15.31-1/2 hrs.

INDIAN AGRICULTURAL WORKERS BILL *

SHRI D. K. PANDA (Bhanjanagar): I beg to move for leave to introduce a Bill to provide for the welfare of agricultural workers in the country.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill to provide for the welfare of agricultural workers in the country."

The motion was adopted.

SHRI D. K. PANDA: I introduce the Bill.

15.32 hrs.

ORISSA AGRICULTURAL WORKERS BILL *

SHRI D. K. PANDA (Bhanjanagar): I beg to move for leave to introduce a Bill to provide for the welfare of agricultural workers in the State of Orissa and to regulate the conditions of their work.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill to provide for the welfare of agricultural workers in the State of Orissa and to regulate the conditions of their work."

The motion was adopted.

SHRI D. K. PANDA: I introduce the Bill.

15.32-1/2 hrs.

PREVENTION OF FOOD ADULTERATION (AMENDMENT) BILL *

[INSERTION OF NEW SECTION 16A AND SUBSTITUTION OF SECTION 20A, ETC.]

SHRI D. K PANDA (Bhanjanagar): I beg to move for leave to introduce a Bill further to amend the Prevention of Food Adulteration Act, 1954.

MR. CHAIRMAN : The question is :

"That leave be granted to introduce a Bill further to amend the Prevention of Food Adulteration Act, 1954."

The motion was adopted.

SHRI D K. PANDA: I introduce the Bill

MR. CHAIRMAN : Shri Vishwanath Pratap Singh—absent; Shri Madhu Limaye—absent; Shri N. Tombi Singh absent.

15.33 hrs.

RAILWAYS (ABOLITION OF CASUAL LABOUR) BILL-Contd.

by Shri Hukam Chand Kachwai

MR. CHAIRMAN: We now take up further consideration of the Railways (Abolition of Casual Labour) Bill.

Shri Lakkappa to continue his speech.

SHRI K. LAKKAPPA (Tumkur): Mr. Chairman, Sir, contiauing my speech on the Railways (Abolition of Casual Labour) Bill moved by my hon. friend, Shri Kachwai, as I have already said, a conservative Member has now brought forward a socialistic measure.

*Published in Gazette of India Extra ordinary, Part II, section 2, dated 7-3-74

of the railway

[Shri K. Lakkappa]

Last time. I was referring to the consolidation of the casual labour in the public sector undertakings, like, the Railways. I would like to say that a human approach should be made by the Railway Ministry in order to consolidate the situation prevailing in the railways so far as the laobur issues are concerned. 1 was also referring to certain instances that in Karnataka, specially in Southern Railways, the casual labour is not an organised sec-The casual labourers who are worktor. ing in stone quarries at the mercy of big contractors attached to the Railways have been thrown out mercilessly. Today, they are not able to find a job and that is creating another problem in the society. We are driving them out to become anti-Therefore, I have sugsocial elements. cested that high-power commission а should be appointed to go into every aspeet of casual labour in this country, specially in the Railways and to find out how we can utilise the services of casual labour and respect them as human beings.

Also preparing the casual labourers for various categories of work in the Railways is lacking. A realistic approach has to be made to find out these employees, those who are appointed casually in the Railways, and such people who are working in various categories should be given full training because we find today that the casual labourers attached to the various organisations of the Railways have not been trained properly. They have also not been provided with any basic amenities. In some cases they have no shelter even. It is very difficult for them to eke out their livelihood : they are moving from one place to another like nomads. Therefore, this aspect also has to be considered. I do not know why the Railways have not taken a serious note of this situation. It is because the officers in the Railway Board do not recognise the rights of these people, they treat them as the lowest category of people and do not consider them as part of the Railways. It should be understood that these people

undertaking. They should get their due priority. I would suggest that these casual labourers should not be treated in an inhuman way. All possible help must be given to them. We should, therefore, seriously consider appointing a high-powered Commission. This Bill cannot give any adequate relief ; it can only attract the attention of the Government to the various aspects of the problem concerning these casual labourers. My hon. friend. Shri Kachwai, has failed to provide any adequate measure to improve the situation. Therefore, on the technical ground this Bill may not be considered by the Government. But at the same time all these points which have been suggested may be taken into consideration to evolve a cercertain procedure to improve the situation so far as casual labourers in the Railways are concerned.

constitute the backbone

*SHRI J. MATHA GOWDER (Nilgiris): Mr Chairman, Sir, I wholeheartedly extend my full support to the Bill of my hon. friend, Shri Hukamchand Kachwai, providing for the abolition of casual labour system on the Indian Railways.

At the very outset. I would like to point out to you how the Central Government are implementing their socialist policy, about which they talk day in and day out. Sir, in all the regions of the Railways there are casual labourers. Do they get uniform wages all over the country, like the regular workers of the Railwavs? I regret to say that there is no uniform wage policy for the casual labour on the Railways. There is one rate on the Southern Railway, another on the Western Railway and yet another on the Western Railway. I can easily anticipate the reply of the Hon. Minister. He will say that their wages are fixed under the Minimum Wages Act. Supposing that the minimum wage in Maharashtra is Rs. 8 a day, he Mysore or in Tamil Nadu it is Rs. 4 a

*The original speech was delivered in Tamil.

Railway (Abolition PHALGUNA 16, 1895 (SAKA) Railway (Abolition of Casual Labour) 238 237 RIII Rill

day. Under these circumstances, how can their wages be uniform?

PROF. MADHU DANDAVATE (Raiapur): Minimum wage differs from district to district.

SHRI J. MATHA GOWDER : Yes : it changes from district to district.

I want to ask of the hon. Deputy Railways whether Minister for there should at least not be uniform wage for the casual labour. Sir. in the Fifth Five Year Plan there is a chapter on National Minimum Needs. The Central Government seem to lay great emphasis on the National Minimum Needs Policy, J wonder whether the casual labour on the Railways with this kind of minimum wage. especially at the prevailing price level. will be able to get their minimum needs. With Rs. 4 a day will they be able to lead a normal life? So long as there are 4 lakhs of casual labourers on the Railways, the National Minimum Needs Policy of the Government can never be a success. If the Government are determined to implement the National Minimum Needs Policy, then they should abolish immediately the casual labour system and they should regularise all the casual labour on the Railways.

All of us in this House are unanimous in the demand that the casual labour system must be abolished. Even my friend. Shri Lakkappa, also accepts this. Inst because he happens to be on the ruling party benches, he is not able to give his explicit support to this Bill. But in his heart of hearts he is convinced that this Bill, though brought forwarded by Shri Hukamchand Kachwai, is a good Bill worthy of his support. He spoke also in that vein. But openly he cannot express his support to this Bill because he is bound by the ruling party conventions.

Another unfortunate thing is that the casual labourers are not entertained by any Union, whether it is recognized or

unrecognised. The regular workers have got their Unions through which they voice and grievances. Their their demands Unions fight for getting their legitimate demands fulfilled. Till their demands are met, through their Unions the regular workers resort to strike, agitation etc. But the casual labourers are to remain as dumb dolls throughout their life, undergoing untold miseries. There is no forum for them to express their problems. Thus, their fundamental right is also denied to them.

Yet another problem of the casual labourers is that they are made to do what a regular worker does. But they are not getting as wage what a regular worker gets for doing that job. Though they do a regular worker's job, they are not being paid for it. In western countries the men and women doing similar jobs get equal navment. Here in our country, among the male workers there is this kind of discrimination-regular worker and casual worker. In the payment of wage also, though both of them do the same job. there is discrimination. I would like to say that this is a gross social injustice. Our Prime Minister in public platforms speaks so much about the prevalence of social injustice prevailing in our country and her Governments determination to do away with this. But her Government's Railway Ministry remains a silent spectator, not only a silent spectator but also an active participant, of the perpetuation of this social injustice. The Central Labour Minister the floor of this on House has repeated several times that the casual labour system must be abolished. But the Central Railway Minister has not taken any concrete steps to abolish the casual labour system.

I am a member of the Public Undertakings Committee of this House. I have visited almost all the public undertakings where I find that the number of casual labour is much more than regular wor-If a private sector undertaking kers. happens to have more casual labourers than regular workers, immediatel the

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[Shri J. Matha Gowder]

Labour Commissioner or the Labour Officer pounces upon it and insists that the casual labourers must be regularised. Is it too much to expect that the Government's undertakings must implement the policies preached by the Government and be an example for the private sector? If the public undertakings fail to do this, how can the Government have the moral authority to insist upon anything on the private sector?

Sir, fortunately we have in our President the champion of labour welfare. But I wonder how he is tolerating this social injustice. In his Address to the Parliament, he appealed to the labour force of the country that they must engage themselves with all the patriotic fervour for increasing our production. At the same time, he has not pointed out what steps have been taken by his Government to abolish casual labour system on the Railways which seems to be the breeding place for social injustice.

