

14.35 hrs.

**SALARIES AND ALLOWANCES OF
OFFICERS OF PARLIAMENT
(AMENDMENT) BILL***

THE MINISTER OF PARLIAMENT-
ARY AFFAIRS AND SHIPPING AND
TRANSPORT (SHRI RAGHU RAMAIAH):
Sir, I beg to move for leave to introduce a
Bill to amend the Salaries and Allowances
of Officers of Parliament Act, 1953.

श्री शिवचन्द्र झा (मधुबनी) : अध्यक्ष
महोदय, इस विधेयक से आपका भी सम्बन्ध
है, आफिसर आफ पार्लियामेंट में स्पीकर, डिप्टी
स्पीकर, चेयरमैन, डिप्टी चेयरमैन आ जाते हैं,
इस में आप लोगों की सुविधा के बारे में व्यवस्था
है, यदि यह आफिसर रिज़ाइन कर दे या गुज़र
जाय, तो जहाँ वे रहते हैं, वहाँ जो सुविधा
पहले 15 दिन की थी अब उसको बढ़ा कर
एक महीना करने की बात है। यह बात
आपको खराब तो लगेगी, लेकिन मैं इस का
विरोध इसलिये करता हूँ कि जो आफिसर इस
चेयर पर बैठ कर इस चेयर को स्प्रिंग-बोर्ड
बनाता है, जिस तरह से पिछले स्पीकर ने इस
को स्प्रिंग-बोर्ड बनाया, जिससे देश का वाता-
वरण भीषण बन गया, उनको रहने की सुविधा
भी नहीं मिलनी चाहिए, 15 दिन तो क्या एक
दिन का भी उनके लिये प्रोवीजन नहीं होना
चाहिए।

इस शब्दों के साथ मैं इस बिल का विरोध
करता हूँ।

MR. DEPUTY-SPEAKER : Now, the
question is :

"That leave be granted to introduce a
Bill to amend the Salaries and Allowances
of Officers of Parliament Act, 1953."

The motion was adopted.

SHRI RAGHU RAMAIAH : Sir, I
introduce† the Bill.

14.38 hrs.

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

**Clause 5—(Power to Constituted
Committees)**

MR. DEPUTY-SPEAKER : The House
will now resume further consideration of
the Contract Labour (Regulation and Abolition)
Bill. We take up *Clause 5*. There is
an Amendment, No. 77, to Clause 5, by Shri
B. P. Mandal.

SHRI S. M. BANERJEE (Kanpur) :
There have been certain very necessary
amendments given by all sections of the
House. There are amendments moved by
Shri Nambiar, Shri Shri Chand Goyal and
Shri Shiva Chandra Jha which are crucial.
May I know from the hon. Minister whether
he is going to accept them and whether he
is ready to accommodate in this regard ?

MR. DEPUTY-SPEAKER : We will see
that when we come to the Clauses concerned.
Now, Mr. Mandal, do you want to say
anything ?

SHRI B. P. MANDAL (Madhopura) :
Sir, I want to substitute the words 'Govern-
ment officer'.

I beg to move :

Page 6, lines 7 and 8,

*for "an officer" substitute "a
servant" (77)*

I think it will be better if we put the
words 'Government servant'. I have nothing
further to add. I commend my amendment
for the acceptance of the House.

THE MINISTER OF LABOUR AND
REHABILITATION (SHRI D. SANJI-
VAYYA) : I think the term 'Government
officer' is a well-known term. Therefore,
there is no need to accept the amendment.

MR. DEPUTY-SPEAKER : I shall now

* Published in Gazette of India Extraordinary, Part II, Section 2, dated 5-8-70.

† Introduced with the recommendation of the President.

[Mr. Deputy-Speaker]

put amendment No. 77 to the vote of the House.

Amendment No. 77 was put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That Clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clauses 6 to 9 were added to the Bill.

New Clause 9A

SHRI SHIVA CHANDRA JHA
(Madhuban) : I beg to move :

Page 7, after line 10, insert :

"Abolition of female contract labour. 9A. The female contract labour is hereby abolished". (24)

उपाध्यक्ष महोदय, मेरा संशोधन जो है वह फिमेल कन्ट्रैक्ट लेबर को उठाने के मुताल्लिक है। मैं चाहता हूँ कि क्लॉज 9 के बाद क्लॉज 9-ए के रूप में इसको जोड़ दिया जाये :

"The female contract labour is hereby abolished."

मन्त्री महोदय ने दबी जबान में इसको कबूल किया कि एक न एक दिन हमें कन्ट्रैक्ट लेबर को उठाना है, खत्म करना है। इस बिल का जो क्लॉज 10 है उसमें एक शब्द है, भले ही वह कमजोर हो कि एम्प्लायमेंट आफ कन्ट्रैक्ट लेबर का प्रोहिबिशन हो सकता है। इस तरह से कन्ट्रैक्ट लेबर को बिल्कुल बन्द कर सकते हैं, खत्म कर सकते हैं। एक दिन वह भी आयेगा जबकि कन्ट्रैक्ट लेबर, चाहे वह मेल हो या फिमेल, उसका खात्मा होकर रहेगा। अब थोड़ी देर के लिए मान लीजिए कि हम पूरे कन्ट्रैक्ट लेबर को खत्म नहीं कर रहे हैं तो कम से कम जो फिमेल कन्ट्रैक्ट लेबर है जिसमें कि बेहद एक्स्प्लायटेशन होता है जिसको बन्द

कर दिया जाये। कहीं से तो हमें इस बात की शुरुआत करनी ही चाहिए। फिमेल कन्ट्रैक्ट लेबर की जहाँ तक बात है उसमें चूँकि एक्स्प्लायटेशन बहुत होता है, वेजेज के मामले में और दूसरे मामलों में इसलिए उसको खत्म करने की बात इसमें जरूर आनी चाहिए। इसी के मुताल्लिक मैंने अपना संशोधन रखा है। इस चीज को इस जगह पर न रख कर मंत्री महोदय किसी दूसरी जगह पर रखना चाहें तो उस बात की सुविधा मैं उनको दे सकता हूँ लेकिन फिमेल कन्ट्रैक्ट लेबर जिसकी तादाद बहुत काफी है, जिसके लिए रहने खाने की कोई सुविधा नहीं है, इस कदर एक्स्प्लायटेशन है तो उसका खात्मा इस विधेयक के जरिए जरूर होना चाहिए।

SHRI NAMBIAR (Tiruchirappalli) : I would like to record my strong support to the new clause which my hon. friend is trying to introduce in the Bill. We know that in this country thousands and lakhs of women workers are being put to hard labour by the contractors, and only a very small amount is paid to them by way of wages. These poor workers, I may say, these poor creatures are seen in the villages, on the roadside, on the railway line and everywhere else, and they are all working there for eight annas a day or sometimes even four annas a day, and absolutely no amenities or privileges or concessions are available to them. Therefore, it is absolutely right on the part of my hon. friend to have sought to move an amendment to the effect that female contract labour, that is contract labour of female or women workers should be prohibited. That does not mean that women should not be employed in this labour. What he means is that you must make a start somewhere. If contract labour is not going to be abolished totally, at least let Government make a start with the abolition of contract labour of the womenfolk who are put to so much misery and hardship in this country. It does not redound the credit of this nation which claims to be one of the biggest nations of the world with a population of 55 crores, half of which are women, that from among them millions are put to this hard labour more or less like slaves. I fully appreciate and support the amend-

ment and request the hon. Minister to accept it and show to the country that he is one with labour.

SHRI LOBO PRABHU (Udipi) : I am surprised that my socialist and communist friends who have spoken are set on depriving poor women of the right to earn a livelihood. These women do not go there because they are forced by the contractor or employer ; they go there by force of circumstances.

SHRI RANGA (Srikakulam) : Their husbands are employed there.

SHRI LOBO PRABHU : As my leader has said, their husbands are also employed there and these women go there to earn something to supplement the family income. I do not know if my friends have thought of the implications of their suggestion.

SHRI NAMBIAR : He has not understood the spirit of our suggestion.

SHRI LOBO PRABHU : I am concerned with the fact and substance. Do they want to deprive these people of their right to earn something ? Therefore, this amendment is misconceived.

श्री शशि भूषण (खारगोन) : उपाध्यक्ष महोदय, भारतवर्ष एक गरीब देश है। यहां पर पति पत्नी दोनों मिल पर ठेके पर मजदूरी करते हैं और इस देश में कई इलाके तो ऐसे हैं जैसे कि पहाड़ों पर जहां के आदमी बहुत ज्यादा लेयाजिक हैं, औरतें ही अधिकतर काम कर रही हैं। हमने बराबर के अधिकार पुरुषों और महिलाओं को दिये हैं इसलिये जो भी मेहनत कर सकते हैं उनको मेहनत और मजदूरी करने की आजादी होनी चाहिए। यह बात तो मैं मान सकता हूं कि जितने भी कन्स्ट्रक्ट दिये जायें वह औरतों को दिये जायें ताकि वह आदमियों से काम ले सकें लेकिन यह कहना कि औरतों से काम ही न लिया जाये, इस बात को मैं नहीं मानता। इस गरीब देश में महिलाओं को जो रुपये डेढ़ रुपए की मजदूरी मिल रही है वह भी न मिले यह उचित नहीं होगा जब तक कि कोई दूसरी ऐसी एजेन्सी

न हो जो कि उन महिलाओं को रोजगार दे सके। इसलिए मैं इसका विरोध करता हूं।

श्री ओम प्रकाश त्यागी (मुरादाबाद) : उपाध्यक्ष महोदय, मैं इस संशोधन का विरोध करता हूं और उसका आधार यह है कि भारत-वर्ष में कमाने का अधिकार पुरुष ने ही अपने पास ले रखा है और स्त्री जाति का बुरी तरह से एक्स्प्लायट किया जाता है। इस दृष्टि से भी स्त्रियों को स्वतंत्र रूप से कमाने और स्वाभिमान के साथ रहने का अधिकार मिलना चाहिए। आज भारतवर्ष की आधी शक्ति (स्त्री) बेकार पड़ी हुई है और उसको यदि आप इस तरह काम करने से रोकेंगे तो मैं समझता हूं यह बहुत बड़ा अन्याय होगा। दूसरी बात यह है कि एक नहीं, हजारों इन्स्टीसिज इस प्रकार के हैं जहां आदमियों ने अपनी औरतों को छोड़ दिया है तो फिर वे अपनी आजीविका कमाने के लिए कहाँ जायेंगी ? इस आधार पर मैं इसका विरोध करता हूं।

