

MR SPEAKER : So, the question is :

"That this House approves the Proclamation issued by the President on 25th May, 1984 under Article 356 of the Constitution in relation to the State of Sikkim."

The Motion was adopted.

12.37 hrs.

INDUSTRIAL DISPUTES (AMENDMENT) BILL)

THE MINISTER OF LABOUR AND
REHABILITATION (SHRI VEERENDRA
PATIL) : I beg to move :

"That the Bill further to amend the Industrial Disputes Act, 1947, be taken into consideration."

The Industrial Disputes Act 1947 provides for a procedure as well as the machinery for resolution of industrial disputes.

The amendments proposed in the Bill to the provisions relating to lay-off and retrenchment i.e. Sections 25-M and 25-N of the Industrial Disputes Act, 1947, are on the same lines as the amended provisions relating to closure which were inserted by the Industrial Disputes (Amendment) Act, 1982. These amendments relating to closure were at that time incorporated taking into consideration the observations of the Supreme Court in the Excel Wear case. These amendments have become necessary because certain High Courts have declared invalid the special provisions relating to lay-off and retrenchment contained in the Act. We have preferred appeals in the Supreme Court against the decisions of the High Courts. However, as there is a vacuum making it difficult to deal effectively with cases of lay-off and retrenchment, it is desirable that amendments to the relevant provisions should be made taking into consideration the Supreme Court decision in Excel Wear case. This would enable the Government to project the interests of workmen against arbitrary lay-off or

retrenchment. At the same time, provision is being made that the appropriate Government can review the order on its own motion or on receipt of an application from the affected party or can refer the matter to a tribunal for adjudication and the tribunal has to pass an order on such reference within thirty days. This will ensure speedy disposal of the matters relating to lay-off and retrenchment referred to tribunals for adjudication.

We are also amending section 2 (oo) of the Industrial Disputes Act relating to retrenchment so as to cover cases of termination of service of the workman as a result of non-removal of the contract of employment or in accordance with the stipulation in the contract. This has become necessary because of difficulties in the interpretation of the expression "retrenchment".

As you are aware, the Industrial Disputes (Amendment) Act 1982 was passed by the Parliament in August 1982. There are a number of provisions in that Act, which confer considerable benefits on the workmen. To cite a few, Labour Courts/ Industrial Tribunals would give awards within a time schedule which shall not exceed three months in the case of individual disputes and direct applications.

Where a Labour Court or a Tribunal reinstates a workman, he would be entitled to 100 per cent wages even when the award is appealed against. Special provisions relating to prior permission for lay-off, retrenchment and closure shall apply to establishments employing 100 or more workmen instead of 300 or more workmen. The provisions relating to closure have been recast so as to conform to the decision of the Supreme Court in Excel Wear case, etc. It is, therefore, proposed to amend the Industrial Disputes (Amendment) Act, 1982 so that the various provisions could be notified separately and with effect from different dates.

Thus the present Bill is a specific Bill to remove difficulties which have cropped up and which have affected interests of the workers in general.

With these introductory remarks, I would

[Shri Veerendra Patil]

earnestly commend this Bill for the consideration of this House.

MR. SPEAKER : Motion moved.

"That the Bill further to amend the Industrial Disputes Act, 1947, be taken into consideration."

Does anybody want to speak ?

Shri Girdhari Lal Vyas.

