

[Mr. Speaker]

Regarding the point raised by Shri Mahanty about the application of article 355, while he admits that law and order and other things are not sought to be brought up here, he says that it is a constitutional issue whether the visitorial jurisdiction of the Central Government as envisaged in article 355, according to his interpretation, ought not to be exercised and whether the aid of this House ought not to be invoked for this purpose. That is the point he raised on that day and he has raised it today also.

The terms of this article are:

"It shall be the duty of the Union to protect every State against external aggression...

There is no external aggression here.

...and internal disturbance and to ensure that the Government of every State is carried on in accordance with the provisions of this Constitution."

Hon. Members are aware that there was a distinction between Part A States and Part B States and there was a kind of jurisdiction vested in the Central Government to give direction and see that the Governments in the Part B States are run in an orderly manner. However, the Part B States protested against this power and one after another, they got out of this. Ultimately, after the States Reorganisation Act, the difference between the Part A and Part B States disappeared. During the course of ten years, every State has come into Part A.

In these circumstances, what are the limits within which article 355 can be invoked? Of course, in the case of external aggression, the aid of this House can be invoked, and that comes within the jurisdiction of this House. In the case of failure of the Constitution, the provisions are contained in the next article, 356. These articles 355 and 356 have to be read together. The internal disturbance should be of

such a grave nature that the President's jurisdiction, as if an emergency has taken, is to be invoked. Normally, the President's jurisdiction under article 355 ought not to be invoked. These two articles have to be read together. The whole thing has cooled down.

Some hon. Members: No, no.

Mr. Speaker: There is not even such difficulty here as in Ramanathapuram. Article 356 is an emergency provision in case of failure of constitutional machinery in States. There is no failure. The Government is going on there. In these circumstances, article 355 does not apply to a case of this kind.

#### EMPLOYEES' PROVIDENT FUNDS (AMENDMENT) BILL

The Deputy Minister of Labour  
(Shri Abid Ali): Sir, I beg to move:

"That the Bill further to amend the Employees' Provident Funds Act, 1952, be taken into consideration."

As the House is aware, the parent Act was enacted in 1952. It originally applied to six important industries, covering about 2000 establishments, with about 15 lakh members. During the last two years, it has been extended to 32 additional industries including sugar, matches, heavy and fine chemicals, edible and non-edible oils and fats, plantations, manganese, gold, limestone, etc. At present, the Act applies to 6375 establishments employing about 29 lakh workers. About 24 lakh people are members of Employees Provident fund. The average monthly contribution in respect of these above establishments comes to over Rs. 2.3 crores. The total accumulations for the covered employees is nearly Rs. 104 crores. The provident fund moneys are exclusively invested in Central Government securities. In fact, the exempted establishments have also to comply with this condi-

tion, but they are utilised for financing the development projects under the Second Five Year Plan. It is our intention that the benefit of the provident fund should be extended during the Second Plan period to workers in all industries with an employment strength of 10,000 or more. We propose to cover the other organised industries also even though their employment strength is less. It is our hope that shops, commercial establishments and transport undertakings would also be covered before long. The Act as it stands at present does not apply to any establishment belonging to the Government or local authority. Even though most of the Government owned undertakings provide provident fund benefit similar to those provided under the Act, it has been the desire of the Government that the exclusion of establishments belonging to the Government or local authorities from the purview of the Act should be done away with and that the provisions of the Act should apply equally to both the public and the private sector. The proposed amendment seeks to achieve this objective.

I commend the measure for its acceptance.

**Mr. Speaker:** Motion moved:

"That the Bill further to amend the Employees' Provident Funds Act, 1952, be taken into consideration."

Is there any amendment to this motion? None.

**Shri Braj Raj Singh (Ferozabad):** What is the time allotted?

**Mr. Speaker:** The time allotted is two hours, with discretion to the Chair to extend. I shall see that every hon. Member gets sufficient time to speak on this matter.

**Shri Tangamani (Madurai):** Mr. Speaker, the Mover of this amending Bill has introduced it with a very short speech. To Section 16 of the Employees Provident Funds Act which this amending Bill seeks to replace, no one will have any serious objec-

tion. But, there are other points in this amending Bill and in the Employees Provident Funds scheme generally to which I would like to address myself in the latter part of my speech.

Coming to the Bill itself, the Employees Provident Funds Act, 1952, did not apply to the establishments belonging to the Government or local authorities by virtue of section 16(1) (a) of the Act. Repeatedly representations have been made, both from Trade union organisations and also from tripartite committees and also the various Provident Fund Boards set up, that this exemption should go. It is a good thing that the Government has come forward with a proposal to take away this exemption.

In another part, this Bill seeks to expand the definition of 'appropriate Government'. In the original Act, section 2 reads as follows:

"In this Act unless the context otherwise requires—

(a) "appropriate Government" means—

(i) in relation to an establishment which is a factory engaged in a controlled industry, or a mine or an oil field, the Central Government, . . ."

By this amendment, "appropriate Government" means—

"(i) in relation to an establishment belonging to, or under the control of, the Central Government or in relation to an establishment connected with a railway company, a major port, a mine or an oil field or a controlled industry, the Central Government;"

The term 'appropriate Government' has been expanded so far as the Central Government is concerned. There is room for expanding it further. These are the two positive sides or positive aspects of this amending Bill.

The third aspect, which is a negative aspect is, whereas in the parent act, in section 16(1) (a), infant factories, factories which are three years

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old have been exempted, the amending Bill does not disturb it. After this amendment, what we find is, certain industries or concerns under the Central Government which were exempted under section 16(1) (a) are now included. In other words, these concerns under the Central Government also will come under the purview of the Provident Funds Act. But the factories which were started only three years ago were given exemption. Those factories are still exempted under this. This, in short, is the scope of this amending Bill.

But, at the outset I would submit that it is not proper for the Government to come forward with such piecemeal legislations. The hon. Deputy Minister when he introduced this Bill stated that the original Act—I am coming to it later on—applied only to big factories, that he proposed to enlarge it to include small factories also; the original Act did not extend to transport companies and therefore he proposed to extend it to transport companies also. He himself feels that very soon suitable amendments will have to come to the original Act, and that suitable amendments will have to come in the provident fund scheme also. So, why rush with this piecemeal legislation, because in the next session, I am afraid, another amendment is going to come?

I expected that the hon. Deputy Minister, while introducing this amending Bill, would tell the House about the history of the provident fund scheme itself, how it has been working, why we have to come forward with such an amendment, why we do not come forward with a comprehensive amendment etc. These are points, I feel, in which the House is very much interested.

The Provident Fund Act or the provident fund scheme was not in existence during the British period, but even before 1947 in almost all the demands by the various trade unions, the demand for provident fund was

there. I remember in 1946 as a result of such a demand, as a result of the strike notice which was given and as a result of the strike which took place, the transport workers in Madura got the benefit of this provident fund scheme. In the same way, in various industries throughout the country, the workers were getting some kind of provident fund scheme or other. There was no legislation compelling the employer to introduce the provident fund scheme. So, this scheme for provident fund has come about as a result of the concerted movement of the workers for a period of over 20, 25 years. Even in the framing of the rules for the scheme, the workers have advanced suggestions which have proved to be very useful and valuable.

What is a provident fund after all? It is nothing but a compulsory saving. We tell the worker: "Out of your monthly salary, you set apart  $\frac{1}{16}$  or  $\frac{1}{12}$  or  $\frac{1}{10}$ . The incentive that I am giving you is that if you give me  $\frac{1}{10}$  of your salary, I will compel the employer to contribute an equal amount. So,  $\frac{1}{10}$  and  $\frac{1}{10}$  will make  $\frac{1}{5}$ . This  $\frac{1}{5}$  will accumulate, and at the time of your retirement, or a particular time that we specify, you will be entitled to the entire amount, and also the interest thereon. The administrative expenditure will not be deducted from this  $\frac{1}{5}$ ; any other incidental expenditure will not be deducted." This is the incentive to the worker to save, and it is nothing but compulsory saving. So, an incentive is given to the worker to compulsorily save, and when he saves, the employer also contributes, and when the maturing time comes, he gets the full amount.

So, this concept has grown, and even today all the trade unions, whatever they may say about the Employees' State Insurance Scheme or about other schemes, welcome this provident fund scheme. I will come to the present position bit by bit.

As early as April 1948, the Ninth Session of the Indian Labour Conference discussed this matter threadbare, that we must have a proper employees' provident fund Act and that many industries must come under this. It was pointed out then that there was a provident fund scheme which was in operation in the coal mines, and I remember the Labour Minister said: "We will have to watch the working of the scheme in the coalmines. Then, let us refer it to the Standing Labour Committee, and if the Standing Labour Committee considers it worth while, then we will come forward with legislation."

So, at the twelfth meeting of the Standing Labour Committee, which was held in November, 1950, the whole question of provident fund scheme was discussed, and the Government agreed to draft the Bill. The first scheme was introduced in 1947. It was discussed in 1948. It was again re-emphasized in 1950, and in January, 1951 it was emphasized by all the State Labour Ministers. In the State Labour Ministers' conference which was held in January, 1951 they really impressed upon the Government the need for having a suitable legislation for giving provident fund facilities to all the employees, and the Government decided to do it.

The first form in which this particular Bill came was through an ordinance. It was Ordinance No. 17 which was promulgated on 15th November, 1951 and it came into force immediately. In the Ordinance itself there were two schedules. The first schedule mentioned the various industries which would have to be included. The second schedule mentioned the contribution of the workers. And even then, the contribution of the workers was 1/16 of their basic wage and dearness, that is 6½ per cent. Following this, a Bill was introduced on the 14th February, 1952 and it was passed on 23-2-1952, and the assent was received on 4th March, 1952. And that is the principal or the parent Act, Act No. 19 of 1952.

I have dealt with the background in great detail to show how the Act itself had to come. There was tremendous amount of pressure from the trade unions, from the workers, and there was a real reluctance to proceed with this. So, four, five years had to elapse, and as a result of this concerted effort, which was voiced by the Labour Ministers, which was voiced at the Indian Labour Conference, which was also voiced in the Standing Labour Committee, ultimately the Act had to come, the Ordinance had to be promulgated coming into force immediately, and then subsequently, a few months later, the Act itself was passed.

Now, I would like the hon. Deputy Minister also to look into this Act. For the lay man or for the person who is not directly involved in the trade union movement, it is very difficult to make out what this Act is all about, because it was hurriedly brought forward. This Act was only an Act which replaced the Ordinance. The Ordinance was passed, it was prepared very hurriedly, and two schedules were incorporated. So, the purpose of the Ordinance was to show the intention of the Government to come forward with such a scheme. They could not really address themselves to the various details of the scheme, and so they said that for six industries they were going to have this provident fund scheme. But what was to be the scheme? The scheme had to be worked out threadbare later on, but the same thing is not found in this Act, and it has been amended from time to time. Now, the whole Act will have to be recast, because since November, 1951, this has been enforced first in the case of six industries, and later on 13 industries have been added, and now the total number of workers who will be benefited, according to the figures given by the Mover of this Bill, is 29 lakhs. Twentynine lakhs of industrial workers are going to be benefited. We have got the experience of more than five years, but the Act is being added to bit by bit. That, I submit, is not a very healthy position.

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The original attempt was to apply it only to six industries, and those six were mentioned in the very first Act itself, namely cement, cigarettes, electrical, mechanical or general engineering products, iron and steel, paper, and textiles. But even in these six industries, not all the units were covered by the provident fund scheme. Only those units which were employing more than fifty workers were covered. Section 1 (3) says:

"Subject to the provisions contained in section 6, it applies to every establishment which is a factory engaged in any industry specified in Schedule I..."

—that is, those six industries—

"...and in which fifty or more persons are employed."

And this is found in the body of the Act. The body of the Act makes it clear that in any one of those industries which would be mentioned in Schedule I—that is, in the first instance, those six industries—those units which employ fifty or more workers will be covered by this.

