

HAFIZ MOHAMMAD IBRAHIM: Sir, I beg to move:

"That the Bill be passed."

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill be passed."

SHRI K. L. NARASIMHAM: Sir, the hon. Minister has agreed that there is necessity for integrating the provisions of the Acts of 1910 and 1948. That being so, I do not see any reason why he is insisting on proceeding with this Bill in this House with the assurance that he will consider the question afterwards.

The provision regarding compensation is too liberal. I had suggested that the market value or the book value less depreciation whichever is less should be the deciding point but Government have refused to accept this suggestion of mine. This Bill needs to be improved and I hope that Government will come forward soon with an exhaustive Bill concerning electricity, taking into account the interests of the consumer, especially the agriculturists.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed." The

motion was adopted.

**THE EMPLOYMENT EXCHANGES
(COMPULSORY NOTIFICATION OF
VACANCIES) BILL, 1959**

THE MINISTER OF LABOUR AND
EMPLOYMENT AND PLANNING (SHRI
GULZARILAL NANDA): Sir, I beg to move:

"That the Bill to provide for the compulsory notification of vacancies to employment exchanges, as passed by the Lok Sabha, be taken into consideration."

Sir, I shall try to explain the proposed legislation in a very few words.

The main essence is to make the system of employment exchanges function more effectively than is the case at present. This system of employment exchanges has been in operation since the year 1945. Towards the end of, 1952, a committee was appointed known as the Training and Employment Services Organisation Committee. This Committee was charged with the duty of looking into the working of the system, to assess the need for its continuance and also to consider what the future shape of the system should be. It had men of ability as members of the Committee and a person very eminently fitted to be the Chairman was appointed Chairman of this Committee—Shri B. Shiva Rao, who is a member of this Rajya Sabha now. Sir, a very good Report was submitted to the Government and many of its recommendations—practically all its recommendations—were accepted by Government and most of them have been implemented. I might refer to the terms of reference of this Committee. This Committee was to report regarding the organisation of the system of employment exchanges and whether it should be transferred to the State Governments. Also this Committee had to examine the whole question of training and there were other matters also but what is relevant for our purpose now was a specific term of reference to consider whether legislation should be introduced making it obligatory for industry to recruit personnel at least in the larger industrial centres through employment exchanges. This is the subject-matter of this proposed legislation. The Committee came to the conclusion that there should be no legislation by virtue of which Government may assume powers to compel establishments to recruit particular persons. That is, there should be no compulsion regarding recruitment but they made the recommendation that there should be compulsion regarding notification of vacancies. Sir, I shall refer to the text of the Report of the Committee itself because that will make

[Shri Gulzari Lal Nanda. | the position very clear. The Committee said in its Report in paragraph 255:

"The Employment Exchange organisation cannot obviously discharge its responsibility adequately unless full use is made by employer's, workers and governments alike of the facilities offered by the Exchanges."

The question therefore arises as to how this could be achieved. They came to the conclusion that full use was not being made of the facilities offered by the system of Employment Exchanges at the time this Committee looked into the matter. Therefore they made certain recommendations calculated to improve the utilisation of these facilities. They first dealt with the question of Government Departments and local bodies and they have recommended that much fuller use should be made of course by Government agencies. Practically it should be obligatory on Government Departments to recruit through the Employment Exchanges almost on the basis of a uniform policy. Regarding private industry they have observed:

"Regarding recruitment to private industry divergent views have been expressed as to whether or not recruitment should be made through the Exchanges on a compulsory basis."

There was, as has been pointed out, divergence of opinion and the Committee came to the conclusion:

"We have very carefully examined the question of private employers being compelled to recruit through the Employment Exchanges and have come to the conclusion that it is not desirable at the present time to enforce such compulsion."

So they disposed of that aspect of the matter in this way but then they have proceeded to deal with other aspects regarding compulsory notification. And here the Committee's observations are:

"Though we have not for the present recommended compulsion on private employers to - recruit through the Employment Exchanges, we recommend that they be required on a compulsory basis to notify to the Exchanges all vacancies other than vacancies for unskilled categories, vacancies of very temporary duration and vacancies proposed to be filled through promotion. The obligation to notify vacancies should apply equally to* firms engaged on Government contract. . .

It goes on like that but the essential¹ point is that they came to the conclusion that there should be compulsion in the matter of notification of vacancies and later on their recommendation takes the following form:

"The measures of compulsion that we have recommended in the preceding paragraphs may if necessary be embodied in suitable legislation."

So I would request hon. Members to turn to the Bill itself and they will find that this is precisely what is being sought to be done through clause 4 of the Bill. Sub-clause (1) refers to the public sector and subclause (2) deals with the private sector. The provision is very simple and plain in the case of the public sector. It says:

"After the commencement of this Act in any State or area thereof, the employer in every establishment in public sector in that State or area shall, before filling up any vacancy in any employment in that establishment, notify that vacancy to such employment exchanges as may be prescribed."

This is very categorical and there are no reservations. In the case of the private sector there is some modification. The relevant provision reads:

"The appropriate Government may, by notification in the Official Gazette, require that from such date

as may be specified in the notification, the employer in every establishment in private sector or every establishment pertaining to any class or category of establishments in private sector shall, before filling up any vacancy in any employment in that establishment, notify that vacancy to such employment exchanges as may be prescribed, and the employer shall thereupon comply with such requisition."

These are the two clauses which are intended to bring out the full purpose of this legislation. There is another sub-clause in the same clause which brings out the intention of the Committee and it says:

"Nothing in sub-sections (1) and (2) shall be deemed to impose any obligation upon any employer to recruit any person through the employment exchange to fill any vacancy merely because that vacancy has been notified under any of those sub-sections.^

Sir, it will be seen that this clause 4 practically covers the recommendations of the Committee to which I have referred, regarding both recruitment and notification, in one case to bring in compulsion and in the other -case ruling out, compulsion. The question will arise, why the Committee recommended such compulsion. Why should not this whole business of registration, placements, notification of vacancies, etc. be left on a voluntary basis, as was the case before or as is the case now? Why is this to be done? What is it that made it necessary for this Committee to come to such a conclusion? There also I will have to make a reference to the Report itself. The Committee examined the statistics relating to the working of the exchanges, the extent to which the employers both in the private sector and in the public sector were making use of the exchanges. They found that the use of the exchanges by both of them was not adequate. But so far as the private employers were concerned, it

felt and it was noticed by the Committee that there was a glaring inadequacy. In a sense the contribution of the private sector to the volume of vacancies notified was substantial. That is, at the time of the Report, in 1952, it was 54.2 per cent. In 1953 it was about 35.3 per cent. There had been some decline. But the important point made by the Committee itself is that while the contribution of private employers to the business of the exchanges appeared impressive, in relation to the total business handled, it was still only a very small fraction of the total employment in the private sector. That is the main point. The number of vacancies which arose in the public sector was very much smaller than the number of vacancies, in the private sector and, therefore, their contribution to the notified vacancies should have been very much larger in proportion. Even at the time of this Report, it was about 35.3 per cent. Later on, while dealing with this matter we find that the situation has become very much worse. This Committee at that time looked into the whole system of recruitment both in the private sector and the public sector and they went into the reasons for the insufficient use-made by the private sector of these arrangements in the employment exchanges. I would like to make a reference to that. "Various reasons have been adduced to explain why private employers have not utilised the services of the employment exchanges to the desired extent. Some state that even those employers who do not have any machinery of their own have experienced no difficulty in recruiting through direct contacts. There are others who hold that the main reason has its roots in local inertia apathy, towards the organisation, natural conservatism or the utilitarian character-of the methods of recruitment employed in private industry. Some others are of the opinion that employers are hesitant to utilise the employment exchanges because they are afraid that if they did so their discretion in the matter of selection would be fettered. Another view is that vested interests

[Shri Guizarilal Nanda.] are too deeply entrenched to permit the intervention of the exchanges in the matter of recruitment and that employers do not naturally wish to part with their powers of patronage and favour." I would not like to take the time of the House by making reference to a number of observations made here, which bring out the fact that there have been abuses and malpractices. These possibly are the, real reasons for the reluctance, in many cases, to have, recourse to the employment exchanges for the purpose of filling vacancies. Of course, it can also be said that the employment exchanges may not be functioning in such a satisfactory manner as to create an assurance in the minds of the employers that they will be very properly served. This aspect also was taken up by the Committee and naturally it was one of the main functions of the Committee to say what measures should be taken to improve the working of the employment exchanges. They have made a number of recommendations in that matter, many of which have already been implemented. As I said, at the time of the report of this Committee, or when the Committee examined this question, they had arrived at the conclusion that the employers particularly in the private industry were not making adequate use of this machinery. Since then, the figures which I have got show that the position has become very much worse. I have got the figures regarding both the private sector and the public sector. We are now dealing at the moment with the private sector. In 1952, the vacancies notified were 2,32,874. That was the time of the report of this Committee. Later on, this number declined still further: 87,000; 70,000; 78,000. And in 1957 it was 48,000. It was nearly the same in 1958. This is the position. If you construe this in terms of proportion, or percentage, you will find that the figure, which I gave to the House a little earlier, of 35 per cent, being the proportion of vacancies in the private sector has dwindled to 14 per cent now. We have made some kind of a rough calculation. Considering the

number of vacancies falling in the private sector and taking the number of vacancies which are being notified, 'now it may not be more than five per cent, of the total. This is the position. Although it was evident even at the time of the report of the Committee that something should be done, something on these lines, some legislation, well, the urgency has increased and therefore we have this measure before the House that, some kind of compulsion should be introduced, some powers should be taken by Government to compel employers to notify vacancies which arise in the private sector as well as in the public sector. This is one purpose of this legislation, to which I have made reference.

