

[Mr. Deputy-Speaker]

with any requisition made under sub-section (3) of section 8;

- (b) an offence falling under clause (d) of section 20;
- (c) an offence falling under clause (a) of section 20 other than a contravention of the provisions of sub-section 3(A) or sub-section (4) of section 15;
- (d) an offence falling under section 21." (12)

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That new clause 20A stand part of the Bill"

The motion was adopted.

New Clause 20A was added to the Bill.

Clauses 21, 22 and 1, the Enacting Formula and the Long Title were added to the Bill.

Shri Kanungo: Sir, 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.

14.33 hrs.

ARREST OF MEMBER

Mr. Deputy-Speaker: I have to inform the House that the Speaker has received the following letter dated the

5th December 1960 from the Additional District Magistrate, 24-Paraganas:—

"I am to inform you that the accused appellant, Shri Kansari Halder, Member, Lok Sabha, has surrendered to his bail and has been re-committed to the Alipore Central Jail on this day, the 5th December 1960."

Mr. Deputy-Speaker: Bills to be introduced: Shri Menon—Absent. Shri Tangamani.

14.34 hrs.

DELHI RENT CONTROL (AMENDMENT) BILL*

Shri Tangamani (Madurai): Sir, I beg to move for leave to introduce a Bill to amend the Delhi Rent Control Act, 1958.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill to amend the Delhi Rent Control Act, 1958."

The motion was adopted.

Shri Tangamani: Sir, I introduced the Bill.

14.35 hrs.

ABOLITION OF EMPLOYMENT OF CASUAL LABOUR BILL—contd.

Mr. Deputy-Speaker: The House will resume further consideration of the following motion moved by Shri Aurobindo Ghosal on the 25th November, 1960:

"That the Bill to provide for abolition of the system of employing casual labour in the employments of permanent character be taken into consideration."

*Published in the Gazette of India Extraordinary Part II-Section 2, dated 9.12.60.

Out of two hours allotted for the discussion of the Bill one hour and three minutes have already been taken on the 25th November and fifty-seven minutes are now available. Shri Warior may continue his speech.

Shri Warior (Trichur): Sir, I was the other day discussing the problem of dockyard labour, especially in ports which have not got port trusts established. There are certain ports which from the very fact that they have been declared major ports will have to be brought under the purview of the Port Trusts Act. But certain major ports are still kept as intermediate ports. Such, for instance, is the position in Cochin. But I do not wish to dilate upon that point any more.

One of the major problems that this country will have to face in the near future is the problem of casual labour employed in most of our construction works. They are workers of a highly technical nature, as for example those at Bhilai and Bhakra-Nangal. These are workers who have got skilled experience for the last three to five or even seven years and more. In Bhakra-Nangal when I went there, I was told there were about twelve thousand workers there. Out of these twelve thousand who have mostly come from suburban and rural areas, at least ten thousand or more skilled hands, not in the ordinary sense of the term, but skilled in handling the most up-to-date American machinery at the Project.

The Deputy Minister of Labour (Shri Abid Ali): Ten thousand workers killed?

Shri Warior: Skilled. You want to kill? Then the problem is over for you. I mean skilled.

These workers, I am told, are handling the most up-to-date machinery. At the beginning stage of the construction at Bhakra-Nangal the American engineers were not very much for recruiting our Indian workers for

handling this machinery. They were not confident enough that our workers would be able to handle this machinery. But our engineers resisted that temptation to import American engineers into this country. Finally our boys proved themselves capable of handling the job and they have been operating this machinery. It would be a national waste if these people who have gained so much experience in actual working, in the practical field, are left alone to go back to their old avocations, to return to the rural areas to till the land. It would be a national waste, because the services of these workers are necessary for other construction works.

In our country there is an enlargement of activities in the construction field, and ever so many workers have to be recruited. In such a situation if trained personnel are going to be retrenched, it will be the biggest loss for this country. The other day an adjournment motion was moved by my hon. friend Mr. Banerjee regarding the retrenchment of about eighteen thousand construction workers at Bhilai. We bring these matters to the notice of the House because of our experience of the Hirakud Dam. In Hirakud project all the casual workers were retrenched, although they had worked at the project for a number of years. In Bhilai, it was reported in the Press recently, and I want the Minister to belie these apprehensions, that about one thousand graduate and undergraduate engineers would be axed soon. It was also said that a number of fitters, masons, grinders, crane drivers, moulders, wiremen, refrigeration mechanics, pattern makers, plumbers, armature winders, gas welders, blacksmiths, drillers, riggers, etc., etc., all will be retrenched. For a person to get training in these mechanical works, it takes two to three years. We are sending our boys to the technical institutions to get them trained. Fortunately for this country, thousands and thousands of persons have been trained in the most up-to-date mechanical erections. Unless we find out some ways and

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means to utilise these persons there is no way of escaping from this national waste. I understand that many more plants are going to be erected. In Bhilai the capacity is going to be increased. Why can't these expansion schemes be started earlier? I discussed this problem in Bhilai with the Chief Engineer, along with other hon. Members of Parliament who visited that factory. We were told by the engineers, both Indian and Soviet, that this can be done and this is done in all the developing countries. What is done is, not always to recruit raw hands from the field, though of course, manpower is plentiful in India. But then we should not misuse the training. Simply because there are lakhs and crores of people who are unemployed in this country, it does not mean that they can all be recruited just like cattle and then put in new jobs, because, by doing so, the national waste is increased. That should not be the pattern of organisation. The pattern of organisation must be, whatever is already available in our hands must be absorbed and the number enhanced, and they must be protected and utilised for the best interests of the developing economy of our country.