श्री स० मो० बनर्जी : उपाध्यक्ष महोदय, जहां तक इस संशोधन की भावना का सम्बन्ध है, मैं उसकी तारीफ करता हूं क्योंकि एक बात हम जरूर देखते हैं कि कन्स्ट्रक्ट लेबर में जो हमारी बहने काम करती हैं उनको जो सहूलियतें मिलनी चाहिए वह नहीं मिलती हैं। लेकिन अगर इसके पीछे भावना यह हो कि कन्स्ट्रक्ट लेबर में औरतों को काम न मिले तो मैं उसकी तारीफ नहीं करता। आदमियों के साथ साथ औरतों को भी मिलना चाहिए। मैं श्री लोबो प्रभु जी से कहूंगा कि मैं इसके खिलाफ नहीं हूं। मैं चाहता हूं कि औरतों को काम मिले। लोबो प्रभु जी यहां पर हैं लेकिन अगर मिसिज लोबो प्रभु भी आयें तो उनको भी काम मिलना चाहिए। मैं कहता हूं कि औरतों को भी मौका मिलना चाहिए। इस संशोधन के पीछे भावना यह है कि हम औरतों को यह सहूलियत न दें। अगर ऐसा कर दिया जायेगा तो दिक्कत पैदा हो

[श्री स०मो० बनर्जी]

जायेगी। इसी भावना से यहां कहा गया है कि हमारे देश में औरतों और मर्दों को समान अधिकार मिलना चाहिये। देश की प्रधान मंत्री आज एक औरत है और हमारे राष्ट्रपति एक मर्द हैं। इसलिए यहां औरतों और मर्दों में भेद करने का सवाल नहीं होना चाहिये। दोनों को समान अधिकार होना चाहिये और समान रूप से नौकरी मिलनी चाहिये। यह सही बात है कि अगर हम इस पर बैन लगा देंगे तो बड़ी मुसीबत हो जायेगी।

अभी यहां एक बात कही गई कि बहुत सी औरतें होती हैं जिन को पति निकाल देते हैं। अगर वह श्रम न करने पायेंगी तो उनके लिये बड़ी दिक्कत होगी। इसलिये मैं चाहता हूं कि इस अमेंडमेंट को प्रेस न किया जाये, बल्कि उनको स्पेशल फेसिलिटी दी जाये।

SHRI D. SANJIVAYYA : Sir, women workers are employed in factories, plantations and so many other places. Therefore, there is no question of abolishing female contract labour. They should not be deprived of their earnings. In fact, the wages paid are very low as pointed out by Mr. Nambiar. It is all the more reason why both husband and wife should work together and earn something more, so that they may live a more comfortable life. It is more so in the case of widows and destitutes. They have to work and eke out their livelihood. If female contract labour is abolished, probably in this country, where there is so much of unemployment, it will become difficult for them to eke out their livelihood. So, I cannot accept the amendment.

SHRI NAMBIAR : Our point has not been understood. I want you to make them permanent and not try to keep them as contract labourers. Give them permanent rights and better facilities.

MR. DEPUTY-SPEAKER : Now, I shall put the amendment to the vote.

The question is :

Page 7, *after* line 10 *insert* —

“Abolition of female contract labour.

9A. The female contract labour is hereby abolished.”
(24)

The Lok Sabha divided :

Division No. 7] AYES [14.56 hrs

Mishra, Shri Janeshwar

Yadav, Shri Ram Sewak

NOES

Amat, Shri D.

Amin, Shri R.K.

Azad, Shri Bhagwat Jha

Babunath Singh, Shri

Barupal, Shri P.L.

Bhandare, Shri R. D.

Bhanu Prakash Singh, Shri

Brij Bhushan Lal, Shri

Chandika Prasad, Shri

Chaudhary, Shri Nitiraj Singh

Dass, Shri C.

Deoghare, Shri N.R.

Deshmukh, Shri K. G.

Dhuleshwar Meena, Shri

Dinesh Singh, Shri

Dixit, Shri G. C.

Dwivedi, Shri Nageshwar

Gandhi, Shrimati Indira

Ganesh, Shri K. R.

Gautam, Shri C. D.

Gavit, Shri Tukaram

Ghosh, Shri Parimal	Pahadia, Shri Jagannath
Goyal, Shri Shri Chand	Palchaudhuri, Shrimati Ila
Jagdhav, Shri Tulshidas	Paokai Haokip, Shri
Jadhav, Shri V. N.	Parmar, Shri, D. R.
Jai Singh, Shri	Partap Singh, Shri
Jamna Lal, Shri	Parthasarathy, Shri P.
Joshi, Shri Jagannath Rao	Patil, Shri Deorao
Kedar Nath Singh, Shri	Patil, Shri S. D.
Khan, Shri H. Ajmal	Qureshi, Shri Mohd. Shafi
Kikar Singh, Shri	Radhabai, Shrimati B.
Kinder Lal, Shri	Raghu Ramaiah, Shri
Krishna, Shri M. R.	Ranga, Shri
Krishnan, Shri G.Y.	Rao, Shri Jaganath
Kureel, Shri B. N.	Rao, Shri J. Ramapathi
Laskar, Shri N. R.	Rao, Dr. V. K. R. V.
Lobo Prabhu, Shri	Reddi, Shri G. S.
Lutfal Haque, Shri	Reddy, Shri P. Antony
Mahadeva Prasad, Dr.	Roy, Shri Bishwanath
Mahajan, Shri Vikram Chand	Saigal, Shri A. S.
Marandi, Shri	Sanghi, Shri N. K.
Master, Shri Bhole Nath	Savitri Shyam, Shrimati
Meena, Shri Meetha Lal	Sayyad Ali, Shri
Mishra, Shri G. S.	Sen, Shri Dwaipayan
Mohamed Imam, Shri J.	Sen, Shri P. G.
Mohammad Yusuf, Shri	Shashi Bhushan, Shri
Mohsin, Shri	Shastri, Shri Prakash Vir
Muhammad Ismail, Shri M.	Shastri, Shri Sheopujan
Naghnoor, Shri M. N.	Shinkre, Shri
Naidu, Shri Chengalraya	Shiv Chandika Prasad, Shri

Sudarsanam, Shri M.

Sursingh, Shri

Suryanarayana, Shri K.

Tiwary, Shri D. N.

Tiwary, Shri K. N.

Tyagi, Shri Om Prakash

Uikey, Shri M. G.

Venkatswamy, Shri G.

Yadav, Shri Chandra Jeet

Yadav, Shri Jageshwar

MR. DEPUTY-SPEAKER : The result* of the division is : Ayes 2 ; Noes 89.

The motion was negatived

Clause 10—(Prohibition of Employment of Contract Labour)

SHRI LOBO PRABHU : Sir, I move

Page 7, after line 31, insert—

“(e) whether it is in the interest of the economy and of the claims of other unemployed labour available.” (65)

I would begin by saying that I am very sympathetic to labour. I will go further and say that I am more sympathetic than our socialists and communist friends here. If further proof is required, it is at hand. These Members opposed employment to women, refused employment to half the population of this country and we had to tell them that there is something more, some humanity, in other parties than there is in socialism.

On this amendment, I have raised two points ; first, whether it will do good to the economy to have this contract Labour Bill and second, whether it will do good to the whole body of labour. I will take up the question of the whole body of labour first.

The total number of workers in this country is 189 million. Of this, about two-thirds are self-employed. About 31 per cent are landless labourers, who are working in the fields, they go, according to the latest survey, for a total number of 196 days in the year. There are nine classes which have been shown in the Labour Statistics of 1970. It discloses two million workers in construction ; and two million workers who are not specified. This constitutes contract labour for whom this Bill has been introduced.

15 hrs.

I would like to establish these figures correctly. A total of four million at the most will be concerned with the benefits of this Bill. That total will have to be reduced by those who are already in regular employment. Although the Minister said that there were three lakhs employed in the railways and possibly about two lakhs in the PWD, actually, my calculation is, at the outside, a population of one million workers are employed. This Bill applies to one million workers. My heart goes out to them. I have got a question, which will be coming up next week about contract labour in Bombay which goes for construction and is not employed as soon as the rains begin, when they have nowhere to go and they lie about the pavements and their condition should make us very ashamed of ourselves. I have enquired from the Minister why at least Labour exchanges should not find some work for them. But this is a Bill which provides for all these facilities for only a small class. This class is going to be the elite in the Contract Bill. Landless labourer gets, according to the latest survey—I do not say it is correct because you do no proper survey at all—only about 96 paise. That is the earning of a landless labourer. According to this Bill, the wage of the contract labour will more or less approximate to the wage of an ordinary worker, say, between Rs. 3 and Rs. 4. What will be the result ? If you insist that this wage should be paid, the contractor will employ only 19 workers and not more. And, you have no means of checking it. The minister and myself were together in the Madras Government. I was responsible for passing the Kanganai Act, abolishing contract labour in the plantations. Now what do they do ? They employ people only for 16 days in the month. After that, the workers move to

*Shri Shiva Chaddra Jha also recorded his vote for 'AYES'.

the next plantation and they are completely out of the purview of the Act. This subterfuge will come in. Instead of 20, they will employ 19 even by dividing or sub-contracting the work. The labourer is not going to benefit. So, when this Act is going to be applied, you must consider its effect on the whole body of workers, a fluid body of workers who are seasonal. They come and they go back to the fields. If you say they should remain there on the rolls of the contractor and they should be paid this or that wage, you are preventing other workers, the stream of labour coming from the villages, from taking their place. You must consider the effect of favouring a small section of one million workers as against 32 million landless workers when you enforce this Act. In any locality that test can be applied. If there is no competition for labour there, by all means treat it under the Act. But when there is a large body of workers waiting, do not create a small elite. Landless labour is 90 per cent Harijan labour. If you are thinking in terms of being good and kind to Harijan labour, think of doing your best for landless labour.

Secondly, if you are going to raise the cost of the projects, the result will be, there will be fewer of them. Government will simply say, according to the new schedule of rates, contract labour is very expensive and instead of having 10 schemes, we will have to be content with 7 schemes. Therefore, fewer people will be employed and may be they will get more. Sir, I have spent my service serving labour. I was Labour Secretary, Industries Secretary and Home Secretary and I know what it is to have too many rules, Corruption and irregularities, to which my good friends Mr. Nambiar, Dr. Ranen Sen and others referred, will multiply. Therefore, with all our affection for labour and feeling for a better order for them, let us not rush in this way. When we apply this Act, let us consider these two things that it does not affect our economy adversely and it does not discriminate against other labour which is prevented from flowing in and taking the place of contract labour. Subject to these two considerations, I support the Bill.