SHRI B. V. NAIK (Kanara): Do you want the abolition of casual labour or the casual labour system?

SHRI J. MATHA GOWDER : Casual labour system.

MR. CHAIRMAN: You need not used President's name.

SHRI J. MATHA GOWDER: He is a pre-eminent labour leader of the country and that is why I referred to him.

MR. CHAIRMAN : But he is the President.

PROF. MADHU DANDAVATE: His speech is written by the Prime Minister.

SHRI J. MATHA GOWDER: Today morning also, to a question whether the casual labour system would be abolished, the hon. Minister's reply was that the matter is under consideration. I do not know for how long the Government would be saying that the matter is under consideration. It is all right that this reply is

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given for a year or two or five. It would not be proper for the Government to say for ever that the matter is under consideration. I have no hesitation in saying that the Government are deceiving these innocent people by saying that the matter is under examination.

My hon, friend, Shri Lakkappa, pointed out that there is no shelter for the casual labour to take their food or to take rest. Perhaps the Government are unable to regularise them because of the fear of additional expenditure in the form of gratuity etc. if they are all regularised. But, it is common knowledge that the Railways have been incurring crores of rupees loss during the past seven years under different sectors of working. If only the Railway Administration had made determined efforts to reduce the loss to a small extent in anyone sector of working, the additional expenditure that might have to be incurred on account of regularising the casual labour could have been met without much difficulty.

I would request the hon. Minister of Railways to give to this House a definite date-5 years or 10 years-by which the casual labour system will be abolished on the Railways and also the definite programme which he has formulated to get this done. He should also ensure that there is uniform wage for the entire casual labour force working in different regions of the Railways. I would also to appeal to him that he should not simply brush aside the laudable principle contained in this Bill, simply because it has been moved by a member from the Opposition benches. I know that Shri Shafi Ouereshi is a well-meaning friend of the labour and I am sure that he will accept this Bill.

With these words, I conclude.

डा॰ कैलाश (बम्बई दक्षिण) माननीय समापति जी मैं कछवाय जी को बधाई देता '- वे वास्तव में एक बहुत महत्वपूर्ण विल सदन के सामने साये हैं। इस में कोई बक नहीं माज देक बड़ी कठिन मार्थिक परिस्थितियों से गुजर रहा है। वे प्रपने विल में जो बाहते हैं, वही मै

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भी बाहता हूं भौर झायद केन्द्रीय सरकार भी बही बाहती हैं। लेकिन कछवाय जी को यह भन्दाव होना बाहिये-भगर हम कैजुमल नेवर को हटा दें तो कितने बोझ हम पर बढ़ जाने वासा है। श्री गौडर जी, श्री लकप्पा जी भौर दूसरे मिलो ने कहा कि भौर दूसरी पश्चित पश्चिक अण्डरटकिंग्ज भी यह व्यवस्था होनी चाहिये, लेकिन पश्चिक अण्डरटकिंग्ज भी यह व्यवस्था होनी चाहिये, लेकिन पश्चिक अण्डरटकिंग्ज भी इस समय काटे मे चल इस लिये सारे देश की भाषिक नीति पर इस का असर पड़ेगा। लेकिन मेरा यह ताल्पर्य नही हैं कि इस प्रश्न को यहां लाया ही नही जाना चाहिये, ऐसे प्रश्नो को सदा लाया जाना चाहिये ताकि केन्द्रीय सरकार कुछ प्रश्नो पर जपने विचार बना सके तथा इसका हल तुरन्त से निकाल मके।

माज हम हर क्षेत्र में यह प्रयत्न कर रहे हैं विचोलियो को हटायें-विचौलियों का मर्थ है-कान्ट्रक्टर्स या एजेंटस को इन कान्ट्रैक्टर्स को हटाना चाहिये, यह कौन लोग है ? वे लोग हैं जो रेलवे एडमिनिस्ट्रेजन को खरीद सकते हैं। जब इन को कान्ट्रैक्ट मिल जाता है तो ये क्या करते हैं ? वे लोग कन्ट्रैक्ट मिलने पर स्त्री झौर पुरुषों को कैजुझल लेवर के नाम पर भेड-बकरी धौर जानवरो की तरह से भरती करते हैं, उन के साथ जान-वरो जैसा व्यवहार करते हैं। क्या में कुरेशी साहब से यह पूछने की दृष्टता कर सकता ह-माप कम से कम माज मे ही क्रुपा कर कान्ट्रैक्टर्स के सिस्टम को बिल्कुल बदल दीजिय भौर फिर से टेण्डर्स इन्वाइट कीजिये भौर टंन्डर मे कुछ इस तरह की कर्ते डालिये कि हम उन्हीं कान्ट्रक्टेस को कान्ट्रैक्ट देने जो अपने लेवर्स को रहने की सुविधा दे सकेंगे, उनके लिये पीने के पानी की, दवा-दारू की व्यवस्या कर सकेंगे, मुनिस्पिल्टी से प्रार्थना कर के या दूसरे मन्य साधनों से झौर उन को जो मन्य वस्तुयें चाहियें, उन की व्यवस्वा करेंने । कांट्रैक्ट के कार्यकाल में इन वस्तुझों की व्यवस्था करने की जिम्मेदारी उस कांट्रैनटर की होगी। आज वह इन कैंजुझल लेवरसे की मेहनत से कमा कर लखपति मौर करोड़पति बनता है, लेकिन उन की सुख-सुविधा के लिये कुछ नहीं करता-दस प्रकार की व्यवस्था से उस को यह अनुभव करना पड़ेगा कि रिश्वत देकर काट्रैक्ट लेने से ही काम नही चलेगा, इस समुदाय को सुख-सुविधा की जिम्मेदारी भी उस पर है। आज जिस प्रकार से हमारे मंत्री मिलाजी भीर हरेशी साहब ने एक नई कल्पना दी है कि जो भी हमारे

पिछड़े हुए क्षेत्र हैं, हम उन में रेलो को से जायेंग, क्या इसी तरह से यह कल्पना भी नहीं की जा सकती कि हम कोट्रैक्टस उन को देंगे जो मानवता को समझते हों, जो इस बाद को अनुभव करते हो कि इन्हों सजदूरो के बलवृते पर, इन्ही के पसीने से वे पैमा कमाने हैं, इस सिय इन की मुख-सुविधाओं पर खर्च करना भी इन की जिम्मे दारी है।

एक दूसरा सुझाब मे देना चाहता हू-जिस पर कुरेशी साहब झौर उन के मंत्रालय को सोचना चाहिये । मैं सब से पहने एक उदाहरण देता हू-यदापि इम से उस का कोई खास संबंध नहीं है -- लेकिन विचार करने की दृष्टि से बहुत महत्व रखता है। जैसे हम ने बम्बई में तय किया कि वहां पर घोड़ा-गाडियां कम होती जायें, जिम से कि धाने जाने में सड़कों पर सुविधा हो, रैडस्ट्रियन्ज बसुविधा से बच सकें। इस दृष्टि से हमने यह कल्पना की कि प्रतिवर्ष घोड़ागाड़ी की मख्या घटाते चले जायें । इसी तरह से हम प्रतिबर्ध कैज्यल लेबर की मख्या भी घटाते चले जायें। क्या कूरेकी माहब को कुछ घन्दाजा है कि इस समय रेलवे में कैज्यल लेबरर्स की मंख्या क्या है, उस के बाद 🖻 प्रपने पर्स को देखें, जेव मे कितना रुपया है इस बात को देखें--यह ठीक है कि भाग वर्तमान बजट मे 100 करोड़ स्पये का घाटा लेकर घाये हैं, लेकिन इस काम के लिये यदि 10 करोड ल्पमें का घाटा और भी सहना पडे, तो कोई बात नही है, सहना चाहिये । उस के बाद हर साल 50 हजार या 20 हजार या 10 हजार कैजुघल लेबर, जिस तरह से आप की गिनती बन सके, गणित बैठ मके, घटाते चले जाये। यह काम 10-12 या 15 माल मे पूरा हो जाना चाहिये, यह न हो कि 100 वर्ष बाद उस काम को पूर्ण किया जाय। झाज हम समाजवाद की बातें करते हैं, नेकिन समाजवाद की झोर जा नही रहे हैं, हमेशा बडों की तरप देखते हैं। माज जो हमारी धन-मागेनाइण्ड सेवर है, कार्ट्रक्टर्स के धरा खरीदी भौर बेची जा रही है, उस की झोर ब्यान नही दे रहे हैं। गौडर साहब ने अपने भाषण में इस का एक उत्तर दिया है भाष उन के प्रोटक्शन की व्यवस्था करने जा रहे हैं, धर्षात मिनिमम रेज एक्ट लाग इन पर हैं, लेकिन उन्होंने श्रीक उदाहरण दिया है-मिलिमम वेज महाराष्ट्र मे क्या है, साग्ध्र प्रदेश में क्या है, तॉमलनाडु में क्या है उत्तर प्रदेश में क्या है अर्थात् सब को सारे देश में एक सा नहीं मिलता ।

Railway (Abolition of 244 Casual Labour Bill

[डा॰ कैलाग]

माज माप को वह भी जरूर बताना पड़ेगा -- कि हम किस प्रकार से इन सख्या को कम करने जा रहे हैं वह दिम कब मायगा 10 साल में प्रायेगा या पांच साल मे मायगा जब कि कैजुमल लेबर जैसी चीज हमारे देश में नही रहेगी।

16 hrs.

