

RAJYA SABHA

Wednesday, the 26th July, 2006/4 Sravana, 1928 (Saka)

The House met at eleven of the clock,

MR. CHAIRMAN in the Chair.

ORAL ANSWERS TO QUESTIONS

Non-implementation of Trade Unions Act, 1926

***41. SHRI PRASANTA CHATTERJEE:** Will the Minister of LABOUR AND EMPLOYMENT be pleased to refer to answer to Unstarred Question 1510, given in the Rajya Sabha on the 16th December, 2004 and state the co-relation between industrial backwardness and non-implementation of the Trade Unions Act, 1926?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI CHANDRA SEKHAR SAHU): A Statement is laid on the Table of the House.

Statement

The Ministry of Labour and Employment has been advising the State Government to extend the Trade Unions Act, 1926. As per the communications received from State Government of Sikkim *vide* their letters dated 07.12.2004 and 29.07.2005, the State Government has taken the stand that they are not extending the Trade Unions Act, 1926 because of the industrial backwardness in the State.

There is no direct co-relation between industrial backwardness in the State and its adoption of Trade Unions Act, 1926. Therefore, the State Government will again be advised to extend the Trade Unions Act, 1926, to the State of Sikkim.

SHRI PRASANTA CHATTERJEE: Sir, I would like to refer to the second para of the reply. It has been stated, "The State Government will again be advised to extend the Trade Unions Act, 1926, to the State of Sikkim." There will again be an advice. Please refer to the second para of the reply. There is a sizeable number of industrial workers in the State of Sikkim in

transport and power, shops and establishments, etc. Power is a Central-subject. Besides, there is a huge number in unorganised sector whose number is increasing everyday. Non-operation of the Trade Unions Act, 1926 in that State means denying the workers the basic rights to demonstrate, to organise and to collectively represent their livelihood issues. In that context and in view of the fact that labour is in the Concurrent List of the Government of India, whether the Government is going to take steps to extend the Trade Unions Act, 1926 to Sikkim, particularly when the State Government is not responding, thereby denying the democratic right to freedom of association as envisaged in the Constitution. I want a reply from the Minister.

SHRI CHANDRA SEKHAR SAHU: Sir, actually, what the Sikkim Government has told, "because of industrial backwardness we are not adopting the Trade Unions Act, 1926", we do not subscribe. From 1986, Government of India, our Ministry is persuading the State Government of Sikkim to implement this Act. From time to time, we are writing to them to implement the Act, but whenever we are writing to them to implement the Act, they take this plea.

From 1986 till now we are persuading them. Recently also, on 29.7.20 we have written to them to implement this Trade Unions Act, 1926. They are taking the plea that as Sikkim is an industrially backward State they would implement it at appropriate time. As you know, it is in Concurrent List and we are not in a position to force them to implement. But our persuasion is there, and still we are trying to persuade them to implement this Act.

SHRI PRASANTA CHATTERJEE: So, the Government is not subscribing to what the State Government is saying, is it?

SHRI CHANDRA SEKHAR SAHU: No, Sir, we are not subscribing to it.

SHRI PRASANTA CHATTERJEE: So, can you give a definite time limit? Even the power sector is in the Central sector. The Trade Unions Act, 1926 is not implemented there also. Would you allow trade union activities in that sector? In the power sector also they are not enjoying their rights.

SHRI CHANDRA SEKHAR SAHU: Sir, we are just trying our level best to implement the Trade Unions Act, 1926 in Sikkim. Yesterday also we

have contacted their Chief Secretary and others and, still, we are on persuasion, just to make them agree to implement it. I have already told that it is in the Concurrent List and we are not able to force them to implement it. We are on persuasion and we are trying our level best. I have already told you that from 1986, till now, we are writing and we are not...

SHRI PRASANTA CHATTERJEE: What about the power sector, Sir, it is under you. Are you helpless?

SHRI CHANDRA SEKHAR SAHU: No, no. ...*(Interruptions)*... Sir, if it is with us then definitely we will try to implement it there. But it is with the State Government. We are not able to force them. We are trying to persuade them just to implement this Act of 1926. ...*(Interruptions)*... Whatever is with us, we will do that? ...*(Interruptions)*...

