

Contracts (Regulation) Act, 1952. [Placed in Library. See No. LT—3827/70].

#### CONDUCT OF ELECTIONS (SECOND AMENDMENT) RULES

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND IN THE DEPARTMENT OF SOCIAL WELFARE (SHRI JAGANATH RAO): I beg to lay on the Table a copy of the Conduct of Elections (Second Amendment) Rules, 1970 (Hindi and English versions) published in Notification No. S. O. 2362 in Gazette of India dated the 3rd July, 1970, under subsection (3) of Section 169 of the Representation of the People Act, 1951. [Placed in Library. See No. LT—3828/70].

SHRI SAMAR GUHA (Contai): Sir, I have to make an observation on a non-controversial subject.

MR. SPEAKER: I am going to place your point before the Business Advisory Committee. There should be a limit to such things. Shri Sanjivayya.

12.42 hrs.

#### CONTRACT LABOUR (REGULATION AND ABOLITION) BILL—(Contd.)

THE MINISTER OF LABOUR AND REHABILITATION (SHRI D. SANJIVAYYA): Sir, yesterday, I was saying....

SHRI SAMAR GUHA (Contai): I wanted to make a submission....\*\*

MR. SPEAKER: Nothing will go on record; this is against my ruling. Another business has been taken up, and the hon. Member is intervening in between.

SHRI D. SANJIVAYYA: Yesterday, I was saying that some hon. Members wanted the limit of 20 should be reduced to 15 or 10. Some other hon. Members brought to the notice of the Government that many pieces of

legislation passed by this House and by the various State legislatures are not properly implemented. Therefore, whenever we think of any legislation, the main objective should be that it should be capable of strict implementation. If we reduce the number from 20 to 10 or 15, the number of establishments will be too many and the whole question will become very unwieldy for implementation.

SHRI NAMBIAR: How?

SHRI D. SANJIVAYYA: Many more establishments will come and then it will become very difficult. However, in the proviso to clause 1 (4) (b), it has been said as follows:

"Provided that the appropriate Government may, after giving not less than two months' notice of its intention so to do, by notification in the Official Gazette, apply the provisions of this Act to any establishment or contractor employing such number of workmen less than twenty as may be specified in the notification."

Therefore, there is still authority for the Government to make this Act applicable to those establishments and contractors to employ less than 20 people. (Interruptions.)

With regard to the appointment of Advisory Boards there was some criticism. These Advisory Boards, whether Central or State, will be of a tripartite character. The Joint Committee of Parliament has also rightly suggested that the representatives of the workers should not be less than the representatives of the contractors or the employers. Some Members have suggested that the workers should have a majority. When we say it is not less than the number of representatives of the contractors or establishments, it means it is equal or more. So, there is still a possibility of appointing more workers on the Advisory Boards.

With regard to the appointment of the Chief Labour Commissioner on the Central Advisory Board, there was some objection. The real point is, the Chief Labour Commissioner is in the know of all the establishments, employers, workers, conditions of service, working condi-

\*\* Not recorded.

tions, etc. Therefore, we thought he would give his experience to this committee and his advice will be valuable.

SHRI NAMBIAR (Tiruchirappalli) : It will be only formal attendance.

SHRI D. SANJIVAYYA : No ; not formal.

There are provisions in this Bill for registering establishments. Some apprehension has been expressed that establishments under Government may not be covered. It is not correct. In the definition itself, the first sentence is "any office or department of the Government or of a local authority". Therefore, if there is contract labour employed by these establishments, they will be covered. If Government departments like PWD etc. work through contractors they will be covered.

SHRI RANGA (Srikakulam) : What about public undertakings which are registered as companies?

SHRI D. SANJIVAYYA : They will all be covered, because it says "any place where any industry, trade, business, manufacture or occupation is carried on".

Therefore, public sector undertakings are covered. Many members made a fervent appeal regarding casual labour in the railway department, which employees about 3 lakhs of casual labour, and in other departments. Their case really deserves sympathy. I am in full sympathy with them, but unfortunately this Bill does not cover casual labour at all. This Bill is only for contract labour. The question of casual labour should be taken up separately. I give an undertaking that I will take up this matter with the Railway Minister and see that something is done, because even though they might have put in even 20 years of service, still they are treated a casual labour. There must be some rule that if they complete a certain number of years of service, if the nature of the work is such that it is continuing work, they should be made permanent.

AN HON. MEMBER : What about river valley projects?

SHRI D. SANJIVAYYA : They will also be covered.

One important matter should not be lost sight of, viz., even while issuing the licence, the wages are fixed. In the original Bill, it was said 'minimum wages'. But the Select Committee rightly suggested the dropping of the word 'minimum' and so we have said only 'wages' in this Bill.

There are welfare provisions also. Some hon. members had said that when workers have to stay overnight on account of the nature of the work, some rest room should be constructed. Clause 17 specifically lays down that such a provision should be made. Again, other facilities like drinking water and first aid are there. If the contractor fails to provide all these facilities the principal employer will be made liable to make all these arrangements. Clause 20 says :

"If any amenity required to be provided under section 16, section 17, section 18 or section 19 for the benefit of the contract labour employed in an establishment is not provided by the contractor within the time prescribed therefor, such amenity shall be provided by the principal employer within such time as may be prescribed."

Therefore, we have taken all precautions to see that contract labour does not suffer.

SHRI LOBO PRABHU (Udipi) : Sir, on a point of clarification. The Minister has said that casual labour is not covered by this Bill. Kindly refer to clause 1 (5) where casual labour has been defined as what is not employed for more than 120 days in the year and, if the work is of a seasonal nature, for more than 60 days in the year. By that definition labour in the railway would be covered.

SHRI D. SANJIVAYYA : No, Sir. Firstly, it must be contract labour. This Bill does not apply to casual labour at all. Clause 1 (5) (a) clearly says :

"It shall not apply to establishments in

which work only of an intermittent or casual nature is performed."

Therefore, casual labour is not covered at all.

Then, with regard to intermittent labour it said that if in the preceding year the work has gone on for 120 days then alone this Bill is applicable.

SHRI LOBO PRABHU : Then what is the difference between intermittent and casual labour ?

SHRI D. SANJIVAYYA : First of all, it should be contract labour. Railways employ them directly.

SHRI LOBO PRABHU : The word used is "establishment" which is relevant.

SHRI D. SANJIVAYYA : "establishment" is relevant. But there must be contract labour employed by the establishment. Therefore, it is said that the principal employer is the establishment and the contractor. If the contractor fails to honour the obligations, then the principal employer, may be, railways or PWD, will be held responsible.

