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Title: Further discussion on the motion consideration of the Unorganised Workers' Social Security Bill, 2008 moved by Shri Oscar Fernandes on 15th December, 2008. (Discussion Not conclusion.)

MR. DEPUTY-SPEAKER: The House will now take up Item No.29 – Unorganised Workers' Social Security Bill, 2008. Four hours were allotted for consideration and passing of the Bill. Shri Santasri Chatterjee was on his legs when yesterday the House was adjourned. He had taken only two minutes. Now I would like to request Shri Santasri Chatterjee to continue his speech.

SHRI SANTASRI CHATTERJEE (SERAMPORE): Hon. Deputy-Speaker, Sir, while initiating discussion on the Bill yesterday I stated that I regret my inability to support the Bill in its present form for which I have submitted certain amendments. I do hope the hon. Minister while replying to the debate will sympathetically consider and accept my amendments so that the purpose for which the Bill has been brought is not defeated.

Sir, we know that there are 375 million workers in the unorganized sector and thus there is a need for having a comprehensive social security legislation. There are no two opinions about it. The unorganized workers presently contribute 60 per cent to the GDP. The unorganized workers and their families put together constitute 70 per cent of the labour force. In spite of this, it is a matter of deep regret that they are not covered under any comprehensive social security system in order to protect and advance their rights. This is not a matter of kindness, this is the right of the unorganized workers and we are glad that the Bill has come.

I belong to the State of West Bengal. Poet Rabindranath Tagore in one of his famous poems wrote, "Ora kaaj kare Anga, Banga, Kalinge prantore ora kaaj kare" which roughly translates into, "They work. They work in the length and breadth of the country". Sir, these people deserve all the social protection which they have so long been denied.

The Bill has been brought to the House at the fag end of the 14th Lok Sabha which is going to complete its term within a few months. The Government has not brought it out of its own volition but due to the protracted struggle of the working class, particularly in the unorganized sector, and the Left parties as well as some NGOs. There were two all-India general strikes one by the unorganized workers on the 8th August, 2007 and the other on 20th August, 2008 by a number of Central Trade Unions.

Before I go to the contents of the Bill let me quote the relevant portion of the National Common Minimum Programme which states:

"The UPA Government is firmly committed to ensure the welfare and well being of all workers particularly those in the unorganized sector who constitute 93 per cent of our workforce. Social security, health insurance, and other schemes for such workers like weavers, handloom workers, fishermen and fisherwomen, toddy tappers, leather workers, plantation labour, bidi workers, etc., will be expanded."

Sir, it is very unfortunate that the Bill, even after some modifications, does not conform to the declaration I have quoted earlier. Even most of the recommendations of the National Commission for Enterprises in the Unorganised Sector chaired by Dr. Arjun Sengupta are ignored.[\[KMR17\]](#)

For your ready reference, I quote a portion of the Report of the National Commission for Enterprises in the Unorganised Sector –

"However, in the context of a developing country such as India, social security arrangements for the working poor have wider ramifications for the economy and society. From a macro-economic point of view, it helps to develop a healthy and contented workforce capable of enhancing its contribution to the national income, which would, in turn, enhance the capacity of the economy to grow."

The report continues –

"The Commission believes that the effective implementation of this scheme will go a long way towards correcting the imbalances, manifested in a situation whereby a high rate of economic growth and prosperity of a section of its population co-exists with poverty, deprivation and adversity among vast masses of workers in its informal economy."

I would request the hon. Minister that while replying to the debate to deal with the point as to why they have not considered the

Commission's Report. Hon. Minister may kindly enlighten the House as to why they have ignored the recommendations of the Standing Committee. I quote from the relevant portions. Page No.5, para 8 of the Report –

"The Committee after considering the views expressed by several representatives of Trade Unions/NGOs/Employers, Groups/Associations, etc., and after going through the memoranda received, are convinced that 'The Unorganised sector Workers' Social Security Bill, 2007' in its present form will not be able to meet the aspirations of the millions of workers in the unorganized sector. It also reflects the unimaginative approach of the Government in bringing the Bill without proper and sufficient spadework required for such a significant piece of legislation. The Committee, therefore, propose that necessary amendments may be carried out in the title of the Bill, definition of various significant terms contained in the Bill, in various clauses of the Bill relating to provision of a statutory right for national minimum benefits for all unorganized workers."

I am a Member of the Standing Committee - the Chairman of the Standing Committee, Shri Sudhakar Reddy, would also speak, I think – we have gone into the details of the Bill; talked to all the stakeholders, and unanimously adopted this Report with the expectation that the Government would consider. But again I express my regret that the present Bill will not serve the real purpose for which it has been brought. It has been brought by persistent struggle of the working class of the country; by persistent struggle of all sections of the society.

Justice Krishna Iyer, at the age of 93 – I had gone through the letter he had addressed to the hon. Prime Minister – stated, 'I cannot move from Cochin but I appeal to your good sense to see that these people are not deprived to get their due share and due justice'. I am sorry to say once again that the contents not only betrays the commitment made by the Government for a comprehensive and protective legislation for the unorganized sector workers but also the recent statement of the Labour Minister for a meaningful, social security legislation. The opinions of the Central trade unions have not been taken into consideration; rather their constructive suggestions have been ignored.

In this perspective, the Bill is being discussed in the House. What were the main recommendations of the Standing Committee? The main recommendations in the 25th Report of the Standing Committee presented to this august House - we had suggested the Bill should be titled – The Unorganised Workers Social Security Bill, 2007 – the Government have accepted it. But the other definitions were not accepted. Regarding identity cards, we had suggested that they should be self-sufficient and inclusive. [\[r18\]](#)

It should have multi-purpose and multi-sectoral details of all the dependent family members of the workers. This has not been accepted.

Regarding the definition of unorganized workers, this is said. These are the days of outsourcing. In many public sector units, it is found that outsourcing has become the order of the day. We had suggested that the unorganized workers be included in this Bill. It has not been done.

Regarding framing of schemes, our suggestions were not accepted. The Committee recommended that the concept of national minimum social security benefits be implemented, covering all the unorganized workers – this has not been accepted.

Constitution of National and State Social Security Fund was discussed. It was the major question - where the fund will come from? How will it be arranged? What will be the share of the State Government, the Central Government and the share of the stakeholders? Our suggestion is for mobilizing resources. The Committee further recommended for earmarking of a definite percentage of GDP, levying of cess on various forms of taxes, grants and loans from the Union and State Governments, monthly collection of contributions from employers and beneficiaries on the lines of ESIC and EPFO, making provisions for cross subsidy of certain percentage of benefits from national financial and developmental institutions or from any such companies which have been directly or indirectly benefiting from the unorganized workers. This was also not accepted.

Constitution of National and State level Social Security Boards was also discussed. This was not accepted. The Advisory Boards – a Board of advisory nature, without any constitutional authority, without any authority to monitor the schemes, the projects, etc. – will not serve the purpose – this is what they said. For formation of an Advisory Board, legislation is not required. When we were taking evidence in the Committee, I remember, Dr. M. K. Pandhe, the President of CITU observed that for formation of an Advisory Board, no Bill is necessary, and that by a Government order, the Government could do it. We had suggested this for the constitution of a Board, and the recommendation was that the Committee feel that the Board to be constituted at the national and State levels should not be merely advisory in nature. They should also have the powers to implement the schemes besides

monitoring them. Hence, the Committee recommended that the Union Labour Minister should be the *ex-officio* Chairman of the Board. For the rest of the composition of the Board, it has been suggested that as far as possible, it should include experts in various fields, representatives of the people, and all shades of opinion, working for the cause of unorganized workers.

Regarding monetary limit for registration, there is confusion, disagreement and there is no scientific approach about APL, BPL cards. Taking into account the present situation, we had suggested that the ceiling should be up to Rs. 7,000. The Committee recommended that in order to be eligible for registration, as an unorganized worker, an earning up to Rs.7,000 per month will be within the eligibility criteria to avail of the benefits of social security schemes as ordained in the Bill.

There are certain other important aspects in the Bill which we had suggested. Without taking much time, I will briefly mention because other Members will also speak on this. The Committee have also recommended that important components like option to unorganized workers for availing better benefits, grievance redressal machinery, penal provision for violations of the schemes, Secretariat of the Board, workers' facilitation centres and separate legislations for conditions of service and regulation of employment be made a part of the Bill. The Committee further called upon the Government to bring forward separate legislations for workers engaged in agricultural sector. This is very important. The agricultural workers and agricultural labourers are till date are most neglected, deprived, depressed and downtrodden.

We have suggested a separate legislation for the workers engaged in the agricultural sector and regulation of employment and conditions of service of unorganised workers simultaneously along with the present amended Bill. Unfortunately, if you go through this Bill, you will find nothing of the sort has been mentioned. We had taken much pain, visited many parts of the country, talked to all cross-sections of the people and deliberated a lot but our hopes are being belied the way this Bill has been presented in the House.

While discussing the Bill we had formed a sub-Committee with some experts on it. This sub-Committee have prepared a draft Bill and the same has been sent to the Government for its consideration and approval. This has not been taken into consideration. I have already submitted some amendments to different clauses of the Bill. When the amendments will be taken up, I hope you will permit me to make my point clear. With these words, I once again request the hon. Minister to come forward with our amendments so that the very purpose of the Bill is not defeated. Our unorganised workers should really get social justice. Left Parties are fighting for long for this social justice and we shall continue to fight to safeguard the interest of our working people.

MR. DEPUTY-SPEAKER: Before I call the next speaker, I would like to make a request to all the hon. Members who want to participate in this discussion. BAC has allocated only four hours for this discussion and I have a list of 27 Members who want to participate in this discussion. I would, therefore, request the hon. Members to restrict themselves within five to seven minutes so that we are able to complete the business in time. I hope every hon. Member will follow this.

I would now call Shri Madhusudan Mistry. टाइम पर रहने के लिए श्री मधुसूदन मिस्ट्री जी शुरू करेंगे।

SHRI MADHUSUDAN MISTRY (SABARKANTHA): Thank you, Sir, for allowing me to speak on this subject. Having the experience of running Union of agricultural labourer, forest labourers, the Tendu leaf pluckers in the forest areas of Gujarat, the migrant construction workers and other such workers, for all these years, I would like to draw the attention of Labour Minister to a few points.

First of all, I would like to congratulate him for having brought this Bill and I am very happy that at least the social security aspect is now being taken care of by the Government for which this Government needs enough congratulations. However, Sir, I am a little bit concerned and I would like to bring my concern to the notice of the Minister. There are about 7.6 million labourers who collect or pluck the Tendu leaf in the forest areas of this country, which is used for rolling bidis. There are millions of forest labourers who are employed seasonally for different purposes like for plantation, creating hedges, weeding out grass in the forest areas. There are agricultural labourers who migrate from one place to other. There is inter-State as well as intra-State migration. They go from one district to another and face the problem of social security. Since the tribal area has been brought under the Special Schedule Area Panchayat Act, the entire operation of plucking of the leaves and also collection of minor forest produce was handed over to the District Development Officers.[\[R19\]](#)

The State of Madhya Pradesh has successfully completed this and have nationalised some minor forest produce like *tendu* leaf but in a number of other States the kind of labour that the District Administration should have put in to see that the registration of these labourers, especially women is done, has not been put in. There is a matter of payment to them. In fact,

after payment they are supposed to give a certain percentage of profit. They are supposed to keep the records of all those people who go and work and also of accidental cases because there are snake bites and some women may fall from the trees. There are a number of such things. I am sorry to say that the District Administration, as an agency, has failed, at least in Gujarat, especially in the scheduled areas.

My concern is that there is hardly a union which has been mentioned anywhere which will work as an agency. At this point, I must tell something to all my Left and Right friends who were once talking about the central trade unions taking care of the unorganised workers. Sir, I accuse all the central trade unions of not performing their duty of providing manpower and money to get these workers organised. (Interruptions)

MR. DEPUTY-SPEAKER: You should address the Chair and not the individual.

SHRI MADHUSUDAN MISTRY : Sir, I am addressing the Chair... (Interruptions). Sir, I gave best years of my life when I was young to the unions. I joined a union - leaving the lecturership - which was formed by Mahatma Gandhi in Ahmedabad. It was a textile labour union. So, do not tell me that I am new to trade unions. I know that the central trade unions are guilty... (Interruptions). Why are you taking it up to yourself?

MR. DEPUTY-SPEAKER: Nothing would be recorded except the speech of Shri Madhusudan Mistry.

(Interruptions) * *

SHRI MADHUSUDAN MISTRY : Sir, I accuse all these trade unions and even those who once supported the major political parties and are still supporting them that they have done very little to organize all these unorganized labourers. So, they must confess it.

Nonetheless, let me come to the next point. The first thing is record keeping. It is mentioned here that the record keeping will be done by the District Administration. I would request the Minister that they have to set up that sort of machinery to see that whoever labourer comes, he gets himself registered. These records are being kept in order to see that the national boards that you are forming at the national and State levels are having a readymade record available of all these workers. If there is a need, the whole old-age pension and other functions

* Not recorded

that you have mentioned in the Bill including provident fund, employment injury benefit, housing educational schemes and so on and so forth are taken care of by the Board itself. Unless the Board has the primary information who the workers are and unless it encourages them to register, this is not going to succeed.

I would cite a second example of the National Rural Employment Guarantee Act under which the labourers are given work. Sir, I am the first person in this country perhaps who has got the union registered of the whole labourers working under National Rural Employment Guarantee Act. Their union has been registered so that they can go to the Labour Department if they are not paid the money or if the Administration is not giving 100 days of work. But the fact is that it has failed as the workers are not getting work for 100 days, partly because the State Governments are run by a number of parties. Some State Governments are interested and some State Governments are not interested at all. My State Government is not at all interested in running NREGA scheme and that is the reason why the labourers are not getting work. I think if we continue like this where the District Administration of the State is not interested in registering the labourers who are working in unorganized sector, the labourers as a whole will suffer a lot. So, I would request the Labour Minister that the State Government and the District Administration already has a machinery in the form of District Labour Officers, Agricultural Labour Officers and Industrial Labour Officers. So, these offices must be activated to see that they play their role in getting the labourers registered with the District Administration. [R20]

This is required so that the benefits that the Central Government intends to give to these people reach them. It has already been mentioned that 94 per cent people are engaged in the informal economy. The NSS shows that these people are low in education, they are living in *kuccha* houses, they are working in very bad conditions. The labour Ministry should pay due attention to them so that the employer and the employee relationship improves. Presently it is not so. The labourers in the unorganised sector are at the receiving end all the time. The Parliament is passing a law today but at the root of everything is the fact that unless they are a registered body, they will not get anything. To make the provisions as contained in the Bill successful, they should first be registered. It is high time that the Labour Ministry monitor it and accordingly instruct the State Governments. If left to the State Government alone, then I have my own doubts if this would be successful at the district level. People working in these sectors are mostly migrant labourers who are engaged in the construction work. It is only recently that the Labour

Ministry has started taking some interest and these labourers are being paid some money and they are being given registration cards. But if the Labour Ministry would not take interest and leave it to the State Government, then I have my own doubts about the improvement in their lot that is sought to be brought about through this Bill. The Central Government has to be pro-active in matters of both record keeping as well as registration of labourers.

Sir, there is no mention about how often the National and the State Boards would meet. Again, if it is left to the State Governments, then I have my own doubts and such Boards will meet, maybe, only once in a year. If it meets for three to four times in year, then it is fine. Now, if a labour has any grievance then there should be a provision which would enable him to approach the Board members for redressal of his grievances.

Sir, I would like to request the Labour Minister to activate their own district level officers and others like the Agriculture Officer, or the Labour officers to ensure that these labourers are paid the minimum wages. I think if that is done, then that would be a great service rendered to them because the minimum wages in a number of States is just Rs. 100/-. They are not getting this amount partly because they are not part of any union...*(Interruptions)*

SHRI BRAJA KISHORE TRIPATHY (PURI): In your State it is Rs. 50/-...*(Interruptions)*

SHRI MADHUSUDAN MISTRY : It is Rs. 100/- now. It has been enhanced to Rs. 100/- some three months back...*(Interruptions)*

MR. DEPUTY-SPEAKER: Shri Tripathy, you should first seek the permission of the Chair to speak, otherwise your comments will not go on records. Nothing, except the speech of Shri Mistry, will go on record.

*(Interruptions) * * **

SHRI MADHUSUDAN MISTRY : Sir, the Labour Ministry should see that the labour machinery at the State level is so geared that the labourers get their minimum wages and also if there are any grievances, they get suitable redressal. Unfortunately, in all these years, there have been no new union formed in the unorganized sector. This is because few people only come forward for this purpose. There are only a few young people who volunteer to make a career in joining labour unions and this is one reason why the entire labour force in the unorganized sector are always at the receiving end. There is so much anxiety, so much of victimization and also there is involvement of physical risk in trying to organize them. [\[R21\]](#)

It is so specially in the case of some of the NGOs which have been working in some areas including forest areas as well as in the field of agriculture. That is where the role of the Ministry of Labour should be strengthened and I am pretty sure that it will be one of the major steps of this Government to improve the conditions of millions of labourers of the unorganised sector as well as all those who have registered themselves under this Act. I hope that the Minister for Labour will take concrete steps in activating all the officers at that level.

Once again, I support it and I congratulate the Minister for Labour to bring this Act.

श्री सुरेन्द्र प्रकाश गोयल (हापुड़): उपाध्यक्ष जी, मुझे एसोसिएट करने की अनुमति दी जाये।

उपाध्यक्ष महोदय : ठीक है।

* Not recorded

डॉ. सत्यनारायण जटिया (उज्जैन): उपाध्यक्ष महोदय, असंगठित क्षेत्र के कर्मचारियों को सामाजिक सुरक्षा देने के लिये सरकार ने उनसे सम्बन्धित जिम्मेदारी का निर्वहन करने के लिये यह विधेयक प्रस्तुत किया है। "दर आयद दुरुस्त आयद" ऐसा ही कुछ कहना चाहिये क्योंकि सरकार ने अपने न्यूनतम कार्यक्रम में इस बात को जगह दी है और जब सरकार ने न्यूनतम कार्यक्रम बनाया है तो इस सरकार के जाते और नई सरकार के आते इसे पूरा करना ही है...*(व्यवधान)* मैंने यह नहीं कहा कि किसकी सरकार आयेगी और किस की नहीं आयेगी। आप क्यों घबरा रहे हैं जिसकी भी आयेगी, आयेगी...*(व्यवधान)*

श्री सुरेन्द्र प्रकाश गोयल : अगर आयेगी तो आप लेबर मिनिस्टर होंगे?

डॉ. सत्यनारायण जटिया : लेकिन आपका नेबर जरूर हूँ, लेबर न सही। हम जानते हैं कि आजादी के बाद इन सारी बातों के लिये आज संगठित और असंगठित विषय बढ़स का मुद्दा है। जब काम करने वाले लोग नौकरी पा जाते हैं तो उन्हें वेतन और भत्ता मिलता है, आवास की सुविधा हो जाती है, उन पर भविष्य निधि लागू हो जाती है, ई.एस.आई. भी लागू हो जाती है। वे ऐसी सारी सुविधाओं का लाभ ले लेते हैं, अच्छी बात है। परन्तु बाकी के लोगों का क्या? देश में टोटल वर्क फोर्स का 94 प्रतिशत हिस्सा असंगठित क्षेत्र में है लेकिन 6 प्रतिशत लोगों के लिये तो यह हो गया, इन 94 प्रतिशत के लिये कुछ नहीं हुआ। इतने लोग देश के निर्माण कार्य में लगे हुये हैं। ये मजदूर और किसान हिन्दुस्तान को बना रहे हैं। भारत का मजदूर असहाय, शोषित, असुरक्षित वर्षों से चला रहा है। सरकार ने इस विधेयक के माध्यम से एक बोर्ड बनाने की घोषणा की है। केन्द्र सरकार के अंतर्गत एक और राज्य सरकार के अंतर्गत दूसरा होगा, जिसमें 31, 21 सदस्य होंगे। विधेयक में कहा गया है कि उस में सब को प्रतिनिधित्व मिलेगा, चाहे अनुसूचित जाति के

हों, चाहे अनुसूचित जनजाति के हों, चाहे महिलायें हों। अगर इनकी संख्या स्पष्ट दी जाती तो अच्छा होता कि किनको क्या प्रतिनिधित्व दिया जायेगा, या मर्जी पर छोड़ दिया जायेगा?

यदि आप देना ही चाह रहे हैं तो जिस वर्ग से ये लोग आते हैं, और जिस अनुपात में आपने दिया है, उस अनुपात में आपने ट्राइपार्टाइट बनाने की कोशिश की है, पर असंगठित क्षेत्र में ट्राइपार्टाइट बनेगा कैसे? ज्यादा से ज्यादा लोग जो असंगठित क्षेत्र के मजदूर हैं, जहाँ दस लोगों से कम कामगार या मजदूर कर्मकार काम करते हैं और कभी करते हैं, कभी नहीं करते हैं, जिनका नियोजक, रोजगार निश्चित नहीं है कि आज किसके अंतर्गत, कल किसके अंतर्गत, यह भी निश्चित नहीं है कि उसे क्या मजदूरी मिलने वाली है। ऐसे हालात में आपने नियोजक के भी प्रतिनिधि बराबर-बराबर, असंगठित क्षेत्र के प्रतिनिधि के नाते लेने का काम किया है और जो समाज सेवी लोग हैं, उनमें से आपने प्रतिनिधि लेने का काम किया है, सरकार के प्रतिनिधि भी होंगे, अधिकारी होंगे और इस प्रकार कुल संख्या 31 हो जाएगी। अब 31 संख्या का यह बोर्ड काम करेगा। यह तय नहीं है कि इसे कितने समय में रिपोर्ट देनी है। इस रिपोर्ट को देने का समय तय नहीं है और अब सरकार के ज्यादा से ज्यादा चार महीने बाकी हैं। यह बताइए कि आपका पक्का इरादा क्यों नहीं है? यह शुरूआत में ही हो सकता था, हो सकता था या नहीं। मैंने 2001 में कृषि श्रमिकों के लिए, कृषि सामाजिक सुरक्षा योजना 2001 बनाने का काम किया था। उस वक्त उसमें कंट्रीब्यूशन के लिए एक कंट्रीब्यूटरी स्कीम की व्यवस्था थी, एक रूपया मजदूर देता और एक रूपया सरकार उसमें मिलाती, ऐसा करके उसको अंत में, उसके बुढ़ापे के समय सहारे के रूप में पेंशन मिल जाए, इस प्रकार की योजना की शुरूआत हमने की थी। वह योजना अब दिखाई नहीं दे रही है। जो हमने शुरूआत की थी उसे आप और संशोधित कर देते, उसमें कुछ नया जोड़ देते और जब तक कोई अन्य योजना न आ जाए, तब तक आप उसे जारी रखते, लेकिन पिछले सालों में उस योजना को मरने दिया गया, उसके वित्त पोषण के लिए कोई नये उपाय नहीं हुए।

मैं यह नहीं कहता हूँ कि मुझे आपकी नीयत पर शक है, परन्तु कुल मिलाकर यह नहीं हो रहा है तो क्यों नहीं हो रहा है, यह पूछने का अधिकार मुझे है और सबको यह पूछने का अधिकार है। इन सारी बातों को लेकर असंगठित क्षेत्र के लोगों के लिए आप जो विधेयक लाये हैं, यह एक खानापूर्ति है, इसमें इंसान की जिन्ता नहीं है, इसको वस्तु पहनाने की कोशिश की है, जैसा हम शोरूम में देखते हैं कि एक लकड़ी के मॉडल को कपड़े पहना दिये करते हैं और उससे यह समझ बनती है कि ये कपड़े हैं। ये कपड़े हैं तो उसके लिए इंसान की जरूरत है, जिस इंसान के लिए आपने इसे बनाया है, इसमें पूर्ण नहीं है। जैसा हमारे श्री माननीय मधुसूदन मिस्त्री जी अभी कह रहे थे कि पैसे का क्या होगा? ऐसे-वैसे पैसे का क्या होगा, पैसा नहीं होगा तो कुछ नहीं होगा और जब कुछ नहीं होगा तो क्या होगा? जो आपने बोर्ड बनाया है उसके भते आप देते रहिये, भते पर भता और पते पर पता आप सत्ता चलाते रहें, यह बात नहीं बनेगी। मैं इसे पढ़ रहा हूँ, पहले चैप्टर में तो आपने सभी परिभाषाएँ लिखी हैं और उस परिभाषा में आपने लिख दिया है, उसमें अस्थायी कर्म के दिहाड़ी मजदूर के बारे में कहा है। इस दिहाड़ी मजदूर की स्थिति क्या है? अभी बोल रहे थे कि उसको जो मिलता है क्या वह गुजारे लायक है? हमने यह कहा है कि उसे जो मिले उससे उसे इतनी ऊर्जा, कलौशी मिले जिससे वह जिन्दा रह सके। उसे पहनने के लिए कपड़ा मिलना चाहिए, उसके परिवार के गुजारे के लिए कोई जगह मिलनी चाहिए। मेरे पास पश्चिम से जो सूचना आई, उसे मैं पढ़ रहा हूँ। यह पश्चिम 20 अक्टूबर को पूछा गया था और उसके एनेक्स में जो कुछ लिखा गया, उसमें आंध्र प्रदेश में अकुशल, अनसिकल्ड लेबर को मजदूरी 58 रूपए 25 पैसे से लेकर 111 रु

पए तक है। अब 58 रूपए में क्या गुजारा होगा? पति-पत्नी और दो बच्चों के गुजारे के लिए 58 रूपए क्या हैं? आज महंगाई जिस तरह से है, उसके जिन्दा रहने के लिए जो जरूरी है, वे सारी बातें क्या 58 रूपए में हो जाएंगी? अर्द्धकुशल के बारे में इसमें कुछ लिखा नहीं है। कुशल के बारे में वह 74 रूपए तक हो गयी है, यानी आप अंतर ही नहीं कर पा रहे हैं कि एक आदमी जो अनसिकल्ड है, मजदूर है और फुल्लि अनसिकल्ड है, उसके लिए आप आंध्र प्रदेश में 74 रूपए दे रहे हैं। त्रिपुरा में जो हमारा नार्थईस्ट है, उसमें लिखा गया है कि यह राशि 47 रूपए है। वहाँ की कंडीशन और ज्यादा खराब है, इसलिए वहाँ गुजारा और ज्यादा मुश्किल है। अरुणाचल प्रदेश में 55 रूपए है, अर्द्धकुशल की 60 रूपए और कुशल के लिए 65 रूपए।[\[r23\]](#)

15.00 hrs.[h24]

महाराष्ट्र में जो अच्छा माना जाता है, वहां 65 रुपये, 72 रुपये और 75 रुपये हैं। इन सारी बातों पर राज्य सरकारों से बात करके क्या केन्द्र कोई मापदंड तय नहीं कर सकता? केन्द्र को न्यूनतम मजदूरी घोषित करनी चाहिए, राज्य सरकारें जितना दे सकती हैं, उतना जरूर दे। उसके बाद केन्द्र सरकार मदद के माध्यम से उसको इतना दे जिससे उसका गुजारा हो जाए। यह गुजारा जब होगा तभी तो सामाजिक सुरक्षा आएगी, अभी तो उसकी आर्थिक सुरक्षा है ही नहीं। उसको सर्वांगीण करने के लिए, उसको बनाए रखने के लिए, बने रहने के लिए जो मुश्किलें हैं, उसके लिए भी जो कुछ करना चाहिए, वह कर देना चाहिए था। तब निश्चित रूप से यह दिखाई देता कि केन्द्र सरकार ने कुछ किया है। आप अभी भी घोषणा कर सकते हैं, अभी तो चुनावों में देर है। आप घोषणा कर दीजिए कि न्यूनतम मजदूरी में जिन्दा रहने के लिए जितनी कैलोरीज़, जितना कपड़ा चाहिए और आज के समय में उसकी जितनी कीमत होती है, उसके गुजारे लायक जो पैसा बनता है, और जो सरकारें दे रही हैं, उसमें जोड़कर आप देने का काम करेंगे तो निश्चित रूप से एक शुरूआत हो जाएगी। वित्तीय प्रबंध करने का काम, दायित्व लेने का काम बड़ा मुश्किल है। इस सारे वित्तीय प्रबंध को लेने के लिए सरकार आने आए। मैं सोचता हूँ कि बड़ी योजनाएँ जब बनेंगी तब बनेंगी। आदमी जिन्दा रहेगा तभी तो योजनाएँ बनेंगी। आदमी जिन्दा रहने लायक बन जाए उसके लिए तो योजना बनी है। हमने लोकतंत्र को इस तरह से कर दिया है कि ऐसा लगता है कि जैसे बंदी जीवन के बंधन बदले, कारागार वही है। आज़ादी देश को जरूर मिल गई परंतु देश के जो कर्मकार हैं, मोटे तौर पर 38 करोड़ जो लोग हैं, वे आज भी इन सारी सुविधाओं से वंचित हैं और ऐसे वंचितों के लिए जो कुछ करना चाहिए, वह करने के लिए जो इच्छाशक्ति चाहिए, वह सरकार की नहीं है। इसके कारण से इस प्रकार का बिल लाने के लिए यह काम हो गया है। मैं आगे बताना चाहता हूँ कि जो न्यूनतम मजदूरी घोषित की गई है, उसकी स्थिति में जो लोग डीफॉल्ट रहे हैं, उस पर कितना जुर्माना मिला। 2006-07 में देखा गया है कि जुर्माने की राशि 5574 रुपये पूरे वर्ष में है और वसूल किया गया जुर्माना 4776 रुपये है। क्या हमारा मैकेनिज्म काम कर रहा है, किस तरह से काम कर रहा है, क्या हमने उसको न्यूनतम वेतन देने का काम किया है और निश्चित रूप से जो दस लोगों का दायरा बनाकर रखा है, उसमें समझदार आदमी दस लोगों को कभी लगाता ही नहीं है जिससे उस पर फैंक्ट्री एक्ट और दूसरे नियम-कानून लागू नहीं होते। ऐसी स्थिति में गरीब आदमी और गरीब हो रहा है। इस गरीबी की स्थिति से पार पाने के लिए जो कुछ करना चाहिए वह करने की जरूरत है। आपने कहा है कि ये सारी योजनाएँ कंट्रीब्यूटरी होंगी। कंट्रीब्यूटरी क्या होगी, भविष्य निधि में उसका कंट्रीब्यूशन कौन करेगा? उसका इंफॉयजर तो तय नहीं है, क्योंकि आज वह कहाँ है और कल कहाँ है, उसको मालूम नहीं है। ऐसी भविष्य निधि का कंट्रीब्यूशन तय करने के लिए सरकार इंफॉयजर का रोल अदा करने का काम कर सकती है। इसलिए वह अपना हिस्सा मिलाए और सरकार उसमें मजदूर की तरफ से हिस्सा दे जो इस स्कीम में पार्टिडिपेशन करना चाहता है। भविष्य निधि के माध्यम से वह कर सकता है, उसके लिए ईएसआई स्कीम भी खोली जा सकती है जिससे उसको उसका फायदा मिल सकता है। इन सारी बातों को करने के लिए केन्द्र सरकार वित्त पोषण करने का काम करे। वित्त पोषण के सारे काम से उसको दूर नहीं जाना चाहिए। बाकी अध्यायों में जो आपने बोर्ड बनाने का काम किया, राज्य सरकारों पर निर्भर रहने का काम किया, राज्य सरकारों के जो बोर्ड होते हैं, उसमें आपने संख्या कम की है। ऐसी स्थिति में इस बोर्ड में ऐसे असंगठित क्षेत्र के मजदूरों का अधिक प्रतिनिधित्व हो, महिलाओं का प्रतिनिधित्व हो और ठीक से बोर्ड बना सके तो निश्चित रूप से अच्छा होगा।

निश्चित रूप से ऐसी कौरी बातों से बात बना नहीं करती है।

बुलंद वादों की बस्तियां लेकर हम वया करेंगे,

हमें हमारी ज़मीं दे दो आसमां लेकर वया करेंगे,

वादों से इरादे कभी पूरे नहीं हुआ करते।

और यदि आपने वादा किया है तो उसको पूरा करने के लिए प्रावधान करना चाहिए, वह आप करें, इतना ही मेरा आग्रह है।

15.04 hrs.

