisory staff has to be careful to see that the contractor does not dispense with the workers once in three months before they complete 240 days which would entitle them to provident fund benefits. A greater care and vigilance has to be exercised by the supervisory staff. I am certainly in agreement with the hon. Member that something has to be done and some effective steps have to be taken to see that the contractors do not play this mischief and cause this inconvenience and hardship to the workers.

Sir, I have done.

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

"That the Bill further to amend the Coal Mines Provident Fund and Bonus Scheme Act, 1948, be taken into consideration."

*The motion was adopted.*

**Mr. Speaker:** We will now take up clause-by-clause consideration.

**Clause 2— (Amendment of section 2).**

**Shri Dandekar:** Sir, I have three amendments. I move:

- (i) Page 3, line 12, omit "or through" (2).
- (ii) Page 3, line 17, omit "teacher". (3).
- (iii) Page 3, omit lines 20 and 21. (4).

Sir, I shall be very brief about these amendments. Amendment No. 2 is concerned with the vexed question of persons employed by contractors. I would like to begin by saying that I am as anxious as everybody else—in fact more anxious—that contractors

should not escape liability to conform to the various pieces of legislation that exist on the subject of mines, factories or whatever it is, both as to the working conditions as in the Mines Act or social security legislation as is contained in the bonus scheme and the provident fund scheme relating to the mines. Indeed, I have a feeling that it is because of the vague language that continues to be used in relation to contractors that contractors continue to escape. This clause says:

"employee" means any person who is employed for wages in any kind of work, manual or otherwise, in or in connection with a coal mine, and who gets his wages directly or indirectly from the employer, and includes—

- (1) any person employed by or through a contractor in or in connection with a coal mine,' etc.

The consequence of this kind of attempt to get the contractor is that the contractor escapes from what should be his own ultimate responsibility, namely, of the person who has his own workers in the mines. The principal person who is responsible, namely, the contractor, escapes. I have considerable experience in trying to pin down these gentlemen, the contractors, who, in respect of various responsibilities of this kind, get away because of vague clauses of this kind, where indirectly or directly it is the principal emp'oyer and not the contractors who becomes the principal, responsible person. So, the use of the words "by" or "through" makes him again the principal, responsible person. My only anxiety is suggesting that the words "or through" be eliminated is to put the responsibility and straightforwardly on the contractor in relation to "any person employed by a contractor in or in connection with a coal mine," etc. Every person employed by a contractor is an employee and the contractor then becomes the direct person responsible in respect of that person.

of the words "or through" are omitted.

I know that in the definition of the employer which comes lower down, it is said as follows:

"...but any contractor for the working of a coal mine or any part thereof shall be subject to this act in like manner as if he were an employer, but not so as to exempt the employer from any liability".

There again, there is an attempt to rope in the contractor. But I can tell the Minister, out of considerable experience in connection not only with contract labour in coal mines but also with contract labour in quarries and various other operations, that it is the indirect way of pinning down the contractor, but making in fact the principal employer responsible and the contractor merely as somebody to be got hold of if possible, that enables the contractor to escape. I have therefore put in this amendment with the specific object that the contractor should be the direct person at whom the finger is pointed as the person primarily responsible, with only the vicarious, residual responsibility, resting with the principal person who does the work through a contractor. I hope the amendment would be accepted. It does not detract anything at all from the latter part where the employer is defined as a person who is a contractor but not so as to exempt the principal employer.

My next amendment, Sir, is concerned with the exclusion of the word "teacher" from the definition of an employee for the purposes of the coal-mines provident fund scheme. It is after a great deal of thought that I have suggested this. Quite obviously, proper homework has not been done on this subject in this new Ministry of Social Security. If they had done it, they would have found that for very good reasons, repeatedly, in legislations, whether connected with the working of factories or mines, or whe-

ther connected with social security, in general industry or establishments of that kind, the teachers have consistently been omitted. I am not going to state the reasons why they are omitted. I think that should have been done by the Ministry themselves after looking into it. But I have here a list of Acts from which the teacher is definitely excluded: the Industrial Disputes Act, 1947, the Mines Act, 1952, the Employees Provident Fund Act, 1952 and the Employees State Insurance Act, 1948, and there are very good reasons why that is so. But I am not at this stage going to educate anybody on the subject or why it is so. I repeat there ought to have been some home work done in the Ministry. With great respect I suggest that from this measure, too, the teacher sought to be excluded.

