ARREST OF A MEMBER

THE VICE-CHAIRMAN (SHRI V.P. SINGH BADNORE): Before I call the next hon. Member, as directed by the Chairman, I have an announcement to make.

Hon. Members, hon. Chairman has received the following communication dated the 21st November, 2014 from DIG & Head of Branch, CBI, SCB, Kolkata:-

"I have the honour to inform you that I have found it my duty, in the exercise of my powers under Section 41 of Cr.P.C, to direct that Shri Srinjoy Bose, Member of Rajya Sabha be arrested for case No. RO04/S/2014-(SIT) Kolkata registered against Saradha Realty India Ltd. (Chit fund scam case).

Shri Srinjoy Bose, MP was accordingly arrested/taken into • custody at 15.55 hrs. on 21.11.2014 and is presently lodged in the police custody at the office of CBI, SCB, CGO Complex, A-Wing, DF Block, Saltlake, Kolkata-700064."

GOVERNMENT BILLS

The Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by certain Establishments) Amendment Bill, 2011-*Contd.*

श्री विशम्भर प्रसाद निषाद (उत्तर प्रदेश) : उपसभाध्यक्ष महोदय, मैं बधाई देता हूं अपने पार्टी के नेता प्रोफेसर रामगोपाल यादव जी को और अपने चीफ व्हिप आदरणीय श्री नरेश अग्रवाल जी को, उन्होंने हमें श्रम विधि (विवरणी देने और रजिस्टर रखने से कतिपय स्थापनों को छूट) संशोधन विधेयक, 2011 पर बोलने का मौका दिया है।

मान्यवर, मैंने इस विधेयक को पढ़ा है, जिसमें पूरे विधेयक में मजदूर का हित कहीं मिला ही नहीं। मिस्त्री साहब ने सही कहा था कि इसमें जो छोटे मिल मालिक हैं, कारखाने वाले हैं उन लोगों ने संगठित करके एक प्रारूप बनाया कि उनको लाभ पहुंचाने के लिए यह कानून बना है। चूंकि हमारा देश किसानों का देश हैं, गांवों का देश है, गांवों में काफी लोग बसते हैं और हम 125 करोड़ से ज्यादा लोग हैं। गांवों में जो मजदूर रहता है वह शहरों में काम करने जाता है। हम तो देखते हैं कि बड़े-बड़े शहरों में जो काम करने वाला मजदूर है, उसका रजिस्टर में तो नाम-पता रहता ही नहीं, नाम दूसरे के भरे जाते हैं, उसका हित तो होता ही नहीं। अगर कोई दुर्घटना या कोई और बात होती है तो उसको कोई लाभ नहीं मिलता है। इस विधेयक में इन्होंने पूरे 16 जो कानून बने हैं, सभी को कवर कर दिया है। मजदूर संदाय अधिनियम से लेकर साप्ताहिक अवकाश दिन, न्यूनतम मजदूरी, कारखाना, बागान श्रम, श्रमजीवी, मोटर, बीड़ी से लेकर, ठेला श्रम से लेकर सभी कर दिया है। हम देखते हैं कि जो रोड पर काम करने वाले मजदूर हैं, इनमें महिलाएं भी होती हैं तथा उनके बच्चे भी होते हैं, बच्चे वहीं पर बैठे रहते हैं तथा खेलते रहते हैं। वहां वाहन भी आते रहते हैं और उसके नीचे बच्चे दब भी जाते हैं। उनके छोटे बच्चों के लिए न पढ़ाई-लिखाई का इंतजाम है, न उनके लिए पीने के पानी का इंतजाम है, न कोई चिकित्सा का

[श्री विशम्भर प्रसाद निषाद]

इंतजाम है। इसके लिए इस विधेयक में व्यवस्था करनी चाहिए थी। इसमें तो केवल इन्होंने ठेकेदारों के हित, व्यापारियों के हित के लिए कानून बनाया है। मैं इसका विरोध करता हूं। यह कानून 2011 में बना था। हमें तो लगता है कि 2011 में जो सरकार थी, ये भी उन्हीं का अनुसरण कर रहे हैं और देश की जनता को * बनाने का काम कर रहे हैं। हमारे देश के मजदूरों ने सोचा था कि नई गवर्नमेंट आ रही है, शायद कुछ अच्छा कार्य करेगी। तो हमें नहीं लगता कि ये केवल बातें ज्यादा करते हैं और काम अभी तक कुछ नहीं हुआ है। जो इन्होंने कानून बनाया इसमें कहीं यह इंतजाम नहीं है कि शिशु गृह का इंतजाम रहेगा या नहीं रहेगा, शौचालय का इंतजाम रहेगा या नहीं रहेगा। जो ओवर टाइम करने वाले मजदूर हैं, उनके लिए खास तौर से महिलाओं के लिए देर रात तक काम कराते हैं उनके लिए ट्रांसपोर्टेशन रहेगा या नहीं रहेगा। ऐसी तमाम जगहें हैं, जहां रात तक उनसे काम कराते हैं और उनके आने-जाने की व्यवस्था के बारे में इसमें चर्चा नहीं है। ईंट भट्टे में काम करने वाले जो मजदूर हैं, उनका ठेकेदार शोषण करते हैं, उनका कहीं एनरोलमेंट नहीं होता है। मनरेगा जो स्कीम चल रही है, उसमें सौ दिन रोजगार की गारंटी दी गई है, लेकिन जो मजदूर ट्रेडिशनल काम करने वाले हैं, वे तो लगातार काम कर रहे हैं और नाम किसी का लिखा जा रहा है। अगर कोई घटना होती है, तो ऐसे मजदूर को लाभ नहीं मिलता है। इससे परेशानी होती है। अभी हमारे क्षेत्र बांध में एक मजदूर जो सूरत, गुजरात में काम करते थे उनकी डेड बॉडी आयी थी., जिसका पता चला कि वह मजदूर जो काम करता था, वह खत्म हो गया और मालिक ने चुपचाप उसकी डेड बॉडी को पैक करके बिना पोस्टमार्टम कराए उसके घर भिजवा दिया। पूछा कि कैसे मर गया? तो बताया कि वहां से कूद गया और मर गया। इसमें ऐसे मजदूरों के लिए कोई जिक्र नहीं है कि उनके हित के लिए क्या होगा? इसे आपने केवल ठेकेदारों, व्यापारियों के हित के लिए बनाया है। आज भी जो मस्टररोल बनते हैं, जितने भी सरकारी विभाग हैं, उनमें जो मस्टर रोल बनते हैं, हाथ का अंगूठा लगवा कर किसी का नाम भरकर पैसा निकाल लिया जाता है। जो मजदूर काम करने वाला होता है, उसका नाम कहीं नहीं रहता, उसको कोई लाभ नहीं मिलता है। अगर इसमें उनका कोई जिक्र होता, तो हम सरकार को बधाई देते, लेकिन यह सरकार मजदूर-विरोधी है।

उपसभाध्यक्ष महोदय, हमारे माननीय मंत्री जी जो हैं, अभी इनको श्रम विभाग मिला है, मैं इनको बधाई देता हूँ। आप हमारी ओ.बी.सी. कमेटी के चेयरमैन थे। अगर माननीय मंत्री जी पिछड़े वर्ग के लोगों के लिए इसमें आरक्षण का जिक्र कर देते कि मजदूरों में इतने मजदूर पिछड़े वर्ग के लिए रखे जाएंगे या एस.सी./एस.टी. के रखे जाएंगे, इसका जिक्र कर देते तो हम मानते कि मंत्री जी, आप कुछ करने वाले है, लेकिन मंत्री जी मजबूर हैं, जो इनकी गवर्नमेंट, इनके लोग कह रहे हैं, वही लिखा हुआ पढ़ रहे हैं। हम देखते हैं कि शहर में कचरा बीनने वाले छोटे-छोटे बच्चे, महिलाएं घूमते हैं। इनका भी एक संगठित गिरोह होता है। जो ठेकेदार होते हैं, वे उनसे काम करवाते हैं। जो भिक्षा मांगने का काम होता है, तो उसका भी गिरोह होता है। सौ, दो सौ छोटे-छोटे बच्चों से, महिलाओं से भिक्षा मंगवाते हैं, शाम को उनसे वसूली करते हैं। इसके लिए भी तमाम कड़े कानून बनें, जिससे वे सुधर जाएं। इसलिए इसकी सख्ती के लिए भी इसमें कुछ होना चाहिए था।

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* Expunged as ordered by the Chair.

इसमें माननीय मंत्री जी ने बताया है, यह तो 2011 का बना-बनाया कानून है, उसी को रिपील करने का काम आपने किया है। माननीय मंत्री जी से हम कहेंगे कि मंत्री जी, इसको फिर से प्रवर समिति को सुपुर्द कर दीजिए, इसको वापस कर दीजिए और मजदूरों के हित के लिए ऐसा कानून बनाएं, जिससे जो गांव में बसने वाला गरीब है, जो मजदूरी करता है, चाहे रोड का काम करने वाला हो, चाहे भट्ठे में काम करने वाला हो, चाहे किसी बिल्डिंग में काम करने वाला हो, चाहे किसी मिल-कारखाने में काम करने वाला हो, उसका कुछ इंश्युरेन्स हो। मैं उत्तर प्रदेश के मुख्यमंत्री श्री अखिलेश यादव जी को बधाई देता हूँ कि उन्होंने एक दुर्घटना बीमा योजना किसानों के लिए लागू की है। अगर एक बिस्वा जमीन भी है, वहां कोई दुर्घटना होती है, चाहे जहरीला सांप बिच्छू काट ले, तो उसे पांच लाख रुपये मिलेंगे। ऐसी ही इस कानून में कोई व्यवस्था होनी चाहिए थी कि अगर कोई मजदूर खत्म हो जाता है, तो उसके लिए क्या मिलेगा? उसके लिए कोई व्यवस्था नहीं है। तो मैं इस बिल का विरोध करता हूँ और माननीय मंत्री जी से आग्रह करता हूँ कि इसको वापस कर दें, इसको पास न होने दें। चूंकि आप ओ.बी.सी. कमेटी के चेयरमैन रहे हैं, उनके लिए आरक्षण की जरूर व्यवस्था करवा दें। धन्यवाद।

उपसभाध्यक्ष (श्री वी.पी. सिंह बदनौर) : आपने एक वर्ड इस्तेमाल किया था *, उसको प्रोसीडिंग से हटा दीजिए।

SHRI TAPAN KUMAR SEN (West Bengal): Mr. Vice-Chairman, Sir, at the outset, I crave your indulgence in the matter of time. I am a person from the labour movement, and, I think, I would be able to tell something tangible.