Now, the question about the apprentices, contract labour and so on is left open, and that is to be left to the interpretation of the Provident Fund Commissioner or any other authority who will be called upon to do so. That was a lacuna in the original Act itself.

Again, section 6 of the original Act, which has not been amended, says:

"The contribution which shall be paid by the employer to the Fund shall be six and a quarter per cent of the basic wages and the dearness allowance for the time being payable to each of the employees, and the employees' contribution shall be equal to the contribution payable by the employer in respect of him and may, if any employee so desires, and if the scheme makes provision therefor, be an amount not exceeding eight and one-third per cent of his

basic wages and dearness allowance..."

So, it is established by section 6 that the contribution by the worker is to be 6½ per cent. In other words, if he contributes for sixteen months, he would be contributing one month's full salary. So, after 16 months he will get one month's full salary which he himself has contributed and one month's full salary which the employer would have contributed, and after the maturing period, the interest on his contribution and the employer's contribution. That was the percentage fixed in the first instance.

From that day onwards, there has been a demand that it must be raised to eight and one-third per cent, so that the worker should feel that at the end of one year he has saved one month's wages; and as a result of his saving, the employer is also forced to part with one month's wages. So, at the end of one year, he will feel that he has got two month's wages to his credit. And if he retires after twenty years' service, he will have forty months' wages to his credit. That is exactly what the workers must get. That was exactly what the Minister also wanted.

I find from the papers today that the National Development Council which met on Saturday, the 3rd inst. considered this aspect. Lest it should be said that the worker is not contributing to the Second Five Year Plan, I would like to point out that the worker is also contributing through his provident fund Rs. 100 crores to the Second Plan. Now, this Rs. 100 crores can be increased to Rs. 125 crores, if the percentage is increased from six and a quarter to eight and one-third. We want to know where the hitch lies. Government want this to be increased from six and a quarter per cent to eight and one-third per cent. The workers also, irrespective of their affiliations, whether it be AITUC, or INTUC, or HMS, want it enhanced. And if I am not wrong, it

is stated that one of the Ministers of the Madras State Government, and one of the Ministers of the Assam Government have said that it is about time that the rate was enhanced from six and a quarter per cent to eight and one-third per cent, so as to increase their internal resources. And Rs. 25 crores is no small amount. Rs. 25 crores being contributed by 29 lakhs of workers will be an additional contribution. The worker's patriotism is being tested here; he is prepared to pay eight and one-third per cent instead of six and a quarter per cent. So, that is a matter which has to be immediately looked into. It may have to be decided next month. So, why should we rush with this piece-meal amendment?

Another point which was raised right from the very beginning was the question of the scheme itself. We know, and the Deputy Minister knows, that the Payment of Wages Act will apply to a particular worker or employee whose monthly salary is Rs. 300. But now, it is Rs. 400. If you go through the Act, you will not be able to find it out; supposing a worker is getting Rs. 400 p.m. as total emoluments, you will not be able to find from the Act whether he will be entitled to the benefit of this provident fund scheme or not. For that, you will have to refer to Schedule II. And Schedule II was framed at the nick of the moment when the ordinance was going to be passed.

The first item in Schedule II reads:

"The employees or class of employees who shall join this Fund, and the conditions under which employees may be exempted from joining the Fund or from making any contribution."

That is a matter which will have to be specified by notification. The scheme is much bigger than the Act itself. Merely by looking into the Act, one will not be able to find out what the scheme is. Since I still happen to be a member of the Provident Fund

Board in the Madras State, I am able to speak here with some experience when I say this. And as for the scheme itself, the scheme is getting amended now and then. And the scheme as it stands is not available to anybody, and even the worker who contributes knows very little about it.

So, I would submit that these essential things which we have now learnt as a result of the working of this Act for more than five years must be embodied in the legislation itself. There is also one other suggestion in this respect. Under the Payment of Wages Act, the ceiling fixed is Rs. 400. Why should any employee who is getting Rs. 400 be deprived of the provisions of the Employees Provident Funds Act? According to the scheme, it is only Rs. 300 in the case of certain people. Why should it not be increased to Rs. 400 in their case also? These are legitimate questions which will have to be answered some time or the other.

In the same way, item No. 2 in Schedule II reads:

"The time and manner in which contributions shall be made to the Fund by employers and by, or on behalf of, employees, the contributions which an employee may, if he so desires, make under subsection (1) of section 6, and the manner in which such contributions may be recovered."

All these are matters which will have to go into the provident fund scheme

So far as the question of contract labour is concerned, it is left blissfully vague. So is the case in regard to the apprentices also. In regard to both, the scheme says 'We cannot have anything to do with you'. And what is happening as a result of this? I can give you concrete instances in this behalf, from the textile industry. I know distinctly of some cases, where it was said that out of 2000 workers, 1500 were apprentices; even though they had put in ten years' service, it

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order to get round this Employees' Provident Fund Act, it was said that these 1500 were apprentices and they were still learning, and since it was an important industry, they should learn for about fifteen years. If this be the sort of attitude, then I would say that the Provident Fund Commissioner shall have to go and inspect that particular factory and see that these 1500 workers also are covered by this scheme, so that all the 2000 will have the benefit of it. So that way also, there is a lacuna in the Act which has to be set right.

I can develop this point further, but the point that I want to make is that the essential things which we have learnt as a result of having put into operation the employees' provident fund scheme must be embodied in the enactment itself. Otherwise, we shall not be doing justice to this House, or to the employees or to the employers or to the various State Governments who are very anxious to see that the scheme succeeds for the purpose of raising their internal resources.

The other important sections in the Act are sections 15, 16 and 17. Section 15 deals with those units where the worker was able to get his provident fund as a result of collective bargaining and as a result of struggle. Section 16 is the section which we are now seeking to amend. Section 17 is that section which gives power to Government to exempt those factories in which the provident fund facilities which the workers were enjoying then were equal to, if not superior to, the facilities which it was proposed to give to them.

13.39 hrs.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

I shall now tell you how the whole thing was administered originally.

Now, the Central Board of Trustees itself, which is a very important

body for administering this particular scheme, was formed by the Central Government on 31-10-53. The Ordinance came in November 1951, the Bill was passed into Act early in 1952 and the Central Board of Trustees was appointed on 31-10-53, with the Minister of Labour as Chairman. The Central Government are empowered to constitute State Boards and appoint Regional Commissioners. Now, various State Boards are there. There has been a demand from the State Boards that finance must be decentralised and State Boards must have more voice in this matter. There was a circular to the effect that it was going to be decentralised. Suddenly we find that that circular has been withdrawn. Still so many things are a mystery even to those people who are in the Provident Fund Board itself.

Having said this, I shall deal with the question of administration. How much is to be the administrative expenditure for running this entire scheme? If we go through the pages of the Act or the amending Bill, we will not get any inkling of this. It was by a notification dated, I think 28th January 1951, 1952 or 1953, that the Central Government said that 3 per cent of the total contribution was to be paid for administrative expenses. It is for those units which come under the provident fund scheme and which are not exempted under section 17. What is to happen to all those factories exempt under section 17? They were not contributing anything. Government saw this lacuna. Then they said: 'you contribute 3/4 per cent'. That is to say, 3/4 per cent contribution by those factories which are exempted under the Act and 3 per cent contribution by those factories which come directly under the Act.

I feel that as regards these exempted factories also, some stringent measures will have to be put in here. The inspection is to be made once in six months. But we have received complaints from several sources. I have received complaints from West Bengal

also. Certain factories—this is in the report itself—which are exempted are now forced to invest—it is not by law; it is a peculiar position—But they are not investing like that. I do not want to use a strong word and say there has been misappropriation, but we do not know what has happened to the money which has been contributed by the employers and employees. Such things are happening in West Bengal. So we will have to carefully go into this and see how far exemption could be given, how far we could check these exemptions, when once exemption is given, how often inspection is to be effected and so on. All these matters are not only administrative matters, but they come very much into the picture of the enactment itself. Unless all these matters are suitably covered and brought within the ambit of this Bill itself, I will have to say that this Bill will not serve the purpose for which the original framers of the Act wanted it.

The Central Board of Trustees at their meeting held on 24-3-57—that is, very recently—stated that the question of recoverable loans to employees suffering from serious illness must be considered. I will cite a practical difficulty also. Some workers would like their particular unit to be exempted, because when they are exempted, they are no longer governed by the various rules or schemes which have been operating under this Act as per Schedule II. There, is a provision for getting loans repayable in easy instalments. Suppose the worker has contributed Rs. 500 and the employer's contribution will be Rs. 500. This will make Rs. 1000. He can draw from it up to a maximum of Rs. 300 or 60 per cent of his contribution. Then he will have to repay in easy instalments of Rs. 50 or Rs. 20. That provision is there in all provident fund schemes which are private, but in the Government provident fund scheme in factories which are not exempted, there is no such scheme. This is a crying demand from the workers. The only exemption that is now given is when

the worker insures his life with any one of the private companies; now, it has come into the LIC. That is the only provision given.

The Deputy Minister knows, particularly Shri Nanda knows, that today industrial housing is very important. We want to encourage co-operative industrial housing. For co-operative industrial housing, the worker will have to contribute Rs. 800 or so. How can he contribute Rs. 800? His salary is only Rs. 80. Every month he contributes Rs. 5. Every month, there will be Rs. 10 to his credit, that is, Rs. 120 at the end of the year. Probably, at the end of 5 years, he will have more than Rs. 600 or at the end of 10 years, he will have more than Rs. 1000. If out of this amount of Rs. 1000, Rs. 600 could be withdrawn, then there is a possibility of his contributing; otherwise, it is not possible at all.

This has been discussed at several meetings of the Consultative Committee; it has been raised at the Indian Labour Conference. It has also been discussed in the Housing Ministers' Conference. It was considered in the Seminar for community development too. In all these places, it has been discussed and everybody appreciates that it is a very good thing. But this modification in the scheme never takes place. The worker is also wondering what is happening. Whenever there is a certain piece of legislation for the workers, he has to struggle; when the legislation has to be enforced, then also he has to struggle. Government accept the justice of the case, but still he does not get it. There is something wrong with the way in which the whole motive force behind it is working.

It has not been possible to enhance the rate from 6-1/4 per cent to 8-1/3 per cent. This is not an idle demand of some people. It has become the demand of the entire trade union movement of this country. On the 27th March 1957, three Central trade union organisations, the All India Trade Union Congress, the Hind Maz-



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door Sabha and the United Trade Union Congress and Federations like the All India Defence Employees' Federation, All India Bank Employees' Association and Posts and Telegraphs' Employees' Association—all these people combined together and one of the demands is that this 6-1/4 per cent. must be increased to 8-1/3 per cent. Are we going to have this as part of this Bill? That is exactly what I want to know.

It is stated in the papers today that Shri Nanda, our Planning Minister, and luckily for us, Labour Minister also, has said that the provident fund contribution is one of the important internal resources, and the provident fund contribution should not be restricted to factories having 50 workers or more; it must be enlarged to cover small units also. It may be that we can say that all the factories should be included, that is, units having 10 workers, where it is run by power, and 20 workers, where it is not run by power, will be factories. So any unit which comes under the Factories Act will have to come under this scheme also.

I will now conclude with a few more observations. As I have said earlier, this amending Bill contains three aspects. The first aspect relates to expanding the definition of 'appropriate Government'. The second aspect is regarding giving no exemption to Government industries. The third aspect is concerned with maintaining the *status quo* regarding infant industries.

13.49 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

Nobody can have any objection to the first two. To the third, we have objection. Why should be exempt certain units? Although there may be 4800 workers in a particular unit, Provident Fund contribution is only a part of his wages. He is paying probably more wages. Apart from that,

this has nothing to do with the profit and loss account. It is a thing which is part of the salary; some more salary is paid and the worker is made to save.

