

**FELICITATION TO SHRI P. HARI KRISHNA**

SHRIMATI N.P. DURGA (Andhra Pradesh): Thank you, Sir, for giving me the opportunity.

One more star has born in the international chess arena from India. And this time, it is the turn of P. Hari Krishna from Andhra Pradesh who won the World Junior Chess Championship. After nearly two decades, when Vishwanathan Anand won the World Junior Chess Championship in Philippines, Hari Krishna is the only Indian to win this championship. He drew his final game with Ferenc Berkes and thereby ensured the crown. He got ten out of the possible thirteen points. We have never got any major title in the boys' section at the world junior level in recent times. Of course, Koneru Humpy, again from Andhra Pradesh, won the World Girls Junior Chess Championship in 2002. Hari Krishna has not only won this World Junior Title but also won the World Under-10 Title in 1996 in Spain, apart from other titles. I would say that this is double not only for Andhra Pradesh but also for India because earlier this month Dronavalli Harika won the Under-14 Girls World Title. So, on behalf of myself, my party, Andhra Pradesh and also on behalf of this august House, I place on record our warmest greetings and best wishes for Hari Krishna. Thank you, Sir.

MR. DEPUTY CHAIRMAN: We all join in congratulating Mr. Hari Krishna. Now, we take up the Payment of Wages (Amendment) Bill, 2002. The hon. Minister, Mr. K. Chandra Sekhar Rao, to move the motion for consideration of the Payment of Wages (Amendment) Bill, 2002.

**GOVERNMENT BILL**

**The Payment of Wages (Amendment) BILL, 2002**

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI K. CHANDRA SEKHAR RAO): Mr. Deputy Chairman, Sir, I move:

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

Sir, I would like to explain the salient features of this Bill.

Sir, this is a historical moment for me as I avail the opportunity to move the Payment of Wages (Amendment) Bill, 2002 in this august

House for its consideration. It has been our endeavour to implement the National Common Minimum Programme set by our Government with the active support of hon. Members. One of the basic objectives of the National Common Minimum Programme is to make all the labour-related laws more labour-friendly, and the present Amendment Bill is one step further in this direction.

Sir, The Payment of Wages Act, 1936 to which the proposed Bill relates, ensures that wages are paid in time to the workers and that no unauthorized deductions are made from the wages of the workers. The Act applies to those workers whose wages are less than the ceiling prescribed in the Act. At present, this ceiling is Rs. 1600 per month only. As the Act was last amended in 1982, the ceiling contained in the Act has become almost insignificant due to escalation of prices over the course of time. Many requests to raise the ceiling have been received from all concerned, including State Governments, Union Territory Governments and Labour Unions. The issue was examined in detail in the Ministry in consultation with all the stakeholders and it was decided to go in for the amendments.

The Payment of Wages (Amendment) Bill, 2002 contained basically two major amendments. The first one was to enhance the ceiling from the existing level of Rs. 1600 per month to Rs. 6500 per month. The second one was to enhance the existing penalty by five times.

The Bill was examined by the Standing Committee on Labour and Welfare, which suggested the following major amendments:-

To adopt the notification method to enhance the ceiling at periodical intervals on the basis of data of Consumer Price Indices, as the present method of legislation is time-consuming.

To make the proposed penalties more stringent.

The recommendations have been examined in the Ministry in consultation with all the Central Ministries and Departments, including Law & Justice, and decided to be accepted. However, the revision of ceiling at regular intervals has been proposed on the basis of quinquennial survey on consumer expenditure, conducted by the National Sample Survey Organization, instead of Consumer Price Indices, as the former is more stable. Penalties have been proposed to be enhanced by 7.5 times the existing ones.

Accordingly, I propose that the Payment of Wages (Amendment) Bill, 2002 along with the official amendments proposed be considered by the House for passing. Thank you.

*The question was proposed.*

**श्री नारायण सिंह केसरी** (मध्य प्रदेश): माननीय उपसभापति जी, इस बिल के बारे में कुछ कहने से पहले मैं यह निवेदन करना चाहता हूँ कि वर्ष 1936 में अग्रेजों के जमाने में बने इस बिल पर बहुत ज्यादा विचार नहीं किया गया। मजदूरों के मामले में मजदूर आंदोलन चलाने वाले लोग एक मई तो धूमधाम से मनाते रहें, लेकिन मजदूरों की हालत में दिन-पर-दिन गिरावट आती रही, उद्योगपति मनमाने ढंग से मजदूरों का शोषण करते रहे, उनके काम के, उनके वेतन के बारे में उनके द्वारा कोई विचार नहीं किया गया।

महोदय, वर्ष 1982 में इस मामले में विचार हुआ और विचार करने के बाद इसे -/1600 रूपए निर्धारित किया गया, लेकिन इस बढ़ती हुई मंहगाई को देखते हुए सरकार ने फिर पिछली बार इस मामले में विचार किया और वर्ष 2002 में इसे -/6500 रूपए निर्धारित किया गया। इसके बाद आज स्थिति ऐसी है कि मंहगाई दिन-पर-दिन बढ़ रही है, मजदूर की हालत खराब है, उद्योग बीमार है। मैं यह भी निवेदन करना चाहूंगा कि सरकार के फंड का दुरुपयोग हुआ है, जितने भी इन बीस-पच्चीस सालों में उद्योग डाले गए हैं, वे सभी सबसिडी के लिए चलाए गए हैं, और सबसिडी के नाम से इन उद्योगों को पैसा दिया गया है। इनमें 90 परसेंट उद्योग आज सिक पड़े हुए हैं। इससे मजदूर को आज रोटी नहीं मिल पा रही है, मजदूर बर्बाद हैं। मैं आपसे यह निवेदन करना चाहता हूँ कि देश की टैक्सटाइल मिलें खस्ता हालत में हैं, मैं तो यहां तक भी कहने को तैयार हूँ कि ये सारी मिलें बंद पड़ी हैं, जिससे लाखों मजदूर बेघर हो गए हैं, मुसीबत की जिन्दगी जी रहे हैं। सरकार को इनकी ओर ध्यान देना चाहिए कि मिल-मालिकों ने कैसे सरकार के पैसे लेकर उद्योग—धंधे चलाए और किस प्रकार सरकार द्वारा दी गई सबसिडी खाई और ये कारखाने बंद पड़े हैं। यह बिल जो आया है यह बिल का मैं समर्थन इसलिए करता हूँ कि यह बिल बड़े सोच-विचार के बाद प्रस्तुत हुआ और इस बिल में 6,500 रूपए जो निर्धारित किए गए हैं, वे भी आज की मंहगाई के हिसाब से अपर्याप्त हैं। इसलिए इसमें किसी भी प्रकार की कटौती न करते हुए इस बिल को पास कर दिया जाना चाहिए। यह 6,500 रूपए उचित है और इसे आगे भी बढ़ाने का सरकार को प्रयास करना चाहिए। सरकार को मालूम होना चाहिए है और इसे आगे भी बढ़ाने का सरकार को प्रयास करना चाहिए। सरकार को मालूम होना चाहिए कि देश में मजदूरों की हालत इतनी खराब है कि आज भी उद्योगपतियों द्वारा मजदूरों की पीएफ का पैसा, बीमा का पैसा, ग्रेज्युटी का पैसा नहीं दिया जा रहा है। मिल—मालिकों को उनकी फैक्ट्रियों को जमीनें सिर्फ इसलिए दी गई थी कि वे उन जमीनों पर उद्योग चलाएंगे और इसलिए नॉमिनल रेट पर उनको वे जमीनें दी गई थीं। आज इन जमीनों के वे मालिक हैं। सभापति जी, दिल्ली की बिड़ला मिल, इंदौर की मिल, अहमदाबाद की मिलें, सूरत की मिलें और मुम्बई की मिलों के लिए जो जमीनें

**3.00 P.M.**

सिर्फ उद्योग चलाने के लिए दी गई थी ,आज वे सारी जमीनें उन उद्योगपतियों की निजी जमीनें हो गई हैं और वह जमीन जो कौड़ियों के मोल पर सरकार से ली गई थी ,आज उसकी कीमत अरबों-खरबों रूपए हो गई है ,जबकि मजदूर सड़क पर बेकार घूम रहा है। ऐसी स्थिति में मजदूर के बारे में सरकार को चिंता करनी चाहिए। आज भी मिल के गेट पर , बंद कारखाने के गेट पर लाल झंडे तो लगते हैं लेकिन मजदूर की भलाई के लिए जितना किया जाना चाहिए ,वे नहीं करते हैं। आज सरकार के अंदर हमारे मजदूर यूनियन के लोग बैठे हुए हैं ,उन्हें आज जो इतनी महंगाई है ,उस महंगाई के भाव से फिर से वेजिस तय करने चाहिए और इस 6,500रूपए को भी बढ़ाया जाना चाहिए।

सभापति जी ,मैं इस बिल का समर्थन करता हूं और यह निवेदन करता हूं कि सारे देश में इसको लागू किया जाए।

PROF. SAIF-UD-DIN SOZ (Jammu and Kashmir): Mr. Deputy Chairman, Sir. I don't have many things to add to what my friend has said from that side. But, I would say that it is a welcome measure, although it has been put forward before this august House belatedly—not because of this Government—because it is after 22 years that we are considering to amend the law. And for 22 years, we have failed, as a people, in providing a proper wage to the labour force. Now that we are here with this amendment, I would say, first of all, I don't understand the logic of introducing the Bill in Rajya Sabha. Perhaps, it is because the Standing Committee had considered it, but even then, the measure should have been placed before Lok Sabha. It should have come in the normal course to Rajya Sabha. Now, we shall pass it, but it will go to Lok Sabha and again it will come back to Rajya Sabha. That is my understanding of the procedure. Now, Sir, I welcome this measure, but it has some lacunae. The minimum wage, which has been now proposed, has been enhanced from Rs. 1600 to Rs. 6500, and I welcome that. But, this ad-hocism is well built in this Bill. It is not a dynamic document in the sense that we not fixing the wage taking care of the price index. There is no formula; there is no mechanism in the Bill whereby enhancement in the wage will take place for future. It is just that we are fixing the wage, and may be we follow the same practice that we pass the Bill and for next 22 years, we don't amend it. So, this amount of Rs. 6500 will remain fixed for another 22 years. Sir, through you, I would request the hon. Minister that he should propose some mechanism

whereby the wage will be fixed in a way that it is related to the price index. That is missing in the Bill.