* Not recorded

15.11 hrs.

UNORGANISED WORKERS' SOCIAL SECURITY BILL, 2008 -- Contd.

श्री रामजीलाल सुमन (फ़िरोज़ाबाद) : उपाध्यक्ष महोदय, इस देश में और सदन से बाहर, देश में जो असंगठित श्रमिक हैं, उनके लिए कई कानून बने, इस पर बराबर चर्चा होती रही है। इस पर एक विधेयक लाए जाने की एक लम्बे समय से मांग थी, लेकिन जो असंगठित सेक्टर कर्मकार सामाजिक सुरक्षा विधेयक, 2008 लाया गया है और जिस मंशा से यह लाया गया है, वह असंगठित श्रमिकों के साथ इंसाफ नहीं करता। सही मायने में यह बिल अपेक्षा के अनुरूप नहीं है।

महोदय, वर्ष 2005 की गणना के मुताबिक हमारे देश में 42 करोड़ से ज्यादा असंगठित श्रमिक हैं और आप जानते हैं कि उनकी स्थिति बहुत दयनीय है। उनके वेतनमान को निर्धारित करने की कोई नीति है। श्रमिक कुपोषण के शिकार हैं। यह एक ऐसा वर्ग है, जो समाज में बहुत उपेक्षित रहा है। उसके लिए एक बहुत सशक्त कानून की आवश्यकता थी। सरकार ने श्रमिकों के बीच में जो विभाजन किया है, श्रेणियां बनाई हैं, मैं समझता हूँ कि यह भी उचित नहीं है। कृषि कामगार, बिल्डिंग निर्माण मजदूर, बीड़ी मजदूर, औद्योगिक निर्माण के मजदूर और चमड़ा मजदूर आदि का जो वर्गीकरण किया गया है, उसे समाप्त करना चाहिए और सभी प्रकार के श्रमिकों की एक श्रेणी बनानी चाहिए।

महोदय, जैसा मैंने पहले बताया, असंगठित क्षेत्र से संबंधित कानून के सिलसिले में पूरे देश और दुनियां में चर्चा हुई है, बहस हुई। इस संसद में भी इससे पहले कई बार, बहुत मजबूती के साथ यह सवाल उठाया गया कि असंगठित क्षेत्र के मजदूरों के लिए कोई मजबूत कानून बनना चाहिए। बार-बार प्रार्थना करने के बाद, सितम्बर, 2007 में, सरकार ने राज्य सभा में, असंगठित क्षेत्र के मजदूरों के लिए एक बिल पेश किया और उस बिल में इतनी खामियां थीं कि राज्य सभा में उसका विरोध हुआ और उसके बाद वह श्रम मंत्रालय की संसदीय स्थाई समिति के पास गया। अफसोस की बात यह है कि संसदीय स्थाई समिति ने जो अनुशंसाएं की थीं, जो सिफरिशें की थीं, उन्हें नजरअंदाज कर दिया गया और राज्य सभा में वर्ष 2007 में जो बिल प्रस्तुत किया गया था, उसी में आंशिक संशोधन करने के बाद, वह बिल फिर 23 अक्तूबर, 2008 को राज्य सभा से पास करा लिया गया, जिस समय राज्य सभा में उपस्थित सदस्यों की संख्या केवल 58 थी।

महोदय, उस बिल की जो खामियां हैं, उनमें सबसे पहली खामी तो यही है कि इसमें श्रमिकों के प्रति दया-भाव दिखाया गया है, उन पर कृपा की गई है। उनके अधिकार और सामाजिक सुरक्षा के अधिकार की जिस मजबूती के साथ इस विधेयक में वकालत होनी चाहिए थी, जो अधिकार उन्हें मिलने चाहिए थे, वे उनसे वंचित रह गए। अफसोस की बात यह है कि इस देश में तमाम श्रम सुधारों के कानून बने हैं और इस वर्ग के साथ एक लम्बे समय से नाइंसाफी होती रही है, लेकिन उन कानूनों को लागू करने के लिए जो प्रशासनिक ढांचा हमारे पास होना चाहिए, वह हम आज तक तैयार नहीं कर पाए। [r25]

उपाध्यक्ष महोदय, इस बिल के द्वारा यह कहा गया है कि एक राष्ट्रीय सामाजिक सुरक्षा बोर्ड होगा और यह बोर्ड राष्ट्रीय स्तर पर भी होगा और राज्यों के स्तर पर भी होगा। यह जो सामाजिक सुरक्षा बोर्ड आपके अध्याय तीन में है, उसमें जिस तरह के सदस्य होंगे, उसमें अधिकांश सदस्य वे होंगे, जो मजदूरों की भावनाओं को ही नहीं जानते। उसमें जब तक असंगठित क्षेत्र के श्रमिकों का प्रतिनिधित्व नहीं होगा तो उन लोगों से, जो ब्यूरोक्रेट्स हैं, नौकरशाह हैं, जिनका श्रमिकों की समस्याओं से कोई सम्बन्ध नहीं है, उनसे कैसे आप अपेक्षा कर सकते हैं कि वे श्रमिकों के साथ न्याय करेंगे। दूसरे यह जो बोर्ड है, यह बोर्ड सिर्फ सलाह देगा, यह बोर्ड कोई फैसला नहीं करेगा, यह बोर्ड कोई नीति किर्यान्वित नहीं करेगा। इस बोर्ड का काम विशुद्ध रूप से सलाह देने के अलावा और कुछ नहीं होगा। ऐसा यह जो बोर्ड आप बना रहे हैं, इस बोर्ड को आप शक्तियां देने का काम करिये, सिफरिशें करने का काम इस बोर्ड से मत कराइये। इस बोर्ड की इतनी ताकत होनी चाहिए कि यह बोर्ड खुद फैसला कर सके। श्रम मंत्री जी, मेरा आपसे आग्रह है कि जो दलित हैं, आदिवासी हैं, महिलाएं हैं, असंगठित क्षेत्र के श्रमिक हैं, जो उन श्रमिकों की समस्याओं को बेहतर तरीके से जानते हैं, मेहरबानी करके इस बोर्ड में उन लोगों का बहुमत होना चाहिए, जिससे वे लोग अपने साथ इन्साफ कर सकें।

श्रम मंत्रालय की स्थायी समिति ने एक बहुत अच्छी सिफारिश की थी कि एक सामाजिक सुरक्षा निधि बनाई जाये। वह सामाजिक सुरक्षा निधि की बात भी आपने नजरअंदाज कर दी। मेरा आपके मार्फत विनम्र आग्रह है कि स्थायी समिति ने जो सिफारिशें की हैं, सिफारिशें तो बहुत सारी की हैं और उनमें से अधिकांश सिफारिशों को नजरअंदाज किया गया है, लेकिन सबसे महत्वपूर्ण सिफारिश सामाजिक सुरक्षा निधि बनाने की थी। अगर आप सही अर्थों में असंगठित क्षेत्र के मजदूरों के साथ इन्साफ करना चाहते हैं तो मैं समझता हूँ कि इसको सरकार को स्वीकार करना चाहिए। यह बीमा आधारित बिल है तो बीमा तो कोई भी करा सकता है, इसमें कानून की क्या जरूरत है? इसमें मात्र 10 परसेंट बी.पी.एल. सूची के श्रमिक आते हैं, 90 परसेंट असंगठित क्षेत्र के जो श्रमिक हैं, वे अपना अंशदान करेंगे, तभी जाकर उन्हें लाभ मिलेगा, इसलिए श्रमिक श्रमिक हैं, असंगठित क्षेत्र में श्रमिक को आप विभाजित मत करिये।

अंत में मैं आपके मार्फत सरकार से कहना चाहता हूँ कि देश का जो सकल घरेलू उत्पाद है, उसमें असंगठित क्षेत्र के श्रमिकों का जो योगदान है, वह 62 फीसदी है। इतना बड़ा वर्ग, जो देश की जी.डी.पी. में 62 परसेंट का योगदान करता है, उसके लिए तो जितनी अधिक से अधिक दौलत का प्रावधान आप करेंगे, वह कम होगा। मुझे लगता है कि श्रम मंत्री जी इसलिए हाथ खींच रहे हैं कि वित्त मंत्रालय इन्हें अपेक्षित सहयोग नहीं कर रहा है। मेरा अपना मानना यह है कि यह जो पूरा काम है, असंगठित क्षेत्र के मजदूरों के साथ इन्साफ करने का, इसमें 90 हजार करोड़ रुपये खर्च होगा। इतने बड़े तबके के लिए धनराशि नहीं के बराबर है। औद्योगिक क्षेत्र के लोगों को यह त देने के लिए सरकार ने 92 हजार करोड़ रुपये की घोषणा की है और यह रियायत का क्रम जारी है तो इतने बड़े क्षेत्र के लिए हम दौलत का बन्दोबस्त क्यों नहीं कर सकते? असंगठित क्षेत्र के श्रमिकों की जो आपकी परिभाषा है, उस परिभाषा में बगैर पारिश्रमिक प्राप्त श्रमिकों की सूची में वह शामिल नहीं है, उसको भी इन्वलूड करने की, उसको भी जोड़ने की आवश्यकता है।

मैं आपके माध्यम से श्रम मंत्री और सरकार से निवेदन करूंगा कि अगर सही अर्थों में असंगठित क्षेत्र के मजदूरों की हालत में सुधार लाना है तो इस देश के बजट में तीन से लेकर पांच फीसदी पैसा असंगठित क्षेत्र के श्रमिकों के लिए आवंटित होना चाहिए। उनके लिए एक सामाजिक सुरक्षा निधि बननी चाहिए और स्वास्थ्य लाभ बीमा की जो आप बात करते हैं, वह ई.एस.आई. की तरह होनी चाहिए। श्रमिकों से आप उनके स्वास्थ्य के लिए 20 रुपये प्रतिमाह लेंगे। एक साल में आप उनसे 20 रुपये लीजिए। श्रमिकों की पेंशन जो आप पास करते हैं, 60 साल की उम्र पर कोई रिटायर हो जाता है तो आप नहीं के बराबर पेंशन की व्यवस्था कर रहे हैं, वह पेंशन भी कम से कम 1500 रुपये होनी चाहिए।^[R26]

महोदय, यह इस देश का दुर्भाग्य है कि विभिन्न प्रांतों में जो मजदूरी है, वह अलग-अलग है। कुछ प्रांतों में यह नहीं के बराबर है। रघुवंश प्रसाद जी अभी यहां नहीं हैं, वे राष्ट्रीय ग्रामीण योजना की बहुत वकालत करते हैं। कुछ प्रांतों में श्रमिकों को जो पैसा मजदूरी में मिलता है, वह इतना ज्यादा मिलता है कि उतना एनआरईजीए से प्राप्त ही नहीं हो सकता, इसलिए एनआरईजीए का उसके प्रति कोई आकर्षण ही नहीं है। यह सबसे दुर्भाग्यपूर्ण स्थिति है कि कुछ को तो नहीं के बराबर वेतन मिलता है, जबकि कुछ राज्यों में बहुत ज्यादा वेतन मिलता है। इसके लिए भी सहमति हम चाहेंगे कि जब हम पेंशन की बात करते हैं, तो पेंशन का प्रावधान 1,500 रूपए प्रति माह कम से कम होना चाहिए।

महोदय, मैं अंत में यही कहना चाहता हूँ कि जो प्रयास आपने किया, उसके लिए धन्यवाद। लेकिन यह आधा-अधूरा प्रयास है, बगैर मन से किया हुआ प्रयास है। इस प्रयास से इन 45 करोड़ लोगों का भला नहीं हो सकता। हमारी आपसे अपेक्षा है कि इस देश की बड़ी आबादी के साथ आपको इन्साफ करना है, तो देश की बड़ी दौलत उन पर खर्च करनी पड़ेगी और अच्छे कानून बनाने पड़ेंगे, जिससे उनकी सामाजिक सुरक्षा हो सके।

श्री देवेन्द्र प्रसाद यादव (झंझारपुर) : महोदय, आज इस सदन में असंगठित मजदूरों की सामाजिक सुरक्षा और उसके कल्याण के लिए जो विधेयक 2008 है, उसे माननीय श्रम मंत्री जी ने विचार के लिए प्रस्तुत किया है। यह बहुत ही सुनहरा अवसर था, इस देश में संयुक्त प्रगतिशील गठबंधन सरकार को एक बहुत ही बढ़िया मौका मिला था। इस कदम का हम स्वागत करते हैं, यह प्रगतिशील कदम है। पहला कदम यूपीए सरकार ने राष्ट्रीय ग्रामीण रोजगार अधिनियम बनाकर किया, दूसरा सबसे बड़ा कदम यही था, असंगठित मजदूरों के लिए प्रगतिशील कदम था। रामजी लाल सुमन जी ने ठीक कहा कि इस देश में 37 करोड़ से ज्यादा लोग जो श्रम करते हैं, पूरे देश की दौलत को पैदा करते हैं, श्रम करके अदालिका बनाते हैं, लेकिन उस अदालिका में रह नहीं पाते हैं, जो शिवशा चलाते हैं, ठेला चलाते हैं, जो कंस्ट्रक्शन का काम करते हैं, जो तेंदूपत्ता से बीड़ी बनाते हैं, मिस्ट्री जी ने ठीक कहा था कि जो बीड़ी मजदूर हैं, इस देश के खेतिहर मजदूर हैं, अकेले 22 करोड़ खेतिहर मजदूर हैं, जो खेती में लगे हुए हैं, जो भूमिहीन मजदूर हैं, वे लोग खेती करके अनाज पैदा करते हैं। वे जब अनाज की कटनी करते हैं, तब अनाज हम लोगों तक पहुंचता है, चाहे देश की सीमा हो या सरहद हो, सभी का पेट भरने का जो काम करते हैं, ऐसे मजदूरों की सामाजिक सुरक्षा और कल्याण के लिए विधेयक लाना निश्चित रूप से इस सरकार का एक प्रोग्रेसिव कदम है। मैं इसकी तारीफ करता हूँ, इसका स्वागत करता हूँ।

महोदय, मैं कहना चाहता हूँ कि इस ऐतिहासिक क्षण में यही सर्वोच्च सदन है, आपको याद होगा कि 7 दिसंबर, 2007 को पिछले साल, इस बात को एक साल हो गए, आज 16 दिसंबर, 2008 को हम इस पर चर्चा कर रहे हैं, उस समय मैं ही उसका मूवर था, नियम 193 के तहत असंगठित क्षेत्र के मजदूरों के लिए व्यापक विधेयक कांप्रिहेंसिव विधेयक लाने के लिए हमने यहां एक चर्चा उठाई थी। सभी दलों के माननीय सदस्यों ने 7 और 8 दिसंबर को उसकी चर्चा में काफी रूचि ली थी और चर्चा में भाग लिया था। सभी सदस्यों ने अपने सुझाव रखे थे। असंगठित मजदूरों के उन्नयन के लिए, उनके कल्याण के लिए, उनकी सामाजिक सुरक्षा के लिए, विधान लाने के लिए, विधेयक लाने के लिए इस सदन में सात घंटे उस पर चर्चा चली थी। मैं आज कहना चाहता हूँ कि 93 प्रतिशत जो असंगठित मजदूर हैं, जो देश का पूरा वर्कफोर्स है, उस वर्कफोर्स में 93 प्रतिशत अकेले असंगठित मजदूर लगे हुए हैं, इसीलिए एक कांप्रिहेंसिव बिल बनाने की हिम्मत सरकार को जुटानी चाहिए। सरकार ने बिल बनाने की हिम्मत जरूर जुटाई है, इसके लिए मैंने तारीफ किया, लेकिन जो व्यापक कांप्रिहेंसिव बिल होना चाहिए, उसमें कुछ खामियां जरूर हैं।

महोदय, जैसी मुझे जानकारी है, इस जानकारी को आप और ऐड कर देंगे, बहुत से माननीय सदस्य इस सदन में हैं, जो सर्वोच्च सदन है, दुनिया के किसी देश में इस तरह से 37 करोड़ या 42 करोड़ लोगों के लिए ऐसा कोई कानून नहीं है। हिंदुस्तान अकेला देश है, जिसमें एक प्रोग्रेसिव कानून पर, विधेयक पर आज हमारे सदन में चर्चा हो रही है। दुनिया के किसी देश में असंगठित इतनी बड़ी आबादी, इतना बड़ा तबका, जिसकी 37 करोड़ से 42 करोड़ की आबादी हो, उस आबादी के लिए एक कानून बने, एक विधान

ताने का काम किसी देश में अभी तक इस तरह से नहीं हुआ है, जैसा कि मालूम है।[p27]

इसलिए मैं अपने दल की ओर से और अपनी ओर से इस विधेयक के पक्ष में बोलने के लिए खड़ा हुआ हूँ। लेकिन मुझे इसमें कुछ शंका है। इसमें कुछ संशोधन करने की जरूरत है। मैं उनका जिक्र भी करूँगा, क्योंकि माननीय मंत्री जी को याद होगा कि इस पर हम लोगों ने 7 दिसम्बर को न केवल संसद में चर्चा की थी बल्कि संसद मार्च भी हुआ था और देशभर के असंगठित मजदूरों ने उसमें भाग लिया था। माननीय सदस्य मोहन सिंह जी अभी नहीं हैं। वे समाजवादी पार्टी के उप नेता हैं। वे भी उस रैली में गए थे। हमने जंतर-मंतर पर संसद मार्च किया था। मैं माननीय श्रम मंत्री जी को धन्यवाद देता हूँ कि उन्होंने वहाँ स्वयं जाकर मेमोरेंडम लिया था। ऐसा पहली बार हुआ था कि जंतर-मंतर पर इतने व्यापक रूप में देशभर के श्रमिक, असंगठित मजदूर आए थे। उनका प्रदर्शन हुआ था, उनका मार्च हुआ था। संसद से सड़क तक संघर्ष हुआ था। पूर्वविल नव-निर्माण मोर्चे के तत्वावधान में हुआ था और उसमें माननीय मंत्री जी ने स्वयं जाकर संबोधित किया था और उनका मेमोरेंडम भी लिया था। उसमें जो बिन्दु उठाए गए थे, 11 दिसम्बर, 2006 को पूर्वविल नव-निर्माण मोर्चे के तत्वावधान में प्रदर्शन हुआ था। उस मेमोरेंडम में कुछ सुझाव दिए गए थे।

इसका बैकग्राउंड क्या है? इसका बहुत ही अच्छा बैकग्राउंड है। सभापति महोदय, आपको मालूम है, ठीक है, राज्य सभा के बाद यह स्टैंडिंग कमेटी में जांच के लिए गया। स्टैंडिंग कमेटी की रिपोर्ट आई, जिसमें दो-तीन बिन्दुओं पर ध्यान दिया गया, पूरी तरह ध्यान नहीं दिया गया। अर्जुन सेन गुप्ता आयोग बना था। उस आयोग में स्पष्ट रूप से इस विशाल असंगठित क्षेत्र के 91 प्रतिशत मजदूरों को न्यूनतम मजदूरी नहीं मिल पाने का जिक्र आया था। यही नहीं, सेनगुप्ता आयोग ने यह भी निष्कर्ष दिया था, जिसकी पूरे देश में काफी चर्चा हुई, कि इस देश की 77 प्रतिशत आबादी, लगभग 83.6 करोड़ लोग 20 रुपये रोज पर अपना गुजारा करते हैं। सभापति महोदय, आपको यह सुनकर ताज्जुब होगा कि इस देश में आज भी 83 करोड़ लोग, जो कामेरा वर्ग हैं, मेहनत करने वाले लोग हैं, पसीने की कमाई खाने वाले लोग रोजाना 20 रुपये रोज पर अपनी गुजर करते हैं। यह बहुत ही दुर्भाग्यपूर्ण स्थिति है। यह मैं नहीं कह रहा हूँ। अर्जुन सेन गुप्ता कमीशन की रिपोर्ट का बैकग्राउंड कितना अच्छा था। उस बैकग्राउंड पर आज यह विधेयक यहां लाया गया है। आज गरीबी का अंतर्राष्ट्रीय मानक जो भी है, वह भी दो डालर प्रतिदिन पर गुजर करने का है। पूरे संयुक्त राष्ट्र का मानक दो डालर प्रतिदिन पर गुजारा करने का है, मतलब 100 रुपये का है। लेकिन हमारा हिन्दुस्तान देश ऐसा है जिसमें 20 रुपये प्रतिदिन गुजारा करने की बात कमीशन कह रहा है, मैं नहीं कह रहा हूँ। इसलिए मैं कहना चाहता हूँ कि कुछ तो तारतम्य होना चाहिए। आज जो बिल बना है, इन दिनों अनेक नेता, पूंजीपति झट से कह देते हैं, बुद्धिजीवी लोग भी झट से बेरोजगार, गरीब लोगों को सुझाव दे देते हैं कि अरे, नौकरी की क्या बात जोहते हैं, नौकरी की तरफ मुंह क्यों ताकते हैं, स्व रोजगार कीजिए, स्व रोजगार की तरफ चलें। स्व रोजगार की क्या हालत है, कमीशन ने कुछ टिप्पणियां दी हैं। सेन गुप्ता कमीशन ने कहा है कि कुछ स्व रोजगार के विषय में ग्यारहवीं पंचवर्षीय योजना में प्रति वर्ष 20 लाख लोगों को स्व रोजगार योजना से लाभ दिलाने का लक्ष्य रखा गया है। लेकिन सेन गुप्ता आयोग ने कहा है कि स्व रोजगार से बहुसंख्यक लोगों की हालत अच्छी नहीं हुई है। लगभग 25.8 करोड़ लोग, मतलब 56.5 प्रतिशत लोग स्व रोजगार में लगे हुए हैं लेकिन उनकी हालत अच्छी नहीं है, बेहतर नहीं है। यह कमीशन की रिपोर्ट है। इसलिए मैंने बैकग्राउंड की थोड़ी सी चर्चा की है। गांधी जी का अंतिम आदमी कौन है? गांधी जी का अंतिम आदमी यही है जिसके लिए आज बिल आया है। असंगठित मजदूर समाज का अंतिम आदमी है। समाज के अंतिम आदमी के लिए जो बिल आया है, चाहे ईंट के भट्टे में काम करने वाला हो, चाहे बीड़ी मजदूर हो, चाहे खेतीहर मजदूर हो, कृषि मजदूर हो, चाहे मकान बनाने वाला मिस्त्री हो, पूरे देश में आज जो दौलत पैदा करने वाले हैं।[N28]

इसलिए मैं कहना चाहता हूँ कि ईंट, मिट्टी, मिट्टी, खेत-खलिहान, नाव, पानी, जंगल आदि से जुड़े हुए लोग अपनी तकदीर उससे बांधे हुए थे, उनकी जीवन की बेहतरी के लिए यह बिल आया है। लेकिन दुर्भाग्य की बात है कि इसमें फंड की चर्चा की गयी है। स्टैंडिंग कमेटी ने सामाजिक सुरक्षा निधि की एक अनुशंसा की थी, लेकिन उसका भी ख्याल नहीं रखा गया है। हमारा कहना है कि केन्द्र सरकार खुद कंजोविलिटेड फंड से इसका इंतजाम करती। इस फंड को ही संदेह में रखा दिया गया है। अब यह बिल धरती पर कैसे लागू होगा। जब तक फंड का अरेन्जमेंट नहीं होगा तब तक कुछ भी स्कीम और राज्य में जो सामाजिक सुरक्षा बोर्ड होगा, केन्द्र में जो सामाजिक सुरक्षा बोर्ड होगा, वह कैसे लागू होगा? इसलिए मैं कहना चाहता हूँ कि कानून तो पहले भी बना है लेकिन यह कपीहेन्सिव कानून बनना था। एक व्यापक हित में इस कानून को बनाना था और उसे पूरी शक्ति देना था। लेकिन कानून तो पहले भी बने हैं जिनमें से कुछ कानून सफल हुए और कुछ कानून सफल नहीं हुए। जैसे ववर्समैन कम्पेन्सेशन एक्ट 1923, मिनिमम वेजेज एक्ट 1948, बॉन्डेड लेबर सिस्टम एबोलिशन एक्ट, 1976, एक-दो एक्ट बने हैं। इसी तरह इंटर स्टेट माइग्रेट्स वर्कमैन एक्ट, 1979 ... (व्यवधान)

MR. CHAIRMAN : Hon. Member, please try and conclude your speech.

श्री देवेन्द्र प्रसाद यादव : सभापति महोदय, यह बहुत महत्वपूर्ण विषय है। मैं आपसे अपील करना चाहता हूँ कि बड़े-बड़े लोगों पर सदन घंटों चर्चा करता है। कभी भी समाज के अंतिम व्यक्ति ... (व्यवधान)

सभापति महोदय : ठीक है, आप तीन मिनट में अपना भाषण समाप्त कीजिए।

ॐ€ (व्यवधान)

श्री देवेन्द्र प्रसाद यादव : जो लोग गरीबी रेखा से नीचे रहते हैं, जिनके जीवन को ऊपर उठाने का बीड़ा रहता है ... (व्यवधान)

MR. CHAIRMAN: There is no doubt that it is an important issue, but please try and conclude within a couple of minutes.

श्री देवेन्द्र प्रसाद यादव : यह बिल बहुत महत्वपूर्ण है इसलिए इस पर बहस को नहीं रोकना चाहिए। सदन के पास यही एक मौका है। ठीक है, आप कह सकते हैं कि बीएसी में इस बिल पर चार घंटे चर्चा करने के लिए डिसाइड हुआ था, लेकिन इसमें समय बढ़ाया जा सकता है। इसके लिए हम सब लोग सदन से कन्सेन्सस देना देंगे। आप इस विषय को मत रोकिए। यह बहुत इम्पोर्टेंट बिल है। ... (व्यवधान)

SHRI K.S. RAO (ELURU): Sir, it is a very important Bill.

MR. CHAIRMAN: Yes, it is true, but there are 30 more hon. Members who wish to speak on this issue. Hence, please continue your speech, but try and conclude within a couple of minutes.