Now, various suggestions have been made. As I have said, many of the things which come under the employees' provident fund scheme and as envisaged in Schedule II, will have to be embodied in enactment itself. As I have already stated, we will not know what type of workers will be governed by these schemes unless we go into the schemes. The lacuna is there.

The second point is we will have to bring in more and more the State Governments. Many complaints have been made to the State Boards and they will have to meet more often because they have become important organisations now. What is the use of the State Boards meeting 4 or 5 times in these five years. In Madras I have received the same complaint. The State Board now in Madras is meeting at least twice a year. I have received a letter from West Bengal stating that the State Board has met 3 or 4 times all these 5 years. We make suggestions; we send them to the Central Board and nothing is known about it.

There is another lacuna. I was very happy to learn from the hon. Deputy Minister that this is going to be extended to the automobile industry also. In the automobile industry, there are two parts. On the one side, there are the maintenance workshops and on the other side, there are the transport workers. We contended that because these workshops are engineering workshops, they should also be covered by the Employees Provident Fund Act. The employers said, 'All right; the workshop workers will be covered by this and the transport workers will not be covered by this; for the transport workers, we

are having some kind of statutory scheme'. Ultimately, the matter was referred here. When the matter came up here, I believe the legal experts and also the Commissioner held that it is not a manufacturing process; and the workshop is only for repairs and maintenance and other things, although in Madras, in one unit there are about 2,500 workers who were getting this provident fund. Ultimately, what happened was this. The workers who were already getting this were deprived of it. It created a serious crisis in Coimbatore district. Even in places where the workers welcome this scheme, if you create industrial disputes in the actual implementation of it, then, I am sorry for the Government. They are very clever and they create industrial disputes where industrial disputes cannot exist by any stretch of imagination. They created industrial disputes. Because of the response of the leaders there we were able to settle the disputes. We want to expand and not to contract. Where this provident fund scheme has been in existence, instead of extending it to the transport workers, the existing benefit is gone. These are some of the matters that will have to be gone into. There are also the questions of loan facilities, serious illness, industrial housing and others.

Then, there is the question of exemption of factories. The question of exemption of factories big or small will have to be taken up only later on. Why should factories under three years be exempted? I should like to know why the exemption given to Government units is sought to be removed? The hon. Minister has given no reasons. It is not a question of paying out of profits; it is a question of an employee, a working man paying to save; it is a compulsory saving; and it is not a question of how weak a factory is or when it was started.

Another point also arises and I think it was also discussed. Supposing in a particular textile unit there are thousand workers.....

**Mr. Deputy-Speaker:** The hon. Member should try to be brief. The total time allotted is only 2 hours.

**Shri Tangamani:** This is a Bill on which only very few people will speak.

**Mr. Deputy-Speaker:** I only ask the hon. Member to be brief.

**Shri Tangamani:** I will conclude shortly.

If there are 1000 employees in a textile unit where the scheme is in operation, if the employer transfers all these workers into another unit, which, for argument's sake, is a unit which is not covered by the Employees Provident Fund Act, what is to happen? The law is not clear about it either. The workers will no longer get the benefit under the scheme. That type of lacuna will have to be filled in. The scheme has become so complicated and involved that it is not even understandable to the workers. We have really to evolve a minor scheme from the scheme; we have to produce that in the local vernaculars; we have to explain to the workers the simple procedure and all that.

Actually, under the scheme there is nothing to say that the employer will have to tell the worker how much has been contributed. Now we have made it a point that when the employer sends a return to Government, he must send a copy of the return to the workers also. Generally, whatever information the workers demand will be how much they have contributed, how much money is standing to their credit etc. May I point out that the Unions are really unanimous in.....

**Shrimati Ila Palchowdhari (Nabad-wip):** The question is one of actual accounting. Whenever a worker contributes something, the employer is bound to contribute so much and the worker will know the amount automatically.

**Shri S. M. Banerjee (Kanpur):** I would request the hon. Member to kindly read the scheme.

**Shri Tangamani:** A worker may after some 16 months like to know what is the amount standing in his name. Within three days he must know it. It is not as if whatever the worker has contributed, along with what the employer has contributed together with interest is given to the worker. The hon. Member will be disillusioned if she goes through the scheme, because the scheme says that the worker, if he retires within 20 years, will not get the entire sum. It is a paradox. It is a compulsory saving; the employer has contributed; the worker has also contributed. But, when the worker retires, he does not get the entire amount. There has been demands from the workers that whenever they have contributed and when the employer has contributed, it has nothing to do with the way in which one works; it has nothing to do with his trade union activities and has nothing to do with his capacity to work. Here, let us say, he works and the employer pays him Rs. 80. He contributes Rs. 5 and the employer contributes Rs. 5 and nobody can touch the Rs. 10. The worker is entitled to an amount of Rs. 10 multiplied by the number of months of service he has put in plus the interest on the amount standing to his credit. That should be the line on which the Provident Fund scheme should be amended. But the scheme is a very peculiar one. In the last conference they said that after 15 years' service the worker must be entitled to the maximum. In places where there are private schemes no employer will have to give his provident fund account....

श्री रा० क० वर्मा (निमाड़): उपाध्यक्ष महोदय, इस बिल के लिए केवल दो घंटे का समय रखा गया है। इस पर अभी श्रीर भी बोलना चाहते हैं। मेरा निवेदन है कि . . . . .

उपाध्यक्ष महोदय : उनको भी जरूर मौका मिलेगा ।

**Shri Tangamani:** I will take only two minutes. I will be very happy if people are interested in this provident fund because this is a very important scheme the workers have been interested in. The N.D.C. is interested in it; I know the hon. Minister also is interested in it. The hon. Minister, Shri Nanda is interested in it because if it is increased by Rs. 25 crores, the internal resources for the Plan are increased. So, it is the patriotic urge of the workers also. There is the patriotic urge of the workers; what we want to know is whether the patriotic urge of the employer is also coming forth. The employer will have to prove their patriotism; the employers may say that they are patriotic and the workers must show their patriotism. That is the basic difference in the approach. We contend that the worker is prepared to contribute....

**Mr. Deputy-Speaker:** Can we not think that both are patriotic?

**Shrimati Ila Palchoudhuri:** I think both are patriotic.

**Shri Tangamani:** There is a difference in shade.

**Shri A. C. Guha (Barasat):** Anyhow, I think, other hon. Members should also get an opportunity.

**Shri Tangamani:** These are all various matters on which suitable amendments will have to be made. This type of piecemeal amendment is not going to meet the ends of justice.

So, I request the hon. Minister to consider the various suggestions that I have made and to bring about a comprehensive Bill incorporating the various suggestions that have been made at the various Indian Labour Conferences and the N.D.C. meetings and from all the various employers' organisations and the trade union organisations.

**Shri Abid Ali:** In the meantime, should I withdraw this Bill?

**Mr. Deputy-Speaker:** I will come to the hon. Minister later.

**Shri Tangamani:** I have said what I wanted to say.

14 hrs.

**Shri Naushir Bharucha** (East Khandesh): Sir, I would invite the attention of the hon. Deputy Minister to two points in particular. Under section 17, exemption is granted to certain provident funds on certain conditions. It was my experience in Bombay that when I tried to get exemption in respect of the provident fund of an educational trust, the correspondence that ensued between me and the Commissioner of Provident Fund was so voluminous that it took nearly a year to get anywhere near the exemption. I do not blame the Commissioner because in between several times the Provident Fund Scheme had been amended by the Government and with each amendment we are asked to make a corresponding change in the rules of the provident fund. It is rather unfortunate that when the Government is anxious to give exemptions to *bona fide* concerns, funds and trusts, administrative difficulties involved are so vast that a person despairs of getting exemptions and the Government keeps on issuing circulars that the Government desires to encourage exemptions. May I therefore request the Deputy Minister to make up his mind whether there are any more amendments to come. Why is it that amendments are thought of piecemeal. Month after month, certain notifications are issued and the scheme is amended. At this rate we can get nowhere. I also do not understand why the Commissioner asks for any number of copies of rules and regulations: first two copies are sent; then two more are asked for and then one more and then two more. An administrative direction should go to various officers that where *bona fide* applications are being made, it should be the duty of the Commissioner to see that these proceedings are expedited. It is not enough to say: we want to enlarge the scope of section 17 and we want exemptions to be encouraged under section 17. There are administrative difficulties and the hon. Deputy Minister should

look into them. What I am pointing out is that getting exemption is a herculean task. It is very difficult because of so many difficulties and changes in the scheme.

Secondly, it is not enough to say that so many concerns have come within the scope of the Provident Funds Act. We should see how it is administered. I shall give an example. In a place in my constituency, Pachora, there is a concern called Bharat Vanaspati. Under the scheme, certain instalments have to be paid by the employer to the Provident Fund Commissioner. Whatever they collect from the workers has got to be deposited with him. This is not done. Nobody takes any notice of it. The amount is swallowed by the employer and nothing has happened. When the Government enacts a law like this, is it not the object to see that the provident fund is preserved and not swallowed by the employer. When it is swallowed, nothing happens except that faint-hearted attachments are issued and the employer tells you that all his assets have been mortgaged to the bank. What is going to happen to the employees? It is a serious question. It is no use our passing legislation here if we do not see how it is implemented. It is a sore point. The provident fund of about 400 workers of Pachora has been swallowed. There is no effective remedy in law. Therefore, I am appealing to the hon. Deputy Minister.—I know he is very keen to see that things do not happen that way—but what is the use of merely telling us that we are also incorporating Government concerns in this Bill. What is wanted is not merely an extension of the scheme but proper consolidation and thorough administration and implementation of it and that is why I am drawing particular attention of the hon. Minister.

**Shrimati Ila Palchoudhuri:** Mr. Deputy Speaker Sir, this Bill seeks to bring more factories under its purview and extends the welfare

[Shrimati Ila Palchoudhuri]

work more than it has ever done before. I was surprised at the speech of the hon. Member opposite. He asked why an ordinance was brought in a hurry. If an ordinance is brought to bring good to the workers, surely it is not a bad thing! After the ordinance was issued, the Act was brought. If the Government has been in a hurry to bring some good to the workers, I think there is every justification. I think compulsory saving has become a prominent feature in our planning. Under this head, Government has been able to collect Rs. 104 crores approximately, I understand. This would enable the Plan to go forward as we would wish it. But at the same time the employers and the employees must also play their part. There again I am surprised at the hon. Member opposite saying that the employers should prove themselves to be patriotic whereas the employees are patriotic. This is indeed a very peculiar point of view because, the employers are the public sector and the private sector. The public sector is the Government and surely it is patriotic. The private sector is also working for India and it has nothing but the good of India at heart. Of course no concern can run without profits but no concern could run without looking to the welfare of the workers also. I think the private sector must have the welfare of the workers at heart.

I hope the word 'emoluments' means basic pay plus the dearness allowance and it is not only the wages.

**Shri Tangamani:** Emoluments mean basic wage plus dearness allowance.

**Shrimati Ila Palchoudhuri:** I hope the hon. Minister will make the point clear. The Act is welcome in every way and it gives more amenities to the workers. It is very often difficult to get the insurance amount. This might not have been in the arbit of the Act. I have some experience of the plantations and the workers got their

insurance amounts as soon as there was any death, illness or any accident. Now that the Government has taken this over, there seems to be quite often inordinate delay and I hope the Minister will look into this aspect of the welfare of the workers so that there will not be undue delay and inconvenience to the workers, particularly where there has been some serious illness. It must be considered that welfare work includes looking after the workers during illness, sickness and hospitalisation. It is something that gets directly to the worker from the employer. It should not seep through Government channels or machinery. Any welfare scheme that the employer may put forth should have every support and help from the Government and the insurance amounts should be made available to the workers without delay. Welfare schemes such as the building of hospitals etc. also, should not be held up for want of material and support from the Government. Thank you Sir.