As I said, I don't have much to say, it is a welcome measure. On the question of penalty, I am not satisfied with the formula for penalties. Employers can play havoc and we must be very considerate towards the labour force. They are Indians. They have every right to ask for the fruit of the progress of the country. So, on the side of penalties, I am not satisfied. Penalties have to be more stringent and these penalties must be properly institutionalised with this measure. Thank you, Sir.

SHRI K. CHANDRAN PILLAI (Kerala): Respected Deputy Chairman, I am welcoming the Payment of Wages (Amendment) Bill, 2002. At the same time, with some statistical support, I want to comment on two major areas where the amendment is affecting. The last revision regarding the coverage occurred in 1982. Just now, our colleague rightly mentioned that we are thinking about raising this after 22 years.

Sir, Rs. 6,500/- is actually, in a way, related to ESI coverage as well as provident fund coverage. Recently, the provident fund coverage has been raised to Rs. 7,500/-. So, in a way, it is appropriate to think it in that term. At the same time, a ceiling itself, whether warranted or not, is a question which we can think of. Abolition of ceiling for the payment of wages can also be thought of. The trade unions are arguing for such a situation. But, in between, a proper mechanism to taken care of the factories that are affecting the wage enhancement inclusive of inflation, and, a proper co-ordination, say, linking to the Consumer Price Index has to be evolved.

Though the Minister has mentioned that it was a proposition from the Standing Committee on Labour, but in the Bill it has not been mentioned. So, while referring to the Standing Committee on Labour, as a courtesy measure, you have to go by that recommendation for the purpose of glorification of the Committee as well. At the same time, you are not taking that recommendation for the practical purpose. This contradiction has to be addressed.

As far as the second major amendment regarding penalty is concerned, while thinking about the penalty clauses, the major defaulter in the payment of wages in the country is the Government itself. We have to consider it seriously. The public sector undertakings are coming first in the list, and, the penalty clauses that we are now proposing are in

a very, very diluted way, with Rs. 200 basically, and, for the second conviction, it may go up to a minimum of Rs. 5000. Now, there is a substantial increase in the rupee terms. But that alone is not the question. The irresponsible officials who are defaulting on account of paying the wages to the labourers in accordance with the Payment of Wages Act have to be booked, and, have to be punished suitably. So, the Standing Committee on Labour is for the stringent measure; stringent measure in the sense which should have a deterrent effect. It is not reflected that way in the proposed Bill. So, my request to the Government is to incorporate a stringent clause, or, appropriate clauses to discourage this tendency of non-payment by employers, and, the Government is supposed to be a model employer. In our country, it is not so. By this enactment, Government establishments should fall in the line with the law. So, that is the thing.

Along with this aspect, I want to mention one more point, which also has not been appropriately reflected in the proposed Bill. That is 'contractors and contract employees' category. Conveniently, many major companies in the private and the public sector undertakings are designating contractors to carry out various jobs as off-loading, outsourcing, or, something like that. But while doing that, if the contractor disappears from the scene, well, nobody is responsible to pay the contract workers. So, to take care of such a situation, which is not a pleasant one, an appropriate measure should be incorporated. Then only we can say that our new initiative for a fresh amendment to the Payment of Wages Act is up to the mark of the requirement of the present times. These were the areas, which I wanted to cover. With these words, I conclude. Thank you, Sir.

DR. K. MALAISAMY (Tamil Nadu): Mr. Deputy Chairman, Sir, as a piece of information to the Chair, for your relaxation and relief, I will be extremely brief and will only take a couple of minutes to make my presentation.

Secondly, my throat is also not well. So, that also will help me to conclude as quickly as possible.

Sir, looking upon the Amendment Bill, it seems that the idea was conceived as early as in 2002, and after two-and-a-half years, it has reached the stage of delivery. The conception has taken place in 2002, and now it has come to the stage of delivery. We are yet to see whether

they are going to give a full-grown baby, or a defective baby, or there will be a total abortion. Whatever it is, Sir, as far as the AIADMK is concerned, we are all out to promote the welfare and the prospects of the working class. Our leader in Tamil Nadu is extremely keen in seeing that whatever benefits that could be possible, should go to the working class, which is oppressed, depressed and suppressed. As far as we are concerned, when there is a labour legislation, which is going to benefit the working class, we are all out to support it. But my reservation is about whether this amendment is really going to help them. Sir, if we look at the parent Act of 1936, it has got its own objects, namely, it has prescribed a time-limit for the payment of wages; then deduction of wages can be done only in authorised cases, they cannot go beyond that. Similarly, in imposing fine, under certain circumstances, they cannot go beyond that. So, all these things are there. The ceiling from Rs. 1,000 to Rs. 1,600 was raised in 1982. Now, the core objective of this amendment is to enhance the ceiling to Rs. 6,500 for a workman. Suppose a workman is able to get upto Rs. 6,500 then this Payment of Wages Act will apply. I would like to ask to hon. Minister with all seriousness, what is the logic of fixing Rs. 6,500? Why not Rs. 7,500? Why not it is Rs. 10,000? On the other hand, my own view is that when you want to really benefit the workman the workman has been described and defined in the Industrial Disputes Act irrespective of the salary he is getting, or ceiling, why not you give it to the workman itself? Why should there be a ceiling? Again you are going to enhance it depending upon the escalation in price and price index etc. If you are really interested to help the working class, then relax the ceiling, once and for all.

Sir, as far as I could see (I was in administration for some time and so I can speak with some authority) whatever may be the objective of law, whatever may be the spirit of law, in practice, the ground reality is that it does not work. On the other hand, it is more of violations rather than of compliance. To be honest with you, there are umpteen number of cases where the workman's wages have been deducted and fine imposed was not authorised under the law. There are umpteen number of disputes pending on this before the Labour Tribunal or the Commissioner of Labour etc. What I am trying to highlight here is that the law is there, but it is not implemented. Whatever may be your objective, how are you going to help the beneficiary. I would like to put one simple question whether there

is a system failure or a human failure. I mean to say that in order to implement any law, you need a right person for the right task. There should be a proper system and that system should work. So, from the point of view of common sense, and in practice, it should work. But the ground reality is that it does not work. You have enhanced the ceiling, and you have tried to give an impression that you are helping the labour. Are you really helping the labour? What is the point in keeping the law on paper when it is actually not working? That is my humble submission. So, my core insistence is, whatever you frame by way of law, what is your device? What is your system? What is your mechanism? What is your review system through which you see that the objective is implemented? Here also, you have rightly made an attempt not only to enhance the ceiling, but also to define the term 'appropriate Government'. I agree with you that instead of saying Centre or State, the term appropriate Government is correct. Similarly, you have also gone to the extent of saying that we have now tried to remove some ambiguities, some weaknesses. Lastly, you have said that the penal provisions have been made more stringent. All these things are well taken on paper. I would like to know as to how you are going to implement them. Your idea is good. But how will you translate it into ground reality to ensure that your action is also good? That should be made clear. Thank you.