श्री देवेन्द्र प्रसाद यादव : मैं आपसे प्रार्थना करना चाहता हूँ कि इस बिल पर बोलने वाले कितने भी मैम्बर्स हों, बेशक इस पर चर्चा करते हुए दो दिन लग जायें, लेकिन आप इसे मत रोकिए। सदन में हमें यही तो विशेषाधिकार है। हमें इस बिल पर अपनी राय देनी चाहिए। मैं आपसे कह रहा था कि इंटर स्टेट माइग्रेट्स वर्कमैन एक्ट, 1979, बिल्डिंग एंड अदर कंस्ट्रक्शन वर्कर्स एक्ट, 1996 आदि कानून तो बहुत बने हैं। इसमें कुछ कानून 30 वर्ष पहले के हैं और कुछ कानून 12 वर्ष से हैं। कुछ इसके बाद वर्ष 2007 में भी बने हैं। आम आदमी बीमा तो माननीय मंत्री जी ने वर्ष 2007 में ही लागू कर दिया। कुछ कानून खंडवाइज लागू हो रहे हैं। ऐसा नहीं है कि सरकार का प्रयास नहीं है।

सरकार की नीयत कहीं गड़बड़ नहीं है। सरकार की नीयत ठीक है, नीयत में कोई खोट नहीं है लेकिन सिर्फ इच्छा शक्ति होनी चाहिए। इस बिल के लिए जो कट्टीवेशन फंड होना चाहिए, उसका इंतजाम नहीं हुआ। इतना ही नहीं, इसके लाभार्थी कौन होंगे? जो लाभार्थी होंगे, वे स्पष्ट रूप से इसमें रेखांकित होने चाहिए। इस बिल में जो वर्गीकरण दिया गया है, उससे भी मैं संतुष्ट नहीं हूँ। इस बिल में दिया गया है कि जीवन और नःशक्तता सुरक्षा, स्वास्थ्य संबंधी फायदे और प्रसूति फायदे, वृद्धावस्था संरक्षण, भविष्य निधि, नियोजन आदि। इसी तरह वर्गीकरण लास्ट में दिया गया है कि किन-किन लोगों को फायदा होगा। इंदिरा गांधी राष्ट्रीय वृद्धावस्था पेंशन योजना भी इसी क्रम में है। राष्ट्रीय परिवार कल्याण योजना पूर्व से चल रही है। हस्तकरघा बुनकर समग्र कल्याण योजना, हस्तशिल्प कारीगर समग्र कल्याण योजना, मास्टर क्राफ्ट व्यक्तियों के लिए पेंशन, मछुआरों के कल्याण और प्रशिक्षण तथा विस्तार के लिए राष्ट्रीय योजना, जनश्री बीमा योजना, आम आदमी बीमा योजना के बारे में मैं पहले ही कह रहा था। राष्ट्रीय स्वास्थ्य बीमा योजना भी है। मेरा कहना है कि इसका जो वलासीफिकेशन है, उसका कुछ आधार होना चाहिए। आप सामाजिक आधार ले लीजिए। जैसे जनजातीय है, जंगल में रहने वाला, ट्राइबल बैल्ट में रहने वाला या दलित है, उसे आप प्रथम प्रायोरिटी दीजिए क्योंकि मैक्सिमम असंगठित मजदूर उस वर्ग से आते हैं। उसके बाद आप अत्यंत पिछड़े वर्ग को लीजिए। उसके बाद बैकवर्ड वर्ग को लीजिए। अगर यह भी नहीं तो आर्थिक आधार लीजिए। यह दो बात हो सकती है क्योंकि इसमें आर्थिक आधार भी चलेगा क्योंकि ज्यादातर गरीब लोग हैं। इसमें ऐसी कैटेगिरी लीजिए जिस श्रेणी में मंथली मजदूरी बहुत कम हो।[MSOffice29]

बहुत कम मजदूरी जिसको मिलती हो, बिल्कुल नगण्य मजदूरी पाने वाले लोगों को इसमें लीजिए। दूसरी कैटेगरी में उन लोगों को रखिए जिनको कम मजदूरी मिलती हो, तीसरी कैटेगरी में ऐसे मेहनती लोगों को जोड़िए, जैसे सुरक्षा गार्ड्स, जो थोड़ा सा कमाते हैं को रखिए। कैटेगरीज को थोड़ा ठीक करने की जरूरत है। बिल के एम्स एंड ऑब्जेक्टिव्स को पूरा करने के लिए मैं कुछ सुझाव देना चाहूंगा। विधेयक के खण्ड 13(1) में नियम बनाने की शक्ति राज्य सरकार और केन्द्र सरकार, दोनों को दी गयी है। यह बात ठीक है कि बोर्ड बनेगा, उसे शक्ति प्राप्त होगी, लेकिन यह बोर्ड एडवाइजरी किस्म का नहीं होना चाहिए, इसे पूरी ताकत दी जानी चाहिए। इस बोर्ड का कार्यकाल तीन साल रखा गया है, यदि यह बोर्ड एडवाइज देगा तो वह लागू कब होगी। इसे और अधिक शक्ति देने की जरूरत है। इस विधेयक को केन्द्रीय अनुसूची के तहत रखा जाए क्योंकि इससे राजनीतिक मतभेद कम होंगे। राज्य और केन्द्र स्तर पर भिन्न-भिन्न दलों की सरकारें होती हैं, इसलिए इसको केन्द्रीय सूची में डाल दिया जाए ताकि केन्द्र इसके लिए कानून बनाए और उसके अनुपालन के लिए ग्राइडलाइन्स बना सके जिससे बोर्ड स्वतंत्र हो सके। रजिस्ट्रेशन प्रॉसेस को आप राज्य के स्तर पर रखिए। इस बोर्ड को यह जिम्मा दिया जाए कि जो गरीब आदमी जिला में रजिस्ट्रेशन की व्यवस्था करे। खेतों में काम करने वाला खेतिहर मजदूर, रिक्शा चलाने वाला गरीब मजदूर जिला मुख्यालय तक रजिस्ट्रेशन के लिए कैसे आएगा, उसके लिए ब्लॉक स्तर पर रजिस्ट्रेशन की व्यवस्था होनी चाहिए। अब तो हमारे देश में पंचायती राज की त्रि-स्तरीय व्यवस्था है। इसलिए पंचायत स्तर पर उसके पंजीयन की व्यवस्था होनी चाहिए। वह गरीब मजदूर जिसके पास खाने के लिए भोजन नहीं है, वह जिला स्तर पर रजिस्ट्रेशन कराने के लिए कैसे आएगा। आज लोग संतुलित भोजन नहीं कर पाते हैं। देश में 56 प्रतिशत असंगठित क्षेत्र के मजदूर अपनी औसत उम्र व्यतीत नहीं कर पाते हैं। जो लोग देश के लिए श्रमशक्ति पैदा करके, देश के लिए दौलत पैदा करते हैं, वे अपनी औसत उम्र नहीं बीता पाते हैं, यह बड़ी दुर्भाग्यपूर्ण स्थिति है। संतुलित भोजन के अभाव में उनका शरीर काम नहीं करता है, काम करते-करते रिक्शावाले को टी.बी. की बीमारी हो जाती है और 56 वर्ष की आयु में ही मर जाता है। चूंकि यह दिखता नहीं है, इसलिए किसी को इस पर गुरसा नहीं आता है। आज अगर कोई आतंकवादी घटना होती है, सड़क पर खून बहता है तो सभी को गुरसा आती है, सदन में बड़ी आवाज उठती है, लेकिन यह जो गरीब के शरीर में खून बनने ही न देने वाली व्यवस्था है, उस पर गुरसा आना चाहिए। आज हमें इस पर विचार करना चाहिए। गरीब के शरीर में खून नहीं बनने दिया जाता है और लोग कहते हैं कि गरीब के तन में भगवान रहता है।

महोदय, वर्गीकरण को ठीक करना होगा क्योंकि दिहाड़ी मजदूर सबसे कम मजदूरी पर काम करने वाले लोग हैं। उनको प्राथमिकता मिलनी चाहिए कि कैसे उनको छुट्टी मिलेगी क्योंकि छुट्टी करने पर उनको पैसा नहीं मिलता है। इन लोगों के हक कैसे सुरक्षित होंगे, उनको सामाजिक सुरक्षा कैसे मिलेगी, इसलिए उनको वर्गीकरण में प्राथमिकता देना चाहिए। मैं निवेदन करूंगा कि जो मजदूर है, रिक्शावाला, भूमिहीन किसान, बीड़ी मजदूर, खोमचावाले, इनकी पहचान करके, इनके रजिस्ट्रेशन के लिए विशेष व्यवस्था करनी चाहिए। मेरा चौथा प्वाइंट यह है कि सभी सुविधाएं समान रूप से लोगों को मिले, इसके बारे में इसमें वलैरिटी नहीं है। सभी असंगठित मजदूरों को समान रूप से लाभ कैसे मिलेगा। यह सुनिश्चित किया जाए कि असंगठित मजदूर जिस स्थान पर काम करते हैं, वहां उनको सभी सुविधाएं मिलेंगी या नहीं। यदि किसी व्यक्ति ने एक ब्लॉक में रजिस्ट्रेशन करा लिया, लेकिन रोजगार के अभाव में वह पलायन करके दूसरी जगह पर जाता है, उसे इसका लाभ कैसे मिलेगा, इस पर भी विचार करना होगा।

महोदय, मैं कुछ बुनियादी बातों को आपके सामने रखता हूँ। मजदूरों को मिलाने वाले सभी लाभ केन्द्र सरकार द्वारा तैयार और लागू किए जाएं क्योंकि उस पर जो व्यय होगा, उसकी क्षतिपूर्ति के लिए केन्द्र और राज्य सरकार, दोनों मिलकर अभी व्यय कर रही हैं। यदि इस बिल में फाइनेंशियल मेमोरेंडम नहीं होगा तो मुख्य समस्या तो यही आएगी कि फाइनेंस की व्यवस्था कैसे होगी।[R30]

राज्य भी करेगा, केन्द्र भी करेगा, लेकिन मेरा कहना यह है कि आप वित्त विभाग को इसके लिए तैयार करें, यह असंगठित मजदूरों के लिए बहुत प्रगतिशील कदम है इसलिए वित्त की सारी व्यवस्था केन्द्र को करनी चाहिए। वित्त विभाग ही देखे कि कैसे इसके लिए इंटरनल सोर्सिंग जेनरेट किए जा सकते हैं। इसलिए इसकी जिम्मेदारी केन्द्र पर होनी चाहिए। पहचान पत्रों के बारे में मैंने पूर्व में ही निवेदन कर दिया था कि यह जीरो बैलेंस पर दिया जाए। आप उनके कल्याण के लिए सामाजिक सुरक्षा के लिए जो भी अर्थ देंगे, वह जीरो बैलेंस पर किसी भी बैंक में अकाउंट खोलना चाहे तो खोल सकता है, जिससे उसे जो आर्थिक मदद मिलनी है, वह उसमें जमा हो।

इसी तरह से इनके बच्चों की शिक्षा का मामला है। वह भी मैंने पूर्व में बताया है, लेकिन मैं यहां यह कहना चाहता हूँ कि अगर कोई मजदूर 14 साल से ऊपर का यानि 20-25 साल का है, वह अपने काम से एक-दो घंटे का समय निकाल कर पढ़ना चाहे, तो उसकी भी व्यवस्था होनी चाहिए, जिससे वह अपना भविष्य बेहतर कर सके।

असंगठित मजदूरों के लिए अलग-अलग फंड्स का प्रवधान किया गया है। इनका उपयोग आकस्मिक कामों के लिए किया जाएगा। आप कोई ऐसी निधि भी बनाएं, जिसका इस्तेमाल काम के लिए किए जाने वाले नियोजन के लिए किया जा सके।

इसके अलावा मजदूरों के जो विवाद हों, जैसे मजदूरी सम्बन्धी विवाद है, उसकी मदद करने के लिए उसे फ्री लीगल एड भी मिलनी चाहिए। अंत में इस बिल का अपने इन सुझावों के साथ पुरजोर शब्दों के साथ स्वागत करते हुए अपनी बात समाप्त करता हूँ।

SHRI A. KRISHNASWAMY (SRIPERUMBUDUR): Sir, on behalf of the DMK Party, I would like to welcome and support the Unorganised Workers' Social Security Bill as brought forward by hon. Labour Minister Thiru Oscar Fernandesji.

According to the National Sample Survey Organization (NSSO), in the year 2000 the total employment in both the organised and unorganised sectors in the country was 39.7 crore, of which 2.8 crore are in the organised sector and 36.9 crore (about 93%) are in the unorganised sector. Of this, a major chunk, that is 23.7 crore workers are in the agricultural sector and 1.7 crore are engaged in the construction industry. These workers in the unorganised sector contribute to more than 65% of our GDP. In the National Common Minimum Programme it is said that the UPA Government is firmly committed to ensure the welfare and well being of all workers, particularly those in the unorganised sector.

At this stage I would like to refer to the State of Tamil Nadu. Tamil Nadu is one of the pioneer States in this regard. The Government of Tamil Nadu led by Dr. Kalaingar Karunanidhi has brought forward miraculous schemes for the benefit of unorganized sector workers. Before coming to the various provisions of the Bill, I will give you a brief introduction of how the Bill took shape in our State of Tamil Nadu.

As the entire House knows, as early as in the year 1973 our DMK Government appointed a Committee to suggest various welfare schemes for the unorganised workforce. Keeping in view the fact that a large number of workers are in the informal and unorganised sector, the Government of Tamil Nadu under the leadership of Dr. Kalaingar brought forward a progressive legislation for providing social security and welfare measures to those workers.

They have listed out various categories of workers numbering 60. They were: cottage industry, household industry like coir work, mat work, laundry including washing of clothes, *papad* preparations, commercial cooking, collection of forest produce, cashew nut processing, distribution of LPG cylinders, auto rickshaw drivers, cycle rickshaw pullers, crackers industry, footwear industry, goldsmith and silversmith, handloom weaving and silk yarn weaving, *agarbatti* incense making, printing press, street vendors, *kullad* and pot makers, workers employed in retail shops, domestic workers, sculpting works, handicraft workers, bidi workers, cigar workers, painters, video and photographers electricians, carpenters, etc. In the present Bill, 11 schemes have been listed out as referred to in Clause 3. I would request the hon. Labour Minister to make it more comprehensive and take the Tamil Nadu scheme as a model scheme.[\[KMR31\]](#)

Regarding details of various benefits in Tamil Nadu, I would state that under the scheme of the legislation, the unorganised workers employed in these categories can register themselves with various Boards constituted for this purpose, to get various benefits available under the legislation. Insurance claim is given up to Rs. 1 lakh in case of unfortunate accidental death; varying amount of compensation depending on the disability, Rs. 15,000 grant is given to next of kin in the case of natural death of a registered worker. I would urge upon the hon. Minister that when the Government formulates rules and various schemes, these points should be kept in mind.

Apart from compensation and grants given to the workers under the Tamil Nadu Unorganised Sector Welfare Scheme, grants are given to their children for their education. For example, an amount of Rs.1,000/- is given to girl child of a worker studying in the 10th class. Similarly, an amount of Rs. 1,500/- is given to a girl child in her 12th class. For higher education also like graduation and technical studies, an amount ranging from Rs.1,750 to Rs.6, 000 is given to the children of these workers.

Sir, not only providing assistance in education, but our State Government has gone a step further to provide social security measures for the workers. At the time of marriage, an amount of Rs.2000 is distributed to such workers for marriage assistance. Similarly, at the time of child birth, Rs.6,000 is given to female worker as maternity assistance.

A very important feature of this scheme is that our leader Dr. Kalaingar has exempted any fee for registration of a worker for this purpose. That means, no registration fee is charged from the workers when he renews his membership annually.

In this Bill, it is clearly formulated in Chapter IV & V – Workers Facilitation Centres and Eligibility for registration and social security benefits. But in some places, it is not clear as to whether for registration, one should pay any amount. That is not clearly mentioned.

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI OSCAR FERNANDES): Cost of the card is Rs.60 but we are charging only Rs.30. It is only a token amount.

SHRI A. KRISHNASWAMY (SRIPERUMBUDUR): That is not clearly stated. Workers would find it difficult to come forward to even pay Rs.30 for their registration. I would request the hon. Minister to make it free. We have made free in Tamil Nadu which has attracted many persons and workers. Not only that, hon. Minister stated for getting eligibility, they should enroll their name on their own to prove that they are coming under the category of unorganized workers. How will we accept that? Officials may sometime ask certificates. Who will have authority to issue certificate? This has to be inserted in this Chapter.

Regarding Old Age Pension, one more scheme has been brought to the welfare of these workers, namely those workers who are above 60 years and have registered as a member under the scheme for more than five years would get a retirement ex-gratia

amount of Rs.300/- for his life. Tamil Nadu is the first progressive State which has introduced pension for the workers in the unorganised sector, without collecting a single pie from the worker, we are giving Rs.300. I hope that through this Bill, the Central Government is going to fund the State Governments but I would plead with the hon. Minister to enhance this amount.

The Bill refers to the scheme as old age protection. My further request is that, it would be fit and proper if the hon. Minister could give the term 'pension' and give the workers a decent pension, at the old age, India being a welfare state for the commoners.

Further in the Bill – Chapter III – Framing of Scheme, you have made provision for provident fund, employment injury benefit, housing, educational scheme for children, skill upgradation for workers, funeral assistance and old age homes. Regarding their health, if a person is in the organized sector, he is not getting any funds for his health. For Central Government, we have Central Health Scheme; for State Government, we have State Government health scheme; there is ESI; and there are provisions for providing several benefits. They feel very proud in saying that they get medical attention in ESI. If an employee is from Port Trust, he goes to the Port Trust Hospital. Similarly, for unorganized sector workers, I would urge the hon. Minister to set up a separate hospital. Otherwise, they should be considered under the ESI scheme. That would do them good.

Regarding the ESI scheme, I would suggest one more thing to the hon. Minister. The ESI scheme covering families of workers with provisions for medical benefit, sickness benefit, etc. is an important aspect of social security. Instead of providing certain health insurance schemes linked to insurance companies under this Bill, I would urge upon the Government to consider extending ESI scheme to the unorganised sector workers and the ESI Act may be amended accordingly. [\[r32\]](#)

Corpus fund for the construction workers – though the Bill does not have any provision for regulation of employment in the unorganized sector, it provides for formation of various schemes for the welfare of workers in the unorganized sector in different employment. Construction workers are one such group who are to be taken care of by the Government. In Tamil Nadu, one per cent of the total estimated cost of construction is deposited in the Corpus Fund for workers; all agencies – private and public, municipalities, municipal corporations – who undertake construction, have to deposit this amount in the Corpus Fund.

I welcome the provision relating to the National Social Security Advisory Board for monitoring and reviewing the implementation of various schemes. The number of representatives from the trade unions representing the unorganized sector may be increased, including the nomination of NGOs. In the State Board, you have recommended only two members and in the national Board, you have recommended only two MPs from the Lok Sabha and one from the Rajya Sabha. It may be enhanced because we are having 93 per cent of unorganized sector workers in this country. More than 40 crore of people are in the unorganized sector. So, you can try and find out some way to enhance that number.

Request for sharing the cost of schemes – in clause 7, there is a reference to financial assistance to State Governments for the purpose of various schemes. Since most of the schemes are already in vogue in the State of Tamil Nadu, I request that the cost of administering the social security schemes may be shared between the Centre and the State in the ratio of 75:25. In clause 8, there is a provision for record keeping; it requires some flexibility. The State Government may be empowered to entrust this work to either the district administration or such authority as it thinks fit for different employment.

As the hon. Minister is aware, the district administration is already burdened with various functions. We have put them in all the municipalities, district collector's office, etc. Why can we not go with the Labour Ministry and have a separate office for this? The municipalities have a lot of work and we cannot enter the municipalities. They deal with public and there is a demand for very basic amenities. So, I do not think that those people will look after this work also. So, you may kindly make it a separate office under the control of the State or the Central Government.

A mandatory provision may be incorporated in the Bill, compelling all the employers to contribute to the fund, irrespective of whether they are employing manual labour or not, to make this scheme viable. The employer would then be under a social obligation to contribute to the welfare of the workers. A penal provision may be inserted in the Bill, as in the case of the Tamil Nadu Act, to create a sense of discipline among the employers for mandatory contribution.

I would also suggest that a dispute redressal mechanism may be provided to settle disputes and claims made by the authorities and to settle disputes among legal heirs in the case of death due to natural cause or due to accidents. In the age of globalization and liberalization, where the survival of the fittest is the *mantra*, workers are left to the mercy of God. In such a situation, where outsourcing has become the order of the day, even regular jobs are being done through contract labour by unscrupulous employers, this labour welfare legislation is a boon for the unfortunate workers.

While concluding, I would like to congratulate the Central Government under the leadership of Dr. Manmohan Singh and the UPA

Chairperson, Thirumati Sonia Gandhi, for bringing forward this legislation, as an initiative for the welfare of the working class in the unorganized sector throughout the country. However, I would urge upon the Government to bring forward a comprehensive legislation incorporating all the other salient features for the welfare of the workers in the unorganized sector, including regulation of their employment.

This is the Government of UPA. This Government has come forward to do this, which is in accordance with what is there in the Common Minimum Programme. At this juncture, our Comrade friends are not with us. Even though they are not with us, we are committed to do this. But I invite our Comrades to come with us and support us. This is my appeal. I conclude.

श्री चंद्रकांत खैरे (औरंगाबाद, महाराष्ट्र): महोदय, मैं असंगठित सेक्टर कर्मकार सामाजिक सुरक्षा विधेयक, 2008 के पक्ष में शिव सेना की ओर से बोलने के लिए खड़ा हुआ हूँ। मैं इस विधेयक का समर्थन करता हूँ, क्योंकि जब यह बिल ईएसआईसी में इंट्रोड्यूस किया गया था, तब कोरपोरेशन की तरफ से हमने इसका समर्थन किया था।[\[r33\]](#)

अभी मंत्री जी ने कहा कि असंगठित कामगारों को 30 रुपए में दवा और कार्ड मिलने वाला है तथा उसके लिए 60 रुपए का खर्चा आने वाला है। आज 43 करोड़ असंगठित कामगार हैं। यह बिल लाने के बाद उनको अच्छी मेडिकल फैसिलिटी देने का कार्य किया गया है। इससे उन्हें सोशल सिवयोरिटी मिलेगी। संगठित मजदूरों को सही बैनिफिट्स मिलते हैं। उनको प्रॉविडेंट फंड की सुविधा मिलती है लेकिन असंगठित मजदूरों को ऐसी कोई सुविधा नहीं मिलती है। एअरपोर्ट में पोर्टर्स को कोई सुविधा नहीं मिलती है। वे कॉन्ट्रैक्ट बेसिस पर होते हैं। कॉन्ट्रैक्टर उनका नाम भरता है या नहीं, पता नहीं? वह उनको कुछ दिन बाद काम से निकाल देता है। उनकी नौकरी और हेल्थ की कोई सिवयोरिटी नहीं होती है। इस बिल के माध्यम से उन्हें सिवयोरिटी मिलने वाली है। रिक्शा चलाने वाले को अभी कोई मेडिकल फैसिलिटी नहीं मिल रही है। इस एक्ट द्वारा रिक्शा चालक, ब्लैकस्मिथ, बार्बर, डोमैस्टिक हैंल्पर, मोटर मैकेनिक, कनस्ट्रक्शन वर्कर, बीड़ी वर्कर, टैक्सी ड्राइवर, लाउंड्री वर्कर, टेलर, कारपेंटर, इलेक्ट्रिशियन, सैनिकी वर्कर आदि सभी को सुविधा मिलेगी। अनऑर्गेनाइज्ड वर्कर्स जिस तरह तेजी से बढ़ रहे हैं, उनकी ओर हमें और अधिक ध्यान देना पड़ेगा और मैं उनके बारे में ही ज्यादा बोलना चाहता हूँ।

आज मंती की मार देश में ही नहीं, पूरे विश्व में फैल गई है। देश में मंती की मार से कई उद्योग जानबूझ कर अपने वर्कर्स को निकालने का काम कर रहे हैं। ... (व्यवधान) मंती की मार अमेरिका या दूसरे किसी देश से आई होगी। राम कृपाल जी यहां बैठे हैं। महाराष्ट्र में बहुत फैक्ट्रियां हैं और अच्छा एस्टैब्लिशमेंट है। मेरे संभाजी नगर, औरंगाबाद क्षेत्र में कई फैक्ट्रियां हैं। वहां भी एम्प्लॉयमेंट कम हो रहा है। कॉन्ट्रैक्ट बेसिस पर मजदूरों को रखा जाता है। उनको कोई सोशल सिवयोरिटी नहीं मिल रही है। इस बिल के पास होने से उन्हें सोशल सिवयोरिटी मिलेगी लेकिन इस एक्ट के आने से पहले फैक्ट्रियां से लोगों को निकालने का काम किया गया। टाटा जो बहुत बड़ा उद्योग है, उन्होंने भी पुणे में पांच दिन अपनी फैक्ट्री को बंद रखा। बजाज ने भी 6 दिन की छुट्टी दी। उन्होंने कहा कि मंती की लहर चल रही है, रिस्त्रैशन में उद्योग चलने वाले नहीं हैं, इसलिए कुछ नहीं कर सकते। मैं यह कहूंगा कि यह एक्ट बहुत अच्छा है। आपने स्टेट सोशल सिवयोरिटी एडवाइजरी बोर्ड बनाने की बात कही है जिस में दो विधायक रहेंगे। सेंट्रल बोर्ड ईएसआईसी जैसा बनाया है। उसमें दो लोक सभा के एमपी और एक राज्य सभा का एमपी रहेगा। ईएसआईसी में जो स्टेट बोर्ड होता है और उसमें जो मैम्बर होता है, वह नॉमिनेट करता है। ऐसा यहां भी करना पड़ेगा। सेंट्रल बोर्ड में जितने भी 2-3 एमपीज होंगे, वे जिस स्टेट से होंगे, उन्हें अधिकार मिलना चाहिए। स्टेट्स में जो भी प्रबलता आती है, उसके बारे में उनको बोलने का अच्छा मौका मिलता है।

16.00 hrs.

मैं कहना चाहता हूँ कि कई स्टेट्स अपने यहां अनऑर्गेनाइज्ड लोगों के संगठन के माध्यम से एक्ट बना रही हैं। राजस्थान राज्य इस एक्ट को बना चुका है। लेकिन इस बिल पर मैं कहूंगा कि जैसे ई.एस.आई.सी. में फायदा होता है। मैं ई.एस.आई.सी. के बारे में भी थोड़ा जानकारी दूंगा, क्योंकि पिछली बार एक बिल आया था, लेकिन उस समय कहने का मौका नहीं मिला था। मैं बताना चाहता हूँ कि अनऑर्गेनाइज्ड इम्प्लायीज को जो मेडिकल फैसिलिटीज मिलने वाली हैं, वे पंचायत समिति, जो ब्लाक होते हैं, उनके हास्पिटल में, जिला परिषद के हास्पिटल में, म्युनिसिपल कारपोरेशन के हास्पिटल में और ई.एस.आई. कारपोरेशन के हास्पिटल्स में इन लोगों को दवाई दी जायेगी। जितने इम्प्लायीज स्टेट इन्शोरन्स कारपोरेशन के जो इम्प्लायीज, यानी कि आई.पी., इन्शोरन्स पर्सन्स होते हैं, उन्हें इससे दवाई मिल जाती है। लेकिन सेम दवाई अनऑर्गेनाइज्ड लोगों को मिलेगी। उसमें यह होगा कि जो आई.पी. होते हैं, उनकी पगार में से पैसे कटेंगे, लेकिन अनऑर्गेनाइज्ड वाले लोग भी वहां आकर खड़े हो जायेंगे। इसलिए हमारा कहना है कि उनका सैवशन अलग होना चाहिए। अगर सैवशन अलग नहीं होगा तो वहां रोजाना झगड़े चालू हो जायेंगे। ऐसा हमने कारपोरेशन की मीटिंग में भी बताया था। हमें उम्मीद है कि माननीय मंत्री जी इसमें निश्चित रूप से थोड़ा बहुत फेरबदल जरूर करेंगे। इसके बाद मैं यह कहूंगा कि ई.एस.आई. कारपोरेशन में जो लोग दवाई लेने जायेंगे, ऑलरेडी ई.एस.आई. कारपोरेशन का जो डुएल सिस्टम है, मैंने कई बार कहा था कि ई.एस.आई. कारपोरेशन की मेडिकल सर्विसेज स्टेट गवर्नमेंट देती है और ई.एस.आई. कारपोरेशन वर्कर्स की पेमेन्ट में से पैसे वसूल करती है और फैसिलिटी स्टेट गवर्नमेंट देती है। उन्हें हम केन्द्र सरकार की ओर से 78 शेयर देते हैं, लेकिन 18 शेयर उन्हें अपना डालना पड़ता है। लेकिन इसके बावजूद भी हम देश में बहुत जगह गये, लेकिन वहां मेडिकल फैसिलिटी के लिए स्टेट गवर्नमेंट बिल्कुल राजी नहीं है। वहां गोलीयां तक नहीं मिलती हैं, वहां डाक्टर्स की अपाईटमेंट्स भी नहीं होती हैं। असंगठित कामगारों के लिए पंचायत समिति, जिला परिषद, कारपोरेशन, म्युनिसिपल कारपोरेशन और म्युनिसिपल काउंसिल के दवाखाने का तो बैनिफिट होगा ही, लेकिन कुछ प्रमाण में जहां ई.एस.आई. कारपोरेशन के हास्पिटल्स हैं, वहां भी उन्हें बैनिफिट मिलेगा। इसलिए वहां जो डुएल सिस्टम चल रहा है, उससे ई.एस.आई. कारपोरेशन परेशान है। यदि वहां अनऑर्गेनाइज्ड सैक्टर के लोग आयेंगे तो वहां और ज्यादा परेशानी होगी। इसलिए मैं यह कहूंगा कि डुएल सिस्टम बंद होना चाहिए और सिस्टेमैटिकली केन्द्र सरकार को ही उसकी मेडिकल सर्विसेज देनी चाहिए।

इसके अलावा मैं मंत्री जी का ध्यान आकर्षित करना चाहता हूँ कि बीच में एक एक्ट आने वाला था, जिसे हमने रोकवा। उसमें था कि 1000 कर्मचारी जिसके पास होंगे तो उन पर एक्ट लगेगा और बाकी के लोग कभी भी नौकरी से निकाल सकते हैं। 999 लोग यदि होंगे तो उन्हें निकालने का हक होगा। ऐसा एक्ट आने वाला था, जिसे हमने रोकवा। मैं कहना चाहता हूँ कि जो सरकार का लेबर ऑफिस है और लेबर कमिश्नर है, उनका कोई कंट्रोल उन लोगों पर नहीं है, जो जानबूझकर मंती की लहर में अपने कर्मचारियों को निकालने का काम कर रहे हैं और फैक्ट्रीज बंद कर रहे हैं। आजकल कहते हैं कि हमारे माल की बिक्री नहीं होती है, हमें बहुत लॉस हो रहा है और ऐसा कहकर लॉक अप करके चल देते हैं। उस सिस्टम में ठीक है कि राजीव गांधी निराधार योजना वालों को ई.एस.आई. का लाभ मिल जायेगा। लेकिन उनका क्या होगा, निकालने के बाद बैनिफिट कुछ महीने मिलेगा, लेकिन बाद में क्या होगा?

