

some other question. Yes, Mr. Reddy. I am sorry . . . sometimes I have to do like that.

SHRI N. G. GORAY: That is all right.

श्री राजनारायण : ता श्रीमन्, अपि यह क्यों कहते हैं कि आप को दूसरे सवाल में मौका देंगे । हम जिस में इंटरस्टेड हों उसी में हम को मौका मिलना चाहिये ।

SHRI MULKA GOVINDA REDDY: As a special case, he may be allowed.

MR. CHAIRMAN: All right. But I requested him not to put the question . . .

श्री राजनारायण अब तक तो वह पूछ लिये ।

SHRI MULKA GOVINDA REDDY: Sir, I just wante 1 . . .

MR. CHAIRMAN: We have taken nearly 13 to 14 minutes. . . If you insist, all right.

DEPOSIT OF WORKERS' CONTRIBUTION TO EMPLOYEES PROVIDENT FUND

*414. SHRI BHUPESH GUPTA: SHRI MULKA GOVINDA REDDY: SHRI KALYAN ROY: DR. DE. UIPRASAD CHAT- TOPA JHYAYA:

Will the Minister of LABOUR AND REHABILITATION be pleased to state:

(a) whether it is a fact that the Industrial and similar other concerns have failed to deposit more than Rs. 2 crores as Workers' contribution to the Employees' Provident Fund;

(b) if so, the names of the defaulting concerns and amount of default in each case; and

(c) what steps Government are taking in the matter to enforce compliance with law?

THE DEPUTY MINISTER, THE MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(SHRI BISHW/NATH ROY): (a) to (c) The administration of the Em-

ployees' Provident Fund is the concern of the Central Board of Trustees an autonomous Organisation under the Employees' Provident Funds Act, 1952, and is not the direct concern of the Government of India. A statement, showing the information as furnished by the Employees' Provident Fund Organisation is laid on the Table of the Sabha. [See Appendix LXXIII. Annexure No. 47.]

SHRI MULKA GOVINDA REDDY: Sir, according to the statement laid on the Table of the House, it is stated 'As on 31st March 1970, 7,943 unexempted establishments, out of 44,335 covered unexempted establishments, were in default of payment of provident fund dues to the extent of Rs. 14.67 crores.' I would like to know from the Minister as to how it is that in some States like Mysore and Delhi, the Union Territory, there are no arrears from the establishments. Should it be inferred that the Provident Fund Commissioner's establishments or organisations in Mysore and Delhi have shown more efficiency and competence in collecting the arrears and how it is that the same efficiency has not been shown in the other States.

I would also like to know from the hon. Minister this: The employees should get at the time of retirement their full provident fund quota, employees share as well as the employers' share. If they do not get, is it not the responsibility of the government to see that the employees receive the provident fund in full and they collect the arrears or dues from the defaulting establishments as arrears?

Secondly, is it not a fact that under the rules annual chits are to be given to the employees showing the amount of money deposited in their accounts, provident fund accounts, whether that has been followed or not? Then I would like to know one more thing. Most of the establishments have defaulted and utilised the employees' share for their working capital and this almost amounts to misappropriation. May I know whether the Government is thinking of blacklisting such establishments?

†The question was actually asked on the floor of the House by Shri Mulka Govinda Reddy.

SHRI BHAGWAT JHA AZAD: Sir, in some States there are a very few firms which have defaulted in this matter. For example, in Mysore there is none, as the hon. Member has said. But we have got a large number of firms. It also depends upon the firms' financial conditions and sometimes their deliberation not to pay. But there is nothing to do with the Government establishments in the matter of non-payment in the different States. Then, Sir, when the employees retire, we give them the employees' share. If the employers' share has not been realised, we do not pay. In some cases the employers' share is realised as land revenue.

With regard to the point raised by the hon. Member about misappropriation, we have gone to the court and filed cases for breach of trust and Wf. have in some cases succeeded also.

