

"That the Bill further to amend the Food Corporations Act, 1964, be taken in to consideration".

The motion was adopted.

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

Clause 2

MR. DEPUTY SPEAKER : The question is :

"That Clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 (short title)

Amendment made :

"Page 1, line 4,—
for "1987" substitute "1988". (2)

(SHRI SUKH RAM)

MR. DEPUTY SPEAKER : The question is :

"That Clause 1, as amended, stand part of the Bill".

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made

Page 1, line 1.—
for "Thirty—eighth" substitute
"Thirty-ninth"

(SHRI SUKH RAM)

MR. DEPUTY SPEAKER : The question is :

"That the Enacting Formula, as amended, stand part of the Bill".

The motion was adopted.

The Enacting Formula, as amended was added to the Bill.

MR. DEPUTY SPEAKER : The question is :

"That the Long Title stand part of the Bill".

The motion was adopted.

The Long Title was added to the Bill

SHRI SUKH RAM : I beg to move :

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

MR. DEPUTY-SPEAKER : The question is :

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

The motion was adopted.

12.34 hrs.

LABOUR LAWS (EXEMPTION FROM
FURNISHING RETURNS AND
MAINTAINING REGISTERS BY
CERTAIN ESTABLISHMENTS)
BILL.

[English]

THE MINISTER OF LABOUR (SHRI BINDESHWARI DUBEY) : Mr. Deputy-Speaker I beg to move :

"That the Bill to provide for the exemption of employers in relation to establishments employing a small number of persons from furnishing returns and maintaining registers under certain labour laws, be taken into consideration".

Since independence, a large number of enactments have been approved by Parliament for protecting the rights of workers in respect of wages, bonus, provident fund, health insurance, welfare etc., pertaining to industrial establishments, shops and establishments, transport companies and mines.

These laws necessarily require the concerned Establishments to maintain several registers and books and to periodically submit returns, so as to fulfil the legal provisions. However, it has been represented by smaller establishments that they are required to maintain too many registers and file too many returns under the various laws

and rules. There is consequently, a considerable administrative and financial burden on small establishments or industrial units.

Accordingly, Working Group was appointed to study the matter and suggest whether it was possible to reduce the number of registers and forms to be maintained by the small establishments, by consolidating similar registers and returns prescribed under different Acts. The commendations of the Working Group were examined and considered in consultation with the representatives of workers and employers.

As a result, the Labour Laws (Exemption from Furnishing and Maintaining Registers by Small Establishments) Bill was introduced in the House.

The Salient features of Bill that the establishments engaging less than 20 persons have been grouped into :

(a) Small Establishments—where number of employees is not less than 10 but not more than 19; and

(b) Very Small Establishments—where the number of employees is not more than 9.

This Bill aims to reduce the number of forms and returns required to be furnished by small and very small establishments without sacrificing vital information necessary to protect workers' rights.

Small establishments will be required to maintain only three registers, and submit one annual core return.

Very small establishments will be required to maintain only one register, and to one core return.

However, the establishments would not be exempted from maintaining or submitting reports/returns in respect of Employees State Insurance, Provident Fund, Gratuity and Maternity Benefits, because it involves an accountability of public funds and covers all important aspects of social benefits like Health, Insurance, Gratuity, Provident Fund dues, etc.

There will be no exemption for reporting accidents, retrenchments and closures as required under existing laws.

Adequate penalties have been proposed to ensure strict compliance of the provisions of the new enactment proposed in the Bill by employers of small and very small establishments. I would also like to mention that after the Bill was introduced in August, 1987, certain minor errors of drafting were noticed. Accordingly, I have also proposed certain official amendments for consideration and passing also.

With these words, I move the Bill and request that the Bill be taken into consideration.

MR. DEPUTY SPEAKER : Motion moved :

‘That the Bill to provide for the exemption of employers in relation to establishments employing a small number of persons from furnishing returns and maintaining registers under certain labour laws, be taken into consideration’.

SHRI BASUDEB ACHARIA (Bankura) : Sir, this Bill is a misnomer. It is not the law for the labours but law for the employers whereas the title of the Bill is ‘Labour Laws’. This Bill aims to protect the intersets of the employer, so-called the small and very small employer. It is not a simple Bill.

Sir, our experience is that there are a number of enactments, a number of laws which have been enacted by this House like, the Factories Act, the Minimum Wages Act, the Employees State Insurance Act, the Plantation Act, the Maternity Benefit Act, the Life Contract Act, the Equal Remuneration Act and so on. But in spite of all these Act, the Labour Department do nothing against the employers who very often violate these laws. I do not know how many of them have been punished for flouting the Labour Laws, or various other Acts passed by Parliament.

Sir, this Bill is being brought here because some small employers and very small employers represented that they have

to maintain a number of registers and that they have to submit various forms.

But in spite of the prevailing rules and regulations, most of these small employers violate all norms. They do not even maintain the returns properly. They do not maintain the registers in connection with the provident fund accounts of their employees. There are a number of cases where all these things are being violated. Also, they do not bother to deposit their employees' provident fund amounts in their accounts. Though the provident fund amount is deducted from the salaries of the employees, yet it is not deposited in their accounts. Sir, every year the arrears of provident fund go on accumulating. In the year 1985-86 the amount not deposited by the employers was to the tune of Rs. 5830 lakhs. And in the year 1986-87, it increased to Rs. 7497.44 lakhs. Such a huge amount though deducted from the salary of the employees is not deposited by the employers, by the so called small or very small employers ! In this way, they often violate the rules, and they do not even maintain proper registers.

Sir, there is the Minimum Wages Act. Every year, the State Governments declare minimum wage for the industrial and agricultural workers. But this minimum wage is not paid. Rs. 11 is the minimum wage decided in the last Labour Conference. What is the rationale behind deciding the minimum wage at Rs. 11 only when the minimum wage decided by a number of States is much more than Rs. 11/- ? But my main contention is that even this amount is also not paid to the workers by the small employers and the contractors, for whom you are kind enough to bring forward this Bill. Also, no action is taken against these employers. I do not know how many of these small or very small employers have been punished for not paying minimum wages as decided by the Government.

Similarly, there is also the Equal Remunerations Act. But this Equal Remunerations Act too is being violated. The National Labour Institute have published a very good report in which they have observed as to how this Equal Remuneration Act is not being implemented and how it is being violated. I quote from the

report of the National Labour Institute which says that "Though there are several enactments in our statute book ensuring equal remuneration and status to women workers yet there is much to be desired in the implementation of all this legislation. The laws, in a large measure remain unimplemented. One such law, is the Equal Remuneration Act, 1976. In spite of the known prevalence of disparity in wages between men and women, there are not many reports about violation of the Act."

I would like to know from the Minister whether this particular legislation to exempt the small and very small employers from maintaining registers or from furnishing the number of return forms was discussed with the representatives of Central Trade Unions and whether this matter was discussed in the last Labour Conference. If so, what was your observation....

DR DATTA SAMANT (Bombay South Central) : He claims that it was discussed in the ITUC.

SHRI BASUDEB ACHARIA : I would like to know whether the decision was unanimous and whether all the Trade Unions agreed to exempt the small employers and very small employers from maintaining registers and from furnishing the number of forms.

A Working Group was also constituted when these employers represented before the Government. It has been stated in the Statement of Objects and Reasons that the Working Group has recommended for these exemptions. What are the recommendations of the Working Group ? Why this Working Group ? What is the reason behind taking such steps ?

In a unit where there are less than 9 employees is called a small employer. In a unit where there are less than 9 employees is called a very small employer. What is the rationale behind the definition of small and very small employers ? I would like to know what action the Government had taken against those employers who have violated the labour laws, such as the Equal Remuneration Act, the Employees Provident

Fund Act, the Minimum Wages Act, the Child Labour Act? Though there are a number of enactments, a number of laws, but these are not being observed or employed because there is no law-enforcement authority. In each block of the country, there is a provision that there should be a Minimum Wages Inspector or a Minimum Wages Officer. But this Minimum Wages Inspector is not provided in all the blocks of the country. As a result, there is no provision to see whether the minimum wages are being paid to the workers or not.

DR. DATTA SAMANT : It is with the State Governments.

SHRI BASUDEB ACHARIA : May be; but the law enforcement authority should be there.

Last year, there was a very alarming report that the women workers in the State of Orissa working in a railway siding were sexually exploited by the contractor. There was a report of the committee constituted by the Department of Labour. The present Minister of Labour is also a trade-union leader. I think he is still the president of INTUC of Bihar.

SHRI BINDESHWARI DUBEY : I am no more the president there.

SHRI BASUDEB ACHARIA : When he became the Chief Minister of Bihar, I remember his first interview with the Press, wherein he said that his first task would be to wipe out the tears from the eyes of the workers of Bihar. But during his tenure, the workers of Bihar had to shed the maximum tears.

MR. DEPUTY SPEAKER : Why are you bringing in matters relating to the State Government here?

SHRI BASUDEB ACHARIA : I oppose this proposal of the Government to exempt the so-called small employers who often violate the various labour laws. I oppose this piece of legislation. It is a misnomer to call it a labour legislation. Its only purpose is to protect the interest of the employers. So, I oppose this piece of legislation.

SHRI SOMNATH RATH (Aska) : I rise to support this Bill....

SHRI SAIFUDDIN CHOWDHARY (Katwa) : Because your party has directed you to do so.

SHRI SOMNATH RATH : Only your party gives such directions. You are guided not only by your party in India, but by a party outside India. (*Interruptions*) That is your yardstick. For us, the yardstick is decided within India. But your yardstick is decided outside India.

This Bill has been brought in after due consideration, A working group had been appointed, and as per its recommendations and suggestions, this Bill has been brought in. This Bill is meant to give some relief to, and to lessen the burden of the small business and industrial establishments.

As the hon. Minister has already stated, these small business and industrial establishments have to maintain so many records and submit so many returns. There is a financial constraint faced by them. So, to relieve them of that difficulty and to give them that protection, this Bill has been brought in. at the same time maintaining and also protecting the interests and security of the workers. I only want to say that my friends from the Opposition have a habit of opposing any Bill brought in by the Government. They oppose the Bills for the sake of opposition.

They don't go into the details of the Bill. That is most unfortunate. I invite their attention to Section 5 (a)—it protects the interest of the workers — which reads as follows :

“Provided further that every such employer shall continue to—

(a) issue wage slips in the Form prescribed in the Minimum Wages (Central) Rules, 1950 made under sections 18 and 30 of the Minimum Wages Act, 1948, etc.”

This Bill protects the interest and also the security of the workers, as such, there

is no point in saying that this Bill is brought forward only to protect the employers. It is not correct.

I do agree that there are many Acts passed in our country by the States as well as the Centre to interest of the workers. But what is lacking is the true and correct implementation of those Acts. We need not have many Acts. If the existing Acts are truly and honestly implemented, then we can give protection to the workers. 90 per cent of the workers are in the unorganised sector; only 10 per cent of the workers are in the organised sector of which my hon. friends on the other side are trade union leaders and they speak about them only. They forget about the un-organised labour which constitute 90 per cent of the total workers. It is the Prime Minister of India who spoke for the first time about the unorganised labour: it is not they, who oppose the Bill; and they are more interested in becoming the office-bearers of some union; that is their interest. But the interest of the Government of India is to protect the interest of all the labour including un-organised labour.

I want to draw the attention of the hon. Minister through you to The Schedule of this Bill. In this Schedule, so many Acts have been mentioned. In addition to this, there is an Emigration Act of 1984. According to this Act, many workers of India are sent abroad by many construction companies and contractors, but they do not maintain any register; they also do not submit any report to the government. They exploit thousands of rupees are collected from them. May I request the hon. Minister through you to make rules in those Acts so that the construction companies or the contractors who send workers outside India should maintain a register and submit returns periodically and also to see that the interest of the workers outside India is protected? There are some construction companies at Delhi which have sent workers abroad after having exploited them and extracted thousands of rupees from them through labour *sardars*. First they are asked to work inside India without even minimum wages being paid to them for years together

and then they are sent abroad. It has come to light. It is not that the Labour Department is not aware of this fact. There is a 10 per cent wages cut and crores of rupees by way of that have been distributed either by the construction companies or labour *sardars* contracted especially of Orissa. What action has been taken by the hon. Minister against those construction companies or labour *sardars* who exploit these workers and do not even pay their wages. They come under the purview of the Income Tax also, as they have not paid any income tax. What action the Labour Department is going to take to punish them according to the law?

Similarly, there is the Inter-State Migrants Act. As per that Act, licence was given by the Government to certain labour contractor *sardars* to send the workers from one State to another State. But they do not submit any return. They do not say who are the persons sent from one State to another State. They do not care if they are exploited in other States and even if they die compensation is not paid. So, I request the Hon. Minister, through you, to see that the provisions are made in the Inter-State Migrants Act, by way of rules, so that the contractor or labour *sardars*, who are given licence to send the workers from one State to another State are asked to maintain a register.

In nutshell, I want to mention that the consultative committees of labour department have submitted two reports about the unorganised labour, one on the agricultural labour and the other about non-agricultural labour. I would like to know from the hon. Minister when the suggestions given by those concerned committees are going to be implemented. If implemented, many of the problems of the workers, as mentioned by me and my hon. friend on the other side, can be mitigated. As such stress has to be laid on the implementation of the labour laws. I suggest, through you, and request the hon. Minister to see that those suggestions are implemented, the matter may be discussed by all the Labour Ministers of the country and decisions arrived at at an early date.

13.02 hour.

The Lok Sabha adjourned for Lunch till
Fourteen of the Clock.

