

[Shri Jhulan Sinha]

not uneconomic in reality. If people do not appreciate the sentiments and logic behind the care of cattle in this country we are helpless; we cannot make them understand things which they have not been able to understand.

Anyway, now the time is over, and my Bill has served the purpose for which it was meant. It was meant only to pin-point the attention of the House on the problem of cattle feed. I never intended to raise the ancillary problems which the hon. Minister has raised. I hope that this Government composed of people who have been in this field, as all of us have been, will be able to take note of the urgency of the problem and the requirements of this country. In this view of the matter, I would like to ask the House to permit me to withdraw my Bill.

**Mr. Chairman:** Has the hon. Member the leave of the House to withdraw the Bill?

*The Bill was, by leave, withdrawn.*

15.58 hrs.

#### ABOLITION OF EMPLOYMENT OF CASUAL LABOUR BILL

by Shri Aurobindo Ghosal

**Shri Aurobindo Ghosal (Uluberia):**  
Sir, I beg to move:

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

Mr. Chairman, Sir, my Bill relates to the question of a section of people who are the worst sufferers in our society. They are the casual workers. They are employed in various spheres of our society, from agriculture to even

highly developed industries. Unfortunately, no statistics are yet available about the number of casual labourers in our country, their spheres of work, their wage scales and their amenities. But, we know that the system of casual labour, their method of recruitment, their working conditions etc. have been condemned since the British time. A Royal Commission was appointed. The labour investigation committee was appointed by the Government of India. Both of them have condemned the method of recruitment of casual labour, both in the public and private industries. They recommended speedy abolition of that system. This section of casual labourers are generally unskilled and as such are victims of exploitation. In the Government sector, a large number of casual labourers are employed in the railways and PT departments. In the private sector they are engaged through contractors in all sorts of industries because there are some restrictions about the direct appointment of workers on a casual basis. They are appointed as casual workers intentionally through the contractors. The supply of unskilled labour in our country is more. So, they have no determined or fixed scale of pay nor their wage is determined on the basis of supply and demand. Their wage is determined almost on the sweet will of the employers. In all industries where the employers or contractors can engage them, they dictate their wages and their terms. No legislation like the Minimum Wages Act is applicable to them and not even the bare necessities of an ordinary human being are considered by the employers while fixing their wages. Now a days, after a long fight, the temporary workers have attained some status not like the permanent workers in some industries. But the casual workers are the most neglected section. There is no definition of casual labour in any labour legislation. According to the Oxford Dictionary, casual means 'not regular or permanent.' So, casual worker is considered by some as tem-

porary worker or that his work is not of a continuous nature.

16 hrs.

A distinctive feature of the casual worker is that they are not given continuous service; they are deprived of the benefits of the permanent workers or even temporary workers. They are out of the purview of any labour legislation. They are daily-rated and they have no fixed wage scale. In the public sector, the Railways are the largest employers of casual labour and not less than two lakhs are employed by them. I would like to give one instance. In the engineering section, especially in the maintenance section, track section and other miscellaneous sections, a large number of casual labourers are employed. This does not mean that their jobs are casual. Their jobs are of a permanent nature; only the workers are casual. Some workers are working in the same job for several years—five or six years or even more. But the authorities manage to keep them casual by some means. After one month's service or even before the casual worker completes one month's service, when he will attain the status of a temporary worker—there is one day's break and after that he is re-employed. In that way his service is kept casual. This sort of practice is followed by the Railways and the P. & T. This is not only detrimental to the interests of the workers: it is bad from other aspects also. This breeds corruption. Everybody knows that the casual worker gets himself appointed at the end of a month as a new employee and he has got to pay some bribe to the overseers and engineers or other officers. In that way it is in the vested interest of the officials and engineers to continue them as casual workers. The P. & T. also follows the same procedure in respect of casual labourers.

The First Pay Commission recommended on page 192 as follows:

"It has been our general recommendation that the daily rated

system, whether in the Railways or in any other department under the P&T, where the nature of the work is casual, should be reduced to a minimum."

But, instead of being reduced, it has extended to other spheres also and I shall refer to some of them later.

