

Force (Amendment) Rules, 1988 published in Notification No. G.S.R. 784 in Gazette of India dated the 8th October, 1988. [Placed in Library. See No. LT-6995/88]

**Annual Administrative Report of Andaman and Nicobar Administration for 1985-86**

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SONTOSH MOHAN DEV): I beg to lay on the Table a copy of the Annual Administrative Report (Hindi and English versions) of the Andaman and Nicobar Administration for the year 1985-86. [Placed in Library. See No. LT-6896/88]

---

12.04 1/2 hrs.

MESSAGE FROM RAJYA SABHA

[English]

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

"In accordance with the provision of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 1st December, 1988, agreed without any amendment to the Commissions of Inquiry (Amendment) Bill, 1988, which was passed by the Lok Sabha at its sitting held on the 24th November, 1988."

---

**CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE**

[English]

**Recent Strike by Workers of Industrial Establishments in Delhi and nearby areas**

SHRI BAJU BAN RIYAN (Tripura East):

I call the attention of the Minister of Labour to the following matter of urgent public importance, and request that he may make a statement thereon:

"Recent strike by a large number of workers of industrial establishments in Delhi and nearby areas and the steps taken by the Government to resolve the issues involved."

THE MINISTER OF LABOUR (SHRI BINDESHWARI DUBEY): The Centre of Indian Trade Unions, Delhi Committee gave a notice to Lt. Governor, Delhi on 19.10.1988 to observe strike in industrial establishments at Delhi from 22.11.1988 to 28.11.1988. A similar notice was addressed by the Centre of Indian Trade Unions, District Committee, Ghaziabad to the Chief Minister, UP to observe strike in Ghaziabad. The major demands made by the Delhi Committee related to payment of minimum wages at Rs. 1,050/- per month and variable D.A. with a rate of Rs. 2/- per point rise in Consumer Price Index, abolition of contract labour system, provision of creches at places of employment of women workers, provision of housing facilities to workers, opening of closed factories, preventing closure of Delhi Cloth Mills, reinstatement of employees of the Delhi Transport Corporation and non-interference by police in the trade union movements. The demands made by the District Committee, Ghaziabad, more or less were similar. In Faridabad (Haryana) also similar demands were raised.

Under Section 3 of the Minimum Wages Act, 1948, the responsibility of fixing minimum wage is placed upon the appropriate Government which according to Section 2 (b) is the State Government or the Union Territory Administration except in some cases, where the Central Government has been defined as the appropriate authority. Thus, the responsibility for fixing and revising minimum wages in the area of Delhi rests with Union Territory Administration of Delhi and in case of U.P. and other States it is State Governments. The Minimum Wages Act provides for the Advisory Boards which are tripartite in nature, and include represen-

tatives of the workers, to advise the appropriate government in the matter of fixing and revising minimum wages. Therefore, the appropriate forum for the workers to press their demands for revision of minimum wages would be concerned State Governments or the Union Territory Administration and their representatives in the Advisory Boards could advise on the appropriate wages to be fixed.

12.07 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

The modalities of revising the minimum wages were discussed in the 31st Labour Ministers Conference held in 1980 which recommended that the minimum wages should be reviewed and revised at least once in two years or on a rise of 50 points in Consumer Price Index, whichever is earlier. The 36th Conference of the Labour Ministers held in May, 1987 reaffirmed this recommendation that the minimum wages should be revised in the manner suggested by the Conference in 1980. The Labour Ministers Conference held on 7th November, 1988 agreed to examine the suggestion that the level of minimum wages should be protected against inflation by some mechanism linking it to the corresponding rise in the Consumer Price Index and communicate the view of their governments.

The Minimum wages in the Union Territory of Delhi were last revised and fixed at Rs. 562/- for unskilled workers, Rs. 635/- for semi-skilled workers and Rs. 749/- for the skilled workers. In Haryana, the minimum wages with effect from 1.10.88 are Rs. 542/- per month for unskilled workers, Rs. 567/- for Grade II and Rs. 592/- for Grade I of semi-skilled workers and Rs. 627/- for Grade II and Rs. 652/- for Grade I of skilled workers and Rs. 717/- for highly skilled workers. In Uttar Pradesh as on 1.10.1988 the minimum wages in respect of engineering establishments employing upto 50 workers and covered by the Minimum Wages Act are Rs. 610/- for unskilled workers, Rs. 632/- for semi skilled workers and Rs. 677/- for skilled

workers. The Delhi Administration has further proposed a revision of the Minimum Wages as on 30th September, 1988 following an increase of over 50 points in the Consumer Price Index, for unskilled workers at Rs. 601.34, for semi-skilled Rs. 679.45 and for skilled workers Rs. 801.43. This should ensure full neutralization due to the rise in the Consumer Price Index in Delhi.

