

Minister. (Interruptions) The Labour Minister will say that the Commerce Minister will do it. The Commerce Minister has gone to Manila. The Deputy Minister has left. We do not know what to do with this. I want the Commerce Minister to be here, because we want definitely a statement as to what has happened (Interruptions) . . . .

MR. SPEAKER: I think the Minister will ask his colleagues to be here.

SHRI RAGHUNATHA REDDY: These questions can be raised in the course of the debate. (Interruptions)

DR. RANEN SEN (Barasat): Let me submit one point in this connection. The point is that in many labour consultative committees—I am on the national apex body—we had demanded the presence of the representatives of Commerce Ministry, because we have been discussing the cases of jute, textile and some other industries which are under the Commerce Ministry; and the Labour Minister or the Labour Ministry cannot do anything in that regard. Therefore, this is very relevant.

SHRI RAGHUNATHA REDDY: We will send a message immediately.

SHRI S. M. BANERJEE: What will the Labour Minister do? He will simply say that this bill is very good; and so, it should be passed. (Interruptions) We want the Commerce Minister and want him to answer today as to what has happened to the decisions which the apex body had taken about taking over certain . . . (Interruptions). I want that statement. To-day is the last date.

MR. SPEAKER: Now the Deputy Minister of Commerce is here.

11.25 hrs.

INDUSTRIAL DISPUTES (AMENDMENT) BILL

THE MINISTER OF LABOUR  
(SHRI RAGHUNATHA REDDY): I beg to move:

“That the Bill further to amend the Industrial Disputes Act, 1947, as passed by Rajya Sabha, be taken into consideration.”

Sir, it is a matter of common knowledge that there has been an increase in the incidence of unjustified lay-offs, retrenchments and closures of industrial establishments in the recent past. The Government is highly concerned about it. To find a solution to this continuing Problem, the matter was placed before the National Apex Body and the State Labour Ministers' Conference. At the meeting of the National Apex Body held on the 13th August 1975, as some of the hon. Members know, that body urged that there should not be any unilateral lay-off in any unit or industry, and that the same principles should apply in respect of retrenchments and closures. Unfortunately, the sound advice of the Apex Body was not heeded by some employers, resulting in hardship to workers and setback in production.

This issue again came up at the meeting of the Apex Body held on 10th January 1976. While addressing the Members of that Body, our esteemed Prime Minister mentioned that:

“the employers have at some times taken a very narrow view in an effort for greater profits, and as quickly as possible”

While referring to lay-offs and retrenchments, the Prime Minister again mentioned that when matters could not be sorted out peacefully, “you have to be forced into doing something.” This question has also been exercising the minds of all the State Labour Ministers for quite some time. At the Labour Ministers' Conference held on 19th September, 1975 the Labour Ministers unanimously recommended additional powers for the appropriate Government to prevent lay-offs, retrenchments and closures. This they again reiterated at the subse-

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quent conference held on the 11th January, 1976. National Trade Union Organisations for quite some time past have been pressing for legislative checks to such practices.

After the promulgation of the emergency, there has been a significant fall in the mandays lost due to strikes. However, as mentioned earlier, there have been many cases of large-scale offs, particularly by big companies. Reports received from some of the State Governments show that during the period July to December 1975, the number of workers laid off were about 2,21,209 in West Bengal, 41,521 in Maharashtra, 19,895 in Uttar Pradesh, 8,199 in Gujarat, 6,803 in Kerala, 4,527 in Rajasthan and 1,275 in Delhi. Though full information from all the States are still awaited, the figures quoted above indicate the gravity of the problem. Similar instances have come to notice regarding increased number of retrenchments, particularly in the private sector industries in the States' sphere.

When higher production is the need of the hour, such cases of lay-offs, retrenchments and closures tend to indicate that perhaps a section of management is deliberately reducing production to push up prices in order to maintain the rate and level of higher profits. All the monetary and fiscal measures taken so far to combat inflation in the economy would become rather ineffective if this tendency is allowed to grow.

The Industrial Disputes Act, 1947 does not contain any provision for preventing lay-offs and retrenchments. Cases of closure of important units are all too well-known to the Members of this House. I do not intend to burden them with figures and statistics in this regard. The managerial mismanagement, diversion of funds, internal factions, sheer incompetence result in closure of factories and establishments. Managements cannot have any "divine right" to mismanage, causing disruption in

production and unemployment. This is a situation which no Government, conscious of its responsibility to the people, can watch helplessly. Though the Act provide for 60 days' notice by the employer prior to closing down an establishment employing 50 or more persons, it does not provide for any prior scrutiny of the reasons for such closure. The employers now have unfettered right to close down an establishment subject to the provision of the 60 days' notice.

You would agree with me that the climate created by the emergency should not be vitiated. Anybody who creates a bottleneck in the process of production is acting against the interests of the nation. We have to take measures for removing the feeling of demoralisation that might set in among large sections of the working class as a result of unilateral lay-offs, retrenchments and closures by the employers. With a view to preventing avoidable hardships to the employees and maintaining higher tempo of production and productivity, it has become now necessary to put some reasonable restrictions on the employees' right to lay-off, retrenchment and closure. This has to be done taking into consideration the constitutional provision.

In the Bill that is now before the House, there are provisions for obtaining prior approval of the appropriate Government in the case of lay-offs, retrenchments and closures in factories, mines and plantations employing 300 or more workers, covering approximately 66 per cent of employees in factories alone. In the interest of rehabilitation of workmen and for maintenance of supplies and services essential to the life of the community, a provision has also been made in the Bill for re-starting the undertakings which have already been closed down, otherwise than on account of unavoidable circumstances beyond the control of the employers.

With a view to making this process less cumbersome and make imple-

mentation speedier and prompt, the Bill lays down time limits within which actions are to be completed. I can assure hon. Members that prompt action will be taken by the authorities concerned in giving effect to the provisions of the Bill. For specific purposes of prior approval, the Central Government has been made the appropriate Government in respect of companies in which not less than fiftyone per cent of the paid-up shares capital is held by the Central Government and the corporations established by or under any law made by Parliament.

We have made this legislation applicable to larger establishments in factories, mines and plantations. This we have done due to the fact that the problems of lay-offs, retrenchments and closures are more pronounced in this sector of industrial establishments. Establishments employing less than 300 workmen have been excluded. It would be administratively difficult to enforce the law if its coverage is extended to innumerable small establishments. A law, however good it may look on paper, which is difficult to administer, cannot be called a good law. Moreover, we are conscious of the fact that by and large, small-scale industries behave with a greater sense of responsibility because their survival depends on production. But people who have got higher financial facilities have a longer staying power. The chain undertakings or inter-connected undertakings have greater financial capacity and hence they can bear any burden that the law may enforce.

Hon. Members will kindly agree with me that the proposals contained in the Bill are least controversial and are most beneficial for the working class. Therefore, I appeal to hon. Members to kindly pass this Bill even without a discussion in view of the largely ameliorative provisions of this Bill.

I move,

MR. SPEAKER: Motion moved:

"That the Bill further to amend the Industrial Disputes Act, 1947, as passed by Rajya Sabha, be taken into consideration."

SHRI S. M. BANERJEE (Kanpur): May I know how much time has been allotted to this Bill?

MR. SPEAKER: Two hours.

SHRI S. M. BANERJEE: That is not sufficient.

MR. SPEAKER: Then you can have maximum three hours for this and one hour for the next Bill. We will take up the discussion on cane price at about 4 O'Clock.

SHRI S. M. BANERJEE: There are a large number of instances where workers have been retrenched, and he is asking us to pass it without discussion. We want four hours.

SHRI NARSINGH NARAIN PANDEY (Gorakhpur): We should have discussion on this issue at least for four hours. It was said by the Minister of Parliamentary Affairs that it would take four hours. It is a very important issue for the whole country. If you have not got time today, then postpone it for tomorrow at 11 A.M. If you cannot give four hours for this issue, then I will request you to postpone it for tomorrow.

MR. SPEAKER: Not tomorrow. We can begin this issue of cane price at 4 P.M. Before that, let us finish both these Bills. You can spend some time more on this. Please do not postpone it till tomorrow. Otherwise, you may not get the time.

SHRI S. M. BANERJEE: As far as the issue of levy is concerned, it can come tomorrow.

MR. SPEAKER: Let us finish it.

SHR. DINEN BHATTACHARYYA (Serampore): Mr. Speaker, Sir, I am rather happy that today Mr. Raghunatha Reddy while introducing the Bill has not quoted Marx and Lenin,

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which he had quoted yesterday, and as a reaction to it, Mr. Indrajit Gupta had to say, "Do not disturb those two great men who are now resting in their graves." I think in the concluding speech, he will not bring those persons again in this House.

SHRI RAGHUNATHA REDDY: I can assure my friend that I am not going to quote today.

SHRI DINAN BHATTACHARYYA: Thank you very much. According to the assurances given by him and the statement of objects and reasons, I am sorry to say that he has belied all the expectations and the hopes that we had at least after passing the Bonus Bill, which is nothing but a 'no-Bonus' Bill or denial of the bonus to the workers, you should come forward with a bill at least which will not 'reasonably' restrict but 'effectively' restrict and bar the lay-off, retrenchment and closure. So, at the outset, I want to say that this Bill is a Bill which gives a licence to the companies to declare lay-offs and closures. There will be no effective check on them.

In spite of the assurance given by the Prime Minister, and in spite of the suggestion made by your 'show-boy,' the apex body, in which only unions which fully dited the policy of the Government of India were allowed to participate. I had the occasion to be present in a meeting in which I was invited as a representative of recognised union. This was in respect of vanaspati industry—vegetable oil. There the Minister had the audacity to say that those who did not believe in the Government's policy in toto might walk out of the meeting. I am sorry to say that I did not retort on that day for some obvious reason. Now I want to repeat that even after the meeting of the 'apex body', it is a matter of surprise, that you have made no provision for really checking the employers and seeing that there will be no lay-offs, no retrenchment

and closure. You have not provided any penal provisions also.

Now, the employers have to intimate to you before the closure or the retrenchment or the lay-off. The employers will send you a prior notice and you will make some cyclostyled copies in your Department, and your office will ditto it by saying yes, yes, the situation is such that a particular company cannot run and lay-off, retirement and even closure is necessary. So, they may close it or some workers may be laid off or there may be some retrenchment.

I would say, don't try to befool the people that you have a *bona fide* intention to check the lay-off, the retrenchment and the closure. Even in the month of August, your apex body decided that there should not be any unilateral lay-off. I have gathered it from your introductory speech and also from other reports. Have you taken any action against any employer? Have you taken any action to see that a factory which has been closed down because of mismanagement and various other nefarious tactics and manipulations of the management is re-opened? On the other hand, I would say, intentionally the employers create conditions so that their factories become junk and you go to save those employers and restart a mill or a closed factory. This is what the employers wanted. You do what the employers want. You do not take any action against any employer by going into the details and the reasons for which the factory was closed. You do not take any action against them.

I know some factories were re-opened not during this time but before that. But all those factories were closed not for giving higher bonus or higher wages but for the mal-administration and the defalcation of the money by the employers. How can I, therefore, rely on you that you have got a sincere desire to check the lay-off and the closure? You do not have it. I can assert with all the

facts that I possess that this Government is ultimately looking after the interests of big monopolists and employers and is not taking any steps to redress the hardships of the workers or to bring any improvement in our economic situation.

Then, despite the provision of lay-off compensation, the employers were laying off workers without paying compensation and the Labour Ministry was behaving like a silent spectator. All this sympathy was shown as a lip-sympathy that you want to see that the workers are not put to harassment by the employers. You never take any action against the corrupt management. The claim of the hon. Minister is that he proposes to put some reasonable restriction on the employers' right to resort to closure, retrenchment and lay-off. But this Bill does not specify what restrictions are reasonable and what steps he is going to take in that direction.

There is a penal provision that has been made here, that is, a fine to the extent of Rs. 1000 and/or imprisonment for one month. That is not what we want. If an employer, for any reason, for any action on his part, for his mismanagement or any such other action, closes the factory or there is retrenchment or lay-off, the punishment should be imprisonment.

There should not be any option of either fine or imprisonment. Which employer will not prefer retrenching or laying off thousands of workers and going to the court and paying some fine? In the Provident fund defalcation case we have seen that no court gives any punishment which amounts to imprisonment. In almost all cases, the courts only put some fine, and the employers ungrudgingly pay it. So, the claim of the Ministry that they are imposing a reasonable restriction is nothing but a stunt. That is why I say that you are giving a licence to the employers, with your grace, to resort to lay-offs and retrenchment to the extent they desire.

Is it difficult to get prior approval from the Government with the machinery that exists now? I don't think that anybody has any illusion that if Birlas, Tatas or any of big houses approach the Department, they will refuse it. I have not seen a single instance where the Government or the Labour Department stood in the way of the employers taking recourse to retrenchment, lay-offs and closures. I have not had occasion to see such an instance and I would like to know from Mr. Raghunatha Reddy if he can cite a single example where this has happened.

The Bill is applicable only to factories, mines and plantations and not to banks, LIC, Departmental undertakings and Indian Airlines and all other commercial and educational institutions. Where is the restriction on individual lock-outs as it happened in the Indian Airlines? You are so fond of quoting Marx and Lenin in this House as if you are having a 'study circle' of MPs sitting here. Where was your Marxism when Mr. Lal was riding rough-shod on the Indian Air lines employees and resorting to even individual lock-outs? How did you tolerate that? And now the same Government with the same policy is coming forward and saying that they will stop lay-offs, retrenchments and closures! This is all bagus I say.