सभापति महोदय, मैं माननीय मंत्री जी को आपके माध्यम से कहूंगा कि आपको इसमें थोड़ा स्ट्रिक्ट होना चाहिए। कोई भी इम्प्लायर एक दिन में अपने कर्मचारियों को अपने घर पर भेजता है। लेकिन उनकी हालत क्या होती है। हम सब लोग जन प्रतिनिधि हैं, हमारे सामने रोजाना लोग आते हैं और बताते हैं कि हमारी कम्पनी बंद हो गई है, अब हम लोग क्या करेंगे। बीच में जेट एयरवेज वालों ने 1700 लोगों को नौकरी से निकाल दिया था। उसके बाद हमारी भारतीय कामगार सेना और शिवसेना की ओर से आंदोलन हुआ तो उन्हें रात को दो बजे तक बैठकर आखिर में लोगों को वापस लेना पड़ा। अभी उन्होंने क्या किया है कि कई फ्लाइट्स बंद कर दी हैं और बाहर से जिन पायलटों को वे लोग लाये थे, उन्हें भी निकाल दिया है और अभी धीरे-धीरे अपने लोगों को निकालने का काम चालू किया है। ऐसा केवल एविएशन इंडस्ट्री में नहीं है, बाकी बहुत सी इंडस्ट्रीज में ऐसा हो रहा है। आटोमोबाइल इंडस्ट्री में ऐसा हो रहा है, ट्रांसपोर्ट इंडस्ट्री में भी ऐसा हो रहा है।[\[b34\]](#)

असंगठित क्षेत्र में काम करने वाले लोगों की मदद करने के लिए आगे आए हैं और उसका हम समर्थन करते हैं कि इनको मदद करनी चाहिए। उनके मेडिकल बेंनेफिट और सोशल बेंनेफिट के लिए हम कर रहे हैं लेकिन संगठित क्षेत्र में काम करने वाले लोग आज घर पर जा रहे हैं। उनके लिए सिववायोरिटी नहीं हो रही है। कई कम्पनीज बंद हो गई हैं। अभी किसी माननीय सदस्य ने कहा था कि लेबर मिनिस्ट्री से पूछे बिना कुछ बंद नहीं करना चाहिए। असंगठित क्षेत्र को हम लोग मदद कर रहे हैं और संगठित क्षेत्र में काम करने वाले लोग घर जा रहे हैं। इसलिए मैं आपके माध्यम से माननीय मंत्री जी से निवेदन करूंगा क्योंकि वह सोशल वर्कर हैं और अच्छे आदमी हैं। उनके यहां लम्बी-चौड़ी लाइनें लगी रहती हैं कि किसी को नौकरी से निकाल दिया गया और वे मदद भी करते हैं लेकिन उसके बाद उनको नहीं मालूम कि क्या होता है। आपको यह समस्या मालूम है कि मुम्बई और महाराष्ट्र में कांस्ट्रक्ट लेबर के माध्यम से इतनी मनमानी चलती है कि आज नौकरी पर लगाया और कल परसों निकाल दिया। इसलिए उन पर अंकुश लगाने के लिए एक्ट का एनफोर्समेंट ठीक तरीके से होना चाहिए।

SHRIMATI ARCHANA NAYAK (KENDRAPARA): Sir, thank you very much for giving me this opportunity to participate in the discussion on Unorganized Sector Workers (Social Security) Bill, 2008.

Sir, for the first time in the history of independent India a step has been taken to protect the interest of the workers in the unorganized sector. The workers in the unorganized sector consists of rural workers, agricultural workers, self-employed workers, contract workers, migrant workers, construction workers and other workers who are not covered under the organized sector. The number of workers in the unorganized sector is around 35 to 40 crores in our country. The self-employed workers constitute a major chunk of the unorganized sector. The self-employed workers and artisans do not have an employer. The consumers are the purchasers and they are their employers. So, how does the Government propose to define the employers' contribution in this regard? It is not clear. A worker has to retire at the age of 60 years. Even though the Bill stipulates for pension for the workers, but from where will the money come? The source of the fund has not been provided for in the Bill. There is no implementing agency. A Board has been created but the Board is only an Advisory Body and is not the implementing authority. A law without an implementing agency is meaningless. The Bill provides that 'earning monthly-wage workers will be included in this Act'. That means daily wage workers are not covered in this Bill. Therefore, I would like to request that daily waged workers who are self-employed should also be included in this Bill.

Issuing identity cards to workers of the unorganized sector is a difficult task. Therefore, clause (9) of the Bill needs to be examined. Another wrong done by the Government through this Bill is that the Government has segregated the workers of the unorganized sector into BPL and non BPL. Lastly, there should be a clear

fund allocation for the purpose of running this scheme and for that primary responsibility should be taken by the Government of India.

Sir, with these words, I would like to conclude my speech and I support the Bill.

[\[R35\]](#)

SHRI SURAVARAM SUDHAKAR REDDY (NALGONDA): Sir, this is a very important Bill. It intends to provide social security for the unorganised workers who are in a very big number in our country. The number is approximately four million people, that is, about 94 per cent of the working force of country. The unorganised workers are contributing about 26 per cent of the GDP in our country. The unorganised workers are the creators of wealth but they themselves are living in a pathetic condition. Ultimately, as this Bill has come, it is, in a way, a happy occasion that a Bill is coming to provide social security for the biggest sector. At the same time, it is very much disappointing that the Bill is more like a statement of welfare schemes than really providing social security. India is a country with a very large number of laws in defence of the workers but after 1990s economic reforms and particularly after globalisation, these laws have gone to the wind and the labourers are not having any security on behalf of the Government. This is a very unfortunate situation. Globalisation has made the life of the workers more miserable. It has finished

all the social security which was supposed to come for them.

There is big growth of economy in our country for the last few years. A lot of wealth is created. But at the same time, in the recent period, on the one side, there is concentration of wealth in the hands of a few thousands of people and pauperisation of a large section of people on the other side and the unorganised labourers are the victims of this unfortunate situation. In fact, because of a lot of dissatisfaction among the people because of several agitations by the trade unions, a new slogan like inclusive growth has come. The UPA Government has said in the Common Minimum Programme that a Bill for the social security for unorganised sector will come and that is the Bill that we are discussing now. But Sir, this Bill has got several lapses. It is almost one year after the recommendations of the Standing Committee have been submitted to the Parliament that the Bill has come for discussion.

One of the biggest problems is most of the welfare programmes in different sectors in our society are being brought under one section and that is now called the Unorganised Workers Social Security Bill. As a matter of fact, most of the security welfare measures are being given to insurance companies. Insurance companies are not created in this country for social service. They established them for business and for commercial activity. How will welfare activities be done by the insurance companies?

I would like to give you an example. Now, there is a very big welfare activity, the so-called welfare activity for the handloom workers. The workers from 18 years to 58 years of age are covered under life insurance and medical insurance. The average life span of an Indian is 72 years. For the last two years, in spite of repeated efforts of the Labour Ministry, the insurance companies are not agreeing to increase the age limit upto 70 years as the coverage. That means, at a time when the worker is vulnerable for death, they are not ready to give that [U36]coverage.

Upto fifty-five years, the number of people vulnerable for death may be only two or three per 10,000. But at a time when they are more vulnerable, they are not ready to cover them. Now, this Bill gives the implementation of these welfare schemes to the insurance companies.

The Standing Committee on Labour and Shri Arjun Sengupta, in his recommendations, have recommended that a National Fund, either a Revolving Fund or any other Fund, be created so that social security measures could be taken up. In this Bill there is only a vague mention of it, saying that the Central Government from time to time "may" provide some assistance; the State Governments "may" provide some other assistance; and some amount of money can be collected from the employees. This is not going to help. First of all, this very clause that "the State Governments may do it" makes it only recommendatory in nature. It is not obligatory on the part of the States to do it. In our country, even after sixty years of Independence, there are some States where there are no trade union laws. Sikkim may have joined the Indian Union later. But there is no labour Act in that State. Several welfare measures which are to be implemented are not being implemented in some States. The labour welfare, etc. come in the Concurrent List of the Constitution. But it should be made compulsory on the part of the States. Otherwise, this Bill is not going to really help.

Now, I come to setting up of Boards. National Board and State Boards are to be constituted to review and supervise the welfare schemes. The Standing Committee had recommended that it should have some administrative teeth so that they can frame rules and implement them. Without that they are going to be just Advisory Bodies. That is not going to help. These Boards should be made more democratic. There are several representatives in the trade unions, representatives of the employees, representatives from the Parliament, etc. How are they going to be elected? It should be made more democratic. The Centrally-recognised trade unions should have a right to nominate their representatives in these Boards. Otherwise, these Boards are going to be the nominated bodies of the Union Government. It is not going to serve the purpose.

I feel that there should be a separate Bill for the agricultural labours, as recommended by the Standing Committee. It is a very big section. There are about 24 crore labourers in agriculture sector. Without a proper mechanism from the Centre, it is not possible to implement the welfare measures.

In spite of all these weaknesses, I do believe that an Act is necessary for the unorganised workers. But there are certain things which need to be amended. I have given notice for some amendments and some other hon. Members have also given notices for amendments. I hope the hon. Minister, Shri Oscar Fernandes will agree to at least some of them.

The Government of India is the biggest employer in this country. Unfortunately, that is the biggest defaulter too with regard to unorganised workers. There are large number of unorganised workers working in the organised sectors, such as the contract and casual workers. I am not talking about seasonal workers. I am talking about perennial types of work. There, the people who are working for fifteen years or twenty years or thirty years but not being regularised. If the Union Government behaves in such a way, without regularising the services of these workers, how can the Government direct the contractors or the private companies to implement the labour laws?

Besides this, I believe, certain other important sections have been excluded. Anganwadi workers and health workers have been given a beautiful name. They are called "volunteers". [\[MSOffice37\]](#)

They are not volunteers. They are doing the service from morning 9 o' clock up to 4' clock in the evening. It is not a part-time job. It is not a voluntary work. The remuneration is less than Rs. 1,000 and only recently it has been increased to Rs. 1,500. However, they do not have ESI Scheme, Provident Fund Scheme or Pension Scheme.

Sir, right now, here in Delhi, Extra Departmental Workers of the Postal Department, who are more than six and a half lakh, are sitting on a hunger strike. Today, some hon. Members have raised their issue in the House. They are in service for the last 25 to 30 years. They do not have any Pension Scheme or any welfare measure. So, by excluding all these vast sections, crore and crore of people, how this Bill is going to be a Bill for the social security of the unorganised workers? I believe it is necessary that all these sections must be brought within the ambit of this Bill and the so-called name of the 'volunteers' should be removed. They all should be given proper social security in this regard. ...*(Interruptions)*

MR. CHAIRMAN (SHRI ARJUN SETHI): Please conclude.

SHRI SURAVARAM SUDHAKAR REDDY : Sir, besides giving other amendments, I would like to suggest that in page four, in line 9, in Section 3, there is a mention that Union Minister of Labour and Welfare will be the Chairperson. Naturally, it will be having some seriousness if the hon. Minister of Labour is in-charge. But in this Section, it is said that the Chairman and other members of the Board will be from among the eminent personality of the society. I think this is contradictory to each other. The word 'Chairperson' can be removed. He is a prominent personality and that is why he is the hon. Minister of Labour. ...*(Interruptions)* I hope these are small mistakes of addition, but the real thing is giving administrative powers to the committees and making it obligatory on the part of the States to implement these things, and a separate agricultural Bill and revolving fund at the Centre are the most essential things. If these things are included, then the Bill will be more comprehensive and it can cover a very large number of people. I believe that type of Bill will be more useful and it will be taken that the Parliament of India has done a good service to the unorganized labourers who are in very big numbers.

MR. CHAIRMAN: Hon. Members, there are still 25 Members to speak. So, I would request the hon. Members to confine their speeches to five minutes each. Please cooperate so that we can finish the discussion within the stipulated time.

...*(Interruptions)*

SHRI GURUDAS DASGUPTA (PANSKURA): What is the time for voting?

MR. CHAIRMAN: It will be after 6 o' clock.

SHRI GURUDAS DASGUPTA : Sir, it will be after 6' clock and up to 10' clock.

MR. CHAIRMAN: Actually, there are so many speakers. So, it will be difficult to tell the time right now.

SHRI GURUDAS DASGUPTA : Sir, please announce the time so that we can do our job.

MR. CHAIRMAN: Shri Dasguptaji, I am sorry. At this moment, I cannot indicate the time about the voting. We will try to finish as early as possible and then we will have the voting.

श्री थावरचन्द गेहलोत (शाजापुर): माननीय सभापति जी, असंगठित क्षेत्र कर्मकार सामाजिक सुरक्षा विधेयक 2008 जो प्रस्तुत हुआ है, मैं भावनात्मक रूप से इससे सहमत हूँ, परंतु यह महसूस करता हूँ कि इस विधेयक के पास होने के बाद भी असंगठित क्षेत्र में काम करने वाले जो लोग हैं, उनका हित-संरक्षण हो पाएगा, इसमें शंका है। उनको सामाजिक सुरक्षा मिल पाएगी, इसमें भी शंका है। [\[h38\]](#)

इस विधेयक में जो बोर्ड बनाने की बात कही गई है, उन्हें ये सुविधाएं उपलब्ध करने की दृष्टि से जो अधिकार प्राप्त होने चाहिए, वे दिखाई नहीं दे रहे हैं। मैं यह भी कह सकता हूँ कि यह जो बोर्ड बनाने के बारे में परिभाषा दी गई है और उसके कर्तव्य के बारे में कहा गया है, उसे अगर पढ़ें तो ऐसा लगता है कि यह मात्र सलाहकार बोर्ड के ही रूप में काम कर पाएगा। मैं बताना चाहूंगा कि पृष्ठ 4 पर धारा पांच (8)(क) में लिखा है कि केन्द्रीय सरकार को असंगठित कर्मकारों के विभिन्न वर्गों के लिए उपयुक्त स्कीमों की सिफारिश करना। अब स्कीम की सिफारिश यह बोर्ड करेगा, उन स्कीमों को माना जाएगा या नहीं, यह केन्द्र सरकार और राज्य सरकार के ऊपर निर्भर करेगा। अभी तक देश में जितने भी बोर्ड या सलाहकार मंडल बने हैं, वे सलाहकार मात्र रहते हैं, परन्तु उनकी सलाह पर अमल नहीं हो रहा है। ऐसा अनुभव आप और हम सब कर रहे हैं। माननीय मंत्री जी भी ऐसा ही अनुभव कर रहे होंगे। इसके धारा आठ (ख) में लिखा है कि केन्द्रीय सरकार को इस अधिनियम के प्रासन से उद्भूत होने वाले ऐसे विषयों पर सलाह देना, जो उसे

निर्दिष्ट किए जाएं। इस बोर्ड को सलाह देने में भी स्वतंत्रता नहीं है, सलाह देने के लिए भी केन्द्र सरकार जिन विषयों को कहेगी कि आप इस विषय के बारे में सलाह दीजिए, उस विषय पर ही वे सलाह दे पाएंगे। असंगठित कर्मकारों के बारे में जो समस्याएँ हैं, जो बोर्ड अनुभव करेगा, अध्ययन करके निष्कर्ष निकालेगा, उन सब पर सलाह देने के अधिकार उसे नहीं होंगे। केन्द्र सरकार जो निर्देशित करेगी कि इस बिन्दु पर आप सलाह दीजिए, उस बिन्दु पर ही वे सलाह दे सकेंगे। आप जब इसे पढ़ेंगे तो आपको ऐसा लगेगा कि वास्तव में मांग कुछ ओर है और काम कुछ ओर है तथा अधिकार की दृष्टि से यह बोर्ड अधिकार शून्य है। इसके बाद धारा पांच (ग) में लिखा है कि केन्द्रीय सरकार द्वारा असंगठित कर्मकारों के लिए संचालित सामाजिक कल्याण योजनाओं का अनुवीक्षण, अर्थात् मोनिटरिंग करने की बात इसमें कही गई है, परन्तु जो योजनाएँ हैं, उन योजनाओं पर अमल कौन करेगा, इसके बारे में इस बोर्ड में या विधेयक में कहीं भी एक शब्द नहीं कहा गया है। जो स्कीमों की संख्या 10 दी है, उन स्कीमों का अनुपालन कौन करेगा? उस पर अमल करने का काम कौन करेगा? क्या आपका श्रम मंत्रालय करेगा या फिर कलेक्टर को अधिकार होंगे या पंचायती राज व्यवस्था को होंगे? आप इसे पढ़ कर जवाब देते समय हमें बताएं कि अमल की एजेंसी कौन सी होगी? इसमें अमल की एजेंसी कहीं कोई नहीं दर्शायी है, इसलिए मैं यह सोचता हूँ कि राज्य सरकारें और केन्द्र सरकारें अपने जो मूल विभाग के काम हैं, उनसे ही फुरसत नहीं पाती हैं। इसलिए इस बोर्ड में या इस बोर्ड की जो स्कीम है, उन पर अमल करने के लिए कोई एजेंसी नहीं होगी तो वे किस से पूछेंगे, इसका इसमें कहीं कोई उल्लेख नहीं है। अगर इन स्कीमों पर किसी प्रकार का कोई अमल नहीं हुआ तो जवाबदेही किस के ऊपर है, इसके बारे में आपने इसमें एक शब्द भी नहीं लिखा है। आप और हम सब देख रहे हैं कि देश में जो परम्परा और व्यवस्था बनती जा रही है, वह ऐसी बनती जा रही है कि काम के प्रति जवाबदेही देने के बाद भी, प्रवधान होने के बाद भी जवाबदेही का अनुपालन नहीं किया जाता है। इसमें जवाबदेही किस की है, इसका कोई उल्लेख ही नहीं है। राज्य सरकार कहेगी कि केन्द्र सरकार जाने और केन्द्र सरकार कहेगी कि राज्य सरकार जाने। राज्य में भी बोर्ड को कहा जाएगा कि कलेक्टर करेगा, बोर्ड को अन्य कुछ कहा जाएगा, श्रम मंत्रालय का विकास खंड स्तर का इंस्पेक्टर करेगा या जिला श्रम अधिकारी, पदाधिकारी करेगा।^[s39]

महोदय, इस प्रकार की झगड़ेबाजी में यह बोर्ड और इसको दिए गए अधिकार ऐसे ही कागजों में पड़े रहेंगे और उन पर अमल की स्थिति नहीं होगी। इस प्रकार के नियम बनाने और बोर्ड बनाने की लम्बे समय से चर्चा और मांग होती रही है। असंगठित क्षेत्र में काम करने वाले लोग, कुल कामगारों का लगभग 94 प्रतिशत है और यदि असंगठित क्षेत्र में काम करने वालों की संख्या देखी जाए, तो लगभग 40 करोड़ हैं। हिन्दुस्तान की आबादी का एक-तिहाई हिस्सा ऐसा है और देश की जनसंख्या के एक-तिहाई हिस्से के लिए अगर इस प्रकार का तत्पर कानून या बोर्ड बनाने का प्रयास हम कर रहे हैं, तो हम यह कह सकते हैं कि इससे उन असंगठित श्रमिकों को जो पचासों वर्षों से कठिनाइयाँ महसूस कर रहे हैं और सामाजिक सुरक्षा से वंचित हैं, उनका हम हित संरक्षण नहीं कर पाएंगे। इसलिए मेरा निवेदन है कि इसमें आप नियम बनाते समय उन सब बातों का उल्लेख करें और मान लीजिए एक्ट में या विधेयक में कोई खात्री रही हो, तो दो साल के अंदर सुधार करने की गुंजाइश भी करने का काम आप करेंगे, तो अच्छा होगा।

महोदय, राज्य बोर्ड और केन्द्रीय बोर्ड के गठन में आपने कहा है कि 34 मैनबर सदस्यों का यह बोर्ड होगा। अब जैसा रेड्डी जी ने कहा इसमें एक परिभाषा दी गई है कि अध्यक्ष और इसके सदस्य विशेष योग्यता प्राप्त होंगे। अब मंत्री जी, आपकी योग्यता के बारे में कोई शंका नहीं है, क्योंकि आप योग्य हैं, परन्तु आने वाले समय में जो और श्रम मंत्री होंगे, वे कैसे होंगे, यह हम नहीं कह सकते। श्रम कानूनों के बारे में, वित्त के बारे में या उसके प्रबन्ध के बारे में, उनका अध्ययन होगा या नहीं होगा, इस बारे में हम अभी से कैसे कह सकते हैं। इसलिए चेंबरमैन और सदस्यों की एक ही योग्यताएँ दर्शाई गई हैं, यह ठीक नहीं है। जो बाकी सदस्य होंगे, वे तो इस प्रकार के ढूँढे जा सकते हैं, परन्तु जो श्रम मंत्री बनेगा, वह तो प्रधान मंत्री की इच्छा के अनुसार बनेगा। इसलिए मेरा निवेदन है कि उस योग्यता के दायरे और उस परिभाषा को देखकर, उसे ठीक करने का काम करें, अन्यथा यहाँ श्री कपिल सिब्बल साहब बैठे हैं। वे अच्छे वकील हैं। वे जानते हैं कि कोई हाई कोर्ट में जाएगा और कोई सुप्रीम कोर्ट में जाएगा कि साहब इस परिभाषा के हिसाब से ये-ये योग्यताएँ चाहिए और ये श्रम मंत्री इस प्रकार की योग्यता रखने वाले नहीं हैं। इसलिए इसे भी ठीक करेंगे, तो अच्छा होगा।

महोदय, इसके छोटे क्रमांक में सरकार ने एक बात और कही है कि राज्य सरकारों के भी पांच प्रतिनिधि केन्द्रीय बोर्ड में होंगे। अगर आप केन्द्रीय बोर्ड में राज्य सरकारों के प्रतिनिधि रखने की बात कर रहे हैं, तो उसकी प्रक्रिया क्या होगी, वे कौन से राज्यों के होंगे, क्या वे बाई रोटेशन होंगे, यदि हाँ, तो इसमें ऐसा कोई उल्लेख कहीं नहीं है। नियम बनाते समय आप यदि इस बात का ध्यान रखेंगे, तो उचित होगा। फिर राज्यों के बोर्डों में केन्द्र के प्रतिनिधि होंगे, तो अच्छा होगा, परन्तु इसमें आपने ऐसी व्यवस्था कहीं नहीं की है। जब राज्य के प्रतिनिधि आप केन्द्रीय बोर्ड में रखेंगे, तो राज्य के बोर्ड में भी यदि केन्द्र के प्रतिनिधि होंगे, तो आदान-प्रदान ठीक होगा और दोनों बोर्ड सक्षमता से काम करने की ओर कुछ विचार कर सकेंगे। फिर आपने कहा है कि अनुसूचित जाति, जनजाति, महिला और अल्पसंख्यकों को भी प्रतिनिधित्व दिया जाएगा। अब यह जो प्रतिनिधित्व देने की बात आपने कही है, यह पर्याप्त नहीं है। आप उनकी संख्या निर्धारित कर दें कि इतने अनुसूचित जाति वर्ग के होंगे, इतने जनजातीय वर्ग के होंगे, इतने अल्पसंख्यक होंगे और इतनी महिलाएँ होंगी। इस प्रकार का कर दें, तो ठीक है, अन्यथा इस पर पूर्णरूपेण अमल होगा, इसमें मुझे शंका प्रतीत होती है। आप स्वयं भी ऐसा महसूस करेंगे। इसलिए आप इसे भी सुधारने की कोशिश करें, तो अच्छा है।

महोदय, असंगठित सैक्टर कर्मकारों का प्रतिनिधित्व करने वाले जो सात सदस्य होंगे, वे कौन होंगे? असंगठित श्रमिक, इन सब बातों को इतना समझने वाले मिलेंगे, यह मेरी सोच नहीं है क्योंकि वे तो अनपढ़ होते हैं, अनलिक्ड होते हैं, मजबूरी के मारे होते हैं और कभी कहीं होते हैं और कभी कहीं और होते हैं। इसलिए इसमें एक प्रवधान करें, तो अच्छा होगा कि जो राष्ट्रीय मान्यता प्राप्त श्रम संगठन हैं, उनके प्रतिनिधियों को बुला लें और जब वे होंगे, तो वे इस कानून को समझकर उनके हित की बात कर सकेंगे।

सभापति महोदय : कृपया अब आप कन्वल्ड कीजिए।

श्री थावरचन्द गेहलोत : सर, दो-तीन मिनट और दे दीजिए। मैं इधर-उधर कहीं नहीं जा रहा हूँ। सिर्फ विधेयक से संबंधित और मुख्य बातें ही बोल रहा हूँ।

सभापति महोदय : इस विधेयक पर बोलने वाले बहुत माननीय सदस्य हैं। इसलिए आप कृपया अपना भाषण शीघ्र समाप्त कीजिए।

श्री थावरचन्द गेहलोत : सर, हम देश की आबादी के एक-तिहाई जनसंख्या में कर्मकारों के बारे में विचार कर रहे हैं।

सभापति महोदय : आपने 10 मिनट ले लिए हैं।

श्री थावरचन्द गेहलोत : सर मैं बहुत संक्षेप में बोलकर शीघ्र ही अपना भाषण समाप्त करूँगा।

अगर उसमें वे मान्यता प्राप्त श्रम संगठनों के प्रतिनिधियों को शामिल करने की कोशिश करेंगे, तो अच्छा होगा।^[r40]

इसके आगे आप यह जो असंगठित क्षेत्र पहचान-पत्र देने वाले हैं, इस प्रकार का बहुआयामी होना चाहिए और वह फोर एवर लागू हो, इस तरह की व्यवस्था करनी चाहिए। अगर पहचान-पत्र ठीक नहीं हुआ, इस क्षेत्र का इस क्षेत्र में लागू होगा, बाकी क्षेत्र का अलग-अलग बना देंगे तो उनको जो बाकी सुविधाएँ मिलती हैं, वे सुविधाएँ बीच-बीच में ब्रेक हो जाएंगी और जब वे ब्रेक हो जाएंगी तो उनको जो बाकी सुविधाएँ हम देने वाले हैं, स्वास्थ्य की दृष्टि से या और पैंशन की दृष्टि से, उसमें भी उनको नुकसान होगा। इसलिए यह

जो पहचान-पत्र है, यह बहु-आयामी होना चाहिए और इसको बनाते समय आप ध्यान रखेंगे तो उचित होगा।

इसके साथ ही साथ मैं यह कहना चाहूंगा कि यह बोर्ड के सदस्यों में से स्कीमों की निगरानी हेतु समितियों का गठन किया जाना चाहिए। अभी 10 स्कीमों का आपने प्रवधान किया है कि बोर्ड मैम्बर्स साल में न्यूनतम तीन बैठकें कर पाएंगे और कई बार ऐसा होता है कि न्यूनतम तीन बैठकों का प्रवधान है, वह भी ये पूरा नहीं कर पाएंगे। ऐसी स्थिति में 10 योजनाओं के बारे में विचार-विमर्श करना, इम्प्लीमेंटेशन की स्थिति देखना और निर्णय करने में बड़ी कठिनाई होगी। ये जो 34 मैम्बर हैं, उनमें से 2-2 मैम्बरों को 1-1 स्कीम दे दें, वे उसका ध्यान रखेंगे और ध्यान रखने के बाद बोर्ड की मीटिंग में उसके बारे में सलाह देंगे और जो-जो खामियां हैं, उनको ठीक करने की व्यवस्था भी करेंगे।

योजनाओं को लागू करने के लिए स्वयं का तंत्र होना चाहिए। वह तंत्र अगर नहीं होगा तो ये जो योजनाएं हैं, ये अमल में नहीं आ सकेंगी, ऐसा मेरा कहना है। यह जो योजनाओं का तंत्र है, इसमें जो सुविधा देने की समितियां हैं, वे अनिवार्य रूप से जिला स्तर पर और विकास खंड स्तर पर की जानी चाहिए।

मैं एक और निवेदन करना चाहता हूँ कि जवाबदेही जरूर फिक्स करने की व्यवस्था इस बिल में करें। मुझे एक बात की जानकारी है कि 11वीं पंचवर्षीय योजना में असंगठित क्षेत्र के श्रमिकों के लिए सरकार ने 15 हजार करोड़ रुपये का प्रस्ताव किया था कि हम यह इनके हित संरक्षण की योजनाओं को लागू करने के लिए देंगे और यह तय किया था कि पहले साल एक हजार करोड़, दूसरे साल दो हजार करोड़ रुपये, तीसरे साल तीन हजार करोड़, चौथे साल चार हजार करोड़ और पांचवें साल पांच हजार करोड़ रुपये देंगे, परन्तु उसमें से कुछ भी धनराशि नहीं दी गई है, उस पर कोई कार्रवाई नहीं हुई है और ऐसी स्थिति में असंगठित क्षेत्र के साथ अन्याय हो रहा है। इसलिए मैं आपसे निवेदन करना चाहता हूँ कि इस अन्याय को ठीक से समझते हुए इस अन्याय को जल्दी से जल्दी समाप्त करने की दृष्टि से आप विशेष प्रवधान करेंगे और वित्त पोषण की व्यवस्था करेंगे। केन्द्रीय बोर्ड के पास पैसा कहां से आएगा और राज्य बोर्ड के पास पैसा कहां से आएगा, ऐसा कहीं उल्लेख नहीं है। आपने कहा है कि ये वहां से ले सकेंगे, नियोक्ताओं से ले सकेंगे, किसी राज्य सरकार से ले सकेंगे, यह ले सकेंगे शब्द खराब है, इसको यहां से मिलेगा ही, इतने प्रतिशत केन्द्र से, इतना राज्य से, इतना नियोक्ताओं से, इस प्रकार की कोई व्यवस्था करें, नहीं तो पैसा ही नहीं होगा तो न बोर्ड काम कर सकेगा, न स्कीम लागू होगी, न मोनेटरिंग होगी, न कुछ होगा। इसलिए मेरा निवेदन है कि जो सुझाव हमने दिये हैं, उन पर आप नियम कानून बनाते समय अगर ध्यान में रखकर प्रवधान कर देंगे तो अच्छा होगा। यह जो बोर्ड बनाने की आपकी इच्छा, आकांक्षा, मंशा है, उसको पूर्ण करने की दिशा में हम अग्रेसर हो सकेंगे।

SHRI K.S. RAO (ELURU): Mr. Chairman, Sir, thank you very much for giving me this opportunity.

