

**THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) AMDT. BILL, 1981.**

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 Industrial Employment (Standing Orders) Act, 1946, be taken into consideration."

Sir, the Industrial Employment (Standing Orders) Act, 1946, has been the subject of review by the Government in consultation with various interests. As a result of these consultations, it has been felt that certain amendments in this Act are necessary and this bill, as you know, seeks to provide such amendments. While most of the amendments are procedural in nature, one of the principal changes that is sought to be made relates to making a substantive provision in the Act for payment of subsistence allowance to workmen who are suspended during the pendency of the domestic enquiry. There has been a demand for some time past that a specific provision may be made regarding this allowance so that a uniform practice can prevail in this regard throughout the country.

The Bill also takes a few provisions regarding appeals and modification of the Standing Orders which are of a procedural nature. It is hoped that the present amendment would reduce the incidence of industrial disputes on the issues of standing Orders.

I would also like to inform the House that we have carried on simultaneous review of the provisions of the Industrial Disputes Act, 1947 and the Trade Unions Act, 1926 and would be coming for introducing amendments to these two important pieces of industrial relations legislation, possibly during

the course of the present Session.

With these words, I request this House to pass this Bill unanimously which contains beneficial provisions for the working class.

*The question was proposed.*

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): There is one amendment by Shri Jha.

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

"That the Bill further to amend the Industrial Employment (Standing Orders) Act, 1946, 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 Harekrushna Mallick
4. Shri Biswa Goswami
5. Shri Rameshwar Singh
6. Shri Hukmdeo Narayan Yadav
7. Shri G.C. Bhattacharya
8. Prof. Sourendra Bhattacharjee
9. Shri V. Gopalsamy
10. Shri Hari Shankar Bhabhra
11. Shri Shiva Chandra Jha

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

*The question was proposed.*

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Now, the motion for consideration of the Bill and the amendment are open for discussion.

SHRI SHRIDHAR WASUDEO DHABE (Maharashtra): Mr. Vice-Chairman, Sir, I am really very sorry that the Labour Minister has missed an opportunity to bring forward a comprehensive amendment to the Industrial Employment (Standing Orders) Amendment Bill, 1946. He has

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made a statement that he is also bringing forward separately amendments to the Trade Unions Act and the Industrial Disputes Act, 1947 in due course. The history of labour legislation is one which is made in a piecemeal manner with different connotations and different classification of workers employed. This has given rise to a number of legislations and decisions even on matters whether the Act should be applied or not. It has been a matter of adjudication and decisions by the highest courts, the Supreme Court and the High Courts. The working class has suffered also because of inordinate delay in the adjudication machinery. This is one of the reasons as to why the working classes are hard hit. It is time that something is done about it. I would invite the attention of the Labour Minister to this aspect which has been considered at length by the National Labour Commission in 1969. In its report at page 316, they say:

"Our Study Group on Labour Legislation examined the whole gamut of labour legislation in the country and the possibility of introducing a measure of uniformity in definitions and standards. In February 1968, when the interim report of the Group was presented to us with its tentative findings that the code was possible, we suggested to the Group that it should frame a draft code for our consideration, on the basis of the observations in its Interim Report."

The Interim Report says:

"There are on the statute book about 108 enactments, both Central and State. Inevitably the necessity to legislate with speed, both in the Centre and State, has led to prolixity and repetitiveness to legislation. However,

out of this mosaic pattern of Indian legislation, uniform standards must be evolved and incorporated into an all-India Code without detriment, either to the national interest or the interests of the working class, and at the same time, safeguarding the gains made by labour and also standardising terms and conditions of service in the interests of production and economic growth."

Now, this is the year of production and it should be the main objective of this Government to achieve more and more production in this year.

It further says:

"As the term 'code' itself suggests, it means integration of different laws into a comprehensive statute having a common set of basic definitions and substantive rights and responsibility to apply uniformly to all labour employed in the country."

It has further said:

"Any social law to be effective should not only be broad-based and persuasive but should be simple and direct so that it could be understood and respected and, therefore, accepted by the masses it seeks to govern."

Ultimately, at page 318, it has recommended:

"In order to bring about a feasible degree of simplification and uniformity in definitions, we consider it should be possible to integrate those enactments which cover subjects having a common objective."

It further says:

"For instance, the present Industrial Employment (Standing Orders) Act, 1946, the Industrial Disputes Act, 1947, and the Trade Union Act, 1926, can be combined into a single law."

Sir, I need not read the other things.

Sir, this has been the well-considered recommendation to have one law, at least one uniform law in respect of all the three matters, the Industrial Employment (Standing Orders) Act, the Industrial Disputes Act, and the Trade Union Act. Sir, if you examine the provisions of the Industrial Employment (Standing Orders) Act, many defects have been pointed out and have been shown by the trade unions and their representatives. Sir, the major defect of this legislation is that it applied only to establishments having 100 employees. The real thing which is required to be done in our country is for the unorganised sector where the employees are only with minimum wages with no job security, no service conditions and no wage security. Then the law should be for defining the service conditions. Unfortunately, this Act is applicable only to an establishment employing more than 100 persons, and the appropriate Government never used the enabling power which is given under this Act even to reduce this. And, today, the service conditions are not known to the majority of the workmen who have really no protection and who are scattered all over the country.

Then, the other thing which I would like to point out to the Minister is that in Maharashtra, Madhya Pradesh and Gujarat, under the State legislations, they have modified this Act by their State amendments, framing the model standing orders. And if any employer does not prescribe or certify the Standing Orders, then the Government has passed a law that in the absence of the standing orders, the model standing orders as legislated will be made applicable. Under Section 3 and Section 4 of this Act, Sir, it

is only obligatory on the part of the employer to apply within six months for certification of standing orders. If he does not apply, there is nothing to show that any standing orders will apply. The only thing which he has to face is the penalty clause, and the penalty is only fine and no punishment and he can go scot free by not framing the standing orders, and it is left to their mere discretion. And the courts have held that if there are no standing orders, then the employer has rights under the ordinary law of master and servant, and the employees will not be entitled to the protection of the Schedule which is given here for service conditions. Therefore, a suggestion has been made that the Act should also be amended to see that the model standing orders are included in it which may be made applicable to all employers where the employer does not frame the standing orders nor he applies for certification. Similarly, in this Act, the penalty provisions are there. If the employer fails to submit under Section 13, then only he is punishable with a fine which may extend to Rs. 5,000. There is no penal provision of minimum imprisonment, and, therefore, the employers with impunity are not framing the standing orders in many establishments. The result is that there is more industrial unrest in the country. Therefore, Sir, this amendment which has been brought forward should have been more comprehensive at least when he is moving the Bill in the Productivity Year, by giving the benefits of minimum wage and minimum service conditions for the workers who are working in hazardous conditions. What are the provisions which are made? Even they are haphazard. And the provision made here as provided in clause 2(a) is 'reference made by the workmen or a trade union or other representative body of the workmen.' There is no other representative body of the work-

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men. It means, outsiders in the national trade union centres can apply for under this clause 2 and though they may not have a union there in the industry. The national trade union centres like the AITUC or the INTUC, having no union in the establishment, can apply for interpretation or reference to the Government for application of the standing orders. But employees' associations or federations are not included. If it is to be equitable, I would like that both should have been included in this provision. Similarly, Sir, in 10A there is a provision about the payment of subsistence allowance. There are provisions in the State laws that after six months if the suspension continues, he should be allowed full subsistence allowance. I do not know why it has been made 75 per cent. Apart from 75 per cent after three months, it is 50 per cent. And, if it is more than three months, it is 75 per cent. In fact, if it is more than six months, the employer should have been made liable to pay the full wages as suspension allowance. Therefore, this provision does not solve the question, which the labour is facing today.

In this connection, Sir, I would like to say that these legislative measures are brought in without following the procedures in our country. It is a very serious matter. The industrial relations machinery has completely collapsed. From 1942, tripartite labour conference was envisaged in our country. Some meetings were held and Pandit Jawaharlal Nehru was very keen that the institution should continue. This institution, the institution of the Indian Labour Conference, continued up to 1971. After 1971 no conference was held. Shri Anjaiah wanted to hold a meeting, though it was *ad hoc*, in October 1980, but that could not be held because he resigned

and went to the State. One of the objectives of the tripartite labour conference is the promotion of labour legislation and uniformity of labour matters. Therefore, Sir, I propose to the Minister that instead of rushing here with labour legislations, it would be much better if he called for an Indian Labour Conference meeting and revives it and institutionalises it, and takes into confidence the employees' and employers' representatives. Then only he will have real industrial peace and proper industrial relations law in this country. By bypassing the industrial relations machinery everybody's interest is at stake. Not only is our production going to be affected, not only will the strikes be more but there will also be no solution of any problem. One of the examples in this connection is the textile workers strike in Bombay and the Government in saying that they are sitting on prestige, saying that because there is a recognised union, we cannot do anything. There is a provision in section 73 of State Law saying that notwithstanding anything contained in the Act, the matter can be referred to a tribunal or wage board. But the Government has not done anything.

One more thing that I would like to point out is the defective legislation, which has been the main cause and one of the major reasons for industrial unrest and many workmen do not get relief. In this connection, Sir, I would like to request the Government, through you, that the Labour Ministry must be given a proper place in the administration. It is unfortunate that there is not even a Cabinet Minister for such an important portfolio, which is very important from the administration point of view and from the point of view of the national development of our economy. Not only that, Sir, I would also like to point out that...

THE UCE-CHAIRMAN (DR. RAFIQ AKARIA): In which standing order does it come?