Clause 21 is really very important. Sometimes the contractors do not pay wages fully or do not pay at all to the labour. Often times labour are brought from distant places like Mehboobnagar. Palangor labour are experts in earth work. When I went to Ranchi and Jamshedpur I found that wherever projects are being built the Palangor labour are being used, taken to distant places, and later on wages are not paid fully or not paid at all. Therefore, clause 21 clearly states that in case the contractor fails to make any payment of wages within the period prescribed, then the principal employer shall be liable to make the payment of wages. Therefore, the wages are protected.

SHRI NAMBIAR : But it becomes a dead letter in operation.

SHRI D. SANJIVAYYA : It all depends upon implementation. If there are contractors and contract labour in the railways then this

legislation would be applicable to railways also.

DR. RANEN SEN (Barasat) : I want to have a clarification. There are cases where contractors employ sub-contractors and, after sometime, these sub-contractors run away without making any payment to the workers. Who will become the principal employer in that case ?

SHRI D. SANJIVAYYA : I would like to draw the attention of the hon. Member to clause 2(c) wherein the definition of "contractor" is given. It says :

"(c) 'contractors', in relation to an establishment, means a person who undertakes to produce a given result for the establishment, other than a mere supply of goods or articles of manufacture to such establishment, through contract labour or who supplies contract labour for any work of the establishment and includes a sub-contractor ;"

This is clearly stated here. Therefore, we have taken all precautions.

Then, penalties are provided for contravening the provisions of this Bill or when the inspecting officers give some orders and they are not carried out.

Lastly, there are various miscellaneous provisions giving powers, for making the rules. As usual, the rules are made and these rules are placed on the Table of the House and the House is competent either to annul the rules or amend the rules. It is only after that the rules come into being.

These are the important provisions and, I hope, this simple Bill which is intended to give protection to the contract labour will be accepted by the House.

SHRI RANGA : One point has not been answered. You thought of abolition and, at the same time, regulation of the contract labour.

Why didn't you lay special stress on abolition ? You have given so much preference to regulation of it.

**SHRI D. SANJIVAYYA :** Yesterday, when I began my speech, I said that the main intention of the Government is to abolish the contract labour. Clause 10 deals with that part of the work, namely, abolition and various conditions are laid down under which it can be done. But wherever it is not possible to abolish the contract labour, we cannot be a silent spectator. We want to give some protection to unfortunate workers whose working conditions and living conditions are deplorable.

**MR. SPEAKER :** Now, there are two amendments No. 33 and 34 in the name of Shri Abdul Ghani Dar for circulation of the Bill for eliciting public opinion and for recommending the Bill to the Joint Committee.

I put them to the House.

*Amendments Nos. 33 and 34 were put and negatived*  
**13 hrs.**

**MR. SPEAKER :** The question is :

"That the Bill to regulate the employment of contract labour in certain establishments and to provide for its abolition in certain circumstances and for matters connected therewith, as reported by the Joint Committee, be taken into consideration."

*The motion was adopted*

**MR. SPEAKER :** This Bill was allotted 4 hours. The time taken upto now is 3 hours and 35 minutes. There are so many amendments to each clause. I do not think this will be finished today.

**SHRI NAMBIAR :** This is a controversial Bill.

**MR. SPEAKER :** We can have one more hour for it. Even in one hour I am very doubtful if it will be finished. For the time being we can have one more hour. The time fixed by the Business Advisory Committee and as approved by this House is 4 hours. I hope the House agrees to give one more hour.

**13.01 hrs**

*The Lok Sabha adjourned for lunch till Fourteen of the Clock*

*The Lok Sabha reassembled after Lunch at three minutes past Fourteen of the Clock*

[**MR. DEPUTY SPEAKER in the Chair**]

**SHRI SAMAR GUHA (Contai) :** Sir, devastating floods have caused great havoc in East Pakistan. Hundreds of houses in East Pakistan have been washed away. And, in Dacca alone, 100 people have lost their lives. Our hearts go with the people of East Bengal in their great suffering.

We request the Government to send a medical team. We request the Government to send food aid and food supplies as a token of our goodwill to the people of East Bengal.

**SHRI CHENGALRAYA NAIDU (Chittoor) :** Today I have given a Call Attention Motion regarding Charu Mazumdar.

**MR. DEPUTY-SPEAKER :** Let it be considered.

**SHRI CHENGALRAYA NAIDU :** Charu Mazumdar is reported to have called on the people of Srikakulam district to wage a war of the Vietnam type. This is a very serious matter. I do not know whether the Government is encouraging such things or closing its eyes. If they allow such things, what is going to happen in this country? We are not able to understand these things, Sir.

**SHRI S. M. BANERJEE (Kanpur) :** I rise on a point of order. The hon. Member has mentioned the name of Mr. Charu Mazumdar. I do not know who he is; he may be a Naxalite leader or some body else. But the hon. Member has not given any notice to you about this matter, nor is Mr. Charu Mazumdar present here to defend himself in this House. So, why should he mention his name in this manner?

**SHRI PILOO MODY :** I hear that the CPI is hiring Mr. Charu Mazumdar and the like.

**श्री मधु लिमये (मुंजर) :** उपाध्यक्ष महोदय, मैं यह व्यवस्था का प्रश्न इसलिये उठा रहा हूँ कि मेरी इच्छा है कि इस वक्त जिस विधेयक पर हम लोग बहस चला रहे हैं उसको स्थगित किया जाये और एक बहुत अहम मसले को ले लिया जाये।

30 तारीख को बम्बई में 15 टन गांजा और चरस जब्त कर लिया गया। उसकी कीमत 55 लाख रु० है। इंग्लैंड में इसकी कीमत है 7 करोड़ रुपया और अमरीका में 15 करोड़ रुपया। इंग्लैंड में भी इसी तरह डेढ़ करोड़ रुपये का गांजा जब्त किया गया और भारत का जो रेवेन्यू इंटेलिजेंस विभाग है उसकी बदौलत यह सारा माल पकड़ा गया है।

MR. DEPUTY-SPEAKER : The hon. Member is making a speech.

श्री मधु लिमये : लेकिन यह खेद की बात है कि जब से रेवेन्यू इंटेलिजेंस प्रधान मंत्री के हाथ में चला गया, सब से पहला काम उन्होंने यह किया कि रेवेन्यू इंटेलिजेंस विभाग के जो अधिकारी श्रीवास्तव साहब हैं, जो हिन्दुस्तान के बहुत थोड़े ईमानदार लोगों में से एक हैं, उनको अपने पद से हटाया गया है। इतना ही नहीं, वह बम्बई में जा रहे थे और हाजी कुली मस्तान का, जो इस्मगलर है, केस चलने वाला था, लेकिन उनके ऊपर दबाव डाला गया कि मस्तान को जो बेल दी जा रही है उसका विरोध मत करो।

मैं जानना चाहता हूँ कि किस कारण से श्रीवास्तव साहब को हटाया गया।

MR. DEPUTY-SPEAKER : The hon. Member has made his point already. Let him give separate notice of this.

