Mr. Deputy-Speaker: The question is:

"That the Bill to amend the Provisional Collection of Taxes Act, 1931 for a temporary period, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: There are no amendments to this Bill.

The question is:

"That clauses 1 and 2, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clauses 1 and 2, the Enacting Formula and the Title were added to the Bill.

Shri T. T. Krishnamachari: I beg to move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

INDUSTRIAL DISPUTES (AMENDMENT) BILL

The Minister of Labour and Employment and Planning (Shri Nanda): I beg to move:

"That the Bill further to amend the Industrial Disputes Act, 1947, be taken into consideration."

This Bill which comprises four clauses is a short Bill, but the matter with which it deals is of very great importance. It effects vital interests of a vast mass of the working classes and it has also certain consequences for industry. Before I enter on an explanation of the provisions of the Bill and before I explain why this Ordinance became inescapable, I shall have to go back to an earlier stage of legislation on the subject. That was some time in the year 1953. A somewhat similar situation had developed in the country. There were retrenchments, closures of shifts and of undertakings and a large number of workers in the country were threatened with unemployment. In those circumstances, an Ordinance had to be promulgated, which later on took the shape of a Bill and was passed by the House. I shall just explain what changes that measure to which I have referred brought about. That change is represented by Chapter V-A of the Industrial Disputes Act of 1947. It has two parts, one of which concerned lay off, that is temporary interruption of work for which previous to that legislation, the worker had no remedy at all, no relief at all. It was found that the absence of any remedial measures caused very great hardship. The second part related to cases where the services of workers were terminated or dispensed with altogether. Regarding both these situations, the Ordinance and later the amending Act made certain provisions. The provision was that persons who had to be laid off should be compensated at a certain rate. The rate provided was 50 per cent of the total basic wages and dearness allowance. In the case of retrenchment, the provision was that payment will be made at a rate equivalent to 15 days average pay for every completed year's service or any part thereof in excess of six months. In both these cases there were certain other conditions regulating the operation of these provisions.

This legislation had two aspects. One is a kind of a deterrent effect. The intention was, the hope was, that if the employers will be called upon to make a substantial payment where they lay off workers or where they retrench, may be, they won't think of these steps lightly, and may be, in view of the payments that would have to be made, closures and lay offs may not take place to the same extent. There was the other aspect. Whether it is found possible eventually to avoid closure or lay off,

there is the question of the worker himself. During the period he is not employed, till he is able to get some other employment, he should have some relief, some help to tide over that period.

Later on, there was another amendment of that which dealt with some other aspects. There was some doubt about the application of the Act in cases where that undertaking just changed hands. A new employer came in. No other change occurred. In order that any unnecessary burden may not arise, simply because of that technical change, an amendment was brought in to prevent that kind of consequence arising. I have seen the reports regarding the working of this Act, particularly the portion which amended. I am referring to Chapter V-A. I find that this part of the Act has werked fairly smoothly, it has not caused any hardships to industry, it has not entailed any very serious burdens, and it has certainly helped the working class.

This went on till we were confronted by a new kind of situation, a serious situation. There came on the 27th November of last year a judgment of the Supreme Court. That arose out of two cases which were dealt with by the Bombay High Court. One was the case of the Barsi Light Railway *vs.* the workmen, and the other related to the closure of the Dinesh Mills Ltd., Baroda. The point raised was that compensation provided for retrenchment did not extend to cases where and entire undertaking was closed and therefore there should be no compensation in these particular cases. The Bombay High Court took the view that the definition of the word "retrenchment" in the Act itself was wide enough to cover all such cases. The definition read: "Retrenchment means the termination by the employer of the services of a workman for any reason whatsoever, otherwise than as a punishment...." The view taken was that "for any reason whatsoever" certainly extended to cases of closures also. The case was taken in appeal to the Supreme Court. The Supreme Court took a different view. I have got the judgment of the Supreme Court with me. Of course, we do not question their judgment. The Supreme Court saw the wording of the Act, saw the circumstances of the cases before them, and whatever might have been the intention of the legislature, the wording of the Act, that particular definition of retrenchment and also the fact that there was no specific mention of closure led them to the conclusion that the provision for retrenchment applied in all cases where the workers were rendered surplus and their services had to be terminated as long as the undertaking itself continued, but that this did not apply where the undertaking itself existed no more and that the ordinary meaning of the word "retrenchment" had still to be enforced in that case. As was pointed out by the Home Minister two or three days ago when some question was raised about the ordinance, there may have been a flaw in the drafting of this piece of legislation, and since we are sure of our ground, of what we intended, what is the proper course in the matter, the duty is cast on us to make the necessary correction and to bring the wording of the Act in line with the intentions of the legislature.

This was intended to be done through a Bill, and normally an ordinance would not have been promulgated. The Bill was getting ready for being introduced in this Parliament, but something came up which created a kind of critical situation, and the hands of Government were forced. I have before me certain figures. They relate to notices of closures of undertakings in the States and in the Central sphere. A large number of workers would have been thrown out of employment if those notices came into force, took effect, and we received communications from the States, from the Governments, from the workers that a very difficult situation was developing, and it was

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essential for the Government of India to move in the matter immediately.

Shri Supakar (Sambalpur): These communications were not received before March.

Shri Nanda: The communications which I am referring to were received practically a few days before the promulgation of the ordinance. I can actually read the names of the mills concerned. For example, there is the case of the Kanpur Cotton Mills, Kanpur, the Ahmedabad Laxmi Cotton Mills, Ahmedabad, the Fateh Singh Mills—in fact, a number of mills, but in all cases I find that the date was towards the latter part of April.

Shri B. S. Murthy (Kakinada-Reserved—Sch. Castes): What is the total number of labourers involved?

Shri Nanda: There were about 15,000.

This situation had to be dealt with, had to be met, and it was felt that there should be an ordinance in order to combat the situation.

What was intended by that ordinance? The feeling was that if the employers concerned came to know that if they closed they would have to pay all this to the workers who were retrenched, maybe they would find it too costly, because in so many cases the position is not that the employer has made up his mind to get out of the business and to close the concern altogether, not that. Usually what happens is that at a particular period the conditions are such that it does not pay very much, there may be certain difficulties. It is quite easy at the moment to close the concern, send away the workmen, and later on at a more convenient point of time reopen the business. It was in such cases that a measure of this kind was intended to become really effective in preventing unemployment, and that is what has actually happened. That is, after the ordinance we found that some of the major undertakings involved changed their minds. They were persuaded and it was explained to them that the interests of the industry, the consumers and the country suffered by curtailment of production which should be avoided if it is at all possible to do so.

Therefore that ordinance came. Now it is intended to replace the ordinance by the Bill before the House, and I shall explain what the measure is.

The kernel of this Bill rests in clause (3), particularly in the proposed section 25FFF. Here what we seek to do is to see that the defect which came up and which somehow nullified the intentions of the original legislation is remedied. The defect was that there was no specific mention of closures. Now this proposed section 25FFF says:

> "Where an undertaking is closed down for any reason whatsoever, every workman who has been in continuous service for not less than one year in that undertaking immediately before such closure shall, subject to the provisions of sub-section (2), be entitled to notice and compensation in accordance with the provisions of section 25F, as if the workman had been retrenched:"

There is also a proviso which reads thus:

> "Provided that where the undertaking is closed down on account of unavoidable circumstances beyond the control of the employer, the compensation to be paid to the workman under clause (b) of section 25F shall not exceed his average pay for three months."

Thus far was the content of the ordinance. But, later on, when the Bill was framed, it was felt that the words 'unavoidable circumstances beyond the control of the employer'

if they were allowed to remain, would suffer from the defect of vagueness to some extent, and that, as far as possible, we might give our intentions a more specific content. An Explanation was, therefore, added, to the following effect:

> "An undertaking which is closed down by reason merely of financial losses or accumulation of undisposed of stocks shall not be deemed to have been closed down on account of unavoidable circumstances beyond the control of the employer within the meaning of the proviso to this subsection.".

This is the main part of this amending legislation. But another clarification also has been made of an aspect of this situation, namely closures which possibly were not contemplated. Those cases also have been dealt with here, that is, cases of undertakings set up for construction of buildings etc. A special provision has been made to cover such cases. This is not in any sense a new idea that is being introduced, it is not an innovation at all. If we refer to the discussion that took place in this House when the original amending Bill was passed in 1953, we shall find that it was clear that the intention was to cover cases of involuntary unemployment. And there was no idea in the mind of Government or in the minds of those who agreed to this legislation, that any distinction would be made between retrenchment in cases where the undertaking still continued and retrenchment in cases where the undertaking was altogether closed. Therefore, what we are doing now is merely to restore what was originally intended.

But the judgment of the Supreme Court gave us an occasion to consider the position a little more fully. And since the judgment raised the question of *bona fide* closures and closures which were his not *bona fide*, we took this occasion not to bring in the words 'bona fide closures' but to enter into the spirit of the considerations which might have been relevant to these cases: namely, that an employer should not close a concern lightheartedly, and if he does so, and the closure cannot be prevented, the workman should be paid something.

There may, however, be occasions where for no fault of his, for no responsibility on his part, owing to circumstances beyond the control of the employer altogether, such as natural calamities like earthquake, arson, and things of that kind, he may be compelled to close down the undertaking. We thought it would not be reasonable and proper to treat this case on the same footing as the other cases. So, some distinction has been made in this regard. But it has been made abundantly clear that merely because we have incorporated these words 'unavoidable circumstances beyond the control of the employer', an employer cannot come forward and say, 'I have got heaps of cloth lying in my godowns; I have no more space; or I have no more money, I have been losing for a number of years, and, therefore, my capacity to pay is exhausted' and so on. These kinds of circumstances, if true, will not warrant or justify any kind of exception from the provision regarding retrenchment or even a recourse to the milder provision which follows in the proviso. That, I believe, should protect the interests of the workers practically in all the cases. The only exceptions, as I said, would be in cases of natural calamities, which may be treated on a different footing.

The original intention or the object behind the amending legislation was to avert closures and to see that, as far as possible, unemployment was prevented, if it could largely be prevented. But those cases stand on a separate footing from those where construction work is involved. For instance, when a house is being built, or a project is being constructed, it is anticipated, and it is well

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known that it may last for two years or three years, and there is no continuing employment, for once the construction is completed, the employment ends. So, when we are bringing forward this provision, it is not that we are really trying to whittle down the earlier provision of dealing with such cases, but we are only dealing with a special case which rests on its own ground.

I have explained the provisions of this Bill. But I must add that when we are discussing the problem of unemployment, when we have in mind the cases of all those workers who are affected by these notices, this is not a complete answer, because even if we give effect to these provisions providing for compensation for retrenchment and the workers secure that compensation, it does not give them employment in all cases, in certain cases, it adds to unemployment. So, that larger issue has to be dealt with in other ways. And this is not the occasion for me to give a lengthy explanation of what are the things that have to be done.

But there is one thing which is relevant to this occasion, and that is, that if the community requires or needs a particular article which is being produced, it should not be out of the reach of the community through its Government and through the legislature, to see to it that the production of that commodity is not interrupted, and there is no undue or unavoidable loss of production. For that purpose, Government have some powers under the Industries (Development and Regulation) Act, and whenever such circumstances arise, it would be open to Government to have recourse to those provisions also.

I may also give one other explanation. It has been urged that the employer has the right to run a business and to close down a business; and that it is a fundamental right of his. We are not coming in the way of that fundamental right to close down the business, by bringing forward this legislation. We are not telling the employer that whatever may be the circumstances or whatever may be the situation, he should not close down. All that we are saying here is that if he does decide to close down the business, the workers also should be protected; the workers also have their own rights, and the employer has certain obligations to the workers, and he should discharge those obligations.

That is all that I have to say. I hope that in view of the great importance of the measure for the working class and in view of the fact that nothing very new is being done through this, there will be general acceptance of this measure.

Mr. Deputy-Speaker: Motion moved:

> "That the Bill further to amend the Industrial Disputes Act, 1947, be taken into consideration."

Shri Narayanankutty Menon (Mukandapuram): Mr. Deputy-Speaker, Sir, it is with a feeling of subdued satisfaction that we welcome the broad principles underlying the Bill which has now been moved for consideration to substitute the Ordinance which had already been promulgated by the President. Even though we agree with the principles underlying the Bill and also with the broad sentiments that the hon. Labour Minister has expressed before this House, it is quite unfortunate that whatever anomalies that were there in the original legislation, whatever doubts that were there in the original Act, remain incorporated in the provisions of the new Bill also.

