16.27 hrs.

STATUTORY RE. DISAPPROVAL OF THE COAL MINES PROVIDENT FUND AND MISCELLANEOUS PROVISIONS (AMENDMENT) THIRD ORDINANCE, 1996.

#### AND

COAL MINES PROVIDENT FUND AND MISCELLANEOUS PROVISIONS (AMEDMENT) BILL. 1996-CONTD.

SHRI CHITTA BASU (Barasat): Madam, Chairperson, I rise to support the Bill. While supporting the Bill, I will draw the attention of the Government, particularly the Minister incharge of Coal Department, to take into account the following suggestions.

The essence of the Bill very clear, specific and pointed.

[English]

THE MINISTER OF RAILWAYS (SHRI RAM VILAS PASWAN): Madam, with your permission, I would like to inform the House that dinner is being provided not only for hon. Members but for the staff and members of the Press also.

[English]

SHRI CHITTA BASU: The Bill seeks to authorise the Government of India to prepare a Pension Scheme in modification of the existing one which will include the following, and I quote from the Objects and Reasons of the Bill:

- "(i) This Pension Scheme will include superannuation pension, retiring pension, permanent total disablement pension, widow or widower pension, children pension and orphan pension;
- (ii) Creation of a Pension Fund on the same pattern of contribution as the existing Family Pension Fund, supplemented by the additional contributions agreed to voluntarily by the workers and surplus available with the existing Family Pension Fund; and
- (iii) Transfer of all assets and liabilities of the existing Family Pension Fund to the proposed Pension Fund."

These are the three specific objects of the Bill. In this regard, in the financial memorandum, it has been stated:

"At present the Central Government contributes at the rate of one and two-third per cent of the emoluments of each employee. The Central Government is also

bearing the entire cost of administration of the Family Pension Fund..."

Madam, it covers about eight fakh coal workers in our country. Many hon. Members who are actually working in the trade union field have already suggested that this scheme is quite acceptable to them. Since this scheme is wider that the existing one, covering various aspects, as I have mentioned earlier, the scheme should be finalised after due consultation with the representatives of the trade union.

I also draw you attention to the Bill itself. The Bill has not provided any rule-making provision. Therefore. whatever scheme is formulated by the Government will be automatically accepted and this House will have no chance of giving any opinion on the various aspects of the scheme. In this way, I am constrained to make a criticism that this is not the democratic way. This is a Bill which provides the quantum of pension and it is being left to the bureaucracy; the Central Government is authorised to prepare this scheme and that scheme is to be taken as the final scheme. This House or the organised trade union movement. I feel, has no scope. right or opportunity to discuss as to whether the scheme is hundred percent suitable to the workers or not. Even if there had been a rule-making provision that the scheme would be made as a part of it - althought not acceptable - it could have been discussed in this House if the Members of this House, of course, are adequately alert when they bring this. Therefore, it is not properly democratic in its approach.

Secondly, the Government's declared policy, I mean, the United Front's declared policy, is to involve the workers in the running of the administration. In other words, we are all committed for ensuring the participation of labour in the management not only at the shop level but also at the Board level and at the apex level. Here that question does not arise. Simply, I, along with the other Members, want you to prepare and finalise the pension scheme in a wider way, which is acceptable and which is commendable. But the contents, the various facets of the scheme are to be consulted and finally taken up by the Government with the consent, in this case, of the organised trade union movement.

If the Government does not accept these suggestions, I think, the very basic principle of the commitment of the Government to involve the workers in the management will be defeated, will be negatived and it will be very much a matter of great concern for people like me and other Members. Therefore, this scheme is to be prepared and discussed among the organised trade union movement and finally taken up. If that process is adopted here, the House will be deprived of its right and will not have the right to discuss about the merits or the demerits or the weaknesses or the plus points or the minus points of the scheme.

Therefore, I, very politely with all humility at my disposal, urge upon the Government to accept the suggestion and finally finalise the scheme.

In this connection, taking advantage of my participation in the Bill, I also want to refer to, very briefly, certain basic problems facing the industry itself. In so far as, West Bengal is concerned, it is learnt that there are proposals lying with the Government, pending with the Governmet for opening new coal mines in the district of Birbhum, I the district of Bankura and in the district of Puruliya. But no effective steps or specific steps have since been taken to commission these new mines and for that, infrastructural programmes are to be taken up speedily so that the new mines scheme can be commissioned at the earliest. The West Bengal Government has got its own programme of rapid industrialisation. Energy is one of the most essential parts of industrialisation and the industrialisation policy of the State Government of West Bengal can be further harnessed, can be futher expedited, if this coal mines exploitation scheme, i.e. the new mines, is put into commission as early as possible. I think the Government will take note of it.

