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title: Introduction of the Factories (Amendment) Bill, 2016.

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI BANDARU DATTATREYA): I beg to move for leave to introduce a Bill further to amend the Factories Act, 1948.

HON. SPEAKER: Motion moved:

"That leave be granted to introduce a Bill further to amend the Factories Act, 1948."

Before I call Shri N.K. Premachandran to oppose the introduction of the Factories (Amendment) Bill, I may inform the Member that on a request made by the hon. Minister of Labour and Employment, I have permitted the Bill to be included in the List of Business for introduction, consideration and passing after relaxing the requirements of Direction 19B and Second Proviso to Rule 74. I would, therefore, request Shri Premachandran not to raise this point while opposing the introduction.

SHRI N.K. PREMACHANDRAN (KOLLAM): Madam, I would fully abide by the ruling of the hon. Speaker. I am not raising that issue of Rule 74. I fully accept the ruling of Madam Speaker. But I have other two objections.

The first objection is that the Government has admitted in the Statement of Objects and Reasons that the recommendations of the Standing Committee on Labour and Employment are under examination. The Factories (Amendment) Bill, 2014, was referred to the Standing Committee on Labour and Employment. They have submitted a report also. Unfortunately, the Minister has himself admitted in the Statement of Objects and Reasons that this is under examination. This amendment Bill is having far-reaching consequences but it has been brought to the House without due consideration of the Standing Committee recommendations.

So, the proposed Bill has been brought in a very hasty manner. So, this is against the spirit of Rule 331N of the Rules of Procedure and Conduct of Business in the Lok Sabha. The Minister has himself admitted the fact that the matter is under the examination of Standing Committee. Without giving due thought to the Standing Committee recommendations bringing such a Bill in a hasty manner so as to enhance the number of overtime hours is not according to the Rules of Procedure of this House. That is the first objection I would like to make.

The Factories Act came into existence in 1948 and since then the rule making provision is totally vested with State Governments. Now the Central Government is taking away the rule making power of the State Government. This is abridging or encroaching upon the rights of the State Government. It is totally against the federal character of our Constitution.

I would also like to talk about the Centre-State relations. The day before yesterday, both the hon. Prime Minister as well as Shri Arun Jaitleyji talked about cooperative federalism. We are having the Constitution and Part IX of the Constitution talks about the relations between the Union and the States. When we take away the right of States to make rules, definitely the concurrence or the consent of the States have to be taken or the States should be taken into confidence so that such an amendment can be brought in.

This is absolutely infringing upon and taking away the right of the State. The State is having the exclusive right to make rules in respect of factories as to which ones are exempted and which ones are not exempted. This right is being taken away by the Central Government.

Therefore, I would like to urge that in order to protect the principles of cooperative federalism, leave may not be granted to introduce the Bill.

SHRI SANKAR PRASAD DATTA (TRIPURA WEST): Madam Speaker, I have raised objection to the introduction of the Bill because of rules 66 and 67 of the Rules of Procedure and Conduct of Business in Lok Sabha. Rule 66, second paragraph, says,

"Provided that the second Bill shall be taken up for consideration and passing in the House only after the first Bill has been passed by the Houses and assented to by the President."

Rule 67 says,:

"When a Bill is pending before the House, notice of an identical Billâ€¦"

Madam, this Bill is identical to the 2014 Bill. So, on these two grounds I raise the objection that this Bill should not be allowed to be introduced in the House...*(Interruptions)*

माननीय अध्यक्ष : ऐसे नहीं होता है। मैं इसीलिए बोल रही हूँ। मैं रूनिंग दे दूंगी।

â€¦(व्यवधान)

श्री मल्लिकार्जुन खड़गे (गुलबर्गा) : माननीय अध्यक्ष जी, रूनिंग तो दे चुकी हैं लेकिन यह बिल इतना महत्वपूर्ण है, इसीलिए जो मेन बिल है, वह अभी स्टैंडिंग कमेटी के सामने है। वो एग्जामिन

कर रहे हैं। उसकी रिपोर्ट भी आ गई है। लेकिन उसमें से दो सैवशंस निकालकर बिल ला रहे हैं। उसमें उन्होंने यह भी कहा है,...(व्यवधान) The need for increasing the number of hours...(Interruptions)

माननीय अध्यक्ष : ऐसा नहीं होता है। यदि ऐसे आप करेंगे तो ठीक नहीं है। No, I am sorry. जिनके नोटिसेज हैं, उन्हीं को एलाउ करूंगी। मैंने सौगत राय जी को भी एलाउ नहीं किया है क्योंकि उनका नोटिस लेट आया था। वह आंसर देंगे, फिर आप मना करेंगे। मुझे आपत्ति नहीं है। आप बात को समझिए। आप बैठिए।

â€¦(व्यवधान)

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SHRI BANDARU DATTATREYA: Hon. Madam Speaker, hon. Members Shri N.K. Premachandran and Shri Shankar Prasad Datta have raised some objections to the introduction of the Bill.

First of all, I would like to make it clear to the hon. Members of the House that the Government is coming out with a comprehensive amendment of this proposed Act. Meanwhile, this is only limited to Section 64 and Section 65 which deals with the enhancing of working hours.

Secondly, I am also proposing to increase the over time up to less than 100 hours and 125 hours. This is in keeping with the ILO's prescribed time limit of 144 hours. Shri Premachandran mentioned about taking away the rights of the State Governments, but we are not taking away any rights of the State Governments. Relating to these Sections of 64 and 65, the Central Government is only making an addition. All the Executive powers will remain with the State Governments. The Upper House has already approved this. We are not infringing on the federal structure...(Interruptions) So, I do not think these are valid reasons...(Interruptions)

HON. SPEAKER: Hon. Members, Shri Shankar Prasad Datta while opposing the introduction has stated that the Factories (Amendment) Bill, 2016 is dependent on the Factories (Amendment) Bill, 2014 which is pending before the Lok Sabha and therefore cannot be taken up unless the Factories (Amendment) Bill, has received the assent of the President.

I may inform the House that only two provisions in the present Bill relating to amendment of Sections 64 and 65 of the Factories Act, 1948 are similar to those contained in the Factories (Amendment) Bill, 2014. However, this does not make the present Bill dependent upon the Factories (Amendment) Bill, 2014. For being dependent, the Factories (Amendment) Bill, 2016 must contain provisions which can be enforced only when the Factories (Amendment) Bill, 2014 comes into operation. As the Factories (Amendment) Bill, 2016 can be brought into force without the coming into force of the 2014 Bill, the contention of Shri Sankar Prasad Datta is not valid.

The question is:

"That leave be granted to introduce a Bill further to amend the Factories Act, 1948."

The motion was adopted.

SHRI BANDARU DATTATREYA: I introduce the Bill.