SHRI DIPANKAR MUKHERJEE (WEST BENGAL): My first question is regarding the State-wise requirement; whatever has come to the Central Government. That should be spelt out. The House should know as to what is the requirement. Further, how much is being given and when it will be given?

My second question is about the flood control measures. Every year, we are discussing about floods. But what about the permanent flood control measures? The Minister cannot shirk the responsibility, saying that it is the concern of the Ministry of Water Resources. After all, the Government of India is indivisible. Wc should know. Otherwise, what is the use of discussing it every year?

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : मंत्री जी जवाब दे दीजिए। सबने सवाल पूछ लिए है। मैं कहता हूं कि कौन से राज्य है जिन्होंने मांगा है आपसे और कितना कितना आपने दिया है । सबकी लिस्ट पढ़ दीजिए तो बाकी अलग अलग सवालों का आन्सर देने की जरूरत नहीं होगी। **...(व्यवधान)...** जो दिया है, नहीं दिया वह पढ़ दीजिए आप।

श्री अरविन्द नेताम : आन्ध्र प्रदेश 293 करोड़ समय आड फिगर्स, अरुणाचल प्रदेश? 293 एण्ड 582 करोड़, अरुणाचल प्रदेश 50 करोड़, बिहार 1101 करोड़।

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : ये मांगे हैं।

श्री अरविन्द नेताम : ये मांगे हैं – एण्ड हरियाणा 588, हिमाचल 481, जम्मू काश्मीर 211, मेघालय 41, मिजोरम 44, उडीसा 264, पंजाब 655, राजस्थान 236, वेस्ट बंगाल 632 करोड़। जो दिया गया है जो कैलामिटी रिलीफ फंड की चार किश्त हैं **...(व्यवधान)** सारे कैमालिटी रिलीफ फंड की जो 3-4 किश्तें दी गयी है उनको मैं सभापटल पर रख देता हूं और नेशनल फंड से हरियाणा को 39.41 करोड़ और हिमाचल को 12 करोड़, जम्मू काश्मीर को 18 करोड़ एण्ड मिजोरम को 4 करोड़, उडीसा को 25 करोड़, पंजाब को 16 करोड़ – यह नेशनल फंड से दिया गया है सी0आर0एफ को छोड़कर **...(व्यवधान)**

श्री नरेश यादव : बिहार को?

श्री अरविन्द नेताम : उपसभाध्यक्ष महोदय, मैंने कहा है कि और जो राज्य है जिनको नहीं दिया गया है सभी विचारधीन हैं **...(व्यवधान)...**

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : नहीं नेशनल फंड से दे रहे हैं **...(व्यवधान)...**

Now, we will take up the Statutory Resolution and the Industrial Disputes (Amendment) Bill, 1995. *(Interruptions) Please sit down. (Interruptions)* Shri Malaviya to move, the Statutory Resolution. *(Interruptions)* Order Please.

श्री नरेश यादव : जानबूझकर बिहार के साथ उपेक्षापूर्ण व्यवहार हो रहा है**...(व्यवधान)**

श्री नरेश यादव : जानबूझकर बिहार के साथ उपेक्षापूर्ण व्यवहार हो रहा है**...(व्यवधान)**

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : वे विचार कर रहे हैं यह कहा हैं आपको । अब आप बैठिए **...(व्यवधान)**

श्री नरेश यादव : इसलिए जनता दल वाक आउट करता है।

(तत्पश्चात कुछ माननीय सदस्य सदन का त्याग कर गए)

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : बिहार वाले वाक आउट कर गए है। हरियाणा वाले छोड़ दीजिए।

I.STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE INDUSTRIAL DISPUTES (AMENDMENT) ORDINANCE, 1995,

II. THE INDUSTRIAL DISPUTES (AMENDMENT) BILL, 1995.

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) **:** माननीय उपसभाध्यक्ष जी, मैं निम्नलिखित संकल्प उपस्थिति करता हूं

"यह सभा राष्ट्रपति द्वारा 11 अक्टूबर, 1995 को प्रख्यापित औद्योगिक विवाद (संशोधन) अध्यादेश, 1995 (1995 का संख्यांक 12) का निरनुमोदन करती है"।

माननीय उपसभाध्यक्ष जी, अगर किसी भी **...(व्यवधान)...**

SHRI DIPANKAR MUKHERJEE (West Bengal): Mr. Vice-Chairman, what about the Minister?

THE VICE-CHAIRMAN (SHRI MD. SALIM): Mr. Sangma is there. He will take notes.

SHRI SATYA PRAKASH MALVIYA: He can move the Bill and.then I will speak.

THE VICE-CHAIRMAN (SHRI MD. SALIM): You have to speak first. The procedure is that, first, the Statutory Resolution has to be moved and the mover has to speak on it. Then, the Minister will move the related Bill.

श्री सत्य प्रकाश मालवीय : माननीय उपसभाध्यक्ष जी, किसी भी कानून का संशोधन जो अध्यादेश के जरिए किया जाता है यह एक अच्छी परम्परा हमारी लोकतांत्रिक प्रणाली में नहीं है । इसलिए यह औद्योगिक विवाद अधिनियम, 1947 का संशोधन केन्द्र सरकार ने जो 11 अक्टूबर, 1995 को राष्ट्रपति द्वारा अध्यादेश जारी करवाकर किया है... और आज जिस प्रकार हम विचार-विमर्श कर रहे हैं उस अध्यादेश की प्रक्रिया हम विचार-विमर्श कर रहे हैं उस अध्यादेश की प्रक्रिया का मैं विरोध कर रहा हूं । यह वर्तमान जो अध्यादेश है 11 अक्तूबर, 1995 को जारी किया गया था और यह उस समय का अध्यादेश संख्या 12 था । सरकार ने जो कागज़ात रखे है सदन के पटल पर उसमें इस बात को स्पष्ट नहीं किया है कि अध्यादेश जारी करने की क्यों आवश्यकता पडी और किन परिस्थितियों में सरकार को बाध्य होना पड़ा कि अध्यादेश लाया जाए क्योंकि मेरी समझ से ऐसी परिस्थितियां उस समय विद्यमान नहीं थीं जिसका उल्लेख हमारे संविधान के अनुच्छेद 123 में दिया हुआ हैं । जो केन्द्र सरकार को अधिकार देता है कि राष्ट्रपति के द्वारा अध्यादेश जारी करें । अतः मैं यह जानना चाहता हूं किजब सरकार की ओर से उत्तर हो तो तो इस बात को स्पष्ट करें कि कौन सी ऐसी परिस्थितियां थीं, कानून तो दिया हुआ है अनुच्छेद 123 में दिया हुआ है, लेकिन उन परिस्थितियों को स्पष्ट करना चाहिये कि जब संसद का सत्र पिछला भी चल रहा था और आगामी सत्र होने वाला था तो कौन सी ऐसी परिस्थितियां थीं जिसके कारण बाध्य होकर सरकार को अध्यादेश के जरिए इस कानून को परिवर्तित करना पड़ा?