श्री ११० क० वर्मा : उपाध्यक्ष महोदय, एम्प्लॉईज प्रोविडेंट फंड्स (एम्प्लॉयमेंट) बिल जो कि सरकार की तरफ से रक्खा गया है उसका समर्थन करने के लिये मैं खड़ा हुआ हूँ। इस संशोधन विधेयक को देख कर मुझे बड़ी खुशी हुई और इस संशोधन ने यह सिद्ध कर दिया कि यह बनिया शासन नहीं है वल्कि गरीबों का समाजवादी शासन है।

हमारे प्रोविडेंट फंड्स ऐक्ट के अन्दर क्या खामी और क्या कमी है उसके ऊपर विचार करने के बजाय एक बुनियादी सिद्धान्त के ऊपर हमें यह विचार करना चाहिये कि दरमसल यह प्रोविडेंट फंड्स ऐक्ट किन सिद्धान्तों के आधार पर कायम किया गया है। हमारे यहां हर एक तरह का विकास कार्य हो रहा है, हर एक तरकीबी की बातें हो रही हैं लेकिन मैं यह निवेदन करना चाहता हूँ कि प्रोविडेंट फंड क्या चीज है? उसकी तरफ अगर हम नज़र डालते हैं तो प्रोविडेंट फंड वह स्वी धन है। हमारे समाज के

अन्धर जो गिरे से गिरा हुआ सबका है वह मेहनतकश जमात है, कारखानों के अन्धर अंत भीर खानों के अन्धर काम करने वाली यह शोषित जमात है जो कि दूसरों की मजदूरी करके अपना पेट भरते हैं और जिनके कि पास मजदूरी करने के अलावा दूसरा कोई साधन नहीं है। इससे भी गिरी भाज समाज के अन्धर स्त्री जाति की जो बसा है और जो उसके साथ व्यवहार होता है उसको देख कर दिल भर आता है। दरअसल मैं यह प्राविडेंट फंड उन मेहनतकशों की बीवियों की इमदाद के लिये है जिसको कि मैं स्त्री धन का नाम देता हूँ।

भाज के पहले सन् १९५२ में जब प्राविडेंट फंड ऐक्ट लागू किया गया था तो वह केवल प्राइवेट सैक्टर के ऊपर था और वह भी प्रथम कुछ इंडस्ट्रीज के ऊपर ही लागू किया गया था। उस वक्त में यह सोचता था कि हमारे प्राविडेंट फंड ऐक्ट की चार टांगें होने के बजाय केवल एक टांग है और हमारा प्राविडेंट फंड इतना अपंग है जो केवल एक टांग के ऊपर चल रहा है लेकिन हमारे डिप्टी मिनिस्टर साहब ने यह संशोधन रख करके भाज उसकी चारों टांगें पूर्ण कर दी हैं। प्राइवेट सैक्टर के ऊपर तो वह पहले से लागू है ही लेकिन हमारी प्रान्तीय सरकारों जो अपनी कंसन्स के अन्धर प्राविडेंट फंड की सहूलियत देने से जिस तरीके से मुंह मोड़ती थीं और हमें परेशान करती थीं इससे उनको भी अब कबर कर लिया गया है। प्राविडेंट फंड के लिये प्रान्तीय शासन द्वारा कमेटीयां बनाये पांच पांच साल हो गये लेकिन प्रान्तों के अन्धर शासकीय उद्योगों में अभी तक प्राविडेंट फंड लागू नहीं किया गया। भाज इस संशोधन की वृत्त से हम प्रान्तीय सरकारों से कह सकते हैं कि आप मुनाफ़ाखोरी करने के बजाय मजदूरों के साथ ईसाफ़ कीजिये और जो स्त्री धन है उसको अपने खजाने में न रखते हुये शरोबों के पेट में जाने दीजिये।

इसी प्रकार से हमारी सेंट्रल गवर्नमेंट और लोकल सेल्फ गवर्नमेंट म्युनिसिपैलिटीज में भी कितनी ही जगह प्राविडेंट फंड की व्यवस्था नहीं थी। और यह जो बड़ी भारी कमी हमारे प्राविडेंट फंड ऐक्ट के अन्धर की उसको हमारे डिप्टी सेक्टर मिनिस्टर साहब ने इस एमेंडिंग बिल को लाकर दूर कर दी है और मैं इसके लिये उनको मुबारकबाद देता हूँ। इस संशोधन से जितनी भी रकम मजदूरों को प्राविडेंट फंड की मिलने वाली है और अभी तक जो सरकारी खजाने, म्युनिसिपैलिटीज और कारपोरेशनस के खजानों में जाने वाली वह रकम अब वहां न जाने देकर शरोबों की जेबों में जाने का यह एक प्रावधान इससे किया जा रहा है और इसलिये यह संशोधन स्वागत योग्य है।

उधर के एक मेरे कामरेड मित्र ने इस में बहुत सी खामियां बताई हैं। दरअसल अगर देखा जाय तो मनुष्य में खामी है और मैं तो यहां तक मानता हूँ कि ईश्वर में भी थोड़ी बहुत खामी है तभी तो इंसान के साथ भाज हैवान और शैतान भी दिखाई दे रहे हैं और लोगों की कितनी दुर्बला हो रही है। यह मनुष्य के हाथ की बात नहीं है ईश्वरिय है और शायद उसमें भी कुछ खामी होगी। हर बात में जैसे जैसे अनुभव होता जाता है हम अपनी खामियों को दूर करने का प्रयत्न करते हैं। भाज हमारे देश को आजाद हुये १०, ११ साल हुये हैं। प्रथम पंचवर्षीय योजना के हमारे देश में लागू होने के दूसरे वर्ष में प्राविडेंट फंड ऐक्ट लागू किया गया। श्रीमन्, अभी जिन माननीय सदस्य ने खामियों की बात की है हमारे प्रदेश के अन्धर उन्हीं की पार्टी के लोगों ने जब सन् १९५२ में प्राविडेंट फंड ऐक्ट लागू हुआ था तो उस वक्त उन्होंने मजदूरों से हड़ताल कराने की कोशिश की और कहा कि यह जो तुम्हारा प्राविडेंट फंड फटा जाता है वह नहीं कटना चाहिये मजदूरों को उसका विरोध करना चाहिये और वह नहीं कटना चाहिये . . . .

श्री स० क० बर्मा : यह कहाँ कहा गया था ?

श्री रा० क० बर्मा : मध्य प्रदेश के अन्दर कहा गया था। आपके और मेरे रहते उन्होंने ऐसा ऐलान किया और हड़ताल के लिये कहा। मैं निवेदन करना चाहता हूँ कि पत्रों में भी यह बात आई है कि उन्होंने प्राविडेंट फंड न काटने देने का ऐलान किया कि मजदूरों को तो पहले से ही कम वेतन मिल रहा है और अगर उनके वेतन में से ६ 1/4 परसेंट प्राविडेंट फंड काट लिया जायेगा तो उनका पेट नहीं भरेगा और इसलिये यह प्राविडेंट फंड न काटा जाय जब कि हम उनको यह समझा रहे थे कि रुपये में केवल एक आना ही काटा जायेगा और वह भी दरअसल में काटा नहीं जायेगा क्योंकि इस ऐक्ट के द्वारा जो एक आना आपका काटा जायेगा वहाँ उसमें एक आना मिल मालिक को मिलाना पड़ेगा। सच्चे माजों में तो मिल मालिक इस स्कीम के विरोध में थे लेकिन उन्होंने इन लोगों को धाने करके इस स्कीम का विरोध करना शुरू कर दिया . . . .

**Shri Tangamani:** He is confusing State Life Insurance with Employees' Provident Fund.

श्री रा० क० बर्मा : मैं यह निवेदन करना चाहता हूँ कि किसी बात का विरोध करना और उस पर नुक्ताचीनी करना बहुत आसान होता है। इस प्रमेडिग बिल के द्वारा प्राविडेंट फंड ऐक्ट में जो शासकी और अर्ध-शासकी श्रमिकों पर न लागू होने की यह खामी है उसको पूरा किया जा रहा है। जहाँ संशोधन का सवाल है आपकी पार्टी ने तो स्वयं अमृतसर में बैठ कर मार्क्स के सिद्धान्तों में संशोधन किया है और जब हमारी गवर्नमेंट अगर कहीं कुछ खामी बाकी है और उसको वह सुधारने के लिये संशोधन कर रही है तो इसमें क्या बुराई है ? मैं यह निवेदन करना चाहता हूँ कि जब भी देश के अन्दर कांग्रेस के शासन की तरफ से कोई भी प्रोग्रेसिव कदम उठाया जाता है,

कोई भी प्रगति की बात की जाती है तो उसका न मालूम कहाँ से और कैसे विरोध किया जाता है और ऐसी बातें उनके अन्दर लाई जाती हैं जिनके कि अन्दर कोई वास्तविकता नहीं होती है। श्रीमन्, जिस कम्युनिस्ट रुस की मेरे भाई चाये विल बात करते हैं मैं बतलाना चाहता हूँ कि रुस की प्रथम पंचवर्षीय योजना के अन्दर प्राविडेंट फंड नहीं था, और न ही वह रुस की द्वितीय और तृतीय पंचवर्षीय योजना में अलबत्ता ४० वर्ष बाद रुस की छठी पंचवर्षीय योजना के अन्दर मजदूरों के लिये प्राविडेंट फंड की गृजायश की जा रही है। इसके विपरीत यदि आप अपने देश की ओर देखें तो आपको मालूम होगा कि हमारी सरकार ने प्रथम पंचवर्षीय योजना के अन्दर प्राइवेट सेक्टर के अन्दर प्राविडेंट फंड की व्यवस्था रक्खी और द्वितीय पंचवर्षीय योजना के अन्दर पबलिक सेक्टर, राज्य सरकारों, केन्द्रीय सरकार और लोकल सेल्फ गवर्नमेंट्स म्युनिसिपैल्टीज आदि यानी कोई भी सेक्टर ऐसा नहीं रहा जहाँ कि प्राविडेंट फंड की व्यवस्था न कर दी हो और गवर्नमेंट ने इस संशोधन को लाकर एक के बजाय आज चारों टांगें पूर्ण कर दी है।

एक बात में और इस सम्बन्ध में कहना चाहता हूँ। जहाँ हमारी यह कोशिश होनी चाहिये कि मजदूरों को बड़ा हुआ वेतन मिले क्योंकि जितनी हम उनकी तनखा बढ़ायेंगे उतना ही धाने चलकर बढ़ी हुई रकम प्राविडेंट फंड की शकल में भी मजदूरों के हाथ में धायेंगी लेकिन मुझे बड़े दुःख के साथ कहना पड़ता है कि परसेटिव के हिसाब से अगर देला जाय तो सारे देश में कम से कम प्राविडेंट फंड की रकम अगर कहीं मजदूरों के हिस्से में आती है तो वह केरल और बंगाल प्रान्त में आती है। आप इस सम्बन्ध में यदि आँकड़ों का मिलाव करें तो आपको मालूम होगा कि यह केरल और बंगाल दो ऐसे प्रदेस हैं जहाँ कि मजदूरों की डोटल इनकम जिस पर कि उनका

प्रोविडेंट फंड कटसा है सबसे कम है। पर-सेंटेज के हिसाब से अगर देखा जाय तो मालूम होगा कि कम से कम प्रोविडेंट फंड की रकम जहां मजदूरों के हिस्से में आती है वह एक तो केरल है और दूसरा बंगाल है। सबसे बड़ा हिस्सा जहां कि अधिक मजदूर काम करते हैं और जहां कि सबसे पहले प्रोविडेंट फंड लागू हुआ वह टेक्सटाइल इंडस्ट्री है और केरल की टेक्सटाइल इंडस्ट्री में काम करने वाले एक मजदूर का वेतन और डिग्रिनेस एलाउंस का एवरेज ५० रुपये से ज्यादा नहीं है और बंगाल में इसी प्रकार से एक मजदूर का एवरेज वेतन ६२ रुपये से ज्यादा नहीं है जब कि बाकी हिन्दुस्तान में चले जाइये आपको कहीं ८० रुपये से कम का एवरेज नहीं मिलेगा। मैं यह निवेदन करता हूँ कि हमारा यह फ़र्ज है कि हम अपने मजदूरों की इनकम को बढ़ावायें क्योंकि उनकी आमदनी बढ़ने से उनको मिलने वाली प्रोविडेंट फंड की रकम भी बढ़ जायेगी।

