

[*Shri R. P. Suman*]

via Lucknow and from Varanasi also two trains—Mahanagri Express and Kashi Express go to Bombay via Allahabad. In this way, the people of about 10 districts around Gorakhpur, Varanasi, Lucknow and Allahabad remain totally deprived of rail facility for going to Bombay. They have to go to Lucknow, Varanasi or Allahabad to catch the train for Bombay which is quite inconvenient. About 20 lakh people are facing this inconvenience which is causing resentment. I, therefore, demand from the Government of India that keeping in view the acute problem of the people of eastern Uttar Pradesh, permission may kindly be given to run Kashi Express via Varanasi, Jaunpur, Shahganj, Malipur, Akbarpur, Gosainganj, Ayodhya, Faizabad, Sultanpur, Pratapgarh, Allahabad upto Bombay. The same route should be followed on return journey upto Varanasi. Also, keeping in view the large number of passengers at Akbarpur Junction, orders should be issued for reservation quota of at least 4 first class berths and 8 second class berths in every train.

[*English*]

(vii) **Need to set up industries in Central Sector in Rajasthan.**

SHRI SHANTI DHARIWAL (Kota): Rajasthan continues to be one of the most backward states in the industrial sector. There is a great need for developing large scale industries in Rajasthan. The State Government has been pleading for a long time about the inadequacy of Central Public sector investment in Rajasthan. Investment of Central Public Sector in Rajasthan is very low. It is 1.90% of such investment all over the country.

Two addition units by Bharat Electronics Ltd. and one unit by Hindustan Aeronautics Ltd. are going to be set up in the country. It was indicated by the Chairman and Managing Director, BEL that their undertaking is planning to put up two or three more units for manufacture of defence electronic equipments. The State Government has assured the Chairman and Managing Director of the BEL all possible assistance and cooperation besides making available required land, power, water,

housing etc. at a normal price. The Government of India after considering all relevant factors, has decided to set up the units of BEL and HAL at places other than Rajasthan.

Now Hazira Bijapur gas pipe line is also going to be laid through Rajasthan. I request the Government to set up industries in Rajasthan as there are many places on the route of H.B.J. pipe line in the State which are very suitable for industrialisation.

I look forward for sympathetic attention and support in this vital matter.

13.07 Hrs.

STATUTORY RESOLUTION RE: DISAPPROVAL OF CONTRACT LABOUR (REGULATION AND ABOLITION) AMENDMENT ORDINANCE 1986, AND CONTRACT LABOUR (REGULATION AND ABOLITION) AMENDMENT BILL

[*English*]

MR. DEPUTY SPEAKER : Now we shall take up Item Nos. 12 and 13 together.

Smt. Geeta Mukherjee	—	Absent
Shri C Janga Reddy	—	Absent
Shri Indrajit Gupta	—	Absent
Shri Ramashray Prasad Singh	—	Absent
Dr. A. K. Patel	—	Absent
Prof. Saifuddin Soz	—	Absent
Shri Bhattam Sriram Murty	—	Absent
Shri M. Raghuma Reddy	—	Absent

So, the Statutory Resolution at Item No. 12 is not moved. Now, I call upon the Hon. Minister to move the Bill.

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : Sir, I beg to move ;

“That the Bill to amend the Contract Labour (Regulation and Abolition) Act, 1970, as passed by Rajya Sabha, be taken into consideration”.

The Hon. Members are aware that the President had promulgated an Ordinance

on the 28th January 1986 to amend the Contract Labour (Regulation and Abolition) Act 1970. The present Bill has been introduced to replace the Ordinance.

The purpose of the Bill is that the same Government should be the appropriate government in respect of an establishment under the Contract Labour (Regulation and Abolition) Act 1970 as also the Industrial Disputes Act, 1947. This will help us in evolving a uniform industrial relations policy and will also help in reduction in the multiplicity of inspection agencies which is not administratively desirable.

The Bill has already been passed by the Rajya Sabha on the 11th March 1986.

With these few words I commend the Bill for the consideration of the House.

MR. DEPUTY-SPEAKER : Motion moved :

“That the Bill to amend the Contract Labour (Regulation and Abolition) Act, 1970, as passed by Rajya Sabha, be taken into consideration.”

SHRI K. RAMACHANDRA REDDY (Hindupur) : Mr. Deputy Speaker Sir, The Government has now come forward with the Contract Labour (Regulation and Abolition) Amendment Bill 1986. The purpose of bringing this Bill is that they had got an Ordinance issued previously and in order to replace that Ordinance they have now come forward with this Amendment Bill.

As far as the Ordinance promulgated is concerned I would like to know from the Government and from the Hon. Minister the urgency as the Article 123 requires that an Ordinance can be promulgated only when circumstances exist to take immediate action. Unless there are those circumstances existing for an immediate action, an ordinance cannot be promulgated :

13.10 hrs.

[SHRI VAKKOM PURUSHOTHAMAN  
in the Chair]

No doubt, the Government has got power to issue an ordinance but it is a very extraordinary power. It has to be used very

sparingly. An ordinance should not be promulgated so as to bypass the powers of Parliament. Even though issuing of an ordinance may not be illegal yet issuing of this ordinance is also not totally moral and appropriate under the present circumstances.

I have carefully gone through the statement of the Minister and also the statement of objects and reasons. No where it has been mentioned about the necessity and urgency of issuing an ordinance. Supposing the ordinance had not been promulgated what would have happened? What was the eventuality which the Government wanted to meet in issuing this ordinance? They are silent on these things. Under these circumstances the issue of the ordinance or promulgation of the ordinance cannot be justified.

Now, let us go through the circumstances under which the ordinance has been issued. In the last week of January it was mentioned in the press that Parliament is likely to assemble towards the end of second week of February. Next day Government came forward with a hurried statement that Parliament Session has not been called. Then this ordinance was issued on 28th January, 1986.

The summons for the Session were issued on 1.2.1986. That means the ordinance was issued two or three days prior to the summoning of the Session. So, I would like to know the urgency. Were heavens going to fall if the ordinance had not been issued?

Sir, in ordinary circumstances they should not bypass Parliament. What was the necessity for this Government to issue an ordinance just two or three days before the summons for the Session were issued? They have not come forward with an explanation. That shows the casual manner in which the Government is dealing with Parliament. They are not giving it its due respect. They resort to short-circuit steps to bypass parliament.

Coming to the Bill I am not able to understand as to why this amendment is necessary. In the statement of objects and reasons it has been said that there are two Acts. One is Industrial Disputes Act of 1947 and the other is Contract Labour

[*Shri K. Ramachandra Reddy*]

(Regulation and Abolition) Act of 1970. In both these Acts the appropriate government has been defined. According to Industrial Disputes Act, 1947 the appropriate government is Central Government and according to the Contract Labour (Regulation and Abolition) Act 1970 the appropriate government is the State Government. By this amendment they want to usurp the powers of the State government so that the State Government may not implement this Act.

Sir, the two Acts are entirely different. The purview of both the Acts is entirely different. You cannot club them together. So, where is the necessity for the Government to bring forward this ordinance? When these two things are entirely different where is the necessity for the Government to define competent authority or appropriate government? There are 185 Acts. Is the Government going to come forward with a consolidated legislation? You will not be able to do it. There are a number of Acts where the rights of the farmers, the rights of the workers, etc. are not protected. The Government are not taking any serious action for the welfare of the workers. When such is the case and so many Acts are already there, you should have come forward with a consolidated legislation. Why has this recourse been taken? The Government has come forward with this amendment with an unchaste haste.

When you consider this aspect along with the decision of the Supreme Court in Surinder Singh VS CPWD and the union government and in the judgement, the Supreme Court has said that the workers after six months of their working ...

MR. CHAIRMAN : Please conclude now. The time allotted for this Bill is only one hour and your party has given the names of two Members. Kindly conclude now.

SHRI K. RAMACHANDRA REDDY : In the judgement, the Supreme Court has come forward to say that equal pay must be given for equal work for all people after six months of service. This judgement of the Supreme Court must have come in the way of some vested interests; some people who are affected by it, and probably the Govern-

ment has succumbed to the pressure of vested interests and they have come forward with this Bill in an unchaste haste to help the vested interest.

What has the Government been doing all these years? Sixteen years have elapsed and they never thought that the differential term mentioned in the 1947 Act and the 1970 Act were at loggerheads. Are there any instances where the Central Government and the State Government had come into conflict? I do not think that the Central Government tried to implement this Act and the State Governments came in the way, or the State Governments tried to prevent it. Are there any instances of conflict between the Central Government and any State Government in the matter of enforcement of this Act? If such circumstances were there, the Ministry should have come forward to say that in such and such case, the State Government obstructed an act which was in the interest of the labour.

MR. CHAIRMAN : Please conclude now.

SHRI K. RAMACHANDRA REDDY : This is an Act where the rights of the labourers are being taken away. In Railways there are 20 lakh workers and seven lakhs are under contract labour. In coal mines, seven lakh workers are there and one lakh are under contract labour. The contractors who engage these workers do not pay their wages correctly. Their services are not regularised and no gratuity etc. is paid to them.

MR. CHAIRMAN : Please conclude now.

SHRI K. RAMACHANDRA REDDY : Why are you in a hurry?

MR. CHAIRMAN : I am helpless. Only one hour has been allotted for this Bill.

SHRI K. RAMACHANDRA REDDY : When I am initiating the debate, you must give me enough time. If you are interested in just passing the Bill, you can do it, but if you want some discussion, you have to give some time.

MR. CHAIRMAN : Please conclude it now.

**SHRI K. RAMACHANDRA REDDY:** The service conditions of the workers have to be improved. This Bill takes away the powers of the State Governments and all powers are concentrated in the hands of the Central Government. Since 1970, the Government has done nothing for the workers. If the Central Government does not take any action at the instance of the vested interests, the workers will continue to suffer. That is why, I request the Minister to reconsider and withdraw this Bill and then come forward with a comprehensive Bill so that the interests of the workers are safeguarded.

**SHRI SOMNATH RATH (Aska):** Mr. Chairman, Sir, I rise to support the Bill. The hon. Minister has rightly said and mentioned about the utility of this amendment, and that this will provide for uniform industrial relations policy and reduction in the multiplicity of inspection agencies. The Government have taken some steps under this Act and have prosecuted some persons who have violated this Act and there have been some convictions also.