This was the case not only there but in all the construction sites. We were told that it has become a problem. It is not to be approached as a problem of the labourers and workmen. If that approach is made, of course, as the Minister said just now, some of them have died—there are many who have been killed and there have been many martyrs who have died in the cause of our country and in various fields. There are martyrs and martyrs. But that is not the approach. The approach must be made in a manner which is to the interests of the developing economy. In that sense, this problem must be tackled by the Government, and it should be tackled not only by the Labour Ministry but by all the other Ministries. They must all

combine, put their heads together and find out away. It is not to be viewed as a case of casual workers technically or legally. They have been casual workers for four or five years.

I shall bring to your notice one of the recent happenings in this connection. There were the Coffee Board workers. You know they were retrenched. They were retrenched after 16 to 17 years of service on the recommendation of somebody sitting higher up. Perhaps on account of his brain-wave, he recommended the retrenchment of the Coffee Board workers and that there should be no exhibition of coffee seeds and the running of coffee shops in the country. What has happened? Those workers had gone out. Some of them had taken gratuity or provident fund and some of them are taking to some other jobs. Now, it is said that the Coffee Board should be reopened. So, is it all done according to the brain-wave of certain bureaucrats sitting somewhere and is this how the country is going to be developed? This is very serious. At that time, we approached not only the Labour Minister but all the other Ministers concerned. They were so adamant, so recalcitrant and so callous about the life of our people who have been working for our country for 16 to 17 years. Nobody heeded us, and our exchequer also lost some money by way of provident fund and gratuity which were paid to those who were eligible for them; and these amounts were legally available for them no doubt. But how much was the waste in such measures? Of course, that is only a coffee show and coffee vendors can be had at any time. It is not a very skilled job. But here, in this case, what is the position in Bhilai and Rourkela?

You know that Rourkela has got the biggest roofing in Asia; the roof area or the plinth area in the rolling mills there is the biggest in Asia. How many lakhs are employed there? In this connection, I shall narrate one

incident which occurred when the Panchet dam was opened. Our beloved Prime Minister had been there to switch on the lights on that occasion. They brought in an aboriginal girl to switch on the light. She was taught to speak two sentences in her language regarding this function. She was a Santhal girl. At first, she was very timid. She got on to the platform. The Prime Minister dragged her and ask her to switch on the lights. She repeated those two sentences parrot-like. By that time her nervousness was over, and then she began to make speech and her speech went on for 25 minutes. The sum and substance of it was not translated because nobody could translate that language. The Prime Minister was anxious to know what she was saying all those 20 or 25 minutes. Then, finally, when the function was over, she was caught hold of by the officials and she told them that while they were putting on the lights to all to those places from the Panchet dam, the lights in their homes have all gone out. "We are all giving light to the people elsewhere, but our own homes are in darkness", she said. That is because 30,000 people were retrenched, and they were Santhals and other aboriginals. It is their place. They inherit that land. It is the biggest and precious and most fertile and profitable area for the Governments of Bihar, Orissa and....

Mr. Deputy-Speaker: Was that girl taught to say that also—what the hon. Member referred to at the end, about light, etc?

Shri Warrior: Nobody need teach, if it is dark. If it is dark, nobody need teach a person to say that it is dark! So, that is the position. I think that this problem must be taken up more seriously as all other problems connected with the development of our economy. That is all that I have to submit.

Shri D. C. Sharma (Gurdaspur): Mr. Deputy-Speaker, Sir, I think we

all want to build up a kind of India in which there should be no unemployment and in which there should be no retrenchment and in which the light should be burning in all the homes without the lights being extinguished anywhere when they are burning at one place. We all have that vision of India, and I think our five year Plans are contributing something to the realisation of that dream. How long it will take us to have the dream of full employment fulfilled, I cannot say. But I can say this much that all of us are working for the fulfilment of that dream and we are marching along the road to full employment. Saying that something has happened at Durgapur or at Rourkela or at Bhakra Nangal does not militate against the realisation of those ends.

I think that so far as the Bill goes, there is nobody who will not agree with it. Everyone will say that India should be a paradise for workers. But my only point is this. I want India to be a Heaven for workers; but I also want India to be a Heaven for agriculturists. It should be a Heaven for all types of persons. I cannot understand why you should single out one type of employees for this kind of treatment and ignore all other kinds of employees in free India? That is my objection. I think all employees should be equal in the eyes of a Member of Parliament. He should think of skilled workers and unskilled workers who are working in the industrial establishments. He should also think of agricultural workers who are seasonal, the agricultural workers whose work does not last very long. All these people have to be taken into account. Therefore, I think that this Bill suffers, in the first place, from a kind of partiality of outlook. I wish there is a Bill which covers all kinds of workers and not this type or that type of worker alone.

So, I would ask the hon. Member who has piloted this Bill to bring forward a Bill which should apply as

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much to skilled workers as to unskilled workers, as much to permanent workers as to quasi-permanent workers, and as much to workers in the agricultural field as to workers who are manning the great body of our Secretariats in India. Therefore, I feel that if such a kind of Bill is passed, it would be against the fundamental objectives of our Constitution, which grants equality of opportunity to everybody. I think we will be discriminating in favour of one type of worker and ignoring the general mass of workers.

