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Title: Discussion on the motion for consideration of the Labour Laws (Exemption From Furnishing Returns and Maintaining Registers By Certain Establishments) Amendment Bill, 2014 (As Passed By Rajya Sabha)

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI BANDARU DATTATREYA): I beg to move:

"That the Bill to amend the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988, as passed by Rajya Sabha, be taken into consideration. "

HON. DEPUTY SPEAKER: Motion moved:

"That the Bill to amend the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988, as passed by Rajya Sabha, be taken into consideration."

SHRI KODIKUNNIL SURESH (MAVELIKKARA): Hon. Deputy Speaker, Sir, the Bill to amend the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988 was introduced in the Rajya Sabha in 2005. It was referred to the Parliamentary Standing Committee. After detailed deliberations, the Bill was returned with comprehensive amendments. The Bill was to come up in 2011, and the present Bill is in front of us after it was passed by the Rajya Sabha on 26th November.

The UPA Government, which introduced the Bill first in Parliament, had given primary importance to the welfare of labour. It was labour friendly whereas the policy of the NDA Government is towards helping the businessmen, corporate houses and industrialists. They forgot the sentiments of the workers in the guise of creating more employment opportunities and promoting entrepreneurs. Do we create more employment by rejecting the rights of the workers? Are we creating slavery in industry and service sector?

Sir, moving the amendment Bill, the hon. Minister of State for Labour and Employment assured in the Rajya Sabha that the Government wants not to compromise on the interest of workers and the legislation was not meant to give exemption to any establishment; the Bill is a social security measure; it simplifies procedures; and the main purpose of bringing the Bill is, transparency, accountability and proper enforcement.

Hon. Deputy Speaker, Sir, the hon. Minister may please apprise us as to how this Bill ensures the social security of the workers. If their rights are not protected by the labour laws, how can they protect themselves from the vagaries of the employers? They do not even keep the salary slips of the workers. The Bill, as amended, proposed to change the original Act of 1988 to increase the number of laws under which small establishments are exempt from furnishing returns and maintaining registers from 9 to 16. The amendment gives the definition of small establishment to cover unit employing between 10 and 40 workers as against the limit of 19 workers at present. The employer may maintain the returns filed and the registers on a computer, floppy disc, compact disc or other electronic media. The print-outs of these records shall have to be made available to the inspector on demand. The information may also be furnished to the inspector by electronic mail. It is true that such things will help the industries and establishments by reducing the paper work. They need not go to Labour Enforcement Officers for licence and it will reduce inspections also.

Hon. Deputy-Speaker, Sir, the seven Acts that are added in the list include The Motor Transport Workers Act, 1961; The Payment of Bonus Act, 1965; The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979; and The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996. It will allow firms to maintain returns or files on electronic media. All these Acts which have been exempted are related to the very poor and down-trodden workers. Now they will be under the duress of the employers. We need not wonder if the bonded labour system is brought back in the construction sector because the Government is doing like that. This Government is giving all freedom to the employers and not protecting the interests of the poor workers. So, as I mentioned, seven Acts have been also included. It also includes The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act. That is also very dangerous. This Bill will also allow them to maintain returns on electronic media. That is also very dangerous.

Hon. Deputy-Speaker, Sir, who will take care of the employees and workers in establishments and industries where the number of employees is less than 14 and where the violations of labour laws are occurring in the areas which have been exempted of Labour Laws? If the laws are exempted, why should we have the laws at all? We need to reduce red-tapism and delay. That is what we are also supporting. But at the present stage, this amendment is totally against the workers. That is why, we are opposing this Bill.

Sir, the labour unions have also announced a countrywide protest on 5th December against the amendments because a large number of units will no longer be regulated for maintaining registers of attendance and wage slips of workers. These amendments are against the interests of the labour and the workers will have difficulty in accessing the records. Therefore, all the trade unions have announced a nationwide protest against the labour law reforms. Even BMS, which is a pro-BJP union, has also joined the nationwide protest with other trade unions. What is the reason behind it? Hon. Minister must think as to why BMS has also joined this nationwide strike. It is because the Government is moving the Labour Laws Amendment Bill which is totally against the interests of the workers and also they are always protecting the corporates, the industrialists and other employers. Therefore, the workers in the entire country are very much unhappy with the movement of labour reforms.

During the UPA's tenure, under the leadership of Madam Sonijji and our former Prime Minister, we had moved many amendments in the labour laws which were all protecting the interests of the workers.

The then hon. Labour Minister, Shri Mallikarjun Kharge, is here. During his period also the attitude was that we must protect the interest of the workers, but this Government has changed that attitude and changed all the laws. This Government has changed all the original amendments moved by us, and they have brought their own amendment, which is in the interest of corporates / industrialists and interest of the BJP. Therefore,

these labour laws are totally against the poor / downtrodden workers and they are not protecting the poor workers. So, I am opposing this amendment.

The hon. Minister should reconsider this amendment because all the trade unions -- including your Party's trade union -- are objecting to this. Therefore, you should withdraw this amendment; take all the trade unions into confidence; you have to discuss this with them; you have to interact with the trade union leaders; and their opinion is also to be taken into consideration; and then only the workers' interest will be protected.

We oppose this amendment in the interest of the poor workers.

श्री हुकुम सिंह (कैराना) : अभी मैं माननीय सदस्य का लम्बा भाषण सुन रहा था, लगता है कि बहुत से लोग काल्पनिक दुनिया में रहने में विश्वास करते हैं। मैं इस बिल का केवल समर्थन ही नहीं करता, स्वागत भी करता हूँ। मैं इसका स्वागत क्यों करता हूँ, उसके बारे में संक्षेप में बताना चाहूँगा। राष्ट्रपिता महात्मा गांधी ने सदैव यह कोशिश की कि गांवों में उद्योग आएँ, छोटे उद्योग आएँ, कुटीर उद्योग आएँ और अगर गांवों में कुटीर उद्योग आते तो आज गांवों की यह हालत न होती, जैसी हालत अब है। लोग गांव छोड़कर भाग रहे हैं, वहाँ रोजगार नहीं है। बाहर जाकर रिकशा चला लेंगे, लेकिन गांव में रहने का कोई साधन नहीं है। उसी कमी को दूर करने के लिए यह सोचा गया था कि गांवों में छोटे-छोटे उद्योग स्थापित हो जाएँ। मैं अपने क्षेत्र की बात नहीं करता, पूरे उत्तर प्रदेश की बात करता हूँ, बिहार की बात करता हूँ, हरियाणा की बात करता हूँ। हजारों उद्योग केवल इसलिए बंद हो गए कि इंस्पेक्टर राज ने उनका चलना नामुमकिन कर दिया, असंभव कर दिया। क्रशर लगे थे, गन्नों की छोटी-छोटी इकाई थी, वहीं पर लोग चीनी बनाते थे, गांव में ही गन्ने की पेराई हो जाती थी। दस-बीस-तीस-चालीस-पचास वर्कर्स वहाँ लग जाते थे, उनको मजदूरी मिल जाती थी और किसान को भी सुविधा मिल जाती थी। जो अपने गन्ने को मिल तक नहीं ले जा पाता था, वह वहाँ ले जाता था। आज वे सब बंद हैं। क्यों बंद हैं?

यह जो इंस्पेक्टर राज है, यह एक ऐसा शब्द है, आज यह इतना कुख्यात हो गया कि जहाँ जाएगा, वहीं पर उद्योग को समाप्त करके जाएगा। हम यह जो कल्पना करते हैं कि इंस्पेक्टर जाकर वहाँ श्रमिकों के हितों की रक्षा करेंगे, वह बहुत बड़ी भूल है। जो बड़े-बड़े उद्योग हैं, जहाँ उनकी रक्षा करने की आवश्यकता है, वहाँ बहुत विद्वान लोग बैठे होते हैं, वहाँ उनका अपना लेबर ऑफिसर भी बैठा हुआ है, पर्सनल ऑफिसर भी बैठा हुआ है, लीगल ऑफिसर भी बैठा हुआ है, वे कुछ न कुछ कमी निकालकर जिस श्रमिक को निकालना है, निकाल देंगे। वह तमाम उच्च सुप्रीम कोर्ट तक केस लड़ लेगा, लेकिन उसको दुबारा रोजगार नहीं मिलेगा, वेतन नहीं मिलेगा। यहाँ कोशिश इस बात की होनी चाहिए थी कि बजाय किसी इंस्पेक्टर का पंजा लगाने के, एक रेगुलेटर होने की बजाय, फेसिलिटेटर होना चाहिए कि कैसे उस उद्योग को आगे बढ़ाया जाए, प्रोत्साहन दिया जाए, लेकिन वह मंशा आपकी नहीं रही है। हम इस बात की कल्पना करें कि जिस व्यक्ति ने गांव में एक छोटा सा उद्योग लगाया, करघा लगा लिया, क्रशर लगा लिया या कोई छोटा पीसने का उद्योग लगा लिया, क्या वह वहाँ पर अपना लॉ ऑफिसर रखेगा? इस कानून को समझने के लिए उसको एक टेक्नीकल आदमी की आवश्यकता पड़ेगी, इस कानून को समझने की आवश्यकता पड़ेगी। मैं कहता हूँ कि आप यह जो अमेंडमेंट लाए हैं, इसमें आगे भी आवश्यकता है। आगे की आवश्यकता उसमें यह है कि जो भाषा आज हमारे कानून की हो गयी है, वह सामान्य भाषा नहीं है और न सामान्य व्यक्ति के लिए रही। मेरा जैसा व्यक्ति जो थोड़े दिन कानून पढ़ा भी हो, उसे भी उस भाषा को समझने में दिक्कत आती है और कभी-कभी शब्दकोष से हमें सहायता लेनी पड़ती है। आवश्यकता इस बात की थी कि इतना सरलीकरण हो जाए कि छोटा उद्योग लगाने वाला व्यक्ति भी उस भाषा को समझ जाए और उसे कहीं अदालत में जाने की आवश्यकता न पड़े, किसी की कानूनी सहायता की उसे आवश्यकता न पड़े। एक के बाद एक कंट्रोल अगर उसके ऊपर होगा तो कौन अपना उद्योग चला लेगा? मैं माननीय प्रधान मंत्री जी का इस बात के लिए अभिनंदन करता हूँ कि उन्होंने इस बारे में सोचा तो सही और यह केवल ऐसे ही नहीं आ गया। कितनी ही स्टेज पर इस पर विचार हुआ। राज्य सभा में विचार हुआ, स्टैंडिंग कमेटी में विचार हुआ और तमाम जगहों पर विचार होने के बाद यह यहाँ पर लाया गया। स्टैंडिंग कमेटी में तो सभी दलों के नेता रहते हैं, सभी दलों के प्रतिनिधि रहते हैं, विस्तार से वहाँ पर विचार हुआ। मैं तो इस बात पर बल देता हूँ कि इस पर आगे भी विचार करने की आवश्यकता है। जितने भी प्रोफोर्मा आपने यहाँ पर रखे हैं उनका सरलीकरण किया जाए। कोई उद्योग चलेगा तो वह पारस्परिक विश्वास पर ही चलेगा, तनाव की स्थिति में नहीं चलेगा। वहाँ हर समय कोई खड़ा रहे कि आपने यह फार्म भरा कि नहीं भरा, तुमने इसका रिटर्न दाखिल किया या नहीं किया? अगर रिटर्न ही दाखिल होते रहेंगे तो उद्योग तो चलने से रहा। हमें भी सरकार में रहने का थोड़ा अनुभव प्राप्त हुआ। मैं खाद्य मंत्री था तो मैंने देखा कि एक व्यक्ति को अपना रोजगार चलाने के लिए 25 फार्म्स की आवश्यकता पड़ती थी। मैंने जब उनसे पूछा और उसके नवीनीकरण के लिए जानकारी प्राप्त की तो हर दिन कोई न कोई उस दुकानदार का प्रतिनिधि या तो आरएफसी के यहाँ रहता था या कलैक्टर के यहाँ रहता था या डीएसओ के यहाँ रहता था। मैं सोचता रहा कि इसके इतने आदमी यहाँ पर लगे रहेंगे तो यह व्यापार कहां से चला लेगा और मैंने सरलीकरण करते हुए एक कम्पोजिट प्लेस हमेशा के लिए बना दिया और अब कोई परेशानी नहीं है। अगर किसी ने मजदूर रखा है तो मतलब यह नहीं कि वह मजदूर शोषण करने के लिए रखा गया है, बल्कि उसे रोजगार देने के लिए उसने रखा है। उसका गुजर-बसर उसी के ऊपर निर्भर करता है। उद्योगपति जो छोटा-मोटा काम करता है, उसके और श्रमिक के बीच में यदि सहयोग नहीं होगा, आपस का विश्वास नहीं होगा, तो उद्योग तो स्वतः ही चौपट हो जाएगा। आज हमें अपने दर्शन को बदलने की आवश्यकता है, अपनी सोच को बदलने की आवश्यकता है कि हम पारस्परिक विश्वास के आधार पर काम करें। जितने भी कानून आज हैं ये सारे के सारे अविश्वास के भाव के हैं। श्रमिक जाएगा, उसे वेतन नहीं मिलेगा या कम वेतन मिलेगा, उसके वक़्त आवर्स ज्यादा होंगे। आखिर मैं कौन होता हूँ इस बात को चैक करने वाला, अगर मेरे चैक करने से वहाँ पर सही बात हो जाती तो इतने उद्योग चौपट क्यों होते?

