

The teachers are losing interest in their work, and this is having adverse effect on the quality and level of teaching. A dissatisfied and hungry teacher cannot do justice to his pupils. They are on the verge of losing their patience. I request the Union Government to impress upon the authorities of the State to ensure that the teachers get their salaries in time, otherwise, the situation may take an unpleasant turn at any moment. I hope the Government will take early and immediate action in the matter.

MR. SPEAKER : We will now take up legislative work.

PROF. SAMAR GUHA (Contd.) : Sir, I have given notice of my desire to raise under rule 377 a very urgent matter, namely, in Manipal area. . .

MR. SPEAKER : You must have given it today.

PROF. SAMAR GUHA : Yes. The situation there is so bad. . .

MR. SPEAKER : Do not record.

PROF. SAMAR GUHA : ***

MR. SPEAKER : I have not seen your 377. You must have given it at 10.30 or 11 a.m. today. I have already allowed a calling attention. One particular region cannot have a monopoly. Please follow the rules. Don't think only some Members have to follow the rules, others not. I will consider it under 377 and if I think it is proper, I will allow it. Nothing is before me.

PROF. P. G. MAVALANKAR (Gandhinagar) : On a point of order under rule 376(2) proviso. We have received today in the parliamentary papers a List of Business for tomorrow also. You will see that it says: Government Business from 10.30 a.m. to 4.30 p.m. and then Private Members' Business from 4 p.m. to 6.30 p.m. I do not know whether it is a printing error or something more substantial.

MR. SPEAKER : I am told it is a printing mistake.

PROF. P. G. MAVALANKAR : So, from 10.30 a.m. to 4 p.m. Government Business; 4 p.m. to 6.30 p.m. Private Members' Business; 6.30 p.m. to 7.30 p.m. Discussion under rule 193 and from 7.30 p.m. half an hour discussion. From Yesterday we have now given up the lunch break. Yesterday Government had to bring a motion to adjourn the debate on the Constitution (Amendment) Bill. Why? Because of thin attendance. Because you

are arranging the business of the House and regulating the procedure, I want to ask you: is it fair that Members of Parliament should be asked to come here at 10.30 and make them go on till 8 or 8.30 p.m. without lunch break? My request to you, therefore, is this. You are having the Business Advisory Committee meeting today. If you cannot do anything, at least please see that the lunch hour is restored, so that there is some respite and rest, and thus we are able to obtain effectiveness in the proceedings. Otherwise, there is no purpose at all.

MR. SPEAKER : It is not a point of order.

PROF. P. G. MAVALANKAR : My point of order is this, that the business has to be so arranged that Members of Parliament can attend to it effectively and efficiently. Otherwise, what is the point in making them come at 10.30 a.m. and make them remain till 7.30 p.m. when there is no attendance? I request you with folded hands: kindly restore the lunch break at least, so that some efficiency is restored.

श्री मती सुवाल गोरे (बम्बई उत्तर) मैंने महाराष्ट्र में पावर कट के बारे में नियम 377 के अन्तर्गत नोटिस दिया है।

MR. SPEAKER : You must have given notice today. Every Member wants to give a notice with one hand and a speech with the other.

SHRI PURNANARAYANA SINHA (Tezpur) : The time has been advanced by half an hour. You must give some amount of laxity to members to bring urgent matters before the House. 10-15 minutes delay in filing a notice under Rule 377 should not matter much.

MR. SPEAKER : No question of delay. But I must see the notice before I allow it.

(Interruptions)*

MR. SPEAKER : Don't record.

12 hrs.

INTER-STATE MIGRANT WORKMEN (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) BILL—Contd.

Clause 8—(Licensing of contractors)

MR. SPEAKER : We now come to Clause 8.

SHRI CHITTA BASU (Barasat): I beg to move:

Page 5, line 35,—

after "wages" insert—

"housing and medical facilities" (16)

Page 5, line 38—

add at the end—

"and on furnishing security as may be determined" (17)

Page 5,—

omit lines 39 to 46. (18)

As regards my first amendment, sub-clause (2) of Clause 8 reads:

"Subject to the provisions of this Act, a licence under sub-section (1) may contain such conditions including, in particular, the terms and conditions of the agreement or arrangement under which the workmen will be recruited, the remuneration payable, hours of work, fixation of wages, etc."

The purpose of my amendment is that one of the conditions should be housing and medical facilities. Unless these are also included in the list of conditions, a licence should not be given to that particular establishment.

As regards my second amendment, there is a provision that in special cases the Government can demand necessary security from the establishment. But this is only when the Government deems it necessary. By my amendment, I have suggested that the furnishing of security should be compulsory. It should not be left to the licensing officer to see whether special circumstances prevail for demanding a security. My proposal is that furnishing of necessary security should be compulsory and the amount of security or the nature of security should be as may be determined from time to time.

My third amendment is consequential. If that is accepted, then the proviso does not arise. Therefore, I want omission of these lines.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND LABOUR (SHRI RAVINDRA VARMA): Mr. Speaker, Sir, in fact, my hon. friend had raised this question in the course of his speech yesterday, and I had responded in kind and dealt with the substance of his amendments in a sketchy manner yesterday. I tried to tell my hon. friend that there was no need for the amendments that he has proposed.

