

SHRI KANWAR LAL GUPTA: Sir, your remarks are very dangerous!

SHRI A. C. GEORGE: We are fully with you in the present situation; I can fully understand the position; they have put you in an embarrassing situation.

MR. DEPUTY-SPEAKER: I fully understand the situation.

SHRI HARI VISHNU KAMATH: Only one point on which I need an assurance from the Minister for Parliamentary Affairs. Would he give a solemn assurance that this Bill will get top priority in the next session?

SHRI RAVINDRA VARMA: I give a solemn assurance that this Bill will be given topmost priority not in the next session but in this session itself.

MR. DEPUTY SPEAKER: All right. I will put the motion to the vote of the House.

The question is:

"That the debate on the Constitution (Forty-Seventh Amendment) Bill, 1978 be adjourned."

The motion was adopted.

MR. DEPUTY-SPEAKER: The motion is adopted. Now we move on to the next item.

15.00 hrs.

IN THE STATE MIGRANT WORKMEN (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) BILL

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): Mr. Deputy Speaker, Sir, I beg to move:

"That the Bill to regulate the employment of inter-state migrant workmen and to provide for their conditions of service and for matters connected therewith, be taken into consideration."

Sir, as the House is aware, Dahan labour is recruited from various parts of the State through contractors or agents called Sardars/Khatadars for work outside the State in large construction projects. Though at the time of recruitment the Sardars promise that wages calculated on piece-rate basis would be settled every month, the promise is not usually kept. Once the worker comes into the clutches of the contractor, he is taken to a far-off place on payment of railway fare only. No working hours are fixed for these workers, and they have to work on all the days in a week under extremely bad, severe working conditions. The provisions of the various labour laws are hardly honoured and they are subjected to various malpractices. The fact that these workers are employed in far-off places, which escape the eye and attention of the public, the press, and even workers' organizations, makes it all the more necessary for us to ensure adequate legislative protection.

Following a recommendation of the Twenty-eighth Session of the Labour Ministers' Conference, which was held at New Delhi on the 26th of October, 1976, the Ministry of Labour set up a small compact Committee to study the entire question, and to suggest measures for eliminating the abuses prevalent in the system. The compact Committee recommended the enactment of a separate central legislation to regulate the employment of the inter-State migrant workmen.

*Moved with the recommendation of the President.

The proposed Bill which will apply to every establishment/contractor in which five or more inter-State migrant workers are employed, seeks to provide for registration, obtaining of licence, issue of a Pass Book containing details of employment, payment of timely wages, displacement and journey allowance, suitable residential accommodation, medical facilities, protective clothing and suitable conditions of work, etc.

I have no doubt, Sir, that the House will welcome these proposals and approve of the provisions of the Bill that are meant to extend protection to one of the poorest, most vulnerable and exploited section of our working population.

Sir, I beg to move that the Bill be taken up for consideration.

MR. DEPUTY-SPEAKER: Motion moved;

"That the Bill to regulate the employment of inter-State migrant workmen and to provide for their conditions of service and for matters connected therewith, be taken into consideration."

SHRI SARAT KAR (Cuttack): Mr. Deputy-Speaker, Sir, I rise to support this Bill specially because in Orissa this problem figures very prominently. There a lot of labourers are recruited by different contractors and then taken to other States and different parts of the country, and their misery knows no limits. In the past, there was an Act, Orissa Dadan Labour Act, which is being repealed by this Bill. This Bill would adequately provide for the protection of interest of those labourers. I congratulate and thank the Janata Government, specially Shri Ravindra Varma, who has moved this Bill.

This Bill, I am sure, will adequately protect the interest of all these labourers who are the most exploit-

ed class of labourers. Any progressive legislation in favour of the labourers does not provide these labourers any relief; it does not apply to them; they escape the attention of public, press and other organizations. As a small trade union leader, I have myself had the experience in this regard. Though I belong to an urban constituency like Cuttack, I have the experience of certain neighbouring districts in Orissa, specially Puri and other western parts of Orissa. These areas provide most of the labourers for different projects being taken up in different parts of our country. As a Member of the Estimates Committee, I have occasions to visit various places and meet a number of officials. In Srinagar, the Chief Secretary, particularly said that most of the workers, specially the brick workers, those who prepare the bricks, working in Srinagar were from Orissa. I had also some further experience about that. There were a few labourers who died in Srinagar. The Orissa Government, the Central Government or the Kashmir Government did not know about it. One fine morning, a gentleman came to me and he wanted me to write a letter to Shri Ravindra Varma, the Minister for Labour. A few labourers had died while working in a particular project. That gentleman was a supervisor there; he wanted that their families should be suitably compensated. The particular project contractor refused it. The Government did not take notice of it. Rather, that supervisor lost his job. He wanted to meet some people knowing Oriya; and he came to me as an MP from Orissa, and contacted me by chance. He went to Bhubaneswar, of course. We gave him some relief from the Chief Minister's Relief Fund for his expenses. I wrote to Mr. Varma. I do not know whether even till to-day that compensation has been paid. Anyway, it is already 2 years, and it has not been paid. I hope the Labour Minister will do something about it.

For labourers like those hailing from Orissa, if the Minister could do something, it will be a blessing to the former. Mere passing of this Bill will not help the labourers automatically. It is to be seen whether, by the passing of this Bill, the home State and the host State, as also the Central Government will look after the comforts of those labourers. If it works well, it is best. It is to be seen; but as far as I have seen this Bill, there are enough protections provided, such as that the contractor should be registered either in the home State, or in the host State; labourers should be given pass-books whether all the details of employment will be given; wages should be clearly mentioned etc. Suppose the Industrial Disputes Act or the Casual Labour Act is not applicable to them, these labour will, by this Act, get some benefit in the matter of working and service conditions. Suppose they are working in a hazardous project, or in hazardous weather; they should be given adequate protection and other facilities. But sometimes the laws are more honoured in their breach, than in their observance. So it is only after the passing of this Bill and after seeing that it works well, that we can congratulate the Government. The intentions are good; but sometimes the intentions are betrayed and belied.

It may not be out of place to mention that Orissa, which was earlier called Utkala and Kalinga, is known for its art, architecture, literature, poetry and beauty. But today it has become the land supplying coolies. Most of the young people are serving as coolies in the jute mills of Calcutta, tea gardens of Assam or brick factories in Kashmir; and sometimes they work in such capacities outside India also. For the migrant Orissa labour, it is difficult to ensure proper working conditions. At the time of their recruitment, allurements about good working conditions are given to them; but after some time, these workers and

their families have to face frustration and disillusionment.

Suppose a particular contractor in Delhi gets a contract. He appoints a sub-contractor; who in turn appoints a petty contractor under him; and this goes on. The last petty contractor goes to the village; and he will particularly show the new, shining currency notes, and pay the labourers the railway fare and promise Heaven. But they will not know to which exact place they will go for work. They do not know reading and writing; and they cannot write to their families. They are mostly illiterate. There is no communication with their family members. Even if they die, they die unknown.

Our Minister has performed a great humanitarian task by bringing in this Bill. It is a very good attempt. It should, by all means, get the support of all the sections of this House. It is a national issue. I would say that the Dadan migratory labour of Orissa are particularly the worst exploited labour in our country. If they get some relief because of the enactment of this Bill, it is most welcome. So, I welcome this Bill and I want that this Bill should be passed with the full majority of this House.

Mere passing of the Bill will not solve the problem of Dadan migratory workers. Not only the Central Government and the State Governments, but every labour leader and politician should see that this Act is also observed properly, particularly in giving relief to these workers. With these words, I thank the Minister and also support the Bill.

श्री भगत राम (फिलौर) : उपाध्यक्ष महोदय मैं अन्तर्राष्ट्रियक प्रवासी कर्मकार (नियोजनबधियनियमन और सेवाहेतु विधेयक के कुछ अनुच्छेदों को छोड़कर बाकी इस विधेयक का मसमर्थन और स्वागत

करता हूँ। इसके लिए मैं मिनिस्टर साहब को भी बधाई देना चाहता हूँ, क्योंकि ऐसे विधेयक की बहुत देर से जरूरत थी। यह विधेयक बहुत लेट लाया गया है, लेकिन फिर भी इसके द्वारा उन मजदूरों को बहुत प्रोटेक्शन मिलेगा।

इसलिए हमारे लेबर मिनिस्टर बधायी के पात्र हैं। आज अन्तर्राष्ट्रीय प्रवासी मजदूर जो हैं उनका सब से ज्यादा एक्सप्लाय-टेशन, शोषण होता है। आम तौर पर कुछ प्रान्तों के जो मजदूर हैं जैसे उड़ीसा, मध्य प्रदेश, राजस्थान, यू० पी०, बिहार— वहाँ पर फ्यूडल सिस्टम का शिकंजा बड़ा मजबूत है और वहाँ पर मजदूरों की हालत बड़ी बदतर है। वहाँ पर जो ठेकेदार हैं वे मजदूरों का खून जोंक की तरह से चूसते हैं। ठेकेदार उन मजदूरों को शानदार वेजेज का लालच देकर लाते हैं और घर पर 50 से 150 रुपए ही देते हैं। पहले तो वे मजदूरों के साथ बड़े-बड़े कमिटमेंट्स करते हैं। कहते हैं कि उन्हें रेल का किराया दिया जायेगा और लोकल लेबर के मुताबिक ही मजदूरी दी जाएगी। दूसरी सहूलियतें देने की बातें भी करते हैं लेकिन उसके बाद होता यह है कि इस लेबर को, दूसरे प्रान्तों के जो प्रोजेक्ट्स हैं, सी पी डब्ल्यू डी के प्रोजेक्ट्स हैं, वहाँ पर ले भाते हैं और फिर ठेकेदार उनका खून जोंक की तरह से चूसते हैं। इस बीसवीं शताब्दी में इन मजदूरों को जिन कन्डीशन्स में रखा जाता है उसको देख कर बड़ा आश्चर्य और दुःख होता है। गुलामों जैसी उनकी जिन्दगी रहती है। 12 से 16 घंटे तक उनसे काम लिया जाता है। छुट्टियों भी उनसे काम करवाया जाता है। कोई ओवर-टाइम भी उनको नहीं दिया जाता है। कोई मेडिकल एड उनको नहीं मिलती है। उनके रहने सोने और खाने पीने का कोई प्रबन्ध नहीं किया जाता है। अगर काम करते करते कोई मजदूर मर जाता है या कोई एक्सीडेंट

हो जाता है तो कोई कम्पेन्सेशन भी नहीं दिया जाता है। यहाँ तक होता है कि इस बात का पता भी नहीं लगता कि कौन सा मजदूर कहां मर गया। उसके घरवालों को कोई इंफार्मेशन तक नहीं दी जाती है। पिछले दिनों अखबारों में आया कि शिनाम प्रोजेक्ट पर बिलों जीरो डिग्री टेम्परेचर में मजदूरों को रहने के लिए मजबूर किया गया और वहाँ कुछ मौतें भी हुईं।

मंत्रीजी ने जो बिल यहाँ पर पेश किया है उसके जरिए से मजदूरों को कुछ संरक्षण देने की कोशिश की गई है। इसमें ठेकेदारों के लिए लाइसेंस और दोनों स्टेट्स में मजदूरों का रजिस्ट्रेशन कराने की बात भी है और इन्स्पेक्टर्स, पास बुक्स आदि की जो व्यवस्था की गई है उससे काफी हद तक मजदूरों को संरक्षण मिल सकेगा। इसलिए यह स्वागत योग्य बिल है। फिर भी इसमें कुछ ऐसी धाराएं हैं जिनमें संशोधनों की जरूरत है। मैंने कुछ अमेंडमेंट्स पेश किये हैं उनको अगर मान लिया जाए तो इस बिल में सुधार हो सकता है। हमारे लेबर मिनिस्टर बड़े रीजनेबिल आदमी हैं और मुझे उम्मीद है कि वे अमेंडमेंट्स को कबूल करेंगे और इस तरह से इस बिल का जो असल मकसद है वह पूरा हो सकेगा। यह बिल जो अब है इसके लिए काफी पहले से मजदूरों की मांग हो रही थी। इसी हाउस में मैंने पिछले दिनों मध्य प्रदेश के, हरियाणा में मजदूर जो यहाँ काम करते हैं उनका मामला रज किया था कि कैसे उनको लाया गया। 22 से 25 हजार तक मध्य प्रदेश के मजदूर यहाँ पर काम करते हैं और उनको—औरतों मर्दों दोनों को—सिर्फ तीस रुपया हफ्ता ठेकेदार लोग देते हैं। इस बारे में मैंने वहाँ के चीफ मिनिस्टर को पत्र लिखा और कर्नाल के डिप्टी कमिश्नर से भी मिला था और यहाँ पर भी मामला रज किया था कि ऐसे लोगों की प्रोटेक्शन होनी चाहिए। ऐसे हमारे देश में 15 लाख के करीब मजदूर काम करते हैं जिनको कि कोई संरक्षण हासिल नहीं है।

हम यह कहते हैं कि सरकार प्राइवेट एम्प्लायर के मुकाबले में बड़ा एम्प्लायर है और प्राइवेट एम्प्लायर से उसे अच्छा साबित होना चाहिए। लेकिन हम यह देखते हैं कि सरकार के प्रोजेक्ट्स में—सी.पी. डब्ल्यू. डी. में या एफ.सी.आई. में—जो लोग कांटेक्ट पर काम करते हैं उनका भी सब से ज्यादा शोषण होता है और सरकार के सामने ही उनका शोषण होता है। यह बड़े अफसोस की बात है कि सरकार इसके बारे में कुछ नहीं कर सकी।

इस हाउस में नेपाल के बारे में भी सवाल उठे हैं। मैंने इसके बारे में अमेंडमेंट भी दी है। नेपाल में जो प्रोजेक्ट हमारी सरकार का सी.पी.डब्ल्यू.डी. महकमा चल रहा है और वहां पर काम करने के लिए वह बहुत से मजदूर रिक्रूट कर के ले गया लेकिन टर्म्स एंड कंडीशंस के मुताबिक जो मजदूरी मिलनी चाहिए वह मजदूरी उनको नहीं दी जा रही है। उससे काफी कम मजदूरी उनको दी जा रही है और उनको उसी मजदूरी पर काम करने के लिए मजबूर किया जा रहा है। उन्होंने जनवरी से वर्क टू रूल का अन्दोलन चलाया, फिर हड़ताल की। उसके बारे में जब यहाँ सवाल पूछा गया तो उसका गलत जवाब दिया गया। मैंने अपना अमेंडमेंट देकर यह मांग की है कि इस बिल को नेपाल के लिए भी एक्सटेंड करना चाहिए। नेपाल में जो सी.पी.डब्ल्यू.डी. का प्रोजेक्ट चल रहा है, उस प्रोजेक्ट में काम करने वालों को भी इस बिल से प्रोटेक्शन मिलना चाहिए।

सर, पिछड़ा हमारा तजुर्बा बताना है कि ऐसे जो कानून पास होते हैं, उन कानूनों के पास कर देने से ही मजदूरों को पूरा संरक्षण नहीं मिलता या उन लोगों की भलाई नहीं होती। जब तक इन कानूनों का इम्प्लीमेंटेशन ठीक ढंग से नहीं होगा तब तक मजदूरों का लाभ नहीं होगा। इनको

