

Title : Situation arising out of violation of labour laws in the country particularly in private and unorganised sectors and steps taken by the Government in regard thereto.

CALLING ATTENTION TO MATTERS OF URGENT

PUBLIC IMPORTANCE

(i) Situation arising out of violation of labour laws in the country

particularly in private and unorganised sectors and steps taken by the Government in regard thereto

MR. DEPUTY-SPEAKER: Now, the House shall take up Item No.13.

SHRI SUNIL KHAN (DURGAPUR): Sir, I call the attention of the Minister of Labour and Employment to the following matter of urgent public importance and request that he may make a statement thereon:

"Situation arising out of violation of labour laws in the country particularly in private and unorganised sectors and steps taken by the Government in regard thereto."

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI K. CHANDRA SHEKHAR RAO): Sir, according to the survey conducted by the National Sample Survey Organisation (NSO), the workforce in the unorganised sector constitutes about 93 per cent of the total workforce. Various labour laws like the Workmen Compensation Act, 1923; the Minimum Wages Act, 1948; the Contract Labour (Regulation & Abolition) Act, 1970; the Plantation Labour Act, 1951; the Beedi & Cigar Workers (Conditions of Employment) Act, 1966; the Bonded Labour System (Abolition) Act, 1976; the Building & Other Construction Workers (Regulation of Employment & Conditions of Service) Act, 1996; Maternity Benefit Act, 1961 and Employees' Provident Funds & Miscellaneous Provisions Act, 1952 are fully or partially applicable to the workers in the unorganised sector...(Interruptions)

SHRI GURUDAS DASGUPTA (PANSKURA): Sir, I am on a point of order.

MR. DEPUTY-SPEAKER: What is your point of order?

* Also placed in Library, See No. LT 2735/05.

SHRI GURUDAS DASGUPTA : Sir, according to the Rule Book, Calling Attention will have to be taken up just after the Question Hour and Statements are made. How, at the end of the day, can the Calling Attention be taken up? It is a violation of the rules. It should be taken up tomorrow.

उपाध्यक्ष महोदय : श्री दासगुप्त जी, चेयर्स से ऑब्जर्वेशन की जा चुकी है और हाउस से भी पूछ लिया था। आइटम नं 13 कॉलिंग अटेंशन लिया गया है।

â€œ(ब्यवधान)

SHRI GURUDAS DASGUPTA : The House never agreed. The opinion of the House was never sought. Kindly take the opinion of the House. The normal procedure is that the Calling Attention will be taken up after the Question Hour and after the Statements of the Ministers. We have passed the most important Bill and after that in the middle of the day Calling Attention is taken up. This is quite unprecedented. Moreover, no opinion of the House was taken. How can it be done?

उपाध्यक्ष महोदय : श्री दासगुप्त जी, मेरी बात सुन लीजिए। अगर आज हम इसे नहीं लेंगे तो फिर किसी लेटर-डे पर इसे लेना पड़ेगा। पता नहीं इस सेशन में आएगा या नहीं आएगा। इसलिए यह बेहतर है कि आज हम इसे ले लें। हाउस में यह पढ़ा भी गया है, हाउस से पूछा भी गया है।

SHRI GURUDAS DASGUPTA : It was done! All right. Anyway, I do not agree with this, but I agree with your judgement.

MR. DEPUTY-SPEAKER: Thank you. Mr. Minister, you may please continue.

SHRI K. CHANDRA SHEKHAR RAO: Sir, despite best efforts made to secure implementation of these Acts, there are violations of provisions of these enactments. Whenever these violations come to the notice either on the basis of complaints or at the time of periodical inspections made by the enforcement officers of the appropriate Government in the State sphere as well as in the Central sphere, actions are taken as per provisions of these enactments. The details of inspections made both in Central sphere and State sphere under Minimum Wages Act as well as action taken for violation of the provisions of the Act during 2003-04 are as under:-

No. of inspections No. of claims No. of claims No.of persons

Made filed settled prosecuted

Central 18,587 3,843 3,594 5,599

Sphere

State sphere 9,65,157 63,455 29,929 9,353

Total 9,83,744 67,298 33,523 14,952

16.00 hrs.

Details of inspections under various labour laws carried out in the Central sphere during the last three years together with number of prosecutions launched, convictions etc. are these.

In the year 2002-03, the number of inspections carried out was 42,997; the number of prosecutions launched was 11,776; and the number of convictions was 7,980. In the year 2003-04, the number of inspections carried out was 41,450; the number of prosecutions launched was 12,750; and the number of convictions was 7,932. In the year 2004-05, the number of inspections carried out was 31,603; the number of prosecutions launched was 11,806; and the number of convictions was 7,088.

To further improve the working conditions, there is a need to put in place a comprehensive law for the workers in the unorganized sector. The Government has also constituted a National Commission for Enterprises in the Unorganized Sector to examine the problems in this sector. The Government is committed towards the welfare of the workers as reflected in the high priority given to this matter in the National Common Minimum Programme.

SHRI SUNIL KHAN : I have gone through the written statement of the Minister. He has already given his statement. I stand here to draw the attention of the august House to the incidence of rampant violation of labour laws in public sector and both in private and unorganised sectors, in particular. It is said that there are many laws to safeguard the interest of the workers but is there really anyone to enforce them? For instance, the Contract Labour (Abolition and Regulation) Act had been enacted in 1970, but till date every provision of the Act is being violated. Contract labourers are being deployed against jobs having perennial nature. Labours are being compelled to work for more than 10 to 12 hours per day. Minimum wage is not paid to them. Strangely, the Government machinery acts as a mute spectator. Crores and crores of rupees have not been deposited in EPF but hardly anyone has been punished.

