

Saturday, 23rd February, 1952

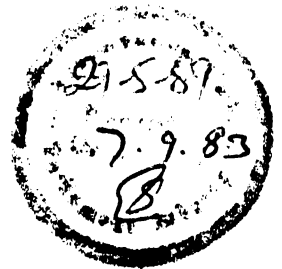


PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

VOLUME I, 1952



(5th February, 1952 to 29th February, 1952)

Fifth Session

of the

PARLIAMENT OF INDIA

1952

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CORRIGENDA

to

the Parliamentary Debates (Part II—Other than Questions and Answers), Fifth Session, 1952

In Volume I,—

1. No. 2, dated the 6th February, 1952,—

(i) Col. 23, line 33 for "to provide for" read "further to amend", and in line 2 from bottom for "further to amend" read "to provide for".

2. No. 5, dated the 12th February, 1952,—

(i) Col. 309, for existing last line read "chancellories or in government, but"

(ii) Col. 362, line 31 for "Kamth" read "Kamath".

3. No. 6, dated the 13th February, 1952,—

(i) भाग ३९१, पंक्ति १५ में "एम जुनही" के स्थान पर "जुल्म नहीं" पढ़ें ।

(ii) भाग ३९२, पंक्ति २५ में "बतक" के स्थान पर "बक्त" पढ़ें ।

(iii) Col. 443, line 8 for "ony" read "only".

(iv) کالم ۳۷۲ آخری لائن کے شروع میں وہ ملی ہیں ان کے متعلق یہ پڑھیں —

(v) Col. 529, for existing last line read "excess of such moisture as may reasonably be expected, by watering the".

(vi) Col. 530, insert "both parties are protected. They pro—" as last line.

4. No. 8, dated the 15th February, 1952,—

(i) Col. 648, after line 7, insert "this demand has come before the House today, that".

(ii) Col. 658, line 32 for "OUTLAY" read "OUTSIDE".

(iii) Col. 659, line 6 from bottom for "Jagivan Ram" read "Jagjivan Ram"

(iv) Col. 676, last line for "liament" read "Parliament".

(v) Col. 686, line 16 from bottom for "Gapalaswami" read "Gopalaswami".

5. No. 9, dated the 18th February, 1952,—

(i) भाग ८०३, नीचे से पंक्ति ४ में "जचित राम" के स्थान पर "अचित राम" पढ़ें ।

6. No. 11, dated the 20th February, 1952,—

(i) भाग १००७, पंक्ति ९ को "की जरूरत है" पढ़ें ।

7. No. 14, dated the 23rd February, 1952,—

(i) Col. 1184, line 8 for "Jagivan Ram" read "Jagjivan Ram".

(ii) Col. 1191, for existing line 4 read "Clause 6 —Contributions and matters".

(iii) भाग १२२७, पंक्ति १० में "यस्य" के स्थान पर "सत्तम" पढ़ें ।

8. No. 15, dated the 25th February, 1952,—

(i) भाग १२५४, पंक्ति २४ में "रती" के स्थान पर "तीर" पढ़ें ।

9. No. 19, dated the 29th February, 1952,—

(i) Col. 1564, in the beginning of line 17 from bottom insert "voted".

(ii) Col. 1612, line 3 from bottom for "purpose" read "propose".

(iii) भाग १६२४, पंक्ति ५ में "सउन" के स्थान पर "उस ने" पढ़ें ।

THE
PARLIAMENTARY DEBATES

Part II—Proceedings other than Questions and Answers.
OFFICIAL REPORT

112;

1126

PARLIAMENT OF INDIA

Saturday, 23rd February, 1952

The House met at Half Past Nine
of the Clock.

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(No questions: Part I not published)

RESIGNATION OF MEMBERS

Mr. Speaker: I have to inform the hon. Members that the following Members have resigned their seats in Parliament with effect from the dates mentioned against their names:

- (1) Shri Kuladhar Chaliha...15-2-52.
- (2) Master Nand Lal ...22-2-52.

EMPLOYEES' PROVIDENT FUNDS
BILL—concl'd.

Shri A. C. Guha (West Bengal): I think I should congratulate the Labour Minister on this Bill which may be called the consummation of all the ameliorative measures that the hon. Minister for Labour has been able to get passed through this House for the benefit of the labourers. But I am afraid that this Bill ought to have preceded many other Bills. The labourers, when they are disabled or when they die a premature death, leave their family or themselves without any provision. As long as they have been working they must be earning something but when they are disabled or when they die their families are left without any help, without any support, without any means of sustenance. It is therefore that I say that this measure ought to have come much earlier.

I fully agree with what you said yesterday that Ordinances should not be issued so frequently, and that an

Ordinance should be issued on very rare occasions. An Ordinance was passed only three months ago to provide for provident fund benefits to labourers. Though on principle I do not like that an Ordinance should be issued and though this might not be considered an emergent measure, yet at least on this matter I support the issue of the Ordinance. Otherwise I think the hon. Minister would not have been able to get this measure passed by this House now. Because there is an Ordinance on this matter this House feels compelled to pass the legislation. In the absence of an Ordinance this matter might have been deferred to some indefinite date. I think that is why the Minister persuaded the Cabinet to issue an Ordinance.

Dr. Deshmukh (Madhya Pradesh): Are you complimenting or criticising?

Shri A. C. Guha: I have criticised the issue of the Ordinance but I am complimenting him on his acting in the matter.

Mr. Speaker: He may not reply now. The proposition may not be accepted by all.

Shri A. C. Guha: India is not a producer of raw materials only, it is a fairly industrialised country and therefore the latest legislative provisions in all industrial countries should also be provided here. Old age pensions or disability pensions and unemployment subsidy and things like that should also be introduced in this country. But the hon. Minister feels that it would take a long time to introduce such legislation and so as a consolation he is introducing this Bill. I rather think that even if a provident fund benefit is there, old age pension should also be provided for at an early date. As far as I remember in most Government offices though pension is provided to the employees, there is also an arrangement for provident fund which I think is more or less compulsory for most of the officers to contribute to.

[Shri A. C. Guha]

This provident fund has more than one benefit. Our labourers are rather notorious for their prodigal habits. They have hardly any idea of economy or of saving anything for their hard days. The provident fund scheme will compel them to save something for a hard day. It will teach them the habit of saving something. And for the employers also it will give the benefit of ensuring a more or less stable and steady labour force. The labourers will feel some tie with the institution or the factory with which they have been serving because of this provident fund. Otherwise the labourers are likely to and frequently do change their place of occupation from one factory to another and from place to place. This scheme will rather compel them in giving steady service to their institution of work. Moreover, as a sort of compulsory saving it will to that extent withdraw some amount of money from circulation and may help as a disinflationary influence.

The hon. Minister has stated, and we know it, that there is a contributory provident fund scheme for all collieries, and that system has been working quite all right for nearly three lakh workers. I do not know why the Minister has been so diffident about the operation of this measure and has limited it to only a few of the industries. I think the scope of this measure should be made wider and made applicable to all the industries, at least to established industries which have been scheduled in the Industries (Development and Control) Act. It may also be extended to other industries wherever there is a regular contingent of workers. I do not understand why the Government factories have been exempted. It may be the idea of the hon. Minister that better service conditions prevail there or in some of the factories there may be provision for pension also; but even then I do not think there was any harm in introducing the system of provident fund there also. If you keep the Government factories outside the scope, it gives a bad odour, as if the Government is taking some special privilege for its own workshops and factories. Also, I do not see any reason at all for exemption of factories working under local bodies. I know of some factories working under local authorities like municipalities and corporations and the conditions of labour there are far from satisfactory.

I think the hon. Minister would agree at least not to give exemption

to factories working under local authorities and I would also like to have the hon. Minister's opinion about factories now working under some Corporations or limited companies in which the Government have the dominating shares. I want to know whether the Sindri Factory or the Hindustan Aircraft Factory or other similar factories will be treated as Government factories and exempted from the provisions of this Act, or will they be treated as private companies and made liable to all the conditions provided in the Bill?

As I stated earlier, the provident fund arrangement would give the labourers some urge for saving, but if that urge is to be really effective, it should be provided in the Bill that there should not be any easy withdrawal from the provident fund. I know of some private companies where both the labourers and the employers contribute to the provident fund but the labourers are allowed to withdraw from the fund very easily with the result that practically nothing is left for them at the end for their bad days. I think therefore that there should be some provision either in the rules or in the Bill itself that there should not be any possibility of easy withdrawal or mortgage or hypothecation of the money that is lying in the fund. Sometimes, they make loans available against hypothecation of the provident fund. That should not be allowed.

Then, it has been provided that the 'appropriate' Government would have power to exempt any factory from the operations of this Bill. I do not know what the 'appropriate' Government means. If it be the State Government, I would very much object to that. The State Governments should not have the authority. If the Government of India on some definite enquiry come to the conclusion that certain classes of industries or certain factories should be exempted, then it is that Government only which should have the power of exemption. This power of exemption should be used with great care and caution. In any case, the State Governments should not have that power.

With these few words, I commend this Bill to the House and I hope the House will accept this Bill with necessary amendments in order to make it more beneficial to the labourers and also to the economic and industrial development of the nation.

Prof. S. L. Saksena (Uttar Pradesh):
I must congratulate the hon. Minister

for having brought this important Bill. The need for provident fund in industries is very well known. In fact, the only comment is that this Bill has come too late. The Bill is a non-controversial one and many industries already provide provident fund. Thus, effect could very easily have been given to this measure had it come even much earlier.

I am sorry to note, all the same, that in Schedule I only six industries have been included. I refer particularly to the absence of the sugar industries. The sugar industry has been enjoying protection for twenty years and even now it is enjoying a sort of protection. In most places, the higher grades of staff do get provident fund, but it is the lower staff that need it most and they are deprived of it. I therefore support the suggestion of my hon. friend Mr. Guha that this Schedule should have been wider. I would suggest that this Bill should apply to all industries except those which are three years old, and the power should be given to the Government of India to exempt any other undertakings, if need be. Otherwise, this Bill should be of a universal character. It is an important and elementary right of the worker that he should have something for old age and for times when he is out of service. Therefore, provident fund should be made compulsory. 6½ per cent. of the wages and dearness allowance is not a big amount. Therefore, this should be made universal, and should apply to all industries except those which are not sufficiently developed.

I also agree with Mr. Guha that power should be given to the Central Government to exempt particular industries for the time being, because otherwise there will be difficulties. It may be that it may act injuriously in respect of some particular provincial industry, but it may be helpful to other industries. If the Central Government passes a uniform Act for all States then industry all over the country will be equally affected and if there is reason to think that a particular industry should be exempted, the power should be given to the Central Government to do so after enquiring into the matter. Of course, temporary exemptions may be given to some particular concerns, but that also should be only for a specified period.

I also agree that the practice of advancing loans from the provident fund is not very happy because that almost nullifies the provident fund

and if the loan is fairly big, then the worker will get practically nothing out of the provident fund at the end. The provident fund should be kept only for old age and for times when the worker is out of service. Otherwise, this Bill is a very good one and is not controversial I hope the points urged will be considered.

خواجہ طالت اللہ : مسٹر اسپیکر
سر - ایسٹرن پرائیویٹ فنانس بل لائے
کے لئے میں اپنے آنریبل لیڈر مسٹر
صاحب کو مبارکباد دیتا ہوں - ایسے
بل کی ہلدوسمان میں سخت ضرورت
تھی - کیونکہ ساری دنیا اس طرف
بہت پہلے قدم بڑھا چکی تھی - اور
ہمارا قدم سب سے پچھلے بڑھا ہے -
مگر جو صبح کا بھولا شام کو گھر آ
جائے تو اُس کو میں بھولا نہیں
سمجھتا - اس کے باوجود میں سمجھتا
ہوں کہ اس بل میں کچھ باتیں
ایسی رہ گئی ہیں جن کی طرف
میں بڑے ادب سے آنریبل سلسٹر اور
اس ہاؤس کی توجہ دلانا چاہتا
ہوں -

سب سے پہلی بات جو میں
عرض کرنا چاہتا ہوں وہ یہ ہے کہ
اس بل کی دفعات ۴ اور ۷ یعنی
Power to add to Schedule I
اور Modification of Scheme کو
مٹ کر پڑھا جائے تو مجھے ایسا معلوم
ہوتا ہے کہ اس بل کو ایوان میں
لا کر اس ایوان کا وقت ضائع کرنے
کے سوا اور کچھ معنی نہیں ہیں -
کیونکہ جب اس بل میں ہم یہ
طالت ایگزیکٹو (executive) کو اور

[خواجه عیادت الگہ]

گورنمنٹ کو دے دیتے ہیں کہ وہ جب چاہیں جس بھی انڈسٹری کو اس شمڈیول (Schedule) میں شامل کر لے اور اتنا ہی نہیں - بلکہ جب چاہے اس اسکیم میں جو چاہیں جوڑ لیں جو چاہیں ترمیم کر لیں یا جو چاہیں بدل سکیں - یہ الفاظ ہیں "amend or vary any Scheme" تو جب سوال یہ ہے کہ اس بل کے پاس ہونے کے باوجود حکومت کو ہم یہ اجازت دے دیتے ہیں کہ جب تم چاہو - جس بھی انڈسٹری کو تم اس میں جوڑنا چاہو جوڑ سکتے ہو اور جب جی چاہے اسکیم کو جس طرح بھی چاہو بدل سکتے ہو - ترمیم کر سکتے ہو - کہتا سکتے ہو - بڑھا سکتے ہو - تو میں سمجھتا ہوں کہ یہ بل ہاؤس کے سامنے لا کر ہاؤس سے پاس کرا لینا جمہوریت کا ایک مذاق ہے -

آپ کہہ سکتے ہیں کہ ایسا ہی ہوتا آیا - یہ کلویشن (con-vention) ہے - جب کوئی اسکیم یا بل ہلتا ہے تو اس میں کچھ پارر (power) حکومت کو دی جاتی ہے - حکومت کی آسانی کے لئے - میں یہ کہتا ہوں کہ اگر یہ صحیح بھی ہو اور کلویشن بھی ہو تو ہاؤس کو اب سوچنا چاہئے کہ اگر دنیا پر نے کلویشناس - پرانی عادتوں - پرانے خیالات کو نہ بدلتی تر

دنیا جس حالت تک ترقی کر چکی ہے نہیں کر سکتی - ہم ہمیشہ یہ سوچتے رہتے کہ ہمارے باپ دادا یہی کرتے آئے ہیں - ہمارے پچھلے بڑے یہی کرتے آئے ہیں - اس لئے اب کوئی نئی چیز لانے کی ضرورت نہیں ہے - ہاؤس کے سامنے ایک بل پیش کیا جاتا ہے اور پھر اس ہاؤس میں سارے تسمکشن (discussion) اور مباحثہ کے بعد پاس کر لیا جاتا ہے کہ اس طرح کی اسکیم ہو گی - اس طرح سے یہ اختیارات ہونگے - اس میں یہ رکھا جائے گا - اور پھر یہ بھی ایک چیز جوڑ دی جاتی ہے کہ جب جی چاہیگا - جیسا جی چاہے گا - ہم اس کو بڑھا لیں گے - کہتا لیں گے - ہاؤس کے سامنے ایسی چیز رکھتے وقت میں آنریبل منسٹر سے اور اسپیکر صاحب سے درخواست کروں گا کہ یہ ہاؤس کی طاقت اور ہاؤس کے پارر کو ناجائز استعمال کرنا ہے - اس لئے میں چاہتا ہوں کہ اس بل کو پاس کرتے وقت دفعہ ۴ اور دفعہ ۷ میں اس طرح کے موڈیفیکیشنس (modifications) کر دیں کہ جس سے ہمارے اس ایوان کی جو طاقت ہے یا جو پارر ہے اس میں حکومت دخل اندازی نہ کر سکے اور یہ بل پاس کرتے وقت ہم یہ سمجھیں کہ ہم نے یہ چیز پاس کی ہے اور اس پر حکومت عمل

درآمد کرے گی اور ہساری مرفی کے بغیر اس میں ایسی تبدیلیاں نہ کرے گی جس سے اسکیم کی اسپرٹ (spirit) دی جائے یا بدل دی جائے۔

اس کے بعد میں کلاز ۵ کے بارے میں ادب سے آنریبل منسٹر صاحب سے عرض کرنا چاہتا ہوں جس میں کچھ قاعدے بنانے کی باتیں ہیں۔

میں نے کول مائنس پراویڈنٹ فنڈ (Coal Mines Provident Fund) کے رولس (rules) کو پڑھا۔ تو اس میں اس کے رول (rule) نمبر ۶۳ میں میں نے پایا کہ جو مزدور اپنا نامی (nominee) مقرر کئے بغیر مر جائے تو اس کا پراویڈنٹ فنڈ کس طرح تقسیم کیا جائے۔ اس کے تقسیم کے لئے حکومت نے کچھ قاعدے بنا دئے ہیں کہ فلاں کو ملنا چاہئے فلاں کو نہیں ملنا چاہئے۔ مجھے اس پر اعتراض ہے کہونکہ پراویڈنٹ فنڈ ایک مزدور کی جائداد ہے۔ اس کی وراثت ہے۔ اس کا حق ہے اور وہ اس کی زندگی کا سرمایہ ہے۔ تو جس طرح ایک بڑے آدمی کی زندگی کا سرمایہ موجودہ سرکاری قانون کے ماتحت بنتا ہے اسی طرح اس فریب مزدور کا سرمایہ بھی موجودہ سول لا (civil law) کے ماتحت بننا چاہئے۔ آپ کو اس کے لئے کوئی خاص قانون نہیں بنانا چاہئے۔ میں آنریبل منسٹر سے یہ درخواست کروں گا کہ جب اس طرح کے

پراویڈنٹ فنڈ کے لئے آپ ہالی لا (byelaw) کچھ قاعدے بنانا چاہیں تو اس میں اس بات کا خیال رکھیں کہ - ویسے تو مزدور نامینیشن (nomination) کر ہی جائے گا۔

لہکن اگر اتفاق سے اس سے پہلے کہ وہ اپنا وارث نامینیشن (nominate) کر سکے مر جانا ہے۔ تو اس کی یہ پراویڈنٹ فنڈ کی وراثت اسی طرح تقسیم ہونی چاہئے جس طرح کہ سول لا کے ماتحت ایک ہندو کی ہندو لا کے ماتحت اور ایک مسلمان کی مسلمان لا کے ماتحت یا کرشچین کی کرشچین لا کے ماتحت ہوتی ہے۔ میں نے کول مائن پراویڈنٹ فنڈ کی اسکیم کو دیکھا ہے۔ اس میں ہندو کوڈ بل (Hindu Code Bill) پاس کرنے کے بعد آپ خاص وارث بنا دیتے تو میں مان سکتا تھا۔ لہکن جب تک آپ سول لا بدل نہ دیں، یہ چیز نامناسب ہے۔ جب تک سول لا وہی پرانا موجود ہے تب تک آپ کو مزدور کی وراثت کا قانون اپنی طرف سے نہیں بدل دینا چاہئے۔

دوسری عرض میں یہ کرنا چاہتا ہوں کہ آپ نے پراویڈنٹ فنڈ جو مالکن کھلیوں سے لہلے کی بات کہی ہے وہ سوا چھ فیصدی رکھا ہے۔ مجھے تعجب معلوم ہوتا ہے کہ مزدوروں پر آپ جب دیا کرنے کا

[خواجہ عیاض الدہلوی]

لواہہ کرتے ہیں تو اس میں کچھ تہزی سے کلچوسی کہوں کرتے ہیں۔ آپ پراویڈنٹ فنڈ دینے جا رہے ہیں۔ میں جانتا ہوں کہ یہ پراویڈنٹ فنڈ کھلموں کے مالکوں کی جیب سے نہیں جائے گا۔ یہ جو کاموڈٹیز (commodities) فیکٹریز (factories) میں بلیں گی ان کی قیمتوں پر اثر پڑے گا۔ اور جگہ جگہ مثلاً ریلوے میں یہ آٹھ صحتیح ایک بلکہ چھ فیصدی یعنی ہزارہ مہلے کی تلفواہ کے بجائے ریلوے تہذہ مہلے کی تلفواہ اپنے مزدوروں کو دیتی ہے اور وہ تہذہوں مہلے کی تلفواہ ہزارہ مہلے میں تقسیم کر دیتے ہیں تو اس حساب سے وہ شاید $8\frac{1}{2}$ پوتی ہے۔ جب ریلوے میں اس طرح سے ہے تو آپ نے اس کو اس میں کہوں کہتا دیا ہے۔ اگر آپ اس کو $8\frac{1}{2}$ رکھتے تو کیا بگوتا تھا۔ آپ کی جتنی بھی انڈسٹریز اس وقت اس شہر میں ہیں ان کی پیداوار تقریباً تقریباً سب کنٹرولڈ (controlled) ہے۔ اور جب آپ ان کنٹرولڈ چیزوں کی قیمت بڑھاتے ہیں۔ کھڑے کی قیمت بڑھاتے ہیں۔ قیمت کی قیمت بڑھاتے ہیں۔ تو عوام اس پر کچھ زیادہ شور نہیں مچاتے ہیں۔ آپ اس کا جواب دے دیتے ہیں کہ کھڑے کی قیمت بڑھا دی گونکہ روٹی نہیں آئی۔ مہینوں

نہیں آئی۔ مزدور زیادہ مزدوری مانگتے ہیں۔ اس وجہ سے آپ بڑھا دیتے ہیں اور لوگ بھی خاموش ہو جاتے ہیں۔ تو جب آپ نے جتنی انڈسٹریز رکھی ہیں اور وہ سب کنٹرولڈ ہوں تو جب آپ نے سوا چھ فیصدی رکھا ہے تو پختیلاً مالکان کھلی آپ کے سامنے یہ بات رکھیں گے کہ اب ہمارا خرچہ بڑھ گیا ہے اس لئے ان چیزوں کی قیمت بڑھانی چاہئے اور میں جانتا ہوں کہ آپ بڑھا ہی دیں گے کیونکہ یہ ایک جائز بات ہے تو جب آپ سوا چھ اس کو رکھ دے ہوں اور اس کی وجہ سے کھڑے میں۔ سہولت میں۔ یا لوہے میں۔ آپ ان کے نام ایک پوسٹ روپیہ یا ڈیڑھ روپیہ بڑھا کر پراویڈنٹ فنڈ کے خرچہ کو پورا کر سکتے ہیں تو پھر آپ نے عام پراویڈنٹ فنڈ کی طرح چھ سے کہ ریلوے میں ہے اس طرح نہ رکھ کر ان مزدوروں کے ساتھ کہوں اتنی کلچوسی کر دی۔ کیا اس لئے کہ یہ مزدور ہیں۔ ان کو ابھی تک کچھ نہیں ملا ہے۔ میں کہتا ہوں کہ اگر آپ کو دینا ہے تو ان کو پورا دینا جائے۔ ان کا بھی وہی ادھکار ہے جو لوہے مزدوروں کو ریلوے میں ہے۔ اس لئے میں چاہتا ہوں کہ ہمارے انریبل منسٹر اور پورا ہاؤس اس بات پر فور کرے۔ یہ چھوٹی سی بات نہیں ہے جو ہم اس کو سوا

