

**Shri Humayun Kabir:** Sir, I introduce the Bill.

12.08 hrs.

APPRENTICES BILL—*contd.*

**Mr. Speaker:** The House will now proceed with further consideration of the following motion moved by Shri Nanda on the 20th November, 1961, namely:—

“That the Bill to provide for the regulation and control of training of apprentices in trades and for matters connected therewith be taken into consideration.”

Total time allowed for this Bill is 3 hours out of which 35 minutes have already been taken. Two hours and 25 minutes now remain. We will close this by 2.30.

**An Hon. Member:** We may extend the time.

**Mr. Speaker:** What is the need to extend the time? Let us see. May I know how long the general discussion will take and what time is necessary for clause-by-clause consideration?

**Shri Naushir Bharucha** (East Khandesh): One hour for clause-by-clause consideration.

**Mr. Speaker:** Then we can have 1½ hours for the general discussion. We shall close the general discussion at 1.45.

Shri Muhammed Elias may continue his speech.

**Shri Muhammed Elias** (Howrah): Mr. Speaker, yesterday I was speaking about the difficulties the apprentices have to undergo in getting proper training as highly skilled workers, craftsmen and engineers. It is true that this Bill will remove some of the difficulties of the apprentices and will help in making them good engineers and skilled workers. All the same, the Bill still contains some loopholes. So, I would like to mention some of the clauses in the Bill

which will not be helpful in making the apprentices good workers after getting their proper training.

12:10 hrs.

[MR. DEPUTY-SPEAKER in the Chair].

First of all, I have to point out that all important matters like method of recruitment, method of training, working hours, trade tests, stipends, wages etc. have been left to the State and Central Apprenticeship Council. In clause 6 it is stated:

“In the case of apprentices who, having undergone institutional training in a school or other institution recognised by the National Council, have passed the trade tests conducted by that Council, the period of apprenticeship training shall be such as may be determined by that Council;”

In the case of other factories where the training scheme is already there the period of training is not at all prescribed. The management can, according to their whim, prescribe the period of training. In most factories the apprentices do not get any facilities for training, even though they are forced to work as unskilled labourers. They have to work for a number of years as unskilled labourers and they do not know when their case will be taken up by the management and they will be given a better chance as skilled workers or as charge hands. Then, in many of the factories the apprentices do not get any allowances. In some factories they get a very meagre amount as allowance. If we leave the whole matter in the hands of the State Apprenticeship Council, then it will be very difficult for the apprentices to get stipends or wages. For instance, in clause 13 it is stated:

“The employer shall pay to every apprentice during the period of apprenticeship training such stipend at a rate not less than

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the prescribed minimum rate as may be specified in the contract of apprenticeship and the stipend so specified shall be paid at such intervals and subject to such conditions as may be prescribed."

This is an unsatisfactory provision, as far as the apprentices are concerned, they cannot carry on their work without getting some money as stipend or wage, because most of the apprentices come from the poor families. So, if they are not paid anything it will be difficult for them to get good training and, at the same time, meet their expenses. That is why I propose that, as far as stipend or wage to the apprentice is concerned, it should be 25 per cent of the wages of the skilled worker in the first year, 50 per cent of the wages in the second year and 75 per cent from the third year onwards until they get full wages after they pass their tests and become skilled workers. I would very humbly request the Labour Minister to accept this proposition, so far as payment of stipend to apprentices is concerned, if the period of training extends to four years or more.

Coming to the method of recruitment, it is very bad at present. In most cases, for training as mechanical and engineering apprentices ordinary young people do not get any chance in any of the factories. The management and the high officials keep those chances with themselves to train their own relatives. Regarding worker apprentices, we have seen in almost every factory that the relatives and close friends of the management and the officials get chance when others do not. So, some method should be adopted in the case of recruitment of apprentices also.

Then, it is mentioned in the Bill that the management will not have any responsibility to give them employment when the apprentices have passed a test after training. Clause 22 reads:

"It shall not be obligatory on the part of the employer to offer any employment to any apprentice who has completed the period of his apprenticeship training in his establishment, nor shall it be obligatory on the part of the apprentice to accept an employment under the employer."