इस में मन्देह नहीं कि कछवाय साहब ने इस बिल को लाकर एक राष्ट्रीय काम किया है। भौर उन मुक व्यक्तियों के लिये यहा पर लडाई जारी की है जोकि बहुत आवश्यक है : मैं इनका एक तरह से समर्थन ही कर रहा ह समर्थन करना ही चाहिये और कोई भी व्यक्ति होगा वह इसका ममर्थन करेगा। इसमें पार्टी का कोई सवाल नहीं है। काग्रेंस पार्टी में होते हुए मौर श्रीमती इदिरा गांधी जी के जपर पूर्ण विश्वास और श्रदा होते हुए मै समझता ह कछवाय जी जो चाहते हैं वह पहले से ही श्रीमती गांधों के दिल दिमाग में हैं। लेकिन खर्चे की भी एक परिधि होती है और उसमें भी प्रायटींज हैं कि कौन सी चीज पहले करें मौर कौन सा चीज पीछे करे। वे तो स्वय कह रही हैं कि बैकारी हटानी है। यह बेकरी सो नहीं है, हां अर्धवेकारी जरूर है। इसको पूरा नहीं किया जा सकता है लेकिन जो समानुषिक व्यवहार कन्ट्रैक्टर्स के ढारा उन पर किया जा रहा है उसको तो बन्द करने के लिये ग्राज ही जकर कदम उठाये जा सकते हैं। तीन महीने जार महीने में यह किमा जा सकता है लेकिन इसको रेलवे बोर्ड करेगा या हमारे मिश्र जी ग्रौर कुरेशी साहब करेंगे यह देखने की बात है। यह परीक्षा की घड़ी है कि रेलवे बोर्ड राज्य कर रहा है या हमारे मली राज्य कर रहा है।

इन कव्दों के साप में कछवाय जी को धस्यवाद देता हूं भौर साथ ही भाषकों भी धन्यवाद देता हूं कि भाषने मुझ बोलने का समय दिया ।

भी राम कंबर (टोक) : सभापति जी, कछवाय जी जौ ग्राकस्मिक श्रमिकों के संबंध में एक विधेयक इस सदन में लाये हैं उसके लिये मैं उनको धन्यवाद देना चाहता हूं । यह जो डेली वेजेज पर काम करने वासे मजदूर हैं उनकी तरफ न तो रेलवे के जी भ्राफिसर्स हैं उनका ध्यान जाता है भीर न ही हमारे जो रेल मंत्री हैं उनका ध्यान जाता है भीर न ही हमारे जो रेल मंत्री हैं उनका ध्यान ही उनकी तरफ गया है । मैं ने व्यक्तिरात रूप से इस बात को काफी नजदीक से देखा है । ठेकेदारो की बात को भन्नी मैं पीछे छोड़ता हूं, जो डिपार्टमेंटल तरीके पर डेली बेजेंज पर काम करते हैं उन लोगो का भी बड़ा भारी शोषण होता हैं। उन मजदूरों को धपनी तनक्वाहें लेने के लिये खुशामद करनी पड़ती है। उनको एक महीने में 10-20 दिन ही काम दिया जाता है भीर बाद में उनको हटाकर दूसरे लोगो को यहा लगा लिया जाता है । इस तरह की काफी बातें देखने मे प्राती हैं। माज 26 वर्ष की भाजादी के बाद हमारी कांग्रेम सरकार झौर हमारी प्रधान मंती जी का गरीनी मिटाने का जो नारा है वह नारा खामकर इन्हीं लोगों के लिये बनाया गया है । लेकिन फिर भी उनकी दशा दिन प्रति दिन खराब होनी जा रही है।

मैं माप को एक बात बनाना चाहना हू कि डेसी बेजेज पर जो मजदूर काम करते हैं वे ऐसे लोग हैं जिनके पास न तो खेनी है भौर न ही वे साधन सम्पन्न है। इनमे बिसेषकर सैड्यूल्ड कास्तट, मनुसूचित जानि एवं मनु-सूचित जनजाति के लोग ही हैं। इन लोगो की म्रोर मापका विवेच ध्यान जाना चाहिये था नेकिन 26 वर्ष को म्राजादी के बाद भी मुझे खेद के साथ कहना पड़ता है कि यह विल एक विरोधी दल का सदस्य यहा पर लाया है। मेरा मापसे निवेदन है कि प्रधान मती श्रीमती इन्दिना बांधी जी का जो नारा है उनको यदि माप पूरा करना चाहने हैं तो इस बिल को मापको मान लेना चाहिये।

यह जो मजदूर हैं इनकी दिहाड़ी केवल चार रुपये है। बहुन ही थोडी जगहो पर असे पजाब भीर हरियाणा में उनको 6-7 रुपये दिहाड़ी मिलती है। इसके प्रतिरिक्त इनको महीने मे 30 रोज काम भी नहीं मिमलता है, कुछ दिनो के लिये ही उनको काम मिल पाना है। ऐसी स्थिति में मेरा निवेदन है कि ईंसी वेजेंज पर काम करने बाले मजदूरों की रजिस्टर में एन्ट्री होते ही उनको पक्का कर देना चाहिये। यह करना बहुत जरूरी है। साथ ही उनको 4 इपये रोज जो दिहाड़ी मिलती हैं उसको मी बढ़ाना चाहिये क्योकि उनके घर में पुरुष स्त्री के अलावा दो तीन बच्चे भी होते होंगे और भाप खुद सोच सकते हैं कि बार रुपये में वे अपना गुजारा कैसे कर सकते हैं तथा कैसे अपने बच्चों का भविष्य बना सकते हैं। इस बात पर भाषको विशेष ध्यान देना चाहिये। डब्लू भाई जी हैं, उनके पास जो लेवर काम करते हैं या जहां मी लेबर काम करते हैं उनको पक्का किया बाये। यह जो

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लेबर हैं उनकी कोई यूनियन नहीं है इसलिये उनकी यहुंच सिर्फ झाफिमर्स तक ही रहती है। मेरा निवेदन है इस बिल को मान लेना बहुत जरदी है ग्रौर मैं तढ़े दिल मे इस बिल का समर्थन करना हू।

MR. CHAIRMAN: Before I call upon prof. Dandavate, I would like to inform the House that the time allotted for this debate is over. Is it the pleasure of the House that the time should be extended?

THE MINISTER OF PARLIAMEN-TARY AFFAIRS (SHRI K. RAGHU RAMAIAH) : 1 suggest that the time may be extended by 45 minutes.

MR. CHAIRMAN: Is it the pleasure of the House that it may be extended by 45 minutes?

SFVERAL HON. MEMBERS : Yes.

MR. CHAIRMAN: The time is extended up to 5 O'clock.

प्रो॰ मधु वरडवरों (राजापुर): सभापनि महोदय, माननीय कछवाय जी ने सदन के सामने जो विघेयक पेश किया है उसका मैं समर्थन करना चाहना हूं। इम प्रकार का विघेयक...

SHRI K. HANUMANTHAIYA (Bangalore) : If I may say so—I am not a prophet of doom—with this overemphasis on Hindi, you may see ultimately what the result of it would be in this country.

समापति महोबय : मापको तो मच्छी हिन्दी माती है माप क्यो एतराज करते हैं।

PROF. MADHU DANDAVATE: I always speak in English; therefore, occasionally, I thought I should speak in Hindi.

SHRI K. HANUMANTHAIYA: I am not blaming anybody in particular. It is easy to presume that one's own language should occupy the highes place . . .

भी मधु लिववे (बांका): इनकी घाषा मराठी भौर ये हिन्दुस्तानी में बोल रहें हैं। SHRI K. HANUMANTHAIYA: But this is a country in which we require a little co-ordination and tolerance.

PROF. MADHU DANDAVATE: Because the Mover of this Bill has spoken in Hindi, and he understands Hindi very well, I want him to understand me, and that is why I am speaking in Hindi.

MR. CHAIRMAN : And Prof. Dandavate's mother-tongue is not Hindi, Mr. Hanumanthaiya. Some day I also want you to speak in Hindi.