Before coming to the provisions of the Bill as they are, I may be permitted to say a few words on the propriety of promulgating an Ordinance immediately after the Supreme Court judgment about closure and

retrenchment. The House will be aware that it was on 27-1-57 that the Supreme Court said that the word 'retrenchment' as found in section 25 of the Act did not include the word 'closure' and, therefore, in a case of closure, the employees of a company were not entitled to get compensation under that section. Five months have elapsed for the Government to move in this matter and to promulgate an Ordinance to correct that anomaly or doubt that nas been created by the Supreme Court decision. Five months in an ordinary case may not mean much of a time, but in this particular case the House will remember that the Supreme Court was deciding a case of the Barsi Light Railway Company; if the doubts that had been created in the Barsi Light Railway Company case had to be removed and the injustice that had been done against the intention of this House to those employees was to be rectified, unfortunately the new legislation that has now been brough up by the Minister does not do any justice to those concerned employees.

The employees of the Barsi Light Railway technically ceased to be their employees on 1-1-54. It is also said that new entrants have been taken on the Barsi Light Railway Company from that date onwards. The hon. Minister has specified in the Bill that it will take effect from the 1st December 1956, and section 2 of the Bill will take effect from the 10th of March 1957. That clearly means that the employees who were retrenched by means of the transfer of the Barsi Light Railway Company, which was the subject-matter of the case before the Supreme Court, and also the cause of this legislation, will not be benefited by this legislation. And because of the lapse of five months since the decision of the Supreme Court and also this Ordinance, a very great calamity has been created. The Bombay High Court, when giving its judgment and also when the case was taken on the record of the Court, had given an injunction that the Barsi Light Railway Company shall not transfer overseas Rs. 30 lakhs lying to its credit in India, which had to be paid as compensation to the employees of the company. But immediately after the Supreme Court decision on 27-1-57 it has been said that because the injunction was not there, the company had transferred the Rs. 30 lakhs from India. Now, even if there is an amendment regarding the retrospective operation of this Bill, the employees of the Barsi Light Railway Company are not going to benefit.

It is quite unfortunate that the hon. Minister does not learn some lessons from his hon. colleague, the Finance Minister. If it had been a case whereby the workers' pockets were to be fleeced out by means of taxation or by other means, the situation would have been met by promulgating an Ordinance, as for instance, the Ordinance to cover the decision of the Bombay High Court in the case of the insurance of employees; within 72 hours of the High Court's decision, the Finance Minister came with a Ordinance to take away the right that was conferred upon the insurance employees. At the same time, his hon. Colleague the Labour Minister has taken five months to consider whether an Ordinance is to be promulgated to protect the interests of the employees.

Therefore, my request is that in matters like this, the hon. Minister should try to learn lessons from the Finance Minister and be quick about these matters so that the intention of both the hon. Minister and also this House is carried into effect.

Turning to the provisions of the Bill, the hon. Minister commended to this House the principles on which the original Act of 1954 was passed, and also the intention of this hon. House when amendments were incorporated in the year 1954. As seen from the proceedings of this hon. House, it is quite that it was in view of the necessity of serving the ends of social justice that this House was pleased to pass the Act which would

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give some sort of compensation to the workers when they were asked to go out of the factories. It had nothing to do with the capacity of the employer to pay; it had nothing to do with the contractual liability of the employer to pay; it had nothing to do with the existing right of the employer to pay. In view of the then acute unemployment situation and in order not to make that situation further acute by means of retrenchment—the employers were taking advantage of the provision for retrenchment—this House thought that some sort of provision should be made in the interest of social justice to see that some money is paid to the workman when he goes out of the factory, so that in the meantime, till he finds alternative employment, he and his family shall not starve. This was the intention of this House in passing the original Act.

Then, what are the changes that took place? Some minor changes took place afterwards. But the most serious change took place by means of the decision of the Supreme Court. What did the Supreme Court say? The Supreme Court said that the word 'retrenchment', as seen in section 25 of the Act, did not include 'closure' also. It is quite obvious that when this House passed the original Act, the word 'retrenchment' was intended to include 'closure' also; the principle of the original Act and the Ordinance was that if at all a worker was asked to go out of the factory, he should be paid compensation in terms of section 25 of the Act. But after the decision of the Supreme Court, the Ordinance has come, and in replacing this Ordinance by the provision of this Bill, a right which was conceded by this hon. House when the original Act was passed, a right which was already in existence but for the decision of the Supreme Court, has been taken away, because in case of *bona fide* closure, the maximum limit of compensation that a worker is entitled to get is only for three months.

Does it end here? No. The quagmire of the anomaly wording is still left open. This has again created a veritable paradise for lawyers. If in spite of this legislation, the workman is asked to go out of the factory, he will have to raise an industrial dispute, because when the employer hereafter closes a factory, he will say: 'In good faith, *bona fide*, and for circumstances beyond my control, I am closing this factory'. What is the workman to do under this legislation? He will have to raise an industrial dispute and after two or three years he will go before an industrial tribunal to get a decision; the employer who is all powerful and mighty, will be able to employ a lawyer and he will come to Delhi and argue the matter in the Supreme Court. Again, another decision comes. So the intention of the legislature when it passed the original Act in 1954, is not being restored by means of this Bill.

Again, in case of *bona fide* closure, this Bill provides for 'maximum' compensation. Even there, there is no fixity at all; no mandate is give by the Bill that even in a case of *bona fide* closure, the workman ought to be paid such and such amount. Unless the particular wording is changed, the Act is not going to confer any benefit on the workman. In the case of any closure, whether it is for *bona fide* reasons, whether it is for circumstances beyond the control of the employer or whether it is *mala-fide* or intentional, the worker will always be denied whatever legitimate share he should get. Furthermore, it takes away a very valuable right which has been conferred by means of the original Act on the construction workers.

The hon. labour Minister will remember that to a large number of workmen employed in the construction works of the Central Government also, even though they are construction workers, the benefit of the

Act has been applied to them and retrenchment compensation as well as lay-off compensation as contemplated by section 25 of the Act are being paid to them now. But, under the proviso of this Act, the hon. Minister wants to take away that right. In the case of the constructional workers, two years are exempted and only after 2 years some nominal compensation is being paid. We will have to oppose the attempt of the hon. Minister, either intentionally or unintentionally to take away that right and deprive the workmen of a right that they are enjoying even under the Central Government. That provision makes it very discouraging.

Even though the principle of the Bill is quite commendable, I submit that the hon. Minister would be pleased to look into the provisions once again. The sentiment that has been expressed on the floor of the House is to restore the *status quo*, to restore the position which was there before the ruling of the Supreme Court and also to remove the doubts that are being created by the judgment. If that is the sentiment, if that is the intention, the Act will have to be reworded and many other provisions of the Act will have to be changed. Subject to the amendments that we have already tabled—as far as the Bill in general is concerned, it is quite commendable—we welcome it. We would welcome it if the hon. Minister is prepared to accede to the removal of the clause which restricts the retrenchment compensation payable to the workmen in case of closure and if he is also prepared to give effect to the intention of this House that if ever there is a case of a workman being asked to go out of the factory without employment, he shall be paid compensation because the principle on which this House passed the Act was that in case of retrenchment, whatever might be the cause, the workman should get something to carry on just during the period.

There is one more point. If ever there is a case of transfer, as it happened in the case of the Barsi Light Railway, a provision has been incorporated that if the terms and conditions of the transfer were favourable to the employees and if the employees were to be continued under the same terms and conditions of service, there will be no case for retrenchment compensation. If, by the terms of the agreement of transfer from one employer to the other employer, the terms and conditions of service of the employees are to be varied, certainly, there is a case for the worker and he is entitled to retrenchment compensation.

But the real difficulty in working out this provision comes to this. The employers, whenever they transfer business, are not in the habit of saying that it is a transfer and when the transfer becomes effective, it is unknown to the workmen whether there has been actual transfer or not. There is no provision for one employer when he is transferring the business to another to inform the workers. So, one fine morning, some 6 months or even 2 years after the transfer, the employer may come and say that the terms and conditions are varied. This provision does not operate because it was not on the transfer that the variation of the terms and conditions of service take effect. Therefore, unless some machinery is provided in this Act to provide for the workmen getting actual knowledge and effectual notice of the transfer and also to know the terms and conditions thereof at that particular time, the benefit conferred is not available to the workmen. I would urge on the hon. Minister that there should be a machinery provided under this Act which makes it obligatory on all the employers to make known the conditions and terms of transfer so that the workmen can get the remedy for retrenchment.

Concluding I may say that the hon. Labour Minister when commending this Bill to the House made a reference to what happened 3 or 4 days ago when the propriety of the Government bringing forward this Ordinance has been commented upon and that there was certain opposition already

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made on the floor of this House. As far as this particular Ordinance is concerned, we are not at all opposed to this as it is because, if we view the propriety of the Government coming down with an Ordinance under certain circumstances when it is demanded in the broader interests of the community, we will be the first to welcome that. But, we have got only one thing to say and that is that the 5 months that have elapsed between the decision of the Supreme Court and the promulgation of this Ordinance has caused irreparable harm to the workers.

So this Bill can be supported only if the hon. Minister is pleased to say that it takes effect from the date of the original Ordinance, that is the 24th October, 1953. If the hon. Minister has *bona fides* in commending to this House that whatever happened in the meantime has to be supported, I submit and I beseech him that the provisions of this shall take effect from 24th October, 1953, so that when this House has expressed its intention that the retrenched workmen shall have compensation, those who are out on the streets—there are thousands and thousands of them from 1953 onwards whose cases are pending before Tribunals—shall get the benefit. So, I hope that certainly the hon. Minister will be pleased to agree that this shall take effect from 24th October, 1953 onwards.

Shri Keshava (Bangalore City): Sir, I rise to welcome this measure heartily and not—and with subdued satisfaction as my predecessor put it.

An Hon. Member: Whole-hearted welcome.

Shri Keshava: It is not one of those objectionable Ordinances as it was put before the House while the President's Address was under discussion. On the other hand, I think, we can take exception to the Government's action in that they were too slow in taking action in this matter and that they ought to have been quick enough, as has been pointed out by my friend on the other side, just now.

In our country we have got a very unequal fight between the employers and the employees. Whenever anything happens, the employers immediately attack the wage bill and immediately anything that affects them affects the worker. It is not the case that any legislative measure can take into consideration everything and cover up every defect. Under those circumstances, it is quite possible that the interpretation that was being sought to be put by the Supreme Court has not been brought to our notice and we have failed to cover that also in the definition. But, one thing I would like to suggest. I do not want to reiterate the imperfections catalogued by my friend. I would like earnestly to appeal to the hon. Labour Minister even now at this stage to remedy those defects and, if possible, let us pass this measure accepting those amendments and in a much better manner.

With these words, I heartily support and welcome his measure.

श्री स० म० बनर्जी (कानपुर) : उपाध्यक्ष महोदय, यह जो बिल आज सदन के सम्मुख प्रस्तुत है इस के लिये हिन्दुस्तान के हजारों और लाखों मजदूर चाहे वे ज्यूट मिलों में काम करते हों या टैक्सटाइल मिलों में काम करते हों मुंतजिर थे और वे चाहते थे कि इसको जल्दी लाया जाय । आज जो सरमायादार है या मिल मालिक है वह अपनी खुशी से जब चाहें मिल को बन्द कर देता है और सरकार के सामने तथा जनता के सामने सिर्फ एक चीज को दिखाने की कोशिश करता है कि मिल नुकसान में चल रही थी । मैं कानपुर से चुनाव लड़ कर आया हूं जो कि एक मजदूर नगर है और मैं जानता हूं कि वहां क्या होता है । मैं ने अपनी आंखों से देखा है कि कानपुर काटन मिल जो कि आज तकरीबन तीस या चालीस साल से या इस से भी ज्यादा सालों से कानपुर में ब्रिटिश इंडिया कारपोरेशन के हाथों में है,

उस ने यही कारण बताया है कि सन् १९५२ से नुकसान हो रहा है ।

आज भी अगर अच्छे तरीके से जांच की जाय तो उपाध्यक्ष महोदय आप के द्वारा मैं मुअज्जिज लेबर मिनिस्टर साहब से बहुत अदब के साथ कहना चाहता हूं कि अच्छी तरह जांच करने के बाद यह मालूम होगा कि यही कानपुर कौटन मिल ने कुछ महीने पहले लाखों रुपये की नई मशीनों का आर्डर दिया है । मिल को बन्द करने का उन का एक ही मकसद है कि वह चाहते हैं कि वहां रेशनलाइजेशन हो और कुछ मजदूरों को रोजी छीनने के बाद व उन को सड़कों पर धक्का देने के बाद नये सिरे से मजदूरों की भर्ती हो, उन का बोनस मार दिया जाय, उन को तबाही के रास्ते पर ले जाया जाय और उस के बाद नई भरती करके मिल को रेशन्लाइज तरीके पर चलाया जाय ।

16 hrs.

