

[Shri Bhagwat Jha Azad]

must plead my difficulty that I have not seen the statement made one and a half years ago. I would like to go into it and see what can be done about it.

### MOTION FOR ELECTION TO THE COURT OF THE ALIGARH MUSLIM UNIVERSITY

THE MINISTER OF STATE IN THE MINISTRIES OF EDUCATION AND CULTURE AND SOCIAL WELFARE (SHRIMATI SHEILA KAUL): Mr. Deputy Chairman, I beg to move:

"That in pursuance of item (xxiv) of clause (1) of statute 14 of the statutes of the Aligarh Muslim University, as amended by the Aligarh Muslim University (Amendment) Act, 1981 (No. 62 of 1981), this House do proceed to elect, in such manner as the Chairman may direct, four members from among the members of the House, to be members of the Court of the Aligarh Muslim University."

*The question was put and the motion was adopted.*

### MOTION FOR ELECTION TO THE GENERAL COUNCIL OF THE INDIAN SCHOOL OF MINES, DHANBAD

THE MINISTER OF STATE IN THE MINISTRIES OF EDUCATION AND CULTURE AND SOCIAL WELFARE (SHRIMATI SHEILA KAUL): Sir, I beg to move the following motion:

"That in pursuance of the provisions contained in clauses (ii) to (iv) of rule read with clause (vii) of rule 15 of the Rules and Regulations of the Indian School of Mines, Dhanbad, this House do proceed to elect, in such manner as the Chairman may direct, one member from among the members of the House

to be a member of the General Council of the Indian School of Mines, Dhanbad, in the vacancy caused by the retirement of Dr. Bhanindra Nath Hansda from the membership of the Rajya Sabha on the 2nd April, 1982."

*The question was put and the motion was adopted.*

### THE PAYMENT OF WAGES (AMENDMENT) BILL, 1982

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRI BHAGWAT JHA AZAD): Sir, I beg to move:

"That the Bill further to amend the Payment of Wages Act, 1936, be taken into consideration."

[The Vice-Chairman (Shri Ladli Mohan Nigam) in the Chair].

Sir, the Payment of Wages Act regulates the payment of wages to certain classes of persons employed in industry. It also ensures that wages payable to the employees covered by the Act are disbursed by the employers within the prescribed time limit and no deductions are made which are not authorised by law. The working of the Act has revealed a number of short-comings. Government also received suggestions for amending the Act to improve its working and to make it more effective and beneficial. It was also suggested to Government that the benefits of the Act should be extended to a large number of employees by enlarging the scope of industrial establishments as well as by enhancing the existing wage limit for coverage from less than Rs. 1,000 per month to less than Rs. 1,600 per month. Government have considered the various suggestions and decided to amend the Act.

The amending Bill now before the House seeks to achieve these objectives. It widens the definition of 'Industrial establishment' to cover

other establishments. It also empowers the State Government to extend the provisions of the Act to other establishments brought within the definition, except that in case of an establishment owned by the Central Government its prior concurrence would be taken. The Bill also extends the benefit of the Act to employees getting wages less than Rs. 1,600 per month.

Section 7 of the Act which deals with authorised deductions to be made from the wages of employed persons, is being amended so as to provide for deductions from wages, with the written authorisation of the employed person, for the payment of contribution to any fund constituted by the employer for the welfare of the employed persons or the members of their families, or both, as approved by the State Government or any officer specified by it in this behalf. The amending Bill also provides for deductions, with the written authorisation of the employed person, for payment of fees payable by him for the membership of any trade union registered under the Trade Unions Act.

It is intended to enhance the quantum of fines and period of imprisonment provided under the Act with a view to making them more deterrent. It is also proposed to provide for awarding a minimum punishment for certain offences under the Act. It is hoped that these amendments will have a salutary effect on the enforcement of the payment of Wages Act in the respective industries.

It is also proposed to add a new Section in the Act which may enable disposal of amounts payable to an employed person if such amount could not be paid on account of his death before payment or on account of his whereabouts not being known. With the introduction of this new Section in the Act, the employers' liability would be discharged by depositing the amount with the prescribed authority which shall deal with the amounts so deposited. Cer-

tain other minor amendments have also been proposed in the Act and these would help in securing better enforcement of this Act.

With these words, Sir, I request this House to pass this Bill which extends the coverage of the Act to a larger number of persons, and secures better enforcement of the Act through certain provisions which are beneficial to the working class.

Sir, I move that the Bill be taken into consideration.

*The question was proposed.*

SHRI SHIVA CHANDRA JHA (Bihar): Sir, I beg to move:

"That the Bill further to amend the Payment of Wages Act, 1936, be referred to a Select Committee of the Rajya Sabha consisting of the following members, namely:—

1. Shri R. R. Morarka,
2. Shri S. W. Dhabe,
3. Shri Biswa Goswami,
4. Shri P. Babul Reddy,
5. Shri Rameshwar Singh,
6. Shrimati Mohinder Kaur,
7. Shri Kalraj Mishra,
8. Shri Hari Shankar Bhabhra,
9. Shri G. C. Bhattacharya,
10. Prof. Sourendra Bhattacharjee, and
11. Shri Shiva Chandra Jha,

with instructions to report by the first week of the next Session."

*The question was proposed.*

SHRI P. RAMAMURTI (Tamil Nadu): Sir, I rise to support this amending Bill with some suggestions for some modifications and also to oppose the amendment moved for circulation or for sending it to a Select Committee. There is no need for sending such a simple Bill to a Select Committee at all.

[Shri P. Ramamurti]

Now, Sir, what I would like to say with regard to this Bill and with regard to this Act particularly is that the Government of India had to bring forward, in the year 1936, a Bill for ensuring payment of wages to the workers who had given their work which shows the character of the Indian capitalist class. I do not think that there is any such Bill, called the Payment of Wages Bill, which would ensure payment of wages to the workers for the work done by them in any civilized part of the world, in any civilized country in the world. In the United Kingdom, Sir, there is no such Bill; in America there is no such Bill; in Canada there is no such Bill; and nowhere else is there any such law. This speaks volumes of the character of the Indian industrialist class whom today you boost. They are the people who are the most honest people and the workers are rowdies and they do not behave and they are indisciplined! But these are our wonderful people, disciplined people, in this country who do not pay wages which are due to the workers after extracting work from them and the British Government had to bring forward a Bill in 1936 called the Payment of Wages Bill, 1936! And, today, Sir, after 46 years or so, you have got to bring an amendment to the Act! That shows that the character of these people has not changed at all and it still continues to be, what I would call—I do not know what to call it; if I call them as something, you will call it unparliamentary and, therefore, I won't say anything and I would leave it to you to call them as you like.

Now, Sir, so far as this Bill is concerned, I would like to mention a few things. Just in the year 1969, the Swadesh Textile Mills in Kanpur did not pay its workers their wages for five long months. The management did not pay them for five long months. The workers were agitating for the payment of their wages. But what did the government do? They had this Payment of Wages Act then also

and they were armed with this Act. But what did they do for five full months? What did the Uttar Pradesh Government do then? It was the Congress (I) Government that was there then and it is the Congress (I) which swears by the welfare of the working class and which says it has solicitude for the working class. What did it do for those five months? It only kept quite. The workers were agitating inside the factory and they were on a sit-in strike. After all, it was a question of hunger for five months and of there being nothing to eat. You know what the English proverb is. Gandhiji said at one time that before a hungry person even God himself has to appear in the form of bread. This is what Gandhiji had said long ago. But no God appeared before those workers in the form of bread and they were starving and there was *maru-maru* inside the factory. And there was a big 'hallagulla' in the country that the workers are indisciplined, they are rowdies and they are murderers. But what happened to the Managing Director of that Factory, Swadesh Textiles, who was the biggest murderer, who was murdering inch by inch or starving his workers and taking work out of them for five long months? What did the Government of Uttar Pradesh do? And what did the Government of India do? At that time, as far as this is concerned, it was the Janata Government; it was not this Government.

Then, Sir, I studied the whole problem and I went into the entire finance of Swadesh Textiles. They have factories in Jaipur, in Pondicherry, in Mhow, in Naini, and so on. I sent a very long letter and I went and lobbied with the Administration. I met the Finance Minister, the Labour Minister, the Industries Minister, the then Prime Minister—all sorts of Ministers—and at last I got the Factory taken over by the Government of India. But today, Sir, there are rumours, strong rumours, that the Factory is likely to be handed back to these people. I hope it is not true.

But there are strong and reliable rumours and the interested parties are trying to influence the Government of India to hand over this Factory back to them. My simple question is this. Can a management, which cannot afford to pay the workers and which cannot obey the law of the land, be given the responsibility of running the Factory. How much money would they loot? This is the only question I would like to ask. It is not directly concerned with the Bill, but I am just asking this question.

Now, as far as the Bill is concerned, I have got two or three things to say. Why is it cumbersome? After all the Factory Act says what the definition of a 'worker' is. It covers the workers and employees. Why to substitute the definition of the worker as it is in the Factory Act and why not just to take it out and put it here? In that case, all these thousand and six hundred and all these things will not arise. Wherever there is an employer-employee relation, the employee must be paid for the work he has done. After all, he gives the work before. He does not take the money in advance. He works before. In the case of a Factory with less than 7000 workers the grace period for payment for work for one month is seven days, and in the case of establishments with more than 7000 workers it is ten days' grace of period. If after that the management refuses to pay then the management is not worth the name. It is not capable of running a factory. And you have got to take over the same. That is the only thing which can be done. I would, therefore, suggest that the definition of 'workers' and 'employee' can be taken as it is in the Factory Act, and this cumbersome legislation is not at all necessary.

The second point that I would like to make is this. On page 2, in clause 7 it is stated:

"In section 7 of the principal Act, in sub-section (2), after clause (k),  
799 RS—10.

the following clause shall be inserted, namely:—

(kkk) deductions made, with the written authorisation of the employed person..."

Always it is given with the written authorisation of the employed person.

"...for the payment of his contribution to any fund constituted by the employer for the welfare of the employed persons or the members of their families, or both, and approved by the State Government or any officer specified by it in this behalf, during the continuance of such approval;"

I am very much afraid of this. This is because we know also that the employers have got a great pull with the Government or some officers of the Government. They can have any fund constituted and they deduct from the salaries of the workers, and they can utilise it in their own factories for furthering their own interests. No separate fund is there. After all, they can utilise it anyway they like. Where is the guarantee that the money will be utilised for the purpose for which it is deducted? Who is going to supervise that? What is the prosecution? What is the penalty if they misuse it? The whole idea is that the employer is always a good man and workers are always bad and, therefore, they should not be trusted. Employer is the paragon of justice and virtue. This is the understanding. You are making this provision for a fund created by the employer for the welfare of the employees. But if the employees come forward to create a fund, a fund which is constituted by the employees which is in their own welfare and if they authorise that the employer should deduct such and such a sum of money from their salaries, they cannot do that. Why this partiality? After all, blood is thicker than water. You are blood brothers. Therefore, they can do that. But the employees cannot do that. Who is that employee?

[Shri P. Ramamurti]

He is just *naukar chakar*. Therefore, he cannot do that. I will not now ask you to delete that thing. But at least add 'employer or employee'. Let the employees also have that benefit. Will you do even that much. You can bring forward this amendment immediately. I think there is already an amendment for deleting the word 'employer'. I do not want to go to that extent. At least accept that amendment. Let the employee also have the right to have funds for his own benefit. If they do not manage it properly, the other employees will go and beat them. That is the biggest guarantee. Therefore, I will ask you to do that.

Then there is (kkk) deductions, i.e.

"deductions made with the written authorisation of the employed person, for payment of the fees payable by him for the membership of any trade union registered under the Trade Unions Act, 1926."

