

that urgent in the sense that you have to act on it tomorrow itself. That is not so.

[Translation]

MR. DEPUTY SPEAKER : I had therefore stated that I will not stop him from expressing this views.

[English]

KUMARI MAMATA BANERJEE : Sir, there is no such rule that the Minister cannot respond to a Member. He has raised a very important issue. The Minister has replied to it. There is no such restriction that the Minister cannot reply.

MR. DEPUTY-SPEAKER : Now, Shri Raghubans Prasad Singh to make a statement.

(Interruptions)

MR. DEPUTY-SPEAKER : There is no revival of Zero Hour now. This is too much. Please listen to him.

14.30 hrs.

#### STATEMENT BY MINISTER

##### Sale of Synthetic Milk

[Translation]

THE MINISTER OF STATE OF THE DEPARTMENT OF ANIMAL HUSBANDRY AND DAIRYING IN THE MINISTRY OF AGRICULTURE (SHRI RAGHUVANSH PRASAD SINGH) : (a) I seek leave of the House to make a statement regarding the reports about sale of synthetic milk which have appeared in newspapers at different times and mention of which was made by some Hon'ble Members in this House.

Sale of adulterated milk is prohibited and is punishable under the provisions of the Preventing Food Adulteration Act (PFA) and the PFA Rules, 1955. The newspaper reports have alleged adulterating of milk, especially in the northern States, by the adding of vegetable fat, urea, chemical detergents, common salt, etc. in what has come to be called synthetic milk.

The Government of India have taken a serious view of these reports. The Ministry of Health and Family Welfare has issued repeated instructions to the State Health Authorities to expand their networks of checks and detect cases of adulteration of milk and resort to prosecuting measures. Consequently the State Health Authorities have intensified their checkings and have launched prosecutions and taken up special drives to detect such adulteration. Central PRA Team also visited the States of Punjab, Rajasthan, Uttar Pradesh and Himachal Pradesh where the problem had been alleged to be prevalent to discuss the issue with the PRA implementation authorities of these states.

The Department of Animal Husbandry and Dairying has also asked the Secretaries, Incharge of Dairy

Development Department in all the States Union Territories to be more vigilant in this regard and ensure that the dairy plants in Public, Cooperative and Private Sector do not receive any adulterated/synthetic milk if any such case comes to their notice it should be immediately reported to the State Health Authorities to ensure proper prosecution and destruction of the adulterated milk after following the prescribed procedures. Instruction have also been issued by the Central Registering Authority under the Milk Product Order, 1992 to all registered dairies to strictly adhere to the quality norms and to carry out all tests and prevent entry of synthetic milk into the dairy plants.

The Government convened a conference of State Health Secretaries of northern States on 11th April, 1996 to review the measures taken for preventing use of synthetic milk. The meeting decided to the meeting a training cum workshop was arranged in the National Dairy Institute, Karnal on 11-7-96 for Public Analysts of the State Governments in the matter of detection of synthetic milk.

In Delhi nearly 40% of the total milk supply is effected by the Mother Dairy run by the National Dairy Development Board and the Delhi Milk Scheme (DMS) run by the Department of Animal Husbandry and Dairying. Both these dairies had taken early note of the possibility of synthetic milk being offered for processing and have therefore been specially vigilant about testing of the supply received by these dairies. Well equipped laboratories are in place in the Mother Dairy and the DMS and each consignment of milk received by these dairies is subject to elaborate tests.

I can assure this House that the milk supplied by the DMS and the Mother Dairy is absolutely safe and is without any kind of contamination.

I would like to inform this House that the Government is fully seized of the problem of synthetic milk and have taken several measures to contain the problem. The efforts already initiated would be further intensified and Government is determined to eradicate this menace. I assure the House once again that no efforts will be spared in ensuring the quality of milk that is offered to the consumers in this country.

14.35 hrs.

#### STATUTORY RESOLUTION RE: DISAPPROVAL OF INDUSTRIAL DISPUTES (AMENDMENT) THIRD ORDINANCE

AND

#### INDUSTRIAL DISPUTES (AMENDMENT) BILL

[English]

MR. DEPUTY-SPEAKER : Now, the House will take up item Nos. 13 and 14 together. the time allotted is one hour.

PROF. PREM SINGH CHANDUMAJRA (Patiala) :  
Sir, I beg to move :

"That this House disapproves of the Industrial Disputes (Amendment) Third Ordinance, 1996 (No. 23 of 1996) promulgated by the President on 28 June, 1996."

[Translation]

I rise to oppose the Ordinance that was promulgated to further amend the Industrial Disputes Act. Merely changing the nomenclature will not serve any purpose. Simply changing the nomenclature as Industrial Finance Corporation, Indian Air Corporation or Natural Gas Commission will neither benefit the labourer nor the industrialist. The procedure adopted by the Industrial Finance Corporation for advancing loans is not correct.

They put the industry in the sick zone and misuse the finance.

There are factories where labourers are sitting idle even after investing crores of rupees on them. Oswal Mill in Hazuri owes crores of rupees to Government but it is not being paid. Similar is the case with D.S.I. Mill in Rajpura. Dalmia Mill in Rajpura has also been closed after declaring it sick. Labourers of this mill are jobless now. Industrial Finance Corporation should be reconstituted in such a way that the funds are used properly.

Today 50 per cent of the industries are involved in labour disputes. The reason is that there is no representative of labour in the Tribunals. There should be a provision to implement the decision of the Tribunal and at the same time labour should be given representation in the Tribunals. New devices employed by the industrialists adversely affect the labour. The labour employed by the contractors one denied bonus, provident fund and even minimum wages. They have two sets of attendance registers. If the Government want to benefit labour they should bring forward an Act which should include provision of bonus, provident fund and also other benefits to the labour.