Sir, my first point, through the Chair, is this. The hon. Minister is a new entrant to the Labour Ministry, and while introducing the Bill, may be out of the record that has been prepared by the Labour Ministry, he made a statement that this is the product of consensus with the trade unions. That is absolute misstatement and misstatement should not remain in the record. So, please remove that. If you go through the recommendations of the Standing Committee, the Report of the Standing Committee on this Bill, you will get yourself doubly reassured that there was no consensus with the trade unions not even at the tripartite level on these issues. Whatever file you have prepared in the Labour Ministry that I do not know, but that is the fact. I am a person who is directly from the labour movement. I represent a central trade union organization as its General Secretary. Sir, the whole approach of this Bill and in that matter let me take this chance to say is that on labour matters a number of Bills are already pending in the Parliament. Lok Sabha has also some Bills. What is the whole approach behind these Bills? Is it for the betterment of the workers who are creating your GDP, contributing to your GDP and who alone are contributing to your GDP and production of wealth? On a bundle of currency notes only nothing can be produced. For whom are

* Expunged as ordered by the Chair.

[Shri Tapan Kumar Sen]

you giving this treatment? You are hearing only the voice of the employers, जो चन्दा देता है। You are not bothering for them, जो वोट देता है। You do not bother for them. You are putting them under clutch of Employers. Your Constitutional mandate for any legislative process is to establish the rule of law empowering all. But the whole target of your labour law changes targeting the threshold level of employment in the matter of coverage, it is aimed at pushing more and more out of the coverage and protection of labour law and throws them at the mercy of the employers. This is what is the removal and enhancement of the threshold level which is only meant for that. No doubt, the Bill was brought during the UPA regime. We, also at that time, were also interacting with the then Labour Minister. श्री ऑस्कर जी यहां बैठे हुए हैं। श्री खड़गे जी उस समय लेबर मिनिस्टर थे। We told our point very clearly. So, there was no consensus. Maybe, because you are a new person in the Ministry, kindly check up. I request the Chair to please remove that. Sir, the Bill was originally brought in 2005 with the additional provision for penalty, enhancement of the penalty for the employer for the violation of labour laws. It was substantially increased. That time the concerned Standing Committee unanimously recommended and upheld this penalty provision and, at the same time, returned the Bill to the Governments on the issue of Exemptions to again bring back only after arriving at a census at the tripartite level particularly with the trade unions. That report was placed in the Parliament on 20th December, 2005. After that the Bill of 2005 was withdrawn and it was reintroduced in 2011. मजे की बात यह है कि in 2011 Bill all penalty clauses were removed and in the same manner bothering about those जो चन्दा देते हैं, the only exemption part by enhancing the threshold level, that part is maintained. That Bill was also examined by the Standing Committee, the Report of which was placed in December 2011. Please go through that. It says that the Committee notes that the Government reintroduced the amended Bill in March 2011 without building consensus with the trade unions. This is on record and I am reading out from the report of the Standing Committee which examined the 2011 Bill and submitted its Report in the Parliament in December 2011. This again proves that the statement being made that there was consensus is not at all a fact. It is an untrue statement. Then the same Committee while examining the technological level being used in the production observed in the matter of Employment level -- please go through the Report recommended -- that from 19 it should go down further. At least it should not increase because technology increases the labour productivity phenomenally and one worker is now working, producing ten people's work. One person is doing ten people's production because of the increase in technology. The Annual Report of the Labour Ministry also identifies this fact that per month productivity in India -- measured in

terms of GDP per person, employed per hour -- is 4.17/US dollars, that is, around Rs.250 per hour or Rs. 2,000 per day. What is the minimum wage that you are paying? It is maximum Rs.5,000-6,000 per month, while the labour productivity is Rs. 2,000 per day. It is not my figure. It is a figure provided by the Central Labour Ministry in their Annual Report of 2012. If all taken together, the situation demands that you must totally reverse this Bill. Taking into consideration the labour productivity, their contribution, the situation also demands that in the definition of 'small establishment' stipulation on Employment level should go down further. ...*(Time-bell rings)*... I move my amendment accordingly. Please allow me to speak for some more time. It is a very important Bill.

THE VICE-CHAIRMAN (SHRI V.P. SINGH BADNORE): Okay. Take two more minutes.

SHRI TAPAN KUMAR SEN: You say that you want to simplify. What simplification? Please peep into any factor of in Delhi itself, you need not go beyond. You peep into any factory in any industrial area, say, Okhla or any other place. More than hundred workers are working, but only twenty workers are enrolled in their register. There are written complaints to the Government. But nothing is done. This is the state of affairs. And, you are further simplifying it! You are further diluting the provisions. Is it in the interest of the labourers? Is it in the interest of enhancing productivity? And, what do your own figures, the Government's figures, say? Submission of Annual Return and maintenance of enrollment register is a lawful obligation. If somebody violates, he should be behind the bars. But you are not doing that. What is the percentage of factories submitting returns? Your Government Report says, it is hardly 25.9 per cent of the registered factories in the country which are submitting Annual Returns. They are regularly submitting Annual Returns and submitting other statements, required under the stipulation of the law. Seventy-five per cent factories are not submitting their Annual Returns. They simply do not bother. There is no inspector raj at all. That lamenting is done only to support the employers' class, which is exploiting people. Seventy-five per cent of them are violating the lawful obligation in open day light. That is the reality. And, you are further diluting that in the name of exemption, simplification and so on and so forth. किसके लिए है? किसके लिए आप अच्छे दिन लाने वाले हैं, बताइए। For whom? Whatever labour law, which is still pending in the Parliament, submitted by your Government, it is at the same level and, in that sense, your subsequent Bill, the Factories (Amendment) Bill, is contradictory to this Bill.

(MR. DEPUTY CHAIRMAN *in the Chair.*)

[Shri Tapan Kumar Sen]

And, your another Bill, which is posted at your website, the Small Factories Bill is further contradictory to the provisions of what you have made over here in this Bill. What do you want to do? What is the meaning of enhancing the Employment papulation it and making it forty and giving them concessions? It means as per Annual Survey of Industry Report, published in 2012 -- more than 71.3 per cent of the factory establishments and more than 80 per cent of the workers will be thrown out of the purview of the protection of labour laws. ...*(Interruptions)*... I am just concluding, Sir.

Are you following the constitutional mandate of establishing the rule of law and all? And, you are saying that only for this, the investments will shower on the Indian soil. I am sorry, you place side by side and compare the last thirty years' employment generation and simultaneous employment loss, you will come to know the truth. Nothing else can be far from truth by creating an illusion that the more concessions you give, the more investments that shower. You are giving concessions to those who are already looting the workers. This is nothing but illusion, just like our Finance Minister says, reduce the direct taxes, you will have better compliance. The successive Governments have reduced the direct tax rate over the years. As on date, the unpaid direct tax is more than Rs.5,00,000 crores a year and that is jumping every year. So, this theory will not work. I repeat again, please relieve yourself of the concerns of those whom you are now busy with. ...*(Time-bell rings)*... Please consider the concerns of those who have voted you to power. You are not doing this. This Bill is a betrayal to those who have voted you to power. So, we oppose this Bill. I have moved a concrete amendment. I request the House to seriously consider my amendment that has a scientific basis. It should go down from 19 to 14. Please support this amendment. With these words, I place my submission on this Bill.

श्री नरेश अग्रवाल (उत्तर प्रदेश) : उपसभापति महोदय, आज तीन दलों ने काले धन पर नोटिस दिया, हमने, टी.एम.सी. और जनता दल (यू) ने। श्रीमन्, अभी नेता सदन ने थोड़ी देर पहले कहा था कि हम उस पर एग्री कर रहे हैं। कल काम भी ज्यादा नहीं है। अगर संसदीय कार्य मंत्री जी यहां पर एग्री कर जाएं तो इस पर कल ही डिस्कशन हो जाए। इसमें क्या दिक्कत है?

श्री उपसभापति : आप नोटिस दीजिए। चेयरमैन साहब डिसाइड करेंगे।

श्री आनन्द शर्मा : हमने भी दिया है।

श्री नरेश अग्रवाल : कांग्रेस ने भी दिया है।

SHRI DEREK O'BRIEN (West Bengal): Sir, our notice on this is under different rule. It is under Rule 167.

संसदीय कार्य मंत्रालय में राज्य मंत्री (श्री मुख्तार अब्बास नक़वी) : महोदय, आदरणीय फाइनेंस मिनिस्टर और नेता सदन ने स्पष्ट रूप से कहा है कि काले धन पर जो भी चर्चा होगी, वे उसे करने के लिए तैयार हैं। यह चेयर पर निर्भर करता है कि चेयर उस संबंध में निर्णय ले कि वह कब उस चर्चा को कराना चाहती है।

MR. DEPUTY CHAIRMAN: All right.

SHRI DEREK O'BRIEN: Sir, on the assurance given by the hon. Leader of the House and now followed up by the Minister, our all notices are on the same subject, but the Rules mentioned in our notices are different. So, tomorrow, please inform us as to under what rule this discussion is being taken up.

MR. DEPUTY CHAIRMAN: Okay.

SHRI DEREK O'BRIEN: Thank you, Sir.

MR. DEPUTY CHAIRMAN: Now, Shri Bhupinder Singh.

SHRI BHUPINDER SINGH: Mr. Deputy Chairman, Sir, I do not know wherefrom should I begin.

MR. DEPUTY CHAIRMAN: Begin from the end.