The Lok Sabha reassembled after lunch
at Ten minutes past Fourteen of
the Clock,

[MR. DEPUTY SPEAKER *in the Chair*]

LABOUR LAWS (EXEMPTION
FROM FURNISHING RETURNS
AND MAINTAINING REGISTERS
BY CERTAIN ESTABLISHMENT)
BILL—CONTD.

[*English*]

MR DEPUTY SPEAKER : Now, Shri
Shantaram Naik.

SHRI SHANTARAM NAIK (Panaji) :
Mr. Deputy Speaker, Sir, I stand here to
welcome the Bill on Labour Laws introduced
by the hon. Minister. When Mr. Acharia Ji
spoke on this Bill, my colleague Shri
Somnath Ji rightly commented that the
Opposition was opposing this Bill only for
the sake of opposition. In fact, every word
that Acharia Ji said today, showed that he
was speaking really for the sake of opposi-
tion. Without understanding the objective
of this Bill, he went on criticising the same
as employers' Bill, but he has not analysed
any of the aspects of the Bill to show that
it is an employers' Bill.

The object of the Bill, as I see it, is
very noble. In fact, its root lies in the
twentieth point of the 20-Point Programme
which says that we shall simplify procedures,
delegate authority, enforce accountability,
etc. Now this Bill has been introduced as
a result of this twentieth point of the
20-Point Programme. I would like to
congratulate the hon. Minister because this
is perhaps the only Bill which has been
introduced in this House directly
connected with this point. No doubt,
other financial Bills have come, but they
have not been related directly to
the simplification of procedure. They were
introduced as a consequence of certain pro-
visions of the Budget. Therefore, I

congratulate the hon. Minister for introduc-
ing the present Bill which seeks to simplify
the procedure relating to submission of
certain forms.

In fact, I would request the Central
Government in this very connection that
both the Centre and the State Governments
should take a stock of all the legislations
which are existing in the country and
which require this protection which has
been given to the various Acts which have
been listed in the Annexure. These legisla-
tions which are existing at the Centre,
must be scrutinised to see how best these
laws which are enforced by the State
Governments and also by the Central
Government, can be simplified. We have a
number of legislations on various subjects
I am not a critic of the existence of
legislations. Sometimes some Members do
criticise as to why we have too many
laws. In fact, I am not in favour of that
proposition. I would only say that if laws
are enacted by a State Legislature or by
the Parliament, they should be implemented.
Existence of laws does not create any
hurdle if they are enacted for the welfare
of the society. Therefore, the need today
is for: (1) implementing the laws ; and (2)
simplification of the existing legislations,
and this twentieth point of the 20-Point
Programme stresses on those aspects.
Secondly, not only we have to simplify
our legislations, but we have to simplify
our schemes of various projects also.
Sometimes the text of a scheme which is
implemented is not that simple that a
common man in the village, who is supposed
to understand it, can understand it.
Therefore, along with the legislation, I
would urge upon the Government to
simplify the schemes that are existing.

Now I come to the provision contained
in clause 4(1) which reads as follows :

“On and from the commencement of
this Act, it shall not be necessary for
an employer in relation to any small
establishment or very small establish-
ment to which a Scheduled Act applies
to furnish the returns or to maintain
the registers.....”

Now, this particular form A can simply
be amended by a notification. From time

to time, if forms are amended by notification, no one will get that amended form. If I lay a hand on this Act—subsequently when it is passed—I will go through this Form. I will never know where the notifications are which have subsequently amended this Form. Therefore, this particular provision of amending the forms by way of notification, will ultimately go against the principle of simplification.

Therefore, such provisions which nullify the object should not be there because they have to ultimately simplify and compile our forms and Acts and rules at one stage. So, this is one of the submissions I would like to make with respect to this Bill.

Secondly, I would also like to state that the Labour Ministry as such should take up literacy drive with respect to labour legislation. We have before us several labour legislations which will go to the masses only when our labour leaders like Yogeshji or Achariaji explain to the people in a given circumstance. But I would say that each labourer should know the basic labour laws enforced in his territory whether there is a labour dispute or not. He should know his right, he should know who is the authority which takes away their right, what are the powers given to various authorities, what he can do to redress his grievances in a given circumstance. This basic knowledge with respect to labour laws or schemes under labour laws must be known to the labourers and therefore, we should not wait for any labour leaders to explain, but the Ministry itself should have a drive on labour laws literacy so that people in the country are aware of this legislation.

Lastly, Sir, I would like to make a submission with respect to my territory Goa. The hon. Minister may pay a little attention as far as this aspect is concerned that in Goa we have an office of the Assistant Labour Welfare Office. This is not full-fledged. The staff is also scanty, the machinery provided to this is also sometimes partly taken away by the Welfare Commissioner without considering the needs of the office of the Assistant Labour Welfare officer of Goa. And now that Goa is a State, I would urge upon you not to link Goa with any other State's office of Welfare Commissioner, but

now we are entitled for an independent office of Welfare Commissioner. Because Goa is a small State, you cannot just link it to the office of some other Commissioner. Goa is independent State within the framework of the Constitution. The Constitution has given it the status of a State. Therefore, it should not be linked with any other Commissioner's office and at the earliest you should establish a full-fledge Welfare Commissioner's office in Goa. Thank you.

SHRI THAMPAN THOMAS (Mavelikara): Sir, this Bill looks very innocent. But really it is a killer. It is going to kill the industrial edifice and also...

(Interruptions)

MR. DEPUTY-SPEAKER : Innocent killer !

SHRI THAMPAN THOMAS : Yes, innocent killer. What is going to happen, I do not know. Whether the hon. Minister has taken this matter with the Finance Minister is not known because the implication of this Bill on financial aspect, that is, when you exempt the industries of any kind, small or big, permitting them not to maintain the register, naturally it will have an effect on the economy of the country because now it is very easy for the entrepreneur to cut down the size of his unit to avoid income-tax and avoid any other tax payment to the Government. Through one example, I will explain to you that the fragmentation of estates is going to take place on this count. Mainly it will happen in Tamil Nadu. I have just received a memorandum from the workers of Tamil Nadu Estate Units presenting a picture of what is going to happen there. That is, the entire plantation will be fragmented into small units and if the estates are fragmented into small small units, they need not file returns, they will be exempted from the Minimum Wages Act, they will be exempted from income-tax and they can put it in wife's name or sister's name or daughter's name whatever may be, they fragment the entire estate. Then what will happen ? It will affect the production.

It will affect the payment of taxation; it will affect very serious the economy of the country. I think, very innocently the hon. Minister has brought

forward this Bill. Only two uarring sections are there. One is, as per the Schedule, this industry will be covered by this and this Act will be covered by this. Schedule reads like this : "See section 2(1)(d) of the Act. The Payment of Wages Act ; the Weekly Holidays Act etc." As I submitted, the immediate effect is that no return should be filed of if at all filed, that should be in a consolidated form, without giving proper opportunity to verify the record of the estate owener who is having 1,000 acres. He would divide it into various segments and makes it small units, having employment register showing not more than nineteen persons. Then, it becomes small establishment. If he makes the register not more than nine persons, it becomes very small establishment. What happens is, he need not file the return under the Payment of Wages Act. So, the whole workers would be deceived on this account.

The second exemption is the Weekly Holidays Act. The right of workers for Weekly Holidays is a right universally accepted and people have fought and got it. If a person can fragment the big unit, what would happen. I give you another example other than tea plantations. Take the textile industry, powerlooms. Powerloom can be given to individual sources. If a person is clever, he can organise thousand people and put the powerloom in each man's name and put them under one roof and say, these are thousand small units. In that case, he need not maintain the accounts.

Though the person is having thousand looms, because of the mere fact that he has put thousand people as owners of that unit, he can take the entire benefits out of this Bill and cheat the Government by not paying the tax and also cheat the workers by not paying the dues to them. So, the Payment of Wages Act is affected. The Weekly Holidays Act is also affected, if he says that only 9 employees are there. Now the weekly off for the workers, is a right accrued to the workers. I do not know how the hon. Minister who was chairing the INTUC in the country has the misfortune to pilot this Bill. I think, it might have been drafted earlier, because somebody else's child, he is carrying.

SHRI BINDESHWARI DUBEY : You please go through and read the Bill carefully.

(Interruptions)

SHRI THAMPAN THOMAS : I have gone through and read them, clause 2, clause 4, the Schedule and the Forms prescribed. How would you find out the culprits? When the comprehensive forms were there, they were prepared, filled and given to you and the executing authority could find out the culprits. When you exempt them from preparing such elaborate forms and accounts, he can easily escape the responsibility. Under this Bill, what you are going to give to the entrepreneurs is that you need not maintain all the forms but maintain only certain consolidated forms. I had gone through the details and I was shocked about it. I received this memorandum where INTUC has said this:

"The INTUC representative suggested that in view of the fact that there is a noticeable trend on the part of the planters to resort to fragmentation which inevitably results in loss of employment, a new section be introduced to provide for the prevention of such fragmentation. The fact that the plantations are exempt from the purview of land ceiling legislation wholly on consideration of importing viability to their operations is an added reason why steps need to be taken to prevent fragmentation. The Chairman said that the matter would be examined keeping in view the provision of the Land Ceiling Act and other related issues."

So, the fact is that on the one hand, the people who are agitating against fragmentation, because of this Bill, will advocate, pronounce and persuade the employers to fragment the estate because they can get exemption under the category of "small establishment" and "very small establishment".

The fundamental objection is that "small establishment" and very small establishment which you have given under this Bill, enable the big owners to make their unit small and avail the facility and cheat the community. That as my submission,

I felt that this Bill has got a very bad reaction in our society and this will help the people to escape from the liability of laws which we are now imposing for the benefit of workers. My fundamental objection is that this Bill will take away the benefits given under the laws like the Minimum Wages Act.

Sir, if the minimum wages are not paid to the workers, the employer can be prosecuted 10 times of the wages which are due to the workers. Even the employer can be sent to prison. Now, if a person is capable of making his unit into small units and keeping a record in the manner in which he wants, that is exempted from the Minimum Wages Act and the law enforcement authority cannot detect what mischiefs the employer has played. What the Government is going to do in that case? The Government is giving them the benefit of keeping certain records because the units are small in nature. Ultimately, what is the effect? The effect? The paramount law, one of the mandatory laws in our country assures the Minimum Wages to the workers. The Supreme Court and all other bodies have said that the employees cannot be denied of their rights. They get the benefit out of this law

Sir, the Factories Act is there. It is a well-known fact as to what are things which are to be provided in the factories. Good drinking-water should be provided. The factories should be maintained in healthy conditions. Hazardous nature of all things should be prevented in the factories. Therefore, all these safeguards are there in the Factories Act. Then, the Factory Inspector will go and inspect the factory. Suppose a person is capable of fragmenting his industry into small units or dividing it into small units employing less than 30 people—I have already pointed out the Textile Industry where powerlooms can be put in many persons names and brought under one roof—that person escapes the responsibility of maintaining the register which has to be maintained as per the Factories Act. When he is not liable to maintain the register, naturally he will not give the facilities to the workers. For example, there is the Plantation Act. Squarely, it comes under this. About this matter, I have already handed over a petition to the hon. Minister also.

This is an issue on which the workers are agitating. People say that fragmentation of an industry should be prevented because that affects the economy of the country. I have stated many examples about Tamil Nadu. Fragmentation of many units has taken place in Tamil Nadu and Kerala. For example, Ooty, which was once a plantation area is now made into small estates and the small estate dealers have fragmented the plantation area and sold to big landlords of this country. In Kerala also, there is the Vadakakalam Estate. There are many other Estates also. They have been fragmented and given to the landlords. Of course, all these benefits are given. I would like to state here that statutory protection given to such culprits will enable them to fragment further and make the industry and other units very small and escape from their responsibility of furnishing the necessary documents. There are nine Acts which are exempted—like the Working Journalists Act, the Contract Labour Act, Sales Promotion Employees Act, Equal Remuneration Act et.—where registers and other things need not be maintained. Surely, it will have a very bad effect on the working-class and the economy of this country and people will be prompted to do all the wrong things, which otherwise had been prevented, because of this Act coming into force.

Sir, under Clause 4, the establishments are also classified. Clause 4 is a charming clause in this Bill. It says what is to be done and in what manner they are giving the protection. Both these things look very small, but having a big repercussion. Sir, through you, I would like to point out that the heading of this Bill is "The Labour Laws (Exemption from furnishing Returns maintaining Registers by certain Establishment)." When this Bill is passed it would become Labour Laws (Exemption) Act. Is there any labour law in particular in this country? There is no codified labour law in this country yet. No attempt has been made by the Government in this regard. The Government has failed in this matter for which the working-class people in this country are demanding. There are about 130 laws and regulations in this country regarding labour laws. All those laws, by virtue of the caption of this Bill, will come under the perivew of this when it becomes

an Act. Therefore, this will take away the very fundamental and germane rights of the working-class and will enable the entrepreneurs to cheat the society and cheat the Government and take away the money of this country.

[Translations]

DR. G.S. RAJHANS (Jhanjharpur) : Mr. Deputy-Speaker, Sir, I think my friend Shri Thampan Thomas has not studied the entire Bill. I support this Bill. He said that there is no provision of weekly holiday in the bill, but it is there. Those who know something about the industry will agree with me that these big or medium scale industrialists form small 'Benami' units in the names of their relatives, friends to escape from the provisions of the law. For example, there are many big export houses in Delhi. They are carrying on their business in garments on a large scale. They have established certain small units in the names of their relatives, which are free from certain taxes and do not fall under the jurisdiction of various provisions of the law. You take the plastic industries in Delhi. Plastic goods are made here in small units. The Government has made a provision of 19 employees for small units and 9 employees for very small units. So first of all. They do not reveal that there is the production going on in their unit. If they have to maintain a register, then they will not show the number of permanent employees more than nine. They always keep casual labourers and terminate their services as and when they like. The worker is the one and the same, but his name will be Ram for the first three months, he will be Shyam for next three months, then he will be employed in the name Mohan for three months and then again in the name for Hari for further three months. To escape the provisions of law, he will never be made permanent. What does your Labour Inspector do is known to me and you both.

