DEMAND NO. 125—PURCHASE OF FOODGRAINS

"That a supplementary sum not exceeding Rs. 1,00,00,00 ,000 be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March, 1965, in respect of Purchase of Foodgrains'."

DEMAND NO. 136—CAPITAL OUTLAY OF THE MINISTRY OF STEEL, MINES AND HEAVY ENGINEERING

"That a supplementary sum not exceeding Rs. 2,000 be granted to the President to defray the charges which will come in course of payment during the year ending the 31st day of March, 1965, in respect of 'Capital Outlay of the Ministry of Steel, Mines and Heavy Engineering'."

14.52 hrs.

PAYMENT OF WAGES (AMENDMENT) BILL

The Minister of Labour and Employment (Shri D. Sanjivayya): Sir, I beg to move*:

"That the Bill further to amend the Payment of Wages Act, 1936, be taken into consideration."

This Payment of Wages Act was passed in 1936 largely as a result of the recommendations of the Royal Commission on Labour in India and it was put into force in the year 1937. The general purpose of this Act is to provide that employed persons shall be paid wages in cash at regular intervals and without any unauthorised deductions. Later on, in the light of experience and also the difficulties that were faced, the Act was amended from time to time. But the major amendment took place in the year 1957. According to this, the wage-limit for coverage was raised from Rs. 200 to Rs. 400 per month. Again, the provisions of the Act were extended to construction industry also. According to the 1957 amendment, the definition of the term 'wages' was enlarged so as to include incentive bonus and any remuneration payable under any award or settlement. Again, enlargement of the authorised deduction was also provided for. In fact, insurance premia and penalties imposed under service rules were also included as proper deductions.

One important provision which was made in 1957 was to have conditional attachment of property to safeguard the interests of the workers. The present Bill of course seeks to amend the Act in several directions. I would like briefly to place before the House a few important amendments.

The provisions of the Act was extendable to any industry after three months' notice given by a State Government. Supposing a State Government wishes to extend the provisions of this Act to a particular industry of the Central Government which is of an All India Character the State Government should consult the Central Government before doing so. The definition of the term 'employer' used in the Act does not include the legal heirs. Supposing some moneys are due to the workers from an employer, and supposing the employer dies, the workers cannot claim their dues from the legal representative of the employer. Therefore, we have taken advantage of this amendment to see that such a provision is included, namely, that even after the death of the employer, his legal heirs will have to share the liability. In a similiar way, if a worker who has a claim dies, his legal heirs cannot claim. We are also amending the definition of the employed person to include his legal representatives.

According to section 85 of the Factories Act, a State Government

*Moved with the recommendation of the President.

[Shri D. Sanjivayya]

can extend the provisions of the Factories Act to any premises where a manufacturing process is carried on with or without the aid of power irrespective of the number of workers employed excepting of course where the work is done by a worker solely with the aid of the members of his family. Now, it is proposed to extend the provisions of this Act to all such establishments which are notified by the State Government under section 85 of the Factories Act.

The industrial establishments to which the provisions of the Payment of Wages Act applies have been specified but civil air transport services and the motor transport service are not included therein. We feel that it is necessary that the provisions of this Act should apply to civil air transport services and the motor transport service. Therefore, an amendment to that effect is provided.

At present, under section 3 of the Act, the liability for the payment of dues is that of the manager of the factory. Hence no action can be taken against the employer. Sometimes, when a manager's salary or dues are to be paid, the difficulty is that the manager himself cannot claim from the employer. Therefore, we are amending section 3 to make both the employer and the manager responsible for such payments. In the case of employees in docks, wharves, jetties and mines, it is found that non-payment of supplemental wages which are calculated after the tonnage account of the ship or wagons loaded is available would only be a technical infringement of the Act. We want to see that such supplemental wages are also paid before the expiry of the seventh day after such calculations with regard to the tonnage of the ship or the wagons loaded are available.

Various kinds of deductions are contemplated under sub-section (2) of section 7. We would like to add a few more to that list, namely cycle advance, festival advance, etc. and also in respect of loans for house-building purposes and loans from any labour welfare fund. Deductions in respect of insurance premia for fidelity guarantee bonds are also included.

The Public Accounts Committee made a recommendation that deductions on account of the traffic debits in railways and sums lost to the railways due to certain acts of commission of omission should also be included in the deductions. Therefore we have provided that in the amending Bill. So far as deductions are concerned, there was no outer limit fixed. Even 80 or 100 per cent could be deducted. We are proposing to amend it and provide for an outer-limit of 50 per cent of the wages. But in respect of deductions towards payment of dues of a cooperative society, this outer-limit extends up to 75 per cent of the total wages. If in any case more than 50 per cent or 75 per cent as the case may be has to be deducted, the State Government is empowered to make rules in this regard. So, the employer cannot deduct according to his whims and fancies.

15 hrs.

With regard to the enforcement of the Act, we wanted to see that proper powers are given to the inspectors, so that they may be in a position to enforce the provisions more effectively. So, we are giving them powers to compel the employers to produce any documents required by the inspectors and if and when necessary, to seize the records of the employers. Such powers are enjoyed by inspectors appointed under the Minimum Wages Act, 1948 and the Motor Transport Workers Act, 1961.

A provision is also being made empowering the inspector to supervise payment of wages to the employees. Often times, employers keep records showing that they have paid the wages to the workers, but actually

they might not have paid. Therefore, inspectors can be present at the time when wages are being paid to the workers.

Under section 15 claim applications are to be filed within a period of six months. Normally these establishments are inspected once in 12 months. So, we thought it fit to provide that the claims also can be filed within 12 months, instead of 6 months as existing now.

Whenever payment is delayed, the liability of the employer to pay compensation is there. But it is only very nominal—Rs. 10 only. We want to increase it to Rs. 25.

Another main clause in the Bill relates to this: When a complaint is made and when mony is paid, the authority cannot pass an order for compensation. We have provided in this Bill that even after filing of the application and even after payment of such dues, compensation can be inflicted upon the employer.

At present an appeal under section 17 can be filed by an employed person or any official of a registered trade union authorised in writing to act on his behalf. But a claim application under section 15 can be filed by an employed person or any legal practitioner or any official of a registered trade union authorised in writing to on his behalf or any inspector under this Act or any other acting with the permission of the authority. A similar provision is not there in section 17. Therefore, all the persons authorised to file claim applications under section 15 are also authorised to file an appeal under section 17. It is a consequential amendment.

Rules made under the Act provide for maintenance of records by the employers. But experience shows that the records are not properly maintained and sometimes not in a complete manner. It is proposed to provide for a penalty or fine up to Rs. 500 for failure to maintain records, and registers in a complete manner, that is by filling up all the columns which are required to be filled up and for the submission of a return which does not tally with the entries in he register or records on which it is based.

Section 20 of the Act provides that contravention of certain sections of the Act is punishable with fine which may extend up to Rs. 500. It has been considered necessary to enhance the penalty. It is being enhanced to Rs. 1000. It also provides for imprisonment up to 3 months in the case of repeated or continuing offences.

I think I have explained the most important clauses of the Bill. Moreover, in the Statement of Objects and Reasons it is clearly stated as to why each particular amendment is sought for. I have no doubt that the Bill will receive the support of hon. Members. I commend it for the consideration of the House.

Mr. Deputy-Speaker: Motion moved:

> "That the Bill further to amend the Payment of Wages Act, 1936, be taken into consideration."

Shri S. M. Banerjee (Kanpur): Sir, I must congratulate the Minister for bringing out this amending Bill to plug some of the loopholes in the Payment of Wages Act. Today, even after so many amendments were made in 1956 and 1957, small units are not covered by the Factories Act and hence they are not covered by the Payment of Wages Act. This particular amending Bill gives the power to the State Government to extend the Payment of Wages Act to those small units. In the Statement of Objects and Reasons, it is said:

> "to widen the coverage of the Act so as to make it applicable to all factories to which provisions of the Factories Act, 1948,

[Shri S. M. Banerjee]

have been extended by the State Governments."

Before doing it, the State Governments will have to examine whether those units which are now exempted from the purview of the Factories Act really deserve exemption.

I come from the industrial city of Kanpur where there are small units employing more than 20 or 30 and in certain cases even 50 employees manufacturing boots and shoes. These are regarded as small-scale industries and are exempted from the purview of the Factories Act and hence from the purview of all Acts including Payment of Wages Act. I tabled many questions in this House and I was told that the Labour Ministry was making some enquiry into the various allegations of the workers that these units employ 50 or 60 persons, but they do not show it to the Inspector of Factories. They keep them in batches—not all the 50 persons in a particular place—so that if any investigation is made, it does not look that there are more than 10 men working. Even after this amendment, the provisions of the Payment of Wages Act will not be extended to those units where the Factories Act is not applicable. I request the Minister to ask the State Governments to use their labour machinery to have a proper investigation into these units. I might have quoted certain small units in Kanpur, but this is not the case only in Kanpur. There may be cases throughout the country where the workers are denied the benefits of the various legislations passed here at the Centre and at the State level because they are not covered by the Factories Act. If a proper investigation is made, I am sure it will reveal both to the State Governments as wells as to the Central Government that certain employers are doing it deliberately in order to ask exemption from the Factories Act or Payment of Wages Act, and to dodge the inspectors and officers who are employed by the Labour Minister to investigate.

Another glaring instance is that of the contract labour working in the building industry. You know, under our Five Year Plans, whether it is industrial expansion or construction of houses, we are employing lakhs of building workers. What is the condition of these building workers? If there is going to be a survey in Delhi itself where buildings are coming up daily, I think the entire population of these workers in Delhi including the Rajasthani labour will be more than three lakhs. Nothing is made applicable in their cases. I must thank the Union Labour Ministry for implementing at least the Minimum Wages Act. Previously that was also denied to them. They are not paid up to the 10th of a month; they are paid less. But in the roster their signature is taken as if they have been paid Rs. 60 or whatever the minimum wage is. These employees are ill-clad, ill-fed and starving. They come from Rajasthan and other areas. They are not paid even the minimum wage, what to talk of payment in time. A proper investigation should be made to see whether these workers are getting their wages by the 10th of a month because the Payment of Wages Act is applicable. Where the total number of workers is less, it should be paid by the 5th or 7th but under no circumstances should it be paid after the 10th if it is a monthly payment. If it is a weekly or fortnightly payment, then the pattern of payment is different. In the case of monthly payments to daily rated workers, the payment should be made by the 10th. The Labour Ministry here should start a survey into the wages and working conditions of the building workers in Delhi so that they may get an idea of what is happening in the country.

I am extremely happy to know that various deductions have been made under the Payment Wages Act. It is

a very good thing. We wanted it. We know the Government have decided that the Government employees will also be given the house-building loan. It could not be implemented in the case of defence workers, the railway workers and the workers in public undertakings on the ground that the amount given as loan cannot be recovered because of the lacuna in the Payment of Wages Act. The lacuna was that this was not considered to be an authorised deduction. Clause 6 seeks to snbstitute sub-clauses (f), (ff) and (fff) of sub-section 2. The proposed clauses authorise deductions on account of advances of whatever nature, including advances for travelling allowance, conveyance allowance and also in respect of loans for house building purposes and loans from labour welfare fund. This was the most needed amendment which the Central Government employees have been demanding. This Bill is now being passed, assented to by the President and it is going to become an Act. Nearly 3000 applications are pending in the ordnance factories and other defence installations in the hope that this Act might be amended to include the deduction on account of house-building loan also. I would only request the hon. Minister to take up the matter with the Defence Ministry and see whether those applications which were rejected on this ground are reconsidered after the passage of this Bill. I am happy this has come. If this loan is advanced now either by the Life Insurance Corporation or other corporations in various places or by the Central Government in the respective ministries even to the middle-class workers, when these workers retire after 15 or 20 years they may be able to have a small house of two rooms. This should be encouraged further.