मान्यवर, मैं अपका ध्यान जो बराबर दूसरे सदन के अध्यक्षों ने और प्रथम अध्यक्ष मावलंकर जी ने भी कहा था और बराबर उन्होंने इस बात की आलोचना की थीं कि सरकार को कम से कम अध्यादेश जारी करने चाहिये । उन्होंने इस बात की चर्चा भी की थी कि हमारे संविधान निर्माताओं की मंशा नहीं थी कि अध्यादेश के जरिए कानून का अधिक से अधिक संशोधन किया जाए या परिवर्तन या कोई परिवर्तन किया जाए और यहां तक कि उन्होंने जनवरी 1947 में जो प्रिज़ाइडिंग कांफ्रेंस थी

उसमें मावलंकार साहब ने इस बात की प्रतिक्रिया व्यक्त की थी कि,

> "It was obviously a wrong convention for the executive Government to promulgate Ordinances merely bnccausc of shortage of time. It was not a desirable precedent to promulgate Ordinances for want of time, as inconvenient legislation might also be promulgated in that manner."

और उसके बाद उनकी जो यह व्यवस्था थी उसको जितने भी पीठासीन अधिकारी थे उन्होंने उसको माना और मावलंकर साहब ने तो एक बार यहां तो भी कहा कि,

> "If Ordinances arc being issued, then the House has a sense of being ignored and the Central Secretariat, perhaps, can take to the habit of slackness, which necessitates Ordinances, and an impression is created that it desired to commit the House to a particular legislation, as the House has no alternative but to put its seal on matters that have been legislated upon by Ordinances. Such a state of things is not conducive to the development of best parliamentary traditions."

तो इसलिए मेरी जो आपत्ति है वह इसी बात की है कि अध्यादेश के जरिए इस कानून में संशोधन नहीं करना चाहिए था । इस विधेयक को या अधिनियम को सदन के सामने लाना चाहिए था और विचार-विमर्श करने के बाद इसको पारित करवाना चाहिए था । दूसरे यह जो वर्तमान संशोधन किया गया है उस पर मैं बाद में बोलूं या फिर अभी बोल दें आन द मैरिट्स आफ द लौजिस्लेशन?

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : आप रेजोल्यूशन मूव कर रहे हैं, उसको मूव करके आप अपना भाषण दे दीजिए ।

श्री सत्य प्रकाश मालवीय : तो जो इसमें संशोधन किया और उसके जो उद्देश्य और कारण हैं उसमें इस बात को बतलाया है कि वायु परिवहन सेवाएं, भारतीय विमानपतन प्राधिकरण, तेल और प्राकृतिक गैस निगम लिमिटेड और भारतीय औद्योगिक वित्त निगम लिमिटेड से संबंधित स्थापना और क्रियाकलाप विभिन्न राज्यों में फैले हुए हैं...(**व्यवधान**)...

THE MINISTER OF INFORMATION AND BRODCASTING

(SHRI P.A. SANGMA): Sir, after I move the Bill for consideration, he can discuss it. I have not moved it yet.

SHRI SATYA PRAKASH MALVIYA: Then let him move it.

THE VICE-CHAIRMAN (SHRI Md. Salim): Now Mr. Sangma to move the motion for consideration of the Industrial Disputes (Amendment) Bill, 1995.

SHRI P. SANGMA: Sir, on behalf of Shri G. Vcnkat Swamy, Minister of Labour, I beg to move:

"That the Bill further to amend the Industrial Disputes Act, 1947 be taken into consideration."

Hon'ble Members of the House arc aware that the Industrial Disputes Act, 1947 provides, inter alia, for the machinery and procedure for the investigation and settlement of industrial disputes.

The Central Government was the uppropirate Government under the Industrial Disputes Act in relation to any industrial dispute concerning the Indian Airlines and Air India Corporations, the Industrial Finance Corporation of India, the Oil and Natural Gas Commission and the International Airports Authority of India. Consequent upon conversion of the status and consititution of the Indian Airlines and Air India Corporations, the IFCI and the ONGC from statutory corporations into public limited companies under the Companies Act, as also with the merger of the International Airports Authority of India and the National Airports Authority of India into one single entity named the Airports Authority of India, the Central Government had ceased to be the appropriate government concerning the aforesaid establishments for purposes of the Industrial Disputes Act.

The establishments and activities related to air transport services, the Airports Authority of India, the Oil and Natural Gas Corporation of India and the Industrial Fianance Corporation of India have . country-wide spread and ramifications. It was, therefore, considered expedient and desirable to ensure uniformity in the handling of industrial disputes concerning such establishments and activities. The necessitated amendment of Section 2(a) of the Industrial Disputes Act, 1947 to stipulate the Central Government as the appropriate government in respect of an air transport service, the Airports Authority of India, the ONGC and the IFCI. Since Parliament was not in session, the amendment was given effect through promulgation of the Indusutrial Disputes (Amendment) Ordinance, 1995 by the President on 11.10.1995. In order to replace the Ordinance by an Act of Parliament the Industrial Disputes (Amendment) Bill, 1995 was introduced in this House on 28.11.1995.