इम्प्लीमेंट करवाने के लिए मजदूरों को संगठित करना होगा क्योंकि उनके पास ऐसी ताकत नहीं है जब इनका इम्प्लीमेंटेशन ठीक ढंग से नहीं होता है तो वे धरे के धरे रह जाते हैं। इसलिए मैं समझता हूँ कि इस कानून को सही ढंग से इम्प्लीमेंट करने की तरफ भी सरकार को काफी ध्यान देना होगा।

इस बिल में काफी अनुच्छेद हैं कि जब काम पूरा हो जाए तभी कोई डिस्प्यूट रोज कर सकता है, काम पूरा होने से पहले वह डिस्प्यूट रोज नहीं कर सकता है। मैं समझता हूँ कि इंडस्ट्रियल रिलेशंस बिल का भूत अभी भी सरकार के सिर पर सवार है और वे अनुच्छेद उसी का रिफ्लेक्शन है। अगर कोई मजदूर घर से सैकड़ों मील दूर जाकर ठेकेदार के चंगुल में फंस कर काम करता है और जैसा कि बताया गया है कि कैसे कैसे मजदूरों का शोषण होता है। दूसरे प्रांतों में जाकर उनको प्रोटेक्शन नहीं मिलता है। उनका वहाँ कोई सम्बन्धी नहीं रहता है। वे ठेकेदार के रहम पर होते हैं। ऐसी हालत में कैसे वे काम समाप्त कर के डिस्प्यूट रोज कर सकते हैं। इसमें यह कहा गया है कि काम समाप्त करके उनको सर्टिफिकेट देना होगा या लिखना होगा कि मैं काम समाप्त करके आ गया हूँ। अब कोई अगर बीमार हो जाता है या किसी को ठीक बेतन नहीं दिया जाता है या उसको मजबूर कर दिया जाता है काम जोड़ने के लिए जैसे ग्राम तौर पर ठेकेदार लोग करते हैं तो उस अवस्था में इस धारा के उपयोग करके ठेकेदार उनको मजबूर कर सकेंगे कि उनकी टर्म्स एंड कंडीशंस पर वे काम करें। इस वास्ते इस धारा को निकाल दिया जाना चाहिए।

हमारे देश में एग्रिकल्चर भी कुछ प्रांतों में कैपिटलिस्टिक लाइन्ड पर चल रही है। दूसरे प्रांतों से किसी प्रांत में लेबर आकर काम करती है। हमारे पंजाब में

बिहार, यू पी आदि से लेबर आकर काम करती है। जिसके वास्ते इसमें कोई प्राविजन नहीं किया गया है। छोटे खेतों की बात आप छोड़ दें लेकिन जिन के पास बड़े बड़े फार्म हैं उन पर बाहर की लेबर काम कर रही है। उसके वास्ते किसी प्रकार का कोई प्रोटेक्शन नहीं है। वह होना चाहिए। इस में आपने कोई प्रावधान नहीं किया है। मैं चाहता हूँ कि इसका भी आप ध्यान रखें और उनको भी आप प्रोटेक्शन दें।

इस बिल का मैं स्वागत करता हूँ और इसका समर्थन करता हूँ। मैं आशा करता हूँ कि जो अमेंडमेंट मैंने दिए हैं उनको आप स्वीकार कर लेंगे ताकि पूरी तरह से इन लोगों को संरक्षण मिल सके और जिन प्रवासी कामगारों के लिए यह बिल लाया गया है, उनको पूरा संरक्षण प्राप्त हो सके। उस दृष्टि से यह आवश्यक है कि मेरी उन एमेंडमेंट्स को मान लिया जाए।

*SHRI PADMACHARAN SAMANTSINHERA (Puri): Mr. Deputy Speaker, Sir, I would like to speak in Oriya. At the very outset, I must say that I support the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Bill. While doing so I would like to extend my thanks to the Minister of Labour and Parliamentary Affairs for having thought in respect of the welfare of lakhs of workmen of our country who were suppressed, harassed, insulted, neglected and exploited by the middlemen for years together.

Sir, Orissa is a poor State. About two lakhs of labourers are going to other States every year to work in various big organisation. These migrant workmen face a lot of difficulties in those States. The total number of unemployed people in Orissa is about 3 to 4 lakhs. Our Government has

taken decision to supply jobs to 10 crores of people by the end of the Sixth Plan. At present more than 50 lakhs Dadan labourers in our country are unemployed. These Dadan labourers are called contract labourers. Their present condition is very pathetic. When they leave their home States to work in other States, the agents of the contractors, place some inhuman conditions before them. It has so happened in many places, that these work men were even sold for an advance amount of Rs. 200/- per labourer. Sometimes they sign the hand-notes of Rs 1000/- on the condition that they will be allowed to come back to their home States only when the work of the projects would be completed. They work very hard but they do not get remunerative wages. When they fail to fulfill the terms and conditions laid before them, they are compelled to escape to their home States. In that case the contractors engage their Agents to collect Rs. 1000/- from each workman. Sir, lakhs of workmen are facing a lot of difficulties in Lucknow, Calcutta, Haryana, Haryana and Rajasthan. Thousands of cases are pending against these workmen. Due to the shortage of resources, the poor workmen are unable to fight the cases.

Sir, there are certain provisions in the Bill which seek to protect the migrant workmen. Our Government wants to safeguard the interest of this neglected section of our society. We want that the conditions of these workmen should be improved. I would like, therefore, to suggest that Government undertake a survey of the status of migrant workmen.

Sir, a sum of Rs. one crore have been allocated in our budget for the welfare of the bonded labourers. At present there are 5000 bonded labourers in our country. The amount is totally insufficient for such a

*The original speech was delivered in Oriya.

vast number of people. So far as the migrant workmen are concerned, it is a matter of regret that no amount has been allocated in our budget for them. As present more than two crores of labourers are working all over India. In the public sector their strength is 1.5 crores and in private sectors they number about 60 lakhs. Only 33 per cent of the total number of such workmen are able to work properly.

If we look at the history of the Dadan Labourers in our country, we will be shocked to know their difficulties. On 4th May, 1979, I was coming to Delhi by Utkal Express. When the train stopped at Bina junction or a few minutes I saw about 80 labourers travelling by the same train. They were coming to other States as migrant workmen. Sir, they were coming in very miserable condition. Excepting few, all were poorly clothed. Most of them were wearing only one piece of cloth. Their shirts were torn. Their State will make any social workers, Government servant or anybody else cry. They were like the cows given to the butcher for slaughtering. I asked them whether any food had been given to them? They replied that only one meal was given to them in a day. Still they were not complaining against anybody. Sir, there is Dadan Labour Act in Orissa. Under this Act the contractors get licences to take labourers to other States. The names of such contractors should be noted down. In spite of all such restrictions I do not know how those labourers were giving to other State in such condition. Sir, as a member of the Public Undertakings Committee I had an opportunity to visit Tulu in Nagaland. I saw more than 300 labourers from my constituency Puri who were working there. I asked about their wages. They did not divulge the name of their Khata-dar, Sardar, Agents and contractors. With such difficulties they said that they are getting Rs. 7.50 to Rs. 8/- a day. The local labourers who were

working by the road side were getting Rs. 14/- to Rs. 15/- per day. This disparity of the payment of wages caused a great shock to me.

I am happy that there are some good provisions in the bill the contravention of which will be punished after this Bill becomes an Act.

A few days back, I saw some migrant workmen were going to Rajasthan. I asked them about the terms and conditions of their service. They told me that they get Rs. 7/- per day. A sum of Rs. 85/- each had been paid as advance to them. They work for 12 to 16 hours and live in a very unhealthy conditions. When they come back they are in a very poor condition. In this way the contractors are exploiting them.

Take the case of Delhi. Thousands of labourers from , Rajasthan, M.P. U.P. and Orissa are working here. The agents are getting a good amount of commission for they bring these labourers to this place. I also came to know about the disparity of their wages. Sir, police cases should be registered against the contractors, agents and also the Dadan Labourers who do not have licences and are not registered. Such cases could be sent to the tribunal under the Dadan Labour Act.

There is a provision in this Bill that if any outsider lodges any complaint against such employee of employer they will be punished under this Act. Provision has been made in the State Acts and the Central Acts for action against the public sector also but no provision has been made for action against the public sector also private sector who violate the rules. Some contractors, sub-contractors and petty contractors in the private sectors do not keep any record of their work, recruitment and payment of wages. About 50 labourers are working at Haridwar in the private sector. Their employer did not pay their wages.

They lived without food for 15 days. Then the matter came to our notice. We draw the attention of the Hon. Minister of Health and Family Welfare Shri Rabi Ray. He rang up the concerned employer and the matter was resolved. A few days back I came to know that ten of these migrant workmen have been found missing. Their parents and other relatives are writing letter but nobody is able to inform them about their whereabouts. More than 50 lakhs Dadan labourers working at different places are exploited by their employers. Here, I would like to suggest the Government to make State-wise survey. Detail records indicating the names of the Dadan labourer, their birth place, place of work name of the employer, terms and conditions of their services, payment of wages etc. should be maintained very clearly, otherwise the Dadan labourer particularly from Orissa . . . and Bihar will suffer.

Sir, we had given assurance to the people that work shall be provided to all the unemployed. In this context, I would like to suggest to the Government to find out exact number of persons seeking work. Proper arrangements should be made to supply them work in their home States, so that they will not go to other States.

In Clause 1(4) (b) it is said, I quote, "to every contractor who employs or who employed five or more inter-State migrant workmen (whether or not in addition to other workmen) on any day of the preceding twelve months." This clause needs more clarification.

Sir, the registered contractors who will be punished if they violate any rule. It is mentioned very clearly in this Bill. But nothing has been mentioned about steps that will be taken against the unregistered contractors, who will break rule.

Then I would like to say a few words about the inspecting staff. Provision has been made in the bill for recruiting inspectors to safeguard the interest of the migrant workmen. It is mentioned in clause 20(2)(d), and (e) "I quota." (d) seize or take copies of such register, record of wages, or notices or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by a principal employer or contractor and "(c) exercise such other powers as may be prescribed." Cases will be filed against the employer and migrant workmen, who violates the rule. But what will the Inspector do to restore the interest of the unregistered workmen. Even if they complain about the injustice done to them by the employers, no step can be taken because they are not registered. The principal employer may say that the complaints are not working under him. Therefore, I would like to suggest that steps would also be taken immediately by the police and the Inspector of Labour against the unregistered and unlicensed employer who appoint more than five workmen. The people should also co-operate with them.

Sir, I had an opportunity to visit Rajasthan. I came to know from some Dadan labourers that they had received Rs.92/- from the employer. The contractor was paying them Rs. 30/- per 1000 cubic feet of digging. When they raised dispute the contract paid them Rs.42/- per 1000 cubic feet: It should be the duty of the inspecting staff of the local Central Government to see that the remunerative wages are paid to the workmen. The Government allows 12½ per cent profit to the contractors. Apart from this, in some works they get hundred per cent profit. So the duty of the Government of Independent India is to ensure the welfare of the workmen at all levels.

Passbook and cards should be supplied to each Inter State Migrant

workmen Their wage rates, holidays allowances, hours of work and other conditions of their services should be written very clearly in their cards. It is not possible on the part of the Inspector to visit all places. All the State Governments and also the Central Government have some rules for the contractors and other employers. But hardly 10 per cent of the sardars, Khatadars and Contractors are going by the rule. Others are doing their unauthorised business without registration and licences. Then I would like to speak a few words about clauses. 14, 15, and 16. I am very happy for the provision made in these clauses. According to clause 14, displacement allowance will be paid to the workmen at the time of his recruitment. Journey allowance provision is there in clause 15. According to this provision, the contractor will pay a journey allowance of sum not less than the fare from the residents of the inter-State migrant workmen to the place of work. Under Clause 16, other facilities like regular residential payment of wages, suitable accommodation, medical facilities and clothing etc. will be given to the migrant workmen. This is no doubt and ideal piece of legislation. Even if 10 per cent of all these facilities are given our migrant workmen will be benefited to a great extent. We do not demand more facilities for the workmen other than the provision made in this Bill. It is also the duty of the Government to see that there is full implementation of this Bill.

Sir, a Bureau should be set up to oversee the implementation of the Bill. The Central Government should give some power to the State Government to set up special machinery.

The people of the Puri Chilika Sea-Coast cannot grow crop for the whole year. They grow some crops for 6 months only. So they are bound to work elsewhere in the rest of the year. They prefer to go to other States as migrant workmen. The Gov-

ernment should see that the labourers of these areas are registered and licensed. A survey should be conducted to find out the movements and place of work of these people. Then there will not be any trouble in future. Sir, there is a village called Gadishagochha in Puri district. The total population of this village is 1000. More than half of the villagers including the children, 13 and 14 years old, have gone to other States for digging earth. There is no provision about the age limit of the workmen in this Bill. I hope the hon. Minister will clarify as to why there is no age limit.

Under Clause 22, steps will be taken against the registered contractors if they are not starting their work. Similar steps should also be taken against the contractors who have taken up work without registration. All such cases should go to the tribunals. Some workmen come back to their home-States before the completion of work. While cases filed against them they have to go to the places of work to appeal before the tribunal. Due to shortage of money they face difficulties to fight their cases. It also takes time to settle the dispute through the labour officers of both the places. Therefore Labour tribunal should be set up in each subdivision headquarters. Sometimes the families of the migrant workmen do not know their whereabouts. A few days back some people of the Gadishagochha were complaining that some of their family members who were working in other States were missing. So far as my knowledge goes the number of such missing workmen from my constituency is 18. Tales of their pathetic lives extra hours of hard work and at low rates of wages were published in the Oriya daily newspapers. A reading of those papers would make anybody cry. When they fail to fulfil the conditions of their contracts, they were escaping to their home. But their employers utilised policemen to bring back them to the place of work. Sir, the harassment

of the police, the exploitation of agents and the term and condition of the employers are really very inhuman. In order to put an end to this type of injustice I would like to give a suggestion to our Government. Sir, detailed record of the Inter-State migrant workmen should be kept in the police stations of their own and also in the police station of their place of work.

Then I would like to speak a few words about the revocation, suspension and amendment of licences. An agent may not tell the exact number of the workmen he had taken to the other States. It is not clear in the Bill whether the licence will be issued in the village level, Gram Panchayat level or police station level. Nothing has been mentioned in the Bill about the jurisdiction of registration. If anybody fails to get licence out of his jurisdiction, steps should be taken against him.

Some things have been mentioned about the duty of the contractor in Section 12. Under this provision each and every migrant workmen will be issued a passbook affixed with a passport size photograph. So far as Orissa Dadan labour Act is concerned, it has no relation with this specific provision of the Central Government. Sir, we lay emphasis on the decentralisation of power. In this context, I would like to request the Government to give some power to the States. The migrant workmen can make their complaint to the S.D.O. or District Magistrate if the State can exercise this power.

