

Mori development block (jabna valley and Tons valley) of Uttar Kashi district and Ravalta and Jaunpuri people of Thathur development block of Tehri-Garhwal have been demanding since 1953 their inclusion in the list of scheduled Tribes. The teams of senior officers of U.P. Government had been visiting these areas from time to time. They had recommended that the tribes of Japua tons valley and Jaunpur should be given the same benefits as are being given to the tribals of Jaunsar Bawar in the plains of Dehradun.

Sir, the demand of the tribals of Jaunsar areas which is adjacent to plains were accepted in 1967 but the Jaunpur area of Uttar Kashi and Tehri-Garhwal was left out from being listed. In June 1984, the U.P. Government after conducting a thorough survey of the area, had recommended to the Central Government the inclusion of Ravalta and Jaunpuri tribes in the list of scheduled tribes. In 1989, the committee constituted under the chairmanship of the Home Minister had also recommended inclusion of Jaunpuri caste in the list of scheduled Tribe but the same could not be approved. The Central Government is requested to include immediatly these castes in the list of scheduled tribes keeping in view the situation of these areas.

12.53 hrs.

STATUTORY RESOLUTION RE: DISAPPROVAL
OF THE BUILDING AND OTHER
CONSTRUCTION WORKERS
(REGULATION OF EMPLOYMENT AND
CONDITIONS OF SERVICE)
THIRD ORDINANCE, 1996:

BUILDING AND OTHER CONSTRUCTION
WORKERS (REGULATION OF
EMPLOYMENT AND CONDITIONS OF
SERVICE) BILL

STATUTORY RESOLUTION RE: DISAPPROVAL
OF THE BUILDING AND OTHER
CONSTRUCTION WORKERS
WELFARE CESS THIRD ORDINANCE, 1996.

AND

BUILDING AND OTHER CONSTRUCTION
WORKERS' WELFARE CESS BILL

MR. SPEAKER : Regarding item Nos. 7 to 10, we had an all-party meeting this morning where we have agreed on the amenements moved by the various hon. Members and the Government have agreed to bring official amendments on that. So the decision of the Party leaders is that we would postpone the discussion or this so that the Government can come with appropriate amendments by tomorrow. So, I will permit the Minister to move the motion.

THE MINISTER OF LABOUR (SHRI M. ARUNACHALAM) : Sir, I beg to move :

"That further discussion on Statutory Resolution re: Disapproval of the Building and other Construction Workers (Regulation of Employment and Conditions of Service) Third Ordinance, 1996, Building and other Construction Workers (Regulation of Employment and Conditions of Service) Bill and Statutory Resolution re: Disapproval of the Building and Other Construction Workers Welfare Cess Third Ordinance, 1996, and Building and Other Construction Workers' Welfare Cess Bill, be postponed till the next day."

MR. SPEAKER : The question is :

"That further discussion on Statutory Resolution re: Disapproval of the Building and other Construction Workers (Regulation of Employment and Conditions of Service) Third Ordinance, 1996, Building and other Construction Workers (Regulation of Employment and Conditions of Service) Bill and Statutory Resolution re: Disapproval of the Building and Other Construction Workers Welfare Cess Third Ordinance, 1996, and Building and Other Construction Workers' Welfare Cess Bill, be postponed till the next day."

The motion was adopted.

12.54 hrs.

STATUTORY RESOLUTION RE: DISAPPROVAL
OF THE COAL MINES PROVIDENT FUND AND
MISCELLANEOUS PROVISIONS (AMENDMENT)
THIRD ORDINANCE, 1996

AND

COAL MINES PROVIDENT FUND AND
MISCELLANEOUS PROVISIONS (AMENDMENT)
BILL

MR. SPEAKER : Now, we go to Item Nos. 11 and 12.

Shri Girdhari Lal Bhargava - not present.

Prof. Prem Singh Chandumajra - not present.

Shri Radha Mohan Singh - not present.

JUSTICE GUMAN MAL LODHA (Pali) : Mr. Speaker, Sir, first of all, I would request that this matter may kindly be referred to a Select Committee. Why I am making this request is that the original Bill which is there has got identical or similar analogous provisions

which are contained in one of the most important Bills which is going to come, namely the Pension and Provident Fund Bill. Now, that has been referred to a Select Committee by Rajya Sabha...*(Interruptions)*

SHRI G.M. BANATWALLA (Ponnani) Did he move the motion or not?