MR. CHAIRMAN: Please take your seat.

श्री रुद्रनारायण पाणि : सभापति महोदय, इस मानसून सत्र में यह मेरा पहला प्रश्न है। ...*(व्यवधान)*... बाकी की बात अलग है।

श्री सभापति: ऐसा प्रश्न कीजिए कि सब आपसे इम्प्रेस हो जाएं।

श्री रुद्रनारायण पाणि: महोदय, इसका जवाब जरूर आएगा। इसका जवाब मंत्री भी देंगे। इस प्रश्न का हिंदी में जो उत्तर दिया गया है, इसमें 'व्यवसाय संघ' कहा गया है। ट्रेड यूनियन का हिंदी भाषांतरण या भारतीय भाषांतरण 'व्यवसाय संघ' उचित नहीं है। इससे मंत्रालय की मानसिकता प्रकट होती है। मेरा आपके माध्यम से मंत्री महोदय से यह सीधा सवाल है कि इंडस्ट्रियल डिस्प्यूट एक्ट या आपके ट्रेड यूनियन अधिनियम, 1926, ट्रेड यूनियन या लेबर संबंधी जितने कानून हैं, ये देश के औद्योगीकरण में बाधक हैं या साधक हैं, मंत्रालय का दृष्टिकोण क्या है, मंत्री महोदय साफ-साफ बताएं, क्योंकि बहुत सारे उद्योगपति आज देश में माहौल बनाते हैं कि देश के इंडस्ट्रियल कानून के कारण इंडस्ट्रियल ग्रोथ नहीं हो पाती है। श्रम मंत्रालय श्रमिकों के साथ है या उद्योगपतियों का हित साधन करता है, आपके माध्यम से स्पष्ट रूप से मंत्रालय का दृष्टिकोण राष्ट्र को बताया जाए।

SHRI CHANDRA SEKHAR SAHU: Sir, as per the National Common Minimum Programme, the approach of this Government is of consensus and tripartite in every matter. तो हम हर समय देखते हैं कि जो भी श्रम कानून आए, वह सब स्टेकहोल्डर्स को लेकर, सबकी सहमति से ही हम उसको लागू करेंगे। यह हमारे कॉमन मिनिमम प्रोग्राम की एप्रोच है। माननीय सदस्य जो पूछ रहे हैं कि श्रम मंत्रालय क्या श्रमिकों के साथ

हैं या उद्योगपतियों के साथ हैं, तो ऐसी बात नहीं है। श्रम मंत्रालय हर समय देखता है कि जो भी कानून होगा, वह सभी के हित में होगा, यह हर समय हम देख रहे हैं।... (व्यवधान)...

श्री रुद्रनाथरायण पाणि: लेकिन आपने ट्रेड यूनियन को 'व्यवसाय संघ' कैसे लिखा है? ... (व्यवधान)... Trade Union is universally accepted as 'श्रमिकों का संगठन' 'व्यवसाय संघ' इसके लिए उचित शब्द नहीं है।... (Interruptions)...

SHRI CHANDRA SEKHAR SAHU: That I will take care.

SHRI PRAVEEN RASHTRAPAL: Sir, the hon. Minister has admitted that they are not enforcing this Act in a particular State. It is a very sorry state of affairs. All Acts which are made and approved by this Parliament are applicable to the territory of India and whether a State is industrially backward or forward has nothing to do with the provisions of the law. I would once again want a specific reply from the hon. Minister whether the Trade Union Act's provisions will be uniformly implemented all over the country. If it is not done, who is responsible for it?

SHRI CHANDRA SEKHAR SAHU: I have already answered that it is in the Concurrent List. We make the law but enforcement side is with the State Government. इसको लागू करने के लिए we are pursuing and persuading them. We will again pursue and persuade them but we cannot force them.

SHRI MOINUL HASSAN: Sir, I would like to submit that the Minister has used the word 'consensus' while replying to this question. Sir, the labour laws of Sikkim are not giving protection to the workers especially of the unorganised sector of Sikkim. In the reply the hon. Minister has stated 'has been advising' and 'will again be advised'. I would like to know, through you, Sir, whether the Government of Sikkim is in a position to accept the Trade Unions Act of 1926 or not. If it is so, what type of dialogue is going on between the Government of India and the Government of Sikkim at present? I would like to know from the hon. Minister what is the status in this regard.

