

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

The question is :

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

The motion was adopted.

Clauses 2 and 3 were added to the Bill. Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI NIHAR RANJAN LASKAR : Sir, I beg to move :

"That the Bill be passed."

MR. DEPUTY-SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

21.39 hrs.

INDUSTRIAL EMPLOYMENT (STANDING ORDERS) AMENDMENT BILL—*CONTD.*

MR. DEPUTY-SPEAKER : The House will now take up further consideration of the following motion moved by Shri Dharamvir on the 29th April, 1982, namely :—

"That the Bill further to amend the Industrial Employment (Standing Orders) Act, 1946, as passed by Rajya Sabha, be taken into consideration."

Mr. Ajoy Biswas.

SHRI AJOY BISWAS (Tripura West) : The Industrial Employment (Standing Orders) Amendment Bill...

MR. DEPUTY-SPEAKER : If you want, you speak. There is no compulsion.

Mr. Indrajit Gupta.

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRI BHAGWAT JHA AZAD) : He has given no amendments, Sir.

MR. DEPUTY-SPEAKER : Shri Indrajit Gupta.

21.40 hrs.

[Mr. SPEAKER in the Chair.]

SHRI INDRAJIT GUPTA (Basirhat) : I will not make a speech. But there are some points—4 or 5 points which I want to enumerate for the consideration of the Minister....

SHRI BHAGWAT JHA AZAD : For the future.

SHRI INDRAJIT GUPTA : While you are presenting us with a *fait accompli* in the sense that you never had any consultations as per the promise, with the Unions or you did not wait for the Indian Labour Conference also....(*Interruptions*) I know you are very much pleased with the fact that you are inserting this provision for payment of a subsistence allowance. No doubt that is a good thing and a welcome thing in principle—though I have not yet understood why a worker who is under suspension or whose guilt or innocence is yet to be proved by inquiry, why should he not get his full wages? Why should it be a kind of deduction from his wages in the nature of a fine? He is already subjected to a fine although it is not yet proved whether the charges framed against him are substantiated or not. I know the Minister will say that previously he was getting nothing but now he will get 50% or 75%.

I want to know one thing. When this amending Bill was brought after so many years—I think after 1946 here is an amending Bill—this opportunity could have been taken to remove some of the worst lacunae that are there in this Act. For example, there is no obligation on any employer to adopt the Standing Orders in his concern. There is a model Standing Order which is not made obligatory on the employers to apply and adopt it in their establishment. What is the result? We are told frequently that the trade unions are only bothering about the higher paid employees. But I am saying why the small people have been left out. This Act, as it stands now, applies only to establishments which employ a minimum of 100 workers. There are very small units where there is absolutely sweated labour without any service conditions, without any regulation of conditions, where the poorest people are working—small units employing less than 100 workers and where the need for standing orders and regulation of service conditions is even more important, have been kept out and exempted from the provisions of this Bill. This might very well have been amended and brought this time and the coverage could have been extended, but it has not been done. I do not know why the Minister has overlooked these things.

Secondly, it is a fact that violations of the existing Standing Orders go on with impunity, but there are no penalties for it. I will give him one example. In the jute industry—in West Bengal this is one of the major industries—there are standing orders in force. According to these Standing Orders—it is written there—a Badli worker is a worker who is working temporarily in the place of the permanent worker who is absent. The permanent worker falls sick or he goes home on leave and during his absence the man working in his place—this is what is written in the Standing Order of the

Jute Industry—is the Badli worker. The Jute industry is full of thousands of such people...

PROF. MADHU DANDAVATE
(Rajapur) : Textile also.

SHRI INDRAJIT GUPTA : Yes, textile also. They go on working month after month, year after year, in permanent vacancies and they remain classified as Badli workers. This is a gross violation of the Standing Orders and I am sorry to say, that over the years we have failed to get this thing remedied. In West Bengal there have been so many strikes and we could not do anything and this Standing Order never came to our help and the Government has done nothing to help the workers in this matter. I want to know whether under the Standing Orders it is possible to keep a worker suspended for an indefinite period. Can an employer suspend a worker and keep him suspended pending domestic inquiry for one year or two years or three years or any period? There is no limit in these Standing Orders. There is no limit in the model standing orders also.