श्री मधु लिमये : इतना ही नहीं, एअर पोर्ट पर जाकर उन से कहा गया कि आप चार्ज दे दीजिये जबकि दूसरा रेवेन्यू इंटेलिजेंस का डाइरेक्टर अभी तक नियुक्त नहीं किया गया है।

MR. DEPUTY-SPEAKER : If he does not stop now, I shall have to ask that nothing will go on record. Let him kindly give a separate

notice. Let him not utilise this opportunity to make a speech on this.

श्री मधु लिमये : यह मामला बहुत महत्वपूर्ण है। इसमें बड़े-बड़े मंत्री लोग दबाव डाल रहे हैं। चूँकि श्रीवास्तव साहब तस्करी करने वालों को पकड़ते हैं इसलिये बड़े-बड़े अफसर और मंत्री लोग उनको हटाना चाहते हैं।

MR. DEPUTY-SPEAKER : Let him kindly give separate notice. I am not preventing him. I am not trying to shut him out. I am only appealing to him to co-operate in running the business of this House according to certain rules.

श्री मधु लिमये : फिर यह नियम किस लिये है। इसी तरह के महत्वपूर्ण सवालों पर बहस करने के लिये और उनको उठाने का मौका देने के लिये यह नियम हैं, वरना यह नियम बेकार हो जाते हैं। मैं नियमों के अनुसार ही चल रहा हूँ।

MR. DEPUTY-SPEAKER : What he has said is already on record. Let him not continue any further.

Now, Shri M. L. Sondhi.

श्री कंवर लाल गुप्त (दिल्ली सदर) : मुझे एक बात कहनी है।

MR. DEPUTY-SPEAKER : I have called Shri M. L. Sondhi now. I am not allowing a discussion on this now. What Shri Madhu Limaye has stated is on record. Let the hon. Member resort to other avenues open to him. There shall be no more discussion on that matter now.

SHRI M. L. SONDHI (New Delhi) : I fully appreciate the spirit of what you have said, but let me also support what Shri Madhu Limaye has said because it reflects the strong feelings of the House. Now, I come to the other point which I want to bring to your notice...

**श्री मधु लिमये :** दूसरी बात नहीं, इसी पर बोलिये ।

**SHRI KANWAR LAL GUPTA :** Why do you not permit this? You had allowed Shri M. L. Sondhi to support Shri Madhu Limaye. Why should I not be allowed to support him?

**MR. DEPUTY-SPEAKER :** I do not want the hon. Member to enter into any controversy with Shri M. L. Sondhi. They both belong to the same party....

**SHRI M. L. SONDHİ :** I have no objection if he speaks.

**MR. DEPUTY-SPEAKER :** I thought that Shri M. L. Sondhi wanted to raise some other point. I could never anticipate that he would refer to the same point.

**SHRI M. L. SONDHİ :** I only voiced my support. I can support Shri Madhu Limaye. The price level in the country is rising so high, and the Central Government pensioners are having a miserable plight; here, on the floor of the House, an assurance was given that the Pay Commission would consider the problem of the Central Government pensioners. Now we, find that that has not been considered. Should we bring a privilege or what?

**MR. DEPUTY-SPEAKER :** It is up to you.

**SHRI M. L. SONDHİ :** These people are starving. The plight of the pensioners today, I can assure you, is the worst, is sub-human. How can the Minister for Labour, Shri Sanjivayya and others sit here so prettily, so complacently, when the pensioners who have served this Government are starving?

**SHRI S. M. BANERJEE :** I support him. In addition, I want to say that Mr. Limaye has raised a very important matter.

**MR. DEPUTY-SPEAKER :** I am not saying that it is not important. I am only appealing that a proper way should be found for it.

**SHRI S. M. BANERJEE :** Let the Minister make a statement on that.

Mr. Sondhi has mentioned about the rise in prices. The prices in the last six or seven months have risen abnormally. A request was made in the House by myself, Mr. Nath Pai, Mr. Nambiar and others that the question of interim relief for the Government servants should be taken up immediately. I request the Government of India to issue a directive to the Pay Commission to see that the interim relief is sanctioned without further delay. The All India Defence Employees are pressing their demand and also the railway employees. So, I request the Finance Minister to make a statement and say that they are issuing a directive to the Pay Commission.

**श्री कंवर लाल गुप्त :** रोजाना हमारे कानों में एक बात आ रही है। वह यह है कि रुलिंग पार्टी की तरफ से करोड़ों रुपया इकट्ठा किया जा रहा है, कहीं नेशनलाइजेशन के सवाल को ले कर, कहीं लाइसेंस देने की बात को लेकर और कहीं फिक्सेशन आफ प्राइसिस को लेकर जैसे ड्रज की...

**THE MINISTER OF PARLIAMENTARY AFFAIRS, AND SHIPPING AND TRANSPORT (SHRI RAGHU RAMAIAH) :** On a point of order. Is this Lok Sabha to be utilised for making vague charges?

**SHRI KANWAR LAL GUPTA :** Let there be an enquiry, I will prove it.

**श्री मधु लिमये :** आप लोगों ने श्रीवास्तव को हटाया क्योंकि वह रिश्तत नहीं लेता, चोरो को पकड़ता है...

**SHRI PILOO MODY (Godhra) :** Before you proceed further, please admonish the Minister for intervening. He has no business to talk like that.

**श्री मधु लिमये :** इनके भाई को भी पकड़ता है और डरता नहीं है।

**MR. DEPUTY-SPEAKER :** We are in the midst of another business, but even so, knowing that in this country many things are happening and Members want to make certain

points, I have allowed, but I would request that this opportunity should not be utilised for hurling charges against anybody, whether against the Government or by the Government against the opposition. If you have a point to submit, you may do so.

**श्री कंबर लाल गुप्त :** बहुत से इंडस्ट्रियलिस्ट हम लोगों के पास भी आते हैं और बताते हैं कि सरकार की तरफ से इतना पैसा मांगा जा रहा है और अगर नहीं दिया जाता है तो घमकी दी जा रही है कि नेशनलाइजेशन किया जायेगा, जैसे काटन ट्रेड का, ड्रज वाली बात का। जैसे-जैसे चुनाव नजदीक आ रहे हैं। इस तरह से रुपया इकट्ठा किया जा रहा है। यह बहुत गम्भीर मामला है। इससे डेमोक्रेसी को जबर्दस्त धक्का पहुंचता है। चूंकि इनको पापुनर सपोर्ट नहीं मिल रही है, पब्लिक की सपोर्ट नहीं मिल रही है, इस वास्ते ये पैसे के जोर से चुनाव लड़ने की तैयारी कर रहे हैं। इतना ही नहीं।\*\*

**MR. DEPUTY-SPEAKER :** Order, order. This will not go on record. I thought you had a certain point to make, you have to place a certain point of view before the House for the House to take it up, but then to utilise this opportunity for hurling charges against anybody is not correct, and this will not go on record. Kindly give proper notice about it. He is an hon. Member of the House. He should give proper notice for a proper discussion; he should not spring surprises in this way.

