

Transport Authority Act, 1950.
[Placed in Library. See No. S-174/53.]

**REPRESENTATION OF THE PEOPLE
(AMENDMENT) BILL**

Pandit Thakur Das Bhargava (Gurgaon): I beg to present the report of the Select Committee on the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951 and to make certain consequential amendments in the Government of Part C States Act, 1951.

Some Hon. Members: It is not here.

Mr. Speaker: It is all in the Order Paper.

**INDUSTRIAL DISPUTES
(AMENDMENT) BILL—contd.**

Mr. Speaker: The House will now proceed with the further consideration of the Bill further to amend the Industrial Disputes Act, 1947. Clause 3 has been under discussion along with the various amendments moved. Before I call upon Shri T. B. Vittal Rao, whose speech was unfinished last time. I should like to remind the House of the decisions of the Business Advisory Committee which I read to the House that day. The decision,—or I should say recommendation, which becomes decision of the House by general acceptance—is that the Bill should be finished in one day which means 4 hours. The House has discussed this Bill for 3 hours and 21 minutes. So, the time available now is 39 minutes, or, to speak in round figures, 40 minutes. I am stating this at this moment, so that when various hon. Members wish to speak now they will remember this. They have a choice before them. If they want to have the Third Reading without any discussion of any kind at all, they can go on with the clauses for a period of 30 minutes. Then, of course, all the clauses will be put and the Third Reading Motion also put and carried. If they want to have a little say then, they can divide the 40 minutes. 30 and

10 or 20 and 20 as they like. They may bear this in mind and carry on the discussion or debate on this Bill.

3 P.M.

Dr. Lanka Sundaram (Visakhapatnam): It will greatly facilitate our work if we knew how long the hon. Minister would take to reply to clause 3. It is the most contentious clause. If that time is deducted, the balance is available for the other hon. Members.

Mr. Speaker: Yes,—how long would the hon. Minister take?

The Minister of Labour (Shri V. V. Giri): I would like to have half an hour to reply.

Shrimati Renu Chakravarty (Basirhat): May I point out, Sir, that when you actually read out the timings given by the Business Advisory Committee, you also suggested that each Bill would be considered on its individual merits. Now, this is a very important Bill and if you had followed the discussions, you would have noticed that very important amendments have been made. Questions of principle are also involved. Therefore, I would suggest and would request that you may extend the time a little at least for this Bill.

Mr. Speaker: I may clarify the meaning of what I had said. When I read out the timings, the position was that there was a consolidated period—a certain number of days, say—two or three days—and in addition there was also a detailed period, say, a few hours, say—two or three hours. That meant, I said, that each Bill's importance would be taken into consideration. In addition, I had also in mind what the hon. Lady Member has said. We shall certainly bear that in mind, and I think it would be a good compromise, if I were to say that all these forty minutes may be taken by the hon. Members and the hon. Minister may have, in addition, half an hour to himself.

Shri S. S. More (Sholapur): Followed by the second reading?

Mr. Speaker: That would be for the second reading and the third reading—for all the remaining stages.

Shrimati Renu Chakravartty: That means that there will be no third reading.

Mr. Speaker: There will be the third reading, but no debate on the third reading.

Shri S. S. More: With due deference to you, may I point out that on certain measures we are, as a matter of fact, trying to be very brief; at the same time, we cannot avoid our responsibility for making constructive suggestions to the Government. As a matter of fact, if we stick meticulously to the recommendations of the Business Advisory Committee, our rules of procedure will be materially modified.

Mr. Speaker: The hon. Member will see that the House took one full day for the consideration motion.

Shri S. S. More: But we made very valuable suggestions.

Mr. Speaker: May be from his own point of view.

Shri S. S. More: No, from the House's point of view.

Mr. Speaker: Order, order. One full day has been taken for the consideration motion and then one full day—I would not say full day, but very nearly a full day—not all the four hours but slightly less was taken for the second reading motion along with the various amendments, and now we are going to have again seventy minutes today for the remaining stages: the balance of the second reading and the third reading. If the hon. Minister wants half an hour for reply and clarification of the whole position, and if hon. Members want to have still more time for the third reading, then certainly the position will be that they will have lesser time so far as the time available for the second reading is concerned. That is how it will work

out. But unless we make an effort to shorten the speeches and explain what is in our minds in short, avoiding repetitions..... (Interruption)nothing now—...unless we do that, it is not possible for us to proceed with the vast legislative work that has to be put through. We have to see that we do not merely go on discussing the same subject over and over again, or speaking on a similar subject on the score that it is of great importance, because, after all, these matters were taken into consideration by the Business Advisory Committee and the representatives of various groups, parties—call them what you like—were present in the Business Advisory Committee. It is they who have decided the time-table that way, and we must give weight to their decisions.

Shri K. P. Tripathi (Darrang): Before the discussion proceeds, I want to move amendment No. 117.

Mr. Speaker: Now it is too late.

Shri K. P. Tripathi: There was a lacuna in the Bill which was discovered at the end. Therefore, I want to have the amendment made. I would not make a speech. The amendment is self-evident.

Mr. Speaker: The usual rule is that I do not accept a last-minute amendment unless it is an agreed one—agreed means agreed by all sections of the House. So, he might see; and if it is an agreed one, it might be permitted at any time. Otherwise, I would not waive notice under the rules for a discussion on an amendment which is put in after several speakers have spoken.

I am calling upon Shri Vittal Rao.

Shri Bansal (Jhajjar-Rewari): May I make a submission before you call upon the hon. Member to speak? (Interruption.)

Shri K. K. Basu (Diamond Harbour): I suggest that two hours may be allotted for the third reading, apart from the time already allotted. We are willing to sit longer hours.

Mr. Speaker: I may give my own reactions regarding sitting for longer hours. That suggestion absolutely ignores the position and condition of the Members of the Parliament Secretariat staff, who are called upon to work from 11 o'clock in the morning till 9 o'clock in the night. Some consideration has to be given to that aspect.

Pandit Thakur Das Bhargava (Gurgaon): Between 5-30 and 6-30, we do not find the quorum. That is the experience.

Mr. Speaker: That is right. It is another difficulty. Unfortunately, the staff is not free to go out and come in, as the hon. Members are. But whatever that may be, at the most you can have half an hour more: that is, half an hour for the clauses, half an hour for reply, and after that, half an hour at the most. That should be satisfactory. We cannot take up the attitude, "No, we must have as much time as we think is necessary".

Shri K. K. Basu: It is a very important Bill, Sir.

Mr. Speaker: We all know that it is very important. That is why it has been given more time.

Shri K. K. Basu: Why should we not sit from 12? People outside work for eight hours a day. Why should not the Members of the Parliament work for more than six hours?

Mr. Speaker: We shall have half an hour for the clauses; half an hour for the hon. Minister's reply; and then half an hour for the third reading.

Shri Bansal: Before you call upon the speaker who is due to speak, I want to make the submission that I have been trying to make. My submission is that there are a number of amendments which have been tabled. The hon. Minister himself has tabled a number of amendments, but we have had no opportunity of listening to his arguments as to what are the reasons for tabling those amendments. The procedure normally is that when the hon.

Minister himself tables an amendment, he explains to the House the reasons, so that the other hon. Members while discussing their amendments may have an adequate opportunity of offering remarks on the amendments of the hon. Minister. One particular amendment of the hon. Minister is very important, especially because this Bill is here because of a tripartite agreement, and now the hon. Minister himself has brought in a very major amendment to that agreement. Therefore, I would request him, through you, that before he replies and before other hon. Members come forward to speak, he may explain to the House as to the reasons for bringing this amendment, so that I and other hon. Members may take his remarks into consideration while making our own observations.

Mr. Speaker: I think there is force in that argument. If there is a substantial amendment, which is a departure from the tripartite agreement—I do not know whether it is or it is not—but then, I think, the better course would be that after Shri Vittal Rao finishes his speech, the hon. Minister may explain the reasons for this amendment. Of course, the amendment is there and hon. Members know already what he means by it. The matter is before the House and hon. Members are not ignorant of the subject-matter of what the hon. Minister has in his mind. He may just have an opportunity of explaining that particular amendment: that would be his intervention in the debate. Finally, he may reply to the debate later.

Shri S. S. More: May I seek one clarification? The hon. Minister himself has said that this Bill is before the House in compliance with the tripartite agreement. Is it permissible for him to depart from that agreement through his own amendment?

Mr. Speaker: That is a different question. It does not make the amendment out of order. Who am I to decide the aspect pointed out by the hon. Member? Shri Vittal Rao.

Shri T. B. Vittal Rao (Khammam):
Mr. Speaker, Sir, the other day I was referring to the inclusion of *badli* workers of textile mills who have put in 360 days during a period of twenty-four months. I suggested that they should be brought under the purview of this amending Bill.

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

Now, I proceed to deal with permanent, essential workers who have to perform continuous duties in seasonal factories. In many ways, these permanent workers who have to man certain machineries which have to be continuously kept running, are always at a disadvantage. For all ordinary purposes, considering their work, they are continuously employed, but unfortunately they are employed in seasonal factories. The mere fact that they are working in seasonal factories should not deprive them of the compensation that they are going to get under this Bill. You know, Sir, that whenever there is a strike—even a strike in which a legal notice has been given—these workers are not called off; they are asked by the unions themselves and persuaded by the unions themselves to go to work, and to deprive them of this compensation is to place them at a disadvantage which they are already labouring under.

Another amendment which the Government have moved is regarding the computing of 240 days for being qualified or eligible for this compensation. There, the Government have come out with an amendment that it should be annual leave on full wages, thereby meaning that they are taking away from the purview of this Bill workers who are on leave with half pay or who are on sick leave.

