

Das, Shri Balram
 Das, Shri Bipinpal
 Deshmukh, Shri T.G.
 Goswami, Shri Sriman Prafulla
 Kalyan Chand, Shri
 Kaul, Shri B K.
 Khan, Shri Akbar Ali
 Koya, Shri B.V. Abdulla
 Krishan Kant Shri
 Mallikarjunudu, Shri K. P.
 Mangladevi Talwar, Dr. (Mrs.)
 Mehta, Shri Om
 Mohamod Usman, Shri
 Mukherjee, Shri Pranab Kumar
 Naravan, Shri M.D.
 Narayani Devi Manaklal Varma Shrimati
 Parthasarathy, Shri R. T.
 Punnaiah, Shri Kota
 Purabi Mukhopadhyay, Shrimati
 Reddy, Shri K.V. Raghunatha
 Singh, Shri D.P.
 Sinha, Shri Awadheshwar Prasad
 Sinha Shri Ganga Sharan
 Untoo, Shri Gulam Nabi
 Usha Barthakur, Shrimati
 Vero, Shri M.
 Yajee, Shri Sheel Bhadia
 Yashoda Reddy Shrimati

The Motion was n gatved.

MR. DEPUTY CHAIRMAN : We are moving to the next item. Mr. G.R. Patil. He is not present here. The next Mr. Arjun Arora.

THE WORKMAN (DEFINITION) BILL, 1967

SHRI ARJUN ARORA (Uttar Pradesh) :
 Mr. Deputy Chairman, Sir...

SHRI N. R. MUNISWAMY (Tamil Nadu) :
 Sir, I have a submission to make. We are retiring and here are our Bills. So, I would request that each Bill may be discussed for an hour, so that we can all participate in it.

MR. DEPUTY CHAIRMAN : We are taking them up now.

SHRI N. R. MUNISWAMY : We are sitting only till 5 O'clock. At least an hour should be given to each Member for his Bill.

MR. DEPUTY CHAIRMAN : I would be very much pleased if the House accommodates you.

SHRI ARJUN ARORA : I wish you come back.

SHRI N. R. MUNISWAMY : I wish the same thing about him.

MR. DEPUTY CHAIRMAN : All right.

SHRI ARJUN ARORA : I beg to move :

"That the Bill to provide for a uniform definition of workman be taken into consideration."

While moving for consideration the Workman (Definition) Bill 1967, I am conscious that at the time at the disposal of the House today this Bill cannot be passed and before this House discusses non-officials Bills again I will no more be a Member of the House and the Bill will automatically lapse, but the point that is involved in this Bill is such that I hope some trade unionist or another...

SHRI BHUPESH GUPTA (West Bengal) :
 If you agree, it can be moved by Mr. Akbar Ali Khan. Mr. Arora can make his speech.

SHRI AKBAR ALI KHAN (Andhra Pradesh) : I am also retiring.

SHRI BHUPESH GUPTA : I want your permission only to say that I move the Bill. I will not speak. A Member can authorise another Member.

SHRI ARJUN ARORA : I authorise him, Sir.

SHRI BHUPESH GUPTA : This Bill will lapse. It is a useful Bill. Mr. Arora, I am sorry, will not be here. You permit me to move it. I am not speaking. I have done it in the past.

MR. DEPUTY CHAIRMAN : Only in respect of Resolution.

SHRI BHUPESH GUPTA : How does the Government move Bills? A Bill standing in the name of Mr. K.C. Pant can be moved by another Minister. A Bill standing in the name

of Mrs. Indira Gandhi can be moved by any other Minister. How is it done? The general principle is followed. With the consent of the House you can do it. They do not say that the Minister moves the Bill. So and so keeps the power. He can authorise me.

SHRI AWADHESHWAR PRASAD SINHA (Bihar) : If the Chairman agrees, we are agreeable to it.

DR. BHAI MAHAVIR (Delhi) : In the meantime, Mr. Arjun Arora may continue his exposition of the Bill.

SHRI BHUPESH GUPTA : If there is technically any rule, I move that the rule be waived. Let the rule be suspended. If it is in the interests of this House and also if it is Mr. Arjun Arora's wish, let us comply with his wish. Now, let the rule be suspended. All right, I concede. This may lead to this interpretation. But you can always permit the rule to be suspended and it is not such a difficult matter. Let this rule be suspended and let another Member be allowed to move the Bill. You allow it. That power you have got in the House. I am not putting you in trouble, in any difficulty. Therefore I think the House will agree.

SEVERAL HON. MEMBERS : Yes, yes.

SHRI BHUPESH GUPTA : It is the desire of the House that the rule be suspended.

MR. DEPUTY CHAIRMAN : There is no rule so far...

SHRI BHUPESH GUPTA : Give a direction. Sanction.

SHRI T. CHENGALVAROYAN (Tamil Nadu) : Sir, a rule in respect of a particular debate or a particular Bill can always be suspended with the vote of the House, and on the motion of Mr. Bhupesh Gupta you can take the vote of the House. And I think the sense of the House is to support this motion for suspending this rule which permits a Member who has given notice to move the Bill to authorise another hon. Member to move that Bill.

SHRI BHUPESH GUPTA : You may seek the consent of the House. What are you looking at? The rule you can suspend. That is clear. Any rule you can suspend.

MR. DEPUTY CHAIRMAN : You go through rule 71.

SHRI BHUPESH GUPTA : I am saying that the rule be suspended so that another Member can move for consideration. Under the rule that you have seen, it is liable to be interpreted as you have said the person who introduced the Bill. Now, Mr. Arora has introduced the Bill. Normally, he is expected to move it. We would like him to move it. But as he has pointed out, he will not be here when it comes up after 15 days. Now, Sir, this Bill should remain with us. Therefore I say that the particular rule should be suspended to enable another Member to technically move the Bill. And now you can suspend any rule for this. That is within your discretion with the consent of the House.

MR. DEPUTY CHAIRMAN : You can discuss the Bill for 1½ hours today.

SHRI SHEFL BHADRA YAJEE (Bihar) : Otherwise, the Bill will lapse.

SHRI BHUPESH GUPTA : It is the unanimous wish of the House.

MR. DEPUTY CHAIRMAN : Who says, unanimous wish?

SHRI BHUPESH GUPTA : I say. Is there anybody opposing it?

SEVERAL HON. MEMBERS : No.

SHRI BHUPESH GUPTA : Nobody is opposing it. You are not opposing it. So, I say let it be done.

MR. DEPUTY CHAIRMAN : We have never suspended any such rule.

SHRI BHUPESH GUPTA : I move that the Bill be taken into consideration.

MR. DEPUTY CHAIRMAN : Let me go through the procedure first.

SHRI BHUPESH GUPTA : You see—everybody wanted it. I would say, I move that the...

MR. DEPUTY CHAIRMAN : Please, please.

SHRI BHUPESH GUPTA : Ordinarily, we do not ask for suspension. I move that the...

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA) : He can introduce the Bill again.

MR. DEPUTY CHAIRMAN : Mr. Om Mehta says that if the Bill lapses because of the absence of the Member in charge, you can give a motion for introduction next time. That is what he says.

SHRI BHUPESH GUPTA : If a man dies ? Before he dies, keep him alive.

SHRI ARJUN ARORA : It was five years ago that I introduced the Bill, in 1967. I introduced this Bill in the year of grace, 1967. It has come up for consideration in 1972. Sir, if you do not agree to suspend the rule on such an occasion, no Private Member will ever have any chance of getting a Bill passed. I say this because I got elected to this House in 1966. I introduced it in 1967 and to-day just before I am retiring, this Bill has come up for consideration. The House and the ballot have not been particularly unkind to me or to my Bill. But if you adhere to the rule and do not even in such circumstances agree to suspend the rule when the whole House wants it, in practice it will mean that no private Member will ever have any chance of getting a Bill passed.

SHRI T. CHENGALVAROYAN : Mr. Deputy Chairman, may I respectfully draw your kind attention to Rule 267 ? It says :

"Any member may, with the consent of the Chairman, move that any rule may be suspended in its application to a particular motion before the Council and if the motion is carried the rule in question shall be suspended for the time being."

So, Mr. Deputy Chairman, the suspension of this rule is not for all time to come. We are not legislating upon another rule. We are only invoking the power that is vested under this rule with the Chairman to agree, for this particular motion and for this particular occasion, to suspend the rule with the vote of this House.

MR. DEPUTY CHAIRMAN : What has the Minister of Parliamentary Affairs to say ?

SHRI OM MEHTA : We are entirely in your hands. It is for you to decide.

If you give permission to suspend the rule, we would stand by it.

MR. DEPUTY CHAIRMAN : It is for the House to decide.

SHRI OM MEHTA : Let it be put to the House.

SHRI T. CHENGALVAROYAN : Sir, it does not apply to any other thing except to this.