چھہ پرسنٹ پاس کر کے ہلدوستان کے لاکھوں مزدوروں پر پراویڈنٹ فنڈ کی رقم کو - لاکھوں مزدوروں کے بچوں کو ملنے والی رقم کو - کھٹا دیں - میں جائزہ ہوں کہ ذخائرہ والوں کا اس میں کچھ نقصان نہیں ہے - یہ سب خرچہ ہلدوستان کی پیمانہ پر پڑے گا اور پبلک میں بھی مہیجارتی (majority) مزدوروں کی ملی ہے - اس لئے آخر کار یہ خرچہ مزدوروں کے اوپر ہی آئے گا - ان کے ہی بچے اس خرچہ کو دینگے - جو پراویڈنٹ فنڈ کا روپیہ کسی مزدور کو ملے گا تو اس کو اسی مزدور کا باپ یا بھائی دوسری شکل میں ادا کریگا - اس لئے یہ بہت آسان چیز بھی ہے - اس میں کوئی کنٹروورسی (controversy) بھی نہیں ہے - کیونکہ کمپنیوں کے مالک چاہے سوا چھہ پرسنٹ دیں چاہے $8\frac{1}{2}$ یا 10 پرسنٹ بھی دیں تو ان کو کوئی تکالیف نہ ہو گی کیونکہ ان کو یقین ہے کہ یہ خرچہ قیمتوں پر پڑے گا اور ہلدوستان کی جلتا پر پڑے گا - آپ 10 پرسنٹ دلاویں گے تو وہ 10 پرسنٹ دے دیں گے - جلتا چاہینگے اتنا دے دیں گے - بہر حال یہ پراویڈنٹ فنڈ تو ہم کو دینا ہے - ہلدوستان کی جلتا کو دینا ہے - کمپنیوں کے مالکوں کو نہیں - اس لئے میں چاہتا ہوں کہ اس سوا چھہ کو عام طور سے $8\frac{1}{2}$ کر کے ان مزدوروں

کو بھی اور تمام مزدوروں میں شامل کر لیا جائے -

ایک اور بات بھی میں عرض کرنا چاہتا ہوں - اس میں کوئی شک نہیں کہ ہمارے مزدوروں کا زیادہ حصہ ان پر ہے - وہ شاید ابھی پراویڈنٹ کی خوبیوں کو اچھی طرح نہ سمجھ سکیں اور یہ سمجھیں کہ حکومت نے ہم پر ایک زبردستی کی کٹوتی لگا دی ہے - ابھی تک جو مزدوری ہمیں ملتی تھی اس سے بہت ہی نہیں بھرتا تھا اس میں بچے کا کیا جو حکومت نے یہ سوا چھہ پرسنٹ کی کٹوتی اور لگا دی - تو حالانکہ میں چاہتا تھا کہ اس کو بھی $8\frac{1}{2}$ کر دیا جاتا جیسا کہ میں نے مالکان کھلیوں کے مذاق کہا ہے لیکن چونکہ یہ نئی نئی بات ہے اور مزدوروں کو اس کی خبر نہیں سمجھنے میں کچھ دیر لگے گی اور بعض وقت مزدوروں کو اتنی کم تنخواہ ملتی ہے کہ ان کے بچے مشکل سے پلے دیں - ان کا بہت ہی مشکل سے بھرنا ہے -

اس لئے مزدوروں کو اتنی آزادی چاہیے کہ وہ اپنے حصہ کا پراویڈنٹ فنڈ یا اگر چاہیں تو $8\frac{1}{2}$ ہی کٹوائیں اور اگر وہ چاہیں تو کم سکیں تو اس کا آدھا ان کو کٹوانے کی اجازت دی جائے - جلتا مالک کمپنی دیتے ہیں اس کا

[خواجہ طلائق اللہ]

نصف تک آدھا تک اجازت دی جائے کہ جو مزدور خاص وجوہات سے مثلاً پچاس روپہہ سے کم تنخواہ پانے والے مزدور جن کا بڑی مشکل سے گزارہ ہو رہا ہو ان کو پراویڈنٹ فنڈ مالکن کمپنی پورا دے دیں مگر ایسے مزدوروں کے واسطے اجازت دینی چاہیئے کہ اگر ان کی گھریلو زندگی اس بات کی اجازت نہیں دیتی ہے کہ وہ پورا کا پورا اپنا حصہ کٹوا سکیں تو ان کو آدھا تک کٹوانے کی اجازت دی جائے اور چند دنوں بعد جب ان کی حالت بہتر ہو تو وہ پورا حصہ کٹوا سکیں۔ اگر ایسا انتظام ہو تو مہرے خہال میں انہرے مزدوروں میں اور غریب مزدوروں میں یہ جو پراویڈنٹ فنڈ کا نام جس کو ہمارے مخالف لوگ زبردستی کٹوتی کہہ لگتے۔ کھلسری کٹ (Compulsory out) کہہ لگتے اس سے ان کے دماغ میں جو کھلی اور ان ریسٹ (unrest) پیدا ہوگی اس میں کچھ سہولت پیدا ہو جائیگی اور وہ سمجھیں گے کہ یہ اسکیم ہماری بھلائی کے لئے ہے۔

ایک اور بات مہری سمجھ میں نہیں آئی۔ شاید آئیڈیل منسٹر صاحب اس کو سمجھانے کی کوشش کریں گے کہ کلاز سولہ کے ماتحت جو ایکزمپشن (Exemption) آپ نے رکھ دیا ہے۔ یعنی "any factory belonging to the government

or a local authority" مجھے تعجب معلوم ہوتا ہے کہ حکومت جب ایک پراویڈنٹ فنڈ اسکیم تیار کر رہی ہے اور یہ کہہ رہی ہے کہ یہ مزدوروں کے بھلے کے لئے ہے۔ مل مالکوں کو کہتی ہے کہ بھائی نم بڑے اچھے آدمی ہو تم کو اپنے مزدوروں کا دھیان رکھنا چاہیئے اور یہ بچارے جب ہوجے ہو جائیں گے تو کہاں سے کھائیں گے اس لئے ان کے واسطے کچھ تھوڑا تھوڑا جمع کرتے جاؤ۔ یہ بڑا اچھا ایڈیسی ہے اور نصیحت ہے مگر اس کے ساتھ ساتھ وہ کہتی ہے کہ ہماری جو گورنمنٹ کی فیکٹریز ہیں ان میں ہم یہ کام نہیں کرینگے ان کو ہم اس چیز سے ایکزمپٹ (exempt) کر رہے ہیں۔ میں تو یہ چاہتا کہ گورنمنٹ خود ایک مثال پیش کرتی کہ دیکھو ہم بھی دے رہے ہیں تم بھی دو۔ اب تو عوام کی اپنی نجات ہے اس کے ایسا ضرور کرنا چاہیئے تھا۔ گورنمنٹ کا یہ کہنا کہ یہ بڑا اچھا کام ہے تم اسے کرو مگر ہم نہیں یلگے تو میں نہیں سمجھتا کہ حکومت کی فیکٹریوں میں کام کرنے والے مزدور کھسے خوش دل ہونگے۔ اور ان مل مالکوں کو یہ جان کر کیا محسوس ہوگا کہ حکومت اپنی فیکٹریوں میں یہ کام نہیں کرنا چاہتی ہے۔ وہ دان جو اپنی جھب سے نہ دیا جائے اور دوسروں سے دلواپا جائے وہ بھی کوئی دان ہے؟ دوسروں کو

دان دیلے کی نصیحت کرنا تو اچھی بات ہے اور آسان بات ہے مگر دان تو اپنی جیب سے کرنا چاہئے۔ اس کے لئے گورنمنٹ نے پہلے سے ہی ایک ایکزمپشن کلاز (Exemption clause) رکھ لیا ہے کہ ہم اس کو نہیں کرینگے۔ اور اگر گورنمنٹ کا یہ خیال ہو اور یہ جواب ہو کہ حکومت کے کارخانوں میں پہلے سے ہی پراویڈنٹ فنڈ - پینشن اور دوسری سہولیتیں موجود ہیں تو پھر اس کلاز سولہ میں ایکزمپشن رکھ کر کے اپنے کو بدنام کرنے کی کوئی ضرورت نہیں تھی۔ اس کے لئے تو کلاز ۱۷ میں آپ کے لئے گلفائٹس موجود ہے۔ کلاز ۱۷ میں یہ بات ہے کہ اگر کہیں پراویڈنٹ فنڈ مل رہا ہے اور ایسی کوئی اسکیم پہلے ہی موجود ہے تو اس کو گورنمنٹ ایکزمپٹ کر دیگی۔ فریضیکہ اگر گورنمنٹ کی فیکٹریز میں پراویڈنٹ فنڈ یا پینشن وغیرہ کی سہولیتیں موجود ہوں تو ان کو ایکزمپٹ کہا جا سکتا ہے۔ اس لئے جب ہمارے پاس کلاز ۱۷ موجود ہے جس میں موٹے موٹے لفظوں میں یہ لکھا ہوا ہے تب ایک نیا مواد پیدا کرنا کہ حکومت عوام سے پراویڈنٹ فنڈ دلوانا چاہتی ہے مگر اپنی فیکٹریوں اور لوکل اتھارٹی (Local authorities) کو فیکٹریز میں اس چیز کے کرنے سے کلی کتتی ہے۔ یہ چیز ایسی نہیں ہے جس کے کرنے سے ہماری حکومت عوام میں ہر دل عزیز

بن سیکھگی - میں چاہتا ہوں کہ حکومت جو بھی کام کرے وہ ایسی عقل مندی سے کرے جس سے اس کا کام بھی چل جائے اور عوام میں بدنام بھی نہ ہو۔

बाबू रामनारायण सिंह : बकल उन में हो तब तो ।

خواجہ عدالت اللہ - عقل آپ سکھائینگے بڑھے آدمی ہیں میں تو خود سکھانا چاہتا ہوں۔ اس میں لکھا ہوا ہے :

"Any other factory, established whether before or after the commencement of this Act, unless three years have elapsed from its establishment.

مہروی سمجھ میں یہ بالکل نہیں آتا کہ جو فیکٹریز نئی بلوں کی ان کے مزدوروں پر یہ ظلم کہوں کہا جا رہا ہے۔ آپ کہتے ہیں کہ چونکہ وہ نئی فیکٹریز بن رہی ہیں ان کا نیا اسٹیبلشمنٹ (establishment) ہے اس لئے ان کو تین سال کم از کم موقع ملنا چاہئے کہ وہ اپنا کاروبار سنبھال سکیں اور اپنے سرمایہ سے نفع اٹھا سکیں اور اس کے بعد مزدوروں کو وہ فالتو تلخواہ یا پراویڈنٹ فنڈ دیںگی۔ مہروی سمجھ میں نہیں آتا کہ آپ کو بڑے آدمیوں کو بہت خیال ہے اور ایک پونجی پتی جو دس بھس لاکھ روپیہ خرچ کر کے ایک کارخانہ کھولتا ہے اس کے ساتھ آپ کو اتنی ہمدردی ہے کہ جب تک اس کو اچھا نفع حاصل نہ ہو جائے اور جب تک اس کا سرمایہ اچھی طرح سے نہ

[خواجہ عنایت اللہ]

لگ جائے تب تک وہ اپنے مزدوروں کو پروویڈنٹ فنڈ سے نہ دے۔ آپ کے ایسا قانون بنانے سے صاف ظاہر ہو جاتا ہے کہ حکومت جب ایسا قانون بنانے بیٹھتی ہے تو وہ فریبوں کا خیال کم رکھتی ہے اور امیدوں کا خیال زیادہ رکھتی ہے۔ بیس - پچیس - یا پچاس لاکھ روپیہ خرچ کرنے والے کا اگر لاکھ دو لاکھ یا تین لاکھ کا سرمایہ گھٹ ہو جائیگا تو بھی وہ اس کو برداشت کر جائیگا مگر اس کے برعکس تین سال میں جو مزدور اس کے کارخانے میں کام کیلئے اور تین سال تک ان کو پروویڈنٹ فنڈ نہیں ملے گا تو آپ کو معلوم ہے کہ ان فریب مزدوروں کا تین سال کا پروویڈنٹ فنڈ ان کے بچوں پر ان کی زندگی پر اور ان کے بڑھاپے پر کتنا گہرا اثر ڈالے گا۔ اس پونجی پتی کو اگر تین لاکھ کا گھاتا بھی ہو جائے تو وہ مریکا نہیں اور اس کو برداشت کر لے گا لیکن اگر مزدوروں کا تین برس میں پچیس روپیہ بھی گھٹ گیا تو اس پچیس روپیہ کی کمی کا بھی گناہ گار آپ اور آپ کے بعد ہمارا یہ ہارس ہوگا جو ایسا قانون پاس کرتا ہے کہ تین سال کے لئے ان فریب مزدوروں کو پروویڈنٹ فنڈ کے فائدہ سے مستحرم رکھے۔ اس کے لئے شاید آپ یہ کہیں کہ اس میں کچھ نئے کارخانے داروں کا فائدہ ہے میں تو کہوں گا کہ اگر آپ خوب ٹھنڈے دل سے سرچھلگے اور میں ہر مہینہ سے

درخواست کروں گا کہ وہ اس پر سوچیں گے تو پائیلگے کہ آپ نے ایسا دے کارخانے داروں کا کوئی فائدہ نہیں کیا ہے بلکہ نقصان ہی کیا ہے۔ مثال کے طور پر میں آپ کو بتاؤں کہ ایک نیا آدمی جب گافڈ یا کھڑے کا کارخانہ کھولتا ہے تو جو اسکالڈ لہبر (skilled labour) ہوگی سیکھے ہوئے مزدور ہونگے وہ اس کو اپنے نئے کارخانے کے لئے نہیں مل سکیں گے کہیں کہ اسکالڈ لہبر اور کام سیکھے ہوئے مزدور پرانے کارخانوں میں کام کرینگے جہاں اس پروویڈنٹ فنڈ کی انہیں رعایت حاصل ہے وہ بھلا پرانے کارخانوں کو کہیں چھوڑ کر نئے کارخانے میں آنے لگے؟ وہ تو تین برس بعد ہی آسکتے ہیں اس سے پہلے نہیں۔ نتیجہ یہ ہوگا کہ نئے کارخانے ان اسکالڈ لہبر (unskilled labour) سے چلائے جائیں گے اور وہ آگے چل کر بھٹے جائیں گے۔ جو چیزیں وہاں تیار ہونگی وہ اچھی نہیں تیار ہونگی۔ اس دفعہ کو رکھ کر حکومت نئی انڈسٹریز کو کھولنے میں ہاندھا ڈال رہی ہے۔ اور اس کا مطالبہ یہ ہوگا کہ حکومت یہ نہیں چاہتی ہے کہ نئی نئی انڈسٹریز اس دیہی میں کھلیں اور کھڑے۔ گافڈ اور سہولت کی فیکٹریز کھلیں جن کی آج کمی ہے اور جن کے کارخانوں کی ہمیں ضرورت ہے۔ تو میں چاہتا ہوں کہ جو بھی کارخانے کھلیں اور جس د وہ چالو ہو جائیں۔

ایسے تو کارخانے کھلنے سے رہے کہونکہ پچھلی دفعہ آپ نے ایسا قانون پاس کر دیا ہے جس کی رو سے جب بھی کوئی کارخانہ کھولے گا آپ سے لائسنس لے گا۔ اس کے بعد جبکہ پوچھ گچھ کا اگر آپ کو اس چیز کی ضرورت ہوگی تو آپ اس کو لائسنس دیں گے۔ اجازت دیں گے۔ جب آپ لائسنس دے دیں گے۔ جبکہ بتادیں گے اور ساتھ ہی یہ بھی بتا دیں گے کہ مزدور تم کو نہیں ملے گا کہونکہ وہ تو اس کارخانے میں کام کریں گے جہاں پراویڈنٹ فنڈ ملے گا۔ اور بہتر ہے کہ آپ ایک ایسا کارخانہ کھول دیں جہاں مزدور تیار ہوتے ہیں تاکہ جو نئے کارخانے کھلے ان کو پرانے مزدوروں کی طرف دیکھنا نہ پڑے۔ وہ گورنمنٹ سے کہیں کہ ہم نے کیا کارخانہ کھولا ہے۔ مزدور لوگ چاہتے ہیں پراویڈنٹ فنڈ اور وہ ہم دیتے نہیں ہیں اس لئے ہمیں نئے مزدور چاہئیں۔ انہیں سب باتوں کو دیکھتے ہوئے میں چاہتا ہوں کہ یہ کلز ۱۶ ایک صحیح و فریب چیز ہے۔ اور میں چاہتا ہوں کہ حکومت جلد ہی اس کو اجازت دے۔ اور اگر حکومت ٹھہرتے دل سے فور نہ کر سکے اور اپنے ارادہ پر اڑی رہے تو میں ہارس سے درخواست کروں گا کہ ایسا قانون جس کی رو سے ہماری اندسٹری کو دلت آتی ہے۔ ہمارے مزدوروں کا تین تین سال کا پراویڈنٹ فنڈ کاتا جاتا ہے اور ہماری سرکاری

فیکٹریوں کو اس پراویڈنٹ فنڈ کے قانون سے نکل دیا جاتا ہے۔ اس کو کبھی منظور نہ کرے۔

ایک بات اور بہت ضروری ہے جس کو کھلنے کے بعد میں اپنی بات ختم کروں گا۔ آپ نے شہدول ۲ میں جہاں آپ نے سب چیزوں کو ہلانے کا بائی لاز میں وعدہ کیا ہے اس کو پورے کرنے کے بعد میں اس نتیجہ پر پہنچا ہوں کہ آپ نے فریب مزدور کو سخت ضرورت کے وقت بھی اپنے پراویڈنٹ فنڈ میں سے قرضہ لہنے کی اجازت نہیں دی ہے۔ آپ جانتے ہیں کہ فریب مزدور جو اس وقت فیکٹریوں میں کام کر رہے ہیں ان کو کتنی دلت ہے۔ ان کو تلخواہ ملنے کے دن اگر آپ کھت پر جا کر کہوے ہوں تو آپ کو بہت سے آغا اور ایسے لوگ دو آنہ روپیہ سود پر قرض دینے والے ملے گے جو ان کی تلخواہوں کا بہت کافی حصہ صرف سود میں وصول کر لیتے ہیں۔ مزدور کے لئے سب سے پہلے اپنی موجودہ زندگی کا سوال ہوتا ہے۔ آئندہ زندگی بھشک بہت ضروری چیز ہے۔ لیکن آنے والی جلت ہمیں اس وقت یاد آتی ہے جب موجودہ دوزخ میں ہم نہ پویں۔ ہم اسی کی آگ میں جل رہے ہیں۔ ہم بھوکوں مر رہے ہیں۔ ہمارے پاس کھانے کو اس وقت نہیں ہے۔ ہماری بچی جوان بگھی ہے۔ اس کی شادی کے لئے روپیہ نہیں ہے۔

[خواجہ عذات اللہ]

ہزارا ممکن کر گیا ہے۔ برسات آنے والی ہے۔ اس کی مرمت کے لئے ہمارے پاس پیسہ نہیں ہے۔ ہماری بوزھی ماں بیمار پڑی ہے اس کے علاج کی ضرورت ہے اس کے لئے پیسہ چاہئے لیکن وہ موجود نہیں ہے۔ میرا بچہ - ٹی بی (T.B.) سے مر رہا ہے۔ اس کے لئے سہلکڑوں روپے کی ضرورت ہے علاج کے لئے۔ اس کے لئے ہم امید میں رہیں کہ ہمارا پراوڈنٹ فلڈ جمع ہو رہا ہے بوزھے ہوں گے۔ جب بھکر ہو جائیں گے تو اس وقت لے کر آرام سے کھائیں گے۔ مگر وہ پہلے دیکھتے ہیں کہ دنیا میں پہلے وہ دوزخ کے دن گزار لیں۔ جب مریں گے تو خدا جلت دیکھا۔ آج وہ زمانہ نہیں رہا ہے۔ آجکل جلت بلانے سے پہلے موجودہ دوزخ کو مٹانا ہوگا۔ ریلوے پراوڈنٹ فلڈ آپ کے پاس ہے.....

Mr. Speaker: Order, order. May I invite his attention to clause 7 of Schedule 2. I believe, it deals with the conditions on which the withdrawals may be permitted or forfeiture made.

خواجہ عذات اللہ : وہ تو ریڈکشن اور فارنیچر کے لئے ہے۔ اگر اس کا یہ مطلب ہے تو ہم چاہتے ہیں کہ اس میں لون (Loan) کا لفظ بڑھا دیا جائے۔

The Minister of Labour (Shri Jagjivan Ram): That does not cover loans, Sir. That is withdrawn from the fund itself. Whenever he wants money, he can withdraw from the membership of that fund.

Mr. Speaker: I am sorry I misunderstood the clause. He can with-

draw from the benefits of Provident Fund, i.e., that he gets out of the benefits of the Provident Fund. That is a different matter. The hon. Member may proceed with his speech.