Hon'ble Members would appreciate that the Bill does not propose any substantive amendment to the Industrial Disputes Act, 1947. It basically intends to restore the jurisdiction of the Central government over certain establishment; in the matter of investigation anc settlement of industrial disputes which was lost when statutory corporations sue! as the Indian Airlines, Air India, IFCI ONGC were converted to public limitcc companies. The inclusion of air transpor services within the jurisdiction of thi Central Government has been propose with a view to ensuring uniformity in thi handling of industrial disputes conccrnin; all air transport services operating a private or public limited companies.

1 commend that the Industrial Dispute (Amendment) Bill 1995 to the House.

The question were proposed.

THE VICE-CHAIRMAN (SHRI ME SALIM): We will take up the Statuoi Resolution and the Bill together for consideration.

श्री राम रतन राम (उत्तर प्रदेश) : उपसभाध्यक्ष महोदय, मैं आप का आभारी हूं कि आप ने मुझे

इंडस्ट्रियल डिस्प्यूट एक्ट के अमेंडमेंट पर बोलने का अवसर दिया।

महोदय, इंडस्ट्रियल डिस्प्यूट एक्स को इसलिए लाया गया था जिससे कि श्रमिकों और इंडस्ट्रियल यूनिट्स के बीच में जो भी विवाद हो, उन्हें इन के द्वारा तय किया जा सके और आपत्तियों का समाधान हो सके। इंडस्ट्रीयल डिस्प्यूट में एप्रोप्रिएट गवर्नमेंट पारिभाषित है और सेंट्रल गवर्नमेंट और प्रोवेंसियल गवर्नमेंट के बीच में विभाजन हुआ है कि किस यूनिट की एप्रोप्रिएट गवर्नमेंट सेंट्रल गवर्नमेंट होगी और किस की स्टेट गवर्नमेट होगी। इंडियन एअरलाइंस और एअर इंडिया कार्पोरेशन, इंडस्ट्रियल फायनेंस कॉपोरेशन आदि के इंडस्ट्रियल यूनिट्स के शब्दों में नॉमेनक्लेचर में कुछ परिवर्तन किए गए हैं। महोदय, आजकल के युग में विकास के लिए जो परिवर्तन किए जा रहे हैं, उस में यह वांछनीय हो जाता है और जैसाकि इस के ऑब्जेक्टिव्स में लिखा है कि कॉपोरेशन के कर्मचारियों के विभिन्न मुकदमें विभिन्न कोर्टस में विचाराधीन है और उन का निस्तारण समय से नहीं हो पाता। इसलिए गवर्नमेंट के इन चारों अथॉरिटीज के, ये जो चारों कंपनियां हैं, इन के नामेनक्लेचर बदलकर उन में परिवर्तन किए गए हैं।

जैसे इंडस्ट्रियल फाइनैंस कारपोरेशन आफ इंडिया का नाम बदलकर "इंडस्ट्रियल फाइनेंशियल कारपोरेशन आफ इंडिया लिमिटेड" रखा गया है। ऑयल एंड नेचुरल गैस कमीशन एक्ट 1959 के स्थान पर "ऑयल एंड नेचुरल गैस कारपेरेशन लिमिटेड" रखा गया हैं। इंटरनेशनल एयरपोर्ट अथारिटी आफ इंडिया एक्ट 1971 के स्थान पर "एयरपोर्ट अथारिटी आफ इंडिया" 1994" रखा गया है और बैकिंग और इंश्योरेंस कारपोरेशन के संबंध में भी कुछ परिवर्तन किए गए है। इन परिवर्तनों से ठीक है, कर्मचारियों के विषय में, कर्मचारियों की भलाई के लिए या कम्पनी के कार्य किए जा रहे है। कर्मचारियों की भलाई के लिए, उनकी उन्नति के लिए अनेक कार्य किए जा रहे हैं, हमें इस पर कोई ऐतराज़ नहीं है, लेकिन एक शंका हो रही है कि इन परिवर्तनों से, इनको लिमिटेड बना देने पर या इनके नॉमनक्लेचर में परिवर्तन करने पर क्या इनमें विदेशी पूंजी या एन0आर0आईज की पूंजी लगेगी, क्या इसको प्राइवेटाइजेशन में शामिल किया जाएगा? इसमें एक शंका की बात उठती है क्योंकि आजकल जो प्राइवेटाइजेशन की लहर चली हुई है, उसमें यह डर सा लगता है कि नॉमनक्लेचर बदल लेने से या उनकी कम्पीटेंट अथॉरिटी या प्रोविन्शल गवर्नमेंट या सैंट्रल गवर्नमेंट कर देने से क्या उनको प्राइवेटाइजेशन की ओर मोड़ा जा रहा है? क्या विदेशी पूंजी लगाकर इसको विदेशी पूंजी के अन्तर्गत चलने दिया जाएगा? क्योंकि हवाई कम्पनियां जितनी भी रन कर रही है, उनमें विदेशी पूंजी, लगने की संभावना है, वे आपस में एक दूसरे से मिल रही है और विदेशी कम्पनियों के आने की संभावनाएं इसमें बढ़ जाती है। इसलिए यह एक शंका की बात उठती है।

इसलिए मैं जो यह अमेंडमेंट बिल है, उसका समर्थन करते हुए सरकार से निवेदन करना चाहूंगा कि वे मेरी शंकाओं का समाधान करे और यह सुनिश्चित करे, यह प्रॉमिस करे कि इन कम्पनियों का प्राइवेटाइजेशन नहीं किया जाएगा। आपका बहुत-बहुत धन्यवाद।

THE VICE-CHAIRMAN (SHRI MD. SALIM):Shri Pravat Kumar Sainantaray.

