

(Amendment) Bill be taken into consideration."

The Bill to amend the Criminal Procedure Code 1973 is necessitated by the decisions of the Supreme Court in certain recent cases. Sir, Section 488 (3) of the Criminal Procedure Code of 1898 empowered criminal courts to pass orders for maintenance in favour of wives whose husbands neglected to provide the same. This Criminal Procedure Code was revised in the year 1973 and Section 488 (3) was re-enacted with an important modification. The term 'wife' was defined to include a woman who has been divorced by or has obtained a divorce from her husband and is not remarried.

PROF. MADHU DANDAVATE : (Rajapur) That is the definition of every wife !

SHRI G.M. BANATWALLA : So, now you are shocked.

So, the courts could also make an order for maintenance of a divorced wife till she marries or dies. Mr. Chairman Sir, as you know the amendment was vehemently opposed by Muslims on the ground that under Islamic Law, a husband is bound to maintain a divorced wife only during the period of *Idda*, which is nearly three months and not thereafter. There were so many articles in the press. The Muslims were restive. Consequently, in responses to the Muslim opinion, the discussion was reopened in the Parliament. I must emphasise that this reopening of the discussion in the Parliament at a very unusual stage was one of the rare instances in the legislative history of India and it was done in order to maintain and protect the rule of Muslim Law. Clause (b) was specifically added to Sub-section (3) of Section 127 to protect the Muslim Law, the amendment provided for the cancellation of order of maintenance till re-marriage or death in case where the divorcee has received before or after the date of the

said order the whole of the sum which was payable under any customary or personal law applicable to the parties of such order.

I shall continue next time.

MR. CHAIRMAN : Will continue on the next occasion.

19.8 hrs.

HALF AN-HOUR DISCUSSION

Educated Unemployed Registered With Employment Exchanges

[English]

MR. CHAIRMAN : The next item is Half an hour discussion to be raised by Shri Jitendra Prasada.

SHRI JITENDRA PRASADA (Shahjahanpur) : I rise to raise a discussion on the points arising from the reply given by the Minister to my Starred Question No. 334.

Sir, before I come to specifics, I would like to say that unemployment is a major problem being faced by the country. The Government of Shri Rajiv Gandhi is committed to reduce unemployment. Shri Anjiah, the hon Minister of Labour is a senior person who was the Chief Minister of Andhra Pradesh also. Now he is holding a very important portfolio. But some how, after listening to the reply given to my question and I also listened to him when he was replying to Demands of the Labour Ministry . . . I have a notion that he has not taken this problem very seriously.

I would like to quote his speech during the Demands of the Labour Ministry, that is when he was replying to it. He mentioned something about the employment exchanges. He said—I quote :

[Translation]

Two crore names are registered with the employment exchanges which means that so many people are unemployed. The people often question the role of employment exchange. The eradication of unemployment is posing a challenge to every State Government at present. Somebody had asked what that the role of an employment exchange after all is. The private sector does not wish to be regulated by any laws as such. The public sector makes an excuse to get people through advertisement. Similarly, the banks and postal department follow suit. Now the employment exchange's merely an office for appointment of peons.

[English]

If this is the attitude, then the entire discussion is pointless. If the Minister is admitting himself that the employment exchanges in the country are serving no purpose, then I am sorry to say that the time of the House will be wasted. I would request the Minister to give a specific answer to the queries and questions made by me and other Members, and also announce some firm decisions on the floor of the House, so that something could be done in this very important field.

I had raised a vital question which is of great significance to the social and economic health of the people of our country as a whole. The question of growing unemployment among young men and women, and the working of employment exchanges—this is what I want to highlight during this discussion.

The employment exchanges, as far as I have experienced, have become another department, of Government a slow moving machine with cracks, a machine which is going nowhere. Are we going to continue like this, or do we expect the employment exchanges to play an effective role in creating, locating and

spotting employment, and providing our young men and women with jobs and livelihood? This is the basic question of this discussion.

