

LOK SABHA DEBATES

1

2

LOK SABHA

Thursday, April 20, 1972 Chaira 31, 1894 (Saka).

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

Stringent Provisions in Employees' Provident Funds and Family Pension Fund Act, 1952

*481. SHRI N. E. HORO : Will the Minister of LABOUR AND REHABILITATION be pleased to state :

(a) whether Government have decided to amend the Employees' Provident Funds and Family Pension Fund Act, 1952 with a view *inter-also* to make penal provision more stringent ; and

(b) if so, the salient features thereof and the steps taken to implement the decision ?

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND REHABILITATION (SHRI BALGOVIND VERMA) : (a) and (b). Proposal to make the penal provisions in the Employees' Provident Funds and Family Pension Fund Act, 1952 more stringent are under consideration.

SHRI N. E. HORO : What are the main features of the proposals he is going to bring, and is he proposing to bring forward this legislation during the current session? If not, why not ?

THE MINISTER OF LABOUR AND REHABILITATION (SHRI R. K. KHADILKAR) : Our experience is that as the arrears are mounting, the provisions in the Act are not sufficiently deterrent. So we would like to make all these provisions very deterrent. We are at it. I propose to bring the legislation as early as possible.

SHRI JYOTIRMOY BOSU : Before the 1976 elections.

SHRI N. E. HORO : My specific question was whether he would bring it forward during the current session.

SHRI R. K. KHADILKAR : Every attempt will be made to expedite it, and if possible, at least to introduce it in the current session.

SHRI INDRAJIT GUPTA : Has the Minister taken note of the fact that in order to punish the chronically-defaulter employers regarding provident fund, the Bengal Government recently announced that the provisions of the Maintenance of Internal Security Act would be extended to cover them? If so, would he consider bringing a similar provision in this House extending the PD Act to cover such employers ?

SHRI R. K. KHADILKAR : I have seen the news item. Certainly we will take note of it, examine it and see if we cannot incorporate it in the proposed measure.

SHRI JYOTIRMOY BOSU : Is it a fact that on June 2, 1971, he made a statement which said : "It is now proposed to bring forward legislation to amend the Provident Funds Act providing deterrent penalties for defaulters." Now, it is going to be a year. What have you done during this period? Also, may I know if it is not a fact that the amount that the employers are defaulting to deposit is mounting every day? Also, there is a sensational item of news which came out in the *Blitz* about the Board of Trustees of the Coalmines Provident Fund Organisation, where there are thousands of gross irregularities, and there are numerous cases of defalcation which involve a man called Mr. M. R. Naik, ICS. Would you like to tell this House how many prosecutions have been launched so far and give us the details, Statewise ?

MR. SPEAKER : It is a simple question whether the Government have decided to amend this law. You are referring to prosecution

tions, how many of them, this and that. You must give specific notice for that.

SHRI JYOTIRMOY BOSU : He is willing to give the answer. It is a very serious matter. Rs. 28 crores by way of defalcation; every day the amount is increasing. The Government is keeping its eyes shut. He is ready with the answer.

MR. SPEAKER : That is not relevant. (Interruption).

SHRI R. K. KHADILKAR : rose—

MR. SPEAKER : If the Minister is ready, then what is the need for me ?

SHRI R. K. KHADILKAR : No, Sir, not that. I am prepared to give the number of prosecutions, but the important point about this is that the courts take a rather lenient view, and hardly any one is sent to prison, and the fines are nominal. That is our difficulty. So far as the prosecutions are concerned; the total number of cases launched is 43,996; convicted, 21,105; acquitted, 1,908; withdrawn, 6,866 dismissed/discharged, 592. In all, 29,661.

SHRI JYOTIRMOY BOSU : In June, 1971, you had said that you are taking steps to bring a Bill, but what have you done during the last one year? That is the main question.

SHRI R. K. KHADILKAR : I did say that. But all the difficulties in the way have to be overcome. The main difficulty at the present juncture is, we are not in a position to prosecute. Our Commissioners have no power. The appropriate Government for such cases is the State Government concerned, and because of that, it is very difficult for us to process our legislation.

SHRI JYOTIRMOY BOSU : My question has not been replied to. I said—

MR. SPEAKER : It can never be replied to; there should be a limit.

SHRI JYOTIRMOY BOSU : On the 26th June, 1971, the hon. Minister made a categorical statement in Delhi saying that they are soon going to bring a legislation which will give deterrent punishment to the defaulter. I want to know what they have done during the last one year. Why is it that they have not brought a Bill on the floor of the House ?

SHRI R. K. KHADILKAR : The hon. Member ought to know that such a legislation is processed through the tripartite labour conference. (Interruption). Then alone we can bring a legislation like this.

SHRI JYOTIRMOY BOSU : Contribution to the election fund. (Interruption). Rs. 28 crores have been defaulted under the nose of this Government, at the cost of the poor workers who have been contributing through their sweat and blood. This Government has been hand in glove with the criminal defaulters. They have not taken any step. What is the limit? The sky is the limit. Those people should be hanged

MR. SPEAKER : Order, order.

SHRI VAYALAR RAVI : Crores of rupees have fallen into arrears of provident fund. So, will the Government consider re-constituting the Provident Fund Board of Trustees with a full-time Chairman who is not at least anti-labour ?

SHRI R. K. KHADILKAR : It is a suggestion for action.