Again, I find that the definition of a casual worker given is very defective. It is just like, defining a woman as a person who is not a man and a man as a person who is not a woman. This kind of over-simplification about the definition will defeat the very object of the Bill. It says, "A casual worker is one who is neither a permanent nor a regular temporary worker." I would have understood it very well if the hon. Mover had said that a casual worker is a worker who is not a permanent worker. In our free India, we have so many types of workers. Look at the clerks in our secretariat and elsewhere. There are permanent, quasi-permanent and so many other types of clerks. Similarly, you have so many classifications among workers also—permanent, seasonal, temporary, regular temporary and so on. I think an attempt should have been made to give a definition which should have covered every type of worker who is not permanent, but that has not been done. Only two types of workers have been specified and the rest have been left to take care of themselves. I believe this definition is also very discriminatory and a better definition should have been given. I feel this definition has been given in a hurry and sufficient pains have not been taken to define the casual worker in a more enlightened way.

I can understand the solicitude of my friends for those who are in indus-

try. As I have already said, industry does not only absorb the bulk of our workers. There are workers in other fields also. This is also a partial approach. Then, the Bill says, that a permanent worker means any worker who has been employed for a period extending beyond 3 months. I am one of those who would like the abolition of these distinctions. I would like that anybody who is employed to-day should look upon himself as permanent from the very day of appointment. But we find that university professors, teachers and all others kinds of personnel who are appointed after due selection are confirmed in their posts after a probation of one year. While we give them a life-long appointment, in some of the advanced countries of the world, a professor is appointed for a term of 5 years, which is, of course, renewable afterwards. Any person who is employed should go through the routine of the office and the working of the office at least for some time. I feel 3 months is very very sentimental. I think a legislation of this kind should distinguish between the sentimental approach and the practicable workable approach.

In this Bill I find that only a sentimental approach has been adopted. I also want to win the sympathy of the workers and be friendly with them. I want to do all I can for the workers. I am a friend of the workers; I am myself a worker. But to think that three months period is enough for anybody to become permanent, I believe, is obtaining only in Utopia. It does not obtain in any socialist, democratic or any other country. I believe this is something which cannot be granted.

Then, the Bill says:

"No industry shall employ any casual worker in any permanent employment".

On the one hand we have unemployment, partial employment, under-employment, etc. On the other hand,

we deprive these persons of whatever chance of employment they have. How can you reconcile these two points? I do not think you can procure the right people if you have such stringent conditions. You deprive them of the means of earning their livelihood. I believe our idea at present is to give everybody full employment. If we cannot do that, it is much better to give him seasonal employment than no employment; it is much better to give him employment for a short period than to throw him on the streets. That is the situation today.

15 hrs.

I believe that this Bill is very very laudable in its objective, very humanitarian in its aims and very fine in its intention. But this Bill ignores the realities of the situation completely not only in this country, but in all the countries of the world. I do not think a Bill like that will be found to be operative in any country of the world.

Of course, you can lay the blame at the doors of the industry, or of the Government, for not giving employment to people. That is true. But wisdom consists in making the best of an indifferent situation. This Bill intends to make the worst of an indifferent situation. If you want everybody to be permanent, no employer would offer jobs. Therefore, the hon. Mover, who is a great friend of mine and for whom I have great regard, should bring forward a different type of Bill, which I would support. I will be the first person to support a Bill which takes into account the entire employment map of India, the entire corpus of the employees in India and which gives the workers as much chance as possible within the limitations of our resources, within the limitations of our economy and within the limitations of our money and everything. Therefore, I would say that my friend, the hon. mover of the Bill, would be well-advised in withdrawing this Bill and bringing forward another Bill which is not

discriminatory, which helps every type of worker—skilled, unskilled, seasonal, casual, permanent, quasi-permanent, non-permanent, all types of workers. I would wait for the day when somebody brings forward a Bill like that and I believe that the whole House would that day acclaim that Bill and would support that Bill and, by doing so, would serve the cause of workers.

Mr. Deputy-Speaker: Shri Muhammed Elias; I request hon. Members to be brief.

Shri Muhammed Elias (Howrah): I am very much thankful to my friend, Shri Ghosal, for bringing this Bill to abolish casual labour system in our country. I do not want to enter into an argument with my hon. friend, Shri Sharma, on the points which he has put forward against this Bill, because this question has been considered and discussed at great length in the Appellate Tribunal and it has given a clear verdict that no contractor will employ any casual labour for any work of a permanent nature. This Bill also wants to abolish the contract system and the casual labour system for any permanent nature of work.

I shall give some of the facts about the misery and sorrow of the casual labour of our country. I shall first speak from my experience because in my childhood I had to work under a contractor as casual labour and so I personally know very well how much suffering I had to face in my early age of about 12 or 13 years, when I was almost a child. Many companies in our country employ contractors just to deprive the workers of the rights which they enjoy under the various laws and regulations if they are permanent. In 1933 I was employed as a labour boy and my wage was fixed at 6 annas per day. At that time, I was very happy to get such a type of job, because my family was very poor and my father had no means of livelihood, and I was wondering of getting some type of job by which I can earn and help my family. I

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worked there for six months and every month the contractor used to ask me to take some money. The company used to pay the contractor all his dues every month or sometimes every week. In this way, about 200 workers used to work in that factory under that contractor. But he never used to pay the workers. After six months the contractor fled, not giving a single farthing to us. Then we went to court and filed a suit against the contractor under the Payment of Wages Act. The case was lost and the suit was dismissed because we do not come under the Industrial Dispute Act as the contractor is not registered under the Companies Act. So, we lost the case and we could not get any wages for our six months' work. Though we went to many places no relief was given to us.