I next come to the amendment where I suggest the exclusion of another particular category namely, "any apprentice or trainee who receives stipend or other remuneration from the employer." Here again, there have been very good reasons why this House and the Ministry that used to be concerned with this subject in the past had excluded apprentices or trainees from similar legislation in the past. They have been excluded from the Employees Provident Fund Act, 1962. They have been excluded from the Employees State Insurance Act, 1948. Moreover,—and this is much more direct—the Apprentices Act, 1961—passed not so long ago—specifically lays down that "save as provided in the Act the provisions of any law with respect to labour shall not apply to or in relation to an apprentice". The only provisions which have been specifically made so applicable are Chapters III, IV and V of the Factories Act, Chapter V of the Mines Act and certain provisions in the workmen's Compensation Act. All these provisions that have been made applicable to apprentices or trainees are concerned with conditions of work, or, in the event there is an injury during the course of the work, ob-

[Shri Dandekar]

viously they ought to receive compensation. So far as the conditions of work are concerned, certainly they ought to have no less and as good, conditions of work as anybody else; but there is a very good reason why other provisions have not been applied to them. Again, I am not going into the theory of it. All that has already been debated in the past in connection with the Apprentices Act, 1961 as to why apprentices are treated in a different category from ordinary workmen. I have, therefore, suggested that they ought also to be excluded from this Bill.

**श्री बाल्मीकी :** अध्यक्ष महोदय, बहुत देर से मैं अपने एमेंडमेंट के बारे में प्रतीक्षा में हूँ ।

**अध्यक्ष महोदय :** मैं आपकी एमेंडमेंट के लिये तभी इजाजत दे सकता हूँ अगर मंत्री महोदय मंजूर करने के लिये तैयार हों ।

**श्री बाल्मीकी :** वह जरूर मंजूर करेंगे, इसकी मुझे पूरी आशा है ।

**अध्यक्ष महोदय :** मंजूर करते हैं ।

**Shri Jaganatha Rao:** I will accept the amendment. Yesterday he spoke at length and I was convinced by his argument. No speech is needed.

**अध्यक्ष महोदय :** अब तो वह मंजूर करते हैं ।

**श्री बाल्मीकी :** मैं कुछ नई बातें भी कहना चाहता हूँ । चार पांच मिनट जो आप दूसरों को समय देते हैं तो मुझे भी दे दें ।

**अध्यक्ष महोदय :** आपका मतलब बोलने से है या एमेंडमेंट को मंजूर कराने से है ?

**श्री बाल्मीकी :** मेरी बाणी सारे देश के अन्दर जाएगी, अगर मैं यहाँ बोलूंगा । आपकी आज्ञा हो तो मैं अपनी बात कह लूँ ।

आपने जो औदार्य दिखाया है, उसके लिए मैं आपका आभारी हूँ । मंत्री महोदय ने जो सहानुभूति प्रकट की है इस सुझाव में संशोधन को स्वीकार करके वह इस बात का द्योतक है कि हम इस देश के अन्दर समाजवादी समाज की रचना के साथ साथ जातिविहीन वर्ण-विहीन ऐसे समाज की रचना करना चाहते हैं जहाँ जातिसूचक शब्दों के लिए कोई गुंजाईश न हो और न ही कोई जाति-गन भावना हो । किसी को जाति के आधार पर हीन न समझा जाए । यह 'स्वीपर' शब्द, जो अंग्रेज के नौकर-शाही मनावृत्ति ने दिया था वह अब भी किसी न किसी प्रकार चलता है । सरकार का ध्यान उधर जाता है कि वह उनके लिए आदरमूचक शब्द प्राप्त करें और कानून के अन्दर उनका समावेश करे जिससे यह प्रकट हो कि वह मानव के काम की महत्ता को और काम की उच्चता को प्रकट करना चाहती है । रेलवे विभाग में भी पहले 'स्वीपर' शब्द चलता था, लेकिन उस विभाग ने औदार्य दिखाकर इस शब्द के स्थान पर 'सफाई वाला' शब्द रखा है और वह काफी चालू है । अब हमारी संस्थाओं के नाम भी इस तरह रखे जाते हैं जैसे "सफाई कर्मचारी संघ" ।

इसी सिलसिले में मैं कल की एक छोटी सी घटना आपके सामने रखना चाहता हूँ, जिससे प्रकट होगा कि इस विभाग में कितना सुधार हो रहा है ।

**अध्यक्ष महोदय :** आप जिस प्युनियन के प्रेसीडेंट हैं क्या उसका नाम बदल दिया ?

**श्री बाल्मीकी :** मैं कई संस्थाओं का प्रेसीडेंट हूँ । बाल्मीकी समाज का भी हूँ, उसका नाम नहीं बदला है, लेकिन उसका अपना अलग पहलू है ।