मुझे बड़ी खुशी हुई जब मैं ने सुना कि आज यह बिल इस सदन के सामने आ रहा है लेकिन जब मैं ने श्रम मंत्री महोदय को बिल के स्टेटमेंट आफ आब्जैक्ट्स एंड रीजन्स के बारे में तफसील से समझाते हुए सुना तो उस एक्सप्लेनेशन से कुछ तसल्ली जरूर हुई लेकिन जहां पर उन्होंने कहा कि "नेचुरल क्लैमिटी" हो और "बियोंड कंट्रोल" हो, तो मिल मालिक क्या करे, वह चीज जरा मेरे गले के नीचे नहीं उतरी । मैं ने हिन्दुस्तान में ऐसा तो कभी नहीं देखा कि कोई भूचाल आया हो और मिल और मिल मालिक दोनों को ले कर चला गया हो । इस तरह की तो कोई बात है नहीं ।

मैं यह मानता हूं कि यह जो आप ने एक्सप्लेनेशन दिया है कि

" Any undertaking which is closed down by reason merely of financial losses or accumulation of undisposed of stocks shall not be deemed to have been closed down on account of unavoidable circumstances beyond the control of the employer within the meaning of the proviso to this sub-section."

उसमें आपने मजदूरों को प्रोटेक्शन दिया है । अनडिस्पोज्ड आफ स्टाक्स की अवस्था में भी आपने मजदूरों को प्रोटेक्शन दिया है । नैचरल क्लैमिटीज की बात मैं नहीं कह रहा हूं । मुझे इस बात का पूरा यकीन है कि जब रैशनलाइजेशन होगा तो चाहे वह कानपुर में हो, अहमदाबाद में हो या कलकत्ते में हो, उसका खमियाजा मजदूरों को भुगतना होगा । माडर्न एज की दुहाई देकर वह मजदूरों को बेकार करना चाहते हैं और इसका नतीजा यह होगा कि वे मिल-मालिक तकरीबन एक चौथाई मजदूरों को निकाल सकेंगे । वे अनऐवायडेबुल रीजंस् दिखा कर के नई मशीनें लगाना चाहते हैं और पुरानी मशीनें तब्दील करना चाहते हैं और इस काम में क़रीब ६ महीने या ८ महीने लगा देंगे और इस तरह ६ महीने के लिए वह मिल बन्द होती है और मजदूर बेकार होते हैं तो उनको कह दिया जायगा कि दिस इज बियौंड कंट्रोल और ३ महीने की एवरेज पे जो कि तक़रीबन १५० रुपये या २०० रुपये होगी, देकर उनको मिल के बाहर कर दिया जायगा । अब आप ही बतलाइये कि इस तरह निकाला हुआ मजदूर क्या करेगा ? आज के कठिन समय में जब कि एम्पलायमेंट एक्सचेंज के अनुसार रजिस्टर्ड बेकारों की तादाद तक़रीबन ७ लाख है और बहुत काफ़ी तादाद अनरजिस्टर्ड बेकार लोगों की हमारे देश में है, हमारा मजदूरों को इस तरह निकालने देना कहां तक उचित होगा । आज हमारे अन्य मजदूरी पेशा वालों और रिक्शा वालों की कैसी खराब हालत है और आज साधारण मजदूर तबाही के रास्ते पर चल रहा है । मैं जानता हूं कि मेरे सामने के मुअज्जिज दोस्त यह कहेंगे कि देश में बहुत तरक्की हुई है और देश तरक्की के रास्ते पर जा रहा है । मैं यह नहीं कहता कि देश तरक्की के रास्ते पर नहीं जा रहा है लेकिन जब आप यह कहते हैं कि हिन्दुस्तान तरक्की के रास्ते पर है तो क्या आपके सामने कभी

[श्री स० म० बनर्जी]

उस ७५ साला बुजुर्ग का भी चित्र आया है जो कि अवस्था में हमारे पिता के समान है, जिसके हाथ पैर कांपते हैं, जिसका फेफड़ा फूलता है और जिसकी कि आंख में बिनाई न हो, २ आने में साइकिल रिक्शा चला रहा है ? आज तो जरूरत इस बात की थी मजदूरों को और ज्यादा प्रोटेक्शन देना चाहिए था । बजाय कम्पेंसेशन देने की बात जो इस बिल में रक्खी गई है, एक ऐसा बिल रक्खा जाता और सरमायेदारों को साफ़ तरीके से कह दिया जाता कि वे मिलों को बन्द नहीं कर सकते और मिल क्लोजर को बैन कर देना । यह जो बियौंड दी कंट्रोल आफ़ दी एम्पलायर की बात रख कर उसको सिर्फ ३ महीने की तनख्वाह देकर मिल के बाहर कर देने की बात है, उसकी मैं मुखालफ़त करता हूं । मैं कहता हूं कि इस क्लाज को बिलकुल डैलीट कर देना चाहिए । यह एक ऐसा शार्प इंस्ट्रूमेंट सरमायेदारों के हाथ में होगा और जिसका कि वह नाजायज इस्तेमाल करेंगे और जिसके फलस्वरूप बाद में काफ़ी गड़बड़ मचेगी । सरकार को सरमायेदारों का इतना विश्वास न करना चाहिए और इसलिए यह हथियार जिससे मजदूरों का खून हो सकता है और जिससे मजदूरों के घर उजड़ सकते हैं, उस हथियार को हम सरमायेदारों के हाथ में न दें । यही मेरा नम्र निवेदन है ।

मैं आपके जरिए से मुअज्जिज मिनिस्टर साहब से और दूसरे सदस्यों से जो कि उधर बैठे हुए हैं कहूंगा कि आप जहां इस बिल का १०० फ़ीसदी स्वागत करते हैं वहां हम इस बिल का २५ फ़ीसदी स्वागत करते हैं । अगर कहीं आपने ऐसा हथियार सरमायेदारों के हाथ में दे दिया तो वह उसका नाजायज इस्तेमाल करने से गुरेज नहीं करेंगे और हमारे बहुत से मजदूर भाइयों की रोजी छिन जायेगी क्योंकि आप बखूबी समझ सकते हैं कि १५० रुपये या २०० रुपये से उनका क्या बनेगा और वे तबाह हो जायेंगे । अगर हम ने अमेंडमेंट के द्वारा यह चाहा है कि २४ अक्तूबर सन् १९५३ से इस को लागू किया जाय जो कि पुराने आर्डिनेंस की डेट है । ऐसा हम इसलिए चाहते हैं क्योंकि बार्सी लाइट रेलवे की मिसाल आपके सामने मौजूद है । कम्पनी वाले ३० लाख रुपया जो कि मजदूरों की गाढ़े पसीने की कमाई है उसको विलायत लेकर चले गये हैं और आज मजदूर परेशानी की हालत में हैं । वह ३० लाख रुपया जिसके कि मिलनेसे मजदूरों की जिन्दगी बन सकती थी, जिससे उनके घर बस सकते थे और जिस पैसे से कि छोटा मोटा काम करके अपना और अपने बालबच्चों का लालन पालन कर सकते थे, वह ३० लाख रुपये कम्पनी वाले लेकर चले गये हैं और यह हमारी सरकार की जिम्मेदारी है कि बार्सी लाइट रेलवे के अंग्रेज सरमायेदार हमारे देश से जो ३० लाख रुपया ले कर चले गये हैं, अगर वह पूरा का पूरा वापिस न मिल सके तो कम से कम इतना तो करवायें जिससे कि बार्सी लाइट रेलवे के मजदूरों को कुछ न कुछ रकम मिले ।

मैं यह कहना चाहता हूं कि यह सवाल सका नहीं है कि आप लोग राइटिस्ट्स हैं और हम लोग लेफ़्टिस्ट्स हैं बल्कि यह मजदूरों की जिन्दगी का सवाल है । आज आपके लिए यह उचित न होगा कि जो अमेंडमेंट हम पेश करना चाहते हैं उसको चूंकि हम लोग विरोध पक्ष में बैठे हैं इसलिए आप उनका विरोध करें और उनको स्वीकार न करें । अगर हम चाहते हैं कि इस देश के मजदूर लोग हमारी इस दूसरी पंचवर्षीय योजना को कामयाब बनाने के लिए खून पसीना एक कर दें तो आपको उनकी हालत को बेहतर बनाना होगा और उसके लिए जो अमेंडमेंट हम ने रक्खे हैं उनको आपको मंजूर करना चाहिए ।

अब आपने जो यह रक्खा है कि अगर कोई अंडरटेकिंग दो वर्ष के अन्दर बिल्डिंग्स, ब्रिजेज या डैम्स का कंस्ट्रक्शन पूरा कर लेती है और वह अंडरटेकिंग बन्द हो जाती है तो उस

हालत में किसी मजदूर को कोई मुआविजा नहीं मिलेगा। मैं अपने लेबर मिनिस्टर साहब से पूछना चाहता हूं कि यह जो आपने २ साल से कम वाले वर्कमेन को कोई मुआविजा न देने की बात रक्खी है तो उस मजदूर की क्या हालत बनेगी? एक तरफ़ तो आपके देश में विशाल डैम्स बन रहे हैं, और आप बराबर यह कह रहे हैं कि हमारा देश बहुत जल्दी एक नया और खबसूरत देश बनेगा और खूब उन्नति करेगा और जिसे देख कर एशिया वाले ही नहीं बल्कि दुनिया वाले रश्क करेंगे, एक तरफ़ तो इतने डैम्स विशाल सड़कें और विशाल इमारतें और ब्रिजेज बनाने जा रहे हैं, दूसरी तरफ़ वे लोग जो कि यह सब काम कर रहे हैं और जो कि हिन्दुस्तान को एक विशाल और उन्नतिशील देश बनायेंगे, उनकी रोजी सिर्फ इस वजह से कि चूंकि वह २ साल से कम है, उसको आप छीनने जा रहे हैं। मैं पूछना चाहता हूं कि आखिर यह कहां का इंसाफ़ है? अगर आप ऐसा करते हैं तो यकीन मानिये कि आप उनके साथ बेइंसाफ़ी करते हैं और उनकी जिन्दगी के साथ मजाक करते हैं। हम लोग जो बांयी ओर बैठते हैं और लेफ्टिस्ट्स हैं वे इन मजदूरों की यहां पर रहनुमाई करते हैं और आप जो दायीं ओर बैठते हैं और जब आप भी मजदूरों की नुमायन्दगी करने का दावा भरते हैं तो आपको भी उन मजदूरों को जो आपके इन डैमों, ब्रिजेज, कैनाल्स् और बड़ी बड़ी आलीशान इमारतों के बनाने वाले में, उन्होंने अगर १ साल १० महीने या १ साल ११ महीने काम किया है तो काम खत्म होने पर उनको खाली हाथ बगैर कुछ कम्पनसेशन दिये भेजदेना इस तरह की नाइंसाफी कभी गवारा नहीं करनी चाहिए। मैं दुबारा यह अपील करता हूं कि आप इस को राष्ट्रीय दृष्टि से देखिए। आप मुझे इस वजह से गलत न समझ कि मैं बांई तरफ बैठा हुआ हूं, या बाईं तरफ चलने वाला हूं इसलिए आप कहें कि जो अमेंडमेंट्स मैं ने पेश किए हैं, या मेरे साथी अन्य सबस्य पेश कर रहे हैं, वह गलत है और उन की मुखालफत करें।

मैं एक सच्चे और ईमानदार कार्यकर्ता की हैसियत से निवेदन करता हूं कि आप इस पर एक राष्ट्रीय पैमाने पर सोचिए, राष्ट्रीय दृष्टिकोण से देख कर सोचिए कि किस तरीके से आप इन क्लाजेज को अमेंड करें। हो सके तो हम लोग एक दूसरा बिल बनाएं जो कि बाद में ऐक्ट की शक्ल में आजाए, जिस में कि सरमाएदारों के हाथ कांपें उस छुरी के चलने में जो वह आज मजदूरों पर बराबर चला रहे हैं। मैं कहता हूं कि आजजो अमेंडमेंटस मैं और मेरे दूसरे साथी आप के सामने पेश कर रहे हैं और आपके जरिए सरकार के सामने पेश कर रहे हैं, आप उन को मंजूर कीजिए। मैं आप को विश्वास दिलाता हूं कि कोई भी इस बिल के खिलाफ आवाज नहीं उठाएगा क्योंकि इस के ऐक्ट बन जाने के बाद मजदूर इस का स्वागत करेंगे। आज वह बेकार है, परेशान है। दस हजार मजदूर बंगाल में रिट्रेंच हो चुके हैं। आप को मालूम है कि अभी हाल में प्राविडेंट फंड लेने के लिए लोग बंगाल सेक्रेटिरियट गए थे और कहते थे कि प्राविडेंट फंड हमें दो। कंपेन्सेशन वाज डिनाइड टु देम। वह लोग सेक्रेटेरियट के सामने कह रहे थे कि प्राविडेंट फंड उन को दिया जाए, लेकिन उन को गिरफ्तार किया गया। १२० आदमियों को जेल में बन्द कर दिया गया। लेकिन मैं कहता हूं कि अगर आप इस बिल को ठीक से नहीं पास करेंगे तो १२०क्या हजारों मजदूर सामने आएंगे। इसलिए मैं दरख्वास्त करना चाहता हूं कि आप राष्ट्रीय दृष्टिकोण से देखिए, संकुचित विचारों से मत देखिए। हम और आप दोनों इस को राष्ट्रीय पैमाने से देख कर मजदूर का भविष्य अच्छा करने की कोशिश करें ताकि उस के बाल बच्चे हम को और आप को दुआएं दें।। हम को चाहिए कि हम मजदूर की रोटी का सहारा बनें भले ही वह डैम बनाते हों, सूती मिल में हों या जुट मिल में हों। अगर आप को उन की रोटी का सहारा देना है तो जो अमेंडमेंट मैं ने पेश किए हैं, मैं आशा करता हूं कि आप उन पर राष्ट्रीय दृष्टिकोण से विचार कर के उन को मंजूर करेंगे।

Shri Bharucha (East Khandesh): Sir, I cannot congratulate the Government on the introduction of a half-hearted measure which does not attain the objective which it purports to achieve. As has been made out by one of the speakers, this Bill, in reality, is discriminatory in its character. It is not merely a case of the Barsi Light Railway. There may be many others which might have been closed down during the period for which protection is not afforded. Therefore, the first duty of the hon. Minister and the Government is to give a very clear explanation as to why this discriminatory treatment is being meted out.

