

JP, so the entire exercise is being done, which is politically motivated? Is it not a fact that we have agitated several times on the floor of the House that several voluntary organisations are indulging in secessionist activities, supporting the secessionist movement in Assam, Tripura and other places? Even though references were made here to voluntary organisations like CARE, no enquiries were made which could satisfy the House. So, would he enlighten the House whether it is not on account of political bias that only the Gandhi Peace Foundation has been taken up for enquiry?

SHRI YOGENDRA MAK-WANA : I deny the allegation made by the hon. Member. There is no substance in the allegation which he has made. When a resolution on this subject was discussed in the House last time, all sections of the House which participated in the discussion narrated the instances where these organisations misused funds. So, there is no question of political victimisation of the organisation. So far as the other question is concerned, a constant what is kept by Government on such organisations which are receiving funds from foreign countries.

Conference of Labour Ministries

*250. **SHRI CHITTA BASU** :
SHRI B. V. DESAI :

Will the Minister of LABOUR be pleased to state:

(a) whether a Conference of the Labour Ministers of the States was held in New Delhi on 4 August, 1981; and

(b) if so, the decisions of the Conference?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRIMATI RAM DULARI SINHA) : (a) Yes, Sir, the 32nd State Labour Ministers'

Conference was held on the 4th and 5th August, 1981.

(b) A statement giving the main Conclusions and Recommendations is laid on the Table of the House.

Statement

32nd Session of State Labour Ministers' Conference—New Delhi—August 4-5, 1981.

Main Conclusions and Recommendations

The 32nd Conference of the Ministers of Labour of the Central and the State Governments, including the Governments of Union Territories was held on the 4th and 5th August, 1981; the Conference was preceded by a meeting of the Secretaries of Labour of the Governments.

Item 1 and 3 of the Agenda

2. The Conference noted the developments in the field of labour since the 31st Conference held in July, 1980. It was agreed that an arrangement should be made to keep each Government informed of what is happening in the different States of the country by collecting information from the State Governments by means of periodical reports and circulating them for general mutual information. The Conference recommended that for this purpose a suitable institutional machinery might be set up in the Ministry of Labour which may function as a clearing house of information on important legislation and welfare measures adopted by the Central and State Governments from time to time.

3. The Conference recognised that the country was passing through an economic crisis following the enormous increase in oil prices and that the need of the hour was to keep the wheels of production moving. In this context, work stoppages for any reasons—strikes, go-slow, lock-out or lay-offs—should be eschewed as they harmed the economy.

The Conference (with the exception of West Bengal and Kerala), therefore, welcomed the Ordinance promulgated by the President empowering the Central Government to ban strikes, etc. in certain essential services. The Governments of West Bengal and Kerala however did not favour the Ordinance.

4. The Conference also suggested that closures for unjustified reasons should be enquired into with a view to protecting the interests of workers, and that State Governments be permitted to legislate to prevent closures and retrenchments.

5. The Conference felt that violence and intimidation in the employer-employee relationship would harm the interests of the workers as well as those of the industry and the country; this tendency should be curbed at any cost. At the same time, the Conference was of the view that the mechanism for settlement of grievances of workers and disputes between the workers and employers should be improved. The Conference therefore recommended that the amendments to the laws governing the industrial relations agreed to at the last Conference should be brought forward urgently. The Conference also recommended the following additional amendments to the Industrial Disputes Act:—

- (i) The definition of 'workman' should include labour employed by contractors.
- (ii) The period of notice to be given by the employers for closure should be increased from 60 days to 180 days.
- (iii) Section 25(o) and Section 25(r) should be revived by removing the infirmities for the reason of which the existing provisions were struck down by the Supreme Court.
- (iv) Subsistence allowance should be paid to the workmen who

is discharged or dismissed during the pendency of proceedings before a labour court or tribunal.

6. The Conference also noted that the trade union movements was suffering grievously from inter and intra-union rivalry and that this had marred the industrial climate. There was a consensus for recognition of trade unions by verification of membership. However, as there has been no agreement on the procedure for the determination of the representatives character of the unions, the Government of India should decide the issue on its own so that the uncertainty in the matter may be removed and a uniform procedure prescribed.

