

14.15 hrs.

STATUTORY RESOLUTION RE: DISAPPROVAL
OF THE BUILDING AND OTHER
CONSTRUCTION WORKERS THIRD ORDINANCE,
1996

BUILDING AND OTHER CONSTRUCTION
WORKERS BILL

STATUTORY RESOLUTION RE: DISAPPROVAL
OF THE BUILDING AND OTHER
CONSTRUCTION WORKERS' WELFARE CESS
THIRD ORDINANCE, 1996.

AND

BUILDING AND OTHER CONSTRUCTION
WORKERS' WELFARE CESS BILL - Contd.

[Translation]

SHRI GIRDHARI LAL BHARGAVA : Mr. Deputy Speaker, Sir, I am making my statement in brief. Many members have moved amendments therein and the hon. Minister has also accepted them. I thank all of them. But certain things have still been left out, which I am enumerating.

In the first instance, the definition of the owner is not clear in the Bill.

MR. DEPUTY SPEAKER : It would be better if you take less time.

SHRI GIRDHARI LAL BHARGAVA : Sir, I am speaking in brief. Secondly, the levy which has been imposed on the owner is not sufficient. Thirdly, in this Bill, no minimum compensation has been fixed for the workers killed or crippled in the accidents.

Fourthly, there is no provision of bonus, gratuity, provident fund and pension for the workers whatever be their length of service.

Fifthly, I would suggest that the cess should not be less than 2 per cent and the Government of India should also contribute its share in it because the state Government would collect the cess and the expenditure incurred thereon would be deducted from it. But in the Bill it has been provided that the State Government would not get more than one per cent. Therefore, my submission is that it should be made two per cent, and thereafter the Central Government should make its contribution. That would be a better proposition.

My sixth suggestion is that the State Board should be given more powers.

My seventh suggestion is that an All India Wage Board should be constituted. It is very difficult to get a good worker even on Rs.100 or Rs.125 now-a-days. Therefore, an All India Wage Board should be constituted

in which the representatives of the workers of unorganised sector should be included to inter-alia decide the minimum wage for a worker. Boards are being constituted at the Central level and the State level. In this regard, I would suggest that gazetted officers should be appointed in these Boards, so that they could monitor their functioning. This is my eighth suggestion.

My ninth suggestion is that the amount so collected should be deposited in the provident fund account or with ESE scheme so that it may be safe. It should not be deposited in the other Central fund. The hon. Minister has also perhaps accepted such a suggestion.

My another suggestion is that a provision should also be made for retrenchment compensation of workers because if it is not done, the worker would have to face starvation and would thus be deprived of the benefit of this legislation which has been brought forward for the first time for the welfare of the workers of the unorganised sector. Then the hon. Minister said that the M.Ps and MLAs would also be included in this Board. My suggestion is that in this Board, some experts should also be included. The workers of agriculture sector should also be brought within the purview of this Bill.

The name of your party, which has formed the Government, is J.D. 'J' stands for July and 'D' for December. Therefore, the tenure of you Government is from July to December. Therefore, you make the best of your time or else, as you know, about 80 percent of our people in India belong to the working class.

MR. DEPUTY SPEAKER : July will come again after December.

SHRI GIRDHARI LAL BHARGAVA : Now it will not come, at least in their tenure. So, they should work from July to December. This Government will be ousted in December positively. Therefore, the hon. Members should not bother their heads about the houses. They should work for the welfare of the people. The workers engaged in construction are being exploited. The suggestions made by the Krishna Iyer Committee should also be included in this Bill. Besides there should also be a provision about the Industrial Disputes Act.

