

That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to make provision for the appointment and functions of certain authorities for the investigation of administrative action taken by or on behalf of the Government or certain public authorities in certain cases and for matters connected therewith and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee--

- 1 Shri Guimukh Singh
- 2 Shri Hanish Chandra Mathur
- 3 Shri Jogendra Singh
- 4 Pandit S S N Tankha
- 5 Shri Awadheshwar Prasad Sinha
- 6 Shri P Chetia
- 7 Shri Akbar Ali Khan
- 8 Shri K S Ramaswamy
- 9 Shri V T Nagpure
- 10 Shrimati Pushpaben Janardhanrai Mehta
- 11 Shri M Ruthnaswamy
- 12 Shri Sundar Singh Bhandari
- 13 Shri G Murahari
- 14 Shri Balachandra Menon
- 15 Shri A D Mani

The motion was adopted.

THE CONTRACT LABOUR (REGULATION AND ABOLITION) BILL,
1967

THE MINISTER OF LABOUR AND REHABILITATION (SHRI JAISUKHLAL HATHI) Madam, I beg to move

That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to regulate the employment of contract labour in certain establishments and to provide for its abo-

lition in certain circumstances and for matters connected therewith, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee—

- 1 Shri Anant Prasad Sharma
- 2 Shri B K Mahanti
- 3 Shri Dalpat Singh
- 4 Shri A C Gilbert
- 5 Pt Bhawaniprasad Prasad
- 6 Shri S D Misra
- 7 Shri Sherkhan
- 8 Shri Sriman Pratuja Goswami
- 9 Shri Sanda Narayanappa
- 10 Shri Sundar Mani Patel
- 11 Shri Piem Manohar
- 12 Shri Rewati Kant Sinha
- 13 Shri Suresh Prasad
- 14 Shri Brahmananda Panda
- 15 Shri Jaisukhlal Hathi

The question was proposed

SHRI ARJUN ARORA Madam, I support the motion, but I feel it is a highly belated measure. It should have been brought long ago. And it is also a half-hearted measure. Contract labour has been the curse of Indian labour; the biggest curse of Indian labour and as early as 1931, the Royal Commission on Labour in India recommended its complete abolition. It is really ironical to find that what the Royal Commission recommended in 1931 was not done by the Royal Government till 1947 and our Government the people's Government has also taken 21 years to bring forward a Bill for abolition of contract labour.

SHRI M R VENKATA RAMAN (Madras) Not abolition

SHRI ARJUN ARORA Yes, regulation of contract labour, not abolition of contract labour.

AN HON MEMBER Abolition is also there.

SHRI ARJUN ARORA It is not there.

THE DEPUTY CHAIRMAN: It is there.

SHRI ARJUN ARORA: If you abolish anything, you do not have to regulate it. The very fact that this Bill seeks to regulate contract labour under certain circumstances implies that it is not going to abolish it. I wish the Bill was primarily aimed at abolition of contract labour and no regulation whatsoever would then have been necessary. What happens today is that contractors are fattening themselves at the expense of what is called contract labour. There is no security of employment for labour employed by contractors. There is no mechanism for the enforcement of labour laws on labour employed by contractors. There is no guarantee of regular work for labour employed by contractors. There is no provision and no arrangement for giving contract labour fair wages or reasonable wages. There is not even any arrangement for regular payment of wages to contract labour. All possible ills concerning labour which were prevalent in the 19th century, before the first Factories Act came in 1881 or so, are still prevalent in the country as far as contract labour is concerned. I am sorry the Minister has not thought it proper to bring forward a Bill for complete abolition of contract labour, but has sought only to regularise their condition of work. Even as far as regulation of contract labour is concerned, the Bill does not make adequate provisions; it does not make provisions which may be in line with the Factories Act or other labour legislations in force in the country. I hope the Select Committee will take care of all these things and a better Bill, a more determined Bill, a fairer Bill will emerge out of the Select Committee.

SHRI BALACHANDRA MENON (Kerala): Madam Deputy Chairman, I have only two suggestions to make. This Bill is only giving a statutory basis for contract labour. For the past few years we have seen big employers and estate owners switching over to

contract labour, even in regard to work of a permanent character. For example, in plantations in spite of the fact that productivity has increased and production has increased, in spite of the fact that larger areas are coming under plantation crops, the total number of workers remains the same as before. That is because most of the work is being handed over to contract labour, even work of a permanent character. This is what is happening. Every time a new legislation comes, every time the worker gets a higher wage or bonus or some other benefit in the shape of gratuity, etc., the employers try to escape these things by creating labour which will always be on a contract basis. So I would suggest that we should insist that 4 P.M. for every work of a permanent character no employer will be allowed to hand it over to any contractor. Work of a permanent character should never be allowed on contract.

