

GOVERNMENT BILLS

The Unorganised Sector Worker's Social Security Bill, 2007

THE VICE CHAIRMAN (SHRIMATI JAYANTI NATARAJAN): We shall now take up the Unorganised Sector Workers' Social Security Bill, 2007.

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI OSCAR FERNANDES): Madam, pursuant to our commitment to providing social security to workers in the unorganised sector, we had introduced a Bill in this august House on the 10th of September, 2007. This Bill was referred to the Standing Committee for examination. The Standing Committee, subsequently, submitted its recommendations and we have been extremely benefited by the analysis and the examination undertaken by the hon. Members of the Standing Committee. We have had a series of discussions, thereafter, with various stakeholders. It has been our endeavour to see that as many recommendations as possible are incorporated in the proposed Bill. Accordingly, I stand here to propose official amendments to the Bill that was introduced earlier.

We debated at length whether the Bill should be renamed "The Unorganised Workers' Social Security Bill". We do feel that this renaming might induce informalization of workers who are presently enjoying the benefits as organised sector workers. However, in deference to the recommendations of the Standing Committee, I am proposing an amendment to rename the Bill as "The Unorganised Workers' Social Security Bill, 2008". Accordingly, at most of the places in the Bill, the term 'unorganised sector workers' has been replaced by 'unorganised worker'.

In tune with the aforementioned recommendation, we also propose an amendment to include the definition of 'unorganised worker'.

We have also accepted the recommendation of the Standing Committee with regard to making a mandatory provision for certain schemes as are indicated in Clause 3(1) of the proposed Bill. Accordingly, the term 'may' has been replaced by the term 'shall' in consonance with the recommendations of the Standing Committee. In fact, with a view to ensuring that these minimum social security measures are not excluded subsequently by the future Governments, we have excluded the term 'exclude therefrom' in sub-clause (3) of Clause 3 of the proposed Bill. This also reflects our commitment to ensure that certain minimum benefits become available to the unorganised workers.

The Standing Committee had recommended a grievance redressal mechanism. We believe that instead of having a uniform grievance redressal mechanism, we should mandate a grievance redressal mechanism in each scheme because the concept, the nature and the implementation of each scheme will be different. Hence, I am proposing an amendment to Clause 4 (2) wherein a provision is being made for incorporating a mechanism for grievances in each scheme.

The Standing Committee had recommended that the National Board should have Union Minister for Labour and Employment as the Chairperson and it should also have two representing Members from Lok Sabha and one from Rajya Sabha. Accordingly, I am proposing amendments for incorporating such changes in Clause 5 (2) of the proposed Bill. Similar changes have been made in the State Board as well in accordance with the recommendations of the Standing Committee. I am also proposing to delete the term 'Advisory' from both National and State Boards.

It is evident from the above that the Government has incorporated a number of suggestions of the Standing Committee in the proposed Bill. Let me now come to some of the major suggestions of the Standing Committee which were indeed very valuable but, for reasons mentioned hereinafter, cannot be incorporated in the Bill.

The Standing Committee had recommended incorporation of the details of schemes in the Bill itself. The hon. Members will agree that by incorporating such details, we are taking away the flexibility which is so very essential for implementing any scheme. You will also agree that in a fast changing environment and the diversity that exists in the country, a scheme may require modification to suit the local needs or the changed set of circumstances. In such an eventuality, for every change, the Act will have to be repeatedly amended which will not be in the interest of the workers. Therefore, the details of the scheme should not be a part of the legislation.

There has been a lot of debate with regard to creation of a separate fund to administer the scheme. We believe that creation and management of separate fund will only lead to creation of a separate bureaucracy, with additional costs, without facilitating roll out of the schemes. The key issue here is whether there would be funds available on a regular basis for the schemes. In this context, I would once again like to draw your attention to the fact that once we mandate existence of schemes by the use of term "shall" in Section 3 (1), as proposed as a part of the amendments, it shall be imperative for the respective Governments to make funds available as such schemes will not have any meaning without the funds to back them. Our reservation is not with regard to funds. Our reservation is with regard to creation of a separate fund. We also believe that funding of each scheme will vary from scheme to scheme. Some schemes will require contribution from the beneficiary, and the State Government and others may not require any contribution from the beneficiary. Even the quantum of contribution will vary from scheme to scheme. Thus, from a practical point of view, it would be best to leave this aspect until the time the scheme gets formulated. In any case, all these documents will be laid before the House and the House can always debate these issues. By enacting this legislation, we are taking away the executive domain of the Executive as regards the scheme because each scheme will be a part of the Schedule which is annexed to the legislation.

Here, I would like to thank the Chairman of the NCEUS, Shri Arjun Sengupta, who has been able to guide us a lot, and also the Chairman and the Members of the Standing Committee. The Government has already initiated a number of steps to provide social security to workers in the unorganised sector, going well beyond the recommendations given by the National Commission for Enterprises in the Unorganised Sector (NCEUS). The NCEUS, in its Report submitted to the Government, had recommended a life and disability insurance scheme in which a personal accident cover of Rs.25,000 was provided. Our Government has introduced Aam Admi Bima Yojana which provides a personal accident cover up to Rs.75,000, thrice the amount recommended by the NCEUS.

The National Commission had also recommended health insurance scheme to provide a cover of Rs.15,000. The RSBY launched by the Government provides a cover of Rs.30,000 for a family of five, twice the amount recommended by the National Commission.

I would like to inform the Members of this august House that what we have done so far is just a beginning. It will be our endeavour now to extend the benefits to certain segments of the unorganised workers who are above poverty line as well. We have already extended the Rashtriya Swasthya Bima Yojana to building and other construction workers. Even such workers as are above the poverty line in this category would be covered. We have been debating and discussing such Bills at various fora for the past so many decades trying to satisfy everyone but, ultimately, delivering nothing. However, I would request you to help us make a beginning. Let us begin with the enactment of this legislation. Let us begin with something. That something may not be everything, but still, what we are attempting to deliver is quite substantial. It will serve nobody if, in our eagerness to deliver everything, we are unable to do anything.

I would also like to take this opportunity to thank our Prime Minister and the UPA Chairperson, Shrimati Sonia Gandhi, who had been, from time to time, asking us about the progress of the Bill and who was eager that this Bill should be taken up for consideration.

With these words, Madam, I would request hon. Members to help me in getting this Bill passed.

The question was proposed.

श्री रुद्रनारायण पाणि (उड़ीसा): उपसभाध्यक्ष महोदया, अभी यह विधेयक पेश करते समय माननीय श्रम मंत्री महोदय ने इस क्षण को ऐतिहासिक बताया है। यह बिल पहले 2003 में जब राष्ट्रीय जनतांत्रिक गठबंधन की सरकार थी, उस समय के श्रम मंत्री, स्वर्गीय साहिब सिंह वर्मा जी ने लोक सभा में पेश किया था। बाद में लोक सभा भंग हो गई और वह बिल चूंकि लोक सभा में पेश किया गया था, फिर से नये सिरे से इस बिल को लाने के बारे में लोगों ने सोचा।

महोदया, वर्तमान समय तनाव का समय है, उत्तेजना का समय है। इसमें कभी-कभी महाराष्ट्र के बारे में विषय लाते समय या कर्नाटक में कंधमाल का विषय लाते समय हमारे लैपट के बंधु भी economic causes तक नहीं जाते हैं। आखिर यह तनाव, यह उत्तेजना क्यों? कहा जा सकता है कि यह गरीबी की उत्तेजना है। हम लोग असंगठित मजदूरों के बारे में, unorganised workers के बारे में, उनकी सामाजिक सुरक्षा के बारे में यह विधेयक पारित करने जा रहे हैं। आम तौर पर कहा जाता है कि गरीब आदमी, मजदूरी के लिए जाता है। असंगठित क्षेत्र के जो वर्कर्स होते हैं, ये कौन होते हैं, इसके बारे में भी लोग समीक्षा करते हैं। जो गरीब से गरीब आदमी है, उसके पेट की जो भूख होती है, भूख की जो ज्वाला होती है, उसकी पूर्ति के लिए वह काम करने के लिए जाता है और उसी को हम मजदूर कहते हैं, कामगार कहते हैं या श्रमिक कहते हैं। इस देश में जो वामपंथ की राजनीति है, वह ट्रेड यूनियनों पर आधारित है। जब कभी भी ट्रेड यूनियन के बारे में बताया जाता है, तब हमेशा Organised sector के बारे में बताया जाता है - चाहे रेलवे की यूनियन कहिए, चाहे Airport Authority की यूनियन कहिए या पब्लिक सैक्टर की यूनियन कहिए, फेडरेशन कहिए, हमेशा उनके बारे में बात होती है और जब कभी भी राजनीतिक नेता गरीबी के बारे में भाषण करते हैं, तब उनके बारे में कहते-कहते, वे हमेशा असंगठित क्षेत्र का नाम ले लेते हैं।