Lastly, I would like to speak a few words about the conditions of the Dadan labourers. Most of the people who accept this career are poor and landless. They do not have anything other than their small cottage. Hardly 50 per cent of the Dadan labourers possess one acre or less of landed property. So they can be said to be marginal farmers, 80 per cent of whom prefer the life of

Dadan labour. The Sardars, contractors and agents are maintaining high standard of life. They are able to construct buildings and they are maintaining motor cars, because they are earning lakhs of rupees. On the other hand, the migrant workmen are leading very miserable lives.

Some agents are educated. They are coming to Delhi to get passports for hundreds of labourers to foreign countries. Some of these agents do not have licences. So while issuing passports some restrictions should be imposed on them. Passports should not be issued to persons who have no licence or whom have not done their registration. I came to know from some people of our area that an agent gets Rs. 5000/- in foreign countries on production of 40 to 50 labourers. He gets this amount without doing any work. Some labourers have gone to foreign countries from my constituency. Since last one year they are missing. At the time of their departure they were assured to give Rs. 1000/- to Rs. 2000/- per month. They did not send any amount or any letter to their families. So restrictions should be imposed on issue of passports to the registered and licensed labourers or contractors. However, our hon. Minister has brought this Bill before the House which will help our countrymen. Therefore, I thank Mr. Verma. By mere passing the Bill we cannot achieve our purpose. We should see that it is implemented properly. I hope the hon. Minister will pay proper attention for the implementation.

Sir, the conditions of the labourers of Orissa is quite different. We need special assistance and attention to eliminate their difficulties for ever. If a survey is conducted by the Government at least 25 per cent of our problems will be solved. The outgoing labourer will also have a clear idea about the difficulties their co-workers are facing in the foreign countries. Then they will never desire to go abroad. I hope that the Minister will accept my suggestions.

SHRI B. RACHAIAH (Chamarajanagar): Mr. Deputy-Speaker, Sir, I am happy to welcome this piece of legislation which is really a progressive one. It will go a long way to solve the problems of the inter-State migrant workmen. I am sorry why this Bill was not brought earlier though the Conference of Labour Ministers was held in 1976. It would have been better if the migrants from India to other countries who are working as labourers on contract basis through the contractors were also brought under this enactment. It is already too late. I request the hon. Minister to bring another piece of legislation covering those people who have been serving in other countries as labourers taken by the contractors in far off places. The conditions of those workers are much worse than the conditions that are prevailing in so far as the inter-State migrant workmen are concerned.

Here, a provision has been made to regulate the employment of the inter-State migrant workmen. Any establishment which is going to employ more than 5 people is required to register their names and they have to do some obligatory duties that they must mention the number of people they are employing and the number of days. they are going to provide employment to those people and they will have to provide not only the minimum agreed wages but also to provide them food, shelter and medical facilities. It is really a good piece of legislation which is intended to provide the facilities for the illiterate, innocent and exploited sections of the society. #

Nearly 20 crores of people are said to be below the poverty line and most of them, belong to the Scheduled Castes and Scheduled Tribes. Among them these workers are part of it. They are the most exploited people specially when they are in the clutches of the unscrupulous contractors who, in between the employer and the labour, take away a major portion

of the benefit which is conferred upon these people. So, the provisions provided in this Bill really give an idea as to how far these employers have been exploiting the people and it would be really interesting to know whether these unscrupulous employers are going to register their names, since it had been provided that if they employ more than five people, they will have to register themselves. Even if, without their knowing whether the firm or company or establishment has been registered, some innocent people are taken by these employers, there is a provision to punish them if they do not register in time.

16 hrs.

After registration also, there is a provision for an appeal against the orders of the officer for registering the firm, and the time given is enough.

In regard to the appointment of licensing officers, the provision in Chapter III says:

"The appropriate Government may, by order notified in the Official Gazette—

(a) appoint such persons, being officers of Government, as it thinks fit to be licensing officers for the purposes of this Chapter; and

(b) define the limits, within which a licensing officer shall exercise the jurisdiction and powers conferred on licensing officers by or under this Act."

This means that a lot of delegation of powers has been provided for and, therefore, soon after this Bill is passed into law, the rules have to be framed and the Subordinate Legislation Committee has to sit and see that rules are framed as quickly as possible so that the benefit of the provisions of this Act reach those people for whom it is meant.

[Shri B. Rachaiab]

There is a provision to appoint Inspectors to find out whether these establishments are functioning properly and whether they are registering themselves. I would like to know whether any survey has been made as to the number of Inspectors that are required to be appointed for this purpose. If these Inspectors are not properly selected and their jurisdiction is not restricted, they will have an extensive jurisdiction and it will be difficult for these Inspectors to find out such establishments which do not come under the provisions of this Act.

Now, the Inspectors are to be appointed by the host Government in consultation with the Government which is going to send the employees. But it has been mentioned by one of my friends who preceded me that sometimes the Inspectors join the employers and the workmen will be at a loss. Therefore, while appointing the Inspectors, care has to be taken to see that they protect the interests of the workmen, for which they are meant.

On page 13, in clause 28, there is a provision which says:

"No court shall take cognizance of any offence under this Act except on a complaint made by or with the previous sanction in writing of an inspector or authorised person and no court inferior to that of a Metropolitan Magistrate of a Judicial Magistrate of the first class shall try any offence punishable under this Act."

Here, unless you make it a cognizable offence, it will not be a very deterrent provisions. This provision really gives scope for employers to seek the protection of Inspectors and escape from this provision. Therefore, we will have to be careful and see whether this provision can be made more deterrent so that these employers do not escape from the provisions of this Act.

There is also a provision, on the same page, in clause 31:

"The appropriate Government may, by notification in the official Gazette and subject to such conditions and restrictions, if any, and for such period or periods as may be specified in the notification, direct that all or any of the provisions of this Act or the rules made thereunder shall not apply to or in relation to any establishment or class of establishments or any contractor or class of contractors or any inter-State migrant workmen in such establishment or class of such workmen, if that Government is satisfied that it is just and proper so to do having regard to the methods of recruitment and the conditions of employment in such establishment or class of establishments and all other relevant circumstances."

This provision gives ample scope to the appropriate Government to exempt such establishments which, in the opinion of the Government, deserve exemption. But, under this provision, so many contractors and so many establishments may bring pressure on the appropriate Government to give them exemption. In regard to the Land Reforms Act also we have seen now landlords and many plantation owners brought pressure on the Government to exempt them from the provisions of the Act. Similarly, here also, this provision really gives scope for establishments to stealthily get exemption. Therefore, the provision should be used very rarely and very scrupulously. Otherwise, the same conditions will prevail and corruption will creep in, and officials will certainly help the establishment and not the workmen. Therefore, I am suggesting that this provision has to be used very rarely and with a sense of duty to the workmen.

On the whole, this Bill is really in favour of the inter-State migrant workmen, and certainly it will go a

long way in protecting the interests of the exploited illiterate workmen who, as the hon. Minister has mentioned in his preliminary remarks, are sometimes left to the mercy of others. Sometimes only the railway fare is paid to them and sometimes even that is not paid and they are left on the streets. This is the condition of these people.

Therefore, I welcome this Bill once again.

श्री रामचारी शास्त्री (पदरीना) : सभापति महोदय, इस विधेयक के लिए अम मंत्री जी को जितना भी धन्यवाद दिया जाये, वह थोड़ा है। मेरी राय में सबसे उपेक्षित और दलित आश्रयहीन लोगों के लिए यह पहला विधेयक लाया गया है, जिसमें ऐसे लोगों की परवाह की गई है, जिनके लिए कोई कानून नहीं था, कहने का ठिकाना नहीं था, जिनकी मजदूरी के लिए सीमा नहीं थी, रक्षा की कोई व्यवस्था नहीं थी।

मैं उत्तर प्रदेश के पूर्वी जिले का रहने वाला हूँ। आपके इस विधेयक की देख कर मुझे याद आता है जब किसी जमाने में अंग्रेज नील की खेती करते थे और जो मजदूर जगह जगह से पकड़ कर ले जाये जाते थे, उनकी वय दुर्दशा होती थी। जितने मजदूर जाते थे, उनमें से आधे से कम लौटकर घर आते थे। यह इतिहास है एग्रीमेंट पर काम करने के लिए जाने वाले मजदूरों का।

तमाम जो एशिया, साउथ ईस्ट एशिया के छोटे-छोटे द्वीप समूह थे उनमें भी योस्सप के विभिन्न इलाकों में जो हिन्दुस्तान से एग्रीमेंट पर काम करने के लिए मजदूर गये, उनके साथ जो ज्यादतियाँ हुई, वे आप सब को मालूम हैं, उनकी बात को दोहराकर मैं सदन का समय राब नहीं करना चाहता।

दिल्ली शहर में ही उत्तर प्रदेश के दस लाख लोग और खासकर पूर्वी उत्तर प्रदेश के साढ़े पाँच लाख श्रमिक इसी तरह काम करते हैं। ठेकेदारों के माध्यम से हर तीन महीने के बाद उन्हें निकाल दिया जाता है, उनके रहने का कोई ठिकाना नहीं, रात में सोने के लिए उनके पास सड़क का फुटपाथ है और ऊपर खुला आसमान है। इसके अलावा और कोई सहारा उनके लिए नहीं। यह दिल्ली में होता है। यही हैसियत है उन लोगों की भी जो चाय बागान में, कोयला खदान में और पत्थर की खदान में काम करते हैं। जहाँ भी देखिए एग्रीमेंट पर श्रमिक जाते हैं और ठेकेदार उनको ऊँचे ऊँचे बायदे करके ले जाते हैं। सब्ज बाग उन्हें दिखाते हैं, मगर जब वह ले जाते हैं तो यही नहीं कि उन्हें मजदूरी नहीं देते बल्कि वह उन्हें आने भी नहीं देते, उनको निश्चित सीमा से बाहर निकलने भी नहीं देते। एक तरह से कैदी की जिन्दगी उनको गुजारनी पड़ती है। (व्यवधान) दादा ने ठीक कहा गोरखपुरी लेबर। हमारे गोरखपुर और देवरिया से ही नहीं, मध्य प्रदेश से भी कुछ मजदूर आते हैं, उड़ीसा से भी कुछ आते हैं जो ईंट पाथने का काम करते हैं, उनके साथ भी ठेकेदार इसी तरह की ज्यादतियाँ करते हैं और अनेक बार उसे टकराव होता है। मजदूरों के लिए सिवाय इसके कि वह रात के साये में अपने बीबी और बच्चों के साथ भागें, और कोई रास्ता वहाँ से निकलने का नहीं रह जाता है। उनके पास इन ठेकेदारों के कदाचार और अत्याचार से बचने का कोई रास्ता नहीं है।

इसलिए ऐसी स्थिति में जो विधेयक है, उसके लिए मंत्री जी प्रशंसा के पात्र हैं। मैं समझता हूँ कि इस विधेयक में यह ठीक है कि ऐसी किसी आदमी को जो 5 से ज्यादा लोगों को कहीं ले जाना चाहते हैं, उसकी रजिस्ट्री की व्यवस्था की गई है।

[श्र. रामधारी शस्त्र]

इसका सख्ती से पालन करना होगा। इनको मजदूरी की दर क्या होगी, विधेयक में स्पष्ट रूप से कहा गया है कि उच्चतम सीमा 500 रु.ए या उससे कम के लोग इसकी परिधि में आयेंगे, यह इसकी खाह विशेषता है।

इसके साथ दंड की व्यवस्था भी की गई है जो इसको न मानें।

इस बात की भी व्यवस्था है कि निरीक्षक सरकार से मुकर्रर किये जायेंगे और वह देखेंगे कि नियम का पालन हो रहा है या नहीं। अगर वह देखें कि नियम का पालन नहीं हो रहा है तो उसमें दंड की व्यवस्था और 2 बरस के कारागार की व्यवस्था भी अच्छी बात है। इससे डरकर जो ठेकेदार और नियोजक हैं, वह नियम का पालन करेंगे। वे मजदूरों का रजिस्टर मेनटेन करेंगे और पास-बुक रखेंगे, जिस पर मजदूर की फोटो रहेगी। अगर निरीक्षक उन्हें देखना चाहेगा, तो वे दिखायेंगे। इस विधेयक में यह भी व्यवस्था है कि अगर निरीक्षक या सरकार द्वारा विहित प्राधिकारी के मांगने पर ठेकेदार या नियोजक कोई कागज नहीं देता है, तो उसको एक बरस की सजा होगी। इस विधेयक के अधीन बनाये गये नियमों का उल्लंघन करने पर भी सजा की व्यवस्था की गई है। इस प्रकार जो सबसे सताया हुआ वर्ग है, जिसके लिए अभी तक कोई नियम या कानून नहीं है, उसकी सुरक्षा की पहली बार व्यवस्था की गई है।

धारा 28 में यह व्यवस्था की गई है कि निरीक्षक या सरकार द्वारा विहित प्राधिकारी ही मुकदमा दायर कर सकेंगे और सभी कोर्ट द्वारा उसका काम्प्लेंट सिद्ध जाएगा। मैं सन्तुष्ट हूँ कि इस

प्रावधान का और विस्तार होना चाहिये। अगर केवल यही व्यवस्था रहेगी, तो क्या स्थिति पैदा होगी, यह बताने के लिए मैं दिल्ली का उदाहरण देना चाहता हूँ।

दिल्ली के लेबर विभाग की मशीनरी इतनी करप्ट है कि लेबर कमिश्नर के आफिस या लेबर डिपार्टमेंट के अधिकारी एम्प्लायर्स से मिल कर, और थर्ड ग्रेड के कुछ ट्रेड यूनियन लीडर्स आपस में सांठ-गांठ करके, मजदूरों को निकाल दिए जाने पर उन्हें मिलने वाले वेतन के मुद्दावजे को ले लेते हैं और आपस में बांट लेते हैं, और मजदूर को सिर्फ पचास सौ रुपए दे देते हैं।

दिल्ली में ऐसी फर्में और ऐसी कम्पनियां बनी हुई हैं, जिन का वही घर है, वही कारखाना है, वही मजदूर हैं और वही काम कराने वाले लाग हैं। अगर तीन भाइयों की तीन फर्में रजिस्टर्ड हैं। मजदूर से तीन महीने एक फर्म में काम कराया जाता है और उसके बाद दूसरी फर्म में काम कराया जाता है। तीन महीने के बाद तीसरी फर्म में उससे काम कराया जाता है। अगर मजदूर ने कोई सुविधा मांगी तो उसको निकाल दिया जाता है। उन मजदूरों का कोई पुरसा हाल नहीं है।

यह ठीक है कि निरीक्षक या सरकार द्वारा विहित प्राधिकारी को यह अधिकार हो कि वह मुकदमा दायर करे। लेकिन अगर वह न करे, या वह एम्प्लायर से मिल जाये, जैसी कि मेरे एक दोस्त ने शंका प्रकट की है, तो क्या होगा? इस लिए इस विधेयक में यह व्यवस्था करनी चाहिए कि प्रभावित श्रमिक, या श्रमिकों का समूह, भी मुकदमा दायर कर सकें और उसका भी उछी बन्दह काम्प्लेंट सिद्ध जाये,

जिस तरह कि निरीक्षक या विहित प्राधिकारी द्वारा दायर मुकदमे का लिया जाता है।

अगर यह व्यवस्था न की गई, तो मैं समझता हूँ कि मंत्री महोदय के ऊँचे, बुलंद और पाक इरादों का कोई मतलब नहीं निकलेगा,