The hon. Minister said in the course of his speech that this Bill intended to set right the intention of this House which had been upset as a result of the judgment of the Supreme Court. Does this Bill do that? It definitely does not do it because under the Supreme Court judgment certain parties who went there to acquire the right to get retrenchment compensation will not get it as a result of the passing of this measure.

In line 6, the date has been mentioned as 1st December, 1956. How did he come upon this particular date line? That is my first point. Unless the hon. Minister gives a very satisfactory explanation, the charge is proved, a charge we have been making against the Government in our legislature in the Bombay State that in the matter of administration of labour legislation, the Government does not hold scales even between employees and employers. The same charge was continued to be made on the floor of this House. My experience of the administration of labour legislation is that whenever the employee is in a tight corner whether by reason of having embarked upon an unwise strike or otherwise, the Government does not come to his assistance. But as soon as the employer is in the tight corner, the Government immediately rushes with an ordinance to his rescue.

I should like to ask this Government, particularly the hon. Minister in charge of the Bill: how does the Government advise the President for promulgation of ordinances? Does it look upon particular auspicious days and advise the President such and such are auspicious days on which ordinances may be promulgated? Why is it that in the case of insurance workers, even before they could get a copy of the judgment from the High Court, that judgment was invalidated in favour of the Government. An ordinance was promulgated. They were very quick.

I admit they promulgate ordinances also for benefiting the labour. But, why should the Government wait for five months? Did not the President find any earlier auspicious day for promulgating that ordinance? The charge is that the Government acts haltingly and hesitatingly when the interests of the workers are going to be affected. Unless the Government makes the position clear as to why is it that there is this discriminatory nature in the Bill, I for one will openly make the accusation that in matters of administration of labour legislation, this Government has acted partially.

I now come to the other point—construction workers. The hon. Railway Minister, in the course of his Budget speech, has stated that on railway construction work no less than 150,000 people have been employed—only on railway constructions. All of them or a large number of them will be deprived of the benefit of compensation. Why should we make this distinction between construction work and other types of permanent work? From the point of view of a man who works there, if he has put in one year's service, could he not be given the same sort of treatment that is being given to any other employee? Is it contended that the contractor who employs labour or the Government department which employs labour on a different footing altogether from the average employer in the private sector? Why is this unnecessary and uncalled for distinction made? I really cannot understand. The Bill, I hope, will require

amendment in this light and unless this is done, we cannot say that the Government is really seeking to establish the *status quo* that existed prior to the judgment of the Supreme Court.

Finally, there is one clerical error which appears to have crept in. On page 2, line 35, reads: "Where any undertaking set-up....."etc. i do not see why the hyphen is there between set and up. I think it is not required. I just wanted to draw the attention of the hon. Minister to this small error which I presume will be corrected.

श्री का० ना० पांडे (हाता) : उपाध्यक्ष महोदय, इसके पहिले कि मैं इस बिल के सम्बन्ध में कुछ कहूं, मैं उन परिस्थितियों का जिक्र करना चाहता हूं जिन में यह संशोधित बिल इस सदन के सम्मुख आया है। इत्तफाक से हम लोग एक ऐसे देश में रहते हैं जो कि प्रजातांत्रिक देश कहलाता है। हमारे उद्योगों में बराबर झगड़े खड़े होते है और हम उन के निपटारे के लियें ट्राइब्यूनल्स की मांग करते है. अदालतों की मांग करते हैं। और जब अदालतों के फैसले होते हैं तो हर प्रजातान्त्रिक सरकार और हर प्रजातंत्र को चाहने वाले मनुष्य का यह फर्ज हो जाता है कि वह उस फैसले को माने। इस में कोई सन्देह नहीं कि कभी २ अदालतों के फैसले ऐसे भी होते हैं जिन से हमारे स्वार्थ को बड़ा धक्का लगता है, लेकिन मैंने यह भी देखा है कि कभी कभी ऐसे भी फैसले होते हैं जिन के सम्बन्ध में अभी तक कोई कानून नहीं बना है लेकिन इसके बावजूद अदालतों के फैसलों से हमारे देश में मजदूरों को वह सुविधायें प्राप्त हो गई हैं जिसके बारे में कानून में व्यवस्था नहीं हैं। जो फैसला रिट्रेंचमेंट के सिलसिले में अभी हाल में सुप्रीम कोर्ट में हुआ उस के बारे में सब लोगों ने सोचा कि हो सकता है कि एम्प्लायर उस का बेजा फायदा न उठायें और मेरा खयाल है कि सरकार ने भी यही सोचा। वह इन्तजार करता रही। उसके बाद जब मिल मालिकों की तरफसे उसका अनुचित लाभ उठाया जाने लगा तभी इस बात की जरूरत हुई कि सरकार इस के सम्बन्ध में कोई कानूनी कार्रवाई करे। जब सरकार के सामने बहुत से ऐसे मसले आये तब यह आर्डिनेन्स निकला और फलस्वरूप यह संशोधित बिल इस सदन के सामने आया। जो आर्डिनन्स निकला उसके लिये मैं सरकार को हृदय से धन्यवाद देता हूं खास कर नन्दा जी को और धन्यवाद देता हूं कि ज्यों ही उन्होंने इस विभाग का चार्ज लिया उन्होंने समझा कि औद्योगिक जगत में एक ऐसी परिस्थिति पैदा हो गई है जिस से हजारों मजदूर आज बेसहारे घूम रहे है। वह निकाले जाते है पर उनके एम्प्लायमेंट की तरफ कोई उचित व्यवस्था नही है। हालतें ऐसी हैं जिनमें समुचित कार्यवाही की आवश्यकता है। यह कहना गलत है कि इस बिल का कोई मजदूर स्वागत नहीं करता। इसके बारे मे उन मजदूरों के हृदय से पूछिये जो कि निकाले गये हैं। और केवल उन मजदूरों ने ही इसका स्वागत नहीं किया है जो कि निकाले जा चुके थे, बल्कि उन मजदूरों ने भी इसका स्वागत किया है जो कि अभी निकाले नहीं गयें थे लेकिन यदि यह आर्डिनन्स न आता तो निकाल दिये जाते। इस बिल के लिये मैं सरकार को धन्यवाद देता हूं लेकिन मैं इसके साथ ही क्लाज २५ एफ० एफ० एफ० के सब क्लाज २ के सम्बन्ध मे कुछ कहना चाहता हूं। इस सब क्लाज में दिया हुआ है :

"Where any undertaking set up for the construction of buildings, bridges, roads, canals, dams or other construction works is closed down on account of the completion of the work within two years from the date on which the undertaking had been set up, no workman employed therein shall be entitled to any compensation under clause (b) of section 25F, but if the construction work is not so completed within two years, he shall be entitled to notice and compensation under

[श्री का० नः० पांडे]

that section for every completed year of service or any part thereof in excess of six months, excluding therefrom the first two years of his service in that undertaking."

मैं इस सम्बन्ध में यह कहता हूं कि अगर कोई काम किसी मजदूर के भाग्य से दो साल से ज्यादा समय में पूरा होता है तो इसमें उस मजदूर का क्या दोष है जो कि कम्पेन्सेशन देते वक्त पिछले दो साल उसके कार्य की अवधि में से निकाल दिये जाते हैं । इस बिल में यह एक सबसे बड़ी कमी है । मैं जानता हूं कि श्रम मंत्री जी एक ट्रेडयूनियनिस्ट रहे हैं और वे इस प्रश्न पर गम्भीरता से विचार करेंगे । आज कल अक्सर बहुत से नये बांध सड़कें आदि चीजें बन रही हैं । अगर इस सम्बंध में सरकार के कम्पेन्सेशन देने की बात होती और उससे सरकार पर बोझ पड़ता हो मैं मानता भी । लेकिन आज प्राईवेट एम्पलायर भी बहुत से ऐसे काम करते हैं जो दो साल से ज्यादा में पूरे होते हैं । तो इस तरह से प्लानिंग के कारण उन प्राइवेट एम्प्लायर्स को भी लाभ होगा पर मजदूर इसका लाभ नहीं उठा सकेगा । मैं समझता हूं कि मंत्री जी इस बात पर गौर करेंगे और यदि सम्भव होगा तो वे मजदूरों को इस पीरियड का भी कम्पेन्सेशन दिलाने की भी उचित व्यवस्था कर देंगे ।

इसके साथ में इस बिल का समर्थन करता हूं ।

Shri Tangamani (Madurai): Mr. Deputy-Speaker, Sir, we are grateful to the hon. Minister for Labour for having explained to us the circumstances under which Act 43 of 1953 was enacted by which Chapter VA was introduced. During that time, quite a number of textile mills in the south and in Bombay had either to close down or to lay off thousands of workers because of electricity cut. It was felt necessary that some compensation should be paid for those workers who were thrown out, what is popularly known as 'involuntary unemployment'. The Standing Labour Advisory Committee also recommended that compensation should be paid for retrenchment and for lay-off. It is under those circumstances that Chapter VA, which is really sections 25A to 25G, was introduced.

Then, because there was a lacuna in cases where the business was transferred by which a number of workers who were transferred to the new concern were getting compensation neither from the old proprietor or the new proprietor, section 25FF was introduced. That, briefly, is the history of these sections which were based upon social justice.

Long before these amendments were made to the Industrial Disputes Act, compensations were paid to these employees on the basis of social justice. Even the Tribunals who gave their awards never went into the question whether the employer was at fault or the employee was at fault. So long as the workers and the employees were prepared to offer themselves for work, and so long as the employer was not in a position to offer work to them, these workers were entitled to compensation. That, briefly, was the principle on which the amendments to the Industrial Disputes Act were introduced and passed in 1953.

It is true that in those amendments there was no reference to closures. But the general practice probably the direction given by the Labour Department, was, whenever there was a closure of a particular department or of the industry as a whole it was viewed as mass retrenchment and those workmen who were thrown out were thus entitled to compensation. Now, the Supreme Court decision of 27th November 1956 has certinly been questioned whether the intention of the legislation was to cover closures also. This Bill, as I understand, is to remedy that lacuna.

In trying to remedy that lacuna, I am afraid more doubts are going to be caused. In the first place, the principle of social justice, which gave compensation to the workers on the basis of their length of service, is gone. For example, if a particular worker had put in 20 years of service and was retrenched because of closure he would have got ten months' average wages as compensation. That was the position then. Now, if a worker is thrown out because of the closure of a particular department or industry for certain reasons that are now given, he will be entitled to compensation only for three months. If you read that particular section you will find that it gives a proviso and then an explanation which really contradicts each other.

The proviso is introduced to provide in respect of cases where the closure has taken place because of certain reasons beyond the control of the employer. Then the explanation goes on to say: that, if there is accumulation of stock and there are certain other reasons they will not be considered as reasons beyond the control of the employer. These two are contradictory things, and, if I may say so, the proviso and the explanation can safely be deleted.

Then I come to the question of construction workers. Many of my friends who spoke before me have referred to that. One of them said that 150 thousand workers are engaged on railway construction alone at present and with the Second Five Year Plan on the move thousands and thousands of more workers are likely to be employed in this construction work. Those workers, who are going to help us in the successful completion of the Second Plan, are to be denied those benefits which are to be given to ordinary industrial workers. That is something which I am not able to understand. Therefore, the benefit that has been extended to the industrial workers should also be extended to construction workers.

