

[Shri Shri Chand Goyal]

matter. This is a very sensational news that has come that the Speaker of the Andhra Pradesh Assembly has resigned. Sir, nobody could resign just for the fun of it, unless there are serious, compelling reasons for it. I understand that there have been conflicts...

MR. DEPUTY-SPEAKER : Let me see the notice.

SHRI SHRI CHAND GOYAL : Notice is for seeking your permission. I can as well make an oral request too, though I have taken this precaution of sending it to you in writing

MR. DEPUTY-SPEAKER : All right ; give me an opportunity.

SHRI NAMBIAR (Tiruchirappalli) : It is a serious matter, for a Speaker to resign...

SHRI SHRI CHAND GOYAL : You are deputising for the Speaker. It is for the Speaker to intervene in such a situation, where the Speaker of an Assembly is compelled to resign.

MR. DEPUTY SPEAKER : I would request the hon. Member to kindly co-operate. Let the Speaker see the notice and consider the implications. Only after that, it can be raised.

14.35 hrs.

CONTRACT LABOUR (REGULATION AND ABOLITION) BILL

THE MINISTER OF LABOUR AND REHABILITATION (SHRI D. SANJIVAYYA) : I beg to move :

"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 question of abolition of contract labour has been under the consideration of Government for a long time. This Bill was

introduced in the Lok Sabha on the 1st January, 1966 but with the dissolution of the Third Lok Sabha, it lapsed. It was re-introduced on the 31st July, 1967 and was referred to the Joint Committee of Parliament in May, 1958. The Committee heard evidence of public bodies, trade unions, organisations, associations and others desirous of presenting their views before it and also invited the views of all-India workers' and employers' organisations. The Committee thereafter considered the provisions of the Bill clause-by-clause and presented its report to the Lok Sabha on the 26th January, 1969. It also placed a copy thereof on the Table of the Rajya Sabha on the same day.

As the hon. Members are aware, the proposed Bill aims at the abolition of contract labour in respect of such categories as may be notified by the appropriate Government in the light of certain criteria that have been laid down and at the regulation of the service conditions of contract labour where such abolition is not possible. It provides for the registration of establishments and licensing of contractors and for the setting up of advisory bodies of a tripartite character representing various interests to advise the Central and State Governments in administering the legislation. Under the Bill, the provision and maintenance of certain basic welfare amenities for contract labour like drinking water and first aid facilities and in certain cases rest-rooms and canteens has been made obligatory.

Provision has also been made to guard against default in the matter of wage payment. An important provision in the Bill is that in case the contractor fails to make payment of wages within the prescribed period, or makes short payment, then the principal employer shall be liable to make payment of wages in full, or the unpaid balance due, as the case may be, to the contract labour employed by the contractor, and recover the amount so paid from the contractor either by deduction from any amount payable to the contractor under any contract or as a debt payable by the contractor.

The Joint Committee have recommended three major changes in the Bill. The first is in regard to clause 1(5), under which the

Act is not to apply to establishments in which the nature of work is intermittent or casual the question whether in any particular case the work performed is of an intermittent or casual nature or not, being decided by the appropriate Governments. The Joint Committee have made two important changes in this provision, firstly that the decision of the Government would be given after consultation with the Central or State board, and that if work was performed in the establishment for more than 120 days in the preceding 12 months or for more than 60 days in the year in the case of a seasonal establishment, the establishment would not qualify for being regarded as working intermittently. The second important change recommended by the Committee is in regard to the composition of the Central and State advisory boards.

As the hon. Members are aware, a ceiling on membership of interests to be represented on these boards is provided in the Bill, that is, not exceeding 17 in the case of a Central board and not exceeding 11 in the case of a State board. The Joint Committee has recommended a minimum also to be laid down, namely 11 in the case of a Central board and 9 in the case of a State board. It has further recommended a provision to ensure that the number of members nominated to represent the workers shall not be less than the number of members nominated to represent the principal employers and contractors.

The third important change is in regard to wages. It is laid down in the Bill that the appropriate Government may fix minimum wages by way of a condition in the licence granted to a contractor. The Joint Committee has expunged the word 'minimum', thus giving Government the power to fix, through the medium of licence, a reasonable wage for contract labour.

Besides these important changes the Joint Committee desired that the Bill should apply to the State of Jammu and Kashmir also. The Committee was assured that this would be done, I have separately given notice of the necessary amendment for the purpose.

I commend the Bill, as reported by the Joint Committee, for the consideration of the House.

MR. DEPUTY-SPEAKER : Motion moved :

"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."