SHRI CHANDRA SHEKHAR (Uttar Pradesh) : Mr. Deputy Chairman, normally it is not proper to suspend the rules. But in this case Mr. Arora has mentioned a special difficulty, that he introduced this Bill in 1967 and it has come up for discussion after five years. And he says that if it is to be introduced again, it will take another five years. Perhaps by that time, that Member also will be gone. So, it is for you to consider.

SHRI SHEEL BHADRA YAJEE : Bhupesh Gupta has got four more years.

SHRI BHUPESH GUPTA : Bhupesh Gupta may be dead by then. Let us not go into that.

So, Sir, I move that the relevant rule be suspended with regard to this particular motion.

MR. DEPUTY CHAIRMAN : Which rule do you want to suspend ? Rule 71 or rule 69 ?

SHRI BHUPESH GUPTA : I have not got a copy of the Rules. The rule which says that the Member who introduces the Bill should move it, should be suspended in order to enable another Member to move it.

MR. DEPUTY CHAIRMAN : Rule 69 or 71 or the definition clause ?

SHRI T. CHENGALVAROYAN : Only rule 69 is to be suspended.

SHRI SHEEL BHADRA YAJEE : What is the difficulty, Sir ?

SHRI CHANDRA SHEKHAR : Mr. Deputy Chairman, by suspending one rule, I think, you cannot introduce the Bill. You will have to suspend Rules 69, 71, and then. . .

MR. DEPUTY CHAIRMAN : There are a number of rules, I do not know what...

SHRI T. CHENGALVAROYAN : My submission is that the bar to move this Bill which stands in the name of another Member is contained in Rule 69. If that Rule is suspended under Rule 267, then the Member who is authorised by such suspension gets into the shoes of the Member who has moved the Bill and thereafter Rules 70, 71 will apply to him. I cannot understand how all the Rules should be suspended.

SHRI BHUPESH GUPTA : The rule is this. Here the rules say, the Bill shall be moved for consideration by the Member who introduces it. But if another Member is authorised, that is, if I am allowed to move this Bill, then I may step into the shoes of the mover; if I am a Member of the House, other rules do not affect me...

MR. DEPUTY CHAIRMAN : If we suspend Rule 69—that the Member in charge should move—if we suspend it, then who should move the Bill? We are only omitting that particular clause that the Member in charge of the Bill should move it.

SHRI BHUPESH GUPTA ; He has authorised me.

MR. DEPUTY CHAIRMAN : But where is the rule?

SHRI BHUPESH GUPTA : The person who has introduced the Bill has authorised me to move...

SHRI T. CHENGALVAROYAN : By your proposing to suspend Rule 69, the introduction of the Bill is not at all prevented. It is the introduction of the Bill by another Member who does not get the authorisation in the absence of suspension of the rule... (Interruptions) I do not think the difficulty will arise...

MR. DEPUTY CHAIRMAN : How? If we suspend Rule 69, then who should move the motion?

SHRI T. CHENGALVAROYAN : Suspension is with reference to prohibition. The prohibition is that that Member alone should move. It does not go to that extent of saying...

MR. DEPUTY CHAIRMAN : It is not prohibition. It only empowers the Member in

charge of the Bill to move the Bill. If we suspend that Rule, then there is no other provision regarding the Member who should move the motion.

SHRI T. CHENGALVAROYAN : No, I do not think so. It does not extend to that extent.

SHRI BHUPESH GUPTA : Here it is for the consideration of the Bill. You said just now that in the case of a Resolution a Member can authorise another Member to move. Now you say in the case of the Bill this authorisation cannot be done. I want only suspension of that particular rule so that authorisation is permitted here. Once authorisation is permitted, just as in the case of the Resolution, another Member moving it has the right to reply and the debate can continue. Similarly in this case also the debate can continue. Other rules are not affected at all because the person who is authorised to move for consideration by waiving the rule, if that person remains, along with him remain all other considerations. Therefore, only one rule need to be suspended here, the rule that binds the Member who has introduced the Bill to move the Bill. In this case Mr. Arjun Arora who has introduced the Bill be permitted to authorise me or anybody else in this House to move it. The matter ends there.

MR. DEPUTY CHAIRMAN : Rule 159 is there, sub-rule (2)—

"A member may, with the permission of the Chairman, authorise any other member in whose name the same resolution stands lower in the list of business, to move it on his behalf, and the member so authorised may move accordingly."

SHRI BHUPESH GUPTA : Same position.

MR. DEPUTY CHAIRMAN : In that case both the Members have given notice of the Resolution.

SHRI BHUPESH GUPTA : When I move a Resolution, suppose I am here, I can authorise some Member to move it provided...

MR. DEPUTY CHAIRMAN : If he has also given notice to introduce it...

SHRI BHUPESH GUPTA : I am giving the notice now...

MR. DEPUTY CHAIRMAN : No, no. There is no such specific rule regarding Bills.

SHRI BHUPESH GUPTA : For Bills there is a rule. That rule says, in the case of a Minister, either the Minister must move for consideration or any person authorised by the Minister. In the case of Private Member's Bills, it says, the person who has introduced the Bill... Therefore, I suggest the waiving of the rule, you waive that particular rule which makes it mandatory for a person who has introduced the Bill to move it. Here you waive that rule and allow some other person to move it.

SHRI AKBAR ALI KHAN : May I make a submission? So far as this rule is concerned, it relates to motions—159. So far as Bills are concerned, there is no such provision. There is no such prohibition...

MR. DEPUTY CHAIRMAN : Prohibition for what?

SHRI AKBAR ALI KHAN : For the other man to take it up. If there is anything like that, then the question of suspension arises. If there is no such prohibition, the House or the Chairman can use the discretion.

MR. DEPUTY CHAIRMAN : The question does not arise because the rule is specific. The hon. Member in charge alone can move the motion.

SHRI AKBAR ALI KHAN : Occasions arise when that person authorises somebody else.

MR. DEPUTY CHAIRMAN : There is no provision for that in the Rules.

SHRI AKBAR ALI KHAN : There is no provision in the Rules against that also. If there is nothing against it, there is inherent power and discretion in the Chair and the House and you can use your discretion without suspension of the rule. Shri Arjun Arora can authorise somebody else in that case.

SHRI K. CHANDRASEKHARAN (Kerala) : Rule 69 refers to the consideration motion and not introduction, as hon. Member Shri Chengalvaroyan sought to make. The consideration motion has got to be made by the Member in charge and the Member in

charge, with reference to the previous provision, is clearly the Member who has sought leave for introduction and got the Bill introduced, with the leave of the House, before this honourable House. If Rule 69 is suspended, there will be nothing before this House and nothing can be done by this House because there is no motion at all. In the circumstances, Rule 71 is probably the one which could be suspended and even if that Rule is suspended it will be impossible to take out of the content of Rule 69 the words 'Member in charge' and those words will continue to be in Rule 69. Therefore, unless Rule 69 is amended, it will not be possible, in my humble opinion, for any other hon. Member to move this motion.

Then come the difficulties presented by Shri Arjun Arora. He said that the Bill was introduced in 1967 but it is coming up for consideration only in 1972. This is a very serious matter which should be taken note of by the Rules Committee and the Rules properly amended. Even if we suspend any of the Rules, it will only be a negative approach to the problem. We will not be able to give a positive content. I hope that the consensus of the House is certainly in favour of amendment of the Rule.

MR. DEPUTY CHAIRMAN : The Rules Committee may take due notice of what Shri Chandrasekharan has said. After introduction of a Bill, it should not take such a long time for consideration of the Bill.

SHRI T. CHENGALVAROYAN : Will you not please invoke Rule 266 which says that when there is doubt with regard to any matter...

MR. DEPUTY CHAIRMAN : Shri Chandrasekharan has raised another important point. Undoubtedly the Bill that is being considered by the House is rather an important one and it is rather unfortunate that we will be missing Shri Arjun Arora. He will not be here to persuade the Government to accept this measure. The important point which has been raised by Shri Chandrasekharan is that when a private Member introduces a Bill, it should not take such a long time before it is considered by the House. That matter should be gone into by the Rules Committee. Now let us leave it to Shri Arjun Arora to express his views on this Bill.

SHRI BHUPESH GUPTA : This I do not understand. Somebody has given you some

interpretation. I should like to have your permission. Give me your consent to move a motion.

Sir, I move a motion in respect of the Rules to be suspended in order to enable somebody else to move the Bill. I should demand that. Sir, give me the consent to do that. Forget all this. Give me the consent to move that motion. Sir, give the consent to me. Why should it not be done? Sir, when the entire House is asking for it, is it more sacrosanct than the entire House? I should like to know this. There is not one dissent here and still, I find, it is reluctant to change it.

MR. DEPUTY CHAIRMAN : How it is to be done ?