उपाध्यक्ष महोदय, डिप्टी मिनिस्टर साहब ने जो संशोधन रक्खा है उसका मैं हृदय से समर्थन करता हूँ। लेकिन इसका साथ ही मैं एक निवेदन यह करना चाहता हूँ कि जहां आज प्रोविडेंट फंड काटा जा रहा है वहां कुछ मैनेजमेंट्स प्रोविडेंट फंड की रकम को सरकारी खजाने में जमा करने के बजाय वर्किंग कैपिटल की तौर पर उसका उपयोग कर रहे हैं जिसे सलास को उन से फ़ौरन वसूल कर लेना चाहिये जो वह वसूल नहीं हो पा रहा है और उसका परिणाम यह होता है कि एक महीने, दो महीने, तीन महीने और चार महीने इस प्रकार मजदूरों का प्रोविडेंट फंड राज्य के खजाने में न जमा करके वर्किंग कैपिटल की तौर पर उसका उपयोग किया जाता है और बाद में कारखाने बंद करके रख दिये हैं। और कारखाना बन्द हो जाने के बाद हमारे मजदूरों को उस रकम को जो उनकी काटी गयी है और जो कम्पनी

की तरफ से उनमें मिलायी गयी है, प्राप्त करने के लिये बहुत धरम धक्के खाने पड़ते हैं। तो यह सोचने की बात है कि जो रकम वह जमा करते हैं और जो मालिक उसमें मिलाते हैं वह उनको भासानी से मिल सके। आप को इसके लिये राज्य सरकारों को कानून के द्वारा या जो शक्ति आपके पास हो उसके द्वारा आदेश दें कि वह मालिकों को दस दिन का मौका दें और उसके बाद उनको वह रकम सरकारी खजाने में जमा करानी पड़े। यानी जैसे अगर सात तारीख को वेतन बटता है जहां एक हजार मजदूर काम करते हैं, और जहां १० तारीख तक वेतन बटता है और एक हजार से ज्यादा मजदूर काम करते हैं तो आपको उनको दस दिन का और मौका देना चाहिये यानी उनको २० तारीख तक वह सारा रुपया सरकारी खजाने में जमा करवा देना चाहिये। यह आपने विधान में रखा है लेकिन इसकी पूर्ति नहीं हो रही है। तो मेरा निवेदन यह है कि जो रकम मजदूर की काटी जाती है और कानून के अनुसार जो रकम उसमें मिल मालिक मिलाता है उसको वह वर्किंग कैपिटल की तरह क्यों इस्तेमाल करे।

दूसरे दुःख की बात यह है कि आज हमारे साथी ट्रेड यूनियन कांग्रेस वाले कम्पनिस्ट मित्र यह नारा लगाते हैं कि अगर कोई कारखाना बन्द हो रहा है तो मजदूरों के प्रोविडेंट फंड से वह कारखाना चालू रखा जाये। यह बड़े आश्चर्य की बात है। मजदूर अपना घर तो चला नहीं पा रहे हैं और उनके रुपये का उपयोग कारखाने चलाने में किया जाये जिससे प्राफिट मिल मालिक कमायेगा। यह कैसे हो सकता है। तो एक तो मेरा निवेदन यह है।

दूसरा एक सुझाव मैं और रखना चाहता हूँ। प्रोविडेंट फंड ऐक्ट में यह शर्त रखी गयी है कि प्रोविडेंट फंड का फायदा मिलने के लिये एक मजदूर को साल में कम से कम



[श्री रा० के० बम]

२४० दिन हाजिर रहना चाहिये। इसमें बहुत सा अन्याय हो रहा है। वह इस तरह कि कारखानेदार यह करते हैं कि बदली वर्कर्स की संख्या बहुत ज्यादा बढ़ा देते हैं और किसी मजदूर के १२ महीने में २४० दिन पूरे नहीं होने देते। होता यह है कि एक के बाद एक बदली पर आदमी बदल दिये जाते हैं और एक मजदूर को चार दिन भी शान्ति से काम नहीं करने देते। इस तरह से मिल मालिक को प्राविडेंट फंड की जो रकम देनी पड़ती है वह बच जाती है। तो इस तरह से मजदूर के ऊपर अन्याय होता है।

यह जो प्राविडेंट फंड की रकम ६ परसेंट से ८ परसेंट बढ़ाने की बात है यह तो इंडियन लेबर कानफरेंस में भी तै हो गयी थी और तीनों पार्टियों ने इस बात को मंजूर कर लिया था। लेकिन आपके वकील के अन्दर कहां गड़बड़ी है। उसको आप देखें और अमलियारूप दें। मैं तो यह निवेदन करना चाहूंगा कि भले ही यह रकम कम हो तो कोई हर्जा नहीं, लेकिन यह कम रकम जो मजदूर को मिलनी चाहिये वह भी नहीं मिल पाती। इसको बचाने के लिये मालिक लोगों की ओर से जो दांव पेच किये जाते हैं उनको आपको देखना है और आपको यह सोचना है कि प्राइवेट सेक्टर के अन्दर जो बदली वालों की संख्या बढ़ा दी जाती है और २४० दिन की हाजिरी पूरी नहीं होने दी जाती यह नहीं होना चाहिये। ऐसा करने से मालिक केवल प्राविडेंट फंड की रकम ही नहीं बचाते। लीब आफ कम्पनसेशन के लिये और सवेतन छुट्टी के लिये भी २४० दिन की हाजिरी की आवश्यकता है। यह २४० दिन की हाजिरी पूरी न होने देने में मालिकों को इन दो चीजों में भी लाभ हो जाता है और मजदूर को नुकसान हो जाता है। जो मैं यह निवेदन करना चाहूंगा कि आप

कानून के अन्दर इतनी गुंजाइश कर दीजिये कि किसी भी कारखाने में चाहे वह प्राइवेट सेक्टर में हो या पब्लिक सेक्टर में हो, अगर एक भी दिन एक आदमी ने काम किया है, तो प्राविडेंट फंड के लिये उसके सेवन से रुपये में एक आना काट लिया जाये और उसी हिसाब से उसको प्राविडेंट फंड का लाभ मिले। कनसर्न को उसी हिसाब से प्राविडेंट फंड के लिये रकम देनी चाहिये।

यही दो तीन सुझाव मैं आपके सामने रखना चाहता था। मैं आपसे निवेदन करना चाहता हूँ कि आप इन पर गौर कीजिये और जो आपने संशोधन रखा है उसका मैं हृदय से समर्थन करता हूँ।

श्री स० न० बनर्जी: उपाध्यक्ष महोदय, यह जो प्राविडेंट अमेंडमेंट बिल हमारे सामने है इसमें जो डेफीनीशन की बात है और इसके मकसद का जहां तक सवाल है उसमें कोई खास मतभेद नहीं है सिवा एग्जम्पशन के सवाल के। मैं समझता हूँ कि शायद हमारे माननीय मंत्री जी को डर है कि जहां पर भी जायज एग्जम्पशन देने की कोशिश करेंगे शायद उसका कुछ इंडस्ट्रियलिस्ट गलत इस्तेमाल करे। यह डर है कि छोटी यूनिट्स और नई यूनिट्स यह ऐत-राज करेंगी कि हम प्राविडेंट फंड नहीं दे सकते।

आज प्राविडेंट फंड की मांग इसलिये की जाती है कि इससे मजदूरों के लिये कुछ कम्पलसरी सेविंग हो जायेगा। इसके साथ ही इससे एक और फायदा है। आज देश का निर्माण हो रहा है और दूसरी पंचवर्षीय योजना के लिये घरबों रुपये की जरूरत है और हमारे वित्त मंत्री को रुपये लेने के लिये विदेशों को जाना पड़ता है। ऐसे वक्त में हमको अपने इंटरनल साधनों को पूरे तौर पर काम में लाना चाहिये। इस प्राविडेंट फंड द्वारा मजदूरों को भी

कम्पलसरी सेविंग हो जायेगी और वह रुपया हमारी पंचवर्षीय योजना में लगाया जा सकेगा। ऐसे वक्त में प्रावीडेंट लागू करना इसलिये भी आवश्यक है।

आप इस बात को जानते हैं कि आज हिन्दुस्तान में सिर्फ २६ लाख मजदूर ऐसे हैं जो कि प्राविडेंट फंड ऐक्ट से फायदा उठा रहे हैं। आप जानते हैं कि कुछ रकम मजदूर की कटती है और कुछ हमारे सरमायेदार भाइयों को देनी पड़ती है। लेकिन प्राविडेंट फंड ऐक्ट से फायदा बहुत कम मजदूर उठा पा रहे हैं जब कि हमारे देश में भारगोनाइज्ड लेबर की तादाद तकरीबन एक करोड़ है। तो जिस तरह से कि हमारे भाई तंगामणि ने कहा, मैं भी कहना चाहता हूँ कि हमारे माननीय मंत्री जी एक कम्प्रीहेंसिव बिल लायें ताकि प्राविडेंट फंड के कानून में जो भी तरमीम करनी है वह एक दफा कर दी जाये और इस सदन के सदस्यों को उस विषय पर काफी तरीके से विचार करने का मौका मिले और वे बहुमत से ऐसे कानून का फैसला कर सकें और उसको हमें बार बार अमैंड करने की जरूरत न रहे। मैं आपको बताऊँ कि हमारा क्या तर्जर्बा है। आप जरनलिस्ट्स के केस में देखें जो सुप्रीम कोर्ट का फैसला हुआ। मैं इस बारे में ज्यादा बात नहीं कहना चाहता लेकिन उसमें एक अइचन है "कैपेसिटी टू पे"। अब मजदूर को कोई हक नहीं है कि वह मासिक की कैपेसिटी टू पे को देख सके, या उसके बैलेंस-शीट को देख सके, या उसके बकिंग कैपीटल को देख सके और जिन दूसरे रिसोर्सेज से वह लेनदेन करता है उनकी प्वांच पड़ताल कर सके। इस वजह से हो सकता है कि वह न दें। बेंजे बोर्ड का फैसला हो सकता है कि कैपेसिटी नहीं है। तो दूसरी पंचवर्षीय योजना में हम यह तो चाहते हैं कि मजदूरों की काम करने की कैपेसिटी की तो कोई लिमिट न हो लेकिन सरमायेदारों की देने की लिमिट है।