PROF. MADHU DANDAVATE: The translation of my Hindi speech will be better than my English speech.

मभापति महोदय, जब इस प्रकार का विधेयक सदन मे पेश किया जाता है तो बहुन सत्तेवा यह दलील दी जाती है है कि इम देश में कैजुमल लेबर की प्रथा इसलिए जारी है कि हमारे देश में ऐसे बहुत गरीब लोग है जो कठिनाईयों के कारण ऐसी शर्तों पर कर्मचारी बनने के लिए या मजदूर बमाने केलिए तैयार हो जाते हैं लेकिन मैं बड़े प्रदब के माथ कहना चाहता ह. ...(व्यवसान)

Mine is never Sanskritised Hindi. It is neither the Hindi of the Maulvis nor the Hindi of the Pandits. It is Hindustani of the common people.

मैं यह कह रहा था कि जिस देश में 42 प्रतिज्ञत लोग गरीबी की रेखा के नीचे प्रपनी जिन्दगी बिताने है वहां लोगों को कितनी ही कम सुविधायें क्यो न मिलें फिर भी वे कर्मचारी या मजदूर बनने के लिए सैयार हो जाते हैं। मैं समझता हू यह उनकी लापारी है या उनकी परिस्थिति का सनज्जा है कि वे कैजुम्रल लेबर बनने के लिए तैयार हो जाते हैं मौर इस परिस्थिति का फायदा उठाकर हमने यहां एक नयी सामन्तमाही प्रथा चालू करनी चाही है 1 इसलिए हमारे मिद्र ने जो विधेयक बहां परवेश किया है मैं चाहता हुं कि उसको स्वीकार किया जाये।

मेरेमिझ लाकप्पा ने कहा या कि यह जरूरी है कि ज्यादा तफसील के साथ उस की जॉब

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[प्रो० मधु दण्डवेत] करने के लिये एक हाई पावर कमीशन नियुक्ति किया जाय और उस कमीजन के सामने यह विधेयक रखा जाय लेकिन में समझता हूं कि इस देश में ट्रेड यूनियन क्षेत्र में काम करने वाले जो लोग हैं चाहे इंटक हो जिस को साकप्पा जी मानते हैं, या ए०म्राई०टी०यू०सी० हो या मन्य कोई यूनियन हो, बह सब लोगो ने मान लिया है कि कैजुझल सैवर की प्रथा सामन्तजााही की प्रवशेष है, इस को समाप्त किया जाना चाहिये। 50 लाख कर्मचारियो में से चार, पांच लाख ऐसे कर्मचारी हैं जो कैजुझल लेवर हैं। डी० एम० के० के साथी ने कहा अगल-अलग प्रान्तों में न्यूनतम बेतन अलग-अलग हो सकता है । लेकिन मैं उस से भी आगे बढ़ कर कहना बाहता हूं कि झाज जो न्यूनतम कानून है उस के अनुसार यह हो सकता है है कि असम-प्रलग जिले में शायद न्यूनतम बेतन यलग भलग रहें। भौर में बाहता हूं कि किसी उद्योग मे जब मादमी कर्मचारी बनता है तो देश की एकता के लिए और मजदूरों के लिये भी झावस्थक है, प्रगतिशीलता के लिये भी भावस्थक है कि किसी भी क्षेत्र में काम करते रहें, किसी जिले में या राज्य में काम करें, लेकिन उनके बेतन में समानता होनी चाहिये। भौर यह मानी हुई बात है कि जब कैजुझल लेबर धलग-मलग जगहो पर काम करेंगे तो उन के वेतन मे समानता रहेगी । । माज हम देखते हैं चाहे वैस्ट न, सदन या ईस्टन रेलवे हो, जहां तक रेलवे के रेगुलर कर्मचारी हैं, परमान्नेट लोग हैं उन की बेतन अेणी देखें तो चाहें बैस्टर्न के हो, या सदनें रेलवे के हों, उन सब की बेतन श्रेणी एक हो सकती है। और मैं समझता हूं कि ग्राधुनिकता का एक तकाजा है कि धलग-भलग क्षेत्र मे धलग-धलग जगहों पर काम करने वाले कर्मचारियो की बेतन श्रेणी में किसी भी प्रकार की असमानसा नहीं होनी चाहिये। क्योंकि इस प्रगतिशीस सूत्र बतरे में प्राता है। इसलिये मैं चाहता हूं कि इस में तबवीली करना जरुरी है।

अहां तक कैजुभल लेवर की प्रथा है वह रिक्वत-खोरी को भाषे बढ़ासी है। जो लोग ट्रेड यूनियन बोदा से काम करते हैं वह बतायेंगे डा॰ कैसास ने ठीक रुहा कि बड़े-बड़े प्रफ़सर जब कैजुमल लेवर

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को नियुक्ति करते हैं तो मानी हुई बात है कि उनकों रिक्वत दिये बनैर किसी की नियुक्ति नहीं होती है । ग्रीर जब रिक्वतखोरी को हम खरम करना चाहते हैं जिस के लिये गुजरात में बड़े नैमाने पर ग्रान्दोलन चला, तो में समझता हूं उस दिशा में यह विधेयक एक प्रच्छा कदम है । झगर इस रिक्वतखोरी ग्रीर इस कुप्रथा को खत्म करना है तो ज्यादा ग्रच्छा होगा कि इस प्रकार का कानूम पास किया जाय ।

MARCH 7, 1974

बहुत मर्तवा जब हम पब्लिक सैक्टर इंडस्ट्रीज मे किसी परिवर्तन की बात करते हैं तो उस की शुरूपात सब से बड़े पब्लिक सैक्टर, यानी रेलवे में करनी चाहिये। धगर रेलवे मे इस प्रधाको खत्म कर देते हैं तो हो सकता हैं कि झन्य पब्लिक सैक्टर इंडस्ट्रीज में हम यह प्रगितशील कदम बढ़ा सकते हैं । सरकार ऐलान करती है कि निजी उद्योगों में एमप्लायर झौर एमप्लाईज के बीज बाइडियल रिलेजनजिप होनी चाहिये। जब सरकार प्राइवेट सैक्टर में कर्मचारी झौर मालिक में आदर्श ताल्लूक रखने की बात करती है तो वैसा घावर्श सरकार को पब्लिक सैक्टर में, रेलवे में पेश करना चाहिये वैसा आर्दण लोगो के सामने रखना चाहिये। इसलिए जो विधेयक पेश हुआ हैं उस को स्वीकार किया जाय । मैं उम्मीद करता हूं कि इस सदन के दोनों पक्ष के लोगों इस घादर्श को देखेंगे, मौलिक उसूल को देखेंगे तो मैं नहीं समझता हू कि कोई गुंजायश है इस विधेयक की मुखालिकन की जाय । इस भावना से मैं इस सदन के सभी सदस्यों से बाहे कांग्रेस के हो या विरोधी पक्ष के हों, अपील करना चाहता हूं कि इस का समर्थन करें और माननीय साकप्पा के विशेषतः कहना चाहता हूं कि इस सवाल को सिर्फ जनसंघ के एक सदस्य ने रखा है यह सोच कर झस्वीकार न करें। जहां तक जनसंघ का तालुक है एक सोशलिस्ट के नाते मेरा उस से बुनयाबी मतभेद है, लेकिन मेरा समाजवाद यह नहीं कहता है कि अगर दूसरे लोग या जनसंघ के लोग बौनस के लिबे या कैजुमल लेवर प्रया के खल्म करने के लिये कोई कदम उठायें तो मैं उस का विरोध करूं। यह मेरी राय कभी नहीं हो सकती है। यह एक नाकारात्मक सिद्धान्त द्दीगा । जौर साकृष्णा साहब 249 Railway (Abolition PHALGUNA 16, 1895 (SAKA) Railway (Abolition 250 of Casual Labour) Bill Bill

चूंकि जनसंच की तरफ, से यह सुझाच आया है इसलिये विरोध नहीं करेंगे । मजदूर मान्दोलम की जो बुनियाद है उस को नजर में रखते हुए एक- राब से इस विघेयक का समर्थन करेंगे । इन सन्दों के साथ में इस का नमयंग करता हूं।

SHRIMATI ROZA DESHPANDE (Bombay Central): Sir, I fully support this Bill and I am very glad to see that some of the Members of the ruling party are also in favour of this Bill; they are also supporting this Bill.

It is a pity that in such a public sector, and a big public sector at that, there are as many as four lakhs of casual labour. We have in this country casual labour, contract labour, temporary labour and various other kinds of employment, wherein workers are deprived not only of a minimum wage, but even their rightful facilities such as leave, provident fund and other facilities.

