

Fourteenth Loksabha

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Participants : [Sahu Shri Chandra Sekhar](#), [Dasgupta Shri Gurudas](#), [Nandy Shri Amitava](#), [Acharia Shri Basudeb](#), [Khan Shri Sunil](#), [Tripathy Shri Braja Kishore](#), [Sahu Shri Chandra Sekhar](#)

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Title : Shri Gurudas Dasgupta called the attention of the Minister of Labour and Employment to the situation arising out of violation of various labour laws particularly the Industrial Disputes Act, the Minimum Wages Act, the Factories Act, the Trade Unions Act, the Provident Funds Act and Employees State Insurance Act, etc. and steps taken by the Government in this regard.

SHRI SANTOSH GANGWAR (BAREILLY): Where is the Labour Minister?

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI PRIYA RANJAN DASMUNSI): Sir, I would like to submit that the hon. Minister of State in the Ministry of Labour and Employment is laying the papers in the other House.

He is here. The hon. Minister of Labour and Employment has submitted his resignation, which is under the active consideration of the hon. Prime Minister. ... (*Interruptions*)

श्रीमती किरण माहेश्वरी (उदयपुर) : अध्यक्ष महोदय, राजस्थान के मसले को पहले ले लीजिए।

अध्यक्ष महोदय : मैं आपको इस मसले पर बोलने के लिए समय अवश्य दूंगा, लेकिन अभी नहीं बाद में। Although you do not deserve it, I will allow you to speak. You never chose to give the notice in time. Even then, I will allow you to speak.

श्री रामदास आठवले (पंढरपुर) : अध्यक्ष महोदय, मैंने भी लिखकर दिया है। मुझे भी बोलने के लिए समय दीजिए।

अध्यक्ष महोदय : आप बैठ जाइए। अब थोड़ा काम करने दीजिए।

... (*Interruptions*)

MR. SPEAKER: These are all important matters. I will allow you to raise it.

SHRI GURUDAS DASGUPTA (PANSKURA): Sir, I call the attention of the Minister of Labour and Employment to the following matter of urgent public importance and request that he may make a statement thereon:

“The situation arising out of violation of various labour laws particularly the Industrial Disputes Act, the Minimum Wages Act, the Factories Act, the Trade Unions Act, the Provident Funds Act and the Employees State Insurance Act, etc., and steps taken by the Government in this regard.”

MR. SPEAKER: I find that there is a 10-page closely typed statement. You can lay it on the Table of the House.

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI CHANDRA SEKHAR SAHU): Sir, I beg to lay the detailed statement on the Table of the House, but I will just read out the gist of it.

Sir, the Ministry of Labour and Employment is mandated to create a work environment conducive to achieving a high rate of economic growth with due regard to protecting and safeguarding the interests of the working class in general and those of the vulnerable sections of the society in particular. The Ministry has been performing its assigned duties with the help and cooperation of State Governments.

Some of the important policy initiatives undertaken by the UPA Government for the welfare of labour in the country are as follows:

- (i) Rajiv Gandhi Shramik Kalyan Yojana;
- (ii) Re-inventing EPF India;
- (iii) Upgradation of 500 existing ITIs into centers of excellence;
- (iv) Skill Development initiatives through Public Private Partnership;
- (v) Welfare scheme for *beedi* workers;
- (vi) Prohibition of employment of children as domestic servants; and
- (vii) Workers Education.

Regarding the violation of labour laws and steps taken by the Government, the Labour Enforcement Officers (Central) of the Organisation of the Chief Labour Commissioner (Central) are declared as Inspectors under various labour laws, who carry out inspections of the establishments in the central sphere regularly in order to secure compliance with the provisions of labour laws. Prosecutions are launched, and claim cases are filed in the courts and before the appropriate authority against the employers in respect of violations/irregularities detected during inspections. The State Governments are also the “appropriate Government” under various labour laws. In case of any violation of labour laws, it is for the appropriate Government to take necessary action as they are legally vested with the power to deal with such violations.

