

contained in the Fourteenth Report of the Standing Committee on Energy (Eleventh Lok Sabha) on Demands for Grants (1997-98) relating to Department of Atomic Energy.

(ii) Sixth Report on Action Taken by the Government on the recommendations contained in the Fourteenth Report of the Standing Committee on Energy (Eleventh Lok Sabha) on Demands for Grants (1997-98) relating to Ministry of Non-Conventional Energy Sources.

(iii) Seventh Report on Action Taken by the Government on the recommendations contained in the Fourteenth Report of the Standing Committee on Energy (Eleventh Lok Sabha) on Demands for Grants (1997-98) relating to Ministry of Power.

(iv) Eighth Report on Action Taken by the Government on the recommendations contained in the Fourteenth Report of the Standing Committee on Energy (Eleventh Lok Sabha) on Demands for Grants (1997-98) relating to Ministry of Coal.

(v) Ninth Report on Action Taken by the Government on the recommendations contained in the Fourteenth Report of the Standing Committee on Energy (Eleventh Lok Sabha) on the subject "Rural Electrification-Problems, Realities and Achievements"

**ACCOUNTCEMENT RE. GOVERN-
MENT LEGISLATIVE BUSINESS FOR
THE WEEK COMMENCING 3RD
AUGUST, 1998**

**THE MINISTER OF STATE IN THE
MINISTRY OF PARLIAMENTARY
AFFAIRS (SHRI RAM NAIK):** Madam
Deputy Chairman, with your permission,
I rise to announce that Government
Business during the week commencing
Monday, 3rd August, 1998 will consist
of:—

1. Consideration of any item of Government Business carried over from today's order paper.

2. Discussion of final Report of Jain Commission of Enquiry and Action Taken Report thereon.

3. Consideration and passing/return of following Bills as passed by Lok Sabha:—

(i) The Oil-Fields (Regulation and Development) Amendment Bill, 1998.

(ii) The Export-Import Bank of India (Amendment) Bill, 1998.

(iii) The Cotton Ginning and Pressing Factories (Repeal) Bill, 1998.

SHRI PRANAB MUKHERJEE (West Bengal): Madam Deputy Chairman, with your permission I would like to made a submission. We understand that the Prasar Bharati Bill is going to be discussed in the Lok Sabha. The other day informally we had some discussion and we have decided that any Bill which has already been passed by the Lok Sabha and reported to this House, we would take them up and we would dispose them of. But other than three Bills, already listed if any further legislation is taken up in the Lok Sabha and passed by that House, then, we should have time to consider and dispose of it. Therefore, I would like to know from the Government whether they are contemplating to get the Bill passed in the Lok Sabha. If it is being passed in the Lok Sabha, and if it is going to be brought before this House, then, we want our programme rescheduled accordingly. If the hon. Minister can throw some light on the course of action of the Prasar Bharati Bill, it would be better.

SHRI GURUDAS DASGUPTA (West Bengal): Madam Deputy Chairman, I have also some serious apprehension regarding the Government Business. My apprehension is that on the Prasar Bharati Bill, the Government is going to take its own time in the other House. A talk is going on all around about this. It

is also being said that—for reasons known to the Government better than to me—they are not giving time to this Bill deliberately. I do not know. If it is so, that gives the Government an opportunity of promulgating or Ordinance. It the Bill is passed in the Lok Sabha and if it is not brought forward in this House for a discussion, then, there can be an Ordinance.

SHRI SANGH PRAYA GAUTAM (Uttar Pradesh): How can you say like that? It is all hypothetical. (Interruptions)...

THE DEPUTY CHAIRMAN: This is not the way.

SHRI GURUDAS DASGUPTA: Madam, After all, this House is the forum for expressing our grievances.

THE DEPUTY CHAIRMAN: Just one second. (Interruptions). Just one second. Let me tell the Member, many a time, when paper are laid on the Table, Members have some views to express and they do so. If you also have a view, please ask me for permission, I will permit you. Let us have some tolerance for this opinions. I assure you that I will permit you.

SHRI TRILOKI NATH CHATURVEDI (Uttar Pradesh): We are not only tolerant. We accept that with great pleasure.

SHRI GURUDAS DASGUPTA: Madam, I bow down my head in respect because of the tolerance that the hon. Members promise to show to us. It is good fortune. It is a good beginning for the day.

THE DEPUTY CHAIRMAN: Let us not have a discussion on tolerance..