I think this system of casual labour. specially in the Railways, if it cannot be got rid of immediately, so as to make all these four lakhs of people permanent in the Railways, at least, a method could be found out by which, gradually, all of them can be absorbed and made permanent. For instance, out of these four lakhs, there are persons who are casuals for the last ten years, twelve years and twenty years. People have become old and soon they will die as casual labour. Why can't they be made permanent? When the time comes for making them permanont, there are such things as medical examinations, and in those examinations. they do not come through. There is no way out unless he is fit to work. When the time comes for making a person permanent, he is subjected to these examinations and then he is not made permanent. Such laws have to be scrapped. Otherwise, even with this provision that they should be made permanent, there would be difficulties. While considering this Bill, I think, this aspect should be borne in mind. 69LSS/73-0

Bill As my friend Mr. Dandavate said, this is a capitalist system that we are following, employing casual labour. This is the case not only in the Railway Ministry, but all over India; this is so even in the private sector.

In fact, I would request the Minister to take up the initiative and abolish this casual labour system and contract labour system in the Railways, which is the biggest public sector enterprise, and thus set up an example for the private sector to follow, wherein we, as trade union leaders, have to fight against this system.

I am sure the Railway Minister knows the difficulties which the casual labour in the railways have to face. Sometime back a Member of the Railway Board said "the Railway Minister is temporary, but we are permanent". Such permanent people have presented such a demoralising budget and the poor Railway Minister cannot revolt against the Railway Board because while he is temporary, according to them, they are permanent. I hope with this experience the Railway Minister will give due consideration to this very serious problem.

It is affecting the productivity and efficiency of the railways. How do you expect a casual labour to be efficient when every time there is the danger of his being thrown out? At the same time, do not under-estimate the strength of casual labour. All the federations and trade unions of railway workers have given a warning to the Government that unless their grievances and problems are solved they are going to unite and take some action. The casual labour will also join them. The first demand put forward on behalf of the workers by the railway unions and federations would be permaneacy for casual labour.

I hope the Minister and the Government consider this matter seriously and not oppose this Bill simply becase it is brought forward by an Opposition Member. If necessary, they should accept it with necessary changes, and see to it tha it is passed before long. MARCH 7, 1974

SHRI CHINTAMANI PANIGRAHI (Bhubaneswar): Sir. I rise to appreciate moved by our the Bill which has been hon, friend, Shri Kachwai, In fact. for in this House the the last many years memebrs of the Congress Party, especially those who are working in the trade union field, have been demanding that the casual labour system in the railways should be abolished. I also appreciate the gesture of the Railway Ministry that they have told the House that it is under the active consideration of the Government to abolish the casual labour system in the railways in a phased manner.

Here I would like to bring to the notice of the hon. Minister certain incongruities in the system which have persisted for the last so many years. In the South Eastern Railway whereas in Khurda Road Division as also the Khurda Road Division. The Banipada and Bhadrak come under the Kharagour Division of the South Eastern Railway whereas in Khurda Road Division these two districts are not taken into account. Those casual labourers who work in the Kharagpur Division get a minimum wage which is not applicable to those who work in these two border districts. So, while the casual labour in other parts get a different minimum wage. those who are in Balasore. Puri and Ganjam do not get the same amount because they come under the Khurda Road Division. Therefore, I would take this opportunity to appeal to the Railway Ministry that these two places Banipada and under the Khurda Bhadrak must come Road Division. Of course, this needs a little re-organisation.

I would like to say one thing more. If there is any source of corruption today in the railway administration, it is in the casual labour system. Wherever I go to my constituency, they usually come and tell me that after taking recourse to such methods, they are continued as casual would appeal to the labourers. I hon. Minister that at least when the number is not so much-out of 50 lakh employees, about 3-4 lakhs are casual

labourers—the Government can work out a programme in a phased manner and the hon. Minister can tell us in this House that in the coming three years, out of 4 lakh casual labourers, they have a programme to absorb, say, 50,000 or 20,000 or 10,000 so that we can tell the people that the system which could not be abolished in the last 25 years is being abolished in a phased manner.

About the minimum wages also, it is not that the trade unions have not taken up this question. Almost all the trade unions have demanded that this system of casual labour should be abolished. I am associated with the South-Eastern Railwaymen's Congress which is affiliated to the INTUC. They have also taken up the question of abolishing the casual labour.

Here, what I find is that in the Khurda Road Division, the minimum wage that the casual labourers were getting in the last three years was only Rs. 1.25 p. and that only after a great deal of agitation. it could be raised to Rs. 3.50 or 4 rupees. Whenever the administration is asked to raise the minimum wage of the casual labourers, they will immediately say that has not informed the District Collector them what is the minimum wage in the district. So, it varies from district to district. I fully support that there must be uniformity so far as the minimum wages for casual labour are concerned. I find, in the Kharagpur Division, it varies from Rs. 6 to Rs. 8, whereas in the Khurda Road Division, it is only Rs. 3.50 p. Naturally, there will be heart-burning amongst the casual labourers. I hope, this will also be looked into.

I would like to ask the hon. Minister why it is that when the minimum wages are being increased according to the orders of the Government of India in different States, the concerned District Collector should not immediately notify it to the railway administration saying, "We have increased the minimum wages and, therefore, you also increase the minimum

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wages. So far as the casual labour is concerned." The trade unions have to wage a battle for months together and then only the District Collector is asked to say what is the minimum wage, and then he says, "All right, we raise it to Rs 3 50 p." This is a kind of thing that is happening in this country which talks of socialistic measures. This system of casual labour is not in keeping with the aums and objectives which we have declared.

While I am grateful to you, Sir, for giving me an opportunity to participate in this debate. I once again appeal to the hon Minister to do something about the casual labour. They are going to retrench about 2,000 casual labourers from the (uttuck-Paradip Rail Link project. This is going to be one of the biggest problems in our State There are casual labourers who have worked for 10-15 years and they have acquired a certain amount of skill Now they are being retrenched. Their skill and services should be utilised Therefore, I would urge upon the Government to immediately take up the construction of lakhpura-Banaspani Rail Link project so that these 2,000 casual labourers who are facing retrenchment soon are provided employment in this new construction work.

Also, in the Khurda Road Division, the South-Eastern Railway should open some workshop so that the casual labourers who have been working for the last 10-15 years and have acquired a certain amount of skill get employment. I would again urge upon the Government that they should consider to take up new works in the Khurda Road Division to provide employment to workers who have acquired certain skill in the last 10-15 years.

भी एव सत्थनाराध्यश राख (करीमनगर) समापति महोदय, मैं श्री कछवाय को यह बिल लाने के लिए मुवारकवाद देता हूं 'धौर मिनिस्टर साहब भौर यूसरे साचियों ते निवेदन करना चाहना टूं नि वे इस बिल को एक्सेप्ट करे कि वे यह न समझे कि चूंकि जनसंघ का एक सेम्बर यह दिल लाया है, इसलिए इस को मन्जुर नही करना है। जैसा श्रीलक्कपाने यह फरमाया है कि जनसघ का मेम्बर ऐमा बिल क्यो लाया है। प्रा॰ मधू दडवने ने ठीक कहा है कि चाहे जनसघ का मेम्बर हो ग्रौर चाहे स्वतज पार्टी का, ग्रगर वे ठीक ग्रौर ग्रच्छी बान कहने हैं, ना हमे उस को मानने के लिए सैयार होना चाहिये।

मैं समझना हू कि इस बारे मे दो गयें नही हैं णायद मिनिस्टर साहब को भी इस मुत्तिफिक होगे--कि केजुबल लेबर का सिस्टम अच्छा नही है । हमारा एक सोणलिस्ट कन्ट्री है धौर हम सोण-लिज्म की बात करते है। ऐसी हालन मे ग्रगर लोगो को रोखगार के लिए इतनी मुश्किलात का सामना करना पडे, नो यह मुनासिब नहीं है। मैंने देखा है----श्रीमती देशपाडे ने भी यह कहा है कि बहुन से लोग प5 ह, बीम, तीस माल तक कैंजुबल लेबर के तौर पर काम करने है। उन के लिए इम बान की कोई गारंटी नही है कि उन को कोई काम मिनेगा ग्रीर वे ग्रपने बच्चा को पाल सकेंगे।

य मखदूर एक जगह काम करने है ग्रौर जब बहां काम खत्म हो जाता है, तो उन को काम करने के लिए भ्रपने बीबी-बच्चो को ले कर मीलो दूर दूसरी जगह जाना पड़ता है । कैजुमन लेवर की इन तक्लीको को देखते हुए, भौर उन के साम हमदर्दी रखते हुए मिनिस्टर साहब को इम बिल को एक्सेप्ट करना चाहिए ।

मै इस बिल को सपोर्ट करता हू।

DEPUTY MINISTER IN THE THE RAILWAYS (SHRI MINISTRY OF MOHD SHAFI OURFSHI) Sir, at the outset I must express my sincere sense of gratitude to the hon, members who have taken part in this debate. The Bill which has been piloted by Shri Kachwai deals with the question of casual labour in the Irdian Railways This question has been dealt with at length in this House whenever it came up either in the form of question or in the form of a call-attention, and much has been said about it But the hon members made certain valuable suggestions which I have taken due note of, and I would like to deal with some of the points which they made.