This is what is called the 'check-off' system. This is known in trade union parlance 'check-off system'. This is in vogue in West Germany. This is in vogue in the United States. As far as I am concerned, I am totally opposed to it because if a trade union is not able to infuse in the working class that much consciousness that he goes and pays his subscription because it is his duty to pay his subscription to the trade union voluntarily, then that trade union is not worth the salt. It is better that the trade union is dissolved altogether. If that much of consciousness is not infused, then what is the trade union for? Therefore, I would say that on the other hand, it is capable of being misused. The employers will bring all sorts of pressures on the workers to make him sign a form to deduct the subscription for a particular union which the employer wants and the employer-sponsored union will get boosted up. Today, we have got the example of the Bombay strike. Two and a half lakh workers are involved. You have re-

cognised Rashtriya Mill Mazdoor Sangh. The subscription has come from the deductions made by the employers from the salaries of the workers month after month after getting his signatures. After all, I would like to ask that if this provision is inserted for the first time, then all the deductions made till now are illegal and just now you are making it legal. It means that all these years, the deductions made by the millowners of Bombay from the wages of the workers by way of subscription to that R.M.M.S. have been illegal and you had been shutting your eyes to that illegality.

I charge the Maharashtra Government and I charge the Government of India of committing illegality, violating the law by allowing them to deduct the subscription from the employees' salary and handing it over to the RMMS. And what is the result? The result is, that Union is not representative. You may call it representative but the workers has kicked it out and the President of that Union has not got the guts to address a single meeting in Bombay. He cannot address; he issues statements. An honest trade unionist, with an iota of sense of shame would immediately have told the Government, 'I don't represent the workers; the workers have no confidence in me and, therefore, do not have any talks with me.' And that your RMMS President has not got, your INTUC officer-bearers have not got that in many States where they have been kicked out. Therefore, Sir, do not introduce this new thing. Let the workers get that voluntary sense of trade unionism. Let the trade union consciousness rise as a result of the voluntary efforts of the unions and let the workers come and pay the subscription voluntarily. Don't try to impose this kind of management-favoured unions on the workers and say that this is the representative union. Therefore, Sir, these are the two main amendments on which I wanted to speak.

Lastly, Sir what I would like to point out is that the sooner this kind of Acts get out of the statute book, the better it is for our country. If our industrialists behave in a way that the wages are automatically paid after 7 days or 8 days and the workers do not have to agitate for that, the better it is for the country's name. The existence of this Act on the statute book is a blur on the image of the country that in this country there are employers who do not perform the elementary duty of paying to the workers. Sir, I would like to point out one more point. This Act extends to building workers also. I would like to ask them: What is the machinery by means of which you are going to enforce this? Building workers or builders are scattered throughout the country. They are not in one particular place. In the city of Delhi, I do not know how many thousands and thousands of builders are there. How are you going to do that about the contract workers? How are going to enforce that? You pass many laws. But what about the implementation machinery to enforce it. Then by the side of Delhi in Haryana, you have got the contracts workers in those kilns. It is a scandal; this bonded labour is a scandal to the whole country. And the Government has not been able to do a damn thing with regard to those contractors who are defying the law, who do not pay the wages, and who are continuing this system of bonded labour. And in the 20-point programme, abolition of bonded labour is the first item which the Prime Minister goes on talking about. It is a matter of shame that just by the side of Delhi, just about 12 Kms from Delhi, you have got this bonded labour in huge numbers and you are able to do nothing about it. When that is the case, what is the use of adding all these things in this Act? Nothing is going to happen. Things will go on and the workers will have to fight every inch for getting implemented even the laws that existed. Therefore, I

know, Sir, when the workers have got to fight, when they fight, the law and order question will come. The issue will not be looked upon as a question of human relations but it will be looked upon as a question of law and order. Police will go and beat the workers. I know the workers will have to suffer all these things. But Sir, the working class in this country is getting awakened as never before and, ultimately, law or no law it is the working class that is going to win and not the employers. Thank you Sir.

SHRI P. N. SUKUL (Uttar Pradesh): Mr. Vice-Chairman, Sir, I rise to support this rather simple Bill that is under our consideration. Sir, I entirely agree with my learned predecessor, Comrade Ramamurti, that this Bill should not have been there, at least, after 30 or 32 years of our independence. And it does tell a lot about the character of our capitalists, of our employers who have created the problems of non-payment of wages on time on the one hand and unauthorised deductions from the wages on the other. And to fight these two evils, this Act is still there. As the hon. Minister had told us, the main purpose of this Bill is to bring within the orbit of the Payment of Wages Act a large number of persons who are not yet covered by it and to make it more effective and also more beneficial to the workers concerned. And, that is why, Sir, I support this Bill in all its aspects.

This Bill, Sir, seeks to make certain amendments in the original Act and the first amendment, rather the first important amendment, is that the provisions of section 1 of the Act are proposed to be amended so as to apply automatically and without any notification by the State

[ Shri P. N. Sukul ]

Government to persons employed in different categories of industrial establishments covered by the existing definition of the industrial establishments in the Act. There can, of course, be no objection to this proposal because a larger number of people not yet covered by the Act are now proposed to be covered by this Act and the benefits of this Act are going to be extended to them as well.

The second amendment is that the present definition of industrial establishment itself is being changed as proposed in the industrial or other establishments and the Central and the State Governments are being empowered to bring within the purview of this definition other establishments too. This also serves the same purpose of bringing within the orbit of this Act a larger number of persons and a larger number of establishments not yet covered by the Act and there cannot be any objection to this as well. The State Governments are being enabled to extend the provisions of this Act to other establishments which are brought within the purview of the definition subject to the concurrence of the Central Government, where the Central Government themselves are employers.

The third very important change that is proposed to be incorporated in the Act is that the present wage-limit of Rs. 1000 for the applicability of the Act is being enhanced to Rs. 1600. Personally, I do not know why this amount of Rs. 1600 has been kept there. Maybe, because of the Bonus Act or some other Act it is there. Otherwise, seeing the rise in prices, of course, this amount should have been much more. This is my only humble suggestion in this regard. But, I think, perhaps in view of the provisions of the Bonus Act you are keeping it up to Rs. 1600 only.

Section 7 relating to deduction from wages is being amended so that deductions may be made with the written authorisation of an employee for payment of his contribution to any welfare fund created by the employers or by way of his dues to a trade union to which he is affiliated or of which he is a member. Absolutely, there cannot be any objection to this amendment also proposed by the Government.

Now, Sir, the more important aspect of this Bill is that various fines or punishments that are there in the original Act are being improved upon to make the applicability more stringent and to make it more enforceable and also to improve things as our Comrade Ramamurti said for future purposes. The punishments for contravention of the provisions under section 20 of the Act are being made more stringent. For example for contravention of the provisions of sections 5, 7, 8, 9, 10, 11 and 13, dealing with unauthorised deductions of various kinds and also levy of fines of various kinds, an employer, who previously was to be fined only up to the extent of Rs. 500, is now to be fined to a tune, not less than Rs. 200 and up to Rs. 1,000/-. This is all right. Perhaps, this change has been proposed in order to see that at least Rs 200 as fine is levied on an defaulting employer and the maximum fine would be Rs. 1000. But there are certain establishments where a number of persons are simultaneously put to this ordeal. I think it is for the harassment to one employee that this fine is imposed. But suppose there are 100 persons who are being harassed. Still you will be imposing the fine of Rs. 200 at least or Rs. 1000 at the most. I know of certain establishments, certain presses, for example there are presses bringing out certain journals and for months together the wages are not paid to workers. In my own State of U.P. I know of certain cases where for

months together the workers are not paid wages and collectively the workers are put to this harassment. If you prescribe this fine for one man or for thousand men, I don't think it will be quite rational and I would request the Minister to kindly reconsider it at length if possible.

Similarly, for contravention of provisions of sections 4, 5, 6, 8A, 10(2) or section 25 which deal with payment of wages for one full month or payment on a working day or payment in the current currency, this fine which presently extends to Rs. 200, is now being extended up to Rs. 500. It seems to be quite in order and, therefore, I support it wholeheartedly.

The third proposal is, whoever fails to maintain records or registers or refuses or neglects to furnish information or furnishes false information or refuses to answer or gives a false answer, in these categories, the fine that is there at present extends to Rs. 500 and now it is proposed that it will not be less than Rs. 200 and the maximum limit should be Rs. 1000. So this increase in the amount of fine is also quite justified and, therefore, I support it too.

As regards clause 13, it has been provided—of course through a fresh insertion of clause 25A after clause 25 of the Act—that amount due to be paid to a person at the time of his death may be paid to a nominee. I fail to understand why this provision was not there already. However, it is a very essential provision and it is good that such a provision is being made so that justice may be done at least to the family of the deceased.

Other amendments, as the Minister has said, are of minor, formal and consequential nature and, therefore, I support this Bill.

In connection with this Bill I would like to make one mention as I strongly feel that instead of having Pay-

ment of Wages Act or the Minimum Wages Act or the Bonus Act, all these different Acts governing payment of wages—bonus also becomes a part of the wage; as a matter of fact it is prescribed by law and it has to be paid periodically or annually as the case may be—there should be an exhaustive and comprehensive enactment in this regard. Instead of having multiple laws on the subject, we should try to have, if possible, one single law to cover all these three aspects of payment of wages payment of dearness allowance, payment of bonus etc. This will make things rather simple. Although this Bill does not call for any more discussion in regard to, say, having a national wage policy or having a better minimum wage, these things are equally important. And I will take this opportunity to request the hon. Minister kindly to ensure a few things in the best interest of the workers themselves. Only having such statutes or such Acts is not going to help, as has been our experience in the past. You should keep this in view if you really want to stop the exploitation of the workers by the employers. Of course, firstly, we should check the rise in price, secondly we have to generate greater employment and we should also have a national wage policy. Unless there is a national wage policy and unless regional imbalances are removed, things cannot improve. I remember one instance. I think it was during the Janta regime. When Mr. Bhajan Lal, who was the then Labour Minister of Haryana was attending a meeting of Labour Ministers of Northern States suggested that for all the States the wages should be the same. As citizens we are same whether we come from Bihar or U.P. or Haryana or Himachal Pradesh or from anywhere else in the country. In the same way if you are doing the same work naturally your wages have to be the same. This can be ensured only through a national wage policy. Unless you have a national wage-



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policy you cannot ensure this. Our own Minister, if I remember rightly, Mr. Swaminathan, in 1980, a few months after our Government took over or was elected to power, announced in Pondicherry that they would be coming up with a national wage policy very soon. I do not think any more time should be taken up, any more delay should occur in that respect and we should have a national wage policy as early as possible. It is indeed a matter of satisfaction for all those who are interested in labour welfare that soon after coming to power of this Government, headed by Shrimati Indira Gandhi, a number of steps have been taken by the Government to promote the interests of the workers. This Government came to power in January, 1980. In February, 1980, the wages of skilled and unskilled workers had been raised. In April, the State Labour Ministers Conference was convened. Mr. J. B. Patnaik was the then Labour Minister and it was decided that so long as the wages are not linked to the consumer price index, to ensure better justice for the workers, minimum wages should be revised in two or three years' time and it was decided that this was a must for having industrial peace. This was the suggestion and I am quite hopeful that this will be kept in view, this will be kept in mind, by the Government. So long as you are not having, so long as you are not going to have, a national wage policy in two or three years' time you will go on revising the minimum wages. Then, Sir, in May, 1980, itself, the Central Government increased the wages of daily-wage employees by 48 per cent and the wages of agricultural and mine workers by 25 per cent or more. Again in May, 1982 it approved the principle of having a national wage. Hence I think, the Government is quite concerned about this thing as well. And I would request the hon. Minister to have this national wage policy or this national wage finali-

sed as early as possible in the best interests of the workers, in the best interests of this Government and the country. With these words I support this Bill.