SHRI GURUDAS DASGUPTA: Madam, my point is, Members are always allowed to express their apprehensions. When my friends were there on the other side, we always expressed our apprehensions. This is the only forum. We cannot talk about them elsewhere. Since the Government is thinking of

giving some time for the Bill in the other House and since the hon. Minister is not mentioning about it, there is a gap and the gap, to me, is because of a move which is afoot to promulgate an ordinance. If that is done, passing it in only one House, that will be a serious erosion of the parliamentary system, telling upon its fruitful functioning. Therefore, I would like to know from the hon. Minister if they are going to introduce it in the other House, whether the Bill is being brought to us or whether the Government is contemplating to do something beyond the scope of legislative sanction.

THE DEPUTY CHAIRMAN: Mr. Gurudas Dasgupta's role has not changed. When you were in the Opposition, he was raising these issues with you. Now, you are in the Government and he is raising the issues against you. He is consistent on these issues. (Interruptions).

SHRI. PROMOD MAHAJAN: There was a period when he was silent.

SHRI GURUDAS DASGUPTA: I have never been silent. As a Member of this House, I have never been silent even when our Government was in power. (Interruptions).

THE DEPUTY CHAIRMAN: Just one second. (Interruption). Let Mr. Bommai speak.

SHRI ASHOK MISTRA: Madam, can I make a little point?

THE DEPUTY CHAIRMAN: I will allow you. I will permit you. Now, Mr. Bommai.

SHRI S.R. BOMMAI (Karnataka): Madam, I completely agree with the apprehensions expressed by my colleague, Mr. Gurudas Dasgupta. Firstly, the Ordinance issued by the United Front Government was allowed to lapse because of one particular individual being the Chairman. There was no other reason. Anyway, I am told that this Bill has been listed in the business of the Lok Sabha. If it is passed positively, it should come to this House and we should have

an opportunity to debate and take action. The hon. Chairman has already said that if necessary, we will have to meet on 5th also. Therefore, if the Bill is passed there, our House Session may be extended and time should be allotted to debate the Bill.

SHRI TRILOKI NATH CHATURVEDI: Madam Chairperson, yesterday as well as the day before yesterday the word "suspicion" was played upon and used by my friend, Mr. Das Gupta. There was a "Suspicion" about what happened in Maharashtra, about the deportation policy; there was a "suspicion" about what has happened in Goa. Now, there is a proverb in Hindi: "शक का इलाज तो लुकमान के पास भी नहीं है।" But the trouble is, intertaining "suspicion" and "hearsay" and building "apprehensions" upon them. An 'apprehension' itself is something which is amorphous, which is ambivalent, which has no substance normally.

THE DEPUTY CHAIRMAN: We are not discussing Maharashtra. Don't derail the discussion back to Maharashtra. We are discussing the Government Business and let us confine ourselves to that.

SHRI TRILOKI NATH CHATURVEDI: Madam, I say that the misapprehensions of Mr. Das Gupta are much too premature, if they are not misconceived. That is why my appeal to him, through you, Madam Chairperson, is that he should not try to build up on all kinds of suspicions much in advance and must wait for the Government to announce how the business will come before the House. If any case, as and when the Bill is passed by the Lok Sabha, we will take it up. Naturally, it cannot be considered an Act unless we have passed it. So, we will have an ample opportunity for this purpose. Thank you.

THE DEPUTY CHAIRMAN: So, I hope all the preconceived apprehension will be removed.

SHRI TRILOKI NATH CHATURVEDI: Madam, consistency is a virtue with Mr. Gurudas Dasgupta. I concede it.

THE DEPUTY CHAIRMAN: My apprehension is that everything should not become abortive.

SHRI ASHOK MITRA (West Bengal): Madam, there was a very disturbing newsitem in the 'Times of India' yesterday. We know that there has been some discussion going on about amending the Companies Act, and I remember, Madam, you too, on one or two occasions, had helped in these discussions in trying to improve upon the amendments that had been under discussion. Now, this newsitem says: "The Government could not find the time". (Interruptions) Let me complete my statement. I have not said anything. Madam, I don't speak very often in the House. So, why don't you allow me to speak for a while? Why should you follow the rule that those who speak always, must always speak always, and those who never speak, would not be allowed to speak?

SHRI O. RAJAGOPAL: Is it a reference to Mr. Gurudas Das Gupta?