Now, I come to the public sector. Take for example Bharat Ophthalmic Glass Ltd. (BOGL) which is a public sector company. The Government already declared to close it down but still 11 months' salary is pending. What is going on between the labourers and the officers? The amount of VRS increases just after promotion from the post of labour or employee to the post – which is promotion of one post only – of staff officer. They have decided that an officer will get Rs. 21 lakh after his VRS, whereas just one post below, an employee is getting Rs. 7 lakh after his VRS. That is the discrimination of ID and CD Pattern. That is violation of the labour laws. In the case of Hindustan Steel Constructions Ltd. (HSCL), for 21 to 24 months salaries are not paid not only in Durgapur unit but also in Bokaro, Visakhapatnam, Bhilai and also in Orissa. As per my Starred Question No. 1060 dated 7th December, 2004, the non-plan loan allocation given to HSCL at that time was Rs.89.44 crore for clearing the outstanding salary and other statutory dues of the employees. Till now they have not got their outstanding dues. Even the company has gone to the court. The court has given the verdict. In view of that, the CMD of HSCL is not giving the salaries to those employees. That is also violation of the labour laws.

In the case of Mejia Thermal Power Project in West Bengal, when the scheme was launched in 1987, at the time of agreement between the State Government and the MTPS – that is, the Central Government – it was stipulated that 520 land-losers will be provided jobs in MTPS.

But what has happened? Two hundred and thirty-eight persons are still not given employment. At that time, they said that all these 520 persons would be employed there after the commissioning of the three units. Four units have already been commissioned. Our Power Minister and myself were present there. At that time, the Minister had also given an assurance that the pending persons would be absorbed. Till date, they have not been absorbed. The contractors are taking Rs. 70,000 per person and they are employing these persons as casual labourers. One contractor goes, another contractor comes and he takes money. They are having the perennial nature of work. But why are you not recruiting these 238 persons? That is the violation of the labour laws.

Even at the time of disinvestment, the Minister gave an assurance that no labourers would be thrown out in BALCO and Modern Food. What is happening there? On the 16th of August, 3,000 workers and employees of the Food Corporation of India staged a demonstration on the Parliament Street in protest against the implementation of the McKinsey Report. If the McKinsey Report is implemented, then the workers will be thrown out in the streets. Sir, FCI was formed because of the fact that the labourers would not be thrown out, remunerative prices would be given to the farmers and they would deposit their food grains in the godowns. That is also violated now.

Sir, now I am coming to the private sector. We all know as to what happened in Gurgaon, Haryana a few weeks before and that is, Honda company. We already know how one thousand workers were thrown out when they wished to form a union. What has happened there? I would like to know from the hon. Minister whether you have taken any action against the officers who are the miscreants and whether you have given any suspension orders to them. That is also the violation of the labour laws.

In Panipat, more than two lakh labourers are there. Most of them are migrated from West Bengal, Bihar and Uttar Pradesh. What has happened there? They are forced to work for minimum of 12 hours. These workers are from various States, specially West Bengal, Bihar and Uttar Pradesh. The average wage for women and children is Rs. 900 per person. I would like to know whether the Equal Remuneration Act, 1978 is followed there. It has been mentioned that strictly no children would be appointed in hazardous factories like chemicals and also the sponge iron factories. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Please conclude. You have taken so much of time.

SHRI SUNIL KHAN : Sir, I have to raise so many points.

In Ludhiana, Punjab, 7,000 workers are employed in the cycle industry. They are not allowed to form a union. My leader is here. He will tell as to what is happening in Ludhiana. Is it not the violation of the labour laws? Powerful cycle lobby and the Labour Minister of Punjab combine is denying their rights to have a registered union.

Sir, I am now coming to the unorganized sector. What about the *beedi* workers? What about the rickshaw-pullers? What about the construction workers, the brickfield workers and the agricultural workers? From what source will they get money at the age of 60? Is there any law for their Provident Fund?

The Judiciary is also dictating. It has said that strike is illegal. The Government is not ratifying the ILO standards on right to strike on the pretext that there are other avenues of mitigating the workers' grievances. May I ask the Labour Minister a question? Is that order of CAT mandatory?

The next point is that a Bill is going to be introduced shortly giving exemption from maintenance of statutory registers and returns to all the establishments where less than 501 workers are employed. That would also be a violation. I want to remind the Government that nowhere on this earth any labour law was ever enacted as a goodwill gift to labour. It is the workers who, through struggle, have earned it. As such, the labour in India will not surrender. On 29th of September this year, the workers, who are united, are going for a nation-wide strike. It is a warning to all those who are against the labour. Please stand with the labour. This is my submission.

SHRI BASU DEB ACHARIA (BANKURA): Sir, the entire country was shocked when there was a brutal attack on the workers of Honda Motorcycle Company at Gurgaon. That was the manifestation of the grievances of the workers and the blatant violation of the labour laws by the multinational company. Violation of labour laws in India is not a rare phenomenon. Many MNCs as well as indigenous capitalists, whether it is in the case of working hours or leisure time or pay rise or bonus or conditions of service or fair treatment to the women workers or any other beneficial feature, openly violate the labour laws with impunity. They violate even the minimum requirements of the workers for a human living, not to speak of amenities for a decent life according to the ILO standards that are being flatly denied here in our country.

There is no dearth of labour laws. There are as many as 13 labour laws in our country but the enforcement machinery is ineffective. The labour laws are blatantly violated. A number of export-processing zones have been set up in our country. Nowhere in the export-processing zones in our country, the workers who are working there are enjoying any of the labour laws that are existing in our country. The workers have to work for 10 to 12 hours.

MR. DEPUTY-SPEAKER: Mr. Basu Deb Acharia, I think it will be better for you to ask questions rather than giving a speech.

SHRI BASU DEB ACHARIA : Sir, I am coming to the question.

MR. DEPUTY-SPEAKER: There are other Members from your Party to speak.

SHRI BASU DEB ACHARIA : Sir, this is a very important issue pertaining to 40 crores of workers. Out of 40 crores, 37.57 crores of workers are in the unorganised sector. In the export-processing zones, the duty hours are not followed. They have to work for more than 10 to 12 hours.

Now I come to the Call Centres. How many hours the employees of the Call Centres have to work?