Our workers are great artists. They built Rashtrapati Bhawan, several flats, Parliament House and the pillars of Parliament House that we see daily. They all are made of Karoli stone from Rajasthan. These have been built by the workers of Rajasthan, particularly of Jaipur. You all are my brothers but these workers are my neighbours. I requests the Government to bring forward a comprehensive bill-incorporating all the suggestions made by me and other Members by way of amendments etc. for which I am grateful to all of them - for the welfare of these workers of the unorganised sector. Lok Sabha will not be in session from tomorrow. It will meet on the 26th August. Till then, you consider the matter

thoroughly. If you need me, I shall also come with my suggestions. You should bring forward a comprehensive bill in consultation with all concerned people. Such a bill has been introduced for the first time in Lok Sabha. I thank the Government for the suggestions that they have accepted. I am confident that the remaining suggestions shall also be accepted. With these words, I conclude my speech. Thank you.

MR. DEPUTY-SPEAKER : Are you withdrawing the resolution?

SHRI GIRDHARI LAL BHARGAVA : I am not opposing the Bill. I oppose the tendency to issue ordinances every now and then. Government brought forward ordinances in quick succession, first in Rajya Sabha, then in Lok Sabha and then again in Rajya Sabha. This Government should not follow the Cong. policies of their predecessor, i.e. The Congress Government. The Congress Party is supporting them. I hope they will agree to the suggestions made by me. Thanks.

MR. DEPUTY-SPEAKER : Have you withdrawn the statutory resolution.

SHRI GIRDHARI LAL BHARGAVA : Yes, Sir, I have withdrawn the statutory resolution as it was brought forward with a limited purpose of having the ordinance rescinded.

[English]

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

SEVERAL HON. MEMBERS : Yes.

The Resolution was, by leave, withdrawn.

MR. DEPUTY-SPEAKER : I am putting amendment no. 40 moved by Shri Hannan Mollah to the vote of the House.

The amendment was put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That the Bill to regulate the employment and conditions of service of building and other construction workers and to provide for their safety, health and welfare measures and for other matters connected therewith or incidental thereto, be taken into consideration".

The motion was adopted.

MR. DEPUTY-SPEAKER : No, the House will take up Clause by Clause consideration of the Bill.

Clause 2-Definitions

MR. DEPUTY-SPEAKER : Shri Rajiv Pratap Rudi - not present; Shri Hannan Mollah.

SHRI HANNAN MOLLAH (Uluberia) : I do not press my amendment.

MR. DEPUTY-SPEAKER : Shri K.V. Surendranath and Shri A.C. Jose - not present.

Amendment made

Page 3, line 24, -

after "own residence" add-

"the total cost of such construction not being more than ten lakhs" (68)

(Shri M. Arunachalam)

MR. DEPUTY-SPEAKER : The question is :

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3-Central Advisory Committee

MR. DEPUTY-SPEAKER : Mr. Hannan Mollah, are you moving Amendment No. 15?

SHRI HANNAN MOLLAH : My amendment has been accepted, Sir. So, I am not moving.

Amendments made :

Page 3, —

(i) *after line 43, insert—*

"(b) three Members of Parliament of whom two shall be elected by the House of the People and one by the Council of States-members."

(ii) line 44, —

for "(b)" substitute "(c)" (69)

(Shri M. Arunachalam)

Page 4, —

(i) line 1,—

for "(c)" substitute "(b)"

(ii) line 7,—

for "(c)" substitute "(d)" (70) (Shri M. Arunachalam)

Page 4,—

after line 12, insert—

"(4) It is hereby declared that the office of member of the Central Advisory Committee shall not disqualify its holder for being chosen as, or for being, a Member of either House of Parliament." (71)

(Shri M. Arunachalam)

MR. DEPUTY-SPEAKER : The question is :

"That Clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4 — State Advisory Committee

Amendment made :

Page 4,—

(i) *after* line 18, *insert—*

“(b) two members of the State Legislature to be elected from the State Legislature — members:”

(ii) line 19,—

for “(b)” *substitute* “(c)”

(iii) line 20,—

for “(c)” *substitute* “(d)”

(iv) line 21,—

for “(d)” *substitute* “(e)”

(v) line 27,—

for “(d)” *substitute* “(e)” (72)

(Shri M. Arunachalam)

MR. DEPUTY-SPEAKER : The question is :

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

The motion was adopted.

