

Hill 1988

[Shri Santosh Mohan Dev] ary forces, releasing of certain persons, etc. We must appreciate the good offices of our honourable Home Minister we must appreciate the stand taken by the West Bengal Government, especially their Chief Minister Jyoti Basu, and Mr. Subash Ghising. Some Members referred to the honourable Prime Minister in regard to certain comments. Originally we said that they gave up their demand of statehood. But I don't think today being a happy day we should go into what happened in the past. Today we should remember that they have agreed to work within the framework of our Constitution, they have agreed to take part in the development of the hill areas. The development of the hill areas will help not only the hill areas but their development will contribute to the whole country. I am sure this is a red letter day for all of us and I am extremely happy to see that the whole House has given support to this particular Accord. I am sure that such support will be forthcoming with all of you being realistic if there are problems to be solved in future, (ends)

THE DEPUTY CHAIRMAN: We in this House extend our good wishes for the wellbeing peace and progress of the people of the area and the proposed Darjeeling Gorkha Hill Council. We congratulate the Government of India, the Government of West Bengal, Shri Subash Ghising and Shri Inderjit for bringing about this happy accord.

LABOUR LAWS (EXEMPTION FROM FURNISHING RETURNS AND MAINTAINING REGISTERS BY CERTAIN ESTABLISHMENTS) Bill, 1988

THE MINISTER OF LABOUR (SHRI BINDESHWARI DUBEY): Madam, I beg to move:—

"That the Bill to provide for the exemption of employers in relation to establishments employing a small number of persons from furnishing returns and maintaining registers under certain labour laws, as passed by the

Lok Sabha, be taken into consideration."

Madam, there are a large number of legislations for protecting the rights of the workers in respect of wages, bonus provident fund welfare aspects etc. which are applicable to industrial establishments, shops and establishments, transport companies, mines, etc. Accordingly the concerned establishments are required to maintain a large number of registers and submit various returns periodically as prescribed under various laws. It was felt by small establishments that maintaining such a large number of registers and filing various returns result in considerable administrative and financial burden on them. A working group was appointed to study the matter and suggest whether it was possible to simplify the registers and forms to be maintained by small establishments. The recommendations of the working group were examined in consultation with the representatives of workers and employers. As a result of this exercise the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Bill was introduced in Lok Sabha last year. The Bill has been passed by the Lok Sabha on the 4th August 1988. The salient feature of Bill is that the establishments employing less than 20 persons have been grouped under two categories, namely small shops, where the number of employees is less than ten and not more than 19, and very small establishments, where the number of employees is not more than nine. Certain other important aspects of the Bill are like these:

The Bill aims at reducing the number of forms and returns required to be furnished by small and very small establishments without sacrificing the vital information necessary to protect the workers' rights. The establishments would not be exempted from maintaining or submitting returns in respect of Employees' State Insurance, provident fund, gratuity and maternity benefits, because they involve accountability of public funds and covers all important aspect of

social benefits like health, insurance gratuity, provident fund dues, etc. There would be no exemption for reporting accidents, retrenchments and closures as required under the existing laws. Small establishments would be required to maintain only three registers and to submit one Core Return. Very small establishments would be required to maintain only one* register and to submit only one Core Return. Adequate penalties have been proposed to ensure strict compliance with the provisions of the new enactment proposed in the Bill by employers of small and very small establishments.

In the end, I would again like to emphasise that the main purpose of this Bill is to rationalise and simplify the paper work for the small and very small establishments so as to reduce their work in this regard and to encourage the setting up of cottage industries and small industries. It would not in any way take the small and very small establishments out of the purview of the substantive provisions of the existing laws.

With these words, I move the Bill and request that the same be taken into consideration.

Thank you.

The question was proposed,

THE DEPUTY CHAIRMAN: Now, Mr. Maheswarappa.