Sir, there are barely 13 laws for protecting the interests of the workers, both unorganised as well as organised. These laws are violated. The figures have been given by the Minister. In the Central sphere, the number of inspections is 18,587 and the number of persons prosecuted is only 5,599. I would like to know about the action taken after prosecution. In 2004-05, the number of inspections was 31,603 and the number of prosecution was 11,806 whereas the number of convictions is 7,088. In the State sphere, the number of inspection is 9,65,157 but the number of persons prosecuted is only 9,553. This is the situation. In his statement, he has admitted that the labour laws are violated. Whenever there is a complaint, an inspection is made and action is taken. ...*(Interruptions)*

उपाध्यक्ष महोदय : आज काम बहुत ज्यादा है, आप जल्दी कीजिए। *(व्यवधान)*

श्री बसुदेव आचार्य : आज ज्यादा काम नहीं है, मतगणना का जो काम था, वह हो गया है।

MR. DEPUTY-SPEAKER: You ask question only.

SHRI BASU DEB ACHARIA : You please give us more time. ...*(Interruptions)*

MR. DEPUTY-SPEAKER: No, you please ask the question.

...*(Interruptions)*

SHRI BASU DEB ACHARIA : I am coming to the question. He has stated that despite the best efforts made to secure the implementation of these Acts, there are violations of the provisions of these Acts. We have gathered experience. The Contract Labour (Regulation and Abolition) Act was passed by this House in 1970. There are number of establishments where the workers are engaged in the perennial nature of jobs. This Act is not being applied in those establishments. In Food Corporation of India, after the notification, the engagement of contractors was prohibited. The workers who were engaged by the contractors are to be regularized or they are to be covered by direct payment system. Even after the Ministry of Labour, Government of India issued a notification, in a number of godowns, this is not being implemented. Is this not the violation of Contract Labour (Regulation and Abolition) Act of 1970? The Railways are governed by the Indian Railways Act. There are fixed hours of employment in the Railways. The running staff has to work for 10 hours from sign-in to sign-off as there was an agreement with the Loco Running Staff Association in 1973. The Railway Board is violating this. The running staff today is forced to work for more than 14 hours, 15 hours, and even 16 hours. Such -is the situation in the Indian Railways.

There are 42 lakh beedi workers. The hon. Minister has himself admitted that only 50 per cent of the beedi workers are now covered by the Provident Fund Act.

MR. DEPUTY-SPEAKER: Please put the question.

SHRI BASU DEB ACHARIA : Only 50 per cent of the beedi workers are covered by Provident Fund Act. This means, out of 42 lakh beedi workers, today, only 21 lakh are covered by the Provident Fund Act. In order to avoid the Provident Fund Act, the beedi factory owners are decentralising their operations by distributing tobacco leaves to the workers and asking them to make beedies in their homes. They do this in order to avoid implementing the Provident Fund Act, which is mandatory.

MR. DEPUTY-SPEAKER: Put your question now.

SHRI BASU DEB ACHARIA : Similarly, there is a law which was passed for the benefit of construction workers but many States have so far, even after 15 years of its passage, not implemented it. There are only about three or four States which have implemented it. There are lakhs and lakhs of construction workers.

The multinational companies which are setting up industries in our country are asking for flexibility in labour laws. What is the flexibility that they want?

MR. DEPUTY-SPEAKER: Shri Basu Deb Acharia, please try to conclude.

SHRI BASU DEB ACHARIA : They want to avoid implementing labour laws but these laws are not sufficient. There

are not enough teeth in these Acts.

We want that the loopholes which are there in the Acts like Payment of Wages Act, Workmen's Compensation Act, Provident Fund Act, and Maternity Benefit Act, are plugged so that violations do not take place. The owners of factories and the multinational companies should not be allowed to violate the labour laws but even the minimum wages are not being paid to the workers. I would like to know from the hon. Minister whether he would consider strengthening the enforcement machinery so that labour laws are not violated any more.

MR. DEPUTY-SPEAKER: Please try to conclude now.

SHRI BASU DEB ACHARIA: I would like to know whether the hon. Minister would consider stringent punishment for violators of the labour laws.

There are 37 crore unorganised workers. Although there are laws pertaining to the unorganised workers, they are not sufficient. In the Common Minimum Programme, it has been stated that the UPA Government would bring in a law to protect the interests of the workers in the organised sector, for their social security.

MR. DEPUTY-SPEAKER: Please conclude.

SHRI BASU DEB ACHARIA: I would like to know from the hon. Minister of Labour whether the Government would bring in legislation to protect the interests of the workers in the unorganised sector for providing them social security, which has been withdrawn during the decade of economic reforms.

MR. DEPUTY-SPEAKER: Thank you.

Next, Shri Gurudas Dasgupta. You have to put only questions.

SHRI GURUDAS DASGUPTA (PANSKURA): Sir, I would like to get a little time from you because we never discussed labour.

उपाध्यक्ष महोदय: हमें इसके बाद दूसरा कॉलिंग अटेंशन लेना है।

श्री गुरुदास दासगुप्त : हम भी जानते हैं।

Sir, please do not come down heavily on us when we discuss labour. I just want to point out to you that the Lok Sabha has not discussed the Demands for Grants of the Ministry of Labour for the last ten years.

Sir, may I draw your attention? The Lok Sabha did not discuss the budget of the Ministry of Labour for the last ten years. Secondly, the Lok Sabha rarely has an opportunity to discuss the problems of labour because we are overwhelmed with many other issues. We are totally overwhelmed. Thirdly, today we are discussing the Calling Attention totally out of focus because the time allotted to it was eaten up in other ways. May I ask the hon. Minister of Labour to confide to the Parliament whether there is really a Ministry of Labour in the country and whether the Ministry of Labour is actively and effectively implementing the labour laws of the country? If it is so, if the Ministry of Labour has been functioning effectively – I am not accusing the hon. Minister of Labour, he is not the man in question – but my question is to the behaviour of the Government and the way in which affairs are being conducted in the Ministry of Labour.

The Government of India did not hold The Indian Labour Conference for nearly two years. Mr. Deputy Speaker Sir, you should know that it is an annual affair. The Indian Labour Conference is the highest tripartite body. For nearly two years, we have had no Indian Labour Conference and we have no forum.