SHRI NARAYAN CAUBEY (Midnapur) : Please tell us what does he do.

DR. G.S. RAJHANS : He does the same thing what you do. When it was made obligatory for the small units to file

the returns, then there was possibility of cross-checking, but now cross-checking is not possible to be undertaken. Now they will keep less number of registers and whatever return they file will be accepted.

A provision has been made in this Bill regarding the accidents. How many accidents have been there in the unit and how many employees have been paid overtime allowance. There is no need of giving more details. If any worker has been penalised with fine, a mention to this effect will be enough. Explanation in this matter is not needed. So if the Government wants to prescribe a single form for both the small and very small units it should be comprehensive enough so that no one is able to evade the provision of the law. Those people who come from eastern Uttar Pradesh and Bihar to work in Delhi, Punjab and Haryana are badly exploited. They do not get anything like amenities. They don't even get their proper wages, but they keep quiet because they don't even get these wages in their States. We also keep quiet because we know that at least they are maintain themselves. Actually, what happens is that they never get proper wages and justice. It has been stated in the statement that this arrangement has been done to see that there is no inconvenience to the small and very small units and there is no financial burden to them. But I don't find any financial burden or inconvenience in it. I am afraid that under the cover of this provision, big and medium industrialists will exploit the workers more. A provision of penalty has also been made in this Bill. Whenever someone will violate these provisions, he will have to pay the penalty for it. But that penalty is negligible.

I will just read out from the Bill and tell you what penalty has been provided under the law. Probably it is a fine of about Rs. 1000 and 3 months' imprisonment. Could you provide the details as to how many employers have been punished for violating the labour laws so far and how many of them have been fined? I have said earlier also in the House that the big industrialists throw the responsibility on their Managers in case there is an accident in their factory or when a case of violation of labour law is noticed. Not

only this, the Manager also goes scot free. No doubt, some fine is imposed on the factory owner, but nobody is punished or a major penalty imposed for contravention of the labour laws, I dare say that the big companies do not contribute to the Provident Fund or towards the Gratuity. The contribution of workers is deducted but the employer does not contribute his own share. This is a usual practice. When the big companies in the country behave in this manner, who bothers about the small companies. I would once again urge the Government to reconsider the Bill and bring forward a comprehensive legislation so that the loopholes are plugged and nobody is able to circumvent the provisions of the law.

Lastly, I would like to say one thing more. The labour laws in the country are very old. I would like to cite an example. The labour laws provide that creches should be provided in the industrial establishments where ladies work, so that their children could be looked after. Now-a-days ladies work in offices and throughout the day they undergo mental tension regarding their children. They cannot afford to put their children in the care of an *ayah*. Therefore, there is a need to bring about necessary amendments in this law. There should be a provision in this law that the female staff should be allowed to bring one or two children to her place of work. This would not only increase the productivity but also the mental satisfaction. I, therefore, request you to reconsider this Bill because there are still some loopholes left. What is needed is that the Bill should benefit the workers and it should not be used as a handle to shield the industrial establishments. Otherwise these units will show that they have a few workers on their rolls and the workers will continue to suffer and be exploited.

[English]

SHRI VIJAY N. PATIL (Erandol) : Mr. Deputy-Speaker, Sir, it is now a well-established fact that the small scale industries and very small industries are contributing to the rapid growth of production in this country. But at the same time, they are facing many problems starting from raw material, power and the problem of

marketing. That is why, the Government of India and the State Governments are trying to help them by bringing them and encouraging them to be in one cluster, that is, in the industrial estate. But even in the industrial estates, small scale industries have to face so many problems. One of them is the submission of forms, maintaining the information which is unnecessary for an honest industry owner. Many a time, you find that family members are involved in the small scale industries.

The main thrust given by the Central Government towards small scale industries is for khadi, handloom, coir and the things like that. These are the industries which are mainly spread in the rural areas. But what Mr. Thampan Thomas and my friend Dr. Rajhans have tried to explain is about the cunningness, about the ways found out by the big industrialists to escape the provisions of law, by showing some small scale units within their towns or within the big towns. You want that these industries should spread into rural areas. If it goes to rural areas, the owner of that industry has to go time and again to submit these forms, to submit these information to the officers in the town and it will be very problematic for him.

SHRI THAMPAN THOMAS : There is not even the capital limit fixed in the Bill.

SHRI VIJAY N. PATIL : My friend Mr. Thampan Thomas was mentioning about the minimum wages provision. Of course, we do agree that there should be some minimum wage prescribed as we are trying to prescribe it even for the agricultural labour. But when we try to see at the other side of the picture, in the organised sector where the labour is organised, where the industry is earning more in the name of monopolies, there the labour is setting Rs. 4500 as minimum wages and other perks also. Even small scale labour are more in Bombay. So, should we say that there should be some limit for luxury salaries because this is at the cost of the nation's income? Because of that, industrial produce increased in the name of monopoly product, sophisticated items and the like.

So what we are trying to point out is that there are always loopholes if somebody has find them in any enactment. This enactment is brought with a general view and after many representations from the small scale industrial units and owners. Here again, we should be glad that the Minister has tried to maintain some of the compulsions on the owners to fill the proformas which are newly prescribed. In the case of trade and other business also, we are hearing of one window system. It is nothing but an effort to simplify the procedures, to minimise the visits to the Government offices by the industrial owners and small scale entrepreneurs.

In future, the Government of India is going to encourage woman entrepreneurs also where the management will be consisting of a majority of women, so also the workers. And when such women entrepreneurs will be starting small scale industries, this provision, this new amendment, will also be helpful to these people.

We know that for the last fifteen years the small scale industries have made vast progress and the production has increased about ten times. If you want to keep this pace going at the same rate and looking at the fact that with the same level of investment, as compared to bigger industries, the small scale industry has the potential of employing nine times the workers, for small scale industries whatever concessions we are able to give, we should give. Otherwise what happens is that, sometimes we see that labour laws are made for the benefit of labour, but some labour unions take undue advantage of that and it results in problems to the industry—whether it is small or big—and in some pockets the industrial atmosphere is vitiated. I don't want to mention....

SHRI NARAYAN CHOUBEY : ...the name Dr. Datta Samant;

SHRI VIJAY N. PATIL : Not Dr. Datta Samant. You are from Bengal. What we are observing is that many industries are shifting outside West Bengal. There are other States like Gujarat where the industrial atmosphere is such that even from industrially advanced states like

Maharashtra people would like to set up industries in Gujarat.

So if we want to create industrial atmosphere and industrial growth—along with industrial growth there will be more employment potential, more development and more prosperity—we should not just for the sake of opposing oppose this Bill by saying that it has got some loopholes or some people will take undue advantage of it. The purpose is good, the time is appropriate when this Bill has been brought and I support this Bill.

The Minister and his colleague are the persons who have throughout their life worked for the welfare of the workers. They come from an area where large number of people are employed in mines and other factories and at their hands I am sure the welfare of the workers will be looked after in a better way. The bills which encourage industrial growth especially the spread of industries in rural areas like this are welcome. So I support this Bill.

[Translation]

SHRI DAMODAR PANDEY (Hazari-bagh) : Mr. Deputy Speaker, Sir, I rise to support this Bill. Some of the hon. Members who spoke prior to me spelt out in detail the circumstances which led to bringing this Bill and said that the step was very timely. But the opposition Members outrightly opposed this Bill and raised many such points which are not relevant at all.

Shri Acharia said at the outset that the hon. Minister was a representative of I.N.T.U.C. and, therefore, it was just possible that he took special interest in it. Then it was also said that he became a Minister by virtue of his being a member of I.N.T.U.C. Thereafter, Shri Tomas said that the bill might have been drafted by his predecessors but in spite of being in I.N.T.U.C., the hon. Minister did not pay attention to it. All these things have been said to mislead the House. I want to ask Shri Acharia whether the representatives of CITU have not ever become labour Ministers in the Bengal Government? Is the present Chief Minister not the president of any Union? I would like to inform the Members of the Opposition Party that our

Party has been instrumental in passing many laws for the welfare of the labourers and no other Party can do anything better. A person who is familiar with the labour movement and has deep interest in it has been entrusted with this responsibility. I believe that the Bill brought forward by the hon. Minister is a step in that direction and there is nothing wrong in it. Some people want to create differences in the relationship between the workers and owners. They think that neither the workers nor the owner can exist without each other. But this is not true in today's context. There will be workers only in future Dr. Rajhans has mentioned about small-scale industries.

[English]

SHRI THAMPAN THOMAS : There is no definition about the small scale industries. Even if Rs. 30 million investor employees three or ten people and uses a computer he is also exempted under this law.

[Translation]

SHRI DAMODAR PANDEY : You listen to what I say. Dr. Rajhans wanted to know as to what were the present provisions. This Bill has not been passed yet. In spite of the fact that there are several laws which are in force at present and about which we are saying that there should be no amendment in the law, none of them is being enforced. For example, we have the Minimum Wages Act but is it being implemented? The Act provides that the forms giving details in respect of every industrial establishment should be duly filled. But there are complaints that all that is done in the name of implementation is harassment at the hands of Inspectors and nothing else. I would like to know why the Rohtash Industries was closed down in spite of the existence of all the laws in the country. Shri Ashok Jain is the proprietor of a very big newspaper and he blackmails everyone through it but at the same time, arrears worth crores of rupees are outstanding against him on account of Provident Fund. The Supreme Court has given its decision that action should be taken against him. The law is there, but if Shri Ashok Jain publishes something in his newspaper, we will all consider it to be the eternal truth because a newspaper has published it. You

will create an uproar in the House during zero hour on this matter. This much must be very clear that if you want to bring the culprits to book, you cannot do it merely by formulating laws or filling up a particular form. These people know how to circumvent law. If you ask for 10 forms they will fill up 20 forms and thus go scot free. They will even have a separate office for filling up forms, whether they have work or not is immaterial. The question of recovery of arrears in respect of Provident Fund and E.S.I. from big employers has been raised in this House a number of times. Besides, questions have also been asked in this very House about illegal lock outs, violation of laws governing holidays and other labour laws. All of us are aware of it because we are engaged in the same thing. In spite of the existing laws, we have not been able to take the right step in this direction. Even if we have taken any step, it was not that mature. Now what has been done in this direction is that the work has been entrusted to an expert and he has been asked to get all the information and take right steps, so that such a chaotic situation is not created in future. This is a good step for the labourers but even then there are complaints against it. What else should we do? It is an unfortunate situation that this thing does not suit you. You want chaos and lawlessness because if that will not be there, then you will not get an opportunity to raise your voice here and fetch votes in the elections. You should not create such a situation to fetch votes or to get an opportunity to create an uproar here. All that is needed on your part is to try to bring order in the House.

SHRI NARAYAN CHOUBEY : So long as your remain here, there is no alternative. What we are doing is right.

SHRI DAMODAR PANDEY : The question is, that you should adopt some other means to get votes. The citizens of this country do not like you because you want to fetch votes by spreading chaos. Had you adopted a positive approach and understood the right thing, this situation would not have arisen today. This Bill does not have a provision for minimum wages. The Minimum Wages Act is a separate one. That Act has nothing to do with this Bill. There is no provision in

this Bill regarding provident fund or holidays. Therefore, whatever has been mentioned by Shri Thomas is not relevant to this Bill. As at present, there are several labour laws and each of these laws require every entrepreneur to fill up at least 10 forms and hence the need for bringing this Bill. It may be true that there are some big employers who indulge in malpractices. They keep a separate provision for that. But there are many honest industrialists also in the country who do fill up their own forms in time, otherwise, how the nation can be run with scoundrels alone. There are noble people also by virtue of whom the nation runs. There are people who want to follow the provisions of the law but at the same time, there are such people also who do not want to follow them. Now a provision has been made that only those people who are not in a position to make such an arrangement, and employ upto 9 persons will be exempted from filling up these multiple forms. On the one hand you say that there should be large scale industrialisation in the country and that cottage and small scale industries should be set up in every house, but on the other hand if 9 persons work in a house, then the inspector arrives there and asks about some or the other form.

