

views or seeking clarifications or for example, in this case, congratulating the scientists.

(Interruptions) MR. DEPUTY CHAIRMAN: The leader represents this group and his party.

SHRI SUSHIL CHAND MOHUNTA: Individual Members have the right to seek clarifications.

MR. DEPUTY CHAIRMAN: I cannot allow more than one Member from each party. (Interruptions) This has to be discussed with the leaders. The Whip of each party can be asked to give the names of the Members of his party. (Interrup-We shall discuss with the leaders. Let us take up the next item. (Interruptions)

SHRI SHRIDHAR WASUDEO DHABE: Sir, as the Deputy Chairman, you have not congratulated the scientists.

MR. DEPUTY CHAIRMAN: I have said that the whole House has congratulated and that I associate myself.

DISCUSSION ON THE WORKING OF THE MINISTRY OF LABOUR AND REHABDHTATION (DEPARTMENT OF LABOUR)

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश):
चार शब्द आप भी सगहना के कह
दीजिए (अवधान)

श्री उपसभापति : आप खड़े हो गये,
ड़े खड़े हो गये, कोई आर्डरली चलने
नहीं पाता है।

MR. DEPUTY CHAIRMAN: We will now take up the discussion on the working of the Labour Ministry.

SHRI P. RAMAMURTI (Tamil Nadu): Mr. Deputy Chairman, Sir. we are now discussing the working of the Labour Ministry and the policies which the Government of India have been, following in respect of labour and the trade union movement

in particular. After all, the policies* of the Government of India towards labour arises from its general economic policies, arises from the fact in whose interests it functions. It is a fact which cannot be denied that the policies pursued by the Government of India all these years since Independence have fattened the monopolists in this country, despite the clear directive in the Constitution, in the Chapter of Directive Principles, that State policy must be directed to subserve, to eliminate extreme differences between incomes and wealth. Despite that Directive Principle all these years the monopoly houses in this country have fattened themselves, the big business houses have fattened themselves. That is one side of it. On the other side of it, it is also a fact that unemployment and poverty have been increasing—a fact that has been accepted by the Government itself. The other day in the other House the Government agreed that the number of people below the poverty line is increasing. Therefore, it is obvious that the State policy subserve the interest of the big business houses in this country.

Apart from that, there is another aspect and that aspect is, in the freedom movement we fought for the freedom of this country in order to eliminate exploitation of the resources and the cheap labour of this country by the British imperialists at that time. After independence what are we doing? We are going to the very same imperialist countries. Only in addition to going to Britain we are going to America, we are going to Japan, we are going to so many countries, West Germany and Italy, inviting them to come and invest in this country, begging them to invest in this country, begging aid from their financial institutions and asking them to come, invest and loot this country. This is what has been happening. Therefore, how can the policies of this Government be in the interest of the labour? This is the main question that I want to ask.

[Shri P. Ramamurti]

Now, Sir, they have compromised with these multi-nationals. They are encouraging our big business houses to have collaborations, to enter into agreements in all fields. Just now we congratulated our scientists. In fields where our scientists could! have developed, even for bathroom slabs we are entering into collaboration and agreement with multinationals. This has been our policy. Naturally, they want their price. They want labour to be kept under , control. That is why Government has been attacking labour again and again. I will try to explain this. In the recent Non-aligned Movement that was held in Delhi, the President of Sri Lanka, Mr. Jayawardhane, in his speech stated with regard to the World Bank, the IMF and all those financial institutions, that it would be appropriate if these institutions hung a sign board outside their offices stating "All ye that enter these doors keep out your conscience and hopes and then enter." That is the nature of the institutions, and our Government is dependent upon them for the so-called development of the country. And they extract their price with regard to labour policy, they extract their price with regard to import and export policy. All these things are taking place. Naturally, to expect that the labour will be able to flourish, will be able to get a better deal under these circumstances, is to ask for the moon. But at the same time the Government has got to put up a facade that it is very much for the interest and the welfare of the downtrodden people, it is very much to the interests of the welfare of the underdog. That is the facade that has got to be put up, and in order to demonstrate that they are really interested they sometimes bring out some welfare laws. But how are they implemented? How are they implemented by the Congress (I) Governments or 'rout own Governrien^i? This ig w)»at I would like to poLu out. I will give you dnly a faw inv-tancet because I have not got much ;ime. Now section 23 (n) of the

Industrial Dispute Act says that before an employer wants to retrench, his people, retrench his workers-., he has to apply to the State Government and get the permission of the State Government to do that. Without that he cannot do that. And then punishment is also provided for that, but is it implemented by your State Governments? This is what I would like to know. The Madras High Court has struck down section 25(n) and section 25 (m), which says that even with regard to closures yuu cannot have to follow the same procedure. Now even after three years of this section being struck down by the Madras High Court, the Central Government did not think it to be its responsibility and the Labour Ministry also did not think it to be its responsibility to appeal to the Supreme Court that in one part of the country it cannot be struck down, that under article 14 of the Constitution, which provides that there shall be no discrimination whatsoever, it cannot be that this law can apply only to other parts of India but it cannot apply to Tamil Nadu. They did not even think it necessary to appeal to the Supreme Court against the judgement of the Madras High Court. This shows the wonderful attitude of the Labour Ministry with regard to labour.

Now you take section 25(0). The law was so ill-drafted, that it was struck down by the Supreme Court. But it took nearly {hree years for them to bring an amendment to make that section conform with the requirements of the Supreme Court. Why did you take three years for this? Is that the solicitude, that you have for workers' protection? If , a protective law is struck down by the High Court or Supreme Court, you do not think it necessary to bring an amendment to that to conform to the constitutional requirements for years! That is what has been happening all these years.

Now I would like to point out that ey«n after all the«e things, in the

J & K Synthetics, Kota, 3,200 people have been retrenched and one section of it has been closed. I do not want to go into why it has been closed and all that. That does not concern this Ministry; it concerns the Industry Ministry. Also I do not want to go into the import-export policy. But under Section 25(N & M), they were required to get the permission of the Rajasthan Government before closing it down. They did not bother about that. Even now the Rajasthan Government has not taken any action against the employer who has violated the law and in arrogant defiance of the provisions of law, he has retrenched about 3,200 people. This is what is happening in Rajasthan.

In Orissa, one of the spinning factories run by the National Textile Corporation has been closed down for months together—for about 16 months now—and because it did not take the permission of the local authorities there—from the Government of Orissa—the Orissa Government has declared the lock-out to be illegal. I agree with that, but despite that, although section 35(M) provides for punishment, including imprisonment of the person, the Orissa Government has not dared to take action against them. And it is your own Ministry! What is the use of passing this kind of laws and saying, we are very much interested in the welfare of the people? I can give instances after instances. You take, for example, the Minimum Wages Act. It required somebody to go to the Supreme Court to point out that in the Bhatti mines, the quarries round about Delhi, the Minimum Wages Act is not being implemented by the employers and the Supreme Court had deputed a Supreme Court senior lawyer to go and investigate the whole thing and he placed the report before the Supreme Court and the Supreme Court had castigated the particular Government for not implementing this thing. This is happening just under your nose. What are you doing about it? Government does not do anything about it. Take, for example, the bonded labour.

There has been bonded labour. A Supreme Court lawyer went and found that out. The Supreme Court has taken note of it and asked those people to be released. But what do they do with regard to the bonded labour in other places? Even with regard to the Minimum Wages Act, or minimum wages for agricultural labour, you may proclaim that this is the minimum wage, but who bothers about it? Only yesterday, one of the Members, from your own party—from Bihar, I think, I do not remember from which State he comes—pointed out that when agricultural labourers, particularly Harijans, demand the implementation of minimum wages proclaimed by the Government of the State, the landlord gets hold of *goondas* and attacks the Harijans, their *bastis*, he sets fire to their huts and people are so burned alive and tortured alive. And yet, the police do not show! I PM their face at all. On the other hand, the police sometimes attack these very people. Therefore, your State Governments are hand in glove, and the police is hand in glove, with the landlords. Therefore, when that is the position, what is the fun of your talking of the Minimum Wages Act when it is not actually implemented? Then, you fixed the minimum wage amount five or six years ago. Prices go on increasing, but do they get the benefit of dearness allowance? None of your State Governments thinks it necessary to fix a scale of dearness allowance which would automatically fully compensate the rise in the cost of living index.

MR. DEPUTY CHAIRMAN: Shall we continue after lunch?

SHRI P. RAMAMURTI: Yes I will finish with this point.

On the other hand, in West Bengal where the minimum wages had been fixed, periodically they are being revised every three years. They have also fixed up an automatic DA formula which will automatically increase the wages of the agricultural

[Shri P. Ramamurti] labourers when the prices go up. This is the contract I would like to point out to you. And what is the Labour Ministry doing about it? What are you doing about this point, I would like to know.

Sir, I will continue after lunch.

MR. DEPUTY CHAIRMAN- We will continue after lunch.

अब सदन की कार्यवाही 2 बजे तक के लिए स्थगित की जाती है।

The House adjourn for lunch at one minute past one of the clock.
2 P.M. ?

The House reassembled after lunch at three minutes past two of the clock, The Vice-Chairman (Dr. Rafiq Zakaria in the Chair).

SHRI P. RAMAMURTI: Mr. Vice-Chairman, Sir, this morning I was talking about the implementation of the Minimum Wages Act. I would finish on that point first. The Government of India has been allocating funds for what they call elimination of rural unemployment. The 'World Bank has come and praised the Maharashtra State's efforts in this direction. But I would like to point out to you that one honest officer of Dhulia was transferred for his honesty. The DSP had sent a circular to the police stations saying that the Station House Officers should not entertain complaints regarding nonpayment of full minimum wages. People went and complained to the Collector. The District Collector inquired into it and found it to be true and sent a report about it to the State Government. What was the reward? The reward was that he was immediately transferred from Dhulia, two days after sending his report, to some other distant place. This is the wonderful way in which the Minimum Wages Act is being implemented by the State Governments.

Now, take, for example, the question of abolition of contract labour. Your own employing Ministry cares two jobs for the Act, the Act which

was brought forward after clearance by the Cabinet and which was placed before Parliament and passed. Does the Steel Ministry obey that Act? Does it conform to that Act? In Bhilai—after all that Act says that all those jobs which are of perennial nature, in those jobs, permanent employees must be put, permanent workers must be employed—in the steel factory in Bhilai thousands and thousands of people are kept as temporary, contract labourers, and the work of perennial nature is given to the contract labour. And when the workers begin fighting against it, the workers are suppressed, are sent to jail. This is what is happening. So, your Steel Ministry does not care for your laws. I will give instances after instances.

Take railways. Coal-loading is an operation of a perennial nature, particularly when the coal is to be transported from broad-gauge to meter-gauge as in the South. Coal-loading is of a permanent nature, but the entire coal-loading is given to the contract labour; the labourers there are contract labour. This is how your Act is being flouted by your employing Ministries.

I will give more and more examples. Take, for example, the Indian Oil. The Petroleum Ministry is there. They do not implement it. So, one after the other, the laws that have been passed by Parliament are being flouted by the employing Ministries and the public sector undertakings. And if the trade unions bring this fact to the notice of the Government, the reward for the trade unions is that their cadre and activists are being victimised by the management. Even when charges of corruption are brought to the notice of the Government which have been enquired into by the CBI and when the CBI recommends also prosecution, even in that case what happens; is that the trade unionists who have brought this to the notice of the Government, they are being victimised, sent out of jobs and dismissed. But

the officers continue to be there. I can give instances after instances. .

The COPU, the Committee on Public Undertakings, has gone into the Indestions of the working of the Hindustan Photo Films and it has indu-cated them. It has found a *prima-facie* case. And during the discussion in 1980 when I raised a case of corruption against the officer, the Managing Director, the Industry Minister promised to send the matter to the CBI. And the CBI has found a *prima-jacie* case of corruption. But that report was sent to the Industry Ministry. And the Board of Directors says that they have made only a *prima-jacie* case and that they have not conclusively proved it, it that, therefore, the prosecution is stopped. At the same time, the workers who gave that information with regard to corruption, that worker has been dismissed on flimsy charges. This is the way in which it is functioning. And the Ministry cannot do anything about it because they do not have any control over those things.

I can give instances. Take, for example, the accidents in the Bhatt! Mines. You have just now appointed a committee. But even before the committee could come into the whole question, disaster after disaster is taking place in the Bhatti Mines round about Delhi itself. But what is the action you are taking, what is the action you are taking against, the officers who are responsible for pre-venting these accdents, the Safety Inspectors? What is the safety arrangement, the safety arrangement in the mining industry? Even now so many cases of accidents of mining, in the mining industries, are taking place. There are hundreds of workers killed, being reported dav after day, periodically, in the daily Press. And the statutory commission that has got to go into the whole question of the accidents, has fixed the responsibility on particular officers. And what is the action taken by the Government? The action is that those officers have been kicked up, projjioted! Caa you give me one

instance of an action taken against an officer when he was found guilty of neglect of duty with regard to safety ui thousands of workers? Give mt one instance in the entire history. Then I will be happy. Not even one can you give. We have given a list on people sometime ago. This is the way in which the Acts which are supposed to be in the interests of the woncers for preventing deaths are implemented. This is the way you. Mines Safety Act is being implement ted by the Ministry concerned. And you Ministry keeps absolutely mum over that.

Now I come to the last question, you now want to recognise trade unions by mallans of verification. But you have now entrusted it to the Regional Labour Commissioners. They have sent a circular. We are against that verification. It is a different matter. But previously this question of verification wa, entrusted to the State Governments and the State Governments used to have that machinery. Now you have taken it away from them. Why? Because you are afraid that in many States non-Congress (I) Governments are coming to power and they will act differently. Therefore, you want somehow or other to prop up your INTUC which is being rejected by the workers time after time. Because of that you want to take away even the limited powers that the States have got. So you want to take away the implementation of that particular method of verification and entrust it to thf. Regional Labour Commissioners, who are going to act according to what you say and: say that the INTUC is the biggest union here and, therefore, it must be recognised. My straight question is; why should this Government be afraid of the secret ballot? If the Government of a country can be elected on the basis of the secret ballot of the peoDle why should not the workers who are more awakened, who are more politically conscious, who are more conscious of their own direct interest have the right to chos* their own bargaining agent? Why should the

[Shri P. Ramamurti] Government impose this verification process on them? It is because you are afraid that if a secret ballot is taken, all the tall claims of the INTUC will go phut, will be proved to be false. Take (the textile workers' strike which has been going on for the last 13 months. What does it show? You have recognised an INTUC union as the representative union. It cannot even hold a meeting of the workers. The textile workers of Bombay have denounced that leadership and denounced that union. And still you want to impose that union. Similarly in many industries, in many public sector undertakings, whenever a ballot has been taken and in the ballot, the INTUC claims were found to be totally false. In Hindustan Photo Films, a ballot was taken and INTUC got zero—not even a single man to vote for it. In the Bharat Heavy Electricals, Hardwar, the INTUC got zero; it was the last. In Tiruchi, absolutely nil. But still you wanted to continue to recognise the INTUC as the representative union. Representative of whom? Not of the workers, but of the management and yourself. Long therefore, I recall, in 1947 when the INTUC was still in the offing—it was the brain-child of Sardar Vallabhai Patel—the late Mr. Gopalswamy Iyengar was the Foreign Minister here and I used to stay with him. Because I have moved with him since childhood, whenever I came to Delhi, I used to stay with him. I came here in 1947 and he told me, "This is what Sardar Vallabhai Patel is proposing. Please go and have a talk with Pandit Jawaharlal Nehru, and see that the trade union movement is not split". I told him, "Why don't you go and talk to Nehru?" He said, "I have gone and talked to Nehru. But I want you to strengthen my hands. So you go and talk to him." I went and talked to Nehru. But it was of no use. The trade union movement was split. And that brain-child of Sardar Vallabhai Patel which is being rejected by the workers whenever a ballot takes place, you want to keep alive. I want to

tell you that we have grown not be-the patronage given to us by the Government, not because of the patronage given to us by any employer, but despite the opposition of the Government, we have grown, facing repression, facing bullets, lathis and jail. Therefore, I want to tell you, whatever might be measures that you want to adopt in order to buttress that unwanted child, nothing will happen. Ultimately this child will die. This is what I want to point out. In this connection, I also want to point out to you that during the Janata regime, when the industrial Relations Bill was brought, at that time, all the trade unions, including the unions of those parties which had joined that Janata Party at that time, together with your own INTUC—Mr. A. P. Sharma was the President at that time—opposed it. All of them opposed that Bill. I remember that big rally we held against it. Shri A. P. Sharma came there and when he addressed the rally, he began to say, "All your troubles will be over when Indiraji come, back to power", and there were shouts from the gathering and people were surging forward to mob him. I had to rescue him from that meeting. I remember that meeting and Sharmaji thanked me also for rescuing him. That is kind of a Bill; the same Bill in a different garb you are now trying to bring. Is it the way of keeping industrial relations? And then you say. 'In the Directive Principles it is stated—labour participation in management'. Year after year you have been saying it. I know your Ministry has now sent some principles of a Bill for labour participation for Cabinet approval. I know that I also know what kind of labour participation is. Employing Ministries are opposed to it. Managements of the public sector undertakings are opposed to it. Managements of the private sector are opposed to it. Because, they do not want to give equal representation to the workers. They do not want the workers' representatives to see how blackmarketing is taking place, how the money

i_s being requested. All these things they want to hide. They are afraid that if the elected representatives of the worker_s are there, they will expose all these things before the people. Therefore, they do not want this thing. You cannot do anything about it, despite the fact that the Directive Principles of the State Policy are enshrined in the Constitution. This is all that I wanted to point out to you.

Now, you talk about the Sanat Mehta Committee's report and you want to have the Industrial Relations Commission machinery imposed on the workers. It is again the same—ban all strikes, take away the weapon of strike—refer to arbitration, to _£_£bealled neutral person. Who is a neutral person i_n this country? ideologically everybody is aligned either to the capitalist class or the working class. There cannot be any neutrality in a class society. How can there be a neutrarpe-rson in a class society? Ideologically he is with somebody. In this particular case you want to deceive the working class by saying, we are having a new machinery—Industrial Relations Commission—and tl(at commission will decide these things. All that I want to point out to you, I warn you, is all these gimmicks will not wash; the working class today is awake and it is fighting with, determination and courage and workers will triumph. Once the working clas_s in this country is awakened, once it becomes conscious of its strength. They are fighting and they will defeat these conspiracies

Lastly, I would lik_e to say, I know Mr. Veerendra Patil for a very long time. I know many of the officers in his Ministry. I know his Secretary. Mr. Deshmukh. I know many other officers. I do not want to name them. Many of them are very good people. They want to be good men. And as a Chief Minister of Karnataka you ha<j the good reputation of being a very effective Chief Minister who would take quick deci-

sions and see that those decisions are implemented. I have talked with you then, I have talked with many officers and got things done. But I am extremely sorry that you are now in a pitiable position, that you cannot make your own employing Ministries observe the law. Thi_s is the position. That is why you have also become a labourer. From the Chief Minister you have become a labourer. The only difference is ther_e are no minimum wages for you: the wage_s for you are fixed on a par with other Ministers. That is the only difference. Therefore, I would request you and your Government: why have this facade of a Labour Ministry with a number of officers, with this great paraphernalia, telling the people that we have got a big Labour Ministry which is looking after the interests of the people. Why have this facade. People have seen through this. Therefore, it is better for you to resign from that position and say, I will take up some other Ministry, I do not want to be in this Ministry. It is also better that you abolish the entire Ministry itaelf, so that some money can be saved and it can be invested for some other purpose. '

SHRI MAQSOOD ALI KHAN-
(Karnataka): For the headache you want to chop off the head itself.

SHRI P. RAMAMURTI: He is no head. If he were the head, I will be happy. If he were the head, I would have got so many things done.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Mr. Ramamurti, if there was no Labour Ministry, what will you do?

SHRI P. RAMAMURTI: I won't bother. I will fight it out with the employer.

SHRI R. RAMAKRISHNAN (Tamil Nadu): He wants direct action.

SHRI P. N. SUKUL (Uttar Pradesh) : Mr. Vice-Chairman, I thank you for giving me this cfiance for speaking on this important subject.

[Shri P. N. Sukul]

The importance of labour perhaps needs no over emphasis and the very fact that our dynamic Prime Minister has given the inspiring slogan SHARM EVA JAYATE goes to show how much consideration she had and her Government have for the working people of the country. According to the Registrar-General of Census our country has nearly 38 per cent of labour force. In other words, one out of three Indians . . .

श्री रामेश्वर सिंह (उत्तर प्रदेश) :
गुरुजी हिन्दी तो आप अच्छी तरह से
बोल सकते हैं।
श्री अरुण रामकृष्णन : अंग्रेजी में
बोलिए।

SHRI P. N. SUKUL: You should not disturb. This very thing you have been telling me all along.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Why don't you suppress your desire to interfere with others why they speak?

श्री रामेश्वर सिंह : मैं डिस्टर्ब नहीं
कर रहा हूँ, इंटरफेयर नहीं कर रहा हूँ।
गुरुजी तो कह रहा हैं कि उस भाषा में
बोलने जिसकोहि के भी अच्छा तरह से
समझते हैं और दूसरे भी समझते हैं।

उपस्थान (डा० रफीक जकरिया) :
मैं समझ सकता हूँ कि आपके लिए बड़ी
मुश्किल चीज है कि किस तरह से आप
अपने ऊपर जाबू रखें। लेकिन मैं
मेहरबानी करके जेवर के साथ इतना
सहयोग काजिए कि आप कुछ उमंगें भी
ऐसी उभार पायें तो उनको दबसा
काजिए।

SHRI P. N. SUKUL: I was saying that we have a big labour force and out of every three Indians, one Indian is a worker in our country. And there lies the importance of the working people.

At the very outset, I would like also to congratulate the Labour

Minister and our Government for the lesser number of strikes in the last year as compared to the previous year and also for lesser number of mandays lost. In 1980 about 2,501 strikes took place; in 1981, the number of strikes was 2,245 and as per the provisional figures for 1982 the number of strikes is 1,751. So also, as regards the mandays lost, in 1980, besides the mandays lost in connection with the Bombay textile strike, they were 21.93 million; in 1981 the mandays lost were 36.58 million and in 1982 the mandays lost were 38.38 million. From this, we can say that 1982 was comparatively a year of peace or our labour relations were supposed to be better in that year. This could happen because our Government is seriously interested in the welfare of the working people. Under our twenty-point programme various kinds of assistance and amenities and facilities are being provided to the working people. They are being given housing facilities, educational facilities, medical facilities, water supply facilities, recreational facilities, etc. There is no doubt that these facilities have to be expanded further and only then we can solve the real problem.

Our Government is also alive to the problem of minimum wages and the State Governments have been asked to fix minimum wages and also to revise these minimum wages where it is called for. The State Governments have been asked to finalise proposals for amendment of the Minimum Wages Act and also to enforce minimum wages in the field of agriculture as well.

Sir, bonded labour system has been abolished since 1975 although secretly or furtively it might be continuing in different parts of the country. But our Union Government has also asked the States to reinforce this. The number of bonded labourers freed as on 30th November 1982, as per the Report of the Ministry, was 1,50,376 of whom 1,09,781 have been fully

rehabilitated and it is not a mean achievement and I think our Government must leave no stone unturned in freeing all these bonded labourers wherever they might still be existing.

Last year, sir, 12 new laws were enacted by the Labour Ministry and this year also perhaps the Ministry intends to have several enactments for the welfare of the working people. In this connection, Sir, on humanitarian grounds, I want to draw the attention of the Government, as Comrade Ramamurti did mention the case of the Bhatti mines and the accidents therein to the health hazards still faced by our working people throughout our country. Our workers have to work in polluted environment and that tells on their health in due course and in certain cases it has been reported that a worker ceases to exist after a decade. That is the magnitude of the problem. In the textile factories, Sir, due to dust and fibre particles, a disease known as byssinosis is affecting the workers and it has affected 20 per cent of our three million textile workers in the country and the Industrial Toxicological Research Institute at Lucknow and the K. G. Medical College at Lucknow, which have studied this problem, have recorded their concern about this ailment. Similarly Sir, in Madhya Pradesh, in Mandasaur, where workers are engaged in cutting stones for making slates and Slate pencils, there is the trouble of silicosis and this disease of silicosis has affected the workers so badly that as I said earlier, the life span of a worker is now supposed to be just ten years only. About fifteen thousand workers are employed here in this industry, in a hundred units of this industry, and even children below the age of 12 are engaged in this industry. Now, a male adult worker cannot exist for more than ten years because of silicosis and you can imagine what would be the condition of the poor children who are working there in this industry. At another

place known as Multanpur near Mandasaur, because of this very disease, Sir, today there is not a single person who is above the age of 40. No man has gone beyond the age of 40 here. By the time they come to this age, the age of forty, they cease to exist because of this disease and this is the magnitude of the problem. That is the magnitude of the problem. So I will request the Ministry to spare no pains in coming to the rescue of these people and to ensure that dust collectors are installed everywhere in all the units and all precautions are taken in the matter.

Similarly, Sir, in this very House in the last session I had raised the matter of Roro Mines. There also people suffer badly from these lung and chest diseases because of working in the mines. In limestone and dolomite mines, also this hazard is there. In the case of paddy workers also there is dust everywhere, and in Karnataka and in Maharashtra even children, as I said, up to the age of 12 are engaged in the quarrying business. They are very badly paid; they are paid ten paise per bucket and they are all ten years, eleven years or twelve years old, exposed to this dust also. So on both fronts we have to help them they should be properly safeguarded against the incidence of these diseases. Even, Sir, our carpet workers are also exposed badly to respiratory allergy due to wool. In our own state of Uttar Pradesh there are a number of carpet workers. So also in Kashmir and elsewhere. Our Government, as I said, must try to mitigate all these health hazards and must come to the rescue of these unfortunate persons engaged in these various industries, exposing themselves badly to dust, etc.

As I said, Sir from the Report one can see that there is a decrease in the year 1982 in the number of accidents and that in coal-mines. But as regards non-coal mines there is an increase in accidents and deaths as Comrade Ramamurti was just now

[Shri P. N. Sukul]

saying. So all precautionary measures have to be taken in this regard to avert these accidents and consequential deaths. And these accidents must be totally checked. The scourge of child labour and exploitation of our children, Sir, is not only there in Karnataka and Maharashtra where they work in quarries. These children also have to work because of their poverty, and at construction sites where buildings are constructed and dams are constructed they carry water on their heads. These poor children are paid at the rate of 15 paise per bucket of water that they carry. So, at least in connection with child labour they have to be very alive to the situation. If we cannot simply dispense with the child labour or the encouragement of children in these quarries and elsewhere, we must come to their rescue and provide them with proper safeguards in the matter of health and in ensuring for them proper remuneration for the work that they do.

Sir, just now Comrade Ramamurti was talking about what I could take as the exploitation of labour because of governmental policies. My own personal experience goes to show that our Left parties, and almost all parties today, are a source of exploitation of labour. In West Bengal, in Kerala and in other places, parties dominate the unions. Not only that. We use the unions for collecting our parties, and even for having a parallel police force of our own to deal with persons. This is, in fact, political exploitation. Political parties use workers for their own ends and specially the leftist parties use them more for the purpose. That is why, I think, this exploitation is not going to come to an end in our country although it must stop. There has to be re-thinking and re-orientation on this problem in our country. If it suits a particular party, the strike is very good. If it does not suit, the strike is very bad. We must, therefore,

evolve norms for these strikes or for such actions so that the party consideration is not there. Our hon. Members know what happened in Poland. In a totalitarian state if you go on a strike, you are a bad person. But, in another state, if you go on a strike, you are a good person because you are siding with the totalitarian system. So, there has to be a rethinking on this problem. Sir, as you know, as most of our friends know, I have myself been very much engaged in this field of strikes. And almost for ten years, I was victimised, and for five years, I was in jail. I know what is a strike. And that is why now I very seriously think on these problems and I personally feel that our approach has to change. Sectional approach is not going to help the country or the people or even the labourers. When strikes fail, what happens? There will be victimisation. Then there is only one demand; remove the victimisation, withdraw the victimisation. Then all the demands become unimportant, and only one demand remains. Sir, in the case of 19th January strike of last year, still there is victimisation somewhere and people have been demanding that it should be vacated. So, I say that strike should not be the first weapon.

Sir, the Bombay textile strike is really the most unfortunate chapter in the history of the trade union movement in our country where, misled and misguided by one man, Dr. Datta Samant, their leader, lakhs and lakhs of workers are suffering, lakhs and lakhs of these workers have had to lose their jobs. And still that strike is going on. Sir, in the last issue Datta Samant. He said that Datta Samant is not a trade unionist; Datta Samant is a businessman and that he trades in this field. And by way of an example, Arun Shourie has said in that article that when there was a strike in 'Indian Express' and Datta Samant came for negotiations, Datta Samant said that you pay Rs. 1,000 to every worker. The Management said, No. We do not

have the capacity to pay, we do not have the funds to pay, and we cannot pay Rs. 1,000. And why to pay Rs. 1,000?" Immediately, Datta Samant came down by 50 per cent and said, "All right. Pay Rs. 500 to every worker." Then, he said, "AU right. Pay Rs. 200 to every worker." Sir, what is this? Is this trade unionism? Is this what we call scientific trade unionism? This is not scientific trade unionism? It means that we are only interested in our own leadership. We do not know anything about the demands we do not know whether the demand is justified or not. We simply do not care about the general repercussions on the people because of a particular strike in an industry and for just gaining something for my party or my ownself, I make the people—lakhs and lakhs of them—to go on strike and make the country suffer on that account. That is why, there has to be serious re-thinking on this problem whether we should go on strike.

What about the lightening strikes? Only today I was sitting in a Consultative Committee and there, they cited a case of lightening strike in Bombay. A section of the employees of the Civil Aviation Ministry went on a lightening strike and people are suffering, flights are being delayed, for no obvious reason. Four or five persons were called to work in the morning shift also. The union said: No, all of us will work, and not just these 4 or 5 persons. There is actually no need for all the people to work, but they said, no, all of us will work. And when the management could not agree, they went on strike. So, if we are going to have such indiscriminate sense of trade-unionism we are certainly not going to flourish, nor are the people, the workers going to flourish, and that is why I say that we must have a re-thinking on this subject.

I entirely agree that as recommended by the National Commission on Labour, an Industrial Relations Com-

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mission should be set up in the country, and this commission should deal with all matters pertaining to conciliation, certification of the representative unions as well as adjudication. Time and again, in this House and in the other House, hon. Members have demanded that a comprehensive Industrial Relations Bill should be brought for our consideration. Last year, the then Labour Minister said that perhaps, according to National Commission on Labour itself, it was not possible, or it was not possible according to Government, I don't know how he says it was not possible. But a comprehensive Bill has to be there. The Minister at that time said that it was not possible because such laws become outdated the next day. Every law may have some such repercussions next day. Some re-thinking may be necessary the next day; it does not mean that if the next day we have to think about that law again, it should not be there at all. It does not mean that the Bill should not be brought before Parliament for our consideration. It is the need of the day that all matters should be examined threadbare and a comprehensive Industrial Relations Bill should be brought for our consideration. I am also of the opinion that a National Labour Conference should be convened as early as possible to decide all such important issues. We had one long back and I think time has come when a National Labour Conference should be called and called as early as possible.

Our friend Comrade Ramamurti was talking about share of the labour in the management that the workers should have a say in the management. Our Government also believes in this. Perhaps our Government may be trying to have this thing. But it has so far not been possible in most of the industries and, therefore, we should also try to have this implemented as far as possible.

Now, as regards the welfare of the workers, I have one thing to say, I have seen what is happening in my

[Shri P. N. Sukul] own State, in Lucknow, in Allahabad and worst of all in Kanpur. There is a labour colony in Kanpur where 20,000 quarters have been constructed for the labour. Of these 20,000 quarters, 16,000 quarters are occupied by those who are non-labour. We construct houses for the labour and those who are not eligible to occupy these places, these quarters, occupy them and we become helpless. We must also ensure that such housing facilities which are provided to the working people are enjoyed by the working people only and wherever the quarters meant for the labour are being occupied by others, they should be got vacated and only the workers should be housed there. They should be given to the workers only.