There are a number of tripartite bodies associated with the Ministry of Labour. It has not been functioning. It is in hibernation. The Ministry of Labour is in hibernation today and it is out of a deliberate policy of the Government. I do not believe that the hon. Minister is ineffective. But it is a deliberate policy of the Government. It is associated with the reform in which it is being perceived.

The hon. Prime Minister of the country while addressing the Independence Day celebrations from the rampart of Red Fort has called upon the trade unions and the labour to cooperate with the management so that the industry can make profit. He has no word on labour laws violation and he has no word on how the labour is being harassed. He has no word on the way in which the labour laws are being violated. He has only a word of advice to the trade unions and the workers saying that they should cooperate. Under what condition have the workers been asked to cooperate?

Let me give you a few instances. The total provident fund default in the country – let the hon. Minister confirm – is around Rs. 3,000 crore. It may be a little less, but it is huge.

The total wage default in the country – let the hon. Minister say no – including in the Central Government public sector is around Rs. 2,000 crore. If the Government of India breaks law, then what is the remedy? There are many Central Government public sector undertakings where wages have not been paid for 14 months. What steps has the hon. Minister of Labour taken to take the Government of India to task, to penalise and prosecute the departmental officials because wages have not been paid?

Another instance is of ESIC. The total provident fund beneficiaries in the country are three lakh workers, but ESIC coverage is only for 80,000 workers. It means the total working force of the country is not covered under ESIC. If we take the figure of provident fund beneficiaries, it is under-covered. There have been innumerable complaints to the Ministry of Labour that the trade unions are not being allowed to be registered under his nose, under the nose of the Government of India.

In Haryana, Punjab, Uttar Pradesh and in many States the trade unions are not allowed to be registered. What steps has the Government of India taken? It is a concurrent subject. He cannot take protection under the argument that it is a State subject. No. It is a concurrent subject. What steps has he taken? Has he called any meeting of the Labour Ministers? Has he called any meeting of the Labour Secretaries? Has he taken up the matter with the Governments of Haryana, Punjab, Uttar Pradesh and with other States? What has been the role of the Ministry of Labour and the Minister of Labour with regard to the persistent complaint of violation of Trade Union Registration Act in the country?

I am giving another instance. The hon. Minister of Commerce, only a few days back, addressing the media in the city of Chennai has said that the labour law in the export zone should be changed, which means diluted, which means minimum wage need not be given to the workers in the export zones. If the hon. Prime Minister makes a statement that the workers should cooperate and if the hon. Minister of Commerce says that the labour laws should be diluted in the export promotion zone, then what remains for the country and what remains for the trade unions?

I believe that the Government has taken to a path of economic reform which says that foreign money should be invested in India and they are free to violate the labour laws.

MR. DEPUTY-SPEAKER : Please conclude.

SHRI GURUDAS DASGUPTA : I will give you two instances. Gurgaon is very much known to you. You belong to Punjab. Honda is known to you. Not only Honda is in Gurgaon but Maruti is also there. In Maruti Udyog Limited, the workers have been retrenched without any chargesheet. The hon. Minister of Labour knows it. The hon. Prime Minister knows it. Even then no action has been taken.

Sir, what is the remedy that you have for the workers of the country? You have no time. You have to switch over to a new subject because Parliament has to transact business. But the Parliament does not have any time to discuss the problems of labour and total inaction of the Government of India with regard to the vital human problems of the country. We do not have time.

MR. DEPUTY-SPEAKER : No; I have given you enough time.

SHRI GURUDAS DASGUPTA : We do not have time. No. I know you are under compulsion of the rule book. But where is the rule book for the workers of the country? Where is the rule book? Where is the remedy for the workers of the country? Where is the remedy towards the working people?

I have a very simple point to make. All the reforms cannot be accepted on the basis of licence of super-exploitation. Reform cannot be accepted like that. We are ready for reform. But reform does not mean under-payment; reform does not mean outsourcing; reform does not mean refusal to register trade unions; reform does not mean that the workers will be totally charged and they would have no remedy to look for a better deal.

I have only one question to the hon. Minister. Let him answer the question frankly. I want to know whether there is rampant, widespread violation of labour laws in the country in all the States or not. In West Bengal, today two lakh *beedi* workers are on strike demanding minimum wage. A few days back there was a strike of tea workers in North Bengal demanding implementation of minimum wage. They have a right to strike in West Bengal because Police does not pounce on them in the way it was done in Haryana. Let him say whether there is a violation of the labour laws or not. If there is a violation of the labour laws, let him not look for statistics. What is the remedy? हम पूछना चाहते हैं कि मजदूर के लिए क्या सहारा है। यह सरकार किसकी है, मजदूरों के खिलाफ ये रिफार्म्स है कि नहीं। अगर मजदूर के लिए कोई सहारा है तो लेबर मिनिस्ट्री का क्या

प्रोग्राम है। How is he going to deal with non-payment of wages if the Central Government public sector undertakings are involved? What is your remedy? How many officers have you arrested?

How many people have you sent to jail? You have the courage. You are a fighter for Telangana. I appreciate your fighting spirit. But what is your fight for the workers? You fight in Andhra Pradesh, but you do not fight in Delhi. आप उधर शेर बन जाते हैं लेकिन दिल्ली में आकर बिल्ली बन जाते हैं।

MR. DEPUTY-SPEAKER: Thank you.

SHRI GURUDAS DASGUPTA : No, Sir. I do not want any thanks. I want some time to speak.

MR. DEPUTY-SPEAKER: I do not have much time.

SHRI GURUDAS DASGUPTA : Sir, let the Minister say if he is going to call a meeting of the Labour Ministers of the States to discuss the growing problem of delinquency in the industry of the country, whether he will take up with the Government of Haryana, with the Government of Punjab and with the Government of UP the question of registration and whether he will take up the question of the problems of the workers of the Maruti Udyog Limited with the Minister of Industry. The Government of India still have 26 per cent of shares in Maruti Udyog Limited. I would like to know whether he is going to take up their cause. I want to know whether the Minister of Labour will take up the cause of the workers or he will crumble under the pressures of the multinational companies of India.