I will also make another point. As mentioned in my previous statement, any legislation which is brought forward should not allow the employers to refuse the benefits to the employees. We have to be very careful about that. What happens is that whenever we try to bring in any legislation, attempt is made to get out of it. We know for instance that there are hundreds of workers employed in the bidi industry. The attempt is to subdivide the bidi factories under independent employers who are really contractors. Legally he is an independent employer because he has the licence but he gets only a commission from the main employer. In such cases we will have to see whether the product is for the main employer and, if so, such work should not be deemed to be under any contract. I would, therefore, suggest that all these things will have to be looked into by the Joint Select Committee. Thank you.

SHRI A. G. KULKARNI (Maharashtra): Madam, I am lending my support to the hon. Member, Shri Arjun Arora, that this Bill is a half-hearted mea-

sure in bringing about some improvement in the contract labour. Madam, you are well aware that in industries, particularly agro-based industries, in the working season, a majority of the sugar factories employ round about 4 thousand workers. Out of that number, 3 thousand workers are contract labour mainly employed for harvesting and post-agriculture purposes. Madam, all this labour is not given even the minimum wage; it is given a wage which is very sub-standard. So, actually the Government should have come forward with a measure for the abolition of contract labour because it does not get any justice at all, and this happens usually in the case of nearly three-fourths of the workers employed in some such industry where the employment is on a large scale. The employers try to benefit out of this and they give very meagre or paltry wages to the workers employed on day-to-day wages. Madam, again this happens in the rural areas and in the villages where cotton and groundnut are processed in the factories. The big employers in the ginning and other factories give all this work to them in order to avoid or escape the clutches of the Industrial Disputes Act or the Factories Act or some other Act. They give all this work in a piecemeal fashion to the various contractors and though the employees are old and are responsible to them, they are being fraudulently shown as employees of the sub-contractor and thereby the labourers and the employees of the contractor do not get whatever rightful wages they are expected to get. In this connection I would urge upon the Select Committee that there should actually have been the abolition of contract labour and not such half-hearted measures like this for improving their emoluments.

श्री राजनारायण (उत्तर प्रदेश)

माननीया, हमको केवल एक मिनट में हाथी जी से यह पूछना है कि ठेकेदारी की प्रथा को समाप्त करने की एक प्रतिज्ञा थी तो उस प्रथा को और मजबूत करने के लिये विधेयक

आ रहा है या उसको समाप्त करने के लिये आ रहा है। हम लोग तो इस समय बहुत परेशान हैं। हमारे यहां मिर्जापुर में कई प्रकार के विकास के काम चल रहे हैं और नये नये कारखाने लोग खोलेंगे। कोई चला जाय, हाथी जी चले जाय और देख ले। तमाम देवरिया, आजमगढ़, बस्ती, गोरखपुर वगैरह में ठेकेदार चले जाते हैं और वहां से मजदूरों को भेड़ की तरह से ले आते हैं। वे बेचारे गरीब हैं, उन को खाने को नहीं मिलता है तो वह उन को छ. आने या आठ आने देता है जब कि वह पीने दो रुपया, डेढ़ रुपया या सवा रुपया लेगा, बाकी सारा का सारा पैसा ठेकेदार ले लेते हैं और जो प्रबंधक रहते हैं वह सब बाट खाते हैं। तो एक सीधी बात एक वाक्य में मैं जानना चाहता हूँ कि जो ठेकेदारी की प्रथा श्रमिक संगठनों, उद्योग धंधों और कारखानों में चल रही है वह इस विधेयक के जरिये घटेगी या विधेयक के जरिये यह प्रथा बढ़ेगी। यह बढ़ने वाली है रेगुलेशन के नाम पर तो फिर इस विधेयक की कोई आवश्यकता नहीं है। यह मैं समझ नहीं पा रहा था कि रेगुलेट के क्या मतलब हैं क्या यह ठेकेदारी की प्रथा यह सरकार कायम रखना चाहती है। मैं सफाई के साथ कहना चाहता हूँ कि सरकार अपनी जानकारी में खुद ऐसे गरीबों के श्रम का शोषण करा रही है उन ठेकेदारों के जरिये जिनके जरिये कभी जनतक हो नहीं सकता, समाजवाद की तो बात ही क्या है और अगर शुद्ध पूंजीवाद भी रहे तो वह भी यह एलाऊ नहीं करेगी कि कमाये हम और हमारी कमाई को खा जाय, उमका फायदा उठाये बीच के लोग, मध्यस्थ, बीच का ठेकेदार। जहां भी चाहे जमींदारी की प्रथा हो, चाहे उद्योग-धंधा हो यह नहीं हो सकता। पुराने काग्रेसी कहते थे, काग्रेस न भी ठेकेदारी प्रथा के खात्मे की आवाज बुलन्द की। तो इस विधेयक में इस की कोई सफाई नहीं है। इसलिये मुझे खतरा

र्थ राजा [संग]

है । मैं यह कमाई से कह रहा हूँ कि जो उद्योगपति अपने ठेकेदारों के जरिये गरीब मजदूरों की कमाई का शोषण करने की योजना बना रहे हैं यह सरकार उनके हाथ की शिकार न बने और इस खतरे को हाथी जी ठीक में देखें ।