DR. SHANTI G. PATEL (Maharashtra): Mr. Vice-Chairman, Sir, I rise to support the Bill that is moved before this House broadly. I do have some reservations regarding some amendments which are sought to be made to the Payment of Wages Act, 1936. Before I deal with this problem, I must also say something about what my good friend Mr. Sukul has said before this House. (Interruptions). I think he would have made a better Labour Minister than Mr. Azad himself. I just wanted to pay him compliments for the way in which he was describing the achievements of the Labour Ministry of this Government (Interruptions). Anyway you could be considered in the run, you could have some satisfaction. (Interruptions). He will be there, he might get promotion for having qualified in the manner in which he has described the achievements. Probably, he will get higher promotion. But even in his observations, probably in his enthusiasm to praise the achievements, he forgot that he himself emphasized what was most necessary, but what was not being done even in the last three years. What is important in the present context in this country is to help most those who are unorganised and those who are exploited most. Now these are the sections for which legislations like the Minimum Wages Act exist. But he himself pointed out the most important deficiency in this particular piece of legislation, that is, there is no provision for automatic compensation for the rise in cost of living when the prices rise, and thus the wages stagnate at that particular level. He probably forgot to mention also that there is no provision to help another most exploited section of workers, that is the agricul-

ural workers. There is no provision through which these wages can be automatically raised. So, there are a number of deficiencies but we can deal with these problems at some other time on some other platform.

Coming back to the Bill which has been moved here, it has been said that this is seeking to enlarge the scope of application, particularly the number of industries that could be covered or the establishments that could be covered and thereby a large number of workmen could be brought within the provisions of this particular law. But may I submit, Sir, still there are thousands, may, lakhs of workers who will not be covered by this piece of legislation? As a matter of fact, I feel that this Government is hesitant and halting about having the proper Payment of Wages Act. There have been several committees. The most important Commission was the Gajendra Gadkar Commission. There has been the National Commission on Labour which has dealt in detail with this particular problem and as to how the various labour laws have to be brought together. There have been a number of committees appointed by the Ministry of Labour and they have also made certain suggestions. That is why I wonder why the Government has not been applying its mind to bring forward all these legislations together or bring forward all these amendments together. Thus they could have brought in a proper labour code before the country. This piecemeal approach is not going to help the labour. Here in this case, as I said, the coverage does not even include certain workers in an organised industry like port and dock. There are a number of workers who are still not covered by this particular law. I would, therefore, submit that if he really wants to help the exploited, he should take the definition not from the Factories Act or as my predecessor speaker Comrade Ramamurti said, but take the definition

of the Indian Trade Unions Act. Here is the definition of workman where an "employee" has been defined. The persons who can form a union should be at least given a right of defending themselves and seeing that their wages are paid in time and in full. If this is taken, then probably a large number of workers could be covered. A provision would have to be made also to extend these provisions to the agricultural sector. Then we can say that this is properly done.

Then take the definition of "wages". There also there are a number of exceptions. For example, travelling allowance cannot be considered a wage. Though it is paid in cash, it cannot be considered a wage. What is the logic behind it? May I ask the Minister, will he be able to explain why travelling allowance, which is considered one of the elements for computation of a normal basic wage, shall not be considered a wage merely because it is paid separately as travelling allowance and why recovery cannot be made under the provisions of this Act.

There are a number of industries, like shops and establishments. Why were they not included? Under the provisions of this law, it is left to the State Government to issue a notification and cover them. But it is very funny. I feel sometimes that this Government is going in the backward direction. Uptill now, the State Government was empowered to issue a notification if that is covered under the provisions of this law. Now they have come out with another amendment. In this connection I would refer to clause 3, page 2, line 5 where they have put a proviso: "Provided that in relation to any such establishment owned by the Central Government, no such notification shall be issued except with the concurrence of that Government." Why this control? Why this dictatorial attitude? If the

[Dr. Shri G. Patel]

State Government is satisfied in its wisdom that here is an industry or an establishment which should be covered by the provisions of this Act and it issues a notification, why should there be the control or concurrence or consent of the Centre? I believe this is something which is not necessary and the earlier it is deleted, the better it is.

I would also like to refer to the ceiling which is sought to be placed on the quantum of pay that a workman draws. There the limit of Rs. 1600 is sought to be placed. What is the logic behind placing this limit? Why not Rs. 2000? Or why have a limit at all? Here is a legislation the purpose of which is to assure payment of wages in time. If this is the purpose, then any employed person must have recourse to such procedure under which he can get his wages recovered as early as possible. Our present legal machinery is such that a person will be required to spend a lot of money and it will take a lot of time before he can realise what is legally due to him under a settlement, under an award, or under a contract. I would, therefore, submit that let this provision be completely deleted, though I have suggested an amendment to take it to Rs. 2000. I hope he would understand the unanimous feeling of this House. Even Mr Sukul has said that this needs to be increased and there is no sanctity, as far as I can see, about this quantum. I would, therefore, suggest that this particular suggestion made by this House should be accepted.

As has been pointed out, after nearly 46 years these amendments are being made. But let us leave aside the period of the British rule. For nearly 36 years after Independence, this law has been there and no effort has been made to really overhaul the whole statute with a view to seeing that the benefits reach those who deserve most. There has been no application of mind for this purpose so that those people are helped when-

ever they have to be helped and whenever the situation arises for these agreements or settlements to be carried out I would, therefore, suggest, without going into further details, let the Government take a comprehensive view of all the labour laws and bring about as much uniformity as possible, to make the scope of Payment of Wages Act open to every employee, whosoever is covered by the definition of "employee" under the Indian Trade Unions Act and also extend the scope of the definition of "wages" so that the real benefit goes to the persons who are concerned. Thank you very much.

श्री सदाशिव बागाईतकर (महाराष्ट्र) :

उपमहाध्याय महोदय, जो विधेयक सदन के सामने मंत्री जी लाये हैं वह एनो-क्रोनिस्टिक जो कानून है उसको सजाने का यह प्रयास है जो कुछ भी मदद नहीं करेगा। कानून जो 40—45 साल पुराना है और उसमें जो तारामीम ला रहे हैं उससे कुछ मजदूरों का भाग्य खुलेगा वह बात नहीं है।

श्री भगवत झा आज़ाद : कुछ भी नहीं है।

श्री सदाशिव बागाईतकर : आप जिस को कुछ कहते हैं वह बेमतलब है। इसलिये मैं कह रहा हूँ कि आपने उसमें 1600 रुपये के कवरेज की जो बात कही है अभी अभी मेरे मित्र ने आपको कहा पोर्ट एण्ड डाक वर्कर्स भी इसके अन्दर नहीं आते लेकिन मैं यह सवाल आपसे पूछना चाहता हूँ कि आखिर बात क्या है। लेबर के बारे में एक कम्प्रेहेंसिव लेजिस्लेशन लाने के बारे में पच्चासों बार कहा गया है पता नहीं उसको कब तक आप ला रहे हैं। यह तो आप पट्टियाँ लगा रहे हैं। एक इधर से अमेंडमेंट ला दिया दूसरा उधर से अमेंडमेंट ला दिया, इस तरह की बात आप चला रहे हैं। आखिर आपको कम्प्रेहेंसिव विधेयक लाने में क्या दिक्कत है? क्या सरकार को इसमें

दिव्यकत महसूस हो रही है यह हम नहीं समझते । असल में बात यह है कि वे कह रहे हैं हम आप से बातचीत करेंगे, परामर्श करेंगे इसका मतलब यह है कि इस किस्म का विधेयक लाने के लिये जो अरजेंसी सब्त जरूरत महसूस होनी चाहिए वह सरकार को शायद नहीं हो रही है । जो कानून सदियों पुराना है, आज के समय में निरर्थक है उसी कानून के सहारे आप चल रहे हैं, उसे चलाना, ठीक ठाक करने की कोशिश करना इस दृष्टि से मैं नहीं समझता कि कुछ नीति आपकी बनेगी या नीति को अमल में लाने के लिये औजार आप बना पायेंगे । यह नहीं हो सकता । दूसरे सब लोग भी यह कह रहे हैं कि इस तरह की बात करने से कोई फायदा किसी को होने वाला नहीं है । मेरी समझ में यह नहीं आता है । आखिर पेमेंट आप वेजेज एक्ट जैसे लाना है तो इस एक्ट के तहत सभी किस्म की जो नौकरी करने वाले हैं, कोई भी आदमी हो उसको एक रूप के अन्दर क्यों नहीं लाया जा सकता है ? अब मैं आपसे पूछना चाहता हूँ आपने इसमें फेक्टरीज का जिक्र किया है अब जो मजदूर दुकानों में नौकरी करते हैं उनको इससे क्या कोई फायदा मिलेगा क्योंकि उसके लिये अलग से शाप्प एंड इस्टेब्लिशमेंट एक्ट है, उसको एडमिनिस्ट्रेशन, उसको करने वाले लोग दूसरे लोग हैं । उसमें जो सारा करना पड़ेगा वह विलकुल इससे अलग होगा । तो इससे लाभ क्या होगा, मैं यह जानना चाहता हूँ अगर आपको लेबर लेजिस्लेशन में कुछ करना है, कुछ अमेंडमेंट करना है तो उसके लिये आपको चाहिए कि यह जो अलग-अलग विभाग में अलग-अलग कानून हैं, उनकी ज्यूरिस्टिक्शन भी अलग है, मशीनरी अलग है, एडमिनिस्ट्रेटिव अप्रेंटिस अलग हैं, किसी का अमल कोई कारपोरेशन, म्युनिसिपैलिटी करेंगी, किसी को पोर्ट एंड डाक वर्क्स का पोर्ट

ट्रस्ट करेंगी, और किसी पर अमल आप करेंगे तो इस तरह की बात मैं नहीं समझता कि इससे कुछ फायदा होगा, इससे कुछ लाभ होने वाला नहीं है । इसलिये जरूरी चीज यह है कि जो यह कई श्रेणियाँ उनको तोड़कर के सभी किस्म के वेज अनर सैलरी, प्राप्त करने वालों के लिये एक साथ कर दिया जाये और कुछ कानून ऐसा बना दिया जाये जिसका फायदा सभी को मिले । लेकिन जो विधेयक प्रस्तुत किया गया है इससे सब को लाभ मिलने वाला नहीं है, जो मेहनत करता है उसको उसकी मेहनत की कमाई जो है वह उसको हासिल हो जाये, इतना ही इस बिल का उद्देश्य है, लक्ष्य है और क्या है । इस में सब को एक साथ करने में क्या दिक्कत हो रही है । 1936 में जो सरकार थी, जो कानून उस समय का था वह सब आज 1982 में निरर्थक हो गया है । उसके ऊपर चर्चा करना, उस कानून को ठीक करना, आप भी जानते हैं । हम भी यह समझते हैं कि इस समय उपयुक्त नहीं होगा । इसके जाने में मंत्री जी को सफाई देनी चाहिए । मंत्री जी यह हमको आश्वासन दें कि कम्प्रेहेंसिबल बिल लाने की बात जो लम्बा किया जा रहा है वह एक मुद्दा बता दें कि इतने समय के बाद वे सदन के सामने आएँगे, इस तरह का वे एक आश्वासन दें तो उपयुक्त होगा । साथ ही साथ मैं यह भी कहूँगा कि यह जो अमेंडमेंट लायें हैं उनका मैं समर्थन करता हूँ लेकिन जो दो हजार रुपये की बात डाक्टर पटेल जी ने उठाई है मैं उसका समर्थन करता हूँ । ऐसे कई विभाग आप पायेंगे जहाँ काम करने वाले मजदूर दो हजार रुपये पाते हैं लेकिन उसकी असली कीमत आज क्या है । वह बात दूसरी है । अभी सुकुल जी, अब सदन में नहीं हैं, ने बहुत कुछ बातें वह कह गये हैं मैं उनसे उम्मीद करता हूँ ट्रेड यूनियनिस्ट होने के नाते नेशनल लेबर

[श्री सदाशिव बागाईतकर]