MR. DEPUTY-SPEAKER: Hon. Minister, Shri Chandra Shekhar Rao.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, I would like to make a word of submission on another aspect.

उपाध्यक्ष महोदय : देखिये मैं आपको सिर्फ एक शर्त पर अलाऊ कर सकता हूँ अगर आप मंत्री जी से सिर्फ प्रश्न पूछें।

SHRI VARKALA RADHAKRISHNAN : As per rule, four persons can be allowed.

MR. DEPUTY-SPEAKER: Three Members from your own party have spoken.

SHRI VARKALA RADHAKRISHNAN : Rule permits maximum four people to speak. Only three Members have spoken. That is why, I am requesting.

MR. DEPUTY-SPEAKER: If you ask only questions and do not give a lecture, I can allow you.

SHRI VARKALA RADHAKRISHNAN : I am asking questions only.

Justice delayed is justice denied. Now, there are a number of courts functioning in India as Industrial Tribunal is functioning under the Industrial Disputes Act. There happens a long delay in getting the awards. There are Labour Courts functioning in India. After the workers' unions fight their case for years together, they will get an award, but unfortunately, most of the awards are not implemented. There is a tendency that whenever the workers get an award and the amount involved is in crores of rupees, the Government will come before this House and through our assent, the award will be nullified. That is not proper. In this regard, I would submit that if the Government finds that the money involved in an award is excessive, they can fight it in the courts. Instead, the Government brings it before the House and ask for its annulment. It is quite unfair and not suited to democratic traditions. We get so many statutory resolutions for amending the awards because it involves crores of rupees and it will be a loss to the exchequer. That is the usual practice. You should not tolerate such a practice and hereafter, should not bring such statutory resolution before the House to get the consent of the House to see that the award is nullified. These are unfair labour

practices. I have my own experience of 50 years and from my own personal experience, I request you not to resort to such practices. It is quite unfair.

Not only that, non-implementation of the award obtained by the workers is a clear case of violation of law. So, I would request the hon. Minister to collect the details and discuss the matter with States' Labour Ministers to see that Industrial Tribunal awards are implemented, labour court awards are implemented and the Appellate Tribunal awards are also implemented. This is what you should do. Please do not come before the House for cancelling an award passed by a tribunal.

MR. DEPUTY-SPEAKER: Chaudhary Lal Singh to ask only one question from the hon. Minister. Mr. Singh, I would be able to give you only one minute for it.

चौधरी लाल सिंह (उधमपुर) : उपाध्यक्ष महोदय, हमारे देश में लाखों करोड़ों मजदूर हैं, लेकिन 90 परसेंट से ज्यादा मजदूरों के लिए प्रोविडेंट फंड, मेडिकल अलार्स, ग्रेच्युटी और ईएसआई आदि सुविधाओं की किसी प्रकार की व्यवस्था नहीं है। क्या इस बारे में माननीय मंत्री जी कुछ करेंगे?

श्री राजाराम पाल (बिल्हौर) : उपाध्यक्ष महोदय, सारे देश में जो श्रम न्यायालय स्थापित हैं, उनमें बहुत अधिक संख्या में मामले लम्बित पड़े हुए हैं। मैं माननीय मंत्री जी से पूछना चाहता हूँ कि क्या इन मामलों में निर्णय शीघ्र करने के लिए कोई सम्य-सीमा निर्धारित करने का काम इस विधेयक में करेंगे?

MR. DEPUTY-SPEAKER: Please put your specific question to the hon. Minister.

श्री राजाराम पाल : दूसरी बात, जिसके बारे में माननीय प्रधानमंत्री जी ने भी चिंता व्यक्त की है और मेरी भी यही चिंता है कि आजादी के बाद से आज तक श्रम संगठनों ने श्रमिकों के लिए कुछ नहीं किया है, अलबत्ता मालिकों से मिल कर श्रम संगठनों का ही हित हुआ है।

MR. DEPUTY-SPEAKER: Please put your specific question.

श्री राजाराम पाल : इन संगठनों के नेताओं से मेरा निवेदन है कि मिलों को चलाने के लिए ऐसा रास्ता खोजें जिससे मालिकों के साथ-साथ श्रमिकों का भी हित हो। क्या माननीय मंत्री जी ने इस समस्या के समाधान के लिए कुछ सोचा है?

SHRI LAKSHMAN SETH (TAMLUK): Hon. Deputy-Speaker, Sir, I would only ask one question from the hon. Minister. Sir, the non-implementation of labour laws tantamounts to violation of the labour laws also. There are so many laws enacted in our country, but they are not being implemented. I would like to state only one example here. The Construction Workers Condition Act was passed in the year 1996. In this law, the whole responsibility was given to the State Government for its implementation, but no State is implementing this law. As a result of this, nearly two crore construction workers are not getting benefited. The construction sector is a key sector for the development of the economy, but the construction workers are not getting the benefit of the law.

According to the law, the Government of India also does not take any burden of expenditure on the welfare schemes for the construction workers. Therefore, I would like to know the following from the hon. Minister. Will he bring an amendment in it, so that the Government of India takes some responsibility of the burden for the implementation of the welfare schemes for the construction workers? Can you make it compulsory for the implementation of the laws throughout the country? These are my clarifications on which I would like to get replies from the hon. Minister.