श्री गिरधारी लाल व्यास (भीलवाड़ा) : अध्यक्ष महोदय, यह जो बिल प्रस्तुत किया गया है, इसका मैं समर्थन करता हूँ। सिर्फ दो-तीन प्वाइंट्स की ओर माननीय मंत्री जी का ध्यान आकर्षित करना चाहता हूँ। 45 दिन के बाद ले-आफ का कोई प्रोविजन नहीं है। इससे मजदूरों को बहुत बड़ा नुकसान है। इसके सम्बन्ध में कोई न कोई व्यवस्था कीजिए ताकि 45 दिन के बाद भी ले-आफ का प्रोविजन हो। दूसरी बात यह है कि जिस वक्त मजदूर को निकाल दिया जाता है, उसके खिलाफ लेबर-कोर्ट में किसी प्रकार की प्रोसीडिंग्स चल रही है तो ऐसे वक्त में मजदूर को पैसा नहीं मिलता है। दो-दो, तीन-तीन साल तक कार्यवाही चलती है। मजदूरों की कमर टूट जाती है, वह लड़ नहीं सकते। जिस प्रकार सरकारी कर्मचारियों को सस्पेंड होने के बाद पैसा मिलता है, इसी प्रकार का प्रावधान इसमें भी होना चाहिए ताकि मजदूर, मालिक के खिलाफ कार्यवाही पूरे तरीके से कर सके। तीसरी बात यह है कि क्लोजर के सम्बन्ध में आपने कोई प्रावधान नहीं किया है। राजस्थान सरकार ने इस प्रकार की कार्यवाही की है कि बिना सरकार की इजाजत के क्लोजर नहीं हो सकता। अगर कोई करता है तो प्रॉसीक्यूशन किया जाता है। चार महीने हो गए, मेवाड़ टैक्सटाइल मिल बन्द पड़ी हुई है। सरकार उस ओर कोई ध्यान नहीं देती है। दो हजार मजदूर रोजी-रोटी से महरूम हो गए हैं। इसलिए, इस प्रकार की व्यवस्था होनी चाहिए कि बिना सरकार की इजाजत के कोई मिल बन्द नहीं होगी। यदि होगी

तो उसका प्रॉसीक्यूशन किया जायेगा। लेबर डिपार्टमेंट निष्क्रिय है। वह इस मामले में बिलकुल काम नहीं करता। कोई भी इंडस्ट्रीयलिस्ट, इंडस्ट्री बन्द कर देता है तो उसको टेक-ओवर कर लेना चाहिए। मेरा निवेदन है कि मेवाड़ टैक्सटाइल मिल को नेशनलाइज कराइए। इसके लिए मैं मंत्री जी से प्रार्थना करता हूँ।

श्री राम प्यारे पनिका (राबर्ट्सगंज) : अध्यक्ष महोदय, माननीय श्रम मंत्री जी द्वारा प्रस्तुत औद्योगिक विवाद अधिनियम, 1947 का और संशोधन करने वाले विधेयक का मैं समर्थन करने के लिए खड़ा हुआ हूँ। यह बात निर्विवाद सत्य है कि 1980 के बाद सरकार ने मालिकों और मजदूरों के हित में इतने कार्य किए हैं जिसके परिणाम-स्वरूप आज हमारी इंडस्ट्रीज में पीस दिखाई देती है। परन्तु मैं दो-तीन महत्वपूर्ण विषयों की ओर माननीय मंत्री जी का ध्यान आकर्षित करना चाहता हूँ। यदि आप देखें तो प्राइवेट सैक्टर में सरकारी खजाने का लगभग 30-35 करोड़ रुपया लगा हुआ है, जिनसे ये लोग अपनी इंडस्ट्रीज चला रहे हैं। यदि मैनडेज लॉस को देखा जाय तो वह सरकारी सैक्टर की इंडस्ट्रीज में न होकर इन प्राइवेट सैक्टर इंडस्ट्रीज में 50 प्रतिशत से भी अधिक ले-ऑफ या क्लोजर आदि होता है। इसलिए हमें चाहिए कि जिस सैक्टर में हमारे देश की इतनी पूंजी लगी हो यदि वहाँ श्रमिकों के हितों के साथ खिलवाड़ किया जाता है तो उस पर थोड़ा-बहुत अंकुश लगाने की आवश्यकता है। छोटी-छोटी बातों को लेकर फैंक्टरियां बन्द कर देना ठीक नहीं है। इसलिए जिम तरह का अच्छा टैम्पो हमारे देश में स्टेट सैक्टर प्रोजेक्ट्स का बना है, वैसा ही कुछ कार्य प्राइवेट सैक्टर इंडस्ट्रीज में भी बनना चाहिए। श्रमिकों के हित में कल्याणकारी कार्यक्रमों का बनाया जाना अत्यन्त आवश्यक है। उत्तर प्रदेश में काफी बड़ी संख्या में मजदूरों का प्रश्न है, जबकि मेरी कांस्टीट्यूंसी में तीन सीमेंट फैंक्टरियां, एक एल्यूमीनियम फैंक्टरी और कोल माइन्स आदि हैं और जहाँ काफी विजली का कन्जम्प्शन होता है। पीछे एक ई०एस०आई० लस्पताल बनने की बात भी चली और मैं मंत्री महोदय का

आभारी हूँ कि उन्होंने उसका शिलान्यास किया और वे वास्तव में निर्माण करना चाहते हैं, लेकिन उस कार्य को काफी समय लग रहा है। इसलिए हमारी सरकार को कोई टाइम-बाउन्ड कार्यक्रम बनाकर उसको क्रियान्वयन करना चाहिए। चूंकि मंत्री महोदय आश्वासन दे रहे हैं, इसलिए मैं ज्यादा न कहते हुए यही चाहता हूँ कि इस विधेयक पर और अगे डिस्कशन न होकर यहीं पास कर देना चाहिए।

SHRI G. LAKSHMANAN (Madras North): Sir, I welcome this Bill which seeks to amend the Industrial Disputes Act.