**श्री रुद्रनारायण पाणि (उड़ीसा) :** उपसभापति महोदय, पिछली जुलाई में हमारा सत्र हुआ था और उसमें मुझे बोलने का मौका नहीं मिला। हम एक राष्ट्रीय पार्टी के सदस्य हैं और पार्टी की योजना से काम करते हैं। आज इस प्रकार के मुद्दे पर पार्टी ने कहा। यह एक ऐसा मुद्दा है कम से कम जिस मुद्दे पर राष्ट्र सहमत है। मेरे वामपंथी साथी भी इसमें हैं जो ऐसा बोलते हैं कि वे मजदूरों की भलाई में बहुत आगे हैं और जो कहते हैं कि भारतीय जनता पार्टी या हमारी पार्टी, जो 6 साल तक एनडीए के नाम से शासन में थी – बोलने के लिए बोले और राजनीति में बहुत कुछ बोला गया – हमें मजदूर विरोधी के नाते भी बताया गया। जो होना था, हो गया, चुनाव हो गया, परिणाम आ गए। लेकिन यह सत्य नहीं है, इसमें हम सब हैं और हम सब हमेशा मजदूरों की भलाई के लिए काम करते आ रहे हैं। हमारे पास बहुत सारे ऐसे विषय हैं जैसे मजदूरों की भलाई के लिए जितना ज्यादा, जितना अधिक से अधिक काम किया जा सकता है, किया जाए, ऐसा हमारा मत है। आज यह जो विषय आया है, जिस बिल को यहां पर माननीय मंत्री महोदय द्वारा प्रस्तावित किया गया है, उसका हम सब पुरजोर समर्थन करते हैं और स्वागत भी करते हैं। 1936 का यह बिल है 1982 में अमेंडमेंट हुआ था, उसके बाद अब यह 2002 का है। हमारा इसके प्रति समर्थन है। कहा गया कि हम केवल कागज पर और पेपर में बहुत सारे प्रावधान कर देते हैं लेकिन वास्तव में उसका



जब इम्प्लीमेंटेशन होता है ,जब उसको कार्यान्वित किया जाता है ,तब उसमें त्रुटि हो जाती हैं । हम सब यह स्पष्ट रूप से जानते हैं कि देश आज तक भाषण से नहीं चला है । यह देश जो आज तक चला ,वह वर्कर्स के कारण चला ,जिनको वर्कमैन कहा गया ,मजदूर कहा गया ,उनके कारण चला । जैसे कि सुपरवाइजर या डायरेक्टर लैवल पर बहुत बढ़ोतरी होती है ,नियुक्ति होती है और नीचे जो काम करने वाले होते हैं हम लोग सब बैठ जाते हैं सेमिनार में ,स्टैंडिंग कमेटी में और भाषणबाजी करते हैं ,लेकिन जो चाय लाकर देता है ,जो परिश्रम का काम करता है ,रेलेवे में उसको गैंगमैन कहते हैं ,ग्रुप “डी” का कहते हैं। जो भी जहां पर काम करते हैं ,उन लोगों के परिश्रम के आधार पर देश का निर्माण होता है। इसलिए आप उन्हें श्रमिक कहिए-जो श्रम का काम करते हैं ,आप उन्हें मजदूर कहिए ,वर्कमैन कहिए उनकी भलाई के लिए ,उनके जीवन के मान की बढ़ोतरी के लिए जितना भी अधिक से अधिक किया जाए ,वह कम पड़ेगा ।

आज देश में जो पॉपुलेशन वृद्धि होती है ,उसको देखते हुए या विश्व की जो भी राजनीतिक उपनीति चलती है ,उसमें डब्ल्यू0टी0ओ0का कहिए या कोई भी कहिए ,इस देश में इतनी बड़ी जो आबादी हैं ,इसमें हम कंप्यूटराइजेशन की बात करत है ,लेकिन हमारा भी स्पष्ट विचार है कि इसमें लेबराइजेशन होना चाहिए – इस देश में इतनी जो आबादी हैं। एक तो आबादी कम करने के लिए हमको सोचना पड़ेगा ,हम राजनीति से ऊपर उठकर सोचेंगे ,लेकिन अगर देश में आज भी 100से ऊपर 106या 108करोड़ की आबादी हैं ,तो हरेक व्यक्ति ,जिसका इस मातृभूमि में जन्म हुआ है ,उसको रोजगार देने का ,उसको इम्प्लॉयमेंट देने का हमारा दायित्व होता है-हम लोग जो बैठे हैं ,देश की सर्वोच्च संस्था – इस संसद का दायित्व होता है।

नेशनलाइजेशन का समय आया ,उसमें जो नेशनलाइजेशन हुआ ,उसमें हम कहते हैं कि मजदूरों का नेशनलाइजेशन हो ,मजदूर के मन में राष्ट्रीय भावना हो ओर देश को इंडस्ट्रियलाइज किया जाए। देश में आज बहुत सारे कारखाने या इंडस्ट्रीज बंद हो गई या बंद होने के कगार पर हैं ,तो यह हमारी गलती है ,लेकिन फिर भी हम सबको मिलकर राष्ट्र को इंडस्ट्रियलाइज करना होगा , *on a par with the standard of the world*, हमको कंपीट करना होगा और जब इंडस्ट्री होगी ,तो एक रेग्युलेटेड फॉर्म में मजदूरों की एक वाहिनी खड़ी होगी । देश इंडस्ट्रियलाइज हो जाएगा। हर पार्टी में हर विचार के व्यक्ति होते हैं। जो अच्छाई होती है ,उस विचार का हर कोई समर्थन करेगा । कंप्यूटराइजेशन के नाम से अगर आप लोगों को काम नहीं देंगे और वे बेरोजगार हो जाएंगे ,तो इसके लिए हम सब जिम्मेदार होंगे । *To industrialise the nation, nationalise the labour and labourise the industries*, यह नीति हमको अपनानी होगी । इसलिए आज यह जो बढ़ोतरी की बात कही गई है – ई0पी0एफ 0और ई0एस0आई 0की सीलिंग के बारे में जो कहा गया है ,यह जो बढ़ोतरी है 6000 -/ इसको *inflation* के आधार पर अगर सोचा जाए

तो इस बढ़ोतरी को और अधिक करने का विचार मैं व्यक्त करता हूँ। जो 6500/- हुई है, उसको 8000/- भी किय जा सकता है।

महोदय, इसके साथ-साथ इस देश में कांट्रैक्ट मजदूर होते हैं, कांट्रैक्ट लेबर होते हैं। हम लोग बोलने के लिए तो बोल देते हैं कि इस कंपनी को प्राइवेटाइज कर दिया, इस पार्टी ने, इस सरकार को इसको प्राइवेटाइज कर दिया, इसको बेच दिया, कोई बिचौलिया बीच में पैसा खा गया और इसमें किक बैक की बात हो गई – बोलने के लिए तो बोल दिया और इसके आधार पर सरकार का परिवर्तन हुआ, ऐसा भी बोला गया है इस सदन में – पिछली जुलाई से जितना मेरा अनुभव है, पहली बार का, चौबीस दिन का-तो अलग-अलग दृष्टिकोण रहा है, लेकिन यह कांट्रैक्ट लेबर सिस्टम भी क्या है? हम पक्षधर हैं नो प्राइवेटाइजेशन के-इसके बारे में अगर हम अपना मत व्यक्त करते हैं तो उसमें फिर कांट्रैक्ट लेबर का विषय है। किसी भी पब्लिक सेक्टर में कांट्रैक्ट लेबर का बहुत बड़ा पैमाना होता है।

महोदय, मैं उड़ीसा से आता हूँ। उड़ीसा में नेशनल एल्युमिनियम कंपनी है। नेशनल एल्युमिनियम कंपनी के वहां पर दो जगह पर प्लांट हैं – एक कोरापुट में है, मनजोड़ी जिसको कहते हैं, वहां पर माइन्स एंड रिफाइनरी है। और दूसरा अंगुल स्थान है, जहां पर प्रगालन है, स्मेल्टर प्लांट है, यानी एल्युमीनिया से एल्युमीनियम होता है। उस प्लांट में करीब 8 हजार कांट्रैक्ट लेबर होते हैं। कांट्रैक्ट लेबर को 60 रूपए से लेकर, ज्यादा से ज्यादा 130 रूपए तक मिलता है। उसमें से जो उनका पीओएफ 0 कटता है, प्रोविडेंट फंड कटता है, उससे उनके मन में एक संकोच उठता है, उनको एक आंशका होती है कि जो कांट्रैक्टर के नाम से कोड होता है उसी में वह कटेगा। यदि कल को कांट्रैक्टर भाग जाएगा, एक सौ रूपए पाने वाले मजदूर के प्रोविडेंट फंड का जो पैसा कटता है, अगर वह उसको डिपोजिट नहीं करेगा तो कांट्रैक्टर जो कि एक प्राइवेट व्यक्ति है, हम लोग यहां पर प्राइवेटाइजेशन के विरोध में लम्बे-लम्बे भाषण देते हैं।... (व्यवधान)...

SHRI MANOJ BHATTACHARYA (West Bengal): What relation has it got with that? ... (Interruptions)... That has no relation with it. ... (Interruptions)...

MR. DEPUTY CHAIRMAN: It is his maiden speech.