As far as residential accommodation is concerned, if the hon. Member has a look at Clause 16 which comes later on undoubtedly, but, nevertheless, it is a part of the Bill, he will see—I quote:

"It shall be the duty of every contractor employing inter-State migrant workmen in connection with the work of an establishment to which this Act applies...."

There is a list, and in the list (c) and (d) say:

"to provide and maintain suitable residential accommodation to such workmen during the period of their employment;

"to provide the prescribed medical facilities to the workmen, free of charge;"

So, I believe, both of these are clearly covered and, therefore, I do not think there is any need for this amendment.

As far as the other question that he has raised about security deposit is concerned, actually the term 'fees' that occurs in clause 8(2) of the Bill does include security deposit of the kind the hon. Member has referred to. I think, it is the apprehension that it is not covered that has made the hon. Member move his amendment. In view of my explanation, I will appeal to him not to press his amendment.

MR. SPEAKER: Mr. Chitta Basu, are you pressing your amendment?

SHRI CHITTA BASU: No, Sir; I am not. I would like to withdraw them.

Amendment Nos. 16 to 18 were by leave, withdrawn.

MR. SPEAKER: The question is:

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Clauses 9 to 11 were added to the Bill.

Clause 22—(Duties of contractors)

SHRI PURNANARAYANA SINHA (Tezpur): Sir I beg to move:

Page 7,—

after line 32, insert

"(g)(a) 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 such debts as the contractor or his workmen may have incurred.

(b) Notwithstanding any other provisions of this Act, any creditor who ever 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 charges on the security deposit of the contractor that may have been taken from him under section 8(2) of this Act.

(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." (27)

I have tried to explain the position yesterday. Today also I would like to say that there is no provision for this in the Bill. The hon. Minister said that it was in some other clause. But I could not find it. If the Kerala labour comes to Karnataka and stays on there, they may create ethnic and economic problems to the people of Karnataka. Similarly, people from Bihar and Orissa may come to Assam and stay on there even after completion of the work and may create economic problems to Assam. Just at the moment a hunger strike is going on by some people who were recruited by contractors from Calcutta for Bongai-gaon Refinery and Petro-Chemical work. They were left in the lurch by the contractor. These people are pressing their demand for payment of their wages and other facilities. They are on hunger strike now. Nobody is there to listen to them. So, these things are going on. After the work has been completed, when the period of licence is over, the contractor whosoever brought them from another State should arrange to repatriate them back to their State and after payment of any dues to the local people.

I would like to press this amendment. It is very well explained here. Actually this is not an amendment; this is an addition to make the Clause more clear, to make the law more perfect.

SHRI RAVINDRA VARMA: I would once again plead with my hon. friend not to press his amendment because the substance of his amendment is already there in the Clauses of the Bill. The

objective that he seeks to achieve by the amendment is already taken care of by the Clauses in the Bill. A distinction has to be made here. Any citizen may go and seek employment and find employment in another State, and then may find himself in a predicament at the conclusion of the term or the period for which he was in service. All such cases cannot obviously be covered by the Inter-State Migrant Workmen Bill because there are individual citizens who migrate to another State to seek employment, get employment and at the end of employment they sometimes stay on or they go away. This is a general matter of the mobility of the population and the right of the citizen, provided for in the Constitution, to move from one place to another and seek employment anywhere. That is, therefore, on a different footing. As far as workers who are recruited either by contractors or principals on the basis of what is provided for in this Bill are concerned, I would like to point out to the hon. Member that Clause 12 very clearly talks of the obligation to pay for repatriation. Clause 12(b) refers to the return fare payable to the workmen. Clause 12(b) (v) reads:

"the return fare payable to the workman on the expiry of the period of employment and in such contingencies as may be prescribed and in such other contingencies as may be specified in the contract of employment."

Then, again, Clause 12(c) says:

".....which shall include a declaration that all the wages and other dues payable to the workman and the fare for the return journey back to his State have been paid."

Then, I shall come to Clauses 14 and 16. There again it is made very clear that this allowance will be paid. It cannot be adjusted against some other thing which is due. It has to be utilised for the return journey.

Clause 15 says:

"A journey allowance of a sum not less than the fare from the place of residence of the inter-State migrant workman in his State to the place of work in the other State shall be payable by the contractor to the worker both for the outward and return journeys and such workman shall be entitled to payment of wages during the period of such journeys as if he were on duty."

It is clear. So, I hope, my hon. Member will not press his amendment.

SHRI PURNANARAYAN SINHA:
It is actually the responsibility of the State. And so there should be a provision for the period of such journeys.

MR. SPEAKER: You have mentioned all that. Are you pressing your amendment? You make up your mind.

SHRI PURNANARAYAN SINHA:
I beg leave of the House to withdraw my amendment No. 27.

MR. SPEAKER: Has he the leave of the House to withdraw his amendment?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 27 was, by leave, withdrawn.

MR. SPEAKER: The question is:

"That Clause 12 stand part of the Bill."