This is a very important thing. I cannot understand the Ministry of Labour interpreting one rule at one time in one sense, and another in another sense. I would recall to the Minister the Coal Mines Bonus Rules where 21 days grace is given for

people who have been on leave or have been sick. While computing that I demanded an interpretation from the Ministry of Labour, and they said 21 days leave means leave either with pay or without pay, with full wages or without wages. Now, in this particular Amendment which the Minister has thought fit to move, he has made it clear that it is leave with full wages.

I am connected with trade unions in the mines. There, when a worker is injured, or his bones are fractured, it takes time, nearly two to three months, to heal, and if that period is treated as on duty, very few more people will be eligible for this retrenchment compensation. By having that simple thing, *viz.*, leave with pay or without pay, you are not going to make many people eligible for this compensation, because you know the employers do not give leave very often. They give only when they are satisfied, and that too a very small amount of leave is given, and a person naturally requires some amount of leave. He generally goes without wages when he goes for any social function in his house or any calamity. And this question was not at all discussed in the Standing Labour Committee during July. So, I am forced to characterise this amendment as Government's solicitude to the employers.

Regarding compensation for retrenchment I have put in an Amendment qualifying "minimum of 15 days for every year of service". There are industries and there have been awards where compensation has been paid more than what is being stipulated here under this Amending Bill. There are concerns like the Imperial Tobacco Co. They were afraid of retrenching people. Now, after this Act is passed, there will be retrenchment. And this is a Company, a British concern, which is making huge profits. I may cite an example. When they took over one cigarette factory in Hyderabad some 20 years ago, they paid only goodwill to the tune of Rs. 10 lakhs to the company, and assured the owner of the Company that he will be given

Managing Agency for life. So, there are such companies which are making huge profits, especially these British companies, who can afford to pay more, and they must be forced to pay more. So, I would request the hon. Minister to accept my Amendment that retrenchment compensation should be not less than a minimum of 15 days.

Mr. Deputy-Speaker: There is too much of subdued talk in the House. Order, order. Hon. Minister ought not to go on speaking.

Shri V. V. Giri: I am sorry, Sir.

Mr. Deputy-Speaker: There is too much of talk in the House. I cannot hear a word of what is being said.

Shri T. B. Vittal Rao: Another Amendment which the Government have brought forward is setting off of leave compensation against the compensation for retrenchment. I am prepared to agree to the Amendment provided the compensation for the first 45 days leave is not set off. For the remaining period which is more than 45 days they may get compensation, and that particular period which is more than 45 days may be deducted from the retrenchment compensation. And these are things which will not cost any industry much.

Another Amendment which he has moved is that the worker will not be entitled to any compensation if he refuses to accept an alternative appointment to be provided to him in a concern of the same employer within a radius of the five miles. I am prepared to accept the Amendment if the previous service that the employee has put in in the other concern of the employer is taken into account. Otherwise, the Amendment has to be opposed.

There is a provision "whether there is an agreement or no agreement". I do not understand why specifically that "agreement" is put there. When there are Standing Orders and Rules, there may or may not be agreement. To insert the word agreement will every time force the employees to come to some sort of agreement,

though it will be an unequal agreement for the employee. So that should be deleted.

Then, the provisions of this Amending Bill should not in any way deprive the workers of their rights which they have been entitled to. Of course, the Government have brought in an Amendment. But I would like it to be more clear so that, on the face of it, the provisions of this Chapter should not operate prejudicially to the rights already the worker has got.

With these few words, I commend my Amendments to the House.

Mr. Deputy-Speaker: Mr. K. K. Desai.

Shri K. K. Desai (Halar): I know that the time at my disposal is very short....

Shri Sarmah (Golaghat-Jorhat): May I submit one thing? Immediately before you occupied the Chair, the Speaker was pleased to opine that the hon. Minister would explain his Amendments, particularly certain important Amendments which he has brought in late. I refer to Amendment No. 37 particularly. We expected that he would explain his Amendments so that we could understand and reply. I refer to Amendment No. 37 particularly which excludes the tea plantation labour from the ambit of this Act.

Shri Bansal: And No. 45.

Mr. Deputy-Speaker: Does the hon. Minister like to intervene at this stage?

Shri V. V. Giri: Yes. So far as Plantations are concerned, it was understood at the tripartite meeting that it should be excluded, and I am only carrying out the spirit of the agreement. I would like to assure hon. Members who feel that it ought to be applied to Plantations also that certainly they have a right and I have a duty to bring forward this subject before the tripartite plantation labour conference and try to see how this can be done.

Shrimati Renu Chakravartty: Would the hon. Minister reply to the parts of the tripartite agreement which Mr. Tripathi read out in which he showed that actually during the proceedings there was no such thing as excluding plantation labour? It was only on certain specific points—holidays with pay etc.—on which objections had been raised. Therefore, plantation was included within the scope of the agreement.

Shri V. V. Giri: I can assure the hon. Member that it was not included.

Shri Bansal: What about Amendment No. 45? Has the hon. Minister to say anything about it?

Shri V. V. Giri: As regards Amendment No. 45 moved by me, I may explain the reasons which led to the framing of the Amendment and why I consider that it is not contrary to the spirit or even the letter of the corresponding provisions of the Bill. True, the provision in the Bill says that the compensation for lay-off payable to a workman during any period of 12 months shall in no case be for more than 45 days. This was one of the terms of the agreement between the employers and the workers and we just lifted it from the agreement and put it first in the Ordinance and then in the Bill. But the agreement did not say what should be done if an employer had to lay-off workers for prolonged periods after the first 45 days. Further, when the agreement regarding lay-off was arrived at, the proposal regarding retrenchments was not before the parties who had, therefore, no means of correlating lay-off with retrenchment. The problem had to be solved as to what should be done if an employer, having gone through 45 days of lay-off in the earlier part of the year, was forced by circumstances to lay-off his workers for prolonged periods in the remaining part of the year. In the absence of any provision for this in the agreement, was the employer to be allowed to lay-off his workers, if need be for several

months, without paying any further compensation? Or was it reasonable to require the employer to retrench the workers, and pay them retrenchment gratuity, so that they can look round for alternative employment? If so, should the lay-off compensation already paid, be allowed to be set off against the gratuity payable? These were some of the questions which had to be answered before the provisions contained in the Bill could be effective.

The amendment does not make payment of lay-off compensation, after 45 days, compulsory in all circumstances. After the first 45 days of lay-off, it is open to the employer to adopt any one of the three alternatives. He may enter into an agreement with his workers, regarding further lay-off, and this may or may not involve payment of compensation. If no agreement is possible, and the employer has to lay-off workers for further prolonged periods exceeding one week at a time, he may retrench his workers—his right is there—on payment of the prescribed gratuity, with a set-off of the lay-off compensation already paid. It is only when he is unable to enter into an agreement, and is unwilling to retrench his workers on payment of the prescribed gratuity that he is required to continue to pay lay-off compensation for a further period. We have only tried to tie up the two loose ends left by the agreement, and this we have done after knowing generally the opinion of some of the parties.

Shri Bansal: May I intervene for a minute, with your permission? The hon. Minister has raised two points. One point that he has raised is that this does not go beyond the letter and spirit of the agreement.

Mr. Deputy-Speaker: Does the hon. Member want clarification of any issue, or does he want to intervene in the debate?

Shri Bansal: I want to intervene.

Mr. Deputy-Speaker: I am calling upon Shri K. K. Desai.

Shri Sarmah: Mr. Deputy-Speaker, Sir, may I seek a clarification with your permission? The hon. Minister was pleased to say that in the tripartite agreement, plantation labour was excluded. I was not present there, I was not sure about that, but I ascertained the facts from Shri K. K. Desai, and Shri K. P. Tripathi who say it was not raised.

Mr. Deputy-Speaker: The hon. Minister has reiterated what he has already stated. According to him, it was excluded.

Shri Sarmah: It was not so. It was not excluded.

Mr. Deputy-Speaker: What is the good of the hon. Minister saying on the one side that it has been excluded, and the hon. Member saying on the other side that it has been included?

Shri V. V. Giri: I can only say that it has not been included. The point was raised, and it was not included.

Shrimati Renu Chakravartty: Would the hon. Minister mention the number of the page in the tripartite agreement, where this point has been made clear?

Shri V. V. Giri: There is no question of any mention of it in any page. It is a gentleman's agreement, in that way.

Shri K. K. Desai: Mr. Deputy-Speaker, Sir, as the time at my disposal is very short, I shall state very briefly the grounds on which I have moved three or four amendments.

As far as Amendments Nos. 8 and 19 are concerned, I have moved them with a view to ensuring that this legislation may not make inoperative the old laws which some of the States have already enacted. I find that Government themselves have come out with certain amendments, and so these may not be necessary.

In amendment No. 15, I seek to substitute the word 'compensation' in place of 'gratuity', in page 5, line 7.

Government also have moved the same amendment. So I do not wish to say anything more on this point. The word 'gratuity' has got a specific meaning. Whatever compensation is paid for the lay-off period, may be confused in a court of law, and so, in order to avoid any litigation, I wanted the word 'compensation' to be put in for the word 'gratuity'.

In List No. 5 of the Amendments, I have given some amendments, and these were necessitated by the fact that the hon. Minister's somewhat longish amendment has sought to curtail the scope of compensation for lay-off, in the case of certain workers, with a view, as he stated just now, to confirm more or less with the spirit and letter of the so-called agreement. But I was afraid that the courts might take a broader view, and instead of curtailing the right of the workers in certain industries to be treated as not laid-off for the purposes of compensation, may even leave out the people, from getting any retrenchment gratuity, if they are retrenched in those industries. So, the amendments that I have moved to the hon. Minister's amendment lay down that as far as factories engaging more than 50 persons are concerned, the lay-off provision will apply to them, while as far as the retrenchment clause is concerned, it will apply to all the persons engaged in any industry, whatsoever, which is covered by the Industrial Disputes Act. In order to make the position clear, I have moved my amendment.