The Bill is neither going to extend any benefit to the labour nor it is going to boost the industry. It is my submission that amendments and provisions should be included in the Bill so as to benefit the labour class and to enable the industrialists to develop industries.

[English]

THE MINISTER OF STATE OF THE DEPARTMENT OF LEGAL AFFAIRS, LEGISLATIVE DEPARTMENT AND DEPARTMENT OF JUSTICE (SHRI RAMAKANT D. KHALAP) : Sir, I beg to move :

"That the Bill further to amend the Industrial Disputes Act, 1947, as passed by Rajya Sabha, be taken into consideration."

MR. DEPUTY-SPEAKER : Motion moved :

"That this House disapproves of the Industrial Disputes (Amendment) Third Ordinance 1996 (No. 23 of 1996) promulgated by the President on 20 June, 1996."

"That the Bill further to amend the Industrial Disputes Act, 1947, as passed by Rajya Sabha, be taken into consideration."

[Translation]

SHRI THAWAR CHAND GEHLOT (Shajapur) : I have a point of Order.

The copies of the Bill which have been circulated do not include the statement of Objects and Reasons. It also does not mention the expenditure to be borne by the Government. This is in violation of rule 69. This should be made available to the Members so that they can participate in the debate with full preparations.

MR. DEPUTY SPEAKER : The Bill has already been passed by the Rajya Sabha. Thereafter it has come to Lok Sabha.

SHRI THAWAR CHAND GEHLOT : It is an established practice that when any amendment is proposed in a Bill it should include objects and reasons of the original Bill and if it entails additional expenditure on the Government it should also be mentioned. I demand that the required information be supplied.

SHRI RAMENDRA KUMAR (Begusarai) : It is there in the Bill that has been introduced in the House. It is also there in the copy that has been circulated to Members.

SHRI THAWAR CHAND GEHLOT : It is not there in the copy circulated to me. I can show you the copy. It is not there in the Hindi version.

MR. DEPUTY SPEAKER : It is there in the Bill which has been passed by the other House.

SHRI THAWAR CHAND GEHLOT : I have got both the Hindi and English versions. It is not there in any of them. If it is there, please let me see.

MR. DEPUTY SPEAKER : It is there in the Bill passed by Rajya Sabha I do not know which copy has been circulated.

SHRI BASUDEB ACHARIA (Bankura) : Since it was passed by the Rajya Sabha, it is not there in the copy introduced here.

SHRI THAWAR CHAND GEHLOT : I tried to collect a copy and also contacted the Staff concerned for the same. At least it is missing in the copy I have got.

[English]

KUMARI MAMATA BANERJEE (Calcutta, South) : In the Financial Memorandum, it is a must... (Interruptions)

[Translation]

SHRI THAWAR CHAND GEHLOT : Mr. Deputy Speaker, Sir, I want your ruling. The Government should give reply to my point. Why are they intervening. The copy of the Bill which I have received does not contain the Statement...*(Interruptions)*

MR. DEPUTY SPEAKER : They are also speaking like you.

[English]

SHRI RAMAKANT D. KHALAP : I request the Hon. Member to give me a few minutes to explain the matter. This Bill was moved in the Rajya Sabha. I have the original copy of the Bill which was introduced in Rajya Sabha besides the actual Bill, accompanied by the Statement of Objects and Reasons. It has an annexure. It satisfies almost every requirement that the Bill has to satisfy. It has come to Lok Sabha as passed by the Rajya Sabha.

[Translation]

SHRI THAWAR CHAND GEHLOT : Mr. Minister, please supply us a copy like the one you have got with you. My copy does not include the Statement of Objects and Reasons and also the financial Memoranda...*(Interruptions)*

I have gone through it carefully, it is not there in the copy given to me and if such is the case why it has been circulated.

SHRI ANIL BASU (Arambagh) : As it was introduced in Rajya Sabha that is why it was circulated.

MR. DEPUTY SPEAKER : The copy with me contained the Statement of Objects and Reasons. It might have been misplaced somewhere in your home...

*(Interruptions)*

SHRI THAWAR CHAND GEHLOT : Mr. Deputy Speaker, Sir, I am on a point of order.

KUMARI MAMATA BANERJEE : It has been passed by the Rajya Sabha. If the copy introduced in the House does not contain objects and reasons, how can we hold a discussion on it.

SHRI THAWAR CHAND GEHLOT : Mr. Deputy Speaker, Sir, Please don't take my point of order lightly. I am giving you the copy of the Bill which I have received from this Sectt.

MR. DEPUTY SPEAKER : Please read it out.

*(Interruptions)*

[English]

SHRI RAMAKANT D. KHALAP : Sir, the Statement of Objects and Reasons of the Bill are very clear. Let me read it.

"The Industrial Disputes Act, 1947 *inter alia* provides for the machinery and the procedure

for the investigation and settlement of industrial disputes. Clause (a) of Section 2 of the Industrial Disputes Act, 1947...."

*(Interruptions)*...Munsiji, please sit down and listen to me...*(Interruptions)*

SHRI P.R. DASMUNSI : Sir, you have to only enquire whether the proper Bill has been circulated or not, after introduction, to all the Members including the Financial Memorandum and the Statement of Objects and Reasons and whether the same copy which the hon. Minister is referring to now was made available to all the Members of this House or not. That is the point. If it was done, it can be enquired from the Secretariat and the matter will be all right. If it was not done, then the hon. Member's point is valid...*(Interruptions)*

[Translation]

SHRI THAWAR CHAND GEHLOT : Mr. Deputy Speaker, Sir. The copy of the Bill does not contain the information. It is not there in Hindi version also.