Despite best efforts made to secure implementation of the various Acts, violations of provisions of labour laws are reported here and there. Whenever these violations come to notice - either on the basis of complaints or at the time of periodical inspections made by the enforcement officers of the appropriate Government in the State sphere as well as in the Central sphere - action is

taken by the appropriate Government concerned as per provisions of the respective enactment. The details of the inspections and the actions taken are given in my detailed statement.

The violation of labour laws should not be seen in isolation. This should be viewed along with the welfare measures taken by the Government to strengthen the social safety net for the labour. Labour being a concurrent subject, we have to act within the parameters laid down by law. The State Governments are appropriate Governments in bulk of the labour laws. They enjoy full powers in the enforcement of labour laws that fall within their domain.

MR. SPEAKER: Mr. Minister, please wait for a while.

Hon. Members, what is happening there? Your private discussions can go outside.

SHRI CHANDRA SEKHAR SAHU: I can assure the hon. Members that if any specific violation of labour laws is brought to our notice, we would take appropriate action in the matter. I would request the hon. Members to cooperate and help us in our endeavour for effective and meaningful labour law administration in collaboration with the State Governments.

Very recently, the hon. Prime Minister has held a three and a half hour meeting with the Central Trade Union leaders. He heard all the Central Trade Union leaders and he assured them that he will take up the issue with the Chief Ministers of the States at the National Development Council and will take appropriate action.

The detailed statement has been laid on the Table* of the House. I now have given a gist of that statement. Thank you. ... (*Interruptions*)

* Laid on the Table and also placed in Library. See No. LT 4863/2006

MR. SPEAKER: If you interrupt like this, I will not allow this Call Attention to continue.

SHRI TARIT BARAN TOPDAR (BARRACKPORE): Why, Sir? This is a sensitive matter.

MR. SPEAKER: It is a sensitive matter. That does not mean you have a right to disturb the House.

SHRI GURUDAS DASGUPTA : Sir, I have all sympathy for our honourable, young, energetic, newly appointed Minister of State for Labour. It is a coincidence, which is very interesting to note, that we are discussing the problems of labour under the shadow of the resignation of the Labour Minister, when he himself is on a hunger strike, that we are discussing one of the most leading questions of human nature in this country.

MR. SPEAKER: Please come to the subject.

SHRI GURUDAS DASGUPTA : Coming to the subject, Sir, let me tell my young friend that 30 crore workers, both organised and unorganised, are under attack as never before. I am using my words with care and caution. About 30 crore workers, both organised and unorganised, are under attack as never before. It is for a realisation of the political parties in Parliament.

Economic reform, rather globalisation and liberalisation, has grossly affected the economic policy - policy of the present Government and policy of the earlier Government. The economic policy pursued, the economic reform carried out and the globalisation which has become the slogan of the nation in the country, has grossly affected the quality of living of the organised and unorganised labour in the country. If globalisation is a reality, then intensification of exploitation of labour is also a reality.

The Prime Minister had given us a dinner. It was nice. We had a three-hour discussion. But it is also pertinent for the Government to note that if globalisation is a reality, intensification of exploitation of the labour is also a reality. What is most surprising is that when enforcement of labour laws more stringently is becoming an urgent necessity, when strengthening of the machinery of enforcement has become urgently needed for the country, the question of flexibility of labour laws has become a priority for the Government and the Ministers.

It is all intended. Flexibility is a word which is all intended to give free hand to the employer because they will invest money in India in order to keep them the power, the reckless hire and fire in the way they want. It is the Government which is giving the green light to the private corporates.

Let me give you few instances as to how the labour laws are being violated. When according to the Factories Act, 48 hours work for six days in a week is permitted, the hon. Minister of Textiles is on record, holding a seminar in Vigyan Bhawan, where the former Labour Minister was present where he has categorically said that the workers should work for more than 60 hours a week. It means, from eight hours, it will go to 10 hours. It is an attempt to ask the management to accept

flagrant violation of labour if the Minister speaks in that way. Hon. Minister of Finance is on record saying that the interest rate of Provident Fund is too high and it should even be reduced from eight to 7 ½ per cent. Provisions of Minimum Wages Act are being cynically violated even by the Central Government Public Sector Undertakings. The Prime Minister has given an assurance but assurance does not condone the criminality of the Government.