A question has been raised in the course of today's discussion, by Shri Bansal, that something new has crept into the Bill, by the amendment which the hon. Minister has proposed, and that it extends, to some extent, beyond the agreement that was reached at the tripartite conference. I believe that the amendment, which the hon. Minister has moved, is quite necessary. As lay-off is normally understood, it means intermittent lay-off. If persons engaged in an industry turn up at the mill gate, and do not get any work,

[Shri K. K. Desai]

that is considered intermittent lay-off, but that is for a day or two. But under the Bill as it stands, if a particular factory remains closed for 30, 40 or even 45 days, it will, in the first instance, be considered as a lay-off, because the stock has accumulated. If that is to be considered lay-off, the 45 days that are provided by the Bill for some other purpose, will be more or less consumed by this long closure of the mills. What is to happen on the 45th day? The hon. Minister explained by saying that two alternatives are open to the employer. If the employer wants to continue the closure for a further period, he has to make a choice between lay-off and retrenchment. If he decides to consider it as lay-off, he has to pay off the money for the further period of lay-off. If he chooses to retrench, he has to pay compensation, at the rate of fifty per cent. of the wages for all the year that the worker has worked.

I think that is a very reasonable amendment and nobody should raise an objection.

Now, Sir, I want to say a word about plantation. No doubt, as Mr. Giri has said before this House, there was no specific agreement whether the plantation labour should be included. That is true. There is no specific provision in the agreement, but, I think, it was not excluded. It is very definite that it was not excluded. And, if there are any persons who require to be helped by the lay-off provisions, it is the plantation labour. The plantation labour in this country more or less forms a big section of the working class population. They are no less than one million people. Their condition, compared to the workers working in other factories, it will be accepted on all hands, is worse. They have been treated very unfairly in the old regime. Some provisions have been made after we got independence to ameliorate their conditions. (*Interruption*).

Kindly listen to me just as I have listened to you.

After independence certain ameliorative measures have been taken and their conditions have become a little better.

Now, when an overall Bill is coming in to pay lay-off compensation to other factory workers, to deprive plantation labour of the benefit is, in my opinion, very cruel. It is also within the knowledge of everybody, that last year when plantation labour was laid-off, by an agreement the employers paid half the compensation. Though there had been no specific agreement at the Tripartite Conference, by practice they have agreed to do so. It is also true, particularly in South India, because of very heavy rains the workers, even if they want to work, cannot go to the plantations to work. It is not their fault that there are heavy rains and they cannot leave their houses. So, I think it is just that plantation labour should be included in this Bill.

With these few words, I want the House to support all the amendments which I have moved and not be carried away by certain difficulties which some of our colleagues might place before this House after I have finished my speech, because I know that particularly some opposition is sought to be created against the new amendment that Mr. Giri has now moved regarding what should be done after the 45 days lay-off is consumed. I think that if you do not accept this amendment what may happen is that whatever good we want to do to these people who are likely to be laid-off in the future will be taken away and the purpose of the Bill, which I said in the first reading of the Bill is merely deterrent, will be frustrated.

Shri Bansa: Sir, I will only confine myself to the amendment moved by the hon. Labour Minister to clause 3, namely amendment No. 45. While intervening in the debate, he said that this question could not be discussed at the last meeting of the Standing Labour Committee because that Committee was not discussing the question

of retrenchment. I would remind him, Sir, most humbly that this point of lay-off compensation beyond 45 days was raised at that meeting. If he will refresh his memory, he will realise that what I am saying is correct. That point was raised and the Standing Labour Committee came to the conclusion that it will not be fair to extend the lay-off compensation beyond a period of 45 days. Sir, lay-off compensation cannot be acceptable for an indefinite period. If a factory or an industrial establishment is going to be closed on account of certain reasons beyond the control of the employer, then it is but reasonable that a certain limit must be placed on the lay-off compensation, and the period was unanimously agreed at the Labour Committee at 45 days. That was done despite the fact that the other question was raised. That is my reply to the hon. Minister's assertion that the Standing Labour Committee was not seized of this question.

Then, Sir, I would most humbly ask him, if he did intend to bring in this amendment, why did he not consult the parties who had signed this agreement. After all the All-India Organisation of Industrial Employers has got its headquarters in Delhi. The Employers Federation has got its headquarters in Bombay. Nowadays, distances are not very much. He could have rung up the Chairman or the Secretary of that Body; he could have called Shri Khandubhal Desai, he could have called other labour representatives hurriedly and arrived at an agreement. In the last sentence of his remarks he said that he had brought this in consultation with the parties concerned. I am authorised to inform this House, Sir, that this is an exaggeration of fact.

Shri S. S. More: Authorised by whom?

Shri Bansal: I am authorised by the Employers Organisation which was a party to this amendment, to put it very mildly, that this is very great exaggeration. I would have used a

stronger phrase if a Minister of the Government of India was not involved. The All-India Organisation of Industrial Employers took the first opportunity of writing to Government that this particular amendment goes far beyond the agreement and therefore it will not be acceptable to them. I understand, Sir, that the Chairman of the Employers Federation of India has also sent the Labour Minister a telegram protesting against this amendment. It seems that the Labour Minister consulted some employers who came to see him. I do not know whether they were authorised on behalf of their organisations to enter into any commitments. But, Sir, I would most humbly suggest that it is not fair to the parties to the agreement to go back on a vital matter like this without consulting them. I am not going to discuss the merits of the case, Sir, because I think that this particular amendment goes far beyond the agreement. But, in the interest of future tripartite agreements, in the interests of the line which the hon. Minister himself is adapting, of bringing the parties together, it is necessary to keep the letter and spirit of those agreements. We all remember that when he took up office, the Labour Minister made a thundering speech saying that he was Enemy No. 1 of Adjudication and Compulsory Arbitration and that he was all for tripartite agreements. We have seen that thunder melt down by gradual stages under the fire of Harihar Nath Shastri and Khandubhai Desai. I have no objection to that, Sir, because I myself have felt that the Minister was going a bit too far in his early enthusiasm. But, I would most humbly suggest to him that if he wants tripartite agreements to be arrived at in future, it behoves him to keep them to the letter and spirit. It won't do to bring the parties together outside this House and make them come to certain agreements and then in this House himself be the first person to violate those agreements. I am suggesting this to him, Sir, because I am a believer in tripartite agreements. I have been very intimately connected with the tripar-

[Shri Banaal]

tite machinery which has been in existence for the last 11 or 12 years. I think, Sir, I am the only person in the whole country who has the record of attending the largest number of meetings of that tripartite machinery. I can say before this House that whenever an opportunity has arisen where the employers and the workers have been called upon to enter into any tripartite agreement, both the employers and the workers have shown the spirit of give and take and those agreements have been kept to the last letter. I therefore want that such agreements are voluntarily agreed to in future and they are kept in a cordial and good atmosphere.

I must confess to this House that the amendment which he has brought forward will not only create suspicions in the minds of the people who have been willing to enter into those agreements but it will act as a definite deterrent. I know it is very difficult for the hon. Minister to withdraw his own amendment. I realise his limitations but I do suggest to this House that it was a mistake in which the Labour Minister landed himself. I have my sympathies with him but I suggest that when he brings about any amendment to this Industrial Relations Act, as he is going to do on a number of other points, he would consider this point and take the employers and the workers into his confidence. If he thinks that this amendment is going to benefit the workers or the employers let him convince them before moving an amendment before this House.

I have only one word to say about amendments 109, 110 and 111 of Shri K. K. Desai, which purport to substitute the word 'industry' in place of 'industrial undertaking'. The effect of this is going to be that even when a worker is working in a particular industry. It does not matter whether he has been working continuously, he will be entitled to claim continuous

service. This will be going, Sir, far beyond the agreement and I would, therefore, suggest that Shri Khandubhai Desai may withdraw his amendment.

Shri K. K. Desai: Was there any agreement regarding retrenchment?

Shri Banaal: No.

Shri K. K. Desai: Then, how is it going beyond the agreement?

Shri Banaal: I withdraw my words as far as they relate to agreement, but I do suggest that he does not mean to say that even if a workman is not working in a particular undertaking but has been working in different units of a particular industry, that workman should be entitled to count that period for continuous service.

Shri K. K. Desai: If he had understood my amendment correctly, it will apply to retrenchment.

Dr. N. B. Khare: Can two hon. Members go on talking to each other like this, Sir?

Mr. Deputy-Speaker: The hon. Member ought not to intervene when two others are already interrupting each other.

Shri Banaal: I have great respect for Shri Khandubhai Desai, but the monopoly of understanding is not entirely his. Therefore, I suggest that he will kindly withdraw his amendment. I, however, support another amendment of his, which substitutes 'industrial worker' for 'workman'.

Mr. Deputy-Speaker: I am in the hands of the House. Now, the Speaker has stated that 1½ hours on the whole will be devoted to this Bill—half an hour for the hon. Members, half an hour for the hon. Minister and half an hour for the Third Reading. We started it at 3-10 P.M. and the first half hour is over now. The second half-hour is for the Minister's reply.

Shri Sarmah: I am only going to appeal to the Minister through you, Sir.

Mr. Deputy-Speaker: If hon. Members want to spend some more time on this Clause, I will cut it off from the time allotted for the Third Reading.

Shri Sarmah: This is an important piece of legislation and a land-mark in labour legislation. What I would submit is that in such a piece of legislation, however halting and faltering it may be, large chunks of labour should not have been excluded. Sir, it has been said that the matter of tea plantation was not included in the tripartite conference. I submit that the fault should not be laid at the door of the labourers. Naturally in such a matter, the employers are not expected to agree to it in a tripartite conference. Now, Sir, when there was a slight slump last year, a large number of labourers were laid off. In one tea company, as many as 17,000 labourers were thrown out of employment and literally on the street. This morning's paper amply showed that the price of tea shares has gone up like anything. What will happen to the poor labourers if they are thrown out and new ones are imported annually? I submit that the hon. Minister of Labour, who is a seasoned labour worker, will take up the matter without referring to the tripartite conference and see if he cannot include it in this Bill.