**SHRI KANWAR LAL GUPTA\*....**

**MR. DEPUTY-SPEAKER :** I am not discriminating. In the beginning itself I have said : although this is not on the agenda, some Members want to draw attention to certain things that have happened. I have also said that this opportunity should not be taken to hurl charges against anybody. I have said that what he says will not go on record because

he was not raising any point but started making charges which I think is not proper.. (Interruptions).

**SHRI LOBO PRABHU :** On point of order. The Bill is before the House. Any other business is out of order.

**SHRI MADHU LIMAYE :** I have moved a motion for the adjournment of the debate very properly under the rules. (Interruptions).

**श्री शशि भूषण (खारगोन) :** दिल्ली एडमिनिस्ट्रेशन शराब के ठेकेदारों से पैसा, घूस लेता है, हम क्या उनके बारे में कह सकते हैं ?

**SHRIMATI TARKESHWARI SINHA :** (Barh) : May I make a submission? The other day two Members of the Ruling Congress, Mr. Kulkarni and Mr. Chandra Shekhar made a statement in the Rajya Sabha that allegations were being made that money was being taken for licences. That is on record. We read that. Government has not come with any satisfactory reply to the House or to the country. Is it not our right to demand a debate on the distribution of licences? When the debate takes place, we shall be able to establish that money is passing hands and there is every basis for this allegation. I agree with you that this is not the time when we can raise it, but I would certainly plead with you to allow a debate on the licensing policy and the arrangements that the concerned department of the Government has made in regard to the licensing policy so that the Members of the House may be able to establish charges that the money is passing hands for the distribution of licences.

**MR. DEPUTY-SPEAKER :** That is within your right. I would only request Members to send proper notices for that and then I think they may be considered.

**श्री मधु लिमये :** उपाध्यक्ष महोदय, आप मंत्री महोदय से कहें कि मैंने श्री श्रीवास्तव के हटाये जाने के बारे में जो कुछ कहा है, वह उस पर बयान दें।

SHRI SHEO NARAIN (Basti) : Shri Madhu Limaye has raised the point about the seizure of ganja ; it has appeared in the Bombay papers today. Shri Kanwar Lal Gupta has raised the point that some people are coming into the new Congress. This is the demand of the country, and it is a general question which we can raise before the House, and you must promise that these will be debated in the House soon.

MR. DEPUTY-SPEAKER : Please send a notice.

श्री शिव नारायण : श्री मधु लिमये ने एडजर्नमेंट का प्रस्ताव किया है। आप हाउस के बिजनेस को सस्पेंड कीजिये और उस विषय पर चर्चा होने दीजिए।

श्री शिव चन्द्र झा (मधुबनी) : उपाध्यक्ष महोदय, आप और हम सब जानते हैं कि देश के बहुत से इलाकों में बहुत ज़ोरों से बाढ़ आई हुई है, जिनमें आसाम और बिहार भी हैं। मैं खास तौर पर बिहार की बात उठाना चाहता हूँ। कमला और कोसी की बाढ़ से करोड़ों रुपयों की क्षति हुई है। बिहार के मंत्रियों ने भी यह बात कुबूल की है। एक विशेष बात यह है कि सरकार ने बाढ़ को रोकने के लिए कई स्कीमों को चार साल से सेंक्शन किया हुआ है, लेकिन उनको कार्यान्वित नहीं किया गया है। मैंने इसके मुताबिक कालिंग एटेंशन नोटिस भी दिया है लेकिन स्पीकर या आप की तरफ से कोई सूचना नहीं दी गई है कि वह एडमिट हुआ है या नहीं। सरकार भी इस बारे में चुप है। आप मेरे कालिंग एटेंशन नोटिस को एडमिट करें या सरकार बाढ़ द्वारा उत्पन्न परिस्थिति के बारे में बयान दे और बताये कि वह इस सम्बन्ध में क्या सहायता दे रही है।

सरकार टाटा को मीठापुर में फर्टीलाइजर प्लांट लगाने का और बिड़ला को गोआ में फर्टीलाइजर प्लांट लगाने का लाइसेंस

देने जा रही है। गवर्नमेंट की यह कार्यवाही मानोपलीज एंड रेस्ट्रिक्टिव ट्रेड प्रैक्टिसिज एक्ट के स्पष्टतः खिलाफ है। इन दोनों मामलों पर सदन में चर्चा होनी चाहिए। मैंने इस बारे में एक नो-डे-येट-नेम्ड-मोशन दिया है। आप सरकार से कहें कि वह उस पर बहस करने का समय दे।

श्री मधु लिमये ने गाँजे के पकड़े जाने के बारे में जो प्रश्न उठाया है, मैं उसका समर्थन करता हूँ।

SHRI SHRI CHAND GOYAL (Chandigarh) : Sir, you very well know that the question of granting Statehood to Manipur is agitating the mind of everyone. The successful bandh that they arranged yesterday is a clear indication that this is the demand of the entire population, of Manipur. Now that the Government has conceded the demand in the case of Himachal Pradesh, there is no justification for discriminating in the case of the people of Manipur and Delhi whose demands are equally important.

14.25 hrs.

# CONTRACT LABOUR (REGULATION AND ABOLITION) BILL—(Contd.)

## Clause 2—Definitions.

MR. DEPUTY-SPEAKER : Let us take the amendments to clause 2 now.

SHRI D. SANJIVAYYA : I move :

Page 2, line 27,—for “2.” substitute “2. (1)” (4)

Page 4,—after line 26, insert—

“(2) Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall in relation to that State, be construed as a reference



to the corresponding law, if any, in force in that State." (5)

SHRI SHRI CHAND GOYAL (Chandigarh) : I move :

Page 4, line 14,—

for "five hundred" substitute—

"seven hundred and fifty" (11)

SHRI SHIVA CHANDRA JHA (Madhubani) : I move :

Page 2, line 36,—

omit "major" (22)

Page 4, line 5,—

after "any" insert "male" (23)

SHRI LOBO PRABHU : I move :

Page 3, line 22,—

after "manufacture" insert—

"construction" (60)

Page 4, line 11,—

after "managerial" insert—

"clerical" (61)

Page 4, line 14,—

for "five" substitute "three" (62)

SHRI SHRI CHAND GOYAL : My amendment No. 11 seeks to substitute the amount of Rs. 500 by Rs. 750 in the definition of supervising workman. Considering the present value of money, it would be desirable that members of the supervisory staff who are drawing below Rs. 750 should also come under this definition, so that this beneficial provision may apply to a larger section of the people. We know that Rs. 750 now is just equivalent to Rs. 150 of 20 years ago. Therefore, the present provision of Rs. 500 will take a large number of people out of the purview of this clause. Our anxiety is to bring within its purview as many members of the supervisory staff as possible. That is why I am suggesting that this figure "500" should be substituted by the figure "750".