Coming to the demand for abolition of Contract Labour Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 empowers the appropriate governments to prohibit employment of contract labour in any process or operation in an establishment after consulting the Contract Labour Advisory Board which is a tripartite body. All States and the Centre have these Advisory Boards which consider such demands and after examining the justification make recommendations to the appropriate government. The forum for raising this demand is the appropriate State Government and the concerned Advisory Boards through their representatives. However, the Act does not envisage complete abolition but also provides for regulation where abolition is not feasible. As regards the demand for provision of creches for women workers, the same is provided for in the various Labour Legislations which are to be enforced by the concerned State Governments or Union Territory Administrations. The enforcement of Labour Laws has been emphasised once again in the Labour Ministers Conference held on 7th November, 1988.

As regards the demand for housing, the problem of getting a house in places like Delhi and Ghaziabad is confined not to industrial workers alone but relates to almost all the persons. The concerned administrations do have schemes for low income group housing for which persons having an annual income of less than Rs. 7,200/- are eligible. Besides this, under points 14 and 15 of the 20 point Programme, the government has included the programme for LIG Housing and improvement of slums.

The closure of factories is regulated

[Sh. Bindeshwari Dubey]

under Section 25 (c) of the Industrial Disputes Act, 1947 and once again it is the appropriate government which, in all such cases being the State Government, is the competent authority.

In the case of Delhi Cloth Mills, the management submitted an application to the Delhi Administration on 27.3.85 seeking permission under the Industrial Disputes Act to close down their unit at Bara Hindu Rao, Delhi. The permission for closure was refused by the Delhi Administration on 15.4.85. The management filled a writ petition in the High Court against the order of the Delhi Administration. On a direction from the High Court by its order dated 22.7.1988, the Delhi Administration reviewed the closure application and once again rejected the application on 29.10.1988. The management has moved the High Court again against the order of the Administration. It also issued a closure notice on 31.10.1988. The Delhi High Court has stayed the operation of the notice on an application filled by the workers.

The Government have taken a series of measures to deal with closures arising from sickness. These include setting up of the Board for Industrial and Financial Reconstruction and the creation of a textile Rehabilitation Fund which provides assistance to the workers of closed textile mills on a tapering basis for a period of three years.

SHRI BAJU BAN RIYAN (Tripura East):  
Mr. Deputy Speaker, Sir, I am not satisfied with this statement and, I hope, this statement also does not satisfy the 13 lakh striking industrial workers. Through this statement the intention and reaction of the Government is not clear. During this strike the mill owners and industrialists have registered some false cases against the workers and the leaders of CITU who had called the strike but the Minister has not mentioned here how many of them were arrested. What were the charges against them? So far as I know 60 leaders were arrested on false charges. The workers and leaders hoped

that the Central Government will intervene in the matter but here what we find is the Centre has kept its silence. Actually in the statement what they have given. They have advised the UP Government, the Delhi Administration and the Haryana Government just to settle with the striking workers.

Now, what are their demands? The Central Government has said nothing whether the demands are just or these are unjust demands. The Central Government should make their stand clear about this. They have focussed the seven-day strike. I would like to know whether the Central Government agrees with their demands or not. If they don't agree, they should tell us as to why they are not agreeing. If they agree with the demands, then they should tell the Delhi Administration and the UP Government to pressurise the mill owners to accept the demands of the striking workers.

What are their main demands? Among them, the major demands related to payment of minimum wages at Rs. 1,050 per month and variable DA with a rate of Rs. 2 per point rise in consumer price index. All these demands are mentioned in the statement. I don't want to repeat all of them.

The strike has been supported by the democratic masses throughout the country. They have openly expressed their support for this strike. Almost all the political parties have supported the strike. But leaders of some political parties, that is, those ruling at the Centre and another party in Parliament—I don't like to mention its name—are opposing this strike. The workers who went on strike had no other alternative except to go on 7-day strike. In January 1987, they went on one-day token strike. After that, in November 1987, they had gone on three-day token strike. But the reactions of Central Government and that of the Delhi Administration, UP Government and the Haryana Government were not positive. So, the workers had to go on strike.

Now, I request the Central Government to give a positive reply as to whether they

would pressurise the Delhi Administration and the UP Government so that they accept the demands of the striking workers. I also request the Government to take back all those workers who have been retrenched and also those who were prevented from joining their duty after this strike. The 29th November, some of the striking workers went to join their duty but the management and the mill owners prevented them. As per my information, the number of workers, who were prevented in Ghaziabad area, was more than 900. And in Delhi and Faridabad it is about 400 to 500. I do not know whether it is in the knowledge of the Government or not. The Government did not declare the strike illegal, and therefore, I would request the Central Government to put pressure on the mill owners to take the workers who were prevented from joining the duty and to withdraw all the cases against them. According to my information, about 690 CITU and other leaders were arrested on false charges. I would request the Government to look into it and use their good offices to withdraw all the cases. Again, I would like to know, whether the Central Government would put pressure on the three Governments concerned to meet the demands raised by the striking workers.

During the strike, our Member of Parliament from Rajya Sabha, Mr. M.A. Baby went to Tihar Jail to meet some arrested CITU leaders. At that time he was assaulted. This matter was raised in both the Houses and the Government assured that the officials who committed this offence would be punished and suspended immediately. I want to know the present position.