श्रीमती ज्याबेन बी. ठक्कर (वडोदरा) : उपाध्यक्ष महोदय, मैं अपने क्षेत्र वडोदरा के बीड़ी मजदूरों की ओर माननीय मंत्री जी का ध्यान आकर्षित करना चाहती हूँ। मेरे क्षेत्र में 40 हजार से भी ज्यादा बीड़ी मजदूर हैं और उनमें से ज्यादातर महिलाएं इस क्षेत्र में काम करती हैं। तम्बाकू के साथ उनका दिन भर काम रहता है। इस कारण अनेक प्रकार की स्वास्थ्य समस्याएं उन्हें होती हैं। स्वास्थ्य योजनाएं बहुत हैं, लेकिन अधिकारीगण बराबर उन योजनाओं के कार्यान्वयन पर ध्यान नहीं देते हैं। इन बीड़ी मजदूरों को स्वास्थ्य लाभ पहुंचाने के लिए क्या माननीय मंत्री जी किसी तरह का प्रावधान कर सकते हैं? जब मजदूर दवाखानों में जाते हैं तो वहां 10 फीट दूर से उनसे बीमारी के बारे में पूछा जाता है कि उन्हें क्या तकलीफ है।

MR. DEPUTY-SPEAKER: Shri Santasri Chatterjee to ask only one question from the hon. Minister. I will not allow you to make a lengthy speech on this issue.

SHRI SANTASRI CHATTERJEE (SERAMPORE): Hon. Deputy-Speaker, Sir, while associating myself with the questions put by the hon. Members, I only want to put one or two questions.

MR. DEPUTY-SPEAKER: Only one question is allowed and not two.

SHRI SANTASRI CHATTERJEE : My first point is that violation of labour laws has become the order of the day. I would like to know whether the Minister feels that the existing laws are sufficient enough to deal with the violators of the law. Is the Minister considering to bring about a comprehensive legislation? Secondly, in consonance with the National Common Minimum Programme announced by the Government of India, I would like to know whether the Minister will take the workers into confidence, particularly the Central Trade Unions and organise regular interactions with the Trade Unions so as to enforce these laws in the interest of the workers.

MR. DEPUTY-SPEAKER: Now, I request the hon. Minister Shri K. Chandra Shekhar Rao to give the reply.

श्री के.चन्द्रशेखर राव : उपाध्यक्ष महोदय, माननीय सदस्य, श्री सुनील खां साहब को मैं बताना चाहता हूँ कि उन्होंने जिन कंपनियों के नाम लिए हैं, उनमें से सिर्फ एक एफ.सी.आई. सेंट्रल स्प्रिंयर में है, बाकी जितनी कंपनियां हैं, वे सब स्टेट गवर्नमेंट्स के तहत आती हैं। मैं आपके माध्यम से दो-तीन बातें सदन के सामने स्पष्ट रूप से रखना चाहता हूँ। जहां तक इम्पलीमेंटेशन ऑफ लेबर लॉज का सवाल है, इसी सदन से पारित कर के हमने राज्य सरकारों को सांवैधानिक रूप से पॉवर्स दी हैं। राज्यों में जो सरकारें चलती हैं, वे भी कांस्टीट्यूशनल तरीके से बनी हुई हैं और सेंटर से, यानी इसी सदन से उन्हें पॉवर्स दी गई हैं। There are 1,492 scheduled employments identified by the Government of India, out of which, 1,445 scheduled employments and the Acts pertaining to these employments are in the State sector or implemented by the respective State Governments. Just because the powers are vested in the State Governments, we cannot say that we do not have any responsibility. No, it is not correct.

It is a fact that we receive complaints from the hon. Members of Parliament, from some of my Cabinet Colleagues, and day-in, day-out from the Trade Union leaders. People do come and represent. As and when the Government of India receives a complaint regarding ESIC or EPFO or wage payment or any kind of violation of any labour law, the Government of India immediately reacts. I speak to the Chief Ministers; many a time, I speak to the Labour Ministers of the respective States, and seek remedial measures. If necessary, if our Wing is there, we ask the Government of India officer to go and ensure justice to the workers. If we feel it is very much necessary, then we send Special Teams from Delhi. This fact is well-known to Mr. Basu Deb Acharia. When I became the Labour Minister, I had sent a Special Team from New Delhi to West Bengal, and there were huge raids in Murshidabad District of West Bengal. The result of those raids is that we could bring 70,000 beedi workers into the Provident Fund fold. These kinds of actions are also taken.

Shri Gurudas Dasgupta was so disgraceful to me when he asked whether there is a Labour Ministry in this country. The Labour Ministry and the Labour Minister are there, and it is a vibrant Ministry. We have about 50,000 workforce working with the Labour Ministry.

SHRI GURUDAS DASGUPTA : My intention was not to disgrace; my intention was to express the sense of despair which is prevailing in the country because of the inaction of the Government of India.

SHRI K. CHANDRA SHEKHAR RAO: Sir, I can go with him to some extent, but it is my duty to mention in this august House that it will be incorrect to say that total violation is taking place. He is a veteran Trade Union Leader. He is the All India President of the AITUC. उपाध्यक्ष महोदय, मैं सबसे ज्यादा अगर किसी से मिलता हूँ तो वे श्री गुरुदास दासगुप्ता हैं। He represents their matters, and we do our best to redress those problems. Being a veteran Trade Union leader, definitely, he will speak in that same fashion, but it will be incorrect to say that the Ministry is not there. I want to be on record, and I am saying this on behalf of the Labour Ministry and as the Minister concerned, if the Ministry is not there, then how will nine lakh inspections take place? How come four crore accounts are maintained in the EPFO? How come eight lakh accounts are maintained in the ESIC? And how come we are serving about 300 lakh people through the ESIC medical service? It will be incorrect to say that it is not. I agree with the hon. Member to some extent that here and there, now and then we receive complaints. The Government of India receives complaints of violation of labour laws and we take them up with the respective State Governments. If it is in the Central sphere, we act very firmly. We have Acts.