Then I come to the question of piece rate workers. The amendment proposed in this clause seeks to lay down that any balance of payments due on account of piece rates in certain cases shall be paid within seven days from the day of completion of calculation relating to piece rates, and that wages shall be paid before the expiry of the second day from the day of termination of employment in cases where an establishment is closed down otherwise than in observance of a weekly or other recognised holiday.

15.15 hrs.

[SHRI SONAVANE *in the Chair*]

There are two questions involved One is about the piece work. The difficulty there is that there is delay in calculation. I used to work in a factory which was completely engaged on piece work. I know the piece work system, how the rates are fixed, how they are calculated. I know, in our country, because we have accepted the beandox system which has become obsolete in other countries, still the lacuna is there. Let us take the instance of double-barrelled gun or a rifle—that is what we are doing in an ordnance factory—the rate is fixed after a time and motion study. There is a going work and an individual piece of work. What is happening in the case of an individual piece of work is this. If my rate is Rs. 50 or Rs. 60 a month, the rate is fixed at Rs. 50 plus 25 per cent—that is on the basis of time and work which is the universally accepted basis for piece work system. There, if I manufacture up to the 30th day of a month, from the 25th to the 30th my earnings are not calculated and I am not paid on the 7th or 8th when I get my salary. How to overcome this difficulty is a matter of procedure and it is a matter which should be considered by the employing ministries including the Defence Ministry. There may not be anything wrong in a public undertaking. But when this system was introduced in the docks in Calcutta and other places the result was that the workers did not get their salaries on a particular day because the calculation was considered to be a very combersome one, a troublesome one. Therefore, some-

[Shri S. M. Banerjee]

thing should be found out because we do not expect that the piece work system is going to be abolished. Even in socialist countries like the Soviet Union and others they have the piece work system. But the piece work system should not result in exploitation of human labour. I hope something will be done in consultation with the Finance Ministry because the Audit is the watchdog of all these things and they are the people who deal with it. The piece rate workers do not get their total earnings for a month because of this lacuna. In the ordnance factories some good system was evolved. But that system is not perfect. I do not know what is happening in the docks, in the ports, in the mint and even in the private sector—the textile industry, the jute industry and others where the whole thing is based on this piece work system.

There is another difficulty in this system. Piece workers throughout the country should be guaranteed a minimum wage. I am sorry to say that the private sector never guarantees this. If there is more work they get more wages, but they are not guaranteed a minimum wage. That should be considered. Once the minimum wage is fixed by the Government and the employer has accepted it, he cannot go back on that because work could not be provided to a worker. Therefore, a minimum wage to the piece workers should be guaranteed. This matter is agitating the minds of workers who are engaged in piece work. I hope this will be looked into and considered.

Then I come to the power of inspectors. I am very happy that more powers are given to the inspectors. I am very happy that a provision has been made that way. Suppose a particular unit goes into liquidation or closes down, the management used to deprive the workers of their minimum wage or their dues. There are many instances in this country when many mills were closed. There was a move, for instance, to shift a sugar factory from Ahmedpur (West Bengal) to Budalore (Madras). The hon. Minister knows this case. The moment a mill is closed or is shifted to another place, the workers who are engaged in that unit will be deprived of their benefits of provident fund and other dues. The closure of a unit may be due to mismanagement or bungling; so, they declare themselves insolvent or ask for the liquidation of a unit. In such cases, the official liquidator should be asked to see that the workers are paid their dues. Under no circumstances should such payments be withheld. I am saying this because I have seen what is happening in my own place—non-payment of Government dues. A firm in Kanpur did not pay provident fund dues. I am thankful to the Deputy Minister, who is in charge of the social welfare unit. He went to Kanpur and found that Rs. 27 lakhs were not paid by the mill-owners as provident fund to the workers.

When a worker resigns or retires, he does not get the provident fund because the employer has not deposited his share. In Kanpur alone Rs. 98 lakhs is yet to be deposited with Government by the firms, whether it is Singhania, Jaipuria or Bagla or somebody else, either as provident fund dues or ESI contribution. So, the inspectors should be given wide powers, not to misuse them, but to properly use those powers to see that the money is subscribed both by the employees and employers to Government. They should see that the workers get their minimum wage even after liquidation or closing down of a particular unit

Then I come to deductions. If deductions for the cooperative societies and welfare fund and loan for house-building or cycle purchase or other purchases could be made an authorised deduction, what is the specific objection to the deduction of trade union subscription if the recognised or representative union can give the management an authority slip from the same worker, saying that the union subs-

cription should also be deducted from his salary? Why could they not bring in an amendment to cover this? I know there is an argument against that. But we say that we will give the authority. I know that in Ahmedabad in some of the mills there is an agreement between the employers and the employee under which the union subscriptions are deducted from the salary of the workers by the mill and paid to the union, although officially there is no order. Now, in the absence of quarters for the workers in many of the factories, it becomes difficult for the trade unions to function efficiently by collecting subscription. Of course, the argument of its misuse is there. But we will give the authority to deduct it; we do not say that it should be deducted without any authority from the worker concerned. Suppose I am a worker of a particular unit, and I want to pay Rs. 3 as subscription to my union. I can given an authority to my employer that along with deductions for co-operative society, conveyance allowance and other loans, these Rs. 3 should also be deducted, as is being done in the case of labour welfare fund. What happened in the case of the National Defence Fund? Though it was not an authorised deduction, did we not take it out of his salary? Therefore, if the hon. Labour Minister wants trade unions to thrive, the trade unions to have more funds, the trade unions to come to a state of maturity and take to responsible trade union movement, he will have to agree to this, of course, after an agreement with all the parties. I am sure if this is allowed and the trade unions are permitted to function we shall not misuse this power. Also, the competition will end.

Now, because of the multiplicity of trade unions, what is happening at the factory gates on the pay day? Four or five union representatives are awaiting at the company gates for the collection of subscription and the worker is in a soup. He does not know to which union to subscribe. He pays to the INTUC because it has the blessing of the ruling party and, therefore, of the Government. He pays to AITUC because after all, it is the party which shouts loudly about his grievances. So, he pays to both. If the worker is given the freedom to give his authority in writing and the subscription is deducted from his salary, these unseemly scenes in front of the mill gate on the pay day can be avoided and the workers will also feel relieved. Therefore, if there is no fundamental objection to this suggestion of mine, it may be considered. I am sure this will meet with the approval of all trade unions, provided it is on the basis of authority.

Lastly, I come to better implementation of the Act. Now, after the retirement of a worker, there is a time lag in the matter of payment of gratuity or provident fund. What is happening in our country? A worker who retires at his 55th year, or 60th year in the case of industrial workers, has to get Rs. 2,000 or 3,000 from his provident fund. It takes such a long time that in the meanwhile he has either to beg, borrow or steal. Sometimes it so happens that the money is paid to his widow because he has died in the meanwhile. It is a more or less regular feature in the case of provident fund and pension. There should be some provision whereby these things are attended to when the worker is on the verge of retirement so that he will get his due immediately after his retirement or within a reasonable time. Suppose I am an industrial worker and I am retiring in the year 1966 in the month of March. Could they not complete my papers six months before that date so that immediately after retirement or within three months after my retirement I get my provident fund dues? In that case, I will be able to start a small business, open a shop or get my daughter married with that money. Why should this Government not pass a legislation or make certain rules by which the payment of provident fund dues, whether it is the share of the individual, employer or the Government, is made within 60 or 30 days after retirement? I am sorry to say that this has happened even in public sector under-

[Shri S. M. Banerjee]

takings and autonomous corporations, including defence establishments and railway workshops. Today 23,000 such cases are still pending. In 1958 the number of such cases was 33,000 or 34,000; today it has no doubt come down but yet it is as high as 23,000. The only reason for this is the inefficient machinery at the Centre, at the level of various Ministries. They are not able to look into cases and dispose of them in time.

If we are interested in the social welfare of the worker, if we do not want the worker to starve or beg after retirement then we should make some arrangement whereby he gets his provident fund dues immediately after retirement. Now, if you meet a worker who has just retired and who has not yet had his provident fund dues and tell him "look here, this Government is moving towards a welfare State" he will laugh at you and say "we are moving towards a farewell State". Because, their very conception of the Government changes if they are not paid their dues in proper time.

Shri Nambiar (Tiruchirapalli): Mr. Chairman, I am also thankful to the hon. Minister for bringing forward certain progressive amendments to the Payment of Wages Act, but there are also some amendments which are not so good. Instead of improving the Payment of Wages Act to the benefit of the worker, he has stealthily brought in certain amendments which will be beneficial to the employer which, I think, I must point out. The other aspects have already been covered by Shri S. M. Banerjee.

One point which I will stress first is that it is good that the Factories Act is being brought into in a better way, but, unfortunately, even according to the amended rule it is doubtful that the hon. Minister may be in a position to bring in the railway loco sheds as factories. Even loco sheds where there are 500 to 1,000 employees working are not yet made a factory according to Railway rules and there is the contradiction. Here he says that he can bring in the operation of the Factories Act by a declaration under section 85, but I ask him whether he could try to bring in the operation of this Act to cover the railway loco sheds which are more than a factory in all respects. This is my request and if he could do it, well and good.

Then, on page 3 in the amendment to sanction 7 there is a small entry. Of course, it is a small matter, but why should it be there? I refer to clause (f), which reads:—

> "deductions for recovery of advances of whatever nature (including advances for travelling allowance or conveyance allowance), and the interest due in respect thereof."

The Government wants to secure to the employer even the interest of whatever advance that has been paid to the employee when that is to be deducted; it is so good to the employer. At least the interest could be omitted. When an advance is paid it is paid for a certain reason. The employee had to take the advance for a particular purpose for which he is made to act. Therefore the imposition of this interest is not proper. I checked it with the original Act and I found that it was not there. If I am wrong, I may be corrected.

I had said that he has stealthily brought in certain things which are against the employee. On page 4 you will find that deductions from railway employees have been introduced which were not there in the parent Act. Clause (m) reads:—

> "deductions for recovery of losses sustained by a railway administration on account of acceptance by the employed person of counterfeit or base coins or mutilated or forged currency notes;".

This is what I object to.

Mr. Chairman: Has the hon. Member sent in any amendment?

Shri Nambiar: No; but I am saying that the purport is not only laudable, as my hon. friend, Shri Banerjee, said, but there is also the consideration of the employer in his mind. That is what I am pointing out. Of course, now we do not purchase tickets, otherwise you would know of the rush at the railway counter where the booking clerk has to do it very quickly. You know about the false printing of counterfeit notes. Now if this employee who is in a hurry takes a counterfeit coin or note and issues a ticket and if he is to be penalised for the counterfeit coin or note taken by mistake and that has to be recovered from his wages after some time, it is a thing that need not have been brought in. What has been the practice so far should have been continued. Why should he bring in that?

Then, the next clause, clause (n), is also objectionable.

It reads:—

> "deductions for recovery of losses sustained by a railway administration on account of the failure of the employed person to invoice, to bill, to collect or to account for the appropriate charges due to that administration,".

These are all things in respect of which an employee *bona fide*, in all earnestness, discharges his duties. Once he discharges it in good faith, there should not be penalisation after sometime saying that this has been done. What is the safety for the employee to show that this deduction is false? How can he argue it at a later date when it becomes difficult to do so? Let there be a progressive legislation. The amendment should be for the benefit of the employees who are really the persons who are in need of such an amendment. I know that in many such cases in the railway administration they are not genuine and it is being foisted on the employees. Therefore, I think that if he could omit these two things, it would be very good.

My giving notice of an amendment is a different point. It may not be accepted. I would request the hon. Minister himself to come forward with an amendment so that he could delete these. If the employee is really responsible for commission, let it be done as it has been done so far and let us not introduce this new thing.