DR. RANEN SEN (Barasat): I am not surprised at the speech of Mr. Lobo Prabhu. This is the psychology born out of profit motive of the employers, who in the name of doing service to millions of agricul-

tural labour, want to depress the wages of the factory labour and other labour. By saying that it will create an elite section of labour, the wages and other amenities of a vast majority of the working population are being depressed.

As a matter of fact, the position is this. In the factories the workers are getting more than the average contract labour. If the idea is to raise the wages of the contract labour, the village agricultural labour are not affected. In fact, the contract labour is recruited from agricultural labour. Therefore, it is not proper to say that elite sections of the labour are created through this Bill. In fact, the criticism is the other way round, that proper wages are not given by the contractor to the labour and the move of the government is to raise the wage of contract labour. Therefore, this plea is completely out of place. This is the plea which is always made by the employers in order to deprive the workers of their legitimate dues.

SHRI S. M. BANERJEE : I have heard with rapt attention the very educative speech of my hon. friend, Shri Lobo Prabhu, who was the Labour Secretary and Secretary of so many other departments. But the question is very simple. If this argument is accepted, what will happen? Whenever the Central Government employees ask for wage increase, they will be told: look, the State Government employees are getting less. When the State Government employees ask for increased emoluments they will be asked to look at what the Corporation employees are getting. And the Corporation employees will be asked to look at the employment exchanges for the condition of the unemployed people. So, this argument does not hold good. After all, we have to start somewhere. We have to pass some legislation which should be taken as an example for all other industrial workers, wherever they are working, whether they are landless labour or working in the field. I know that Shri Lobo Prabhu has all the sympathy for the working class and the landless labour. Only this morning when the question of land grab by the landless came he opposed it. So, with all our sympathies and with all our affections for labour we oppose this provision.

SHRI D. SANJIVAYYA : Clause 10(2) of the Bill reads :

"Before issuing any notification under sub-section (1) in relation to an establishment, the appropriate Government shall have regard to the conditions of work and benefits provided for the contract labour in that establishment and other relevant factors, such as....."

Then (a), (b), (c) and (d) are given, which are only illustrative and not exhaustive. My hon. friend, Shri Lobo Prabhu, wanted to add (e). Certainly, the point raised by Shri Lobo Prabhu is relevant in the sense that whenever we take a step, we must take into consideration the general economic situation in the country and how it is going to affect the other sections of labour. When we take up this question with regard to other sections of labour, we have to see that steps are taken to improve the conditions of those sections also. Take the case of agricultural labour. They are not paid properly. The Minimum Wages Act is there and the minimum wages are fixed. But they are very low and they have to be revised. We have to take it up with the State Governments to see that these wages are revised upwards so that their conditions may improve. Therefore, I am not in a position to accept this amendment.

MR. DEPUTY SPEAKER : I will now put amendment No. 65 by Shri Lobo Prabhu to the vote of the House.

Amendment No. 65 was put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Clause 11 was added to the Bill.

Clause 12—(Licensing of Contractors.)

SHRI LOBO PRABHU : I beg to move :

Page 8, line 13, —after "may" insert—
"consistently with the interests of the economy and of claims of other unemployed labour available" (66).

My amendment is nearly the same as my previous amendment that the interest of the unemployed labour available and of the general condition of the economy should be considered when any conditions of the licence are made out. I am not going to repeat what I said already, but I would like to say this, because I have to prove my *bona fides* to my good friend who said that I was speaking for the employees. I have said this not today but for several years ; at least for ten years, since I wrote my book, "*New thinking*", I have been pressing that there should be an employment insurance for all labour.

When I said there should be no discrimination in favour of contract labour, I was thinking of all the labour if it had a minimum wage. Today we have a minimum wage. But we have no employment. It is the duty of the State before it passes such a legislation to undertake that every man who has labour in his hands should be provided with work. If the Government does not do it, not only it is failing in the Directive Principle in respect of the right to work, the right to minimum wage, the Government is also failing even in the very economics on which it depends for the prosperity of the country. When you have such a large reservoir of unemployed labour which requires housing, clothing, etc. and which does not contribute anything in return, you are just making an idle workshop of the country which will lead you nowhere.

I would request you to read my amendment along with my persistent desire for years which I have been pressing to this Government in my books, in my questions and all that, that there should be employment insurance for fulfilling the right to full employment. The right to employment must be recognised in this country.

In this connection, I would like to mention one thing. I am glad the Minister of State is also present ; last time, he was not aware of certain provision and there was some dispute between us as to whether it

was in the Draft Fourth Plan or not. There is a scheme for providing employment to those who ask for it. That scheme is now confined to only one small block in Maharashtra. I would suggest to this House, to the Minister, to give some assurance that he will consider the extension of that scheme to the rest of the country, so that no man in this country will suffer because there is no work which he wants to do and which the State or the private enterprise can provide.

Sir, with this request, I am not pressing my amendment, but I am pressing my request to the Minister at least to accept that the right to employment will be sooner than later recognised in this country.

SHRI D. SANJIVYYA : I entirely agree with the hon. Member that the provision of unemployment insurance is ideal. But how soon we will be able to reach the ideal is a question. Some pilot projects have been started and we hope, if finances permit, that we will be able to extend to other areas also.

MR. DEPUTY-SPEAKER : Does the hon. Member have the leave of the House to withdraw his amendment ?

SAVERAL HON. MEMBERS : Yes,

Amendment No. 66 was by leave withdrawn

MR. DEPUTY-SPEAKER : The question is ;

"That clause 12 stand part of the Bill"

The motion was adopted.

Clause 12 was added to the Bill.

Clause 13—(Grant of Licences)

SHRI LOBO PRABHU : I beg to move :

Page 8, line 23.—

after "make" insert—

"within the period of one month" (67)

Sir, this is a very small amendment to the effect that the official is bound to accept an application for a licence and pass orders on it within a month. I am pressing this amendment. It is for the reasons my friend mentioned about corruption and the officials taking advantage of the necessities of the contractors. A contractor cannot wait indefinitely while his application is being considered. You may say that you can have an executive direction but that is not enough. The Act itself should indicate an attitude of strictness towards delay by officials. If they dispose of the application within a month or give reasons for the same, that will be better. It is such a simple amendment that, I hope, the Minister will accept it.

SHRI D. SANJIVYYA : I thought an executive direction will suffice....

SHRI LOBO PRABHU : That may or may not come. This is a very simple amendment.

SHRI D. SANJIVYYA : We can always get it done through an executive direction.

MR. DEPUTY-SPEAKER : Now, I put amendment No. 67 in the name of Shri Lobo Prabhu to the vote of the House.

Amendment No. 67 was put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That Clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

Clause 14 was added to the Bill.

Clause 15—(Appeal)

SHRI SHRI CHAND GOYAL (CHANDIGARH) : I beg to move :

Page 9, lines 10 and 11,—

for "who shall be a person nominated

[Shri Shri Chand Goyal]

in this behalf by the appropriate Government."

substitute—

"Who shall be appointed out of the District Judges or other judicial personnel of same rank and status.."
(12)

SHRI OM PRAKASH TYAGI : I beg to move :

Page 9, line 10,—

for "person" substitute "judicial person" (49)

SHRI LOBO PRABHU : I beg to move :

Page 9, line 10,—

for "person" substitute—

"judicial authority" (68)

SHRI SHRI CHAND GOYAL : My amendment No. 12 relates to an appellate officer and I have suggested that the appellate officer instead of being a person nominated in this behalf by the appropriate Government shall be appointed out of the District Judges or other judicial personnel of same rank and status. My purpose in moving this amendment is that judicial work should always be performed by a judicial officer. You will be pleased to notice that under Cl.15 powers have been given to the aggrieved persons to prefer an appeal under Sec. 7A, 12 and 14. Sec. 7 relates to the registration of certain establishments. Supposing a particular establishment is wrongly registered or it is refused registration on some flimsy ground, he can prefer an appeal. If the case is to be decided by a person who has absolutely no legal acumen, no judicial training or no legal background, he is not likely to take a judicial view and an objective and dispassionate view, but he is likely to be swayed by considerations weighing with the Government. Therefore, in all such enactments care is always taken to appoint persons who have judicial experience and legal acumen and I do not know why in this case the Government have left it to its own discretion to choose a person to decide these appeals. It is better to safeguard the

interests of all persons who are likely to be aggrieved under Sec. 7A, 12 and 14 by providing that their cases are decided by a person about whom there can be absolutely no doubt regarding integrity and competence. Therefore, I am suggesting that these words must be substituted and I hope the hon. Minister who always takes a very reasonable view of things, certainly will concede this small amendment and will safeguard the right of persons who are to be governed by this Act.

श्री ओम प्रकाश त्यागी : उपाध्यक्ष महोदय, मैं समझता हूँ कि किसी भी अच्छे राज्य में, जिसका प्रजातंत्र में विश्वास है, हर एक व्यक्ति को न्याय पाने का अधिकार है। और वह न्याय असंदिग्ध होना चाहिए, उसमें किसी प्रकार का सन्देह नहीं होना चाहिए। इस विधेयक में यह व्यवस्था की गई है कि अगर काम करने वाले किसी मजदूर के साथ अन्याय हुआ है या उसको कोई शिकायत है, तो वह न्याय-प्राप्ति के लिए उस व्यक्ति के पास अपील कर सकता है, जिसे गवर्नमेंट ने नियुक्त किया है। मैं समझता हूँ कि इस अवस्था में उसको न्याय मिल भी सकता है और नहीं भी मिल सकता है। सब जानते होंगे कि जब किसी ठेकेदार को ठेका मिलता है, तो उससे पहले ही आफिसर का परसेटेंज तय हो जाता है, अन्यथा उसका नाम ही ठेके में नहीं आता है। और उसमें कितना इंजीनियर लेगा, कितना ओवरसियर लेगा, कितना कौन लेगा, ऊपर तक यह इस तरह से चलता चला जाता है। हर डिपार्टमेंट में सब ने ज्यादा करंट मशीनरी अगर कहीं है तो वह यह है कांटेक्टर, वाली। इसमें ऊपर से नीचे तक रिश्तत चलती है जिसे कोई भी नहीं झुटला सकता है। किसी भी दफ्तर में आप चले जाइए, सी० पी० डब्लू० डी० में चले जाइए या कहीं भी देख लीजिए हर जगह यह चलता है। तो जब गवर्नमेंट आफिशियल्स में ऊपर तक रिश्तत खाए हुए आदमी हैं तो उनके नियुक्त किए हुए आदमी से उस मजदूर को न्याय मिल सकेगा यह बिल्कुल संदिग्ध बात है। बल्कि वह भी उस भ्रष्टाचार में एक और भागीदार हो जाएगा। इस प्रकार मजदूर को न्याय मिल सकेगा, इसमें

