

- (v) Need to implement the National Rural Employment and National Rural Employment Guarantee Programmes

श्री जंनुल बशर (गाजीपुर) : अध्यक्ष महोदय, उत्तर प्रदेश के गाजीपुर जिले में राष्ट्रीय ग्रामीण रोजगार कार्यक्रम के अंतर्गत ली जाने वाली लगभग सभी योजनाओं पर इस समय काम ठप्प पड़ गया है। राष्ट्रीय ग्रामीण रोजगार गारंटी कार्यक्रम के अन्तर्गत अभी काम की शुरुआत हुई नहीं है। इससे एक तरफ जहाँ मिट्टी के काम बरसात में बरबाद हो सकते हैं, वहीं दूसरी तरफ लोगों को रोजगार नहीं मिल रहा है। मुझे यह भी शिकायत मिली है कि किये गये कामों की मजदूरी अभी तक बहुत मजदूरों को नहीं मिली है। संभवतः यह कार्य इसीलिए ठप्प हो गये हैं कि कार्यक्रमों के अन्तर्गत अपेक्षित धन उन एजेंसियों को नहीं दिया गया है, जो एजेंसियां इन कामों को कर रही हैं। योजनाओं के कार्यान्वयन में भारी घपले की भी शिकायतें मिली हैं।

मेरा ग्रामीण विकास मंत्री से निवेदन है कि कृपया वह गाजीपुर में इन योजनाओं के अन्तर्गत हो रही प्रगति की जांच कराये और राष्ट्रीय ग्रामीण रोजगार कार्यक्रम एवं राष्ट्रीय ग्रामीण रोजगार गारंटी कार्यक्रम के अंतर्गत शीघ्र कार्य शुरू कराये ताकि इस गरीब जिले के बड़ी संख्या में लाभार्थियों को काम मिल सके।

12.33 hrs.

**STATUTORY RESOLUTION RE :  
APPROVAL OF PROCLAMATION IN  
RELATION TO THE STATE OF SIKKIM**

**THE MINISTER OF HOME AFFAIRS  
(SHRI P.V. NARASIMHA RAO) :** Sir, I  
rise to move :

"That this House approves the Proclamation issued by the President on the 25th May, 1984, under article 356 of the Constitution in relation to the State of Sikkim."

The Ministry of Shri Nar Bahadur Bhandari was dismissed by the Governor of Sikkim under Article 164 (1) of the Constitution on the morning of 11th May, 1984. Immediately thereafter, a new Congress (I) four-man Ministry headed by Shri Bhim Bahadur Gurung was sworn in. At a meeting of the Congress (I) Legislature Party held on 12th May, 1984, twenty out of a total of 28 Members of the Party in the Legislative Assembly, in the House of 32, pledged full support in writing for the leadership of Shri Gurung. On 16th May, 1984, five more Ministers were sworn in. However, one of the Ministers, who was one of the twenty MLAs who had extended their support in writing to Shri Bhim Bahadur Gurung, resigned on 20th May, 1984. On 21st May, 1984, two more Ministers were sworn in. Since then, however, there had been frequent shifts in loyalties of the Legislators which vitiated the political atmosphere in the State.

As a result, the new Government found it extremely difficult to conduct the administration of the State.

In view of the situation which had arisen, the Governor felt it futile to engage in any further discussions with the members of the Sikkim Legislative Assembly to form an alternative Government and came to the conclusion that a situation had arisen in which the Government of the State could not be carried on in accordance with the provisions of the Constitution and as such recommended issue of Proclamation by the President under Article 356 of the Constitution and to dissolve the State Legislative Assembly. Proclamation under Article 356 of the Constitution was issued accordingly on 25th May, 1984 and the Legislative Assembly of the State was dissolved.

With these words, I commend the Proclamation issued on 25th May, 1984 under Article 356 of the Constitution in relation to the State of Sikkim for approval by this august House.

**MR SPEAKER :** Anybody wants to speak on this ?...None.

**SHRI RAM PYARE PANIKA (Roberts-ganj) :** We all support it.... It should be approved.

MR SPEAKER : So, the question is :

"That this House approves the Proclamation issued by the President on 25th May, 1984 under Article 356 of the Constitution in relation to the State of Sikkim."

*The Motion was adopted.*

12.37 hrs.

### INDUSTRIAL DISPUTES (AMENDMENT) BILL)

THE MINISTER OF LABOUR AND  
REHABILITATION (SHRI VEERENDRA  
PATIL) : I beg to move :

"That the Bill further to amend the Industrial Disputes Act, 1947, be taken into consideration."

The Industrial Disputes Act 1947 provides for a procedure as well as the machinery for resolution of industrial disputes.

The amendments proposed in the Bill to the provisions relating to lay-off and retrenchment i.e. Sections 25-M and 25-N of the Industrial Disputes Act, 1947, are on the same lines as the amended provisions relating to closure which were inserted by the Industrial Disputes (Amendment) Act, 1982. These amendments relating to closure were at that time incorporated taking into consideration the observations of the Supreme Court in the Excel Wear case. These amendments have become necessary because certain High Courts have declared invalid the special provisions relating to lay-off and retrenchment contained in the Act. We have preferred appeals in the Supreme Court against the decisions of the High Courts. However, as there is a vacuum making it difficult to deal effectively with cases of lay-off and retrenchment, it is desirable that amendments to the relevant provisions should be made taking into consideration the Supreme Court decision in Excel Wear case. This would enable the Government to project the interests of workmen against arbitrary lay-off or

retrenchment. At the same time, provision is being made that the appropriate Government can review the order on its own motion or on receipt of an application from the affected party or can refer the matter to a tribunal for adjudication and the tribunal has to pass an order on such reference within thirty days. This will ensure speedy disposal of the matters relating to lay-off and retrenchment referred to tribunals for adjudication.

We are also amending section 2 (oo) of the Industrial Disputes Act relating to retrenchment so as to cover cases of termination of service of the workman as a result of non-removal of the contract of employment or in accordance with the stipulation in the contract. This has become necessary because of difficulties in the interpretation of the expression "retrenchment".

As you are aware, the Industrial Disputes (Amendment) Act 1982 was passed by the Parliament in August 1982. There are a number of provisions in that Act, which confer considerable benefits on the workmen. To cite a few, Labour Courts/Industrial Tribunals would give awards within a time schedule which shall not exceed three months in the case of individual disputes and direct applications.

Where a Labour Court or a Tribunal reinstates a workman, he would be entitled to 100 per cent wages even when the award is appealed against. Special provisions relating to prior permission for lay-off, retrenchment and closure shall apply to establishments employing 100 or more workmen instead of 300 or more workmen. The provisions relating to closure have been recast so as to conform to the decision of the Supreme Court in Excel Wear case, etc. It is, therefore, proposed to amend the Industrial Disputes (Amendment) Act, 1982 so that the various provisions could be notified separately and with effect from different dates.

Thus the present Bill is a specific Bill to remove difficulties which have cropped up and which have affected interests of the workers in general.

With these introductory remarks, I would