SHRI CHANDRA SEKHAR SAHU: Sir, actually, the Trade Unions Act, 1926, is not being implemented in Sikkim. But, that does not mean other labour laws are not being implemented there. Sir, 31 Central Legislations, which were applicable prior to 26th April, 1975, are applicable to other parts of the country too. Out of 31 such laws, only 13 labour laws and one State labour law has so far been enforced in the State of Sikkim. Those

laws also cover the social security for the unorganised sector. The laws such as the Bonded Labour Act, the Equal Remuneration Act, the Inter-State Migrant Workmen Act, the Child Labour Act, the Workmen's Compensation Act, the Fatal Accident Act, the Employees' Liability Act are being implemented. ...*(Interruptions)*...

SHRI MOINUL HASSAN: Sir, that is correct. But, the 1926 Act is an important Act. ...*(Interruptions)*... And, it is not being implemented there. Actually, the unorganised sector is starving there. The common people are suffering. They are not getting the protection of law. It is a very important law.

SHRI CHANDRA SEKHAR SAHU: I do agree with the hon. Member. I don't dispute with that. But, whenever the Government of India is writing to the Government of Sikkim ...*(Interruptions)*... We have been writing to them since 1986 ...*(Interruptions)*...

SHRI MOINUL HASSAN: You have already said about this ...*(Interruptions)*...

MR. CHAIRMAN: Please take your seat. ...*(Interruptions)*... Don't disturb...*(Interruptions)*...

SHRI MOINUL HASSAN: Sir, the hon. Minister is...

MR. CHAIRMAN: Please take your seat.

SHRI CHANDRA SEKHAR SAHU: That is why we are persuading them to implement it. For your information, the Industrial Disputes Act has been extended to Sikkim.

SHRI MOINUL HASSAN: How long will it take to implement this in Sikkim?

SHRI CHANDRA SEKHAR SAHU: It is already there. They have ratified it. But, they are not implementing it. We are trying to persuade them to implement it.

SHRI TAPAN KUMAR SEN: Sir, the hon. Minister has given a host of Acts that are operating there. But the point is, unless workers are allowed to organise trade union how can they ensure implementation of the Acts. You are telling that consensuality is your outlook. In the name of consensuality, can somebody of the three parties be allowed to violate the

Acts passed by Parliament? They are not allowing the registration of union even in power sector!

MR. CHAIRMAN: Please take your seat. Let him reply...*(Interruptions)*... I will not allow it.

SHRI CHANDRA SEKHAR SAHU: Sir, as long as the Trade Unions Act, 1926, is not applicable there, I agree with what hon. Member has said that there would not be any registration of trade union. Therefore, in my first reply I have said that we are persuading them to implement the Act.

SHRI TAPAN KUMAR SEN: You have been persuading them for the past 20 years...*(Interruptions)*... You have started in 1986 and now it is 2006 and there is no result. You have been trying for the last twenty years to persuade the Government of Sikkim, and still you say that you will only persuade!

MR. CHAIRMAN: Please take your seat.

श्रीमती वृंदा कास्त: सर, यह सवाल है कि राष्ट्रीय इम्प्लीकेशन्स हैं, because if in one particular State the Government clearly says that they are not going to implement the Trade Unions Act and the Central Government is helpless to intervene, obviously, it is going to have national implications for trade union rights. Therefore, what I want to know from the hon. Minister is, what steps the Government is taking to protect the rights of the workers, to form their own trade unions, to agitate on the basis of the rights given to them by the Constitution and the laws of this country; and in how many cases — is the Government aware of it — the trade union rights of the workers have been completely violated.

SHRI CHANDRA SEKHAR SAHU: Sir, I have, right now, no such cases of violation of these Acts. I don't have any such case. If anything comes before the Ministry, we will definitely take care of and definitely look into that.

The second one is, I have already given a list where social security and other things have been covered through implementation of these 13 Central Acts and one State Act. They are all being implemented there.

Regarding the Trade Unions Act, I have already said that we are trying to persuade them.