कमीशन की रिपोर्ट को उन्होंने पढ़ा होगा, अगर वे उसे भूल गये हों तो कृपा कर के दोबारा पढ़ लें। नेशनल लेबर कमीशन की क्या ये फाइंडिंग नहीं है कि real wages have gone down जो अगली कमाई मजदूर की है वह चाहे उसके काम की राशि बढ़ गई हो, लेकिन उसको जो परचेजिंग पावर है वह दिन ब दिन घटती जा रही है, इसलिए वह धाटे में जा रहे हैं। यह स्थिति नेशनल लेबर कमीशन में आपके सामने रखी है। इसलिए खाली यह कहने से क्या होगा कि 15 सौ, 16 सौ, है। यह इस माने में निरर्थक है। लेकिन फिर भी कवरेज भी बढ़ाना है तो यह जो संशोधन माननीय सदस्य का है, उसको मैं चाहूंगा सरकार कबूल करे। उसमें इज्जत और प्रतिष्ठा का सवाल नहीं है। हम समझते हैं कि कम से कम दो हजार आप करेंगे तो जो कवरेज की आपकी बात है वह बढ़ जायेगी इससे इस विधेयक को उपयुक्तता और फायदा भी बढ़ जायेगा। इसलिये इसको आप कबूल करिये।

दूसरा मेरा आपसे आग्रह यह है कि कई दिनों से वेज इनकम पालिसी की बात चल रही है, उसके बारे में आपने कुछ सफाई से नहीं कहा है, उसमें आप साफ करिये। भूतलिंगम साहब की रिपोर्ट जो है वह आपके पास पड़ी हुई है, जो खामियां उसमें थीं उसको लेकर काफी वाद विवाद उस वक्त चला था। इसलिए अगर बुनियादी तौर पर आपको कुछ नीति तय करनी है तो वेज इनकम पालिसी के बारे में आप कुछ करिये और इसको लेकर जब आप सदन के सामने आयेंगे तब आपको पता चलेगा कि सही वेज इनकम पालिसी सरकार बनायेगी तो इस तरह के जो कानून आज बने हुए हैं वे सब इरेलेवंट और निरर्थक हैं। इसलिए वेज इनकम पालिसी के आधार पर नया कानून

बनाने की बात अगर आप नहीं करेंगे जिसमें कि महंगाई भत्ते का आटोमैटिक राइज हो, कितना देना है, क्या देना है, वह दूसरी बात है लेकिन आटोमैटिक स्केल हो जाये, महंगाई बढ़े तो बढ़ जाये, कम हो जाए तो घटे, इस तरह की बात इस में नहीं आयेंगी और वेज इनकम पालिसी नहीं बनाकर मजदूरों को राहत देने का काम नहीं करेंगे तो मैं नहीं समझता कि कुछ इस दिशा में आप ज्यादा उपयुक्त इस तरह के वेज संशोधन लाकर कर सकते हैं। इसलिये मेरा यह कहना है कि यह जो संशोधन दो हजार रुपये का है उसको आप कबूल करें।

कांन्ग्रेस विधेयक को जो बात आपने लाई है, उसको मुद्दत बाधिए, कहिये कि कब तक सदन के सामने आयेंगे। आप नवम्बर सेशन में लाइये। उस दरमियान जिस किसी से बातचीत करनी हो, करके वह सब सिलसिला खत्म कीजिये लेकिन कुछ तो उसको अरजेंसी होनी चाहिए परन्तु मुझे लग यह रहा है और जो सरकार की नीति दिखाई दे रही है वह यह साफ दिखाई दे रही है कि सरकार जो को अरजेंसी नहीं है और सरकार उसी नीति को चलाना चाहती है कोडा लेकर कि इतना देंगे, इस पर तुम काम करो। यह चलाना चाहते हैं और यह जो बी०पी०ई० वगैरह सारा मामला है, उसका कोई मतलब नहीं है, सारी कलैक्टिव बारगेनिंग की मशीनरी निरर्थक होती जा रही है और ये बी०पी०ई० जैसे अज्जार को बनाकर मुपर इम्प्लायर हो गये हैं। सबके सिर पर बैठकर कलैक्टिव बारगेनिंग का सारा उसूल खत्म कर रहे हैं। कई बार, इस सदन में, बाहर कमेटीज के अन्दर, कन्सल्टेटिव कमेटी में दसों जगह इस पर बहस हुई है लेकिन हमें नहीं लग रहा है कि उस बहस का कोई निष्कर्ष निकल रहा है और बी०पी०ई० की जो ताकत है उसको घटाने का काम किया जा रहा है यह हम

कहाँ नहीं देख रहे हैं ? इसलिये सवाल असल में यह है कि बुनियादी नीति सरकार इस मामले में क्या चलाना चाहती है, इसको देखें । अगर सरकार की यही दिशा है कि हमें जितना देना है उतने में काम करो तो इस तरह के विधेयक से क्या लाभ है और उससे क्या लाभ होगा, हम नहीं समझते हैं ।

इस विधेयक में विरोध करने की चीज नहीं है, हम किस चीज का विरोध करेंगे सिवाय यह कहकर कि यह कैंसर का पेशेन्ट है उसको आप एस्पिरोन की दवाई दे दो तो इस तरह की बात से न तो पेशेन्ट को लाभ मिलेगा, न उस दवा का उपयोग होगा । आप यही कर रहे हैं । असली रोग क्या है, आप इलाज क्या कर रहे हैं, इसकी बात है । इसकी चर्चा और बहस करनी चाहिए । इसलिये मेरा आपको यह कहना है कि यह जो आप लाये है, इन्फ्लेक्शन लूकिंग तरहम लाये है उसमें एक चीज जरूरी है कि जो धारा चल रही है जो स्थिति बनी हुई है, उसी को बरकरार रखने की अगर आपकी मंशा है तो इससे काम बनने वाला नहीं है, यह हम आपको साफ करना चाहते हैं । आपके कलैक्टिव बारैगिंग और सारे लेजिस्लेशन मजदूरों का कोई प्रोटेक्शन नहीं करेंगे अगर आप सही मायनों में वेज इन्कम पालिसी की दिशा में नहीं जायेंगे, कम्प्रोहेंसिव लेजिस्लेशन नहीं करेंगे । अलग-अलग मजदूरों के लिये अलग-अलग लेजिस्लेशन, इस तरह की जो बात है, उसको खत्म नहीं करेंगे तो इससे कुछ होने वाला नहीं है । इसलिये मैं चाहूंगा कि यह जो संशोधन दो हजार का है, उसको कम से कम आप कबूल करिये ।

एक आखिरी बात कहूंगा—जो सवाल राममूर्ति जी ने उठाया है चैक-आफ सिस्टम, आप उसका समर्थन क्यों करना चाहते हैं ? चैक-आफ सिस्टम की इसमें क्या गुंजाइश है, चूंकि आप जानते हैं कि

चैक आफ सिस्टम कहाँ चलता है ? जहाँ सौ, दो सौ या तीन सौ मजदूरों की यूनियन है, वहाँ कहीं चैक आफ सिस्टम नहीं चलता है । चैक आफ सिस्टम उस खास जगह चलता है जैसे राष्ट्रीय मजदूर संघ का उन्होंने उदाहरण दिया है । तो हम नहीं समझते कि आपको तय करना है कि ट्रेड यूनियन बनने में चैक आफ सिस्टम से मदद होगी या उसमें नुकसान होगा, इस पर आप बहस कराइये । बिना इस पर कुछ नीति तय किये आप चैक आफ सिस्टम को ओ० के० कर रहे हैं, जो मैं नहीं समझता ।

चैक-आफ आन्दोलन मजदूर की दृष्टि से खतरनाक है और वह लकवामार आन्दोलन हो जाएगा, पंगू हो जायेगा, वह वहाँ मजदूरों में जाकर चंदा वसूलने का और जो संपर्क उससे करना पड़ता है, उसको करने की जिम्मेदारी से भी अगर मजदूर संगठन कतराएगा और भागेगा और चैक उनके दफ्तर में आ जायेगा उनके मालिक की तरफ से, उनके डिपार्टमेंट की तरफ से, तो ट्रेड यूनियन की ताकत नहीं रहेगी ।

इसलिये मैं नहीं चाहता, मुझे यह मालूम है कि आपका कानून न होने पर भी इंडिविजुअल कनसेंट, एग्रीमेंट ये लोग किया करते हैं, लेकिन कम से कम कानून का स्टेट्स इसे मत दीजिये । इस संशोधन को इसमें क्यों रखा है और क्या आपकी यह राय है कि जिस तरह की मजदूर आन्दोलन में सुधार की गुंजाइश है, वह तो इससे खत्म हो जायेगी ।

इसलिये मेरा आपसे कहना है कि इसको आप वापिस ले लीजिये और मजदूर आन्दोलन काम करने वाले लोगों को यह तो जिम्मेदारी निभानी है कि उसको, मजदूर को अगर आठ आना या रुपया चंदा देना है, तो वह उसके पास जाये और चंदा वसूल करे न कि मैनेजमेंट के

[श्री सदाशिव बगाईतकर]

सहारे वह पैसा ट्रेड यूनियन के दफ्तर में आने का काम इस संशोधन के द्वारा जो करने जा रहे हैं, वह ठीक नहीं होगा, उचित नहीं होगा और मजदूर आन्दोलन के लिये यह खतरनाक होगा। यह मेरी राय है।

मैं उम्मीद करता हूँ कि श्रम मंत्री जी इन दो-तीन सवालों पर सोचेंगे और इस पर आवश्यक संशोधन करेंगे।

श्री कलराज मिश्र (उत्तर प्रदेश) :  
उपसभाध्यक्ष जी, यह जो पेमेंट आफ वेजेज (अमेंडमेंट) बिल श्रम मंत्री महोदय, ने विचारार्थ पटल पर रखा है, वास्तव में, देश में मजदूरों की जितनी अधिक तादाद है और उस संबंध में जिस तरीके से विचार करने की स्थिति होनी चाहिए, मैं सारा देखने के पश्चात् ऐसा अनुभव करता हूँ कि उस गम्भीरता से उसको नहीं लिया गया है। पुराने ही सारे कानून बने हैं अभी तक, केवल थोड़ी-थोड़ी बातों को लेकर अमेंडमेंट किये जाते हैं। सम्पूर्ण समस्या को सामने रखकर के विचार करके जैसे और अभी बगाईतकर जी ने कहा कि कम्प्रीहेंसिव बिल इस प्रकार की जानी चाहिए, वैसे अभी तक लाने का प्रयास नहीं किया गया है। वह चाहे ट्रेड यूनियन एक्ट 1926 में बनाई, इंडस्ट्रियल डिस्प्यूट्स एक्ट, 1948 में, पेमेंट आफ वेजेज एक्ट, 1936 में, उसी की कुछ धाराओं को केवल संशोधित करने का प्रयास किया जा रहा है, सम्पूर्ण तरीके से विचार करने की कोशिश नहीं की जा रही है।

मैं मंत्री महोदय से सबसे पहले तो यही आग्रह करूंगा कि इसको एक बार पुनः सारी आज की परिवर्तित परिस्थिति को ध्यान में रखकर के जिस तरीके से सामाजिक परिवर्तन बढ़ा तेजी से हो रहा है, उसको ध्यान में रख करके पुनः इस संबंध

में विचार करें और नये तरीके से मजदूरों के कल्याण हितार्थ यह विधेयक को लाने का उपक्रम करें।

श्रीमन्, अभी फरवरी में राज्यों के श्रम मंत्रियों की यहां एक बैठक हुई थी। उसका अध्यक्षता राम दुलारी जी सिन्हा, जो उस समय श्रम मंत्री थीं, उन्होंने की थी और उसमें उन्होंने कहा था कि—

“The Committee also decided that the level of minimum wages should not fall below the poverty line as is determined by the Planning Commission from time to time.”

उसमें जो मिनिमम वेजेज तय करने की बात आई थी तो वह तय करेंगे कि क्रम में यह बात कही गई थी और यह कहा गया था कि प्लानिंग कमिशन के द्वारा समय समय पर जो ये सुझाव दिए गए हैं कि गरीबी से निचले स्तर का जीवन व्यतीत करने वालों की जो स्थिति है उस से अच्छे हालात में रह सकें, इस प्रकार के मिनिमम वेजेज तय करने चाहिए। लेकिन, श्रीमन् मैं यह कहना चाहता हूँ कि आज जो यह विधेयक आया—और विधेयक की धाराओं पर अभी हमारे कुछ साथियों ने इंगित भी किया—आपने जो उनको धनराशि आवंटित करने की कोशिश की है, तो मैं श्रीमन्, यह कहना चाहता हूँ कि यह जो सेक्शन 8 के अमेंडमेंट में आपने कहा है, सबसेक्शन (4) के बारे में कि—

“in sub-section (4) for the words “half-an-anna in the rupee,” the words “three per cent.” shall be substituted.”

