

Assam with a population of nearly one crore is without a full-fledged hospital equipped with adequate modern diagnostic facilities. The hospitals in District Headquarters are small, ill-equipped and overcrowded. There are no facilities or personnel for specialist treatment at all. As a result, serious and chronic patients have to go all the way across the river to Guwahati Medical College Hospital and in most cases to All India Institute of Medical Sciences in Delhi at tremendous cost, inconvenience and, above all, risk of life.

Therefore, the Ministry of Health is requested to consider setting up a Teaching Hospital as a Branch of AIIMS at Biswanath Charali, an hour's drive from Tejpur Airport and nearest to Arunachal Pradesh. Apart from filling a void, this measure will bring relief to thousands of ailing Patients who are making a bee-line to AIIMS, Delhi every month all the way from remote Assam and the North-Eastern States.

12.47 hrs.

MESSAGES FROM RAJYA SABHA

[English]

SECRETARY-GENERAL : Sir, I have to report the following messages received from the Secretary-General of Rajya Sabha :-

- (i) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 31st July, 1996, agreed without any amendment to the Representation of the People (Amendment) Bill, 1996, which was passed by the Lok Sabha at its sitting held on the 30th July, 1996."
- (ii) "In accordance with the provisions of rule 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Employees Provident Funds and Miscellaneous Provisions (Amendment) Bill, 1976, which has been passed by the Rajya Sabha at its sitting held on the 31st July, 1996."

12.47½ hrs.

Employees' Provident Funds and Miscellaneous Provisions (Amendment) Bill, 1996 As passed by Rajya Sabha

SECRETARY GENERAL : Sir, I lay on the Table the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Bill, 1996, as passed by Rajya Sabha on the 31st July, 1996.

12.48 hrs.

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

BUILDING AND OTHER CONSTRUCTION
WORKERS 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 - Contd.

[English]

MR. SPEAKER : The hon. Members, in the Business Advisory Committee, it was decided that the House will now take up the Building and Other Construction Workers Bill as it has to go to Rajya Sabha.

Secondly, in the meeting with the Leaders of all the political Parties, the amendments were discussed and the Government was very kind to accept the amendments moved by the respective Members. It was decided that since the Government has accepted all the amendments, there would be no further discussion and the Bill would be straightaway passed.

Now I would request the hon. Minister to give his reply to the debate.

(Interruptions)

SHRI SATYA PAL JAIN (Chandigarh) : Sir, amendments have not been circulated to the Members ...*(Interruptions)*

MR. SPEAKER : They have been circulated.

(Interruptions)

MR. SPEAKER : All the Parties were present and everybody had accepted it. The Government was very gracious enough to accept all the amendments.

Now, the hon. Minister will reply.

*(Interruptions)**[Translation]*

SHRI RAM SAGAR (Barabanki) : Mr. Speaker, wish to make a submission.

MR. SPEAKER : The hon. Home Minister has just now made a statement. You talk to him. I will also speak to him later.

[English]

Now, I would request the hon. Minister to give his reply.

THE MINISTER OF LABOUR (SHRI M. ARUNACHALAM) : Sir, I am very thankful to all the hon. Members who have participated in the debate during consideration of the two Bills, namely, the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Bill, 1996 and the Building and Other Construction Workers Welfare Cell Bill, 1996 moved by me to replace the corresponding Ordinance issued on 20.6.1996.

12.50 hrs.

(Shri P.M. Sayeed *in the Chair*)

The large number of Members who have participated in the debate, reflects the widespread concern in the House for the plight of building and construction workers, whom these Bills are intended to benefit and protect. A large number of amendments have also been moved by the hon. Members.

Taking note of the sentiments expressed in the House, cutting across the party lines, an all-party meeting was convened in the hon. Speaker's Chamber at 10.00 A.M. on 24.7.1996, in order to find a common ground. The representatives of all major political parties and groups attended this meeting which was presided over by the hon. Speaker and under his guidance, an agreement was evolved to move certain official amendments to the Bills as agreed upon during the meeting, upon which all the political parties agreed to extend their full cooperation in passing of the two Bills by both the Houses expeditiously before adjourning for the intra-session recess. This is necessary in order to replace the corresponding Ordinances before they expire on the 21st of this month by virtue of Article 123(2) (a) of the Constitution.

As the House is aware, the official amendments agreed upon during the all-party meeting were duly moved by me after securing the approval of the Cabinet and after obtaining fresh recommendations of the President of India. As a result of incorporating these amendments, there is a quantum improvement in the benefits that are sought to be provided to the building and construction workers through the instrumentality of these Bills. Although I would not like to dwell too much upon the amendments that are now sought to be incorporated by the Government as their significance is well understood by the House, I would like to underline that the spirit of federalism and decentralisation has been sought to be carried a step forward by providing that the cess collected will go directly to the Welfare Boards to be constituted by the State Governments instead of being first credited to the Consolidated Fund of India and thereafter being appropriated by the Parliament for each Welfare Board. As a result, the States would not only be free to collect the cess levied under the Act but would also be free to spend the amount collected for the welfare of building and