This is not a good provision. If a person after successfully passing his apprenticeship training does not get any opportunity for employment in that factory, if the Bill does not provide any guarantee of employment to the apprentices who will pass the apprenticeship training, then it will be very difficult for him to get a job. We know very well that this country is experiencing difficulty because of shortage of skilled workers and engineers. On the other hand, there are many good engineers and skilled workers who are still unemployed. Even if the employment exchanges send workers to the factories where there are vacancies for skilled workers engineers or mechanics, they do not get any chance. Any number of examples can be quoted to prove this point. For instance, in the factories of Birlas, in Texmaco and Hindustan Motors, which are the biggest engineering factories, this is happening. I am closely connected with the trade union movement there. We find that when the employment exchanges send technical hands or skilled workers to the factories, the management do not appoint them, because they have their own relatives to whom they want to give employment. Those new people do not know how to run a machine or how to supervise work, but because they are relatives of the officers or management they are given employment. In this way, there is enormous amount of wastage of material, labour and money and the workers are being blamed by the management for not having proper production. So, I would suggest that there should be provision in the Bill whereby persons after apprenticeship training, whether they

are engineers, technicians or skilled workers, shall get employment in those factories through the National Council. Otherwise it will not be fruitful at all because if after their training they cannot serve the country what is the use of spending so much money on giving them training. That is why I request for making a provision in this respect.

Regarding the Council in Chapter III it is stated that there will be the National Council, the Central Apprenticeship Council, the State Council, the State Apprenticeship Council, the Central Apprenticeship Adviser and the State Apprenticeship Adviser. They will have full authority to run this scheme. The Councils will be constituted with the representatives of employers in an establishment in the public and private sector, of the Central and State Governments and of persons having special knowledge and experience of matters relating to trade and industry. The representatives of the trade union movement are being excluded from these Councils. As I mentioned yesterday, the trade union movement of our country has been agitating to have this type of a scheme, but if the representatives of the trade union movement are not included in these Councils, the council will not be able to function properly and will not be helpful in running this scheme properly. I am very much afraid that if the whole thing rests on the Councils it will become a bureaucratic machinery and the apprentices will not get proper benefits under this Bill. That is why I would request the hon. Minister to include another paragraph here so as to take representatives of the trade union movement on the Councils. In every scheme, for instance, in the State Insurance and in the Provident Fund schemes there are representatives of the trade union movement.

I had stated yesterday that the old and experienced workers who are in the factory have got a certain

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backward idea. They do not allow the apprentices to learn their trade properly. It is true that under this scheme the workers and technicians will have enough theoretical knowledge but if the apprentices do not get proper practical training, all will be in vain. With theoretical knowledge the country will not be able to produce good skilled workers and technicians. If practical knowledge will be had from the old workers who are already employed in the factory and if the apprentices do not get proper co-operation and help from the old and experienced workers, the apprentices will not be able to make themselves good skilled workers. (Interruption).

**Mr. Deputy-Speaker:** Order, order. Even after making special allowance for the circumstances and the strain under which we are working during this session, talks should be more subdued. I find that some hon. Members turn their back to the Chair and continue to talk for minutes together.

**Shri Muhammed Elias:** That is why the co-operation of the employed workers is very very necessary for running this scheme properly. To get the co-operation of the old and experienced workers the trade union is the only organisation which can persuade the old workers to co-operate with the apprentices. That is why the representatives of the trade union movement must be there in the Councils. Otherwise the scheme will fail to give proper education to the apprentices.

Another thing must be there in the Bill and that is the provision for higher technical training to young workers who are already employed in the factory. Young workers have got many ambitions which are very welcome. They also want to be very good skilled workers and technicians. But if a young worker is admitted inside the factory as a skilled or as a semi-skilled worker he never gets a chance to get proper training to become a better skilled worker. There is no provision in our country in any factory to give a little higher