Considering the position of labour in India, it is travesty of justice, Sir, to include the words "unless there is any agreement to the contrary between him and the employer" in the Labour Minister's amendment No. 45. This phrase is, in my opinion, mischievous. On the one hand, there is the rich sturdy employer and on the other there is the starving labourer, who is not sure of his meals tomorrow. Under such conditions, can an agreement be justifiably brought in be-

tween the powerful employer and the poor starving ignorant employee. Some of the employees do not know reading and writing and usually their thumb impression is taken on papers. I submit that the Minister may be pleased to withdraw, at any rate, this phrase "unless there is any agreement to the contrary". An agreement is equitable and justifiable between equal contracting parties, but an agreement between a powerful employer and a starving employee has no meaning; it is a mockery. That is all that I have to submit, Sir.

Shri Bhagwat Jha (Purnea cum Santal Parganas): In support of my first amendment No. 30, my only argument is this. Workers in industrial establishments which are of a seasonal nature should also be given compensation for lay-off. I cannot do better than refer you to the opinion expressed by Mr. Dinkar Desai in the Standing Labour Committee.

So far as amendment No. 51 is concerned, I had already moved, and it was not accepted by the hon. Minister, that is that the worker will be disqualified if he does not present himself for work at the establishment during normal working hours at least once a day. My arguments are the same as I have already said. If the worker once comes to the factory for work and if he is not given work, it means that he will have to spend at least two hours. How can the worker, getting only about Rs. 100 a month, afford to waste this much time? If he does this, he will not be able to go out again to get another job for the day.

So far as my third amendment is concerned to what has been suggested that the workman who is the last person to be employed should be retrenched unless for reasons to be recorded, the employer retrenches any other workman. Here, a very long rope is given to the employer. Usually, the principle is that the last

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to come is the first to go and it has been qualified by another two lines—that “unless, for the reasons to be recorded”, etc. I think this will give a long rope to the employer. He will give many reasons and record them. It is within his right and power and he can record so many reasons, even if the worker is not the last. Therefore, I suggest that these two lines should be omitted.

Only a few words more, and that is regarding amendment No. 45. I suppose that the hon. Minister has very rightly introduced this amendment. He is asking for payment of compensation save and except the forty-five days if this falls within a period of one year. Our friend sitting to the left here, Mr. Bansal, has said that the hon. Minister's thunder has melted under the fire of Shastri and Khandubhai. It is true. The fire has got two work. Once it melts away, it shines the thing. Probably, under the fire of Khandubhai and Shastri, the hon. Minister had to work, and if he does shine, of course, he is burnt. I feel that the hon. Minister is of the former type and he will brighten like gold. That remark is very uncharitable and that is not proper. With these words, I commend all the amendments that I have moved.

Shri S. V. L. Narasimham (Guntur): Sir, I have got only amendment No. 86. Only one amendment. That seeks to delete sub-clause (iv) of clause 25E. In my view, Sir, the retention of this clause will work not only injustice but also mischief. This clause states that if a section of the establishment is on strike, the worker is not entitled to compensation. The consequence of this will be apparent to those persons who are held to be responsible for the state of affairs. In my view, I really think that this will be working a great injustice to those persons who are not responsible for the conduct of work in a particular section. If this injustice is allowed to

be done in one section, then it leads to trouble and retrenchment in other sections of workers. So, it causes not only injustice to a section of workers but does injustice to others; it pits them against those in another section. I respectfully submit that this division of workers, especially when we want to encourage the workers and give them facilities and want them to come under one union, has to be avoided, and the clause has to be deleted.

Shri K. P. Tripathi: May I now speak on my amendment No. 117?

Shri V. V. Giri: Amendment No. 117.—clause 25HH—that is now proposed to be moved—I accept it for this reason that it is a sort of a lacuna which I did not notice. The Government of Bombay also sent me a communication about this matter. I agree to the amendment.

Mr. Deputy-Speaker: I will treat No. 117 also as moved.

Shri Sinhasan Singh (Gorakhpur Dist.—South): Only two minutes.

Mr. Deputy-Speaker: Yes; only what has not been stated in the consideration stage.

Shri Sinhasan Singh: My amendment is about the seasonal employees and I plead that the hon. Minister should reconsider it. At least, Sir, in U.P. the major industry is the sugar industry and the sugar industry is a seasonal industry, but there are permanent employees in that industry all the same. In the agreement that has been referred to, there is reference to the fact that the permanent employees must be paid and must be treated as laid-off. There is at least one-third the number of the workers in a mill that are permanently employed. I have talked to Mr. Bansal and he himself has agreed with my point of view that there is some force

in this argument that at least in the sugar industry—a major industry in U.P., the workers should be treated on a line with other workers in other industries and that they should be given, indeed, some preference over others. In my own district—Gorakhpur-Deoria, there are 27 sugar mills, and this provision to treat the workers as in the other industries should be made.

Secondly, Sir, there is one amendment which the hon. Minister has moved—No. 47. This amendment refers to lay-off compensation for a person who is offered employment in a mill which is within a radius of five miles of the establishment to which he belongs, that is, another establishment in the same town or village belonging to the same employer. Well, Sir, I request the hon. Minister to reconsider this amendment. This five mile radius will create hardship to the poor employee. In Bombay and other big cities, employee may be offered such alternative employment in different mills within a radius of 5 miles. Firstly, it was in the same establishment, but now, it is in another establishment which is within a radius of five miles from the original establishment. For instance, take a sugar or a jute or a cotton factory. A worker in any one of these factories will be asked to go to any factory which was not his own previously. In that case he may not be able to do the work in the new factory. Now, the words in the original bill which were the same establishment have been now materially modified and changed. It is said that Mr. Bansal has probably remarked that the hon. Minister has been influenced by Shri Khandubhai Desai to make changes in the bill even against the Tripartite Agreement but what is about this agreement and at whose instance? I do not know how, and why this provision has been made. This is a Bill where the hon. Minister wants really to provide relief for the labourers for being laid-off with compensation. But this alternative employment in an

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establishment within five miles will be putting the workers to great hardship. So, I request the hon. Minister to consider it and, if possible, withdraw the amendment. Let the clause, as it is, remain as provided in the Bill. This will itself create hardship, as I said in my speech on the discussion on the Bill.

Shri V. V. Giri: Before I comment on the various amendments moved before this House, let me refer to two points raised by my hon. friend, Dr. Lanka Sundaram. First, he asked for an assurance that the proviso to clause 25I to the Bill which says: "Nothing contained in this Act shall have effect to derogate from any right which a workman has under any award for the time being in operation or any contract with the employer" should be enforced and not departed from in any circumstances. That is equivalent to asking that the law should be enforced and not evaded or violated. Surely, it is the Government's duty to enforce every law that is passed by this hon. House and that duty will be performed in respect of this law as of any other.

The second point which he made out was that alternative work which an employer might give under clause 25E should not be such as to require technicians to do manual work. My humble submission is that Mahatma Gandhi taught us the dignity of manual and even lowly labour and practised it throughout his life. In recent times, our revered leaders including the President and the Prime Minister have, by personal example, tried to make us all realize the dignity of manual labour. Certainly, Sir, there should be no disgrace or humiliation done to the worker by the alternative employment that is given. And I am absolutely certain that our friends like Dr. Lanka Sundaram and the various trade unions and the trade union leaders that exist in every part of the country would certainly protect the worker in seeing that the alternative work that is given is of a tolerable nature. Moreover, when the

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parties agreed to this provision, in the agreement, they must have fully realized that such temporary allotment of work would be necessary and inevitable.

I shall give my views now on the various amendments. Under amendment 35, Shri Tripathi wanted that the exclusion from the lay-off provisions should be confined to seasonal establishments which are also intermittent. There will be very few establishments which are both seasonal and intermittent, and the effect of the amendment would be to bring in practically all seasonal factories within the scope of the lay-off provisions. This would be contrary to an important term of the mutual agreement and I must, therefore, oppose it.

The hon. Member then wanted, by amendment No. 38, that plantations should be included for the purposes of lay-off benefits. He quoted the Labour Investigation Committee's Report to support the claim for lay-off compensation. I have every sympathy for the plantation workers. I want to make it quite clear that I have every sympathy for the plantation workers, and to my friend Mr. Tripathi and others, and to the House, I assure that I have always stood by them. I shall do my very best to those workers. But so far as this matter is concerned, I beg to submit that the lay-off provision which was confined to industrial establishments comes under the Factories Act and the Mines Act, and I assure every Member on the floor of this House that at the earliest opportunity I shall have this matter brought up before the Tripartite Labour Conference. It does not mean that because there is no agreement, this matter will not be pursued. I have every sympathy with the plantation workers who have suffered a great deal and who are continuously suffering, and I wish to say that agreement or no agreement, this matter will be considered by Government in a sympathetic manner. If

there is agreement, and I hope that there will be agreement,—I have great faith in the workers and employers coming to an agreement—but even if there is no agreement, Government will independently consider and sympathetically consider, what should be done and how this lay-off measure should be given to the advantage of the plantation workers.

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Under amendment No. 40, Shri Tripathi wanted that the standard of 240 days mentioned in clause 25B should be reduced to 200 days. The standard of 240 days with a number of qualifying exclusions is quite liberal and has been accepted for other enactments, such as the Factories Act and the Employees' Provident Fund Scheme. I am afraid that there is no case for reducing it to 200 days.

Regarding his amendment No. 49, that in clause 25B the period of lock-out or of suspension, discharge or dismissal should count as continuous service, I mentioned the other day the difference between clause (eee) and clause 25B which define the expression "continuous service". I said that the worker must choose between either 305 days and an exhaustive list of exclusions or 240 days and a limited list of exclusions. Lock-out has been included in the former. As for periods of suspensions, discharge or dismissal, I am sure that when a Tribunal or an agreement orders reinstatement, it would treat the period of absence as duty and that no special provision would be necessary. Where such a direction is not given, it may not be proper to treat these breaks as continuous service. I would, therefore, request the hon. Member not to press his amendment.