महोदया, मैं कहना चाहता हूं कि सदन का यह जो सत्र है, इसका नाम क्या है, हमें नहीं पता, मालूम नहीं कि यह शीतकालीन सत्र है या वर्षाकालीन सत्र है, लेकिन इसे कम समय में समाप्त करने की जो मानसिकता है, इसके कारण हर कोई चाहता है कि यह बिल पारित हो जाए, सप्लीमेंटरी ग्रांट्स पारित हो जाएं। रेलवे की ग्रांट्स पारित हो जाएं। सभी लोग हड़बड़ी में हैं, लेकिन पार्लियामेंट की दृष्टि से, संसद की दृष्टि से जब किसी भी विधेयक पर चर्चा होती है, तो उसके लिए ज्यादा समय दिया जाना चाहिए और निष्ठा के साथ तथा गंभीरता के साथ लंबे समय तक उस पर चर्चा करनी चाहिए।

अगर लंबे समय तक कोई चर्चा होगी, लंबे समय तक बहस होगी तो फिर लोग सब रिकॉर्ड्स देखेंगे कि कौन क्या बोलते हैं। अगर समय की कमी के कारण, हड़बड़ी के अंदर आपको कुछ भी पास करा लेना है तो लोग जो बोलेंगे, उसका क्या अर्थ निकलेगा? वह बात अलग है और धीरे-धीरे वह मामला तो वेल तक ही जाता है। अब ये जो असंगठित श्रमिक हैं, ये जो गरीब मजदूर हैं, यही लोग ये सारे तनाव को समाप्त कर सकते हैं। हमारी राजनीति किसके ऊपर आधारित है? गरीबी को हटाकर एक सशक्त राष्ट्र बनाकर, उससे भी आगे जाकर एक मजबूत mankind बनाना, यही तो हमारी राजनीति का मकसद है। हमारे राज्य सभा के एक पूर्व सदस्य दिवंगत दत्तोपंत ठेंगरी जी की एक थ्योरी थी, दुनिया में एक थ्योरी है, 'workers of the world unite' सारी दुनिया के वर्कर्स unite हों, एक नारा था। यह नारा शायद कार्ल मार्क्स या कोई वामपंथी प्रसिद्ध चिंतक दिए होंगे, लेकिन उस चिंतन का विरोध न करते हुए, बल्कि उस चिंतन को पूरक करते हुए माननीय दत्तोपंत ठेंगरी जी ने कहा था, 'workers unite the world', मजदूर दुनिया को एक करो, दुनिया के मजदूर एक हों, लेकिन मजदूर दुनिया को एक करो। इस प्रकार के महान भावना से हम लोग काम करते हैं, काम करना चाहिए और असंगठित क्षेत्र के श्रमिकों के कल्याण के लिए यह विधेयक आया हुआ है।

माननीय श्रम मंत्री जी ने कहा कि स्टैंडिंग कमिटी को धन्यवाद देते हैं, स्टैंडिंग कमिटी के चेयरमैन को धन्यवाद देते हैं, इस सदन के हमारे महान अर्जुन कुमार सेनगुप्त जी स्टैंडिंग कमिटी के सदस्य हैं। श्रम मंत्री जी ने कहा कि अर्जुन कुमार सेनगुप्त जी को धन्यवाद देते हैं। महोदया, धन्यवाद देने से काम नहीं चलेगा, हम लोग स्टैंडिंग कमिटी में अर्जुन कुमार सेनगुप्त की अध्यक्षता में एक सब-कमिटी बनाए थे, लेकिन उस सब-कमिटी की, मेरे विचार से, मेरे मत से, पूरी की पूरी धज्जियां उड़ा दी गई हैं। 23 अप्रैल को जब मैं यहां पर श्रम मंत्रालय के कार्यक्रम पर बोल रहा था, उस समय मैंने कहा था कि स्टैंडिंग कमिटी में सभी पार्टियों के सदस्य हैं, सब लोगों की आम राय भी थी। मगर अर्जुन कुमार सेनगुप्त जी जैसे महान economist को आप ही ने आर्थिक विषमता के बारे में बताने के लिए काम दिया है। इस देश की आर्थिक विषमता क्या है, सब लोगों को पता है? अर्जुन कुमार सेनगुप्त जी यहां पर बैठे हुए हैं, उन्होंने आर्थिक विषमता वाली रिपोर्ट में लिखा था कि अभी तो दस रुपया, बारह रुपया एक-एक व्यक्ति की आय होती है। अब एक ओर सोचा जाए कि हम लोग पार्लियामेंट के मेम्बर हैं, मैं विवाद में फंसना नहीं चाहता हूं, लेकिन मैं दिल की बात कहता हूं, पार्लियामेंटरी कमिटी जब कहीं visit करती है, अभी हम आंध्र प्रदेश में सिरिसिल्ला गए थे, जहां बुनकरों की आत्म-हत्या होती है। एक तरफ हम लोग बुनकरों की आत्महत्या को देखने के लिए जाते हैं, लेकिन पार्लियामेंट सिस्टम की व्यवस्था है कि आपको फाइव स्टार होटल में ठहराया जाएगा। वहां पर जो बाथरूम होता है, फाइव स्टार होटल के एक-एक बाथरूम में एक गरीब आदमी का पूरा परिवार अपनी जिंदगी जी सकता है। इस हद तक जाकर हमको गरीबी के बारे में, मजदूरी के बारे में सोचना होगा। जब हम सवाल करते हैं, हमको कोई पागल कह सकता है, क्या अभी कोई कह सकता है, लेकिन फिर उसके साथ-साथ कहा जाता है कि सुरक्षा का मामला है, आपके पार्लियामेंटरी कमिटी की शान का मामला है, गौरव का मामला है, इस तरह की बातें करते हैं। मैं उस बहस में नहीं जाना चाहता हूं, लेकिन वही अर्जुन कुमार सेनगुप्त जी जो आर्थिक विषमता के बारे में बोले थे, मैं वही दत्तोपंत ठेंगरी जी की बात कर रहा था, उन्होंने भी एक थ्योरी दी थी, "आर्थिक विषमता समाप्त हो, एक दस आय अनुपात हो"। कभी हम यह सोच सकते हैं कि अगर आप सबसे ज्यादा इनकम कर रहे हैं, आपका इनकम एक दिन में सौ रुपया होता है और मेरा दस रुपया होगा, यह हम कभी सोच सकते हैं। महोदया, आज एक व्यक्ति की एक दिन का इनकम दस रुपया होता है और कॉर्पोरेट सेक्टर का एक दिन का इनकम क्या है? मैं अवश्य धारा व धारा और इस बिल में क्या है, इसके बारे में एनडीए के पहले वक्ता के नाते जरूर उसमें जाऊंगा। यह असंगठित क्षेत्र का श्रमिक है। माननीय श्रम मंत्री ने कह दिया कि हमने स्टैंडिंग कमिटी के सुझाव के आधार पर परिवर्तन किया है। इसमें केवल "सेक्टर" शब्द का जो परिवर्तन कर दिया गया है, मुझे लगता है कि यह कॉर्रैक्टिक सर्विस है। "ऑर्गेनाइज्ड सेक्टर" था, तो "सेक्टर" शब्द को हटा दिया। हिंदी में जब विधेयक का प्रारूप बनाया गया, तो उसमें भी "सेक्टर" शब्द था। केवल उस "सेक्टर" शब्द को हटा दिया और कहते हैं कि हमने स्टैंडिंग कमिटी का सुझाव मान लिया था। समय-समय पर जब ट्रेड यूनियन के साथी वहां पर भी स्टैंडिंग कमिटी में