Sir, in West Bengal and particularly, in the North-Eastern part of the country, illegal mining is being conducted, causing a great damage and loss to the revenue fo the State and also contributing to the corrupt practices which are being indulged in by the officials. Therefore, the illegal mining is to be stopped immediately and all stricts measures necessary ought to be taken.

It is a matter of great concern that the Government has been thinking in terms of de-nationalising the coal industry. Madam, I will call it a disastrous step and it should not be taken up. Therefore, the Government should revive its thinking. Even if the United Front Government decides to de-nationalise the national coal industry, it should refrain from it. As a supporting Party, I want the United Front Government to revise its attitude towards the privatisation move of the coal industry.

I am going to conclude. I hope the Government will accept the suggestion made by several Members in the House, particularly who are engaged in trade union activities, like me and others, and finally decide upon this pension scheme which is very much beneficial for the teeming millions of our coal miners in the country ...(Interruptions)

MR. CHAIRMAN: Well, then do not waste time. Shri V. Ganesan, please.

SHRI V. GANESAN (Chidambaram): On behalf of the DMK Party, I rise to support the Coal Mines Provident Fund and Miscellaneous Provisions (Amendment) Bill, 1996.

This being my maiden speech in the Lok Sabha, I would like to pay my respects to Dr. Kalaignar, who had always supported me and provided me an opportunity to express my views before this august House.

The Bill seeks to empower the Central Government to frame a suitable Pension Scheme for providing wider benefits to the subscribers of the Coal Mines Provident Fund. It seeks to give powers to the Central Government for evolving superannuation pension, retirement pension, permanent total disablement pension, widow or widower pension, children pension and orphan pension for the coal workers.

The Bill for this purpose seeks to create a Pension Fund out of contributions to the existing Family Pension Fund supplemented by additional contributions agreed to voluntarily by workers as well as out of the surplus available with the existing Family Pension Fund.

I would like to take the opportunity to highlight the plight of the coal mine workers. The coal mine workers are the most neglected section of the society. Despite several law and despite several institutional arrangements for ensuring their welfare, the achievements in this regard is very poor.

As far Housing facilities to the coal mine workers are concerned, we are yet to provide 100 percent housing to the workers. They are in hazardous occupations and untill the basic need of housing is tackled on war footing, their miseries cannot be wiped out. I would like to impress upon the Government that they should, in the current plan, ensure 100 percent housing to all coal mine workers. The workers of the Neyveli Lignite Corporation should be covered under a special plan for providing 100 percent housing facilities by. 1998.

The work conditions in coal mines always tend to create health complications. All coal mine workers should be provided with a special medical reimbursement allowance. This should be provided in addition to the medical facilities made available to them by the coal mine organisations so that the workers can have a freedom to choose their own medical personnel for consultations which normally others have. All coal mine complexes must have well equipped hospitals to diagnose at the very early stages the dangerous disease called pneumoconiosis which normally affect the coal miners.

Though provision of educational facilities at the coal mine complexes for educating the children of coal mine workers is primarily a responsibility of the State Governments, I shall like to impress upon the Minister to provide a special assistance to the State Governments for running the educational institutions. This would go a long way in expanding the educational facilities provided to the children of the coal mine workers.

Sir, I feel it my bounden duty to highlight some of the injustices being committed to the coal mine workers by the Neyveli Lignite Corporation authorities.

Land was acquired by the Neyveli Lignite Corporation for its activities long back. However, the compensation that ought to have been paid to those from whom the lands were acquired, has not so far been paid due to the highhandedness of the officials of the Neyveli Lignite Corporation. The N.L.C. authorities have also been irresponsible when they had not provided one member of each family from whom the lands were acquired, with a job in N.L.C. These things were agreed upon and the N.L.C. officials have failed to fulfil the promises to the detriment of the public interest. The hon. Minister must immediately look into this and ask for a report from the N.L.C. authorities for immediately resolving this problem.