[English]

MR. DEPUTY SPEAKER : The copies of the Bill were circulated to Members of Lok Sabha also when it was first introduced in Rajya Sabha "to all Members of Lok Sabha also" on 16th July.

[Translation]

Whether it has been actually circulated or not?

[English]

SHRI RAMAKANT D. KHALAP : This Bill was circulated both in the Rajya Sabha and Lok Sabha and this is the copy of it...*(Interruptions)*

MR. DEPUTY SPEAKER : Please sit down and listen to the Minister.

*(Interruptions)*

KUMARI MAMATA BANERJEE : Sir, let them circulate the Bill properly to the Members and then, we can start the discussion. Only then we will be satisfied, Sir...*(Interruptions)*

[Translation]

SHRI GIRDHARI LAL BHARGAVA (Jaipur) : The Statement of Objects and Reasons of the Bill should be with us also which the Minister is reading in the House.

MR. DEPUTY SPEAKER : The List of Papers circulated by Lok Sabha Sectt. on 16th included Appropriation Bill, Industrial Disputes Act to all the Members of Lok Sabha. There cannot be two different sets papers.

*(Interruptions)*

SHRI RAMAKANT D. KHALAP : Please listen to me. It is not my mistake...*(Interruptions)*

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI SRIKANTA JENA):  
(a) Just listen to us...*(Interruptions)*

*[English]*

SHRI RAMAKANT D. KHALAP : You first listen to me...*(Interruptions)*

SHRI ANIL BASU : There are two different Bills. One is the Bill to be introduced in Lok Sabha and other is the Bill as passed by the Rajya Sabha.

*[Translation]*

SHRI SRIKANTA JENA : You are an experienced Member. Please listen to us...*(Interruptions)*

SHRI THAWAR CHAND GEHLOT : According to you the Bill was circulated on 16th. It was passed by Rajya Sabha on the 22nd. After the Bill has been passed by Rajya Sabha the Bill circulated on 16th lost its importance. Therefore the Bill as passed by Rajya Sabha should be circulated along with the Statement of objects and reasons...*(Interruptions)*

MR. DEPUTY SPEAKER : Please listen no him Minister is reply. You have made your pint.

SHRI THAWAR CHAND GEHLOT : Will it not create controversy.

SHRI SRIKANTA JENA : The Bill was circulated in both the Houses and has been passed by Rajya Sabha. There was one Bill for both Lok Sabha and Rajya Sabha. The Bill circulated to the Member is the Bill as passed by Rajya Sabha. The Annexure to the Bill is the same as was supplied to the Members on 16th itself. There is a confusion that the Bill as passed by Rajya Sabha has been circulated. Their has always been the practice ...*(Interruptions)*

SHRI GIRDHARI LAL BHARGAVA : We have not been supplied Statement of Objects and Reasons of the Bill. How could we find any new point?

MR. DEPUTY SPEAKER : It has already been circulated Khalapji would you like to say something.

*(Interruptions)*

*[English]*

SHRI SRIKANTA JENA : The Statement of Objects and Reasons, alongwith the Bill was circulated to the Member on 16th itself.

*[Translation]*

SHRI GIRDHARI LAL BHARGAVA : This was not done.

SHRI ANIL BASU : It seems the Kawadiwala came in between...*(Interruptions)*

MR. DEPUTY SPEAKER : Hon Minister has stated that first time when the Bill was circulated in both the Houses it contained the Statement of Objects and

Reasons. Second time the Bill as passed by Rajya Sabha was circulated. All relevant documents of the Bill had been circulated earlier in both the Houses. Therefore they have not been circulated second time. Second time only that portion as passed by Rajya Sabha has been circulated.

*[English]*

The controvenry ends. Yes, Purohit.

SHRI RAMAKANT D. KHALAP : Shall I read it.

MR. DEPUTY SPEAKER : No, he is now speaking on the subject.

*[Translation]*

SHRI BANWARI LAL PUROHIT (Nagpur) : It makes no difference whether the mechinery of Central Govt. deals with the provisions of this Bill or the mechinery of State Government deals with it. However we do not oppose this Bill. There has absolutely not been any improvement in the condition of labour. They face hardship from all sides. The workers do not get justice as it takes 15-20 years for the Govt. to take a decision. It is imperative that there should be a discussion or the condition of working class as also about the part being played by Trade Union movement today. Take the care of Indian Air Lines and Air India. They resort to strikes many times in a year with the result the air services are dislocated and passengers are put to great difficulty. Workers does not get justice even after years of struggle.

SHRI P.R. DASMUNSI (Howrah) : Journalists are not given sufficient wages. The report of Bachehawat Commission should be implemented...*(Interruptions)*

SHRI BANWARI LAL PUROHIT : I agree with your point and it should also be discussed. The suggestions given by Dasmunsiji should be discussed in the House.

Mr. Deputy Speaker, Sir, the wheel of time keeps on moving.

SHRI ANIL BASU : It is symbol of Janata Dal.

SHRI BANWARI LAL PUROHIT : Mr. Deputy Speaker, Sir, May day is a day of celebrations, a day of solidarity of labourers but what happened this year? Every year a huge rally used to be organised at Lal Chowk in Russia wherein labourers were felicitated. However this year a ban was imposed there.