उसके लिए मुझे सदन को अवगत कराना भी जरूरी है। कल ही एक सम्मानित सदस्य मेरे पास एक रिप्रेजेंटेशन लेकर आये थे। नागपुर में एक छोटा सा न्यूज़पेपर चलता है, जो वहां का लोकल न्यूज़पेपर है। उनके ऊपर ई.एस.आई. वालों ने 4.80 लाख रुपये का फाइन लगा दिया, वह केस एक माननीय सदस्य मेरे पास लाये थे कि उनको बचा लो, यह पेपर खत्म हो जायेगा। हमने ई.एस.आई. एक्ट में पूरी छानबीन करके देखा तो मैं एक पैसा भी माफ नहीं कर सकता। The Act is so stringent and so powerful. लेबर डिपार्टमेंट के आफिसर का हाथ लग गया, there are instances from the PF Department. We have levied crores and crores of rupees of fine. If you want, I can give you the examples. We levy lakhs and lakhs of rupees of fine and thousands of convictions are attained. It is not that we only prosecute people. सात हजार केसेज़ में तीन सालों में, कुल मिलाकर करीब-करीब 23 हजार लोगों को हमने सजा दिल्वाई, 23 संस्थाओं के अधिपतियों को, व्यक्तियों को, जिन्होंने लेबर लॉ व्वालेट किया है, उनको सजा दिल्वाई है। उन्होंने सजा भुगती है। इसलिए मैं 2-4 बातें स्पष्ट रूप से कहना चाहूंगा।

This Government is committed to the welfare of the labour. This Government is not an anti-labour Government. Please do not have that idea. We are committed to the Common Minimum Programme. This is one thing I want to make very clear. नम्बर दो-एक्सपोर्ट जोन में जो इंडस्ट्रीज़ हैं, वे लोग एग्जेंप्शन मांग रहे हैं, उनको एग्जेंप्शन दिया जा रहा है, लेकिन यह सراسर गलत है। Whether it is a multinational company, whether it is a foreign direct investment company, whether it is a unit in the export promotion zone; no institution, no establishment, no company, no factory will be exempted from the labour laws. This is my commitment to the House. So far this is our policy and it is going to be our policy. No company, no organisation, will be exempted from the labour laws. Protecting the interest of the labour and protecting the welfare of the workers is the prime agenda of the Government and we are committed to that.

SHRI SUNIL KHAN : What about the salaries of workers of BOGL and HSCL which have been pending from 11 months to 24 months? The Minister must answer that.

MR. DEPUTY-SPEAKER: Shri Sunil Khan, sit down. Nothing will be recorded except the speech of the hon. Minister.

SHRI GURUDAS DASGUPTA : Mr. Minister, I accept your statement, but may I ask you if you have noted that another member of the Cabinet, the Minister of Commerce, has openly stated that the labour law in the export zone should be reviewed by the States? Have you seen it? And what is your reaction?

SHRI K. CHANDRA SHEKHAR RAO: Let me make a clear statement. Hon. Prime Minister appealing to the workers for improvement of productivity of the whole country is genuine. He did not say anything against the labour. The hon. Prime Minister has never said anything against the labour. He only tried to appeal to the workforce of the country saying, 'let us improve our productivity, let us reduce the litigation. हम काम में ज्यादा लग जायें, यह उनकी मंशा थी - इसमें

क्या गलती है? And the Commerce Minister must be definitely doing his duty. He is interested in export promotion. ...*(Interruptions)* I would like to make this very clear. I am saying this in this august House to the hon. Members with thorough knowledge, after having thoroughly discussed and gone through the Acts which are implemented now. I am making it once again very clear, I want to reiterate, that no MNC, no export zone company, no FDI company, will be free from the labour laws. It will be inclusive under the labour laws, it will be under the coverage of the labour laws of the country.

SHRI BASU DEB ACHARIA : I would like to request the Minister to undertake inspection of the export processing zones to find out whether all the labour laws are being observed in them or not. I say this because we have received reports which show that these laws are not being followed in the export processing zones. That is why we raised it....*(Interruptions)*

SHRI GURUDAS DASGUPTA : Which means that whatever the Commerce Minister has said is not approved by the Labour Ministry. ...*(Interruptions)* You do not look for a review of the labour laws. ...*(Interruptions)*

MR. DEPUTY-SPEAKER: Shri Dasgupta, you have intervened many times.

...*(Interruptions)*

MR. DEPUTY-SPEAKER: please listen to the hon. Minister.

...*(Interruptions)*

MR. DEPUTY-SPEAKER: Not to be recorded. Without my permission, nothing should go on record.

*(Interruptions)** ❌

SHRI K. CHANDRA SHEKHAR RAO: Let me complete. ...*(Interruptions)*

If the hon. Members are interested, I am ready to give clarifications. If they have any doubt or want to seek any clarification and approach me, I would respond. ...*(Interruptions)*

MR. DEPUTY-SPEAKER: Mr. Minister, you should address the Chair.

SHRI K. CHANDRA SHEKHAR RAO: Now, Shri Acharia has asked me as to whether the Government is going to make an inquiry into the export zone companies to see whether labour laws are implemented there or not. I would like to assure the hon. Members that I would immediately order a departmental inquiry and I would send senior officers to the export zone companies. I would get the

report and would also circulate to those hon. Members who have participated in the debate today. I am very much interested in this.

* Not Recorded.

Let me also make two or three points clear. Firstly, this is a labour-friendly Government. We are not anti-labour Government. Kindly do not try to project this Government as an anti-labour Government. We are very clear in our minds on this. ...*(Interruptions)*

MR. DEPUTY-SPEAKER: Nothing is being recorded, Shri Acharia.

*(Interruptions)** ❌

उपाध्यक्ष महोदय : आप बैठ जाइए। आपका कुछ भी रिकार्ड में नहीं जा रहा है।

श्री के.चन्द्रशेखर राव : आजर्ज्य जी ने एफ्सीआई के बारे में जिक्र किया है। इनको मालूम है कि मेरी, इनकी कृषि मंत्री जी के साथ एक मीटिंग हुई थी, सीनियर सेक्रेट्री के साथ भी एक मीटिंग हुई थी। The Ministry of Labour is waiting for the report. As and when it receives the report, we would again have a meeting with Shri Acharia and we would sort out the FCI problem.

