

SHRI HARI SINGH—not here; anybody else who wants to speak on this Appropriation Bill? No.

The question is:

"That the Bill to provide for the authorisation of appropriation of money out of the Consolidated Fund of India to meet the amount spent on a service during the financial year ended on the 31st day of March, 1974, in excess of the amount granted for that service and for that year, be taken into consideration."

The motion was adopted.

MR. SPEAKER: We now take up clause-by-clause consideration of the Bill.

The question is:

"That Clauses 2 and 3 the Schedule, Clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clauses 2 and 3, the Schedule, Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRIMATI SUSHILA ROHATGI: I beg to move:

"That the Bill be passed."

MR. SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

12.34 hrs.

LABOUR PROVIDENT FUND LAWS (AMENDMENT) BILL

MR. SPEAKER: We now take up the Bills for consideration and passing Shri Raghunatha Reddy.

THE MINISTER OF LABOUR (SHRI RAGHUNATHA REDDY): I beg to move:*

"That the Bill further to amend the Coal Mines Provident Fund,

Family Pension and Bonus Schemes Act, 1948, the Employees' Provident Funds and Family Pension Fund Act, 1952, the Wealth-tax Act, 1957 and the Income-tax Act, 1961, be taken into consideration."

This is a simple Bill intended to replace an Ordinance promulgated on the 17th July, 1976. The provisions of the Bill amend the Provident Fund Acts, namely, the Coal Mines Provident Fund, the Family Pension and Bonus Act, 1948 and the Employees' Provident Funds and Family Pension Fund Act, 1952. By virtue of these amendments, Government are vested with the powers to introduce yet another social security scheme to the workers covered by the two enactments, numbering about 84 lakhs. The new Scheme is called the Deposit Linked Insurance Scheme. Such a Scheme is in operation already in case of Central Government servants. About this Scheme, the Finance Minister during the course of the Budget Speech has already referred to it. In pursuance of that, an Ordinance has been issued. Now, the Bill seeks to replace the Ordinance.

The Deposit Linked Insurance Schemes provide insurance cover to the employees covered by the Coal Mines Provident Fund and the Employees Provident Fund Acts without payment of any premium by such employees. The insurance cover is linked to the amount lying in deposit in the provident fund to the credit of the employees concerned. The salient feature of the Scheme is that in the event of the death of an employee, his dependants would be entitled to receive an additional payment equivalent to three years' average balance at the credit of the deceased employee in the provident fund account. In order to make him eligible to these benefits, the condition is that his provident fund balance should not be less than Rs. 1000. The upper limit of the benefit has been prescribed at Rs. 10,000. For determining the average balance of the provident fund,

*Moved with the recommendation of the President.

[Shri Raghunatha Reddy]

the employees' share as well as the employers' share together with interest thereon shall be taken into account.

For getting the insurance benefit, the employee will not be required to make any contribution to the insurance fund. Contributions to the fund will be made by the employers and the Central Government in the ratio of 2:1. The two schemes will be administered by the respective Boards of Trustees constituted under the Coal Mines Provident Fund and the Employees Provident Funds Acts. The cost of administration of these two schemes is also to be borne by the employers and the Central Government in the ratio of 2:1.

The Deposit Linked Insurance Schemes have been published on 28th July, 1976 and they have been brought into force with effect from the 1st August, 1976. The contributions by the employers and Government have been fixed at 0.5 per cent and 0.25 per cent respectively of the wage bill. The contributions towards administrative charge has been fixed at 0.10 per cent and 0.05 per cent respectively.

The introduction of this Scheme is another milestone in the progress of social security measures for the weaker sections of the society. I am glad to say that this has been welcomed by the working class. I hope that this Bill would be unanimously welcomed by this august House.

With these words, I commended the Bill for the consideration of the House.

MR. SPEAKER: Motion moved:—

"That the Bill further to amend the Coal Mines Provident Fund, Family Pension and Bonus Schemes Act, 1948, the Employees' Provident Fund and Family Pension Fund Act,

1952, the Wealth-tax Act, 1957 and the Income-tax Act, 1961, be taken into consideration."

SHRI SOMNATH CHATTERJEE (Burdwan): Mr. Speaker, Sir, we certainly welcome this Bill. The proposals which have been incorporated in this will go some way towards alleviating the distress of the families of the deceased workmen. Here I would like to make one or two suggestions, if I could, with regard to this Bill and the proposals incorporated in it and also about the general working of the Provident Fund organization in this country.

So far as exemption provision is concerned, our experience is that, in many cases, so far as the parent Act is concerned, either exemption is given without properly taking into consideration the interests of the working class or in many cases where the workmen enjoy better facilities, exemption is not granted. This is a matter which I request the hon. Minister to look into, because this is a grievance which is being made by the working class and the trade unions repeatedly. Therefore, the whole basis of the grant of exemption requires to be studied properly. I do not know whether there are any rules or guidelines for granting exemptions or not. Without those guideline, the exemption that is granted in many cases may not be appropriate or desirable and in many cases exemptions which should have been given are not given. I would like the hon. Minister to tell us as to how this exemption is granted or grant of exemption is considered, whether the views of the trade unions are taken into consideration or not.