तो मैं आपके सामने कल की एक छोटी सी घटना रखना चाहता हूँ। कल मेरे पास 6 सफाई वाले कर्मचारी रेलवे के आए। मैं इसमें नहीं जाना चाहता कि उनका संकट क्या था, उन पर पुलिस भ्रष्टाचार कर रही थी या अफसरों की तरफ से उन पर भ्रष्टाचार हो रहा है। लेकिन मैं एक और बात आपके सामने रखना चाहता हूँ। मैं ने उन से पूछा, गलती से, कि तुम मेरी विरादरी के हो, तो उनमें से दो ने कहा कि हम बाल्मीकी हैं, दो ने कहा कि हम ब्राह्मण हैं, एक ने कहा कि मैं ठाकुर हूँ और एक ने कहा कि मैं बड़ई हूँ। यह इस बात का द्योतक है कि आज देश के अन्दर इस सफाई के प्रति भावना में परिवर्तन हो रहा है और इससे प्रकट होता है कि जातिवाद किसी हद तक हट रहा है। मुझे यह देख कर बड़ी प्रसन्नता हुई कि सफाई के काम में सब जाति के लोग भा रहे हैं, हाँ मैले की सफाई के काम में अमीर अन्य लोग शिक्षक से नहीं भा रहे हैं। इसी भावना को सामने रखते हुए मैंने यह संशोधन रखा है कि धारा 2 के उपबन्ध 3 के अनुबन्ध 2 में जो 'स्वीपर' शब्द है उसके स्थान पर शब्द 'सफाई वाला' रखा जाए।

मैं मंत्री महोदय को और भारत सरकार को धन्यवाद देना चाहता हूँ कि वे हमारी भावना का धादर कर रहे हैं और उसी दृष्टि से इन बातों पर विचार करते हैं। मैं प्रार्थना करता हूँ कि मेरे संशोधन को स्वीकार किया जाएगा।

Page 3, lines 17—

for "sweeper" substitute "saintary worker". (7)

**Shri Kapur Singh (Ludhiana):** My objection is, he is mounting a direct attack on our sacred *varnasramadharm*, which is not permissible in a country and Parliament which is based on the postulates of secularism.

**श्री बाल्मीकी :** मैं कहना चाहता हूँ कि मैंने गुरुओं से बहुत सीखा है, मैं उनका आभारी हूँ।

**Shri Jaganatha Rao:** As regards Mr. Dandeker's first amendment, he takes objections to the words "any person employed by or through a contractor" and he wants "through" to be omitted. What is contemplated is, a person may be employed by a contractor or in cases where the contractor does not come into the picture, he may be employed through a contractor. So, it is contemplated to include cases where it is not possible to say that the contractor himself has appointed a person. Again it is a form of drafting and no serious objection can be taken to that.

**Shri Warrior:** Otherwise, the contractor will escape responsibility. **Shri Jaganatha Rao:** Then, I do not know why Mr. Dandeker is opposed to the inclusion of "teachers" within the definition of employees.

**Shri N. Dandeker:** Why have they been excluded in other Acts?

**Shri Jaganatha Rao:** We have grown wiser; this is 1985 and there is a change in thinking. Those Acts were passed in 1952 or earlier.

**Mr. Speaker:** He said that some home-work must have been done by the ministry.

**Shri Jaganatha Rao:** Much work is being done before a Bill is brought before the House. It is said that teaching is a noble profession but they are poorly paid. So, some provision has been made for them allowing them to contribute to the provident fund under the Coal Mines Provident Fund Act. What is wrong in that? There are some primary and middle schools in private coal mines and the teachers there are paid some paltry amount. Let us give them some

[Shri Jaganatha Rao]

benefit. We are thinking seriously how we can possibly evolve a provident fund scheme for the entire teaching profession in the country. In the light of that, I want the word 'teacher' to remain here.

Then, he wants to omit "any apprentice or trainee who receives stipend or other remuneration from the employer". Section 13 of the Apprentices Act says:

"The employer shall pay to every apprentice during the period of apprenticeship training such stipend at a rate not less than the prescribed minimum rate as may be specified in the contract of apprenticeship and the stipend so specified shall be paid at such intervals...."

Sub-section (2) says:

"An apprentice shall not receive any other payment from his employer nor shall he be paid on the basis of piece work or required to take part in any output bonus or other incentive scheme."

So, an embargo is placed on the apprentices from receiving any incentive bonus or production bonus. So, an apprentice or trainee who receives stipend or other remuneration is described as an employee, because he receives wages and he is entitled to medical facilities, e.c. under the Employees' State Insurance Act. So, he would be entitled to the benefits of the Provident Fund Act also. He can contribute to the provident fund. Under the Coal Mines Provident Fund Act, there is a voluntary scheme. As I said earlier, we wanted to put it on a statutory footing to include apprentices and trainees who receive some payment.