SHRI MULKA GOVINDA REDDY: Sir, the Minister has not answered my other two questions, whether they are issuing annual chits to the employees and also whether they are considering the question of blacklisting these firms. Then, Sir, in the Statement it is not mentioned how much is due from the public undertakings. I would like to know why the Government, instead of behaving as a model employer, allows autonomous organisations under its control to default in payment of the employers' share. Then I would like to know why the Government is shirking its responsibility by saying that this Provident Fund Organisation is an autonomous body and it cannot step into it and do the needful.

SHRI BHAGWAT JHA AZAD: Sir, I am sorry the hon Member put so many questions but I could not reply to two. The annual chits are issued to them. Secondly, about blacklisting such firms, we have a certain procedure to be followed against defaulters. We go to the court and prosecute them and under the Act the punishment is six months' imprisonment or Rs. 1,000 fine or both. We also start recovery proceedings. Then we file criminal cases for breach of trust. When they are in liquidation, we go to the

Liquidator to have our amount realised. In some cases they sign agreements to pay the arrears and also the current dues. There also we give them the opportunity to pay. We make no discrimination between the public sector and the private sector undertakings. The public sector undertakings are also in arrears. But what we do is this. We have taken up the matter with the State Governments concerned and the Department in the Union Government about the arrears of the public sector undertakings. Sir, it may kindly be realised that our recovery from them is subject to certain limitations.

One is where the financial condition of the undertaking is not good and the other is where it is not the position that deliberately they are not paying but because of the difficulties. For example, at present out of the total arrears we have 65 per cent, from textiles and 11 per cent, from engineering. In textiles, there are many sick mills where the Government have appointed liquidators for the purpose and they are being run as relief undertakings because otherwise a large number of workers will become unemployed and therefore these are the limitations under which we are suffering. In the case of public undertakings, we have made no discrimination. We have taken up the issue with them and we will not make any discrimination. It is not a question of shirking the Government's responsibilities, as I said. The funds of the autonomous corporation which is paying the employees at retirement are coming from a fund which is contributed by the employees and the employers. The Government is trying to see that they should get it. When employers are not paying at the time of retirement, we pay them their share though: the money is not realised but the Fund cannot pay something which probably in the future may embarrass the others also who have already paid and may not be able to pay. Therefore we cannot do that.

SHRI KALYAN ROY: The Estimates Committee report on 1969-70 has also commented on this. You have seen that we have one set of rules for those who grab the lands

according to the Ruling Congress who arrest Mr. Bhuiesh Gupta and Mr. Madhu Limaye and another standard I find, applicable to those who are deliberately not only not paying the contribution but even not depositing the money/ they are collecting from the workers and this amount to-day, according to the Estimates Committee, has grown up to Rs. 14 crores and in the Coal-mines Provident Fund it has gone up to Rs. 5 crores. I would like to know from the Minister what is he going to do about the recommendation of the Estimates Committee that Section 14 of the Act is not adequate and sufficient deterrent against habitual defaulters must be taken. Secondly what is the reaction to the specific recommendation of the Committee that they would like the Government to examine the feasibility of providing by law the collection of employees' contribution from the employers as customs or excise duty or alternated, the desirability of taking advance deposits from the employers or guarantees in favour of Central Board of Trustees. What is the reaction of the Government to this?

Even the Estimates Committee pointed out (that out of 1461 un-exempted public sector establishments, as many as 554 have failed till to-day to comply with the provisions of the Pay. Act. It is a shame. What is the reaction to these three questions?

SHRI BHAGWAT JHA AZAD: My reaction to the first question is that we have not the least sympathy for the defaulters. We want to go strongly against them.

SHRI KALYAN ROY: How many have you arrested?

SHRI BHAGWAT JHA AZAD: I would say that in the case of defaulters under the Act now, we have started prosecutions. I can give the number. We have launched 36,000 cases at present out of which 17,000. . .

(Interruptions)

SHRI KALYAN ROY: It has gone down.