MR. SPEAKER : Yes, he is moving his motion.

SHRI G.M. BANATWALLA : Is it so? I think he has not moved his motion. He has started with the Select Committee. Has he moved his motion?

JUSTICE GUMAN MAL LODHA : I move my motion. He is on a technical point.

His technical point is correct. I beg to move :

"That this House disapproves of the Coal Mines Provident Fund and Miscellaneous Provisions (Amendment) Third Ordinance, 1996 (No.22 of 1996) promulgated by the President on 20 June, 1996."

Mr. Speaker, Sir, as I have submitted earlier, the power of Ordinance-making given under Article 213 of the Constitution is a rare power which is given to the hon. President of India to be exercised in matter of grave urgency on satisfaction that there is an urgency and the House is not in Session. One after another, now, you will find that the Third Ordinance is coming. The first Ordinance was allowed to lapse. The second Ordinance was allowed to lapse. And now the third Ordinance is coming in the form of a Bill in order to live.

Sir, the point is that when the Parliament meets thrice in a year - at least three times a year normally - where is the occasion of bringing three Ordinance one after another? Is it not a serious lapse, dereliction of duty, constitutional violation, flagrant and clear contravention of constitutional provisions? Normally the Legislature has got this power. The Parliament has got this power. That means that after having a full-fledged debate on all the provisions - after having the First Reading, Second Reading and Third Reading - the matter is considered and the Bill is passed. Then, it goes to the President for the purpose of his Assent. Now, they want to bypass all this. It is a *fait accompli* that they want to put this legislation without any discussion, without any debate, without any dialogue and without expression of views? This actually is the antithesis of democracy. The democratic process, the Parliament process, and the Parliamentary democracy contemplates that all legislations should be brought in the House and there must be a full-fledged debate where the Members having different shades of opinion can express their opinion and move their Amendments. Just now, Sir, you have seen how, in the Construction Workers Bill, the Amendments are being accepted by the Government.

MR. SPEAKER : Are you unhappy about it?

JUSTICE GUMAN MAL LODHA : I am very happy about it. But what I am saying is that by bringing the Ordinance, they have already inflicted some injury which could not have been there if the Bill had been brought originally. Therefore, Sir, I am opposing this Bill firstly on this ground, namely, that this Ordinance-making power is being abused, misused. So, this Ordinance should not be allowed and it must be rejected.

Sir, my second ground for opposing this Bill is this. The Bill and the Ordinance are taken together and discussed. Therefore, what I am submitting is that there is a great deal of controversy going on regarding matters of Provident Fund and Pension to the labour in this country. We have got a legislation which is going to be considered by this House in which the question is whether the Provident Fund Scheme should be converted into a Pension Scheme, or the Family Pension provision which was there should now be substituted. Many trade unions in this country have opposed it. The Bharatiya Mazdoor Sangh has opposed it. Many others have opposed it. Almost all of them have opposed it. Their view was that this would be an exploitation of labour. This would be against the interest of labour. This would not be help progressive social welfare legislation. This would be a retrograde or a reactionary step which should not be taken. On the one hand, they say that they have got a Common Minimum Programme in which they are here for upliftment of labour, the poor and the downtrodden people and, on the other hand, they are even reversing the benefits which were already there.

13.00 hrs.

Therefore, I am submitting that as Rajya Sabha has sent it for the consideration of the Select Committee, I would request the hon. Minister to kindly consider it objectively. I am asking her to consider it not because I have raised this point and not because it has been raised from the Opposition but because sitting here we must have an objective consideration of all the matters. The objectivity would be to send it to the Select Committee as has been done in Rajya Sabha.

Even otherwise when main legislation would come in Rajya Sabha and if it is passed now then there will be a conflict between the two. There will be contradiction and there will be a paradox. Therefore, in order to have consistency in the interest of labour, I would appeal to the hon. Minister to kindly refer it to the Select Committee and so far as the Ordinance is concerned, it must be rejected.