SHRI K. G. MAHESWARAPPA (Karnataka): Madam Deputy Chairman, I rise to oppose this Bill. It is surprising that the honourable Minister, who was himself a labour leader in Bihar, is piloting such a Bill. In the course of his speech, he has said that a Working Group recommended certain concessions and a Bill to be brought forward in respect of the small enterprises. But he has not elaborated what the recommendation of that Working Group were and this matter was not even considered in the Labour Ministers' Conference. The title of the Bill itself, I consider, is not a

correct title. Though it cannot be said that the Bill is anti-working class, it is certainly in favour of the small establishments.

[The Vice-Chairman (Shri Satya Prakash M-ilaviya) in the Chair]

Sir, under the provisions of this Bill, a small establishment has been defined as an establishment in which not less than ten and not more than nineteen persons are employed or were employed on any day of the preceding twelve months and a very small establishment has been defined as an establishment in which not more than nine persons are employed or were employed on any day of the preceding twelve months. In fact, the concessions given under the Act are that they are exempted from furnishing returns and also from maintaining registers under the labour laws and they are exempted from furnishing the required returns. The concession of course helps to some extent the small industries. But at the same time the small industries are violating the labour laws. They do not maintain registers in connection with the provident fund accounts of their employees. They do not bother to deposit their provident fund shares. They do not bother to deposit the arrears of provident fund. In 1985-86 the accumulated deposits were Rs. 5830 lakhs. In 1986-87 the amount was Rs. 7497 lakhs. Small entrepreneurs have been violating the Provident Fund Act and the Minimum Wages Act and so many other provisions. In spite of this, this concession has been shown, instead of taking steps to regulate and control these industries. Therefore, the law is not in favour of the working class. It is pro-establishment and pro-management.

Therefore in these words I oppose this Bill.

SHRI P. N. SUKUL (Uttar Pradesh): Mr. Vice-Chairman, Sir, I rise to support this very simple and very small piece of legislation. I am surprised to hear from my learned friend from the other side, who spoke just now, that this simple Bill is pro-employers. I do not see what harm it is going to cause to the working peo-

pie engaged in small and very small-establishment because of this piece of legislation. Because of the multiplicity of labour laws, very many registers have to be maintained and a variety of returns have to be furnished. There is no doubt that they may be necessary in the case of large establishments or very large establishments. But in establishments which may employ 9 people, 8 people or even up to 19 people, the procedure can be simplified. And since they are small establishments, I think it is naturally in the fitness of things that the Government has accepted the recommendations of the working group which was appointed to look into the matter and which included representatives both of the workers and employers.

Now, as the hon. Minister has already explained, it will not be necessary to furnish returns or maintain registers as required under the existing scheduled Acts. But employers will have still to furnish co-return in Form 'A' and maintain registers in forms 'C', 'D' and 'E'. This Bill simply aims at simplifying the procedure and reduce the multiplicity of registers to be maintained as per the law today even by small and very small establishments. The establishments will still have to maintain Or submit reports and returns regarding Employees State Insurance, Provident Fund, Gratuity' and maternity benefits, etc., In other words, the accountability of public funds will continue 7.00 P.M. to be maintained. As a result of this legislation, nothing is going to happen to workers' rights or to their privileges or even to their dust. The workers' rights and dues will still remain intact. The purpose is to simplify the procedure a little in small and very small establishments. It is a welcome move on the part of the Government. It is a welcome Bill and I whole heartedly support it.

SHRI SUKOMAL SEN (West Bengal): Sir, the Bill is small. What I find is that this Bill is the product of the confused mind of the Labour Minister. It is really very difficult for me to find out whether the Government wants to stand for the workers in small and very small indus-

tries. The obvious purpose of this Bill is to exempt the small and very small industries from some clerical burden like maintaining returns and registers, etc. But the Government wants that they should fulfil their obligation in regard to different labour Acts. If you lighten the work of the small and very small industries and introduce new forms, I do not know whether the Government will be able to ensure that the small and very small industries are implementing these labour laws in favour of the workers and whether these small industries are not going to cheat the workers. Although we want that the small and very small industries should be given some relief in the matter of procedure and dial they should not be harassed, at the same time we must agree that the workers working in these small and very small industries should not be exploited. The workers working in an organised industry work for 8 hours a day. The workers working in small and very small industries should also work only for 8 hours a day. There should be no difference between the wages and other amenities. The Government should ensure that these workers are not deprived of certain minimum benefits such as provident fund deposits, State Insurance and all these things.