Sir, I congratulate the hon. Minister, Shri Oscar Fernandes who have been repeatedly telling earlier in this House that he would bring this important Bill. Actually he said that he would bring it in the last Session itself but at least now he has brought this Bill now. I am very happy about that.

I consider this Bill as the most important Bill when compared to any other Bill that has been brought before this House so far, and the reason is that this is dealing with people who are almost leading a very poor life and a very bad life.[\[H41\]](#)

This should have been given top priority. It should have been brought long time back.

My hon. colleague, Dr. Satyanarayan Jatiya from the BJP was telling about the Bill, 'better late than never'. Anyway, we are late, but they are never. They never brought this Bill during their time. At least, I am happy that this Government has brought it.

Similarly, while speaking my colleague Shri Thawar Chang Gehlot was telling that this Bill is a white elephant. He was also telling that it is a weak Bill. He has a doubt as to what would be the fate of the Bill. He was also mentioning that there are a lot of lacunae and loopholes. But I am yet to come across a Bill, which has been introduced in this House and which does not have any lacuna. When a Bill is introduced in a House, we cannot expect everything to happen; we cannot anticipate what would happen in future. Basically, with a purpose, we bring in the Bill in the House, we make an Act, and implement it. We would see as to what kind of experiences we have, what kind of amendments that are to be made to the Bill and how we must really achieve the goals that are expected from that Bill.

So, naturally, it does require, over a period of time, some amendments and all that. But without hesitation, the Government will definitely bring in such amendments in the interest of the unfortunate people who are in the unorganised sector, whose number is very heavy. As our colleagues have said, this number goes to around 40 crores. These 40 crores of people constitute about 87 per cent of the total labour, the total workforce. More so, 60 per cent of them are from the agriculture side. So, should we not have thought of this long time back?

Sir, I have been telling since 20 years in this House that we have to bring Old Age Pension for them. It is not that the people are asking it. The reason I express in this House is that when we visit the villages, the houses of the poorer sections, we find that neither the people who are leaving beyond the age of 60 belonging to the Below Poverty Line have the resources nor their own children have got the resources to take care of their parents. Even for a cataract operation, they do not have Rs. 500 to get it done. Thereby, they are living a blind life.

Sir, even an employee in an organised sector is getting pension if he has worked for 20 years, for his whole life. The

reason, which we have mentioned is that when he has rendered 20 years of services to the society, to the Government, it is the duty of the Government to protect him till the end of his life with pension. Those people are eligible for pension. Even we as Members of Parliament – if we work for one term – we are eligible for pension for whole life. We have also brought an amendment saying it is not necessary that this House should live for full five years, even if it lives for one year, still we must be made eligible for pension. When employees of the organised sector are eligible for pension, when we as Member of Parliament, claim the pension, should they not be eligible for pension for their lifetime? Have we even thought of that?

When we go to our Constituencies, should he ask us: "Sir, please give me a pension of Rs. 200 or Rs.400?" Are we giving them any donation? It is the responsibility of the Government to take care of them. No matter, how many people are there. We must take care of them all their lifetime for the services

which they have rendered, which is more than anyone of us would have rendered. It is because from the age 10 or 12 or 13, they are working right up to the age of 60 years. In some cases, even there is no time limit, and they are working 12 hours, 14 hours a day.

About providing pension, I have been telling that it is the duty of the Government to provide pension to the people belonging to the unorganised sector. Let it be shared by the Centre and the State Governments equally or in the ratio, which they can afford. But every person above the age of 16, particularly, belonging to the Below Poverty Line section must be provided with pension compulsorily. No matter, how much amount it is.

Similar is the position about the healthcare. When people belonging to the poorer section go to the Government hospitals, nobody cares for them, and they cannot afford to pay the bills from the private sector nursing homes. Then, who should take care of them? As long as they live, they live. And then, they die after that. Nobody takes care of them. Then, is it not our responsibility to take care of them? That is why I am proposing this health insurance for all the people belonging to Below Poverty Line section, however much it costs, both for life as well as health coverage.[\[r42\]](#)

So, I wish the hon. Minister to include these things fully and provide the requisite amount. I have calculated the amount taking into account the total people above 60 years of age. Assuming it is about 10 crore people and 30 per cent of them are below the poverty line, that is, three crore people, then it is costing about Rs.18,000 crore per year if we were to give Rs.500 for each person per month. The Government can afford it. Similarly, for providing health care, if we were to provide Rs.600 for each individual who is below the poverty line, they can always be secured for health care and also for life. Now there are organisations which have come. They have also made it open that insurance to all, both health and life, not only to the Government but also to the private sector. They are prepared to take care of all the people for health care as well as life. The cost may not be more than Rs.18,000 crore.

Similarly, hon. Minister, the important thing, apart from these things, is providing skills to the people. No matter what we provide now in this, unless you provide skills to all these people, the country will suffer. Today, the country is suffering only because of lack of skills. If we were to change the type of education in this country, you have got a greater role to play and not the Minister of Human Resource Development.

16.46 hrs.

(Shrimati Sumitra Mahajan *in the Chair*)

You have to start providing skills from the age of 15 to all the people. If you see the aptitude of the boy, he will shine. He has got interest. Let it be mechanical repair. Let it be painting. Let it be photography. Let it be something else--poultry, fishery, whatever it is. If we were to provide training for four years to all those boys and girls between the age of 15 and 18, they can learn very well and they become so confident that they can live on their own. They do not become parasites to the society. They do not need to come to you and me for employment. They can as well live on their own. They will get the productive capacity. Today, they do not have the productive capacity. Even if you provide to the 40 crores of people in an unorganised sector, without skill how long can they take care of? So, the basic thing is, let us provide skills. You please allocate sufficient funds. I know you had provided Rs.1,600 crore in the last Budget. But it requires Rs.18,000 crore minimum to provide skills to all the people in the age group between 15 and 20 or 15 and 18 so that they can live on their own. Even if you do not provide employment, they do not ask you. They can generate wealth which will be good for the nation.

Today, we may be telling that India has got the largest technical manpower. Today, India is number one in information technology. But unfortunately, every organisation tells that the way the training is given to all our information technology people is not in tune with the needs of the industry. So, we must give training to all those people in a way where the industry needs, where the country needs. That is more important. So, I wish you concentrated more on skills development.

SHRI OSCAR FERNANDES : Our Prime Minister has constituted a Skill Development Council at the national level. Today, we have hardly two per cent people who are learning in the schools and then qualified. Eight per cent of people have acquired these skills. We are raising it to 50 per cent.

SHRI K.S. RAO (ELURU): Excellent. On this aspect, I want to bring it to your knowledge one thing. Overnight we may provide Rs.18,000 crore but there are no teachers. In this context, I have got a suggestion to you. Do not expect a teacher to have an MA degree or an M.Tech degree or to be an Engineer or a diploma holder. Even if he were to be a carpenter in a village, if he were to have skill, consider him as a teacher, provide him salary and ask him to teach carpentry to the boys where they are living. Similarly, for that matter, let it be any trade.

Today, Engineering Colleges have no staff and no faculty. Medical Colleges have no faculty. We have been giving umpteen number of colleges and umpteen number of polytechnics. Tomorrow, you are going to start training institutes. But where are the teachers? Please start training institutes for the teachers, Teachers Training Institute. We will require a large number of them. Providing or constituting a Corporation or constituting a Committee is not an end of it. We must have the concept; we must have the conviction; and we must have the resources to do that. If that is there, in this context, my humble request to you is this. You have done a great thing by bringing the Legislation today on this important aspect.[\[m43\]](#)

[\[k44\]](#) Please see that these teachers' training institutes are made and the boys are encouraged to come up in the professions. You start them in this year on the eve of the elections. Let it be in terms of months or days. That is most urgent for the country.

A lot of different Acts have been brought in. They are not one or two three but there are 10 or 15 Acts like the Minimum Wages Act, Workmen's Compensation Act etc. and so many other Acts are there. All these things can be integrated into one Act wherein there will not be any clash and there will not be any difficulty and there will not be any litigation on this aspect. For example, the Government has brought a good scheme – the NREGP and we have provided thousands of crores of rupees in that. What is it meant for? It is for those people who do not have work and who have got only seasonal work. We wanted to provide a minimum of 100 days of work to one member in each family and we have provided thousands of crores of rupees. If you have to spend the same thing on providing of skills to the workers, they do not come. The question does not arise. They will not come where they will not get employment.

Today we are not getting people in any profession. Let it be anything. You want a cook in your house, there is nobody who is really competent. You want a driver, there is no good driver in the society. You want a person to repair your car, there is nobody. Anything that you say, there is nobody. That means, obviously there is unemployment, there is under-employment; but there are no skills, there is no productive capacity. That is more important. I want to bring this to your knowledge.

Even on the provisions which you have made through different schemes, let it be Nehru Rozgar Yojana, Grameen Rozgar Yojana or NREGP, so many things are there and all of these can be brought under one umbrella. I think one lakh of crores of rupees can be provided every year for this scheme by which we can not only help the poorer sections of the society but we can help the nation. The nation will prosper in a way and we will overtake countries like the USA in no time if you were to do these things. It is in your hands how fast you bring this nation to the level of developed countries in competition with China or USA. It is by providing skills. So, I humbly request you to do this. ...*(Interruptions)*

Madam, I will take just a few minutes more. Normally I do not take more time.

This has covered unemployment, skills, child labour and so many things that you mentioned here. We appreciate all those things. I agree with my friend that it is not bringing the legislation alone but there should be serious conviction on your part, it is your serious decision and determination to implement it and then to see that the real target or the real purpose for which this Bill is brought is achieved.

I once again congratulate the hon. Minister for bringing this legislation. He should not wash his hands by thinking that he has brought in the legislation and done his job. More work has to be done after bringing the legislation in implementing it. Thank you very much.

SHRIMATI C.S. SUJATHA (MAVELIKARA): Thank you Madam. At the outset I wish to appreciate the hon. Minister of Labour Shri Oscar Fernandes to have brought in this legislation. The stated objective of the Bill is to provide social security to the vast majority of the workforce constituting 93 per cent of the total working sections in the country.

While considering the magnitude of the workforce that is coming under the term 'Unorganised Workers' the introduction of the Bill itself is a positive step. But, the Bill in its present form and structure is much away from its stated objectives and delivers almost nothing to the targeted beneficiaries.

Without appropriate funding arrangements and without any substantive and time-bound enforceable measures the Bill appears only an expression of pious intent without ensuring meaningful benefits to the unorganized workers of our country. Hence, this Bill only exposes the design of the Government to hoodwink the unorganized workers and not to give them any social security worth its name, and it appears that by bringing the legislation at the fag end of the tenure of the Government to woo the poorest of the people to get their votes in the next elections. It is clear now as to why the Government has refused to incorporate the amendments to the present Bill unanimously recommended by the Parliamentary Standing Committee on Labour.[\[k45\]](#)

Madam, volunteers of various Government-sponsored schemes like Anganwadi are not within the ambit of the definition of 'worker', thus excluding a large number of rural folk particularly women from getting the benefit of this Bill. There is also no provision for the benefit of women workers as part of the Bill.

The Bill only provides for constitution of Social Security Advisory Boards and similar boards at the State level, which are basically advisory in nature. The Bill contains neither a compelling provision regarding the floor level social security and its universal coverage of all unorganized workers nor a clearly defined funding obligation and the time-frame.

The offered benefits are confined to the unorganized workers in the BPL category. The general welfare schemes like Old Age Pension Scheme, Aam Aadmi Beema Yojana, Rashtriya Swasthya Beema Yojana, Janashree Beema Yojana etc are all general welfare schemes meant for people below poverty line. The present parameter of BPL is fixed at a monthly *per capita* consumption expenditure of Rs. 356.30 for rural areas and Rs. 538.60 for urban areas. In effect, the majority of the workers in the unorganized sector will not come within the ambit of the legislation as per the given parameters.

Moreover, the Bill kept out of its purview the rural workers in agriculture, those with small land holdings, the biggest section of whom have to find their livelihood from non-agricultural occupation for the greater part of the year. To extend a meaningful benefit to the agricultural labourers, an explicit mention of the people with land-holding of less than two hectares should be there in the definition of the 'unorganized workers' as recommended by the Parliamentary Standing Committee on Labour. While initiating a legislation targeted to 93 per cent of the country's workforce, contributing 63 per cent of the GDP, it is the responsibility of the Government to ensure universalisation of the social security benefits with a competent statutory backing.

16.57 hrs.

(Shri Varkala Radhakrishnan *in the Chair*)

The Bill totally ignores the commitment of a comprehensive protective legislation for the unorganised sector workers made in the National Common Minimum Programme. It is deplorable that the Government did not bother to give any response to the recommendations of the National Commission for the Enterprises in the Unorganised Sector headed by Dr. Arjun Sengupta which was constituted by the Government and officially notified precisely for the purpose of devising measures on working conditions and social security of the unorganized

workers. The Commission recommended and forwarded to the Government drafts of two separate legislations for the unorganized sector workers and the agricultural workers along with a social security scheme.

MR. CHAIRMAN : Please conclude.

SHRIMATI C.S. SUJATHA : Sir, I am only the second speaker from my party.

MR. CHAIRMAN: Your time to speak is over. I will call the next Member to speak.

Shri Shailendra Kumar.

SHRIMATI C.S. SUJATHA : I want to know whether the Government rejected these recommendations of the Commission, which is clear from the content of this Bill.

MR. CHAIRMAN: Please conclude.

SHRIMATI C.S. SUJATHA : Sir, I will conclude within two minutes.

MR. CHAIRMAN: No. Shri Shailendra Kumar, you can speak now.

...(Interruptions)

SHRIMATI C.S. SUJATHA : The Parliamentary Standing Committee on Labour made concrete recommendations to make the content of the Bill meaningful to a great extent, consistent with the Statement of Objects and Reasons appended with the Bill. It is rather unfortunate that these recommendations too were overlooked.

The Bill in its content totally ignored the labour protection issue and social security but gave an open-ended indication on some welfare schemes without any enforceable and justifiable measures for universal coverage and funding mechanism. [SS46]

17.00 hrs. [r47]

Those welfare schemes mentioned in the schedule do not cover even a small segment of unorganized workers as defined in the body of the Bill. ...(Interruptions)

MR. CHAIRMAN : Shri Shailendra Kumar, you can start speaking. Nothing else will go on record.

(Interruptions) * * *

श्री शैलेन्द्र कुमार (चायल): आप पहले हाउस में आर्डर करें, तो मैं अपनी बात कहूँ।...(व्यवधान)

SHRIMATI C.S. SUJATHA : This is nothing but a fraud on the concerned workers and it suits better in mileage-seeking political statements and not in any legislation. ...(Interruptions) This amounts to cheating the overwhelming majority of the country's work force who are major contributors to the country's growing GDP. ...(Interruptions)

MR. CHAIRMAN: Mr. Shailendra Kumar, are you speaking? She would not stop!

...(Interruptions)

SHRIMATI C.S. SUJATHA : I suggest the following measures to be incorporated in the present Bill to make the Bill meaningful.

MR. CHAIRMAN: Her speech will not be on record hereafter.

(Interruptions) * * *

SHRIMATI C.S. SUJATHA (MAVELIKARA): Firstly, the Government of India should undertake the primary responsibility for the funding mechanism to implement the envisaged social security to the workers to which a definite percentage of the GDP is to be dedicated for the purpose to give permanency, continuity and sustainability of the same. ...(Interruptions)

MR. CHAIRMAN: Please place it on record.

...(Interruptions)

* Not recorded

MR. CHAIRMAN: Your written speech can be laid on the Table of the House.

...(Interruptions)

SHRIMATI C.S. SUJATHA : Secondly, the Anganwadi workers and helpers should be brought under the ambit of this Bill.

MR. CHAIRMAN: You can place it on the Table.

...(Interruptions)

SHRIMATI C.S. SUJATHA : Sir, I will conclude with a couple of minutes. ...(Interruptions) I have to mention very important points. I will conclude within two minutes. ...(Interruptions)

MR. CHAIRMAN: Shri Shailendra Kumar, you can start speaking. Nothing will go on record.

*(Interruptions) â€! **

श्री शैलेन्द्र कुमार (चायल): आप पहले हाउस में आर्डर तो लाएं, वह भी बोल रही हैं, तो मैं कैसे बोल सकता हूं।

MR. CHAIRMAN: Shri Shailendra Kumar, kindly start speaking. Otherwise, I will call the name of another speaker.

...(Interruptions)

* Not recorded

श्री शैलेन्द्र कुमार : माननीय सभापति महोदय, आपने मुझे बहुप्रतीक्षित राज्य सभा द्वारा पारित असंगठित क्षेत्र कामगार सामाजिक सुरक्षा विधेयक, 2008 पर बोलने का अवसर दिया, उसके लिए मैं आपका आभारी हूं। इसके साथ ही मैं श्रम मंत्री जी का भी आभार व्यक्त करता हूं कि बहुत दिनों से जो मांग थी, पूरे सदन में जब भी इस पर चर्चा होती थी, असंगठित मजदूरों को तमाम सुविधाएं देने की, तो उससे सम्बन्धित बिल वह सदन में लाए हैं, मैं इसका स्वागत करता हूं। आज की चर्चा में यह बात आई है कि अर्जुन सेन गुप्त जी की कमेटी की रिपोर्ट के अनुसार देश में 42 करोड़ के करीब असंगठित मजदूर हैं।

MR. CHAIRMAN: Shri Shailendra Kumar, there are about 22 speakers who are still to speak on this issue. Therefore, I can give you only five minutes to speak.

श्री शैलेन्द्र कुमार : यानी देश में 93 प्रतिशत मजदूर असंगठित क्षेत्र में हैं। इस विधेयक में हथकरघा बुनकरों, मछुआरों, गैर कोयला खदान में काम करने वालों, सिनेमा घरों में काम करने वालों, बीड़ी मजदूरों और अन्य को शामिल किया गया है। मैं यह कहना चाहता हूं कि अगर चौराहे पर जो लेबर इकट्ठी होती है, जिसे हम चौराहा लेबर कहते हैं, अगर उन्हें भी इसमें शामिल कर लें तो बहुत अच्छा होगा। यह मेरा आपसे निवेदन है। इससे इस बिल का मकसद पूरा हो जाएगा।

होम बेस्ड, स्वरोजगार वाले मजदूर भी असंगठित क्षेत्र में हैं। उनके बारे में भी हम चर्चा कर रहे हैं। इस बिल में जो समावेश किया गया है कि उन्हें सामाजिक सुरक्षा दी जाएगी, मैं उनके कल्याण के लिए गुजारिश करूंगा कि उनके बच्चों को शिक्षा, स्वास्थ्य और रोजगार जैसी सुविधा की व्यवस्था को समाहित किया जाना चाहिए।

मंत्री जी ने इस बिल में प्रमुखता से कहा है कि केवल बीपीएल के लोगों को ही इसकी सुविधा मिलेगी। मैं निवेदन करना चाहता हूं कि इसे काट दें। असंगठित क्षेत्र में काम करने वाले जो भी मजदूर हैं, अगर वे गरीब न होते तो असंगठित क्षेत्र में काम नहीं करते, उन सभी को यह सुविधा देने की बात होनी चाहिए।

असंगठित मजदूरों के लिए आपने पहचान पत्र जारी करने की बात कही है, जो अच्छी बात है। इसके अलावा इस बिल में उनसे सम्बन्धित जो भी सुविधाएं उन्हें मिलेंगी, मैं उसका स्वागत करता हूं। मैं निवेदन करना चाहूंगा कि देश में असंगठित क्षेत्र के मजदूरों की इतनी बड़ी संख्या को देखते हुए महंगाई और रोजगार को देखते हुए अधिक से अधिक बजट का प्रावधान किया जाना चाहिए। जैसे आपने बीमा, पेंशन और प्रोविडेंट फंड की सुविधा देने की बात कही है, वह वर्तमान में मूल्य वृद्धि को देखते हुए दी जाए, तो असंगठित क्षेत्र में काम करने वाले मजदूरों को सही मायनों में सुविधा मिल पाएगी। इसके अलावा आपने इस बिल में तमाम प्रकार के प्रावधान असंगठित क्षेत्र में काम करने वाले मजदूरों के लिए किए हैं। समय-समय पर यह भी बात उठती है कि जो देखरेख करने वाले श्रष्ट अधिकारी हैं, उस पर भी गौर किया जाना चाहिए।[\[R48\]](#)

इसमें मॉनिटरिंग सिस्टम भी रखें, अधिकारियों के ऊपर अंकुश लगाने के लिए कि वे क्या कर रहे हैं, उनको सुविधा मिल रही है या नहीं। इन सारी बातों पर इस बिल में गौर करें। जहां तक सामाजिक सम्मान और सुरक्षा की बात है, इस बिल में बहुत सारी बातें कही गयी हैं। भविष्य निधि, बालकों की शिक्षा, वृद्ध होने पर उनकी अंत्येष्टि आदि की बातें आपने इसमें कही हैं और ये बातें स्वागत-योग्य हैं। मजदूरों की मजदूरी सुनिश्चित करने के लिए कदम उठाये जाने चाहिए क्योंकि हर स्टेट की मजदूरी अलग-अलग है। मैं आंकड़े देख रहा था तो उसमें 50 रुपये से लेकर 170 रुपये तक की मजदूरी का प्रावधान है। आज की महंगाई को देखते हुए कम से कम मजदूरी 200 रुपये प्रतिदिन होनी चाहिए, तभी जाकर हमारे इस बिल का मकसद पूरा होगा। रिवंशा खींचने वाले, बढ़ई, नाई, मोटर-मैकेनिक, निर्माणधीन मजदूर, टैक्सी ड्राइवर, धोबी, बीड़ी बनाने वाले मजदूर, टेलर, बिजली मिराही, दुकानों में काम करने वाले और पत्थर तोड़ने वाले जिन लोगों के लिए आपने जो इसमें प्रावधान किया है, वह स्वागत-योग्य है। इसमें जो आपने एपीएल शब्द रखा है, जो भवन निर्माण या अन्य में मजदूर काम करते हैं उनको मुफ्त चिकित्सा सुविधा देने तो मेरा आग्रह है कि इसमें से एपीएल शब्द हटाकर जो भी मजदूर हैं जिनकी जैसी भी स्थिति हो, उन सभी को चिकित्सा सुविधा देनी चाहिए। आप इसमें राज्यों को भी निर्देशित करें। जैसे दिल्ली राज्य में 30 रुपये के रजिस्ट्रेशन के बाद 30 हजार रुपये

तक की विकित्सा सुविधा उन्हें मिल पाती है। इसी तरह से, इस बिल के द्वारा राज्यों को भी निर्देशित करें कि वहां की जो भी भौगोलिक स्थिति है और वहां के श्रमिक के विकास की स्थिति को देखते हुए अच्छी तरह से इन बातों को लागू करें।

DR. R. SENTHIL (DHARMAPURI): Sir, on behalf of PMK, I rise to support this Bill moved by the UPA Government. I support this Bill because this Bill tries to achieve something that had not been attempted by anybody earlier.

As mentioned earlier by many of the speakers, there are 37 crore unorganized labour in this country. They never had any social protection. This Bill seeks to achieve that by giving them social security. Hence, I support this Bill.

I heard voices that while making this Bill, the Government did not consider the suggestions of the Standing Committee on Labour. Also, some Members had made allegations that the suggestions made by the National Commission for Enterprises in the Unorganized Sector (NCEUS) were not considered. I am very surprised because I looked at the earlier version of this Bill, the Unorganized Workers' Social Security Bill, 2006 which incorporated the suggestions of these two bodies, and the present Bill which has incorporated almost all the suggestions that were made.

I would like to congratulate the hon. Minister who had always been a champion of social justice and showed true commitment to the deprived and unorganized sector people in this country. I support this Bill because for the first time this Bill seeks to give them injury benefit, housing, educational schemes for children, skill upgradation of the workers, funeral assistance, old age assistance and provident fund, etc.

While fully supporting this Bill, I have a few suggestions to make. The major problem with the unorganized sector is that jobs are very insecure. There are periods of unemployment during the year. In most countries of the world, they have social security schemes where the persons in the unorganized sector will get some benefit during the period of unemployment. But unfortunately, this Bill does not seek to provide any support during the period of unemployment. I would request the hon. Minister to seriously consider giving them some financial assistance during the period of unemployment.[\[r49\]](#)

Though it is not in the scope of this Bill, the major concern of the unorganised sector workers is that they do not have any protection mechanism in the places of work. If you look at the newspapers yesterday you will find that there was an accident where a lift dropped on a *coolie* and he died on the spot. So, we need to enforce very strict safety guidelines within the places of work for the unorganised workers. The Government should seek to provide for this in the Bill, if possible.

The Bill says that every scheme notified by the Central Government shall provide for such matters that are necessary for efficient implementation of the scheme. It also says that any scheme notified by the Central Government will be wholly funded by the Central Government and partly by the State Government and any other agencies as such. The only request I would make is that whatever be the contributions for the unorganised sector, they should be exempt from income tax. This was there in the earlier drafts. I do not know why it was left out in the present Bill. I would request the hon. Minister to consider incorporating this clause in the Bill. The Bill also provides for issuing identity cards to all unorganised workers.

The Bill defines that an unorganised sector worker shall be eligible for the benefits under the Act if he has completed fourteen years of age. We know that voices are being raised that child labour Act should cover all children between ages zero to 18 years. The age of fourteen to eighteen years is also a tender age. In view of this, this Bill indirectly encourages children between 14 and 18 years to become labourers. I, therefore, think that the age limit must be really raised to 18 years.

The UPA Government has had shown commitment to social justice by bringing on excellent schemes like the NREGA, reservation in Central institutions, etc. This Bill is another gem in the crown of the UPA Government. By bringing this Bill, the UPA Government has shown that it is committed to address social concerns. Hence I support the Bill and congratulate the hon. Minister.

श्री राम कृपाल यादव (पटना) : महोदय, आपने मुझे असंगठित सेक्टर कर्मकार सामाजिक सुरक्षा विधेयक, 2008 पर बोलने का अवसर प्रदान किया है, इसके लिए मैं आपके प्रति आभार व्यक्त करता हूँ। असंगठित मजदूरों की वर्षों से मांग थी, इस देश के लगभग 93 प्रतिशत ऐसे लोग हैं, जो किसी न किसी काम में लगे हैं और असंगठित हैं। इन असंगठित मजदूरों की हालत दिन प्रतिदिन बद से बदतर होती जा रही है। इस बिल को लाने के लिए मैं यूपीए और श्रम मंत्री जी के प्रति आभार व्यक्त करता हूँ, जिन्होंने आम लोगों की भावनाओं को देखते हुए इस बिल को सदन में प्रस्तुत किया है और कोशिश की है, जिससे कि आम लोगों की कठिनाइयां कम हो सकें। मुझे याद है कि दिल्ली में असंगठित मजदूरों ने बहुत बड़ा प्रदर्शन किया था, जिसमें माननीय मंत्री जी स्वयं गए थे और हमारे दल के उप-नेता श्री देवेन्द्र प्रसाद यादव प्रमुख थे। उस समय श्रम मंत्री जी ने आश्चर्य किया था कि इन मजदूरों की कठिनाइयों को दूर करने के लिए जरूर विधेयक लाएंगे। इस बिल को सदन में प्रस्तुत करने के लिए मैं मंत्री जी को धन्यवाद देना चाहता हूँ।

मंत्री जी ने बिल जरूर प्रस्तुत किया है, लेकिन स्टैंडिंग कमेटी ने जो रिपोर्ट दी है, उन्हें पूरी तरह से नहीं माना है, जिसकी वजह से मैं समझता हूँ कि इस बिल को लाने की

भावना पूरी तरह से कारगर साबित नहीं होगी। मंत्री जी ने कुछ कदम उठाए हैं और मजदूरों के लिए सुरक्षा बोर्ड का गठन करने का निर्णय लिया है। [r50]

एक कल्याण सुरक्षा बोर्ड रहेगा जिस के तहत समनुदेशित कृत्यों का पालन किया जाएगा। वह केन्द्र सरकार द्वारा विभिन्न वर्गों के लिए उपयुक्त स्कीम्स की सिफारिश करेगा। आपने इसमें कोई वर्गीकरण नहीं किया है। वर्गीकरण करने का काम किया होता तो अच्छा होता। अगर सभी को समान रूप से देखेंगे तो अच्छा होगा।

आज असंगठित क्षेत्र में कई मजदूर हैं। देहाड़ी मजदूर सबसे कम मजदूरी पाते हैं। उनके परिवार, बच्चे भूखों मरते हैं। वे काम करते हैं लेकिन उचित मजदूरी नहीं मिलती है जिस की वजह से उन्हें बहुत अधिक परेशानी है। वे अपना खून-पसीना बहाते हैं, देश की पूंजी बनाते हैं लेकिन उन्हें उसका लाभ नहीं मिलता है। इसलिए मैं जानना चाहता हूँ कि आपने देहाड़ी मजदूरों के लिए ऐसे कौन से कदम उठाने का निर्णय किया है? अगर इसमें वर्गीकरण किया होता तो ज्यादा अच्छा होता।

MR. CHAIRMAN : Shri Ram Kripal Yadav, please conclude because the time is over. I have to accommodate 20 more Members.

SHRI RAM KRIPAL YADAV : Please allow me to speak for some more time.