خواجہ عذات اللہ : تو پراوڈنٹ

فلڈ سے ریلوے میں قرض ملتا ہے۔ مجھے معلوم ہے کہ ریلوے بھی گورنمنٹ کی چیز ہے۔ اس میں کبھی کبھی ضرورت ہونے پر۔ اپنی یا اپنی بھری کی بیماری پر کچھ قرضہ مل سکتا ہے جو ۱۲ سے ۲۰ تک کے انسٹالمنٹس (instalments) میں وصول کیا جا سکتا ہے۔ زمینی کی خرید کے لئے اس میں قرض مل سکتا ہے۔ وہاں کے مزدوروں کو اپنی سائل - اس سے بڑے مزدوروں کے لئے موٹر سائل - اور اس سے بھی بڑے مزدوروں کے لئے موٹر خریدنے کے لئے ریلوے پراوڈنٹ فلڈ سے قرض مل سکتا ہے۔ لڑکی کی شادی کے لئے قرض مل سکتا ہے۔ تو میں سمجھتا ہوں کہ ایک فریب مزدور جو اپنا پیٹ کاتتا ہے۔ اور یہ بہت اچھا ہے۔ کہ پیٹ کات کر وہ اپنے آئندہ کے کام کے لئے جمع کر رہا ہے۔ یہ حکومت کی مہربانی ہے۔ مگر اس کا مرکز یہ مطلب نہیں ہونا چاہئے کہ جب اس کا پیٹ کاتتے ہیں اور اس کا روپیہ جمع کر رہے ہیں تو جب اس کے سر پر موت کھڑی ہو۔ اس کے لئے اس کے سوائے کوئی علاج نہ ہو کہ وہ دو آنہ روپیہ پر قرض لے۔ ایسے وقت آپ اس کی مدد نہ کریں۔ اور اس کے جمع کئے ہوئے

روپے میں سے ایک حصہ اس کو نہ دیں۔ اگر وہ کسی اسپیشل سرکسٹانسسز (Special circumstances) میں چاہئے۔ ہاں اس کے لئے کوئی قاعدہ قائم کر دیا جائے تاکہ وہ اس روپے کو بھرتا برہان نہ کر سکے۔ یہ بھی دیکھ سکتے ہیں کہ کسی اصل ضرورت کے وقت - چھسے اس کا بچہ بھارت ہو - وہ خود بھارت ہو - اس کا بوزہا باپ یا بوزہی ماں بھارت ہو - یا اس کی بھتیجی کی شادی کا سوال ہو - ہمارے یہاں یورپ کی طرح بیٹے اور بھتیجی کی اپنی مرضی اور اپنے پیسے سے شادی نہیں ہو سکتی ہے - ہماری لڑکھوں کی شادی کا سوال بہت اہم ہے - اکثر ایسے واقعات پیش آتے ہیں اور بلنگال میں تو ہر آٹھ دن یہ ہوتا رہتا ہے کہ باپ اپنی بھتیجی کی شادی نہیں کر پاتے اور بھتیجی اور باپ دونوں کی خودکشی کی نوبت آجاتی ہے - اس لئے آپ کو اس قانون میں اس بات کو ضرور رکھنا چاہئے - اگر ہمارے پراویڈنٹ فلڈ میں دس سال نوکری کرنے کے بعد پانچ سو روپیہ جمع ہو گیا ہے تو کیا وجہ ہے کہ ہم اس میں سے دو سو یا تھالی سو روپیہ نہ لے سکیں - اور یہ نہیں کہ لے لیتا ہے - بلکہ قرض لے کر ادا کرنا ہے ۱۵ یا ۲۰ انسٹالمنٹ (instalments) میں اسی طرح جس طرح ہم پراویڈنٹ فلڈ کٹوارے ہیں - یہ سچہ میں نہیں آتا کہ ہماری تلخواری سے وہ زبردستی کاٹا جائے اور ضرورت پڑنے پر

وہ ہمیں ملے نہیں - میرے خیال میں حکومت نے اس بات پر پوری طرح دھیان نہیں دیا - یہ ایسی چیز نہیں ہے جس پر حکومت کا کوئی خرچہ آتا ہے - نہ مل مالک کا کوئی خرچہ آتا ہے اس لئے اس میں ان کو کوئی اعتراض نہیں ہو سکتا - نہ مزدور کو کوئی اعتراض ہو سکتا ہے - کسی کو اختلاف نہیں - مزدور کا فائدہ بھی ہے - مزدور آپ کو دعا میں دیں گے - مل مالک کا کوئی نقصان نہیں ہے - آپ کے پلے سے کچھ خرچہ نہیں ہو گا - تو اس کے کہا معنی کہ آپ وہ چیز نہ کریں جس میں مزدور خوش ہو جائیں اور آپ کا کچھ خرچہ بھی نہ ہو - میں اس کی طرف بڑے ادب سے آپ کی توجہ دلاؤں گا کہ آپ اس کلاز کو ضرور بڑھائیں - اس میں آپ کوئی بھی ہابندگی لگائیں کہ جس میں مزدور قرض لیا ہو روپیہ برباد نہ کر پائیں - لیکن ایسا کوئی قانون ہونا ہی چاہئے کہ مزدور اپنی ضرورت کے وقت اپنے پراویڈنٹ فلڈ کا کچھ حصہ بطور قرض کے لے سکیں اور بہت معمولی سود پر لے کر معمولی قسطوں میں واپس کر سکیں - اگر آپ پراویڈنٹ فلڈ میں یہ کلاز نہیں لائیں گے تو میں سمجھوں گا کہ آپ نے پراویڈنٹ فلڈ کے آدھے مطلب کو بھلا دیا اور آدھے مطلب کو جان بوجہ کر پورا نہیں کیا - حالانکہ اس میں آپ کا کچھ خرچہ نہیں ہونا تھا

[خواجہ علنائت اللہ]

گرفتہ ہی کے ساتھ ساتھ ایک چھوڑ اور بھی ہے۔ دیکھئے زمانہ کتنی ترقی کر گیا ہے۔ اور ہندوستان بھی خدا کی مہربانی سے بہت تیزی سے دوز رہا ہے اور وہ دن دور نہیں کہ ہم آگے بڑھنے والی قوموں اور ملکوں کے ساتھ بہت جلد جا ملیں۔ دیکھئے اور ملکوں میں ایک چھوڑ انشورینس (Insurance) ہے۔ ہمارے ملک میں بھی یہ کچھ حد تک چل رہا ہے اور ترقی کر رہا ہے۔ میں سمجھتا ہوں کہ جو مزدور آپ کے پاس روپیہ دینگے ان میں کچھ ایسے بھی ہونگے جو پچاس روپیہ پالے والے مزدور ہوں گے اور اس کے آگے بڑھتے ہوئے سو اور تیرہ سو روپیہ پالے والے مزدور یعنی کلرک اور سپروائزر اس طرح کے لوگ بھی ہونگے۔ تو اگر فرض کھینچتے وہ اپنی تازہوارہ میں سے دس روپیہ کٹواتا ہے تو پچیس برس بعد اگر وہ اس وقت تک زندہ رہا تو مالک اس کے روپیہ میں دس روپیہ اپنی طرف سے ملا کر اس حساب سے اس کو روپیہ دے دیتا۔ تو میں چاہتا ہوں کہ آپ اس مزدور کو اس بھس روپیہ میں سے جو کہ دس وہ خود کٹوا رہا ہے اور دس مالک دے رہا ہے۔ آپ اس کو اپنی لائف انشور کروانے کی اجازت دے دیں۔ اور اس کا پریمیم (premium) وہ اپنے پراویڈنٹ فنڈ کے روپیہ میں سے دے سکے، یا آپ خود ہی دیتے رہیں۔ چاہے یہ آپ ہی دیکھ لیں کہ کن سی

کمپنی اچھی ہے۔ اور نامینیشن (nomination) وغیرہ آپ ہی کریں۔ مگر اس کو اجازت ملنی چاہیئے کہ وہ اپنے لائف انشورینس کا پریمیم اس روپیہ میں سے دے سکے۔ اس کا نتیجہ یہ ہو گا کہ اگر پچیس برس کے پہلے ہی یعنی دس برس میں اتفاق سے مر جاتا ہے تو اس کے بچوں کو اتنا روپیہ مل جاتا ہے جتنا آپ اس کو پچیس سال نوکری کرنے کے بعد دیتے۔ اگر ایسا نہیں ہوگا تو آپ تو اس کو اتنا ہی روپیہ دینگے جتنا کہ اس کا جمع ہوا ہے۔ تو یہ چھوڑ تو آپ کو دھیان میں رکھنی چاہئے۔ گورنمنٹ ایمپلائز (Government employ-) میں تو یہ چھوڑ موجود ہے۔ اگر کوئی گورنمنٹ ایمپلائز چاہے تو اپنے پراویڈنٹ فنڈ میں سے اپنی لائف انشورینس کا پریمیم ادا کر سکتا ہے۔ تو کہا وجہ ہے کہ آپ ایک چھوڑ ایک ہندوستانی کے لئے جائز رکھتے ہیں اور دوسرے کے لئے نہیں رکھتے۔ ایک ہندوستانی کو وہ کام کرنے کی اجازت دیتے ہیں اور دوسرے کو اس سے روک رکھتے ہیں۔ یہ تو بالکل ویسا ہی ہو گا جیسے کہ ایک اپنے بھتیجے اور ایک سوتیلے بیٹے کی بات ہے۔ لہکن یہ بات تو میں نہیں کہوں گا۔ مگر یہاں ایک امیر آدمی اور ایک غریب آدمی کا سوال ہے۔ یہ تو غریب کا سوال ہے۔ پہلے تو یہ غریب کا راج تھا

اور فریب کے لئے تھا۔ مگر اب مجھے
 قرعے کہ اب یہ فریب پر راج نہ ہو
 جائے۔ اس لئے آپ کو تو فریب کے
 ہمت کی بات سب سے پہلے سوچنی
 چاہئے۔ ایک مزدور کو اس کی
 اجازت ملنی چاہئے کہ جس روپیہ کو
 وہ بڑی مشکل سے

श्री आर० के० चौधरी : श्री मिडिल
 क्लास के लिए

خواجہ عیانت اللہ : منڈل کلاس
 کا جب بل آئے تو آپ اس پر ہول
 سکتے ہیں۔

Mr. Speaker: I think we are going
 into a much wider theme, a very much
 wider theme. The hon. Member has
 already taken I believe, thirty
 minutes.

Khawaja Inait Ullah: Sir, it is very
 important.

Mr. Speaker: It is important un-
 doubtedly. But, the question is that
 some welfare of labour has to be
 achieved. Some points may be men-
 tioned which the Government should
 take into consideration either for
 amending the Bill or for making
 rules. We need not go into the
 general relations as to how
panjipatis or capitalists will behave
 and all that sort of thing. Otherwise,
 this debate will have to go on for days
 together. Much can be said on the
 wider field.

خواجہ عیانت اللہ : خیر تو میں

اس کو اسی حد تک محسوس کرتا
 ہوں کہ اس پراویڈنٹ فنڈ سے فریب
 مزدور کو ایسی سخت ضرورت کے وقت
 قرض لینے کی اجازت ملنی چاہئے
 اور موجودہ دنیا کی ترقی کے ساتھ ساتھ
 چلنے کے لئے اس فریب مزدور کو بھی
 ایلی لائف کا انشورینس کرا کر اپنے
 پراویڈنٹ فنڈ میں سے اس کا پریویم
 لینے کی اجازت ہونی چاہئے۔ آپ
 اس طرح کا قانون بلاتے ہیں۔ اس میں
 حکومت کا کوئی خرچہ نہیں ہو گا اور

مالکوں کو بھی اس کے لئے کوئی خاص
 رقم نہیں دینی ہوگی۔ صرف قانون
 بنانے کی بات ہے۔ شاید ایک آدھہ
 کلرک بھانا پڑے جو کہ بہت اہم چیز
 نہیں ہے۔ اس لئے۔ میں آنریبل مینسٹر
 سے درخواست کروں گا کہ وہ خاص طور سے
 ان دو چیزوں کی طرف دھیان دیں۔

(English translation of the above
 speech)

Khawaja Inait Ullah (Bihar): Sir,
 at the outset I congratulate the hon.
 Minister of Labour for having brought
 this legislation. The need for such
 a measure was vital in India. I say
 so because the world is much advanc-
 ed while we are still far behind in
 this respect. It is, however, better
 late than never. Still I feel that
 certain provisions included in this
 Bill are such as to invite some atten-
 tion of the hon. Minister which I
 propose to do.

Firstly, I feel that clauses No. 4 and
 7 taken together i.e., the clause on
 the Power to add to Schedule I, when
 read together with the clause on
 Modification of Scheme gives the
 impression that the Bill serves no
 purpose other than wasting the time
 of this House. Once we give power
 to the executive not only to include
 in this Schedule any industry they
 may like, but also to add to the Bill
 or amend or vary any Scheme or
 even take away what they may desire,
 I cannot help feeling that it is tanta-
 mount to a mere mockery of democ-
 racy to bring such a measure be-
 fore the House and then ask for ap-
 proval of the same. You may hold that
 it has been a convention in the past
 and may cite precedents in support
 of that view. Whenever any Bill is
 framed or any Scheme is formulated,
 certain powers are conceded to the
 Government to tide over difficulties
 with ease. Even granting that it is a
 convention, I want you just to con-
 sider whether the world would have pro-
 gressed to the present stage without a
 reorientation of old conventions, habits
 or age-long ideas? We are accus-
 tomed to think in terms of what our an-
 cestors had been doing. On that ground
 we hardly feel the necessity for any
 change. A Bill is brought before the
 House and after a full debate, a deci-
 sion about the final shape of the
 scheme is taken and provisions re-
 garding powers and other matters are
 included. Still it is provided that
 anything may be subsequently added

[Khwaja Inait Ullah]

or taken away as may be thought necessary. While placing this idea before the House, I will like to submit to the hon. Minister as also to hon. the Speaker that it is nothing short of misusing the powers conferred by this House. I, therefore, desire that some modifications be effected in clauses 4 and 7 whereby the Government may be rendered incapable of interfering in the normal powers of this House and whereby we may realise that it has truly been passed by us. We should thereby be assured that the Government while giving effect to the provision of this Bill, will not attempt to bring in modifications without our assent—modifications which will destroy or alter in any way the letter and spirit of this scheme.

Next I want to refer to Clause 5 which relates to the framing of rules. I have studied the rules regulating the Coal Mines Provident Fund. In rule 64, I come across a provision regarding the method of distribution of the provident fund of a labourer who dies without specifying his or her nominee. The Government have laid down certain rules mentioning the persons who could be considered to be entitled to receive the money in such cases. I object to the procedure. I feel that provident fund money is the property of a labourer; it is his inheritance; it is his right and constitutes the earnings of his life. So the practice which is followed under the civil law for the sharing of a rich man's inheritance, should also be made applicable to the effects left by a poor labourer. No separate law should be enacted to cover such cases. While framing bye-laws you should keep this consideration before you. Normally a labourer would nominate his heir. Should it happen otherwise, his provident fund should be distributed in the same way in which the property left by a Hindu is disposed of under the Hindu Law, or that of a Muslim is distributed under the Muslim Law or as in case of a Christian, it is done under the Christian Law. I have gone through the Coal Mines Provident Fund Scheme. Had you created a special heir with the passing of the Hindu Code Bill, I would have been reconciled to this view. But, till you effect a change in the Civil Law itself, such a course would be improper. So long as the old Civil Law remains in force, you should not arbitrarily alter the law applicable to the right of inheritance of a labourer's effects.

Secondly, you have fixed the company proprietors' share in the pro-

vident fund at 6½ per cent. It surprises me to note that, while disposed to show compassion to the labourers, you should allow this miserliness to dominate your thoughts. You are going to give them the benefit of provident fund. I am conscious that nothing in this respect shall be given to them out of the proprietors' proceeds. The expenses on this account will be made good in the shape of increased prices of the commodities manufactured in the factories. In other concerns—for instance, in railways, this share is fixed at 8 1/6 per cent—or in other words the railways disburse to their employees 13 months' wages for 12 months' working and they so arrange this disbursement as to distribute 13 months' wages over 12 months. Calculated on this basis, it comes to 8 1/6 per cent. In the light of this practice followed by our railways, the reason for a reduction in that share in this case is not clear. By fixing this proportion at 8 1/6 per cent, you had to lose nothing. The output of all the industries included in the Schedule in question is practically controlled. Whenever you increase the prices of controlled articles, such as cloth or cement, the public in general is not much loud in their disapproval. You explain away the increase saying that there have been no imports of cotton or that machinery is not available. You can also advance the demand for increased wages by the workers as an excuse. Criticism of public is thus silenced. You have, therefore, made a provision for 6½ per cent, in case of all controlled industries. Naturally the company proprietors will make a representation that their expenses have gone up and therefore they should be allowed to increase the prices of manufactured goods—and I am sure that you will agree to the same for it is a legitimate demand. In the circumstances, when the expenses in respect of provident fund can be met by a nominal increase in prices—say a pice or half pice on a rupee—it is not clear why you show this miserly treatment towards the factory labour by not giving them this benefit at par with the railway labour. Is it because they are mere labourers? So far they have not been given any benefit. If you are so disposed as to benefit them, it should be done in full measure. They should enjoy the same rights which the railway employees are already enjoying. That explains why I want the hon. Minister and this House to consider it. It is not an ordinary issue that by fixing this share at 6½ per cent, we are going to reduce

the provident fund—which sum is ultimately intended to be utilised for the welfare of many lacs children of our workers. I am aware that the factory-owners do not stand to lose financially on this account. Ultimately this expenditure has to be borne by the public of India, the majority of which again consists of the labourers. The expenses shall thus ultimately be met by the labourers themselves. None but their own children will have to pay it. The money received by the labourer in the shape of provident fund will have to be returned by his father or brother in some other form. It is, therefore, very easy to accede to this request. The issue is above controversy, because the company proprietors are aware that be it 6½ or 8 1/6 or 10 per cent., the expenditure will ultimately fall on our public in general and for that reason they will not mind it. They will agree to whatever percentage you may decide. In any case the provident fund has to be paid by us—by the public of India and the company managements have not to incur any expenditure on this account. I, therefore, want that the rate of deductions against the fund be increased from 6½ per cent. to 8 1/6 per cent, and thus the anomaly in this respect between different classes of working labour will be removed.

Again, there is no doubt that a vast majority of our labour constitutes illiterate persons. It is likely that they may not appreciate the advantages of this Provident Fund Scheme and may consider that the Government have enforced a compulsory cut on their wages. The wages that are given at present are hardly sufficient to enable them to make both ends meet. With the deduction of 6½ per cent., practically nothing will be left with them. Though I am in favour of its being raised to 8 1/6 per cent. while considering it from the viewpoint of company proprietors, yet I am aware that the Scheme is a new one and it will take our labourers some time before they realise the benefits which will accrue to them therefrom. There are cases where the labourers are paid very meagre wages and they are hard put to maintain even their children. They can make their both ends meet with great difficulty. For that reason the workers should be given an option either to have their share deducted at 8 1/6 per cent—in case they can afford—or half at that rate. They should be permitted to have the deductions upto half the contributions made by the employers. Further it should be provided that in cases wherein the workers are paid less than Rs. 50/- per month

and are hard put to pull on, full share of their provident fund should be paid by the employers and an option should be given to the workers concerned to have deductions at full rate when better times may permit them to do so. Should it be possible to make some such arrangements, it will go a long way to undo the propaganda which our opponents may indulge by resorting to call this provident fund as a compulsory cut and to remove the unrest or confusion which might prevail amongst our workers. The situation can be eased somewhat this way and the labourers will come to regard the Scheme as one intended for their betterment.

I feel bewildered by Clause 16 wherein it has been provided to exempt from the operation of this Scheme "any factory belonging to the Government or a local authority". It surprises me to note the Government exempting the workers employed in their own factories from the purview of this Scheme which they think to be of much benefit to the working classes. It is all right to preach sermons to the mill-owners to become considerate towards their workers and impress upon them the need to put by something in order to be of some help to the workers in their old age, but it is very strange for them not to fall in line themselves. I wish the Government could set an example in this behalf and impress upon them the desirability to follow. Now a popular Government is functioning in the country which is expected to undertake such measures. They consider it to be a beneficial measure worth emulating by others while for themselves they would not agree to it. You can well realise the feelings of the workers employed in Government factories and also of the employers in general to find the Government unwilling to give this benefit to their own employees. The donation that others are made to part with is no donation. It is very easy to impress on others the virtue of donating, but donations should always be made from one's own pocket. The Government, however, have already provided for an exemption clause which enables them not to follow the Scheme themselves. If, on the other hand, they think that facilities of provident fund, pension or other benefits are already operative in Government concerns, there was no wisdom in discrediting themselves by keeping such a clause. You had such a scope even in Clause 17 which is to the effect that the Government will be prepared to exempt the concerns from the purview of this Scheme where

[Khwaja Inait Ullah]

provident fund etc. benefits are already being given. Notwithstanding the existence of Clause 17, the Government have put forth a thing which will not enhance their popularity. It gives the impression that they want others to give this benefit of provident fund while for themselves or for the local authorities they do not favour its application. I want the Government to act with such prudence as may serve their purpose while not bringing to them any unpopularity.

Babu Ramnarayan Singh (Bihar): Only if they have any commonsense.

Khwaja Inait Ullah: That is for you elders to infuse in them, I myself would like to learn something from you. It says here:

"Any other factory, established whether before or after the commencement of this Act, unless three years have elapsed from its establishment."

I fail to understand why this harsh discrimination is being made against the labourers of newly established factories. You argue that because they are newly established factories, they should be given three years time so that they stabilise themselves and start earning profits and that after that period they should pay extra wages or provide for provident fund. Why should you have a soft corner for the capitalists? You sympathise with a capitalist who starts a factory with a couple of million rupees to such an extent as to provide that he may not contribute towards the provident fund till he starts earning good profits and his business is fairly established. The fact that you are out to make such a law clearly shows that the Government in their law making think more of the rich than of the poor. If the investor of 20 or 25 lakhs of rupees sustains a loss of two or three lakhs, he can stand it, but on the other hand if labourers don't get provident fund for three years, it will have an adverse effect on their children and their own life, specially in old age. The capitalist won't die if he sustains a loss of say three lakhs, but if the workers lose a sum of Rs. 25/- each in these three years, the responsibility of that loss would be on the Government, and on this House too, which is a party to this law which deprives the workers of the advantages of provident fund. It may be argued by some that this legislation would benefit some industrialists. But I would request all hon. Members of this House that if they think over this question dispassionately, they would find that it is not so, rather you have harmed them. I may give an illustration. Suppose somebody starts a textile mill, he would not get skilled labourers, all of whom would like to continue working in established mills where benefits of provident fund exist. They can change their places of employment after three years. The result would be that newly established factories would be started with unskilled labour and would end in failure because their products would not be upto the standard. The Government are putting an impediment in the establishment of new industries by retaining this clause. This would mean that the Government are not anxious for the opening of new industries; they don't want that new cement, textile and paper mills be started, which are in great demand in this country. I want that newly established factories should be in a position to start operation at once. In the last session we passed legislation to the effect that licences would be required for starting new factories. After getting a licence, one who wants to start a new factory would ask as to where he should set it up. You would indicate the site and issue a licence and simultaneously inform him that he would not get skilled labour, because skilled labour would work in a factory where provident fund facilities exist. In view of this it would be better if the Government starts a factory to "produce" labourers, so that newly established factories may not experience any difficulty in getting skilled labour. They would not get skilled labour because they cannot make provision for provident fund. In the light of this I would say that clause 16 is out of place and the Government should delete it. If the Government are unable to look into this matter dispassionately and stick to the retention of this clause, I would appeal to the House that a legislation like the one before us, which puts an impediment in the way of our industry, deprives the workers of provident fund for three years and exempts the Government factories from the provisions of provident fund law, should never be passed.

I would like to mention one thing more which is very important; after which I shall conclude my remarks. After going through schedule 2, which deals with framing of bye-laws, I have come to the conclusion that you have not allowed the poor labourers to obtain a loan against their provident fund even in times of dire need. You must be aware of the difficulties which

the factory workers have to face. If you go to a factory gate on pay day you would find Pathans and other usurers, who lend money to the workers on 12½ per cent. interest; taking away a large portion of the wages of the workers. The worker finds Today to be of much more importance than Tomorrow. Tomorrow is, no doubt, important, but he thinks of Heaven if he can avoid a foretaste of the present Hell. He is in the inferno, is starving, has a daughter of marriageable age but lacks the wherewithal to perform it, has a dilapidated house but does not have enough money for its repairs at a time when rains are due to start, his mother is ill but he does not have the resources for her medical treatment and his child is down with T.B., but he lacks the thousands which are required for his treatment. Should he tolerate all this in the hope that his provident fund is accumulating which he would get when he is old and out of employment? But he wants to get through the present Hell; he may enter Heaven after death. Times have changed, eradication of Hell should precede the plans for establishment of Heaven. You have the Railway Provident Fund. . . .

Mr. Speaker: Order, order. May I invite his attention to clause 7 of Schedule 2. I believe, it deals with the conditions on which the withdrawals may be permitted or forfeiture made.

Khwaja Inait Ullah: That is for reduction or forfeiture. If this is so, we want that the word 'loan' should be added there.

The Minister of Labour (Shri Jagjivan Ram): That does not cover loans, Sir. That is withdrawn from the fund itself. Whenever he wants money, he can withdraw from the membership of that fund.

Mr. Speaker: I am sorry, I misunderstood the clause. He can withdraw from the benefits of provident Fund, i.e., that he gets out of the benefits of the Provident Fund. That is a different matter. The hon. Member may proceed with his speech.

Khwaja Inait Ullah: So the Railway workers can borrow against their provident fund. I know the Railways are Government-owned, and a worker there can get a small loan, when his wife is ill, recoverable in 12 to 20 instalments, he can get loans for purchase of land; the Railway workers can get loans for purchase of cycles, motor cycles and motor cars, also for marriages of their daughters. A worker saves by foregoing the

necessities of life, it is good that he saves for the future by doing so. But it does not mean that when the Government so kindly helps him in saving, they should leave no alternative for him except to borrow at 12½ per cent. interest in times of dire need, and not come to his aid by giving him a part of his savings even under especial circumstances. Such rules may be framed as he may not waste his savings. It may be provided that a worker can draw on his provident fund in a real emergency such as the illness of his child, mother or father or his own illness or the marriage of his daughter. Boys and girls cannot marry of their own accord in our country as they do in Europe. Marriage of girls is a serious problem in our country; tragic incidents take place every day especially in Bengal where if a father is not in a position to arrange for his daughter's marriage both father and daughter are driven to commit suicide. We should take account of such things in this legislation. If a person's provident fund contribution after 10 years service comes to about Rs. 500/- why should he not be able to draw a sum of Rs. 200/- or Rs. 250/- out of it? After all, it is a loan recoverable in 15 or 20 instalments. I cannot appreciate the propriety of a provident fund scheme, which involves compulsory deductions from wages and does not allow withdrawals in times of need. I think that the Government have not given full attention to the question which it deserves. The provision for allowing loans against provident fund does not entail any expense for either the Government or the factory-owner and they cannot have any valid objections to such a provision. The worker would be happy, and you or the factory-owner would not come to any harm nor would you have to spend anything. Then why should you not do something which will earn you the goodwill of the workers without any extra expenses? I would respectfully submit that such a provision should be added to this clause as to enable the workers to take loans at normal interests against their provident fund which may be recovered in easy instalments. You may put any restriction with a view to preventing the workers from wasting the amount of the loan. If this is not done I would take it to mean that the Government have forgotten half the object of the provident fund, and have deliberately not given effect to the other half, although it does not cost them a pice.