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

Clause 5

MR. DEPUTY-SPEAKER : Mr. Hannan Mollah, are you moving Amendment No. 17?

SHRI HANNAN MOLLAH : I am not moving.

MR. DEPUTY-SPEAKER : The question is :

“That clause 5 stand part of the Bill.”

The motion was adopted.

Clause 5 was added to the Bill.

Clause 6 to 11

MR. DEPUTY-SPEAKER : The question is :

“That Clause 6 to 11 stand part of the Bill.”

The Motion was adopted.

Clauses 6 to 11 were added to the Bill.

Clause 12

MR. DEPUTY-SPEAKER : The question is :

“That clause 12 stand part of the Bill.”

The motion was adopted.

Clauses 12 was added to the Bill.

MR. DEPUTY SPEAKER : The question is :

“That Clause 13 stand part of the Bill.”

The Motion was adopted.

Clause 13 was added to the Bill

Clause 14

Amendment made :

Page 7,—

(i) line 4,—

for “five years” *substitute* “three years”

(ii) line 6,—

for “five years” *substitute* “three years” (73)

(Shri M. Arunachalam)

MR. DEPUTY-SPEAKER : The question is :

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

The motion was adopted.

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

Clause 15

MR. DEPUTY-SPEAKER : The question is :

“That the Clause 15 stand part of the Bill.”

The motion was adopted.

Clause 15 was added to the Bill.

Clause 16

MR. DEPUTY-SPEAKER : The question is :

“That clause 16 stand part of the Bill.”

The motion was adopted.

Clause 16 was added to the Bill.

Clause 17

MR. DEPUTY-SPEAKER : The question is :

“That clause 17 stand part of the Bill.”

The motion was adopted.

Clause 17 was added to the Bill

Clause 18

MR. DEPUTY-SPEAKER : The question is :

“That clause 18 stand part of the Bill.”

The motion was adopted.

Clause 18 was added to the Bill.

Clauses 19 to 21

MR. DEPUTY-SPEAKER : The question is :

“That clauses 19 to 21 stand part of the Bill.”

The motion was adopted.

Clauses 19 to 21 were added to the Bill.

Clause 22

MR. DEPUTY-SPEAKER : The question is :
"That clause 22 stand part of the Bill."
The motion was adopted.
Clause 22 was added to the Bill.

Clause 23

MR. DEPUTY-SPEAKER : The question is :
"That clause 23 stand part of the Bill."
The motion was adopted.
Clause 23 was added to the Bill.

Clause 24

MR. DEPUTY-SPEAKER : The question is :
"That clause 24 stand part of the Bill."
The motion was adopted.
Clause 24 was added to the Bill.

Clauses 25 to 28

MR. DEPUTY-SPEAKER : The question is :
"That clauses 25 to 28 stand part of the Bill."
The motion was adopted.
Clauses 25 to 28 were added to the Bill.

Clause 29

MR. DEPUTY-SPEAKER : The question is :
"That clause 29 stand part of the Bill."
The motion was adopted.
Clause 29 was added to the Bill.

Clauses 30 to 34

MR. DEPUTY-SPEAKER : The question is :
"That clauses 30 to 34 stand part of the Bill."
The motion was adopted.
Clauses 30 to 34 were added to the Bill.

Clause 35

MR. DEPUTY-SPEAKER : The question is :
"That clause 35 stand part of the Bill."
The motion was adopted.
Clause 35 was added to the Bill.

Clauses 36 to 38

MR. DEPUTY-SPEAKER : The question is :
"That clause 36 to 38 stand part of the Bill."
The motion was adopted.
Clauses 36 to 38 were added to the Bill.

Clause 39

MR. DEPUTY-SPEAKER : The question is :
"That clause 39 stand part of the Bill."
The motion was adopted.
Clause 39 was added to the Bill.