SHRI HAREKRUSHNA MALLICK
(Orissa): They should be arrested.

SHRI P. N. SUKUL: It is for the consideration of the Minister. I only want that they should be got vacated and handed over to the people who are really eligible to be there.

Now, Sir, problems like child labour, health hazards to the workers which I have just mentioned and other problems are still there in our country. Men and women workers are not getting the same wages, despite the fact that we have a law on the subject. The Equal Remuneration Act is there. But still our women workers are paid less, much less, as compared to their male counterparts. Therefore, the Government should also look into this problem and ensure the total implementation of the Equal Remuneration Act and they should also ensure the stoppage of the exploitation of the women workers in our country.

In the end, I will enumerate my suggestions, and I would like the Ministry to go into these suggestions. I would also like the Ministry to act on these suggestions as early as possible and as effectively as possible.

1. We should have a clear-cut wage policy,

2. The provisions of the Minimum Wages Act should be strictly enforced.
3. An industrial Relations Commission should be set up as early as possible.
4. The Health of the workers should be taken better care of.
5. Child labour should be abolished.
6. The exploitation of migratory labour should be stopped. This is also a very important thing. Only a few days back, I was reading in the newspapers that workers from Bihar who go to Punjab are being very badly treated so much so that without any rhyme or reason, they are sent to jails and made to work inside the jails. Similarly, those who go outside, through contractors, have to face a lot of difficulties. Therefore, the exploitation of migratory labour,— from this country to another country and from one State to another should be studied and stopped as early as possible.
7. As I said, a National Labour Conference should be convened as early as possible to decide important labour issues.
8. Low-paid Government employees should also be given trade union rights, I mean class IV employees and such other people. They work, they suffer, they do not get any overtime. They have to work beyond the working hours.

SHRI SHRIDHAR WASUDEO DHABE
(Maharashtra): 'Low paid' means what? Up to what salary are you saying?

SHRI P. N. SUKUL: To start with class IV employees. They must enjoy all the trade union rights so that they can have their demands conceded through arbitration or adjudication as the case may be. These people have been suffering all along. I do not know whether you can do it so easily or not, but that is a very genuine case and at least the class IV employees of the Government must be granted trade union rights.

And as I said, the Equal Remuneration Act should also be strictly enforced.

With these words I support the demands of the Labour Minister.

श्री सुरेन्द्र मोहन (उत्तर प्रदेश) :
आदरणीय उपसभाध्यक्ष महोदय, मुझे खुशी है कि मेरे मोतरम दोस्त श्री सुकुल जी ने उन बीमारियों का जिक्र किया जिनका शिकार हमारे देश का मजदूरकश तबका होता है। उन्होंने यह भी कहा कि ऐसे भी काम हैं, ऐसे भी पेशे हैं, ऐसे भी उद्योग हैं जहां पर एक मजदूर को उम्र 10 वर्ष से ज्यादा नहीं होती है। उन्होंने बच्चों का जिक्र किया। बनारस और वदीही में काम करने वाले मजदूरों और दरी तथा गलीचे बनाने वाले श्रमिकों और कपड़ा मजदूरों का जिक्र किया। उनकी बातों को सुनते हुए मुझे लगा कि हमारे देश में श्रमेव जयते का नारा तो है, लेकिन श्रमेव जीवते का नारा नहीं है। मजदूर के जिन्दा रहने की हालत नहीं है। जब हम श्रम के जीतने की बात कहते हैं तो हमें श्रमिक के जिन्दा रहने की बात का भी ख्याल करना होगा। मुझे अफ-सोस है कि हमारे माननीय मंत्री जी जो मेरे बहुत अच्छे मित्र भी हैं और जैसा सुकुल जी ने कहा, वे एक बहुत अच्छे प्रशासक भी रहे हैं, उनकी रिपोर्ट में इस बात का कहीं भी जिक्र नहीं है। ऐसी औद्योगिक बीमारियों के जो लोग शिकार होते हैं उनके संबंध में क्या करना है इसका कोई जिक्र उनकी रिपोर्ट में नहीं है। सवाल यह नहीं है कि आप कितने अस्पताल बनाते हैं। हालांकि अस्पतालों की तादाद भी हमारे देश में बहुत कम है। इस सवाल को मैं बाद में लूंगा। मुख्य सवाल तो यह है कि उन औद्योगिक बीमारियों को रोकने के संबंध में इस रिपोर्ट में कोई जिक्र नहीं किया गया है। बहरहाल, श्रमेव जयते के संबंध में मैं एक दो बातें कहना चाहता हूँ। हम देखते हैं कि सन् 1951 से लेकर आज तक हमारा जो राष्ट्रीय उत्पाद है, जो नेशनल प्रोडक्ट

है उसमें मजदूरों का हिस्सा अनुपातिक रूप से कम होता चला जा रहा है। सन् 1951 में जितनी इंडस्ट्री की आमदनी थी उसका 50 परसेंट मजदूरों को मिलता था। लेकिन सन् 1982 में वह हिस्सा सिर्फ 27 प्रतिशत रह गया है। 50 प्रतिशत से लेकर 27 प्रतिशत रह गया है। पिछले 32 वर्षों में यह हुआ है। इसका अर्थ यह है कि हर तीन वर्ष में कम से कम 2 प्रतिशत के हिसाब से उसका हिस्सा कम होता चला जा रहा है। यह स्थिति तब है जब कि हमारे देश में श्रमेव जयते का नारा दिया जाता है। मजदूरों की उत्पादकता, उनकी प्रोडक्टिविटी हर वर्ष 2 या 3 प्रतिशत के हिसाब से बढ़ती जा रही है। यह मैं नहीं कह रहा हूँ। यह बात राष्ट्रीय मजदूर आयोग, नेशनल लेबर कमिशन ने कही है। उसने कहा है कि एक तरफ तो उत्पादकता बढ़ती चली जा रही है और दूसरी तरफ मजदूरों का जो अनुपातिक हिस्सा औद्योगिक आमदनी में होता चाहिये वह बराबर कम होता चला जा रहा है। ऐसी स्थिति में कोई ऐसा कैसे कह सकता है कि श्रमेव जयते? हमारे देश में आज श्रमेव जयते की बात नहीं हो रही है क्योंकि मजदूरों की गरीबी बढ़ती चली जा रही है। ऐसी हालत में श्रमेव जयते की बात कहना, इससे बड़ा मजाक दूसरा नहीं हो सकता है... (व्यवधान)

श्रीमन् सदन में चाइल्ड लेबर का जिक्र हुआ। इसके मुत्तलिक मैं यह कहना चाहूंगा कि इस रिपोर्ट में इसका कोई उल्लेख नहीं है। हमारे देश में कितने ही बच्चे ऐसे हैं जो मजदूरी काम करते हैं। वे किस प्रकार की हालत में मजदूरी करते हैं, उनको क्या बेतन मिलता है और सरकार उनके संबंध में

[श्री सुरेन्द्र मोहन]

क्या करने जा रही हैं, इसका रिपोर्ट में कोई जिक्र नहीं है। इसलिए मुझे ताज्जुब होता है कि श्री वीरेन्द्र पाटिल जैसे इतने मानवतावादी व्यक्ति के मंत्री होते हुए भी इस रिपोर्ट में महिलाओं और बच्चों के संबंध में कोई उल्लेख नहीं किया गया है। मैं याद दिलाना चाहता हूँ कि संविधान के अनुच्छेद 24 में यह कह दिया गया था कि 14 वर्ष से कम उम्र के जो बच्चे हैं उनको कोई खतरनाक काम नहीं मिलना चाहिये। इस बात के बावजूद जैसे कि अभी शुक्ल जी ने कहा और हमारे मित्र श्री राममूर्ति जी ने कहा कि खदानों में वे लोग काम करते हैं, सलेट बनाने का काम करते हैं और इसी प्रकार से शिवकाशी में मैच मैकिंग का काम करते हैं और सब जानते हैं कि उनकी हालत क्या है। 1981 में एक कमेटी बनी कमेटी ऑन चाइल्ड लेबर, उस कमेटी ने कहा कि कम से कम आयु 15 वर्ष कर देनी चाहिये और उससे कम आयु के बच्चों को काम पर नहीं लगाना चाहिये लेकिन सरकार ने उस कमेटी की सिफारिशों को मानने से इन्कार कर दिया और इन्कार करते हुए क्या कहा कि अभी समय नहीं आया है।

Time is not ripe so that we can accept the report.

मैं जानना चाहता हूँ कि वह समय कब आयेगा? आज हिन्दुस्तान में बालक पढ़ने के लिये नहीं जायेगा, शिक्षित होने के लिये नहीं जायेगा मेहरबानी कर के इस रवैये को आप छोड़ दीजिये और कम से कम जो हमारी भविष्य की आशाएँ हैं जो बच्चे हैं उनको इस मजदूरी के शोषण से बचायें और किस प्रकार का शोषण उनके साथ किया जाता है उसका भी मैं आपसे जिक्र करना चाहूँगा। मैं आपके सामने शिवकाशी के सम्बन्ध में कहना

चाहता हूँ कि अभी एक रिपोर्ट पत्रकार श्री स्मित कोठारी ने प्रकाशित की है और उनका कहना यह है कि वहाँ एक लाख लोग जोकि दियासलाई के उद्योग में काम करते हैं उनमें 45 हजार ऐसे बच्चे हैं जो 15 वर्ष से कम उम्र के हैं और उनमें कई कारखाने ऐसे हैं जहाँ जितने काम करने वाले हैं उन की उम्र 7 वर्ष से कम है। जो सब से छोटा बच्चा वहाँ काम करता है उसकी उम्र हाई से तीन वर्ष के बीच में है तीन चार बजे उन बच्चों को बसे उनके घरों से ले जाती है और शाम को 6 बजे उनका काम खत्म होता है और फिर उनको वापिस घर लाया जाता है—कुछ बच्चे ऐसे हैं जो रात को 8 बजे पहुँचते हैं, कुछ ऐसे हैं जो रात को 9 बजे पहुँचते हैं। सुबह चार बजे घर को छोड़ते हैं और शाम को 8 बजे घर में वापिस जाते हैं। रिस्क वहाँ पर इतना है, कहीं किसी कारखाने में इस बात का कोई इन्तजाम नहीं है कि वहाँ दुर्घटनाओं को कैसे रोकना है और मैं यह कहना चाहूँगा कि इससे ज्यादा खराब इस प्रकार का शोषण शायद पुरुषों को तारियों को भी नहीं सहना पड़ता जैसे कि बच्चों को सहना पड़ता है। शिवकाशी का मैंने आपको उदाहरण दिया है लेकिन आदर्शनीय मंत्री जी स्वयं जानते हैं कि खास कर कंसट्रक्शन इंडस्ट्री में, होटल इंडस्ट्री में खदानों में और न जाने कहाँ कहाँ बच्चे काम करते हैं और बच्चों के साथ क्या हाल होता है। मैं यह भी याद दिलाना चाहता हूँ और इस बात से मुझे कुछ ताज्जुब हुआ कि सुप्रीमकोर्ट ने एक फैसला दिया पी० यू० डी० आर० ने एक केस फाइल किया। सुप्रीमकोर्ट ने निर्णय दिया। मंत्री जी की रिपोर्ट में मंत्रालय की रिपोर्ट में सुप्रीमकोर्ट

नैं इस फैसले का उल्लेख किया लेकिन जहां तक चाइल्ड लेबर का ताल्लुक है वहां तक वुमेन लेबर का ताल्लुक है उस फैसले में जो बातें कही गई हैं उसके संबंध में न तो रिपोर्ट में कहा गया, और मेरे ख्याल से जब रिपोर्ट में नहीं कहा गया मैं नहीं जानता कि उस पर सरकार का ध्यान कितना होगा। लेकिन कहा गया कि बहुत बड़े पैमाने पर महिलाओं और बच्चों को रोजगार दिया जा रहा है और सुप्रीमकोर्ट ने अपने फैसले में आर्टिकल 24 का भी जिक्र किया इण्डियन चिल्ड्रन एक्ट का जिक्र किया जो एक्ट 1938 का उसका जिक्र किया है और कहा कि मेहरबानी कर के वह बन्द कीजिये। आखिर यह चाइल्ड लेबर की बातें हैं और उसके साथ ही मैं महिलाओं के संबंध में भी कहना चाहता हूं। आम तौर पर हम यह देख रहे हैं कि न केवल महिलाओं को वेतन कम मिलता है इस बात के बावजूद इक्युअल रेमुनेरेशन एक्ट है। इस बात के बावजूद न केवल उनको वेतन कम मिलता है बल्कि उनकी संख्या उनका अनुपात भी धीरे धीरे कम होता जा रहा है। हिन्दुस्तान में जितना कपड़ा उद्योग था। 1951 में उसमें 25% महिलायें काम करती थीं। टोटल लेबर फोर्स जो कि टेक्स्टाइल इंडस्ट्री में थी उसका 25% महिलायें थीं और आज उनकी तादाद गिर कर सिर्फ 5% रह गई है। जब महिलाओं का यह हाल होता हो कि यहां 25% जहां काम करती है आज 5% रह गई है तो आप अंदाज कर सकते हैं कि महिलाओं के संबंध में कारखानेदारों का रुख क्या होगा, माफ कीजिये, उनके संबंध में मजदूर आन्दोलनों का रुख क्या होगा, उनके संबंध में सरकार का रुख क्या होगा। मैं दरदवास्त करना चाहता हूं कि इस सरकार को भी

बहुत गंभीरता के साथ सोचना पड़ेगा। महिलाओं को लेकर एक और महत्वपूर्ण बात है। जिन जिन उद्योगों में महिलाएं काम करती हैं वे उद्योग धीरे धीरे खत्म होते चले जा रहे हैं। आप हैण्ड लूम की बात ले लीजिये। हैण्डलूम को पावरलूम कितनी बड़ी तेजी के साथ खा रहा है हजम करता जा रहा है इसका उल्लेख कल हमारे मित्र श्री कलराज मिश्र जी ने थोड़े शब्दों में किया था। लेकिन एक रिपोर्ट मिस्टर एल० सी० जैन ने बनाई है और उस रिपोर्ट का "इण्डियन एक्सप्रेस" में कुछ हिस्सा दिया गया है और आम तौर पर यह कहा है कि पावरलूम की वजह से 55 लाख ऐसे लोग जो हैण्डलूम में काम करते हैं, बेकार होते चले जा रहे हैं और मैं आपसे कहूंगा कि उनमें से कम से कम एक तिहाई महिलायें हैं।

आप हैंड प्रिटिंग इंडस्ट्री की बात ले लीजिये। गवर्नमेंट की एक कमेटी की रिपोर्ट है कि हैंड प्रिटिंग इंडस्ट्री के मुकाबले में मशीन इंडस्ट्री को आने नहीं दिया जायेगा। अगर उसको आने दिया जाता है तो वह इस शर्त पर आने दिया जायेगा कि 75 परसेंट उसका लाजिमी तौर पर एक्सपोर्ट किया जाय। एक्सपोर्ट तो उन्होंने किया ही नहीं, लेकिन इस बात के बाद-जुद लाइसेंस दिया गया। यह बात अलग है। लेकिन मैं आपसे कहूँ कि इससे एक डेढ़ लाख बेकार हो गये। यह जो हैंड प्रिटिंग इंडस्ट्री है इसमें भी एक तिहाई से ज्यादा महिलायें हैं। तो महिलाओं के जहां भी काम करने के अवसर हैं वे सारे के सारे धीरे धीरे कम होते जा रहे हैं और इससे हम अंदाजा कर सकते हैं कि जो महिलाएं काम भी करती हैं उनका हाल क्या होगा। आखिर उनको काम छोड़ने पर मजबूर होना पड़ रहा है। वे बेरोजगार होती जा रही हैं। चाहे सामाजिक न्याय की दृष्टि से देखना

[श्री सुरेन्द्र मोहन]

तो बहुत बड़ा सवाल हमारे सामने है।

वाइड लेबर की बात, बंधुआ मजदूर की बात कल हमारे पार्टी के नेता श्री इरा सेटियन ने की थी। उन्होंने उन दोनों संस्थाओं का मुकाबला कर दिया था। एक संस्था जो है वह अनुसूचित जाति, जनजाति आयोग में दी गयी है, उनकी रिपोर्ट में दी गई है और एक संस्था जो आदर्शनीय मंत्री जी की रिपोर्ट में दी गयी है। इनमें इतना ज्यादा फर्क है कि एक संस्था 22 लाख है और दूसरी संस्था डेढ़ लाख है। मैं आपसे दख्खास्त करता हूँ कि कृपया ये तो बताइये कि सही बात क्या है। नेशनल लेबर इंस्टीट्यूट ने सर्वेक्षण किया था गांधी पीस फाऊंडेशन के साथ मिलकर, स्टैंडिंग कमेटी आन अनआर्गेनाइज्ड रूलर, पावर उन्होंने सर्वेक्षण किया था, भगवती साहब के नेतृत्व में वह कमेटी बनी थी और इस प्रकार हम यह देखते हैं कि अलग-अलग प्रकार के आंकड़े हमारे सामने हैं जब आंकड़े ही सही नहीं हैं और इतना फर्क है 22 लाख और डेढ़ लाख का तो फिर क्या उनकी मुक्ति होगी और क्या उनको दुबारा बसाया जायेगा क्या उनका पुनर्वास होगा। इस-लिये मैं आपसे कहना चाहता हूँ कि हम एक अवास्तविकता की स्थिति में आ गये हैं और यह कह नहीं पा रहे हैं कि असली बात क्या है। जिस तरह से बंधुआ मजदूरों की हालत है, जिसमें एक और तत्व आता है इमीग्रेंट लेबर इनकी भी हालत करीब करीब वैसी है अभी मुकुल जी ने जिक्र किया कि बिहार से उत्तर प्रदेश से लोग हरियाणा में पंजाब में चले जाते हैं और जब वे वहाँ से वापस जाते हैं तो उनको मजबूर किया जाता है हम आपको आपका वेतन नहीं देंगे जब तक आप और ज्यादा यहाँ काम नहीं करेंगे और वास्तव

में उनको वहाँ कई महीनों तक बंधुआ मजदूरों को तरह रखा जाता है। यहाँ इंटर स्टेट इमीग्रेंट वर्कर एक्ट है। लेकिन वह कहीं लागू नहीं होता और क्यों नहीं लागू होता है यह मैं नहीं जानता लेकिन मेरी दख्खास्त है कि इस पर गौर करना चाहिये।

जहाँ तक खेतिहर मजदूरों की बात आती है खेतिहर मजदूरों का एक सवाल तो यह है कि जो दृष्टान्त में शिकार हो जाते हैं हारवेस्टर के शिकार हो जाते हैं, उनके लिये कुछ किया जाये। बार-बार यह सवाल उठाया गया है और इसके अलावा उनकी भी हालत वैसी ही है जैसे स्लेट कारखानों में काम करने वाले या खदानों में काम करने वाले मजदूरों की है जो बीमार हो जाते हैं। तो इस पर ध्यान देना चाहिये। इसी तरह 1951 में कुल खेती पर काम करने वालों का 9 प्रतिशत खेत मजदूर था और आज उनकी तादाद 32 परसेंट है। 1951 में 9 परसेंट और 82-83 में 32.33 परसेंट, इतने बड़े पैमाने पर इनकी संख्या और अनुपात बढ़ा है और इसके लिए भी हम कानून नहीं बना पा रहे हैं। एक माडल बिल उसी स्टैंडिंग एडवाइजरी कमेटी ने तैयार किया और केन्द्रीय सरकार ने उस माडल बिल को राज्य सरकारों के पास भेज दिया लेकिन राज्य सरकारों के पास से अभी ऐसी अनुशांसा आई है या नहीं, यह मैं नहीं जानता कि उसका क्या हुआ। तीन वर्ष हो गये हैं लेकिन उस बिल का क्या होगा, क्या करने वाले हैं यह किसी को मालूम नहीं है और खेत मजदूरों की हालत दिनों दिन खराब होती चली जा रही है। खेत मजदूरों पर कितना कर्ज बढ़ता चला जा रहा है इससे एक अंदाजा हो जायेगा कि उनकी आर्थिक अवस्था

कितनी दर्दनाक बनती चली गयी। 1951 में खेत मजदूर 44 प्रतिशत थे जोकि कर्ज में डूबे हुए थे। 1975 में उनकी तादाद 44 प्रतिशत से बढ़ कर 66 प्रतिशत हो गई और आज 1982 में उनकी तादाद आम तौर पर 75 प्रतिशत समझी जाती है। जितने खेत मजदूर हैं, उनमें कम से कम 75 प्रतिशत ऐसे हैं जोकि कर्ज में डूबे हुए हैं और सूखे, महाजन और बड़े किसानों के कर्ज में डूबे हुए हैं। यह कहने की मुझे जरूरत नहीं है कि किस तरह से उनसे कर्ज वसूल किया जाता है। इसकी कल्पना आप कर सकते हैं।

कंस्ट्रक्शन वर्कर्स की बात—मैं आपको याद दिलाना चाहूंगा कि हमारे सदन में और लोक सभा में 1980 में तत्कालीन मजदूर मंत्री श्री भागवत झा आजाद साहब ने यह इलान किया था कि जल्द से जल्द कंस्ट्रक्शन वर्कर्स की सेफटी को लेकर हम एक्सीडेंट्स की सेफटी को लेकर एक विधेयक लायेंगे और उसको कानून बनायेंगे। लोक सभा में मि० लारेंस ने एक प्राइवेट मेम्बरज बिल पेश किया। उस पर भी आजाद साहब ने इस बात का आश्वासन दिया। तीन वर्ष उस बात को भी हो गये हैं, लेकिन कुछ होता नहीं है। इस सन्दर्भ में आपसे दख्खास्त करूं, बाकी के सवालों की बात कही गई लेकिन पूरे हिन्दुस्तान में खदानें अक्सर ऐसी जगह पर हैं जहां रेल नहीं पहुंचती है, जहां पक्की सड़कें नहीं हैं और न तो वहां पर आपका कोई इंस्पेक्टर जाता है, न तो मजदूर नेता ही ज्यादा जा पाते हैं, कहीं-कहीं आपके डाइरेक्टर आफ माइंस सेफ्टी के लोग कह भी देते हैं कि इस खदान को बंद कर दो, नहीं तो काफी लोग मर जायेंगे। वह खदान बंद नहीं की जाती और शायद न जाने कैसे मामला बन जाता है। वहां

लोग मरते रहते हैं, आपका हुक्म भी जारी रहता है कि खदान बंद कर दो और खदान चलती रहती है।

भारी माइंस की भी यह बात है और इससे आपको भी तकलीफ है और मजूर को भी तकलीफ है। तो ये बात भी ऐसी है जिस पर कि ध्याल करना पड़ेगा और मैं आपसे दख्खास्त करूंगा कि कंस्ट्रक्शन वर्कर्स के संबंध में एग्जीक्यूटिव वर्कर्स के संबंध में मेहरबानी करके जो भी कानून आपको बनाना हो, जल्दी बनाइये। लेकिन कानून तो बना देंगे। उसके बाद क्या होगा? उसके बाद यह हाल होगा कि कानून लागू नहीं होंगे। लागू क्यों नहीं होंगे। चाहे आप इनमें से किसी प्रकार के मजदूर को बात ले लीजिए। छोटे-छोटे गांवों में न जाने कहां-कहां मजदूर बिखरे पड़े हैं। उन हालत में अगर उन कानूनों को लागू करना है, तो ऐसी पक्की और अच्छी मशीनरी चाहिए जिनमें उनके प्रतिनिधि भी शामिल रहें, जिसमें जिला प्रशासन भी शामिल रहे, जिसमें दूसरे मजदूर आंदोलनों के लोग भी शामिल रहें, ताकि उनको लागू कराया जा सके। लेकिन इस प्रकार की मशीनरी या तो बनाई नहीं जाती, अगर बनाई जाती है, तो उसकी मीटिंग नहीं बुलाई जाती और उसको किसी प्रकार का अधिकार नहीं दिया जाता।

कंट्रेक्ट लेबर की बात ले लीजिए—कंट्रेक्ट लेबर एक्ट में इस तरह की मशीनरी का प्रावधान है, लेकिन इस मशीनरी को कोई अधिकार नहीं है। वह मशीनरी किसी एम्प्लायर को, किसी मालिक को यह नहीं कह सकती कि यह मजदूर केजुअल वर्कर है, आप मेहरबानी करके इसको स्थायी बना दीजिए क्योंकि आपके पास जगह है। वह नहीं कह सकते और अगर कहें भी, तो संयोजक

[श्री सुरेन्द्र मोहन]

नहीं मानेंगे। तो वह कुछ नहीं कर सकते।

तो पहली बात तो यह है कि मशीनरी बनाइये और दूसरी बात यह है कि मशीनरी बनाने के बाद महरबानो कर के उसको आधिकार दीजिये। वरना कानून बना दिये और कानून लागू नहीं हुये, इससे बड़ा मजाक इन लोगों के साथ जिनके साथ जिद्दी ने बराबर मजाक किया है, मेरे खयाल से उसको जरूरत नहीं है।

इन लोगों के लिये जिस कानून का जिक्र होता है, वह मिनिमम वेजेज एक्ट है मिनिमम वेजेज एक्ट के मुतालिक भी एक अजीब हालत है। 1928 में इंटरनेशनल लेबर कन्वेंशन बन गया। हमारी सरकार ने भी 15 मई, 1968 को उसे मंजूर कर लिया, उसको रैक्टिफाई कर दिया क्योंकि उसके बाद—वैसे हमारे यहाँ मिनिमम वेजेज एक्ट 1948 में बन गया, लेकिन हालत यह है कि मिनिमम वेजेज एक्ट बनने के बाद भी वह भी कहीं लागू नहीं होता।

मैं दरखास्त करूंगा और श्री वीरेन्द्र पाटिल साहब को यह दिलाना चाहूंगा कि स्टेट लेबर मिनिस्टर्स कानफ्रेंस, श्रम मंत्रालय के बुलाने पर 1980 की जुलाई, म हुई। उसने मिनिमम वेजेज एक्ट के संबंध में कुछ सिफारिशें कीं। आज तक वह सिफारिशें लागू नहीं हुई। यहां से होता यह है कि लेबर मिनिस्टर्स की कानफ्रेंस ने सिफारिशें कीं, आपने उनको सकुलेंट कर दिया, लेकिन सकुलेंट होने पर, उसका नतीजा क्या होता है? मिनिमम वेजेज एक्ट में लिखा है कि पांच वर्ष में कम से कम एक बार मिनिमम वेजेज एक्ट का रिविजन होना चाहिये। मैंने एक बार निजा था आपको, दो-चार ऐसे

राज्यों के नाम लिखे थे जिन्होंने पांच वर्ष के बाद भी मिनिमम वेजेज को रिविजिन नहीं किया। स्टेट लेबर मिनिस्टर्स कानफ्रेंस ने सिफारिश की है कि दो वर्ष के अन्दर कम से कम एक बार जरूर रिविजिन करना चाहिये। मैं आप से कहना चाहूंगा कि आज के हालात में दो वर्ष ज्यादा है, एक वर्ष में एक बार जरूर रिविजिन करना चाहिये। आर्गनाइज्ड वर्कर्स के लिये तो डी० ए० का, महंगाई भत्ते का इन्तजाम है इन लोगों के लिये महंगाई भत्ते का इन्तजाम नहीं है। इसलिये जब भी उनके न्यूनतम वेतन को दुबारा देखें तो कास्ट आफ लिविंग इन्डेक्स या कन्ज्यूमर्स प्राइस इन्डेक्स के साथ लिंक कर के करें। यह परिवर्तन आप एक्ट में नहीं करेंगे तो मुझ को सन्देह है कि वही श्रम मंत्री जो अपनी सिफारिश में एकमत हो जाते हैं बाद में उसको लागू नहीं करेंगे। मैं यह भी याद दिलाना चाहता हूं कि सुप्रीम कोर्ट ने—जिसका मैं ने पहले उल्लेख किया है, जिसका आप की रिपोर्ट में उल्लेख है—यह कहा है कि मिनिमम वेजेज को जो सेवायोजक लागू नहीं करता। उसको सख्त दण्ड देना चाहिये, केवल 50 रुपये के जुर्माने से यह काम नहीं होने वाला है। आप सही फमति हैं कि आपने राज्य सरकारों को यह लिख दिया है, मैं फिर दरखास्त करूंगा कि मिनिमम वेजेज एक्ट में जो संशोधन आवश्यक हैं सब करने चाहिये और उन संशोधनों को एक्ट में ऐसे लाना चाहिये कि उनको—लागू करना सम्भव हो जाये, सम्भव ही नहीं अनिवार्य हो जाय। इस तरह का संशोधन आपको लागू करना चाहिये।

मैं यह अर्ज करना चाहता हूं कि मिनिमम वेजेज को तय करने का हम लोगों ने आधार बनाया है। 1951 से वह गलत आधार बना। हम केवल यह फैसला करते हैं कि एक मजदूर को जितनी डाइट

चाहिये। डाइट के सम्बन्ध में अगर एक एक्सपर्ट कमेटी ने कह दिया कि 800 कैलोरी चाहिये तो उसके बाद हम ऐसी एक्सपर्ट कमेटी बना लेते हैं जो तय करती है कि केवल 700 कैलोरी चाहिये। सब तो यह है कि पहली पंचवर्षीय योजना में ही लिखा था कि अगर मजदूरों को ज्यादा देंगे तो इससे हिन्दुस्तान की आर्थिक स्थिरता को खतरा हो जायेगा। मुझ को डर है कि अभी भी सरकार के सामने वही मूल मन्त्र है। मजदूरों को क्या मिलना चाहिये इस पर सरकार सोचती नहीं है। मैं यहाँ याद दिलाता चाहूंगा कि सुप्रीम कोर्ट ने यह कहा है कि जहाँ तक न्यूनतम वेतन का ताल्लुक है उसमें किसी भी हालत में उद्योग कितना दे सकता है इस बात को नहीं लेना चाहिये, केपेसिटी टु पे को नहीं आना चाहिये। इसके बाद जूद जितने वेज बोर्ड बने हैं, अभी तक 25 वेज बोर्डों ने इस पर विचार किया है, केवल 3 वेज बोर्ड ऐसे हैं जिन्होंने केपेसिटी टु पे का ध्यान नहीं किया है, बाकी ने केपेसिटी टु पे पर ही ध्यान दिया है। यह ऐसी बात है जिसे—वह चाहे आप एक्ट के जरिये करें—आपको करना पड़ेगा। मिनिमम वेजेज एक्ट उन लोगों पर लागू होता है, जिन को और किसी प्रकार की कोई सुविधा नहीं है, जो पूरी तरह संगठित भी नहीं हैं।

मैं आप की इजाजत से एक-दो बात सोशल सेक्योरिटी के सम्बन्ध में कहना चाहता हूँ। हम समाज कल्याण की बात करते हैं। सब मानते हैं इस प्रतिबद्धता को कि समाज कल्याण को बढ़ाया जाय। लेकिन चाहे पेय जल की बात लें लीजिये शगड़ा बांड को लिया रीज में मैंने देखा है बिहार, मध्य प्रदेश, राजस्थान के इलाकों में मोटे तौर पर पेय जल की व्यवस्था नहीं है। इसके साथ ही वहाँ मकानों का क्या हाल है,

वह भी आप जानते हैं। मुझे खुशी होगी अगर श्रम मंत्रालय राज्यों से मिल कर यह आंकड़ा तैयार कर ले कि ऐसे मजदूर कितने हैं जिनके अनुसार 75 फीसदी से ज्यादा मजदूर ऐसे होंगे जिनके पास एक कमरे का मकान भी नहीं होगा। वह कमरा भी कैसा होगा उसकी कल्पना की जा सकती है। उनके लिये मकान क्यों नहीं बनते? प्रोवीडेंट फंड का इतना रुपया जमा है। प्रोवीडेंट फंड के एरियर्स भी पूंजीपतियों के पास जमा हैं, मजदूरों का कंट्रीब्यूशन जमा है। उस प्रोवीडेंट फंड को सीक्योरिटीज में इनवेस्ट न किया जाय मकान बनाने में इनवेस्ट किया जाय। एक कमेटी ने यह कहा है कि प्रोवीडेंट फंड का जो रुपया एम्प्लायर जमा करने में कमी करता है उसको दण्ड दिया जाय। आज 40 करोड़ रुपया ऐसा है जो सेवा-योजकों और पूंजीपतियों ने जमा नहीं किया, लेकिन कमेटी की रिपोर्ट के बावजूद उन पर एक्शन नहीं लिया गया।