तो मेरा कहना है कि 3 परसेन्ट से क्या होगा? क्या इससे गरीबी के निचले स्तर पर जीवन व्यतीत करने वालों का जीवन-स्तर उंचा उठा सकेंगे? यह बहुत ही कम है। इस आधार पर भी विचार करने की दृष्टि से उसके

प्रतिशत को बढ़ाना अत्यन्त आवश्यक है, और बढ़ाना चाहिए। और इसी ढंग से, जो हमारे मित्र शांतिभाई पटेल ने कहा कि—

“The wage limit for applicability of the Act is being enhanced from Rs. 1,000 to Rs. 1,600 per month under clause 3.”

इसको 2000 तक करना चाहिए, इस पक्ष का मैं भी समर्थन करता हूँ। इसीलिए मैंने प्रारम्भ में यह कहा कि जब तक सम्पूर्ण रीति से विचार करके एक एक बिंदु पर मंत्रालय या संबद्ध व्यक्ति चिंतन नहीं करेंगे तब तक हम कल्याण की दिशा में कुछ प्रयास नहीं कर सकते।

श्रीमन्, मैं उस संबंध में यह भी कहना चाहता हूँ कि सरकार कहती है कि मजदूरों के हित की दृष्टि से हम प्रयत्न कर रहे हैं, हमारा जो सारा विचार करने का क्रम है यह मजदूरों के हितार्थ है लेकिन अभी सब जगह हड़तालों से उद्योग धंधे बंद पड़े हैं। मैं समझता हूँ, इतनी अधिक वंदिश शायद ही कहीं होगी और इस संबंध में ध्यानाकर्षण प्रस्ताव भी आया था, उस पर चर्चा भी हुई है। जूट मिल्स सारी बन्द पड़ी हुई है। लगभग 70 हजार की संख्या के हिसाब से क्या हम ने उन मजदूरों की वेज पेमेन्ट बिल के माध्यम से उनके कल्याणार्थ किसी भी प्रकार से क्रियान्वित करने की दृष्टि से इस में निर्देश किया है? या इस प्रकार के जहाँ भी लोग बेकार पड़े हुए हैं उनकी सुरक्षा की या जीवन-यापन की सरकार गारण्टी देगी या इस प्रकार की कोई व्यवस्था की गई है जिससे विषमता की स्थिति नहीं होगी। श्रीमन्, यह नेशनल वेज पात्रिसी आज तक तय नहीं हो पायी और जहाँ है भी तो स्थान-स्थान पर उसमें डिस्पे-

रिटी है, विषमता है। समय-समय पर भिन्न-भिन्न कमेटियों ने उस डिस्पेरिटी को समाप्त करने की दृष्टि से अपनी सिफारिशें भी की हैं। एरा सेजियन कमेटी ने इस प्रकार की सिफारिश की थी कि एक ही क्षेत्र में काम करने वाले जितने भी मजदूर हैं उनकी वेजेज की स्थिति इस प्रकार निश्चित की जाएगी कि वह समान रूप से हों, उसमें डिस्पेरिटी नहीं होनी चाहिए। श्रीमन्, इस संबंध में मैं यह कहना चाहता हूँ कि दिल्ली के अन्दर दिल्ली एडमिनिस्ट्रेशन की तरफ से स्किल्ड और अनस्किल्ड लेबर के लिए जो उन्होंने वेज रखा उसके अनुसार 300 रु० अनस्किल्ड लेबर की मजदूरी तय किया था और 337 रु० सेमी-स्किल्ड लेबर की मजदूरी तय किया था और लगभग 400 रु० स्किल्ड लेबर की मजदूरी तय किया था और इसके पहले श्रीमन्, यह बात आई थी जब इस पर चर्चा चल रही थी कि किस आधार पर मजदूरी तय की जाए और यह तय पाया था कि युद्ध के पूर्व की जो प्राइस लेवल है उसको ध्यान में रखकर सारे वेजेज तय होने चाहिए लेकिन आज जिस तरीके से प्राइस इन्डेक्स बढ़ा है, जिस तरीके से मूल्य बढ़े हैं, उस आधार पर 300-400 रु० तय हुए हैं। मैं समझता हूँ यह आज की वास्तविकता को ध्यान में रख कर निश्चित नहीं किए गए। और इस लिए मेरा कहना है कि पावर्टी लाइन से नीचे जो लोग जीवन व्यतीत कर रहे हैं उन को ध्यान में रखना चाहिए। यह वेजेज जो तय होंगे यह तो घोषणा मात्र हैं। सही माने में उस प्रकार की व्यवस्था करनी चाहिए। उस प्रकार से मजदूरी तय करने का प्रयास सरकार की तरफ से नहीं किया जा रहा है। श्रीमन्, मैं कहना चाहता हूँ कि जितनी भी बातें तय होती हैं



[श्री कलराज मिश्र]

वह सामान्यतया जितने संगठित मजदूर हैं, फैक्ट्री में काम करने वाले, पब्लिक सेक्टर अंडरटेकिंग में काम करने वाले उन्हीं की दृष्टि से सारी चीजें तय होती हैं। कई स्थानों पर उन को भी क्रियान्वित नहीं किया जाता। लेकिन एक बहुत बड़ा वर्ग है हिन्दुस्तान के अन्दर, जो खेतिहर मजदूर के नाम से जाना जाता है, जो असंगठित है, उन मजदूरों की कोई चिन्ता नहीं करता। गांव में उस की दुर्दशा है। यह खेती करते हैं। कहीं-कहीं तो उन को 50 पैसे और 25 पैसे मजदूरी दी जाती है। यह किस की जिम्मेदारी है, इस को कौन व्यवस्थित करायेंगा? यह छोटा-मोटा क्षेत्र नहीं है, बहुत बड़े व्यापक क्षेत्र में यह स्थित है। सरकार में जो मंत्री बैठे हुए हैं, ये जो उपमंत्री बैठे हुए हैं धर्मवीर जी, इन को अच्छी तरह पता है, गाजीपुर, बलिया, आजमगढ़ ऐसे इलाके हैं जहां अभी भी लोगों को 50 पैसे और 25 पैसे ही मजदूरी दी जाती है। ज्यादा शोर-शराबा हुआ तो एक रुपया दे दिया। इस आधार पर प्रतिदिन की मजदूरी पर ये लोग काम चलाते हैं। मिनिमम वेजेज के जो कानून हैं उन के माध्यम से हम लोगों को एश्योरेंस दिलाने का प्रयास करते हैं, लोगो की आजीविका की दृष्टि से हम उन को आश्वस्त करते हैं, लेकिन इन खेतिहर मजदूरों के लिए हम क्या कर रहे हैं, उन के लिए हम कैसी व्यवस्था कर रहे हैं।

श्रीमन्, मैं कहना चाहता हूं कि सरकार जो विधेयक लायी है इस का, जैसा पूर्व वक्ताओं ने कहा, विरोध का कोई सवाल खड़ा नहीं होता। इस में और अधिक सुविधाएं प्रदान की जायें संशोधन के माध्यम से और सुविधाएं लोगों को हम दे सकें, यह रुझाव हम

दे सकते हैं। मेरा श्रम मंत्री जी से निवेदन होगा कि इन असंगठित मजदूरों को ध्यान में रख कर राज्य सरकारों के माध्यम से हम इन को समुचित मिनिमम वेज दिलवाने का प्रयास करें। यूनीफार्म मिनिमम वेज तय हो। इन लोगों को भी उस तरह की सुविधाएं प्राप्त हों जो सरकारी उद्योगों में काम करने वाले मजदूरों को होती हैं और बाकि क्षेत्रों में काम करने वाले मजदूरों को प्राप्त है। इस को कैसे किया जा सकता है उस सम्बन्ध में सरकार को विचार करना चाहिए। जैसा मैंने पहले कहा, सरकार को एक पूरा विधेयक ले कर आना चाहिए। हम लोगों ने कहा भी है कि इस को सेलेक्ट कमेटी में भेजें जिस से व्यवस्थित तौर पर हर पक्ष पर विचार सम्भव हो सके।

SHRI U. R. KRISHNAN (Tamil Nadu): Mr Vice-Chairman, I rise to support this Bill. This Bill was enacted as long back as 1936 and even at that time there were only a handful of industries and this reflects the mind of the capitalists towards the working class. After independence thousands and thousands of industries have been set up either in the public sector or in the private sector and lakhs and lakhs of people are employed in them. Regarding the payment of Wages Act I would like to emphasise that the registers kept there are not properly maintained. The names of only persons who are employed on a permanent basis are entered in those registers and persons who are working as casual labour are not mentioned there. The casual labourers work for more than two years or three years or even ten years and yet their names are not entered in the registers and they are not getting their rightful dues, dues to which they are entitled under the law. Even the persons who have been working for even years cannot claim that they have worked in such and such an industry or in such and such an establishment

for such and such a number of years because the registers kept in those industries or establishments do not show their names at all. There should be some Government machinery to supervise and strictly verify these things. The erring management should be brought before the court and punished.

Regarding deductions from the wages of the labourer, I would make a strong plea to the hon. Minister and would like to tell him that some of the managements who are deducting from the wages of the employees towards ESI and Provident Fund are not depositing the deducted amount to the Government agencies and in this process the labourers are being denied their right. When they go to an ESI hospital for treatment, the officials in the hospital tell the labourers that their dues have not been received and they come back without getting any medical aid.

As far as provident fund is concerned, nobody knows how much money has been deposited in the name of the employee.

In this connection I would like to make a submission that the details of the monthly wages with all the deductions towards ESI and PF should be given to each labourer in writing in the regional language. This should be made the responsibility of the industries. Only a handful of industries are doing it others are not bothered about it.

Regarding subscription to the Unions, there is some confusion. Subscriptions may go to two or three unions. I would suggest creation of a Government machinery which should call all the recognised unions and the employee and investigate and find out to which union he actually would like to subscribe. His subscription should go only to that union. If this is not done, at some stage some union will say that the labourer belongs to that union. We are experiencing this difficulty some time.

Another thing which I would like to bring to the notice of the hon.

Minister is the system of imposing fines on labourer. Some managements are doing it even without holding any enquiry. Some managements go to the extent of recovering fines, even though a particular labourer may not have caused damage to any property. They sometimes recover amounts to the tune of Rs. 1,000 or Rs. 2,000. This is certainly a huge amount for the labourer.

Then dearness allowance is given by one industry to its labourers according to some standard. The other industry gives it according to a different standard. Why should there be any difference Dearness allowance is given on the basis of the index price. There should be some uniformity in the matter. There are continuing judicial pronouncements regarding dearness allowance. This should also be clarified.

When there are strikes or lock-outs or closures, the labourers are not given the subsistence allowance, though they may not be responsible for the lock-out or closure. When they ask for the money to which they are entitled, they are told that the money would be given only after the lock-out or closure is lifted.

In this connection I would like the Hon. Minister to bring forward a legislation on the lines of a law which the Tamil Nadu Government has enacted under which an employee who has worked in a particular industry for more than 480 days in two years is made permanent.

Also there should be an Act for the protection of the interests of the handloom weavers which also the Tamil Nadu Government has done. With these words, I support the Bill.

श्री कलराज मिश्र : श्रीमान्, मैं जो कहना चाहता था उसके विरोध में बोल गया, उसको मैं सुधार करना चाहता हूँ। अगर आपकी अनुमति हो तो मैं उसका सुधार कर दूँ।

श्रीमान्, मैं कह रहा था कि धारा 8 का जो अर्मेडमेंट है, उसमें जो सब-संश्लेषण है, उसमें दिया है—

“for the words ‘half-an-anna in the rupee’, the words ‘three per cent.’ shall be substituted;”

इसको मैं वन परसेंट करना चाहता हूँ। वरना इसका गलत अर्थ लगाया जाएगा।

श्री भानुवत झा आजाद : यह डिमल चेन्ज है।... (व्यवधान)...