SHRI LOBO PRABHU : My first amendment is to sub-clause (e) (ii). I have proposed that work of "construction" should be added

to the remaining items mentioned like "industry, trade, business, manufacture". Construction is pre-eminently an activity which engages contract labour, whether that construction is in the way of houses or work of railways or PWD. This is obviously a lacuna which the Minister may make up by the addition of the word "construction" to the other items mentioned there. I may add that in the labour statistics for 1970 "construction" is shown as a separate item. So, from that point of view also my amendment should be appealing to the Minister.

My second amendment is the opposite of the one of Shri Goyal. Here we are concerned with workers. If we introduce those who are not workmen, we are likely to frustrate the interests of the workmen. One does not want clerical or supervisory staff to be included in "workmen". In fact, they can prove saboteurs if they are included. If you are allowing anyone of the supervisory staff to come in, I would suggest that their salary should be limited to Rs. 300. I have never heard of a workman getting more than Rs. 300 and certainly not more than Rs. 750, as proposed by Shri Goyal.

All these amendments are in the interest of labour so that they get their dues without being frustrated by others who do not belong to their class.

श्री शिव चंद्र झा : उपाध्यक्ष जी, मेरा एक छोटा सा संशोधन इस क्लॉज 2 में है। इसमें यह कहा गया है :

"any establishment of any railway, Cantonment Board, major port, mine or oil-field."

इसमें यह मेजर पोर्ट शब्द जो है इसमें से मेजर शब्द हटा दें। आपका सब से छोटा पोर्ट कितना बड़ा है ? क्या उसमें 20 मजदूर भी काम नहीं करते हैं ? इस विधेयक में है कि 20 या 20 से ज्यादा मजदूर जहाँ काम करें, वहाँ यह लागू होगा तो क्या सब से छोटा पोर्ट जो आपका है उसमें 20 मजदूर भी काम नहीं करते हैं ? तो यह चीज ठीक नहीं है।

आप इसमें से मेजर शब्द हटा दें और जितने भी पोर्ट्स आप के हैं उन को इस के अन्दर रखें। मैं समझता हूँ इसको मानने में आप को कोई कठिनाई नहीं होगी।

दूसरा मेरा संशोधन इसी दूसरे क्लॉज में है। जहाँ आप ने वर्कमैन की परिभाषा दी है पेज 4 पर, वहाँ आप यह कहते हैं :

"workman" means any person employed in or in connection with the work of any establishment to do any skilled, semi-skilled or unskilled manual, supervisory, technical or clerical work.....but does not include any such person...."

यहाँ पर मैं एनी के बाद मेल शब्द जोड़ना चाहता हूँ। वर्कमैन का मतलब यह हो जाता है कि मेल आर फीमेल दोनों। यही मजदूर आन्दोलन का इतिहास रहा है। लेकिन इस विधेयक का जैसा नाम है रेगुलेशन ऐंड एबालीशन इस का मतलब है कि हम कभी खात्मा भी करेंगे इस की, यह हमारा ध्येय है। तो वह तो आप करेंगे सबों का मेल और फीमेल कांट्रैक्ट लेबर का लेकिन जब तक वह नहीं करते तब तक फीमेल कांट्रैक्ट लेबर का खात्मा पहले करना चाहिए। इस के लिए आगे मेरा संशोधन है 9-ए में। वह आगे आएगा। इसीलिए मैंने यह संशोधन यहाँ दिया है कि वर्कमैन की परिभाषा में एनी मेल परसन यह रख दें। इस से आप जो यह चाहते हैं कि कांट्रैक्ट लेबर का खात्मा हो जाय, उस में सहूलियत हो जायगी और मैं समझता हूँ कि इस को मानने में भी आप को कोई कठिनाई नहीं होगी।

**श्री ओम प्रकाश त्यागी :** उपाध्यक्ष महोदय, मेरा वही अमेंडमेंट है जो अभी अभी डा. साहब ने कहा। जब इस में लेबर कांट्रैक्ट में आप ने आदमियों की संख्या निश्चित कर दी है कि इतने आदमियों पर यह लागू होगा तो

फिर किसी पोर्ट का मेजर पोर्ट या माइनर पोर्ट कर के उस में डिफरेंशियट करना, इस की क्या आवश्यकता है? मान लीजिए कि किसी छोटे पोर्ट पर 30—40 आदमी काम करते हैं तो क्या वहाँ यह लागू नहीं होगा? इसलिए जब आप ने इस लेबर कांट्रैक्ट ला को आदमियों पर आधारित कर दिया है कि इतने आदमी जहाँ काम करेंगे, वहाँ लागू हो जायगा तो यह मेजर और माइनर पोर्ट की बात क्यों ला रहे हैं? आप एनी पोर्ट कीजिए। मान लीजिए अगर किसी मेजर पोर्ट पर भी केवल 5 आदमी ही काम करते हैं तो क्या करेंगे? वहाँ भी नहीं लागू होगा। जब आप ने एक डेफिनिशन बना दी है कि यह कहां लागू होगा, कहां नहीं होगा तो फिर मेजर पोर्ट और माइनर पोर्ट कर के उस में भेद करना उचित नहीं है। मैं समझता हूँ कि इस में यह एक फ्ला है और इस को हटा देना चाहिए।

**SHRI K. N. PANDEY (Padrauna):** My hon. friend, Shri Lobo Prabhu, put before the House two proposals. One is that the word "construction" should also be included in that category. There are different types of construction work. The big establishments have huge construction work and the workers remain in the factory for so many years. Therefore, if you treat them as casual or contract labour, it is not fair.

The other thing is about the limitation of Rs. 500. Under the Industrial Disputes Act, those who get salary upto Rs. 500 will be considered as workmen. What my hon. friend, Shri Shri Chand Goyal has proposed is that the limit should be increased. It has really got some substance in it. Rs. 500 limit was fixed long before when the value of the money was more. Now the value of the money has gone down considerably. So, I would appeal to the Labour Minister to consider an increase in the limit of Rs. 500 in the changing circumstances. The amount of money that a person receives is no consideration to decide whether

he is a supervisor or a workman. The nature of the work that he performs is the criterion as to whether he is a supervisor or a workman. You should judge it on the nature of the work and not only on the salary basis. I would again appeal to the Hon. Minister to increase this limit also.