The safety standards in Neyveli Lignite Corporation are also miserable. Due to lack of safety standards, deaths due to accidents are on the rise. I, therefore, request the hon. Minister to immediately order an inquiry into failing safety standards in Neyveli Lignite Corporation. I have reports that some vested interests in the Neyveli Lignite Corporation do not take due interest in ensuring proper safety. These vested interests who are anti-worker in their nature, should be identified and punished. I want the Government to set up a task force to study safety conditions in N.L.C. and to recommend measures for improving safety standards in the interests of the poor workers.

The malpractices in Neyveli Lignite Corporation have gone beyond bounds. I have reports that casual labourers are employed and even when permament vacancies arise, they are not adjusted through the casual employees society. There is an inordinate delay in filling permanent vacancies by casual employees. The officials have a heyday in indulging in corruption. This has to be checked. Unless this is done, whatever law you may bring, such measures are bound to be defeated.

I would like to hon. Minister to initiate concrete steps to streamline the functioning of the Neyveli Lignite Corporation and attune it with the workers' interests.

Our hon. Minister of State of the Ministry of Coal may please visit the Neyveli Lignite Corporation to see the various problems faced by the workers. I hope that further action will be taken in this regard.

With these words, I conclude.

MR. CHAIRMAN: I now call Shri Jayanta Rongpi to speak. He is not here.

I hope hon. George Fernandes will entertain us with a brief speech.

SHRI GEORGE FERNANDES (Nalanda): I will not make a big speech.

# [Translation]

Madam, almost all the hon. Members have supported this Bill and congratulated this Government, But I do not see anything in it for which Government may deserve applause. If any body deverse apprepriation, it is Shri Narsimha Rao because the bill is not new and it replaces the ordinance of 5th January.

If the honourable members have studied the bill carefully, they would see that the statement of objects and reasons cleary states that this ordinance was promulgated on 5th January and because it would not be converted into a bill and passed, it was again promulgated on 20th June. Therefore, Madam, this bill belongs to congress Government. The united Front Government is only honouring its commitment because Shri Narsimha Rao had told this Government in the very geginning that it would continue whatever his Government has started. Therefore, this Government's economic policy, its budget and this bill all are indications of this commitment. So if they want to welcome, they should welcome congress Party and its leader. I don't see any thing praiseorthy. The bill says that a new pension scheme is being prepared. Sub-Section 3(E) of section 5 has been substituted by a new section which says.

## [English]

- (a) superannuation pension, retiring pension or permanent total disablement pension to the person employed in any coal mine or class of coal mines to which this Act applies; and
- (b) widow or widover pension, children pension or orphan pension and life insurance benefits, payable to the beneficiaries of such employees.

## [Translation]

Many of us may think that earlier, there was only one pension and now there will be several pensions. The deceased persons, their widows, orphans will get pension. The Congress Government has been able to mislead the people. There is nothing worth while in it. If this ment want to give pension, where is the money? It must till us frame where the funds will come. How will it generate funds to pay pension from next month or 5th of January.

The felt the need of promulgation of the ordinance and I presume that process of implementation also started. Then the pension scheme should have been brought before this House. There is nothing as transparency. The Government that drafted this Bill is no more in power, but the United Front Government should have brought the details of the scheme before this House. It was said that workers were going to get crores of rupees through this scheme. Government must tell the source of this money.

Madam, look at the annexture which deals with the mobilization of funds. Sub para 2 of para E says.

## [English]

"Notwithstanding anything contained in section 3, there shall be established, as soon as may be after framing of the Pension Scheme, a Pension Fund into which there shall be paid, from time to time, in respect of every employee who is a member of the Pension Scheme,

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(a) such sums, not exceeding one-fourth, of the amount payable to the Fund under sub-section (1) of section 10D as the employer's contribution as well as the employee's contribution, as may be specified in the Pension scheme."

## [Translation]

Now, the old provision says:

# [English]

"Such portion, not exceeding one-fourth of the amount payable under sub-section (1) of section 10D as the employer's contribution as well as the employee's contribution, as may be specified in the said Scheme."

## [Translation]

Funds are the same, what will they do further; the heads are :

# [English]

"Such sums as the Central Government may, after due appropriation made by Parliament by law in this behalf, specify."

## [Translation]

Now see what previous provision says:

## [English]

"Such sums, being not less than the aggregate of the amount payable in pursuance of clause (a) out of the employer's contribution under sub-section (1) of section 10D and an amount equivalent to one-sixteenth of the employer's contribution.."