PROF. MADHU DANDAVATE: The most important suggestion is that the Bill should be accepted.

MR. CHAIRMAN : At least in spirit.

SHRI MOHD. SHAFI QURESHI: First I would like to clarify one point that this system of casual labour exists in the Railways not by choice but by compulsion, and it cannot be eliminated outright new because it would entail huge expenses on the part of the Railways.

AN HON: MEMBER : How much?

SHRI MOHD. SHAFI QURESHI The Mover of the Bill has calculated that, to absorb nearly four lakhs of casual labour, the annual expenses would be Rs. 50 lakhs. If they are to be paid as regular staff, the recurring expenses would be Rs. 40 to 45 crores. This casual labour which is enguged in connection with works is of a seasonal and temporary nature because the work itself is seasonal...

MR. CHAIRMAN: Do you mean to say that Rs. 45 crores would be in addition to what they are getting today?

SHRI MOHD. SHAFI QURESHI: If we absorb them permanently, the recurring expenditure each year would be about ks. 45 crores.

MR. CHAIRMAN : What would be the additional expenditure.

SHRI MOHD. SHAFI QURESHI: Rs 45 crores minus what we are paying now

MR. CHAIRMAN : Do you not pay the contractors ?

SHRI MOHD. SHAFI QURESHI : Yes.

MR. CHAIRMAN : How much do you spend on casual labour now?

FROP. MADHU DANDAVATF: With that argument, it would become imperative that, to curtail further expenditure, you should increase the number of casual labourers. SHRI MOHD. SHAFI GURESHI: I would request the hon. members to understand my point of view. We are nest averse to them. We have been very symrathetic to the casual labour and we are, trying to see how best we can absorb those people in persuanent jobs. The work which is given to the casual labour is seasonal, intermittent or sporadic or of a short duration it spreads from place to place.

In certain cases, for instance. during the summer months, we have to engage this casual labour for providing drinking water to the passengers. Now, this is a scasonal work because when the summer is off, the casual labour is also off with it. During monsoon we have to repair the tracks because everyday breaches occur and at various places. So, this also is a sort of a casual work and the labour employed is also casual in nature. There are works in connection with the repairs in the flood-affected areas. There also, this casual labour is employed. Once the work is over, we have no choice but to ask these people to go. The number is very big The total number of people employed in the Rallways on casual labour is about 3.17 lakhs They are also employed on a large number of special works like ballasting, resleepering, relaying of tracks and earth work. They, are also employed on major construction works. In all these, whatever the nature of the job will be, as you will see, it is all temporary in nature. Once the line is laid, once the construction is completed, once the resleepering is done or the ballasting is finished, they cannot be retained there because the work is of a temporary nature.

The hon. Members have mentioned ...

MR. CHAIRMAN: Will the hon. Minister say how many employees are employed in casual labour who are doing continuous work for the Railways, say, for more than, two years? Have you any such categorisation---to go from work to work, hke that?

SHRI MOHD. SHAFI QURESHI: 1 dc not have the figures with me now. 1 will tell you what happens. Once the work is over, a list of the casual labour is maintained by the supervisor and when the work is shifted to some distant place, we see that the same people are brought again and re-employed. But, unfortunately, what is happening is that sometimes, there is reluctance or resistance on the part of the casual labour to move away from their homes or to move away from their villages. They would prefer to have the vork near-about their place of living.

The hon. Members have stated that on permanent jobs we should not utilise this casual labour ...

SHRI CHINTAMANI PANIGRAHI: The hon Minister did not answer the very valid questions put from the Chair.

MR. CHAIRMAN: Rather it will be embarrassing for him. So, I did not press, but, I hope the Minister will take note of it.

SHRI MOHD. SHAFI QURESHI: 1 have got the figures now. This amount of ks 40 crores, which I mentioned, would be in addition to the existing annual expenditure.

There are 22,000 men who have been vorking as casual labour for more than three years...

SHRI CHINTAMANI PANIGRAHI. How many are working for more than ten years?

SHR1 MOHD. SHAFI QUREHI. 22.000 men are working for more than three years. That can be four years or five years or six years or ten years.

There are instructions issued to the Railvays that where the job is of a permanent nature, casual labour should not be employed and if the job is of a permanent nature, permanent appointment should be reade to that job. Hon Member, Shri Kachwai has raised this point that even for doing permanent work casual labour is being utilised. But that is not correct. Before discharging the casual labour. all efforts are made to provide alternative jobs to these people. As I stated, a list is maintained by the supervisors and they try to get as many people back to another work provided they are willing to shift to the new work. It is, however, always not possible to find alternative jobs nearabout because the quantum and the location of work varies from place to place.

One point which I would like to mention is that the casual labour which is discharged are given retrenchment compensation as provided by the Industrial Disputes Act This is one thing which we have...

MR. CHAIRMAN: How does it come? That is only for those who are permanent or who have put in more than 240 days There is a definition of a 'permanent employee' who alone is entitled to retrenchment compensation under the IDA That will go against your whole definition of casual labour if you say that they are paid retrenchment compensation.

SHRI MOHD. SHAFI OURESHI: Ĩ wanted to mention that, short of giving them permanent employment, all other benefits which are within the financial resources of the Railways are being provided to these people. The point which I am trying to make out is this. We are not taking casual labour as casually as is supposed to be done by hon. Members but we are trying to give maximum benefit which would have accrued to them if we had treated them as purely casuals There is the retrenchment compensation which is being paid to them under the Industrial Disputes Act. We maintain regular panel of these names of casual labour; we do not have to go to outside but these people when they are retrenched pie taken back in different jobs. And, in order to enable suitable personnel from out of the existing casual labour to be appointed under regular posts certain special dispensations have been given, for example, we have stopped direct recruitment and now all Class IV recruitments will be done from these casual labour. There is thus a big avenue open to these people but it will take time Uptill now

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[Shri Mohd. Shafi Qureshi] A we have absorbed some 70,000 people from casual labour. There is the relaxation of age limit also in their case. That is to say, the period of the casual labour which he has spent as a casual labourer will not be included while calculating his age. So, there will be no question of age bar for him. There are some relaxations in regard to medical specifications also. Some of these dispensations have been given to them in order to see that these people who have been working with us for a long time get absorbed permanently in the railways in due course.

I would like to inform the honourable House that besides 70,000 people who have been absorbed this year we have screened some 25,000 people more, and we are trying to provide them jobs permanently in the Railways.

MR. CHAIRMAN: That is, within 5 years or so...

SHRJ MOHD. SHAFI QURESHI: If the vacancies are there available we will be able to do it within a very short period. As and when the vacancies arise we will be taking persons from these casual labourers.

Mr. Kachwai has also talked about the low level of the wages. He said that in some places it is the Minimum Wages Act which regulates the emoluments. He said that in some places there are the local rates which are fixed according to which they are paid. He said, in some places chere are no local rates but all these things depend upon the whims and fancies of the supervisor who decides what is to to paid to the casual labourers. Hon. Members are aware that those people who are employed in stone-crushing or breaking or the building of roads etc. are all governed under the Minimum Wages Act. This is what is decided by the Labour Ministry. The casual labour which is employed on these jobs are remunerated according to the Minimum Wages fixed by the Central Government, With regard to the others who are not governed by the Minimum Wages Act, they are paid as per rates fixed by the local authorities.

And where the local rates are not available then they are paid at 1/30th of the minimum of the regular scale of pay. There is a recommendation which is under the consideration of the Government at this stage, and they are considering whether this should be applicable to other categories of casual labour. Casual labour employed on works other than projects are treated like temporary railway servants after 4 months continuous service and are given wages in the regular pay scale and allowances as admissible to temporary railway servants. Previously it was 6 months and now it is reduced to 4 months. This is a matter which was looked into by a tribunal headed by Shri Miabhoy. the ex-Chief Justice of the Guiarat High Court. He has made certain recommendations and among those recommendations this is one. He has suggested that this period of 6 months should be reduced to 4 months.

Sir, even during these four months, Shri Hukam Chand Kachwai has said that what we do is we employ a person for three months and twenty-eight days and then on the 28th day we discharge him saving there is no work; we re-employ him after ten days so that the continuity in his service is broken. In order to overcome this we have reduced the period from six months to four months and a casual labourer can take fifteen days leave during this period of four months and this will not be considered as break in his service, So, the hon. Members should appreciate how, gradually, we are trying to provide for this casual labour and also simultaneously absorbing as many of them as possible in the permanent cadre of the railways.