MR. CHAIRMAN : Please conclude.

SHRI RAM KRIPAL YADAV : Thank you, Sir.

कई मजदूरों को मासिक वेतन मिलता है। किसी को दो हजार वेतन मिलता है और किसी को डेढ़ हजार वेतन मिलता है। महंगाई के युग में इतना वेतन पाने वाले मजदूर अपने बच्चों का किस प्रकार पालन कर सकेंगे, बच्चों को कैसे पढ़ा सकेंगे, दो वक्त की रोटी का कैसे इंतजाम कर पाएंगे, यह आप और हम समझ सकते हैं। उनका भी एक वर्ग है। तीसरा वर्ग वह है जिस का नियोजन होता है। वे पांच से आठ हजार रुपए का वेतन पाते हैं। इनका भी वर्गीकरण होना चाहिए। ये भी अपने घर को चला नहीं सकते हैं, अपने बच्चों को पाल नहीं सकते हैं। मैं समझता हूँ कि अगर इनका वर्गीकरण किया होता तो अच्छा होता। देहाड़ी मजदूरों के लिए अलग व्यवस्था की होती तो अच्छा होता। मासिक वेतनभोगी जो दो से तीन-चार हजार तक वेतन पाते हैं, उनके लिए भी अलग व्यवस्था की होती तो अच्छा होता। जो किसी कम्पनी में पांच से आठ हजार रुपए पाते हैं, उनके लिए अलग व्यवस्था की होती तो उत्तम और कारगर काम होता। तीन वर्गों में बटे हुए मजदूरों के लिए आपने कोई स्कीम नहीं बनायी है। मैं चाहूंगा कि आप इन पर विचार करें। शोषित मजदूर जो ज्यादा हैं, उनकी तरफ विशेष ध्यान देना पड़ेगा तभी उनको न्याय मिल सकेगा।

MR. CHAIRMAN : Shri Ram Kripal, you can lay your speech on the Table. No reading is required. Please conclude your speech.

SHRI RAM KRIPAL YADAV : Within five minutes, I will conclude my speech.

आम तौर पर असंगठित मजदूर जो खेत-खलिहानों में काम करते हैं, उनकी स्थिति बहुत दयनीय है। मैं इनका डाटा प्रस्तुत करना चाहूंगा। 85 परसेंट शेडयूल्ड कास्ट्स, शेडयूल्ड ट्राइब्स के लोग हैं, 80 परसेंट ओबीसी के लोग हैं और 84 परसेंट माइनोंरिटी के लोग हैं, जिन की स्थिति बहुत खराब है। असंगठित मजदूरों की संख्या 30 से 40 करोड़ है। उनकी तरफ हमारा ध्यान नहीं जा सका है और हम कोई विशेष व्यवस्था नहीं कर पाए हैं।

श्रम मंत्रालय की स्टैंडिंग कमेटी द्वारा सुझाए गए महत्वपूर्ण सुझावों को आपने नहीं माना है इसलिए उचित नहीं माना जा रहा है। पैरा 22 में यह कहा गया है कि "कमेटी ने उन परिलाभों की मातृ का सुझाव दिया है जैसे - मौत एवं अपंगता से जुड़े परिलाभ, स्वास्थ्य एवं मातृत्व एवं वृद्धावस्था परिलाभ, इन परिलाभों को हर दो वर्ष में भारत सरकार द्वारा महंगाई, मुद्रास्फीति के अनुसार बढ़ाया जाए।"

इसकी आपने कोई व्यवस्था नहीं की है।

MR. CHAIRMAN : The predecessor speaker from your Party has taken 21 minutes. Shri D.P. Yadav has taken 21 minutes. In spite of that, I have given you more than five minutes. Please conclude. I have to accommodate other hon. Members.

SHRI RAM KRIPAL YADAV : Please give me some more time. I will conclude soon. मैं बता रहा था कि पैरा 30 में यह कहा गया है -

"बिना वैधानिक प्रावधान एवं सुनिश्चित वित्तीय संसाधनों के अभाव में सामाजिक सुरक्षा योजनाएं लागू नहीं की जा सकती हैं। वित्त की उपलब्धता अनुसार योजना की कांट-छांट करना या संख्याएं घटाना सही नहीं है। इसके लिए एक उचित पारदर्शी संस्थानत ढांचे की आवश्यकता है, जो आवश्यक वित्तीय संसाधनों को एकत्रित करने की स्पष्ट रूपरेखा निर्धारित करेगा, जिससे एक राष्ट्रीय सामाजिक सुरक्षा एवं कल्याण कोष का निर्माण किया जा सके। यह समय की पाबन्दी से सुनिश्चित करे कि सकल राष्ट्रीय उत्पाद का एक निश्चित हिस्सा जो केन्द्रीय एवं राज्य सरकारों द्वारा अनुदान ऋण से प्राप्त होगा, जिसमें लाभान्वितों व रोजगार प्रदाताओं द्वारा मासिक योगदान शामिल होगा।"

मैं समझता हूँ कि ये दो-तीन पैराग्राफ हैं, जिनकी तरफ आपका ध्यान जाना चाहिए।

चौथा पैरा है -

"असंगठित क्षेत्र के मजदूरों के लिए बनाई गई इस योजना के क्रियान्वयन के लिए राष्ट्रीय एवं राज्य स्तर पर पर्याप्त संख्या में अधिकारियों की एक टीम बनाई जाए।"

"कृषि मजदूरों के लिए अलग कानून एवं असंगठित क्षेत्र के मजदूरों के रोजगार के नियमन एवं सेवाओं की शर्तों के लिए अलग कानून हो।"

"असंगठित क्षेत्र के मजदूरों की सामाजिक सुरक्षा के लिए कोई भी कानून तब तक पर्याप्त नहीं होगा, जब तक उनके रोजगार एवं सेवा की स्थितियों का नियमन नहीं किया जाए। श्रम मंत्रालय की इस कमेटी के सामने प्रस्तुत हर समूह/हर ज्ञापन ने इसी पर जोर दिया है।"

मगर मैं समझता हूँ कि आपने इनका समावेश नहीं किया है। अगर इन बातों का इसमें समावेश नहीं किया गया तो इस बिल का मजदूरों को कोई फायदा नहीं होगा। मुझे विश्वास है कि आप निश्चित तौर पर इन बातों पर पूर्ण विचार करेंगे और श्रम मंत्रालय की जो स्टैंडिंग कमेटी है, उसकी अनुशंसाओं पर अमल करेंगे।

MR. CHAIRMAN: Shri Rasa Singh Rawat will speak. He is ready to speak.

SHRI RAM KRIPAL YADAV : In one or two minutes, I will conclude.

MR. CHAIRMAN: You have been given 7-8 minutes. Please conclude.

SHRI RAM KRIPAL YADAV : Please give me two more minutes. I will conclude.

MR. CHAIRMAN: Please conclude. You have covered all the points.

श्री राम कृपाल यादव : आपने मुझे इतना ज्यादा डिस्टर्ब किया है कि मैं सही तरह से बोल ही नहीं सका हूँ। मैं दो-तीन बातें कहकर अपनी बात समाप्त करूँगा। मैं कह रहा था कि आपने उत्तम विचार से ऐतिहासिक कदम उठाया है और इस कदम से निश्चित तौर पर वे लोग, जो वर्षों से पेशानियों की हालत में थे, अपनी पेशानियों के कारण मर रहे थे, उन पेशानियों को आपने दूर करने का संकल्प इस बिल के माध्यम से लिया है। लेकिन इसमें जो कमियाँ हैं, जो माननीय सदस्यों ने अपने विचारों में आपके सामने प्रस्तुत की हैं, उन पर आप विचार करें और इसमें जो त्रुटियाँ हैं, उन्हें दूर करके बिल जो आप लाये हैं, उसे संशोधित करके आम लोगों की भावनाओं के अनुकूल, जो गरीब हैं, पेशानियों की हालत में हैं, जो कमाने के बाद भी खा नहीं पाते हैं, जिनके पास रहने के लिए घर नहीं है, जिनके पास पहनने के लिए कपड़ा नहीं है, जो अपने खून और पसीने से इस देश को सींचने का काम करते हैं, उनके लिए आप इन निर्णयों के अनुसार काम कीजिए, जो स्टैंडिंग कमेटी के माननीय सदस्यों ने रिक्मेंडेशन दी हैं, कमेटी भी एक मिनी पार्लियामेंट है। इसलिए मैं समझता हूँ कि इस ऐतिहासिक महत्व के बिल को पास करने से पहले आप इन सब बातों पर विचार करें।

इन्हीं चंद शब्दों के साथ मैं यह कहते हुए अपनी बात समाप्त करता हूँ कि आपने मुझ पर विशेष कृपा की है, इसलिए मैं आपको धन्यवाद देता हूँ, माननीय मंत्री जी के प्रति भी मैं विशेष तौर पर धन्यवाद ज्ञापित करता हूँ और इस बिल का समर्थन करता हूँ कि मंत्री जी आप अपनी त्रुटियाँ दूर करेंगे और गरीबों के हित में काम करेंगे।

प्रो. रासा सिंह रावत (अजमेर): माननीय सभापति महोदय, मैं माननीय मंत्री जी द्वारा लाये हुए असंगठित सैक्टर कर्मकार सामाजिक सुरक्षा विधेयक, 2008 का स्वागत इस शर्त के साथ करना चाहूँगा कि अभी ऐसा मालूम पड़ता है कि यूपीए सरकार विगत साढ़े चार वर्षों से सोई हुई थी। तब तक असंगठित क्षेत्र में कार्य करने वाले श्रमिकों की उसे विंता नहीं हुई।

जब चुनाव सिर पर आने वाला है और यह सरकार जाने वाली है तब इनको मजदूरों के कल्याण की बात या सामाजिक सुरक्षा के अधिकार की बात याद आई है या इसी प्रकार के और कुछ कल्याणकारी कदम यह सरकार उठाने जा रही है। चलिए, देर आए, दुखस्त आए। इसलिए मैं इसका स्वागत करता हूँ लेकिन मैं चाहूँगा कि सरकार समग्र बिल प्रस्तुत करे क्योंकि अर्जुनसेन गुप्ता कमेटी ने जो सिफारिशें की थीं, उनकी कुछ सिफारिशें तो इसमें मान ली गई हैं लेकिन दो महत्वपूर्ण सिफारिशें नहीं मानी गई हैं। एक तो स्वतंत्र सामाजिक सुरक्षा तंत्र को मजबूत करने के लिए स्वतंत्र सामाजिक सुरक्षा विधेयक लाने वाली बात और दूसरी राष्ट्रीय सामाजिक सुरक्षा कल्याण कोष का प्रावधान इसमें नहीं किया गया है। यह मैंने सारा पढ़ लिया है। वितीय ज्ञापन जब मैंने पढ़ा तो बहुत निराशा हुई कि आखिर आपने बातें तो अच्छी ली हैं कि सबको सामाजिक सुरक्षा मिले और सबका जीवन अच्छा हो और कल्याणकारी सुविधाएँ भी सभी को प्राप्त हों, शिक्षा और स्वास्थ्य की बात भी हो लेकिन सारी बातों के लिए पैसा कहां से आएगा? आपने वह कारखानों के ऊपर या जो-जो लोग जिस-जिस विभाग में काम करते हैं, उनके ऊपर डाल दिया। वे करेंगे या नहीं, कानून पहले से बहुत बने हुए हैं। बीड़ी वालों के लिए आपने कानून पहले कुछ बनाए थे लेकिन उन कानूनों का पालन कितना हो रहा है? मैं जानता हूँ कि मैंने एक क्षेत्र में बीड़ी श्रमिकों को देखा है। न उनको न्यूनतम वेतन मिलता है, न उनका जाँब कार्ड बना हुआ है, न उनको ईएसआई, ई.पी.एफ. इत्यादि की सुविधा प्राप्त होती है, उनका पूरा शोषण किया जाता है। इसलिए आपके माध्यम से मैं सरकार से कहना चाहता हूँ कि कानून तो बना रहे हैं लेकिन कानून बनाने के बाद उनके क्रियान्वयन और मोनीटरिंग सिस्टम की भी सुदृढ़ व्यवस्था हो ताकि यह पता चल सके कि वास्तव में उन कानूनों का पालन हो रहा है या नहीं।

महोदय, आपको आश्चर्य होगा कि दो दिन पहले राष्ट्रमंडल खेल जहां पर आयोजित होंगे, खेल गांव के अंदर जिसकी तैयारियां जोर से हो रही हैं, लेकिन वहां उस खेल गांव के अंदर काम करते हुए मजदूरों के ऊपर एक क्रेन गिर गई और एक मजदूर मर गया और कुछ घायल हो गये। लेकिन उस मजदूर को मृतावस्था में छोड़कर अधिकारी गायब हो गये, वे वहां नहीं आए और मजदूरों ने आंदोलन किया और रविवार को भी काम नहीं हुआ, कल भी काम नहीं हुआ और अब जाकर पुलिस वगैरह वहां पहुंची है तो वहां व्यवस्था हुई है। जब भारत की राजधानी दिल्ली के अंदर निर्माण काम में लगे हुए ऐसे श्रमिकों की यह हालत है क्योंकि पहले भी मैट्रो बन रही थी और मैट्रो में काम करते हुए पहले भी ऐसी दुर्घटना हुई। मजदूरों को हड़ताल करने के लिए दो दिन तक काम रोकना पड़ा कि प्रशासन की लापरवाही के कारण उस मजदूर की मौत हो गई है क्योंकि ड्राईवर तो भाग गया लेकिन कंपनी वालों को उस मजदूर को मुआवजा देना चाहिए लेकिन कंपनी वाले गायब हैं कि पुलिस के चक्कर में कहीं न पड़ जाए। इसके कारण पुलिस को भी इतना नहीं की गई और कोई कानूनी कार्यवाई भी नहीं हुई जिसके फलस्वरूप वहां तनाव पैदा हो गया और जब उत्त्वाधिकारों को इस बारे में पता लगा तब पुलिस गई और सारे काम किये। इसलिए मैं कहना चाहूँगा कि एक तो सरकार को समग्र बिल लाना चाहिए और दूसरे मैं कहना चाहूँगा कि कानून बनाना तो आसान है लेकिन कानून का पालन भी होना चाहिए।

तीसरे, दिल्ली के अंदर राजस्थान से लाखों व्यक्ति बड़ी-बड़ी इमारतों का निर्माण करने के लिए आते हैं और झुग्गी-झोंपड़ियों के अंदर रहते हैं। श्रमिकों की दयनीय स्थिति है और वे लोग भी असंगठित क्षेत्र के हैं, इसलिए मैं कहना चाहूँगा कि यदि असंगठित क्षेत्र के मजदूरों की स्थिति आप वास्तव में सुधारना चाहते हैं तो इसका सारा देश स्वागत करेगा लेकिन मैं समझता हूँ कि आज सारे देश में 45.9 करोड़ हमारे कामगार हैं और उसमें से 43.3 करोड़ यानी 94 प्रतिशत असंगठित क्षेत्र के अंदर हैं, केवल 2.6 करोड़ कामगार ही संगठित क्षेत्र में हैं। संगठित क्षेत्र में काम करने वालों के लिए आपने बहुत कुछ किया है लेकिन आज असंगठित क्षेत्रों में काम करने वाले लोगों के कल्याण और उनकी सुरक्षा के लिए राष्ट्रीय सामाजिक सुरक्षा बोर्ड, सामाजिक सुरक्षा बोर्ड बनाने का काम राज्य स्तर पर और फिर रजिस्ट्रेशन करने की बात, उनके पास कार्ड वगैरह होगा

कि उनकी पहचान भी हो सके, ये दो-तीन प्रावधान जो इसमें किये गये हैं, इनका मैं स्वागत करूंगा। लेकिन मैं कहूंगा कि आज असंगठित क्षेत्र में खेती के क्षेत्र में काम करने वाला मजदूर सुबह से शाम तक लगा रहता है। [r52][r53]

उनके काम के घंटे नीयत हों, उनके लिये न्यूनतम मजदूरी नीयत हो। मान लो, अगर कोई दुर्घटना हो जाये तो उसका उसे लाभ मिलना चाहिये। इसके अलावा वहां काम करने वाले ठेकेदारों पर पाबंदी हो या सरकार के पास ऐसा कानूनी तंत्र हो, सामाजिक सुरक्षा का तंत्र हो, वह ऐसा मजबूत होना चाहिये ताकि वास्तव में बनाये हुये कानूनों के अनुसार प्रावधानों की पालना भली प्रकार से हो सके।

सभापति महोदय, अगर ऐसा व्यापक विधेयक आया होता तो अच्छी बात होती। इसने असंगठित क्षेत्र में भेद कर दिया। बीपीएल और एपीएल में कार्ड बनाने का काम या सुविधा देने का काम या सामाजिक सुरक्षा देने का काम, मैं समझता हूँ कि असंगठित क्षेत्र में कार्य करने वाला कोई भी श्रमिक बीपीएल का हो या एपीएल का हो, उसको जो सुविधाएँ मिलनी चाहिये, उसका लाभार्थी हो सके, ऐसा प्रावधान इस विधेयक में किया जाना चाहिये था। मुझे खेद के साथ कहना पड़ता है कि इस विधेयक में बीपीएल का नाम तो डाल दिया, शायद एपीएल के लिये कोई प्रावधान नहीं किया गया है। हो सकता है कि मेरी निगाह से रह गया हो। मैं चाहूंगा कि माननीय मंत्री जी इसके बारे में स्पष्टीकरण देंगे।

सभापति महोदय, विधेयक में असंगठित क्षेत्र के श्रमिकों के लिये कई सुविधाएँ - पेंशन, पीएफ, ईएसआई, ई.पी.एफ. की सुविधा देने की बात कही गई है। ग्रामीण क्षेत्र के संगठित क्षेत्र में साढ़े तीन लाख डाक सेवक काम कर रहे हैं। आज देश में उनकी स्थिति असंगठित क्षेत्र के श्रमिकों से भी बदतर हो रही है। वे कल देशव्यापी हड़ताल पर जाने वाले हैं। इससे हमारे ग्रामीण क्षेत्रों की डाक व्यवस्था अस्त-व्यस्त हो जायेगी, क्योंकि उनके पास पेंशन, ग्रेज्युटी की कोई सुविधा नहीं है, न उनको कोई छुट्टियाँ हैं। हालांकि सुप्रीम कोर्ट ने उन्हें सिविल सर्वेन्ट का माना है लेकिन उसके बावजूद इन कर्मचारियों के लिये सुविधाएँ बढ़ाने नहीं जा रहे हैं।

सभापति जी, मैं आपके माध्यम से श्रम मंत्री जी से प्रार्थना करूंगा कि डाक विभाग के जो एक्सट्रा डिपार्टमेंट डाक कर्मचारी कहलाते थे, जिनको अब ग्रामीण डाक सेवक कहा जाता है, इनकी संख्या साढ़े तीन लाख है, कहने को तो ये लोग संगठित क्षेत्र के हैं लेकिन वे उन सारी सुविधाओं से वंचित हैं। मेरा सरकार से आग्रह है कि उन्हें वे सारी सुविधाएँ दी जायें। आपने मुझे बोलने के लिये समय दिया, उसके लिये धन्यवाद।

SHRI S.K. KHARVENTHAN (PALANI): I rise to support this landmark Bill presented by our hon. Minister, Shri Oscar Fernandes in this august House.

As per National Sample Survey, during 1999-2000 total number of workers including organized and unorganized sector is 39.7 crore, out of which, 36.9 crore are in unorganized sector and it constitutes 93 per cent. During 2004-05, total workers were 45.9 crore and among them unorganized sector is 43.3 crore i.e. 94 per cent. Out of 43.3 crore workers, 26.9 crore are agricultural workers and 2.6 crore are construction workers and remaining workers are working in various fields.

To extend the Social Security, Health Insurance and other welfare schemes for these 43.3 crore workers, our UPA Government under the able leadership of Shrimati Sonia Gandhiji, has introduced this Bill. As per the provisions of present Bill, it is an enabling Act where the State Governments and the Central Government can formulate schemes for the welfare of unorganized sector workers. We are not giving any direct benefit to the unorganized workers through this Bill. In the same manner, there is no demarcation of powers between States and the Centre. However, this is the first step taken by our Government after 60 years of Independence for the welfare of unorganized sector workers.

As per Clause 5(1), the Government of India can constitute a National Social Security Board and as per Clause 6(1) the States can constitute State Social Security Board for the welfare of unorganized sector workers. As per Clause 5, sub clause (iv), two Members of Parliament from Lok Sabha and one from Rajya Sabha will be included in the National Security Board. In the same manner, Clause 6, sub-clause (2) sub-clause C(iii) paves way to include two members from Legislative Assembly will be included in the respective State Boards. I want to bring to the kind notice of the august House that some of the States are having Upper Houses. Hence one among them will be included in this Board. For that, this Bill has to be amended suitably. [R54]

Both Boards are only recommendatory bodies and both are not having any powers to implement any welfare schemes to labourers. In the above Clause 5, sub-clause (vi), it is mentioned that five representatives from State Governments will be included in National Level Board. Who are all the five? Are they Government officials or Labour Union Leaders? That is not mentioned clearly and it has to be clarified. National level Trade Union representatives have to be accommodated in National Level Social Security Board.

Clause 3, sub-clause (1), deals with welfare schemes. It is a welcome step taken by UPA Government. Chapter V and Clause 10 deals with the Registration of Workers for Social Security Schemes. So far, 18 State Governments have constituted the State Welfare Boards. Our Tamil Nadu Government is the only State which has implemented a separate Act by our Chief Minister, Dr. Kalaignar M. Karunanidhi for the welfare of unorganized sector workers. As per provision 10 and its sub-clauses, it is

nowhere mentioned about the fees for Registration of Membership. In Tamil Nadu, there is no membership. Kerala, a labour oriented State, the State Government is collecting Rs.20 per month from members. Throughout the country, it has to be instructed not to collect any money from any worker except contributions.

Another welcome provision is about Identity Card as per Clause 10(3). This Smart Card will be very useful for the workers. Another aspect is funding. For example, in the State of Tamil Nadu, the Government has constituted 14 Boards. Out of the 14 Boards, only two Boards, namely the Construction Labour Welfare Board and Auto Rickshaw Drivers and other Vehicle Drivers Board have funds and the remaining 12 Boards are not having any fund. Hence, the Government of India has to allocate sufficient funds for the welfare of unorganised sector workers.

Before concluding my speech, I want to congratulate the Hon'ble Minister, Shri Oscar Fernandes for presenting this Bill with the intention of protecting the interests of labourers working in unorganized sector and they should be adequately insured without any financial strain on them.

With these words, I am concluding my speech.

*SHRI RAVICHANDRAN SIPPAPARAI (SIVAKASI) : Sir, during this discussion on unorganized workers' Social Security Bill-2008, I would like to put forth my views on behalf of our party Marumalarchi Dravida Munnetra Kazhagam.

Of the country's total work force, 93% of them come under the unorganized sector. So I would like to welcome this piece of legislation as an important step taken by the Government now. Parliamentary Standing Committee on Labour has pointed out that we have been legislating one law a year every year for the unorganized sector. As far as unorganized workers are concerned about 56 laws have been enacted over the years. But I would like to point out that the benefit has not reached the needy workers in the unorganized sector. It is not enough. It has not been received fully. I have my own doubt whether this legislation would be able to fulfil the aspirations of the workers.

National Commission on Enterprises of workers in the unorganized sector led by Arjun Sen Gupta had gone through this taking about an year. An important recommendation is about the need to attend to the needs of about 42 crores of labourers in the unorganized sector. 25 crores of them are Agricultural labour. They must have a separate legislation meant for them exclusively. Manual labour other than the agricultural workers must have separate welfare mechanism through an exclusive legislation. The recommendation pertaining to construction workers too has not been taken note of as yet. This Bill do not mention about the service conditions and regularization of services of workers in the unorganized sector. Through this legislation a monitoring mechanism for the implementation of five or six already legislated laws in the form of a Board is to be set up. Except for making suggestions the Board do not have any power to rectify commissions and

*English translation of the speech originally delivered in Tamil.

omissions if any as they do not have even fund allocation powers. This Welfare Board can not have its writ on both the Union Government and the State Governments. Many of the central schemes have not been implemented fully for want of funds. In Tamil Nadu, 14 unorganised workers' Welfare Board were announced to be set up. But only two have been established. The remaining twelve remain as a pipe dream still. They have not got funds and they are there as mere announcements in the glare of publicity. I am afraid this provision about a Board too may also remain as a mere announcement. This should not remain as an announcement by the Centre that has been made on the eve of elections with a motive. This legislation seeks to take up the cases of the needy distinguishing them as those who are below the poverty line and those who are above the poverty line. Poor should not be discriminated against. There are many lapses in our administering mechanism. The bureaucracy must not be left to handle more which they can not. This may come in the way of the poor getting justice. Even one or two benefits that may accrue out of this legislation like life insurance, health insurance and accident cover must be entrusted with the life Insurance Corporation, the biggest public sector insurance company. Private insurance companies have failed world over. So, private insurance companies must not be entrusted with the responsibility to provide insurance cover to the workers in the unorganized sector. LIC is the pride and honour of our country. So I urge upon the Government to provide insurance cover to the workers in

the unorganized sector only through the public sector LIC.

I also urge upon the Government to set up a National Unorganised Sector Workers Social Security Welfare Fund. State Level Boards must be constituted within six months of enacting this law through the passage of this Bill.

MR.CHAIRMAN: Enough-enough. You are taking more time. Please wind up.

SHRI RAVICHANDRAN SIPPAPARAI : I urge upon the Government to ensure within a month after setting up the Board that all the workers in the unorganized sector get Identity Cards to get the Social Security Cover. It must also be ensured that all the 42 crores of workers in the unorganized sector get the social security measures contemplated in this Bill. There is a concept in public administration that maximum benefit must accrue to maximum number of people administered. Greatest benefit to the greatest number is the maxim. That alone can ensure a good governance. I do not think that this Bill seeks to benefit maximum number of people. From among my colleagues those who deal with the labour class day in and day out some suggestions have come. They must be considered by the Government. Suitable amendments be made to ensure that all the workers in the unorganized sector benefit to the maximum. Hence I urge upon the Government to bring about a comprehensive law. On behalf of our Marumalarchi Dravida Munnetra Kazhagam and on behalf our leader Vaiko let me reiterate that Government must take note of the need to benefit all the workers in the unorganized sector.

SHRI K. FRANCIS GEORGE (IDUKKI): Sir, as has been mentioned, there are more than 40 crore workers, both men and women, who labour and toil in the unorganized sector. They form a sizeable number of our population and also constitute two-thirds of our GDP. The Second National Labour Commission had recommended an umbrella legislation for them. But these workers have been demanding a comprehensive law encompassing all aspects of their work and working life including regulation of employment, security of employment, proper payment of wages, social security measures like non-employment allowance, ESI pensions, dispute resolution system, etc. All these are to be implemented through sectoral tripartite bodies.

The point to note is that the workers want to be participants and not beneficiaries in the whole process. With all these expectations and after a lapse of so much time, when a legislation was brought in, I am sorry to say that it falls short of the expectations of the 400 million workers who are working in this unorganized sector. Some of the organizations which work for these workers have pointed out certain objections.

One is that the Bill does not provide for regulation of employment and conditions of work. Secondly, the minimum standards of social security measures laid down in the International Labour Organization Convention - 102 like medicare, sickness benefit, etc. are not provided in this legislation. The Bill only provides welfare schemes meant for BPL families. This will divide the unorganized sector as APL and BPL which is not at all desirable.

The Bill also undermines the importance the Labour Departments of the Centre and the States and also the role of the trade unions. This will only add to the burden of the revenue authorities. If we speak of the welfare measures that have been included in this Bill, we find that it definitely falls short of the expectations. A State like Kerala have doled out more welfare measures through Welfare Board. When the Central Government brings a legislation and that too, when it will affect the life of a sizeable number of our population who are totally unorganized and at the mercy of God for decades, it should have been more comprehensive.

17.45 hrs.

(Shri Giridhar Gamang *in the Chair*)

I am sorry to say that this Legislation falls short of the expectations. Some of the points which I would like to emphasise is that this Legislation should cover the right to livelihood, including right to common property and resources; minimum labour standards to achieve decent conditions of work; right of workers over formulation and implementation of schemes through Tripartite Boards at various levels, with workers having decisive voice; compulsory registration of employees and workers identified by the registered trade unions in all the scheduled groupings of the employment; restriction on employment in the sector to only those workers who are registered under the law; prohibition of employment in the unorganised sector by employers without registration under the law; equitable share in the available employment category-wise on the basis of rotational booking of workers; employment guarantee for a minimum number of days in a month; vesting of responsibility for determining the wages, including piece rates, to be not less than time-rated wages for eight hours and their disbursement in the autonomous body; provision of safety measures and for various other entitlements; including social security pension, group insurance, relief for accidents, natural death; minimum guarantee of earnings by the autonomous body; provision of ESI, PF, gratuity, maternity entitlements, housing, etc; steps for prevention of sexual harassment of women; restriction on mechanisation of labour displacement strategies; promotion of labour intensive methods in the unorganised sector; in-built tripartite dispute redressal mechanism and an Appellate Authority; special protection for migrant workers and their families; elimination of bonded

labour and child labour and ensuring compulsory education for children in the unorganised sector; Complaint Committee for prevention of sexual harassment of women workers in Tripartite Boards.

The function of the State and Union Territory Boards must be specifically spelt out in the law to enable them to function effectively and autonomously without undue interference from the State Government or the Central Government. The composition of the Boards and their law formulations must be tripartite in nature and given the pride of place to the workers and their representatives, including adequate representation for women workers.

I hope the Government will consider these points. In fact, this legislation was long-pending and long-expected by the workers in the unorganised sector. I hope the Government will take these points into consideration and come up with proper amendments in the near future.