SHRI DIPANKAR MUKHERJEE: Sir the Minister is not here.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Mr. Sangma is piloting this Bill. He is a veteran in this Department.

SHRI P.A. SANGMA: If you want to pilot, you are welcome.

DR. BIPLAB DASGUPTA (West Bengal): He will do so after the elections.

SHRI PRAVAT KUMAR SAMANTARAY (Orissa): While introducing the Bill, the hon. Minister has indicated his intention of moving certain amendments and he has projected the whole issue as if—the way he is substituting Mr. G. Venkatswamy today with the leave of the Chair—there is hardly anything of material relating to the problems of the workers.

By amending Section 2(a) in relation to the four Central Government authorised corporate bodies, he has clearly indicated that the Government is going to bring in the influence and control of the multinationals in these four companies. There is absolutely no doubt about it. If they were so concerned about the workers, they would have brought it after all the proposals, bills etc., as has been pointed out in the Statement of Objects and Reasons. They would have brought it then and there.

In this context I would like to point out that the Dock Workers (Regulation) Act,

which is a part of the appropriate Government, under Section 2(a) has no longer been existing for the last two years. Bombay Dock Labour Board has been merged with the Port Trust.

The Cochin Dock Labour Board has been merged with the Cochin Port Trust. Why is the Government of India not thinking about these workers'? Why is the Government of India so concerned about these four industrial giants in the public sector to be brought out of the purview of the Central Government and to be named as the "appropriate Government"? On the whole a massive privatisation has been taken up in the port sector by the Government of India. They have never thought of these workers because this Port Trust is a body which can bring further investments from multinationals. The Government is more careful by amending Clause (a) of section 2 of the Industrial Disputes Act, 1947 in relation to "appropriate Government" that multinationals should have the control in our oil sector, airports sector and financial institutions. That is the whole intention and objective of this amendment. Apart from that promulgation of Ordinances has been objected to by this House repeatedly. Absolutely there was no necessity to promulgate an Ordinance on the 11th October. You could have brought forward this amendment during the current Parliament session also. There is some connivance, nexus between the Government and the multinationals in going in for an Ordinance and then pressing the Parliament to pass it and then bringing the President of India into the whole issue. If there had been that much of seriousness you could have brought it in 1993-94, when you had effected amendments to the Bill. This period was not far off.

So, with these words, I oppose this amendment to the Bill. The Minister must be more careful about the welfare of workers. As has been stated in the Statement of Objects and Reasons, this amendment is intended for multinationals.

SHRI DIPANKAR MUKHERJEE: Mr. Vice-Chairman, Sir, a Statutory Resolution has been moved by Mr. Satya Prakash Malaviya disapproving the Ordinance promulgated by the President. It is a fact that this is a Government of Ordinances, governance by Ordinances and I would not like to add that it is a Government for Ordinances. What is the reason for promulgation of this Ordinance? If you sec the Statement of Objects and Reasons, you would know about one of the main reasons as to why it has been promulgated. I quote:

> "As the establishments and activities. . . .are spread across States and have nation-wide ramifications, it was considered expedient and desirable. ..."

Now, there is nothing new in it. It is not because of conversion of the ONGC into a public limited company. It is not because of this conversion that the objects have changed. The services, as they are still remain the same. So, when they converted these corporations into companies, why did they not have in their mind the same objectives and services? Why did they not see that services would be State-wise, would be spread across the States which would have national ramifications? Is it something which is an afterthought? They have converted corporations into companies with a single-track mind. What was the objective? The objective was one. Don't think about other things. Financially these have to be converted into companies so that they can be disinvested, so that their shares can be sold and so that privatisation is possible. This was a single-track mind, a Government without any objective. What docs an industry mean? As we know, an industry fundamanetally means, it is for men, material, money and market. So far as this Government is concerned, man comes last. First is the market. Privatise it and get the money? First do that. Convert it. The ONGC was converted in 1993; the airlines was converted in 1994. After about two years, now the

Government feels or the labour. It thinks about the labour disputes, industrial disputes. It did not think about this. They admit. It is a frank admission that the industrial disputes in Indian Airlines are pending. What is the objective of the Industrial Disputes Act? Speedier resolution of disputes between the employer and the employees. Does this indicate speed? How many disputes arc now pending? Will the Labour Minister kindly tell us? Who is responsible for this delay? You have been responsible. So far as these corporations are concerned, we have given our views. We have said that it is purposeless. Perhaps, the only purpose is to disinvest and to privatise them. You come up with this now when the industrial disputes in some of the companies, some of the newly converted companies, are piling up and now you find out that there is no appropriate authority. What is this appropriate authority far? To have uniformity; to have, so far as national ramifications arc concerned, a uniform approach to the industrial disputes. Before I come to these four companies, I may say that, unfortunately, where even the Central Government is not only the appropriate authority but the owners, such uniformity is not being shown. Certain things are being done by the present Government which actually lead to more industrial disputes. I may bring to the notice of the hon. Labour Minister a particular case. I can cite an example as to how the Government of India is dealing with such disputes 'uniformly'. The Hindustan Fertiliser Corporation is a Government of India undertaking. There are two units located in West Bengal, one in Durgapur and other in Haldia. Recently, about a month back, a circular has gone from the Delhi corporate Office saying that the management should recognise a second union—a second union where there is a union already—if it fulfils 30 per cent membership as attested or as verified by the management itself. You cannot even think about it. The management will find out whether 30 per cent membership of the second union is there or not! What does the management do? In the same State of West Bengal, in Durgapur, a second union is recognised based on the management's verification. When the same logic is being asked for in the Haldia unit, the management says, 'no'. It says, 'We have to go to the Labour Commissioner, to the Central Labour Commissioner. We will find out what the law of the land is. Then only we will recognise.' It is not recognised. Why should a second union be recognised in Durgapur and not in Haldia? They have to find out the law of the land! Uniformity is not something which is the domain of the Government of India only. In this particular case, I would like to know about the definition of 'appropriate government'. I can understand it in the case of the ONGC which has been converted; I can understand it in the case of the Airports authority of India; I can understand for the Industrial Finance Corporation. But, how has the whole thing, all of a sudden, instead of Indian Airlines and Air India, been changed to a private Air Transport Service? Why has the appropriate authority to be the Government of India in this case? So far as the private airlines are concerned, Sir, their activities are the same. That cannot be the only logic. If that is the logic, the activities of the Steel Authority of India Ltd. and the Fertiliser Corporation of India Ltd. are the same. They are located in different States. Who is the appropriate authority? It is State Government. Fertiliser, steel; I can cite so many examples. Even in the private sector there is a company called the Indian Aluminium Ltd. You can find their activities, from mining to casting, located in different States, and everything is in the Western zone. Would the appropriate authority be Government of India? No. If an inter-State bus travels between States and that is the only logic, then there are a lot of disputes, a lot of questions I think, on the issue itself, 'the inclusion of the names'. There are inter-States buses travelling between two-three Stats. Bccuase it covers two-three States, because it covers some sort of, what you

