

Mr. DEPUTY SPEAKER : We shall now take up items 14 and 15 of the Agenda together.

As Members are aware, the Bharat Petroleum Corporation Limited (Determination of Conditions of Service of Employees) Bill, 1988, was passed by Lok Sabha on 13th May 1988 and laid on the Table of Rajya Sabha on the same day. The Bill could not be passed by Rajya Sabha during the last Session. As the Government felt that any delay in enacting the Bill might defeat the very purpose of the legislation, the Ordinance containing the provisions of the Bill, without any modification, was promulgated by the President on 2nd July 1988. Since the House has already approved the provisions of the Ordinance in the form of a Bill on 13 May 1988, it will not be permissible now to go into the merits of the Bill. The discussion on the Statutory Resolution should, therefore, be confined strictly to the issue of promulgation of the Ordinance.

Now we shall take up the Statutory Resolution. Shri Madhav Reddi—absent. Shri Bhattam Srirama Murty—Absent. Both are not available and therefore, the Statutory Resolution is not moved. Now the Minister may move,

13.52 hrs.

BHARAT PETROLEUM CORPORATION LIMITED (DETERMINATION OF CONDITIONS OF SERVICE OF EMPLOYEES) BILL

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI BRAHMA DUTT) : Sir, I beg to move:

“That the following amendment made by Rajya Sabha in the Bill to empower the Central Government to determine the conditions of service of the officers and employees of Bharat Petroleum

Corporation Limited and for matters connected therewith, be taken into consideration:—

Clause 1

1. That at page 1 for lines 9-10 the following be substituted, namely:—

“1. (1) This Act may be called the Bharat Petroleum Corporation Limited (Determination of Conditions of Service, of Employees) Act, 1988.

(2) It shall be deemed to have come into force on the 2nd day of July, 1988.”

New Clause 4

2. That at page 3, after line 20, the following be inserted, namely:—

“4. (1) The Bharat Petroleum Corporation Limited (Determination of Conditions of Service of Employees) Ordinance 1988, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.”

Sir, only one thing is that these two are of technical nature they have to be done because the Ordinance was issued and letter on it has to be replaced. There is not much in that.

MR. DEPUTY-SPEAKER : Motion moved :

"That the following amendments made by Rajya Sabha in the Bill to empower the Central Government to determine the conditions of service of the officers and employees of Bharat Petroleum Corporation Limited and for matters connected therewith, be taken into consideration :—

Clause 1

1. That at page 1, for lines 9-10 the following be substituted, namely :

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"4. (1) The Bharat Petroleum Corporation Limited (Determination of Conditions of Service of Employees) Ordinance, 1988, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act."

Now, Shri R.P Das may speak.

SHRI R.P. DAS (Krishnagar) : Mr. Deputy-Speaker, Sir, the Bharat Petroleum Corporation Limited (Determination of Conditions of Service of Employees) Ordinance, 1988, was passed by Rajya Sabha on 2nd July with certain amendments and it has come back to this House as a Bill. The reason for the hurry in the promulgation of this Ordinance was given by the Minister stating that any further delay in enacting the provisions of the Bill in an ordinance might defeat the very purpose of the Bill, for which the legislation was contemplated. It was, therefore, felt desirable not to wait till the next Session of Parliament to get the Bill passed by the Rajya Sabha. Therefore an Ordinance was promulgated on the 2nd July.

13.55 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

But, Sir, we do not understand what was the hurry in promulgating the Ordinance on July 2nd just after 49 days of passing the Bill in the Lok Sabha on 13th May. Even after promulgation of the Ordinance it was brought to Rajya Sabha in 38 days.

In this way, we find that the Bharat Petroleum Corporation Ltd. (Determination of Conditions of Service of Employees) Bill passed through three stages within 3½ months. It was first introduced and passed in Lok Sabha. Then, an ordinance was promulgated; then after it went to the Rajya Sabha and it was passed with certain amendments. In this way, we find that the Government was in a hurry to pass the Bill. On the other hand, Sir, you will find that the Government took 12 years to bring this Bill to the House. In between, the case was fought in the court and the workers and employees of Bharat Petroleum Corporation got a court order in favour of them. So, Government was at a loss as to what to do particularly at the verdict of the court which was in favour of the employees. Sir, only to evade the court order, Government brought forward this Bill to the House and promulgated ordinance and got it passed in the Rajya Sabha in a hurry.