अपना विटनेस देने के लिए आए थे, तो उन्होंने हमसे कहा कि सरकार की ओर से कहा जाता है कि 39 करोड़ असंगठित मजदूर हैं, तो इतना पैसा हम कहां से लाएंगे? इस बिल में अगर सामाजिक सुरक्षा की बात है, तो इसमें क्या दिया गया है? क्या हेल्थ इश्योरेंस कवर होगा? कोई पी.एफ. का कवरेज होगा? कोई पेंशन की बात आएगी? यही तो सामाजिक सुरक्षा इस विधेयक में है। मैं एक बार एक वामपंथी साथी से गौर से बात कर रहा था। उस समय वामपंथी साथियों का सरकार को समर्थन था। उन्होंने कहा कि सरकार के लोग हैं कि स्कीम्स पर आप ज्यादा महत्व दीजिए, don't go for enactment 2004 में सरकार में आने के बाद यही उनके दिमाग में रहा। शायद वामपंथी भाइयों के, बहनों के, वृंदा जी यहां पर बैठी हुई हैं, शायद उनके दबाव के कारण ये enactment में गए।

महोदया, कल बहस हो रही थी आर्थिक विषयों पर, वित्त मंत्री जी यहां पर बैठे थे। उस समय जब एन.टी.पी.सी. में या बी.एच.ई.एल. में disinvestment की बात आई, तो सीताराम जी ने कहा कि हमारे दबाव के कारण आपने disinvestment नहीं किया। अब वित्त मंत्री जी और सीताराम जी के बीच बातचीत होती रही और मैं यहां से बैठकर गौर से देखता रहा। अब आज वामपंथी भाइयों का समर्थन नहीं है, लेकिन सरकार फिर भी वामपंथियों के साथ राजनीति करने के लिए, दिखाने के लिए कह रही है कि हम enactment कर रहे हैं। ...**(व्यवधान)**... बिल के बारे में? बिल के बारे में मैं अवश्य कहूंगा। यह सारा बिल में है। ...**(व्यवधान)**... बिल में आपका कुछ है नहीं। इस बिल में enactment की कोई आवश्यकता नहीं है। ...**(व्यवधान)**...

श्री रामचन्द्र खूटिआ (उड़ीसा): आपके बिल में कुछ नहीं था, इस बिल में है।

उपसभाध्यक्ष (श्रीमती जयन्ती नटराजन): खूटिआ जी, आप बैठिए। उनको बोलने दीजिए।

श्री रुद्रनारायण पाणि: एन.डी.ए. के बिल में, साहिब सिंह वर्मा जी के समय में जो बिल प्रस्तुत किया गया था, वह बिल बेहतर था, ऐसा आपके ट्रेड यूनियन के लोगों ने भी कहा। तमाम वामपंथी साथी, दूसरे सब इंडिपेंडेंट ट्रेड यूनियन के बहुत सारे लोग इस विधेयक पर स्टैंडिंग कमेटी में जब विटनेस देने के लिए आए या जब बाहर कभी मुझे मिलते हैं, तो उन्होंने कई बार मुझे कहा है कि आपके समय का, साहिब सिंह वर्मा जी के समय का बिल इससे बेहतर था। वामपंथी साथी मुझे कह चुके हैं कि उस समय की सरकार को समर्थन दे रहे थे, तब लेबर मिनिस्टर ने उनको कहा कि स्कीम्स पर importance दीजिए, enactment पर importance मत दीजिए, जैसे कि आप NREGA के बारे में कह रहे हैं। NREGA के बारे में मैं डिसकस नहीं करना चाहता हूं, किंतु वहां तो केवल enactment हो गया, इसका implementation अब कैसा हो रहा है, आपको ढंग से पता है रामचंद्र जी, वहां पर नौकरशाही का कितना दबाव है, कांटेक्टरों का कितना दबाव है, NREGA को लेकर आप अगले चुनाव में सरकार में आएं या नहीं, यही भी आप सोचते रहिए। पंजाब में, उत्तर प्रदेश में, कर्नाटक में, गुजरात में, हिमाचल प्रदेश में सारा हो गया है एक-एक करके, तो आप enactment कर दीजिए। Enactment और scheme implementation में कोई फर्क नहीं रहा। जवाहर लाल नेहरू जी के समय से लेकर अटल जी के समय तक कितनी स्कीम्स हुई हैं? कितनी स्कीम्स का ऐलान किया गया? कितनों का implementation किया गया? सारी स्कीम्स का implementation अगर ढंग से किया गया होता, तो हर नेता सत्ता में बार-बार कंटीन्यू होता, किंतु वह तो नहीं हो पाया। अब आप enactment का लोगों को जलवा दिखाना चाहते हैं कि हमारी सरकार ने enactment कर दिया! enactment करने के बाद कितने चुनाव हुए हैं, क्या नतीजे आए हैं, वह तो आप जानते हैं, हम भी जानते हैं, दुनिया वाले सब जानते हैं। अब इसको आप enactment कर रहे हैं। उस समय शायद वामपंथियों के दबाव में आपने enactment किया होगा NREGA का। अभी तपन कुमार सेन जी ने इसके ऊपर संशोधन दिया हुआ है और तपन कुमार सेन जी के संशोधन पर अगर यहां pressure देंगे, तो यहां पर मत विभाजन की नौबत आएगी। इस संबंध में मैंने कल बी.एम.एस. के नेताओं से बात की। हमारे राष्ट्रीय नेतृत्व से बात की। इसमें सरकार गुमराह करने वाली बात लायी है, वह यह है कि इवेंट मैनेजमेंट सेक्टर जो है, जैसे आंगनवाड़ी है, जैसे आशाकर्मी हैं, इन लोगों का कोई न कोई एम्प्लॉयर है। यही इवेंट मैनेजमेंट का मामला है। आज वर्कर्स को केटॉगराइज करते-करते आप एनजीओ के वर्कर्स तक भी पहुंच सकते हैं। एनजीओज क्या काम करते हैं, सबको पता है। लेकिन एनजीओज के

वर्कर्स जब मिलते हैं तो वे कहते हैं कि हमें जॉब नहीं मिलती है इसलिए हम यहां पर काम करते हैं। जो चेरिटेबल ट्रस्ट के वर्कर्स हैं, जो हॉस्पिटल मैनेजमेंट होता है, वह कहता है कि जो मरीज आता है, आप चेरिटी करते हैं, उस मरीज की सहायता करते हैं, वह बात अलग है, लेकिन हम नर्सिंग हैं, हम स्वीपर हैं, हम इस ट्रस्ट में काम करते हैं, हम भी तो गरीब हैं। वे बीमार हैं, यह बात गंभीर है, लेकिन हम लोग जो गरीब हैं, यह उससे भी गंभीर बात है। चेरिटेबल ट्रस्ट में हम काम करते हैं तो हमारे लिए ट्रेड यूनियन एक्ट लागू नहीं होगा, हमारा पे प्रोटेक्शन नहीं रहेगा, हमारा हेल्थ इंश्योरेंस और अन्य स्कीम्स नहीं रहेंगी, इसे हम कैसे मानेंगे। इस प्रकार के जो इवेंट मैनेजमेंट करने वाले कामगार हैं, उनको यहां पर अगर इन्वोलूड करते हैं, जिनकी संख्या लगभग 6-7 करोड़ हो गयी है। एक तो सरकार बताती है, जिसके बारे में मैं कह रहा था। मेरे भाई मुझे डीरेल करने की कोशिश कर रहे थे, मैं डिरेल नहीं होऊंगा, मैं बचपन से यही काम करते-करते यहां तक आया हूं, इसलिए डिरेल होने का सवाल ही नहीं है। 39 करोड़ असंगठित क्षेत्र के मजदूरों के बारे में ये कहते हैं, वास्तव में ऐसा नहीं है। ये जो स्कीम हैं, इंश्योरेंस की या ईपीएफ की, एग्जिस्टिंग कानून के तहत कई करोड़ लोगों को हम अलग कर सकते हैं। विधेयक में ये कहते हैं कि फेज वाइज करेंगे। जैसे NREGA पहले दो सौ जिलों का किया था, अब कहते हैं कि इसको फेज वाइज करेंगे।

उपसभाध्यक्ष (श्रीमती जयन्ती नटराजन): अब आपको कम्पलीट करना पड़ेगा।

श्री रुद्रनारायण पाणि: अब कहते हैं कि इसको फेज वाइज करेंगे। हम इसको फेज वाइज करने को मानने के लिए तैयार नहीं हैं। 39 करोड़ में से कम से कम ईवेंट मैनेजमेंट के हुए, आंगनवाड़ी के हुए, इस प्रकार के जो वर्कर्स हैं, उनको अगर थोड़ा अलग करेंगे और एग्जिस्टिंग कानून के तहत अगर उनको दिलाएं तो 14 करोड़ घट जाएंगे और बाकी 25 करोड़ रहेंगे जिनके लिये यह बिल है, ऐसा कहा जा सकता है। जैसे कहते हैं कि फॉर्मल सेक्टर में ... (व्यवधान)...