Regarding Mr. Balmiki's amendment, though I feel really inclined to accept it, 'saphaiwala' does not seem to be an elegant term to be used in

an enactment. In the Hindi translation, we may use the word 'saphai-dala' but in the English version, we can use 'sanitary staff' or something like that. 'Saphaiwala' does not sound well.

Shri N. Dandekar: You may say 'cleaner' instead of 'sweeper'.

श्री बाल्मीकी : दूसरे विभागों में यही शब्द इस्तेमाल होता है। अंग्रेजी के कागजात में भी यही शब्द इस्तेमाल हो रहा है।

Shri Jaganatha Rao: It should also be elegant. We can have 'sanitary staff' in English and 'saphaiwala' in Hindi. Otherwise I entirely agree with the sentiments expressed by him.

अध्यक्ष महोदय : कहिए बाल्मीकी जी, आप कौन सा शब्द चाहते हैं।

श्री बाल्मीकी : कुछ शब्द समान रूप से अंग्रेजी में और हिन्दी में सारे देश में चलते हैं, जैसे चायवाला, बिसकिट वाला, धादि।

अध्यक्ष महोदय : तो आप कोई 'वाला' चाहते हैं।

श्री बाल्मीकी : रेलवे में यही चल रहा है।

श्री स० मो० बनर्जी (कानपुर): यह तो पारसियों जैसा नाम होगा।

Mr. Speaker: That also can be a genuine difficulty.

Shri Sinhasan Singh: For 'sweeper' we may substitute 'sanitary servant'.

श्री बाल्मीकी : आप चाहें तो अंग्रेजी में शब्द "सैनेटरी वर्कर" रख सकते हैं और बिसकिट में रख दें "सफाई वाला"।

अध्यक्ष महोदय : जो मैं समझा हूँ वह यह है कि सफाई वालों में सिर्फ स्वीपर्स को ही नहीं लाना चाहते बल्कि ब्राह्मणों को भी लाना चाहते हैं ।

श्री बाल्मीकी : मझे कोई प्रोब्लेमशन नहीं है । ब्राह्मणों की तरफ हम जा रहे हैं तो वह इधर घा रहे हैं, तो कोई ऐसी बात नहीं है । बाकी मल तक उन का काम नहीं है ।

अध्यक्ष महोदय : रास्ते में कहीं तो मिलन होगा ही ।

14 hrs.

Shri Balkrishnan (Koilpatti): Sir, I would suggest that instead of putting only *saphaiwala*, we may put "sanitary workers, sweepers and scavengers".

Shri Jagantha Rao: He is objecting to the word "sweepers". I think "sanitary worker" may be there, because it is a more dignified term.

Mr. Speaker: Shall I put it to the vote of the House?

श्री बाल्मीकी : जी हाँ ।

Shri S. M. Banerjee: Sir, there is one difficulty. Supposing a sweeper needs a certificate from the authorities showing that he belongs to the Scheduled Case, there will be difficulty. So I suggest that this term "sanitary worker" may also be added to the Schedule as otherwise there will be difficulty in obtaining a certificate saying that he belongs to the Scheduled Caste. This is a practical difficulty.

Shri Kapur Singh: "Sanitary" is an adverbial adjective. It cannot be properly yoked here to the noun, "worker". It should be "sanitation worker".

अध्यक्ष महोदय : इस विषय पर पढ़कर अंग्रेजी घाने वाला तो मैं हूँ नहीं जोकि

इतना फर्क समझ सके मैं तो अंग्रेजी इधर की ही पढ़ा हुआ हूँ ।

Shri Jaganatha Rao: "Sanitary" is more proper in this context.

Shri Shinkre (Marmagoa): But his objection is valid.

अध्यक्ष महोदय : आप भी क्या विषय से पढ़े हुए हैं ?

Shri Shinkre: No, Sir.

Mr. Speaker: Then let him resume his seat. I shall now put amendments 2, 3 and 4 to the vote of the House.

Amendments Nos. 2, 3 and 4 were put and negatived.

Mr. Speaker: Then I shall put Shri Balmiki's amendment as amended to the vote of the House. The question is:

Page 3, line 17,—

for "sweeper" substitute "sanitary worker". (7)

The motion was adopted.

Mr. Speaker: I shall now put clause 2, as amended, to the vote of the House. The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clauses 3 and 4 stand part of the Bill.

Mr. Speaker: Then we come to clause 5.