At present what is the position? An Inspector goes to a small scale unit and asks for a number of forms which are required to be maintained by the owner of the unit. On failure to show the requisite forms to the Inspector, the owner of the unit is forced to grease the palms of the Inspector. The rules which create inconvenience to the owners of small scale units, where 8 to 10 persons are employed, have been simplified, you people do not take even such steps in good taste. Now all forms have been amalgamated into one single form in which all necessary information to be furnished is contained at one place. This would be very beneficial if the procedure is simplified and the people know as to what is required to be done on their part. The form should be simple and provide column for every item. At present, separate forms have been prescribed for separate laws. But these forms are so complex that in order to get these forms filled properly, one has to take the services of management expert. There may be units where even a matriculate is not working

there. In that case, he has to employ a labour officer or a management trainee to get the forms filled properly which he would be unable to afford. It would be difficult for the country to progress in such prevailing conditions. So I want that there should be industrialisation in the country, small scale industries be allowed to flourish, facilities be provided to the small entrepreneurs so that they would work smoothly. This Bill does not put an embargo on implementing minimum wages Act and other laws relating to workers. There is a separate law for it. You people pass the laws. It is you people who sit in the Labour Ministry to ensure compliance of labour laws. These laws are passed not merely to decorate the statute book, in absence of non-implementation thereof. It is not correct to say that these laws will not be implemented unless various forms and returns are maintained by the establishments. Enforcement of minimum wages is a separate issue and it has to be enforced. Similarly, provisions regarding working hours and weekly holiday have to be enforced. We should not link these issues with the filling of forms. I am unable to understand as to how implementation of those provisions is interrelated to the maintenance of so many forms and registers. You should lend your helping hand to us in implementing the provisions of the laws and taking concrete steps in this direction. Probably you may also be thinking at times in terms of extending your help to the Government because sometimes you people also have good ideas for betterment of country. But you should not think on the line that whatever is done by the Government is done for making harm to the general public, giving you an opportunity to say something against it in order to get votes and allowing you to take advantage of the opportunity. This is not a good thing on your part. You should not find fault with everything. It is a serious controversy. You should take it granted that nothing will be brought here which goes against the interest of labourers. Industrial Dispute Act and Trade Union Act which were enacted in 1926 have now become obsolete to a great extent. A lot of hue and cry was made that an act passed as long as in 1926 has been still in vogue. When Industrial Relation Bill was brought forward to amend the Industrial Dispute Act, you raised

objection because you do not believe in harmonious relations, you believe in continuance of disputes. What a funny thing it is. I fail to understand as to what is in their mind. No action of the Government satisfies you. You have to reconcile at one stage. You should think in terms of development of the country. The Trade Union Act enacted as long as in 1926 is still valid in the country, though country has made much progress since then. You are still taking recourse to the Trade Union Act enacted long long ago because you do not believe in industrial relations, you believe in disputes.....that is why.....

(Interruptions)

[English]

SHRI THAMPAN THOMAS : INTUC says that this master and servant relationship will be brought back if that Bill is implemented. That is the criticism of the INTUC. I do not know whether Mr. Damodar Pandey is aware of it or not.

DR. DATTA SAMANT : It is sabotage for the Tata Birla Bill. Why are you backing it ? Let us discuss about it.

[Translation]

SHRI DAMODAR PANDEY : This is your own view of seeing things. It might be that you are so intimately close to Tatas and Birlas that you see everything in terms of Tatas and Birlas. But we talk about workers. We are aware of their contribution for the development and industrialisation of the country. Today, India holds tenth position among the industrialised countries of the world. In view of this, we cannot achieve our goal if we allow the same age old labour laws systems and traditions to continue. We will have to change with the passage of time. We will try to persuade you in this regard. Opposition of a positive effort cannot be tolerated. This is a progressive measure. There is nothing in it that should pinch you. No harm is going to be done by it. We are only simplifying the forms. Industrial Relations Bill is likely to be brought forward very shortly in the House. You should take initiative and impress upon the Government to bring this Bill soon. I

would like to say that if any mistake is found by you, you must suggest improvement. I do not say that this Bill should be passed in the form it has been introduced in the House. You are welcome to hold talks in this regard. We will join hands with you if any suggestion is made for improvement. Trade Union is expected to help in taking the country forward with support of one and all. With these words, I support the Bill.

15.01 hrs.

SHRI NARAYAN CHOUBEY (Midnapore) : Mr. Deputy Speaker, Sir, I listened to what Mr. Pandey said. It seems Mr. Pandey is well versed in drawing sword in the air. Who told that Shri Dubey should not be made a Minister ? Has anyone spoken against him ?

SHRI DAMODAR PANDEY (Hazari-bagh) : Acharyaji had objected.

SHRI NARAYAN CHOUBEY : What can I do if you could not understand the English of Acharyaji... (Interruptions) I say that Shri Dubey should reply the points raised by Shri Thampan Thomas. Shri Patil talked about small scale industries only as if nothing were more important than that, these people believe that if the small forms, those three forms, are simplified and amalgamated into one, every problem will automatically be solved as more recital of 'Siyavar Ramshandraji Ki Jai' do the work.

SHRI DAMODAR PANDEY : You have become 'astik' these days.

SHRI NARAYAN CHOUBEY : I have become 'Astik' on you.

(Interruption)

AN HON. MEMBER : You have mistaken 'Astik' for 'Ashik'.

SHRI NARAYAN CHOUBEY : That is pronounced as 'Astik'. You should get your ears checked.

Small scale industries face the problems of raw material, power and market. Besides,

they face finance problem too and nobody bothers about these problems. It will help in increasing the number of big houses. Mere simplification of forms will not do the needful. I fear that the workers will have to bear the brunt due to this Bill. They have been suffering and will go on suffering, otherwise we do not have any objection. We want that facilities should be provided to the small scale industries so that they can compete with the medium and big industries. We have no objection of this Bill if raw materials and power are supplied to them properly. Then we will certainly support the Bill. But that is not the thing.

I want to submit one thing. Suppose I have employed 19 persons as workers in my factory with a capital also investment of Rs. 3 crores or Rs. 2 crores and which well equipped with computer facilities and production is also very good and is also capable of having a good market. What facilities would be provided to it in comparison to an unit where 15 workers are employed and having out-dated machinery, involving greater cost of production with no market? What will happen in this case? These aspects have not been given due consideration in the Bill. In the light of these facts I submit that such differentiation should be looked into. Only one aspect that is the number of workers employed in the unit has been taken into account. It goes to prove the same old adage "Andher nagari chaupat raja, take ser bhaji take ser khaja" that everything is sold in the market at the same rate irrespective of the quality of the goods. I would like to say that it is quite imperative for the national economy to make the small scale industries self dependant by extending some facilities to them. Otherwise, the monopoly houses like Tata will set up small units one by one, with 20 employees in each such unit which will manufacture either soap or detergent powder or something like that. Thus they will exploit the situation. Mr. Dubey knows that small scale industries have multiplied in our country. These are all related things. He may please tell us, how he will implement the law.

I want to say that lakhs of people are working in factories. They have their own

difficulties. What is their condition today? Mr. Dubey, I want you to look to it that the labourers and the owners have deposited their share of provident fund, but your officers, whether it is in Bombay, Calcutta, Addhra Pradesh or Madras, are not working properly.

[English]

The offices of the Provident Fund Commission are completely a mess.

[Translation]

It is shameful for them because the people do not get the amount of their provident fund and other dues for a long period say two, three or four years after their retirement. You may realise the difficulties of these people.

There are different minimum wages in different states. They are different even in different districts. You can see that wages are slightly higher in Delhi. You will find lesser minimum wages at other places outside Delhi.

[English]

Why these things are happening?

[Translation]

You know that purchasing power of the people has reduced and you want it to remain at that level. You are aware that an agriculture labourer gets Rs. 11 in Bihar Rs. 20 in Andra Pradesh... (Interruptions)... I have not said that he gets Rs. 15 because if I had said so, it would have agitated them and they would have been on their legs. You are talking about Andhra Pradesh, even the prescribed minimum wages are not paid to them at a single place. Please leave the instance of Delhi.

SHRI HARISH RAWAT (Almora):
In your state, the oil was adulterated.

SHRI NARAYAN CHOUBEY: That oil was supplied by your mill. It had been brought from Madhya Pradesh. You are

observing that Cholera has broken out in Delhi in the 20th century.

• SHRI HARISH RAWAT : What assistance have you given? Your Chief Minister provided an assistance of mere Rs. 3 thousand each...*(Interruptions)*...

SHRI NARAYAN CHOUBEY : I was talking of the contract labour. You may give him only Rs. 15 but Contract labourer is not being given minimum wages in Bihar, Bengal and Orissa. You should make some provision for it which you have not been able to do so far.

[English]

I do not blame you in person. You require more number of inspectors provided they are honest.

[Translation]

I have a suggestion to make. For the construction of roads, labourers are engaged and maximum number of them are tribals or belong to scheduled castes. They work day and night. Labourers working in Delhi come from outside. You may leave aside all other states, like Andhra Pradesh and Uttar Pradesh and the cities like Patna and Lukhnow but you may look at Delhi itself. where labourers from Madhya Pradesh, Uttat Pradesh migrate to find a job for themselves. There is no one to look after them. Kindly look to it whether they are getting full wages.

[English]

Why do not you organise at least one such thing?

[Translation]

'kim tvaya kriyate dhanva, Ya no suta no dugdhada' what is the use of such a cow, who neither gives milk nor produces calf. I hope that as now Mr. Dubey is here and he has spent most of his life among the labourers, he should be aware of the plight of the labourers in the capital city of the country where lakhs of labourers are engaged for work and these labourers should

also come to know that some Labour Minister has come there to take care of them and to provide relief to them.

I have one more suggestion. A committee should be formed at least at the district level to look after the interests of the labour. You must give relief to those firms which deserve it but if fragmentation still continues, what will you do? What provision do you intend to make if such a fragmentation continues which is bound to persist? If you do not take any such measures the laws intended to benefit the genuine small scale industrialists will be misused by the big manufacturers for their benefit and it will also damage the interests of the small manufacturers and that of the labourers as well. And it will not serve the purpose for which it was meant. Therefore I want that you should look to this aspect. Therefore, my suggestion is that a committee consisting of the officers from the labour department and representatives of all the trade unions, should be constituted at the district level in every area to monitor the implementation of law. By this, at least one thing will be known to the poor people that they can approach the AITUC, INTUC, C.I.T.U. and HMS for the redressal of their grievances and there they will be given a patient hearing ...*(Interruptions)*

There will be no infighting between us because if some body backs out after having accepted money from some quarters, the other will be there to take over the charge from him. But as we shall have a committee constituted with the representatives of all the sections on it, such things will not happen. It will have the representatives of all trade unions. I feel it will be correct.

The last thing, I want to say is that we have no objection if you give some concessions to small scale industries. But you will give your reply on the Bill but these 'ifs and but' are very dangerous and you shall have to reply to it. If you have no time to reply to it, fragmentation is bound to ensue. Therefore, I suggest that you should kindly defer it for the time being and bring a new legislation later on after having consulted all the concerned. That will be a right thing.

KUMARI MAMATA BANERJEE
(Jadavpur) : Mr. Deputy Speaker, Sir, I stand to support the Labour Laws Bill introduced by the hon. Minister and also request him to consider the amendments suggested by Shri Narayan Choubey and Shri Thampan Thomas. . (*Interruptions*)

This is not a political issue. We should support anything which is in the interest of the labour and that has been the culture of our party. We should not bring in party-politics in such matters

Before expressing my views on the Bill, I want to say a few words :

“Dhanvan Khajana Bharta Hai, Kanoon
Hifajat Karta Hai,

Mazdoor Bechāra Ro-Ro kar, Takdir
ka Shahid Hota Hai.”

Mr. Deputy Speaker, Sir, there are people who play an important part in the trade unions and speak boisterously at the gates of the mills in the interest of labourers, but the people forget their utterances soon thereafter and also do not remember what they had said and what not. We will have to go in for the simplification so that small establishments may run properly. I want to bring a few things to the notice of the hon. Minister. There should be the maximum number of small scale establishments for the economic development of our country. At present, unemployment is one of the biggest problem of our country. For its solution, small scale industries should be given top priority and provision of employment to our unemployed youth should be accorded top priority. Many big industrialists have been diversifying their big industries and forming small industrial units in the name of some of their relatives only to avoid taxes. They do not produce their accounts and also do not file their income tax returns. They divide their big industrial units into small ones and utilise the services of their workers who were working in their own big industrial unit, just to avoid payment of taxes to the Government. I want to cite just one example. Bata company was one of the biggest companies of our state, but it was diversified and one

of its unit was shifted to Bangalore. Earlier also, this company was manufacturing shoes and even now it is producing shoes under the brand name of B.S.C. I do not know whether the hon. Minister is aware of this fact. Bata has changed into B.S.C. Similarly, there was Fearless Financial Investment Company. God knows, how many companies have been formed in the name of its diversification. They all do it to show to the Government that big companies have no concern with their small companies and maintain duplicate registers. There are large number of workers who are working in these companies. Whatever be the names of these companies. After every three months, they keep on changing their names according to their own desire and give them new names.

15 17. hrs.

[SHRI ZAINUL BASHER *in the Chair*]

Similarly, the Indian Tobacco Company is also maintaining duplicate registers. Actually the company does not pay that much of amount to its workers as it mentions in its accounts. Thus this company is exploiting the workers. There are, no doubt, labour courts, High courts, Supreme court and many other such institutions where the labourers also can voice their woes but inspite of that, they are unable to get justice because money plays its vital role. It is true that good money, good law, good Money, good Barrister, good money, good justice. Hence the workers, being a poor class, cannot go in for litigation. Big industrialists are conspiring that way to crush the labourers. You have been working with the trade unions throughout your life. You know how the workers are being exploited. Laws are already provided in our country and many more new laws will be enacted but the same are not properly implemented. Please take care to implement them but you cannot do it all alone. For that, you will have to take everybody in confidence. The maximum number of provident fund defaulters are in my state and they are big press barons or industrial magnets etc. who have immense wealth and can manage their escape from the clutches of the law. You cannot harm them. On the other hand, the labourers will bear the brunt

of destiny. Generally, the big industrialists engage casual workers in their small scale industries for a period of three months and after the expiry of that period, they remove them. Thus, there is no security of service for these labourers. So, what I want is that you may give relaxations to small scale industries but the interests of the workers should also be protected. A plant functions only for two months and then the management declares a lockout. For instance, Bata Company had nine hundred workers but the management resorted to illegal lockout and our Government did not take any action in this regard.... (*Interruptions*)

In the Metal Box Company three thousand labourers have been rendered jobless. The management resorting to illegal lockout said that the company will function only if 25 per cent of the labourers are retrenched. There is Extreme exploitation of workers in my State. If I say something about my state then Shri Narayan Choubey will say that I am indulging in politics. But I have supported his speech. I have also listened to Shri Basudeb Acharia's speech who is not present here. He has opposed this Bill in his speech because he has to oppose this. The Tatas, the Birlas, the Taparias, the Fatehpuriyas, the Kanodias etc. have become friends with the Marxists. This has made great impact on the Small Scale Industries in Bengal. Today 4 lakh workers are crying. They are not able to earn their bread and give education to their children. Now, if I speak because I have been given an opportunity to speak, they will say that I indulge in politics.