SHRI SRIDHAR WASUDEO DHABE: standing order, Sir, it is the practice. I know that the standing orders require proper service conditions, which, I say, will solve the question. Wages are covered by service conditions. Sir, I think, you will agree that the wages of the workers are covered by service conditions. The Government have no statistics of unemployed people in our country in the rural areas. Sir, it has been replied in this House on the 24th March, 1932, that the number of employed persons approximately is 16.6 million in March 1980. The number of people below the poverty line for the year 1979-80 has been estimated at 2.56 million, and subsequently no estimates of unemployment have been made and we talk of rural employment and rural development when there is no machinery, no statistics. Therefore, the Mathew Commission which was appointed, made a very important recommendation that full employment policy should aim at filling all stomachs and not keeping all hands busy. Therefore, the Commission suggested that employment exchange machinery should also be at the rural and block level. Unless we know the problem of unemployment, we cannot do anything to solve it. My suggestion to the hon. Minister, therefore, is that instead of bringing such piecemeal and small legislations, they should take a bold step and for the whole gamut of industrial relations, wherever it is necessary, amendments should be brought in comprehensively. If such small amendments to Industrial Disputes Act and Trade Unions Act are brought in, it will not serve the purpose. Sir, two years back, a decision had been given by the Supreme Court that closure is a

fundamental right of the employers and certain provisions in the Industrial Disputes Act had been struck down. The Government has not done anything all this time in the matter. My suggestion to the hon. Minister is, let him consider all the legislations and have a comprehensive view of the matter.

Lastly, I would like to suggest that hon. Shri Patnaik when he was the Labour Minister, used to consult the Members of Parliament; he would call them, have discussions with them on the labour relations, industrial relations machinery etc. and I hope that the practice which was started by the previous Labour Minister would be continued by the present Minister so that you can associate and involve larger interests and opinions on these matters can be available to you for suitable labour legislation which is so necessary for development of better relations and for proper wages for the working class.

SHRI SURENDRA MOHANTY (Orissa): Mr. Vice-Chairman, this Bill is so innocuous in nature that I do not think it will generate much controversy in the House in its acceptance. Sir, notwithstanding the atmosphere of unrest in certain States like West Bengal, Tamil Nadu and Maharashtra, happily today the industrial relations picture and labour relations picture, as a whole, is very bright. If one looks to statistics, the total time lost due to strikes and lockouts was 43.87 million mandays in 1979 which has been reduced to 12.91 million man-days in 1980. And I look forward to the time when not under the sympathetic leadership alone, but empathetic leadership of the hon. Minister, the number of mandays lost will be further reduced by bringing to bear upon the empathetic attitude towards the

[Shri Surendra Mohanty]

problems of the workers. As I said, there is nothing controversial about this Bill but notwithstanding that, I have certain misgivings about some provisions of this Bill which I am sure the hon. Minister—this is not so much in criticism but in the spirit of sharing my own misgivings—would clarify. A proviso is going to be added to section 2 of the Industrial Employment (Standing Orders) Act of 1946. The proviso relates to the definition of the appropriate government. Sir, in the original Act, the appropriate Government was the Central Government or the State Government as the case may be. The control of the Central Government was confined to railway administration, or a major port, mine or oilfield and in regard to the rest, the appropriate Government was the State Government. Obviously, in regard to public sector undertakings which have been promoted as autonomous bodies, perhaps, a dispute has arisen whether the Central Government is the appropriate Government. Now, Sir, according to this amendment, if any question arises as to whether any industrial establishment is under the control of the Central Government, but Government may, either on a reference made to it by the employer or the workmen or a trade union or other representative body of the workmen, or on its own motion and after giving the parties an opportunity of being heard, decide the question and such decision shall be final and binding on the parties. This means, the Central Government is acquiring the power to declare whether a public sector undertaking or any autonomous body is under the Central Government or not. Now, my question is, why the (State Governments have been excluded? Now, many State Governments are also pro-

moting autonomous bodies, which are industrial undertakings. My question is, why this power, which is sought to be acquired by the Central Government, is not being given to the State Governments also? This is an aspect of the matter on which I have my own reservations. I hope, the hon. Minister will kindly enlighten me on this aspect of the matter.

Secondly, as you know, both the Congress Party and the Government are committed, long since, to abolish the contract labour system. Now, the hon. Minister will not take the plea that technically, contract labourers do not come under the purview of this Bill. I agree with him. They do not come under the purview of this Bill, technically. But this is a Productivity Year and it is going to encompass the entire gamut of workmen in the country, in the public sector undertakings of the Government of India; there are more contract labourers employed than regular workers on the muster roll of these undertakings. I will give you an instance. It is an accepted policy of the Government that where the contract labourers are employed, they will get the wages and other benefits on par with the basic industry in that particular area. If I am wrong, the hon. Minister will kindly correct me. Take, for example, Paradip, which is a major port. In this Port, whereas the registered workers are drawing Rs. 18 per day, the contract labourers are getting only Rs. 6.50 per day. I have taken up this matter with the Chairman of the Paradip Port Trust. I have brought to his notice a number of times the enormity of the situation. Both of them do the same kind of work. Whereas, the registered workers are getting Rs. 18 per day from the Port Trust, the contract workers, who are doing

the same kind of work, are getting only Rs. 6.50 per day. Strangely, the Chairman or the Managing Director is not spared to accept the responsibility of the principal employer, under the Industrial Disputes Act. Under the Industrial Disputes Act, the Chairman or the Managing Director, as the case may be, of the public sector undertaking concerned which employs these contract labour is the principal employer in respect of all these matters. Now, this Bill leaves the contract workers, who are being exploited by the contractors, high and dry. The third thing which I would like to bring to the notice of the hon. Minister is that, in the 11th year's report of the Ministry of Labour, at page 122, regarding proposals for new legislation, you will find that there was a commitment by the Government that in the light of the recommendations of that conference—the conference which refers to 31st session of the Labour Minister's Conference—it is proposed to amend the existing three laws by bringing forward amending legislation. Now only the standing order legislation has come. What about the remaining two? I do not know why the dynamic Minister like "Shri Bhagwat Jha Azad" is dragging his feet on the other two legislations which have been promised by them.

I think I can agree with my friend opposite that this is not a very comprehensive Bill. Moreover you cannot tackle this labour problem, by bits. Therefore, there should be a comprehensive Bill touching upon all other aspects of the labour problem so that this productivity year could achieve its target. And it will be an achievement of which we will genuinely be proud of.

To sum up the three points which I have raised. I hope the hon. Minister will kindly apply

his mind, why the State Governments have been left out. While the Central Government is acquiring authority for declaring whether a particular undertaking is under the Central Government or not, why the same power is not being extended to the State Governments also so that they can declare whether it is the appropriate government or not. Secondly, I have touched upon the contract labour system. It would be Utopian to say that contract labour will go; it will never go because contract labourers are employed for specific task. Therefore, it is Utopian to say that the contract labour system will go; I am not pleading for that, but my plea is that as far as the wages of the contract labourers are concerned, their rights are concerned, they must be placed at par with the regular workers employed at least in any Central or State Government undertaking. Thirdly, as I have said, this Ministry of Labour had promised that there would be a comprehensive legislation. I hope the dynamic Minister like Shri Bhagwat Jha Azad will not drag his feet and he will soon come before this House with a comprehensive legislation.

श्री सदाशिव बागाईतकर (महाराष्ट्र) :

श्रीमन्, जो संशोधन विधेयक . . .

श्री शिव चन्द्र शा : इन को कैसे ?

उपसभाध्यक्ष (डा. रफीक ज़करीया) :

रेलवे कन्वेंशन कमेटी की मीटिंग है साढ़े 3 बजे, इस लिये इन को प्रिफ़ेस दिया गया ।

श्री सदाशिव बागाईतकर : जो संशोधन विधेयक मंत्री जी लाये हैं उससे देश में आज जो औद्योगिक संबंधों की स्थिति है उसमें कोई फर्क पड़ने वाला नहीं है। दो उदाहरण हैं औद्योगिक रिलेशनस के बारे में । एक है बम्बई में लाखों टेक्सटाइल मजदूरों की हड़ताल चल रही है लगातार, 50 दिन उसे हो ही चुके हैं । एक यह

[श्री सदाशिव बागाईकर]

उदाहरण है। दूसरा उदाहरण दिल्ली के बगल में हरियाणा का है जहाँ चार दिन पहले बंधुआ मजदूरों को मुक्त किया गया। उन का फोटो अखबार में हमने देखा, आप ने भी देखा होगा। एक तरफ तो जो आर्गनाइज्ड लेबर है, मजदूर है वे हैं अपने संगठन की मारफत कुछ कर सकते हैं, उन की लड़ाई है। दूसरी तरफ वे जो अपने लिये कुछ कर नहीं सकते जिन को कानून की कोई सुविधा उपलब्ध नहीं है, कुछ संरक्षण उपलब्ध नहीं है, उन की स्थिति बदतर बनती जा रही है। और जो गैरकानूनी चीज है उस की रोकथाम करने में सरकार असफल है। असल में देखा जाय तो यह जो विधेयक मंत्री जी लाये हैं राज्यों में उससे ज्यादा प्रावधान पहले से हैं। जैसे पूरी तनख्वाह देने की बात है आप ने 75 परसेंट कहा है। तो मैं उसूल के नाते से यह एक सवाल करना चाहूँगा कि जब केन्द्रीय सरकार ऐसे कानून में संशोधन करती है तो कम से कम राज्यों में जो इस तरह के कानून बनाये जाते हैं और उन में जो प्रावधान रखे जाते हैं क्या वह उन प्रावधानों के पीछे रहेंगी? उन से कम के मुझाव देगी? और अगर ऐसा होगा तो यह न्यायसंगत कैसे होगा यह बात मेरी समझ में नहीं आती। बंबई में जब एक मुद्दत के बाद पूरी तनख्वाह मजदूर को देनी पड़ती है, यह मैं मुझाव दे रहा हूँ कि 75 परसेंट तनख्वाह 6 महीने के बाद उस को दी जाय और इस को मैं तर्क और न्याय की प्रस्थापना की दृष्टि से मैं यह बात कह रहा हूँ यह बात मैं मानने के लिये तैयार नहीं हूँ। महाराष्ट्र में पूरी तनख्वाह देने की जो धारा है वह सही है तो उस को आप क्यों नहीं मानते हैं ताकि 75 परसेंट की जगह उस को पूरी तनख्वाह मिल सके। यह मुझाव आपकी तरफ से क्यों नहीं आ रहा है यह बात मेरी समझ