Similarly, I request my esteemed friend Shri Khandubhai Desai not to press his amendment. If in the long run by experience we find any harm is done this matter will be looked into.

Regarding the provision for set-off of lay-off compensation in the compensation payable for retrenchment, contained in my amendment No. 45, Mr. Tripathi said that these two compensations served two different purposes and that the one should not be set-off against the other. The maximum amount that will be set off is restricted to 22½ days' wages. I am afraid that unless this set-off is allowed, the burden on employers might be too much.

By his amendment No. 48 and 49, Shri Tripathi would remove from the discretion of the employer the right to decide whether the worker who is to be laid off can do any alternative work. The result would be that the matter will become a subject for adjudication. What workers want is ready wages and not prolonged litigation and it would, I feel, not be correct to multiply occasions for litigation. Moreover, as I have already stated, workers must uphold the dignity of labour. I am afraid that I cannot agree to amendments 48 and 49.

In his amendment No. 50, Shri Tripathi objects to the worker being asked to present himself for work at the establishment once a day. I do not think that this is an unreasonable demand. The worker does not get wages for staying at home and there is no reason why he should be given any compensation unless it is proved that he is available for work. Under the same amendment Shri Tripathi has brought out a relevant point, namely, why a worker laid-off should be prevented from supplementing his lay-off compensation with such work as he can readily get elsewhere. The employer is entitled to detain the worker for two hours before agreeing to pay lay-off compensation. This means that the worker may not be able to secure alternative employment. He may, if he tries, get for part of the day some light work for which he may get something. I, therefore, accept amendment No. 50 to the extent of deleting lines 40 and 41, even

though they form part of the agreement.

Under amendment No. 53, Shri Tripathi suggests that notice of retrenchment is necessary even where the exact date of termination of service is mentioned in a contract if that contract mentions an option of renewal. When a specific date for termination of service is mentioned, I do not think that the worker can ask for further notice. He must proceed on the assumption that his services would be terminated on that date unless he settles the question of renewal in good time. I am afraid, therefore, that I cannot accept this amendment.

Under amendment No. 62, Shri Tripathi has suggested that the provisions of clause 25H should be as "prescribed in rules framed by Government". As this law forms part of the Industrial Disputes Act, 1947, Government have full powers to frame rules and this need not be specifically mentioned. The amendment is, therefore, not necessary.

Under amendment No. 115, Shri Tripathi would ensure that any higher compensation otherwise obtaining is paid in spite of the provisions contained in this law. This is already provided for by the proviso to sub-clause (1) of clause 25I.

My hon. friend Shri More has tabled seven or eight amendments. Several of these, as he himself realised in his speech, are the same as those moved by Shri Tripathi. He referred to three amendments in particular and I shall reply to them. He said that the word "seasonal" had not been defined and for that reason supported his amendment No. 79 for incorporation of the words "and which are certified to be entitled to the benefit of this Section by the prescribed authority after such enquiry as may be deemed necessary". It appears subsequently from his speech that he would not leave this matter to the appropriate Government which was only an executive authority and

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that he wanted the decision to be given by an appropriate judicial authority. The expression "seasonal factory" has not been defined in some enactments obviously because of the difficulty of defining it precisely. In the Employees' State Insurance Act that expression has been defined as a factory engaged in a number of listed manufacturing processes, such as cotton ginning or cotton or jute pressing, decortication of groundnuts, etc. We soon found that this definition was clearly inadequate as a number of factories not covered by the definition were proved to our satisfaction to be seasonal factories. The same difficulty would be encountered in defining what are intermittently-working factories. Moreover, the duration of the season may vary from one seasonal employment to another. It would, therefore, not be proper to fix any particular time-limit either. That was the reason why we preferred to leave this matter to the decision of the appropriate Government. In practice what might be done is for the various Governments to draw up a common list of seasonal factories in order to ensure uniformity of treatment. In a matter of this sort, I feel that the power can appropriately be exercised by the various Governments.

Shri S. S. More in his amendment No. 90 wanted to make the order of retrenchment mentioned in clause 25G applicable notwithstanding any agreement between the employer and his workers. I have always believed in encouraging mutual agreement between employers and their workmen. Shri More feels that an agreement might be iniquitous and be unfair to the weaker party. Workers have, sooner or later, to depend upon themselves for their strength and there is no reason why they should not progress by the method of trial and error. I am afraid, therefore, that I cannot support this amendment.

Shri Bansal: Will the hon. Minister go somewhat slowly, so that we can follow him?

Shri V. V. Giri: You will read it tomorrow, anyhow.

Shri Bansal: Sir, is he in order in saying that I can read it tomorrow. We would like to follow him as he speaks.

Shri V. V. Giri: I shall read it slowly, but in view of the fact that I am confined to a few minutes, I would like all I have to say may be before the House and before the public.

However, Sir, I shall with your permission read slowly and you may give me the indulgence of a few minutes more, if necessary for finishing what I have to say on each amendment.

Under amendment No. 91, Shri S. S. More wants that the order of retrenchment can be departed from only on grounds of inefficiency, physical disability or any other reasonable cause. I think that all these contingencies are covered by the expression contained in the Bill, namely, "for reasons to be recorded". Reasons have always to be satisfactory. Mere insertion of the words "good" and "satisfactory" would not, in my opinion, alter very much the safeguard to the worker. It must be recognised that this clause leaves some discretion in the hands of the employer, but that is intended. I feel, therefore, that this amendment should not be pressed.

Shri Vittal Rao has moved no less than ten amendments. Under amendment No. 7 he would omit the words "under an agreement" at page 3, line 35, presumably in order to include within the provision all lay-offs, whether under an agreement or not. The amendment which I have moved takes care of lay-offs under all conditions. I do not, therefore, think that this amendment is necessary.

Under amendment No. 11 he would treat a *badli* workman who has worked in an establishment for 360 days during a period of 24 calendar months as a regular workman entitled to lay-off compensation. The standard

laid down in the Bill is one year's continuous service in the establishment. I do not think that this is onerous. Unless a *badli* workman puts in continuous service, he cannot be deemed to be a regular worker.

Under amendment No. 13 he would omit sub-clause (iv) of clause 25E. I am afraid that this is an integral part of the agreement and cannot be deleted.

Under amendment No. 16 he would prescribe a retrenchment gratuity at a rate not less than 15 days' average pay for every completed year of service or any part thereof in excess of six months. This would open the field for continual bargaining and adjudication. One of the main objects of these statutory provisions is to ensure that these matters do not go up for adjudication. I am afraid, therefore, I cannot agree to this amendment.

Under amendment No. 39 he would allow the benefits of lay-off compensation to workers in seasonal factories who are employed for more than 180 days in a period of 12 months. The result of accepting this amendment would be to encourage employers to discharge all such workers before they complete the prescribed number of 180 days. That will only further harm the workers. I am afraid, therefore, I cannot agree to this amendment.

What Shri Vittal Rao wants under amendment No. 46 is largely or wholly covered by the proviso to sub-clause (1) of clause 251. It is clearly laid down that nothing contained in the Act shall derogate from any right which a workman has under any award for the time being in operation or any contract with the employer.

By his amendment No. 81 Shri Vittal Rao has suggested that in the case of underground workers in mines, an attendance of 190 days should be deemed to constitute one year's continuous service. He has quoted the

provisions in the Indian Mines Act. Under section 51 of that Act, 12 months' continuous service is deemed to be completed by an underground worker if he has put in "not less than 190 attendances at the mine". Towards this number periods of lay-off and leave with wages will not count. In any case, the standard of 190 days cannot be accepted in view of the provisions of the agreement between the parties. If the parties agree to substitute 190 days for 240 days, we shall undertake an amendment of the law at the appropriate time.

Under amendment No. 83 Shri Vittal Rao would provide lay-off compensation for 45 days and agree to set off against retrenchment gratuity only lay-off compensation for days in excess of 45. This I have already dealt with earlier. I am afraid I cannot therefore accept this amendment.

Under amendment No. 93, Shri Vittal Rao wants to substitute the word "Act" for the word "Chapter". The whole of clause 3 becomes a Chapter of the Industrial Disputes Act, 1947 and that is why that word has been used.

Shri Khandubhai Desai has moved about ten amendments, some of which make good a number of omissions which seem to have escaped the attention of Government. Amendment No. 8 does not now seem to be necessary in view of my amendment No. 42.

I accept his amendment No. 15 which seeks to substitute "compensation" for "gratuity", occurring at page 5, line 7. I agree that this change is necessary in order to distinguish the compensation payable on retrenchment from gratuity payable otherwise to workmen.

Amendment No. 19 is, I think, not necessary, for this Act would not be the proper place for declaring that nothing contained in any other Act of the appropriate Government shall have the effect of derogating from any right which a workman has under any award or contract.

[Shri V. V Giri]

I see that amendments 107, 109, 110 and 111 are calculated to apply the definition of one year of continuous service contained in clause 25B to both lay-off and retrenchment. Though compensation for lay-off would be available only in factories and mines covered by the expression "industrial establishment", retrenchment compensation will be available in all establishments falling under the expression "industry" within the meaning of the Industrial Disputes Act, 1947. That being so, the wording of clause 25B must be such as to apply to both "industrial establishments" and "industry". I would, therefore, recommend acceptance of all these four amendments.

Amendment No. 113 seems to be for clarifying the position that clause 25F, relating to retrenchment, applies to all establishments covered by the expression "industry". This seems to be only a clarificatory amendment. I would therefore recommend its acceptance.

Amendment No. 114 also seems to be a purely formal one and I have no objection to accepting it.

I may briefly refer to my own amendments. Amendment No. 37 restricts the provisions relating to compensation for lay-off to factories and mines. This was the original intention behind the agreement and must be made clear.

