

श्री राजेश कुमार सिंह (फिरोजाबाद) : मान्यवर, जैसा कि माननीय सदस्यों ने कहा है कि आज के हालात देखते हुए एक संपूर्ण बिल लाना चाहिए था। अगर संपूर्ण बिल लाया जाता तो बहुत सी बातें सामने नहीं आती। इन कमियों को पूरा करने के लिए पुनः बिल लाने की आवश्यकता पड़ेगी।

सभापति महोदय, मैं आपके माध्यम से मंत्री महोदय से निवेदन करना चाहता हूँ कि इसमें 20,000 रुपए कंपेंसेशन के बारे में कहा गया है। आज के जमाने में यदि किसी की मृत्यु हो जाए और उसको 20 हजार रुपए देकर संतुष्ट कर दिया जाए तो यह संभव नहीं है। अभी माननीय सदस्य बता रहे थे, उसी संदर्भ में मैं आगे चर्चा करूंगा कि बहुत सी जगह देखा गया है कि उनकी तरफ से काफी नेग्लिजेंस होती है। तो ऐसा कोई प्रावधान नहीं है कि उनके खिलाफ कानूनी कार्यवाही की जाए।

कंपेंसेशन के बारे में भी आपने कुछ ढिलाई दे दी है।

MR. CHAIRMAN: I think, you can continue tomorrow.

18 hrs.

HALF-AN HOUR DISCUSSION

Financial assistance to Indian construction companies

श्री चर्न दास शास्त्री (करोल बाग) : आदरणीय सभापति जी, मैं आपका हार्दिक आभार प्रकट करता हूँ कि आपने देश के लाखों-करोड़ों लोगों के आसुओं को पूछने के लिए आधे घण्टे की बहस करने का मौका दिया। यह आधे घण्टे की बहस का प्रश्न इसलिए आया कि दुनिया के कोटि-कोटि लोगों ने कल मई दिवस मनाया और प्रजातंत्र का मन्दिर भारत के मजदूरों को अपनी श्रद्धांजलि और श्रद्धा के फूल चढ़ाने के लिए कल बंद रहा। इससे अनुमान लगाया जा सकता है कि भारत की प्रधान मंत्री, मंत्रीगण और संसद् दुनिया के मजदूरों के प्रति सहानुभूति

रखते हैं। मैं मुबारकबाद देता हूँ दुनिया और भारत के मजदूरों को क्योंकि उनका भारत में एक गरिमापूर्ण स्थान है। मैं यह कहना चाहता हूँ कि भारत की राष्ट्र-माता इन्दिरा जी ने देश के बंधुआ मजदूरों को मुक्त कर दिया। (श्रद्धांजलि) अग्रेजों ने इमीग्रेशन एक्ट 1922 में इसलिए बनाया कि यहाँ से घरों में काम करने वाले मजदूरों को ले जाए ताकि हिन्दुस्तान गुलामी की गंगा में बहता रहे। राष्ट्रपिता बापू ने इस गुलामी की गंगा को हटाने के लिए, भारत की भूमि पर जो लगीटी में रहने वाले लोग हैं, जिनकी हड्डियों के ढाँचे के अंदर भारत का नक्शा नजर आता है। उन लोगों की आवाज बनकर उनको एक नयी शक्ति और नयी प्रेरणा दी थी। इमीग्रेशन एक्ट के तहत भारत से करोड़ों मजदूर ले जाए जाते थे और उनके बच्चों के लिए रोटी-पानी का खर्चा भेज दिया जाता था। अरब कन्टीज में 1962 में जब तेल की दुनिया में रुपया पैदा होने लगा तो उन्होंने विकास की तरफ सोचना शुरू किया। उन्होंने दुनिया की सब कंपनियों और मजदूरों को आमंत्रित किया कि हमारे विकास में योगदान दें क्योंकि उनके पाम घन की कमी नहीं थी। इसलिए, आपको मालूम है कि यहाँ से मैन-पावर सप्लाई करने वाली कंपनियों ने मजदूर भर्जन और कंट्रिब्यूट लेने शुरू कर दिए। बड़ी गरिमा के साथ मन् 77 तक वह इस तरह से जाते रहे। जब मजदूरों का शोषण होता रहा तो उसको देखकर कुछ बे स्टेट इंटररेस्ट वाली कंपनियां सप्रीम कोर्ट में गईं। वह भारत सरकार के कन्ट्रोल को हटाना चाहती थीं और मजदूरों के हितों पर आघात करना चाहती थी। लेकिन इन मजदूरों को मुक्ति दिलाने के लिए भारत सरकार ने एक इंकलाबी काम किया और 1983 में एक नया कानून बनाया गया। उस नये कानून के लिए मैं मुक्त कंठ से लेबर मिनिस्टर साहब की प्रशंसा करना चाहता हूँ, और भूरि-भूरि प्रशंसा करना चाहता हूँ कि आपने मजदूरों की गरिमा को बनाए रखने के लिए कदम उठाया। सभापति महोदय, यह प्रश्न बड़ा भावुक प्रश्न है। एक तरफ