SHRI AJOY BISWAS (Tripura West):  
Sir, I have gone through the statement of the hon. Minister. Actually, the statement is a deceitful one and it has exposed the character of the Central Government thoroughly that this Government is 'anti-working Class Government.

In the statement, it has been mentioned:

"The Labour Ministers' conference held on 7th November, 1988 agreed to examine the suggestion that the level of minimum wages should be protected against inflation by some mechanism linking it to the corresponding rise in the consumer price index..."

It is a decision of the Conference of the Labour Ministers that you must link the minimum wages with the rise in the consumer price index. But what are you going to decide? Now your proposal is that for every 50 points consumer price index, you will consider to increase the minimum wages. What is the latest proposal? For 50 point increase in the consumer price index, you will give an increase of Rs. 39. But according to the Central Government's decision, all non-Government workers will get 1.65 per point as neutralization of the consumer price index. According to that, the increase should be more than Rs. 80. Tell me, what is your mechanism? But in the case of daily workers, you will give an increase of Rs. 39 for 50 points of consumer price index. It is not deceitful? Is it not total exploitation of the workers on the part of the Central Government?

I will give you a few examples. In 1987, the total increase from May 1987 to March 1988 in the consumer price index was 94 points, but you increased the wages by Rs. 75. In 1982, the total price consumer price index increase was 23 points, and the wage increase was Rs. 10 only. I am not asking you to fix the minimum wage at a higher level than what it should be. I am only asking you to just neutralise the consumer price index. In the month of 1988, the CPI was 873. If we calculate, if you will neutralise it at the rate of Rs. 1.65 per point, it comes to Rs. 1441/-. Their demand is only for Rs. 1050, which is far below than the total neutralisation with the CPI.

The Delhi Administration is run by your own Government. In Uttar Pradesh too you have the Congress (I) Government. In the Central Government you have your own party. But you have not been able to force



[Sh. Ajoy Biswas]

your own Government to implement the policy which has been accepted in the Conference of the Labour Ministers.

Sir, for the last three years around 13 lakh workings in Delhi and its surrounding areas are demanding that their wage must be increased. Their first demand is that the minimum wage at 600 points should be Rs. 900. They were forced to go on strike. First, they went on a one day strike. Then they were on a three day strike. Lastly, they were on a ten day strike. In the case of three day strike, even the INTUC called upon the workers to go on strike.

Sir, what is the condition of the workers? They are living in *jhuggies* in inhuman conditions. And what is your attitude towards their workers? You are treating them like animals. Also, what are the conditions in different mills? Most of the mill owners do not maintain their names in the registers. That means the workers are deprived of their provident fund, ESI benefits and so on. The Delhi Administrations and the Government of Uttar Pradesh are actually acting as the agents of the mill owners. The condition of the workers is miserable and the mill owners are depriving the workers of their right to provident fund, etc. In spite of that your Labour Department is not reacting against this exploitation.

I may give you one instance. In a factory near Lawrence Road, 22 workers died due to fire. But no compensation was given. It is the responsibility of the mill owners to give all sorts of help to the families of the deceased. But no help was given. What did your Labour Department do at that time? They did nothing. They only helped the mill owners. In your statement you have mentioned that the minimum wage is to be fixed linking it with inflation and the consumer price index. So, what is the basis on which you fixed the minimum wage at Rs. 562 or the latest proposal that has been made to fix it at Rs. 601? Secondly, I would like to know whether the Central Government is ready to consider to raise the minimum wage of the workers as

per the decision of the Labour Ministers' Conference. Their minimum wage is to be linked with the CPI and if it is to be linked, then will they pay Rs. 1.65 for every point as minimum wage for the workers?

Thirdly, whether the Government will withdraw all the cases against the striking women workers who were on 7 day strike?

So, I want specific reply from the Minister as to what is the basis of the formulation of the minimum wage and whether are you ready to consider or accept the formula which has been accepted in all the sectors of the Central Government and the non-Governmental sectors that Rs. 1.65 will be paid as compensation for every point?

[*Translation*]

SHRI HARISH RAWAT (Almora): Mr. Deputy Speaker, Sir, if we give some suggestions to Mr. Dubey regarding the subject of calling attention, it will amount to carrying coal to New casteless because no one knows better than him. So far as the question of labour problem is concerned, no one among us will be having as much as sympathy in his mind for labourers as he has for them.