I would like to quote the statistics which the minister gave in his reply. The situation is far from satisfactory. In fact, it is grave. As against 21.7 million unemployed registered, with the employment exchanges in November 1983, a year later, i. e. in November 1984 for which the latest figures are available, the figure had gone up to 23.65 million. This works out to an increase of 9%. In fact, in one financial year namely 1983-84, there was an increase of nearly 12% in the number of unemployed.

The chart is ever increasing. We cannot provide jobs, but the number of persons who are registered is growing up every year; every year number is increasing. This is what is taking place in the employment exchanges. And when you come to think of the problem of educated unemployed, the picture is even more alarming for the simple reason that they have expectations, their parents have expectations, their family members have expectations; and when they go to the employment exchanges, they get no hope from there. I do hope today at least the hon. Minister will come out and tell what plans are there to tackle this problem and how he expects the employment exchanges to play a dynamic role in spotting jobs and in placing the vast multitude of the unemployed into productive avenues of work. This is the thing which I want to highlight and I want the Minister to give a specific answer. The reply to my starred question No. 334 (April 1985) was a mere recital of official figures and the conclusion was drawn that there is, to quote the reply "of necessity, a waiting period" before a name is sponsored. What is this waiting period? Does it differ from State to State? Is it five years or ten years? Which State has the longest waiting period and which State has shortest waiting period? When I asked about

about the details from him, I could not get the answer : and the hon. Speaker was kind enough to allow Half-an-hour Discussion on this. So, I would like the Minister throw some light on this aspect.

Let us look at the reply given to my part (d) question. I was told that, and I quote, "It will not be possible to give priority to persons who are expected to cross any age limit as the exchanges have to sponsor the names according to their position in the live register and the requirements of the employer. It is true that the roster has to be observed, the employers' requirements have to be borne in mind, but, then with all that kept in view, is it not possible to take a more human view of these who are soon going to go out of the employment market because their age will be against them? Can't we take some human view of this problem because every day we see everywhere in the country that the waiting time is so long that the majority of the persons registered are over-aged at least to Government services? Can't we find out a way by which they can get a chance to be sponsored earlier so that they do not cross the age limit mentioned in the Government services. The employment exchanges have to be made more responsive to the needs of the unemployed. Their wooden, bureaucratic approach has to give place to a more human, sympathetic approach.

There was a Mathew Commission in 1978. The Janata Party formed it. They went into the national employment service. On page 77 of Export, it reads as follows :

"Employment Exchange Organisation should do everything possible to change its public image as a bureaucratic organisation bound by procedural red-tape. It should develop the image of an agency which studies the requirements of its employer-clients in the form of assistance to recruit employees satisfying certain requirements and

try to provide quality service efficiently and promptly."

This is the relevant part which I have quoted. They have also said that something should be done to improve the functioning of the employment exchanges. Everybody is aware of the position. Today if you want your name to be registered you have to pay something. Or if you go to the office to enquire when your name is going to be sponsored, or what is the serial number, you have to pay something to that get information. To get your name sponsored you have to pay something.

Sir, bureaucracy and the official behaviour is such that it is difficult for any person—a poor person—to go to the employment exchange. Something should be done. It is high time that we look into this aspect and I suggest that public participation in the employment exchanges is only remedy for this. Some way should be found that public participation is there, that representatives of the public are associated with working of the employment exchanges.

I would like to ask two questions : Whether the Government will order an in depth inquiry into the working of the employment exchanges so that some measures may be recommended for ensuring jobs to the registered candidates especially the ones who are on the verge of crossing the upper age limit, so that the backlog of 12.3 million educated unemployed can be reduced, and enough jobs should also be created by the Government and the public sector. I want to know whether the public sector has recently been asked to recruit fresh graduates, and are they making it obligatory for the public limited companies to notify their vacancies and fill them through the employment exchanges ?