बिलकुल संदेह है। दूसरी बात—आपने ऐनी परसन रखा है। यह न्याय का सवाल है तो यह प्रत्येक व्यक्ति से तो प्राप्त नहीं हो सकता जिसको न्याय देने का ज्ञान नहीं है, जिसने कानून पढ़ा नहीं है वह न्याय कैसे देगा।

एक माननीय सदस्य : अकबर कैसे देता था।

श्री ओम प्रकाश त्यागी : अकबर का न्याय आप चाहते हो लेकिन आप को ही उस में फिर मुश्किल पड़ जायगी। उसमें न्याय और अन्याय दोनों बातें आ जाती हैं। प्रजातंत्र में अकबर खड़ा नहीं रहा। प्रजातंत्र में राजा के खिलाफ भी हम अपनी शिकायत रख सकते हैं और हमारे यहां की जो जूडिशियरी है उस में हमको न्याय मिलने की आशा है। अभी बंकों का राष्ट्रीयकरण हुआ, सुप्रीमकोर्ट ने उसे रिजेक्ट किया हालांकि बड़ी बैचनी यहां रही और बहुत से मेम्बरों ने इम्पीचमेंट भी करने की कोशिश की जो कि इतिहास में एक काले घबरे के रूप में रहेगा। लेकिन सुप्रीम कोर्ट ने जो कुछ किया वह शानदार इतिहास उसने पेश किया है हम उससे सहमत हों या न हों। तो मजदूर को न्याय मिले इस दृष्टि से मैं मंत्री महोदय से प्रार्थना करूंगा कि इसमें से कोई पार्टी का प्रश्न नहीं है, मजदूर को न्याय दिलाना है इसलिए ऐनी परसन की जगह ऐसा, आदमी रखिए जो जूडिशियल मैन हो और न्यायाधीश रहा हो, यही मेरा संशोधन है।

SHRI LOBO PARBHU : I am glad I am in good company; there are two other people supporting the amendment. So I have no feeling of loneliness at present. The simple issue is this, whether the Minister is willing to substitute the word 'judicial authority' for "person". That is all. I wish this is done, because that will give confidence to all concerned, to the workers and everybody else. I cannot add to what my learned predecessor has already said because it has been very extensive.

But I would like to say only this that we

here are working on these amendments and we who speak on them satisfy a certain provision of Parliamentary Procedure. If every amendment is to be rejected, I think, we may as well ask the speaker to amend the rules to say that no amendments are necessary.

When the amendments are small, not affecting the basic structure or purpose of the Bill, I would like the Minister kindly to accept them even though they are for a Bill which has been approved by a Select Committee.

SHRI D. SANJIVAYYA : In this matter, under Clause 15, either the Establishment or the Contractor goes in appeal when any registration or licence is revoked. There is no question of any interest of labour being involved here. That is number one. Secondly, Sir, if we appoint 'judicial authority' the whole usual procedure will be brought in. Perhaps it will be a long-drawn out affair and delay matters and we want quick decisions. In all those matters we will take care to see that 'competent officer' is appointed. As such, I am not in a position to accept those amendments.

MR. DEPUTY-SPEAKER : Shall I put all the amendments together ?

SHRI LOBO PRABHU : No, Sir, separately. We are asking for a Division.

MR. DEPUTY-SPEAKER : All right. I will now put Amendment No. 12 of Shri Shri Chand Goyal to vote. The question is :

Page 9, lines 10 and 11,—

for "who shall be a person nominated in this behalf by the appropriate Government":

Substitute

"who shall be appointed out of the District Judges or other judicial personnel of same rank and status : " (12)

Let the lobby be cleared.

*The Lok Sabha Divided.***Division No. 8]****[15.29 hrs.****AYES**

Amat, Shri D.
 Amin, Shri R. K.
 Brij Bhushan Lal, Shri
 Deo, Shri P. K.
 Goyal, Shri Shri Chand
 Gupta, Shri Kanwar Lal
 Khan, Shri H. Ajmal
 Lobo Prabhu, Shri
 Majhi, Shri Mahendra
 Meena, Shri Meetha Lal
 Mohamed Imam, Shri J.
 Naghnoor, Shri M. N.
 Naik, Shri G. C.
 Nambiar, Shri
 Ranga, Shri
 Sen, Dr. Ranen
 Sheo Narain, Shri
 Tyagi, Shri Om Prakash
 Viswanathan, Shri G.

NOES

Ahirwar, Shri Nathu Ram
 Ahmed, Shri F. A.
 Amjad Ali, Shri Sardar
 Atam Das, Shri
 Awadesh Chandra Singh, Shri
 Azad, Shri Bhagwat Jha
 Babunath Singh, Shri

Bhagat, Shri B. R.
 Bhandare, Shri R. D.
 Chandrika Prasad, Shri
 Chaudhary, Shri Nitiraj Singh
 Chavan, Shri D. R.
 Chaudhary, Shri Valmiki
 Dalbir Singh, Shri
 Deoghare, Shri N. R.
 Dhuleshwar Meena, Shri
 Dinesh Singh, Shri
 Dixit, Shri G. C.
 Dwivedi, Shri Nageshwar
 Gandhi, Shrimati Indira
 Ganesh, Shri K. R.
 Gautam, Shri C. D.
 Gavit, Shri Tukaram
 Girja Kumari, Shrimati
 Gowda, Shri M. H.
 Hem Raj, Shri
 Iqbal Singh, Shri
 Jamna Lal, Shri
 Karan Singh, Dr.
 Kedar Nath Singh, Shri
 Khadilkar, Shri R. K.
 Kikar Singh, Shri
 Kinder Lal, Shri
 Krishna, Shri M. R.
 Krishnan, Shri G. Y.
 Laskar, Shri N. R.
 Laxmi Bai, Shrimati

Lutfal Haque, Shri	Ram Dhan, Shri
Mahadeva Prasad, Dr.	Ram Swarup, Shri
Mahajan, Shri Vikram Chand	Randhir Singh, Shri
Mahida, Shri Narendra Singh	Rao, Shri Jaganath
Malhotra, Shri Inder J.	Rao, Shri J. Ramapathi
Marandi, Shri	Rao, Dr. V. K. R. V.
Master, Shri Bhola Nath	Reddi, Shri G. S.
Mishra, Shri Bibhuti	Roy, Shri Bishwanath
Mishra, Shri G. S.	Sait, Shri Ebrahim Sulaiman
Misra, Shri S. N.	Salcarn, Shri M. Yunus
Mohammad Yusuf, Shri	Savitri Shyam, Shrimati
Mohsin, Shri	Sen, Shri Dwaipayan
Muhammad Ismail, Shri M.	Shambhu Nath, Shri
Oraon, Shri Kartik	Shashi Bhushan, Shri
Pahadia, Shri Jagannath	Shastri, Shri Sheopujan
Palchaudhuri, Shrimati Ila	Sher Singh, Shri
Pant, Shri K. C.	Shinkre, Shri
Paokai Haokip, Shri	Shiv Chandika Prasad, Shri
Parmar, Shri D. R.	Siddheshwar Prasad, Shri
Partap Singh, Shri	Sonavane, Shri
Parthasarathy, Shri P.	Sudarsanam, Shri M.
Patil, Shri Deorao	Sursingh, Shri
Patil Shri S. D.	Swaran Singh, Shri
Qureshi, Shri Mohd. Shafi	Tiwary, Shri D. N.
Radhabai, Shrimati B.	Tiwary, Shri K. N.
Raghu Ramaiah, Shri	Uikey, Shri M. G.
Raj Deo Singh, Shri	Viswanatham, Shri Tenneti
Ram, Shri T	Yadav, Shri Chandra Jeet

MR. DEPUTY-SPEAKER : The result* of the division is : *Ayes* : 19 ; *Noes* : 93.

The motion was negatived.

MR. DEPUTY-SPEAKER : I shall now put amendments Nos. 49 and 68 to the vote of the House.

Amendments Nos. 49 and 68 were put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That clause 15 stand part of the Bill".

The motion was adopted.

Clause 15 was added to the Bill.

Clause 16—(Canteens.)

SHRI SHIVA CHANDRA JHA : I beg to move :

Page 9, line 26—

for 'one hundred' substitute 'fifty'. (25)

SHRI OM PRAKASH TYAGI : I beg to move :

Page 9, line 26—

for 'one hundred' substitute 'twenty-five'. (50)

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

Page 9, line 26—

for 'one hundred' substitute 'fifty'. (78)

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

श्री शिव चन्द्र झा : उपाध्यक्ष महोदय, यह क्लॉज वेलफेयर एण्ड हेल्थ आफ कन्ट्रैक्ट लेबर से सम्बन्धित है जिस में सरकार कहती है :

"The appropriate Government may make rules requiring that in every establishment (a) to which this Act applies (b) wherein work requiring employment of contract labour is likely to continue for such period as may be prescribed, and (c) wherein contract labour numbering one hundred or more....."

मैं चाहता हूँ कि 100 के बजाय 50 कर दिया जाय ।

उपाध्यक्ष महोदय, जिस इस्टेब्लिशमेंट में 100 या उससे ज्यादा कान्ट्रैक्ट लेबर काम करते हैं, उसके लिये ये वेलफेयर की बातें करते हैं, यह अच्छा नहीं है। जब ये इस बात को मानते हैं कि 20 या उससे ज्यादा मजदूर जहाँ काम करते हैं, वहाँ कान्ट्रैक्ट लेबर का कानून लागू हो जाता है, तो जब उनके वेलफेयर की बात आती है, सुविधा की बात आती है, तो यह 100 या उससे ज्यादा के लिये ही क्यों हों, कम लोगों को कैंटीन की सुविधा क्यों न मिले, इस तरह से तो कन्ट्राडिक्टरी पोजीशन पैदा हो जाती है। जहाँ 50 आदमी काम करते हैं, वह काफ़ी बड़ा इस्टेब्लिशमेंट हो जाता है, इसलिये मेरे इस संशोधन को स्वीकार कर लेने से इस विधेयक का मकसद पूरा हो जाता है। मैं आशा करता हूँ कि मंत्री महोदय मेरे संशोधन को स्वीकार कर लेंगे।

श्री ओम प्रकाश त्यागी : उपाध्यक्ष महोदय, जैसा अभी मेरे बन्धु ने कहा है, जब आपने 20 आदमियों की संख्या पर इस विधेयक को लागू करना स्वीकार किया है, परन्तु जब सुविधा की बात आती है तो कहते हैं कि 100 आदमियों पर कैंटीन खुलेगी—इसके पीछे कौन सी युक्ति है, मेरी समझ में नहीं आया। जहाँ पर 20 आदमी काम करेंगे वहाँ भी इन सुविधाओं की जरूरत पड़ेगी, खाना न सही, कम से कम चाय का प्याला तो उनको मिलना ही चाहिए। जहाँ मजदूर काम करते हैं,

*Shri Gurcharan Singh also recorded his vote for NOES.