SHRI BASUDEB ACHARIA : Although the rally was not organised at Lal Chowk but it was organised nearby.

SHRI BANWARI LAL PUROHIT : All right, but we must accept the hard reality and the verdict of changing times.

THE MINISTER OF AGRICULTURE (EXCLUDING THE DEPARTMENT OF ANIMAL HUSBANDRY AND DAIRYING) (SHRI CHATURANAN MISHRA) : Do you accept this change?

SHRI GIRDHARI LAL BHARGAVA : That is why you reached there.

SHRI BANWARI LAL PUROHIT : Leave aside Lal Chowk even in Delhi also Shri Sheshan imposed a ban on holding rallies on 1st May. It has nothing to do with elections. Rally of working class should not be mixed up with the election. None of the leaders of any party which are represented in this House protested against this decision of Shri Sheshan. The voice of labour class is not heard and they are being exploited even today. They do not get justice. For the last fifty years the 1.5 lakh labourers in both the States of West Bengal and Maharashtra are on the verge of Starvation.

15.00 hrs.

Sir they have been denied justice. If you go through the list of Jute mill owner in West Bengal you would find that there very groups and houses who controlled them before freedom in 1947 have been controlling them even today. The assets of these houses have multiplied but the condition of the labour has gone worse. No one both about the condition of labourer. What is the reason behind it? A new revolution which swepted Asia has invaded India also. With the introduction of liberation policy the labourer movement has received a big blow. The leader of Trade Union movement have lost their speak. The working class have lost their rights.

15.02 hrs.

(Sh. Chitta Basu *in the Chair*)

But it is a matter of concern that you are watching all these developments helplessly. We must oppose their policy of liberalisation and the Budget. These are against the interest of working class.

It is regrettable that the Government has supported this policy of liberalisation. Thereby they have become a party to this sinful act...*(Interruptions)*

MR. CHAIRMAN : I can only request you to confine your speech to Bill. I have myself gone through the Bill and you are free to comment on it.

*(Interruptions)*

SHRI SURESH PRABHU (Rajapur) : He is expressing his inner sentiments regarding this Bill.

SHRI BANWARI LAL PUROHIT : I was expressing my views on this Bill but my hon. friend here provoked me.

*[English]*

MR. CHAIRMAN : Do not get provoked. Address the Chair.

*[Translation]*

SHRI BANWARI LAL PUROHIT : Mr. Chairman Sir, it is the responsibility of the House to have a serious discussion on this Bill. There is urgent need to protect the rights of working class. In most cases rights are violated. Labour do not get justice even in courts. We have bitter experience of the reconciliation proceedings which usually go against them. Workers do not have any sag in tripartite talks. The view of the employer prevails there. The executive machinery of

the Govt. is not reliable. Workers have not been able to get justice from them all these years. The same situation prevails even today. We have a better experience in Bombay where the mills were closed. When the starving workers resorted to protests they were fired upon by police. The history of our working class is written with blood. As I stated earlier whether it is Central Govt. as the State Governments, both are inefficient in regard to providing justice to labour class in their respective jurisdictions.

What is needed is to make these agencies make efficient. It is imperative to establish more courts and to appoint more judges to enable the workers to get speedy justice. My experience is that labour courts are most neglected. There are not heard in proper accommodation. This should be looked into.

Secondly, I would also like to know. What purpose would be served by merging L.I.C.? Govt has announced in this House the multinationals would be welcomed in the field of Insurance. Govt. has also stated that other parties are also welcome in this field. What would happen to labour? New technology, new equipments, new machinery and computer are fast replacing the old one. Labourers are one worst sufferers in this process. Govt has not done anything to safeguard the interest of labour. Govt has made no arrangements to impart training to the labourers in this new technology before introducing the technology in our industries. This responsibility vests solely on Government.

I am sorry to say that Government has failed miserably in this regard. Workers who have undertaken to work on new equipment have failed miserably because of lack of training. Govt. should seriously look into this.

I agree that workers in O.N.G.C. and certain other Public sector units are well paid but most of the workers in unorganised sector and other factories are being exploited badly. Multinationals are entering in this country because labour is cheap in India. They give assurance that they would give them adequate salary and other benefits. But their intentions are not good. Do we want to repeat the History. First East India Company came here and now foreign companies are coming here. Previous Govt. has invited them and this Government is following their footsteps. Like East India company they want to exploit our country. It is a serious matter.

I am therefore not in a position to support the Bill nor I would oppose the Bill. There is nothing in the Bill to safeguard the interests of the working class...*(Interruptions)*. The policies of the Government would not only harm the country but would go against the interests of working class. *(Interruptions)*

MR. CHAIRMAN : Purohitji, you have already supported this Bill.

SHRI BANWARI LAL PUROHIT : You may take it that I am not opposing it.

MR. CHAIRMAN : All right.

*(Interruptions)*

SHRI BANWARI LAL PUROHIT : If the Government had brought a Bill to put an end to exploitation of labour, we would have welcomed and supported it however there is no such clause in this Bill.

MR. CHAIRMAN : Purohitji, this is not the budget speech. Please confine your speech to the proposed legislation.

SHRI BANWARI LAL PUROHIT : It is not a legislation ...*(Interruptions)*. The Bill only says that a particular company would not come under the jurisdiction of State Government but under Central Govt. What difference it is going to make?

MR. CHAIRMAN : All right you may elaborate this point.