SHRI BHUPINDER SINGH (Odisha): Sir, this amendment is for labour, but in this, I don't find any benefit going to the Labourer. I want to know from the Minister where is the line in this whole object of this amendment Bill where it has been mentioned that the labourers will be benefited, or their family will be benefitted and proper protection will be given to their rights. There is not a single word about this. So, the name of this very Bill, the Labour Laws Amendment Bill, 2014 should have been either corporate law or some other law Amendment Bill, 2014. We are here to support; we are not here to oppose any progressive thing that comes before the House. Sir, as many Members have already said, who are the real backbone of this democracy; they are the peasant class; they are the labour class. For them, we are here. You want to make a modern India and you want to make it number one in the world. Who makes India? It is only the labourers, Sir. उनका जो पसीना निकलता है, अगर उस पसीने की कद्र नहीं की जाएगी ता इंडिया नहीं बन पाएगा। इंडिया नहीं बन सकता है, कभी भी नहीं बन सकता है। दुख यह है कि about 418.27 lakh establishments are there employing less than 19 workers. The exact number has not been spelt out anywhere. If the number is brought from 19 to 40, how many establishments will be benefited? What will it add to our economy? What will it add to our GDP growth? What benefit, at the end of the day,

[Shri Bhupinder Singh]

will the nation get out of this 19 to 40? Sir, the entire Report is there with me. I know the time is very limited. I will not take much time, Sir. I will take two, three minutes more. But, Sir, nowhere has it been spelt out. In the Statement of Objects and Reasons, 'computer-based forms' has been mentioned. Sir, computerization is there, but why has it been mentioned 'computer floppy' here? It should be put up on the Net. Then, at least the labourers' children, who are being educated nowadays, can open the Net, go to the website, and know whether their fathers work in the concern, Establishment on record, whether their names are on its rolls or not. At least this information should be made available to the children of the labourers who are working there. Then, Sir, hardcopies of the print-outs should be kept so that they get benefited.

Sir, talking of the penalty for failure to furnish returns to maintain any register under the Scheduled Act, at page 35, I am amazed, as I don't know in how many cases penalty has been fixed on the industrial houses, small, marginal or big, in labour-related cases. In how many cases, at least during the last six months of this Government, has penalty been fixed on established houses?

Sir, in our State, we have made a provision whereby we have allotted 1 percent of Laourers through which we give extra benefits to the labourers. Is it being uniformly followed in the country that when we make the estimate for any project, the interest of the labourers and their families are taken care of? What security is there for their family members? Please explain?

Sir, this Bill was mooted in 2005 and in 2007, there were long discussions. From 2007 to 2011, for four years, there was a quiet, nobody knew what happened, and now, in 2014, it has come with an amendment. The whole House would like to know exactly why it was brought from 19 to 40. यह संख्या लाने के लिए 40 क्यों लाया गया; इसको 60 या 100 क्यों नहीं बनाया गया, 40 लाने से कितना फायदा होता है, तो 80 लाने से कितना फायदा होगा? यह नम्बर किसी ने तो evolve किया होगा, यह 40 नम्बर कहां से आया है? यह 19 से 40 लाने का उद्देश्य क्या है, इसके पीछे क्या मतलब है, इसके बारे में आप बतायेंगे, यह मैं उम्मीद करता हूं।

सर, कोई भी बात हो, अगर इसमें मंत्री कह दे, वह खुद लेबर यूनियन के लीडर भी रहे हैं कि इसमें लेबर्स के कल्याण के लिए, उनके परिवार के कल्याण के लिए कुछ किया जा रहा है, तो हम और हमारी पार्टी इसके साथ है और हम इस बिल को सपोर्ट करने के लिए तैयार हैं।

MR. DEPUTY CHAIRMAN: Thank you, Shri Bhupinder Singh. Now, Dr. Ashok S. Ganguly.

4.00 P.M.

DR. ASHOK S. GANGULY (Nominated): Mr. Deputy Chairman, I have been listening with a great deal of care to the previous speakers. I am pleased to be addressing the hon. Minister, through you, Mr. Deputy Chairman. While I was listening to many of the speeches, it reminded me that very little has changed in the last 50 years. The country has changed, the economy has changed, but the language of trade unionism, of labour laws' implementation, has not changed. All that has happened is, possibly, what was heard on a 78 rpm record is now being heard on a CD. I think this is very unfortunate and this is very serious.

Sir, economic reforms started thirty years ago. Why did labour reforms not start thirty years ago? This is a question, hon. Minister, that we have to think about very seriously. We cannot do it in *salami* pieces; we cannot do it in slices.

If you walk into any city of any size and walk past or drive past building-construction sites, they are a shame to this nation. The trade-union movement -- I have worked on shop floors myself has been eroded in this country, with all due respects to my trade union leaders and friends. It has eroded because its power, its performance, its effectiveness is no longer there, with due apology to everybody. Therefore, hon. Minister, through the Chair, I request you that do not bring Bills which bring about minor changes. Labour reforms like economic reforms need root and branch transformation. We can sit here and either agree or disagree with the amendments in the Bill, but I don't think that it is a justice either to industry or to labour or to their family or to the future generations in this country. Therefore, I am not going to quarrel with you regarding how many numbers will be covered and how the records will be kept and so on and so forth. With 'Make in India' -- like what has been happening in this country for the last twenty years, we want to progress; we want to progress faster -- I think we must look at modernization of labour laws, modernization of trade union movement and modernization of investor outlook in a holistic fashion.

(SHRI SUKHENDU SEKHAR ROY *in the Chair.*)

I request, through you the hon'ble Minister, to please go back to your Cabinet and discuss this issue *de novo* so that we can all jointly look at the issue of vital importance to future of India. Please take note that the trade union movement even in a country like the United States has been decimated; it has been destroyed. If you look at the auto industry in the United States, if you look at many of the labour-intensive industries in the United States, they are in dire conditions. We have a chance not to repeat it. I request you, don't

[Dr. Ashok S. Ganguly]

bring piece-meal amendments; look at the larger picture, get all the work together and then look at a labour modernization law in a comprehensive manner. I thank you, Mr. Chairman.

SHRI D. RAJA (Tamil Nadu): Thank you, Sir. The country is passing through a very critical period. I hope the friends on this side will review their position and disagree with the Bill placed before us, even though it was originally their Bill. Sir, make business easy, 'Make in India', should not be the driving concerns of this legislation. The working people both in unorganized sector and organized sector are at distress. Despite what our good friend, Mr. Ganguly, has said, the trade unions have to fight for their legitimate functioning. It is not that trade unions are allowed to function. The classic example is what happened in Maruti in Delhi. So, let us not undermine the role of trade unions. Trade unions played a very great role even during our freedom movement for the Independence of the nation. In the post-Independence period, it is because of trade union struggle that we got some laws for working people; it is not that somebody gave these laws on a platter to the working people. Sir, having said that, I must underline the fact that labour is a process. During this process, wealth is created; surplus value is created. Here the role of working people should be understood. The working people are the primary productive force in the labour process. It is not that I am talking something new in this House today. It was the greatest analysis by Karl Marx in *Das Kapital*, and nobody has ever challenged the great analysis made by Karl Marx in *Das Kapital* on how he explained the labour process, how he explained the value creation and wealth creation. Who is really creating this value? It is the labour class, it is the labour power which creates the wealth. Even Thomas Piketty, in his book *'The Capital in the Twenty-First Century,* has acknowledged what Marx had said in those years. Piketty has gone even one step further and has said that the unprecedented inequality, the unprecedented disparity, has been created because of these economic policies and the concentration of wealth in the hands of a few people. Here, I am putting this question to the Government, which claims to be a welfare Government. You cannot deny, or, you cannot oppose the Congress Party because the Congress Party also claimed that their Government was a welfare Government. And you will also claim that your Government is a welfare Government. If the Indian Government is a welfare Government, I think the interests of labourers must be kept in mind. But this legislation is really letting down the interests of workers.

In this Bill, the hon. Minister has added Schedules from 1 to 16. It starts with the

Payment of Wages Act, 1936, and then goes up to the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996. All these will be covered now under this law. Here, the issue is that if you increase it from 'nineteen' to 'forty', can you really protect the interests of workers? I think, this is done because the Government wants to help the industrialists, the factory owners and the capitalists -- I put it in general terms -- and the Government is not interested in protecting the interests of workers. That is what we are asking. Why can't you reduce it? My hon. colleague, comrade Tapan Kumar Sen, has mentioned that productivity is increasing every day. As science and technology grows, productivity increases, and now, it has brought tremendous changes in the labour process. So, the Government should reduce it from 'nineteen' to, say, 'fourteen' or, say, 'ten'. Even Shri Satish Chandra Misra has asked as to why you cannot make it 'ten'. But, you are making it 'forty'. For what are you doing it? Whom are you helping? These are the questions that the Government has to answer. That is why we are not in a position to agree with the Government on this issue. We are for reforms but reforms for whom, for whose interest? If reforms are really genuine in the interest of workers, we will be the first to argue for such reforms. But these labour reforms are, in fact, anti-labour. That is our charge. These are anti-labour. These are pro-corporate. If the Government wants to serve the interests of corporates, then it should make it clear. People will decide as to what they should do. As the hon. Minister is a new Minister, I must bring it to his notice that all the Central Trade Unions, despite what our friend, Dr. Ganguly, has said, have given a call. The workers will be on the streets on December 5 opposing all the anti-labour legislations proposed by the Government. It is not that we are doing it now. When the Congress Government did it, at that time also, we opposed. We did not compromise on this issue. Now also, we oppose it. We don't agree with this. These labour reforms will not help the labour class, the working classes. That is why I request the hon. Minister to re-consider these issues. Hon. Minister is a new Minister. I know that he is a very sensible person. Why can't he reconsider the whole legislation? Why does he go from 'nineteen' to 'forty'? Why can't he bring it down to 'fourteen'? We all will support it if that is done. We will agree with him. But don't increase the number to 40, which will go against the interest of workers. That is our plea. That is why we have given an amendment also. Finally, Sir, I would like to say that the workers are the strength of the nation. They produce wealth, they create value, and, if they are not taken care of, their interests are not protected, we cannot save this nation. With these words, I oppose this legislation and I would like the Government to reconsider this legislation. Thank you.