CITU had given a notice of strike and they mentioned therein so many demands. Prior to the submission of strike notice by CITU, INTUC had also drawn the attention of Government to some points on this subject that Delhi Administration and State Governments, are not following the decisions taken by Labour Ministers' Conference binding on them with that promptness with which the consumers' price index is increasing. I think had Delhi Administration taken action promptly, which was obligatory on their part and had considered seriously about revising minimum wages, there would have been no strike. I would like to point out that the Labour Organisation of Delhi Administration is not working promptly. Several complaints about Labour Organisation are received in the Ministry. I would like to appeal to the Government to ask Delhi Administration to make the

office of Labour Commissioner so competent that it could take decisions itself. This is very strange that minimum wages have not been increased by the Government with the same promptness as the consumers' Price Index has been increased. The same thing has been mentioned by the hon. Member Shri Ajay Biswas. There is no comparison in the proportion of increase between minimum wages and consumers' price index. If both are compared, we will find that minimum wages have not been increased in accordance with the increase in consumers' Price Index. That is why today not only the labour of Delhi but also the labour of Ghaziabad and its adjoining area Faridabad are also becoming restless and we should pay our full attention to their difficulties. If we are unable to get justice for the labour of Delhi, how can we expect justice for the labour of Calcutta. Delhi Administration and U P Administration have not increased the minimum wages to the same extent, the price index has been increased. I therefore, request you to urge the Government of West Bengal to take steps in this direction because it is equally slack like Delhi Administration and Haryana and Chandigarh Administration. In this matter no Government can claim that labourers are getting wages according to their entitlement in the States. Whether it is the Government of Congress party or any other party, the bureaucracy becomes — hindrance between the Government and the labour and our officers are influenced by big industrialists and thus the realities do not come to the notice of the Government. It is very clear that had the Delhi Administration taken timely action then there would have been no strike. You belong to a political party and CITU is also an organ of a political party but only to take political advantage. They incited the sentiments of the labour to such an extent that now a demand has been made that labour should be provided with accommodation. No Government can provide the housing facility to the labour. Not only in Delhi labourers live in "Jhuggi-Jhopri" but at most of the places you will see the labour living in same conditions.

As regards the contract labour, I would

like to submit that the recommendations of labour Ministers' Conference, the guidelines of Central Government and the provisions of Contract Abolition Regulation Act are not being followed. Most of the daily wage labour come from the poor States such as Eastern Uttar Pradesh, Bihar and Orissa where people are half-fed and are exploited. I have seen in Modinagar that the people of this area do not employ the local labour, they employ the labour of Bihar. They employ them because they leave everything in Bihar and come here and it is easy to retrench them also. Therefore, the Government will have to keep strict control over these industrialists. If you want to leave it to the Advisory Board, I may tell you that your Advisory Board is quite ineffective. Advisory Board did not serve the purpose for which it was constituted. Today, fortunately you are the labour Minister of the Central Government. You are fully conversant with this problem and only you can solve it. The Central Government should get some powers in this connection so that the Labour Advisory Board could act promptly.

In the end, I would like to speak on the closure of D.C.M. Mill. You have explained the entire situation. I do agree that we can't prevent the D.C.M. management from going to court because as a citizen, they possess this right. But it is clear in this matter that some officers of Delhi Administration and to some extent the officers of Central Government also tried to help D.C.M. Management. I think that the people like Chhatar Singh of 'Mazdoor Union' belong to INTUC and the Congressmen deserve congratulations. I can proudly say that these were the people who compelled Delhi Administration not to allow D.C.M. Management to close the unit. Otherwise Delhi Administration was quite ready to give the land worth more than Rs. 800 crore to them. These big industrialists want commercial utilisation of the whole land worth Rs. 800 crore by distributing only Rs. 8-10 crore among labourers. Today this situation is not confined to D.C.M. only. D.C.M. is only a test case. Today if D.C.M. is allowed to be closed down, I am fully confident that all mills situated at important places in Delhi will be closed on one plea or the other as the

[Sh. Harish Rawat]

owners of these mills will also like to sell their lands worth multi million rupees. The same thing is taking place in Bombay also. Several capitalists have started closing down their mills in Bombay. The owners of such companies as I.T.C., J.T.C. and tobacco and cigarette companies are also taking step to close down their mills. They have also submitted their notices of closure although they are earning a profit of lakhs and crores of rupees at present and no labour-problem exists there. They say that they will re-establish their factories in remote rural areas because they can earn crores of rupees by selling that land. I would therefore, like to request you to enact such legislation through which they may not be able to sell their land and may not close down the mills. Even if they wish to close down their mills, the land should not remain with them. The Central Government should acquire this land from them. The Government should sell that land and the capitalists should not be given any right to sell that land. If once the Government decided to deal with this matter leniently, some people will become multi-millionaire and then we would not be able to remove this blot.

With these words, I thank the hon. Minister who has furnished this statement containing detailed information and I hope that the purpose of calling attention moved by us will be served.

[English]

MR. DEPUTY SPEAKER: Shri Purna Chandra Malik.

SHRI PURNA CHANDRA MALIK (Durgapur): Mr. Deputy Speaker, I want to speak in Bengali.

MR. DEPUTY SPEAKER: Is the translator there? Have you given an intimation? Let him come, I will call you then.

Shri Wadiyar.