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theoretical training to young skilled workers who are already employed in the factory as ordinary workers. There is no provision in this Bill for training of unskilled, semi-skilled and skilled workers to become highly skilled workers, good technicians, supervisors or engineers. In many foreign countries I have found that there is a proper scheme and proper amenities are given to young workers who are already employed in the factory to make them good technicians, highly skilled workers and engineers. In our country we do not have a scheme of such type. Here young workers who did not get any opportunity to study in schools in their young age go to the night schools for study after their working hours and pass their matriculation or higher secondary examination. Then they appear at the Intermediate examination and pass the B.A. examination and so on. There are many workers who are studying on their own and are passing examinations after examinations. If the Government takes a little initiative, young workers who are already working in the factory as unskilled, semi-skilled and skilled workers will not only get theoretical training but will at the same time get general education also. Some provision must be made in this Bill for higher technical and theoretical training to young workers who are already working in the factory and for general higher education to young workers already working in the factory. Here I shall request the hon. Minister to make some sort of a provision in the Bill for giving more higher technical training outside India. Many workers, technicians and engineers in our country are trying their best to have technical training in foreign countries on their own. We have found that some workers got appointments on the basis of advertisements of West German firms. They get chance. Many workers have also gone abroad with the ambition that they will become good engineers after working there for three or four years and that when they return

to India they will be able to serve our country in a better way. But what is happening in West Germany is, I must say, a very ridiculous thing. West German firms take the workers and engineers to give them good work. They also assure the workers that they will have good training also. But when these people reach West Germany they are forced to work as unskilled workers there. They are forced to load and unload wagons and to work as coolies. Because of this many workers have left West Germany out of frustration and returned to India or have gone to other countries. Because of their ambition they go but they are not getting a proper opportunity to have higher technical training in other countries. But many Socialist countries because they are very short of technical hands and working personnel are very eager to take workers from our country for giving them higher technical training. I am telling this from my own experience. In 1958 I was elected as a delegate to the Third International Metal and Engineering Conference which was held in Prague. At that time I was given the responsibility of preparing a report on under-developed countries. I studied the reports of ILO and UNO and many Government reports also on under-developed countries. I found that every under-developed country was having very great difficulty in training its workers. So I proposed a scheme over there in the Conference that under-developed countries must be given opportunities through their trade unions to train their young workers in Socialist countries. At the Government level there are certain opportunities now. Workers and engineers can go. But at the trade union level no worker can get any opportunity. Therefore, the trade unions must have a scheme to give certain opportunities to the workers to have higher technical training abroad. According to that, in 1959 they accepted our scheme and offered 15 scholarships to our trade union, the National Federation of Metal and Engineering Workers of

India. They have requested us to send 15 workers who will be given higher technical training in Czechoslovakia, East Germany, Hungary and Rumania. But we know very well that if the trade union requests the Government, the Government will never allow the young workers to go to these countries to have their higher technical study. This opportunity has been availed of by other under-developed countries like the Latin American countries, Arab and African countries, which are newly independent. They send their workers to these countries.

The scheme is for 4 or 5 years. First, they will teach these young workers the language of the respective countries and they will receive higher technical training for three years. Till now we have been offered chances for 45 students, but we could not send a single student due to difficulties of passport. Since we are experiencing shortage of skilled workers in this field, there must be certain provision that if any trade union can manage to send their workers abroad for higher technical training or if the workers themselves can manage to go abroad, they should be allowed. Till now the only country where some technicians used to go for higher training was England. But as you know, U.K. has now put a restriction. They have passed a Bill in the last session of their Parliament that Indians and others will not be allowed to go to England, as they used to go till now.

In the socialist countries, lakhs of employments are there. They want more and more people to go to the Soviet Union and other socialist countries where the workers can get proper technical training. Government should make some arrangement and they must cooperate with the trade unions to send their members and workers abroad to have their higher technical training. I request the hon. Minister to make certain

provisions in this Bill for proper technical training abroad also.

With these words, I welcome this Bill. If the loopholes which I have mentioned are removed, it will be better. I request the hon. Minister to send this Bill to a Select Committee, so that it can be properly scrutinised and passed.

**Shri Naushir Bharucha:** While welcoming this Bill as a great step forward in the field of training future workers for working out the economic and industrial salvation of this country, I am afraid the matter requires to be looked into more closely. I agree with the previous speaker that it would have been better if the Government had thought it fit to commit this Bill to a Select Committee. It is rather surprising that it is only in the Third Five Year Plan that we are making provision for training of apprentices. I thought a Bill of this type should have been introduced during the first Five Year Plan itself.