Coming to my last point, which others have also emphasised, a similar Ordinance had to be promulgated in 1953, I believe it was on 24th October, 1953. The purpose of that Ordinance was to give protection to those workers who were going to be thrown out. The intention there was to cover lay-off and retrenchment and, as a natural and logical development, it should also include closures which, in other words, is mass retrenchment. So, that is the dateline. Whatever has happened on the 24th October, 1953 and afterwards must come within the purview of this Act. If any concern has closed even in 1954 and if, due to the weakness of the trade union movement, the workers thrown out as a result of the closure had not been benefited, this Bill must cover those workers also. So, my submission is that 24th October, 1953 will be the correct dateline which would cover all the workers who would have been thrown out or retrenched as a result of the closure. So, unless these amendments are accepted, the purpose of the legislation itself will be defeated. I have no doubt about the good intention of the hon. Minister. He has experience as a trade unionist himself and I am sure he will respect the views of those Members of this House who have also had experience in the day-to-day trade union work.

Shri B. S. Murthy: Mr. Deputy-Speaker, I welcome this measure and I thank the hon. Minister for the clarification he has given regarding the intention and purpose of this Bill. All the speakers have been unanimous in welcoming this measure with either subdued or sublime satisfaction. The fact is that it has been already long delayed and everyone is anxious to thank the Minister for having brought this Bill in this form. But, there seems to be an exception taken regarding the promulgation of the ordinance.

I think a word must be said about the inordinate delay in bringing this Bill. As has been stated, on the 27th November, 1956, the Supreme Court announced its judgment. After that there was only one session of Parliament, namely, towards the end of

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March. Perhaps the Ministry has long been trying to understand the implications of the judgment. Moreover, because of the general elections, the minds of the Ministers and the Secretariat as well.....

An Hon. Member: Secretariat?

Mr. Deputy-Speaker: Let us hear the hon. Member's views.

Shri B. S. Murthy: Because it was a very important event in the history of the country, they wanted to know what was going to happen and how the people would react after the five years of Congress rule. Ministers, Members as well as the whole country, including the Secretariat, were busy watching the elections. Therefore, there was delay even in promulgating the ordinance.

Having said this, I am yet to understand why the Labour Ministry was not trying to watch the proceedings of the Supreme Court since the employer had gone on appeal to the Supreme Court. I think it is not only the duty of the trade unions to safeguard the rights of the workers, but the Labour Ministry also should try to be the guardian-angel of the rights of the workers. There has already been an accusation that the Labour Ministry is going to the rescue of employers. I am afraid this sort of impression should not be allowed to take ground in India, because we have accepted a socialist pattern of society as our goal. In a socialist pattern, no exploitation should be allowed. Even if people are willing to sell themselves, the Government should say, "Do not sell yourselves; we are here to protect you". Under these circumstances, I am yet to know why the Labour Ministry has been either indifferent or negligent in its duty towards the workers. I hope the new Minister Mr. Nanda, who has himself been a well-known trade unionist, will take care to see that whatever might happen in the country, the Ministry itself will protect the rights of the workers either in this industry or in that industry.

I would also like to say that the provision contained in section 25FFF (2) may be amended suitably. It is rather surprising that such a provision should be there, because it goes against the very explanation which has been enunciated by our Labour Minister. It says that if any undertaking set up for the construction of buildings, bridges, roads, canals, dams or other construction works is closed down on account of the completion of the work within two years, the worker is not entitled to compensation. Why should there be a provision like this? After all, these undertakings will require thousands and thousands of workers. As a matter of fact, several thousands of workers from the south, east and west are being drawn to these great projects. After having drawn these workers for working on these mighty projects which, in the words of our Prime Minister will create a new and prosperous India, I do not think we are entitled to send them away because the work is completed before two years. The provision contained in sub-clause (2) further says that if the work is not completed within two years, the worker will be entitled to compensation for every completed year of service or any part thereof in excess of six months, excluding therefrom the first two years of his service. I think this is contradictory to sub-clause (1) of section 25FFF and needs pruning. In sub-clause (1), it is said, "continuous service for not less than one year"; when that is the case, why should the first two years of service be excluded from the period for which he is entitled to compensation? I think the Minister must consider all these points and see that the intention of the framers of the original Act is not lost by an amendment like this. If it is not suitably amended, I am afraid the rank and file of the workers in India will think that the Minister is giving with the right hand and taking away with the left hand. Therefore, I am anxious that sub-clause (2) of section 25FFF should be suitably amended, so that the people working in all these major undertakings

will not be deprived of the compensation in case the work is completed earlier.

Shri B. C. Kamble (Kopargaon): I propose to raise three small points. The first point is that if this Bill becomes law, my fear is that this may be again challenged in the Supreme Court and declared *ultra vires* of article 14 of the Constitution. I would like to read out the provisions of that article, because it is very short.

> "The State shall not deny to any person equality before law or the equal protection of all laws within the territory of India."

My precise point is, so far as these workmen will be entitled for compensation in the event of a closure, is there equal protection to all workers? The obvious answer is there is no equal protection to all the workmen. It appears to me that there is no uniform policy so far as giving compensation to workmen in the event of closure is concerned. Workmen can broadly be divided into two categories. The first category, as many of the hon. Members have pointed out already, comprises of the workmen who are engaged in the construction of buildings, construction of bridges and roads, dams, etc. This is one category of workmen. The other category is the rest of the workmen.

So far as the kind of protection that is given to the first category is concerned, I beg to submit there is no protection whatsoever. On the contrary, the protection is being taken away. It is virtually a denial of protection to these set of workers or workmen. Whatever protection is given to the other category, the rest of the workmen, is not the protection which is given to them. There are three conditions. The first condition is in the event of closure with regard to these workmen engaged in the construction of buildings, roads, etc., is that there should not be completion of work within two years. So far as service conditions are concerned, the protection is given to the workmen who have rendered service for a period of one year. But that is not the case so far as these workmen of construction, road etc., are concerned.

Similarly, the period with regard to giving compensation is concerned, the counting commences only after exclusion of two years, so far as the workmen in building works are concerned. That is why I beg to submit that there is no equal protection; in fact, I may say it virtually amounts to taking away the protection so far as workmen in the construction of buildings and projects are concerned. It is quite possible that the representatives of such workmen may challenge this particular enactment in the Supreme Court and it is possible that so far as the provisions of Article 14 are concerned, because there is no equal protection, it may be declared as *ultra vires* and the same thing will have to be repeated in this hon. House.

My second point is with regard to the intention of the enactment which was made in the year 1947. My hon. friend Mr. Bharucha has already referred to it and what I beg to submit is this. If the intention of the enactment of 1947 was to give compensation to such of the workmen as is contemplated under the provisions of this Bill, then this protection must go back up to the year 1947. Then alone will the intention be carried out. Otherwise, it is no use saying that because the Supreme Court has delivered a particular kind of judgment, we want to amend this particular enactment.

My third point is that the expression "unavoidable circumstances beyond control" is so loose and is so vague that it is capable of several interpretations and I am quite sure that whatever is intended by the hon. Minister in charge of the Bill it is quite likely to be defeated by several interpretations which are likely to be put either by the advocates on behalf of those who are carrying on these

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undertakings or by those who are sitting in the Supreme Court. That is why I beg to submit that at least under the rule making powers the meaning should be made quite perfect, or certain amendments brought in this hon. House so that the meaning of this particular expression, namely "unavoidable circumstances beyond control" may be made quite clear.

Now, I would like to suggest—whether it is acceptable to the hon. Minister in charge of the Bill or not, I do not know—that sub-section (2) of section 25FFF must be deleted.

Mr. Deputy-Speaker: I find that there are certain hon. Members who are anxious to participate. I have no intention of denying their right of making contributions, but I must bring it to the notice of the House that tomorrow we take up the Railway Budget and it would be better if we conclude this Bill today by 6 o'clock.

An Hon. Member: We shall sit a little longer.

Shri T. B. Vittal Rao: We shall do it next week after the food debate.

Mr. Deputy-Speaker: I am entirely in the hands of the House. I wish to abide by what hon. Members say. Leaving aside technical and legal questions, I find most of the points have been brought out and arguments are being repeated. If hon. Members have no objection I shall call the Minister; if they insist I have no option.

Shri A. K. Gopalan: This is a very important Bill.

Mr. Deputy-Speaker: I am not taking away the importance of it.

Shri S. A. Dange (Bombay City—Central): I wish to raise a few points which have not been mentioned so far.

Mr. Deputy-Speaker: Then I shall allow.

Shri S. A. Dange: Sir, I wish to draw the attention of the hon. Minister of Labour, and in fact of the whole Government to one point. This legislation arises out of what? Out of a judgment of the Supreme Court in regard to the interpretation of a piece of legisation affecting the interests of the working classes. Now this interpretation arose, or the judgment arose, because the Supreme Court not only interprets a certain phrase in the law, but has also certain conceptions about employer-employee relations.

We in this country for the last ten years have been rapidly developing an industrial law affecting employer-employee relations and I must say that despite many defects and sometimes even some reactionary features of such laws, on the whole there has been attempt on the part of Government, may be due to the workers movement, maybe due to their willingness and good wishes,—an attempt to introduce some order in the employer-employee relations, and not only that, but to limit the rights which the employers claim are their fundamental rights in a capitalist society which they live. Our law tries to limit certain of these so-called rights because they were really not rights for themselves or for society, but were really so-called rights against the working classes.

Therefore, a body of law was developed under the initiative of the hon. Minister for Labour when he was in Bombay State and also other Ministers who were here. A body of law was developed which was trying to tell the employers that the old capitalist law cannot prevail so far as their relations with the workers are concerned, In fact, the employers claimed the right to dismiss a worker even without notice, or with notice, but without compensation, to keep any man they liked and to dismiss any man they disliked without reference to the needs of society or the rights of workers. These rights which the employers claimed for themselves embraced a variety of fields, but first in the field of economy and secondly in the field of rights of trade unions. And

we all were trying—including those who sometimes fought with each other on some points of trade unions questions and sometimes unitedly against the Government—we all were trying to limit the jungle law of capitalism. And so a certain body of law developed.

After it started developing, we got into the traditional practice that whenever a law is passed its interpretation is always taken, in the form of litigation, to the courts. We have developed the fine tradition, not only in India but also throughout the world in capitalist countries, that the lawyers of both sides exercise their ingenuity in torpedoing the meaning of the law. It doesn't matter whom it affects: the lawyer on the side of the employer tries to torpedo it against the worker, and the worker's lawyer of course tries to torpedo it against the capitalists.

And so the interpretation of these laws through High Courts became a practice even in the body of industrial law, though such law in my opinion should have been kept beyond the purview of the depredations of interpretations either of lawyers or of courts—I am using a strong word, but sometimes it does amount to a depredation rather than a congenial interpretation of a given law.

This practice invaded our industrial law, and here we have this instance. There have been about eleven judgments of the Supreme Court in which they have in one way or another curtailed the rights of the workers and smashed their gains from the trade union movement and also all the legislation that was passed either at the Centre or in the States.

These eleven judgments which have affected the working classes in certain vital matters were written up, summarised and their cases presented to the Government of India by various trade unions. One of the cases was this one which has been the cause first for bringing forward an Ordinance and secondly the amending Bill now.

What I want to point out is this. Why is it that Government does not come forward with a comprehensive legislation which would stop the courts from uprooting the gains of the workers? That is my point. Why is it that when one judgment is given, either they rush into bringing an Ordinance or an amending law for a certain clause and do not take steps to see that the courts or the Supreme Court do not torpedo the gains of the workers? That would be my question for the attention of the Governmental Benches.

For example, here is this retrenchment....

Mr. Deputy-Speaker: I do not know whether it would be fair to make such an observation, that the court should be stopped from torpedoing the gains of the workers.

Shri S. A. Dange: Should be stopped by law.

Mr. Deputy-Speaker: That is a different matter, that the court should be stopped from having any jurisdiction over these laws.

Shri S. A. Dange: All right, Sir, I would accept that amendment to my word; because, not being a lawyer, I do not know these niceties of law.

Now, Sir, to give you a small illustration: there is a judgment of the Supreme Court which, when it was faced by an appeal from the employers, ruled in such a way that the employee became a permanent employee for twenty-four hours of the employer, though he was not on duty. It was like this. A trade union worker made a certain statement in his trade union committee. The manager asked what he had said. The worker refused to tell the manager what he had said in a trade union committee, and especially outside working hours. He was retrenched, and the matter went to the court. And the result was that the court ordered that the employee was an employee first and therefore must answer all the questions asked. This is a gain of the trade union movement that has been lost.