SHRI SRIKANTA DATTA NARA-

SIMHARAJA WADIYAR (Mysore): Hon Mr. Deputy-Speaker, I have gone through the statement made by the hon. Minister in respect of the strike of industrial workers in the capital and in Ghaziabad in the neighbouring State of Uttar Pradesh. I would like to know from the hon. Minister the position about the following demands that have been made by the industrial workers, namely, one is that the minimum wage of Rs. 1,050 per month should be fixed, second is the revised dearness allowance formula linked with the consumer price index may be accepted and the third is about the withdrawal of the Industrial Relations Bill. There are various other demands which have been made, with which I shall deal later.

There is a great deal of frustration among the workers because of the low wages and intolerable working conditions. There are some establishments in Ghaziabad and in Delhi where a lot of irregularities are taking place.

I would like to know from the hon. Minister whether any such reports regarding low rate of wages and intolerable working conditions fixed and followed by some establishments have come to the notice and if so what action does he propose to take in this respect, whether any decision has been taken with regard of fixing the minimum wage of Rs. 1,050 per month. The minimum wage that has been fixed is rather low. It was fixed after the Thirty-sixth Conference in 1987 and is rather low and the specific level of minimum wage demanded appears to be very reasonable and has been arrived at partly on the basis of the need based minimum calculated at the prices prevailing in January 1987 and partly by fixing at the level of the wages of the lowest paid Central Government employees in Delhi. The dearness allowance rate demanded is the same and the trade union have been clamouring for that since the Government have accepted the recommendations of the Fourth Pay Commission granting full neutralisation of the rise in the cost of living to employees drawing salary up to Rs. 3,500 per month.

I would like to know from the hon. Minister what steps have been taken in this regard and whether he proposes to link the demands of the labourers to the recommendations of the Fourth Pay Commission.

Further among the other demands made by the workers, the abolition of Contract Labour Act, taking action against rampant corruption prevailing in the Labour Department of Delhi Administration, the Trade Unions allege that this has ensured major labour laws including the Minimum Wages Act, the Contract Labour Act, the Provident Fund Act, the ESI Act and others including those relating to the safety of workers have been blatantly violated with impunity, particularly by smaller establishments. But the Delhi Administration has not taken any steps against such smaller establishments. I would specifically like to know from the hon. Minister whether any of these issues have come to his notice; if any of these issues will be taken up with the Delhi Administration; if so, the reaction and response of Delhi Administration thereto. Also I would like to know from the hon. Minister the steps taken to ensure effective implementation of various labour laws in Delhi, Ghaziabad and also in the country as a whole. I would like to know the steps taken by the Government to check the rampant corruption in the Labour Department of the Delhi Administration. I would also like to know the steps taken to meet the demands of women working in various factories such as providing places, etc

Further, I would like to know from the hon. Minister whether he has any proposal to introduce productivity-linked wage scale for industrial workers; if so the dates from which it would be effected; whether it would be applicable for unorganised and also organised industrial workers both in public and private sectors; whether the Government have a proposal to formulate a National Wage Policy; and if so the steps taken thereof.

Sir, in the Twenty Point Programme, point nos. 14 & 15 deal with Low Income Group Housing especially for industrial workers. In this respect, I would like to know the steps the Minister and the Ministry of Urban and Development proposes to take to solve the housing problem of the labourers.

I once again urge the Minister to kindly reply to the questions raised by me.

[*Translation*]

\*SHRI PURNA CHANDRA MALIK (Durgapur): Mr. Deputy Speaker Sir, the industrial workers of Delhi, Haryana and U.P. went on strike from 22.11.88 to 28.11.88 under the leadership of CITU. Nearly 13 lakh workers are employed in the public and Private sector industrial units in these 3 states. They are exploited and deprived of the minimum wages payable to them under the minimum wages act. The owners of these industrial units have not taken any steps to implement the minimum wages act in their establishments for a long time. In spite of notice being issued to the Government and the owners of the industrial units of these States repeatedly, no steps have been taken to give to the workers the minimum facilities due to them under the law. In fact no attention has been paid to them. That is why the 13 lakh workers were forced to give notice of one week's strike under the leadership of CITU. This strike continued from 22nd to 28th November, 1988. This strike was called to extract the rightful dues of the workers. The wages that are paid to them today is wholly inadequate to get the minimum requirements of their families in view of the sky-rocketing prices of all the commodities of their daily use. The prices are rising every day. Apart from that they are denied the minimum medical and housing facilities also. They do not have any proper place to live in. They are being deprived of all legitimate dues day after day. Sir, when the workers went on strike, which is their right the Government of U.P. and the Delhi administration unleashed

---

\* Translation of the speech originally delivered in Bengali.