श्री कलरज मिश्र : वह और कम हो, यह मेरा मुझाव था। श्रीमान्, वह मैं निकलवा देना चाहता हूँ।

उपसमापक (श्री लाडली मोहन निगम) : ठीक है। Mr. Dhabe

SHRI SHRIDHAR WASUDEO DHABE (Maharashtra): Mr. Vice-Chairman, Sir, in this Bill as framed there is very little to oppose. But some of the features of this Bill indicate the mind of the Government. I am surprised to find that the Government has included in this Bill a controversial clause, that is, amendment of section 7 (kkk) to which Shri P. Ramamurti made a reference. It says:

“deductions made, with the written authorisation of the employed person, for payment of the fees payable by him for the membership of any trade union registered under the Trade Unions Act, 1926;”

Sir, this question is closely linked with the question of recognition of the unions and unless the Government takes a decision on the recognition of unions, it is likely to be abused to a very large extent by the employers for fermenting trouble and floating rival unions. My friend has just now raised this question. Suppose the authorisation is given for three or four unions. Will the deductions be made for all the four unions towards subscription? And, Sir, who is to decide it? Obviously, the em-

ployer. It only says that a written authorisation should be given. To whom? It should be or it could be given to the employer only. In that case, three or four deductions will have to be made.

SHRI DHARMAVIR: (Uttar Pradesh): How will they deduct like that?

SHRI SHRIDHAR WASUDEO DHABE: You should know that there is more than one union in one industry and, today, the tendency of the workers is to become the members of many unions. He will go to the INTUC and if his work is not done, they will go to the AITUC or the CITU or the BMS and so on so that they can get their grievances redressed. Therefore, to think that a worker is loyal to one union or is attached to one union is wrong. Earlier he wanted to continue in one union with loyalty, that thing is not there now. With the multiplicity of the unions, the loyalty of the workers has also become multiple. Therefore, this question is very controversial which have been brought in here. What I would like to say is that I am totally opposed to the check-off system because no guidelines are given nor any parameters indicated. In this connection, I would like to draw the attention of the Minister to the fact that the subject was discussed in the National Labour Commission, particularly the rights of the recognised unions, which is there at p. 331 of the National Labour Commission Report. What is being done is a wrong thing. There is a controversy always about the verification or the method of choosing the recognised unions. The method of choosing the union, the question of what rights should be there, all these came up before the Commission and they have said:

“To raise issues, the unions recognised as representatives under the procedure should be statutorily given the positive right of sole bargaining representative of the workers in any collective bargaining to effectively discharge the functions. Among other things are the

rights to raise issues and enter into collective agreements with the employers on general questions, on the workers' terms of employment and conditions, of service of the workers' etc., etc."

Then it says—and it is very important—like this:

"To collect membership fees, subscription, payable by members to the union within the premises of the undertaking or to demand check-off facilities."

Sir, the whole idea of the recommendation of the National Labour Commission is that the check-off system or facility should be given only to a recognised union, only if it is a statutorily recognised union and not otherwise. But here you are putting the cart before the horse. Any trade union can ask for subscriptions to be deducted. You see, in my State of Maharashtra, the sugar co-operatives are there and the sugar barons are there and they may make deductions and foment trouble and float rival unions. The whole idea of the recommendation of the National Labour Commission is that it should be given to the recognised union only and to none else. And, therefore, this clause requires reconsideration. Incidentally, I would like to mention that the Government should take a decision as to what should be the criteria for recognition of unions. In fact, the employers, the Tatas, say that trade unions are very much divided and because of multiplicity of trade unions production is going down. What is the position of employers? Employers are still more divided. One employer wants to deal with four or five unions. You have no industry-wise Employers' Associations, harring at a few places like Ahmedabad, Bombay or Coimbatore. Medium-size and small-size employers are not at all organised. Collective bargaining requires statutory agent, not only for the employees but also for employers, industry-wise. Therefore, it is accepted by many employers' organisations also that

ballot is a better method of choosing the collective bargaining agent and there should be only one union. Today even that is not there under the Industrial Disputes Act. The 1962 labour code is still applicable for recognition of unions. Even if I have the largest membership, I am not the sole bargaining agent under the Industrial Disputes Act. Statutorily I have no powers. All other unions have got equal powers and they can interfere and they can destroy what a recognised union wants to do. Therefore statutorily, collective bargaining agent should be one—that is the only solution for avoiding multiplicity of unions. Therefore, unless the Government decides to have a statutory collective bargaining agent for both the employers and employees, in a particular region of industry, not further progress is going to be possible in our programme of production and there cannot be industrial peace. Therefore, if the Labour Minister is very keen on this, he should find out a solution for collective bargaining agent. Without that nothing is going to happen in this country.

Sir, the multiplicity of unions is inherent in a democratic system, and therefore the only solution is to have a legal, statutorily recognised union.

One or two points I would like to make about this Bill.

He has taken care that the limit is increased. But the provisions which are against the poor people who want to get justice, have not been removed in this Bill. People who want to get justice for small amounts have been debarred from filing an appeal under section 17 of this Act. I will like the Minister to consider it. If the amount deducted is about Rs. 25 or Rs. 50, they cannot file an appeal and the claim is finalised. If a claim is rejected by the Small Cause Court, then he cannot appeal to the District Judge. That is the provision today in the Act.

[Shri Shridhar Wasudeo Dhabe.]

Today section 17 debars certain small claims. I think for people who earn small wages, fifty rupees is a big amount. And this provision is working harsh against these small workers and as such should be removed, and it does not deserve to be in this Act.

Lastly, I would like to say that the definition of 'wages' is quite out of date. Even the payment of gratuity is not covered, that also cannot be called wages and cannot be recovered. This definition of 'wages' in this Act is so narrow. Many of the claims and facilities and fringe benefits which the workers are getting today are out of the purview of the Act. Bonus is not permissible. House accommodation, contribution to GPF, bonus and even the gratuity are not included in the definition of 'wages'. Therefore, unless the definition is amended, this Act cannot become effective. One has no remedy about these in the Payment of Wages Act. When the amount is deducted, the man is left without any remedy. Therefore, this act required other amendments also. One or two amendments which have been made providing for penal provisions are really welcome. I suggest to the Minister that the restrictions put on the small workers for filing claims against their small deductions should be removed and the Act should be made applicable to all so that other sections of the workers get advantage out of it.

DR. MALCOLM S. ADISESHIAH (Nominated): Mr. Vice-Chairman, I should be brief. I support the Payment of Wages (Amendment) Bill, 1982. Being one of the last speakers, I have the advantage of having everything that I want to say said in various ways by previous speakers. I certainly join with Mr. Sukul and others in looking forward to the day when the Minister can come forward with a Bill which will cover all workers. This is what all of us have said in

various forms. Talking of a rational wage policy, it is rather difficult. But we hope very much that the day is not far off when there will be a Bill which will cover the wages of all workers. I would like to ask the Minister some questions. Firstly, how many workers are covered by the un-amended Wages Act? Does he have any kind of a rough figure? We know that out of the working force of 260 million and odd, only 10 per cent of the working force is in the organised sector. It means 26 million. May I ask the Minister whether in the definition that he gives, at least all the 26 million of the organised sector is covered by this Act. My second question is this. How many more workers does he hope to cover? Unlike Mr. Ramamurti, I welcome the inclusion of construction workers. This is one of the forward elements in this Act. I think in this way, the scope of the Act will be pushed further and further and cover more and more of the uncovered workers. I would like to know how many workers were covered before the amendment and how many workers will be covered after the amendment. Do you cover at least the workers which are supposed to be in the organised sector including the mines and the power stations? Today there was a question in the Question Hour about the number of power stations which are in the private sector. I hope that all the workers in these various areas will be covered. My next question is this: With regard to sub-section 5 (ii), there is a new provision added. It is regarding an establishment owned by the Central Government. It is Section 1, sub-section 5 (ii). I wish the Minister would use the phrase "Union" rather than the "Central" because that will be the correct phrase to use from the Constitutional point of view. It says: "... in relation to any such establishment owned by the Central Government, no such notification shall be issued except with the concurrence of that Government" What has led the Minister to put this into the Act? This kind of checking should be done by convention between the Union Government and the State Governments on both sides. Did the Minister have some experience of the

State Governments interfering in Union Government establishments which has led to this provision? Mr. Miniser, I am afraid that there will be other interests which will also ask you for similar protection. For example, those who are working in various religious and charitable trusts may say that they should be consulted before there is any attempt to apply the Act to them. So, is there

500P.M. some particular reason why you have introduced this amendment?

This is my second question. My third question has also been asked and I saw you shaking your head in relation to what Mr. Sukul said. And that is about the ceiling of the wage to be increased from Rs. 1000 to Rs. 1600. I tried to work out whether this is on the basis of the rate of inflation. It does not work out that way. So, there must be some reason that you and your officers have for increasing the ceiling. Mr. Sukul said that this is related to bonus. Probably, you can confirm it if that is so because I think it is not the stage for us to go in for an *ad hoc* increase. If you give reason, for the proposed increase it may satisfy us, not going in for some *ad hoc* increase like Rs. 2,000 or Rs. 2,5000. I do not believe that this is a stage for it. Then, the same explanation also you can give us why you go from half anna in relation to the rupee to 3 per cent.

SHRI BHAGWAT JHA AZAD: That is just a decimal change.

DR. MALCOLM S. ADISESHIAH: Yes, I see that it is the same, a little over 3 per cent.

Finally, my last question is in relation to Section 7, sub-section (2) where you have introduced a clause for certain deductions to be made with the written authorisation of the employed person for the payment of his contribution to any fund constituted by the employer for the welfare of the employed persons. And this must be approved by the State Government. In addition to what my friends have said, what I want to say to you is that now certain employers are starting certain technical institutions. I can tell you that in Andhra Pradesh, in Karnataka, and in Bihar certain technical insti-

tutions are being run entirely by contributions in spite of the Central Government and the Prime Minister having said that there should not be any capitation fee. And you know that Andhra Pradesh has an official budget of Rs. 82 lakhs for its entire technical education system. You cannot run the technical institutions with Rs. 82 lakhs. It is on the basis of capitation fees that it is being done. I give you another example. In my State, you might have seen that the Government has started a programme of mass feeding of children from two to ten years of age. It is very likely that some employers will deduct money from the wages of the workers under this clause to contribute to the feeding scheme to curry favour with the Government. And I am afraid of this sort of thing. Therefore, what I would like to say—I do not say abolish or delete this clause—is, that this has to be approved by the State Government. What I would suggest is that on the basis of some experience, you should send out some guidelines to the State Governments and on the basis of which they can approve this proposal for deductions. Otherwise, I am afraid that there may be a misuse of it.

With these few comments and questions, Mr. Vice-Chairman, Sir, I support this Bill which, I think, is very necessary, and I wish that Mr. Shiva Chanda Jha does not ask this to be sent to a Select Committee because this is rather a straight forward Bill which we should all support.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Sir, while considering the Payment of Wages (Amendment) Bill, we have to consider whether this Amendment confers some benefits on the workers or takes away certain benefits already accrued to them. To my mind whatever amendment and the manner in which it has been put, it confers certain more facilities on the workers, and I congratulate the Labour Minister for this thing.

Sir, I think, the provisions of this Bill are so innocuous that here is no need to send it to the Select Committee. I agree with Mr. Sukul and others that when the substantive Act is sought to be amended

[Shri Ghulam Rasool Matto]

in a drastic way this must go to a Select Committee. But, here, this is only a small amendment which further liberalises the Act. Sir, in connection with raising the limit from Rs. 1600 to Rs. 2,000, I am afraid that while I agree with all the Members with the spirit of raising this limit, there may be certain difficulties in implementing this thing, because the limits in many other cases like the Industrial Disputes Act and the Bonus Act and other Acts may be only Rs. 1600, and if any changes are to be made here simultaneously changes will have to be made in the other Acts also. While agreeing with the sentiments, I think it may not be practicable to raise the limit because in that case the other Acts will also have to be amended and it may be against the interests of the workers themselves.