हमारे सामने मजदूरों का सम्मान है, देश का सम्मान है और राष्ट्र की गरिमा है तथा दूसरी तरफ मजदूरों का शोषण है। इसमें कई चीजें इन्वाल्ड हैं—सबसे पहले तो लेबर मंत्रालय इन्वाल्ड है, वर्क एण्ड हाउसिंग मिनिस्ट्री इन्वाल्ड है, विदेश मंत्रालय इन्वाल्ड है और चीये फाइनेंस मिनिस्ट्री भी इन्वाल्ड है। इसमें चार पांच मंत्रालयों का पूरा चक्रजाल है। इस चक्रजाल से कैसे छुटकारा मिले, यह बड़ा गम्भीर प्रश्न हमारे सामने है। मैं कहना चाहता हूँ कि 1983 में 30 दिसम्बर को जब यह एक्ट पास हुआ तो उस समय बाजार में इनके पास लेबर लॉ की किताबें भी मौजूद नहीं थी कि कैसे एप्लीकेशन दी जाए। इन्होंने एप्लीकेशन मांगनी शुरू कर दीं, लेकिन लोगों को मालूम ही नहीं था। फिर समाचार पत्रों में दिन-प्रति दिन विदेशी कम्पनियों द्वारा मजदूरों के शोषण के समाचार सुनने में आते रहे। आपको मालूम है कि विदेशों में हमारी 17 कम्पनियां ऐसी हैं जो काम करती हैं— इनमें प्रमुख कम्पनियों में से उत्तम सिंह दुग्गल एण्ड कम्पनी है, डी एम कम्पनी है, कान्टीनेंटल कंस्ट्रक्शन कम्पनी है, भण्डारी विल्डर्स है, दयाल कन्स्ट्रक्शन कम्पनी है, हिन्दुस्तान कन्स्ट्रक्शन कम्पनी है, जे० बी० एस०-शिपेटस है, पुंजसन्स है। इसी तरह इन भारतीय कम्पनियों के साथ कुछ कम्पनियां भारत सरकार की भी हैं— जैसे ई पी आई है, बी एच ई एल है, इटरनेशनल एअरपोर्ट अथॉरिटी आफ इण्डिया है, एन पी सी सी है, रेलवेज है जो विदेशों में काम करती हैं और यहां से मजदूरों को ले जाती हैं। सबसे पहले हमारे सामने बुनियादी प्रश्न यह उत्पन्न होता है कि जब ये कम्पनियां यहां से मजदूरों को 15-15 या 20-20 या 25-25 हजार रूपए लेकर विदेशों में भेजती हैं तो उन कन्ट्रीज में स्थित हमारे एम्प्लायर को उनकी टिकटों की व्यवस्था करनी चाहिए। लेकिन ये हिन्दुस्तान के मजदूरों के पैसों से टिकटें खरीद कर बेच देते हैं। इसके जरिए जो फॉरेन एक्सचेंज हिन्दुस्तान में आना चाहिए, क्योंकि जितनी लेबर यहां से आनी है, उनकी

टिकटें फॉरेन एक्सचेंज में खरीदी जानी चाहिए मैं जानना चाहता हूँ कि उस फॉरेन एक्सचेंज को बैंक करने के लिए सरकार के पास क्या व्यवस्था है जिसके जरिए वह कन्ट्रोल करती है। दूसरा प्रश्न यह है कि जब ये कम्पनियां मजदूरों को लेकर विदेश जाती हैं तो उनसे बन्धुआ मजदूरों की तरह काम लिया जाता है और उनको बहुत कम पैसा दिया जाता है। जब चाहें वापस भेज देती हैं। पिछले दिनों इराक से एक हजार लोगों को इसी तरह फटाफट वापस भिजवा दिया गया और उनके पासपोर्ट अपने कन्ट्रोल में कर लिए गए, उनको रोटी नहीं दी जाती। इसके अलावा, सभापति महोदय, यह भी ज्ञात हुआ है कि जो रुपया वे लोग विदेशों में कमाते हैं, उसको वहीं पर छोड़ कर आते हैं, उस पैसे का वे कम्पनियां अपने पास जमा कर लेती हैं तथा यहां आने पर उनको हिन्दुस्तानी रुपये में अदायगी कर दी जाती है। इस तरह से करोड़ों रुपये के फॉरेन एक्सचेंज का घोटाला होता रहता है क्योंकि वे लोग यहां आने पर उनकी हिन्दुस्तान की करेंसी में रुपया देते हैं और विदेशी रुपया सारा वे वहीं छोड़ कर आ जाते हैं। और उसके साथ-साथ यह जो लोग जाते हैं उन्हें कुछ मालूम नहीं होता है, मजदूर आदमी है। वहां पर जब रेडियो, टी०वी० आदि चीजें देखते हैं तो खरीद कर लाते हैं। एक परसेंटेज तय होना चाहिये कि यह जब स्वदेश लौटें तो कितने रुपये का मनोरंजन और अन्य घरेलू वस्तुएं ले कर आये और बाकी रुपया रिजर्व बैंक में जमा होता है कि नहीं यह भी देखा जाय यह एक बुनियादी प्रश्न है।