SHRI NARAYAN CHOUBEY : How many people are unemployed in Bombay ?

KUMARI MAMATA BANERJEE : I am speaking about my own State. What steps do you intend to take for the Small Scale and Large Scale Industries which are lying closed there. Where will the poor labourers go if you do not take any steps in this direction. You can understand this situation very well since you have worked in the Trade Union for quite some-time and have the experience. The small establishments brought under Labour Law and the Comprehensive Bill as proposed by Shri Rajhans are all right. But the employees

must be given protection, it won't do by being liberal with the management. Labour must be given protection, otherwise the implementation of this Bill will not be proper. I want to say something about Shri Acharia, who is not present here. He mentioned that the Tatas, the Birlas and the Goenkas are friends of the Congress. I am not Shri Acharia but I just want to say that the Bajauriya, Kanaujia, Fatehpuria etc. have become friends of C.P.M. The small establishments are essential in my State because the labourer is starving there, he gets nothing to eat and drink. He is unemployed. I want to tell you for your information that he works for A.I.T.U.C. and C.I.T.U. but he will not be allowed to join the Congress.

SHRI YOGESHWAR PRASAD YOGESH (Chatra) : Mr. Chairman, Sir, in connection with the Labour Laws Bill presented by the hon. Labour Minister, I want to submit that the hon. Minister of Labour and Deputy Minister in the Ministry of Labour, Shri Malviya have presented this Bill after a long consideration and deep analysis. The people belonging to the working group have also analysed it at length and on the basis of its recommendations this Bill has been brought to the House for debate. Shri Bindeshwari Dubey is the pioneer of the labourers movement and he has given a new direction to it. Therefore, no one can doubt his deep attachment and concern for the problems of the labourers. He knows it personally that the owners of the factories exploit the labourers and whenever he comes to know that the labourers are being exploited, he has tried his best to come to terms with the factory-owners, and the latter have found themselves helpless. I am sorry to say that the Members of the Opposition are trying to bring the hon. Labour Minister under a cloud of suspicion in regard to this Bill. I came to know about their intention quite late. Earlier, I also thought that the Opposition Members were right and I was nonplussed on seeing the title of this Bill, as to how this Bill could be introduced in the House. However, later on after a complete analysis, I understood the objective behind the Bill and now my earlier feelings have completely changed. I consider this Bill as a very appropriate step for the

welfare of the labourers. Very few people have the courage to speak the truth. Mahatma Gandhi used to say that :

[English]

"If the world goes against the truth, I will go against the world."

because Truth goes against none.

[Translation]

We should be strong enough to speak the truth. The need of the hour is to speak about the subjects wherein the benefits of the labourers lie. While the owners need to maintain many kinds of ledgers and registers, at the same time some corrupt bureaucrats utilize the complex provisions of law for their own advantage. These people never pay attention to the welfare of the labourers but their attention is always self-centered. They certainly create hurdles in the provisions pertaining to the labourers' interest, point out defaults and indulge in malpractices. This has been made even more easier by bringing amendment in this Bill. Many provisions have been made for the labourers and these will certainly provide adequate protection to the labourers. Hon. Member, Shri Somnath Rath, while referring to all those points have quoted them in the House and I too want to say that the provision 5-A in it.

[English]

"Provided further that every such employer shall continue to :

(a) issue wage slips in the Form prescribed in the Minimum Wages (Central) Rules, 1950 made under sections 18 and 30 of the Minimum Wages Act, 1948 and slips relating to measurement of the amount of work done by piece-rated workers required to be issued under the Payment of Wages (Mines) Rules, 1956 made under sections 13A and 26 of the Payment of Wages Act, 1936."

[Translation]

Now none will be able to escape and avoid the forms, the return and other details which will have to be given. Now the guilty will be easily caught.

In spite of all this, if we claim that the labour law is perfect in itself, and there is no drawback in it, then no supporter of the labourers' movement like me will agree with it because we know that no matter what kind of a law the Government formulates, there is always some lacuna at some or the other point and the industrialist exploit it to make his ends meet. Just now Shri Basudeb Acharia expressed many kinds of difficulties with the labourers. I feel that only he but every person related with the labourers' movement would like to pay attention to the welfare of the labourers. Therefore we are in no way behind him in our concern about the labourers. Recently the Bihar Government has passed the Migrant Act in the interest of labour force of the State because a number of labourers have moved from Bihar to West Bengal, Assam, Haryana and Punjab. Many such migrants are unable to return to their homes and a number of people die themselves due to their exploitation there. The women who accompany them are also subjected to sexual exploitation in those States. Many such incidents took place in West Bengal and Haryana. In one incident in West Bengal 4 females were reported to be missing when some labourers went to work on the kilns. Later on after investigation it was found that those females were misled and raped. But the West Bengal Government remained unconcerned. When some officials of the Labour Department of Bihar met the officials of the Ministry of Labour in West Bengal, and help talks with them, then perhaps something was done. Therefore merely by defining the progressive view will not help. We will have to bring it into practice.

After all there is a limit to the amendments that we can bring to law. Today there is a need to make the people active who are associated with the Trade Unions. There is a recent incident of Muzaffarnagar where labourers in a large number reached for working in an institute and some of them started returning because of being surplus. Those who were left back also wanted to come back but they were not allowed to leave.

Those people were not allowed to leave and were told that their women folk have been retained because Rs. 5 thousand has been spent on them. They were threatened

that their women will be left only if they pay Rs. 5 thousand to them. In this way the labourers are exploited. There is a need for strict law in this regard. Today the Labour Department is headed by an efficient leader and we have high expectations in him.

We also need to drop the practice of hide and seek between the owner and the servant. So far as minimum wages are concerned, I request the Labour Minister that all such cases at the block level since the past 20 years should be reviewed. They have not got justice till date. Therefore, I would like to urge upon the Government that all of them should be given justice.

So far as the deaths of the labourers and payment of compensation to them is concerned, I would like to suggest that there should be since stringent measures to deal such cases strictness. Today the condition is such that the poor labourer dies and no compensation is paid to him, consequently his children become refugees. We should work efficiently in this regard. I feel that if the leaders of the labourers' movement work properly, then owner can never create such a situation for them and we can easily save the labourers from being trapped in such a situation provided the leaders of the labourers' movement work honestly and efficiently in this regard. In this connection we will meet the Minister of Labour personally and tell him about the problems being faced in the matter,

Mr. Chairman, Sir, in the end, while concluding, I want to give 1-2 illustrations. There are many such big factories in our country which employ the labourers in large number but never make them permanent. Is there no law to make them permanent? It is not so. The laws are there and existed even earlier, but they are not obeyed properly. There is something somewhere between the owner and trade union movement. Due to this, the condition of the labourer is such that he has been working for 20 years but has not been made permanent; he continues as a temporary labourer. His provident fund is not being deducted nor is he getting the benefit of E.S.I. He is unable to get any benefit in case of an accident because of his being a temporary worker. Therefore, I hope that in

order to bring perfection in the Labour Law, the Members of other Parties also will also support us beside the Members of the ruling party.

With these words I conclude.

***SHRI P. APPALANARASIMHAM** (Anakapalli) : Mr. Chairman, Sir, discussion on this Bill gives us an Opportunity to speak about certain defects that are existing in our labourlaws today. I am placing these loopholes before the House with expectation that they will be rectified by the Government in immediate future.

At present there is not even a single Act in the labourlaws which speaks of perfect coordination between the labour and the management. The gulf between employers and the employees has become unbridgable. It is more so as far as this Bill is concerned.

Sir, a worker gives away everything for the sake of industries. He sheds everydrop of his blood for the progress of his establishment. It must be the duty of the employer to take care of the needs of his employees. But unfortunately the factory owners totally neglect the interests of their workers.

Sir, industrial establishments have been divided into large scale and small scale industries. Every one knows that there is a lot of difference between a large scale unit and a small scale unit. If the laws which are applicable to large scale industries are applied to the small scale industries, they may not prove beneficial to the workers in the small scale units. Hence it is not desirable to implement a uniform law applicable equally to the workers working in large scale and small scale industries. Not only the workers, even the owners of these units suffer some inconveniences. Take for example the Provident Fund. As per the law, the employer and the employee should contribute fifty percent each. This is what the Act says. But there are innumerable small scale industries such as safety match factories and cinema establish-

*Translation of the speech originally delivered in Telugu.

ments, where the employers refuse to contribute their share towards employees provident fund. Not only that the managements quite often refuse to pay even half of their salaries. When the workers are not given even half of the wages, how can there be any justification in treating them on par with the workers who are highly paid. This example shows how difficult it is to implement uniformly the Provident Fund in all the large and small scale units in the country. Sir, most of the workers working in various industrial establishments are not getting the benefits of various legislations that have already been made. They are not getting the wages prescribed by the Wage Board or the Government. Though there is a definite law prescribing employers to pay proper wages to the workers, there are many instances where it is being ignored. Hence the Government should see to it that every worker in the country gets proper wages and the facilities that are due to him.

Sir, many women workers are employed in various industries. Quite often these women workers are made to work during the nights. The Government should see to it that women workers are not given night shift. The Government should impose a ban on making women work at night time. They should be employed only during the day time. Sir, many of these working women go to their working places with their kids. These small children should be looked after carefully while their mothers are engaged in work. The Government should see that employers provide proper facilities to the children of working mothers.

Sir, another important point that I would like to mention is that of providing employment in the factories to the local people. The labour laws should be amended in such a way as to provide employment to the local people. Various industries are coming up in various points of the country. The land of the local people is acquired. The locals become displaced. They lose their land and their livelihood. They have nothing to fall back on. In addition, there are many educated and uneducated persons in that very area. Hence it is the responsibility of all concerned to provide employment to the displaced as well as

well as unemployed persons in the area where any new industry comes up. Sir, I would like to cite the example of Vizag Steel Plant. 12000 acres of land was acquired for the factory. Many people have become displaced. The Late Prime Minister Shrimati Indira Gandhi was generous enough to announce to provide job for one of her each displaced family. But the factory has employed nearly five thousand persons from outside. Not even a single displaced person was absorbed in the job by the factory. Lot of injustice has been done to local people in the matter of providing jobs. There are many more such industries in the country which have denied jobs to the local people. Hence necessary legislation should be made to provide jobs compulsorily to the displaced persons and the unemployed youth of that area.

Sir, I want to say a word about rural labour. Our labour laws have kept rural labour totally out of their purview. They were totally ignored in the past. The number of agricultural labours is at least a hundred times more than the entire industrial workers put together. Yet they have been ignored totally in our labour enactments. The Government could not think of their welfare even for once. Hence, those in power should think about them at least now. Necessary legislation should be made and implemented strictly to improve their lot. The government should make provisions to provide necessary facilities for their emancipation.

Sir, I conclude my speech thanking you for the opportunity you have given me to speak.

SHRI HARISH RAWAT (Almora) :
Mr. Chairman, Sir, this Bill has been brought with good intentions. Its objective is to encourage small-scale entrepreneurs and to protect them from legal hassles which they usually face in the absence of proper information. I understand that this would be of tremendous benefit to small scale industrialists.

Although the objective of this Bill are good, yet it has certain practical difficulties. The biggest drawback is that the Bill fails to provide for punishment to entrepreneurs who deliberately misuse the benefits pro-

vided under this Bill. How will you apprehend an industrialist who has a large establishment but who tries to circumvent the law by dividing it into 3—4 units? This Bill does not provide for bringing such a person to book, This Bill's effectiveness has been left to the will of the industrialist. If he and the Government officers work honestly, the Bill can be effective but if both parties work in connivance with each other, the purpose of the Bill would be defeated. A provision should, therefore, be made while framing rules under this law to punish a person who divides his establishment into smaller parts just to circumvent the law.

According to this Bill, categorisation will be done on the basis of number of people employed. An enterprise with less than 9 persons on its rolls would be called a cottage industry and the one where less than 19 persons are employed would be called a small scale industry. I agree with Shri Choubey when he says that in the present day world, an electronic industry may be employing only 6—8 persons and yet have a turnover running into lakhs and crores of rupees. A businessman using the latest technical know-how and equipment can do business worth crores of rupees. If such businessmen divide their enterprise into 4—5 parts in the name of their family members, the Government would be hard put to control them. I suggest that capital investment and turnover should also be the criteria. Just because the number of people employed is less should not make an enterprise eligible for exemption. It is good that the scope of the Bill has been kept quite wide. Matters related to the Minimum Wages Act also come under the purview of the Bill. But there is every possibility of its misuse and consequent exploitation of the workers in enterprises such as 'Beedi' manufacturing units, rubber, tea and coffee plantations.

I urge the hon. Labour Minister to ensure that people do not misuse the provisions of this Bill. Labour laws are framed with good intentions but people have always misused them. Illiterate labourers in their pitiable condition have always been subjected to exploitation by their employers. I urge the Government to keep a check over it and

ensure that the employers do not misuse the benefits provided to them.