मान्यवर, अगर हमने गांधी जी के दर्शन को मान लिया होता, सरदार पटेल के दर्शन को मान लिया होता, चौधरी चरण सिंह के दर्शन को मान लिया होता तो आज गांव में आदमियों को माइग्रेट करने की आवश्यकता न पड़ती, शहरों में आकर रिकशा चलाने की आवश्यकता न पड़ती। उस उद्योग में वे उत्पादन करते, देश की पूंजी को बढ़ाते, गांव की सम्पन्नता को बढ़ाते और गांव की हालत वह होती, जिसकी कल्पना गांधी जी ने की थी। मैं आपसे आग्रह करता हूँ कि केवल यहीं तक अपने को सीमित न रखें, आगे भी इस पर विचार करें।

एक स्थिति ऐसी आनी चाहिए जब कोई इंस्पेक्टर दरवाजे पर आकर खड़ा न रहे। हमारे कानून की आड़ लेकर भ्रष्टाचार नहीं पनपना चाहिए। सारी स्थिति का इतना सरलीकरण कर दें कि उस स्थिति को उद्योग चलाने वाला भी समझे और श्रमिक भी समझे। श्रमिक भी तो सामान्य समझ का ही व्यक्ति है। जो आपने बात कही, मुझे आश्चर्य हो रहा था कि यह वह फैंक्ट्री नहीं है जहाँ हजारों व्यक्ति काम करते हों। यह वह फैंक्ट्री नहीं जो बेंगलूर में, मुम्बई में या दिल्ली में हो, जहाँ हजारों लोग काम करते हैं। मान लीजिए गांव में एक सरसों का तेल निकालने का कोल्डू लगा लिया। सरसों पैदा होती है तो अच्छा ही है कि उसका तेल भी निकल जाए। गांव में धान पैदा होता है तो उसे क्रश करने की मशीन लगा ली जाए। धान की मिल लगा ली जाए और उसमें मान लीजिए 15-20 या 25 आदमी काम करें तो वहाँ के रहने वाले लोगों को रोजगार मिलेगा। उनको आमदनी होगी। किसान को लाभ होगा। यदि वहाँ रोज़ाना इंस्पेक्टर जांच करने के लिए खड़े रहेंगे कि रजिस्टर दिखाओ, फलां रिटर्न दिखाओ, फॉर्म जमा किया या नहीं किया उसकी स्लिप दिखाओ, तो कैसे वहाँ उद्योग चल पाएगा। इसलिए मैं आपसे आग्रह करता हूँ कि आपने जो एक क्रान्तिकारी कदम उठाया है, उसके साथ-साथ सरकार इस पर भी विचार करे कि जितने भी प्रोफोर्मा हैं, उनका इतना सरलीकरण हो जाए कि वे हर आदमी की समझ में आ जाएँ और कोई इंटर पास व्यक्ति भी उन प्रोफोर्माज़ को भर सके। उनको भरने के लिए उसको अदालत में जाने की आवश्यकता न पड़े तभी हमें लगेगा कि गांधी जी के वही विचार सामने आ रहे हैं, जिनकी कल्पना उन्होंने कभी की थी।

मैं आपके संशोधन विधेयक का पूर्ण समर्थन करता हूँ और आपसे यह अपील करता हूँ कि आगे भी इस पर विचार किया जाए और सरलीकरण करने के लिए जो सम्भव

हो, उस दिशा में हम लगातार आगे बढ़ते रहें।

SHRI R. PARTHIPAN (THENI): Mr. Deputy-Speaker, Sir, let me commence my maiden speech in this august thanking our revered leader, our Party's General Secretary and the former Chief Minister, Amma for enabling me to be a peoples' representative here. I also thank the electorate of my Theni Lok Sabha Constituency for having heeded to the appeal made by our leader, Amma to get me elected.

Before I could continue, I seek the protection of the Chair to allow me to complete my speech in full for which I may use some notes as this happens to be my maiden speech.

I thank the Chair for giving me an opportunity to revise the definition of the expression "small establishment" and to provide for maintenance of returns in computer. We all know that it has always been the practice under every law pertaining to the labour that registers have to be maintained by the employers and to furnish such returns to enforcing authorities. Now, we find that the numbers of such registers have increased considerably. There have been demands to simplify the forms of various returns. That is understandable. It is also understandable to go in for filing such returns using computers and transmitting the returns electronically. It is quite relevant that in a computer era like that of ours, we go in for using the modern technologies. At the same time, when computers can cover so many entries in so short a span of time, we are leaving out many small establishments to move away from the ambit of the enforcing authorities who will be ensuring the employee welfare. If you go by the basic principle to be adopted by any labour law, it should be a balancing act to get the maximum benefit for the labour who create wealth both for the employer and the nation and to get matching benefit for the employer who gets several concessions from the State to create a domain of wealth in the form of an industrial establishment.

As one hailing from the Dravidian Movement which believes in bringing about an egalitarian society where the divide between the rich and the poor is sought to be minimized to a maximum level. At this juncture, I would like to bring to your notice the 'Vision Document Tamil Nadu 2023' which points at implementing physical and social infrastructure project that will aid economic development. It is needless to say that the labour constitutes the social infrastructure. Under the dynamic leadership of our leader, the former Chief Minister, Amma, the Government of Tamil Nadu, our Party, AIADMK, commits itself to pro-active policies pertaining to labour class. This has to be seen in the light of the increase in foreign direct investment in many sectors in Tamil Nadu which is one of the most industrialized States in the country under the AIADMK's rule in Tamil Nadu.

Sir, globalisation and liberalisation have thrown up new challenges to ensure labour welfare. The avowed policy of our Government is to create an atmosphere of industrial peace and harmonious relations between the employees and employers to achieve common growth. Hence, we have always taken care to protect the interests of the workers by way of effectively enforcing various labour legislations. Even when it comes to unorganised sector workers spread across various sectors of employment, our Government of Tamil Nadu has always taken pioneering efforts in providing various forms of assistance.

While pointing this out I would like to dwell on the Bill the House has taken up now. It looks simple that to reduce the burden on employers and to simplify the forms of various returns the Union Government goes for creating new divide within the small establishments sector. This Bill seeks to create 'small establishments' and 'very small establishments'. At a time when jobs are reduced due to mechanisation and computerisation, the Bill seeks to exempt establishments which have their number of workers up to 19. The Bill increases the number to 40. This may look innocuous but the result will be that more than 70 per cent of small establishments will not come under the purview of labour welfare authorities.

It is understandable to go in for online computer filing of returns when the volume of data is more. It is also true that computers can handle work much faster than the earlier manual way of handling things. When that is so, I fail to understand why some of the small establishments should be exempted from the ambit of this law.

This Bill not only exempts the furnishing of returns and maintaining of registers but also exempts quite a number of small establishments which I am afraid may affect the labour class who may not be able to get the legal cover to protect themselves from the onslaught of anti-labour moves of industrial establishments.

I would like to know from the Union Government whether State Governments have also been taken into confidence while framing this Bill. It is true that several rounds of talks have taken place with the trade unions. Is it not necessary to consult State Governments also who are ultimately the regional custodians to protect the interests of the labour class in their regions?

The First Schedule and the Second Schedule of the Principal Act are sought to be substituted. In the light of new enactments that have come about, the number of Acts in the list has increased from nine to sixteen. In this list we find mention of building and other construction workers, the child labour, the contract labour, the beedi and cigar workers who are in the unorganised sector. The labour welfare measures for these sections are being felt in very few States of which Tamil Nadu is a leading State. For instance, the Minimum Wages Act is being implemented effectively and even teachers have been brought within its purview.

I am afraid this Bill may help some of the contractors to circumvent their obligations under the Act. Hence, I urge upon the Union Government to bear in mind the welfare of the workers who create wealth for the country. Expressing my concerns which I hope this Government will attend to, I conclude my speech supporting the Bill.

PROF. SAUGATA ROY (DUM DUM): Hon. Deputy Speaker, Sir, with the background of more than 40 years of trade union work behind me and representing an industrial Constituency, with all humility and with all the strength at my command, I oppose The Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Amendment Bill, 2014.

Before I go to the Bill proper, I want to mention that the working class in this country has not got anything without struggle. During British times, labour rights were not recognised. On becoming Independent, the first law that was brought was the Industrial Disputes Act, 1947, to sort out the problem of labour. Next the Factories Act, 1948, was introduced which specified working hours to 8 hours a day and not more than 48 hours a week, specified the condition of the factories, described the canteens, holidays, etc.

After Independence, as we gained experience, workers who worked outside factories were also brought in the ambit of legislation. For instance, the tea garden and other plantation labour were brought in. Then, the working journalists were brought in. The Motor Transport Act was there. Then the Payment of Bonus Act 1965 was done. Similarly, the contract labour and various other kinds of workers were brought within the ambit of legislation.

Now, all this was done because there was a demand from the working class and the Government of the time thought to ensure the working of the laws, certain enactments were necessary. I find that the present Government is trying to reduce the powers of the working class and take recourse to anti-labour legislations in homoeopathy doses. They are intelligent in the sense that they are not doing anything at one go. They first introduced some anti-labour legislation in Rajasthan against which there has been widespread agitation. Then they passed the Apprentice Act and now they have brought this Act.

Basically, this Act covers small establishments. If you take establishments employing say up to 40, though there is no total national census on this, 75 per cent establishments and 80 per cent of working class are covered in the small establishment category and they are not in big cities alone. If you go to small cities like Ludhiana, you would find some industrial clusters have come up there. They are small establishments and in their case, labour laws are observed in violation.

The biggest problem is that today the employers are not giving permanent employment to workers. They all work through the new word 'outsourcing'. The Government of India itself is resorting to outsourcing. When I go to All India Institute of Medical Sciences, I find there the maximum number of contract workers. They constantly say that they are getting Rs.100 or Rs.150 per day. They request me to raise their issues. Now slowly these people are being weeded out. I have worked in the organised big industry and at least there the rights of workers are somewhat protected. But in the smaller industries, rights of workers are not protected. A thing like feudalistic approach is always there. They employ 10-15 people. They do not give them any wages according to laws. They do not give them social security in the form of EPF and ESI.