THE MINISTER OF STATE OF THE MINISTRY OF COAL (SHRIMATI KANTI SINGH) : Sir, I beg to move :

"That the Bill further to amend the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948, be taken into consideration"

MR. SPEAKER : The House stands adjourned for Lunch to meet again at 2 p.m.

13.02 hrs.

*The Lok Sabha then adjourned for Lunch till
Fourteen of the Clock.*

14.06 hrs.

*(The Lok Sabha reassembled after lunch at Six
minutes Past Fourteen of the clock)*

(Mr. Deputy Speaker in the Chair)

[English]

RAM NAIK (Mumbai-North) : Sir, I am on a point of information. The discussion on Railway Budget is being stalled daily. Whether it will be taken up today and if so, at what time? We must have some information in this regard so that we are able to pass it on to our hon'ble members, otherwise, they are making an impression that the discussion on Railway Budget is being stalled deliberately. We may not get time then and therefore, ...*(Interruptions)*

MR. DEPUTY SPEAKER : Nothing is done deliberately but I myself do not have any information till now.

SHRI RAM NAIK : That is why I say that members must have information as to when discussion on Railway Budget will be taken up...*(Interruptions)*

SHRI GIRDHARI LAL BHARGAVA (Jaipur) : Or the trains have been "postponed" because of rains?

MR. DEPUTY SPEAKER : I think discussion on Railway Budget should commence after completion of this item.

SHRI RAM NAIK : What I want to urge is that we will not get time for discussing Railway Budget, nor will we get time for discussing General Budget. This situation is likely to come. In this background, discussion of Railway Budget should start at 4-5 o'clock after completing the discussion on this Bill today...*(Interruptions)*

SHRI MOHAMMAD ALI ASHRAF FATMI (Darbhanga): Mr. Deputy Speaker, Sir, the Railway Budget is very important and we must take up discussion on it. We should complete other business before the House as early on possible. We should accord priority to Railway Budget because, therefore, we will have to take up discussion on General Budget.

MR. DEPUTY SPEAKER : The House should decide that this Bill be passed without discussion.

SHRI MOHAMMAD ALI ASHRAF FATMI : I shall be pleased if this bill is so passed.

MR. DEPUTY-SPEAKER : You will be pleased, but I want the pleasure of all of you.

SHRI MOHAMMAD ALI ASHRAF FATMI : I think every body will be pleased. It is a very good bill...*(Interruptions)*

[English]

SHRI P.C. THOMAS (Muvattupuzha) : Sir, the Building and other Construction Workers (Regulations of Employment and Conditions of Service) Bill is also very important.

[Translation]

MR. DEPUTY SPEAKER : That is what I have said.

14.09 hrs.

STATUTORY RESOLUTION RE: DISAPPROVAL
OF COAL MINES PROVIDENT FUND AND
MISCELLANEOUS PROVISIONS (AMENDMENT)
THIRD ORDINANCE 1996

AND

COAL MINES PROVIDENT FUND AND
MISCELLANEOUS PROVISIONS (AMENDMENT)
BILL—CONTD.

[Translation]

THE MINISTER OF STATE OF THE MINISTRY OF COAL (SHRIMATI KANTI SINGH) : Mr. Deputy Speaker, Sir, this Bill is an indicator of this Government's sensitivity towards coal mine workers and their families. ours is a welfare State and therefore, the Government is committed to ensure appropriate welfare of coalmine workers and member of their families. It has been our intention to provide justice to the people on the lowest rung of our social ladder. The Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948, in brief, provides for implementation of various schemes for the benefit of coal mine workers. But it does not provide for retirement pension scheme for these workers.

At present, we do have a family pension scheme which provides for family pension for the dependents of those workers who die in harness. The workers now want this scheme to be converted into a retirement pension scheme. It is now proposed, inter-alia, to provide for superannuation, retirement pension and pension for permanently and totally disabled workers, widows children and orphans. This proposed scheme will substitute the existing family pension scheme and the entire assets and liabilities of the family pension schemes will be transferred to the proposed pension scheme.

The Central Government will continue to contribute its share as at present. The proposed pension scheme does not involved any additional recurring or non-recurring financial liability out of the Consolidated fund of India. In other words, the annual liability under 'administration' and 'contribution' heads will continue on the established pattern of coal Mines workers Family