

MR. CHAIRMAN: Question No. 403, hon. Member not present.

*144. [The questioner (Shri Rudra Narayan Pani) was absent].

खेतिहर-मजदूरों के लिए व्यापक कानून

*403. श्री रुद्रनारायण पाणि : क्या श्रम और रोजगार मंत्री यह बताने की कृपा करेंगे कि:

- (क) सरकार अब कौन-कौन से श्रम कानूनों में संशोधन करने पर विचार कर रही है;
- (ख) क्या खेतिहर-मजदूरों के लिए कोई व्यापक कानून बनाए जाने पर विचार किया जा रहा है; और
- (ग) क्या समस्त पंजीकृत श्रमिक-संघों को मान्यता प्रदान किए जाने की दृष्टि से एक कानून बनाए जाने का कोई प्रस्ताव है?

श्रम और रोजगार मंत्री (श्री मल्लिकार्जुन खरगे): (क) से (ग) एक विवरण सभा पटल पर रख दिया गया है।

विवरण

- (क) सरकार निम्नलिखित श्रम कानूनों में संशोधन करने पर विचार कर रही है:-
- (i) खान अधिनियम, 1952
 - (ii) कारखाना अधिनियम, 1948
 - (iii) न्यूनतम मजदूरी अधिनियम, 1948
 - (iv) ठेका श्रम (विनियमन एवं उत्सादन) अधिनियम, 1970
 - (v) अंतर्राज्यिक प्रवासी कर्मकार (नियोजन का विनियमन एवं सेवा शर्तें) अधिनियम, 1979
 - (vi) रोजगार कार्यालय (रिक्तियों की अनिवार्य अधिसूचना) अधिनियम, 1959
 - (vii) शिक्षा अधिनियम, 1961
 - (viii) कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबंध अधिनियम, 1952; और
 - (ix) श्रम विधि (विवरणी प्रस्तुत करने और रजिस्टर रखने से कतिपय स्थापनों को छूट) अधिनियम, 1988।

(ख) खेतिहर मजदूर असंगठित क्षेत्र के श्रम बल की श्रेणी के अंतर्गत आते हैं। असंगठित कर्मकार सामाजिक सुरक्षा अधिनियम, 2008, न्यूनतम मजदूरी अधिनियम, 1948 तथा भवन एवं अन्य सन्निर्माण कर्मकार (नियोजन का विनियमन एवं सेवा शर्तें) अधिनियम, 1996 जैसे अधिनियमों द्वारा उनका हित संरक्षित किया जाता है।

(ग) मान्यता उस अनुशासन संहिता के अंतर्गत प्रदान की जाती है जिसमें दो प्रकार की मान्यता का प्रावधान है। कोई संघ किसी स्थानीय क्षेत्र में समग्र रूप में किसी उद्योग के लिए प्रतिनिधि संघ के रूप में मान्यता प्रदान किए जाने का दावा कर सकता है अथवा यह किसी प्रतिष्ठान में बहुसंख्यक संघ के रूप में मान्यता का दावा कर सकता है।

Comprehensive law for landless labourers

† *403. SHRI RUDRA NARAYAN PANY: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) the labour laws which Government is thinking to amend now;

†Original notice of the question was received in Hindi.

(b) whether any comprehensive law is being considered to be made for landless labourers; and

(c) whether there is any proposal to make a law with a view to recognize all the registered labour unions?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) to (c) A Statement is laid on the Table of the House.

Statement

(a) The Government is thinking of amending the following Labour Laws:

- (i) The Mines Act, 1952
- (ii) The Factories Act, 1948
- (iii) The Minimum Wages Act, 1948
- (iv) The Contract Labour (Regulation and Abolition) Act, 1970
- (v) The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
- (vi) The Employment Exchange (Compulsory Notification of Vacancies) Act, 1959
- (vii) The Apprentices Act, 1961
- (viii) The Employees' Provident Fund and Miscellaneous Provisions Act, 1952; and
- (ix) The Labour Laws (Exemption From Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988.

(b) Landless labourers constitute a segment of unorganized sector workforce. Their interest is covered by Acts like the Unorganized Workers' Social Security Act, 2008, the Minimum Wages Act, 1948 and the Building and Other Constructions Workers' (Regulation of Employment and Conditions of Service) Act, 1996.

(c) Recognition is given under the Code of Discipline, which provides for two types of recognition. A union can claim to be recognized as representative union for an industry as a whole in a local area or it can claim recognition as a majority union in an establishment.

SHRI D. RAJA: Sir. ...*(Interruptions)*...

MR. CHAIRMAN: Shri Raja, you can put your supplementary on it.