You have put a restriction of 300. May I request the Hon. Minister at least to live with the present days? Even in the provision that is there in the Industrial Disputes Act, there is a limit of 50. Now, why are you making 300 as the limit? If you will kindly check up, you will find that there are many factories with a huge capital running with a total number of employees which hardly exceeds a hundred; and if these employers take recourse to the method of laying off and retrenchment there is no protection—even this limited protec-

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tion— of the workers and the employees. May I know why you have fixed this 300 as the limit up to which your Act will be applicable? You must reconsider the so-called reasonable restrictions that are there or which you have put now. Why not restrict your limit to 50 as there in the original Act? Most of the medium and the small scale sectors that are there and which have been closed down do not employ 300; they employ less than 300. In Howrah in West Bengal, I may say that in the small and medium engineering factories, thousands of employees have been retrenched in different factories. But even after the implementation of this Act they have no protection as per the provision that has provided here. So, I don't find any meaning in restricting your Act only up to a limit of 300. In the case of companies which are closed there is a mention only of the hardship of the employers and nothing regarding hardship of the workers. The employers can very easily get out and you have no provisions here by which you can catch hold of them and force them to reopen the factories. You can inject some money or reopen the factories with Government money but the person who is responsible for the closure of the particular factory can merrily get away and nothing will happen to him; there is provision for any action against him.

You have mentioned here that 'badli' and temporary workers will not have benefit of this measure. How is this? You, Mr. Raghunatha Reddy, know the conditions in the jute mills in West Bengal and from here it was recommended that casual, temporary and badli workers should be given some benefit. But it was denied even after the recommendation and still the same situation is existing. After coming across this provision of the Bill, these people might have been

happy that at least Mr. Raghunatha Reddy has come as their saviour. By having nothing to do with the badli workers and casual workers, thousands will suffer. In almost all the textile mills that are still running, there are badlis and temporary workers. They have been deprived of the benefits of even the limited provisions of your Act. You will be astonished to know that a worker who has been working for ten years in jute mill is still called a 'badli' because for six weeks he gets a job, for two days he is asked to sit down, and he is again re-employed. In this way, they have been working for over ten years and in some cases even for fifteen years. but they are still casual and they are still termed a badlis and they are not given any protection under this Act.

In this respect I may point out that, in West Bengal, some time back, a Bill was passed restricting the employers, or bringing a check on the employers, that they will not be permitted to close down their factories if they did not obtain the prior sanction of the Government three months in advance. To that Bill, which was sent by West Bengal, consent was not given here by the President Mr. Reddy has mentioned some figures in which he himself admits that, in West Bengal, the number of layoffs, closures, etc., is 2,21,209. It is number one in the list. There was a united movement against closures and lay-offs, as a result of which the Government, whatever its character may be, passed a legislation and sent it for the President's consent, but that was not given. I do not know why. The Minister may kindly clarify this.

Now, I will tell you that is happening in the automobile factories. In Hindustan Motors, they are manufacturing motor cars. In Premier Automobiles, also, they are manufacturing motor cars. In Hindustan Motors, during the last one year, there has been a rotational lay-off. The matter

was taken up by the West Bengal Government, and Mr. Siddhartha Shankar Ray got this company concession to the tune of Rs. 4,000 by way of reducing the sales-tax. Here from the Centre, Mr. Pai gave them concession: in the case of cars which will be sold and used as taxis, the excise duty will be reduced by Rs. 2,000. So, concession to the extent of Rs. 4,000 to Rs. 6,000 was given by Government subject to the condition that there would be no lay-off and no retrenchment. But what has happened? I have personal knowledge here; I was then the Secretary of that Union. I know no step was taken. I do not know what is the policy. The same thing happened in Premier Automobiles. Three days in a week, the workers will work and for the rest of the days they will be laid off. In these cases, no lay-off compensation is being given. Mr. Reddy may look into his own file and he will find the memorandum of the employees where they have requested the Government to see at least that the statutory rights and privileges that are there are implemented by the companies. They should force the companies to implement them. will not anything. it will not at all. But nothing has been done either by the Central Government or by the State Government. They look into the hardships of employers like Birlas and of the management of Premier Automobiles, but not of the thousands of employees who have been laid off without compensation and which is still going on.

12.00 hrs.

In the case of Indian Tobacco, I know the matter has been referred to again and again not by us, but by your allies, AITUC and nothing has been done. 1100 workers have been retrenched. They have no protection under this Government. Such is the case in respect of many factories. I do not want to go into the details, but I will say: "Do not insist on this Badli and the casual workers that you have put under the brackets in your clause;" take it out "Do not insist on the res-

triction of three hundred." This Bill will not do anything, it will not at all meet the situation. My humble request and appeal to the Government is that if you are determined, if you are sincere, bring a Bill totally banning the lay-off, lock-outs and closures. Besides, if any employer contravenes any provision of that Act, he may be put in the prison. You can put in jail the trade union leaders and workers under MISA. May I know, how many employers have been put in jail under MISA because by their own actions, misdeeds they close down the factories and laid off the workers and do not pay their dues even?

In the end, I would again repeat that this Bill is nothing but a licence given to the employers, only with the provision that the employers have to go and approach Shri Reddy's department for getting the approval. If the employer does not get the permission within two months, it will be deemed that the Government has given the permission. You know, what is the situation prevailing in the labour departments within the Centre and States. They are not at all afraid of this, otherwise Naval Tata in your apex body would not have indirectly given his consent to this sort of Bill. I would once again appeal to Government consider my suggestion and bring a Bill banning these lay-offs, lock-outs and closures.

MR SPEAKER: We will conclude the general debate on this Bill at 2.00 O'clock, when I shall call the Minister to reply.

श्री राम सिंह भाई (इंदौर) : श्रीमान  
एम बिना को मैं बहुत ध्यान से पढ़ा और पढ़ने  
के बाद मैं एम नतीजे पर पहुंचा हू कि खोटा  
पहाड़ और निकली चुहिया । बहुत अर्थों  
से रेडियो पर सुनते थे, पत्रों में पढ़ते थे कि  
ऐसा कानून बनाया जा रहा है जिस को ले  
कर ताला बन्दी, छटनी आदि के ऊपर बंदिश  
लगायी जायगी । सभाओं में कितनी दफा  
हमारे प्रधान मंत्री जी ने कहा है और बड़ी  
चिन्तित हुई है कि कि इन बातों को जल्दी

[ श्री राम सिंह भाई ]

बद किया जाना चाहिए क्यों कि आज जो हमारा अभियान है वह उत्पादन बढ़ाना है और अधिक से अधिक लोगों को काम देने का है। लेकिन नै आफ, लाक आउट और रिट्रैक्टमेंट या तीनों ही ऐसे हैं कि जिस से उत्पादन को नुकसान होता है और रोजगार को भी नुकसान होता है। माननीय मंत्री जी ने इस विषय में शायद अध्ययन नहीं किया है और उन के सामने जो फिगर्स अधिकारियों ने दी हैं उन्हीं के आधार पर यह बिन यहा रखा है। आप ने कानून बनाये हैं, पहले कानून बना कर जो रखा है उन्हें क्यों भूल जाते हैं। यह इंडस्ट्रियल डिस्प्यूट एक्ट 1947 का है। यह सारा ही एक्ट ऐसा है जिस को फिर से रिवाइज किया जाना चाहिये, और आप ही बारबार कह चुके हैं कि इंडस्ट्रियल रिलेशन्स ऐक्ट हम तैयार कर रहे हैं, सब जगह उस को भेजा गया है। लेकिन पता ही नहीं चला कि वह कहा गया। शायद गर्भ में ही गायब हो गया। आप यह बिल लाये हैं तो आफ लाक आउट और रिट्रैक्टमेंट को रोकते लिये। लेकिन यह रूढ़िवादी है? इस में आप न एक बात रखी है कि जो जो एम्प्लायर ले आफ, लाक आउट, रिट्रैक्टमेंट करना चाहे उन्हें शासन को तीन महीने पहले सूचना देनी होगी। मैं कहता हूँ कि सूचना से काम चलने वाला नहीं है। और अगर सूचना नहीं दी तो आप फाइन करोगे। जेल की मजा तो उन को हानी नहीं है। उन्होंने तो यह व्यवस्था तक कर रखी है कि हथकड़ी मैनैजर रख रखे हैं और हथकड़ी एग्जीक्यूटिव डायरेक्टर रख रखे हैं। मालिक जेल जाने वाला नहीं है, बल्कि हथकड़ी मैनैजर को भेज देंगे और उस के घर पर बारबार तनखवाह पहुंचती रहेगी।

इंडस्ट्रियल डिस्प्यूट एक्ट में आप ने 1953 में संशोधन किया कि नै आफ का कानून बहा लागू होगा जहा 50 या उस से अधिक श्रमिक काम करते होंगे। लेकिन अब जो आप अमेंड

मेंट लाये हैं उस में आप ने 300 की संख्या क्यों कर दी? आप ने जो भूल रखा है उस से कितनी गुना संख्या बढ़ा दी है आज टोटल श्रमिक जो काम करते हैं उन में से 60 परसेंट अब इस कानून के अंदर से निकल जायेंगे। यह क्या है? हमारी आत्मा को काफी दुख होता है क्योंकि हम मजदूरों में काम करते हैं और जो घटनाएँ घटती हैं उस के बारे में मंत्री जी को लिख भेजना है, पर उस का कोई जवाब नहीं मिलता है। और वही इस एक्ट का होगा कि 3 महीने के अन्दर सरकार का जवाब नहीं आया तो यह माना जायगा कि जो एम्प्लायर न लिख भेजा है वह स्वीकृत है। सरकार की तो आदत पड़ गई है जवाब न देने की, आप का ही हमें जवाब नहीं मिलता है। और एक कारखानेदार ने चाहा कि लाक आउट करना है, रिट्रैक्टमेंट करना है और सरकार ने उस को जवाब नहीं दिया तो यह माना जायगा कि एम्प्लायर की बात मान ली गई। इस पर आप को विचार करना होगा, क्यों कि आजकल जो इमरजेंसी है वह इन कारखानेदारों 'विषय ही है, मजदूरों के लिए नहीं है। मैं प्रिंक्टिकल बात कह रहा हूँ क्योंकि मैं तो मिलों में मजदूरों के बीच में रहता हूँ, उन 4 साथ खाना खाता हूँ, और वही काम करता हूँ। मैं मजदूर का सेवक हूँ। बोनस बिल में जो मजदूरों के और देश हित की बात थी उस को मैंने बराबर सपोर्ट किया है, या शायद उतना किसी ने आप को सपोर्ट नहीं किया। लेकिन यह भी मैं एक राष्ट्र हित की बात कर रहा हूँ, आप इस को देखें और विचार करें। आपने बोनस में 20 से 10 कर दिया, यानी 10 आदमी जहा काम करते होंगे वहा वह लागू होगा आप हर जगह संख्या घटाने जा रहे हैं लेकिन बेकारों की फौज क्यों बढ़ा रहे हैं। आप कारखाने बद करने के लिए क्यों संख्या बढ़ा रहे हैं, रिट्रैक्टमेंट करने के लिए क्यों संख्या बढ़ा रहे हैं। आपका कहना चाहिए जहाँ एक भी आदमी होगा, उसको अगर काम करना होगा



तो उसके लिए भी गवर्नमेंट से स्वीकृत लेनी पड़ेगी और गवर्नमेंट देखेगी कि राष्ट्रीय हितों को नुकसान तो नहीं पहुंच रहा है। इसलिए यह बड़े दुख की बात है।

दूसरी बात यह है कि यह जो सारी फिजा बनी है वह इमर्जेंसी को लेकर बनी है तो आपको यह कानून 26 जून, 1975 से लागू करना चाहिये। पीछे से ही देखें कि उन्होंने क्या किया है। उसकी जांच करनी चाहिए इमर्जेंसी में जिस तरह प्रबंधको ने गलत ढंग से फायदा उठाया है आज मजदूरों के प्रायु पॉछने वाला कोई नहीं है, उनकी बात सुनने वाला नहीं है। तो आप इसपर विचार कीजिए कि कम से कम जो आपने ले-ग्राफ का अमेंडमेंट सन 1953 में किया उसको कायम रखिए। 50 से 300 की संख्या आप क्यों कर रहे हैं। दूसरी बात यह है कि इसमें आपने बदली वाले, के जूअल बर्कर को बिल्कुल निकाल दिया है यह क्यों? उस कानून में आपने लिया है कि साल में जिसकी 240 दिन की हाजिरी होगी वह कन्टिन्यूअस सविस मानी जायेगी। खानों में 190 दिन की हाजिरी मानी जायेगी। महिलायें जो काम करती हैं उनकी 90 दिन की हाजिरी होगी। मिल कारखानों में 195 दिन जो महिलायें काम करेगी उनको ले ग्राफ का फायदा मिलेगा। यहां आपने एकदम से उन्हें वसूटकर निकाल दिया है। परमानेंट पोस्ट पर लगभग दस परसेंट बदली वाले वर्षों से काम कर रहे हैं। यह बदली वाले जो हैं, उनको बदली का नाम दिया है काम परमानेंट का करते हैं और उनको परमानेंट नहीं किया है उसका कारण यह है कि उनकी तरफ से कोई बोलने वाला नहीं है और आप इस तरह की धारणा रख रहे हैं जिनका लाभ परमानेंट लोगों को ही मिलता है, बदली वालों को नहीं मिलता है और जो एम्प्लायर्स हैं वह इसका लाभ उठाते हैं। इन सारी बातों पर विचार होना चाहिए।

बड़ी मजे की बात है कि रिट्रेचमेंट का जो बड़ा इम्पार्टेंट सबाल है उसपर कई लेबर कान्फेंस में विचार हुआ है। आधुनिक मशीनें आ रही हैं तो वर्कलोड बढ़ेगा इसमें कोई शक नहीं है। आपको मैं बता सकता हूँ प्राय. में 25 वर्ष पहले जहां 5 हजार आदमी काम करते थे वहां 4 हजार काम कर रहे हैं। आधुनिक मशीनें होगी तो वकिंग कंडीशन के आधार पर वर्कलोड होगा और उसके आधार पर वेतन भी होगा इसमें कोई सदेह नहीं है। चूकि इन्डस्ट्रीज कांपिटिशन में उत्तर रही है, एक्सपोर्ट करना चाहते हैं, दूसरे देशों का सामना करना चाहते हैं तो पर व्यक्त प्रोडक्शन भी उसी आधार पर हो। आधुनिक मशीनें भी डालनी हैं लेकिन इस बात पर खयाल किया जाये कि रिट्रेचमेंट का तरीका क्या हो। सारे नियम बनाते हुए आपने एक नियम यह रख दिया कि समझौते के अनुसार धरग रिट्रेचमेंट होता है तो नोटिस देने की जरूरत नहीं है। उसी वक्त थ्रिक फाटक के बाहर कर दिया जायेगा। मेरे मित्र इस मामले में मेरी मदद करेंगे आज तो यह हो गया है कि जो यूनियन सरकार और मिल मालिकों की कृपा से जबरदस्त बनी होगी वही मान्यता-प्राप्त होगी और उन का यह काम हो गया है कि दूसरी यूनियनों और आर्गनाइजेशंस के जो लोग हैं, जो खास खास काम करने वाले हैं उनका रिट्रेचमेंट कैसे हो। उन्ही का नाम वे पहले रिट्रेचमेंट के लिये देते हैं कि इनका रिट्रेचमेंट हो। मैंने जीवन भर यही संगठन का काम किया है लेकिन ऐसे लेबर लीडर नहीं देखे जो इस जमाने में देख रहा हूँ। वे फायदा उठाते हैं गवर्नमेंट से और काम करते हैं एम्प्लायर्स का। आजकल से न आर्गनाइजेशन के बहुत कम लेबर लीडर होंगे जो हवाईजहाज से न चलते हों। हमारे यहां इन्डोर में एक समझौता किया गया रिट्रेचमेंट का, मैं ने मंत्री जी को लिखा, चीफ मिनिस्टर को लिखा, कोई बाकी नहीं है लेकिन कोई जवाब नहीं दे रहे हैं। क्या रिट्रेचमेंट ऐसे होता है?

## [श्री राम सिंह भाई]

प्रधान मंत्री जी बार बार कहती हैं और आप उनकी भाषा बोल रहे हैं लेकिन 22 अक्टूबर, 1975 को नेशनल एपेक्स बाडी के एक सदस्य, मान्यता-प्राप्त संगठन के प्रसीडेंट एम्प्लायर के साथ समझौता करते हैं कि 22 अक्टूबर से इस कारखाने के अंदर चार लून्स चलाने, चार साइड्स चलनी। मैं उसमें सहयोग देने के लिए तैयार हूँ अगर उसमें कोई बेकार नहीं होता है। जिस रोज 22 अक्टूबर को उसका प्रमल होने वाला था, मैं आपकी सेक्टर एडवाइजरी कमेटी की मीटिंग में दिल्ली में था। उन्होंने मौका देख लिया कि रामसिंह नहीं है, 21 तारीख की रात को घर के अंदर से मोते हुए 15-20 श्रमिकों को मोमा के अन्तर्गत पकड़ते हैं। उनका कभूर यह है कि वे वहाँ पर काम करते हैं और मजदूरों को कोई दिक्कत होती है तो मनेजमेंट से जाकर कहने हैं।

**श्री इन्द्रजीत गुप्त (अलीपुर) :** कौन सी मिल है।

**श्री राम सिंह भाई :** नन्दलाल भंडारी, इन्दौर। वह एंटक के हैं, इंटक के नहीं। तो उनको मोमा के अन्दर बन्द कर देते हैं और फिर 22 तारीख को सुबह 6 बजे 144 लगते हैं। लाउडस्पीकर ने ऐलान किया जाता है। मिल एरिया में पुंलिम का इन्तजाम होता है। मशीनों के ऊपर, डिपार्टमेंट के भीतर पुलिस का इंतजाम होता है। चार सौ मजदूरों को उसी वक्त पुलिस के द्वारा फाटक के बाहर निकाल कर बाहर किया इतना ही नहीं, कुछ श्रमिकों ने जब यह कहा कि यह क्या हो रहा है, इंडस्ट्रियल रिलेशन्स एक्ट के अन्तर्गत, यदि कोई भी परिवर्तन करना होता है तो उसकी नोटिस लगाई जाती है—यह बात कानून में है। मजदूरों के काम में कोई परिवर्तन करना हो तो नोटिस लगाई जानी चाहिए। चार लून्स चलाये जायेंगे इसका हमें पता भी नहीं है,

किन्तु उन्हें भी, गिरफ्तार कर मीसा में बंद कर दिया जाता है। उसी रोज 22 तारीख को मुझे ट्रंक काल मिला। 23 तारीख को मैं इन्दौर पहुँचा। मैं भी सभी से बातचीत की। सेक्टर कमिश्नर से मिला, एस पी से मिला, कलक्टर से मिला लेकिन किसी के पास कोई जवाब नहीं। जिस रोज एग्जीमेंट होता है उसी रोज से जो एग्जीमेंट करने वाले यूनियन के पदाधिकारी ये वे फरार हो गये, उनका कोई पता नहीं चला। फिर यह कहा जाता है कि लाभ की पोस्ट पर किसको रखा जायेगा यूनियन वालों ने नाम दिया कि इनको रखा जायेगा। चार सौ श्रमिक फाटक बाहर किए गए तो उनमें क्या देखते है कि रिटायरमेंट की उम्र जो 58 साल है उसके लिए दूढ़ दूढ़ कर देखा जाता है श्रीर रिट्रेचमेंट का कोई कम्पेन्सेशन नहीं दिया गया। यह सब क्या हो रहा है? हमारी पार्टी की नीति के विपरीत, सेक्टर मिनिस्टर की मंशा के विपरीत, पार्टी के एक एक सदस्य की मंशा के विपरीत हो रहा है लेकिन जिनको आपने आस्मान में बिठा दिया है, एपेक्स बाडी में बिठाल रखा है वे वहाँ बैठते है मजदूरों के प्रतिनिधि बनकर और काम करते है टाटा बिड़ला का। शोषण-कारों का पक्ष लेते है। 18 अक्टूबर को एपेक्स बाडी तय करती है कि सैवेन डेज बकिंग होगा उन कारखानों में जो वर्क्स में तीन शिफ्ट काम कर रहे है, जिन में तीन शिफ्टों में बकिंग हो रहा है, परमानेंट तौर से सात दिन काम करने के लिए जो श्रमिक रखे जाएंगे उनकी नई रिक्लूटमेंट होगी, नए लोगों को काम मिलेगा—

**डा० रानेन सेन (बारसाट) :** यह आई एन टी यू सी का निर्णय है।

**श्री राम सिंह भाई :** पेपर में पढ़ा है तब बोल रहा हूँ।

**श्री इन्द्रजीत गुप्त :** मैजोरिटी की राय थी।

श्री राम सिंह भाई : यहाँ भी तो मेजीरिटी ले जाय तय करते हैं। डाक्टर साहब मुझे समझाएँ कि क्या यह एपेक्स बाडी का निर्णय नहीं है। मैं उनका बहुत सी बातों में समर्थन करता हूँ मैं मंत्री महोदय के सामने फोवटस रख रहा हूँ और उनकी मदद कर रहा हूँ ताकि वह जो बिल लाए है उस में चेंज करे। मैंने संशोधन भी दिया है—

अध्यक्ष महोदय : उस पर बाद में जाएंगे।

श्री राम सिंह भाई : 18 अक्टूबर को यह निर्णय लिया जाता है और 8 दिसम्बर को वे रात दिन मिल चलते हैं, सेवेन डेज वर्क शुरू करते हैं लेकिन एक भी नया आदमी नहीं रखते है और एक शिफ्ट के आदमी तीन तीन शिफ्टों में काम कर रहे है और उनको रोकड़ी पैशा दिया जाता है। मैंने लिख कर दिया है लेकिन कोई जवाब नहीं है। अक्टूबर में लिखा था। जब हम तर्फ के फेस्टिव आपके सामने है तो यह डिस्ट्रिक्टमेंट, यह ले आफ, यह लाक आऊट आदि को कैसे रोका जाएगा। आपको विचार करना होगा जब बार बार प्रधान मंत्री जो ने घोषणाएँ की है, बार बार वादे किए हैं और निन को आप दोहराते रहे है उनका जो मंशा है वह पूरी हो। आपातकाल के नाम पर एम्प्लायर हर जो हम तरह के फायदे उठा रहे है। हमको रोका जाए। बिल में मैंने कुछ भी इस तरह की बातों के बारे में नहीं देखा है। ठीक है आगने तीन महीने का बात कही है। उस पर भी किस तरह से अमल होना है यह अनुभव बताएगा।

इन शब्दों के साथ मैं इसका समर्थन करना हूँ।

DR. RANEN SEN (Barasat): Sir, I support this Bill though it is a belated one and it does not meet fully the

situation. I say this because the hon. Minister has stated that the labour side in the National Apex Body had demanded some such legislation.

But, Sir, as far as I remember, the trade union representatives on the National Apex Body had demanded statutory measures banning lay-off, closure and retrenchment. Here, in this Bill, I do not find any such banning. That is why I say that this does not fully meet the requirements of the situation. But, still, something is better than nothing and, at least, a strong trade union movement will be there to see that some of the provisions in the legislation are implemented. Government has got to do something in this regard. What are the situations for the last two years and, particularly, for the last one year? The employers were twisting the necks not only of the working class but also forcing the Government to get more concessions all along—concessions in regard to excise duty, concessions in regard to export duty, concessions in regard to import duty and concessions in regard to prices. As they went on reducing the production, an artificial scarcity was created in the country and the prices thereby soared up and even now, the prices are soaring up at a very high level.

In the name of national production, Government are appeasing the employers all along the line, despite the brave words of the CPI(M). Therefore, this production for profit has created a havoc in the life of the working class. After the promulgation of the emergency, there was little difference in the situation in regard to the last two years, particularly the last one year, he himself has given an account of what has happened. What is the position today in regard to lay-off, closure, retrenchment and all these things. He himself has admitted, and it is known to the Government how the employers take to fraudulent measures, cheat each other, cheat the shareholders, cheat the Government and then bring the whole concern into

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liquidation, close down or lay off or retrench workers as they like. The Minister knows this. The thing they have started is still continuing.

In Calcutta, the National Tobacco Company employs 2,400 workers. Out of this number, 1180 were served with dismissal notice—retrenched. So 50 per cent of the workers were retrenched with immediate effect. This is known to the Government. Then as to what the Kanpur employers are doing, Shri S. M. Banerjee will speak about it. There the Laxmirattan Cotton Mills and the Anhernton West Mills have been closed for months together. The MPs from that area, Shri S. M. Banerjee and Shri Sarjoo Pandey, made representations to everybody including the Prime Minister. But nothing has happened. The whole story will be narrated by him. It is a sordid story how the employers defied the Government, flouted the decisions of the National Apex Body and of the State Government. Yet they were left scot-free.

Then the Jaipur Udyog, Kanpur Jute, Plywood Factory, all owned by Alok Jain have remained closed for days and months. Not only lay-off and closure, but retrenchment on a big scale goes on even today after 8 months of the promulgation of the Emergency. The story of the Kharda Jute Mills is known to the Minister. Ultimately the Commerce Ministry was forced to try to do something in regard to the Kharda Jute Mills. Because the employees of Anderson Wright the company which is managing the Kharda Jute Mills, gave evidence before the Commerce Ministry in regard to fraudulent practices resorted to by the employers, they are being charge-sheeted by that particular company which was doing business on behalf of the Kharda Jute Mills. It is a clear case of victimisation.

I have a whole list of names given to the government by the I.N.T.U.C., AITUC and Hind Mazdoor Sabha of those cases of lay-off, closure, retrenchment, etc. The biggest number is in

the engineering industry and that too in West Bengal. Next comes Maharashtra, then U.P. and so on. Engineering, jute, textiles—every industry is involved. There is not a single industry which is not involved during the last two years, particularly last year and even after 26th June when emergency was promulgated.

Another feature is, the employers not only close down the factory but also refuse to pay the wages. It happened in Kanpur. It happened in Bengal Potteries. I have a letter written by the employees that since July 1975 till December 1975 they were not getting their wages. I do not know the position in January and February, 1976. This is done in some places. The government has been sitting silent and powerless, the officials discussing it among themselves. Nothing was done in this regard.

In the last meeting of the National Apex Body where the Prime Minister addressed the gathering, excepting one or two, most of the State Ministers wanted some strong measures to be taken against the recalcitrant employers. Though I support this Bill, I must say that sufficient measures have not been taken under this. There are many serious shortcomings. For example, in the meeting on 18th August, 1975, the National Apex Body decided that there shall not be any unilateral layoff in any industry or unit and that any proposal for lay-off should first be discussed at plant level. It was a unanimous decision and the employers also agreed to this. But nowhere has this decision been implemented. Therefore, the trade union side in the National Apex Body made a recommendation before the minister at that meeting that strong measures should be taken banning these lay-offs, closures, retrenchments, etc. It is not correct to say, as Shri Ramsingh Bhai said, that the apex body unanimously decided....

श्री राम सिंह भाई : युनेनिवसकी नहीं कहा है ।

DR. RANEN SEN: The National Apex Body did not take any decision in regard to the running of factories and mills for 7 days a week. Mr Stephen who has present at that meeting will bear me out. Certain trade union organisations had taken that position but the AITUC was opposed to that. It was clearly recorded also. It has been the practice of the National Apex Body that whatever is not decided unanimously is not considered as a decision of the body. One must be fair to every side.

I was saying, there are very serious shortcomings in this Bill. To begin with, it shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. This is a beautifully vague word. I definitely hold this opinion that this Bill should have retrospective effect at least from 26th of June, 1975, otherwise this Bill have no effect. There are some good provisions but those provisions will not matter much.

Secondly, it will be applicable to those industrial establishments which employ 300 workers. I do not understand what was the occasion for the Minister to reside from the particular provision 25A of Industrial Disputes Act. It should have been kept at 50 because the Minister knows that very large number of units employing upto 50 workers have been closed down under various pretext. Therefore, there is no reason why it should not cover establishments which employ 50 workers.

You have taken badly or casual workers out of the purview of this Bill. In fact, Mr. Reddy knows that he himself has made certain recommendations in regard to badli workers in Jute but they were rejected by the employers. To exclude badli workers is really a very bad thing.

In this Bill, nowhere the trade unions have been given any importance. State Governments have been

made supreme. They will decide whether a particular unit is seasonal or not. Trade unions have nothing to do here. The permission of refusal depends upon the sweet will of the Government. Nowhere trade unions come in the picture. Even there is no consultation with the trade unions. It is taken for granted. Nothing is taken for granted unless the trade unions are taken into account. If the State Governments agree, that is all right, if they do not agree, that is also all right but if they do not express their opinion within two months, then it is taken as agreed. I do not understand this logic. If the State Government is callous, if certain officials of the State Government are in league with the employers, they will simply sit over the application made by the unit and the employer will merrily take it as agreed. Therefore, this is another big lacuna in the Bill. I do not know whether the Minister will think over this or not but these things have very serious implications. I say that when there are penal measures for the employers, why not those penal measures for the State Governments or officials of the State Governments who sit callously on these applications for permission by the employers. Leaving everything on the State Governments is not good. The State Governments may scuttle the whole thing and Mr. Reddy knows that at least two or three States are like that.

I do not want to name them. Lastly about the penal measures. In regard to penal measures, I always find that the Government is suffering from a soft corner for the employers; it is so in regard to the bills wherever there is a question of punishment. It says here, Imprisonment for a certain period of a fine which may extend to something. This is known to everybody. The Minister knows it very well. As far as I remember in the joint select committee on plantation labour, he had accepted our suggestion (*Interruptions*). Otherwise, paying Rs. 1,000 is nothing to the employer. In regard to punishment, if you simply say that

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it might extend up to one month, there are judges and magistrates—whose number is quite big—who will award TRC, i.e., till the rising of the court. It has been our experience in regard to plantation labour. These things have to be tightened. On many of the points we have given some amendments. I hope the Minister has gone through them. I do not know his reaction. If this bill is properly tightened then it will be of enormous help. Otherwise, the employer will utilize the presence of these loopholes and wring out of the situation; and the situation will not improve much. However, as I had said, there are certain provisions here, for which reason I support the bill.

SHRI C. M. STEPHEN (Muvattupuzha): I am really happy that we are discussing this bill, which has been brought forward by the Government. At the meeting of the apex body to which the Labour Minister had referred, the Prime Minister listened to an unanimous request made by every section of labour, for legislative steps to get the recommendations of the apex body implemented. And the recommendations of the apex body were not meant for banning lay-offs, retrenchment etc. The recommendations said that they should not be unilateral i.e., to say, there must be bilateral discussions; and if they fail, the matter will go up before the Government; and unless their sanction is obtained, it should not be done. There should not be any loopholes. That was the recommendation of the apex body. But this recommendation did not click as far as quite a number of industrial establishments are concerned; the labour section and—if my memory is correct—a number of Ministers from the different States made an appeal that legislative steps to taken. I presume that it is in accordance with the request made in the apex body, in the presence of the Prime Minister, that a bill of this type has been framed and brought before this House. This is a measure which comes in, in

order to fill up many of the loopholes which were there in the former Act. Not that this is completely perfect; not that we have got everything which we, left to ourselves, might wish to have. But to say this is not to minimize the importance of the measure before us. This, if I may be permitted to say so, is a land mark in the history of the progress of labour through legislative process. We had Industrial Disputes Act before us earlier which said lay-off was permitted, retrenchment was permitted, subject to some conditions. But if anybody violated any of these, all the penalty that was provided for was "whoever contravenes any of the provisions of this Act or any rule made thereunder shall be punishable with fine, which may extend to Rs. 100". All these provisions under Chapter VA came under this general provision only. Now new provisions have been brought about, very momentous provisions if I may be permitted to say so, which say that no lay-off, retrenchment or closure shall be permitted, except with the prior approval of the Government. It is further provided that if it is violated, the workers should be presumed to be continuing in service and that they will be entitled to all the amenities and wages to which they were entitled, if they were in service. That is the real heart of the matter. We never had any such provision in the Industrial Disputes Act earlier. There we had only pious wishes. Section 5A contained some pious wishes, nothing more than that. If the provision about retrenchment was violated, if the provision about closure or lay-off was violated, we had absolutely no remedy. It was not presumed that he was continuing in service and he had no right to get wages as though he was in service. This is the major lacuna which we have now filled up.

SHRI RAGHUNATHA REDDY: It is like a declaration by law.

SHRI C. M. STEPHEN: What I am saying is that by legislative process a weapon has come in the armoury of the labour in its battle against *malafide* lay-off, retrenchment or closure.

It is good that penal provisions have been made. I do agree with Dr. Ranen Sen when he says that it is not harsh enough. The courts being what they are—we know what they are—they will lean, as they always have been doing, on the side of the haves, and not on the side of the have-nots. We know what it will ultimately result in. Therefore, Government could certainly have thought of bringing in penal clauses which combine imprisonment with fine. That has not been done. To that extent, I agree with the opposition. But I am emphasising that to the extent it has gone, it is a momentous departure from the old framework of the Industrial Disputes Act, specially section 25A.

This is a benefit which has come to the workers under the emergency. This is not a temporary measure; this has become part and parcel of the Industrial Disputes Act. The emergency may go, but this Chapter V will remain, unless Parliament repeals it by another enactment. This is a permanent feature, which has come in, and that is an advancement that has been made upon the earlier enactment.

Now, with respect to retrenchment and lay-off, the earlier provision had stated that you must have put in one year's continuous service. The present Act does not put in that condition at all. The present Act says that if you are in service, then the question of continuous service does not arise, as far as lay-off is concerned. That is a further advancement from the former Act.

The question of *badli* was mentioned. Certainly, it would have been better if the question of *badli* had been taken away from 5A; but it remains in 5A, with respect to lay-off and retrenchment. The question of retrenchment does not arise, so far as casual labour is concerned. The only question which can arise is with respect to lay-off. May be the *Badli* provision is being misused, but the question is whether a casual worker has

got a claim for permanent employment. If there is no work, it is the casual labour who is told "you have no work". That is the basic question which we will have to deal with when we discuss Chapter VA, and not chapter VB.

Chapter VB takes out from the ambit of Chapter VA establishments which employ more than 300 workers and gives a different treatment to them. The administrative reason given by the Minister for this was not very convincing. Conceding the argument of the hon. Minister would mean that this country is replete with lay-offs, retrenchments and closures on such a colossal scale that the administrative machinery would not be able to grapple with it. I do not think that that is the case.

SHRI RAGHUNATHA REDDY: Your State may be very lucky, not so the others.

SHRI C. M. STEPHEN. I can understand that we have to go by stages. Therefore, when these rigorous measures are imposed, you deal with only a particular class of employers. It is presumed that factories employing 300 workers and above are owned and run by employers who have got a financial capacity and, therefore, a more rigorous stand can be taken against them. It may be that on that basis this classification has been made. But I certainly hope that that number would be brought down. It must come down. If the party permits me, I will certainly vote for amendments in favour of that. But let us concede that to the extent it has gone, it is a momentous departure.

By Clause (2) of the Bill it has been said that sections 25C to 25E shall not apply to industrial establishments to which Chapter VB applies.

Coming to the penal provisions, how exactly is the money to be collected? Section 33C of the principal Act has two sub-sections. The first sub-section says that where any money is due to

[Shri Raghunatha Reddy]

a workman from an employer under a settlement or an award or under the provisions of Chapter VA, the workman himself or any other person authorised by him in writing in this behalf can go to the collector or apply to the Government, and the Government can collect this money as under the Revenue Recovery Act and give it over to him. An employer keeps his factory closed defying the law. You have said that if I am retrenched or laid off except with the prior permission of Government, it would be presumed that I am continuing in service and the money must be paid to me. By what means would I collect that money? I can certainly go to a labour court for the money due to me under the Payment of Wages Act. Here, this is an extraordinary provision whereby the Government can initiate it under the Revenue Recovery Act and get the money. Why should you deny me the protection and the facilities of subsection 3 of Section 36(C) to collect that money? Why should you also ask me to go to a labour court for the payment of wages? Should you not amend 36C as part of this Act and say, Chapter 5A and 5B—because money is due to me under Chapter 5B—are meant for that money. What is the method for me to collect that money? Again it is a pious wish.

I am to go to a labour court for this money. Is that what I should do or you give me the power to go to the Collector and ask for the initiation of proceedings against the other person. I have found this lacuna. I have not moved any amendments. If the Minister is satisfied that this is a legitimate claim that I am making, the Minister will consider making 33C applicable to claim under Chapter 5B also. You are protecting a class of persons who are coming under this. It is a very extraordinary power that you have taken. There are cases of closures. You have armed yourself to give a directive in cases where Mr. Banerjee and other trade unions are involved. We had an occasion to discuss it in the apex body meeting. We have named those estab-

lishments and even have instituted an enquiry committee to go into the whole thing and recommend measures which may be under MISA; there may be extraordinary measures that might have to be taken. You have taken the power to direct them to reopen their cases. I had occasions to go into the cases of some of these mills and I am personally satisfied that those mills satisfy the conditions where a directive can be given to reopen those mills which are now stipulated. This power you have taken. The Parliament of India has given you the powers that are required to meet the contingency of the situation. This is demonstrative of the anxiety of the Government that under the shadow of the emergency, the workers should not be allowed to suffer.

Yesterday, the Bonus Act came for discussion. But nobody can question the bona fide of the Government about the anxiety of the Government to protect the weaker-sections and the workers to the extent it is practical after seeing this Bill. Since you might have been committed by moving the Bonus Act, this will stand forgiven by the measures you have now brought forward and by arming yourself with this power. The rest is how to implement it; how your officer will implement it. If any officer fails to pass an order within three months' time or two months' time—the result, of course, you have mentioned—that sanction must be presumed to have been taken. But let it also be an unwritten law that if the sanction has been given, that officer stands to be dismissed from the service. That must also be the practice that must develop. I compliment the Government.

(Interruptions)

SHRI RAGHUNATHA REDDY: I do not attempt to commit any...

(Interruptions)

You do not expect me to do that.

(Interruptions)

SHRI C. M. STEPHEN: I compliment the Government for the legisla-



tion they have brought forward. The workers of this country will feel relieved that there are protective hands against malafide harassment. I hope that the powers that we are now handing over to you will be utilized for protecting the workers from the different factories and these powers will give them shelter.

With these words, I support this measure with a heart full of gratification, satisfaction and a feeling of fulfilment of a dream.

13.00 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

SHRI ERASMO DE SEQUEIRA (Marmagao): Mr. Deputy-Speaker Sir, I would be very happy if I could share the hope of my good friend, Mr. Stephen. But, unfortunately, we must judge what is happening not only on this Bill but on the balance of Bills that have come before the House during this session.

As Mr. Indrajit Gupta said the other day, when facism begins to advance, the first victim is always the working class. I was happy to hear the hon. Minister, Mr. Raghunatha Reddy, to say, as he was introducing this Bill, that a law which is difficult to administer or which literally cannot be administered is not a good law at all. I am sure, he will have the statement to be repeated to him quite often in the days to come. In fact, I am going to repeat it to him with reference to this Bill itself.

May I begin with a provision here, Clause 3, 25P, in which the Government has provided that where any undertaking was closed before the commencement of the Act, the Government shall have a right, if it comes to the conclusion that it was done not on account of unavoidable circumstances, to order that employer to reopen that undertaking to protect the interests of the workers? I am not at all suggesting that any undertaking that is closed down for reasons other than unavoidable should be permit-

ted to continue to be closed. What I am asking is, whether such an undertaking, at the stage of development at which India is today, can then be expected merely by a directive to reopen, to look after the interests of the workmen. Is this not an illusory provision? Will it not be far better to provide that in such cases, the Government will step in and would have the right to acquire the undertaking? I ask Mr Stephen: Would that not be a far more better protection to the workers? This is a clear gap between the objective you try to achieve and the objective which is achievable. To my mind, this objective will not be achieved.

I would briefly give you an example of the Bill that was introduced today, if I take a bit of liberty and licence. The Iron Ore Mines and Manganese Ore Mines Labour Welfare Fund Bill and the Cess Bill were introduced this morning. I know, the welfare is going on for a long time. I fully support the objective of the Bill that it should be for the welfare of the workers who produce iron ore. Yet what are we finding in practice? In a place like Goa, for example, where a lot of iron is produced, and a lot of cess is collected, the fund is not being used in Goa but somewhere else. In fact in most cases, the funds are hardly being used at all. This Bill is not going to be passed during this session. In the Iron Ore Mines Labour Welfare Fund Bill they should make a provision by having a utilisation clause and making it mandatory that 90 per cent of the cess is to be utilised in the State or the Union Territory where it is collected. What is collected in Goa, 90 per cent of it, will be utilised in Goa and you can keep the balance of 10 per cent in the fund.

Coming to this Bill, the main provision of this Bill is that an undertaking with more than 300 employees should not retrench any workman without seeking the permission of the Government. But that provision its-

[Shri Erasmo De Sequeira]

self becomes illusory when it is provided that once the permission is sought from the Government, if the Government does not pronounce itself within three months, that permission shall be deemed to have been given. What will happen in practice we all know. The applications will be made to the Departments of Labour. They will lie on some Clerk's desk gathering dust and it will be nothing more than a formality. As Mr. Stephen was rightly saying, it is not that in this country there is so much retrenchment that 22 Departments of Labour with 565 officers throughout the country cannot deal positively with these applications. In fact, I would suggest to the hon. Minister that if he wants this provision to be made effective—I personally think that it should be made effective—that it should be a requirement that once an application for permission to retrench workmen has been made, the Government should pronounce itself positively, yes or no, within the time limit stipulated.

Sir, again, there is another thing here. It is provided on p.3 in sub-clause 5 that a workman shall not be deemed to be laid off if the employer offers any alternative employment; and then it says that this alternative employment being suitable or not shall be to the subjective satisfaction of the employer. How can this be? Employment is a contract of service between the employer and the employee. How can you suddenly turn round and say that if you want, you can lay him off from somewhere and put him somewhere else? That is only one side of the contact. This is where the Government does not at all apply its mind to the Bill before it comes before the House. I am saying that some safeguard must be made for the workman in such cases and it must be provided that where the workmen disputes that the alternative employment that he has been given is not suitable, there must be some quick decision by some authority of the Government. This will avoid labour disputes, it will avoid acrimony

and it will also avoid victimisation. This is one instance where the Government says that it is for the workers, but it is only for the vested interests that it has come forward with this to the House.

You talk of retrenchment and having protected the workmen against retrenchment. Ever since the Industrial Disputes Act was passed, this House passed a substantial amount of welfare legislation for the workmen of this country, mostly unapplied and un-implemented. For example, there was the Gratuity and Provident Fund Act. We all know that there is a minimum period of service to qualify either for provident fund in full or for gratuity. I cannot understand why, when the Government was coming forward to this House with a provision to make retrenchment difficult, it should not have given some thought to this matter and come forward to this House with a measure which stated that when a workman is retrenched, the initial qualifying requirement for the purpose either of gratuity or of provident fund should not apply. I would suggest to the Minister that he should consider it even now. I can understand a minimum qualification if the workman had left of his own accord but I cannot understand it at all where he has had to move because of the inability to continue him on the part of the employers.

Having said this much, I deem it my duty to add again that this Bill, inadequate as it is, will not be to the advantage of the workers

SHRI CHAPALENDU BHATTACHARYYA: Mr. Deputy Speaker, Sir, I rise to support this Bill. So far as my region is concerned, had this been introduced about five years earlier, it would have protected 11000 jobs 5000 jobs in the coal mines and 6,000 jobs in the factories. In any case, better late than ever. This is a big step, but will have meaning only for large undertakings.

Without going over the ground which my colleagues have already covered, I would like to point out that this will take care, certainly and effectively of retrenchments, closures and lay-offs, but it does not cover the cases of reduction of strength in any establishment through wastage of labour, by persons dying and retiring and so on. This is one of the loopholes through which the employers would be reducing the strength of their establishments all the time. I have certain examples, not of course with regard to wastage—Sometimes that can be used as a weapon for reduction in the strength of the establishment; sometimes it can be used, if there is a bi-partite agreement or tripartite agreement to ease out a situation of confrontation. But I have certain cases which would show what is happening not only in highly automated industries but also in the other end of the spectrum, namely, in labour-intensive industries. In 1952, for instance, the Mongyr Cigarette Factory owned by Indian Tobacco was employing 3,300 workers and was producing 136 million cigarettes per month. In 1974, that factory employed 2,100 workers in three shifts and touched a production of 640 million cigarettes per month. So, with one-third of the labour strength reduced, the production went up three fold. In this highly automated industry, the workers certainly have got boosted wage, bonus and so on. I was not given an opportunity to express my point of view on the Payment of Bonus Act. We got something in Monghyr during 20 years of struggle, and that Act may come in the way of the workers continuing to enjoy their bonus. But since that issue is a closed chapter, I now come to the other end of the spectrum.

Only four months ago, I sent a long telegram to the Minister for Energy and the Minister for Labour. 385 of the workers, who were working under contractors for ten years in (Central Coalfields Ltd.) Giridih Collieries—nearly all of them were women; most of them were Adivasis and Harijans—and who were doing soft coke manu-

facture were later on brought under departmental control. Thus they worked there for four months, and then they were summarily squeezed out. We have yet to find a solution for their difficulties. We do not expect anything of the private sector undertakings; we know them; we have been fighting them; the public sector undertakings came because the private sector failed. But if the public sector undertakings also take up and follow the ethos of the private sector, then the outlook for holding the level of employment—I say 'holding' not expanding—will be doomed to that extent.

Like Charles' head, although I do not like it, the issue of mica crops up again and again. 60 per cent of the workers in the factory, in mica belt, stretching from Giridih to Kodarma, is now out of employment. The State Government made an enquiry and are satisfied that 60 per cent is quite a reasonable correct figure. It may even be more. Two lakhs of workers, home-splitters, are getting a wage level—I do not know what is the National minimum wage level—ranging between Rs. 1.55 and Rs. 3.50 per week. Can things be grimmer? With the present export price of mica, the home-splitters cannot earn more. There is a sort of iron law of wages. They cannot get more. The Labour Ministry are aware of this problem, both at the State level and at the Central level. I do not know of a stronger case for subsidisation of the wages through cess or still better through export levy because the Finance Ministry has been squeezing mica industry Rs. 4 crores annually as export levy all these years. When I raised it with the Finance Minister, they said that the Commerce Ministry was concerned with it and they had not done anything. Finance Ministry was only a collecting department. I raised it with the Commerce Ministry, but nothing has been done. They are content with merely canalising the item. The canalization of the item without the commitment of the officers concerned, without any social purpose at the spot has brought about melah-

[Shri Chapalendu Bhattacharyya] choly denouncement in the economy of the region.

So far as these clauses are concerned, I welcome them, but these will cover mostly the large establishments and the large establishments will always sub-divide themselves into smaller ones; they did it before and they will start doing now. I do not think that this Bill would be able to take care of that.

The other day, we passed the Bill for equal wages for man and women workers. In the present circumstances, with the present conciliation machinery and with the present strength of the trade unions *vis-a-vis* employers, we will find many women workers out of job and that precisely has been happening in the coal belt. They are being slowly squeezed out and I am afraid, in spite of this Act, that will get momentum. I will request the hon. Labour Minister to come to our rescue in that aspect. To the extent, this Bill provides strong curbs on the big monopoly houses, to that extent, the Bill is most welcome. It would be a red letter day and it would be another feather in his cap.

SHRI S. M. BANERJEE (Kanpur).  
Mr. Deputy-Speaker, Sir, let me say that I welcome this Bill as a compromise. We really wanted and we have been demanding even an ordinance when the Parliament was not in session to ban retrenchments, closures and lay-offs. I am happy that the hon. Deputy Minister of Commerce, Shri Vishwanath Pratap Singh is here, who has really done much along with the Labour Minister to help the textile workers of Kanpur and other places. What is happening in Kanpur today? There are two textile mills, Lakshmi Rattan Cotton Mills and Atherton West Mill in Kanpur; one has been closed for the last one year, while the other for the last ten months. There were 19,000 permanent employees and about 1,500 who are called substitutes. They have consumed their own amount in the provident fund and because the employers have not deposited their share

of provident fund, they are not able to get a single coin from the provident fund. They are starving; they are selling ground-nuts. And practically, I will say, short of begging, they are doing everything. They have started borrowing money. They have not been thrown out of their houses, thanks..

SHRI DINEN BHATTACHARYYA:  
Some have committed suicide.

SHRI S. M. BANERJEE: As my friend said, some have committed suicide also. But, Sir, thanks to Shri Bahuguna who issued instructions that no body should be thrown out of their houses, they have not been thrown out of their houses. And I hope Shri Narain Dutt Tiwari also will follow this.

Now, I am told that after this was discussed at the Apex Body meeting—thanks to the Labour Minister who permitted me to be there and the AIUC who also kindly permitted me to be there, I was given a chance under the chairmanship of Shri Ramanujam to discuss this problem and place before them, the Apex Body and the country, the appalling condition and the pitiable condition of the textile workers of Kanpur. I was happy that the employers' representatives and the workers' representatives and the National Apex Body unanimously took out a resolution and brought a resolution and the resolution was that in case the two mills did not start functioning within a week, the Apex Body would recommend to the government that they should be taken over by the National Textile Corporation. And in that meeting of the Textile Committee which is also a national body where the ex-Chief Minister, Shri Bahuguna was also present, Shri Bahuguna said that the State could not possibly run these two mills. He also recommended that they should be taken over by the National Textile Corporation. To day I am told that no final decision has yet been taken in this regard and that clever person, Shri

Shri Ram Ratan Gupta in moving between Delhi and Kanpur and Kanpur and Delhi like a shuttle-cock and knocking at everybody's door and still he has been trying to influence the Minister that this mill again should be handed over to him. I am making a statement which is borne out by fact that if this gentleman, Shri Ram Ratan Gupta is given again Rs. 65 lakhs, he is really shifting to Nepal. He has all his allies in Nepal and he will start his business there. This has not been told by me but this is said even by Shri Narsingh Narain Pandey also who really knew the whole thing.

So, Sir, I want only one assurance. The workers are prepared to strave for another month. But let an assurance be given either by the Labour Minister or the Commerce Minister that these two mills, the Laxmi Ratan Cotton Mills and the Atherton (West) Mills will not be given again to the same employers who are starving the workers for the last 12 months. When the Atherton (West) Mills was taken over by the government, at that time, there was no legislation. So, it was again given to the same employers after making it a profitable concern. I do not want that to be repeated. I want some definite assurance must be given and I am sure the Commerce Minister will give me an assurance that these mills will not be handed to the same employers.

Then comes the Jute Udyog, Kanpur. This is owned by Shri Alok Kumar Jain. Shri Alok Kumar Jain has not only this concern but a cement factory at Sawai Madhopur employing nearly 6000 workers which is closed. They have not been given salaries for the last 6 or 4 months..

SHRI M. C. DAGA (Fall): 6 months.

SHRI S. M. BANERJEE: 6-12 months. Not only that, the plywood factory in Calcutta—its workers also have not received their salaries for the last six months. Kanpur Jute

Udyog another unit employing 1500 employees—those employees also have not received their salaries for the last 4 months and what has the Government done? I would request the Industries Minister that if Mr Alok Kumar Jain can run it, let him run it. But if he is unable to run it, this should be taken over

Now again the question will arise: whether the Government has got so much of resources, so much of money to take them over. If this is the attitude of the government, what is going to be the fate of thousands of workers? Let him understand today. I have been waiting for this opportunity and patiently waited for this Bill to come to welcome it and give it a full-throated support. But, if no assurance is given, what is going to happen? Then let us talk of non-payment of wages. As I have already said in this House, nearly 9000 workers have not received their wages, the four fortnightly wages. Who is the employer? The great Jai-puria Every year he is given new licences. Whether it is for synthetics or this thing or that thing and whether it is for Pondicherry or any other cherry, he is given new licences and 9000 workers of the Swadeshi Cotton Mills are languishing because they have not been given the four fortnightly wages

J. K. Rayons, because of our pressure and the pressure of the National Apex Body started functioning. But about 150 to 500 workers have not been taken on duty, the reason given is that they are temporary workers. In the name of substitute and 'badli', thousands of workers have been retrenched and this lay-off continues unabated and unchecked.

This Bill is something on which the trade union can fight. It has very ably been put forward by Dr. Ranen Sen to reduce the number from 300 to 50 workers. There are many

[Shri S. M. Banerjee]  
small industries manufacturing batteries, plywood and many other small things which are employing not more than 50 workers. Let it be fifty at least. It has been supported by my hon. friend, Shri Stephen. He even said that he may kindly be permitted to vote for amendment. I hope he comes at the time of voting

An important point has been raised by Shri Stephen in regard to the Amendment of 33(c) of the original Act. This should be supported because unless this amendment is accepted, the workers will be involved in enormous litigation, unending litigation to get their wages. The condition in the courts as well as the condition of the workers and the way the lawyers enjoy at their cost is well known. These workers will not be able to approach the court to that extent, with the result that they will not get their wages till they die. That clause should be amended. I hope the hon. Minister who is not seen here must have gone to the proper quarters for consultation. If he has gone, I am happy. If he has not gone let him go there and consult and get concurrence to do it.

There are small factories and small engineering units where people are kept as temporary workers for years together. Every year on the 31st of March, they are technically retrenched and technically re-employed w.e.f. 1st April. The worker does not know this. He knows that he is in regular service but suddenly when the question of leave, gratuity and retirement comes, he knows this.

In Defence Industry 500 workers lost their job and we fought and we saved the workers. Now there is nobody who is temporary, there is nobody having completed six months is a temporary employee. This is exactly what the Government should consider—to do away with or fight 'budily' system and/or substitute and such other systems. Such systems were made by the Britishers to exploit the

Indian labour. Now I would request the hon. Deputy Minister Shri Vishwanath Pratap Singh because Shri Chatopadhyaya is not here—I have full confidence in him—to help these bleeding and starving workers numbering 20,000 who are on the street and to see that these mills of Kanpur will not be given to the 'lalas', to the sharks. If this is done, I am prepared to wait for another month, but once I know this is going to be given to the 'lalas', I can tell you, emergency or no emergency, worker or no worker, I will stake my life to see that this does not go to 'lalas' who exploit the workers and bleed the workers white.

श्री मूल चन्द डागा (पाली) . 26  
जून 1975 को आपात स्थिति लागू होने के बाद मजदूर लोग हड़ताल नहीं कर सकते, अपनी आवाज नहीं उठा सकते नाग नहीं लगा सकते और सरकार मोती रहे, सरकार में बैठी रहे, श्रम विभाग पर इसका कोई असर नहीं, पता नहीं उसको नींद आती है या नहीं आती है या वह जागने में भी सोता रहता है अब इस सब का दोष किस पर है यह मैं आप से जानना चाहता हूँ। हजारों मजदूर निकाले जा चुके हैं। सवाई माधोपुर में छ हजार मजदूर आज भी बकार हैं। वे छ महीने में बकार हैं। आपने इतने आर्डिनेंस निकाले। क्या आप इसके बारे में आर्डिनेंस नहीं निकालेंगे सवने थे ताकि उनकी छटनी रुक सकती। इस आर्डिनेंस को न निकालने का कारण क्या था? जब सरकार जानती थी कि हजारों मजदूर निकाले जा लेंगे ई तो इसके बारे में भी आर्डिनेंस अभी नहीं निकाला गया, जब कि सरकार आपातकाल में और बहुत से आर्डिनेंस निकाल रही थी तो इस बारे में भी एक आर्डिनेंस निकालकर मजदूरों को निकालने से रोका जा सकता था। आज भी पता नहीं कि इस कानून के अन्तर्गत यह कब गजट में शायी होगा?

दूसरी बात यह कही गई है कि जहाँ 50 मजदूर काम करते हैं वही पर यह लागू होगा। सभी थोड़े दिन पहले आपने बोनस एक्ट पास किया और उसमें यह किया गया कि जहाँ 10 मजदूर काम करते हैं वहाँ बोनस एक्ट लागू होगा। यह कौनसा बड़ा प्रोग्रेसिव स्टेप मिनिस्टर साहब ने लिया है। छोटे-छोटे उद्योगों में कई लोग हटा दिये गये हैं। आज मुनीम और गुमास्तों का सवाल नहीं है।

कई बार कहा जा चुका है कि इंडस्ट्रियल डिस्प्यूट एक्ट बहुत पुराना पड़ चुका है इसमें रद्दीबदल की जरूरत है। जो ट्रिब्यूनल बनाये जाते हैं वह सालों तक जजमेंट नहीं देने। गवर्नमेंट लेबर के डिस्प्यूट को रैफर नहीं करती और बड़ी बड़ी बात भी थी वह तो इसमें नहीं हुई है। इस बिल का पेश किया गया है इसका स्वागत तो किया जा सकता है लेकिन इसके क्लाज 4 में कहा गया है—

'The permission applied for shall be deemed to have been granted on the expiration of the said period of two months

जब आदमी बेकार है तो टाइम लिमिट को 60 दिन रखने का परपज क्या है यह 30 दिन क्यों न हो ?

Provided that no such notice shall be necessary if retrenchment is under an agreement which specifies a date for termination of service.

एक एम्पल्यार और एम्पलाई में जो एग्रीमेंट हो जाता है आजकल की यूनियन कई गलत काम करती हैं, तो आपने कहा कि वह बार्डिंग होगा। क्या गवर्नमेंट दोनों पार्टियों को सुनेगी ? आपने ने कहा कि नहीं जा एग्रीमेंट हो गया है उसके आधार पर उसको निकाल दिया जायेगा।

लेबर का एक सवाल है। अगर आप रिट्रैक्टमेंट को जस्टीफाई करते हैं या लाक-आउट को जस्टीफाई करते हैं तो उसके लिये

कौन निर्णय लेगा ? क्या सिर्फ लेबर आफिसर निर्णय लेगे या लेबर को अपना रिप्रिजेंटेशन करने का हक होगा ? यह इसमें कही नहीं है कि लेबरर्स को या यूनियन्स को रिप्रिजेंटेशन का हक होगा या वह कह सकेंगे कि रिट्रैक्टमेंट और तालाबन्दी गलत हुए हैं। इसमें लिखा है—

'Where an application for permission has been made under sub-section (1) or sub-section (2) and the authority to whom the application or the refusal to grant the permission to the employer within a period of two months from the date on which the application is made "

Here the officer will take a decision.

तो यह जो तीन प्राविक्यन्स आपने इस बिल में रखे हैं कि एक तो लेबरर्स को नहीं सुनेगे एग्रीमेंट के आधार पर उनको निकाल देंगे 300 वकर्स पर लागू करेंगे और 26 जून 1975 से लागू नहीं करेंगे यह तीनों गलत काम हैं। मैं इनका खिलाफ अपनी राय देता हूँ।

SHRI K MAYATHEVAR (Dindigul) Mr Deputy-Speaker, Sir, I strongly support the Bill I must thank the Government of India and the hon Prime Minister for imposition of the President's Rule in Tamil Nadu. In other words, I must say that the labour class and the working class in Tamil Nadu are now given full and complete independence. The labour class and working class in Tamil Nadu are given direct protection by the Central Government. I therefore plead that the Labour Minister and Government of India should do more good to these classes of people who suffered much at the hands of the Tamil Nadu Government by not getting benefits from them.

The provisions of this Bill should be implemented strictly so that any

[Shri K. Mayathevar]  
industry or any factory or establishment does not declare lay-off, retrenchment or closure without the prior sanction of the Government. This should be adhered to strictly both by semi-government undertakings as well as by the authorities of the State Government. This is a very good protection extended to the working class and the labour-class. That is why we welcome this Bill.

There is another provision in the Bill which says that this is applicable only to the establishment, factory or company in which 300 or more than 300 workers are employed. I would request the Minister in charge of this Bill, the Labour Minister, to make this applicable to every establishment. This number should further be reduced. For instance, this bill should be made applicable even to the factory, establishment and companies where 25 workers are working. Then only it can bring the fruits to the working class throughout the country.

I would now like to make certain suggestions. There are too many unions in the same industry or in the same factory. And there are too many leaders and too many political parties which interfere with them. We should find out certain feasibility if not a possibility, by morally or legally forcing the Government to see that a healthy atmosphere is created between the employers and the working class. They are not independent but they are inter-dependent—capital without labour is useless and labour without capital is an absolute waste. These are two eyes of the human body.

Therefore, there should not be any discrimination. We should produce more and reduce the price.

**SHRI S. M. BANERJEE:** Government should be like the nose in between.

**SHRI K. MAYATHEVAR:** Yes, the nose is like the father, a safeguard.

The hon. Minister is a lawyer. I know him for a long time. He comes from a neighbouring State. He is well versed in labour laws and the Industrial Disputes Act as a practical lawyer and as a Minister. Therefore, I suggest to him that he should find ways, means and devices to introduce a law whereby there should be only one union in one industry; if not, there should be only one union of one political party in one industrial establishment of factory. If this is permissible or possible by law, he should find ways and means of doing it.

Then these labourers who are working in private companies are not extended protection under articles 310 and 311 of the Constitution. Government employees are protected by statute, but these workers and employees in private companies are absolutely unprotected by the Indian Constitution and statute. They have a remedy under the Industrial Disputes Act but not under the Constitution.

Secondly, there are temporary government employees who are unprotected. For instance, I have received memoranda from various trade union leaders in Tamil Nadu saying that although the ED employees working in the P & T Department, 3 lakhs of them, have been so working for five years and ten years, they are absolutely helpless without any protection under the Indian Constitution or the Industrial Disputes Act. Therefore, this law should be made applicable to these temporary employees working in government departments not only for six months or one year but for five years and ten years.

I welcome the Bill and support its provisions. I would request Government to do more for the Tamil Nadu working class who have been suffering for 7 years under an autocratic government. This is well known to the hon. Minister who visited Tamil Nadu. I had welcome him in Madras last Sunday.



I once again support the Bill.

**MR. DEPUTY-SPEAKER:** Does the word 'Maya' in your language have the same meaning as it has in other parts of India?

**SHRI K MAYATHEVAR,** Different meaning

**MR DEPUTY-SPEAKER.** The Minister.

**DR RANEN SEN** Before the Minister replies, I want to know something from Shri Viswanath Pratap Singh who is here

**MR DEPUTY-SPEAKER** No, no, it is not right

**DR RANEN SEN** He is here at our request in order to participate in the discussion. Why are you becoming so rigid? The Minister was to reply at 2 O'clock. You should not be unnecessarily rigid

**MR DEPUTY-SPEAKER** It is not a question of time but of order. He is not the Minister of Labour

**DR RANEN SEN** You were not present in the forenoon. We had requested the Labour Minister to bring the Commerce Minister to answer a point in regard to jute and textile mills

**MR DEPUTY-SPEAKER:** The Labour Minister may answer your point, not other Ministers

**DR RANEN SEN** Can we put that question then? There is a report that six more jute mills are going to be closed and that the Kharda Jute Mill is going to be taken over by Government. Are these two facts correct? If so, when are the Government going to take over the six jute mills?

**SHRI S. M. BANERJEE:** About the Kanpur mills question also he should reply.

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**MR DEPUTY-SPEAKER:** It is up to him.

**SHRI RAGHUNATHA REDDY** I am extremely grateful indeed to the hon members for the very useful discussion we have had on the various provisions of this Bill and the general welcome it has received from almost all the speakers who had participated in this debate

At the very outset, I am free to state that I quite understand the anxiety of the hon members with regard to the various other matters that are connected with this Bill. During the course of my reply, I will try my best to satisfy members with regard to some of the matters they have raised. As Shri Stephen put it, though this piece of legislation may not appear to be a very lengthy or voluminous one, this small piece of legislation constitutes a landmark in the history of the law relating to industrial relation, or labour in India

Though the Industrial Disputes Act has been on the statute book for a number of years, there was no proper procedure to regulate layoff, retrenchment and closure. For the first time, an employer will have to take prior permission of the appropriate government before he takes recourse to layoff, retrenchment or closure. Anxiety had been expressed with regard to punishment, coverage and other connected matters. To appreciate the implications of the various provisions of this Bill, hon members should appreciate that in case an employer does not give notice about the proposed layoff, retrenchment or closure, it would be deemed as if under the law no layoff, retrenchment or closure had taken place and the employee in such a situation is entitled to all the benefits, as if he had been in employment continuously. If this is not a ban on layoff, retrenchment or closure, what else can be a ban? If an employer without the proper permission of the appropriate government takes

[Shri Raghunatha Reddy]

a unilateral action of layoff, retrenchment or closure without going through the prescribed procedure, in such a case, the law declares that there is no layoff, retrenchment or closure in the eye of law and the employee is entitled to all the benefits by a legal fiction as if he had been in continuous employment and is entitled to all the benefits. What is the meaning of a ban? The employer should not resort to layoff, retrenchment or closure. In other words, an employee should not suffer on account of any action taken by the employer by way of layoff, retrenchment or closure and he must be entitled to all the benefits. If a person is kept at his house and is still paid his full salary, you cannot say that the employer should not do it. The major departure made by this Bill is that if an employer does not abide by its provisions, an employee is entitled to all the benefits as if he had been continuously in employment. This is the major benefit that accrues under this legislation.

The punishments provided under this Bill are more severe than the existing ones under the Industrial Disputes Act. It can be argued that the punishments should have been made still more severe, but that is a matter of opinion. What I am submitting is, the punishments will have to be appreciated in the context of the benefits that would accrue to an employee. As employee is not interested whether an employer is sent to jail or not. He is more interested in getting his wages and other remuneration. That is his main interest. I have no doubt that trade union leaders also would be interested in seeing that the employees continue to get their wages rather than seeing that the employers go to jail. Some employers deserve to go to jail no doubt and for that purpose, provisions are made in this Bill. This is the crux of this entire legislation which should be properly

appreciated. I hope I have made myself clear with regard to these provisions.

With regard to lay-off, a person will have to give notice. The hon. Members have raised the question. "Why did you say that within a particular time if no opinion is expressed to the party concerned, it is deemed that the concerned authority is agreed to lay-off or retrenchment." This provision we have made only for this reason that these are such matters that they cannot be kept pending and there must be speedy decision and anybody who sleeps over this issue must take responsibility for sleeping and other types of action—administrative and others—will follow. Therefore, any authority who is entrusted with this power to dispose of these matters will not be in a position to sleep over and as soon as the application comes, he must be in a position to take necessary action as contemplated by law. Otherwise, like so many other enactments while pious wishes are expressed that files can be disposed of within a particular period, unless consequences are prescribed within the framework of the legislation itself, mere time-limits do not matter and in such cases law will become directory and not mandatory.

Another question that has been raised is this that once time limit is prescribed, Government would be inclined to agree with the employer. This is one of the famous arguments of Mr. Dinen Bhattacharyya. Though I am not interested in quoting Karl Marx, there are good quotations from Karl Marx to meet his argument. As I assured him today, I do not want to put him to discomfort by quoting Karl Marx again in answer to his arguments.

With regard to closures, there are two propositions. If closures have already taken place, there is nothing like

prospective notice about a closure. Therefore, what the Government has proposed in this legislation is this. With respect to closures, a notice will have to be given under the Industrial Disputes Act—under this Chapter it is three months notice. And with regard to closures that have already taken place, the Government is taking power to give notice to the concerned employer in appropriate cases where Government consider it necessary to give notice to find out the reason why it has been closed and also to see whether the Government can do anything about it and also give directions if the Government is satisfied that the closure should not have taken place. This is the limited power that the Government is taking. And about the rest of the matter regarding closures which contains in IDR Act and about sick mills of National Textile Corporation, the Ministries of Industrial Development and Commerce respectively would certainly deal with this. With great respect and humility, I must again say, though the hon. Members may not be satisfied with some of the provisions—they would like these provisions to be stricter—this is a historic event as far as the industrial relations law in the country is concerned because this is for the first time that this type of legislation is going to be on the statute book.

As Mr. Stephen has said, this is not a temporary measure; this is going to be a permanent part of the Indian Statute Law and this is the benefit which the Indian working class would get. If a person gives wrong order, then the entire trade union movement is there to see that this man is exposed and tell the Government that the person has given wrong order. In the face of such organised trade union movement, I do not think any authority would be in a position to give wrong order knowing that he is giving wrong order.

What is the part to be played by the trade unions; why have the trade unions been completely ignored and

why is there no place found for the trade unions here? When an employer gives notice or closure, retrenchment or layoff certainly no authority is going to dispose of this matter without giving notice to the parties who are affected by the proposed notice given by the employer. (*Interruptions*) For everything, we need not make provisions. Under the principles of natural justice, without giving an opportunity to the other party, no order can be passed. And in this case, if there is any doubt in the minds of the hon. Members—which we don't have—we will certainly write letters to the authorities concerned and to the State Governments that no matter should be disposed of, without giving notice to the affected parties. The Supreme Court has laid down in a series of cases that no matter can be decided by any person without giving notice to the other parties, or without conforming to the principles of natural justice. (*Interruptions*) Therefore, I need not go into the various aspects of the law, because the principles are very clear in such a case, the concerned trade unions—recognized or otherwise—or any other interested trade union can come forward and represent the case of the workers or the group of workers who would be affected by any order. Therefore, I do not think I should elaborate my reply any further with regard to the various provisions. As I had said in the beginning, this is the most non-controversial legislation and I thought the hon. Members would pass it even without a discussion; but anyway, the discussion has certainly helped us to highlight certain matters and I am extremely grateful to the hon. Members with regard to this.

Now, with regard to the question raised by Dr. Ranen Sen and Shri S. M. Banerjee, I am advised to state, Sir, that

“There is no formal proposal under the consideration of the Commerce Ministry to provide finances to the original owners of Lakshmi Ratan Cotton Mills and Atherton

[Shri Raghunatha Reddy]

West Mills to re-open these mills. Government is exploring alternatives for re-opening of the mills and has been in close touch with the U.P. Government in this regard; and the Government is fully alive to the situation and would take such steps as are called for."

I have no doubt that my distinguished colleague, the Deputy Minister of Commerce and other friends in the Commerce Ministry are fully alive to the situation and that they are trying their best to take such prompt action as is called for in the circumstances of the case.

DR. RANEN SEN: Enquiries were made by the Commerce Ministry; and newspapers have reported, I am told, that the Commerce Ministry has recommended the taking over of the Khurja Jute Mills. That is why I wanted to know the position.

SHRI RAGHUNATHA REDDY: I understand that there is no immediate information available on this question. I will verify and my friend will verify—and inform Dr. Ranen Sen. I may also say that I am very grateful to Mr. Stephen for raising a legal issue which, perhaps by some drafting mistake, had not been properly looked into; I am trying my best to get it remedied.

MR. DEPUTY-SPEAKER: The question is.

"That the Bill further to amend the Industrial Disputes Act, 1947, as passed by Rajya Sabha be taken into consideration."

*The motion was adopted*

MR. DEPUTY-SPEAKER: I may tell in advance that I have just received a notice of two amendments by the Minister. I have admitted them, because they are in response to the points made by Members here, especially Mr. Stephen; and I think that it is in the interests of the debate and of the bill that the Chair should go

out of the way and be responsive to a matter like that. But the Table was just pointing out to me that there may be some confusion about the numbering. We will sort it out. We will take up clause by clause consideration. What I would like to say is, in view of the fact that the Minister has responded, should it be necessary to have a debate on all these amendments? Anyway, it is up to you. I thought we might spare some time that way.

SHRI RAGHUNATHA REDDY: Sir, with your permission, may I make one appeal to the hon. Members? Since I myself have accepted the suggestion made by Shri Stephen and given notice of an amendment, which you were kind enough to allow me to proceed with, if the hon. Members do not press their amendments or make speeches on them, we can pass this measure quickly. I am saying this because a message will have to go to the Rajya Sabha, and tomorrow it will have to be taken up there.

MR. DEPUTY-SPEAKER: It is up to the House. I am only making an appeal to you on behalf of the Minister.

Now the question is:

"That clause 2 stand part of the Bill"

*The motion was adopted.  
Clause 2 was added to the Bill*

Clause 3—(Insertion of new Chapter VB).

SHRI RAMAVATAR SHASTRI (Patna): I beg to move:—

Page 1, lines 18 to 20,—

for "in which not less than three hundred workmen were employed on an average per working day for the preceding twelve months"

substitute—

"where the Industrial Employment (Standing Orders) Act is applicable and the period of working of a worker or employee is not less than 240 days in a year" (1)

Page 2, line 39,—

for "making such inquiry as he thinks fit"

substitute—

"ascertaining adequate and sufficient reasons of closure and retrenchment may" (2)

Page 2,—

after line 41, insert—

"Provided stocks of unsold articles, over-production and recession and loss thereof shall not be counted as sufficient and adequate reasons." (3)

Page 2,—

line 48, add at the end—

"Provided the delay in giving such permission is not due to the fault of the employer." (4)

Page 3, line 25,—

for "one year" substitute "240 days" (5)

Page 3, line 53,—

add at the end—

"provided the delay is not due to the fault of an employer" (6)

Page 4, line 50,—

add at the end—

"if the appointments were made specifically for that particular construction which is complete" (7)

DR. RANEN SEN: I beg to move:

Page 1, line 19,—

for "three hundred workmen" substitute "fifty workmen" (8)

Page 2, line 25,—

after "employer"

insert "without a notice of ninety days" (9)

Page 2, lines 27 and 28,—

for "unless such lay-off is due to shortage of power or to natural calamity"

substitute "who should be given notice of ninety days before" (10)

Page 2, line 28,—

add at the end—

"and further, the representative union or if such union does not exist, registered union or unions shall also be consulted" (11)

Page 2, line 39,—

after "fit" insert—

"including enquiries from representative union or if such union does not exist registered union or unions" (12)

Page 3, line 1,—

after "permission" insert—

"with and prior intimation to workmen" (13)

Page 3, line 2,—

after "permission" insert—

"with and prior intimation to workmen" (14)

Page 3, line 35,—

for "fifteen days" substitute "thirty days" (15)

Page 3, line 42,—

add at the end—

"and this notice to the Government or to the appropriate authority notified by the Government has been given three months before the date of proposed retrenchment." (16)

[Shri Ramavatar Shastri]

Page 3, line 45,—

after "it" insert—

"including enquiries from representative union or if such union does not exist, registered union or unions" (17)

Page 5, line 29,—

after "accident" insert—

"resulting in huge loss of machineries, destruction of shops and sheds, godowns" (18)

Page 5, line 30,—

omit "or death of the employer" (19)

Page 6, line 14,—

for "or" substitute "and" (20)

Page 6, line 15,—

omit ", or with both" (21)

Page 6, line 19,—

for "or" substitute "and" (22)

Page 6, line 20,—

omit ", or with both" (23)

Page 6, line 23,—

for "or" substitute "and" (24)

Page 6, line 30,—

for "or" substitute "and" (25)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 4, line 14,—

add at the end "provided the delay is not due to the fault of the employer" (26)

Page 5, line 19,—

add at the end—

"provided the delay is not due to the fault of the employer" (27)

Page 6, line 13,—

after "with" insert "rigorous" (28)

Page 6, line 14,—

for "one month" substitute "six months" (29)

Page 6, line 24,—

omit ", or with both" (33)

Page 6, line 29,—

after "with" insert "rigorous" (34)

Page 6, line 30,—

for "one month" substitute "six months" (35)

Page 6, line 31,—

omit ", or with both" (37)

SHRI RAM SINGH BHAI: I beg to move:

Page 3,—

omit lines 31 to 33. (40)

SHRI DINEN BHATTACHARYYA: I beg to move:

Page 2,—

omit lines 13 to 21. (42)

Page 2, lines 22 and 23,—

omit "(other than a *badli* workman or a casual workman)" (43)

Page 2, lines 29 and 30,—

omit "(other than *badli* workmen or casual workmen)" (44)

Page 2,—after line 36, insert—

"Provided that the union/unions representing laid-off workmen shall also be given fifteen days time to represent their point of view." (45)

Page 2, line 39,— after "may" insert—

"provide proper chance of representation to the workers and their union/unions and" (46)

Page 3, line 36,—

omit "average" (47)

श्री राजाजितरार शास्त्री (पटना) :  
उपाध्यक्ष महोदय हम इस समय औद्योगिक  
विवाद अधिनियम 1947 में संशोधन करने  
पर विचार कर रहे हैं तथा इसी संशोधन के  
क्रम में मैंने अपने 16 संशोधन पेश किये हैं।  
मैं अपने तमाम संशोधनों पर एक ही बार  
तीन-चार मिनट में बोल देना चाहता हूँ। पहली  
बात तो यह है कि जिन उद्योगों में यह कानून  
लागू होगा उन के बारे में आपने चर्चा की  
है और कहा है कि जहाँ 300 मजदूर काम  
करते हैं उन पर यह कानून लागू होगा तथा  
बे एक साल तक लगातार काम करते रहे हों।  
मेरा इस सम्बन्ध में निवेदन है—सरकार का  
ही एक कानून है—इण्डस्ट्रीयल एम्प्लायमेंट  
स्टैण्डिंग आर्डेज एक्ट—जिस के तहत जहाँ 100  
मजदूर काम करते हों उन पर यह लागू हो  
जाता है। जब ऐसा नियम हमारे यहाँ है तो  
यहाँ भी इस को 100 मजदूरों पर लागू करना  
चाहिये। एक दूसरी बात मुझे यह कहनी है  
कि आप के औद्योगिक विवाद कानून में यह  
व्यवस्था है कि जिन मजदूरों ने 240 दिन तक  
काम किया है उन्हें लगातार-मजदूर माना  
जाता है उन्हें सब सुविधाएँ दी जाती हैं तो  
फिर यह एक साल रखने की क्या जरूरत थी,  
यहाँ भी आप को 240 दिन की ही व्यवस्था  
करनी चाहिये।

दूसरी बात मुझे यह कहनी है कि अगर  
कोई मालिक कारखाने को बन्द करना चाहे  
तो आप ने अधिकारियों पर छोड़ दिया है,  
वे सोचेंगे कि क्या एन्क्वायरी करनी है।  
मेरा निवेदन है कि इस को गोनमोल मत  
छोड़िये, उन को साफ़ साफ़ कहिये कि "बन्दी"  
का कारण दूढ़े, उचित कारण साफ़ साफ़  
बनाया जाय। यह कह कर नहीं छोड़ा जाना  
चाहिये—

"making such enquiry as he thinks  
fit"

बल्कि यह हुंआ चाहिये

"ascertaining adequate and sufficient  
reasons of closure and retrenchment".

इसी तरह से मेरा यह भी कहना है कि  
यदि कोई मालिक कोई कारण बना दे और  
आप उस को मान जायें उसको बन्द करने की  
इजाजत मिल जाय, तो वहाँ पर भी एक  
प्रोबिजो लगाइये—

"Provided stocks of unsold  
articles, over-production and re-  
cession and loss thereof shall not  
be counted as sufficient and ade-  
quate reasons."

मेरा उद्देश्य केवल यह है कि कारण स्पष्ट  
बताया जाना चाहिये। इस तरह से तो वह  
भी कह सकता है कि हमारी चीज़ बिक नहीं  
रही है। आज हर आदमी इस बात को  
जानता है कि वे चीज़ें उत्पादन कम करना  
चाहते हैं ताकि उन को ज्यादा मुनाफ़ा मिले,  
उन का खर्चा कम करना पड़े—इस लिये  
इस तरह के कारण को नहीं माना जाना  
चाहिये।

तीसरी बात—आप ने एक महीने की  
सजा की व्यवस्था रखी है या जर्मनी की व्यवस्था  
रखी है। मैंने मुझसे दिया है कि 6 महीने की  
सजा की जाय। यदि आप 6 महीने की सजा  
नहीं रखना चाहते हैं और एक महीने की सजा  
देना चाहते हैं तो जर्मनी भी साथ में रखिये,  
वहाँ "और" शब्द को हटा कर "एण्ड" शब्द  
रखिये। एक दूसरी बात यह कि मजदूर  
"रिगोरस इम्प्रीजनमेंट" होनी चाहिये,  
सिम्यल इम्प्रीजनमेंट में काम नहीं चलेगा।  
जो मजदूरों के साथ खिलवाड़ करे, उस के  
के लिये रिगोरस इम्प्रीजनमेंट और जर्मनी  
दोनों होना चाहिये। मैंने इस सम्बन्ध में  
अनेकों संशोधन दिये हैं जहाँ "और" शब्द  
को हटा कर "एण्ड" शब्द रखने के लिये  
कहा है। यह ठीक है कि हमारा मकसद  
मालिकों को सजा करवाना नहीं है, हमारा  
मकसद यही है कि मजदूरों की रोज़ी-रोटी  
मिले, लेकिन कोई मालिक यदि जानबूझ

## [श्री रामावतार शास्त्री]

कर गड़बड़ करता है तो फिर उस के साथ हमदर्दी नहीं होना चाहिये। उसने गुनाह किया है, उस के गुनाह की सजा उस को जरूर मिलनी चाहिये।

मैं अपने तमाम संशोधन एक साथ पेश कर रहा हूँ और मुझे विश्वास है कि मंत्री जी ने जरूर मेरे इन संशोधनों को पका होगा, जो मेरा मुख्य संशोधन है, जिस का स्वीकार किया जाना बहुत आवश्यक है, उस को वे अवश्य स्वीकार करेंगे।

**SHRI DINEN BHATTACHARYYA:**  
I think the hon. Minister will have no hesitation in accepting the amendment. If not at present, he can consider it later.

I want to reduce the number of workmen prescribed from 300 to 50. Otherwise, a large number of factory workers will be deprived of this benefit.

I would also request the hon. Minister to delete the words in brackets, "other than badli workmen or casual workmen". You have already laid down the condition that the worker will get the benefit only if he has been serving there for one year. Again, you are putting this qualification that if he is a badli or casual worker, he will not get the benefit. This is something which cannot be accepted by any trade union, nor even by the Minister I think.

Regarding the intimation sent by the employer, the hon. Minister has already assured us that the workers' representatives will also be given intimation and that they will get a chance for making representations. Why do you not include a provision that whenever any intimation is given by an employer to the authority, it should be binding on the authority to intimate the representatives of the workers to say if they have got any-

thing to say in the matter. Why should they depend on the mercy of the competent authority?

As far as the penal clause is concerned, the Government should consider about it, because there are so many cases. Even in the case of payment of wages, no punishment is ever being given to an employer. If at all some fine is to be imposed, the management does not bother about it. You have to compel them so that there may not be any *malafide* lay-off, re-trenchment or closure. Some deterrent punishment should be there in that penal clause or the person responsible for it will be imprisoned at least for a month. You have not clarified the position. You have said, "either or."

**SHRI S. M. BANERJEE:** I am not really speaking on my amendments. If the Minister is convinced of any of those amendments, let him accept them.

Kindly see page 5, line 30. It is mentioned here that "if it is satisfied owing to strenuous circumstances in the undertaking...resulting in huge loss". Our experience in the jute mill is that minor accidents or fire victimise the workers. They do not pay the wages, but claim damages and close down the factories. So, the accident should be defined here which results in the loss of machinery and godowns. This amendment has really some sense and I hope the hon. Minister will accept it.

श्री रामसह भाई (इटावा) उपाध्यक्ष  
महोदय यह मेरा महत्वपूर्ण संशोधन छंटनी के बारे में है। अभी तक यह समझ में नहीं आया कि जहाँ छंटनी की जायगी वहाँ 2 महीने का नोटिस दिया जायगा। लेकिन मसझाने के प्रस्ताव छंटनी की गई है तो जिस आदमी की छंटनी होगी उसे पता भी नहीं बलेशा और एक दम सबैरे उसे फाटक के



बाहर निकाल बाड़ा कर दिया जायगा। इसलिये इस हिस्से को निकाल दिया जाय कि समझौते के अन्तर्गत की गई छंटनी जिस का समझौता हो या कोई भी बात हो तो श्रमिक की मालूम होना चाहिये कि मैं फाटक के बाहर जाने वाला हूँ। इसलिये इस हिस्से को इस के बाहर निकाल देना चाहिये कि समझौते के अन्तर्गत या किसी तरह से छंटनी हो तो दो महीने पहले उसे यह तो मालूम होना चाहिये कि उसे फाटक से बाहर निकाला जा रहा है। जैसा कि मैं ने कहा था मजदूरों को मालूम नहीं है पुलिस ला कर दफा 144 लगा कर 400 मजदूरों को सवेरे ही फाटक से बाहर कर दिया। मंत्री महोदय ने ऐसी स्थिति के बारे में क्या मोचा है इस का कं है जवाब ही नहीं दिया। दरअसल जिस का रिट्रिब्यूट किया जा रहा है किसी एग्रीमेंट के अन्तर्गत उसे यह तो मालूम होना चाहिये कि उस का रिट्रिब्यूट ही रहा है। इसलिये इस हिस्से को निकाल देना चाहिये। किसी की छंटनी हो उसे पहले मालूम हो कि क्या हो रहा है ताकि वह अपना प्रोटेक्शन कर सके।

**SHRI RAGHUNATHA REDDY:** With regard to the point raised by Shri Ram Avtar Shastri, I concede it is a wider expression, trying to put some phrases which would restrict the meaning of the expression as he thinks fit. But I am not in a position to agree.

With regard to the number 300, I explained during my speech when I moved the Bill and I may also again with great respect say that nearly 66 per cent of the people employed in the factories are covered under this Bill. Apart from the administrative reasons; it is impossible to deal with all these that will arise everywhere. That is why what is practicable and realistic has been included in this enactment. As we can manage things, perhaps, other suggestions made by the hon. Members will be certainly considered. There is nothing like any

philosophical opposition to this. But having taken into account the realistic situation in the country, we have fixed the number at 300 and it nearly covers 66 per cent of the people employed in the factories. Mines, plantations and other sensitive areas have been covered in this respect.

With regard to the point raised by Shri Ram Singh Bhai, with great respect, I must say, he is a trade union leader and the trade union leaders always insist on collective bargaining. If there is an agreement between the parties concerned the Government should not interfere in such matters.

**MR. DEPUTY SPEAKER:** I put all these amendments together moved by Shri Ram Avtar Shastri, Dr. Ranen Sen, Shri Ram Singh Bhai and Shri Dinen Bhattacharyya to clause 3 to the vote of the House.

*Amendments Nos. 1 to 29, 33 to 35, 37, 40 and 42 to 47 were put and negatived.*

**MR. DEPUTY SPEAKER:** The question is:

"That Clause 3 stand part of the Bill."

*The motion was adopted.*

*Clause 3 was added to the Bill.*  
**New Clause 3A** (Amendment of section 33C)

**MR. DEPUTY SPEAKER:** Now, there is Amendment No. 48, inserting the New Clause 3A, in the name of the Minister.

**SHRI RAGHUNATHA REDDY:** Sir, I am extremely thankful to you for allowing me to move the amendment.

I beg to move:

'Page 6, after line 35, insert—  
'Amendment of section 33C.'

3A. In sub-section (1) of section 33C of the principal Act, for the word, figure and letter "Chapter

[Shri Raghunatha Reddy] ,  
VA", the words, figures and letters  
"Chapter VA or Chapter VB" shall  
be substituted." (48).

MR. DEPUTY SPEAKER: I put  
this Amendment No. 48 moved by  
the Minister to the vote of the House.  
The question is:

'Page 6, after line 35, insert—

'Amendment of section 33C'.

3A. In sub-section (1) of Section  
33C of the Principal Act, for the  
word, figure and letter "Chapter  
VA", the words, figures and letters  
"Chapter VA or Chapter VB" shall  
be substituted." (48).

*The motion was adopted.*

MR. DEPUTY SPEAKER: I put  
the new Clause 3A to the vote of the  
House. I think, the numbering can  
be left to the office.

The question is:

"That the New Clause 3A stand  
part of the Bill."

*The motion was adopted.*

*New Clause 3A was added to the Bill.  
Clause 4 was added to the Bill.*

MR. DEPUTY SPEAKER: There  
is an amendment in the name of Shri  
Ram Singh Bhai to Clause 1. Is he  
moving?

SHRI RAM SINGH BHAI: I am  
not moving.

MR. DEPUTY SPEAKER: The  
question is:

"That Clause 1 the Enacting  
Formula and the Title stand part of  
the Bill."

*The motion was adopted.*

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

SHRI RAGHUNATHA REDDY: I  
beg to move:

"That the Bill, as amended, be  
passed."

MR. DEPUTY SPEAKER: Motion  
moved:

"That the Bill, as amended, be  
passed."

SHRI KRISHNA CHANDRA  
HALDER (Ausgram): Mr. Deputy  
Speaker, Sir, this amendment Bill of  
1976 comes only as a restriction on  
the employers, retrenching and laying  
off the workmen. Section 25 N intends  
to encourage the employers employ-  
ing casual labour and badli labour  
and will get protection under this  
provision. But what will happen to  
the petroleum workers, press  
employees and those employees like  
shop establishment employees? No  
protection is given to them. What  
will happen to construction workers  
and transport workers? No provision  
is made in this Bill. Why are Gov-  
ernment not bringing a total ban on  
lay-offs and retrenchments and lock-  
outs? Hundreds of factories are  
closed in various parts of the country.  
What steps will be taken for those  
mills which are already closed I  
want to know from the Hon. Minister  
Mr. Reddy in regard to the J. K.  
Alluminium, Raniganj which has  
been closed for more than two years  
for which so many representations  
were made by us and others to the  
Hon. Mr. Reddy, Mr. Chandrajit  
Yadav, Mr. Pai and the Hon. Prime  
Minister. Are you going to reopen  
this J. K. Alluminium, Raniganj?

The Hon. Minister has quoted  
figures for West Bengal, Maharashtra  
and other States. Hundreds of  
workers were laid off in Faridabad,  
Gaziabad and Delhi. What will  
happen to those workers who have  
already been laid off? So far as I  
have gathered, nothing has been  
provided. So, I reiterate that this  
Bill will not serve the purpose of the  
workers but it will serve the purpose  
only of the employers. So I would  
request the Minister to bring up a  
Bill totally banning retrenchment,  
lay-off and lockout.

श्री रामावतार शास्त्री केवल एक बात में वहना चाहता हूँ जिसे मैंने पहले छोड़ दिया था। मैं समझता हूँ कि खासियों के बावजूद यह विधेयक पजीपतियों पर, कारखाने-दारों पर अक्रुश लगाता है श्री मजदूरों को यह कुछ लाभ पहुँचाता है। इसलिये मैं समर्थन करता हूँ। लेकिन एक बात मैं कहना चाहता हूँ।

बिहार में ऐसे कई कारखाने हैं जिन के मालिकों ने अकारण ही ले आफ कर दिया था या कारखाने बन्द कर दिए थे। उन में एक खान किरीबू माइज है। बिना किसी कारण के वह कई महीनों तक बन्द थी। बिहार सरकार के श्रम मंत्री श्री ए आई टी यू सी के दबाव और प्रयत्नों और धमकी के कारण उसको चालू किया गया लेकिन आपको सुनकर ताज्जुब होगा कि एक तरह का माइज चालू करने है और दूसरी तरफ वहाँ वे जो मजदूरों के नेता हैं श्री पूर्णानन्द मजूमदार जो बहुत पुराने मजदूर नेता हैं उनको तथा दो तीन और आदिवासी मजदूरों को भीसा के अन्दर गिरफ्तार करके जेल में बन्द करके अभी भी रखा हुआ है। अगर ऐसी बात होगी तो जैसे औद्योगिक शान्ति रह सकती है। उतने दिनों तक माइज को बन्द रखने के कारण आपको तो मालिकों को सजा देनी चाहिये थी लेकिन वहाँ की सरकार ने इन मजदूर नेताओं को ही बन्द कर के रख दिया है। आपको बिहार सरकार को भाषवना देना चाहिये कि ट्रेड यूनियन के कामों के लिए हम तरह से भीसा के अन्दर गिरफ्तारियों को बन्द कर दिया जाए और जिन को गिरफ्तार किया गया है उनको छोड़ दिया जाय।

सरकार ने कुछ कारखानों को ले लिया है। जैसे आयर बटलर कम्पनी मजूमदरपुर है, ब्रिटानिया इजीनियरिंग कम्पनी भोकारामा है। ये आपके कारखाने हैं।

ओरिजनली जितने मजदूर वहाँ काम करने थे उन सब को नहीं रखा गया है। बहुत से आज भी काम से बाहर हैं। उनका क्या होगा उनको काम में लिया जाना चाहिये नाकि वे यह महसूस न करे कि सरकार द्वारा कारखाने लिए जाने के बाद उनकी छुट्टी हो गई है। उस तरह की बातें तो मालिक किया करते थे। आपको तो नहीं करनी चाहिये।

एक माननीय सदस्य कोयले के बारे में कहें।

श्री रामावतार शास्त्री वह भी है। आप अन्नक के बारे में बोल चुके हैं।

इसी तरह से पटना में वैसे तो कोई बड़ा उद्योग नहीं है लेकिन जो मामूली से है जैसे बिहार काटन मिल वहाँ ऐसा होता है कि जब चाहते हैं मालिक लोग तब ले आफ कर देते हैं। इसी तरह से पटना मिटी में प्रदीप लैम्प ब्रबस है जिस के मालिक जन सची है, व जब चाहते हैं कारखाना बन्द कर देते हैं। इसी तरह से वैद्यनाथ आयुर्वेद भवन है और हम तरह के और भी हैं। मैं कहना चाहता हूँ कि मालिकों की उस तरह की कारवाहियों पर आप अक्रुश लगायें। साथ ही किरीबू माइज के जिन मजदूर नेताओं को आपने जेल में बन्द कर के रखा है, मजदूरों को जेल में बन्द कर के रखा है उन्हें बिहार सरकार से यह कर छुड़ाया नाकि औद्योगिक शान्ति बनी रह सके।

SHRI RAGHUNATHA REDDY:  
The law that this House is pleased to pass now is applicable to all parts of the country, it is not confined to West Bengal or any other place.

With regard to the points raised by Shri Ramavatar Shastri, they are matters concerning individual units. We are discussing the general law, and I hope, to the extent the general law is useful, it will be applied.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill, as amended, be passed."

*The motion was adopted.*

14.27 hrs.

**LEVY SUGAR PRICE EQUALISATION FUND BILL**

MR. DEPUTY-SPEAKER: We now take up the Levy Sugar Price Equalisation Fund Bill.

Mr. Shahnawaz Khan.

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND IRRIGATION (SHRI SHAHNAWAZ KHAN): I beg to move\*:

"That the Bill to provide for the establishment, in the interest of the general public, of a fund to ensure that the price of levy sugar may be uniform throughout India and for matters connected therewith or incidental thereto, be taken into consideration."

This is a non-controversial Bill with a very limited object. This Bill, after it is passed, will be followed by a general discussion on price of sugarcane—all matters pertaining to the price of levy sugar and price of sugarcane. This Bill has only a very limited object. The producers of sugar are required to deliver a certain percentage of the sugar produced by them to the nominees of the Central Government for distribution to the consumers at a fair price. Such sugar is called levy sugar. The ex-factory prices fixed by the Central Government in relation to levy sugar were challenged by several producers. In many cases, pending final decision, they were permitted by courts to charge from the Government nominees prices in excess of controlled prices. In several cases, the control-

led prices fixed by the Central Government have been finally upheld by the courts. The realisations made by the producers of sugar in excess of the controlled prices do not legitimately belong to the producers. Therefore, such excess realisations ought to be refunded to the consumers from whom excess realisations were made. But it will not be possible for the mass of consumers to claim refund of the excess realisations from the producers. Consequently, the producers will continue to hold certain monies which do not legitimately belong to them. In the circumstances, the Bill seeks to constitute a Fund to be called 'Levy Sugar Price Equalisation Fund', in which the producers of sugar will have to deposit the excess realisations made by them. The money standing to the credit of the fund being legitimately the property of the consumers, initially the consumers will be given the right to claim refund from the Fund on production of adequate proof. The unclaimed monies would vest in the Central Government and would be utilised for the overall benefit of the consumers in accordance with the existing scheme of equalisation of retail price of levy sugar throughout the country. If any lawful claimant appears at any time even after utilisation of the monies standing to the credit of the fund for the benefit of the community of consumers, necessary refund shall be made from the Central revenue. As the Bill seeks to protect the interest of the common man, I commend the same for its early consideration and passing.

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill to provide for the establishment, in the interest of the general public, of a fund to ensure that the price of levy sugar may be uniform throughout India

\*Moved with the recommendation of the President.