आपको मालूम है कि लेबर मिनिस्ट्री की बजह से, क्योंकि मैन पावर सप्लाय करने वाली कम्पनियों को लाइसेंस 1 अप्रैल से शुरू किये, तो इन बीच के 4, 5 महीनों में जो विदेश से फॉरेन एक्सचेंज आना था मैन पावर के बदले में यह जो घाटा हुआ क्योंकि 4 महीने तक एप्लीकेशन का घपला समझ में नहीं आया, तो 4 महीनों के इस घाटे के लिये किसको आप

जिम्मेदारी ठहराते हैं ? कंट्रोल करना, मजदूरों के हित के लिये सरकार जो कड़े कदम उठाती है, उसके लिये हमें कोई एतराज नहीं है और हम स्वागत करते हैं। लेकिन आज कई मुल्कों से हमारा मुकाबला है क्योंकि खाली भारत ही लेबर सप्लाई नहीं करता है, पाकिस्तान, बांग्लादेश, श्रीलंका, थाईलैंड चीन और फिलिपीन भी करता है। पहले भारत से 20, 30 परसेंट लेबर जाता था, जो अब घट कर 10, 15 परसेंट हो गया है। क्यों घटा ? दूसरे मुल्कों का मुकाबला कर पा रहे है कि नहीं यह देखने की चीजें हैं। जब कामर्स मिनिस्ट्री इंजीनियरिंग प्रमोशन काउन्सिल ग्लोबल टेंडर देने के लिये विदेश में कौन कौन सी भारतीय कम्पनियां जा सकती हैं इसके लिये सर्टिफिकेट इश्यू करती हैं, और यदि क्राइसिस नहीं थी, बाहर की कम्पनियों के मजदूर देखे नहीं थे, तो 200 करोड़ रु० देने के लिये कामर्स मिनिस्ट्री ने क्यों फाइनेंस मिनिस्ट्री को रिक्मन्ड किया ? यहाँ की टीम मजदूरों के दुख को देखने के लिये क्यों गई ? तो उस कंट्रोल को देखने और जांच कराने के लिये भारत सरकार जो कदम उठा रही है उस पर सख्ती से अमल होना चाहिये, और जो 5 कम्पनियां ब्लैक लिस्टेड हैं उनके नाम हमें बताये जाने चाहियें। आप नाम क्यों छिपाते हैं ? आप जानते हैं संसार में प्रजातन्त्र का सबसे बड़ा शस्त्र है हमको सूचना मिलनी चाहिये। यही तो हमारे पास हथियार है। मैं कहना चाहता हूँ कि आज उन कम्पनियों पर कोई कंट्रोल नहीं, यह कम्पनियां कितना रुपया कमाकर लायीं, उनका परफार्मेंस एफीशियेंसी क्या है और मजदूरों के प्रति उनका कंसा व्यवहार रहा इसका कोई सर्वे तो होना चाहिये, और उसका मापदंड भी देखना बहुत जरूरी है।

इन शब्दों के साथ मैं भारत सरकार को धन्यवाद देता हूँ। मजदूरों की रक्षा के लिये भारत सरकार एक सेना नायक की तरह खड़ी है भारत की नेता प्रचान मंत्री के नेतृत्व में, इसका स्वागत करते हैं।

The Minister of Labour and Rehabilitation (SHRI VEERENDRA PATIL) : Sir, the hon. Member rightly explained in brief the plight of the emigrants or the workers working outside the country.

Sir, hon. Members are aware that there are two types of employers.

One is foreign employer. Foreign employer either himself directly recruits the immigrants or workers or he will ask the local recruiting agent to recruit on his behalf.

The other type of the worker is the Indian employer. As the hon. Member Shri Dharam Dass Shastri said just now there are several companies both in Private Sector and Public Sector who have taken up a large number of works in other countries particularly in Gulf countries and they are executing the work. For executing the work, whatever work force is necessary, they are having work force from this country. For foreign employer, he has to get the immigration clearance under the Immigration Act by the Protectorate of Immigration. So far as Indian employer is concerned, he has only to take permit and in the Act itself. I do not want to go into details the procedure has been defined clearly. All the formalities have to be gone through before the employer gets the immigration clearance from the appropriate authority.

So far as the Indian employer is concerned, as I said just now he has to approach the Protector General of Immigration. He should get the permission and before getting permission or permit he has to satisfy about the wages, working conditions and all that. After getting the permission he can take the workers from here.

Hon. Member Shri Dharam Dass Shastri was pleased to observe that these companies, while taking these employees for executing works that they have taken up in other countries, they are charging heavily. Under the Act they are not expected to charge anything because they are only taking the permit and with the permit they are taking employees there. So, they are not expected to charge anything. Therefore, if any Indian employer is charging or if he is extracting lot of money, certainly it is an offence and Government will take cognisance of such offence and he will be punished under the Act.

MR. CHAIRMAN : Has Government by not taken any cognisance of the offence ?

Shri Dharam Dass Shastri wanted to know, is Government fully aware of this and has Government taken any action on that ?