अगर उनकी कैपेसिटी नहीं है तो वह प्रावीडेंट फंड की रकम न दें। और इसी की वजह से वे एग्जम्पशन सीक करते हैं। मेरा ट्रेड यूनियन के काम में १५ या १६ साल का तर्जर्बा है। मैं आपसे कहना चाहता हूँ कि पहले सेंट्रल गवर्नमेंट के एम्पलाईज के लिये भी प्राविडेंट फंड कम्पलसरी नहीं था, आप्शनल था। १९३८ के बाद इसको कम्पलसरी बनाया गया। उसमें भी मजदूरों के दिल में विश्वास नहीं था कि वह जो रुपया दे रहे हैं वह उनको वापस मिलेगा या नहीं क्योंकि मजदूर कई चोटें खाये हुये थे, इस वजह से उनके दिल में भ्राम तौर पर शंका और शुब्हा पैदा होता था कि उनको उनका रुपया मिलेगा या नहीं। बाद में उन्होंने देखा कि उनको इससे फायदा होता है और कम्पलसरी सेविंग हो जाता है। उनको बताया गया कि उनका रुपया देश के निर्माण में लगेगा। अब सेंट्रल गवर्नमेंट एम्पलाईज को गवर्नमेंट सेंट पर सेंट कंट्रीब्यूशन देती है और इस चीज को प्राइवेट सेक्टर में लागू किया जा रहा है। अब आप देखें कि फ्राखिर यह ६ 1/4 परसेंट से आठ सही एक बटा तीन क्यों नहीं हो रहा है। क्या यह वाकया है कि कैपेसिटी नहीं है। हमारे लेबर मिनिस्टर साहब काफी हमदर्दी से इस मसले को देखते हैं और उनका खयाल है कि होना चाहिये लेकिन होता क्यों नहीं। कहा जाता है कि हमारे पास कैपेसिटी टू पे नहीं है। इस वक्त देश का निर्माण हो रहा है और उसकी ६० परसेंट ठेकेदारी सरमायेदारों की है। तो वह कहते हैं कि हमें यह ठेकेदारी पूरी करना है, हम मजदूरों को कैसे देख सकते हैं। इसलिये मैं निवेदन करना चाहता हूँ कि आप इस चीज को देखें और एक कम्प्रीहेंसिव बिल लायें जिसमें इन तमाम चीजों को लाया जा सके ताकि प्राविडेंट फंड ऐक्ट काफी कारभामब हो सके और उसमें लोगों को काफी विश्वास पैदा हो सके।

[श्री स० म० बनर्जी]

इसके बाद मैं प्राविडेंट एडवाइजरी बोर्ड के बारे में कुछ कहना चाहता हूँ। मुझे यह सुन कर ताज्जुब हुआ कि बंगाल में जो बोर्ड बना है, उस में झाल इंडिया ट्रेड यूनियन कांग्रेस का एक नुमायंदा और इंडियन नेशनल ट्रेड यूनियन कांग्रेस के दो नुमायंदा लिये गये हैं। हमारे माननीय मंत्री जी का कहना है कि इंडियन नेशनल ट्रेड यूनियन कांग्रेस की मेम्बरशिप हिन्दुस्तान भर में सब से ज्यादा है। मैं कहता हूँ कि दुनिया भर में सब से ज्यादा है। लेकिन यह जरूरी है कि इन दोनों संस्थाओं को ईक्वल रिप्रेजेंटेशन दिया जाय। यह प्राविडेंट फंड का मामला है। इस में उन दोनों का सहयोग प्राप्त करना चाहिये और दोनों को ईक्वल रिप्रेजेंटेशन मिलना चाहिये। अभी मैं ने यहां पर इंडियन नेशनल ट्रेड यूनियन कांग्रेस के नुमायंदा का भाषण सुना। इधर से जो भी बात उठती है, तो फौरन रूस और चीन की याद आ जाती है। मैं जानना चाहता हूँ कि इस में रूस और चीन की बात क्या थी। मध्य-प्रदेश से, जिस को कि वह रिप्रेजेंट करते हैं, टेक्सटाइल इंडस्ट्री से शायद यह एतराज किया गया हो, लेकिन जहाँ तक इंडियन ट्रेड यूनियन कांग्रेस का सवाल है, उस ने अपने तमाम यूनियंस को कहा है कि प्राविडेंट फंड का डीडकेशन होना चाहिये और इस प्रकार राष्ट्र के निर्माण में और सैकंड फ्राइव बीधर प्लान की सफलता के लिये मदद करनी चाहिये। उस ने यह कहा है कि यहां कम्पल-सरी सेविंग का सवाल नहीं है, We are aiding the Second Five-Year Plan—we are financing the Second Five-Year Plan. हमारा दृष्टिकोण तो यह है कि तमाम भाइयों को मिस कर हिन्दुस्तान का नव-निर्माण करना है। ऐसे मौकों पर अगर यह कहा जाय कि लोग नहीं चाहते हैं और उन्होंने विरोध किया है, तो यह उचित नहीं है और यह बिल्कुल गलत है। इसलिये मैं यह निवेदन करना

चाहता हूँ कि एडवाइजरी बोर्ड में ईक्वल रिप्रेजेंटेशन होना चाहिये।

प्राविडेंट फंड का पैसा होता क्या है? श्री राम जी भाई ने कहा कि प्राविडेंट फंड का पैसा जिस तरह से जमा होना चाहिये, वैसे नहीं होता है, बल्कि वह एम्प्लायर्स के द्वारा प्लोइंग कैपिटल की हैसियत से इस्तेमाल किया जाता है। मुझे बताया गया है—मुझे मालूम नहीं कि इस में कहां तक सचाई है—बंगाल की एक ज्युट मिल में एक लाख रुपये का डीफाल्केशन हुआ और प्रेम चन्द ज्युट मिल के रुपये का कोई हिसाब नहीं है। जब इस प्रकार की भ्रष्टाचार होगी और इस प्रकार की घटनायें होंगी, तो मजदूरों को इस योजना पर कैसे विश्वास होगा? अगर सरमायादारों ने यह समझ रखा है कि यह रुपया देश के नव-निर्माण के लिये, देश के भविष्य के लिये, मजदूरों और उन के बाल-बच्चों के भविष्य के लिये एक सक्रिय फंड नहीं है और वे इस रुपये को अपनी योजना विकास के लिये और अपने उद्योगों के विकास के लिये लगाते हैं, तो मजदूरों को इस पर विश्वास कैसे होगा?

जहां तक पेमेंट का प्रश्न है, उस की व्यवस्था बिल्कुल असंतोषजनक है। फ्रॉज कीजिये कि मैं एक मजदूर हूँ और ५५ साल या ६० साल के बाद निकाल दिया जाता हूँ, तो इस देश में रिटायरमेंट बैनिफिट्स इतने ज्यादा नहीं हैं कि उसके बाद मैं अपना गुजारा चला सकूँ। यहां पर सोशल सिक्योरिटी अभी ज्यादा नहीं है। हम समाजवाद की तरफ बढ़ रहे हैं—पन्चीस फ्रीसदी चले हैं और जब पचास फ्रीसदी पहुंच जायेंगे, तो शायद कुछ सुधार हो जाय, लेकिन इस समय हमारे देश में सोशल सिक्योरिटी ज्यादा नहीं है। प्राविडेंट फंड का पैसा ऐसा पैसा होता है कि एक व्यक्ति नौकरी के बाद कोई दुकान लगा कर अपने जीवन के आखिरी दिन किन्ही हालत में

गुजार सके। डिफेंस इंडस्ट्री और पब्लिक सेक्टर के विषय में मेरा तजुर्बा तो यह है कि कुछ केसिड में मजदूर भर गया, काफ़ी देर तक रियल नामिनी कौन है, इस का फ़ैसला न हो सका, प्राविडेंट फंड का रुपया बीबी को भी न मिला, और फिर चार साल के बाद वह रुपया दिया गया। हम चाहते हैं कि जब कोई प्रादमी निकाल दिया जाय, तो तीन महीने बाद, छः महीने बाद उस को रुपया दे दिया जाय, कम से कम उस के जीते जी तो उस को पैसा मिल जाय। लेकिन वह होता नहीं है। मैं निवेदन करना चाहता हूँ कि माननीय मंत्री जी इन बातों का विशेष रूप से ध्यान रखें। वह कह सकते हैं कि ये बातें इस बिल से सम्बन्धित नहीं हैं, लेकिन मैं कहूँगा कि ये बहुत जरूरी बातें हैं और इन की तरफ ध्यान दिया जाना चाहिये।

जहाँ तक कांट्रीब्यूशन का सवाल है, मैं कहूँगा कि वह आप को बढ़ाना है। अगर सरमायादारों की बातों में आ कर आप कहें कि यह नहीं हो सकता है और वह सवा छः परसेंट ही रहेगा, क्योंकि उन की कैपेसिटी टु पे नहीं है, तो मैं यह निवेदन करूँगा कि यह डेजरेस चीज है। अगर हम यह न देख सकें कि उन की तिजोरी में कितना पैसा है, वे कितना खर्च कर रहे हैं, कितनी उन की आमदनी है, उन के पूरे बजट को अगर हम न देख सकें, तो वे लोग कैपेसिटी टु पे के आधार पर अपना कांट्रीब्यूशन न देना चाहें, यह गलत बात है।

जहाँ तक एग्जम्प्लान का सवाल है, हम देखते हैं कि नई नई इंडस्ट्रीज बन रही हैं और ये सरकार से लोन ले रही हैं, लेकिन जहाँ पर मजदूरों की नफ़री-वेजिज—का सवाल आता है, वहाँ उन के साथ इन्साफ नहीं किया जाता है। माननीय मंत्री जी यह देखें कि प्राविडेंट फंड के एग्जम्प्लान का बिसमुज न हो और अगर होगा, तो

इसी आधार पर मजदूर भाई कहेंगे कि इस का एक्सटेंशन होना चाहिये। इस बारे में एक दूसरा बिल ग्राज नहीं, तो कल आप को लाना पड़ेगा। उस समय इस सम्बन्ध में एग्जहास्टव डिस्कशन हो सकेगा। इस वक्त कुछ करोड़ रुपये मिलते हैं। अगर आप ज्यादा लेना चाहते हैं, तो आप को परसेंटेज—एम्प्लायर्स का कांट्रीब्यूशन—बढ़ाना होगा। इस में जितने ज्यादा मेम्बर बनेंगे, देश के निर्माण के लिये उतना ही ज्यादा रुपया मिल सकेगा। हमारे यहाँ लगभग एक करोड़ आरगनाइज्ड लेबरर हैं। अगर उन में से अस्सी लाख भी हम प्राविडेंट फंड की योजना में ला सकें, तो हम को काफ़ी पैसा मिलेगा। मुझे आशा है कि माननीय मंत्री जी जवाब देते हुये इस तरफ़ जरूर ध्यान देंगे। मैं अक्सर घबराता हूँ, क्योंकि इधर से जहाँ कोई खड़ा होता है कि रेड रंग टु दि बुल का ख्याल आ जाता है। मैं समझता हूँ कि वह इस बारे में भी कुछ रीजनी डालें, ताकि हम को पता चले कि इस तरफ़ उन का रवैया क्या है। वह बार बार अमेंडमेंट्स लाते हैं। अगर तफ़्मोल के साथ एक काम्प्रि-हेंसिव बिल लाया जाए, तो मैं समझता हूँ कि वह हमारे लिये बहुत अच्छा होगा।

**Shri A. C. Guha:** Mr. Deputy-Speaker, this is a very small Bill and the provisions of the Bill mean some improvement in the present position. It was not quite fair that the Government industrial establishments should have been treated with some particular favour or some special privilege. They should be brought in line with the other industrial units.

As far as this Bill goes, I do not think any hon. Member in this House is opposed to the provisions.

But I would like to draw the attention of the hon. Minister to certain aspects as regards the working of this Act. Under this Act huge amounts are collected. I find from the report that the collection has been going up. The

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collection as on 31st December, 1957, that is, for nine months, was Rs. 36.13 crores and in the previous year 1956-57 the collection was Rs. 26 crores. So, it is expected that in 1957-58 the collection would be near about Rs. 48 crores or something like that. But, as yet, all industrial units are not covered; all factories are not covered by this Act. I find that only 13 lakhs employees are covered under this scheme. Some hon. Members have mentioned that there are about one crore of industrial labour in this country. But on 31st December, 1957 this Act covers only 13,36,000 and odd workers. So, I think there is enough scope yet to extend the provisions of this Bill to cover a wider number of workers and greater number of industrial units and establishments. I hope the hon. Minister will look into this aspect and try to see whether the scope of the operation of this Act can be extended.

Of course, he can say that since 1952, when this Act was enacted, its scope has been extended rather rapidly. From six categories of establishments, which it covered, now it covers about 30 to 32 categories of industrial units. All the same, it still leaves a wide range of workers and factories yet to be covered by this Act.