SHRI BHUPESH GUPTA : Sir, we do not ask for a change of Rule in levity. We ask for it because there is some sentiment over this matter and we have some sentiments here also. Therefore, I say that you need to suspend one Rule only which makes it obligatory for the man who introduces the Bill to move it, just to suspend it in order that he can authorise another person to move it *per pasu*. No other Rule needs to be suspended. Why this bogey is created? It is brought in line with a Private Member's Resolution. Sir, by a Resolution you can do anything. You can suspend all the Rules here by a Resolution. Sir, there is not one note of dissent here. Even my friend, Shri Om Mehta, is not opposing it, not even the Government is opposing it and rightly so.

MR. DEPUTY CHAIRMAN : So, Mr Mehta, what is your view ?

SHRI OM MEHTA : Sir I will go by your ruling.

SHRI BHUPESH GUPTA : Sir, he has no objection.

MR. DEPUTY CHAIRMAN : What do you desire, Mr. Bhupesh Gupta ?

SHRI BHUPESH GUPTA : I have decided . .

MR. DEPUTY CHAIRMAN : No 'decided'. What do you desire ?

SHRI BHUPESH GUPTA : Pardon, Sir ?

MR. DEPUTY CHAIRMAN : What is your desire? That you should be allowed to move it in place of Shri Arjun Arora.

SHRI BHUPESH GUPTA : Yes, Sir.

MR. DEPUTY CHAIRMAN : How can it be done ?

SHRI BHUPESH GUPTA : That is there already.

MR. DEPUTY CHAIRMAN : By suspending what Rule ?

SHRI BHUPESH GUPTA : All that is there.

MR. DEPUTY CHAIRMAN : By suspending what Rule ?

SHRI BHUPESH GUPTA : By a Resolution. Give me the right to do, to move. Then, automatically the other part remains suspended.

SHRI CHANDRA SHEKHAR : Mr. Deputy Chairman, Sir, it is very easy to say so, to say that by a Resolution the House can do it. But, suppose tomorrow the ruling party, by a majority wants to suspend all the Rules. Then, it will be a very sad day if you suspend all the Rules by Resolutions. One Rule can be suspended but even then in a very special situation. I do agree with Shri Bhupesh Gupta that the House is fully authorised to suspend all the Rules or dissolve this House. That I know. But we should not create a precedent whereby we suspend all the Rules in order to bring one Bill. Mr. Deputy Chairman, Sir, the Bill may be a very important one. But, many important Bills we have discussed in this House and Mr. Arjun Arora has laboured hard all these years in this House and we have also tried to assist him and many Bills have been passed during the last three or four years. We know the fate of this Bill. But, at least in form, we should maintain the rules of parliamentary democracy and I think, Sir, it will not be proper to suspend all the Rules in order to retrieve one Bill that has been moved. I have also the same sentiments about the Bill and more so about the mover of the Bill. But, Mr. Deputy Chairman, Sir, I would like to say that we should not create any unhealthy precedent.

SHRI BHUPESH GUPTA : Sir, I am not suggesting the suspension of all the Rules. I am asking for the suspension of one Rule which makes it obligatory for the person who introduces the Bill also to move it. I am not creating any bad precedent. I would not have said this if there was no unanimous desire expressed in this House already. The provision is already there and you can suspend the Rule. The ruling party, when it wants, if it wants it, it can do it and nobody can stop it. Therefore, Sir, I say that you are not creating any bad precedent and that there is already a provision that you can, by a majority, alter it. Majority does not do so. We do not do so. The question does not arise. In regard to a specific case it has happened in this House when Rules have been waived to make certain things done for a momentary requirement, not for all time to come, not even for the next day.

SHRI CHANDRA SHEKHAR : It is not so simple. I have every respect for the opinion of my friend, Mr. Chengalvaroyan. But if you see the rule it has been said that if you want to introduce a Bill you will have to give notice. You will have to suspend that rule. Then you will come to the introductory stage. There again you will have to suspend the rule. Again, the question will arise as to who is authorised. There again you will have to suspend the rule. So much confusion will grow. It is not so simple. Only by a bald resolution you can do, saying : "Instead of Mr. Arjun Arora this House does authorise Mr. Bhupesh Gupta to move the Bill". If you move such a motion, that motion is carried by the House against the Rules of the House. Only then he can be authorised to move the Bill.

SHRI MAHAVIR TYAGI (Uttar Pradesh) : In this connection I want to seek a clarification. In case the Bill is moved, what happens to that Bill when the House is in possession of the Bill but the Member goes away or resigns ?

MR. DEPUTY CHAIRMAN : It lapses.

SHRI T. CHENGALVAROYAN : May I suggest a way out ? The easiest way seems to be let Mr. Arjun Arora return to this House . . .

(Interruptions)

MR. DEPUTY CHAIRMAN : I think the House will agree with you there.

SHRI K. CHANDRASEKHARAN : The question is not one of suspending the rule at all. We may by any majority suspend any of these Rules. But even by suspending Rule 69 or by suspending Rule 71 a positive content cannot be introduced. It is not possible for Mr. Bhupesh Gupta to move it. That is the difficulty . . .

SHRI BHUPESH GUPTA : What is the difficulty ? . . .

SHRI K. CHANDRASEKHARAN : We will be where we are.

SHRI BHUPESH GUPTA : It is authorised by Mr. Arjun Arora.

SHRI K. CHANDRASEKHARAN : Where is the provision for that ?

SHRI BHUPESH GUPTA : Again and again I am saying that for the particular line which says that the Bill should be moved for consideration by the Member who introduces it, substitute : "... by a Member or by a Member who may be authorised".

DR. BHAI MAHAVIR : May I submit one thing ? Since so many points have been raised, may I suggest that you may consider this matter and give your ruling after careful thought and, if necessary, after consultation with Chairman ? In the meantime, Mr. Arjun Arora may be permitted to proceed because I fear that the remaining one hour may be lost in technicalities and what Mr. Arjun Arora wants to bring and place on record of the House may also be lost.

MR. DEPUTY CHAIRMAN : All right, Mr. Arora.

SHRI ARJUN ARORA : Sir, . . .

SHRI BHUPESH GUPTA : My fear is that it will lapse.

MR. DEPUTY CHAIRMAN : Please listen to me . . .

SHRI BHUPESH GUPTA : What is a rule ? When you waive a rule, you remove the obstacle part of it . . .

MR. DEPUTY CHAIRMAN : May I request you to please listen ? One minute.

I request you not to press your point because, as pointed out by Mr. Chandra Shekhar and Mr. Chandrasekharan, we have to suspend so many rules if we have to allow any other Member instead of Mr. Arjun Arora to move the Bill. Will it be desirable to have such a precedent ?

There are two things. The first is whether, by allowing you to move the Bill, we can pass the Bill into law. The second aspect is that the hon. Members would like to express their views on such an important matter. The first aspect is very clear : A private member's Bill is very rarely accepted by the House ; it cannot be made into law. If you want that this particular Bill should be made into law there are other ways for it. You can persuade the Government to introduce the Bill from the Government's side itself. So it can become the law. If the hon. Members want to express their views on such an important matter, there are many subjects coming before the House when the hon. Members can express their views on this matter. It is not necessary that we should go on suspending all rules and allowing Members . . .

SHRI BHUPESH GUPTA . Who has asked . . .

MR. DEPUTY CHAIRMAN : Mr. Chandra Shekhar and Mr. Chandrasekharan have pointed out that by suspending one rule . . .

SHRI BHUPESH GUPTA I want your authority only to suspend one rule.

MR. DEPUTY CHAIRMAN . It will not be possible, as pointed out by Mr. Chandrasekharan.

SHRI BHUPESH GUPTA . Why should not it be possible ?

(Interruptions)

SHRI ARJUN ARORA : Sir, I beg to move :

"That the Bill to provide for a uniform definition of workman be taken into consideration."

Sir, I hope that the consideration of this Bill by the House today will draw the attention of the Government to something which the Government should have done long ago. There is in this country quite a long history

of labour legislation. Labour legislation in this country began in the latter half of the 19th century itself and it continues. The object of labour legislation was at first to provide for the observance of certain minimum norms of terms and conditions of employment. During the last 30 years another object has been added and that is regulation of industrial relations.

[THE VICE-CHAIRMAN (SHRI A. D. MANI)
in the Chair]

After independence in this country, social security and welfare have also become ingredients of labour legislation. But somehow there is a definition of 'workman' or 'employee' in every piece of legislation which is different from the other. The result is that which some workmen, some employed persons get the benefit of certain labour laws, they do not get the benefit of other laws. The Government and the society have not been unconscious of this. But I am sorry to say that the matter has not been considered in a comprehensive manner.