Now what the Government originally envisaged in 1947 and later when Minimum Wages Act was introduced, for instance, in 1948, that the Government would appoint Inspectors and they would inspect. It is true. But unfortunately, after Independence, in some cases, this Inspector Raj became a disliked word because the inspectors did not do any inspection. They went to a factory, collected some money and came back. It does not mean that the legislations were bad. Now, all these legislations entailed furnishing of returns so that the Government could keep a check on whether the company was observing a particular labour law or not.

SHRI MALLIKARJUN KHARGE (GULBARGA): Now, in which Department are there no inspectors?

PROF. SAUGATA ROY: It is there in every Department. You have also done good work in this field and I will come to you shortly.

Some people started saying that for smaller establishments simplification of procedures were necessary because they have to fill up so many forms and so it was difficult. Nobody can disagree that simplification of procedures were called for as a result of which originally there was a Bill brought in 2005 by the UPA-I Government. This amendment Bill reduced some of the procedural problems. This Bill was examined by the Parliamentary Standing Committee on Labour headed by Shri Hemanand Biswal, who is no longer a Member of this House. The Standing Committee gave a detailed report.

As far as the Bill is concerned, there are two aspects. One is, the Government in the present Bill had followed the recommendations in the sense it has called it a Bill for simplification of the procedures for furnishing returns and maintaining registers in relation to establishments employing a smaller number of persons under certain labour laws. My objection is not to that. The main thing that is being done now is that they are increasing the number of workers, in the simplification procedure, from 19 to 40. Let us now see what the Parliamentary Standing Committee on Labour had recommended. You may kindly see how this Government is violating the recommendation of a Standing Committee of Parliament. The Committee recommended that in the given circumstances, the Committee is apprehensive that further increasing the number of employees would entail most of the industries being exempted from furnishing the returns and maintaining the registers. Mindful of the stout opposition from the major trade unions, the Committee desires that *status quo* be maintained as regards the number of employees for inclusion in small establishment. So, the Standing Committee recommended that you simplify the procedure but do not increase the number of employees and keep it at 19. The Standing Committee recommended the number at 19 as prescribed in the principal Act, or at the most the number could be increased to 25 and results studied closely. That is why I have given an amendment saying that if you want to increase it, increase it utmost to 25 as per the recommendations of the Parliamentary Standing Committee on Labour. This Government has not looked at the recommendations of the Standing Committee. This is the problem. The problem is that, nowadays there are the IT companies and quite a large number of them. Most IT companies have small number of employees, 10, 15, 20. Now, all these IT companies will be exempt. The Standing Committee on Labour dealt with this issue. The Committee felt that in the increasingly automated world, the number of employees is persistently reducing as manual interference is going down. The Committee felt that the turnover of a smaller hi-tech establishment with lesser number of employees may be many times higher than the turnover of many smaller units put together.

So, with a small company, you can have a high turnover in the automated world. You are increasing it. That means you are putting a large number of companies out of the ambit of the Act. What is the purpose of having inspectors or giving returns? The purpose is that there will be some control or some check as to whether labour laws are being observed or not. But you are taking it out of the purview of the labour and it will be a Government inspection which will make it very bad for the workers.

I have no objection if the returns are submitted electronically or online. Let them simplify this.

Sir, how many institutions is he touching? The Central Statistical Organisation say that there are 418.27 lakh such small establishments. Their workers all be put in difficulty.

Then the second defect in the Bill is this. Earlier also, it was there when the Bill was brought in 2000. There was no penal provision. Now, any Bill without a penal provision is a Bill without teeth. If there will be no penalty, then people may feel that they need not submit any return. It is a strange Bill where there is no penal provision. This is what the Standing Committee on Labour also mentioned. They say: "The proposed amendment if enacted would be highly detrimental to the labourers as there is no deterrent penal provision of keeping a check on the defaultee establishment." There cannot be a law without a deterrent penal provision. Unfortunately, Shri Dattatreya is new to this Ministry. He has not addressed this problem.

Thirdly, you are now bringing 16 laws under the ambit of this Bill. The main problem of the Government everywhere is that enforcement machinery is not strong enough. Enforcement will become difficult if there are 1000 establishments and if you have only ten inspectors. So, the main thing is, it is not just enough to have a law. It is also necessary to have a strong enforcement machinery.

The Standing Committee on Labour also mentioned that the Committee are of a considered view that strengthening of enforcement machinery is an imperative need of the hour and therefore, the field staff needs to be augmented urgently and adequately so as to facilitate regular inspection of the establishments and strict enforcement of labour laws.

Sir, actually the Standing Committee recommended that the Government should not go ahead with this amendment. The Committee therefore recommended that the Government reconsider the serious implications of the proposed amendment.

I do not know whether you will be able to do it or not but keep this simplification intact. Take out the numbers part because you do not know whether you will be able to handle this as return under 16 laws has to be given together. Establishments are not able to do it and your inspectors will not be able to inspect them.

I strongly feel that the Government should not press for this law as in the present stage. Trade unions have all opposed this law. Now, Mr. Bandaru Dattatreya from Secunderabad has become the new Minister in the recent shuffle of the Cabinet. He will need time to acquaint himself with the different labour legislation and working of the Ministry. So, why cannot he take back the law instead of standing on prestige? Passing this law will satisfy only a few people in the Chambers of Commerce but not passing this law would make happy a large number of working class who are suffering like the contract labourers, the plantation labourers of these are working in the small factories. You have to decide on whether you want the working class to be with you or you want the industrialist class to be with you. The choice is yours.

I again oppose the Bill. While keeping the simplification, you should do away with this numbers game.

SHRI RABINDRA KUMAR JENA (BALASORE): Hon. Deputy-Speaker, Sir, thank you for giving me this opportunity to speak on the Labour Laws (Amendment) Bill, 2011.

I will speak from my own experience and not from any other consideration. I say so because I had the advantage of working in an industry for about twenty years. Having joined the industry at the bottom most rung of the ladder as a Trainee, I left the industry after twenty years as the Managing Director of the company. Hence, I had the advantage of getting myself associated with various labour issues in course of my association with the industry in those twenty years.

Having said that, let me go back to the Bill in detail. The Bill was first brought in the year 2005. But the Bill was returned with primarily two observations. One is, extensive discussion must be held with all the stakeholders, more precisely with the employers and the employees. The Bill was again re-introduced in the year 2011. After this, discussions were held with the employers but no consensus was arrived at with the trade unions and with the employees.

One of the basic things which I would like to point out is that the whole Bill is based on a certain study conducted by the CSO, Central Statistical Organisation. The CSO, in its Report, has very clearly opined that about 418 lakh of such establishments are there in the country. But it was silent on the number of people working in those industries. This is a very important point that I would like to make. So, the number of workers have not been ascertained or determined. But the amendment has been brought forward basically on the basis of the numbers, which several Members who spoke before me have also pointed out. The study was never conducted on the number itself. It is a very important point I would like to bring to your notice.

I will come to some of the critical observations about the Bill. We had a lot of discussions on the Standing Committee's Report. The Member who spoke before me has said that the Standing Committee has given its consent to the Bill. The Standing Committee has made several recommendations. But several of those recommendations have not become part and parcel of the Bill.

I will point out a few of them. For example, the Standing Committee has said that there is no penal provision in the Bill. I would just like to read out the Standing Committee's recommendation. It said:

"In the given scenario when there is no provision of punishment in the Act itself, it is open for the establishment not to furnish the return which could reveal the status of micro, small and medium enterprises. The Committee are of the considered view that a law without penal provision is toothless and cannot be enforced."

Any law without a legal provision is basically a law which is defunct and has no existence. I would sincerely urge upon the hon. Minister to take cognizance of this serious and important point. Otherwise, we would digress from the main objective of the Bill.

Now, I will come to point no. 2. It is basically a number game. One of our senior Members said that it should be increased from 19 to 25. You need to understand that on the face of it the Bill may look very simple, that this Bill is nothing but the number is getting increased from 19 to 40. But it has got a very serious consequence on the number of people who will go out of the ambit of the labour laws or the legal framework. The moment you increase it from 19 to 40, more than 70 per cent of the workforce in the country from this sector will go out of the ambit of the legal framework.

14.00 hrs.

To whom are we addressing? It means that the fate of all the labour class is slowly and silently getting transferred into the hands of a chosen few who are, by and large, driven by profit motive. Are we doing justice? Are we supposed to pass this kind of a law with this type of a provision in it? It is very serious that while the return is submitted in the electronic format, there is no provision that the names and other details of the employees need to be filled up. This will put to non-transparency in the system. People will take advantage of this. So, I would very seriously and honestly urge upon the hon. Minister to take cognisance of the three points which I made just now. We, *per se*, do not oppose this Bill but while supporting the Bill, we very strongly urge upon the hon. Minister to consider the three critical points while passing the Bill.

With these words, I conclude. .

SHRI B. VINOD KUMAR (KARIMNAGAR): Sir, on my own behalf and on behalf of my Party, the TRS, I support this Bill, of course, not *in toto*.

I would like the hon. Minister to take into consideration the views expressed by a few Members who spoke just now. This Bill was introduced 8-10 years back in the Rajya Sabha. Later, a Standing Committee was constituted. The Standing Committee had expressed that the Government ought to have had discussions with the trade unions in the country as also the employers. After a few deliberations with the trade unions and with the employers, I learnt that the Standing Committee had also visited many places in the country and had discussions. Ultimately, they have given some suggestions to the Government before introducing this Bill in this House.

The very title says Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act. The Standing Committee has suggested that the word "exemption" is not giving a good opinion because the word is giving an impression that we are doing something wrong to the working class. So, they have suggested the expression "simplification of procedures". As suggested in the amendment to Section (1), we are amending that today.

At the same time, they have further stated that the number should not be 40; let it be 25. I too feel that let the number not be 19 or 40 but let it be 25. That would be better because if we increase it up to 40, as told by the senior Member, there are lacks of establishments which will be let out of the purview of this Act in future.

Coming to section (4) which this Bill proposes to amend, I would say that this is a good proviso wherein we are coming with a provision that the details may be furnished electronically, that means, through computer, e-mail and they can send it to the officers concerned electronically. It is good. It is not good that a small establishment need to fill up all the registers, forms running into hundreds each day. So, this provision which we are amending today, is a good one because nowadays every establishment is having a computer.

Prof. Roy suggested that the Standing Committee had expressed 5-6 years back that there were a few establishments without computers. But after a span of a decade, I hope that every small establishment will have it. Every small establishment or even a *kirana* shop will have to have a desktop in future. This is a good amendment. What I would like to say is that in the guise of labour reforms, employer should not take advantage. There are few establishments, particularly beedi employers, though they are employing hundreds of employees, they are not reporting that they are employing so many people. In the main Act, there is no penal provision. For not furnishing the details, there should be some proviso of imposing huge penalty which can be fixed by the authorities against the employers who misuse the Act.

Yesterday, the Chief Minister of Telangana, Shri Chandrashekar Rao Garu declared a new industrial policy for Telangana. Our Government is coming forward to also tackle all the labour laws. We are for reforms. So, let us first give employment to the young generation of the country. Particularly in my State, our Chief Minister has taken a decision by enacting a law yesterday in Telangana Legislative Assembly wherein we have come forward with very good suggestion. I hope that this Bill will also help us in the coming days not only Telangana but also the whole country.