**श्री रुद्रनारायण पणि** : चाहे कोई भी हो, मैं किसी पर आरोप नहीं लगाता हूँ। (व्यवधान) मैं किसी का नाम नहीं लेता हूँ, मेडेन हो चाहे मेडेन न हो, इससे भी कोई फर्क नहीं पड़ता है। अगर रोकना चाहते हैं तो रोकिए, व्यवधान करना चाहते हैं तो करिए। यह इससे रिलेटिड विषय है। हम अगर कहते हैं कि नो प्राइवेटाइजेशन **A contractor is a private person inside the public sector**, it जो प्राइवेट परसन कांट्रैक्टर है, अगर कोई कहता है कि आपका कांट्रैक्टर के कोड पर भी कटेगा तो इधर बोल देते हैं कि यह पार्टी प्राइवेट पार्टी हैं। इस

[2 December, 2004]

RAJYA SABHA

पार्टी ने पब्लिक सैक्टर को प्राइवेटाइज कर दिया ,लेकिन उधर जो कंट्रेक्टर हैं ,वह प्राइवेट व्यक्ति है ,उसके नाम से मजदूर के पीओएफ की कटौती होती है ,तो वह डरता है कि शायद वह लेकर भाग जाएगा । जो कंट्रेक्टर मजदूर है ,उसके बारे में भी एक विशद कानून आता है। आज का यह विषय एक राष्ट्रीय सहमति का विषय है। इस बिल का समर्थन करते हुए ,मैं अपना वक्तव्य समाप्त करता हूँ ।

SHRI E.M. SUDARSANANATCHIAPPAN (Tamil Nadu): Mr. Deputy Chairman, though this Payment of Wages (Amendment) Bill was initiated by the erstwhile NDA Government, it was put in the cold storage. But within three months the UPA Government has come forward with this Bill before this hon. House. Therefore, I would like to thank the Government for its sincerity in implementing the National Common Minimum Programme. But, at the same time, going by past experience, none of the institutions, which were created by this particular Act, especially, from the Labour Officer to the Tribunal and above, are having much power to dispose of the cases and implement the orders which they are passing. That is the main reason why some organised trade unions have undertaken some agitations and raised some demands. These people, who are drawing a monthly salary of Rs. 6,500 and covered by this provision, are not well organised. Their views were not properly put before the Government or before the employer for securing their rights. The Government as well as the Government contractors are the main violators of this enactment. Therefore, there should be some sincerity on the part of the Government Departments as also other employers. When they give wages to the people, they should feel that they are helping the nation by building up human resources.

Sir, when Shrimati Indira Gandhi was the Prime Minister, the Twenty Point Programme was implemented with all sincerity. At that time, as grass root level labour leaders, we could find out that even in villages and also in small towns, the Wages Act was properly implemented. The officers were having the power to implement it and enforce penalty provisions to see that the labourers were protected. Subsequently, we found that the State Governments were not so sincere about it. Dr. Malaisamy—he has gone out—has this experience as the Commissioner of the State. He himself said that the machinery was not working properly. Therefore, I would suggest that the hon. Minister should taken the initiative to see that the State Governments work properly and implement this particular law. I would like to know as to how many cases

are pending at different levels of inquiry. I would also like to know whether the Labour Officers are having the power of enforcing the law. I would also like to know how the labour courts and tribunals are functioning. To my knowledge, these cases are not properly disposed of because the employer is giving minimal respect to the court procedures. They are not worried at all. They are deliberately taking a lot of time thereby not helping the labour courts to dispose of the cases. At this juncture, I would like to know what power we have given to the labour courts and the Labour Officers. There is a very minimal penalty provision saying that Rs. 1000 have been increased to Rs. 5,000 or Rs. 10,000. Is this penalty sufficient at this juncture? I would like to know whether it is enforceable. I would like to know whether the employers are sincere to see that the law is not violated. Now we can see that the employers, by taking advantage of globalisation, say, "We are not obliged to give the wages as they demand it", even though there is a law passed by Parliament and the State Legislature. They say that we will give what we want to give. That is all. I can give one example of my previous Constituency, Sivaganga. There were eleven textile mills. Out of the eleven textile mills, nine mills were closed down. Again, they were revived. After the revival, the workers who were getting Rs. 100 to Rs. 200 per day, were sent out. In their place, they employed 18 years old girls and also who were less than 18 years. Even small children were recruited in the textile mills. This is strictly prohibited by the Act. They are paid Rs. 5/- per day. Where is the law? The people are very happy because they are getting Rs. 5/- per day though the female members. These girls are taken by cars and vans as chickens are taken from one place to another. Sir, in Tirupur, plenty of people have been employed in factories. They are put up at one place. They are sleeping there itself. They keep working till they attain maturity. After that they are paid Rs. 10,000. They are happy to get Rs. 10,000 and they come back to their villages. Where is the law? Is this law imposed there? Are people being protected there? I don't want that these factories should be shut down because at least they are helping some families. At the same time, are we giving enough teeth to the Labour Officers to see that these provisions are enforced properly? I don't want to disclose all the things before the august House. Even the Labour Officers are recruited for collecting some money from the employers for holding political functions of the ruling party and others. They are not working properly, they do not enforce the provisions of the law properly. Therefore, I would

like to say that there should be some sincerity when we are coming forward with such a piece of legislation. If this law is properly enforced at least at one or two places, it will serve the purpose. I would request the Government to conduct a survey of the entire industrial sector, which is defined here, including the Railways, where people are paid very low wages. They are treated as casual labourers. Even the sons or daughters of those persons, who have expired during the period of employment, are not given employment. Now, I was told that the local Divisional Officers of the Railways Department are not given the power to recruit people. I was told that in the Madurai Division, they say that even the MPs should not interfere in this matter. This is the autocracy with which these lower level officials are working. They have sent out the people who were working previously, and they are recruiting new people. Now, what will happen to those old employees? Where is the promise that we, in the Government, have made?

Sir, in the Telecommunication Department, that is, in the Posts and Telegraphs, there was a big agitation during the NDA Government. The matter was that there were a lot of Extra Departmental Employees, called E.D.E., of the Posts & Telegraphs, who were paid Rs. 150 or so. Finally, after agitation, they got Rs. 1,500. Now, where is the Payment of Wages Act now? If they are to be paid the right wages, they must have got Rs. 6,500. Now, they say, "Even though you are working for eight hours as a post-master or a postman in a particular village, but in the category of E.D.E. you will be paid Rs. 1,500 only." At the same time, a regular postman is getting Rs. 6500-7,000/-. Now, since they have been working for the past 20 or 30 years, they have also crossed the age-limit for other recruitments. With this minimal salary, how are they going to live comfortably? They have to educate their children and they need money for their old age security. Nothing is given. Therefore, I would like to suggest to the Government that there should be some sincerity at every level, right from the grassroots level to the top level, to see to it whenever enactments are made, a clear data is submitted to Parliament stating that these are the posts available during the course of a particular period, these are the wages applicable in different sectors, and that the Payment of Wages Act has been implemented in such and such areas. Various questions arise in the minds of the people as to how this Amendment is going to be useful for them, who is going to enforce this particular

Amendment, etc. These are the things to be answered. Till then I feel that coming forward with a legislation alone will not give them respite. People will get respite only when the law is implemented properly. I know in a federal set up, the Government of India may not have the power to enforce this type of a legislation because the actual functional job is with the State Governments. We know that crores of rupees are spent through the Port Trust, Railways or the telecommunication Department. They do spend the money but the money goes in the hands of the contractors. Now, in this Bill, we have given an enabling provision in clause 5 (d) where it has been stated that in case of contractors, it also includes the person designated by such contractor who is directly under his charge. This is an appreciable provision. You are shifting the responsibility not only to the Department, but also to the contractors, and not only to the contractors but also to the person working under the contractor. It is really a very good enabling provision. But will it be implemented? In how many places are the minimum wages being paid? Sir, even under the MPLADS programme, when we entrust the work with some authority, they try to do the job by using machines. They are not using human resources. But when they give accounts to the Central Government, they mention that so many human hours were spent for the purpose. It is a simple calculation they make. How is the State Government going to be accountable for this? Many of the laws are implemented through the State Governments, and the State Governments are not worried because these people do not have any labour unions to compel a particular Department to meet their demands. Even if we take the case of the road maintenance workers, namely, the *Salai Paniyalar*, in Tamil Nadu, a lot of people are suffering. Thousands of people have been ousted. Their families are on the streets. They were taken in the jobs at the age of 28—30 years. At the age of 40, they were pushed out. Where have they to go? Who is going to protect their families? How is the Payment of Wages Act going to be implemented? If there is any deduction, who is going to see that this is improper deduction and that it is improper removal? Who is protect them?

Therefore, I request that the hon. Minister should enforce it. Even though it is a federal set up, the State Governments should be warned; they should be penalised in some way or the other. Then only the poor people who are dumb will have their livelihood. These people are dumb and blind, even though they can speak, even though they have eyes to

see and ears to hear. They should be protected by this enactment. So, this is a very good enactment. It has to be enforced with all sincerity.

MR. DEPUTY CHAIRMAN: Shri Ravula Chandra Sekar Reddy.

SHRIMATI S.G. INDIRA (Tamil Nadu): Sir, I have one point.

MR. DEPUTY CHAIRMAN: What is it?

SHRIMATI S.G. INDIRA: Sir, he has mentioned something about the State Government in his speech.

MR. DEPUTY CHAIRMAN: But those are his views.

SHRIMATI S.G. INDIRA: Sir, he has mentioned in his speech that so many girls are going from his constituency to Tirupur that is near Coimbatore District. I appreciate his speech so far as the labour point of view is concerned. But he has mentioned that the labour officials there are getting money from the employers...

MR. DEPUTY CHAIRMAN: You can participate, but not...

SHRIMATI S.G. INDIRA: No, Sir. I have only one word. He has mentioned in his speech that the labour officials are getting money from the employers and they are using that money for the ruling party functions. Sir, I strongly \* that. ...*(Interruptions)*... Sir, how does he know that? So, I strongly \* that expression. ... *(Interruptions)*...

SHRI E.M. SUDARSANA NATCHIAPPAN: Sir, I am happy if it reflects upon the Tamil Nadu Government. ...*(Interruptions)*... If you want it that way, I will say, yes, it is true in the case of Tamil Nadu Government. ...*(Interruptions)*.... The hon. Minister will have an open inquiry whether the labour officers are getting money...