The main provision of this Bill is that, in the event of death of a workman, some life insurance money will be paid. Certainly, it is a very good proposal and we say that this is a step in the right direction; we are happy that the hon. Minister has brought forward this measure, and we do not mind an Ordinance being issued

for a social measure like this—but not for MISA and things like that. But the question I would like to ask is this. When a fund is being created for providing insurance cover to the family members of the deceased workmen, why should a workman not get the benefit of it if he retires? If the money is already put in that account, why should he not get the benefit of that? So far as the main Bill is concerned, it does not give any indication as to the proposed working of the scheme; we have to find it from somewhere, i.e., from the Statement of Objects and Reasons. I would like to know this. If the employer has brought out his money and kept it in a fund and if the Government is making a contribution to it, why should the worker not get the benefit of it if, suppose, he does not die during his employment but retires, superannuates or leaves the job without any blame on his part? The maximum amount is just Rs. 10,000 as it is intended to be provided under the scheme. This is my request to the hon. Minister, to let us know as to what is the principle behind it. Because, if you call it an insurance, it is life insurance. Survival does not mean forfeiture of the amount. I would have liked the Bill to indicate a little more broadly—because there is no indication in the main body of the Bill itself except 'what may be provided in the scheme'—as to what is the basis on which the payment is to be made, what are the limits of insurance amount, what are the obligations with regard to that, entitlement and so on; I would have liked greater details being mentioned in the Bill....

SHRI RAGHUNATHA REDDY: The scheme has been published in the Gazette.

SHRI SOMNATH CHATTERJEE: I have noticed that the scheme has been published; I am not contesting that. But I was seeing the body of the Bill. It does not contain anything. We find from the Statement of objects and

Reasons as to how this scheme is intended to be worked out or how the Act is intended to be worked out. I do not mind if you want to rely on subordinate legislation. I do not oppose it but some indication of the legislative intention should be there because the scheme is to carry out what the legislature intends it to do. Therefore, this is a very vague Bill in that sense. Everything is left to the scheme. But I take it and I am not doubting that the Government has no intention to really carry it out. That is not my intention at all. But I say that these are matters where the Act itself should contain the basic guidelines for the purpose of laws like this.

So far as Bills like this are concerned, these are welcome measures. But our apprehension is about the implementation of it because of our experience in the Provident Fund scheme and the Family Pension scheme. We know what huge arrears are outstanding. There are serious complaints about the way the Act is being implemented and worked out, that the benefits are not being received and that the statements are not being supplied or prepared. It is very easy to say that we are trying to take steps. That is not the answer that will satisfy anybody. I would like to know from the hon. Minister what is the amount of the outstanding provident fund. It is a very unhappy state of affairs. Even in Government statutory corporations and government undertakings there are huge amounts of arrears. There I am trying to utilise the opportunity of finding it out from the hon. Minister. Is he satisfied himself about the functioning of the provident Fund organization in this country? why should there be such huge arrears? If I am not mistaken, I was reading just one press cutting which says "Rs. 26 crores from Bharat Coking Coal."

SHRI RAGHUNATHA REDDY: It has been paid.

SHRI SOMNATH CHATTERJEE: Fortunately it has been paid. It has

[Shri Somnath Chatterjee]

been recently paid. But that was allowed to accumulate. That was an unhappy state of affairs. Certainly we will expect that government undertakings should not keep them in arrears.

But what about the huge private sector in this country? You have allowed the private sector to grow and prosper at the cost of the working class in many sectors and this is the one sector where the provident fund law is a social welfare legislation, we want it and we are thanking you for bringing such a proposal. But how do you implement? Is the benefit really reaching the person for whom it is intended? Therefore, merely passing laws or ordinances or so many schemes would not do. It requires a very serious approach in the matter. Now, what are the steps taken for real implementation? Why should the arrears be allowed to accumulate? There are many ways I know and I can tell you from my own experience. The other day some workers came to me saying that their employer has been fined and there is an order of imprisonment against him. A curious situation. The workers come to me and say, 'If he goes to jail, the factory will be closed and 200 people will be out of employment.' I do not know. But these are the difficulties in the working. The money that has been allowed to accumulate in arrears in this case was about Rs.2 lakhs. They say, 'The wages that we get we would not get if our employer goes to prison. These are the difficulties. A trade union leader came to me and approached me saying, 'Kindly see if you could help us. If the employer goes to jail, the factory will be closed and 200 people will be out of employment (they say) because of lack of orders. We know that the arrears are there but because of lack of orders we are not functioning properly.' They are supplying to the railways and the railways are not placing orders. These are the difficulties. But, Sir, I am not here passing judgment whether in a particular case the employer is responsible or the working class has in any way con-

tributed to that. But the question is that there is scope for improvement and the way it is being done, I do not think, anybody is really satisfied. Kindly tell us what are the arrears. Why are the arrears allowed to accumulate? What are the deterrent steps taken? I would like to know whether any benefit is being given to these concerns where provident fund is allowed to accumulate and is in arrears and whether any money from the Government is paid to them in any matter whatsoever. Then why not stop payment of government monies to such employees?