उपसभाध्यक्ष (श्रीमती जयन्ती नटराजन): अब आपको कम्पलीट करना पड़ेगा।

श्री रुद्रनारायण पाणि: मैडम, मैं दो मिनट में समाप्त करूंगा।

एक माननीय सदस्य: क्या आप इस बिल का विरोध कर रहे हैं?

श्री रुद्रनारायण पाणि: नहीं। इस बिल का विरोध करने का सवाल नहीं है। इस बिल का स्वरूप क्या होगा, यह देखना है। बिल का विरोध करने का सवाल ही नहीं है। बात यह है कि 39 करोड़ का नाम जो लेते हैं इसका मतलब आप सरकार चला रहे हैं। जो एग्जिस्टिंग कानून है, उस एग्जिस्टिंग कानून के तहत, जैसे आपका ऑरगनाइज्ड सेक्टर है, एनटीपीसी हुआ, नाल्को हुआ या प्राइवेट सेक्टर है, बिग इंडस्ट्रीज हैं, बड़े उद्योगपति हैं, उनके पास जो कांटेक्ट्स काम करते हैं, उन कांटेक्ट्स के नीचे जो सब कांटेक्ट्स के जो वर्कर्स हैं, उन वर्कर्स को हम एग्जिस्टिंग कानून के तहत स्कीम्स के लाभ दिला सकते हैं, किन्तु हम एग्जिस्टिंग लॉ को इम्प्लीमेंट करने के लिए तैयार नहीं हैं। जो एग्जिस्टिंग लॉ है, उसको इम्प्लीमेंट करने के लिए सरकार तैयार नहीं है और इनेक्टमेंट का नाटक लोगों को दिखाने के लिए कर रही है कि हमने कानून बना दिया है। अगर कानून बनाया है तो उसका इम्प्लीमेंट करो। लेकिन इम्प्लीमेंट क्या करते हैं? जैसे बोर्ड का है, अभी बोर्ड से एडवाइजरी उठा दी। आपने उस बोर्ड को क्या शक्ति दी है? आप इस बोर्ड को एग्जीक्यूटिव बोर्ड बनाएं, उसको एग्जीक्यूटिव पावर देंगे? इसमें डिस्प्यूट रिड्रैसल के लिए, विवाद के समाधान के लिए क्या शक्ति उस बोर्ड में है? ऐसा कुछ नहीं है। हम असंगठित कामगार किसको कहेंगे। जिसके मालिक का परिचय नहीं है, जिस वर्कर का मालिक कौन है, उसको देखने के लिए अगर कोई प्रॉब्लम है तो उसको अनऑरगनाइज्ड सेक्टर के तहत डालकर यह जो विधेयक है, इसकी इम्प्लीमेंटिंग अथॉरिटी को आप पावर दीजिए, शक्ति दीजिए और डिस्प्यूट रिड्रैसल के लिए जो बॉडी है, उसके बारे में भी आप सोचिए और इसमें जो संशोधन मंत्री महोदय लाए हैं उसका शैड्यूल पढ़िए। मंत्री महोदय आपकी सरकार के हैं तथा यहां पर यू.पी.ए. चेरपरसन्स का नाम लेते हैं। यहां एक योजना में महात्मा गांधी का नाम था। शैड्यूल का जो संशोधन किया है उसमें

महात्मा गांधी का नाम नहीं है। मैं उस विवाद में जाना नहीं चाहता हूँ। आप "गांधी इन वेटिंग" के नाम से योजना चला सकते हैं। किन्तु महात्मा गांधी बुनकर बीमा योजना में से महात्मा गांधी का नाम डिलीट कर दिया। आपका संशोधन का जो शैड्यूल है उसमें इंदिरा गांधी जी का नाम लिया है। मैं इसका विरोध नहीं करता हूँ। लेकिन महात्मा गांधी के नाम से आपकी योजना नहीं है।

उपसभाध्यक्ष (श्रीमती जयन्ती नटराजन): खत्म कीजिए।

श्री रुद्रनारायण पाणि: महोदया, मैं आपके माध्यम से इस सरकार से निवेदन करता हूँ कि खेतीहर मजदूर के बारे में स्वतंत्र विधेयक लाएं। हमें आश्वासन दिया गया था कि एग्रीकल्चरल वर्कर्स को इसमें इंकलूड किया जाएगा। किन्तु मेरा यह निर्दिष्ट मत है कि इसके बारे में गंभीरता से विचार किया जाए। जैसा उन्होंने कहा कि It is a well beginning. It is a good beginning. As a member of the trade union, as a member of the unorganised sector जिसको कहते हैं अनआर्गनाइज्ड सैक्टर के वर्कर, मैं इस बिल के साथ समर्थन देने की स्थिति में नहीं हूँ। लेकिन हमारी पार्टी का जो नेतृत्व होगा और यहां पर हमारे वामपंथी साथी इस बिल में जो संशोधन लाए हुए हैं, इसके ऊपर जिस प्रकार का प्रेसर देंगे, उसके आधार पर हमारा यह समर्थन होगा। माननीय महोदया, मैं उड़ीसा से आता हूँ।

उपसभाध्यक्ष (श्रीमती जयन्ती नटराजन): बहुत टाइम हो गया है।

श्री रुद्रनारायण पाणि: महोदया, एक मिनट। सबसे ज्यादा गरीब राज्य उड़ीसा है। महोदया, मैं आपके माध्यम से मंत्री महोदय से अनुरोध करता हूँ कि सी.जी.आई. के मामले में वहां पर ज्यादा कार्यालय खुलें और ई.पी.एफ. के भी प्रोविजनल आफिस खुलें। वहां पर फर्टिलाइजर कार्पोरेशन ऑफ इंडिया बंद पड़ा हुआ है। उसके पुनर्जीवन की कोई उम्मीद नहीं है। वहां पर ई.एस.आई. का एक हॉस्पिटल बनाने का अवसर वहां पर है।

उपसभाध्यक्ष (श्रीमती जयन्ती नटराजन): पाणि जी, अब आप खत्म कीजिए।

श्री रुद्रनारायण पाणि: माननीय मंत्री महोदय, उड़ीसा की यह जो तीन-चार मांगें हैं उनके प्रति ध्यान देंगे और कुल मिलाकर इस देश के खेतीहर मजदूरों के लिए एक विशेष विधेयक लाएंगे। धन्यवाद महोदय।

SHRI G. SANJEEVA REDDY (Andhra Pradesh): Madam Vice-Chairperson, I am thankful to you for giving me time to speak on this Bill. For the first time in the history of Independent India the unorganised sector workers' Bill has been brought by the hon. Labour Minister. It is really a welcome move and I wholeheartedly support the Bill and the idea behind this Bill. At the same time, I wish to make some suggestions with regard to implementation and improvement of the Bill.