SHRI BANWARI LAL PUROHIT : It was necessary to elaborate the duties of Central Government in relation to this Bill. But this has not been provided in the Bill. I am concluding. The Minister should spell out as to what he is going to offer to the labour class. We will decide only after hearing Minister's reply to this debate ...*(Interruptions)*

*[English]*

MR. CHAIRMAN : All right - It is not fair.

*(Interruptions)*

*[Translation]*

SHRI BANWARI LAL PUROHIT : I may reiterate the B.J.P. manifesto does not support the policy of working multinationals in the field of consumer goods. They should read it more carefully. We will supply a copy of it to them...*(Interruptions)*

MR. CHAIRMAN : All right.

SHRI BANWARI LAL PUROHIT : We would have welcomed the Bill had they included provision to further the interests of working class. But nothing has been done in this regard. I hope Hon. Minister would consider this and include some provision in the Bill which could safeguard the interests of working class while replying to this Bill.

*[English]*

SHRI PRADIP BHATTACHARYA (Serumpore) : Mr. Chairman, Sir, so much discussion can take place on this Bill but the Minister has inserted nominal matters only. I have gone through the Statement of Objects and Reasons which has been circulated to us and I find two important things are missing in that. One is, the number of disputes pending in the conciliation machinery or in the tribunals of the Industrial Finance Corporations of India, Air India and others. Second is, the number of workers involved with these organisations.

Mr. Chairman, Sir, nowadays, after the liberalisation of the economic policies, private shareholding is being allowed, particularly in the Industrial Finance Corporation of India. I would like to know from the hon. Minister whether the workers rights will be protected in

this private arrangement. That assurance is to be given by the hon. Minister when he replies.

Another most important thing is and I thought the hon. Minister will possibly explain in the Statement of Objects and Reasons the participation of the workers in the Management. It would have been better if the hon. Minister, while changing the provisions of this Bill, had assured the workers' participation in management. He could have easily introduced these arrangements there.

Another thing that I would like to mention here is about the contract labourers. I have seen at different airports a large number of contract labourers functioning there. I do not know whether the hon. Minister has any statistics about them. I would, therefore, request the hon. Minister to kindly take up this issue with the Industrial Finance Corporation and other sectors so that the rights of the contract labourers should be protected. There must be some provision so that they can be permanently absorbed there. In this connection, I would like to draw the attention of the hon. Minister that there is a Contract Labour (Abolition) Act and according to that Act if the work is of perennial nature, then all these workmen may be absorbed permanently. This is a very important thing and I hope the hon. Minister will take necessary steps in this regard.

SHRI ANIL BASU : Does it apply to Central Cabinet also?

SHRI PRADIP BHATTACHARYA : That is your consideration.

Mr. Chairman Sir, you may be aware and as we have been saying for quite some time that the conciliation machinery is not functioning properly so workers usually go to tribunals. But in the tribunals a large number of cases are pending. I would like to know from the hon. Minister whether any arrangement has been made in this Bill so that the pending cases of these workmen in the tribunals are cleared soon.

Lastly, I request the hon. Minister to introduce a comprehensive Bill as the Industrial Disputes Act is a very old Act and so many changes have taken place in the country after it came into existence in the year 1947-48. There have been changes in the mood of the labour, in the pattern of industries and all these things.

Now, a comprehensive Bill should be introduced in this House as soon as possible. I request the hon. Minister to make it a time-bound programme so that the workers can be protected properly.

SHRI TARIT BARAN TOPDAR (Barrackpore) : Sir, this is a Bill sought to replace the Ordinance promulgated by the President of India when Parliament was not being in Session.

I do not find any point here where there was any expediency in promulgation of this Ordinance. However, some of the companies have since changed their names. The Industrial Finance Corporation has changed itself into the Industrial Finance Corporation of India Limited. The Oil and Natural Gas Commission, which was under

the Act of 1959, has changed itself into the Oil and Natural Gas Corporation Limited and the jurisdiction of the Act has also been changed. Some of them came under the Companies Act of 1956. Therefore, it is simply a matter of changing the nomenclature. In view of the change in the nomenclature, some qualitative change has taken place, for which the appropriate Government for taking up the industrial disputes concerning those Companies or Corporations become the respective State Governments. Therefore, in this corrective paper, which comes in the form of the Industrial Disputes (Amendment) Bill, 1996, there is no point in disputing it.

In the course of the discussion here by which this Bill is sought to be passed and the Ordinance to be repealed, I would like to place one or two points for the consideration of the Government at the earliest.

The Finance Minister has announced in his Budget speech that the Government is thinking of reconstitutions or restructuring the BIFR. I could not follow at that time whether it was reconstitution or restructuring or re-framing or renaming or whether some new Bill would be introduced in respect of the BIFR.

My sad experience is that the number one case registered in the B.I.F.R. was regarding the Titagarh Paper Mill. That was the number one case of the B.I.F.R. and that was settled only in 1995.

The other saddest part of my experience is that it was settled earlier in 1993 and where all the parties agreed before the B.I.F.R. and where there is one financial institution among the parties, that is, I.D.B.I. After everything was done, the judgement was given, which was accepted by all the parties before the Bench. Though more than eighteen months elapsed, the I.D.B.I. did not adhere to any of the provisions of the judgement. The then Government had set up the B.I.F.R. to shirk its own responsibilities and to just debar the workers to get relief from the court of law.