The same type of contractors are employed in many factories and this is a very alarming situation. Actually, this system is increasing. For instance, in the factory where I worked till 27th March 1948, we had to go on strike, as a result of which I was discharged and put to prison, for the single demand of abolition of contract system. 2,300 workers used to work in that factory, which is a very big one, one of the best ship-building and ship-repairing factory. There almost 50 per cent of the workers were under the contractor, and they included welders, riveters and machine fitters, very skilled workers. They do work of the same nature of permanent workers.

Mr. Deputy-Speaker: If the hon. Member had been employed there permanently then perhaps he might not have got a chance to be here.

Shri S. M. Banerjee (Kanpur): But this is also casual employment.

Shri Muhammed Elias: So, we put forward a demand to the company to let all the work be done under the great employment of the company

and we shall show that this is very profitable. Because the contractors swallow most of the money, as the managers and others take bribe from the contractors. In this way, workers are deprived of their real wages and amenities. So, we suggested to the company that we may be permitted to work under the company directly and if the company loses we shall compensate them. But the company did not pay heed to our demand and we had to go on strike for 116 days. Then the strike could not be successful. That situation is still prevailing there and most of the workers have been retrenched. Now only 1200 workers are there, 400 under the contractor and 800 under the direct employ of the company.

In this way, there are many factories where the workers are exploited by the contractors. For example, there is the Thakurdas Surekha Company, which is a very famous foundry factory. In this factory 2,000 workers are employed but they are not under the direct employ of the company. They have got some contractors and sub-contractors and under those contractors the workers are forced to work and they get very meagre amounts as wages. They do not enjoy any of the facilities which are provided by the labour laws in our country.

Another factory, a very big engineering factory

Mr. Deputy-Speaker: He need not go into particular instances. He might generally refer to them.

Shri Muhammed Elias: There is another big engineering factory, Messrs. Burn & Company. That company used to employ 2,500 workers under the contractors, the so-called casual system. The workers had to work for 5 months and 29 days. Then he is retrenched and taken back again after a week or two, so that the company is not bound to give that worker the benefits and facilities

which permanent workers had to be given. So, there was a very big movement there and after the life of one worker was given, these workers were taken as permanent workers in that factory, because the tribunal has held that workers who are employed in permanent nature of work must be considered as permanent workers.

So, I beg the Minister and the Members of this House to pass this Bill, because if we do not pass this Bill corruption will increase, because the contractors, as everybody knows, in our country deprive the workers their dues, swallow that money and then spend this money after wine and women. Everybody knows this.

They also give bribes. Now the christmas season is approaching and the contractors are preparing *dalis* to satisfy the *burra sahibs* and *mem sahibs*. They will go to their house and will give the *dalis* to them with the best wine in the world, best cakes and other things to get another big contracts in the factories, railways, post commissioners offices and everywhere. This thing must be stopped in the interest of the country. I appeal to the hon. Minister to accept this Bill so that corruption can be abolished and at the same time these workers who work so hard are helped. Workers under the contractors have to work far more than workers under the direct employment of the management.

It is also alarming because it is spreading in the offices also. In the olden days, the management did not employ clerks, typists and others as casual workers. Now in the offices also they have started recruiting typists, stenographers and others as casual workers. They are given Rs. 2 or Rs. 3 per day and are forced to work for one or two months and are again thrown out of employment and in their place new men are taken. In this way this casual labour system and contract labour system is increasing day by day. So this is my request to the hon. Minister that he

should accept this Bill. I should also request the House to pass this Bill.

Shri N. E. Ghosh (Cooch-Behar).
Mr. Deputy-Speaker, Sir, I have got sympathy with the sponsor of this Bill because I find that there are certain grievances of labour under the contractors which merit investigation. But I very humbly request him to consider whether this Bill will serve the purpose or not.

First of all, it is a Bill which has got a very wide range. This Bill also postulates certain propositions here which are not known to the industry anywhere else in the world. He wants to stop casual labour in every industry. He forgets that there are workers who would like to be casually employed. There is a place for them in the industry all over the world. Therefore he cannot by law deny work to such people, who do not want to be permanently employed but who want to have only temporary work, from casual employment. Therefore I would submit that in that way the Bill is not scientific and objectionable.

It is against certain fundamental principles of fundamental rights and even of labour laws. With very great respect I would submit that the Bill is not very scientifically drafted either. But let me not consider that aspect of the question at all. I would refer to one matter because here in the Bill he says:

“‘industry’ has the meaning assigned to it in the Industrial Disputes Act, 1947.”

That covers a very wide field and he does not make any provision for certain industries which have to employ casual workers, for example, the plantation industry. Many of the hon. Members may not know that that is an industry which has got two seasons. For the first six months mostly in winter the garden is made ready for crop by cultivation and

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other things. The crop is available only after that for about six months. There is a permanent body of labourers who work all through the year, but when the season comes, during the pick season when there is rush of crop, the permanent labourers cannot cope with it. Therefore they have to bring casual labourers. That is an absolute necessity for that industry.