[Sh. Purna Chandra Malik]  
their police forces to suppress the workers. A good number of workers and labour leaders were arrested. Incidents have come to notice that representatives of various democratic organisations, the Mahila Samiti, youth and students organisations and even Members of Parliament were assaulted when they went to express their support and solidarity with the workers. Sir, the behaviour of the Delhi administration and the police in this connection was highly deplorable but no action has been taken against them. In West Bengal where the Left Front Government is in power, lakhs of workers are working in the unorganised sector. They are getting organised today to get their rightful dues from the employers. They are extracting their legitimate dues of minimum wages from the employers through struggles. This is being possible there because they have the support of the people on the one hand and on the other hand because the administration of the left front government and the police do not jump on them to throttle their rightful struggle. The police are not unleashed on them to suppress their movement there. But in Delhi, Haryana and U P. we see that the poor workers do not get even the minimum living wages. When they go on strike to extract their just and legitimate demands of minimum wages, the police force is unleashed on them. In this way their rightful and democratic movement is being suppressed by force. Therefore we find that the administration here is acting on the side of the employers. A war is being declared on the workers by the employers and the administration jointly. Sir, the poor workers are producing all the wealth with the sweat of their brow. We are being all fed and clothed with that wealth. But the workers themselves are being deprived of the use of that wealth. They have no right on them. In the statement of the Hon. Minister here we do not find any indication of a solution of this problem. How to enable the workers to get the minimum wages? What steps are being taken by the Government in this regard? What steps have been taken against the officers of the administration and the police officers who pounced on the poor workers to suppress

their rightful strike? Nothing has been mentioned in this statement about that. Therefore I will request the Hon. Minister to take action against the guilty police officers. He should also take steps to ensure that these 13 lakh workers may get the minimum wages as provided in the law. Their other legitimate demands should also be conceded. He should take steps to initiate a bilateral talk between the employers and the workers so that the poor workers may get their just and legitimate demands fulfilled through an agreement. With this request to the Hon. Minister I conclude my speech.

SHRI BINDESHWARI DUBEY:  
Mr. Deputy Speaker, Sir, I think that the hon. Members who have moved this Calling Attention Motion may be aware that as per the Central enactments on the statute book, the spheres of responsibilities of the Central and state Governments as well as of the Union Territories have been specified. The subject of Labour comes under the Concurrent List. Therefore, the Centre as well as the States can frame laws on this subject. However, it is clearly specified as to who will undertake the responsibility of enforcement and implementation of different laws and as to which employment and process centres are within the sphere of the Central Government and which are under the State Governments. It has been given in the Schedule 1 and 2 of the Minimum Wages Act. Since this motion is connected with the strike organised for certain demands in Delhi, I will confine my reply to this point only.

As I have stated, the definition of the appropriate government has been given in the Minimum Wages Act. As regards the fixation of minimum wages, it has been specified in the Act as to for which types of employment and processes as the Centre, State and the Union Territories are responsible. If you want, I can clarify it further by reading the definition. Section 2 of the Minimum Wages Act defines the appropriate government and Minimum Wages Act reads as thus:

[English]

"The appropriate government means, in relation to any Scheduled employment carried on or under the authority of Central Government or a Railway Administration or in relation to a mine, oil-field or major port or any corporation established by the Central Act, Central Government, and in relation to any other Scheduled employment, State Government."

[Translation]

It has been specified as to where the Central Government is responsible for fixing minimum wages. In rest of the spheres, the State Government is responsible. As I have pointed out in my statement that the responsibility of the fixation of wages in those units in Delhi where strike has been organised or a notice for the same has been given rests on the Delhi administration for which there is an independent industrial relation machinery. Moreover there is also an independent Minimum Wage Advisory Board in Delhi who and the appropriate governments under the Act in different States like U.P. and Haryana have been fixing minimum wages. So far as the fixation of minimum wages in Delhi is concerned, as I have stated, minimum wages were fixed on 16th March 1988. No fixed formula has been laid down in this regard. Therefore, minimum wages are fixed by the respective States and the Union Territories keeping in view the situation existing there. The Central Government can request the State to adopt a uniform pattern in respect of fixation of minimum wages. In 1980, discussions were held in this regard. One of the provisions in the Minimum Wages Act is that minimum wages will be reviewed and revised every 5 years. As the consumer price index was increasing rapidly, this consensus decision had been taken in 1980. The Central Government can neither intervene here nor take any action in this regard. A meeting of all the state Labour Ministers was convened and a consensus decision was taken that after every two years or if there is a 50 points rise in the consumer price index, the minimum wages should be re-

viewed and revised. Many States have not implemented it. This was a consensus decision and all the States have agreed to it. Some States have implemented it and some have not. Therefore, it was again raised in the Labour Ministers' Conference. Once again, it was reaffirmed and said that it should be implemented. The consensus was that minimum wages should be revised every 2 years or in case of 50 points rise in price index. In regard to the units under the authority of the Central Government, a minimum of the variable D.A. has been fixed which is 1.65. It relates to all the Public undertakings under the Central Government. The industrial D.A. was 1.30 previously which was increased to 1.65 subsequently. As regards those employees who are covered by the Central Pay Commission, their D.A. variable D.A. service conditions, etc. have been given in the award of the Central Pay Commission. As regards the Public undertakings, wages are fixed on the basis of bilateral and bipartite discussions and there is one pattern of D.A. and its neutralization rate is 1.65. Real wages should be there to protect the interest of the workers. There are some States where the system of variable special D.A. has been introduced for industries under their control and the rates vary. All the States have not yet adopted it. Therefore, I had made this proposal in the Labour Ministers Conference held on November 7, 1987. Apart from Central Government employees who are guided by the Central Pay Commission and the Public undertakings where wages are decided by bilateral discussions, the rest of the organisations have adopted the variable D.A. For example, it has been adopted in 73 processes of the mines recently. This D.A. has been granted on the basis of the six monthly increase registered in the consumer price index. This will be granted to the underground and other workers on specific rates prescribed for them respectively after every 4 point hike in the price index. We have undertaken the process of implementation of the mechanism of the variable D.A. But so far as the sphere of the State Government is concerned, the Centre cannot intervene or give directions. It is the State