In private factories, they are mostly employed through contractors. The tendency to employ casual workers has gone up with the progress of labour legislation. It is practised mostly by the small factories which want to avoid labour legislations. In the jute and cotton textile mills previously, they used to recruit casual labour direct under the name of 'badli'. They used to be called upon when the permanent workers were absent. There was no certainty of service. If a person does not turn up for work, the person who is used to be waiting at the gate is called for work that day and he is paid wages for that day, without any other amenity available to the permanent workers. Various tribunals have asked for the liquidation of this system but it is still continuing in another form. Since the last few years, the looms of jute mills are being sealed and opened at the sweet will of the mill-owners. When looms are being sealed, the permanent workers are retrenched or laid off or compelled to retire and when the very seals are opened again, then the *badli* workers are taken in the place of the permanent workers. That way, they deprive the employment of the permanent workers.

16.10 hrs.

[SHRI MULCHAND DUBE *in the Chair*]

The *badli* workers are also deprived of their privileges, because they are not considered as permanent workers.

Nowadays, Sir, in almost all the small engineering factories in my State employment of workers through contractors is in vogue. The contractors employ casual labour and they are their employers for all purposes. In

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that way, the factory owners are relieved of all the rigours of the different labour legislations. I know about one big engineering factory in my own constituency which employs 2,000 workers through three labour contractors. Only these three contractors are the employees of that factory. This factory supplies important railway materials like fish plates, etc., in huge quantities. The factory has got only three employees and 2,000 workers are casual workers who are actually doing the job for the last ten years. In that way they are depriving the regular workers of their right to become regular workers, permanent workers.

I would like to mention the instance of a transport company. The Joint Steamer Company of Calcutta is the only link between West Bengal, Assam and Bihar for carrying goods to Assam and for bringing tea from Assam to Bengal and Bihar. That company is running the biggest river transport in India. They carry tea from Assam to Bengal and also the articles required by Assam from Bengal. For loading and unloading the steamers they have got about eight stations in Calcutta. About 5,000 workers are employed there. They are doing this job for the last more than 50 years. They have been doing this same type of loading and unloading all these years. The work is also gradually increasing. Unfortunately, the whole lot of these 5,000 workers are casual workers employed through contractors.

There is one peculiar thing in this. It is very difficult to get hold of their main employers. The main employer is one company which employs some two or three contractors. Messrs. Bird and Company employ more than two lakhs of people in all parts of India on a casual basis. In an industrial dispute, the Government tried to fix the responsibility on the employers. The company evaded the whole issue and went out of the picture saying that they had got only three contractors as

their employees. When the Government caught hold of the contractors, they said that they had under them 23 sub-contractors and those 23 sub-contractors were their employees. Those 23 sub-contractors said that they had appointed 94 sardars and it was ultimately found that those 94 sardars were the real employers of the casual labour. It was very difficult to get at those sardars who always worked under pseudo names. In other words, Sir, from the real wages of these casual workers, from Messrs Bird and Company to these sardars everybody is getting a share. If these workers are directly employed by the company, their wage scales and other things might be improved. Therefore, this sort of casual labour system should be done away with.

There were also some attempts made by some trade unions to fix up the relationship between casual labour and their employers. Under the Employees' State Insurance Act, the industries which come under the purview of the Act have got to pay their contribution to the workers. The legal fiction here is that these casual labourers should not be brought under the purview of workers as defined in the Industrial Disputes Act. I would like to give you one example. It is reported on page 1094 of the Calcutta Gazette, dated 10th April, 1958. This is a case between some engineering factory owners and their workers on the issue of the dismissal of 203 workers on the allegation that those workers were casual workers and were not directly employed by the company. The union pleaded that these workers came under the scope of the Employees' State Insurance Act and, therefore, they could not be called casual workers. The court found like this:

"Here the principal employer is the company and the services of these workmen have been temporarily lent or let on hire to the principal employer by the contractors with whom these workmen

whose services are so lent or let on hire have entered into a contract of service. So contribution is payable by the Company for these workmen who come within the purview of the definition of employee in the Employees' State Insurance Act. But the definition of a workman as given in section 2(s) of the Industrial Disputes Act contemplates existence of direct relationship of employer and employee between the company and its workmen and labour employed through contractors is outside the purview of the definition of workmen in this Act (Industrial Disputes Act). So these workmen are employees of the company for the purpose of Employees' State Insurance Act, 1948, but not for the purposes of the Industrial Disputes Act. The definition of employee in the Employees' State Insurance Act is far wider than that of a workman in the Industrial Disputes Act and the result is that all workmen for purposes of Industrial Disputes Act may be employees under the Employees' State Insurance Act, but not *vice versa*."