SHRI VEERENDRA PATIL : I am coming to that.

The Indian employer is not expected to charge or extract any money from the immigrants or from the employee. If he charges or extracts the money, it is an offence. He is punishable under the Act.

The question is any Indian employer extracted money from them ? I do not have that information.

SHRI K. LAKKAPPA (Tumkur) : Particularly, we want that information.

The purpose of raising this discussion is to have that particular information. That is the most vital information.

PROF. N.G. RANGA (Guntur) : Have any such offences been brought to the notice of the Government ?

SHRI VEERENDRA PATIL : There is one complaint we have received. That is with regard to Gurdeep Singh Associates. They are the sub-contractor of NBCC in one of the contracts in Iran. Some of the workers complained that they have paid Rs. 5,500 to the company as service charges and also that they were not being paid their wages in time. The company have denied the allegations and the matter has been referred to the police authorities for further investigation. I think, this is the only one complaint that we have received so far.

श्री धर्मदास शास्त्री : अगर डी एस कंस्ट्रक्शन कंपनी के दफ्तर पर छापा मारा जाए, तो पता चलेगा कि 500 मजदूर आज भी वहां बँठे रो रहे हैं, वे भारत का भूमि पर बँठे हैं।

MR. CHAIRMAN : He is answering.

SHRI VEERENDRA PATIL : Sir, I have made it very clear that so far as extraction of money from the employees is concerned, we have received only one complaint. On the complaint, we have already taken action and we have asked the police authorities to investigate. If the hon. Member is in possession of any such information, I would

request the hon. Member to kindly pass on that information. I am prepared to take immediate action on that.

And then, Sir, it is true that there was some dispute between our Indian employees who have gone abroad working under the Indian employers and the Indian employers mostly with regard to non-payment of wages. It is because of acute foreign exchange shortage as a result of which Iraqi clients have not been able to make prompt payments. When they did not make prompt payment to the Indian employers, the Indian contractors who have taken the work were not in a position to pay the wages to the employees in time. This is with regard to Uttam Singh Duggal, Bhandari Builders, Punjab Chemi Plant and M/s. J.P. Associates. So, in order to over-come this difficulty because the foreign employers or foreign clients were not in a position to make prompt payment, there was an agreement reached in 1983. It was reached between the Government of India and the Iraqi Government on deferred payments and it was agreed that Exim Bank of India would advance loans to Indian Construction Companies to meet their minimum requirements. The Exim Bank is paying advance to the Iraqi Government and the Iraqi clients are making payments to the Indian employers. After this arrangement has been entered into, regular payment has been made.

Now, I think, it is better, if I go one by one of these Indian employers. After this arrangement, I think, most of these problems with regard to non-payment of wages or delay in the payment of wages have been sorted out. And the Ministry of Labour have been insisting that these loans given by the Exim Bank are first and foremost used by the companies for payment of wages. As a result of that, most companies have been able to clear the arrears of wages of 1983. So, similar arrangement is also being made for the year 1984. So far as the Uttam Singh Duggal employees are concerned, they went on strike in January, 1983 because of non-payment of wages. There were other demands also. When they went on strike, promptly the Iraqi Government intervened in the matter. As the hon. Members are aware, particularly in the Gulf countries strikes are completely banned and nobody is allowed to go on strike. Because they had gone on strike, the Iraqi Government inter

vened and deported approximately 836 workers in February, 1983. So, all these 836 workers because they were on strike, came back. When they came back, when their grievances were brought to the notice of our Ministry and our Ministry took up the matter with the contractor, that is, Uttam Singh Duggal, the following settlement has been arrived at.

The settlement between the workers and Uttam Singh Duggal & Co. is that the Company would honour the contract's stipulation in so far as the Payment of arrears of wages was concerned. Wherever it was brought to the notice of the company that the wages had been reduced with refer to the wages initially contracted for by the company, they were asked to pay according to the contract of the company and refer to the copy of the contract filed with the POE, Delhi and pay according to that contract. The company has agreed to pay according to that.

In cases where the contract provision was specifically for 8 hours work per day, the company would pay for overtime to those who are doing a normal 9 hours work per day. They were working for 9 hours. But the contract stipulated that they would work only for 8 hours. So, wherever they were working for 9 hours, it was agreed that the overtime would be paid to the workers.

The return air-fare would not be deducted on the Pending dues of the workers.

PROF. N.G. RANGA : What about the wages ?

SHRI VEERENDRA PATIL : Whatever wages had been agreed to, they have paid the wages. Because they had gone on strike, the Iraqi Government deported them. When they came back, when their grievances were brought to the notice of the Labour Ministry, the Labour Ministry took up the matter with them.

श्री चर्मदास शास्त्री : वह रुपया जो इन लोगों को मिला वह फारेन एक्सचेंज में मिला या इंडियन करन्सी में मिला ? यहाँ तो वह फारेन एक्सचेंज में जमा किया गया या नहीं ?