SHRI D. SANJIVAYYA : Taking the last amendment which intends to include minor ports also, I must make it very clear that in clause 2, the subjects mentioned and the jurisdiction mentioned relate to the Central Government. Therefore, so far as the Central Government is concerned, it has not got any jurisdiction over minor ports, but only over major ports, mines, etc. So, it was not included here and it cannot be included.

Then, with regard to the limit of Rs. 500, I must say that in all the labour laws, the limit of Rs. 500 is there. Of course, there is some consideration as to why it should not be revised upwards. When that question is finally decided, we will certainly bring about a change in this law also. Whether we make it Rs. 750 or Rs. 1000 is a matter which will come up later on.

With regard to the clerical employees, I do not know why my hon. friend, Shri Lobo Prabhu, does not want them to get the benefit. They should get the benefit. Therefore, I am not able to accept this amendment also.

With regard to males and females, I do not think there should be any discrimination. This Act should be applicable to both.

SHRI LOBO PRABHU : Should you not include construction ?

SHRI D. SANJIVAYYA : Construction is not necessary because that is covered.

MR. DEPUTY-SPEAKER : The question is :

Page 2, line 27,—

for "2." substitute "2.(1)" (4)

*The motion was adopted.*

MR. DEPUTY SPEAKER : The question is :

Page 4,—

*after line 26, insert—*

"(2) Any reference in this Act to a law which is not in force in the State of Jammu and Kashmir shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State." (5)

*The motion was adopted.*

MR. DEPUTY SPEAKER : I will put amendments 11, 22 and 23 to the vote of the House.

*Amendments Nos. 11, 22 and 23 were put and negatived.*

MR. DEPUTY-SPEAKER : Shri Tyagi's amendment No. 46 is the same as that of Mr. Jha.

I will put amendments 60, 61 and 62 of Shri Lobo Prabhu to the vote of the House.

*Amendments Nos. 60 to 62 were put and negatived.*

MR. DEPUTY-SPEAKER : 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.*

**Clause 3—**(Central Advisory Board.)

SHRI HEM RAJ (Kangra) : Sir, I beg to move :

Page 5, line 10,—

for "shall not be less than the number of members"

substitute "shall be in majority as compared to the members" (47)

SHRI LOBO PRABHU : I beg to move :

Page 5, line 9,—

omit "members nominated to represent". (63)

SHRI B. P. MANDAL (Madhepura) : I beg to move :

Page 4, lines 36 and 37,—

after "Government" insert—

"from among the retired Judges of the High Courts and Supreme Court of India" (73)

Page 5,—

after line 2, insert—

"(d) not less than ten Members of Parliament which shall include seven from Lok Sabha and three from Rajya Sabha." (74)

SHRI HEM RAJ : My amendment is a very simple one. In the proviso to sub-clause (3) it has been provided that the number of workmen shall not be less than the number of members nominated from other categories. The other categories are : (1) the Chairman to be appointed by the Central Government and (2) the Chief Labour Commissioner and then there will be representatives of the Railways, coal industry, mining industry, the contractor and the workmen. This Bill is meant for the welfare of the workers and if the workers do not have the majority in the Board itself, then I don't think how their interests will be safeguarded. Therefore, my amendment is that the workers should at least command a majority so far as the Boards are concerned because these Boards are to decide in which of the establishments the work is of a casual or of a temporary nature and which is of a permanent nature or which are within the ambit of the Bill. Therefore, it is very necessary that the workmen should have a decisive voice to decide these matters under Section 1 (5) (b). Therefore, my amendment that instead of 'shall not be less than the number of member', it should be 'shall be in majority as compared to the members'. I hope this very simple amendment which is for the benefit of the workers will find acceptance by the hon. Minister.

SHRI LOBO PRABHU : I am again speaking for the worker and not against him. This provision here that members nominated to represent the workmen—does it mean that those who represent the workmen will not be workers themselves ? So, I want the Minister to clarify this point. There are no trade unions involved. You say, members nominated to represent the workmen. Why not say, the workmen ? That will make the whole thing very clear. I could see one difficulty here. A casual labourer or a labourer under the contractor is not likely to be in that status for a long time or of a status suitable to form part of this body. What is then the exact solution for this thing ? Will the increase of the number of workmen on the Advisory Board going to make any difference ?

I would therefore say that the working of the whole Act is revealed by this simple fact that you are going to have so many casual workers whose status is very uncertain to be Members of the Advisory Board.

So, what I suggest is this. You must think of some other scheme for representing the workers and if you cannot do so, I feel that this particular provision for representation is going to be void and would be of no real benefit to the workers.

SHRI B. P. MANDAL : Sir, it is a very simple Amendment which I have given. This is relating to Clause 3, sub-clause (2) (a). Therein, there is a provision for appointment of a Chairman. What I want to suggest is this that this Chairman should be appointed from among the retired judges of the High Court or the Supreme Court of India.

In the discussion we have seen that the hon. Members who spoke were of the opinion that this particular Board should consist of independent Members and I think at least the Chairman should be such that every body, Labour as well as Government and every body concerned, should have full faith in him. Therefore, I have moved this simple amendment. I hope Government will have no objection in accepting that. I think that the Chairman should be from among our retired

judges of the High Courts or the Supreme Court of India.

I hope the Minister will accept this simple amendment.

**श्री अब्दुल गनी बार (गुडगांव) :** डिप्टी स्पीकर साहब, लाला हेम राज ने जो सुझाव हमारे आनरेबल मिनिस्टर साहब को दिया है, मैं उसकी तारीफ करता हूँ। तारीफ इसलिये करता हूँ कि ये सब कुछ जो हम कर रहे हैं, वह लेबर के इन्टरैस्ट में कर रहे हैं, जब तक कान्ट्रैक्ट लेबर सिस्टम एबोलिश नहीं हो जाता, तब तक उनकी भलाई के लिये जितना कुछ किया जा सकता है, वह हमें करना चाहिये। अगर उनकी अक्सरियत वहाँ पर नहीं होगी, तो वे लोग वहाँ पर अपनी बात को कह नहीं पायेंगे, उनके लिये वहाँ पर कैंरी-आन करना मुश्किल हो जायगा, क्योंकि वहाँ पर काफी तादाद में ऐसे लोग होंगे, जिनको उसमें नामिनेट किया जायगा, जिनके कि वे मुलाजिम होंगे और अपने मालिकान के सामने वे कुछ कह नहीं सकेंगे। इसलिये मैं उम्मीद करता हूँ कि मिनिस्टर साहब इस पर जरूर तवज्जह देंगे, क्योंकि लाला हेम राज बहुत पुराने तज्जुबकार और देश के बहुत पुराने सिपाही रहे हैं और उन्हें पता है कि कांगड़े में भी ऐसे बहुत से टी-गार्डन्ज हैं, जहाँ इस तरह से मजदूरों को तबाह किया जाता है।