आप एम्प्लॉईंग स्टेट इश्योरेंस की बात ले लीजिये। एक कमेटी ने कहा कि जो एम्प्लायर देता है उसका 5 परसेंट कर दीजिये। इन्होंने 5 परसेंट नहीं किया। उसका भी 50-60 करोड़ रुपया सेवा-योजकों पर बाकी है। एम्प्लायर्स ने न प्रोवीडेंट फंड का रुपया जमा किया, न ई० एस० आई० का कंट्रीब्यूशन जमा किया। यह हालत है कि धीरे-धीरे मजदूरों के जो सोशल वेल्फेयर के काम हैं उनकी तरफ सरकार का ध्यान कम होता चला जा रहा है। सरकार जितना कर सकती है वह करती नहीं है। इसलिये मजदूर की हालत ज्यादा खराब होती चली जा रही है।

उपसभाध्यक्ष महोदय, हमारे मित्र सुकुल जी ने श्री दत्ता सामन्त का जिक्र किया। दत्ता सामन्त एक हड़ताल चला रहे हैं। हड़ताल चली है, काफी लोग जेल में गये, काफी लोग कितने दिन से काम नहीं कर

[श्री सुरेन्द्र मोहन]

रहे हैं, एक साल से ज़ादा हो गया। अरुण शर्मा साहब का हवाला देकर कहा जाय कि साइंटिफिक ट्रेड यूनियन-निष्पन्न नहीं चलते। लेकिन मैं आप से पूछना चाहता हूँ कि साइंटिफिक इंडस्ट्रियल रिलेशंस की कोई कल्पना हमारे पास है या नहीं? एक साल तक हड़ताल चली, 70-80 फीसदी मजदूरों ने हड़ताल रखी, लेकिन उनके सही प्रतिनिधि को आप नहीं मानेंगे। 48 में कोई एक्ट बन गया उस के मातहत किसी एक आर्गनाइजेशन को हमने प्रतिनिधि मान लिया है तो उसी को मानते रहेंगे और दत्ता सामन्त ने जो अपनी वास्तविक स्थिति दिखायी कि वह बहुमत के नेता हैं उसको हम मंजूर नहीं करेंगे। आप दत्ता सामन्त के संबंध में जो भी कुछ कहें, लेकिन मैं पूछना चाहता हूँ कि अगर आप स्वस्थ औद्योगिक संबंध बनाना चाहते हैं, तो आप का यह एटीट्यूड चल नहीं सकता। इस संबंध में मैं कहना चाहूंगा कि यह हेल्दी इंडस्ट्रियल रिलेशंस की बात नहीं है। हेल्दी इंडस्ट्रियल रिलेशंस की पालिसी क्या होगी। मेरे दोस्त राम मूर्ति जी ने कहा कि आखिर यह कैसे चल सकता है कि सरकार एक फैसला कर ले कि सरकारी दल का जो संगठन है आई० एन० टी० यू० सी० वहीं हर हालत में आगे रहेगा, वहीं फायदे में रहेगा, उसके साथ हर वक्त पक्षपात किया जायेगा। चाहे कोयले के लिये कम्पटी हो या इंटरनेशनल लेबर आर्गनाइजेशन के लिये कोई प्रतिनिधि भेजना हो, इस बात के बावजूद की उस की ज्यादा मेम्बरशिप नहीं है, हर बात के बावजूद उसी की बात मानी जायगी। मैं आप से कहना चाहता हूँ कि अगर हिन्दुस्तान में लोकतांत्रिक जनकल्याण की बात करनी है तो मेहरबानी कर के यह एक छोटी सी बात है कि जो मजदूरों के सही प्रतिनिधि हैं उन को माना जाय।

या तो पहले मालूम कर लीजिए कि वे कौन हैं, उन का वेरिफिकेशन करा लिया जाय सीक्रेट बैलेट से और फिर फैसला कीजिए की सही प्रतिनिधि कौन हैं और उनको आगे बढ़ा कर उनके साथ बात-चीत कर के हर बात का फसला आप कीजिए। जब तक आप मजदूरों नेतृत्व के साथ बात करेंगे तब तक हिन्दुस्तान में इंडस्ट्रियल रिलेशन्स सुधरेंगे नहीं और न ही आप को बात करने की सही गुंजाइश रहेगी। इन शब्दों के साथ मैं आप को धन्यवाद देता हूँ।

SHRI H. HANUMANANTHAPPA (Karnataka): Mr. Vice-Chairman, Sir, while initiating the discussion, Comrade Ramamurti complimented the efficiency of the Labour Minister, Mr. V. Veerendra Patil, but finally he asked him to resign from the Ministry. Perhaps Mr. Ramamurti has a grouse because Mr. Veerendra Patil as the Labour Minister has managed the Labour Ministry very well during the last year.

SHRI G C. BHATTACHARYA (Uttar Pradesh): What is there to manage?

SHRI H. HANUMANANTHAPPA: I am telling you. Please be patient, if the strikes are reduced, if the mandays lost are reduced, if production has increased, if accidents have been reduced in certain categories of industries, is it not due to the efficiency of the Ministry? -Certainly Mr. Ramamurti has a grouse, because his trade-union leadership, his leadership amongst the workers, might have come down because of the efficient management of the Labour Ministry. Those who practice such trade union methods, they certainly have a grouse against the efficient administration of the Labour Ministry. Mr. Ramamurti has a grouse and he may be right in asking for the resignation of Mr. Veerendra Patil from the Labour Ministry.

try because his chanceg wer_e reduced because of th_e efficient management of the Labou_r Ministry.

Now coming to th_e other aspect of the INTUC, none of my friend_s have said that th_e Acts are partisan to the INTUC. The Act_s are th_e same, administration is th_e same. Whether he is a member of a left union or INTUC, all are covered by the same laws. I want to ask the Members from the other side; if you have a fair election among y_{our} own members without using your violent force, perhaps you will g_et the same result as that which you are complaining of against the INTUC today...

SHRI SURENDRA MOHAN: Kindly have the secret ballot and we accept your challenge.

SHRI H. HANUMANTHAPPA: i am prepared for it I have got experience of how you people are carrying on your union movement. I know that. You are taking th₂ law into your own hands. You are not giving freedom to the workers You put them in lock I know whiie conducting your election how" your leadership conducts. I know what is happening. I also come from the labour movement.... (*Interruptions*).

THE VICE-CHAIRMAN • (DR. RAFIQ ZAKARIA): H_e i₃ making an effective speech. He has got a good voice He is exposing himself well. Please don't interrupt. I am not concerned with the substance of it. In the Chair I am neutral.

SHRI H. HANUMANTHAPPA: Baba, you in the Opposition have de-voice. He is expressing himself w_ell. w_e say. Even if we say this is the sun ,you are going to say no; you are not prepared to agree. That is* the tendency, that is the mentality, of the Opposition You are going to dispute whatever we say. What should we do? That is your mentality in the Opposition.... (*Interruptions*)

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Mr. Mathur, y_{ou} are the next speaker, I do not want the other side -to interrupt you in the same way.

And then, I think it is his maiden speech. So let him speak without interruption

SHRI JAGDISH PRASAD MATHUR (Uttar Pradesh): Is it col T don't think...

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): That is why I said I think. A_s far a_s I know I think it ic, his maiden speech _____

SHRI H. HANUMANTHAPPA. Even if this j_s not my maiden speech, does it mea_n that they should go on disturbing?

Now, my point is that efficiency does not lie in enacting more and mora laws. There are enough law_a in this country Th_e point is th_e administrative machinery, the enforcement machinery, haa to be greare^ up. I would request the Minister to gear up the machinery. The present machinery i₃ lethargic; ij i_s ver_v weak, it i_s not up-to-dat_e and it cannot cope with the requirement of th_e society and the labour requirements.- Here, the administration haa failed. The laws are good The laws are enacted for the wel.far_e of the labour only. Unfortunately, th_e affecting machinery has failed. My friend in hi₃ speech said that 12 labour law_s hav_e been enacted last year. What is the ?^{re}n portionate increase in the enforcement machinery at various levels? In the absence of the enforcement machine-rv how can you get the results? Re-sultj_s do not come by enacting laws. Results will come from encforcem^{ent} or implementation of the laws. The defect is at the implementation stage, " not at the enacting stage. I would request the Minister to gear up and strengthen the implementation machinery. Giv_e them orientation training. Tell them what the laws require and what the society wants. Make them work t₀ the expectation of the society and the Ministry. Then only we can get the results.

While saying this, I wou|(j like to draw the attention of th_e Minister t^o th_e public underSkings which are also managed by the Government or by

[Shri H Hanumanthappa],

different Departments of Government. Labour Department is part of the Gov. ernment. How is it that the labour laws are not enforced in some of the public undertakings? Why this discrimination? These undertakings are under various Ministries and Railways. They do not implement labour laws

[The Vice-Chairman, Dr. (Shrimati) Najma Heptulla in the Chair]

Why should you give room for such discrepancy? Here your machinery has failed. Just because they are under Government, the labour laws are not enforced and that leads to labour unrest. Whether an industry is under private management or whether it is a Departmental undertaking, you should not spare any management. For instance, Railways is also a Government department. They are not implementing the bilateral agreement. You have recognised the union. You have called their representatives. Thereafter, you have come to certain agreement. This bilateral agreement which has been agreed to has not been implemented by the Railways. What is the position of the Labour Ministry here? You have enacted the labour laws. You have your own implementation machinery. You are a party to the agreement. But you do not have any power or force in implementing it. Your Department has failed here and your enforcement machinery should be geared up.

Coming to welfare measures, if in a privately managed industry, there is no facility for water or for restaurant or creche, the Labour Inspector goes there and points out all these deficiencies. But he never inspects any public undertaking. Why this discrimination? I would say that your laws should first be implemented in public undertakings which are directly under the charge of the Government so that you can enforce them better in private-managed undertakings.

Labour does not mean only organised labour. There are crores of peo-

ple who constitute unorganised labour force. Coming from an agricultural family you know very well the plight of workers engaged in agriculture. They have no Union and they have no leader like Shri Ramamurti to go round with a red flag, shout and get them minimum wages. Here, it should be the responsibility of the Labour Ministry to look into the problems of unorganised labour who are scattered all over the country. He is the last man in the village. The Ministry should come out with proposals for legislation to cover such workers who work in remote fields in this country.

Much has been said about child and women labour. I do appreciate the sentiments of those who raised this issue. We come from a society where YA-TRA NARYASTHU POOJAYANTHE RAMANTHE TATRA DEVATHA. God resides where women are worshipped. Unfortunately labour is linked with stomach. Not only women but even children have to work because of the needs of their stomachs. We hope a day will come when the children of labourers can also go to convent schools and avail of the higher education facilities. All right. But, unfortunately, this is linked with the question of bread. So, immediately it may not be possible to do away with this system. But at the same time, the Government can think of persuading the parents, saying that instead of sending their children for labour, they should send them to school and incentives will have to be thought of wherever the child labour is taken back. It is not just "by enforcement that you can do this. You can enforce a law saying that the child sent for labour should be taken back from that labour. But, unfortunately, the parents would be penalised. I say this because the parents would be deprived of the earnings of the child. Of course, the child is already having no proper food or shelter. If the child goes for some labour, he may be getting fifty paise or one rupee a day that is an additional income to the parents. So, If

you enforce this, then you must think of some incentives. By enforcing this Act and sending the child back from labour to th* school, we would only be penalising the parents. So, if we find out a substitute method or if we subsidise tht loss of wages in the event of the child being sent to the school, then the parents would be ready to take their children from the labour and to put them in schools. So, this is one thing which the Labour Ministry should think over. I do not know whether this comes under the Labour Ministry or some other Ministry is also involved in it. Enacting child labour prevention laws would not do and the problem does not end there. Perhaps you ca'n sit with the other Minis. tries and come out with proposals whereby the system of child labour can be discontinued by giving incentives or subsidies to the parents who are dependent on such labour. After all, no parent is interested in sending his child to do difficult work where even his life is at stake. Of course, for the parents the child is an asset and is more important than anything else and no parent would be willing to send his child to do dangerous work. But he is forced to do because of the earnings that the child may bring. So, a subsidy scheme* or some subsidy to the parents would certainly help in ending the system of child labour. So, Madam, in these diffections co-ordination between the various Ministries is called for and they may sit together and come out with definite proposals, legislative proposals, if necessary.

Then, Madam, I want to mention something about the Apprentices Act which is administered by this Ministry. You have passed this Act. The public sector undertakings and the other industries, because they have to obey this Act, recruit certain people and they give them training for eight months or ten months or one year and then they leave them in the ^- streets. So, the result is that the training becomes a waste and the Apprentices' Act has not produced the desired result. So, it should be made incumbent on the industry or the under

taking which gives the training to the apprentices to make use of the services of those who have been trained by them. They need not be satisfied with just giving them training and obeying the Act and obeying your circular and telling that they have recruited fifty persons as apprentices give them the training. After the training where do they go? Again they are waiting in the employment exchanges for jobs and this should be done away with. At the cost of the and given them the training. After "the nation, at the cost of the industry, and at the cost of the undertaking, these people are given the training and they know something about the industry. But, after the training is over, they are not taken there and they are sent away without any job. So, Madam, the Apprentices Act should include an enforcement clause also to the effect that whichever industry gives apprenticeship training to anybody should absorb him who has been trained in that industry.

There is one more thing which I would like to mention. While registering or recognising the trade unions, I want to draw your attention to the discrimination that is meted out particularly to the weaker sections of the society, that is, the Scheduled Castes and the Scheduled Tribes. Several associations of these weaker sections have not been recognised by the management. Of course, the Home Ministry has issued a circular that a union should not be recognised just on the basis of caste or community. I do appreciate this stand of the Home Ministry. But when it works against the interests of these classes, I have to appeal to the Government, and I request the Government, to reconsider the opinion of the Home Ministry and see that a directive is issued to the effect that the Scheduled Castes' and Scheduled Tribes' unions should be recognised in these industries. I want to cite one example in this connection. I had an occasion to examine the Syndicate Bank. There, under a bilateral agreement, they have barred the promo-

[Shri H Hanumanthappa].

tional chance_s of the Scheduled Caste_s and the Scheduled Tribes contrary to the direction of the Government. Here in such cases the Labour Ministry have to play a role. They have reduced the classes to three, contrary to the direction's of the Government. The Government of India has got 4 classifications. Now, for a total one classification both in regard to promotional and recruitment chances the Scheduled Caste_s and Scheduled Tribes have been deprived of. Not only that. By a bilateral agreement, the management is bound to deprive the Scheduled Castes and Scheduled Tribes of promotional and recruitment chances. (*Time Bell rings*). So, time has come^o that wherever such bilateral arrangements exist, they should be changed or they may be made null and void.

Regarding the Minimum Wages Act, I want to bring one instance in in Karnataka to your notice. Under the NREP Rs. 6.50 is paid as daily wage but under relief measures only Rs. 5 is paid. It is a gross violation of the Minimum Wages Act. In the BBMs family, in the same village, one man working under NREP is paid Rs. 6.50 and the other is paid Rs. 5 only. So, the Ministry should find and see that the minimum wages are enforced at the Governmental level. Why should there be any discrimination and why the Government itself is not implementing this?

Finally, all these Acts—Industrial Disputes Act, Trade Union Act, Minimum Wages Act and Labour Welfare Act—are innumerable but the machinery to implement them is very lethargic and not in commensurate with the Acts that are to be enforced. So, I submit that the whole machinery has to be re-oriented. Only then can we get better results. Thank you.

श्री जगदीश प्रताप साधु : महोदया,
मैंने बड़े ध्यान से कांग्रेस के दो सदस्यों
के भाषण सुने हैं। दोनों ने यह बात परोक्ष
रूप से स्वीकार की है . . .

श्रीमती मोनिका दास (कर्नाटक) :

हम लोग आपको डिस्टर्ब नहीं करेंगे।

SHRIMATI USHA MALHOTRA
(Himachal Pradesh) To set an example to be
followed.

श्री जगदीश प्रताप साधु : धन्यवाद।
आप दो से ही मुझे खतरा है बाकी से
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गई है। मैंने दोनों भाषण सुने हैं। परोक्ष
रूप में दोनों ने यह स्वीकार किया है
कि श्रम मंत्रालय ठीक नहीं चल रहा है।
उन्होंने तारीफ तो की है लेकिन अन्त में
शुक्ल जी ने पांच सात बातें कही हैं
कि यह होना चाहिये, वह होना चाहिये
उनसे पता लगता है कि वास्तव में उन्हें
भी कुछ शिकायतें हैं। ऐसे ही मेरे मित्र जो
अभी बोले हैं उन्होंने कहा कि कानून-कायदे
तो बहुत अच्छे हैं लेकिन उनका कार्यान्वयन
ठीक नहीं है। इम्प्लीमेंटेशन करने की
भी आखिर जिम्मेदारी किस की है ?
सरकार की है। इसलिए उनके इस कथन
से यह बात साफ होती है कि श्रम मंत्रालय
जैसे चलना चाहिये वैसा नहीं चल रहा
है। मेरा इसमें मत है कि इसके कुछ कारण
हैं। श्रम मंत्रालय वास्तव में दूसरे
मंत्रालयों से भिन्न होता है। बाकी
जितने मंत्रालय हैं सब का अपना कार्य
करने का तरीका है। इंडस्ट्री मिनिस्ट्री
है कैसे इंडस्ट्री चलानी चाहिये, कारखानों
को चलाना है, कहां क्या काम करना है
इत्यादि यह सब उसके कार्य हैं। लेकिन
श्रम मंत्रालय जो है मेरी दृष्टि से सरकार
का प्रतिनिधि नहीं है, वह कारखानेदार
और मजदूर हैं वे बीच बचाव करने
वाला सम्बन्ध स्थापित करने वाला भी है।
लेकिन यह उल्टी स्थिति है। श्रम मंत्रालय
ने अपनी इस जिम्मेदारी को भूल कर
सरकार के पक्ष में कार्य करना आरम्भ
कर दिया है। श्रम मंत्रालय को किसी का
पक्ष नहीं लेना चाहिये। देश में यदि
लेसेजफेयर होता तो बात अलग थी यहां
पर जितने कारखाने हैं वे सब नौजी

कारखाने अगर रहे होते तब तो समझ में आता था कि श्रम मंत्रालय सरकार का अंग मात्र बन कर कार्य करता लेकिन सरकार के स्वयं के कारखाने हैं इसलिए इसे आवश्यकता पड़ने पर सरकार के विरोध में खड़ा होना चाहिये। उसकी इतनी हिम्मत होनी चाहिये मगर गड़बड़ स्वयं सरकार की है। हर क्षेत्र में उसका रवैया यह देखा गया है कि येन-केन प्रकारेण उनके एक दल का अधिकार रहना चाहिये। आहिस्ता-आहिस्ता देश को एक दल की सरकार की ओर खींचा जा रहा है। यही बात मजदूर क्षेत्र के अन्दर भी चल रही है। सरकार यह चाहती है कि आहिस्ता-आहिस्ता किसी प्रकार से एक दल ही वहां पर बना रहे। यह बात अलग है कि इंटक के अलावा दूसरे दल अपने दम खम पर जिंदा हैं। वे जिंदा हैं और बढ़ेंगे। उदाहरण के रूप में बम्बई ले लीजिए। मेरे मित्रों ने बम्बई की हड़ताल का जिक्र किया है। आज 13-14 महीने हो गये लेकिन बम्बई की हड़ताल टूट नहीं रही है। क्यों नहीं टूट रही है? सिर्फ इसलिए कि किसी प्रकार इंटक को जिंदा रखना है। बम्बई का जो श्रम का कानून है बी० आर० आई० ए० उसके आधार पर ... (व्यवधान) वह आपका दृष्टिकोण है। इसी की आड़ ले कर इंटक को जिंदा रखने के लिए यह पुराना कानून अब तक बना हुआ है। आज सवा साल होने आया लेकिन वहां के मजदूरों की हड़ताल तोड़ने नहीं दी जा रही है। आपको अहमदाबाद का भी मालूम है। अभी जो मेरे मित्र बोले उनकी बात सुनकर मुझे अहमदाबाद याद आ गया। अहमदाबाद के कारखाने आज डेढ़ दो साल से बन्द पड़े हैं। वहां के मजदूरों ने मिस्टर भट्ट के नेतृत्व में निश्चय किया कि वे प्रोटेस्ट के रूप में आत्म हत्या करेंगे। उन्होंने नहीं की, लोगों ने और पुलिस ने पकड़ लिया।

लेकिन स्थिति यह है। यह क्यों हो रहा है? क्योंकि यह भी एक दल इंटक को बनाकर रखना चाहते हैं। मैं एक और उदाहरण देता हूं। आपका जो श्रम मंत्रालय है उसी की बात कह देता हूं, अक्सर बात मेरे मुंह पर आ गयी है। आपके डी० जी० ई० एण्ड टी० में यूनियन है। आपके इंड्रक्शंस हैं कि विभाग में एक यूनियन होनी चाहिए, डिफरेंट कैटेगरीज की अलग नहीं होनी चाहिए। लेकिन इसके विपरीत आपकी तरफ से आदेश जाता है कि यूनियन को बदलो, तोड़ो, डिफरेंट कैटेगरीज करो, थर्ड फोर्थ ग्रेड की यूनियन अलग करो। ये आपके इंड्रक्शंस हैं। यदि आप कहेंगे तो मैं आपको पत्र का नम्बर बता दूंगा। इसके मुताबिक जो डाइरेक्शंस हैं मैं उनका भी नम्बर बता सकता हूं। मेरी जानकारी गलत हो सकती है, प्रणव बाबू चले गये, मेरी जानकारी यह है कि इनके ही कारण आपने यह आदेश बदला है। आपको मालूम नहीं होगा, सेक्रेटरी से जाकर पूछिए। आपके मंत्रालय के अन्दर यह स्थिति है। क्यों? क्योंकि आप चाहते हैं कि जहां पर इंटक की यूनियनें हों वहां पर और कोई नहीं रहे, और जहां पर उसके अलावा एक है तो वहां पर उसको तोड़ फोड़कर किसी प्रकार इंटक को वहां पर जिंदा किया जाय।

अन्य मित्रों ने वेरीफिकेशन की बात कही है। मूलतः इस आधार पर निश्चय होना कि कौन सी यूनियन कहां जिंदा रहेगी, कौन रिप्रेजेंटेटिव यूनियन हो। यूनियन की जड़ ही यह है। वर्षों से इंटक के अलावा जितनी यूनियनें हैं चाहे भारतीय मजदूर संघ है, ए० आई० टी० यू० सी०, सी० आई० टी० यू० या कोई भी हो वह सब इसी का शिकार है। (व्यवधान) वेरीफिकेशन का सिस्टम बदलना चाहिए और गुप्त मतदान से उसका निश्चय किया जाय। लेकिन

[श्री जगदीश प्रसाद माथुर]

बजाय इसके कि सरकार गुप्त मतदान को मानती, उन्होंने कानून ही बदल दिया है जिससे चेकआफ सिस्टम व्यवहार में आ जाय इनडाइरेक्टली। अभी मेरे मित्र ने कहा कि हम भी मानने को तैयार हैं वे सामने बैठे हैं उन्होंने कहा कि हम भी बनने को तैयार हैं। लेकिन मैं आपको बताना चाहता हूँ कि 82 में पेमेंट आफ वेजेज एक्ट, 1936 में इन्होंने अमेंडमेंट किया है। सिर्फ यह अमेंडमेंट किया है अन्य जरूरी अमेंडमेंट नहीं किये हैं। मैं पढ़कर बताता हूँ। वेतन में से जो डिडक्शनस होंगे यह उनकी व्याख्या है। वह पढ़ता हूँ साफ समझ में आ जायेगा :

"Deductions made with written authorisation of the employee for the payment of the fees payable by him for the membership of the trade union registered under the Trade Unions. Act 1946."

यानी मालिक का प्रतिनिधि ही वहां बैठकर अगर चाहेगा तो वहां पर उसका चंदा काटेगा। साफ बात है कि चंदा काटते समय अगर मालिक का प्रतिनिधि बैठता है, कहता है बोलो किस यूनियन का कटवाना चाहते हो तो वह किधर जायेगा? सरकार किसकी है, सरकार कांग्रेस की है, इंटक का चंदा काटेगा। मेरे मित्र राममूर्ति ने ठीक कहा। इन्होंने एक दूसरा कानून लागू किया है। पहले वेरीफिकेशन स्टेट कमिशनर तय करते थे, अब इसको सेंटर का कमिशनर तय करेगा। क्यों? एक तो चेक आफ सिस्टम, इनडाइरेक्टली लागू किया जायेगा। दूसरे जहां पर विरोधी दल को सरकारें हैं सी० पी० आई० की है सी० पी० आई० एम० की है जनता की है वहां पर वह वेरीफाई न कराके केंद्रों द्वारा करायेंगे यानी चित्त भी मेरी पट भी मेरी। वहां पर यदि स्टेट अफसर का करा तो शायद अधिकारी उलटा दबाव डालता लेकिन

वह करेगा सेंटर का और जहां उनकी अपनी ही सरकार है। वहां तो वह करा ही लेंगे। मुझे याद है इसलिए इनके भूत पूर्व मंत्री पिछले साल जब बोल रहे थे लोक सभा में उन्होंने कहा कि हम मजदूरों की बड़ी चिंता कर रहे हैं और यह वायदा किया कि हम सेंट्रल असिसटेंट लेबर कमीशनर बनायेंगे। सेंट्रल असिसटेंट लेबर कमिशनर बनाये गये हैं, उनके रीजंस बने हैं, बात सही है, लेकिन क्या आपने देखा है कि उन्होंने कितना और क्या काम किया है?

आज शिकायत यह है कि सेंट्रल असिसटेंट लेबर कमिशनर कहता रहता है और खास तौर से जो आपकी पब्लिक अण्डरटेकिंग के अधिकारी हैं, वे उनके सामने जाते ही नहीं है। कायदे से इन्डस्ट्रियल डिस्पयूट्स एक्ट है, उसके अनुसार आर्टिकल 10 या 13 शायद है, उसके मुताबिक वह कार्यवाही कर सकता है। लेकिन पब्लिक अण्डरटेकिंग के यह बड़े अफसर वहां जाते ही नहीं हैं और कुछ नहीं हो पाता है।

मैं मंत्री महोदय से जानना चाहूंगा कि यह जो आपने सेंट्रल असिसटेंट लेबर कमिशनर बनाये हैं, उनके सामने कितने केसेज आए और खास तौर से कितने पब्लिक अण्डरटेकिंग के आए और कितने केसेज में पब्लिक अण्डरटेकिंग के अधिकारी वहां उपस्थित हुए? कितने पेश हुए और क्या काम हुआ और जो नहीं पेश हुए, उन अधिकारियों के खिलाफ क्या कानूनी कार्यवाही की गई है? मैं समझता हूँ कि एक भी ऐसा आदमी नहीं मिलेगा जिसके खिलाफ कार्यवाही की गई है।

दूसरे, जो प्राइवेट एंटरप्राइज के लोग हैं, उनके भी बड़े-बड़े अधिकारी हैं, कारखानेदार हैं, वह भी चिंता नहीं करते हैं। आज आवश्यकता इस बात की है

अगर आप चाहते हैं कि जो आपने सेंट्रल असिस्टेंट लेबर कमिश्नर बनाये हैं, वे इफैक्टिव हों, तो आप उनको और अधिकार दीजिए, उन्हें हिम्मत दिलाइये कि वह इस अधिकार का प्रयोग करें। आप कहते हैं कि हम इंटक के भरोसे ही जिंदा नहीं रहना चाहते हैं, हम दूसरे दलों को बनाना चाहते हैं।

मैं उदाहरण देता हूँ। क्या आवश्यकता थी आपको इजमा लाने की, क्या आवश्यकता थी आपको एन० एस० ए० लाने की, आपको सेंट्रल वेजेज एक्ट के अंदर परिवर्तन करने की क्या आवश्यकता थी? इंडस्ट्रियल डिस्प्यूट्स एक्ट के अंदर परिवर्तन करने की क्या आवश्यकता थी?

यह इंडस्ट्रियल डिस्प्यूट्स एमेंडमेंट सन् 1982 का है। इसके द्वारा जो परिवर्तन किये गए हैं और मेरी जानकारी है कि आपने इसका नोटिफिकेशन शायद जारी नहीं किया, नहीं किया है, लेकिन करना चाहते हैं। वरना पास क्यों करते, क्योंकि इसमें उसके प्राविजन जिस दिन से नोटिफिकेशन करेंगे, उसी दिन से लागू होंगे। लेकिन आपने जो किया, वह आपकी नीयत बताती है। उसमें आपने अनफेयर लेबर प्रैक्टिस की व्याख्या की है, कारखानेदार के लिए की है। वह ठीक है, लेकिन मजदूर के लिए क्या कहा है? आपने ऐसी अंधेरगद्दी की है कि मजदूर कुछ कर ही नहीं सकता। अगर वह कारखानेदार के घर के सामने नारा भी लगा दे, तो अनफेयर प्रैक्टिस है, अगर वह किसी मजदूर को कहे कि हड़ताल करने के लिए चले, तो वह भी अनफेयर लेबर प्रैक्टिस है।

मेरा आग्रह यह है कि इंडस्ट्रियल डिस्प्यूट्स एक्ट का संशोधन आपने पास तो कर लिया अगर अभी आपने नोटिफाई नहीं किया है, तो उसे नोटिफाई मत करिए, इसे कूड़ेदान के अंदर ही पड़ा

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रहने दीजिए, या मैं कहूंगा कि इसे हाउस में पेश करके इसे रिपील कीजिए। हम इसको रिपील करने में आपकी मदद करेंगे। इसको रिपील कर देना चाहिये। बाकी कारखानेदारों पर रोक लगाने की आवश्यकता है तो रोक लगा दीजिए मजदूरों के खिलाफ आपने जो कम्प्रीहेंसिव बिल की बात कही है, सुकुल साहब ने भी कहा कि कम्प्रीहेंसिव बिल आना चाहिए, मगर मैं उनकी बात से सहमत नहीं हूँ।

श्री पी० एन० सुकुल : क्या कहा ?

श्री जगदीश प्रसाद माथुर : आपने कहा था कि कम्प्रीहेंसिव बिल आना चाहिए, मगर... (व्यवधान)

श्री पी० एन० सुकुल : आप एंटी-लेबर हैं।

श्री जगदीश प्रसाद माथुर : बात सुनिो, मैं एंटी-लेबर नहीं हूँ। जो मंत्री जी ने कहा था, उस सूझ-बूझ की बात को स्वीकार करना चाहिये।

श्री रामेश्वर सिंह : आप जिस भाषा में बोलें हैं... (व्यवधान) वह आपकी... (व्यवधान)

श्री पी० एन० सुकुल : आप भाषाविद नहीं हैं।... (व्यवधान)

श्री जगदीश प्रसाद माथुर : खैर आपने बात कही कि कम्प्रीहेंसिव लेबर लाँ होना चाहिये। लेकिन जो झा साहब ने जवाब दिया था, मैं समझता हूँ कि ठीक ही है। अकेला यह बिल क्या बेसिज है कम्प्रीहेंसिव लेबर लाँ बनाने के लिए ? सब कारखानों के लिए अकेला यह बिल बहुत कठिन है। लेकिन सरकार का फेल्योर कहाँ है ? भगवत झा आजाद जी जो पहले मंत्री थे, उन्होंने लोक सभा में पिछले साल बोलते हुए कहा था—

"The Labour Ministry has been considering this question for evolv-

ing a statement of basic principles which should form part of wages policy. The Sixth Five-Year Plan has spelt out in broad terms the objective, basic element and the main task of the wage policy. It is the endeavour of the Labour Ministry to give these ideas the most precise form in consultation with the representatives of workers, employers... etc."