The increase of the ceiling limit up to the extent of 75 per cent in the case of co-operative societies and 50 per cent otherwise is welcome; but then also the problem is not going to be solved. I know that there are cases where employees take zero wage home; they take zero cash home. Anyhow, you cannot avoid it. In this respect I must also submit one thing. Of late the Government is very clever. Instead of giving more wages and making the employees have better living conditions, they give loans whether asked for or unasked.

Shri D. Sanjivayya: For building houses etc.

Shri Nambiar: House-building, I know; but for Deepavali, Christmas—anything and everything, asked or unasked, they come forward with the idea of giving loans so that the employee should not claim bonus; otherwise, he will ask for Diwali Bonus or Christmas Bonus. Instead of that, the employer comes forward first saying, "We will give you a loan", so that he thinks of getting something and thereby gets into the trap of the employer. Now here is the regularisation of the trap. After the payment of the loan, recovery is now guaranteed. There is an invidious, underhand, quiet, unnoticed, untold.....

Shri Sanjivayya: Undetected.

Shri Nambiar:.....undected—he has agreed—conspiracy or rather an understanding between the employer and the Government which also is a very big employer to see that the worker is lured into taking loans and then recover them from his wages. That is not proper. Of course, the enhancement up to 75 per cent is a point which I can understand in the present living conditions but this tendency of the employer to give loans rather than a wage increase is wrong and that attitude should be changed.

There is another very invidious amendment which he has brought in. In the principal Act section 10 says:—

> "A deduction under clause (c) of sub-section (2) of section 7 shall not exceed the amount of the damage or loss caused to the employer by the neglect or default of the employed person and shall not be made until the employed person has been given an opportunity."

Now, it is sought to be amended in this fashion, namely:—

> "(1A) A deduction shall not be made under clause (c) or clause (m) or clause (n) or clause (o) of sub-section (2) of section 7 until the employed person has been given an opportunity."

The words "by the neglect or default of the employed person" are coolly omitted. In the parent Act it is said that if the loss is by the neglect or default of the employed person and an opportunity is given to him then it can be recovered, but now he says that if only an opportunity is given to the employee, it can be recovered; it need not be by the neglect or default of the employed person, thereby he gives an opportunity to the employer to deduct the dues from the money paid as wages of the employee if only he is given an opportunity to explain. For instance, a workman, while doing his job, might have lost in that process a particular tool or might have broken a particular tool and that is over. Now, six months later the employer can give him a notice saying, "On such-and-such a date six months back while you were doing work on machine so-and-so, you broke a jig or a tool; therefore, please show why Rs. 25|- cannot be recovered from you." According to the parent Act, it cannot be done. It might be by the neglect or default of the employed person. Why should that be deleted? Therefore, this is an amendment calculated to do harm to the employee. I think the hon. Minister will consider that such a sort of thing should not be done. The employer is always having the upper hand and the employee is after all an employee under him. An employee cannot have the benefit of keeping the record of these things or nothing down in diary what has happened on a particular day and so on and so forth. The safeguard given to the employee in the parent Act, the words "by the neglect or default of the employed person", should continue. That must be a guarantee or rather a safeguard to the workmen. I request that such amendments which go against the employee should not be brought in.

Mr. Chariman: You want the hon. Minister to give those amendments now when you have not done it?

Shri Nambiar: I can do it in no time. My point is that it is only the question of two minutes work and a quarter sheet of paper.

Mr. Chairman: The hon. Member has not done his part of duty.

Shri Nambiar: I can do it. But I am pleading with the hon. Minister that he would agree.....

Mr. Chairman: That is not the way.

Shri Nambiar: My point is this. I am pleading with him. Even Mr. Banerjee, in a way, was made to think that everything is done for the benefit of the employee. Of course, something is done for the employee but there are still other things which are done against the employee.

Mr. Chairman: How far are you able to correct whatever is being done now?

Shri Nambiar: That is true. That is the next stage. I am coming to the next stage later. Of course, he and I are going to be confronted with the clauses. But my point is that no such legislation should be brought in. After all, the labour in this country has attained maturity and they have trade unions and they have got enough strength to get things done. Whenever we bring in any legislation, any amendment to the parent Act, we should see that it must be progressively towards the benefit of the under-dog.

Further, we speak of socialism and we speak of something good that is going to come to the common man. But we here see that the employer who is already in a very good position is being given more benefit. That is the purpose with which we bring in such a legislation. What little we could do is to see that it must be to the benefit of the worker. Therefore, I am here pointing out that there are certain lacunae in this amending Bill which he has brought in. It cannot be said that these are all unnoticed things. Say, for example, Section 10 is there and that is copied down in another form and a particular portion is deleted. It cannot be said that it has happened unnoticed. I cannot accept it in that way.

Now, I come to the last point. To Section 13A there is an amendment. It says:

> "Every employer shall maintain such registers and records giving such particulars of persons employed by him...."

There, I ask whether the Government could ensure the supply of a slip to every worker containing the deductions made from his wage. All the employers are not doing it now. For instance, in the railways, except the workshop people, nobody else is getting the slip. Whatever is deducted is deducted; he does not get the necessary deductions slip. I want that this should be done.

One more point and I have done. There is an amendment to Section 15, where the time limit given for claiming the unpaid wages has been enhanced from six months to twelve months. That is a very welcome thing. He has done a very good thing.

Shri D. Sanjivayya: There are many more welcome things.

Shri Nambiar: I welcome this. This is the point on which I am prepared to give some concession to the other side. I know in many cases when the petitions are submitted, they are rejected because of the limitation provision. He has now increased the time-limit to twelve months. On this occasion, I would also like to make another mention that there must be a limitation for deductions to be made. I know in Railways after twelve years, deductions have been made. In 1945, an employee was given a rent-free quarter—I am talking of these Station Masters—and in 1964, after 19 years, the deductions were made saying that the rent-free quarter which was given in 1945 was given by mistake and, therefore, the rents are to be deducted. Even the law of Limitations Act does not permit to make deductions after 19 years. Even without a notice, such deductions are being made from the wages after several years. There should be some limit fixed that if a proper deduction is not made within

[Shri Nambiar]

a prescribed period, say, for instance, one year or two years or three years, then the employer should not make the deduction thereafter. I would request him to bring in such a sort of legislation to see that the protection is granted against deductions being made after several years. These are certain points which I wanted to make.

Shri Kapur Singh (Ludhiana): In that case, the same limitation would apply to the rights of the employees also. If his liabilities are to be limited by three years, the rights of the employees will be likewise limited and that would not be in the interest of the employee.

Shri Nambiar: What is it now?

Shri A. P. Sharma (Buxar): The rights of the employees are already limited.

Shri Nambiar: Yes. Whatever is his position under your civil or criminal law against the employee, it is all implemented. He need not have any doubt about it. If the liability is against the employer, then only the difficulty comes. If it is against the employee, it is always implemented.

Shri Kapur Singh: If by an unlawful act, a person is removed or dismissed, there is no time-limit within which he can claim back his wages.

Shri Nambiar: I am sorry that I have to contradict the hon. Member. In this very House, we had brought a case and the Supreme Court also decided against the removal of a certain Railway employees under Rules 148 and 149. After the judgment of the Supreme Court, the Board has issued a circular to all the General Managers that railwaymen who come within six years period alone should be re-taken and not others. That was placed on the Table of the House to which I made objections. It was also stated that the arrears of salaries within the period of last three years alone should be paid. All this was placed on the Table of the House. I may correct my hon. friend on my right. Wherever there is an opportunity, the employer is using all laws, civil and criminal, against the employee and therefore, protection is necessary for the poor employee and we must see that such progressive legislations are brought in for the benefit of the employees.

Dr. M. S. Aney (Nagpur): Is it not that the date of implementation runs from the date of detection of the mistake and not from the original date?

Shri Nambiar: That is right.

Mr. Chairman: Before I call Mr. Heda, I should like to have the names of the hon. Members who would like to participate in this debate. They may send their names to me. Shri Heda.

Shri Heda (Nizamabad): Mr. Chairman, Sir, while I welcome this Bill, I ask a question of myself: How do we measure the quantum of socialism achieved in any given country? My own study of different countries was that one of the way to measure this quantum of socialism achieved by any country is to study the labour legislation and from that angle, when we look at the labour legislation that we have already achieved in our own country, it gives us a sense of satisfaction that we are going on the right lines and we have achieved a good quantum of success so far as our journey towards socialism is concerned.

Not only on one side we have to safeguard the interests, the rights, of the employees but also at the same time we have to see how far the legislation that we undertake is capable of being executed and also how far it increases our national wealth and improves efficiency in working.

From that angle, you find that the labour legislation in foreign countries, for example in Brazil, another extreme, and that in Sweden give us two different pictures.

We have passed a number of pieces of legislation, and many of them have been properly executed, and the present one is also an improvement and would add to the feathers of the Government in achieving the goal of socialism.

Government, by this Act, is doing very well, and it is giving the right to the Central Government to enforce the Payment of Wages Act, not only to the railways, mines and oilfields, which were in the earlier Act and which were under the Chief Labour Commissioner of the Centre, but it can, under section 85, mention certain factories, and all those factories would come under the Payment of Wages Act.

The point is that when we take such actions, which are in the right direction, we have at the same time to give an indication of the philosophy, of the thought, of the ideology that is evolving, which guides us, which goads us so to say, to undertake these measures. I fully appreciate that this is not possible in any Bill or any such thing. But there are many ways by which a capable Minister can do it, and I have no doubt that the present Minister, who has got a flair for philosophy and cogent thinking, would take advantage of some occasion or the other and give us a sort of clue into the Government's thinking, especially as to what are the criteria by which he will be bringing these undertakings under this Act; whether it would be only the public sector projects or it would be some other projects in the private sector as well; and if projects under the private sector are also to be brought under this Act, what is the criterion for the same. I think one of the criteria should be that if any factory is working very efficiently and making good progress, earning good profits, and giving better wages year after year to its employees, it should be brought under this Act. If we give this colour to the administration of this Act, then the employers themselves would feel that coming under this Act would add to their feathers, would add to their prestige and name; and thereby they will have no grouse, rather they will have great satisfaction that they have come under this Act. And naturally we should give them certain advantages, and those advantages are given in this very Bill.

Sir, having said this as a preamble, I will come to certain features of this Bill. Clause 4 has added certain other categories than the employer who would also be held responsible. Apart from the employer, who was there in the original Act, now the managers and supervisors and such other categories will also be held responsible. This is a good provision, but it is a doubled-edged weapon. The point is that if we create a proper climate, then this provision is very good; otherwise, this provision will deteriorate the conditions rather than improve them.

I would suggest one thing. Suppose there is a manager, there is a supervisor, there is an industrial executive who is very fair minded towards his employees and who would prefer to incur the wrath of the employers and do justice to the employees. What happens today? Today, the employer can throw him out. When once he is thrown out, he is on the road and is nowhere. At that time Government have to study the situation, and Government today have ample powers and scope to pick him up in some public-sector project and accommodate him—because he has tried to do certain good things and tried to give a good direction to the private-sector management. But this is not exactly being done. These very people who are very fair-minded, who are not partial to their own employers though they are working under them and getting their salaries and who would like to use their

[Shri Heda]

discretion, their independence of mind, and be fair to their employees, they do not muster the courage to do so, because they feel their responsibility to their family, the growing expenditure on account of their childlren's education, the maintenance of social status etc., and feel that they may be thrown on the roads if they incur the displeasure of their employers. Therefore, if this class of industrial executives, managers and supervisors, get a feeling that if they do their duty by the country, by the goal of socialism, Government will look after them, Government is not oblivious of them and will not forget them and will not allow them to be in difficulty or in jeopardy, that will go a long way, and that will give a very good direction to the entire working of our industrial undertakings, whether in the public sector or in the private sector.