In the end the court has observed like this:

"...there may be a suspicion that these contractors may have been set up to deprive the workmen of their dues, but more suspicion is not enough and the court would not be justified to probe further into the terms and conditions existing between the Company and these contractors and to declare that these so-called contractors are but name-lenders to the company."

So, even the courts, due to the absence of legal definition or legal sanction, are unable to give any relief to the workers even though they wish to give it.

I would now like to give another instance as regards the recommenda-

tions of industrial tribunals, regarding decasualisation of casual labour in industries. I refer to page 600 of the *Calcutta Gazette*, dated 29th January, 1959. It is stated by the court as follows:

"The casual workers are appointed during full season according to requirement and Sardarni exercises the acts of supervision over them. The evils attendant on the system of recruitment of labour through an intermediary, were noticed by the Royal Commission of Labour in India and the Commission condemned the system. The system was also condemned by the Government of India, Labour Investigation Committee."

This was a dispute between the rice mill owners and their workmen. The court further said:

"As a matter of fact, the Association as late as in August last had expressed the willingness of the members to extend some facilities now enjoyed by permanent workers to the casual workers, who had put in 240 days of service in a year. In my view, a certain percentage of the present casual workers can be made permanent without experiencing any difficulty, economic or otherwise. I, therefore, direct that 20 per cent. or one-fifth of the total number of casual workers employed, on an average on a day in the last year, be made permanent..."

I have given these illustrations because, sometimes, if relief is to be given to the casual workers, it depends upon the sweet will of the particular industrial tribunal, and they cannot give it on the basis of any legislation. Therefore, the system of casual labour should be abolished and decasualisation as recommended by several committees earlier, should be expedited.

This system of casual labour has been extended also to other spheres.

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For instance, in Calcutta, in the mercantile offices, the clerks and even the typists, at the present moment, are appointed on a casual basis. If they attend office for a full day, they are paid at the rate of Rs. 1-8-0 or Rs. 2 a day. They are generally retired employees from the services and they are employed on these jobs, so that the companies are relieved of giving the dues to them as for regular employees on the clerical staff. Thus, clerical staff is also employed on a casual basis. There are so many mercantile firms, whom I know personally, which follow such practices. In spite of the recommendations of several committees and in spite of condemnation of this system by different Awards, this system of casual labour is being extended from the sphere of the working classes or workers to the clerical staff also.

Therefore, the time has come when the Government should formulate some legislation in order to stop this nature of work. With this purpose, I have brought in this Bill in order to end or restrict the nature of casual work. I have suggested in the Bill that after three months' work, whatever might be the length of work, every worker should be considered as a permanent worker. At least the Government should come out with some legislation by which the companies will be bound to declare those workers as permanent workers when their jobs are permanent. I have already given instances in the case of transport companies and engineering factories. While certain factories are going on manufacturing things for several years—40 to 50 years—still, how can they go on engaging men on a casual basis and call them casual workers through contractors *ad infinitum*? There must be an end to this system.

With these words, I commend my Bill to the acceptance of the House.

**Mr. Chairman:** Motion moved:

"That the Bill to provide for abolition of the system of employ-

ing casual labour in the employments of permanent character be taken into consideration".

**Shri S. M. Banerjee (Kanpur):** Mr. Chairman, Sir, I congratulate my hon. friend, Shri Aurobindo Ghosal, for bringing in this Bill and I support the Bill. In his speech, he has mentioned the position of the casual employees both in the public and the private sectors. Many questions have been asked in this House as to when Government are going to take a decision to decasualise the casual workers in the railways. First of all, I would try to mention something of the public sector, and then say what is happening in the private sector.