Here I would refer to the report of the Plantation Enquiry Committee. It says:

"The engagement of temporary casual labour was due to many causes, the chief was its availability in the State, village or *basti*. Labour except in certain regions hardly protested against it as they themselves wanted their kith and kin to be employed. The existence of a pick season in the industry made the employers fall on this source of labour in the plucking season. In the terai region of West Bengal, there is more casual labour owing to the short season for plucking."

If, as my hon. friend suggests, you cannot engage any casual labour, what will happen to this crop? It will partly be lost. If only for two or three months you require certain extra hands and if you were to put them on the basis of permanent labour cadre, that will mean the end of the industry because there will be a wage-load and other obligations which the industry cannot bear. Therefore it will not be for the good of the industry and for the good of the workers. No employer can employ casual labour if along with it there is a punishment that that labour shall have to be employed for all time to come with certain amenities like housing and other things.

Who are the casual labourers? They are also erstwhile workers of tea gardens. They settle after saving money and acquiring property near about the tea gardens. They have got their

lands, their family and their own houses. They are expert pluckers and at the time of the pick season sometimes they send their wives, sometimes they themselves go and sometimes their sons go and make additional income. They do not want to be permanently employed in this industry at all. They are householders. They have got their own agricultural lands. Therefore I would submit that this is not really a Bill with such severe repercussions which should be drafted in this wide manner. It will bring within its mischief many industries in respect of which my hon. friend has got absolutely no grievance.

Then as I submitted, my hon. friend. Shri Sharma has also said that the definition is neither apt or precise and not very scientific. That is the least part of it. Here he says:

"Save as otherwise expressly provided in this Act, no industry shall employ any casual worker in any permanent employment."

About "save as otherwise expressly provided", there is no provision in this Bill by which you can employ any casual worker. As the clause **stands** it absolutely stops the employer from employing any casual labour at all.

I would submit that there is also another danger in it. Unfortunately in plantation industry some political parties want to exert their influence for political purposes through labour by endangering the industry itself. It has been referred to in the Plantation Enquiry Commission's report. It says:

"For the last three years it has become a feature of the Union to call a general strike during the peak production months of the year. The Commission finds that the largest number of strikes happened generally in the plucking season between June and August."

Whoever has got some knowledge of plantations knows that if you can stop

plucking for about a fortnight, all these leaves harden and the flush is retarded. That means loss of valuable crop and the garden suffers terribly. As matter of fact, only to keep the garden alive this casual labour sometimes comes to help. I am quite sure my hon. friend does not support these tactics and has no such object or intention. But I would say that if this Bill is passed, it will cause all this mischief to the plantation industry. I would submit that the Bill as it stands cannot help my hon. friend at all for redressing those grievances which are in his mind. I would submit that the Bill should be withdrawn by him.

Mr. Deputy-Speaker: The hon. Minister.

Shri Chintamoni Panigrahi (Puri): I want just five minutes.

Mr. Deputy-Speaker: Now there is no time.

Shri Chintamoni Panigrahi: Only five minutes.

Mr. Deputy-Speaker: It is difficult for me. The hon. Minister says that he must have at least 20 minutes; even then we will be exceeding the limits.

Shri K. N. Pande (Hata): I also want five minutes if possible.

Mr. Deputy-Speaker: There were 57 minutes left for this when we started. 45 minutes have already been consumed and only 12 minutes are left. What can I do? If the House extends the time, I have no objection.

Shri Narasimhan (Krishnagiri): No, Sir. Then the other Bills will suffer.

Mr. Deputy-Speaker: There is no time.

Shri Chintamoni Panigrahi: Two minutes will do.

Mr. Deputy-Speaker: All right. Shri Panigrahi.

Shri Chintamoni Panigrahi: Sir, I rise to support the objective of the Bill of my hon. friend Shri Aurobindo Ghosal. I would like to take this opportunity of drawing the attention of the hon. Minister to a recent occurrence in the Rourkela fertiliser factory in Orissa. Today there is a P.T.I. message that more than 2,000 workers engaged in the Rourkela Fertiliser factory have gone on strike because the management there have not been able to fulfil the following demands of the construction workers. First, they wanted to stop illegal termination of the services of the workers engaged there. Secondly, they demanded retrenchment benefits from the management and the management did not agree to give them retrenchment benefits for all those construction workers who are going to be retrenched. Thirdly, they have demanded absorption of retrenched workers in the Sindri Fertilizer Plant and timely payment of wages. There should be a clear policy of the Government that whenever such construction workers are retrenched from a construction, they can be given employment in the project if they are skilled to that extent or they can be afforded employment in other construction projects. As they have acquired some experience, so far as fertiliser factory is concerned, they wanted their employment in the Sindri fertiliser factory. These demands were turned down. Then, they also wanted to double the wages for the overtime they worked. Also they wanted payment of their wages regularly. Payment was not regular. These are very reasonable demands which the construction workers put forward. But, the management did not accept and the contractors did not accept. I would urge upon the Minister not to go into the technicalities of the Bill or its construction. The hon. Minister can bring forward a better Bill with better drafting. But, time has come when the Government will have to take into consideration the important problems

[Shri Chintamani Panigrahi]

which millions of workers engaged in various construction projects are facing today. For the last 3 years, nearly 1,000 skilled workers retrenched from Hirakud have not found employment in the Dandakaranya project or any other construction project, though they were given assurances. There are thousands of workers retrenched from the Rourkela Steel factory. The assurance was there that they should be given employment. But, they have not been employed so far. The time has come when the Ministry should formulate a policy with regard to the vast number of construction workers. Some constructive measures should be taken for these people.