The B.I.F.R. was set up with an ulterior motive of protecting the errant and defaulting entrepreneurs, promoters or owners and to debar the workers even to get relief from the court of law. This was a mechanism to safeguard the vested interests against the plunder over the workers done so long by them. In spite of that the trade unions and the workers participated in the B.I.F.R. Some agreed proposals were accepted, but seriously it was found that the Government owned, Government managed financial institutions, sometimes the Government itself and sometimes the Department of Industry itself did not adhere or did not agree and did not comply with the B.I.F.R. judgement. It may be said that it is a quasi-judicial body. Some of the Secretaries who are working there are on the verge of retirement. These people are entrusted with the task of quasi-judicial functioning in the B.I.F.R. It can be very easily presumed what an enormous influence the Government can wield over these Benches. Despite that, sometimes the dilly-dally tactics of the B.I.F.R. Benches, sometimes even after the judgement given by the B.I.F.R. Benches, the Government Department itself has not complied with

many of the judgements. I can cite a number of examples.

As far as the financial institutions are concerned, it can be said that the I.D.B.I. and such other organisations cared a straw for these B.I.F.R. judgements.

In the course of Questions Hour here during the Tenth Lok Sabha, the Chair directed the Government, specially the Department of Industries, to adhere to the judgement and the proceedings accepted by the parties. The Chair also directed the Ministers to see that the financial institutions treated the public sector undertakings and the private undertakings on an equal basis. What we found in actual practice is that the financial institutions were inclined to sanction amounts to private industries but on the same parameters they were not at all ready to support the public sector undertakings. Even in Parliament, it was raised, it was discussed and the Chair directed the Government, but nothing happened. Rather, things happened contrary to the direction. It is no use opposing this Bill because; everybody is supporting this Bill. I would like to mention such anomalies which we experience in the field of industries in relation to the worker-management relations, in relation to the production relation system of our country. The means of production are changing. The relations of production will have an effect of change on it. There is no doubt about it. The Government, the country, the society, the trade unions and all the sections should live up to that. The old ideas may not help the working class and the people of the country. Therefore, a comprehensive Bill should be framed and the enactment made, maintaining the interests of the overall economy and the workers in general, specially those who are the suffering section in our country, who are at the lowest ebb of our economy.

As the Finance Minister, in his speech, has assured the House and the country that he will be coming up with some new ideas regarding BIFR, my proposition in this respect will be that the BIFR cannot be changed, cannot be altered and cannot be modified because the BIFR was set up by the earlier Government to protect the entrepreneurs, to protect the vested interests against the worker. Therefore, there is no scope of any corrigendum over that.

The entire thing should be thought over under the present situation and the perspective ahead of us.

[Translation]

SHRI RAMENDRA KUMAR : Mr. Chairman, Sir, before coming to the main point, I would like to draw your attention towards another point. There is a definition of 'Badli' worker in industry but now I came to know that this House also has a conversion of 'Badli' Minister. This Bill relates to Ministry of Labour and hon. Minister of Law has come here to reply on behalf of Labour Minister. It means that a provision of 'Badli' Minister has been initiated in this House. It is a good thing... (Interruptions) It is an Industrial Dispute Act. This Bill concerns with the department of labour. Therefore Labour Minister should have been present in the House.

Instead Law Minister is representing the Labour Minister. How could he reply to our queries.

[English]

MR. CHAIRMAN : It is the collective responsibility of the Government.

SHRI RAMENDRA KUMAR : I agree Sir. But he cannot answer our question which are being raised here. It is a new thing.

MR. CHAIRMAN : You leave it to his judgement.

[Translation]

You please continue.

SHRI RAMENDRA KUMAR : I do not dispute it. But I have drawn the attention of the Chair to this fact that Law Minister has represented Labour Minister which is a new thing.

There is nothing in this Bill which one should oppose. Two definition of the appropriate Government has been modified in this Bill.

SHRI BANWARI LAL PUROHIT : What is there to support in the Bill.

SHRI RAMENDRA KUMAR : If you have either read Industrial Dispute Act or have ever practised thereon or are connected with Trade Union or trade union movement, you must have read the definition of appropriate Govt. in Section 2(A).

This definition has now been amended. I therefore support this Bill as it concern with the interests of working class. I hope all the Hon. Members of their House would also support this Bill.

In this connection I wish to draw the attention of the labour Minister to one or two points. Every word in Industrial Dispute Act has been challenged from the beginning. There has been dispute on the definition of the work 'Industry' and the case went upto Supreme Court. Similarly there was dispute over the definition of the work 'workmen' and the case went to Supreme Court. Even the word 'dispute' is going to be decided by Supreme Court. Even difference in words 'approval' and 'permission' would be decided by Supreme Court. Similarly the words 'settlement' and 'agreement' would also be taken to Supreme Court for final definition. Therefore most of definitions in Industrial Dispute Act are themselves litigents and industrialists have taken full advantage of it.

Most of the dispute in our country relate to Industrial unrest. I come from Bihar and my experience is that most of the dispute relate to the recognition of Trade unions. In Bihar only recognised Trade Unions are authorised to enter into an agreement or settlement. Other unrecognised unions, even though they may have majority of workers, cannot enter into any agreement. This has resulted in prolonged strikes of 100 days, 75 days or 50 days. Then backdoor negotiation take place. The some union which had led the strike enter into backdoor negotiation. But only the recognised union is

authorised to sign the agreement. When the representation of Central Trade Unions met the Prime Minister he ensured them that a Bill would be brought forward to provide that a trade union should be recognised on the basis of secret ballot. There is imperative need to enact a law for the recognition of trade union through secret ballot only.

As per my information the workers having wages upto Rs. 1600 are included in the definition of workmen. Today in many industries even unskilled labour gets more than Rs. 1600/-. When the Government is amending this Act it would be worthwhile to amend the definition of workmen to include those drawing salary upto Rs. 5000/- in the category of workmen.