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR ROY): Thank you. Now, Shri Ananda Bhaskar Rapolu.

श्री आनंद भास्कर रापोलू (तेलंगाना) : माननीय उपसभाध्यक्ष महोदय, शुरुआत में मैं अपने बड़े भाई, भारत के श्रमिकों की रक्षा करने वाले मंत्री, तेलंगाना धरती के प्रिय पुत्र, सबको अलाई बलाई करने वाले, सबको गले मिलाने की कोशिश करने वाले बंडारू दत्तात्रेय जी को बधाई देता हूँ। Sir, the dichotomy and the tragedy is that the newly-inducted Ministers are yet to be introduced as a formality by the Prime Minister of India in both the Houses of Parliament, I believe, but, in particular, in our House, they are yet to be introduced. ...*(Interruptions)*... That is what I am saying. Instead, the Leader of the House introduced them. This is the historic time to assess and understand the labour employment, labour welfare and the social security situation. To begin with, Mr. Vice-Chairman, Sir, I would like to recollect the efforts made by Shri Varahagiri Venkata Giri, who subsequently became the President of India; Shri Gulzarilal Nanda, who became Prime Minister twice, though interim; son of Gujarat, Shripad Dange, a son of Mumbai, and several other veterans. With their efforts, even before Independence, in 1931, there was a Royal Commission of Labour to understand the plight of the labourers.

While making preparations for my presentation, I studied the findings of the 1931 Royal Commission on Labour Reforms and I found that we are going back and back and back. Just now, veteran trade union and communist personalities, Tapan Kumar Senji and D. Rajaji, and, learned thinker, Ashok Gangulyji, made their observations. These are the times of undependable employment. We are passing through such times that the private sector, the corporate sector cannot assure employment not only to the lowest of the low but also to the highest of the high. Let us not forget that the productivity of labour is not only an essential condition for the prosperity of the enterprises but also a basis for the sustenance of the workers and their families. Just yesterday, a delegation of *Anganwadi* workers met the hon. Labour Minister. They are now more than ten lakh people. Those ten lakh workers and their families are not under any labour law. This is the situation of the contract labour. If we visit any industrial establishment or any project site, the condition of the contract employees is so pathetic that we can see the pathetic India besides sustained India. It is glaringly exposing that we are yet to include. If such is the situation, what is labour welfare? Whether you like it or not, just now D. Rajaji mentioned, labour welfare is the critical dimension of industrial relations and it is an integral part of social security. Living standard of workers shall also find a place, this is my plea, in assessment criteria for deciding the status of industrial units, particularly the public sector undertakings, as a model to guide and encourage the safe labour welfare. Can we achieve it? This is

the enactment which was pending since 2011, but this has been drafted in 2005. This is the improvement from 1988 Act. We were also worried. Even during our Government, when this enactment had to come, we tried to convey the observations and agony and expressions from various labour sections and associations. This is being looked upon as something contrary to the interests of the working class. But actually, the intention of this Act is not the same. ...*(Time-bell rings)*...

SHRI ANANDA BHASKAR RAPOLU: Sir, may I take two more minutes?

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR ROY): You may take one minute.

SHRI ANANDA BHASKAR RAPOLU: The intention of this enactment shall include the availability of the modern advanced technology to record on the computer and website. There is every necessity to have the data inclusion of each and every, lowest to highest, employee of any enterprise. Then only, the doing away of these returns and registers will assuage and give confidence to the working class. The inter-State migrant workers' condition is so pathetic. The Labour Minister is a much travelled person. As we were travelling into Maharashtra and Gujarat to understand the migrant workers from our land, Telangana, he was also travelling to such parts. The Act which is intended to protect the interests of the inter-State migrant workers is not being adhered to. There is also no corelation between the Central and the State-level laws. There is a big gap between the Central and State-level establishments in implementing the labour laws. With this situation, this enactment will be naturally looked upon as if it is eating away their interests. The labour class may think that it is contrary to their interests. ...*(Time-bell rings)*... To convince them, you have to ensure that all the private and public enterprises shall need to adopt the modern technology and to include not only through ESI but also through several other mechanisms so as to protect their employment. At this point, before concluding, I would like to make a mention about the pathetic condition of the journalists, in particular, in visual TV media. There is a Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955, Labour Ministerji. But this needs to be included to look after the interests of electronic and various other forms of the media so that the working class of the media also gets proper protection.

With this, I would like to conclude while appreciating the efforts of Labour Minister which will lead to the labour welfare. Thank you very much.

SHRI TIRUCHI SIVA (Tamil Nadu): Sir, the Parliament has enacted a number of laws, labour laws, to regulate the employment and the conditions of the service of the

[Shri Tiruchi Siva]
employees. Whenever a law is enacted, it prescribes the employers to maintain some registers and to file some returns with some basic details like the wage slip, the amount of work done slip and the returns related to accidents and all. Over a number of years, the number of registering establishments has increased and there have been persistent demands from various quarters that the process of filing these forms have to be simplified and the area of this coverage of exemption be expanded. Based on this, subsequently, in the year 2005, in the same august House, the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by certain Establishments) Amendments and Miscellaneous Provisions Bill, 2005 was introduced and that Bill was referred to the Standing Committee and the Standing Committee, after having discussed it thoroughly, recommended to the Parliament that the views of the employers and various employees' organisations have to be taken into consideration and, after having arrived at a consensus, necessary amendments have to be made. After that, so many meetings took place with the representatives of the employers and employees' organisations but a consensus was not arrived at. Subsequently, the Bill was withdrawn.

In the year 2011, Sir, again a Bill was introduced which we are discussing now. This Bill provides for four things. I think there is not much to be discussed about except only one thing. What does this Bill seek to amend? Schedule I of this Act is substituted. It has already got nine Acts which exempt some establishments from maintaining registers and filing of returns and now it is expanded to sixteen, which includes seven more Acts which are very well-known and which are very relevant also. They include the Motor Transport Workers Act, 1961; the Payment of Bonus Act, 1965; the Beedi and Cigar Workers (Conditions of Employment) Act, 1966; the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979; the Dock Workers (Safety, Health and Welfare) Act, 1986; the Child Labour (Prohibition and Regulation) Act, 1986 and the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996. Sir, it is very simple. It also substitutes the Second Schedule to the Act. It specifies new forms instead of the present forms 'A', 'B', 'C', 'D' and 'E'. It is accepted.

Thirdly, Sir, it provides for maintenance of registers and returns in computers through computer floppy. That is also agreed. The fourth one, which is being discussed and for which amendments have also been given, is to revise the definition of the expression of 'small establishments'. Sir, 'small establishments' includes only those establishments which have workers from nine to nineteen. Now this Bill seeks to amend it to raise it to forty. Sir, the Standing Committee, which considered the Bill when it was introduced in

2011, has recommended very strongly, and it has to be taken into account, that certain establishments, which are high-tech establishments, which have a high turnover and which may have lesser employment, will also come under its ambit. We should very seriously think that medium and large establishments should not enjoy the benefits which are given to small establishments. So, it has been recommended by the Standing Committee that the *status quo* must be maintained or if it has to be raised, it may be raised up to 25. But it sticks to 40.

Some amendments have been proposed by comrades Mr. Tapan Kumar Sen, Mr. P. Rajeeve and others. One amendment proposes that it should be brought down to 14. Another amendment proposed by Mr. Vivek Gupta sounds sensible. It says that if the small establishments have a turnover exceeding ₹10 crore, the exemption from furnishing returns or maintaining registers required to be furnished or maintained under the Scheduled Act shall not apply to them.

Sir, the number of employees in an establishment should not exceed 19. Or if it has to be increased, it could be increased up to 25. And if the turnover exceeds ₹ 10 crore, they should not come under small establishments. This is the only thing which is disturbing.

The other things in the Bill are to be welcomed. This has to be taken into consideration by the Minister. Thank you very much, Sir.

डा. सत्यनारायण जटिया (मध्य प्रदेश) : महोदय, हमारे श्रम मंत्री, बंडारू दत्तात्रेय जी को मैं बधाई देता हूँ कि उनको एक महत्वपूर्ण जिम्मेदारी निर्वहन करने का अवसर प्राप्त हुआ है। निश्चित रूप से उनके नेतृत्व में जो आशंकाएं यहां पर जाहिर की गईं, मुझे खुशी है कि इस बहाने से हम मजदूर के बारे में, श्रमिक के बारे में सोच तो रहे हैं। वैसे भी देश की समृद्धि, प्रगति के लिए श्रम और पूंजी, दो पहिए हैं, जिन पर देश की समृद्धि का रथ प्रगति और विकास की ओर बढ़ता है। हमारा यह देश जैसा कि हम जानते हैं कृषि प्रधान देश है और कृषि मुख्यतया श्रम पर निर्भर होती है। यह श्रम प्रधान देश है, कौशल प्रधान देश है। इसको फिर से स्मरण करने की जरूरत है। एक बार में सारी बातें नहीं होती है। हमें अपने परंपरागत कौशल को याद रखना है:

"हम कौन थे, क्या हो गए हैं, और क्या होंगे अभी,
आओ विचारें आज मिल कर, ये समस्याएं सभी।"

इन समस्याओं को निराकरण तब होगा, जब हम उन पर सिलसिलेवार विचार करेंगे।

यह जो कानून आया है, इसमें संख्या के बारे में कहा गया है, रजिस्टर के बारे में कहा गया है, जानकारी के बारे में कहा गया है। जो पहले 10 से 19 तक थी अब उसको बढ़ा कर 10 से 40 कर दिया है। अब यह 40 कर दिया है, तो यह एक प्रशासनिक व्यवस्था है। यदि प्रशासनिक

[डा. सत्यनारायण जटिया]