7. The Conference suggested that Government of India should consider making punishment for breach of Factories Act more stringent and also evolve a fool proof system of factory inspection and permission for construction of factories.

8. The Conference decided to appoint a Committee to consider the suggestions regarding the constitution of a Gratuity Fund; the Minister for Planning and Labour was requested to decide the composition of the Committee.

9. The Conference also decided to appoint another Committee to consider the suggestions regarding the introduction of an unemployment insurance scheme to help the workers who are thrown out of employment due to closure, lay-offs, etc.; the same Committee should reconsider the suggestions regarding the constitution of a Fund to revive sick units. The Central Government may examine if powers can be delegated to the State Governments under Section 25(R) of the Industrial (Development and Regulation) Act, 1951. The Conference recommended delegation of these powers to State Governments.

Item 2

10. The Conference endorsed the recommendations of the Sub-Committees of the Standing Committee of the Labour Ministers constituted at the last Conference and decided that similar sub-committees should be set up to consider, in greater-depth, matters which had been raised in this Conference but on which no final decision could be taken.

Item 4

11. In the matter of minimum wages the Conference decided as follows :—

- (a) With a view to extending the benefits of minimum wages to workers who are not now covered, for the reason that certain employments are not included in the schedule to the Minimum Wages Act, a system of general minimum wage may be introduced by suitable amendment of the Act. Such general minimum wage may be fixed by the appropriate Government in respect of distinct groups of employments such as employments in (i) agriculture and allied activities, (ii) shops and establishments, and (iii) factory establishments, etc. area-wise or State-wise or on a regional basis, as may be appropriate.
- (b) The Government of India may fix minimum wages in respect of employments which are spread over more than one State, if there is an agreement among the concerned States to that effect.
- (c) Appropriate criteria should be developed to ensure in a phased manner that the minimum wages do not fall below the poverty line.

- (d) A mechanism should be devised to link the minimum wages to the consumer price index numbers as has been done by some States to the extent possible so that they can be revised periodically without delay.
- (e) The Committee method could be adopted for the initial fixation of the minimum wages but for revision of the minimum wages after they are once fixed, notification method could be followed as this is less time consuming. In case, however, it is considered necessary to adopt the committee method for revision of wages also, the Committees would be required to complete their work expeditiously within a fixed time, say, six months or one year.
- (f) The Conference noted that the State Governments had taken steps to revise the minimum wages, wherever due and recommended that the process should be completed expeditiously.
- (g) The Government of India should bring forward at an early date comprehensive legislation to amend the Minimum Wages Act to remove the defects and to make it more effective. The Conference decided to set up a Committee to consider in depth the various proposals in this regard.
- (h) The Conference welcomed the measures taken by the various State Governments to strengthen the enforcement machinery and recommended that those which had not yet initiated such measures should do so. Whenever necessary, the Planning Commission might be approached for adequate financial allocation for this purpose.

Item 5.

12. On the question of employment and training, the recommendations of the Conference were as follows :—

- (a) The Conference endorsed the idea of creation of District Manpower Planning and Employment Generation Councils. This would need revamping of the Employment Service and therefore, more funds would be necessary.
- (b) The Conference suggested that recruitment to the private sector also should be made compulsory through the Employment Exchanges in 'C' and 'D' category posts.
- (c) The Conference endorsed and commended the efforts of the Central Government in job reservation for the physically handicapped and took favourable note of the efforts made by some States for this purpose.
- (d) The Conference endorsed the suggestion of the Ministry of Labour to improve, upgrade and modernise training in the ITIs and in the apprenticeship programme. For this purpose, most of the States pleaded for additional funds from the Central Government.
- (e) The Conference recommended the revival of Centre and State financial share in the proportion of 60:40 for implementation of Mathew and Qadir Committee's recommendations.
- (f) The Conference endorsed the initiative and the effort of the Ministry of Labour in introducing non-formal training as well as self entrepreneurship training. It also took note of the procedural initiative taken by the Labour Ministry.