I want to make one more point. Several authorities have been constituted under the Industrial Disputes Act, for instance Conciliation Officer, labour court, Court of inquiry, Tribunals National Tribunal etc. But these authorities have not been vested with any power. What is the power of conciliation officer? He calls both the parties. Employer says he has no time what could he do in such a situation. So far I understand he has no authority to issue a directive and pass an order. Therefore he sends a failure report to the Government infact the whole Act is Toothless. It would be worthwhile to say that the deptt. of labour is helpless.

What is the situation today? Strikes, lockouts and retrenchment are taking place in many industries. But our labour Deptt is helpless, it cannot extend any help and relief to the workers. No body listen to the Labour Deptt in the Centre. It has not been able to put on the Industrialists to open closed factories and to ask them to resume work. Therefore more and more industries are getting sick, worker are not getting their wages, bonus and gratuity. They are not getting any compensation for then retrenchment. In fact our Industrial Disputes Act is spineless and hardly serve any purpose. Even if the Tribunal and labour Court gives an awards in favour of workers the labour deptt. has been unable to implement it... (Interruptions)

Although a separate department has been set up by the name of Labour Department but it is totally useless. There is a lot of slogan shouting like "Bolo Bum" 'Jai Shri Ram', You have become expert in slogan shouting.

MR. CHAIRMAN : Please confine your speech to Bill.

SHRI RAMENDRA KUMAR : I am coming to the point. I am speaking on the Bill itself so far the issue of reference is concerned, the report of conciliation failure is sent to appropriate Government. But the Act is silent about that time, the appropriate Government would take to refer it further. Therefore there should be a provision in the bill that if a report of the failure of conciliation is received, it should be referred to Labour Court or Industrial Tribunal within a specific time.

What is the state of our labour courts and industrial tribunals? Most of our labour courts and industrial tribunals have no prisiding officers. The offices of these

courts and tribunals are in bad shape. They have no proper arrangement to keep files and documents. Recently we discussed the facilities to be extended to judges and the whole House favoured it. The courts and tribunals have retired judges as presiding officers we should make adequate arrangements for them.

In most of the labour courts and industrial tribunals there are no Presiding Officers. These posts remain vacant for number of months and sometimes for over a year. As a result the dispute referred to them are not disposed of for year together. Govt should take effective steps in this regard.

There is a provision in the Act for works committees. But usually elections are not conducted for constituting work committee. Even in big industries like steel, BHEL, Indian Oil and fertilizer no elections are held to constitute work committee. Similar is the case of setting up of grievance committees. I would like to know as to why Govt. is unable to implement the provision of the Act.

This is an old Act. Every definition of the Act has been challenged and the cases have gone upto High Court and Supreme Court. The Govt. should call a meeting of workers representatives, industrialists, Central trade unions including Govt. representatives to consider comprehensive amendments to the Act with a view to safeguard the interest of workers.

The workers are not going to be benefited unless the Industrial Dispute Act and other labour laws are framed keeping in view the interests of labour in mind. It is unfortunate that the labour departments in the states or even the Centre are more keen in safeguarding the interest of industrialists than the labour. I would therefore plead with the Govt. that they should formulate a labour policy in consultation with Trade union and political parties.

SHRI BACHI SINGH RAWAT 'BACHDA' (Almora) : Hon'ble Chairman, Sir, I supports the views expressed by the previous speaker. In addition I want to know who would be the appropriate authority under section 2(a). The Ordinance was promulgated in 11th October, 1995 and would have retrospective effect irrespective of the fact that three sessions of Lok Sabha were held earlier in December, 1995, Jan, 1996 and March, 1996. Govt should come to the House with a Bill. An Ordinance should be issued in extraordinary circumstances only.

There has been many amendments to Industrial Disputes Act earlier also. The present Railway Minister who was a labour Minister earlier has announced on 16th May, 1990 that Govt proposes to bring forth an Industrial Relations Bill which would replace the present Industrial Dispute Act. But no such Bill has been brought forward till today. I would suggest that the Govt. should bring forward a comprehensive Bill in this regard. This Act covers lakhs of workers in the country. Therefore we should ensure that the workers should get justice. I fully support the contention of the previous speaker that all the workers getting wages upto Rs.5000/- should be included in the definition of workers. Sections 29, Section 33 and Section 330 relate to penalties in respect

of the recoveries for the defaulting companies. In this connection I would suggest that the scope and purview of the Conciliation Officer should be widened.

The industrial history of India could be divided into three parts. The first part relates to preindependent period when our industries were owned by Britishers and Indians were working as their employees and they were exploiting us as our master. Second part covers the period between 1947 to 1990 when a new environment was created for industrial growth and the started public undertakings. The third part covers post 1990 period when liberalisation was introduced and multinational entered in our country. This has changed the industrial scenario of our country marginally.

In 1978 Shri Ravindra Verma was our Labour Minister, he was followed by our present Hon. Speaker Shri P.A. Sangma, as state Minister for Labour. Later Shri Ram Vilas Paswan became Labour Minister. Every one was of the view that provisions of all the related Acts i.e. Factory Act, Trade Union Acts and Industrial Disputes Act should be codified at one place and a comprehensive Bill should be brought forward. Our party would extend full support to such a move.

[English]

SHRI NIRMAL KANTI CHATTERJEE (Dumdum) : They wanted to introduce the Exit Policy in the earlier amendments. Beware of that.