I can give you so many instances. There is a big concern in Bengal—Bengal Potteries—with Mr. Bhagat as its Managing Director. He is a great favourite in New Delhi ruling circles also who comes here frequently. He has suspended half a dozen workers because he does not like the complexion of the Union. He has naturally made charges against them. These are to be enquired into. That enquiry is not held the workmen remain suspended for about 2½ years. Is it permitted? Under which Standing Orders, is it permitted? An indefinite suspension can never be permitted; there has to be some timelimit within which the enquiry has to be completed. After that you can say that he is guilty or innocent or anything you like.

[Shri Indrajit Gupta]

But the Standing Orders do not provide any compulsion for this kind of a thing. These big loopholes and lacunae are there and this was an opportunity when this amending Bill was brought to plug some of the loopholes. But, unfortunately, nothing has been done.

Then, Sir, one other point I wish to make out. Here is the expression 'appropriate Government'. What is the definition of 'appropriate Government'? Is that referring to the industrial disputes under the control of the Central Government? What is meant by 'under the control of the Central Government'? At present, under the Industrial Disputes Act, the 'appropriate Government' is not defined in this way. There are public sector undertakings which have got units in different parts of the country.

Take, for example, the Hindustan Machine Tools or any big public sector undertaking which has got factory units located in different States. If any industrial dispute takes place there, it is not the concern of the Central Government, the respective State Government is supposed to look after those industrial disputes. That is the provision under the Industrial Disputes Act. In the Standing Orders Act, you have said that if any industrial establishments are under the control of the Central Government, in that case, the Central Government may be the appropriate Government. What does it mean? I am not clear about it at all. Here the coal-mines, Ports and Docks, banks and some other establishments of this kind come directly under the control of the Central Government. What about all these public sector undertakings which have got their units located in different States? For any one of the undertakings like the Indian Oil Corporation, Hindustan Machine Tools,

Bharat Heavy Electricals or any of them, which is the appropriate Government? Is it the Central Government or is it the State Government in that State where that particular unit happens to be located? Is there one conception of appropriate Government under the Industrial Disputes Act and another conception of appropriate Government for this Act? This is full of anomalies. I think a little more thought should be given by the Ministry. When, after thirty six years, they bring forward this amending Bill, a little more thought should have been given as to how the amendment should be properly formulated and how the loopholes should be plugged. You have never bothered to hold a little consultation with the trade unions.

Now, the Minister is relying solely on this one fact; there was no precise obligation regarding the subsistence allowance, the point has been brought in very well. That is a good thing as far as it goes. I do not know why the poor man who is suspended and who may turn out to be innocent after the enquiry and who may be cleared of the charges brought against him, in the meantime, should have lost 25% or 50% of his wages? Why should that wage deduction be imposed on him until it is proved that he is guilty of the charge? Moreover, Sir, it is said that under Clause 10A, (1) (b), the workman will be paid at the rate of seventy-five per cent. of such wages for the remaining period of suspension if the delay in the completion of disciplinary proceedings against such workman is not directly attributable to the conduct of such workman. But suppose, the delay in the disciplinary proceedings is due to the lapse of the employers themselves. What happens? Why should he not get 100 per cent wages? I have given you the example of Bengal Potteries where deliberately the management is neither proceeding with the