में नहीं आती। श्रीमन्, यह जो हिचक है यह जो कम से कम करने की मनोवृत्ति है इसका बुनियादी कारण यह है कि अपने इस देश में हम लोग तो ऐसा मान चुके हैं कि यहां ट्रेड यूनियनस की और मजदूर संगठनों की कोई जगह सरकार की नीति निर्धारण में नहीं है। सरकार के ढांचे में उनकी सिर्फ इतनी ही जगह है कि वह उसकी हां में हां मिला दें तो सरकार कह देती है कि मजदूरों का भी हम को समर्थन है। कई जगह यही स्थिति है। मैं आप को उदाहरण दे रहा हूँ हैदराबाद का। मैं आपके खाने के न्योते में उस दिन आ नहीं सका। मैं फंसा रहा डिफेंस मिनिस्टर के साथ साढ़े 8, 9 बजे तक और श्रीमन्, वह मामला क्या था। वह मामला यह था कि एक डिफेंस इस्टैबलिशमेंट में हड़ताल चल रही थी। पिछले 40 दिन से ज्यादा से हड़ताल चल रही थी। उन की जो और अन्य मांगें थीं उन में दो मांगें यह थीं कि मजदूरों को आने जाने के लिये ट्रांसपोर्ट की सहायता प्रोवाइड की जाय और वहां के लिये एक कैन्टीन बनायी जाय। भला बताइये, बीसवीं सदी में, उसके आखिरी चरण में भी मजदूरों को कैन्टीन के लिये मांग पेश करनी पड़ती है। इस तरह की हालत वहां है और डिफेंस के जिस इस्टैबलिशमेंट में हड़ताल चल रही है उस के लिये यह नहीं कहा जा सकता कि वहां सरकार इस मांग को पूरा नहीं कर सकती, या उस को देख नहीं सकती और वहां तो आपकी गाइड लाइन्स पर भी अमल नहीं हो रहा है। पब्लिक सेक्टर के लिये जो गाइड लाइन्स हैं मैनेजमेंट के लिये उन में साफ लिखा हुआ है कि जरूरत पड़ने पर और आवश्यक होने पर उन को काम की जगह लाने और घर पहुंचाने के लिये ट्रांसपोर्ट का इंतजाम सरकार करेगी। यह आप की



गाइड लाइन्स हैं। इस पर भी अमल नहीं हो रहा है। तो आखिरकार इस तरह के जो संशोधन आप लाते हैं उन से हाँसिल क्या होगा? हमारे मित्र धावे जी ने नेशनल लेबर कमीशन का उल्लेख किया। 1969 की रिपोर्ट है। मैं ने पिछली बार कहा था कि सरकार कम से कम एक काम करे कि लगातार जो यह रेकमेंडेशन उन के पास पहुंचायी गयी है, ऐसी रेकमेंडेशन जिन को कि सरकार ने मान लिया है, उन में भी कितनी ही रेकमेंडेंस पर अभी तक अमल नहीं किया गया है। जिन रेकमेंडेंस पर सरकार किसी निष्कर्ष पर पहुंच गयी है और जिन को उस ने मान लिया है उन पर भी यह एक या दो कारणों से अमल नहीं किया जाता और जब हम उस सवाल को खड़ा करते हैं तो कई बार कह दिया जाता है कि यह राज्यों का मामला है या सरकार इस पर विचार कर रही है। तो मैं मानता हूँ कि सरकार को बुनियादी तौर पर इस बात को सोचना चाहिए कि आखिरकार देश में जो श्रमिकों के संगठन हैं, जो श्रमिक हैं, उनकी जो मांगें हैं उनके लिये जो आवश्यक कानून हैं उनके बारे में सरकार कोई सही कदम उठायेगी या नहीं।

इंडस्ट्रियल डिस्प्यूट एक्ट में 50 किस्म के संशोधन हो चुके हैं। यह 1947 का इंडस्ट्रियल डिस्प्यूट एक्ट है। हाई कोर्ट में भी इसके खिलाफ कई डिजिजन हो चुके हैं। वर्कमैन की व्याख्या को लेकर तनख्वाह की जो बात थी उसमें संशोधन किया गया। उसको बढ़ा दिया गया। यह जो अब संशोधन किया जा रहा है यह 46 का कानून है। आप समझ सकते हैं कि कितनी पुरानी चीजों में हम संशोधन करके जो समस्याएँ इस वक्त इंडस्ट्रियल रिलेशन में है उसके साथ निपटने की कोशिश कर रहे हैं। नाकाफी

काम आप कर रहे हैं। इससे देश में इंडस्ट्रियल रिलेशन ठीक ढंग से नहीं रहेगा। आपका जो तकाजा है उत्पादन बढ़ाने के लिये उसमें भी मजदूरों की तरफ जो कोऑपरेशन से आप को मिलना चाहिए वह भी नहीं मिलने वाला है। यह मैं आपको साफ कहना चाहता हूँ। बम्बई में पचासों दिन तक हड़ताल रही। सरकार सिर्फ यह कर देती है कि इसमें जो कुछ करना है राज्य सरकार को करना है। हमें कुछ नहीं कहना है लेकिन इस में जो बुनियादी गलती है, उसे यह सरकार महसूस नहीं कर रही है। आपने एक बार्गनिंग एजेंट को मान्यता दी है। 50सों दिन से डेढ़ लाख मजदूर हड़ताल पर रहे। मिलें खुलाने में ये एजेंट कुछ काम नहीं कर सके। नैतिक दृष्टि से उसकी मान्यता का कोई औचित्य में समझ नहीं पा रहा हूँ। सोल बार्गनिंग एजेंट सिर्फ एग्रीमेंट पर हस्ताक्षर करे यही जिम्मेदारी उसको नहीं है। उसका मजदूरों के साथ ऐसा रिस्ता हो कि मजदूर उस पर भरोसा करें। उसके कहने पर चलें। यह भी नहीं हो रहा है। आज यह इंडस्ट्रियल रिलेशन की स्थिति है। दूसरी तरफ हरियाणा जो दिल्ली की वगल में है जहाँ आपके बाँडिड लेबर सैकड़ों की संख्या में काम कर रहे हैं इन पर आपका कोई अंकुश नहीं है, कोई कानून नहीं है। आपसे इनका कोई इलाज नहीं होता। यह आपकी स्थिति है। सरकार की गलत दृष्टि होने के कारण यह मामला बुनियादी होता जा रहा है। ट्रेड यूनियन खाली नाम की चीज रखनी है, पिछलगू ट्रेड यूनियन बनाये रखना है चाहे इंटक की हों या दूसरी कोई और हों, उन्हीं के सहारे से चलना है तो दूसरी बात है। आज जो स्थिति है उससे इसका सारा ढाँचा चरमरा रहा है। मैं नहीं मानता इंडस्ट्रियल पीस की स्थिति इस देश में हिंसा बन जायेगी, जबतक सरकार अधूरे कदम आधे दिमाग से आधे दिल से

[श्री सदाशिव बागाईतकर]

इंडस्ट्रियल रिलेशन को चलायेगी तो कभी सफलता नहीं मिल सकती। मैं इतना कहना चाहता हूँ कि यह चौथे मंत्री हैं श्रम मंत्रालय में। दो साल के अन्दर चौथे मंत्री। पहले जे. बी. पटनायक थे। उसके बाद अंजैया साहब आये। फिर तिवारी साहब आये हैं। मैं उम्मीद करता हूँ कि यह अपनी टर्म पूरी करेंगे।

**उपसभाध्यक्ष (डा० रफीक जकरिया) :**  
वेर आयद दुस्त आयद।

श्री सदाशिव बागाईतकर : यही उम्मीद हम कर रहे हैं कि कम से कम इतका टर्म अवश्य पूरा हो।

श्री श्रीधर बासुदेव धावे : कैबिनेट मिनिस्टर भी नहीं हैं।

श्री सदाशिव बागाईतकर : जो भी इस मिनिस्ट्री में रहा वह चीफ मिनिस्टर हो कर अपने राज्य में चला गया। यह इस मिनिस्ट्री का दुर्भाग्य रहा। जे. बी. पटनायक थे वे भी चीफ मिनिस्टर बन कर गये थे उड़ीसा में जा कर। अंजैया साहब थे वह भी आन्ध्र प्रदेश में चीफ मिनिस्टर बन कर चले गये। अब वह नहीं रहे यह उनका दुर्भाग्य रहा तिवारी जी पहले इस मिनिस्ट्री में थे वह भी छोड़ कर दूसरी जगह चले गये। यह लेबर मिनिस्ट्री तो एक स्टेपिंग स्टोन है। पहले हमेशा इस मिनिस्ट्री में कैबिनेट रैंक का मिनिस्टर रहता था। लेकिन अब स्टेट मिनिस्टर को इतका इम्पेडेंट चार्ज दिया गया है। इस मिनिस्ट्री के साथ भी सरकार की तरफ से यह खिलवाड़ हो रहा है। मेरी समझ में नहीं आ रहा है कि सरकार इस में सीरियस क्यों नहीं है।

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): He is as good as a Cabinet Minister.

SHRE SADASHIV BAGAITKAR: As good as a Cabinet Minister, but not a Cabinet Minister. There is a world of difference between the two, you will agree. (Interruptions).