*SHRI M. SHIVANNA (CHAMRAJANAGAR) : Hon. Chairman Sir, first of all I would like to congratulate the Hon. Minister for Labour for bringing the Unorganized Workers Social Security Bill-2008 before this august 'House'.

Sir, the unorganized workers are facing a great hardship, they are living a pathetic life. I hope this Bill would definitely wipe out tears of the daily wagers, agriculture workers, Beedi workers, weavers, artisans, construction workers etc. By introducing this Bill Shri Oscar Fernandes Ji has shown his care and concern for the weaker sections and unorganized workers of the society.

Sir, in our country unorganized workers constitute 93% of the total work force. These large chunk of work force doesn't have any security for their life. If they earn they would have two square meals of the day. Otherwise they would not. Their entire life is insecure. They don't have any hope in their life. If they fall ill their lives would become worse as they don't have facility to avail medical treatment. In such a desperate situation they would not have anything left for livelihood and survival. Inorder to help the unorganized workers Shri Oscar Fernandes Ji has brought this historic Bill. The entire country would welcome this benevolent step of the Hon. Minister.

I would like to make some observation at this juncture. A large number of unorganized workers are being exploited by the employer. Particularly women and children are facing difficulties due to such exploitation. Therefore I would like to make a request to the Hon. Minister to take steps against such exploitation and ensure justice to them. If need be they should be given facilities to go to the Courts to file cases against the culprits. Such a measure should also be adopted.

MR. CHAIRMAN : Please conclude.

SHRI M. SHIVANNA : I spoke only two minutes.

MR. CHAIRMAN : No, you have taken 5 minutes.

*English translation of the speech originally delivered in Kannada.

SHRI M. SHIVANNA : Sir this Kannada version is with me I have to speak some more minute. Thank you.

MR. CHAIRMAN : Only one minute.

SHRI M. SHIVANNA : Because our Hon. Minister knows Kannada, Sir.

MR. CHAIRMAN : I know him. I also understand you are a Kannada Member. Please conclude within a minute.

SHRI M. SHIVANNA : Sir, as I also come from such a weaker section, I can understand the problems and agony of unorganized workers. I personally experienced the pain of unorganized workers. I know their difficulties very well. That is why I would like to speak on this matter, I need two more minutes to speak, please give more time.

Sir, the unorganized workers should be given medical facility free of cost. Hospitals with all facilities should be set up in all the taluks for them. In my Karnataka state 'Yashasvini Card' system has been introduced to provide medical facilities. But only a few people have the benefit. Only cancer or heart patients are given the medical facilities. But, it is a fact that the unorganised workers can't even afford to get an injection. Therefore these unorganized workers should be identified and issued identity cards to them. Medicines should be provided free of cost. Let these people avail medical facility easily. Hospitals should be set up in all

the Hoblis. Because these people do not have money to travel to towns and cities. They are unable to pay bus fares. Another point I would like to make is that there should be uniform wage for all the workers without any discrimination. There is a huge difference in the wage between men and women workers. For instance men are paid Rs.100/- per day and it is only Rs.40/- for women. This practice should be done away with. Leave facility should be given and, Sunday should be declared holiday for them. They should be paid for the holiday also as per Government servants.

MR. CHAIRMAN : Please conclude.

SHRI M. SHIVANNA : Sir, with these words I once again congratulate the Hon. Minister for labour and conclude my speech.

SHRI SURESH PRABHAKAR PRABHU (RAJAPUR): Sir, this Bill is a long overdue piece of legislation that we have been waiting for. We have been waiting for it for a long time. I must really compliment my friends on the left side of mine, the Left Parties, especially the Communist Parties for putting pressure on the Government consistently to bring forward this Bill. Therefore, I really congratulate my friends in the Left Parties along with, of course, my good friend the hon. Minister for Labour for bringing forward this piece of legislation.

My first request to the hon. Minister is this. Do not call them unorganized labour. Why should you call them unorganized labour? I still do not understand it. They constitute 93 per cent of the work force of the country. In a way, they are organized. They would like to get organized. It is a failure on the part of all our trade union movements and others who could not go to them, reach them and bring them together and hence they are not organized. They would like to get organized. So, do not call them unorganized workers. If at all you have to call them by some name, call them as neglected workers in the country. They are predominantly the neglected work force of the country actually suffering for a long time because of the neglect of the Government, neglect of the society. In the process, they are really suffering. First of all, while congratulating you, I would like to request you to do one thing.

If you go by the substantial provisions of the Bill, essentially it is talking about only creation of the Board. It is the substantial provision, if you really go by that. It is not really talking about any substantial benefit that will go to the workers immediately. So, it is the Board which is really going to be the fountain-head of deciding what should be the benefit that should go to the workers. My request is this. Can we not think about giving some direction to the Board? We are just saying that they should talk about two or three things which I will come to later. But can you not actually ensure it? It is now at the mercy of the Board. If at all the Board decides to do something, the workers will get something. Otherwise, in the absence of that, the workers will continue to suffer as they have suffered in the past. So, my request is this. Can we actually think of giving a direction to the Board that they must conform to these and ensure that such benefits are given? So, this is my first point.

Secondly, it is in terms of coverage. We are talking about the coverage of various sections of workers. But some workers must be specifically mentioned.

17.59 hrs.

(Shri Varkala Radhakrishnan *in the Chair*)

For example, I would request the hon. Minister to consider this point. Can the domestic servants not be brought within the purview of this Bill? I say this because it is not mentioned in the Objects of the Bill. Can we not do it? My request is this.

Next, in the case of the marginal farmers, you talk about one acre farmers, half-an-acre farmers, farmers who own a few *guntas*. In some areas, it is called differently. In my area, we call it *guntas* which is a small part of an acre – one-fortieth of an acre. Can we not bring them also within the purview of the unorganized labour because they may have some small bit of land only?[\[R56\]](#)

18.00 hrs.[\[R57\]](#)

But for all practical purposes they are also as bad as the workers are or in a way they are worse than them because the banks consider them as land owners, but in reality they own nothing. So, can we not bring them also under the purview of this Bill?

MR. CHAIRMAN : Mr. Prabhu, please wait for a minute. Now the time is 6 o'clock and there are 10 more speakers who want to participate in this debate. If the House agrees, we can extend the sitting of the House to accommodate them.

SHRI ADHIR CHOWDHURY (BERHAMPORE, WEST BENGAL): Sir, we should extend the sitting of the House by one hour more.

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI OSCAR FERNANDES): Mr. Chairman, Sir, all the Members who want to speak should be given the opportunity. I will reply to the discussion tomorrow.

SHRI GURUDAS DASGUPTA (PANSKURA): Mr. Chairman, Sir, may I seek a clarification? Does it mean that the Bill will be passed only tomorrow after the reply of the hon. Minister?

MR. CHAIRMAN: He has agreed to extend the sitting of the House by one hour now.

SHRI GURUDAS DASGUPTA : If the hon. Minister is to reply tomorrow, then the passing of the Bill also will be done tomorrow. Is that so?

MR. CHAIRMAN: We are only about extending the sitting of the House today for completing this discussion. The Minister has to decide about the time of the reply. If he is agreeable, he can reply tomorrow and the Bill can be passed tomorrow.

Mr. Minister, do you agree for this?

SHRI OSCAR FERNANDES: Yes, Sir. I will reply tomorrow and we can pass the Bill tomorrow. ...(*Interruptions*)

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI PAWAN KUMAR BANSAL): Mr. Chairman, Sir, the hon. Minister may reply tomorrow morning and after that the Bill can be passed.

MR. CHAIRMAN: So, we will have the reply and voting tomorrow. But the discussion, at any rate, will be completed today with your cooperation.

Mr. Prabhu, you may please continue your speech now.

SHRI SURESH PRABHAKAR PRABHU : Sir, I was requesting the hon. Minister that in terms of coverage, he should also bring in small farmers under the purview of this Bill and in addition to that, he should bring the wives of all the farmers irrespective of the landholding as the wives of the farmers also work as bonded labourers in the field. They have no choice. They have to work in the field irrespective of their wishes and therefore the Minister must bring in a concept of making sure that the wives of all the farmers are also treated as unorganized workers. It is not a family labour. What is the choice for the lady in the family of a farmer? She has to go and work in the field. So, I would request the hon. Minister that he should also consider including them in the category of unorganized workers.

Thirdly, even the children of the small farmers also should be included under the purview of this Bill. We have a law passed by the Parliament against child labour. But if you go to any field in India, you can see child labourers working there. I am not saying that we should prevent them from working in the field. They are working there because it is a compulsion for them, as the family has to survive. But we should at least treat them also as unorganized workers so that they also get protection because the farmer has no money to pay. So, the State must take care of the wives and children of all the small farmers in the country because they really need that kind of protection from the Government.

Now we are talking about the benefits. The first benefit we are talking about is the provident fund. The State must provide even the employees' contribution because if you really ask a small farmer to pay, it will not be possible for him to pay. My submission is, when you introduce the concept of provident fund and you expect that the employees should contribute to it, I don't think it will be possible in the case of small farmers. So, the Government should think about small farmers on a totally different basis.

Then, in the case of construction workers, the Government must ensure that the builder or whoever is constructing the property should deposit the money before he starts the construction because many times we have seen that those who construct the houses are houseless and after the completion of the construction, the workers are not able to get anything. So, we should make sure that a provision should be made in such a way that the provident fund should be deposited by the builder before he starts the construction. [\[R58\]](#)

[r59]Then, there is no mention of pension. When he is talking about various benefits, as he has talked about provident fund, he should also please talk about pension. This is an important issue which has not been mentioned in the Bill. This is my request to the hon. Minister.

SHRI OSCAR FERNANDES: There is already a scheme in force.

SHRI SURESH PRABHAKAR PRABHU : Sir, when he is introducing a Bill of this type, these benefits should be mentioned.

MR. CHAIRMAN : Please conclude now.

SHRI SURESH PRABHAKAR PRABHU : Sir, I am very fortunate that somebody who thinks about the workers is in the Chair. So, please allow me to speak. I am so fortunate. So, I am sure you will have passion for me also while you have for the workers.

So, the pension should be mentioned.

Then, there has to be maternity leave. We have seen the construction workers, particularly the woman, who has delivered a child a few hours ago has no choice but to work for a living because now she has to feed one more mouth. So, my request is that maternity leave should be definitely provided for particularly the construction workers as they do such a hard job. Now, it is no longer maternity leave, so it could be paternity leave because when a child is delivered, you must actually provide for that.

Another scheme which is not mentioned here and he has talked about benefits is crÃ "che for children. The children, who are left on the road while the mother is working, are crying there and the mothers are also weeping in their hearts as they cannot go and rescue the children. So, my request is crÃ "che is a must not only for all construction workers, particularly, but also even in other places because this is a very important activity.

Now, I come to the representation on the Boards. My request would be there, of course, for the Board that I talked about, particularly the representation on the Board. How would he ensure that six or seven representatives from unorganized labour will come on the Board? The hon. Minister himself has admitted that they are so unorganized that they cannot be represented. How would he actually ensure that the unorganized labour would have a proper representation, having a representative on the Board? What is the methodology that he is going to adopt?

In the same way, it will also apply to the employer. Like the labourers are unorganized, even the employers are unorganized because there are as many multiple employers as many multiple employees. Therefore, how is he going to organize these persons and how is he going to ensure that the Boards will be really representatives of the workers themselves as well as the employers? Therefore, my request is that he should tell us the methodology that he is going to adopt to make this happen.

The Boards that he is talking about must have a time-limit for various States. First of all, there is no time limit for the constitution of the Boards. I will tell you that there are some States, like the State of Kerala, which will constitute the Board immediately. But some States may not form the Boards for three to four years and when they will begin the work. So, first of all, there has to be a specific time-limit for constitution of the Board.

Secondly, having constituted a Board, there has to be a specific time limit or direction that the Board must give a specific direction on each of these areas in a specific period. It may be six months, one year or two years, whatever he may decide, but it should not be longer because the workers are not being paid for such a long time. That is an important issue.

Thirdly, having given the direction about their recommendation, the Board will only recommend to the State Governments, the State Governments have to act. He must prescribe a time-limit in the Act itself that the State Governments must act. If this is not done, I am worried that many of these things and good intentions will remain on paper, some States will perform and others will not and the neglected workers will continue to be neglected for a long period of time thinking that something has been done by the Parliament for them but in reality nothing will happen.

When all this is done and if he believes that the States also implement the directions and they are to be followed, my request is that as he has constituted the Boards to decide the scheme, there has to be a district by District Committee to ensure that this is really implemented. This is the most important part in the final implementation. We are only talking about a very big apparatus which will go into making schemes only. So, finally it is the implementation which will give benefits to these workers. As we have seen in many of the well intentioned schemes of the Government, implementation is the key. If it does not happen, he does not get anything. That is the final product. So, my request is that it should also be ensured that district by District Committees are made.

My last point is that we have seen that provident fund dues are not paid to the organized labourers. The organized labourers who are well organized, who have got muscle power, who have got strength and who can agitate – my Communist friends agitate for them all the time – but despite that in many cases the provident fund dues are not paid. So, how does he ensure that two workers or three workers' organization will get their provident fund dues?[r60]

So, a financial safety of their investment is required. How do you ensure their labour benefits? You must think about a proper scheme for that. I hope, the hon. Minister will do that. I know that Shri Oscar Fernandes has some good feeling for the unorganized workers in mind. So, please ensure that this happens. Otherwise, we will be happy that we have passed this Bill but nothing more will happen. I hope that the hon. Minister ensures this.

SHRI BIKRAM KESHARI DEO (KALAHANDI): Sir, I welcome this Bill. This Bill should have come about in the first year of the constitution of the 14th Lok Sabha as promised in the Common Minimum Programme, which the hon. Members have just mentioned now. It is a big question mark as to why it did not come so early. About 45 crores of the people are in the organized sector and also in the unorganized sector. Out of which, 93 per cent of the people are in the unorganized sector. We have to look after their benefits and their social security.

Though this Bill has been brought here belatedly, I welcome this Bill, and I hope that it will achieve the modalities laid out in the Bill. Primarily this Bill is for the formation of two Advisory Boards. We feel that these Advisory Boards are like any Advisory Boards of any other Ministry, and we know how much teeth this Board has. This Board should be on the lines of NREGA, which has got penal provisions. So, you should bring a comprehensive Bill to vest the Board with a power to impose penalties.

Sir, 87 per cent of the working population do not get pension in this country. When the Government has allowed 26 per cent FDI in the insurance sector, why has not the Foreign Direct Investment in the insurance sector gone to the rural areas? In one of the Standing Committees or in the Estimates Committee – I do not remember – while examining health insurance with a private insurance company, ICCI Lambard in Kerala, it did not work out. So, the Government must come out with modalities so that the private sector and insurance sector should be properly involved in the health insurance and other insurances of the unorganized sector. Then only, you can achieve something.

It has been seen that though the unorganized sector is growing, a lot of skill demand is there in the unorganized sector for developing the talent. For the skill development, you have earmarked Rs. 15,000 crore. But it has been seen that the Commission has asked for about another Rs. 10,000 crore. Around Rs.40,000 crore is required for skill upgradation and for pumping money for the protection of the laid off workers in the unorganized sector. Now, we are in the economic melt down in the whole world. In this economic melt down, a lot of unorganized labourers are being laid off. So, the Government should take steps to ensure their livelihood and also to ensure their security.

Though this Bill is just a small Bill, it has got wide ramifications. The ramifications can only become a reality if the Advisory Boards along with the existing Acts like the Workmen Compensation Act and other Acts guide and provide succour to this work force.

Sir, there are a lot of schemes like the National Family Benefit Scheme and other schemes are not being properly executed. The schemes can change. What we require is a comprehensive Act. As suggested by the Standing Committee, a corpus should be created to meet any eventuality. We have to meet an eventuality like economic melt down in the whole world. So, a corpus fund is highly required. So, a corpus fund of about Rs.5,000 crore should be created immediately to sustain the layoffs.

MR. CHAIRMAN : Now, Shrimati Jhansi Lakshmi Botcha. Please be brief because the time is short.

SHRIMATI JHANSI LAKSHMI BOTCHA (BOBBILI): Thank you, Mr. Chairman, Sir. Kindly permit me to speak from this seat.

MR. CHAIRMAN: All right.

SHRIMATI JHANSI LAKSHMI BOTCHA : Hon. Chairman, Sir, I rise to support the Unorganized Workers' Social Security Bill, 2008. This is yet another feather in the cap of the UPA Government headed by hon. Prime Minister Dr. Manmohan Singhji, and ably guided by UPA Chairperson, Shrimati Sonia Gandhiji. After the National Rural Employment Guarantee Act, this Bill is the second most admired feather in the cap of the UPA Government. My friends in the Opposition would also definitely agree to this. The hon. Labour Minister, Shri Oscar Fernandes should be congratulated for introducing this Bill.

Being a Member of the National Rural Employment Council, I know the problems of the unorganized workers. The

unorganized sector consists of a number of categories viz; the rural workers, agricultural workers, self-employed workers, contract workers, migrant workers, construction workers and of course, all other categories of workers who are not covered under this Bill. According to a rough estimate, about 35 crores to 40 crores unorganized workers are there in the country. These workers are employed in informal sectors like small, cottage industries, domestic workers, etc. May I suggest to the hon. Minister to include workers working in the informal sector also?

The Bill envisages schemes like the unorganized housing scheme, unorganized workers pension scheme, unorganized unemployment scheme and the unorganized workers education. I thank the hon. Minister for including these schemes. What about funding for these schemes? Some State Governments may say that they do not have sufficient funds, as a result, these schemes may face difficulties in their implementation.

We all know that self-employed workers and artisans constitute a majority of the workers in the unorganized sectors. Here what is the method of employers' contribution? The hon. Minister has to deal with this problem also.

Sir, regarding pension fund, the Central Government has to provide funds. The workers who retire after 60 years may be given some pension. I thank the hon. Minister for providing Provident Fund Linkage Scheme. I suggest to the Minister to demarcate the schemes to be implemented by the Central Government and the State Governments so that there is no overlapping. Here, I would request the hon. Union Labour Minister to come up with the Coordination Committees between the Central and the State Governments

The Bill envisages creation of a Board. It will have the sanctioning authority but not the implementing authority. Who will formulate schemes and who will implement them? I would request the hon. Minister to clarify this also.

I also thank the hon. Minister for providing representation in the Board for various sections of the society. Here I would suggest 50 percent women members should be represented in the Board among all categories. The Skill Development Council initiated by the Planning Commission must be given special assistance to the unorganized workers under this Bill. Special educational facilities should be provided to the children of unorganized workers, so that the child labour among this people will be also checked.

The Government of Andhra Pradesh under the able leadership of hon. Chief Minister Shri Y. S. Rajasekhara Reddygaru , is already providing certain benefits listed in the Bill to the people of organized sector, like pension, ration cards, housing, insurance, health insurance, medical facilities, etc. I would request the hon. Minister to consider 100 per cent premium exemption for women workers. Similarly, regarding health programme, he may please provide National Health Cards for primary and special health care.

Sir, it is mentioned in the Bill that wherever less than ten workers are working, the provisions of this Bill are going to be made applicable. That means, if there are more than ten workers, the provisions of the Bill are not going to benefit those workers. Therefore, Provident Fund scheme is not going to be applicable. The Minister has to consider this also.

Before concluding, I welcome this Bill. It should be implemented properly so that the unorganized workers can feel that the UPA Government is there to look after their needs.

With these words, I conclude.

SHRI PAWAN KUMAR BANSAL: Sir, could you kindly permit the hon. Members, who wish to lay their speeches on the Table, to lay it on the Table?

MR. CHAIRMAN : Those who want to lay their speeches, they can lay it on the Table. Those Members who have given their names and are having written speeches, they can lay them on the Table.

SHRI M.P. VEERENDRA KUMAR (CALICUT): Since the Independence Day to this day, there were a lot of Labour Ministers, including myself, who occupied the Chair but they could not bring the Bill on unorganized labour but you have got the

opportunity. You got the opportunity to bring this Bill on unorganized labour, and you, hon. Mr. Oscar Fernandes, deserve congratulations.

Certain pious intentions will not do. I went through the whole Bill. You must explain explicitly in concrete terms what will be done. I do not want to go into the details of the categorization as BPL and APL. A large junk of the unorganized labour will be left out. It should be looked into, the most affected ultimately will be the women. I do not want to go into the details. But the categorization done. I think is unscientific. Many of the recommendations given by the Standing Committee and also the Sengupta Committee--I do not want to go into the details of it, they are with you.

What is the role of the Advisory Committee? Unless there is something mandatory, as Mr. Prabhu was suggesting, the whole thing will be a futile exercise. You have introduced the Bill. But what is the effect of the Bill? How could it be translated to action? So, there have to be mandatory provisions put into this Bill and it should not be toothless as it is now. Something must be provided. It must be concretely spelled. Regarding social benefits, I think what Sengupta suggested was that there must be social legislation.

Regarding agricultural labour, 26 per cent constitutes the unorganized sector. I had tried when I was the Labour Minister to bring a Bill for agricultural labour but failed. Many had failed. That is why, I say all these must be specified, the categories, and also what are the benefits. You simply say they will get these benefits. None of them are going to get them. So, it has to be concretized. That is one of the points.

Where is the fund? You say philosophically that the entire unorganized labour will be looked after. What are the provisions for fund? Who will provide the fund? Without fund, what is the use of this legislation? The Standing Committee, if I remember right, has suggested that three per cent of the GDP and some other contribution for the various labourers should form the corpus of the entire fund. Is there any such suggestion in the whole of the Bill? So, from where the fund should come? Without the fund, what is the use of this legislation? So, this is a very serious matter because 90 of the unorganized labour, as some Members were suggesting here, earns only Rs.20 a day. Then, what is their contribution to GDP? They contribute 60 to 65 per cent. But 45 crores of labour, out of the 90 per cent, earns below Rs.20 and the entire 90 per cent of the unorganized labour contributes 60 to 65 per cent to the GDP. So, that is the importance of this unorganized sector.

The hon. Minister, your intentions are very pious and very philosophical but as of now, unless concrete provisions are put into this Bill, unless the various recommendations of the Standing Committee are taken into account and this Bill is amended in future or even during this debate, I think this Bill will just remain on the record. It cannot be implemented. But anyway you have brought this Bill for the first time in the history of India. Congratulations, Mr. Oscar Fernandes.

[\[m61\]](#)

*SHRI J.M. AARON RASHID (PERIYAKULAM) : Thank you very much Mr. Speaker for this opportunity to speak in this August House. I wish to support this Bill. "Wage Worker" means a person employed for remuneration in the unorganised sector, directly by an employer or through any contractor, irrespective of place of work, whether exclusively for one employer or one more employers.

The above mentioned unorganised sector labour families are not taken care of the both State and Central governments earlier. It is estimated that the workers in the Unorganised sector constitute more than 94% of the total employment in the country. On account of their unorganised nature, these workers did not get adequate social security like Insurance, Provident Fund, Pension etc. Some welfare schemes are being implemented by the Central Government for specific groups of unorganised sector workers such as Beedi Workers, non-coal mine workers, cine workers, etc. This unorganised self employed workers one day they get work, the next day they may be sent out by the management. There is no job security for this type of unorganised sector workers.

These families are taking only one time meal in a day only because of the Rajiv Gandhi National Employment Guarantee Act. Our UPA Government will implement more to this sector by bringing more legislation to safe guard to these families. And also our UPA government shall constitute a National Social Security Advisory Board to recommend suitable welfare schemes for different sections of unorganised sector workers, and upon consideration of these recommendations.

Our UPA government may notify suitable welfare schemes for different sections of Unorganised sector like -

1. Free Education to their sons in unorganised sector families
2. Proper Insurance Schemes

3. Life and disability Cover

4. Health and Maternity benefits

* Speech was laid on the Table.

5. National Family Benefit Scheme

6. Handloom Weaver's Comprehensive Welfare Schemes

7. National Scheme for Welfare of Fisherman and Training and Extension

8. Aam Admi Bima Yojana

9. Janani Suraksha Yojana

Also the State Government shall constitute the State Social Security Advisory Board to recommend suitable welfare schemes for different sections of unorganised workers in all the states.

A worker of an unorganised sector shall be eligible for social security benefits if "he" or "she" is duly registered. Every registered worker in the unorganised sector shall be issued an identity card which shall be a "smart card" carrying a unique identification number and shall be portable. Any one in the unorganised sector can claim these benefits after getting registered with the boards. Many of the workers are not given proper identity cards. That should be given immediately that will be set up to facilitate the implementation of these schemes.

In India, According to the survey conducted by the National Sample Survey Organisation (NSSO) in 2004-05, the total number of both Rural and urban workers are about 45 crores. Government has constituted many welfare funds for certain occupation in unorganised sector. But most of the unorganised sector employees are not given proper social security.

The Unorganised sector workers suffer from cycles of excessive seasonality of employment, no formal employer-employee relationship and lack of social security protection. Several legislations like Workmen's Compensation Act, 1923; the Minimum Wages Act, 1948; the Maternity Benefit Act, 1961; the Contract Labour (Abolition and Prohibition) Act, 1970; Building and other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 etc. are directly or indirectly applicable to the workers in the Unorganised sectors also.

The BPL families in the unorganised sector are getting benefits in National Employment Guarantee act for 100 days work in a year.

It is our UPA's flagship Success, Only because of this "NREGS" harathal's, rallies are reduced to some extent. Though State Government will give Identity Cards to all the above said unorganised sector employees under "Indira Gandhi National Old Age Pension" should cover all the BPL families those who are above the retirement age of 60. Now BPL families are covering only above 65 years.

I will appreciate our Tamil Nadu Government to implement in this by bringing a separate Act. I wish to say in Tamil Nadu there are such schemes like "Slum Clearance Board" and "Uzavar Sandhai". It means [The farmers sale their own product in public market without the interference of brokers], So that they would benefit of the tiny sectors like Agricultural Products.

Conclusion:

The "National Common Minimum Programme (NCMP)" states that Our UPA Government is firmly committed to ensure the welfare and well - being of all workers, particularly those in the unorganised sector who constitute 93% of our workforce, Like Social Security, Health Insurance and Other Schemes for the Most neglected and more particularly for The Fisherman, The Daily Market Coolies, Mason and Chittal (Helpers), Mason and Masonry Helpers (Men and Women), Beedi

Workers, Match Box Workers, Leather Tannery Workers, The tailors, the Weavers, Agricultural Labours etc. to take care of these neglected families. The Great Thought has brought (Bill and Law) by our UPA Chairperson Madam Sonia Gandhi to take care of these rural and poor Masses for these neglected Unorganised Sector families, So that their families should not be in "POVERTY" and "HUNGRY". Already our UPA Government has brought "National Rural Employment Guarantee Act" which has been implemented in all districts of whole India. Now there is no starvation and suicidal deaths.

I Welcome this Bill, Sir Thanking you for giving this opportunity to speak in this August House.

DR. SEBASTIAN PAUL (ERNAKULAM): Thank you, Sir. I support this Bill which was long overdue. At last Parliament has got the time and the will to think of a large segment of our population which is toiling in the unorganized sector. They are the majority, but it is the minority of the organized sector which is getting the attention and protection of the law. Enlarging the social security network is the primary duty of a civilized Government. If the hon. Minister were to be gracious enough to adopt the recommendations of the Standing Committee which examined the Bill, this would have become a commendable piece of welfare legislation. Subject to this reservation, I support this Bill.

श्री रामदास आठवले (पंढरपुर) : हमारा देश 15 अगस्त 1947 को आजाद हुआ और हमने अपने संविधान को 26 जनवरी 1950 को स्वीकार किया। हमारे देश में मजदूरों की संख्या बहुत ज्यादा है। मैं माननीय ऑस्कर फर्नांडीस साहब को बधाई देता हूँ कि जिस दिन का इंतजार हम अब तक कर रहे थे वह आज आया है। सेनगुप्ता आयोग ने बताया है कि हमारे देश में 83.6 करोड़ लोग ऐसे हैं जो 20 रुपये प्रतिदिन मजदूरी पर अपना गुजारा करते हैं। उनकी हालत बहुत गंभीर है। आज भी देश में गरीबी की रेखा से नीचे रहने वाले लोग 26 प्रतिशत हैं। संगठित मजदूर हों या असंगठित मजदूर हों, उनको ताकत देने की जिम्मेदारी बाबा साहेब के संविधान ने भारत सरकार को दे दी है। असंगठित मजदूरों को ताकत देने के लिए, न्याय देने के लिए, माननीय मनमोहन सिंह जी ने अपने कॉमन मिनिमम प्रोग्राम में इस मुद्दे को ले लिया है। आप जो असंगठित सेक्टर कर्मकार सामाजिक सुरक्षा विधेयक, 2008 लेकर आये हैं, यह बहुत ही महत्वपूर्ण है। यूपीए को विश्वास मत प्रस्ताव भी लाना पड़ा लेकिन ये लोग चाहते थे कि सरकार जानी चाहिए लेकिन अगर सरकार जाती तो यह बिल यहां नहीं आता। सरकार बच गयी तो यह महत्वपूर्ण बिल यहां लाने का मौका मिला है। माननीय जार्ज फर्नांडीस यहां हो गये लेकिन माननीय ऑस्कर फर्नांडीस यहां हैं। हम लोग काम करने वाले लोग हैं लेकिन आपको लगता था कि हम इस पर निर्णय नहीं लेंगे। मेरा सरकार से निवेदन है कि यह बिल हम पास कर रहे हैं तो इसमें खेत-मजदूरों को भी शामिल करने की आवश्यकता है। आपने बिल में कहा है कि बीड़ी-कर्मकार, खान मजदूर, सिनेमा-मजदूर और मछुआरे वगैरहा के लिए आपने इसमें व्यवस्था की है लेकिन खेत में काम करने वाले जो मजदूर हैं उनको भी इसमें शामिल करने की आवश्यकता है। हम तो इस बिल का समर्थन कर ही रहे हैं लेकिन आपको भी इस बिल का समर्थन करना पड़ेगा, नहीं तो आपको इन मजदूरों का समर्थन नहीं मिलेगा। मेरा सुझाव यह है कि एक तो केन्द्रीय बोर्ड होगा और स्टेट का भी बोर्ड होगा, तो उसमें एससी और एसटी के दो सदस्य होने चाहिए। माननीय ऑस्कर फर्नांडीस साहब, आपको इस पर भी विचार करना होगा। आपने बीपीएल के लोगों के बारे में कहा है लेकिन बहुत सारे बीपीएल के लोग ऐसे हैं जिनको कार्ड नहीं मिलता है। मजदूर तो बीपीएल वाला ही होता है इसलिए जो भी असंगठित मजदूर हैं उन्हें इस कानून का फायदा होना चाहिए। जो मजदूर दूसरी जगह माइग्रेट होकर चले जाते हैं, पलायन करके चले जाते हैं उन्हें भी इसका फायदा मिलना चाहिए। [62]

महोदय, जो लोग काम की तलाश में दूसरी जगहों पर जाते हैं, जैसे बिहार, यूपी, केरल आदि दूसरे राज्यों के लोग महाराष्ट्र में आते हैं, उन मजदूरों को भी इस कानून का फायदा मिलना चाहिए। जिला लेवल पर एक बोर्ड की स्थापना करनी चाहिए। बेरोजगारी भत्ता कितना होगा, काम के कितने घंटे होने चाहिए और साप्ताहिक छुट्टी कौन सी होनी चाहिए, इन चीजों को भी बिल में लाने की आवश्यकता है। यह बिल बहुत महत्वपूर्ण है। इसे लाने के लिए मैं मंत्री जी और सरकार, दोनों के प्रति आभार व्यक्त करता हूँ। अब आपको महिलाओं को आरक्षण देने का बिल लाना चाहिए। प्रइवेट सेक्टर में आरक्षण देने का भी बिल आप लाइए। एनडीए के लोग सोच रहे थे कि वे इस तरफ आएंगे।

MR. CHAIRMAN : Please conclude.

