

There was a proposal before the government that there should be prior approval of the institution before actually the institution starts. Is that proposal under the consideration of the government ?

**SHRI YOGENDRA MAKWANA :** I have already explained the policy and again I would like to inform the hon. member that health is a State subject and the universities are autonomous under the UGC Act, and it is for the university to affiliate any college. The Government of India has to see that it has maintained all standards and that we do when we go for inspection. But that stage comes when they approach us, if they do not approach then we do not go for inspection also, for your information, because it is not within our jurisdiction, we cannot do it : and we are rather helpless. Therefore, I said, we are going to amend this Act.

**SHRI MUKUL WASNIK :** Before opening any new medical college or engineering college, is there any manpower planning about the requirement of the technical or other aspects' medical personnel or whether they are just being given permission to open them by saying that they are in need of more technical manpower or whether it is based specifically on any planning done in this regard ? Is it in the knowledge of Government of India that the Government of Maharashtra proposes to open some new private medical colleges in the State ; if so, what is the decision of the government in this regard ?

**SHRI YOGENDRA MAKWANA :** The same question is coming in different form. I have already explained the policy of the government, the position as it exists today, according to the law and about opening up of new colleges. Now so far as Maharashtra Government is concerned, I do not know whether they are opening new college or not. But once they will open we also will come to know and the hon. Member also will come to know.

**MR. SPEAKER :** Shri Dileep Singh Bhuria. Absent.

**DR. Vijaya Rama Rao.** Absent.

### Recognition of Loaders Engaged in Loco-Sheds and Transshipment Sheds as Railway employees

\* 673 : **SHRIMATI BIBHA GHOSH GOSWAMI :**

**SHRI MANIK SANYAL :** Will the Minister of RAILWAYS be pleased to state :

(a) Whether Western, Southern and a portion of Central Railways recognise persons engaged in loading and unloading of coal including ash clearance in loco-sheds and loading and unloading of goods in transshipment sheds as Railway employees while other Railways do not recognise them as such ;

(b) whether these jobs were declared to be of permanent nature by Railway Advisory Board as far back as 1977 ; and

(c) if so, why this discrimination and when it is likely to be rectified ?

**THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI MADHAVRAO SCINDIA) :** (a) to (c) : A statement is laid on the Table of the Sabha.

#### Statement

(a) to (c). The work of loading and unloading of coal including ash clearance in Loco Sheds and loading and unloading of goods in Transshipment Sheds on the Railways is normally executed through private Contractors/Labour Contract Cooperative Societies except in certain cases on Central, South Central, Western and Southern Railways where this work is done departmentally. Persons employed by the Railway administrations departmentally are railway employees whereas those employed by the Contractors/Labour Contract Cooperative Societies are not.

The Hon'ble Member seems to be referring to the Central Advisory Contract Labour Board, which had not drawn any conclusion in regard to the jobs done by Contract labour engaged in coal and ash handling operation as of permanent nature. However, the said Board after a good deal of discussions had reached general consensus, with the Ministry of Railways representatives having reservations, in favour of abolition of the

contract labour system in coal and ash handling work in Loco Sheds. The issue regarding loading and unloading of goods in Transshipment sheds on the Railways had not been considered by this Board in 1977.

**SHRIMATI BIBHA GHOSH GOSWAMI :** I am a sort of amazed at the statement made. Part (c) has not been answered at all. It has been very conveniently left unanswered. In part (c) of the question I have asked, "If so, why this discrimination and when it is likely to be rectified ? and it has not been answered at all.

Sir, in the statement it is said that the Advisory Board had not drawn any conclusion." If it is correct, I accuse that the Board must have been persuaded by the Railway Ministry's representative not to draw such conclusions explicitly because as far back as in 1972 the Mianbhoy Tribunal had stipulated that loading and unloading of coal is a job of permanent nature and therefore, let alone contract labour even casual labour should not be permitted to be employed. Therefore, there is no question of drawing any conclusion a new. The conclusion was there, which was taken far back. I would like to know whether it is a fact that the Mianbhoy Tribunal had taken this attitude. The Railways are behaving like capitalist bosses. They are turning out workers whenever they feel like and without taking any responsibility for it. Thousands of workers working for 16 to 20 years, are being turned out.

**MR. SPEAKER :** Please put the question.

**SHRIMATI BIBHA GHOSH GOSWAMI :** Let me formulate the question. It pertains to thousands of workers of the Railways. Some contract labourers are also employed. All these people are working for 15 to 20 years and they have not been given any protection. So, my question is (*Interruptions*) I am formulating the question.

First of all, whether Mianbhoy Tribunal has also stipulated that this is a permanent sort of job and therefore no casual labour should be permitted to be employed there.

Regarding/Part (b) of my question, here I have the report of the Labour ministry for 1978-79. Here it says out the Contract Labour (Regulation and Abolition) Act, 1970, and it says,

"Several Committees set up by the Central Advisory Contract Labour Board have gone into and are currently going into the question of contract labour system."