In clause 4, probably authorities might have missed. They are still mentioning the word, 'exemption'. In paragraph 5, in clause 4(1), line 2, where the word 'exemption' is still there. Whereas in para 3, 'exemption' is replaced with the words 'simplification of procedure for'.

With these words, I support this Bill.

SHRI SANKAR PRASAD DATTA (TRIPURA WEST): Hon. Deputy-Speaker, Sir, here I stand to oppose the Bill. All of I know that in 2005, this Bill was placed in the House of the People. At that time, all the Members agreed upon that that Bill should go to the Standing Committee. After a thorough discussion in the Standing Committee, the Standing Committee opined that the Committee, therefore, desire – I quote – that the Bill should be returned to the Government with the request to hold discussions with the employer and the employee groups before reaching any consensus on reforming the labour laws. This was the opinion of the Standing Committee but at that time, during the tenure of earlier Government, we saw that up to 2011 that Bill was lying in Parliament. In 2011, this Bill was withdrawn. Why? Earlier Government was not interested to talk with the employers and employees. They could not arrive at a consensus among the employees, those who will get maximum benefit. They are the main stakeholders of the industry. So, at the time of the UPA Government while this Bill was withdrawn, again, we are seeing in today's Bill that the clause which will have the interest of the workers is exempted.

Here, the clause remains which will protect the interest of the employers and that is why I am opposing this Bill. In this Bill, on page 2, in line 8 it is stated that in Section 2 (e) of the principal Act, for the word "nineteen" the word "forty" shall be substituted. Why has it been done like this? It has been done so because the BJP-led NDA Government is for the corporate, of the corporate and by the corporate. For the sake of corporate houses, this Bill has been introduced here. If this Bill is passed, then 71 per cent of our factories and more than 80 per cent of our workers will go out of the ambit of labour laws. So, where will the workers of our country get justice from? The workers who are getting only Rs. 3,000 to Rs. 5,000 per month will not get justice. The employers who want to make more and more money will not protect the interest of workers. Why is this Government interested to bring this type of amendment? The Government wants to protect the interest of corporate houses of our country and not the interest of the workers of our country.

Sir, I would like to quote here what the Standing Committee on Labour has stated in their Report in the year 2005. The Report says:

"The Committee are apprehensive that further increasing the number of employees would entail most of the industries being exempted from furnishing the returns and maintaining the registers. Mindful of the stout opposition from the majority of the trade unions, the Committee desire that *status quo* be maintained as regards the number of employees for inclusion in small establishments, that is, 19 as prescribed in the principal Act or, at most, the number could be increased to 25 and the result studied closely."

In the Standing Committee, various opinions are represented and they unanimously opined that this Bill should not be passed in the present form. But why is the BJP-led Government interested to pass this Bill now? The BJP-led Government is interested to bring in major amendments to labour laws which are prevailing in this country. We are hearing that the Factories Act and other labour related Acts which protect the interest of the workers are being taken up for amendment in Parliament by the BJP-led NDA Government. This is the first step of this Government. They are thinking that they have the majority and this is the proper time to save the interest of the corporates. They are in a hurry to pass this type of Bills. The persons who have voted for them do not matter to them now. The 31 per cent people have voted for BJP; they are not interested about the voters. BJP-led Government is only interested about the persons who have given notes to them. BJP-led Government is not interested about the voters. BJP-led Government is interested about those who have given thousands of crores of rupees to them. For their sake, this Government is bringing this type of Bill in this Parliament, in this august House. It is the duty of this House. The maximum number of voters of our country have elected the Members of this House. The people who participated in the last Lok Sabha election hoped that this Government will look after matter what the UPA Government could not do. But, all went in vein. From the very beginning, this BJP-led Government is trying to keep the interests of the capitalists, the corporate houses and others and not the interests of the poor people, the peasants, the agricultural workers, the workers, the students, the unemployed youths of our country. That is why, today, I have also given an amendment in this Bill. Later on it will come. I hope this august House will look after the matter sincerely. This august House will look after the matter to keep the interests of the people who are serving the people of our country.

With these words, I conclude. Thank you Sir.

SHRI VARAPRASAD RAO VELAGAPALLI (TIRUPATI): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. At the outset, let me say that I do not want to politicize this Bill. In view of my past experience as the Labour Commissioner, Government of Tamil Nadu, I thought I should give some inputs here. Incidentally the hon. Minister is also very well experienced and I thought you could also get some points from here and ponder over them. So we are neither against the Bill nor for the Bill.

The simplification of the procedure is very encouraging. But if you get into the details, rather than simplification, it is only complicating the matter. Only one simplification that we could see here is that the registers and the returns could be sent electronically. In the present day, we admire that. There is not much of transparency in all that. It is as good as hard copy submission. But coming to the number, increasing it from 19 persons to 40 persons, as earlier speakers have very loudly and clearly conveyed, it takes away almost 70 to 80 per cent of the workers out of the gambit of the Labour Laws. Particularly in the present day of computerization the number of the employees in each of the office is coming down because earlier whatever work five people who could do, they are getting it done with one person. So more number of work force will go out of its gambit. Therefore I submit before the Government to re-look at this issue also.

Secondly, the most important point is that there is no penal action. Obviously any legislation without a proper penal action is toothless. It does not serve any big purpose. That is one of the reasons why the Parliamentary Standing Committee after having 10 to 12 sittings, referred it back to the Government saying not to reintroduce the Bill. It is in the same form after so much discussion in the Parliamentary Standing Committee, without even changing one line of it. In 2005 it was introduced. The Committee sat for almost ten times. It came again in 2011 and accepted that some more amendments could be removed. But now it is coming again in 2014 in the same letter and spirit. Therefore, the number has to be reconsidered. Instead of straightaway increasing it to 40, it could be considered, as the Committee has clearly stated, to 25. Penal action has to be there because employers are misusing it. You have added new Acts. Earlier there are only nine Acts and now they made it to 16 which come under the purview of this Principal Act. One of the most important Acts is the Minimum Wages Act, which all of us crave for. In villages women are paid very paltry sums of Rs. 50 per day. So the very purpose of the Government putting that the minimum wages is getting defeated if you bring all these acts into this principal Act. There are other Acts like the Bonus Act, the Beedi Workers Act. That is another important thing where the piecemeal work is done. So unless the returns and registers are maintained in this, there is no justice and these workers could be benefited out of this.

So as against the nine original Acts which are coming under the purview of this Act, they have also added another seven Acts and made it to 16. There is no consensus also. The Parliamentary Standing Committee has repeatedly mentioned that consensus has to be obtained between employees, employers and the Government. But it was not done as the notes very clear say that.

Therefore, taking into consideration what the Parliamentary Standing Committee has pointed out, I request once against the Government to consider the number and penal action has to be provided in this Act. The number of laws which have come under the purview also should be re-

examined. With these few points, I once again thank the Chair for giving me this opportunity. Thank you

SHRI ADHIR RANJAN CHOWDHURY (BAHARAMPUR): Sir, I rise to dwell on the Bill under the nomenclature the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Amendment Bill, 2011.

Sir, as you know, labour is the lubricant of our developmental engine. Since Independence, in view of the social security and in view of the safety, a number of regulations have been made for the welfare of workers. If the labourers are deprived or famished, then consequently the country has to suffer for it. So the welfare of the labour should be the primary objective of any democratic nation including India. India always promotes the welfare of labourers, farmers and vulnerable sections of the poor society.

Sir, we have to think over the stark reality of the present world. We are living in the age of information and technology. We are living in the age of digital world. Naturally, if any laws, regulations or acts are seemed to be antiquated in nature that also needs to be reviewed, re-examined and reconsidered but never at the cost of welfare of the labour class.

Sir, my esteemed Members have already spelt out a number of issues on this Bill. Yes, it is true that during the UPA regime it was introduced. But, here in the name of fresh legislation, the Government took a backdoor step by inserting seven new Acts in the list which are supposed to be exempted. They are: the Motor Transport Workers Act, 1961; the Payment of Bonus Act, 1965; the Beedi and Cigar Workers (Conditions of Employment) Act, 1966; the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979; the Dock Workers (Safety, Health and Welfare) Act, 1986; the Child Labour (Prohibition and Regulation) Act, 1986; and the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.

Sir, there lies the reason as to why we are opposing this Bill. The Government has diverted from the contents of the original Bill and has inserted seven new Acts in the list which, we think, will affect crores of labourers in our country. Take, for example, beedi and cigar workers. I am hailing from a district where eight to ten lakhs of workers are engaged simply in beedi manufacturing. They are subjected to extreme exploitation. So, naturally, if these Acts are included in the list of exemption, then, I think, it will be a great injustice to those hapless labourers.

Sir, it was rightly pointed that the definition of small establishment was amended from 19 to 40; industrial representatives proposed the number to be raised to 100; trade union proposed to reduce the number below 19; and the Standing Committee proposed the number to be 25. However, the Government has arrived to the number of 40.

The main objective of the original Bill was to simplify the procedures to extend the scope of this Act to establishments employing a large number of workers and extending the list of Acts covered by it.

Sir, the law is enacted. The employees of small establishment and very small establishment need not furnish the returns to maintain the registers to be furnished or maintained under various scheduled Acts provided they furnish in lieu of such returns, annual returns and comply with other formalities as was laid down in Clause 3 of the present amendment.

Another important part of the amendment is sub-clause 2 of clause 3, which says:

"The Annual Return in Form-1 and the Register in Form-2 and 3 and wage slips, wage books and other records as provided in sub-section 1 may be maintained by an employer on a computer, computer floppy, diskette or other electronic media, provided that a print out of such returns, registers, books and records or a portion thereof is made available to the inspector on demand."

We need to encourage small entrepreneurs also because this is the need of the hour. If India wants to progress, we ought to promote the small entrepreneurs so that more employment could be generated. So, naturally, those entrepreneurs are to be provided with a little incentive. But we ought to be very rational. We ought to be pragmatic. We ought to be realistic in all our approach so that a balance could be maintained between the interest of the employer and the interest of the employees. There should not be any conflict of interest of all the stakeholders. I think this is the hallmark of any developmental model.

Sir, labour laws is a subject that comes under the Concurrent List which means both the Centre and the States have to play their respective roles. Here we do not have any distinct idea of how many small establishments exist in our country and how many employees are engaged in all those small establishments, that is, the workforce deployed in those establishments. That is why, the Standing Committee has suggested to the Government to conduct a survey to ascertain the actual number of small establishments that exist in our country and the workforce deployed by them.

Secondly, there is an acute shortage of manpower in the office of the Labour Commissioners. I do not know how the huge workforce in our country could be supervised and inspected with the inadequate and inefficient human resources. Therefore, the enforcement machinery should be strengthened with adequate human resource. Otherwise, how will the inspection be conducted? I do not know in our country how many offices, which are performing the job of enforcement, are equipped with computer and other modern gadgets.

If your intention is to do away with even the minimum inspection, then how are you going to secure the rights of the workers? There is also a mismatch between the number of workers actually employed and the number of workers who are shown to be employed in the register. This is the most salient point. In order to deny them the benefits of social security and minimum wages, where will the workers go for getting justice done? How will the workers know whether they are on the rolls of the employer or not, if the details are going to be provided on a computer or computer

disk or other electronic media? Is our entire workforce well equipped for computer learning? Otherwise, how will they come to get the knowledge that they are being enrolled or they are being de-enrolled or they are being de-listed from the employer's record?

Sir, like many other Members, I also propose that the penal provision should be inserted again. Without the penal provision, no justice could be given to those hapless workers.

Last but not least, I would quote former President of America, Andrew Johnson:

"Legislation can neither be wise nor just which seeks the welfare of a single interest at the expense and to the injury of many and varied interests."