[Shri S. A. Dange]

Would the Government consider bringing any legislation, as a whole or separately, to cover all such judgments which are amounting to an attack on the working classes' rights and standards or which act prejudicially to their interests?—if they are not attacks, at least they are prejudicial to their interests.

Secondly, could some provision be made—not being a legislator myself, and having no hope to be one, I have to ask clarification.....

An. Hon. Member: You are a legislator.

Shri S. A. Dange: Of course we are legislators when the Bill is passed, not before.

I was asking, for example, could they bring in some provision to cover one more aspect of retrenchment—since retrenchment is the subject-matter of this Bill—could they bring in some measure for this purpose? There are many cases wherein a worker is retrenched, which we call victimisation for trade union activity. But the employer, says, "No, it is a straightforward retrenchment". But the actual position is he does not want the man. Could a law be brought forward to provide that if a tribunal rules that such a worker should be reinstated, that reinstatement shall not be challenged? Could such a provision be made?

For example, there are many such cases now. I can mention one factory, the Burnpur Iron and Steel Works, wherein there was a strike, firing and so on, and some workers were retrenched. The tribunal ordered the reinstatement of some. But the employers have gone to the Supreme Court challenging the verdict of tribunal. And for months and years such cases drag on by means of which the employer demoralises the worker, and ultimately wins by the sheer fact that the worker has been demoralised and has vanished from the area of employment even if the judgment goes in his favour

What I want to point out is that somehow or other a contradiction is developing between the principles of justice of the Supreme Court and the principles of justice as envisaged by our labour legislation. If these two concepts of social justice conflict, then who is the judge? After all, law is interpreted by the Supreme Court, therefore it is the supreme judge.

Mr. Deputy-Speaker: The courts have no concept of their own. It is rather our failing that we cannot express our own intentions correctly, and therefore that flaw is found there. If we put our intentions correctly perhaps there would be no difficulty, because the courts have no concepts of their own.

Shri S. A. Dange: With due respect to you I do maintain that the courts in a given society hold the concept of social justice of that society. In a capitalist society that concept of justice is according to capitalism in a socialist society the concept of justice is according to socialism. You may not agree with me; that is a different matter.

But what I want to submit is that here in our society which is driving towards socialism, the concept of social justice certainly cannot be the same concept of social justice as it prevailed before we adopted the conceptions of socialism. Therefore, is it not necessary, in order that this Bill and the conception that lies behind the Bill or the movement for such legislation should be truly effective when such legislation comes forward after we have adopted socialism as the goal, is it not necessary that the Constitution in its article 38 should be amended?

Article 38 refers to social justice and many of the employers go to the Supreme Court on the grounds of social justice and ask the Supreme Court to interpret whether a particular judgment of a tribunal in regard to a worker conforms to the conceptions of social justice as defined by article 38. The employers are using the social justice clause with great popularity, it has suddenly become very popular

with the employers, and they go to the Supreme Court which rules in loyalty to the prevalent conception of social justice "we consider this particular tribunal's judgment to be invalid".

And this affects generally the rights of the workers. Article 38 of the Constitution is tending, through the interpretation either of courts or some other forces, to go against the worker's justice. Therefore, the workers and peasants being the main body of society, social justice must conform to the interests not of the 'abstract citizen' but of the workers, peasants and middle classes who form 92 or nearly 98 per cent. of our society. Therefore, the concept of social justice should be so re-defined that any law which favours the workers, peasants and middle classes in industry is not so interpreted that it militates against the interests of these main classes of society. This is the point to which I wanted to draw the attention of the hon. Minister that he should very soon consider this question as to why the employers run to the court and seek the protection of this particular provision of the Constitution, and why the interpretation generally militates against workers and peasants and their rights. For example, on the question of peasantry land legislation, as you know, was stopped from operation in its beneficial clauses by a judgment of the Supreme Court. The Constitution had to be amended. Therefore, I would say, in continuation of the nice practice which was followed in the case of the Zamindari Abolition law, the same practice should be followed and laws on questions of the working classes should be so framed or the Constitution so amended that these laws are not torpedoed so far as the benefits to the working classes are concerned. This is the point to which I wanted to refer particularly.

17 hrs.

The next point which does not concern the question of theory of rights of working classes, to which I was referring in my previous part of the submissions, is the exclusion of building workers and construction workers from the benefits of compensation. The result may be that the idea of speeding up the work of the Five Year Plan may suffer. We, in fact, should tell the working classes, the Five Year Plan should be finished in four years, three years' work should be finished in two years, raise productivity. Here, you come forward with the statement that if the work is finished in two years, you are not entitled to compensation. By this he would be getting an incentive not to speed up the work, but to go slow so that the work, if it is to be completed in one year nine months, is completed in two years and three months. This is an incentive to go slow and is no incentive to higher productivity which is supposed to be the slogan of the Government Benches. Therefore, if you really want incentive, please do not put a limit of two years on these construction workers. It may even happen like this. I may give an illustration. If a work is nearer completion in one year and 10 months, a body of contractors may say to a body of workers and say, "we will proceed for a few months more and whatever compensation you get, 60 per cent. will go to the contractors and 40 per cent. to the workers." That would also be another way in delaying the completion of works. In order to avoid all these, let us stick to the normal provision. Whoever is the worker who has completed so much of service and has his permanency as it is given here, by work of one year, if he is retrenched, he gets the given amount of compensation. I would submit this in the interest of completion of works which are necessary for us. This bar of two years for construction workers should be removed.

Mr. Depnty-Speaker: I propose calling the hon. Minister, I will request the hon. Members who have been left out to speak when the clauses are taken up. I will give them the first opportunity.

श्री रा० भा० वर्मा (निमाड़) : उपाध्यक्ष महोदय, उधर तो काफी मौका मिला है, लेकिन इधर के सदस्यों को बिल्कुल नहीं मिला है ।

उपाध्यक्ष महोदय : मैं इधर ही मौका दे रहा हूं । अब मिनिस्टर साहब को बोलने का मौका प्राप्त हुआ है ।

श्री रा० ला० वर्मा : हमारी भी इस में कुछ दिलचस्पी है, इसलिए हम भी बोलना चाहते हैं ।

उपाध्यक्ष महोदय : जब हम कलाजेज पर विचार करेंगे तो आनरेबल मेम्बर को मैं जरुर मौका दूंगा ।

Shri Nanda: I see that so far as the general approach is concerned to this proposed piece of legislation, to the problem with which this piece of legislation is concerned, there is general agreement in this House. So far as the concepts of justice are concerned, which we propose to apply to the kind of situation which we are dealing, I do not think there is any divergence of view point among most of the Members of this House. I would certainly personally like to do all that is possible to give full satisfaction, 100 per cent. satisfaction to those who are interested in safeguarding the interests of the workers, protecting them from the abuse of power by the employers and giving them all the relief that they should have, considering the hazards to which they are subjected. I concede, I agree that I have not been able to give 100 per cent. satisfaction. But, I also claim that what has been done goes very nearly that 100 per cent. The residue is small. I hope I would be able to explain that.

I shall take up first the consideration which has been brought out by my hon. friend Shri S. A. Dange. Here is a phenomenon with which we are confronted: laws enacted here, again and again, the courts at various levels dealing with them in different ways, then, recourse to the Supreme Court, delays occurring. For example, even this Ordinance has been questioned in the Supreme Court: not only questioned; there is a stay. We cannot act; no workman can obtain any relief in terms of the Ordinance or in terms of this Act that we pass. The Act will not be operative because of that. But, what shall we do about it? There has to be a Supreme Court. There has to be a Constitution. As the hon. Deputy-Speaker pointed out, so far as the wording of the laws is concerned, it is our duty to bring in greater accuracy and precision. But, whatever we do, there may be certain difference of view regarding the meaning of the language of the laws. We cannot be absolutely immune, I do not think there is any possibility of making ourselves absolutely immune from any kind of variation being brought in by the Supreme Court. But, there is a further stage, that is the Constitution. It is not a question of the laws, but the wording of the Constitution. The Supreme Court has inherent powers under the Constitution and in the interests of the citizens of the country, if, however, it is found that the wording of the Constitution is such that it does not tally entirely, it is not fully in accord with our sense of justice. Our concepts of justice are not static. They grow. Maybe that a Constitution which fully met the needs of the situation some years ago, does not do so now, because our sense of justice grows and the relative rights and obligations of the different sections of the citizens of the country and our conceptions are evolved. They are evolving in that particular direction, you may call it the socialist direction. If, therefore, there is any disparity or hiatus or gulf between that concept and the concept that has been embodied in the Constitution, from time to time, it is the privilege and prerogative of Parliament to bring in these changes. But, as has been acknowledged by the hon. Member, the trends of our legislation, and administration through these years have been to set right that inequality in the matter of economic rights, and functions of employers and employees and the disabilities from which the workers suffer. There has been that growing concept of doing

greater social justice to the workers, and I think if we scan the various laws that have been passed during these years, this impression will be forcefully brought to us that the gains have been conspicuous and substantial.

Well, there are these difficulties being encountered, but I do not think that these difficulties, delays and demoralisation are such that we need think of any desperate or drastic measure. As I have said generally, we are certainly open to make those changes even in that basic framework, the Constitution, if it is not fully in line with the concepts of social justice that we have evolved.

The other thing which the hon. Member pointed out is that there may be some way for Parliament to bring in greater uniformity in these things. That is being attempted from time to time. It maybe that by mutual discussion and consultation among ourselves, for which we will have occasions and opportunities, we may consider the various directions in which we have to proceed.

The hon. Member Shri Dange said something about the workers employed in construction works. It has been said here that we are taking away all the rights which are being extended to the other workers from these workers, and we are even told that it might mean that we are really coming up against the Constitution because we are creating some kind of inequality. Equality does not mean that in everything everybody is equal. What is the kind of claim that we are dealing with? I should imagine that this point would be appreciated, and I may inform the hon. Members that one reason for the delay was that we had to come up against certain other viewpoints urged from various quarters that nothing should be done for the construction workers because that does not fall directly within the scope of the legislation in the sense that here we are dealing with undertakings where the workers have expectations of continued employment, and they are thrown out of work and therefore their employment interests have to be protected. If it is a house being built, well, the workman and everybody knows that he has to go away when the house is completed. Therefore, it is not on the same footing, on a par with other occupations, but whether we should neglect his interests is a different matter. We should provide for his interests, but whether in this legislation or in any other manner is a different proposition. When the question of incentive is raised, I certainly agree it is an important matter, but we should not apply this one year there. Continuous service is being defined as one year, so a fine has to be drawn. I may inform hon. Members this does not exhaust the whole extent of the privileges and benefits and incentives which the workers can expect and should have in various occupations. It is only a limited aspect which is being dealt with. If we want our construction to be speeded up, it does not prevent us from arranging for gratuity and other privileges and other ways of speeding up and creating those incentatives for earlier completion. Other things are being done. This is something in addition to that, and therefore there was really at least some slight ground for the view not to bring in the construction workers. But we have not excluded them altogether. What is the difference? One year in the case of other workers and two years in their case—that is all the difference, and then for the rest, they stand on the same footing, that is not the maximum of three months in this case. If a worker has worked for twelve years, then barring the earlier period which has to be deducted, for the rest of the period he can claim compensation advantage. So, so far as this question of construction workers is concerned, I believe the change or the difference is not really so big that it should frighten us.

We have to take into account practical considerations also. Most of these construction workers are employed under contractors, and even

[Shri Nanda]

this much which has been embodied in this Bill is being considered unpractical. How are we going to see that this benefit reaches them? What the contractors will do is send out the workers before they arrive at a point when they can earn. Those difficulties we have to contend with and we should not entirely give up. We have to find remedies for that also, but there has to be some consideration for practical difficulties and not taking things too far.

This legislation has restricted the powers of the employers. It has done so intentionally, but in imposing those restrictions we have to see that some kind of balance is struck. We need not go so far that we make those benefits recoil on us. The interests of the industry have also to be considered. I am saying this particularly with reference to the proviso and the explanation. I entirely agree that this wording now may create difficulties, and it would have been better from the point of view of avoiding litigation if we had not brought in that language, but we have to consider that what the Supreme Court judgment brings out is the whole conception of *bona fide* closures *versus* others. Although we are trying to restore the old position, the judgement brings before us a situation which we cannot ignore entirely. It brings up certain considerations to which we have to give some weight. Do they call for any kind of reconsideration on our side?