SHRI ABDUL GHANI DAR (Gurgaon): I beg to move :

That the Bill, as reported by Joint Committee, be circulated for the purpose of eliciting opinion thereon by the 31st December, 1970. (33)

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 Joint Committee, be referred to a Joint Committee of the Houses consisting of 25 members, 15 from this House, namely :—

- (1) Shri Bhagwat Jha Azad.
- (2) Sardar Buta Singh
- (3) Shri Samar Guha
- (4) Shri Hem Barua
- (5) Shri S. M. Joshi
- (6) Shri Hukam Chand Kachwai
- (7) Shri J. M. Lobo Prabhu
- (8) Shri Mohammad Yusuf
- (9) Shrimati Sharda Mukerjee
- (10) Chawdhury Sadhu Ram
- (11) Shri M. R. Sharma
- (12) Shri Sheo Narain
- (13) Shri S. S. Syed
- (14) Shri Yashpal Singh ; and
- (15) Shri Abdul Ghani Dar.

and 10 from Rajya Sabha ;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of the Joint Committee ;

that the Committee shall make a report to this House by the 31st January, 1971.

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with

[Shri Abdul Ghani Dar]

such variations and modifications as the Speaker may make ; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 10 members to be appointed by Rajya Sabha to the Joint Committee. (34)

MR. DEPUTY-SPEAKER : The main motion as well as the amendments are before the House.

SHRI R. K. AMIN (Dhaudhuka) : On a point of order. The Bill is entitled Contract Labour (Regulation and Abolition) Bill. What the Minister has indicated in his speech is regarding regulation, but where he is abolishing contract labour he has not indicated,

SHRI SHRI CHAND GOYAL (Chandigarh) : Tha title is a misnomer.

SHRI D. SANJIVAYYA ; Section 10.

MR. DEPUTY-SPEAKER : The Bill is before the House. Members can bring out their points during their speeches and the Minister will have the right of reply.

SHRI S. M. SOLANKI (Gandhinagar) : Speaking on the Contract Labour (Regulation and Abolition) Bill, I must say that the object and the desire to regulate it is not fulfilled in the Bill. Instead of regulating, it has created a greater deal of confusion. The Bill has failed to provide a solution in its concrete practical nature which would benefit labourers and workers. In this Bill there are certain clauses which are against regulation and which will lead to a great deal of litigation in this matter.

During our visit to different States, we took evidence from trade and labour-unions and workers in different units and establishments. All these unions are against the contract labour system prevailing in the country. They are all unanimously of the opinion that this system must be abolished.

Today we see in the construction industry the workers are kept not on a permanent basis but as seasonal workers. They have no permanent job ; they are there for the time being and for the remaining part of

the year they have to search for other jobs to maintain themselves and their families.

They are getting only Rs. 2 or Rs. 3 per day, and the main and middle contractors are making money at their expense. The labourers are not provided with any facilities.

We saw the bidi workers near Nagpur and found they have no water facilities. For maintaining their families they have to work the whole day, from morning till evening, and they get only ten annas per day.

In the Railway department and public undertakings, the labourers are not employed on a permanent basis. In the loading and unloading system in the railways, they get only the fixed rates and nothing else. They are not provided with other benefits. They have no union, and so they are not able to put their case before the authorities.

There is going to be an Advisory Board under this Bill. The representation given to labour on this Board is not sufficient, they must be in a majority so that they can put their case before the Board.

Some of the provisions of the Bill will create a lot of confusion and lead to a lot of litigation. The Inspectors, who will visit the places where contract work is going on, will give a report according to the desire of the contractors, and will not disclose the things that are going on. So, it will create corruption.

This Bill will apply where the number of labourers employed is more than twenty, where they are below 20 it will not apply. Therefore, the contractors will divide the labourers into groups of less than 20, so that they need not provide them various facilities. In the public undertakings and other departments where there is contract labour, there are some other difficulties also.

The Government has not abolished the contractor labour system, they are only trying to regulate it to some extent, but clauses 1(4) (a) and 1(5), instead of regulating it, only create confusion.

Unscrupulous men will take advantage of clause 1(4) (a) and they will see that they do not come within the purview of this clause and they will benefit at the cost of labourers. The contract labour should get some relief according to this Bill but they

will not get it because of such provisions ; the miserable condition that obtains today will be there. It is like a man saying to his wife : I give you freedom to spend all the money but you should take my permission before spending it. In this manner freedom is not given to the wife. In the same manner there are certain clauses in this Bill. Apparently they give benefits to the contract labour but really the principal contractor and the middlemen will get the benefit as they can get over the provisions. There must be some check and some regulation according to this Bill. If they are not provided in proper manner, they will get the benefits as they are getting now. The provisions here do not abolish the system of contract labour. One may say that it has abolished fifty per cent and regulated fifty per cent : it is like a half mad man how is mad for two hours and normal for the remaining hours. In Government's PWD, the contractors are getting their contracts by giving bribe to the Government officers. They are getting licences and contracts by giving bribe. They are filling the tender forms according to the desires of officers and getting the contracts. They are giving one-fourth amount of the profit to the Government officials. Such corruption prevails in this country. As I have already said, the inspectors and the Government officers who maintain the registers and issue licences and other things will get money from the contractors and the contractors will act according to their wishes ; it will create corruption in this country and it will add new corrupt methods in the administration. I must say it is not desirable to pass this Bill in this form and the system which is prevalent in the country must be taken into consideration. I must therefore say that the Government will not satisfy this country ; our country is progressing. I should like to put the democratic rights and everything else according to the regulations. But the Government will not provide those sort of things and so I must oppose the Bill.