This amendment is necessary because this will fill the gap between the Contract Labour (Regulation and Abolition) Act and the Industrial Disputes Act. This will help the industrial policy a lot. My learned colleague on the other side has spoken much about the promulgation of the ordinance, about the Act itself and then about the utility of this Bill itself. He has said that the ordinance is not legal because it was promulgated just before the House was summoned and according to him it was necessitated because of the judgment of the Supreme Court in January 1985. What is the harm if Government gives due consideration to the Supreme Court's judgment? If according to him it is true that this Bill has been brought forward on account of the judgment of the Supreme Court, there is nothing wrong about it. On the other hand, he should have praised the Minister of Labour.

There are some areas where the operations of the Industrial Disputes Act as well as this Act are the same. The operating agencies may give different views. This Act is not for total abolition of the contract labour, but it is only for regulating and

restricting the contract labour. It would have been much better if the contract labour is abolished. But that is not done.

In some areas the State Governments operate and in other areas the Central Government operates. The supervising or inspecting agencies in the common areas may give two views. So, it is difficult to implement and that is why, this Bill has rightly been brought now.

I will say one thing to the hon. Minister. He may see that this Act is fully implemented soon. The construction industry has become very important in the country. Due attention has to be given to the labourers in the construction industry as the laws enacted for the benefit of the labourers are violated many a time. Those persons who violate the laws should be punished. For instance in Delhi itself there is one organisation called the Continental Construction Company in Nehru Place. On 17.3.1985 I asked the hon. Minister whether it was a fact that licences of the labour contractors of Orissa had not been renewed this year and yet they were allowed to recruit the labourers and engage them to work in the country and outside the country. The reply given to me was that the Orissa Industrial Infrastructure Development Corporation, Bhubaneswar, a Government of Orissa undertaking was the only organisation which had been given the licence and none else. In my earlier question, I invited the attention of the hon. Minister that in Orissa so called contractors were the sub-agents of this Continental Construction Company and some other companies in Delhi and they had recruited labourers to send them abroad and Rs. 5,000 to Rs. 15,000 have been extracted from them, though the Construction Company, as per the reply, is not entitled to charge anything. Only the agency was entitled to do so upto fifteen hundred. Thanks to the Department of Labour, two informations had been lodged in the police station. The cases are going on, though we do not know the facts of those cases. I would like to know from the hon. Minister when in the agreement these construction companies or the agencies who are authorised to send the labourers abroad, are not entitled to recruit the labourers through these sub-agents,

[*Shri Som Nath Rath*]

why they are allowed to continue to do so. I have got the relevant letters and information with me and I have also apprised the previous Labour Minister regarding this and he had also complimented me in the House.

Why not the licence of this Continental Construction Corporation Private Limited be cancelled? This is one of the arguments. This Continental Construction Corporation and also other Companies in Delhi are exploiting the labourers through their unauthorised contractors by collecting huge amounts from them. Not only that, they are also making labourers to work in India for sometime and after getting the work done, then only they promise to send them abroad. Some labourers are sent and some are not sent abroad. Another most important factor is that, after they are sent abroad, what their wages are received in India through these companies, 10 per cent of that amount is deducted and given to these sub-Contractors by the Companies or the Agencies.

I submit, through you Sir, to the Minister, that the Bank Accounts of this Continental Construction Company in the State Bank and other Banks, should be seized and the illegal deduction of 10 to 15 per cent wages of the labourers, who have been sent abroad should be realised and paid, to them besides taking other actions.

Now, there are about 500 labourers of Orissa having passports, who have worked under these companies or agencies, and who are not sent abroad and very much harassed. Those who have got their passports should be sent abroad on priority basis and enquiry must be made the Hon. Minister should defend them. Let these construction companies or agencies be prohibited from sending anybody outside unless the labourers are sent. The Continental Construction Company and others with vengeance are sending some persons abroad only after having been recommended by a person against whom information has been lodged in Police station and 147 passports seized & returned at least, the information in this regard should be lodged. Most probably, he might have spent some amount because of litigation

and to make good the loss, he has been encouraged to send the labourers by extracting more money. Bundles of documents are with me. These have already been given to the previous Labour Minister. It should be examined. Stringent steps should be taken. They have also committed many crimes, under the Immigration Act, besides tax evasion, harassment and exploitation of the labourers. I have got with me a list of at least 16 companies or agencies, who are doing this job. Stringent action should be taken against them. Enquiry should be made through the CBI I am speaking in this House advocating the causes of the labourers. One letter written on the letter pad supplied to M.Ps, was forged and published in one of the papers in Orissa—the Samaj—but later the paper contradicted it. This is not a question of mine, but this is a question of the House how even the MPs who are bringing matters to the notice of the Government and speaking in the House about this exploitation, this racket, this scandal, money-making racket, corruption, etc., are also not spared by these people. They want to humiliate the member of Parliament also and lower their prestige in the public eye. I think the Chair should also come to the rescue of Members and take action against them or else it is very difficult for an MP to speak against the corruption in this House.

AN HON. MEMBER : What is the letter, you have been mentioning?

SHRI SOMNATH RATH : I want to place it before the House. I have not done it so because I have not taken the permission of the Chair to lay it on the Table. Otherwise, I would have done it I will do it later. I will show it to the Minister. Sir, I will take the permission of the Hon. Speaker and I will place all the documents before the House. It will be an eye-opener how crores of rupees have been extracted from these labourers. The documents have been given to the Labour Ministry. Copies are with me. (*Interruption*) They have lodged the information and from one person 147 passports have been seized. And that is the person now being encouraged by all construction companies and others, to send labourers abroad. So, I request the Minister of Labour to take stringent action in this matter.

[Translation]

SHRI K. N. PRADHAN (Bhopal) : Mr. Chairman, Sir, I support the Bill presented by the hon. Minister. It will not be wrong if it is said that it is an innocuous amendment and there is no need to frown on it. So far as this objection is concerned that no ordinance should be issued immediately before the session, I would say it is not a proper objection. In the principal legislation it is imperative to keep in view this thing but so far as an amendment is concerned, it shows that there was a lacuna or confusion which is being corrected and the earlier it is done the better. Here also what has been done is just this that wherever the Industrial Disputes Act is applicable, the appropriate Government will be the Central Government and for the rest State Governments will be the appropriate Government.

The principal Act came into force in 1970. It is true that some work has been done on it but in this large country where contract labour has no rights, pay scales, dearness allowance, service conditions, overtime allowance, pension, gratuity, lay off allowance etc. it has not been implemented with the desired speed. This contract labour is engaged both in the public sector as well as in the private sector and they can be thrown on the road any time. Even after 10 to 20 years of service, they are thrown out at a stage when no one is there to take care of them.

In Bhopal, two years back JK Dry cell factory was closed down. The regular workers got the compensation and gratuity but the contract labour was thrown out without any compensation. When notice for extra production was given, the strength at that time was double the regular strength and half of the workers were working as contract labourers; even in their case no care was taken. They had worked there for as many as 20 years.

In 1983, the Supreme Court had given a ruling on a writ petition that all the States should constitute Contract Labour Advisory Boards. This ruling was given in a case against the Food Corporation of India that all the perennial posts there should be regularised and made permanent. But

I want to draw the attention of the hon. Minister to the fact that be it the labour department of the Centre or the State labour departments, the Food Corporation of India is a glaring instance where during the last 3 years i.e. from 1983 to 1986 we have not been able to form a committee who may identify the number of perennial jobs in the Corporation.

Wherever endeavour was made to abolish this contract labour system, they started throwing the workers out of job. Therefore, what is needed is to ensure abolition of contract labour system and to regularise the contract labourers. They should not be thrown on the road.

Similarly, a very good suggestion was given by the Tamil Nadu Contract Labour Advisory Committee that by amending Section 10 of this law, contract labour system should be abolished in those places where there is work all the year round. But that too has not been implemented.

The entire House will welcome any such amendment in respect of labour laws. Today we feel lost in the jungle of laws and there is no such law in the country which is not in need of amendment. Shri T. Anjiah was Labour Minister last year also and though he may look old because of his grey hair yet the way he discharged his duties was commendable. He worked like a young energetic man. He was physically and mentally agile and alert.

He had assured that all the labour laws will be reviewed and a comprehensive legislation will be brought because there are many laws which have contradictions and contain differing definitions. Under the prevailing conditions it has become all the more necessary to amend the laws particularly the labour laws, which have contradictions and differing definitions because we wish to enter the 21st Century.

In the end, I would like to submit that as our present Labour Minister is very young, we expect him to work even faster than the ex-Labour Minister, Shri T. Anjiah and thereby prove that he is keenly interested in workers' welfare and safeguarding their interests in a better way.

[*Shri K. N. Pradhan*]

With these words, I wholeheartedly support the amending Bill.

\*SHRI BAJU BAN RIYAN (Tripura East): Mr. Chairman Sir, the amendment Bill which is before the House seeks to amend the Contract Labour (Regulation and Abolition) Act. The present amendment to that Act is a very small one. It defines who shall be the "appropriate Government" for the purpose of settling the labour disputes. Previously it was provided that the State Government of that State where an unit is functioning shall be the "appropriate Government" for intervening and settling any disputes between the contract labour and the contractors. But now, as a result of this amendment the State Government is being deprived of the powers to take action and all power in this regard is being taken over by the Central Government. It is true that in practically every State the contract labourers are working for a long time in different Central Government establishments like the FCI, BHEL, the Shipping Corporation of India, NBCC etc. Why has the Central Government suddenly felt the need now to amend this Act? The original Act is in force since 1970. But from 1970 to 1985 in these long 15 years the Government did not feel any necessity to amend that Act. Why are they feeling it now? Sir, over the last one or two years labour trouble developed in certain Central Government units located in West Bengal like the Burnpur steel project, the Durgapur Steel and fertilizer Corporation. The Metro Railway etc. where contract labour was working. In those cases the Labour Commissioner of the State Govt. of West Bengal intervened and resolved those disputes to the satisfaction of the workers. The State Government arranged for the regularisation of the labourers and saw to it that their outstanding dues are also paid.

In contrast, I will mention about a few other instances in other States. About two years back, the contract labour working under the Assam Oil division agitated for the payment of their dues. There were beaten up mercilessly by the CISF and were driven away without paying them their dues. There is another instance Sir, at the

Panipat Fertilizer Corporation in Haryana also there was a dispute between the contract labour and the contractors. The labour demanded their legitimate dues and payments. There also they were beaten and driven away by the CISF. For the last 10 or 15 years the Central Government did not bother about the uniformity in the decisions in the cases of labour disputes under the various labour laws and the Industrial Disputes Act, when the Congress was in power at the centre and there was Congress Government in most States as well. They have suddenly become alive to this, why? Because they are seeing that the left front Government of West Bengal are settling these disputes keeping the interest of the workers in view. They are taking the side of the workers. But in other Congress ruled States, the State Government as well as the Central Government is taking the side of the contractors and beating up and driving the labourers away with the help of CISF, without paying the dues of the workers.