व्यवस्था 10 से 20 में ठीक हो सकती होगी या नहीं होती होगी, यदि नहीं होती होगी, तो उसमें सुधार करने की आवश्यकता है। यदि इसको 19 से 14 भी कर दिया गया और यदि नीयत ठीक नहीं है, तो नतीजे अच्छे नहीं होंगे। इसलिए हमारा कहना है कि प्रशासनिक क्षमता को अधिक पैना करने की आवश्यकता है, न्यायपूर्ण करने की आवश्यकता है। यदि न्यायपूर्ण व्यवस्था होती है, तो फिर एक से लेकर नौ तक जिनको छूट मिली हुई है और जिनको 10 से 19 में पहले छूट मिली हुई थी और अब यह 10 से 40 हो जाने वाला है, यदि प्रशासनिक व्यवस्था ठीक है, यदि उनका निरीक्षण, परीक्षण ठीक है... ऐसा तो नहीं है कि इसमें सब बातों को छोड़ दिया गया है। पहले 9 श्रम कानून थे और अब 16 श्रम कानूनों के दायरे में इसको लाने की बात हुई है, इसलिए आशंकाएं करना अपनी जगह ठीक है। हमारा श्रम आंदोलन कोई आज का तो नहीं है, सब प्रकार की ट्रेन यूनियनें हमारे देश में काम करती हैं। मैं भी मजदूर क्षेत्र से आता हूँ और सन् 1966 से लेकर आज तक मैंने श्रम समस्याओं के बारे में बात की है, चाहे वह संगठित क्षेत्र में हो, चाहे असंगठित क्षेत्र में हो। आज जो सारी परिस्थितियां हो रही हैं- उदारीकरण, वैश्वीकरण और पूंजी का प्रभाव, इन सारी बातों के रहते हुए इस दुनिया में जहां हमें अपने अस्तित्व को बचाना है, वहीं हमें श्रम का सम्मान भी करना है। इसलिए हम यह कैसे कह सकते हैं कि जब यह 19 से 40 हो जाएगा, तो इसके कारण कोई दिक्कत होगी? यह ठीक है कि हमारा पुराना अनुभव ठीक नहीं है। ...**(समय की घंटी)**... मेरा तो अभी बहुत समय बाकी है। मुझे पार्टी का पर्याप्त समय दिया गया है।

उपसभाध्यक्ष (श्री सुखेन्दु शेखर राय) : डिस्कशन का टोटल टाइम खत्म होने वाला है। Please make it brief.

डा. सत्यनारायण जटिया : यह ठीक है। मेरी पार्टी ने मुझसे कहा है कि आपको 22 मिनट बोलना है, अब आप दो मिनट में बन्द करा देंगे, तो मैं कैसे बोल पाऊँगा? मैं जानता हूं कि ये सारी बातें रहने वाली हैं, परन्तु ये सारी बातें एक बार में नहीं हो रही हैं। लेबर रिफॉर्म मोटे तौर पर एक फैशन-सा हो गया है। लेबर रिफॉर्म्स इतने वर्षों से हो रहे हैं, लेकिन क्या हुआ? इकोनॉमिकल रिफॉर्म्स हो रहे हैं, कोशिशें जारी हैं, परन्तु इसके पीछे अच्छी नीयत चाहिए। हमारे पास काम करने का जो मेकैनिज्म है, उसको यदि हम चाक-चौबंद नहीं करेंगे, तो ये सारी बातें इसी तरह से चलती रहने वाली हैं। इसलिए हम यह कहना चाहेंगे कि हमारे बहुत सारे नियम-कानून बने हुए हैं और इसके लिए हमने सेकंड लेबर कमीशन भी बनाया था। जब मैं श्रम मंत्री था, तो मैंने रबीन्द्र वर्मा जी के नेतृत्व में सेकंड लेबर कमीशन बनाया था। उनमें उसके फाइंडिग्स आए हैं, उसके निष्कष निकाले गए हैं। उन सारे निष्कर्षों पर विचार करने के लिए, उनमें क्या-क्या रिफॉर्म्स होने चाहिए और वे किस तरह से होने चाहिए, सरकार बैठकें करती रहती है। यह सब लोगों के सलाह-मशविरे से होना चाहिए। उस पर विचार करने के लिए हम ट्रेड यूनियंस आदि के साथ tripartite बैठकें करते ही हैं। उस बैठक में एक तरफ श्रमिकों के प्रतिनिधि होते हैं, दूसरी ओर उद्योगों के प्रतिनिधि होते हैं, तीसरी ओर सरकार के प्रतिनिधि होते हैं और उसके अलावा हम लोग हर वर्ष श्रम सम्मेलन भी करते हैं। इतना ही नहीं, हम अंतर्राष्ट्रीय श्रम सम्मेलन में जाकर भी अपनी बातों को रखते हैं। जब मैं श्रम मंत्री था, तो हमने वहाँ पर डायरेक्टर जनरल को कौशल-वैश्वीकरण का कांसेप्ट दिया था। उस समय हमने कहा था कि हमारा देश कौशल-प्रधान देश है,

हमारे पास हुनर है और यदि इस हुनर को दुनिया के अंदर जाने दिया जाए तो निश्चित रूप से जहाँ एक ओर हम हुनर के माध्यम से लोगों को रोजगार देने के अवसर पैदा कर सकते हैं, वहीं दुसरी ओर हुनर के माध्यम से हम परस्पर अन्तर्संबंध और सांस्कृतिक संबंधों के माध्यम से "सुधैव कुटुम्बकम्" का भाव भी पैदा कर सकते हैं। सारी दुनिया एक परिवार है, इस प्रकार का भाव भी इससे पैदा किया जा सकता है।

आज के इस प्रसंग पर मैं यह कहना चाहता हूँ कि जो यह कानून है और इस पर संशोधन आया हुआ है, इस पर अपनी आशंकाएँ करने की जरूरत नहीं है, लेकिन यह बात जरूर है कि इस पर ध्यान देने की जरूरत है। जो पिछली गलतियाँ हुई हैं और जो पिछली चूक हुई हैं, उसमें सुधार करने के लिए इसे यह सरकार लाई है। यह तो बहुत पहले से पेंडिंग है और इस पर वर्षों से काम चल रहा है। जब इस पर वर्षों से काम चल रहा है तो एकबारगी तो नहीं हो गया। यह संशोधन विधेयक राज्य सभा में पहली बार अगस्त 2005 में पुरःस्थापित किया गया था। फिर श्रम संबंधी संसदीय स्थायी समिति ने इस विधेयक की जाँच के उपरांत इसमें कुछ उपबंध किए थे। उसके बाद वर्ष 2007 में नियोक्ता तथा कर्मचारी संगठनों के साथ बैठकें आयोजित की गईं। संगठनों के साथ हुई चर्चा में निम्न मुद्दों पर सर्वसम्मति बनी। उसमें यह सुझाव था कि अनुसूचित अधिनियमों की संख्या को बढ़ाकर 16 किया जाए। ...**(समय की घंटी)**... लघु स्थापनों में परिभाषित कर्मचारियों की संख्या 10 से 19 के स्थान पर 10 से 40 करने की बात कही गई। उनके रिकॉर्ड तथा रजिस्टर/इलेक्ट्रॉनिक रजिस्टर रखने की अनुमति दी जाए, इस प्रकार की बात हुई। विद्यमान चार फॉर्मों को तीन नये आसान फॉर्मों में प्रतिस्थापित किया जाए, ये सारी बातें काम को प्रिसाइज करने के लिए हुई हैं।

मैं निश्चित रूप से यह कहना चाहूँगा कि यह जो कानून आया है, यह एक लम्बे समय से रुक-रुककर चलते हुए यहाँ तक पहुँचा है, परन्तु यह आखिरी बात नहीं है और यह शुरुआत भी नहीं है, क्योंकि इन सारी बातों को करने के लिए हमने बहुत पहले से कार्य किए हैं। इसलिए मेरा कहना है कि हमें प्रतीक्षा करनी चाहिए कि हम श्रम सुधारों, जिनकों हम लेबर रिफॉर्म्स कहते हैं, उनके बारे में सर्वांगीण रूप से विचार करें। हम मजदूर के हित का विचार करें, उसके गुजारे लायक, उसे सम्मानजनक जीवन जीने का अधिकार मिले, इसके लिए प्रयास किया जाए।

THE VICE-CHAIRMAN (SHRI SUKHENDU SEKHAR ROY): Thank you, Jatiyaji.

डा. सत्यनारायण जटिया : सर, मैं दो मिनट में अपनी बात खत्म करता हूं। हमने भारत के संविधान को जिस प्रकार से बनाया है, उसी भावना को मैं यहां प्रकट करना चाहता हूं। हमने कहा हैः "We, the people ot India, having solemnly resolved to constitute India into a Sovereign Socialist Secular Democratic Republic and to secure to all its citizens: JUSTICE, social, economic and political;....."

यानी सामाजिक न्याय होना चाहिए, सामाजिक गैर-बराबरी समाप्त होनी चाहिए, आर्थिक गैर-बराबरी समाप्त होनी चाहिए और निश्चित रूप से मजदूरों के हितों के लिए सर्वांगीण रूप से

[डा. सत्यनारायण जटिया]

विचार करते हुए एक ऐसे कानून का सृजन करना चाहिए, जिसमें श्रमिकों को सम्मान मिले। "देश के हित में करते काम, काम का उनको मिलना चाहए पूरा दाम" यह बात ले करके हम आगे बढ़ें। निश्चित रूप से श्रमिकों के जीवन के साथ ही राष्ट्र की समृद्धि जुड़ी हुई है और इसलिए इस सारे कानून में जो यह संशोधन आ रहा है, उन संशोधनों को प्रतीकात्मक मानते हुए सरकार इन संशोधनों को कितने अच्छे तरीके से लागू कर सकती है, यह देखने का अवसर मिलेगा और आगे आने वाले समय में हम किस प्रकार से जो क्षितिज यहां बना रहे हैं, उससे आगे हमें विकास की क्या सम्भावना दिखेगी, इतना ही मुझे निवेदन करना है। बहुत-बहुत धन्यवाद।

SHRI ANIL DESAI (Maharashtra): Mr. Vice-Chairman, Sir, I thank you for giving me an opportunity to speak on the Labour Laws Amendment Bill, 2011.