At the same time, I wonder at the definition given by the Hon. Minister. Section 2(e) of the Bill says:

'small establishment' means an establishment in which not less than ten and not more than nineteen persons are employed or were employed on any day of the preceding twelve months;

Clause 2(f) reads as follows:

'very small establishment' means an establishment in which not more than nine persons are employed or were employed on any day of the preceding twelve months."

This is the definition given. Suppose 3 small enterprise employs nine persons, but it employs high technology. Though it may be employing 9 persons or less, its production will be higher and the profit also will be gher if it employs high technology. Sir, there is also a lot

of difference in the functioning of the industries employing power and industries not employing power. There will also be a lot of difference between the rate of profit and the volume of production. So, I think it should not be decided on the basis of the number of workers only. We should also see whether that enterprise is employing power and high technology. All these things should have been given here so that we could really identify the various industries on the basis of their rate of profit and their volume of production. It should not only be in terms of the number of workers.

Sir, it has been stated in Clause 6(a) that:—

"in the case of the first conviction, with fine which may extend to rupees five thousand;"

In the case of subsequent violation, there is imprisonment, etc. Sir, if there is a small or a very small industry, the purpose of the Bill is to lighten their burden. If it imposes a fine of Rs. 5,000/- in the case of first conviction and then again it provides for imprisonment and a fine of Rs. 25,000/- etc. in the case of second conviction:— subsequent convictions whether it is possible for a small industry to bear this burden of fine. So Sir, there should be some machinery. Sir, these industries are obliged to enforce these rules. Otherwise, you see, if you only threaten them with a fine of Rs. 5,000 or Rs. 25,000, they will be ultimately wiped out and the Government will have to find out other machinery so as to enforce these rules for these industries. Sir, I feel that this whole Bill is drafted in a confused way. Neither it will serve the interests of workers nor the interests of small scale industry. The Government should rethink and redraft the provisions of the Bill and then come forward before Parliament.

DR. G. VIJAYA MOHAN REDDY (Andhra Pradesh): Mr. Vice-Chairman, Sir, this Bill has been brought forward as the most innocuous Bill, as a very simple piece of legislation of the Government. The Government is so sympathetic to small entrepreneurs. We very well

understand that small entrepreneurs have to be encouraged. That is the consensus of the House and also the people of our country. But we can support them in so many other ways: by giving them cheap loans, by giving them cheap land, by giving them cheap electricity by giving them a suitable market and Government support to small industries. But these things are lacking.

Now, Mr. Vice-Chairman, Sir, there is no border-line which separates the medium, big and small industries because the bigger industry also comes in the other sectors. It is a fact because the bigger industry comes to these sectors and finally absorbs the small industry into itself. It is just like big fish eating the small fish. And those small entrepreneurs who adjust themselves to the big business survive. This is how it is going on. This is how a lakh and fifty thousand small industries today are closed, because the onslaught of big business is there on the small industry also. This has to be properly understood. But is it in the interests of the small entrepreneurs, this Bill? Any small entrepreneur knows that his worker contributes 100 per cent to the success of his enterprise. And a small entrepreneur who realises that naturally would like to see that all benefits will go to him. It is not like big business man, who is sitting like an absentee landlord somewhere. Here he is the man who wants to protect their rights, wants to see that everyone of the advantages are given to them so that they can improve their productivity. That is why, Sir, the small entrepreneurs have not asked for these things. It is some persons on behalf of them who might have asked. And this is a big group which exists in our country, which have flouted all labour laws, who have not paid taxes, who have built up huge black money in our country, which goes to the extent of Rs. 50,000 crores, running a parallel economy. It is these people who fragment their industries. They want to come under the small scale label, as industries in the small sector and finally want to make use of the cheap labour that is floating all around. It is for their benefit I think that this Bill has been brought

