

# LOK SABHA DEBATES

## LOK SABHA

Monday, July 29, 1985/Sravana 7, 1907  
(Saka)

*The Lok Sabha met at Eleven of  
the Clock.*

[MR. SPEAKER *in the Chair*]

### OBITUARY REFERENCE

[*English*]

MR. SPEAKER : Hon. Members, I have to inform the House of the sad demise of Shrimati Savitri Nigam who was a member of Third Lok Sabha during 1962-67, representing Banda constituency of Uttar Pradesh. She had also been a member of Rajya Sabha during 1952-62.

An able parliamentarian, she took keen interest in the proceedings of the House. A prominent political and social worker, she had identified herself with a large number of public causes and served them with enthusiasm and dedication. She had been associated with several social organizations particularly relating to uplift of women in various capacities. At the time of her death, she was President of the Indian House-wives' Federation.

She was author of several books and a large number of articles on family planning, women uplift etc.

Shrimati Savitri Nigam passed away on 28 July, 1985 at New Delhi at the age of 66 years.

We deeply mourn the loss of our former colleague, and I am sure the House will join me in conveying our condolences to the bereaved family.

The House may stand in silence for a short while as a mark of respect to the deceased.

**(The Members then stood in silence for a short while)**

## ORAL ANSWERS TO QUESTIONS

[*English*]

### Formulation of New Labour Policy

\*81. SHRI VIJOY KUMAR YADAV : Will the Minister of LABOUR be pleased to state :

(a) whether Government propose to formulate a new labour policy; and

(b) if so, when the new policy will be announced ?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRI T. ANJIAH) : (a) and (b). A Statement is given below.

### Statement

As the Hon. Member would no doubt be aware the basic principles to be followed in our labour policy are already laid down in the Directive Principles of the State Policy. These, *inter alia* include that there is equal pay for equal work for both men and women; that the health and strength of workers, men and women, and the tender age of children are not abused and that the citizens are not forced by economic necessity to enter avocations unsuited to their age or strength and that childhood and youth are protected against exploitation and against moral and material abandonment. It is further provided that the State shall make provision for securing just and human conditions of work and for maternity relief; that the State shall endeavour to secure by suitable legislature or economic organisation or in any other manner to all workers, work, a living wage, conditions of work ensuring a decent standard of life and that the State shall take steps to secure the participation of workers in management of undertakings, establishments or other organisations engaged in any industry. These Directive Principles have inspired our labour legislation from time to time.

More specifically, The Approach Paper to the Seventh Five Year Plan, 1985-90 also

provides, *inter alia* the need for reviewing the existing training programmes, training facilities in identified critical areas of shortage, provision of vocational and technical courses, formulation of a national wage policy, comprehensive legislation in respect of labour relations, possibility of organising labour welfare funds, especially for the unorganised sector, streamlining the administrative machinery for implementing the minimum wages for agricultural workers and measures to be taken to strengthen the organisation and bargaining power of agricultural labour, efforts for rehabilitation of physically handicapped and need to identify the constraints affecting implementation of the legal provisions to protect the weaker sections like bonded labour, landless agricultural labour, migrant labour, construction labour and women labour.

Recently, a series of meetings have been held in the Ministry of Labour on various issues concerning industrial relations, safety and health of workers, implementation of several labour laws and workers participation in management, etc. Tripartite Meetings of the Central Committees on the various subjects and separate meetings with the representatives of the Central Trade Union Organisations and Employers Organisations have also been held. State Labour Ministers Conference was also convened in May 1985 at which comprehensive agenda on various labour matters was discussed and certain agreed conclusions were reached. A sub-group of State Labour Ministers has also been constituted to consider some important issues which are proposed to be taken up before the Indian Labour Conference to be held in the near future (the last such Conference was held in 1971). After the Indian Labour Conference, which is the national tripartite forum on which workers, employers, State and Central Governments are represented, the Government will be in a position to take a view on the changes required in the labour legislation and the programmes connected with welfare and interests of the labour consistent with the objectives of the Seventh Five Year Plan.