मैं पूछता हूँ कि यह जो आश्वासन दिया है श्रम मंत्रालय ने कि लेबर पालिसी निश्चित करेंगे और छठी योजना में उसकी रूपरेखा दे दी गई है, तो इस संबंध में आपने क्या किया ? कुछ नहीं किया आपने सब को बुलाया, लेकिन इस तरह से बुलाया कि कोई मजदूर संगठन आया ही नहीं। आज नेशनल कम्पेन कमेटी बनी हुई है कोई। इन्टक को छोड़कर भारतीय मजदूर संघ से लेकर सी० पी० (आई), सी० बी० (एम) सब एक इसमें शामिल हैं। यह स्थिति क्यों है ? नेशनल कम्पेन कमेटी आपकी हर बात का बायकाट कर रही है आपने फूट डालने का प्रयास किया। सर्वदलीय मीटिंग के लिये आपने बी० एम० एस० के दो लोग रखे। आप समझते हैं कि शायद भारतीय मजदूर संघ के लोग कम लड़ाकू होंगे। उस के साथ आप हमदर्दी बरतें तो वह आपके साथ आ जायेंगे। आप के जो अन्य मंत्रालय हैं वह आप की बात नहीं मानते हैं। मैं आप के सामने चिट्ठियाँ पेश कर दूंगा। आपने कोयले में भारतीय मजदूर संघ को पहले दो सीट दी, फिर आप ने पूर्णतः निकाल दिया। उन्होंने विरोध किया। फिर आप के मंत्रालय की तरफ से जवाब जाता है कि हम नहीं कह सकते, इंडस्ट्री कन्सल्ट का मंत्रालय जानता है। आपने फिर एक सीट कर दी। मैं कहता हूँ कि पहले दो सीट क्यों दी थीं। फिर काटी क्यों और फिर एक क्यों दी ? आप के पास कोई तरीका है वेरीफिकेशन का ? केवल मनमानी करने की आदत

है। आप ने टैक्सटाइल की कमेटी बनाई है, आपने उस में किस को प्रतिनिधित्व दिया है। भारतीय मजदूर संघ एक रिक्कनाइज्ड बोडी है। उस को आप ने क्यों सीट नहीं दी ? (समय की घंटी) यह ज्यादाती है।

उपसभाध्यक्ष [डा० (श्रीमती) नाजमा हेपतुल्ला] : आप का एक मिनट रह गया है।

श्री जगदीश प्रसाद माथुर : एक नहीं, मैं दस मिनट लूंगा।

उपसभाध्यक्ष [डा० (श्रीमती) नाजमा हेपतुल्ला] : आप दस मिनट कैसे लेंगे आप के 14 मिनट हो चुके हैं।

श्री जगदीश प्रसाद माथुर : मैं तो आप से मुलाइमियत की उम्मीद रखता हूँ। मैं जल्दी-जल्दी करूंगा, एलोबोरेट नहीं करूंगा।

उपसभाध्यक्ष [डा० (श्रीमती) नाजमा हेपतुल्ला] : आप अपनी स्पीड बढ़ाइये।

श्री जगदीश प्रसाद माथुर : लोग कहते हैं मेरी स्पीड वैसे ही ज्यादा है और ज्यादा स्पीड कर दूंगा तो कहीं एक्सीडेंट न हो जाय। देखिये आपने मुझे गड़बड़ा दिया। आप के मंत्रालय आप की बात नहीं मानते। चिट्ठियाँ मौजूद हैं कि वे आप की बात नहीं मानते और बात इसलिये नहीं समानते हैं क्योंकि वह जानते हैं कि सरकार की पालिसी है कि इन्टक को किसी प्रकार से जिन्दा रखना है तथा दूसरे मजदूर दलों को प्रथम नहीं देना है। इसलिए मेरा निवेदन यह है कि आप वेरीफिकेशन के सिस्टम को मूलतः बदलिये। आप के इरादे अच्छे नहीं हैं। जैसा मैंने कहा, पेमेन्ट आफ बेजेज एक्ट के अन्दर आप ने परिवर्तन किया। यदि आप चाहते हैं कि स्वस्थ लेबर मूवमट हो तो आप को अपने इरादे बदलने पड़ेंगे

आपने रोक दिया इसलिए दो एक छोटी मोटी बातें और कहना चाहता हूँ। प्रोविडेंट फंड की बात है, इम्प्लॉय स्टेट इंश्योरेंस की बात है या ग्रेच्युटी की बात है। इस की वकिंग कैसी है। इसको देखने की आवश्यकता है। मेरे पास शिकायतें हैं कि अगर प्रोविडेंट फंड से कोई पैसा निकालता है तो उस को 6, 6 महीने लग जाते हैं और फिर भी उस को पूरा पैसा नहीं मिलता। उत्तर प्रदेश का उदाहरण देना चाहता हूँ। वहां की विचित्र स्थिति है। अगर किसी कर्मचारी का एक जगह से दूसरी जगह, जैसे इलाहाबाद से मेरठ ट्रांसफर हो गया है तो उस को अपने प्रोविडेंट फंड का नम्बर नहीं मिलता। अगर यहां उस का नम्बर 110 है तो मेरठ में भी उस का नम्बर 110 रहना चाहिये। लेकिन उस के नम्बर का ही उस को पता नहीं होता। क्या आपने देखा है कि मजदूरों के पास प्रोविडेंट फंड की कोई किताबें हैं या उन के कोई कार्ड हैं। यह सब कागज पर लिखा हुआ है, लेकिन व्यवहार में है नहीं। आप चेक करा लीजिए। यहां तक है कि आदमी रिटायर हो जाता है और दो साल के बाद भी प्रोविडेंट फंड का पैसा उस को नहीं मिल पाता। उस को ग्रेच्युटी मिलने का तो सवाल ही नहीं है। आपसे निवेदन है कि ग्रेच्युटी देते समय उसे आप प्राइस इंडेक्स से लिंक क्यों नहीं करते। उस को आप को प्राइस इंडेक्स से लिंक करना चाहिए।

अब मैं प्राइस इंडेक्स की बात कहना चाहता हूँ। मोटी सी बात है। प्राइस इंडेक्स न्यूनतम वेजेज और मंहगाई भत्ता दोनों को प्रभावित करता है। (व्यवधान) आप ने प्राइस इंडेक्स कैसे बनाया है। इस को छान-बीन कर्मों की है? यह वरसों पहले

बनाया गया था और आज भी वही चला आ रहा है। मैं दलीय बात नहीं कहता। जनता सरकार के समय की बात कहता हूँ। उन्होंने इस के लिए श्री रय की अध्यक्षता में एक कमेटी बनायी थी। मेरे पास उस की रिपोर्ट है। उस में कितनी ही रेकमेंडेशन दी गयी हैं। लेकिन आप ने उस को बटुटे खाते डाल दिया। उन को आप ने देखा भी नहीं। उसमें कुछ विशेष खामियां बतायी गयी हैं। जैसे हाउस रेंट का कैसे हिसाब करते हैं या दवाइयों का कैसे करते हैं, इस सारे में परिवर्तन किया जाना चाहिए। प्राइस इंडेक्स आज को रिवाइज करना चाहिए। वैसे उस ने पांच साल में इसे रिवाइज करने को कहा है, लेकिन दो साल बाद, या एक साल बाद उसे जांचना चाहिये। कितने चेंजेज आते हैं यह आप के ही आंकड़े हैं जो बता रहे हैं। और मैं उदाहरण देना चाहता हूँ कि मिनिमम वेजेज भी प्राइस इंडेक्स से ही गवर्न होंगे। फूड का जो इंडेक्स है वह 1980 में 406 था और वही 1981 में 465 हो गया। हर जगह की बात नहीं कहता। कर्नाटक में कम से कम वेतन 6 रुपये दिया जा रहा है दूसरे राज्यों में 5 रुपये दिया जा रहा है। मैं सरकारी आंकड़े ही बता रहा हूँ। कर्नाटक में मिनिमम वेज 7.50 पैसे फिक्स किया है। पहले बोलने वाले मित्र ने बताया कि कर्नाटक में मजदूरी 6 रुपये दी जा रही है। 7.50 के फैसले के बाद भी वहां 6 रुपये दिये जाते हैं। मैं नहीं जानता कि यह कब से चला आ रहा है। मैं समझता हूँ कि जो नयी जनता सरकार वहां आयी है वह इस को बदलेगी और अगर नहीं बदलेगी तो गलत करेगी। इसलिये प्राइस इंडेक्स को शीघ्र से शीघ्र बदला जाना चाहिये। इस की आवश्यकता है।

[श्री जगदीश प्रसाद माथुर]

अब एक आध बात और कह कर मैं खत्म करूंगा। मैंने एक उदाहरण दिया कि पब्लिक अन्डरटेकिंग्स जो सरकार की है उनमें भी घपला चल रहा है। पब्लिक अन्डरटेकिंग्स बिस्तार के लिये जगह-जगह पर जमीन लेती है। मैं अभी धनवाद गया था। वहां कोयला खदानों के लिये जमीन ली गयी है। रेलवेज के लिये आप ने जमीन ली गुंडूपल्ली में। कायदा कहता है कि उस जमीन पर से जिन-जिन परिवारों को हटाया गया है उनके घर के एक-एक आदमी को कम से कम सर्विस में लिया जायेगा। झरिया और दूसरी जगहों में कहीं परिवार का एक लिया गया है, कहीं कहीं दो और ज्यादा लिये गये हैं। लेकिन गुंडूपल्ली में क को भी सर्विस में नहीं लिया गया है। यहां पर रेलवेज की वैन वर्कशाप बनाई जा रही है। सारी जमीन ले ली और एक भी परिवार के आदमी को नौकरी नहीं दी गयी। तो क्या यह आप के मंत्रालय का काम नहीं है? क्या यह केवल इंडस्ट्री मिनस्ट्री का काम है। मेरा निवेदन है कि आप को इसे भी देखना चाहिये। इसी प्रकार मांग की जा रही है कि जो श्रमिक रिटायर हो जाते हैं वह कमाने के लिये बेकार हो जाते हैं। वह तो सारी जिदगी खदान कारखानों में रहते हैं। उसका बच्चा भली प्रकार पढ़ नहीं सकता। वह मांग है कि उसके रिटायर होते ही उसके खानदान के किसी एक लड़के को नौकरी दी जानी चाहिये। सरकार को इस बात पर जल्दी ही कोई फैसला करना चाहिये।

एक बात यद्यपि आप के मंत्रालय से संबंधित नहीं है, मैं कहना चाहता हूं पब्लिक अन्डरटेकिंग द्वारा जमीन ले ली जाती है। आप कोल फील्ड्स में ही देखिये। वहां कितना धुआं निकाला जाता

है। आसपास 20, 25 मील के इलाके में कोई आदमी स्वस्थ रूप से जिंदा नहीं रह सकता। बहुत मुश्किल से जिंदा रहता है क्योंकि वह मर नहीं सकता इसलिये जिंदा रहता है।

आखिर उस क्षेत्र के डेवलपमेंट की जिम्मेदारी किसकी है? वह जिम्मेदारी कोई नहीं ले रहा है। मैं चूंकि पब्लिक अन्डरटेकिंग कमेटी का मेंबर हूं इसलिये जानता हूं और इसीलिये नाम लेकर उदाहरण नहीं देना चाहता कि फंला-फंला जगह ऐसा हो रहा है। मैं जानना चाहता हूं कि आखिर उस को डेवलप करने की जिम्मेदारी किसी की है या नहीं? चाइल्ड लेबर की बात कही गई है, कांट्रैक्ट लेबर की बात भी कही गयी। आप को मालूम है कि जनता सरकार ने कांट्रैक्ट लेबर के विरोध में एक कानून बनाया था। इसी सदन में, पिछले सत्र में मैंने एक प्रश्न पूछा था कि कांट्रैक्ट लेबर गैर कानूनी है और पब्लिक अन्डरटेकिंग्स ही उस को तोड़ रही है। उस प्रश्न का जवाब आया कि हां मालूम है और पब्लिक अन्डरटेकिंग्स भी उस को नहीं मान रही है। लेकिन जब जानकारी मिलती है तब उसके लिये कानूनी कार्यवाही की जाती है। अजीब तमाशा है। यह सरकार के कारखाने हैं और सरकार ही कहती है कि जब मालूम होता है तो कार्यवाही करते हैं। मैं ठीक कह रहा हूं मैं इसलिये उदाहरण नहीं देना चाहता कि मैं उस कमेटी का मेंबर हूं। आप कर्नाटक में जाइये या आप आंध्र में जाइये। हर जगह पब्लिक अन्डर टेकिंग्स में कांट्रैक्ट लेबर है। एक जगह तो टाइपिस्ट तक को कांट्रैक्ट लेबर के तौर पर रखा गया है। कानून यह कहता है कि 180 दिन अगर पूरे हो जायें तो कांट्रैक्ट लेबर को परमानेंट किया जाना चाहिये। लेकिन अधिकारी ब्या कर रहे हैं

कोई मजदूर कल्लू के नाम से रख लिया और उस को दो महीने के बाद छोड़ा दिया और उस के बाद उसी आदमी को मल्लू के दूसरे नाम से रख लिया। इस प्रकार उस की कांटीन्यूइटी को खत्म कर दिया जाता है। इस को देखने की आवश्यकता है जिससे मजदूरों के साथ ऐसी ज्यादातियां न हों।

उपसभाध्यक्ष डा० (श्रीमती) नाजमा हेपतुल्ला : आप का भाषण खत्म हो गया

श्री जगदीश प्रसाद माथुर : आप कहेंगी तो खत्म करना ही होगा।

उपसभाध्यक्ष (डा० (श्रीमती) नाजमा हेपतुल्ला) आपने एक बात के लिये कहा था। अभी और कई बोलने वाले हैं और फिर मिनिस्टर साहब भी बोलेंगे (व्यवधान)

श्री जगदीश प्रसाद माथुर : उन की बात को तो नहीं मानूंगा लेकिन आप की बात मान लूंगा।

अंत में मैं यह कहना चाहता हूं कि यदि सरकार वास्तव में हिन्दुस्तान में स्वस्थ और सबल श्रमिक आंदोलन और श्रमिकों की भलाई चाहती है तो आज का जो उस का रवैया है कि येन-तेन-प्रकारेण 4 P.M.

एक ही संस्था जिन्दा रहे उस को उसे बदलना होगा। एक संस्था के लिये पक्षपाती रविये को छोड़ कर निष्पक्षरूप से सरकार काम करे। विशेष-तौर से श्रम मंत्रालय यह समझे कि वह सरकार का केवल हिस्सा नहीं है वरन वह सरकार मजदूर और कारखानेदार तीनों के बीच का एक तटस्थ यंत्र है जो कि मजदूरों के हितों की रक्षा करेगा। मजदूर के हितों की रक्षा करने वाले बनेंगे तो मैं पाटिल साहब को बधाई दूंगा बधाई न देने का कोई कारण नहीं है क्योंकि वह जनता पार्टी से गये हैं। आशा है वह कांग्रेस के अंदर कुछ न कुछ भला करेंगे।

SHRI N. P. SCHENGALRAYA NAIDU (Andhra Pradesh); Madam, Vice-Chairman, all the labour trouble in our country is due to the helplessness of our Government. Otherwise if the Government is firm, these strikes would not be there the labour would not have suffered, and the production in the country would not have suffered. Take the instance of Bombay. (The labour leader, Dr. Datta Samant was a medical practitioner. Because he failed in his practice, he thought it was easy to become a labour leader and shine well. So he became a labour leader and now he is controlling nearly 90 per cent of the unions in Bombay. For the last more than one year, 16 textile mills are on strike. About 2 lakh 30 thousand workers are involved. Only the workers are suffering, not the leaders. The workers are not paid their salaries and they are suffering. The leaders take their funds every month. They collect one rupee, or two rupees or five rupees from the workers and they have got lots of funds like that. And due to these funds, they travel by air, stay in 5-star hotels and enjoy themselves at the cost of the workers. This is going on in our country. For the last nine months, our Government is trying to adjust with him. But they are not able to control him or dictate to him, or say, "this is our decision, you must obey it". Government is not doing anything. And what is the loss? The loss in production is Rs. 143.91 crores in the last one year in this textile strike. The wage loss is Rs. 89.48 crores. And about 50,311 workers have been dismissed in this illegal strike. This is the position and the Government is not able to take any firm decision in Bombay.

There must be one union for one industry. They must elect their workers as office bearers and outsiders should not be holding any office in the labour unions. If this is done, the politicians will not be there. Now only the politicians are using the workers for their benefit. They want votes. They go and catch these workers. For that they will say:

[Shri N. P. Chengolraya Naidu]

"We will get you Rs. 5 more, or Rs. 100 more". Easily the workers become prey of these labour leaders, so these workers think, "we are getting some money, why can't we strike?" So all these illegal strikes are going on and Government is not able to take any action to stop them. Take the case of Bangalore strike. The workers in the public sector undertakings had gone on strike. For 300 days there was a strike in Bangalore and the Government was not able to do anything. There is one Suryana-ryan. He had failed to check out a livelihood. So he thought it was easy and he became a labour leader and started this. Only outsiders are creating trouble. If the workers elect their labour leaders from amongst themselves, there will not be this trouble. So, the Government must come forward with an Act providing that only the labourers of that factory or that industry can be elected as office-bearers and not others, and this should be implemented strictly.

Sir, I would suggest one thing: Will the Government enquire into the bank balances of these labour leaders to find out how much money they have got in the banks, and also find out how much property they had got, what their property was, before they became labour leaders and what is their property now after they became labour leaders? This has to be inquired into by the Government and action taken. The Income-tax people close their eyes, the Government also closes its eyes. The labour leaders take money from the labourers. The labour leader will tell the workers that he will get them Rs. 100 more. Then he goes to the industrialist and asks, "I will settle at 50 per cent. How much money will you pay?" So, he extracts money not only from the labourers but from the industrialists also. But I am not saying that every labour leader is like that. I am sorry. There are a few labour leaders like that. There are sincere labour leaders also. But there are labour leaders that I described also. Due to these labour

leaders, the other sincere labour leaders also get a bad name. So, this has to be prevented.

Sir, all the trouble arises because the prices are going up. Now and then the cost of living goes up. The cloth price goes up, the foodgrains prices go up. So, the labourers say, "We cannot live with this amount. We want more." So, why can the Government not come forward with a legislation and get it passed providing that the industrialists must supply the foodgrains and other essential food commodities to the workers at a subsidised rate? Now it is 1983. Now the price is this, and the salary is this. Next year if the price goes up, let the industrialists supply the essential commodities at this price. The price may go up by one rupee or five rupees. But the essential food commodities must be supplied to the labourers at the controlled or subsidised rate. If that is done, there would not be any much controversy over the wages. This should be done.

Sir, when there is trouble now and then you amend the Labour Act. There are so many amendments. You do not have a comprehensive Labour Act. So, I would request the Minister to come forward and introduce a comprehensive labour Act. Unless this is done, there will be many loopholes in the present labour laws. So, this should be prevented, and the Government must come forward with a new labour Act.

I will suggest three or four things. One is, only a worker of the industry should be the office-bearer and outsiders should not be eligible to become office-bearers. This should be legislated as soon as possible.

There should be only one union for one industry. Now, if I go and collect seven signatures, I can start a union. Like that there must be several unions in the industry. So, this should be avoided, and there should be only one union for one industry.

If the Government finds that the union is responsible for an illegal strike and the loss of production, the industrialist must have a right to sue

the union in a court and get that amount, recover the loss from them. The workers must have a right to recover the wages if the union leaders mislead them and ask them to go on strike. If this is done, the workers are safe, and the industrialists are also safe. This should be done. During strikes, usually at the instigation of the union leaders the machinery is damaged. If the machinery is damaged, it takes a lot of time to repair it and it costs a lot. So to avoid this, if any worker is responsible for damage, there must be a criminal case against him and also there must be a civil case against him to recover the amount from him or from that union. Madam, there are some workers who go on stay-in strike. They will sit, but they won't work. And because they are marking their presence, they will demand their salary. This should not be allowed. Only on the turnout of work, wages should be paid. If wages are paid on the turnout of work, there won't be any trouble from the workers. This has to be introduced. If this is not introduced, there will always be trouble.

Now in regard to the railways, I remember, in the days of the old M.S.M. Railway or South Indian Railway, they used to supply foodgrains, weekly rations, for the workers at controlled rates. They did not charge the transport costs. They used to supply the rations at controlled rates, at subsidised rates. This has to be introduced at least in our public sector projects. If the Government comes forward to introduce this, it would be better. I request the hon. Minister to think over all these things.

My last suggestion is, now there are illegal strikes. The other day in Bombay the technical people in Indian Airlines went on a strike. Now the public is suffering. If somebody goes on strike in the railways, the public suffers. If these things are to be avoided, you must instruct these departments to train at least 10 per cent of the people more. If they want 100 people, let 10 people more be trained as apprentices in

these industries. Let us start with public undertakings. Let at least some people be trained every year. After training, they can go if they got any job. If they don't get any job, at the time of strikes, they can be taken in and the public inconvenience will not be there, either in railways or in airlines or in public undertakings. This has to be done. I request the Minister to consider this and see that in every industry at least some percentage of apprentice trainees are taken in. This has to be done in the form of an Act. Only under an Act, the Government and the private industries will give training to these people. There is a lot of unemployment in the country. If you insist on this, at least some percentage will be employed as apprentices and they will get jobs outside. Thank you, Madam.

SHRI U. R. KRISHNAN (Tamil Nadu): Madam Vice-Chairman, trade unions in India have got a great influence in the field of labour and among the labourers. The trade unions attached to the textile industry, the railways, the coal industry, mines, dock labour and other industries are playing a vital role during the time of strike or during the time of closure or lay-off or negotiations pertaining to the issues relating to that particular industry. In India we cannot find a single industry without any trade union. Even if there is no trade union, the management itself starts a trade union. Such is the position the trade unions occupy in

the labour field. But, central recognition is refused to almost all trade unions except to some of the trade unions which sail with the Government. The National Labour Organisation is of the opinion that there should be national trade unions but should not be like mushrooms having their number as 50,000 or a lakh. It has prescribed a limit of 10 per cent of the unionised labour in the country or in the industry. This concept is totally wrong. For the present the Committee on Conventions and ILO and the Government are deciding the central recognition on the strength of

Shri U. R. Krishnan]

five lakh labourers spread over in four States and industries. This conception has also to be modified. The Government has to give a serious consideration to this aspect of the issue so that the Government can have people's representation in different bodies which have to decide important issues. Everybody should work for greater cooperation, harmony and peace in the industrial relations of this country. It should be the object and aim of the Government that industrial disputes should be decided by conciliation arbitration and adjudication so that the industrial relations machinery is not put to undue stress and strain. A comprehensive industrial relations bill should be brought forward immediately. The Minimum Wage Act should be implemented with the spirit in which it was enacted. In the agricultural field the labourers are not getting their real wages in some States except in States like Tamil Nadu. The payment of Wages Act should also be amended so as to cover more number of industries. There should be a national wage policy. The Labour Ministers' Conference in 1981 had recommended that the benefits of the Minimum Wages Act should be extended to workers who are not covered by it and a system of general minimum wage may be introduced. Bonded labour rehabilitation should be given the first priority. Workers' education is an important programme and this should also be followed up vigorously. The working of the Integrated Rural Development Programme should be carefully watched in which 15 million families would be provided self-employment opportunities in fields such as agriculture, village and cottage industries and in the service sector. The unemployed in this country are likely to get a new deal in the Sixth Plan by providing measures like credit facilities, training, marketing, etc. Our education should be job-oriented. The Payment of Gratuity Act should also be amended so that even the worker who has not worked for 240

days can get his share of gratuity. Labour force knows that because of the Supreme Court decision a labourer who has not worked for more than 240 days, is not eligible to get gratuity in a particular year. The ceiling fixed in the Payment of Bonus Act should also be removed. Our labour policy should be specific and it should always adjust to the situation and requirements of planned economic development and social justice. The labour policy of the Government should be a product of consultation with the workers, employers and administrators. Cooperation between the employers and the employees can be ensured by bipartite talks. Labour administration has assumed a vital significance in the strategy of development and labour was playing any increasing role in the economic and social development of the country. There are a lot of complaints that the employers are not paying provident fund amount to the Government. At present the number of persons subscribing to the Provident Fund in India is about 12 million yielding about Rs. 800 million a year. So the PF Act should be strictly enforced. The Provident Fund Act should also apply even to the smaller establishments employing ten or more persons. In India about 23 to 24 million labourers are employed in the organised sector out of a total employable population of around 240 to 280 million. And any attempt at improving the quality of the working class will touch a mere fraction of the labour force. Can we ignore about our 2 million educated unemployed waiting for jobs? jobs of whatever quality, just to earn a respectable living? There should be no two opinions that the quality of the working life should be given much more importance and the Government should take care of it. The trend towards increasing strains in labour-management relations calls for greater analysis of the underlying problems, because it is only by hitting the problem at its root that any improvement can be made. The workers'

participation in management should be extended to almost all industries.

The unorganised labourers in the „ sectors in which they are working in our country and whose production is often at par with that of the organised sector, are neglected by both political parties and academicians. They continue to provide cheap labour. According to the ILO statistics in large urban conglomerates like Bombay and Calcutta more than 50 per cent of the population is engaged in unorganised sectors. In spite of difficult working conditions such as lack of fixed working hours and wages, this sector has not only thrived but is growing tremendously. This indicates the compelling circumstances of the downtrodden people in the developing countries which force them to take any kind of work and submit to any sort of deprivation.

In India the unorganised labour is mostly engaged in forests, construction work, small industries, hotels, Shopg and agriculture. Something must be done for the welfare of these workers and the Government should come forward to help them either by enacting new laws or by strictly enforcing the existing laws.

It is heartening to note that trained and talented and skilled manpower is going towards affluent ones because of poor wages and amenities given to them. This should also be curbed in the bud.

The previous speakers spoke about the Bombay textile strike. I would join with them and say that Government should come forward immediately with measures to end the strike. In this connection I would join with Shri N. P. C. Naidu and agree that the labour leader in any industry should be one of the members of the labour force. It is the policy of the AIADMK to * see that only a labourer in a particular union in a particular industry becomes the leader of the union. In this connection I would draw the attention of the Labour Minister to the fact that some of the labour laws

enacted by the Tamil Nadu Assembly have not been given consent so far. I request that this may be expedited and consent given without delay. With these words, I conclude.

THE VICE-CHAIRMAN [DR. (SHRIMATI) NAJMA HEPTULLA]: Shri Vishvajit Prithvijit Singh. Is this going to be your maiden speech?

SHRI VISHVAJIT PRITHVIJIT SINGH (Maharashtra): No. I have spoken earlier for one or two minutes here and there, at various stages. If you are asking whether this is going to be my long maiden speech, yes. In the sense it is a prepared speech and I am going to read it, this can be a maiden speech.

Madam, Vice-Chairman, I am sure that you will agree with me when I say that no discussion on the Department of Labour can be complete without reference to the Bombay textile workers' strike. Hosts of figures given to us by the Government, by the Unions and by the Press cannot within themselves portray the anguish and agony of thousands of families forced to exist under the most hostile conditions in a hostile metropolis where few have actually come to their aid.

Political considerations, personal aggrandisement, power of self—all had a role to play in this sordid tale. Things have come to such a pass that it is no longer relevant who has won or who has lost. If any victory is there for any one it is pyrrhic at best.

In any case Government has to be appreciated for whatever it has managed to achieve. Sixty cotton mills in Bombay employ 2.33 lakh workers, of whom over one lakh have reported back to work in a majority of the mills. It is in large measure to the acceptance of the recommendations of the tripartite committee which has submitted its report to the Government regarding house rent allowance and badli workers.

Though HRA has been granted, the continued employment of the badli workers without any permanent

[Shri Vishvajit Prithvijit Singh] status ought to be a matter of concern for the honourable Minister. This House would not be amiss in asking for an assurance that the Government will consider the implementation of the recommendations of the Committee. The leaders of our nation, our honourable Prime Minister, Shrimati Indira Gandhi, has very rightly said, as far as back as 1972, in her inaugural address to the Asian Trade Union Seminar, and I quote:

"Industrial relations are far too serious a matter to be left exclusively to employers and labour. The community has a vital stake in problems affecting relations between the management and the labour and can seek legitimately a voice in the solution of these problems through peaceful means."

The third round of wage negotiations in the public sector was commenced from 1982. This includes some of the major public undertakings, namely, Coal India Limited, BHEL and the Steel Authority of India. These negotiations, needless to say, dragged on for months. To bring some order into this chaos, the honourable Finance Minister has already met certain Central trade union leaders in January this year basically with a view to an early finalisation of wage agreements between managements and the workers of the public enterprises. The honourable Minister has to be congratulated upon the decision to set up a tripartite committee to go into the question of the industrial dearness allowance formula. This honourable House must appreciate that, unlike most other committees, this committee is bound within a time-frame and it has to submit its report within three months and within one month of submission of its report, after consultations with the Central trade unions, the Government would be obliged to take a decision on its recommendations. A major hurdle, Madam Vice-Chairman has been removed and one can only hope, with anticipation, that all de-

lays in the conclusion of settlements would be minimised. At this juncture, Madam, I would like to emphasise that the problem of negotiating fresh wage agreements in the Central undertakings has assumed greater urgency in view of the fact that the existing wage settlements in as many as 59 major Central undertakings have expired as on the 31st December, 1982. Any delay in renegotiating long-term settlements is bound to render unstable the industrial relations situation in the public sector as a whole. Matters have been further complicated by the issuance of guidelines for wage revision negotiations by the Bureau of Public Enterprises. These controversial guidelines *inter alia* stipulate that, firstly, the total benefits arising out of the wage settlements should not exceed 10 per cent, secondly, no wage agreement should be implemented with retrospective effect, and, thirdly, all wage revision

proposals should be linked with performance and productivity. Almost all the Central trade unions including the INTUC have vehemently opposed the Bureau of Public Enterprises' guidelines and the Joint Action Front of the Bangalore-based public sector undertakings have complained that these guidelines are a violation of the basic norms of collective bargaining and they have demanded their revocation. I believe, Madam Vice-Chairman, that this honourable House has the right to expect the honourable Minister to disclose to it what re-thinking, if any, the Government is doing in this very important regard.

While on the subject of the public sector, I would like to mention certain salient points. The statistics of the Labour Ministry reveal that the number of settlements arrived at under the Industrial Disputes Act of 1947 have been going down over the years. The fall in the number of settlements is proportionately much higher in the case of the public sector. The causes can be multifarious and the responsibility for the same can be multi-dimensional. But it is a fact that officers of a sufficiently

high status, having requisite powers to take crucial decisions, stay away from any conciliation proceedings and the resultant outcome with that the officers negotiating without the support of any actual decision-making powers is obvious. It is high time the Government took steps to see that the officers who are empowered and are entrusted with the responsibility actually exercised them and do not become isolated satraps within their air-conditioned offices. There are very clear Government guidelines regarding the public sector undertakings to consult the Ministry of Labour before filing any writ or appeal in labour court cases. These guidelines, Madam Vice-Chairman, are being flouted practically everyday. Public sector undertakings are even challenging the decisions given by the Labour Tribunals and authorities before the various High Courts of this country. I feel, Madam Vice-Chairman, that we should very strongly urge the Government to make sure that its own guidelines are observed more in practice rather than in breach. This is the very least that we can do towards the discharge of our responsibilities to those masses who have no voices to air their grievances except those which are raised upon their behalf in this honourable House.

Various laws have been enacted by the Government to protect the interests of the working classes. The best of intentions, Madam Vice-Chairman, if not directed accurately can end up defeating the original purpose of the Payment of Bonus Act nor the Payment of Bonus Act nor the Payment of Bonus Act. Neither the Contract Labour Act nor the Contract Labour Act contain any provision for any recovery of the just dues owed to the workers as enacted by this very august House. I would urge upon the hon. Minister that his Department should immediately consider and bring forward in the form of legislation, suitable amendments so that some tangible rather than notional belief becomes available to the workers.

While upon the subject of legislation, I would urge the hon. Minister also to re-examine the Payment of

Gratuity Act which was enacted some years ago.