Sir, the Miabhov Tribunal has made certain recommendations, the first recommendation is that in the case of casual labourers goverend by the Minimum Wages Act, wages as prevalent in the locality may be given if such wages are higher then wages fixed under the Minimum Wages Act. This recommendation has been accepted. The second recommendation is that casual labourers employed on worka other than projects may be given temporary status including regular scale of

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pay on completion of 4 months' service instead of 6 months. This had also been accepted by the railways. The third recommendation is that casual labourers employed in projects may be given wages at 1/30th of the regular scale of pay if they are continued beyond six months. This recommendation is under the active consideration of the government and I hope a decision will be taken on this soon.

Shri Hukam Chand Kachwai stated that secret orders have been issued that no casual labourers should complete 180 days and that a break should be caused in and they their service should be reemployed after a break of 4 or 5 days. It is not 180 days but it is now 120 days and to overcome this particular type of r ischief we have provided that 15 days' leave can be granted to the casual labourer during this period and it will not be considered as a break.

श्री जगन्नाथ राव जोशी (शाजापुर): मैं एक खुलासा जानना चाहता हूं । यदि 3 महीने 28 दिन के बाद उन को निकाला गया और दस दिन के अन्दर उन को फिर लिया गया, इस तीन महीने के अन्दर उन्होंने 15 दिन की कोई छुट्टी ली नहीं तो यह बीच का काल जो है उसे छुट्टी समझ कर उन की सर्विस क्या काटीन्यु अस ममझी जायगी?

श्री मुहभ्मद शफी कुरेशी : मैं तो इस हद तक भी जाने को तैयार हूं कि 3 महीने 28 दिन तक काम किया है ग्रौर 6 दिन या दस दिन की छुटी उस ने ले ली तो दोबारा जब उस को काम मिले तो यह दस दिन का गेप, गैंप न माना जाय, उस् की सविस कांटीन्युग्रस मानी जाय । विल्कुल खुला दिमाग हमारा है । कछवाय जी ने पार्टी लाइन से बाहर ग्राकर एक ग्रच्छी चीज की ग्रोर ध्यान दिलाया

SHRI JAGANNATHRAO JOSHI: I very strongly object to it. What does he mean by 'going beyond party lines'?

श्री मुहभ्मद शफी कुरेशी : यह प्राइवेट मेम्बर बिल है, पार्टी की तरफ से नही है । PROF. MADHU DANDAVATE : A sense of humour is not unparliamentary.

SHRI JAGANNATHRAO JOSHI: It is not any sense of humour, but it is a serious accusation, as a matter of fact.

सभापति महोदय : जोशी जी, वेतो ग्राप की तारीफ कर रहें है ।

श्री मुहभ्मद शफी कुरेशी : कम से कम न उन की जात के लिये ग्रौर न ग्राप की जात के लिये ऐसा कर सकता हूं, मेरे दिल मैं ग्राप के लिये ग्रौर उन के लिये बहत इज्जन है।

The Maibhoy Tribunal has also gone into this question. The tribunal recommended that if a casual labourer was engaged on works which automatically expired on 31st March, the continuity of service should not be regarded as broken if sanction for this work was given subsequently and the same casual labourer was employed to finish the work. Government have accepted this recommendation.

The normal sanction for works is given from financial year to financial year or financial year to financial year or find April to March, and if funds are not available and the labour is laid off and the work is restarted and after a gap of 10 or 15 days or two or three months, the casual labourer is employed on the some work and the work is finished, then that period will not be considered as a break. So, hon. Members can see how ruuch has been done to see that conditions are created whereby casual labourers are not put to any distress.

Shri Hukam Chand Kachwai and Shri Bhattacharyya have referred to malpractices in the employment of casual labour and that money is reaching the bands of some supervisors. I would like tc have some specific instances in this case, but every care is taken to see that ordirarily these poor labourers who come for work are not fleeced by the supervisors and others, and if any case comes to my notice, I shall be dealing with that case very strictly and deterrent punishment would be given to the offenders. श्रीहुकम न्द कछवायः विजिलस ारा केसेज चलाये जा रहे हैं।

SHRI MOHD. SHAFI QURESHI: .I would certainly look into it. I am grateful to Shri B. V. Naik who has correctly pointed out that only by picking up the railways no useful purpose would be served, because so far as the railways are concerned, I have already stated the facts before the House, and the House will see and appreciate the efforts which have been made by the railways to better the lot of the casual labourers.

Shri Bhatia has pointed out that it is better to give at least temporary employment rather than no employment. That is also a point to be considered because these people would not have been employed at all but for the casual type of work which they are doing.

Dr. Kailas has pleaded that contract labour should be protected and he has suggested that at the time of tendering for a particular work, there should be a condition in the contract itself that they will provide all facilities like shelter and drinking water to the labourers. In our new tender system, this has been provided, and it is a condition of the contract itself that the contractor will provide shelter and also drinking water facilities to the labourers whom he engages on railway work.

SHRI K. LAKKAPPA : But the contractors are not providing those facilities.

MR. CHAIRMAN : I hope he has also some specifications about the type of shelter that should be provided to them. Otherwise, he knows what type of shelters is there these days.

SHRI MOHD. SHAFI QURESHI: These sheds are normally of a temporary nature. But I think that they should be at least habitable where a decent human being can live, but I shall have to tighten up the security staff and the supervisory staff a little bit more to see that these conditions are adhered to properly by the contractors.

श्री हुकम चन्द कछवाय : जो कन्टीन का ठेका लेते हैं, वे काफी केजुप्रल लेबर रखते हैं। उन के लिये बतलाये- वे वर्षों वहां काम कर रहें हे, ठेकेदार बदल जाता है, लेकन वे नहीं बदलते !

SHRI MOHD. SHAFI QURESHI: I appreciate the spirit with which the hon. Member has brought forward this Bill. But Government are not able to accept this Bill at this stage. I have given a detailed and full account of how we are treating casual labour in the railways, and I hope that he would give due consideration and possibly withdraw the Bill.

श्री हुकम चन्द ¦कछव.य (मुरना) : सभापति जी, मेरे ढारा प्रस्तुत विधेयक पर जितने सदस्य बोले हैं उन सब का मैं ग्राभारी हूं। इस विधेदक का विरोधी किसी भी माननीय सदस्य ने नहीं किया इस लिये मैं उन सब को धन्यवाद देता हूं

माननीय मंत्री जी ने बहुत सी बातों का खुलासा किया है, परन्तु कुछ बातों के लिय उन्होंने सदन को गुमराह करने का प्रयास भी किया है। मैंने जिन मुद्दों को अपने प्रारम्भिक भाण में उठाया था, उन में बहुत सी बातों का जवाब उन्होंने नहीं दिया । आप ने स्वयं यह कहा है कि देश में 3 लाख 17 हजार केजुमल लेबर है, परन्तु उन में से कुछ लोगों को स्थायी किया गया है। मेरी अपनी जानकारी है कि साढ़ें पांच लाख केजुम्रल लेबर देश में हैं, इन को स्थायी करने के लिये ग्राष ने क्या रास्ताढूढ़ा है। ग्राखिर इन लोगों का क्या दोष है, इन्हें प्राबिडन्ट फण्ड और ग्रेचुइटी से भी बंचित रखा जाता है । ग्रच्छा होता कि माननीय मंत्री जी कुछ एी व्यवस्था करते जिस से इन लोगों को भी प्राविडेन्ट फण्ड और ग्रेचइटी का लाभ मिले

त्राज कल देश में सभी स्टेशनों पर खाने-पीने के ठेके दिये जाते हैं, य लोग खोमचे लगाते हैं, ट्रालियां चलाते हैं । इस काम के ठेकेदार बदलते रहते हैं, लेकिन उन के यहां काम करने वाले ये लोग वही 30-35 रुपया महीना पाते हैं,

(Abolition 266 1119 of Casual Labour)

ठेकेदार की वर्जी है जब वाहता है रख लेगा है ग्रीर जब है निकाल देता है। इन के बारे मे ग्रापने माचण में कोई उल्लेख नहीं किया ।

आप के यहा मजदूरों के हित में बहुत में कानून और नियम बनते हैं लेकिन उन के लागू हाने में यबहुत बिलम्ब होता है । भियां भाई कमीशन को रिपोर्ट का आपने उद्धारण दिया , लेकिन मेरी अपनी जानकारी है कि गिपोर्ट भाने के बाद उस के लागू होने में बहुत भमय लगाया गया पता नहीं किम कमरे से वे सिफारिसे पड़ी रही। जब तक हम लोग हा पर न कहें, तब तक भाप नहीं देखते । मैं भाप से से पूछता हू मिया भाई कमीश्रन की न्पीर्ट भाप के पास कब ग्राई भीर भाप ने कब लागू की, दोनों के बीच कितने समय का भन्तर है क्या भाप तब में पैसा देन का नैयार हैं जब से वह रिपोर्ट आप के पास भाई है ?