In a legislation of this kind, it is essential to provide for several matters. I shall briefly refer to some of the matters which have been incorporated in this Bill. The minimum educational qualifications and the minimum standards of physical fitness required for apprenticeship are to be prescribed later on by rules. If we go through this Bill, we find that everything is left to be prescribed by rules. There is hardly anything which this Bill firmly and finally lays down.

Take for example, the most important aspect of the Bill, the contract of apprenticeship between the employer and the apprentice. The Bill only says that the contract should contain such terms as are mutually agreeable between the employer and the apprentice and it should be registered with the Apprenticeship Adviser. There is no provision made for giving a minimum wage. I agree with the previous speaker who said that some minimum wage should be prescribed for the apprentices. All that the Bill

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says is that he shall not be paid less than what is prescribed in the contract itself. It is obvious that when an apprentice is in need of training, he will agree to any type of contract with the employer. It was desirable that a model contract between the employer and the apprentice should have been prescribed and some minimum remuneration also should have been laid down.

As the Bill stands, will the Minimum Wages Act apply to apprentices? It will not, because apprentices have been excluded from the application of all types of labour legislation. I quite understand the reason for excluding the application of labour legislation to apprentices, but this Bill itself should have provided for some sort of minimum wage.

Also, it has been provided that the apprentice will not be allowed to work overtime nor be entitled to piece work wages nor can he participate in bonus or incentive schemes nor receive any other type of allowances. I cannot understand why he cannot receive any other type of allowances. I think in all these matters, it is very necessary that the Government should have laid down the minimum standards in the Bill itself and not left it to the employer and the apprentices in an uneven contest to settle the terms of apprenticeship.

While it is true that the Bill says that the same standards with regard to safety shall be observed in regard to factory apprentices as are being observed in the case of factory operators, I feel in one direction, the Bill should have gone further and provided a minimum amount of compensation with regard to injury. Whilst it is true that there is some distinction in the matter of payment of compensation to a workman who is skilled or semi-skilled and to an apprentice, still I believe human lives are the same whether a person calls himself an apprentice or a skilled workman. I do not see any reason why the Workmen's Compensation

Act which prescribes a very bare compensation for injuries and fatal accidents should not be made applicable to apprentices.

12.38 hrs.

[SHRIMATI RENU CHAKRAVARTY in the Chair]

If I understood the hon. Minister correctly when he moved the Bill, he said that some adjustment would be made in the Workmen's Compensation Act, so that different types of scale will be provided. What I am urging is, while you cannot apply labour legislation *in toto*, parts of labour legislation must be made applicable to apprentices, because otherwise, they lay themselves open to exploitation being called apprentices, actually being semi-skilled or skilled workers

Also, in the matter of hours of work, leave and holidays, I fail to see why some standards which are made applicable to workmen should not be made applicable to apprentices. Coming to the question of quality of training, which is to my mind a very important issue, much will depend upon the course prescribed for various industries and occupations by the National Council. Of course, while things should have been left to the Council or to any other body for prescribing different curricula, I am of the opinion that the Bill leaves everything too vague on this point. For example, in the matter of practical training, it leaves it to the employer, saying that the employer will make suitable arrangements for providing such training. What the suitable arrangements will be, I really do not know. This suitability will vary from factory to factory depending upon the attitude of the factory manager towards the apprentices.

Coming to the question of the cost of the training, so far as related training is concerned, I can understand, the Government are going to bear the cost. With regard to the recurring cost, I really do not know why a distinction has been made between con-

cerns employing more than 500 and less than 500 workers. Possibly, it is on the basis that the bigger concerns can shoulder the added burden of training and the smaller concerns cannot. I, for one, feel that it is necessary to devise a grant-in-aid code along the lines of the grant-in-aid code of the schools and it should be made applicable irrespective of the fact whether the apprentice was working in a factory which was employing more or less than 500 people.