We should do away with all the provisions that may implicitly or explicitly cause the grievances in the labour class.

HON. DEPUTY SPEAKER: I request for order in the House. speak, not all.

There should be no discussion among the Members here. Only one Member has to

Shri Rattan Lal Kataria.

श्री रत्न लाल कटारिया (अम्बाला) : उपाध्यक्ष महोदय, मैं माननीय मंत्री द्वारा लाये गये श्रम विधि (संशोधन) विधेयक, 2011 के समर्थन में बोलने के लिए खड़ा हुआ हूँ। जिस प्रकार से दुनिया बदल रही है, वर्तमान समय ग्लोबलाइजेशन एवं लिब्रलाइजेशन का युग है। आज भारत को एक महान राष्ट्र बनाने के लिए श्रमिक और प्रबंधक के रिश्तों में सुधार बहुत जरूरी है। इस बात की आवश्यकता भारत के संविधान निर्माताओं ने भी की थी और संविधान की जो प्रिम्बल है उसके अंदर भी इस बात का प्रावधान किया गया था कि हमारे देश के जो लेबर क्लास के लोग हैं, हम उनके हितों की रक्षा करेंगे। उसी बात को आगे रखते हुए संविधान निर्माता बाबा साहब डॉक्टर भीमराव अम्बेडकर ने संविधान की धारा में यह राइट टू लाईफ और राइट अगेन्स्ट एक्सप्लोइटेशन की व्यवस्था की और समय-समय पर लेबर रिफार्म्स के बहुत-से कानून बनाये गये। अंतर्राष्ट्रीय स्तर पर भी वर्ष 1919 से यह सिलसिला शुरू हुआ। संयुक्त राष्ट्र संघ ने भी इस विषय में बहुत से कानून बनाये। आज जो मोदी जी के नेतृत्व में हमारी सरकार बनी है, उसका विज़न बिल्कुल क्लियर है। हम चाहते हैं कि जो नियोक्ता है, जो इम्प्लायर है और जो कर्मचारी हैं, वे एक-दूसरे को, एक-दूसरे के खिलाफ न समझते हुए, भारत के निर्माण में अपनी जिम्मेवारी को समझें और इस प्रकार के रिश्ते आपस में डेवलप करे, जिससे राष्ट्र उन्नति की ओर जाए। उन्हीं बातों को रखते हुए ये परिवर्तन आएं। हमारी सरकार इस बात के बिल्कुल खिलाफ है कि कोई एक पक्ष एक्सप्लोइटेशन करते रहे और दूसरा पक्ष उसको सहता रहे। इन सबके खिलाफ भी एक पारदर्शी योजना बनाने के अंतर्गत ही यह बिल लाया गया है।

अभी मेरे कांग्रेस के मित्रों ने बोलते हुए बहुत-सी बातें कही। उन्होंने कहा कि हमने यह बिल लाया है। मैं अपने इन मित्रों से पूछना चाहता हूँ कि क्या वर्ष 2005 में इस बिल का प्रारूप नहीं बना? क्या यह बिल स्थायी समिति में बार-बार नहीं गया? देश में जितने भी मजदूर संगठन हैं, क्या उन्होंने यूपीए सरकार की श्रम विरोधी नीतियों के कारण 20 और 21 फरवरी, 2011 को राष्ट्रव्यापी हड़ताल का आह्वान नहीं किया? क्या उस हड़ताल को समाप्त करने के लिए उस समय के प्रधान मंत्री जी ने राष्ट्र के नाम एक अपील जारी नहीं की? क्या वर्ष 2011 में इस बिल को दुबारा से पार्लियामेंट में नहीं लाया गया? आज विश्व परिदृश्य को देखते हुए, इस प्रकार का एक बिल आया है, जिसमें कोई बड़ी चेंजेज नहीं हैं, केवल सरलीकरण का प्रयास किया गया है, इससे हमारी लेबर क्लास को लाभ होगा। हमारे देश में हम जिस प्रकार का वातावरण बनाना चाहते हैं, हमारे प्रधान मंत्री जी दिन-रात प्रयास कर रहे हैं और सारी दुनिया में एक ग्लोबल स्टोरी लेकर जा रहे हैं। विश्व की सभी सरकारों और नेताओं का आह्वान कर रहे हैं कि आप भारत में आइए, आपको हर तरह की सहूलियतें यहां मिलेंगी, आप अपनी पूंजी का निवेश यहां कीजिए, हम आपको एक ऐसा ढांचा खड़ा करके देंगे, जिसमें कार्य करने में आपको कोई भी कठिनाई होगी। उसी दृष्टि से यह बिल लाया गया है। एक पुरानी कहावत है कि अगर किसी व्यक्ति ने चाहे कितना भी महंगा जूता खरीदा हो, अगर वह जूता उस व्यक्ति के पांव को काटता है, तो वह व्यक्ति कोशिश करता है कि किसी तरह से पैसे खराब न हो। उसको पहनने के लिए उसमें पैताबा लगावाता है, एड्रियों को कटने से बचाने के लिए उसमें कुछ लगाता है, लेकिन बार-बार प्रयत्न करने के बाद भी अगर वह जूता उसके पांव को काटता है तो फिर वह जूता कितना भी महंगा क्यों न हो, वह फेंक दिया जाता है। इसी तरह से देश और समाज की प्रगति के लिए समय-समय पर पार्लियामेंट विचार करती है। अगर कोई कानून राष्ट्र के विकास में बाधा बनता है और अगर कोई कानून राष्ट्र के समक्ष उपस्थित वर्तमान परिस्थितियों से मेल नहीं खाता है तो उस पर पार्लियामेंट विचार करती है। जब ये कानून बने थे, तब इंटरनेट कहां था, फेसबुक कहां था, डिजिटल क्रांति कहां थी, आईटी सेक्टर कहां थी। उस समय भारत की छवि दुनिया में ऐसी थी कि जब भी हमारा कोई नेता, राष्ट्रपति या प्रधान मंत्री दूसरे देश में जाते थे, तो कार्टून छपते थे - "दे दो, अल्लाह के नाम पर दे दो, इंटरनेशनल फकीर आए हैं, कुछ मांगने के लिए आए होंगे। अनाज मांगने के लिए आए होंगे, कपड़े मांगने के लिए आए होंगे।"

मैं अपने कांग्रेसी मित्रों से कहना चाहूंगा कि देखिए, भारत माता के लाल नरेंद्र मोदी ने आज किस तरह से सारे विश्व में भारत की छवि बदली है और किस तरह से आज सारी दुनिया भारत की ओर खिंची आ रही है। जापान कह रहा है कि मैं भारत में निवेश करूंगा, चीन कह रहा है मैं निवेश करूंगा। अमरीका कह रहा है मैं निवेश करूंगा और आपने कल-परसों सार्क का नजारा तो देखा होगा, जब पाकिस्तान के प्रधान मंत्री नवाज शरीफ ने थोड़ा सा अडियल रुख अपनाना चाहा और जो समझौते हो रहे थे, उनके अंदर अड़ंगा अड़ाना चाहा, तो सार्क के देश माननीय नरेन्द्र मोदी जी के साथ चट्टान की तरह खड़े हो गये और सबने कहा कि हम आपके साथ चलेंगे तथा नवाज शरीफ को भी मजबूर होकर एनर्जी क्लॉज के ऊपर हस्ताक्षर करने पड़े। ये जो परिवर्तनकारी बिल आ रहे हैं ये सब चीजों को मद्देनजर रखकर आ रहे हैं। हम भारत के श्रमिकों का हित चाहते हैं। हम चाहते हैं कि वे इस देश के अंदर भागीदार बनें। वे सम्मान का जीवन भारत के अंदर जीयें। हमारी सरकार इस प्रकार का कोई काम नहीं करेगी कि हिंदुस्तान में रहने वाला श्रमिक अपने वेतन के लिए तड़पे और उसका शोषण होता रहे। हम तो इस प्रकार की नीतियां अपनाएंगे कि देश के विकास की रोशनी उसके घर के अंदर भी आये ताकि भारत एक महान राष्ट्र बने। हम अपने देश की उस छवि से छुटकारा चाहते हैं जिसमें हमें भिखारी के रूप में देखा जाता था, सपेरो के देश

के रूप में देखा जाता था और चाहते हैं कि वे इस बात को स्वीकार करें कि यह सरकार जो परिवर्तन ला रही है, लोक सभा के अंदर जो कानून ला रही है, चाहे श्रमिकों से संबंधित हों या अन्य कानून हों, उनसे हम अपने देश को एक महान देश बनाना चाहते हैं। उसी दृष्टि से यह एक बहुत अच्छा कदम सरकार ने उठाया है और मैं तो चाहूंगा कि कांग्रेस पार्टी 10 साल में तो कोई सबक सीख नहीं सकी, अब कम से कम जो नजारा हिंदुस्तान का दुनिया में बन रहा है, उससे तो कुछ सीख लो, अब तो आंखें खोल लो।

श्री धर्म वीर गांधी (पटियाला) : मान्यवर, हमारे बीजेपी मित्र का बड़ा लच्छेदार भाषण सुनने के बाद मैं बिल पर आता हूँ। यह जो नया लेबर बिल है, सभी मैम्बरों से उसे साझा करना चाहता हूँ। हमारे देश में 90 प्रतिशत जनता असंगठित क्षेत्र में है। हमारे पंजाब में 98 प्रतिशत लोग उन फैक्ट्रियों में काम करते हैं जहाँ श्रमिकों की संख्या 40 से कम है। उनकी हालत से हम भलीभांति परिचित हैं। मैं एक डाक्टर और एक सामाजिक कार्यकर्ता होने के नाते उनके बीच में रहा हूँ। केवल 10 प्रतिशत लोग ही संगठित क्षेत्रों में काम करते हैं जहाँ काम की हालत अच्छी है, उनका जीवन-स्तर अच्छा है, उनके बच्चों को अस्पताल की सुविधाएँ हैं और उनकी जिंदगी ठीक ढंग से चलती है। इस नये लॉ में जो अमेंडमेंट की जा रही है यह अगर लागू होता है तो देश के असंगठित क्षेत्रों के मजदूरों का 70 प्रतिशत भाग और इंडस्ट्री बाहर हो जाएगी और जो मजदूरों का ईएसआई, पेंशन का अधिकार है, वे उससे वंचित हो जाएंगे। उनकी हालत जो पहले से ही बुरी है और बदतर हो जाएगी।

आप यह बताइए कि कौन सा कारखानेदार अपने मजदूर को, चाहे वे 20 हों या 25 हों, उनको क्या वह न्यूनतम वेतन देता है? आप इस बारे में पूरे देश में एक सर्वे करवाइए और देखिए कि कितनी मजदूरी उनको मिलती है। छोटे और मध्यम कारखानेदारों के उलट बड़े कारखानेदारों के यहाँ अभी कुछ व्यवस्था है और वहाँ मजदूरी अभी ठीक मिलती है, हालांकि यूरोपीय देशों के बराबर नहीं मिलती है, फिर भी वह सम्मानजनक मजदूरी होती है। इसके अलावा उनको ईएसआई, पेंशन और उनके बच्चों के लिए सुविधाएँ इत्यादि कुछ अधिकार मिले हुए हैं। असंगठित क्षेत्र के 90 परसेंट मजदूरों का हाल इस बिल से बद से बदतर होने वाला है।