Clause 40 to 44

MR. DEPUTY-SPEAKER : The question is :
"That clauses 40 to 44 stand part of the Bill."
The motion was adopted.
Clauses 40 to 44 were added to the Bill.

Clause 45

MR. DEPUTY-SPEAKER : The question is :
"That clause 45 stand part of the Bill."
The motion was adopted.
Clause 45 was added to the Bill.

Clause 46

MR. DEPUTY-SPEAKER : The question is :
"That clause 46 stand part of the Bill."
The motion was adopted.
Clause 46 was added to the Bill.

Clause 47

MR. DEPUTY-SPEAKER : The question is :
"That clause 47 stand part of the Bill."
The motion was adopted.
Clause 47 was added to the Bill.

Clauses 48 to 57

MR. DEPUTY-SPEAKER : The question is :
"That clauses 48 to 57 stand part of the Bill."
The motion was adopted.
Clauses 48 to 57 were added to the Bill.

Clause 58

MR. DEPUTY-SPEAKER : The question is :
"That clauses 58 stand part of the Bill."
The motion was adopted.
Clause 58 was added to the Bill.

Clauses 59 to 61

MR. DEPUTY-SPEAKER : The question is :
"That clauses 59 to 61 stand part of the Bill."
The motion was adopted.
Clauses 59 to 61 were added to the Bill.

Clause 62

MR. DEPUTY-SPEAKER : The question is :
"That clause 62 stand part of the Bill."
The motion was adopted.
Clause 62 was added to the Bill.

New Clause 62A Saving of Certain enactments

Amendment made :

Page 22,—
after line 7, insert

Saving of certain enactments. "62A, Nothing contained in this Act shall affect the operation of any corresponding law in a State Providing welfare schemes which are more beneficial to the building and other construction workers than those provided for them by or under this Act."
(74)

(Shri M. Arunachalam)

MR. DEPUTY-SPEAKER : The question is :
"That new clause 62A be added to part of the Bill."
The motion was adopted.

New Clause 62A was added to the Bill.

MR. DEPUTY-SPEAKER : The question is :
"That clause 63 stand part of the Bill."
The motion was adopted.
Clause 63 was added to the Bill.

Clause 1-Short title, extent and Commencement and application

Amendment made :

Page 1, line 10,—
for "fifty" substitute "ten" (67)

(Shri M. Arunachalam)

MR. DEPUTY-SPEAKER : The question is :
"That clause 1, as amended, stand part of the Bill."
The motion was adopted.
Clause 1, as amended was added to the Bill.

MR. DEPUTY-SPEAKER : The question is :
"That the Enacting Formula and the Long Title stand Part of the Bill."
The motion was adopted.

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

SHRI M. ARUNACHALAM : I beg to move :
"That the Bill, as amended, be passed."

MR. DEPUTY-SPEAKER : Motion moved :

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

SHRI S. BANGARAPPA (Shimoga) : I have a suggestion to make to the Chair, just to keep the record straight. Before passing of the Bill is taken up, if you have to negative an amendment moved by a Member of the Opposition, you have to obtain only "Ayes" and not "Noes". I heard that only "Noes" were taken up in stead of "Ayes". What I feel is, if "Noes" are taken up on a motion to be negated by the House, it remains part and parcel of the Bill.

The Chair may please go through the record. If "Ayes" are taken up, it would be all right. But if "Noes" are taken up, it means that the amendment moved by the Members of the Opposition is supported.

MR. DEPUTY-SPEAKER : I will go through the record and see.

SHRI S. BANGARAPPA : I make this suggestion keeping the fact in view that nothing should go on record which may give rise to feeling that it is illegal or against the rules, or something like that.

MR. DEPUTY-SPEAKER : I will look into it.