Then I would like to refer to certain other aspects that are mentioned in this report. I find that during the year 1956-57, 174 prosecutions were sanctioned against some defaulting units or factories, out of which 158 prosecutions were actually instituted. In sixteen cases some agreement might have been arrived at with the Government; I do not know. Nothing has been mentioned about them. The total amount involved was Rs. 56,47,515, as provident fund contributions, which have not been paid by these industrial units; and out of this Government have been able to collect from these defaulting companies, only Rs. 17,11,006. So, nearly about Rs. 40 lakhs are yet to be secured from these defaulting facto-

ries and units. That is something rather alarming and I think the Government should take necessary steps so that no factory or no industrial unit can escape paying the due amount to this Fund.

I find also from this report that inspection was not satisfactory due mainly to the shortage of inspectors and, I think, due to the defect in inspection so many defaulting cases could have occurred. So, the Government should take steps to improve the inspecting system so that no factory or no industrial establishment may be allowed to postpone the payment of the amount till the next quarter. I think it should be on the basis of each quarter. The collections of one quarter should be paid within the next quarter. Anyhow, this thing should be improved so that huge amounts may not remain unpaid by these factories.

I also find that there has been some demand for decentralisation of the Fund. I do not exactly know as to what the different State Governments mean by decentralisation. If they mean that the Fund should be handed over to each State, I do not think that would be a step in the right direction. Rather, I consider that such a step should not be encouraged. At the same time, there is one point to which I think the Government should pay some attention.

Previously, State Government loans were also subscribed from this Provident Fund. I think for the last two or three years that has been stopped and only the Central Government loans can be subscribed to by this Fund. I do not know why this discrimination has been made against the State Governments. The loan raised by the State Government will also go for the implementation of the Plan and it is becoming more and more difficult for the State Governments to raise any loan. Their sources are being dried up. Insurance companies have all now been

nationalised and generally the tendency of the Life Insurance Corporation is to invest only in the Central Government loans. Provident Fund has also been blocked for these State loans. I do not think that there is any logic behind this. The State loan is almost as good as the Central loan and it is not expected or apprehended that any State Government will fail to redeem its loans. In that case, the Central Government will have to share the responsibility. So, this question may be considered and from this Fund State loans may also be subscribed to. A proper share of this Fund may go to the State Governments when they intend to raise any loan.

It has been mentioned by the hon. Minister and by other hon. colleagues also that this Fund is utilised for implementation of the Plan. In the resources of the Plan this and similar other funds have been taken into account and, I think, the total amount taken into account not only from the Provident Fund but also from other funds is about Rs. 250 crores.

There is also a scheme for the Government officers to subscribe to Provident Fund. There the contribution is their own and there is no contribution from the Government. It is quite optional. I think the Government may also do something to make it compulsory and to fix the contribution of the Government officers on a graded scale according to the scale of pay. The higher pay they get, the more should be their contribution. It should be on a graded slab basis and should be made compulsory and not optional as it is now, so that the Government can mop up a portion of the salaries paid to these highly-paid officials. This would help in implementing the Plan and will also be a source of check on inflation. I think that suggestion may also be considered.

With these remarks I support this Bill but I hope that the defaulting cases would be looked into properly.

No factory or industrial unit should be allowed to default in the payment of the dues and there should not be any arrears. I also find that the rendering of requisite statements, has not been done by some of these factories and industrial establishments. In all such matters Government should be rather strict and should enforce the provisions of the Act strictly, with a view to pull them up and persuade them to pay all arrears. I hope the scope of the Bill will be extend further to cover a wider range of industries and a greater number of workers.

**Shri Shree Narayan Das** (Darbhanga): Mr. Deputy-Speaker, Sir, the scope of the Bill is very limited but the provision that is going to be introduced is of vital importance. There was no justification to make any discrimination between the Government establishments or establishments of local bodies and the establishments in the private sector. The introduction of this Bill will eliminate the apparent discrimination that was being made between the employees of the Government establishments and employees in the private sector although I know that in most of the Government establishments there is provision for provident fund. I cannot say whether the facilities that are being given under this Provident Fund Act and the facilities being given in the Government establishments are at par or not, but this is certain that in most of the Government establishments, there is provision for provident fund. Even then, this disparity, I think, did not look well. This discrimination between establishments in the private sector and the public or local bodies sector was not proper.

Although some measures are going to be adopted by the Government to secure social security in the country, the provisions that are existing are not adequate. Even the scope of this Act is quite limited. I have got the 1956 Report before me, but as has been pointed out by so many hon. Members a large number of employees

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even in the factories as defined at present do not come within the purview of the Act. As the name suggests, I think, efforts should be made so that the employees wherever working, whether in an establishment where the number of workers is less than 50, are brought within the scope of the Bill. I do not know and I will crave your indulgence to point out one thing which is my main point—I cannot say that it has not come quite within the purview of this Act—that a large number of workers or employees, though they do not come within the definition of factories, living in rural areas are also employees. So far, although we are not satisfied, some of these security measures have been taken and factory workers or workers in some of the manufacturing establishments are getting the benefits, but so long nothing has been done for a very large number of employees who work in the agricultural sector. I do not know when that time will come, but I think the Government of India should make some investigations because now even in rural areas *panchayats* have been established. There is some organised body which will take care to see that the employees in the agricultural sector, especially in the larger firms, also get the benefit of this provident fund scheme and other social security measures. In a country like India, as has been pointed out every now and then, although the factories are important, the number of people working in the factories is very limited, having in view the large population of the country. The hon. Minister quoted that it was about 1 crore or something like that. I cannot say what the exact number is. That number is quite insignificant compared with the large number of employees working in the agricultural sector. Some of them are working in large farms and some of them are working with small farmers. We require some savings also. I think the time has come when, as has been pointed

out by many Members, some social security should also be given to the agricultural employees. I think efforts should be made or some committee should be set up to see whether a beginning can be made in that sector or not. As I have pointed out, during the Second Five Year Plan period, practically all the villages will be covered by *panchayats*. *Panchayats* are organised bodies and practically Government bodies so to say and if certain provisions are made to give social security to agricultural workers, they will see that they are enforced. It is a good thing that we are going to extend the provisions of the Act to Government establishments and establishments under local authorities. I would like to take this opportunity to suggest to the hon. Minister that some enquiry should be made and some investigation should be made to see whether it would be possible to extend the provisions of this Act to any section of the agricultural employees. I think in certain selected areas, in certain farms where the number of people working in the agricultural sector is large, this can be easily made applicable.

The Bill is quite good. Every hon. Member has welcomed it. But, the fact is that the scope of the Bill, as has been pointed out by my friends, is quite limited just at present. Every employee working in any establishment in the country, should be brought within the purview of the Act. Besides that, I would suggest some efforts should be made to see whether the application of such a measure will be possible in the near future to the agricultural workers whose number is vast. This welfare state must see that the very large number of workers who work in the agricultural fields also get the benefit of social security measures that this Government is going to take with regard to industrial labourers.

With these words, I support this measure. I think this is a very helpful measure.

**Shri P. C. Borooah (Sibsagar):** Mr. Deputy-Speaker, Sir, I rise to support this Bill. I thank the hon. Minister of Labour for bringing in such an amendment. I also congratulate him for his luck in winning support for the Bill from all corners of this House. I do not want to speak much except to make a few observations which I shall try to make as concisely as possible, as almost everything has been said by the hon. Members who preceded me.

Firstly, Sir, this Act should be extended to all sections and to all establishments whether under the public or under the private sector, or owned by the Government or by local authorities. As at present, it is confined to only 20 industries under the private sector. Of course, the new amendment proposes to extend it to establishments owned by the Government and local authorities. May I suggest that the Act be extended to all establishments under the Government, the local authorities and the private and the public sectors?

The second observation that I have to make is for a very large number of workers who actually draw only Rs. 50/- and less a month. It is very difficult for them to participate in the Provident Fund by paying Rs. 3/- or so as their part of the contribution to the provident fund. I suggest that at least in the case of workers getting Rs. 45/- and less, their part of the contribution be borne partly by the Government and partly by the employer in addition to the part of the contribution the employer is to render. Here I want to include the question of primary teachers also whose emoluments are ridiculously low. In their case, I think it will be in the fitness of things if their part of the contribution is paid by the Government and the employer.

My next point is about transfer of accounts. As at present, a worker, to get the full benefit of his provident fund, has to put in continuous service for 20 years to his employer. If he puts in 15 years' service, he gets

75 per cent of the part of the employer's contribution; if it is 10 years, he gets 60 per cent and if it is 5 years, he gets 50 per cent of the part of the employer's contribution. In such circumstances, if the worker finds better prospect elsewhere, it becomes difficult for him to change his job because of his losing to get the full benefit of the provident fund. I suggest that the provident fund account should be made transferable. Wherever he may be, his account should be made transferable to the establishment he is attached so that the continuity of his service is not broken and he can get the full benefit of his provident fund deposit.

Fourthly, Sir, the terms of withdrawal should be made a bit liberal. Of course, there already exist arrangement for taking of loan from the Provident funds for paying premium on life insurance policy. I suggest that the terms should be liberalised so that the employees can meet their strict legitimate social and economic demands other than Insurance Premiums. Lastly, Sir, in cases where a worker dies before his retirement or full length of his service, the settlement of claim should be made as speedily as possible, so that the bereaved family is not subjected to suffer or face starvation for delay in getting back the Provident Fund of the deceased employee.

These are the few observations that I wanted to make and I hope the hon. Deputy Minister will consider them. With these words. I end once again supporting the amended Bill.

**Shri Abid Ali:** Sir, I never expected that discussion will take so long on this simple and very useful piece of amendment. Perhaps, the hon. Member who spoke the longest wanted to justify the decision of the Business Advisory Committee which decided to allocate two hours for this discussion.

**Shri Narayanankutty Menon (Mukandapuram):** It is quite inadequate.



**Shri Abid Ali:** Most of the remarks made by my hon. friends opposite had nothing to do with the Bill under discussion or the main Act itself. It is true, as was said by my hon. friend from Indore, that friends opposite were very much persistent and an organised whispering campaign was going on all over the country, more so in Bombay when this Ordinance was brought and the Provident fund scheme was to be introduced. Propaganda went on to say that the amount which will be collected from the workers will never come back to them and that this was a dodge being played by the Government. It is no use denying things which have actually happened. Is it not a fact that there are some people in this country who do not want that workers should become happy? Why should there be objection if we bring in this amendment and want to benefit a larger number of workers by bringing them under this scheme?

15 hrs.

**Shri S. M. Banerjee:** You have misunderstood. Nobody objected.

**Shri Abid Ali:** I do not interrupt when others speak.

Hon. Members were talking of a comprehensive Bill. I do not know what they were talking about. We do not intend to bring forward any comprehensive Bill. There is nothing of that kind to be done.

My hon. friend from Bombay said that this is piece-meal. Certainly whenever an amendment is thought of and it becomes necessary, it is introduced. That is the function of Parliament. Otherwise, if all the Acts are finally passed, and everything is done finally, it will not be necessary to hold so many sessions of Parliament. Only the Budget session will be enough.

**Mr. Deputy-Speaker:** There should not be this interruption.

**Shri Abid Ali:** Particularly when I was scrupulously silent.

What I was submitting is that there are some hon. Members who do not want it. They want that the workers should remain in difficulty. The suggestion for giving loans liberally is bad, because then the whole purpose of this Act is vitiated. The intention of this Act is vitiated. The intention retirement should get some amount, or in case of their death, their families should get some amount. If we allow giving loans liberally, then on retirement there will be nothing to be paid. The whole amount will be written off against the debt. So, that is not the intention, let it be made clear. Of course, so far as housing is concerned, there is provision. If the worker wants to draw the amount to his credit to invest in land, or in housing, that should be given. About that, provision has already been made.