The National Commission on Labour was the last authority to apply its mind to the subject. Its Report is disappointing in the sense that the Gajendragadkar Commission confined itself only to the need of change in the definition of 'workman' in the Industrial Disputes Act, and said :

"Our view is that the definition of the word 'workman' should be based on functional as well as remuneration criteria. While only managerial and administrative personnel may be excluded irrespective of their salary supervisory and other personnel whose remuneration exceeds a specified limit could also, reasonably be excluded. This limit which is Rs. 500 per mensem at present should be suitably raised in such a way as to put an end to the present anomaly of very highly paid personnel resorting to industrial action and seeking the protection of the provisions of the Industrial Disputes Act."

"Raising of the wage ceilings will be particularly justified in view of the fact that in industries using advanced technology, wages of many of the supervisor workers are found to be in excess of the prescribed minimum, that is, Rs. 500 "

I say that this recommendation of the Gajendragadkar Commission is disappointing, firstly, because that high-powered Commission

[Shri Arjun Arora]

considered only the definition in the Industrial Disputes Act and secondly, came to the erroneous conclusion that even if for manual labour, technical nature of work, people are paid a higher salary, they should not be considered 'workmen'. In the country today there are certain technical people who get paid more than the managerial personnel but if the nature of the work remains the criterion, as it has remained all along, they should be entitled to the protection given to our workmen. That way the recommendation of the Gajendragadkar Commission is anti-working class when it says that highly paid personnel should be debarred from resorting to industrial action. But that alone is not the purpose of this Bill. In labour legislations in the country, the words used are 'workers' in the Factories' Act, 'workmen' in the Industrial Disputes Act, and 'employee' in the Payment of Wages Act. I want that the same term be used in all the labour legislations and the benefit and the three main purposes—that is, observance of minimum norms or conditions of employment, regulation of industrial relations and providing for social welfare and welfare measures, should be available to all the workmen which should be uniform in all labour legislations. The most important and the oldest labour legislation in the country is the Factories Act which defines under section 2 (i) 'worker' as:

"A person employed directly or through any agency whether for wages or not in any manufacturing process or in cleaning a part of the machinery or premises used for a manufacturing process or in any other kind of work incidental or connected with the manufacturing process or the subject of manufacturing process."

That is quite comprehensive as far as it goes but the Factories Act is not applicable to people who are not connected with the manufacturing process. Office clerks, for example people in a factory, chowkidars, people connected with sales promotion, are all excluded from the definition of 'worker' under the Factories Act. Many of these who are excluded from the Factories Act are covered by the weekly Holidays Act of 1942 which is applicable to shops, restaurants, theatres, etc. There every person employed otherwise than in a confidential capacity or in a position of management in any shop, restaurant or theatre, shall be allowed in each week, a holiday of one whole day.

So for the purpose of weekly holidays every person who is not employed in a confidential capacity or in a position of management is considered fit for the protection of labour legislation.

Then after independence there has been legislation for plantation labour, for mines labour and for those employed in operating motor vehicles. In all these three the definition of 'workman' or 'worker', whatever the word used, is different. For example in the plantation workers means a person employed in plantation for hire or reward, whether directly or through any agency, to do any work, skilled unskilled, manual or clerical, but does not include certain categories. Here people employed for supervisory duties are debarred from getting the protection of Plantation Labour Act of 1951. In the case of mines, the definition under section 2 (h) is this. A person is said to be employed in a mine who works under appointment by or with the knowledge of the Manager, whether for wages or not, in any mining operation or in cleaning or oiling any part of the machinery used in or about the mines or in any other kind of work whatsoever incidental to or connected with mining operation. This expression 'incidental to' gives a wide coverage but even here the definition is not at all clear. In the case of the Motor Vehicles Act the definition is worse. One of the most important pre-independence labour legislations is the Payment of Wages Act of 1936. It applies in the first instance to the payment of wages to persons employed in any factory and to persons employed otherwise than in a factory, upon any Railway by a Railway Administration, or either directly or through a sub-contractor by a person fulfilling a contract with the Railway Administration but the application here is not automatic. The definition itself says that the State Government may after giving three months' notice of its intention of so doing extend the provisions of the Payment of Wages Act to any class of persons employed in any industrial establishment or in any class of group of industrial establishments. So while the coverage here can be wide the fact that the coverage can be done only by a notification issued under the Payment of Wages Act makes the law ineffective. Of course, section 1 (6) of the Payment of Wages Act says that nothing in this Act shall apply to wages payable in respect of a wage period which over such wage period average Rs. 200/- a month or more. Now, Sir, this most important piece of labour legislation which guarantees

that wage will be paid to a person for work done is applicable only to people whose average wages are Rs. 200/- a month or less. This could have had some utility in the year 1936 but today with the prices rising every day, with the cost of living index going up, this has ceased to have any meaning.

Sir, I give you the example of the Kanpur textile industry about which I know. In 1938-39 the average wages of textile workers in Kanpur were Rs. 19/- per month. Now, even the minimum wages of a textile worker in Kanpur Indore, Bombay, Ahmedabad—all textile centres, are more than Rs. 200/- per month. As a matter of fact, a four-loom weaver handling automatic looms gets more than Rs. 400/- per month. Therefore, this Payment of Wages Act has become meaningless for him. If an employer is cruel, and the trade unions are weak, the employer may, at the end of the month, tell the worker, "Go away. You will not get your wages because your wages are more than Rs. 200/-". Sir, my Bill will not be passed, I know, but what is the Government doing about the Payment of Wages Act, 1936? Why does it not amend it? Sir, compared to August, 1939, the prices have risen more than nine times. The cost of living index for the working class in Kanpur was 100 in August, 1939. As compared to that 100, it is 975 today—such has been the extent of the rise. But because of the lethargy on the part of somebody in the Labour Ministry, this definition in the Payment of Wages Act, 1936, has not been altered, and what was perhaps useful in 1936 continues today but it has become absolutely meaningless.

Then, Sir, one good piece of labour legislation is the Industrial Employment Standing Orders Act, 1956. The purpose of this Act is to make the employer tell the worker the terms and conditions of his employment and his employment is regulated by the Standing Orders certified by an authority appointed by the appropriate Government. This Industrial Employment Standing Orders Act is also not applicable to all the people; particularly it is not applicable to supervisors who draw wages exceeding Rs. 500/- per month. As I have pointed out, the National Labour Commission presided over by Mr. Gajendragadkar has itself said that raising the wage ceiling beyond Rs. 500/- has become necessary. The fact that the definition in the Industrial Employment Standing Orders Act, 1956, has not been altered means that the

employer may not decide the terms of employment for supervisors getting more than Rs. 500/- per month. Now there is hardly any supervisor worth the name who does not get more than Rs. 500/- per month today. The result is that the Standing Orders Act is meaningless for the supervisors.

Sir, the Industrial Disputes Act was passed by Parliament in 1947. It was amended in 1956 and the definition of 'workman' as given in the Industrial Disputes Act, 1947, was so amended that today any person who is employed for doing any skilled or unskilled, manual, supervisory, technical or clerical work for a higher reward is considered a workman, and if an industrial dispute relating to dismissal or discharge or retrenchment of a person arises, the dismissed, discharged or retrenched workman also becomes entitled to the benefit of the Act for purposes of the dispute relating to his dismissal, discharge or retrenchment. Even here supervisors get the coverage of the Act only if their salary does not exceed Rs. 500 per month. The National Commission on Labour has itself recommended a change in the definition under the Industrial Disputes Act, but to my utter surprise the National Commission on Labour has only said that there is need to change the definition. It has not suggested what the changed definition should be. In this matter the Gokhale Commission, which went into the dispute of the employees of Burmah-Shell and other foreign oil companies, has done a little better. It recommended that the limit of Rs. 500 mentioned in section 2 (s) (iv) of the Industrial Disputes Act has become unrealistic in view of the present level of prices and it also recommended that steps should be taken to protect management and supervisory staff drawing a basic salary up to Rs. 1500 per month by bringing them within the protection of the provisions of the Industrial Disputes Act. You will remember that Parliament not long ago passed the Payment of Bonus Act. The coverage under the Payment of Bonus Act of 1965 is to those supervisory people who are paid up to Rs. 1,600 per month. In view of what Parliament has already done in the matter of the Payment of Bonus Act, it is necessary that supervisory personnel drawing up to Rs. 1,600 should be brought under the coverage of the Industrial Disputes Act and all employees working for wages, hire or reward and who are

[Shri Arjun Arora]

paid up to Rs. 1,600 per month should be brought under the labour legislation.

THE VICE-CHAIRMAN (SHRI A. D. MANI) : Mr. Arora, I want to ask you a question because you are an expert on labour matters. Under the Working Journalists Act any person who exercises supervisory control is disqualified from those benefits.