These are matters which are troubling us. Is there any inaction on the part of the government organisations which have been set up to over-see the implementation and proper working of this legislation? You have brought in another type of scheme which is good, another new fund which is being created. That is good. But if the situation in regard to these funds is, the same, then, the workers do not get any benefit. In the case of the death of a person, say, Rs. 10,000 is to be paid; how long are his dependents to wait to get this money?

SHRI M. GOPAL REDDY (Nizamabad): It should not take more than 10 days.

SHRI SOMNATH CHATTERJEE: For once at least he is right; I agree with him. It should be paid in 10 days. Many good proposals are scuttled because of lackadaisical implementation. Many good schemes are frustrated because of improper approach. Many good proposals remain in paper because some people are allowed not to be touched, who should have been touched.

I know that the hon. Minister is concerned for the working people in spite of what he may have to do from time to time with regard to various proposals like bonus. But so far as this Bill is concerned we would like him to take the House and the country into

confidence and tell us what are the arrears, what he proposes to do and all these things. The beneficiaries under the scheme should get these benefits.

With these words, I support the principle behind this Bill.

श्री राम सिंह भाई (इन्वीर) : श्रीमान्, इस बिल का मैं हार्दिक स्वागत करता हूँ और मन्त्री जी को बराबर बधाई देता हूँ। मन्त्रे माने में यह श्रमिकों का कल्याणकारी बिल है, और आप ऐसा बिल अपने जीवन में कभी नहीं लाये होंगे। इतना सुन्दर य, बिल है।

मुझे इस बिल के बारे में कुछ शंकाएँ हैं जिनका मैं समाधान चाहता हूँ क्योंकि मुझे श्रमिकों को समझाना पड़ना है और कुछ ऐसी बातें हैं जिनका स्पष्टीकरण जरूरी है। एक बात तो यह है कि बीमा की रकम प्राप्त करने के लिये जिसका बीमा होगा उसके द्वारा वारिस के नाम निर्देशन की बात कही गई है कि किसे मिलेगा। आप इन बातों को छोड़ दीजिये, केवल एक बात लीजिये कि उसका सही वारिस कौन है, और उसी को यह रकम मिलनी चाहिये। मही वारिस वही हो जिस को कानून के अनुसार सरकार ने माना हो। नहीं तो बहुत से फालतू फालतू के लोग अपना नाम निर्देशन करा लेते हैं, और कितनी ही बार ऐसा हुआ है। इसका मैं खुवासा चाहता हूँ कि उनके वारिस को ही मिलेगा।

दूसरी बात यह कि आपने 3 वर्ष के प्रीमियम की रकम के बराबर ब्याज सहित रकम बताया है। मैं जानना चाहता हूँ श्रमिक की मृत्यु से तीन वर्ष पहले जो रकम उसके प्रोवीडेंट फण्ड में जमा रही हो और उसमें मालिक द्वारा मिलाई जाने वाली रकम प्लस ब्याज, यह रकम उसके वारिस को मिलेगी ? या जब से श्रमिक का प्रोवीडेंट फण्ड कटना शुरू हुआ है और उसमें मिलाई जाने वाली

मालिक की रकम तथा ब्याज, इस सारी की सारी रकम जो जमा है उसका प्रीमियम श्रमिक के वारिस को मिलेगा ? इसका खुलासा होना चाहिये।

आपने नियम बनाये हैं कि प्रोवीडेंट फण्ड रकम में से किस किस काम के लिये लोन दे सकते हैं। आपने उसमें भी रखा है कि प्रोवीडेंट फण्ड की जो रकम होगी और श्रमिक की खुद की जो रकम होगी उसमें से मधान बनाने के लिये रकम दी जा सकती है। इस के अलावा लड़की की शादी, लड़के की पढाई, लम्बी बीमारी के लिए और कारखाने के कुछ समय के लिए बन्द होने पर बेकार होने की स्थिति में उसमें से रकम दी जा सकती है। वह रकम मजदूर को लोन के तौर पर दी जाती है, उसका ब्याज लिया जाता है और हर महीने उस रकम की किस्त में से काटी जाती है। प्रश्न यह है कि क्या उस रकम को मजदूर की जमा की हुई रकम माना जायेगा, या यह माना जायेगा कि मजदूर द्वारा वह रकम निकाल ली गई है वह रकम उसको उधार दी जाती है और अगर वह उसको जमा नहीं करता है तो उसको प्रोविडेंट फण्ड में से माइनस किया जायेगा। इसलिए यह उचित है कि उस रकम को जमा की हुई रकम माना जाये।