Contract workers, whose numbers are galloping everyday, are not being given provident fund. I would request the hon. Minister of State for Labour to kindly ask his Department to collect the complaints and conduct the inquiry about the contract labourers in the country.

Minimum wages are being denied even in Government undertakings, denied even in public sector. Minimum wages are being denied and complaint of minimum wage is not being entertained. Trade unions are not being allowed to be registered. I shall not name the States . . . (Interruptions) Haryana, Punjab. . . (Interruptions)

MR. SPEAKER: Let us not go into State matter.

SHRI GURUDAS DASGUPTA : As you say, I will agree. It is the most unfortunate situation. Will the political parties in Parliament take note of it that trade unions are not even being allowed to be registered in a number of States in the country. . . (Interruptions) हम आपको हाथ जोड़ते हैं।

अध्यक्ष महोदय : जब स्पीकर हाथ जोड़ते हैं तो कोई सपोर्ट नहीं करता। ठीक है, बोलिये।

SHRI GURUDAS DASGUPTA : I never disturbed Members.

Legal trade unionism as guaranteed under the provisions of the Constitution is sought to be suppressed with the help of police. One single example is: there was a strike in a factory in Haryana demanding wage increase. They had blocked the road. There was *lathi* charge. They were all dispersed. Forty-seven workers have been booked under Section 307 on murder charge. When I asked the Police Commissioner of that State as to how many policemen have been injured and as to what are the properties damaged, he could not give a single example.

MR. SPEAKER: Come to the Central Government.

SHRI GURUDAS DASGUPTA : I am coming. Kindly allow me to complete my argument.

MR. SPEAKER: Nothing will be recorded except the speech of Shri Gurudas Dasgupta. You have not got unlimited time.

SHRI GURUDAS DASGUPTA : I am only saying that even private security guards armed with unlicensed guns are being employed by the contractors and by the proprietors in different parts of the country. Payment of DA is being violated in most of the places. What is their slogan? The slogan is, "either accept under-payment, low wage and long working hours or remain unemployed and starve". That is the slogan.... (Interruptions) Let me tell you. You are raising so many issues on your count.

MR. SPEAKER: Please address the Chair.

SHRI GURUDAS DASGUPTA : There is constant commentary that is going on.

MR. SPEAKER: What can I do? I have been requesting your own Leaders to come by turn and conduct the House.

SHRI GURUDAS DASGUPTA : The slogan is, “either accept under-payment or starvation”. Mounting unemployment is promoting violation of labour laws in the country because unemployed youths have no alternative but to accept under-payment under duress. This is a grave danger signal for the whole country.

Corporates have posted high profits.... (*Interruptions*)

MR. SPEAKER: It is a Calling Attention and not a debate.

SHRI GURUDAS DASGUPTA : But the real wage for the workers has come down. Working conditions have worsened. Violation of labour laws is on the rise. My point is,... (*Interruptions*)

MR. SPEAKER: You have to put only questions.

SHRI GURUDAS DASGUPTA : Sir, I am coming to it. Will the political leadership of the country, including the Prime Minister, while speaking say that violation of labour law is a problem for the country? They are speaking of responsible trade unionism but nobody is speaking of the violation of labour laws... (*Interruptions*)

MR. SPEAKER: Do not bring me into this.

SHRI GURUDAS DASGUPTA : At least the Prime Minister never says so. At least the Finance Minister or the Leader of the UPA Government never says so. Why am I raising this question? I am not an unintelligent person. . I am here for 20 years. Why should Parliament discuss it? All the laws that I am referring to, were made by the Parliament. If the laws made by the Parliament are violated, can the Parliament turn a Nelson’s eye to their violation? That is my question. Laws are being made by us. If the laws are violated, Parliament cannot afford to be blind to the labour laws.

Secondly, labour is on the Concurrent List. Still, the Central Government has a role to play. Economic reforms at the cost of the working people will not be accepted.

Will the hon. Minister agree to state frankly from his own heart to the Parliament that he believes that the labour is mercilessly attacked in the country? Will he accept it?