[Dr. G. Vijaya Mohan Reddy]

forward, not in the interests of the small entrepreneur. This Bill has been brought forward in their interest, which ultimately, going to be hand in glove with those elements which are flouting all labour laws. Because of the weakness of the Government, they are flouting all the income-tax and other taxation laws and avoiding taxes by over-invoicing and under-invoicing. This Bill has come as a boon to them. Several people working in plantations have said that plantation owners want to fragment the industry and go as a small industry. So also is the case of the unorganised sector, the *bidi* workers where the big industry wants to go as small industry. There are so many other sectors. Take the case of power looms. They can conveniently go as small industry because if they put more number of names, they cannot go as small industry. As my friend Mr. Sukomal Sen pointed out, by using high technology, by automation, and by employing just 19 workers, you can produce crores and crores of rupees worth of goods. But yet they go on as small industry without giving any benefits to the workers.

There are so many aspects of it. There is migrant labour who move from district to district during certain periods carrying their bellies in hand. Their rights are not protected. Migrant labour laws are flouted. Even if death occurs at a certain place, no compensation is paid to the family of that migrant labour. So also you take the case of immigrant labour. All the middlemen act as agents. They do not pay the minimum wages and finally they send them abroad and in the process they make crores and crores of rupees. This goes on without a check. So also is the case with the contract labour. Big business employ small labour contractors and those contractors take away half of the wages, by paying only half to the workers. And the work goes on. Abolition of contract labour is discussed here quite often but no action has been taken so far about it. Then take the case of agricultural labour. They are not paid the minimum wages they are not paid equal remuneration. That is why I say all these Acts are not going to benefit workers.

As has been said, there are so many laws. There is a law regarding payment of minimum wages; there is a law for weekly holidays: there is the Factories Act, the Plantation Labour Act, the Contract Labour Act, all of these are described in your own Bill, Then law on child labour. But who is there to implement these laws? Who is there to see that benefits go to the workers? Even registers are not maintained as has been often complained by us several times. Even ordinary muster rolls are not maintained. That is why, this Bill, even though it appears to be innocuous, has got very dangerous dimension because nowadays the strategy of all big business houses is to fragment themselves so as to break the backbone of trade-unionism. Even the multinationals are coming in with high technology and fragmented industries. This is what is happening in several advanced countries. They are breaking up into fragmented industries. And if you allow such a Bill to remain on the statute, its advantage will be taken away only by the big business who always flout the laws. There are 130 laws and regulations which are meant for the welfare and benefit of workers. But not one of them is actually implemented. All these laws are being flouted by the employers. By this amendment, they are going to be exploited further. This Bill may look innocuous but it is the most dangerous Bill. That is why we cannot agree to this. This legislation, this Bill, when it becomes an Act, will become the Labour Exemption Act because many establishments are exempted from complying with the requirements of the various labour laws. I cannot agree to this kind of proposition and, therefore, I oppose this Bill.

SHRIGHULAM RASOOL MATTO
(Jammu and Kashmir): Mr. Vice-Chairman, Sir, I rise to support this Bill. The Members who have spoken on this Bill have kept in view only those small-scale industries, which come under the purview of the various labour laws. But nobody has thought of the lakhs of establishments, commercial establishments, shops and other small establishments, which, under the existing laws, have to comply

with a lot of formalities and have to fill ' in umpteen forms month after month and in some cases week after week. This naturally results in great harassment to these small establishments and imposes a heavy burden on them. This also breeds corruption. I have personal experience. Small, petty, officials who would not ordinarily go in for the big ones who are liable to be netted for violation of labour laws, go to these small establishments and extort money. Therefore, I congratulate the Government for bringing forward this measure and this would benefit lakhs of small establishments. From the Schedule I find that legislations like the Payment of Wages Act, the Weekly Holidays Act, the Minimum Wages Act, the Sales Promotion Employees (Conditions of Service) Act etc. apply to these small establishments also. The number of forms to be filled in by them is very large. Therefore, the Government have taken the right step in bringing forward this legislation.