Sir, the second point is with regard to the amendment made by this clause 2(i) under which the provisions of the Act are being made applicable automatically and without any notification by the State Government to the persons employed in various categories. I am afraid, this is going to create a little difficulty. When the colour of the State Government and the Central Government may be different, if the Central Government issues a notification without the concurrence of the State Government, the State Government may consider that it is an intrusion on the rights of the State Government. I think if this amendment were not there, it would have been better. But if this amendment is to be there, I would request the Labour Minister to kindly see to it that the rules are framed to the effect that without the prior consent and consultation of the State Government the Centre does not issue the necessary notification. This is a very important thing because it will otherwise affect the Centre-State relations which will directly go against the interests of the workers.

Sir, with regard to the points relating to trade unions and others, I am afraid this is not a correct thing because under the Trade Union Act every seven or twelve members can join together and

form a union and then they will ask that such and such amount may be deducted from the wages of the workers. What has happened in such cases is that a worker is unable to resist the pressure always. If he is a member of one trade union, I have a personal experience of this thing, another group of workers, at a particular point of time may come to him and tell him to revoke his earlier membership and become the member of another trade union. So, suitable steps should be taken to remedy this situation, and this should remain as suggested by the Labour Minister.

With these observations, Sir, I support the Bill.

उपसभाध्यक्ष (श्री लाडली मोहन निगम) : मंत्री महोदय ।

श्री शिव चन्द्र झा : मेरा कब आएगा ।

उपसभाध्यक्ष (श्री लाडली मोहन निगम) : आपका बाद में ।

श्री भागवत झा आजाद : पहले सेलेक्ट कमेटी वाला हो जाए, इनको बोलने दीजिए ।

श्री शिव चन्द्र झा : पहले मुझे बोलने दिया जाए । यदि मंत्री जी का जवाब पहले हो जाएगा तो मुझे मंत्री जी कब जवाब देंगे ? पहले मैं बोलूंगा तब मंत्री जी जवाब देंगे ।

उपसभाध्यक्ष (श्री लाडली मोहन निगम) : इसमें तो कोई बोलने की जरूरत ही नहीं, आपने तो खाली प्रवर समिति को दिये जाने के लिए कहा है ।

श्री शिव चन्द्र झा : बस अभी एक मिनट में हो जाता है ।

उपसभाध्यक्ष (श्री लाडली मोहन निगम) : आप तीसरे वाचन के समय बोल लीजियेगा ।

श्री शिव चन्द्र झा : इसका क्या मतलब है। मैंने मोशन दिया है, मैं अब कहूंगा।

उपसभाध्यक्ष (श्री लाडली मोहन निगम) : आपने जब इसको प्रस्तावित किया था उसी वक्त कह लेना चाहिये था।

श्री शिव चन्द्र झा : नहीं उस वक्त नहीं कहा जाता है। मैं तो बराबर देखता हूँ। अब मैं एक्सप्लेन करूंगा तब मंत्री जी उसका जवाब देंगे।

उपसभाध्यक्ष (श्री लाडली मोहन निगम) : आपका तो सुझाव प्रवर समिति में भेजने के लिए है। मंत्री जी के जवाब के बाद मैं आपका...

श्री शिव चन्द्र झा : मेरे सुझाव क्या हैं, मैं क्यों रखना चाहता हूँ, इस तर्क का वे जवाब देंगे। यह परम्परा रही है।

उपसभाध्यक्ष (श्री लाडली मोहन निगम) : माननीय मंत्री जी के जवाब के बाद मैं प्रस्ताव को वोट के लिए रखूंगा तब आप कह लीजियेगा।

श्री शिव चन्द्र झा : यह परम्परा रही है।

उपसभाध्यक्ष (श्री लाडली मोहन निगम) : चलिये, नयी डाल देते हैं, क्यों फिफ़ करते हैं।

SHRI BHAGWAT JHA AZAD: Sir, I am grateful to the House and to the hon. Members for the unanimous support to this Bill. Of course, in this unanimous support, the hon. Members have raised different issues which, if acted upon according to them, would make it a perfect piece of legislation. I would say that in many points I agree with the hon. Members; they have brought in general two

important issues: one about comprehensive Bill and the other about wage policy. Hon. Members have commented on these two aspects, I am also, Sir, trying to find my feet; I must frankly confess in the House, as I did last time also. Since I have taken over this Ministry, I find that whenever an occasion comes either informally or formally, this suggestion about a comprehensive Bill comes almost from all quarters and I am asked as to what my difficulties are. Sir, I am trying to understand this question of comprehensive Bill. It is true that there are large number of Acts in the labour field for the welfare of the labour. They all are there relating to different fields and different aspects according to the needs. For example, Shops and Establishments Act is not relevant in the case of other industrial establishments in Faridabad and other places. That apart, there might be some provisions in various Acts which could possibly be brought under the comprehensive Act for which I would like to have a discussion on this suggestion with the hon. Members, and also in the National Tripartite conference which I want to call very soon, which has not been called for many years. I want to take the earliest opportunity after the session to see how a comprehensive Bill can be brought and what the various Acts are which can be brought under one roof. Once certain amendment Bill is sent to Parliament, it takes lot of time. Then it is a question of conflict with priorities among the different Ministries. If I understood the hon. Members correctly, a comprehensive Bill would require large number of amendments or would require the entire area to be so renovated as to cover all aspects, and meet all occasions. In that case, what happens is that it is very difficult to get the consensus, much less unanimity, on the large number of amendments or the way we want to bring in a comprehensive Bill, with the result that Government is accused, as was done today also and rightly, for coming up with amendments after long period, as was done today in case of Payment of Wages Act that we came up after 40—45 years with the amendment, and also in the case of other Acts. But they should at least pat me that I have brought it forward though it has not been up to their



[Shri Bhagwat Jha Azad]

expectation. One such Bill was brought by me last time in the House which was passed and which raised the allowance of workman from 50 to 75 per cent of wages while under suspension. Though I may not have been to their expectation, but I have brought it because it is a long pending issue. Therefore, subject to the discussion in the National Tripartite Conference, if I get a consensus there, I will rush to the House with the amendments and I hope I will not be charged for working on the outmoded Acts 100 years or 75 years old. This I do not want to be accused of. Whenever I get some consensus on some points, I will rush to the House to get that enacted. Through the forum of the national tripartite committee or through the conversations with the hon. Members, whenever we meet, we can try to arrive at a consensus on further amendments. This can be the only possibility when a comprehensive Bill can be brought in. Otherwise, in the absence of it, it is very difficult to wait till such time. Some hon. Members have said that they are not satisfied with whatever has been brought forward, and that they want much more. But I am glad to know that they are happy at least with whatever I have brought forward, which, they feel, is good. They have not opposed whatever has been brought forward. Of course, Mr. Shiva Chandra Jha will move his amendment for referring this to a Select Committee. I will reply to him, when he moves his amendment. Therefore, Sir, this is my explanation in regard to bringing forward a comprehensive Bill.

Now, the question of a national wage policy has been raised. This is very important. This has been mentioned very rightly by Dr. Adiseshiah. All of us want it. I also want it. As a Member, I supported it. As a Minister also, I support it. But the problem is, how to bell the cat. This important policy does not pertain to the labour field alone. It covers the entire parameter of the economic policy of the Government. For example, just now, the point has been made about the national minimum wage. We have the Minimum Wages Act. But what I could do, for the first time, was that—I think, the hon.

Members must have noted it—in the Minimum Wages Central Advisory committee, for the first time, I got from the employers the unanimous agreement about the national minimum wage. Now, mention has been made about the workers in the brick kiln industry. It is true that there are, today industries in the country where workers are getting wages which just enable them to survive. That is why, I would say, there should be at least a minimum wage, so that a person, wherever he works, will be able to survive; he will get the subsistence wage. When I say this, the hon. Members may throw at my face the recommendations of the Labour Conference of 1957, in regard to the need-based wage. This has been discussed and this can be discussed on some other occasion. Many other points have been raised in the course of this discussion, I will reserve the reply to these points to some other occasion. I will have occasion to discuss with the hon. Members. These are the two important points which have been made by hon. Members. Of course, there is one other important point which has been made. This is in regard to the limit being from Rs. 1600 to Rs. 2000. The question has been raised, for payment of wage, why should there be any restriction? I would only say this much. There are so many Acts in the labour field. Now, the Industrial Disputes Act is proposed to be amended. There are also other Acts. My friend, Mr. Matto, has correctly anticipated this and this is the reason why I have not been able to go beyond that. Therefore, I would request hon. Members to have this amending Bill passed. The important suggestions made by them will be taken into account when further amendments are considered on some other occasion.

One other point has been made by hon. Members, Shri Bagaitkar, Shri Shanti Patel, Shri Sukul and Shri Ramamurti. I agree with them. They had asked, why there should be an Act of Parliament to ask the employers to pay the wages which have been earned by the workers. It is true. I hope a day will come when this Act will go out of the statute book so that there may not be any need for a legislation calling upon the employers to

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Though I have not come to the expectations of the hon. Members...

**SHRI BHAGWAT JHA AZAD:** That I have already replied to. At the present moment I have made a provision taking into consideration the force of argument behind this and I will try to think it over afterwards.

DR. MALCOLM S. ADISESHIAH:  
How many are we covering?

SHRI BHAGWAT JHA AZAD: That, Sir, I am sorry I cannot say how many were before the Act and how many will be after the Act, but I can give you a long list given by different State Governments. That will give you the idea, that will give you the magnitude of the problem. You will see that in the present Bill we have given power to the State Governments under which they could extend it and there have been a large number of extensions to that. So far it was 'industrial' and now we have said, 'industrial and other establishments'. I am sure there will be a large number of extensions. And what our friend Matto has said, we have only said in this that this has been given to the State Governments to extend. Only where the Central Government is involved they will seek our concurrence. That is the only point.

Page 2 line 33 after the words "constituted by employer" the words "or a trade union registered under the Trade Unions Act, 1926," be inserted. This will give a chance to the worker, to the registered trade union. If at all a worker wants a welfare fund under a trade union, I am prepared to accept that also because it is a good suggestion.

**DR. SHANTI G. PATEL:** Kindly clarify one point. You have said that if an establishment is to be notified by the State Government, particularly the one which is owned by the Central Government, concurrence of the Central Government is necessary. Why is it?

SHRI BHAGWAT JHA AZAD: Where we have given the power, they should do it. It is just a question of relation between the State and the Centre. It is a question of functioning of the State Governments and the Centre. That is all.

**उपसभाध्यक्ष (श्री लाडली मोहन निगम) :** मैं श्री झा के संशोधन को वॉटिंग के लिए रखता हूँ ।

**श्री शिव चन्द्र झा :** मुझे एक-दो मिनट कह लेने दीजिए । आपको भी पंचायती कर लिया जाए । श्री बागाईतकर जी ने, श्री कलराज मिश्र ने और सबों ने कहा कि यह पीसमील है, इसमें बहुत कमियाँ हैं, एक कांफ्रिहेंसिव बिल होना चाहिए । मंत्री जी ने जवाब दिया कि हाँ, हम कांफ्रिहेंसिव बिल लाने वाले हैं...