Therefore I regret to say that this amendment is not being brought forth to protect interest of lakhs and lakhs of Contract labour of the country. On the other hand this amendment has been brought keeping in view the interest of the contractors only. Now I know Sir, the officers of such units and corporations where contract labour is employed, are in connivance with the contractors and both together are trying to cheat the workers of their rightful dues and to make money themselves. There is no effort to pay their dues. Many such units are running at a loss. In this way through the collusion between the contractors and the officers the Government is losing, industry is suffering and the workers are being deprived of their just dues. That is why I cannot support this Bill fully in its present form. I will be glad if the Government brings forth a comprehensive Bill in this respect to protect the interest of the workers, for protecting those lakhs upon lakhs of labourers who are working under contractors in the Government, semi-Govt. and even in private establishments. I would have been really glad if the Govt. tried to protect the rights and interests of all these poor workers. But the question is, will the Government do that? Have they the power

\*The Speech was originally delivered in Bengali.

to do that? No, they are not interested in that. I know that this Government functions keeping the interest of a handful of persons only in view. We have often alleged that. Sir, the contract labour act is in force in various parts of the country for a long time. I want to know what is the object and real purpose of bringing this amendment Bill. When the hon. Minister replies, I will like him to say in which States the industry has suffered or the interest of the workers has suffered as a result of intervention of the State Government. Which are those States? If there was no loss to industry or if the interest of the workers did not suffer when the State Governments intervened to solve the labour disputes earlier, then what was the need of this Bill at all?

I will hope that in the coming days a comprehensive Bill will be brought forth keeping the interest of the contract labour in view. Then we will surely place the views of our party thereon before this House and support the same.

With that Sir, I conclude.

SHRI MOOL CHAND DAGA (Pali): Mr. Chairman, Sir, I thank Shri Sangma for bringing a comprehensive Bill after great labour. I feel he must have literally sweated in formulating this Bill. I would like him to state the number of people who have been prosecuted and punished under this Act so far? It is unfortunate that all the labour laws that have been enacted so far are gathering dust in shelves. The enactment of labour laws merely provides ample powers to the Inspectors. No other purpose is served by them. If you study the labour laws you would come to know about them. They are all well intended. Sangma Sahib believes in plain speaking. The Act enjoins on the Contractors to provide facilities to the persons hired.

[English]

"In every establishment where twenty or more workmen are ordinarily employed as contract labour, there shall be provided two rooms of reasonable dimensions for the use of their children under the age of six years.

(b) one of such rooms shall be used as a play room for the children and the other as bed room for the children.

(c) The contractor shall supply adequate number of toys and games in the play room and sufficient number of cots and beddings in the sleeping room".

Is it in Nagaland, Karnataka or Kerala?

[Translation]

But who are these contractors? They are parasites and exploiters of workers. You have enacted the law. But the responsibility of Government does not end here. May I know, why only establishments employing a minimum of 20 workers or more are covered under these laws? Even if one worker is exploited it is an offence and a crime. I would like to cite an example. A rich landlord employs 5 workers to dig a well and promises to pay Rs. 200 to them. The workers work for 10 days but because of a big rock the work is stopped. Instead of paying them Rs. 200 they are hauled up at the police station and are categorically told that they will have to dig another well to honour the contract. These things are happening but your laws cannot be invoked in such cases.

May I draw your attention to Article 42 and 43 of constitution. I would like to quote:

[English]

42. "The State shall make provision for securing just and humane conditions of work and for maternity relief.

43. The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural industrial or otherwise, work, living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular.....".

[Translation]

Sir, I am not only talking of Karnataka. The contractors exploit the workers throughout the country. What is the plight of



[Shri Mool Chand Daga]

domestic servants? Has any law been enacted to help him? The householder exploits his servant. Even though rich people earn a lot of money, yet they give a paltry sum to their servants. In this way one person exploits the other...*(Interruptions)* We wallow in tears of agony and seek Sangma Sahib's help. I would like him to state the number of persons who have been punished under section 24, 25 and 26 of this Act. How many people have been punished during the last 10 years and the persons who have been sent to goals during the last three years? The Act provides for 3 months simple imprisonment or fine in case of contravention. How many Contractors have been punished and how many Public Sector Undertakings have been challaned under the Act? Has the FCI chairman been challaned? The FCI exploits workers. It forces them to unload a specified number of gunny bags in order to earn their wages. Will the hon. Minister be pleased to state the names of Public Undertakings which have been challaned. I know that Sangma Sahib will feign ignorance on the ground that he has just taken the charge of the portfolio

Contract labour means that the contractor has a right to exploit the worker and become a parasite. This system of Contract labour should be abolished.

The Central Advisory Board comprises 20 members. The hon. Minister should inform us about the settings of the Board and the working of Inspectors. Sangma Sahib, we are aware of the working of Inspectors. The Inspectors receive regular payments every month from the employer. This is an *Inspector Raj*.

Sir, I want to submit that these things should be looked into. Until and unless a comprehensive legislation is brought in this regard, this Act will not serve the purpose. This Act was enacted in 1970 and I would like to draw your attention to some of its clauses :

[English]

Here you have said "to any establishment in which twenty or more workmen are employed"

[Translation]

People can easily engage 18-19 workers on contract basis.

The Act will come in force only when 20 workers are engaged.

[English]

Then I draw your attention to Section 3. Here it is mentioned :

"The Central Government shall, as soon as may be, constitute a Board to be called the Central Advisory Board... consisting of twenty members.. not exceeding seventeen...and tow more".

[Translation]

I would like to know about the sittings and the working of the Board.

[English]

It is with the permission of the Inspector that you can file a suit or a complaint.

[Translation]

What are the punishments for those who violate the law? They may have to serve a simple imprisonment for three months. The Act categorically states that no worker can file a suit on his own.

[English]

SHRI RAJ KUMAR RAI (Ghosi) : Can't they lodge a report in the Police Station ?

[Translation]

Is there any justification in this law? Sangma Sahib, your department advised you and you brought this amendment.

[English]

Then this is the greatest anomaly.

[Translation]

SHRI MOOL CHAND DAGA : Yes this is true, I also wanted to emphasize it. The hon. Deputy Speaker has rung the bell in order to warn me to conclude. I urge you to bring a comprehensive legislation

In this regard. Merely providing temporary relief or making provision for it will not serve any purpose. I am deeply moved when I see the plight of workers in Rajasthan. It has been observed that these Contractors are friends of politicians. The Act further States :

[English]

"No Court shall take cognizance of any offence under this Act except on a complaint made by, or with the previous sanction in writing of the Inspector, and no court inferior to that..."

[Translation]

Such are the provisions. I want to know who would be punished? I would like the hon. Minister to state the number of persons who have been punished under the Act. These laws should be formulated, keeping in view the larger interests of the country and not only of Nagaland alone and a comprehensive legislation should be brought in this regard. The bureaucracy should be told that this Bill is inadequate.

[English]

SHRI P. A. SANGMA : This copy, I can donate to you.

SHRI A. CHARLES (Trivandrum) : Sir, I stand to support the Contract Labour (Regulation and Abolition) Amendment Bill, 1986 in as much as it is brought forward with a limited purpose of removing an anomaly in respect of the term 'appropriate Government' appearing in the Original Act of 1979. The definition of the term 'appropriate Government' appearing in the parent Act is different from that appearing in the Industrial Disputes Act of 1947 and this has created some difficulty in the implementation of the provisions of the Act and hence the present amendment. Even though I support the present amendment, in view of the present difficulty pointed out above, I am constrained to strike a strong note of discord on the very system of contract labour envisaged in the parent Act. It only supports the middleman who live on the sweat of the labourers. This system should not go in a civilised country like ours. And even a very cursory perusal of the Act would reveal that if at all anybody's interest

is protected in the Act of 1970, it is only the interest of the middlemen, that is, the contractor, rather than the interest of the workers for whose benefit the Act of 1970 is purported to have been passed. I may draw the attention of the Minister and the House to one or two clauses of this Act. Section 2 (b) says :

"A workman shall be deemed to be employed contract labour in or in connection with the work of an establishment when he is hired in .."

The word 'hired' is very insulting. We hire a vehicle. We hire so many items of utensils etc. for our daily use. But to say that a person is hired tells upon the dignity of the individual. We only engage a person for doing a work. So, it goes against the spirit of the present day thinking.

Even the very title of the Act 'Contract Labour (Regulation and Abolition) Act is itself misleading. I have gone through the provisions of the Contract Labour (Regulation and Abolition) Act of 1970. All that is given in the Act is to protect the interest of the contractors.

14.00 hrs.

Coming to Clause 10, it deals with the prohibition of employment of contract labour. I may read out sub-clauses (b) (c) and (d). Sub-Clause (b) says 'work of a parenial nature'. Sub clause (c) says 'whether it is done ordinarily through regular workmen' and sub-clause (d) says 'whether it is sufficient to employ considerable number of workmen'. Surprisingly in all these cases this act is applicable. There is an Explanation given : If a question arises whether any process or operation or other work is of a parenial nature, the decision of the appropriate Government thereon shall be final. So, the Act applies to work that are to be done on a regular basis engaging regular workers. Sir, I would plead that the normal rules of recruitment should be followed in recruiting the persons so that right from the beginning their interests are properly protected and contract labour shall not be resorted to in such cases.

There are various instances wherein a great malpractice is done by the contractors in the engagement of labourers and in

[*Shri A. Charles*]

disregarding their interests. I must refer to the cases of the Food Corporation of India, The Shipping Corporation and the Warehousing Corporation and because of the limited time, I am not going to explain all those things, but I may draw the attention of the hon. Minister to one particular instance in my constituency. In the Trivandrum airport about 5 years ago a contractor was given contract for the portage work. He engaged 90 workers for that work. When the term of three years expired the contract was given to another contractor. In the meanwhile the 90 workers formed themselves into a cooperative society and they applied for the contract, but without giving the contract, to that society, the contract was given to M/s. Kleenwell, Bombay, and a lot of difficulties arose. The new firm refused to engage the workers who have been working for the last three years and the firm insisted that an amount of Rs 3000 to Rs 5000 should be given by each person for appointment as a labourer. The question was taken to the labour court. Thereafter it was taken to the High Court. The High Court gave a positive direction that the workers' claim should be recognised and in spite of the judgment, the contractor refused to give employment to that group of labourers and now the whole matter is with the Supreme Court. I wrote to the Civil Aviation Minister in this regard. The reply I received was that since the matter is in the Supreme Court and since it is *sub judice*, he not able to do anything in the matter. It is a pity that the poor workers who work for a period of three years, are forced to go to the Supreme Court to get their normal grievances redressed. In this connection I may also point out to the hon. Minister and to this House that there are various legislations to protect the normal interests of the workers, to protect their minimum wage, their provident fund, the security of job, the employees' State Insurance Scheme etc. This 1970 Act is brought forward just to scuttle all the legislation just to see that those benefits are taken away. It is a short cut and to circumvent the whole thing the 1970 Act was passed.