Hon. Members will find, when they refer to the Bill, that there is mention of another purpose also. That is clause 5—"Employers to furnish information and returns in prescribed form." This is, of course, independent. This is not necessarily linked with the other. That is, we could have information without placing these other obligations. But this is also essential for certain purposes, apart from that of employment as such, that is, facilities to job seekers to get employment wherever suitable vacancies have arisen. Now, Sir, this purpose has also been explained in the Committee's Report. They have made a recommendation that it is necessary that the various establishments in the country, both in the public sector and the private sector, should submit returns. They have given an indication of what kind of returns they should be and the purpose is that with the help of the information that will be culled out from those returns it should be possible for Government to have a better understanding of the employment needs of the country and the trends. Also it will help in the various plans and the development of the country; that is, it has its bearing also on economic planning.

There is another aspect also to which I may make a very brief reference in connection with the main provision of

the Bill, that is compulsory notification. Many more employers will be communicating to the exchanges their needs and requirements than at present. Many more vacancies will be notified to the employment exchanges. That will induce many more persons to come forward to register at the employment exchanges, who are not doing so now. At present they find that having come and registered their names at the exchanges, the chance of getting a job through the exchanges is very small, because most of the employers do not have recourse to the exchanges. Therefore, it becomes really a formality for many of them and so they do not even come. When many more people will register, the effect will be that a much wider choice will be presented to the employer. There will be many more persons who will be suitable for the jobs, and therefore the employer will be better served. He will have a much larger number of persons from whom to choose. That will enable the industry to get a better class of workers, and also in the case of the workers themselves it will improve their chances of getting employment through the exchanges, which will mean that they will not have to waste so much time in knocking about from place to place. They will have registered their names and they will stand a better chance of being called upon to come on the basis of their merit and of being selected for posts which arise from time to time.

Sir, I need not take more time. I have explained the main provisions of this Bill and also the circumstances in which these proposals originated and the conditions at the moment which justify these legislative provisions and the advantages that will accrue from the incorporation of these provisions in this Bill.

MR.-DEPUTY CHAIRMAN: Motion moved:

"That the Bill to provide for the compulsory notification of vacancies to employment exchanges, as passed

by the Lok Sabha, be taken into consideration."

One and a half hours is the time allotted for this Bill. We are left with 65 minutes and I have got seven names; so just ten minutes each.

SHRI P. S. RAJAGOPAL NAIDU (Madras): Sir, I want to speak.

SHRI JASPAT ROY KAPOOR (Uttar Pradesh): Can some more names be added, Sir?

MR. DEPUTY CHAIRMAN: You want to speak?

SHRI JASPAT ROY KAPOOR: Yes, Sir. Only for three minutes.

MR. DEPUTY CHAIRMAN: Mr. Dave.

SHRI ROHIT M. DAVE (Bombay): Mr. Deputy Chairman, the purpose of this Bill is obviously to enable the Government to try to have some sort of planning with reference to man power utilisation. This planning of man power utilisation may be possible only on the basis of certain very vital information which the employment ex-changes should have available to them so that it may be possible for them to give some sort of guidance to those who are in search of employment as well as to those who want to employ people. This can only be the purpose of such a Bill. It certainly entails a certain amount of work on both the private sector as well as the public sector. Whenever a vacancy arises, they have to notify it in the prescribed form to the employment exchange. All this labour would be useful only if the purpose of planning man-power utilisation is served thereby.

Sir, the hon. Minister has referred to the report of the Committee, and there is a reference to that also in the Statement of Objects and Reasons. If we look at the Statement of Objects and Reasons, we find that there are two recommendations inter alio and because they are given as objects and reasons for this Bill, it will be quite legitimate to presume that these two

[Shri Rohit M. Dave.] recommendations *inter alia* have some bearing on the purpose of this Bill. Now, one of the recommendations is that the employers should be required on a compulsory basis to notify to the employment exchanges all vacancies, etc.—which is already incorporated in the Bill. But there is another recommendation that the employers should also be required on a compulsory basis to render to the employment exchanges staff strength returns at regular intervals. I do not find any mention or any provision in the Bill with regard, to this recommendation of what is known as the Shiva Rao Committee, namely that they are on a compulsory basis to render to the employment exchanges staff strength returns at regular intervals. Sir, in both the clauses 4 and 5, which I have read very carefully, the mention is that of vacancies that have occurred or are about to occur in the establishment. In both clauses 4 and 5 the reference is only to those vacancies which have already occurred or are about to occur. There is absolutely no mention with regard to the staff strength as such, and I do not see how without this very necessary information any man-power planning is possible. That is my first point.

My second point is that if vacancies are notified at a time when they have occurred or are about to occur, we are likely to lose valuable time, because once the vacancy is notified, it will have to be publicised in some way or the information will have to be made available to those who are seeking employment. Here again, Sir, the first and the primary task is to notify the names of those who are already trained and experienced workers, capable of finding employment, and who are unemployed. Then, Sir, the secondary task is to analyse the information carefully in order to find out the employment trends that are visible as a result of this analysis, to divide the country into various areas where the demand and supply trends show certain similarities, and thereby to find out where and what type of people are required. Now, Sir, here also it would be much

more desirable for that purpose to have certain forms that might mention those vacancies which might not be occurring in the near future "but which" are likely to occur, or even certain new jobs that might be created in a particular undertaking or 'that are likely to be created, say, in a year's time, in a particular undertaking. Sir, if, for instance, a particular undertaking is planning for expanding its activities or is undertaking some new activity, then surely, in course of time, it would require some man-power. And it would take a considerable time before that expansion may materialise or the new department may materialise. Under the circumstances, Sir, if, side by side with the plan for necessary licence or necessary permission to start a particular activity, the employers are asked to notify to the Employment Exchanges their requirements at that stage, that would be quite useful to those who are seeking employment or who are training themselves up for becoming competent to handle a particular task. Vocational guidance which should be the chief aim of any manpower planning would also become possible only if there is some advance notification and not the notification only at that time when the vacancies occur or are likely to occur. That is my second point.

My third point is that the Employment Exchanges themselves will have to undergo some radical change before they can become instruments of man-power planning. Today, Sir, though I know that these Employment Exchanges are trying their level best to see that the information available to them is up to date and is reliable, yet in spite of that, there are so many lacunae and there are double registrations still going on. The offices of the Employment Exchanges are not so suitably situated as to make it possible for those who want either to employ people or who want employment to reach those offices easily and to notify their requirements. It is necessary that some rationalisation with regard to the location of these

offices also should be carried out by the Employment Exchanges. The hon. Minister spoke of less and less numbers of vacancies being notified as years go by. One of the reasons perhaps may be that this particular machinery is not so suitably located as to make it possible for people who want to take advantage of its services to avail of this facility. If, therefore, some attempt is made to see that there is some rationalisation with regard to the location of these Exchanges, that also might help matters.

Finally, Sir, whenever any manpower planning takes place, mere pooling of information or mere sharing of information will not suffice. At some stage or the other, perhaps, without introducing any element of compulsion, the Employment Exchanges will themselves have to be the fit instruments of getting the right type of people to the employers. If the employers get the right type of people, apart from any other consideration, they would certainly be willing to avail themselves of the services which these Employment Exchanges might give. Therefore, Sir, those who are in charge of the Employment Exchanges should apply their minds to this problem as to how to be useful to those who are seeking employment as well as to those who are seeking people to employ. If certain services are made efficient, perhaps the Employment Exchanges can become better instruments of man-power planning than they are today. Unless, Sir, these various points are taken into account, although I am quite sure that this Bill by itself will serve some useful purpose, we will not be able to achieve our objective effectively and efficiently.