Who is a casual worker? Casual worker, according to the definition given by various authorities, is that worker whose job is for a specific period. I can understand if Members of this House or Ministers are termed as casual workers, because we know the period which is fixed as five years. It is a specific period. Our job may be permanent, but because of the democratic tradition, I may be there or may not be there. Things are easier in the Rajya Sabha, but in the Lok Sabha, where direct election is the practice, it is a problem, and so we know our period, namely, that we have to be here for a specific period, and so we can be termed as casual workers. But in an expanding economy or in a developing economy of ours, where we are thinking in terms of expansion of heavy industries or expansion of the existing industries, we cannot possibly think that the workers from year to year will remain as casual employees.

I may now trace the history of the casual workers in the public sector. I must congratulate the Labour Ministry and the various other Ministries for abolishing at least the term "extra temporary establishment" or "extra temporary artisans" from the various Ministries. I remember the period in 1947, when all such hands were discharged on 31st March. It was the practice during the years preceding it

also. They were technically discharged on the 31st March of every year and were re-employed on the 1st April of the next clandar year. The idea was not to give any benefit to those employees. But after 15th August, 1947, after Independence, steps were taken, and now we can say with confidence that at least in the public sector, though a large section of employees have not been made permanent, still they are temporary or regular employees.

But in the railways, especially, my attention was drawn to the condition of casual employees in the South-Eastern Railway. The condition must be similar in all the railways but specially in this particular railway the number of casual employees is much more according to my information—I am speaking subject to correction—than in any other railway. Recently, after the strike, nearly 400 regular employees have been made casual employees. Here we are discussing how casual workers can be made temporary or even permanent according to Shri Aurobindo Ghosal, but after the strike, men had been penalised in such a way that they have lost their jobs first and then they have been reinstated, re-employed or re-entertained as casual employees. So, I request the Deputy Minister to consider this matter and make a reference to the Railway Ministry if possible and if he thinks proper.

There are various forms of casual employment. In defence establishments, in the ordnance depots, in the technical development establishment or in the ordnance factories, some orders were issued that if a worker continues for more than six months, then he will become a temporary employee. I am thankful to the Defence Minister for this particular order, but unfortunately in many establishments these orders have not been implemented, with the result that after having working for 6 months or even 2 years, a worker remains casual.

In the CPWD, the workers under work-charged establishments are also practically casual workers. I am

grateful to the hon. Minister for taking certain steps to bring them to the temporary establishments. Now a particular work load has been assessed and the department knows fully well that in the CPWD, Defence or Railway establishments, they are public sector concerns which are expanding. We cannot possibly anticipate that with the present tension at the international level our defence production will be less. So, we can safely assess our requirements and declare the men permanent.

The same applies to Construction work in the CPWD. We actually see how Delhi has expanded twenty times and it is still expanding. So, in the CPWD also those working under work-charged establishments can be made permanent or at least temporary for the time being, because as temporary employees they can get the benefit of provident fund, gratuity, etc., which otherwise they are not entitled to get.

In regard to contract labour, I understand the difficulty of Government they may say, what will happen in those projects which are completed after a specific period? We cannot possibly expect that a particular project will not be completed. Take the unskilled or semi-skilled workers in various dams and projects. After the completion of the project, there will be an army of unemployed people. Steps are being taken to re-absorb them in other projects. So, it can be argued, "How do you expect that particular workers, casual or temporary, to be made permanent?" My suggestion is, let there be a pool of such workers and let the same workers who have worked in, say, Bhakra dam, be shifted to some other dam after Bhakra dam is completed, so that there may be continuity of service.

The worst thing about casual employment is, he is not entitled to any social security like provident fund, leave, holidays, medical aid, etc. There is no social insurance in his case. So, if a pool is created, a roster is made of such employees whose work is likely to be completed within, say, six

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months and his continuity in employment is ensured, this problem can be solved to a great extent.

In the Survey of India under the Scientific Research Ministry, there is a category of employees working on the departmental leave system; they form nearly 40 per cent of the total number of employees. This worker works for a survey in a particular field for six months and for the other six months he gets only a meagre portion of his salary, say, Rs. 8 or Rs. 10; he does not get any D.A., house rent allowance, city allowance, etc. There was some struggle by the workers of the Central Tractor Organisation where also the departmental leave system was applied. The entire matter was referred to adjudication before the Chief Labour Commissioner. I did not see that report, but I saw another report concerning the same thing where it was stated that the departmental leave system is injurious; it does not give a feeling of security to the worker and so it should be done away with.