3 P. M.

श्रीमन्, मेरे कहने का मतलब यह है कि लेबर के संबंध में यह सरकार सिर्फ उदासीन ही नहीं है, इस सरकार में दिशाहीनता भी है। खुद इस सरकार को मालूम नहीं है कि इसकी क्या दिशा है। ये लोग सिर्फ अपील करते हैं कि उत्पादन बढ़ाओ, हड़तालें मत करो और अनुशासन से रहो। इस से काम चलने वाला नहीं है। कुछ दिन पहले इस सदन में चर्चा हो रही थी कि रुपये की कीमत घट कर 18 पैसे रह गई है। ऐसी हालत में आपकी यह नीति ज्यादा दिनों तक चलने वाली नहीं है। इसलिये मेरा कहना यह है कि हमने जो संशोधन दिये हैं उन संशोधनों को आप मान लें। आप राज्यों के बारे में क्यों संशोधन लाते हैं? मैं उदाहरण देना चाहता हूँ कि अगर कोई राज्य छः महीने की सैन्ट परसेंट तनबवाह देना चाहता है तो आप उसको 75 परसेंट क्यों कर रहे हैं? इसके पीछे कोई औचित्य नहीं मालूम देता है।

दूसरी बात मैं यह कहना चाहता हूँ कि आपका जो लेबर एडमिनिस्ट्रेशन है उस में क्या क्या चल रहा है, उस पर भा विचार करने की जरूरत है। कम से कम मंत्री जी को यह बताना चाहिए कि प्रोविडेंट फंड कमिश्नर के आफिस में क्या क्या चल रहा है और वहां पर किस तरह से घाघलिया चल रही है। आप जानते हैं कि प्रोविडेंट फंड के बारे में कितनी घाघलिया चलती है। पटना में आपका जो प्रोविडेंट कमिश्नर है उसके बारे में अनेक शिकायतें हैं। लेकिन इसका आप कोई इलाज नहीं

करते हैं। आपका जो लेबर कांफेंस करनी थी उसको भी आप टालते जा रहे हैं। यह उचित नहीं है। आपका लेबर कांफेंस जल्दी से जल्दी करनी चाहिए। आप उस कांफेंस में सही नीति अपनाने की चेष्टा कर सकते हैं। यह बहुत ग्रहण मानता है। अगर आप अपनी श्रमिक नीतियों में तुरन्त बुनियादी परिवर्तन नहीं करते हैं तो इसके विपरीत परिणाम होंगे। अन्तर्राष्ट्रीय लेबर ऑर्गेनाइजेशन में कोई रिप्रिजेंटेटिव भेजने की बात आती है तो इंटक वालों को ही भेजने का फैसला आप करते हैं। मेरा कहना यह है कि आप मान्यता का फैसला सीक्रेट बैलेट से क्यों नहीं करते हैं? हम इसके लिये तैयार हैं। लेकिन आप इस को करने के लिये तैयार नहीं हैं। आपने सब जगह एडहोकीजम चला रखा है। जिस तरह से आपका मंत्रालय और मिनिस्टर एडहोक होते हैं उसी तरह से आपने सब जगह एडहोकीजम चला रखा है। इस से बहुत नुकसान हो रहा है। हम चाहते हैं कि आप इस एडहोकिजम को समाप्त कीजिये। अगर आपको कहीं कोई रिप्रिजेंटेटिव भेजना है उस को सीक्रेट बैलेट से कीजिये। आप कहते हैं कि ट्रेड यूनियनों में मतभेद हैं और मतभेदों का सहारा लेकर आप ये सारे काम करते रहते हैं। हिन्दुस्तान में ट्रेड यूनियनों का इतिहास कुछ इस प्रकार का है कि पिछली बातों को एकदम से भुलाया नहीं जा सकता है। आप चाहते हैं कि इन मतभेदों को एकदम से समाप्त कर दिया जाये, यह उचित नहीं है। यह चांद को जमीन पर लाने वाली बात होगी। इसका आप लाभ भी उठा रहे हैं इस प्रकार की नीति से लेबर रिलेशन्स में कोई सुधार होने वाला नहीं है। इसलिये मैं यह कहना चाहता हूं कि मंत्री जी एक कम्प्रीहेन्सिव बिल लायें जिसमें इंडस्ट्रियल रिलेशन्स के बारे में विस्तार से सोचा जाये। नेशनल लेबर कमीशन की

जो रिपोर्ट थी उसको भी अब तक लागू नहीं किया गया है। नेशनल लेबर कमीशन की रिपोर्ट है कि लेबर रिलेशन्स के बारे में और इंडस्ट्रियल रिलेशन्स के बारे में कुछ सोचना बहुत जरूरी है।

इसलिये श्रीमान, जो संशोधन मेरे हैं वह मैं आपके सामने रख रहा हूं। मुझे उम्मीद है कि कम से कम हम इसकी दलील क्या है यह आप इस को समझा देंगे कि पूरी तनखाह मजदूरों को क्यों न मिले। महाराष्ट्र में मिलती है तो आप इसको क्यों नहीं स्वीकार करते हैं। आप स्वीकार करिये। 75 प्रतिशत इसमें क्या रखा है, इसको निकाल कर शत प्रतिशत कर दीजिये, पूरी तनखाह की बात मान लीजिये। यह कहकर मैं अपनी बात को समाप्त करता हूं।

SHRI BISWA GOSWAMI (Assam): Mr. Vice-Chairman, Sir the amendments proposed in the Bill will not serve the purpose of solving the problems of labour, as we see them in the country. These piecemeal measures will not be able to meet the actual demands of the situation. Different labour organisations had been suggesting urgent measures for the improvement of industrial relations. But the Government has not paid any attention to improve the industrial relations in the country.

Sir, the Government, by its profession, has been saying in the past many things regarding improvement of the conditions of the labour. They were talking of labour participation in management. They were talking of discussions with the labour organisations on framing comprehensive measures for the improvement of the lot of the labour.

I would like to quote from the speech of the late President, V. V. Giri, in 1971 in his address to Parliament—He said:

"Government proposes to con-

(Shri Biswa Goswami)

suit leaders of trade unions and management in order to evolve sound industrial relations and to secure increased productivity consistent with fair deal for the labour. Improvement in industrial relations is as vital as capital and technology for increasing output.'

We are now talking of productivity year. But we have not yet cared to find out how productivity can be increased. We have not taken care of that problem.

The present Bill is dealing with only a few amendments. The standing order is not applicable to all establishments. It is not applicable to Government establishments. It is not applicable to establishments with less than 100 workers. There are so many small establishments where the condition of labour is miserable. Mr. Bagaitkar referred to the conditions of labour called bonded labour working in brick kiln industry. The Prime Minister in her propaganda campaign about 20 point programme said that bonded labour will be abolished. But even today it is there and the Government is powerless to end the miseries of bonded labour. There are establishments where standing orders are not in existence. Employers do not frame standing orders and they go on belittling the provisions of law. And they do not care to implement the provisions of Law. In the matter of implementation of whatever labour legislation is there, it is always found that the Government machinery sides with the employers^ and not with the employees. There are other employers who suppress the interests of the labour and the Government is powerless to rectify the situation. My friend Bagaitkar has said about the strike going on in

Bombay. Government is powerless. We are talking about increased productivity. We are talking about improvement of the lot of the working people. But, actually in practice, the condition of the working class is deteriorating day by day. Sir, this legislation will not serve any purpose so far as the improvement of the condition of the workers is concerned. The demand of the situation today is a comprehensive legislation to deal with all aspects of industrial relations. Then my friend Dhabeji referred to the report of the National Labour Commission. The Government has not paid any attention to the implementation of that Report. It is unfortunate. So I would like to suggest to the Government, instead of bringing such type of piecemeal legislation, let them bring a comprehensive legislation covering all aspects of the problem so that the condition of labour may be improved. Moreover, the industrial relations can be improved. What the Government is doing today is, on the one hand, they are talking about the improvement of the conditions of the labour and, on the other hand, they are trying to suppress the trade union movement by passing the Essential Services (Amendment) Act. So they have got double standard. Actually they do not want the trade union movement to exist. They do not want the trade union movement to flourish in this country. If they wanted the trade union movement to flourish in this country, they would have brought forward a comprehensive legislation which would have covered all the working population of this country.

Sir, so far as the condition of smaller units and unorganised labour is concerned, I have already said that they require more because they are in a very bad

conditon. No service condition is there. No labour which has been raised by a law is applied for the improvement of their condition. Government has c one practically nothing. Therefor., I would suggest that there sh >uld be a com- prehensive legislaUon which will deal with the condition of the entire working population of the country, irrespective of whether it is an establish! lent employing more than 100 employees or less than 100 employers.

Then, Sir, I ha\*e already said that in many establishments Standing Orders are not in existence. So a condition should be there that Model Standing Orders should be compilsorily applicable. It should be provided in the Act itself. So far as the payment of subsistence allowance is concerned, I agre, that although it is a welcome pre vision, but after six months insteac of 75 per cent it should be mad » 100 per cent. Such a provision is in existence in some States. Therefore, the Central Governme it should accept that.

Moreover, in on. amendment in the Bill it has been said that any union can approach the certifying officer. That is l ot proper. A union may not h; ve any branch, and that union O: labour organisation should not aave any right which has no brach in that particular establishm Sit.

Then, again, Sir, those who violate, for them there should be a penal provision in the Act itself. Unless this is don., it is of no use. We have already een, in practice, that these provisic ns in the labour laws are very oft n violated. Even the Labour Department of the Government do n >t take proper stens to implement these provisions. Therefore, there should be penal provision ir the Act so that the erring emolv ers are nunished as per provision c E the law. Then, there is the ques ion of contract

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): It does not arise out of this Bill.