[Shri R. P. Das]

There is no time for me to go into details at this stage. But I would like to make a few remarks by saying that this Bill is in total violation of section 8(3) of the Industrial Disputes Act, which says the wages of the workers cannot be reduced and it cannot be done even in the name of parity of pay in the public sector. In the pre-nationalisation stage 413 employees and in the post nationalisation about 1864 employees totalling 2203 and odd out of 7737 employees, demanded the continuance of the pay scale of the pre-nationalisation stage. From the very day of nationalisation 1976, the old employees of the pre-nationalisation stage insisted on the continuance of the old scale. Some problems arose after the nationalisation also, after the new recruitment, about 1866 employees from the new recruitment wanted continuance of the old scale. In that case, certain high pay structure was there. But in the court it was found that the employees, demand was in line with section 8(3) of the Industrial Disputes Act and that the wages of the workers could be reduced. But Government wanted things to happen other wise. So this Bill was brought to the House, with a view to reducing the pay scale of the employees. This was just to bypass the provision of the Industrial Disputes Act and to bypass the concept of natural justice as also of the common industrial practices.

At this stage, I do not agree with the amendment already passed by the Rajya Sabha. Besides this Bill clearly stands out against the practices of the trade unions and goes against the interests of the workers and employees.

14.00 hrs.

It is not even line with the provisions of the Industrial Disputes Act. It is in complete violation of Section 8/3 of the Industrial Disputes Act which stipulates that the wages of the workers cannot be reduced. There is no denying the fact that Bill is against the interests of the workers and the employees. Therefore, it is anti-labour Bill. For this reason, I am not ready to support the amendments

that have been passed by the Rajya Sabha.

The last point that I would like to make here is that the effect given to the provision of this Bill retrospectively, is contrary to the established industrial practice. This is also contrary to the natural justice. So, to my mind these are the points that go against the interests of the workers and employees. For this I oppose the amendments brought to the House as also I also opposed the Bill.

SHRI RAM SINGH YADAV (Alvar) : Mr. Chairman, I rise to support the Bill with the amendments which have been accepted or recommended by the Rajya Sabha. At the very outset, I congratulate the hon. Minister and the Bharat Petroleum Corporation that, according to the 34th annual report, 1986-87 which gives a clear picture of the performance of the Corporation; up to 31st March, 1987 the profit earned by this Corporation is to the tune of Rs. 1,42,72,41,000 and the total sales turn over during the period from 1-4-1986 to 31-3-1987 has been to the tune of Rs. 24,99,67,81,000. It shows that the performance of the Corporation has been commendable and the Corporation has earned the profit which is remarkable. Not only this but the dividend which has been declared goes at rate of 14%. I may quote the report.

"As regards the point of dividend the Directors recommended dividend at the rate of 14% on the paid up capital of Rs. 2,785.95 lakhs and the Corporation has contributed to the Government exchequer Rs. 461.71 crores last year."

meaning thereby that so far as the finances of the Corporation are concerned, the position is quite bright. The hon. Member who has just spoken has asked what was the hurry to promulgate the Ordinance on 2nd July, 1988. It is justified. The employees and the officers who are working with the Corporation deserve their demand and if the Ordinance meets out the demands by giving the parity in their pay scales comparable to the other

two Corporations, then I think the issuance of the Ordinance is very much justified.

Not only this, In the field of marketing also, the company has done a laudable job and this also found in the Report and I quote :

“Total sales volume rose by 4.7 per cent from 7.57 million tonnes in the previous year to 7.93 million tonnes during the year under report, and the Corporation's marketing participation for the year was 18.3 per cent”.