[Translation]

SHRI VIJOY KUMAR YADAV : Mr. Speaker, Sir, you have always been stressing that the question should be very brief and precise so that a reply thereto is given with-

out difficulty. I do not think there can be a more brief question than this one. Although the reply runs into two pages, yet it does not answer my question. The question is very specific—whether Government propose to formulate a new labour policy and if so, when the new policy will be announced. The statement refers to the entire Constitution but does not contain an answer to my question.

MR. SPEAKER : In the concluding two lines, he says...

(Interruptions)

SHRI VIJOY KUMAR YADAV : That is no answer. I wanted to know how much time he would take after taking into account the time factor involved in completion of all the formalities and when he would announce it. The question is not confined to that.

PROF. MADHU DANDAVATE : You will get reply in a supplementary.

[English]

MR. SPEAKER : After the Indian Labour Conference, this is the national type of forum.

[Translation]

SHRI VIJOY KUMAR YADAV : I have read that. But, how much time will it take ? You have said that in 1985, '86 '87 and '88... (Interruptions)

MR. SPEAKER : You get words from his mouth, still it is the same thing.

SHRI VIJOY KUMAR YADAV : I want him to say categorically. He has said that such and such things are to be done during 1985, '86 '87 and 1988. How much time does he think it is likely to take and when is he going to announce it ?

SHRI T. ANJIAH : Mr. Speaker, Sir, a reference of the Constitution has been made therein. New Labour Policy does not mean that there is no Labour Policy at present. The Labour Policy, as it exists today, needs some amendments and meetings in this regard were held with the representatives of various trade unions and the managements in April. After that, we discussed it in the conference of State Labour Ministers in the month of May. We also deliberated this in the Sub Group which has been set up for this

purpose. The Labour laws are not uniform in all the States. They differ from State to State. Wage Policy is also being discussed and the managements also agree that there should be a wage policy. A dialogue with the labour representatives is being held in this regard also. Indian Labour Council will also be consulted on the quantum of the minimum wage. Talks are also being held to remove disparities which exist from State to State and to evolve at least a uniform policy. Discussion is also being held on how statutory powers should be given so as to ensure payment of Provident Fund and Insurance money to the labourers. The quantum of amount to be so paid is also being sorted out. As you know, in the event of a factory being closed down, the mill owners neither pay gratuity and provident fund nor insurance money to the labourers. It gives us a hint that the said mill has become sick. In this regard also we are considering to create a fund from which gratuity could be paid to the workers. We have introduced a Bill in Parliament to ensure payment of workers dues in the event of a factory being closed down and all out efforts are being made to bring forward a new Bill. For the present, I think leaders of all trade unions will be invited with a view to accomplishing all these tasks and a policy will be evolved after holding meetings with Indian Labour Council, State Labour Ministers, Labour Secretaries, Labour Commissioners and newly constituted Consultative Committee of Parliament. There have been many loopholes in it for the last so many years in matter of I.T.I. training, absence of a provision for modernisation, Employment Exchanges etc. The question of imparting training is under consideration. Extensive discussion has taken place on all these issues. Daily you see reports in the newspapers that Labour leaders are meeting us. I as also other Ministers are meeting them. We are endeavouring to evolve some guidelines in consultation with them all and we shall try to give it a final shape by October or November.

**SHRI VIJOY KUMAR YADAV :** Mr. Speaker, Sir, so we have got a new assurance that this policy will be given a final shape by October. Now, I want to make a submission to the hon. Minister. He has said that he is holding consultations in connection with new policy to ensure that

men and women get equal wages and that parity is brought in Wages and that provisions for this do exist in the constitution, I would like to submit that the people do not abide by these provisions. In actual practice, the workers do not get equal wages. The main reason for this is that there are no adequate provisions for giving punishment to those who flout these Constitutional requirements. Therefore, I want to know what provisions he is going to incorporate to enforce it on the mill-owners and what stringent measures does he propose to take against those mill-owners who do not implement it? Similarly, the mill-owners file writ petitions in the court against the minimum wage, thus vitiate the very intention of Government. In view of this, whether Governments propose to enact a legislation to deprive the mill-owners of the right to move courts?