I would like to say one thing more. The world has progressed very much.

[Khwaja Inait Ullah]

India also is marching forward and the day is not far off when we would overtake the other nations of the world. Now, there is the system of insurance in other countries, it is also in vogue in India and is progressing. I know that there are workers who get Rs. 50/- a month, others get Rs. 100/- per month and still other workers or clerks and supervisors get Rs. 150/- per month. Suppose such a worker contributes Rs. 10/- per month to the provident fund and his employer, after 25 years, if he (the worker) lives that long, pays him his own contribution a sum of equal amount. I want that the worker should be allowed to get himself insured and pay the premium out of provident fund of Rs. 20/- per month (Rs. 10/- being his own contribution and the rest being his employer's contribution), or the Government may pay the premium out of this fund. The Government may even find out a good company and nominate it. But he should be allowed to pay the premium on his life insurance policy out of that fund. If this is done, in event of his death before the completion of 25 years' service say within 10 years, his dependents get an amount equal to the one he expected to get from you if he had completed 25 years' service. If you do not allow this and pay his dependents only that sum which was due to him, you must also consider the fact that Government employees are allowed to pay the premium out of their provident fund. Why should a discrimination be made between one Indian and another. This is clearly a case of step-motherly treatment. But I don't stress this. It is a question of the "have" and the "have-nots". Formerly, it was a rule of the poor and for the poor, but I fear it may not degenerate into a rule over the poor. The Government should give priority to the welfare of the poor. A worker who with difficulty saves money should be allowed. . . .

Shri R. K. Chaudhuri (Assam): And for the middle class

Khwaja Inait Ullah: When there is a Bill concerning the middle class you can speak on it.

Mr. Speaker: I think we are going into a much wider theme, a very much wider theme. The hon. Member has already taken, I believe, thirty minutes.

Khwaja Inait Ullah: Sir, it is very important.

Mr. Speaker: It is important undoubtedly. But, the question is that some welfare of labour has to be

achieved. Some points may be mentioned which the Government should take into consideration either for amending the Bill or for making rules. We need not go into the general relations as to how *punjipathis* or capitalists will behave and all that sort of thing. Otherwise, this debate will have to go on for days together. Much can be said on the wider field.

Khwaja Inait Ullah: Well, I feel that a worker should be allowed to borrow against his provident fund and in order to keep in step with times, he should be allowed to get his life insured and pay the premium out of his provident fund; such a legislation should be passed. The Government won't have to spend anything extra nor would the employers have to pay any big sum. It is only a matter of passing a legislation. If an extra clerk has to be employed it is not very important. I would request the hon. Minister to take these two things into consideration.

Dr. M. M. Das (West Bengal): This Bill is a non-controversial measure and a highly commendable one. It seeks to redress a longstanding grievance of the industrial workers of our country. Perhaps, there is not a single Member in this House who will oppose the provisions of this Bill. As for myself, I wholeheartedly support almost all the provisions of the Bill with the exception of a very few provisions. So far as the provisions about which I have some apprehensions in my mind are concerned, perhaps, it would have been a matter of some profit if we had an opportunity to discuss the matter with the Government either in a Select Committee or in an informal meeting. Regarding some of the provisions of the Bill, I really feel that the Mover of the Bill, in his anxiety to do justice to the industrial workers of our country, has been very unkind to the employers. It is a very nice thing to have sympathy for the underdog and to express that sympathy in words and deeds. But, one must be careful that one is not carried away by that sympathy; one must be careful that that sympathy for the underdog may not deviate from the path of fairness and justice. This is especially true for a man who holds a Ministerial portfolio in a democratic Government.

[PANDIT THAKUR DAS BHARGAVA
in the Chair.]

Section 2 of this Bill defines some words used in this Bill. The word "employee" has been defined in part (f) of clause 2 as follows:

"'employee' means any person who is employed for wages in any

kind of work, manual or otherwise, in or in connection with the work of a factory and who gets his wages directly or indirectly from the employer, and includes any person employed by or through a contractor in or in connection with the work of the factory;"

According to this definition, any man who is not a permanent employee, who has got only a temporary appointment shall also be regarded as an employee and therefore be entitled to the benefits of the Provident Fund. How far it will be possible to make these provisions applicable to a man who works in a factory for ten days and then goes away or for a few months and then goes away, I do not know. I have seen thousands of Government employees, of course, temporary employees, of the Central as well as the State Governments who are working for eight, nine or ten years. I beg to ask the hon. Minister what provision for the future has been done for these temporary employees of our Government.

Shri B. Das (Orissa): They are not industrial workers.

Dr. M. M. Das: May be; but they are in no way better than industrial employees: a clerk getting Rs. 60 or 70 a month.

There is another very important matter about which I would like to draw the attention of the House.

Dr. Deshmukh: They have got this provision for Provident fund, I think.

Dr. M. M. Das: Under clause 2(f), the word 'employee' also includes any person employed by or through a contractor in or in connection with work in a factory. In the Coal Mines Bonus and Provident Fund Schemes Act, these words are not there. According to this definition, person employed by a contractor and who work in a factory as paid servants of a contractor are also to be deemed as employees of the factory and therefore entitled to the benefits of provident fund. If for example a textile manufacturing company enters into a contract with an engineering firm for building an additional part of the factory, then the masons and workers of the engineering firm will also be entitled to be regarded as the employees of the textile manufacturing company and so to its provident fund benefits. How it will be possible to extend to them also these benefits and how far it is justified, I do not know.

Then I come to clause 16 of this Bill

regarding "Act not to apply to factories belonging to Government or local authority etc." But then Sir, they say charity begins at home, and in this case our hon. Minister of Labour has not begun this charity at home but abroad. It may be argued that exemption has been given to Government factories because the rules and regulations regarding their provident fund and the contribution from the Government are much more favourable than in the case of ordinary factories. If this is the reason for giving this exemption to the Government factories then as has been mentioned by a previous speaker, clause 17 (a) would have been enough. But to my mind, the main reason why exemption has been given to Government factories is because Government wants to escape from the dangerous implications of the word "employee" which comprises temporary workers and workers of contractors and contracting firms. Government does not want to apply this definition of the word "employee" to their own factories. This, to my mind, seems to be the reason why clause 16 has been incorporated in this Bill.

There is just another point which I would like to mention. Clause 16(b) says that exemption should be given to any other factory, established whether before or after the commencement of this Act, unless three years have elapsed from its establishment. I feel that this period of exemption of three years to a newly established factory is too short. Although one of the hon. Members who preceded me has said that for a rich man or for an industrialist this is practically nothing and he should be able to give the benefit of provident fund to the workers immediately the factory starts working, there are many industries owned by public limited concerns where the public has got the major portion of shares and in those cases it will be very unfair to the shareholders and to the industrialists concerned. The period of exemption should be increased to at least five years.

श्री भट्ट : माननीय सभापति जी, जिस बिल की हम चर्चा कर रहे हैं उस का इतिहास बहुत पुराना है और उस में में जाना नहीं चाहता। लेकिन एक बात साफ है कि हम जो चीज अभी बना रहे हैं वह कई बरसों पहले बन जानी चाहिये थी। लेकिन हिदुस्तान की हालत को देखते

[श्री भट्ट]

हुए, उद्योगों की हालत को देखते हुए, पूंजीपतियों की हालत को देखते हुए, मजदूरों की हालत को देखते हुए, यह बिल सिर्फ आज ही हमारे सामने आ सकता है। हमारे माननीय मंत्री जी शायद अपने जवाब में सब चीजें बतावेंगे। अगर उन्होंने ने प्रस्तावना में ही सब कुछ कह दिया होता तो बहुत सारा विवाद कम हो जाता। लेकिन मैं यहां उस दिन की याद दिलाता हूं सन् १९२९ की जब लेबर कमिशन रिपोर्ट (Labour Commission Report) पेश हुई थी। मैं अभी आप के सामने कोई बहस नहीं कर रहा हूं और उन चीजों में नहीं जाना चाहता कि सरकार ने कब क्या किया और क्या करना चाहिये था। लेकिन मजदूरों के लिये जब वह निराधार अवस्था में आ पड़ते हैं तो उन के पास कुछ सामग्य होना चाहिये जिस से कि वह कम से कम अपना गुजारा कर सकें। इस के लिये हमें क्या करना चाहिये, इस की तजवीज इस बिल में है और वह एक छोटी सी तजवीज है। बहुत लम्बी भी नहीं है और कोई बहुत बड़ी भी नहीं है। न यह अमीरों को और पूंजीपतियों को नुकसान देने वाली है और न मजदूरों को बहुत बड़ा फायदा पहुंचाने वाली है। यह उन की हालत को थोड़ा सा सुधारती है और उन के लिये एक छोटा सा सहारा है, एक तिनका मात्र है, ऐसा ही मैं कह सकता हूं। अब जब यह चीज हमारे सामने आई है तो हमारे बहुत से उत्साही दोस्त यह चाहते हैं कि इस को बहुत बड़ी और अच्छी बना दी जाय। हम सब चाहते हैं कि इस चीज को बहुत ही मुकम्मिल बना दें। लेकिन आप देखिये कि हालत क्या है। हम एक स्टेट इन्श्योरेंस स्कीम (State

Insurance Scheme) दो तीन साल पहले बना रहे थे। उस का काम कर रहे थे। लेकिन वह स्टेट इन्श्योरेंस स्कीम भी हम सिर्फ अब ही लागू कर सके हैं। इस के कारण हमें मालूम है कि किस तरह से लोग उस का विरोध करते हैं, पूंजीपतियों ने विरोध करवाया है और व्यावहारिक कठिनाइयां भी कितनी उस में आई हैं। तो उन सब चीजों को हमें मद्देनजर रखना चाहिये और हमें उन को देख कर आगे बढ़ना चाहिये।

भाई गुहा जी ने कहा कि पेंशन इस में क्यों नहीं लाते हो। मैं कहता हूं कि पेंशन तो बहुत दूर है, थोड़ा सा यह प्राविडेंट फंड तो आगे बढ़ने दीजिये फिर पेंशन की बात हम करेंगे। जहां सरकारी कारखानों में पेंशन दी जाती है वहां क्या हालत है वह हम देख रहे हैं। पूंजीपतियों को कई बार सरकार ने सलाह दी और कहा कि यह माडल रूल्स (Model Rules) हम ने बना दिये हैं, लेकिन तब भी वह चीज नहीं हो पाती है, वह उन रूल्स को भी अमल में नहीं लाते। हमारे स्टेटों की गवर्नमेंट है उन की भी हालत को हमें देखना चाहिये। कई चीजें इस में आ जाती हैं। फिर सेंटर (Centre) कुछ काम कर सकता है। गवर्नमेंट के सामने कई तरह की मजबूरियां आ जाती हैं। अगर कोई मजबूरी नहीं होती और पूंजीपति और दूसरे कारखाने वाले लोग अपने आप ही यह चीज मान लेते तो शायद सेंट्रल गवर्नमेंट जिस रीति से यह बिल लाई है शायद उस से बढ़िया और ही कोई बिल लाती। लेकिन सेंटर की भी मजबूरी है कि वह आज तक कुछ नहीं कर सकी है।

बीर अब आज भी इतना ही कदम उठाना चाहती है। इसलिये हमारे दोस्त को उस में अमीर गरीब का सवाल तो नहीं लाना चाहिये लेकिन इस में यह सोचना चाहिये कि आज की हालत में हम कम से कम क्या दे सकते हैं और उन को क्या आधार दे सकते हैं। मैं जरूर मानता हूँ कि अगर प्राविडेंट फंड और पेंशन बगैरह की चीज आये तो अच्छा होगा और फिर पालिसी (policy) के लिये रूपया देने की या कर्जा लेने की बात होती तो भी ठीक था। लेकिन अभी भी इस स्कीम में जो नान-अटैचमेंट आफ प्राविडेंट फंड (non-attachment of provident fund) की बात है और अटैचमेंट के खिलाफ जो प्रोटेक्शन (protection) दसवें क्लॉज में है वह बहुत ही जरूरी है। इस में कहा गया है कि उस ने किसी से कर्जा भी लिया हीं और उस कर्ज को अदा करने के लिये अगर कोर्ट की डिग्री भी हो तो भी इस प्राविडेंट फंड की रकम पर कोई अस्तियार नहीं होगा। यहां तक उस की हिफाजत और रक्षा की गई है। यह कोई कम चीज नहीं है। यह जो दसवें क्लॉज में नान अटैचमेंट की बात रखी गई है वह बहुत ही अच्छी चीज है और मजदूरों के लिये बहुत ही फायदेमन्द चीज है।

मैं इस बात को और नहीं बढ़ाना चाहता और केवल यही कहना चाहता हूँ, कि इस बिल में जो विशेषतायें हैं, जो इस की खूबियां हैं, उन की तरफ आप देखें। कोल माइन प्राविडेंट फंड जो सन् १९४८ में बनाया गया था, और वह एक प्रयोग किया गया था, और वह चीज जो इतने साल से चल रही है और जिस रीति से वह प्राविडेंट फंड चल रहा है और उसे सरकार ने लागू किया है और

उस पर अमल हो रहा है उस से मजदूरों को जरूर फायदा हुआ है और मालिकों को भी उस में कोई ऐतराज नहीं है। इस लिये जो स्कीम इस बिल से बनेगी वह ऐसी बनेगी जिस से पूंजीपतियों को भी कोई घबराहट नहीं होगी और मजदूरों को भी कोई घबराहट की बात नहीं है बल्कि मजदूरों को कुछ ज्यादा ही फायदा मिलेगा। इस में जो खास बात है वह बेसिक वेजेज (basic wages) की बात बताई गई है। कोल माइन्स प्राविडेंट फंड में भी यही शब्द आये हैं। लेकिन वहां से हम इस में ज्यादा तरक्की कर रहे हैं। बेसिक वेजेज के बारे में यहाँ कहा गया है। मेरे पास आई है और आप लोगों के पास भी यह किताब आई होगी, इंडियन लेबर बुक, जो एक अच्छी सी किताब लेबर मिनिस्ट्री ने हमारे सामने रखी है। उस में आप देखेंगे तो आज कल बेसिक वेजेज क्या है इस का आप को पता लगेगा जिन जिन उद्योगों का इस किताब में जिक्र किया गया है उन उद्योगों में जगह जगह पर क्या तनस्वाह मिलती है यह इस किताब में दिया गया है, रोज का क्या मिलता है, माहवार क्या मिलता है। कई जगह ऐसी हैं, कई उद्योग ऐसे हैं कि जहां दिन में छः आने मिलते हैं और कई जगहें ऐसी हैं, मिलें हैं, जूट मिलें हैं, काटन मिलें हैं जहां आठ आने, नौ आने, दस आने, बारह आने रोज के मिल रहे हैं, जब कि आज की मंहगाई बगैरह क्या है। अगर इस में सिर्फ यही रखा जाता कि बेसिक वेजेज के ऊपर ही प्राविडेंट फंड रखते तो मैं मानता हूँ कि यह जो प्राविडेंट फंड की योजना है, इस में जो लाभ देने की बात है, उस से कुछ भी लाभ मजदूरों को नहीं मिल सकता था। लेकिन इस बिल में यह सुझाया गया है कि जो प्राविडेंट फंड जमा किया जायगा, उद्योग से और मजदूरों से वह जो मजदूरों की तनस्वाह होगी,

[श्री भट्ट]

बह बेसिक वेजेज में नहीं बल्कि उस का जो भी डिपरनेस अलावन्स (Dearness allowance) बगैरह है उस को भी इस में रखा गया है । साथ ही जो अनाज कन्सेशनल रेट्स (concessional rates) से दिया जाता है, उस से भी जो कुछ फायदा होता है उस पर भी प्राविडेंट फंड की कटौती होती रहेगी । यह चीज बहुत ही अच्छी इस में लाई गई है । अगर यह चीज नहीं लाई जाती तो मैं मानता हूँ कि यह योजना बहुत अंश में फ्रिजूल हो जाती, बेकार हो जाती । इसलिये इस की खूबियों में एक तो यह चीज है । मैं अभी आप का ध्यान इस तरफ तो नहीं दिलाता हूँ कि अलग अलग इंडस्ट्रीज में क्या क्या तनख्वाहें बगैरह हैं, लेकिन मैं मे संक्षेप में यह बतला दिया है कि हिन्दुस्तान में अभी भी यह हालत है कि कई जगह लोगों को दस रुपये माहवार मिलते हैं, बारह रुपये माहवार मिलते हैं, सोलह रुपये माहवार मिलते हैं, बीस रुपये माहवार मिलते हैं, और मंहगाई जो मिलती है, वह उस तनख्वाह से ज्यादा मिलती है । तो यह चीज जो हमारे सामने आज आ रही है और इस में हमारे माननीय मंत्री जी ने जो एक संशोधन किया है और जो बहुत ही स्वागत करने लायक संशोधन है, वह संशोधन यह है कि बेसिक वेजेज के साथ साथ डिपरनेस अलाउन्स और फूड ग्रेन्स कन्सेशन की रकम भी जोड़ी आयगी । तो एक तो यह विशेषता है ।

दूसरी विशेषता इस में यह रखी गई है, जिस के बारे में हमारे एक पूर्व बक्ता ने ऐतराज भी किया है कि सरकार को यह अधिकार नहीं देना चाहिये या कि कुछ कारखानों को, कुछ उद्योगों को वह बाकायत रखें, अपने गवर्न-

मेंट के जो कारखाने हैं, उद्योग हैं, उन को बाकायत रखें । एक तरह से इस दलील में कुछ बजुद है । लेकिन दूसरी तरफ आप ख्याल कीजिये और सोचिये कि गवर्नमेन्ट एक स्कीम बनाने जा रही है और जो सरकार के कारखाने चल रहे हैं, जहां एक योजना की बात कई बरसों से चल रही है उस में और नई स्कीम में कितनी तबदीलियां करनी पड़ेंगी ।

एक चीज को जब नये ढांचे में बिठाना होता है, तो चाहे नया ढांचा अच्छा हो या बुरा हो मगर उस नये ढांचे में बिठाने के लिये काफ़ी समय लग जाता है । इसलिये मैं मानता हूँ कि आज सरकार के मातहत जो चीजें चल रही हैं, जहां पर प्राविडेंट फंड, पेंशन आदि की सहूलियतें हैं यह मानना चाहिये कि इन से बढ़ कर हो सकती हैं जो सरकार अपने हुकम के जरिये करवा लेती है । दूसरे इतनी जल्दी और आसानी से वह चीज नहीं करवा सकते ।

रेलवे की मिसाल ले लीजिये, वहां पर वर्कर्स (workers) के लिये प्राविडेंट फंड मौजूद है, वहां पर बारहवां हिस्सा अपनी तनख्वाह का देना पड़ता है और उस में रेलवे विभाग और जमा करता है । इस के अलावा वहां पर यह रियायत है कि जितने साल की उन की नौकरी होती है उतने साल की आधे महीने की तनख्वाह प्राविडेंट फंड में जुड़ जाती है । वहां इस सहूलियत के अलावा डिपरनेस अलाउन्स और फूडग्रेन्स कन्सेशन भी मिलता है और मैं चाहूंगा कि हमारे श्रम मंत्री इस प्रकार की सहूलियत अपने वर्कर्स को भी देने के बारे में सोचेंगे । और मुझे पूरा विश्वास है कि हमारे श्रम मंत्री इस बात के लिये पूरी कोशिश करेंगे कि उन को किस तरह ज्यादा से ज्यादा सहूलियतें दी जायें ।

दूसरे जो कारखानों को अलग रखने की बात है और १७वें क्लास में जो यह शर्त लगाई है कि जहाँ जहाँ फ़लां फ़लां चीज होती है और करीब करीब उन को वही फ़ायदा किसी न किसी रूप में पहुंचता है, हमारी योजना के मुताबिक वहाँ वहाँ उन फ़ैक्ट्रियों और उद्योगों को इस क़ानून से ऐक्ज़ेम्प्ट (exempt) किया गया है क्योंकि वहाँ तो पहले से ही यह और अन्य सुविधायें मजदूरों को प्राप्त हैं और मैं नहीं समझता कि इस ऐक्ज़ेम्पशन क्लास के रखने से कुछ लोगों को क्यों घबराहट हो रही है? मैं तो यह मानता हूँ कि हमारे श्रम मन्त्री सदैव मजदूरों को लाभ पहुंचाने के लिये प्रयत्नशील रहे हैं और आगे भी रहेंगे। मुझे पूरा भरोसा है कि वह उन की उन्नति और बेहतरी के प्रति कभी लापरवाह नहीं होंगे। ऐसे उद्योग धंधे जहाँ पर मजदूरों को ऐसी सुविधायें प्राप्त नहीं हैं उन को वह ऐक्ज़ेम्प्ट नहीं करेंगे। उन की तो इच्छा यह है कि इस योजना के मुताबिक जो उन्होंने ने पेश की है, एक साल काम कर देखा जाय, और अगर इस में कुछ और बढ़ाने की ज़रूरत महसूस की जाय, और इस में और कुछ दूसरे उद्योग धंधों को दाखिल करने की ज़रूरत हो, तो वह उस में आवश्यक बढ़ावा करने को तैयार रहेंगे और क्लास चार के मातहत वह अपने लिये यह अस्तित्थार चाहते हैं। मैं इस अस्तित्थार को उन को देने में कोई आपत्ति नहीं समझता हूँ, उल्टा इस में फ़ायदा है, क्यों कि वह आगे चल कर अगर ज़रूरत महसूस करेंगे तो और उद्योग धंधों को भी इस के अन्दर ले आयेंगे। अब मौका आ गया है कि इस योजना को आगे बढ़ायें, इसी में मजदूर, सरकार और स्वयं पूंजीपतियों का फ़ायदा है।

