>

Title: Introduction of the Industrial Relations Code, 2017.

श्रमऔररोजगारमंत्रालयकेराज्यमंत्री   (**श्रीसंतोषकुमारगंगवार**)**:**
माननीयअध्यक्षमहोदय,मैंप्रस्तावकरताहूँकिव्यवसायसंघ,औद्योगिकस्थापनयाउपक्रममेंनियोजनकीशर्तें,औद्योगिकविवादोंके
।

माननीयअध्यक्ष: माननीयसदस्य,मैंआपकोअलाऊकरूँगा,लेकिनजबइसपरडिबेटहो,तोआपअपनीपूरीबातरखें ।
अभीआपएक-एकमिनटबोललें ।

प्रस्तावप्रस्तुतहुआ:

"किव्यवसायसंघ,औद्योगिकस्थापनयाउपक्रममेंनियोजनकीशर्तें,औद्योगिकविवादोंकेअन्वेषणथापरिनिर्धारणऔरउससं
।"

SHRI N. K. PREMACHANDRAN (KOLLAM): Sir, I rise to oppose the introduction of Industrial Relations Code, 2019. I am seeking some time because as per proviso no. 72 of Clause 1, it is stated that if the legislative competence of the Bill is opposed, then a full discussion may be permitted.

I am seeking a little bit of time because I am challenging the legislative competence of the Industrial Relations Code, 2019 on the following grounds:-

(i) The Industrial Relations Code, 2019 violates the Fundamental Rights guaranteed under Article 19 (c).

(ii) The mandate of registration of a Trade Union to become office bearers of the Union should be persons actually employed in the industry or establishment is against the standards stipulated in the ILO Convention of Freedom of Association and Protection of Rights to Oraganisation, that is, Convention no. 82.

(iii) The Code has not mentioned about the collective bargaining and it is against the principles contained in the ILO Convention no. 98.

(iv) Various provisions of the Code are against the judgements of the Supreme Court.

(v) Most of the provisions which are being made in the Industrial Code, 2019 are subjects which come within the purview of the Concurrent List. Unfortunately, the concerned State Governments have not been consulted before arriving to the contents of the Code.

Sixthly, it is violating Article 43 of the Constitution, namely, the Directive Principles of State Policy, which enshrines a right or guarantees a right to have living wages. All these things are there. So, I am opposing the introduction of the Industrial Relations Code Bill.

It violates the fundamental right under Article 19 (c), that is, the right to form an association, which is a fundamental right guaranteed under the Constitution of India. Here, the Code mandates it. I am the President

of many Trade Unions, but as per this Bill, only the employees who are engaged in the establishment or industry is eligible to be the office bearer of that Trade Union. It means that the right to form an association is being infringed.

Sir, with supersonic speed, I will conclude my submission. The Code aims greater labour market flexibility. The Code is drafted just to satisfy the demands of the employer. Permission is required so as to get layoff / retrenchment from the appropriate Government. As per the new amendment in the Code, if there are 300 or more workers, then only prior permission is required.

माननीयअध्यक्ष: इसपरजबडिबेटहो,आपउसमेंचर्चाकरना ।

…(व्यवधान)

SHRI N. K. PREMACHANDRAN : Sir, I am concluding. This means that 85 per cent of the industrial establishments will be out of the Industrial Relations Code.

As regards the ILO Conventions, we are a signatory and party to the ILO Convention. The mandates of all these Conventions are being negated by the Industrial Relations Code. The fundamental rights are being violated, Constitutional principles are violated, and ILO Conventions are being violated. So, I strongly oppose the introduction of the Bill. Thank you very much, Sir.

PROF. SOUGATA RAY (DUM DUM): Sir, under Rule 72 (1) of the Rules of Procedure for Conduct of Business in Lok Sabha, I beg to oppose the introduction of the Industrial Relations Code, 2019.

माननीयअध्यक्ष: दादा,मैंनेरूल-72पढ़लियाहै ।

…(व्यवधान)

PROF. SOUGATA RAY: As I have mentioned earlier also, none of the workers came to the Government and asked to have an Industrial Relations Code. This has been the demand of the Federation of Indian Chambers of Commerce and Industry, and Confederation of Indian Industry. They want an Industrial Relations Code.