Madam, unorganised sector is consisting of a number of categories – rural workers, agricultural workers, self-employed workers, contract workers, migrant workers, construction workers and all other categories of workers who are not covered under the organised sector. These workers, according to a rough estimation, are nearly about 35-40 crores in the country. This is one of the biggest segments of the working class movement in the country which is unorganised and engaged in the informal sectors like small, cottage industries, household workers, etc. No law is applicable to these people and the labour laws or any other social security is not applicable to them. Madam, the previous speaker and my friend said that the previous Government tried to bring some legislation, but it could not be passed. I would say that they were not able to bring legislation for unorganised sector workers. What is unorganised sector Bill? That is the basic point. Here, we are saying that we have a

lot of hopes for the unorganised workers. We wanted to extend medical facilities to the workers; we are discussing how we are going to give relief to the unemployed workers, etc. If any worker from the unorganised sector is removed or retrenched, nobody can question that. No law prevents retrenchment of unorganised workers. There is no arrangement for their children's education and, practically, no minimum wages are implemented.

There are other things like housing facilities, retired pension scheme etc. These are the items which are largely covered under the unorganised sector. The hon. Minister rightly said that, first of all, we should name this Bill as "The Organised Workers' Bill or Organised Informal Workers' Bill." I had suggested this when the joint meeting was conducted by the hon. Minister with the representatives of the trade union and other representatives. I am thankful to him. He had really given a good hearing. We suggested that only naming it as the Unorganised Workers' Bill is not going to be sufficient. It means that the organised workers will be left out of the purview of this Bill. Therefore, the words, 'informal workers' have also to be added. Informal sector should also be included so that the broader definition can be covered.

Sir, in this Bill, there are a large number of items. But a basic point arises, how we are going to implement this. It is the most important thing. The Minister has said very clearly that schemes should be formulated like the unorganised housing scheme, unorganised workers pension scheme, unorganised unemployment scheme, and the unorganised workers education scheme. All these separate schemes are going to be formed under this Act. This Act does not really give any direct benefit to the workers. It is an enabling Act where the State Government and the Central Government can formulate schemes and introduce them in the sector of unorganised workers. Therefore, we are not giving any direct benefit to the unorganised workers through this Bill. But this Bill empowers the Central Government as well as the State Government to come out with some sort of welfare schemes and give welfare benefit to the workers.

You said just now that we shall enact or formulate a scheme. Here, 'shall' has been added in this. That is all right. There are State Governments which claim and say that they do not have sufficient funds, so, they are not able to draw schemes. And even if they draw a scheme, it can be implemented against the workers. It will be in a negative way. Who is going to fund these schemes? These are schemes which cover 30 - 40 per cent population of this country. Who will give the fund? Some Members here said that it will be done by the Central Government or State Governments or workers or employers. The self-employed workers constitute a major chunk of this unorganised sector. Self-employed workers and artisans do not have an employer. The consumer is the employer or the purchaser is the employer. How are we going to define and how we are going to ask what is the employers' contribution where some of the contribution is by workers themselves. It is one of the points which we have to consider seriously. How we are going to cover employers' contribution is not clear in this.

The second point is this. We are giving a bare Act. The Pension Fund is a recurring expenditure. For this expenditure, the Central Government has to provide money. Without providing money, only

the bare Act is there. You may draw other schemes, but the pension benefit should also be there. The workers who retire after 60 years, they must be assured of getting a pension. The Provident Fund Linkage Scheme is there. Similarly, the unorganised workers' should know after 60 years what benefit they are going to get and who is going to give them this. The Central Government may form a scheme, or set up a board. What is the distribution of powers between the Central Government and the State Government? On which items the Central Government will draw the schemes and on which items the State Government will draw the schemes is not stated clearly in this. Therefore, I say that consideration has to be given about funds. The Bill says that the fund may be given by the Central Government, the State Government, employee contribution and employers' contribution. The Central Government may give us some funds, but, the State Government has a different opinion. Some States may not believe in this Bill and these principles also. Sir, in our country, there are many States. Some may believe and some may not believe this Bill. So, they may not allocate funds for the implementation. Ultimately, the unorganised workers of that State are going to suffer. How can we protect those workers? This Bill does not provide any such protection. Any State Government may not accept these schemes. They may say, "We have got our own schemes, or, we have not sufficient funds; therefore, we don't want to implement these schemes". Then, who is going to take the responsibility? There must be some authority.

Madam, another point is, no implementation machinery has been created under this Act. The Board has been created but the Board is only a sanctioning authority and not the implementing authority. The implementation machinery has to be created somewhere. The Board may take decisions. The Government may formulate schemes. Who is going to implement them? The State Government has got the responsibility of appointing the Board. But who is going to implement all those schemes? It is not the responsibility of the Board to go and see whether these schemes are being implemented or not. The Board cannot function as an Administrative Tribunal or as an Administrative Board. Madam, Parliamentary representation is there on the Board; a number of employees from the unorganised sector have also got representation on the Board, but the Central Trade Union, which sponsors the cause of the unorganised sector, is not given representation on the Central Board/Authority. Therefore, I request that when you are giving representation, let not only the local trade union people be given representation on the Board, the Central Trade Union people should also be given representation so that they may be able to explain to you the real conditions of the unorganised working class and they may also advise a proper implementation in the matter. Therefore, Sir, my submission is that here in this Bill, it may be added that the Central Trade Union people be given representation on the Board. This is one of my important points.

Madam, the third point I would like to make is about the Provident Fund. In the Bill, it is mentioned that wherever less than ten workers are working, the provisions of this Bill are going to be applicable. That means, if there are more than ten workers, the provisions of this Bill are not going to benefit those workers. Therefore, some amendment has to be made in this regard, or, some clarification has to be given.

With regard to self-employed people, it is mentioned here "earning monthly-wage workers will be included in the Act". That means, only those workers who are getting monthly wage, those self-

employed workers, will be considered as a workmen under this Bill but daily-rated workers will not be covered by this Bill. Therefore, I request that daily-rated workers who are self-employed should also be included in this Bill.

Madam, another point I would like to make is this. In clause 3 (i) the words "old-age protection" are mentioned. I do not understand why these words "old-age protection" are mentioned. We do not want that protection. That kind of a protection can be given by Police or some other people. We want economic protection such as Pension Scheme, Medical treatment and other things. In the old age, people require pension as well as medical facilities. That has to be mentioned in clause 3 (i). Therefore, some amendment is required to be made in the Bill. The pension scheme and other benefits should be given to the workers.

With regard to funds, Madam, we do not get any funds from the Central Government. If total allocation had been made by the Central Government, we would have said that the Central Government has allotted this much of money to implement these schemes and that they are going to give more funds also. That would have been more beneficial to implementation of the schemes as well for supporting this Bill.

Madam, another point is, issuance of identity card. Clause 9 of the Bill says that identification cards will be issued by the District Authorities. The Collectors in the districts have so many responsibilities to discharge. It may not be possible for them to identify the unorganised workers and issue them identification cards. Therefore, clause 9 of the Bill needs to be re-examined. If you really feel that it is not possible for the District Authorities to issue Identification Cards, let the Central Board issue Identification Cards. That is an important point. In this regard, my submission is that this is the first time in the history of independent India that such a Bill has been brought forward. This is the first time that any Government has considered and brought the Unorganised Sector Workers' Bill. This Government has really considered and brought out this legislation.

I am not opposing this Bill. I am welcoming this Bill because some beginning has been made. Up till now, there was no beginning. Even after 60 years of Independence, nobody thought about the unorganised sector people and about the workers' plight. Now, this is the first time that such a Bill has been brought. Though the previous Government was also trying to bring such legislation, but this Government practically brought this Bill and tried to protect the interests of the workers. Therefore, on behalf of the INTUC and also on behalf of the working class, I welcome this Bill. But, at the same time, I also request the Government to see how a practical shape can be given to the Bill. My friend has got a suspicion that this Bill has been brought just to wipe off the tears of the unorganised workers. No; that is not the case. Really, we all sincerely want that for the unorganised workers, a Social Security Bill should be properly implemented and all practical steps should be taken by the Government. We are giving all support to the Government to see that there is proper implementation of the Bill so that the unorganised workers feel that somebody is there in this country who is considerate towards their problems and who is trying to look after them sympathetically. The unorganised workers should feel that somebody is there who is considerate to their feelings and is thinking about their miseries, about their unemployment, about their starvation, etc. They would now

at least feel that somebody is there, some Act is there to look into these things. The Trade Unions must have a right to make a demand for the creation of new schemes. Under this Act, one advantage is that they can now cry before the State Government, before the Central Government and ask them to formulate some scheme under it. They can ask them why can't they formulate a Scheme under the Act which is there. At least, now I have got some right to demand some such thing. That right to demand has been given by this legislation. Therefore, I sincerely feel that really a scheme has to be formulated. A big responsibility has been taken over by the Government of India. It should assure this House that the State Governments would also formulate such a scheme. Some of the State Governments may pay heed to this advice of the State Government and some may not. Therefore, wherever the State Government fails to bring any scheme, the Central Scheme should be applicable to that State and it will have to implement it. This clarity has to come in the Bill because once a State Government does not want to implement such a scheme, in that case, all the expenditure should be borne by the Central Government. The Central Government should say that if some State Government failed to implement or if it did not want to formulate any scheme, the Scheme should be implemented in that State through the Central Government and it should be financed by the Central Government. This is one way of doing the things.