SHRI ARJUN ARORA : I am coming to that. Working journalists are a very powerful people and some of them get elected to Parliament and others hope to. There the definition is much better. The definition in the Working Journalists Conditions of Services, etc. Act of 1955 is this : 'Working Journalist' means a person whose principal avocation is that of a journalist and who is employed as such or in relation to any newspaper establishment and includes an editor, a leader writer, news editor, sub-editor, feature writer, reporter, correspondent, cartoonist, news photographer and proof reader, but does not include any such person who is employed mainly in a managerial or administrative capacity being employed in a supervisory capacity performs either by the nature of the duties attached to his office or by reason of the powers vested in him functions mainly of a managerial nature. I do not want and nobody wants that those who have managerial powers should be treated as workmen. But those who are not, well, everyone cannot be Queen Elizabeth. So, everyone cannot be a working journalist. So, my submission is that what has been given to the employees under the Payment of Bonus Act in 1965 should be given to all the employees under all the labour laws. I could go on quoting definitions from various labour Acts but I know that the time at my disposal and at the disposal of the House is limited. I will content myself with drawing your attention to the definition in the Employees' State Insurance Act, 1958, where the word 'employees' has been used and not 'workman'. In Australia also in all labour legislations the word 'employee' is used and not 'worker', 'workman' and 'employee', these three words as used in this country. So, my submission is that the Government should bring forward legislation doing away with the use of three words 'worker', 'workman' and 'employee' and come to the Australian practice of using the word 'employees'. And let every employee who is not exercising managerial powers and who is drawing salaries up to a prescribed

limit get the benefit of welfare measures, social security legislation and the legislation to regular industrial relations in this country. Sir, the matter is important; the matter has been under consideration for years. But somehow, the progress in the matter has been disappointingly slow. As pointed out, the Payment of Wages Act of 1936 remains unamended and the limit is Rs. 200. The employers in this country are not very good, but they are not so bad as to deny wages earned to the people. If they deny, the Payment of Wages Act will provide the employees with no protection. Similarly, there is another piece of labour legislation, though not connected with my present topic, and that is the Workmen's Compensation Act, 1923. Sir, that important piece of labour legislation which is a most humanitarian legislation has not been drastically amended after 1923. Sir, 1973 is not far off, it will be 50 years old within one year. And it has not been drastically amended. In 1952 and 1953 when our present President, Mr. Giri, was the Labour Minister, some work was done to drastically revise the Workmen's Compensation Act. Notes were exchanged, memorandum were submitted and opinions were solicited. But when he resigned, the other labour Ministers forgot all about the workmen who get crippled in industrial accidents, they forgot all about the dependants of workmen who die in industrial accidents. And that Act has not been amended.

Sir, I will take one more minute. This will be perhaps my last speech in this House. And as a trade unionist who has spent his lifetime in the service of the working class and who will spend the rest of his time in the service of the working class, I request Mr. Khadiolkar to take up a drastic revision of the Workmen's Compensation Act and give it first priority. And I also appeal to him to bring forward a uniform definition of 'workman' patterned on the Australian line, a little better than that of Gokhale Committee's Report on oil companies, and let all employed persons in the country have the benefit of social security legislation.

Thank you, Sir.

The question was proposed.

THE VICE-CHAIRMAN (SHRI A. D. MANI) : Before I call Mr. Yajee, I must say that the hon. Member, Mr. Arora, has made a notable and significant contribution to this subject. Mr. Yajee.

श्री शीलभद्र याजी : उपसभाध्यक्ष महोदय, श्री अर्जुन अरोड़ा जी जो श्रमजीवी हैं, आज उन्होंने वर्कमैन के बारे में, उसकी परिभाषा के सम्बन्ध में जो विधेयक सदन के सामने रखा है, उसका मैं तहेदिल से समर्थन करता हूँ। मैं उनके बाद इसलिए बोल रहा हूँ; क्योंकि जिस तरह से वे रिटायर होने वाले हैं, शायद उस रिटायर की पंक्ति में बहुत लोग हैं और उनमें से एक मैं भी हूँ। इसलिए मैंने उचित समझा कि मैं उनके बिल का समर्थन करूँ; क्योंकि मैं करीब 35 वर्ष से मजदूरों के बीच काम करते आया हूँ और मैंने यह देखा है कि हमारे मजदूरों के सम्बन्ध में, हमारे लेबरों के सम्बन्ध में जो विधेयक है, वे बहुत ही अपूर्ण है और उनसे मजदूरों को बड़ी दिक्कतें हैं।

जब हम जोर शोर से कहते हैं कि हम देश में समाजवाद की स्थापना करेंगे तो समाजवाद में वर्कमैन कौन है, श्रमजीवी कौन है, उसकी भी परिभाषा ठीक तरह से अभी तक नहीं कर सके हैं, तो फिर ऐसी हालत में समाजवाद की स्थापना किस तरह से होगी। इसलिए वाइस चैयरमैन साहब, आज जो मैं बात कह रहा हूँ वह यह है कि जो हमारा मौजूदा ढांचा है, चाहे लेबर का हो या इस सदन का हो, जिस ढांचे से हम चल रहे हैं और यदि हम लगातार चलते रहे, तो मुझे सन्देह होता है कि समाजवाद के सम्बन्ध में भाषण देते-देते हम समाजवाद से कोसों दूर चले जायेंगे। इसलिए मैं यह उचित समझता हूँ कि हमारे खाडिलकर साहब यहां पर बैठे हैं और ये बहुत बड़े पुराने नेता रह चुके हैं और इनका लम्बे समय से मजदूरों के साथ सम्बन्ध रहा है तथा कामगार सेतकारी पक्ष के सेक्रेटरी के रूप में उनका काफी सम्बन्ध रहा। इनकी मजदूरों के साथ सहानुभूति ही नहीं है, बल्कि उनके बीच उन्होंने बहुत सक्रिय रूप से काम भी किया है। इस समय जो समाजवादी देश है, उनके यहां जो श्रमजीवी हैं, वर्कमैन हैं, उनकी जी परिभाषा है, उसके बारे में हमको मालूम करना चाहिये। यद्यपि हमारी जो नीति है वह मिक्सड इकोनोमी है, मिश्रित नीति है, लेकिन देश में जो गत दो चुनाव हो चुके हैं, इससे पहिले ही शासक पार्टी ने 1955

में कह दिया था कि इस देश में समाजवाद की स्थापना होगी, लेकिन इसके पहिले जो नेतागण थे, आज से नहीं जब से कांग्रेस आजादी की लड़ाई लड़ती आई, उस वक्त जो कांग्रेस के अध्यक्ष थे। चाहे सी० आर० दास हों, एन्ड्रू हों या हमारे जवाहरलाल नेहरू हों, ये सब लोग मजदूरों की मीटिंग में जाते थे और समाजवाद के ऊपर भाषण करते थे। हमारे जो राष्ट्रपति जी हैं, वे भी एक ट्रेड यूनियन लीडर रह चुके हैं और सुभाष चन्द्र बोस तो आल इंडिया ट्रेड यूनियन के प्रेजिडेंट तक रह चुके हैं। ये सब लोग मजदूरों और श्रमिकों के बीच जाते थे और समाजवाद के ऊपर जोर देते थे। मजदूरों के सम्बन्ध में जो लड़ाई होती थी, जो उनकी दिक्कतें होती थी, उसके लिए वे जद्दो-जिहद करते थे। मुझे याद है कि टाटा नगर में जब मजदूरों की लड़ाई हुई तो सुभाष चन्द्र के ऊपर पूजापतियों के गुन्डों ने पत्थर फेंके और इस तरह से उस जमाने में भी मजदूरों का आन्दोलन चला, जबकि हमने समाजवाद को ग्रहण नहीं किया था। लेकिन जो कांग्रेस के कर्णधार होते थे, जो उसके अध्यक्ष होते थे, वे मजदूरों के आन्दोलन में सक्रिय भाग लेते थे और उनके लिए जद्दो-जिहद करते थे। और उनकी लड़ाई की वजह से जो आज ये चार कानून मौजूद हैं, उनमें तरमीम हुई है, लेकिन वे नाकाफी हैं। उन्होंने चारों का हवाला दिया और खुद वाइस चैयरमैन साहब ने फरमाया जो खुद श्रम-जीवी पत्रकार है। होना तो यह चाहिए था कि जब हम समाजवाद की तरफ जा रहे हैं तो जो भी चाहे वह हाथ से काम करे, दिमाग से काम करे, जो काम करने वाला है, चाहे कल कारखाने में काम करे, चाय बागान में काम करे, रबर बागान में काम करे, खेती में काम करे, दफ्तर में काम करे वह श्रमजीवी है, वर्कमैन है, चाहे नेकटाइ लगाए, धोती पहने, कुर्ता पहने।