[Sh. Bindeshwari Dubey]

Government's responsibility and advisory bodies are there to give it a proper form.

Hon. Shri Harish Rawat wanted to know whether the Government will intervene where the State Governments are not carrying out their responsibilities.

[English]

In the matter of workmen's Compensation Act, in the matter of Contract Labour (Regulation) Act, in the matter of Minimum Wages Act or in relation to other Acts in which they are responsible for implementation and enforcement.

[Translation]

And consider to bring some changes in the law in view thereof? It is a separate matter but under the circumstances, we are compelled to do it. As you are aware, there have been many disputes regarding the Centre-State relations and our Constitution is based on the co-operative federal system where the powers of the Centre and States have been clearly defined, we cannot intervene in each other's jurisdiction. Even in the case of minor issues the state accuses the Centre of intervention in the affairs of the State. Therefore, it is a very sensitive matter and hence, the Centre cannot issue directives in case of those issues for the implementation of which the State Governments are alone accountable. Therefore, such issues are discussed in the meetings of the State Labour Ministers' meetings which are called from time to time for reaching a consensus. As I have stated earlier also the Government thought that neutralization after every 50 points hike in the price index would not result in full neutralization.

Therefore, in the Labour Ministers' Conference held in 1988, it was suggested that as the system of variable D.A. has been implemented in the Central Government units, the State Governments should also deliberate on this matter and evolve a mechanism by which the wages of the work-

ers can be fully protected and there is no erosion of any sort in their wages. However, no consensus was reached in this regard. The Labour Ministers of States and Union Territories stated that they would send their reactions after duly considering this matter. We shall convene a meeting of the Labour Ministers again. Of course, there was consensus on one point and it was that since two years have elapsed and there has been 50 points hike in the cost of living index when the last decision was taken last year in April, all the State Governments should review and revise the Minimum Wages Act. There has been a general consensus in this regard. As Delhi Administration revised the minimum wages in March and notified a proposal in September. As per the Minimum Wages Act, the appropriate government has to notify about the changes being made in the minimum wages at least 2 months in advance. Therefore, they notified the proposal in September. The minimum wages fixed in March were based on consumer price index of 808 and in September there was 55 points hike and thus the price index rose to 863 which means that it was more than 50 points and accordingly minimum wages had to be revised in September and the hike was fully neutralized.

SHRI SYED MASUDAL HOSSAIN (Murshidabad): What is its mechanism? How much raise is given per point?

SHRI BINDESHWARI DUBEY: The mechanism of per point rise is not contained in the variable dearness allowance. But the minimum wages, which had been fixed at 808 consumer price index, have been raised proportionately upto 863 points. I had, therefore, said that it was fully neutralised. This very thing is called full neutralisation. But the notification which has been issued by the Union Territory of Delhi was for November. A notice of two months was required under the legal provisions, in December. That is why they issued a notice of two months. Now the representatives of labourers should raise their demands before the Advisory Board which is the appropriate forum for fixing minimum wages. They are of the view that

even if there is a rise in the Consumer Price Index after the issue of notification, full neutralisation should be ensured at the time of issuing final notification.

Shri Harish Rawat has raised the issue of Delhi-Cloth Mills. It is a long story and cannot be described in brief. We shall have to read the whole story once again. This issue has been simmering since 1985. He might be aware of this situation. But the latest position is that the Delhi Administration has turned down the proposal of closure of the mill sent by the owners. Under the provisions of the law where more than 100 workers work, it is obligatory for the owners to take prior permission of the appropriate Government for the closure of the mill. If it is closed without permission, it will be treated as illegal. That is why they sought permission but the Delhi Administration turned down their request. Thereafter, they approached the High Court and filed a petition. The High Court ordered the Delhi Administration to reconsider it. The case was reconsidered and rejected. The owners approached the High Court against this decision and now the matter is subjudice. The Delhi Administration rejected their proposal for the closure of the mill twice. If the court does not decide otherwise, the owners will stick to their stand. The court is of the view that the mill is not hazardous and it will be improper to close it. There is some other motive behind the closure of this mill and that is why we will not permit its closure. Even today the Delhi Administration is on this stand. So far as abolishing the contract labour is concerned, there is an act called the Contract Labour Abolition and Regulation Act. This Act prescribes the circumstances under which contract labour should be abolished. If these circumstances prevail there, the Central Government is responsible for it. The Act further defines the circumstances under which the State Governments should act. While taking any decision in this regard, the State Governments as well as the Central Government should consult their respective Labour Advisory Boards. Reports of these boards are regularly received. The Central Advisory Board on contract system advises