Again Chapter V deals with the welfare and health of the contract labour. My friend, Daga Ji explained at length all those matters and so I am not going to deal with

them, but the entire responsibility of giving all the benefits is placed on the contractor and you can just imagine how he is going to protect the interests of these workers.

Clause 21 again says :

"The contractor shall be responsible for payment of wages to each worker."

Sir, there is no rule whether the Minimum Wages Act should be made applicable to him. Nothing is there. They are thrown to the mercy of the contractor.

Again, Sections 26 and 27 are very fantastic. Mr. Daga Ji has pointed out all this. The workers are not allowed to resort to take their grievances to a court of law. Either the Inspector should file a suit or the workers should take prior permission of the Inspector. And in case they are not able to file a suit within three months, it lapses and so they are unable to file even a petition before the court.

Clause 32 of the Act gives unusual protection to different persons employed in the Department. It says :

"No suit, prosecution or other legal proceedings shall lie against any registering officer, licensing officer or any other Government servant or against any Member of the Central Board or the State Board as the case may be, for anything which is in good faith done."

14.04½ hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

That is very unfortunate. The interests of the workers are not at all protected, but the interests of the contractor, the interests of the Inspector, the interests of the officers whom we know that they also get the share of the spoils from the contractors are all protected.

So, I will plead with the Minister if you go through the entire provisions of the Act, they do not protect the interests of the workers—to bring forward a comprehensive legislation for protecting the interests of the workers for whom this Government is committed. In the Budget, a great thrust is given for anti-poverty programme. The thrust of the Government is to lift them

above the poverty line and give a real life to the poor people. So, I plead that a new legislation for protecting the interests of the workers be brought forward.

With these words, I support the Bill as this Bill has been brought forward, as I submitted earlier, to remove the anomaly.

SHRI THAMPAN THOMAS (Mavelikara) : Sir, the Contract Labour (Regulation and Abolition) Amendment Bill has been brought forward to bring the aspects of the Central Government undertakings under the control of the Central Government as there is a contradiction between the State Government and the Central Government in respect of certain things. I appreciate that this anomaly is to be corrected and the organisations which are under the Centre will have to be regulated by the Central Government. When the contract abolition is to be expected, of course, the Central Government will have to act on it.

My friend was saying about certain things in detail, about the real practice in the contract system. My question is, why can't the Central Government come forward to abolish the contract system as a whole at least in the public sector undertakings which belong to the Centre. The Food Corporation of India is an organ which is directly under the control of the Government and it is a public undertaking. They have constructed godowns throughout the country and these godowns are a permanent structure and workers are necessary to carry on their operations. It is not a temporary measure ; it is a permanent measure. If the Food Corporation of India has got no contract employees, whom are you paying then ? There should also be other employees who are working there for loading and unloading operations. Will the Government look at the issue and the test is, the nature of permanency ? It is a criterion for abolishing the contract system. Will you kindly abolish contract system in the Food Corporation of India. I am only quoting the example of the Food Corporation of India just to show the consequence in public undertakings, and how common masses are so seriously affected because of the contract system. There are thousands of workers working in the godowns throughout the country in the Food Corporation of India

who have no eligibility to be called as workers. Their name is nowhere in the record. They are not entitled to any minimum wage ; they are not entitled to any of the statutory wages and statutory benefits ; they are not entitled to any of the protections which the Government is granting. They are at the mercy of the inter-mediary people who take the contract. They get the piece-rate wages from the contractors. As and when they work, they get some money by this means or that means. Substitute persons are working in their places and the contractor makes the money. Why can't the Government abolish this contract system in the Food Corporation godowns and departmentalise them ?

Unfortunately, I may point, out that when you are moving this Bill here, what your own Government—of course, it is not the Labour Department—has done. This is the time for you to act on this subject. In Bombay, Madras and Vishakapatnam where after a sustained struggle of working class, the workers who were working on piece-rate basis and demanding to be absorbed as departmental workers in the Food Corporation of India, are being terminated. The number goes to 7,000. The services of 7,000 workers are being terminated by the public undertaking in all these places. If you have got any sincerity to bringing this amendment, my submission is, before this Bill passed, you will have to take them back as departmental workers. You show your *bona fide*. It is your own Departmental undertaking, Central Government public undertaking.

Take for example, Railways. It is a permanent body. There is a construction work going on and people are regularly working. What pay you are giving and they are employed by whom ? Instead of doing the work departmentally and directly, you are engaging contractors and contractors are supplying people to the Railways. Lakhs of people are working on contract system in Railways. It is another public undertaking. If you are really interested in abolishing the contract system in this country, what you have to do is, you first do it yourself. Let charity begin at home. You abolish this contract system in this Department which is under the Central Government.

[*Shri Thampan Thomas*]

If you analyse the various ports in this country, the system there is wonderful! The intermediaries there are living by supplying human beings! What is the dignity of human beings in this country? A man who supplies another human being get a commission. How bad? How can I explain these things? What is it to be called? I do not want to name it in any other manner. A man who supplies another man, gets a commission! If you are giving due dignity to human beings, stop this practice. In the ports which are owned and run by Government, there are intermediaries, contractors and they supply labour and get money and you very conveniently call it the 'labour supply system'. This labour supply system is well known in the ports and if I am capable of supplying 100 labourers, I can get a good money, without working! What dignity to human beings are you giving? If you want to give real dignity to human being and if you want to bring about equality of feeling among people, you abolish and do away with the contract system in the port and other areas. Of course, the Dock Labour Board Act has come and they have regularised and departmentalised the workers. But in most of the ports like the Mangalore port, the labourers are supplied by the contractors. All types of labourers are being supplied there. Only a few of them are made permanent. This is another aspect.

I bring another case to your notice which my friend Mr. Somnath Rath may highlight in his speech also. I have come across it because I am associated with the Consultative Committee on Labour. There are parasites who exploit human beings in this country by sending them abroad. That is also a sort of a contract system. There are various fictitious companies coming up in various parts of the country and they recruit persons and send them abroad and in sending them abroad, if a foreign employer pays them, according to the law of this country, the deposits will have to be made. These people will have to be sent by the person who recruits. But what is happening in this? The poor people who go in search of job, sell their property, sell their ornaments, their mother's property, wife's property and everything and pay for

a visa and they are being sent for construction work and they have to face torture and in human behaviour. Who is their to protect them? You have registered such companies here and such companies which are bogus are recruiting persons and sending them abroad. How could you regularise them?

My submission is that if you want really to abolish the contract system and give due dignity to human being, first of all, let the laws in the Government be strictly implemented. Never try to send it back to the State Government and the other organisations to look into them. The Government will have to come with a heavy hand to put a stop to this practice.

SHRI SHRIBALLAV PANIGRAHI (Deogarh): Sir, I rise to support the Contract Labour Regulation and Abolition (Amendment) Bill, 1986. It is a small Bill with three clauses only. But although small in size, the Bill seems to be significant in as much as it is intended to bring about a uniform labour policy throughout the country and also help build smooth industrial relations.

The Bill is before us to replace the Ordinance promulgated in the month of January.

The definition of 'appropriate Government' has been the subject matter of this Bill and the discussion we are having in this august House to-day. About the term 'appropriate Government' different definitions appear in different legislations and, therefore, there was a necessity felt to bring uniformity in respect of this definition.

The Industrial Disputes Act, 1947 has a definition for the appropriate Government and provide the Central Government as the appropriate Government. But in the subsequent act, that is, the Contract Labour (Regulation and Abolition) Act, 1970 there is a different definition. We come across for the term 'appropriate Government', and that is the State Government. So naturally this creates an anomalous situation in the field and in the matter of implementation and that is sought to be removed. Therefore, there should be nothing to object to this Bill.

But while speaking about it, it strikes me as to what was the Government doing all along allowing this gap to exist in this definition in the two Acts. We have the Law Ministry and we have also the Ministry of Labour.

Very competent and knowledgeable officers are there in these Ministries and particularly this Act came much later. The Industrial Disputes Act was enacted in 1947 but this Act which we are amending now is of a later date, that is 1970. When they drafted this Act in 1970, the Contract Labour (Regulation and Abolition) Act, why were not attempts made to have a uniform definition? At least I would request the hon Minister to direct his Ministry to have a look at all such provisions now where different definitions do appear in different labour laws. Should we always wait for the judiciary to point out these things to us, the Supreme Court or the High Court to come up with such observations and after that, to come before the Parliament in the form of amendments? So far as this amendment is concerned there is nothing to object. It is a welcome feature that the Government in this amending Bill with a good intention to have one set of uniform labour policy also seeks to reduce the multiplicity of inspecting agencies.

The main objective of this Act is two-fold—to regulate and abolish the contract labour. As I was listening to the speeches of some of the hon. Members from the Opposition. The sole object of this Bill is not to abolish fully the contract system. If the system is abolished, it is well and good. The Congress Party is committed to bring an end to all sorts of exploitation and also it is committed to put an end to the middlemen system existing in our country, whatever the sphere may be. Now, it is the question of time as to how quickly we can do it. At the same time, we should not forget that the situation is such that in every sphere we cannot just do away with this contract labour system. Wherever there is work of a permanent nature we should not encourage this contract labour system to continue. My friends have also referred to the F.C.I, Railways where this system is going on and they are doing work which can be assigned to the labourer on permanent

basis. They should be made regular. There should be no question of continuing with this contract labour system. This contract labour system or *thekadari* system is not an honourable system of respectable system. We know that the contractors are exploiters by and large. There may be some good people. But most of them are greedy people who exploit the labourers as much as possible. Our hon. Labour Minister who is presiding over the Labour Ministry, who is young and energetic, is the custodian of the labour class people, as far as their interests are concerned. The other day we were together there in Gauhati. Some other hon. Members of Parliament were also there. The Minister has himself raised the feeling of the FCI workers there. They were hurt very much. The work has been going on for decades permanently but they have not regularised the services of the workers. They are just simply contract labourers and their conditions are miserable. To put it in short, their conditions are sometimes worse than that of slaves or bonded-labourers. There is large scope for improvement in this sphere. There are laws regulating and abolishing the Contract Labour. The Labour Ministry is working in this direction to see how quickly we can do away with contract labour system in all possible ways and in all possible areas I know it is not possible to fully do away with contract labour system but then the working condition and living condition of the labourers have to be improved. Good and progressive laws are there in our country. But what is disturbing us in the lack of will to properly implement the same. So, I would earnestly request the hon. Minister to direct his Ministry—to see that these laws should be got implemented in the tight spirit and direction underlying these laws.