call, services, would the appropriate authority be Government of India? In the case of private airlines it is quite possible, and you must be already knowing that certain talks are going on about regional services; they will fly between particular regions. It may be possible. You may have an airline operating air taxis within a State. If there is an industrial dispute in that, do you like that the whole thing should be stopped there and the workers involved in industrial disputes should come to the Central Government?What is the logic? I do not find any logic in this, unless and otherwise the Government feels that, whatever the name is, so far as Indian Airlines or Air India is concerned, everything will be converted into something private. And that is why they have used the word 'private air trsnsport service. I do not find any logic as to how air companies can be included in this because in your list ther are no such private companies. And I have given examples and this should be a precedent where dilution of State authority is very much prevalent in this Act. You are trying to dilute the authority of the State Government so far as private airlines arc concerned. So, we have a specific objection to that part. It is all right you continue with the Indian Airlines because their appropriate authority is the Government of India. You arc converting it into a limited company. You want to keep their appropriate authority with the Government of India. I find no justification, and it is another part of the same directionless policy of this Government. All of a sudden they have thought of it; they are too intelligent to include private airlines also into this sector. It is a directionless Government and that is why it is running direction-less. They have to be run by the Ordinance because they have no thinking, they cannot plan anything. So, Sir, with these words I would like to place my objection to the inclusion of private airlines within the ambit of what was provided earlier, the Indian Airlines and Air India Ltd. Only, so far as the private air transport service is concerned.

I request the hon. Minister to accept the amendments which have been introduced so that we can go through the Bill expeditiously. Thank you.

SHRI S. MUTHU MANI (Tamil Nadu): Thank you, Mr. Vice-Chairman, for providing me a good opportunity to speak.

Sir, I rise to place my views on the Industrial Disputes (Amendment) Bill, 1995. In fact, this is a Bill which proposes to correct certain technicalities so as to keep the ONGC, Airports Authority of India, Air Corporations, such other corporations and companies under its purview. So on this good occasion I wish to say a few words regarding the industrial relations in the country. At the outset, I want to say that the Industrial Disutes Act is being misused by the management against workers. The Government is busy only in collecting data like the loss of mandays due to strikes or lockouts, to show the loss to the nation caused by strikes. But the reasons for strikes and such an attitude of the management are never highlighted. Some managements are so anit-workers that they refuse to provide even the minimum basic amenities like subsidised canteens, sanitation facilities and clean working environment. The workers in hazardous industries are not given protcrctivc clothes. Sir, when their genuine demands arc rejected, they have no option but to resort to strikes. Therefore, Sir, through you, I request the hon. Minister to sec that the existing Acts concerning the industrial workers are implemented by the management.

Sir, in a number of establishments those employees who ask for their rights are identified and are served with trumped-up charge-sheets. Ultimately these employees arc harassed and dismissed. This is what is going on practically. When an inquiry is held only an officer who is favourable to the management is appointed as inquiry officer. Suppose the decision of the inquiry goes in favour of the employee,

the management goes on appeal to the tribunal and courts, scuttling the efforts of the employee to get speedy justice. At times the management goes to the Supreme Court for petty things and the hapless worker, who does not havj-the finance to fight the battle against the management, is ousted and his family is ruined. There are many private sector establishments which dismiss employees when they try to form unions. Even where there is a union, tjje agreement on wages, bonus, etc., are not honoured by the management resulting in friction and lay-off. For example, there is one Meenakshi Mills in Madurai where over 1,200 workers are employed. Now the management has laid off more than 90% of the employees and only 60 workers are being employed now. I am very sorry to say that this is the result of the new economic policy of the Government. The Government is going onclosing the sick units instead of reviving them. The hon. Minister is aware of their problems. So, sir, through you, I request the hon. Minister to keep these problems in mind and tke necessary steps to see that the provisions of the Acts are implemented properly so that the workers do not suffer. Thank you.