The motion was adopted.

Clause 12 was added to the Bill.

MR. SPEAKER: Clause 13. There is no amendment. I shall put it to vote.

The question is:

"That Clause 13 stand part of the Bill".

The motion was adopted.

Clause 13 was added to the Bill

Clause 14—(Displacement Allowance)

MR. SPEAKER: Now, we come to Clause 14. There are amendments by Shri Bhagat Ram. Are you moving?

SHRI BHAGAT RAM (Phillaur): I move:

"Page 8, line 6,—

omit "fifty per cent of" (4)

"Page 8, lines 6 and 7,—

for "Seventy-five" substitute "one hundred" (5)

इस अमैडमेंट में यह कहा गया है —

"There shall be paid by the contractor to every inter-State migrant workman at the time of recruitment, a displacement allowance equal to fifty per cent of the monthly wages payable to him or seventy five rupees, whichever is higher".

तो मेरा इससे मकसद है कि 50 परसेंट को डिलीट कर दिया जाये और इसकी जगह पर जहाँ 75 रुपये है, वहाँ 100 रुपये कर दिया जाये क्योंकि उनको काफी दूर जाकर काम करना पड़ता है। इसलिए डिस्प्लेसमेंट एलाउन्स कम न पड़े, ज्यादा होना चाहिये। इस लिए मैं रिक्वेस्ट करूंगा कि मेरे अमैडमेंट को माना जाय।

SHRI RAVINDRA VARMA: Mr. Speaker, I can well understand the concern of the hon. Member to ensure that the worker who is recruited in one State gets a fair deal. But Sir, it is also essential to see that the conditions that are prescribed do not provide a disincentive for recruitment and employment. This is also a factor that has to be taken into consideration. Therefore, Sir, one factor is the need to ensure a fair deal, and the other is to ensure that this does not become a disincentive for recruitment of such workers for employment outside. We have proposed that it should be fifty per cent or Rs. 75/-. If the wages are higher, obviously, it will be above Rs. 75/- Rs. 75 is the absolute minimum in any case. So, I would request the hon. Member not press his amendments.

MR. SPEAKER: Are you pressing your amendments?

SHRI BHAGAT RAM: I seek leave of the House to withdraw my amendments 4 and 5.

MR. SPEAKER: Has the hon. Member leave of the House to withdraw his amendments?

SEVERAL HON. MEMBERS: Yes.

Amendments Nos 4 and 5 were, by leave withdrawn.

MR. SPEAKER: The question is:

"That Clause 14 stand part of the Bill".

The motion was adopted.

Clause 14 was added to the Bill.

MR. SPEAKER: Now we come to Clause 15. There is no amendment. The question is:

"That Clause 15 stand part of the Bill".

The motion was adopted.

Clause 15 was added to the Bill.

Clause 16—(Other facilities.)

MR. SPEAKER: Now we come to Clause 16.

There are amendments by Shri Chitta Basu.

SHRI CHITTA BASU : Sir, there are two parts to my amendment No. 19. I only want to move part (g) of the amendment and not the part (h). I do not want to move part (h) as the hon'ble Minister yesterday explained that the Schedule provides for the application of maternity benefits Act. I move part (g) of my amendment :

"(g) to ensure equal pay for equal work irrespective of sex ;" (19)
(as modified).

My experience is that inter-State migrant workers who are women also are engaged by contractors and the same kind of work is done by the women workers also. But there is vast difference in wages. I want that the accepted principle of equal wage for equal work should also be a condition which a contractor must fulfil.

SHRI RAVINDRA VARMA : As my hon'ble friend himself has said there are two parts of his amendment. Part (h) deals with the provision for maternity benefits. As the hon'ble Member said, I explained yesterday that the Schedule provides for the application of Maternity Benefits Act and, as such, it is legitimate that he does not feel the necessity to move this part of his amendment.

As regards the part (g), Sir, yesterday I said that the Equal Remuneration Act would be applicable to this group of workers as well. If his gallantry does not permit the hon'ble Member to withdraw his amendment, I will accept his amendment 'to ensure equal pay for equal work irrespective of sex';

MR. SPEAKER : The question is :

Page 8,—

after line 32, insert—

(g) to ensure equal pay for equal work irrespective of sex," (19)
(as modified).

The motion was adopted.

MR. SPEAKER : The question is :

"That Clause 16, as amended, stand part of the Bill."

The motion was adopted

Clause 16, as amended, was added to the Bill.

Clause 17 to 21 were added to the Bill.

Clause 22—(Provisions regarding industrial disputes in relation to inter-State migrant workmen.)