#### [Translation]

It further says :

## [English]

"the net assets of the Family Pension Fund as existed immediately before the establishment of the Pension Fund."

# [Translation]

So, there is nothing new. It is their money. My friend Basu Dev Acharia said that 880 crore rupees are available. But is workers money and is proposed to be transferred. Nothing more, the last sentence is.

# [English]

"any other contribution which may be made to the Pension Fund with the previous approval of the Central Government."

## [Translation]

Now, see the Financial Memorandum, which says:

## [English]

"It is proposed to transfer the net assets of the existing Family Pension Fund to the corpus of the proposed Pension Fund."

## [Translation]

This is what they have mentioned earlier. It is further said:

# [English]

"Clause (b) of sub-section (2) of the new section 3E proposed vide clause 5 of the Bill provides for the contribution of the Central Government. The Central Government may pay to the proposed Pension Fund such sums after due appropriation made by Parliament by law in this behalf."

# [Translation]

It was 1/16, but now no percentage has been mentioned; But in the following sentence, they say;

## [English]

"However, it is proposed that this amount would be at the existing level of contribution to the Family Pension Fund."

## [Translation]

They say it will be 1/16. Now the Congress is out of power. They are supporting this Government what have the workers got?

Madam, my worry is that they are betooting the entire country. They are trying to project in if they are doing much for the people. In fact they are doing nothing.

This is my complaint...(Interruptions)

# [English]

DR. T. SUBBARAMI REDDY (Visakhapatnam): What is wrong in it. It is good, you must feel happy about it ...(Interruptions)

MR. CHAIRMAN Please do not waste the time. We have to take up discussion on the Railway Budget soon.

SHRI SRIBALLAV PANIGRAHI (Deograh): By this bill, not only the scope of pension is being broadened but also the money amounting to Rs 1000 crore which could not be spent earlier is being made available now for spending.

## [Translation]

SHRI GEORGE FERNANDES: Otherwise, they had swallowed it.

SHRI SRIBALLAV PANIGRAHI: It is not so.

SHRI GEROGE FERNANDES: You said a sum of Rs. 880 or Rs.1000 crore is lying. This belongs to the workers. It will belong to them even after the adoption of the new scheme.

SHRI SRIBALLAV PANIGRAHI: This includes Government contribution also.

SHRI GEORGE FERNANDES : This money belongs to workers.

# [English]

SHRI SATYA DEO SINGH (Balram Pur): Why are you speaking on behalf of the Minister?

#### [Translation]

SHRI GEROGE FERNANDES: You told me that I will make a big speech.

#### [English]

MR. CHAIRMAN: I said, brief speech and not big speech.

## [English]

SHRI GEROGE FERNANDES: That is why I want to be very brief. What I want to submit is that there is nothing laudable in any of the schemes I don't find any provision here whereunder government may make sizable contribution. I would like to make it very clear that workers used to get 5.5 percent interest on their pension fund and other funds. An Act was made to this effect in 1971. I do not know whether government has raised it to 8 percent but the provision I have seen contains 5.5 percent interest. I want to plead with the Government that workers contribution is deducted, mine owners' contribution is deposited and if government is making any contribution that must also be deposited in the relevant fund. The Amendment proposed does not relate to 5.5 percent interest but the legislation being amended provides for 5.5 percent annual interest. It is in the second schedule. Now in the proposed schedule they say.

## [English]

"The manner in which the accounts of the Pension Fund shall be made and investment of moneys belonging to the pension Fund to be made subject to such pattern of investment as may be determined by the Central Government."

# [Translation]

Till now, Central Government's determination was 5.5 percent. They are fleecing the workers. I do not want to go into the details what government has earned or lost out if it. But we do not have the right to fleece the workers. They should be given the best rate of interest available in the market because the amount so acrewed will be paid to them by way of pension. I am

afraid, if this is not done they may bring out it to 4 percent. Earlier they had mentioned 5.5 percent but this time it has been ommitted just perhaps to avoid criticism in this House. In the U.S.A. and European countries the interest rate is 4 percent and sine India is also being Amcericanised, they thought it fit to keep the interest at 5.5 percent. I don't know what was their intention when they drafted this Bill but I would like to stress once again, the interest rate should be 8 percent or above, or what is available under secured deposits or government bonds. In any case, the interest rate should be more than 5 percent this Government is not in a position to help the workers in any manner, but they can be better paid out of the interest on their deposits with these words. I conclude.