आपने इन्स्पेक्टर राज को हटाने की बात इसमें कही है। लेकिन आपके इनकम टैक्स में और एक्साइज में क्या इन्स्पेक्टर राज नहीं है। यदि इन्स्पेक्टर राज में कुछ खामियाँ हैं तो उनको ठीक कीजिए न कि उसके सहारा लेकर आप छोटे कारखानेदारों को ये छूट दे दें कि आपको रजिस्टर रखने की जरूरत नहीं है। मजदूरों का जितना मर्जी शोषण कीजिए, ठेकेदारी प्रथा को लागू कीजिए, मजदूरों को न्यूनतम वेतन दीजिए या न दीजिए। उनके लिए कोई शिकायत केन्द्र नहीं है, वे कहीं नहीं जा सकते हैं। उनके लिए कोई कानून नहीं होगा, कोई लेबर लॉ नहीं होगा, जिसके सहारे वह अपना दुख दूर कर सकेंगे, इससे आप ऐसी व्यवस्था खड़ी करने जा रहे हैं।

मैं सभी से कहना चाहता हूँ, it is not the capital which boosts the fields of our economy; it is not the buildings; it is not the machinery; but it is the working people who turn capital into products and products into profit and then, keeps the country moving. अगर आप असंगठित क्षेत्र से सरलता और नये कानून के नाम पर इस तरह का व्यवहार करने जा रहे हैं, तो वह हमें बिल्कुल मान्य नहीं है। मैं आपसे विनती करता हूँ कि दण्ड की बात मत कीजिए, यह कानून ही स्ट्रैप होना चाहिए। इस कानून में जो पहले से ही प्रावधान है कि मजदूरों की जो भी न्यूनतम संख्या, जो कि 19 या 20 है, वह बरकरार रहनी चाहिए ताकि देश के 90 प्रतिशत मजदूरों के हित सुरक्षित हो सकें। यदि कोई इस पर अमल नहीं करता है तो उसके लिए सख्त पेनल्टी लगायी जानी चाहिए।

महोदय, मजदूरों ने जो Right to collective bargaining का अधिकार लिया है, वह बहुत लड़ाई के बाद लिया है। वह हक आप उनसे छीनने वाले हैं। यह उनकी जिंदगी को सुधारने का राइट है। यह आप उनकी संख्या घटा कर और मालिकों को खुली छूट देकर करने वाले हैं कि वे जो मर्जी करें, उनको कोई पूछने वाला नहीं है। कोई इन्स्पेक्टर आने वाला नहीं है और ये मजदूर कहीं नहीं जा सकेंगे। यह सरासर अन्याय है और मुझे दुख है कि आप प्रगति के नाम पर, सुधार के नाम पर, देश के विकास के नाम पर आपने जो वोट लिया है, उसका दुरुपयोग कर रहे हैं। हमारा मजदूर वर्ग है, जो कि पहले से ही बहुत बुरी हालत में जिंदगी गुजार रहा है, जो भूखा मर रहा है, जिसके बच्चे के लिए शिक्षा नहीं है, स्वास्थ्य नहीं है, रहने का अच्छा साधन नहीं है। इससे आप उसके साथ और ज्यादा अन्याय करने वाले हैं। यह आपको बहुत महंगा पड़ेगा। आप इससे देश को तबाही के कगार पर ले जाएंगे।

महोदय, मैं विनती करता हूँ कि इस कानून को रद्द किया जाए और इसे स्ट्रैप करने की मांग करता हूँ। धन्यवाद।

SHRI Y.S. AVINASH REDDY (KADAPA): Sir, I thank you on behalf of our party and its President Shri Y.S. Jagan Mohan Reddy garu for giving me this opportunity. As we all know, this Bill was first introduced during UPAs regime by providing relaxation to employers on furnishing returns and maintaining employment registers for certain kind of establishments. At that time, the Parliamentary Standing Committee raised severe objections on this Bill and submitted its recommendations as well. The same Bill is introduced now with new content. This present Bill proposed to increase the threshold level of employment from existing 19 to 40 for small scale establishments and on the other side of it, the present Bill do not have any provision for increase in penalty on employers if they violate labour laws. While trying to increase the number from 19 to 40, the Government of India must also remember that with the advance technology and machinery in place, there are many establishments with large capital investment, high levels of turn-over and profit, but who are employing less than 20 workers. This morning I read in one article that an estimate of nearly 72 per cent of factories in the country will find it much easier to violate all the labour laws with impunity subjecting the workers to more severe exploitation. In this regard, it would be more ideal to consider the recommendations given by the Parliamentary Standing Committee on Labour.

This Bill looks like as though it aims to give reasonable advantage for employers of small scale establishments. It is like simplifying procedures and encouraging employers to abide by law. So far, many small scale establishments have not been maintaining registers properly. They are not filing returns properly. This Amendment will certainly encourage employers to maintain Forms 1, 2 and 3 in place of maintaining registers and filing of returns. While making more employment-friendly laws, the Government of India must also remember the workers' class. There are many laws in favour of workers. But they are often violated than implemented. About more than sixty per cent of country's work force in the organised sector is refused even the basic statutory benefits like minimum wages, PF and ESI. Other labour laws pertaining to working hours, over-time work and safety at work place are also being violated. The 12 hours work without over-time wages has become like a norm in many establishments. Therefore, my request to the Government of India would be to make serious efforts in implementing the labour laws. The laws empowering the workers are already there. All that the Government has to focus is on implementation of these laws for the good and for the benefit of workers at large, by using its enforcement machinery efficiently.

As we all know, 90 per cent of the disputes that arise today between the employers and the workers pertain to only implementation of labour laws and nothing else. So, while we bring new laws to force, the Government must also ensure that old labour laws empowering the workers class

should not be weakened. No doubt, through this Bill, the Government of India is trying to benefit several lakhs of employers. It is also encouraging several lakhs of new entrepreneurs to set up small scale establishments. But the Government of India must also protect and implement the labour laws pertaining to the betterment of several crores of workers. Before proceeding further on this Bill, it would be appropriate on the part of the hon. Minister of Labour to tell this House what measures will be taken by the Government to protect and implement the labour laws more effectively in order to empower the workers class. It would be very ideal if the hon. Minister calls the representatives from all the trade unions, address all their fears and then proceed further, once majority of the representatives are convinced. On behalf of our Party, we request the hon. Minister to consider our hesitations and to hear our suggestions.

SHRI E.T. MOHAMMAD BASHEER (PONNANI): Sir, I thank you for giving me an opportunity to speak on this Bill. I myself was an industrial employee. I have worked on the trade union side near about 25 years.

As far as this Bill is concerned, *prima facie* it looks very simple. To simplify certain process of submitting the returns, some employers are exempted from that. Certain very important laws such as the Payment of Wages Act, the Minimum Wages Act, the Factories Act, the Contract Labour Regulations Act and things like that, will come under this.

Prima facie, even if we feel that this is an innocent kind of legislation, I wish to state that it is like a sample fire works.

15.00 hrs.

Why should we give exemption to employers in submitting returns in time? Employers have to be made duty bound to submit adequate information and submit returns. If they can run a company, is it a big burden for them to submit returns on payment of minimum wages and such things?

There is just a figure change in this Bill from 19 to 40. If the number of employees is below 40, then the employers need submit returns. They can even keep the information in a floppy disk or using some ICT methods. I wish to say that from this Bill which the Government has introduced, there is every reason to believe that the Government has a hidden agenda. Why am I saying this? Now the Government has exempted the employers from submitting the returns. What is the next agenda? That agenda also has been proclaimed by the hon. Prime Minister.

The Prime Minister has already said that hereafter inspectors need not go to the companies, employer will just make self certification. What is going to happen, Sir? On this side and that side of the House there are trade union leaders. If employer himself does self certification in respect of payment of wages act or under Plantation Act or Factories Act, what will happen? Why all these Acts were made? In the Factories Act there are provisions for health and all kinds of things. Here you are saying that inspectors need not go to the companies. Hon. Prime Minister says we will put an end to inspector raj. Inspectors are supposed to go and do on-the-spot studies. They are supposed to make reports to the authorities. If they find that an irregularity has taken place or a law is not followed, employer can be prosecuted. Instead of that you are saying that it is a disturbance for the employer, and so inspectors need not go.

You just take an example of the Factories Act. Even though there are provisions for safety, health and all kinds of things, the data from National Crime Records Bureau shows that in 2013 boiler explosion related accidents alone led to 359 deaths in the country, another 955 persons died in the factory machine related accidents. Data also shows an upward trend in both industrial mishaps and fatal accidents involving the workers. This is the situation. If you take your second step under this, what will happen? The employer will do things according to his will and pleasure.

As a trade union worker, as a person who worked in factory, I appeal to the Government not to go to that extent. We must have industries. Industries must come. But we should not construct the industries on the graveyards of the poor workers. They have got certain rights. These registers were established after a lot of fight, after a lot of struggle by the workmen. Now you are diluting the whole thing.

What is your second move? The Prime Minister has already declared that a company which is employing below 300 workers need not take permission for retrenchment. Is it not a cruel thing you are trying to introduce? Job protection is a great thing for workers. You are giving open general licence to employers to retrench the workmen. The working class in the country irrespective of party lines will fight against this and they will defeat your ill-motivated ideas. I say this as a worker.

Similarly, on some other legislation also, they are going to make some basic reforms. The labour law will have to be amended, we are not against that. But why can't you not discuss it with the trade unions and the State Governments? Only after making such discussions comprehensively, you should go ahead with it. We will not be against this. But if you do this sort of things, that you will be encroaching on the rights of the workmen, which they have gained after a lot of struggle. I appeal to the Government to desist from this kind of ill-motivated action. With these few words, I conclude. Thank you

डॉ. अरुण कुमार (जहानाबाद) : महोदय, आपने इस अहम बिल पर मुझे बोलने का मौका दिया, इसके लिए मैं आपके प्रति आभार व्यक्त करता हूँ। इस पर काफी विस्तार से चर्चा हुई है। अभी माननीय सदस्य कह रहे थे कि इसमें इल-मोटिवेशन है। इस श्रम बिल में जो संशोधन लाया गया है, मैं इसका समर्थन करता हूँ। इसमें कोई लंबा-चौड़ा परिवर्तन

नहीं किया गया है। एक बात का मैं हृदय से स्वागत करना चाहता हूँ कि निश्चित तौर से जो कानून अभी तक था, इसके तहत एक इस्पैक्टर राज़ था, इस इस्पैक्टर राज़ की समाप्ति में यह बिल बड़ा सहयोगी होगा। आज तक जिस तरीके से छोटे-छोटे इंटरप्रेन्योर्स की यूनिट्स को इस्पैक्टर कर के इस्पैक्टर कभी भी एंप्लाइज़ के इंस्ट्रूट को नहीं देखते थे, बल्कि उस कमी को ध्यान में रखते हुए एंप्लायर से ही एक्स्ट्रा करते थे। अब निश्चित तौर से कोई तय शुदा इस्पैक्टर नहीं होगा, कोई तयशुदा टाइम नहीं होगा। इस्पैक्शन की प्रक्रिया बंद नहीं की जा रही है। इस कानून के तहत इस्पैक्शन होगा, लेकिन जो इस्पैक्टर राज़ था, उसकी समाप्ति निश्चित होगी। इंस्ट्रूट के अंदर एंप्लायर और एंप्लाइज़ के बीच जिस तरह का वातावरण निर्मित हुआ है, लगता है कि वह एक जंग का मैदान है। जिसके चलते ग्रेवार्ड इंस्ट्रूट ही बनता गया। अंतिम जो प्रक्रिया हुई है, उस प्रक्रिया के तहत इंस्ट्रूट बंद पड़ी रहीं। अभी एक माननीय सदस्य बोल रहे थे, उस राज्य में इंस्ट्रूट का जाल था, लेकिन जितना एंप्लाइज़ के इंस्ट्रूट में इन लोगों ने वकालत की, इंस्ट्रूट मरती गई और आज वे माइग्रेट कर रहे हैं, उनको एंप्लायमेंट नहीं मिल रहा है।

