

LOK SABHA DEBATES

LOK SABHA

Thursday, July 11, 1996/Asadha 20, 1918 (Saka)

(The Lok Sabha met at
Eleven of the Clock)

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

[Translation]

Legislation For Agricultural Labourers

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*21. SHRI PAWAN DIWAN :

SHRI RAMASHRAY PRASAD SINGH :

Will the Minister of LABOUR be pleased to state :

(a) whether a proposal to enact a Central legislation for agricultural and construction labourers is under consideration of the Government;

(b) if so, the salient features thereof;

(c) whether the State Governments have also been consulted in this regard,

(d) if so, the details thereof, and

(e) the present status of the above Central legislation?

[English]

THE MINISTER OF LABOUR (SHRI M. ARUNACHALAM) : (a) to (e) A Statement is laid on the Table of the House

STATEMENT

The Central legislation for Construction Workers has already come into existence by way of Ordinances viz., the Building and Other Construction Workers (Regulation of Employment and Condition of Service) Third Ordinance, 1996 and the Building and Other Construction Workers' Welfare Cess Third Ordinance, 1996. Bills to replace them by Acts of Parliament are being introduced in the current session of the Parliament. Copies of the Ordinances on construction labour have been laid on the Table of the House on the commencement of the current Session.

The proposal for a Central legislation for agricultural workers is under active consideration of the Government with a view to provide for the regulation of their employment and working conditions and to provide for their welfare. The matter is at an advanced stage of consideration and decision.

The State Governments have been duly consulted.

The matter regarding Central Legislation for Agricultural Workers came up for discussion in the State Labour Minister's Conference held in August 1992 and July, 1993 pursuant to which State Governments have sent their views. In a meeting of State Labour Ministers and Labour Secretaries taken by Union Labour Minister on 17-18/May, 1995, a general consensus had emerged on the need for Central legislations for agricultural and construction workers. It was decided, however to provide for sufficient flexibility to the State Governments in implementation according to the prevailing local conditions.

[Translation]

SHRI PAWAN DIWAN : Mr. Speaker, Sir, there are large number of construction workers and agricultural labourers in the country. It has been said in reply about construction workers that the third ordinance has come into existence in 1996, and it will be moved in the Parliament in the form of a bill. This is really a very good thing, but I am feeling that the agricultural labourers have been ignored because neither any ordinance has so far been promulgated for them nor there is any proposal for bringing any bill. A Labour Ministers' conference was held on 17-18 May, 1995 and the issue was discussed in it. The advice which was solicited from State Governments in July-August 92-93, has not been acted upon. My humble request is as to why an ordinance has not come so far in this regard. It is necessary to discuss it in this session only because agricultural workers have made the country self-reliant in terms of agriculture. I want to know from the Government as to what the Government is going to do for making these poor labourers self-reliant.

[English]

SHRI M. ARUNACHALAM : Sir, agricultural labourers is an unorganised sector. We have not neglected it. The new Government's Common Minimum Programme has clearly mentioned that this legislation is in advanced stage, we are taking it to the Cabinet and after the approval of the Cabinet, we will be placing it in the House.

[Translation]

SHRI PAWAN DIWAN : Mr. Speaker, Sir, I want to ask the next supplementary question. I have not received a clear reply to my question. The ordinance has been promulgated for construction workers and the bill is being framed, but why agricultural labourers have been ignored, why an ordinance has not come into existence for them as well and why the issue of bringing a bill for them is not being

discussed? Whether any time-limit has been fixed for this?

[English]

SHRI M. ARUNACHALAM : Sir, I have already said that we are taking it to the Cabinet and after the approval of the Cabinet, we will be coming to the House with the Bill.

[Translation]

SHRI RAMASHRAY PRASAD SINGH : Mr. Speaker, Sir, before I could ask you a question, I want to draw your attention towards the fact that when you were Labour Minister, then, a Private Member's bill was discussed. I had also participated in that and you had given us assurance that you are bringing a bill for agricultural labourers but so many years have elapsed and nothing has happened so far. Today, you are Honourable Speaker, of the Lok Sabha. Therefore, you are urged upon to put pressure on the Government for such a bill.

Mr. Speaker, Sir, it has been said in reply to today's question that a Labour Ministers and Labour Secretaries Conference was held on 17-18 May, 1995 in which a unanimous decision was taken that it will be made flexible and then it will be given to states in order to enforce it as per their circumstances. I want to ask from the Minister the details of such law that you are going to enact and which will be handed over to State Governments.

[English]

SHRI M. ARUNACHALAM : Sir, State Governments of Kerala and Tripura have already got this Act. In Kerala it is being implemented but in Tripura it is yet to be implemented. I am aware of the... (Interruptions)

MR. SPEAKER : He has not completed his answer.

SHRI M. ARUNACHALAM : Sir, this issue has been deliberated upon time and again in the Industry Ministers Conference with the Secretaries to the Government of India and the Secretaries of the States. I know the importance of this legislation. Therefore, we are taking it to the Cabinet very shortly and after a decision in the Cabinet, we would bring a Bill to the House.