# [English]

MR. CHAIRMAN: Thank you, very much. Now, the hon. Minister Shrimati Kanti Singh will reply.

SHRI SATYA DEO SINGH : Madam. Chairperson, I have given my name.

MR. CHAIRMAN: There are many names, but everybody is waiting for the discussion on the Railway Budget.

SHRI SATYA DEO SINGH: As far as the discussion on the Railway Budget is concerned, Madam, we are told that the House will sit late in the night and the non. Minister has been kind enough to provide ...(Interruptions)

MR. CHAIRMAN: But most of you want to speak on this...(Interruptions)

SHRI SATYA DEO SINGH: My protest is this. Yesterday, there was a Bill relating to labour.

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The Bill which is introduced is also concerned with labour. We are all concerned with labour. But when it comes to brasstacks, we try to evade...(Interruptions)

MR CHAIRMAN: This cannot go on like this because the discussions on Railway Budget has to begin. I have already called the hon. Minister.

#### (Interruptions)

# [Translation]

SHRI SATYA DEO SINGH: Madam, my submission to you is that you should give 5 minutes to all those who want to speak. Smt. Kanti Singh is our Minister She will enlighten us about bunglings in coal sector. There is comption, kick backs in this industry. This matter pertains to an invaluable asset...(Interruptions)

#### [English]

MR. SPEAKER: We have already taken three hours for this

## (Interruptions)

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SHRI SATYA DEO SINGH: Let us take another fifteen minutes before the Minister replies. What is wrong in that?

MR. CHAIRMAN: It is not the question of right or wrong. It is the question of time for discussing the Railway Budget.

(Interruptions)

 $\ensuremath{\mathsf{MR}}.$  CHAIRMAN : We cannot do that. It is not possible.

[Translation]

THE MINISTER OF STATE OF THE MINISTRY OF COAL (SHRIMATI KANTI SINGH): Madam Chairperson, I am grateful to the hon'ble Members for giving valuable suggestions in regard to proposed pension scheme and I have noted those suggestions. I shall always be prepared to take the suggestions into consideration.

Hon'ble Member Shri Basu Dev Acharia has said that representatives of trade Unions should be consulted in the framing of the pension scheme. I would like to tell him that we are taking their advice. Under coal Mines Provident Fund, only working documents have been circulated for consultation. The scheme is being given the final shape. The entire Family Pension Fund, which was around Rs.1000 crore in 1995 will be transferred to pension scheme.

Some hon'ble Members have said that this Bill be referred to a select committee or a Joint Select Committee. But my submission is that this course of action is not required because through this Amending Bill, we are empowering the Central Government to create a Pension Fund. This is an enabling measure. Reference of the Bill to the standing Committee will be wrong because the third ordinance is going to lapse on 20th August 1996. We cannot promulgate another ordinance while the Parliament is in session. This will create resentment among the coal workers and the economy of the country will be adversely affected if they resort to strike. The entire process of introducing the Bill will have to be started afresh.

Hon'ble Shri Lodha ji asked as to why the need of promulgation of the ordinance arouse. The ordinance was promulgated to assure the coal mine workers that in deference to their recommendation, a new scheme is being finalised. The Coal Mine Provident Fund and Miscellaneous Provisions Act and the Employees Provident Fund Act are two separate Acts. Therefore, the Pension Scheme will have to be bifurcated under these two Acts. The administration cost of Family Pension is borne by the Government of India. The administration expenses of the proposed Pension Scheme will also be borne by Government of India. In the proposed Pension Scheme, the contribution of the Government of India will be at the level act which it is contributing to family Pension Scheme. Under the present family Pension Scheme, the workers get very little benefit and therefore, its Fund corpus is being increased. The workers will get many benefits from this Fund under the proposed Pension Scheme. We shall implement it in a balanced and sustainable manner. The interest rate has been 1.5 percent since 1.4.91 and therefore I want this Bill should be passed.

Hon'ble Member Shri Verma ji spoke about some Paper clippings. In this regard I would like to say that these Press reports are toally baseless. On the contrary, I have given strict instructions that no irrgularity should be allowed in the supply of coal. If a single person of the Coal India Limited is found to have made allotment of coal in a dubious manner, most stringent action will be taken against him. These beaseless reports were published by those vested interest who want to secure under benefit from Coal India Limited. We will prove by our action that these allegations are absolutely wrong. We are fully committed to root out any kind of irregularities. In the end I would like to say a Ghazal in connection with the allegations made against me.