सेवा-निवृत्ति की उम्र कहीं 60 बरस है, कहीं 62 बरस है और कहीं 58 बरस है। माडल स्टैंडिंग आर्डर के अनुसार सभी प्रवेशों में सब इण्डस्ट्रीज में एक ही उम्र नहीं रखी हुई है। एक ही प्रवेश में अलग अलग इण्डस्ट्रीज में अलग अलग उम्र रखी गई है। ओवरएज होने के कारण यदि श्रमिक सेवा-निवृत्त होना है तो बीमा योजना की रकम उसको नहीं मिलेगी। यह मोच कर कि यह रकम उसको भिलने वाली नहीं है, कहीं वह आत्म-हत्या न कर ले। मैंने ऐसी घटनायें देखी हैं कि प्रादमी पैसा लेने के लिए जानबूझ कर एक्सिडेंट कर लेते हैं। अगर मजदूर तब तक काम करता है, तो मुझे बुरा लगता है। हमारा

[श्री राम सिंह भाई]

काम यह है कि उसको इस बात से रोका जाये कि वह पैसा लेने के लिए अपना भ्रम-भ्रम न कर ले। ऐसी घटनाओं को रोकने के लिए यह व्यवस्था करनी चाहिए कि सेवा-निवृत्त होने पर रकम का प्रमुख हिस्सा उसकी पेंशन के तौर पर उसे मिलता रहेगा।

जहाँ तक फ्रैमिली पेन्शन का सम्बन्ध है, 60 बरस की उम्र में सेवा-निवृत्त होने पर ही श्रावमी पूरी रकम पाने का पात्र होता है। उससे कम उम्र में वह पूरी रकम का पात्र नहीं होता है। लेकिन माडल स्टैंडिंग ग्रांडेंज; प्रनुमार सब प्रदेशों में सेवा-निवृत्ति की उम्र एक सी नहीं रखी गई है। इसलिए माडल स्टैंडिंग ग्रांडेंज में यह जोड़ना चाहिए कि सेवा-निवृत्ति की उम्र 60 साल से कम नहीं होनी चाहिए। ऐसा करने पर जहाँ कम उम्र रखी हुई है; वहाँ भी 60 साल रखना पड़ेगा। इस समय स्थिति यह है कि यदि 60 साल की उम्र होने पर ही श्रावमी पूरी रकम पाने का पात्र होता है, इसलिए जब कोई श्रावमी 58 साल की उम्र में सेवा-निवृत्त किया जाता है तो वह पूरी रकम पाने का पात्र नहीं होता है। यह कानून की कमजोरी है, जिस को दूर किया जाना चाहिए।

यह विधेयक बहुत सुन्दर और बढ़िया है। इस सम्बन्ध में बिल टैक्स और इनकम टैक्स से छूट देने के लिए मैं मन्त्री महोदय को बधाई देता हूँ और इस बिल का समर्थन करता हूँ।

DR RANEN SEN (Barasat): Sir, like the previous speakers, I do not want to oppose the Bill.

While supporting this, I must say a few words. The hon Minister stated that this is a simple Bill. I cannot agree with him that this is a simple Bill. The principles behind this Bill are not as simple as it appears to be. Both the speakers have mentioned

about how the Provident Fund Act has been implemented in our country.

There has been a very big demand from the coal mine workers—the colliery workers—against the implementation of the Coal Mines Provident Fund Act, the pension scheme etc.

In this House, we have several times discussed about the difficulties the workers are experiencing in regard to the Coal Mines Provident Fund and the other Provident Fund. Shri Chatterjee has asked for the total amount of outstanding dues. I want to make this clear further. Since the Provident Fund is a contributory fund, I want to know how much of the workers' dues have not been paid to the Fund and how much of the employers' contribution has not been deposited in the Fund. What are the actual dues on these two counts so that we come to know the total outstanding dues? In regard to the Coal Mines Provident Fund also I want that these figures be given to the House so that the House could satisfy itself that after the last amendment of the Provident Fund Act there has been some improvement in the situation.

I have to say this not only because of our past experience with the Coal Mines Provident Fund and the General Provident Fund, but also in view of what has happened very recently with regard to the Compulsory Deposit Scheme money.

We are afraid of all these Funds and other funds which the Government create. It is quite known to the Minister and to the House that in regard to the money that was deducted on account of CDS, as yet the employers have not got the part of the DA they have to get by the 15th July, an amount to the tune of Rs. 16 crore odd. Therefore, we have a very bad experience of the functioning of the government institutions, of the functioning of the Provident Fund organisation including the Coal Mines Provident Fund and now the latest scandal about the CDS. Hence I would utter

a word of caution here. I want those figures.