Then I would like to touch one or two points which have been referred to by the previous speakers. But before I do that I would like to refer to the Financial Memorandum, and therein it has been stated that Rs. 25,000 as an extra expenditure may be needed for the implementation of the Act in its extended scope. I think this figure is very moderate. And if Government feels that the huge responsibility that they are taking up can be managed only by Rs. 25,000 extra expenditure, I feel the scope of this Bill is not very wide. As I see it, it is very wide, and therefore they should not spare any expenditure and they should see that there is proper execution of the Bill and the full scope given to the Bill is properly undertaken.

The first speaker, Shri S. M. Banerjee, mentioned certain things, with most of which I agree, among which he had stated that the contributions paid by the employees to the trade unions may be deducted from the wages and credited to the accounts of the trade unions. This is a practice in certain countries, and this is a practice in certain industrial undertakings here, notably in Ahmedabad. But this is not the practice accepted by the Government. And I think there are two good reasons for it. In spite of the fact that I happen to be the founder-President of the INTUC branch in the former Hyderabad State, I can state that the trade union activity in this country is not independent of politics, as it should have been. No doubt that there is a growing thinking on those lines, and there are a good number of institutions where trade unions belonging to different political thinking have come together and co-operated with each other openly or in other ways and thereby done the right thing in projecting the trade union interest. However, it still remains that trade union activity is under the influence of political thought, and this comes in a big way in accepting the practice of deducting the trade union contributions of the employees at their explicit wish from their salaries and crediting them to the account of the trade unions.

The second thing is that the leadership of the trade unions is growing. The consciousness among the trade unions, among the labour class, is also increasing. In spite of that, there are certain institutions where a certain leadership comes on the top and then it manoeuvres, and many times, not by desirable means, to make itself permanent, and then the difficulty arises. But the individual workers do not find an adequate measure of strength or unity among themselves, to throw away such undesired leadership, and therefore, this second factor is also coming up. But I have no doubt, and I hope that as time passes, if they practise certain other measures which they have thought of such as Whitley Councils and other such things, it is just possible that the real trade union movement and leadership which belongs to the trade union class itself will come up, and

then such a measure will be quite possible.

16 hrs.

My hon. friend Shri Nambiar made a mention of the loans given to the workers. He said that this was a trap of the employer, and in this trap, Government were also becoming a party. As a trade union leader, I was opposed to these loans, but I found that these old customs and practices were prevailing so much with the workers, that hundreds and thousands of workers used to come to us asking us to go to the management and get loans sanctioned for Diwali, Dusserah etc. and give them the benefit of the loans. These are old customs which it is difficult to get over. That is because we have not created the psychology of proper budgeting among the employees. I think that many of the ills of the labour class would be done away with if only we create the psychology of proper budgeting among these workers. But the difficulty is that they do not budget, and they do not keep money in their hands, and even before the month is over, they are in arrears and they are already in loans.

Shri Nambiar: They will have another headache if they try to budget. So, let them not have headache at least on the day when they get the money. Why should they have another headache prior to getting the money, by way of budgeting?

Shri Heda: Budgeting is not a headache. My hon. friend is again thinking not in the right terms in which he as a leader should think, but he is thinking just like one of those not so educated and literate employees. Budgeting is intended to help the employee to come over his future difficulties. When a person budgets, he does so mainly for clothing, proper food, proper education for his children and so on.

Shri Nambiar: That way it would always be a deficit budget.

Shri Heda: These are the casualties when the money is not there. Therefore, budgeting will go a long way to give him some real happiness instead of merely some momentary happiness when he gets his money for a day.

I wish that the Trade Union leaders do one another useful thing also in the interests of the employees. At present, there are certain nefarious activities going on in many of these industrial establishments. The *rohilas* or moneylenders lend money to the employees at an exorbitant rate, and they forcibly snatch the money away from the employees as soon as they come out of the factory on the day the wages are paid to them. And this kind of thing goes on month after month, year after year, life after life and in certain cases, even generation after generation. Therefore, it is time that we seriously think over it. I would be happy if that day comes when no loans are allowed or encouraged by this type of sanctions being given. But as at present, we have to go in a planned way, and, therefore, I think, that for the time being, such a thing is very necessary.

With these observations, I do support the Bill and hope that this Bill will be another addition to our legislation leading us towards the goal of socialism.

श्री हुकम चन्द कछवाय (देवास) : माननीय सभापति महोदय, मैं मंत्री जी का हृदय से स्वागत करता हूं कि उन्होंने इतना सुन्दर बिल इस सदन के सामने रखा है ।

आज यह कानून सभी उद्योगों पर लागू नहीं होता है । ऐसे अनेकों उद्योग हैं, जिन पर यह कानून लागू होना चाहिये । इस बारे में जांच करने के लिए जिन इंस्पेक्टरों को रखा गया है, वे सरकार को ठीक प्रकार से रिपोर्ट नहीं देते हैं, क्योंकि वे लोग उद्योगपतियों और कारख़ानों के मालिकों के द्वारा ख़रीदे जाते हैं । यही शिकायत का मूलकारण है ।

[श्री हुकम चन्द कछवाय]

जिन फ़ैक्टरियों में दस या बीस आदमी काम करते हैं, यह कानून वहां भी लागू होना चाहिये । आज मजदूरों के बहुत से ऐसे वर्ग हैं, जिन को सरकार के द्वारा अनाथ समझा जाता है । मैं उन के लिए अनाथ शब्द का उपयोग इसलिए कर रहा हूं, क्योंकि उन के बारे में न तो केन्द्रीय सरकार और न राज्य सरकारें विचार करती हैं ।

उदाहरण के लिए आप बीड़ी उद्योग को ही लीजिए । सारे देश में बीड़ी-मजदूर फैले हुए हैं, लेकिन उन के बारे में न केन्द्रीय सरकार ठीक प्रकार से विचार करती है और न राज्य सरकारें । मुझे अच्छी तरह से पता है कि इन बीड़ी-मजदूरों को कितनी सहूलियत मिलती है । न उन को प्राविडेंट फ़ंड का लाभ मिलता है, न बोनस का लाभ मिलता है और न चिकित्सा की सुविधा मिलती है ।

मध्य प्रदेश में 1959 में एक कानून बना कि हर एक बीड़ी-मजदूर को एक हजार बीड़ियां बनाने पर एक रुपया ग्यारह आने मिलने चाहियें । वह कानून तो बन गया, लेकिन आज तक उन लोगों को एक रुपया ग्यारह आने नहीं दिये गये हैं । इस का कारण यह है कि सारे देशमें जितने भी बीड़ी-उद्योग पति हैं, वे सब के सब सरकार से मिले हुए हैं । हमें इस बात पर विचार करना चाहिए कि हम जो बहुत से कानून पास करते हैं, उन का कितना लाभ मजदूरों को मिलता है ।

इसी तरह मैं पूछना चाहता हूं कि आख़िर मकान बनाने वाले मजदूरों को भी इस प्रकार अनाथ क्यों छोड़ दिया गया है । उन के बारे में सरकार की धारणा इस प्रकार की क्यों है ? फ़ैक्टरी-मजदूरों को जो लाभ मिलता है, वह मकान बनाने वाले मजदूरों को क्यों नहीं मिलता है ? आख़िर बीड़ी-मजदूरों और बिल्डिंग-मजदूरों के साथ ऐसा सौतेला व्यवहार क्यों किया जाता है ? देश में इन मजदूरों की बहुत बड़ी संख्या है । इस-लिये सरकार को इस बात पर बड़ी गम्भीरता के साथ विचार करना चाहिए कि उन लोगों को भी कुछ लाभ मिले और केवल ठेकेदार ही पूरा लाभ न उठायें ।

जहां तक कोयला खदानों के मजदूरों की बात है, उन के लिए बहुत से अच्छे कानून बने हुए हैं । परन्तु ज़रा हम विचार करें कि उनको कितना लाभ मिलता है । कानून कहता है कि हर मजदूर को, छोट से छोटे मजदूर को, बिल्कुल साधारण काम करने वाले मजदूर को, कोयला ढोने का काम करने वाले मजदूर को रोज का ढाई रुपया, तीन रुपया और साढ़े तीन रुपया तक मिलना चाहिए । लेकिन आज उनको क्या मिलता है ? केवल एक रुपया दो आने ।

वहां पर स्थिति यह है कि कोयला-खदानों के जितने भी ठेकेदार हैं, वे रजिस्टर पर तो बराबर यह लिखते हैं कि हर एक मजदूर को तीन या साढ़े तीन रुपया दिये जाते हैं । रजिस्टर पर मजदूर के हस्ताक्षर लिये जाते हैं और देखने से ऐसा लगता है कि मजदूर बराबर इतना ही पैसा लेता है । मैंने स्वयम् वहां पर जाकर देखा है, वे रजिस्टर देखे हैं और मजदूरों को तनख्वाह लेते देखा है । उन लोगों को एक रुपया दो आने रोज के हिसाब से दिया जाता है और रजिस्टर पर उन अनपढ़ मजदूरों से लिखा लिया जाता है कि उनको साढ़े तीन रुपया प्राप्त हुए हैं । ये ठेकेदार लोग कौन हैं ? ये ठकेदार लोग वे हैं,

श्रम और रोजगार मन्त्रालय में उपमन्त्री (श्री र० कि० मालवीय) : यदि ऐसी कोई बात होती है, तो यहां पर पार्लियामेंट में तो मेम्बर साहब ने ठीक कहा, लेकिन यदि मिनिस्ट्री के नोटिस में यह बात लाई जाती, तो उनको बहुत जल्दी रिलीफ मिलती ।

श्री हुकम चन्द कछवाय : बहुत अच्छा हुआ कि माननीय मंत्री जी ने इधर ध्यान दिलाया । इस विषय को लेकर मैं माननीय मंत्री जी से मिला था, उन्होंने मुझे टोका है, और उन्होंने यह कबूल किया है कि हां, ये हरकतें बहुत दिनों से वहां चल रही हैं और मैं भी परेशान हूं, मैंने बहुत प्रयत्न किये हैं, वहां मार खाई है लोगों की, लेकिन यह समस्या नहीं सुलझ पाई है ।

श्री र० कि० मालवीय : कहां की बात है ?

श्री हुकम चन्द कछवाय : अगर माननीय मंत्री मुझे कहें, तो मैं वह समय, दिन और स्थान बता सकता हूं, लेकिन मैं नहीं चाहता हूं कि मैं उनकी सब बातें यहां पर बताऊं । इन लोगों से काम लेने वाले कौन लोग हैं, ये जो ठेकेदार हैं ये कौन लोग हैं ? जो सारे देश में इस बात की डींग मारते हैं कि हम मजदूरों का कल्याण करेंगे, ये कौन लोग हैं ? ये हैं राष्ट्रीय मजदूर कांग्रेस संघ के लोग । ये हैं इंटक के बड़े बड़े ओहदेदार, बड़े बड़े पदाधिकारी, मंत्री इत्यादि । इन लोगों के हाथ में वह ठेका है । खुद तो ये ठेकेदार बन बैठे हैं और उस पर भी नारा यह लगाते हैं कि हम मजदूरों का कल्याण करेंगे । आज वही व्यक्ति हजारों रुपया महीना कमा रहे हैं जिनके पास पहले खाने को आटा तक नहीं होता था, जो कि लोगों से उधार मांग मांग कर खाया करते थे, प्रेस के लोगों से उधार मांग कर खाया करते थे । आज इनकी लाखों रुपये कीमत की बिल्डिंग्ज खड़ी हो गई हैं । ये इंटक के अध्यक्ष हैं, राष्ट्रीय कांग्रेस मजदूर संघ के पदाधिकारी हैं और ये ही लोग हैं जो कि कोयला खदानों में काम कर रहे हैं, बड़े बड़े ठेके ले रहे हैं । जब जांच करने के लिये कोई जाता है तो वापिस लौटने के बाद रिपोर्ट दे दी जाती है कि वहां मजदूरों को पैसा बराबर मिल रहा है, रजिस्टर चैक किये गये हैं, सारे खाते देखे गये हैं और उनमें मजदूरों के हस्ताक्षर हैं, इन मजदूरों को बराबर पैसा मिल रहा है .....