Sir, you will be surprised that the Trade Union Act, 1926 has been there for 90 years, and nobody has said that it should be replaced. The Industrial Disputes Act, 1947 has been there for 70 years. Suddenly, the Minister gets it into his head that he must compound all these into a single law. Nobody asked for it, but when he has done this single law, he has limited certain rights of the workers that were inherent. Mr. Premachandran mentioned some of them as to who can be the President of a Union, etc. We are Presidents of many Unions. We need not be workers. The workers choose us and that is why we are Presidents. But what is more dangerous in this Bill is that it prohibits strikes and lockouts. …(*Interruptions*) सर, एकसेकेंडदेदीजिए । …(व्यवधान) कम्प्लीटकरनेदीजिए ।

माननीयअध्यक्ष: दादा, मैंएकसेकेंडनहींदेसकता ।आपनियम-72 काहवालादेकरविरोधकररहेहैं?

प्रो. सौगतराय : जीसर ।

माननीयअध्यक्ष: मैंनियम-72 पढ़दूं?

प्रो. सौगतराय : हांसर, पढ़िए ।

माननीयअध्यक्ष: इसमेंलिखाहैकि ‘संक्षिप्तमेंइजाज़तदें’ ।मैंनेआपकोसंक्षिप्तमेंबोलनेकेलिएइजाज़तदीहै ।

प्रो. सौगतराय : सर,सेन्टेन्सकोकम्प्लीटकरनेदीजिए ।…(व्यवधान)

मैंकहताहूंकिit prohibits strikes and lockouts. Prohibition of strikes takes away the fundamental rights of workmen. So, this is anti-labour.

I propose that instead of listing the Bill for discussion, let him refer it to the Standing Committee on Labour led by Shri Bhartruhari Mahtab. I am sure that they will form a pro-labour legislation. … (*Interruptions*) Thank you, Sir. …(*Interruptions*)

KUNWAR DANISH ALI (AMROHA): Sir, I support and associate with everything said by Prof. Sougata Ray. …(*Interruptions*)

SHRI ADHIR RANJAN CHOWDHURY (BAHARAMPUR): Sir, I am vehemently opposing the introduction of the Industrial Relations Code, 2019.

The entire legislative document is riddled with various anomalies fraught with controversies, and it is detrimental to the welfare of labour in our country. Here, the Government is going to introduce 'hire and fire' syndrome by inducting a new incarnation called 'fixed-term employment'. Sir, this Government has not provided social security to labour. The Bill does not mention 'collective bargaining' which is the fundamental right of the workers. It is the instrument by which the workers can earn the bargaining power. It has been done away with by this legislation.

Secondly, the tribunals have unlimited powers and they are at best quasi-judicial bodies. So, it is simply anti-labour in its own definition. Clause 75 of this Bill is simply an eyewash. It is putting many exceptions for payment of compensation to workers in case of closure of factories.

Sir, these are the issues that need to be addressed before the introduction of the Bill. Therefore, I propose to the Ministry that it should better be sent to the Standing Committee for further perusal.

माननीय अध्यक्ष: माननीय सदस्य, नोटिस में वह कारण दिया जाता है जो बिल पर डिबेट की चर्चा का कारण होता है । मैंने फिर भी आपको इजाजत दी । आप अगर कोई कारण देते कि यह विधेयक लेजिस्लेटिव कंपीटेंसीमें नहीं आता है, तो यह बात होती ।

…(व्यवधान)

माननीयअध्यक्ष: श्रीप्रेमचन्द्रनजी, मैंनेश्रीअधीररंजनजीकोइजाजतदीहै, फिरभीमैंश्रीअधीररंजनजीकेसारेनोटिसेजकोपढ़देताहूं ।इन्होंनेकहाहैकि"The Bill is reducing the power of the trade unions and, hence, it is an anti-worker Bill."इन्होंनेदूसराविषयदियाहैकि: "benefit of the industry". माननीयसदस्य, आपमहानविद्वानहैं, लेकिननोटिसदेतेसमयजोआपनियम-72 बतारहेहैं, उसकेअंतर्गतनोटिसदीजिए ।

…(व्यवधान)

माननीय अध्यक्ष: माननीय संसदीय कार्य मंत्री जी कृपया बोलें ।

संसदीय कार्य मंत्रालय में राज्य मंत्री तथा भारी उद्योग और लोक उद्यम मंत्रालय में राज्य मंत्री (श्री अर्जुन राम मेघवाल): महोदय,मैं विपक्ष के सभी साथियों का सम्मान करता हूं,लेकिन रूल 72में कहा गया है-when intro of a bill is apposed.इसमें लेजिस्लेटिव कंपीटेंसी है । अगर इस हाउस की नहीं है,तब इनको अपोज करना चाहिए । ये बिल के मेरिट पर गए,जो उचित नहीं है । महोदय,मैं आपके माध्यम यही कहना चाहता हूं ।…(व्यवधान) ।