SHRI V. NARAYANASAMY (Pondicherry): Are you prepared for an inquiry? ...*(Interruptions)*...

SHRIMATI S.G. INDIRA: We are always ready. At any moment!

SHRI VAYALAR RAVI (Kerala): Sir, while one can agree or disagree with an hon. Member, one cannot \* a speech.

MR. DEPUTY CHAIRMAN: Yes, nobody can \* The word'\*' should not go on record. ...*(Interruptions)*...

\*Not recorded.

SHRIMATI S.G. INDIRA: How do you know that the labour officials are getting the money? How do you know that they are using that money for ruling party functions? ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Shri Ravula Chandra Sekar Reddy.

SHRI RAVULA CHANDRA SEKAR REDDY (Andhra Pradesh): Sir, I rise to support the Bill. This Bill was originally introduced in May, 2002. This has nothing to do with the present NCMP, as claimed by the hon. Minister. This was introduced long back by Shri Sharad Yadavji. At that time, during the month of April I had entered this august House, and during the month of May this Bill had been introduced. *(Interruptions)* Sir, we were never in the Government. Mr. Narayanasamy is always saying something wrong. Sir, if he wants any debate on 'support' or 'outside support', I am prepared for that.

MR. DEPUTY CHAIRMAN: No. Please speak on the Bill.

SHRI RAVULA CHANDRA SEKAR REDDY: Sir, as claimed by the hon. Minister, the then Minister, Shri Sharad Yadav, while piloting the bill, had narrated the plight of workers in the country and that the need of the hour at that time was to enhance the minimum wages from Rs. 1600 to Rs. 6500; and the reason given was that the last amendment had taken place in 1982. After a lapse of 20 long years, this Bill was brought before this august House. Sir, this Bill was referred to the Standing Committee. After going through the whole process, the Standing Committee has made certain suggestions. But, many suggestions of the Standing Committee were not considered by the Ministry. The affected parties or the interested parties or the stakeholders, whatever we may call them, were not involved in the whole process. The Report of the Standing Committee has also pointed out that 'the Ministry has further stated that though the views of trade unions and other interested groups were not called for...' Why? At least, their views should have been heard, or, they should have been allowed to represent their case since they are the stakeholders. The Bill is intended to help the poor labourers, but the people who are really representing the labourers were not involved in the whole process. The trade unions were not involved in the process and their views were not obtained. The views expressed by...



[2 December, 2004]

RAJYA SABHA

SHRI K. CHANDRA SEKHAR RAO: I have stated in the beginning that the stakeholders were consulted. It is very much in the draft Bill.

SHRI RAVULA CHANDRA SEKHAR REDDY: Sir, I am quoting from the Report of the Standing Committee.

MR. DEPUTY CHAIRMAN: That is later.

SHRI RAVULA CHANDRA SEKHAR REDDY: I am coming to that. The Standing Committee has pointed out that the trade unions were not involved; their views were not taken. But, a word was added. Shri Sharad Yadav, the then Minister, or, the present hon. Minister, whoever may be responsible for piloting the Bill, it is the bounden duty of the Ministry to obtain the views of the stakeholders. Sir, that was not done properly.

Sir, as stated by my good friend, Shri Rudra Narayan and the other friends, many industries are falling sick due to reasons like labour problem, management problem, financial crisis or they are not able to sustain the global competition. So, I would like to request the Government to have an indepth study to find out as to why the industries are getting sick. If the problem is due to the labour or unions, then they can have interaction with them and see to it that these industries are revived. That is my first point.

While coming to the Bill, I would like to say that the Group of Ministers—there were three or four Ministers in it—did not agree to the enhancement of this limit to Rs. 10,000. Sir, the reason for not agreeing to that has not been properly dealt with in the Report of the Standing Committee. But, somehow, this was also not agreed to by the Group of Ministers. The reason for not agreeing to that is not given. So, as suggested by another friend, I would like to say that there should be a minimum ceiling. The logic stated is Rs. 6,500 or Rs. 7,500 for ESI, EPF coverage, etc. We had the Diwali taste of diesel and petrol price-hike, including the increase in the freight charges of the Railways announced by the great Laluji. So, all these things escalate the cost of living. It will have a multiplier effect on the living conditions of these poor sections, more particularly the lower middle class people and the labourers. So, this will have a cascading effect on the living conditions of these people. I want to know from the hon. Minister whether it is desirable to have a ceiling of Rs. 6,500. It should be clarified by the hon. Minister as to why there should be a ceiling.

The Bill proposes to increase the penalties. As pointed out by my friend from Tamil Nadu, the enforcement mechanism is very weak. You cannot enact or implement a law by throwing the burden or blame on the State Governments. So, they should be given proper guidance and the law should be made stringent. The enforcement mechanism must be there; the supervisory mechanism from the Government of India must also be there. So, this should be taken care of.

The other thing is this. It has been clarified that there was some ambiguity in the Bill. We appreciate the Ministry for removing that ambiguity. So, instead of the expression 'Central Government, State Government' there would be the expression 'appropriate government'. We appreciate the stand taken by the Ministry. My only objection is about having a ceiling of Rs. 6,500 and keeping the enforcement mechanism at the disposal of either the State Government or the Central Government. That should be taken care of. With these words, I support the Bill. Thank you, Mr. Deputy Chairman, Sir, for giving me this opportunity to take part in the discussion on the Payment of Wages (Amendment) Bill, 2004.

Sir, first of all, I take this opportunity to congratulate the hon. Minister in assuming the new office as the Labour Minister. Also, Sir, I hope, by his leadership, by assuming the office of the Labour Ministry, the long denied rights and privileges of workers, as also the dignity of workers, will be restored by the new Labour Ministry.

Sir, it is an accepted fact that even in the introductory remarks of the hon. Minister, it is said, "The Government is committed to bring about labour friendly legislations." We fully endorse the view. Not only this, even the Common Minimum Programme, now it is being accepted as one of the National Common Minimum Programme, the major programmes of the Government. It is very well stipulated that the labour should be protected by and large, and the process of hire and fire must be discarded forthwith. This labour-friendly legislation should come to the House so that the working class will have the feeling that their rights and privileges which have been taken away by the then Governments will be restored. We know very well that since the last 12 years, after the structural economic reforms, all the Governments are encouraging de-unionisation of the workers only to help neo-liberal economic forces. By their compulsion or by their persuasion, the labour is being taken in the opposite side and its interests, rights and privileges are curtailed.

Now, this UPA Government, after assuming power, is committed to protect the interests of the labour class. The social value of the labour has to be assessed in a proper way and that has to be taken care of. That is my first submission.

In order to take care of that point, I would like to say on this Bill. Two major amendments are here in the Bill. Number one is enhancing the ceiling limit of the wages from Rs. 1,600 to Rs. 6,500. What is the scope? Most of the hon. Members have asked the same question. What is the legitimate conclusion in assessing the ceiling limit as Rs. 6,500?

Also, I would like to know from the hon. Minister, what is the right of the Government—whatever be the Government—in having such a limit or in having such a Bill? Even in the Public Sector Undertakings, it is learnt that more than Rs. 2,000 crores are the dues as wages to workers. Since the Government is not able to follow or comply with the statutory obligation to pay the wages to workers of the PSUs, how can the Government compel the private agencies or private contractors to implement this law or enforce this law?

My point is, the Government itself should first respect the legislations passed by this Parliament or this august House. Even the wage due, statutory due, is more than Rs. 2,000 crores, as per the present calculation. Now we are fixing the ceiling limit of Rs. 6,500. It was Rs. 1,000 in the original Act; it was Rs. 1,600 during the second amendment in 1982. Now, it is Rs. 6,500. As cited earlier, there is not requirement for a ceiling limit. It is the bounden duty of the employer to pay the statutory wages or pay the wages to the workers, for which no ceiling limit is required. Even if the ceiling limit is required, why is it only Rs. 6,500? Even as per the Provident Fund Act and so many other Acts, the ceiling limit is Rs. 7,500.

I would also take this opportunity to cite another very important long pending demand of the working class of this country. That is regarding the Payment of Bonus Act. It is a long pending demand. It is being raised in almost all Sessions of Parliament that that ceiling limit has also to be enhanced. Almost 90 per cent of the working class in this country is denied the bonus only because the ceiling limit is there. We are not taking into consideration the price rise and other increases which are skyrocketing. Even now the same ceiling limit is there, as far as the Payment of Bonus Act is concerned. I hope that the new hon. Minister

will bring a Bill to this House, possibly during this Winter Session, so as to have an amendment to the Payment of Bonus Act also. My point is in respect of ceiling limit that is still there and it has to be taken away for future also. What is the logic of this Rs. 6500? What is the logic of this assessment that has to be explained.