यह रद्दी की टोकरी में चला जायेगा और उसका वही हाल होगा, जो कि हमारे अन्य कानूनों का होता है। जैसे छुआछूत को दूर करने के लिए बहुत नियम बने हुए हैं और संविधान में भी उसकी व्यवस्था है, मगर आज भी छुआछूत है; आज भी लोग सतर्पे जाते हैं, हरिजन पीटे जाते हैं। उसी तरह यह कानून केवल शोभा की वस्तु रहेगा और उससे श्रमिकों को कोई लाभ नहीं होगा। इस लिए, जैसा कि मेरे मित्र ने सज्जस्ट किया है, इस विधेयक का सब से मुख्य प्रावधान यह होना चाहिए कि इस विधेयक के अन्तर्गत जो भी अपराध हो, उसे कानूनीबल अर्जिफेंट मान लिया जाये, चाहे निरीक्षक या विहित प्राधिकारी, और चहे श्रमिक या श्रमिकों की यूनिन, कोई मुकदमा दायर करे, अथवा उसका कानूनीजस ले। जब तक यह सुधार नहीं होती है, तब इस विधेयक के कोई मानी नहीं होते हैं।

इन शब्दों के साथ मैं इस विधेयक का पूरा पूरा समर्थन करता हूँ।

श्री रीतलाल प्रसाद वर्मा (काङ्ग्रेस) : सभापति महोदय, मैं इस विधेयक का स्वागत करता हूँ, क्योंकि यह एक बहुत ही प्रशंसनीय विधेयक है। इस बीसवा सदी में भी श्रमिकों का शोषण उसी धड़ल्ले से किया जा रहा है, जैसे कि पहले होता रहा है। विदेशी शासन काल में भी इस देश के श्रमिकों को दूसरे देशों में पहुँचाकर उनका शोषण किया जाता रहा। आज भी इस देश में जो बहुत से कारखाने चलते हैं, खाने हैं, पत्तन डाक—इस तरह के बहुत से उद्योग—वहाँ चलते हैं जहाँ पर ठेकेदार, बलास, खातेदार श्रमिकों की शोषण करते हैं।

मजदूरों को कम मजदूरी और कम सुविधाएँ देकर ठेकेदार उनका शोषण करते हैं। करोड़ों की संख्या में इस तरह के मजदूर आज भी इस देश में काम कर रहे हैं। सन् 1976 में भारत के सारे श्रम मंत्रियों का एक सम्मेलन इस सम्बन्ध में बुलाया गया था और उस सम्मेलन में यह निर्णय लिया गया था कि आगे के लिए मजदूरों का शोषण रोक जाऐ लेकिन उस पर कोई भी कार्यवाही नहीं हुई। जनता सरकार के आने के बाद हमारे श्रम मंत्री, श्री रवीन्द्र वर्मा तथा राज्य मंत्री श्री लॉरेंस साय ने काफी चिन्तन मनन करके इस दिशा में आगे कदम बढ़ाया है और इस प्रकार मजदूरों के शोषण को रोकने का प्रयास किया है। उनका यह कदम सराहनीय एवं प्रशंसनीय है। ठेकेदार, दलाल या खातेदार मजदूरों को एक राज्य से दूसरे राज्य में अच्छी मजदूरी का लालच देकर, परमानेंट नौकरी का लालच देकर, रेल का भाड़ा देकर या बस में बिठाकर ले जाते हैं और फिर वहाँ ले जाने के बाद उनको ऐसा पंगु बना देते हैं कि कि वे वापस आने की हालत में भी नहीं रहते। उन मजदूरों को अपने परिवार का पालन पोषण करने लायक पारिश्रमिक भी नहीं मिलता है। ऐसे मजदूरों का शोषण न हो सके और श्रमिक कानूनों के मुताबिक उनको सुविधाएँ उपलब्ध हो सके—इस सम्बन्ध में मंत्री जी जो बिल लाए है वह एक प्रशंसनीय कदम है। मैंने हाल ही में असम में जाकर देखा है जहाँ उड़ीसा, मध्य प्रदेश, बिहार तथा अन्य प्रान्तों से ठेकेदारों द्वारा मजदूर लाए जाते हैं लेकिन उनको वहाँ पर परमानेंट नौकरी भी नहीं दी जाती है। वहाँ पर बहुत सी प्राइवेट टी गाडेंड हैं जहाँ लाखों की संख्या से मजदूर हैं लेकिन एक डेढ़ लाख से ज्यादा परमानेंट लेबर वहाँ पर आपको नहीं मिलेगा। इधर उधर से जो तमाम मजदूर वहाँ पर आए हैं जो वहाँ का नागरिक भी नहीं माना जाता है, उनको जमीन का बन्दोबस्त भी नहीं किया

जाता है जहाँ एक पचासो साल से वे वहाँ पर हैं। इस प्रकार से उनका शोषण चल रहा है, उनके आवास की कोई व्यवस्था नहीं है, उनके लिए पेय जल की कोई व्यवस्था नहीं है, उनके लिए दवा-दारू और बच्चों की पढ़ाई के लिए कोई व्यवस्था नहीं है। हर तरह से उनका शोषण किया जाता है।

इसी तरह से हमारे देश के हजारों श्रमिकों को अरब कंट्रीज में ले जाया जाता है। बहुत सी एजेंसीज ने रजिस्ट्रेशन करवाया है। बहुत से लोग जो पढ़े लिखे नहीं हैं लेकिन काम जानते हैं जैसे कि राज मिस्त्री का काम करने वाले हैं, एजेंसीजियन्स हैं इत्यादि उनके लिए विदेशों में टेक्नीशियन्स का दर्जा और वे निर्धारित की जाती है। और वे ठेकेदार अपना सब कुछ उसमें से रख लेते हैं, अपना कमीशन भी रख लेते हैं और आधे से कम ही मजदूर को देते हैं। इस प्रकार से भंयकर शोषण हमारे देश के मजदूरों का विदेशों में हो रहा है। इसलिए सरकार को इस दिशा में भी विचार करने की आवश्यकता है और ऐसे भारतीय मजदूरों का जो भंयकर रूप से शोषण विदेशों में हो रहा है उसका लिए भी कोई प्रावधान करने की आवश्यकता है।

जहाँ तक अनेक देशों के अन्दर एक प्रांत से दूसरे प्रांत में काम करने वाले कर्मकारों के लिए इस विन में व्यवस्था की गयी है वह एक अर्थ में बहुत अच्छा कदम है। लेकिन इस को बहुत ही कड़ाई से लागू करना होगा अन्यथा यह कानून भी सिर्फ कानून की किताब का ही एक अंग बन जाएगा। इस बात को सभी जानते हैं कि जो ठेकेदार होते हैं वे ठगने में बहुत दक्ष होते हैं। आप जिस किसी भी निरोक्षक की बहाली करेंगे, ठेकेदार उसे भी काफी कुछ दे कर उसका मुह बंद करने में सक्षम हैं। इसलिए इस में विजिलेंस की, सतर्कता की कोई व्यवस्था करने की भी आवश्यकता है।

यह बहुत अच्छा है कि किसी प्रांतस्थान में पांच या उससे अधिक कर्मकार एक प्रांत के

दूसरे प्रांत में काम करते हैं तो इस विधेयक के अनुसार, इस कानून के प्रावधान के अनुसार जो ठेकेदार होंगे उन्हें कर्मकारों को पासबुक देनी होगी जिसमें उस प्रतिष्ठान का नाम और स्थान होगा जिसमें कर्मकार नियोजित है। उसमें नियोजन की अवधि और पूरा पता बगैरह देना होगा। जिससे कि कर्मकार को चाहे वह अस्थायी हो या स्थायी, जब तक भी वह काम करेगा उसको एक गारन्टी मिल जाएगी और ठेकेदार उसका शोषण नहीं कर पायेगा एवं उसको पूरी मजदूरी अदा करेगा। इस के साथ साथ मेनेजमेंट का रजिस्ट्रेशन भी होगा और उसे लायसेंस लेना होगा। सभी वे काम कर सकेंगे। अगर इस पर भी वे शोषण करेंगे तो सरकार ने इस शोषण को रोकने के लिए इंस्पेक्टर नियुक्त करने की व्यवस्था की है? वे यह देखेगा कि जो इस विधेयक के प्रावधान हैं उसको लागू किया जा रहा है या नहीं। अगर इस विधेयक की अपेक्षाओं को वे लागू नहीं करते हैं या भग करने है तो उनके लिए दो वर्ष की सजा या दो हजार रुपये जुर्माने का इसमें प्रावधान किया गया है। इस से ठेकेदारों और प्रतिष्ठानों को भय होगा और श्रमिकों का शोषण रोकने में यह एक प्रभावी कदम होगा। इस विधेयक द्वारा उन्हें मजदूरी मिल सकेगी।

इस विधेयक में यह भी प्रावधान है कि अगर किसी प्रतिष्ठान का विघटन हो जाएगा तो उस में काम कर रहे प्रवासी मजदूरों के छोटने के लिए विस्थापन भत्ता दिया जाएगा लेकिन जो भत्ता इस विधेयक में लिखा गया है वह संतोशप्रद भत्ता नहीं है। इस विधेयक की धारा 14 के अनुसार मासिक मजदूरी का 50 प्रतिशत या 75 रुपये जो भी अधिक हो उसे दिया जाएगा यह बहुत कम मालूम होता है। अगर एक प्रान्त कश्मीर का कर्मकार कन्याकुमारी में काम करता है तो भी समझता है कि वहाँ से आने

में उसका 75 रुपये में काम नहीं चल सकता है क्योंकि वहां से आने का भाड़ा ही बहुत अधिक होगा। इसमें यह होना चाहिए कि वहां से लौटने का उसको पूरा भत्ता मिले। यह प्रावधान इसमें होना चाहिए। जब आपने 50 प्रतिशत भत्ता बांध दिया है तो इसका मतलब यह है कि 150 रुपये से ज्यादा किसी कर्मकार की मजदूरी नहीं होगी। अगर ऐसा है तो यह मजदूरी भी कम है। एक तरफ से आपने उसके शोषण की गुंजाइश रहने दी है। मैं चाहता हूँ इस का अमेंडमेंट करने की दिशा में कार्यवाही होनी चाहिए।

श्रमिकों के वास्ते जलवायु के अनुसार पोषण, दवा-दारू आदि की व्यवस्था का इसमें प्रावधान किया गया है। और भी कई सुविधाओं को गुंजाइश इसमें रखी गई है। जो श्रमिकों को ले जाते हैं उनकी दवा दारू, उनके आवास आदि सब मामले इसमें आ जाते हैं। यह एक नई व्यवस्था है। इस में यह भी व्यवस्था की गई है कि कोई मामला श्रमिक के कार्यकाल के दौरान में पैदा होता है या उठता है तो ग्रथिति राज्य में उसको दर्ज किया जाए, जितने भी औद्योगिक विवाद होंगे वे अर्थात् राज्य में दर्ज किए जाएंगे और उनका निपटारा उसके कार्यकाल में अगर नहीं होता है तो अपने गृह राज्य में आवेदन कर सकगा और ठेके दार को वहां आना होगा। इससे यह आशका नहीं रहेगी कि उस राज्य से वापिस आ जाने बाद वह कोई आवेदन नहीं कर सकेगा या उसको अर्थात् राज्य में ही औद्योगिक विवाद उठाना होगा और वह उसको उचित सजा नहीं दिला सकेगा।

अन्तर्प्रान्तीय प्रवासी करण के कारण लोगों के साथ जो ज्यातियां होती है, जो उनका शोषण होता रहा है उसकी समाप्ति की और एक बहुत बड़ा मार्गदर्शी विधेयक श्रमिक प्रतिष्ठा की दिशा में मंत्री महोदय ने रखा है और एक बहुत ही दूरदर्शी कदम उठाया है। इतने विनों तक बिना की ओर उभरा हुई

है उसकी और मंत्री महोदय का ध्यान गया है, इसके लिए मैं उनको धन्यवाद देता हूँ। यो तो मजदूरों के लिए सरकार ने बहुत सी बातें की हैं बड़े-बड़े भाषण भी किए हैं। लेकिन भाषण केवल भाषण बन कर रह गए हैं। मंत्री महोदय ने अब इस चीज को जमीन पर उतरा है और इस के लिए निश्चित रूप से धन्यवाद के पात्र है।

मैं उनसे एक आश्वासन फिर से चाहता हूँ। भारत के लाखों की संख्या में श्रमिक विदेशों जा कर रहे हैं। एजेंसियों के द्वारा उनको वहां भेजा गया है। इन एजेंसियों ने उन पांच-पांच और दस-दस हजार रुपये अनुचित रूप से लिया है और इस पैसे से वे करोड़पति बन गई हैं। इन एजेंसियों भी नियंत्रण में लाया जा सके, उनका भी निरीक्षण हो सके और मजदूर बाहर गए हैं, वहां जो मैनेजमेंट के द्वारा उनको मिलता है वह पूरा उनको मिल सके, इस दिशा में भी कोई उचित कार्रवाई, मंत्री महोदय करेंगे, इस आशा और विश्वास के साथ मैं इस विधेयक का स्वागत करता हूँ और समर्थन करता हूँ।

SHRI CHITTA BASU (Barasat):
Mr. Chairman, Sir, I rise to congratulate the hon. Labour Minister for this piece of legislation. While I express my sincere congratulations to the hon. Minister, I think the Committee which really went into the condition of life and work of Dadan workers in Orissa and other parts of the country deserves more praise and more appreciation because if you go through the Report of the Compact Committee on Dadan Labour of Orissa you will find the harrowing tales of miseries of the millions of down-trodden of our society. I have some words for praise of the Members of the Committee because of the fact that although the Committee's terms of reference were limited only to the Dadan Workers of Orissa, the team should go to other areas also and really should have brought out a comprehensive report which would

[Shri Chitta Basu.]

make the Government of India to have a comprehensive Bill of this nature. It can cover not only the Dadan workers of Orissa alone but the workers who were similarly exploited in other States, in other areas should also be covered.

Sir, I am very much tempted to quote certain lines of the report for the benefit of the House. The report says:

"Inspections by the Joint Team revealed various malpractices and the inhuman conditions of work. Dadan labour work for 12 to 16 hours a day and for all days in the week....."

Now wages are usually paid to them during the period of their stay at the project. No overtime wages are paid for extra hours of work or for work on weekly holidays. They are given three meals consisting of rice and vegetable for which the Sardar charges a fairly high price and adjusts the same against the workers' dues. Food served is often substandard and has hardly any nutritive value."

Further, it goes on to say:

"At some places, they are housed alongside animal sheds."

It has also been stated:

"It has been a common feature for the mates to make these workers work like dumb-driven cattle from early morning till evening or even night and if there is any slowness in the work or any complaint is made, the mates and the Khata-dars assault the workers who have no capacity to resist"

Sir, this piece of legislation is as a result of this report. In this connection, I cannot but make certain observations regarding the weaknesses of the Bill.