- (g) The Conference stressed the need for amending the Apprentices Act, 1961 to make employment of trained apprentices obligatory, to an extent by establishments which train apprentices.
- (h) The Conference also expressed the view that more designated trades should be added to the apprenticeship programme and that some diversification of trades be considered to cover agro and water based trades.
- (i) Stipend to apprentices should be suitably increased.

Item 6.

13. The Conference generally supported the Scheme for Worker's Participation in Management but felt that the progress made so far had not been satisfactory because of the absence of legislative support. Even before legislation was finalised, Government of India and the State Governments should give a lead in this regard by issuing instructions to public sector undertakings under their respective control to give a full and fair trial to the Scheme. The Conference recommended that in order to make the Scheme a success, education and training of worker as well as management personnel should be stepped up to bring about an awareness among them about the objectives and effective implementation of the Scheme. The Conference also recommended that the Scheme should be extended not only to production but also to other activities such as sales, purchase and services. It was suggested that the recommendations of the Bhargava Commission for industry may be examined and made applicable to other industries.

Item 7

14. As far as legislation for agricultural workers is concerned, there was no unanimity of views about

the desirability or urgency for bringing such a legislation on a national basis. While some States welcomed the measure, in principle, others pointed out the difficulties in the implementation of a uniform legislation because of diversity of conditions from State to State and even within the State. The Conference decided that the whole matter might be studied in depth by a working group.

Item 8

15. The Conference welcomed the proposal to establish welfare funds for the benefit of workers in the handloom, leather, fishery and such other industries in the unorganised sector. It was agreed that the State and Union Territories Governments would take appropriate measures in this regard and that the welfare funds should be utilised for medical care, education and housing of the workers on priority basis. In order that there is no duplication of facilities for medical care there should be coordination among the Health Departments of the State Governments, ESIC and the welfare fund administrations. The pattern of welfare schemes should be flexible so as to take into account the local conditions and demands. Some States also reiterated that consensus reached at the last Conference for entrusting to the States the administration of welfare funds should be implemented at an early date, particularly in the case of Bidi Workers Welfare Fund.

Item 9

16. The Conference welcomed the Central Governments Scheme for appointment of honorary organisers for organising rural labour. It was, however, felt that the coverage of the Scheme may be extended to other States also.

Item 10

17. The Conference considered the progress in the implementation of the Contract Labour (Regulation and Abolition) Act, the Bonded Labour System (Abolition) Act and the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act. There was consensus that a working group should be appointed to look into the various amendments suggested by different State Governments and the amendments should be finalised expeditiously. On the question of rehabilitation of bonded labourers, it was felt that greater financial powers should be delegated to the State Governments to enable speedy rehabilitation; the financial assistance to the individual bonded labour should be enhanced and the Central Government should give financial assistance on an enhanced scale for rehabilitation and also to cover expenditure on identification. The Conference agreed on the need to take all steps to prevent exploitation of migrant labour. It was decided that the State Governments having migrant labour would give all facilities to officers from States of the origin of migrant workers, to enable them to ensure that there was no exploitation of, or discrimination against, such migrant workers. The Conference also stressed on all State Governments to formulate and implement the Rules under the Inter-State Migrant Workmen Act without further delay.

Item 11

18. The need for extending the coverage of the ESIC Scheme to the eligible persons in the shortest possible time was accepted. The requirements for the extension of the social security in a suitable form to Suga Industry and other seasonal industries was also accepted. It was emphasised that delays in the acqui-

sition of land for social security projects should be minimised by streamlining the procedure and that the construction of projects should be speeded up. Views were expressed for improving the financial management of the Corporation by reducing or eliminating contributions from State Governments, by providing for contribution from Central Government and by removing the ceiling on medical expenditure; these aspects can be considered by the Committee appointed by the Government of India to review the working of the ESIC. The Conference also felt that steps should be taken to make further improvements in the quality of service of in ESI and EPF organisations.