SHRI RAMESH CHENNITHALA (Kottayam) : Mr. Deputy-Speaker, Sir, this is a comprehensive Bill which is going to be passed in this august House. This is a landmark in the history of the working class in India. When we go through the Bill, we find that there are certain apprehensions among the working class, especially in those States which have passed their own resolutions. The hon. Minister was very considerate to call a meeting of different political parties to discuss it in detail. We moved certain amendments. The hon. Minister was kind enough to accept certain amendments moved by the Members.

However, in the days to come, at the implementation level there may be some lacunae and difficulties which can be taken care of by the Ministry at the time of framing the rules.

Sir, the unorganised labour in our country will definitely be helped by this legislation.

I once again congratulate the former Labour Minister, Shri Venkata Swamy who originally moved this Bill and now Shri Arunachalam who is fortunate enough to get it passed in this House. In the coming days, this legislation will definitely help the poor and the downtrodden who are in the unorganised sector.

MR. DEPUTY-SPEAKER : The credit goes to both Shri Venkata Swamy and Shri Arunachalam.

SHRI HANNAN MOLLAH (Uluberia) : Mr. Deputy-Speaker, Sir, I also join Shri Chennithala in congratulating the hon. Minister who had prepared and the hon. Minister who had piloted it. They have had the opportunity of passing such an important Bill for the first time after Independence. I hope that a large section of

the downtrodden people, the construction workers will be able to get the benefit out of this Bill. But, Sir, we know that the construction lobby is very strong and they have been very active in obstructing this Bill for so many years. Even after passage of this Bill, the construction lobby will try to create obstacles.

I would request the Central Government to take necessary care and in consultation with the State Governments try to throttle all such obstacles and see that the construction labourers get the benefits.

Many points have been raised but only some points have been accepted by the Government and we all agreed to pass this Bill. But as far as the points which haven't been accepted are concerned, I would request the Government that in coming years, through the experience of this amendment, many more amendments will be brought in future to serve the many more interests of the construction workers.

SHRI XAVIER ARAKAL (Ernakulam) : Mr. Deputy-Speaker, Sir, I am extremely proud to stand up in this House and support this Bill. It is because in 1977 when I was an MLA, I had the occasion to inaugurate the first *Kettida Nirmana Thozhilali Union*.

Today, as Shri Chennithala has said, it is a landmark. But I have my own apprehensions when it comes to the implementation side of the Bill. Nevertheless, it is a landmark and the poor people of this country, especially, the construction workers will appreciate and support the move.

Sir, the one suggestion which I would like to put forward for the consideration of this House is this. We have intentionally or unintentionally omitted the brick-makers and certain other connected trades. They are also a major section of the unorganised labour force in this country. They are not going to get substantial benefit from this enactment.

Secondly, out of 8.5 million casual construction workers, how many are going to get benefit out of this Bill? I am putting this question to this House very sincerely. In the coming years, this question will definitely come. At that time our people should not think that the House did not deliberate on this vital subject. This is an area which is unsailed. It is difficult to organise this sector. My experience, Sir, in this field is that the State is the fittest authority in the organised sector as far as this subject is concerned. Now, the Centre has taken the responsibility. Is this the policy of the Government to concentrate powers at the Centre? Anyway, the State Advisory Committee is there. This is a landmark enactment of the House.

I fully support this Bill and I am also really proud to see that the baby which was born in Kerala in 1977 is growing up to a maximum position. I hope in coming years, this enactment will be a landmark for the other unorganised labour sector also.

Thank you very much for giving me this opportunity to speak.

[Translation]

SHRI BANWARI LAL PUROHIT (Nagpur) : A welcome step has been taken to safeguard the interests of the poor workers through this Bill. The Hon. Minister considered the suggestions made by our party - the BJP and accepted many of them, e.g. the number 50 has been reduced to 10; the public representatives are to get representation in the Board and similar other suggestions were considered by the hon. Minister after taking into confidence all the parties in the House.