The work force employed by the Government as stated in the latest Economic Survey comes to a figure of over 15.6 millions, while that employed in the private sector is 7.4 millions. The huge majority is illiterate and not organised into strong trade unions. The average worker, therefore, has no access to any agency which can agitate for his rights to gratuity—those very rights, Madam Vice-Chairman, which this honourable House is sworn to protect. I would once again request the hon. Minister to consider the setting up of an agency which would fill this very necessary need of providing gratuity to those who cannot agitate for it.

There is also a lack of any law which specifically takes care of the confirmation of those workers in their employment who live in a permanent state of limbo because of arbitrary and artificial breaks in service. Lakhs of workers continue as casual labour, Badli workers, etc., with no form of social security being available to them. This problem is even more acute in the sector of agriculture where we see mass migrations of casual labour, moving upon their annual pilgrimage from their own less developed States to large areas of western U.P., Haryana and Punjab during the harvest season. Every day one reads newspaper accounts of the exploitation of such workers which practice falls well within purview of the legislation on Bonded Labour. One of the priorities of the new 20-point programme is the total abolition and rehabilitation of bonded labour. Unless we take cognizance of this pernicious practice prevailing in this most important sector of our economy, millions of workers whose numbers do not figure in any statistics but who comprise a large part of our population will remain unprotected.

From these various instances, I am forced to come to only one conclusion—the Government, while making clear its intentions to safeguard the

[Shri Vishvajit Prithvijit Singh],

interests of labour and while actually doing so to the best of its ability especially in instances which come to its notice—actually suffer, from a lack of any directional policy—the implementation of which can achieve positive results directed towards a particular goal. I am sure that the hon. Minister, under his able guidance, will introduce, through his Department a comprehensive all-embracing legislation which will, I would repeat, convert into real terms the national gains which the Parliament of India has seen fit to confer upon the millions who toil ceaselessly for the progress and prosperity of this great nation.

उपसभाध्यक्ष (डा० श्रीमती) नाजमा हेपतुल्ला : रामेश्वर सिंह जी आपके 6 मिनट हैं और आपके यहां से दो स्पीकर हैं।

माननीय सदस्य : 6 मिनट में दो आदमी कैसे बोल सकते हैं।

उपसभाध्यक्ष (डा० श्रीमती) नाजमा हेपतुल्ला : यह तो इनको देखना है।

श्री रामेश्वर सिंह : उपसभाध्यक्ष महोदया, जब मैं आपको देखता हूं तो इच्छा करती है कि ज्यादा बोलूं और जब आप मुझ को देखती हैं तो आप चाहती हैं कि मैं कम बोलूं। मैं समझता हूं इस दूरी को हम लोगों को थोड़ा नजदीक लाना चाहिये और आपको हमारे ऊपर रहम करना चाहिये।

उपसभाध्यक्ष महोदया, मैं इस डिबेट में विस्तार से नहीं जाना चाहता। अपोजिशन के हमारे काफी साथियों ने जो बातें कही हैं वे सारी बातें सामने आ गई हैं। सत्तारूढ़ दल के लोगों ने जो बंधुआ मजदूर की परिभाषा की है मैं चाहता हूं आप भी बंधुआ मजदूरी से मुक्त हो जाएं। आप आज बंधुआ मजदूरों की यरफ से बोल रहे हैं उससे

भी आपको छुटकारा मिले हम यह चाहते हैं। यह भी चाहते हैं कि भगवान, आपको सदबुद्धि दे कि इससे आपको छुटकारा मिल जाए।

SHRIMATI USHA MALHOTRA: He is supposed to talk on the working of the Labour Ministry but he is talking about something else.

श्री रामेश्वर सिंह : मैं ऊप्रा बहन जी से चाहता हूं कि आप कम से कम हमारे ऊपर रहम करें। मैं जानता हूं आप हमारे लिए यहां बैठी हैं।

उपसभाध्यक्ष (डा० श्रीमती) नाजमा हेपतुल्ला : नहीं, यह बोलने वाली हैं।

श्री रामेश्वर सिंह : तब तो आपको बोलने का मौका मिल जायेगा। आप मेरे ऊपर रहम कीजिए।

मैं पहले संविधान की बात करना चाहता हूं। इस अदालत में जो देश की सबसे बड़ी अदालत है इसमें क्या हो रहा है मैं बताना चाहता हूं। जो संविधान हमारा है इस संविधान में जो प्रावधान है जो इस संबंध में धारा है और जो इस संविधान की मंशा है क्या उस मंशा के आधार पर, इस संविधान के मुताबिक यह सरकार काम कर रही है? क्या यह सरकार संविधान की रक्षक है, क्या इस सरकार की संविधान के प्रति आस्था है? मैं यह पढ़कर सुनाना चाहता हूं आप मुझ को इजाजत दीजिये। संविधान में है "शोषण के विरुद्ध अधिकार"। यह पेज नम्बर 14 पर है।

"23. (1) मानव का पण्य और बेट बेगार तथा इसी प्रकार का अन्य जबर्दस्ती लिया हुआ श्रम प्रतिषिद्ध किया जाता है और इस उपबन्ध का कोई भी उल्लंघन अपराध होगा जो विधि के अनुसार दण्डनीय होगा।

(2) इस अनुच्छेद की किसी बात से राज्य को सार्वजनिक प्रयोजन के लिये

वाध्य सेवा लागू करने में रुकावट न होगी। ऐसी सेवा लागू करने में केवल धर्म, मूलवंश, जाति या वर्ग या इन में से किसी के आधार पर राज्य कोई विभेद नहीं करेगा।

24. चौदह वर्ष से कम आयु वाले किसी बालक को किसी कारखाने अथवा खान में नौकर न रखा जायेगा और न किसी दूसरी संकटमय नौकरी में लगाया जायेगा।”

मैं केवल उल्लेख करना चाहता हूँ। आप स्पष्ट कहते हैं कि 14 वर्ष से कम आयु के किसी भी बालक को नहीं लगाया जायेगा। आपने स्पष्ट कह दिया है कि नहीं लिया जायेगा। मैं आप से पूछना चाहता हूँ कि क्या इस सरकार के पास शर्म है। सत्तारूढ़ दल के लोगों ने, ट्रेजरी बैंक से जिन व्यक्तियों ने भाषण किया है सबने इस बात को स्वीकार किया है कि 3 वर्ष से 14 वर्ष तक की आयु के बच्चों से काम लिया जा रहा है और इनकी संख्या 10-20 लाख नहीं बल्कि करोड़ों में है। इस सरकार की संविधान में यह आस्था है? इस सरकार के पास शर्म नहीं है। यह सरकार संविधान सम्मत सरकार नहीं है। आप जानती हैं कि संविधान सम्मत सरकार वही सरकार कहलाती है जो सरकार संविधान के मुताबिक काम करती है... (व्यवधान)। हमारे श्रम मंत्री जी मुख्य मंत्री भी रह चुके हैं। श्री वीरेन्द्र पाटिल जी का मैं आदर करता हूँ और वह आदर इसलिये करता हूँ कि वे एक शिष्ट व्यक्ति हैं इनके अन्दर कभी भी उच्छृंखलता नहीं पायी गयी। जब मैं इनको देखता हूँ तो हमको लगता है कि कम से कम एक शिष्ट मंत्री तो मिला। लेकिन प्रश्न यह है कि क्या यह सरकार शिष्ट है? क्या

सरकार में कोई शिष्टता है? मैं यह कहना चाहता हूँ कि आज मैं यह संविधान लेकर यहां आया हूँ। मैंने इस संविधान की सदन में शपथ खाई है। मैंने पहले कहा कि यह सरकार संविधान सम्मत नहीं है। संविधान में इस सरकार की आस्था नहीं है। यह सरकार संविधान-हीन है। रोज संविधान का हनन करती है। यह सरकार संविधान का भक्षण कर चुकी है। इनके लिये संविधान नाम की कोई चीज नहीं रह गयी है... (व्यवधान)। मैं फेंक नहीं रहा हूँ। मैं इसको फेंक इसलिये रहा हूँ कि आपको दिखा रहा हूँ कि आप इसके भक्षक हो, इसके रक्षक नहीं हो। इसको इसलिये लेकर आया हूँ।

इसके आगे आप चले तो आपको पता चलेगा कि एक नेशनल कमीशन आन लेबर की रिपोर्ट आई। यह सन् 1969 की बात है। इस आयोग के अध्यक्ष थे मैं उनका नाम पढ़ देता हूँ श्री बी० पी० गजेन्द्रगडकर। इसमें मजदूरी और आमदनी का मापदण्ड पढ़ लेने के बाद मुझ को लगता है कि मजदूरों की हालत हमारे देश में गिरती जा रही है। मैं रोज इस सदन में इस ह्वाले से आता हूँ कि हमको कहीं तो लगेगा कि इस सरकार में न्यायसंगत कोई बात दिखाई दे। कल तो मैं उपसभापति जी के पास तक चला गया था, लेकिन आज नहीं जाऊंगा। हमारे देश में रोज डी०आई० जी० आई० जी० मारे जाते हैं, लेकिन कोई पूछने वाला नहीं है। आज हमारे देश में सरकार नाम की कोई चीज नहीं रह गई है। मैं यहां पर एक भाषण को कोट करना चाहता हूँ। यह भाषण बोनस के प्रश्न से संबंधित है। इसमें कहा गया है कि कारखाने में घाटा होगा तो सरकार कहां से पैसा देगी, कैसे बोनस

[श्री रामेश्वर सिंह]

देगी। यह कौन कहता है? आप कहें तो मैं नाम बता दूँ?

उपसमाध्यक्ष (डा० श्रीमती) नाजमा हेपटुल्ला : आपका वक्त है आप नाम लीजिए।

श्री रामेश्वर सिंह : यह नाम है प्रधान मंत्री श्रीमती इन्दिरा गांधी जी का और उनका यह भाषण है। वह कहती हैं कि जब कारखानों में घाटा होने लगता है, कारखाने मुनाफे में नहीं होते हैं और कारखाने घाटे में चलें तो कैसे किसी को बोनस दिया जाये। यह बहुत अच्छी बात है। इससे अच्छी बात कोई दूसरी नहीं हो सकती है। वह कहती हैं कि जहाँ पर घाटे पर चलने वाले प्रतिष्ठान हों वहाँ पर भी मजदूरों को बोनस देना पड़ता है। मैंने कम्युनिस्ट देशों के नेताओं से बात की है, मैंने उन देशों के नेताओं से बात की है जो स्वयं को समाजवादी कहते हैं, उन लोगों ने जोरदार शब्दों में कहा कि आप ऐसा कैसे कर सकते हैं? ऐसा करने पर आपके उद्योग कैसे विकसित होंगे? यह बहुत ठीक बात कही उन्होंने। लेकिन यह तो हमारी प्रधान मंत्री जी ने उपदेश दे दिया और जिज्ञा कर दिया तो मैं प्रधान मंत्री जी से इस सदन में पूछना चाहता हूँ कि क्या उन समाजवादी देशों में जिसको आप ने चर्चा की है (व्यवधान) उन लोगों से आपने पूछा और सही बात उन लोगों ने कही, गलत बात नहीं कही जब घाटा हो तो आप कहां से देंगे। वह यह कहते हैं कि हमारे यहां तो घाटा होता ही नहीं है। हम बोनस देते हैं तो क्या समाजवादी देशों का जो आचरण है, जो काम करने का ढांचा है वहां को सरकार की जो व्यवस्था है उस पर भी

आप गौर करेंगे क्या? वहां पर क्या है और यहां पर क्या है? एक आदमी तीन आना रोज मजदूरी पाएगा और एक आदमी पर तीन लाख रुपया रोजाना खर्च होगा यह क्या समाजवादी देशों में है? क्या वहां पर यह व्यवस्था है कि एक आदमी बिना खाने के मरेगा और एक आदमी खाते खाते मर जाएगा? क्या यह व्यवस्था वहां पर है कि एक आदमी बगैर मकान के रहेगा, फुटपाथ पर सोयेगा और एक आदमी शीत ताप नियंत्रित घर में चैन से सोएगा। क्या समाजवादी देशों में यह व्यवस्था है? मजदूर का बच्चा जहां पड़ेगा वहां पर यदि स्कूल है तो बीवार नहीं है, यदि बीवार है तो टाट नहीं है और यदि टाट है तो छप्पर नहीं है और आपके बच्चे वहां पढ़ेंगे जहां पर गर्मी के दिनों में ठंडा और ठंड के दिनों में गर्म वातावरण होगा। ऊषा मल्होत्रा जी का बच्चा भी उसमें कहीं पीछे लाइन में खड़ा रहेगा (व्यवधान)

श्रीमती ऊषा मल्होत्रा : मामूली स्कूलों में पढ़ें हैं.... (व्यवधान)

SHRI A. G. KULKARNI (Maharashtra) : Ushaji, for once, you have spoken the truth, that your children are educated in such colleges and high-schools.

श्री रामेश्वर सिंह : तो मैं यह पूछना चाहता हूँ कि क्या इसे समाजवादी देशों का आचरण कहते हैं? यहां पर कितनी ज्यादा गैर बराबरी है। कहां पासवान जी बैठे हुए हैं और उनका चचेरा भाई रिक्शा चलाता है, पेट नहीं भरता। यहां यह संसद सदस्य हैं। हमारे भाई यहां पर बैठे हुए हैं धर्मवीर जी, हमारे बगल के पूर्वी उत्तर प्रदेश के रहने वाले हैं। आप यहां बैठे हैं और आपके भाई और आपकी बिरादरी के जो शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब्स के लोगों का नाम

उन्होंने लिया और ले कर यहाँ से चले गये, बोल कर लोग चले जाते हैं शैड्यूल्ड कास्ट और शैड्यूल्ड ट्राइब्स की बात करने वाली सरकार में धर्मवीर की जो बिरादरी के लोग हैं कितनी ऊँची नौकरियाँ में हैं ? यह बेचारा तो चपरासी की तरह है, जब चाहे निकाल दिया जाए। इसको हिम्मत कहाँ है जो अपनी मालकिन से लड़ पड़े। इसकी हिम्मत कहाँ है थोड़ा सीना तान कर खड़ा हो जाए और कहे कि हमारी मजदूरी बढ़ा दो, हमारी तन-खाह बढ़ा दो।

उपसभाध्यक्ष [डा० (श्रीमती) नाजमा हेपतुल्ला] : आप चाहते हैं कि यहाँ भी ट्रेड यूनियन बन जाए।

श्री रामेश्वर सिंह : मैं नहीं चाहता हूँ लेकिन अगर यहाँ ट्रेड यूनियन बन गया तब तो हमने जो पहले कहा कि आप भी बन्धुआ मजदूरों की तरह से जो हो उससे मुक्ति पाओ इतना ही कर लो। उपसभाध्यक्ष महोदया, मैं दो बातों की तरफ और ध्यान दिलाना चाहता हूँ और कोई मामूली बात नहीं है। मैं उन लोगों में नहीं हूँ। आपकी हमारी बात हो रही थी। कल्पनाथ हमारा छोटा भाई है। हम लोग एक ही पार्टी में थे। अभी हम ने कल्पनाथ से जिक्र किया, कल्पनाथ यह क्या हो रहा है यह खूनखराबा देश में क्यों हो रहा है। जब देश में संतुलन बिगड़ जाएगा और शरीर का भी संतुलन बिगड़ जाएगा जैसे अंग्रेजी में टाइप किया हुआ लिखित भाषण ले कर पढ़ा, स्वतः उनमें भाषण देने की कंपेसिटी नहीं थी मैं कहना नहीं चाहता हूँ किसी सदस्य ने हमारे कुलींग सदस्य हैं, लेकिन जब शरीर का बैलेंस बिगड़ जाएगा तो काम नहीं करेगा। उपसभाध्यक्ष महोदया, मान लीजिए कि आपका ही...

उपसभाध्यक्ष [डा० (श्रीमती) नाजमा हेपतुल्ला] : छोड़ दें इस भाषण में तो अच्छा है।

श्री रामेश्वर सिंह : अच्छा तो उपा वहन को लीजिये (व्यवधान)

SHRIMATI USHA MALHOTRA:
I am on a point of order. Personal remarks should not be allowed.

श्रम तथा पुनर्वास मंत्रालय में राज्य मंत्री (श्री धर्मवीर) : शरीर का बैलेंस अगर बिगड़ जाये तो काम चन्न सकता है और दिमाग का बैलेंस अगर बिगड़ जाये तो काम चल ही नहीं सकता है।

श्रीमती ऊषा मल्होत्रा : परसनल रिमार्क्स के लिए पहले भी कहा गया था इस हाऊस में कि आप नहीं लाएंगे फिर बैलेंस बिगड़ा नहीं बिगड़ा How does it affect your health? मेरे को यह बताइये। हमें तो यह लगता है कि आपका कहीं बिगड़ गया है। यह लग रहा है।

श्री रामेश्वर सिंह : मान लीजिए शरीर और दिमाग दोनों का बैलेंस बिगड़ जाये तब क्या होगा। तो ये जो सरकार है इसके शरीर और दिमाग दोनों का बैलेंस बिगड़ चुका है। जो मौजूदा सरकार है जिसने संविधान की चर्चा की है इस सरकार के शरीर और दिमाग दोनों का बैलेंस बिगड़ चुका है। इसलिए उपसभाध्यक्ष महोदया, आज जो हमारी स्टेट्स ये डिमांड कर रही हैं कि हमारा हक बढ़ाया जाये, हमारी ताकत बढ़ायी जाये, यह डिमांड आज से 10 साल पहले क्यों नहीं हुई, जब संविधान बनाया था तब क्यों नहीं यह सवाल उठा, आज क्यों उठ रहा है ? इसलिए उठ रहा है कि कदे जो है वस सारी ताकत सेटलाइज्ड

[श्री रामेश्वर सिंह]

करके सारी ताकत अपने हाथ में लेना चाहता है और चाहता है कि हम ही और हमारी पार्टी ही इस देश की हुकूमत करती रहे, चाहे देश चूल्हें भाड़ में जाय (समय की घंटों) इसलिए लेबर प्रॉब्लम जो है जिस पर हम भाषण दे रहे हैं आज उन लेबरों की हालत क्या है ?

उपसभाध्यक्ष डा० (श्रीमती नाजमा हैबतुल्ला : आप भाषण खत्म कर रहे हैं।

श्री रामेश्वर सिंह : हम खत्म कर रहे हैं। आज लेबरों की हालत क्या है। आप चले जाइये, देखिये कोयला खानों में रोज लोग मर रहे हैं, टो० बी० की बीमारी हो रही है, सिगरेट बनाने वाले हैं उनको टो० बी० की बीमारी हो रही है छोटे छोटे बुनकर हैं उनको टो० बी० की बीमारी हो रही है। बम्बई में 15 महीने से हड़ताल चल रही है। सारा बम्बई ठप्प है। सारा उद्योग नष्ट हो गया। ये जो पार्लियामेंट है इस पार्लियामेंट के मੈम्बरों के आने से सरकार को कितना फायदा होता है। सारे लोग यहां आते हैं। अभी मैं बम्बई से एक हफ्ता पहले आया हूँ, आप भी बम्बई की रहने वाली हैं। बम्बई का सारा मार्वेट आज हिन्दुस्तान में सबसे खराब हालत में पहुँच गया है। क्यों, क्योंकि जिस उद्योग में ये मजदूर लगे हुए हैं वे और जितने उसके सहयोगी उद्योग जो थे, छोटे छोटे उद्योग जो बड़े बड़े उद्योगों को लोहा सप्लाई करते थे, पार्ट सप्लाई करते थे कोई कुछ करता था कोई कुछ करता था, वे भी मर गये हैं। इसके लिए कौन रिस्पॉन्सिबल है ? मैं रिस्पॉन्सिबल हूँ या सरकार रिस्पॉन्सिबल है। इस सरकार को चिंता नहीं है कि

देश डूब रहा है। इस सरकार को चिंता नहीं है कि आसाम जल रहा है।

पंजाब जल रहा है इस सरकार को चिंता नहीं है। ये लेबर से संबंधित है। लेकिन वे जो डॉ० आई० जी० मारे गये ये भी नौकरी में थे। चाहे बड़ा था या छोटा था। अब आप चले जाइये

उपसभाध्यक्ष डा० (श्रीमती) नाजमा हैबतुल्ला : आगे मत जाइये रुक जाइये क्योंकि आपका टाइम काफी हो गया है।

श्री रामेश्वर सिंह : कहता हूँ कि यह सरकार किस की सरकार है ? यह सरकार पूँजीपतियों की है।

उपसभाध्यक्ष : डा० (श्रीमती) नाजमा हैबतुल्ला) सरकार पर नहीं लेबर पर बोल रहे हैं।

श्री रामेश्वर सिंह : वीरेन्द्र पाठिल साहिब, यह सरकार आपकी नहीं है यह सरकार मोदी, टाटा बिरला की सरकार है और उनकी ही हिफाजत करने के लिए आप यहां पर बैठते हैं। आप मजदूरों की हिफाजत करने के लिए नहीं बैठते हैं। अभी मोदीनगर में क्या हुआ ? पिछले दिनों की घटना है, मोदीनगर के मालिक ने दिन दहाड़े मजदूर नेता को गोली मरवा दी। आपने क्या किया ? आपने उसके बच्चों को नौकरी दी। है शर्म इस सरकार को (व्यवधान) मालिक अपनी फैक्ट्री को चलाने के लिए मजदूर नेताओं को, मजदूर रहतुमाओं को गोली मरवा देता है और वहां पर सरकार हाथ पर हाथ रखकर बैठी रही। यह सरकार निलंज सरकार हो सकती है, यह समाजवादी सरकार नहीं हो सकती है। मैं प्रधान मंत्री जी से अदब के साथ कहना चाहता हूँ — प्रधान मंत्री का मैं निन्दक नहीं हूँ (व्यवधान)

श्री राम चरण वासवान (बिहार): उस समय जो मजदूरों की हत्या हुई है और जॉइंट जलाई गई हैं, उस समय शर्म नहीं होता था (व्यवधान) उदमपुरा का कांड हुआ पथरवा का कांड हुआ... (व्यवधान) मजदूरों को जलाया गया, तब उस समय शर्म को शर्म था कि नहीं था? उस समय क्यों नहीं आपने कानून बना कर चेज किया? उस समय कितना अत्याचार हुआ... (व्यवधान)

श्री रामेश्वर सिंह: हमारी सरकार ने जो काम किया, आपको मालूम है कि नहीं? यह भीष्म बाबू कहां चले गये, कल्प नाथ जो बैठे हुए हैं, इधर बैठे रहे और हमारी सरकार ने जो काम किया, जो आप कह रहे हैं, उसी का परिणाम है कि अठारह वर्ष में उस सरकार को हमने किनारे लगा दिया। लेकिन आप में कितनी हिम्मत है, जो बंधुआ मजदूरों के लिए चिल्लाते रहते हैं, आपकी सरकार दिन-बढ़ाई मजदूरों के लिए चिल्लाते रहते हैं, आपकी सरकार दिन-बढ़ाई मजदूरों से (व्यवधान) और आप में हिम्मत नहीं कि सरकार इस पर अंकुश लगा दे।

अब मैं आगे चलता हूँ, विवाद में नहीं पड़ना चाहता हूँ। दो मिनट हमारी बात सुन लें। मैं खतम कर रहा हूँ।

उपसभाध्यक्ष डा० (श्रीमती) नाजमा हेपतुल्ला): आप दो ही मिनट में खतम कर दें।

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श्री रामेश्वर सिंह: आपका और हमारा एग्रीमेंट है।

उपसभाध्यक्ष डा० (श्रीमती) नाजमा हेपतुल्ला): आप एग्रीमेंट पर कायम रहिये।

श्री रामेश्वर सिंह: तो हमने कहा कि यह सरकार किसकी सरकार है। अब कालीन उद्योग का नाम लिया, चले गये सुकुल जी बोल कर —कालीन उद्योग में जो मजदूर काम कर रहे हैं, मैं अभी कश्मीर से आ रहा हूँ, करीब पंद्रह दिन हुए श्रीनगर से लौटा हूँ। श्रीनगर के लीडर कहां चले गये, मैं नहीं जनता हूँ। (व्यवधान) क्या हो रहा है कि छोटे-छोटे बच्चे उसमें काम कर रहे हैं, कालीन उद्योग मर रहा है, इसलिए कि जो मजदूर काम कर रहे हैं, उनको समय पर पैसा नहीं मिल रहा है। मालिक उस समय पर पैसा नहीं दे रहा है, इसलिए नहीं दे रहा है, कह रहा है कि सरकार ने हमारी एक्सपोर्ट बंद कर दी और दुनिया के कम्पिटेशन में हमको लाकर के नंगा करके खड़ा करके छोड़ दिया है। (समय की घंटी) आपकी एक्सपोर्ट नीति उन मजदूरों से संबंधित क्या है? जब उद्योग मरेगा, तो मजदूर को पैसा नहीं मिलेगा। यह हमारी प्रधान मंत्री जी ने भी कहा है कि जब मालिक को नफा नहीं होगा और मालिक को लागत भी नहीं आएगी, तो कारखाने बंद होंगे, कारखाने बंद होंगे, तो कारखाने किसके बूते पर चलते हैं? मजदूर के बूते पर चलते हैं। अच्छा मजदूर के बूते पर चलते हैं, तो जब कारखाने चले ही नहीं, तो मजदूर खायेंगे कहां से, यह प्रश्न पढ़ने समय लीजिए हमारा (समय की घंटी)

[श्री रामेश्वर सिंह]
कारखाना चलेगा कब ? जब माल बिकेगा। माल जब बिकेगा ही नहीं, तो मालिक तो प्रोडक्शन नहीं करेगा, प्रोडक्शन नहीं होगा, तो मजदूर को मालिक तनख्वाह नहीं देगा। तनख्वाह नहीं जब देगा, तो मजदूर भूखों मरेगा। आपने हमारी मोटी सी बात समझ ली। क्या आपकी एक्सपोर्ट नीति है, क्या आप करते हैं।

एक माननीय सदस्य : दो मिनट हो गये हैं।

श्री रामेश्वर सिंह : अच्छा, इन्होंने कह दिया दो मिनट हो गये हैं, वैसे बोलने को तो बहुत है। पर मैं एक ही वाक्य में कहूंगा कि आपकी सरकार न कोई समाजवादी सरकार है, न जनतंत्रवादी सरकार है, न सर्वसम्मत सरकार है, यह सरकार बिरला, टाटा पूंजीपतियों की सरकार है, जो उनकी हिफाजत करने के लिए हैं, चाहे देश बूल्हे भाड़ में चला जाए, मगर बिरला साहब और टाटा साहब की पूंजी बढ़ती जाए, और वे आलीशान मकान में रहें और हम लोगों को खाने-कमाने के लिए रास्ता खोल दिया जाए। हम लोग हैं, एक हजार, पंद्रह सौ या दो हजार बंधा बंधाया अलौंस मिल जाता है, हम लोग पीछे-पीछे हैं, हरिओम-हरिओम राम-राम कर रहे हैं, आपकी मीज ले रहे हैं, खा रहे हैं, यही संविधान है, यही एक देश है और यही सरकार है।

तो मैं कह रहा हूँ (समय की घंटी) कि इस सरकार के पास न तो कोई अपनी स्कीम है, न कोई अपनी नीति है और न संविधान के प्रति कोई ममता है।

इन्हीं शब्दों के साथ मैं अपनी बात खतम करना चाहता हूँ और द्वारा वीरेन्द्र पाटिल साहब से कहना चाहता हूँ
(व्यवधान)

उपसभाध्यक्ष डा०. (श्रीमती) नाजमा हेपतुल्ला) : अब आप अपनी बात खतम करिए।

श्री रामेश्वर सिंह : कि कम से कम आप तो (समय की घंटी) शरीफ आदमी है, आप कैसे इस मंत्रिमंडल में पड़े हुए हैं, आप ऊपर करके इधर आकर के बैठ जायें, क्योंकि इधर की कुर्सी आपको ज्यादा शोभा देती है क्योंकि वहां के लायक आप नहीं हैं।

इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूँ।

SHRIMATI USHA MALHOTRA: Madam Vice-Chairman, I am grateful to you for giving me this opportunity to speak on the working of the Labour Ministry.

I am really shocked at what actually Mr. Rameshwar Singh had to say from across the floor. I would say he tried to show himself as a champion of the working class all along, representing them in this House, but not a word has been uttered by him for them or for the women that comprise 50 per cent of the population of the country. This is what has happened in the past and that is why I find that in spite of the fact that people had confided in all of them, now they find themselves there on the opposition benches.

श्री रामेश्वर सिंह : हम इनकी बात पर ध्यान ही नहीं देते।

श्री मती उषा मल्होत्रा : आपको समझ कभी नहीं आयेगी। मैं कहती हूँ कि आप काम करने की नीति हैं।

The policy of the Government has been reflected in the Sixth Five-Year Plan. It has gone all out for the working class and for the emancipation of the industrial and agricultural workers so that both get a fair deal. We have to have peace and harmony. We cannot allow other parties to hold them to ransom just for their own petty interests. What has happened

in the Bombay textile strike? I would say it was a hand, a selfish hand, which worked against the interests of the workers over there. The Government has tried its level best, and I would like to congratulate the Government for the way in which it has handled the entire situation.

SHRI A. G. KULKARNI: It has not yet handled.

SHRIMATI USHA MALHOTRA: If you go over the record of the Government, you will be able to find out and decipher for yourself that the lock-outs, the strikes, during the Janata regime were far too many which affected the productivity in this country.

[THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN) in the Chair]

The entire *economy* was damaged beyond recognition. The entire infrastructure, the entire fabric of the economy was damaged. And who should be held responsible? I hope all of you will kindly look within and see that this negative approach will *not go* very far with this country or with yourselves with a negative approach.

I would like to congratulate the hon. Minister for Labour and the Ministry also for working day and night in trying to put the house in order that was ransacked by the earlier regime. Our hon. Prime Minister, Shrimati Indira Gandhi, has announced the renewed 20-point programme which goes a long way in the emancipation of the workers. The programmes are very vital, and hence unstinted support is forthcoming from all the four corners of the country. The Sixth Five-year Plan has spelt out the broad programmes, the objective of the minimum wage policy, the rehabilitation of the bonded labour. And I would say, "Kindly look within yourselves." You also seem to be bonded labour, worse than those working elsewhere. We are free to speak what we like. But you speak the same language which can not be

understood. We are trying to improve upon the earlier labour policy. We have the Minimum Wages Act which is there. I would appeal *to* the Government to kindly look into it and see that we are able to amend it as was originally designed within a period of five years.

I would like to go back to another remark that was given by one of my colleagues across the floor, Mr. Mathur. He said that the Government's policy is to support only one organisation, and I feel he meant the INTUC. But let me bring it to the notice of this House that there have been violations of the code of discipline in some unions which have been brought to the notice of the Ministry, and during the Janata regime those unions were recognised. They were accorded recognition, I have violated the code of discipline. Is this what you expect? Is this how you are going to carry the country along the path of progress and prosperity? Kindly question your hearts within. What do they say? What has happened after that? I have requested the hon. Minister to get these unions de-recognised. In spite of the fact that the INTUC unions are in a majority, our voices are not heard. I have this remorse in my heart that the delay in appropriate action is there. They are trying to create all sorts of stories and misunderstandings and they are trying to follow such cases so that their doings are not undone. But it will affect the interests of the workers. I would plead with them to kindly refrain from doing so.

For the first time in the Plan document there is a chapter on women and development. I am sorry that the Opposition has not even a single lady Member to speak for women. There was one sitting in the Chair from our side. And I have sat all along. My leader gives me that inspiration to speak for them. E; i not a single opposition lady Member has spoken on the plight of women, although the Government has done *

[Shrimati Usha Malhotra]

lot for them and lot more remains to be done. Their rights remain enshrined in the Constitution, entombed in the Constitution, but the implementation, the way it ought to go, will come only with the help and co-operation from all sections of the people, from all the parties. We have been able to get women as 50 per cent of the voters, but do we care for them as much? No. But our hon. Prime Minister has always thought of them and has actually demarcated certain areas where they can be accommodated.