enquiry nor is it withdrawing the suspension order. For 2 years or 2½ years the people remained suspended and they went on getting 25% of the wages deducted. For what reason? When the workman has not committed any offence, why should this interim fine of deduction of wages be imposed on him? So, what you are giving with one hand, you are taking away with the other hand. That is why I am very much disappointed because this Bill came after a long time, It could have been amended in a proper and suitable way. Since the Minister professes that he is all along on the side of the workers and all that, this thing could have been done in a much better way. I know that Rajya Sabha has passed this amending Bill and therefore they are in a hurry to pass it here. But these things should not be done in such a hurry. The National Labour Commission has also given opinion about these matters. It is high time that all these things are codified into one comprehensive legislation; but we are going on doing this piecemeal amendment: one day Industrial Disputes Bill, one day, Standing Orders Employment Bill, and so on. Then he has circulated another, the Trade Union Act Amending Bill. In this way we are not able to have any comprehensive outlook on the problem as a whole. Therefore, I think, he should give a second look to these matters and not try to rush through these things in this manner. Thank you.

THE MINISTER OF STATE IN
THE MINISTRY OF LABOUR
(SHRI BHAGWAT JHA AZAD):
Sir, one thing should be appreciated which he has said but still he belittles. What we have done is this: We have not taken away anything. But we have added something to it. If there are other things to be added, according to the Hon. Member, we

have not, out of this Bill taken away something but we have said this: Uptill now, till this Bill is passed into an Act, the worker who is suspended gets 50% of his pay during the suspension period. What I am doing in this Bill is this. Upto 90 days he will get 50%, but after that period he will get 75%. The question is: Why not 100%? Sir, Government has to look in wider perspective. Even the Government servants who are suspended get maximum of 75%. Therefore, what I have done is this. I have rectified an infirmity in respect of these workers and brought it to 75%. He has said about comprehensive Bill. At least in this field of industrial relations with the trade unions we do not hurry with these things; it is true we should consult the trade unions and get their consensus. But unfortunately for me in the Labour Ministry whenever any important thing is brought up for discussion, never the consensus comes. Now, this is an important provision: The worker has so far been getting only 50%. Probably Parliament did not find the time so far and this provision has remained like this since 1973. What I have done since I assumed office is this: I have quickly got one aspect settled and brought this amendment before the Parliament. Such demands for bringing in a comprehensive Bill are very often flung at our face. I want to say one thing very clearly on this point. For a comprehensive Bill, a very long years are required to bring my friends to the table and to make them understand. Because, they do not agree. Even if on particular issues, and on 4 clauses out of 100, there is difference that can never go through the Parliament and can never come into an Act. Therefore I have decided on this—it is not anti-labour, but it is pro-labour. Even if I can get through one provision in Parliament, I feel I have done something good. Therefore in this Bill I am doing one thing at least if not the other thing which the Hon. Member has said.

[Shri Bhagwat Jha Azad]

About Badli workers, he has said, in textiles and in jute, there are 25% who are almost on some day or the other absent—regularly absent; therefore we have to provide for Badli work, both in textile and in jute. They get the same pay and privileges as permanent people. But the question is this: Textile and jute are labour-intensive industries. Does the Hon. Member say that because there are 25% permanently absent and Badli workers are there, therefore, textile and jute should keep always 125% permanent? (*Interruption*).

SHRI INDRAJIT GUPTA : Why are you defending the mill owners now?

SHRI BHAGWAT JHA AZAD : You are defending the mill owners?

SHRI INDRAJIT GUPTA : Nobody talks about the 25% absentees.

SHRI BHAGWAT JHA AZAD : You are making wrong charge. You are interested in the mill owners. You talk of labour here and you have a conspiracy with the mill owners. I am a poor man and I do not care for the mill owners. You do it. You now see what the West Bengal Government are doing for the mill owners. Well there are 13 lock-outs and the West Bengal Government can't get it done with the CPI (M) Government with the support of the Hon. Member. Therefore, let him not charge me on the wrong side. I have never been the supporter of the mill owner. I never think of a mill and I am a poor farmer's son. Therefore, let him not charge me on that account and if he charges me, I will say that he is the supporter of the mill owners because they speak something in Parliament and do something else outside the Parliament. Why should they talk of defending the mill owners? I am not defending them. (*Interruptions*) I am saying the fact.

The fact is that the textile industry and jute industry require 25% more because of the permanent absentees.