In the reply earlier the Minister has stated that the banks do not obey them, that the private sector does not obey

them and the other organisations do not obey them, and so on. But there is an Act,—this is an Act of 1959. Under the Employment Exchanges (Compulsory Notification of Vacancies) Act of 1959 it is obligatory that all establishments in the public sector and such of those non-agricultural establishments under the private sector as are employing 25 or more workers should notify their vacancies to the employment exchanges and supply or partake information as prescribed in the Act and in the rules made thereunder.

I do not understand how the organisations can make their own methods of employment when this notification is there. I think it is not being enforced. I would like the Minister to clarify this also.

The next is, whether the rules will be suitably amended to allow the candidates about to cross the upper age limit to be sponsored before they become age-barred and whether the hon. Minister will issue orders for a thorough overhaul of the employment exchanges.

I wish he could go and visit one of the exchanges so that he could see for himself how they are working there, so that they could become effective instruments to provide jobs, and all the malpractices can be removed in the larger public interest. I would like the Minister to give a specific answer to the problem and the question I put.

MR. CHAIRMAN : Hon. Minister for labour.

[Translation]

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI T. ANJIAH) : Sir just now the hon. Member has raised many points, which are not new. I am aware of them. Therefore, I am prepared to listen to whatever you

say with regard to the working of employment exchanges. We are prepared to accept whatever proposal you would like to give with regard to the efficiency and the style of working of the bureaucracy and the staff in the employment exchanges, I had taken two or three steps to remove corruption from the employment exchanges during my tenure as Labour Minister in Andhra Pradesh. Similar steps are being contemplated at the all India level also. Labour Ministers' Conference is scheduled to be held tomorrow. We have taken a decision pertaining to the introduction of the computer system and another decision relating being to introduction of the photo system. If somebody by the name of Ram Prakash is registered in the employment exchange in Andhra Pradesh. There are chances that another person of the same name may be sponsored for the job. Therefore, this type of inconvenience will not be there if a photograph of the registered candidate is kept with both the candidate as well as the Department. We used to publish daily by in the newspapers the candidates registered in a particular year, who are being sponsored. We can exercise control through this system. If you insist, we are even prepared for the inquiry. We can correct whatever malfunctioning is there. Whatever proposals you will send to improve the performance of employment exchanges...

(Interruptions)

SHRI JITENDRA PRASADA (Shahjahanpur) : You are saying that you will be doing all this, but how do you propose to do it... (Interruptions)

SHRI T. ANJIAH : What can I do when you are not prepared to listen to me? We involve M. Ps., M. L. As. and the representatives of the trade unions at the district level. This system was working in Andhra Pradesh. If you want, I am prepared to introduce that system. I am also prepared to constitute Advisory Boards at the district and the

State level. In this way, we used to constitute Committees of which the Collector used to be the Chairman at the district level, the Labour Minister at the State level and the Union Labour Minister at the Central level. You have asked whether the managements notify the vacancies. I would say that the private and public sector people regularly notify the vacancies. But it is nowhere obligatory on them to recruit the personnel compulsorily from the employment exchange Administrative instructions have been issued. I do not want to conceal anything. I want that recruitment in the banks, the Railways and the Postal Department, etc. should be done compulsorily through the employment Exchange. But an exemption has been granted for quite a long period. This has to be deleted. For this, an amending Bill is required to be brought forward in which things like Advisory Board etc. are involved. So far as Andhra Pradesh is concerned, I made it compulsory during my tenure as Labour Minister. There was no Railway or Postal Department there. We used to tell the private sector people there that since we were giving them land, electricity and water they should recruit staff through the employment exchange compulsorily. We used to pressurise them for this indirectly. When we come to the national level all bulk recruitment in the Ministry of Railways, Ministry of coal and in the Banks... (*Interruptions*)

SHRI ZULFIQUAR ALI KHAN (Rampur) : There is mishandling at the Centre... (*Interruptions*)

SHRI T. ANJIAH : What can I do. You try to understand. The name 'Employment Exchange' was given during the British time. I also become a worker in 1942 through the employment exchange... (*Interruptions*)

SHRI JITENDRA PRASADA : The exchanges came into being in 1945...