Item 12

19. It was felt that the State Governments and Administrations should keep in view the policy issues and programmes included in the Chapter on Labour and Labour Welfare of the Sixth Five Year Plan while drawing up their labour policy and implementing it.

Item 14

20. The proposals placed before the Conference regarding the enabling legislation for establishment of Statutory Wage Boards were generally approved; certain State Governments, however, doubted the utility of such wage boards. The Conference recommended that the third Wage Board for Sugar Industry should be set up without delay.

SHRI CHITTA BASU : May I know whether it was revealed in the Conference that the man-days lost due to lock-outs and closures were the highest as compared to other reasons ? In view of that, have the Government decided to ban lock-outs and closures in the country ?

SHRIMATI RAM DULARI SINHA : The Industrial Disputes Act is going to be amended and a Bill for that purpose is going to be brought before the House in this very session. Then every problem would be solved.

SHRI CHITTA BASU : I suppose I need not make any comment on the reply.

MR. SPEAKER : You have got the panacea. What more do you want ?

SHRI CHITTA BASU : Is it a fact that the representatives of several State Governments, particularly of West Bengal, Kerala and other States, opposed the promulgation of the Maintenance of Essential Services Ordinance, because of its anti-democratic, anti-working class and draconian nature; In view of the fact that there has been widespread protest against this draconian Ordinance, do the Government propose to withdraw the Ordinance ?

SHRIMATI RAM DULARI SINHA : As far as the promulgation of the Ordinance is concerned, I would like to state that it is for more production, more productivity and for maintaining industrial peace. Regarding the other part of the question, the Labour Ministers of all States accepted the promulgation of the Ordinance. Only Kerala and West Bengal opposed it.

MR. SPEAKER : Mr. B.V. Desai—absent. Now Mr. Indrajit Gupta.

SHRI INDRAJIT GUPTA : Sir, the statement which has been laid on the Table of this House purports to give the main conclusions and recommendations of the State Labour Ministers' Conference. In this statement I find that the Labour Ministers of the States felt that "work stoppages for any reasons—strikes, go-slow lock-outs or lay-offs, should be eschewed as they harmed the economy. The Conference,

therefore, welcomed the Ordinance promulgated by the President empowering the Central Government to ban strikes etc.”

Do you see the logic, Sir? They are very much worried about strikes, go-slow, lock-outs and lay-offs. Therefore, the conclusion they came to was that they welcomed the Ordinance promulgated to ban strikes. She will kindly explain the thinking processes of this Conference by which they are so delighted to have the strikes banned, but not bothering about the other forms of works stoppage.

It also says: “The Conference also suggested that closures for unjustified reasons should be enquired into.” Closures are also work stoppages. Closure for unjustified reasons or unjustified closures—in that case what should be done? It should be enquired into. Nothing more.

MR. SPEAKER: That is all right.

SHRI INDRAJIT GUPTA: So, all the penal provisions are reserved only for strikes.

MR. SPEAKER: That is all right. Let the Minister answer now.

SHRI INDRAJIT GUPTA: As far as closures or lock-outs or lay-offs are concerned, these Labour Ministers were not worried. Is it a collection of Labour Ministers or stooges of employers? I do not know.

SHRIMATI RAM DULARI SINHA: Sir, for banning of strikes it was only in respect of essential services and for closure and lock-outs, the hon. Member very well knows about the Prime Minister's statement and it has come to the notice of all the people in this country. And for lock-outs and closures we are considering as to how to bring in this House the amended Bill. (*Interruptions*) I mean, the Industrial Disputes Act (Amendment) Bill. (*Interruptions*). We are going to replace the Ordinance by bringing this bill in the House.

SHRI INDRAJIT GUPTA: Ordinance is only for strikes.

SHRI K. A. RAJAN: Mr. Speaker, Sir, it is seen from the proceedings of the Conference of the Labour Ministers that they have taken up the item of legislation regarding agricultural workers.