SHRI M. R. VENKATA RAMAN (Madras): Madam, I would request that this matter be dealt with extremely urgently and even a time-limit set for the report of this Committee to come before the House for discussion. Madam, every time this issue has come, the workers have been told that the matter is before Parliament. It is not as though it is coming today. I happen to be the President of a trade union in Tamilnad where there are 10 thousand workers working in the mines in Salem District. Madam, 7 thousand of them are on contract labour, although the 7 thousand and 3 thousand do identical work. By keeping them on contract or as contract labour the employer does not have the obligation of provident fund or insurance or bonus and all the other things which go with permanent employment. This is a very vexed question. The companies are running very profitably in that particular business of manufacture of firebricks etc. They say that the matter is pending before Parliament and Parliament is going to pass a statute on contract labour and under these circumstances how can they abolish contract labour immediately? With great difficulty the matter has been referred to a Tribunal along with other issues but this cannot wait indefinitely like this. And rightly the State Government says that mines are under the Central Government and thus they do not bother about what happens. So, while agreeing with the sentiments expressed by Mr. Kulkarni and the points made by Mr. Arora and Mr. Balachandra Menon, I would urge upon the Minister that further delay in this matter is absolutely pointless and the hon.

Minister must give top priority to this matter.

SHRI JAISUKHLAL HATHI: So far as the expeditious consideration of the Bill is concerned, the motion says the Committee shall report by the first day of the next Session. So, this is the time given for the Committee for its deliberations. So far as the other point is concerned, the Bill is for progressive abolition of the contract labour. It was discussed by the Tripartite body and it was found that it may not be possible to abolish all the contract labour at once. There might be some casual labour as the Member himself has said. A distinction has to be made between casual work and work of a permanent nature. In work of a permanent nature, no contract labour could be there and that should be abolished but where the work is of a casual nature, this may be allowed but there also various safeguards have been provided like giving licence, registration, and then certain conditions like the principal employer will be liable for the wages and several other conditions also have been laid down. All these matters are there but if there is any other suggestion to be made, naturally I am sure the Joint Committee will consider it.

THE DEPUTY CHAIRMAN: The question is:

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to regulate the employment of contract labour in certain establishments and to provide for its abolition in certain circumstances and for matters connected therewith, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee:

1. Shri Anand Prasad Sharma
2. Shri Binoy Kumar Mahanty
3. Shri Dalpat Singh
4. Shri A. C. Gilbert
5. Pandit Bhawaniprasad Tiwary

6. Shri Shyam Dhar Misra
7. Shri Sher Khan
8. Shri Sriman Prafulla Goswami
9. Shri Sanda Narayanappa
10. Shri Sunder Mani Patel
11. Shri Prem Manohar
12. Shri Rewati Kant Sinha
13. Shri Suraj Prasad
14. Shri Brahmanand Panda
15. Shri Jaisukhlal Hathi."

The motion was adopted.

श्री राजनारायण : माननीय, मैं एक निवेदन करना चाहता हूँ। चेंबर ने मुझ पर कहा था कि लम्बे के बाद कच्छ मर्यादियों के साथ जो ज्यादानी हुई है उनके बारे में घर मंत्री बयान करेंगे। तो यह कब होगा ?

उत्तरभाषति : अभी हाऊस को जैसे चलना है चलने दीजिए।

श्री राजनारायण : ऐसा न हो कि हाऊस उठ जाय और इस बात की चर्चा न हो।

THE GOVERNMENT (LIABILITY IN TORT) BILL, 1967

THE DEPUTY MINISTER IN THE MINISTRY OF LAW (SHRI MOHAMMAD YUNUS SALEEM): I beg to move the following motion:

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to define and amend the law with respect to the liability of the Government in tort and to provide for certain matters connected therewith, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee:

1. Shri S. B. Bobdey
2. Shri Rama Bahadur Sinha

3. Shri Gulam Haider Valimohmed Momin
4. Shri Y. Adinarayana Reddy
5. Shri Krishan Kant
6. Shri M. P. Shukla
7. Shri Hira Vallabha Tripathi
8. Shri M. H. Samuel
9. Shri B. T. Kemparaj
10. Sardar Raghbir Singh Panjharizi
11. Shri Dahyabhai V. Patel
12. Shri N. K. Shejwalkar
13. Shri Balkrishna Gupta
14. Shri C. Achutha Menon
15. Shri Mulka Govinda Reddy."

The question was proposed.

SHRI MULKA GOVINDA REDDY: I have no time to serve on this Committee. My name may be omitted.

SHRI JAISUKHLAL HATHI: Have you any names to suggest from your Party?

SHRI MULKA GOVINDA REDDY: I am not prepared to suggest.

SHRI LOKANATH MISRA: Mr. G. P. Somasundaram of the D.M.K. may be included.

SHRI MOHAMMAD YUNUS SALEEM: I have no objection.

THE DEPUTY CHAIRMAN: The question is:

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to define and amend the law with respect to the liability of the Government in tort and to provide for certain matters connected therewith, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee:

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