Coming to the question of designating the apprentice as a trainee and not as a worker, I quite see the reason for making the distinction. But, then, it is possible, while an apprentice is being designated as a trainee, he is likely to lose many of the benefits which labour welfare legislations confer on the workers. I am, therefore, of the opinion that there should have been a section included which would have prescribed the minimum benefits to which an apprentice would be statutorily entitled irrespective of any contract of service or not.

Regarding the question of the Authorities under the Act, it is rather strange that the Bill does not make any provision for the functions which the National Council has to discharge in relation to the Act. The same thing applies with regard to the State Councils. So far as the National Council is concerned, we are told that National Council means the National Council for Training in Vocational Trades established by the resolution of the Government of India in the Ministry of Labour in the Directorate General of Resettlement and Employment, as far back as 1956. I am not aware what the constitution of the National Council is. But, I think that a body that was created for the purpose of resettlement and employment as far back as 1956 cannot have in its composition suitable personnel which will be in a position to discharge the obligations entrusted to them under this Bill. I am of the opinion that, that body requires to be re-constituted and the hon. Minister would do well to

take this House into confidence and inform this House what the constitution is going to be or whether the same body is going to be kept intact. I agree with the previous speaker who said that an element of representation from the trade unions is necessary. After all, it is the wearer who knows where the shoe pinches. It is the trade union which understands the position of the apprentices better than the employer or any other gentleman who may have been invited by the Government to serve on the National Council.

**Shri T. B. Vittal Rao (Khammam):** Trade unions are represented on that Council.

**Shri Naushir Bharucha:** I am not aware of the composition; that is what I said.

The other point which I desire to emphasise is that I am not satisfied that the Authorities which have been enumerated in clause 23 will be in a position to discharge the obligations under the Act. Let us appreciate this fact that in providing for the training of apprentices, we are undertaking a huge movement of educating our rising generation in vocational training, that is as big a thing as giving primary education to millions of our children, if this is going to be a serious matter. I am of opinion that the National Council's functions should be bifurcated from the functions of another body which is required to be created and which will look after the administrative aspects of the entire Act. I, therefore believe that it would have been better if we had created an autonomous body. For example, we have got the Universities which examine the pupils, and provide for degree, certificate and diploma courses and things like that. If we had created another body side by side, entrusted with the task of administering the Act, I think it would be better, the National Council being asked only to look to the limited work of prescribing the various courses for the different types of apprentices in the different trades and industries.

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As I said, while welcoming this Bill on the ground that for the first time an effort is being made for the systematic training of apprentices, so that our developing economy may be able to have a pool of skilled workers for our industrial progress and expansion, I am of opinion that the Bill requires to be carefully looked into and I think it is very desirable, even at this belated stage, if the Government thought it advisable to refer the Bill to a Select Committee. I would ask the Government to refer the Bill to a Select Committee. As it is, we have waited for 12 years for this Bill to come into existence. A few months delay is not likely to matter much, particularly if we can produce a Bill which will be fool-proof and knave-proof in the various directions in which it makes provisions for the training of apprentices and skilled workers. With these words, I appeal to the Government to consider whether they would not accept the suggestion for referring the Bill to a Select Committee.

श्री राजसिंह जाई बर्मा (निमाड़) :

सभानेत्री महोदया, जो बिल पेश किया गया है उस का मैं हृदय से स्वागत करता हूँ। इस बिल को केवल श्रमिकों की दृष्टि से नहीं बल्कि देश की दृष्टि से देखना चाहिए। जब इस बिल के ऊपर हम विचार करते हैं तो दरअसल हमें ऐसा महसूस होता है कि इस बिल को कानूनी रूप दिया गया और इस का बराबर अमल कराया गया तो हमारी राष्ट्रीय आय पर काफी अच्छा असर पड़ेगा।

आज जब हम पब्लिक सैक्टर अथवा प्राइवेट सैक्टर को देखते हैं तो हमें उन में कुशल श्रमिकों की कमी अक्सर महसूस होती है। जाहिर है कि इस कमी के होने के कारण जहाँ जितना उत्पादन होना चाहिये वह नहीं हो पाता है। साथ ही