श्री गया सिंह (बिहार) : उपसभाध्यक्ष महोदय, मंत्री जी ने अभी इस बिल के फेवर में स्टेटमेन्ट दिया और इसके उद्देश्यों की उन्होंने चर्चा की। मैं समझता हूं मंत्री जी ने एक बात पर ज्यादा जोर दिया कि यह जो अमेंडमेंट लाए हैं इसके लिए सरकार को चिंता है कि इंडस्ट्रीज मे काम करने वाले कर्मचारी बहुत परेशान है और उनके जो ग्रीवींसेज है उनको दूर नहीं किया जा रहा है, इसलिए इस एक्ट के माध्यम से उनकी जो समस्याएं हैं, ग्रीवीसेज हैं उनको प्रबंधन, कोर्ट और आरबिट्रेशन वगेरह वगेरह के माध्यम से हम दूर करेंगे। फिर मंत्री ई को हम याद दिलाना चाहते हैं कि अभी कुछ दिन पहले तक वे भारत के श्रम मंत्री थे और कोयला मंत्री भी थे और केन्द्रीय सरकार के ही माध्यम से कोल कर्मचारियों के डिस्प्यूट्स हल किए जाते हैं श्रम मंत्रालय के द्वारा। मंत्री जी को शायद ज्ञान होगा कि आज भी हिंदुस्तान में कोल इंडिया के अंदर काम करने वाले मजदूरों के कितने डिस्प्यूट्स कोर्ट में लंबित है और ये दो महीने या 6 महीने से नहीं बल्कि 5-5, 10-10, 15-15 साल से लंबित है। जज भी इनको नहीं मिल पा रहे है और आसनसोल में तो 6-6 महीने तक ज़ज की बहाली नहीं होती है। तो डिस्प्यूट्स का जहां तक सवाल है जिसकी उन्होंने स्वयं चर्चा की, उन्हें स्वयं मालूम है कि उसमें भारत सरकार असफल हो रही है। वे कहते हैं कि इसको उसमें लाएंगे तो जल्दी से उनके ग्रीवींसेज को डिस्प्यूट्स को हम हल करेंगे। इसमें तो उनको भी जानकारी है और हम समझते है कि यह सही नहीं है। हम समझते है कि इस बिल को लाने का जो उद्देश्य भारत सरकार और मंत्री जी का है – हमारे वित्त मंत्री जी बैठे हुए विटनेस कर रहे हैं कि जल्दी पास कराइए, इसलिए वोट देने भी आ गए हैं कि जल्दी जल्दी सबको निजीकरण में लाना है। जो गड़बड़ आ रही है, बीच में बाधा आ रही है इसलिए इसको इसमें कन्वर्ट करो ताकि इसमें विदेशी पूंजी भी लाएं, देशी पूंजी भी लाएं और कुछ दिन रहने के बाद ये सारी कम्पनियां प्राइवेट कम्पनी में बदल जाएं। हमारी समझ है कि यही मूल उद्देश्य है इसलिए हम उनके उद्देश्य से सहमत नहीं है और हम समझते हैं कि इसके बावजूद भी कई साल से यहां के कर्मचारियों के सवाल हल हो रहे थे और भारत सरकार के पदाधिकारियों के ही माध्यम से हल हो रहे थे।

इसलिए इसकी इतनी आवश्यकता भी नहीं थी और इतनी जल्दी अध्यादेश भी, जबकि एक महीने बाद पार्लियामेंट भी खुल रही थी, लाने की आवश्यकता नहीं थी। यह जल्दबाजी नहीं थी। लेकिन हम समझते हैं कि सरकार की जल्दबाजी है कि जल्दी इस एक्ट को, अमेंडमेंट को पास कराओ और नीजीकरणा की ओर ले जाओ। तो यह हम समझते हैम कि मूल उद्देश्य है और इसीलिए हम उनके इस उद्देश्य से सहमत नहीं है। धन्यवाद।

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : श्री सत्य प्रकाश मालवीय। आप अपनी बात भी रखें और संकल्प के बारे में जवाब भी डाल दें।

श्री सत्य प्रकाश मालवीय : माननीय उपसभाध्यक्ष जी, यह जैसा कि अपनी उद्देश्य और कारणों के संबंध में बताया और उसका कथन भी इस विधेयक में है कि "वायु परिवहन सेवाएं, भारतीय विमानपत्तन प्राधिकरण, तेल और प्राकृतिक गैस निगम लिमिटेड और भारतीय औद्योगिक वित्त निगम लिमिटेड से संबंधित स्थापन और क्रियाकलाप विभिन्न राज्यों में फैले हुए हैं और सारे राष्ट्र में शाखाएं हैं, अतः यह समीचीन और वांछनीय समझा गया था कि ऐसे स्थापनों/क्रियाकलापों से संबंधित औद्योगिक विवादों के निपटारे में एकरूपता सुनिश्चित की

जाए" और उसमेंम एकरूपता सुनिश्चित करने के लिए यूनिर्फामिटी लाने के लिए जहां कि राज्य सरकार एप्रोप्रिएट अथारिटी, समुचित सरकार थी, तो राज्य सरकार के इस अधिकार को छीन लिया गया है किन्हीं मामलों में और केन्द्र सरकार को समुचित अथारिटी बना दिया गया है, एप्रोप्रिएट गवर्नमेंट बना दिया गया है । यह तो श्री दीपांकर मुखर्जी ने ध्यान आकर्षित किया है और उनका इस संबंध में एक संशोधन भी है और इसी उद्देश्यों और कारणों में कहा गया है कि "इसी बीच में कई प्राइवेट एयरलाइन कंपनियों का निगमन हुआ है ।" अब जैसे उत्तर प्रदेश है, उत्तर प्रदेश में यू0पी0 एयरवेज है और उसकी मालिक उत्तर प्रदेश सरकार है और उन्होंने किसी भी कोलेबोरेशन के साथ किया है, लेकिन उसमें उत्तर प्रदेश सरकार का भी आधिपत्य है । तो अब उत्तर प्रदेश सरकार भी यू0पी0 एयरवेज चला रही हैं तो उसके औद्योगिक विवाद के संबंध में केन्द्र सरकार को यह अधिकार दिया जाए इसका मैं, जो राज्य सरकार की अटोनोमी है, उसकी जो स्वायत्ता है , उसका हनन मानता हूं, इसलिए इसका मैं विरोध करता हूं । जहां तक औद्योगिक विवाद अधिनियम 1947 का यह जो कानून है इसमें इस बात का प्रावधान है कि जो औद्योगिक विवाद है उसकी जांच और निस्तारण की इसमें व्यवस्था की गई है और पहले भी वह किन्हीं मामलों में केन्द्र सरकार को समुचित सरकार माना गया था । लेकिन आज भी जैसे अभी गया सिंह जी ध्यान आकर्षित कर रहे थे कि हजारो – हजार ऐसे औद्योगिक विवाद है जो आज विचाराधीन हैं और लोगों को न्याय नहीं मिल पा रहा है । तो मैं यह भी जानना चाहूंगा कि मंत्री जब अपना उत्तर दें तो बताएं कि कितने ऐसे औद्योगिक विवाद हैं जो कि विभिन्न ट्रिब्यूनल्ज में विचाराधीन हैं, क्योंकि दस-दस साल, पन्द्रह-पन्द्रह साल से औद्योगिक विवाद हैं, जो कि मैनेजमेंट और उनके कर्मचारियों के बीच में है? जो बेचारे कर्मचारी हैं, जो छोटे कर्मचारी हैं, उनको किन्हीं कारणों से न्याय नहीं मिल रहा है । तो यह जो इस अधिनियम का मकसद है शुरू-शुरू में जो मकसद था वह मकसद आज तक पूरा नहीं हो पाया है और उसमें इस प्रकार का संशोधन करके सरकार की जो नीयत है वह साफ मालूम नहीं पड़ती है ।