इस के अलावा मैं ने अपने संशोधन

में यह भी कहा है कि क्लास ४ में या सात में जहाँ जहाँ सरकार नई इंडस्ट्रीज को दाखिल चाहे या इस वर्तमान स्कीम में कोई फेर बदल करना चाहे तो वह सारी चीजें पालियामेंट के सामने जिस के जरिये देश पर शासन हो रहा है, लानी चाहियें ताकि पालियामेंट के सदस्य उन सब चीजों पर विचार कर सकें और उन पर बहस कर के जो उचित समझें पास कर सकें और उसे क़ानून का रूप दे सकें। मैं समझता हूँ कि यह कार्यपद्धति हर जगह प्रचलित है और इस में कोई ऐतराज नहीं होना चाहिये। इसे मंजूर करने से कोई नुक़सान नहीं होने वाला है। इस से पालियामेंट के सदस्यों को एक प्रकार का भरोसा हो जायेगा और अगर श्रम मन्त्री या उन के मुहकमे वालों ने कोई बेजा बात की है, तो वह उस की टीका कर सकेंगे, और आलोचना कर सकेंगे, और उस ग़लती को वह सुधरवाने की कोशिश कर सकेंगे। मेरे एक भाई ने कहा कि इस क़ानून के अन्दर केवल इतने ही उद्योग धंधे क्यों रक्खे जाते हैं, इन से ज्यादा क्यों नहीं रक्खे जाते हैं, और सरकार द्वारा इस में पूरी की पूरी लिस्ट क्यों नहीं शामिल कर दी गई है? इस के जवाब में मैं यह ही कह सकता हूँ कि हम ने चुन चुन कर के बड़े बड़े उद्योगों को मसलन् रेलवे वगैरह को रक्खा है, लेकिन रेलवे को मैं इन में शामिल नहीं करता, वह तो इस से अलग हो जाता है, उस के मजदूरों की संख्या अलग समझ लीजिये, लेकिन रेलवे के अलावा जो मजदूरों की संख्या है वह कितनी है? जैसे टैक्सटाइल मिल में, कौटन में ४२ फी सदी एम्पलाइज (employees) हैं, जूट में बीस फ़ी सदी एम्पलाइज, इलैक्ट्रिकल मिर्कैनिक्ल में आठ फ़ी सदी, आयरन, स्टील और सीमेन्ट में चार फ़ी सदी, हैं, यह सब मिला कर आप देखेंगे तो पायेंगे कि इस स्कीम के अन्दर

[श्री भट्ट]

७०-७५ फ्री सदी मजदूर आ जाते हैं, इस लिये हम जो काम करने जा रहे हैं वह कोई छोटा काम नहीं है, एक बड़ा कदम हम उठा रहे हैं, क़रीबन मजदूरों की तीन चौथाई संख्या को इस क़ानून से फ़ायदा पहुंचने वाला है। मैं मानता हूँ कि इस में छोटी से छोटी फ़ैक्टरीज को भी जहां पर बीस और पच्चीस मजदूर काम करते हों, इस में शामिल किया जाना चाहिये, लेकिन उस में शंका होगी कि वह कब शुरू हुई और दूसरी दिक्कतें आयेगी इसलिये इस वक़्त जो बड़े बड़े उद्योगों को लिया गया है, वह ठीक किया गया है। हमें इस पर संतोष कर लेना चाहिये। आज जो कुछ सरकार के सामने हमारी मंजूरी के बास्ते रक्खा जा रहा है उस का हमें स्वागत करना चाहिये। हम इस स्कीम का स्वागत करते हैं और आशा है कि इस के जरिये मजदूरों को फ़ायदा पहुंचेगा। धन पेश होने के वक़्त जो कुछ मुझे और कहना होगा, मैं कहूंगा।

(English translation of the above speech)

Shri Bhatt (Bombay): Sir, the Bill under discussion has a long history behind it and I do not want to go into that. But one thing is clear: the measure we are enacting now ought to have been enacted several years ago. But in view of the condition obtaining in India, the condition of the industry, the condition of the capitalists and the condition of the labour, this Bill could not be presented earlier. The hon. Minister will perhaps deal with this in the course of his reply. Much of the controversy could be curtailed if he had referred to this thing in the course of his introductory speech. I would however recall that report of the Labour Commission which was submitted in the year 1929. I am not raising any controversy here and do not wish to go into the subject as to what the Government had done at a particular time and what they ought to have done. But when the labourers are in a helpless position, the Government ought to provide some thing for their subsistence. What we should do for this is provided

for in this Bill, and it is a very small provision. It is not a detailed provision, nor a big one. It is neither harmful to the rich and the capitalist, nor very beneficial to the labour. It only helps to improve their lot a bit and is a small support to them—a very insignificant support, I may merely say so. Now that this thing has come before us, many of our friends wish to convert it into a big thing and a very good thing. We are all desirous of making it just perfect. But let us see what the conditions are. We were preparing a State Insurance Scheme two or three years ago. We were working on that. But that State Insurance Scheme also could be enforced only now. We are aware of the causes for this delay, as to how the people have been opposing it, the capitalists have set up an opposition and there have been practical difficulties too. We should keep all these things in view and proceed further in their light.

My friend Shri Guha has asked as to why there is no provision for pension. I say, not to speak of pension, let us proceed further with this Provident Fund, we would take up the issue of pension later on. We have seen the state of affairs in the Government factories where the system of pension is in vogue. The capitalists were advised many a time by the Government to enforce the model rules framed by the Government, but they are not prepared to do even that much. We should also look to the condition of the Governments of our States. Many things are covered by this. Then the Centre can also do something in the matter. The Government may be faced with many compulsions. Had there been no compulsion and the capitalists as well as owners of other factories had themselves accepted this thing, then perhaps the Central Government would have brought forward some Bill better than the present one. But the Centre is also helpless so much so that they could not do anything uptil now, and they want to take merely this step. Our friend should not therefore raise the question of the rich and the poor, but should consider as to what is the least that we can give today and what support we can extend to them. I do admit that it would be better if provision could be made for Provident Fund and Pensions etc., and better still, if there could be a provision for making payments for the policy or of taking loans. But even now, in this Scheme the provision regarding protection against attachment of the Provident Fund in the tenth clause is very essential. It says that the Provident Fund cannot be attached under any decree of any court in respect of any

debt. It has been given so much protection and security. It is not a small thing. The provision of non-attachment made in the tenth clause is very wholesome and beneficial to the labourer.

I do not want to dilate on this subject, and I merely wish to say that you should look to the merits and good points of this Bill. The Coal Mines Provident Fund was established in 1948 as an experimental measure. This Provident Fund which has been functioning for so many years and the way in which it has functioned, has definitely benefited the labourers and the employers also have no objection to it. Now the Government are extending it and carrying it to other spheres. Thus the scheme outlined by this Bill will not be such as to cause any worry to the capitalists or to the labourers; on the contrary, the labourers will get greater benefits to some extent. The special feature of this Bill is the provision regarding basic wages. The same words have been used in the Coal Mines Provident Fund, but in this Bill we are going further than that. In connection with this issue of basic wages I may refer to this pamphlet 'Indian Labour Book' received by me from the Labour Ministry and I hope you would also have received it. Surely it is a good pamphlet. It gives you an idea of what the basic wages are. The pamphlet gives the wages—daily as well as monthly—prevalent in various industries at various places. At many places, in many industries, the daily wages are six annas, while in some mills—the Jute Mills and the Cotton Mills—the daily wages come to eight or nine or ten or twelve annas in these days of so much dearness. If this Bill had only provided that the Provident Fund will be based on basic wages only, I admit, that the scheme could not have been much beneficial to the labourers. But the Bill proposes that the Provident Fund which would be collected from the industry and the labourers will not be based only on the basic wages, but also on the dearness allowance etc. Along with this the Provident Fund would also be deducted from the benefits arising out of the supply of grain at concessional rates. This is a very good feature of this scheme. Had this thing not been there, the scheme would have been rendered ineffective and useless to a great extent. This is one of the merits of this scheme. At present I do not wish to draw your attention to the wages prevalent in the various industries, but I have told you briefly that in our country the conditions are still such that at many places the labourers are paid Rs. 10 p.m., Rs. 12 p.m., Rs. 16

p.m. or Rs. 20 p.m. as salary and the dearness allowance granted to them is higher than the salary itself. So this amendment moved by the hon. Minister is very much welcome. It says that the amount of dearness allowance and foodgrains concession will be added to the basic wages. This is one of the special features of this Bill.

There is another special feature to which one of the previous speakers has objected, saying that the Government should not be given the right to exempt certain factories or industries, i.e., the factories and industries run by the Government. In a way, there is some force in this argument. But, on the other hand, you should take into consideration the fact that the Government are going to formulate a scheme, but in the Government factories the same old scheme is already in force and many alterations would have to be made in that according to the new scheme. It takes a lot of time to adjust a thing in a new structure whether the new structure is bad or good. In Government concerns the facilities of Provident Fund and Pension are already there, and I admit that they can be further increased by the Government under its orders. The private concerns cannot get these things done so soon and so easily.

Take the example of the Railway Department. The system of Provident Fund for the workers obtains there, and one-twelfth of the pay is to be contributed, and the Railway Department also makes its own contribution. In addition to this, another concession is granted to them, that a half-month's pay for every year of service is added to the Provident Fund. Besides this facility they also get dearness allowance and the foodgrains concession. I would like our hon. Minister of Labour to consider the question of granting such facilities to his workers also and I am sure, our hon. Minister of Labour would try his utmost to give the maximum facilities to them.

The next question is about exempting some industries, and clause 17 contains a Proviso to the effect that such factories and industries, where particular conditions exist and where the workers enjoy such benefits generally, will be exempted from the operation of this Act, because there these and other facilities are already available to the labourers. And I fail to understand why some hon. members are perturbed over this exemption clause. I do believe that our hon. Minister of Labour has always been trying to help the labourers and would continue to do so. I have full confidence that he would never be indifferent to their advancement and welfare and would

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not exempt those industries where similar facilities are not available to the employees. He personally desires that the scheme he has proposed should be given a trial for one year, and that, if need is felt that something should be added to it and some other industries should be included within its scope, he would be ready to make such additions and for this he wants to have the necessary power under clause 4. I see no objection to giving him that power; on the contrary, it would be beneficial, for he will later on include other industries also in the Schedule if he feels it necessary to do so. It is now high time that we proceed further with this scheme, for it is in the interest of all of the employees, the Government and the capitalists themselves.

Besides this, my amendment also says that when the Government want to include any industry under clause 4 or clause 7 or to make any alteration in the present scheme, they should place all these things before the Parliament through which the country is governed, so that the hon. Members of the Parliament may be able to consider and discuss those things and pass the necessary legislation and put it on the Statute Book. I think this procedure is in vogue everywhere, and there should be no objection to that. There will be no harm if it is accepted. The Members of Parliament will thus be assured that they would be able to comment upon and criticise any unreasonable act of the hon. Minister of Labour or his Department and try to get it rectified. An hon. friend of mine has objected as to why these industries only are being included in the scope of this Bill to the exclusion of others and as to why do the Government not add the full list to it. In reply to this I can only say that we have taken some selected major industries like Railways, but I do not include the Railways as it is quite a separate thing; we should leave out the number of labourers in Railways and see how many of the rest are concerned. Take, for instance, the textile mills. The cotton mills employ 42 per cent. of the employees, jute mills employ 20 per cent., electric and mechanical industries 8 per cent., iron, steel and cement 4 per cent.; if you add them up you will find that this scheme covers 70 to 75 per cent. of the workers. So the task which we are going to undertake is not a small one, we are taking a big step, for about three-fourths of the workers are going to benefit by this legislation. I admit that the smallest factories employing 20 to 25 labourers should also be included in this scheme, but that would present difficulties, for instance, it would have to be ascer-

trained as to when the factory was started. It is, therefore, quite alright that only big industries have been included. We should be satisfied with this. We should welcome the measure brought forward by the Government for our acceptance. We welcome this scheme and hope that the workers will be benefited by it. I may say something further that may be necessary at the time amendments are moved.

Shri Jagjivan Ram: I must express my sincere gratefulness to the Members of the House for the warm reception that they have extended to this measure. As has been stated by various Members the utility of this Bill cannot be exaggerated and therefore I will not take the time of the House in emphasising the need of this measure. I will straightaway proceed to meet certain objections which have been raised or certain misgivings which have been expressed here.

One point which was raised, which I shall refer to in passing, is why this measure was enacted by the promulgation of an Ordinance. Strictly speaking there was not that kind of an emergency for the Ordinance as one ordinarily considers it, but there was some urgency about it. I shall be very frank. The urgency was that it ordinarily takes four or five months after the enactment of a Bill to prepare the schemes and unless we are certain that the measure is going to be placed on the Statute Book it is not possible for us, the Central Government and the various State Governments concerned, to proceed with the preparation of the scheme. So, the purpose of the Ordinance was that if the Ordinance is promulgated we could take up the preparation of the scheme in consultation with the State Governments and by the time Parliament meets and places the measure on the Statute Book we will be ready with the scheme for its implementation as soon as the Bill is passed into law. I have taken the House into my confidence and told hon. Members very frankly what was the reason for the Ordinance: though there was no emergency there was certainly urgency.

The other question to which practically every hon. Member who spoke has referred is the exemption of factories owned by Government. Some hon. Members have themselves admitted that the benefits enjoyed by the employees in Government factories are in many cases more favourable to them than those provided under this Bill, and that is the one reason perhaps why they have been exempted. That is a fact. The Railways are the largest employers, not in the Government but in the country, and the railway employees get benefits which are much

more favourable than what we are providing here. There are, no doubt, certain categories of railway employees who today under the existing provident fund schemes of the Railways are slightly less favourably placed than they would be under this scheme and those categories are of railway employees getting a basic salary of Rs. 50 or less per month. When we first promulgated the Ordinance we did not exempt Government undertakings, but during the course of the preparation of the scheme when we consulted the various Ministries we found that a large number of employees in Government factories were today enjoying benefits much more advantageous to them than what we are going to provide under this Bill. Then there was a further consideration. In certain Government Departments, for example in the railways all the employees are treated more or less on the same lines and if we were to treat the factory employees differently from the other employees we will have two systems or two sets of provident fund operating in the Railways and that will create further complications. Another consideration was that if we were to have one system of provident fund for employees getting more than Rs. 50 per month and another system for those getting less than Rs. 50, that too will create complications for the scheme, for those who are to administer it and for the Railway Ministry. These considerations apply not only in the case of the Railway Ministry but in the case of all other Ministries as well who employ industrial workers. So, after a thorough examination of all these things we came to the conclusion that it will be advantageous from the point of view both of the fund as well as of the benefits to the employees if Government factories were exempted, but steps however were being taken to see that the service conditions of those classes of employees who today are disadvantageously placed under the existing provident fund schemes as compared with the benefits that we are going to provide under this Bill, are so revised that they are brought more or less under the same conditions as they would have enjoyed under this Bill. As a matter of fact, the Railway Ministry has already started examination of the question as to how to revise the provident fund scale of employees getting less than Rs. 50 so as to bring it at least on par with the benefits they will get under this Bill. As I have told you Railway employees and employees in certain other industrial undertakings of Government are more favourably placed under the existing schemes in those Ministries. They contribute 1/12th to their provident fund and another 1/12th is contributed by the Govern-

ment; they get half a month's wages for every year of completed service; in addition there are certain other benefits also. So, taking all these things into consideration it was thought that it would be better to exempt Government factories from this scheme.

The same argument applies in the case of factories owned by State Governments. As regards local bodies, in the first place factories under the control or management of local authorities are very few and far between. There may be factories run by big Corporations like the Corporations of Calcutta, Bombay or Madras, but I do not know of any factories worth the name.....

Shri A. C. Guha: The Calcutta Corporation employs quite a large number of labourers.

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Shri Jagjivan Ram: Well, I have mentioned that there may be a few factories run by big Corporations like the Corporations of Calcutta, Bombay or Madras. But there we shall see in consultation with the State Governments concerned what can be done. As far as my knowledge goes, in the Calcutta Corporation there is provident fund for the industrial workers. Some fifteen or sixteen years ago when I used to take interest in labour matters in Calcutta, I knew that even then they had provident fund in the Calcutta Corporation. (*Shri A. C. Guha:* Yes.) And as far as my memory goes, the provident fund benefits there are not less favourable than what we are going to provide in this Bill. I cannot say anything about the factories owned by small local bodies, but efforts will be made to see that their rules and regulations are brought on a par with what we are providing here.

Then some minor points were made. One hon. Member asked why the rate of contribution should not be 8½ per cent. and why it is only 6½ per cent. Then another question was asked why only six industries have been included in Schedule I and why a larger number of industries or even all the industries in the country should not be included. My hon. friend Mr. Gokulbhai Bhatt has given a reply to most of these points and I shall simply repeat the arguments. Perhaps, hon. Members are not aware that by introducing this scheme in these six industries we are going to cover more than 16 lakhs of industrial workers excluding the railways and Government employees, and 16 lakhs is not a very insignificant figure when we remember that the number of industrial workers including Government industrial employees is nearly five millions. So, we are going to cover a large proportion of the industrial

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workers excluding Government undertakings. But apart from that, we introduced the provident fund in the coal mines and doubts were expressed not only in this House but by employers and employees and even experts as to whether provident fund for casual workers, which coalminers are, will ever succeed. Persons from well advanced industrial countries of the West were watching with interest how India succeeds in implementing the provident fund for casual workers. That great experiment has proved a success and today we have nearly three lakhs of colliery workers on our register of provident fund. Encouraged by that experiment, we have taken up this thing. I will not narrate the history, the rather chequered history, of the provident fund scheme for industrial workers. That has been alluded to by my hon. friend Mr. Gokulbhai Bhatt. From the time of the Royal Commission on Labour, every year this question has been discussed on various forums and today we are placing on the Statute Book this measure which will to some extent provide some means of support to the industrial workers in their old age and to the members of their family in the case of the death of the bread-winner.

So, let us proceed cautiously. The scheme has to be implemented on a regional basis by the State Governments. It has not to be a centralised scheme and therefore it is all the more necessary that we should give time to the State Governments to gain experience by starting this scheme more or less on a limited scale in the first instance. That is why we have selected these six industries only, which are well established industries and in which there is no danger of their being adversely affected by the introduction of the provident fund scheme. There are many industries which one can point out and say "why do you not extend this scheme to them?" but the reason is that we have selected these six industries because their finances and stability have been examined on more than one occasion in connection with the profit-sharing scheme. Therefore, we have taken these six industries which are well organised from the point of view of the industry as well as the workers. We require intelligent and organised workers as well to take full advantage of any beneficial scheme that may be introduced for them.

Objection was raised as to why powers have been given to the State Governments to exempt certain factories or class of factories and my hon. friend Mr. Guha suggested that it

should be done with the approval of the Central Government. Perhaps Mr. Guha missed the point that very stringent conditions have been laid down in the Bill itself.

Shri A. C. Guha: I have noticed those conditions.

Shri Jagjivan Ram: If those conditions are fulfilled, only then the State Governments have the power to exercise this authority of exemption. So, the approval of the Central Government is not at all necessary. But the Central Government, I may assure him, will be always watchful and will be seeing whether the exemptions have been given properly or not.

Dr. Das was trying to meet the points raised by Khwaja Inait Ullah. He said that the scheme should not be unjust either to the employers or to the industrialists. Perhaps he did not read between the lines. If he would have read the definition of "employee", as well as clause 1 of Schedule II he would have noticed that we have rule-making powers to specify which of the employees will be entitled to join the scheme and I am not disclosing a secret if I inform the House that it is my intention to include those employees who have completed at least one year's service in an undertaking. But this one year also raises further points and we shall have to cover it in the rules as to what is meant by continuous service for one year and also as to what will be the position if there is a break for a brief period. All these details we have not included in the Bill itself. As is apparent from the very nature of the Bill, we have simply laid down the principles and are giving powers to the Government to prepare detailed schemes keeping in view the principles laid down here. Therefore we have not included all these details in the Bill. All these details are going to be covered in the rules which will be made under the Act.

About contractor labour, my hon. friend Dr. Das argued to a point which I may say was not very logical. Mr. Kapoor pointed out that the investment of the funds should be for industrial housing purposes. The intention is, though it has not been finalised as yet, that the money that will accumulate in this fund will be invested according to the suggestions of the Central Government and will be utilised to increase the ways and means position of the Central Government for advancing loans for industrial housing purposes. Even under the existing coal-mines provident fund scheme, we invest the

money according to the suggestions of the Central Government in approved securities. That will be done in this case as well. It has been sometimes a problem in countries where they have got health insurance, old age pension and provident fund schemes and when there are large accumulations of funds, as to how to invest that money. We have not reached that stage in our country and I do not think we are going to reach that stage in the near future. So the investment will not present any difficulty at present and will be according to the suggestions made by the Central Government.

Mr. Kapoor wanted to know whether there will be only one board or many boards. There will be more than one board, because the intention is to implement the scheme on the regional as well as State basis. Therefore we will have regional boards or provincial boards. The intention is not to have boards for every factory or establishment. It may be that we may have a board for one industry or we may have a board for one region. The board may be on the basis of region-cum-industry.

I want to make it clear, if there is any doubt about that, that the exemption provided under sub-clause (a) of clause 16 is in respect of a factory belonging to the Government or a local authority. It does not exclude factories in which Government has just a share. Those factories will be covered...

Shri A. C. Guha: Even if they have a dominating share?

Shri Jagjivan Ram: ...even if they have a dominating share, by clause 17. If they fulfil all those conditions, they will be treated just like other factories or other establishments and the appropriate Government may exempt, or they may not be exempted.

My hon. friend Khwaja Inalt Ullah took great pains in pointing out what he considered to be an inconsistency in clauses 4 and 7—he went to the length of calling it anti-democratic. I do not see anything like that in clauses 4 and 7. I am sure he will not find anything like that which may be called inconsistent or anti-democratic in those clauses. What we are doing, as I have just pointed out, is laying down the broad principles and the salient features. We are empowering the Governments to prepare the schemes, keeping within the four corners of the principles laid down here. The House is quite within its rights to delegate so much power and I do not think there is anything which can be objected to. Therefore, I will not labour on that point at all.

He drew a very graphic picture of the condition of the workers in this country. I may even say that there is no exaggeration in what he has said. But we should not forget the fact that what we are trying to do is to provide something for the old age of the workers and for an emergency. Today the worker's earnings are not enough to meet those requirements. His earnings are not enough to meet the requirements and the necessities of today. If we go on advancing loans out of the accumulations of the provident fund, what will be the ultimate result?

We should not think in a vacuum. When we think of the Indian worker, we should think of him in relation to the service conditions that he enjoys today. There is no point in comparing an industrial worker in a private undertaking with a worker on the Railways. That would only betray a colossal ignorance of the conditions of the two. If a railway employee is entitled to take a loan from the accumulation of his provident fund, that does not follow that in the private sector of industry also a worker should be entitled to do that. In Government service an employee is entitled to so many benefits. Will it not mean that we are not aware of the actual conditions in our country, if we were to compare the employees in the private sector with the employees in the Government? There is no doubt about the fact that the condition of the workers is far from satisfactory today. It is true that they are not in a position to meet most of their bare necessities. If we take a portion out of their earnings to put it by for the rainy day, does it mean that we should fritter it away by advancing loans to them, which we know many of them will not be able to repay—not that they have not the intention to repay, but because they have not the capacity to do that, because under the existing circumstances there is no certainty as to how long they will be in employment and how long they will contribute to the provident fund. Taking all these things into consideration, though there is a case, and there is a case for many things, for advancing loans, I would not agree today to any withdrawals from the provident fund. If after three or four years the country makes any progress and the workers in this country are placed in a more secure position, we may consider whether we should advance loans or not. One thing has appealed to me no doubt, and that is advancing certain amounts out of the provident fund for the payment of insurance premium, that is for the very purpose for which this fund is meant. That means that they will not be spending the money on mar-

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riages or death ceremonies and things like that but they will be paying that portion which they take as advances or loans from the provident fund towards their insurance premium. I will examine that under the rules. It may not even be loans, it may be outright payments towards the premium from the accumulation of the provident fund, because it is for the same purpose or, I would say in certain cases, for a better purpose than the provident fund. More than that I will not agree to. I have considered this. My friend Khwaja Inait Ullah thought that it had perhaps escaped our attention. No, I can assure him that this point was examined and we have reached the conclusion that in the present stage we should not allow any loan or advance from the provident fund accumulation.