I would like to congratulate Shri Bandaru Dattareya, Labour Minister for introducing this enactment on labour reforms. The Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by certain Establishments) Act, 1988 has a limited application for providing exemption only to the establishments employing up to 40 persons. In fact, this Bill envisages that the establishment should furnish the information electronically. A number of colleagues have deliberated on vital points. As far as labour is concerned, if we see what is happening in Maharashtra, the condition is very pathetic. Though I rise here to support the Bill, but due to certain nuances we need to look into this Bill so that deterrence of that kind is enforced on the employers who will avail of this new arrangement and system. Though electronically these things are to be maintained we used to say that license raj was coming very heavily, inspector raj was also proving detrimental to the health of the growing economy. But now doing away with all these things and the enactments which were earlier nine are being increased to 16, are coming under the purview of this Act. If we see in the private sector, hire and fire policy is going on. In the public sector undertakings where organised trade unions and trade associations are working, there too, today the definition of 'labour or employment' is coming under the contractual labour. If these things are to be controlled in any nation, its economic progress depends on labour. It is the indicator of the labour which is very vital for the economy. Here in this Bill the penalty clause is missing. I think that should be inserted. Otherwise, deterrence on the part of the employer will not be there.

With regard to contract labour, day in and day out, things are going unabated and unchecked. For example, employment of bonded labour, casual labour and daily wage labour has taken place instead of employment of permanent labour. All these things will definitely help in the cruelty by the employers which is going on unabated. If we look at the Minimum Wages Act, it is only on paper. But if we go randomly to any factory or

establishment in Maharashtra, we can see that these things are not observed in letter and spirit.

(MR. DEPUTY CHAIRMAN *in the Chair.*)

The exploitation of labour is rampant and there is no check on that. Labour welfare measures or ESI or PF or gratuity or bonus or over time remain only on paper. As Mr.Tapan Kumar Sen has said, those things remain only on paper. When the exploitation takes place there is nobody from the Labour Department to check it. Due cognizance should be given to the labour unions and trade unions. They should be consulted time and again. These kinds of checks are very essential to ensure that these new labour reforms are implemented in helping the economy. When we are relaxing, when we are reposing faith in the employer, the employer also in return should look towards the welfare of the labour. Social security schemes are there only on paper but they are not being implemented in advanced countries. The social security plays a very important role which is not so in our country. We have still to go miles towards the direction of progress.

The condition of our farm labour, construction labour, low-graded menial labour and even the migrant labour is very pathetic. You do not know what kind of future they have because every day whatever they earn per hour or per day finishes by the end of the day; their future is at the mercy of the employer. Often it is seen that they are thrown out and new workers are taken in; there is no register. Even after we enact these kinds of laws, there should be some periodical checks and some Inspector Raj even though it has been minimized -- to ensure that electronically whatever forms are required to be filled in by the employers are filled in. It is often seen that they do not maintain them sincerely. So, to ensure that, we should have penalty clauses and some strict measures as far as defaulters are concerned and against those who do not adhere to the newly enacted law. If these things are taken care of, things would be better and the economy would move forward in the manner it has been thought by the NDA Government.

MR. DEPUTY CHAIRMAN: Thank you. Mr. Minister, please.

श्रम और रोजगार मंत्रालय के राज्य मंत्री (श्री बंडारू दत्तात्रेय) : डिप्टी चेयरमैन साहब, अभी काफी माननीय सदस्यों ने काफी विषय उठाए। इससे पहले कि मैं सभी लोगों के विषय पर समाधान के लिए आऊं, उससे पहले विशेषकर मैं इस सदन को और सभी सदस्यों को धन्यवाद देना चाहता हूं। ज्यादातर माननीय सदस्यों ने अनऑर्गेनाइज्ड सेक्टर की ओर मेरा ध्यान आकर्षित किया है। जैसा मधुसूदन मिस्त्री जी ने बीड़ी वर्कर्स के बारे में कहा, हमारे एक मित्र ने आंगनवाड़ी वर्कर्स के बारे में कहा और वैसे सभी ने अनऑर्गेनाइज्ड सेक्टर के बारे में मेरा ध्यान आकर्षित किया। मेरा फोकस एरिया अभी अनऑर्गेनाइज्ड सेक्टर पर है, which constitutes 93 per cent of

[श्री बंडारू दत्तात्रेय]

our work force. Ninety-three percent of our workforce is unorganized. इसके ऊपर आपने बहुत सी बातों की ओर मेरा ध्यान दिलाया, मैं आप सब की बातों का एक समाधान देना चाहता हूँ। मैं या मेरी सरकार, हम हमेशा वर्कर्स के इंटरेस्ट को बराबर प्रोटेक्ट करेंगे और मंत्री होने के नाते से उनके राइट्स को प्रोटेक्ट करने की जिम्मेदारी हमारी है। इसलिए कोई भी आशंका आप मत रखिए। एक बात सभी लोग बार-बार बोल रहे थे, लेकिन कुछ मिंसइफॉरमेशन है। यह मिंसइफॉरमेशन, क्या है, इसके बारे में मैं सदन के सभी सदस्यों से अपील करना चाहता हूं कि हमारे लिए नेशनल इंटरेस्ट सुप्रीम है, For us, our national interest is supreme. It definitely includes workers, interest. मैं इस बारे में सभी सदस्यों को बताना चाहता हूं, लेकिन विशेषकर जो उन्होंने Tripartite Committee के बारे कहा था, उसका मैं थोड़ा समाधान कराने की कोशिश करुंगा। The fifth meeting of the Tripartite Committee was held on 7th June, 2007. Its minutes were circulated on 14.06.2007. The file was put up and it was approved by the Secretary, Labour and Employment, on 3rd July, 2007. The file was approved by the then Minister of Labour and Employment, late Shri Sis Ram Ola on 4th July, 2007 mentioning that a majority was in consensus and accordingly further necessary action be taken for amendment of the Bill. So, these are the minutes of the meeting. That is why I do not want to go into the dispute.

SHRI TAPAN KUMAR SEN: What was there in the CITU's letter? You have referred to the letter. Please spell it out.

SHRI T.K. RANGARAJAN (Tamil Nadu): If you mention about the letter, please read it out.

श्री बंडारू दत्तात्रेय : मैंने ट्राईपर्टाइट कंसैंशस का बताया है। इसलिए आप इस बात को ध्यान में रखिए। सर, विशेषकर सैकिंड नैशनल लेबर कमीशन के बारे में जो बताया, comprehensive rationalization and consolidation of labour laws कर के, it is in active consideration of the Government. इससे ज्यादा बताने की जरूरत मैं नहीं समझता। मैं इस विषय को ज्यादा न खींचते हुए केवल एक बात कहना चाहता हूं। जैसा मैंने पहले भी बताया था, हमारे प्रधान मंत्री, श्री नरेन्द्र मोदी जी ने स्पष्ट रूप से कहा कि स्किल इंडिया, डिजीटल इंडिया एंड मेक इन इंडिया। इसमें सबसे बड़ी जरूरत है स्किल इंडिया की। यह मैं इसलिए कह रहा हूं, जैसा हमारे एक सदस्य ने बताया था कि हमारे देश में कंस्ट्रक्शन वर्कर्स 4 करोड़ 30 लाख हैं, लेकिन उसमें से skilled labour is only 8 per cent. Imagine the situation of the skilled labour. That is why 'Skilled India' is more essential. For that, our Apprentices Act is there, which I have already mentioned. The important thing which I have already mentioned is, the Amendment Bill is only for simplification. इसमें सिम्प्लीफिकेशन के लिए कहा गया है। इसमें कोई भी लॉज हैं, उनके बारे में हमने कुछ भी नहीं कहा है। उसे हमने टच भी नहीं किया है। इसलिए मैं इसमें ज्यादा नहीं कहना चाहता। हमारे प्रधानमंत्री जी ने श्रमेव

जयते प्रोग्राम शुरू किया। उसका ऑब्जैक्ट भी है - श्रम सुविधा पोर्टल। यह हमारे एक सदस्य ने बताया था। श्रम सुविधा पोर्टल से हमारे मजदूरों को बहुत लाभ मिल सकता है। ये जो 16 लेबर लॉज हैं, इन्हें कंपाइल करके एनफोर्समेंट एजेंसी देखेगी। जैसा आपने कहा था, हमारे एम्पलाइज का प्रॉवीडेंट फंड, एम्पलाइज का इंश्योरेंस, और जो लेबर के सोश्यल सिक्योरिटी मैजर्स हैं, इन सोश्यल सिक्योरिटीज को हमारी एनफोर्समेंट एजेंसी देखेंगी और इन्हें हम बराबर करने का प्रयास करेंगे। इस श्रम सुविधा पोर्टल में विशेषकर के allotment of units, labour identification number to the employees यह दिया जाएगा और इसमें जो हैं filing of single online return होगा। 16 लेबर लॉज के एम्पलाइज की ऑन लाइन रिटन फाइल होगी। Computer generated random inspection will be there. कंप्यूटर से रैंडम इंस्पैक्शन किया जाएगा। ऑनलाइन ग्रीवेन्स रिड्रेसल भी कराया है। इतना ही नहीं, मैं यह भी बताना चाहता हूं कि यूनिवसल अकाउंट नंबर is going to bring a major change to more than four crore members of the Employees Provident Fund Organisation which assures portability, transparency, accountability and efficient services. This is the need of the hour. Also, as I have mentioned, industrial relations, wages, social security, safety, welfare and working conditions, इन सभी को हमने ध्यान में रखा है and we are not at all compromising on the interests of workers. मैंने सिंप्लिफिकेशन प्रोसीजर के बारे में भी बताया था, हमारे जटिया जी ने बताया था, हमारी नीति स्पष्ट है और हमारी नीयत भी ठीक है। हमारी नीति में और नीयत में हमारे विभाग में कभी कोई भेद नहीं है, इसलिए हमने जो नीति अपनाई, उस नीति को लागू करके हमने उसे आगे बढ़ाने का काम किया है और मैं सभी सदस्यों से रिक्वेस्ट करना चाहता हूं, मैंने नेशनल इंटरेस्ट की बात कही थी। मैं यहां लेबर मिनिस्टर हूं, लेकिन मैंने काफी लेबर मूवमेंट्स को ऑर्गेनाइज़ किया, इसलिए लेबर्स के वैलफेयर के बारे में, लेबर्स के राइट्स के बारे में हमारी सरकार भी कटिबद्ध है और हम भी कटिबद्ध हैं। इसमें कोई कॉम्प्रोमाइज़ नहीं होने वाला है, लेकिन conducive atmosphere for the industry is also necessary because when ever more production comes, more employability will come in. That is why, my humble request is to take into consideration all these consultations, and I request all the Members to support this Bill.