श्री अ० प्र० शर्मा : लेबर कोऑपरेटिव्ज की बात कर रहे हैं या किसी और की ? कौन लोग हैं इनको चलाने वाले ?

श्री हुकम चन्द कछवाय : ये इंटक के लोग हैं । ये खुद ठेकेदार बन कर चलाते हैं ।

श्री अ० प्र० शर्मा : ऐसा कहीं नहीं है ।

श्री हुकम चन्द कछवाय : आपका अनुभव बहुत पुराना हो सकता है । लेकिन जिस क्षेत्र की बात मैं कर रहा हूं, वहां जाकर आप देखें । लेकिन एक बात मैं अवश्य कह देना चाहता हूं । देखने जाने से पहले हल्ला मत मचायें कि मंत्री जी आ रहे हैं उस एरिया में चैकिंग करने के लिये, उस एरिया को देखने के लिए, हवा भी न निकलने दें कि आप जा रहे हैं । धूमधाम से न जायें, चुप-चाप चलें और थोड़े कपड़े भी बदल लें । मैं आपका चेला बनूंगा और दोनों हम साधू सन्यासी बन कर चलेंगे और चल कर देखेंगे कि किस प्रकार से धांधली होती है ।

जहां तक कपड़ा मिलों की बात है, अभी मेरे मित्र ने कहा कि योजना होनी चाहिये मजदूरों की और उनको अपना बजट पहले से बना लेना चाहिये, किस तरह से उनको अपनी तनख्वाह खर्च करनी है, इसका हिसाब किताब पहले से ही तैयार कर लेना चाहिये । वे किस तरह से घर की योजना बना सकते हैं ? वे तो हमेशा तंगाई में रहते हैं, हमेशा कर्ज में फंसे रहते हैं । कम्पनी से उनको समय पर तनख्वाह नहीं मिलती है । आप यह भी देखें कि महंगाई किस तरह से बढ़ती जा रही है । जो भी चीजें उनको खरीदनी होती हैं, उनका उन्हें अधिक दाम देना पड़ता है । जो तनख्वाह

[श्री हुकम चन्द कछवाय]

उनको मिलती है उसमें उनका गुजर नहीं होता है । वे लोग जो अपने आपको अच्छा मानते हैं, कहते हैं कि तुम्हें खर्चा चलाना है तो हम तुम्हें ब्याज पर रुपया दिला देते हैं । मजदूर को चूंकि पैसे की जरूरत होती है, इस वास्ते वह उनके चंगुल में फंस जाता है । आप देखें कि ब्याज वे कितना उससे लेते हैं । रुपया दो रुपया सैकड़ा ब्याज नहीं वे लेते हैं एक रुपये पर आठ आने और चार आने ब्याज लिया जाता है । मैं इसके प्रमाण आपको दे सकता हूं । समय पर उनको तनख्वाह मिले, इसकी शासन को व्यवस्था करनी चाहिये ।

शासन की ओर से यह भी व्यवस्था है कि उनको प्राविडेंट फंड से पैसा मिलना चाहिये, लेकिन उन्हें नहीं मिलता है । मिलों के दलाल होते हैं, इंटक के लोग होते हैं, वही इन मजदूरों को कर्जा देते हैं और चार आने और आठ आने एक रुपये पर ब्याज लिया जाता है और वह जो कर्जा है, वह इनकी तनख्वाह में से काटा जाता है .....

एक माननीय सदस्य : आपने इसका कोई इन्तजाम नहीं किया है ?

श्री हुकम चन्द कछवाय : मध्य प्रदेश का यह दुर्भाग्य है कि वहां पर कई काले कानून बने हुए हैं जिनके कारण दूसरी यूनियनें वहां पनप ही नहीं पाती हैं । मध्य प्रदेश का जो मजदूर है वह अन्य सभी प्रान्तों के मजदूरों से पिछड़ा हुआ है । उसको कानूनों की जानकारी ही नहीं होती है । अपने हितों की हिफाजत के मामले में, कानूनों की जानकारी के मामले में तथा अन्य सभी दृष्टियों से वह पिछड़ा हुआ है । शासन ने व्यवस्था तो की है कि मजदूरों को कानूनों के बारे शिक्षण देना चाहिये । शिक्षण उनको मिलता भी है । परन्तु शिक्षण उन्हीं व्यक्तियों को दिया जाता है जो राष्ट्रीय कांग्रेस मजदूर संघ के सदस्य होते हैं । दूसरी किसी यूनियन के कोई सदस्य होते हैं तो उनको शिक्षण नहीं मिलता है । मैं चाहता हूं कि माननीय मंत्री जी जब बहस का उत्तर दें तो बतायें कि मध्य प्रदेश में ऐसी और कौन सी यूनियन है इंटक को छोड़ करके जिसके सदस्यों को .....

श्री अ० प्र० शर्मा : कायदा यह है कि जो यूनियन बहुमत में होती है उसके आदमियों को लिया जाता है । राष्ट्रीय मजदूर कांग्रेस सभी जगह बहुमत में है, इसलिए उसके आदमी रख लिये जायेंगे ।

श्री हुकम चन्द कछवाय : जो आप कहते हैं वह ठीक है । परन्तु इसके साथ यह भी आपको कहना चाहिये कि यह जो शिक्षण है इसमें वही व्यक्ति आयेंगे जो बहुमत में हैं । इस चीज को आपको साफ कर देना चाहिये । तब हम भी इसको समझ लेंगे । फिर आप ऐसा क्यों कहते हैं कि तमाम वर्गों के मजदूरों को शिक्षण दिया जाता है, सभी मजदूरों के शिक्षण की व्यवस्था है । इस भाषा को बोलना आप छोड़ दें । तब हमें विश्वास हो जाएगा कि शिक्षण प्राप्त करने का अधिकारी जो वर्ग होगा वह वही होगा, हमारी नहीं होगा । आप तो सब लोगों के नाम पर दुहाई देते हैं और कहते हैं कि सब को लाभ मिलता है । जब दूसरे कोइ लोग इस शिक्षण को प्राप्त करने के लिए जाते हैं तो उनसे कहा जाता है कि इंटक के सदस्य बनों, हमारी पार्टी में आओ हम तुम्हें शिक्षण देंगे । मध्य प्रदेश के मजदूर इतने पिछड़े हुए हैं कि

डा० मा० श्री० अणे : जो इंटक के नहीं हैं उनको स्कूल में एडमिशन नहीं मिलता है ? उनके लड़के स्कूलों में एडमिशन प्राप्त नहीं कर सकते हैं ?

श्री हुकम चन्द कछवाय : नहीं मिलता है ।

Shri A. P. Sharma: Representation is given to them. Everybody is entitled to get education.

श्री हुकम चन्द कछवाय : शर्मा जी मध्य प्रदेश का रिकार्ड देखेंगे तो उनको पता चल जायेगा कि कितना पक्षपात चलता है । कभी रामसिंह भाई की तानाशाही चलती है तो कभी द्रविड़ की तानाशाही चलती है । इन दोनों की तानाशाही के झगड़े सारे देश में प्रसिद्ध हो चुके हैं, सारे मध्य प्रदेश में ये सुनने को मिल रहे हैं । सभी इस बात को जान गये हैं कि इन दोनों का आपस में कितना झगड़ा चल रहा है और किस बात पर चल रहा है .....

श्री संजीवय्या : यह तमाम घर का मामला है ।

Shri R. K. Malviya: They are not present here.

Mr. Chairman: Let him not refer to those things. They are not relevant to the Bill.

श्री हुकम चन्द कछवाय : जहां तक तनख्वाह का प्रश्न है, बहुत से कारखाने हैं जिनमें समय पर तनख्वाह नहीं दी जाती है, समय पर पेमेंट नहीं होता है । सरकार ने जो कानून बनाये हैं उनके द्वारा मजदूरों को जो लाभ मिलना चाहिये, वह मजदूरों को दिलाने की व्यवस्था होनी चाहिये और उस बारे में सख्ती बरती जानी चाहिये । अगर मजदूरों को समय पर तनख्वाह नहीं दी जाती है तो बाद में उसका ब्याज भी उनको दिया जाना चाहिये और अच्छा ब्याज दिया जाना चाहिये ।

मध्य प्रदेश में मकानों की भी बहुत तंगी है । मकान देने के बारे में भी जो पक्षपात किया जाता है, उस तरफ भी मैं मंत्री जी का ध्यान दिलाना चाहता हूं । यह जो इस बारे में धांधली चल रही है, इस बारे में भी सरकार का ध्यान जाना चाहिये ।

मध्य प्रदेश और दूसरे प्रान्तों के बारे में बताया गया है कि .....

श्रीमती जोहराबेन चावड़ा (बनस्कंठा) : सभापति महोदय, कोरम नहीं है ।

Mr. Chairman: The bell may be rung—Now there is quorum. The hon. Member may proceed.

श्री हुकम चन्द कछवाय : मैं कह रहा था कि ऐसे बहुत से कारखाने हैं जहां मजदूर टेम्पोरेरीली रखे जाते हैं, जैसे कि शुगर मिल हैं । जितने लोगों की जरूरत होती है उतने रखे जाते हैं और सीजन में ज्यादा बढ़ाते हैं इस सम्बन्ध में माननीय मंत्री महोदय को ध्यान देना चाहिये । सीजन के जितने भी उद्योग हैं उन में मजदूरों का पूरा लाभ हो । अगर इस ओर भी ध्यान दिया जाये तो मजदूरों को इस क्षेत्र में भी काफी लाभ पहुंचेगा ।

जहां तक सरकारी कर्मचारियों की बात है, मैं यह नहीं कहता कि सरकारी कर्मचारियों को समय पर तनख्वाह नहीं मिलती, परन्तु इतना जरूर कहता हूं कि सरकारी कर्मचारी जितने परेशान हैं और बातों के लिये उनकी तरफ भी ध्यान दिया जाना चाहिये । सरकारी कर्मचारियों को मकान बनाने के लिये ऋण दिया जाता है । परन्तु इस के साथ साथ यह भी विचार करना चाहिए कि ऋण लेने वाले कर्मचारी की तनख्वाह क्या है उस ने कर्ज कितना लिया है और मकान बनाने के बाद उस की तनख्वाह में से कितना कर्जा कटा करेगा । इन सब बातों पर विचार कर के उस की तनख्वाह में बढ़ोतरी होनी चाहिये ।

जहां तक म्यूनिसिपल कर्मचारियों का सम्बन्ध है, उनके बारे में मुझे जो कुछ मालूम है, उस को देखते हुए इतना ही कह सकता हूं कि उन के बारे में जो कानून हम दिल्ली में बनाते हैं, उन का पूरा लाभ उन को नहीं मिलता है ।

[श्री हुकम चन्द कछवाय]

मैं ने जितनी बातें कही हैं, जैसे कि बीड़ी उद्योग, कोयला उद्योग और फुटकर मजदूर, मकान बनाने वाले मजदूर, इन के बारे में ठीक प्रकार से आप को अनुभव है, अगर आप उन को सन्तोष दे सकें तो बड़ा अच्छा होगा ।

श्री तुलशीदास जाधव (नांदेड़) : सभापति महोदय, यह जो पेमेन्ट आफ वेजेज (अमेंडमेंट) बिल आया है, उस में जो बहुत से अमेंडमेंट दिये गये हैं वे वर्कर के हित के लिये हैं और इसलिये मैं जो इसके मंत्री और उपमंत्री हैं श्री संजीवैय्या और श्री मालवीय, उन को धन्यवाद देता हूं । जब मैं उन को धन्यवाद देता हू तो इसलिये कि मैं हमेशा देखता हूं कि उन का जो आचार व्यवहार है वह जो गरीब श्रमजीवी और कष्ट करने वाले लोग हैं उन की तरफ अधिक ध्यान देने वाला है ।