श्री बीरेन्द्र पाटिल : वापिस आने के बाद इन लोगों को पैसा दिया गया है। मुझे अभी जानकारी तो नहीं है लेकिन मैं समझता हूँ कि जब

वापिस आने के बाद इंडिया में इन को पैसा दिया गया है तो फारेन एक्सचेंज के रूप में पेमेन्ट नहीं हो सकता, इंडियन रुपी में ही पेमेन्ट हुआ होगा।

Sir, the contention of the hon. Member is that these contractors are making a lot of money and that they are not accounting for money that they are making in foreign exchange. These companies are registered companies. When they are registered companies, when they are Public limited companies, whatever earning is there, whatever transaction is there, every company is required to give the accounts to the Income-tax Department. Therefore, they are also required to give all the accounts to the Income-tax Department. If supposing some companies are suppressing the information, it is for the Ministry concerned to take necessary action. If the hon. Member is in possession of any facts that certain companies are making a lot of money in foreign exchange, that they are not remitting money, that they are not showing the profit and that they are suppressing the information, he can pass on that information to the Ministry concerned and the Ministry concerned will definitely take action against that company.

So far as Uttam Singh Duggal and Co, is concerned, subsequent to the settlement, another representation was received which was not signed by any worker, but raised the dispute relating to exchange rate used by the company for settling the arrear wages and Payment of overtime. Since the workers, contracts specifically mentioned that the workers would work for 8 hours and not for 8 to 10 hours, as mentioned in some of the contracts, subsequently, one Mr. Balkrishan Kachwaha filed a writ Petition in the Supreme Court of India in which both M/s Uttam Singh Duggal and Co. and the Union of India were made respondent. They have raised some-of the major Points in that. The writ petition is still pending. So far as the writ petition that is pending in the Supreme Court is concerned, in the prayer the petitioner has also asked for action to be taken against M/s Uttam Singh Duggal and Co. under the Emigration Act, 1922. This is being examined from the legal point of view.

As regards D. S. Construction Company, we have received some complaints against this Company also. They were working in their

project in Libya. The complaint is with regard to less payment and delayed payment of wages. In view of the serious nature of the complaint, the Ministry temporarily withheld the permission to the Company to deploy additional workers. The company appealed against this action of the Government in a Civil Writ Petition before the High Court of Delhi and the High Court of Delhi has passed orders by Division Bench directing the Company to file an affidavit confirming compliance of the three conditions :—

(i) The company would pay wages to employees at the current exchange rate.

(ii) The company would return passport to all its employees and also arrange to issue identity cards to them.

(iii) The company would settle all the pending claims of its employees including ex-employees.

Once this affidavit was filed to Government, then Government permitted M/s. D. S. Construction Company to deploy additional workers in their project in Libya. Since that time, no fresh claims have been received against this Construction Company.

There is one complaint from Shri Satyam against M/s. Som Datt Builders. Some hon. Members have also written to me about this complaint. The complaint is that Shri Satyam who worked for two years with M/s. Som Datt Builders in Iran as a Graduate Engineer has complained that some arrears of salary as well as payment of gratuity, overtime and food allowance were due to him. The three hon. Members had also written to me on complaints of Shri Satyam. The Ministry of Labour took up the matter with M/s. Som Datt Builders who agreed to make payment of arrears of wages but pointed out that Shri Satyam being a Graduate Engineer was not entitled to overtime and gratuity. Subsequently, it was revealed that Shri Satyam had been given an appointment letter as well as an employment contract on somewhat different terms of employment. M/s. Som Datt Builders have now agreed to abide by the terms and conditions either of the appointment letter or the employment contract as desired by Shri Satyam. This is with regard to the complaint of Shri Satyam against Som Datt Builders.

Then there are complaints against M/s. N.S.Choudhary and Co. M/s. N.S. Choudhary

&Co. were appointed subcontractors of M/s. NPCC, a Government of India Enterprise, in their project in Iran. Accordingly, M/s. N.S. Choudhary deployed 72 workers but made no efforts to pay wages.

NPCC thereafter terminated the sub-contract with M/s. N.S. Choudhary on 17-3-83 and arranged to repatriate 72 workers to India on 18-4-83. The grievances of the workers were then taken up by the Ministry of Labour and at the Ministry's insistence, it was decided that NPCC being the prime contractor had a moral responsibility towards the workers and would make the payment of wages, pending realisation of this amount, from M/s. N.S. Choudhary. This payment has been made by NPCC.

MR. CHAIRMAN : Are there many complaints ?

SHRI VEERENDRA PATIL : There are many complaints. hon. Member wanted to know. Because it is very difficult for me to remember all those cases, that is why I am reading because the hon. Member is under the impression that these contractors are making lot of money, are exploiting and are treating the employees badly. The employees have gone outside and are working under them as tentative labourers. That is not the case. Wherever there are some complaints and whenever they are brought to our notice, immediate action has been taken.

With regard to Gurdeep Singh, Associates, I have already made it clear that we received a complaint and we had referred the complaint to police authorities for further investigation.