जो क्वालिटी चाहिये वह क्वालिटी भी प्राप्त नहीं होती है।

हमें भी दूसरे देशों में इस को देखने का अवसर प्राप्त हुआ है और हम वहाँ यह पाते हैं कि क्या तो प्राइवेट सैक्टर में और क्या तो पब्लिक सैक्टर में, इस तरह की व्यवस्था की गई है कि जिन उद्योगों को कुशल श्रमिकों की जरूरत होती है उन्हें कुशल श्रमिक आसानी से मिल सकें। लेकिन इस के विपरीत हम अपने देश में क्या पाते हैं? हम ने अपने यहाँ देखा है कि कुछ समय ऐसा भी आता है जब कुशल श्रमिकों के अभाव के कारण उद्योगों के अन्दर काफी मशीनें बेकार पड़ी रहती हैं। कभी कभी तो ऐसा होता है कि ५० प्रतिशत उत्पादन भी नहीं होता और जहाँ जहाँ भी है उस में जो क्वालिटी चाहिए वह क्वालिटी हमें प्राप्त नहीं हो पाती है। इसलिये मैं समझता हूँ कि यह जो बिल लाया गया है और इस के अनुसार अगर हम श्रमिकों को आवश्यक ट्रेनिंग दिलाने की उचित व्यवस्था करते हैं और उन्हें बराबर ट्रेनिंग मिलती है तो एम्प्लायमेंट की दृष्टि से, उत्पादन की दृष्टि से, क्वालिटी की दृष्टि से और हमारी नेशनल इनकम की दृष्टि से बहुत अच्छा असर पड़ेगा।

तृतीय पंचवर्षीय योजना में जो हम ने उत्पादन का टारगेट ठहराया है और इस बात पर भी जोर दिया है कि क्वालिटी इम्प्रूव हो तो वह जमी हो सकती है जबकि व्यवसाय और उद्योगों के अन्दर हमें कुशल कारीगर व श्रमिक मिलें। उन के ऊपर बड़ा आघार है। इस बिल में खास तौर पर यही बात कही गई है कि श्रमिकों को अच्छी ट्रेनिंग दिये जाने का प्रबन्ध किया जाये। उद्योग-व्यवसाय के ऊपर भी इस व्यवस्था का अच्छा असर पड़ेगा। माननीय मंत्री महोदय ने कल अपने प्रस्तावक-भाषण में थोड़े में बहुत अधिक कहा है, इसलिये इस विषय में मुझे ज्यादा कहने की जरूरत नहीं है।



अभी कुछ मित्रों ने इस बिल को सिलेक्ट कमेटी में भेजने की बात कही है। मैं इस मत का नहीं हूँ, क्योंकि इस बिल को पेश हुए कार्फ़ी भरसा हो गया है। पिछले अधिवेशन में इस पर डिस्कशन होने वाला था और ऐन वक्त पर वह रह गया, नहीं तो वह पिछले अधिवेशन में ही पास हो गया होता। आज यह देख कर दुख होता है कि कुछ मित्रों ने इस बिल को सिलेक्ट कमेटी में भेजने की बात तो कही है, लेकिन उन की तरफ़ से एक भी अग्रेडमेंट इस के संबंध में नहीं आया है। इस बात का भी दुख है कि जो माननीय सदस्य लेबर का प्रतिनिधित्व करने का दावा करते हैं, जो अपने आप को सेंट्रल ट्रेड यूनियन आरगैनाइजेशन के मेम्बर बताते हैं, उन्होंने ने भी कोई अग्रेडमेंट नहीं रखा और न किसी अग्रेडमेंट के द्वारा यह कहा कि इस कौंसिल में लेबर का प्रतिनिधि होना चाहिये। आज, जबकि लोक सभा का यह अधिवेशन थोड़े समय के लिए चलने वाला है, अगर वह यह बात कहें कि इस महत्वपूर्ण बिल को सिलेक्ट कमेटी के सामने भेजा जाये, जिस के परिणाम-स्वरूप शायद यह लैप्स हो जाये और इस पर अमल न हो, तो इस का अर्थ तीसरी पंच-वर्षीय योजना को लंगड़ा-ख़ूना बनाने के अतिरिक्त और कुछ नहीं है। यह एक बड़ा महत्वपूर्ण प्रश्न है। प्रथम पंचवर्षीय योजना के पहले ही इस सिद्धान्त को कार्य रूप में परिणत किया जाना चाहिए था। इस में इतना समय बीत गया, इस पर दुख होता है। अगर उद्योग के उत्पादन में वृद्धि होती है, तो उस से उद्योग को फ़ायदा होगा और साथ ही मजदूरों का लिविंग स्टैंडर्ड भी बढ़ेगा। मैं निवेदन करना चाहता हूँ कि केवल स्लोगन्ड से कुछ होने वाला नहीं है। श्रमिकों की इनकम बढ़ाने से ही उन का लिविंग स्टैंडर्ड बढ़ेगा। इस बिल को पास करने में देरी करने से श्रमिकों का नुकसान होगा।