Amendment No. 42 is only a clarificatory one which says that the lay-off permissible towards calculation of continuous service may be under an agreement or under any Standing Orders or under this Act or any other law.

Under amendment No. 44, the intention is to allow towards continuous service only leave with full wages enjoyed by workmen. It is not the intention to allow for purposes of continuity of service, leave sometimes allowed on half pay or no pay.

Amendment No. 45 provides for a situation which I have already ex-

plained at great length and I do not propose to take any more of the time of the House on the same. I have made my position clear. I try to follow the spirit and letter of the agreement, and I stand by what I have said.

Amendment No. 47 is intended to permit the employer to offer alternative employment in one of his establishments in the same town or village situate within a radius of five miles from his main establishment. Unless provision to this effect is made, it might be impossible for the employer to provide alternative employment.

Amendment No. 54 is the same as amendment No. 15 given notice of by Shri Khandubhai Desai, for substituting the word "compensation" for "gratuity" at page 5, line 7.

Amendments 57 and 59 are purely formal ones substituting the word "category" for "class". Industry has represented that the expression used is 'category' and not 'class'.

Amendment No. 63 is a formal one, clarifying the position. These amendments have been necessitated by representations received from both the parties after the framing of the Bill. It is an attempt to meet the viewpoints of the parties affected by the Bill and I would, therefore, request the House to accept them.

I will now deal with all the other amendments together as they are not numerous.

I am afraid I cannot accept Shri-mati Subhadra Joshi's amendment No. 75 as it will have the effect of giving retrospective effect to the provisions of this Bill. Also, Shri K. P. Tripathi's amendment No. 115 I would not accept. I would not accept Shri B. P. Sinha's amendment No. 77 which seeks to substitute the words "are employed" for the words "on an average per working day have been employed in the preceding calendar month". The provisions in the Bill prescribe a method of calculating the strength of an establishment. As the strength

varies from day to day, it will be difficult to say whether an establishment is one in which less than 50 workmen are employed if the time of calculation is not fixed. The expression in the Bill is the one uniformly adopted in all enactments.

Amendment No. 60 of Shri K. P. Tripathi and Shri Bhagwat Jha also cannot be accepted as the employer must be given some discretion to depart from the rule of 'last come first to go' because of practical difficulties.

Shri V. Missir's amendment No. 99 cannot also be accepted as the limit of 50 for purposes of lay-off compensation, is part of the agreement and cannot be reduced to 25. For the same reason, amendment No. 32 standing in the name of Shri Sinhasan Singh and Shri A. N. Vidyalankar cannot be accepted. Shri A. N. Vidyalankar's amendment No. 34 would classify only establishments which work for less than six months in a year as seasonal. I am afraid, this is not a scientific way of finding out which are seasonal factories. For reasons already mentioned by me, the power of decision should rest with the appropriate Government. His amendment No. 36 is no different from lines 22—25 of page 3 which it seeks to supersede.

Under amendment No. 80 Shri A. N. Vidyalankar would make eligible for lay-off compensation workers in irrigation projects, hydro-electric projects, etc. I am afraid, these are not covered by the agreement and have not otherwise been agreed to by the Government departments concerned and therefore have to be left out for the present. Shri A. N. Vidyalankar's amendment No. 96 stipulating payment of an additional compensation does not seem to be necessary.

Shri Bansal's amendment No. 87 would restrict retrenchment compensation to factories and mines and leaves out a very large number of establishments now covered by the term 'industry' within the

meaning of the Industrial Disputes Act. I am afraid, this was never the intention in all the previous discussions with the parties. I must, therefore, oppose this amendment. His amendment No. 94 does not seem to be necessary for we have been assured that all matters provided for by this law will be conclusively determined by the provisions of this law and will not be open to adjudication or other scrutiny. My amendment No. 63 fully takes care of the point brought out by Shri Bansal.

Amendment No. 92 of Shri Vallatharas seeks to protect pregnant women and those on maternity leave from retrenchment or discharge during certain periods. While I have every sympathy with the suggestion, I am afraid that that would be more appropriate to include it in the Maternity Benefits Act. In fact, there are already certain types of protection in this regard in the various maternity enactments. If any further protection is required, the appropriate place would be those Acts and not this one.

Shri Bansal: The hon. Minister referred to my amendment just before this. What is that?

Shri V. V. Giri: I have left out a few amendments of certain hon. Members, but these all have been covered by my statement above. I see that I have also accepted amendment No. 117. I would request the House to accept the following amendments and reject the rest.

Shri K. K. Desai's amendments 15, 107, 109, 110, 111, 113 and 114. Shri K. P. Tripathi's amendment No. 50 in so far as the deletion of lines 40 and 41 on page 4. Shri K. P. Tripathi and Shri A. N. Vidyalankar's amendment No. 117 and my amendments Nos. 37, 42, 44, 45, 47, 54, 57, 59 and 63. These amendments may be accepted.

Mr. Deputy-Speaker: I will put these amendments first, which the Government are willing to accept and then the others.

[Mr. Deputy-Speaker]

The question is:

In page 5, line 7, for "gratuity" substitute "compensation".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 4, omit lines 40 and 41.

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In the amendment proposed by Shri V. V. Giri, printed as No. 37, in list No. 2—

for "25A to 25E inclusive" substitute "25A, 25C, 25D and 25E".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 3, line 29, for "industrial establishment" substitute "industry".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 3, line 31, for "establishment" substitute "industry".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 3, line 33, for "establishment" substitute "industry".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 4, line 46, for "workman" substitute "workman employed in any industry".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In the amendment proposed by Shri V. V. Giri, printed as No. 63 in list No. 2, in the proposed sub-section (2),

for "the provisions of any law" substitute "the provisions of any other law".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 5, after line 25, add—

"Explanation.—In sections 25A, 25C, 25D, and 25E 'industrial establishment, means a factory as defined in clause (m) of section 2 of the Factories Act, 1948 (LXIII of 1948) and includes a mine as defined in clause (j) of section 2 of the Mines Act, 1952 (XXXV of 1952)."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 3, line 37, after "(XX of 1946)" insert—

"or under this Act or under any other law applicable to the industrial establishment, the largest number of days during which he has been so laid-off being taken into account for the purposes of this clause".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 3, line 38, before "wages" insert "full".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 4, for lines 11 to 13, substitute—

"Provided that—

(a) the compensation payable to a workman during any period of twelve months shall not be for more than forty five days except in the case specified in Clause (b)

(b) if during any period of twelve months, a workman has been paid compensation for forty five days and during the same period of twelve months he is again laid-off for further continuous periods of more than one week at a time, he shall, unless there is any agreement to the contrary between him and the employer, be paid for all the days during such subsequent periods of lay-off compensation at the rate specified in this sub-section:

Provided further that it shall be lawful for the employer in any case falling within clause (b) of the first proviso to retrench the workman in accordance with the provisions contained in section 25F, any compensation paid to the workman for having been laid off during the preceding twelve months being set off against the compensation payable for retrenchment."

The motion was adopted.

Mr. Deputy-Speaker: The question is: In page 4, line 31, after "laid off" insert—

"or in any other establishment belonging to the same employer situate in the same town or village or situate within a radius of five miles from the establishment to which he belongs,".

The motion was adopted.

Mr. Deputy-Speaker: The question is: In page 5, lines 12 to 14—

for "where any workman, who is a citizen of India, is to be retrenched and he belongs to a particular class of workmen," substitute "Where any workman in an industrial establishment, who is a citizen of India, is to be retrenched and he belongs to a particular category of workmen in that establishment,".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 5, line 17, for "clause" substitute "category".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

In page 5, for lines 35 to 38, substitute—

"(2) For the removal of doubts, it is hereby declared that nothing contained in this Chapter shall be deemed to affect the provision

of any other law for the time being in force in any State in so far as that law provides for the settlement of industrial disputes, but the rights and liabilities of employers and workmen in so far as they relate to lay-off and retrenchment shall be determined in accordance with the provisions of this Chapter."

The motion was adopted.

Amendment made:

In page 5, after line 25, insert—

"25HH. Recovery of moneys due from employers under this Chapter.—Any money due from an employer under the provisions of this Chapter, whether by way of compensation or by way of wages, may, without prejudice to any other mode of recovery, be recovered in the same manner as an arrear of land revenue or as a public demand by the appropriate Government on an application made to it by the person entitled to the money."

—[Shri K. P. Tripathi]

Mr. Deputy Speaker: The question is:

All the other amendments moved by other hon. Members, Shrimati Subhadra Joshi, Shri...

Shri Sarangadhar Das (Dhenkanal-West Cuttack): May I submit, Sir, that there may be some amendments that we may oppose and others which we may support, before you put them to the House.

Mr. Deputy-Speaker: Hon. Members would indicate which amendments they would like to support and which they would like to oppose. Otherwise, I shall have to go on reading one after another and make hon. Members understand what each amendment is. If the hon. Members want to divide on a particular amendment, I will put that amendment separately. I will put all the other amendments together.

Shri T. B. Vittal Rao: Amendment No. 108.

Shri Bansa: Sir, I beg for leave to withdraw amendments 73 and 87.

Shri A. N. Vidyalankar: I beg to withdraw all my amendments except that which has been accepted.

Shri K. P. Tripathi: In view of the assurance given by the hon. Minister, I beg to withdraw.....

Mr. Deputy-Speaker: I will first put this amendment to the House. Then, I shall come to withdrawals.

The question is:

In the amendment proposed by Shri V. V. Giri, printed as No. 37 in List No. 2, add at the end:

"and a plantation as defined in clause (f) of section 2 of the Plantation Labour Act, 1951. (LXIX of 1951)."

House divided: Ayes, 45; Noes, 186.

Division No. 2]

AYES

[4-30 P.M.]