SHRI ASHOK MITRA: Madam, you know that, this is a very serious matter. This newsitem says: "The Government is waiting the Parliament to close its shutters and then it will promulgate an Ordinance in trying to implement one of the Government's pet things, namely, the buying back of shares by the companies. Now, I think this is a pernicious way in a democratic system to go about enacting legislation. Parliament exists in order to examine the proposed Bills, and sits in judgment on them. If you want to rule by Ordinances, then we might not have demanded independence from the British. They were in the habit of ruling us by Ordinances. Many of us and thousands of our countrymen went to prisons, went to the gallows in order to

fight that pernicious Ordinance raj. Let us not bring this back. *(Interruptions)* So, Madam, so far as these particular amendments to the Companies Act are concerned, they must not take the Ordinance route. They must wait for Parliament to be reconvened and let us have free, frank and thorough discussion on the pros and cons of the amendments before we pass them. I hope the Government will react to my suggestion.

THE DEPUTY CHAIRMAN: Now, I will ask the Minister to answer. There should be no apprehension.

प्रो० विजय कुमार मल्होत्रा (दिल्ली): मैडम, हम इससे सिर्फ यह जानना चाहते थे कि इस बिल को पास करने की जो एनजाइटी थी श्रीमती सुष्मा स्वराज जी ने सारे लीडर्स की मीटिंग बुलाई थी उसमें इस हाउस के लीडर भी उपस्थित थे कि उसको जल्दी से जल्दी हाउस में रखने की इजाजत दीजिए, पास कीजिए। उन्हीं के मैम्बर्स ने दूसरे हाउस में जब इस बिल के आने की बात हो रही थी तो इसको पास न करने की बात वहाँ पर कही। सुष्मा स्वराज जी ने दुबारा कहा कि इसको पास करिए और फिर यहाँ पर लाएं। यहाँ एक बात कही जाती है, बाहर दूसरी बात कही जाती है और दूसरे हाउस में तीसरी बात कही जाती है।

The anxiety of the Government is to place it there and pass it here right now.

THE DEPUTY CHAIRMAN: Now, you take care of that matter.

SHRI PRANAB MUKHERJEE: Madam, let me know whether the Government is bringing it or not.

THE DEPUTY CHAIRMAN: That is what I am asking him.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAM NAIK): Madam, I do not know to what extent it is proper for me to say something about the List of Business which is there. But since the matter has been raised here, I would like to inform the House that the Prasar Bharati Bill is listed as a last item in today's List of Business in the Lok Sabha. Naturally, when that Bill is passed there, then only can we come to this

House. As far as the question of allotment of time for discussion is concerned, as soon as the Bill is passed there, then only can we decide about it. But what I can say now is that we will act strictly within the ambit of the Constitution. We cannot flout the Constitution. We have never done it and we will never do it.

THE DEPUTY CHAIRMAN: Now Calling Attention to Matter of Urgent Public Importance. Shri Biplob Dasgupta.

SHRI GURUDAS DASGUPTA: Madam, ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: No, I cannot allow. Gurudasji, please sit down...*(Interruptions)*... That is enough. ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU (Karnataka): Prasar Bharati came through an Ordinance. ...*(Interruptions)*... Prasar Bharati came through an Ordinance. ...*(Interruptions)*... Prasar Bharati came through an Ordinance at the time of the United Front Government. How is it wrong now? ...*(Interruptions)*...

SHRI GURUDAS DASGUPTA: Madam, my apprehension has come true. ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: Prasar Bharati came through an Ordinance during Gurudas Das Gupta's Government. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Now Calling Attention. ...*(Interruptions)*... Mr. Gurudas Dasgupta, you have your say. ...*(Interruptions)*...

SHRI PRAMOD MAHAJAN: You had never criticised the Prasar Bharati's original Ordinance. ...*(Interruptions)*...

SHRI GURUDAS DASGUPTA: That is different. That is totally different. ...*(Interruptions)*...

SHRI PRAMOD MAHAJAN: Just now you were talking about consistency! ...*(Interruptions)*...

SHRI GURUDAS DASGUPTA: The cat is out of the bag, Madam. ...*(Interruptions)*... The cat is out of the bag. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Calling Attention to Matter of Urgent Public Importance. Shri Biplab Dasgupta.

(Interruptions)

That Business is closed now. Nothing will go on record except the Calling Attention.

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

The Situation Arising out of Widespread Violation of Labour Laws

DR. BIPLAB DASGUPTA (West Bengal): Madam, I beg to call the attention of the Minister of Labour to the situation arising out of widespread violation of labour laws leading to non-payment of wages, default in the payment of provident fund dues and other statutory dues.