Shri K. N. Pande: Mr. Deputy-Speaker, although there is some problem in industry regarding casual labour, I do not know whether that problem will be solved by this Bill. There is no doubt that casual workers are being exploited in the factories. Although in some cases, they have to work for the whole year, their service is broken for a period of 1 week or 10 or 12 days and they are re-employed. Still, they are being called as casual labour. So far as these workers are concerned, they should be made permanent. There is no doubt about that. But, if the definition given here is applied, I do not think any industry will accept it. In any industry there is some work which is of a casual nature. Suppose the work of construction of a building is undertaken by a factory and it is completed in three months. What will the factory do with these workers? Will they continue to be in service for another whole year? That is the question here. Suppose in a factory there is flood. For example, in one factory, some people were engaged to draw the water out. I have seen the factory where it was affected by floods and it took them three months. All those temporary workers employed for that purpose should have been permanent according to this clause.

Moreover, there is some contradiction about the definition given here. A permanent worker means any worker who has been employed for a period extending beyond three months. Casual workers are those who shall complete three months service on the date this Act comes into operation, and they shall be considered as permanent workers. There is a great contradiction between the definition given of a permanent worker and a casual worker.

I only wish to draw the attention of the Ministry that so far as the problem of casual worker is concerned, it require some consideration. Under the Factories Act also, some people deprive them of their earned leave. They are not allowed to work for 240 days. Similarly, so that they may not become permanent, their service is broken for a short period. That should be stopped. I think, taking all these things into consideration, the Ministry may come forward with a Bill so that the interests of these casual workers are safeguarded. Otherwise, I do not think this Bill will serve the purpose for which it was brought.

Shri Abid Ali: Mr. Deputy-Speaker, it is a good suggestion which my hon. friend from the U.P. has made that where employers intentionally deprive the workers from earned leave and other benefits to which they are entitled under the enactments, necessary protection should be found for them. This, we should look into and ensure to the workers what is due to them.

The hon. Member from Calcutta was telling us experiences of his childhood. He was more fortunate than me in getting a promise of 6 annas a day at least. I had to be content with 2 annas a day. But, Sir,....

Mr. Deputy-Speaker: Both should be thankful to the provision that there could be casual labour.

Shri Abid Ali: Otherwise, that would not have come to our lot. But, that is a story of the past.

The unfortunate thing is, some hon. Members opposite still have not been able to differentiate the changes and opportunities between their childhood and this year 1960. Much has been done since then. He and the like were not even convinced that India had become Independent. Men like Bulganin and Khrushchev had to come to this country and tell them that India was Independent. Afterwards, they got convinced that India became independent. (*Interruption*).

An Hon. Member: Come to the point.

Shri Abid Ali: I am coming to the point. Many things have been said. The hon. Member who has interrupted was not present here. Otherwise, he would have appreciated that about 75 per cent of what was said in connection with this Bill was irrelevant.

Much has been said about construction labour. But, I do not know what is in their mind. Or, is it being said to exhibit the underlying ideas of their own that this country should not progress: we should not have Bhakra, we should not have Durgapur, we should not have Rourkela. If the workers employed for construction purposes should be continued in employment always, we should have no Bhakra, no Rourkela. Of course, we have got already a pool in the Labour Ministry, a department created in the Labour Ministry which safeguards the interests of the workers to the extent it is possible. A scheme has been drawn according to which all details of construction workers who are likely to be retrenched are communicated to this section and this section tries to find employment for them in other projects. Also in the projects in which these workers are employed, when there is a likelihood of their being retrenched, very careful investigation is made and such of them as could be employed in the project itself, are taken over.

The hon. Member was speaking about skilled labour. Where are superfluous trained skilled workers?

Today we are very much in need of them. There is dearth of them. Wherever they are available, employment is available for them. If the hon. Member is referring to unskilled workers

Shri Warrior: Skilled.

Shri Abid Ali: If his information is of the big number which has been given to him, 10,000 skilled workers, his definition of 'skilled' is something else, not the definition which is generally understood. Then, in the case of unskilled workers, of course, they have to revert either to their own original

Shri Muhammed Elias: But what is the definition of a 'skilled worker'?

Shri Abid Ali: The hon. Member should please listen to me. It is a commonly understood thing. It is not my definition or it is not his definition.

Shri Muhammed Elias: But the hon. Minister is saying that the definition of 'skilled worker' is something else. We want to know what that definition is.

An Hon. Member: 'Killed worker'.

Shri Abid Ali: It is a commonly understood definition. I have seen some of the workers in these projects for the last twelve years; from one project to another, they are transferred along with their machines. The same work which they are doing in one project is given to them when they go to another project; that is how, they are shifted along with their machines from one project to another. Quite a few hundreds are being transferred in this manner.

Shri Chintamani Panigrahi: Not all of them.

Shri Abid Ali: That is how it goes on, and it will go on like that.

So, as I have stated, firstly, persons who are employed for construction work have got to be retrenched when

[Shri Abid Ali]

the work gets completed. However the project authorities should make an attempt to employ as large a number from among them as possible for the main project. The Labour Ministry, with the co-operation of various projects, the State Governments, etc. and even the private sector, tries to find alternative employment for as many of them as is possible, and I think that should be quite satisfactory.