माननीय नरेंद्र मोदी के नेतृत्व में एनडीए की सरकार, इसमें जो कमियां हैं, उनको दूर करने जा रही है, जिससे एक फ्रेंडली वातावरण बन सके और एक सकारात्मक वातावरण में इंस्ट्रूट का विकास हो। जिसमें एंप्लाइज़ के इंस्ट्रूट को भी प्रोटेक्ट किया जाए न कि एक बिचौलिया इस्पैक्टर राज़ के तहत इंस्ट्रूट के कॉस्ट पर एंप्लायर को एक्सप्लाइड करे। इस तरह की व्यवस्था को समाप्त करने की योजना है। इसलिए हम इस बिल का समर्थन करते हैं।

श्री जगदम्बिका पाल (डुमरियागंज): महोदय, मैं आपका अभारी हूँ कि आपने मुझे इस बिल पर बोलने का मौका दिया। हमारे माननीय मंत्री जी के द्वारा Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by certain Establishments) Amendment Bill, 2014 प्रस्तुत किया गया है, उसके समर्थन में बोलने के लिए मैं खड़ा हुआ हूँ। काफी विस्तार से माननीय सदस्यों की बातें आ गई हैं। मैं उन बातों की पुनरावृत्ति नहीं करना चाहता हूँ, जो माननीय सदस्यों ने इसके पूर्व में कही हैं। श्रमिकों के हक-हकूक की हिफाजत के लिए उनके हितों पर कोई कुठाराघात न हो, उसके संबंध में यह एक्ट लाया गया है। मैं समझता हूँ जो एक मौजूदा प्रक्रिया है, उसको सिंप्लीफाई करने के लिए फर्स्ट शिड्यूल को किया गया है। जो एक संख्या थी, जिसके बारे में माननीय सदस्यों ने भी कहा कि उसको बढ़ाया जाए।

महोदय, मैं आपके माध्यम से केवल कुछ बातें कहना चाहता हूँ। इसका ओरिजिनल एक्ट वर्ष 1988 का था। उसके फर्स्ट शिड्यूल में अभी तक केवल 9 लेबर लॉज उसके अन्तर्गत कवर होते थे। The Payment of Wages Act; The Weekly Holidays Act; The Minimum Wages Act; The Factories Act; The Plantations Labour Act; The Working Journalists and other Newspaper Employees (Conditions of Service and Miscellaneous Provisions Act; The Contract Labour (Regulation and Abolition) Act; The Equal Remuneration Act; etc. अब इस अमेंडमेंट में उन 9 लेबर लॉज की जगह पर हमने 16 लेबर लॉज कर दिया है। इससे स्वाभाविक है कि जो अभी तक इसमें कवर नहीं था, जैसे The Child Labour (Prohibition and Regulation) Act, 1986, The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996; The Dock Workers (Safety, Health and Welfare) Act; The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, etc. इस तरह से हमने 9 की जगह पर 16 लेबर लॉज को इसमें कवर किया है। हमने यह अवसर दिया है कि इन सारे कानूनों को उस परिधि में लायें। अभी तक 15 से 19 तक का न्यूनतम था, उसकी संख्या बढ़ाकर के अब 40 कर दिया है तो स्वाभाविक है कि काफी सुविधायें दी गयी हैं। चाहे डिजिटल के सम्बन्ध में हो कि अब सी.डी. से भी इन्फर्मेशन दे सकते हैं, फ्लॉपी से इन्फर्मेशन दे सकते हैं।

मैं एक बात माननीय मंत्री जी से कहना चाहूँगा कि रिटर्न फाइल करने के लिए इस एक्ट को सिंप्लीफाई किया है, निश्चित तौर से वह स्वागतयोग्य है। पूरी दुनिया के बदलते हुए परिवेश में आज कागजों की कमी हो रही है और हम रिटर्न फाइल का काम सी.डी. या फ्लॉपी के माध्यम से कर रहे हैं। मैं एक बात कहना चाहूँगा कि आज यह देखने की आवश्यकता होगी कि हम जो रिटर्न फाइल करते हैं, हमारा प्रबन्ध तंत्र रिटर्न फाइल करता है, स्मॉल इस्टैब्लिशमेंट के अन्तर्गत, क्या वे उसमें एक्चुअल फिगर दे रहे हैं, क्या एक्चुअल फिगर की रिटर्न फाइल हो रही है या जो लेबर को एक्चुअल बेनीफिट मिलना चाहिए, वह उसे मिल रहा है या नहीं मिल रहा है। जो वे संख्या दिखाते हैं, जैसे हमारे कई माननीय सदस्यों ने चिन्ता व्यक्त की है कि संख्या अगर अधिक भी है और वे उसे कम दिखाते हैं तो स्वाभाविक है कि उन लोगों के हक-हकूक की सुरक्षा के लिए हमने इसे और विस्तारित किया है। हमने इसे विस्तारित कर दिया है, इसमें प्रोसिजर को काफी सिंप्लीफाई किया है, तो स्वाभाविक है कि हमने अब एक तरफ इस्टैब्लिशमेंट को भी आराम दिया है।

वर्तमान समय में जो मौजूदा श्रमिकों के हितों की बात है, आज ईएसआईसी हॉस्पिटल्स बहुत बड़े-बड़े बने हुए हैं, लेकिन उनकी जो वास्तविक स्थिति है, मैं माननीय मंत्री जी से चाहूँगा कि वे इस बात को देख लें कि वहाँ डॉक्टर्स की कमी है, वहाँ दवाओं की कमी है, वहाँ बिजली की कमी है। यदि हमने इसे श्रमिकों की हेल्थ के लिए बनाया है, उनके हक, अधिकारों के लिए हमने इसे विस्तारित किया है तो निश्चित तौर पर हमें इन चीजों पर गौर करना चाहिए। इसी के साथ मैं इस बिल का समर्थन करते हुए अपनी बात समाप्त करता हूँ।

SHRI P. KARUNAKARAN (KASARGOD): Sir, the Government has made a change in the number, *i.e.*, 19 to 14. I do not know what the use of it is and who would be benefited? I strongly oppose this amendment because a large number of workers would be adversely affected. A large number of factories that come under small scale sector would also be affected which means it would be beneficial to the employers. Maybe, it would be true to say that there is electronic filing and all that but we have to bear in mind that in the labour laws itself, there is a clause that each and every thing should be written in the local language and that should be placed in the factory itself so that ordinary workers could understand that. The workers may not be able to go to the computers and they may not be able to do all these other things.

So, I am sure that this change will not benefit the workers and at the same time it would benefit the employer. So, I strongly oppose this amendment. Not only that, the Standing Committee itself made it clear that we should not go for such a hasty amendment. So, I do not know as to why the Government has taken this decision? Therefore, I oppose this Bill.

PROF. SADHU SINGH (FARIDKOT): Sir, thank you very much for giving me this opportunity to speak on this Bill. With your kind permission I would like to submit that there have been many such Bills in previous times and there are working people in restaurants, hotels, in agricultural field and in industry also but their lot has never been improved upon. Further, I would like to submit that if this Bill, which is being passed with certain amendments, if it can bring about a change in the living conditions of those working people, who are, as my colleague Shri Tarunveer said, are the real producers of wealth in this country, then only such a Bill should have some meaning.

में एक कपलैट से अपनी स्पीच खत्म करना चाहूँगा।

"बिल आते रहे और जाते रहे, हम गलियों को दुखड़े सुनाते रहे।"

SHRI BANDARU DATTATREYA: Mr. Deputy-Sir, I am extremely thankful to all the hon. Members those who have participated in this debate and have given very meaningful suggestions. I have noted down all the suggestions related to implementation and I will definitely see that whatever suggestions that have been made will be taken as an input and can be taken into consideration.

I am happy that a large number of Members have spoken with a positive intent and have felt that the need of the hour is more employability. The vision of our hon. Prime Minister, Shri Narendra Modi ji, is Skilled India and Digital India. In order to have skilled India, our main focus will be on skill development. We are very much concerned about that. Skill development alone can provide more employability in the country. The main purpose is to have simplification, transparency, accountability and enforcement. The law is being framed keeping in view these things.

I will reply in short about the apprehensions that have been expressed regarding the provisions of this Bill. But our main purpose is to ensure decent working conditions and better and effective implementation of the labour laws and also facilitating increased productivity as well as development of entrepreneurship and improving the employability in the country. The focus and emphasis of my Ministry will be mainly on the unorganized sector which constitutes a 93 per cent of the total workforce. They include, as has been mentioned by some of the hon. Members, the *bidi* workers, the building construction workers and also plantation workers and agricultural labourers. There are a large number of workers who are in the unorganized sector. My focus area will be the employees of the unorganized sector and also on providing social security. Many Members have talked about providing social security and welfare of workers. We propose to take much care with regard to these two aspects of providing social security and welfare of workers.

I am happy to say that our hon. Prime Minister, on 16th October, has inaugurated the *Shramev Jayate* programme. For this *Shramev Jayate* Programme, we have taken major initiatives in the Shram Suvidha portal through which initially 16 labour laws can be combined with our four enforcement agencies. They are EPFO, ESIC, DGMS and CLC. So, I have to make the features of the portal clear because a large number of establishments are there and a large number of workers are there in the unorganised sector.

Sir, Unique Labour Identity Numbers (LIN) are allotted and will be given to all the employers. Secondly, there is the filling up of the simplified single online return under 16 labour laws. Thirdly, there is the computer-generated random inspection scheme. Most of the hon. Members were telling that inspections will not be done and inspectors will go away. There will definitely be inspections. Nobody should feel so. All the existing laws will be applicable. Nothing will be left out.

I only feel that you may please go through the Bill once again. Kindly note that we have already issued universal account numbers to more than four crore members of the Employees Provident Fund Organisations which assure portability, transparency, accountability and efficient service.

I want to mention another important factor. Some Members have expressed an apprehension. We have held consultations in tripartite meetings. Many tripartite meetings were held. A large number of suggestions were given. Ten national major trade unions have given positive suggestions.

Members also mentioned about the Standing Committee on Labour. We have taken care of all the recommendations of that Committee. The Government is committed for reforms but at the same time, it is our duty to look after the interests of the workers and see that their rights are protected.

I would like to say about our policy and our commitment. हमारी नीति और हमारी नीयत में कोई फर्क नहीं है।

Lastly, I would like to make one clarification. The section of six main Acts reads as follows. Among them, one is penalty. Any employer who fails to comply with the provisions of this Act shall, on conviction, be punishable. In the case of the first conviction, it shall be a fine of Rs. 5000. In the case of second or subsequent convictions, it will be imprisonment for a period which shall not be less than one month but which may extend to six months.

That is why, I appeal to all the hon. Members to please cooperate in passing the Bill.

HON. DEPUTY-SPEAKER: The question is:

"That the Bill to amend the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

HON. DEPUTY-SPEAKER: The House will now take up clause by clause consideration of the Bill.

The question is:

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 4

HON. DEPUTY-SPEAKER: Shri Sankar Prasad Datta, are you moving your amendment?

SHRI SANKAR PRASAD DATTA (TRIPURA WEST): Yes. I beg to move:

"Page 2, line 8,--

for "forty"

substitute "fourteen". (1)

HON. DEPUTY-SPEAKER: I shall now put amendment No. 1 moved by Shri Sankar Prasad Datta to the vote of the House.

The amendment was put and negatived.

HON. DEPUTY-SPEAKER: Prof. Saugata Roy, are you moving your amendment?

