

RAJYA SABHA

*Friday, the 6th May, 1966/ the 16th Vaisakha,
1888 (Saka)*

The House met at eleven of the clock, MR. CHAIRMAN in the Chair.

ORAL ANSWERS TO QUESTIONS

LABOUR LEGISLATION FOR PRIVATE AND PUBLIC UNDERTAKINGS

*51. SHRI-N. PATRA: Will the Minister of LABOUR, EMPLOYMENT AND REHABILITATION be pleased to state:

(a) whether at a meeting at Kanpur on the 3rd April last he said that discrimination between private and public undertakings should go in the matter of implementation of labour legislation; and

(b) if so, the Government's reaction thereto?

THE MINISTER OF LABOUR, EMPLOYMENT AND REHABILITATION (SHRI JAGJIVAN RAM): (a) Yes.

(b) Government's policy in the matter of application and implementation of labour laws has always been that there should be no discrimination between the public and the private sector.

SHRI N. PATRA: May I know, Sir, the procedure followed regarding prosecution and other legal action for breach of labour laws such as Payment of Wages Act, Minimum Wages Act, Standing Orders Act (about service conditions) committed in respect of the private sector?

SHRI SHAH NAWAZ KHAN: Sir, "the procedure is very well known. It is done under the Industrial Disputes Act. If there is a dispute between the two parties, the Conciliation Officer intervenes. If there is no conciliation between the parties, he reports the failure. Then, either there is arbitration or adjudication whatever is necessary. All that set procedure is applied.

SHRI N. PATRA: May I know, Sir, whether before ; filing prosecutions the Minister concerned is consulted in respect of cases in public undertakings whereas the employer is not consulted in respect of private sector undertakings ?

SHRI SHAH NAWAZ KHAN: Sir that is just a matter of procedure. Before taking action, we like to consult the head of the administration. We find out what his views are and we take action accordingly. There is no discrimination between what we do in the private sector and what we do in the public sector.

SHRI T. V. ANANDAN: It is a known fact. We also admit that the Government of India has taken a policy decision that there should be no discrimination between the private and the public sector. But in practice for the last 18 years that discrimination is there. There are so many laws which have been passed in this House but which are not implemented by the public sector. But there are assurances and tall talks by the hon. Ministers for the last 18 years . . .

MR. CHAIRMAN: What is the question?

SHRI T. V. ANANDAN: My question is whether the sincerity of the Government is going to be tested or not, whether they are going to implement the laws or they are going to be only talks because very soon there will be a revolution from the working class in the country. That, I think must be understood by the Government . . .

MR. CHAIRMAN: From comment to prophecy.

SHRI T. V. ANANDAN: Will it be implemented quickly in practice?

SHRI SHAH NAWAZ KHAN: Sir, it is being implemented. I might tell the hon. Member that instructions have been issued to all the public sector undertakings that they should act not only as enlightened employers but as progressive employers who would serve as a model to the private sector. That is the instruction.

SHRI ARJUN ARORA: These instructions of the Ministry are being ignored hundred per cent, in almost all the public sector industries and by the State Governments. The policy enunciated by the Labour Minister is a forthright and correct policy. Its reiteration by the Deputy Minister is also a welcome thing. But there is no machinery to see that the public sector follows labour laws. In spite of the instructions, there are repeated . . .

MR. CHAIRMAN: Mr. Arjun Arora, you will perhaps remember the 150 words.

SHRI ARJUN ARORA: May I know, Sir, if the Government of India has considered the advisability of setting up a special cell in the Ministry of Labour or deputing an officer specially for the purpose to ensure that labour laws are followed in the public sector undertakings at least as much as they are enforced in the private sector undertakings?

SHRI JAGJIVAN RAM: Perhaps the hon. Member is aware that we have an Enforcement Cell in the C. L. C.'s organisation. We have Enforcement Regional Labour Commissioners in the field as well. I will, of course, keep the suggestion of the hon. Member in view to improve the working of the cell.

SHRI M. M. DHARIA: Sir, is the hon. Minister aware that several public undertakings in our country are not paying bonus according to the formula of the Act, approved by the Government, and, if so, what steps are being taken by the Central Government to make these public undertakings pay proper bonus to its employees?

SHRI JAGJIVAN RAM: Perhaps the hon. Member is aware that as the Bonus Act stands, it is applicable only to companies who compete with the private sector.

SHRI M. M. DHARIA: Why discrimination?

SHRI JAGJIVAN RAM: I do not know why, because Parliament in its wisdom passed that Act. The explanation is not to be called for from me. Parliament passes an Act and authorises the Government to function accordingly. The Government is functioning accordingly. We have gone a step further. And even in cases of Government undertakings, which are companies or corporations but may not be likely to compete with the private sector industry, *ex-gratia* payment will be made. So far as the departmentally run undertakings are concerned, there is no question of paying bonus.

SHRI P. N. SAPRU: May I know, Sir, whether the Government has considered the possibility or desirability of appointing some representatives of labour, selected by labour, as directors of these concerns. As at

present run, they are under bureaucratic control. Now the point that I want to emphasise is that it is desirable that the labour should be directly associated with the management so that it may control its own destinies. We must have the workers' co-operation.

SHRI JAGJIVAN RAM: May I put for clarification to Dr. Sapru whether what he is suggesting is to be applicable to both the sectors or only to the public sector?

SHRI P. N. SAPRU: For both the sectors, more particularly to the private sector.