Will he agree to call a Conference of the State Labour Ministers wherein this question of violation of labour laws will be discussed?

Will the hon. Minister of State for Labour agree to discuss with the trade unions the question of amendment of labour laws to give more teeth to the aggrieved?... (*Interruptions*)

श्री प्रभुनाथ सिंह (महाराजगंज, बिहार) : इनको बोलते हुए 15 मिनट हो चुके हैं।

MR. SPEAKER: I will apply this to you also.

SHRI GURUDAS DASGUPTA : Will the hon. Minister agree to call a meeting of the trade unions and take their views on the question of enforcement of labour laws?

My last question - which is there in the Common Minimum Programme – is when the Government is going to bring comprehensive labour laws for the un-organised and agricultural labour. When is it going to bring such comprehensive labour laws?

MR. SPEAKER: Mr. Amitava Nandy, you ask only clarifications.

SHRI AMITAVA NANDY (DUMDUM): Sir, it is an important matter which is being discussed by the House. My colleague, Shri Gurudas Dasgupta has pointed out certain valid matters in regard to the violation of labour laws. It is important to discuss this matter in this House. Though it is happening around the country in different States, the legislations are enacted by this House itself. So, there is a responsibility on the part of the Central Government to look into the matter so that violations do not take place anywhere in the country.

The hon. Minister has placed a statement in this House. We have gone through that statement but the scenario is completely different from the position stated in the statement.

MR. SPEAKER: This is not a debate, Mr. Nandy. Please put your question.

SHRI AMITAVA NANDY : Sir, I want to touch upon one thing before coming to the matter itself. The human civilisation has emerged and the wealth which has been created in this world are all due to the human resources. So man is utilised for the creation of human resources and the wealth of the country. We are sitting in this Parliament. Who has constructed this Parliament? The construction workers are the main force of this building.

MR. SPEAKER: This we all know. What is your question?

SHRI AMITAVA NANDY : Everywhere the labour force along with intelligence of the human resources are applied to build the wealth of the society. The carpenters were involved for making these benches and all this infrastructure.

MR. SPEAKER: Have you got any question to ask?

SHRI AMITAVA NANDY : But they are being neglected. The carpet on which we are moving is made by the weavers. I visited one State where a hydel power project was being constructed. It was in Chamba. There I found that the management had organised killers to attack workers and they killed a worker.

MR. SPEAKER: I am sorry, I would not allow any further. Unless you have a question to put, I would not allow.

SHRI AMITAVA NANDY: Sir, eyewitness of that murder is being harassed. He has been arrested by the police. What is the reply of the Government.

MR. SPEAKER: Is it at all related to the Central Government?

SHRI AMITAVA NANDY : The management is organising the killing of the workers. What steps will be taken by the Government to stop this?

MR. SPEAKER: Nothing more will be recorded. Now, Shri Basu Deb Acharia to speak.

This is not a debate. It is a Calling Attention. You only have to seek a clarification. I cannot convert it into a debate.

... (*Interruptions*)

SHRI AMITAVA NANDY : At some places, the registration of the union is denied. If the registration is not denied, the management is denying them their rights.

MR. SPEAKER: He has no question to ask.

SHRI AMITAVA NANDY : If the registration is denied, what steps will be taken by the Central Government so that the unions can get themselves registered?

SHRI BASU DEB ACHARIA (BANKURA): Sir, the situation is alarming. The statistics provided by the Government does not reflect the grim reality as is prevailing today in the labour sector. There are about 40 crore workers in the country. Out of that, about 37 crore are in the unorganised sector. The extent of violation of the minimum wages related statute and the extent of exploitation is much more than what is apparently visible. This has become the order of the day.

श्री प्रभुनाथ सिंह : अध्यक्ष महोदय, यह तो नियम 193 की चर्चा हो गयी है। ... (ब्यवधान)

अध्यक्ष महोदय : हम कोशिश कर रहे हैं। आप देखिये कि हमने किसको कितना टाइम दिया है।

... (ब्यवधान)

MR. SPEAKER: Your running commentary is only a reflection on the Chair. You can understand the position and you know how much I am trying to control the proceedings. But if you all the time go on making reflections on the Chair, then it is not helping the cause of this House. If it goes on like this, then I will not allow any Calling Attention in future.