Sir, an erroneous impression is sought to be created that because of this legislation many establishments, whether they are in the small-scale sector or any other sector, will be freed from the implementation of the various legislations mentioned in the Schedule. This is not the case. The only difference is this. Earlier, in the case of these legislations, these establishments had to fill in a number of forms and a lot of clerical work had to be done. It was not possible for these small establishments to comply with the requirements fully. This was giving rise to corrupt practices among the officials of the Labour Department. Now, they are freed from much of this clerical work. It does not mean that these legislations will not apply to them. Every legislation mentioned in the Schedule will apply to these establishments in relation to the compliance with the provisions of these various Acts. The only thing is that they will not be required to fill in a number of forms. This is a simple Bill. I hope the hon. Minister will react in detail about this. This is what I have understood from a cursory glance through the Bill. This is the main purpose of the Bill.

At the same time, Sir, I would like the hon. Minister to take note of one particular thing. In the Statement of Objects and Reasons, a small establishment has been defined as an establishment in which not less than ten and not more than nineteen persons are employed or were employed on any day of the preceding twelve months. A very small establishment has been defined as an establishment in which not more than nine persons are employed or were employed on any day of the preceding twelve months. It should be ensured that in order to avoid implementing the various laws, no fragmentation takes place in these large or medium establishments. For instance there may be establishments employing 38 people and registered as such with the Labour Department. But they may break into two" So that they come under this Act. I am sure the Government will issue instructions that those establishments which are registered as over 19 to 19 will not be fragmented and shall not be, allowed to be fragmented into smaller establishments.

The second most important clause which can meet all the criticism put forth by some Members is clause 7. As a result of the experience gained, as a result of the working of this amendment, if the Central Government thinks that certain more forms are to be filled, the Central Government may, if it is of opinion that it is expedient so to do, by notification in the Official Gazette amend any Form and thereupon such Form shall, subject to the provision of sub-section (2) be deemed to have been amended accordingly. So they can amend the form, they can ask for more forms under this clause.

There is another clause in the Bill— clause 8—which says:

"If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date on which this

Shri Ghulam Uasool Mattoj

Act receives the assent of the President.

So I support this Bill and I feel that as a result of this enactment, lot of harassment to small establishments will be saved, a lot of corruption that goes on in small areas will be avoided. But it has to be understood and the Minister I hope will react to it, that the parent Acts will remain in tact. Whether those establishments are small, or very small, whether they employ nine or nineteen or even whether less employees, these Acts will apply and will continue to be applicable to them and they will be required to fulfil the obligations under those Acts.

With these observations, I support the Bill

श्री बिबेक्षरी दूबे : : महोदय, अभी कुछ माननीय सदस्यों ने इस बात का विरोध किया और यहां तक कहा कि यह श्रमिक विरोधी बिल है। और उनका शोषण और बर्बाद और यह मालिकों के हित में बिल लाया गया है तो मुझे बहुत ही आश्चर्य हुआ और मुझे ऐसा लगा कि सम्भवतः उन्होंने इस बिल को पढ़ा ही नहीं। अगर इस बिल को पढ़ा होता और उसके साथ जो शेड्यूल ए, बी, सी, डी, ई एनक्लोज्ड हैं अगर उनको सरसरी निगाह में भी देखा होता तो भी इस निष्कर्ष पर नहीं पहुंचते। वस्तुतः इस बिल में शेड्यूल ए में जितने भी कानूनों का उल्लेख किया गया है उसके किसी भी सप्लेमेंटिव प्रोविजन्स से स्माल एस्टेब्लिशमेंट को कोई एक्जम्पशन मिलने वाला यह बिल सिर्फ प्रोसिजर को सिम्पलीफाई करने के लिए और विभिन्न शेड्यूल ए में जो एक्ट का उल्लेख है, अलग-अलग एक्ट्स के लिए जो अलग-अलग प्रोफार्मा, रजिस्टर्स और फार्म वगैरह रखने पड़ते थे उनके डुप्लीकेशन को समाप्त करने और सारे फार्म्स इस तरह से कंसोलिडेट करने की प्रक्रिया इसमें है जिससे कि उनका एडमिनिस्ट्रेटिव कास्ट या सारे कानूनों के लिए फार्म्स वगैरह मेन्टेन करने का जो बोझ है