The second amendment with regard to punishment of fines, the fine has been increased from Rs. 200 to Rs. 1000 and for consecutive default it is punishable by a fine of Rs. 5000. It can be said that this fine is five times more. But we can see that it is very minor punishment, as far as big employers are concerned. There should be some stringent provisions. What is the recommendation of the Labour Standing Committee? The report of the Labour Standing Committee recommended that there should be a provision of very stringent punishment for those who default in the payment of due wages to the workers. But what is the punishment now? It is stipulated that it is being increased from Rs. 200 to Rs. 1000. It is nothing. It does not compare with what it was in 1980 and what it is now in 2004. Even the price index will reveal that it is nothing. My suggestion is that there should be very stringent punitive measures for avoiding default in payment of wages. Otherwise, the same thing will continue. There are so many other issues also, as far as de-unionisation and hire and fire policy in our country are concerned. It has been submitted by an hon. Member from the side that contractual system is prevalent in almost all the country, there is no labour security and nothing is being protected. That has to be taken away. The labour should be protected, only then will the industry grow and economic growth will take place. Satisfaction of workers should be the utmost importance. Otherwise, no development will take place in this country. During the last 10 or 12 years, the dignity of labour has been taken away. It is being spread throughout the country that labour is the main hurdle in the economic or industrial growth of the country. It is a false statement. I humbly submit to this UPA Government and particularly to the Labour Ministry that prime motto of the Government should be the satisfaction of the labour in order to have a healthy industrial growth and economic growth.

With these words, I support the Bill. Thank you.

SHRI JAIRAM RAMESH (Andhra Pradesh): Sir, most of the points which I wanted to mention have already been mentioned by previous

speakers. I will just reiterate two or three issues for the consideration of the hon. Minister. While supporting the amendments, which have been put forward, Sir, I would like to make three specific suggestions for the Minister's consideration. I hope that it is not too late for him to take them into account. Clause 2, which reads as follows:

"This Act applies to wages payable to an employed person in respect of a wage period if such wages for that period do not exceed Rs. 6,500 per month." I would have been happier if the figure had been left for an executive order and the Act would have just incorporated 'an amount to be specified by the Government from time to time.' Sir, time and again it has been my experience that Government boxes itself in through legislation and when it finds need to bring about changes in that legislation, it takes inordinate length of time. Even with all good intentions, as has been pointed out by previous speakers, it has taken over 20 for the last amendment. Even this amendment has taken two or three years in the pipelines. So, I would request the hon. Minister, he may well announce. Rs. 6500; that is his prerogative and the prerogative of his Ministry, but I would have been happier if he had given himself some flexibility in the Act by not specifying a specific amount and leaving that for an executive order. I think it would not dilute the essence of the amendments, it would give him some flexibility because tomorrow he could well change it to Rs. 7500 to be in consonance with Provident Fund legislation or he could change it to some other number. Why unnecessarily create rigidity for the Government? I would request that without diluting, in any way, the spirit of what he wants to do, if he were to say "instead of Rs. 6500 per month, an amount to be specified from time to time by the Government," That is my first point. Secondly, as has been pointed out, the problem with such legislations has always been, not the intent of the legislation but the enforcement of the legislation, whether it relates to dues, whether it relates to provident fund, whether it relates to wages. Time and again it has been the experience of successive Governments that enforcement has been slack. Enforcement, incidentally Sir, even in the public sector, it is not just in the private sector, enforcement in the public sector, also has been slack, although the public sector is supposed to be a model employer. Perhaps one of the reasons why enforcement has been slack is because the punishment for violating the Act that is specified in such pieces of legislation is monetarily not at all steep or even otherwise is not such to

prevent the behaviour for non-enforcement. So, I would request the hon. Minister while the monetary limits that have been prescribed for punishment for non-compliance of the Act, I think many employees could get away be non-compliance. They may find it easier to pay the monetary punishments rather than actually complying with the Act. So, I think this is a general problem. It is not only restricted to this piece of legislation but it is related to the enforcement of all labour legislations as a punishment that we specify for non-compliance, the monetary limits are really not at all deterrent and therefore, we would think of a non-monetary methods of enforcement which I think in this legislation also imprisonment for a period of time is actually specified, but is really carried out in actual practice. Although we know that there have been a large number of instances where this Act has not been enforced. Finally, taking off from the National Common Minimum Programme which has been referred to by the previous speaker, one of the commitments that has been made in the Common Minimum Programme is for integration, coordination and streamlining of labour legislation. It is a historical fact that, from time to time, in response to specific situations, in response to specific demands, Governments have come up with legislations and, therefore, you have a separate piece of legislation for bonus, separate one for provident fund, separate one for wages and so on. One of the main points that was sought to be made in the Common Minimum Programme is that you need a comprehensive piece of legislation to ensure that all forms of wages and all forms of allowances that the Government has specified for the organised paid sector do, in fact, get paid in time. So, I would request the hon. Minister to consider whether it is feasible. Instead of having a piecemeal legislation like this whether it is possible to have one comprehensive piece of legislation to deal with all forms of payments, whether it is wages, whether it is allowances, whether it is provident fund and so on. Finally, Sir, and I hope my friends in the Left parties will not mind my saying so, the organised sector constitutes only eight per cent of the labour force in this country. Ninety-two per cent of the labour force in this country is in the unorganised sector. I would plead with the hon. Minister that very soon he comes forward with a legislation for protection and extending social security to workers in the unorganised sector who constitute the bulk of the workforce and this is a commitment made in the Common Minimum Programme and I hope just as we show a lot of concern for the payment of statutory dues. Provident Fund and wages

**4.00 P.M.**

for workers in the organised sector, we must show similar concern, if not greater concern for social security and social insurance for workers in the unorganised sector. Thank you.

SHRI MANOJ BHATTACHARYA (West Bengal): This is for the information of Shri Jairam Ramesh also that the ills that the unorganised sector workers are facing, organised sector workers are not responsible. It is a peculiar design Sir, in this country of ours that over a period of time the organised sector workers are being shown that you are responsible for the ills, whatever is there for the unorganised sector. So let us take a balance view.

SHRI JAIRAM RAMESH: No, Sir, all I want to say is that the debate in this country is only on the organised sector, we do not have a debate on the unorganised sector.

**प्रो. राम देव भंडारी (बिहार) :** माननीय उपसभापति जी, पूर्व वक्ताओं ने लगभग सभी महत्वपूर्ण बिंदुओं पर अपने विचार रखे हैं। मैं इस बिल का समर्थन करता हूँ। लगभग बाइस वर्षों के बाद इसमें अमेंडमेंट हुआ है और इन बाइस वर्षों में महंगाई कितनी बढ़ी है, लेबर का स्टैंडर्ड ऑफ़ लिविंग कितना बढ़ा है, पता नहीं, इस बिल में उसका ध्यान रखा गया है या नहीं रखा गया है। मैं यह कहना चाहता हूँ कि इतने लंबे अर्से के बाद जो संशोधन हुआ है, यह काफी लंबा है और इसके बीच में भी जैसे-जैसे महंगाई बढ़ती है, स्टैंडर्ड ऑफ़ लिविंग बढ़ता है, उसी अनुसार उसमें संशोधन करने की आवश्यकता होती है।

दूसरी बात मैं यह कहना चाहता हूँ कि कानून तो हम अपने देश में बनाते हैं, लेकिन उनका इंप्लीमेंटेशन नहीं होता है। जहां बड़े-बड़े उद्योग – धंधे हैं, जहां लेबर यूनियन्स हैं, वहां तो यूनियन्स के माध्यम से लेबरज अपने अधिकारों की लड़ाई लड़ते हैं, मगर दिल्ली जैसे महानगर में, मुम्बई कोलकाता जैसे महानगरों में हजारों, लाखों की संख्या में छोटी-छोटी फैक्ट्रियां हैं जिनमें सौ, दो सौ, चार सौ, पांच सौ – इस तरह से लोग काम करते हैं। ऐसी फैक्ट्रियों में प्रॉपर डॉक्युमेंटेशन भी मंटेन नहीं किया जाता है। किसी समय भी फैक्ट्री बंद कर दी जाती है, ताला लगा दिया जाता है और मजदूर सड़क पर आ जाते हैं। लेबर कोर्ट हैं, लेबर इंस्पेक्टर भी हैं मगर ये मजदूर कहां-कहां कोर्ट में अपनी लड़ाई लड़ेंगे? वे तो रोज कमाते हैं, रोज खाते हैं। लेबर कोर्ट में लंबा समय लगता है, इसलिए इसमें ऐसी व्यवस्था होनी चाहिए कि एक तो जो फैक्ट्रियां हैं, उनमें प्रॉपर डॉक्युमेंटेशन मंटेन हो, सभी लेबरज के बारे में और जो कानून बना है, उसका पालन हो। दूसरी बात यह है कि अगर किसी लेबर के साथ अन्याय होता है, तो इसके लिए भी ऐसी

व्यवस्था होनी चाहिए कि लेबर कोर्ट में जितनी जल्दी हो सके, उस संबंध में फैसला हो जाए वैसे लेबर इंस्पेक्टर को भी, जो फैक्ट्री के मालिक होते हैं, वे अपने ढंग से प्रभावित करते हैं। वहां भी लेबर को नुकसान होता है। तो मैं कहना चाहता हूँ कि इंप्लिमेंटेशन जो है, वह बहुत ही इंपोर्टेंट पार्ट है। इसलिए इंप्लिमेंटेशन की निश्चित रूप से मॉनिटरिंग होनी चाहिए। हरेक लेवल पर मॉनिटरिंग होनी चाहिए। आप मॉनिटरिंग के माध्यम से देखें कि लेबर के साथ कोई अन्याय तो नहीं हो रहा है, उसका शोषण तो नहीं हो रहा है, उसके अधिकारों का हनन तो नहीं हो रहा है।