... (*Interruptions*)

SHRI BASU DEB ACHARIA : Sir, BSESI is a Central Public Sector Undertaking and the provisions of the Payment of Wages Act are applicable to all Central Public Sector Undertakings... (*Interruptions*) While the owner of the Central Public Sector Undertakings is the Central Government, the shares are lying with the President of India. Now, when the provisions of Payment of Wages Act are being violated in regard to the workers and employees of a Central Public Sector Undertaking and that too when such a law was enacted by this House, who would be held responsible for this?

Sir, there is also an Act in regard to the contract labours, namely the Contract Labours (Regulation and Amendment) Act, 1970. The Ministry of Labour had issued a notification in regard to the abolition of contract labour. But that notification also is not being implemented by various Ministries... (*Interruptions*)

MR. SPEAKER: Please put your question. Do not create problems for me. You are hearing such snide remarks.

SHRI BASU DEB ACHARIA : Sir, I would like to know from the Minister, who is a very active and dynamic person, whether he would take steps to implement the notification issued by the Ministry of Labour in regard to absorption of labours who are engaged by the contractors. I would also like to know from the hon. Minister whether he would assure this House about strengthening the labour laws by way of bringing forward a comprehensive legislation in this regard.

MR. SPEAKER: Shri Acharia, I am sorry you are not co-operating with the Chair.

Shri Sunil Khan, you have to put a question. I will not allow anything else.

SHRI BASU DEB ACHARIA : Sir, finally I would like to know from the hon. Minister whether he would bring forward a comprehensive legislation for these 37 crore workers in the unorganised labour force of the country or not... (*Interruptions*)

SHRI SUNIL KHAN (DURGAPUR): Sir, through you, I would like to bring to the kind notice of the hon. Minister and I am sorry about it that though I raised a Calling Attention on the same issue in 2005, nothing had been done by the Ministry so far in this regard.

Sir, I want to know from the hon. Minister why the management of BSCL is deliberately denying the payment of Provident Fund to its employees since 1975-76. BSCL is a Government of India undertaking. But it has never paid the statutory rate of interest on provident fund at par with the statutory rate declared by the Government of India from time to time.

My second question is on the non-payment of minimum wages by Hindustan Steel Construction Limited and non-payment of legal dues to its employees in Bokaro and other units of HSCL which got separated earlier.

My third question is about the Rehabilitation Corporation of India. A few employees of RCI have not been given the provident fund..... (*Interruptions*)

MR. SPEAKER: Nothing will be recorded except the Minister. Do not record even one word of Shri Khan.

*(Interruptions)**

SHRI BRAJA KISHORE TRIPATHY : Sir, I may be given an opportunity to make a few points.... (*Interruptions*)

MR. SPEAKER: I am not bound to give you any opportunity.

... (*Interruptions*)

MR. SPEAKER: This is very strange. According to rules, you have not given any notice and you are creating disturbance in the House.

*Not Recorded.

SHRI BRAJA KISHORE TRIPATHY : I am being penalised by your office.... (*Interruptions*)

MR. SPEAKER: Do not blame my office. I would not allow you to speak. I would have allowed you if you had cooperated. You are constantly disturbing the House. You are the leader of your Party and you should set an example for others to follow.

SHRI TARIT BARAN TOPDAR (BARRACKPORE): Sir, I would like to say that.... (*Interruptions*) Sir, the Minister has yielded.

MR. SPEAKER: Please sit down. He has not yielded. I am not allowing you. Why are you raising it?

... (*Interruptions*)

MR. SPEAKER: You are talking about labour problems and you have no interest to hear what the Minister is saying. This is the way you are showing concern for labour. Shri Tripathy, you may put your questions briefly now.