The Government has not a very healthy convention by bringing forward this amended bill on its own for which we congratulate it. But on this occasion, we would like to state that what is needed is that the Government must pay special attention towards the implementation of this legislation. Parliament enacts several laws but most of them remain up in statute books and are never implemented. I would urge the Government to see that this Board as also the state Boards are given special powers and adequately empowered to check the exploitation of the workers in the real sense and to ensure justice to the workers and punishment to their exploiters.

I once again thank the hon. Minister for bringing forward this Bill to safeguard the interests of the workers and requests been to keep up his good work.

[English]

SHRI A.C. JOS (Idukki) : Mr. Deputy-Speaker, Sir, I really congratulate the hon. Minister for having accepted most of my amendments.

Mere passing of this Bill by the Parliament is not going to benefit the States. The subject 'labour' is in the Concurrent List. Most of the States should have passed it earlier. But, except Kerala and Tamil Nadu, no other State had passed the Bill like this and they are not implementing it.

My request to the hon. Minister and to the Labour Department of the Central Government as such is to find out some method by which a deadline has to be drawn so that this Act is implemented or adopted by all the States. Especially in the Hindi belt and in the Northern India, this is absolutely necessary. Unless there is coaxing from the Central Labour Minister and the Central Labour Department, this Bill is not going to be implemented. This Bill is not meant for the Central Government. Of course, Advisory Committee is there and many other checks and balances are there. Unless there is a mechanism, unless there is a definite point by which the Central Government instructs the State Governments to implement this law, this law will just be on paper only.

With these words, I congratulate the hon. Minister and I am thankful to him for having accepted many of

my amendments. His name will go down in the history. As Shri Ramesh Chennithala has said, Shri Venkatswamy, former Labour Minister, the present hon. Speaker, who is a former Labour Minister and others have laboured for this and finally this Bill has come up. Now it is the fortune of Shri Arunachalam to bring this Bill and get it passed. I congratulate the hon. Minister for this.

[Translation]

MR DEPUTY SPEAKER : It is the third reading. No Member has sent me any notice for his intention to speak. However, every section of the House has cooperated in the passage of this Bill. That is why I am allowing some relaxation. A Member said that the Dy. Speaker also deserves thanks. I say are previous Minister and one new Minister deserve all praise for this. However, I congratulate the entire House that it passed very good Bill for the welfare of the workers.

[English]

The question is :

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

The motion was adopted.

MR. DEPUTY SPEAKER : Now we come to item No. 23, Shri Girdhari Lal Bhargava. Are you withdrawing your statutory Resolution, Bhargavaji?

[Translation]

Are you withdrawing?

[Translation]

SHRI GIRDHARI LAL BHARGAVA : I shall withdraw because all have expressed their points of view on the subject. It is right that the industrialists, factory-owners etc. in India have a very strong lobby and they obstructed the Bill even at its introduction stage. About you said that it should not be more than one percent. George Saheb is here. Our previous labour Minister is also present here. Now you are possessed of all facts. If you had attended to this work during your tenure, the credit, which is going to him, would have gone to you.

The State Board should be given more powers. The experts should be included in it. A provision should be incorporated in the Bill to provide for at least two percent cess. I would also like to know as to what would be the contribution of the Central Government in it. Otherwise, the Central Government would be getting the credit for nothing. It will get fund by way of cess, constitute the Board and include M.Ps and MLAs in it

* Expunged as ordered by the Chair.

and them please all. This intensive exercise entails expenditure. The toilets, rest-rooms, schools, hostels etc. have to be built for the workers and their family-members. Who will build them and from where the funds for all these things come? the State Board would not do any thing. You will not achieve the objective by just including M.L.As, M.Ps and experts in the Board. If you have brought forward this Bill keeping the interests of the workers uppermost in your minds, as per the promise made in your Common Minimum Programmes, then you should provide for at least two percent cess and should also state your contribution categorically.

You would come back to us. You are our comrades. You do some good work so that your Government may run for sometime. You would be in the opposition and come to occupy seats with us. You may desert Nithish Kumar Ji and go to the other side but still it will be a Government of the opposition... (Interruptions) Ram Kripal ji, you please sit down.