About insurance, my good sister from Bengal has made a suggestion, but we have already very recently amended the Payment of Wages Act by which a worker can authorise his employer to deduct the premium from the amount of wages and pay the insurance premium.

It was said no benefit has been derived by the workers by this scheme. It is true that previously also some of the workers had provident fund schemes in certain industries, but it should be kept in mind that according to the schemes then prevalent, only the basic wage was taken into consideration for the purpose of calculating the contribution to the provident fund. Now we have included dearness allowance and other concessions, and the total wage of the worker is taken into consideration for calculating the contribution to the provident fund by the employer and also by the worker. So, there is a big difference in that. So, the attempt that has been made to show that no benefit has been derived by the workers by introducing the scheme is very much surprising. Of course, hon. Members have their own intentions.

About transport workers, much has been said, but I do not know why the hon. Members do not care to read the scheme and the Act. It is such a small thing. Transport workers are coverable.

**Shri Tangamani:** I beg your pardon.

**Shri Abid Ali:** Transport workers are coverable by the present Act and the scheme.

I submit that the hon. Member should not interrupt. He should now listen.

**Mr. Deputy-Speaker:** The hon. Member should not interrupt.

**Shri Tangamani:** If a mis-statement is made?

**Mr. Deputy-Speaker:** There might be difference of opinion over interpretation.

**Shri Tangamani:** It is not a difference of opinion over interpretation. Transport workers are not there in the scheme. Are the drivers and conductors getting benefit under this Act? I would like to have a straight answer to that question.

**Mr. Deputy-Speaker:** Order, order. He has said they are covered.

**Shri Abid Ali:** I say transport workers are coverable by the present Act and scheme. I make a categorical statement, and if there is any difficulty, I am here, and the hon. Member also will be here for some years. They are coverable, and it is not necessary to amend the scheme or the Act to cover transport workers.

Then, about decentralisation, this is a funny position. If there is centralisation, they say it should not be centralised. If something is handed over to the States, they say it should be centralised. Whatever is existing is bad from the point of view of the hon. Members. Of course, they are at liberty to have their own point of view, but it should be remembered that in the Central Board, all the trade union organisations, and parti-

cularly the one represented by the hon. Member here, are represented, and up to this time practically all the decisions reached in the Board are unanimous. So, deciding things unanimously and coming here and complaining is not fair, to put it mildly.

About expenses, we collect about Rs. 40 lakhs on account of administrative expenses from the employers, but not a pie from the workers. Out of Rs. 40 lakhs collected yearly, about Rs. 20 lakhs are spent, and the other Rs. 20 lakhs naturally go to the fund. I do not know why there should be a complaint about this. If something is collected from the employers and the balance of that is credited to the account of the fund, hon. Members opposite should be happy about it.

**Shri S. M. Banerjee:** Nobody complained about it.

**Shri Abid Ali:** My hon. friend from Indore and other friends, as also Shri Guha, have made references to mismanagement. It should be remembered that Rs. 104 crores have been collected. There are 29 lakhs of members. Maybe, in Pachura or somewhere here and there—there may be some mismanagement. Consider how much has been collected, and how much has remained uncollected. Only a very small percentage has remained uncollected. It is good that nobody should commit theft. Everybody wants that nobody should commit theft, but still there is theft. People do commit theft. Then action should be taken. An attempt should be made to see that the least possible number of persons commit theft. But our difficulty in these matters is that generally an employer defaults when he is in difficulty. Ordinarily they do not default. When the factory is working, there is no default. When the factory is in difficulty, there is default. When the employer is in difficulty, the amount is not paid. There again, we have to see that if we take stringent action, it may result in the closing down of the factory, resulting in the unemployment

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of the workers. We do consult the workers and ask them: "What do you want? Do you want us to be strict and take action by which the factory may be closed, or do you want that we should give facility to the employer to pay the amount in instalments and also keep the establishment working?"

My good friend Shri Guha has mentioned that the number of prosecutions sanctioned was actually five. In between the sanction and the closing of the year, those prosecutions might not have been filed, and the following year action might have been taken. I am not able to say exactly, but that may be the possibility.

What I was submitting is that it is just natural that in this vast country, when such a large number of workers are covered, here and there these defalcations may occur, but we are very much alert. Our inspectors are there to take action. There may be one or two of them also sometimes who may not be doing their job satisfactorily. That also is taken notice of and action is taken.

About payment, we are ourselves very much anxious that the amount due to the worker, or his family in case of his death, should be paid with the least possible delay. Generally provident fund amounts reach the workers or their families within a month; in some cases in a week or a fortnight, but mostly within a month. Still, we should endeavour to see that the amount reaches them still earlier, but the difficulty comes when a worker dies and his heir has not been mentioned. But it should be up to the trade union organisations also to see that they educate the workers in this respect.

About this Act being complicated, certainly Acts are always complicated. Workers will not be able to understand it. It is not that the Act should be translated. Trade unions also should do something, they should print the important provisions in

simple language, in the language that the workers understand.

A suggestion has been made, and it was also considered before. There are representatives of the workers, as I said, in the Central as well as the State Boards. They can take up this question very well, and we shall convey this suggestion to the Board, but in the meantime, the unions also can immediately make available to the workers in a simple language, in their language, all that it is necessary for them to know.

So far as depositing of the amount within a shorter period, as suggested by my hon. friend from Indore, is concerned, most of the amounts to be deposited by the employers in the bank is deposited within a fortnight, and when I say 'most of the amount', I mean a substantial amount; as I said, maybe, 99 per cent of the amount is deposited within a fortnight.

About badli workers, this difficulty has always been there. The limit of 240 days is there, because there will have to be some limit in order to cover the workers by the scheme. Still, we shall consider what action can be taken and in what form, so that this mischief can be stopped.

So far as delay in payment to workers in the Defence establishments is concerned, I did not object to the hon. Member's raising it here, because I do not like objecting, but I must submit that that scheme is not covered by this Act. That is quite a separate thing. Whether it be this scheme or any other scheme, nothing should be delayed. That is the intention. And we are earnestly endeavouring to see that nowhere does any delay take place. But still delays do take place.

I was mentioning the other day about the membership figure of the AITUC as on 31st March, 1957. Even today, a complaint was made that AITUC has not been given represen-

tation and so on. Therefore, I am mentioning this, that the list of trade union organisations affiliated to the AITUC as on 31st March, 1957 has not reached us, even though thirteen months have elapsed. So, delays are everywhere.

**Shri Tangaman:** How does it arise out of this? Even if it had not been submitted, that is not material here.

**Shri Abid Ali:** So, there is no use saying that only in Government delays do take place.

Regarding housing, I have already referred to it. As for the suggestion made by my hon. friend from Bengal, that some part of the amount should go to the State Governments, that is a general question. This question has to be considered from the overall point of view of finances and the amount distributed according to the planning that has been done and so on. The discussion on this Bill cannot cover that point, and certainly not by me. But even formerly, when we had no provident fund scheme. Centrally each establishment used to have its own provident fund scheme, most of the amounts collected had to be in Central Government securities.

**Shri A. C. Guha:** A portion was allowed to be invested in State Government securities.

**Shri Abid Ali:** That is true. But I would submit that States do receive their contribution through other processes. So, it is not that they do not receive anything. The intention particularly of this scheme is that the amount should be utilised for housing for the industrial workers. And the amount goes to the State Governments. Wherever housing is needed for the workers, and wherever it is possible to construct houses, the amount is given to the State Governments, and they utilise it according to their plans.

A suggestion has been made to include agricultural workers also under

this scheme. But this particular scheme covers only workers in the factories, in the mines, in plantations, in transport etc. So far as agricultural workers are concerned, that is a very big question. Perhaps, it may be possible to have a sort of co-operative working there, and when the principle or "जो खेय वह खाय" will be prevalent, then the question of provident fund for them will not arise.

About transfers, perhaps, the hon. Member would agree with me that even now, if a worker in a particular industry, say, textile industry in Bombay or jute in Bengal or mines in Jharia or Raniganj, leaves one establishment and goes to another, his account continues. By his leaving the establishment, his account is not stopped. When he gets himself re-employed in another place, his contributions are collected, and it does not become necessary for him to be on the waiting list.

**Shri Tangaman:** What happens when he is transferred to another unit belonging to the same employer, but which is not covered by this scheme? That was the point that I raised.

**Shri Abid Ali:** It does not matter. Even if the establishment belongs to another employer, I submit that he is entitled to be continued as a member.

**Shri Naushir Bharucha:** If that establishment is not covered?

**Shri Abid Ali:** Then, it is another thing. If an employee who is a member of the fund is transferred to another establishment which is not covered by the Act, then, whatever is provided in the scheme for such contingencies will follow. But, ordinarily, when an employee is transferred from one establishment to another even if it belongs to an employer under whom he was not working formerly, there is no difficulty.

About the monthly salary, perhaps, the hon. Member knows that it is

[Shri Abid Ali]

Rs. 500 p.m. and not Rs. 300 p.m. A person getting Rs. 500 total emoluments a month is entitled to join the scheme.

As regards the other suggestions made by my hon. friend from Madhya Pradesh and others, I assure them all that all those suggestions will receive earnest and deserving consideration.

**Shri P. C. Borooah:** About the suggestion that the contribution payable by the very lowly paid employees is to be paid partly by the Government and partly by the employers, in addition to the employers' part of the contribution what is the reaction of the Hon'ble Deputy Minister?

श्री भाबिद अली: गवर्नमेंट कंट्रीब्यूट करे यह और मुमकिन है। बलबत्ता कुछ वर्कर्स दें और ज्यादा एम्पलायर्स दें और वह अच्छी बात है क्योंकि जो पैसा इस तरह से जमा होगा वह सब वर्कर्स को ही मिलेगा।

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

"That the Bill further to amend the Employees' Provident Funds Act, 1952, be taken into consideration."

*The motion was adopted.*

**Mr. Deputy-Speaker:** Since there are no amendments, I shall put all the clauses etc. to vote together.

The question is:

"That clauses 1 to 3, the Enacting Formula and the Title stand part of the Bill".

*The motion was adopted.*

*Clauses 1 to 3 the enacting Formula and the Title were added to the Bill.*

**Shri Abid Ali:** I beg to move:

"That the Bill be passed".

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

"That the Bill be passed."

*The motion was adopted.*

## TRADE AND MERCHANDISE MARKS BILL

**The Minister of Commerce (Shri Kanungo):** I beg to move:

"That the Bill to provide for the registration and better protection of trade marks and for the prevention of the use of fraudulent marks on merchandise be referred to a Joint Committee of the Houses consisting of 45 Members, 30 Members from this House, namely Shri C. R. Pattabhi Raman, Shri Radhelal Vyas, Pandit Dwarika Nath Tiwary, Shri Kailash Pati Sinha, Shri C. Bali Reddy, Shri Nibaran Chandra Laskar, Shri Tayappa Hari Sonavane, Shri Akbarbhai Chavda, Shri Shiva Datt Upadhyaya, Shri K. P. Kutikrishnan Nair, Shri Ram Krishan, Shri Jaswantraj Mehta, Shri Bishwa Nath Roy, Shri Raghubar Dayal Misra, Shri Sunder Lal, Dr. Sushila Nayar, Shri Muthukrishnan, Shri K. S. Ramaswamy, Shri Jitendra Nath Lahiri, Shri M. K. Shivananjappa, Shri Chintaman Panigrahi, Chaudhary Pratap Singh Daulta, Shri J. M. Mohamed Imam, Shri Laisram Achaw Singh, Shri Balasaheb Patil, Shri Ram Chandra Majhi, Shri Badakumar Pratap Ganga Deb Bamra, Shri Motisinh Bahadursinh Thakore, Shri Nityanand Kanungo and Shri Lal Bahadur Shastri, and 15 Members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of Members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects, the Rules of procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and