वह कम हो जाए। लेकिन इसमें किसी भी वाइटल इन्फार्मेशन को, किसी भी आवश्यक और महत्वपूर्ण जो सूचना उपलब्ध होनी चाहिए, उन सारे कानूनों के कार्यान्वयन संबंधी और कोई सूचना छोड़ी नहीं गई है और वस्तुतः यह तो बहुत छोटे-छोटे दुकानदारों या कुटीर उद्योगों या जो गृह उद्योगों में काम करने वाले लोग हैं उनके धर्मों के जो रिप्रजेंटेशन हैं। उनके आधार पर इस पर विचार हुआ है। इसके लिए एक वकिंग ग्रुप बना और उसकी कई-कई बैठकें हुई, कानून ड्राफ्ट करने के बाद स्टैंडिंग लेबर कमेटी की मीटिंग हुई और स्टैंडिंग लेबर कमेटी की सब कमेटी बनी जिसमें इम्प्लाइज और इम्प्लोयर्स के रिप्रजेंटेटिव थे, उन्होंने उस पर विचार किया। जहां-जहां पर एग्जीक्यूटिव थे उनको बताया गया और सारी बातों को ध्यान में रखकर इस बिल को ड्राफ्ट किया गया और उसके बाद इस बिल को संसद के सामने प्रस्तुत किया गया है। जैसा मैंने कहा, आज जो भी कानून एप्लीकेबल हैं स्माल इस्टेब्लिशमेंट और बारी स्माल इस्टेब्लिशमेंट पर उन सब कानूनों के एप्लीकेशन को एक्जैम्प्ट नहीं किया और उसके लिए, कोर-रिटन के लिए जो परफार्मा बनाया गया और रजिस्टर के लिए जो परफार्मा बनाया गया उसमें सारी इन्फार्मेशन जो अलग-अलग एक्ट के लिए आवश्यक थी वह सारी इन्फार्मेशन की उसमें गुंजायश बनाई गई। इसलिए इस तरह का एग्जीक्यूटिव कि इससे श्रमिकों का शोषण बढ़ जाएगा या यह मालिकों के हित में लाया गया है, इस तरह की आशंका होनी नहीं है। यह कहना कि सिर्फ थोड़े से क्लेरिकल वर्क को कम करने के लिए या परफार्मा या रजिस्टर को भरने या मेन्टेन करने के लिए कोई अपने इस्टेब्लिशमेंट को फ्रेममेंट कर देगा, उसका वायविलिटी समाप्त कर देगा ठीक नहीं, टेक्स इवेंट के लिए यह बात समझ में आ सकती है, लेकिन यहां तो प्रोसिजर को सिम्पलीफाई किया गया है। हर