श्रम मंत्री (डा० सत्यनारायण जटिया): उपसभापति महोदया,

सरकार विशेष रूप से उन श्रम कानूनों के उल्लंघन के बारे में चिन्तित है जो कामगारों को सांविधिक देयों की अदायगी न किए जाने से संबंधित हैं। देयों की अदायगी से संबंधित मुख्य-मुख्य अधिनियम निम्नलिखित हैं:—

- (क) मजदूरी संदाय अधिनियम, 1936
- (ख) औद्योगिक विवाद अधिनियम, 1947 की धारा-33(ग) (2)
- (ग) कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबंध अधिनियम, 1952
- (घ) उपदान संदाय अधिनियम, 1972
- (ङ) कर्मचारी राज्य बीमा अधिनियम, 1948
- (च) बोनस संदाय अधिनियम, 1965

श्रम का विषय समवर्ती सूची में है। सामान्य रूप से इन अधिनियमों के प्रवर्तन का संयुक्त दायित्व केन्द्रीय तथा राज्य सरकारों का है। कर्मचारी भविष्य निधि (प्रकीर्ण उपबंध) अधिनियम और कर्मचारी राज्य बीमा अधिनियम जो मुख्य रूप से केन्द्रीय सरकार के

अधिनियम हैं, के अलावा अन्यो को संबंधित राज्य सरकारों द्वारा प्रवर्तित किया जाता है।

[उपसभाध्यक्ष (श्री त्रिलोकी नाथ चतुर्वेदी) पीठासीन हुए]

मजदूरी संदाय अधिनियम के प्रवर्तन की जिम्मेदारी मुख्य रूप से राज्य सरकारों की है। केन्द्रीय सरकार केवल खानों, रेलवे, तेल क्षेत्रों और हवाई परिवहन सेवाओं के मामले में इस अधिनियम के प्रवर्तन के लिए जिम्मेदार है। केन्द्रीय सार्वजनिक क्षेत्र प्रतिष्ठानों में मजदूरी संदाय अधिनियम के उपबंधों के प्रवर्तन का दायित्व उन संबंधित राज्य सरकारों पर है जहाँ वे प्रतिष्ठान स्थित हैं। उक्त अधिनियम केवल 1599/- रुपये प्रतिमाह तक वेतन प्राप्त करने वाले कामगारों पर ही लागू होता है। केन्द्रीय सार्वजनिक क्षेत्र उपक्रमों के प्रतिष्ठानों के अधिकांश कामगार 1600/- रुपये प्रतिमाह से अधिक मजदूरी प्राप्त कर रहे हैं।

कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबंध अधिनियम के अंतर्गत लगभग 3 लाख प्रतिष्ठानों तथा 215 लाख कर्मचारियों को शामिल किया गया है। 1997-98 के दौरान पेशन और कर्मचारी जमा संबद्ध बीमा सहित कर्मचारी भविष्य निधि तथा अन्य उद्ग्रहणों (कलैक्शन) की कुल धनराशि 6966 करोड़ रुपये थी। इसके विपरीत, इन देयों की अदायगी न किए जाने के कारण 31.3.98 तक कुल बकाया राशियाँ केवल 467 करोड़ रुपये थीं जो एकत्र की गयी राशि और शामिल किए गए कार्यबल की 6.7 प्रतिशत बैठती है।

कार्यान्वयन तंत्र

सरकार के पास उपर्युक्त अधिनियमों का प्रवर्तन करने के लिए एक समर्पित कार्यान्वयन तंत्र है और इस बात को सुनिश्चित करने के लिए समय-समय पर यह इस तंत्र को सुदृढ़ भी कर रही है कि कर्मकारों की देय राशियों का निपटारा शीघ्र किया जाए। हाल के कदमों में क्षेत्रीय और उप-क्षेत्रीय कार्यालय के सभी क्षेत्रीय भविष्य निधि आयुक्तों तथा सहायक भविष्य निधि आयुक्तों को वसूली अधिकारियों के रूप में अधिसूचित करके कर्मचारी भविष्य निधि के वसूली तंत्र को विस्तृत आधार प्रदान किया जाना भी शामिल है।

मजदूरी संदाय अधिनियम (1936) और उपदान संदाय अधिनियम, 1972 का प्रशासन मुख्य श्रमायुक्त (केन्द्रीय) के प्रभार के अधीन केन्द्रीय औद्योगिक संबंध तंत्र द्वारा किया जाता है। मुख्यालय में, केन्द्रीय औद्योगिक संबंध तंत्र के अपने 25 अधिकारी हैं और