श्री रामेश्वर सिंह : आप लोगों के बारे में सोचा लेकिन हम लोगों के बारे में तो वह सोचती ही नहीं।

SHRIMATI USHA MALHOTRA: The aim is to provide the necessary infrastructure for the full development of the potential of women to enable them to play a significant role in the development process as participants and beneficiaries. Women have a vital role to play in the reconstruction of a nation. Men and women are the two wheels of the nation's chariot. They both have to move with equal speed on the path demarcated for the nation for its onward march to progress and prosperity. You cannot leave out 50 per cent of the population behind. You have done it all along. We all know it is a male-dominated society, a society which has actually kept us back. You cannot push them into a corner and expect that the country will progress. Not one of the opposition member has spoken about women. I am shocked at this. We would like to prove our worth. In the past during the political struggle, whatever was given to us to share and shoulder, we came out successful. And in the economic struggle, we are there. But I would say that the attitude of the society, in spite of the laws, in spite of the Constitution, somehow keeps us away from what is our rightful place in the society. We would like to take

up gainful employment in the nation's developing economy. We would like to supplement the family's income. Both man and woman contribute towards betterment of the family which is the basic unit of a nation. Women cannot play this coveted role if they are pushed back. The attitudes have to change but within the framework of the cultural heritage that we have inherited. There should be mutual respect for each other. There should be place for the man as well as the woman, whether it is the worker in the factory or the worker in the field. The United Nations Assembly proclaimed the period 1976—85 as the Decade of Women in equality, development and peace. Ever since the dawn of independence, our programmes and policies have reflected a concern for the women of the country. Female literacy and education is on the increase. But I would say that in spite of this literacy and the absorption of women is much less in proportion.

श्री जगदीश प्रताप माथुर : मैं आ गया हूँ। आप ने कहा था ना।

SHRIMATI USHA MALHOTRA: Mr. Mathur had said something and I have already replied to that which I will convey to him later.

The non-workers include housewives, students, infant children and old people. They do not participate in the economically productive work. My concern, however, is that the progress of gainful employment of women is low in spite of the higher percentage of literacy which I had just referred to. This is because discriminatory practices arising out of so many factors, are there to keep them back. The Indian Constitution guarantees equality of opportunity in matters of employment and directs the State to secure equal rights and adequate means of livelihood, equal pay for equal work, just and humane conditions of work. Our labour laws provide for protection and welfare. But women are becoming the victims of the impact

of transition to modern economy which has meant exclusion of women in increasing numbers from active participation in the productive process. I would also like to draw the attention of the Government, wherever women workers have been retrenched, those women workers should be taken back. Their re-entry should not be made impossible. Their re-entry should be easier and there should be laws. There are laws, as a matter of fact, which safeguard their interests. But they should be implemented. Enough has been done in the Ministry and I would again congratulate them. But at the same time I would say implementation is far more important than just drawing out blueprints on paper and passing them or handing them over to the officers. A majority of those who participate fully, are on sufferance. This is the plight of women, I would say, mostly due to the attitude which has been meted out to them by the society, by our brothers here and down the line. A very large number of those women are subjected to exploitation of various kinds with no protection from the society. The experience of some countries has shown that it is possible by public policy to accelerate women's employment in new areas of work. There are areas of work in which they can be gainfully employed, like electronics, small scale industries, village industries, etc. (Time-bell rings) I hope you don't mean that I should finish here and now. I am the only lady Member speaking on this subject...

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): That is why a lot of latitude is being shown.

श्री मंत्री उषा मल्होत्रा : अगर यहाँ भी डिस्क्रीमिनेशन हो गया तो बाहर भी वही चीज चलेगी और फिर मंत्री जी क्या कहेंगे। रामेश्वर सिंह जी नहीं हैं। वह भी सुन लेते (व्यवधान)

श्री रामेश्वर सिंह : मैं यहीं हूँ।

SHRIMATI USHA MALHOTRA: But you are on this side. You cannot speak.

SHRIMATI USHA MALHOTRA: You are on this side of the House. So you have to keep your mouth shut.

Our Honourable beloved Prime Minister has time and again emphasised that women have a rightful place in the society along with men. And only recently her concern for women workers was reflected in her speech in a Conference which she addressed of the Public Undertakings, I quote "One of the complaints they make is that most of these women who are engaged through employment exchanges as clerks, telephone operators, telex operators, etc. have been working on daily wages for years and that in order to deprive them of the benefits of labour laws, the management gives them short leaves. The Ministry of Labour has issued guidelines..."—They have issued guidelines, but implementation has to be ensured. This is not included in the words that were spoken by her. I quote again "...for the regularisation of such casual workers but they are guidelines without any legal force behind them. But if they are guidelines, they should be treated as such. I don't think you need a law to force you to do it. Each one of you should see to it that in your own areas all such Government policies are in fact carried out. You must also have a humane approach." I unquote this is what I appeal to all of you. This is what I appeal to the society. There should be a humane approach and let the women-force come forward. One of the main characteristics of the modern society is a heavy reliance on laws to bring about a social change. But I feel voluntary organisations have a very vital role to play. I would request the Labour Minister to take them into confidence. I think the Labour Minister will do well in listening to their problems and try to

[Shrimati Usha Malhotra]

sort them out and appreciate the constructive role that has been played by them. I would congratulate them for having pleaded the cause of women at large.

It has been the endeavour of this Government to uplift the social and economic conditions of the unorganised rural workers in the country with a number of measures mainly with a view to increasing their income and improving their living and working conditions. A Rural Workers' Cell of the Ministry was also set up which coordinates and monitors the activities relating to the problems of the rural workers. The Child Labour Cell is also there. We have to see that the children do not suffer because of forced labour. Emphasis should be laid on the abolition of child labour because we are not able to follow up so many cases which go unheeded because of which poor children are made to suffer and are victimised by their employers.

" We are all aware of the provisions in different articles of the Constitution and our Government is pledged to implement these provisions of the Constitution. We are conscious of the fact that one of the most important means of achieving improvement in the status of women is providing employment opportunities to women. I would like to quote just a few of these articles so that they are on record. The Constitution in article 16(1) prohibits discrimination against women in matters of employment or appointment to an office under the State. Article 16(2) provides that no citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them be ineligible for, or discriminated against in respect of any employment or office under the State. Article 39(d) in the Directive Principles of State Policy envisages equal pay for equal work. Then there is the Convention No. 100 of the ILO which was ratified by our Government in 1958. The

Equal Remuneration Act is also there under which Central Advisory Committees have been formed and the State Advisory Committees have also been set up. The Women Cell is also there. The main purpose of this cell is to see that every State Government and Union Territory be requested to set up those cells so that the problems of women workers are dealt with by them. • The purposes of the Women's Cell are (1) formulation and coordination of policies and programmes on the female labour force within the framework of national manpower and economic policies; (2) maintaining liaison with other Government agencies to secure implementation of the programme in respect of women workers; and (3) implementation of the Equal Remuneration Act and its extension to various employments/industries and examination of difficulties, if any, pointed out by the units/industries. The role of the Women's Cell has already been defined. It looks into the welfare of women workers. I would request the Government to concentrate more on the implementation side. There is a National Labour Conference which, I would say, should be convened at an opportune time. The Industrial Relations Commission could go a long way in sorting out certain problems of the industrial workers.

Coming to child labour, I would say that there are nutritional programmes and there are vocational programmes and there is literacy drive. In spite of all these, children and Women are not being given a fair deal. I may not name them all as all of them figure in the Labour Ministry's Report. Constitution has given a place to the Scheduled Castes and Scheduled Tribes, who get reservation in appointments. Why can't you reserve 25 per cent jobs for women?

[Mr. Deputy Chairman in the Chair].

AN HON. MEMBER: Why not 50 per cent reservation for Women?

(Devtt. of Labour)

SHRIMATI USHA MALHOTRA: All right. I would be very happy if you men could allow it. Even the Opposition party members' wives and female members of their families have voted for Shrimati Indira Gandhi, I know, and I can tell you that today you cannot gloss over the fact that you are quite perturbed over this fact that Shrimati Indira Gandhi actually rules their hearts. Even now if we have not been able to do something for them and if during her regime and with all her concern for women and with all the efforts of our Government we cannot do it, then we have no hope in the foreseeable future and I would say that it is now or never for us, the women force. We have to have 25 per cent reservation and if we can have more, then there is nothing like that. Otherwise, I would tell you, our rights will only remain enshrined in the Statute Book and in the Constitution. Backward they may be, but enlightened they are, and they know what is right and what is wrong. And if Shrimati Indira Gandhi could come back, it was not because of what they, the women, the workers had in your hearts, but it was because of what they had in their hearts for her. She is not merely our leader; but today she is a leader of international fame and we must realise that whatever she has done for us, we have to carry it down the line. So, please co-operate with us for the sake of the workers, for the women and for the children. There are different programmes which have been framed for these people and we need your active support for these things. I would like to appeal to the honourable Minister of Labour, being the only woman present who is fighting for them at the moment, not that I am doing it all by myself; my colleagues join me in doing so. It is the leader at the top who gives this inspiration and this rightful place to us. So, I would appeal to the honourable Minister to keep this in mind and issue a directive to all the concerned Ministries

not to take away our rights from us, and the real emancipation of women, which the father of the nation had thought of for us, should come now along with this right to enable us to serve our country.

With these words, Sir, I thank you.

SHRI INDRADEEP SINHA (Bihar): Mr. Deputy Chairman, Sir, not being a trade unionist myself, I feel I have a certain advantage in speaking today and I can raise some broad issues of the labour policy to which the honourable Labour Minister will, I hope, pay some attention, because they are seriously affecting both the economy and the politics of the country.

Now, Sir, the first point that I would like to mention is that 1982 was declared by the Prime Minister as the Year of Productivity and there has been no bigger force than this and there has been no greater fiasco than the fiasco in the Year of Productivity, that is, the year 1982. So far as industrial production is concerned, this Ministry's Report notes that "the number of man-days lost during 1982, excluding those due to the textile strike in Bombay, stood at 43.38 million" and added to this the loss due to the textile strike in Bombay, 62.07 million, and it comes to 105.45 million man-days lost. This is a record! Neither the British Government achieved this record nor any other previous Government achieved this record nor even Madam Indira Gandhi achieved this record in any other year except this year, the Year of Productivity. Ten crore man-days were lost in this year of productivity. This, I think, is the biggest condemnation of the labour policy of this Government. It is not only that the labour policy has proved to be a fiasco, but also the economic policy for the whole economy of the country is in a state of decline now. The rate of growth in industrial

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production is almost half compared to 1981-82 and even that rate may not be realised because much of the growth that has taken place is in some of the State sector undertakings like coal, petroleum, electricity, etc. In the private corporate sector, in the private sector as a whole industrialists are complaining that there has been hardly any growth in industrial production. Another feature of the year under consideration as also of some other years is that not only workers go on strike. There are lock-outs making strike. There are lock-outs making quite a significant contribution to the total of man-days lost. Workers are also compelled to go on strike and the capitalists are also going on strike and the Government is unable to control them.

Then, Sir, my hon. friend Shrimati Usha Malhotra "was speaking about women and bonded labourers. Now, I am coming from Bihar. Agricultural workers from Bihar come to Punjab for working in the fields. And what happens? They are caught by the police at the railway station and straight taken to jails to work as servants for the prisoners in Punjab. The Akali prisoners were to be served in Punjab jails. So, the Bihar agricultural workers are caught at the railway station and sent to jails in Punjab. This is a scandal. So the evil practice of bonded labour continues in spite of big speeches. And the number of atrocities has not been revealed this year. I am sure it is no less than last year's. And women are, I think, bigger victims of these atrocities against Harijans, tribals and other weaker sections of the community. So, Sir, my general observation is that there has been a dismal failure of the Government's labour policy which is apparent from whatever figures are given in the official report.

Now, I do realise that the labour policy alone is not responsible for this state of affairs. The bigger share

of the responsibility must be borne by the general economic policy of the Government, including the industrial policy, the Financial policy, the export-import policy, etc. This is no occasion here to go into the details of these problems. But I would only like to mention that what is known as "import liberalisation" is partly responsible for the decline in internal industrial production and partial recession in a number of industries. Industrialists themselves are complaining in some cases and even peasants are complaining about it in some cases. For example, artificial fibres have been imported year after year during the last three years. This has hit the producers of artificial fibres here. This has also hit the cotton growers here and caused a slump in the cotton market. And yet under the so-called "import liberalisation" policy it is being imported. Take soda ash, caustic soda and so many other things; even steel and fertilizers were imported when the production inside the country was going up. Inventory accumulation took place. So due to the wrong economic policies production has declined, closures and lockouts have increased, workers have to go on strike. This is the dismal result that has been produced.

Now, I would like to say a few words more about the labour policy. What is the main feature of the situation on the labour front today? I hope the hon*. Minister will agree that the main problem is erosion of the real value of wages due to inflation. What is the extent of erosion? According to the official report itself or according to a statement made here by the Government with 1960-61 as base, both the wholesale price index as well as the consumer price index for industrial workers have now crossed the figure of 500. Prices have risen five times (since 1960-61). What about wages? Have the wages of even what are called the "high wage islands," have the wages of the workers working in the high wage islands gone up to that extent? I may nar-

rate here what a High Court Judge told me. Their salaries fixed in 1960 are now only worth about one-fifth. -- So, this erosion of wages has taken place in various categories of workers and employees, including Government employees, including well-paid employees and low-paid employees. Everywhere this erosion has taken place. And so far as the low-paid employees are concerned, Sir, my impression, my estimate on the basis of the facts that I have gone through, is that their position has been reduced to very near the level of wages in agriculture, in unorganised industries, in small industries, and in all the factories. What are the wages of agricultural labourers? The revised wages are anything between Rs. 4 to Rs. 6 or Rs. 10. But what were the wages under the Minimum Wages Act fixed in 1960? They were nowhere less than Rs. 2. So, they should be nowhere less than Rs. 10. Government have not been able to prevent even erosion in the very low wages that were paid to the agricultural labourers. (Time bell rings)

So, this is the main problem. And this problem has been further aggravated by, I should say, certain thoughtless directives issued by some of the authorities under the Government. For example, a directive to which an hon. friend made a reference was issued by the Bureau of Public Enterprises, trying to impose a kind of wage freeze that you cannot increase wages, by more than a certain percentage. This ban is going on in Britain or in other advanced capitalist countries where the Governments are saying that whatever the rate of inflation, you cannot have a wage increase of more than 4 per cent or 5 per cent per year. Our Government cannot pursue that policy. And if that policy is pursued, there will be burst-up in the industrial sector.

Sir, an hon. Member stated that in 59 public sector enterprises, wage agreements have expired. But the Government is sitting tight and not doing anything to re-negotiate fresh

wage agreements. The Bureau of Public Enterprises has given a directive that if a fresh wage agreement is arrived at, it cannot have any retrospective effect. Then, what is the meaning of this policy? The meaning is that the Government is provoking the workers in the public sector enterprises to go on strike.

The Government is not granting the dearness allowance and other demands that are due to its own employees. And in order to shelve this issue, it has appointed a Pay Commission. Now, even this Government cannot deceive all people for all time. You can deceive some people for some time. This Government talks bravely about pursuing very popular policies but it has copied, even borrowed—from my friend, Rameshwar Singh is not here—from the notorious Industrial Relations Bill that was placed by the Janata Government which all trade union organisations, including the INTUC, opposed. This Government is trying to borrow piece from that Bill and enact them as pieces of trade union.

SHRI SHRIDHAR VASUDEO DHABE: INTUC is now supporting it.

SHRI INDRADEEP SINHA: That is because they are bonded labourers of the ruling party. What else can they do?

MR. DEPUTY CHAIRMAN: This has been abolished now; don't talk of it.

SHRI INDRADEEP SINHA: A few days back, teachers demonstrated here demanding withdrawal of that Bill.

MR. DEPUTY CHAIRMAN: That will be discussed day-after-tomorrow.

SHRIMATI USHA MALHOTRA: Pardon me, Sir. I am sorry a man of his calibre, my colleague, should call INTUC bonded labour. What is this?

SHRI INDRADEEP SINHA: All right; I withdraw that; they are pocket leaders of the pocket unions. If you are satisfied I will call them by that expression if it suits you better.... (Interruptions)

SHRIMATI USHA MALHOTRA: They don't understand this. You must learn something from Mahatma Gandhi

SHRI INDRADEEP SINHA: If my friend, Usha Malhotra, is pleased with the expression, I am prepared to call them leaders of the palace unions. They have nothing to do with the working class.

Now, Sir, in this Report, it has been stated that no Central legislation for agricultural labourers can be passed. Why not? If a Minimum Wage Act can be enacted by Parliament, why cannot a Central legislation for agricultural labourers be enacted?

One more problem to which other friends also referred and which is, this prolonged Bombay strike. It is due to the insistence of the Government on maintaining the recognition of a union which has been disowned by workers. I think even now some wisdom should dawn on the Government.

One more fact I would like to place before you. It is from Public Enterprises Survey—an official publication. In this publication, there is an expression called value added by manufacture, that is, the appreciation in value in the process of manufacture that is, total price minus cost of raw materials, energy and other materials consumed. Now, out of this value added by manufacture (VAM), the percentage share of wages and salaries was 61.6 in 1978-79; 59 per cent in 1979-80; again 59 per cent in 1980-81; but 45 per cent in 1981-82. We do not have the figure for 1982-83.

So, if the share of the worker in the value that he himself produces is so drastically cut, what can be expected? We can only expect countrywide strikes, big flare-ups, large-scale battles and struggles in the factories, in mines. Workers are restive today. Workers are restless because their condition is so bad that there is no way-out for them except to fight, to struggle. And I would like to request the hon. Min-

ister not to blame the workers alone. Who is not going on strike today? Magistrates have gone on strike; judges have gone on strike; policemen have gone on strike. All types of people are going on strike because of unbearable economic conditions.

So, if the Government does not see the reality today, if the Government does not wake up to the reality, does not mend its policies, everybody will go on strike and there will be struggles everywhere.

MR. DEPUTY CHAIRMAN: Please conclude.

SHRI INDRADEEP SINHA: Yes, I am concluding.

Now, the Government's policy reminds me of an expression which I used to hear during the days of the freedom movement. The policy of the British Government used to be characterised in a couplet;

“बीबी नाच करो पैसा मिलेगा,
एक नहीं दो नहीं, तीन मिलेगा,
लेकिन आज नहीं, कल नहीं, परसों
मिलेगा।”

This is the essence of the policy of this Government as well. They are not talking of anything less than socialism. But in practice, whatever the worker was getting is being stolen, is being pickpocketed. On the booking windows in railway stations and other places, there are signboards 'Beware of pickpockets?'. These signboards should be removed from there and they should be hung on the offices of the Labour Minister and the Finance Minister. These are the biggest centers of pickpocketing of the working class. They are pickpocketing the workers, the employees, and the other working people. That is why, these people have to fight.

In the end, I have some suggestions to make, some requests, if the Government is prepared to consider them. Firstly, withdraw the two Bills, trade union Bills, which are being opposed by all the workers, all the teachers.

and by all the central trade unions, except the INTUC. Secondly, withdraw the notorious directives of the Bureau of Public Enterprises. Thirdly, scrap that Bombay Act which gives monopoly of representation to a trade union which has lost its mass base, that is, the INTUC. Then, open negotiations with the central trade unions. Start a dialogue. Start a dialogue with your own employees. This Pay Commission is not going to solve any problem. Then, you should also revise the minimum wages of agricultural labourers and provide adequate compensation for the agricultural labourers who lose their limbs or their lives during the course of their work. For example, on the threshers. The threshers are being used without any proper safety devices. As a result of this, many people are losing their hands and so on. These are the few suggestions I would like to make for the present and hope the Government will not reject them. I will end by just reading another couplet which describes the situation, the position, of the Labour Minister and the Government.

मोम को मंदिर, माखन को मुनि,
बैठि हुतासन आसन कीन्हें।

The temple is built of wax, the God is of butter and the chair is on fire. On a chair which is on fire, a God made of butter is sitting in the temple of wax. This is the situation of your Government today. If the Government does not change its policies and methods, there is bound to be a big flareup, there is bound to be nation-wide strikes and there is bound to be big struggles which will compel the Government to change its reactionary policies.

SHRI G. C. BHATTACHARYA: Mr. Deputy Chairman, Sir, I rise to oppose the Demands.

MR. DEPUTY CHAIRMAN: There are no Demands

SHRI G. C. BHATTACHARYA: I rise to oppose the Report. I do it because there have been fundamental changes in the labour policy of the Government. At the dictates of the International Monetary Fund, and the monopoly houses, some of the basic policies of the Labour Ministry have been changed. Sir, one of the conditions of the IMF loan was that there should be peace on the labour front. The Ministry is making all efforts to have the peace of the graveyard on the labour front. This has started with the acceptance of the IMF loan last year, as a result of which, many retrograde labour laws were enacted and some Bills have been introduced for the same purpose. All the problems which are being faced by the working class, or, most of them, can be faced to this one single factor. The burden of economic crisis has been mostly shifted on the working class. This has also aggravated the problems faced by the working class. As a result of recession there has been closures of many industries and this has resulted in large-scale unemployment. I am not quoting figures because my learned colleague, Comrade Sinha, has given many figures, so, because of the crisis, there have been unprecedented layoffs, there have been unprecedented lockouts. The other aspect about fall in the real value of wages has been covered by my previous speaker. There has been a steep fall in the real value of wages. It is more than five times and the real value now is only 17 paise. If this is the state of affairs, I would like to know what the Labour Ministry is doing to give any succour to the working class which is now groaning under the burden which has been shifted on them alone.

Sir, the Labour Ministry has been entrusted with two items of the 20-point programme. The first is item number five regarding implementation of minimum wage and the other is item number six regarding emancipation of bonded labour. I would like to know whether the Labour Ministry is aware of the position of the implementation-

[Shri G. C. Bhattacharya]

mentation of minimum wage both in the agricultural field as well as in the industrial field. In the case of Asiad workers the Supreme Court has said that article 24 of the Constitution of India gives a fundamental right to every citizen that he will not have to become a beggar and nobody can take forced labour from him. The highest court of the land has interpreted that non-payment of minimum wage amounts to violation of fundamental right, as it amounts to forced labour or beggary. I would like to know what follow-up action this Ministry of Labour has taken in the light of the pronouncement of that judgment of the Supreme Court. Follow-up action arises in the matter of fixing minimum wages. Notifications are issued by the State Governments and also in some cases by the Central Government that this minimum wages will apply only to industrial establishments employing 50 or more workers. Do you mean to say that the industrial establishments employing 49 workers do not come under article 24 of the Constitution? Does not article 24 apply to them? Are those employees not citizens of this country? Are they not entitled to minimum wages? So follow-up action was necessary. All such notifications have to be withdrawn or suitably amended. Even if you are employing 5 workers or one worker, you will have to pay the minimum wage. Otherwise, his fundamental right is violated. And the Labour Ministry has done nothing in this respect. If they have not done anything, the State Government is also not doing anything. Now I can give you one example. There are certain industries, which are claiming that they are manufacturing most sophisticated instruments which can compare with the biggest multinationals and reputable firms, but when the UP Government issued a notification that the workers engaged by such engineering industries should be paid minimum wages, the instructions contained in these notifications have not been implemented in the last three

years. When we raised the matter, I regret to say that the employers were successful in approaching the district authorities, labour department, labour Minister, Labour Secretaries everywhere, and in spite of our repeated submissions, memoranda and requests nothing has been done. Therefore, I would like to know, is this the way of implementing the 20-point programme? Are you implementing it? It is all an eye-wash. You are cheating your Prime Minister. The Labour Minister is cheating the Prime Minister. They are not implementing it. The Labour Ministry is sitting absolutely idle and their entire machinery is corrupt and they are at the beck and call of the employers.

Now I shall take the question of bonded labour. I would like to know how many persons belonging to the Labour Ministry have gone and found out bonded labourers. In many cases, either an individual or some organisation or somebody going to the Supreme Court itself has taken the initiative to find out the bonded labour. Today the police, the administration, the anti-social elements are at the command of the employers. When at the risk of life, you try to free the bonded labour, there is total non-cooperation from the side of administration. With great difficulty when you take them to some district authorities, then they take some steps. But thereafter, where do they go? They do not have even the money to go to their respective villages. Then we have to arrange money for them to go to their villages, purchase tickets for them, but thereafter they say: "After we go back to our villages, where do we go?" There is no alternative scheme of rehabilitation. I am again telling you that these two programmes—about minimum wages and bonded labour—which are contained in items 4, 5 and 6 of the 20-point programme are only on paper and this Ministry is doing nothing to implement them, although the entire emphasis is being given on the implementation of the 20-point programme.

Now I come to the question of the Pay Commission and the setting up of Administrative Tribunals. When the real wages are reduced, when prices have gone up, the employees need immediate succour. If you get up a Pay Commission, when will they get relief? This means that in order to deny a reality, you are adopting certain devices. This is not going to help. It will aggravate the situation. I agree with Mr. Sinha that there is no alternative to the working class going on a strike and an effective strike.

About Administrative Tribunal, for Central Government employees, these Tribunals have been tried in our own State of U.P. You will be surprised to know that every Tribunal consists of two members—one from the judicial service and another from the executive. It has not worked. The judicial members have refused to serve on these tribunals. All Administrative Tribunals are now dead. They are not functioning. It has been found that these Tribunals have only delayed matters and the employees have been harassed. These have been found to be an instrument of further oppression of the employees. Therefore, I do not know how, when the scheme has failed in one State, the Central Government is proceeding with that, only to meet the same fate. I am only pointing out a few problems so that they may think over it and withdraw it when there is sufficient time.

Now as my friend wants to speak, I conclude with these few words.

SHRI SHRIDHAR WASUDEO DHABE: Mr Deputy Chairman, Sir, the Report at the Labour Ministry is only traditional, giving a catalogue of events. There is neither a direction of labour policy in it, nor an attempt to orient it to meet the new situation that are being created, such as organising the rural workers and giving them benefits.

The greatest failure of this Government is that they have made labour policy a party matter. This is closely connected with the economic deve-

lopment. No programme—whether 20-point or 40-point—is going to succeed in our country unless there is a consensus and all parties support it. The economic development in the world, whether in democratic countries or socialist countries, has succeeded because it had the sanction of the people of that country and also that of all the political parties. If the people of the opposition can go for discussions on Assam and Punjab, I do not find any reason why in our country the economic development and labour policy cannot be national matters and above party politics. It is closely connected with trade union movement. I am of the firm opinion that trade union movement should be delinked from political parties and allowed to play an effective role for collective bargaining and industrial peace. Otherwise, further progress is not possible in our country. When the workers were not organised, it was natural and necessary that political parties or the leaders were associated to give them some support. But today with more political parties coming up, the trade union movement is divided more. The same thing is happening in the case of the employers. The employers are not organised. The main problem which is connected with the Bombay textile strike is the engineering industry and the chemical industry employers made an agreement at Thana for paying double the wages textile workers were getting. No demand would have come if there was the principle of uniformity in wages. Therefore, the anarchy is created in the circumstances in which we are living. And unless we radically change the policy, nothing is going to happen.

Sir, in this connection, you will find that the ILO passed a convention in 1975, convention No. 147 a very important convention and recommendation which was acclaimed throughout the world, a convention called "Freedom of the Rural Workers Organisation." It said, "Rural workers organisation should be formed and promoter in democratic countries." Not only this. It has gone further and

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said, "They should be associated with the 'planning, economic planning, and they should be given a pride of place in all matters where rural economy is concerned." This convention was adopted in September, 1977 by India. And this convention further says, "Government must take administrative and legislative action for implementation of this convention so that the under-developed countries can give great fillip in the rural production." What legislative steps has the Government taken? They have not amended the trade union law. People are asking for reducing the subscription to Re. 1/- Today as members they have to pay Rs. 3, per annum. That is a demand.

Secondly, you can pass the Industrial Disputes Act. But here the Government has taken a peculiar stand. They say that they cannot pass a legislation on the service condition of the rural workers in Parliament. Parliament is supreme. Sir. So far as the labour matters are concerned, it is a concurrent subject. I do not know why the Government has taken that stand. It is really a sad picture and a sad report in this connection that the Government cannot form a Central legislation.

What administrative action has the Government taken? The ILO has said that there should be no interference in the trade union movement in the above convention No. 147. And in this connection what is the Government doing. They have interfered. It is the fourth time that this has happened. There is a clear breach of the ILO convention. At page 73 of this report you will find that they have appointed workers for organising rural workers' trade unions. Something strange is happening in our country. They have to be paid Rs. 200 per month as the organiser. A new word has been used. It is said that their duties shall be to organise the workers into co-operative trade union movement. What is meant by co-operative trade union move-

ment? Of this category, they have up till now appointed 208 persons in 415 blocks. Sir, I would request the Labour Minister that before the matter is taken to the international level, it is better if he withdraws the scheme completely. This is not the function of the Government. Do you want to create a public sector or a Government sector in trade union movement? Do you want that the Government should have its own trade union movement? Is it because of the fear that the rural workers will not be with them that they are doing this? I suggest that this step which the Government has taken, the appointment of the rural workers organisers by the Government, is totally against the very spirit of free collective bargaining and the ILO conven-

6 P.M.

tion. Secondly, in this report they have said that there is a Rural Labour Cell. For industrial workers, we have got Regional Labour Commissioners. At the lower level, we have Assistant Labour Commissioners and Government Labour Officers. But I was surprised to note that there is not a single Rural Labour Cell at the Assistant Labour Commissioner's level or at the Regional Labour Commissioner's level. It is there only at the Central level. If you really want to organise rural workers and help them, if you want to ensure the implementation of the minimum wages or the 20-point programme, you should create a network at the lowest level, for which the machinery is already existing. You have only to give additional duties to the staff. Without doing this, you are very proud to say that you have created a Rural Labour Cell at the Central level and it is functioning very well. Not a word has been said in this connection as to what is being done at the lower level. There should be cells at the lower level and not at the Central level only. Certainly it is good to have the cell at the Central level. But unless you create the cells at the lower level, it will not work.

In this connection, I would like to ask why the Government should say that the Labour Ministry has no funds. What steps are they taking to reduce expenses? For the Workers Education Programme, the Government is giving Rs. 2 crores as grant and the amount which has been given to the trade unions is Rs. 5.53 lakhs. Against a grant of Rs. 2 crores for the Workers Education Programme, which is used only for administrative purposes, just like the legal aid scheme, the amount given to the trade unions is only Rs. 5.53 lakhs, and the Government takes pride in this. I think the time has come when the Workers Education Board should be wound up or its functions are radically changed. Let the trade unions be given the responsibility of running the Workers Education programme and only a grant may be given, like the grant by the University Grants Commission. Now there is a big administrative paraphernalia for Workers Education. Their TA/DA bills are much more than what the officers get here. One man travels throughout the State to find out who are the rural workers. If you give Rs. 5.5 lakhs to the trade unions for the training of the rural worker*, I think it is better that some other work is given to the Workers Education Board—research and other things—and let at least 50 per cent of the grant given to the Workers Education Board be utilised for training purposes and be made available to the trade unions.

Now, Sir, if the Government can cover industrial disputes by legisla-

tion, why can't the rural disputes be covered by legislation? At least you can amend the Industrial Dispute* Act and bring within its purview the rural workers and create a category of rural disputes providing them with a remedy.

My last point is about the Palekar Award. Now, why should the Government take upon itself the implementation? I am entitled to gratuity, but unless the Government make a reference, I cannot go to court. If the Palekar Award is to be implemented, the law says that the reference is to be made. If I am dismissed from service, three to six months are taken only for conciliation. Why do you take the responsibility on your head even for the implementation of the awards and the rights already created? I suggest that the individuals must have the freedom of direct access to the court, just like in common civil law where persons can go and file a case. For the dismissal, workers are required to wait for six months. And the employer sees to it that the references are not made.

About the Palekar Award, certainly there is no implementation of the Palekar Award by big newspapers. The news agencies, Hindustan Samachar and Samachar Bharati, patronised by the Government, are not implementing the Palekar Award, but nothing has been done. The provident fund dues are not paid to the workers and the workers are not given salaries for two to three months. Not only that, newspaper establishments, after taking legal advice, are

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starting to divide their establishments.