इस बिल को पढ़ने से मालूम होता है कि इस में जो अमेंडमेंट्स रखे गये हैं वे वर्कर्स की भलाई के लिये हैं । फैक्ट्री एक्ट के नीचे आज सभी फैक्ट्रीज नहीं आती हैं, वह आनी चाहियें और इस के लिये यहां प्राविजन दिया हुआ है । दूसरे जो वर्कर होता है उसे कई चीजें खरीदनी होती हैं जैसे साइकिल है, और चीजें हैं, मकान बनाना होता है, इन सब चीजों के लिये उसे कर्ज दिया जायेगा । इस सम्बन्ध में इस बिल में प्राविजन किया गया है कि कर्जा देने के बाद अगर उस से वसूल करना हो तो उस की मजदूरी में से आहिस्ता-आहिस्ता वसूल किया जाये । इस चीज का इलाज यहां किया गया है । उस के वसूल करने में भी यह प्रिकाशन रखा गया है कि उस की जो मजदूरी होगी उस में से 50 प्रतिशत उसे जरूर मिलना चाहिये, उस के बाद 50 प्रतिशत के अन्दर ही वसूली होगी जिस में कि उस को अपनी दिनचर्या चलाने में मुश्किल न हो ।

दूसरे अब तक जो पावर इन्स्पेक्टर को और स्टेट गवर्नमेंट को नहीं थी वह इस के अन्दर दी गई है । अगर किसी फैक्ट्री का काम देखना हो या और कोई काम देखना हो तो पहले इन्स्पेक्टर अधिकारी रूप से वहां नहीं जा सकता था, और वे लोग मालिकों से इसके बारे में पूछने से हिचकिचाते थे । यह भी प्राविजन यहां कर दिया गया है ।

साथ ही इस में यह भी इलाज किया गया है कि यूनियन जो हैं वह भी अपने वर्कर्स के लिये या जो और मांगें वहां देनी हों उन के लिये एप्लिकेशन दे सकती हैं । इस के अलावा अगर कभी वर्कर्स को वक्त पर पगार न दी जाये तो उस के लिये अभी तक 10 रु० जुर्माना था । अब उस की जगह पर 25 रु० कर दिया गया है उन एम्प्लायर्स के लिये जो कि उन को काम पर लगाते हैं । यह सब बातें देख कर यह कहा जा सकता है कि यह जो बिल है वह सपोर्ट करने लायक है और इस के लिये सरकार को बार-बार धन्यवाद देता हूं ।

चलते चलते मुझे इस बिल के सम्बन्ध में कुछ और बातें भी कहनी हैं । जो मिल मालिक होते हैं वे प्राविडेंट फंड के लिये या और कामों के लिये मजदूरों की पगार में से पैसा कटवा लेते हैं, वह और खुद का हिस्सा सरकार में नहीं देते खुद ही इस्तेमाल करते हैं । ऐसी स्थिति में अगर कभी धन्धा बन्द हो जाता है तो उस में मजदूरों के लिये बड़ी मुश्किल हो जाती है । उस के लिये भी इस में ज्यादा से ज्यादा प्राविजन होनी चाहिए और मैं इस के लिये सरकार को धन्यवाद देता हुआ उस का ध्यान खींचना चाहता हूं कुछ बातों की तरफ । उदाहरण के लिये अभी यह इन्तजाम नहीं है और सरकार को इस का प्रबन्ध करना चाहिए कि प्राविडेंट फंड का जो हिस्सा होता है मजदूरों का और मालिकों

का, उस को मालिक गवर्नमेंट की ट्रेजरी में जमा नहीं करता है ।

[MR. DEPUTY-SPEAKER in the Chair]

पहले जब मुझे मौका मिला था तब मैं ने आंकड़े दिये थे, इस समय मैं ज्यादा आंकड़े नहीं देता हुआ थोड़े में कहूंगा कि महाराष्ट्र में मैंने सुना है, ऐक्योरेटली मुझे मालूम नहीं है, हो सकता है कि मेरी गलती हो, कि 2 या 2।। करोड़ रु० प्रोविडेंट फंड का मालिकों से पास पड़ा हुआ है । न उन्होंने खुद का पैसा भरा और न मजदूरों का पैसा भरा है । इस से बड़ी तकलीफ यह होती है कि गवर्नमेंट ने मजदूरों का जो प्राविडेंट फंड देना होता है वह नहीं दे सकती । शोलापुर शहर के अन्दर एक शोलापुर स्पिनिंग ऐंड वीविंग मिल्स का उदाहरण है । वहां न तो मजदूरों को मजदूरी दी गई है न मजदूरों का हक्क्जे का तनखा दिया गया है और न जो वहां सोसायटी बनी है उस का पैसा दिया गया है । सोसायटी की दृष्टि से मैनेजमेंट मजदूरों की तनखा में से हिस्सा काटता है, लेकिन कभी वह मजदूरों को दिया नहीं गया । वह मिल बन्द हो गई, तो भी आज दस महीने के बाद न मजदूरों को मजदूरी मिली है न उन को सोसायटी का कोई हिस्सा मिला है और न उन के हक रजे का कोई तनखा मिला है । वह कंसर्न लिक्विडेशन में चली गई है । पिछले चार वर्षों का यानी 1960 से ले कर अभी तक का जो प्राविडेंट फंड बनता है कम से कम 31 लाख रु० का, जो कि सरकार के पास जमा होना चाहिये, वह मालिक ने भरा नहीं है लेकिन फिर भी कानून की दृष्टि से इस के लिये सरकार को जवाबदारी है । आज मजदूरों के पास काम नहीं है, वे भूखे प्यासे मरते हैं, ऐसी खबरें आती रहती हैं कि एक दो मजदूरों ने आत्म हत्या करने का प्रयत्न किया । मैं ने भी यहां कोशिश की लेकिन उन के प्राविडेंट फंड के सिलसिले में तकलीफ इतनी बढ़ गई है कि जिस का ठिकाना नहीं है । आखिर यह मुश्किल पैदा हो गई है कि जब मालिक ने गवर्नमेंट की तिजोरी में पैसा नहीं दिया तो गवर्नमेंट पैसा कहां से दे । मैं चाहता हूं कि जो 31 लाख रु० उन का है उस में से कोई स्पेशल फंड की तरह की चीज कर के उस में से थोड़ा पैसा उन को दिया जाये । कम से कम आधा पैसा दिया जाये जो कि वर्कर्स का प्राविडेंट फंड में अपना हिस्सा है । अभी उस में से आधा दिया है, पूरा नहीं दिया है । मैं कहता हूं कि किसी ग्राम पंचायत में अगर कोई सरपंच या कोई छोटा मोटा कर्मचारी थोड़ा गुनाह कर लेता है तो उसे जेल जाना पड़ता है और उस की जब्ती होती है । लेकिन इन मालिकों और मैनेजमेंट वालों को ऐसा करने पर कोई शिक्षा नहीं होती और न उन की जब्ती होती है । यह बात समझ में नहीं आती । समाजवादी सत्ता वाले इस राज में लोगों का राज चलाते हैं और हम लोगों से बराबर कहते हैं कि यह गरीबों के लिए राज है लेकिन हम देखते हैं कि छोटे मजदूर का जो पैसा मालिक की ओर निकलता है उनका जो हक का पैसा होता है, जो प्राविडेंट फंड का पैसा होता है वह मिल बन्द होने के बाद भी उनको नहीं मिलता और अगर इन छोटे लोगों से कोई गलती हो जाती है तो उन को सजा होती है, पर मालिकों को सजा नहीं होती । इसका क्या कारण है ? इस का जवाब नहीं है हमारे पास । मेरी रिक्वेस्ट है कि अगर मैनेजमेंट वाले या मनेजिंग डाइरेक्टर गलती करते हैं तो उनको सजा करना चाहिए और उनकी जब्ती होनी चाहिए । वह कह देते हैं यह मिल के बोर्ड की जिम्मेवारी है, कोई इंडीवीजुअल उसका जवाबदार नहीं होता । अगर केस चलता है तो सौ रुपये का या दो सौ रुपये का या ज्यादा से ज्यादा एक हजार रुपये का जुरमाना कर दिया जाता है । जो मालिक 31 लाख रुपया मजदूरों का अपने पास रख कर उसका उपयोग करता है गलत तरीके से, उस पर पांच सौ या एक हजार रुपया का जुरमाना

[श्री तुलसीदास जाधव]

कर दिया जाता है । और वह जुरमाना भी मैनेजिंग डाइरेक्टर पर नहीं होता, वह उस कनसर्न पर होता है । इसको दुरुस्त करने की बहुत जरूरत है ।

आजकल हर जगह पर कारिगर का प्राविडेंट का पैसा पड़ा है, मालिक उसका इस्तेमाल करता है और अपना पैसा भी नहीं भरता । सरकार को कोई ऐसा प्रावीजन करना चाहिए जिससे यह चीज ठीक हो ।

दूसरी बात मैं यह कहना चाहता हूं कि जो प्रावीडेंट फंड का रुपया कामगार की पगार में से लिया जाता है उसको लेने के लिए कलक्टर के आफिस का या तहसीलदार के आफिस का एक दो कर्मचारी कारखाने पर तनखाह के दिन रहे और जो रुपया मजदूरों की पगार में से प्रावीडेंट फंड का काटा जाता है उसको सरकारी खजाने में जमा कर दे ।

दूसरी बात मुझे यह कहनी है कि जब कोई कनसर्न लिक्वडेशन में जाता है और उसके बाद जब नीलाम हो कर उसका पैसा आता है, तो उस पैसे में से सब से पहले मजदूरों का पैसा दिया जाना चाहिए और उसके बाद सरकार का या बैंक का पैसा दिया जाना चाहिए ।

पहले पगार कब मिले इस बारे में कोई व्यवस्था नहीं थी । अब यह व्यवस्था की जा रही है । कुछ काम ऐसे होते हैं जैसे वंडिंग आदि, जिनमें मजदूरों को वीकली पगार मिलती है । लेकिन कभी कभी यह पगार एक एक महीने और दो दो महीने तक नहीं दी जाती । इसके लिए इन्तिजाम होना चाहिए । यह मेरा सरकार को इस बिल के सम्बन्ध में निवेदन है ।

मैं एक बात और आपके सामने रखना चाहता हूं । यह चीज फैक्टरी कानून में तो नहीं आती, लेकिन सरकार इसको किसी और प्रकार से करने का यत्न करे। प्राइवेट स्कूलों के जो शिक्षक हैं उनकी जो संस्था है उसने रिजोल्यूशन पास करके कहा है कि शिक्षाकों को स्कूलों के मैनेजमेंट की ओर अगर दो सौ रुपए मासिक पर रखा जाता है तो उनको केवल सौ रुपया या 150 रुपया दिया जाता है और उनका सिगनेचर दौ सौ पर लिया जाता है इसकी कोई व्यवस्था होनी चाहिए कि जो उनकी पगार निश्चित की गयी है वह उनको पूरी मिले और मैनेजमेंट इस प्रकार की मुनाफाखोरी न कर पाए । एजुकेशन इंस्टीट्यशन्स पवित्र संस्थाएं हैं । इनके लिए भी कुछ इन्तिजाम होना चाहिए । यही मेरा कहना है ।

आखिर में मैं यह कहना चाहता हूं कि शोलापुर स्पिनिंग एण्ड वीविंग मिल के मजदूरों का प्रावीडेंट फण्ड उनको तुरंत देने की व्यवस्था होनी चाहिए । ये लोग दस महीने से काम के बगैर हैं । इनका प्रावीडेंट फण्ड का रुपया सरकार मैनेजमेंट से बात करके देने की व्यवस्था करे क्योंकि इसकी जिम्मेवारी मैनेजमेंट से ज्यादा सरकार की है । मजदूरों ने सरकार की ओर देख कर ही अपना प्रावीडेंट फण्ड का रुपया जमा करवाया है, मालिकों की ओर देख कर नहीं । इसलिए मेरा निवेदन है कि इस रुपए को जल्दी दिलवाने की व्यवस्था की जाए जिससे इन मजदूरों को तकलीफ न हों ।