SHRI BISWA GOSWAMI: The contract labour is a curse. The sooner it is abolished, the better. Lastly, instead of bringing forward this piecemeal legislation, the Government should come forward with a comprehensive legislation dealing with all the problems of the working population of the country and the entire problem of industrial relations —With these words I

श्री राम मगत पासवान : (बिहार) :

उपसभाध्यक्ष महोदय, मैं मंत्री महोदय के प्रति बहुत आभार प्रकट करता हूँ कि वे श्रमिक कल्याण के लिए इस विधेयक को लाये हैं। यह कल्याणकारी विधेयक है क्योंकि यह, मालिक मजदूरों पर जो अत्याचार करते थे, किसी न किसी बहाने उनको निकाज करके, उनको रिमूव करके उन पर जो अत्याचार करते थे उससे श्रमिकों को राहत दिलायेगा। यह बहुत ही कल्याणकारी विधेयक है। लेकिन मजदूर कई विभागों में विभक्त हैं इसलिए संदेह है कि हर प्रकार के मजदूरों को इस विधेयक से लाभ हो सकेगा। हमारा आग्रह है कि हर प्रकार के जो मजदूर हैं चाहे पब्लिक सेक्टर में हों, प्राईवेट सेक्टर में हों, आर्गनाइज्ड हों, अन-आर्गनाइज्ड हों, बंधुआ मजदूर हों, कैजुअल लेबरर हों, सबको फायदा मिले, इसके लिए एक व्यापक विधेयक जरूरी है। मंत्री महोदय, मजदूरों के लीडर हैं, मानवता के पुजारी हैं मैं उनको बहुत नजदीक से जानता हूँ, वे यह विधेयक लाये हैं इससे बहुत ही प्रसन्नता हुई। लेकिन हर प्रकार के मजदूरों को लाभ पहुंचे इसके लिए व्यापक रूप से एक विधेयक को लाना चाहिए था। क्योंकि यह उत्पादन का वर्ष है, इसलिए इसी वर्ष में हर प्रकार के मजदूरों को अधिक से अधिक मिले, ऐसा विधेयक लाना बहुत जरूरी।

[श्री राम भगत पासवान]

उपसभाध्यक्ष महोदय, एक बैसा मजदूर जिस पर अभी तक सरकार का ध्यान नहीं गया है, बीस सूत्री कार्यक्रम के अंतर्गत उनकी तरफ ध्यान दिया गया है। चूंकि हमारी सरकार कोटि कोटि सर्वहारा दल का प्रतिनिधित्व करती है इसलिए उनकी तरफ भी मंत्री महोदय का ध्यान रहना बहुत जरूरी है, और वे हैं एग्रीकल्चरल लेबरर..

उपसभाध्यक्ष (डा. रफीक ज़करीया) : कहां से कहां जा रहे हैं, देखिये यह बिल... (व्यवधान) कुछ तो बिल से संबंधित बात कहनी चाहिए।

श्री राम भगत पासवान : मैं तो पहले ही कह रहा हूं कि हर प्रकार के मजदूरों को अधिक से अधिक... (व्यवधान)

उपसभाध्यक्ष (डा. रफीक ज़करीया) : यह बिल क्या है, आप क्या बातें कर रहे हैं ? (व्यवधान)

श्री राम भगत पासवान : उनकी तरफ भी सरकार का ध्यान जाना चाहिए।

फैक्ट्रियों में, प्राइवेट फैक्ट्रीज में जहां अभी कैजुअल बेसिस पर बहुत ही मजदूर काम करते हैं, वर्षों से काम करते हैं, उनके लिए अभी भी मालिकों के अपने नियम कानून हैं, आपके बनाये हुए फैक्ट्री के नियम कानूनों से बेवंचित हैं। इसलिए मंत्री महोदय से मैं आप्रह कलंगा कि आपके विभाग में एक ऐसा विजिलेंस विभाग हो जो मजदूरों की जो दशा है, प्राइवेट फैक्ट्रियों में उनके साथ जो व्यवहार हो रहे हैं, उनकी जानकारी सरकार को देता रहे और उनको जो मनमाने बेजेज मिलते हैं वे न मिलें, सरकार के नियमानुसार जो मिलना चाहिए, वह मिले ?

कांटेक्ट लेबर और बंधुप्रा मजदूर की चर्चा हुई है। अभी भी कांटेक्ट लेबर और बंधुप्रा मजदूरों का जीवन ख़ास, उन का भाग्य ठेकेदार पर डिपेंड करता है। उन के साथ बहुत ही अत्याचार हो रहे हैं और कई प्रकार की समस्याएं हैं। इसलिए बंधुप्रा मजदूर हैं या कैजुअल लेबरर हों, उनकी मजदूरी के संबंध में एक ऐसी नेशनल वेज पालिसी एडाप्ट की जाए कि इतने घंटे काम करो की मजदूरी इतनी होगी। इस विधेयक के अंतर्गत मंत्री जी एक नेशनल वेज पालिसी बनाएं जिसके अनुसार हर मजदूर की कम से कम कितनी मजदूरी होनी चाहिए जिससे उनका पालनपोषण हो सके, उनके बच्चों की शिक्षा-दीक्षा हो सके और आवास की व्यवस्था हो सके, यह बहुत जरूरी है।

अभी प्रोडक्शन ईयर, यानी उत्पादित का साल है इस लिए मंत्री महोदय से मेरी प्रार्थना है, और मेरा आग्रह है, कि उन की जो मूल समस्याएं हैं उन समस्याओं पर ध्यान देना चाहिए। बहुत सी ऐसी प्राइवेट फैक्ट्रीज हैं जहां मजदूरों का एक्सीडेंट हो जाता है, वह फिजिकली अन्फिट हो जाते हैं और उन्हें कोई कारणवश हटा दिया जाता है। इस तरफ भी सरकार का ध्यान विशेष रूप से जाना चाहिए।

अंत में मैं यह कहना चाहता हूं कि आपने जो यह व्यवस्था की है कि 50 परसेंट उनको गुजारे के लिए अलाउंस (भत्ता) मिलेगा, यह ठीक है, 50 परसेंट उन को मिलना चाहिए, उसके बाद छः महीने तक उनको 25 परसेंट और बढ़ा देना चाहिए, इसके बाद, यदि बढ़ावें, तो उन को सेन्ट परसेंट जरूर मिलना चाहिए जिस से उनके साथ न्याय होगा। सेन्ट परसेंट मिलने से मालिक लोग शुरू में जो उन के साथ अत्याचार करते हैं, मनमानी करते हैं, उनकी मनमानी कम होगी और मजदूरों का अधिक से अधिक कल्याण होगा। तो मेरा यही सुझाव है कि छः महीने के बाद

यदि कोई सस्पेंशन में रहता है तो उसे सेन्ट परसेन्ट मजदूरी मिलनी चाहिए। यही मेरा आग्रह है।

श्री नेपाल देव मंडाचार्य (पश्चिमी बंगाल) : उपसभाध्यक्ष महोदय, यह जो बिल लाया गया है, एक तरह से कंसोलेशन प्राइज जैसा है, जितनी जरूरत है उससे बहुत पीछे। लेकिन तब भी कुछ तो है। इधर से या सरकार पक्ष से जो कहा गया है मेरा भी वही कहना है कि एक कांफ्रिडेंसिव बिल की जरूरत बहुत है। इस के नाम से ही पता चल पाएगा क्या है यह स्टैंडिंग आर्डर। मिलिट्री में जैसे होता है, इस में सर्वेन्ट और मास्टर का जो रिलेशन है, वह इस बिल में, इस कानून में भी है। इसको स्टैंडिंग आर्डर कहा जाता है।

सवाल यह है कि एक्जीक्यूटिव की डीलिंग वर्कर्स के साथ क्या होगी। उस के लिए यह स्टैंडिंग आर्डर है? अभी तक क्या है, मंत्री जी बैठे हैं मैं छटा-सा सवाल उसे पूछता हूँ, मारल कंटेक्टर क्या होगा वर्कर का? उस में क्या शब्द हैं नहीं, कोई काले स्पॉट हैं कि नहीं—दंट बिल की डिसाइडेड बाई द मैनेजमेंट—और अगर मैनेजमेंट का पूरा काला है तो कौन देखेगा? एकदम ओवर-व्हैल्मिंग होना चाहिए। यह जो सारे सदस्यों ने बताया कि इसका भारो चेन्ज होना चाहिए, अब इस में इतना छोटासा अमेंडमेंट कर रहे हैं। यह पुराना सवाल है, बार-बार यह आ चुका है, बार बार इसकी चर्चा हो चुकी है। तो इसको एक बार पूरे का पूरा देखिए, ट्रेड यूनियन के लीडर्स से बात करके इसका फैसला होना चाहिए। लेकिन आज इतने दिनों के बाद जो अमेंडमेंट हो रहा है इसमें यही है कि जो जरूरत है वह इस में नहीं है। आप का 20 प्वाइंट प्रोग्राम इंटररेस्टिंग है, यह प्रोडक्शन इयर है, सब कुछ ठीक है, लेकिन क्या आप समझते हैं इस से काम चलेगा। अगर आप प्रोडक्टिव

मानते हैं वर्कर्स को, तो जो एंटीट्रयुड है मैनेजमेंट का वर्कर्स के साथ, वह मास्टर और सर्वेन्ट का रिलेशन जो अब तक चलता है, उससे क्या बहुत ज्यादा पैदा होगा या आप समझते हैं? मेरा तो ख्याल है ज्यादा पैदा नहीं होगा।

अभी मैं एक इश्यू के ऊपर कहना चाहता हूँ। मैंने तो पहले यह बता ही दिया है कि हां ठीक है, एक कंसोलेशन प्राइज इस बिल से मिल गया है। सस्पेंशन अलाउंस के बारे में मेरा कहना यह है कि इसको पहले 50 परसेंट उसके बाद 25 परसेंट का इनक्रीज आपने जो दिया है, यह क्या मजदूर की जिम्मेदारी है? एक तरफ आप कहते हैं और मानते हैं कि सस्पेंशन का मतलब पनिशमेंट नहीं है लेकिन उसको पनिशमेंट हो जाता है। एक वर्कर के बारे में मैनेजमेंट के पास यह खबर है कि—

There might be a rape case or anything.