Therefore, Sir, I am supporting this Bill with a hope that the Government is giving one thing. Tomorrow I have got a right to demand that the unorganised workers should have a pension scheme, should have an education scheme, should have employment scheme. So, you are giving them a right to demand irrespective of whatever Government is there in the country. Now, I have got a right to demand. This is done for the first time. Therefore, I am welcoming this Bill wholeheartedly and assuring my full support in this regard. Thank you, Sir.

SHRI K. CHANDRAN PILLAI (Kerala): Sir, I rise to record certain of my observations and some concrete suggestions on the Bill. First of all, I think, we have to take, at least, four documents into consideration while discussing this Bill. Number one is the National Common Minimum Programme of the UPA Combine. Number two is, Shri Arjun Sengupta's report, the National Commission for the Enterprises in Unorganised Sector and the third one is the Parliamentary Standing Committee's unanimous recommendations. The fourth one is the Objects and Reasons cited in the Bill. My observation is that the Government has not shown any respect to these four documents, and this is totally inconsistent with the proposals and recommendations made in these documents. While we address this issue, we are actually addressing a big workforce of this country which constitutes 94 per cent of our economy. As confirmed by the 61st National Sample Survey Organisation, we have more than 45 crore workers; among them 39.5 crore belong to the unorganised sector, and even in the organised sector, 2.9 crore workers are not covered by any social security enactments. So, we are talking here about 42.5 crore workers who contribute 63 per cent to the economy. But, considering the seriousness of the issue and the magnitude of the workforce we are addressing, the Government's approach towards this sector through this Bill appears to be casual.

Madam, I listened very carefully to the remarks made by the hon. Minister while presenting the Bill here today. I appreciate his bringing in this kind of a Bill to the House for enactment. Four of the

recommendations made by the Standing Committee were accepted but they are not substantive. One is, the word 'sector' has been taken away from the name of the Bill. No substantive changes have been made. The word 'Advisor' has been taken out, without making any substantive changes to the constitution of the Board. From time to time, Ministers come in as Chairpersons. Though these suggestions are accepted, two vital questions need to be referred to by the Minister. One is, detailed narration of the scheme in a separate schedule in the Bill. The Minister said that Government wishes to bring in flexibility. We do not accept that argument. At the same time, there is a strong demand for a separate fund for effective implementation in a permanent way with continuity and sustainability, which has been rightly raised here by the IUTC National President and my colleague, Shri Sanjeeva Reddy. I fully support him. Those workers contributing 63 per cent to the GDP deserve to get something out of Government of India's Consolidated Fund for the purpose of funding the scheme of social security to the level they deserve, which has been denied to them. The Government has now brought in the legislation, at the fag end of its term, without any meaningful content and without any definite benefit to large chunks of workers. It is only to gain political mileage, I presume. But we have to do justice to the workers and I think the Bill needs to be drastically modified. I could suggest a few things here.

Firstly, there should be a clear fund allocation for the purpose of running this scheme and for that the prime responsibility needs to be taken up by the Government of India. It is necessary to make a categorical mention in the Bill. Another wrong done by the Government through the Bill is that we are segregating the unorganised sector workers into BPL and non-BPL. The suggested schemes are all being run as general schemes. How many workers are going to be benefited through this scheme? I think only a small number of workers are going to be benefited here. The parameters now defined for identifying BPL are, in rupee terms, for urban and rural, 300 and 500 rupees per month. A good number of our workers are not going to be in the category. I would like to know how many of the workers would be included at the time of implementation. I would like to know the figure that has been actually identified by the Government. Definitely it is going to be a very small section of the workers. Then, in the category of unorganised workers, a good number of agricultural labourers are also included. The Standing Committee made a concrete recommendation to include in the Bill agricultural labourers with small land holdings below 2 hectares. But it is not respected and taken into consideration. The Government is always talking about inclusive growth philosophy. A massive exclusion of a good number of unorganised workers is happening and, at the same time, we are not considering the agricultural labourers with small land holdings below 2 hectares. But they should be added.

Another point is related to Anganwadi workers. A good number of Anganwadi workers are there. Their inclusion is recommended. But they are not included in the Bill. Another point is regarding definition. As Sanjeeva Reddyji and Panyji mentioned, the definition is not clear. An unambiguous definition is the requirement for the successful implementation and necessary amendments. It is still not unambiguous and is still with ambiguity, and this ambiguity is to be rectified. Another question is: What are the minimum benefits we are assuring in? The minimum national benefits are to be assured

3.00 P.M.

through this kind of an enactment, which is totally absent. So, to make the enactment for this large chunk of workers in the country, we have to incorporate minimum standard benefits nationally available to workers of this category. (*Time-bell*). Madam, because of flexibility aspect, the Government is not putting it in a separate Schedule. Can we open this thing for the dislike and like of now and then Governments coming? After assuring certain national minimum benefits as social security, we have to ensure that any change should go through the procedure of legislation in Parliament so that there is no chance for the Government to change the assured minimum benefits on its own like and dislike. So, that is to be considered. The hon. Minister has said that proper dispute settlement machinery is not now in the Bill and it is coming as an amendment. But a good mechanism should be there because of immense possibilities of disputes. So, settlement machinery should be there which can take care of workers. With that perspective, we have to incorporate a redressal machinery. Another surprising point is that there is no penal provision in the Bill. While we are putting in an enactment and offering benefits of minimum social security, at least, to workers, what is the penal provision in the Bill for those who are violating the responsibility of extending this benefit? It is totally absent. So, that also should be taken into consideration seriously for the incorporation purpose. Finally, I want to say that we are not opposing this Bill. As a beginning, we are making these observations and suggestions with an intention that the Minister will take the amendments, which are put in, seriously while concluding the legislation process. My colleague, Mr. Tapan Sen, has already raised certain amendments, which are valid, meaningful and are consistent with the Objects and Reasons provided in the Bill. So, hon. Minister, please look into them, consider them and incorporate them. With these words, I conclude.

DR. K. MALAISAMY (Tamil Nadu): Madam, Vice-Chairman, with a word of thanks to the Chair for having permitted me to speak on the subject, I will straightaway come to the subject instead of divulging on preliminaries. While I have got the pat and praise for the hon. Minister for having brought the Bill in the interest of unorganised workers, I could not resist myself from telling some of the reservations in bringing the Bill. I am more concerned about the timing of bringing the Bill to be passed here. If I am not mistaken, is there any hidden agenda to bring this Bill at this moment? Though the UPA Government had committed to bring Bills for the benefit of unorganised workers as early as in 2004, the Bill has been brought at the fag end of 2008 after four to four-and-a-half years. The Minister may try to say that a commission was appointed, or, it was referred to the Parliamentary Standing Committee, etc. All these explanations can be given, but according to me, if there is a will, there is a way out. Had there been an effort on the part of the hon. Minister and the Ministry to bring the Bill much earlier, I would have been very happy. But, I will try to be satisfied on the principle of better late rather than never. Now, at last, the Bill has come. In spite of the fact that the Bill has been brought belatedly, I am inclined to say that it has got certain infirmities and inadequacies as attributed by my colleagues earlier. Normally, in any democratic form of Government, the Administration revolves around the political executives on the one side and bureaucrats on the other. What to do is the job of the political executives and how to do is the job of the bureaucrats. Both must go together.