MR. DEPUTY CHAIRMAN: Thank you, Mr. Minister. ...*(Interruptions)*...

SHRI MADHUSUDAN MISTRY: Sir, I have one clarification to seek.

SHRI TAPAN KUMAR SEN: Sir, I also have one clarification to seek.

श्री मधुसूदन मिस्त्री : सर, मैं मिनिस्टर साहब से यह जानना चाहता हूं कि जो माइग्रेंट वर्कर्स दूसरे डिस्ट्रिक्ट्स से बड़े शहरों के अंदर काम करने के लिए आते हैं, उनकी जगह फिक्स नहीं होती है। वे कभी इधर काम करते हैं, कभी उधर काम करते हैं, कभी दस-पन्द्रह दिन किसी के यहां काम करते हैं, कभी बीस दिन काम करते हैं। वहां पर अगर लेबर लॉज़ का इंप्लिमेंटेशन नहीं होता है, तो इंस्पैक्टर को चिट्ठी लिखते हैं और उसके ऊपर इन्क्वायरी होती है, और उनको जो भी इन्फॉर्मेशन चाहिए, जो रैटिफिकेशन होता है, वह उससे किया जाता है। तो मैं इनसे यह जानना चाहता हूं कि आप बताइए कि इस सिस्टम में कैसे होगा? एक बार फ्लॉपी आपने दे दी, डेटा आपने दे दिया, it is not in your hands nor is it in the hands of the workers. So, how would he get this information? I want to know this from the Minister.

MR. DEPUTY CHAIRMAN: Now, Mr. Tapan Sen.

SHRI TAPAN KUMAR SEN: Sir, I have a few clarifications to seek.

MR. DEPUTY CHAIRMAN: You cannot make a speech.

SHRI TAPAN KUMAR SEN: Sir, the first one is on consensus. The hon. Minister has made some statement. Mr. Minister, when you have taken the name of an organization of which I am the General Secretary, please convey to me later or spell out what is there in it. Otherwise, there will be mis-statement. We had opposed it. Let me put it on record. The second point is that your file returns recorded that there was a consensus of majority. Now, I am quoting from the unanimous Report of the Standing Committee on Labour which examined this 2000 Bill. I quote: "In the given circumstances, our apprehension is that by further increasing the number of employees and most of the industries being exempted from such and such provision, mindful of the stout opposition from the majority of the trade unions..." The Standing Committee, unanimously, recorded it after depositions of trade unions which were called before the Standing Committee as witnesses. Even after that your file records say that there is a majority consensus. Which should be relied upon? This is No.1. Secondly, in this Bill, which you are simplifying, there is a provision of display of everything, say, whatever Reports they are submitting, etc., in a public place, that is, inside every workplace. So, with this, the workers came to know what was there in display, whether his name was registered or not. But, in most of the places, this has been violated. And, because of that, when a worker dies in an accident, the employer says, "He is not on my roll." Nobody can challenge it because nothing is displayed. Already they are violating it. Now, in this present system, in the name of simplification, you have done away with that provision of display.

MR. DEPUTY CHAIRMAN: Okay, that is clear. He will reply to it.

SHRI TAPAN KUMAR SEN: It is not okay, Sir. He cannot reply unless it is explained. He has been misled. It is a serious Bill, and the House will be passing it now. The thing is that without that display provision, workers do not get to know about things. At least, in the public sector, they can get to know of it through RTI. But there is no obligation of RTI in the private sector. Otherwise, how will workers get to know whether his name is there on the register, or, whether proper registration has been done, etc.?

MR. DEPUTY CHAIRMAN: Okay, Mr. Sen, now conclude. ...*(Interruptions)*... Don't repeat it. You have already said that.

SHRI TAPAN KUMAR SEN: So, how do you address this problem? Actually, in

the name of simplification, you are doing away with this provision. Kindly clarify as to how this will be taken care of.

श्री के.सी. त्यागी (बिहार) : उपसभापति महोदय, सार्वजनिक क्षेत्र में, पब्लिक सेक्टर के अंदर जो मजदूर काम करते हैं, वे प्राइवेट सेक्टर में काम करने वाले मज़दूरों के बजाय ज्यादा बेहतर स्थिति में हैं। मेरे पास रिपोर्ट है, आप मुझे उतना समय नहीं देंगे, यहां के डॉक्टर्स की रिपोर्ट है कि जो मजदूर प्राइवेट सेक्टर में काम कर रहे हैं, उनको बीस तरह की बीमारियां हो गयी हैं। उनके रहन-सहन के, खान-पान के सब तौर-तरीके बदल गए हैं। पब्लिक सेक्टर में इतनी सिक्योरिटी है, उसके बाद भी पब्लिक सेक्टर बदनाम होता है। ...**(व्यवधान)**...

श्री उपसभापति : केवल क्लैरीफिकेशन पूछिए।

श्री के.सी. त्योगी : मैं इनसे यही कहना चाहता हूं कि जैसा मेरे इधर के सभी मित्रों ने कहा है कि यह business-friendly कानून है। This is not the Labour Law Amendment. इसका एक तो नाम बदलिए। यह नाम ठीक नहीं है।

श्री उपसभापति : आपका प्रश्न क्या है?

श्री के.सी. त्यागी : सर, मैं इससे इतना निराश हूं कि इसके जरिए देश के मजदूरों का कुछ भला होगा?

श्री तपन कुमार सेन : सर, उसके पहले तो बिल पास हो जाएगा।

MR. DEPUTY CHAIRMAN: Now, Mr. Minister, would you like to respond to these questions?

SHRI BANDARU DATTATREYA: First of all, as regards the issue of migrant workers, which has been raised, when the Universal Account Number is given, automatically, there will be transparency and that will ensure portability. That experience is there. ...*(Interruptions)*...

SHRI MADHUSUDAN MISTRY: It is not working in reality.

SHRI BANDARU DATTATREYA: The portability provides for that and, that is why, we need not worry about that. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: I am not allowing you again. No second time, please. Please sit down. Mr. Minister, would you like to react to him?

SHRI BANDARU DATTATREYA: I will discuss with him.

MR. DEPUTY CHAIRMAN: Okay, that is up to you. ...*(Interruptions)*... Mr. Sen, he will discuss with you. That is all.

Now, the question is:

That the Bill further to amend the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by certain Establishments) Act, 1988, be taken into consideration.

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill. In clause 2, there are four Amendments, that is, No.13 by Shri Tapan Kumar Sen and Shri P. Rajeeve, No.14 by Shri D. Raja and Shri M.P. Achutan, and No.15 by Shri Derek O'Brien and No.3 by the Minister. Now, Mr. Rajeeve, are you moving your Amendment?

Clause 2 — Amendment of section 2

SHRI P. RAJEEVE (Kerala): Sir, I move:

(No.13) That at page 1, line 9, *for* the word "forty", the word "fourteen" be *substituted.*

Actually, in 1988, nineteen workers were needed. Now, with the advancement of technology, nineteen workers can produce more than that. So, it should be reduced to fourteen.

MR. DEPUTY CHAIRMAN: Now, Amendment (No.14) by Shri D. Raja and Shri M.P. Achuthan. Mr. Raja, are you moving the Amendment?

SHRI D. RAJA (Tamil Nadu): Sir, I move:

(No.14) That at page 1, line 9, *for* the word "forty", the word "fourteen" be *substituted.*

MR. DEPUTY CHAIRMAN: Now, Shri Derek O'Brien. Are you moving your Amendment?

SHRI DEREK O' BRIEN (West Bengal): Sir, the point here is that the number has been moved from 19 to 40. The Standing Committee's recommendation, after taking all sides into consideration, was 25.

So, I move:

No.15 That at page 1, line 9, *for* the word "forty", the word "twenty-five" be substituted.

MR. DEPUTY CHAIRMAN: Now, the Minister's amendment. Shri Bandaru Dattareya.

SHRI BANDARU DATTAREYA: Sir, I move:

(No. 3) That at page 1, for lines 7 to 10, the following be substituted, namely:

"2. In the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988 (hereinafter referred to as the principal Act), for the long title, the following long title shall be substituted, namely:-

"An Act to provide for the simplification of procedure for furnishing returns and maintaining registers in relation to establishments employing a small number of persons under certain labour laws.".

The questions were proposed.

MR. DEPUTY CHAIRMAN: I shall first put the amendment moved by Shri Tapan Kumar Sen and Shri P. Rajeeve to vote.

SHRI TAPAN KUMAR SEN: Sir, I want division.

SHRI SITARAM YECHURY: Sir, don't look so disappointed. Exercise of democracy is good for the country.

MR. DEPUTY CHAIRMAN: I agree.

SHRI D. RAJA: Sir, my amendment is also the same. You can take both the amendments together.

MR. DEPUTY CHAIRMAN: That can be done. I shall now put the amendments moved by Shri D. Raja and Shri M. P. Achuthan also together to vote. ...*(Interruptions)*...

SHRI TAPAN KUMAR SEN: Sir, we want division. ...*(Interruptions)*...

THE MINISTER OF MINORITY AFFAIRS (DR. NAJMA A. HEPTULLA): When you have already said that 'Noes have it' then it can't be done.