अभी जो हमारे साथी अर्जुन अरोड़ा जी ने विधेयक पेश किया है वह मेरी समझ में जो समाजवादी देशों में मजदूरों की परिभाषा है, उसके मुताबिक बिलकुल अपूर्ण है, नाकाफी है। उन्होंने बताया कि चारों में ऐसे संशोधन कर दिए जायें तो काम हो जायगा या जो मासिक वेतन मिलता है, उसमें जो सुपरवाइजरी स्टाफ है उसके

[श्री शीलभद्र याजी]

लिए 500 की जगह पर 1,000 कर दिया जाय। मैं समझता हूँ कि समाजवादी देशों में इस तरह की व्यवस्था नहीं है। जब हम समाजवाद की बात बोलते हैं तो जो हमारा दृष्टिकोण है वह और भी व्यापक होना चाहिए। श्रमजीवी की परिभाषा बृद्ध होनी चाहिए, उसका स्कोप बढ़ना चाहिए। इस बिल का मैं समर्थन करता हूँ, लेकिन हमारे साथी जो विधेयक को लाए हैं, वे 2 अप्रैल को जाने वाले हैं, विधेयक चलेगा, लेकिन जो गैर-सरकारी विधेयक होते हैं, उनकी हालत यह होती है कि सरकार आश्वासन देती है कि सरकार पर यह भार छोड़ दिया जाय, सरकार एक विधेयक लाएगी और उसकी परिभाषा तय करेगी। इसलिए साथी अर्जुन अरोड़ा ने अपना फर्ज अदा कर दिया कि सरकार का ध्यान आकृष्ट किया कि इस तरह से बदलना चाहते हैं। हमारी सरकार और हमारी शासक पार्टी ने समाजवाद को ग्रहण किया है, यही नहीं, जनता ने उसका समर्थन भी किया, जो गत चुनाव हुए, लोक सभा के चुनाव हुए, असेम्बली के चुनाव हुए उनमें आप समाजवाद की बात करके गए कि हम सोशलिज्म की स्थापना करेंगे और उस सोशलिज्म में आपकी क्या रूपरेखा होगी, कौन श्रमजीवी है, कौन वर्कमैन है? एक हजार मिलता है या पाच सौ ६० मिलता है, तो वह सुपरवाइजरी स्टाफ हो गया, वह नहीं आता है। हमारे पत्रकार लोग हैं। आज महंगाई कितनी बढ़ गई है। 1939 से आज पाच गुना, छः गुना महंगाई हो गई है, चीजों के दाम इतने बढ़ गए हैं। तो इस हालत में अगर कोई एक हजार रुपया पाता है तो उसको जो पहले डेढ़ सौ रुपया मिलता था, उसी के बराबर है, क्योंकि 5-6 गुना महंगाई बढ़ गई है। इसलिए यह जो परिभाषा है, यह जो विधेयक एक हजार पर जाकर रुक जाता है, उसके बाद उसको सुपरवाइजरी स्टाफ कह देते हैं, मैं समझता हूँ कि साथी अर्जुन अरोड़ा जी का यह बिल अपूर्ण है, नाकाफी है। जब हम समाजवाद की बात बोलते हैं तो चाहे कोई भी हाथ से काम करे, दिमाग से काम करे वह श्रमजीवी है, चाहे वह खेत में काम करे, कल कारखाने में काम करे, दफ्तर में काम करे वह

श्रमजीवी है। तो परिभाषा में मौलिक परिवर्तन होना चाहिए। जो अरोड़ा जी ने कहा है मुझे उतने में सन्तोष होने वाला नहीं है। समाजवाद की स्थापना के लिये वह विधेयक नहीं है। इसलिये उसको व्यापक बनाने के लिए सरकार को भविष्य में कोई बिल लाना पड़ेगा। यदि हम वर्कमैन की ठीक परिभाषा नहीं कर सकते हैं तो हम समाजवाद की स्थापना क्या करेंगे? समाजवाद की स्थापना के लिये यह आवश्यक है, जो काम करने वाला है, चाहे वह खेत में काम कर रहा हो, चाहे कल कारखाने में काम कर रहा हो, चाहे चाय बागान में काम कर रहा हो और चाहे वह एक हजार ६० वेतन पाने वाला हो, चाहे दो हजार ६० वेतन पाने वाला हो, उसको श्रमजीवी की परिभाषा में ही आना चाहिये। जो समाजवादी देश है, वे अपने श्रमजीवियों को ज्यादा से ज्यादा वेतन देते हैं। इसलिये यह जो इस विधेयक में दिखलाया गया है कि एक हजार या इतने रुपये के ऊपर पाने वाला व्यक्ति सुपरवाइजरी स्टाफ में आ जायेगा, इसको मैं उचित नहीं समझता हूँ। इसमें मौलिक परिवर्तन की आवश्यकता है। हम लोग जो मजदूर आन्दोलन में काम करते हैं, हमारे सामने बहुत सी दिक्कतें उपस्थित हो जाती हैं। हम लोग जो मजदूरों के लिए जद्दोज्हाद करते हैं, लड़ाई करते हैं, हमारे बहुत से काम जो लेबर लेजिस्लेशन है उनसे निकलते हैं और बहुत बार उनसे रुकावट भी हो जाती है।

श्री इयाम लाल यादव (उत्तर प्रदेश): याजी जी, क्या आप चाहते हैं कि श्रमजीवियों के सबंध में कोई वेतन का प्रश्न नहीं हो और श्रमजीवी चाहे कितना वेतन पाता हो, फिर भी श्रमजीवी माना जाय।

श्री शीलभद्र याजी : श्रमजीवी श्रमजीवी है।

श्री इयाम लाल यादव : वेतन का कोई संबंध नहीं रहे।

श्री शीलभद्र याजी : मैं यह इसलिये कह रहा हूँ कि चीजे इतनी महंगी हो गई हैं कि

उनको भी ध्यान में रखना पड़ेगा। जब हम अपने देश में समाजवाद की स्थापना की बात करते हैं, तो हमें इन बातों की ओर भी ध्यान देना होगा। जो हमारी समाजवाद की नीति है, उस पर जनता ने भी रबर स्टाम्प लगा दिया है। लोक सभा के चुनाव में दो तिहाई स्थान हम को मिल गये और अभी जो 16 राज्यों और 2 यूनियन टैरीट्रीज में चुनाव हुए, उनमें भी जनता ने हमारी नीतियों का पूरा-पूरा समर्थन किया। इसके साथ-साथ जो सी० पी० एम० वाले श्रमजीवियों के लिये घडियाल के आसू बहाया करते थे वे धराशायी हो गये। समाजवादी श्रीमती इन्दिरा गांधी के नेतृत्व में जो शासक पार्टी है उसके नेतृत्व में ही होगा। इतना विश्वास दिया है उसको जनता ने। लेकिन साथ ही जनता 5 वर्ष तक देखेगी कि हमारे खाडिलकर साहब के नेतृत्व में मजदूरों के लिए क्या-क्या कानून बनते हैं, क्या-क्या मौलिक परिवर्तन होते हैं उनकी दशा में क्या-क्या मौलिक सुधार होते हैं उनकी हालत में और ऐसे समय में हमारे खाडिलकर साहब जी को भी हिम्मत दिखलानी चाहिए। यह जरूर है कि जिस तरह की प्रणाली, जिस तरह की आर्थिक नीति का हम अनुसरण कर रहे हैं उसमें उनकी भी दिक्कत होती है, कठिनाई होती है। इसलिए मैं शासक पार्टी के लोगों से भी मांग करता हूँ कि यदि हमको मजदूरों की दशा में सुधार करना है, यदि हमको समाजवाद की स्थापना करनी है तो हमारी जो मौजूदा आर्थिक नीति है, जिस को हम मिश्रित आर्थिक नीति कहते हैं, जिसको हम मिक्स्ड इकोनामी कहते हैं, जिसको गंगा जमनी या दोगला पालिसी कहते हैं, इससे काम नहीं चलने वाला है। इसमें मौलिक परिवर्तन की आवश्यकता है। जिस तरह से हमको जनता ने विश्वास दिया है, उसके साथ ही आज जनता मैदान में निकल आयी है, श्रमजीवी मैदान में आ गये हैं और हमारे लेबर मंत्री और श्रीमती इन्दिरा गांधी जनता के साथ कदम से कदम मिला कर चलने की कोशिश कर रही हैं, लेकिन आज जनता आगे निकल गयी है। इसलिए जनता के साथ हमारे लेबर मंत्री और प्रधान मंत्री और जो उनकी शासक पार्टी है, यदि वह उसके साथ कदम से