Lazzate gum barha deejiye, Mera daman bahut saaf hai. Koi tohmet laga deejiye.

SHRI SATYA DEO SINGH: Madam Chairperson, you did not give an opportunity earlier to speak, but I would like to submit to you that three ordinances have been promulgated during 10th and 11th Lok Sabha and during the tenure of previous Government ...(Interruptions) Why are you so anxious, I am not going to quote from newspapers. She has repudiated the news item of The Hindustan Times. Three ordinances have been issued in this matter. This time, this Bill has been brought in a hurry. It is an incomplete Bill. She has said that the ordinance was going to lapse. That is all right. But I want to know when the proposed scheme concerning the mine workers can be finalised and implemented...(Interruptions). Has any time frame been chalked out for this purpose. It must be done within a set time frame. Government must commit to this House as to the time by which the workers will get the benefit of this scheme...(Interruptions). I want to know from the Hon'ble Minister the time by which this Bill will be made effective...(Interruptions)

[English]

MR. CHAIRMAN : No, no. We have to follow some rules. Please sit down.

(Interruptions)

MR. CHAIRMAN: Thank you very much. You have made your point.

SHRI SATYA DEO SINGH: I have made my point. Now, let the hon. Minister respond for a second.

MR. CHAIRMAN: That is hon. Minister's discretion. Moreover, Justice Guman Mal Lodha is going to speak now.

(Interruptions)

[Translation]

SHRI SATYA DEO SINGH: There is no question of arbitrariness irregularities are being committed in the allotment of coal. Only some favourite people are being allotted coal...(Interruptions) The officials are being pressuried...(Interruptions)

[English]

MR. CHAIRMAN: Lodha ji, Please start.

(Interruptions)

[Translation]

MR. CHAIRMAN: Please sit down. Don't loss time.

SHRI SATYA PAL JAIN (Chandigarh): Madam just now, Shri Basant Singh Khalsa raised a very vital point about non supply of coal to Punjab as a result of which the 2 thermal power plants are on the verge of closure ...(Interruptions) We want Punjab should get regular supply of coal.

[English]

MR. CHAIRMAN: I think, the hon. Minister will make a note of all that has been said, and she will call those hon. Memebers who raise such concrete points. So, there is no problem.

(Interruptions)

MR. CHAIRMAN : She will do it.

[Translation]

SHRIMATI KANTI SINGH: Madam, I have already said that the hon'ble Members who have given their suggestions have been taken note of, but if they want to see me I am always prepared to meet them and I shall try to solve all of their problems. As for shortage of coal in Punjab, the shortage has been met and there is no shortage now...(Interruptions)

JUSTICE GUMAN MAL LODHA (Pali): Madam Chairperson, the important thing is that it was absolutely necessary, there was urgency to bring this ordinance. It is true that workers had been agitating and the Government was continuously overlooking their interests and delaying the matter. This ordinance was promulgated first on 5th Jan. 1996 and today when we are discussing this measure, here, three more ordinances were repeated and efforts were made to introduce a Bill but main issue is of implmentation of pension scheme. The workers are not going to be benefited out of this enactment. This Bill is an enabling provison, it gives power to the Government but why a scheme was not finalised during the last six months since 5th Jan, 1996? Why the scheme was not finalised and implemented? The hurry shown in bringing the ordinances should have resulted in implementing the pension scheme and extending its benefit to the Coal Mine workers. But the fact is, and they have admitted this, that deliberations are going on for the finalisation of Pension Scheme. It has been stated in House that this Bill has been introduced for the benefit of 8.13 lakh workers. But none of the labourer or workers has got its benefit so far. It is a mere pretention, it is a show. Infact Government's intentions are not clear. They have not tried to extend benefit to any worker. This is infact misuse of powers to promulgate ordinances, it is murder of the Consitution and misuse of Article 123. This is not objectionable. Had the benefit been made available to the workers I would not have objected to this. The hon'ble Members may have or may not have got the opportunity to discuss it but the workers would have benefited. My submission is that the ordinance making power has been misused and abused. Still the workers did not get the benefits. There was no justification for promulgating this ordinance.