With regard to the complaint of Shri Sabarwal against Bhasin Associates, Shri Sabarwal had met with car accident and applied for compensation. As a result, the Company terminated his services and repatriated him to India. Shri Sabarwal has filed a compensation claim. The matter was taken up with the Company and they have stated that Shri Sabarwal was on a private journey with some of his associates in the car when the accident occurred and, as such, the company was not liable to pay any compensation. This reply of the company has been forwarded to Shri Sabarwal.

There was one complaint against M/s. Som Datt Builders; the complaint related to

payment of compensation in respect of Shrimati Rajamal's husband, Mr. Natesan, who died in harness while working in Iran...

MR. CHAIRMAN : All these individual cases, if you go on croting like this...

SHRI VEERENDRA PATIL : I will not quote individual cases. M/s. Som Datt Builders have deposited the insurance money of Rs. 1 lakh in the labour court to be transferred to the legal heirs of Shri Natesan.

In brief, I wanted to make it clear that there are not too many complaints.

If the hon. Members are under the impression that our Indian employers are taking our workers from here and are exploiting them, it is not so. The Emigration Act and the rules that have framed thereunder are meant only to safeguard the interests of the emigrants who are working outside, and we have already requested our Missions to see that the Indian workers are not harassed and their interests are properly safeguarded. Therefore, it is not correct to say that our Indian Workers are being harassed.

I want to give only one information because the hon. Member is under the impression that the member of Indian emigrants who are going to the Gulf countries is coming down. It is not so. I can give the figure. More or less, their number is constant. Although there is feeling that because of the cut in oil prices the development activities in Arab countries particularly have been slowed down and, therefore, the number of workers who are going from our country and other countries is now very much reduced, that is not correct so far as our country is concerned. Our people are in demand and whatever number has gone last year and the years before last year, more or less the same number has gone. I can give the figures : in 1979, 1,71,800 emigrants had gone; in 1980 2,36,200; in 1981 2,76,000; in 1982 2,39,545; in 1983 2,24,995. That shows.

PROF. N.G. RANGA : How many are coming back ?

SHRI VEERENDRA PATIL : We do not have that record. But they are coming back because whenever they are going, they are going for a particular period; may be, for two years or three years; after the expiry of the contract period, they are coming back.

But we do not have the record of those who are coming back. We have the record of those who are going out because they have to approach us for emigration clearance; therefore, we have been able to maintain that, and I am giving these figures in order to impress upon the hon. Members that the number is not going down, but it is constant.

श्री धर्मदास शास्त्री : सभापति महोदय, 1984 में कितने गये, इस के आंकड़े नहीं मिले हैं।

MR. CHAIRMAN : He has answered all your points.

प्रो० अजित कुमार मेहता (समस्तीपुर) : सभापति महोदय, सब से पहले तो मैं यह बतलाना चाहता हूँ—प्रश्न के जबाब से हमें ऐसा लगता है कि इस संसार को चलाने के लिये रूस और अमरीका में तालमेल हो सकता है, अमरीका और चीन में तालमेल हो सकता है, लेकिन इस राष्ट्र को चलाने के लिये वित्त मंत्रालय, श्रम मंत्रालय, निर्माण मंत्रालय और विदेश मंत्रालय में तालमेल नहीं हो सकता है। जिस प्रश्न पर इस समय चर्चा हो रही है उस के (बी) पार्ट में पूछा गया है—

"whether the construction companies in question have approached the Government for financial assistance to complete their contracted projects".

The answer was :

"No, Sir.

अभी मंत्री जी ने बतलाया कि मजदूरों के पेमेंट के लिये इन निजी कम्पनियों ने सरकार के पास एप्रोच किया और सरकार ने ईराक से डेफर्ड पेमेंट ..

MR. CHAIRMAN : That question is different; that is regarding wages.

PROF. AJIT KUMAR MEHTA : But wages were paid for completion of the work; that is a part of finance for completion of the work. After all, wages are for that work only. That becomes a contribution or aid to complete that project.

उस समय ही अगर इस को सीधा सीधा कह दिया जाता, तो शायद यह चर्चा उठाने की नोबत न आती।

बाहिर में मैं एक चीज की तरफ आप को ध्यान दिलाना चाहता हूँ। आप ने प्रश्न के जबाब में कहा है :

"Some of the projects of the following Central Government public sector construction companies have been delayed due to constraint of funds arising out of non-payment of due amounts from their clients abroad".

इस संदर्भ में यह निश्चित हो गया है कि सरकारी उपक्रमों में भी धन की कमी है, जिस के कारण परियोजनाएं अचूरी पड़ी हुई हैं। ऐसी स्थिति में तथा यह सही नहीं है कि एन०बी०बी०सी के चैंबरमैन और अधिकारियों ने पिछले दो वर्षों में बेतहाशा विदेश की यात्राएं की और उन पर लाखों रुपया खर्च हुआ। मैं जानना चाहता हूँ कि उन्होंने कितनी यात्राएं कीं और क्या यह सही नहीं है कि चैंबरमैन के सम्बन्धी, उन के घर के लोगों ने भी यात्राएं की ?

PROF. N.G. RANGA : How is it relevant here ?