DR. CHANDRA SHEKHAR TRIPATHI (Khalilabad) : Mr. Chairman, Sir, I support the Labour Laws (Exemption from furnishing Returns and Maintaining Registers by certain Establishment) Bill. It is a well-known fact that India is a land of villages. In spite of having taken up all development programmes in the post-Independence era, the condition of far-flung areas in the rural sector is pitiable. Despite the Government's continued emphasis on removal of regional imbalances, a number of areas in the country remain undeveloped. Not because they lack the potential, the basic infrastructure or raw material but because they lack transportation facilities like railway lines which are essential for setting up large scale industry. Later, it was emphasized that development of villages was necessary for the overall development of the country. It was felt that for the development of villages, the locally available infrastructure and natural resources should be exploited, cottage industries should be expanded. Finished goods can be sold in local markets as this does not require transportation facilities. This way, all the resources in the country can be exploited. A network of small-scale industries can be laid, crores of people can be given employment and their standard of living raised. Most of the Labour Laws are good but practically, they are difficult to implement. Obtaining a loan from banks is a cumbersome process involving the filling up of form with as many as 70 columns. This tedious procedure so frustrates the small traders and entrepreneurs that they virtually give up the idea of seeking a loan and improving the health of their business. The Government deserves praise for aiming at exploiting resources in rural areas, expansion of cottage industries and providing employment. But at the same time, it is also important to simplify the legal complexities which involve, beside other things, maintenance of as many as 10-12 registers, because the rural entrepreneur even today is neither literate nor knowledgeable about laws. If he unknowingly submits his form late or violates a minor provision, his license is cancelled as a result of which his business faces closure. Cases are registered

against them and judicial proceedings drag on for as long a period as five years. Legal difficulties hinder the rural entrepreneur from setting up cottage industry there by suppressing his inner potential from flowering and killing all possibilities of expansion of small-scale industry. Such an exemption will encourage the rural entrepreneur, leading to tremendous growth of cottage industries. Consequently, there would be a flood of opportunities in the job market and industries would flourish.

The hon. Members from the Opposition have expressed doubts that once this law comes into being, the entrepreneurs will violate the provisions of the Factory Act. Provisions regarding minimum wages, weekly holidays and gratuity contained in the Industrial and Factory Acts will remain as they are. Whosoever violates these provisions is liable to be punished under the law. I request the hon. Labour Minister to pay attention to an important point which has emerged from the debate. It has been seen that big industrialists set up, say, electronic component manufacturing units. The register these units as co-operative societies, small-scale or cottage industries and avail of subsidies and also get exemptions from excise duty and other taxes. Goods are manufactured in small units but are sold by big companies under their name and trade mark at inflated prices. Thus goes on the game of the game of deception played by big industrialists who make huge money in the process. Hon. Members have given several such examples like the one about Bata Company given by hon. Kumari Mamata Banerjee. Enchor is a company manufacturing electronic components like switch, plug and other small items of everyday use in crores of households. But under this facade, the said company manages to get licenses in the name of 'Benami' factories, randomly naming them 'A', 'B', 'C', or 'D'.

Lot of goods are manufactured by the small scale industries but the entire profit is pocketed by big industrialists. Thus the law is misused. This has to be seriously looked into. Besides, it should also be ensured that the small cottage industries get the benefits and facilities meant for them and the big industrialists do not diversify their industrial units into small industrial

units to monopolise and thereby depriving the poor people of their rights.

Shri Choubey is not present here. He had raised a point that the minimum wages fixed under the Minimum Wages Act differ from state to state. This is true and the reason is that the economic condition or the purchasing power in each state is not uniform. That is why the Minimum Wages in Uttar Pradesh are different from those in West Bengal or Maharashtra. Now I would like to draw the attention of the hon. Minister to a very important point, i.e. the entertainment tax on cinema. Sir, even the rural poor—who has a very low purchasing power and purchases a second class ticket or a ticket of any other class at a touring talkies visiting rural areas—has to pay the entertainment tax at the same rate as is applicable to his counter part in Delhi, Bombay or in any other metropolitan city whose economic standard or the purchasing power or the financial capacity is comparatively on the very high side. This disparity should be removed. Efforts should be made to simplify the procedures because it will leave little chances of corruption, unnecessary delay and procrastination. All of us are aware that the more the law is complex and the more we have the inspectors and other officials to implement these laws, the more they harass industrialists and receive *Hafta* from them. Therefore, the introduction of this Bill is in a way an appreciable step in simplifying the labour laws.

The workers who are engaged in small units and industries are generally semi-literate and not conscious of their rights. They also do not have adequate knowledge of the labour laws. Instances have been there when even a small number of workers, say five, ten or fifteen working in smaller establishments were exploited. When I had drawn the hon. Minister's attention to the exploitation of workers in my district, I was told that there are total 100-300 workers engaged in the industrial units functioning all over India under the supervision of Gandhi Ashram and the Factory Act does not apply to these workers. That is why they do not get those facilities as are admissible under this law. I do not know what is the truth. If that is true, I would urge upon the Govern-

ment to remove this lacunae of the law and ensure that the Managers of Gandhi Ashram do not make bogus entries of the names of their relatives as workers in the muster-rolls and draw their wages. This deprives other workers of the opportunities of job and also those who do not get even the minimum wages. Besides, they do not get other facilities also. Therefore, steps should be taken to safeguard the interests of those workers who are working in the small establishment having only 10 workers and therefore not able to form their trade unions. They too should be given the same facilities under the Factory Act as are provided to other industrial workers. The Government should pay attention in this direction.

Last year also I had raised this question in this august House. Sanjay Paper Mills is located in my area where about 150-300 workers are employed. It is unfortunate that the management of this industry has not even provided a rest room or a lavatory in their premises. The Labour Ministry had assured me that instructions have been issued to provide rest rooms in all the industrial establishments employing more than 300 workers. What to speak of providing a rest room, the industrialists have not even given it a thought although one year has passed since the assurance was given. The laws are alright but there are lacunae in their implementation. I would urge that wherever such concessions and facilities have been provided, it is the prime duty of the Government to ensure that benefits of such facilities should reach the small scale and cottage industries for which they were meant and the big industrialists do not establish their monopolies on that very ground. It needs alertness on the part of the Government.

SHRI PIYUS TIRAKY (Alipurduars) :
Mr. Chairman, Sir, our labour Minister has been an old trade unionist and he has worked a lot for the workers. But now with the introduction of this Bill the Government is trying to disrepute the hon. Minister.

After all who will be benefitted from this Bill? In any case the workers are not

going to be benefitted. The Bill provides that the small entrepreneurs should not be forced to maintain documents. They should not be asked how much they pay to the workers. If this happens in these days of unemployment, the working people will not be able to get full wages.

In spite of the laws and trade unions, the industrialists prevail upon the workers. The latter is not able to get more benefits inspite of strikes and *Gheraos* by the trade unions. On the other hand, the Government is now giving the industrialists a free hand that they need not file the returns. The Government is suggesting to the industrialists that they may pay or may not pay but they are free to take from the workers. Many hon. Members have just pointed out that this Bill has opened up the doors for the industrialists to earn more profits and exploit the poor. The Government has urged for smaller tea estates. This would ruin the big companies. That would add to the number of owners and reduce the number of workers. There are many such anti-social elements, who do not get jobs, they will become owners and exploit the poor to the maximum. Dividing the big tea estates into smaller ones will not take much time. There will be one contractor managing one hectare of land but then the production of there tea estates will be treated as substandard so as to avoid the provisions of law in their case and to run the business unchecked. Then what will be the fate of the workers and the country? Today we hear much about adulteration in edible oil and the country's name is being linked to adulteration. If this continues, everything which we produce, would be considered a waste product and consequently our economy will be in doldrums. Besides, the exploitation of workers would increase. Therefore, there is need to reconsider it.

A worker works for the country. He creates the entire wealth of the nation and he has a significant role in the country's progress. But even then nothing has been done for the workers whereas all the concessions have been granted to the owners and entrepreneurs. There is no restriction on them to file income-tax returns. Nobody will come to know whether they have paid

to the worker or not. The entrepreneurs have been given a free hand to employ workers. I would, therefore, urge upon you to think over it seriously and check the Bill at this very stage. We must not let it go any further.

SHRI BINDESHWARI DUBEY : You have not gone through the Bill. Kindly go through the Bill. Where is it written that they will not have to file income-tax returns. You have not gone through the Bill.

SHRI PIYUS TIRAKY : When has no records, how will he file the income-tax returns.

SHRI BINDESHWARI DUBEY : We are merely trying to simplify procedures. Everything is given in the form. What can I do if you have not read the Bill.

SHRI PIYUS TIRAKY : You have to safeguard the interests of workers. You are here because you have been safeguarding the interests of industrialists.

Similarly, cottage industries were encouraged in the rural areas with the intention that people will not run to cities in search of jobs. They will be able to get employment in the rural areas. But what has actually happened? In fact thousands of industries have closed down. Instead of reviving them efforts are being made for their further fragmentation. This would help increasing the number of such owners who have no norms of morality and there will be more exploitation of workers. I, therefore, oppose the Bill and would also appeal to all the Members to oppose it and reject the Bill.

[SHRI N. VENKATA RATNAM
in the Chair]

15.59 hrs.

SHRI RAM BHAGAT PASWAN (Rosera) : Mr. Chairman, Sir, I support the Bill moved by the hon. Labour Minister. Sir, the labours are the backbone of the nation and are the only means of creation of all assets. Therefore, it becomes our duty to protect them. Since independence, Government have made many laws such as the Minimum Wages Act, the Equal

Remuneration Act and other labour laws for the welfare of labours and have made arrangements for their livelihood. The Government should see whether these Acts are being properly implemented or not. To-day, 90 per cent of the labourers belong to four categories namely the industrial labour, agricultural labour, the contract labour and the casual or seasonal labour. Which category of these labours has been more benefitted by these laws? It is the industrial labour that has been more benefitted by these laws. But, as far as the agricultural labourer, the contract labourers and the casual labourers are concerned, they have not been benefitted by these laws. The agricultural labours has to work very hard the whole day unmindful of the vagaries of weather, What minimum wage do they get? He is paid only two, three or four rupees per day and is thus being exploited. The Government should make laws for these labourers also. The Labour Department is there in every block and division but instead of protecting the interests of labourers they are also exploiting them in the same way as the factory owners and the contractors are exploiting. Mr. Minister Sir, you belong to Bihar, therefore, you are aware that thousands of labourers are working in the thermal power station and in the Barauni Fertiliser Factory. They work there as contract labourers. What wages do they get? Recently, they raised their voice against the contract. With the result that half of them were retrenched on the advice of the Labour Officer. On the verge of starvation, the labourers have to accept their fault and assure that this will not happen again. Prior to this strike, the contractor used to give nine rupees to the labours out of the wages of fourteen rupees per day and kept four rupees in his own pocket. But after this strike, the labourers are getting only seven rupees per day. You may go there and find out, how they are being exploited, Labourers coming from every part of the country are working in the building construction work of the Delhi Development Authority. There is no arrangement for their housing, therefore, they alongwith their kids have to pass their nights in the open under the sky. There is a need to make a law so that these labourers may be freed from the exploitation of contractors. Every section

of the society has been benefitted by the Government's plans but if any labourer falls sick then there is no one to look after him. No arrangements have been made to provide medicines and for their protection. Therefore, every labourer should be issued a health card. Ten crore population of India is almost without food, 5 crores are under nourished and 17 crores are without shelter. This part of population belongs to the working class who work hard throughout the day. You may get it surveyed. You have been a labour leader as well as a supporter of labourers, therefore, you should make plans for their welfare. We hope that the plight of these labourers will be ameliorated under your leadership. The labourer is the backbone of our country. By dint of hard work he arranges food for us but he himself is shelterless and in a big city like Delhi he along with his children sleeps on the foot-path. He is also a citizen of this country, therefore, he may also be provided proper protection. The Government should provide them with housing accommodation. The health cards should also be issued to him so that he can get medicines. This will increase his efficiency and the production of the country. There is socialist Government in West Bengal, but there humanity is being massacred. Nowhere in the world this is happening. There the labourers are made to work like animals even to-day. They are pulling carts with their own hands but the Government is paying no heed towards them. It is said that if a labourer falls sick he is taken to a Veterinary Hospital. Can the Government not provide them with auto-rickshaws. I would, therefore, like to request that the system of cart-pulling should be banned and they should be enabled to live like human beings. We find that in the register of big industrialists like Tatas and Birlas attendance of a labourer is marked for 29 days in a month, then his service is terminated for two or three days and thereafter he is shown as employed on 3rd or the 4th of next month. Is this justice? This is happening everywhere. The labour Commissioners take thousands of rupees as their salary and reside in the Government accommodation, but what are they doing? They are in league with the industrialists. If Government suspends 10 Labour Commissioner, we will be very happy. These people help mill-

owners is exploitation of labourers. In my own district, there is a labour office, but no work is done there. What happens there is that these people charge rent of the accommodation from Government and put a sign-board of labour office in front of any house but don't do any work. The Government may please get it found out. The Government should also see that the owners of those factories are arrested under D.I.R. in which the labourers are shown as retrenched on 29th day of every month. If this happens, the poor people, the labourer who increases wealth and production of the country will think that justice is being done to him. I congratulate the hon. Minister and hope that he will make plans for the welfare of labourers and provide them the facilities of accommodation, livelihood, education to their children and health care.