Sir, Government is the biggest employer in this country and it should not only be the biggest employer, but it should also be the best employer. Four lakh workers are working in various Public Sector Undertakings.

At last, with one sentence, I will conclude. The historic judgement of the Supreme Court in the case of *Surender Singh Versus CPWD*, held that equal pay for equal work, after 6 months of service,

[Shri Shriballav Panigrahi]

should be given due attention. My request is this. We should not always look to the Supreme Court. The political system should be much ahead of the judiciary. Therefore, the historic judgement should be correctly studied and appropriate action should be taken accordingly.

[Translation]

DR. G. S. RAJHANS (JHANJIHAR-PUR) : Mr. Deputy Speaker, Sir, the Bill envisages an ordinary amendment in the Act, viz, which is the 'appropriate Government'. The State Government has been replaced by Central Government—and it is all right. But it has provided us an opportunity to discuss the subject of contract labour in detail. To my mind, Contract Labour is synonymous with bonded labour in our country. Every day I meet about 50 to 60 workers belonging to north Bihar who come to Delhi in search of jobs. Most of them are engaged in construction work. They work as contract labour. You cannot believe the way they are treated. They are meted out inhuman treatment. They have to work 14 to 16 hours a day. After one month the Contractor changes their names. *Ramesh* becomes *Suresh* and *Parbatia* becomes *satwatia*. There is no record of their names and nobody cares for them. There is no law in the country which can be invoked to apprehend the building contractors who not only violate the laws but also act in an arbitrary manner. Big promoters and contractors engaged in construction work are not only millionaires but multi millionaires. But the way they exploit these poor workers nobody can believe it. I dare say, that in spite of our good intentions the contract labour system is not going to end in this country. I, therefore, urge that even if the Contract Labour System is not abolished, at least the contract labour should get fair justice, provident fund, gratuity and benefit of welfare measures. Arrangements should be made to provide them food. I have myself seen the sub-human treatment meted out to contract labour engaged in construction work. They are treated like animals. They are not given even a break of 15 to 20 minutes to take their food. I am not narrating the plight of workers who belong to Bihar alone. The plight of workers belonging to eastern Uttar Pradesh and

Rajasthan is equally miserable. Therefore, there is need to improve the conditions of workers engaged as contract labour.

A new system is prevailing in Delhi and its nearby areas which is probably known to you and the Minister also. But before I speak on the subject I would like to state here that whenever I brought such problems to the notice of our Hon. Minister, he not only took prompt action but also went out of the way to provide justice to the labourers who came to us for justice or payment of their dues from their employers for which I congratulate the Minister. As I was saying, a new system was prevailing in Delhi and its nearby areas. Some people have started agencies of security guards. Security guards are required by mill owners and factory owners and a mill owner requires as many as 50 security guards for his different factories and Mills. They start benami agencies, recruit guards and pay them only Rs. 100 to 200 per month. I think the hon. Minister may be aware that after one or two months, these guards are discharged. People coming from distant rural areas readily agree to work on such a meagre salary. After their discharge they are asked to report after 3 or 4 months. One who resists the removal is threatened to leave service otherwise he would be implicated in false theft cases and as villagers are ignorant, they leave their services. Such agencies are mushrooming in Delhi, Ghaziabad and Faridabad. I request the hon. Minister to see that they get justice.

I would never ask you to abolish Contract Labour System because if it is abolished, the poor workers would be deprived of his livelihood. Therefore, I request you to do justice with those people who come from distant areas for their livelihood. They should get justice.

Sir, you might have read in Newspapers regarding the dam being constructed at Tehri Garhwal. The labourers coming from Bihar and Uttar Pradesh working at the dam are kept in cages, so that they may not go away. Food is served to them in the cages. We talk about 21st century, but here man treats his own fellow human beings worse than animals and we are a silent spectator to it. Today, it is necessary to expose those who call themselves civilized and exploit the labourers. The Contract Labour System is

in vogue in the coal industry. I know that the hon. Minister would reply that the contract labour system has been removed to a great extent, but it still exists there. The principle of might is right still prevails there and everybody knows how Mafia is dominating. The agents of the Mafia gangs openly snatch Rs. five out of Rs. ten paid to a labourer. This is the position in the coal industry and the same position prevails in the Food Corporation of India and the Railways. I know that due to the nature of work in the Railways, it is not possible to engage regular labour there; but I think regular employment can be provided. I know that you engage contract labourers for repairs of the railway track. As I told you earlier, I do not favour the abolition of the Contract labour system, because I know the fact that a contract labourer works for 15-16 hours but when regularised, he does not work even for five hours. I myself say that it is nothing but our own fault. But we must find a way out so that more and more people get employment and for contract labourers, welfare measures should be taken to eliminate exploitation.

With these words I conclude.

[English]

SHRI K.R. NATARAJAN (Dindigul): Mr. Deputy Speaker Sir, On behalf of the AIADMK I welcome the Contract Labour (Regulation and Abolition) Amendment Bill 1986 seeking to remove the anomalous situation that has arisen due to different definitions in the Contract Labour Act and also the Industrial Dispute Act 1947 by introducing the same definition "Appropriate Government" in both the Acts.

Yet, I have to make some suggestions in this connection. The Contract Labour Act does not contemplate abolition of contract labour. It regulates the employment of labourers on a permanent basis.

The principal employer is made to pay the wages to the workers if the contractor does not pay them. But now the employers are on the safe footing by the amendment of this Act. I request the hon. Minister to plug the loopholes and bring the principal employer on the same basis as in the

case of calling for tenders and giving work to a tender.

My second suggestion is that the contractor should be made to provide for insurance and other facilities to employees as in the case of individual workers.

With these words I conclude.

[Translation]

SHRI RAJ KUMAR RAI (Ghosi): Mr. Deputy Speaker, Sir, I am thankful to you for giving me an opportunity to speak on the Amendment to the Contract Labour (Regulation and Abolition) Act, 1970. I fully support it.

It is a small amendment which will remove various anomalies which hitherto existed in the Act. When we talk about the Contract labour, our attention is naturally drawn to the contractors who collect a number of labourers and take work from them. They undertake big contracts and complete them with the help of contract labour and earn a lot of money. But only a very small part of this money is given to these poor labourers. This is the true picture of contract labour. You may be aware all the big constructors, who are millionaires and multi millionaires, exploit the labour, so much so that they do not make them the full payment of the wages recorded in the account books. The result is that they are neither able to make both ends meet nor can live in proper houses. They cannot keep good health because of insanitary conditions in their dwelling places. They cannot afford education to their children. It is out of compulsion that they live in the houses which are extremely hot in summer and freezing cold in winter. But if he is regularised the position may be different. I can say in this august House that the hon. Minister has a soft corner for the workers. But as stated by Shri Rajhans, after taking work for one or two years, the owners remove them from their service on the ground that their work is not satisfactory. The contractor may be of a Delhi contracting company or of a South Indian company, the condition of the labourers all over the country is the same. And besides these contractors, the condition of the Government Public Under-



[*Shri Raj Kumar Rai*]

takings is also same. The only difference is that the contractor is a multi-millionaire and in the public undertaking there is a high ranking officer, but both of them are exploiting the labourers. They forget that this country with a population of 70-72 crores can progress only on the strength of the labour of the poor; and without uplifting them we cannot establish a civilized society. But what happens is that after taking work for two-four years, they are removed from their services.

They have constructed buildings, roads and laid railway lines. They are engaged in several projects. But they have no employment guarantee. What is the use of such a Government? Twentieth century is going to end and we are on the threshold of the twenty first century. If we have not understood even the problem of the labourers what have we have done?

I had tabled a question about the workers of National Thermal Power Corporation in Shakti Nagar in district Mirzapur of Uttar Pradesh. Although my question was not admitted yet I got the reply that according to the National Thermal Power Corporation no worker is being supplied to the Singrauli Super Thermal Power Project at Shakti Nagar in Mirzapur district of Uttar Pradesh on a commission basis. Therefore, the question of taking work pertaining to the canteen, cleanliness, stenographer and other office work from them does not arise.

I had requested that when you have taken work from them for so many days why are they not absorbed in the canteen or as stenographer or in some other office work of which posts are lying vacant. This is also a fact that corrupt practices will be resorted to in filling these posts. I received the reply from the NTPC. It is surprising that although I received reply from those against whom I had made complaint yet my Parliamentary question through which I wanted the information was not admitted. This is how I was ignored.

Sir, it will be better not to say about the Railways. I agree that there may be some compulsions of the Railways but we cannot overlook the plight of the labourers.

A number of labourers came to Delhi and had been engaged in the constructions work in the Railways for many years. But later on they were removed from the job. They came from eastern Uttar Pradesh and were engaged in the work of laying railway lines for five years. Afterwards they were removed from the job. They made representations in this regard but when it went unheeded they filed a petition in the Supreme Court. The Supreme Court gave the verdict that all the petitioners in this case be absorbed. But the Railways are disregarding the verdict. They say that the labourers are not reporting for work. Sir, there is need to enact a legislation whereby it may be possible to establish that the labourers have reported for work. Otherwise, how can we establish that the labourers have reported for work? Sir, can you agree with the contention that the person who has worked for five years and now who has nothing to eat and who arranged money with great difficulty for appealing in the Supreme Court, now refuses to report for work when the Court has issued directives for their absorption? It is their foolishness that they say that the person concerned is not reporting to duty. They could have taken the plea that they are absorbing him as he is rude. Sir, this is the other instance besides the NTPC case already related by me.

Sir, it is claimed that there is no bonded labour. But labourers from Ranchi are working in the bricks kilns in my constituency, Azamgarh, Ghazipur, Ballia, Gorakhpur, and Basti districts of eastern Uttar Pradesh as bonded labour. Sir, you can get the matter checked to know whether labourers from Ranchi are working there or not. Each labourer had been forced to put his thumb impression on some documents. These labourers are made to work for 12 to 18 hours. The woman labourers are given a wage of Rs. 10 only for the hard work done by them. In this way they are being exploited. The Minimum Wages Act and the Child labour Act are being flouted openly.

The Government must be vigilant in this regard. If action is not taken to check this practice, the matter may go out of hand. So, Sir, your intervention is required in this matter.

With these words, I support the Bill.

\*SHRI MANIK SANYAL (Jalpaiguri) : Mr. Deputy Speaker, Sir, while speaking on this amendment Bill many hon. Members have said that this is a very simple amendment. We think that this is not such a simple amendment. Behind this amendment a definite policy, a definite thinking is clearly at work. That thinking is that so far the State Govt. had the power and right to intervene and solve the various labour disputes in the Central Govt. undertakings in the States. As a result of the exercise of that right by the State Government to solve those disputes and its intervention in various disputes in those undertakings, various incidents and various developments are taking place. That has prompted and necessitated the bringing forth of this Bill. Sir, the Industrial Disputes Act came into force in 1947. A long time after that, after gaining much experience, the contract Labour Act was enacted. We have of course demanded many times that this contract labour system itself should be abolished. It should not be permitted to continue. It is providing an opportunity to the contractors to exploit the labourers and to amass black money and to develop a relationship with the management. Many hon. Members have expressed their varied experiences in this connection. I do not want to go into all that. From our own experience we have seen that on the Railways labour is employed through contractors in the matter of handling of coal and ash. No facilities are provided to those labourers as is provided to the industrial workers. There is though no provision of protection for the industrial workers too. Sir, what is the meaning of 'protection' ? Today no punitive measures are prescribed against the owners and management. No punishment is prescribed for them. When the Central Govt. itself does not provide for any punishment against the owners, when they are creating opportunities for the contractors to exploit, then the contractors will no doubt get more and more opportunities and exploit the situation. Just to provide more facilities and opportunities to the contractors, the right of the State Govt. is sought to be snatched away. If the State Govt. does not have this right and power today and if

a law and order problem arises due to some labour trouble then who will look after that ? Has the Central Govt. got any infrastructure today in all those places and districts all over the country where there are units of Central Govt. undertakings ? Is there any office of the Central Labour Commissioner ? If there are no such office then to whom the poor workers will go ? To get the redressal of their grievances and complaints these poor workers cannot approach the courts of law because they are extremely poor and do not have enough financial resources. They will try normally to solve their disputes through the Labour Commissioner. They are being deprived of that opportunity also. That means that they are being thrown to the wolves. Have we reached this conclusion after this long experience that the right should be vested in the Central Govt ? If we see in West Bengal what is happening in the Railways, what is happening in the LIC, what is happening in FCI. I will cite a small incident in Tripura. In Tripura the FCI workers are fighting against the contractor on the issue of their wages and various other demands. But what happened there ? Rice stocks were being taken out of the FCI godowns. But no steps were taken to redress the grievances of the workers. They have again and again sent representations to the Centre. They have apprised the Centre about their plight but in spite of that no steps have been taken to solve their problem till this day. But that contractor is merrily carrying away rice from that godown. About regularisation and confirmation, the situation is very dismal. Today all over the country the labourers are being retrenched and we are paving the way for that. We are throwing these poor workers in the mounths of the wolves. Sir, the Central Govt. has stated in their policy statement that they will take the country into the 21st century. But whom they will lead in the 21st century. Will they take a big vacuum or cipher into the 21st century ? Will they take a hell or a graveyard in the 21st century ? I will like to ask the Labour Minister what protection has he given us ? I think there is mnch scope to ponder over this. We should deeply rethink about this measure. If this Bill is turned into a law through this brief and cursory deliberation

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\*The specch was originally delivered in Bengali.

[Shri Manik Sanyal]

of two hours, then I think that will be a great betrayal of our poor people and labour force. I hope the Central Govt. will desist from doing that. With that Sir, I conclude.

SHRI RAM PYARE PANIKA (Robertsganj): Mr. Deputy Speaker, Sir, I rise to support the Contract Labour (Regulation and Abolition) Amendment Bill. Although there is no controversy in the Bill yet our CPM colleagues have dragged Central and State Governments into it. Legislations are enacted but no state Government follows it.....(Interruptions) Incidentally we have got Three Super Thermal Power Stations in our area. The N.T.P.C. has got one each in Singrauli and Rihand and the State Power Board has got one in Anapara. Similarly, there are coal mines in our area N.T.P.C. gets its entire work done through the Contractor. There is a provision in the Bill that the principal employer will maintain the list of contract labourers. I would request you to conduct a survey in this regard. All the public and private establishments in Mirzapur are not maintaining any list. What Shri Raj was mentioning is not in the interest of labourers. So far as the implementation is concerned, the State Governments have no suitable machinery to implement it. There are not Inspectors and Labour Commissioners, with the result that it is not being implemented properly. If some contractor has two thousand labourers, he has registered at the most two hundred labourers. Similarly, if has one hundred labourers, he has registered at the most twenty labourers. In this way there is large scale exploitation of labourers by the contractors in connivance with the officials of the Labour Department. Therefore, it needs some improvement. It is also proposed to provide them amenities through this Act. I say with full responsibility that in our State and in other States also there is no provision for retiring room, canteen and latrines etc. for the contract labourers. We go on enacting legislations but who will monitor its implementation. West Bengal is not following it. There they are not giving wages for Sunday. No medical or first aid facility is available to them. Our hon. Minister is a very competent person. He has acquitted himself in any portfolio he held. He recently took over charge of this Department. He had convened a meeting of the

Contract Labour Board a few days back. The legislation is in Consonance with the objective with which it is being enacted. You should ensure that it is observed in the whole country. It is a fact that you have provided wide powers in it but the people who are supposed to exercise them are misusing them. They watch their own interest, with the result that large scale exploitation is bound to take place. There are a number of factories where there is no need of contract labour. Even then the casual labourers is being engaged to carry out the work. The contract labourers do not enjoy the facility of gratuity, provident fund and bonus which are available to other labourers. The big contractors are taking advantage of it. In my constituency at least ten thousand contract labourers are engaged in one establishment only. The entire work of horticulture, hospitals and scavenging is carried out through contractors. They are looking after cycle-stands. Not only this, the same condition prevails in Rihand Super Thermal Power Station. It is totally wrong to say that the contract labour system has been abolished in the Coalfields. Thousands of labourers are engaged in the sorting of coal. They are being exploited on large scale. If you survey all the coalfields under the Coal India Limited, you will find that the contractors in connivance with the management are exploiting the labourers. The contract system is a boon for our management, executives and the big contractors. These people demand a certain percentage of the contract amount from the contractors before awarding the contract. I would like to make a demand that this contract labour system should be abolished and a new Bill may be brought forward in which it is provided that the labourers will be provided the same facilities, irrespective of the nature of the work, which an initial employee enjoys and he will be treated at par with a permanent employee and whenever a vacancy occurs, it will be filled from among the experienced contract labourers.

Similarly, substitute labour system is prevalent in our country. Under the substitute labour system, if a labourers goes on leave, a substitute is engaged in his place. Whether it is Government Organisation or Private Organisation, their number is 2 to 3 thousand in a factory and they are engaged by the contractors. It is not

so that their names are not on the muster rolls; rather four categories of labourers are engaged to do the same works. Some are engaged on muster rolls, some as casual labour and some as contract labour. This system of engaging labourers gives chance to contractors to exploit our labourers. Even our Government Public Undertakings and the Government organisations are not lagging behind in exploiting the labour. The Government should, therefore, enact a legislation only when they are in a position to implement it. In case you are not in a position to implement it, at least stress should be laid on its monitoring. You should depute your representative in the labour Department. In some cases you have deputed your representative in the labour commission but he is not able to do much in this respect. A Labour Commissioner at the State level should be appointed in your Department who should see whether the legislations are being implemented properly or not.

15.00 hrs.

Our Government have been initiating legislative measures for the welfare of the labourers for the last 6 to 7 years. It has brought a number of amendments and enacted many legislations. But these are not being enforced properly. It can say about West Bengal that there is no end to the exploitation of labour there. One can see in Calcutta how miserable is the plight of the labourers. When the issue of centre-state relations is raised, the States want maximum power but in case of failure the Central Government is blamed. When the question of responsibility comes, it is thrust on the Central Government. I would request the Government to apprise the Sarkaria Commission about the Contradictory statements being made by the opposition so as to find a solution to this problem. I hope the hon. Labour Minister will bring forward a comprehensive Bill in the interest of lakhs of contract labourers and it will give benefit to the agricultural labourers and save the labourers from being exploiting by the contractors in the corporations and organisations.

SHRI VIJAY KUMAR YADAV (Nalanda): Mr. Deputy Speaker, Sir, this Bill has been brought forward in this

House for making certain amendments in the Contract Labour (Regulation and Abolition) Act, 1970 and people have high expectations from it. In my view, this Bill has been brought forward to remove certain anomalies. But the title of the Bill itself is contradictory. The title of the Bill is Contract Labour (Regulation and Abolition) Amendment Bill, 1986 and through this Bill you want to regulate as well as abolish it. In my view, these are two contradictory things and cannot go side by side. This shows that our Government does not intend to do away with the Contract Labour which is being exploited and which is a blot on our independent India. It is very strange that our Government does not think of abolishing this practice or to free our workers from its stranglehold. Mr. Deputy Speaker, Sir, despite so many years of independence, so many categories of workers still exist legally in our country, which should not be there. There are Departmental employees and extra-Departmental employees. I do not know as to what work is discharged by Departmental employees and what work is done by Extra-Departmental employees. There are many categories of workers like casual labour, temporary workers, contract labour and 'Badli' (substitute) labour.

Mr. Deputy Speaker, Sir, I would like to submit to the Government that it is high time that the policy of the Government regarding equal wages for equal work is implemented in right earnest. By categorising the workers in different classes, you have been giving and you are giving employers the right to exploit the workers. This practice must come to an end whether the employer is Government or an individual or any private company. What is required today is that through these amendments—if you want that country should develop and march on the path of progress—the Government should create only one category of workers and when a person is employed.

15.02 hrs.

[SHRI SHARAD DIGHE *in the chair*]

as worker, he should get all those facilities since the date of his appointment which are

[*Shri Vijay Kumar Yadav*]

available to the permanent workers.