Thus, the total participation in the marketing of this Corporation alone has risen to the extent of 18.3 per cent during the year 1987-88. I congratulate the Corporation on its functions and performance, particularly on the point that in Bombay and Delhi so far as the LPG distribution is concerned, they have introduced a new system which is very much comfortable and very much convenient to the consumers. It has been stated in the report :

“As a step towards better consumer service, BPC distributors in Bombay and Delhi have introduced the automatic telephone recording machines for booking of refills by consumers round the clock.”

I request the hon. Minister that he may kindly introduce this system in all the district headquarters because this system has proved to be very beneficial for the consumers so far as LPG is concerned. Therefore, automatic telephone recording machines should be installed atleast at every district headquarters so that the consumers may be benefited by this.

Further, the company has taken special precaution on the safety measures i.e. on the fire-fighting measures. As far as the fire-fighting measures are concerned, it has been pointed out in the report :—

“A modern fully-equipped Fire Station was commissioned, replacing the old Fire Station. During March 1987, which was designated as the Fire & Safety month, the campaign through talks, posters and films to prevent fire & safety hazards, received further impetus”.

So, as far as Companies are concerned, I think this fire-fighting device is the first device which needs very utmost consideration. One incident has taken place yesterday in the Mathura Refinery also. Therefore, the hon. Minister will take special precautions as regards this i.e. the refineries in various parts of our country.

So far as the refining process is concerned, it has been the highest in the history of this Corporation. On this aspect also, in the Report it has been stated :

“The highest ever monthly throughout of 6.23 lakh tonnes was achieved in March, 1987. During the year 1986-87, the crude consumption was 5.57 million tonnes which was lower than the previous year because of the scheduled 35 days shut-down of Crude Distillation Unit. The quantity of indigenous crude processed (Bombay High and Ratna Heera crudes) was 5.46 million tonnes which accounted for 97.9 per cent of the total crude processed.”

This means that these workers and the officers as well as other employees have done their best to boost the production of this refinery. Therefore in these circumstances, the pay hike demanded by them justified. I wish the hon. Minister make it clear. I feel there is one ambiguity in Clause 3 of the Bill itself. In clause 3, Sub-Clause (4) it has been mentioned :

“The power to make any scheme under sub-section (1) or sub-section (3) shall include,—

(a) the power to give retrospective effect to any such scheme or any provision thereof ;...”

MR. CHAIRMAN : May I point out to you that you cannot go into the whole merit of the Bill ? Only the amendments which are suggested by the Rajya Sabha are to be discussed.

SHRI RAM SINGH YADAV : Sir, I am not suggesting any amendment. I am only seeking clarification from the hon. Minister as to whether.

MR. CHAIRMAN : The point is that the Bill was already discussed and passed by this House. Only these amendments which have been suggested by Rajya Sabha are to be considered.

SHRI RAM SINGH YADAV : This clarification is in the interest of the employees and the officers who are working in the Corporation. I want to know from the Hon. Minister what does he mean by "with retrospective effect"? Is he going to take any step which will give some sort of concession to the employees or is he going to withdraw the concession from the employees ? I do not think he will take any step which will withdraw any concession from the employees by introducing this term because you have given the power to give retrospective effect to any such scheme or any provision thereof. It means you have taken power to make the scheme, to formulate the scheme, to introduce that scheme from a retrospective date. But what will be the retrospective date ? You have not made it clear that no action at your instance or at the instance of the Government will be taken at the time of formulating the service conditions, that no injustice will be done to the employees in matters of pay scales and other amenities. I think, when he replies, he will make it clear.

The other proposal which has been given by the Rajya Sabha is quite justified because they have added one section 4 and they have suggested :

"The Bharat Petroleum Corporation Limited (Determination of Conditions of Service of employees) ordinance, 1988 is hereby repealed."

This is quite innocent. Another one is :

"Notwithstanding such repeal, anything done or any action taken under the said ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act."

Now action which has been taken after the ordinance, that ordinance shall be deemed to be legal and it is an enabling provision which should have come. I think, whatever action has been taken in the interest of the employees or the officers, that shall be validated and it has been validated. Therefore, this House has got no objection about it. With these words, I congratulate the Minister and I support the Bill as amended by Rajya Sabha.