इसलिए इन शब्दों के साथ, यह जो संशोधन लाया गया है मैं इसका विरोध करता हूं ।

SHRI P. A. SANGMA: Mr. Vicc-Chairman, sir, as I stated in the bcgining, there is nothing susbtantive in the proposed Industrial Disputes (Amendment) Bill, 1995. In fact, it a consequential amendment. The House will recall that the Air corporations (Transfer of Undertakings and Repeal) Act, 1994 was passed in this House. The House will also recall that the conversion of the Indian airlines, the Air India, the Industrial Finance Corporation of India and the Oil and Natural Gas Commission, etc. into public limited companies was approved by this House. As a result, this company went out of the purview of the Central Government. This amendment is only for the restoration of the Central Government as the appropriate authority. Mr. Dipankar, of course, made a debatable point. I say, 'debatable point'. Why did you bring in the airlines the private airlines? I concede that it is a debatable point. We also thought that the air services could not be compared with the Steel Authority of India, as you have mentioned.

The function of the air service is not only carrying passengers, but also carrying cargo and mail. It is very important. Therefore, we thought that it would be more appropriate to bring the private airlines also under the purview of the Central Government. That is the only addition that has been made. The rest of it*vas just restoring the position, because that position was lost due to the amendment of the Act which I have already mentioned. That is the only thing. Mr. Malaviya raised a very valid point. He asked, "Why Ordinance? What was the hurry?" Well, there are a large number of disputes pending. The hon. Member asked for the figures. I do not have the figures now. I will request the Ministry to supply these figures to the hon. Member. But I remember that there are a large number of disputes pending and no adjudication, no conciliation or arbitration was possible because there was no appropriate authority. As a result, the workers were suffering. Their dis-

putes were not getting resolved. So, if we have come forward with this amendment, it is in the interest of the workers. Their disputes were not getting resolved in the absence of an appropriate authority. A substantial number of disputes are pending. Secondly, the main reason was that, at one point of time, there was almost a threat of strike by a section of the workers. I do not want to name them. Technically, we found it difficult to start negotiations with them. I can give the example of the strike notice given by the pilots of the Indian Airlines. We were finding it very difficult. That is the reason why it had to be done. I do agree with the hon . Member that Ordinances must be used sparingly. There is no doubt about it. But 1 think it is within the competence of the Government, under the Constitution of India. Mr. Dipankar also mentioned that after this Government came to power, there have been more industrial disputes. He said that there was deterioration in industrial relation.

SHRI DIPANKAR MUKHERJEE: I wanted to point out that after you converted this corporation into a company, because you were not clear about the appropriate authority, the industrial disputes had .piled up. You could not take a decision regarding the industrial disputes. This is a failure on your part. You have also said this in your objects and reasons for moving this Bill.

SHRI P. A. SANGMA: In fact, the industrial relations situation, in the last four or five years has been the best. Thanks to the trade union leaders and thanks to the workers. Even in Bengal, the industrial relations situation has improved. I must thank all the hon. Members for this. I think they contributed towards creating that atmosphere.

DR. BIPLAB DASGUPTA: Why do you everytime point out Bengal?

SHRI P. A. SANGMA: You understand very well why I said that...(7nfer*ruptions)...* Sir, I think this is a very, very limited amendment and I don't think I will have to go into all the aspects of the Bill. So, I request the House to approve this amendment.

DR. BIPLAB DASGUPTA: May I ask the hon. Minister as to why he cannot accept the amendment which has been moved by Mr. Dipankar.

THE VICE-CHAIRMAN (SHRI MD. SALIM): We will come to the amendments later on.

DR. BIPLAB DASGUPTA: Mr. Minister, why cannot you make the State Governments the appropriate authority for settling most of the industrial disputes? Why do you want the States to come to the Central Government?

SHRI P. A. SANGMA: I am no more the Labour Minister... *(Interruptions)...* Please be serious. Even though I am not the Labour Minister now, I know the background of this issue because it is I who initiated it. I had discussions with the State Governments. I am not a person who wants to centralise power. I firmly believe in decentralisation. In fact, at one point of time, I was urging my officers, "Why should we take it over? Why cannot we make the State Governments the appropriate authorities?" I had a private discussion with a number of State Ministers in this regard. I can tell you very honestly that the people with whom I held discussions told me, "No, this .is a little complicated matter and it should be dealt with by the Central Government. The Central Government should be the appropriate authority." So, there is a background behind this matter. I am sure Mr. Dipankar Mukherjee will not insist on his amendments.

SHRI SATYA PRAKASH MALAVIYA: He has not yet moved his amendments.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Before the amendments, I will put the Statutory Resolution moved by Shri Malaviya to vote. The question is:

> "That this House disapproves of the Industrial Disputes (Amendment) Ordinance, 1995 (No. 12 of

1995) promulgated by the President on the 11th October, 1995."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI MD. SALIM): I shall now put the motion moved by Shri P. A. Sangma to vote. The question is:

'That the Bill further to amend the Industrial Disputes Act, 1947 be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI MD. SALIM): We shall now take up clause-by-clause consideration of the Bill. In respect of clause 2, there are two amendments by Shri Dipankar Mukherjee. Mr. Mukherjee, are you moving your amendments?