महोदय, एक बात जो मैं कहना चाहता था, जो माननीय रमेश जी ने भी कही कि संगठित क्षेत्र में जो मजदूर हैं, जहां लेबर यूनियन्स हैं, उनकी लड़ाई यूनियन्स के माध्यम से लड़ी जाती है और पोलिटिकल पार्टियां भी उसमें इनवॉल्व होता है, मगर जो असंगठित क्षेत्र के हैं, अभी 92 परसेंट की बात कर रहे थे, उनकी लड़ाई कोई नहीं लड़ता। बिल्कुल बंधुआ मजदूर जैसी उनकी हालत है, इसलिए मंत्री महोदय से मैं कहना चाहता हूँ कि कोई ऐसा विधेयक सदन में लाए जिससे असंगठित क्षेत्र के जो मजदूर हैं, उनके अधिकारों की भी रक्षा हो सके।

[उपसभाध्यक्ष (श्री बी.के. हरिप्रसाद ) पीठासीन हुए]

महोदय, एक बार फिर इस बात को दोहराते हुए कि कानून बनाना ही आवश्यक नहीं है, कानून का पालन भी होना चाहिए, इन शब्दों के साथ मैं अपनी बात समाप्त करता हूँ, धन्यवाद।

SHRI VAYALAR RAVI: Mr. vice-Chairman, Sir, I have nothing much to speak because this Bill is very comprehensive and good for the workers. I fully support this. But I have to raise other important questions because the Payment of Wages Act is applicable to a particular section. But, today, in this country, for the last few years, a new trend has developed, that is, to have contract labour from sub-contract labour. The sub-contract labour has no protection. Their wages are decided by sub-contractors. They live in the most miserable condition. You know the history of all the Indian labour legislations but the basic law still remains and it is one of the major documents, that is, the Industrial Disputes Act. so, it is a major documents. Here, in India, these legislations are meant mainly to protect the labour and their wages. I think, there is nothing wrong in it. So, whatever amendments you are bringing, whatever other things you are doing, it should not harm the interest of the labour. It should be for the protection of the labour. That is the whole intention of the debate either inside the House or in the political forums.



So, Sir, here I am raising this question only for your consideration and bringing a legislation, especially, since you have brought this Bill. Sir, the problem of workers in the sea-ports have never been considered. For example, you take the Navsheva Port. There are only two thousand workers who are handling more than 80 per cent of the cargo of the Bombay Port. It is handled by only two thousand workers there. Rest of them are contract labour and sub-contract labour. For these people, there is no provident fund, there is no gratuity, etc. There is nothing. They are getting payment on daily basis. There is a very dangerous system which is developing in this country. Exploitation of labour is coming in a big way. There is no protection. Sir, I hope I am not taking much of the time of the House. But, Sir, I for one feel that even in the capitalist countries or in the developed nations, the labour laws are more effective, more stringent, and more protective to the workers. Somebody will say that their hire and fire policy makes sense. But, the same policy of hire and fire cannot be applicable here because it is meant only to harm the working class and the labourers.

So, my only plea is this. I am making only a small submission because the time is very limited. The hon. Minister must consider that this kind of exploitation of the workers in different areas from contract labourers to sub-contractors—where there is no protection of the law, where there is no provision of providing the minimum wage, where there is no gratuity, no provident fund, no ESI—where there is nothing—should be stopped because it is only a blatant exploitation of the poor workers due to the prevailing unemployment situation in the country. So, I appeal to you that when you are looking into the problems of labourers in the unorganised sector, kindly also look into the problems of the industrial labour, especially, the labourers in the port sector and in other areas. A new trend is developing in this area. It has to be checked. And, any new legislation which is brought should be for protecting the interest of the labour and not for their exploitation. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI B.K. HARIPRASAD): All the hon. Members who wanted to speak on this Bill have spoken. So, now, the hon. Minister may reply.

SHRI K. CHANDRA SEKHAR RAO: Sir, first of all, I would like to extend my heartfelt thanks to the eleven hon. Members who have

participated in the debate and have really enlightened me with their valuable suggestions. As I understand, Sir, almost all the Members have shown their concerns regarding the ceiling, the implementation of the laws, and also about the contract labour system. In most of the speeches, the same thing has been emphasised. Sir, I want to one thing clear. In the recent. All India level SLO meeting also, I make it very, very clear that this UPA Government is not for the contract system. We are not here for the hire and fire system. This hire and fire system is creating a lot of hazards, is creating so many problems for the workforce. As Mr. Vayalar Ravi has just now said, It is leading to exploitation of our workforce also. The Government is fully aware of it. Through you, Sir, I would like to assure the hon. Members and the House that we are not here for the hire and fire system. We will discourage the contract labour system in future.

[MR. DEPUTY CHAIRMAN in the chair]

Sir, the Government is very much concerned about the welfare of the workforce of the nation. The Government strongly believes that healthy workforce is the wealth of the nation. For the reason, this law is also aimed towards that end.

Sir, coming to the question of ceiling, the ceiling is kept to protect the workforce who are in the vulnerable range, vulnerable group. Sir, that is the main idea behind imposing the ceiling. If you open it up, if it is diluted, if there is no ceiling, then the issue is not being properly looked into. As you all know, I have recently taken charge of this Ministry, just a few day ago. While the officials were briefing me, this was, in fact, the question asked by me. The senior officials of the Department told me that this was in the interest of the vulnerable workforce, to bring focus to their cause. This is mainly to protect the vulnerable and disadvantaged workforce who cannot fight their case. People covered under higher slabs have the capacity to fight for themselves and protect their rights. That is the reason behind this, Sir.

Another issue was raised by the hon. Members. Shri Saif-ud-din Soz had asked why the Bill was being introduced in the Rajya Sabha as it will have to again come back to Rajya Sabha. Sir, it need not come back to the Rajya Sabha. If the Lok Sabha does not propose any amendments and passes the Bill as it is, there is no need to bring the Bill back to the Rajya Sabha. I wanted to clarify this to you.

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Sir there were two-three important issues raised here. Shri Jairam Ramesh had proposed introduction of the provision for imprisonment. That has been already provided in the Bill, Sir, which says that if there is any repetition of default, the proposed slab may be replaced by a slab of Rs. 3750 along with imprisonment of upto six months. This has been already provided in this Bill.

SHRI JAIRAM RAMESH: It is only for repetition of default

SHRI K. CHANDRA SEKHAR RAO: Yes, it is one of the crimes calling for imprisonment.

SHRI JAIRAM RAMESH: It is not for first-time default

SHRI K. CHANDRA SEKHAR RAO: If the offence is repeated, it would call for imprisonment.

SHRI MANOJ BHATTACHARYA: The first offence of non-payment of wages would not call for any punishment

SHRI K. CHANDRA SEKHAR RAO: Only if the offence is repeated, the defaulters would be punished.

SHRI MANOJ BHATTACHARYA: Sir, the first offence must also be booked. What my friend, hon. Member, Shri Jairam Ramesh, has said is that the first offence must also be booked.

SHRI JAIRAM RAMESH: The offenders must be punished with imprisonment

SHRI MANOJ BHATTACHARYA: Yes, let us consider that

SHRI K. CHANDRA SEKHAR RAO: There is one more thing which I would like to bring to the notice of the hon. Members, through you, Sir. The Government is fully aware and we all know that we are in great danger and pressure. With the liberalised policies, any kind of pressure today is globally influenced. It is also making inroads into our country, our workforce is in-danger; our industry is in danger.

The hon. Prime Minister, while assigning me this portfolio, has very

clearly said that a thorough study shall be made into the whole issue of labour laws. We have to be hand in hand with the global trends and challenges. Otherwise, we will not be able to protect our labour, workforce and our industry.

In this kind of a scenario, the Government is contemplating introduction of comprehensive laws and the required labour reforms conforming to the present trend. The Government is very serious about the whole issue, Sir, we are going to have marathon sessions with all the trade union leaders, who are all concerned with these matters, and with all parties. We will take everybody into confidence, and I assure this House that the Government will shortly come up with all the required reforms in a comprehensive manner in the interests of protection of our workforce.

One more thing was mentioned by many hon. Members, including Shri Jairam Ramesh, that this amendment has taken about 22 years to time, if this continues to be the trend, the workforce will not meet with justice. Hence, in this Bill itself, it is proposed that next time, there shall be no need for the Government to make any amendments to the existing laws. It would be done just by way of Government Notifications, every five years, in consonance with the price index. That will not take much time. The provision is made in the Bill itself; it is mentioned at the beginning of the Bill. Awage of Rs. 6,500/- was fixed. My friend, Shri Ravula Chandra Sekar Reddy, was also expressing his view that the consultation has not been done. An elaborate consultation has been done. So many doubts were raised. This was the main concern of the Government to refer the matter to the Standing Committee. After recommendations and suggestions made by the Standing Committee, all the trade unions were taken into confidence and they were discussed. The Government discussed with them. All the stakeholders were consulted. The Law Department was consulted. All the Central Government Ministries and Departments were consulted. The State Governments were also consulted. Only after a consensus, this Bill is brought before the House. Most of the Members mentioned that making laws will not help us, implementation of laws is very, very important. I have just taken charge of this Department. Just day before yesterday, during the course of the meeting, I have appointed a Task Force. It is really a great task to protect the interests of the work force of the nation. There is a great need of it.