MR. DEPUTY SPEAKER : Please conclude now.

SHRI GIRDHARI LAL BHARGAVA : J.D. means, from July to December. Therefore you please do some good work so that people may know that the Government of the opposition had also been formed which had done some work... (Interruptions) I always speak less.

You should provide for at least two percent cess and tell us as to what would be the contribution of the Central Government. The hon. Minister should also speak... (Interruptions)

SHRI RAMESH CHENNITHALA (Kottayam) : Why don't you congratulate the hon. Minister?

SHRI GIRDHARI LAL BHARGAVA : I am congratulating him from the core of my heart. The entire credit is going to him. But he must say that. The cess would not be less than two percent, the Central Government would also contribute and that at would must succumb to the lobby of the owners. Then I would, with your permission, withdraw the resolution.

MR. DEPUTY SPEAKER : You have my permission.

SHRI GIRDHARI LAL BHARGAVA : I shall then obey you and sit down. I hope the hon. Minister will agree to my suggestions.

[English]

MR. DEPUTY-SPEAKER : Is it the pleasure of the House that the Statutory Resolution moved by Shri Girdhari Lal Bhargava be withdrawn?

[Translation]

SHRI GIRDHARI LAL BHARGAVA : Sir, there is a rule. Will the hon. Minister speak about the cess or not?

MR. DEPUTY SPEAKER : He has already spoken. I will not stop him if he wants to speak.

[English]

THE MINISTER OF LABOUR (SHRI M. ARUNACHALAM) : Sir, I thought that after passing the Bill I can speak and congratulate him.

[Translation]

SHRI GIRDHARI LAL BHARGAVA : The hon. Minister has given a sweet assurance. The assurances sustain life. With your permission, with the permission of the House and...*(Interruptions)**

I withdraw the resolution.

[English]

MR. DEPUTY-SPEAKER : Is it the pleasure of the House that the Statutory Resolution moved by Shri Girdhari Lal Bhargava be withdrawn?

The Resolution was, by leave, withdrawn.

[Translation]

SHRI GIRDHARI LAL BHARGAVA : I withdraw my resolution regarding disapproval of the ordinance. I congratulate the Government and urge upon it to do as much good work as it can during its stay in office. Therefore, I, with your permission and with the permission of the House, withdraw the resolution.

[English]

SHRI NIRMAL KANTI CHATTERJEE (Dumdum) : Sir, the hon. Member wants one assurance from the Government that there should be Ordinances and he should be permitted to move the Resolutions in the House. That is the only assurance he wants.

[Translation]

SHRI GIRDHARI LAL BHARGAVA : It is our right.

[English]

MR. DEPUTY-SPEAKER : The question is :

"That the Bill to provide for the levy and collection of a cess on the cost of construction incurred by employers with a view to augmenting the resources of the Building and Other Construction Workers' Welfare Boards constituted under the Building and Other Construction Workers (Regulation of Employment and Condition of Service) Act, 1996, be taken into consideration.

The motion was adopted.

Expunged as ordered by the Chair.

[Translation]

SHRI G.M. BANATWALLA (Pannani) : When he was withdrawing his resolution, I was trying to get your attention.

MR. DEPUTY SPEAKER : I could not see.

SHRI G.M. BANATWALLA : He did the right thing by withdrawing his resolution. But while withdrawing, he uttered a sentence which was not proper. He said...*** So I withdraw it". It is not proper. This should not go on record.

[English]

MR. DEPUTY-SPEAKER : I will go through the record.

[Translation]

SHRI GIRDHARI LAL BHARGAVA : I did not say any such thing...***

It is not importsmentary language. Nitishji has been in the Chair for years. You may ask him. You please look into it. It is not unparliamentary.

MR. DEPUTY SPEAKER : You please sit down. It may not be unparliamentary but it is not that anything that is not unparliamentary is necessarily good. I will look into it.