(*Interruptions*)

SHRI T. ANJIAH : Exchanges existed even in British time. Perhaps, you do not know... (*Interruptions*)

Employment exchanges were set up during war time when a need for them was felt for recruitment. At that time some training Centres and some employment exchanges were opened in the country.

So, I wanted to ask you how you want the corruption and other malpractices to be checked, you want. That there should be no writing list, but it is written in our rules that 20 persons should be called as against one vacancy. I myself feel that calling 20 persons for a vacancy is not justified. This system is wrong, because if 20 persons come for one post, they will incur some expenditure on transport on bus fare and if they come by bicycle, they will have to pay cycle stand charges and only one out of those 20 is going to be selected, the rest will have to go empty handed therefore, I am also of the view that very few persons should be called against one vacancy. But, here, we have a system of calling 20 persons against a vacancy. Besides, the employment exchange does not sponsor persons for vacancies at all places, they sponsor persons for only those industries which come under their jurisdiction. Therefore, with a view to removing all these short comings. We are considering the question of being forward a new Bill we shall have to hold discussion with all the Ministries to decide what improvements can be effected through it and we shall have to make an in-depth study of all these things. So far as the question of increasing employment avenues is concerned, you better talk to the Planning Minister in this regard so that he could formulate the future plans in such a way that more and more people may get employment. So far as the question of effecting improvement in the functioning of employment exchanges and increasing their powers is concerned,

you can discuss this matter with me and we are always prepared for it.

[*English*]

SHRI ZULFIQUAR ALI KHAN : I suggest that you should form a Committee under the Chairmanship of Shri Jitendra Prasada.

[*Translation*]

SHRI T. ANJIAH : We can put you on the Advisory Board if you so desire ..

(*Interruptions*)

There is no question of Constituting a separate Committee . . . This is going to be constituted at the national level, you may join that . . . (*Interruptions*)

Even if you do not want to be represented on that, I am certainly going to name you on that Committee because we do not want to hide anything

(*Interruptions*)

[*English*]

SHRI ZULFIQUAR ALI KHAN : He apologises to you, Sir,

[*Translation*]

SHRI T. ANJIAH : I am empowered to deal with employment exchanges only. As regards the question of setting up industries and raising employment avenues it is not in my hands. For that you talk to the Finance Minister and the Industry Minister. If they have the funds . . . (*Interruptions*)

SHRI MOOL CHAND DAGA (Pali) : Mr. Chairman, Sir, today you have 745 employment exchanges in the country and 62.19 lakh candidates were sponsored for employment during 1984 alone, where as only 4.7 lakh candidates actually got employment. Therefore, so far as

placement in your employment exchanges is concerned, I think, this is not the reason.

[*English*]

The percentage of placement was 2.59 in 1980 which was itself fast declining compared to 1979 and has since been coming down steadily to 2.8 in 1981, 2.4 in 1982 and 2.2 in 1983.

[*Translation*]

The percentage of the number of candidate approaching employment exchanges for seeking employment is declining steadily. Now, when I want to ask you some questions, you are being briefed by the hon. Finance Minister from one side and the hon. Home Minister from the other, you are sandwiched between the two and are in great trouble, meaning thereby that you are flanked by the senior Ministers from both the sides.

(*Interruptionsj*)

[*English*]

MR. CHAIRMAN : You may ask the question, he will reply.