Madam, I would like to submit that this delegated legislation confers power to formulate a scheme but rules have not been framed thereunder. That means the delegated legislation to be passed, the provident Fund Scheme to be implemented will not be discussed in this House. According to the provision of General Provident Fund any rules framed thereunder are required to be tabled in this House. It is the prerogative of this House to amend, after, improve or abrogate any rule and regulation. I do not know what Government's intention is in this case and why the Members of Parliament are being deprived of their legitimate rights? Why Government thought of precluding the real scheme to be made for the benefit of the workers from being deliberated by this House? What are the reasons behind this strategy? Is there any malafide intention behind this? Is the intention of the Government is that the scheme should not be put to the scrutiny of Parliament, Members should not be given an opportunity to consider it? If this is so, then, I must say it goes against the tenats of democracy and democratic traditoins. It is against the norms of Parliamentary democracy, it is against the Constitution, it is against rules and procedures of this House. Therefore, there is still time Government should reconsider the matter and lay the proposed scheme on the table of this House so that Members of Parliament may express their views on the scheme. I am not against this ordinance. I want that the workers should get its benefits as early as possible but we also want to associate ourselves in this effort. In case any addition, alteration or amendment is suggested by this House, government should accept the same.

Madam, there is yet another important aspect. The Government has said in section 5 of the Bill.

[English]

"...as the Central Government may after due appropriations made by Parliament by law in this behalf specify.."

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## [Translation]

May I know whether any such amount has been specified because the budget has already been presented? The provision included in the budget are before us:

## [English]

"...as the Central Government may after due appropriation made by Parliament by law in this behalf specify..."

# [Translation]

May I know from the government whether any provision has been included for payment by way of pension? The amount of employee's contribution and the interest acrued thereon is already there, but, if government want to make any contribution to the fund, a provision should be made in the budget. If the word 'shall' had been used in place of 'may' then I would have agreed that workers will get pension. This shows you are of course committed to the welfare of the workers but by using the world 'may' in the drafting, the rights of the workers have very cleverly left to the discreation of the government. The fate, the future and the pension of workers will be at the mercy of the government. This does not confirm to the concept and ideology of a welfare state. Therefore, I would request the government to consider my submission. The scheme should be laid on the Table in the interest of greater transparency. We should clearly be told that so much amount of pension will be given to every worker and also specify the amounts to be paid from government fund, from labour department fund, etc.

Madam, there is yet another important aspect of this Bill. I have been told that some authentic report has been received about whatever has transpired, so far, though government has not specified anything so far that a meeting was convened on the pension fund scheme and the B.M.P.F. Board of trustees had in this meeting constituted a committee for drafting the scheme in which Shri A.K. Ray and Shri R.K. Zin, representative of INTUC, Shri B.K. Rai, BMS representative. Shri Mohan Jha representative of ATUC along with representative of the management namely. Directory Personnel, BMPF Commissioner, and Shri Ashok Mehta Director Personnel H.C.L. were appointed as members. After protracted deliberations, it was explained as to what is to be done after 16.4.96 within the existing frame of the Pension scheme Madam, in column 6 of the Provident Fund Bill it is mentioned that the workers who opt for Family Pension Scheme shall contribute 11/6 per cent without ceiling, the management shall contribute 1 1/6% without ceiling and the Government shall contribute 1.67% subject to 'ceiling'. I want clarification in this regard. It has been mentioned there that a proposal should be submitted to the Government for abolition of the ceiling. The deduction from workers salary shall be made according to his capacity to pay. Column No. 5 says that an additional increment will be given. It will be given to outstanding workers by the management. Now, under item 6, two percent amount will be retained by the management for payment of additional increment out of the amount to be deposited in Pension Fund. Thus, only 12% including interest is deposited in the Pension Fund by the management.

I demand a commitment from the Government that this 12%, which has been decided unanimously by the Government, representatives of trade unions, officers of Labour Department, and officers of coal companies, should not be diluted. Today 12% interest is paid on P.P.F. This fund is made out of the hard earned money of the workers to which matching contribution is made by the employer. It will be totally unjustified and amount to exploitation if the workers are deprived of interest on this fund.

I would like to have a clarification from the Government. Whether 12% interest will be paid on the pension scheme deposit, whatever may be the amount? The Government has nothing to do for paying 12% interest. The only thing is that a P.P.F. amount should be opened with the bank and the bank will pay 12% interest on the deposit. Therefore, I think there should be no objection whatsoever, to paying 12% interest.