Shri Gurudas Dasgupta, Shri Acharia, Shri Sunil Khan and other hon. Members have also raised the issue of what has happened in Gurgaon. I am not happy with what has happened in Gurgaon and what has happened in Hero Honda. It is not that we did not react. Immediately as I saw the incident of police lathicharging on the television screen, I picked up the telephone and spoke to the Chief Minister of Haryana. I spoke to the Labour Minister of Haryana, the DG of Haryana. I have also sent the Chief Labour Commissioner to conduct an on-the-spot inquiry. He gave me the report. We keep in touch with the issues. But the Hero Honda factory lies in the State sphere. It is

in the Haryana State. Regulating and implementing of labour laws are vested with the Government of Haryana. I have also made a request to Shri Hooda that his police is not fair to the workers, let it not repeat, and let the Government have patience to tackle the matter in a peaceful manner. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Nothing is going to be recorded.

(*Interruptions*)*

* Not Recorded.

SHRI K. CHANDRA SHEKHAR RAO: Shri Gurudas Dasgupta has also raised one more point that there is some injustice meted out to the workers of Maruti Company. We would definitely take up the issue. If need be, I will arrange a special meeting with the Managing Director, Maruti company. I will enquire into the matter so as to know as to what is happening in the Maruti Company. If any labour laws are violated, I assure the hon. Members that required steps and measures will be taken.

I want to make another commitment of the UPA Government very clear. It is regarding the Unorganised Sector Bill relating to *bidi* workers. Let me also make a mention of three or four initiatives of the UPA Government, which are labour-friendly.

Shri Acharia, Shri Gurudas, Shri Sunil Khan and other hon. Members are aware that I have initiated a programme from the ESIC, with the blessings of our hon. Prime Minister and the UPA Chairperson. According to the programme, for the first time in the country, the ESIC would make six months payment/pay 50 per cent of the salary when a worker loses his job. This is a good initiative. We have also raised the money ceiling from Rs.750 to Rs.900 per person who insures in the ESIC, which provides medical facilities.

We have also taken a decision to take up four super specialty hospitals to provide better treatment to the workforce. One is in Kolkata in the east, one in Delhi, one in western India - Mumbai or Pune - and one in the south at Hyderabad.

17.00 hrs.

We have also allocated Rs. 200 crore to fulfil this target. The ESIC recently has also decided to provide a unique code card. With the help of this unique code card, a member wherever he is -- maybe he is out from his place -- can avail of the facility. So, these are some of the initiatives, which have been taken up.

In the area of health, we receive many complaints. I have recently appointed a Committee with the senior members of the Board, to look into the whole issue and make necessary recommendations. We are taking these steps.

Sir, we are bringing more *bidi* workers into the net of provident fund. As far as the *bidi* workers are concerned, it is me; it is the UPA Government, who raised the cess from Rs. 2 to Rs. 4. With a jump, I have raised it to Rs. 4. Now, we are to get about Rs. 150 crore as a welfare cess with which we will definitely expand our welfare activities to the *bidi* workers.

For the first time in this country, under the leadership of Dr. Manmohan Singh, the UPA Government has accepted to take up construction of one lakh houses for the *bidi* workers in the present financial year and another one lakh houses in the next financial year. Within these two years, this Government is going to construct two lakh houses for the *bidi* workers. Now, the housing scheme is also liberalised. The UPA Government has decided to provide Rs. 40,000 as a total subsidy to the *bidi* workers for construction of their houses. So, these are the initiatives taken and the works done by us.

Another important thing, as mentioned by the hon. Member, is that the major workforce in our country is in the unorganised sector. The UPA Government is seized of the matter...(*Interruptions*) आप बाद में पूछिए। (ब्यवधान)

MR. DEPUTY-SPEAKER: Hon. Member, please sit down. Let the hon. Minister reply.

SHRI K. CHANDRASHEKHAR RAO: Sir, the UPA Chairperson, Shrimati Sonia Gandhiji has taken the initiative; the hon. Prime Minister has taken the initiative; and there was one full day serious debate on the subject in the National Advisory Council. The leaders know it that the Government has appointed a Commission to look into the whole issue to make an integrated study. This is a matter pertaining to 30 crore people. So, a huge amount of money is required for bringing them in the social security net. Previously, there were some experiments done and certain schemes made, which were switched off.

एग्रीकल्चरल वर्कर्स के लिए भी शुरुआत हुई, लेकिन जब पैसे की बात आई, तो सरकार पीछे हो गई। हमारी सरकार ऐसा नहीं करना चाहती। जितनी राशि का प्रबंध होना चाहिए, अनआर्गनाइज्ड सेक्टर बिल लाना कोई बड़ी बात नहीं है, सदन में बिल ला सकते हैं और सभी माननीय सदस्य उसे खुशी से पास कर देंगे। लेकिन हम प्रयास कर रहे हैं कि अगर कोई स्कीम लागू हो जाए, the real welfare should be extended to these workers. We are taking concrete steps in this direction. We are looking into the whole issue of providing money to maintain the social security net to these workers in the unorganised sector. The National Advisory Council is seized of the matter; the hon. Prime Minister is seized of the matter; and the Labour Ministry is also seized of the matter. Mr. Arjun Sengupta has also submitted the final draft Bill, which will be scrutinised by the Legal Department.

Therefore, I think, very shortly, with all sincerity towards the workforce in the unorganised sector, the Government will come before the House with a proper Bill so that those people are also brought into the safety net. So, all these kinds of things are there.

Sir, Mr. Sunil Khan had made a mention about HACL and certain other things. If there is any specific instance anywhere which has come to his notice, he may bring the same to my notice, and see what kind of action the Labour Ministry takes.

So, Sir, with this, I conclude my reply.

SHRI GURUDAS DASGUPTA : I suggest that the Labour Ministers' conference be called.

SHRI K. CHANDRASHEKHAR RAO: It is already called.

MR. DEPUTY-SPEAKER: Now, the House shall take up Item No. 14 -- Calling Attention by Shri Ramji Lal Suman.

...(Interruptions)

MR. DEPUTY-SPEAKER: Nothing will go on record except the Calling Attention by Shri Ramji Lal Suman

(Interruptions)*

MR. DEPUTY-SPEAKER: Shrimati Thakkar, whatever you are speaking is not going on record. Please take your seat.

Now, Shri Ramji Lal Suman. I would request you that you should stick to your Calling Attention only.

17. Not Recorded.

17.04 hrs.