SHRI P. N. SAPRU (Uttar Pradesh): Mr. Deputy Chairman, the Bill, is based, as was stated by the hon. Minister himself, on the Report of a Committee presided over by Mr. Shiva Rao. That Committee was appointed in 1952. It reported in 1953 or in 1954, and we are now in the year

1959, when the Government is implementing the recommendations of the Shiva Rao Committee.

Sir, the purpose of this Bill is to ensure that employers notify to the Employment Exchanges all vacancies other than those in the 'unskilled' categories, vacancies of temporary durations and vacancies proposed to be filled through promotion. It has been made obligatory on the part of the employers to notify such vacancies. The second object is that employers should, on a compulsory basis, furnish to the Employment Exchanges their staff strength returns at regular intervals. Now, Sir, both these suggestions are based upon the recommendations of the Shiva Rao Committee, and they have my full support.

The question of unemployment or of full employment for a society moving towards socialism is very important. It is vital that we should have opportunities for full employment. But I was rather disappointed to find that these Employment Exchanges were not very popular with the people. From 1947 onwards the number of persons seeking the aid of these Employment Exchanges has been going down. In 1958, the number was 48,000. Now, Sir, what I would like, therefore, to ask is: What is the reason for this—shall I say—unpopularity of the Employment Exchanges? Why are these Employment Exchanges not popular with the employers or with the workers? This is a matter which needs to be enquired into. Is there any corruption? Is there any nepotism? Is there any favouritism? Is there any red-tapism there? The Shiva Rao Committee had suggested that control over the collection of this statistical material regarding employment should remain vested in the Union Government. You will find that thing mentioned perhaps in paragraphs 116 and 117 of the Report. I will just quote them. This is what they have suggested as one of the specific responsibilities of the Centre. They say:

LShri P. N. Saprui.]

"The Centre should collect information concerning employment and unemployment and prescribe uniform reporting procedures."

Now, there has been a division of functions in regard to these employment exchanges between the Centre and the State Government. The Union Government is paying 60 per cent as its contribution for the maintenance of these exchanges and 40 per cent, is being paid by the State Government. I think that we should have annual reports submitted to us regarding the working of these exchanges. It is important that Parliament should be kept in touch as to how the money? voted by it for employment exchanges are being utilised.

Sir, the benefit of these employment exchanges is not open to all workers. As I said, unskilled workers, domestic servants, all these are outside the purview of employment exchanges. Salaried persons in the private sector who get a salary of Rs. 60 per month come within the purview of the Bill, but those who are getting less than Rs. 60 have been left out. Then again, this Bill will apply only to establishments which have a strength of 25 workers or over. In all these respects, I think there is scope for improvement so far as this Bill is concerned. I feel that the number of workers employed in an establishment should be less than 25. The Factory Act requires, I believe, ten persons, and I do not see any reason why we should not fix the number at 10 or may be 'more than ten'.

I think that gradually we should extend the scope of these employment exchanges to classes of persons who are not covered by this Bill. The scope should be extended to domestic servants and unskilled workers also.

May I say, Mr. Deputy Chairman, that we need good statistical data regarding the extent of unemployment in this country. We know that so far as employment in this country

is concerned, in factories and other establishments caste and communal considerations play a great part in determining it. The Scheduled Castes and the Backward Classes do not often get a fair deal. Nephews, sons-in-law, sons, cousins or caste men of private employers are given preference over others. By our policies we are helping the private sector to thrive and therefore, it is not the Marwaris or the Gujaratis or the Agarwallas or the Khatri traders who constitute the entire population of this country. They do not pay for the private sector; we all pay for it and, therefore, we all have a right to demand that there shall be fairness in employment in these private concerns.

I wanted to say something about the public sector, but since I have exceeded my time, I must bring my remarks to a close by saying that while I give my blessings to this Bill, I am not quite satisfied with its scope. I wish it had gone further.

SHRI T. S. AVINASHILINGAM CHETTIAR (Madras): Mr. Deputy Chairman, the previous speaker hit the nail on the head when he said that the number of people who are notified to the employment exchanges is going down. I wish to take this opportunity to say that when a department does not have work, you want to make it compulsory on every employer to notify the vacancies and then on his own volition, because when people notify, the department grows and later on, I am sure the Minister will come here and make a statement saying that so many people have notified and that that shows the efficiency of the department. That way, Mr. Deputy Chairman, is not the way in which Government Departments are to be worked. A department is not admittedly working according to the statement made by the Government. Here, the number of notifications is getting less every year. Why? Have they gone into the matter? Is it due to inefficiency? Is it due to the fact that notifications are

not made or what is it that has made people not to resort to this organisation? I should think that this way of trying to increase work in a department by compelling people to issue notifications and to go to employment exchanges is not the proper way of working of a department.

Now, I come to one or two other points. I think this Bill goes far beyond the recommendations of the Committee. Sir, let me confess that I have not read the recommendations of the Committee very carefully, but I did hear the speech of the hon. Minister who is piloting the Bill very carefully. The object of the Bill, as he said, is to make it obligatory on the industry to consult the employment exchange. This Bill does not apply to industry alone; it applies to all employment-giving people. The only exceptions are those that are governed by clause 3. Clause 3 says very categorically that—

"(1) This Act shall not apply in relation to vacancies,—

(a) in any employment in agriculture (including horticulture) in any establishment in private sector other than employment as agricultural or farm machinery operatives;

(b) in any employment in domestic service;

(c) in any employment the total duration of which is less than three months;

(d) in any employment to do unskilled office work."

Clause 3(2) says:

"Unless the Central Government otherwise directs ..."

Vacancies which are proposed to be filled through promotion and so on are not covered by this and vacancies which carry a remuneration of less than sixty rupees in a month are not covered by this. I would like to refer to one particular point. I am not concerned with industry. I am

concerned with education. Are the vacancies in schools and colleges in which the pay is more than sixty rupees to be notified or not? According to this Bill, they must be notified.

J But according to the recommendations of the Shiva Rao Committee, only industries need notify. I should think that the scope of this Bill is much beyond the scope of the recommendations of the Committee, which was referred to by the hon. Minister.

. Now, Sir, let me come to the second point. I refer to clause 6. This clause is indeed very important. Sir, we who are sitting in the Company Law Committee and have had something to do with the enactment of that legislation know that in things like the Company Law, if some one does not give information, you have the power to go to his office at any reasonable time to search and to ask questions to get information so far as the records are concerned, and all those things we have. But here I find this in a legislation of this kind, where they are supposed to help people in getting their needs of manpower; it is here in clause 6.

"Such officer of Government as may be prescribed in this behalf or any person authorised by him in writing, shall have access to any relevant record or document in the possession of any employer required to furnish any information or returns under section 5 and may enter at any reasonable time any premises where he believes such record or document to be and inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information required under that section."

It is all "any" everywhere—any man or any officer or any man deputed by that officer. Even in company law we prescribe the status of the officer who is to go whereas here no such status is mentioned. Here it is any clerk, anybody who is in charge of an office, any prescribed officer

[Shri T. S. Avinashilingam.]
or any person authorised by h'm, etc. Any prescribed officer or any person authorised by him may enter at any time any premises, etc. It is of course there, "at any reasonable time" a saving grace. He may enter at any reasonable time any premises where he believes such record or document to be and inspect or take copies of relevant records or documents or ask any question, etc. I think, Sir, this is an atrocious clause. It is an atrocious clause; it is a penal clause which usually figures only in very important Bills, when people want to hide documents. But in a matter* like this where somebody wants some lecturers to be appointed, some school masters to be appointed, some clerks to be appointed, some cashier to be appointed, you want a clause like this to operate and such a clause is on behalf of an organisation which seeks to help the people. I do not see any reason why a clause of this kind should be introduced in a Bill like this at all. It is atrocious, let me say again, and I think a Bill of this kind must seek the co-operation of people rather than show the big stick. This is not at all to my liking.

Then there is another clause which follows it and it says:

"If any person required to furnish any information or return refuses or neglects to furnish such information or return" etc.

Even for neglecting to^N furnish the required information or return the punishment is there. A man may forget a duty. You know that the officers have got such a lot of returns to file that they may forget to furnish a particular return or information.