Then I want to say a few words about one or two points contained in the Bill. In clause 14, under 11C(1), exemption has been given to certain units. No exemption has been given to other organisations. By the way, I must state here that certain big organisations like coal had not paid the CDS money that they had collected from the workers two days back that was to the tune of more than Rs. 4 crores. Here it is stated in 3(a):

“... the employer in relation to such Coal mine shall, in relation to the benefits, in the nature of life assurance, to which any such person or class of persons is entitled, or any insurance fund, maintain such accounts, submit such returns, make such investment, provided for such facilities for inspection and pay such inspection charges”

It means that in the case of the factories or mines in the exempted category, the fund they had built up according to their own insurance scheme will be kept with them

I am opposed to this. I find that the three biggest business houses of the Jute mills like Bajorias, Goenkā and Bird have not paid CDS money deposits to the tune of Rs. 1.56 crores.

MR. SPEAKER: The hon. member may continue after Lunch.

13 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after lunch at three minutes past fourteen of the Clock.

[Mr. DEPUTY-SPEAKER in the Chair]

LABOUR PROVIDENT FUND LAWS
(AMENDMENT) BILL—Contd.

MR. DEPUTY-SPEAKER: Dr. Ranen Sen may continue.

DR. RANEN SEN: I was speaking on clause 14. I said that the funds with the employers, even though they may be in the exempted category, should vest in the government through a suitable agency. The latest experience of C.D.S. has emboldened me to make this suggestion.

In the new section 11C(3) (c), it is said:

“shall, where any such person leaves his employment and obtains re-employment in any other coal mine, transfer within such time as may be specified in this behalf by the Central Government, the amount of accumulations to the credit of that person in the insurance fund . . .”
etc.

This holds good in regard to provident fund also. The idea and motive is very good, but I doubt whether this transference of the amount of accumulations to the credit of the person in the insurance fund will ever be made.

This is my apprehension. Again, section 14(5) reads:

“Where any exemption granted under sub-section (1) of sub-section (2) is cancelled, the amount of accumulations to the credit of every employee to whom such exemption applied, in the insurance fund of the Coal mine in which he is employed shall be transferred within such time and in such manner as may be specified in the Insurance Scheme to the credit of this account in the Insurance Fund.”

It is not good to place too much of confidence on the employers who have defaulted many time in the past, very recently in the case of CDS. Therefore,

[Dr. Ranen Sen]

a proper agency has to be built up and this may be transferred to that agency, or to the Provident Fund Commissioner.

Then, some provisions in the Third Schedule of this Bill create some apprehensions. Item No. 6 reads:

"The manner in which the amount due to the nominee or the member of the family of the employee under the scheme is to be paid including a provision that the amount shall not be paid otherwise than in the form of a deposit in a savings bank account, in the name of such nominee or member of family, in any corresponding new bank specified in the First Schedule"

This is not bad, generally speaking. But suppose a worker dies and his family is entitled to get this amount of Rs. 10,000 or a little less. Under this section that money will be deposited in a savings bank account in the name of his family or nominee. Suppose his family needs this money very badly for some purpose. Under this Schedule there is no provision to pay the amount immediately in case his family needs it urgently to meet some unavoidable expenditure, like payment of house rent or grocers' bill or a creditor's bill. When an earning member is dead there is no income for his family, there may be many occasions when they would be needing money immediately. If the money is deposited in the savings bank and it cannot be easily withdrawn, what happens in such contingencies? Therefore, there should be some provision whereby they could get the money in cash immediately, in certain specified circumstances.

The last para of the Statement of objects and Reasons says:

"The Bill seeks to replace the Ordinance with modification that the Deposit Linked Insurance Scheme would also apply to the employees of establishments which were exempted from the operation of the Employees' Provident Funds Scheme."

I am not able to understand how it would operate to them.

As Shri Chatterjee said, the whole question is how the scheme functions, how it is implemented. All the schemes should be very simple if the workers are really to be the beneficiaries of such schemes. With these words, I support the Bill and I congratulate the Minister for bringing forward such an important social welfare legislation.

THE MINISTER OF LABOUR (SHRI RAGHUNATHA REDDY): I am extremely thankful to all the Members who have participated in the debate and also extended their wholehearted support. It is very gratifying that even Mr Somnath Chatterjee has come forward to welcome it.

SHRI SOMNATH CHATTERJEE: I have always supported good legislation.