मैं इस सम्बन्ध में कुछ सुझाव सदन के सामने रखना चाहता हूँ, जोकि बड़े महत्वपूर्ण

हैं। मैं ने लगभग तेरह अग्रेडमेंट रखे हैं। मैं आशा करता हूँ कि मंत्री महोदय उन पर विचार करेंगे। मैं समझता हूँ कि इन अग्रेडमेंट्स को स्वीकार करने से इस बिल पर अमल कराने में गवर्नमेंट और उद्योग को मदद मिलेगी।

यह कानून किस समय, किस क्षेत्र में, किस उद्योग में लागू किया जायेगा, इस सम्बन्ध में सारा अधिकार केन्द्रीय शासन ने अपने हाथ में रखा है। मैं समझता हूँ कि इस के साथ ही राज्य शासनों को भी इस बात का अधिकार दिया जाना चाहिये कि वे जब चाहें, इस बिल को किसी उद्योग या क्षेत्र में लागू कर सकें। इसका कारण यह है कि इस विषय में उद्योगपतियों और ट्रेड यूनियन्स में पस्पर बात-चीत होने का सवाल आता है और स्टेट लेवल पर ऐसा करना अधिक सुविधाजनक होगा। शासन केवल कानून बना देने से ही उस पर अमल नहीं करा सकता है। अगर इस में काम करने वालों, श्रमिकों और उद्योगपतियों का पूरा सहयोग हो, तभी उस पर अमल हो सकता है, नहीं तो बड़ी कठिनाई का सामना करना पड़ेगा। इस लिये इस कानून में यह संशोधन करने की ज़रूरत है कि यह अधिकार राज्य शासनों को दिया जाना चाहिये कि वे इस कानून को कब, किस क्षेत्र में, किस उद्योग में लागू करें।

इस बिल में यह कहा गया है कि जिन ट्रेनीज या ऐप्रेन्टिसिज ने किसी टेक्निकल इंस्टीट्यूट में तालीम पाई हो, उन्हें प्रैक्टिकल ट्रेनिंग दी जाये और जिन्होंने किसी टेक्निकल इंस्टीट्यूट में कोई डिप्लोमा प्राप्त नहीं किया है, उन्हें प्रैक्टिकल ट्रेनिंग और बेसिक ट्रेनिंग दोनों दी जायेंगी। जो एपीमेंट होगा, उस में इस ट्रेनिंग का समय निश्चित किया जायेगा। मेरा निवेदन है कि इस बिल में

## [श्री रामसिंह भाई वर्मा]

परिभाषा के अन्तर्गत बेसिक ट्रेनिंग अर्थात् बुनियादी ट्रेनिंग और प्रैक्टिकल ट्रेनिंग यानी व्यवहारिक ट्रेनिंग को स्पष्ट कर देना चाहिये। धारा ६ में ट्रेनिंग के समय का उल्लेख किया गया है और धारा ९ में बेसिक और प्रैक्टिकल ट्रेनिंग का उल्लेख किया गया है। लेकिन डेफिनेशन में केवल ट्रेनिंग का ही जिक्र किया गया है और यह स्पष्ट नहीं किया गया है कि ट्रेनिंग कौन सी होगी। मैं चाहता हूँ कि परिभाषा में दोनों बातें जानी चाहिये और बेसिक ट्रेनिंग और प्रैक्टिकल ट्रेनिंग के लिये अलग अलग अवधि निश्चित की जानी चाहिये।