PROF. AJIT KUMAR MEHTA : Why not, Sir ? It is related to that. This is about constraint of funds. So I am asking this. When there is so much constraint of funds experienced by the companies and in the face of that constraint of funds...

MR. CHAIRMAN : It is not ? relevant to this.

PROF. AJIT KUMAR MEHTA : Why not ? You just read the original question. I am basing my question on the original question.

MR. CHAIRMAN : This is only half an hour discussion on the subject.

PROF. AJIT KUMAR MEHTA : But it is based on the original question. You just go through the original question. I am not deviating from the original question.

MR. CHAIRMAN : All right. You kindly put your question now and conclude.

PROF. AJIT KUMAR MEHTA : I am concluding.

मैं पूछ रहा था कि चैंबरमैन या उन के रिश्तेदारों ने कर्मचारियों के नाम पर विदेश की यात्राएं की ?

दूसरा सवाल इस संदर्भ में मैं यह जानना चाहूंगा कि मजदूरों के साथ जो इतनी ज्यादा विदेशों में होती है, क्या इस संबंध में यह सोचा गया है कि मजदूर जब विदेश भेजे जाएं कम्पनियों द्वारा, तो उस के पहले यहाँ भारतवर्ष में उन का अनिवार्य इन्वयोरेंस करवा दिया जाए, जिससे अगर कोई दुर्घटना या कोई और बात हो जाए, तो उसका मुआवजा उन को मिल सके।

श्री बृद्धि चन्द्र जैन (बाड़मेर) : मैं प्रश्न ही पूछूंगा। प्राइवेट कम्पनीज के बारे में मंत्री जी ने बड़े विस्तार से जबाब दिया है। मैं वर्क्स एण्ड हाउसिंग के बारे में सवाल पूछूंगा क्योंकि यह प्रश्न उस से भी संबंधित है।

National Buildings Construction Corporation, Engineering Projects India Ltd., International Airports Authority of India, National Projects Construction Corporation, Indian Roads Construction Corporation.

इनका जो कार्य है, वह लीबिया और ईराक में चल रहा है। मैं जानना चाहता हूँ कि लीबिया और ईराक में जो इन कम्पनीज द्वारा काम चल रहा है तो वहाँ पर लेबरर्स की किस प्रकार की स्थिति है। और उन्हें पूरे वेजिज बराबर मिल रहे हैं या नहीं? जो कार्य आपने हाथ में लिये हैं क्या उनके बारे में आपने जानकारी की है कि वे कार्य जो इन्कम्पलीट हैं क्या वे पब्लिक एन्टर प्राइजिज की फाइनेंशियल स्ट्रिजेंसी के कारण है या इस कारण से है कि जो फोग लीबिया में कार्य कराते हैं, वे पेमेंट लेबरर्सको समय पर नहीं देते हैं? वहाँ पर लेबरर्सको पेमेंट समय पर मिलता है या नहीं, वहाँ क्या स्थिति है? क्या आप इसके सम्बन्ध में प्रकाश डालेंगे ?

MR. CHAIRMAN : Thank you, Mr. Jain that you were very brief. Shri, K. Lakkappa.

SHRI K. LAKKAPPA (Tumkur) : Mr. Chairman, Sir, this Half-an-Hour discussion arises out of the questions put by myself and by Shri Dharam Dass Shastri. After listening to the replies of the hon. Minister, still, there are many doubts to be cleared. He has conceded that there are a number of private companies operating in the manpower projects. They not only defraud them here but also the employees abroad. These are the facts as revealed by the hon. Minister. According to my information, even the labourers who have been taken by them are not only cheated in this country but also outside. There is one instance in point.

MR. CHAIRMAN : You put the question.

SHRI K. LAKKAPPA : I am putting this. There is one gentleman operating the company by name D.S. & Company. Even to-day we can see hundreds of people in his premises waiting for getting money which has been collected illegally. These are not ordinary problems. Lakhs and lakhs of people are exported from here. This involves the Ministries of Labour, External Affairs and the Department of Banking (Ministry of Finance). Therefore these are various serious matters. They not only defraud here but also they defraud outside the country. They have not completed a number of projects abroad on date whether they be the public sector or the private sector companies. I want to know how this mushroom growth of private agencies are being registered. How many of them have been registered? In view of the above, the question arises. Moneys have been involved from the banks. What is the amount of money involved in the private and public sectors? There are various financial institutions through whom they get the money. How much of it has been returned back and how much has not yet been returned by them. How many cases of violation of foreign exchange regulations are there? I want to have the facts about the activities of these companies.

I want a deep probe and overseeing the activities of these companies. There is no coordination to oversee the activities and to plug the loopholes. They are indulging in unethical and illegal activities. Therefore, I want that a White Paper should be published and brought before the House. Will the hon. Minister concede a probe and to

oversee the activities of these manpower export corporations? Since the bank money is involved, I want a categorical answer from the hon. Minister as to whether he will streamline the whole system of the functioning of the Ministry in a proper manner.

SHRI HARIKESH BAHADUR (Gorakhpur) : Sir, it is very clear from the reply given by the hon. Minister that some of the companies are not properly paying the wages to the workers and they are involved in exploitation of the worker completely.