तो वह सस्पेंड हो गया। खुद मैनेजमेंट जज बन गया और उसको सस्पेंड कर दिया।

That means one's punishment.

लेकिन आपके हिसाब से यह पनिशमेंट नहीं है। सस्पेंशन पनिशमेंट नहीं है तो तीन महीने फैमिली वाले घर कैसे चलायेंगे? तो यह रिस्पॉसिबिलिटी मैनेजमेंट की है कि उन्होंने जो उसको चार्जशीट दी है वह प्रूव करे, वह सही है या नहीं उसको साबित करें। इसका नतीजा क्या होगा यह आपको पता है। राजस्थान अटॉमिक पावर प्रोजेक्ट का एक वर्कर 5 साल से सस्पेंड होकर पड़ा हुआ है, लेकिन उसका फैसला नहीं हुआ। आप कहते हैं कि 75 परसेंट सही है। आप प्रूव कीजिए कि जो चार्जशीट उसकी दी गई है वह ठीक है। अगर सही है तो उसको निकालिये, लेकिन 50 परसेंट से 75 परसेंट यह क्यों चलेगा? अगर उसको आप बढ़ायेंगे तो

It will be smother pressure on the authority, on the management, to go through this thing.

[ओरेंड्रा बट्टाचार्य]

कल सुबह मैं देख रहा था कि एक मैमोरंडम आया था सिंध बैंक का जहाँ एक इंप्लॉई को 1980 में चार्जशीट किया गया लेकिन उसको अभी तक डोमेस्टिक इन्क्वायरी नहीं चालू हो सकी है। अभी आप कर रहे हैं कि 50 परसेंट, फिर 75 परसेंट। तो आप उसको क्यों नहीं सेंट परसेंट करते हैं? तो मैं आपको कहना चाहता हूँ कि एक महीना 50 परसेंट ठीक है, उसके बाद उसको सेंट परसेंट कर दीजिए। आप जो तय करके यहाँ रख देते हैं, मुश्किल यह है कि अगर उस में इस तरफ से कोई अमेंडमेंट आयेगा तो उसके बारे में सोचते तक नहीं हैं। तो कम से कम यह ध्यान दीजिए कि 50 परसेंट से बढ़ाकर कुछ दिन बाद उस को बढ़ाकर सेंट परसेंट कर दीजिए।

After three months it should be the first month 50 per cent, for the second or the third month 70 per cent can go.

लेकिन तीन महीने के बाद ऐसा नहीं होना चाहिए कि 5-6 साल तक उसकी डोमेस्टिक इन्क्वायरी भी न हो सके और चार्जशीट जो उसको दी गई है वह सही है कि नहीं, यह भी फैसला न हो सके। यह आपका जो 20 पाइंट प्रोग्राम है अगर रियली आप चाहते हैं कि वह अमल में आये, जो प्रोडक्टिविटी इयर आपका है उसमें आप मजदूरों और मालिकों के रिलेशंस को सुधारने की कोशिश करना चाहते हैं तो इसमें जो दिया गया है वह शर्त इस उद्देश्य से बहुत दूर है। तो मैं स्पेसिफिकली यह कहना चाहता हूँ कि आपने जो दिया है पहले 3 महीने उसके बाद इनक्रीज आफ 25 परसेंट, मैं समझता हूँ कि पहले महीने 50 परसेंट,

Another two months 75 per cent and onwards cent ner cent.

तो फैक्टरी में जो ट्रबल हो जाता है वह हल हो सकता है। मैं वही पाइंट फिर स्टैंस करना चाहता हूँ जो सदन के Right from Congress (I) and other party Members, they have already spoken.

इसका थोरा चेंज करें। मैं मंत्री जी से कहना चाहूँगा कि वह जवाब दें तो बतायें कि वे यह सोच रहे हैं कि नहीं ताकि इसमें थोरा चेंज हो सके और प्रोडक्शन को हम बढ़ा सकें। यही मैं कहना चाहता हूँ।

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Mr. Mohanarangam, not here. Prof. Bhattacharjee.

PROF. SOURENDRA BHATTACHARJEE (West Bengal): Mr. Vice-Chairman, Sir, certain points have already been referred to by other speakers, so I would not repeat them. My one question to the hon. Labour Minister would be in somewhat different form from what the previous speaker, another Mr. Bhattacharjee, has >-said.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Any relation of yours?

PROF. SOURENDRA BHATTACHARJEE: Everybody is a relation in this House, including the Chair. The statement of Objects and Reasons says: "The Industrial Employment (Standing Orders) Act 1946 requires employers to define precisely the



conditions of service of workmen employed in industrial establishments and to make such conditions known to the workmen employed therein." ] want to know whether the lacunae that were there are covered by this Bill or in order to cover those lacunae, these amendments have been necessary.

Sir, the idea behind it is quite good. But in actual practice, can we say that the workmen ' precisely know their service conditions in all cases or these conditions are made known to them? The position on the industrial scene is rather to the contrary. It is all the way is favour of the employer. Part of the service conditions would only show how an industrial undertaking is run, and as far as the workers are concerned, certain rights and obligations are enjoined on them. I would like to ask whether the same thing is enjoined on the employer also. For example, there is no specific rule with regard to the lockouts, lay-off or closures—illegal closures. But these service conditions of the employees only affect the workers and not the employers. This is the situation that obtains throughout the country.

This is a United Bill undoubtedly; under the Industrial Employment (Standing Orders) Act, these Standing Orders are not the basic Act undoubtedly; but at the same time when this issue comes up with such a preamble, the question would naturally and automatically come as to what the situation is with regard to industrial peace; it obtains even today. This amendment Bill has been brought in the year of the Lord 1982. After a lapse of 36 years that is the situation? This is all in favour of the employers, and not the workers. The industrial workers have to establish providing for.

their rights through the continuous process of litigation. Even these provisions regarding suspension salary and other such provisions have to be enforced through the process of litigation, because in case of any dispute, the matter has to be referred to a court; it may be the industrial court, but nevertheless, the matter has to be referred to a court and we know that a section of the legal profession nowadays thrives on industrial disputes. There is an attempt of the trade union movement today to see whether these rules could be made more straightforward, more oriented towards the workmen, and the rules which could be applied straightaway. This is the aspect to which the Government must address itself if what is professed here is really meant.

This is my humble submission to the hon. Minister. Many other points have emerged which I would not like to go into. But this I think is the basic point.

THE VICE-CHAIRMAN (DR RAFIQ ZAKARIA): Mr. Minister.

श्री शिव चन्द्र शा : उपसभाध्यक्ष महोदय, परम्परा यह है कि मिनिस्टर जवाब के पहले सेलेक्ट कमेटी का प्रस्ताव . . .

उपसभाध्यक्ष (डा० रफीक जकरीया) : सेलेक्ट कमेटी के ऊपर कोई तकरीर नहीं होती, सूच किया जाता है। आप को कुछ कहना है ?

श्री शिव चन्द्र शा : मुझको कहना है। कायदे को छोड़िए नहीं। उपसभाध्यक्ष महोदय, इस विधेयक में है कि सक्सिस्टेंस लेवल—डिस्प्यूट है—उस को 50 परसेंट वेजेंज देंगे जब तक सस्पेंडेड है, जांच हो रही है। मैं मंत्री महोदय से जानना चाहता हूँ कि 50 परसेंट जो किया है और 90 दिन के बाद 75 परसेंट किया है यह इन्होंने किस आधार पर किया

[श्री शिव चन्द्र झा]

है, इस का कैसे आप ने फंसला किया ? यह मैं इस लिए उठा रहा हूँ क्योंकि मजदूर की तनख्वाह हिन्दुस्तान में कितनी है और जिस तरह दाम बढ़ रहे हैं उस को देखते हुए उस का स्टैंडर्ड आफ लिविंग कितना नीचे चला जाता है । उसमें मजदूर अगर अपनी गलती की वजह से सस्पेंडेड है और आप उस की जांच कर रहे हैं तो उस को आ 50 परसेंट वेज देते हैं या 75 परसेंट देते हैं, तो आप सोचिये कि उस की क्या हालत होगी । भारत में मजदूर आंदोलन को सरकार ठीक से हैंडल नहीं कर रही है । यह का मजदूर आंदोलन एक शानदार आंदोलन रहा है । हिन्दुस्तान में यह आंदोलन एक पोलिटिकल ट्रेड यूनियन आंदोलन रहा है और इस की बड़ी बड़ी मांगें रही हैं और यह सदा ही राष्ट्रीय आंदोलन की तरह से आजादी के आंदोलन के साथ रहा है और उत्पादन को बढ़ाने में और कारखानों को चलाने में उन के संचालन में उस का हाथ रहे सद से इस की यह मांग रही है । लेकिन यह तो बहुत दूर की बात हुई, अभी तो जो आप की पब्लिक अन्डरटेकिंग्स है उन के संचालन में भी मजदूरों का हाथ नहीं है । उन में वर्कर्स पार्टिसिपेशन नहीं है । लेकिन यह जो छोटी बातें हैं जो आप कर रहे हैं और तत्कालीन न्याय कर रहे हैं उस के लिये इम्प्लायर का और ट्रेड यूनियन नेताओं का सजेशन था उस के बाद आप संशोधन ला रहे हैं स 1946-47 के ऐक्ट में, तो इस को आप साफ करें और इस के साथ जाय करे । सर्विस टेंस एलाउन्स में भी जो डिस्प्यूट रहेगा उस को फिर लेबर कोर्ट में भेज दिया जायगा और इस तरह से इस लिटिगेशन का सिलसिला चलता रहेगा और वर्कर्स हैरेस होते रहेंगे । तो आप क ऐसी मशीनरी बनायें ताकि इन के मामलों का विवक डिस्पोजल हो

सके । कहने के लिये तो इम्प्लायर्स और ट्रेड यूनियन्स के सजेशन पर यह काम हो रहा है लेकिन इस में कोई खास काम नहीं हो रहा है । यह तो आंशिक मजदूरों के लिये हो रहा है, लेकिन इस में एग्रीकल्चरल वर्कर्स के लिये कुछ भी नहीं है । क्या उन में डिस्प्यूट नहीं होते ? क्या वह नौकरी से हटाये नहीं जाते तो उनके लिये क्या प्रावधान है ।

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): This is not relevant at all. It does not fit into this. Your speech should be confined to the point, why you want that this Bill should be referred to the Select Committee. If you are going to ask questions like this, what is the purpose of sending this Bill to the Select Committee? Your amendment is 'Send it to the Select Committee'.