The legislation, according to the estimates made by certain non-official

organisation, will cover about a million workers of this nature throughout the country. Generally, this migration takes place from States like Rajasthan, Madhya Pradesh, Andhra Pradesh, U.P., Orissa, and Bihar. The major weakness of the Bill is, if I am permitted to say, that the Compact Committee or the Minister himself have ignored a very glaring fact and that fact is the employment of women workers by the Sardars or Khata-dars. Particularly in many parts of my State, we find that many women workers are engaged in work at the brick kilns and in Delhi and other big cities, you will find women workers are also engaged for masonry work. There, they even work under dangerous conditions. Some times, I have seen with my own eyes Santhal women climbing up about 200, 300 or 500 feet with babies at their backs. You can well imagine the conditions under which these women work and the hazards of work involved there. In this Bill, there is no clause which protects the rights of women workers. The Government and the hon. Minister are very much sympathetic to the cause of this lower rung of the society, the sweated labour of our country and the more oppressed are the women workers who are engaged in this Dadan or exploited system. I have given some amendments to some relevant clauses.

Another major weakness of the Bill is clause 21, wherein the State Governments have been given the right to exempt certain establishments, certain organizations from being registered or being licensed. And there is no guideline as to the conditions which will enable a particular establishment to be exempted from the purview of this Act.

Exemption, as my hon. friend has mentioned, has been taken advantage of in the matter of land reforms. Exemptions have been taken advantage of, by many in the matter of circum-

venting the law itself. So, this exemption provided in clause 31 of the Bill is a hidden iceberg. It can negate the entire purpose of the Bill. The hon. Minister will share with me the view that many State Governments are not favourably disposed towards the down-trodden or sweated labour. Examples are there. When we discussed the conditions of life and work of the agricultural labour in our country, the hon. Minister is credited to have observed that the State Governments were not always favourably disposed towards agricultural workers. And in the matter of implementation of the law for bonded labour, it is already manifest that many State Governments in this country deny the very existence of bonded labour in their States, namely the Karnataka and Maharashtra State Governments. Maharashtra has denied the very existence of bonded labour in that State although the fact remains that there are bonded labourers in the State of Maharashtra and Karnataka.

I do not want to go into details; but my point is that State Governments are not, in many cases, favourably disposed towards the causes of the lower strata of the society, particularly the sweated labour, for which this piece of legislation is being brought in.

Then naturally, arises the question about the enforcement machinery. The hon. Minister himself has on many occasions urged upon the Labour Ministers of different States to enforce the laws regulating the Dadan labour. But his report says that the desired result is not there, and that the enforcement machineries at the disposal of the State Governments are not satisfactory.

I can cite examples after examples. There is the Minimum Wages Act. Under it, there are the Minimum Wage Inspectors, and these Inspectors do not really work in the interest of those

who are deprived of the minimum, statutory wages, but work in the interest of those who violate the provisions of the Minimum Wages Act.

The major weakness of this Bill is that it cannot rely upon the enforcement machineries of the State Governments, in regard to labour laws. So, I have very grave doubts that if suitable arrangements are not made for the proper implementation or enforcement of the provisions of this Bill, the purpose of the Bill will not be served. And the labours put in by this Compact Committee will remain unrewarded. So, I would urge upon the Government to see what arrangements can be made, so far as the enforcement of the provisions of this Bill is concerned. I know the limitations of the Government. After all, there are the State Governments and their Ministries; and the Central Government cannot have its own implementing or enforcing machinery over the heads of the State Governments. But, I hope, the hon. Minister can create some monitoring agency to see that the State Government enforcement machinery is really effective in this matter in order to protect the interests of the sweated labour about whom we are making this legislation. Therefore, I congratulate the hon. Minister and particularly the Members and the Chairman of the Compact Committee, whose labour has produced this Bill. I think it will open up a new chapter in the history of the legislation for the workers of this country. I welcome more and more and the larger number of Bills of this nature in future so that sweated labour of our country can really get some kind of relief from the exploited system under which they work, not only work but they are born also in toil and dirt. With these words I welcome the Bill and I only urge upon the Minister to consider the particular weaknesses which I have referred to and I shall dwell upon them when clause by clause discussions are held in this House.

SHRI PURNANARAYAN SINHA (Tezpur): At the outset I must be permitted to go on record that I intended to speak in my regional language on the Bill but there was practical difficulty from the Secretariat that they could not appoint interpreters.

PROF. DILIP CHAKRAVARTY (Calcutta South): Why?

SHRI PURNANARAYAN SINHA: I had given notice to the Speaker six months ago that I would like to speak in my regional language also. Hon. members from different regions are speaking in their regional languages. There are interpreters to interpret. But so far as I am concerned, from my area, since we....

PROF. DILIP CHAKRAVARTY: This is a serious matter. Assamese also is as much a national language as any other language is. Why should this privilege be denied?

MR. CHAIRMAN: At present we have no facility.

SHRI PURNANARAYAN SINHA: If I speak in Assamese, the hon. Minister who knows Assamese may be able to understand. My intention is not that. No other member will understand. So, I have given notice also today. This a warning. I am going to repeat during this session. I might be able to speak in Assamese and my speech must be interpreted in English and Hindi understandable to all the members. I am putting this on record and I am going to insist upon it.

श्री हुकम देव नारायण यादव (मधुबनी):
माननीय सदस्य असमिया में बोलें। हम
सब समझेंगे।

श्री पूर्णनारायण सिन्हा : आप तो
समझेंगे, लेकिन मेरा भाषण रिकार्ड नहीं
होगा।

एक माननीय सदस्य : आप हिन्दी
झण्टी तरह जानते हैं। आप हिन्दी में
बोलिये।

SHRI PURNANARAYAN SINHA: I am on protest. I must get first choice to speak fully in Assamese and then I will try to speak in Hindi.

At the outset, I must congratulate the Minister for bringing this comprehensive Bill, though I shall not give him the credit that this is the first Bill of this kind which has been brought by him. There was Emigration Labour Act also previously which is not in operation now. The point is that inspite of very good features in the Bill there are certain loopholes. As we know, as we have seen in our region people come from different States. They go to Assam as inter-State labour. You all know that Assam is a labour shy area where local people do not offer themselves as labour. Therefore, the tea industry wanted labour from elsewhere. 100 years or more ago with the provision of Emigration Labour Act, labours were recruited in Orissa, Bihar and they were taken to Assam to work on tea plantations. Even now in the tea plantations immigrated labour is there. There are words in the labourers language saying:—

साहब बोले काम काम, बाबू बोले घरे धान,
हाय जदुराम फाकी दिये धानले आसाम।

Jadurams are the recruiters who recruit labour from Bihar and Chotanagpur area. They take them to the tea plantations to work. But they are not industrially minded people. They are agriculturists and tribals. When they do not go to work out of reluctance to work, they are caught physically and taken to work and hot water is sprinkled on them to punish them. Therefore pathetically they sang those songs. The immigrant labour go into areas where local labour is not available for industrial under-

takings, for construction work, etc. There is another problem. For example, take the hilly areas of the north-eastern region. In Arunachal, every third man speaks Nepali. Because local labour is not available for construction work, road work, bridge work, building work, etc., without any restriction people from Nepal, which is a foreign country to us, are recruited by the contractors, taken to Arunachal and left in the lurch after their period of employment is over. They have increased the population of Arunachal and they have also created economic problems for the local people. The tribals do not get avenues for earning their living. The Nepali immigrants are more intelligent and they know how to earn money at the cost of the tribals. Therefore, they have also created some ethnic problems converting Arunachal into a semi-Nepalese territory, though there are other tribals like Adis, Khampas, Mompas, etc. They are creating an economic problem because the only avenues of employment are grasped by these people and the local labour never get employment. There is no system of control or repatriation of these Nepali immigrant labour. The Government being a Union Territory and Nepal being a friendly country, Government is against repatriating them by force. So, they remain there. This is how in Assam 50 per cent of people in my region are from places elsewhere. They have gone there to work and got settled there. I do not say that all of them have created problems, economic or ethnic. They have assimilated themselves with the local people. But in recent times, what is happening? 10 lakhs of people from UP and 5 lakhs from Bihar are recruited every year to do hard construction work in Assam and other areas outside Bihar and UP. My friend, Shri Chitta Basu also knows about the Gorakhpuri labour. In that way they have been recruited. They buy tickets and put them on the train. There is no security for them.

काम करेगा, पैसा मिलेगा ।
With that guarantee they think on

their return they will be able to bring bagfuls of money for the maintenance of their families during the coming months. They work at piece rate or wage rate. Their wages are kept in arrears in deposit for sometime

तुम काम करते रहो, मेरे पास पैसा है, जाने के समय मिलेगा ।

In that way, they are employed for months. You will find at midnight Bihari Nunas still cutting each in gas lamp light. They work day and night in shifts as they complete the work at piece rates. At the end what do they get? Those who are practising in courts and labour courts know that people go to their offices asking relief against the contractor who has employed them. Every Sardar holds upto Rs. 10,000 or more of the labourers. Not only that, there are sub-sardars under him. They earn money on the labour. They get Re. 1 per day per labourer. In this way, upto 50 per cent of the total earning of the labourer goes into the pocket of these people. The rest 50 per cent is supposed to be given to them. But they do not get even that. In this way, the Bihari and Oriya labour get 50 per cent or 25 per cent of their earnings. Sometimes, they do not have the money even to go back home. In this way, they are being cheated. Therefore, this piece of legislation is good. It is welcome. At the same time, I must say that there is some scope for improvement of this Bill. Therefore, though belated I have submitted an amendment. Under clause 2(c) I propose that clause 3 be added. I have already tabled it. But for the purposes of record, I will read it out:

(3) Notwithstanding any other provisions in this Act, the Contractor shall repatriate all the workmen recruited and employed for a particular job or work or project from the State of employment within 15 days from the date on which the licence granted under sub-section (b) (i) and (ii) of Section 8 shall have expired after clearance of

[Shri Purnanarayan Sinha]

such debts the contractor or his workmen may have incurred."

What happens is that the labourers are not fully paid. They go to the grocer's shop and buy things on credit. They somehow survive. They live anywhere in the open or under the trees. They promise to the grocer that they will pay the money as soon as their contractor gives them their earning. In this way, at the end of the work, the grocer is having due thousands of rupees from the workers as a whole. These debts are not cleared. Overnight they will vanish. The contractor does not take the responsibility. So, there should be a provision under sub-section (b) like that:

"Notwithstanding any other provisions of this Act, any creditor whoever establishes a claim for recovery of any debt against any contractor or his workmen licensed under Section 8 of this Act to the satisfaction of the Inspector or Licensing Officer of the State concerned, shall have first charge on the security deposit of the Contractor that may have been taken from him under Section 8(2) of this Act."

Then sub-section (c)

"In case of failure to repatriate the migrant workmen and clearance of debts the State Government concerned shall have the right to evict and expatriate them and shall also have first charge on the security deposit of the contractor that may be available with his Principal" i.e. the employing agency in the Government or some public undertaking.

17 hrs.

Then, it has been agitated by certain hon. Members that, assuming that the labourer is not paid, if he has to go to the Authority to make a complaint, then the labourer will be scared and he will be intimidated.

उसको कह दिया ज येका गोलमाल नही करना
टिकट कट कर बाड़ी पर चढा दिये जाओगे ।
Then he will keep quiet and will not

ask for money, because this means capital punishment. Therefore, instead of his making a complaint, it can be done by some agencies. For example, there are trade unions representing construction labour. They can take his authorisation by a thumb impression and represent their case before the Industrial Tribunal, Conciliation Officer or the Labour Court, whichever is the authority before which the aggrieved workman has to seek redress.

[SHRI N. K. SHEJWALKAR in the Chair]

17.01 hrs.

Then I have another suggestion in the form of an amendment, which the hon. Minister may kindly look into. Clause 29 reads:

"No court shall take cognizance of an offence punishable under this Act unless the complaint is made".

By whom? I am suggesting the addition of the words "by any person aggrieved or who is a recognised representative of workmen". A worker cannot leave his place of work and stay in a town or city till the hearing is over and the award is given. He has to do his daily work; otherwise, he will not get his wage. So, this can very well be taken up by a union representing the workmen. Therefore, I am suggesting by my amendment that any third person, who is a union representative, or lawyer, or aggrieved against contractor should have the right under the provisions of the Act to represent labour and defend their case.

I am prepared to concede that I have made only a cursory look at the Bill and these are the difficulties and suggestions which came to my notice. So, I have suggested some amendments, whose incorporation will make the Bill a little more perfect than it is at present. I am sure the people who are interested in the well being of industrial and other labour will take advantage of the provisions of this Act to make the conditions of labour a little more comfortable.

In this Bill there is no safeguard for people who do not belong to the States of India. For example, on account of the starving conditions in Bangladesh, a large number of people have moved out to West Bengal and Assam and they are working as labourer, mostly in construction activity. Who will grant licence for their recruitment? Because, Bangladesh is not a State of India, and the provisions of this Bill are for the citizens of different States and residents of that particular area. Of course, it can be said that these people are infiltrators. But then what happens to the Nepalese labour? They are not infiltrators. They are engaged by some of the contractors for hard labour as jungle cutters, who will look after them?

So far as registration is concerned, it is done in the State in which they are working. That is all right. These are some of the safeguards that are necessary. After all, we have got to protect their interests also. I am saying it from the point of view of a layman concerned with this, as to how he will react for allowing migrant labour under the provisions of recruitment, registration etc. Also, the contractors can invest any money in getting the labour work and they can forget them also.

Another thing is sometimes migrant labourers are hired at the local minimum rate of Rs. 6 to 7. Sometimes they are paid less. There are artisans and the skilled labourers. Assuming that a mason is paid Rs. 10 a day in my State of Assam, but a labourer is recruited from West Bengal or Bihar and taken to Assam, he will be paid Rs. 15 or Rs. 20. That will create some imbalance in the local economy, and the labourers who are entitled to get Rs. 7 a day under the minimum wage fixed by the Government, they are recruited to be paid as much, but in fact they are paid Rs. 2 only. So, there is no provision for it. Of course, the rules can be provided for it. There should be a register, a minimum wages re-

gister to be maintained by the contractor indicating that so much wages are paid to the workmen every day and that at this rate it comes to an average of Rs. 7, and so on.

With these suggestions, I would say that the idea is good, the Preamble and the spirit are commendable. The imagination has been derived from the national consensus arrived at the State Labour Ministers' Conference. This is based on the experience of Dadan labour of Orissa, thereby the migrant labour can earn a good living and their interests will be safeguarded. I appreciate it and I also congratulate the Minister for having brought this Bill. But at the same time, I say, there is scope for improvement.

With these suggestions. I thank you very much for giving me so much time.

SHRI A. C. GEORGE (Mukandapuram): Mr. Chairman, Sir, at the very outset, I would like to congratulate the Labour Minister, Shri Ravindra Varma and his colleague for bringing forward this sound legislation to protect the interests and the rights of the migrant workers especially from Orissa. Sir, in his country with more than 600 million population and acute unemployment, the problem of people going from place to place in search of job is very much a relevant issue and more so to be taken cognizance of by people in authority. In fact, when I was to speak about this Bill, I thought that as a natural corollary to this Bill and the subsequent legislation, Shri Ravindra Varma coming from Kerala is very famous not only in regard to unemployment, but for the nomadic nature of the people. When I say 'nomadic', I do not mean by the normal desert land sense of it, and I do not want even to insinuate that Shri Ravindra Varma is slightly nomadic in going from Kerala to Ranchi for contesting election. That is not what I am meaning.