मैं नहीं समझता हूँ कि गवर्नमेंट को यह शोक क्यों है कि वह हमेशा कहती है कि चैयर-मैन हमारी तरफ से एक्वाइन्ट होना चाहिये। ऐसा क्यों न हो कि जो बोर्ड बने, उसमें से ही वे लोग किसी को चैयरमैन बना लें। लेकिन अगर बाहर से ही लेना है तो जो आखरी तरमीम मेरे भाई ने पेश की है कि वह कोई जज हो या इण्डीपेन्डेंट नेचर का आदमी हो, जिसका ताल्लुक न मालिकान से हो न मजदूरों से हो, जो जस्टिस को अपने सामने रखे, उसको एक्वाइन्ट किया जाना चाहिये—इस तरमीम की मैं तारीफ करता हूँ। अगर आप ने बाहर से

चैयरमैन बनाना है तो बजाय किसी आफिसियल के किसी इण्डीपेन्डेंट आदमी को बनाइये। यह एक ऐसा बिल है जिसकी तमाम पार्टियों ने, जो इस सरकार को मदद दे रही हैं, मुस्लिफत की है। इसलिये जितनी भलाई आप इन लोगों की कर सकें, उतनी तो करें, कम से कम उन भाइयों की तजबीज तो मान लें, जो हिन्दिरा सरकार के साथ कांग्रेस में बैठे हैं।

نشری عبدالغنی بار (گڑگاؤں) : ڈپٹی اسپیکر صاحب اہم راج ہے جو بھائی ہمارے آئیں سلف صاحب کو دیوے میں اس کی تائید کرتا ہوں۔ تائید اس لئے کرتا ہوں کہ سب کچھ جو ہم کر رہے ہیں وہ سب کے انٹرسٹ میں کر رہے ہیں۔ جسکے لئے انٹرسٹ سیرس سسٹم ایویشن نہیں ہو جاتا۔ تب تک ان کی بھلائی کے لئے جتن کچھ کیا جاسکتا ہے وہ میں کرنا چاہتا ہوں۔ اگر ان کی اکثریت وہاں پر نہیں ہوگی تو وہ لوگ اپنی بات کو وہاں پر کہ نہیں پائیں گے۔ ان کے لئے وہاں پر کیری بھلا کرنا مشکل ہو جائے گا۔ کیونکہ وہاں پر کافی تعداد میں ایسے لوگ ہوں گے جن کو اس میں انٹینٹ کیا جائے گا۔ جن کے کہ وہ ملازم ہوں گے اور اپنے مالکان کے سامنے وہ کچھ کہہ نہیں سکیں گے۔ اس لئے میں تائید کرتا ہوں کہ سلف صاحب اس پر ضرور توجہ دیں گے۔ کیونکہ لالہ ہیم راج بہت براے تجربہ کار اور دیش کے بہت پرانے سپاہی رہے ہیں اور انھیں پتہ ہے کہ کانگڑہ میں بھی ایسے بہت سے ٹی کارڈن ہیں جنہیں اس طرح سے مزدوروں کو تباہ کیا جاتا ہے۔

میں نہیں سمجھتا ہوں کہ گورنٹ کو یہ شوق کیوں ہے کہ جبریت لگتی ہے کہ جبریت ہمارے طرف سے اپائنٹ ہونا چاہیے۔ ایسا کیوں نہ ہو کہ جو بد ہوئے اس میں سے ہی وہ لوگ کسی کو چیرمین بنادیں۔ لیکن اگر باہر سے ہی لینا ہے تو جو آخری ترسیم سیرس بھائی نے پیش کی ہے کہ وہ کوئی جج ہو یا انڈین جج ہو یا آدی ہر، جس کا تعلق نہ مالکان سے ہو نہ مزدوروں سے ہو، جو جسٹس کو اپنے سامنے رکھے اس کو اپائنٹ کیا جانا چاہیے۔ اس ترسیم کی میں تائید کرتا ہوں۔ اگر آپ کو باہر سے چیرمین بنانا ہے تو بجائے کسی آفیشل کے کسی انڈین ڈسٹنٹ آدی کو بنائے۔ یہ ایک ایسا بل ہے جس کی تمام پارٹیوں نے جو اس سرکار کو مدد دے رہی ہیں، مخالفت کی ہے۔ اسلئے جتنی بھلائی آپ ان لوگوں کی کر سکیں، اتنی تو کریں، کہ اسے کم ان بھائیوں کی تجویز کو مان لیں، جو اندر اس سرکار کے ساتھ کانگریس میں بیٹھے ہیں۔

SHRI S. N. MISRA (Kannauj) : I am supporting the amendment moved by Shri B. P. Mandal on the ground that when we have a central body formed as an advisory board under clause 3, it is necessary to have an independent person. It has been recognised on all hands that if High Court judges or retired judges of the Supreme Court are appointed, it could have at least a show of being a very independent body...

SHRI D. SANJIVAYYA : Why have a show ?

SHRI S. N. MISRA : Because justice should not only be done but it must appear to have been done. That is the principle that has been accepted everywhere.

SHRI D. SANJIVAYYA : Either have it or do not have it.

SHRI S. N. MISRA : I am supporting, therefore, the amendment to the effect that High Court judges or retired Supreme Court judges should be appointed as Chairman. I hope the hon. Minister will accept the amendment.

SHRI D. SANJIVAYYA : The amendment of Shri Hem Raj is that the number of representatives of the workers should be in a majority as compared to the number of representatives of the employers. This is a tripartite body, and in a tripartite body, we always see that parity is maintained. But with due deference to the recommendations made by the Select Committee, we have agreed to say that the number of representatives of the workers will not be less than that of the employers. When we say it is not less than, it can be equal and it can be more also. Therefore, there is a possibility of giving more representation to the workers.

Shri Lobo Prabhu has asked why workers should not themselves represent workers. We always use this language for representing the workers. The workers themselves can come or they can send somebody. That somebody is necessary, because in this context, casual labour or contract labour are so illiterate that they cannot sit and represent their own cases. They have trade union leaders, and there are various

trade union organisations to represent them. Put even in trade union or organisations, the statute lays down that there should not be more than 50 per cent outsiders. Therefore, the workers themselves also can come there and represent their grievances.

As regards the point that the chairman should be a judicial officer, I do not see any reason why in an advisory body or advisory board, the chairman should be a judicial officer. There is nothing there to be decided according to law etc. This is only an advisory board, which takes into consideration facts and figures etc. Therefore, I am not accepting these amendments.