The hon. Member on the other side said that what we are doing is that *bona fide* closures are to be compensated on the basis of three months and the employer will say: "Here is a *bona fide* closure, and therefore you will get three months". I very humbly wish to point out that that is a misunderstanding of the provisions of the Bill. It is in the case of *bona fide* closures the compensation is full, unrestricted, under the terms which are laid down in that clause. And where the closure is not *bona fide* it is not said that nothing has to be paid. Whatever the employer may say, that it is a *bona fide* closure, he has to pay three months; that is, even in the case of calamities like earthquakes etc., this three months apply. The hon. Member said natural calamities would be very infrequent, they may be very rare. If that is so, then what is being taken away from the scope of this provision regarding compensation is very little, because it is pratically that kind of situation which is being covered by this proviso, and as has been acknowledged and appreciated, the explanation intended to make things more precise, because I agree entirely that those words "unaviodable circumstances beyond the control of the employer" have left room for vagueness, they are somewhat vague and the interpretation might create trouble. Therefore, we came forward with the Explanation. And I would invite hon. Members to make suggestions for improving this Explanation where all the reasonable interests of the employees are sought to be protected; if there is anything more which could be brought in, so that all those occasions which hon. Members have in mind, and which we have in my mind are properly covered, then we shall certainly consider them during the clause-by-clause consideration. May be, if hon. Members agree, we can have some kind of informal consultation, if the intention is to complete the passage of this Bill by six o'clock.

Mr. Deputy-Speaker: That was my intention. I do not know what the intention of the House is.

Shri Goray (Poona): This is a very important piece of legislation, and, therefore, such consultation is necessary.

Mr. Deputy-Speaker: If the hon. Members want that there be some discussion between the Minister and themselves, and the Minister also desires it, I shall have no objection.

An Hon. Member: We can adjourn for some time.

Shri Narayanankutty Menon: That would be better.

Shri Nanda: I think they could possibly make their suggestions on the floor of the House, as we proceed with the consideration of the Bill.

I have thought of one or two matters which can be brought in.

Shri T. B. Vittal Rao (Khammam): Let us have the Minister's amendments.

Shri Nanda: I have referred them to our legal advisers to see whether it is possible to make this provision a little more extensive in scope. So, the purpose is the same. The way of implementing the object in view has to thought of. If there is anything more which can be done in order to make our intentions clear, I am prepared to consider it.

I now come to the period which has elapsed since the date of the Supreme Court Judgment and the promulgation of the ordinance. It is a fairly long period. If we take five months as the gap, actually it does not remain five months, considering the fact that restrospective effect is intended to be given to the provisions of this Bill, that is, from the 1st of December. The date of the Supreme Court judgment was 27th November, 1956. So, the actual gap is just two or three days. I am trying to see whether that gap also could be bridged if possible. I think there should not be too much of a difficulty about that. But if we are asked to go beyond that, then my advice is that—I say there is some substance in it, and there is a good deal of weight in it—we should not tend to go beyond that.

The Supreme Court has given a judgment in certain cases in terms of the law as interpreted by them, for, after all, that is the law; it is not the intention which matters there; my intention may have been anything, but if I have not been able to give effect to it in the words of the law, then that does not become the law. Sir, I am not a lawyer. I am only trying to picture the whole thing. The Supreme Court felt that such and such was the law at the time. So, the normal course to be adopted would be that in those cases to which the law was applied by the Supreme Court as interpreted by them, we should not try to do anything which would in any way negative or nullify their judgment. But to cases arising two or there days after that, we could do something.

Even as regards the Barsi Light Railway case—this is a particular case—I have been in touch with some friends who are interested in the welfare of those workers, to see whether we could find, independently of this legislation, some means of ensuring continuity of service of those workers, and doing something for them. That is being tried, and I hope something may be done about it. I cannot say finally what will be done.

I think I have covered most of the points raised. They fall under two categories. The first relates to the question of delay. I have explained already that this Bill will cover cases from 1st December, 1956; and, therefore, it does not very much hurt the interests of the workers. I have also explained that partly the delay has occurred because we were confronted with certain issues which had to be settled, and I assure hon. Members that that delay has gone in the interests of the workers and not against them.

Regarding workers in construction projects, I have explained the position already. It is not that they are being excluded from the benefits of this Act, but some small distinction is made, because the distinction is derived from the nature of the occupation.

As for the proviso and the Explanation, I would like to point out once again that the Explanation became necessary because of the proviso, and the proviso became necessary because of a certain reading of the judgment. Besides, we did not want to have too

[Shri Nanda]

much of a difficulty with the courts also. The more extreme a position we take, the greater is the possibility of the courts coming in, and the provisions being called into question. So, I submit that while it might have been found more satisfactory, in the eyes of certain hon. Members, that those things which have been included in the provisions of this Bill might well have been kept out, there were certain compelling circumstances which made us incorporate those provisions. When we read the provisions properly, and we analyse the net or total effect of the exceptions or modifications, we shall find that that is not very much.

Taking all these circumstances into consideration, I would submit that the Bill which is now before the House is a measure which should yield a great deal of satisfaction to the workers, and to hon. Members.

Shri Narayanankutty Menon: I would like to have some clarification from the Minister on one point. That is about workers in construction projects. I do not know whether the Minister is aware that the workers employed under the Transport Ministry are now getting the benefit under section 25F of the Industrial Disputes Act. I would like to know whether those workers who are already getting the benefit—apart from the decision of the Supreme Court—will be deprived of that benefit under section 25F.

Shri Nanda: I cannot answer immediately on behalf of that Ministry. But the adequacy of those benefits will be considered, even independently of this.

Mr. Deputy-Speaker: The question is:

> "That the Bill further to amend the Industrial Disputes Act, 1947, be taken into consideration.".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—*(Substitution of new sections for section 25FF)*

Mr. Deputy-Speaker: I find that there are some amendments to clause 3. Hon. Members who wish to move their amendments to this clause may do so.

Shri Narayanankutty Menon: I beg to move:

Page 2—

after line 17 *add*:

> "Provided further that the employer who transfers his business and the new employer to whom the business is transferred shall give notice in writing in such manner as may be prescribed, to all the workmen employed in the business so transferred, about the date of such transfer and the terms and conditions thereof."

Shri Parulekar (Thana): I beg to move:

Page 2—

after line 17 *add*:

> "Provided further that the employer who transfers the ownership or management of an undertaking and the new employer to whom it is transferred shall give notice in writing in such a manner as may be prescribed, at least a week before the transfer is effected, to all the workmen employed in the undertaking so transferred, about the date of such transfer and the terms and conditions thereof".

Shri Narayanankutty Menon: I beg to move:

Page 2—

omit lines 28 to 34.

Shri Tangamani: I beg to move:

Page 2—

omit lines 25 to 29.

Shri Goray: I beg to move:

Page 2—

for lines 25 to 29, *substitute*:

"Provided that where the undertaking is closed down on account of natural calamities like floods, fire and earthquake creating circumstances beyond the control of the employer, the compensation to be paid to the workmen shall be according to clause (b) of section 25F but shall not exceed his average pay for six months."

Shri Paralekar: I beg to move:

(i) Page 2—

Line 28,—

for "not exceed" *substitute* "be".

(ii) Page 2—

Line 29,—

for "three" *substitute* "six".

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

Pages 2 and 3—

for lines 35 to 39 and 1 to 6 respectively *substitute*:

"Provided further that for the purpose of section 25FFF an undertaking shall include any undertaking set up for the construction of buildings, bridges, roads, canals, dams or other construction works".

Shri Tangamani: I beg to move:

Pages 2 and 3—

for lines 38 and 39 and 1 to 6 respectively *substitute*:

"he shall be entitled to the usual notice and compensation for every completed year of service or any part thereof".

Shri Bharucha: I beg to move:

(i) Page 2, line 38—

for "two years" *substitute* "one year";

(ii) Page 3—

(a) line 2—

for "two years" *substitute* "one year"; and

(b) line 5—

for "two years" *substitute* "one year".

Mr. Deputy-Speaker: As for amendment No. 17, it is the same as amendment No. 8. As regards amendment No. 11, Shri Goray is not moving it. The amendments are now before the House for discussion.

Shri T. B. Vittal Rao: Regarding amendment No. 8, I welcome the position that these workers are going to be covered now. Previously, the legislation covered only workers under the Plantations, Mines, and Factories Acts. Probably, the Minister after the experience gained in the Damodar Valley Corporation, when he was Minister of Irrigation and Power, must have thought fit to come forward and include these workers also within the scope of the legislation. But I want that there should not be any restriction in the payment of compensation. Already under the original Act, any industrial undertaking means 50 or more workers employed. Therefore, only those workers who are engaged in big projects will come within the purview of this legislation.

Regarding construction workers, firstly, there is no legislation governing their service conditions. Though in the Second Five Year Plan, it was stated that legislation should be undertaken for regulating the service conditions of those workers engaged in the construction or building industry, even after the lapse of a year of the Plan, no legislation is yet forthcoming. Then the Payment of Wages

[Shri T. B. Vittal Rao]

Act is not applied to these workers. Thirdly, these workers do not come within the purview of the Minimum Wages Act—what to talk of fair wages or living wages.

Therefore, these workers, who number nearly 15 lakhs all over India, engaged in some sort of construction work or project or dam or canal work should be given the benefit of the legislation. I want that they should be treated in the same way as the other workers. Why should there be this restriction of two years? We have defined what one year's service is. According to the Factories Act, if anybody puts in 240 days continuous service, it should be taken as one year's service. Therefore, what is the difficulty in having the same provision for these construction workers?

Not only this. Again some restriction is being put. Even after a worker engaged in any construction industry has put in 4 years of service, he shall not be entitled to compensation for 4 years; he shall be entitled to only compensation for 2 years. You are removing 2 years from his service. In a country where there does not exist comprehensive social security measures, where there does not exist unemployment relief, to deny the worker who has put in some years of service, the benefit of his retrenchment compensation on the basis of that service is quite unreasonable. Therefore, I request the Minister to accept the amendment.

Shri Parulekar: My amendment is very simple. It does not need much elucidation. The Bill, as it is, provides for compensation to those workers in undertakings which are colsed or which are transferred from one employer to another employer. But there is an exception to this provision. That exception says that when an undertaking is transferred from one employer to another employer, the worker will not be entitled to compensation if the terms and conditions of his service with the new employer are not less favourable than what they were before the transfer.

In order to provide for safeguards in the interest of the worker, it is necessary that the worker should know, before he starts service with the new employer, what the terms and conditions of his service are. If he knows that they are less favourable than what they were before, he might seek the protection of this legislation and ask for compensation. But if he does not know the conditions of his service with the new employer, he will be at a loss to judge whether they are less favourable than what they were. If he were to come to know of the new conditions five months after he has started work with the new employer, he will be at a disadvantage and he will be denied the benefit of this legislation; that is, he will not be entitled to get the compensation. Because after having continued to work with the new employer for three or four months, if he were to come to know that the conditions of service were worse than what they were with the previous employer, he cannot claim compensation

Therefore, my amendment seeks to stipulate that he must know the conditions of the new employment before he takes up service with the new employment. He must know the conditions at least a week before the transfer is actually effected. So this amendment is simple and is in the interest of the worker. It seeks to see that the employer does not get an opportunity to run away with the loopholes in the legislation. If the worker gets a week's notice, he will be able to consider whether the new conditions are less favourable than the old terms and conditions or not. Then he will be in a position to make up his mind. If they are less favourable, he will have an opportunity to say that he does not want to be employed and can claim compensation under the Bill.

Shri Narayanankutty Menon: The purport of my first amendment is that whenever a transfer is effected, there shall be some procedure by which

the employees are given notice of the transfer. This is because transfer raises a very crucial question, as far as the rights conferred by this Bill are concerned. The employer shall give notice to the employees by some procedure or rules to be made by Government, the terms and conditions of service or the terms of the sale under which the industrial undertaking is transferred from one employer to another. Unless this is ensured, the rights of the workers under clause 3 in respect of retrenchment compensation become nugatory, because when the transfer is effected otherwise, the workers do not know what are the terms and conditions of the transfer and to whom it is transferred.

Right from the date of the original Ordinance, that is, 1953, there had been many instances whereby industrial undertakings had been secretly transferred to other employers; the employees actually came to know about the transfer only after the lapse of years. If under these circumstances, the factum of transfer, the terms and conditions of the transfer and the date of transfer—three crucial things—are not made known to the employee at the proper time, the benefits that are conferred under clause 3 will be denied to him. In order that these benefits under clause 3 are made available to the workman easily without any trouble, this amendment should be incorporated in the Bill. I appeal to the hon. Minister to accept this amendment, because the hon. Minister's intention is also in favour of granting the employee the benefit of this provision without delay. I have no doubt that the hon. Minister will accept this amendment which is only a matter of procedure.

Shri Parulekar: May I speak on all the amendments?

Mr. Deputy-Speaker: I made it clear at the beginning that all the amendments together with the clause were open for discussion.

Shri Narayanankutty Menon: Then I have to speak again. I thought only the first amendment was under discussion.

Mr. Deputy-Speaker: I had made it clear at the outset. However, he may continue.