SHRI CHITTA BASU : I beg to move :

Page 11, line 16,—

for "six" substitute "twelve" (20)

SHRI BHAGAT RAM : I beg to move :

Page 11, lines 11 and 12,—

Omit "after the completion of his employment" (22)

Page 11, line 31,—

Omit "after the completion of his employment" (23)

SHRI CHITTA BASU : Sir, my amendment No. 20 is very simple and, I think, the hon'ble Minister would have equal amount of sympathy to this particular amendment. The purpose of this particular proviso (A) is that a workman who was sent to another State retires to his home State can lodge a complaint within a period before the expiry of six months. I want instead of six months it should be twelve months. These inter-State migrant workers are generally coming from rural areas and they are scheduled castes, scheduled tribes and hill people. They may not be knowing the time, namely, they must approach the appropriate authority before the expiry of six months and if they cannot approach the authorities within six months then the case lapses. Therefore, in order to educate them, we need more time and that is why I have brought in this amendment of mine. This Bill relates to unorganised workmen and the most sweated labour. We have to educate the workmen properly. With this objective, I beg of the hon. Minister to accept this.....

MR. SPEAKER : We don't beg at all, we make demands !

SHRI RAVINDRA VARMA : We always say 'I beg to move', 'I beg to introduce' etc.

SHRI CHITTA BASU : They are very much unorganised. It is our duty to educate them. I hope you will agree with me, Mr. Speaker, about this. It is the duty of trade unions. It is the duty of social workers to get labour organised and to make them conscious of their rights and to make them know about this legislation. Therefore, in order to achieve that purpose, more time is needed so that this unorganised labour force may understand the implications of the legislation and become conscious of their rights. That is the whole purpose of the amendment which I have already moved.

श्री गत राम (फिल्लौर) : श्री चित्त बसु ने जो डिस्प्यूट रोज करने के लिये समय बढ़ाने की डिमांड की है उस से मैं पूरी तरह सहमत हूँ और उम का समयन करता हूँ। इसलिए मैं उम के बारे में ज्यादा कुछ नहीं कहना चाहता। लेकिन इसी क्लॉज 22 में मैंने कुछ अमेंडमेंट पेश की है—पेज 10, लाइन 46 एंड 47 में मैंने भी यही वर्ड्स हैं और पेज 11, लाइन 11 एंड 12 एंड लाइन 31 में यही वर्ड्स हैं—प्राप्टर वी कम्प्लोशन आफ हिज एम्प्लायमेंट, ये शब्द निकाल दिए जायें। मेरा कहना यह है कि अगर कोई माइग्रेन्ट वर्कर अपने होम स्टेट में जा कर डिस्प्यूट रोज करता है टेकेदार के साथ उम को बेजेज न मिलने का या और किसी तरह का तो उस में उम को यह लिख कर देना पड़ेगा कि उस ने अपना काम समाप्त कर लिया है। इस के बाद जो होम स्टेट है वह दूसरे स्टेट को उमका केस ट्रांसफर कर सकता है। इसके बारे में मैं यह कहना चाहता हूँ कि यह जो बिल है और जो इस का पर्पज है उम को यह काफी हद तक खत्म कर देता है क्योंकि बहुत से मेम्बरों ने इस बिल पर बोधते हुये बनाया है कि जो माइग्रेट वर्कर होते हैं, इन की कौसी हालत होती है कौसी इन पर धबाव होते हैं, अपने होम स्टेट में इनको कितना कम वेतन मिलना है और इनके साथ में कौसा ट्रीटमेंट किया जाता है, इनकी कोई खास यूनिशन नहीं होती है, इसलिए ये कोई खास एक्ट नहीं कर सकते हैं। मंत्री जी कह सकते हैं कि होम स्टेट में जाने से पहले भी वे यह डिस्प्यूट रोज कर सकते हैं लेकिन ऐसी हालत में डिस्प्यूट रोज करना उनके लिए बहुत मुश्किल है। इसलिए अपनी स्टेट में जा कर वह डिस्प्यूट रोज कर सकते हैं लेकिन उन पर यह कंडीशन होगी कि उन्होंने अपना काम समाप्त कर लिया है तो मैं आपको बताना चाहता हूँ कि कई बार ऐसा होता है कि जो टेकेदार हैं जो जॉब को तरह इन लोगों का खून चूसते हैं, वे लोग इन को काम करने ही नहीं देते हैं, ऐसे हालत पैदा कर देते हैं जिस से वे अपना काम पूरा नहीं कर सकते हैं। कई बार वे बीमार पड़ जाते हैं, उन को ठीक ढंग से खाना पीना नहीं मिलता, तो उनका इतना शोषण होता है कि उन को मजबूर हो कर काम छोड़ना पड़ता है। तो वहाँ पर तो वह झगड़ा नहीं कर सकते हैं क्योंकि वह दूसरा स्टेट होता है। इसलिए उन को बीच में ही कई बार काम छोड़ना पड़ता है। अगर उन पर यह कंडीशन होगी तो वह अपने स्टेट में जा कर डिस्प्यूट रोज नहीं कर सकते और उन का केस भी ट्रांसफर नहीं हो सकेगा। इसलिए मैं मिनिस्टर साहब से पुरजोर रिक्वेस्ट करना कि वह इतना अच्छा बिल लाए हैं जिसके लिये सारे हाउस के मेम्बरों ने उन को बधाई दी है। इसलिए इसमें जो सुपरोस्त रह गए हैं उनको दूर करने के लिए मंत्री जी अपनी रजामन्दी जाहिर करें। मैं रिक्वेस्ट करना कि इसमें यह शब्द

after the completion of his employment'.