PROF. SAUGATA ROY (DUM DUM): Yes. I beg to move:

"Page 2, line 8,--

for "forty"

substitute "twenty-five". (2)

HON. DEPUTY-SPEAKER: I shall now put amendment no. 2 moved by Prof. Saugata Roy to the vote of the House.

PROF. SAUGATA ROY : I want Division.

HON. DEPUTY-SPEAKER: Let the lobbies be cleared. Now, the Lobbies have been cleared.

The Secretary-General will read out the instructions.

SECRETARY-GENERAL: Hon. Members, I would request you to kindly wear the head phone because interpretation is going on.

Kind attention of the hon. Members is invited to the following points in the operation of the Automatic Vote Recording System:-

1. Before a Division starts, every hon. Member should occupy his or her own seat and operate the system from that seat only. Kindly occupy your own seat.
2. When the hon. Speaker says "Now Division", the Secretary-General will activate the voting button whereupon "RED BULBS" above display boards on both sides of hon. Speaker's Chair will glow and a GONG sound will be heard simultaneously.
3. For voting, hon. Members may please press the following two buttons simultaneously "ONLY" after the sound of the GONG and I repeat only after the sound of the GONG.

Red "VOTE" button in front of every hon. Member on the Head Phone plate and, second, any one of the following buttons fixed on the top of desk of seat:

For AYES : Green Colour

For Noes : Red Colour

For Abstain : Yellow Colour

4. I may emphasise that it is essential to keep both the buttons pressed till another GONG is heard and the Red BULBS above plasma display are "OFF".
5. Hon. Members may please note that their votes will not be registered:
 - (i) If buttons are kept pressed before the first GONG or
 - (ii) Both buttons are not kept simultaneously pressed till second GONG.
6. Hon. Members can actually "SEE" their vote on display boards installed on either side of hon. Speaker's Chair.
7. In case vote is not registered, they may call for voting through slips. Thank you

HON. DEPUTY-SPEAKER: The question is:

"Page 2, line 8,--

for "forty"

substitute "twenty-five". " (2)

HON. DEPUTY-SPEAKER: The amendment is negatived.

PROF. SAUGATA ROY : Division. ...(*Interruptions*)

HON. DEPUTY-SPEAKER: You have not asked for it.

...(*Interruptions*)

PROF. SAUGATA ROY: I said it.

HON. DEPUTY-SPEAKER: You have not asked for it.

SHRI SANKAR PRASAD DATTA (TRIPURA WEST): He has asked for it. He said it.

PROF. SAUGATA ROY : I asked for Division.

HON. DEPUTY-SPEAKER: Please take your seat. Please go through the record. When I put the question, you have not asked for it. Can you prove it?

...(*Interruptions*)

PROF. SAUGATA ROY : Sir, I said it. Please listen to me. I asked for Division. You should say "Let the Lobbies be cleared." Then, Division should take place.

HON. DEPUTY-SPEAKER: Please take your seat. Please listen to what I am saying.

PROF. SAUGATA ROY : This is not correct.

HON. DEPUTY-SPEAKER: First, you take your seat. I am on my legs. I am telling you that when I called, at that time, you have not raised your voice.

PROF. SAUGATA ROY : I said "yes".

HON. DEPUTY-SPEAKER: If you want it now, I will read it once again. I have no objection to that.

PROF. SAUGATA ROY : I have said it.

HON. DEPUTY-SPEAKER: I am ready to read that once again. There is no problem. But I am telling you that when I read, at that time, you have not raised your voice. Afterwards only, you raised your voice. The record is there. You can go through it. Anyway, for your satisfaction, as a special case, once again I am allowing Division. Do not say that you have raised it. That is wrong. You have not raised it at that time.

THE MINISTER OF STATE OF THE MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJIV PRATAP RUDY): Sir, some Members are still in the learning stage. You must have that much of heart to give an opportunity....(*Interruptions*)

HON. DEPUTY-SPEAKER: I am telling you this. I am reading it once again. I am allowing it. But, at that time, you have not raised it. That is what I am telling.

...(*Interruptions*)

HON. DEPUTY-SPEAKER: Once again, I am reading. Lobbies have already been cleared.

The question is:

"Page 2, line 8,--

for "forty"

substitute "twenty-five". (2)

The Lok Sabha Divided:

DIVISION **AYES** **15.32 hrs.**

Banerjee, Shri Abhishek
Basheer, Shri E. T. Mohammad
Chaudhury, Shri Jitendra
*Datta, Shri Sankar Prasad
*Jayadevan, Shri C. N.
*Kalvakuntla, Shrimati kavitha
Karunakaran, Shri P.
Kumar, Shri Santosh
*Mondal, Shrimati Pratima
Patil, Shri Bheemrao B.
*Poddar, Shrimati Aparupa
Reddy, Shri Konda Vishweshwar
Roy, Prof. Saugata
*Salim, Shri Mohammad

NOES

Agrawal, Shri Rajendra
*Ahlawat, Shrimati Santosh
*Ahluwalia, Shri S.S.
Amarappa , Shri Karadi Sanganna
Ananthkumar, Shri
Azad, Shri Kirti
Badal, Shrimati Harsimrat Kaur
Baheria, Shri Subhash Chandra
Bais, Shri Ramesh
Bala, Shrimati Anju
Balyan, Dr. Sanjeev
Bhamre, Dr. Subhash Ramrao
*Bharti, Sushri Uma
Bhatt, Shrimati Ranjanben
Bhole, Shri Devendra Singh

Bhuria, Shri Dileep Singh
Bidhuri, Shri Ramesh
Birla, Shri Om
Chandel, Kunwar Pushpendra Singh
Chaudhary, Shri C. R.
Chaudhary, Shri Haribhai
*Chaudhary, Shri P.P.
Chaudhary, Shri Pankaj
Chauhan, Shri Devusinh
*Chavda, Shri Vinod Lakhmashi
*Choudhary, Shri Birendra Kumar
Chouhan, Shri Nandkumar Singh
Danve, Shri Raosaheb Patil
Dattatreya, Shri Bandaru
Devi, Shrimati Rama
Dhotre, Shri Sanjay
Diwakar, Shri Rajesh Kumar
Dubey, Shri Nishikant
Gaddigoudar, Shri P.C.
Gadkari, Shri Nitin
Gaikwad, Dr. Sunil Baliram
Gandhi, Shri Feroze Varun
Gavit, Dr. Heena Vijaykumar
Gowda, Shri D.V. Sadananda
*Gupta, Shri Shyama Charan
Hikaka, Shri Jhina
Jaiswal, Dr. Sanjay
*Jat, Prof. Sanwar Lal
Jigajinagi, Shri Ramesh
Joshi, Shri Chandra Prakash
Karandlaje, Kumari Shobha
Kashyap, Shri Dinesh
*Kataria, Shri Rattan Lal
Kateel, Shri Nalin Kumar
Kaushik, Shri Ramesh Chander
*Khadse, Shrimati Rakshatai
Khaire, Shri Chandrakant
Khanduri AVSM, Maj. Gen. (Retd.) B.C.
Khanna, Shri Vinod
Kher, Shrimati Kirron

Kinjarapu, Shri Ram Mohan Naidu

*Kishore, Shri Kaushal

Kulaste, Shri Faggan Singh

*Kumar, Dr. Arun

Kumar, Kunwar Sarvesh

Kumar, Shri Dharmendra

*Kundariya, Shri Mohanbhai Kalyanjibhai

Kushawaha, Shri Ravinder

*Lakhanpal, Shri Raghav

Lekhi, Shrimati Meenakashi

Mahajan, Shrimati Poonam

Maharaj, Dr. Swami Sakshiji

*Mahato, Dr. Banshilal

Mahtab, Shri Bhartruhari

Malviya, Prof. Chintamani

Manjhi, Shri Hari

Maurya, Shri Keshav Prasad

*Meena, Shri Arjun Lal

Meghwal, Shri Arjun Ram

Mishra, Shri Bhairon Prasad

*Mishra, Shri Daddan

Mohan, Shri P.C.

Munde, Dr. Pritam Gopinath

*Nath, Shri Chand

Nishad, Shri Ajay

Nishad, Shri Ram Charitra

*Nishank, Dr. Ramesh Pokhriyal

Paatle, Shrimati Kamla

*Pal, Shri Jagdambika

Panda, Shri Baijayant Jay

Pandey, Dr. Mahendra Nath

Pandey, Shri Hari Om

Pandey, Shri Rajesh

*Paswan, Shri Chhedi

Patel, Dr. K. C.

Patel, Shrimati Anupriya

Patel, Shrimati Jayshreeben

Pathak, Shrimati Riti

Patil, Shri A.T. Nana

Patole, Shri Nana

Phule, Sadhvi Savitri Bai
*Prasad, Dr. Bhagirath
Radhakrishnan, Shri Pon
**Radhakrishnan, Shri R.
*Rai, Shri Nityanand
Raj, Shrimati Krishna
Rajbhar, Shri Harinarayan
Rajoria, Dr. Manoj
Rajput, Shri Mukesh
Raju, Shri Ashok Gajapathi
Ram, Shri Janak
Rathod, Shri D.S.
*Ray, Shri Bishnu Pada
Rudy, Shri Rajiv Pratap
Sahu, Shri Chandulal
Sahu, Shri Lakhan Lal
*Saini, Shri Rajkumar
Sanjar, Shri Alok
**Sarswati, Shri Sumedhanand
Satpathy, Shri Tathagata
Sawaikar, Adv. Narendra Keshav
Shah, Shrimati Mala Rajyalakshmi
**Sharma, Dr. Mahesh
Sharma, Shri Ram Swaroop
Shetty, Shri Gopal
Shyal, Dr. Bhartiben D.
**Siddeshwara, Shri G. M.
Sigriwal, Shri Janardan Singh
Singh, Dr. Bhola
Singh, Dr. Nepal
**Singh, Dr. Satya Pal
Singh, Dr. Yashwant
**Singh, Shri Giriraj
**Singh, Shri Kirti Vardhan
Singh, Shri Lallu
Singh, Shri Nagendra
**Singh(Raju Bhaiya), Shri Rajveer
Singh, Shri Rakesh
Singh, Shri Virendra
Sinha, Shri Manoj

Solanki, Dr. Kirit P.
Sonkar, Shri Vinod Kumar
Sonker, Shrimati Neelam
Swain, Shri Ladu Kishore
Tripathi, Shri Sharad
Tumane, Shri Krupal Balaji
Udasi, Shri Shivkumar
*Usendi, Shri Vikram
Vardhan, Dr. Harsh
Verma, Shri Bhanu Pratap Singh
Verma, Shri Rajesh
Verma, Shrimati Rekha
Yadav, Shri Hukmdeo Narayan
Yadav, Shri Om Prakash
Yadav, Shri Ram Kripal
Yediyurappa, Shri B.S.

ABSTAIN

Baite, Shri Thangso
Chowdhury, Shri Adhir Ranjan
Ering, Shri Ninong
Hooda, Shri Deepender Singh
Meinya, Dr. Thokchom
Suresh, Shri D.K.
Suresh, Shri Kodikunnil

HON. DEPUTY-SPEAKER: Subject to correction*, the result of the Division is:

Ayes – 10

Noes – 116

The motion was negatived.

HON. DEPUTY-SPEAKER: The question is:

"That clause 4 stand part of the Bill."

*The motion was adopted.
Clause 4 was added to the Bill.
Clauses 5 and 6 were added to the Bill.
Clause 1 was added to the Bill.
The Enacting Formula, the Long Title were added to the Bill.*

HON. DEPUTY-SPEAKER: The Minister may now move that the Bill be passed.

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI BANDARU DATTATREYA): I beg to move:

"That the Bill be passed."

HON. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

HON. DEPUTY-SPEAKER: Now, the Lobbies may be opened.