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So, I am appointing a Task Master in each of the States to look into the extended activities of the Labour Department in the best interests of the work force. I thank all Members for their very good and valid suggestions, and no one has opposed the Bill. With these assurances, I request the House to pass the Bill.

PROF. SAIF-UD-DIN SOZ: Mr. Deputy Chairman, I want to seek a very brief clarification from the hon. Minister which will not take more than a minute. But it is necessary. Since the hon. Minister has shown positive response to the suggestions and everybody has supported it, I want to seek a clarification. His predecessor had given an assurance in the Rajya Sabha on 11th December, 2003 that "a comprehensive Bill for the unorganised sector workers is proposed to be introduced in the Parliament wherein it is envisaged to regulate the employment and conditions of service of unorganised sector workers, and to provide for their safety, social security, health and welfare and matters connected therewith or incidental thereto on contributory basis from workers, employers and the Government. The draft legislation has been unanimously recommended by all the social partners in the recently held Indian Labour Conference on 16-18th October, 2003 for introduction in the Parliament." Kindly respond to your predecessor's assurance to the Rajya Sabha.

SHRI K.CHANDRASEKHAR RAO: Sir, I fully appreciate the concern of Saif-ud-Din Sozji. As mentioned by so many other Members also earlier in their remarks, 93 per cent of the work force of our nation is in the unorganised sector. Actually, I was supposed to answer the question pertaining to the unorganised work force in the morning in this House, but the time was over, and the question; did not come up. I assure Saif-ud-din Sozji that this matter is also made part of the Common Minimum Programme. The Prime Minister, the Planning Commission, the Finance Ministry, and the Labour Ministry are going to meet very shortly to make\* proper laws to protect the interests of unorganised work force. Very shortly, the Government will come up with a qomprehensive policy which will come before you.

MR. DEPUTY CHAIRMAN: The question is:

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

*The motion was adopted.*

MR. DEPUTY CHAIRMAN: We shall now take up clause-by clause consideration of the Bill. In Clause 2, there is one amendment by the hon. Minister.

*Clause 2-Amendment of Section 1.*

SHRI K. CHANDRA SEKHAR RAO: Sir, I beg to move:

(3) That at page 1, for lines 6 to 8, the following be *substituted*<sup>a</sup> namely:—

4 of 1936 '2. In section 1 of the Payment of Wages Act, 1936 (hereinafter referred to as the Principal Act), for subsection (6), the following sub-section shall be substituted, namely:-

"(6) This Act applies to wages payable to an employed person in respect of a wage period if such wages for that wage period do not exceed six thousand five hundred rupees per month or such other higher sum which, on the basis of figures of the Consumer Expenditure Survey published by the National Sample Survey Organisation, the Central Government may, after every five years, by notification in the Official Gazette, specify."'

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

Clause 2, as amended, was added to the Bill.

Clauses 3 and 4 were added to the Bill.

Clause 5-substitution of new section for section 3

MR. DEPUTY CHAIRMAN: Now, we shall take up Clause 5. There are two amendments - amendments No. 4 and 5. Hon. Minister to move the amendments.

SHRI K CHANDRA SEKHAR RAO: Sir, I move:

4. That at page 2, line 13, for the figure "3.", the figures and bracket "3.(1)" be *substituted*.

5. That at page 2, *after* line 29, the following be *inserted* namely:-

"(2). Notwithstanding anything contained in sub-section (1), it shall be the responsibility of the employer to make payment of all wages required to be made under this Act in case the contractor or the person designated by the employer fails to make such payment."

*The questions were put and the motions were adopted.*

Clause 5, as amended, was added to the Bill

'Clause 6-Amendment to section 7

MR. DEPUTY CHAIRMAN: Now, we shall take up Clause 6. There are two amendments-amendments Nos. 6 and 7. Hon. Minister to move the amendments.

SHRI K. CHANDRA SEKHAR RAO: I move:

6. That at page 2, lines 34 to 46 be *deleted*.

7. That at page 3, *for* lines 1 to 13, the following be *substituted*, namely:-

'(b). in sub-section (2), in clause (i), for the words, figures and letter "in section 58A of the Indian Income-tax Act, 1922", the words, brackets and figures "in clause (38) of section 2 of the Income-tax Act, 1961" shall be substituted.'

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

Clause 6, as amended, was added to the Bill.

Clause 7 was added to the Bill.

Clause 8-Amendment to section 15

MR. DEPUTY CHAIRMAN: Now, we shall take up Clause 8. There are two amendments - amendment No. 8 and 9. Hon. Minister to move the amendments.

SHRI K. CHANDRA SEKHAR RAO: Sir, I move:

8. That at page 4, lines 5 and 6, *for* the words "not exceeding two thousand rupees but not less than one thousand rupees", the words "not exceeding three thousand rupees but not less than one thousand five hundred rupees" be *substituted*.

9. That at page 4, line 28, *for* the words "not exceeding two hundred

fifty rupees", the words "not exceeding three hundred seventy-five rupees" be *substituted*.

*The questions were put and the motion was adopted.*

Clause 8, as amended, was added to the Bill.

Clause 9-Amendment to section 20

MR. DEPUTY CHAIRMAN: Now, we shall take up Clause 9. There are six amendments - amendment No. 10 to 15. Hon. Minister to move the amendments.

SHRI K. CHANDRA SEKHAR RAO: Sir, I move:

10. that at page 4, *for* lines 30 to 40, the following be *substituted* namely:-

'(a). in sub-section (1), for the words "with fine which shall not be less than two hundred rupees but which may extend to one thousand rupees", the words "with fine which shall not be less than one thousand five hundred rupees but which may extend to seven thousand five hundred rupees" shall be substituted;

(b) in sub-section (2), for the words "with fine which may extend to five hundred rupees, the words "with fine which may extend to three thousand seven hundred fifty rupees" shall be substituted;'.  
'

11. That at page 4, line 44, for the words "two thousand rupees" the words "three thousand rupees" be *substituted*.

12 That at page 4, *for* lines 45 to 50, the following be *substituted*, namely:-

'(d). in sub-section (3), for the words "with fine which shall not be less than two hundred rupees but which may extend to one thousand rupees", the words "with fine which shall not be less than one thousand five hundred rupees but which may extend to seven thousand five hundred rupees" shall be substituted;'.  
'

13. That at page 5, *for* lines 1 to 6, the following be *substituted* namely:-

'(e). in sub-section (4), for the words, "with fine which shall not be



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less than two hundred rupees but which may extend to one thousand rupees", the words "with fine which shall not be less than one thousand five hundred rupees but which may extend to seven thousand five hundred rupees" shall be substituted;".

14. That at page 5, *for* lines 7 to 12, the following be *substituted* namely: -

'(f). in sub-section (5), for the words "with fine which shall not be less than five hundred rupees but which may extend to three thousand rupees", the words "with fine which shall not be less than three thousand seven hundred fifty rupees but which may extend to twenty-two thousand five hundred rupees shall be substituted;'

15. That at page 5, *after* line 12, the following be *inserted* namely:

"(g) in sub-section (6), for the words "one hundred rupees", the words "seven hundred fifty rupees" shall be substituted.

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

Clause 9, as amended, was added to the Bill.

Clause 10-substitution of new section for section 24

MR. DEPUTY CHAIRMAN: Now, we shall take up Clause 10. There is one amendment - amendment No. 16. Hon. Minister to move the amendment.

SHRI K. CHANDRA SEKHAR RAO: Sir, I move:

16. That at page 5, lines 28 and 29, for the words "which shall not be less than five hundred rupees but which may extend to one thousand rupees" the words "which shall not be less than seven hundred fifty rupees but which may extend to one thousand five hundred rupees" be *substituted*.

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

Clause 10, as amended, was added to the Bill.

Clause 11 was added to the Bill.

Clause 1-Short title and commencement

MR. DEPUTY CHAIRMAN: Now, we shall take up Clause 1. There is one amendment—amendment No. 2. Hon. Minister to move the amendment.

SHRI K. CHANDRA SEKHAR RAO: Sir, I move:

1. That at page 1, line 3, for the figure "2002", the figure "2004" be *substituted*.

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

Clause 1, as amended, was added to the Bill.

The Enacting Formula

MR. DEPUTY CHAIRMAN: Now, we shall take up the Enacting Formula. There is one amendment - amendment No. 1. Hon. Minister to move the amendment.

SHRI K. CHANDRA SEKHAR RAO: Sir, I move:

1. That at page 1, line 1, *for* the word "Fifty-third", the word "Fifty-fifth" be *substituted*.

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

The Enacting Formula, as amended, was added to the Bill

The Title was added to the Bill.

SHRI K. CHANDRA SEKHAR RAO: Mr. Deputy Chairman, Sir, I beg to move:

That the Bill, as amended, be passed.

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

MR. DEPUTY CHAIRMAN: So, the Bill is passed. The House is adjourned till 11.00 a.m. tomorrow.

*The House then adjourned at twenty-six minutes past four of the clock till eleven of the clock on Friday, the 3rd December, 2004.*