SHRI RAGHUNATHA REDDY: Regarding the last point raised by Dr. Ranen Sen paragraph 6 of the Statement of Objects and Reasons reads:

"The Bill seeks to replace the Ordinance with the modification that the Deposit-linked Insurance Scheme would also apply to the employees of establishments which were exempted from the operation of the Employees' Provident Funds Scheme"

As a result of certain drafting lacuna in the ordinance that was issued, it was felt that the undertakings which were exempted under the Provident Fund Act and the Family Pensions Act might not be covered by this Deposit-linked Insurance Scheme. So, in order to see that such a doubt is removed and that even those categories of undertakings are covered, this has been specifically provided in the Bill.

Therefore, this exemption is different from the exemption granted under the Provident Fund Act. Ex-

exemption will be granted only in such circumstances when the authorities concerned are satisfied that the scheme of insurance provided by the undertaking or company and the provisions thereof are much better than the scheme which is provided under this Act. The interests of the trade unions will also be taken into consideration, and I think trade Unions would be consulted before any such exemption is granted. Wherever exemption is not granted under the provisions of this law, the Insurance Fund will be like that contemplated under the Coal Mines Act.

As far as this insurance scheme is concerned, no worker need pay any contribution at all. It is contribution paid by the employer and also the Government. What is required is that he must have at least Rs. 1,000 as deposit money subsisting on the day on which the accident or the misfortune takes place, and this Rs. 1,000 consists of his own contribution plus the employer's contribution. The worker will then be entitled to an amount equal to the amount in his deposit subject to a maximum of Rs. 10,000.

Shri Ram Singh Bhai raised a very interesting question about the successors who are entitled to this benefit of the insurance amount. I would like to draw his attention to Para 22 of the Scheme published in the Gazette on 28th July, 1976 which deals with the question of the nomination of successors. As it is a published document, which must be readily available to hon. Members, I do not want to burden them with details.

Then, this para provides the answer to the question of nomination; and in the absence of nomination, the question of succession; in what manner the insurance amount will have to be divided or shared by the beneficiaries, all this is fully stated in para 22 of the scheme. I do not wish to burden you, Sir, and the hon. Members by giving

the details or reading out the exact para 22 of the Scheme itself.

Certain general questions have been raised by Shri Somnath Chatterjee and also by Dr. Ranen Sen about the general working of the Provident Fund organisation and also how the provident fund schemes are administered both under the Coal Mines Provident Fund Act as well as the Employees' Provident Fund and Family Pension Act. Having regard to the magnitude of the task and the amount involved, the total amount of money under the Employees' Provident Fund and Family Pension Act, under the un-exempted category comes to Rs. 1357.97 crores and under the exempted category, it comes to Rs 1597.14 crores. The total amount that has now accrued to the credit of the fund, under the Provident Fund and Family Pension Act, comes to Rs. 2955.11 crores. In this regard, the amounts outstanding that are still due are of the order of about Rs. 19 crores under the exempted category and also an equal amount under the un-exempted category....

SHRI SOMNATH CATTERJEE:
From both the employers' side and the employees' side?

SHRI RAGHUNATHA REDDY:
This division is not available. It can be taken for the purpose of argument that this amount represents both the contribution of the employers and the contribution of the employees because, once the employer has not deposited his amount, naturally he must have taken the entire amount in his hands. It is only a presumption for the sake of argument that I am trying to provide.

In this case out of nearly Rs. 3000 crores, about Rs. 40 crores are still to be accounted for. As against this, as on 30-6-76, the arrears of provident fund contribution in respect of unexempted category amounted to

[Shri Raghunatha Reddy]

Rs. 19.22 crores. Out of this, Rs. 7.78 crores represent the employees' share of contribution and Rs. 11.4 crores as the employers' share of contribution. As many as 657 cases have been launched under Section 406/409 of the IPC. This information has already been given to the House this morning itself by my colleague while answering certain supplementary questions.

In this regard, as I submitted to the House on a number of occasions, the National Textile Corporation which has taken over a number of sick mills has to pay a substantial amount of money. I have held some discussions with the officers concerned. We have worked out some arrangement by which they will be able to pay the current dues and that they are regularly paid with respect to the past dues, prior to take-over and after take-over but before nationalisation, it is in the realm of a legal doubt and we have requested the Law Ministry to deal with the matter and advise us in what manner we have to proceed.

With regard to the Coal Mines Provident Fund, I do not know the exact figure as on today. But two or three months back, a few months back, the amount due was Rs 26 crores. I am happy to tell the House that the coal mines have paid Rs. 26 crores and cleared their arrears upto that point of time.

Having regard to the situation and, specially, the point made by Mr. Somnath Chatterjee, in case we take a criminal action against the employer, the trade union itself sometimes gets agitated on the question of any criminal action being taken against the employer. As a result of the criminal action being taken by the Government against the employer, if he is sent to jail, the trade unions are afraid that the establishment itself

may be closed resulting in unemployment of hundreds of workers. This is also a human aspect that will have to be taken into consideration. Especially in Calcutta, a number of big business houses, particularly jute industry and other big industries, which will have to pay a substantial amount of provident fund, have filed writ petitions in the High Court and got stay orders against any action being taken against them. Sometimes, even though the amount involved may be huge, the High Court has allowed the money to be paid on instalment basis and in certain cases, a blank stay order has been given. We are trying our best to get the stay orders vacated. Mr. Chatterjee knows the difficulties of getting a stay order vacated in the Calcutta High Court more than I do...