"furnishes or causes to be furnished any information or return which he knows to be false,"

"That is not so bad, but if a person neglects to furnish an information or return, he shall be punishable for the first offence with fine which may ex-

tend to two hundred and fifty rupees and for every subsequent offence with fine which may extend to five hundred rupees. What is this? Why do you want this penal clause? You are

saying: I want to help you; I want to provide you with good men. But here you come with this big stick, so are absolutely inconsistent with each other. Let me tell you this Mr. Deputy Chairman, that I [think whoever had this Bill drafted and whoever went through it would be shocked at these provisions. I wonder who passed this.

SHRI GULZARILAL NANDA: Lok Sabha passed it.

SHRI T. S. AVINASHILINGAM

CHETTIAR: But we know how the Bills are disposed of—one hour is allotted. We trust so much in you.

SHRI GULZARILAL NANDA: Many hours.

SHRI T. S. AVINASHILINGAM

CHETTIAR: We trust so much in you and the result is that the Bills are passed quickly, and I -am not wrong when I say that so many Bills come fo us for amendment the year immediately following that in which they were passed. All that does not show that you are looking after well the proper drafting of Bills. Drafting does not seem to be sound to my mind, Mr. Deputy Chairman. I do not like to take much time of the House. This Bill appears as one to be passed straight way when one sees only the heading of this Bill and I myself thought that it was an innocent thing inasmuch as they want employment exchanges, they want to meet the demands for man-power and that they want to find it wherever they can. It is a very good Bill otherwise, but these provisions, in my opinion, Mr. Deputy Chairman, are atrocious, and I would like the Minister to make-it clear—as he said—that it is confined to industry. If that is so, let him make it clear at least in the rules to be framed. This is how he began his original statement, and this is the recommendation of the Shiva Rao Enquiry

Committee, and I would like him to make a categorical statement with regard to that. That is No. 1, and No. 2, with regard to clause 8, I would very much request, if you -agree, that even now an amendment can be moved and clauses 6 and 7 may be omitted. In my opinion, clause 6, as it is, is very wide, very bad and very vicious, and it must go.

SHRI B. K. P. SINHA (Bihar): Sir, this Bill is a modest attempt at investing the Employment Exchanges with the importance that they possess in other advanced countries. It is also a modest attempt, as my hon. friend from Bombay said, at manpower planning. I share most of the views expressed by my hon. friend from Bombay, and I feel that if we are to have planning, we must introduce an element of compulsion; there can be no planning unless there is compulsion. But then we are faced with a sort of insurmountable hurdle and that is the Constitution of India which says that there shall be freedom of trade and commerce, that people shall be free to carry on any business or occupation or profession. The courts have interpreted that this means that not only prior- to establishment of a business, people shall be free, that people shall be free not only in establishing a business, but they shall also be free from unreasonable restrictions even while operating or running a business.

BABU GOPINATH SINGH (Uttar Pradesh): Question:

SHRI B. K. P. SINHA: I am afraid that if the type of compulsion that my friend from Bombay advocated were introduced in this Bill, this Bill. . .

श्री शीलभद्र याज्ञो (बिहार) : आप कौन से कांस्टीट्यूशन का, फंडामेंटल राइट का, हवाला दे रहे हैं, आप किसका हवाला दे रहे हैं, किसमें यह है ?

SHRI B. K. P. SINHA: He spoke .of compulsion in recruitment.

38 RSD.—6.

MR. DEPUTY CHAIRMAN: Go on, Mr. Sinha; time is limited.

SHRI B. K. P. SINHA: If that compulsion is introduced, I am afraid this Bill or this measure will not stand the scrutiny of courts. Even as it is, I feel it may have to face very heavy weather in the courts. As has been rightly pointed out by my hon. friend from Madras, the clauses 4, 5 and 6 impose a sort of restriction on business activities, on the carrying on of a business.

SHRI P. N. SAPRU: Reasonable restriction.

SHRI B. K. P. SINHA: That is your point of view; that may not be the point of view of the Judges; that is the whole trouble. In any case legislature is not the court. It is not for the legislature to define within what limits it should operate. If on a plain reading the legislature is satisfied that it is not traversing prohibited ground, the legislature must go ahead. On that principle I support the clauses of this Bill, though I feel even the Bill, as it stands, is of doubtful constitutional validity. Next I feel, Sir, that Government should have introduced compulsion at least so far as the public sector was concerned; nothing in the Constitution would prohibit that. And what is the meaning of having a Bill if we do not introduce compulsion, so far as the Government agency also is concerned? For private establishments I feel that it is good so far as it goes. But then . . .

SHRI P. N. SAPRU: How do you differentiate between private agencies and public agencies or the public sector in this matter?

SHRI B. K. P. SINHA: Well, regarding private agencies, the Constitution is very clear. It is doubtful if article 19 and other articles apply to public or governmental agencies.

MR. DEPUTY CHAIRMAN: It has been defined.

SHRI B. K. P. SINHA: It is not yet defined. Some have taken the line that it applies only to individuals. In any case, so far as private establishments are concerned, I feel that an attempt should be made that even in the matter of recruitment by private arrangement, those private firms should be made to agree that they shall recruit their staff only through the Employment Exchanges.

I would, Sir, in the end seek some clarification about two clauses from the hon. Minister.

SHRI P. N. SAPRU: Option has been left to the employer to recruit also from outside the list furnished by the employment exchange if the list is not useful.

SHRI B. K. P. SINHA: Legally and constitutionally, it is doubtful whether the Bill is on sure ground. I have not said that it is unconstitutional. I have simply said that it is possible that the courts may take the view that the Bill, as it stands, is unconstitutional. I simply say that if we go further, to the extent advocated by my hon. friend over there, the Bill will be unconstitutional.

SHRI ROHIT M. DAVE: I have never asked for compulsory recruitment and all that.

SHRI B. K. P. SINHA: But you have said that it would be better, compulsory recruitment.

SHRI ROHIT M. DAVE: I never said that.

SHRI B. K. P. SINHA: Then I withdraw what I have said.

Then I seek a clarification from the hon. Minister. I find that a sub-clause 3(1) (e) has been added to this Bill in the Lok Sabha whereby Parliament has been excluded from its operation. I do not know why the State Legislatures have not been excluded from its operation. If the hon. Minister says that sub-clause 2(2) (f)

excludes the State Legislatures, then it does exclude Parliament also. If it includes Parliament and therefore Parliament has to be excluded by subclause 3(1) (e), then there is no reason why we should not extend the same treatment or the same indulgence to the State Legislatures.

AN HON. MEMBER: Parliament is Parliament.

SHRI B. K. P. SINHA: Clause 3(2) (a) says that, if an independent agency comes into the picture, so far as recruitment is concerned, that vacancy is not to be notified to the Employment Exchanges. I would like to know what precisely the Government understand by "independent agency". Would they take the trouble of defining it under the rules? In relation to "independent agencies" we can think of government establishments, not the private firms. That means in many cases Government establishments may not have to go to the Employment Exchanges. In case of private firms every appointment has to be notified to the Employment Exchange. I would, therefore, seek clarification on these two points. Sir, I support the Bill, as it stands,

बाबू गोपीनाथ सिंह : श्रीमान् जी, मैं प्रस्तुत विधेयक का स्वागत और समर्थन करता हूँ, परन्तु मैं यह भी अपना कर्तव्य समझता हूँ कि इसमें जो त्रुटियाँ हैं उनकी ओर मैं आपका और सदन का ध्यान आकर्षित करूँ ।

मुझे इस विधेयक में एक बहुत ही तथ्यपूर्ण त्रुटि जो मालूम होती है वह यह है कि इस विधेयक के स्टेटमेंट आफ आब्जेक्ट्स एंड रीजंस में जो बातें कही गई हैं, उनमें से आधी ही बात यह विधेयक पूरी करता है और आधी छोड़ देता है । स्टेटमेंट आफ आब्जेक्ट्स एंड रीजंस में यह कहा गया है कि रिक्त स्थानों की सूचना एम्प्लायमेंट एक्सचेंज को दी जावेगी और दूसरी यह कि स्टाफ स्ट्रेंथ (staff strength) के रिटर्न्स

रेगुलर इंटरवल पर एक्सचेंज को मिलेंगे ।
और आखिर में हमारे मंत्री महोदय उसी में
यह भी कहते हैं :

"The present Bill seeks to imple-
ment those recommendations."