उनको इतनी सुविधा अवश्य होनी चाहिये कि वे लोग वहीं कैंटीन में बैठ कर चाय का प्याला पी सकें और चाय के लिये उनको बाहर न जाना पड़े। अगर आप यह सुविधा 100 आदमियों के लिये ही रखेंगे, तो कोई भी कान्ट्रैक्टर इतनी सुविधा नहीं देगा। इसलिये मैंने अपने संशोधन में कहा है कि 100 आदमियों के स्थान पर 25 रखा जाय, 25 आदमियों पर कैंटीन होना ही चाहिये।

SHRI B. P. MANDAL : My amendment is the same as Shri Jha's. I am sorry the Minister has come with a closed mind determined to reject almost all amendments. So as a matter of fact, I did not like to move my amendment. Anyway, I think it is reasonable that when there are 50 workers Government should have power to compel the contractor to have a canteen. Eating arrangements are very necessary; without food, a worker cannot work efficiently. The number 100 is too large; even if there are 50, there should be canteen facilities available. I support the amendment of Shri Jha's. Instead of displaying a closed mind determined to reject all amendments, I think the Minister should apply his mind to the reasonability of our amendments and accept them. He will kindly accept this amendment as a necessary one in the light of what I have explained.

SHRI TENNETI VISWANATHAM (Visakhapatnam) : This is a very important facility. After all, the Labour Minister wants to give some facilities to labour. But he says if there are 99 workers, they will not have a canteen, but if they are 100, they will get it. This approach is quite wrong. Even if he does not accept the figure of 20 or 25, he must accept the amendment saying that if there are 50 workers, this facility must be provided. Otherwise, the entire Act will become futile and devoid of purpose.

SHRI D. SANJIVAYYA : Only with regard to canteens the number hundred is fixed. With regard to rest house, drinking water, etc., even if there are 21 there, they are eligible for all this. With regard to canteens I must plead with the House to be practical. What is the kind of contract labour we have got? They cook their own food, they

bring their own food with them and drink water there. Very rarely they go to the canteen.

AN HON. MEMBER : Because no facilities are available.

SHRI D. SANJIVAYYA : It must be a viable unit. Therefore, I think the number hundred is reasonable.

MR. DEPUTY-SPEAKER : I put Amendment Nos. 25, 50 and 78 to the House.

Amendments Nos. 25, 50, & 78 were put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That Clause 16 stand part of the Bill."

The motion was adopted.

Clause 16 was Added to the Bill.

MR. DEPUTY-SPEAKER : There are still 48 Amendments left and 20 Clauses. We allotted five hours, we have exceeded that time. So if the members agree, they may kindly press only those Amendments which they consider really important.

The question is :

"That Clause 17 stand part of the Bill."

The motion was adopted

Clause 17 was added to the Bill.

Clause 18—(Other Facilities)

SHRI LOBO PRABHU : I beg to move :

Page 10, line 17,—

after "labour" insert "exceeding fifty"
(70)

Clause 18 provides that the contractor will make available a sufficient supply of wholesome drinking water, a sufficient number of latrines and urinals and washing

[Shri Lobo Prabhu]

facilities. My difficulty is this. If the contractor has a very small body of men, he cannot go on constructing these things and providing these facilities. So, as you have allowed in Clause 16 that the number should be hundred, in respect of these facilities the number may be at least fifty because it will not be realistic otherwise to provide these facilities. Drinking water is available. There are public sources of supply. He need not bring a pipe for 20 workers. If it is fifty, it becomes a sizeable body of workers. I think without really losing the purpose of the Bill, you will be serving both the interests of the economy and of the workers if the number is raised from 20 to 50.

SHRI NAMBIAR : Even if it is five, drinking water must be given. Let him bring a pot of water and put it there. Why are you objecting ?

SHRI D. SANJIVAYYA : The number should not be fixed. If there are 21, it should apply, but with regard to the scale as to how many canteens should be there, how many latrines, etc., that will be fixed according to the rules to be framed under Clause 35. Clause 35 (2) (j) says that the number and types of canteens, rest-rooms, latrines and urinals that should be provided and maintained will be fixed by the rules.

MR. DEPUTY-SPEAKER : I put Amendment No. 70 to the House.

Amendment No. 70 was put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That clause 18 stand part of the Bill."

The motion was adopted.

Clause 18 was added to the Bill.

Clauses 19 and 20 were added to the Bill.

MR. DEPUTY-SPEAKER : Then we come to clause 21.

SHRI LOBO PRABHU : I am not moving my amendment.

MR. DEPUTY-SPEAKER : The question is :

"That clause 21 stand part of the Bill."

The motion was adopted.

Clause 21 was added to the Bill.

Clause 22 was added to the Bill.

Clause 23—(Contravention of Provisions Regarding Employment of Contract Labour.)

MR. DEPUTY-SPEAKER : Then we take up clause 23.

SHRI SHIVA CHANDRA JHA : I move :

Page 12, line 5, for "three"

substitute "six" (26)

SHRI OM PRAKASH TYAGI : I move :

Page 12, Line 9, add at the end

"and with imprisonment for a term which may extend to six months." (51)

श्री शिव चन्द्र झा : उपाध्यक्ष महोदय, इसमें सजा देने की बात है। जो कानून का उल्लंघन करेंगे उनको कैसी सजा मिलनी चाहिए उसके लिए ये चाहते हैं कि तीन महीने की सजा और एक हजार रुपए तक का जुर्माना हो। अभी उस दिन श्री देवेन सेन जी ने कहा था कि एक हजार का फाइन रखकर आप उन ठेकेदारों को डरा नहीं सकते हैं। वह ठेकेदार तो ऐसे हैं जोकि आपको भी खरीद सकते हैं। इसीलिए मैंने इसमें यह संशोधन रखा है कि इसमें जो सजा देने की बात है वह तीन महीने से बढ़ाकर 6 महीने का रिगरेस इम्प्रिजनमेंट देने की बात रखी जानी चाहिए ताकि उनके ऊपर उसका कुछ असर पड़ सके।

SHRI D. SANJIVAYYA : In most of the labour enactments, this period of three months is fixed. With regard to the fine, my

hon. friend Mr. Jha might not have read this clause fully. If he reads it fully he will find the provision saying, "with an additional fine which may extend to one hundred rupees for every day during which such contravention continues" etc. Therefore it is severe enough. And so I do not accept the amendment.

MR. DEPUTY-SPEAKER : I shall put the amendments to the vote.

Amendments No. 26 & 51 were put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That clause 23 stand part of the Bill."

The motion was adopted.

Clause 23 was added to the Bill.

Clause 24—(Other Offences)

MR. DEPUTY-SPEAKER : Now we take clause 24.

SHRI SHIVA CHANDRA JHA : I move :

Page 12, line 13, for "three" substitute "six" (27)

अभी तीन महीने की सजा को जो 6 महीने करने की बात मैंने रखी थी उसपर मन्त्री महोदय ने कहा कि मैंने सारा क्लाइ पढ़ा नहीं है। उसमें तो यह लिखा है :

"...with an additional fine which may extend to one hundred rupees for everyday during which such contravention continues."

इसमें तो यह लिखा है कि जब कंतिनुईंग कन्ट्रिब्यूशन होगा यानी जब दूसरी बार, तीसरी बार कोई जुर्माना करेगा तो उसके लिए यह रखा गया है। इन्होंने दोनों बातों को एक साथ मिक्स अप कर दिया है। इसलिए मैंने अभी तीन महीने की सजा को 6 महीने करने के लिए जो तर्क दिये थे वही बात यहां भी लागू होती है।

SHRI D. SANJIVAYYA : We are on clause 24. He speaks on : clause 23.

MR. DEPUTY-SPEAKER : I shall now put the amendment to the vote.

Amendment No. 27 was put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That clause 24 stand part of the Bill."

The motion was adopted.

Clause 24 was added to the Bill.

Clause 25 (Offences by Companies)

MR. DEPUTY-SPEAKER : Then we come to clause 25.

SHRI SHIVA CHANDRA JHA : I move: Page 12, line 22, after 'proves' insert

"and the contract labour generally approves of." (28)

MR. DEPUTY-SPEAKER : I shall put the amendment to the vote.

Amendment No. 28 was put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That clause 25 stand part of the Bill."

The motion was adopted

Clause 25 was added to the Bill.

Clause 26 (Cognizance of Offences)

MR. DEPUTY-SPEAKER : Then we come to clause 26.

SHRI SHRI CHAND GOYAL : I move :

Page 13, lines 2 and 3,

for "by, or with the previous sanction in writing of, the inspector."

[Shri Shri Chand Goyal]

substitute

"by an office-bearer of a recognised trade union or by the inspector" (13)

SHRI OM PRAKASH TYAGI : I move

Page 13, lines 2 and 3,

omit, "or with the previous sanction in writing of," (52)

Page 13, line 3,

after "inspector" *insert*

"or the office bearer of the recognised trade union" (53)

SHRI SHRI CHAND GOYAL : This is a very important amendment. This is a basic one. My amendment No. 13 suggest that for the words "by or with the previous sanction in writing of, the inspector", substitute the words "by an office bearer of a recognised trade union or by the inspector." The right to move the machinery of this Act, has been given only to the inspector. The labour and recognised trade unions have been omitted, even though usually this right is always invested in the leader of a trade union to move the machinery under similar Acts. I do not know why the entire thing has been left to the discretion of the inspector. If the inspector is dishonest or inactive the machinery under this Act will not come into motion at all. Therefore, I have said that the office-holders of recognised trade unions should be given the right to file these complaints instead of the present position in the Bill under which the complaint can be made only by the inspector.

SHRI NAMBIAR : It is a very reasonable amendment. When an offence has been committed, cognizance has to be taken by the party affected or by Government. Here Government means the police or the magistrate. Why do you want an inspector appointed under this Act to make a complaint ? There is every possibility of a collusion between the inspector and the culprit. Therefore, labour will not get justice. The trade union representing labour must have that right, not the inspector. He should not stifle justice.

Justice must not only be done but also appear to be done.