SHRI NARAYAN CHOUBEY (Midnapur). Sir, since this House has already debated this Bill, I will only request the Minister to consider a few points. I do not want to go into the performance of this company. It has performed well as stated by my Hon. friend who preceded me.

Actually, the difficulty of the Government is regarding the staff the section of staff who have been working before nationalisation, that is, pre-nationalisation, staff and the other group who have been taken in after nationalisation, that is post-nationalisation staff. Actually, common justice demands that the staff of both categories should get the same salary for doing the same job in the same company, and that can't be questioned. But the trouble arises for the Government and for the company regarding the post-nationalisation staff. There are other concerns like the IOC and others, where employees are working and doing the same job. Since this Bharat Petroleum was in the private sector, same amenities and same service conditions better than the other staff were obtained by them prior to nationalisation. Naturally, the old staff continues to get the same. The question arises whether the new staff also should continue to get the same or not. This is the main question.

Actually, the staff went to court and the court has given order that both types of staff should get the same remuneration. But the Government's contention is that they accept these things, then the Pandora's box will be opened in the other nationalised sectors, and naturally they shall go to dogs.

The natural justice demands, as I stated earlier and as my comrade Shri R.P. Das that they should get the same amenities. And there are organised unions and associations, I would urge upon the Government to take them into confidence to explain to them the whole thing. After all, it is not only a question of Bharat Petroleum Corporation but it is a question of the whole nation and other sectors are linked with it. I don't think that the organised labour will be so fool. Why should the Government take upon themselves the whole responsibility of bringing an ordinance and then imposing it? There should be some logic to do because there are other sectors.

SHRI RAM SINGH YADAV : It is for the betterment of the employees.

SHRI NARAYAN CHOUBEY : No, no. At least, let us believe that employees also are not fools. They understand what is good for them and what is bad for them. We have not understood their problem. It is they who had been to court. I would like to say that the Government should talk to the employees. I would urge upon the Ministry to call the associations and federations and take them into confidence and explain the whole thing so that some solution can be brought about which should be in the best interest of the company and of the employees and the nation as a whole. If the employees think only of themselves, then the Government and the entire industry may face trouble. One thing is certain. Old employees are gradually retiring. After two or three years, there will be no old employees. At the same time, the other concerns which do the same type of job get much less salary than these people.

I would urge upon the Government to

talk to their association to take them into confidence and bring out the solution. This is my humble submission.

[Translation]

SHRI RAM BAHADUR SINGH (Chapra, : Sir, this Bill was introduced during the Budget session but it could not be passed because the session was already over. This ordinance was promulgated by the Government one month and 20 days after the session was over, that is on 2nd July. As regards the reasons necessitating promulgation of this ordinance, Government's statement is that.....

[English]

MR. CHAIRMAN : Disapproval of ordinance is not moved by anybody. That motion is not before the House.

[Translation]

SHRI RAM BAHADUR SINGH : I am saying that when this Ordinance was brought forward in the House in the form of a Bill, a note stating the reasons for the promulgation of this Ordinance was given to us. If there wasn't any need for debate on this matter, what is the use of enclosing this note with the Bill. I want to submit that attempts were made to make a law through an Ordinance so that it could be enforced. The reason given by the Government in support of promulgating this ordinance is that any delay in enacting the provisions of the Act already made would have caused heavy loss to the Government and it would have created turmoil and unrest among the workers, leading to similar demands from other labour organisations. If it was so urgent, then why was not the session extended to get it passed. If that was not possible then it should have been promulgated within a period of 1 month and 20 days from the day the session was adjourned. It was only after a notification for reassembly of the House was issued on 28th of June, the Government woke up from its slumber and issued an Ordinance in the haste. What was the haste, heaven would not have fallen. Rather, this shows the style of functioning of this Government. Government is in favour of rule of

[Shri Ram Bahadur Singh]

ordinances in this country. Last time a ruling was given that when a notification for the sitting of the House is issued, Government should avoid taking such steps. That ruling represented the collective will of the Members. So we do not approve of your action. We cannot support such action. In other words, if Government promulgates ordinances after a notification for the commencement of the next session is issued, I will not support such type of functioning. It is done only when Government have little respect for the Chair and the House and is insistent upon taking measures arbitrarily. That is why ordinances are promulgated in this way.