Regarding skilled workers, unfortunately, I heard the word as 'killed'. My hon. friend was making much of it within a few minutes; he understood it to be something else. That sort of thing happens, but too much ado should not be made of such mistakes.

My hon. friend from Orissa was saying something about a particular establishment. Certainly, as he knows, whenever such things are brought to our notice, we do all that is possible, and I have been requesting hon. Members always not to wait in such cases for debates or discussions or questions in Parliament, but immediately to drop a postcard to us. They may know that very earnest and serious attention is paid to everything that is communicated to us.

Shri Narasimhan: There should not be a postal strike then.

Shri Abid Ali: About decasualisation, as far as I remember, first unofficial attempt was made in the State of Bombay, now, Maharashtra, regarding textile workers. A large number of them were being decasualised from time to time, and a non-official exchange was opened so that those who were already on the rolls of the mills and called *badli* workers from time to time should be taken first, and until that list was exhausted, no new workers should be taken on *badli*. That has been working very well. On the same lines, we have opened another official exchange at the collieries at various places, so that those

who are retrenched from various collieries or are otherwise unemployed are taken in the new collieries, and no new person is taken in so long as those people are available and are willing to work.

With regard to docks, Parliament has passed the Dock Labour Board Act, and under that scheme, the Bombay and Calcutta Dock Labour Boards are doing good service to the workers. The same thing will happen for Cochin, Visakhapatnam, and other places. Madras has already introduced the Dock Labour Board scheme.

About contract labour also, the tendency is to reduce contract labour as much as possible. In some sectors, employers also are co-operating, but it is true, not everywhere. Industrial committees which meet from time to time and also the Indian Labour Conference and the Standing Labour Committees take note of these things, and much progress is being made. Of course, there is room for doing still more. I quite admit that.

About casual labour, the recommendation of the Pay Commission is that casual employment should be restricted to the minimum. The same rates of wages are to be fixed for casual labour in scheduled employments as are fixed for comparable schedule employments under the Minimum Wages Act, and casual labour should have the benefit of weekly holidays etc. Long experience as casual worker should be taken into consideration while making selection for appointment on a regular basis. This has been taken note of by Government, and I am sure that in course of time, these recommendations would be implemented.

The other day, the hon. Mover of the Bill said that no legislation like the Minimum Wages Act, 1948 was applicable to the casual workers. That is not the correct position. Our Minimum Wages Act does not make any

differentiation between casual, temporary and permanent employment. All those who can be covered are covered, but these distinctions are not known to the provisions of the Minimum Wages Act. The Coal Mines Welfare Fund and Bonus Schemes Act, 1948 and the provident fund and bonus schemes framed thereunder are also applicable. It is true that some of the employers, as has been pointed out by my hon. friend Shri K. N. Pande send away the workers before they get entitled to these benefits. For that purpose, the needful is being done, and whatever more may be necessary should be done to see that advantage is not taken of any weakness in the Act by the employers.

About contract labour, hon. Members know what the Second Five Year Plan mentions in regard to them; in that direction also, much has been done.

About the CPWD, the Finance Ministry have already issued orders, on the basis of the report of the Second Pay Commission that work-charged staff whose services are likely to be required on a permanent and long-term basis should be made permanent or given some permanent status.

As far the wages, my hon. friend from Kanpur was mentioning the other day that it was Rs. 30 or 40, and he asked me to make enquiries. I find that the total emoluments come to Rs. 85 per month, in Delhi; and the rate for an adult is Rs. 2 per day, and for boys, Rs. 1.15, that is, for the *khas thatti* workers, that is, those boys who are engaged temporarily purely for the purpose of putting water on the *khas thattis*, and for a few hours only and not for the whole day.

My hon. friend also said that he had been informed that in the Defence Establishment, the order that if a worker continues for more than six months, in temporary employment, he should be given some permanent status is not being implemented. No such case has ever come to the notice

of this Ministry or of the Defence Ministry. If there are such cases, my hon. friend is welcome to inform us of the same, and certainly, we shall do whatever may be necessary.

Much was said about Welfare State. I am thankful to my hon. friend from Punjab, Shri D. C. Sharma. What he has said is correct, that, of course, light should be everywhere. Hon. Members had been complaining that about ten thousand workers were engaged in a particular project, and they had to go away when the project was completed, and so on; if these difficulties are to be mentioned in this manner and exploited in this way, then, of course, the reply which he has given is, I think, quite proper. But that is not the intention. Of course, it takes time to evolve a Welfare State. What happens even in countries which are governed by dictatorship? (*Interruptions*). There is no use of getting up like this. What happens in those countries, if, say, 40,000 workers are engaged to construct a dam, and after that dam is completed, there is no other dam to be built? Of course, we are having one project after the other. But there are countries where this sort of work is no more done and they have finished their last dam and so on. After the construction of the last project, the construction workers have to be discharged.

Shri Indrajit Gupta (Calcutta—South West): They are not unemployed.

Shri Abid Ali: It is good to sit here and say something. But he must go there and have a little experience.

Shri Indrajit Gupta: Have you seen it?

Shri Abid Ali: I have seen it . . .

Shri Indrajit Gupta: I have seen more.

Shri Abid Ali: with all carefulness?

Shri Warrior: He is going into extraneous matters. We are not discussing that particular matter.