जहाँ जहाँ भी हैं वहाँ में डिलीट कर देना चाहिए।

SHRI RAVINDRA VARMA : Mr. Speaker, Sir, my hon. friend, Shri Chitta Basu wants six months to be increased to 12 months. If I do not accept this amendment, it is not because of obstinacy or any superstition on the lines of cheiro's science of numerology or the sanctity of the number 'six'. But, I agree with the hon. Member that since these workers come from a section of the population which is down-trodden and exploited and often times illiterate, they do perhaps need assistance and, therefore, it may be that they take more time than some other workers belonging to some other sections will do. Even so, there is a necessity to have a balance between a long time and the kind of duration that is necessary to ensure that all the materials necessary to come to a judgement are available. If we extend the time to a year, it may well be that though more time is available, there may also be some difficulty in tracing things on the basis of which a decision has to be made. There may also be complacency and one may say : "I have got lot of time ; I can find it later." A middle course has to be found, and that is why, we have provided for six months, not because there is some sanctity for six or twelve months. If, in experience it is found that six months time is not enough, we will surely make necessary adjustments, but at the same time, it does appear to us that six months is inadequate and will lead to any situation where a worker finds that he did not have enough opportunity to marshal his evidence and file the complaint that is necessary. I hope, the hon. Member will withdraw his amendment.

Then, coming to Shri Bhagat Ram's amendments, I am genuinely afraid that there is some basic misunderstanding. As far as these words are concerned, they enable the worker even after he returns to his State to raise an industrial dispute. He returns to his State not while he is in employment, but when his employment is over. This clause and the other clauses wherever these words 'after the completion of his employment' are there, provide for an opportunity to him to raise a dispute even though he is no longer in service. If these words are not there, it may well be that he can raise the dispute while he is in employment and ask for the dispute to be entertained either in the host State, but his eligibility to raise a dispute after the completion of his employment will not be clear. Therefore, the provision in this Bill is to ensure that even though his term of service is over, and he has returned, the fact that he is no longer in service, will not in any way affect his

right to raise the dispute in his home State. It is, therefore, in the interest of the worker, and I hope, the hon. Member will not press his amendment.

SHRI CHITTA BASU : In view of the assurance given by the hon. Minister, I seek leave of the House to withdraw my amendment No. 20.

Amendment No. 20 was, by leave, withdrawn.

श्री भगत राम : अध्यक्ष महोदय मैं अपने प्रमेडमेन्ट को प्रेस करता हूँ क्योंकि ये प्राविजन्म वर्कर्स के इन्ट्रस्ट्स के खिलाफ है।

MR. SPEAKER : I will put amendments Nos 22 and 23 moved by Shri Bhagat Ram to the vote of the House.

Amendments Nos 22 and 23 were put and negatived.

MR. SPEAKER : The question is : "That clause 22 stand part of the Bill"

The motion was adopted.

Clause 22 was added to the Bill

MR. SPEAKER : In Clauses 23 and 24, there are no amendments. The question is :

"That Clauses 23 and 24 stand part of the Bill"

The motion was adopted.

Clause 23 and 24 were added to the Bill.

Clause 25.—(Contravention of provision regarding employment of inter-State migrant workmen).

MR. SPEAKER : We now come to clause 25. There are 5 amendments by Shri Bhagat Ram. Are you moving all of them Mr. Bhagat Ram ?

SHRI BHAGAT RAM : I am moving all of them. I beg to move :

Page 12, line 35,—

for "one year" substitute "three years" (7)

Page 12, line 36,—

for "or" substitute "and" (8)

Page 12, line 36,—

for "one thousand" substitute "five thousand" (9)

Page 12, line 36,—

omit "or with both" (10)

Page 12, line 38,—

for "one hundred" substitute "two hundred" (11)

कलाज 25 में यह है कि जो ठेकेदार इस विधेयक का उल्लंघन करेगा, उसके लिए एक साल की सजा रखी गई है या फिर 1,000 रुपये फाइन होगा। यह जो कलाज है, इस में यह कहा गया है :

"Whoever contravenes any provisions of this Act or of any rules thereunder regulating the employment of inter-State migrant workmen, or contravenes any condition of a licence granted under this Act shall be punishable with imprisonment for a term which may, extend to one year, or with fine which may extend to one thousand rupees, or with both, and in the case of a continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention."

इसलिए मेरा प्रमेडमेन्ट यह है :

for "one year" substitute "three years", for "or" substitute "and" for "one thousand" substitute "five thousand" and omit "or with both".