SHRI TAPAN KUMAR SEN: You are an experienced Deputy Chairman ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: She is more experienced than me and she knows the rules very well.

SHRI SITARAM YECHURY (West Bengal): Sir, the former Prime Minister and the INTUC leaders are leaving the House. So we know what will happen to the fate of the Bill.

MR. DEPUTY CHAIRMAN: Then why do you insist for division?

SHRI SITARAM YECHURY: We want to register our protest.

MR. DEPUTY CHAIRMAN: Your protest for their going out or protest for something else?

SHRI SITARAM YECHURY: Both. The fact that they have left ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Are you really insisting? I shall now put the amendments moved by Shri Tapan Kumar Sen, Shri P. Rajeeve, and Shri D. Raja and Shri M. P. Achuthan to vote together.

SHRI TAPAN KUMAR SEN: Sir, we want division.

MR. DEPUTY CHAIRMAN: Okay. Let the lobbies be cleared. In Clause 2, there are two Amendments (Nos. 13 and 14) by Shri Tapan Kumar Sen, Shri P. Rajeeve, Shri D. Raja and Shri M.P. Achuthan. I am putting to vote all of them together.

The House divided.

MR. DEPUTY CHAIRMAN: Subject to correction:

Ayes: 19

Noes: 49

AYES-19

Achuthan, Shri M.P.

Ansari, Shri Salim

Baidya, Shrimati Jharna Das

Balagopal, Shri K.N.

Narayanan, Shri C. P.

Nishad, Shri Vishambhar Prasad

Parida, Shri Baishnab

Raja, Shri D.

Rajeeve, Shri P.

Rangarajan, Shri T.K.

Sahani, Dr. Anil Kumar

Saleem, Chaudhary Munvvar

Seema, Dr. T.N.

Sen, Shri Tapan Kumar

Singh, Shri Arvind Kumar

Tiwari, Shri Alok

Tulsi, Shri K.T.S.

Tyagi, Shri K.C.

Yechury, Shri Sitaram

NOTE - 52

Anand Sharma, Shri

Arjunan, Shri K. R.

Batra, Shri Shadi Lal

Bhattacharya, Shri P.

Bhunder, Shri Balwinder Singh

Chandrasekhar, Shri Rajeev

Desai, Shri Anil

Dhindsa, Sardar Sukhdev Singh

Dudi, Shri Ram Narain

Fernandes, Shri Oscar

Gehlot, Shri Thaawar Chand

Goel, Shri Vijay

Gohel, Shri Chunibhai Kanjibhai

Gowda, Prof. M.V. Rajeev

Gujral, Shri Naresh

Heptulla, Dr. Najma A.

Irani, Shrimati Smriti Zubin

Jain, Shri meghraj

Jaitley, Shri Arun

Jangde, Shri Bhushan Lal

Javadekar, Shri Prakash

Judev, Shri Ranvijay Singh

Kashyap, Shri Ram Kumar

Khan, Shri K. Rahman

Khanna, Shri Avinash Rai

Kore, Dr. Prabhakar

Maitreyan, Dr. V.

Manjunatha, Shri Aayanur

Muthukaruppan, Shri S.

Naqvi, Shri Mukhtar Abbas

Natchiappan, Dr. E.M. Sudarsana

Navaneethakrishnan, Shri A.

Pandian, Shri Paul Manoj

Patil, Shri Basawaraj

Patil, Shrimati Rajani

Rangasayee Ramakrishna, Shri

Rapolu, Shri Ananda Bhaskar

Rathinavel, Shri T.

Raut, Shri Sanjay

Ravi, Shri Vayalar

Saini, Shri Rajpal Singh

Salam, Haji Abdul

Sancheti, Shri Ajay

Sasikala Pushpa, Shrimati

Selja, Kumari

Selvaraj, Shri A.K.

Shukla, Shri Rajeev

Singh Badnore, Shri V.P.

Sood, Shrimati Bimla Kashyap

Sudharani, Shrimati Gundu

Tarun Vijay, Shri

Vijila Sathyananth, Shrimati

The motions were negatived.

SHRI SITARAM YECHURY (West Bengal): Sir, does the total number, *i.e.*, 68, satisfy the Quorum? ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Yes, there is already Quorum. Anyhow, you cannot raise it now. I have started the voting process.

I shall now put the Amendment (No.15), moved by Shri Derek O' Brien, to vote.

The motion was negatived.

MR. DEPUTY CHAIRMAN: I shall now put the Amendment (No.3) moved by the Minister to vote.

The motion was adopted.

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

New Clauses 2A and 2B

MR. DEPUTY CHAIRMAN: Now, there is insertion of a new Clauses 2A and 2B. There is one Amendment (No.4) for insertion of a new Clauses 2A and 2B by the hon. Minister.

SHRI BANDARU DATTATREYA: Sir, I move:

No. 4. That at page 1, *after* line 10, the following be *inserted*, namely:-

"2A. In section 1 of the principal Act, in sub-section (1), for the words "Exemption from", the words "Simplification of Procedure for" shall be substituted.'.	Amendment of section 1,
2B. In section 2 of the principal Act, in clause (e), for the word "nineteen", the word "forty" Shall be substituted.".	Amendment of section 2.
That at page 1, after line 10, the following be inserted, namely:-	
"2A. In section 1 of the principal Act, in sub-section (1), for the words "Exemption from", the words "Simplification of Procedure for" shall be substituted.'.	Amendment of section 1.
2B. In section 2 of the principal Act, in clause (e), for the word "nineteen", the word "forty" Shall be substituted."	Amendment of section 2.

The question was put and the motion was adopted.

New Clauses 2A and 2B were added to the Bill.

Clause 3-Substitution of new section for section 4.

MR. DEPUTY CHAIRMAN: In Clause 3, there are six Amendments (Nos. 16 & 17) by Shri Vivek Gupta. Are you moving?

SHRI VIVEK GUPTA (West Bengal): Sir, I move:

No. 16 That at page 2, *after* line 17, the following proviso be *inserted*, namely:-

"Provided further that the small establishments shall not be a subsidiary or associate with a larger company or derives more than fifty per cent of its revenue from one large entity, in which case the exemption from furnishing the return or to maintain the registers required to be furnished or maintained under that Scheduled Act shall not apply to them".

"Provided also that if the small establishments as defined under this Act have a turnover exceeding rupees ten crore, the exemption from furnishing the returns or to maintain the registers required to be furnished or maintained under that Scheduled Act shall not apply to them".

17. That at page 2, *after* line 27, the following be *inserted*, namely:-

"(c) ensure that safety and health registers or guidelines under the respective Scheduled Act are strictly followed by the small establishments".

The questions were put and the motions were negatived.

SHRI BANDARU DATTATREYA: Sir, I move:

(No.5) That at page 2, line 5, *for* the figure "2011", the figure "2014" be *substituted.*

(No.6) That at page 2, line 30, *after* the words "by an employer", the words "either in physical form or" be *inserted.*

(No.7) That at page 2, line 32, *after* the words "Provided that", the words "in case of computer, computer floppy, diskette or other electronic form" be *inserted.*

(No.8) That at page 2, line 36, *after* the words "Scheduled Acts", the words "either in physical from or" be *inserted.*

The questions were put and the motions were adopted.

Clause 3, as amended, was added to the Bill.

Clause 4 -- Substitution of new Schedules for First Schedule and Second Schedule.

MR. DEPUTY CHAIRMAN: In Clause 4, there are four amendments (Nos.9-12) by the hon. Minister.

SHRI BANDARU DATTATREYA: Sir, I move:

(No.9) That at page 3, line 32, *for* the figure and word "31st January", the figure and word "30th April" be *substituted.*

(No.10) That at page 3, line 33, *for* the word "December", the word "March" be *substituted.*

(No.11) That at page 5, line 13 the words "TO FORM" be *deleted.*

(No.12) That at page 5, *after* 18, the following be inserted namely:-

"ANNEXURE-II

(See item no.6)

Serial number	Name of the employee/worker	Date of employment	Permanent address
1	2	3	4"

The questions were put and the motions were adopted.

Clause 4, as amended, was added to the Bill.

Clause 1 -- Short title and commencement

MR. DEPUTY CHAIRMAN: In Clause 1, there is one amendment (No.2) by the hon. Minister.

SHRI BANDARU DATTATREYA: Sir, I move:

(No.2)That at page 1, line 4, *for* the figure "2011", the figure "2014" be *substituted.*

The question was put and motion was adopted.

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

Enacting Formula

MR. DEPUTY CHAIRMAN: In the Enacting Formula, there is one amendment (No.1) by the hon. Minister.

SHRI BANDARU DATTATREYA: Sir, I move:

(No.1) That at page 1, line 1, *for* the word "Sixty-second" the word "Sixty-fifth" be *substituted*

The question was put and the motion was adopted.

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

The Title was added to the Bill.

SHRI BANDARU DATTATREYA: Sir, I move:

That the Bill, as amended, be passed.

The question was proposed.

...(Interruptions)...

SHRI SITARAM YECHURY (West Bengal): Sir, since the amendment that we had moved has not been accepted by the House, while, accepting that the House has the right, and in protest, given our understanding, we think it is wrong for the entire working class in our country, we stage a walk out.

(At this stage, some hon. Members left the Chamber.)

SHRI D. RAJA (Tamil Nadu): Sir, since our amendment was negatived, in the interest of the working class, we walk out.

(At this stage, some hon. Members left the Chamber.)

SHRI K.C. TYAGI (Bihar): Sir, in protest, we also stage a walk out.

(At this stage, some hon. Members left the Chamber.)

MR. DEPUTY CHAIRMAN: These are all democratic rights. No problem. ...*(Interruptions)*... The question is:

That the Bill, as amended, be passed.

The motion was adopted.

MR. DEPUTY CHAIRMAN: Now, we take up the Apprentices (Amendment) Bill, 2014. Shri Bandaru Dattatreya to move the Bill.

The Apprentices (Amendment) Bill, 2014

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI BANDARU DATTATREYA): Sir, I move: