

LOK SABHA DEBATES

LOK SABHA

Wednesday, March 28, 1990/Chaitra 7,
1912 (Saka)

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

[English]

Central Legislation for Unorganised Labour

*227. PROF. P.J. KURIEN:
SHRIMATI USHA SINHA:

Will the Minister of LABOUR be pleased to state:

(a) whether Government propose to enact a central legislation for the welfare of the unorganised labour in the country; and

(b) if so, the main features thereof?

[Translation]

THE MINISTER OF LABOUR AND WELFARE (SHRI RAM VILAS PASWAN): (a) and (b). The Central Government is considering various suggestions received

by it for enacting Central Legislation for various categories of unorganised labour.

PROF. P.J. KURIEN: Will mere considering the suggestions bear any fruit?

[English]

Sir, I seek your protection.

MR. SPEAKER: I do not think you are unprotected, Prof. Kurien.

PROF. P.J. KURIEN: We are always under your protection.

Sir, I have asked for the main features of the legislation to be enacted by the Central Government for the welfare of unorganised labour. But I am sorry that those details are not given in the reply.

I hope, the hon. Minister will enlighten me on this as to what are the categories of workers he intends to include in the proposed legislation.

Secondly, what are the welfare measures he proposes to enact for this labour? Thirdly, by what time, he proposes to bring forward this legislation?

[Translation]

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, the hon. Member knows that there are various categories of unorganised labour. These include the construction labour and the agricultural labour and the problems of both are different from each other. Hence the question posed by the hon. Member is regarding the unorganised la-

bour, it is not clear whether he wants information with regard to unorganised labour as a whole or any particular category of unorganised labour. Secondly, I said that a proposal to enact a legislation to this effect is under active consideration of the Government, and that will be brought in the House itself. Therefore, I don't think it proper to say anything regarding that beforehand. I can reply to a specific question of the hon. Member.

[English]

PROF. P.J. KURIEN: The hon. Minister is evading the answer. This is the attitude of our Minister.

SHRIP.R. KUMARAMANGALAM: This is the attitude of the Government, not of the Minister.

PROF. P.J. KURIEN: The Minister is a good man. Only Government is in trouble. You are in the bad company, good man is in the bad company. The agricultural labourers are the most neglected unorganised labourers and their number is maximum perhaps of all the labourers. Government of Kerala has earlier enacted a legislation by which pension is given to these agricultural labourers. Agricultural labourers are getting pension after 65 years when they are not able to work. I would like to ask a specific question from the Government whether Government is prepared to bring forward such a legislation whereby the agricultural labourers when they are not able to work at the old age are given pension throughout the country and for that, Central Government will give assistance to the State Government.

[Translation]

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, shall I elaborate my reply or give it in one line? I seek your permission in this regard. I can reply in detail as well. Mr. Speaker, Sir, in one line, I can only say that the Government is considering it very seriously. So far as a detailed explanation is concerned, I would like to say that the Gov-

ernment has, from the very beginning, been advancing the cause of the agricultural labourers and their hardships within and outside the House. But I always insist on one thing that you can't do anything unless you lack in political will. There has been a lack of political will till now. You see that in 1971, a Central Committee on Rural and Unorganised labour had been set up. This committee appointed a sub-committee. That committee drafted a bill. It was said by their members that it was based on the Kerala Agriculture Workers Act. In 1981, a conference of the Labour Minister was convened which could not arrive at any unanimous decision. In 1982, the State Governments were informed in writing. In 1983, a discussion was held in the Cabinet that ended without any fruitful results. Then in 1986, a Parliamentary Consultative Committee was constituted that appointed a sub committee.... (*Interruptions*).... That sub committee submitted its report in 1987. In 1988, a Labour Minister's Conference was convened which summed up that there was no need of enacting a central legislation on it because the present provisions were sufficient. Then the National Commission on Rural Labour was formed. With the advent of the new Government at the Centre, a seminar on this was held on 8-9 January, which was inaugurated by the Prime Minister of India. In that seminar, it was asserted that the Government are going to enact a central legislation in this regard. A serious consideration is being given to the suggestions given in the seminar. Whether it is the case of guaranteeing employment or provident fund or any other welfare-oriented matter, the Government is considering various suggestions received in this regard.

SHRI BASUDEB ACHARIA: Mr. Speaker, Sir, lakhs of labourers are unorganised in our country. Among these unorganised labourers are the agricultural labourers, the construction labourers and beedi workers etc. and each category has its own problems different from that of the others. The agricultural labourers have different problems. Likewise, the problems faced by construction labourers are different from those working in beedi manufacturing units.

The laws regarding unorganised labourers can't solve their problems. There are different types of labourers with their different kinds of problems. There are agriculture labourers, Beedi workers, construction labour and their problems differ from one another. Is the Government going to bring forward a comprehensive bill or is it considering a proposal to enact separate laws for the solution of the different problems of different types of labourers.

SHRIRAM VILAS PASWAN: It is a fact, as has been said by the hon. Member, that different types of labourers have their own different types of problems and there are separate laws for them. Some of these Acts are Minimum Wages Act, 1948, Contract Labour (Regulation and Abolition) Act, 1970, Inter State Migrant Act, 1979, Beedi and Cigar Workers (Condition of Employment) Act, 1966, Cine Workers Welfare Cess Act, 1981, Limestone and Dolomite Mines Labour Welfare Fund Act, 1972, Iron Ore Mines, Manganese Ore Mines and chrome ore Mines Labour Welfare Fund Act, 1976, Mica Labour Welfare Fund Act, 1976. There is no dearth of laws. There are separate laws for each of them. But the most important thing is that these laws have not been implemented. For that matter, as I have already told the hon. Member that attention will be paid to this aspect of non-implementation of Acts. I am constrained to say one thing that if there has been the utmost negligence in respect of any Ministry so far, it is the Ministry of Labour which has all along been neglected. I assure the hon. Member that we will take care of the implementation of the existing laws. As regards enacting a new law for the construction labourers, I had said that we had convened a round table conference at Vigyan Bhawan and it was decided in the said conference that a board similar to that of the Central Labour Board would be constituted to look into the cases of exploitation of construction labourers. Through this Board, we are thinking of providing justice to those construction labourers who happen to lose any of their organs viz. hands, legs etc., or die while on duty without any compensation for the same. As such, as you said, there is no dearth of laws. There are separate laws

for each of them.

SHRI RAM NAIK: The hon. Minister has said that though a number of laws are there, yet these have not been implemented. It is a fact. I would like to know from the hon. Minister if the Government will constitute a parliamentary committee comprising of Members from both the Houses of Parliament to supervise the implementation aspect of each law and ensure that laws enacted by the Parliament are implemented properly.

SHRI RAM VILAS PASWAN: There is already a Parliamentary Consultative Committee. Constitution of more committees will create more confusion. Every week we hold talks with the leaders of the trade unions. Government officials also participate in these talks. As I have already said some laws are yet to be enacted. There are proposals to enact laws for the construction labourers and agricultural labourers. In this connection, I would like to make it clear that it is the responsibility of the Government to see that laws which have already been enacted, are implemented. I give this assurance on behalf of the Government that no matter if we are required to take the help of the trade unions or to discuss the matter with the Government officers or the managements, we will take necessary steps in this regard in future.

SHRI DEVENDRA PRASAD YADAV: The hon. Minister says that a Central Legislation will be enacted for this. If so, will the hon. Minister take into account the plight of those 11 lakh agricultural labourers from Bihar who have migrated to other States.

SHRI RAM VILAS PASWAN: Action is being taken to give a guarantee of employment or the Kerala type minimum guarantee. Once employment guarantee is made available, the labourers will not try to migrate to other states. They are migrating now, because they do not get employment there.

[English]

SHRI S. KRISHNA KUMAR: The Bidi workers in India are a very important section

of unorganised sector. As per the existing welfare legislation of bidi workers, some benefits are available to them. But it is confined to the workers who are working under proprietary units or under cooperative societies. A majority of bidi workers in Kerala are self-employed and they are working on a cottage industry basis in their homes. Will the Government be pleased to consider, including this category of workers also, for the availment of benefit under the existing bidi legislation? And this is possible if they are declared eligible on the basis of certificates obtained from the District Magistrate that they are genuine bidi workers and that they are self-employed.

[*Translation*]

SHRI RAM VILAS PASWAN: There are a number of laws to deal with the problems of Bidi workers. I am looking into all those laws to see as to which of them is ineffective to solve the problems of Bidi workers. If I find that the existing laws for Bidi workers are not adequate enough to solve their problems, we will definite consider this.