Mr. Chairman, Sir, since time is very short, I would like to speak only on one point. You may enact one thousand laws, make thousands of speeches, or bring forward a large number of amending laws and may make tall claims in the statement of objects and reasons, but the problem of workers would remain as it is. I would, therefore, request that if you really want to improve the condition of the workers, an amendment in the constitution should be brought forward providing 'right-to-work' to the workers. The condition can improve only if you bring forward an amendment providing 'right-to-work' to the general public.

Just now several people mentioned here and I am also aware that workers of Bokaro have staged dharna at the Boat club not once but several times. What were their demands? There are workers who have been working for as many as ten years, fourteen years and fifteen years, but they are still contract labour. Many judgements have been delivered by the High Courts and the Supreme Court in this regard and it is also the policy of your Government that the workers who are doing jobs of permanent nature would be treated as permanent workers. But I would like to ask the hon. Labour Minister to what extent you have implemented your own standing rule according to which if a worker has worked continuously for a certain period he would be given the status of a permanent worker. What to speak of private companies, this rule is not being implemented in public undertakings. If you mention even a single company, I will accept your plea. Your standing rule are not implemented even in a public undertaking. I had raised this point even in the last Lok Sabha. At this time I came to know that there are standing rules, but even the Public Undertakings are not implementing those rules. How can one hope that the laws which you are bringing forward for the welfare of the workers would be implemented? How would it be possible?

I would, therefore, like to request you that categorisation of workers be abolished,

right to work should be included in the constitution and legal rights and facilities should be provided to all the workers. You can provide them benefit only by bringing forward such a comprehensive Bill.

SHRI DHARAM PAL SINGH MALIK (Sonepat): Mr. Chairman, Sir, I rise to support the Contract Labour (Regulation and Abolition) Amendment Bill. The amendment is not very lengthy and it seeks to amend the definition of appropriate Government in section 2. But still I would like to highlight the difficulties of the Contract Labour. All the Members of the House agree that the Contract Labour is a social evil which can be eradicated only through economic policies.

I agree with the Member who spoke prior to me that there are two contradictory things in this Bill. On the one hand there is a provision in the Bill that the services of the Contract Labour be regularised and on the other hand there is the provision for its abolition also.

I would like to submit to the hon. Minister that unless we abolish the Contract Labour totally, we shall not be able to improve the situation. We cannot think of regularising their services. There is need to bring about some improvement in our policy, because according to our present policy Government is not able to provide us security. Every individual feels that his or her security lies with the money:

[*English*]

My security is attached to the money.

[*Translation*]

In this connection, I would like to submit that if an individual has some money in his possession, he feels secure in the hope that at the time of any difficulty money would come to his rescue. If a person has got more money he feels that he has got more security. This also spreads corruption, because everybody feels that he should get maximum security. With a view to get maximum security, one indulges in corruption and adopts dishonest means and tries to amass wealth in an illegal manner.

I would like to submit that contract labour can be abolished only when Government provides security to us and guarantees that basic necessities of life would be provided to everyone by the Government. It is possible only when a change is brought about in basic policies, economic policies and the basic structure.

I would like to submit that contract labour is exploited in different ways in each state. In my state i.e. in Haryana labour is exploited generally in Sugar mills, private industries and brick kilns. There is not so much exploitation by the employer as is done by the middleman who gets the work done by the labour. The factory owner has to make the payment, he gives contract to one person and makes the full payment to him. But the contractor who engages the labour, neither pays them the minimum wages prescribed under the law nor provides them other facilities. In this way he takes full advantage of their poverty and helplessness and keeps them dependent on himself by paying them the lowest wages. In this way a worker is turned into a bonded labour. I would say that even leaders are also in collusion with contractors in turning the workers into 'bonded' labour. The leaders address the gathering of the bonded labour and the contract labour and make promise that bonded would be liberated.

In this regard, I would like to submit that a provision should be made in the providing for payment of minimum wages, facilities of dispensary, medicines, hospitals and schools as also alleviation in exploitation. We have seen that many employer have the capacity to provide these facilities, but they are not prepared to provide these facilities.

At many places, children of 14 to 15 years of age are working as contract labour and as a result full development of these children is hampered. With a view to satisfy their, hunger, these children are prepared to work in any capacity and thus their life is destroyed. I would request the hon. Minister that a provision should be included in the law so that there is no exploitation of the poor and the middlemen could not exploit the labour in an illegal manner.

We have seen that when bridges or roads are built by the Government, tenders are invited to get the work done on contract basis. For this work the Government appoints J.E. and Sub-Divisional Engineer. You should ensure in this regard that they get their work done directly from the labourers. You should evolve a method by which the services of the labourers are duly regularised. If some labourers muster a little courage and ask for their rights, the contractors terminate their services. My request is that the contract labour system is basically wrong. Therefore, this system should be abolished.

Generally a company gets the work done through contracts. In such a position the company has to make some payment in advance. The contract labourers are paid later on and at the time of payment the employer deducts money from their salary for the leave period and they are paid on the basis of daily wages. My submission is that the contract labour must be paid the minimum monthly pay. To monitor this, inspectors should be appointed who may periodically check on the spot. If possible a register should be maintained which may be checked regularly. It should be ensured that those labourers are able to meet both ends meet.

With these words I support the Amendment and hope that the hon. Minister will consider the points I have submitted.

[English]

SHRI BALWANT SINGH RAMOO-WALIA (Sangrur): Mr. Chairman, Sir, while speaking on the Contract Labour (Regulation and Abolition) Amendment Bill, I will place certain sentiments of the history before the House. History is full of events of sacrifice, the struggle against the exploitation of man by man. History tells us how our forefathers, how certain organisations even went to gallows, even sacrificed their lives to avoid exploitation and to protect the rights of the working people and the people in general also. I am of the opinion that this amendment is going to add to the exploitation of the working people. This will deprive the working people of certain rights, such as bonus, provident

[Shri Balwant Singh Ramoowalia]

fund, medical facilities, etc. as these facilities are not given to the contract labour.

Uncertainty has always caused bitterness. Bitterness and frustration are the result of uncertainty. Through this Amendment Bill we are being compelled to be a party to a continuous uncertainty for the working people in their life. At least we do not want to become a party to that and that is why I am opposing this Bill.

Already there are laws and Acts about contract labour but even than the coal and ash handling labour has not been regularised. Ten thousand people are working on contract basis in the Railways and 6,000 people are working on contract in FCI. The FCI people are facing retrenchment without any notice. Without any judicial remedy they can be sacked.

Another sad aspect of the Act is that till now the States were having some say in the matter of certain remedies to the people working in Central Government undertakings in their State. But by bringing this Bill, Government is going to deprive the States of their right of intervention. I think it is an encroachment on the rights of the States to serve the working people. One of my friends from the ruling benches talked very loudly. I appreciated it and we thumped the table in his favour when he said that the right to work should be there. Can I say to the hon Minister that on the one hand the ruling party Members are loudly talking about the right to work and, on the other hand, they are snatching the security of service. Is it not a contradiction? So, I urge upon the Minister through you, Sir, that my party, Shiromani Akali Dal.....

(Interruptions)

SHRI HARISH RAWAT (Almora) : You are sitting in a bad company. You come and sit with us.

SHRI BALWANT SINGH RAMOO-WALIA : But I consider myself in your company. I am your friend.

SHRI HARISH RAWAT : You come and sit with us. Then only.....

(Interruptions)

SHRI BALWANT SINGH RAMOO-WALIA : One can be a friend even in the opposition. We invite you here. Anyhow, Sir, what I want to say is this. One aspect has to be noted. Many of the ruling party friends opposed the provisions of the Bill and yet in the end they said 'I am support it'.

SHRI RAM PYARE PANIKA (Roberts-ganj) : Not a single Member opposed it. We have expressed our feelings. The State Governments are there to implement various provisions. He is wrong to say that we have criticised. It is not so.

SHRI BALWANT SINGH RAMOO-WALIA : I appreciate what he says...

MR. CHAIRMAN : Whatever they have said is no record.

SHRI BALWANT SINGH RAMOO-WALIA : I really appreciate what our friends from ruling benches said ; it is a way for healthy discussion that while in the ruling party they have criticised it. I do appreciate it. I was just mentioning how by mentioning right to work you are snatching away their security of service. This Bill is connected with the destiny of lakhs of the working people. I therefore urge upon the Minister to totally scrap this Amendment which is snatching their rights and in place of it I request the Minister to bring in some concrete measures to safeguard the rights and interests of these poor people and contract labour. With these words I conclude :

[Translation]

SHRI HARISH RAWAT (Almora) : Sir, I support the Contract Labour (Regulation and Abolition) Amendment Bill which has come before the House for consideration after a period of 15 years. It is also true that the number of contract labourers has been increasing every year during this period. According to a survey of the Ministry there are not more than 4 lakh contract labourers and casual labourers. The number intimated by the Ministry is so incomplete that the Ministry seems to have not kept in mind all the aspects.

SHRI RAM PYARE PANIKA : In my constituency alone the number of contract labour is 2 lakhs.

SHRI HARISH RAWAT : The Ministry has compiled the information submitted by the authorities and the State Governments, and submitted it before Parliament. Therefore, through you I would like to request the hon. Minister that a proper survey in this respect be conducted.

THE MINISTER OF STATE OF THE  
MINISTRY OF LABOUR (SHRI P. A.  
SANGMA) :

When were these figures given.

SHRI HARISH RAWAT : In the last year's survey it has been mentioned that the number of contract labourers and casual labourers is not more than 4 lakhs. I would request you to order a proper survey and intimation thereof should be circulated in the entire country, the House and your Ministry.

It is true that the contract labour is used not only by the private contractors but also the public undertakings—whether they relate to coal or dock, whether it is DESU or Railways. All the minor jobs are done through contractors. You can see these contractors in Delhi. Here large scale construction work is undertaken by the DDA and many other agencies. Those contractors have brought the poor as labourers from Orissa, Madhya Pradesh and Bihar. A glance at their dwellings would reveal how the Act is being violated : under your very nose how a mockery is being made of the Act. It is a very serious thing. If you leave the States on their own, you can at least see the situation prevailing in Delhi where excesses are being committed on thousands of labourers in the pretext of contract labour. I, therefore, submit that some steps should be taken in this connection. We shall feel that you are doing something earnestly in this field only a after you have taken some steps in this direction.

Through you I want to draw the attention of the hon. Minister towards the unorganised sector also. It is not that only in the public undertakings or in other places excesses are being committed ; injustice is also being meted out to contract labour where minor jobs are done. Their condi-

tion is more tragic. I would like to request you that some law should be enacted which may help in improving the condition of the labourers working in the unorganised sector. So far as your intention is concerned, everyone appreciates it. Many laws have been passed in this House. We are not levelling charges on the Ministry of Labour. Actually the law enforcing agency is not committed and lacks the will. It does not want to implement your or the House's will properly. I would, therefore, like that there should be proper planning. I would urge you that this problem should be considered seriously in consultation with the States that the labour laws passed by the Parliament should be implemented.