construction workers in the respective States through the Triparties Welfare Boards to be set up by them instead of waiting for the appropriation being made by the Parliament in their favour for this purpose. This is being done for the first time because the scheme in the cess legislations enacted by the Parliament has been that the cess collected was first credited to the Consolidated Fund of India before its disbursement to the States through appropriation by Parliament. I have no doubt that the State Governments and the Welfare Boards would fully discharge their allotted functions with a sense of responsibility and discipline. At the same time, amendments introduced to reduce the limit of workers in an establishment from fifty to ten for applicability of this Act and for increasing the rate of cess from one per cent to two per cent have tremendous significance. Not only will the coverage increase manifold but, as a result, much more funds will flow to the Welfare Boards which would enable them to take up many more schemes for the welfare of the building and construction workers. The financial burden upon the employers, which includes both the Central and State Governments as well as the public sector undertakings, will increase as a result. I am sanguine that the employers would not grudge shouldering this additional burden for the sake of welfare of their own workers whose sweat and labour provides for their own prosperity, but who themselves have been leading a very precarious existence so far. Similarly, other official amendments moved by me seek to confer significant additional benefits on the workers.

In short, with these changes the Bills have become an extremely beneficial social legislation from the point of view of the workers.

Sir, as the Government has already incorporated various changes as agreed upon in the all-party meeting convened under the Chairmanship of the hon. Speaker, I feel that I need not take the time of the House by going into the individual points made by the Members who participated in the debate because their view points already stand incorporated in the Bills as they stand now.

Sir, I would now strongly urge upon the House you to pass the two Bills unanimously so that the process of implementation could start and its benefits flow to the building and construction workers at the earliest.

Sir, before I close, I would like to profusely thank once again the hon. Members who participated in the debate and the representatives who took part in the all-party meeting and helped to find an agreement acceptable to all the parties through a process of discussion and in a spirit of accommodation. Last but not least, I would like to express my profuse thanks to the hon. Speaker who lent his good offices to these efforts.

12.55 hrs.

MR. CHAIRMAN : Hon. Members, Business Advisory Committee has decided for three changes. I will read them out :

"That as sufficient time is not left to start and complete the general discussion on General Budget, 1996-97, the Rule 331(g) be suspended by taking the sense of the House to enable the Standing Committees to consider the Demands for Grants of the Ministries concerned during the ensuing recess.

That in view of the Supreme Court's latest orders, the discussion on the relationship between the Legislature and the Judiciary might be held over for the present.

That the Employees Provident Fund and Miscellaneous Provisions (Amendment) Bill, 1996 as passed by the Rajya Sabha might be taken up and passed in the Lok Sabha by 2nd August, 1996."

These are the three changes. Now, Shri Bhargava, you can start and then we will adjourn for lunch.

12.56 hrs.

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

BUILDING AND OTHER CONSTRUCTION
WORKERS 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 - Contd.

[Translation]

SHRI GIRDHARI LAL BHARGAVA (Jaipur) : Mr. Chairman, Sir, the hon. Minister has accepted only one or two suggestions. Firstly, he has agreed that where there are more than 50 workers and in their place even 10 are working. They would be brought within the purview of the Bill. Secondly he said that if some private person is constructing a house and the cost of that house exceeds Rs.10 lakhs, then the workers constructing that house would also be brought within

the ambit of the Bill. He has also agreed to one more thing that of the matter pertains to the centre, then three Members from the Lok Sabha and some from the Rajya Sabha. If there is a matter concerning the State, then M.L.As will be included in it. Besides this, he has not accepted anything.

Sir, my submission is that it is the first Bill in the history of India, wherein some thought has been given about the unorganised labour. Therefore, I request the hon. Minister not to hurry though this measure and also include in it other suggestions made by the hon. Members. Now another difficulty is that you gave all the amendments in the morning. From them it appeared that this Bill will be brought forward here after the passage of these two bills and thereafter other things will follow. But you just now said that it would be passed on the 2nd itself, which means that we have only tomorrow for it. It was hoped that this Bill would be brought forward tomorrow and then I would be able to express my views with all the force at my command. Sir, it is the first Bill for the workers.

My submission is that in this Bill, the definition of the owner is not clear. Who is owner? At certain places, even the worker's an owner. The worker also accepts contract and comes within the definition of the owner the hon. Minister has not defined the owner in this Bill. This should be done.

MR. CHAIRMAN : Bhargavaji, you may continue after lunch.

SHRI GIRDHARI LAL BHARGAVA : Right, Sir, I thank you very much for the same.

[English]

MR. CHAIRMAN : Now, the House stands adjourned for lunch till fourteen of the clock.

13.00 hrs.

*The Lok Sabha then adjourned for lunch till
Fourteen of the clock.*

14.07 hrs.

*Lok Sabha reassembled after lunch at seven minutes
past Fourteen of the clock.*

(Mr. Deputy Speaker in the Chair.)

[Translation]

Re: Threat to life of a Member

MR. DEPUTY SPEAKER : Either Shri Ram Sagar or Shrimati Subhawati Devi may make their submission in a minute or two.