Secondly, we have the case of the workers. The privileges which the workers have obtained after years of struggle since the days of the British Rule, are being taken away from them. It was also stated that this law will have a retrospective effect that is, it will be implemented from back date, from 1976 when nationalisation was effected.

[English]

MR. CHAIRMAN : The Bill is already passed. Only the amendments suggested by Rajya Sabha are before the House today. You cannot discuss the whole Bill now.

[Translation]

SHRI RAM BAHADUR SINGH : Sir, I do not understand English and the man interpreting it into Hindi is not capable to do it, that is why I am experiencing difficulty.

MR. CHAIRMAN : The Bill is already passed. Only the amendments suggested subsequently by the Rajya Sabha are before the House today.

SHRI RAM BAHADUR SINGH : I want to submit on the amendment only. Even the main thrust of that amendment is to deprive the workers of their rights and to take away those privileges which

they have obtained after years of struggle against the British Rule. Therefore, I want to submit that you are forcibly taking away their right which they got from the Britishers. It will bring a dispute for you in the country. However, the point made in it that equal wages should be paid for equal work is very welcome one but in order to implement it, you should first frame a law to ensure that the ratio of the highest and the lowest income in the country should be 1:10 but you will not do that. You merely want to seize the rights of the poor workers and you want to do it from back-date.

A person who steals things from our house or commits dacoity in the night, is branded as thief and dacoits and prosecution proceeding are launched against him under section 379 I, P. C. But what one can do when our own Government is committing day light robbery on the rights of the workers through passing this law retrospectively. Moreover, this draconian law is being implemented with retrospective effect. Therefore, the opinion which I had about the original Bill when it was passed in this House, has not changed today and I still think that this Bill will adversely affect the interests of the workers. If you think that peace can be maintained in the industrial organisation by framing this law, then what was the need to have fought a case in the court of law and spent a large amount of money for years together against the workers and their Unions. You could have negotiated with them and sorted out the problems across the table as to how to run a organisation and what steps should be taken so that no disputes arise among various industrial organisations. You feel disgraceful in sitting with the small people at negotiating table. Therefore, I want to repeat that if you want to ensure that industrial peace is maintained, then you should withdraw it because this is not only going to affect Bharat Petroleum alone but it will have wider repercussions all over the country and the entire working class will be affected by it. You think that by framing this law and imposing it on the workers of Bharat Petroleum and depriving them of their rights, the matter will be clinched, then you are sadly mistaken. This matter will not end there. Its

will spread like wild fire and you will put to trouble. It will, in fact, go out of your hands.

I would like to submit that if the Government has genuine desire to maintain peace in the industrial sector and dispute free environment, then Government should invite trade union leaders and sort out various issues through negotiations across the table. The problems confronted by the Government, country and the workers should be discussed and solved jointly by both sides through negotiations in such a way that the interests of all concerned are fully safeguarded and the industrial development may also continue in the country.

With these words I may reiterate that Bill, whether in original form or amended, is basically against the interests of workers and I, therefore, oppose it.

[English]

SHRI SYED MASUDAL HOSSAIN : I rise on a point of order to say that there is no quorum in this House.

MR. CHAIRMAN : The bell is being rung ... Now there is quorum. Shri Datta Samant.