Shri Narayanankutty Menon: As regards amendment No. 8, after the clarification given by the hon. Minister, if it is defined that any rights that have accrued to the construction workers at present are not taken away, I will not press my amendment. But I hope the hon. Minister will be pleased to state on the floor of the House that the intention of this particular clause is not to take away any existing right of any employees concerned, including Government employees, certainly, I will not press my amendment. But, I will request the hon. Minister to make it clear that by means of this section he does not intend to take away the benefits already enjoyed by these workers.

Shri Tangamani: Mr. Deputy-Speaker, Sir, amendments Nos. 9 and 7 both deal with clause 3. The purport of amendment No. 9 is to see that the construction workers get the full benefit. So, I have moved for the deletion of those lines and to substitute.

> "he shall be entitled to the usual notice and compensation for every completed year of service or any part thereof."

I have already advanced the reasons therefor.

My amendment No. 7 is to omit lines 25 to 29 which deals with the proviso in case of closure due to circumstances beyond control. I have already said about that also. But I would make my position clear. I will mention *bona fide* and *mala fide* closures . By *bona fide* closures the employer is able to get protection saying that because there were circumstances beyond his control he was forced to close down. It may be that the factory was smashed due to lightning or somebody set fire to the factory or

[Shri Tangamani]

there was some sabotage. Some such thing might have happend. When it is due to circumstances beyond control it appears *bona fide* and in that case the Bill seeks to provide for 3 months' earnings as compensation. My amendment seeks to give such workers maximum compensation available to workers placed in similar circumstances where, if I may use the word, the closure was *mala fide*. In the past what we have been experiencing is that in spite of the fact that engines and machinery were working properly they gave reasons that they were not able to continue because of circumstances beyond control. We used to get a reference whether the closure was *mala fide* or *bona fide*. When the closure is *mala fide* they get full compensation. When the closure is *bona fide*, laso, in the name of social justice the worker will have to get the maximum compensation. I am pressing that.

Mr. Deputy-Speaker: There are two other amendments put forward by Government. One is:

Page 2, line 31,

for "financial losses" *substitute* "financial difficulties (including financial losses)"

Shri Tangamani: That is a good one.

Mr. Deputy-Speaker: No comment so soon.

The other is:

Page 3, lines 5 and 6, *omit* the words "excluding therefrom the first two years of his service in that undertaking."

Shri Tangamani: That is good, Sir.

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

(i) Page 2, line 31,

for "financial losses" *substitute* "financial difficulties (including financial losses)".

(ii) Page 3, lines 5 and 6,—

omit the words "excluding therefrom the first two years of his service in that undertaking."

Mr. Deputy-Speaker: These amendments are also before the House.

Shri Parulekar *rose*

Mr. Deputy-Speaker: The hon Member has already spoken and the rules do not permit any member to speak twice on the same motion.

Shri Parulekar: Being quite new to this procedure, I did not know that I was also to speak on amendment No. 13.

Mr. Deputy-Speaker: All right. I will make a departure in this case. The hon. Member may say what he wants to say.

Shri T. B. Vittal Rao: Sir, the official amendments have been moved.

Mr. Deputy-Speaker: It does not apply to Shri Vittal Rao; he is an old Member.

Shri Parulekar: The clause, as it is worded, fixes the maximum amount of compensation to be paid to a worker but it does not fix the minimum. It does not fix any definite amount to be paid as compensation, when the undertaking is closed, to the worker. The words which have been used are, 'shall not exceed his average pay for three months'. So, when the maximum is prescribed by legislation, an employer may come forward and say: I will pay you for a week, ten days or fifteen days. Whether this compensation is adequate or not will be the subject matter of judicial investigation. This matter will go to the High Court and even to the Supreme Court. In the meantime the worker will not know how much compensation will be paid to him. Therefore, the amendment that I have moved says that it will be 3 months so that a definite amount may be claimed by the worker, when he is retrenched or when the undertaking is closed. There shall be no scope for

litigation. I think it will be acceptable to the hon. Labour Minister because it is quite simple.

Shri Goray: Sir, I shall try to be as brief as possible.

Mr. Deputy-Speaker: It would be very kind of you.

Shri Goray: The purport of my amendment is to define the unavoidable circumstances beyond the control of the employer. Because, I feel that if the whole sentence is left as vague as it is, it will give cause for litigation and the consequences of it will be that the worker will have to suffer I have tried to define the words and have said:—natural calamities like floods, fire, earthquake etc. creating circumstances beyond the control of the employer.

The purport of the other half of the amendment is that the words compensation to be paid to the workmen under clause (b) of section 25 shall not exceed his average pay for 3 months be dopped and they be substituted by:

> "compensation to be paid to the workman shall be according to clause (b) of section 25F but shall not exceed his average pay for six months."

This seeks to restore the position which was envisaged in the original Trade Dispute Act. Only it gives him a little more compensation and I think that when a workman is being thrown out on the streets he deserves a little more compensation, so that there may not be hardship and suffering. I agree with the basic intention of the Bill and there should be no difficulty on the part of the hon. Minister to accept this amendment

Shri Nanda: In the course of the few minutes after I sat down here assuring the House that we would apply our minds and see as far possible to make things more acceptable, we thought over this matter and the result is those amendments that had been brought forward on behalf of the Government and they meet the points urged about the scope of the legislation regarding the closure. We have gone further and included 'financial difficulties' also. It means that they also come under the purview of the clause. An employer may say: "I have not got enough working capital or credit and so I cannot run". That should not be covered under that explanation. We have, I think, really brought within the purview of this explanation most of the things that can have any bearing on the interest of the workers. Practically, what is left is what the hon. Member, Shri Goray, says.

The other thing is about the period of three months. The idea perhaps is that this period should be stated in absolute terms and not as the maximum. In case of *bona fide* closures, a person who has worked for, say, two years will get two fifteen days, *i.e.* 30 days. In the case of *mala fide* closures, he will stand to get much more. If three months is fixed as the uniform basis, then a person who retrenched after an employment of two years will also get compensation on the basis of three months. That will create disparities which we do not at all intend. (*Interruptions.*) The hon. Member there defended the maximum.

I now come back to an earlier observation made by Shri Banerjee. Supposing the Kanpur Textile Mill gives a notice of closure and says: "We are going to spend a few lakhs of rupees more and bring new machines and therefore, the mill has to be closed. "If that is the fear of the hon. Member, and if he thinks that it is going to place the workers at a disadvantage and exclude them from the benefits of legislation, I may assure him that it is not so. That is my interpretation and I hope it is correct. That will not be a consideration which will be "unavoidable circumstances beyond the control of the employers". The apprehensions of the hon. Member are not well-found-

[Shri Nanda]

ed. Considering everything, we feel that the wording as now amended will quite be adequate.

Mr. Deputy-Speaker: The question is:

In page 2, line 31—

for "financial losess" *substitute* "financial difficulties (including financial losses)."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

Page 3, lines 5 and 6—

omit the words "excldingtherefrom the first two years of his service in that undertaking".

The motion was adopted.

Mr. Deputy-Speaker: Have I the permission of the hon. Members to put the other amendments all together?

Shri Narayanankutty Menon: I requested that amendment No. 3 may be put separately.

Mr. Deputy-Speaker: The question is:

Page 2,—

after line 17 *add*:

"Provided further that the employer who transfers his business and the new employer to whom the business is transferred shall give notice in writing in such manner as may be prescribed, to all the workmen employed in the business so transferred, about the date of such transfer and the terms and conditions thereof."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2—

after line 17 *add*:—

"Provided further that the employer who transfers the ownership or management of an undertaking and the new employer to whom it is transferred shall give notice in writing in such manner as may be prescribed, at least a week before the transfer is effected, to all the workmen employed in the undertaking so transferred, about the date of such transfer and the terms and conditions thereof".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2—

omit lines 25 to 34.

The motion was negatived.

Mr. Deputy-Speaker The question is:

Page 2—

omit lines 25 to 29.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

for lines 25 to 29, *substitute*:—

"Provided that where the undertaking is closed down on account of natural calamities like floods, fire and earthquake creating circumstances beyond the control of the employer, the compensation to be paid to the workman shall be according to clause (b) of section 25F but shall not exceed his average pay for six months."

The motion was negatived.

Mr. Deputy Speaker: The question is.

Page 2, line 28—

for "not exceed" *subtitute* "be"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, line 29—

for "three" *substitute* "six"

The motion was negatived.

Mr. Deputy-Speaker: The question is.

Pages 2 and 3—

for lines 35 to 39 and 1 to 6 respectively *substitute:*

"Provided further that for the purpose of Section 25FFF an undertaking shall include any undertaking set up for the construction of buildings, bridges, roads, canals, dams or other construction works".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Pages 2 and 3—

for lines 38 and 39 and 1 to 6 respectively *substitute:*

"he shall be entitled to the usual notice and compensation for every completed year of service or any part thereof".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

(i) Page 2, line 38—

for "two years" *substitute* "one year";

(ii) Page 3—

(a) line 2,—

for "two years" *substitute* "one year"; and

(b) line 5,—

for "two years" *substitute* "one year"

The motion was 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.

Clause 4 was added to the Bill.

Mr. Deputy-Speaker: If I have the permission of the House to sit for another ten or fifteen minutes more, we can finish it. Now, we shall take clause 1.

Shri Narayanankutty Menon: I beg to move:

Page 1—

for lines 5 to 7 *substitute*—

"Section 2 and 3 shall be deemed to have come into force on the 24th day of October, 1953".

Mr. Deputy-Speaker: The hon. Member has given his arguments. Does he wish to add anything more?

Shri Narayanankutty Menon: Nothing more. I only wish to point out one thing. The hon. Minister explained the difficulties in giving retrospective effect to this part of the Bill. It involves the rights of those workers whose disputes have already been referred to the industrial tribunals and are conducting their cases before them. If retrospective effect is given they will have to get out of the court. I request the hon. Minister to accept my amendment.

Shri Nanda: For the moment I am thinking of amending and making a slight change so that the date may be just the date after the date of the judgment of the Supreme Court and have the date as 28th November, 1956.

Shri Tangamani: I beg to move:

Page 1—

for lines 5 to 7 *substitute:*

"(2) Section 2 shall be deemed to have come into force on the 10th day of March, 1957 and section 3 on the 24th day of October, 1953".

Mr. Deputy-Speaker: The hon. Member has already explained and I only wanted to know whether he has something more to say.

Shri Tangamani: Nothing further, Sir.

Shri Bharucha: I do not move my amendment; Amendment No. 1 is better worded, which I shall support.

Shri Goray: I am not moving my amendment No. 10; it is the same as the other one that has been moved.

Shri Abid Ali: I beg to move:

Page 1, lines 6 and 7—

for "1st day of December 1956" *substitute* "28th day of November, 1956".

Shri T. B. Vittal Rao: About giving restrospective effect to this Bill, I have to say a few words. When the original ordinance was issued in 1953, there was a closure of textile mills and then some sort of a monetary relief had to be provided for the workers. At that time in order to bring in this legislation, the employers of the textile industry were given a rebate in the export and import duties. The result is that they would be benefited to the tune of Rs. 10 crores. Even if all the textile mills were closed for even two months the retrenchment compensation would not have amounted to Rs. 10,000.

18 hrs.

Secondly, there is the question of this Barsi Light Railway. When the Bill for taking over the Barsi Light Railway was moved by the Railway Minister, I pleased in vain to give the employees continuity of service which is done in other cases. But he said that they were all re-appointed. These people are now denied continuity of service whereby they do not get Provident Fund, Gratuity and other things.

Mr. Deputy-Speaker: The hon. Minister has assured that he will take up that question separately.

Shri T. B. Vittal Rao: With the integration of this Railway with the Central Railway there was a wage cut. They lost on both these counts. Thirdly, when they tried to get some relief in the High Court that was given, but the Supreme Court reversed that decision. Therefore, when the Minister considers the question of Light Railway employees he should take into account these things and the losses they have suffered.

With regard to the textile industry, by giving retrospective effect it is not going to affect the employers because they have already been benefited to a great extent.

Mr. Deputy-Speaker: The question is:

"Page 1, lines 6 and 7 *for* "1st day of December, 1956" *substitute* "28th day of November, 1956".

The motion was adopted

Mr. Deputy-Speaker: The question is:

Page 1—

for lines 5 to 7 *substitute*:

"Sections 2 and 3 shall be deemed to have come into force on the 24th day of October, 1953".

The motion was adopted.

Mr. Deputy-Speaker: The question is:

Page 1—

for lines 5 to 7 *substitutes*

"(2) Section 2 shall be deemed to have come into force on the 10th of March, 1957 and section 3 on the 24th day of October, 1953".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, *as amended was added to the Bill.*

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

Shri Nanda: I beg to move:

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

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

18·04 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, the 21st May, 1957.