SHRI BHAGWAT JHA AZAD: The hon. Member asked, why do not the Government do it? We have no sympathy. We are all against them and I was only supporting my argument by the facts by saying that we have recovery cases—49,000 cases and we have settled 36,000. We have tried to recover even in the last year to the tune of Rs. 2.55 crores but still I would say that there are arrears. Under the Act we prosecute them and the fine is Rs. 1,000 or six months' imprisonment but I would say that the National Labour Commission have recommended that the provision should be made more stringent. They have also said that provision should be taken under the IPC and these are the recommendations of the Estimates Committee also.

And these two recommendations, which the hon. Member suggested, are also by the Estimates Committee. We are considering all these ourselves not satisfied with the present provision and therefore, Sir we are considering all the recommendations and considering how the provision should be made more stringent. We want to do it.

SHRI D. THENGARI: May I know, Sir, how many employers were sentenced to imprisonment during last year for the default? That is number one. Secondly, apart from accepting the recommendations of the National Labour Commission and the Estimates Committee regarding penal provisions . . .

AN HON. MEMBER: They have not accepted them.

SHRI D. THENGARI: No, they should accept. Apart from accepting the recommendations of the National Labour Commission and of the Estimates Committee regarding penal provisions, I want to ask whether Government will consider the proposal that the fines imposed for default in payment of the provident fund should be equivalent to the fines imposed under the Income-tax Act. Will this proposal be accepted by the Government? Thirdly, in case of the public sector undertakings, which particular authority or official would be proceeded against, whether it is the General Manager or the

Chairman of the public undertaking, or the Cabinet Minister in charge of the employing Ministry who will be proceeded against This is number three. Number four.

MR. CHAIRMAN: It is too Ung a question.

AN HON. MEMBER: He is a labour leader. Sir.

SHRI D. THENGARI: Lastly, Sir, the biggest amount is against the name of India United Group of Mills, Bombay- May I know, Sir, in the cases of sick mills, that are being run by the Government, whether the Government will assure that there will be no default in casie of this payment of provident fund?

(Interruptions)

SHRI BHAGWAT JHA AZAD: Sir, I am sorry I cannot say more than tins that out of 36,336 prosecutions launched, we have been able to secure conviction in 17,242 cases but, Sir, I cannot specifically say in these 17,000 and odd convictions how many were given imprisonment and how many imposed fines. That figure I have not with me, but I can say, Sir, the number where we secured convictions and also we can say that the prosecution cases pending in courts at present are 11,656. About that that wno will be proceeded against under the Act, as is known to the hon. Member, we are prosecuting the company, and since companies are autonomous organisations in which the employers can be proceeded against—we have no truck with them: only the employers can be proceeded against—therefore no Cabinet Minister or State Minister can be proceeded against, which the hon. Member knows. About the India United Grouo of Mills, Bombay, I am sorry, but I have got a large list of those who are defaulters. I cannot say actually what is the particular case about this. All that I can say is that we are not in any way lenient to those which are being run by the Government. All that I can say at this moment is this that, in Maharashtra, the barashtra Government's Custodians are running certain mills, which are Icing run as relief undertakings because, if

they would have been closed down, a large number of employed would have been sent into unemployment. Therefore we are doing that. Sir, about the provisions of the Act, as I have said we are ourselves feeling that these provisions are not stringent, and the recommendations of the National Labour Commission and of the Estimates Committee, and the hon. Member's suggestion made just now made to impose the same fines as under the Income-tax Act all these we shall consider and see what can best be done in this regard.

SHRI KALYAN ROY: My last question please.

SHRI MULKA GOVINDA REDDY: Sir, .

MR. CHAIRMAN: Mr. Muniswamy.

SHRI N. R. MUNISWAMY: Sir, I find from the Statement that the amount of dues is to the tune of Rs. 14.67 crores.

DR. B. N. ANTANI: What about me, Sir? I raised my hand. You noted down my name. And when the time comes, somebody else is called. Is it because I am too insignificant and too old to be noticed and question monopolists like Mr. Rajnarain, etc. are the only people to be called? I don't mind it.