[*Translation*]

SHRI MOOL CHAND DAGA : Sir, you listen to me first because it is the question of unemployment which is a curse for the entire country and you are not taking it seriously. This is not a simple question, this is a question of removing unemployment from the country. In this connection, I want to ask some questions from you. I want to give an example of how one gets employment through your employment exchanges. When a Collector or some other big officer wants to employ a boy at his house, he does so directly and there after he tells the employment officer to sponsor his name so as to regularise him. I want to know what your power are. Are there only

to satisfy the requirements of big officers ?

Anybody may inquire into the fact that 40 per cent of jobs are given to the relatives of those who are already Government servants. They get their names registered with the employment exchange and you cannot enforce any of your laws on them. You have a law in this regard that any department, whether it be the Railways, the municipal office or the office of the collector, will be violating the law if it employs some one who has not been sponsored by the employment exchange. Will you enforce this clause of the law and take action against those officers who have employed the people who have not been sponsored by the employment exchange card, will you send them to jail ? This is my first question.

Mr. Chairman, Sir, my second question is this may I know the member of departments which have employed personnel without making reference to the employment exchange and the number of persons thus employed since 1981 ? Please let me know the year-wise figures in this regard.

The third question which I want to ask from the hon. Minister through you, Sir, is that Government have identified the beneficiaries under the D.I.Cs., who are poor and are living below the poverty line. It has been decided that they will be given loan only on the recommendation of the Employment Officer. In this connection, I want to know from you the number of Employment officers who have recommended the names of the persons living below the poverty line during 1981, 1982, 1983 and 1984 and the number of persons thus recommended as also the number of persons who were actually given loan on such recommendation ? These employment exchanges are under your charge and if you cannot enforce any rule and law on them, better close them down. At least, the heavy expenditure being in-

currred on them will be served and at the same time the people will be saved from the inconvenience being faced by them in making rounds of the exchanges ... (Bell)... please do not ring the bell. No relevant answer is forthcoming to any question and you are ringing the bell. Time and again, I am asking whether one gets employment on the basis of the percentage which you have given. Besides, you also reply to my other questions. You go ahead with making amendment in the law if necessary and let us know the time by which the amendment will be made so as to give justice to the people.

[English]

SHRI SOBHANADREESWARA RAO (Vijaywada): Mr. Chairman, Sir, it is most unfortunate that the Minister for labour has expressed helplessness in dealing with the grave situation. It is a common practice that in the private industries and establishments the management and the people who are at the helm of affairs, take people of their choice, their kins and the persons in whom they are interested leaving the persons who are waiting in the employment exchanges for ten years or even more. Most of the persons who are registered with the employment exchanges do not get even a Call Letter, what to talk of a job, to go to an interview. It is a general phenomena. What steps the Government is going to take specifically against the non-compliance of the present rules in force and what action the Government is going to take in regard to those unfortunate educated unemployed people ? The Minister himself told that there are 12.3 million unemployed people, and it is not their fault. They have spent so much of their valuable time in learning and their services could not be utilised. Not only it is a great loss to themselves—most of them are common people from middle class families—but it is also a loss to the nation. So, I would like to know whether the Government is going to make the necessary

amendments in the Act so that this age restriction is relaxed in regard to the people who have already registered their names in the Employment Exchanges long back. Also I would like to know from the hon. Minister what steps the Government is taking on the recommendations of the Expert Committee on Employment which had submitted its Report and made recommendations, and recommended for setting up of National Committee on Employment and Manpower Planning to give necessary suggestions and periodical review of the situation pertaining to manpower, employment and unemployment, and also protections of labour force in different categories of manpower with the available data and to advise several Ministries and make suggestions regarding the policy matters. I would like to know from the hon. Minister, through you, Sir, what the Government is going to do in regard to those recommendations.

[Translation]

SHRI HARISH RAWAT (Almora): Mr. Speaker, Sir, I agree with my colleagues who have levelled charges of corruption and inefficiency against the Employment Exchanges. Besides, I also understand the hon. Minister's inability to do much in this regard but he can at least make arrangements so that the people are not required to go very far to register their names. For this, if the Employment Exchanges are set up in schools, universities and each Block, it would at least enable the candidates to register their names conveniently, irrespective of the fact whether they get jobs or not. Will the hon. Minister consider it?