SHRI JAGJIVAN RAM: I will give the fullest consideration to this suggestion.

SHRI D. L. SEN GUPTA: In Calcutta there is a factory known as the Garden Reach Workshop. It is not a private undertaking. The Defence Department of the Government has taken it over. Now they have an industrial dispute. That industrial dispute comes within the jurisdiction of the West Bengal State Government. But the West Bengal Government requires the sanction of the Central Government because it is a Central matter. So they have sent a report for the concurrence of the Central Government for making a reference. For six months now that matter is pending. The Defence Department, the Finance Department and the Labour Department at the Centre are not agreeing together, and as such that dispute could not be referred by the Government of West Bengal. This is how the Central undertakings are being treated at par with the private sector. My question is whether the Government of India will agree to referring the Central undertakings' industrial disputes by the State Government directly without any reference to the Central Government as in the case of the private sector?

SHRI JAGJIVAN RAM: Whether it is the public sector or the private sector, the hon. Member would appreciate that reference to compulsory adjudication is not automatic. All questions have to be considered from every aspect. More so, when the Government itself is running an industry as a public undertaking, every consideration has to be taken into account and the employing Ministry also has to be taken into confidence before the question is referred to adjudication. But that is an internal arrangement. Wherever it is felt necessary that the

dispute cannot be resolved without a reference to compulsory adjudication they are referred to compulsory adjudication.

SHRI D. L. SEN GUPTA: That stage was long over.

MR. CHAIRMAN: Next question.

DEMARCATON OF BOUNDARIES OF NEW PUNJAB STATES

*52. SHRI ABDUL GHANI: Will the Minister of HOME AFFAIRS be pleased to state whether Government are aware of any demand from the people living in the divisions of Agra and Meerut, Alwar and Bharatpur districts for the merger of these areas with Haryana?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JAISUKHLAL HATHI): A few representations have been received urging the merger of certain areas of Uttar Pradesh and Rajasthan in the proposed Haryana State. Government has already made it clear that the proposed reorganisation of Punjab will not in any way affect the Territories of any of the adjoining States.

شری عبدالغنی : کیا وزیر صاحب فرمائیں گے کہ پنجاب کی تقسیم جو آپ نئے سرے سے کر رہے ہیں اس میں کیا اثر پڑتا اگر آپ ہریانہ کو مضبوط کرنے کے لئے میرٹھ ڈویژن، آگرہ ڈویژن، بھرت پور، الور اور دوسرے ہندی بولنے والے علاقوں کو ایک میں ملا دیتے۔ اس میں گورنمنٹ کو کیا اعتراض ہے۔ بھگوان کرشن نے اگر جنم لیا متھرا میں، کھیلے وہ نند گاؤں برسانے میں، اور انہوں نے جا کر پیغمبری کا اپدیش دیا کروکشیتر میں۔ تو ان سب کو اکٹھا کرنے میں کیا آہتی ہے ؟

†[ش्री عبدالغنی : کیا وزیر صاحب فرمائیں گے کہ پنجاب کی تقسیم جو آپ نئے سرے سے کر رہے ہیں اس میں کتنا

اگر آپ ہریانہ کو مضمبوت کرنے کے لیے میرٹھ ڈیویژن، آگرہ ڈیویژن، بھرت پور، الور اور دوسرے ہندی بولنے والے علاقوں کو ایک میں ملا دیتے؟ اس میں گورنمنٹ کو کیا اعتراض ہے؟ بھگوان کرشن نے اگر جنم لیا مथورا میں، کھیلے وہ نندگاؤں برسانے میں اور انہوں نے جا کر پیغمبری کا उपदेश दिया कुरुक्षेत्र में, तो उन सब को इकट्ठा करने में क्या आपत्ति है?]

श्री जयसुख लाल हाथी : अभी जो सरकार के पास प्रपोजल है वह तो खाली पंजाब के बारे में है कि उसका कैसे हिस्सा लैप्पूएज की बेसिस पर किया जाय। जैसा माननीय सदस्य कहते हैं वैसे कोई बात हम शुरू करें तो यह मामला इतना बड़ा हो जायगा कि पता नहीं कि किस का हिस्सा कहाँ जायगा और किस का कहाँ जायगा। रीऑर्गेनाइजेशन आफ स्टेट्स यह नहीं। अभी तो खाली पंजाब की बात है।

شری عبدالغنی : کیا وزیر صاحب فرمائیں گے کہ پنجاب پہلے جو ایک بار تقسیم ہو چکا ہے اس کو وہ پھر تین حصوں میں تقسیم کرنے جا رہے ہیں۔ تو کیا سرکار اس مرحلہ پر وچار کرنے کو تیار ہے کہ دیش کو بہت بڑے زونس میں تقسیم کیا جائے تاکہ جو ذاتی تعصب آج ہے یا علاقائی تعصب ہے اس سے ہمیں چھٹکارا ملے۔ اور ہمارا دیش مضبوط بنیادوں پر کھڑا ہو سکے۔

†[ش्री عبدالغنی : کیا وزیر صاحب فرمائیں گے کہ پنجاب پہلے جو ایک بار تکسیم ہو چکا ہے اس کو وہ پھر تین حصوں میں تکسیم کرنے جا رہے ہیں تو کیا सरकार इस तरहला पर विचार करने को तैयार है कि देश को बहुत बड़े जोन्स में तकसीम किया जाए ताकि जो जाती तास्सुब आज है