SHRI SOMNATH CHATTERJEE: That is so because of lack of will on the part of Government lawyers. We do not und them when this type of cases are to be heard. So, do not make anybody as a scapegoat. It is there in the whole system.

SHRI RAGHUNATHA REDDY: I am glad he has agreed that the system is bad. While I do not want to pay compliments to all the lawyers who appear on behalf of the Government, it is our experience that sometimes even a copy of the petition filed in the Calcutta High Court is not served on the other side for six or ten months. It is a very difficult exercise for our law officers to get a copy of the petition, let alone getting a stay order vacated.

SHRI SOMNATH CHATTERJEE: You have not been informed correctly.

DR. RANEN SEN: The Calcutta High Court has given stay orders in respect of Bajoria, Goenka and Bird & Co. who have failed to pay the CDS money to the tune of Rs. 1.56 crores.

SHRI SOMNATH CHATTERJEE: In these cases, immediate steps should have been taken by Government lawyers to have them vacated. I am not saying that the High Court has rightly done it. If you feel that a wrong order has been passed, you should take immediate steps to have them vacated. That is my grievance.

SHRI RAGHUNATHA REDDY: I do not want to prolong this controversy, because, Mr. Somnath Chatterjee is an experienced lawyer. But I must say with great regret that our experience in regard to rules of procedure that govern, especially service of copy of petition on the respondent, has not been so happy as my friend's experience which makes him say these. Nevertheless, Government is taking every step, and the arrears are coming down; having regard to the magnitude of the problem, Rs. 3,000 crores, the arrears are very insignificant, though as far as the workers are concerned, it is quite a significant amount. Government is taking every step possible, and I can assure the House that every step would be taken in order to see that these arrears are collected. Mr. Somnath Chatterjee also knows the difficulties involved in that. When the sick mills are taken over, naturally the paramount interests of the Government would be to see that the persons who are employed there continue to be in employment rather than collecting the money and getting the undertaking closed; even after compensation is paid and the amount is recovered, if the undertaking does not work, it is of no immediate consequence as far as the workers are concerned because their interest is to continue to remain in employment.

I do not want to take more time. I think, I have answered all the points that had been raised by my hon. friends. I once again thank all the hon. Members for the very warm welcome they have extended to this Bill.
1646 LS-7.

DR. RANEN SEN: I had raised one important point in regard to money being deposited to the Savings Bank Account after the death of the worker. What would happen to that if the family wants that money immediately?

SHRI RAGHUNATHA REDDY: Clause 8 of the Third Schedule on page 6 of the Bill says:

"The manner in which the amount due to the nominee or the member of the family of the employee under the scheme is to be paid including a provision that the amount shall not be paid otherwise than in the form of a deposit in a savings bank account...." etc.

This has provided the power to the Government to frame the scheme. This does not mean that, in every case it must be deposited in the Savings Bank Account. It will be done where it is considered necessary and in the interests of the nominee; for such cases, the power is given to deposit in the Savings Bank Account. I do not think Dr Ranen Sen should have any apprehension on this.

श्री राम सिंह भाई : मैंने जो दो महत्वपूर्ण प्रश्न उठाये थे, जिन पर मैंने अधिक जोर दिया था उन शिकायतों का समाधान शन्ती जी को करना चाहिए। मैंने यह प्रश्न उठाया था कि जो प्रॉविडेंट फंड की रकम जमा है उस रकम में से किनी श्रमिक ने सं.न के तौर पर, अपना भ्रमण बनाने के लिए, पढ़ाई के लिए, शादी विवाह के लिए, लम्बी बीमारी में इलाज के लिए या कारखाना बन्द हो जाता है तो दम्पती तौर पर भ्रमण के लिए रकम निकाली है तो उसको भ्रमण क्या मानेंगे जो तीन साल की रकम का एवरेज है उसमें भ्रमण इस रकम को भी मानेंगे या नहीं जो कि भ्रमण उसको उधार दी है क्योंकि उस पर भ्रमण ज्यादा लेते हैं और इसलिए उसकी वह रकम भी एक तरह से जमा है जैसे कि फिक्स्ड डिपॉजिट के ऊपर लोन देने के बाद भी

[श्री रामसिंह भाई]

वह रकम जमा बानी जाती है हालांकि उस पर बैंक अधिक ब्याज ले लेती है। तो तीन साल के भीत में आप इस रकम को भी बर्नाने या नहीं ?