Everyone of you might be thinking why instead of sitting in the Chair and speaking, I am speaking from this seat. I am doing so as a trade unionist for about thirty years in India...

MR. SPEAKER : Still a trade unionist.

SHRI G. LAKSHMANAN : Sir, many Bills have been brought forward in favour of the weaker sections. This amendment has been brought forward because of the courts order, and I welcome it. At the same time, I would like to say this, not because I am a trade unionist, that there is a feeling that justice is denied to the working classes in this country and this has been taken advantage of by political parties and they all fight for the cause of the working class.

In a way, I must thank my hon. friends in the Opposition today for having given me a chance to speak, because if they would have been present here, I would not have spoken. There is a mill in my constituency, namely the Buckingham and Carnatic Mill which is about a hundred years old. That mill has remained closed for the last six months. The trade union leader of that mill has announced that he has withdrawn the strike and he has asked the workers to resume work. Earlier when the workers had declared a strike, the management had not closed the mill nor had they declared any lock-out. The workers had initially gone

on strike, but later the strike has been withdrawn, and Shri Anthony Pillai, the trade union leader has announced that the strike has been withdrawn, but the mill has not started functioning even till today. Because of this, for the past six months, about 10,000 families in my constituency alone are starving. Is there no law to compel the mill management to allow these workers to resume work? Can you not compel the management to reopen the mill? In a democratic country like ours, one can easily concede that the workers could go on a strike and they have got every right to do so. But now they have called off the strike and they are prepared to resume work in the mill, but they are not being allowed to do so.

I know that my hon. friend Shri Veerendra Patil is an experienced Labour Minister. I can only request him through you, Sir, that something must be done to force the management to allow the workers to resume work. I would suggest that he must bring forward an amendment for the purpose during the current session.

I would also like to make an appeal to the Commerce Minister who is in charge of Textiles, through the hon. Labour Minister, to kindly see that the matter does not linger on indefinitely, because it is happening in my constituency, the constituency of the Deputy Presiding Officer of this House.

The head of the management, the managing director, whose name I would not like to mention here is not willing to reopen the mill. Where does the lacuna lie? Why have the workers not been allowed to resume their duties? The nation is suffering a great deal of loss on account of the mill remaining closed. When I went to London, I was told, 'Sir, this is B and C cloth'. This shows that a mill which has been earning foreign exchange is remaining closed now.

Therefore, I would suggest that when the workers want to resume work, the management must immediately accept and allow them to do so, whether the management be under Government in the public sector or in the private sector.

[Shri G. Laskhmanan]

Once, again, I would urge the hon. Minister to bring forward an amendment for the purpose during the current session. I would also request the Commerce Minister, through the hon. Labour Minister, to see that the B and C Mill in my constituency is reopened immediately. I hope the hon. Minister will take immediate action and advise the management to open the mill immediately.

With these words, I support the Bill.

THE MINISTER OF LABOUR AND REHABILITATION (SHRI VEERENDRA PATIL) : Mr. Speaker, Sir, this is a non-controversial Bill and I knew that even the hon. Members on the other side, if they were present here, would have wholeheartedly and with one voice welcomed this measure. In fact, all the Central Trade Unions and different political parties were demanding that this amendment should be brought forward as early as possible and passed by both the Houses. So far as the closure of the mill, retrenchment of the workers and lay-offs of the workers are concerned, there were provisions in the Industrial Disputes Act. But unfortunately, the provision in so far as all the mills was concerned, in the Industrial Disputes Act, was challenged in the Supreme Court and the Supreme Court struck down that provision because they found that the structure of that Section was not properly worded and sufficient opportunity was not given for enquiry and for making an application and holding an enquiry and also for giving an application against the decision of the Government. So, they thought that the Section was not properly worded. That is why it was struck.