There are many companies which are charging money while they send the workers outside the country. It is very clear and many allegations have been made. The hon. Minister is already aware of this. So far as my knowledge goes, I know that every worker who is being sent outside the country is charged at least Rs. 10,000 and he has to pay that amount. Otherwise, he will not be sent to foreign countries. Perhaps they are not making any complaints and this is a different matter. This matter has been discussed in this House time and again, but we are finding that no action has been taken. I have a great regard for the hon. Minister because he is a very capable person and also a person who looks into the complaints which are made. But these are the charges which are of very serious nature. Therefore, Government should immediately try to intervene and look into them. I would like to know from the hon. Minister specific answers to my questions.

Firstly, I would like to know about the allegations which are already there against several companies, against D.S. Construction Company to which he has already referred. They are not working properly and there are a number of other companies also. I would like to know the names of the companies which are involved in the exploitation of the workers. Will the hon. Minister look into this and consider cancellation of the permit of these companies? Also, will he consider imposing fine on them for their improper functioning and exploitation of the workers? Will he decide to stop any kind of financial assistance given to them? I would also like to know whether he is going to take over these companies. Finally, will the hon. Minister tell us whether he is going to constitute a Parliamentary Committee to look into the functioning of these companies?

SHRI VEERENDRA PATIL: Sir, I have made it clear and I have given the details also about the complaints received from the employees working under private Indian employers. I do not want to repeat again those things which I have already said. But I want to make it clear that we have not received so far any complaints from the employees, form the workers working in public sector construction companies. The public sector construction companies like NBCC, NRCC, IRCC, etc. are executing the work outside the country and they have taken a lot of people from this country for the execution of the work in foreign countries. But the Ministry has not received any complaint from those workers that they are being exploited by these public sector companies. The hon. Member, Prof. Ajit Mehta, wanted to know the pilgrimage or the 'yatra' which has been done by the officials of NBCC. Sir, when they have taken up a lot of execution of work, naturally in order to review the progress of the projects, the officers have to go on duties to the foreign countries and I do not think that they are undertaking unnecessary journeys and it is not a matter which is to be raised here and as and when a particular organisation execute the work in foreign countries and if they want to see that the work is properly executed, naturally they have to send their officials on duty.

PROF. AJIT KUMAR MEHTA (Samaspur): The Chairman and their family members have made journeys in the name of the Companies.

THE DEPUTY MINISTER IN THE DEPARTMENT OF SPORTS, IN THE MINISTRY OF WORKS AND HOUSING AND IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI MALLIKARJUN): The hon. Member should remove his illusion and I would categorically state that no family member of the Chairman, NBCC had gone outside the country in the name of the company and only the Chairman has been going outside to see the execution of the work. So far as the wages of the public sector undertakings are concerned, the workers are duly paid their wages.

SHRI VEERENDRA PATIL: Now, the main complaint is about the non-payment and delay in making payment. That is the main complaint received. In this connec-

tion, I would like to state that the Government of Iraq and the Government of Libya were facing acute foreign exchange shortage and because of that Iraqi clients were not making proper payment to our Indian Construction companies when they were not able to get proper payments from their clients naturally they were not in a position to disburse their wages. Therefore, the EXIM Bank have agreed to advance loan to the Indian Construction Companies. As and when the EXIM Bank advance loans and as and when the Indian Construction companies receive the loans, the companies will immediately make the payments to the workers. I think they are taking the loan from the EXIM Bank and already making the payment to the workers.

Hon. Shri Lakkappa said that the DS Construction Company was cheating the workers. I have requested Shri Dharam Das Shastri and would again request Shri Lakkappa also that they should let me know what are the complaints and who are the complainants. If that information is passed on to me, we will not hesitate to take action against DS Construction Company or any other Company which is cheating the workers and will do whatever is possible under the Act in order to see that the interest of the workers is safeguarded.

Hon. Member, Shri Harikesh Bahadur is under the impression that these workers are paying a lot of money to the Indian employers. It is true that the workers have been paying money, but not to the Indian employers. I have made it clear that the Indian employer is not expected to extract any money from the workers. It is only the recruiting agents who have been extracting a lot of amount and we have received complaints. But it was at the time when the Emigration Act was not in force and it was still under consideration and had not been passed. They were extracting a lot of money and it was not an offence. Now with the passing of the Act and framing of the rules, any recruiting agency which is recruiting the workers for a foreign employer is not expected to charge more than Rs.1500/- from the worker. If the charges are more than that per emigrant, the recruiting agent is liable for punishment because it is an offence now.

The hon. Member also wanted to know what is the punishment for that. now, taking into account the concern expressed at various forums on the matter of exploitation of workers by recruiting agents and employers, provisions have made for offences of this nature and punishment by way of imprisonment upto a period of two years and fine upto two thousand rupces have been

provided in the Act, making the penalty double for each subsequent offence. Adequate provisions have been made in the Act itself.

18.58 hrs.

*The Lok Sabha then adjourned till Eleven
of the Clock on Thursday, May 3, 1984
Vaisakha 13, 1906 (Saka.)*