Take the hot weather establishments. In hot weather, the *khas khas* boys who are employed to sprinkle water on *khas-khas thatties* for three or four months are given only Rs. 30 per month and no D.A. In the Central Government, where an ordinary worker gets Rs. 80 or Rs. 90, a casual worker doing practically the same unskilled job for the entire day gets only Rs. 30. A question was raised by us not in the House, but outside as to whether a minimum wage should be established for such workers for three months. The reply was, there is no special grant for them and this expenditure is met from the incidental or miscellaneous expenses as hot weather establishment; we are getting enough people from the employment exchange at Rs. 30. I asked some of the workers not to work on Rs. 30 and not to work unless they are given the minimum wage. The I was asked by one worker, "Are you in a position to give me Rs. 30 from your pocket?" I could not reply, because the poverty

is so much and unemployment is so great that people are prepared to work even for Rs. 15 or 8 annas per day. I have given some examples in the public sector, supposed to be model employers. I would like the hon. Deputy Minister to give some reply to this.

**The Deputy Minister of Labour (Shri Abid Ali):** Where are they employed?

**Shri S. M. Banerjee:** In Kanpur, Delhi, etc. on Rs. 30 or Rs. 35. They are given jobs under the station order at daily rate of pay.

**Shri Abid Ali:** You are wrongly informed.

**Shri S. M. Banerjee:** My knowledge is limited and I speak subject to correction. I accept the Deputy Minister is a moving encyclopaedia. These are employed by the station officers of SSO and their pay is not more than Rs. 30 in the cantonment area.

**Shri Abid Ali:** I request the hon. Member to give more details, because I still assert that this information is wrong that in Government employment there are persons who are getting only Rs. 30.

**Shri S. M. Banerjee:** I am speaking of the hot weather establishment—*khas-khas* boys, etc.—appointed during summer. All the Government buildings are not air-conditioned.

**Shri Abid Ali:** Is he sure they are getting only Rs. 30?

**Shri S. M. Banerjee:** Rs. 30 or Rs. 40, I am not sure.

**An Hon. Member:** He is coming down.

**Shri S. M. Banerjee:** But they are not getting the minimum wage given to an ordinary regular employee of the Central Government.

**Shri Abid Ali:** Does the hon. Member stick to his statement that they get in at Rs. 30 only?

**Shri S. M. Banerjee:** They are not getting any D.A.

**Shri Jagannath Singh (Varanasi):** How can they get it? They are only casual labour.

**Mr. Chairman:** He should conclude now.

**Shri S. M. Banerjee:** I will say a word about textile workers. The hon. Minister knows the condition of the substitutes who are called *badlis*. They get employment for 5 days in a month or for two days in a week. There is an army of substitute workers either in Kanpur or in other places in the textile mills. I would request the hon. Minister to kindly consider this matter. Whether casual employment is necessary for other purposes is a different matter. But I have suggested that where there is construction work, which is likely to be completed soon or in a short time, there should be a common roster of those unskilled workers and the same workers should be provided alternative jobs in construction works in other places and, in this way, the continuity of their service is maintained. With these words, I support the Bill and I would request the hon. Deputy Labour Minister to tell me what the water boys in Kanpur and other places are being paid. I would like to challenge him whether they are being paid more than Rs. 30.

**Shri Abid Ali:** Then will the hon. Member promise not to make incorrect statements?

**Shri S. M. Banerjee:** I am sorry, I could not hear him.

**Shri Abid Ali:** When he gets this information, will he promise not to make incorrect statements in future?

**Shri S. M. Banerjee:** As a personal explanation on incorrect statements I may say that the hon. Deputy Labour Minister has monopolised the making of incorrect statements and I can establish this if I am given a chance. Now he takes the protection of the

treasury benches and, unfortunately, I am only here. Otherwise, I would have established them. He has tried to ridicule us but, unfortunately, he has only ridiculed himself \* \* \*

**Dr. Melkote (Raichur):** This question of the employment of casual labour is a very serious one and it has now become nationwide. A remedy for that is rather difficult to seek but, even so, a remedy has to be found, and found quickly and effectively. I welcome the Bill that has been brought forward on this subject by Shri Aurobindo Ghosal. But I personally feel that the remedy he has sought by this Bill is rather not sufficiently effective. It is not enough. The amendment that he has sought to bring in through this Bill does not confer on the workers that amount of security that one would wish for. We in this House have been speaking of unemployment and employment of casual labour several times in recent times and we can say some improvement has taken place. We cannot deny that. Even so, as I said, it is nationwide and extensive. It affects many people in many sectors, whether it is Defence, C.P.W.D., railways or public sector or private sector industries.