Khwaja Inait Ullah also agreed at great length as to why the contribution should be only six and a quarter per cent. and why it should not be eight and three-fourth per cent. Why should it not be ten per cent. one may very well ask, or why not twelve per cent? The reasons are obvious if he will himself think over the matter. Of course everything which is given to the worker is ultimately passed on to the consumer. Nobody can deny that. In every scheme of welfare we have to take the capacity of the consumer as well into our consideration. We reach certain amount of agreement and understanding in our Labour Conferences and Standing Labour Committees and we try to honour them as far as possible in trying to give as much as possible to the worker. But at the same time we have to see that we do not forget that the workers also constitute not a negligible portion of the consumers and that we do not take away by one hand what we try to give by the other. Take the vast number of middle class people and others who today due to the rising cost of living and high prices are the worst sufferers. When we consider placing a burden on the industry it means a burden on the consumer and we should therefore be rather cautious. As a Member of Parliament if one has to look to the interests of the worker he should try to look to the interests of the others as well.

I think I have tried to meet most of the points that have been raised. I will not take any more time.

Khwaja Inait Ullah: What about allowing the workers to pay half the share of their contribution?

Shri Jagjivan Ram: I do not understand. Today the proposal is half the contribution. Tomorrow it will be that

the workers will not pay and only the employers will pay. Let us hope the day will come when workers will get all the benefits without contributing anything. But today, placed as we are, it has been a principle more or less accepted that workers and employers should contribute in equal proportion to the provident fund and we are proceeding on that basis. Let us wait for brighter days when we can provide more and more facilities to the workers as compared to the countries which are advanced much more.

One can say 'give old age pensions'. These are very nice things. I wish I were in a position to introduce these measures at the earliest possible opportunity. But I know that that will not be possible in the near future. If I were to extend any hope that I would soon be coming forward before the House for old age pensions or retirement benefits I think I will not be telling the truth. But the benefit under the provident fund scheme is something for the workers whose earnings today are not very great.

I have missed one point, a point—though it has not been raised here—on which the employers of this country are raising objections, I will say, in a body, and that is about the inclusion of the dearness allowance for the purposes of contribution to the provident fund. I am receiving representations after representations from organisations of employers as well as individual employers that dearness allowance should not have been included along with basic pay for calculating the contribution. Their line of argument is that dearness allowance is just given to meet the emergency which has arisen out of the rise in the cost of living, it does not constitute an element in the earning of the employee for saving something out of it for the future and any saving for the future should be made out of the basic wage. Nobody can take any exception to that principle, but that envisages a stage where the basic wage has been rationalised in a way so as to enable the worker to meet his requirements and save something out of that for the lean day. But the basic wages in most of the industries in this country have not been rationalised, with the result that one will be surprised to learn that the dearness allowance in most cases constitutes nearly 75 to 80 per cent. of the earnings of the worker. If we were to calculate the contributions on the basis of the basic wages alone it will mean that the worker will be saving practically nothing. There are cases where the basic wage is Rs. 10 or 12 and the dearness allowance is

Rs. 50 or 60. If we were to calculate provident fund contribution on the basis of Rs. 10 or 12 it will be very unfair to the worker and it will not serve the purpose for which a provident fund is meant. Therefore after examining the matter in great detail we have come to the conclusion that dearness allowance should be included along with basic wages for this purpose. Then in that case the contributions will be something which when accumulated over a number of years will serve some purpose for the worker on his retirement.

Sir, hon. Members of this House have themselves appreciated the measure. They have welcomed it; they have been very kind to me and therefore, I need not take any time in telling in any great detail the advantages and utilities of this Bill. I am sure that they will pass the motion which I have moved.

Mr. Chairman: The question is:

"That the Bill to provide for the institution of provident funds for employees in factories and other establishments, be taken into consideration."

The motion was adopted.

Clause 2.—(Definitions)

Mr. Chairman: I have received notice of amendments which was given today. According to the practice of this House, these amendments can only be allowed if the hon. Minister in charge of the Bill agrees to them. On clause 2 Mr. Bhatt has given notice of amendments. If the hon. Minister agrees to any one of them, I will put it to the vote of the House.

Shri Jagjivan Ram: I have received these amendments just now. I was just looking into that.

Mr. Chairman: Then there is no amendment before the House.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 4.—(Power to add to Schedule 1)

Shri S. N. Das (Bihar): I beg to move:

In page 2, after line 41 insert:

"Provided that every such Notification shall, as soon as may be, be laid before Parliament."

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I think the amendment is very simple. This refers to power of Government to add to the list of industries given in the Schedule. I think that the notification should be laid before Parliament in order that Parliament may be informed and may get an opportunity to add industries or delete them which may not be necessary. I think the hon. Minister will accept my amendment.

Mr. Chairman: Amendment moved:

In page 2, after line 41, insert:

"Provided that every such Notification shall, as soon as may be, be laid before Parliament."

Shri A. C. Guha: Similar provision has been made in practically all the other Bills and I hope the hon. Minister will accept the amendment.

Shri Jagjivan Ram: I have no objection. I accept it with a slight change: The amendment will read:

"(2) All notifications under subsection (1) shall be laid before Parliament, as soon as may be, after they are issued."

Mr. Chairman: Practically the same but only difference in language.

Shri A. C. Guha: There is no sub-clause to clause 4.

Mr. Chairman: At present the amendment moved is, "Provided that every such Notification shall, as soon as may be, be laid before Parliament", whereas in the amendment just now sought to be moved to the amendment of the hon. Member, the proviso goes away and this amendment will become sub-clause (2) and the previous para. will become sub-clause (1)". I take it that the hon. Member agrees to accept it.

Shri S. N. Das: Yes, Sir.

Mr. Chairman: The question is:

Renumber clause 4 as sub-clause (1) of that clause and add the following as sub-clause (2):

"(2) All notifications under subsection (1) shall be laid before Parliament, as soon as may be, after they are issued."

The motion was adopted.

Mr. Chairman: The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5 was added to the Bill.

Clause 6.—

which may be provided for in schemes)

I beg to move: **خواجہ عطاءت اللہ**

In page 2, line 50, for "six and a quarter per cent" substitute "eight and one third per cent."

اس نے متعلق میں نے جو کچھ عرض کرنا تھا کر چکا ہوں اور اب دوبارہ بھی یہی کہونگا کہ جو جواب آنریبل منسٹر صاحب نے اس کے متعلق دیا ہے کہ اس کے بڑھانے سے قیمتیں بڑھ جائیں گی اور قیمتیں بھر حال ہمیں لوگوں کو دینی ہونگی۔ ایک ہاتھ سے دیکر دوسرے ہاتھ سے لینے سے کیا فائدہ اس کے متعلق میں یہ سمجھتا ہوں کہ جو ہاتھ دینے والے ہیں وہ زیادہ طاقتور ہیں اور جو ہاتھ لینے والے ہیں وہ فریب ہیں۔ اس لئے دینے والے ہاتھوں کو ذرا ہمت دکھانی چاہیئے تو ان فریب ہاتھوں کو لینے میں خوشی ہوگی۔ دینے والا تمام ہلدوستان ہے اور لینے والے چند مخصوص مزدور ہیں۔ آپ نے ان کی بڑی تعداد بتلائی ہے لیکن ہلدوستان کو دیکھتے ہوئے تو وہ بہت تھوڑے ہیں۔ اگر تھوڑی قیمتیں بڑھ جائیں اور ان مزدوروں کی حالت سدھر جائے تو بہت اچھا ہوگا۔ آپ بھی مانئے ہیں کہ ان کی حالت سدھرنی چاہیئے۔ پر آپ ان کی حالت میں صرف رفرم (reform) کرنا چاہتے ہیں۔ میں روولوشن

(revolution) چاہتا ہوں۔ تاکہ

جلدی سے جلدی یہ کام ختم ہو سکے۔ اس لئے میں چاہتا ہوں کہ سوا چھ پرسنٹ (per cent) کی جگہ $8\frac{1}{3}$ کر دیا جائے۔ میں پھر درخواست کروں گا کہ اس پر دوبارہ فور کیا جائے۔ اور سب جگہ کے مزدور یہی پا رہے ہیں۔ ریلوے کے مزدور یہ پا رہے ہیں۔ گورنمنٹ کے مزدور یہی لے رہے ہیں۔ اب یہ مزدور گورنمنٹ کے مزدور ہو جائیں گے۔ آج کل کنٹرول کا زمانہ ہے۔ آپ جب چاہے قیمتیں بڑھا دیتے ہیں ایکسائز ڈیوٹی (excise duty) لگا دیتے ہیں۔ اور دوسری ڈیوٹی (Duty) لگا کر قیمتیں بڑھا دیتے ہیں۔ اگر مزدوروں کو یہ رعایت دے دی جائے تو کوئی زیادہ قیمتیں نہیں بڑھیں گی۔ اور میں سمجھتا ہوں کہ اس سے پہلک بھی زیادہ ناخوش نہیں ہو گی۔ جب اس کو گورنمنٹ کی اتنی ڈیوٹی دینے میں تکلیف نہیں ہوتی تو مزدوروں کو بھی تھوڑا دینے میں تکلیف نہیں ہوگی۔ اس لئے اس کو منظور کیا جائے۔

श्री जगजीवन राम : उन्होंने जो कुछ कहा है उसका जवाब में पहले दे चुका हूँ। और कुछ मुझे नहीं कहना है। मैं इसको कबूल नहीं कर सकता।

(English translation of the above speech)

Khwaja Inait Ullah: I beg to move:

In page 2, line 50, for "six and a quarter per cent" substitute "eight and one third per cent."

Sir, I have already said whatever I had to say about this Bill and now I would only repeat my words that I do not agree with the hon. Minister when he says that by increasing the rate, the prices would increase and ultimately the people would have to pay those prices. Moreover, it would be no good giving them with one hand and taking it away from them with the other. But what I think about this is that those who will give it are financially stronger while those who will receive it are financially poor. If these stronger people would show some courage the life of these poor people too would be happy. While in this case the giver would be the whole of India, those who would receive it would form only a limited section of labour. You stated that the number was a fairly large one but in fact it is not so especially when we compare it with the population of the country as a whole. If the prices would increase slightly simultaneously with the improvements of the lot of the labourers it would certainly be a welcome affair. You too feel that their condition should improve. But the only difference is that while you want to reform their lives I want to revolutionise them so that this work would finish as early as possible. Sir, I want that the rate should be 8½ per cent. instead of 6½ per cent. I once again request the Government that they should re-consider it. Labourers get this much in all the places. Railway-men get this much and so do the other labourers who work in other Government concerns. These labourers would now enjoy Government patronage. This is the age of controls. You increase the prices whenever you like to increase them; you impose excise and other duties with the result that the prices increase. The prices would not increase significantly if the labourers are given this small concession. I hope the public too would not resent it. They do not feel any difficulty in paying so many taxes and duties to the Government, why should they feel any difficulty in this case. I therefore earnestly request that this amendment of mine may please be accepted.

Shri Jagjivan Ram: I have already given a reply to his points and have nothing more to say in this connection now. I am unable to accept this amendment.

Mr. Chairman: The question is:

In page 2, line 50, for "six and a quarter per cent." substitute "eight and one third per cent."

The motion was negatived.

I beg to move: **خواجہ عیادت اللہ**

In page 3, line 1, for "allowance" substitute "allowances as defined in sub-clause (ii) of clause (b) of section 2".

Here the wording is:

"shall be six and a quarter per cent. of the basic wages and the dearness allowance".

تو ڈیئرمنس الاونس (dearness

allowance) کو آپ نے تعریف (define)

کہا ہے کلاز ۲ (clause 2) میں دہائی

ڈیئرمنس الاونس (any dearness

allowance) تو جس طرح سے آپ

نے کلاز ۲ میں ڈیئرمنس الاونس (dear-

ness allowance) کو تعریف (define)

کہا ہے یہاں بھی آپ کا مطلب تو یہی

ہے کہ بھسک ویجیجز (basic wages)

اور ڈیئرمنس الاونس (dearness

allowance) اس لئے ہم

چاہتے ہیں کہ وہ ڈیئرمنس الاونس

یہاں اور وہاں وہی رہے جو ڈیئرمنس

الاونس کی تعریف (definition)

میں کہا ہے -

[**Khwaja Inait Ullah:** I beg to move:

In page 3, line 1, for "allowance" substitute "allowances as defined in sub-clause (ii) of clause (b) of section 2."

Here the wording is:

"shall be six and a quarter per cent. of the basic wages and the dearness allowance".

You have defined the term "dearness allowance" in clause 2 as 'any dearness allowance'. It should carry the same definition here as well as it has in clause 2, that is to say there would be two things, the basic wages as well as the dearness allowance. So we want that the term 'dearness allowance' should carry here as well as anywhere the same meaning which it has in the definition.]

Mr. Chairman: That goes without saying. Dearness allowance has been defined.

Shri Jagjivan Ram: It is in the Bill itself.

Mr. Chairman: 'Dearness allowance' has been defined in clause 2 of the Bill. The same wording is used in clause 6. What is the difficulty?

The wording : **خواجہ علمایت اللہ** in sub-clause (b) of clause 2 is "any dearness allowance"; but here, the wording is "and the dearness allowance".

ہمارے کہنے کا مطلب یہ ہے کہ اگر حکومت کا مطلب اور معنی وہی ہے جو ٹیبلنڈیشن میں ہے تو وہ ذرا اور صاف کر دینا چاہئے۔ ذہالونس ایز (allowance as defined in clause 2) اور وہی مطلب ہے تو اس کو بڑھا دینے میں کوئی عجز نہیں ہے۔ مطلب صاف ہو جائے۔ کیونکہ ٹیبلنڈیشن الونس کئی طرح کے ہوتے ہیں آپ نے خود کہا ہے۔ ٹیبلنڈیشن الونس اور ٹائم الونس (overtime allowance) بونس الونس (Bonus allowance) ہاؤس الونس (House allowance) اور چیز سے آپ کا مطلب ہے۔ سب چیزوں سے آپ کا مطلب ہے۔

[**Khwaja Inait Ullah:** The wording in sub-clause (b) of clause 2 is "any dearness allowance", but here, the wording is "and the dearness allowance".

What we want to say is that if the Government mean exactly what they have put down in the definition, then they should clarify it a bit more. If they exactly mean like that, then I think there is no harm in reproducing the words "allowances as defined in clause 2", so that there would remain

no ambiguity in it. Dearness allowances are of several kinds. You yourself said that there are various kinds of allowances such as the "dearness allowance", the "overtime allowance", the "bonus allowance" and the "house allowance." By all these things you mean one and the same thing.]

Shri Jagjivan Ram: We do not mean all these things. I am sorry you have not understood even that much.

There is some confusion in my hon. friend. If you read sub-clause (b) of clause 2, you will see that basic wage does not include 'any dearness allowance'. Dearness allowance has been defined within brackets:

"that is to say, all cash payments by whatever name called paid to an employee on account of a rise in the cost of living".

That is dearness allowance. Then there are house rent allowance, overtime allowance, bonus, commission, etc. The thing is here. It is not necessary to repeat it at all.

Khwaja Inait Ullah: Under clause 6, the wording as it is, means the contribution shall be paid by the employee on basic wages plus dearness allowance. Dearness allowance means all the dearness allowances as defined in the definition. I only want to make the thing clear and nothing more. I think the wording should be 'dearness allowance as defined in the definition'.

Dr. Deshmukh: It is not a question of making clear. It is a substantive amendment. The clause excludes it. He does not want exclusion.

Shri Jagjivan Ram: It is already there.

Mr. Chairman: What the hon. Member says is that the word defined in clause 2(b) is, "any dearness allowance" the wording in clause 6 is "the dearness allowance". The hon. Member means to suggest that all these things referred to in the definition clause 2 (b) may be included in the definition of 'dearness allowance'. He seems to suggest that the wording 'the dearness allowance' should include all these things. According to the hon. Minister, all other things are not included except dearness allowance as defined, that is to say, all cash payments by whatever name called paid to an employee on account of a rise in the cost of living.

Shri Jagjivan Ram: That is dearness allowance.

Khwaja Inait Ullah: "Any dearness allowance" is defined. It includes not only that, but house rent allowance, overtime allowance, bonus, commission or any other similar allowance.

Shri Jagjivan Ram: No, Sir. If you read sub-clause (b) of clause 2, you will see, it says:

"'basic wages' means all remuneration which is earned by an employee while on duty or on leave with wages in accordance with the terms of the contract of employment and which is paid or payable in cash to him, but does not include."

It does not include the cash value of any food concession. It does not include any dearness allowance which has been defined within brackets. It does not include house rent allowances, overtime allowances, bonus, commission etc. These are other items separate from dearness allowance.

Khwaja Inait Ullah: That is the definition of basic wages. But, in this clause, you have included basic wages and also dearness allowance and cash value of any food concession, as explanation. This clause means that the provident fund will be contributed by the employee on basic wages plus dearness allowance plus cash value of food concessions. Is it not so? This clause means that. All these things are included. If it is so, then, the definition of dearness allowance must be made clear.

Shri A. C. Guha: When a term has been defined already, any repetition of that term need not be defined every time. The term has already been defined in clause 2. Whenever it occurs, it means as defined.

Khwaja Inait Ullah: Then let it be "any dearness allowance". There, the wording is "any dearness allowance"; here the wording is "the dearness allowance".

Mr. Chairman: The difficulty seems to be that 'dearness allowance' has not been defined. On the contrary, this is part of the definition of 'basic wages'. When you consider 'basic wages' and its connotation, it means that basic wages include what is contained in sub-clause (b) except what is contained in sub-para (i) and (ii).

Khwaja Inait Ullah: Yes.

Mr. Chairman: Therefore the words 'dearness allowance' are quite clear. There is no confusion.

Shri Jagjivan Ram: There is no confusion. There is no necessity for the amendment.

Khwaja Inait Ullah: If it is clear, that is all right. I only wanted to make the position clear. I do not press this amendment.

Mr. Chairman: Does the hon. Member propose to move the other amendments.

Shri A. C. Guha: That is only consequential to the first amendment.

Mr. Chairman: Then, they need not be moved.

I beg to move: **خواجہ مہایت اللہ**

In page 3, lines 3 and 4, omit "if the scheme makes provision therefor,"

یہ جو الفاظ اس میں رکھے ہیں

ان کا مطلب ہم نہیں سمجھتے ہیں -

اگر ہم ایک چیز کہتے ہیں اور اسکے

بعد یہ بھی کہتے ہیں کہ اگر اسکیم

میں پراویژن (provision) ہو -

کہوں نہ ہو - اسکیم (scheme)

میں تو پراویژن (provision) کرنا

ہی ہوگا - جب ایک لا (law) بنا رہے

ہیں کہ اس طرح کا لا ہوگا تو اس کے

مطابق پراویژن (provision) بنانا

ہوگا - پھر شرط کہوں - کہ اسکیم میں

پراویژن ہو تو -

Why is it so stated "if the Scheme makes provision therefor"? The Scheme should make provision for that. When you are making a law, why should it be said so?

[**Khwaja Inait Ullah:** I beg to move: In page 3, lines 3 and 4, omit "if the Scheme makes provision therefor,"

We do not understand the meaning of the words that have been put down there. If we say a particular thing and then at the same time say that there should be a provision in the scheme to that effect, it seems silly. I ask why should not it be there. You will have to keep the provision in the scheme. When you are making a law of a certain pattern, you will have to keep a provision of that nature in it. Then, why to make it conditional and raise the question that if such and such provision exists in the scheme and all that.

Why is it so stated "if the Scheme makes provision therefor"? The

[Khawaja Inait Ullah]

Scheme should make provision for that. When you are making a law, why should it be said so.]

Shri Jagjivan Ram: I am not going to accept the amendment.

Mr. Chairman: The question is:

In page 3, lines 3 and 4, omit "if the Scheme makes provision therefor."

The motion was negatived.

I beg to move: **خواجہ عنایت اللہ**

In page 3 line 5, for "dearness allowance" substitute any dearness allowance".

اس کے بارے میں وہ پہلا جھگڑا ہے جو
میں پہلے عرض کر چکا ہوں -

[Khawaja Inait Ullah: I beg to move:

In page 3, line 5, for "dearness allowance" substitute "any dearness allowance".

The same dispute which I mentioned earlier arises here as well.]

श्री जगजीवन राम : कोई झगड़ा नहीं है। यह बिल्कुल साफ़ है।

[Shri Jagjivan Ram: There is no dispute. This is as clear as anything.]

Mr. Chairman: There is no dispute about that. The hon. Member has accepted it and it has already been disposed of.

Khawaja Inait Ullah: Then I do not press it.

श्री भट्ट : मैं यह प्रार्थना करना चाहता हूँ कि माननीय मंत्रीजी ने कहा कि मेरे संशोधन आज आने से वह उन पर विचार नहीं कर पाये हैं। मैं आप से यह अर्ज करता हूँ कि जिस गति से हम चल रहे हैं उस में सब्सिडियों को मोका मिलना चाहिये कि वह अपने संशोधन पेश करें, क्योंकि हम इस रीति से चल रहे हैं कि हम आज बैठने वाले नहीं थे, आज महा-

शिवरात्रि की छुट्टी होने वाली थी और शनिवार होने से भी बैठक नहीं होने वाली है और दूसरे बिल पर बहस भी हो रही थी। इसलिये मुझे गुंजायश जरूर थी कि मैं अपने संशोधन आज पेश करता और वह सोमवार को आते। इसलिये माननीय मंत्रीजी जिस रीति से दूसरी चीजों में उदारता दिखलाते हैं उसी तरह इस में दिखलावेंगे। मैं अभी भी उन से प्रार्थना करना चाहता हूँ कि उन संशोधनों पर वह अब तक विचार कर पाये होंगे और वह जरूर इजाजत देंगे कि मैं उन को रखूँ। मैं इस के लिये और भी इस वजह से कह रहा हूँ कि हमारा कार्यक्रम बदलता रहा है।

सभापति महोदय : उदारता का जवाब तो मंत्री साहब फरमा सकते हैं। रूल हा उस का साफ़ है कि अगर उसी रोज़ अमेंडमेंट आये तो जब तक आनरेबुल मूवर इन चार्ज बिल (Mover in charge Bill) उस को मंजूर न करे तो उस वक्त तक उस की इजाजत नहीं हो सकती है। इस रूल में तो कोई गुंजायश नहीं है। लेकिन मंत्री जी उदारता दिखाते हैं तो मुझे कोई ऐतराज नहीं होगा।

श्री जगजीवन राम : अभी तक मैं ने देखा नहीं, देख लेता हूँ, उस के बाद कहूंगा।

(English translation of the above speech)

Shri Bhatt: The hon. Minister has said that he was unable to consider my amendments as he received them just today. Sir, I submit that the Members should be given ample time to introduce their amendments, especially in view of the present speed of work. Ordinarily we would not have sit today because of the Maha-Shivaratri festival and also it being a Saturday. Not only that but another Bill also was under consideration. I, therefore, thought that I had ample time to submit my amendment so that

it could come up before the House on Monday. Sir, my submission is that the hon. Minister may show his large-heartedness on this particular occasion as he has shown on several other occasions. Even now I would like to request him to allow me to introduce my amendments as I suppose, he would have seen them by now. I say so especially because our procedure has been changing periodically.

Mr. Chairman: As regards the question of large-heartedness the hon. Minister alone can give a suitable reply. But so far as the rule of the House is concerned it lays down in clear terms that if an amendment is received on that very day it cannot be moved unless the hon. Minister in charge of the Bill allows it to be moved. There is no room for laxity on that score. But if the hon. Minister shows his large-heartedness, I have no objection whatsoever.

Shri Jagjivan Ram: I have not seen it so far. I would give my impressions after I see it.

Mr. Chairman: The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7.—(Modification of Scheme)

Mr. Chairman: To clause 7 there is an amendment of Shri Gokulbhai Bhatt similar to the amendment to clause 4. I would like to know if the hon. Minister wants to accept it.