[English]

DR. DATTA SAMANT (Bombay South Central) : Mr. Chairman, Sir, I have been hearing the speeches in the House for the last two hours. On one point there is agreement even among the Congress—MPs who have spoken. That is, the workers in the small factories or small establishments where there are less than 19 workers working and for whom this Bill is intended, are being exploited. The Minimum Wages Act, the Contract Labour Act, the Plantation Act, the Journalists Act and all such seven or eight or nine Acts are there and under these Acts there are industries where there are less than 19 workers working; about ten lakh such industries are there in the country. I do not know how many establishments are there. About four to five crores of workers are involved. Everybody talks of organized labour; everybody is talking of what I am doing. That is not the discussion today. What about the workers who are covered under the Minimum Wages Act? 15 crores of workers are covered under this. Mr. Tytler is not here; Mr. Sangma is also not here. I think, he had given the figure. As regards the Minimum Wages Act, about ten crores of workers are not getting the minimum Wages and they are living below the poverty line. Implementation of the Factories Act is not there at all. In Maharashtra there is one Factory Inspector

for 7000 factories; that is, in the so-called organized State in the country. If you take the Contract Labour Act, the sweet words are there, but there is no provision to make the contract labour permanent or if the contract is terminated, to get the workers in again. In the Contract Labour Act, the level is 20 workers. But you will find that in the Tatas' and Birlas' factories and mills contracts are given with 19 or 18 workers and they are kept like that for years together. It is a major exploitation in the country, of crores of labourers, and in the Contract Labour Act there is no provision for reinstatement of workers; there is provision to get the workers job again if the contract is terminated. When all such workers are exploited in the country in the small factories, I am asking this categorical question from the Government. Are you satisfied? When these laws are not implemented, how are you going to implement this law when you have little love for these workmen? Maybe, all these small factory owners are having a problem. Let us try to solve it. I have got sympathy for them.

That is another aspect. But on this issue, if they have to submit particular forms to factory inspector, to the minimum wage inspector, to the various departments in writing, now you are reducing it. What is the need for it? What I say is whether you provide three forms or whether you give twenty forms to a clerk, ultimately, it is the job of one clerk. Why are you so sensitive about the small owners? They are exploited by the Tatas and Birlas. If you have got that much love, you correct that. You give them more loans. You give them certain facilities. You give them bank loans. They are suffering for want of that. But instead of doing all such things, you are coming to such a stage that you exploit the workers. This has become the target nowadays. This is the policy of the Congress Government. The way in which you passed the Hospitals and other Institutions Bill in the Rajya Sabha, it shows that you are preventing them from strike. But what is the alternative? The alternative is the judicial officer appointed by the management. In the same way, you have introduced in the Lok Sabha the Trade Unions and the Industrial disputes Amendment) Bill, 1988. I think, let us

discuss it otherwise it is going to finish the working class. I ask the Government to pass the law and decide the share of the workers, to protect the right of the workman. We don't want to run the union. But the way in which this Congress Government is moving is far from the workers. It is privatising everything to encourage the big industrialists and by such act, it wants to encourage small industrialists, for which I have got sympathy. But this is not the solution.

Now, as per this Act, he has to send one form of return by 15th of February each year. What is the need for it? In this form you have to give details about your name, your phone number, your manager's name, number of days they work, number of mandays they work etc. Is it not there with you already? What I say is that all these acts are meant for the workmen. Let us think of them who are covered by the Minimum Wages Act, Factories Act, Plantation Act. Now you are modifying it, simplifying it. But ordinarily, laws are not implemented. Are these core forms going to help you to protect the interest of workers? Let him tell me of any of these mandays. For a particular work, are you going to get any information? How many holidays are you giving them? What is the maximum number of persons employed in the four years and what is the pay given in cash and kind?

Clause 6 here mentions about fines, deductions for damage or loss and other deductions. I ask the Hon. Minister—though the Britishers were a little wise in this regard and I have to say it unfortunately—in any country, in any of these laws, is there any provision of fine and deduction in the wages? I think, the Hon. Member Shri Indrajit Gupta will correct me since he is a senior trade union leader. Is there any provision to deduct wage, is there any provision to fine the worker? Even Britishers, in the ID Act, they thought about it in 1947. Just because some Secretary has added these things—name, father's name etc.—this is not going to help at all. Ultimately, how much wages are you going to deduct. I think, this is just a camouflage. This is going to

sabotage and kill the workmen who are suffering in spite of the Minimum Wages Act. Those who are working in the contract labour, those who are working in the plantation form and those who are small journalists, only this core form should be written. And the other BCE form is just to be maintained. I know what record the industrialists maintain. Hon. Minister, I will take you and I will show you fifteen records one for income-tax, one for factory inspector, one for ESI inspector. Whatever records they want they just keep it with them. You have got no machinery to check it. The State Governments are also not interested in it. If you have sent a form to the Government or to any particular office, this record remains in that office. And if something happens, they can check it up that on a particular date how many workers were there and what was the salary paid. But now you are cutting it. But it is not going to work practically. I feel pity because workers in the small factories, workers in the small establishments those who are exploited to the maximum in this country, they will be further ruined if you introduce this Bill. He has not expressed it properly. I can have a dialogue with you even outside about how this Bill and the form is going to help to small industries in the country when you are already exploiting crores of workers.

There is absolutely no need. Now I come to Form E. Nobody is really writing this. Columns 1 to 12 to be filled on each working day for each worker by every employer. By this you have increased the work. And the remaining columns to be completed within seven days of the expiry of the wage period. You have to fill this from in respect of each worker. If there are 19 workers, the employer has to fill 19 forms. It is just labour.

When some big industrial houses complained that the technical clerical work is more, you reduced it. There you are very sensitive for them. 150 thousand factories are closed and 50 lakh workers are begging and small Acts are not implemented to the benefit of the poor working class of this country and your Government is not sensitive for them; but these employers have to fill 10 to 15 forms more. In

that you are sabotaging the working class interest.

With regard to agricultural labour, what is the position of the implementation of the Minimum Wages Act? Somebody was mentioning my name. For 15 crore unorganised labour, you want Dr. Datta Samant to go there and form the union. What have you done? What for all your top discussions? All your discussions with the big people are to protect their interest. All these Acts you have passed in the Upper House and here you move the Bills. It is a step towards privatisation. This is not the way. It is an exploitation of the workmen.

You know the functioning of the factory inspectors. There is maximum corruption, there is no record and there is no checking. They go to shops, drink one Cocoa Cola and give a hundred rupee note. I can name three factory inspectors who have collected crores of rupees and they have become the builders in Bombay. This is the fate of this country.

What is happening in Bihar and UP, only God knows. At least in Bombay people are a little sensitive and they shout. But what is happening for the poor labour in the backward states where industries are coming up?

At present seven crore people are unemployed in this country. Among them graduates are one crore. When such enormous unemployment is there in the country, who is going to protect their interest? They are paid Rs. 8 to Rs. 10 for 12 hours of work. This is the way of life for the working people all over the country. You can see this even in Delhi. It is your duty to protect their interests. You don't leave it to unions Nobody is interested to form unions, it is not our profession. The Government has miserably failed and they have no interest to do anything for them. Therefore they are coming with such types of Bills in which the interest of the working class is totally sabotaged.

You are modifying all these forms in this Bill. But what about the implementa-

tion of this. Who is implementing the Contract Labour Act? Nobody. Is there any provision to make the worker permanent there? Is there any provision that if any worker is removed, he will be re-instated? Then what is the sweet claim of Contract Labour Abolition Act?

I have seen this in Faridabad. At least in Bombay we are having strong agitation and we never allow ourselves to get exploited. You must compliment us for the work we are doing. You will find that in Faridabad a majority of workers is under contract and they are exploited. They work for 12 hours. It is about 12 to 15 kms. away from the Parliament House. What is your administration doing? This is going on continuously. I am not talking with particular reference to any Government. When such type of exploitations are taking place in this country, what is the need to bring such an Act? Is it to save some clerical work? Instead of 10 forms the clerk has to fill three forms. He keeps the record at his back Who is going to check it? How can he be prosecuted? The record is at the back of the employers, except the one core form which is just like a love letter asking for information like 'What is your name?', 'What your father's name?', etc. How this core form is going to help and how is it going to replace other forms?

Sir, I would like to say that we are not interested in strikes and lock-outs but what alternative machinery this Government has provided even after forty years of Independence. The hon. Minister is there let him tell us is there any law which decides about the share of the workers in a particular profit? In Bombay the Premier Automobiles are making a profit of Rs. 20 crores and I am getting Rs. 5 crores as salaries to the workers. Why does your Government not form a law on these? There should be relative share of the workers in the profit. This is the phenomenon of this country. In such type of industrialisation the poor working class and small workers are effected. Even in Bombay where the labour is mostly organised it is difficult to organise and form unions of workers working in laundries, hair cutting saloons, etc. It is the duty of the Govern-

ment to protect such working class of this country.

In the small factories what is happening now is that with automatic plants and working strength of ten or 15 employees they are able to have production to the tune of Rs. 15 crores and such units are also not required to maintain records. There is a provision for maintaining the records of permanent employees under the Minimum Wages Act and Factories Act. But they keep those records with them. When disputes go to the courts these big employers deny in the courts that they are their workers. You have no machinery to check those records. Even legally whatever small British Government had done earlier this Government is withdrawing. The Britishers had little intelligence and had provided in the earlier Act that it is the worker to go on a strike as a last resort but this Government wants to withdraw even that right of the workers. Slow down was not defined by the Britishers but our Congress Government is defining slow-down and giving right to the employers to cut the wages. In the new amendment no permission for closure of a unit is required whereas Britishers had in the earlier Act provided because they knew these big employers will close the factory, sell the assets, make money and go away. In the earlier Act made by the Britishers there was no provision for retrenchment whereas now in our industrial law you are making provision that if they want to retrench and close down they give an undertaking that they will give the workers terminal benefits and then it will be considered by the Government. These Tatas and Birlas are already exploiting the working class and now through this piece of legislation you are removing the clerical work of the employer that instead of sending ten forms he will be required to send five forms only.

Thank God, the Provident Fund and ESI are excluded.

It is not clear. Otherwise, you should have included that also. In a year, you send a love letter and then everything will be all right. I think, this is too much.

I have heard all the speeches. They talked regarding exploitation of the small

workers, small factories small establishments and non-implementation of the laws. They also supported this. I feel, the agony of the small worker, who is already suffering, is going to be increased much more by giving such type of laws. It may be small but it is not going to help. How are you going to prosecute the people who are already keeping bogus records? They will find a lot of loopholes to keep such records. Therefore, at this stage, I am asking the hon. Minister to appoint a study group.

I don't think, except INTUC, any of the sensible trade union leaders will support this. (*Interruptions*) I would like to have the names of the unions which have supported. Now you are ruling with about 420 Members Sir. I don't want sweet words like *Maalik*; workers are together, as far as industrial relations are concerned.

[*Translation*]

SHRI NARAYAN CHOUBEY : God knows what will happen by establishing relation with Tata, Birla. (*Interruption*)

[*English*]

DR. DATTA SAMANT : You are forgetting the working class. So, don't talk about relations; it is our right. No capitalist will give the money by love or with sweet talks. Therefore, I would like to know the names of the trade unions which have supported such type of amendments.

I feel this is an anti-labour Bill. It is going to sabotage the small working class of the country. Therefore, I oppose this Bill tooth and nail. And I appeal to the Government to withdraw the Bill at this stage. Thank you.

[*Translation*]

SHRI KALI PRASAD PANDEY (*Gopalganj*) : Mr. Chairman, Sir, so many laws have been made by this House in the last three years. Some scholars have defined the term 'law' as the protector of the poor but in reality it is not so. If we go and see in the countryside then we will find that the Labour Inspectors did not implement these laws properly. A lot of time

is wasted in getting justice from the Labour Courts. I have great respect for Shri Dubey ji and I support this Bill. The hon. Minister has been working with the labourers from the very beginning. I, therefore, hope that the problems of labourers will definitely be solved through his good offices.

It would be better if I refer to the problem of Delhi first. Today in Delhi there is a roaring business of sending Indian labourers abroad. The way the Indian Labourers are cheated in sending them to other countries is an example, in itself. At the time of the discussion of the Labour Laws Bill I have demanded that whenever any company whether it is the Somdutt Constructions, the Jai Prakash Constructions or any other constructions company, gets some foreign assignment and sends Indian Labourers abroad, then a representative of the Ministry of Labour should also be there. In the Committee which is formed at district level M. Ps should also be associated with it. There are four sugar factories in my area and in each of them the number of temporary workers is more than 600, while the number of permanent workers is only 200 or 300. No doubt, our Government has enacted several laws but these have failed to check the anti-labour attitude of the mill-owners. Whenever they want they dismiss any of the workers. Just now, Shri Pandeyji was speaking about Shri Ashok Jain. I have said in this very House that Ashok Jain is the other name of Natwar Lal. He wound up the Hathwa Sugar Mill and Rohtas industry and came in Delhi after collecting the whole money. No action has yet been taken under the Bills so far passed by this House. Laws will be effective only when every labourer is able to understand them properly. Our hon. colleague Shri Datta Samant was saying that 75 per cent labourers will not be able to fill the forms which are being provided under the Bill. It is desirable that the Labour Inspectors in the factories should explain the implications of the various provisions made in the Act as well as the facilities being provided to the labourers by the Government.

There is a Labour Court at Muzaffarpur in Bihar. The distance between Gopalganj

and Muzaffarpur is 150 kilometres. How can a poor labourer dismissed by the mill-owner can afford to go there to seek justice. From where he will bring money? Can he get justice under this law or the previous laws? Labour Inspectors, instead of being your servants, are the servants of the mill-owners because in addition to the pay given by the Government they are also paid handsomely by the industrialists whether they are Tatas, Birlas or any other sugar industry owners. Inspectors are therefore more concerned about the welfare of the mill-owners than that of labourers. This should be set right. The Government should make a provision in the law under which the Members of Parliament or Legislators of their respective areas are asked to check whether the officials of the Labour Ministry are doing justice to the poor or not.

The Government's policy is liberal towards small scale industries but there is a possibility that after the passage of this Bill the big industrialists may decentralise their industries and convert them into small scale units in the names of 8 members of the same family. Many hon. colleagues have said that there should be a provision in the law under which those people, who convert a big industry into small units, can be brought under the purview of this law and justice is done to labourers.

With these words, while supporting this Bill, I request the hon. Minister to bring a comprehensive Bill in the next session for the welfare of the working class so that the Indian public may understand that the Minister actually belong to the labour class and is interested in the welfare of labourers.