श्री अ० प्र० शर्मा : उपाध्यक्ष महोदय, जितने भी संशोधन पेश हुए हैं पेमेंट आफ वेजेज़ एक्ट में वे सराहने योग्य हैं और मैं उनका आम तौर पर समर्थन करने के लिए खड़ा हुआ हूं ।

जो संशोधन इस बात के लिए किया जा रहा है कि मजदूरों को उनका वेतन ठीक प्रकार से मिल जाए और इसकी देख रेख के लिए जो व्यवस्था की गयी है वह भी सराहनीय है ।

इसके अलावा जो संशोधन करके लेबर इंसपेक्टरों को अधिक अधिकार दिए गए हैं कि वे इस बात का देख रेख करें कि मजदूरों को ठीक समय पर वेतन मिल जाए, और अगर कहीं गलती होती है तो कड़ी से कड़ी कार्रवाई कर सकें, उसका भी मैं समर्थन करता हूं ।

लेकिन इसके साथ साथ मैं इस बिल की कुछ आलोचना भी करना चाहता हूं । यह जो अमेंडमेंट लाए गए हैं उनको मैंने पढ़ कर देखा तो एक खास बात मुझे मालूम हुई जिसका हम यहां बार बार चर्चा किया करते हैं और जिसमें बहुत हद तक श्रम मन्त्री भी हम लोगों से सहमत होंगे कि जब भी कोई कानून बनता है या कानून में संशोधन होता है तो कहा जाता है कि यह समान रूप से निजी उद्योग पर और पब्लिक सैक्टर के उद्योगों पर लागू होगा । सरकार भी कई उद्योगों में मालिक है जैसे रेलवे हैं, डिफेंस आदि हैं । हमको देखना है कि जो सरकारी उद्योग हैं उनको कानून से कितनी छूट मिलती है । अगर इसको देखा जाए तो साफ जाहिर होगा कि कहा तो यह जाता है कि प्राइवेट और पब्लिक सैक्टर पर कानून समान रूप से लाग किया जाना चाहिए, उसमें कोई अन्तर नहीं होता, लेकिन अगर आप देखेंगे तो आपको अन्तर मालूम होगा । मैं दुःख के साथ कहना चाहता हूं कि आज हमारा देश 17 या 18 साल से आजाद है, लेकिन आज भी जो पब्लिक सैक्टर के उद्योग हैं वहां पर एक तरह का बरताव किया जाता है और जो प्राइवेट सैक्टर के उद्योग हैं वहां दूसरा बरताव किया जाता है ।

मेरे साथी श्री नम्बियार अभी बोल चुके हैं । सदन को मालूम है कि मैं उनका और उनकी पार्टी, कम्युनिस्ट पार्टी, का कट्टर विरोधी हूं । लेकिन यहां पर मैं दो अमेंडमेंट का जिक्र खास तौर से करना चाहता हूं । एक अमेंटमेंट जो कि सरकार द्वारा किया जा रहा है उसके अनुसार रेलवे डिपार्टमेंट अपने एम्प्लाइज से डिडक्शन कर सकेगा । इसके लिए प्रिंसिपल ऐक्ट के सैक्शन 7 में फौज 'क' के बाद एडीशन किये जा रहे हैं ।

रेलवेज के सम्बन्ध में मैं यह कहना चाहता हूं कि यह बात बिल्कुल ठीक है कि आम तौर से सरकारी मुहकमे में मजदूरों के श्रमिकों के फायदे के लिए जो क़ानून बनते हैं उनके लाग करने में इतनी देर की जाती है, उसमें एक इतना इंटरप्रेटेशन वगैरह लगाया जाता है भिन्न भिन्न स्तर पर और आफिसर्स द्वारा उस को लागू करने में इतनी देर की जाती है कि उसका जब थोड़ा बहुत फायदा मजदूरों तक पहुंचता भी है तो वह बिल्कुल नहीं के बराबर हो जाता है । या मजदूरों को फायदा तब मिलता है जब हमारे नम्बियार जैसे दोस्त बहुत एजिटेशन करते हैं, होहल्ला करते हैं, गोलमाल करते हैं और हड़ताल आदि की बातें करते हैं लेकिन राष्ट्रीय मजदूर कांग्रेस की तरफ़ से जहां कि हम लोगों को बराबर यह सिखलाया गया है और हम काम भी करते हैं वैधानिक तरीक़े से शांति के तरीक़े से, जिस तरीक़े को सरकार ने भी माना है, स्वीकार किया है, उस तरीक़े से वह काम नहीं होता है । यहां पर जो रेलवे हुकमत को, एडमिनिस्ट्रेशन को या डिपार्टमेंट को जो अधिक पावर्स दी जा रही हैं डिडक्शंस वगैरह के सम्बंध में मैं उससे बिल्कुल सहमत नहीं हूं । मैं कहना चाहता हूं कि जो मूल नियम है, पैमेंट आफ़ वैजेस एक्ट, है उसमें हम कोई कमी नहीं देखते । उसमें भी जो लिखा हुआ है उसके मुताबिक डैमेज एण्ड लौसैज के लिए जो श्रमिक व मजदूर आदि जिम्मेदार ठहराये जायेंगे उनका डिडक्शन हो सकता है । लेकिन इस पर भी इतने क्लाजेज उसमें और जोड़ने का मक़सद क्या है, मतलब क्या है यह मैं नहीं जानता । हो सकता है कि श्रम मन्त्रालय का इंटेंशन बिल्कुल ठीक हो । यह भी हो सकता है कि वह यह चाहते हों कि मजदूर ज्यादा से ज्यादा जो रेलवेज का राष्ट्रीय सम्पत्ति है, अपनी ग़लती से उसको क्षति न पहुंचायें । लेकिन मैं इस सदन से यह कहना चाहता हूं कि यह जो अमेंडमेंट होगा उसका पूरा पूरा

[श्री अ० प्र० शर्मा]

दुरुपयोग होगा । उसका मिसयूज होगा इसमें कोई भी सन्देह की बात नहीं है । जैसा कि मैंने कहा कि जब कभी कोई कानून बनाये जाते हैं तो जो मजदूरों के हक़ में होते हैं उन को लागू करने में चाहे टालमटोल होती होती है, देर होती है या इतनी देर के बाद उसे लागू किया जाता है कि उसका कोई मूल्य और कोई कीमत नहीं रह जाती है लेकिन दूसरी तरफ जब कोई कानून उनके खिलाफ़ होता है तो उसको जल्द से जल्द लागू किया जाता है ।

रेलवेज के अन्दर जो लोगों को पैसा देने का सवाल है उस के तो नियम आज बने हुए हैं कि तीन वर्ष के बाद अगर आप अपना पैसे मांगने जायेंगे तो वह आपको नहीं मिलेगा । लेकिन यहां पर यह नहीं लिखा गया और यह नहीं बतलाया गया है कि कितने दिन बाद का डिडक्शन रेलवे डिपार्टमेंट रेलवेज इम्प्लाईज से कर सकता है ? वह तो पहले ही यह व्यवस्था है कि प्राविडेंट फंड जो उनको दिया जाता है रिटायरमेंट के समय में तो उसका दस परसेंट रोक लिया जाता है और जबतक उनको क्लियरेंस सर्टिफिकेट नहीं मिलता तब तक वह दस परसेंट उनका पैसा उन्हें नहीं दिया जायेगा । ऐसी हालत के रहते हुए मैं समझता हूं कि यह जो अमेंडमेंट डिडक्शन के सम्बन्ध में सरकार द्वारा लाया जा रहा है यह मुनासिब नहीं है । मैं तो अपने श्रम मंत्री जी से आग्रह करूंगा, निवेदन करूंगा और उनसे अपील करूंगा कि जहां तक इस क्लाज का सवाल है उस के सम्बन्ध में वे फिर जो लेबर के प्रतिनिधि हैं उन से बातें कर लें और तब इस संशोधन को आग बढ़ाने की कोशिश करें अन्यथा मैं समझता हूं कि इसका मजदूरों की तरफ से काफी विरोध होगा । मैं जब कह रहा हूं इस बात को तो मैं आपसे यह भी कहना चाहता हूं कि मैं किसी एक दल की बात नहीं कहता हूं क्योंकि मेरा यह बराबर दावा रहा है कि जो गड़बड़ करने वाले लोग हैं और गड़बड़ करने में कोई ज्यादा समय नहीं लगता है, हड़ताल आदि कराने में कोई ज्यादा समय नहीं लगता है लेकिन जो गड़बड़ करने वाले लोगों के विरोध में खड़े रहते हैं, हमारे जैसे आदमी , अगर हमारे दिमाग में भी यह बात आती है कि आज सरकार दो तरह का व्यवहार करना चाहती है, जहां पर कि पबलिक सैक्टर और प्राइवेट सैक्टर एम्प्लायर्स का सवाल आता है वहां पर गवर्नमेंट के डिपार्टमेंट के साथ एक तरह का व्यवहार और प्राइवेट एम्प्लायर्स के साथ दूसरी तरह का व्यवहार होता है, यह चीज जब सामने आती है तो इससे काफी दुःख होता है ।

उपाध्यक्ष महोदय, मैं यह कहना चाहता था कि पिछले 17-18 वर्ष से जब से हम आजाद हुए, आपको यह जान कर आश्चर्य होगा कि रेलवेज और डिफेंस डिपार्टमेंट के अन्दर आज तक कोई ऐसी मशीनरी नहीं बन सकी है, एक परमानेंट निगोशिएटिंग मशीनरी है जिसकी कि बात बराबर हुकूमत की तरफ से की जाती है और डिफेंस डिपार्टमेंट की तरफ से की जाती है । लेकिन जो इंडस्ट्रियल डिस्प्यूट्स एक्ट है उस के अन्दर जो आरबिट्रेशन का प्राविजन है वह आज तक लागू नहीं किया गया । मैं जानना चाहता हूं कि जो सरकार दूसरों से एक काम कराना चाहती है, मजदूरों को इंसाफ दिलाना चाहती है वह खुद जब मालिक बन जाती है तो उस हालत में वह खुद इंसाफ नहीं दे सकती है तो दूसरों से वह इंसाफ दिलाने की बात कैसे कर सकती है ?