कदम और कंधे से कंधा मिला कर नहीं चलेगी तो समाजवाद की स्थापना नहीं होगी और जब समाजवाद की स्थापना नहीं होगी और जनता में निराशा आयेगी तो आप जानते ही हैं कि निराशा में क्या होना है। माननीय वाइस चैयरमैन साहब, निराशा से ही हिटलर का प्रादुर्भाव होता है, निराशा से ही मुसोलिनी का प्रादुर्भाव होता है और इस तरह की शक्तियाँ आज हमारे देश में हैं, वे मेरी नहीं हैं। वे शक्तियाँ आज मौके की तलाश में हैं। इसलिए जनता ने जो विश्वास दिया है उसको लेकर इस क्षेत्र में मौलिक परिवर्तन किया जाय, उसकी आवश्यकता है। अर्जुन अरोड़ा जी दबे-दबे चले हैं, जिनका सुधार उन्होंने माँगा है वह बहुत ही कम है, नाकाफी है, अपर्याप्त है। दूसरे समाजवादी देशों में वर्कमैन कौन है, श्रमजीवी कौन है और उनको किस तरह की गियायते दी जाती है, उनको खडिलकर साहब देखें। वह पढ़ें लिखें हैं, वह उनको देखें और पढ़ें और केवल पढ़ कर ही न रह जाय, बल्कि उन पर कुछ लिखें और उनको कार्य रूप में परिणत करने की कोशिश करें, तभी सही मायनों में वे हमारे लेबर मंत्री हो सकते हैं, तभी लोग उनको आगे याद रखेंगे, नहीं तो कहेंगे कि वे तो बड़े लेबर मंत्री थे, प्रकांड पंडित थे, लेकिन मिक्स्ड इकोनामी के चक्कर में फंसे गये। मिक्स्ड इकोनामी अपनी जगह पर है। आपको उस बात से कौन रोकता है कि आप सब जगह पब्लिक सेक्टर कर दें। उसके लिए आपको कोई रोकने वाला नहीं है। इसलिए जो विधेयक साथी अर्जुन अरोड़ा जी ने रखा है कि वर्कमैन की श्रमजीवियों की डेपेंडेंशन, परिभाषा नियत करने के लिए, जो मजदूरों के संबंध में चार कानून हैं उनमें इस तरह की तरमीम की जाय, वह बहुत उचित है और उनमें यह परिभाषा बदलनी चाहिए। मेरा तो इससे और ज्यादा निवेदन है कि हम यदि सचमुच समाजवाद की स्थापना करना चाहते हैं तो उसमें जो मेहनत है, श्रम है वह ही मजदूरों की पूंजी है और उसको सामने रखते हुए सभी श्रमजीवी एक समान हैं। हमारे बी० के० डी० के साथी पहले कांग्रेसी थे और अब वे भ्रान्ति के

[श्री शीलभद्र याजी]

शिकार हो गये हैं। फिर ठीक रास्ते पर समय आने पर आ जायेंगे (Interruption) लेकिन उन्होंने बतलाया कि उसको इतने हजार मिलता है, उसको इतना मिलता है, आप दुनिया के और दूसरे देशों में जा कर देखिये, हम भी कहते हैं कि जो दिमाग से, हाथ से, पैर से काम करेगा वही पैसा पायेगा। एक बार आप भी राजे महाराजाओं के फेर में पड़ गये थे। आप भी किसी समय मजदूर आन्दोलन में रहे, लेकिन अब भ्रान्ति के शिकार हैं, इसलिए जानबूझ कर आप ऐसी बात कह रहे हैं। आप कहते हैं कि भारतीय क्रांति दल और क्रांति करेगा, काउन्टर रिवोल्यूशन करेगा। इसलिए सभापति जी, जो काउन्टर रिवोल्यूशनरी बनते हैं, वे ही जब रिवोल्यूशन के खिलाफ होने लगते हैं, तो उनको मैं कहना चाहता हूँ कि कम से कम वे हवा के साथ तो चले। आप देखें तो कि हवा किस तरफ चल रही है। लेकिन उसके साथ ही आप चलिये नहीं तो आप पीछे ही रह जायेंगे और आपके नेता भी पीछे रह जायेंगे। (Interruption) अब जनसंघियों की पार्टी कहती है कि हम बड़े देशभक्त हैं, यह बात मैं मानता हूँ कि आप में राष्ट्रीयता है, लेकिन आप लकीर के फकीर हैं। इस भावना को आप बदलिये। समय के मुताबिक आपको चलना चाहिए। आप का नाम तो है जनसंघ, पीपुल्स पार्टी, लेकिन उस में लोग हैं बिल्कुल उल्टे, राजे-महाराजे, बैंकर्स। बैंकों का नेशनलाइजेशन किया तो आप ही सबसे पहले बस्ता बाध कर सुप्रीम कोर्ट में दौड़ेंगे। तो इस तरह से तो आप एन्टी पीपुल्स संघ ही बना रहे हैं। आप भी लकीर के फकीर हैं। कई बार आप स्वतंत्र पार्टी से भी ज्यादा प्रगतिगामी हो जाते हैं और आप और आपके नेता भी राजे-महाराजाओं का साथ देते हैं। (Interruption) कहते हैं कि उनको तो उसी तरह से चलना है। इसलिए आप अपने को बदलिये, आप पीपुल्स पार्टी बनाइये, जनता की पार्टी बनाइये। आप राजे-महाराजाओं की वकालत मत कीजिए, यह मैं आप से निवेदन कर रहा हूँ। नहीं तो इस हवा में आप भी बह जायेंगे। आप सुनने की कोशिश करें।

श्री पीताम्बर दास (उत्तर प्रदेश): मैं याजी जी का शुक्रिया अदा करता हूँ कि बिना मेहनत के जो वह मशविरा दे रहे हैं उसके लिए।

श्री शीलभद्र याजी: वह तो हम देंगे, हम 55 करोड़ जनता को देंगे और आपके साथ भी कुछ परसेट जनता है इसलिए आपको भी देंगे है, मेरा तो काम है सद्बोध देना, मानना न मानना आपके अधिकार में है, जब नहीं मानियेगा तो आप चले जाइयेगा पूछने वाला कोई नहीं होगा।

श्री श्याम लाल यादव: उपदेश देने की जरूरत नहीं है। अपना देखिये। सरकार को कहिये।

श्री शीलभद्र याजी: मुझे उपदेश देने की आवश्यकता है। श्याम लाल जी यादव मजदूरों में काम करते हुए भी जब प्रिवी पर्स का मामला आया, तो राजा महाराजाओं की वकालत की ऐसे आदमियों को नहीं कहूंगा तो किसको कहूंगा, मजदूरन कहना पड़ता है। मैं अपनी सरकार को भी कहता हूँ, जिसने जनता-जनार्दन से वोट लिया उसको भी कहता हूँ कि खाडिलकर साहब, अर्जुन अरोड़ा साहब का बिल जो है वह नाकाफी है उसकी परिभाषा को और भी बृहद् कर के उसे लाइये। अर्जुन अरोड़ा साहब तो मजदूरों में काम करेंगे, फिर दो वर्ष के बाद आयेंगे, लेकिन उससे पहले खाडिलकर साहब से निवेदन है कि वह बिल लायें, इनके मंत्रालय से भी निवेदन है, जो लेबर मंत्रालय में बैठते हैं वह काम करने वाले लोग हैं, खाली उनको समझने की जरूरत है कि जो हमारे वर्कमैन हैं, श्रमजीवी हैं, उनकी परिभाषा ऐसी नियत करे जो बृहद् हो और उसके साथ, उनके साथ हमदर्दी भी रखें। इसलिए मैं समझता हूँ कि अभी हमारे साथी अर्जुन अरोड़ा जी का जो विधेयक है उसको सरकार को मान लेना चाहिये और इसको मानने के साथ-साथ यह आश्वासन देना चाहिये कि हम इस तरह का और व्यापक विधेयक लायेंगे और एक हजार रुपये तक की जो बात इसमें कही गई है उसको बढ़ा कर के और भी परिभाषा को विस्तृत करेंगे; क्योंकि महंगाई के मुताबिक उसमें भी वृद्धि करने

की आवश्यकता है जिसमें कि सब आयेगे और जिसमें पत्रकार वगैरह सब आयेगे। इन सब में मौलिक परिवर्तन करने की आवश्यकता है। तो इन शब्दों के साथ मैं इस विधेयक की सहर्ष ताईद करता हूँ। जय हिन्द।