मैंने यह प्रमेडमेन्ट दी है कि यह जो सजा है, यह बहुत थोड़ी है। जितना वे शोषण करते हैं, उस के मुकाबले में एक साल की सजा या 1,000 रुपये का फाइन कुछ भी नहीं है। इस हाऊस में बहस करते हुए यह अच्छी तरह से बताया गया है कि वे लोग वर्कर्स का इतना शोषण करते हैं कि उनको इतना ज्यादा परिश्रम करने के बाद, कुछ भी नहीं देते हैं। वे सिर्फ उन के खाने-पीने मात्र के लिए ही पैसा देते हैं, जिस से वे काम करते रहे और इस तरह से लाखों रुपये वे उनका खा जाते हैं और उनका शोषण करते हैं। ऐसी हालत में उनको सिर्फ एक साल की सजा और एक हजार रुपये जुर्माना बहुत थोड़ा है। इस से ठेकेदार इस विधेयक की अवहेलना करने के लिए तैयार रहेगा। इसलिए मैंने यह प्रमेडमेन्ट दी है कि उनको कम से कम 5 साल की सजा और 5,000 रुपये जुर्माना होना चाहिए। मैं मंत्री महोदय से यह निवेदन करूंगा कि वे इस प्रमेडमेन्ट को, बिल को वर्कर्स के फेवरे में अच्छी तरह करने के लिए, मंजूर कर लें।

12.33 hrs.

[MR. DEPUTY SPEAKER in the Chair]

SHRI RAVINDRA VARMA : I understand the hon. Member's anxiety to

[Shri Ravindra Varma]

see that the clauses that provide for penalties, provide for a deterrent penalty, because all of us are very keen to see that the evils that we are legislating against, are rooted out. But it is necessary to remember 2 things : one is that the provision of a maximum penalty or punishment does not necessarily mean that it is imposed by the courts ; and the second is that in clauses 24 and 26, the penalty provided for is 2 years ; and it is in the case of clause 25 that the penalty of one year is provided. In our indignation, we may perhaps be justified in thinking that the maximum punishment that the law can impose, must be imposed but I think at the moment that the ends of justice would be met—after all the other clauses we have in this Bill to ensure that the workers are given a fair treatment that they have to be given by keeping 2 years under clauses 24 and 26, and one year in clause 25. Therefore, I would appeal to the hon. Member not to insist on his amendments.

MR. DEPUTY-SPEAKER : Mr. Bhagat Ram, are you pressing ?

SHRI BHAGAT RAM : Yes, Sir ; I am pressing.

MR. DEPUTY-SPEAKER : I now put Shri Bhagat Ram's amendments Nos. 7 to 11 to the vote of the House.

Amendments Nos. 7 to 11 were put and negatived.

MR. DEPUTY-SPEAKER : The question :

"That clause 25 stand part of the Bill."

The motion was adopted.

Clause 25 was added to the Bill.

MR. DEPUTY SPEAKER : Clause 26, Mr. Bhagat Ram, you have an amendment, but it is the same as the one which was just negatived. Are you moving it ?

SHRI BHAGAT RAM : No, Sir.

MR. DEPUTY-SPEAKER : The question is :

"That clause 26 stand part of the Bill."

The motion was adopted.

Clause 26 was added to the Bill.

Clause 27 was added to the Bill.

Clause 28—(Cognizance of offences).

SHRI CHITTA BASU : I beg to move :

Page 13, after line 21, insert—

"Provided that any individual inter-State migrant or the association or union of the inter-State migrant workmen may lodge complaint in case the inspector or authorised person refuses to lodge complaint or refuses to give consent, and the court shall take cognizance after giving the inspector or the authorised person an opportunity of being heard." (21)

SHRI BHAGAT RAM : I beg to move :

Page 13, line 18,— after "by" insert "an aggrieved worker or by a trade union" (24).

SHRI CHITTA BASU : My amendment is to clause 28 which follows clause 27 which deals with offences of the company. Of course, the Minister has sought to explain his position but I could not be convinced by the explanation he gave yesterday. Here the question is under what circumstances the court will take cognizance of the offence committed by a company. Clause 28 insists that the court shall take cognizance of any offence committed by a company only on the basis of a complaint lodged by the inspector or authorised person. That means, no court shall take cognizance of any offence which is brought to its notice by any other agency or individual. Knowing as I do the behaviour of the inspectors or authorised persons, they are more interested in serving the cause of the vested interests, namely, the company and the establishment. They are not generally in favour of protecting the interests of the workers, i.e., inter-State migrant workers in this case. Again clause 29 which follows says that this complaint should be made within a period of three months. Therefore, if any inspector or authorised person does not lodge the complaint with the appropriate court within the period of three months, the court shall not take cognizance of it and the inter-State migrant worker shall not get any relief. Therefore, I have sought to correct this position by adding a proviso, namely :

"Provided that any individual inter-State migrant or association or union of the inter-State migrant workmen may lodge complaint in case the inspector or authorised person refuses to lodge complaint or refuses to give consent, and the court shall take cognizance after giving the inspector or the authorised person an opportunity of being heard."

By my proviso, I have kept the position open that the inspector or authorised person should be always made to remember that there are organised trade unions or associations of inter-State migrant workmen who can raise this complaint before an appropriate court if they fail in their duty of lodging a complaint within the prescribed period of three months. Unless this proviso is there, my apprehension is that no company will be ever punished. No court shall ever take cognisance of any offence committed by any company, particularly big companies. Therefore, the inter-State migrant workman, if he or she has got any grievance, will go by default. So, the penal provision will only remain in the paper or statute book, because the penal provisions can be exercised only by the courts, and the courts can take cognisance only on the basis of a complaint lodged by the inspector or the authorised person. If the inspector or authorised person does not go and complain, then there is no relief under the Act and there is no punishment for the offending company.