माप ने कहा कि इस सिस्टम का हटाने मे बहुत पैसा खर्च होगा । समाजवाद-एक मच्छा सिद्धान्त है, ऐसा आप का कहना है, यह बहुत उजला है, बहुत मफेद है. लेकिन इस अच्छे ममाज-वाद मे यह केज्यल लंबर की प्रथा एक काला ध्रव्या बना कर बैठी हुई है । इस को समाग्त करन के लिय काई ठोम कदम आप की मार से नहीं उठाये गये ग्रीर न कोई कार्यवाही करने का ग्राप का विचार है। आपने कहा कि 15-50 करोड रुपया खर्च होगा -यह तो ठीक है, खर्च ना होगा ही, नेकिन भाष इन से कमा भी लेने है । जब मावश्यकना होती है इन का रखते है, वरना निकाल देते है, स्थामी होने की मोबन ही नहीं माने दने, जब कि आप के कई महकमों में लगातार काम चलता है, वर्षों काम होता है । उस महबसे में स्थायी आदमी भी काम करने है जिन को ज्यादा वेतन मिलता है झौर केजझल लेबर भी काम करती है जिस को कम बतन भिलता है।

गैग मैनो का बेतन आप तब नही करने-बहा का इल्लाधीश तथ करता है। ऐसी महनाई में ढाई रुपये से पांच रुपये का बेतन दिया जाता है। आप ने कहा कि 7 से।0 रुपये तक मिलता है, अगर कही कम मिलता है तो उस का उदादण्य दीजिए। परन्तु मेरी जा जानकारी है, वह बिस्कू ख टीक झौर मजबून जानकारी है, झाप छानबीन करेंगे तों झाप को भी पता चल जायगा कि ढाई रुपये से पांच पयं नक बंतव मिलना है, जिस को जिला कलकटर तय करता है। क्या झाप इन को जिला कलकटर के मातहन रखेंगे, वह जा कहेगा वही बेतन देंगे। सभापति जी, मैं माप के माध्यम से मढी महोदय से कहगा वि जिला कलैक्टर के माध्यम से बेतन न दीजिए। वे झाप की सेवा करते हैं झौर जब आप की सेवा करते है तो बेतन भी आप ही तय की। जए, खूराक भी झाप दीजिए।

मैने रिकार्ड के बारे में कहा था कैंजप्रल लेवर को हाजरी का काई रिकार्ड नहीं रखा जाता। इस काम से बडा घपला हाता है, वह दावा भी नहीं कर सकता है, क्योंकि इन में अधिकाण लोग भनपढ़ होते हैं। ऐसे किस्स भी हमारे सामने आये हैं जहा एक व्यक्ति को पाच रूपये रोज दिये जाते हैं उस से दम्तखत पाच रूपय पर कराये जाते हैं लेकिन उस को डाई रुपये दिये जाते हैं?

1700 hrs.

गंमे भी उदाहरण मिलेगे कि उपर के जा लाग है वे सभी खात हैं। 500 रू० पक्का करने का देट बचा हुमा है। सारे देश में एक रेट है इसमें काई अन्तर नही है । गैंग की भर्ती में प्रति व्यक्ति 10 इपग झीर एक गैंग में 20 व्यक्ति होते है, इस तरह से दो सी मपए लिए जात है मारे देश में यह बात है। यह बात कोई छिपी हई नही है। या कोई खुफिाया चीज नहीं है मेरी यूनियन चलती है झौर मै जानता हूं कि कसे पैसा देकर लोग पक्के होते हैं और नौकरी में जाने है । मापने 17 हजार लोगा के ज्यायी होने की बात कही लेकिन यह काई ग्रच्छी प्रगति नही है। रेलवें में खान-पान, वर्कशाप झौर दपनर मे भी कुछ इस प्रकार के लोग है तथा जा मैंग है उन सभी को मिलाकर जो सहया बनती है बह मेरी जानकारी में साढ़ें 5 लाख है ग्रौर आपके हिसाब से तीन लाख 17 हजार है। आप कहते है गिटी फोडनें वाल जो है उनके लिए कभी कभी काम निकलना है, वह कुछ लोग हो सकते है

[श्री हुकम चन्द कछवाय]

है परन्त बडी संख्या इनकी इम देश मे है ž तो माशा करता ধা इस बान पर आप एक अच्छा आख्वासन देगे धौर जो दाग मापके समाजबाद पर लगा है. एक काली लकीर बनी जो कैजग्रल लेखर की हर्ड - 2 उनको आप मिटायेंगे, ऐसी मेरी भावना थी पर मझे लगता है कि भाष डगमगा रहे है। आप स्वयं हम प्रकार कोई *तिवर्ग* का सदन मे लाये तो में उसका स्वागत कहना. उमको मपोर्ट करूगा लेकिन मेरे बिल को यह कहकर टालना कि चकि मैं इसको लाया ह इसलिए पास नही हागा ।

भी मुहस्मद शफी कुरेसी : मैंने यह नहीं कहा है कि ग्राप लाये है इसलिए पास नहीं होगा। मैं ग्रापकी इज्जन करना हू कि घापने पार्टी के बाहर निकलकर भी एक ग्रच्छा बिल पेज किया है।

को हुकस बन्द कछवाय : मैंने पार्टी के बाहर निकलकर यह बिल पेश नही किया है बल्कि पार्टी के ग्रन्दर ही किया है । मैं केवल माध्यम र हे।

समापति महोदय पार्टी से बाहर यानी पार्टी से ऊपर ।

भी सुहम्मद शको कुरेशो : मैंने कहा ग्राप पार्टी मे ऊपर उठे हैं।

श्री हुकम बन्द कछ्याय : यह बिल पार्टी के माध्यम से ही लाया गया है। पार्टी ने मेरे ढारा रखवाया है। इसलिए यह कहना कि पार्टी से उपर होकर यह बिल ग्राया है, यह बान गलत है।

मभापति महांदय, मैं आजा करना था कि मंग्नी जी मेरे बिल को स्वीकार करेंगे । मै चाहता था कि उन लोगों को विस्तार से कुछ यहूलियतें मिलेगी । उनको प्राविडेन्ट फंड की कोई सहलियत नहीं है । मैंने एक बात भौर कही थी कि कैजुधल लेबर जो हैं वह कुछ सीमा तक भ्राते बाते रहते हैं गाड़ी पर या जो गैंथमैन हैं उनको जमीन दी जाये । आपके पास बहुत सी जमीन रेल की पटरी के पास पड़ी हुई है जिसका कोई उपयोग नही है । माज देज मे जो खाने पीने की समस्या है उसको देखते हुए यदि बह जमीन उनको दी जाये तो बह धरती माता से झन्न पैदा करके घपना झौर घापका भी पेट भर मकते हैं । जमीन का यह मामला घनेको बर्षों से इस मदन में उठ रहा है लेकिन कोई ठोम कदम नही उठाया जा रहा है । मै प्रापसे प्रार्थना करूगा कि मंबिष्य मे मॉधक से म्राधक अमीन जो रेलवे लाइन के मास पाम पडी हुई है उमवो खेती के लिए दे तो बहुत मच्छा है । म्रापने जो घाघनामन दिया है उमके लिए मैं म्रापका ग्रामारी हु लेकिन मै तो चाहुगा कि म्राप मेरे बिल को पाम कर लें ।

सभापति महोबय मली जी ने जो आण्वामन दिया है उमने बाद क्या भ्राप इमको विदड्डा करेगे ⁹

भी हकन चन्द्र कछवाय : वायम वोटिंग हो ।

प्रो॰ मधु बंडवले यह विधेयक नामजर करने के बजाये ग्रगर मतो जी यह कहे ता ज्यादा ग्रन्फा होगा to elicit public opinion we are prepared to have it circulated.

SHRI MOHD SHAFI QURESHE. 1 am not agreeable to it

MR CHAIRMAN The question is :

"That the Bill to provide for the abolition of the practice of employing casual labour in the Railways be taken into consideration."

The motion was negatived

MR. CHAIRMAN : We shall now take up the next Bill, the Delimitation (Amendment) Bill of Shri Madhu Limaye.

17.05 hrs.

DELIMITATION (AMENDMENT) BILL [Insertion of new section 9A]

भी सधु लिममे (बांका) : मैं प्रस्ताव करता हू कि सीमांकन अधिनियम, 1972 में संशोधन करने वाले विधेयक पर विचार किया जाय ।