मैं इस मौके पर यह कहना चाहता हूं कि श्रम मंत्रालय को अगर सख्ती किसी से ज्यादा करनी है तो सख्ती प्राइवेट एम्प्लायर से करे उनके प्रति हमारी कोई सहानुभूति नहीं है । जो पबलिक इस्टैबलिशमेंट हैं

उनके साथ भी करें। अगर जरूरत हो तो उसके लिये जो रेलवेज और पोस्ट ऐंड टलीग्राफ के एम्प्लाईज हैं चाहे वह डिफेंस मिनिस्टरी में हों, यह देखना इस श्रम मंत्रालय का कर्त्तव्य हो जाता है कि जो भी श्रम सम्बन्धी कानून बनते हैं व सही सही रूपमें उन पर लागू हों। जैसे प्राइवेट एम्प्लायर्स को सजा दी जाती है उसी तरीके से इन गवर्नमेंट डिपार्टमेंट्स के अन्दर भी जो उनको संचालन करने के वास्ते जिम्मेदार हों, उन लोगों को भी सजा मिलनी चाहिए।

मैं एक और अमेंडमेंट सबसैक्शन (5) और सब सेक्शन 1 के सम्बन्ध में कहना चाहता हूं जहां पर कि इस बात का जिक्र किया गया है कि और सब इंडस्ट्रीज के सम्बन्ध में तो नोटिफिकेशन स्टेट गवर्नमेंट्स करेंगी लेकिन जहां केन्द्रीय सरकार उसकी मालिक होगी किसी भी इंडस्ट्रियल इस्टैबलिशमेंट की, वहां पर स्टेट गवर्नमेंट कुछ भी करेगी तो वह जो सेंट्रल गवर्नमेंट उस डिपार्टमेंट की मालिक है उसके साथ सलाह मशविरा करके करेगी। अब आप इस बात को समझ सकते हैं कि एक तरफ तो दूसरे एम्प्लायर्स हैं उसके साथ तो आप सीधी कार्यवाही करेंगे लेकिन सेंट्रल गवर्नमेंट अगर उसकी मालिक बन जाती है और हमारा देश आज नेशनलाइजेशन की तरफ जा रहा है, हम सोशलिज्म की बात करते हैं, अधिक से अधिक इंडस्ट्रीज हम पबलिक सेक्टर में लेते हैं तो आज अगर हम इस तरीके के कानून बनाते जायेंगे कि जहां पबलिक सेक्टर अंडरटेकिंग हो या डिपार्टमेंट्स मैनेज्ड बाई दी वेरियस डिपार्टमेंट्स आफ दी गवर्नमेंट हों उन को अगर हम इस तरीके की सहूलियत देते चले जायेंगे तो मैं समझता हूं कि यह एक दोतरफा नीति हमारे साथ बरती जायेगी उन मजदूरों के साथ जो कि पबलिक सेक्टर में हैं। इस बात के ऊपर भी मैं रिक्वैस्ट करना चाहता हूं, मैं प्रार्थना और आग्रह करना चाहता हूं कि श्रम मंत्री जी इस ओर अवश्य ध्यान दें। इस तरीके की कोई बात नहीं होनी चाहिए जिससे कि यह मालूम हो कि हम दो तरीके के स्टेन्डर्ड लेबर रिलेशनशिप को मेंटेन करते है एक पबलिक सैक्टर में और एक प्राइवेट सैक्टर में। जहां तक मेरी जानकारी है मैं जानता हूं कि हमारे जो श्रम मंत्री हैं, वर्तमान श्रम मंत्री, उन की तो खास तौर से यह ख्वाहिश है कि एक तरह का दोनों जगह श्रमिकों के साथ स्टैन्डर्ड बरता जाये। मैं जानना चाहता हूं कि इस हाउस में कौन मिनिस्टर है, कौन डिपार्टमेंट है गवर्नमेंट का जो उन के रास्ते में इस तरह के अडंगे लगाना चाहता है? मैं उन को आश्वासन देना चाहता हूं कि लेबर डिपार्टमेंट अगर एक तरह की लेबर रिलेशनशिप चाहे वह प्राइवेट सेक्टर में हो या पबलिक सैक्टर में हो, दोनों में मेंटेन करना चाहते हैं तो हिन्दुस्तान के जो श्रमिक वर्ग के लोग हैं, सभी जगह के लोग, लेबर मिनिस्टरी के पीछे होंगे और एम्पलायर्स मिनिस्टरीज को लेबर मिनिस्टरी के सामने झुकना पड़ेगा और श्रमिकों को उन्हें न्याय देना पड़ेगा। मैं इन शब्दों के साथ जैसा कि आप से कहा कि जो यह संशोधन विधेयक आया है जहां उस में बहुत सारी बातें एसी हैं जोकि मजदूरों के फायदे की हैं, मैं उन का समर्थन करता हूं। खासतौर से मैंने कुच्छ का उल्लेख इसलिए किया कि यह बातें बाराबर सदन के सामने खटका करती हैं, लोगों को परेशान करती हैं और इससे गवर्नमेंट की भी प्रतिष्ठा लोगों के बीच में और श्रमिकों के बीच में कम होती है। मैं चाहता हूं कि इस सरकार की प्रतिष्ठा लोगों के दिलों में बनी रहे और हमारे नाम्बियार साहब जैसे लोगों को इस बात का मौका नहीं मिले कि वह मजदूरों को एक्सप्लाइएट करें और उनको इस तरह से एक्सप्लाएट करके अपना राजनीतिक फायदा उठायें। इन शब्दों के साथ मैं इस संशोधन विधेयक का समर्थन करता हूं।

श्री बालकृष्ण बासनिक (गोंडिया): उपाध्यक्ष महोदय, यह जो संशोधन विधेयक

[श्री बालकृष्ण वासनिक]

मजदूरों को वेतन देने के कानून में संशोधन के लिए शासन ने यहां पर प्रस्तुत किया है उसका मैं स्वागत करता हूं। यह विधेयक जो यहां पर प्रस्तुत हुआ है उस का मूलतः कारण यही है कि इस कानून के कार्यान्वित करने के समय जो कठिनाइयां शासन को महसूस होती थीं उन कठिनाइयों को शासन दूर करना चाहता है। मैं समझता हूं कि इस संशोधन विधेयक को लाकर शासन के द्वारा एक अच्छा क़दम उठाया गया है।

यहां पर जो संशोधन दिये गए हैं, उन के बारे में मुझे कुछ विशेष कहना नहीं है, परन्तु कुछ एसी बातें हैं, जिन को यहां पर और अधिक लाना आवश्यक है, ऐसा मुझे लगता है।

जब हम किसी उद्योग में न्यूनतम वेतन बांध देते हैं, तो उसके बाद वह वेतन श्रमिकों को किसी तरह से न मिले, एम्पलायर्ज के द्वारा हमेशा इस की कोशिश को जाती है और इस के लिए वे बहुत तरह के रास्ते ढूंढते हैं। उदाहरण के लिए बीड़ी-उद्योग एक ऐसा उद्योग है, जिस में जब न्यूनतम वेतन एक दो राज्यों में बांध दिया गया, उस वक्त वहां के उद्योगपतियों ने वहां के बीड़ी के कारखानों को बन्द कर दिया और जो कंट्रेक्टर्ज होते हैं, उन के द्वारा बीड़ियां बांधना शुरू कर दिया। जो एक दूसरा तरीका उन्होंने अपनाया, वह यह था कि जिन राज्यों में न्यूनतम वेतन बढ़ाया गया, उन राज्यों में कारखाने बन्द कर के जिन राज्यों में वेतन कम था, उन राज्यों में कारखाने ले जाये गए।

न्यूनतम वेतन बांध देने के बाद यदि वह वेतन पूरी तरह से श्रमिकों को नहीं मिल पाता है या हम उस प्रकार की व्यवस्था नहीं करते हैं, तो मेरा ख्याल है कि कभी कभी तो एसा मौका आता है कि जो वेतन हम श्रमिकों को देना चाहते हैं, वह तो उन को मिलता ही नहीं, परन्तु शायद बहुत वक्त उस से कम वेतन, या उस से अधिक नुक्सान श्रमिकों को होता रहता है।

जब हम इस प्रकार का कोई कदम उठाते हैं, तो हमारा लक्ष्य श्रमिकों का कल्याण होता है, परन्तु जब किसी इस प्रकार के मौके आते हैं तो उन मौकों से हमें शिक्षा ले लेनी चाहिए और ये जो अड़चनें और कठिनाइयां हैं, उन को भी दूर करने का हम लोगों को प्रयत्न करना चाहिए।

महाराष्ट्र के राज्य में बीड़ी के उद्योग में कई लाख व्यक्ति काम करते हैं और मुझे एसा लगता है कि केन्द्रीय शासन ने यह प्रयत्न भी चलाया है कि बीड़ी के उद्योग में श्रमिकों के काम करने की जो स्थिति है और उन का जो वेतन है, चूंकि यह उद्योग एक से अधिक राज्यों में फैला हुआ है, इस लिए उस में एक समान तरह की काम करने की स्थिति हो और एक समान तरह का उनको वेतन मिले। इस तरह के प्रयत्न में केन्द्रीय शासन जरूर लगा है, परन्तु दुर्भाग्य की बात यह है कि कुछ ऐसे राज्य हैं, जो शायद इस बात को इस तरह से और इतनी जल्दी नहीं होने देना चाहते हैं और केन्द्रीय शासन जो कदम उठाना चाहता है, वे उस कदम में देर करने का प्रयत्न कर रहे हैं।

महाराष्ट्र राज्य के कई लाख बीड़ी-मजदूरों के बारे में मुझे यहां पर यह कहना है कि उन की स्थिति सामान्य हो जाये और उन के लिए जो वेतन बांधा गया है, वह उन को पूरी तरह से मिले, जल्दी मिले। इस के अतिरिक्त वहां से जो बीड़ी-उद्योग दूसरे राज्यों में गया है, वह न जाये, वहीं रहे, इस दृष्टि से कुछ न कुछ कदम उठाना शासन के लिए अत्यन्त आवश्यक है।

अन्त में एक बात मैं कहना चाहता हूं, जो शायद इस बिल में उपस्थित नहीं होती

है, परन्तु जो आवश्यक है। जो ऐसे उद्योग हैं, जो एक से अधिक राज्यों में फैले हुए हैं, उन सब उद्योगों के लिए एक जैसा वेतन हो, इस प्रकार की कोशिश शासन को करना आवश्यक है। यह बात आज होती नहीं है। कई उद्योग ऐसे हैं, जो एक से अधिक राज्यों में हैं। एक राज्य कुछ प्रगति का कदम उठाना चाहता है, तो दूसरा राज्य उस प्रगति के कदम को नहीं उठाता है और इस लिए श्रमिकों का नुक्सान होता है। यह जिम्मेदारी केन्द्रीय शासन पर आ पड़ती है कि जहां जहां इस तरह के उद्योग हैं, जो एक से अधिक राज्यों में फैले हैं, उन में एक जैसी स्थिति लाने की दृष्टि से केन्द्रीय शासन को अधिक कार्यशील होना चाहिए और काम करना चाहिए।

इन शब्दों के साथ मैं इस संशोधन-विधेयक का स्वागत और समर्थन करता हूं।

Shri D. Sanjivayya: Sir, as many as seven hon. Members have taken part in the discussion relating to this Bill. The hon. Member who spoke first, Shri Banerjee, by and large welcomed the provisions. He felt aggrieved, however, with regard to the exemptions given to certain industries. To a large extent, I agree with him that as far as possible these exemptions must be few and wherever exemptions have already been given, they need to be re-examined. Often times, employers divide the workers and keep their establishments in different places and try to avoid this. But now when State Governments notify under section 85 of the Factories Act, I do not think any of them will escape.

He also referred to the existence of contract labour in the building industry. When this Act was amended last in 1957, the construction industry had been covered. With regard to contract labour, I would assure him that the Government is contemplating to introduce legislation about abolition of contract labour. On the 9th and 10th of next month, the Standing Labour Committee is going to meet and one of the items on the agenda is the abolition of contract labour.

Wherever prompt payments have not been made, they will certainly be investigated. Mr. Banerjee welcomed the provision with regard to the deductions of monies advanced for house-building. But he said there are several thousands of applications which are pending and after the Bill is passed and receives the President's assent, those applications should be examined. I will certainly see how far these pending applications could be looked into.

He said that subscription to the trade unions should also be deducted. This is a very controversial question. Unless the central unions like INTUC, AITUC, HMS, UTUC etc., agree to it we cannot embark upon this risky programme.

Shri A. P. Sharma: They do not agree.

Shri D. Sanjivayya: If my hon. friend Mr. Banerjee is very much interested in pursuing this matter, I request him to see that this subject is placed before the AITUC and see whether they agree to such a thing.

With regard to the payment of gratuity and other things after retirement, Mr. Banerjee alleged there is a lot of delay and that some time-limit should be fixed within which it should be paid.

Mr. Deputy-Speaker: The hon. Minister may continue tomorrow.

16.58 1/2 hrs.

BUSINESS ADVISORY COMMITTEE

Thirty-second Report

Shri Rane (Buldana): I Sir, beg to present the Thirty-second Report of the Business Advisory Committee.