**SHRI T. ANJIAH :** Sir, he knows that it is not the intention of Government to bar mill-owners from going to the court. It is their fundamental right and we do not want to infringe upon it. However, it is our endeavour to constitute statutory wage boards, for which employers and the trade union leaders are being consulted. It will be implemented with the cooperation of them both as also with the cooperation of the Labour Ministers.

One thing he knows very well that the responsibility for implementation of labour laws enacted thus far devolves on State Governments. We do not have such a vast machinery as is necessary to implement them everywhere. We can only issue guidelines to a few public sector undertakings. Today all the State Governments are fully empowered to do whatever they want for their workers. So far as the question of clearing of bills is concerned, we are taking it up.

**SHRI K. N. PRADHAN :** The highest number of labourer in this country is in the agricultural sector. They are the most unorganised lot and worst exploited. Just now, it has been stated that laws providing for minimum wages are being implemented in a few States, and that too not very effectively. I want to know whether Government have considered in the just concluded Labour Ministers Conference or propose to consider in the next such conference to implement

effectively at least the concept of minimum wages in an important sector like agriculture where the labourers are exploited the most ?

**SHRI T. ANJIAH :** As Shri Yadav has just said about implementation, it will require some drastic action with imprisonment and enhancing of fines. This point is under our consideration, but at the same time we are cautious that it might not lead to some sort of trouble in the villages. Our officers have regularly been advising all State Governments as to how this problem should be tackled.

So far as the question of non-implementation is concerned, a survey in this regard is being conducted. The Central Government and the State Governments have already spent Rs. 16 crores and Rs. 32 crores respectively on this account. So far as the allegation that it is not being implemented fully is concerned, I also know that is not being implemented.

**MR. SPEAKER :** Its implementation to the extent that one could make ones both ends meet honourably is a must. I have seen in Delhi it is Rs. 13.60, may be a little more. What can it be in Bihar, you can imagine.

**SHRI T. ANJIAH :** Mr. Speaker, I agree with you, but you know that partially its implementation is the responsibility of State Governments.

**MR. SPEAKER :** You should exert some pressure on State Governments.

[English]

**SHRI BASUDEB ACHARIA :** In view of the recent judgement of the Supreme Court in regard to the dismissal of employees by the employers without even an inquiry, does the Government propose to bring a legislation to amend the constitution in order to protect this right of the workers ?

**MR. SPEAKER :** I do not think he will be able to give an answer.

[Translation]

**SHRI T. ANJIAH :** This is a policy matter. All industrial workers are covered under it. So far as Government employees are concerned they are not covered under it.

**SHRI LALIT MAKEN :** The hon. Minister has said just now that the labourers

in different States should get uniform wages, but they should get equal pay, equal wages where the nature of work is the same, that is more important. A peon working in a public undertaking in India gets Rs. 1500 as pay whereas his counterpart elsewhere gets only Rs. 500. Will Government consider formulation of such a policy or enact such a legislation as would provide for equal pay for equal work of the same nature ?

**MR. SPEAKER :** It is worth consideration.

**SHRI LALIT MAKEN :** I have not yet completed my question. I want to ask whether in view of the utmost trade union rivalry in the country, Government will evolve a new system in the new policy for recognition of unions ? Everywhere, there are as many as 20 unions and as such 'Code of Discipline' is of no use. The managements use one union against the other. 'Code of Discipline' is of Adam's time, which has no meaning now. Keeping with the times, will you consider to substitute that code with a system which may enable the genuine representative union to take part in negotiations ?