[*English*]

PROF. N.G. RANGA: In view of the fact that for all these decades, agricultural labour has not been able to organise themselves, not only in their own States but also when they are utilised for seasonal employment and go from State to State. A suggestion had been made—I do not know whether it has been brought to the notice of my hon. friend, the Minister—in the Special Committee that we had at the Centre on unorganised labour that there should be an honorary labour advisor in every mandal who is paid some decent enough honorarium as well as out of pocket expenses to help these people to organise themselves. In the light of that recommendation and suggestion, some Governments like the Gujarat Government and the Maharashtra Government have already appointed a number of these advisors. Will my hon. friend study about what has happened till now, in the light of those discussions of that Committee, and see that in that

direction further progress is made in order to help the agricultural labour as well as other unorganised labour, not only to organise themselves but also to press their demands before the employer from time to time and help them?

[*Translation*]

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, I have already said that the biggest problem for the agricultural labourers is that they do not get employment throughout the year. Until and unless some alternative job arrangement is made for them, they cannot compel the farmers or the landlords to pay them the minimum wages. Our Government has said that at the time of fixing remunerative prices for agricultural produce, Minimum Wages Act will also be taken into consideration. In this House we had called upon the Trade Union Leaders to organise the agriculture labourers. We have no objection to conferring some rights on agriculture labourers as are available to the members of the trade unions. Ranga Saheb, I request you to come forward with your suggestions at the time when the Legislation is introduced in the House. I will welcome your suggestions.

SHRI HARBHAJAN LAKHA: Mr. Speaker, Sir, through you, I would like to apprise the hon. Minister of Labour that in India the labourers are as good as slaves. They are sold in the markets. Rich people purchase young labourer girls from the open market; they exploit and rape them. The Government does not pay attention to it. I am a labourer myself and also the son of a labourer. No farm organisation is different from them. The labourers, whether they are construction labourers or industrial workers, are not different from one another. The industry owners exploit the women labourers working in their industries. They take signatures from labourers for a wage of Rs. 1000 but actually they are paid only Rs. 600. In case the labourers raise a demand for reasonable wages, the industry owners return them with bullets. As such, I request the hon. Minister of Labour that in 1948....

MR. SPEAKER: Hon. Member, please put your question.

SHRI HARBHAJAN LAKHA: The Ministry of Rehabilitation was formed in 1948. Today 10 crores distressed labourers who have fled the villages have been living in towns. I request that a Ministry under the title 'Rehabilitation Ministry' should be formed once again and the newly formed Ministry should create employment opportunities for these people. A lot of hue and cry has been raised about the people who are migrating from Kashmir and Punjab.

MR. SPEAKER: Hon. Member, please take your seat.

SHRI HARBHAJAN LAKHA: That is why I would like to say that.....

MR. SPEAKER: Hon. Member, please take your seat.

SHRI HARBHAJAN LAKHA: Juggies of labourers are being set ablaze and the labourers are being burnt alive. I would like to say that the Government should make an ex-gratia payment of Rs. 1 lakh to each of the labourers so killed.

MR. SPEAKER: Hon. Member, it is over. Please take your seat.

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, the Government is taking a serious note of the points made by the hon. Member. We are thinking of enacting separate legislations for both construction labourers and agricultural labourers.

SHRI MANJAY LAL: Will the hon. Minister please state about the steps the Government is going to take for the welfare of labourers engaged in hair cutting, washing, hotels and shops.

SHRI RAM VILAS PASWAN: There are separate laws for each of them

[English]

SHRI P.R. KUMARAMANGALAM: The Government which has announced in the last four months nearly 20 committees should not criticize about the earlier committee. Within four months they have done it.

Now there exists a Contract Labour Abolition and Regulation Act. It is important to realise that this Act provides only for abolition and regulation and not for regularisation. Today a contract labour cannot be regularised. You can only abolish him or you can regulate the method of having the contract labour. It is a lacuna. There has been a demand—not now but for many years—to provide for regularisation of the contract labour in the Act. The contract labour is one major fraction of unorganised labour. Is the Government going to bring a Bill to amend the law to correct this lacuna in the Act?

[Translation]

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, so far as the Contract Labourers are concerned, we fully share the concern of the hon. members that they cannot be continued as contract labourers for long. A large number of them have been regularised and many more will be regularised in the near future.

[English]

Scheme to Combat Blindness

+

*229. SHRI ANADI CHARAN DAS:
SHRI BHAJAMAN BEHERA:

Will the Minister of FOOD AND CIVIL SUPPLIES be pleased to state:

(a) whether Government have been implementing any scheme to fortify milk with vitamin-A to combat blindness; and

(b) if so, the details thereof and how such a scheme is being implemented in the rural areas where there are no dairies such