एक शोड्यूल एक्ट के लिए एक तरह का परफोर्मा, नेम, फादर नेम, एड्रेस, वेजज पेड, ओवर टाइम पैड, एलाऊन्सज पैड, डिडक्शन्स आदि हैं। अलग-अलग परफोर्मा भरने से हेरासमेंट भी होती थी। एक मानवीय सदस्य ने ठीक ही कहा कि उनको हेरासमेंट से बचाने के लिए, सारे परफार्माज को सिम्पलीफाई करने के लिए रेशनलाइज करके और कंसोलीडेट करके जो सारी भुचनायें उपलब्ध कराने की प्रक्रिया बनाई गई है, इससे वर्कर्स का शोषण कैसे बढ़ जाएगा या मालिकों के हित में यह कैसे चला जाएगा, यह बात समझ में नहीं आती है। वस्तुतः यह तो छोटे-छोटे जो दुकानदार हैं, छोटे छोटे जो कुटीर उद्योग और गृह उद्योग चलाने वाले लोग हैं या बहुत सारे ऐसे लोग हैं जो सेल्फ इम्प्लोयमेंट से अपने पूरे परिवार के साथ छोटा सा इस्टेब्लिशमेंट बनाकर बैंक से लोन लेकर या फाइनेंशियल इन्स्टीट्यूशन से लोन लेकर काम करते हैं उनके लिए इतने सारे स्टेट्यूट्स हैं उनके परफार्माज को फिल अप करने के लिए एक्स्ट्रा एक्सपेंडिचर करना पड़ता है और ओवर हैड चार्ज और एडमिनिस्ट्रेटिव एक्सपेंडिचर करना पड़ता है उसको सिम्पलीफाई किया गया है। इसके पीछे इंटेंशन यह है कि उनको हेरासमेंट से बचाया जाय और जो छोटे-छोटे काम करने वाले लोग हैं, जहां इतनी बेरोजगारी है, सेल्फ इम्प्लायमेंट के लिए हम उनको नाना तरह के बैंकों से कर्ज उपलब्ध कराते हैं, फाइनेंशियल से कर्जा दिलाते हैं, उनको एनकरेज करते हैं, उनके लिए यह बिल लाया गया है। इसमें प्रोसीजर को सिम्पलीफाई किया गया है। जो बहुत सारे की-रिटर्न और रजिस्टर वगैरह मेनटेन करने पड़ते हैं, उसको सिम्पलीफाई किया गया है और किसी भी तरह से किसी कलाज को इवेड करने की कोशिश इसके द्वारा नहीं की गई है। वह सारी इन्फार्मेशन इससे मिलने वाली है।

इतना सिम्पलीफाई करने के बाद अगर कोई छोटे इस्टेब्लिशमेंट का मालिक इतने फार्म नहीं भरे और इसको वायलेंट करे तो उसके लिए पेनल्टी क्लाज है। इसलिए इतना स्ट्रिजेंट बानाया गया है, इतनी पेनल्टी क्लाज है। सिम्पलीफिकेशन के बावजूद भी अगर वह फार्म मेनटेन नहीं करता तो पेनल्टी क्लाज है। क्योंकि पहले तो यह शिकायत रहती थी कि इतने फार्म मेनटेन नहीं कर सकते हैं और इससे इम्प्लीमेंटेशन में भी मुश्किल आती थी और हमारे इन्स्पेक्टर के लिए भी कठिनाई होती थी तथा मालिक भी भुलावे में डालते थे। इन सारी बातों पर विचार करके इस बिल को लाया गया है और हम समझते हैं कि यह बिल न सिर्फ छोटे-छोटे उद्योग धन्यों को प्रोमोट करेगा बल्कि इससे इफेक्टिव इम्प्लीमेंटेशन हो सकेगा और मजदूरों का किसी तरह से भी अहित नहीं होगा। वैसे भी बहुत सारे नान-इम्प्लीमेंटेशन होते रहते हैं एक्ट्स वगैरह के उनके लिए इन्स्पेक्टर्स वगैरह हैं। जितने भी हम लोग अमेडमेंट वगैरह ला रहे हैं आपने अभी हाल ही में मेट्रिटी बेंनिफिट वाला बिल राज्य सभा ने पास किया है हम लोग उसके लिए स्ट्रिजेंट क्लाज दे रहे हैं रभी संशोधनों में जिनसे कि कोई भी एक्ट के किसी प्रावधान को वायलेंट न कर सके और किसी भी प्रकार से मजदूरों का शोषण न हो सके। मैं समझता हूँ कि यह बहुत छोटा सा और सीधासादा बिल है और इसमें कोई ऐसी बात नहीं है जिससे श्रमिकों के सम्बन्ध में जो कानून हों उनका उल्लंघन हो बल्कि खास तौर पर इस बात की एतिहास वरती गई है कि जिस इस्टेब्लिशमेंट में इम्प्लायज प्रोविडेंट फण्ड लागू हो, ई०एस०आई० एक्ट लागू हो, उसमें जो प्रेस्क्राइब्ड फार्म हैं उनको एम्प्लेंट नहीं किया गया था जो प्रेच्युटी एक्ट लागू है उसको एम्प्लेंट नहीं किया गया था जहां कहीं भी एक्सीडेंट होता हो तो वर्कमेंट कम्पनसेशन एक्ट में उसको रिपोर्ट करना आवश्यक है कम्पनसेशन के लिए जो फारमेलिटीज आवश्यक हैं उसके