Then only, the job can be completed. Madam, as far as this Bill is concerned, lot of exercise should have been done much earlier. The bureaucrats could have consulted the similar situations, similar organisations etc. I am inclined ' to ask a specific question from the hon. Minister whether he has consulted and taken care of internal and external sources before framing this Bill. I am inclined to bring to the notice of the House that in, China, Brazil, U.K. and U.S.A., these kinds of social security measures and Acts are already there. Not only there, but several States like Tamil Nadu, Maharashtra, Kerala have got numerous Acts on this issue. I would like to ask a specific question whether the legislations in States were taken into account, whether measures followed there were taken into account before framing this Bill. As far as Tamil Nadu is concerned, The Manual Workers' Act, 1982, came into being during the time of great MGR, when he was the Chief Minister. Then, there is Maharashtra Mathadi Act. Similarly, several labour welfare legislations have been passed by the Kerala Legislature. I would like to know whether some good aspects of these legislations have been taken into consideration while framing the Bill.

Then, I want to have a very specific clarification from the hon. Minister. Suppose, there is a benefit in the State Act as well as in the Central Act. If the benefits enumerated in the State Act are much more beneficial, much more useful and much more relevant than the benefits provided under the Central Act; and if there is a conflict, what is to be followed? The Central Act will normally override the State Act. When the benefit under the State Act is much more, how do you decide on that?.. (*Time-bell*).

Coming to another aspect, the National Campaign Committee under the Chairmanship of Justice Mr. Krishna Iyer has done useful work and they have given lot of ideas. They have even framed a model Bill for this purpose. Was that Bill, at any stage, taken into consideration by the hon. Minister or the Ministry while framing this Bill?

Coming to the important aspect, I would like to emphasise that unorganised sector is a major sector. Out of the total population of 110 crore in India, nearly 45 crore people are workers. Out of these 45 crore workers, 40 crore workers are in the unorganised sector. And, out of 40 crore unorganised workers, 25 crore workers are agricultural workers and 15 crore are non-agricultural workers. This is the classification. We are in a welfare State and 40 crore, out of a total of 110 crores, is not a small figure. Therefore, the policy should be, "the greatest happiness of the greatest number. In such a situation, to benefit 40 crores of people or 45 crores of people, one should go all out to do the social security measures etc. (*Time-bell*). Coming to the critical point ...

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): You have to complete it now, Dr. Malaisamy. Your time is over.

DR. K. MALAISAMY: I will wind it up.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Your time is over. You can take another minute to wind up. We have to take up another Bill. ...(*Interruptions*)... Please conclude in one minute.

DR. K. MALAISAMY: Coming to the very important, critical areas, the National Commission was appointed rightly by the Government. They have given umpteen number of recommendations. Out of

them, you have omitted a number of recommendations, namely, condition of work has been omitted; constitution of social security welfare fund has been omitted; social security benefits have been omitted; enforcement and dispute resolution bodies have been omitted. These are the omissions from the recommendations of the National Commission, which had gone very deep and made an in-depth study of the issue.

Coming to the Standing Committee recommendations, you have referred the matter to the Parliamentary Standing Committee. They also gave a number of recommendations on vital issues. They also have been omitted. On this situation, I am inclined to ask why such of those vital recommendations have been omitted. If there are any specific reasons for that, those may be explained.

Then, you have entrusted work to the district administration. You have got a separate department in Central Government as well as in State Governments. What is the great philosophy behind entrusting work to the district administration? I know what the district administration is doing. When there is a specific Labour Department, what is the great reason behind entrusting the work to the district administration? Leave apart whatever the machinery you are going to do, there is no system of verification of the process. Registration is to be done by the district administration. (*Time-bell rings*). I will take only one minute, Madam. While doing the registration, do you have any system of verification? There is no system of verification even by the district administration.

Then, there is no time limit. The district administration is to register and issue the identity cards. Will there be any time frame before which the registration is to be made?

Then, with reference to definitions also, you have said the self-employed, wage workers, etc., have been defined based on the monthly earning. But, no upper limit has been fixed for the monthly earning. Is there going to be any maximum ceiling on that or not? (*Time-bell*). Just one minute, Madam. The home-based workers also have not been well taken care of. Whether, they come under the definition or not? There is a big doubt on that.

Finally, Madam, the Bill should cover the following important aspects, namely, regulation of employment, condition of work, protection of women workers, particularly, from sexual assault. There are umpteen number of instances where the women workers have been taken for a ride. Whether there will be any protection for them? Particularly, when the Chair is now held by a woman.

Then, regarding employment guarantee, whether there could be any chance of giving a guarantee for employment among the unorganised workers. In the absence of any guarantee, can you compensate them for non working? (*Time-bell*).

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): You have totally overshot your time, Dr. Malaisamy. You have taken double the time given for your party.

DR. K. MALAISAMY: I am winding it up, Madam.

If these points could not be taken care of immediately in this House, whether these aspects can be taken care of, at least, at the time of framing of rules? If rules cannot do that, can you bring necessary amendments later on? Thank you.

DR. JANARDHAN WAGHMARE (Maharashtra): Madam, let me, first of all, congratulate the hon. Minister for placing this Bill before the House for consideration. I am here to support the Bill. In fact, this matter must have been decided long, long ago. But, anyway, this is a good beginning. Well begun is half done. Therefore, we are now ensuring good future for the unorganised workers in the country. Nearly 64 per cent of unorganised workers are in the rural areas. They are scattered. They cannot be united. They don't have any trade unions. They don't have any support. This Bill perhaps will give them some promise of work. This Bill is for the common man. We have been talking about inclusive growth and inclusive development. Therefore, all sections of society should be included in all matters and measures of development. So, I think that this is a positive step in that direction.

In fact, small farmers, farmers doing dryland farming and having two acres of land, should be considered as labourers and women should be a separate category. In this age of privatisation and globalisation, poor people are facing many difficulties. The most important problem before them is how to get employment. So, there should be some guarantee, some security of work. Education should be given free to the children of such people. Health care should be provided to them free of cost. And employment should be guaranteed. Not only elementary education but also secondary education for the children of unorganised workers should be given free of cost. Then alone they can have some welfare in their lives. These measures perhaps may be discussed threadbare in this House.

[THE VICE-CHAIRMAN, (PROF. P. J. KURIEN) in the Chair.]

Many suggestions have been put forth. They could be considered and amendments, perhaps, may be moved in this House. They also will be considered. But we have to think about the labour force. We have not yet implemented in this country 'equal pay for equal work,' especially for women. Whatever work they do, equal payment is not given to them. This particular principle should be really implemented.

Along with women as a separate category, we have to consider old age workers also who work throughout their lives and in their old age nobody cares for them. The society should care for them. In fact, on the one hand, our growth rate is increasing. On the other hand, you have many inequalities in this country, especially social, economic, and educational. All sorts of inequalities are there. And the sufferers are the poor people, especially workers working in villages. Even trade union leaders also could not pay much attention to the unorganised labourers. They could not be united in the past.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): Please conclude! You had three minutes and that time is over.

DR. JANARDHAN WAGHMARE: We have two countries in one. One is India and the other is *Bharat*. These workers are living in *Bharat*. We are thinking about *Bharat Navnirman*. So let us consider the lot of the poor people, the unorganised labourers. This is a good beginning. I appreciate it and support the Bill.

SHRI ARJUN KUMAR SENGUPTA (West Bengal): Thank you, Mr. Vice-Chairman, Sir. This is a very happy day for people like us.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): For all of us. ...(*Interruptions*)...