**MR. SPEAKER :** I would like you to put your specific question.

**SHRIMATI BIBHA GHOSH GOSWAMI :** I am putting it.

Here it says, that "...the Contract labour (Regulation and Abolition) Act 1970 aims at the abolition of the system of contract labour and in providing alternate jobs where abolition of the contract labour system is not possible."

**MR. SPEAKER :** Now, you put your question.

**SHRIMATI BIBHA GHOSH GOSWAMI :** I am putting the question.

**MR. SPEAKER :** The question will be lost.

**SHRIMATI BIBHA GHOSH GOSWAMI :** In the light of the recommendations of the Central Advisory Board is the Government taking some action ? My question is, is it correct that the Railway Ministry had stopped the Labour Ministry from issuing a notification in this regard ? This is my question No. (b), and the next question is.....

**MR. SPEAKER :** There is no question (a) and (b) here. You are losing your own question. I tell you. You will be at a loss.

**SHRIMATI BIBHA GHOSH GOSWAMI :** Here it says in the statement that a general consensus has been reached regarding employment of labour for loading and unloading of coal.

**MR. SPEAKER :** Put your question.

**SHRIMATI BIBHA GHOSH GOSWAMI :** The last part of my question is whether the Government will act on this general consensus speedily and immediately to save the workers from retrenchment.

**SHRI A. CHARLES :** Question No. 681 also deals with the same subject.

*(Interruptions)*

**THE MINISTER OF STATE IN THE MINISTRY OF RAILWAY (SHRI MADHAVRAO SCINDIA) :** Can I request the hon. Lady member to repeat all the questions ?

**MR. SPEAKER :** Madam you put pointed questions so that you can get answers. In the whole cavalcade of questions your main question will be lost. You put only one question.

**SHRIMATI BIBHA GHOSH GOSWAMI :** No, Sir. I have said part (1), part (2) and Part (3). Part (1) was regarding mianbhoy Tribunal.

**MR. SPEAKER :** You ask one question in part first and in the supplementary you ask second part of the question.

**SHRIMATI BIBHA GHOSH GOSWAMI :** No, I said (a), (b) and (c).

**MR. SPEAKER :** Madam, I don't allow that.

**SHRIMATI BIBHA GHOSH GOSWAMI :** You have allowed so many times. It is allowed always. For all these years I am seeing it is allowed.

**MR. SPEAKER :** All right. Then let us try if he can comprehend your questions and answer them.

**SHRIMATI BIBHA GHOSH GOSWAMI :** My first question is regarding the Mianbhoy Tribunal. I would like to know whether in 1972 this Tribunal had stipulated that in the loading and unloading of coal no worker of casual nature can be used.

Part (b). Whether in 1978-79, the Labour Ministry's Report had dealt with the contract labour system with reference to the Contract Labour Regulation and Abolition Act, and whether it was the Railway Ministry which persuaded the Labour Ministry not to issue notification.

Part (c). Whether now, because of the general consensus to abolish use of contract labour in such works, the Government is going to take any quick action.

**MR. SPEAKER :** And (d) which one will your reply to.

**SHRI MADHAVRAO SCINDIA :** I do hope I will be forgiven, because the manner in which the question has been put, I am certainly a bit confused and if I give a confused answer, it may not be taken amiss.

The Railway Labour Tribunal in 1969 went into the question of payment of wages to casual labour employed at loco sheds to handle coal in loading and unloading operations. But the casual labour is employed there directly by the Railways. Whereas, this question really pertains to the contract labour. It is true that this particular Railway Labour Tribunal did make an observation that in loco-shed casual labour which is employed for loading of coal in engine tenders etc. which do not appear to be of intermittent and seasonal nature and, therefore, cannot come within the purview of the concept of Casual labour. But this was in relation to the casual labour employed by the Railways and not in relation to contract labour which this question refers to.

Part (b) of the question was about the Tripartite Committee set up by the Central Advisory Contract Labour Board, which consisted of representatives of the Ministry of Railway, Ministry of Labour and labour representatives. This tripartite Committee made certain recommendations for the abolition of the contract labour system. The Railway representatives had reservations about it. This did go up to the Central Advisory Contract Labour Board and in December 1977 they recommended the abolition of the contract labour system again with the reservations voiced by the Railway representatives. It is a fact that the Ministry

of Railway did not consider it desirable to abolish the contract labour system in loading and unloading operations because of various reasons.

MR. SPEAKER : It is always better to put one straight and simple question so that it can be answered.

SHRIMATI BIBHA GHOSH GOSWAMI : Last part of my original question was not answered.

MR. SPEAKER : Madam, it is improper and I would request you that in future also you pinpoint your question so that it can be answered. It cannot be a catalogue question all the time. Please sit down.

SHRIMATI BIBHA GHOSH GOSWAMI : Now, I put my second supplementary. The Supreme Court by a judgment on 24.2.82 has said that workers should have equal pay for equal worker and in terms of Section 25 (2) (v) (a) of Contract Labour (Regulation and Abolition) Central Rules 1971, the contract labour are eligible to get the same pay as the permanent employees in other Railways for the same job. The Railways are the principal employer and I would like to know whether they are ensuring that the contract labour are getting the same pay as the permanent employees of the Railways in other places for doing the same work.