दूसरी बात यह है कि एक श्रमिक दस वर्ष से कारखाने में काम कर रहा है और दस वर्ष से उसका प्रोविडेंट फण्ड काट रहा है, अगर वह भर जाता है तो केवल तीन वर्ष के अन्दर जितनी रकम जमा हुई है उसी के बराबर उसको मिलेगा या तीन वर्ष के अन्दर जितनी रकम उसकी कटती है और जो एम्प्लायर उसमें मिलता है उसके भीत के आधार पर मिलेगा ? यह बुनियादी चीजे हैं जिनका आप इस कानून में ख़ुलासा करें।

SHRI RAGHUNATHA REDDY For a person to become entitled to receive the benefit of the insurance scheme, he must have a minimum of Rs 1000 (Interruptions)

MR DEPUTY-SPEAKER Mr Ram Singh Bhai, let him clarify He has only started

श्री राम सिंह भाई यह कोई जवाब

SHRI RAGHUNATHA REDDY For a worker who is a member of the provident fund scheme to have the benefit of the insurance scheme under the provisions of this Bill, he must have Rs 1000 to his credit in the provident fund as a saving This Rs 1000 may consist of contribution made by the employer and also the employee Then only he will be entitled If he does not have this much amount standing to his credit, then he will not have the benefit of the insurance scheme

As far as advances are concerned, these are what are called non-refundable advances. Therefore, these cannot be taken into account for the purpose of calculating Rs. 1000

SHRI SOMNATH CHATTERJEE—A meeting of the Regional Provident Fund Commissioners was held in May 1976 in Delhi—this is in reply to a question answered in the other House—where a decision was taking *inter alia*

- (1) That the Regional Commissioners should immediately evolve a time-bound programme for clearance of arrears of annual statements of accounts and provident fund claims
- (2) Annual account slips should be issued with greater speed.

May I know from the hon Minister whether these decisions have been implemented and at what stage of implementation are they at present?

SHRI RAGHUNATHA REDDY I had a conference of the Regional Provident Fund Commissioners in order to discuss the problem of arrears outstanding and also the problem of accounts which the Provident Fund Commissioner has to give to the members I have appealed to all the Regional Provident Fund Commissioners that they must take a very active interest and enlist the co-operation of the people who are working in the Provident Fund Commissioner's office I had also appealed to the trade union leaders who are representing the workers and employees working in the provident fund organizations so that the trade unions' influence can be exercised and the Regional Provident Fund Commissioners can proceed to achieve the result of speeding up of the accounts being given to the workers who are members of the Provident Fund

Equally the Regional Provident Fund Commissioners have also been urged to see that the arrears are recovered as well as possible and expeditious action taken. I think if the hon. Member makes inquiries in the Calcutta office itself, he will notice that there is a considerable improvement and the accounts have been cleared to a large extent. Though the outstandings in the Calcutta office are of a high order, still there is a considerable work that has been done and I must thank the employees and also the trade union leaders who have helped us in this regard.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill further to amend the Coal Mines Provident Fund Family Pension and Bonus Schemes Act, 1948, the Employees, Provident Funds and Family Pension Fund Act, 1952, the Wealth-tax Act, 1957 and the Income-tax Act, 1961, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER: Now, Clause-by-Clause discussion. There are no amendments given notice of. The question is:

"That Clauses 2 to 41, Clause 1, the Enacting Formula and the Title stand part of the Bill"

The motion was adopted.

Clauses 2 to 41, Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI RAGHUNATHA REDDY: I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

14.31 hrs.

ESSENTIAL COMMODITIES
(AMENDMENT) BILL—Contd.

MR. DEPUTY-SPEAKER: Now we take up further consideration of the following motion moved by Shri A.C. George on the 24th August, 1976 namely:—

"That the Bill further to amend the Essential Commodities Act, 1955, as passed by Rajya Sabha, be taken into consideration."

Mr. Bhogendra Jha was on his legs on the last occasion. He is not present just now.

SHRI C. K. CHANDRAPAN (Tellicherry): He is just coming. You may call him again.

MR. DEPUTY-SPEAKER: There is some procedural difficulty if a member does not resume his speech. If he does not resume his speech, it is taken that he has concluded his speech. And if he is given a second chance, it will amount to a second speech on the same Bill. Therefore, that will present some procedural difficulties.—Now, Shri M. C. Daga.

श्री मूल चन्द डागा : (पाली) : उपाध्यक्ष महोदय, एसेन्शियल कमोडिटीज बिल पास करने का एक उद्देश्य है कि देश में जीवन की आवश्यक वस्तुएँ उपभोक्ताओं को सरलता से और सही दामों पर मिल सकें। मैं एक बात कहना चाहता हूँ—जब कमी भी इस सदन में मैं यह प्रश्न रखा जाता है तो हम को यह जवाब मिलता है कि यह राज्य का