[Translation]

SHRI RAMASHRAY PRASAD SINGH : Mr. Speaker, Sir, Handing over an Act to State Governments has been mentioned here the laws enacted by State Governments for labourers are not being enforced there. It is wrong to handover it to State Governments when minimum wage is not being given to them.

[English]

SHRI HANNAN MOLLAH (Uluberla) : Sir, this matter has been discussed in the House time and again. Now, we are happy that the Government is planning to bring forward a Bill in this regard.

Sir, there are two parts of my question. The first part of my question is about the construction labourers. I would like to know from the hon. Minister whether the Government has received any memorandum from the organisation of the construction labourers protesting against certain very inadequate provisions of the Ordinance promulgated on the construction labourers, which does not serve any purpose beneficial to the construction labourers. If so, whether the Minister has considered the points raised by the organisation and whether or not he is going to make amendments before placing the Bill in this House.

As regards the agricultural labourers, as you know, there had been a lot of discussion about them. You, Mr. Speaker, Sir, are the most well-known person in this regard. I would like to know whether, as promised by the Prime Minister that he would try to bring this legislation on the agricultural labourers in this session—when the representatives of the Agriculture Labour Union and other unions met the hon. Prime Minister, he assured that it would be done in this Session—the Bill is going to be presented in this session and also would be passed in this Budget session of Parliament.

Secondly, I would like to know whether the expenditure part has been taken into consideration or not. When the Agricultural Labourer Act will be passed, how will you provide the expenditure for implementing this Act? I would like to know whether, in the given situation of the limited financial power of the State Government, adequate care has been taken to provide sufficient fund for the implementation of this Act.

SHRI M. ARUNACHALAM : Answering the second part of the question first, I would like to say that we are trying our best to bring a Bill regarding Agricultural Labourer in this Session itself. It is up to the Cabinet to decide. Coming to the expenditure part, I would like to say that we will consider it.

Coming to the first part of the question regarding amending the Construction Workers and Labourers Act, it is up to him to bring an amendment and discuss it in the House. The House has to decide about it.

SHRI RAMENDRA KUMAR : Sir, the reply is not satisfactory.

SHRI MADHUKAR SARPOTDAR : In his clarification, the Minister has said that the Government is considering it. Which is the

Government who is going to consider this particular Bill? This is the only question that I want to ask.

SHRI M. ARUNACHALAM : I said, 'specifically, the Cabinet has to consider it'.

MR. SPEAKER : Please do not interrupt like that. I have not permitted you

[Translation]

SHRI SATYA PAL JAIN (Chandigarh) Mr. Speaker, Sir, I want to know two things from the Minister. One thing that comes to my mind in regard to agricultural labourers and constructions labourers is that the court case relating to any dispute or claim takes so much of time that it becomes difficult for a labourer to stay there for such a long period. Whether any remedy will be provided in the law that you are going to enact and whether any time bound institution for speedy disposal will be provided and whether any remedial forum will be there, in which workers may put their claims and which could be decided in one or two months? Problems occur in its execution as well. The authority which decides the claims should have ample powers so that one could get the claim in a specific time. We have seen in regard to the land reforms Act that big-landlords do not let it be implemented, even though the orders are existing. Labourers are keep on moving from one place to another frequently. Therefore, they find it difficult in getting them restored.

Third thing I want to ask is that whatever is the provision of providing free legal aid under the Act, whether you would like to involve those agencies in it so that the workers who are not in a position to pay the fee of a lawyer could get a lawyer?

The fourth thing is that you have said time and again that

[English]

"We will try our best to bring this legislation in this House." Can you give us assurance as to when will you bring this legislation specifically, say, three or four months? Otherwise, it will keep on pending for years together and it will have no effect.

MR. SPEAKER : I think you have put your question.

SHRI M. ARUNACHALAM : Our prime objective is to bring a Bill in this regard as early as possible. I have said it before also, as soon as the Cabinet approves it we will bring this legislation in the House.

SHRI SATYA PAL JAIN : Let the Minister say that he will bring this legislation in this Session itself otherwise saying as early as possible may mean five years also and that will not serve any purpose.

[Translation]

SHRI GANGA CHARAN RAJPUT : Mr. Speaker, Sir, I want to know from hon. Minister through you, as to whether the Government has any proposal to increase the minimum wages of agricultural labourers and the labourers of unorganised sector involved in construction work. Different states have got different minimum wages. I want to know as to whether you are going to enact a Central Minimum Wages Act whereby a uniform minimum wages could be laid all over the country.

[English]

SHRI M. ARUNACHALAM : The existing labour laws, like the Minimum Wages Act, Equal Remuneration Act are applicable to this sector. It is up to the State Government to decide about it.

SHRI A. C. JOS : Mr. Speaker, Sir, for the first time in this country a legislation for the establishment and regulation of the welfare fund for the construction workers was established in Kerala. This was implemented in Kerala and it is functioning very well. This is the only law regarding the construction workers that is being implemented in Kerala. The Welfare Fund corpus has reached to about Rs. 40 crore. Is the Government prepared to adopt the provisions of the Kerala Welfare Act in entirety so that there is no outside agency and from the contractors or the Government the money can be taken for the Welfare of the workers?