Mr. Speaker, Sir, a study group had been constituted a year back and the Government of India sent for the comments of various State Governments on how far the legislation could be implemented. Now she has got all the reports of the State Governments regarding agricultural workers comprehensive legislation. But now I find again you are sending it back to another Study Group. I would like to ask the hon. Minister why that legislation not be brought as early as possible because all other proceedings have already been over and the Bill has been drafted.

SHRIMATI RAM DULARI SINHA: Sir, there is a Minimum Wages Act which covers agricultural workers and for other employments mentioned by the Hon'ble member. The Government is considering to bring a legislation.

SHRI B.K. NAIR: Sir, it has been stated in paragraph 15 of the statement as follows:

“The Conference welcomed the proposal to establish welfare funds for the benefit of workers in the handloom, leather and fishery and such other industries in the unorganised sector. It was agreed that the State and Union Territories Governments would take appropriate measures in this regard and that the welfare funds should be utilised for medical care, education and housing of the workers on priority basis.”

I would like to know who is going to create this fund, whether it is the Central Government or State Governments.

SHRIMATI RAM DULARI SINHA : The appropriate Government.

श्री रामावतार शास्त्री : यूनियनों के बीच मान्यता के सवाल को ले कर विवाद होने की स्थिति में व्यवस्था है कि सीक्रेट बैलट से उस बात को तय किया जाए ।

तो हम लोग ऐसी मांग करते रहे हैं, मजदूर आन्दोलन की यह मांग बराबर चल रही है । तो मैं जानना चाहता हूँ कि क्या सीक्रेट बैलट से यूनियनों की मान्यता का सवाल हल किया जाय इसके बारे में भी आपके सम्मेलन में कोई विचार हुआ ? यदि नहीं, तो इस सवाल को हल करने के बारे में आप क्या रास्ता सुझाते हैं ?

श्रीमती राम दुलारी सिन्हा : उस पर दो तरह की राय जाहिर की गई है एक चैंक अप सिस्टम लागू करके चाहते हैं । दूसरे चाहते हैं सीक्रेट बैलट से और तीसरे सरकार पर छोड़ना चाहते हैं । मैं पूछना चाहती हूँ माननीय सदस्य से कि क्या उन्हें इस बात का इल्म है कि कितने राउण्ड्स ऑफ़ टॉक्स उनके तथा अन्य मजदूर संगठनों के नेताओं से श्रम सचिव और मंत्री के स्तर पर हुए हैं । अग्र्यक्ष महोदय, वो किसी भी नतीजे पर यूनेनिमस नहीं पहुंचें हैं । मेरा दरवाजा अभी भी उनसे इस सम्बन्ध में बात रने कके लिए खुला है ।

Violation of Child Labour Act

*251. PROF. RUP CHAND PAL : Will the Minister of LABOUR be pleased to state :

(a) whether Government's attention has been drawn to violation of

several provisions of Child Labour Act and other Acts safeguarding interest of children; and

(b) if so, what steps Government propose to take to safeguard children in our country from indiscriminate exploitation?

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRIMATI RAM DULARI SINHA): (a) Yes, Sir.

(b) Government have issued instructions to Administrations of all State Governments and Union Territories to strengthen the existing machinery for stricter enforcement of relevant laws pertaining to the employment of children to check exploitation and also to introduce welfare measures for working children. They have also been advised to set up State/District level advisory boards on the lines of the Central Advisory Board on Child Labour set up by the Government of India to keep a constant surveillance on the problems of working children.

PROF. RUP CHAND PAL : Legislations to prevent child labour have been laid down, but these are being violated daily. Millions of children in our country are being forced to work in conditions which are awful for their health. They are also being deprived of their due wages. The lives sometimes are not safe particularly in industries like Safety Matches, mining. In mining children below the age of five are also being used. In the Diamond Polishing trade, minor children are being used. Is it not a fact that they are reported to have lost their eyes? In view of this may I remind the hon. Minister that in this very House last year in July the hon. Labour Minister had assured that a cell is being formed to regularly go through the condition of the children, their employment, to see that they are not exploited by these unscrupulous traders and businessmen. Has that cell been formed ?