बिल का जो टाइटिल और इन्विटिंग फार्मूला
है उसके अनुसार और शुरू से आखिर तक
इस बिल को पढ़ने के बाद मुझे एक भी
शब्द ऐसा नहीं मिलता है जिसमें स्टाफ
स्ट्रेंथ की चर्चा हो । और जब स्टाफ
स्ट्रेंथ के रिटर्न की चर्चा नहीं है तो मैं यह
भी जानना चाहता हूँ कि क्या व्यवस्था के
अनुसार यह कानून पूर्ण है ? और अगर
ऐसा नहीं है तो क्या मंत्री महोदय दूसरा
कोई सप्लीमेंटरी बिल इस विषय का लाकर
इस बात को पूरा करेंगे ?

इस कानून में जो त्रुटि है, उसका पूरा
होना भी आवश्यक है । वह यूँ ही नहीं
छोड़ दिया जाना चाहिये । आपका यह
विधेयक इसलिये है कि जो आपकी विकास-
योजनाएँ हैं, उनके सम्बन्ध में आपको पूरे
आंकड़े समय से प्राप्त हो जायें, अपने देश
में जो मानव शक्ति है उसका आप ठीक ढंग
से एसेसमेंट कर सकें, उसकी जांच कर सकें
और वक्त पर उसका उपयोग कर सकें,
और बगैर इसके यह भी नामुम्किन है कि आज
मुल्क में जो बेकारी है उसकी पूरी तरीके
से जानकारी कर सकें । इसलिये स्टाफ
स्ट्रेंथ का जान लेना समय समय पर बहुत
ही आवश्यक चीज है ।

मैं इस सिलसिले में जो शिवराव कमेटी
की रिक्कमंडेशन है उसके केवल चंद शब्द
आपको पढ़ कर सुनाना चाहता हूँ :

"In order that Government may have
reliable and up-to-date statistical information
regarding the level of employment in the
country, we recommend that like the Central
Government departments, all employers
including Government, semi-Government
and private should be

required on a compulsory basis to render
to the Employment Exchange concerned
and to the Central Headquarters of the
Services half-yearly returns in a form that
might be prescribed for the purpose,
showing the total staff strength at the end
of the six-monthly period, the number of
vacancies (including those in the unskilled
categories) that occurred during the
period, the manner of their filling and a
forecast of likely increase or decrease in
the staff during the next six months."

"The creation and maintenance of a

यह बात इस विधेयक में कहीं भी दीख नहीं
पड़ती और यह त्रुटि दूसरे अर्थ में भी पूरी
होनी चाहिये । १९५५ में हमारी गवर्नमेंट
ने एक इंजीनियरिंग परसेनेल कमेटी नियुक्त
की और इस कमेटी की जो रिक्कमंडेशन है
वह इस प्रकार है :

Register of Technical Man-power is
another important step which, in our
opinion, is long overdue. As early as 1949,
the Scientific Manpower Committee
recommended the compilation of a National
Register of Scientific and Technical person-
nel. This work was entrusted by the Cabinet
to the Council of Scientific and Industrial
Research, but even after six years, it cannot
be said that the Register is in a condition
where it can be directly useful."

अगर आप देखेंगे तो इस कमेटी की आगे
चल कर यह भी रिक्कमंडेशन है, पैराग्राफ
११३ में :

"Indian nationals receiving technical
training abroad should be kept informed of
the employment opportunities advertised
in India."

(Time bell rings.)

मुझे आपने समय बहुत ही कम दिया ।

श्री उपसभापति : दस मिनट हो गये ।

बाबू गोपीनाथ सिंह : मैं आपसे निवेदन
करूंगा कि अगर हो सके तो मुझे कुछ और
समय दें ।

[बाबू गोपनाथ सिंह]

आपने इस विधेयक में यह भी कहा है कि संसद् का जो स्टाफ है उसके बारे में आप इस कानून को लागू नहीं करेंगे। मैंने लोक सभा की प्रोसीडिम्स पढ़ी। उसमें श्री आनंद अली ने केवल इतना कहा कि लोक सभा के जो आंकड़े हैं उनका बाहरी ऑफिसर अवलोकन नहीं कर सकते, इन्स्पेक्शन नहीं कर सकते। अगर यह बात है तो मैं यह कहूंगा : क्या स्टेट लेजिस्लेचर के फिगर्स बाहरी लोग देख सकते हैं, क्या एटामिक इनर्जी कमीशन के फिगर्स कोई बाहरी लोग देख सकते हैं? और भी आपके सहकर्म हैं—होम मिनिस्ट्री हैं, डिफेंस मिनिस्ट्री है, और भी विभाग हैं जहां ऐसी गोपनीय बातें रहती हैं कि जिनकी जानकारी के फिगर्स बाहरी लोग नहीं देख सकते। लेकिन यहां तो बात महज फिगर्स देखने की नहीं है, यह तो केवल इस बात की जानकारी हासिल करने की है कि जो बैकेंसीज़ आपके यहां हुई उनको आपने इम्प्लायमेंट एक्सचेंज को बतलाया या नहीं बतलाया और अगर आपने नहीं बतलाया तो कोई भी आदमी, आपके सरकारी सहकर्म के ही आदमी, आप से पूछ सकते हैं और इस बात की जानकारी कर सकते हैं। इसलिये यह बात बिल्कुल गलत होगी कि आप अपने ऊपर तो इस नियम को न लागू करें, लेकिन जो स्टेट लेजिस्लेचर्स हैं उनके सम्बन्ध में कोई व्यवस्था न करें।

MR. DEPUTY CHAIRMAN: The time is over.

BABU GOPINATH SINGH: Time is over? Sir, if you could give me a little more time I would be very grateful.

MR. DEPUTY CHAIRMAN: I am sorry, there are still three or four more speakers. Already the time has been exceeded.

PROF. A. R. WADIA (Nominated): Mr. Deputy Chairman, I regret I find

nothing useful in this Bill and therefore, I cannot but oppose it. I see the necessity and the utility of employment exchanges. It would be good for the employers to know the type of people who can be employed by them. It is also good for the employees who seek employment to know where they can find employment. But employment exchanges, if they are to be really useful, must work on a voluntary basis and they would then justify their existence by the work they do, by the opportunity they give to the employers to find the right kind of employees and the opportunity they give to the employees to find the right kind of employers. But, Sir, this Bill seeks to introduce the principle of compulsion. Now, if this compulsion were one hundred per cent, I would have totally opposed it. As it is, the principle of compulsion is only halfhearted. What is compulsory? Notification is compulsory, not employment. That is perhaps the saving grace in this Bill. In sub-section (4) of section 4 it is said:

"Nothing in sub-sections (1) and (2) shall be deemed to impose any obligation upon any employer to recruit any person through the employment exchange to fill any vacancy merely because that vacancy has been notified under any of those sub-sections."

Well, Sir, what is the good of all this legislation? It is notification and notification under compulsion. And if you do not notify, you will be fined Rs. 50/- or Rs. 1,000. Not merely notify you have to give all sorts of particulars and I am in entire agreement with Shri Avinashilingam Chettiar that this is a section which is really atrocious because it seeks to impose obligation and compulsion of a very obnoxious type. What for? After applying this principle of compulsion there is no guarantee that you are going to solve the problem of unemployment, because the vacancies need not be filled and the person who is capable of filling it, that person

need not be employed by the employer. , If this sub-section (4) were not there, the Bill would have been logical, although it would have been very tyrannical. As it is, the Bill is utterly useless and it is only going to harass the employers to employ a lot of clerks to fill up notification forms about these vacancies, and subject themselves to the obnoxious condition of any person entering into their premises and asking for all sorts of information. That is going to do no good. Personally I say that this Bill at best is not going to do any good and at worst it is going to be absolutely tyrannical and for this reason I feel constrained to oppose it.

SHRI JASPAT ROY KAPOOR: Mr. Deputy Chairman, while I readily lend my support to this measure, I must confess that I feel that it has been drawn up in a rather half-hearted manner. As has been pointed out by Shri Gopinathji, though in the Statement of Objects and Reasons it has been contended that this measure is intended to cover two recommendations made by the Committee, we find that this measure covers only one of the recommendations, namely the one contained in para (a) of the Statement of Objects and Reasons. So far as the other object is concerned, namely that the employer should also be required on a compulsory basis to render to the employment exchanges staff strength returns at regular intervals, this Bill does not cover it at all. I would very much like to know what is the reason for that. This supports my contention that this measure has been drawn up in a rather half-hearted manner and due care has not been bestowed on the various provisions in this measure. But I say that I support this measure because I feel that it is in the interest of both the employers as also the unemployed who will have much better opportunity of seeking employment from these employment exchanges.