that the contract labour system should be done away with in such and such employments or in so and so establishment, it is being done illegally and therefore, it should be stopped or the contract system must be abolished. Where the contract system is not abolished, the provisions of regulation is there. The contractor is asked to take measures for the welfare of workers. If any laxity is shown in making payment, it is the responsibility of the principal employer to see that payment is made to labourers as per the Minimum Wages Act. It has been a point of discussion in a number of establishments in the Government undertakings that the Central Labourers should also get same amount of wages as a regular worker for similar nature of work. If it is not done, it is a violation. If the contractor does not make the payment or does not take necessary welfare measures for the workers, it is the responsibility of the principal employer to take action and recover the amount by deducting it later from the contractor's bill. Mr. Deputy Speaker, Sir, that is why I suggest that this Calling Attention Motion should not be discussed here, because generally we do not discuss state subjects here. But I would prefer to remain silent on it since it has been approved by you. Here I would like to say this much that we are discussing a thing which is beyond the jurisdiction of the Central Government. The demands that have been placed fall beyond the jurisdiction of the Central Government. That is why we cannot take any decision in this regard. Since it is not within our sphere, we cannot interfere in it. We cannot intervene in it and issue any directive in this regard. If any State Government does not implement the decisions on which a consensus has been arrived, we write to them and request them to do the needful. This is the position. It is not at all proper to say that the Central Government sympathises with the mill owners. As far as the jurisdiction of the central Government is concerned, we have fixed appropriate minimum wages, whether it is in the public sector or the private sector. We are trying to raise the minimum wage to fair wage and living wage. The steel sector, railway sector and mining sector, are now



[Sh. Bindeshwari Dubey]  
talking of fair wages and living wages. What are the minimum wages that are being paid to the employees of these sectors and what are the total emoluments of the lowest paid employee. But how far is it justified to criticise the Central Government and say that it lacks will in the area which are in the jurisdiction of the State Government. I would like to ask my hon. colleagues who are talking of formula if they had ever verified in their respective States whether they are discharging their responsibilities and whether they are implementing the decisions properly on which a consensus was arrived. As such, it is not proper to blame the Central Government for everything. It has been alleged that the Central Government does not put pressure on the Government's of Union Territory and Uttar Pradesh where the ruling party is in power. Then, I ask the hon. Members from West Bengal as to why they are not putting pressure on the Government of West Bengal. It is the responsibility of the Government of West Bengal to implement the laws in their State. Why are they not implementing the laws and why the hon. Members are not putting pressure on their Government. They have also their members in the Legislative Assembly. Why don't these Members exert pressure on the Government of their State. What have they to say in this regard? It is not at all proper to level wild allegations like this and blame the Central Government for everything and say that this is being done with a political motive. They should talk on merit. Even the discussion on calling Attention Motion should keep merit basis in view. Then only we can understand the relevance of their points. If I go on relating, I can say confidently that the information available with me is more than the information available with them about the non-Congress Governments which have made maximum violation of labour laws. Minimum Wages are low in these States, but I never allowed myself to be drawn into this controversy and never raised my fingers at the State Governments in this regard or reproached them for this.

SHRI VIRDHI CHANDER JAIN

(Barmer): We want information on this.

SHRI BINDESHWARI DUBEY: We know our limitations. We do not want to create any difference or dispute between the Central Government and the Governments of the State. Centre-State relations are being discussed quite often. There was a discussion on the Sarkaria Commission report recently in the Rajya Sabha. While some hon. Members were of the view that the Centre should become more strong, some other hon. Members expressed the view that the Centre enjoys maximum powers and it should be curbed. As I said, the concept we have adopted in our constitution is co-operative federal concept. When all communities live in harmony only then we will be able to preserve the unity and integrity of the country. If we try to drift apart, we will not be able to achieve the objectives of our Constitution and the objective for which we achieved independence. That is why we cannot go beyond our ethical limits. Those who follow the ethical values, cannot break them. Two wrongs cannot make a right. I have all along been holding this view.

I have clarified all the points raised by the hon. Members.

---

13.24 hrs.

MATTERS UNDER RULE 377

[English]

- (i) Need to repair the Sone canal with World Bank aid

SHRI C.P. THAKUR (Patna). Mr. Deputy-Speaker, Sir, this year one crore population of Bihar has been adversely affected by non-availability of water in Sone canal. The paddy crops have dried up and sowing of Rabi is also not possible. Since many years, this has become a perpetual feature and after Benisagar Agreement, more and more water is diverted to Uttar Pradesh and Madhya Pradesh and in Singrauli coal field.