SHRI BACHI SINGH RAWAT 'BACHDA' : I have already criticised the policy and the practice adopted by the Government in taking recourse to Ordinance. This should be brought forward by the Govt. in extraordinary cases only.

[Translation]

Under Section 2A of the Act, I have a suggestion to make. If a group or an organisation which has many industries and is involved in many diverse functions and the units could be reported, each unit should be treated as a separate industry. In Almora District of Uttar Pradesh there is a P.G.F. Cooperative Organisation which has many industrial units under its control. It has one Soya Bean Factory, one drug factory and one terpentine factory under its management. The organisation runs its own offices and have outlets for distributing sugar. If any worker of a factory participates in an agitation or rally in support of the demands of his fellow workers, he is transferred from the factory to the office and thereby he is deprived of his pay and promotion. Therefore there is need to make some amendment to this provision so that the employees of the factory are not deprived of the benefits to which they are entitled as a factory worker.

My Second point is that there is justification of opposing the Bill brought by the present Government but hon. Minister should give us an assurance. I request that this ordinance should not be introduced time and again in the forthcoming sessions of the Parliament and a detailed discussion should be held on it with these words I conclude my speech.

SHRI BASU DEB ACHARIA (Bankura) : Hon. Chairman, Sir, I do not want to oppose this Bill. But at the same time I want to assert that our experience with the implementation of the present Industrial Disputes Act and its various agencies like Regional Labour Commissioner, Tribunals, Labour Court has not been very favourable either. Time and again the demand has been raised in the House as well as by the Trade Unions that the present Industrial Disputes Act, 1947 should be replaced. A number of sections in the existing Act are no relevant. These sections in the existing Act are not relevant. These sections should be so amended as to make them relevant in the present context in the interest of the workers. We also wanted that a comprehensive Bill should be brought forward. The draft which was put up in this respect did not come up to our expectations, therefore we and other Trade Unions did not support the draft. When Govt wanted to convert Public Sector Undertakings like Air India, Indian Airlines, Industrial Finance Corporation and ONGC etc. into public sector limited Companies, we strongly opposed such a move on the part of the Govt.

[English]

It should remain a Public Sector.

[Translation]

But inspite of our strong opposition the bill was passed because Govt. had the majority. The condition prevailing today is the result of our liberalisation policy... (Interruptions) We have never supported the policy of liberalisation no matter we sat in the opposition or on the treasury benches... (Interruptions)

SHRI SRIBALLAV PANIGRAHI (Deogarh) : You have gained the maximum benefit in West Bengal.

SHRI BASU DEB ACHARIA : We did not gain any benefit.

The Common Minimum Programme of the United Front mentions that the interests of the workers will be protected. We want that a separate Bill for recognition of union through secret ballot should be brought forward in the House. Earlier when there was National Front Govt. a bill for the workers's participation in the management was drafted. The definition of the workmen in the draft of the Bill contained many flaws and contradiction. While the Bill was under consideration the Govt. fell and the Bill could not be passed. Now we can introduce some improvements in the Bill. The dispute arises when a Union which has been recognised loses its majority gradually and the other union which has gained majority remains unrecognised. The management continues to deal with the minority union. There had been a strike in the textile industry which continued for about a month. The recognised union in that industry is INTUC but it has no majority. The strike call was given by the other union but the management did not negotiate with that Union. The strike continued for about a year and it has created history of a sort in the trade Union movement. We want that a separate Bill be brought forward by the Govt. at the earliest. Disputes

would always arise between the workers and the management. Therefore there is an imperative need of a conciliation machinery. We have a sad experience that in most cases the conciliation machinery proves a failure, and a failure report is submitted to the Government. It often takes months to refer such cases to the Tribunal. Tribunal takes ten to fifteen years to decide a case. We must see to it that the time taken in the process is minimised.

[English]

How can we reduce the delay in the settlement of the cases. The cases of Central Govt. employees are now referred to the Central Administrative Tribunal.

MR. CHAIRMAN : Would you continue tomorrow.

SHRI BASU DEB ACHARIA : I will continue tomorrow.

16.00 hrs.

#### DISCUSSION UNDER RULE 193

##### Chinese Nuclear Test and CTBT

[English]

MR. CHAIRMAN : The House shall now take up discussion under rule 193 regarding Chinese nuclear test and CTBT. The hon. Minister of External Affairs is to make a statement on this subject.

16.01 hrs.

(Mr. Speaker in the Chair)

THE MINISTER OF EXTERNAL AFFAIRS (SHRI I.K. GUJRAL) : Mr. Speaker, Sir, I had addressed this House on the Issue of Comprehensive Test Ban Treaty on the 15th July, 1996 setting out Government's Policy on this issue. The discussion that followed reflected the national consensus underlying the Government's policy. I am speaking today because of new developments of which hon. Members are aware: the 46th test conducted by China on the 29th July, 1996.

Several countries have issued statements expressing their varied points of view. Some of the leading ones while regretting or even condemning the Chinese 45th nuclear test have, at the same time, noted that after this test, China may join the other nuclear weapon States in observing a moratorium on nuclear explosive testing. On our part, we are dismayed by the nuclear tests carried out by nuclear weapon States, particularly as the CTBT negotiations are in progress. We have always believed that these tests take the world further away from the goal of universal nuclear disarmament. As this House knows, since 1945, the five nuclear weapon States have carried out 2047 tests. The USA and Russia have conducted 210 tests while China and UK have conducted 45 tests each. These tests have contributed to the nuclear arms race and shown that partial steps do not lead to nuclear disarmament.