SHRI INDRAJIT GUPTA : How many percent of the people are kept as 'badli' workers for years together?

SHRI BHAGWAT JHA AZAD : That is true.

SHRI INDRAJIT GUPTA : Not in temporary vacancies but in permanent vacancies...

SHRI BHAGWAT JHA AZAD : Yes, I know that.

SHRI INDRAJIT GUPTA : Then why are you defending the mill owners? Everybody knows that.

SHRI BHAGWAT JHA AZAD : It is a very simple point. The 'badli' workers are there in the place of some permanent workers who are absent. The moment they resign, the posts will become vacant and they will be filled up. It is a simple method. Only by your shouting I am not going to be carried away by that. If you are for labour, I also understand what is labour and what labour leader is. You are advocating all the time in Parliament both for votes and politics and outside the Parliament, in Kerala and West Bengal, for the mill owners because your Government could not get the lock-outs lifted for the poor workers. I am giving you an example, in the same jute industry, if you want. We are simple persons and I have the same thing in my heart but they have a double standard. These Communists friends—some time red and some time otherwise—should not charge the Government when they are themselves living in glass house and well, I have also got double standards for them. (*Interruptions*) Mr. Speaker, Sir, I am more professional than this gentleman. They had only learnt Marxian principles some hundreds of years before. But they do not

know the time now which is on the side of labour. They only do things inside. They should not do this. Mr. Speaker Sir, I say that this is a Bill which is beneficial for the worker and that is this, I have not done anything new. The Government servants get a minimum of 75% when on suspension. What I have done for the workers is that so far they were getting 50% now they will get 75%. You will ask : why not 100% ? I have already said that. Only two State Governments have done it. Even a majority of the State Governments have not been able to do it. Therefore, I am only doing a thing in conformity with what is prevalent in the Central Government and also in the State Governments. There might be other provisions to which the Hon. Member refers which should be brought forward in this House. That we shall see in future what can be done. He wants that the Industrial Disputes Act, Trade Union Act, Employment Standing Order and everything should be put into one in a comprehensive Bill. That is not possible. There are different issues on which we have enacted laws. I am not doing something new. You have been associating with the Trade Unions in the past. Many Acts are there. As and when the occasion arises, we will come to the Parliament and do it because we feel that instead of having a comprehensive Bill, on which it is difficult to get an agreement on each issue, it is better that we give the workers as much benefit and relief as I can do, as the Government can do. Therefore, we are bringing this Bill before this House. I hope the Hon. Member, in spite of his rage and feeling ; will support this Bill.

(Interruptions)**.

22 hrs.

MR. SPEAKER : These words will not go on record.

MR. SPEAKER: The question is :

"That the Bill further to amend the Industrial Employment (Standing Orders) Act, 1946, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. SPEAKER : Now, the House will take up Clause-by-Clause consideration of the Bill.

The question is :

"That Clause 2 to 9 stand part of the Bill."

The motion was adopted.

Clauses 2 to 9 were added to the Bill.

MR. SPEAKER: The question is :

"That Clauses 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clause 1, the Enacting Formula the Title were added to the Bill.

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRI BHAGWAT JHA AZAD): Sir, I beg to move:

"That the Bill be passed."

MR. SPEAKER: The question is :
"That the Bill be passed."

The motion was adopted.

MR. SPEAKER : The sittings of the House were fixed for 3rd, 4th, 5th and 6th May, 1982. But...

PROF. MADHU DANDAWATE : In the meantime, I may tell you that the privilege issue is pending.

SHRI RAM VILAS PASWAN (Hazipur) : Sir, today I moved privilege motion against Shri Venkatasubbaiha.

MR. SPEAKER : But the decision of the House was that we adjourned *sine die*. But before we disperse, may I thank you my

friends, my colleagues, Hon. Members of this House for the nice way you have helped me in carrying out this onerous duty of the Speaker. I am really grateful to you.

22.04 hrs. *Lok Sabha then adjourned sine-die.*

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