SHRI D. SANJIVAYYA : The inspector to be appointed under this Act has powers to enter any premises of an establishment or the contractor's office, inspect and seize records, etc. He is in a better position to prove the case in a court of law than the labour leaders or workers who have no access to those records.

MR. DEPUTY-SPEAKER : I will now put the amendments Nos. 13, 52 and 53 to the House.

Amendments Nos 13, 52 & 53 were put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That clause 26 stand part of the Bill."

The motion was adopted.

Clause 26 was added to the Bill.

Clause 27—(Limitation of Prosecution)

SHRI SHRI CHAND GOYAL : I beg to move :

Page 13, line 7

for "three" *substitute* "six" (14)

Page 13

omit lines 10 to 13. (15)

I want that instead of 3 months it should be 6 months for filing a complaint. Sometimes it may not be possible to file a complaint within 3 months. Why take away this valuable right by limiting it to three months ? It should be six months.

SHRI D. SANJIVAYYA : If more time is given, there is possibility for complication. 3 months is quite sufficient.

MR. DEPUTY-SPEAKER : I will now put amendments Nos. 14 and 15 to the House.

Amendments Nos. 14 & 15 were put and negatived.

MR. DEPUTY-SPEAKER : The question is :

"That clause 27 stand part of the Bill."

The motion was adopted.

Clause 27 was added to the Bill.

Clauses 28 to 30 were added to the Bill.

Clause 31—(Power to Exempt in Special Cases)

SHRI SHRI CHAND GOYAL : I beg to move :

Page 15, lines 5 and 6,—

for "if in its opinion it is necessary or expedient so to do"

substitute

"in the case of an emergency or in an extraordinary situation" (16)

SHRI OM PRAKASH TYAGI : I beg to move :

Page 15, lines 5 and 6,—

for "if in its opinion it is necessary or expedient so to do"

substitute

"in an extraordinary situation" (54)

SHRI SHRI CHAND GOYAL : This clause deals with the power to exempt certain establishments from the purview of this Act. At the moment, this power has been made absolutely discretionary with the appropriate Government. As it is, the clause says "if in its opinion it is necessary or expedient so to do". No guidelines or guiding principles have been provided. I am suggesting the substitution of these words by the words "in the case of emergency or in an

extraordinary situation." After all, when the government wants to take out certain establishments from the purview of the Act, there must be some valid and cogent reasons. It was argued by the Minister in the Select Committee that an emergency or an extraordinary situation may arise which may necessitate the taking out of certain establishment from the purview of the Act or may be that certain government commitments may have to be fulfilled. Unless those guiding principles are provided in the statute, the government will have the discretion to abuse this power and the State will take out certain establishments from the purview of this Act, at its fancy and whim.

श्री ओम प्रकाश त्यागी : उपाध्यक्ष महोदय, इस क्लॉज के आने से जो भी लाभ मजदूरों को दिया गया है वह उससे वंचित किया जा सकता है। यह क्लॉज गवर्नमेंट के हाथ में इतनी पावर दे देता है कि जो लाभ गवर्नमेंट देना चाहती है उस को वह एक ही नोटिफिकेशन से खत्म कर सकती है। गवर्नमेंट को इतनी पावर दे देना कि "अगर उस की राय में आवश्यक हो तो वह अपने एक नोटिफिकेशन से किसी भी समय ऐक्ट को खत्म कर सकती है" मेरी राय में बिल्कुल गलत है। इसमें यह अवश्य आना चाहिये कि

"in any extraordinary situation"

गवर्नमेंट चाहे तो उस पर नोटिफिकेशन कर सकती है, लेकिन इसमें जो इस प्रकार के शब्द हैं कि :

"The appropriate Government, may, if in its opinion it is necessary or expedient so to do, direct, by notification in the Official Gazette".

अर्थात् अगर गवर्नमेंट की ओपीनियन में आवश्यक हो, मैं समझता हूँ इस प्रकार की पावर गवर्नमेंट के हाथ में देना मजदूरों के हित में भी नहीं होगा और सरकार के भी हित में नहीं होगा। गवर्नमेंट केवल विशेष अवस्था सिचुएशन में ही ऐसा कर सके उसका विधान होना चाहिए।

SHRI RANGA (Srikakulam) : I wish to support this amendment. I think the Minister was on the right foot when he said the other day that there is scope for abolition by gradual stages the contract labour as a whole ; in the mean while, it would be there and it would be regulated, guided and controlled by the government and so on. But, at the same time, yesterday one or two of our members drew our attention to this fact that the local governments have also the right to exempt any of the establishments from the operation of this Bill, which itself is not adequate, which is only a partial answer to the recommendation made by the Whitley Commission so long ago ; nearly 35 or 36 years ago, they suggested that contract labour should be abolished. From that time onwards the government have been moving in an elephantine manner, slowly, and they have reached only up to this particular stage. This is only a kind of apology, but it is good so far as it goes. But the evil of contract labour would still be there. In order to overcome these evils, so many of these clauses have been provided here where some protective steps are mentioned. But here is this clause by which the local governments would get the opportunity to favour some contractor or employer by excluding his establishment from the operation of this Act. In that case, it is a very dangerous provision. May be, in the present circumstances, some such provision is necessary and that is why it is incorporated here. But why should the local government be given complete discretion ? It may publish it in the Gazette and very few people would read the Gazettee ; especially the workers, would not be able to read the Gazette at all. So, should there not be some such condition, as suggested by my hon. friend, Shri Goyal ?

He himself has made us wise about it. The Joint Committee, the hon. Minister and those behind him advanced this very same reason for providing this particular power for the local Governments. Let us also be very clear about one thing. The local Governments are not the local Governments of those earlier days when the ICS people or some other people were looking at these things very carefully. Today, politics has come in. The politics cuts both ways. It may favour labour, as my hon. friend is fortunate enough to have this House in favour of labour. All of us are in favour of

labour. But there is no guarantee when we come down to brass-tacks that the local Government at the local level will always be in favour of labour. It might possibly be in favour of scrupulous or unscrupulous employers.

We may be willing to give this power to the local Government but subject to those conditions which have been suggested. If my hon. friend so chooses, he may suggest some amendment to this. He has used two words, either emergency or extra-ordinary situation. He may drop one or the other word, either emergency or extra-ordinary situation. Let him accept at least one of those conditions so that there will be some check upon the vagaries of politicians who are coming to control the local Governments.

SHRI NAMBIAR : Mr. Deputy-Speaker, Sir, I am opposed to this clause in toto. There are two important clauses, that is, clause 10 and clause 31. Clause 10 gives the right to bring about abolition of the contract system in a particular process or manufacture. Clause 31 gives complete relaxation about it. These are the two operative clauses.

Let us see the wording of clause 10 which says :

"Notwithstanding anything contained in this Act, the appropriate Government may, after consultation with the Central Board or, as the case may be, a State Board, prohibit, by notification in the Official Gazette, employment of contract labour....."

The appropriate Government can prohibit a particular process from the operation of the contract labour after consulting the Central Board or the State Board, as the case may be. Then, clause 31 takes away the right from the labour. It says :

"The appropriate Government, may, if in its opinion it is necessary or expedient so to do, direct, by notification, in the Official Gazette....."

It need not even go and consult the Central Board or the State Board where the labour is represented. Therefore, what little

is given by the right hand is taken away by the left hand. The privilege given to the worker is too small and the right taken away from the worker is too big like a mountain. So, as I said in the beginning, this Government does not want to abolish the contract labour by looking at the wording of these two clauses. What is the harm if clause 31 is not there? Suppose tomorrow there is an emergency. Then, in an emergency, the Government can do anything, take over this, that and so on. In every legislation, there need not be a clause for emergency. Emergency will look after itself. In an emergency, the Government or the President will have absolute power and he can do whatever he wants.

Clause 31 can be conveniently deleted. There is no necessity of it. But there is one difficulty. The re-numbering of the clauses will have to be done. For that, I will agree. That can be done. Clause 10 as such may have some benefit which, after all, is a wishful thinking. They want to abolish contract labour. If that is the real intention, let not clause 31 be there. As regards the re-numbering of the clauses, I am prepared to accept the amendment of my hon. friend, Shri Goyal. Whatever is given by the right hand should not be taken away by the left hand.

16 hrs.

SHRI TENNETI VISWANATHAM (Visakhapatnam) : May I also add my appeal to the Minister not to depend upon the voting strength which he has to-day but to act upon his commonsense without depending upon merely the official outlook.

In fact the entire Act is nullified if that section stands. To-day, as you know, in the States contractors are very influential in politics. As our expenditure is mounting up, the volume of work done by the contractors, the value of work done by the contractors and the role of the contractors, particularly, during election time is something about which I need not detail here. Therefore, the State Governments will only clutch at this power and instead of using it properly, they will be certainly tempted to abuse it. I want this young Minister not to throw temptation in the way of these State Ministers. Therefore, even if he is not able

to get at the word 'extraordinary' because it is not judicially defined anywhere 'emergency' is a constitutional term and I would appeal to him to accept it.

SHRI D. SANJIVAYYA : When we framed this clause, we also felt a little nervous because it gives ample power. But I thought responsible governments will exercise this power in the case of emergency and extraordinary circumstances. But in view of the strong feelings expressed in this House I would like to accept this : 'in the case of emergency'.

SHRI NAMBIAR : We will agree.

MR. DEPUTY-SPEAKER : There is some difficulty here. Either you accept the amendment which has been moved, or if you accept only part of the amendment, then it means amendment to amendment.

SHRI D. SANJIVAYYA : If I am permitted to move, I move that the words 'in the case of emergency' be substituted.

MR. DEPUTY-SPEAKER : You please send it in writing.

SHRI NAMBIAR : Whatever mercy is given, Sir, we are prepared to accept.

SHRI D. SANJIVAYYA : Sir, I beg to move :

Page 15, lines 5 and 6,—

for "if in its opinion it is necessary or expedient so to do".

substitute "in the case of an emergency." (81)

MR. DEPUTY-SPEAKER : In view of the Minister's amendment, does Mr. Goyal press his amendment?

SHRI SHRI CHAND GOYAL : If my amendment is being amended by the Minister, I have no objection, Sir.

Amendment No. 16 was by leave withdrawn.

MR. DEPUTY-SPEAKER : I am now putting the Minister's amendment which has been moved. The question is :

Page 15, lines 5 and 6,—

for "if in its opinion it is necessary or expedient so to do"

substitute "in the case of an emergency"
(81)

The motion was adopted.

SHRI OM PRAKASH TYAGI : I seek the leave of the House to withdraw my amendment.

The Amendment No. 54, by leave, withdrawn.