The Times of India, because they

were coming in the group of more

than Rs. 25 crores, in order not to

pay the proportionate wages as per

the Palekar Award, have distributed their establishment in four parts;

Ahmedabad Bombay, Delhi and Calcutta—the

Economic Times. Now they say it is about Rs. 10

crores. Not only that. They have also brought down

a particular category of Special Correspondents.

And they say they

ve got the right to do it. Not only that but the reclassification of many newspapers with more than 2 crores

i-rupees as gross revenue has not been done.

The managements of those newspapers should be reclassified and they should pay proper wages.

Merely passing Palekar Award and saying that we are implementing it, is not sufficient. The

Minister should call a conference of big newspapers which by their action are giving encouragement to

small newspapers not to implement the Award; an atmosphere of confrontation is taking place. My

friend has narrated the stage of confrontation in the labour field, I do not want to repeat the whole

thing. I am only sorry that even for a textile strike they have not been able to do anything. It has

taken such a long time, it is a record in the history. The Government has completely failed in solving

the issue. I would, therefore, suggest that the implementation machinery should be created and

one of the suggestions is about the execution of the award. As a lawyer you know, Sir, execution of the

award is not a power of the labour

court. It has to go to the Collector of the civil court for implementation. A simple suggestion was made by the Labour Commission in 1969 that the Act should be amended that the Labour court should have its own power of execution. The new policy is creating more rights and more expectations but it is not creating the implementation machinery. I would suggest to the Minister, let him rise above party considerations and have a national labour policy for our country and see that workers cooperate with him in the noble task of reconstruction.

श्री राम भगत पातवाल : मैं आपका बहुत आभारी हूँ जो आपने मुझे बोलने का अवसर दिया है।

उपसभापति जी, मजदूर राष्ट्र की रीढ़ें हैं क्योंकि उत्पादन और निर्माण का सारा कार्य वही करते हैं। अभी देश में 38 प्रतिशत मजदूर हैं, जिनमें से दस करोड़ मजदूर ऐसे हैं, जो कि हर दिन खून और पसीना बहा कर परिश्रम करते हैं और अल्पहार पर जिन्दगी व्यतीत करते हैं। सरकार ने बहुत से कानून बनाये इनके उत्थान के लिए, लेकिन वह कानून जो है, अच्छे तरीके से कार्यान्वित नहीं हुआ है। फलतः आज भी मजदूर की हालत बहुत दयनीय है और उसके साथ लाचारी है, वह बहुत बेवसी है और गृह विहीन होकर खुले आकाश के नीचे अपना जीवन व्यतीत करते हैं।

उपसभापति जी, अभी आर्गेनाइज्ड सेक्टर और अनआर्गेनाइज्ड सेक्टर भी है, पर आर्गेनाइज्ड सेक्टर के लिए तो कुछ विशेष व्यवस्था हुई है, सरकार का जो कानून बना है,

उससे कुछ लाभान्वित हुए हैं, लेकिन जो विलेज लेवल पर काम कर रहे हैं, खेतों में काम कर रहे हैं, उनका भविष्य अभी भी भूस्वामी की इच्छा पर निर्भर करता है, जिनके यहां यह काम करते हैं, उस मालिक पर ही इनका जीवन निर्भर है। आश्चर्य यह है कि अभी भी जो मजदूर हैं, उनको पहले की तरह, एक किलो डेढ़ किलो अनाज मिलता था लेकिन अब अनाज के बदले पैसा देना भी शुरू किये हैं। दो चार रुपया इस तरीके से मिलते हैं। तो उनकी हालत बहुत दयनीय है। मिनिमम वेजेज एक्ट लागू किया गया बीस-पॉइंट प्रोग्राम के अन्तर्गत, लेकिन यह भी सरकार के प्रयास के बावजूद वह अफसरवाही, इसको लागू नहीं कर रहे हैं।

उपसभापति जी, आज विरोधी दल के भाई बहुत ही मजदूर की हालत की चर्चा कर रहे थे, ऐसा मालूम होता था कि यह मजदूरों के वास्तविक नेता हैं, लेकिन इनकी करनी और कथनी में इतना फर्क है, जिससे निराशा होती है।

उपसभापति जी, जब चौधरी चरण सिंह जी प्राइम मिनिस्टर थे, ... उस समय जो बटाईदार थे, उन को 249 RS—11.

डिस्पेज करने के लिए उन्होंने ऐसा किया किया कि मजदूरों की हत्या हुई। मजदूर सब इकट्ठे हो कर गेहूं की बाल ले कर जगजीवन राम के यहां आए थे। जब इन लोगों की सरकार आई तो उन्होंने मजदूरों के साथ इस तरह से व्यवहार किया अभी तक जो भी मजदूरों के लिए कानून बने हैं वह कांग्रेस सरकार ने बनाए हैं, श्रीमती इंदिरा गांधी ने बनाए हैं। श्रीमती इंदिरा गांधी बीस सूत्री कार्यक्रम के अन्तर्गत सर्वहारा दल को वहां ले जाना चाहती हैं जहां उस को रोजगार मिले, उस को मान-मर्यादा मिले। इन लोगों ने अठ्ठाई साल में क्या किया? उन्होंने मजदूरों को जलाया, हरिजनों को जलाया। अभी भी पांच सात पार्टियां हैं जो फिर ... इकट्ठा हो रहीं हैं जैसे जैसे चुनाव नजदीक आ रहा है। लेकिन इन को देश की जनता जानती है। एक पार्टी ऐसी है जो हरिजन-विरोधी है, एक पार्टी पिछड़ी जाति की विरोधी है, एक पार्टी माइनारिटीज की विरोधी है। (व्यवधान) अभी रामेश्वर सिंह जी ने जो कहा था उस का जवाब दे रहा हूं। उन्होंने कहा था कि इस सरकार को शर्म नहीं है। मैं उन से पूछना चाहता हूं कि उन को शर्म आई जब उन के दल के नेता प्रधान मंत्री हो गये थे और बटाईदारों की, हरिजनों की हत्या की गई थी। उस समय उन को शर्म से डूब मरना चाहिए था? जनता ने उन को अठ्ठाई साल में ही खदेड़ दिया। फिर भी उन को समझ नहीं आती और वह चर्चा करते हैं मजदूरों के बारे में?

[श्री राम भगत पासवान]

उपसभाध्यक्ष महोदय, मैं मजदूरों के बारे में कह रहा था। अभी कुछ ऐसे भी मजदूर हैं जो इंडिपेंडेंट रहते हैं जैसे रिक्शापुलर हैं, बड़े-बड़े शहरों में रिक्शा चलाते हैं। जो पैसा उन को मिलता है सभी जानते हैं। वह खुले आकाश में रहते हैं, प्राकृतिक प्रकोप के शिकार हो जाते हैं, इलाज नहीं होता, रहने के लिए मकान नहीं है। दोनों मंत्री मजदूरों के नेता हैं, आप इन लोगों के लिए भी बड़े-बड़े शहरों में ज़ेड बनवा दीजिए जिस से उन के खाने-पीने, रहने की व्यवस्था हो सके।

एक बात और मैं कहना चाहता हूँ। कलकत्ते में अभी ऐसा रिक्शा है जो आदमी खींचता है। जानवर का कार्य आदमी कर रहा है। 35 साल की आजादी में बहुत से कार्य हुए, इस तरफ भी ध्यान दिया जाए। यह मानवता के पुजारियों का देश है, मानव-मानव को खींच रहा है, इस लिए इस को बन्द करना चाहिए। निश्चित रूप से ये लोग 40-50 साल में मर जाते हैं। 50 परसेंट एक्सीडेंट से मर जाते हैं, बाकी 50 परसेंट बीमारी से मर जाते हैं। इस व्यवस्था को बन्द कीजिए और उन को आटो रिक्शा दे दीजिए ...

श्री उपसभापति : अब आप समाप्त करिए।

श्री राम भगत पासवान : और लोगों को ज्यादा टाइम दिया गया।

श्री उपसभापति : आप की पार्टी का टाइम खत्म हो गया, मैं क्या करूँ।

श्री राम भगत पासवान : मझे दो-चार पॉइन्ट कहने दिए जाये, उस के बाद मैं बैठ जाता हूँ। बिहार में, यू०पी० में जो श्रुगर मिल हैं वह सब सीजनल चलती हैं, हजारों-हजार वर्कर उनमें एम्प्लायड होते हैं, जब सीजन खत्म हो जाता है, तो उन को रिट्रेंच कर दिया जाता है और उन के लिए भुखमरी की स्थिति आ जाती है। उन के मालिक गरीब नहीं हैं। बिहार में हसनपुर श्रुगर मिल है ...

श्री उपसभापति : नाम मत लीजिए अब।

श्री राम भगत पासवान : यह लोग गरीब नहीं है जब सीजन खत्म हो जाता है तो भी उनको मजदूरी मिलनी चाहिए।

अब मैं कुछ बांडेड लेबर के बारे में कहना चाहता हूँ।

श्री उपसभापति : उस का जवाब मिनिस्टर साहब दे देंगे। उस को छोड़िए।

श्री राम भगत पासवान : बिहार में यह बहुत है और बहुत से छुड़ाये गये हैं। मैं चाहता हूँ कि इन सब को मुक्ति मिलनी चाहिये।

श्री उपसभापति : मिनिस्टर साहब ने जो किताब छाप कर दी है उस को आप क्यों नहीं पढ़ते। मिस्टर मट्टलीज। अब आप बैठिए।

श्री राम भगत पासवान : इंडस्ट्रियल
लेबरर को रिलीफ मिलनी चाहिए ।

श्री उपसभापति : यह सब बात आप
फिर कभी कह दीजिएगा । मिस्टर मट्टू
प्लीज । पासवान जी, आप का भाषण
रोज हम लोग सुनते हैं । आप अब
बैठिए ।

श्री राम भगत पासवान : मैं मजदूर
वर्ग से आता हूँ ।

श्री उपसभापति : आप मजदूर वर्ग
से नहीं आते । आप बैठिये । मिस्टर मट्टू ।

श्री राम भगत पासवान : मुझे पूरा
अधिकार है कि मेरे भाइयों को जो कठि-
नाइयाँ हैं उन के बारे में मैं यहाँ बोलूँ ।
जो करल एरिया में एग्रीकल्चर लेबर है
उन को वहाँ पर पूरा प्रोटेक्शन मिलना चाहिए ।
इसके अलावा कोसी एरिया में जब बाढ़
आती है तो वहाँ पर मजदूरों के लिये
घरों की व्यवस्था होना चाहिए ।

श्री उपसभापति : यह सब तो स्टेट
गवर्नमेंट का काम है ।

श्री राम भगत पासवान : और नेश-
नल वेज पार्लिसी को इम्प्लीमेंट किया जाना
चाहिए ।

श्री उपसभापति : बहुत बहुत धन्य-
वाद । आप रोज बोलते हैं इसलिये
कुछ कम बोल करिये मिस्टर मट्टू ।

SHRI GHULAM RASOOL MOTTO
(Jammu and Kashmir): Mr. Deputy
Chairman, Sir, I thank you very much for
giving me time to speak on this subject. I
have read the Report for the year 1982-83,
both the volumes, with great interest and I
must congratulate the Labour Ministry for
making many good moves for the welfare of
the labour during the year under report.

Sir, there are certain points on which I want to
make certain observations. The first and the
fundamental point that I would like to bring to
the notice of the honourable Labour Minister is
the Bombay textile strike. Now this has been
lingering 'on for a very long time. But I have
suggested earlier—now the new Labour Minister
has come—that the Minister should call the
representatives of the labour and the manage-
ment to a conference and try to obtain an
agreement or arbitration from both the parties
and once this is done I am sure that this
problem will be solved. Even if Mr. Samant has
to be brought to the negotiating table, he must
get an agreement and then all the points put forth
by the parties should be taken into consideration
and a decision should be taken accordingly and
that is the only way in which this problem can be
solved. This has been lingering on for a very
long time and no solution is in sight.

The second point that I would like to make is,
this: While I have said that laudable things
have been done, I have to point out that a large
number of man-days have been lost. Now,
according to this Report, compared to the year
1931, in which 36.58 million man-days have
been lost, in the year 1982, 43.38 million
man-days have been lost. But this does not
include the man-days lost due to the textile
strike in Bombay which accounts for 62.07 per
cent. In other words, Sir compared to 1981,
when 36.58 million man-days were lost, in
1982, 145.45 million man-days have been
lost which works out to 288 per cent
compared to the previous year. This is a very
great tragedy and it is not only a tragedy
for the Labour Ministry, but it is a tragedy
for the country also. If we are going to
increase our man-days lost by 288 per cent
in one year, where do we stand? Even
according to his Report the man-days lost
during 1982 come to 43.38 million without
taking into account the Bombay strike which
works out to an increase of 18.7 per

[Shri Ghulam Rasool Matto] cent in one year which is not a good commentary on the working of the Labour Ministry. What should be its aim? Its aim should be not to increase the man-days lost, but to decrease the man-days lost year after year. This unusual situation was created by the Bombay strike. But apart from that, let us take the situation as it is. The Labour Ministry must take an initiative and earmark that during the current year not only they will wipe off this deficit of 8.7 per cent but they will try to reduce it. This is my request. They should take immediate steps in this direction.

The second point is that I am very happy that in 1982, 82 per cent of 614 threatened strikes were averted, including the one where there was a lock-out. This is a good thing and I must congratulate the Minister that this happened in this year.

Industrial disputes are in the realm of the State sector, but willy-nilly these are the responsibility of the Centre also. So I would request the hon. Minister that under the Industrial Disputes Act they should be encouraged to solve the problems of labour at the State level but the Centre should also monitor that all disputes are being settled at the State level. Wherever necessary, the Centre should intervene and use its good offices with the State Governments and the concerned authorities before that takes a situation like the one taken by the Bombay strike. If the Maharashtra Government had taken the initiative at the right time, I don't think this situation should have developed such a degree. Sir, I want to...

MR. DEPUTY CHAIRMAN: Last point.

SHRI GHULAM RASOOL MATTO: There are only one or two points. The Payment of Bonus Act, 1965, was enacted and the bonus payable was 114 per cent. At that time there was a rupee having 16 annas. It was said that one anna should be given

as bonus. This works out to 6-1/4 per cent. Later on, it was increased to 8.33 per cent. Now time has changed; things have become very dear. Although I belong to the industry also, I would request that this should be immediately increased to 10 per cent, because this is a very great need of the labour. The minimum bonus payable should be increased to 10 per cent. The payment of Gratuity (Amendment) Bill, 1982 has been introduced in the Lok Sabha. But I do not think the Labour Ministry is very earnest to have it passed during the current session. I would like to urge that this should be passed immediately so that it comes into force and people, including journalists and others, who are drawing up to Rs. 1600 also come under the purview of this. This may kindly be done at the earliest possible opportunity and it should not be delayed.

MR. DEPUTY CHAIRMAN: Please conclude.

SHRI GHULAM RASOOL MATTO: Then there is the question of workers' participation in management. This has raised problems. I would only request the hon. Minister to ensure, while taking a decision on such a vital issue, that the real representatives of the workers should be made members of the Board. What is happening at the moment is that those people who do not find a place in politics otherwise try to make inroads in trade unions and try to become their leaders and try to represent them on the Board of management. The labour of that corporation or particular industry must know what is happening there. So the real representatives of the workers should be represented on the Board. The foreman must be there or a labour man must be there, and not a hired politician to sit there on behalf of the workers. If and when the workers' participation in the management is decided upon by the Government, it must be ensured that only those who belong to that particular corporation or industry should be there.

Then, there are two other small points. That is about the recognition of trade unions. There must be a vprehensive Act about it and only those trade unions which have a minimum number should be recognised. This should be strictly adhered to no matter what the situation, and...

MR. DEPUTY CHAIRMAN; You have raised the point. Don't discuss in detail.

SHRI GHULAM RASOOL MATTO: Some sc >r the immigration of Indian workers must also be introduced. Sir, there are good programmes for labour welfare. I request you to introduce a scheme where the corpus should be funded both by the management and labour where Labourers may be sent to holiday homes rent parts of the country.

MR. DEPUTY CHAIRMAN; Kashmir.

SHRI GHULAM RASOOL MATTO; This is very important. They can go to Kashmir and they can go to other places in groups. And thi_s should be funded like that. Then, Sir, aptitude test for selection of craftsmen-trainees should be extended to handicraft industries also. There should be increased efficiency of the employment exchanges. And only those employment exchanges should get a bonus or an incentive who have provided greater number of jobs during the particular year. Merely registering the unemployed people seems to be the only job of the employment exchanges. But the real job of the employment exchanges should be to find jobs. Those employment exchanges who have provided greater number of jobs should be given the incentive, and it should be seen that they are encouraged. Lastly, Sir, there is the training schem_e under the 3-point programme for Kashmir. The stipend has been fixed at Rs. 40. Rs. 40 i_s nothing. It should be increased. And that too was only 50 per cent. It should be 100 per cent. Then, Sir, under the UNDP, during

1982, only seven fellowships have been utilised. There should be more fellowships. And every State should be given an opportunity to send people under this Programme.

With these observations, Sir, I congratulate the hon. Minister.

DR. MALCOLM S. ADISESHIAH (Nominated): Mr. Deputy Chairman, Sir, may I first thank you fo, giving me an opportunity to speak? Sir, I have five points to make. Th_e first point is in reference to the Appendix I of Vol. 1 of the Report. May I say to the Minister that I join Mr. Matto that the two volumes—volume 1 describing the activities of th_e Department of Labour, and volume 2, outlining the Employment and Training activities—are well done? And I learnt a lot from reading those two volumes. My first point is in relation to Appendix 1 of volume 1 which sets forth the all-India working class consumer price index number. If you read that, it confirms the fact that thp real wages of workers have, over 30 years, fallen. This is not generally known. If I read this Appendix right, I see that between 1949 and 1901, the consumer price index of workers rose only by 4 per cent, which is 0.03 per cent per annum— those were the halcyon days— whereas if you take the decade 1970 to 1981, the consumer price index has gone up two and a half times, and money wages have gone up only by twice. This shows the very serious decline in real wages of workers. This is my first point.

Now, Mr. Deputy Chairman, Si_r, this fall in real wages ha_s been explained in terms of the labour productivity having fallen, not rising fast. That is why we are told the real wages have fallen. This i_s not true. As far as labour productivity is concerned, what evidence we have of the mines working or the textiles working, it shows that labour productivity there is rising steadily. I have said this to employers' organisations. So, I say it here that the

[Dr. Malcolm S. Adiseshiah] responsibility for fall in productivity that of management and capital. Nowhere, in any country in the world is capital being used so wastefully as in this country at the ratio of 6:1. Therefore, it is not the labour productivity which is responsible for fall of real wages. It is the poor way in which we are using our capital which is apparent from fall in industrial productivity.

Sir, the second point I have is with regard to the wages in the unorganised sector, and the question of—mini-mum wages on which Mrs. Malhotra has spoken and others have spoken. I bring the question of women's employment and wages as part of this area of unorganised workers where majority of them are working, and the agricultural minimum wage question is also there. We find that on the one hand there is a slow coverage of new employees for minimum wages. There is also delay in the periodical revision of minimum wages and there is ineffective enforcement of the existing provisions. Various suggestions have been made in the Planning Commission documents and in the report to correct these defects.

My third point is, that you have successfully extended the Minimum Wages Act to 5 new mines. I note that and I congratulate you. You have also revised minimum wages with respect to road and construction workers and other categories. But when it comes to the States, you can only advise them and you have given us information about advising them to revise the minimum wages and extend it to bidi workers, handloom workers, carpet weavers etc. But there is no evidence of what happened to your advice that you gave to the States because when they met you on the question of minimum wages, the State Labour Ministers did not agree. The Working Group on this question of minimum wages as set up but no agreement could be arrived at. And I must say that un-

, organised workers including the question of women as mentioned by Mr. Era Sezhiyan are in a sad plight.

My next point refers to bonded labour. The number of bonded labour that you referred to, is 1.5 lakhs. I want you to remember that the figure which was quoted by the Report of the Scheduled Caste Commission and referred to by Mr. Era Sezhiyan was 22.5 lakhs as having been identified by Gandhi Peace Foundation and National Labour Institute.

SHRI DHARMAVIR: It was on the basis of sample survey.

DR. MALCOLM S. ADISESHIAH: Yes, It has been challenged by some of the State Governments. That also I know. But the only figure we have and which is printed in our document—not in your document, but in the Scheduled Caste Commissioner's document—is 22.5 lakhs. Against that you have now said 1.5 lakhs or 1.7 lakhs of bonded labourers are identified. This is a very small figure. I find two problems here. First is the very slow pace at which bonded labourers are being identified and freed, and the second is, I am a little chary about the word 'fully rehabilitated'. You say you have fully rehabilitated them. I say to the Minister that the field studies that we have done in my institute in Tamil Nadu on bonded labour show that there is a long way to go before we can call them even partially rehabilitated. Many of them tend to go back to the bonded labour stage, especially the tribals in Salem district.

My fourth point is that as an economist I see with great interest the excellent work being done by the Labour Bureau. And here, the Bureau is responsible for its consumers price indices. I would like to know from the Minister as to what happened to the Seal Report because you say it is under consideration. When are you going to take a decision on the Seal Report?

Finally, I have two questions on the appendices. First is on Appendix 5.

We find the number of inspections made and irregularities detected. It says that you have detected 27,217 irregularities and you have rectified 21,000 irregularities; you launched prosecutions in 1140 cases. But what happened to the rest? That is one question.

Second question is, some of the public sector like the Railways, to shock and surprise, are involved in these irregularities. How can a public sector agency get involved so heavily in the irregularities? And here, Mr. Minister, you would notice that the number of irregularities detected is 24,000 odd and the number of those rectified is 29,000 odd. How is that possible? Is there some printing mistake? Is there some backlog? How is it that you detected only 24,000 and rectified 29,000?

Third is with regard to provident fund, it was referred to by one of the previous speakers; it is on page 47-51. I find, the arrears are increasing and one of the functions of your Ministry is to see that this cheating of the workers is controlled in same ways. Sir, in view of lack of time, I stop with this.

MR. DEPUTY CHAIRMAN: I have to give two minutes to Shri Hukm-deo Narayan Yadav as bonus.

श्री हुक्मदेव नारायण यादव
(बिहार) : उपसभापति महोदय
मैं केवल सरकार का ध्यान इस ओर
आकर्षित करना चाहता हूँ कि बिहार
और पूर्वी उत्तर प्रदेश के जो खेतिहर
मजदूर हैं जब वहाँ कोई काम नहीं
मिलता तो काफी मात्रा में पंजाब और
हरियाणा की तरफ वे काम करने को
चले जाते हैं। लेकिन जब वे वहाँ
चले जाते हैं तो उनके साथ वहाँ
दुर्व्यवहार होता है, उनको वहाँ उचित
मजदूरी जो और मजदूरों को मिलती
है, वह नहीं मिलती है, उनकी बनिस्बत
कम मजदूरी ही नहीं दी जाती है बल्कि
जब वे वहाँ से अपने घर को वापस

आना चाहते हैं तो उनके सारे पैसे
रोक लिये जाते हैं और उनको मजबूर
किया जाता है कि वे जानवर के जैसा
वहाँ रहें। एक तो इतनी दूरी से काम
नहीं मिलने के कारण वे वहाँ कमाने
को जाते हैं और उनको वहाँ उचित
मजदूरी भी नहीं मिलती है तथा वे
वहाँ से बीमार होकर वापस आते हैं
तो उनको पसा जहाँ मिलता है। इस-
लिए सरकार की ओर से कोई ऐसी
व्यवस्था होनी चाहिए कि वहाँ पर जो
गरीब मजदूर और पिछड़े वर्ग के लोग
कमाने के लिए जाते हैं उनको
संरक्षण दिया जाए। उनकी अवाज को
सुनने वाला वहाँ कोई नहीं होता है
कभी कोई आफिसर साथ देने वाला नहीं
होता है तो सरकार को उनको संरक्षण
देने का काम करना चाहिए नम्बर एक
और

नम्बर दो जो सरकार के जरिए
प्रदेशों में श्रम आयुक्त लोग बंठाये गये
हैं तो हमारे पटना में एक श्रम आयुक्त
हैं उनके खिलाफ में इतने चार्जज उनके
मातहत के कर्मचारियों ने ही
लगाये हैं और मैंने भी उन पर आरोप
लगाया था सरकार के जो पहले के
मन्त्री थे उन्होंने जांच के लिए भेज भी
दिया था। हम लोगों ने मांग की थी।
कि सी.बी.आई. से जांच कराई जाय
तो जब आपके अफसर ही मजदूरों को
न्याय दिलाना तो दूर रहा लेकिन उनको
सरकार को जो उचित पैसा मिलना चाहिए
जो कानून के मुताबिक है उसका ही पालन
नहीं कराएंगे। तो फिर आपकी यहाँ
पर बदनामी होगी ही। जब आफिसर
चुस्त नहीं रहेगा तो सारी जो बदनामी
वे करते हैं उसके पाप का फल आपको
भोगना पड़ता है आपको बदनामी आती है
इसलिए ऐसे अफसर जहाँ हैं उन पर कड़ाई

[श्री हेमनन्दन नारायण यादव]

से नियंत्रण रखिए और उनको पकड़ने का काम करिए।

फिर मैं आपसे यह कहूंगा कि हमारे जो बिहार का छोटा नागपुर संथाल परगना है जहाँ आदिवासी और हरिजन बसते हैं वहाँ पर बड़े कारखाने तो बनाये उनकी जमीन भी आपने ले ली और जब कि सरकार का यह वादा था कि जो गरीब भूमिहीन होंगे उनको हम उस परियोजना में नौकरी देंगे। लेकिन अभी तक कई हजारों वहाँ आदिवासी और हरिजन हैं जिनकी जमीन ले ली गयी है और जिनको भूमिहीन तो बना दिया गया लेकिन उनको काम नहीं दिया गया है तो सरकार को चाहिए कि अविलम्ब तुरंत कार्यवाही करे और उनको वहाँ पर काम दिलाये जिससे जो गरीब हरिजन और आदिवासी हैं उनका काम चल सके और वहाँ जो बड़े बड़े लोग चले गये हैं लाठी वाले लोग जिनके खिलाफ नारा भी चला है लाठी सोटा झोंटा ये तीनों बिहार जाओ तो ये जो लाठी सोटा झोंटा वाले लोग वहाँ चले गये हैं और गरीबों को मजदूरों को तंग कर रहे हैं उनको बधुआ बनाकर ही नहीं रखते बल्कि अपनी महाजनीभी करते हैं और जिस दिन उनको भुगतान होता है उस दिन लाठी के जरिए सारा पैसा झपट लेते हैं जिससे निरधो भूखों मरना पड़ता तो सरकार उनको इनसे संरक्षण देने की कृपा करे जिससे छोटा नागपुर और संथाल परगना में शांति बनी है और उन गरीबों में आपके प्रति विश्वास जगे।

THE MINISTER OF LABOUR AND REHABILITATION (SHRI VEEREN-DRA PATIL): Mr. Deputy Chairman, Sir, in all, 17 hon. Members have participated in the discussion on the

working of the Labour Ministry. I am thankful to all the hon. Members who have participated in this discussion. Some Members were very critical about the working of the Ministry, of course, for obvious reasons and some Members, although belonging to that side, gave very good suggestions, particularly, the hon. Member from Jammu and Kashmir, Mr. Matto, Mr. Bhattacharya and other hon. Members. They have given some very good suggestions. At this stage, I only wish to say that all these suggestions which have been made with a view to improving the working of the Ministry will be taken note of, will be examined and we shall try to see that as far as possible those suggestions are implemented, are given effect to.

Sir, it is needless to say that harmonious industrial relations is a prerequisite for economic growth of a country. It is more important particularly for a country like ours which is a developing country, with vast manpower resources and also rich in natural resources. So, we have to exploit both these resources for the good of the nation and for achieving quick prosperity in the nation. This is possible only if there is a perfect understanding and harmonious relationship between the employer and the employee. Sir, on this occasion, I hope, I expect and I appeal that all those employers and employees, they should work together and create an atmosphere of confidence and mutual trust. This is very necessary under the present circumstances.

So far as the Government role is concerned, some Members went to the extent of saying that Government has failed in its labour policy. Hon. Member, Mr. Ramamurti; he is a trade union leader, I know him for a long time, he has spent almost all his life in trade union movement, but unfortunately, today I do not know why he preferred to make a political speech. I can understand his difficulties. He went to the extent of saying that it is better if the Labour Ministry is abolished altogether. I do

not know why he is so unhappy about, this Ministry of all the Ministries in the Central Government. As I said just now, I can understand his observations because in our country, I do not know whether I should say fortunately or unfortunately, trade union movement has developed on political party lines. I think I have yet to find a political party without having a trade union or labour wing with them. So, almost all trade unions in our country are politicised. Naturally, even the trade union leaders will project their views according to their party lines. That is what Mr. Ramamurti did. I was saying that the Government role definitely is not anti-labour or pro-capitalist.

After all, in our country the total labour force, according to the statistics available, as on 1930 is 268 million, of course, nearly 50 per cent are children. Out of the remaining 50 per cent, nearly 85 to 90, per cent are labour force. I want to know from the hon. Members, can any party afford to incur the displeasure of such a large number of our people and again be the ruling party or in the Government? Supposing this 268 million working force or labour force had not voted, or they also had the same impression which the hon. Members from the other side talked about this Government and the Labour Ministry, they would not have sent back here with a clear verdict our party to rule this country for 5 years upto 1985. So it is not correct and it is not fair on any Member's part to say that the policy of the Government, the policy of the Labour Ministry is anti-labour and pro-capitalist.

Sir, I refute this allegation with all the vehemence at my command.

Sir, I must tell this hon. House and through this House the entire nation that we are for working class, we are for particularly the working class whose bargaining position is very weak and our role is limited. As Labour Ministry, our role is of a mediator. We have got a huge organisation

at the State level. At the Central level we have got the Central Industrial Relations Machinery. At the State level, we have got the State Industrial Relations Machinery. And we have got a Monitoring Cell also. Whenever it is brought to our notice that in a particular industry, or in a particular establishment, there is some unrest, the workers have become restive, immediately the Monitoring Cell which is watching the developments rushes to the spot. They meet the workers' representatives and employers' representatives, conciliate and try their best to avoid the strike. I have already given the statistics how this Monitoring Cell, because of the policy that they have adopted, could be able to avoid strikes and lock-outs during the year 1982. I do not want to go into details about these statistics. So that is the role that the Labour Ministry is playing.

Sir, in our country, both for employers and employees, there should be a code of discipline. Both the employers and employees should play their part according to that code. I am referring to the code of discipline. For the information of Mr. Dhabe, I must tell him that this code of discipline was evolved in this country in consultation with the employers' representatives, with the employees' representatives. The Indian Labour Conference, in its meeting held in the year 1957, decided on this. The Indian Labour Conference means a body consisting of representatives of employers, employees and also Government. They unanimously resolved that for securing proper industrial climate and harmony, there must be some code of conduct and it should be equally applicable to both the employer and the employee. A Sub-Committee was constituted and that Sub-Committee, on which workers' representatives were there, immediately drew up the code of discipline and they went to the Indian Labour Conference's Main Committee and the Main Committee approved and ratified it. At that time, in the year 1958, there were only four Central trade

[Shri Veerendra Patil]

union organisations. And all the four Central trade union organisations were a party to this code of discipline. And after that the Central level and at the State level the implementation and evaluation committees were constituted to oversee the implementation of the code of discipline, and up to 1971, from 1958 to 1971, this Indian Labour Conference used to meet and the implementation and evaluation committee used to meet periodically to review the implementation of the code of discipline. But what happened unfortunately in 1972 because by that time the number of trade unions also increased? And then they said that you must have a criteria for giving representation to trade unions on the Indian Labour Conference; and I admit, Sir, till this date the criteria for giving representation to trade unions on the Indian Labour Conference could not be resolved. That is why although the code of discipline is there, what is happening is. I find, in most of the cases the code of discipline to which the employers and the employees are parties, is observed more in breach than in practice. I am blaming both the employers and the employees. I am not saying that it is the employees who are responsible for not observing the code of discipline. But the fact is that although there is the code of discipline, now we are thinking of reviving it. That is why I think a chapter has been added in the Industrial Disputes (Amendment) Act about unfair labour practices. So, whatever has been decided long back in 1958, we are now giving a statutory backing to that because at that time there was no statutory backing. It was only an understanding. So, we thought a time had come, and we have realised, unless we give a statutory backing to the code of discipline, it is very difficult to enforce it.