श्री रामदास आठवले : महोदय, मैं इतनी जल्दी अपनी बात कैसे समाप्त कर सकता हूँ। अभी तो हमें पांच साल और यहां आना है। इतनी जल्दी हम अपनी बात समाप्त करेंगे, तो सही नहीं होगा। आपका साथ मिलेगा, तो इन लोगों का हम सत्यानाश करने वाले हैं। मैं इस कृतिकारी बिल का पूरी ताकत से समर्थन करता हूँ और आपके प्रति आभार व्यक्त करता हूँ।

*SHRI A.V. BELLARMIN (NAGERCOIL): Sir, I express my gratitude for having given me an opportunity to participate the on going debate of the bill. At the same time I'm constrained to express my peevishness over the inordinate delay in putting through the bill in the house. Had it been introduced and made the bill an act, the Government would have received bouquets, but its introduction in the closing hours of 14th Lok sabha, and when the country is preparing for its 15th Lok sabha poll, it comes to strong criticism, whether the objective may be luring the people. Anyway the bill comes for debate after undergoing by the lok sabha standing committee requires to be discussed clause by clause.

I wish to remind the Government that for several decades the working class of India has been nurturing the demand for a legislation to protect the interests of the unorganized workers. This vast strata of society, as their nomenclature itself denotes that they are purposefully kept away from the benefits and prosecution of the labour laws, leaving them unwept, unsung and unhonoured.

The profile of this section of the populace, accordingly to 61st round of National sample survey in 2004-05 their number in the Indian economy stood at 42.26 crores, of which 39.35 crores are in the unorganised sector of the economy and 2.91 crores are unprotected workers in the organized sector of economy. It is more appalling the figures published in the World Human Development Report by the UNO. The poverty index points to our country to 126th position in the list of 127 impoverished countries in the world. The still born mortality rate is 23% and mortality rate of pregnant mothers at the time of delivery is 20% "The highest rate in the world". The illiteracy rate is as high as 30%. It is a matter of pity to learn

* Speech was laid on the Table.

that such fatalities occur only amongst the pauperized unorganized section of the population not amongst the affordable class or of millionaires!

With this in mind the cry for an act guaranteeing their livelihood was raging for decades. The social security cards issued, by the erstwhile prime minister in the NDA govt., without any legislative backing turned farce.

At the hesitance of the left parties that a comprehensive bill for the unorganized workers was categorically assured by the Government and the same was committed in writing in the C M P But, when it was circulated, it was same as that prepared by the NDA Government. It was rejected. Then the Government announced a separate commission under the chairmanship of Dr. Arjun Sen Gupta to work out the proposals for the new bill. Separate bill for the unorganized workers and the agricultural workers were worked out. The bills fulcrum was on the pathetic finding that nearly 70% of the countries population do not have an earning of meager twenty rupees a day .They are living toothless. So the cry was made louder by us and the organized workers of the country. The Prime Minister, on August 19, 2006, gave a written assurance in the matter, in a meeting convened by him. The standing committee of parliament, though it presented its report well on December 3rd 2007.

The Government could find time now only to put through the bill that even at a time when the 15th lok-sabha elections are in the threshold.

Recognizing the plight of such a huge section of the working class remaining totally unprotected, the standing committee has recommended for numerous amendments to the provisions of the draft bill. Some of them are listed here in below.

1. The definition of the unorganized sector and worker are vague and recommended for the correction as "The definition of the unorganized sector as given in the bill is ambiguous as it does not compress all sector that are likely to come within its ambit due to continuous change in employment pattern as there

is a growing trend in the public sector to out source the work to get it executed through contract-casual workers popularly known as informal workers of the formal sector to

2. The present definition does not cover the retired workers in the unorganized sector so it is recommended that the national minimum benefits such as relating to life and disability, health and maternity and old age protection should be extended to all the unorganized workers within a period of three years and should be revised upwards every two years.

3. The present bill provides for powers to the Government to exclude some sections from the purview of the welfare measures. The committee recommends that any major change can be done only with the approval of the legislature.

4. Instead of advisory board provided in the bill it is recommended that the board should be vested with powers for implementation and monitoring of the scheme, to review its performance and to make suitable amendments accordingly. The word advisory should be deleted.

I also support the amendments moved by honourable members Shri Hannan Mollah and Basudeb Acharia.

With these amendments along with as many others as enabling provisions the bill may be put through to ensure statutory guarantee and protection to the life and living unorganized sections of the people in this country.

SHRI KHARABELA SWAIN (BALASORE): Sir, I really appreciate the initiative taken by the hon. Minister for piloting such a Bill for the unorganized sector workers. Actually, these types of bills are the benchmark of a welfare State, and he has done it. Actually, I

was not initially very inclined to speak on this subject, though I am very keen about this. However, I thought of getting some clarifications from the hon. Minister. I remember, at the fag end of the NDA Government, when late Sahib Singh Verma was the Labour Minister, he also initiated certain things like this, which I do not clearly remember.

My point is what the main feature of social security is. I think, it is the pension benefit. Till a person is able enough or till a person is working, he will be getting some allowance or salary every month, and it is okay. But what will happen to him once he becomes sick or is more than 60 years of age? What is he going to do about this? I thought probably the Government will come forward with certain pension scheme through this Bill. In the Schedule I to this Bill, among the social security schemes which have been mentioned, one is the Indira Gandhi National Old Age Pension Scheme. This Scheme is being implemented throughout the country. In a State like Orissa, the pension amount is only Rs. 200. Earlier, it was Rs. 100; now, it has been increased to Rs. 200. The hon. Prime Minister announced that everybody who is above 65 will be eligible to get it. Previously, the person who was getting this pension, when he died, another person was eligible to get it. Now, the Government has proclaimed that everybody will get it.

When we go to the rural areas, most of the people say that they have not got it. The Government says that as per the policy, it is given on first-come-first-served basis. It means that anybody who will apply for it will get it. Mr. Minister, I am asking you this question. Suppose, a person who is in the unorganized sector, at the age of 60 or 65, if he is unable to do any work and if he has not made his application but many other people have applied before him, then when will he get his pension? [\[r63\]](#)

[\[KMR64\]](#)

What are you going to do about this?

The Indira Gandhi National Old Age Pension Scheme is meant for people who are above the age of 65 years. What will happen to people who are above 60 and below 65 years of age? How will they be able to get this pension? I would request the hon. Minister to clarify this when replying to the debate.

MR. CHAIRMAN : We are now discussing the Bill as a whole and not a particular welfare scheme. I do agree that this is one of the items but there are other items also in the Schedule. If you go on discussing such items given in the Schedule one by one, it will take a long time.

SHRI KHARABELA SWAIN : Sir, I told you that I will complete my speech within two-three minutes.

MR. CHAIRMAN: My dear friend, with due respect I tell you that the Schedule given includes many items of welfare. They may have a direct connection. All those points are clear. But we are now discussing about the legislation for workers in the unorganized sector. If you go on discussing each welfare scheme, it will take a longer time. We are at the fag end of the discussion now.

You can continue. But I was only pointing out that if you go on like this, you would not be able to cover the main topics.

SHRI KHARABELA SWAIN : Sir, this is one of the main topics but that was one of my main points. Let me continue.

MR. CHAIRMAN: The main topic is unorganized sector workers. The sector also has been defined. If it is not defined, many people may come into the picture. Even sex workers may come. They will have to be given registration. Will you give them identity cards? Will you make appointment? Will you be able to form a welfare fund for sex workers? It will create difficulties, if you do not define the sector.

SHRI KHARABELA SWAIN : Shall I continue, Sir.

MR. CHAIRMAN: Yes.

SHRI KHARABELA SWAIN : My next point is with regard to registration. It was said that the District Panchayats will identify and register these unorganized sector workers. But the Government has already given so much work to the Gram Panchayats under NREG Programme that the Gram Panchayat Sarpanch is worried about keeping the records of that programme. The Government is dumping this job on them, now, of registering the names of the workers in the unorganized sector. I think it is not practicable and probably they will not be able to do it. The Minister may consider this point also.

In Chapter 3 of this Bill, when you constitute the National Social Security Board, you have provided for five members from the State Governments and five members from the Central Government. But in Chapter 4, in Clause 6, when you constitute a State Social Security Board then you are asking for seven representatives from the State Government. I do not understand why there should be this discrepancy between the Central Board and the State Board. I would like the Minister to clarify this.

What about the migrant labourers? How are you going to register them? They go to a different place for work for about three to four months every year. After that work is over they go back to their villages. Where will these unorganized sector workers be registered? At the temporary place of work or the places where they come from? I would like the Minister to look into this.

With regard to money, I would like to say that the Government is under a very wrong impression that this NREG programme is providing money to everybody.[\[KMR65\]](#)

[\[r66\]](#) It is being only looted by a cartel of the Government officials, panchayat representativesâ€¦ *...(Interruptions)* So, I shall request you to shift the money that is being given to the NREGP. It is just a loot like loan *melas* of the previous years. So, shift the money.. *...(Interruptions)*

SHRI J.M. AARON RASHID (PERIYAKULAM): Loan *melas* reach the public who are poor. *...(Interruptions)*

MR. CHAIRMAN : If there is any objectionable words, it will be part of the record.

SHRI KHARABELA SWAIN : Shift the money from NREGP to these unorganized workers' social security because there, the money is being wasted. If you put the money here, it will be helpful in implementing the scheme for these workers and it would go to the right person.

SHRI ADHIR CHOWDHURY (BERHAMPORE, WEST BENGAL): Sir, without having an iota of ambiguity in mind, I rise to support the Bill under the title - The Unorganised Sector Workers' Social Security Bill. This is a historic, landmark and outstanding legislative document that the UPA Government has produced and piloted by our hon. Minister. Constant activity in doing good and endeavour to lesser the burden of the poor and the vulnerable sections are the hallmark of the UPA Government.

A number of colleagues have already participated in this debate and a plethora of queries have already been asked but what I found was that a number of Members are in doubt about as to how to pool up the resources to continue to implement the Social Security Bill. It is incumbent upon the Government to mobilize and pool up the resources. When the NREGA was introduced, the same skepticism was raised by the opposition. Again the same skepticism is being raised by the Opposition now also. May reason prevail upon those Doubting Thomases that when a national Government is going to introduce a Bill and going to introduce such a landmark legislation, it is incumbent upon the national Government to mobilize funds so that the historic legislation could be implemented. The fact is that this kind of legislation has been brought in first ever in India, first ever in the world where the rich countries do not dare to tread in such a legislation, the developing country like India has dared to bring in such a legislation. Their lies the singularity of this Bill.

As per the NSSO Survey of 2004-05â€¦ *...(Interruptions)*

MR. CHAIRMAN: Time is over. I am sorry.

SHRI ADHIR CHOWDHURY : How much time you offered me?

The total number of workers has risen to 45.9 crore, out of this, 43.3 crore are in the unorganized sector, which constitute 94 per cent.

MR. CHAIRMAN: In your interest, I am asking you to conclude.

SHRI ADHIR CHOWDHURY : I have two or three simple queries to the Minister. [\[r67\]](#)

MR. CHAIRMAN : If Ruling Party Members do not observe time, what can I do?

SHRI ADHIR CHOWDHURY : What I find imparted in the legislation is on the workers facilitation centres. The more we are able to strengthen the workers facilitation centres, the more we can provide social security to the unorganized labour.

I have a suggestion to make. The people is representative of that particular area should be engaged in supervising the activities, the performance of workers facilitation centres. I am hailing from a district where lakhs of workers are engaged in bidi manufacturing. But the State Government is totally indifferent to the plight and the welfare of the beedi workers.

MR. CHAIRMAN: Please conclude. It is in the interest of the Ruling Party that I am requesting you to conclude.

SHRI ADHIR CHOWDHURY : Even the Labour Officers are reluctant to help the bidi workers.

MR. CHAIRMAN: If you do not cooperate, what can I do?

SHRI ADHIR CHOWDHURY : So, the fact is that the success of the legislation would not be linked to the performance of the Central Government, but rather to the performance, honesty and integrity of the State Government.

MR. CHAIRMAN: The time allotted to all the parties are over. We have additional speakers. Still there are about seven hon. Members. We want to close the discussion today. So, only one or two hon. Members will be called to speak and then, the House will adjourn for the day.

...(Interruptions)

SHRI PAWAN KUMAR BANSAL : I have to make one submission. We have taken more time than what was allotted for the discussion.

MR. CHAIRMAN: The time allotted for all the parties is complete.

SHRI PAWAN KUMAR BANSAL: So, the debate may conclude now, and we have to take up 'Zero Hour' also. ...(Interruptions) Why are you not concluding the debate? ...(Interruptions) Why should we take more time on this? I am talking about every Member. ...(Interruptions) You have seen who are all speaking. ...(Interruptions) Shouting will not serve any purpose. ...(Interruptions)

Sir, my submission is that we have taken more time than what was allotted. If the hon. Members are insisting on speaking, you will have to really curtail the time for every Member. Every hon. Member cannot keep on taking the time like this. There are other businesses that are to be taken up.

MR. CHAIRMAN: What can I do? I can only tell them.

DR. SUJAN CHAKRABORTY (JADAVPUR): Thank you. I can commit that I will not take more than five minutes, but I would like to be protected.

I thank the hon. Minister for finally placing this very important Bill for discussion and passing, after a lapse of about 4½ years, of the five years of the Government.

The CMP committed for a comprehensive productive legislation for the unorganized workers. Most of the time lapsed, but finally it is now coming up.

The Arjun Sengupta Committee gave the report at least three years back. The Standing Committee also gave its unanimous recommendation and the report at least a year back. None of this has been totally taken into consideration. I am at a loss to understand why has there been such a delay.

We should know the reality of the country – there are two countries within our single country, India – one is 'shining India' and the other is 'suffering India'. We have 55 persons as billionaires whose total asset crosses more than Rs.15 lakh crore. We have 5500 persons having more than Rs.100 crore individually. We have 55 lakh persons who are called *crorepatis*; that is the 'shining India'; fine, the 'suffering India' also must be represented effectively and adequately. Here we have more than 80 crore population having a daily spending capacity of less than Rs. 20. Huge is the disparity and this disparity is increasing. [\[p68\]](#)

19.00 hrs.

[\[R69\]](#)

The percentage of unorganised workers among the total employment is also increasing. In 1991 it was 90 per cent. In 2001 it was 93 per cent. According to the Statement of Object and Reason, now it is more than 94 per cent. So, this unorganised workers' strength is also increasing. I would think that most important will be the apportionment of our GDP.

MR. CHAIRMAN : It is 7 o'clock now. The extended time for this discussion is also over. I will take the sense of the House. If Members agree we will extend the time for this discussion as there are seven more speakers to speak or we will stop the discussion today and the Minister may be asked to reply tomorrow.

SOME HON. MEMBERS: Sir, extend the time by half-an-hour.

MR. CHAIRMAN: Do you agree for further extension of time?

SHRI PAWAN KUMAR BANSAL : Sir, we have to conclude the discussion today. Let all the hon. Members, who want to speak, present and also remain present in the House after their speeches are over. It should not happen that anyone who makes the speech goes out. Let us conclude this debate today.

MR. CHAIRMAN: I agree with that. It is not allowed that Members who speak can go away. Members should also be present in the House. I agree with your suggestion.

Now, I call the next speaker.

DR. SUJAN CHAKRABORTY : Sir, I have spoken for two minutes and I will finish my speech in another three minutes.

MR. CHAIRMAN: Yes, you may continue.

DR. SUJAN CHAKRABORTY : So, the very important question is the apportionment of GDP for the social security of unorganized workers. This, in the country, is much less than one per cent. According to ILO it should be five per cent....(*Interruptions*)

MR. CHAIRMAN: So, the time for this discussion is extended for half an hour.

There will be no 'Zero Hour' today.

DR. SUJAN CHAKRABORTY : I would rather expect that at least 5 per cent of GDP should be the expenditure for the social security of 80 per cent of our population. That is quite reasonable.

श्री रवि प्रकाश वर्मा (खीरी) : महोदय, हम सुबह से ज़ीरो आवर के लिए बैठे हैं।

DR. SUJAN CHAKRABORTY : Sir, should I continue?...(*Interruptions*)

MR. CHAIRMAN: Had the speakers participating in the discussion controlled themselves, I would have taken up 'Zero Hour'. When they were allowed to speak for three minutes they had taken seven minutes. How can 'Zero Hour' be taken? I am here for about three to four hours.

DR. SUJAN CHAKRABORTY : Sir, the Bill definitely represents a pious wish of the Government. I agree with it. I am happy that finally it has been closed on the 61st year of our Independence and on the 55th month of the 60 months Government. It still inspires. It is good. But for this, a lot of struggle was there. In this House the same voice had echoed at least 27 years back. Shri Hannan Mollah and many other hon. Members have raised the issue.

19.03 hrs.

(Shri Devendra Prasad Yadav *in the Chair*)

I would say, the Statement of Object and Reason is quite appreciable. There is no confusion in it. But does the Bill represent effectively the Statement of Object and Reason? Probably, the formulation of the Bill has not supported the Object and Reason. The object of reason cannot be fulfilled by the present framework of the Bill. That is why some sort of corrections it must have. I am going to suggest only four or five points.

Many of our Members, including S/Shri Santasri Chatterjee, Suresh Prabhu have suggested a number of things. I would suggest to fix up the apportionment of GDP for this purpose; 5 per cent for the social security of unorganized workers. Secondly, Advisory Boards cannot be advisory. They must have statutory powers; otherwise they will have no meaning. Thirdly, the Identity Card or the Smart Card must be inclusive in nature. Otherwise, it will not work efficiently.[\[R70\]](#)

[\[R71\]](#)

Fourthly, the facilities of treatment etc. in the ESI hospital along with other facilities should be extended to the unorganised workers also. Fifthly, the coverage of registration cannot be based on BPL formulation. It will jeopardise the whole purpose. The time-frame for the total applicability should be fixed. I would propose it to be three years. Finally, a separate legislation for the agricultural workers must be there.

With these words, I believe the Objects and Reasons of the Bill can somewhat be effectively represented. I hope the Minister will

accept them and we would pass it.

MR. CHAIRMAN : Now, Prof. M. Ramadass to speak. Please conclude within three minutes.

PROF. M. RAMADASS (PONDICHERRY): Sir, I will better lay it on the Table.

*Respected Sir, I on behalf of Paattali Makkal Katchi rise to support the Unorganised Workers' Social Security Bill, 2008. The Bill has a social purpose designed to provide and enhance the social welfare and social justice to a large chunk of labour in the Country which has been consistently deprived of basic security from the State Apparatus. The Bill Contains – Positive and affirmative steps for neglected sections of the society. I think that all those who believe in socialism and proletariat welfare should welcome this Bill.

Sir, Out of the total labour force of 39.7 crore, 36.9 crore that is about 93 percent of the work force are found in the so called unorganized sector. They are employed in petty jobs in agriculture, construction, manufacturing, trade and transport, communication and services, beedi rolling, agarbatti making, papad making, tailoring, embroidery, etc. Although the Government has taken a number of legislative actions to protect this kind of labour, the working and living conditions of the unorganized workers continue to be pathetic. They suffer from cycles of excessive seasonality of employment, low wages, exploitations, social insecurity etc.

These workers were clamouring for a government which can protect these workers from the above maladies and the present Bill is a solution to many of these problems. In fact it is revolutionary Bill which should have been long time back. It goes to the credit of UPA Government, the Honourable Minister Oscar Fernandes Ji to pilot this historic Bill and I hope the historians on labour welfare would record this historic occasion and this Bill.

This Bill provides life and disability cover, health and maternity benefits, Old age protection, provident fund facilities, employment injury benefit, housing, education for the children of unorganized workers, skill upgradation of workers, funeral assistance and old age homes. Any scheme under this bill would be fully

* Speech was laid on the Table.

or partially funded both by the Central and State Government to look after the implementation of this Bill. The Central Government would constitute the National Social Security Board which would perform the advisory functions on all schemes and matters related to unorganized workers.

However to make this Bill more effective I would suggest the following measures:

1. We should find out ways and means of preventing the growth of unorganized workers. A shift from the unorganised to organised sector should be induced and encouraged.
2. The Bill should pay more attention and confer more benefits to women, weaker sections and to those living below poverty line.
3. Liberal funding should be made to implement the schemes enumerated under this Bill. Lack of resources should not impede the speedy implementation of the Scheme. Both the Central and State Governments should earmark least 20% of their welfare budget for the implementation of the schemes included in this Bill.
4. In order to inspire confidence in the minds of the unorganized workers, the Government should issue immediate government orders so that the Bill in its operative part can come into effect from January, 2009.
5. Skill upgradation of the workers in the Unorganised sector is an important aspect and this cannot be achieved without proper skill trainers. Therefore the Government should start technical schools in different parts of the country to create trainers.
6. The Bill says that every unorganized workers to be eligible for registration should have completed 14 years. This provision indirectly admits the existence of child labour. To avoid this feeling, the Government should enhance the eligibility age to 18 years rather than 14 years.

7. The Employees Provident Fund Organisation provides social security to an unorganized worker. But the organization faces serious problems like delayed settlements which should be overcome.

8. We should also see how the Government might incentivise those covered by the social security. The unorganized labour must get sufficiently attracted by the policy/ legislative frame work.

With the above suggestions I support the Bill and congratulate the Minister for piloting this Bill and getting the approval of this August House.

श्री शिशुपाल पट्टे (भन्डारा) : सभापति महोदय, असंगठित सेक्टर के कर्मचारियों के लिए सामाजिक सुरक्षा विधेयक का मैं स्वागत करता हूँ। इस विधेयक को पढ़ने के बाद मैं दो-तीन सूचनाएं देना चाहता हूँ। पहली यह है कि देश में महात्मा गांधी जी ने विदेशी कपड़ों की होली जलाई थी। वह इसलिए जलाई थी कि हमारे देश के बुनकरों और हथकरघों को काम मिले और अपने देश का बनाया गया कपड़ा व्यक्ति पहने। उसके आधार पर देश में हाथ से कपड़ा बुनने का काम चालू हुआ।

सभापति महोदय, आज देश में एक लाख से ज्यादा बुनकर अस्तित्व में हैं। हमने कई अखबारों में पढ़ा है कि आज बुनकर आत्महत्या कर रहे हैं। इन बुनकरों को आत्महत्या करने की नौबत क्यों आई? महात्मा गांधी जी ने बताया था कि सिद्धांतों के ऊपर हाथ से जो कपड़ा बुन रहा है, उसकी किस तरह की दुर्गतियां हो रही हैं, उसकी तरफ हमें ध्यान देने की आवश्यकता है। मैं महाराष्ट्र के भन्डारा जिले से आता हूँ। वहां भी बुनकरों ने कई आंदोलन किए, रास्ता रोकते आंदोलन किया, उनके ऊपर कलमें लगाई गईं। उनकी क्या समस्या है, इसका निवेदन मैंने मंत्री जी को प्रत्यक्ष मिलकर दिया भी था।

सभापति महोदय, मैं मांग करता हूँ कि बुनकरों के लिए कोई विधेयक उनकी सुरक्षा के लिए नहीं लाया गया है। जिस शेड में बुनकर इकट्ठे होकर काम करते हैं, उनके लिए पीएफ और पेंशन योजना लागू है, जो असंगठित कामगार हैं, अपने घरों में कपड़ा बुन कर सरकार को सप्लाई करते हैं, महाराष्ट्र में सरकार उनके हाथ से बनाया गया कपड़ा सब आफिसों एवं दफ्तरों में सप्लाई भी करती है, उनके लिए कहीं उनकी सुरक्षा का कानून नहीं बना है।

सभापति महोदय, मैं आपके माध्यम से सरकार से मांग करता हूँ कि ऐसे बुनकरों के लिए पेंशन योजना लागू हो और उनके लिए पीएफ की स्कीम भी चालू हो। उनके लिए शिक्षा क्षेत्र में शिष्यवृत्ति लागू हो, उनकी लाइफ की पूरी सुरक्षा सरकार करे, ऐसी मैं मांग करता हूँ।

DR. K.S. MANOJ (ALLEPPEY): Sir, I will confine my speech to some of my queries and some of my suggestions.

In this Unorganized Workers' Social Security Bill certain suggestions are made. Chapter II talks about social security benefits and certain benefits are to be given by the Centre and certain benefits by the State Governments. But I find that in the Bill, majority of the welfare measures are to be given by the State Governments which will increase the financial burden on the State.

Another thing is regarding the National Security Board. I would like to know whether the suggestions put forward by the National Board are binding on the Government or not. Many of the speakers have already spoken that there should be some mandatory power to this National Security Board.[\[R72\]](#)

Otherwise, the purpose will not be served. In the Board there should be a representative from the Trade Unions representing the workers of the unorganised sector. Regarding registration it has been mentioned that workers above the age of 14 years only would be eligible for registration. In my opinion, it should be enhanced to 18 years. The power of registration now rests with the District- Panchayat and the local urban bodies. In my opinion, the Gram Panchayat is the corresponding body to the urban local body. So the power of registration should be given to Gram Panchyat also. There should be another Schedule included in the Bill in order to accommodate such people who are engaged in allied sector of the unorganised sector. To illustrate, the fishermen have been included but not those workers associated with other activities like women working in peeling sheds, selling of fish does not come under the purview of this Bill. So, a separate Schedule should be brought to include them. Lastly, there is no penal provision in this Bill. There should be a penal provision.

Sir, due to paucity of time I am concluding my speech here. I support the Bill.

SHRIMATI P. SATHEEDEVI (BADAGARA): Sir, independent India has witnessed so many legislation with an aim to provide social security to the workers of both organized and unorganized sector. But even after 61 years of our Independence, the welfare of the poor labourers is not secured. In the present global scenario of economic crisis, the situation of our workers has become more pathetic as it is very difficult to meet both ends. Hence it is the need of the hour not only to have an effective legislation, but also to have a strict monitoring mechanism on the entire scheme.

The unorganized workers constitute 93 per cent of the country's total work force and the majority of them are poor women. Even though there is prevailing law which suggests that there should be equal pay for equal work, but that is not yet implemented in the unorganized sector. The protective and promotional schemes should be there to bring equal rights to women workers.

The present Bill provides only namesake provision for the protection and welfare of women employees. Unless there is provision for social security for the labour force and improving productivity of the work force, there would not be any benefit out of it. Social security is key to the success of reforms. Any legislation proposed for unorganized sector should reflect this. It is a very sad thing to note that the Anganwadi workers and helpers who are contributing so much to bring social welfare by working for long hours by nursing the children between the age group of 0 – 6 years and preparing them for better education are not covered by the provisions of this Act. The interest of the Anganwadi workers and helpers should be included in this Bill.

It is a matter of deep concern that women workers in the unorganized sector are not getting maternity benefits even though the Act itself states that they too are entitled to maternity benefits. The reality is that most of these women are deprived of their basic rights. In many cases, pregnancy is a reason for depriving the poor women of this protective legislation which often serves to make women more vulnerable in the job market. Hence, strict monitoring should be there to make sure that the maternity entitlement of women workers reaches them when they are in most need of it. Enhancing the entitlements should also be accompanied by measures to ensure that women do not become victims of this unjust practice of reducing women's employment. Legal provision should also be there for penalizing the employers who resort to such tactics for denying employment to women in order to evade from payment of maternity benefit.

Hence I urge upon the Government to pay attention to these aspects and provide maximum social security to the women. [\[R73\]](#)

सभापति महोदय : अर्जेंट पब्लिक इम्पोर्टेंस के मैटर्स को आप लेना चाहते हैं या हम हाउस को एडजर्न करें, आपकी इसमें क्या राय है?

SEVERAL HON. MEMBERS: Please take up matters of urgent public importance, Sir. ...(*Interruptions*)

SHRI PAWAN KUMAR BANSAL : Sir, has this debate concluded?

MR. CHAIRMAN: The discussion is over and the hon. Minister will reply tomorrow.

...(*Interruptions*)