SHRI M. K. MOHTA: Sir, Dr. Antani generally never asks question:-; except perhaps once in a week. Therefore kindly consider his right to put questions.

MR. CHAIRMAN: I am pained to hear what Dr. Antani has said. It is not at all the case. It just happened, and it may be that I first noticed Mr. Muniswamy raising his hand to put his question.

SHRI N. R. MUNISWAMY: Sir, the Statement shows that the provident dues are to the extent of Rs. 14.67 crores. Out of that, so far as prosecutions for criminal breach of trust are concerned, in such cases a certain amount must have been involved. I would like to know what is the amount involved in all the criminal cases for breach of trust, and also the amount involved in the liquidation proceedings.

SHRI BHAGWAT JHA AZAD: Sir, it is not a question of how much amount is involved in cases of breach of trust. As I said, the moment there are defaults, we must prosecute them under the Act, which provides for a five and six months imprisonment. Now, as Mr. Mulka Govinda Reddy just now suggested we have already tried it because we thought, why can't we prosecute them for that breach of trust because they deduct the money of the employees and they do not deposit it. The employers' share of the money is also not deposited in some cases. Therefore we went to the court with prosecutions for breach of trust and we have succeeded in a few cases in Bombay. The amount involved in such cases, I cannot say how much it is, but we can go into the cases where we find such is the case. About the other one as I said Rs. 11 crores was due last year. I had given the figure and we have been able to realise Rs. 2.55 crores and the rest also we are trying all these methods.

SHRI N. G. JORAY: I find from the list that the biggest number of defaulters is from Maharashtra and the biggest amount is also due from Maharashtra; it is of the order of four crores and forty six lakhs. Out of this long list of defaulters in Maharashtra which consists of 21 concerns, nineteen are spinning and weaving mills. Does it mean that there is something wrong with the spinning and weaving mills? Will the Government take note of this fact and try to find out what is wrong with them?

SHRI BHAGWAT JHA AZAD: It is true that we have got a large number of defaulters in Maharashtra and most of them in spinning and weaving mills. 65 per cent of the total defaulters means a third of the amounts due are from the textile industry because as the hon. Member knows there is some trouble with the textile mills. Most of them are sick and they are not giving it. Some Members were saying it is because the Government is running them. Government takes them over when they become sick in order to avoid a great number becoming unemployed. The Government have appointed custodians and they are running them.

SHRI MAHAVIR TYAGI: Government has also become sick.

SHRI BHAGWAT JHA AZAD: Government is the doctor who has taken care of the sick mills in Maharashtra.

SHRI N. G. GORAY: My point was if these mills are sick what the Government has been doing is to take them over, nurse them back to health and then again hand them to the employers. What I am saying is, if they are sick, scrap them and start new mills.

SHRI BHAGWAT JHA AZAD: Sir, I can only say about the provident fund part of the question. This is a larger question of policy which does not concern me. The hon. Member can direct his question to the concerned Ministry.

WASTAGE OF FRUITS AND VEGETABLES

*415. SHRI CHITTA BASU: Will the Minister of FOOD AND AGRICULTURE be pleased to state:

(a) whether it is a fact that about 30 per cent of total production of fruits and vegetables in the country go waste in various ways; and

(b) if so, what steps Government propose to take to prevent such huge wastage?

THE MINISTER OF STATE IN THE MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION (SHRI ANNASAHEB SHINDE): (a) and (b) A statement is laid on the Table of the Sabha.

STATEMENT

(a) and (b) The post-harvest losses in the production of fruits and vegetables occur due to several factors such as improper methods of harvesting, handling and packing; bad transportation and inadequate storage. Delays in marketing after arrivals in the terminal markets, and shortage of cold storage or godown space also causes these losses.

No studies have been carried out to determine the extent of these losses in respect of various fruits and vegetables but from the information