Achalu, Shri
Amjad Ali, Shri
Basu, Shri K. K.
Boovaraghasamy, Shri
Chakravarty, Shrimati Renu
Chatterjee, Shri Tusher
Chaudhuri, Shri T. K.
Chowdhury, Shri C. R.
Chowdhury, Shri N. B.
Damodaran, Shri N. P.
Das, Shri B. C.
Das, Shri Sarangdhar
Deogam, Shri
Gidwani, Shri
Gopalan, Shri A. K.

Kandasamy, Shri
Kelappan, Shri
Kherdekar, Shri
Khare, Dr. N. B.
Kripalani, Shrimati Sucheta
Meacarene, Kumari Annie
Mishra, Pandit S. C.
More, Shri S. S.
Nanadas, Shri
Narasimham, Shri S. V. L.
Pandey, Dr. Natabar
Patel, Shri U. C.
Punnoose, Shri
Raghavachari, Shri
Ramanarayan Singh, Babu

Randaman Singh, Shri
Rao, Dr. Rama
Rao, Shri Gopala
Rao, Shri P. Subba
Rao, Shri Vittal
Reddy, Shri Bewara
Rishang Keishing, Shri
Saha, Shri Meghnad
Shakuntala, Shrimati
Singh, Shri G. S.
Singh, Shri R. N.
Subramanyam, Shri K.
Sundaram, Dr. Lanka
Velayudhan, Shri
Waghmare, Shri

NOES

Abdullahal, Mulla
Abdus Satter, Shri
Agarwal, Shri H. L.
Akerpuri, Sardar
Alagesan, Shri
Altekar, Shri
Anari, Dr.
Asthana, Shri
Azad, Maulana
Belmiki, Shri
Bansa, Shri
Berman, Shri
Barupal, Shri P. L.
Bhagat, Shri B. R.
Bhatkar, Shri
Bhatt, Shri C.
Bhawani, Shri
Bhonsle, Shri J. K.
Bideri, Shri
Birbal Singh, Shri
Boroob, Shri
Bose, Shri P. C.
Chandraekhar, Shrimati
Charak, Shri
Chatterjee, Dr. Suelranzen

Chaturvedi, Shri
Chaudhary, Shri G. L.
Chaudhury, Shri S. B.
Chavde, Shri
Chineria, Shri
Choudhuri, Shri M. Shafiq
Dabhi, Shri
Das, Shri B. K.
Das, Shri N. T.
Das, Shri Ram Dhanj
Das, Shri Rawananda
Datar, Shri
Deas, Shri K. K.
Dessai, Shri K. N.
Deshpande, Shri G. H.
Digambar Singh, Shri
Dube, Shri Mulchaud
Dubey, Shri R. G.
Dwivedi, Shri D. P.
Dwivedi, Shri M. L.
Gadgil, Shri
Gandhi, Shri M. M.
Gandhi, Shri V. B.
Ghulam Qader, Shri
Giri, Shri V. V.

Gohain, Shri
Gounder, Shri K. P.
Hari Mohan, Dr.
Hazarika, Shri J. N.
Hem Raj, Shri
Hembrom, Shri
Jhrehim, Shri
Iyyani, Shri E.
Iyyanni, Shri C. R.
Jagjivan Ram, Shri
Jain, Shri N. S.
Jaiware, Shri
Jangde, Shri
Jena, Shri K. C.
Jena, Shri Niranjan
Jha, Shri Bhagwat
Jhunjhunwala, Shri
Joshi, Shri Krishnacharya
Joshi, Shri M. D.
Joshi, Shri N. L.
Kajrolkar, Shri
Kakkar, Shri
Kale, Shrimati A.
Kamungo, Shri
Kasliwal, Shri

Katje, Dr.	Nevatia, Shri	Sherma, Shri D. C.
Keskar, Dr.	Niilingappa, Shri	Sherma, Shri K. R.
Khan, Shri Sadath Ali	Pannalal, Shri	Shivananjappa, Shri
Khud a Bekah, Shri M.	Parikh, Shri S. G.	Shobha Ram, Shri
Kiroldhar, Shri	Parmer, Shri R. B.	Siddananjappa, Shri
Krishna Chandra, Shri	Pataskar, Shri	Singh, Shri H. P.
Kurcel, Shri B. N.	Patel, Shri B. K.	Singh, Shri L. J.
Lakshmayya, Shri	Patel, Shrimati Maniben	Singh, Shri M. N.
Lallanji, Shri	Patil, Shri Shankergaude	Singh, Shri T. N.
Llogam, Shri N. M.	Pillai, Shri Thanu	Sinha, Dr. S. N.
Mahodaya, Shri	Prasad, Shri H. S.	Sinha, Shri Anrudha
Majithia, Sardar	Rachia, Shri N.	Sinha, Shri Jhulan
Malaviya, Shri K. D.	Radha Ramen, Shri	Sinha, Shri K. P.
Malliah, Shri U. S.	Rahman, Shri M. FL	Sinha, Shri Satya Narayan
Mandal, Dr. P.	Raj Bahadur, Shri	Sinha an Singh, Shri
Matthen, Shri	Raghunath Singh, Shri	Snetak, Shri
Mehra, Shri Balwant Sinha	Ram Dasa, Shri	Somana, Shri N.
Mehra, Shri B. G.	Ram Subhag Singh, Dr.	Sunder Lal, Shri
Mishra, Shri S. N.	Ramaawamy, Shri S. V.	Suriya Prasad, Shri
Mishra, Shri Bibhutl	Ranbir Singh, Ch.	Tandon, Shri
Mishra, Shri L. N.	Rane, Shri	Telkikar, Shri
Mishra, Shri Lokenath	Roy, Shri B. N.	Tewari, Sardar R. B. S.
Misra, Shri R. D.	Roy, Shri Patiram	Thimmaiah, Shri
Mohiuddin, Shri	Rup, Narain, Shri	Thomas, Shri A. V.
Morarka, Shri	Sahu, Shri Bhagbat	Tiwari, Pandit B. L.
Mora, Shri K. L.	Sahu, Shri Rameshwar	Tiwari, Shri R. S.
Mudaliar, Shri C. R.	Saigal, Sardar A. S.	Tiwary, Pandit D. N.
Mukne, Shri Y. M.	Saksena, Shri Mohaulal	Tripathi, Shri V. D.
Musafir, Gianl G. S.	Semanta, Shri S. C.	Uikey, Shri
Muthukrishnan, Shri	Sanganna, Shri	Upadhyay, Shri S. D.
Nanda, Shri	Sankarepandian, Shri	Vaishnav, Shri M. G.
Narasimhan, Shri C. R.	Satish Chandra, Shri	Vaishya, Shri M. B.
Naskar, Shri P. S.	Satyawadi, Dr.	Verma, Shri E. R.
Natawadkar, Shri	Sen, Shrimati Sushama	Vyas, Shri Radhelal
Nehru, Shri Jawaharlal	Shah, Shri R. B.	Wilson, Shri J. N.
Nehru, Shrimati Uma	Shahnewaz Khan, Shri	Wodeyar, Shri
Neewl, Shri	Sherma, Pandit Balkrishna	Zaidi, Col.

The motion was negatived.

Shri Banerji: Sir, I withdraw my Amendments Nos. 87 and 94.

The amendments were by leave withdrawn.

Shri Bhagwat Jha: Sir, I withdraw my Amendments Nos. 30 and 51.

The amendments were by leave withdrawn.

Shri K. P. Tripathi: Sir, I withdraw my amendment No. 60.

The amendment was by leave withdrawn.

Shri A. N. Vidyaisankar (Jullundur): Sir, I withdraw my Amendments Nos. 32, 34, 36, 80 and 98.

The amendments were by leave withdrawn.

Mr. Deputy-Speaker: The question is:

In page 3, for lines 14 and 15 substitute—

“25A. Application of sections 25C to 25F.—The provisions of Sections 25C to 25E shall apply to all such cases which are pending before any Industrial Tribunal constituted under the provision of this Act or before any Appellate Court constituted under Industrial Disputes (Appellate Tribunal) Act, 1950 (XLVIII of 1950) but provision of Sections 25B to 25E inclusive shall not apply—”

In page 3, lines 17 and 18—

for “on an average per working day have been employed in the preceding calendar month” substitute “are employed”

[Mr. Deputy Speaker]

In page 3, line 20, omit "or".

In page 3, lines 20 and 21, after "intermittently" add "and which are certified to be entitled to the benefit of this section by the prescribed authority, after such enquiry as may be deemed necessary".

In page 4, omit lines 11 to 13.

In page 4, line 32, omit "in the opinion of the employer,".

In page 4,—

(i) omit lines 40 and 41; and

(ii) line 42, for "(iv)" substitute "(iii)".

In page 5, line 14, for "in the absence of" substitute "not withstanding".

In page 5, lines 17 and 18,—

for "unless the reasons to be recorded the employer retrenches any other workman", substitute "unless on grounds of inefficiency, physical disability or any other reasonable cause the employer retrenches any other workman,".

In page 3, line 20, for "or" substitute "and".

In the amendment proposed by Shri Y. V. Giri printed as No. 37 above, after "(XXXV of 1952)" add—

"and a plantation as defined in clause (f) of section 2 of the Plantation Labour Act, 1951 (LXIX of 1951)."

In page 3, line 29, omit "and forty".

In page 3, lines 35 to 37,—

for "under an agreement or as permitted by standing orders made under the Industrial Employment (Standing Orders) Act,

1946 (XX of 1946)" substitute "or locked out, or the period for which he has been suspended, or wrongfully discharged or dismissed,".

In page 4, line 32, omit "if, in the opinion of the employer,".

In page 4, line 36, after "employment also" add—

"and provided further that the alternative employment does not derogate from the status of the worker".

In page 5, line 5, after "service" add "without option of renewal".

In page 5, line 25, after "persons" add—

"as may be prescribed in rules framed by Government."

In the amendment proposed by Shri V. V. Giri printed as No. 63 in List No. 2, in the proposed subsection (2), add at the end:

"unless compensation otherwise obtainable is higher".