SHRI ARJUN KUMAR SENGUPTA: Sir, there are some people who are not exactly people like us but since this is an occasion which would not be repeated and it is going on record, I thought I must indicate a little history of this whole thing and as to how this has come about. Mr. Pany mentioned that the Bill was introduced by the NDA Government earlier. But, unfortunately, it could not materialise. Not because there was no follow up but because of many internal problems. So, when this UPA Government came up with the help of the CMP, the Congress President wanted something on these lines to be done immediately. In fact, her National Advisory Committee got a broad outline on that particular scheme. Then, our Commission took this whole thing up. Our Commission made a sort of study of the conditions of work of the unorganised workers and pointed out that even if we cannot provide them with employment, proper livelihood and proper conditions of work for their survival and growth, at least, for the civilised existence, they must have social security. So, we provided it in the Bill. Discussions went on and I must say that we consulted all the trade unions and all the stakeholders. He pointed out the National Campaign Committee. We consulted all of them and we brought out what you call a national minimum programme for the social security, which is the minimum amount of health insurance, minimum amount of life insurance, minimum amount of maternity insurance and also provident fund and pension. Minimum in the sense that this would be available to all unorganised workers in the country wherever they are, whatever trade they are actually following and whichever profession they belong to. This is the minimum that was supposed to be done as a Central scheme. In fact, in our original scheme, entire BPL workers were supposed to be taken charge of by the Central Government and for the APL workers, a portion was supposed to come from the State Government and also partly from the trade. This was the minimum programme which we thought any unorganised worker would be entitled to. Entitlement is a very major word. I think, Shri Sanjeeva Reddy pointed this as a right which a working person in the unorganised sector can claim. We went into all these questions of definitions, etc. They have been thoroughly pointed out.

Sir, we also worked out the total financial implication for this, as to how much the Central Government will have to pay. And with all the maximum equations, we found that the maximum financial obligations to the Centre when all the 340 million unorganised workers are covered will be less than half a per cent of GDP at Rs.38,000 crores at that time. This was the minimal programme, minimal in the sense that there are many other programmes that exists. Those programmes can be added into this. In different States and different trades, depending upon the ability to pay and ability to sustain, we can have different amounts in different places. But, the minimum should be available to all unorganised workers as a right and that would be given as a programme of the UPA Government. Just imagine the impact this would have on our people. It is by a Government which has come to power to do something for the *aam aadmi* and these 340 million unorganised workers are the *aam aadmi*. A mention was made as to why it is taking such a long time. Our Bill and everything was given in 2006. It took months and months of negotiations. And if I may point out, I think, this is something which has to be recorded. The opposition to this did not come from the allies. It came from within the ruling party. I have mentioned in this point for everybody to know that the kind of fight that you had to fight in spite of a full support to the scheme by the Congress

President, and the result was that a Bill was first introduced, which did not talk about rights, which did not talk about a definite programme. It just gave an enabling provision by some Advisory Committee. That particular Bill that was proposed was rejected by everybody, all the trade unions, including INTUC, including the Congress leadership, and of course, the Left, HMS and the BJP, everybody rejected this. This is a unique story of political science. When the problem came, there was unanimity there. They rejected it, and I must compliment my friend, Oscar Fernandes. He took up the challenge and started reviewing the whole process. The Sub Committee of the Department-related Parliamentary Standing Committee was formed, and we all worked together to change. Now, not everything of those changes have come about according to the original report. But what has come about today is far better than what was first introduced. We lost so much time in that process, and today, we have got fortunately a Bill which is not complete, and I think, Mr. Tapan Kumar Sen is bringing an amendment not only about the BPL, but also about all unorganised workers. He will also talk about a Fund which the Minister is saying may not be necessary. These questions can be evolved. But the fact of the matter is that today we have a Bill which has met practically all the provisions and all the requests and demands of the original proposal that we made. So, I am very happy to support this and I hope this Bill is accepted by everybody. We are allowing Mr. Fernandes to build upon that and bring about the different changes in the course of time. With these words, I am wholeheartedly supporting this Bill.

SHRI SU. THIRUNAVUKKARASAR (Madhya Pradesh): Sir, thank you very much for giving me this opportunity. I rise to support this Bill. Sir, the National Campaign Committee for Unorganised Sector, which is headed by Justice V.R. Krishna Iyer, has sent a representation to all the MPs. I think the Minister also would have received it. So far as this Bill is concerned, the Union Cabinet had given its approval on 22nd August, 2008, and 15 months earlier also, on 24th May, 2007, it was approved by the Cabinet, and they have mentioned in the representation that the details of what has been approved by the Cabinet have not been made public till today which avoids a possibility of any debate on its merits. I want to know from the hon. Minister whether he had given any opportunity to the members of this Committee. I would also like to know whether he has given a hearing to them. That is my first question. Sir, nearly 94 per cent of the employees are in the unorganised sector. This estimates that nearly 40 crore employees are there in the unorganised sector.

Sir, two or three suggestions they have made. One is about the age of employment. The minimum age of employment is not to be below 14 years, as per the Bill. They have recommended up to 14 years. We have passed an amendment for making education compulsory up to the age of 14 years. So, the age-limit can be fixed as '15 years'. That is also one of the recommendations.

And the age of superannuation should not exceed 60 years for men, and 55 years for women. This is another recommendation given by them. (*Time Bell*) Sir, I have just started.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): Time is very limited.

SHRI SU. THIRUNAVUKKARASAR: Yes, Sir.

The Bill says that you are going to constitute national level and State level Advisory Boards. Instead of having a provision for persons to be nominated by the Central Government, you can give

opportunities to the employees' unions of the unorganised sector to elect their representatives to represent in the Advisory Boards. Like these national and State level Advisory Boards, there should also be a provision made for constituting district level and taluka level Advisory Boards. Sir, they are suggesting that instead of constituting Advisory Boards at the National and State levels, it should establish an Unorganised Sector, Workers' Board for grouping schedule employment for each State. Apart from having the representatives of workers and employers, each Board shall consist of representatives of the State and Central Governments. This Board will be more authoritative. Apart from the Board, there can be Advisory Committees also.

Sir, there should a separate Special Fund for the social security and welfare of the workers called the Social Security and Welfare Fund. The contribution should be collected from the Central Government and State Government employers. The contribution from the workers should be very nominal, very minimal. There should be administrative bodies appointed at various levels to administer and monitor its working. The vigilance committees can also constituted to see that corruption is eradicated or stopped. And there should be a provision for imposing penalties for contravention of the schemes. If they are not implemented properly, there should be some provision for imposing penalties also.

Sir, we are going to pass this Bill. It is an important Bill. *(Time Bell)* One minute, Sir.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): Please listen to me.

SHRI SU. THIRUNAVUKKARASAR: I will take only one minute.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): Please listen to me. You can continue your speech after the Appropriation (Railways) No.4 Bill, 2008 is passed because at 3.30 p.m. we have to take up the Appropriation (Railways) No.4 Bill.

SHRI SU. THIRUNAVUKKARASAR: Sir, I will take just one minute.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): It is 3.30 p.m. now. You can continue after this. Now, we will take up the Appropriation (Railways) No.4 Bill, 2008.

The Appropriation (Railways) No.4 Bill, 2008

रेल मंत्री (श्री लालू प्रसाद): महोदय, मैं रेलों के प्रयोजनार्थ वित्तीय वर्ष 2008-09 की सेवाओं के लिए भारत की संचित निधि में से कतिपय और राशियों के संदाय और विनियोग को प्राधिकृत करने वाले विधेयक पर, लोक सभा द्वारा पारित रूप में, विचार के लिए प्रस्तुत करता हूँ।

The question was proposed.

श्री श्रीगोपाल व्यास (छत्तीसगढ़): धन्यवाद महोदय, मैं इस अनुपूरक मांग के संबंध में विचार रखने के लिए खड़ा हुआ हूँ। मैं जब इसको देख रहा था तो इसकी प्रस्तावना में ही यह लिखा है। इसके दो प्रमुख हिस्से हैं, एक है, 'for taking up certain projects as national projects' और दूसरा है, 'out of turn projects', जिनको 'new services' और 'new instruments of services' कहा जाता है। नेशनल प्रोजेक्ट्स तो हम लोगों की चर्चा में कभी-कभी आए हैं। जम्मू-कश्मीर में बारामूला तक ले जाने वाली लाइन होगी या पूर्वांचल में कुछ नयी योजना करने की बात होगी लेकिन यह शब्दावलि मेरी समझ से परे है कि 'out of turn projects' क्या होता है। आप नए प्रोजेक्ट्स बोल सकते हैं, कुछ मॉडिफिकेशंस बोल सकते हैं तो समझ में आता है। यद्यपि मैं उसकी स्टैंडिंग कमेटी से जुड़ा