MR. DEPUTY-SPEAKER THE question is :

"That Clause 31, as amended, stand part of the Bill."

The motion was adopted

Clause 31 as amended, was added to the Bill.

Clauses 32 to 34 were added to the Bill.

Clause 35 (Power to make Rules)

SHRI HEM RAJ : I wish to withdraw my amendment No. 72.

MR. DEPUTY-SPEAKER : It has not been moved at all. Now, the question is :

"That Clause 35 stand part of the Bill."

The motion was adopted.

Clause 35 was added to the Bill.

Clause 1 (Short title, Extent, Commencement and Application)

MR. DEPUTY-SPEAKER : We take up *Clause 1*. There are a large number of amendments which may be moved.

SHRI D. SANJIVAYYA : I beg to move:

Page 1, line 6,—

for "1969" *substitute* "1970" (2)

Page 1, lines 7 and 8,—

omit "except the State of Jammu and Kashmir." (3)

SHRI SHRI CHAND GOYAL : I beg to move :

Page 2, line 2,—

for "twenty" *substitute* "ten" (6)

Page 2, line 6,—

for "twenty" *substitute* "ten" (7)

Page 2, line 12,—

for "twenty" *substitute* "ten" (8)

Page 2, lines 23 and 24,—

for "one hundred and twenty days" *substitute* "ninety days" (9)

Page 2, line 26,—

for "sixty days" *substitute* "thirty days" (10)—

SHRI SHIVA CHANDRA JHA : I beg to move :

Page 2, line 13,—

for "not" *substitute* "also" (20)

Page 2, lines 23 and 24,—

for "one hundred and twenty" *substitute* "sixty" (21)

SHRI NAMBIAR : I beg to move :

Page 1, lines 5 and 6,—

for "(Regulation and Abolition)" *substitute* "(Abolition)" (29)—

Page 2,—

omit lines 13 to 26. (32)

SHRI OM PRAKASH TYAGI : I beg

to move :

Page 2, line 2,—

for "twenty" substitute "fifteen" (37)

Page 2, line 6,—

for "twenty" substitute "fifteen" (38)

Page 2, line 12,—

for "twenty" substitute "fifteen" (40)

Page 2, lines 23 and 24,—

*for "one hundred and twenty days"
substitute "one month" (44)*

SHRI J. M. LOBO PRABHU : I beg to move:

Page 2, line 3,—

for "any day" substitute "an average" (56)

Page 2, line 6,—

for "any day" substitute "an average" (57)

Page 2, line 8,—

after "may" insert

"after consulting the appropriate Advisory Board, and" (58)

Page 2, line 14,—

*after "casual"
insert "or non-commercial" (59)*

SHRI SHRI CHAND GOYAL : As at present the Bill applies to Establishments which employ 20 persons. I am suggesting that this number should be replaced by 10. There are so many small-scale industries which employ less number of persons where contract labour is being utilised. If we retain the figure 20, it means, the establishments where they employ 10 people or more, will not come within the purview of this Act. Therefore, they will not get advantage.

The evil practices which are at the moment existing in contract labour and the inhuman and subhuman conditions in which contract labour is passing its days and the misery which they are undergoing will not be over unless we apply the provisions of this

measure to establishments which have even ten persons as their employees and also to contractors who are working with ten persons. Therefore, I would suggest that these three amendments should be accepted.

I shall not take the time of the House by quoting the overwhelming and exuberant evidence which has come on this point. So many witnesses who had appeared before the Select Committee as representatives of the trade unions were by and large of the view that this should apply also to establishments employing ten persons. The hon. Minister then gave one argument namely that since in the Factories Act and other similar legislation including the Minimum Wages Act the figure 20 appeared, therefore, they were taking this convenient figure. But the point is that this new measure is being adopted in the year 1970, whereas those labour legislations came into existence 15, 20 or 30 years ago, when conditions were entirely different. Then, we were not able to do much for labour. But now that we have a person like Shri D. Sanjivayya heading the Labour Ministry, we hope he will keep in mind the misery and the sad lot of the persons working in establishments employing ten or less number of persons and agree to replace the figure 20 by 10.

श्री शिव चन्द्र झा : उपाध्यक्ष महोदय यह कानून उन एस्टाब्लिशमेंट्स और कंट्रैक्टर्स पर लागू होने जा रहा है, जहां बीस या उस से अधिक कंट्रैक्ट लेबर काम करते हैं। शुरू से ही यह मांग की जा रही है कि इस संख्या को घटाकर दस कर दिया जाये। आखिर इस सरकार का मकसद एक वेलफेयर स्टेट कायम करना है और उसने इस विधेयक के शीर्षक में "एबालिशन" शब्द का इस्तेमाल किया है। तो फिर मंत्री महोदय क्यों नहीं ऐसी व्यवस्था करते हैं कि ज्यादा से ज्यादा लोग इस कानून के अन्तर्गत आ जायें? माननीय सदस्य ने ठीक कहा है कि देहात में जो छोटे उद्योग लगाये जा रहे हैं, उनमें दस से कम लोग कंट्रैक्ट पर काम करते हैं। इस लिए सरकार को यह देखना चाहिए कि ज्यादा से ज्यादा लोग इस कानून से कवर हो सकें। जब सरकार कंट्रैक्ट लेबर

[श्री शिवचन्द्र झा]

को खत्म करने का दावा करती है, तो फिर उसको यह संशोधन मान लेना चाहिए कि यह कानून उस एस्टाब्लिशमेंट्स और कंट्रैक्टर्स पर भी लागू हो, जहां दस या उससे अधिक कंट्रैक्ट लेबर काम करते हैं। इस प्रकार यह विधेयक ज्यादा मीनिंगफुल हो जायेगा। वैसे मैं देखता हूं कि सरकार अपनी ही कुल्हाड़ी से अपने विधेयक को काटती चली जा रही है—एक तरफ वह लिखती जा रही है और दूसरी तरफ मिटाती जा रही है। क्लॉज 31 के द्वारा उस ने इस विधेयक की सब व्यवस्थाओं को खत्म कर दिया है।

क्लॉज 1(5)(ए) में कहा गया है कि यह विधेयक उन एस्टाब्लिशमेंट्स पर लागू नहीं होगा, जहां केवल इंटरमिटेंट या कैंजुअल नेचर का काम होता है—“इट शॉल नाट सप्लाई टु—”। मेरा संशोधन संख्या 20 यह है कि शब्द “नाट” के स्थान पर “आलसो” रख दिया जाये, ताकि यह विधेयक उन एस्टाब्लिशमेंट्स पर भी लागू हो।

एक्स्प्लेनेशन में कहा गया है कि किसी एस्टाब्लिशमेंट का काम इंटरमिटेंट नहीं माना जायेगा, अगर पिछले बारह महीनों के दौरान वहां 120 दिनों से ज्यादा में काम होता रहा है, अर्थात् अगर वहां पर 120 दिनों से ज्यादा में काम होता रहा है, तभी यह विधेयक उस पर लागू होगा। सरकार की तरफ से कैंजुअल लेबर को पर्मानेंट करने की बात बंद ही गई है वह यह भी चाहती है कि इस विधेयक से ज्यादा लोगों को कवर किया जाये। मैं अपने संशोधन संख्या 21 के द्वारा यह चाहता हूं कि इस विधेयक को ज्यादा मीनिंगफुल बनाने के लिए 120 दिनों के बजाये 60 दिन कर दिया जाये।

SHRI NAMBIAR : I have three sets of amendments. One is to reduce 20 to 10. Other hon. members have spoken on this. I do not want to repeat all that. Sub-cl. (5)

as amended by the Joint Committee does not improve the clause. I tried my best in the Committee to improve it. It says :

“It shall not apply to establishments in which work only of an intermittent or casual nature is performed.

“If a question arises whether work performed in an establishment is of an intermittent or casual nature, the appropriate Government shall decide that question.....”

The words in italics appearing in page 2 were added by the Joint Committee, but still it has not improved it.

The point is that if it is a work of an intermittent or casual nature, the employer can employ the workmen to perform it and pay them. Why should the contractor come in. Their argument is that if it work of an intermittent or casual nature, how can he employ? How can the contractor come in?

Suppose there is a sugar mill. When cane is available, there is work to crush it and people are employed. When it is the off season, there is no work. So the employer can employ him for six months when cane is available and pay him for it. But why do you bring in the contractor? I do not know how he comes in. To save the employer from difficulty? Whether it is intermittent or casual or other work, the poor worker has to do the work under the contractor or some employer. But here why do you bring in the contractor? So that the worker can be fleeced? Thereby he is paid less. The employer keeps quiet getting the benefit out of it.

Therefore, in work of an intermittent or casual nature, it is all the more necessary to remove the middlemen. Therefore, this clause even after amendment in the Joint Committee does not improve the situation; on the other hand, it gives a licence to legalise it. This is brought on the statute book. I say it is a blur, a black dot on the statute book. It must be taken away. If (5) is removed, what is the harm? We may have sub-clause (4) with the proviso and then we can have the definition clause. Why do you want 5(a)? Delete it. (4) (a) and

(b) will be there. Then (5) (a) and (b) and *Explanation* will go. The Bill will look better after that. It will have some respectability. The workmen will feel that something is being done for them. Do not bring in the 'intermittent and casual nature' condition. That will confuse the whole thing and deprive the worker of his legitimate right and allow the contractor to come in to eat away the hard earned portion of the fruit of his labour. Please remove the contractor from here at least. Shri Lobo Prabhu may have some contractor in view; he may be in touch with contractors. We are the representatives of the workers, not of the contractor or the employer. We have an audience of 10 lakhs. We represent 99.9 per cent of the electorate who are under this category. Let us speak for them and not for the 0.1 per cent.

Therefore, even Mr. Lobo Prabhu himself would agree with me and support me.