The question arises: what is the matter and what is the remedy? On the one side, there is the exploitation of labour and, secondly, the availability of manpower. I remember in this connection a nice story I happened to hear immediately after world war I as to what happened in Germany when demobilisation took place. A medical man went in search of a job to another part of the country and saw another person waiting there. He asked him "What is your position here? He replied: "My position is the tenth unpaid assistant to the third paid assistant". That seems to be the situation in India today. The manpower is very large. So, contractors and others try to exploit this manpower. That is one side of the picture.



[Dr. Melkote]

There is the other side of the picture. This is allowed to take place in the public sector and in the various Government departments, which is a very serious affair. Nobody could deny that this should not take place. But it is there. Casual labour is taken by Government under various guises; you may call them, temporary, extra-temporary, casual, work-charged and so on, so many other denominations, but, all the same, they cover the same group of workers. But the term "casual labour" has a special connotation in the sense that such an employee is not temporary and so he cannot aspire to become permanent. He will always remain casual and he can be thrown out at any time. It may be that he may get a little more than a temporary or permanent employee in terms of daily wage but his insecurity of employment is very very great. In big construction works like dams, and other public sector undertakings where the contractors engage many of these people, and also in the sugar factories and farms many of these casual labour are employed, thousands of them, and retrenched within a period of three, four or six months.

As I said, Government is aware of the problem and it is trying to do its best. But even a fringe of the problem has not been touched so far. By whatever name you may call them, I do not see why the benefits that should accrue to the permanent workers should not be given to the casual labour. He should be paid very much higher emoluments during his employment of three or four months. Also, provident fund and other security measures should be offered to him. In that case, in spite of the nomenclature, the difficulties that he encounters would not be as much as it is obtaining now.

In clause 4 of the Bill Shri Ghosal says that any casual worker, who shall complete three months' service on the date this Act comes into force, shall be considered as a permanent

worker. While that should be the aspiration of everybody that such an eventuality should take place, in a developing economy like ours, where our employment potential is very small, it is certainly very very difficult for anybody to implement. Even if Shri Ghosal should get into the Government, and at that time someone brings in a Bill of this type, he will reply that it is very difficult to implement. It is only people who are in charge of administration that know the practical difficulties.

Even so, the amendment that I would like to bring forward to this is, though I have not sponsored this, that any casual labour who has put in three months' service on the date of this Act should get every type of amenity that a permanent worker gets. Such a change in the Act would certainly benefit the casual worker. Unless this is brought forward, I personally feel that this by itself will be like saying "I have sympathy for the casual workers, but I cannot help them". I would therefore say that this amendment of mine should be accepted and the measure should be passed.

**Shri M. C. Jain** (Kaithal): Shri Ghosal has drawn the attention of this House and, through this House, the attention of the country to a very vital problem and I congratulate him for doing this. But I believe, as the previous speaker has stated, the present Bill does not go far enough. However, he has done well in drawing the attention of the Government towards this vital problem.

There is no doubt that this business of casual labour and its counterpart in the Government departments, the work-charged establishment, breeds corruption. There is no doubt about that. So, we have to devise methods as to how we can stop this or reduce the extent of this problem. So far as I can see, casual labour can be divided into two parts. Firstly, there are workers who continuously

work for a period of time and they will continue to work even in the future. Yet, they are kept work-charged or casual. I have no doubt that they can be absorbed as permanent employees, either in the industry or in the Government departments. I think the Minister and the Government know that there are innumerable such persons working in the factories in the private sector as well as in the Government departments. In the State P.W.D., Central P.W.D., railways and so many other departments innumerable persons are working as work-charged staff.

Those people have been working in that capacity for a long period and there is no indication that their work will stop or those jobs will cease to be there. Yet, they are kept as work-charged. Therefore so far as this class of workers is concerned I see no reason why the Government should not step in and do something concrete for them.