In the amendment proposed by Shri V. V. Giri, printed as No. 45 in List No. 2 in the second proviso—

after "any compensation" insert "for a period above forty-five days".

In page 3, line 17, after "workmen" insert "or to any other establishment in which less than twenty five workmen".

In page 3, line 37, add at the end "or any other Act made by the appropriate Government".

In page 3,—

(i) in line 39, omit "and"

(ii) in line 42, for "weeks." substitute "weeks, and"; and

(iii) after line 42 insert:

"(d) he has been unemployed between the date of his dismissal or discharge and re-employment"

In page 5, line 31, after "Act" insert "or in any other Act of the appropriate Government"

In page 3, line 35, omit "under an agreement"

In page 4, line 19, add at the end—

"or worked in the establishment for not less than three hundred and sixty days during a period of twenty four calendar months"

In page 4, omit lines 42 to 44.

In page 5, line 7, after "equivalent to" insert "a minimum of".

In page 3, after line 25, add—

"(3) In an industrial establishment which is of a seasonal character if that there are departments in which more than five workers are usually employed for more than one hundred and eighty days in a continuous period of twelve months, such departments of the establishment shall not be treated as seasonal."

In page 4, after line 19, add—

"(2) The provisions of this Chapter shall not operate to the prejudice of any rights to which a workman may be entitled under the terms of any award, agreement or contract of service provides for a longer period and for more compensation."

In page 3, line 30, after "days" insert "or in a mine for not less than one hundred ninety days in the case of underground workers".

In the amendment proposed by Shri V. V. Giri printed as No. 45 in list No. 2, for the second proviso, substitute:

"Provided further that it shall be lawful for the employer in any case falling within purview of clause (b) of the first proviso to retrench the workman in accordance with provisions contained in section 25F, any compensation paid to the workman for the period more than maximum of forty-five days under clause (a) for having been laid-off for more than forty-five days during the preceeding twelve months, being set off against the compensation payable for retrenchment."

In the amendment proposed by Shri V. V. Giri printed as No. 63 in list No. 2 in the proposed sub-section (2) for "Chapter" occurring at the end substitute "Act".

In page 4, for lines 49 and 50 substitute—

"(a) the workman has been served with one month's notice in writing by registered letter with a form of acknowledgement of receipt, indicating the reasons for retrenchment and the"

In page 5, lines 16 and 17, for "the last person to be employed" substitute "the person having the last seniority"

In page 5, line 11, after "Government" add "and the Union Government"

In page 5, after line 18 add:

"Provided that—

"(a) the contract of employment shall be terminated except on pay day, or the end of a week, month or quarter.

(b) no notice of retrenchment or discharge shall be given—

(i) to a pregnant woman after the fifth month of her pregnancy

[Mr. Deputy-Speaker]

till the expiry of forty days after confinement;

(ii) to a woman on maternity leave; and

(iii) to any employee during his ordinary holiday or on sick leave;

(c) the employee shall have the right to absent himself from work for not more than two hours a day and one full day in the week during the period of notice for the purpose of seeking employment;

(d) the employee who is served with a notice of termination or discharge shall be entitled to appeal before the expiry of the period of prescription to the Court of Enquiry against the notice, and the Court of Enquiry shall enquire into the existence of the reasons for termination and shall order payment of compensation by the employer to the employee if the employer fails to prove the existence of the reasons for termination".

In page 3, omit lines 19 to 25.

In page 4, omit lines 42 to 44.

The motions were negatived.

Mr. Deputy-Speaker: The question is:

"That clause 3, as amended, stand part of the Bill".

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Mr. Deputy-Speaker: There is an Amendment for a new Clause 3A. Is the hon. Member moving it?

Shri A. N. Vidyasagar: No, Sir.

Clause 4 was added to the Bill.

Clause 1.— (Short title and commencement)

Mr. Deputy-Speaker: Any hon. Member moving his Amendment?

Shri T. B. Vittal Rao: I beg to move:

In page 1, lines 4 and 5, for "24th day of October, 1953" substitute "1st day of August, 1953"

Pandit O. N. Malviya (Raisen): I beg to move:

In page 1, lines 4 and 5, for "on the 24th day of October, 1953" substitute "on the 28th day of July, 1953".

Mr. Deputy-Speaker: The question is:

In page 1, lines 4 and 5, for "on the 24th day of October, 1953" substitute "on the 28th day of July, 1953".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 1, lines 4 and 5, for "24th day of October, 1953" substitute "1st day of August, 1953"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Title and the Enacting formula were added to the Bill.

Shri V. V. Giri: I beg to move:

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

Mr. Deputy-Speaker: Motion moved:

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

All the time that has been fixed by the Hon. Speaker for this Bill, together with 20 more minutes, we have already spent. Let this point be borne in mind. Shri A. K. Gopalan

Shri A. K. Gopalan (Cannanore): I only want to point out the assurance given by the hon. Minister of Labour, in regard to the inclusion of the plantation workers under the purview of this legislation, and I hope he will seriously consider it.

As far as the condition of the plantation workers is concerned, it has been pointed out by different hon. Members in this House, that it is worse than that of the other sections of the working classes in this country. There is no legislation to give them any relief, except the Plantation Labour Act, 1951. After the passing of that Act, there was opposition from the plantation owners, especially the British capitalists who form a majority for its implementation with the result that for the last two years, its implementation has been postponed.

The condition of the plantation workers is more miserable than that of any other section of the working classes. Ten days ago, I had to go to Wyanad, where nearly 15,000 workers had gone on a strike, demanding that the Plantation Act, that had already been passed by Parliament should be implemented. Even the canteen facilities that had been provided for these workers, who number about 28,000, had been taken away. Even the office clerks and others in the plantations in Nilgiris, Wyanad and other places, gave a month's notice to the planters, saying that they wanted to go on a hunger strike. Their demand was either they should get a bonus, or they should be allowed to see the balance-sheet of the plantations, so that they could satisfy themselves whether there was a profit or not. After some kind of an action by these people, the owners finally agreed to show them the balance-sheet.

Although there are about 12 lakhs of workers employed in these plantations, still, they have not been

brought within the scope of this Bill. The hon. Minister has given an assurance that he will talk to the plantation owners, and see that they are also brought within the purview of this legislation. But we cannot believe it, for even the Act that had been passed by Parliament two years ago, has not been implemented. When Parliament has passed an Act, with so much of difficulty and a lot of expenditure, if certain sections of the plantation owners are not going to implement it, what is the guarantee that even this new Act will be implemented, in the case of these plantations? Even though nearly three years have elapsed since the passing of the previous Act, it has not been implemented, and several times, requests have been made also for the withdrawal of that legislation. So, if the plantation owners, a majority of whom are British capitalists, are not going to implement the Act, or respect the Act passed by Parliament, certainly it is for Government to consider whether their plantations could not be confiscated so that Government may run them. If that Act had been implemented, a certain measure of relief would have come to the plantation labourers. But that has not been done. Even in the new Act, which is on the anvil, the plantation workers have not been included, which is a great injustice towards an important section of the labour population of this country. I strongly protest against this attitude of Government in not looking to the interests of the plantation workers, who are today suffering more than any other section of the workers, and also in not seeing to it that the Act already passed by Parliament is implemented. If in addition to all this, even this Bill, they are not to be included, it is certainly doing great injustice to them.

When it comes to the question of getting some money from the British planters, Government certainly seem to have a soft corner for them, and are not ready to implement even the very Act which has been passed

[Shri A. K. Gopalan]

already. I thought the hon. Minister would give us an assurance that that Act will be implemented first, and then the plantation workers will be included within the scope of this Bill. Judging from the past experience we have had, I am sure that unless very strong action is taken by Government against these British planters, who do not want to implement the Plantation Labour Act, that Act would be a dead letter. I very strongly protest against the attitude that Government have adopted towards these plantation labourers. I hope Government will see the great amount of unrest that prevails among these plantation workers, and take steps to get the Plantation Labour Act implemented and also bring the plantations within the purview of this legislation.

Shri V. V. Giri: I have nothing more to add except to thank the various hon. Members of this House, or the constructive criticisms they have placed before the House. I assure my hon. friend Shri A. K. Gopalan, that the criticism that he has made in the matter of implementation of the Act, and the application of lay-off, will be duly considered.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

EMPLOYEES' PROVIDENT FUNDS (AMENDMENT) BILL

Mr. Deputy-Speaker: The House will now take up the Employees' Provident Funds (Amendment) Bill.

The Deputy Minister of Labour (Shri Abid Ali): I beg to move:

"That the Bill to amend the Employees' Provident Funds Act, 1952, as passed by the Council of States, be taken into consideration."

The Bill seeks to remove some administrative lacunae in the Employees' Provident Funds Act 1952, which is a simple piece of legislation. The Employees' Provident Funds Act, 1952, fixes the principle in broad essentials, of a provident fund for workers, and leaves the details to be worked out under a scheme. The scheme framed for the establishment and administration of the Employees' Provident Funds was brought into operation by stages, and enforced in its entirety with effect from 1st November 1952. A legislation in respect of an entirely new activity covering a large number of workers in several industries scattered throughout the country can never be perfect in the very first stage itself, and requires improvement from time to time on the basis of actual experience. This Bill has been brought to remove the defects and deficiencies which have been noticed in the administration of the Act.

During the discussion of the Bill in the Council of States, a number of amendments were tabled to extend the Act, and the scheme to several other industries. But it is not necessary to amend the Act, for this purpose. According to sub-section (3) of section 1, the Act applies to six specified industries, in the first instance, and the intention is that other industries should be brought in, and for this purpose, powers vest in the Central Government under Section 4.

5 P.M.

Other industries have not been brought under the Act not because there is any lack of purpose on the part of Government but because their experience with the implementation of the scheme in the 6 industries has not justified any extension at this stage. The task of implementation has been extensive involving large-scale operations. There are plenty of loose ends which need tying up. To solve some of our difficulties, this Bill has