माननीय अध्यक्ष: मंत्री जी बोल रहे हैं । आप बैठ जाइए । आप लोग 10बजे से पहले नोटिस दे दिया करिए । माननीय सदस्यगण,ये सदस्य नोटिस देते हैं,इसलिए इनको इजाजत दे रहा हूं । आप बिल के समय विरोध में बोलिएगा । मैं आप लोगों को पर्याप्त मौका दूंगा ।

…(व्यवधान)

माननीय अध्यक्ष: माननीय सदस्यगण,आप लोग यह क्या करते हैं?यह भारत की संसद है । इसकी गरिमा को बनाए रखें । मैंने आपको कहा है कि बिजनेस एडवाइजरी कमेटी में तय हुआ है कि इस बिल पर जितना समय मांगा गया,उससे दो घंटे ज्यादा समय दिया है । माननीय सदस्य,दिया है कि नहीं दिया है?

…(व्यवधान)

माननीय अध्यक्ष: माननीय सदस्यगण, जब आप लोग बोलेंगे, तो आपको पूरा मौका दिया जाएगा । माननीय मंत्री जी के अलावा किसी की बात रिकॉर्ड नहीं होगी ।

……(व्यवधान)*

श्री संतोष कुमार गंगवार:महोदय,आपके माध्यम से संक्षेप में बताना चाहूंगा …(व्यवधान) वर्ष 2002 में44श्रम कानून थे,उनको कम करने हेतु सेकेण्ड लेबर कमीशन ने सिफारिश की थी । उसके आधार पर वर्ष 2002 में यह तय हुआ कि …(व्यवधान) । देश में 4या 5श्रम कानून बनाए जाएं । दुर्भाग्यवश उस समय अटल जी की सरकार चली गई और 10वर्ष तक जो सरकार रही,उसने इस विषय पर विचार नहीं किया । वर्ष 2014में जब सरकार आई,तो लगा कि यह कानून आवश्यक है और 44के स्थान पर 4या 5श्रम कानून बनाए जाएं । उसी के तहत पहला कानून संसद के दोनों सदनों,लोक सभा और राज्य सभा ने पास करने का काम किया,जिसके लिए मैं आप सब लोगों को धन्यवाद देना चाहूंगा । मैं बताना चाहूंगा कि हमारे यहां कोई भी श्रम कानून साधारण तरीके से प्रस्तुत नहीं होता है । इस पर लंबी चर्चा होती है ।सारेश्रमसंगठन, सारेइम्प्लायर्सऔरसभीराज्यसरकारोंसेपरामर्शकरनेकेबादहीउसेसदनमेंलायाजाताहै । आजइतनीचर्चकिबादयहआपकेबीचमेंआयाहै,   इसलिएमैंइतनाहीकहसकताहूंकिइसमेंऐसाकोईभीप्रावधाननहींहै, जोमजदूरोंकेहकोंकेखिलाफहो   ।जबआपइसपरचर्चाकरेंगेतोबहुतसीबातेंसामनेआजाएंगी   । इसलिएमैंइसकेविस्तारमेंनहींजानाचाहताहूं   ।मैंयहचाहूंगाकिआपइसबिलकोप्रस्तुतकरनेकीअनुमतिदें, जिससेकिहमइसपरलम्बीबहसकरसकें ।आपजितनीचाहेउतनीबहसकरेंऔरजिससंदर्भमेंआपनिर्णयकरेंगे, वहमानाजाएगा ।

माननीयअध्यक्ष : प्रश्नयहहै:

"किव्यवसायसंघ,   औद्योगिकस्थापनयाउपक्रममेंनियोजनकीशर्तें, औद्योगिकविवादोंकेअन्वेषणतथापरिनिर्धारणऔरउससेसंबंधितयाउसकेआनुषंगिकविषयोंसेसंबंधितविधियोंकासमेकन ।"

_प्रस्तावस्वीकृतहुआ ।_

श्रीसंतोषकुमारगंगवार : महोदय,मैंविधेयकपुरःस्थापितकरताहूं ।

…(व्यवधान)

माननीयअध्यक्ष : शून्यकाल ।श्रीदिनेशचन्द्रयादव ।

…(व्यवधान)