*(Interruptions)*

SHRI MADHAVRAO SCINDIA : Sir, I would also like to say that the hon. Lady Member has said that part (c) of her question has not been answered. This is because she mentions in part (b) : 'Which are the jobs were declared to be of permanent nature by Railway Advisory Board.' There is no such thing as the Railway Advisory Board and I presume that you meant the Central Advisory Contract Labour Board, and we have answered the question presuming that you meant that.

As far as the contract labour being within the purview of the law is concerned, in the agreement signed by the contractors this is very strictly stipulated that he has to keep within the law and he has to give all the facilities that are required under the Contract Labour law.

SHRI MANIK SANYAL : Sir, the hon. Railway Minister in his reply has confirmed that these works in some sectors are done departmentally, but in some sectors the same works are done by contractors. This is a discriminatory policy, and this is a total discrimination because the workers are working under the same railway and the question is : Why this discrimination is being pursued by the railway authorities? My second question is : When the Central Government aims at abolishing the contract labour system, why the railway authority is still pursuing the same thing? This is the contradictory position under the same authority.

MR. SPEAKER : He has already answered that question.

SHRI MANIK SANYAL : It has not been answered properly, Sir.

MR. SPEAKER : Mr. Minister, he wants a proper reply.

*(Interruptions)*

SHRI MANIK SANYAL : In this connection I would like to know from the Minister whether the Minister can give us an assurance that this work will be done departmentally. I want a categorical assurance in this respect. In this regard my submission is that this requires a long discussion.

SHRI MADHAVRAO SCINDIA : Sir, the Ministry of Railways did not consider it desirable to abolish contract labour system in loading and unloading for various reasons because there are very heavy fluctuations as far as the load on these loco sheds is concerned. *(Interruptions)* And these are fluctuations from the point of view of loading and unloading work and many times one can find that there will be a lot of surplus people who will be idle. Similarly there may be a heavy demand at a particular time when the labour would not be able to bear the entire load. Therefore, it is always found more efficient to give it out to the contract labour, not handle it departmentally. Also, the pattern of traction is changing. As you know, we are phasing out our steam locomotives by replacing them with diesel and electric locomotives. There are also gauge conversions in progress which directly affects

the work in transshipment points. Because the transshipment points keep changing from place to place, one does not know what to do with the surplus labour there. Similarly, steam loco sheds are also closing. So, with these wide fluctuations it is considered more efficient to handle it through the contract labour system and departmentally.

**DR. DATTA SAMANT :** Sir, the Contract Labour (Regulation and Abolition) Act is there.

But the union has no power to ask the contractor to make the workers permanent. Any-how I do not want to waste the time of the House in this.

Here, though the jobs are of permanent nature, the workers are working on contract basis for a number of years, say 10 or 15 years. Considering this fact, whether the Ministry is going to advise that the contract workers should be made permanent ?

My second question is ...

**MR. SPEAKER :** Why do you put all these questions at a stretch. I have asked Mrs. Goswami also to put one question at a time, I am going to bar the second question. Mr. Minister, you answer one question only.

**DR. DATTA SAMANT :** It is my last question.

**MR. SPEAKER :** I am going to be very ruthless now.

**DR. DATTA SAMANT :** Sir, this is my question. Sir, the under the Contract Labour (Regulation and Abolition) Act, the worker is entitled to receive the same wage as that of the permanent worker. This is the specific provision in the Contract Labour Act. Is the Government going to ensure that these contract labour are paid equal wages with that of permanent workers, whoever may be the contractor ?

**SHRI MADHAVRAO SCINDIA :** I have already mentioned that whatever the contractor does, he is bound by the agreements to be within the frame-work of law.

With a view to safeguarding the conditions of employment of contract labour engaged by the Railways, necessary provision has been made in the general conditions of contract requiring the contractor concerned to comply with the statutory provisions of the Payment of Wages Act, 1936, the Workmen's Compensation Act, 1923, the Minimum Wages Act, 1948 and the Contract Labour (Regulation and Abolition) Act, 1970.

**DR. DATTA SAMANT :** My question is very specific. As the Railways being the principal employer, are they going to direct the contractors or not ?

**SHRIMATI BIBHA GHOSH GOSWAMI :** Let there be a discussion on this.

**MR. SPEAKER :** No question. Please sit down. Not allowed.

*(Interruptions)*

**MR. SPEAKER :** Dr. V. Venkatesh.

*(Interruption)*

**MR. SPEAKER :** No question of direction. I have gone to another Question. I am satisfied with the answer.

An HON MEMBER : I am on a point of order.

**MR. SPEAKER :** No point of order.

#### **Practice by unqualified Doctors**

\*674. **DR. V. VENKATESH :** Will the minister of HEALTH AND FAMILY WELFARE be pleased to state :

(a) whether it is a fact that Government have taken note of the recent survey conducted by the Medical Council of India about the unqualified doctors practising in India ;

(b) whether the survey has revealed that there are four lakh bogus doctors in the country ;

(c) if so, the details of the survey ; and

(d) the steps taken by Government to prevent practising by unqualified doctors in the country ?