SHRI CHINTAMANI PANIGRAHI (Bhubaneswar) : Mr. Deputy-Speaker, Sir, on this question of contract labour, for the last so many years, those who have been working in the trade union movement and among the labourers were feeling the necessity that such a system should be really abolished and the system regulated. This is a welcome measure in that sense, and I feel that at

least some improvement has been made. I am glad that this system which was really atrocious and ruinous to the workers, to the millions of people in the villages who are working and who are going to work in the construction projects, will be abolished, and I hope that this Bill will be of help to them and give a little solace also to the millions of exploited workers.

I have some experience of this, because from my State, Orissa, every year, for about three to four or five months in the year, thousands of workers go to work in the construction projects in West Bengal, Assam and to far-off places where the Border Roads Organisation works, and even to Jammu and Kashmir. When they are put in the work by the petty contractor, they are given an advance of Rs. 200 or Rs. 300 or Rs. 500. When these men return to their homes after the work—some of them do not return at all—if they survive and return, I have seen that they are emaciated and many of them die after return from the construction work. It is really something which free India should be ashamed of.

I have seen several young men of the age of 17 or 18 having gone to work, and when they return from work after a few months I have seen them suffer from serious diseases because of malnutrition and hard work, and they have subsequently died. This is really one of the most atrocious systems that is obtaining in this country, in a free country like ours.

It also leads to various abuses. The contract labour system exploits the workers and it exploits the national economy as well. It also leads to concentration of wealth in the hands of a few. If the labourers go to work, and they give of their best, even then they are not paid according to the work they do. Therefore, when the hon. Minister of Labour, Shri Sanjivayya and others were saying that this Bill has come here after so many years, I was happy ; and I welcome this Bill, and I hope that at least after so many years of strife and hard work, for the trade union people and even those public men who work among them, this measure will bring happiness. They will be really happy to know that the Government have at last come forward with this measure.

I am happy that there are provisions in the Bill where the Government have thought of penalising the principal contractors,

MR. DEPUTY-SPEAKER : He may continue on the next occasion. We now proceed to the Private Members' Business.

14.59 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

Sixty-Fourth Report

SHRI SAYYAD ALI (Jalgaon) : I beg to move :

"That this House do agree with the Sixty-fourth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 29th July, 1970."

MR. DEPUTY-SPEAKER : The question is :

"That this House do agree with the Sixty-fourth Report of the Committee on Private Members' Bill and Resolutions presented to the House on the 29th July, 1970."

The motion was adopted.

15. 00 hrs.

CIVIL PROCEEDINGS LEGAL ASSISTANCE BILL*

श्री मधु लिमये (मुंगेर) : मैं प्रस्ताव करता हूँ कि ऐसे नागरिकों को, जिनके पास पर्याप्त साधन नहीं हैं, सिविल कार्यवाहियों के कतिपय मामलों में विधिक सहायता देने की व्यवस्था करने वाले विधेयक को पेश करने की अनुमति दी जाये।

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill to provide for legal assistance in certain cases or civil proceedings to citizens without adequate means."

The motion was adopted.

श्री मधु लिमये : मैं विधेयक पेश करता हूँ।

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL*

(Substitution of section 11)

श्री मधु लिमये : मैं प्रस्ताव करता हूँ कि लोक प्रतिनिधित्व अधिनियम, 1951 में आगे संशोधन करने वाले विधेयक को पेश करने की अनुमति दी जाये।

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Representation of the People Act, 1951."

The motion was adopted.

श्री मधु लिमये : मैं विधेयक पेश करता हूँ।

CONSTITUTION (AMENDMENT) BILL*

(Insertion of new article 137A)

श्री श्रीम प्रकाश त्यागी (मुरादाबाद) : मैं प्रस्ताव करता हूँ कि भारत के संविधान में आगे संशोधन करने वाले विधेयक को पेश करने की अनुमति दी जाये।

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

श्री श्रीम प्रकाश त्यागी : मैं विधेयक पेश करता हूँ।

BIHAR LEGISLATIVE COUNCIL (ABOLITION) BILL*

श्री श्रीगोपाल झा (जयनगर) : मैं प्रस्ताव