[English]

THE MINISTER OF LABOUR (SHRI BINDESHWARI DUBEY): Mr. Chairman, Sir, I am thankful to the hon. Members who have provided important information, particularly in respect of violations and non-implementation of the labour laws in various industries. I share their anxiety.

[Translation]

AN HON. MEMBER: Please speak in Hindi, in your own sweet language.

SHRI BINDESHWARI DUBEY: I am thankful to the hon. Members who have provided a lot of important information. Although all these things are not directly related to this Bill, but still they are important. Particularly, the violation and non-implementation of the labour laws is a matter of grave concern and I share the anxiety of the hon. Members, who have complained about violations or lack of information about various laws. When I brought this Bill in the House, I could not contemplate that through this Bill, matters related to the workers of different industries established in various States of this country, and laws governing them will be discussed in this House. I give due importance to the information given by the hon. Members as it is quite useful and I will keep the same in my mind. I will consider and welcome all the suggestions from the hon. Members which may help the enforcement of laws in their entirety and also check their violation.

As most of the things mentioned here are not related to this Bill, I am unable to reply to all of them. Some matters relate to the Industrial Dispute Act or the Labour Laws (Amendment) Bill which has been introduced in the Rajya Sabha. So when the hon. Members will get the opportunity to discuss that matter, I will reply to it.

The hon'ble Members have brought in the establishments of Tata and Birla in this Amendment Bill. It would have been more relevant if the difficulties faced by the workers in any small establishment had been stated. This Bill has nothing to do with Tata or Birla industries. This Bill has been brought with a very good intention to make the small establishments free from at least some problems. An hon. Member said that the small establishments have got rid of some problems in so far as the laws which have been incorporated in the schedule, are concerned, but it is not so. They are not being exempted from those laws which have been incorporated in the schedule. They have to abide by those laws now and also after the provisions of this Bill come into force. The only thing which has been emphasised in this Bill is that the paper work should be less. It was also mentioned by some hon. Member that the big industries will be converted into small industries to evade the taxes.

[English]

DR. DATTA SAMANT : How are you going to implement it.

[Translation]

When the records will be less, how will you implement it ?

SHRI BINDESHWARI DUBEY : You are our very capable colleague but you are very impatient also and owing to this your talent is not being utilised properly otherwise you would have done a great service...

(Interruptions)

SHRI DATTA SAMANT : It is for you to see that who has worked for 15 lakh workers...(Interruptions)

SHRI BINDESHWARI DUBEY : It is not in this Bill that some person or establishment has been exempted from any law. We have stated that in schedule, there are 9 laws, for which different forms and registers had to be filled in and returns had to be furnished, we have just simplified the process, minimised the work and consolidated the information. Vital information has not been sacrificed nor we have exempted anyone. You may observe that who are the owners of these small industries. They just take loans from the financial institutions and banks under self-employment programmes and start their cottage industries. In certain cases, 6-8-10 members of one family are employed. Such people may develop their industries easily and village industries, cottage industries are promoted in the villages as also in cities, take loans from the banks and financial institutions but if some one is doing something under the 9 labour-laws, then he has to fill in 75-80 forms and have to maintain different registers. In this way, a lot of time has to be spent on it and where 6, 8 members of a family are working together, it will create a problem to fill in so many forms and maintain registers. One has to bear heavy administrative cost for filing returns and maintaining records. So, an attempt has been made in this Bill to reduce all these problems. There is nothing against the interest of the workers. Can you say that any such thing has been included in the proforma that minimum wages should not

be paid or information called for in the Wages Act should not be given. Every information has been sought. Only the number of forms and registers have been reduced.

[English]

DR. DATTA SAMANT : How can you implement the provisions of all these Acts with just two forms ? You cannot implement them. This is not sufficient.

[Translation]

SHRI BINDESHWARI DUBEY : Implementation has nothing to do with this form. If the forms are less and the inspector goes for verification, he will get the whole information from one form or six forms, instead of 80 forms, and in my view, it will facilitate the implementation also. I assure the hon. Members that no law will be made against the interest of the workers. We want that people should get more employment opportunities and that cannot be provided by the large industries but by the small scale industries, cottage and village industries by setting up small scale industries in the cities and by self-employment. So if we make submission of so many forms obligatory, then how can it be possible. Many hon. friends referred to the mal-practices in vogue. If some omission has been made, then the inspector tries to harass the person. The intention is to save the person from up-due harassment and so far implementation aspect is concerned, that will not be affected.

[English]

SHRI THAMPAN THOMAS : Can I ask a clarification ? Nothing is mentioned about the capital limit with regard to small industries in this law. If a person has crores worth of business, employing only 19 persons, he can take advantage of this law. Where is the provision to prevent such things ?

[Translation]

SHRI BINDESHWARI DUBEY : In 1975, when many people having small establishments gave representations, then a working group was formed. The considered all the aspects and also considered whethe

the capital, the technology or the number of workers should be its criteria. The labour laws are made for the labourers, not for the machines or for computerisation. So the working group opined that number of workers should be the criteria. This matter was then referred to a standing committee which was a tripartite committee. They constituted a sub-committee. In this committee, employers of small establishments and representatives of workers had also been called.

SHRI DATTA SAMANT : Who are these workers . (*Interruptions*)

SHRI BINDESHWARI DUBEY : The workers are from the union that you have organised. You don't go in the small establishments... (*Interruptions*) I don't want to enter into any controversy. I only want to say that the sub-committee called the employers and the representatives of the workers. All the aspects were considered. The representatives of workers also expressed their apprehension and so, in this regard it was to be ensured that no concession is given in the proforma. So far the public accountability, provident fund, E.S.I. or public fund is concerned and in which the workers and employers also contribute, no concession has been given in this regard. Only the number has been reduced in simplification or rationalisation of proforma. Number of employer and employee had to be written in every form. No vital information has been sacrificed and the workers have to face no loss. There is a saving clause also. In the process of implementation, after the Act is passed, if the Members of Parliament think that there is some loophole in the proforma, which can exploit the labour, then according to a provision in section VII, it can be modified by notification. That modification will not be arbitrary so that it may go in favour of the employers. After modification, copy of that notice be laid on the Table of both the Houses and after the approval of Parliament, that notification should be issued. A provision has been made in this regard.

SHRI DATTA SAMANT : Under which law, deductions are made from the worker's salary.

SHRI BINDESHWARI DUBEY : In deductions, E.P.F. deduction are also taken into account.

SHRI DATTA SAMANT : Under minimum wages Act, how the provision to give less salary the workers had been brought in the proforma.

SHRI BINDESHWARI DUBEY : There is no provision about minimum wages in it. But there is basic pay, D.A. and other allowances in it. All information has been given in it. All the points raised are that of general nature. I have replied to the relevant points. I request that this Bill be taken into consideration.

[*English*]

MR. CHAIRMAN : The question is :

"That the Bill to provide for the exemption of employers in relation to establishments employing a small number of persons from furnishing returns and maintaining registers under certain labour laws, be taken into consideration "

The motion was adopted.

MR. CHAIRMAN : The House will now take up Clause by Clause consideration of the Bill.

Clause 2

(Definitions)

Amendments made

Page 2, line 20,—

for "annexed to this Act" substitute—
"specified in the Second Schedule" (3)

Page 2, line 21,—

for "in the Schedule" substitute—
"in the First Schedule" (4)

(SHRI BINDESHWARI DUBEY)

MR. CHAIRMAN : The question is :

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

The motion was adopted.

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

MR. CHAIRMAN : The question is :

“That Clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4

(Exemption from returns and registers required under certain labour laws.)

Amendment made :

Page 3, line 4,—

for “registers in Form D and Form E” substitute “register in Form E” (5)

(SHRI BINDESHWARI DUBEY)

MR. CHAIRMAN : The question is :

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

The motion was adopted.

Clause 4 as amended, was added to the Bill.

MR. CHAIRMAN : The question is :

“That Clauses 5 and 6 stand part of the Bill.”

The motion was adopted.

Clauses 5 and 6 were added to the Bill.

Clause 7

(Power to amend Form)

SHRI BINDESHWARI DUBEY : I beg to move :

Page 4, line 18,—

after “to have effect” insert—

“the notification shall thereafter have effect” (14)

Why this Amendment was brought here because, earlier, the notification was to be subsequently placed before the Houses and approval will be sought and now after the approval is given, it will be notified.

MR. CHAIRMAN : The question is :

Page 4, line 18,—

after “to have effect” insert—

“the notification shall thereafter have effect”

The motion was adopted.

MR. CHAIRMAN : The question is :

“That Clause 7, as amended, stand part of the Bill.”

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clause 8

(Power to remove difficulties)

MR. CHAIRMAN : The question is :

“That Clause 8 stand part of the Bill.”

The motion was adopted.

Clause 8 was added to the Bill.

MR. CHAIRMAN : Now we take up the Schedule.

MR. BINDESHWARI DUBEY.

Amendment made :

Page 5,—

for lines 1 and 2 substitute—

“FIRST SCHEDULE

(See section 2 (d) (6)

(SHRI BINDESHWARI DUBEY)

MR. CHAIRMAN : The question is :

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

The motion was adopted.

*Schedule, as amended, was added to the
Bill.*

Second Schedule (New)

MR. CHAIRMAN : Now Mr. Dubey.

SHRI BINDESHWARI DUBEY : I beg
to move :

(i) Page 6, line 1,—

for "FORM A" substitute—

"SECOND SCHEDULE

(See section 2 (c)

FORM A

(ii) Page 10, line 4,—

omit "AND VERY SMALL ESTA-
BLISHMENT" (7)

MR. CHAIRMAN : Now Mr. Acharia.
Are you moving all your amendments ?

SHRI BASUDEB ACHARIA : Yes. I
beg to move :

Page 6,—

after line 18, insert—

"(e) Daily number of persons
employed." (8)

Page 6,—

after line 30, insert—

"4B. Minimum wages of the establish-
ment." (9)

Page 6,—

for lines 35 to 37, substitute—

"(a) Fines. (b) Deductions. (c) Provident
Fund. (d) ESI. (e) Other deductions." (10)

Page 10,—

after "column 9" insert—

"Child Care Centre"

9A (11)

Page 11, line 11,—

for "Rate of Wages" substitute—

"Rate of Wages—(i) Minimum... (ii)
Actual wages paid..." (12)

Page 11,—under the heading
'Deductions'

for "Other deductions", substitute—

20

"G.P.F.	E.S.I.	Other deductions"	
20	21	22	(13)

I want to add under "NATURE OF
OPERATION / INDUSTRY / WORK
CARRIED ON", "(e) Daily number of
persons employed", along with number of
days worked during the year; number of
man-days worked during the year; daily
hours of work; and day of weekly holiday.
Then under '4. Rates of wages—category-
wise', we have males, females, adolescents,
children. I want to add here : "Minimum
Wages of the establishment."

I mean minimum rate of wages. Then
under the column "DEDUCTIONS", we
have fines, deductions for damage or loss
and other deductions. I do not know what
is the meaning of 'fines'. Anyway, I want
to add here Provident Fund and ESI, which
are not found.

I think all these amendments are very
simple amendments. The Minister can
accept them.

SHRI BINDESHWARI DUBEY : There
are columns in the Form B, e.g. in respect
of "DEDUCTIONS" when we say 'Other
deductions', they stand for ESI and other
deductions. Similarly. in Form-E, in respect
of rate of wages, his amendment speaks
about minimum wages and actual wages
paid. I would say that there is a column
which gives information about wages earned.
You will see under 'Overtime', "Hours
worked" and "Wages earned". Then—there
is a column "Hours worked with the
employer". These are all there...

Sofar as the minimum rate is concerned, you know very well that the Inspectors are aware of them. It is meant for their investigations. (Interruptions) It is for the purpose of enforcement that you want that there should be a separate column for the Minimum Wages Act. But the Inspectors who are to inspect and enforce it, know the rate of minimum wages for various employments; and, therefore, there is no need for it. There is no need for a separate column.

MR. CHAIRMAN : Shall I put all the amendments moved by Shri Acharia together ?

SHRI BASUDEB ACHARIA : Yes.

MR. CHAIRMAN : Now I put to the vote of the House all the amendments moved by Shri Acharia together.

Amendment Nos. 8 to 13 were put and negatived.

MR. CHAIRMAN : The question is :

(i) Page 6, line 1,—

for "FROM A" substitute—

"SECOND SCHEDULE

[See section 2(c)]

FORM A"

(ii) Page 10, line 4,—

omit "AND VERY SMALL ESTABLISHMENTS" (7)

The motion was adopted.

MR. CHAIRMAN : The question is : "That Second Schedule (New) stand part of the Bill."

The motion was adopted.

Second Schedule (New) was added to the Bill.

CLAUSE 1

Amendment made

Page 1, line 5,—

for "1987" substitute "1988" (2)

(SHRI BINDESHWARI DUBEY)

MR. CHAIRMAN (Shri N. Venkata Ratnam) : The question is :

"That Clause 1, as amended, stand part of the Bill."

The motion was adapted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made :

Page 1, line 1, —

for "Thirty-eighth" substitute—

"Thirty-ninth" (1)

(SHRI BINDESHWARI DUBEY)

MR. CHAIRMAN : The question is :

"That the Enacting Formula, as amended, stand part of the Bill:"

The motion was adopted.

The Enacting Formula as amended was added to the Bill.

MR. CHAIRMAN : The question is :

"That the Long Title stand part of the Bill."

The motion was adopted

The Long Title was added to the Bill

SHRI BINDESHWARI DUBEY : I beg to move :

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

MR. CHAIRMAN : The question is :

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

The motion was adopted.