Shri Abid Ali: If hon. Members are not prepared to listen to these things in reply, they would better do well not to refer to such matters in the course of the discussion. I quite appreciate that this is a very unsatisfactory position, in a debate connected with employment in factories and so on. But what can I do? If it is mentioned, I have to take note of it and reply; otherwise, they will complain that the point they raised was not taken note of by me or referred to by me.

I am not standing on technicalities nor mentioning any technical difficulties. I am only saying that it is not a practical proposition. The Bill says that henceforth there should be no casual labour employed anywhere. If in a factory, there is a permanent employment and the employer wants to entertain a person, he should know his capacity to work.

Shri Sadhan Gupta (Calcutta-East): Permanently casual.

Shri Abid Ali: It will be casual; it will be temporary.

It is possible to accept the Bill, I do not not say in this form. The principle of it is not acceptable because it is not practicable. Therefore, I would request the Mover to kindly withdraw it. If he is not prepared to do it, I would request the House to reject it.

Shri S. M. Banerjee: On a point of clarification. As regards construction workers, a suggestion was made here to have a common pool of these workers. May I know whether such a pool exists under the Labour Ministry?

Shri Abid Ali: Yes, it is under the Labour Ministry—the Employment Exchange. I have given figures here mentioning the number of persons employed, how many of them wanted to

be served by this section, how many of them were employed through that section and so on. All that information has been given here and at that time, the feeling was that it was very satisfactory.

Shri Aurobindo Ghosal (Uluberia): I am glad that all the speakers from all sections of the House have supported my Bill. My main intention was to point out the tendency that is growing in the country in industry, both in the public and private sectors, to appoint casual labourers more and more and to give works to the contractors. The Minister has said that as regards the port and dock workers the position is all right and there are Acts governing them, and naturally the casual labour there is being liquidated. But the fact is otherwise. I will give only one or two instances. Take the Calcutta Port. Statistics given in the Report of the Dock Workers (Regulation and Employment) Inquiry Committee, 1955 show that the number of such workers in 1951 was 1671 or 18.6 of the total labour force, in 1952 it became 24.6 per cent, in 1953, 19.5 per cent and in 1954, 24.6 per cent. In Madras also, in 1951, the percentage was 20.1, in 1952: 26.7, 1953: 32.4 and in 1954: 33.7. Therefore, the tendency is to increase the employment of labour by industry as casual labour.

In the Public Works Department, the total number of contract labour employed in 1957 was 25,647. In the public motor transport the number that is given in the Indian Labour Year Book, 1957 was 2628 casual labourers as on 1st October, 1956. The tendency is to employ more casual labour in order to avoid labour legislation. This tendency should be checked in order to stop the exploitation of the poor workers. It is true that there is the Minimum Wages Act. But there is no machinery for implementation. Shri D. C. Sharma was telling us that this Bill did not cover the agricultural workers. Perhaps he is not aware of the fact that 82 per cent of the agricultural

labourers are casual labourers according to the Government report. The Government is complacent and it was said that this tendency was gradually going out. But that is not a fact. On the other hand we see that the tendency is increasing and they adopt this practice in different sectors of the industry. So, I recommend that this Bill be accepted by the House.

Mr. Deputy-Speaker: The question is:

"That the Bill to provide for abolition of the system of employing casual labour in the employments of permanent character be taken into consideration."

The motion was negatived.

Shri Warrior: They can at least say 'No' a little louder.

Mr. Deputy-Speaker: It should be louder; Is that the complaint? We shall take up the next business.

Shri Ajit Singh Sarhadi—absent.

Shri A. M. Tariq—absent.

Shri C. R. Narasimhan may move his Bill.

15.48 hrs.

INDIAN INSTITUTE OF ARCHAEOLOGY BILL

Shri Narasimhan (Krishnagiri): Sir, I beg to move:

"That the Bill to provide for the constitution of an Indian Institute of Archaeology for imparting training in scientific methods of archaeology and in the conservation of historic and artistic works, including research in various branches of archaeology, be circulated for the purpose of eliciting opinion thereon by the 30th April, 1961."

Some of the hon. Members may not have read the Statement of Objects and Reasons of this Bill.

Shri D. C. Sharma (Gurdaspur): We have read it . . . (*Interruptions.*)

Mr. Deputy-Speaker: Perhaps the hon. Member did not expect this to be reached and therefore he thinks that some Members may not have read it.

Shri Narasimhan: I said that some hon. Members might not have read it. I shall quote just one paragraph from it to make the object very clear:

"In Western countries, there is only the Monuments Department, which looks after the maintenance and conservation of monuments. But archaeology proper, and more especially research in different branches of archaeology, is looked after by Universities and learned bodies. Administrative efficiency in this regard can be brought within the realms of practicability only by differentiation of functions, and by emphasising on proper scientific training in a free academic atmosphere. The need for training is greater today because the States are organising their departments of archaeology."

Here, Sir, archaeology is being administered by the Ministry of Scientific Research and Cultural Affairs. The department of archaeology is a very ancient one. I am told that they are going to celebrate their centenary. All along, Sir, this department has been muddling through. But, thanks to the remarkable attention and service rendered by Lord Curzon and Sir John Marshall, this department became useful to the country, zest and life was added to it and it progressed step by step. The question of conservation of monuments was taken into account and sufficient attention began to be given. There was a time when there was danger even to our Taj and many other important monuments were going into decay or were being stolen. At that time, those much abused British statement like Lord Curzon and others, whatever their views on other matters might have been, paid sufficient attention to this question and all our ancient monuments to the best of their