**SHRI T. ANJIAH :** The report of Sanat Mehta Committee on this 'Check up System' has been submitted to the Cabinet... (Interruptions)

**SHRI LALIT MAKEN :** When will it be out ?

**SHRI T. ANJIAH :** It is coming. There are many difficulties in it. It is not an easy task.

**SHRI LALIT MAKEN :** Mr. Speaker, Sir, I have not received reply to my question.

**MR. SPEAKER :** It is under consideration.

**SHRI T. ANJIAH :** Minimum Wage Policy and National Wage Policy are under consideration of Government.

**MR. SPEAKER :** What he meant was that for the same work, one is paid Rs. 1500 and the other Rs. 500... (Interruptions)

**SHRI T. ANJIAH :** We are giving thought to the Wage Policy... (Interruptions).

**MR. SPEAKER :** I have already said that the matter is under consideration, what more do you want to be done in it ?

[English]

**SHRI N. TOMBI SINGH :** The statement says that the Approach Paper to Seventh Plan provides the need for reviewing the existing training programmes, training facilities in identified critical areas of shortage, provision of vocational and technical courses, etc. May I know from the Government whether the workers training facilities, as you have mentioned in the statement, are adequate in the North-Eastern Region barring the State of Assam and include in the identified critical areas of shortage; if so, what are the steps being taken in the Seventh Plan to augment the training programmes in States like Tripura and Manipur labour population is increasing fast ?

[Translation]

**SHRI T. ANJIAH :** This is true that training programme is very essential, but with a view to making money, the capitalists employ untrained people. As such, we propose to impose some restrictions on them and we want them to open a training centre in their own factories. Government will extend whatever help is possible in this endeavour. Efforts will be made to open training centres where there is no such centre during the Seventh Plan.

[English]

**SHRI N. TOMBI SINGH :** My question was whether the States and Union territories in the North-east barring Assam were included in the identified critical areas of shortage; if so, what are the steps being taken to augment the training programmes in these States ?

[Translation]

**SHRI RAM PYARE PANIKA :** I want to know from the hon. Minister whether Government propose to enact a legislation to check the public as well as private undertakings from openly violating the labour laws ?

Recently, the Supreme Court has given an awful judgement that any worker in the country can be dismissed from service without an inquiry. May I know whether Government propose to set up a monitoring cell at the central level so as to ensure

implementation of Central laws by the State Governments ? Besides, will you consider amending the labour law in view of the Supreme Court judgement so that an employee is not dismissed without an inquiry ?

**SHRI T. ANJIAH :** Only Government employees are covered under this judgement, not the industrial workers.

**SHRI RAM PYARE PANIKA :** Inquiry should be held. Why should they be dismissed without inquiry ?

[English]

#### Allotment of Houses to Freedom Fighters and Ex-M.Ps.

\*82. **SHRI S. M. GURADDI :** Will the Minister or WORKS AND HOUSING be pleased to refer to the reply given to Unstarred Question No. 6297 on 13 May, 1985 regarding scheme for allotment of houses to freedom fighters and Ex-M.Ps. and state :

(a) whether on the recommendation of Baveja Committee the scheme for allotment of houses to freedom fighters and ex-M.Ps. has been abolished since 2 January, 1979;

(b) if so, whether a number of freedom fighters and ex-M.Ps. have been allotted houses in New Delhi; and

(c) the reasons for allotting them houses in New Delhi instead of in their constituencies or in their home states ?

THE MINISTER OF WORKS AND HOUSING (SHRI ABDUL GHAFOOR) :  
(a) Yes, Sir.

(b) No flats have been allotted to freedom fighters and ex-MPs after 2-1-79 against any reserved quota. However, 28 MPs who had completed all formalities before 2-1-79 have been allotted flats. Some MPs would also have got allotment under self financing Schemes in the normal course against registration alongwith other registered persons.

(c) The allotment of flats etc. by DDA is open to all without any restriction of residence.