MR. DEPUTY-SPEAKER : I shall now put amendments Nos. 47, 63, 73, and 74 to the vote of the House.

*Amendments Nos. 47, 63, 73 and 74 were put and negatived*

MR. DEPUTY SPEAKER : The question is :

"That clause 3 stand part of the Bill".

*The motion was adopted*

*Clause 3 was added to the Bill*

**Clause 4—(State Advisory Board)**

SHRI HEM RAJ : I beg to move :

Page 5, line 34,—for "shall not be less than the number of members" substitute "shall be in majority as compared to the members". (48)

SHRI LOBO PRABHU : I beg to move :

Page 5, line 33,—omit "members nominated to represent". (64)

SHRI B. P. MANDAL : I beg to move :

Page 5, line 18,—after 'Government' insert "from among the retired members of the judiciary not below the rank of a District and Sessions Judge". (75)

Page 5,—after line 26, insert—"d) not less than seven Members of the State

Legislative Assemblies of the States concerned." (76)

MR. DEPUTY-SPEAKER : These amendments are now before the House.

SHRI HEM RAJ : The reasons which I have already mentioned so far as the central advisory board is concerned, apply here also. With these words, I commend my amendment for the acceptance of the House.

SHRI D. SANJIVAYYA : I have got one submission to make. I have just sent an amendment..

MR. DEPUTY-SPEAKER : I shall allow him to move it. Let him read out the amendment.

SHRI P. K. DEO : That amendment should have been circulated to us.

SHRI D. SANJIVAYYA : It is to correct a printing mistake. I beg to move :

Page 5, line 23, *for* "Central" *substitute* "State". (80)

Clause 4 deals with the State advisory body, and everywhere it should be 'State'. By mistake the word 'Central' has been printed. Actually, it should be the State Government. That is the purpose of my amendment.

SHRI LOBO PRABHU : The hon. Minister in his suave way disposes of every amendment, without giving any reasons. I have made it quite clear that there is a distinction between a workman and his representative. His answer is that the representatives are included in trade unions but are not workmen. Would you give at least some assurance that some workmen will come, because unless there is assurance that workmen will be there, it will be filled up by people who are not workmen, trade unionists, communists, socialists, politicians who have no interest in this class. So, if you bring this Bill really to represent workmen, some assurance must be given that workmen as such will be represented. If you would at least agree to a slight amendment like "workmen or others representing them", then the

emphasis would be changed and we will have some workmen at least on this Board, but as it stands, you can completely ignore workmen, which is not fair to the workmen and is not in keeping with the purpose of this Bill.

SHRI B. P. MANDAL : My first amendment is the same as to Clause 3. I want that the Chairman that the Government is appointing should be from among retired members of the judiciary, not below the rank of a District and Sessions Judge. My second amendment is to add sub-clause (d) :

"not less than seven Members of the State Legislative Assemblies of the States concerned"

I think that these are very simple and reasonable amendments. The reasons advanced by the Government just now are not at all convincing. My amendment was supported by all sides of the House. There is absolutely no justification for rejecting this amendment. If they are going to appoint a Chairman, he must be an independent man. This Government are in the habit of appointing their own lackeys, their own yes-men as nominated Chairmen. This procedure is most undemocratic and not at all reasonable. I again appeal to the Minister to kindly accept my amendment. At least in the State Board the Chairman should be from among the members of judiciary not below the rank of a District and Sessions Judge, and there should be at least seven Members from the Legislative Assembly in that Board. These are the two simple amendments and I hope the Government will accept them.

SHRI D. SANJIVAYYA : The answer that I have given in respect of Clause 3 holds good in respect of Clause 4 also. One point I would like to make very clear is with regard to the query raised by Mr. Lobo Prabhu. He thinks that Government will nominate as they like. Though the word nomination is used, it is not as though the Government is free to nominate. Government always invites trade union organisations and employers to nominate their representatives for this body. Therefore, it all depends on the trade union organi-

[Shri D. Sanjivayya]

sation or the employers' organisation to send such people as they wish to have on this Board. Therefore, there is no discretion with the Government. Government does not exercise any discretion in this matter. They simply accept the name suggested by the employers' organisation on the one side and the workers' organisation on the other. Therefore, if the workers' organisation repose confidence in a particular trade union leader who is not himself a worker, what can we do? We have to accept it.

SHRI LOBO PRABHU : There is no workers' organisation.

SHRI D. SANJIVAYYA : There are quite a large number of workers' organisation working in this field.

MR. DEPUTY SPEAKER : I put Amendment No. 48 to the House.

*Amendment No. 48 was put and negatived*

MR. DEPUTY SPEAKER : I put Amendment No. 64 to the House.

*Amendment No. 64 was put and negatived*

MR. DEPUTY SPEAKER : I put Amendment Nos. 75 and 76 to the House.

*Amendments Nos. 75 and 76 were put and negatived*

MR. DEPUTY SPEAKER : The question is :

Page 5, line 23,—

for "Central" substitute—

"State" (80)

*The motion was adopted*

MR. DEPUTY SPEAKER : 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*

15 hrs.

## DISCUSSION RE. DEMAND FOR A NEW STEEL PLANT FOR ORISSA

SHRI P. K. DEO (Kalahandi) : I thank you, Mr. Deputy Speaker, for having called me to initiate this important debate. The story of the second steel plant in Orissa is a story of neglect and injustice to the people of Orissa, more so to the nation, for which there took place a 24 hour bandh in an unprecedented and peaceful manner on the first day of the session. We as a party are against bandhs. But when there is flagrant violation of all norms of justice, when national interests are sacrificed at the altar of political expediency, when a States offer of a steel plant to the nation at cheaper cost and more profitability based on technoeconomic considerations and locational advantages is rejected outright on political considerations, when decisions are taken detrimental to the growth of national economy and to the production of steel which is the basic raw material for all the industries, when popular feelings are roused to a pitch against such dictatorial decisions, we thought it our duty to associate ourselves with the sentiments and aspirations of people and participated in the bandh in order to channelise the spontaneous and genuine outburst of indignation and wrath in a peaceful manner. That is how the Orissa bandh took place in an unprecedentedly peaceful manner on the 27th of July without causing any loss of life or property. I congratulate the Ispat Karkhana Sangram Samiti and the Government of Orissa and particularly the people of Orissa for the peaceful demonstration of protest and unusual restraint. Our leftist friend should take a lesson regarding bandh from us.

Coming to the merits of the case, when we see the world map we find that India has the largest iron reserves in the world—85,000 million tonnes Ores needing beneficiation and 21300 million tonnes of direct shipping ore in which category she is second only to the USSR. On the other hand as steel consumption is the economic barometre of a country, you will be surprised how low is India's posi-