SHRI SHIVA CHANDRA JHA: That is alright. But there should be something about agricultural workers also.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): How can you bring it in?

SHRI SHIVA CHANDRA JHA: Why not? (Interruption) The matter will be decided by the Select Committee.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): This is not within the scope of the Bill. There are some limitations. (Interruption) You cannot bring everything into this. (Interruption).

SHRI SHIVA CHANDRA JHA: That will be decided by the Select Committee. Why are you deciding it?

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): What Committee?

SHRI SHIVA CHANDRA JHA: This will be decided by the Select Committee.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): It is not legal, constitutional. (Interruption) You cannot talk in the air.

SHRI SHIVA CHANDRA JHA: This matter can be decided by the Select Committee, whether this should be included or not. If the Select Committee thinks that this is not relevant, they will throw it out.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Absolutely irrelevant; out of order, you are.

SHRI SHIVA CHANDRA JHA: From this point of view, my amendment is this Bill should be sent to the Select Committee, because, Government is not treating the workers properly. These are all slogans, this is twenty-point programme and 30 on. They are in favour of the employers. They are not for the welfare of the workers, but for the welfare of the employers only. These are my observations.

f SHRI BHAGWAT JHA AZAD: Sir, I would take the last point first. This is admitted by all in the House. Some may call it consolation prize. Others may call it not enough; that it does not go very far. But the fact remains that under the model standing orders, though there is provision for payment of subsistence allowance, there is no specific provision for this. And when I am before the House with my first measure, I am sure I am one step forward, in the sense that I am putting forward a measure which is in favour of the workers themselves. The measure which we are providing in the Act by this amending Bill is that the worker sus-

pending for three months will get 50 per cent and beyond that 75 per cent. If there is a criticism to this provision as to why it should not be 100 per cent, I can understand it, but the fact remains that this is a provision which is going in favour of the workers, which is not there in the Act so far. What does Mr. Shiva Chandra Jha say? Why is he objecting to this? As Mr. Dhabe and others have said, Mr. Jha could also say, why not 100 per cent. That question has got some meaning and I will reply to that a little later, but the fact remains that by referring it to the Select Committee you want to postpone the payment to thousands of workers who would be benefited by this. Therefore, even though the purpose of the Bill is limited, it is a good purpose, it is in favour of the workers and, I think Shri Shiva Chandra Jha would not press for this that the Bill be referred to the Select Committee. That will delay the payment that we are providing for.

Sir, hon. Members have raised many questions. Many of them are valid and many of them are beyond the scope of this Bill. Entire gamut of industrial legislation cannot be the subject matter of this amending Bill. It would not be possible for me to reply to the entire gamut of the questions. You have yourself said that there are many Acts in the industrial field. The Minimum Wage Act, the Industrial Disputes Act, the Trade Unions Act, the Contract Abolition Act and many other Acts are there. There has been time when these Acts have been discussed in the House, they may be discussed in future also, but so far as this Act is concerned, I would be limiting myself only to the provisions of this Bill. Of course, in the process I would like to make one point clear that has been made by almost every Member and that is about comprehend

, [Sibxi Bhagwat Jha Azad]  
give legislation. This has been the case in all the Bills that are brought before the House, whether they relate to the industrial field or to any other subject. This argument, this criticism comes up even in the case of the Bills relating to other Ministries that there should be a comprehensive Bill. I would say that whenever an amendment is brought forward in an Act, it is as a result of the experience of the working of the Act before, it is as a result of the discussions that we have in the House. Even today when I have heard the discussion in this House, I have in mind what the Members have said, what I have not been able to think over so far. After the Bill is passed, I will certainly see how best and how quickly I can react to those suggestions. But the fact remains that whatever has been put forth is as a result of the discussions between the employer and the employee, between the employers, employees and the State Governments and so on and so forth. When one talks of a comprehensive legislation, I can tell him that in a complex society like ours, especially in the industrial field, in industrial relations, it is not possible to say that one comprehensive measure brought and passed will solve the problem. Mr. Dhabe very nicely said... (Interruptions). When the hon. Member referred to the mosaic pattern, I would say even the mosaic pattern itself does not conform to one pattern. There are so many patterns. The example itself says that according to the time and circumstances, according to the experience gained in the course of in accordance with the discussions between different industries whenever and however we feel the necessity of bringing an amendment, criticism of a comprehensive Bill; I think we should think

over this. I would certainly say that there might be need for some more amendments. I am sorry, I am new, I agree that four Ministers have been changed. But the Government continues and so also the policy of the Labour Ministry. The Ministers might change again, but the policy of the Government in the industrial relations' field continues. And that policy is that this Government gives the importance that labour has in the machinery of production. In production, whereas the entrepreneur, his managerial skill, the capital are important, the machinery and raw materials are important, but the most important factor that puts them into the product is the labour. Therefore, this Government feels that among all the instruments and factors of production, labour is the most important. And that is why this Government has always been giving importance to labour laws, to labour welfare, as far as possible.

Sir, there are friends who talk about there being no good industrial relations. I must compliment Mr. Mohanty and also Mr. Paswan who said that industrial relations today are better. And, Sir, they are better. It is reflected in production. After all, what is the barometer of measuring whether the industrial relations are good or bad. The barometer is, what is the production what are the mandays lost. Today in all the fields in this country—industrial, agricultural, in fact any field—we have got increased production.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): In textile also?

SET. *fi* BHAGWAT JHA A'AD: Even in textile, Sir, you are thinking of Bombay's textile industry. I will reply to that later.

But in the entire industrial field, the increase is 5.1 per cent. In the case of agriculture, the production is 130 million tonnes. Where it had gone down 0.14 per cent, we have brought the industrial production up by 5.4 per cent. It shows the cooperation and understanding on the part of labour. Therefore, when some of the friends, who always talk on behalf of the labour, say that the relations are no good, it is proved that they are not correct. Facts belie their criticism. The facts show that there have been good industrial relations in the country in the last two years of Mrs. Gandhi's Government and it is reflected in production in the industrial field, in the agricultural field—whether it be chemicals, whether it be fertilisers or agriculture. We have increased production. Therefore, I would say that industrial relations today in the country are better.

Of course, Sir, you have said and some of my friends have also said about the Bombay textile industry. Sir, today there is a race among trade unions and also among some individuals much more on two points. Twist the demand to the right in the name of labour and then follow it up by violence. Sir, Government feels that industrial law and industrial relations are not made in a day. Whatever is there today in the country—here or outside—is as a result of the working of the relationship in the industry between the two partners—employer and employee—or rather, I would say, not only employer and employee but also the factors of production—the capital, the machinery, raw materials and other things. And, therefore, it is not easy that a friend comes and gives a call: "I will put your wage at Rs. 450". I am sorry, the ignorant and innocent textile workers of Bombay have been led into it and they have gone on strike. But, Sir, any

change in any Act cannot be as a result of a threat; it can be achieved by constant cooperation and discussion. We find, for example, it is being said today that the Bombay Industrial Relations Act has not worked. Sir, I am sure, whatever is said inside this House or outside, the Bombay Government—an elected Government—will react to it and see at the appropriate time what best can be the amendment to the Act, but certainly not under the threat of a "pied piper who is misleading the workers there."

Sir, what are the points involved here? Number one, that an Act, which was passed in the past, may not be, according to some Members, relevant today and needs amendment, but so long as the amendment is not there, no Government can function outside the scope of the Act. It will not be proper to do so; it will be arbitrary on the part of the Government to do so. The Bombay Industrial Relations Act suggests a bargaining agent. The bargaining agent is there, till the labour there, in the light of the experience of the employer and the employee, comes to a conclusion to do away with that.

So I would request the workers in Bombay to come back to their normal duty and the moment they join their duties and are free from a "pied piper", a "dada", Samant. I am sure the Government there and here would look into their legitimate grievances. But it is not possible under threat to change the Act in a moment. No. 1. And No. 2, the agreement solemnly entered into between the two parties is still valid, up to 1984. Sir, if an agreement is arrived at today in Bombay on the question of strike on the basis of what Mr. Samant says, what is the guarantee that a

[Shri Bhagwat Jha Azad] bigger Samant will not come to them and say. "He is getting you Rs. 450; I will get you Rs. 900. Come on and strike." It is impossible. You also pointed it out. Therefore, I am saying that we are not fussy, we have no prestige against the labour. Not at all. We do not want it. (*Inter' ruptions*) What are you saying?

SHRI SHRIDHAR WASUDEO JHABE: The agreement of 1974 was modified by an Ordinance of the Government, in L.I.C. though it was to remain in force for a long time.