SHRI T. ANJIAH: It can be done. The names can be registered at the Samiti level or Block level and there is no difficulty in that. The State Governments will have to co-operate in this regard.

Shri Daga has demanded changes in the Employment Exchanges Act. He

has also demanded that it should be made compulsory that in regard to the examinations held by the Public Service Commission, and for recruitment to the Railways, the Postal Services and the private sector, only those candidates should be taken who are registered with employment exchanges, which may help in improving the position. We are prepared to do whatever you have suggested with regard to corruption. We are ready to make the amendments in the Act as desired by you. We have 600 MPs and a similar number of employment exchanges and if you wish we can attach one MP to each employment exchange. The employment exchanges of each State will be informed about their MPs and a meeting can be held every month to devise the mode of functioning. We do not wish to hide anything. If you wish you can give us the name of the employment exchange where you wish to be attached and we shall issue an order to that effect. Thereafter you tell the Member of Parliament how the employment exchanges are functioning. We do not want to keep any secrets in this matter if there is corruption we do not want to cover it. We propose to bring about amendments in the Act by involving the public representatives. When the Amending Bill is introduced, you support us at that time. There are many loop-holes in the Act. Within the framework of the present employment exchanges nothing much can be done. But this has been there for a very long time now. The employment exchanges did not come into existence during my tenure. They were very much there during the Janata Party rule and earlier also. They did not come into existence during my tenure or the new Prime Minister rule.

[English]

SHRI JITENDRA PRASADA: I think the Minister is confused. The people sitting on this side here are also Members of the Congress Party.

[*Translation*]

SHRI T. ANJIAH : We shall try to implement the suggestions made by you and Shri Daga, who has made some valuable suggestions, about the employment exchanges.

Now we can ask the banks to recruit through Employment Exchanges. This we can do by forming some sort of a society. To set up factories is not my business. I am not the licensing authority. Whatever is in my mind I can convey to the Planning and Finance departments.

[*English*]

SHRI JITENDRA PRASADA : Why don't you ask the hon. Finance Minister ?

[*Translation*]

SHRI T. ANJIAH : You should do that. Why are you asking me ? You ask me about the performance of the employment exchanges and I am ready to tell you about that. It is not my responsibility to provide employment to every one. You are asking about it unnecessarily. The sick industries and the closed down factories are already a headache to me.

SHRI MOOL CHAND DAGA : The figures I was quoting were about your performance.

SHRI T. ANJIAH : I have before me whatever you have said.

So far as constituting the Advisory Boards is concerned, we shall constitute them at the national level, State level and the district level. We may include Members of Parliament and MLAs as members of the Board.

So far as the question of age relaxation is concerned. I can relax it but it would not be of much use because

candidates with a seniority of 20 years or 10 years will not be covered by it. I may say that the age may be relaxed up to 35 years, but if the demand from a factory comes for people in the age group of 20 to 25 years or 18 to 25 years what can we do ? Even if we relax the age of what use would it be ? It can be given up to 7 years in the case of Harijans and something could be done for the physically handicapped. But this question of age relaxation is dependent the attitude of the factories.

There are other ways to solve the unemployment problem. We shall have to tap local resources...

[*English*]

SHRI V. SOBHANADREESWARA RAO : Because of the age-limits prescribed for them they are becoming age-barred.

SHRI T. ANJIAH : We cannot fix the age limit. It is according to the management's choice. They want candidates between 18 and 25 years. They will send their requirement like this.

[*Translation*]

In this way we sponsor candidates as per their requirement. The unemployment problem can be solved if we tap other sources also.

18.50 hrs.

MESSAGE FROM RAJYA SABHA

[*English*]

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