श्री जगदीश प्रसाद माथुर (राजस्थान) : उपसभापति महोदय, मैं इस विधेयक का समर्थन करता हूँ और इस सम्बन्ध में एक बात और कहना चाहता हूँ कि जहाँ तक इस विधेयक का सम्बन्ध है, श्रमिकों का एक बहुत बड़ा वर्ग ऐसा है जो कि इसकी परव्यु से अभी भी बाहर रहता है, अर्जुन अरोड़ा जी ने जो विधेयक रखा है उसमें इंडस्ट्री और इस्टेब्लिशमेंट का जो कहा है तो बहुत बड़ी मात्रा में ऐसा लेबर भी है जोकि विशेष तौर से सैल्फ-इम्प्लायड इंडस्ट्री के अन्दर लेबर के रूप में काम करता है और वह किसी भी प्रकार से इस विधेयक के द्वारा कवर नहीं होता है। आज उनकी सबसे बड़ी समस्या अपने देश के अन्दर है। प्रत्येक गाँव और प्रत्येक शहर के अन्दर इस प्रकार के छोटे-छोटे उद्योग-धंधे बड़ी मात्रा में हैं, जिसको कि एक-दो आदमी चलाते हैं और वह फैक्ट्री एक्ट के अन्तर्गत भी नहीं आता है और उनके अन्दर श्रमिक लोग काम करते हैं। तो इस प्रकार के सैल्फ-इम्प्लायड लोगों द्वारा जो धन्धे चलते हैं उनके अन्दर काम करने वाले जो लेबर है उनके प्रोटेक्शन की दृष्टि से आज किसी प्रकार की भी व्यवस्था हमारे सामने नहीं है। मालिक की मर्जी हो तो वह उनको रखता है और न हो तो नहीं रखता है। मालिक और नौकर का सम्बन्ध जरूर रहता है, लेकिन यह सम्बन्ध रहने के पश्चात् भी लेबर की सुरक्षा की दृष्टि से जितने भी कानून बने हुये हैं, उन कानूनों से उसको किसी प्रकार का भी प्रोटेक्शन नहीं मिलता और इसके कारण से समय-समय पर इस प्रकार की चीज देखने को मिलती है कि एक आदमी को उन्होंने नौकर रखा, वह दो महीने, चार महीने, छः महीने, साल भर या दो साल तक काम करता है और फिर जब मालिक की मर्जी आई तो उसको निकाल दिया इन उद्योग धंधों के अन्दर तीन चार लोग काम करते हैं और वह लेबर फैक्ट्री एक्ट की परिभाषा में न आने के

कारण किसी प्रकार का प्रोटेक्शन नहीं पाता है और श्रमिक की दृष्टि से जितने भी कानून है वह उसके ऊपर लागू नहीं होता है। और लागू न होने की स्थिति में, चूँकि वे उसके मालिक होते हैं, उसकी स्वयं की फैक्टरी है, इसलिए वे किसी प्रकार के कानून की पकड़ में नहीं आते, तो उन श्रमिकों की हालत वास्तव में बड़ी दयनीय है; तो इस प्रकार के श्रमिकों को इस कानून के द्वारा किस प्रकार से लाभान्वित करना चाहिए, यह मैं अर्जुन अरोड़ा जी से कहना चाहूँगा। उन्होंने सारा इसके बारे में अध्ययन किया है, शायद उनका मकसद यही नहीं है कि कोई बड़ी फैक्टरी के लेबर को लाभ हो। लेबर चाहे कोई भी हो, किसी भी शक्ल का लेबर हो, जिस प्रकार से उसको नौकरी की सुरक्षा हो, उसकी सारी सुविधाएँ हों, सब बेनिफिट उसको मिलने चाहिए। अगर उनकी मन्शा यह है तो इस प्रकार के जो श्रमिक हैं, चाहे आर्गेनाइज्ड लेबर है, चाहे वह यूनियन भी बना सकते हैं बड़ी-बड़ी फैक्टरीज के अंदर, इस्टेब्लिशमेंट के अन्दर, उनके लिए कानून के अन्दर परिभाषा बदलना चाहते हैं, ऐसे लोगों को उनके परव्यू में लाना चाहते हैं, ऐसे लोगों के लिए बदली हुई परिस्थितियों के अन्दर, जब कि सारा वातावरण बदल गया, कास्ट आफ लिविंग बढ़ गई, तनखाहों का ढाँचा बदल गया, उममें लाना चाहते हैं। किन्तु जो लाखों और करोड़ों की संख्या में ऐसे लोग हैं, जो छोटे-छोटे धंधों को चलाने वाले मालिकों के पास काम करते हैं, चाहे मालिक और नौकर की परिभाषा जरूर उन पर लागू होती है, लेकिन वहा पर एंपाईन्टमेंट लेटर नहीं मिलता, डिसमिसल आर्डर नहीं मिलता, मालिक की मरजी से वह नौकर रहते हैं, चाहे जितना उनसे काम ले सकते हैं और जिस दिन मालिक नाराज हो गया उस दिन नौकरी से अलग कर देते हैं, उनके लिए भी हमें सोचना चाहिए। उस नाते से इसमें कान्ट्रेक्टर्स की भी बात कही है। लेकिन कान्ट्रेक्टर्स के पास जो लेबर है उनकी भी हालत बेसी ही है, वे भी उस कान्ट्रेक्टर की मरजी के अनुसार काम करते हैं और कान्ट्रेक्टर की मरजी के अनुसार काम से अलग कर दिए जाते हैं, उनकी नौकरी की

[श्री जगदीश प्रसाद माथुर]

दृष्टिसे, भविष्य की दृष्टि से कोई सुरक्षा नहीं है। यह बहुत बड़ा वर्ग अपने देश के अंदर है, जो एक अनिश्चितता की अवस्था के अंदर है। उनके लिए हमारी सरकार क्या करना चाहती है? उन बेचारों को न कुछ पता है, न हमारे कानून के द्वारा उनके संबंध में कोई प्रावधान है। अब यह हो सकता कि एक बहुत बड़े सेक्टर, आर्गेनाइज्ड सेक्टर के अंदर सरकार भी तुरन्त अपना अधिकार भी, हस्तक्षेप भी कर सकती है, वह मामले में मूव भी कर सकती है, लेकिन जिस प्रकार के वर्कर का मैंने जिक्र किया, न वह गवर्नमेंट के पास जा सकते हैं, न कोई यूनियन बना सकते, न किसी प्रकार से गवर्नमेंटल मशीनरी को कोई अधिकार है कि जिससे वे लाभ उठा सकते हैं। इस प्रकार ऐसे वर्ग के लाखों लोगों की समस्या देश के सामने है। मेरा यह कहना है कि सरकार को चाहिये कि कानून के अंदर कोई इस प्रकार का बदल लाये कि कोई भी आदमी, चाहे वह 2 नौकर रखता है, 3 नौकर रखता है, फैक्टरी ऐक्ट की परिभाषा में आता है, वे यूनियन बना सकते हैं। यानी, अगर मालिक किसी को नौकर रखता है तो उसके लिए कोई प्रावधान हमारे कानून में होना चाहिए, कोई ऐसी व्यवस्था होनी चाहिए कि जिसने इम्प्लायमेंट लिया, चाहे उसको इम्प्लायमेंट लेटर रिटन में दे या न दे, लेकिन एक बार इस्टेब्लिश वह कर दे कि मेरे को टेम्प्रेरी रखा है, परमानेंट रखा है, साल भर के लिए रखा है, छः महीने के लिए रखा है, मैंने इस आदमी के साथ काम किया है और काम को करने के लिए मुझे सारी सुविधाएं

मिलती रहनी चाहिए, अन्यथा फैक्ट्रियां चलती रहती है, कारखाने चलते रहते हैं और मालिकों के द्वारा भयंकर रूप से शोषण चलता है, यह एक बड़ी भयंकर समस्या सारे देश के अंदर व्याप्त है, इसके निराकरण की दृष्टि से जब तक सरकार पहल नहीं करती, जब तक कानून के द्वारा हम इस वर्ग को प्रोटेक्शन नहीं देते तब तक हम इस देश के अंदर एक अनिश्चितता की अवस्था में पड़े हुए लाखों लोगों के समुदाय को सुरक्षा नहीं दे सकते। वह असह्य स्थिति है और उसको सहायता की आवश्यकता है।

तो मैं माननीय प्रस्तावक महोदय से जरूर कहूंगा—इस बार वे रिटायर हो रहे हैं—वे श्रमिक क्षेत्र में काम करते हैं, आगे भी जिस क्षेत्र में वह काम करे लेबर लीडर के रूप में इस समस्या का अध्ययन करेंगे और उन लोगों को राहत दिलाने की दृष्टि से हम सब लोग मिल कर काम करें, सरकार पर भी दबाव डालें कि इस प्रकार के जो सैल्फ इम्प्लायड लेबर हैं, उनकी सुरक्षा की दृष्टि से भी सरकार प्रयत्न करे।

5 बज रहे हैं, सदन का समय नष्ट हो रहा है, शायद इसके बारे में आप चिंता कर रहे हैं इसलिए मैं इस एक वर्ग की ओर सरकार का, ध्यान आकर्षित करते हुए, अपना भाषण समाप्त करता हूँ।

THE VICE-CHAIRMAN (SHRI A. D. MANI) : It is 5 o'clock. The House stands adjourned till Tuesday, 11 A. M.

The House adjourned at five of the clock till eleven of the clock on Tuesday, the 28th March, 1972.