DR. DATTA SAMANT (Bombay South Central) : Sir, regarding the amendment which has come from Rajya Sabha, I would like to state in this House that the hon. Petroleum Minister, Shri Brahma Dutt, is doing a very bad job, which is anti-labour. This is the first time in this country since independence that this Government is taking full powers to decide the wage structure of the workmen. Even the High Court and the Supreme Court in view of their judgement, have said that their existing conditions and dearness allowance cannot be reduced whatever it may be, whether good or bad. Decisions in this regard have been taken. Lakhs of workers were on the road and we fought for it. So far we never allowed any prior employer or even the Government to reduce the existing conditions of workmen. Industrial Disputes Act, 1947

was done by the Britishers. As per the Clause 18(3), the existing agreement and settlement of the workmen cannot be changed or reduced in spite of the unit not doing well. That is not the case here. They have made a profit of Rs. 190 crores. Therefore, just bringing this Bill and subsequently this Ordinance is a terrific blow on the labour rights of this country. This is done by the Government. I would like to protest in this House in this regard. I am concerned with the union of the Bharat Petroleum workers. A major section is with me. For the last ten years we have not allowed them to do that. The Industrial Court has delivered the judgement in my favour saying that the existing conditions of service cannot be changed. The Industrial Court has not allowed you to do that. The Bharat Petroleum Corporation had filed a writ in the High Court and the High Court has not given you the stay. My application is pending with the High Court and that is that you cannot change the dearness allowance of the workmen. When the law of this country, the Industrial Disputes Act and the observations of the courts are in favour of the workers, why is the Government committing this sin? The wording of this Bill is in spite of anything contained in the Industrial Disputes Act, the judgement of the High Court, or the Industrial Court this Government is superseding everything and taking the right to fix the wages etc. This Government is behaving in a dictatorial way against the workers. The only thing is that propaganda is not done. Even at this stage, I make an appeal to the Government. After this Bill came, there is a lot of agitation in Bombay and they have come here also. I appeal to this Government not to act in this way against the workers and even now withdraw the Bill.

There is another point. The profit-making of this unit is good. You want to introduce the industrial D. A. which is less than the what the Central Government employees are getting. By introducing this Bill you want to give them the industrial D. A. of 1.65, and thus the yearly raise of Rs. 200 to Rs. 300 to these workers will come down to Rs. 70 or Rs. 80. Why? What about the employees of Air India and other such

[Dr. Datta Samant]

organizations? Why should not there be a law that for all the employees of public sector, there should be the same D. A. If some people are doing well, let them get more D. A. Whatever Bharat Petroleum Corporation employees are getting, let them get it. Service conditions and dearness allowance of those employees are different from the British time. Whatever the salaries, Bharat Petroleum Corporation workers are getting, you are going to protect that. After 5-10 years, the salary structure of the employees of Bharat Petroleum Corporation will go down miserably and subsequently, it is not going to increase.

The first sin was done by INTUC in Bombay. They made a settlement and reduced the DA. You said many workers have accepted that. This is not so. I have been resenting it since 1976. The INTUC Union and the Congress Party have a lot of coordination; they came together and committed the sin of reducing the salary of these workers in spite of their getting the huge profit of Rs 190 crores. This concerns Bombay. The wage structure in Bombay is definitely higher. My workers in the Premier Company are drawing a thousand rupees more than the workers in the Bharat Petroleum Corporation; so is the case in respect of Buyers Crompton etc. and this is because of the organized labour. It is not that Bharat Petroleum Corporation is paying more salary; it is Rs 2000 or Rs. 3000. Is this more salary in Bombay? If that is in their mind let them come to Bombay and see for themselves. They are not getting more salary compared to that area. You have a profit of Rs 190 crores. I think, the Government should reconsider this.

As I said, the Supreme Court has said that if the condition of the unit is bad, you cannot reduce the salary; even if the unit is closed, you must pay the salary. That is the judgement of the court.

The Government is going to change the basic service conditions of the workmen. If you do it once, the danger is that Tatas, Birlas, Hindustan Lever and

others are waiting for such an opportunity. I am fighting this battle of reduction of D. A. in a number of private sector industries. And now they keep on saying that the Government has made a profit of Rs. 190 crores. If this is so, why should we oppose it? It is not that by bringing such type of Bill you are opening a pentagon box here for the employers and those who are being exploited in this country. I would like to know what was the need to bring an ordinance. Was it of such an urgent nature that you passed it on 13th May and could not wait till the next Session? This is not the first time that you have passed the Bill hurriedly. Just yesterday the Defamation Bill was passed. What was the urgency I don't know? It has to be explained. Similar is the case with the Narcotic Drugs Bill.