I know that the hon. Minister has got in his heart the object of really punishing the offender. While I am not challenging the legal aspect, what happens in our country, particularly where it relates to the unauthorised sector and the working population should be borne in mind and I think the Government should take a lesson from the earlier experience and provide for this kind of safeguards so that the offenders do not go scot-free, without being punished, without being asked to give an explanation at the proper time.

With these words, I would request the hon. Minister to give careful thought to the amendment which I have suggested.

श्री जगत राम : माननीय चित्त बसु ने इस एमेंडमेंट को बहुत अच्छी तरह से एक्सप्लेन कर दिया है। मैं उनका समर्थन करता हूँ। मैं बोलना नहीं चाहता हूँ। मैं मंत्री महोदय से यही प्रार्थना करता हूँ कि वह इस एमेंडमेंट को मान लें।

SHRI RAVINDRA VARMA : Mr. Deputy-Speaker, Sir, I am fully aware of the persuasive powers of my hon. friend and I am also aware of the objective with which he has moved the amendment. I am not, however, quite sure whether he would himself repeat the sentence that he used when he said this is the core of the Bill. There may be other parts of the Bill which also qualify to be described as the core of the Bill.

As far as the penalty is concerned, the hon. Member's anxiety is two-fold ; one is to see that the passage of time does not make it difficult or impossible for action

to be taken against erring employers ; the other is to see that, for some reason or the other, those who have been charged with the responsibility of lodging complaints and taking cognisance of such.....

श्री जगत राम : क्या गवर्नमेंट में कोई चंज आ गया है? हम देख रहे हैं कि माननीय राज नारायण जी प्राइम मिनिस्टर की सीट पर बैठे हैं।

श्री राव नारायण (राय बरेली) : माननीय सदस्य को मान्य होना चाहिये कि श्रीमती इंदिरा नेहरू गांधी को हम ने ही हराया है। जो प्राइम मिनिस्टर गड़बड़ी करेगा वह हमारे द्वारा ही तो हारेगा। प्राइम मिनिस्टर की सीट वह है। यह प्राइम मिनिस्टर की सीट नहीं है। यह डिप्टी प्राइम मिनिस्टर की सीट है। पार्लियामेंटरी प्रैक्टिस क्या है इसको भी ध्याप देखें।

It is the parliamentary practice and it is the privilege of every Member to go to the Chairman, to go to you, and consult you. I am here to consult our revered friend, the Minister of Parliamentary Affairs.

पार्लियामेंटरी एफेयर्स मिनिस्टर हमें कभी समय देना नहीं चाहते हैं यह मैं देख रहा हूँ। कल गोष्ठा के मामले में हमें ध्याप बोलने दीजियेगा, वह मैं लिख कर ध्यापको दे रहा हूँ।

MR. DEPUTY-SPEAKER : Such notices are not given on the floor of the House.

SHRI RAVINDRA VARMA : I do not think that the points which my hon. friend urged are such that I should accept this amendments. For one thing, I would like to point out to him that the subsequent part of the clause does refer to six months, and not only three months where the cases involved either ignoring of, or violation of, or infringement of the orders that have been conveyed in writing by the Inspector.

Secondly, I understand my hon. friend's anxiety is to see that if, for some reason, an inspector fails or comes under some influence, there must be some manner of providing against it. Yesterday I tried to explain to him that the provisions in this Bill are bodily incorporated from the clauses that exist in the Contract Labour Regulation Act. (*Interruptions*).

May I proceed ? Of course, it is your basic right to interrupt, and the basic right of a Member to migrate to any seat that he covets.

MR. DEPUTY-SPEAKER : Sitting in the seat does not give him that position.

SHRI RAVINDRA VARMA : But this Bill deals with migrant labour.

MR. DEPUTY-SPEAKER : Not migrating to ministerial positions on the basis of sitting in a seat !

SHRI RAVINDRA VARMA : Therefore, I do want to tell my friend that this is not a new innovation. It can well be said that there is inadequacy in many pieces of legislation, and this is also a case of that kind. I shall certainly bear in mind what my friend has said in support of the amendment, and if it is found necessary to buttress the provision, I shall certainly come before the House at a later stage, but at the moment I would beg of him to allow us to proceed with this experiment as it is.

SHRI CHITTA BASU : In view of his assurance, I wish to withdraw my amendment.

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

HON. MEMBERS : Yes.

(Amendment No. 21, was, by leave, withdrawn).

SHRI BHAGAT RAM : In view of his assurance, I also wish to withdraw my amendment.

MR. DEPUTY SPEAKER : Has he the leave of the House to withdraw his amendment.

HON. MEMBERS : Yes.

(Amendment No. 24, was, by leave, withdrawn).

MR. DEPUTY-SPEAKER : The question is :

“That Clause 28 stand part of the Bill.”

The motion was adopted.

Clause 28 was added to the Bill.