SHRI GIRDHARI LAL BHARGAVA : You please see. I have said the right thing.

[English]

MR. DEPUTY-SPEAKER : The House will not take up Clause by Clause consideration of the Bill.

The question is :

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3-Levy and Collection Cess

MR. DEPUTY-SPEAKER : Hannan Mollahji, please move your amendments.

SHRI HANNAN MOLLAH : Sir, my amendments have been accepted in principle by the Government. So, I am not moving them.

Amendments made:

Page 1, line 11

for "one per cent." *substitute*

"two percent., but not less than one percent."

(15)

* Expunged as ordered by the Chair.

Page 2,—

for lines 16 to 23, substitute —

"(3) The proceeds of the cess collected under sub-section (2) shall be paid by the local authority or the State Government collecting the cess to the Board after deducting the cost of collection of such cess, not exceeding one percent, of the amount collected."

(16)

(Shri M. Arunachalam)

15.00 hrs.

MR. DEPUTY-SPEAKER : The question is :

"That clause 3, as amended stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

MR. DEPUTY-SPEAKER : The question is :

"That clause 4 and 5 stand part of the Bill."

The motion was adopted.

Clauses 4 and 5 were added to the Bill.

Clause 6—Power to exempt

Amendment made:

Page 2, —

for clause 6, substitute—

Power to
exempt

"6. Notwithstanding anything contained in this Act, the Central Government may, by notification in the Official Gazette, exempt any employer or class of employers in a State from the payment of cess payable under this Act where such cess is already levied and payable under any corresponding law in force in that State." (17)

(Shri M. Arunachalam)

MR. DEPUTY-SPEAKER : The question is :

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

MR. DEPUTY-SPEAKER : The question is :

"That clauses 7 to 15 stand part of the Bill."

The motion was adopted.

Clauses 7 to 15 were added to the Bill.

MR. DEPUTY-SPEAKER : The question is :

"That clause 1, the Enacting Formula and

the Long title Stand Part of the Bill."

The motion was adopted.

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

SHRI M. ARUNACHALAM : I beg to move :

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

MR. DEPUTY-SPEAKER : The question is :

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

The motion was adopted.

SHRI M. ARUNACHALAM : Sir, I am really thankful to the Chair because you have allowed us to pass it in time. I am also very much thankful to the hon. Members who have participated in the discussion.

MR. DEPUTY-SPEAKER : The credit goes to the whole House.

SHRI M. ARUNACHALAM : That is correct, Sir. I am very much thankful to all the Members who have participated in the discussion, and my special thanks are due to my distinguished colleague, Shri Girdhari Lal Bhargava, who has withdrawn the Statutory Resolution the only thing is that my good friend, Shri Bhargava, is coming to the House without reading the Bills properly. That is the only mistake he is committing. The definition of the 'employer' and 'employee' has been mentioned very clearly in the Bill.

[Translation]

SHRI GIRDHARI LAL BHARGAVA : Arunachalamji, I come to the House after reading every Bill and I can discuss each and every amendment with you. So you cannot say that I come to the House without reading the Bill. I have been an MLA for four terms and have spoken on all Bills and in the 10th and 11th Lok Sabha, I have come to the House after reading each and every Bill. If you are attaching me for some other thing, then it is a different matter... (Interruptions)

[English]

SHRI M. ARUNACHALAM : If you see the Bill, you will find that the definition of 'employer' and 'worker' has been clearly mentioned. There are clear provisions for payment of compensation for death or injury resulting in disability. The hon. Member asked me about the share of the Central Government. The Central Government is the biggest employer of the construction workers. About fifty percent of the Central plan outlay is spent on the construction projects. Therefore, the Central Government will be the biggest contributor to the welfare fund being created through the Bill.

I hope, you will appreciate the Government's policy in this regard.

MR. DEPUTY-SPEAKER : The Bill has already been passed.