Now, we are in the vacuum, although we got it passed through an amendment to the law, in 1982. But for some reason or other, we have not been able to modify that Act. Sufficient provisions have, therefore, been made in this Bill. After this Bill is passed, relevant Sections with regard to the closure of the mills can be notified, and after that notification, for closure of any establishment the owner has to seek the

permission of the Government. Without taking the permission of the Government, he cannot close any factory or establishment.

Similarly, with regard to the retrenchment and lay-offs, not only has he to give notice well in advance to the workers, but he has to give notice or inform the concerned appropriate Government, whether State or Centre, well in advance and seek their permission.

Although these provisions were there earlier also, but unfortunately so far as the provision concerning the closure of the establishment is concerned, it was struck down by the Supreme Court, and the provision with regard to retrenchment and lay-offs was struck down by certain High Courts. We have gone in appeal, the matter is in the Supreme Court and we do not know when the Supreme Court decision will be available. Till that time, there would be vacuum. Therefore, to safeguard the interest of the workers, we thought that these clauses should be amended as we have done. After that, there would not be any grouse and it cannot be successfully challenged by any employer.

I want to assure the hon. Members that this amending Bill has been brought only to a safeguard the interest of the workers, who are subjected every now and then to lay-offs, retrenchment and closure of the establishments at the whims and fancies of the employers. We do not want workers to be at the mercy of the employers; we want to safeguard their interest, and in order to do that this Bill have been moved. As some of the hon. Members have expressed, this is going to be passed unanimously. Even if the Members opposite had been present, they would also have supported this Bill unanimously.

I am very happy that I have been able to bring forward this piece of legislation which is welcome by every Member of this House. I request that the Bill be passed unanimously.

MR. SPEAKER : The question is :

"That the Bill further to amend the Industrial Disputes Act, 1947, be taken into consideration."

The Motion was adopted.

MR. SPEAKER : The House will now take up clause-by-clause consideration of the Bill. The question is :

"That clauses 2 to 7 stand part of the Bill."

The Motion was adopted.

Clauses 2 to 7 were added to the Bill.

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

SHRI VEERENDRA PATIL : I beg to move :

"That the Bill be passed".

MR. SPEAKER : The question is :

"That the Bill be passed."

The Motion was adopted.

12.59 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha re-assembled, after Lunch, at six minutes past Fourteen of the Clock.

[SHRI R.S. SPARROW *in the Chair*]

ELECTRICITY (SUPPLY) AMENDMENT BILL

THE MINISTER OF STATE IN THE
MINISTRY OF ENERGY (SHRI ARIF
MOHAMMAD KHAN) : I beg to move :

"That the Bill further to amend the Electricity (Supply) Act, 1948, be taken into consideration."

Section 29 (1) of the Electricity (Supply) Act, 1948 as it stands at present, provides that "Every scheme estimated to involve a capital expenditure exceeding one crore of rupees shall, as soon as may be after preparation, be submitted to the Authority for its clearance." The Authority, on receipt of such schemes, examines from technological angles before it accords its concurrence.

In the existing procedure, schemes costing upto Rs. 1 crore are not referred to the CEA ; these are directly included by the concerned States/Undertakings in their plan proposals submitted to the Planning Commission. Planning Commission considers all such schemes for investment approval, keeping resource position in view.

We feel that at present, according to this procedure schemes costing about Rs. 1 crore are subjected to a detailed examination from all angles by the Central Electricity Authority which is a time-consuming process. It is only after the CEA has finally cleared a scheme that the Planning Commission considers it for financing from Plan funds. Schemes costing less than Rs. 1 crore are at present not subjected to detailed scrutiny provided for larger projects, but these have to be included in the Plan and accepted by the Planning Commission for the purpose of plan financing.

Since the financial limit of Rs. 1 crore in Section 29 (1) of the Act was laid down, there has been considerable escalation in the costs of inputs to power projects, with the result that even comparatively small schemes are now not free from the requirements of detailed scrutiny provided in the Act. It had been represented by various State Governments/State Electricity Boards that this limit should be enhanced. In view of the cost escalations, it has become necessary to suitably enhance this limit, so that State Governments can implement relatively small schemes without obligation of having to go through the detailed procedure of obtaining prior concurrence of CEA, which was originally meant for larger projects.

After the proposed amendment has been enacted, small schemes costing upto Rs. 5 crores would not require prior concurrence