Then there is the other class of workers who work either in Government departments or in factories for a few days or for a month or so. It is difficult to give such workers any help, so far as this Bill is concerned. I think the hon. Deputy Minister will tell this House how he proposes to help the first category of workers that I have mentioned.

As I mentioned earlier, this Bill does not go far enough. It says that a worker who has worked for three months on the date of the enforcement of this Bill will be deemed to be a permanent worker. Suppose, a worker has not completed three months when this Act comes into force and the three months expire after some time. Then will he not be considered a permanent worker? So there is a defect in the drafting of this Bill.

Similarly, clause 3 provides that no factory will employ a man as a casual worker in the permanent job. Suppose a factory does so. He has not

provided for any punishment, if a factory does so. There is no clause under which that factory can be taken to task. I have just mentioned a few defects.

So far as this Bill is concerned, it cannot be accepted in its present form. I do not, of course, oppose it. But I commend to the hon. Minister that he should pay sufficient attention to this problem. Some concrete remedy should be found out for solving this problem which affects the weaker sections of our population. There is no doubt about it that in 99 per cent cases this casual labour comes from the weaker sections of our population. I am very sorry to say that those weaker sections are exploited the most in our country. They have to be helped. As was mentioned just now, they are poor. They are unemployed and they can be exploited because of their poverty. So the Government has to come to their rescue. At least those workers whose positions of jobs are of a permanent nature but still whose incumbents are on the work-charged list, can at once be brought on the permanent cadre.

With these remarks I congratulate Shri Ghosal for drawing the attention of this House and the country to this vital problem. I hope the hon. Minister will give us some hope by saying that he is contemplating some solution of this problem.

श्री रघुनाथ सिंह : सभापति महोदय, इस विधेयक की आत्मा बहुत सुन्दर है लेकिन काया उसकी ठीक नहीं है। सामायिक श्रमिकों की जो परिभाषा की गई है वह परिभाषा व्यापक नहीं है और वह संकुचित है। सामायिक श्रमिकों में और इंडस्ट्रीज में जो ठेके पर काम करते हैं, उनमें बड़ा भारी अन्तर है। जैसे कि एक लेबर है कोई एक श्रमिक ग्रुप है जिसको कि ३, ४, या ५ महीने के ठेके पर सर्विस में ले लिया जाता है तो इस बिल के अनुसार अगर

[श्री रघुनथ सिंह]

वह आदमी तीन महीने से ज्यादा काम करता है तो वह सामायिक श्रमिक में आजायेगा। इस वास्ते इस विधेयक में यह सबसे बड़ा दोष है।”

दूसरी बात मैं यह कहना चाहता हूँ कि जहाँ तक इंडस्ट्रीज का सम्बन्ध है और किन्हीं इंडस्ट्रीज के लिए यह विधेयक यहाँ पर उपस्थित किया गया है जैसे कि धारा ३ में संकेत मिलता है। उस के अनुसार जैसे कि कौटेन मिल है, स्पिनर्स हैं, वीवर्स हैं, ३, ४, ६ या ७ महीने के वास्ते रखे जाते हैं लेकिन उनको वह सुविधाएं प्राप्त नहीं होती जो सुविधाएं कि स्थाई श्रमिकों को प्राप्त होती हैं। अगर उसका हाथ टूट जाय तो उसको स्थाई श्रमिक की भांति सुविधा और राहत नहीं दी जाती है। ऐक्सीडेंट की हालत में उसको वह सुविधा नहीं मिलती है। स्पिनर्स और वीवर्स के अलावा प्रेसों में कम्पोजिटर्स होते हैं और उनको ३, ४ महीने के वास्ते काम पर लगा लिया जाता है और अगर बाद में आपस में मेल नहीं खाया, पटरी नहीं बैठी तो उसका पत्ता काट दिया। मैं चाहता हूँ कि इस तरह की चीज दूर होनी चाहिए।