SHRI SAMAR MUKHERJEE
(Howrah): He is a migrant.

SHRI A. C. GEORGE: I will never call him a migrant Member of Parliament, but I will only say, that the problem of unemployment in many States really creates a situation in which workers have to migrate from place to place. If you look into the genesis of the recent evil called "sons of the soil theory", you will find that it all started from this problem of workers moving from one place to another. I thought Shri Ravindra Varma was fully aware of what is now going on especially in regard to migrant workers of an inter-State nature. Now it has become even an inter-country problem.

More than 500,000 Indians, out of which you all know a sizeable majority are Keralites, are working in the Gulf countries alone. We know that more than 500,000 Punjabis have for quite some time now settled in the U.K., and the recent incidents in Southall are indicative of certain problems that come out of that. I am referring to the problem of migrant workers from India especially to the Gulf countries.

When I look into the provisions of the Bill, I feel that a lot has really gone into it. It is definitely a labour-oriented Bill. It has taken care to see that bureaucratic lacunae will not hamper the interests of the workers. I must specifically mention the provision regarding the right of the worker to start legal proceedings in his own State even when he has returned from the host State, so that the contractor will feel that, after all, he can be hauled up all the way from the host State to the State from which the migrant worker originally came. This is definitely a provision which will be in the interests of the worker. From the procedural angle also, it will be a deterrent to the contractor who

thinks of creating some problems for the workers or not giving them the necessary facilities promised earlier. So, when we look at this Bill, we find that there is a general bias in favour of labour. There is an earnest attempt by the Ministry to see that the workers are protected.

In this context, I would like to point out that there is a lot of talk about so-called brain drain. This legislation may be dealing with what I may call muscle drain, because ultimately most of these workers are employed on physical labour. During 1975-77, in spite of all that you may say about some elements of misuse and all that, there was an earnest attempt made to tackle the problem of bonded labour. What we now know as bonded labour is mostly in the agricultural sector in the villages. But in this context, it is mostly another form of bonded labour. That is, once taken away by a contractor, the worker is virtually his slave. Hence, the attempt is really good, and the Minister has to be congratulated on his purpose and sincerity.

It is in this context that I would like to point out the phenomenon called brain drain. It may look as though it does not have direct relevance to what is being legislated, but in this country there are some vested interests which would like to prevent even the people whom this country cannot employ from going abroad and seeking work. All sorts of impediments and stumbling blocks are placed before them. There is a department, I think in the Home Ministry, called Foreign Assignment Department. At one point, somebody decided that whoever wants to go abroad and take employment has to register their names in the Foreign Assignment section and this became a hot-bed of not only corruption and nepotism, but also of favouritism and it is trying its level best to negate the very purpose for which it

was created. Only the people who are hovering around the department and who have got some access to the Officers are allowed to go abroad and take up assignment and obviously I may be speaking from the background of my coming from Kerala because in a small State with an area of 14,000 sq. miles, there are nearly 250 lakhs of people and naturally the density of population, high level of literacy creates the obvious problem of unemployment. For generations together, the people of Kerala wanted to go abroad or go outside Kerala because there are not enough job opportunities. Now these new regulations, even when introduced with the best of intentions, are clearly paving the way for preventing these people from going abroad and are creating problems and would ultimately end up in corruption. I may suggest to the Labour Minister to have a closer look into the problems of the Immigration authorities. It is well known that in the name of a few discrepancies and irregularities happening in the Gulf countries or abroad, new regulations are put forward in the Immigration Department. The result is, in Bombay, Trivandrum or Delhi or many of these international airports, unless you pay a particular commission to the Immigration Office, you will not be given permission to go abroad and all this is going in the name of brain drain. You spend more than Rs. 10 000 from the national exchequer to train up a doctors, the country is spending more than 5,000 rupees to educate an engineer and like that we are bringing forward thousands and thousands of doctors, engineers, professionals and technicians and ultimately when they come out after five or six years of their professional course, they do not have a job. If you are not in a position to offer them jobs, what is the meaning of saying that we have to regulate them in the name of brain drain? Here I have often suggested...

PROF. P. G. MAVALANKAR (Gandhinagar): There is a proposal to have a tax on brain drain.

SHRI A. C. GEORGE: That is what I am precisely coming to. In this country there is enough brain and it can never be drained. In fact, I have often thought that population is often known as a liability in this country; for the past so many years, we have been trying to bring in various methods, right or wrong, excess or within limits, to control the population. Because of the publicity, propaganda and the consistent efforts for the past few years, whenever we speak of population, we think of it as a liability. But there is also another word for population and that is what is called 'man-power'. Population may be a liability, but man-power is an asset. Many countries, especially the newly rich countries are nearly burning, suffering and yearning for more population and more man-power. There are some countries where they have got enough money, but they do not have people to spend it through. Even when we think about population as a liability, we have to see that man-power is an asset. In this country, where we have got enough man-power let us not put it in a closed jail and say "we do not allow you to go because there is a possibility of brain drain" and make them suffer out of unemployment. There must be a positive approach. The Immigration authorities must not sit at the gates of the airports just like our tax collectors at the national highways and collect money for giving permission. When we think about inter-State migrant labour, I may suggest that the Labour Minister will have a deeper thought for bringing forward a positive—I underline the word 'positive'—legislation at one point to prevent the misuse that may be taking place in the foreign countries out of the abundant Indian labour and at the same time not to prevent the people from going abroad. I have

[Shri A. C. George—Contd.]

said earlier also that in 1977-78, the performance of the Commerce Ministry was such that although in 1977, we handed over a surplus, now we have ended up with a deficit. In spite of the deficit in the import-export situation, our foreign exchange reserve is nearly Rs. 5000 crores. This has happened because of the remittances from Indians who are working abroad. It is obviously an asset. Let us not look at it as a brain drain; let us allow our doctors and engineers who cannot get employment here to go abroad and seek employment there and send money back home. I agree with Prof. Mavalankar that if the country is spending nearly Rs. 70,000 or Rs. 100,000 to train a doctor or an engineer, when he is allowed to go abroad, naturally, within five or ten years, he must be in a position to pay it back. I am sure these people will not mind it. After all, what they want is employment. Let us tell them that the country has invested so much money on them and, obviously, they have to send money back home.

I congratulate the hon. Minister for bringing forward this very necessary and timely Inter-State Migrant Workmen Bill. I suggest, the next step must be to bring forward Inter-Country Migrant Workmen Bill which will see that proper protection is given to the Indians working abroad and, at the same time, will not prevent the people from going abroad and will not allow the fleecing by the Emigration officers at Bombay, Trivandrum and at many other international harbours and airports.

MR. CHAIRMAN: Whether I should call other hon. members or not, it will depend upon the decision of the House. The time which was originally allotted for this Bill was 2 hours. It is already over. There are about six members who want to

speak. If I call all of them, it will take a long time and the Minister also has to reply to the debate. We have also to take up the clause-by-clause consideration of the Bill. What is the decision of the House? I am in the hands of the House. It is for the House to decide.

PROF. P. G. MAVALANKAR: You said, there are about six members who wish to speak. If they speak very briefly, if you restrict it to a few minutes each, I think, we can finish in about half an hour or so. We can extend the time by half an hour or so.

MR. CHAIRMAN: What I suggest is, let us restrict it to a few minutes each so that they can finish in half an hour. I will call the Minister to reply at 5.50 P.M. I would request the hon. Members to cooperate and be as brief as possible.

✓ SHRI AINTHU SAHOO (Bolangir): Mr. Chairman, Sir, let me welcome the Bill. At the very outset, I congratulate the hon. Minister for bringing forward such a legislation which we had passed in our legislature in Orissa, where I was a member of the Legislative Assembly, in the year 1975. The problem of this Dadan labour was very big and that is why the State Government decided to bring forward a law and control these exploiters or the middle-men who exploit the labourers leave them on the streets without any care or without any responsibility.

The Janata Government says, we will go back to the villages. Since 90 per cent of the Dadan labour comes from the villages, it is the village people who are exploited by the middle-men. They need to be protected. That is why this legislation had been brought forward by the State Government of Orissa. We are facing some difficulty. So, a Central legislation is also required to help the States and to help these poor people in the villages.

In my State, these labourers are mostly going to Assam for the tea gardens and to other places and also these poor labourers from Madhya Pradesh, in Chhatisgarh, are taken to other places and they are exploited. In my State, every fourth person is an Adivasi and every seventh person is a Harijan. These are the types of persons—Adivasis and Harijans—who are exploited by the middle-men and are left on the streets without any care or help.

AN HON. MEMBER: Not all.

SHRI AINTHU SAHOO: Most of them are, because those persons who lay the bricks are mostly from the Harijans and those who do the physical labour are mostly from the tribal areas. The other poor people are also there. I do not say that all such persons are those who belong to the Scheduled Castes and Scheduled Tribes. But most of them are.

This Bill is intended to help those people in getting their wages properly and to see that they are well cared for and looked after. It will not be out of place if I submit here that the villagers in my State; are still living in the 18th Century. The great poet, Goldsmith, has written in his poem 'The Deserted Village':

"Till fares the land, hastening ills
a prey,

Where wealth accumulates, but
men decay;"

These labourers are the most-exploited people and as a result they decay, and the intermediaries who take them and exploit them prosper. Therefore, it is our duty to help these people and see that they are well placed and they prosper. In my State, more than 80 per cent of the people who live in the villages live below the poverty-line. Therefore, these labourers are bound to either migrate to other States or seek jobs in areas which are close to their villages. There are two ways open to help them in the matter of employment. One is, to provide them

with occupation in areas close to their native places for which they do not require any help from the Government as regards their security and in respect of exploitation. The other one is who are bound to migrate to other States for earning their livelihood, need to be protected under the law. That is why, this Bill has come and it has come at the proper time. I am sure that this will help the people of my State and those of other States. Since there is not much time, I would not go into the details. I would only say this much that the hon. Minister not only receives congratulations from us but he receives congratulations and praise from the wives and children of those labourers who have to migrate to other places and who are sought to be protected through this Bill.

With these words, I once again congratulate the hon. Minister for having brought forward this Bill and I thank you. Mr. Chairman, for having given me the opportunity to speak

SHRI K. MALLANNA (Chitradurga): Mr. Chairman, Sir, at the outset I must congratulate the hon. Labour Minister for having brought forward this Bill. According to me, it is not a comprehensive Bill. Still he deserves congratulations for this because an attempt has been made here to help the inter-State migrant workers.

The contract labour system exists all over the country. So far as my State is concerned, I feel that it is only an importing State, that is, it gets workers from the neighbouring States like Tamil Nadu and Andhra Pradesh. Most of them are working in road construction and in construction of these workers. What is the exists all over the country.

The next point is about the condition of these workers. What is the condition of these workers? The condition of these workers is very

[Shri K. Mallanna]

horrible. They come mostly from the lowest strata of the society, that is, Harijans, hill tribes, Scheduled Castes and Scheduled Tribes. Not only that. They are illiterates; they cannot understand anything. Whatever the contractors do, they will accept that with all their ignorance.

This is the situation of these migrant labourers. They are coming from the lower strata of the society. They are taken from one State to another to work thereby leaving their disabled people, their children and their old-aged parents in the home State. They go to other States and work there. What is the facility provided to them by the contractors in the hosting States? No minimum wage is given; no health facilities are given. Not even adequate living quarters are contemplated or are given. Furthermore, the official machinery or the contractors are not maintaining documents—employment registers. Their fate is like this.

These people are engaged in big projects or construction work which are situated at far off places, in the forest areas, from the States and sometimes in some hilly areas which are not inhabited areas.

Sometimes they are marshy places. They have to face the and they are amid the weather. They are sometimes exposed to insects migrant workers' condition. For that this is the state brought forward by the Labour Minister. And he deserves our congratulations. But, he could have gone further and brought forward a comprehensive Bill containing a provision of including children; as my hon. friends put it, there is also no provision covering disabled people in their families and old-age people. Another thing is that if any injury is caused or death is caused, no compensation is provided for. It is only reported to the special authority. I do not know what is meant by special authority.

Hundreds and thousands of workers are working in that place. No recreation centre is contemplated; no cultural activities are contemplated. He could have included these things in this Bill. I now come to the next point. That is about the effective implementation of the laws. Most honourable friends said that there is no effective implementation. Some States have passed the laws while some others have not done that. Even those States that have passed their laws are not implementing them properly and effectively. This is a social aspect of the problem. I would therefore, request the hon. Minister to see that some effective machinery is there so that all these measures, however little or however big they may be, are implemented effectively.

One last point is this. So far as migrant labourers are concerned, there is no provision to look after the children of the labourers by the States which send them to the other State. So, they have to make some provision for the education of the migrant workers' children, for their proper care and things of that kind. The states which take the help of these migrant workers have to see whatever provision is contemplated in this Bill is implemented. Last but not the least is about the food for work scheme. This is very important. Here, some food is given to workers. But, that will be sold away by the contractors themselves at the market price; though the same is given at a fair price, it is sold away by the contractors at the market price.

I am glad that the Hon. Minister has brought forward this Bill. I welcome this Bill. I hope he will bring forward a comprehensive Bill including women, children and others in that Bill.