Shri Shiv Charan Mathur: Sir, amendment No. 1 which stands in my name is a very simple amendment but it is full of significance. As I said earlier, these schemes will involve huge sums of money and they will cover a large section of industrial workers. After these schemes are brought into effect under this Act, my



[Shri Shiv Charan Mathur]

suggestion is that they should be brought before the Parliament and they should be endorsed by both the Houses of Parliament. If the Parliament is not in session and during that period the Government brings into existence some such schemes, as soon as the Parliament meets, those schemes should be brought before the Parliament for its endorsement. Therefore, this is a simple amendment.

**Shri Jaganatha Rao:** Sir, as far as the amendment goes I would be inclined to accept it, but my only difficulty is that it cannot be an amendment to clause 5. Clause 5 speaks only of bonus schemes. The amendment that is suggested should relate to both provident fund schemes and bonus schemes. The proper clause to which this amendment can be accepted is clause 6. I do not know whether at this stage you can allow this amendment to be moved to clause 6. In case it is moved to clause 6 I am prepared to accept it and not here.

**Mr. Speaker:** Is the hon. Member prepared to move it to clause 6?

**Shri Shiv Charan Mathur:** Yes, I am not moving it to clause 5.

**Mr. Speaker:** So, the question is:

"That clause 5 stand part of the Bill."

*The motion was adopted.*

*Clause 5 was added to the Bill.*

**Clause 6.—(Insertion of new section—14).**

**Mr. Speaker:** Then we come to clause 6. Is the hon. Minister accepting amendment No. 1 of Shri Shiv Charan Mathur to this clause?

**Shri Jaganatha Rao:** Yes, I am accepting it.

*Amendment made.*

*Page 6,—after line 32 insert—*

"7A. Every scheme made under this Act shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the scheme or both Houses agree that the scheme should not be made, the scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that scheme." (1)

*(Shri Shiv Charan Mathur)*

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

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

*The motion was adopted.*

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

*Clauses 7, 8 and 9 were added to the Bill.*

**Clause 10.—(insertion of new section 10B to 10F).**

**Mr. Speaker:** Then we come to clause 10.

**Shri N. Dandekar:** Sir, I beg to move:

*Page 10,—*

*after line 17 insert—*

"Provided further that nothing contained in this sub-section shall

\*In view of Amendment No. 1 to clause 6 having been adopted, the following consequential amendment were also made in that clause as patent errors under the direction of the speaker:

- (i) Page 6, line 31, for "section" read "sections".
- (ii) Page 6, line 33, for "7A", read "7B."

render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. (6)

Sir, I have taken this practically literally from the corresponding provision in the Employees' Provident Fund Act. Section 14A. (1) of that Act has below it this proviso:

"Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence."

The same rationale that applied there applies here, namely, that in these cases of coal mines and so on the one ought to be doing one's best. If one can prove that the offence was committed without his knowledge and, more particularly, that he exercised all due diligence to prevent the commission of such an offence there ought to be no punishment impossible. Obviously, a mine owner does not himself sit on the mine. To do all these things, particularly in connection with Provident Fund, Bonus Schemes and so on, they employ a large number of employees and often there is a good deal of laxity about it on the part of employees. As this proviso exists in the corresponding employees Provident Fund Acts, I suggest that this may also be accepted in this particular clause.

**Shri Himatsingka (Godda):** Mr. Speaker, Sir, I support the amendment moved by Shri Dandekar. The same proviso exists in the Companies Act and elsewhere also. A person who is made responsible for the offence, if he can show that he has taken all possible steps and all precautions to prevent anything happening, he is not punishable. Therefore, I think this proviso should be accepted here.

1317 (a) LSD—7.

**Shri Jaganatha Rao:** Even without this proviso it is always open to a person who is accused of having committed an offence to prove that he took all precautions etc., and that he has no knowledge of the crime. It is left to him to prove that he too exercised all due diligence to prevent the commission of such an offence. Therefore, I do not think this proviso is necessary.

**Shri N. Dandekar:** Do you mean to say that the proviso in those other Acts was unnecessary?

**Mr. Speaker:** That home work has not been done.

**Shri Jaganatha Rao:** I think that the absence of this proviso would not alter the situation.

**Mr. Speaker:** I shall put amendment No. 6 to the vote of the House.

*Amendment No. 6 was put and negatived.*

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

"That clause 10 stand part of the Bill."

*The motion was adopted.*

*Clause 10 was added to the Bill.*

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

"That clauses 11 to 15 stand part of the Bill."

*The motion was adopted.*

*Clauses 11 to 15 were added to the Bill.*

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

**Shri Jaganatha Rao:** I beg to move:

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

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

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

*The motion was adopted.*