Shri Jagjivan Ram: Yes.

Shri A. C. Guha: It is not clear if the hon. Minister is agreeable to accept an amendment to clause 7, the amendment being in the same form in which he has accepted an amendment to clause 4.

Shri Jagjivan Ram: Yes, I am agreeable.

Amendments made:

Renumber clause 7 as sub-clause (1) of that clause and add the following as sub-clause (2):

"(2) All notifications under sub-section (1) shall be laid before Parliament, as soon as may be after they are issued".

—[Shri Bhatt]

Clause 7, as amended, was added to the Bill.

Clauses 8 and 9 were added to the Bill.

Clause 10.—(Protection against attachment).

Shri A. C. Guha: I had given notice of an amendment to clause 10, but as the hon. Minister has given us an assurance that he is not going to allow withdrawals from the provident fund, I do not like to move my amendment. My object is not to allow money to be withdrawn before any emergency comes, for it is to meet such emergencies that the fund is really meant.

Mr. Chairman: The question is:

"That clause 10 stand part of the Bill".

The motion was adopted.

Clause 10 was added to the Bill.

Clauses 11 to 13 were added to the Bill.

Clause 14.—(Penalties)

Shri A. C. Guha: Sir, I have an amendment to clause 13 which I think the hon. Minister is agreeable to accept.

Mr. Chairman: But clause 13 has already been passed by the House. We are now on clause 14 of the Bill.

Shri A. C. Guha: I beg to move:

In page 4,—

(i) in lines 37 and 38, omit "with imprisonment for a term which may extend to six months, or"; and

(ii) in line 38, omit "or with both".

In clause 14 it has been stated:

"(1) Whoever, for the purpose of avoiding any payment to be made by himself under this Act or under any Scheme or of enabling any other person to avoid such payment, knowingly makes or causes to be made any false statement or false representation shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) A Scheme framed under this Act may provide that any person who contravenes, or makes default in complying with, any of the provisions thereof shall be punishable with imprisonment for a term which may extend to six

[Shri A. C. Guha]

months, or with fine which may extend to one thousand rupees, or with both".

want these provisions to benefit the workers and for that purpose I am prepared to extend them as far as may be possible. But all the same, the employer should not be sent to a prison for certain offences which are more or less of the nature of civil offences. For a financial default one should not be sent to prison and that is what will happen unless we amend this clause as suggested in my amendment. If you are to allow private enterprise you should not make conditions such as would scare away the people from such enterprises. If the House decides so, it may abolish private enterprise and I for one would have no objection, I would rather be glad about it. But as long as you have provision in the law for private enterprise, the conditions governing them should be such that private parties may be inclined to come forward and invest money in them; and the provision of imprisonment is not likely to do that, I mean imprisonment for offences of a minor nature. If it is a matter of black-marketing or some social or moral offence, I would certainly ask the Government to put in provisions for imprisonment of the offenders, and even long terms of imprisonment. But for minor offences I do not think the provision for imprisonment should be there, and hence my amendment.

Mr. Chairman: Amendment moved:

In page 4,—

(i) in lines 37 and 38, omit "with imprisonment for a term which may extend to six months, or"; and

(ii) in line 38, omit "or with both".

Shri Jagjivan Ram: Sir, we have to deal with all types of employers. There are good employers and there are some recalcitrant employers also. It is not the intention to send the offenders in every case to a prison. It has been our experience that the very existence of these penalties produce a very salutary effect on the recalcitrant employers. We have had similar provisions in various labour legislations and this has been our experience. I feel this is a very salutary provision and I am unable to accept the amendment.

Shri A. C. Guha: If the hon. Minister is not prepared to accept it, I would like to withdraw my amendment.

The amendment was, by leave, withdrawn.

Shri Jagjivan Ram: There is another amendment of Shri Guha which I would like to accept.

Shri A. C. Guha: I beg to move:

In page 4, line 47, after "by" insert "the appropriate Government or".

Shri Jagjivan Ram: I would, however, like this amendment to be modified slightly. We need only say—

for "Central Government" substitute "appropriate Government".

Shri A. C. Guha: I am agreeable to this change.

Mr. Chairman: Then I shall put it in that form. The question is:

In page 4, line 47, for "Central Government" substitute "appropriate Government".

The motion was adopted.

Mr. Chairman: The question is:

"That clause 14, as amended, stand part of the Bill".

The motion was adopted.

Clause 14, as amended, was added to the Bill.

Clause 15 was added to the Bill.

12 NOON

Clause 16.—(Act not to apply to factories belonging to Government etc.)

Khwaja Inait Ullah: Sir, I am aware that my amendment to this clause has been fully discussed and the hon. Minister has also replied, though I am not satisfied with his reply. I wish that the clause is omitted. It will be a black spot on our Government that they should distinguish between private and Government factories. If Government desires to exempt the latter there are ways and means. It can be done under clause 17. I do not understand why Government insists on exempting Government factories as also infant factories.

Mr. Chairman: There is no proper amendment before the House. The Member's amendment negatives the whole clause and therefore is not an amendment at all.

What about the amendment of Mr. Gokulbhai Bhatt?

Shri Jagjivan Ram: I do not accept it, Sir.

श्री भट्ट : माननीय सभापति जी, अपने इस संशोधन में मैं यह सुझाव रहा था कि अगर एक कारखाना शुरू नहीं होता, काम नहीं करता है और वह वैसे का बँसा बिना काम के पड़ा हुआ है और उस में तीन साल चले जाते हैं, तो मेरा यह सुझाव था कि इस में कोई ऐसे शब्द आ जाने चाहिये कि वह तीन साल तक या पांच साल तक काम करता रहे और उस के बाद फिर उस के ऊपर यह प्राविडेंट फंड की योजना लगाई जाय। न्याय की दृष्टि से उस में ऐसा कुछ इन्तज़ाम रहना चाहिये और मैं आशा करता हूँ कि माननीय मंत्री जी इस के स्वीकार करने के बारे में सोच विचार करेंगे।

[**Shri Bhatt:** Mr. Chairman, what I was going to suggest in this amendment was that if a factory does not actually start working and remains idle and three years' time is passed in this manner, in that case it should be explicitly put down there that the Provident Fund Scheme would be introduced in it only if it starts working regularly for a period of say three or five years. Justice and fairplay demand such a provision and I hope the hon. Minister would consider the desirability of keeping it there.]

Shri A. C. Guha: It is clear in the definition. A factory has been defined as "where a manufacturing process is being carried on or is ordinarily so carried on". A company may have been started but the factory may not be started and that will not come under this.

Shri Jagjivan Ram: That point is covered.

Mr. Chairman: The question is:

"That clause 16 stand part of the Bill".

The motion was adopted.

Clause 16 was added to the Bill.

Clause 17.—(Power to exempt)

Shri A. C. Guha: The hon. Minister has made the point clear that the companies in which Government has shares will be considered as private companies. If that is so I do not propose to move my second amendment

to this clause. However, I would like to move my first amendment to this clause.

I beg to move:

In page 5, line 24, after "appropriate Government" insert "with the approval of the Central Government".

I have noted the conditions mentioned there but I do not like the power of exemption being granted to State Governments. They might interpret these provisions in their own way and I am not quite sure how they will interpret them. The sanction of the Central Government should be necessary before any category of factories is exempted from the operation of the Act. If you really want to give any benefit to the labourers the power of exemption should not be delegated to any other authority and I hope the Minister will not object to the amendment. It is only formal, namely requiring the approval of the Central Government.

Shri Jagjivan Ram: I cannot accept the amendment. To provide here that the State Government will do such and such a thing with the approval of the Central Government will mean that we show a lack of confidence in the State Government. When we have laid down all the conditions after fulfilment of which exemptions can be given there is no meaning in providing "with the approval of the Central Government". I do not think it will be doing justice to the State Governments.

Mr. Chairman: The question is:

In page 5, line 24, after "appropriate Government" insert "with the approval of the Central Government".

The motion was negatived.

I beg to move:

In page 6, line 10, after "pension benefits" add "but such notification shall in no case force any old employee, who wishes to enjoy the old age pension benefits, to join the Provident Funds Scheme".

یہ بہت سادہ اور سی ترمیم ہے۔

جس میں یہ کہا گیا ہے کہ ہم

چاہتے ہیں کہ آپ نے جو پروویڈنٹ

(proviso) دیا ہے اس میں چونکہ

سوال آ گیا ہے مہجارتی (majority)

کا اس لئے مہجارتی یا مائٹلاری

[خواجہ عنایت اللہ]

(Minority) سے اولڈ ایج (old age)

پنشن کا سوال طے نہیں کرنا چاہئے۔
میں چاہتا ہوں کہ جو بہت پرانے اور
بوزے نوکر ہیں جن کی نوکری نے
۲۵-۲۰ برس پورے ہونے والے ہیں
ان کو پنشن ملنے کو تھوڑے دن رہا
گئے ہیں اس لئے انکو میمبارٹی کے
ساتھ نہ کھسکتا جائے۔ اس لئے میں
نے اپنا امینڈمنٹ دیا ہے۔ اگر
میمبارٹی منظور کر لے کہ ہم پنشن
کی بجائے پراویڈنٹ فنڈ جوائن
(Join) کریں گے تو بھی بوزے
آدمیوں کو مجبور نہ کیا جائے کہ وہ
پنشن چھوڑ کر پراویڈنٹ فنڈ میں
آجائیں۔ جو پنشن میں رہنا
چاہیں ان کو پنشن کا فائدہ ملتا
رہے۔ ہاں جو نئے آنہوالے نوکر ہوں
ان کو پراویڈنٹ فنڈ میں رکھا جائے۔
اس لئے میں چاہتا ہوں کہ یہ چھوڑ
پروریزو میں جوڑ دی جائے۔

[Khwaja Inait Ullah: I beg to move:

In page 6, line 10, after "pension benefits" add "but such notification shall in no case force any old employee, who wishes to enjoy the old age pension benefits, to join the Provident Funds Scheme".

This is a simple amendment which lays down that because of the proviso that has been kept in it, the question of old age pension should not be decided on the grounds of majority or minority votes. I want that the old and the aged employees who are going to complete twenty or twenty-five years of service and are nearing their pensionable age, should not be compelled to fall in line with the rest i.e. the majority. This is why I have put forth my amendment seeking that even if the majority of the employees vote for Provident Fund and not for pensions,

the old and the aged employees should not be compelled to leave their pension benefits and join the Provident Funds Scheme. Those who would opt for the pension benefits should be allowed to have those benefits. The fresh recruits should, no doubt, join the Provident Funds Scheme. Hence my submission is that this should be added to the proviso.]

Shri Jagjivan Ram: I have sympathy with the amendment. I would like to move an alternative draft for the same purpose, which I will just give.

Khwaja Inait Ullah: I have no objection to it, Sir.

Shri Khandubhai Desai (Bombay): Sir, I would like to say a word. I would like to understand the implications of this clause. While the present scheme which will come into operation within a couple of months will, as it has been envisaged, benefit the new employees, what about the old employees? There are quite a large number of factories where there is the pension scheme and the old employees who have been working there for the last so many years are entitled to that pension benefit will, I am afraid, as a result of the present scheme be deprived of that. Then there is one other factor. As far as the old employees are concerned this scheme does not give them any advantage. Again, for aught I know there are quite a large number of factories where the workers are entitled to gratuity. These persons too may be included here so that all the old employees enjoying the benefit of pension or gratuity may also be exempted from the provident funds scheme if they are more favourably placed under their present conditions than they will be under the provisions of this Bill.

Dr. Deshmukh: Sir, if as has been stated by my hon. friend, Mr. Khandubhai Desai, there are factories where the pension or gratuity of the employees may be more favourable to them than the provident fund scheme then why should it not be possible to continue the old schemes under which the employees are now working plus the provision of the provident fund scheme rather than say that this will not apply to wherever there is in existence a scheme of gratuity or pension? I would much rather word the amendment in such a way that the provident fund scheme may be available to the employee concerned in addition to whatever privileges he might have under the old schemes. Do not make it absolutely compulsory, but it

should be made allowable to have both if the employers agree or the employees make the choice. The matter may be considered a little more carefully from that point of view than has been done so far. I would at any rate suggest that it should not be one or the other—it should be possible, if the employer is prepared to accept it, to have the provident fund in addition to any gratuity or pension that may exist at present. I may say that pensions are not always of the same degree and in many cases they are absolutely negligible. I have found people retiring at the age of 55 or 60 getting a pension of rupees seven or rupees five. Under these circumstances, if it is possible for the employee to enjoy the benefit of the provident fund in addition to whatever other facilities he has that should be allowable. We should not put a prohibition on his having the provident fund benefit in addition to whatever other privileges he already has.

Shri Jagjivan Ram: It will be difficult to continue both the benefits in the same establishment. Well, if such a thing is done voluntarily there will be no objection to it and we cannot say Government will come down upon the employer and say, "Why did you give this benefit also?" We will be glad if the employers give the additional benefit but we cannot force them to do it. Here we are giving the option to the workers: if they feel that the pension scheme is more favourable than the provident fund scheme they may continue under the pension scheme. There is one difficulty which I realise. There may be a small number of very old employees who are on the pension scheme—so that while the majority of the workers may decide to join the provident fund scheme there may be ten or fifteen of these old employees who have worked for ten or fifteen years entitled to pension who may not join the provident fund scheme as their contribution would be negligible by the time they retire. In order to safeguard such employees I am inclined to accept, as I have already stated, an amendment more or less on the lines of what my friend, Khwaja Inait Ullah has suggested. The wording will be like this:

"Provided further that no notification issued under sub-clause (b) shall apply to any person who has been employed in the factory for not less than ten years, if he desires to be entitled to such old age benefits".

Shri Khandubhai Desai: I would like to word it "pension or gratuity or both".

Shri Jagjivan Ram: Then we will say, "entitled to old age pension or gratuity".

Shri Khandubhai Desai: And, "or both".

Shri Jagjivan Ram: How can that be?

Shri Khandubhai Desai: There are some factories where there are both pension and gratuity benefits.

The Minister of State for Transport and Railways (Shri Santhanam): We may say "entitled to benefits of the nature of pension or gratuity or both".

Mr. Chairman: I think we will now take up the other clauses so that the hon. Minister may give an agreed amendment to this clause later.

Shri Jagjivan Ram: Yes, Sir.

Clauses 18 to 20 were added to the Bill.

Schedule I

Shri A. C. Guha: In view of the explanation given by the hon. Minister in his speech I do not like to move my amendments.

خواجہ مہایت اللہ I have two amendments in my name, Sir. The first amendment reads as follows:

In page 6, line 36, after "Paper" add "and Cardboard".

میں چاہتا ہوں کہ پیپر (paper) کے بعد کارڈ بورڈ (cardboard) بڑھا دیا جائے۔ اس اندستگی کو ادھورا کہوں چھوڑ دیا گیا ہے۔ بہت سے پتھر ملس کرتے ہوئے ہوتے ہیں۔ اور سب ملا کر پتھر ٹھیکری کہلاتی ہے۔ اس لئے میں چاہتا ہوں کہ کارڈ بورڈ بھی اس میں بڑھا دیا جائے۔

[Khwaja Inait Ullah: I have two amendments in my name, Sir. The first amendment reads as follows:

In page 6, line 36, after "Paper" add "and Cardboard".

I want that the word "cardboard" should be inserted after the word "paper". I do not know why this industry has not been taken in its entirety. A number of paper mills

[Khawaja Inait Ullah]

manufacture cardboard, and various units combined together constitute a paper mill. Hence, I want that the word 'cardboard' should be inserted in it.]

کئی لکڑی بے سائی : وہ سب پپر
ہی ہے ۔

[Shri Khandubhai Desai: All this is covered by the word 'paper']

خواجہ عدنانہ اللہ : اگر وہ سب
پپر ہی ہے تو میں اس کو موونہیں
کرتا ۔

[Khawaja Inait Ullah: If all this is covered by the word 'paper' then I do not move it.]

Mr. Chairman: I take it that the hon. Member does not move his amendment?

خواجہ عدنانہ اللہ No, Sir. But I will move my other amendment.

I beg to move:

In page 6, line 37, after "silk" insert "wool".

وہ بھی اسی طرح کا ہے ۔ کاتن
جوٹ اور سلک ۔ اس کے بعد شاید
آنریبل منسٹر صاحب وول کا نام لکھنا
بھول گئے ہیں ۔ جب سب طرح کا
کھڑا لے لیا ہے ۔ کاتن کا ۔ جوٹ کا ۔ سلک
کا ۔ تو وول کیوں چھوڑ دیا گیا ہے ۔
بہت سی فیکٹریز تو ایسی ہیں جو
کاتن وول ملا کر کھڑا بناتی ہیں ۔
سلک اور وول ملا کر کھڑا بناتی ہیں ۔
ان میں بھی بہت سے ورکرس کام کرتے
ہیں ۔ اور وول کا کام کرنے والے تو ورکرس
بہت ہیں ۔ اس لئے میں نے وول کو بھی
اس میں جوڑ دیا ہے ۔ میں چاہتا
ہوں کہ وہ وول " بھی اس میں جوڑ
دیا جائے ۔

[Khawaja Inait Ullah: No, Sir. But I will move my other amendment.]

I beg to move:

In page 6, line 37, after "silk" insert "wool".

This too is of the same nature. While cotton, jute and silk have been mentioned in it, the hon. Minister seems to have forgotten wool. I do not know why wool has been left out when cloths of all kinds, of cotton, jute and silk have been included in it. There are a number of factories which produce cloth of mixed stuffs of cotton and wool or of silk and wool. A number of workers work in these factories. That is why I have inserted the word 'wool' in it. I want that the word 'wool' may also be included in it.]

Shri Jagjivan Ram: I am inclined to accept it, but it will have to be changed. It will not come after silk, but anywhere before silk.

Khawaja Inait Ullah: I do not mind where it is put. I only want to include 'wool'.

Mr. Chairman: The question is:

In page 6, line 37, after "cotton" insert "or wool".

The motion was adopted.

Shri Iyyunni (Travancore-Cochin): I beg to move:

In page 6, after line 38, add "Motor Rubber tyres".

One of the main reasons for including items such as cement, cigarette etc. under this schedule is that the factories manufacturing these articles are in a position to pay an anna in the rupee. In the case of factories that are manufacturing motor tyres, the price of raw rubber here is only Rs. 128½ whereas the world market rate is more than Rs. 200. So, these factories are in a position to manufacture articles at a much cheaper rate than the articles that are produced elsewhere. Not only that, here the articles that are manufactured are not controlled. No price is fixed for the articles manufactured here, with the result that some of the big factories like FIRESTONE and DUNLOP are making a lot of money. They can very well afford to pay an anna in the rupee and should be included in this Schedule. I beg to suggest therefore that there would not be any difficulty felt in regard to these factories if they are brought under this Schedule. I do not

think the hon. Minister will entertain any doubt as to whether they will be in a position to pay this amount or not on behalf of the employees.

Shri Jagjivan Ram: I am not prepared to accept it.

Mr. Chairman: The question is:

In page 6, after line 38, add "Motor Rubber tyres".

The motion was negatived.

Dr. V. Subramaniam (Madras): I beg to move:

In page 6, after line 38, insert:

"Cigar and Churuthu, Beedies, Saw Mills, Paints and Varnishes. Match factories".

When cigarettes have been included I want to add all tobacco substances as they are injurious to health. In beedi factories, small boys and girls are working and they are sent out without any remuneration when they are not wanted. In these days of trade unions and other workers' unions, if there is a strike these poor people are dismissed without any payment. In saw mills and factories manufacturing paints and varnishes, several accidents have taken place and the compensation paid is very poor. So, if there is provident fund, the family will benefit by the accruing amount. I would like the hon. Minister to consider this matter.

Shri Jagjivan Ram: I am not willing to accept the amendment.

Mr. Chairman: The question is:

In page 6, after line 38, insert:

"Cigar and Churuthu, Beedies, Saw Mills, Paints and varnishes. Match factories".

The motion was negatived.

Dr. Deshmukh: I wish to say a few words on this Schedule. I am glad that wool has been included. In fact, it was one of the points that I was going to make. My second point is that there is no real definition of what is likely to come under electrical, mechanical or general engineering products. For instance, will a small factory which produces only nails or some other such product be included? The wording here is a little too vague. It is possible that the hon. Minister has a very definite number of industries in view, but there is no clarity and it would be very difficult to interpret the Schedule. Of course, there is no ambiguity so far as the remaining factories

are concerned, but so far as this particular class is concerned almost any industrial undertaking which produces anything which can be described as a mechanical product will be brought in and I am sure this is not the intention of the hon. Minister. Therefore, I would like to know whether there is any definition of this and further what are the items that would be included. Is there any possibility of misinterpreting the Schedule and bringing within its purview factories which are not intended by the Act to be included?

Shri Jagjivan Ram: There is no definition of these things given in the Bill, but these are well known terms in industrial circles and this will be determined in consultation with the Ministry of Industries and there should not be any difficulty on that score.

Mr. Chairman: The question is:

"That Schedule I, as amended, stand part of the Bill".

The motion was adopted.

Schedule I, as amended, was added to the Bill.

Schedule II

خواجہ عابدت اللہ I beg to move:

In page 8, after line 9, add:

"18. The manners in which a member of Provident Fund Scheme can take loan out of his provident fund and can pay it back by instalments.

19. The manners in which a member of Provident Fund can pay the premium of his life insurance from a part of his provident fund".

یہ پروویڈنٹ فنڈ کے ممبروں کو
قرض دے دینے کی بات ہے جس کے
بارے میں میں بہت کافی کہہ چکا
ہوں۔ دوبارہ تو صرف اتنا ہی کہنا
چاہتا ہوں اور انریبل ممبر کو
پھر دھیان دلتا ہوں کہ فریب
مزدوروں کو آنے والی جملت کی امید
میں موجودہ درج سے نکالنے کی طرف
بھی دھیان دیں۔

Mr. Chairman: He has already given the arguments *in extenso*.

خواجہ عطایت اللہ : میں چاہتا ہوں کہ وہ اس پر پھر غور کریں - اور اگر ان کو پورا نہیں تو کم سے کم اتنا تو ہونا چاہیئے کہ ۵ برس کے بعد مہیچور (mature) ہونے کے بعد کچھ دنوں کے بعد ہی سہی کچھ قرضہ لے سکیں - اور پورا حصہ نہیں تو کم سے کم قرضہ کے طور پر اس کا کچھ حصہ ہی لے سکیں -

ساتھ ہی میں انشورپیمس پریمیم (insurance premium) کے بارے میں بھی عرض کر دیتا ہوں - اس کے بارے میں میں خوش ہوں کیونکہ منسٹر صاحب نے کہا ہے کہ یہ تو تھیک ہے - یہ چیز انہوں نے مان ہی لی ہے - لیکن پہلی بات کی طرف پھر آنریبل منسٹر صاحب کا دھیان دلاتا ہوں کہ اگر پورا روپیہ نہ لے سکے تو کم سے کم تھوڑا ہی سہی 1/4 یا 1/8 ہی ۵ برس بعد یا ۱۰ برس بعد ہی وہ لے سکے ایسا حق تو اس میں ہونا چاہیئے -

(English translation of the above speech)

Khwaja Inait Ullah: I beg to move:
In page 8, after line 9, add:

"18. The manners in which a member of Provident Fund Scheme can take loan out of his provident fund and can pay it back by instalments.

19. The manners in which a member of Provident Fund can pay the premium of his life insurance from a part of his provident fund".

This is the question of giving loans to the members of the Provident Fund Scheme, and I have already said

a lot on this subject. Now I only submit this much and want to draw the attention of the hon. Minister to it that the poor labourers in their hope of a future heaven should be redeemed from the present hell.

Mr. Chairman: He has already given the arguments *in extenso*.

