

उठाने चाहिए, वे कदम हम उठा रहे हैं, लेकिन illegal migrants के बारे में माननीया सदस्या ने जो बात कही है, 31 दिसंबर, 2014 तक religious persecution से 6 minority communities, जो पाकिस्तान, बंगलादेश और अफगानिस्तान से आई हैं, उनके stay को regular किया गया है, उनका stay illegal नहीं है। जो religious persecution से नहीं आया है और जिसके पास valid documents नहीं हैं, उसके बारे में राज्य सरकार द्वारा कदम उठाने के लिए समय-समय पर गृह मंत्रालय से advisory जारी की गई है।

MR. CHAIRMAN: Question Hour is over.

WRITTEN ANSWERS TO STARRED QUESTIONS

Wages of contractual employees

*83. SHRI SANJAY RAUT: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether it is a fact that there are lakhs of contractual employees working in Government Departments and agencies who are getting lesser wages than permanent employees;

(b) if so, Government's response thereto;

(c) whether Supreme Court in its judgement, in the year 2016, has ordered that temporary workers are entitled to get wages at par with permanent employees;

(d) if so, Government's reaction thereto; and

(e) whether the Ministry of Law and Justice has advised the various Ministries and Departments to abide by the SC judgement?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI SANTOSH KUMAR GANGWAR): (a) to (e) The Central and the State Government departments and agencies, on the basis of manpower requirement therein, engage various sets of workmen other than permanent employees viz. daily wagers, casual workers, temporary workers, *ad-hoc* appointees, contractual employees etc. which are engaged by an establishment directly or through contractors. The wages, terms and conditions of service and the period of engagement of such workers in an establishment varies from establishment to establishment. Data in this regard is not centrally maintained.

The principle of "equal pay for equal work" was examined by the Hon'ble Supreme Court in the civil appeal number 213 of 2013. The issue before the Hon'ble

Supreme Court was that:

“.....whether temporarily engaged employees (daily-wage employees, *ad-roc* appointees, employees appointed on casual basis, contractual employees and the like), are entitled to minimum of the regular pay-scale, alongwith dearness allowance (as revised from time to time) on account of their performing the same duties, which are discharged by those engaged on regular basis, against sanctioned posts....”

The Hon'ble Supreme Court held that:

“...There can be no doubt, that the principle of 'equal pay for equal work' would be applicable to all the concerned temporary employees, so as to vest in them the right to claim wages, at par with the minimum of the pay-scale of regularly engaged Government employees, holding the same post....”

It is mandatory for the employer/principal employer to comply with the various statutory provisions/Court Orders/Government Instructions including instructions on wage related issues of various categories of employees and apply the principle laid down by the Hon'ble Supreme Court regarding “equal pay for equal work” while paying wages to its workers/labourers.

The instructions regarding equal pay admissible to casual workers already exists in terms of Department of Personnel and Training (DoPT) O.M. No. 49014/2/86 Estt. (c) dated 07.06.1988.

In so far as the contract labour is concerned, the Contract Labour (Regulation and Abolition) Central Rules, 1971 provides for wage parity as stipulated in rule 25(2)(v)(a) which is reproduced below:

“in cases where the workmen employed by the contractor perform the same or similar kind of work as the workmen directly employed by the principal employer of the establishment, the wage rates, holidays, hours of work and other conditions of service of the workmen of the contractor shall be the same as applicable to the workmen directly employed by the principal employer of the establishment on the same or similar kind of work....”

In order to ensure compliance of labour laws and in this regard, there is separate enforcement machinery available in the Central and the State Sphere to which an aggrieved worker can approach for redressal of its grievances.

In the Central sphere there is a well-established Central Industrial Relations Machinery (CIRM) having country-wide network of Dy. Chief Labour Commissioners

(Central) and Regional Labour Commissioners (Central) under the control of the Chief Labour Commissioner (Central) for enforcement of labour laws and redressal of grievances/settlement of claims arising out of labour disputes.

Death penalty for drug smugglers and peddlers

*84. SHRIMATI AMBIKA SONI: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Punjab Government recently recommended to the Ministry of Home Affairs to award death penalty for drug smugglers and peddlers;

(b) if so, the details thereof and the response of Government thereto;

(c) how many persons were arrested and how many were convicted in the country, State-wise, in the last two years, with special reference to Punjab; and

(d) whether any review of the Narcotic Drugs and Psychotropic Substances (NDPS) Act would be made to make it more stringent and to plug all loopholes to fight the drug menace in the country?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI HANSRAJ GANGARAM AHIR): (a) and (b) Yes Sir. At present, the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985 provides for death penalty for certain offences under the NDPS Act, 1985, if they are committed by the same person for a second time. A letter dated 04.07.2018 from Chief Minister of Punjab has been received suggesting that even first time offenders should be awarded death penalty for the offences covered under section 31A of the NDPS Act, 1985. The suggestions have been forwarded to the Department of Revenue, which administers the said Act, for appropriate action.

(c) State-wise details of persons arrested and convicted under NDPS Act, 1985 during 2015 and 2016 are given in the Statement (*See* below).

(d) Amendment in Laws is a continuous process.