I would, however, submit that if this measure is to serve its useful purpose, it must be seen

by the Government that the employment exchanges do really function in an effective and honest manner. I say in an honest manner because I know from a little personal experience that in some places, at least in one, no applicant or no person was recommended for any post unless and until the officer in charge there was tipped Rs: 5 at least. This thing was even brought to the notice of the police establishment in that particular area and of course, nothing came out of it. Not that any specific and particular instance was brought to the notice of the police, but a complaint of this nature was so widespread that it was expected that the police establishment there would be something in the matter. What was complained of in a particular exchange may hold good about some other exchanges also. It has to be seen, therefore, that this sort of corruption is stopped altogether.

Secondly I have to submit that these employment exchanges do not help the employers who are anxious to seek its cooperation. I say this also from personal experience. Very often they send up such persons for interview with the employer as are absolutely of no use of the employer. It appears that often officers in charge of these employment exchanges do not really care to see what the employer wants and what sort of persons the employer wants. Therefore, I submit that while, theoretically these employment exchanges are expected to serve a very useful purpose, in actual practice we find that they are not working efficiently and that is just the reason why they are getting unpopular as was said by my hon. friend Mr. Sapru. Great care has, therefore, to be taken by the Government to see that these employment exchanges function efficiently.

(Time bell rings.)

I would like to express my support to the view expressed by my hon. friends Babu Gopinath Singh and

[Shri Jaspat Roy Kapoor.J Mr. Sinha that we must exempt from the operation of this measure the staff of the State Legislatures.

4 P.M.

There seems to be no harm and in order to keep the dignity of the State legislatures, it would be advisable to give them exemption from the operation of this measure. It is not a very small matter. Small, of course, it is in one respect but of considerable importance so far as the dignity and the respectability of the State legislatures are concerned.

It has been made compulsory for the employers to give notice to the exchanges about any vacancy but it has not been said as to how long the employer will have to wait. Suppose one gives notice today and employs a man tomorrow, will he be complying with the provisions, of this measure? This seems to be a big lacuna. You must provide herein some period during which the employer must stay his hands, twentyfour hours, fortyeight hours, three days, four days or a week—whatever it is. The period of notice must be prescribed. Otherwise, the whole thing becomes ineffective. One may give notice in the morning and appoint a person in the evening. These are the few points that I had to submit.

SHRI P. S. RAJAGOPAL NAIDU: Mr. Deputy Chairman, I would like to say a few words about this Bill. In my opinion, this Bill seems to be a very purposeless Bill because this Bill does not carry any compulsion on the part of the employers to employ persons through the exchanges. This Bill even takes away the very practice that is now being adopted by several State Governments in the country. There are several exchanges in States like Madras and others, where it is absolutely necessary for the Government offices to recruit persons only through the exchanges in

the case of temporary appointments No Government officer or department can appoint any person unless the person is recommended by the employment exchange. That is the practice prevailing now. That being the position, I do not understand why for mere notification of vacancies such a Bill as this is being brought before the House? What purpose is this measure going to serve in the matter of employment of persons? These things can be done by any other organisation, by any private body or even as a matter of fact, a statistical officer in the Labour Ministry or a statistical assistant attached to the District Collectors in the various districts. This will not solve the unemployment problem. If this system is followed, there will be favouritism and nepotism on the part of the several employment agencies including those in the public sector. 'In the public sector today, temporary appointments have to be filled, up only through the employment exchanges and even that provision is taken away by this Bill. I might tell the hon. Labour Minister that in Madras, for instance, no temporary appointment can be filled up either by any local authority or by the Government unless the exchange recommends a candidate.' According to this Bill, Government will not be forced to call for any names from the employment exchanges. Government will simply notify that so many vacancies exist and these posts can be filled up by the appointment of any man liked by Government. I, therefore, feel that this Bill is not going to serve any purpose at all. On the other hand, it is going to encourage favouritism and nepotism.

Another point, stressed by my learned friend, Shri Sinha, is that there should be compulsory recruitment through the employment exchanges by the public bodies and by the local authorities and no such compulsion need be made in the case of private agencies. I fully agree with his views.

My friend has already touched upon this point. If Parliament can be exempted from the notification, it stands to reason that the legislatures in the various States should also be exempted from the operation of this measure.

DR. H. N. KUNZRU (Uttar Pradesh): Sir, this Bill, as the Statement of Objects and Reasons says, is based on the recommendations of the Training and Employment Services Organisation Committee. This Committee considered the question of compulsory recruitment through the employment exchanges but came to the conclusion that as a first step Government should pass legislation requiring vacancies both in the public sector and in the private sector to be notified to the employment exchanges. As regards the private sector, it was of opinion that only certain industries in certain categories should be required to furnish this information to the employment exchanges. Now, this Bill gives Government the power to require all private concerns. . .

SHRI P. N. SAPRU: All or any.

DR. H. N. KUNZRU: Yes, all or any.

Clause 4 says:

"The appropriate Government may, by notification in the Official Gazette, require that from such date as may be specified in the notification, the employer in every establishment in private sector or every establishment pertaining to any class or category of establishments in private sector shall, before filling up any vacancy in any employment in that establishment, notify that vacancy to such employment exchanges as may be prescribed, and the employer shall thereupon comply with such requisition."

Now, I do not know, Sir, why Government is taking the power to cover even those industries that advertise

their vacancies and make the selection through selection committees of their own. The Committee to which I have already referred, approved of the method used in some industries for the recruitment of persons to vacancies. It thought that the existing method was good and there was no reason to change it. It was, however, generally speaking in favour of requiring that special types of establishments or establishments in certain sectors should provide information with regard to vacancies occurring in their establishments to the employment exchanges. I should. Therefore, like to know why at this stage, that is, at the first stage, Government wants to take the power to make it obligatory on all industrial and perhaps commercial establishments to notify their vacancies to the employment exchanges. Then, Sir, the Committee which made these recommendations on which this Bill is based pointed out some of the objections urged by people connected with the industrial and commercial establishments. It said that it had been urged before the Committee by the representatives of employers or their organisations that their complaint was that Employment Exchanges did not conduct trade tests at the time of registration and were not therefore in a position to assess the degree of proficiency or skill of the candidates. They had also said that the Employment Exchanges had no means of verifying the antecedents of the applicants. Apart from this they had pointed out that according to the present policy the names of only those persons are submitted by the Employment Exchanges who are not suitably employed and that the names of other persons are submitted only when no suitable unemployed person is available. The employers, as the Committee has pointed out, naturally prefer experienced hands or those already on the job and therefore they advertise their vacancies. Now, I am pointing out all these because the Bill before us is the first step to the compulsory filling up of vacancies through the Employment Exchanges and I

[Dr. H. N. Kunzru.] should therefore like to know whether Government has taken these complaints of the employees into consideration. The Committee made certain recommendations on this subject. It recommended the introduction of trade tests at the Exchanges and the preparation of panels of names for the post of clerks on the basis of tests. The Committee also recommended the classification of all applicants desiring skilled jobs on the basis of trade tests. The Committee further said that in its opinion the tests for the clerical cadre could be organised to suit the needs of the Central Government and also of the various State Governments and so on. I should like to know whether these recommendations of the Committee have been carried out by Government. If they have not been carried out, then what is the purpose of requiring either the Government agencies or the private agencies to notify vacancies to the Employment - Exchanges?

Lastly, Sir, I come to clause 6 of the Bill. This empowers a person appointed by Government to enter any premises and to have access to any relevant record or document in the possession of any employer who is required to furnish any information or returns under section 5. Now, I should like to know what the reason for such a provision is. Did the Committee recommend that any legislation that was introduced on this subject should authorise any officer prescribed by Government to enter any premises in order to inspect records etc.? If all that you desire at the present time is that certain important industrial and commercial establishments should notify their vacancies to the Employment Exchanges, why do you want to give such a drastic power to any officer of Government? The situation, Sir, is bad enough just now. We hear a great deal about corruption and if in the very beginning power of such a drastic kind is given to officers, is it

unreasonable to think that this Bill jiateaa oJ-making ior the employment. of efficient persons will create greater trouble tlian exists at present?

SHRI GUL^AKILAL NANDA: Sir, I am indebted to the House for the constructive suggestions and criticism and the questions that have been raised which I hope I will be able to answer to the satisfaction of the Members who have made those observations.

The first question was about the delay. At some stage this question was raised. This Committee was appointed in 1902; perhaps it reported a year later and we are bringing this legislation only now, so many years after the Report. This was what was said. Sir, that shows, not that we neglected a certain obligation but that we acted in the spirit of the recommendations of this Committee. And this also answers certain doubts which have been raised as to whether this is going to be merely a formality imposing some obligation on the employers which is meaningless and which is not going to take us very far at all. Now, we could have brought in this legislation much earlier. But we did not do so for the very good reason that we were not really equipped for that. We had to do certain things on our side and prepare ourselves adequately for that. And one important direction in which we had to prepare ourselves was in increasing the number of Employment Exchanges so that the facilities may be available to those who required the services of these Exchanges at convenient places. Similarly, several other things had to be done. Some of the recommendations of the Committee had to be carried out immediately and that was done. The most important recommendation was the transfer of the whole system to the States. Now, when a transfer takes place and the thing has to be organised in a new setting, it takes time for things to settle down and well, it did take time. It was only very recently that in all the States the system has been established on a sound

SHRI GULZARILAL NANDA: Their recommendations have been accepted and considerable progress has been made. A series of oral trade tests are being prepared and practical trade tests have been arranged in the States in collaboration with the Industrial Training Institute. The programme is steadily being developed and a system of tests for clerical workers is also being taken up. Now, Sir, it is because we have made progress in those directions, that we have felt that we would now be in a position to deal with this part of the extended operation more satisfactorily that we have come now and not earlier. That is one answer.

Criticism has been made from two sides, one that the Bill does not go far enough and the other that it goes too far. I faced this position in the Lok Sabha. There it was in a different way. Practically everybody rose and said that this provision was inadequate. The hon. Member, Prof. Wadia, said the logical thing would be to go further and make recruitment compulsory, but that would be tyrannical, he points out. He says, you are not prepared to do the logical thing which is tyrannical. Therefore, do not do anything at all. The friends in the other House said, the logical thing is this and do it. It is not tyrannical, but necessary and proper. That was the position—of practically everybody who spoke. I said there that we were not prepared to do that. I took shelter

behind the Report. I said the Report only wanted to go so far and no compulsion at this stage was visualized, with regard to recruitment. Even the Report does not say that at no stage will there be compulsion regarding recruitment. It says 'in the present circumstances' ^ 'at the present stage'. Therefore, it conceives of that possibility. I took a certain stand in the other House. I said my whole approach is no compulsion, if 'possible. If there is to be any compulsion, it should be the minimum. Then, to say that it becomes purposeless, is really to drive things to the other extreme, as if there is no middle way which can be useful, which can be helpful. Because that is going too far and the other thing does not mean very much, therefore, do nothing. I do not agree. It is possible to introduce certain measures which may introduce the minimum of compulsion and derive some good out of it. May be, that may help us to avoid something much more drastic. Maybe, if this little thing is not done and things are allowed to, deteriorate, then a situation may arise when we may be called upon to do i those other more drastic things. Therefore the approach of reasonableness becomes relevant and important. We are thinking of the employers. I am also thinking of them every time, because whatever I try to do in the matter of industrial relations, I do after full consultation with them, not only consultation but after taking their consent. I have done practically nothing during these two years, which has not had their consent because they j realise the value of these things to j them. I find often that people who j are neither employers nor workers nor representing States, go on criticising | those things, because they do not know enough about the interests of the employers. We do think of the workers and we do think of the harassment to, the employers. Do you imagine the plight of these thousands of people who go to the exchanges and who are not able to get employment at all? Do you think of the kind of frustration I and disappointment they have? What-

[Shri Gulzarilal Nanda.] ever little thing we are prepared to do now and want to do now under this system is not going to solve the problem of unemployment. But even if it helps a little to relieve the uncertainty in the minds of those people, helps to give them a better chance, a more equitable chance in the limited opportunities that are available, it will have served a useful purpose.

The question has been raised: "Is the Bill necessary because your system is not functioning properly, and, therefore, its utilisation is going down? Neither those who want the jobs, nor the employers are at all anxious and keen to use this service. Therefore, there is something wrong with it. Why don't you improve that, so that people will come forward to make fuller use of it on merits?" There are many wrong assumptions in this position. In the first place, when, I said that the proportion had declined, I was referring to the private sector. Considering the enlargement or increase in the volume of employment opportunity the proportion has declined. That is number one. The proportion is small and the number too is small. I refer to the number of vacancies notified. With regard to the popularity with those who need the services, that is, the employment seekers, the position is that in spite of the fact that the employment exchanges are able to render only very limited help, the number of those who come for registration is increasing every year. In 1954 it was 14,65,000, and then, 15,84,000; 16,70,000; 17,75,000 and in 1958 it was 22 lakhs. Therefore, that part of it is not correct. Also, regarding the total vacancies notified, the number has increased. Maybe that the public sector has contributed more to it. Regarding placements also the number has increased from 1,62,000 in 1954 to 2,33,000 in 1958. So, these exchanges are doing a good job, but not enough. We have to incur expenditure on these exchanges. The expenditure per registered person is about Re. 9, per vacancy Rs. 11, per placement Rs. 17 and per exchange approximately Rs. 500 per month. Now, with this

expenditure, it is possible—and we have calculated it—that four times the number of vacancies can be handled with the same establishment, with just marginal additions to the expenditure. Why should we not utilise it better? That was one consideration. Why should we not give greater satisfaction to those who come and register themselves? Will it actually result in greater satisfaction and in greater work? As I said, one of the consequences of the mere fact that a larger number of vacancies are notified will be that many more persons will be available, who will come forward to register themselves, and there will be a better quality of selection, better range of choice and there will be a greater opportunity for those who register to get some job. That is what I anticipated. I do not see any reason why this improvement should not occur. It is implicit in the whole arrangement and the larger the number of vacancies which are notified, certainly the larger will be the number of people who will have a chance. There is no compulsion. That is true. I am absolutely certain that those who notify will later on employ some of those submitted. They will not reject these names without any rhyme or reason. So, there will be better utilisation. The next question is: Are there not still certain shortcomings in the exchanges which have to be removed in order to enable the employers to make better use of them, more willingly, with greater enthusiasm? The reasons for their not using them, even at the time when the Committee reported were clearly explained, because the Committee had spent such a long time over the whole thing, gone in the whole working of the system. They found that the reason why employers were not using them was not simply the inadequacies of the system—inadequacies were pointed out—and since that time those inadequacies have been removed. Improvements have been made. The recommendations have been followed up. The Committee also pointed out that employers were not coming forward because of

apathy, because of reluctance to give up the power to do what they please, because of malpractices, because of many other undesirable features in the system of recruitment. That was the real reason and that will still be so— though not in every case. There are establishments having very good practices regarding recruitment. I am not referring to them.

On the question of corruption, I cannot say here that nowhere there is any corruption in the exchanges. There have been cases. We have taken every possible step that we could think of. There are advisory Committees established on which there are non-officials. Then, various procedures have been established by which possibilities of corruption have been "lessened. We have made every effort to keep corruption out, to eliminate it. I offered in the Lok Sabha to make an enquiry. I said that if any Member had noticed any case, or received any report and if he communicated it to me, I would look into that case. But that was not really the whole story. I said that we are going to make sample tests, sample enquiries. But I am sure and I know that the position is very much better and has been improving. But corruption is not the reason why vacancies are not notified. That might be the reason for a person who seeks a job not getting himself registered. That could not be the reason for the employers not communicating vacancies. Corruption could only act as a deterrent to those who want jobs, but they are not being deterred very much. This, therefore, cannot be the explanation as to why all exchanges are not being properly and fully utilised. We shall, I hope, agree in terms of the report of the Committee that whereas there may be no compulsion regarding recruitment there should be compulsion regarding notification. If anyone says that this has no meaning, no purpose, then it means throwing away all the work of this Committee which after a very elaborate enquiry and examination of the whole thing came to this

conclusion. It means that all this is nothing to us. The Committee has said that this is going to be useful and this should be done and therefore we are taking this step. I believe that this recommendation which is now being embodied in this legislation will improve matters both on the side of the industry and on the side of the workers.

Two other questions were raised about compulsion. It is said that to the extent it exists now, that also is being taken away through this law. Nothing is being taken away. In that respect the situation will be, I believe, even more strict than before. The Bill applies to both the private sector and the public sector . . .

SHRI P. S. RAJAGOPAL NAIDU: When there was no statutory provision the State Governments were adopting methods for recruitment through employment exchanges. Now there is a statutory provision which provides no compulsion at all. Will they not such Governments give up resorting to methods of recruitment through employment exchanges? Will they not give it up and follow only the directions given in this Bill?

SHRI GULZARILAL NANDA: We have been progressing in that direction without the help of legislation. We have been in correspondence with the States, and more and more Departments, more and more States, are falling in line, and this process continues. It does not need the help of this legislation. There is neither the intention nor the possibility of any retrograde action. I am saying this because we have been working in that direction ourselves. We are very keen that so far as Government Departments are concerned, they should make the fullest use of these exchanges without any exception.

Now I have dealt with the major question as to why compulsory recruitment is not proposed, as to why there should not be more compulsion. I have answered in terms of the report

[Shri. Gulzarilal Nanda.] of the Committee as also on the basis of our experience.

There are one of, two other points which I should like to deal with. First about penalties. The words used here were 'atrocious' and all that. Either have a law or don't have it if you are not prepared to enforce it. Then it is far better you don't have, a law. If we are going to have a law saying that establishments shall notify vacancies and somebody is obstinate or recalcitrant, then you may as well not have the law, unless you have a measure to deal with him or a sanction provided in law. We have not come to the stage where this will not be necessary. I thought that was very well understood. If you provide for something in law, there must be some kind of sanction also introduced there.

With regard to the clause dealing with access to records, now it was not "any record" but "any relevant record"; it was not "any time" but "any reasonable time". All the necessary qualifications and safeguards have ' been introduced. Therefore, I do not think that so much should have been made of that. There is no intention to use these powers in the manner suggested. But there should be reserve powers so that the whole intention of the Bill may not be nullified later.

The hon. Mr. Kunzru asked why every establishment is covered, whereas the Committee recommended that only certain industries should be considered. The Bill covers exactly what the Committee said. Otherwise subclauses (1) and (2) of clause 4 should have been of the same pattern. Clause 4(2) which refers to the private sector is worded in a different manner. It is meant to bring out that intent. The Committee said: Don't introduce it uniformly throughout because you may not be ready for it. They say that the main object is to give the employment exchange

an opportunity to recommend, and they say it may be that the exchanges may-not be everywhere, so that as we go on extending the facilities, to that extent we may bring in the employers, —not every employer irrespective of whether you are able to serve-him or not—and make it obligatory on him to notify. Therefore, the language of the clause is "may by notification*** require that from such date" etc. This cannot be applied to individuals, it has to be a class or a category. Therefore, discretion will be used for the purpose of bringing in those establishments where this kind of provision should be applied and keeping out those ! where for the time being at any rate it may not be necessary to do so.

Regarding the coverage part of it, I think the hon. Mr. Sapru asked why we have made it so limited and so restricted. Why not cover the domestic servants, why not cover person.-getting below Rs. 60 also? -

SHRI P. N. SAPRU: I did not mean to say that all this could be done immediately, but this should be our goal.

SHRI GULZARILAL NANDA: My answer is that today we do not want to take on ourselves a burden which we think we may not be prepared to bear immediately—so that I need not take up that point because we thought the coverage should be such that we could efficiently discharge our side of the responsibility in this matter.

One other question about manpower was raised, and that is, whether the object which has been indicated here.

DR. H. N. KUNZRU: Before the hon' Minister goes further, may I know what the position of those institutions or establishments will be which advertise their vacancies and then make selections out of the applicants who have responded to the advertisement?

SHRI GULZARILAL NANDA: If all those establishments were all in one class, well, it could be considered as a class, but there is an expression

here "any independent agency", there is some mention of it, and if it could be brought under that description, ; possibly this might apply.

Ofi. H. N. KUNZRU: What would be *he position, say of a Selection Com-ttiittee in .a University?

SHRI GULZARILAL NANDA: In the first place, whether to apply this to Universities is a question for the Government to decide. Secondly I cannot" immediatlv construe the full scope and meaning of "independent agency", I cannot immediately do it; I think possibly this might cover the point raised. I cannot say offhand but I hope that in certain cases where . arrangements are of a character that an independent choice is assured.

SHRI B. K. P. SINHA: Independent of what? What is meant by 'independent'?

SHRI GULZARILAL NANDA: Well, in the case of Government, for example, the Public Service Commission is an independent agency.

SHRI B. K. P. SINHA: I want to know.

Mk. DEPUTY CHAIRMAN: Order, > arder. Let him finish.

SHRI GULZARILAL NANDA: The .other purpose of the legislation was to secure information periodically which will enable Government to utilise it for the purpose of planning man-power requirements, for the purpose of, say, adjusting the demand to the supply in the matter of employment needs. Now this function, I ' believe, wiH be served fairly well through the provision that has been sought to be made. Mr. Dave remarked that these words "vacancies that have occurred or are about to occur" are very restrictive; that is, the words will not bring within the scope of the Bill a number of vacancies which might occur later on for which planning may have been made by estab- lishments and which information may

be useful to the State for the purpose of man-power planning. Sir, this is not our view. One answer is that this is not all the data to be used for man-power planning. We have got employment market information which is also a developing system. We are getting all kinds of information from employers which is needed for the purpose of adjusting our training programmes in volume, and also, Sir, in the character of training. The forms which are going to be furnished by the employers in order to extract this ' information, of course, will be comprehensive. All this information can be secured by that means. Although the obligation is regarding vacancies only, all the relevant data will also be supplied in those returns. Therefore, I do not anticipate any very serious difficulty on that score.

SHRI JASPAT ROY KAPOOR: You are not making it obligatory on the part of the employers to furnish any such data with regard to their "staff strength. You have made no provision for getting staff strength returns. Have you?

SHRI GULZARILAL NANDA: Sir, clause 5(2) makes the position clear. That will enable us to get the other information also. The forms which are going to be prepared will contain many questions regarding total strength etc. There is, therefore, no need to make any specific provision for that. I have, Sir, dealt with all the points and there is nothing more to add.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill to provide for the compulsory notification of vacancies to employment exchanges, as passed by the Lok Sabha, be taken into consideration "

The motion was adopted.

MR. DEPUTY CHAIRMAN: Now we shall take up clause by clause consideration of the Bill. Clauses 2 to 10. ; There are no amendments.

Saw JASPAT ROY KAPOOR: Sir, I would like to know the view of the hon. Minister with regard to clause 3(1)(e). I think the words 'State Legislatures' should be added.

SHRI GULZARILAL NANDA: Well, I can answer that question. Sir, this part of the clause was introduced in the Lok Sabha, after the Bill had been introduced, at the instance of the Speaker. We discussed the matter, and that was the form which he suggested. The question with regard to State Legislatures also come up for consideration. But he explained to us that there was some difference between the procedure adopted here and that adopted in the State Legislatures. It will take time for me to explain. So, that rendered it unnecessary to bring in the State Legislatures. Appointments are made here by . . .

SHRI JASPAT ROY KAPOOR: Are we sure about all the State Legislatures? There are some State Legislatures . . .

MR. DEPUTY CHAIRMAN: Order, order.

SHRI JASPAT ROY KAPOOR: Sir, I am being ordered when I want some clarification and when I suggest something.

MR. DEPUTY CHAIRMAN: According to him, it is not necessary. According to the Government, it is not necessary.

Clauses 2 to 10 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI GULZARILAL NANDA: Sir, I move:

"That the Bill be passed."

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill be passed."

DIWAN CHAMAN LALL (Punjab): Might I intervene at this stage?

MR. DEPUTY CHAIRMAN: We have already exceeded the time by 45 minutes. Therefore, not at this stage.

SHRI V. K. DHAGE (Bombay): Sir, when he wants to say something, he must be allowed to do that. He must be allowed that chance. It is his right.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

THE PUBLIC WAKFS (EXTENSION OF LIMITATION) BILL, 1959

THE DEPUTY MINISTER OF LAW (SHRI R. M. HAJARNAVIS) : Sir, I beg to move:

"That the Bill to extend the period of limitation in certain cases for suits to recover possession of immovable property forming part of public wakfs, as passed by the Lok Sabha, be taken into consideration."

Sir, this is a very short measure of limited duration. It proposes to extend the period of limitation for a class of suits. If possession is claimed under the ordinary law of limitation, the period of limitation is twelve years, whether the suit is governed by article 142 or by article 144. So far as these public wakfs are concerned, Sir, it is felt that during the time of disturbances they did not enjoy adequate protection. The persons who were to protect the possessions had left the country. Therefore, Sir, in order to enable these persons to have the property restored to possession, it is proposed that the period of limitation, so far as these cases are concerned, should be extended up to the 15th of August, 1967. The conditions which would enable the application of this Bill are that the property should be forming part of the public wakfs,