**श्री भगवत झा आजाद :** यह नहीं कहा ।

**श्री शिव चन्द्र झा :** अब आप विचार करें कि जब कांसैशस हो जाए, सहमति हो जाए तब हम सम्पूर्ण बिल लाएंगे । यह बिल कांफ्रिहेंसिव नहीं होगा यदि सरकार इस बात का ख्याल नहीं रखेगी कि वेजेज जो हैं वह उस आदमी की मेहनत है जो वह बेचता है, समाज में वह एक हाइयेस्ट इनकम का स्थान रखती है । तो उसका क्या रूप होना चाहिए, उस सन्दर्भ में जब तक बिल नहीं आयेगा वह कांफ्रिहेंसिव नहीं होगा । जो मेहनत करके खाता है उसके वेजेज में डिस्पेरिटी नहीं होनी चाहिए । जितनी मेहनत करके वह कोई वस्तु बनाता है उतना रिटर्न उसको नहीं मिलता है । हकीकत में प्रोड्यूसर को, उत्पादक को अपनी मेहनत का वेज मिलता नहीं है । वह तभी होगा जब उसको अपने उत्पादन का मालिक माना जाएगा । इस दर्शन को रखने के बाद

समाज में जो डिस्पेरिटी है उस में परिवर्तन लाना होगा । इस सन्दर्भ में कब तक आप कांफ्रिहेंसिव बिल लायेंगे यह स्पष्ट करें । 36 के एक्ट में आप अमेंडमेंट कर रहे हैं । आजादी के बाद 35 वर्ष हो गये, 35 साल तक यह सरकार सोई हुई थी कुम्भकर्ण की नींद में । अब इस की निद्रा जागी है । अभी भी यह ऊँच रही है । इन्होंने छोटे-छोटे संशोधन की बात कही— 1000 का 1600 और सेन्टर-स्टेट नोटिफिकेशन की बात । अगर आप 35 साल तक एक सकते थे तो अगले सेशन के फर्स्ट वीक तक के लिए सेलेक्ट कमेटी को भेज देते तो कौन-सी धरती उलट जाती ।

कहते हैं कि लेबर के हिमायती हैं । स्वतन्त्र भारत मिल में सरकार ने तालाबन्दी को गैर कानूनी करार दिया है और जो मजदूर मांग कर रहे हैं उस को भी गैर कानूनी करार दिया है, मजदूरों की मांग को भी गैर कानूनी कहा है । यह ठीक नहीं है । उन्होंने आप को लिखा, चिट्ठी की कापी मुझे भी आयी है । आप इजाजत दें तो मैं पढ़ कर सुना देता हूँ । मेरा कहना है कि आप तालाबन्दी पर रोक लगाते हैं तो वह जायज है, लेकिन मजदूरों की जो मांग है उस पर भी बिना सोचे रोक लगा देना गलत है । यह दृष्टिकोण मजदूर के हित में नहीं है । इस लिए मैं कहता हूँ कि कोई धरती नहीं उलटी जा रही, न आत्मान फटा जा रहा अगर अगले सत्र के फर्स्ट वीक में इसे लायें और तब तक के लिए सेलेक्ट कमेटी में भेज दें ।

**उपसभाध्यक्ष (श्री लाडली मोहन निगम) :** प्रश्न है ।

"That the Bill further to amend the Payment of Wages Act, 1936,

be referred to a Select Committee of the Rajya Sabha consisting of the following members, namely—

1. Shri R. R. Morarka
2. Shri S. W. Dhabe
3. Shri Biswa Goswami
4. Shri P. Babul Reddy
5. Shri Rameshwar Singh
6. Shrimati Mohinder Kaur
7. Shri Kalra Mishra
8. Shri Hari Shankar Bhabhra
9. Shri G. C. Bhattacharya
10. Prof. Sourendra Bhattacharjee
11. Shri Shiva Chandra Jha

with instructions to report by the first week of next session."

*The motion was negatived.*

उपसभाध्यक्ष (श्री लडली मोहन निगम) : अब मैं श्री भागवत झा आजाद के प्रस्ताव को वोट के लिए रखता हूँ ।

The question is:

"That the Bill further to amend the Payment of Wages Act, 1936, be taken into consideration."

*The motion was adopted.*

THE VICE-CHAIRMAN (SHRI LADLI MOHAN NIGAM): We shall now take up clause-by-clause consideration of the Bill.

*Clause 2 was added to the Bill.*

*Clause 3—Amendment of section 1*

THE VICE-CHAIRMAN (SHRI LADLI MOHAN NIGAM): We shall now take up clause 3 of the Bill. There is one amendment by Dr. Shanti Patel. Do you move it?

DR. SHANTI G. PATEL: I beg to move:

1. "That at page 2, line 9, for the words 'one thousand six hundred rupees' the words 'two thousand rupees' be substituted."

I have listened to what the hon. Minister has said on this particular amendment wherein I am seeking to get the quantum of the wages raised to Rs. 2000. It takes a lot of time for the Government to bring an amendment to amend a clause. There are certain procedures which they are not prepared to forego. First they will consider the amendment or the suggestion. Then they will place them before certain organisations—the employers organisations, the labour organisations. Then they will convene the State Labour Ministers' Conference. If there is some division, or some difference then some study group will be appointed and it takes nearly two to three years to bring an ordinary amendment as far as this is concerned. These are things of very vital nature and I would still request and plead with the hon. Minister to accept this amendment, as he seems to be convinced about it.

*The question was proposed.*

THE VICE-CHAIRMAN (SHRI LADLI MOHAN NIGAM): The question is:—

1. "That at page 2, line 9, for the words 'one thousand six hundred rupees' the words 'two thousand rupees' be substituted."

*The motion was negatived.*

*Clause 3 was added to the Bill.*

*Clauses 4 to 6 were added to the Bill.*

*Clause 7—Amendment of section 7*

THE VICE-CHAIRMAN (SHRI LADLI MOHAN NIGAM): Clause 7—there are two amendments, one by Dr. Shanti Patel and another by Shri Bhagwat Jha Azad.

SHRI BHAGWAT JHA AZAD: Sir, in the light of my amendment, I hope he would not like to move his amendment.

DR. SHANTI G. PATEL But I would like to say a few words. Sir, I am really grateful to the hon. Minister for accepting the spirit of this amendment and for removing the discrimination between the employer and the employee in respect of contributions to the Welfare Fund. I hope the same spirit will prevail as far as the new legislation of amendments to the Industrial Disputes Act, which is going to be moved shortly, is concerned.

SHRI BHAGWAT JHA AZAD: Sir I move:

2. "That at page 2 line 33, after the words 'constituted by the employer' the words 'or a trade union registered under the Trade Unions Act 1926' be inserted."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI LADLI MOHAN NIGAM): The question is:

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clauses 8 to 10 were added to the Bill.

Clause 11—Amendment of section 20

THE VICE-CHAIRMAN (SHRI LADLI MOHAN NIGAM): Clause 11—there is one amendment by Shri Azad.

SHRI BHAGWAT JHA AZAD: Sir, I move:

3. "That at page 3, line 33, after the words 'one thousand rupees' the words 'or with both' be inserted."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI LADLI MOHAN NIGAM): The question is:

"That clause 11, as amended, stand part of the Bill."

The motion was adopted.

Clause 11, as amended, was added to the Bill.

Clauses 12 to 14 were added to the Bill.

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

SHRI BHAGWAT JHA AZAD: Sir, I move:

"That the Bill, as amended, be passed."

The question was proposed.

श्री हुसमदेव नारायण गान्ध (बिहार) :

उपसभाध्यक्ष जी, मेरा माननीय. मंत्री जी से इतना ही निवेदन है कि पिछलो. बार भी मैंने निवेदन किया था कि मजदूरों के संबंध में जो कानून लागू होते हैं उन में कुछ ऐसे लोग हैं कि जो इन कानूनों में बचते रहे हैं और वहां जो मजदूर हैं उन को इस कानूनों का कोई फायदा उठाने नहीं देते । जैसे बनारस से ले कर बंगाल तक गंगा के हृदय सम्राट बिहार के बाबू बच्चा सिंह के जितने स्टीमर चलते है उन में मजदूरों के लिये कोई श्रम कानून लागू नहीं होता और वह सारे मजदूरों को पीसते रहते हैं, चूमते रहते हैं । उन के लिये भी कुछ होगा या नहीं और दूसरी बात कि सरकार की नीयत अच्छी है । मंत्री जी इस कानून को पास भी करवा लेंगे लेकिन तब ठीक नहीं रहेगा तो कोई बात नहीं हो पायेगी । जमींदारी उन्मूलन हुआ तो उस में एक बलाज ऐसा था कि जो जमींदार रिटर्न नहीं फाइल करेंगे एक निश्चित तिथि तब तो उनको विलम्ब के लिये हर दिन पर 50 रुपया जुर्माना देना पड़ता था । तो क्या मिल

मालिकों के लिये भी ऐसा ही कोई कानून नहीं बनाया जा सकता है कि मजदूरों के संबंध में जो श्रम कानून हैं उन के बारे में जो कागजात दाखिल करने हों उन में जो जितना विलम्ब करेगा उस पर एक सौ रुपया रोज के हिसाब से जुर्माना लगेगा । जिसे कि वह समय पर दाखिल कर दिया करे ।

मजदूरों के कल्याण के हित में चाहे आप जो भी रखिये लेकिन ऐसा प्रबन्ध कीजिए कि उनका पैसा समय पर जमा हो सके । आज की स्थिति में देश का जो मिल मालिक है वह भगवान से भी नहीं डरता है, वह जुर्माने से भी नहीं डरता है । वह केवल हथकड़ी से डरता है । श्रम कानून जब तक यही रहेगा इसके लिये चाहे आप 5 हजार, 10 हजार या 15 हजार भी जुर्माना रख दीजिए, वह दे देगा । वह ब्लैक मनी रखता है और लाखों रुपये कमाता है तो वह जुर्माना दे देगा । इसलिए वह हथकड़ी से डरेगा । श्रम कानून में आप यह प्रावधान कर दीजिए कि श्रम कानून का अनुपालन नहीं करने वाले मिल मालिकों को कोई जुर्माना नहीं होगा बल्कि हथकड़ी लगाकर उनको 6 महीने या साल भर की सजा होगी । छः महीने का सश्रम कारावास या तीन महीने का श्रम कारावास अगर आप रख देंगे तो आपका बारह आना माथे का बोझ कम हो जाएगा और यह समस्या समाप्त हो जाएगी और वह एकदम काम करना शुरू कर देंगे । जब तक जुर्माने का प्रावधान रहेगा, वह तो रुपया कमाता है, वह जुर्माना देता रहेगा और तीन का तेरह करता रहेगा और जुर्माने से नहीं डरेगा । इस पर भी सरकार को विचार करना चाहिए ।

**श्री भगवत झा अजाद :** श्रीमन्, यह सही है कि तन्त्र तो चाहिए । अगर कानून ही बना दिया जाए और तंत्र उसके कार्यान्वयन के लिए नहीं रहे तो कठिनाई होगी । तो तंत्र तो आवश्यक अंग है । दूसरा जो आपने कहा, वह बात सही है कि पैसे से वह कम डरते हैं आप देखेंगे कि इस विधेयक में मैंने यह इंतजाम किया है जो संशोधन मैंने मूव किया, जो पहले बिल था उसमें यह नहीं था । क्लॉज 11 में मैंने फाइन और जेल दोनों का इंतजाम रखा है । हम कोशिश करेंगे कि जो हमारे द्वारा विधेयक लाया जाए उसमें "फाइन या इंप्रिजनमेंट" नहीं, फाइन भी हो और जेल भी हो । दूसरी बात मैंने एक नई यह की है, जिसे सुकुल जी ने मार्क किया, अब तक फाइन 5 र०, 10 र० था, इसमें मैंने किया है कम से कम 200 और आगे जहां तक जाए, 1 हजार तक जाए । दोनों बातें जो आपने कही, इनको मैंने स्वीकार कर लिया है, इसका नमूना आपको देखने को मिलेगा ।

THE VICE-CHAIRMAN (SHRI LADLI MOHAN NIGAM): The questions is:

"That the Bill, as amended, be passed."

The motion was adopted.

**उपसभाध्यक्ष (श्री लाडली मोहन निगम) :** अब सदन की कार्यवाही कल 11 बजे तक के लिए स्थगित की जाती है ।

The House then adjourned at thirty-eight minutes past five of the clock till eleven of the clock on Tuesday, the 20th July, 1982.