SHRI D. RAJA: Sir, my supplementary is related to part (b) of the answer given by the hon. Minister. Part (b) of the answer says, "Landless labourers constitute a segment of unorganized sector workforce. Their interest is covered by Acts like the Unorganised Workers' Social Security Act, 2008, the Minimum Wages Act, 1948 and the Building and Other Constructions Workers' (Regulation of Employment and Conditions of Service) Act, 1996. Sir, there is a demand in the country for long time for a comprehensive legislation for agricultural workers, who happen to be

mostly Dalits and Adivasis. My question is, whether the Government will give thought to enact a comprehensive legislation for agricultural workers. They must be treated as a special, separate category, and there must be a comprehensive legislation for them. What is the stand of the Government?

SHRI MALLIKARJUN KHARGE: Sir, as on today, there is no proposal to enact a new law for landless labourers. But, at present, they are covered under various Acts which were just now stated by the hon. Member. Further, the agricultural labourers and landless labourers are getting numerous benefits from various schemes. A special scheme is not yet formulated for them alone. I do agree with the hon. Member's suggestion. I will, definitely, examine it separately for landless labourers as to how new schemes can be adopted for them.

SHRI PRAVEEN RASHTRAPAL: Sir, this is a composite question which should go to both the Labour Ministry and the Rural Development Ministry, as the question is for landless workers. In fact, the intention of the Government should be to provide land to landless. Then, all problems will be solved. Anyhow...

MR. CHAIRMAN: Put your question.

SHRI PRAVEEN RASHTRAPAL: Sir, the hon. Minister has given the list of Acts which they are likely to amend in the near future. I will restrict myself to only one Act, *i.e.*, the Contract Labour (Regulation and Abolition) Act, 1970, and my question is this. Is the hon. Minister aware that not only the private sector or the private contractors but also the Public Sector Undertakings of the Government of India, including the Indian Railways and the Oil and Natural Gas Corporation and many other Public Sector Undertakings are not only violating the Act in question but they are also employing thousands of people under the contractual work system for years together, not only in temporary nature of work but also in permanent nature of work? My question to the hon. Minister is, what action has the Government taken against such Public Sector Undertakings? In this House, it was admitted in one of my answers that the ONGC is exploiting the workers by violating the Act. What actions are taken by the Government against such Public Sector Undertakings for violation of the law?

SHRI MALLIKARJUN KHARGE: Sir, I have already stated the intention of the Government in the answer. Regarding the violation of the Contract Labour (Regulation and Abolition) Act, now, I have constituted a Task Force, and that Task Force is already on the job, particularly to suggest whatever amendments or changes we want to do, that will come in the near future. A Committee of Secretaries is also studying it. I have also entrusted this job to the V.V. Giri Institute, the National Labour Institute to examine all these issues, like violation of the Act by the Public Sector Undertakings, Railways or other agencies. In addition to that, they are also paid low wages. So, we are considering all these things. Definitely, after receiving the Report from the Task Force and the Committee, we will take action on it.

SHRI N. BALAGANGA: Thank you, Mr. Chairman, Sir. One of the labour laws which the Government is thinking to amend is the Employment Exchange (Compulsory Notification of Vacancies) Act. As the unemployment problem is rising day by day, I would like to know from the hon. Minister whether the Labour and Employment Ministry will give topmost priority to bring amendment to the Employment Exchange (Compulsory Notification of Vacancies) Act, 1959 at the earliest.

SHRI MALLIKARJUN KHARGE: I fully agree, Sir, and that is why I am drafting a Bill which is under preparation. As soon as it is prepared within due course of time, definitely that will help. This is why we want to amend the Employment Exchange (Compulsory Notification of Vacancies) Act.

Refusal of US to hand over source codes for military systems

*404. SHRI M.V. MYSURA REDDY: Will the Minister of DEFENCE be pleased to state:

(a) whether the Ministry takes into account the technology denial regimes while making defence purchases;

(b) if so, how does the Ministry handle the refusal of US to hand over source codes for all programmes mounted on military systems;

(c) whether the Ministry also assesses the potential of future sanctions imposed by countries on India's military preparedness; and

(d) if so, how the Ministry is preparing itself to withstand any backlash from possible future sanctions from the US, given the fact that a large number of our military equipment is coming from the US?

THE MINISTER OF DEFENCE (SHRI A.K. ANTONY): (a) to (d) A Statement is laid on the Table of the House.

Statement

(a) to (d) Procurement of defence equipment and platforms is made from various sources including foreign Original Equipment Manufacturers (OEMs) as per requirements of the armed forces based on threat perception and technological changes. While granting necessary approvals for the same, all aspects including the impact of technology denial regimes are taken into consideration.

The need for Transfer of Technology (ToT) including requirement of source codes is established prior to accord of Acceptance of Necessity (AoN) for various proposals. The case is thereafter processed based upon the range and scope of Transfer of Technology. Any refusal by vendors to hand over details as sought in the Request for Proposal (RFP) may result in disqualification of vendor.

Keeping in view the potential of future sanctions on Indian's Military preparedness, effort is made to diversify the vendor base for imports and indigenise through Research and Development and Transfer of Technology.