I would also like to plead that actions should conform to the provision of the scheme to be made under this legislation. Coal India Ltd. can be turned as the den of corruption. Scandals, scams. It has incurred a loss of Rs.52 crore. Some hon. Members have informed this House how the workers hard earned money is spent on guest houses, and here they say that stringent action would be taken Shri Rajiv Ghandhi himself had admitted that out of one rupee sent from here, 85 paise go in the pockets of brokers, middleman.

The hon. Minister said that if one deals in coal, our hands would get blackened. She has said a conplet in this regard. In reply I would like to say. Coule Kee Kohtari main Kaisa bhi sayana jaye,

Ek leek kajal ki laagi re laggi (However continuously one may enter the coal mine, he is likely to get block spotted.)

So, naturally, she would like to be very cautious. I remeber when I was contesting election, one hon. Minister used to get wagon loaded with coal and left with lakh of rupees on behalf of coal India. He is also involved in Hawala scam. I would not like to name him. He is no more now. This shows how corrupted coal India is. A very bold approach is needed to root out this conution, but I feel, the efforts that are being made are totally devoid of this coverage. However, I am not going to press my Resolution for disapproved of the ordinance, because I want this Bill be passed. But mere passage of this Bill will not help. The pension scheme is its soul.

It should be framed in the best interest of the workers and the same be laid on the Table. We should be given an opportunity to discuss it so that various schools of thought here and the representatives workers are able to express their views thereon.

With these words I seek leave to withdraw my Resolution and urge that the Bill be passed.

This legislation is meant for the welfare of labourers, workers, employees and I hope Government would implement it in that spirit although I am not optimistic but one should not be passimistic as well. I want to give one more chance to the hon, woman Minister and withdraw my Resolution.

# [English]

MR. CHAIRMAN: Has the hon. Member leave of the House to withdraw his Statutory Resolution?

SEVERAL HON. MEMBERS Yes.

## [Translation]

JUSTICE GUMAN MAL LODHA: This legislation is meant for the welfare of labourers, workers, employees and I hope Government would implement it in that spirit although I am not optimistic but one should not be passimistic as well. I want to give one more chance to the hon, woman Minister and withdraw my Resolution.

The Resolution was, by leave, withdrawn,

# [English]

MR. CHAIRMAN: Shri Basudeb Acharia is not present. Since he had already moved his amendment, I put amendment No.4 to the vote of the House.

The amendment was put and negatived.

MR. CHAIRMAN . The question is :

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

The amendment was adopted

## [Translation]

SHRIMATI KANTI SINGH: As the hon. Member has said if one goes into the coal mine the will come out with blackspots. In this connection I would like to say:

Mein wo aina houn list mein aap apana chehara dekh sakati hain,

Jo kale hain we kale he deekhenge Magar aina hamesha saaf aur transparent hota

(I am that mirror in which you can see your face and if you are black your repliction will also be black, but mirror is always clean and transparent) [English]

MR. CHAIRMAN : Now, the House will take up clause-by-clause consideration.

The question is:

"That clauses 2 to 4 stand part of the Bill."

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

MR. CHAIRMAN: Since Shri Rajiv Pratap Rudi is not present, I am not taking his amendments.

The question is :

"That clauses 5 to 10 stand part of the Bill."

The motion was adotted.

Clauses 5 to 10 were added to the Bill.

MR. CHAIRMAN: The question is:

"That Clause 1, the Enacting Formula and the Long Title stand part of the Bill."

The motion was adopted.

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

SHRIMATI KANTI SINGH : Sir. I beg to move :

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

17.31 hrs.

# RAILWAY BUDGET 1996-97 — GENERAL DISCUSSION

# AND

DEMANDS FOR GRANTS ON ACCOUNT (RAILWAYS). 1996-97

[English]

MR. CHAIRMAN: Now, we shall take up items No.13 and 14-General Discussion on the Railway Budget for 1996-97 and Demands for Grants on Account (Railways).

Motion moved

"That the respective sums not exceeding the amounts shown in the third column of the Order Paper be granted to the President of India out of the Consolidated Fund of India, on account, for or towards defraying the charges during the year ending the 31st day of March, 1997, in respect of the heads of Demands entered in the second column thereof against Demand Nos. 1 to 16."