बौद्धों व बौद्ध विहार (होशियारपुर) :
साबों धर्मियों—जिन का कोई बाकी

बारिब नही था, जिन के लिए कोई बोलने वाला नहीं था, जिनकी अपनी कोई ज़रूरत नहीं थी, ट्रेड यूनियन नहीं थी, जो आर्गेनाइज्ड नहीं थे, जिन की जान को मनवाने के लिए कोई आर्गेनाइज्ड आवाज नहीं थी, उनके लिए इस बिल को अपने तौर पर लाकर हमारे रवीन्द्र वर्मा साहब ने जो एक उम्मीद की कि राग पैदा की है, उसके लिए वह बधाई के पात्र हैं और मैं उनको मुबारकवाद देता हूँ। मेरी उन में यही प्रार्थना है कि इस कानून के बन जाने के बाद वह देखें कि यह अन्धकारियों में हू नड़ा है, कोल्ड स्टोरेज में ही न पड़ा रहे बल्कि इन पर प्रभाव भी हो ताकि उन लोगों को इसका फायदा पहुंच सके और जो शोषण करने वाले हैं उनको मुताबिक जहां मजदूरी मिल सके। ये लोग बाहर से आते हैं, ये बैठने उठने हैं वहां उनको कोई पछने वाला नहीं होता है, जानने वाला नहीं होता है। वे सीधे सादे लोग होते हैं। अपनी मांगों को सही ढंग से पेश नहीं कर सकते हैं। लाखां की तादाद में यूरोप, उड़ीसा तथा दूसरे भूभागों से और नेपाल वगैरह बाहर के मुल्कों से भी लोग आकर पंजाब में काम कर रहे हैं। अब तक कानूनी तौर पर उनको कोई प्रोटेक्शन नहीं मिल रहा था। उनको अगर रेंजा नहीं दिया जाता है और उनकी तादाद अगर किसी जगह पर पांच से कम भी है तो इस कानून की रू से उनको इसमें कोई फायदा नहीं पहुंचेगा। पांच से ज्यादा जहां मजदूर काम करते हैं वही यह कानून लागू होगा। मैं समझता हूँ कि जेनों में जहां पर एक एक घर में एक एक आदमी ही नौकर होता है और वह काम करता है और जिन को इस कानून से कोई प्रोटेक्शन नहीं मिलता है उसको भी प्रोटेक्शन मिलना चाहिये। मेहनत करके और ईमानदारी से साल भर काम करके जो कमाई उसने की है वह उसको अपने घर वापिस ले जा सके, इसकी भी व्यवस्था होनी चाहिये। आज वह नहीं ले जा सकता है क्योंकि मिडलमैन रास्ते में होता है और वह उसकी कमाई का एक बहुत बड़ा हिस्सा

ले जाता है। जिस के पास वह काम करता है और मिडलमैन होता है वे दोनों मिल कर उसके पास से लिखवा लेते हैं कि हिसाब खत्म और इस प्रकार से जो उसको कम मजदूरी मिलती है, उसकी तरफ भी आपका ध्यान जाना चाहिये। उसको ठोक पैसा जो इस तरह से नहीं मिलता है उस चीज को तरफ भी आपका ध्यान जाना चाहिये।

इस बिल में बहुत सी कमियां हैं। इन कमियों को एमेंडमेंट ला कर बाद में या कमेटी बगैरह बना कर दोनों हाउसों की अगर दूर कर दिया जाए तो बहुत अच्छा होगा।

हमारे ज जं साहब ने इंटरस्टेट माइग्रेशन के आवाज बाहर के देशों में हमारे लोग जा कर जो काम करते हैं और लाखों की तादाद में करते हैं, उनकी बात को उठाया है। बाहर के देशों में काम करने वालों में पंजाब का नम्बर पहला और केरल का दूसरा है। हमारा फारेन एक्स्पोज जो घरों में बढ़ा है, वह उन लोगों की अजह से ही बढ़ा है। आपने पामपोर्ट में सहूलियत दी थी तो उससे बहुत लोगों को फायदा हुआ था। लेकिन अब फिर एक नई शरारत नौकरशाही ने शुरू की है कि मेक्योरिटि, गारन्टी लिखी जाय। इससे लोगों को लाखों का नुकसान होगा और हर आदमी को 400, 500 रु० देने होंगे। मेम्बर पार्लियामेंट या एम० एल० ए० दस्तखत करना था तो 6 सप्ताह में पामपोर्ट बन कर आ जाता था, हां ताकि उसमें भी गड़बड़ी करते थे। 6 सप्ताह तक जिनका पामपोर्ट नहीं जाता था तो लिख कर भेज देते थे कि आपका वेरीफिकेशन नहीं पहुंचा, या फोटो नहीं पहुंची हैं, जो कि सरासर परेशान करने वाली और पैसा खाने वाली शरारत होती थी। लेकिन अब फिर से एक शर्त लगायी है, गता नहीं इसके लिये मंत्री जी से स्वीकृति ली है या नहीं, कि गारन्टी देनी होगी। इस गारन्टी वाले म० को समाप्त कीजिये। जिस आदमी ने गारन्टी लेनी है

[चौधरी बलश्रीर सिंह]

उसको थोड़ा पैसा देना पड़ता है और मजदूर करने के लिये ट्रेवल एजेंट बच में आजाता है और पैसा लेकर पासपोर्ट बनाता है। तो यह जो आपने कानून बनाया है, इस तरह से बाहर जाने वालों के लिये जो जो देश से बाहर जाने हैं, उनका मुश्किल को दूर करने के लिये आप कोई कानून लायें।

यह कानून पास हो जाएगा, लेकिन इसका ठीक ढंग से अमल हो इस पर आप ज़रूर ध्यान दें। स्टेट्स में कानून बने हुए हैं खेत मजदूर के लिये। लेकिन खेत मजदूर का पेमेंट दिलाने के लिये उसको इम्प्लोमेंट करने के लिये कोई एजेंसी नहीं है, और जहाँ वह बेचारे काम करते हैं वहाँ से उन मजदूरों को पैसा नहीं मिलता है जिसमें उन्हें बेहद परेशान होत है। इसलिये इमाल-मेंटेशन की तरफ़ ज़रूर ध्यान देना चाहिये। लेबर आफ़िसर कहता है कि हम तो कह सकते हैं कि इनके लिये इतना ड्यू है लेकिन उसको पाने के लिये मजदूर अदालत में मुकदमा करे। तो कई ऐसे एजेंट्स होना चाहिये जो उनको पैसा दिला सके। आपने इस कानून को इम्प्लॉमेंट करने के लिये इन्स्पेक्टरों, सुपरिन्टेंडेंटों, लेकिन वह इम्प्लोमेंट करायें ताकि लोगों को फ़ायदा पहुंच सके, इस पर ख़ास तबज़ह आपको देना चाहिये।

अन्य में मैं मुबारकबाद देता हूँ यह कानून लाने के लिये जिससे लाखों की तादाद में जो दूसरे मुकों में जा कर मजदूरी करते हैं उनको कुछ राहत मिल सकेगी।

*SHRI R. KOLANTHAIVELU (Tiruchengode): Mr. Chairman, Sir, on behalf of my party the All India Anna D.M.K., I am glad to say a few words on the Bill that has been moved by the hon. Minister of Labour to regulate the employment of inter-State migrant workmen and to provide for their conditions of service and for matters connected therewith. This

reflects the serious thinking that the hon. Minister of Labour has given to the problems of the most vulnerable sections of our country's working population. I would take this opportunity to refer to the visit of our Labour Minister to many countries abroad for getting himself personally acquainted with the plight of Indian labour serving in those countries. I wish that he brings another Bill giving Legislative protection to the Indian workers abroad.

The hon. Members who preceded me pointed out in poignant terms the pitiable conditions of service of these migrant labour. Mobility of labour has assumed alarming proportions now because of the shrinking job opportunities within the State itself. For example, about 5000 families of workers from my District Salem in Tamil Nadu, are living in the capital of our country, Delhi. Bearing high hopes of hospitality of jobs and remunerative wages in Delhi, they boarded the train to Delhi. They were sure that wherever they lived in any part of their country they would get primary necessities of life. They were not wrong in thinking that India is their country. They could have managed with a loin cloth in their native place. But in Delhi they are to face the oppressive heat of summer and the biting cold of the winter. But here in the capital, they are exposed to sun and showers. Their wages are so low as not to get them two square-meals a day. They have been made to live 20 kilometres, 30 kilometres away in the outskirts of the capital, without proper means of transport to their places of work. They do not have medical facilities and their wards do not have educational facilities because there are no schools in these areas. As they do not have warm clothes to wear in winter, they do not have drinking water facilities to quench their parched throat in the scorching summer. Half of their wages is appropriated by the contractors. They are living in insanitary environment. I need not say that their

*The original speech was delivered in Tamil.

jobs are also such that they are exposed to vagaries of weather. Besides these manifold miseries, their agony is aggravated because of their ignorance with the local language.

I am happy that this Bill embodies protective measures in a proper perspective. It goes to the credit of our hon. Minister of Labour that he has introduced certain novel procedures and legislative innovations. I would like to appeal to him that he should bestow his personal attention to the problems of migrant labour in the capital of the country. He should make Delhi the model in respect of providing medical, educational and other basic amenities of life to the migrant labour, particularly those from my District Salem, whose vicissitudes I have narrated already. Unless the living conditions of those below the poverty line are improved, the country has no future. I would request the hon. Minister of Labour that the migrant labour in Delhi should be given cheap protective clothing in winter, as they hail from altogether a different climate. He should ensure that the Delhi Administration gives them housing facilities in the far-flung areas of their habitation.

Before I conclude I would refer to the need for appointing a Licensing Officer who is conversant with the languages of the migrant workers. For instance, the Licensing Officer in Delhi should be knowing Tamil without which he will never be of any use to these workers from Tamil Nadu. I am sure that the hon. Minister of Labour whose concern for the welfare of migrant workers is reflected in this Bill will ensure the wellbeing of migrant workers, particularly in the capital of our country, Delhi.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): Mr. Chairman, Sir, I am indeed deeply grateful to the hon. Members who have participated in the discussion on the Bill. I am also grateful to the hon. Members from all sides of the House, who have welcomed this Bill, as some-

thing which was long overdue, and something which attempts to deal with the basic problems of a most vulnerable section of our working population.

I know that the kind words that were spoken about the Ministry, congratulating the Ministry for bringing this Bill before the House, were more a reflection or an expression of a common concern with the conditions of this section of our working people, an expression of the anxiety to see that effective and expeditious legislative protection is extended to this section of our working population.

In view of the fact that all the hon. Members who took part in the debate welcomed the objectives of the Bill, the essential provisions of the Bill, I do not think I am called upon to make a very elaborate reply. However, as hon. Members pointed out, it must be stated that this Bill deals, attempts to deal, with the burning problems of one of the most exploited sections of our working population.

My hon. friend Shri Chitta Basu— if he does not feel that I am making an out-of-turn reference to him, because he spoke later than many other hon. Members—referred to the report of the Compact Committee. I join him in paying a tribute to the work of the Committee. It is because that committee visited many areas and studied the problems, that it has been possible to view the problem in a proper perspective, and also to understand the intensity of the suffering to which these workers are exposed. As he said, and as other hon. Members said, most of these workers are recruited from backward areas of States like Bihar, Madhya Pradesh, Rajasthan, Orissa and other States. I should be pardoned for mentioning Bihar first, in spite of what Mr. A. C. George might feel (*Interruptions*). He did not mention me as a migrant Minister, because all of us may migrate from this side to that side.

It is a fact that these workers are recruited from the backward areas of

[Shri Ravindra Varma]

the States. They are recruited by contractors. Sometimes, some payment is made to them, or to their families. They are told, "This is a payment to cover the expenses towards travel, or is an advance for the payment that you will receive later." Then they are transported hundreds of miles away, to distant places where they have to work in the most unfamiliar environmental conditions. People from the tropical areas of our country, from the coastal areas of our country, are recruited and transported to work in Himachal Pradesh, Jammu & Kashmir and other places, where they have to face the rigours of the climate of the States in which they work. They are not paid wages. They are told that the wages are being paid to the contractors. Sometimes it is claimed on behalf of the employers that arrangements are made for providing them with food. Some hon. members have referred to the kind of food that is supplied to them in many areas. It has often been described as food that is unworthy of consumption even by animals! There is no arrangement whatsoever in many of these projects for proper accommodation, and for provision of protective clothing which is necessary to enable these workers from distant climes to face the rigours of the climate in the areas where they work. I shall not take the time of the House in describing the most horrible pitiable conditions, which would arouse indignation in the minds of any citizen who attempts to understand the conditions in which these workers work. In spite of the fact that this system has been in prevalence for quite a few years, unfortunately we did not have any special legislation to deal with this problem. The attempt of this Bill is to provide measures which will cope with the special problems of these workers.

As has been pointed out by hon. Members, this problem has to be tackled at the source. We have first to deal with the place and the operation

which involves recruitment. Therefore, this Bill provides for the registration of the undertaking which wants to employ migrant labour as well as the contractors who want to recruit migrant labour. Therefore, it will be seen that there is a two-pronged attack on the very source of this evil. The undertaking must register itself, and the contractor must register himself. There are two States involved. One is the home State and the other is the host State. Once a person is recruited from the home State and transported to the host State, he is exposed to conditions over which he has no control. There is no sanctity of any written contract. There is no protection for the worker. Therefore, this Bill provides for their protection. It provides for power to determine wages and to deal with all factors affecting the conditions of work. I shall not take the time of the House, but only draw attention to clause 13 which elaborately deals with these powers.

This Bill also provides for something which is very new. In fact, that is one of the reasons why we took some time to consult the appropriate Governments in the States concerned, because for the first time, inspectors will be appointed and it will be possible for these inspectors to go to the host State and make inspection. In a sense this is a situation where authorities or officers appointed by one State are being empowered to function in some manner or other in another State for the protection of labour who belong to that home State.

This Bill also provides for a displacement allowance, journey allowance, regular payment of wages and for the issue of a pass book which will record the conditions of employment, wages and other facilities that have been promised, and also contain an entry about the return fare that is necessary to enable the workers to go back to his home State.

18 hrs.

Then the other main point in the Bill apart from the provision of amenities to which I have referred to under Clause 13, is the question that my hon. friend referred to, that is, what will happen to industrial disputes if there is a breach of contract or if there is an infringement of conditions of work that have been agreed to and incorporated in the passbook, then what is to be done? Sir, these workers are recruited for a period of time. While the workers work in the host State they have all the rights provided by the Industrial Disputes Act to raise disputes, I am sure, no hon. Member has overlooked this provision. They have all the rights by which they can raise these disputes in the State concerned. Now, a situation may arise where either on the completion of the contract or otherwise, they go back to their States, their home States. Today, the workers who go back to the home States are not in a position to fight a legal battle because they cannot be going up and down from the home State to the host State to fight these cases in the host State. Therefore, we felt that there must be a provision to enable him to fight these cases in his home State as well. Therefore, you will see that provisions are made to enable him to raise these disputes and fight these cases in the home State after his return. There seems to be some misunderstanding which perhaps, is responsible for some amendments that have been listed. The provision that is there in the Bill does not preclude him from raising any dispute while he is in employment in his host State. But the necessity for raising a dispute in the home State or prosecuting it further in the home State arises on the completion of his contract. This Bill, therefore, provides for two ways of dealing with the situation. One is for the Government itself to allow or to transfer these cases to the home State. And the other is for the worker himself to file a suit or to agitate this matter, in the court, in a labour court in his own home State.

Therefore, I will beg to submit to the House that all contingencies of injustice or miscarriage of justice or denial of opportunities have been taken care of and provided for in this Bill.

My hon. friends referred to the question of implementation. If I do not refer to each Member, it is not because I do not remember who raised what points,—but because at this late hour, I do not want to take the time of the House by referring to all the distinguished hon. Members who made very valuable suggestions, and whose concern for the workers and for the subject matter of the Bill, have made a deep impression on my mind.

Sir, there is no doubt that no legislation on the statute book however fool-proof it may be, will be of adequate avail unless it is properly implemented. Therefore, there can certainly be no two questions on this. As hon. Members pointed out, our experience with the Minimum Wages Act and many other similar Acts, Bonded Labour Act to which, I think, my hon. friend, Mr. Rachaiah referred, leaves no room for us to doubt that the efficacy of any legislation lies in the efficacy of its implementation. Therefore, it is necessary, as my hon. friend Mr. Rachaiah pointed out, that in choosing inspectors every care must be taken to see that the proper kind of officer is inducted. But I am sure he will agree with me, and other hon. Members will agree with me, that it is not only a question of having a proper officer with a proper orientation. On the whole, the thrust of governmental action and administrative action must be oriented in favour of protection for the weakest and most vulnerable sections of our society.

AN HON. MEMBER: Political will.

SHRI RAVINDRA VARMA: It is the political will as well as the psychological attitude which are necessary for the successful implementation of legislation of this kind.