श्री हुकम चन्ध कछवाय : अध्यक्ष महोदय, माननीय मंत्री जी ने यह बात तो स्वीकार की है कि हमारे सामने बहुत सी कठिनाइयाँ हैं, हम उनके खिलाफ कठोर कार्यवाही नहीं कर सकते। इस सम्बन्ध में भविष्य नीति बनाने के विषय में इस सदन में अनेकों बार यह मसला उठाया गया और सदस्यों ने अपनी चिन्ता व्यक्त की कि मालिक लोग जो मजदूरों का पैसा काटते हैं, वे भी जमा नहीं करते हैं, अपना पैसा जमा करना तो दूर की बात है। क्या सरकार कोई ऐसी व्यवस्था करने जा रही है कि जो पैसा वह काटते हैं वह तत्काल जमा दिया जाय और जो पैसा उनको अपने हिस्से का जमा कराना है, उसके लिए भी शीघ्र कानून लागू किया जाय ?

आप इसलिए कार्यवाही नहीं करते हैं कि उनके खिलाफ जो जमाना होता है, वह 100-200 या 500 रुपया होता है, जब कि वे लोग उस रुपये को दूसरे उद्योगों में लगाकर ब्याज बचाते हैं और लाखों रुपया कमाते हैं। ऐसी स्थिति में आपकी सबसे बड़ी दिक्कत यही

हे कि चुनाव के दिनों में आपने बहुत बड़ी मात्रा में पैसा लिया है इसलिये उनके खिलाफ कार्यवाही नहीं करना चाहते ।

SHRI R. K. KHADILKAR : I do realise that the arrears are mounting, that they had crossed Rs. 17 crores. Sixty per cent of this are to come from the textile sector and another big chunk of 11 per cent should come from the engineering sector. It is absolutely baseless to bring election funds into this question ; it is absurd.

श्री हुकम चन्द कछवाय : आपने चुनाव के दिनों में पैसा लिया है और उनको बचन दिया है फिर आप यहां पर झूठ क्यों बोलते हैं । साल भर पहले सरकार ने यहां पर आश्वासन दिया था लेकिन अभी तक इस सम्बन्ध में कोई कार्यवाही नहीं की । **(व्यवधान)** जो मिल मालिक पाच लाख रुपया तथा उसमें अधिक भ्रष्टाचार निधि का लेकर बैठ जाता है उस पर केवल सौ रुपया जुर्माना किया जाता है, इसका क्या मतलब है ? आप सौ रुपया जुर्माना क्यों करते हैं ? यह कोई तरीका है ? हम लोग साल भर में कहते आ रहे हैं । ... **(व्यवधान)** ... मजदूरों का यह पैसा गाड़ी कमाई का है और उससे उद्योग बढ़ाये जा रहे हैं । **(व्यवधान)** यह निकम्मी सरकार आश्वासन देने के बाद भी कोई कार्यवाही नहीं करती है । ... **(व्यवधान)** ...

SHRI JYOTIRMOY BOSU : This Government is hand in glove with the big defaulters. He is telling an untruth and he is misleading the House and undermining the whole thing... It is absolutely a fraud... **(Interruptions).**

MR. SPEAKER : Nothing will go on record if you go on shouting like this... **(Interruptions.)** I cannot tolerate it anymore. The Minister is fond of giving figures ; kindly satisfy him.

SHRI DINEN BHATTACHARYYA : My submission is this. Let the Minister say, up-to-date what is the total arrear. After six months we shall raise the same question and then you will know what is the attitude of the Government.

SHRI R. K. KHADILKAR : I shall give the total arrears. I said they were mounting. In 1967 the figure was Rs. 5.96 crores ; in 1971 September the figure was Rs. 17.61 crores. As I said earlier, all the procedural matters have to be gone through before we introduce legislation.

श्री हुकम चन्द कछवाय : अध्यक्ष महोदय, मंत्री जी ने अभी भी जवाब नहीं दिया है । सरकार इस पैसे को वसूल करने के लिए कौन सी तत्काल कठोर कार्यवाही करना चाहती है ? कितने दिनों में यह पैसा वसूल कर लिया जायेगा, इसका स्पष्ट उत्तर मिलना चाहिए ? **(व्यवधान)** .. मजदूर अपना पैसा कटवाते हैं, वे बेचारे कर्जा लेना चाहते हैं तो कर्जा मंजूर नहीं होता है । वे अपने पैसे का उपयोग नहीं कर पाते हैं । ऐसी स्थिति में क्या सरकार तत्काल कोई ऐसा कानून लाकर व्यवस्था करना चाहती है कि मालिकों में जो पैसा लेना है वह 4—6 महीने में वसूल हो जाये । इस प्रकार की व्यवस्था आप करने जा रहे हैं, ऐसा स्पष्ट उत्तर यहां पर दिया जाये । ... **(व्यवधान)** ...

SHRI JYOTIRMOY BOSU : I had asked whether he would give a categorical assurance on the floor of the House that within six months the Bill will be enacted. We are not going to have any nonsense, we are not going to be taken for a ride, constantly misled. This gentleman represents the whole Government and the Cabinet. If he cannot satisfy us, he should resign.

SHRI R. K. KHADILKAR : I will repeat that all the preliminaries are over, and all our efforts will be directed to bring forward the measure as early as possible. I do not want to commit myself.

MR. SPEAKER : I am not going to tolerate this any more.

SHRI JYOTIRMOY BOSU : How can we tolerate this Government when they are deceiving the poor workers ? We want a categorical assurance that a Bill will be brought before the House within six months. You kindly help us and the workers.

MR. SPEAKER : I have helped you enough, I am not going to do any more.