The working class of the country will never forgive you. I know that you will be able to get this Bill passed because the Opposition is very scanty or minimal. I am sure the Government will manage to pass these Bills. I would like to say that as an amendment has come from the Rajya Sabha, it is better if you still withdraw this Bill. The service conditions of the workmen are governed by the previous settlement. The High Court did not accept to reduce it. So, I would request you that hence forward you kindly do something for the workmen. Whatever arrears the workmen are supposed to get, you kindly made available to them. I do not think any Member of this House will disagree me on this point. For the last 10 years, up to the date of the issue of ordinance, the arrears are pending. In spite of the court's decision to give back the arrears you have not given them. I know you will say just wait and see, we are bringing up some new scheme. Last time also you said that our new scheme will neutralise everything. Every year you are taking away the money by reducing the DA fraction. Your aims and objects of the Bill also accepts that DA is more and service condition is more when compared to other States and by implementing this scheme you are going to bring them on par with the others. I had given an amendment but it was not accepted. But I would like to tell the Hon.

Minister that once this scheme to bring the DA on par with the other units is brought then the law will be repealed. Once you bring the wage structure and other such things on par with the Bharat Petroleum, as can be seen from the Aims and Objects, the Act will be repealed. Therefore, I request that up to 2nd July whatever arrears are there, as per their entitlement and the High Court's decision, they should be paid, because subsequently the Act will be repealed. I opposed the Bill the moment it was introduced in this House. The Hon. Minister may not be fully aware of the conditions of the labours. So, you may please give them arrears so that some relief can be given to them.

In the end I would say that it is an anti-labour Bill and a blow on the working class of this country.

THE MINISTER OF STATE OF THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI BRAHMA DUITA) : Sir, today I moved that the amendments made by the Rajya Sabha are of technical nature and they may be considered here.

This Bill was discussed in this House on 13th May and subsequently was passed. It could not go to the Rajya Sabha in that Session but now the Rajya Sabha has passed it with technical amendments. We had to resort to this ordinance so that no development would take place which would go against the very interests of the public sector itself. Our intention to bring forward this Bill is to lay down the terms so that they are in line with the public sectors norms.

Lot of things have been said here. Therefore, I would like to inform this hon. House about the number and category of employees in this undertaking and about their service conditions. There are 413 employees who are on old terms; out of these 413, 276 are in the Refinery Section and 173 in the Marketing Section. We are protecting the interests of these 413 workers by paying their personal pay. We know the conditions that they are facing.

In the Refinery we recruited 1864 people whose salary and service conditions are not settled. Litigation has been going on and talks are also going on.

In the Marketing Section there are 521 people who have agreed to work on new terms. 4935 employees in the Marketing Section are working on new terms with whom we have reached a settlement. Out of a total number of 7733 employees, 5593 are in Marketing and 2140 are in the Refinery. People in the Marketing Section have agreed

DR. DATTA SAMANT : It was done by the INTUC men.

SHRI BRAHMA DUITA : That only shows that the INTUC is in majority there.

4925 people have been recruited after the nationalisation and 521 people who joined in the pre-nationalisation period also are working on new terms. Therefore, if you say that it has been done by the INTUC, that only proves that the INTUC is in a majority.

I want to mention another point. What will be the effect of all this on the lowest paid employee? Under the old scheme which is continuing since the colonial regime, they were being paid Rs. 1310 month and these low wage employees will be getting about Rs. 1625. So, they will get about Rs. 315 more.

DR. DATTA SAMANT : An increase of Rs. 300 is nothing. If you take the DA increase alone over the years, after five years it may be even more than Rs. 1000/-.