Clause 29—(Limitation of prosecutions)

SHRI BHAGAT RAM : I beg to move :

Page 13, line 23,—

for “three months” substitute “six months” (25).

Page 13, line 25,—

after “of the” insert “worker or the trade union of the” (26)

SHRI PURNANARAYAN SINHA : I beg to move :

Page 13, line 23,—

after “made” insert—

“by any person aggrieved”. (28)

The point is that some provisions of this law may be violated. The inspectors may fail or may be influenced. As the inspector will be the only prosecuting authority, I want to add these four words “by any person aggrieved”. The whole Bill bogs down to giving all the powers to the inspector to look to the interests of migrant labour. My submission is that any person who is aggrieved may also be authorised to lodge a complaint with the magistrate. This is an enabling provision. I request him to accept it.

SHRI RAVINDRA VARMA : Though the words are different, the idea is the same, and therefore my arguments are the same, and my other statement about possible later amendments in the light of our experience remains the same. I would, therefore, make the same request to my hon. friend that he withdraw his amendment.

SHRI PURNANARAYAN SINHA : I warn the Minister that after six months he will have to come forward with an amendment.

Anyway, in view of his assurance, I wish to withdraw my amendment.

MR. DEPUTY-SPEAKER : Has he the leave of the House to withdraw his amendment ?

HON. MEMBERS : Yes.

(Amendment No. 28, was, by leave, withdrawn).

SHRI BHAGAT RAM : I also wish to withdraw my amendments.

MR. DEPUTY-SPEAKER : Has he the leave of the House to withdraw his amendments?

HON. MEMBERS : Yes.

(Amendments Nos. 25 and 26, were, by leave, withdrawn.)

MR. DEPUTY-SPEAKER : The question is :

“That Clause 29 stand part of the Bill”.

The motion was adopted.

Clause 29 was added to the Bill.

Bill

Clauses 30 to 36 were added to the Bill.

The Schedule was added to the Bill.

Clause 1—(*Short title, extent, commencement and application*).

SHRI BHAGAT RAM : I beg to move :

“ Page 1,—

Omit lines 10 to 15.” (2)

I want to delete the following portion :

“ Provided that if the Central Government considers it necessary or expedient so to do in the public interest, it may postpone or relax, to such extent as may be specified in such notification, the operation of all or any of the provisions of this Act in any State or States for such period not extending beyond one year from the date on which this Act comes into force.”

मैं समझता हूँ कि यह बड़ा अच्छा बिल है तो इसे एक साल तक रिलेक्शन दिया जा सकता है। सारे बिल में जो हाने संशोधन दिये गये हैं, उसमें कम से कम कुछ देर के लिये यह पोस्टपोन कर सकते हैं। इसीलिये मैंने प्रमोडमेट दिया है कि इसको डिलीट कर दिया जाये।

SHRI RAVINDRA VARMA : Mr. Deputy Speaker, Sir, I am afraid that my hon. friend has an unnecessary apprehension that this clause would lead to delay in the implementation of this Bill when it becomes an Act. That is not the purpose for which these words have been put into the Bill. But as my hon. friend knows, this Bill also would result in the withdrawal or the repealing of certain other Acts, which are in existence today, like the Orissa Dadan Labour Act, 1975. Automatically, when this Bill is passed and becomes an Act, if the Acts that exist in some States for the protection of such workers also lapse, there may be a situation where the rules necessary under this Act have not been framed and yet the Acts which exist in the States concerned lapse. To provide against this it is necessary to achieve some kind of synchronisation with what is to be done in the home State and what is to be done in the host State. It is to provide for this that these lines occur in this clause. I hope my hon. friend will not oppose and will not insist on this amendment.

SHRI BHAGAT RAM : In view of the explanation given by the Minister, I seek the leave of the House to withdraw my amendment.

MR. DEPUTY SPEAKER : Has he the leave of the House to withdraw his amendment ?

HON. MEMBERS : Yes.

Amendment No. 2 was, by leave, withdrawn.

MR. DEPUTY SPEAKER : The questions is :

“ That Clause 1 stand part of the Bill”.

The motion was adopted.

Clause 1 was added to the Bill.

The Enacting Formula and the Title were added to the Bill.

SHRI RAVINDRA VARMA I move :

“ That the Bill, as amended, be passed”.

In doing so, I would like to point out that the amendment of my hon. friend, Mr. Chitta Basu, which has been accepted as Clause (g) might have to be introduced as Clause (b) and consequential changes might have to be made. Subject to that, I move that the Bill, as amended, be passed.

MR. DEPUTY SPEAKER : The question is :

“That the Bill, as amended be passed”.

The motion was adopted.

12.55 hrs.

SALARY, ALLOWANCES AND PENSION OF MEMBERS OF PARLIAMENT (AMENDMENT) BILL

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

“ That the Bill further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954, be taken into consideration.”

This Bill has been brought forward in pursuance of a recommendation of the Joint Committee on Salaries and Allowances of Members of Parliament. Its objective is to provide for free air travel facility to an attendant while accompanying a blind member or a member who is so incapacitated as to require the assistance of an attendant.

*Moved with the recommendation of the President.