Sir, the Ordinance placed before the House is not practicable. It is not a legislation at all. It cannot do any good for the welfare of (Interruptions)

MR. SPEAKER : You can discuss it when the Bill is before the House for discussion. It is too early for you to say that now.

SHRI A. C. JOS : Sir, will the hon. Minister be prepared to call a meeting of representatives of all the Central Trade Unions so as to formulate necessary amendments to the Bill put before the House?

SHRI M. ARUNACHALAM : Sir, as you are well aware, the Labour Ministry constituted a study team in 1992 to visit Kerala and assess the working of the Construction Workers Welfare Fund and also the mode of its administration through Tripartite Boards set up for the purpose. The Study Team under the Chairmanship of the Additional Secretary, Ministry of Labour, and consisting of senior officers from the Ministries of Surface Transport and Urban Development, visited Kerala from 23rd to 25th of June, 1992 to assess the implementation of the Kerala Construction Workers Welfare Fund Act, 1939. After examining their report it was decided to submit a proposal to incorporate in the original Bill of 1939. The provision is regarding the Construction Workers

Welfare Fund on Kerala pattern with powers to the Construction Workers Welfare Fund Board to levy one per cent of the construction cost on works undertaken by the Central Government and its agency to conform it with Article 285 of the Constitution. It has also been decided to incorporate a provision for providing temporary shelters to construction workers coming from outside. Sir, moreover, the State Government shall have also powers to frame rules for constitution of the Fund and its administration...*(Interruptions)*...

SHRI A.C. JOS : Sir, that does not form part of the Question.

MR SPEAKER : As far as the construction workers are concerned, the Bill is coming before the House. You can have a long discussion on that.

DR T. SUBBARAMI REDDY : Sir, I must get an opportunity to speak on this.

MR SPEAKER : Question No.24.

DR MURLI MANOHAR JOSHI : Sir, let Question No.24 and Question No.27 be taken up together because they are more or less on the same subject.

MR SPEAKER : Yes, Question No.24 and Question No.27 will be clubbed together.

[Translation]

Prasar Bharti Act, 1990

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*24 SHRI SANTOSH KUMAR GANGWAR
SHRI E. AHAMED :

Will the Minister of INFORMATION AND BROADCASTING be pleased to state

(a) whether the Government propose to amend the Prasar Bharti (Broadcasting Corporation of India) Act, 1990;

(b) if so, the details thereof;

(c) the time by which it is likely to be amended, and

(d) the details of the amendments proposed to be made?

[English]

THE MINISTER OF CIVIL AVIATION AND MINISTER OF INFORMATION AND BROADCASTING (SHRI C.M. IBRAHIM) : (a) to (d) Certain changes, inter-alia in the proposed organisational structure of the Corporation, as envisaged in the Prasar Bharti Act, 1990, may be required in the light of the rapidly changing broadcasting scenario because of increased international satellite broadcasting in this part of the world. A three member Expert Group has

been constituted on 28.12.95 to review the provisions of the Prasar Bharti Act and to make recommendations. Further action would depend on the outcome of the recommendations of the Group.

**Cancellation of Telecast of
"The News Tonight"**

*27. DR. MURLI MANOHAR JOSHI :
SHRI SRIBALLAV PANIGRAHI :

Will the Minister of INFORMATION AND BROADCASTING be pleased to state :

(a) whether telecast of the programme "The News Tonight" was cancelled by Doordarshan on June 14, 1996;

(b) if so, the reasons therefor; and

(c) the action taken against the defaulting officers?

THE MINISTER OF CIVIL AVIATION AND MINISTER OF INFORMATION AND BROADCASTING (SHRI C.M. IBRAHIM) : (a) Yes, Sir

(b) The programme could not be telecast since the tapes were received too late from M/s NDTV to preview.

(c) Does not arise

[Translation]

SHRI SANTOSH KUMAR GANGWAR : Mr Speaker, Sir, it appears that the intention of the Government about implementing the Prasar Bharti Bill is not clear. The previous Government should have implemented it promptly but it did not consider it. This Bill was passed by the Parliament in 1990 and hon. President had given his consent to it on 12 September 1990 and thereafter it was consigned to dustbin because the then government and ruling party had used it as a mouth piece. Thirty four M.Ps in 1994 and 53 M.Ps in 1995 had written for its implementation.

That is why the standing Parliamentary Committee while criticising it had observed that the Government has adopted a dilly-dallying policy. Later on, the High Court of Calcutta gave its verdict and said that it should be implemented by 1995. But the Government has not paid its attention towards it. The consequence is that a three member expert team was constituted on 28.12.95. At present, Electronic media is on the threshold of good expansion in the country as well as outside but the situation in India is worsening so much so that people do not want to see Doordarshan programmes. They are dependent on Zee TV or other channels for news and tend to rely on what is delivered on these channels. At times, we are faced with very difficult situation. I would like to know from hon. Minister through you, as to who