श्री ओम प्रकाश त्यागी : उपाध्यक्ष महोदय, मंत्री महोदय ने 20 आदमियों की संख्या रखी है कि न्यूनतम 20 आदमियों रहेंगे तो यह नियम लागू होगा। लेकिन अगर कोई कान्ट्रैक्टर 19 आदमी रखता है तो यह समूचा विधेयक वहां लागू नहीं होगा और कान्ट्रैक्टर जानबूझ कर 19 ही रखेगा चाहे वैसे वह 25 रखे लेकिन उन पांच को वह रजिस्ट्रार में रखेगा ही नहीं। तो यह आप ने एक ऐसा मार्ग दे दिया है कि इन मजदूरों को इस बिल के द्वारा कोई लाभ पहुंचेगा इसमें संदेह है। दूसरी बात मैं एक और कहना चाहता हूं, मंत्री महोदय खास तौर से बताएंगे कि अगर वहां 20 आदमी नहीं 15 या दस आदमी काम करते हैं तो क्या वह आदमी नहीं है? उन आदमियों को लाभ क्यों नहीं मिलना चाहिए? अगर एक कान्ट्रैक्टर ने आदमी लगा रखे हैं, गैंग लगा रखा है दस का ही लगाया है या 15 का ही लगाया है तो उनको इसका लाभ क्यों नहीं पहुंचना चाहिए इसका आप के पास क्या उत्तर होगा। मैंने हलांकि 15 आदमियों का मिनिमम रखा है लेकिन मैं दस से भी सहमत हूं कि दस होने चाहिए।

दूसरी बात मैं यह कहना चाहता हूं कि 31वीं धारा के द्वारा आपने तमाम सुविधायें देने के पश्चात् उसे गवर्नमेंट के हाथ में दे दिया कि बाई नोटिफिकेशन चाहे तो यहां कुछ भी हो सकता है। आपने बड़ी कृपा की आप ने अपने ढंग से इस अमेंडमेंट को स्वीकार किया। लेकिन यहां वही चीज दे दी:

"If a question arises whether work performed in an establishment is of an intermittent or casual nature, the appropriate Government shall decide that question after consultation with the Central Board of, as the case may be, a State Board, and its decision shall be final."

एक्सप्लेनेशन आप ने दिया है :

"*Explanation.*—For the purpose of this sub-section, work performed in an establishment shall not be deemed to be of an intermittent nature—

- (i) if it was performed for more than one hundred and twenty days in the preceding twelve months"

मैं कहना चाहता हूं, 120 दिन आप ने रखा है। 120 दिन से ज्यादा काम हुआ है तब आप का यह विधान लागू होगा। लेकिन 120 दिन आपने अनुभव किया है कितने दिन होते हैं? आपने मेरे ख्याल में मजदूरों के पास रहकर कभी अनुभव नहीं किया है। मजदूरों के पास रहकर अनुभव करेंगे तो आपको एक महीने में तारे दिखलाई पड़ने लग जाएंगे। दिन में आकाश में तारे दिखलाई पड़ेंगे एक महीने में; तो 120 दिन के लिये आप जो यह नियम लागू करते हैं यह मजदूरों के साथ अन्याय है। आप रखना ही चाहते हैं तो कम से कम एक महीना जिसने काम किया है उसको यह सुविधायें मिलनी चाहिए। यह मेरी मान्यता है।

दूसरी बात यह भी है। आपने कहा है :

[श्री ओम प्रकाश त्यागी]

"(ii) if it is of a seasonal character and is performed for more than sixty days in a year."

यहां भी आप 30 दिन कर दीजिए तो अच्छा है। मैं समझता हूँ आप यह बिल लाए हैं, इसके लिए मैं आपको धन्यवाद देता हूँ, आप ने मजदूरों की भलाई के लिए कदम बढ़ाया है लेकिन जब कदम बढ़ाया है तो फिर कंजूसी क्यों कर रहे हैं? कंजूसी करने की कोई आवश्यकता नहीं है। हमारा अमेंडमेंट मानना यदि आप के लिए अपमान है तो आप अपनी ही ओर से रख लीजिए लेकिन उन गरीबों पर जिन्होंने कम से कम एक महीना काम किया है दया करिए।

SHRI LOBO PRABHU (Updi) : It is the common endeavour of all of us to serve contract labour. The question is how that can be done in the best possible way. When you are thinking in terms of reducing the number from 20 to 10, you must think of the number of licences which you have to issue, the number of registers that will have to be checked, and you will have then to ask yourself this question whether there will be any reality in this Bill. It is a very ideal thing, you can even go down to two or one contract labourer, but can you enforce the Act if you over-complicate it by reducing the number of workers and the number of days which qualify for this? This is a matter very seriously to be considered by those who are interested in labour. And if you do not consider it, you will render this whole Act infructuous.

I come next to the point about contractors. There is an idea that every contractor is a very rich man. I think there is a confusion that a contractor is a millionaire. My good friends do not know that if you want to give a certain contract in Government or even for a private purpose, there are 10 to 20 men who come and tender and the profit which a contractor gets is reduced by this competition, to the barest minimum. This is a factor which you must keep in view. If a contractor was a zamindar or a trade union leader who has a monopoly, one can understand this, but when you know that the contractor is bound by competition, you must

know that the profit that he takes is very small and that profit is again reduced by what he gives to the officials to the trade union and by what he has to give to the various intermediaries. So, let that point be cleared.

Now, coming to my particular amendment, it is a very simple one; about the number 20, the words used are "on any day during the preceding year." Instead of that, my colleague who was on the Joint Committee, Mr. Amin, argued that it should be on an average 20 because it may be that on one day the contractor exceeds 20 and on the remaining days he might have had only five or 10 workers. It was a very reasonable amendment that it should be on an average 20, because that would represent a substantial contractor who should be subjected to this Act. I would like to say that if this Act proves successful and if there are more contractors and more workers, no difficulty for the Government will arise and they can come and reduce the number of days, but do not begin in such a way that the whole Act becomes a dead-letter and the whole Act is still-born.

SHRI NAMBIAR : Even as it is, it is a dead-letter.

SHRI LOBO PRABHU : So, I am in agreement with Mr. Nambiar that it is a dead-letter. But he is trying to make it more dead. I do not know if it is possible. I am just stating that my point should be considered very carefully.

I do not want to take up the time of the House. Although my other amendments are important, I am not pressing them; I would just say to my good friends, let us have a workable Act, something which will benefit the workers and not something which only pleases us because it is on paper.

SHRI D. SANJIVAYYA : The first point is with regard to the number. Some hon. Members desire that 20 should be reduced to 10. My hon. friend Shri Lobo Prabhu answered that question very well. In fact, some of the hon. Members who took part in the general discussion made it a point to say that it is no use to pass a legislation and it should be implemented and implemented

effectively and satisfactorily. Therefore, we have to take into consideration the amount of work involved and the amount of staff you are going to employ and the manner in which we are going to implement this legislation. Therefore, if you reduce the number from 20 to 10, probably the work will be more than doubled. So, it is better to have limited work and then implement it properly. That is why I am not in a position to accept this amendment aiming at reducing this number from 20 to 10.

With regard to Mr. Nambiar's amendment, he suggests that sub-clause (5) of clause 1 should go. In fact, most of that clause is on account of the suggestion made by the Joint Committee by a majority. I think they have wisely made the suggestion, and this should not be touched. In the case of intermittent employment, if it is more than 120 days, naturally such employment or such establishment or such contractor would be covered by this enactment and in the case of a factory of a seasonal nature if it works for 60 days or more it will be covered. Therefore I think it is quite good.

Coming to the last point raised by hon. Member Shri Lobo Prabhu that it should be on an average and not on any day, I want him to realise one point. He was Labour Secretary and he knows all the labour laws. Let him see what the Factory Act says; it also says that on any day, if 20 workers are employed, the Factory Act applies. In a similar way, we have said that if on any day in the preceding year if they employ 20 or more people, it applies.

MR. DEPUTY-SPEAKER : I will now put amendments Nos. 2 and 3 of Mr. Sanjivayya. The question is :

Page 1, line 6,—

for "1969" substitute "1970" (2)

The motion was adopted.

MR. DEPUTY-SPEAKER : The question is :

Page 1, lines 7 and 8,—

omit "except the State of Jammu and Kashmir" (3)

The motion was adopted.

MR. DEPUTY-SPEAKER : I shall now put all the other amendments to vote.

Amendments Nos. 6 to 10, 20, 21, 29, 32, 37, 38, 40, 44, & 56 to 59 were put and negatived.

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 "Twentieth"

substitute "Twenty-first" (1)

(Shri D. Sanjivayya)

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.

Title

SHRI NAMBIAR : I have my amendment No. 29.

MR. DEPUTY-SPEAKER : That relates to clause 1, not to the Title. Clause 1 is over now.

SHRI NAMBIAR : This is about the Bill's name. I want to put forward my arguments.

MR. DEPUTY-SPEAKER : All right. As a special case, I am allowing you.

SHRI NAMBIAR : I beg to move :

MR. DEPUTY-SPEAKER : The question is :

Page 1,—

for the Long Title
substitute—

"That the Bill, as amended, be passed"

The motion was adopted.

"A BILL to abolish the employment of contract labour in certain establishments and for matters connected therewith."
 (82)

16.37 hrs.

DELHI SHOPS AND ESTABLISHMENTS
 (AMENDMENT) BILL

The long title of the Bill is Contract Labour (Regulation and Abolition) Bill. I want that "Regulation" should be taken away and only "Abolition" should stand. After accepting all these clauses, I agree that it is more of regulation than abolition. But I have a wish that abolition must take place. I want to give importance to abolition. The minister built up the entire case on the edifice of clause 10.

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

"That the Bill further to amend the Delhi Shops and Establishments Act, 1954, as passed by Rajya Sabha, be taken into consideration."

Clause 10 deals with abolition. If that is the purpose for which he is bringing the Bill, let it be called Contract Labour Abolition Bill. He wants piecemeal abolition. Let this be the beginning of the abolition of contract labour. Let us see that the process of abolition begins so that it can be completed in a short time. So, let us dedicate this Bill to the purpose of abolition and call it by that name.

The Delhi Shops and Establishments Act, 1954 was enacted by the then Delhi Legislative Assembly. The Act regulates the hours of work, payment of wages, grant of leave and holidays, terms of service and other conditions of work, of persons employed in the shops, commercial establishments, establishments for public entertainment and other such establishments. The Act which extends to the whole of the Union Territory of Delhi has been in force since 1st February, 1955 and is administered by the Delhi Administration. It was last amended through Parliament in May, 1961.

MR. DEPUTY-SPEAKER : I will now put the amendment of Shri Nambiar to the vote of the House.

*Amendment No. 82 was put and
 negatived.*

MR. DEPUTY-SPEAKER : The question is :

"That the Title stand part of the Bill."

The motion was adopted.

The Title was added to the Bill.

SHRI D. SANJIVAYYA : I beg to move :

"That the Bill, as amended, be passed"

The Bill under consideration has been framed to meet certain difficulties that have been experienced in the working of the Act. The proposals for amendment embodied in the Bill have had the approval of Delhi's Metropolitan Council and Executive Council.

I shall briefly refer to some of the more important proposals.

It is proposed to redefine the term "employee" to cover apprentices, piece-rate workers and persons employed on commission basis who were not included in the Act. Section 10 of the Act is proposed to be elaborated to provide that the interval for