Khwaja Inait Ullah: I want that he should again think over it. They should be allowed to take loans from their fund after say five years or on maturity. May they not be allowed to take it in full, let them be allowed to take it only to the extent of a portion of that fund.

At the same time I would like to say a word or two about insurance premiums as well. I am happy over it because the hon. Minister has agreed to it. This much he has accepted. But I may draw his attention to this point that if they would not be allowed to take loan in full as against their life insurance policies, let them have a right to take loans equal to one-fourth or one-eighth of their deposits after say five or ten years.

Shri Jagjivan Ram: If the hon. Member put the two parts of the amendment separately, it would be better. The first part I am not going to accept. It relates to loan. As regards the second part, which relates to life insurance premia, I have got some modified draft here.

I beg to move:

In page 8, after line 7, add:

"16A. The conditions under which a member may be permitted to pay premia on life insurance from the fund".

Khwaja Inait Ullah: In view of the amendment just moved by the hon. Minister, I do not press my amendment.

Mr. Chairman: The question is:

In page 8, after line 7 add:

"16A. The conditions under which a member may be permitted to pay premia on life insurance from the fund".

The motion was adopted.

خواجہ عطایت اللہ : اس کے متعلق میں آنریبل منسٹر کو مبارکباد دینا چاہتا ہوں کہ میری یہ تجویز مان لی گئی ہے - اگر آپ

قرض نہیں دینگے تو انشورپولیس کمپنی
کے ذریعہ ان کی لائف پر قرض دیا
جا سکتا۔

[**Khwaja Inait Ullah:** I congratulate the hon. Minister for having accepted this suggestion of mine. If you won't give them loans, they can have them against their life insurance policies, through the Insurance Companies.]

Mr. Chairman: I would like to bring to the notice of the hon. Minister that there is an amendment by Mr. Bhatt. I think 'section 6'—in page 8, line 2—is a misprint.

Shri Jagjivan Ram: I accept it.

Shri Bhatt: I beg to move:

In page 8, line 2, for "section 6" substitute "section 14".

Mr. Chairman: The question is:

In page 8, line 2, for "section 6" substitute "section 14".

The motion was adopted.

Mr. Chairman: The question is:

"That Schedule II, as amended, stand part of the Bill".

The motion was adopted.

Schedule II, as amended, was added to the Bill

Clause 17.—(Power to exempt)

Amendment made:

In page 6, for lines 1 to 10 substitute:

"(b) any class of persons employed in any factory, if the Central Government is of opinion that such class of persons is entitled to benefits in the nature of old age pension or gratuity or both, benefits which are on the whole not less favourable to such persons than the benefits provided under this Act or under any Scheme in relation to persons employed in any factory of a similar character:

Provided that no notification under clause (b) shall be issued unless the Central Government is satisfied that the majority of persons so employed desire to continue to be entitled to such benefits:

Provided further that it shall be a condition of every such notification that it shall not apply to

any person who has been employed in the factory for not less than ten years and who by a declaration in writing opts for the benefits to which he was entitled before the date of the notification."

—[*Shri Jagjivan Ram*]

Khwaja Inait Ullah: In view of the hon. Minister's amendment I do not press my amendment.

Mr. Chairman: The question is:

"That clause 17, as amended, stand part of the Bill".

The motion was adopted.

Clause 17, as amended, was added to the Bill.

Clause 1.—(Short Title, extent and application)

Shri Bhatt rose—

Mr. Chairman: Let me first know the reaction of the hon. Minister with regard to the hon. Member's amendment.

Shri Jagjivan Ram: I am not willing to accept it.

श्री भट्ट : मैं इस पर कोई संशोधन तो नहीं पेश कर रहा हूँ, लेकिन आनरेबल मिनिस्टर साहब से यह आश्वासन चाहूंगा कि यह कानून उन कारखानों पर नहीं लगाया जायगा जहाँ बीस के नीचे मजदूर हों। इस बात का सरकार की ओर से विश्वास दिलाया जाय तो अच्छा रहेगा।

[**Shri Bhatt:** I am not moving any amendment to it but I would only like to have an assurance that this law would not be applied to those factories where there are less than twenty persons in employment. It would be good if an assurance is given by the Government on that point.]

श्री जगजीवन राम : यह तो विश्वास दिलाने लायक बात भी नहीं है।

[**Shri Jagjivan Ram:** It is not even worth giving assurance.]

Mr. Chairman: The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Shri Jagjivan Ram: I beg to move:

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

Mr. Chairman: Motion moved:

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

श्री भट्ट : सभापति जी, अगर माननीय मंत्री जी तीसरी रीडिंग में भी जो संशोधन मेरे क्लॉज २ में थे, अगर उन को स्वीकार कर लें तो कोई हर्ज़ नहीं होगा।

[**Shri Bhatt:** Mr. Chairman, I do not think there would be any harm if the hon. Minister accepts my amendment to clause 2 even at the third reading stage.]

Mr. Chairman: The amendments are all over.

श्री भट्ट : सभापति जी, अगर माननीय मंत्री जी तीसरी रीडिंग के समय भी कोई संशोधन मंजूर कर सकें तो अच्छा है। वह मेरे संशोधनों पर अब भी बिचार कर सकते हैं और उचित जान पड़े तो मंजूर कर सकते हैं।

[**Shri Bhatt:** Mr. Chairman, if the hon. Minister accepts any of the amendments even at the third reading stage it would be good. He may consider my amendments even at this juncture and if suitable, may accept them.]

श्री जगजीवन राम : मुझे अभी श्री भट्ट के संशोधनों को देखने का मौका मिला और मैं समझता हूँ कि उन के दो अमेंडमेंट्स कबूल करने में मुझे कोई एतराज नहीं है।

[**Shri Jagjivan Ram:** Sir, I just have had the opportunity to go through the amendments of Shri Bhatt and I think I have no objection in accepting two of his amendments.]

Amendments made:

(i) In page 1, line 19, for "remuneration which is" substitute "emoluments which are".

(ii) In page 1, line 21, for "which is" substitute "which are".

—[**Shri Bhatt**]

श्री एस० ऐन० दास : यह श्रमिकों के कल्याण के लिये जो हम नया कानून पास करने जा रहे हैं उस के सम्बन्ध में इस मौके पर मैं कहना चाहता हूँ कि माननीय मंत्री के उद्योग से पिछले पांच सालों में सरकार की तरफ से श्रमिकों की भलाई के लिये बहुत से कानून पास किये गये हैं और यह खुशी का विषय है। लेकिन साथ ही साथ मुझे दुःख के साथ यह कहना पड़ता है कि बहुत से कानून ऐसे बने हैं जिन को काम में लाने में या तो कठिनाई हो रही है या उन को काम में लाया नहीं गया है। इसलिये इस समय पर मैं यह कहना मुनासिब समझता हूँ कि जो भी कानून श्रमिकों की भलाई के लिये बनाये जाते हैं उन को काम में लाने में तरह तरह की कठिनाइयाँ पैदा की जाती हैं, विशेष कर पूँजीपतियों की तरफ से, और सरकार भी उस पर जितना जोर देना चाहिये उतना जोर नहीं देती है। हो सकता है कि सरकार के सामने इस के लिये कारण हों लेकिन फिर भी जितने कानून अभी तक इस सरकार ने श्रमिकों की भलाई के लिये पेश किये हैं मैं समझता हूँ कि उन के अनुपात में काम नहीं किया गया है। जैसा कई मौकों पर बतलाया गया है कि जो किसानों के खेत में काम करने वाले मजदूर हैं उन के लिये भी कुछ कानून बने हैं लेकिन कानूनों को लागू करने में तरह तरह की कठिनाइयाँ आती हैं। इसी तरह से जो कारखानों में काम करने वाले मजदूर हैं उन की भलाई के लिये भी बहुत से कानून पास किये गये हैं लेकिन उन के जो प्राविजन

(provisions) हैं उन के लिए व्यवस्था भी नहीं की गई है। इसलिये इस मीके पर मैं माननीय मन्त्री से यह अनुरोध करूंगा कि जो भी कानून बनाये जायें उन को बनाने के साथ साथ लागू करने की पूरी व्यवस्था की जाय। जैसा कि इस कानून में दिया गया है कि बहुत सी चीजों को शेड्यूल (schedule) में बढ़ाया जायगा। लेकिन मैं समझता हूँ कि वह कानून पास करने के बाद शेड्यूल के बढ़ाने में भी बहुत देरी लग जायेगी, जिस से बहुत से मजदूरों को लाभ नहीं पहुंच सकेगा। इसलिये सिर्फ कानून पास करना इतना जरूरी नहीं है बिलना पास करने के बाद उस कानून को लागू करना। इसलिये वह जो बिल है, और बहुत अच्छा बिल है, उस से मजदूरों की बहुत भलाई होने वाली है। इस मीके पर मैं माननीय मन्त्री से अनुरोध करूंगा कि जहां तक हो सके जल्द से जल्द और ज्यादा से ज्यादा श्रमिकों को फायदा पहुंच सके इस की व्यवस्था करें।

(English translation of the above speech)

Shri S. N. Das (Bihar): While speaking on the new Bill which is being passed for the welfare of the labour, I would like to submit that it is a matter of pleasure that with the efforts of the hon. Minister many a Bill has been passed during these past five years. Alongside, I have so sorrowfully to admit that many such laws have been enacted which are either presenting difficulties in their enforcement or have not at all been put into practice. I must say that various obstacles are put forth whenever any such Acts are passed for the welfare of the labour. It happens more from the side of capitalists, and the Government also do not enforce them as rigidly as they ought to. The Government may have their own reasons to advance for that, yet I understand that the Government have not worked practically in proportion to the number of measures brought here so far for the welfare of labour. As has been stated on so many occasions, the laws enacted for the labour working in the

fields, present numerous difficulties in their application. Likewise, many Acts have been passed for the welfare of the workers in the factories, but no arrangements have so far been made for implementing their provisions. On this occasion I would therefore urge upon the hon. Minister that while making laws arrangements may also be made for their enforcement. As given in the present Act, many items will be added to the schedule, but I know that after passing this Bill it will take very long to enlarge the schedule, which will deprive lots of workers of the benefit. So passing an Act is not so necessary as its application after it is passed. This Bill no doubt is a beneficial one and will do much good to labourers. On the present occasion, I would, therefore, urge the hon. Minister to make such arrangements that the labourers are benefited most and at the earliest.

Shri Khandubhai Desai: Sir, it is a matter of great satisfaction that the provident fund legislation will be put on the Statute Book very soon. This legislation, I believe had been hanging fire for well nigh two decades and various objections were raised and it could not be enacted as law. I hope that the powers that the Government is taking to extend the provisions of this law to various other industries which are left out would not have to wait for two decades as this had been done.

I am also grateful to the Labour Ministry that in spite of various objections raised by the employers to this innocent piece of legislation, they have stuck to the Bill as they have promulgated it as an Ordinance and have not whittled it down. The one objection which the employers raised was that the dearness allowance should not form part of the whole scheme. Had the Government succumbed to the whining of those friends, I would have on the floor of the House moved that the Bill be dropped, because the dearness allowance has ceased to be a dearness allowance owing to the cost of living and it is a misnomer to call it a dearness allowance in view of the existing conditions. The opinion of most of the economists is also very definite on this point that the time has now come when the dearness allowance as a sort of artificial injection should go and it must form a part and parcel of the basic wage.

The hon. Minister has assured us that the funds available from this scheme may be invested or a scheme may be prepared by which the large

[Shri Khandubhai Desai]

amount which will be available as a result of this scheme every year may be invested for a better purpose, particularly, the purpose which I have got in view, housing. (On a rough calculation, I find that every year, the total funds available from the contribution by the employees as well as employers will be between ten and twelve crores. It is not a small amount. The workers will also be happy that indirectly they are also making some contribution towards the ways and means for providing houses. The funds will be also safely invested. I am sure the hon. Minister with his usual enthusiasm to do something good to those who are suffering will not let time pass before he places before the country a properly thought out scheme of housing in the various big industrial centres so that the utilisation of this large amount may operate straight without any delay.

The Bill as it has now emerged from the Second Reading has been improved upon by making provision for not withdrawing the existing benefits which the old employees are getting by way of either pension or gratuity. This law will only benefit the existing comparatively fresh employees who are serving for the last few years and the future employees. In my experience, I have found that at least 50 per cent. of the employees are working for the last so many years and might have put in from 20 to 25 years of service and they may be retiring very soon. I personally believe that in this social security experiment for the first time being tried in this country, a worker who has given the best part of his life to industry will not be left to shift for himself, but that the industry and the Government will make some provision so that the old man may be able to live the few years that are vouchsafed to him by Almighty in comfort. This, I believe, is just the beginning of the social security and it is a very important step. I do not agree with some of my friends here that this beginning will be only limited to workers who are working in factories. I do visualise a time when old age pension or some such provision in the case of every citizen would be in operation. This scheme it cannot be said is like the scheme of which we have experience during the last two or three years, namely the Sickness Insurance scheme. When that scheme was inaugurated three years ago, the hon. Prime Minister, the hon. Health Minister and also the President, at that time the Governor-General, sounded a very optimistic tone saying that this is the beginning of sickness benefit and

medical aid to every citizen of this country. But unfortunately it so happens that it will be applied only to a few centres. I hope, however, that the beginning which we are just now making will be a good augury and that every citizen of this country will work very hard in order to see that our production also goes up. I say this because, after all, every such scheme has to be paid for from out of the national wealth and it is no use imposing certain schemes on a limited privileged class of people. I am of this view that the time is fast approaching when every citizen will ask for such schemes of benefit and if we concentrate on the economic recovery of our country with a common or united mind, and with all our heart and soul, there is absolutely no doubt that our country will be able to make provisions for all these schemes in the future.

With these few words, Sir, I support this piece of legislation and I would particularly request the hon. Minister to frame rules for the implementation of the legislation under Schedule II, regarding the manner and method in which these things will be carried out. After all the details matter a lot and if the details are not properly thought out, there may be loopholes and the employers may try ways and means of evading this law. In the end I would particularly request the Labour Ministry to prepare the draft of rules which are necessary for implementing this law and place them before the tripartite conference as early as possible so that no loopholes are left anywhere.

With these words, Sir, I again thank the Labour Minister for bringing in this legislation.

Several Hon. Members rose—

Mr. Chairman: Only seven minutes are left and I am anxious that we should finish this Bill before we rise. I would therefore request hon. Members to be as brief as possible in their remarks.

خواجہ علیایت اللہ : میں کچھ زیادہ نہیں کہنا چاہتا - مگر ایک بات کی طرف آنرہبل منسٹر کا دھیان دلانا چاہتا ہوں - میں نے یہ شروع شروع میں عرض کیا تھا - پر شاید آنرہبل منسٹر نے اس کی طرف خاص توجہ نہیں دی - بہر حال میں اس کو بہت ضروری سمجھتا ہوں - وہ

بات یہ ہے کہ کلاز 5 کی رو سے جو اسکیم آپ بنائیں گے کہ مرنے کے بعد وہ پروویڈینٹ فنڈ کا روپیہ کس کو دیا جاوے۔ اس کے متعلق میں نے عرض کیا تھا۔ آپ نے اس متعلق جو قاعدہ کول مائنس ایکٹ (Coal Mines Act) میں بنایا ہے۔ وہ گزٹ آف انڈیا میں چھپا ہے اور وہ اس طرح سے ہے۔

"If no nomination subsists or if the nomination relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part thereof to which the nomination does not relate as the case may be shall become payable to the members of his family in equal shares."

اس کے متعلق میں نے عرض کیا تھا کہ جو چیز اس کی مرنے کے بعد بچے اس کو وراثت کے قانون کے مطابق بانٹا جائے۔ حالانکہ آپ نے کول مائنس (Coal Mines) کے متعلق ایسا نہیں کیا ہے۔ میں خاص طور سے ان بچے مسلمانوں کے بارے میں عرض کر رہا تھا جو اپنی جائداد کی کوئی وصیت نہیں کرتے ہیں اور چاہتے ہیں کہ مرنے کے بعد جائداد کو شریعت کی رو سے بانٹا جائے۔ اس لئے میں چاہتا ہوں کہ کول مائنس ایکٹ میں بھی اور دوسری جگہ بھی جو وراثت کا قانون وہ بنائیں تو اس بات کا خیال رکھیں کہ جو موجودہ قانون اس بارے میں ہیں انہیں کے مطابق یہ رقم بانٹی جائے۔ اس لئے میں چاہتا ہوں کہ جو آئندہ قانون بنائے جائیں ان میں

اس کا دھیان رکھا جائے۔ اور کول مائنس ایکٹ میں بھی تبدیلی دی جائے۔

(English translation of the above speech)

Khwaja Inait Ullah: I do not want to say much, but I like to draw the attention of the hon. Minister to one thing. I in fact had submitted this in the beginning but the hon. Minister did not perhaps pay any attention. I, however, regard it to be very important. It is about the scheme which you are going to introduce by virtue of clause 5 as to whom the payment of that Provident Fund money be made after the death of the member, and about this I have already submitted my opinion. The corresponding rule that has been made under the Coal Mines' Act as has appeared in the Gazette of India runs like this:

"if no nomination subsists or if the nomination relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part thereof to which the nomination does not relate as the case may be shall become payable to the members of his family in equal shares."

Regarding this I had submitted that the money left after the death of the member may be distributed according to the law of inheritance, although this has not been done in the case of the Coal Mines' Act. I was especially speaking for those staunch Muslims who do not make a will but desire that their property to be distributed according to the Mahomedan Law. It is, therefore, that I want that when they lay down the rule of inheritance under the Coal Mines' Act or elsewhere, they should keep in view that the amount should be distributed according to the prevalent laws. Also, that these things be kept in view in future while making laws, and that amendments be made accordingly in the Coal Mines' Act.

बाबू रामानारायण सिंह : मजदूरों की हालत उन की ज़रूरत और सरकार का उन के साथ सम्बन्ध, इन विषयों पर मैं बहुत बार बोल चुका हूँ और इस समय मैं उन बातों को दुहराना नहीं चाहता। इस बिल से मजदूरों को कुछ लाभ होने वाला है इसलिये मैं आनरेबुल मिनिस्टर को इस के लिये बधाई देता हूँ और इस बिल का स्वागत करता हूँ।

[बाबू रामनारायण सिंह]

कोल माइन्स ऐक्ट में कहीं कहीं कठिनाई हो रही है। जो लोग डिस्चार्ज (discharge) होते हैं या जो नौकरी छोड़ देते हैं उन को, प्राविडेंट फंड का रुपया तुरन्त नहीं मिलता बेरी से मिलता है। हो सकता है कि ऐसा करने में नीयत अच्छी रही हो। पर अब एक बटना होने जा रही है जिस के बारे में मैं समझता हूँ कि मन्त्री महोदय जानते होंगे। बोकारो माइन्स में एक आई० ऐन० सी० कम्पनी है जो यत्न हो रही है। वह ३१ मार्च से खत्म हो रही है। उस के हथारों मजदूर हटाये जा रहे हैं, और इतने मजदूर वहाँ पर तुरन्त काम पायेंगे इस की कोई आशा नहीं है। इस बास्ते उन को तो प्राविडेंट फंड मिलना चाहिये था। मैं आशा करता हूँ कि इस विषय में मन्त्री महोदय अपना ध्यान देंगे। यह कहते हुए मैं इस बिल का स्वागत करता हूँ।

(English translation of the above speech)

Babu Ramnarayan Singh: I have spoken many a time on such topic as the condition of the worker, his needs and his relations with the Government and I do not want to repeat them now. Since this Bill is going to benefit the workers, I congratulate the hon. Minister and welcome it.

The Coal Mines Act presents difficulties at times. Those who are discharged, or relinquish their jobs do not get the Provident Fund money immediately. They get it very late. Perhaps there may be a good intention behind it. An incident is to occur now about which, I believe, the hon. Minister will be knowing something. One I.M.C.C. Company in Bokaro Mines is going to be disbanded on the 31st March. Thousands of its workers are being discharged. It is hoping against hope that all of them will immediately find work there. They should get their Provident Fund immediately. I hope the hon. Minister will pay his attention to it. With these words I welcome the Bill.

Shri A. C. Guha: I would like to add a few words of my appreciation to the hon. Minister as well as to the House

for having passed so many labour legislations adding to the amenities and benefits of the labourers. I consider this one to be practically the consummation of the legislations so far passed.

While complimenting the House and the Minister I cannot compliment the Government, for which also the Labour Minister is responsible. The Employees State Insurance Bill was passed several years ago but has been practically kept in cold storage. The Minimum Wages Act also has not so far been enforced to any considerable degree. Only last year an amendment was accepted by the Government fixing a time limit within which every State Government would have to enforce the law regarding minimum wages for agricultural labour. I do not think the Minister can say that much has been done in that regard. Only two or three days ago he admitted here that so far only two Governments had enforced that clause regarding agricultural labour. I hope he will give greater attention to the implementation of the Acts which he gets passed through this House.

Under this Act a huge amount will be collected every year and I hope the Government will frame rules so that the amount may be properly used and some additional amenities and benefits may be given to the workers through the correct utilisation of the fund. Let not this fund be kept in some vaults of banks or allowed to remain idle. It should be utilised in the correct way under the strict supervision of the Government.

I would also like to add another word. I hope the administrative charges will not be too high. It has been the practice of the Government to put up a big paraphernalia for even small things. However small the benefits may be, they must put up a big start and the overhead charges go up high. I hope the Government will see that there is not too much administrative expenditure over this. I am afraid over the wording of item 4 in Schedule II, which suggests that they have been contemplating an elaborate paraphernalia. I would request the hon. Minister to see that no costly machinery is set up thereby adding undue pressure on the industry, because it has been stated here that the administering costs will mainly be recovered from the employers.

1 P.M.

Sir, I commend this measure to the House and I again compliment the hon. Minister for having been able to get this Bill passed through this House.

Shri Jagjivan Ram: Sir, I do not want to say anything more. I have once more to thank the hon. Members of this House for expediting the passage of the Bill. I am myself rather anxious for the early implementation of this legislation. As a matter of fact, the scheme is being prepared and as soon as it is finalised we will try to implement it. We are already in correspondence with the State Governments in this matter. I do admit that in certain labour legislations there has been delay in implementation. About the *Employees' State Insurance Act* hon. Members are aware how Government have been anxious to meet all the objections raised by the industrialists and whenever occasions have arisen we have approached Parliament for the amendment of the legislation. I am glad to say that tomorrow there is going to be the inauguration of the employees' state insurance scheme at Kanpur and the Prime Minister is going to inaugurate it. As regards the *Minimum Wages Act* the hon. Member is aware that the primary responsibility is of the State Governments. We have no authority to force them in the matter. We do send requests and we do send reminders. I do myself admit that the progress of the implementation of the *Minimum Wages Act*.....

Shri A. C. Guha: I hope the hon. Minister will not again come before the

House for the extension of the period of that legislation.

Shri Jagjivan Ram: That I will have to do in case I find it necessary. As regards this Bill my idea is to start the scheme before handing it over to the State Governments. While the idea is to have the administration of the provident fund on a State or regional basis my intention is to give a start to it by getting the contributions at least for a quarter before handing over the whole scheme as a going concern to the State Governments. So, I do think I will be able to expedite the implementation of this measure in comparison to the other measures.

Mr. Chairman: The question is:

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

The motion was adopted.

Shri Kamath (Madhya Pradesh): Are we meeting on Monday? The solar eclipse will be on. It is a rare event in our terrestrial life.

Mr. Chairman: We are meeting as usual from 9-30 A.M. to 1 P.M. on Monday.

The House then adjourned till Half Past Nine of the Clock on Monday, the 25th February, 1952.