SHRI BHAGWAT JHA AZAD: As I said, the Acts or the agreements are modified according to needs and circumstances. I cannot say at the present moment off-hand what was done in 1974 and why. But I would say that in this particular decision of Bombay it is not possible to do anything unless workers come ever because then there is no guarantee, if today under any threat we come to an agreement, that another and bigger Samant will not come up. Till the ink of the agreement is dry, another strike is on our head. So I say this. As a trade union leader you know it better. Let us understand the sanctity of an agreement. That is No 1. No. 2: let us understand the Act under which it may be. Today it may be RMS. but there are other trade unions also. They can pitch their demands and take the workers out. Then how will you feel? Therefore, it is not possible. There are two important things. Today I would take the opportunity of requesting from the floor of the House and calling upon the workers of Bombay to go back to their duties and ' the moment normalcy is restored I am sure the Government there

and here will look into whatever their legitimate grievances are there and think over them. These are the two things. On comprehensiveness I have made myself clear.

And then Mr. Dhabe has raised the question of consultation between the employer and the employees and the Members of Parliament. Sir, we are for it. I know in industrial field it is not possible for the Government to act one sided. I know it very well. Then Mr. Bhattacharya said—and he rightly said it—that our workers must be made to know the things under the Act and he read the first part of the Objects. I fully agree with him. But I want to tell him that it cannot be done only by the Government. It will be done by all concerned; that means, the trade unions as well. Let us tell the labour what their rights are, what their obligations are, how we can come to an agreement, how they can win a point against the empty employers. I fully agree with you. These things should be made known by the Government, but much more so by the trade unions who claim that they are organising them.

Sir, then about the Mathew Committee Report having come. That is not relevant to this. There was a question today. Out of the 54 recommendations, only on 2 we have said 'no', 12 are under consideration and 42 have been agreed to. Though strictly it is not coming under this, I have given the figures about it. Then he raised the question of the decisions of the High Court and the Supreme Court. Exactly, Sir. That is why I say it is not possible for a Government to anticipate what decision on a particular Act will come from a High Court or from the Supreme Court.

But the morrent they come, as for example, r Terence was made to closures, he moment they come, we take into consideration and wherever necessary we come before the honourable House with an amendment to the Act...

SHRI SHRIDHAR WASUDEO DHABE: About the closure it came in 1978.

SHRI BHA( WAT JHA AZAD: That is what I am saying. We have taken n( te of that and very soon we are considering what best can be done about it. That is why I said when we talk of a comprehensive Bill all these things are not anticipated—how the courts will behave in a particular circum: tance, in a particular industry how things will arise, etc. Tl erefore, as and when \ we come ac<sup>1</sup> 3ss such a difficulty, ' we come bef >re you for an enactment. And for this case also, as you have rightly said, we will come before you. These are two important points: about comprehensive Bill and Industrial Relations Bill. I have made it clear on these two general issues that have been raised in the House. There are other questions which are not relevant to the Act though they are relevant to the industrial gamut as a whole. But I would not be able to deal with them. In fact, there is one important provision, about Siving subsistence allowance. Under Standing OHer<? we hive told them but Criticism w^s there that there was no specific provision for t^em—the first measure as Labour Master T took was to come with one POO-1 c'e^p of legislation M^v T s-v, ?t is limited but for the thous^ n^s of workers who arp outside, who have not known such a thing T have come with one thin?—the first trr'ng in nv career as labour Minister -and that is the moment

a labourer is suspended, he will get 50% and after three months 75%. The only question that has been asked is: Why not 100%? Today there are Government servants as well. Government has to look after not only one aspect but many other aspects, a large number of other persons. I would not say Government is the employer of a large number of persons. Of course, a large number of Government servants are there. So we are making a liberal provision. This 50% and 75% is a good provision. There are two States possibly where they are paying 100%. But we are not stopping them. The honourable Member raised about Maharashtra. But I am saying that in the whole country, out of so many States, the majority of the States could not do it...

SHRI SHRIDHAR WASUDEO DHABE: The discrimination is there in the State itself. In Bombay in the textile industry it is governed by the State Act and other sector employees are governed by the Central Act.

[Mr. Deputy Chairman in the Chair]

SHRI BHAGWAT JHA AZAD: The fact remains as I was emphasising, what happens is this in the countrv today in some State Governments it may be possible to do it, maybe, for a couple of State Governments; but the Central Government has to keep in mind the interests of d'fferent other sections of the people—for whom it has to be done and for "-horn not. Therefore, it is not possible to give bevond 75%. That is whv I say I have brought a good piece of legislation and it should be appreciated in th« Hou"e an^ m fact, some honour able Members have appreciated il T^ow Mr Mohanty wanted som clarification about the aoorooriat State Government or the Centn

fShri Bhagwat Jha Azadl Government. We have said it in the Act itself, we have named, "... in other cases it is the State Government who are the appropriate Government". It is (b) of Section 2 where we have clearly defined what appropriate Government means.

"(b) 'appropriate Government' means in respect of industrial establishments under the control of the Central Government or a Railway administration or in a major Dort, mine or oil-field, the Central Government, and in all other cases, State Government."

The practice has been this. For the State Governments there is no problem. If there is something in a steel plant, for example, it is for the Central Government. Steel plants come under the Central Government. I say when there is a misunderstanding arising, then the Central Government comes.

Then, the second thing the another honourable Member asked was about the substantive provision. That I have already replied.

4 P.M.

For those who are not falling under the original Act, we have provided a penalty clause. Hon. Member may say that it is not much deterrent. But we have provided for that also. The Bill has only a restricted puroose. I would remind the hon. Members that as far as this Bill is concerned, it is good for the workers. I would appeal to them to pass this Bill into an Act so that the workers get the benefit. With these words, I will request the House to pass this measure.

MR. DEPUTY CHAIRMAN : Should we continue with the Bill or take up Calling Attention? If

the House is prepared to pass it in five minutes, we will pass It just now. But there are so many amendments.

श्री सत्यपाल मलिक (उत्तर प्रदेश) :  
कालिंग अटेंशन के बाद करें।

SHRI BHAGWAT JHA AZAD:  
Everything has been discussed.

SHRI HAREKRUSHNA MAL-  
LICK (Orissa): It is already 4 P.M.

MR. DEPUTY CHAIRMAN: Let  
u, start the Calling Attention.

SHRI BHAGWAT JHA AZAD:  
Sir, the hon. Members have agreed to  
pass it.

MR. DEPUTY CHAIRMAN : I  
have my own doubts.

MR. DEPUTY CHAIRMAN. J

श्री सत्यपाल मलिक : यह तो मञ्जाद  
हो गया है. इसका कोई मतलब नहीं  
रह गया है... सारी परम्परा बिगड़ती  
है, रोज यही होता है।

will first put Mr. Shiva Chandra Jha's  
amendment to vote. The question is:

"That the Bill further to amend  
the Industrial Employment  
(Standing Orders) Act, 1946, be  
referred to a Select Committee of  
the Rajya Sabha consisting of the  
following Members, namely: —

1. Shri R. R. Morarka
2. Shri Shridhar Wasudeo  
Dhabe
3. Shri Harekrushna Mallick
4. Shri Biswa Goswami
5. Shri Rameshwar Singh
6. Shri Hukmdeo Narayan Yadav
7. Shri G. C. Bhattacharya
8. Prof. Sourendra Bhatta-  
charjee



9. Shri V. C. opalsamy
10. Shri Har Shankar Bhabhra
11. Shri Shh a Chandra Jha

with instructs ans to report by the first week < f next Session."

*The motion x>ws negatived.*

MR. DEPUTY CHAIRMAN: The question is —

"That the Bill further to amend the Industrial Employment (Standing Orders) Act, 1946, be taken into consideration."

*The motion fas adopted.*

MR. DEPUTY CHAIRMAN: We shall now take up clause by clause consideration of the Bill.

*Clause 2 (Amendment of Section 2)*

MR. DEPUTE CHAIRMAN : There are four amendments to this clause.

SHRI BHAGWAT JHA AZAD: Sir, I beg to move:

3. "That at page 1, line 13, for the word 'workmen' the word 'workman' be substituted."

6. "That at oage 2, for line 3, the following be substituted, namely:

'(i) "wages" and "workman" have the meanings respectively assigned to them in clauses (rr) and (s)'."

SHRI SHRIDIAR WASUDEO DHABE: Sir, beg to move:

4. "That at page 1, line 13, after the word 'employer' the words 'or the employers federation or association' be inserted."

5. "That at page 4, line 16, after the word 'question' the words 'as early as possible but not later than three months' be inserted."

*urgent public importance*

*(The Amendment Nos. 4 and 5 also stood in the name of Shri Sadashiv Bagaitkar)*

*The questions were proposed.*

SHRI SHRIDHAR WASUDEO DHABE: Mr. Deputy Chairman.-

MR. DEPUTY CHAIRMAN: Mr. Dhabe, if you are going to speak, I will take up Calling Attention just now. After that we will continue the Industrial Employment (Standing Orders) Amendment Bill, 1981.

### CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

**reported leakage and sale of  
question papers of examination  
conducted by All India Central  
Board of Secondary Education and  
action taken by Government in the  
matter.**

श्रीमान सलिक (उत्तर प्रदेश) :

श्रीमान, मैं आपकी अनुमति से अखिल भारतीय केन्द्रीय माध्यमिक शिक्षा बोर्ड द्वारा संचालित परीक्षा के प्रश्न पत्रों का समय से पूर्व पता लग जाने और उनके ब्रेच जाने के समाचार तथा इस मामले में सरकार द्वारा की गयी कार्यवाही की ओर शिक्षा तथा समाज कल्याण और संस्कृति मंत्री का ध्यान अर्पित करता हूँ।

THE MINISTER OF STATE IN THE MINISTRIES OF EDUCATION AND CULTURE AND SOCIAL WELFARE (SHRI-MATI SHEILA KAUL) : Sir, there have been a number of complaints about leakage of question papers in the All India Senior School Certificate Examination conducted by the Central Board of Secondary Education. Some of these complaints had appeared in the Press also. Reacting promptly to the complaints-