With these words, I welcome this Bill but would urge the hon. Minister that he should ensure that the laws passed by the Parliament are implemented honestly.

\*SHRI A.J.V.B. MAHESWARA RAO (Amalpuram) : Mr. Chairman, Sir, this Amendment Bill has been introduced to replace the ordinance promulgated by the President on 16th January 1986. I oppose this Amendment Bill. Sir, this Government appears to be the Government of ordinances and notifications. It is an ordinance and notifications Roy. This Government promulgated ordinances on the eve of the Parliament sessions and quietly places the notifications of far reaching consequences on the table of the House. It is a mockery of democracy and democratic traditions. Instead of seeking the approval of the elected representatives of the people, this Government believes in promulgating ordinances. This is against the norms and traditions of democracy.

Sir, the Contract Labour (Regulation and Abolition) Act was passed in 1970. More than 16 years have elapsed since the legislation was made yet nothing has been done either to regularise or abolish the contract labour system in the country. What is more, the number of contract labour is increasing by leaps and bounds. No thing has been done by the Government for ameliorating their conditions. No facilities were provided to them to stand on their

\*The speech was originally delivered in Telugu.



[Shri A.J.V.B. Maheswara Rao]

own feet or at least to provide minimum facilities to them. It is surprising to note that the Government has not shown any interest in their welfare. According to Labour Commission Report, there are as many as 108 legislations on labour. But none of these legislations was implemented successfully. The number of middlemen and contractors who suck the blood of these poor labourers is also going up rapidly. Sir, this Amendment Bill is not going to help the contract labour in any manner. The Government says that it is a simple amendment. But this so-called simple amendment, snatches away the powers vested in State Governments. Through this amendment the Central Government is trying to take powers into its own hands in the name of reducing multiplicity of inspecting agencies. This is desirable. State Governments will be in a better position to understand the problems of contract labour working in their respective States. They can effectively deal with their affairs. The State Governments will be in a better position to solve their problems. So it is better to retain the powers of State Governments instead of snatching away their powers through this amendment.

Sir, many casual labourers are working in various Public Sector Undertakings. It is needless to say that these casual labourers are working in the organisations directly controlled by the Central Government. But did the Government do anything for them? These poor labourers are suffering a lot. They have no provident fund facility, they have no housing facilities, medical facilities or educational facilities. There are many casual labourers who are working in FCI, P&T, Ports, ONGC etc. Since they have no facilities whatsoever, they are leading a very miserable life. The contractors are exploiting them and sucking their blood. The fear of losing their jobs will be constantly lurking in their minds. There is no job guarantee for them. Many of the welfare programmes for the benefit of the poor are not extended to these people. The contractors believe in the policy of hire and fire. The contractors hire and fire the casual labourers according to their whims and fancies. So it is high time the Central Government shows some interest in solving the problems of casual labourers and workers for their betterment.

To lift these poor workers above poverty line, they will have to be provided with work for 300 days in a year and their wages will have to be increased to at least 20 rupees per day. Now neither they have work for 300 days nor their daily wages are anywhere near Rs. 20. Hence the Central Government should at once swing into action to see that they get at least Rs. 20 as their daily wage and are provided with work for at least 300 days. I hope, the hon. Minister would consider this problem seriously and take immediate action.

Sir, there are many middlemen in the country who cheat the poor with the promise of providing jobs in the Gulf countries. There are many such middlemen operating in my constituency. These middlemen have no offices or addresses. They collect huge sums from the poor by alluring them with the jobs in Gulf countries. The poor people, believing these contractors, dispose of whatever they have and pay money to them. But these middlemen disappear once they collect the money. The poor people are being cheated. Hence a proper check on the operations of middlemen or contractors is necessary. Such middlemen should not be allowed to cheat the poor for ever. I hope the Government would look into this problem and take appropriate action.

Sir, the Contract Labour (Regulation and Abolition) Act came into existence 16 years ago. But it was not implemented in letter and spirit. This Act should be implemented strictly. The Government should take steps to provide more facilities to contract labourers, bonded labourers and casual labourers. Their wages should be enhanced. I hope the Government would do justice to these people.

Sir, I thank you very much for giving me an opportunity to speak and conclude my speech.

[English]

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : Mr. Chairman, Sir, I am grateful to the hon. Members who have participated in this debate, more-so for having given an overwhelming support and approval this Bill.

SHRI A.J.V.B. MAHESWARA RAO  
(Amalapuram) : We have criticised this Bill.

(Interruptions)

SHRI P. A. SANGMA : approval of the other side is so conspicuous by the absence of these hon. Members who have sponsored this statutory resolution but have failed to come to the House. They have chosen not to move the resolution. It speaks volumes of how the Opposition has supported this Bill and I am grateful to them.

SHRI AMAL DATTA (Diamond Harbour) : Who knew that you would bring this Bill today ? It is for your convenience that this Bill has been brought today. You arrange things according to your own convenience and then you cast aspersions on the hon. Members who are absent. This is a very bad thing.

SHRI A. CHARLES : In Parliament session, everybody is expected to be present throughout. (Interruptions).

MR. CHAIRMAN : Please sit down. It is all right. You have made the point.

SHRI P.A. SANGMA : I am not casting aspersion. I am thanking the Opposition from the core of my heart for giving so much of support...

SHRI AMAL DATTA : It is a very sarcastic remark that you have made.

SHRI P. A. SANGMA : The only point which the hon. Members have stressed is, what has been brought forward is not enough, though it is a good move towards evolving uniform policy of industrial relationship in this country. All the hon. Members have felt that it is not enough and something more should have been done. I am inclined to agree with all the hon. Members. I have gone through the Act and I find that there are loopholes in the provisions of the Act and it has to be looked into very carefully. Many hon. Members have narrated their own experiences of how the workers are being exploited, how the provisions of the Act are not being adhered to.

SHRI AMAL DATTA : Have you done anything ?

SHRI P. A. SANGMA : I have also come across many complaints to that effect and one of the reasons I have discovered myself is, I think, the penal provision that is provided in the Act appears to be an incentive for the violation of the provisions of this Act because the penal provision is, if somebody violates any provisions of this Act, of this law, then, the punishment is for three months imprisonment or Rs. 500 fine. I think certainly it is easier to pay Rs. 500 fine than to adhere to the provisions of this law !

SHRI AMAL DATTA : The people who violate the law are supporting it.

SHRI P. A. SANGMA : I am admitting it.

MR. CHAIRMAN : No interruption at every stage.

SHRI P. A. SANGMA : Another point which has been made is about lodging of the complaints. We have to look into all these and I agree with the suggestions that we have to come up with another comprehensive amendment in this House.

SHRI AMAL DATTA : Penal provisions against non-payment of money by employers such as provident fund, ESI etc. should be enacted.

SHRI P. A. SANGMA : One more allegation is made and it is about an attempt to take away the powers of the State Government. I would admit that nobody would like to away the powers of somebody to have more headache. Some people have given the example of the Food Corporation of India. I will explain that. Now the Supreme Court has given a judgment saying that as far as the Food Corporation of India is concerned, the appropriate Government is the State Government and it was directed that by 31st December, 1985 the State Government should take a final decision whether they are going to abolish the contract labour or not.

SHRI BASUDEB ACHARIA : Why State Government comes ?

SHRI P. A. SANGMA : Government of Haryana has taken a decision to abolish. Bihar Government has taken a decision to

[*Shri P.A. Sangma*]

abolish U.P., Jammu & Kashmir, Orissa and Rajasthan Governments have said 'No, we will not abolish contract labour'. Well, hon. Members from West Bengal spoke very much that "We are trying to take away their power", but for my information, West Bengal Government has not taken a decision in spite of a direction of the Supreme Court to take a decision. If the Government of India is not for the welfare of the workers, it was very convenient for us -- the Supreme Court judgment was very convenient for us -- say "I cannot do anything State Government is the appropriate Government". I could have easily shirked my responsibility. But we do not want it. We want uniformity of laws in this country, uniformity of policy in this country and if the workers of one state get the benefit, we do not want that the same benefits are denied in another state. That is the reason why we want that the appropriate Government, under the Contract Labour Regulation and Abolition Act and the Industrial Disputes Act should be the same. This is the reason why we have come with this proposal.

Mr. Reddy raised the point about Supreme Court ruling about CPWD. Of course, it is absolutely correct. The Supreme Court ruling about CPWD is on the casual workers of the Department and here we are talking about the contract labour. You know what is engaged by the contractor. So it does not go. You have to implicate some motive that maybe we try to get rid of Supreme Court ruling of the CPWD. It is absolutely different. It has nothing to do with that.

Mr. Sonanath Rath has raised a specific question about the corruption of construction companies. I will certainly look into it. I will certainly enquire into it. I will certainly look into some of the specific cases which the hon Member has mentioned.....  
(*Interruptions*)

MR. CHAIRMAN : This is not the way. You cannot interrupt him at every sentence.

SHRI P. A. SANGMA : With these few words, I once again thank all the hon. Members and I commend the Bill to the hon House.

MR. CHAIRMAN : Now the question is :

"That the Bill to amend the Contract Labour (Regulation and Abolition) Act, 1970, as passed by Rajya Sabha, be taken into consideration."

*The motion was adopted.*

MR. CHAIRMAN : Now we take up clause consideration. The question is :

"That clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

*Clause 3 was added to the Bill.*

*Clause 1, Enacting Formula and Title were added to the Bill.*

SHRI P. A. SANGMA : Sir, I beg to move :

"That the Bill be passed."

MR. CHAIRMAN : The question is :

"That the Bill be passed."

*The motion was adopted.*

15.42 hrs.

INDUSTRIAL DEVELOPMENT BANK OF INDIA (AMENDMENT) BILL—*Contd.*

[*English*]

MR. CHAIRMAN : Now we take up further consideration of the motion moved by Shri Janardhana Poojari on 21st February 86.

Shri Madhav Reddi.

SHRI C. MADHAV REDDI (Adilabad) : I rise to extend my qualified support to this Bill amending the Industrial Development Bank of India Act.

The object of the Bill is very laudable because the Act was in force for the last several years and it was found that it requires some modifications. During the last one year we had passed several amendments to the various financial institutions legislations. While some were desirable, but many of these amendments actually