Clause 2

Amendment of ACT 14 OF 1947

SHRI DIPANKAR MUKERJEE: Mr. Vice-Chairman, Sir, I beg to move:

(1) "That at page 2, *for* the lines 1—3, the following be *substituted,* namely:—

"(ii) for the words and figures "The Indian Airlines and Air India Corporations cstablised under section 3 of the Air Corporations Act, 1953," the words and figures, "The Indian Airlines Limited and Air India Limited registered under the Companies Act, 1956" shall be substituted."

(2) "That at page 2, lines 14—16 be *deleted."*

The questions were proposed.

SHRI DIPANKAR MUKHERJEE: I want to reiterate two points which Mr. Sangma did not touch. If you look at my amendments, you will sec that I have not included the airlines as it is. It is not proper to talk in generalised terms. I have included both the Indian Airlines and Air India. What you have added is only one point where we have a difference of opinion. There are many private bus operators who arc operating in more than one State. Their services are common to these States. Three or four States are involved here. Does it mean that an industrial dispute in such a case should be referred to the Government of India? Even in respect of private airlines, you may have a dispute when a private air taxi is operating in one State. Would you like that if there is a dispute in Arunachal Pradesh, someone from Arunachal Pradesh should come to the Government of India for its resolution? The operation of the private airlines has not stabilised. I don't think that something is going to happen if you don't include it right now. I would once again request the hon. Minister to consider this matter.

SHRI P. A. SANGMA: Mr. Mukherjee, assuming that a private airline will operate only in one particular region, the North-East region, it means seven States. No service will be viable if it is confined to one particular sector. It will not be.

SHRI DIPANKAR MUKHERJEE: It can be operated in one State only.

SHRI P. A. SANGMA: It will certainly be spread over two or three or four States in a regional service.

SHRI DIPANKAR MUKHERJEE: Mr. Minister, if you yield for a moment, I will give you an example. There are already concrete proposals. For example, in West Bengal, air taxi operators would like to operate between district towns alone. What happens in that case? Who will be the appropriate authority?

SHRI P.A. SANGMA: If such a situation arises, we will think over it. But such a situation has not yet arisen.

THE VICE-CHAIRMAN (SHRI MD. SALIM): The Minister says that as and when such a situation arises, he will think over it. Mr. Mukherjee, are you yielding to the Minister's request?

SHRI DIPANKAR MUKHERJEE: Where is the request?

DR. BIPLAB DASGUPTA: Let the Minister give an assurance.

SHRI DIPANKAR MUKHERJEE: But he has to agree.that it is a debatable point. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI MD. SALIM): He has already agreed to that.

SHRI P.A. SANGMA: Yes. I have agreed that it is a debatable point. What else do you want from a Minister to surrender?

SHRI DIPANKAR MUKHERJEE: But then there has to be some assurance from the Minister that when a case of State to State comes... *(Interruptions)*

THE VICE-CHAIRMAN (SHRI MD. SALIM): Mr. Dipankar Mukherjee, he says that he is all for decentralisation, he is not for centralisation, and as and when the situation so arises, he will consider this, as he is considering this amendment now. *(Interruptions)*

So, are you pressing your amendments?

SHRI DIPANKAR MUKHERJEE: No. After Mr. Sangma's assurance, I am not pressing my amendments.

The amendments (Nos. 1 and 2) were, be leave, withdrawn.

THE VICE-CHAIRMAN (SHRI MD. SALIM): So, this is the atmosphere!

Now, I shall put clause 2 to vote.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI P.A. SANGMA: Sir, I beg to move that the Bill be passed.

The question was put and the motion was adopted.

CLARIFICATIONS ON THE STATEMENT BY MINISTER

Flooding of Gaslitand Mine of Bharat Coking Coal Limited on the 26/27th September, 1995

THE VICE-CHAIRMAN (SHRI MD. SALIM): Now, we shall take up clarifications on the statement made by Shri Jagdish Tytler, Minister of State (Independent Charge) of the Ministry of Coal, on the 28th of November, 1995 in the Rajya Sabha.

Some names are there but I think all those Members are not present in the House. Shri John F. Fernandes. He is not present. Shri V. Narayanasamy.

SHRI V. NARAYANASAMY (SHRI MD. SALIM): No. I am not seeking any clarification Shri Parmeshwar Kumar Agarwalla.

THE VICE CHAIRMAN (SHRI MD. SALIM): Shri Parmeshwar Kumar Agarwalla.

SHRI PARMESHWAR KUMAR AGARWALLA (Bihar); Mr. Vice-Chairman, Sir, I rise with a heavy heart to mourn the death overnight of 77 coalminers of Bharat Coking Coal Limited, a nationalised coal sector company.

Sixty-four coalminers died in Gaslitand Mine alone due to drowning. It will be a great injustice to the departed souls to call it an accident. It is a clear case of murder on account of negligence. No lesson has been learnt from the New Kenda coalmine tragedy of last year although the matter was discussed at various Parliamentary forums. During the year 1995, up to October, there were as many as 43 fatal accidents in coalmines in the State of Bihar. There was no month in which there was no accident. The Gaslitand Mine accident is one amongst them with the heaviest casualties.

Sir, my information is that a warning about heavy rain was given. The forecast was made by the Meterorological Centre at Patna, 48 hours in advance that there will be heavy rain. The normal procedure is that before the rainy season every year, preparatory arrangements are made to check the inrush of water into the mines. My question is: What preparatory arrangement was made so far as the drowning of this mine is concerned? Was any amount spent on the strengthening of the dam through which the water rushed into the mine? I would also like to know as to how many outlets arc there, the main outlets, which means winding, two-winding, three-winding engines? There are two types of outlets, one from where the production is taken out and the other which is ^man-winding', from which men keep coming and going out. How many winders were working? Were the operators there at that time or not? My