[श्री बिन्देश्वरी दुबे]

लिए प्रोफोर्मा वगैरह जो है उसके लिए एम्बेम्बट नहीं किया है। वैसे जो कानून है जहाँ ब्रैकटिविटी है पब्लिक फण्ड को उनको एम्बेम्बट नहीं किया है। इसके अलावा खास तौर पर एतिहास वरती गई है पैमेंट आफ वेजेंज एक्ट 1948 के अन्तर्गत जो 1951 के क्लज है उनके मुताबिक वेजेंज स्लिप देनी है वह अवश्य दी जाए। इसी तरह से पोस रेटिड वर्कर्स के लिए जो माइस एक्ट के अन्तर्गत क्लज है उनके मुताबिक वेजेंज स्लिप दी जाती है वह दी जाए इस बात को इन्फोर किया जाए। इन सारी बातों को एतिहास रखी गई है। मैंने तो सोचा था सभी लोग इसका स्वागत करेंगे और इसके इफेक्टिव इम्प्लीमेंटेशन में मदद मिलेगी। स्माल इंडस्ट्रीज को मदद करने के और जो भी तरीके हैं वह भी किये जा रहे हैं उनको अन्तर्सेसरी एडमिनिस्ट्रेटिव कार्ट पड़ता है ओवर-हेड कार्ट पड़ता है उससे बचाया जाए और बहुत से सारे प्रोफोर्मा भरने के लिए रजिस्टर मन्टेन करने के लिए बहुत सारे हेरासमेंट जो माननीय सदस्यों ने प्वाइंट आऊट की हैं उस हेरासमेंट से बचाया जाए वही इस बिल का मकसद है। मैंने समझा था कि सभी लोग इसका स्वागत करेंगे लेकिन जिन लोगों ने इसमें जो मजदूर विरोधी बात देखी ली और मालिक की हिमायत की देख ली वह सिर्फ उनकी दृष्टि का दोष हो सकता है। उसके लिए मैं और कुछ कहने को लाचार हूँ। इन्हीं शब्दों के साथ मैं आपसे निवेदन करना चाहता हूँ कि स बिल को स्वीकार किया जाए।

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): The question is:

"That the Bill to provide for the exemption of employers in relation to establishments employing a small number of persons from furnishing returns and maintaining registers under certain labour laws, as passed by the Lok Sabha, be taken into consideration. The motion was adopted.

THE VICE-CHAIRMAN (SHRI SATYA PRAKASH MALAVIYA): We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 8, the First Schedule and the Second Schedule were added to the Bill.

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

SHRI BINDESHWARI DUBAY: I beg to move:

"That the Bill be poised."

The question was put and the motion was adopted.

MESSAGE FROM THE LOK SABHA -

Appropriation (No. 4) Bill, 1988

SECRETARY-GENERAL: Sir, I have to report to the House the following message received from the Lok Sabha signed by the Secretary-General of the Lok Sabha:

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Appropriation (No. 4) Bill 1988, as passed by Lok Sabha at its sitting held on the 23rd August, 1988.

2. The Speaker has certified that this Bill is a Money Bill within the meaning of article HO of the Constitution of India."

Sir, I lay the Bill on the Table.

उपसभाध्यक्ष (श्री सत्य प्रकाश मालवीय) : अब हम उठते हैं और सोमवार 29 अगस्त को सुबह 11 बज फिर मिलेंगे।

The House then adjourned at thirty-seven minutes past seven of the clock till eleven of the clock on Monday, the 29th August, 1988.