SHRI BRAHMA DUITA : My submission is that I am more concerned about the low paid employees. What can we achieve by creating some islands of prosperity? Suppose, we agree to it, what will happen next? Then, everybody in this industry will demand the same and it will spread to other oil sectors and gradually to the whole of the public sector. Ultimately, it will damage the public sector. Therefore, while protecting the interests of the old employees by giving them personal pay, I also assure the House and Dr. Datta Samant in particular that we are going to formulate a scheme and we are going to discuss it with the representatives of the workers. This is in the interest of the public sector itself.

DR. DATTA SAMANT : What about the arrears for 10 years ?

SHRI BRAHMA DUTTA : The question of arrears comes later when something is agreed upon. I do not even know what the new scheme is going to be. I can only assure that the new scheme which is being formulated will be as liberal as possible. But we cannot allow an island of prosperity to be created in one industry, so that it spreads to other industries, and the whole public sector goes off its basis, or its basis is eroded. That is the intention of the Bill. Hon. Members need not be afraid that we are anti-labour and all that. What we are trying to do is that we are trying to bring about some sort of uniformity, so that the public sector can survive.

Sometimes we are accused that we are eroding the public sector; and when we try to protect the public sector and in certain areas the public sector is doing well and paying well there also we are accused. That will not help.

With these words, I request that these technical amendments may be considered.

DR. DATTA SAMANT : This is an anti-labour measure, and directed against the workers. Government is taking rights to supersede industrial units. I am staging a walk out.

SHRI BRAHMA DATT : Please don't walk out. You will have to talk to us. Will you walk out when you talk to us ?

DR. DATTA SAMANT : The workers will teach you.

(Dr. Datta Samant then left the House)

MR. CHAIRMAN : The question is :

“That the following amendments made by Rajya Sabha in the Bill to empower the Central Government to determine the conditions of service of the officers and employees of Bharat Petroleum Corporation Limited and for matters connected therewith, be taken into consideration :—

Clause 1

1. That at page 1, *for* lines 9-10 the following be *substituted*, namely :—

Short Title and Commencement. “1. (1) This Act may be called the Bharat Petroleum Corporation Limited (Determination of Conditions of Service of Employees) Act, 1988.

(2) It shall be deemed to have come into force on the 2nd day of July, 1988.”

New Clause 4

2. That at page 3, *after* line 20, the following be *inserted*, namely :—

Repeal and Saving. “4 (1) The Bharat Petroleum Corporation Limited (Determination of Conditions of Service of Employees) Ordinance, 1988, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.”

The motion was adopted.

MR. CHAIRMAN : We shall now take up the amendments made by the Rajya Sabha. The question is :

"Clause 1

1. That at page 1, for lines 9 to 10 the following be substituted, namely :—

Short Title and Commencement. "1. (1) This Act may be called the Bharat Petroleum Corporation Limited (Determination of Conditions of Service of Employees) Act, 1988.

(2) It shall be deemed to have come into force on the 2nd day of July, 1988."

The motion was adopted.

MR. CHAIRMAN : The question is :

"New Clause 4

2. That at page 3, after line 10, the following be inserted, namely :—

Repeal and Saving. "4. (1) The Bharat Petroleum Corporation Limited (Determination of Conditions of Service of Employees) Ordinance, 1988, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act."

The motion was adopted.

MR. CHAIRMAN : Now the Minister.

SHRI BRAHMA DUTT : I beg to move :

"That the amendments made by Rajya Sabha in the Bill be agreed to."

MR. CHAIRMAN : The question is :

"That the amendments made by Rajya Sabha in the Bill be agreed to."

The motion was adopted

SUPPLEMENTARY DEMANDS FOR GRANTS (RAILWAYS) 1988-89 Contd

[English]

MR. CHAIRMAN : We shall now

take up further discussion and voting on the Supplementary Demands for Grants in respect of the Budget (Railways) for 1988-89.

Mr. Dora has to continue his speech. He is not present. Now Prof. Ranga may speak.

PROF. N. G. RANGA (Guntur) : Sir : May I have your permission to say a few words in support of these Supplementary Demands. We have had a full discussion on the unhappy event that took place not so long ago in Kerala, in which a number of people, scores of them, died suddenly for no fault of theirs. Such railway accidents have taken place in the past, with equally untoward results; and