There was some reference to penalties. I shall not deal with the clauses.

at length, because you will see that there are elaborate clause, here, dealing not only with infringement of agreements and violation of agreements and conditions of work, but also obstruction etc. I shall not deal with all these clauses but I will say that care has been taken in this Bill to ensure that there is deterrent punishment for the contravention of the Act, when this Bill becomes an Act, and to ensure that the provisions are formulated in such a fashion that they will lead to the kind of deterrence which the hon. Members want in cases of this kind.

There was a reference made to repatriation by my hon. friend, Shri Purnanarayan Sinha. He is right when he says that there must be a provision for repatriation. In fact, the whole Bill is an attempt to provide a framework in which we will ensure that the workers do not have to pay, or are not defrauded, in the name of the expenses that they have to incur for his journey to the point of work or from the point of work. If my hon. friend looks at clauses 35(2)(g), 12(1)(b) and 5, and also other clauses of the Bill, he will see that there is specific mention of the question of repatriation to ensure the fare necessary for repatriation, that this is to be mentioned even in the pass book. Therefore, this has been amply taken care of in the Bill. But if any lacuna is found, the loophole will certainly be plugged. But at this point of time, a closer scrutiny of the Bill than has been possible perhaps for some people will lead them to the inevitable conclusion that there is ample reference to the problem and there is provision for repatriation.

My hon. friend, Shri Chitta Basu, who always makes a very effective contribution to any debate, said that the support of the State Governments is very essential.

SHRI P. RAJAGOPAL NAIDU: That is the point.

SHRI RAVINDRA VARMA: I am very glad that my hon. friend, Shri Naidu, also agrees with me that it is very important, very crucial, in the success of a legislation of this kind. Perhaps, it may look almost a truism if we say that in any legislation in the field of concurrent responsibility, the attitude of the State Government and the efficiency of the State administration is undoubtedly, very crucial. But I have no reason to believe that in a case like this the State Governments will not have the same anxiety, as the Central Government has, as the Members of Parliament have. May be there is some scope for improvement in the efficiency—that is there everywhere—but I will not agree with anyone who would say that the State Governments want to perpetuate this system of exploitation. I do not think any State Government wants to do so, although I must say that there are some host Governments, which have to be more alert to what goes on under their noses. And it is precisely to plug these loopholes, to make them more alert, and to arm them with power, and arm the home States with sufficient leverage so that they can operate these levers by friendly intervention from a distance, that this Bill has provided for what it has provided.

My hon. friends also referred to the international phenomenon of migration of labour. Before that, I would like to point out one aspect which was overlooked by some hon. Members, i.e., the provision in this Bill for legal aid. That is also, I am sure, a provision which hon. Members welcome, though no specific reference was made to it.

SHRI PURNANARAYAN SINHA: It was welcome, and that is why it was not mentioned.

SHRI RAVINDRA VARMA: That is always the case. What is good is often time, ignored and overlooked, what is not, is often times put under the magnifying glass. Perhaps it is not

the case with every Member; but I shall take it from what the hon. Member said, that that was his intention.

This Bill, I must agree, does not deal with international migrant labour. My hon. friends Shri Bhagat Ram, Shri R. L. P. Varma, Shri Purnanarayan Sinha and Shri A. C. George referred to the fact that this Bill does not deal with international migrant labour. Since it was mentioned, I have to refer to it. My hon. friend Shri Bhagat Ram especially referred to the problem of Indian labour in Nepal. I would like to point out one thing. Let me assure him and the House that we are as concerned as he is with the plight of Indian labour working in any country, whether it is Nepal or Saudi Arabia or Oman or Muscat or Libya or Algeria or anywhere. But we do not have any extra-territorial rights. It is not possible for us to extend the jurisdiction of our legislation to some other country. It is not, therefore, possible for this Bill to say that it will be applicable to our workers working in Nepal. I am sure this is very clear. I agree with my hon. friend's concern, and I am sure he will agree with me that this intention was not to suggest that our laws must be followed in Nepal also. That is not possible. What we can do—and here I come back to what my hon. friend Shri A. C. George said—is to ensure that while they are recruited and before they are deployed we scrutinise the conditions of employment to ensure that they are not exposed to exploitation, and to the extent that our Embassies and our diplomatic missions can help to mount vigil in foreign lands by making the necessary *démarches* to ensure the protection of our labour, we will certainly do so. But I am sure the House does not want, and we can never think of suggesting, that the law that we introduce here should be applicable to some other country. This is not possible, and therefore this cannot be the idea in his mind.

My hon. friend Shri A. C. George, referred to the question of Indians

migrating for work to other countries, especially the Middle East countries, to the theory of the sons of the soil, to the brain drain and the brawn drain or muscle drain, and to the restrictions on employment abroad, and distinguished between the problems of population and the asset of manpower. I shall not deal with all those things, because this Bill does not deal with them, and it is not the intention of the Government to deal with those problems through this Bill. They are problems which have to be dealt with in another fashion and surely, if there is need, I can assure the House that my Ministry will come before the House with proposals, if necessary, legislative proposals, or other means, to ensure that our workers do not suffer in countries where they are deployed, that our workers do not suffer any handicaps in seeking employment elsewhere.

My hon. friend, Mr. Mallanna and some others referred to compensation. Some other friends, on being prompted or otherwise, also referred to such facilities as recreation. Unfortunately, sometimes, the mike is powerful and one listens even though one is not expected to listen. My hon. friend, Mr. Chitta Basu is aware of it at least now. Some reference was made to compensation and recreation. My hon. friend Mr. Chitta Basu is aware and, perhaps, while speaking, he momentarily lost awareness of the fact that the Bill does refer to such things as the Workmen's Compensation Act, etc. I would draw his attention to Clause 21 which says:

"For the purposes of the enactments specified in the Schedule, an inter-State migrant workman shall on and from the date of his recruitment be deemed to be employed and actually worked in the establishment..."

He is entitled to the benefit of all the enactments specified in the Schedule. What is the Schedule? The Schedule talks of the Workmen's Compensation

[Shri Ravindra Varma]

Act, the Payment of Wages Act, the Industrial Disputes Act, the Employees' State Insurance Act, the Employees' Provident Funds and Miscellaneous Provisions Act and, for the benefit of my hon. friend, Mr. Chitta Basu, the Maternity Benefit Act—I say, for the benefit of his attention, not for his benefit.

AN HON. MEMBER: He can never be too sure.

SHRI RAVINDRA VARMA: In this country, we do not have so many surgical cases which would warrant such an application.

Therefore, the question that my hon. friend, Mr. Chitta Basu raised which is a very important question has not been ignored in this Bill. He was very right when he said that we must give adequate protection to women workers and that this Bill must provide for that. I am sure, he is aware that the Equal Remuneration Act is applicable in this case as well.

He has two amendments also. I do not want to refer to the amendments at this stage. The gravamen of the amendments consists of two parts, one is equality, and the other is maternity benefit. There can be no equality in maternity, I know. I said, equality and maternity. Now, as far as the second part is concerned, I am sure, he will have second thoughts now because the Maternity Act is applicable.

SHRI CHITTA BASU: What about the first part?

SHRI RAVINDRA VARMA: The first part is, I think, covered. I am not dealing with the amendments at this stage. I am only making a general response to my hon. friend's remarks.

Then, some reference was made to Clauses 28 and 29. That is about prosecution. I would like the hon.

Members to look at not only Clauses 28 and 29 which deal with prosecution but also the earlier clause to which I referred, that is, Clause 22. I suppose, it deals with the right to raise disputes. So far as the right to raise disputes is concerned, there is no inhibition. On the other hand, I have explained the provisions in the Bill about the right to raise disputes. But where it is a question of prosecution, there it is said that the officer must be involved, the inspector must be involved.

I would beg to submit for my learned friend's benefit—I am sorry I should not have used the word "benefit"—to remind my learned friend that this is not a new provision. For instance, the Contract Labour Act which is a similar Act has the same provision. There is a distinction that is made between the cognizance of an offence and prosecution, and raising of an industrial dispute. As far as the prosecution aspect is concerned, it is only that which is covered by Clauses 28 and 29, and not the Industrial Disputes Act.

Now, he referred to the question of exemption. I will say that as far as exemption is concerned, the idea behind the Clause is this. There are cases which are not on all fours with the kind of picture that we have in mind when we talk of Dadan labour. When you say, 'inter-State migrant labour' it is capable of a broad definition also. There is a definition provided in this Bill undoubtedly. But there are many cases of undertakings directly recruiting workers from another State. All of them may not be manual workers or unskilled workers. It is necessary for us, therefore to keep the entire picture in mind and that is the reason why Clause 31 makes a provision for exemption where the nature of the employment, the nature of the employer and the nature of the skills that the employee has are such that they are not on all fours with the kind of migrant labour that the Bill aims to benefit. Take

the case of a nationalised bank. The mere fact that it employs five persons or has recruited five persons from another State does not mean that the conditions of those workers are the same as the conditions referred to here. So it is for such cases where there may be a necessity to draw a distinction that this provision has been made.

I do not think that it is necessary for me at this point to take much more of the valuable time of the House. My hon. friend Mr. Kolanthaiyalu—he is not here but what he said remains here for us to deal with—referred to workers from Salem, and another hon friend referred to workers from Gorakhpur. Inasmuch as they are all workers who are recruited in the State for employment in another, they are covered by the provisions of this Bill.

Now, if it is said that much more could have been provided for in this Bill by way of amenities and all that. My answer to that will be, number one, that the amenities that have been referred to here are not an exhaustive list. The Bill empowers the Government, from time to time, to determine what kinds of amenities are to be made available. Therefore, it will be wrong on anybody's part to gather the impression that what is referred to in this Bill is an exhaustive list. But, as my hon. friend has said, there is no point in making a long list unless you are able to get them implemented. Therefore, there is a case for immediate action in essentials and understandable gradualness in things which are not so basic. That is why, the list is flexible, the list is illustrative not exhaustive, the list does not include everything. But whatever the hon. Members have said by way of criticism and by way of suggestions will certainly be borne in mind in trying to improve the Bill.

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

SHRI PURNANARAYAN SINHA: I mentioned about the Nepalese and the Bangladesh labour taking employment in India. He has not replied to that part.

SHRI RAVINDRA VERMA: They are not people recruited in one part of India for work in another part of India. As long as they work in this country they will be subject to, or they will have the benefit of, the same laws which apply to all citizens of this country who are workers.

SHRI P. RAJAGOPAL NAIDU (Chittoor): In implementation, as Mr. Chitta Basu has said, cooperation of the States is necessary. I will give one example. In Punjab, Mandi Govindgarh, there is a unit of Small Scale Industries Corporation. Under the Contract Labour Act, the employers and the contractor must register themselves, and if they do not register themselves, they will have to be prosecuted. The Punjab Small Scale Industries Corporation has a steel yard. It has not been registered; the middle-man, the contractor, has also not registered.

MR. CHAIRMAN: What is the explanation that you are asking for?

SHRI P. RAJAGOPAL NAIDU: In the field, how can the Centre implement the Act? No amenity has been provided as should have been under the Act. How to implement it?

SHRI RAVINDRA VARMA: As far as this Act is concerned. . .

SHRI P. RAJAGOPAL NAIDU: I am talking about similar Acts.

SHRI RAVINDRA VARMA: I have already answered by saying that, in any field where concurrent responsibility is there, the Acts of Parliament deal with the subject of concurrent responsibility, there is this question of dovetailing, and depending on the cooperation of the States.

Governments, each case has to be dealt with on its merits.

MR. CHAIRMAN: The question is:

"That the Bill to regulate the employment of inter-State migrant workmen and to provide for their conditions of service and for matters connected therewith, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: Now we take up Clause-by-Clause consideration.

Clause 2—(Definitions)

MR. CHAIRMAN: There is one amendment by Shri Bhagat Ram.

Are you moving?

SHRI BHAGAT RAM: I move;

Page 3, line 16,—

after "reward" insert—

"and the workers employed in Indian-aided projects in Nepal and the workers employed by Indian contractors in Nepal." (3)

MR CHAIRMAN: Now, looking to the time, it is enough, after you have moved the amendment, you do not speak on it.

Or, do you want to say something?

श्री भगत राम : इस एमेंडमेंट के द्वारा मैं चाहता हूँ कि इस कानून को नेपाल में इंडियन-एडिड प्राजेक्ट्स और हिन्दुस्तान कंट्रैक्टर्स के यहां काम करने वाले मजदूरों पर भी लागू किया जाये। नेपाल में उन प्राजेक्ट्स का स. ० प. ० डबल्यू. ० ड. ० एक्सप्लूट कर रहा है। नेपाल में यहां मे जाने के लिए पासपोर्ट का भुजकृत नहीं होता है। वहां पर हमारे जो लेबरर्स काम कर रहे हैं, वे बहुत ज्यादा एक्सप्लायटिड है। इन्टर-स्टेट माइग्रेंट वर्कर्स के बारे में यह कानून उन पर भी लागू होना चाहिए, ताकि उनके ड्यू राइट्स उनको मिल सकें।

जब उनके साथ कंटैक्ट किया गया था, तो यह कहा गया था कि हिन्दुस्तान में जितने पैसे मिलते हैं, उतने हूँ। वहां मिलेंगे। लेकिन वहां पर उन्हें उतने पैसे नहीं दिये जा रहे हैं। वहां क फीवर से स्ट्रगल हो रही है और वे लोग मांग कर रहे हैं कि हिन्दुस्तान में स. ० पी. ० डबल्यू. ० डो. ० के मजदूर को जितना पैसा मिलता है, उन्हें भी उतना ही मिले। बजाये इसके कि उन्हें उनका हाना दिया जाये, वहां पर बहुत से मजदूरों का नौकरी से निवाला दिया गया है। यहां पर कई बार यह प्रश्न उठाया गया है, लेकिन उसका गलत जवाब दिया गया है। मि. स्ट. मा. ह. ने एशोरेस द. है, लेकिन उसका हाना भी वही होगा, जो उनको स. कार की पहले की एश. में या गलत बयान की हुई है। इ. लिए मैं चाहता हूँ कि मेरी इस एमेंडमेंट को स्वीकार कर लिया जाये।

SHRI RAVINDRA VERMA: I am very sorry I cannot accept his amendment. It is not possible for us; it is not desirable for us. They are functioning somewhere else. How can our Act be applicable there? I would request the hon. Member to withdraw his amendment.

MR CHAIRMAN: Are you withdrawing it?

SHRI BHAGAT RAM: I seek leave of the House to withdraw my amendment No. 3.

MR CHAIRMAN: Has the hon. Member leave of the House to withdraw his amendment?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 3 was, by leave withdrawn

MR. CHAIRMAN: I shall put Clause 2 to the vote.

The question is:

"That Clause 2 stands part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

MR. CHAIRMAN: There are no amendments. I shall put Clauses 3 to 7 together.

The question is:

"That Clauses 3 to 7 stand part of the Bill."

The motion was adopted.

(Clauses 3 to 7 were added with Bill)

MR. CHAIRMAN: Discussion on this Bill will continue tomorrow. Now, the House stands adjourned till 10.30 a.m. tomorrow.

18.32 hrs.

The Lok Sabha then adjourned till half past Ten of the Clock on Wednesday, May 9, 1979|Vaisaka 19, 1901 (Saka).