Sir, I can tell the hon. Members that we must realise the difficulties of both the employers and the employees because as Labour Minister I receive both of them. One night, one

evening, one employer came. Employer means a representative of a big company employing about 5,000 people. He came and asked me, "Sir, you tell me. I am confronted with problem. In my unit I had got only one union so far, and I know the strength of that union because there was no other union at all, and so I recognised that union. I entered into an agreement with that union. After the expiry of the period, I had the agreement revised, and the revised agreement is in force. But only one month back other gentleman has dropped in and with a hundred workers he has started another union, and he is threatening. He said, 'Nothing doing.' I do not recognise what agreement you have with that union. I do not recognise that union at all. You must recognise me. And this is the charter of demands, you must accept. Otherwise 'I will ask my people to go on strike.' And he asked me, the employer asked me. 'You please advise me what to do. As the Labour Minister you must advise.' The next day I went to the office and asked the officers also, and I must tell you, I must admit and confess the fact that we are in a very difficult position because today what is happening is there are unions recognised unions, and some fellow goes there and then all of a sudden he creates another union because there is so much of liberty, so much of freedom that anybody can start a union I think with, seven people or eight people.

SHRI SHRIDHAR WASUDEO
DHABE: Fifteen per cent was the
recognition criteria.

SHRI VEERENDRA PATIL: The
recognition criteria is according to that code
of discipline. That is what I am saying, that
unfortunately
that code of discipline has no statu-----
tory backing, with the result that under the
Trade Unions Act, any seven people can join
together and start a union. And that fellow
now is threatening. He! says, "Unless you

accept these demands, I am going to have a *gherao*, I am going to have a big rally against your factory". This employer says, "You please advise me what to do. Which organisation should I recognise?"

Similarly the other day, about 25 employees came with a complaint that the employer had, without giving any notice, dismissed them. Then I asked our officers. They say that these employees can raise an industrial dispute. Then I said, for raising an industrial dispute, that dispute will be referred to the tribunal or to a labour court. And unfortunately my experience is that any case which is referred to the tribunal or to the labour court lingers on for days together, months together, years together, with the result that those employees who have nothing to eat and who are eking out their livelihood on daily wages say, "Where is the capacity, where is the sustenance for us to wait for such a long period?" That is why, because of the slow movement of disposal of cases which are pending before the labour court and also the industrial tribunal, I must say, and I must admit the fact, that employees are losing faith in these organisations. And I must also own that responsibility. So I quoted these two instances to say that if there are no rules of game if everybody wants to play the game according to his own rules, then you know what will be the result. It would end in chaos; it will not be a game at all. Some hon. Members asked me what happened to the recommendations of the tripartite committee meeting held in September, 1982 and what happened to the recommendations of the Sanat Mehta Committee with regard to industrial relations. They have made certain recommendations and we are considering those recommendations and we are processing those recommendations. Consultations with the trade unions, I have already completed. As for consultations with the State Governments,

recently my Secretary had discussions with all the Labour Secretaries from different States. Now I am very anxious to see that a comprehensive industrial relations Bill is prepared as early as possible and introduced in both Houses as early as possible for your consideration.

Sir, now I come to the points made by different Members during their observations.

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI KALP NATH RAI): They are not present now.

SHRI VEERENDRA PATIL: The hon. Member, Mr. Ramamurti observed that the Madras High Court had struck down certain provisions of the Industrial Disputes Act. And he was under the impression that neither the State Government nor the Government of India did anything and we were sleeping over that matter.

I checked up the position. The position is that it is true that the Madras High Court has struck down section 25M and section 25N of the Industrial Disputes Act. But, according to him, the Government has not preferred an appeal. It is not correct that there is no appeal filed against the judgment. We have filed a special leave petition in the Supreme Court against the decision of the Madras High Court. We also intend amending section 25M and section 25N on the same lines as the amendment to section 25-0 incorporated in the Amendment Act, 1982.

Sir, he pointed out . . .

MR. DEPUTY CHAIRMAN: . . . The Members should be present to hear the reply.

SHRI VEERENDRA PATIL: It is unfortunate, because they made their observations they criticised the Government and when I got the chance to reply to those observations, I find

[Shri Veerendra Patil] that there is none at all here. I do not know whom I should address because the Members present here have not made out these points. Naturally they are not interested. But at least for the record's sake, I have to say something. Otherwise it will not go on record. And if it does not go on record and if only the allegations remain on record, then it will be inferred that from the Government side there was no explanation. That is why I am giving the details... 7 P.M.

SHRI SHRIDHAR WASUDEO DHABE:
They will read the record tomorrow.

MR. DEPUTY CHAIRMAN: But,
Mr. Dhabe, courtesy demands that
Members should be present at the
time of reply.

SHRI VEERENDRA PATIL: About JK Synthetics at Kotah, Mr. Ramamurti said that 2000-odd workers were retrenched or were driven out of employment and the State Government and the Government of India have not done anything. The position is that it is true that they have been retrenched — they have not retrenched them; in fact, they laid off the workers in stages from 10-1-1983 to 15-1-1983 due to imposition of power-cut. I am told powercut is hundred per cent in Rajasthan. So that was a good excuse for them to get rid of these people. I do not know why, whether it is because they belong to CITU organisation; I am not in a position to say that. But the fact is that they were laid off. But before laying - off they did not give notice. That was a lapse on the part of the management for which the State Government gave notice to them. When the State Government gave notice, then this CITU organisation which is a CPM organisation, preferred to approach the High Court and it was challenged through a Writ Petition filed by trade unions in which the State of Rajasthan has also been made a party.

In the interim order issued by the Rajasthan High Court on 31-1-1983 further retrenchments have been prohibited. The matter is *sub judice*. According to the State Government the retrenched workers would be provided relief in case the retrenchments are adjudged to be in contravention of the law. When the layoff has been lifted from 17-2-1983 the company is not working because the workers are abstaining from duty. That is the position.

Mr. Ramamurti and other Members were also mentioning about minimum wages. I think out of the total number of 234 employments included in the Schedule, only 38 employments come under the Central sphere. Mr. Ramamurti and others were very vehement in criticising the Government saying, "Look, in some areas proper wages have not been paid, in some areas bonded labour is still prevalent what is it that you are doing?" I want the House to appreciate in this federal structure among all the establishments there are establishments which come in the Central sphere and there are establishments which come in the State sphere. For instance railways are in the Central sphere. Railways ports banks five or six oil fields, mines, all come under the Central sphere, and the remaining come under the State sphere. Supposing there is an industrial unrest in any industry which is in the State sphere, our powers are very limited; we cannot directly interfere in that. We can guide them, we can issue instructions, we can tell the officers or we can tell the State Government that they must immediately tackle the problem. But so far as we are concerned, we come directly into the picture—that is, so far as the Central sphere industries are concerned—because here the implementations of the Acts is the responsibility of the Central Government. You will find a number of Acts which have been enacted for the sake of labour welfare. I must

tell you that the appropriate Government to implement most of the Acts is the State Government, and not the Central Government at all. In this background, I will refer to the minimum wages. There also the appropriate authority to implement minimum wages is the State Government barring the 38 employments which come under Central sphere. There we come into the picture and it is our responsibility.

Several Members said that minimum wages are not at all revised. Earlier they were revised once in five years. In the Labour Ministers' Conference that was reconsidered and their decision was to revise it once in two years and if there is a rise of 50 points in the index, then it should be revised. That is the policy and according to that we have been revising minimum wages. Out of the 38 employments coming under the Central sphere, we have revised minimum wages in 34 employments. In four we have not fixed minimum wages because there the wages paid are much more than the minimum wages prescribed under the Act. Under an agreement which the workers have arrived at with the management they are getting much more. Now the Consumers' Price Index is nearly 1500 and I agree that the next revision is due. Our minimum wage was revised in September-October, 1982 and we are again revising it. We have taken initiative in the matter. We have started the formalities and we propose to further revise it in the 34 employments within a short period.

Similarly, I have personally written to all the State Ministers and Chief Ministers requesting them to review the minimum wages that have been fixed. I can only write to them, bring it to their notice and request them: Please do it. I have got my limitation. We are repeatedly reminding them. I have already taken up the matter. In spite of re-

peated writings, there are unfortunately some States where no minimum wages have been fixed so far. For instance, Mr. Matto will bear with me, there is no fixed minimum wage in Jammu and Kashmir. Some States say that they are actively considering. There are. State Governments where although time has lapsed and revision is due, they have not revised. They say that they have appointed sub-committees and they will do it after the sub-committees submit their reports. In this matter we can only use our good offices. Beyond that, we cannot do anything more.

In regard to variable D.A. we have appointed the Secretaries' Committee. As the prices go up, whatever has been fixed earlier will not be adequate. Minimum wage is fixed only for workers who are in the unorganised sectors. It is there people are suffering most. Shri Dhabe asked me about minimum wages. He has made certain suggestions. I find that trade unions are active only in organised sector. I am not blaming them. They are not interested in organising unorganised labour in rural areas. You ask them why they are not doing it. Are workers coming in their way? Why not they organise unorganised labour? After all in the organised sector, employees get lot of benefits. He gets wages, he gets provident fund, he gets the ESI benefits, he gets family pension and he gets gratuity and he gets so many other benefits. But these benefits are not available to those poor people, to those unfortunate people, who are in the rural areas because they are unorganised and they cannot agitate, they cannot go on strike for more wages and they cannot ask for these facilities. So what I want to know is this: Why are not the Central trade union organisations, which are working in the country, taking any interest in organising these people and organising unions for these people and why are they not safeguarding these people who are in the rural areas?

SHRI SHRIDHAR WASUDEO DHABE: That is not correct. You know that it has taken more than fifty years to organise the trade union movement even in the organised sector. I take time, you see. You know all that.

SHRI VEERENDRA PATIL: But I have never felt that any trade union organisation has taken this matter or this problem with seriousness. You say that the problem is very colossal and that it is a huge problem and it requires a lot of time.

Now, Sir, on the question of the bonded labour, there is so much of difference of opinion, about the number of bonded labourers in the country. With regard to the bonded labourers identified so far, I have already given the figures.

MR. DEPUTY CHAIRMAN: But the Scheduled Caste Commissioner's Report is different.

SHRI VEERENDRA PATIL: Sir, in the year 1982-83, 10,907 bonded labourers were identified and freed and 36,019 were rehabilitated. So far as the rehabilitation of the bonded labourers is concerned, I must say that it has already exceeded 100 per cent. Whatever target was fixed for 1982-83 has been exceeded. Sir, I was referring to the number of the bonded labourers who have been identified and released, and it is about 1-112 lakhs. But there is a report from the Gandhi Peace Foundation. Sometime back they undertook a study and, according to their report, it is more than 22 lakhs and that report was also studied and examined in the Ministry and, in the Ministry, after examination it was found that the methodology that was adopted in identifying the bonded labour was not the correct one and, therefore, the Government has not accepted the report which was produced by the Gandhi Peace Foundation. But we the Government of India feel that it is not only 1-112 lakhs, of bonded labourers who are there in the country, but probably the number may be much more because we do not know

anything about that number. But again I must say that according to the Bonded Labour (Abolition) Act the identification of the bonded labour, release of the bonded labour and rehabilitation of the bonded labour are the responsibilities of the State Government. Although it is the responsibility of the State Government, in 1979, we voluntarily told them that for the rehabilitation programme we are prepared to pay 50 per cent of the expenditure because they require 2000 thousand and two thousand we are prepared to pay and so far we have released Rs. 798.53 lakhs for the rehabilitation of the bonded labourers. Sir, in addition to that, we got the programmes for the rehabilitation and we clear them. Earlier the procedure was cumbersome. Now, Sir, we have simplified the procedure. Instead of releasing the amount whatever the Government of India has to pay, in four instalments, we are now releasing in two instalments. Again Sir, the question of identifying the bonded labour is the responsibility of the State Governments who have been repeatedly reminded. We have been repeatedly writing to them and we have been reminding them that according to the Bonded Labour (Abolition) Act it is the statutory responsibility of the State Governments to constitute these committees at district level and even at the sub-division level also, the vigilance committees, and we have been telling them that they should constitute these committees at different levels and they must make vigorous searches to identify if there is any bonded labour. But strangely, Sir, some State Governments have written to us saying, "Why are you bothered? We do not have any bonded labour at all in our State." So if they take such an attitude, you please tell us what we can do Except persuading them—no, no, it is not correct; because some people have approached the Supreme Court there must be prevalence of the bonded labour, please look into that. We have been repeatedly writing to them and doing

our best to see that wherever bonded labour is released it is rehabilitated as early as...

DR. MALCOLM S. ADISESHIAH: Is the financing of rehabilitation entirely the Central responsibility?

SHRI VEERENDRA PATIL: Fifty per cent is to be shared, so far as the rehabilitation programme is concerned. The pattern of assistance is that out of Rs. 400 that is required for the rehabilitation of a bonded labourer, Rs. 200 will come from the Government of India as grant and the remaining Rs. 200 they have to spend. Bonded labour is a rural problem, because most of the bonded labourers belong to the Scheduled Castes and Scheduled Tribes and they have got many other programmes like the NREP and other special programmes for the Scheduled Castes and Scheduled Tribes. Therefore, we have been advising them that this problem should not be considered in isolation; it should be integrated or dovetailed with other programmes that we are having for the rural people.

DR. MALCOLM S. ADISESHIAH: The figure of Rs. 7.9 crores is the Central grant or it includes the States also?

SHRI VEERENDRA PATIL: This - is only our share.

About the Bhatti mines, Shri Surendra Mohan mentioned — he is not here now.. We know that the Bhatti mines are not in safe condition; they are in a dangerous condition. This was discussed here, also in response to a Calling Attention. Therefore, the Director-General Mines Safety, after inspecting the mines has issued prohibitory orders, and according to that order these mines cannot be operated; all the mines are closed. So when some Members were making allegations that people are dying or people are being killed, it is not correct, because the mines are completely closed. Many people approached us that prohibitory orders should be withdrawn. But we are very strict in the matter. We tell

them that unless the mines are made safe we are not prepared to ask the Director-General, Mines Safety, to withdraw these orders.

Then, Sir some Members—I think, particularly belonging to the Opposition, gave the impression that in our country we are encouraging only one trade union that is, the INTUC. Although they did not say so openly but we could draw the inference that we are going all-out to encourage only the Indian Trade Union Congress because that organisation belongs to our organisation. But I must say, Sir, with all sense of responsibility that for giving representation we have been following a procedure. And so long as I have been in the Labour Ministry, since September 1982, I do not think we have departed from that established procedure that we have laid down for giving representation. Sir, the procedure or the claim for giving representation which we are following is this. We do not have any figures of verified membership of Central trade union organisations, because they are not supplying the membership. Some organisations, Central trade union organisations, have refused to submit their claims. But some organisations have submitted their claims; most of them have submitted their claims. We have admitted the claim of membership in 1980, and according to that we have been giving representation. The verification work is going on, and verification will take some time. So in the meanwhile, if there is any question of giving representation to an organisation, then you must have certain policies and a certain procedure. So the procedure that we are following is that whatever membership they have claimed in 1980 we are giving representation to those organisations according to the strength of their membership then. We are strictly following this procedure. I may tell this for the benefit of Mr. Dhabe also, because he should not be under the impression that we are going out of the way to encourage only a particular organisation. It is not so. We

[Shri Veerendra Patil] are giving representation to all the organisations according to their strength so far as the Central trade unions are concerned.

SHRI SHRIDHAR WASUDEO DHABE:
Even the INTUC has not filed in some State branches. Still representation is given.

SHRI VEERENDRA PATIL; I said that out of 10 or 11 central trade union organisations, two trade union organisations, *i.e.* CITU and AITUC, in spite of our repeated requests to them, have not submitted the membership at all. They have not submitted the membership, and their contention is that they do not have any faith in the present system or present procedure of verifying the membership. So, the result is that they have not submitted their membership at all. But even if they have not submitted their membership, we are collecting the information about their strength from the Registrar of Trade Union Organisations because I feel that after all they are also important trade union organisations. And I would have easily taken a stand that since they have boycotted, since they have not submitted any membership and we do not know what membership they have, then why should I give any representation at all? I would have taken that stand. But I do not want to take that stand because I want the cooperation of every trade union. Whether they want to co-operate with me or not, I want to co-operate with them. So, although they have boycotted, I am taking their membership, collecting the membership figures, and according to those membership figures we are giving representation to that organisation also. And then, so far as the other Ministries are concerned, who have got their own Committees, sometimes they ask us as to how much representation they have to give on the committees for labour. It is for them to decide. But as Labour

Ministry, what we do is that we tell

them that there are the Central trade union organisations and this is the membership that has been claimed because we have not yet been able to complete the verification, and so the unverified membership that has been claimed on the basis of 1980 is so much, and so it is for them to give the representation according to that. Now, I tell you that this verification process has started. And I have told already 9 our Chief Labour Commissioner that he must expedite it because I want to know the real strength of different Central trade union organisations in the country. And he has promised me that the process of verifying the membership of all the trade union, ! organisations who have submitted their claims will be completed within a period of six to eight months. I want to see that it is expedited. Then it will be easy for me to know the relative strength of different trade union organisations. Sir, the most important point on which there is a deadlock today—I must admit that—is on giving representation. And because of this deadlock, I must say that the tripartite committee which I had convened in the month of September, 1982, many of the organisations did not participate. That is about the procedure of verification of the membership. Sir, there is a sharp difference of opinion in that. We are not a party at all. I think we should not be blamed. We told them that you please sit yourselves and then you evolve a procedure and let us know what procedure we have to follow, and we are prepared to follow that procedure. But unfortunately these trade union organisations are not coming together. They are not unanimous on the procedure. They have their own differences of opinion. Some trade union organisations said that this verification should be on the basis of secret ballot. And there are some organisations which are vehemently opposing the secret ballot. So, when there is

no meeting ground, then we have to take some decision. That is why this was discussed in the Tripartite Committee. And the Sanat Mehta Committee has also made certain recommendations. So, Sir, with regard to this verification procedure, there are three alternatives before the Government. According to the Sanat Mehta Committee recommendation, they have said unequivocally that the check-off system is the only best system; it should be adopted. And there are certain organisations which are totally against the check-off system. So, one is check-off system. Another is ballot system. And the third via-media system is, all right, you have check-off system. But wherever the difference is 10 per cent or less than that, it should be according to the check-up system and if the difference is not 10 per cent or less, then the membership should be determined on the basis of secret ballot. So, these three systems, check-up system, secret ballot and via-media system, are under consideration. I am not arguing in favour of any particular system. As Labour Minister, I will go into the merits of these systems; I am already examining it and after examination, not only the procedure for verification of membership but also the proposals and the recommendations made by the Tripartite Committee and Sanat Mehta Committee, are actively under our consideration and I hope within the next few months, I would be able to take a final view; but I am not fixing any time limit, because I have got so many formalities to complete. Ultimately I have to go to the Cabinet for their approval before I ask the Law Ministry to frame the Bill which I can then introduce here. But I would say that a comprehensive industrial relations Bill will be introduced in the House as early as possible; I am very eager about that.

Mr. Sukul suggested that Indian Labour Conference should be con-249 RS—12.

vened as early as possible. My difficulty is that we have not been able to find out the basis for the criterion to give representation. That is our difficulty. If the trade unions can suggest the criterion to be followed for giving representation, within one month I can constitute the Indian Labour Conference and convene its meeting; but today when there is no unanimity, I am not in a position to constitute it. When the industrial relations Bill is introduced and passed, then it becomes easy for us to constitute the Indian Labour Conference and have periodical meetings.

With regard to national wage policy, this is one of the recommendations of the Tripartite Committee that we must have a national wage policy and they have suggested that committee of experts on the tripartite committee should be constituted. That recommendation is being processed. Naturally we have to consult the Finance Ministry also before we take a decision. But I must tell the hon. Members that so far as the constituting of a committee for the purpose of determining the national wage policy is concerned, it is under our active consideration and we hope to take a decision as early as possible.

With regard to child labour, I think we are for the abolition of child labour and several Acts are there where definition of the child is clearly stated. In one Act only, the age given is 12 years and below but in other Acts, the age given is 14 or 15 years. That means, that children below the ages of 12, 14 and 15 years are not allowed to work at all. But again, there is a social and economic compulsion. It is not for pleasure sake that they work; they work because their parents are not able to earn sufficiently. So, instead of going to schools, they go for work. We have got Advisory Boards for child labour; we have 'got similar Advisory Boards in the

[Shri Veerendra Patil]

States also and whatever is possible, we are trying our best to safeguard the interests of child labour and see that child labour is not exploited. About women's employment, I agree that out of total employed labour force, in the organised sector, the share of women is only 12.3 per cent or 12.2 per cent. It was 11.3 per cent in 1975 and today, it is 12.2 per cent. This means, in these eight years, the increase in the share is only one per cent. I am not very happy about it. We have been doing our best to increase their share and create more opportunities. That is why, at the Central level, we have got, exclusively for women, the national vocational training centre at Delhi. We have got two regional centres, one at Bombay and the other at Bangalore. We have four more regional centres for women. We have also written to the State Governments to increase the number of industrial training institutes, exclusively for women. Similarly, we are taking some action to see that the scope for the employment of women is increased because their share is very negligible compared to their population, compared to their strength.

Hon. Member, Shrimati Usha Malhotra, reiterated the demand, which was made by her colleagues in the other House, that 25 per cent of the employment should be reserved for women. Sir, when this was discussed in the other House, my immediate reaction was that under the Constitution, it may not be possible, because, it may amount to discrimination on the basis of sex. But I have already held out an assurance that I will get it examined again by the Law Ministry and if the Law Ministry says 'Yes, it is possible', then, certainly, I will consider it. But before considering it, I have to complete the other formalities also. But I have already assured the other House that so far as this question of reservation of 25 per cent of the vacancies or the employment for women is concerned,

I will see that this is examined by the Law Ministry and after getting the Law Ministry's opinion, whatever further action is necessary, I will see that further action is taken.

SHRIMATI USHA MALHOTRA:
You should take it up seriously.

MR. DEPUTY CHAIRMAN: He has assured that he will examine it.

SHRI VEERENDRA PATIL: Mention has been made about the workers in the building and construction industry. Mr. Surendra Mohan was very particular about the legislation. We have already taken a decision and a Bill is also being drafted. In order to improve the service conditions of those who are working in the building and construction industry and also their health, a suitable legislation will be introduced in this House as early as possible.

Similarly, I do not want to say much about provident fund and the ESI because only one or two Members have mentioned this. Mr. Adiseshiah mentioned about the recovery of provident fund arrears. There are some arrears I agree. Not only from unexempted categories, but also from exempted categories. But the arrears are not more than Rs. 60 crores. The accumulated arrears are not more than Rs. 60 crores. But if we look at the realisation or the receipt by way of provident fund, it is nearly Rs 1,000 crores. Every year, it is nearly Rs. 1,000 crores. We have worked out that this Rs. 60 crores does not constitute even one per cent of the total amount which we are receiving. But even in regard to this Rs. 60 crore, I have already impressed upon the officers that this backlog should be cleared as early as possible. But we find that most of these arrears are due from the units which have been locked out or which have been closed or whose financial position is weak, or, in some cases, they have gone to the court and got a stay order.

SHRI SHRIDHAR WASUBEO DHABE:
What about the public sector?

SHRI VEERENDRA PATIL: So far as the public sector is concerned, you can be rest assured that we will see that the entire money is recovered. There is no difficulty at all. The only problem is about the private sector. I do not want to go into the details. But I have got some statistics where we have started 7A enquiry proceedings in some cases. In some cases, we have asked the revenue officers to make recoveries. In some cases, we have prosecuted the defaulters. In some cases, we have taken action against them under the Indian Penal Code; all these things are pending. We are very anxious to see that whatever backlog is there out of this is cleared as early as possible. But I would like to mention that this Rs. 60 crores is a very negligible amount compared to the total amount which the Government is receiving every year.

Sir, I now come to the Bombay textile strike because many members mentioned about it. So far as Bombay strike is concerned, according to me there is no strike at all. Now the strike is over. That is the position according to me because now the problem is that many workers, they are coming to factories but they are being turned back, that is the problem. That is why now the Government of Maharashtra has constituted a tripartite committee to see that whoever wants to work could start working. That committee has started functioning. So, today the problem is not that the workers have gone on strike, but the problem is that the Workers who want to come back and work, the management people are turning them back, telling them that they cannot give them work. That is the problem. Today's position is that 1,28,609 employees, including supervisory technical and security staff, are working, they have reported to work.

Thirty-three mills are working in three shifts. Seventeen mills are working in two shifts and eight mills are operating partially. That is the position. The Deshpande Committee which is being constituted is a tripartite committee.

SHRI GHULAM RASOOL MATTO:
How many mills are still closed?

SHRI VEERENDRA PATIL: Out of 60, 58 mills are working. Only two mills are not working.

SHRI SHRIDHAR WASUDEO DHABE:
The total workforce is 2 lakh.

SHRI VEERENDRA PATIL: It is 2.32 lakh including supervisory, technical and security staff. So, this is the position. So far as the report of the Deshpande Committee is concerned, its recommendations have already been received and the recommendations with regard to the HRA have been accepted by the Government. Recommendations with regard to the Badli workers are also under consideration. That is the position with regard to the Bombay textile strike.

DR. MALCOLM S. ADISEHIAH: I Mr. Minister, is the figure of 60 million mandays lost during 1982 correct?

SHRI VEERENDRA PATIL: I will come to that. I must say that there is a confusion with regard to the mandays lost during 1982. It is 43.38 million according to the report that is published, but the real mandays lost excluding the mandays lost in Bombay textile strike are only 33.38 million not 43.38 million. What has happened, up to June the mandays lost in Bombay textile strike have also been included. That is why it has become 43.38 millions. Otherwise, excluding Bombay textile mills, the mandays lost during 1982 are only 33.38 million. That is why if we compare it with the earlier figures, I think the man-days lost during 1982, they are not more.

[Shri Veerendra Patil]

So far as industrial relations situation in the country is concerned I must say that industrial relations situation is fairly satisfactory. It has not deteriorated. I am basing my *assessment* on the statistics that I have before me because the indicator of the industrial relations situation in the country on the one side is man-days lost and on the other production lost. So far as the question of man-days lost is concerned, compared to 1981—I am not comparing 1980—it is 33.38 million in 1982. So, it is less than the mandays lost during 1981. And the number of strikes also during 1982 has gone down. In 1980 it was 2501 and in 1982 it is 1751. So the number of strikes has also gone down.

Then so far as man-days lost are concerned, I must say that it is again confined to only a few industries and a few States. I can give the example that out of the total 33.38 million man-days lost during 1982, the man-days lost in West Bengal, according to us, is 13.93 million. But the West Bengal Minister says that it is net 13.93 million; it is 17 million. I have got a press cutting with me about his statement. Whatever it is, I do not want to comment upon that because I have said that the state of affairs will be reflected only by the man-days lost and the total production lost. In Maharashtra, during 1982, the number is 8.89 million. I am not talking about the textile mills. In Kerala it is 2.05 million man-days lost. So it is confined to two or three States and to some industries. Therefore, it is not widespread throughout the country.

Then I must say that if you consider the man-days lost to man-days put in—Mr. Adiseshiah, who is an economist, will be in a better position to appreciate it—it is not even 1.5 per cent. That way it is not correct to say that there is so much of unrest there, violence is there and all that I do not think it is the correct state of affairs.

So far as sick units are concerned, the general impression is that in most of the cases the labour is responsible for making a unit sick. It is not so. I have got the figures that in 1982 the number of units which went sick because of labour trouble was 2 per cent of the total sick units. Only 2 per cent of the total sick units went sick because of labour trouble or labour agitation where labour was responsible. But the number of sick units which went sick because of mismanagement of the management was 56 per cent. So it is mostly because of mismanagement that the sick units have become sick. While taking into consideration the man-days lost, we have to take into consideration the other factors also—like the lock-out. In the case of lock-out, the worker is not responsible. It is the management which has declared a lock-out and we have to take into consideration the other factors such as .. . (*Interruption*) I am coming to that. Supposing there is a hundred per cent power cut—I am told that in Rajasthan there is a 100 per cent power cut—the factories cannot work and man-days are lost there. We cannot hold either the employees or the employers responsible for that. Similarly if there is a shortage of raw materials, or a shortage of funds or finance, and if for these reasons there are any man-days lost, we cannot attribute it to the labour or labour unrest. These factors will have to be taken into consideration.

About industrial production, if you look to the figures, if the production has gone down, we will say, certainly it is because of unrest among the workers. But it is not so. On the other hand in 1981, the growth in industrial production was 9.3 per cent. And in 1982, over and above 9.3 per cent, it is 4.3 per cent growth in industrial production. When there is growth in industrial production and when man-days lost compare favourably with man-days lost during the last year, then it is not correct to say that the

industrial relations situation in the country has deteriorated, but as I have assessed, the situation is quite satisfactory and we have been doing our best to improve the situation further.

Lastly, there are some minor points I do not want to go into details.

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SHRI SHRIDHAR WASUDEO DHABE: At page 76, the Report says that you are promoting co-operative trade unions in the rural sector. What about non-implementation of the Palekar Award?

SHRI VEERENDRA PATIL: I will tell you about non-implementation of the Palekar Award. I don't know \ the hon. Member feels about that because...

SHRI SHRIDHAR WASUDEO DHABE: About the news agencies and the Times of India Group.

SHRI VEERENDRA PATIL: I will come to that.

MR. DEPUTY CHAIRMAN: I think something can be left out for some future discussion.

SHRI VEERENDRA PATIL: About the Palekar Award, I will explain the position. As soon as the Palekar report came, Government took a decision accepting the recommendations of the Palekar Award, and the recommendations were announced in December, [1980. With regard to the report and ' also with regard to the DA, the decision was announced by the Government of India in July, 1981. Out of 1,183 newspaper establishments, 510 have implemented fully; 31 have implemented partially; six are paying >-wages which are not less than the orders; 74 are closed completely; 33 have gone to courts. I think this Bennett Coleman also is one of the 33 who have gone to court and got an order. But you know that the interim

order is there and according to whatever order is there from the court, they are making the payment. The order is still there and the matter is in the court. And 292 are not covered—they do not come under that, and 236 have not implemented it; one is paying the wages as per mutual agreement. So, this is the position so far as the Palekar Award is concerned. Again I must say that implementation of the Palekar Award, although we have taken a decision, it is again the responsibility of the State Governments. But, at our level we have got a Committee. I am the Chairman of that Committee. The Minister of State for Finance is one member of that Committee and the Deputy Minister For Information is another member of the Committee. We had one meeting already and we are going to fix another meeting shortly and we are going to ask the representatives of the journalists to come and represent any grievances they have.

" SHRI SHRIDHAR WASUDEO DHABE: Previously the practice in the Labour Ministry was that if any Award was challenged in the court, the parties used to be called there and Ministry tried to have a settlement out of court. That is what I have suggested for cases pending in the court.

SHRI VEERENDRA PATIL: About cases which are pending in the court, I do not know. For instance, the Bennett Coleman case is there and I think it is pending in the Supreme Court or something like that. If they are in a position to go to court and get a stay order, I cannot do anything. But, outside the court, whether we can • use our good offices or not and even if we use our good offices, what is going to be the response from both the sides, it is very difficult to say. But I say, my feeling is, so far as the Palekar Award is concerned, it is implemented. So, very little is there, here and there, but even that I will see that it is implemented *in toto*. That is why we have constituted a

[Shri Veerendra Patil] Committee at our level and also we have been writing to the State Governments repeatedly.

Sir, with these words, I once again express my grateful thanks to all the hon. Members who have participated in the debate and gave their co-operation and valuable suggestions. Sir, I Once again thank you.

MR. DEPUTY CHAIRMAN: Thank you very much for a very lengthy reply.

सदन की कार्यवाही कल रात छह बजे तक के लिए स्थगित की जाती है।

The House then adjourns at forty-nine minutes past seven of the clock till eleven of the 'clock on Thursday, 28th April, 1983.