एक उदाहरण मैं और दूँ और वह रेलवेज का है। रेलवे की पटरियों पर काम करने वाले काफी मजदूर होते हैं। एक एक, दो दो और तीन तीन वर्ष तक वह रेलवे की पटरियों पर काम करते हैं। कंकड़ उठाते हैं, ढोते हैं और फेंकते हैं लेकिन उन बेचारों की कैजुअल लेबरर्स की तरह से ट्रीट किया जाता है और उनको कोई सुविधा नहीं दी जाती है। इस वास्ते मैं अपने श्रम मंत्री महोदय से जो कि अपने जीवन के प्रारम्भ काल से ही लेबर में दिलचस्पी रखते हैं और सदाव मजदूरों की बहवूदी के लिए प्रयत्नशील रहते हैं, उनसे मैं निवेदन करूंगा कि इस विधेयक को चाहे वे स्वीकार करें या न करें लेकिन एक बात तो बिलकुल निश्चत

है कि यह कैजुअल लेबरर्स के नाम पर इंडस्ट्रीज में, रेलवेज में और दूसरे उद्योगों वंघों में बड़ा अन्याय हो रहा है और इस अन्याय को रोकने का कोई न कोई प्रबन्ध होना चाहिए।

मैं समझता हूँ कि श्री अरविंद घोषाल ने आज सदन के समक्ष जो विधेयक विचारार्थ पेश किया है उसके द्वारा सारे भारतवर्ष का ध्यान इस समस्या की ओर आकर्षित हो गया है। कैजुअल लेबरर्स के नाम पर आज जो हमारे बेचारे मजदूर और श्रमिकों पर अन्याय हो रहा है उसको रोकना चाहिए। इस वास्ते मैं इस विधेयक की आत्मा और उसके भाव का तो समर्थन करता हूँ लेकिन उसके साथ ही यह भी कह देना चाहता हूँ कि उसकी काया ठीक नहीं है।

**Shri Warior (Trichur):** Sir, this problem is a very wide one and at the same time, a very vast one. The system of casual labour has become almost a permanent feature in all the fields of employment not only in the public sector, but also in the private sector. Their lessons are more drawn from the public sector enterprises than from the private sector enterprises. It has come to that. In 1947, when we gained Independence, there was some question raised about the system being ended. But, actually, it was from that time that this system has become almost permanent. Before that, it was only casual. Because, casual labour is employed only for casual purposes for casual jobs. But, for ordinary regular jobs which ran throughout the year without even seasonable breaks, this casual labour system was never adopted in Indian industries. As far as we could understand, there was casual labour, but only for those purposes which are casual, only for seasonal or that sort of employment. But, from 1947, this has become a permanent feature, especially in the public sector. For instance, the biggest employer in the

country is the Railway Board which has got a vast net work of employment throughout the country. In the Railways, there are about 200,000 or more of casual labour today, who are working regularly throughout the year, and for a number of years also. For instance, there are workers who have been in the Railways for a decade and still they are called casual. The break is fictitious. The casual labourers are asked on the 30th of June and 31st of December to leave the job for that day. On the next day itself, the man is put on the same job. What is the difference between this and their being made permanent? If they are made permanent, there are certain benefits accruing to them which can be denied for these workers although for all practical purposes, they are as good as permanent workers, or for that matter, even temporary workers. But, they are not given. Because, in the Railways, when an ordinary temporary worker is paid Rs. 2-8-0 per day, these casual workers are paid not more than Rs. 1-4-0 or Rs. 1-6-0. That depends upon the market rate prevailing in the particular labour market. If labour is cheap as, for instance, in a famine area, this rate may even go down, but it never goes up to the minimum recommended by the Pay Commission and accepted by Government. The minimum wage for an ordinary worker who is made

either temporary or permanent is Rs. 30 plus a dearness allowance of Rs. 40, making a total of Rs. 70. But casual labour is paid Rs. 35 or at the most Rs. 40 only, though for all practical purposes the person is permanent or at least temporary and can be made permanent.

17 hrs.

This is the case not only in the railways. The railways, being the biggest employing agency, have got the maximum number, but this is the case in the dockyards also. In the Cochin Port dockyard, for instance, there are two to three thousand workers. They find work in one part of the dockyard or other. They work throughout the year without any break at all. Still, for a number of years during which the port has been developing, these workers have been treated as casual labour, and denied all benefits and emoluments due to them as permanent or temporary workers.

**Mr. Chairman:** The hon. Member may continue on the next day.

17.02 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Monday, November 28, 1960/Agrahayana 7, 1882 (Saka).*