... (*Interruptions*)

SHRI BRAJA KISHORE TRIPATHY : Sir, is it a fact that the Ministry of Labour and Employment has not conducted any specific survey to ensure implementation of labour laws and what are the recommendations of the National Commission for Labour and Employment for the unorganised sector and is it a fact that 2000 corporate entities including IOC and ONGC have defaulted in making payments to the Employees Provident Fund Organisation amounting to Rs. 1,698 crore? What steps has the Government taken so far in this regard and Service sector is the second after Agriculture, sector giving employment to the country. But there is no law for the workers of service sector. What the Government is doing to make laws for the workers of service sector? ... (*Interruptions*)

MR. SPEAKER: Nothing else except that of the Minister will be recorded.

(*Interruptions*)*

*Not Recorded.

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI CHANDRA SEKHAR SAHU): Sir, I am very much concerned, as the hon. Members are, about the labour problems in the country. In my statement, I have given the exact details which have been raised by the hon. Members. Hon. Members have raised certain specific cases regarding the violation of Minimum Wages Act for workers and provident fund not given to the contractual workers. (*Interruptions*)

अध्यक्ष महोदय : क्या बात है, आपका नाम नहीं है, आपका नोटिस भी नहीं है, आप क्यों बोल रहे हैं?

...(ब्यवधान)

श्री शैलेन्द्र कुमार (चायल) : महोदय, मैंने नोटिस दी है, मुझे बोलने का मौका दीजिए।

अध्यक्ष महोदय : नहीं दूंगा,

... (*Interruptions*)

MR. SPEAKER: My only crime is that I am following the rules. That is my only crime. You can go on giving specific cases. You can go on misusing all opportunities given to you and the time of the House. You are disturbing everyone here. It is your fundamental right. It is not conceded by me at least.

... (*Interruptions*)

SHRI CHANDRA SEKHAR SAHU: I request the hon. Members to give me the specific cases which they have raised now so that I will definitely look into and take appropriate action. ... (*Interruptions*)

MR. SPEAKER: Mr. Minister, please do not respond to it. If you go on responding like this, what will happen?

... (*Interruptions*)

SHRI CHANDRA SEKHAR SAHU: Sir, hon. Member Shri Gurudas Dasgupta suggested that the Ministry should call for a meeting of State Labour Ministers. Every year it is the practice that we hold a Conference of the State Labour Ministers. In that Conference we discuss various issues. So, I assure hon. Members that definitely we will call a meeting of the State Labour Ministers very soon and we will also call the Central trade union leaders to discuss different issues. ... (*Interruptions*)

MR. SPEAKER: Mr. Minister, please do not reply to that. Do not look at them.

... (*Interruptions*)

SHRI CHANDRA SEKHAR SAHU: Before we call the meeting of the State Labour Ministers, our Ministry will meet the Central trade union leaders and we will finalise the agenda. We will just call them and we will discuss various issues keeping the present situation in mind. This assurance was made also by our hon. Prime Minister when he met all the trade union leaders.

Regarding comprehensive legislation for the workers of unorganised sector, I want to just say that they all know that the Ministry has three Reports related to this issue. One is from the Central Advisory Council, the second is from our own Ministry; ... (*Interruptions*)

MR. SPEAKER: Nothing else to be recorded.

(*Interruptions*)*

SHRI CHANDRA SEKHAR SAHU: Another is from the Arjun Sen Gupta Committee. These three Reports are under the Government's consideration. During the meeting with the Central trade union leaders, hon. Prime Minister has also assured them that a comprehensive legislation for social

security of unorganised sector workers would be brought within the UPA's present regime. ...
(Interruptions)

MR. SPEAKER: Nothing else will be recorded.

(Interruptions)

SHRI CHANDRA SEKHAR SAHU: There is a Committee of Secretaries, which is looking after it. A Group of Ministers has also been formed. Regarding other problems which have been brought to my notice, I assure them that I will look into them. Specific cases may be given to me and I will definitely see that these cases are sorted out. ... (Interruptions)

*Not Recorded.

SHRI BASU DEB ACHARIA : Sir, we are not satisfied with the reply of the hon. Minister. Therefore, we are walking out in protest. ... (Interruptions)

12.43 hrs.

(At this stage, Shri Basu Deb Acharia and some other
hon. Members left the House.)