इस सम्बन्ध में मैं भोपाल में स्थित हैवी इलैक्ट्रिकल्स के ट्रेनीज का जिक्र करना चाहता हूँ। पहले भारत सरकार ने यह तय किया कि उन ट्रेनीज, का, जिन की संख्या हजारों में होगी, ट्रेनिंग पीरियड अठारह महीने का होगा और उसके बाद उनको काम दे दिया जायेगा और वेतन वगैरह चालू हो जायेगा। लेकिन बाद में मॅनेजमेंट ने विचार किया कि बेसिक ट्रेनिंग का पीरियड ठहराया गया है और इस के साथ ही प्रैक्टिकल ट्रेनिंग भी दी जानी चाहिये और इन लोगों को प्लांट में भेजना चाहिये। जिन्होंने यह तय किया कि प्रैक्टिकल ट्रेनिंग की अवधि तीन महीने हो और उसके बाद एक परीक्षा हो। जो ट्रेनीज उस परीक्षा में पास हो गये, उन को तो प्लांट में लगा दिया जायेगा और जो पास न हुये, उन को तीन महीने का प्रशिक्षण और लेना होगा जो शुरू में नहीं ठहराया गया था। इस प्रकार ट्रेनिंग का पीरियड कुल मिला कर दो साल का हो गया। जब मन माने तौर से प्रैक्टिकल ट्रेनिंग देने के लिये तीन महीने की अवधि और बढ़ा कर रखी गयी तो वहां पर हड़ताल हुई।

इन परिस्थितियों में यह आवश्यक है कि पहले से ही यह ठहरा देना चाहिये कि

प्रैक्टिकल ट्रेनिंग और बेसिक ट्रेनिंग का पीरियड क्या होगा। मने इस सम्बन्ध में एक संशोधन भी रखा है।

इस बिल के द्वारा यह ठहराया गया है कि किसी उद्योग व्यवसाय में एप्रेंटिसिज की संख्या वहां काम करने वाले श्रमिकों के परिमाण के आधार पर निश्चित की जायेगी और ऐसा एक एग्रैमेंट के द्वारा तय किया जायेगा। लेकिन इस के साथ ही उद्योग-पतियों को यह अधिकार दिया गया है कि अगर वे चाहें, तो अपने उद्योग में उस संख्या से अधिक भी एप्रेंटिसिज रख सकते हैं। मैं निवेदन करना चाहता हूँ कि इस से बड़ी गड़बड़ी होगी। जहां तक प्रैक्टिकल ट्रेनिंग का प्रश्न है, उस में ऐसा नहीं है कि एप्रेंटिसिज प्लांट में केवल ट्रेनिंग ही लेते हैं, वे उत्पादन भी करते हैं और उन के द्वारा प्लांट में काम भी होता है। अक्सर देखा गया है और आज भी देखा जाता है कि सभी उद्योग एप्रेंटिसिज रखते हैं, हालांकि इस बारे में कुछ निश्चित नियम नहीं होता है कि उन को क्या दिया जाये, या उन से क्या काम लिया जाये। इस व्यवस्था का परिणाम आखिर में यह होगा कि एक और उद्योगपति एप्रेंटिसिज की संख्या अधिक कर देंगे और दूसरी और श्रमिकों की संख्या कम कर देंगे। एप्रेंटिसों को भी मैं आप को बताऊं वे मनमाने ढंग से रखेंगे। जिन को वे चाहेंगे रखेंगे जिन को नहीं चाहेंगे नहीं रखेंगे। आपने जो संख्या कम से कम ठहराई है उससे अधिक भी वे उनको थोड़े पैसों में रख लेंगे। इसका नतीजा वही होगा जो आज तक होता रहा है सगड़े पैदा होंगे। आज तक ऐसा ही होता आया है कि नीचे से ऊपर तक जहां भी आप जाओ अपनों की सुनवाई होती है, गैर-वालों की कोई सुनवाई नहीं होती है। ट्रेनीज के अन्दर, एप्रेंटिसिस के अन्दर भी यही बात होने वाली है। मैं आपको एक जगह की मिसाल दे सकता हूँ। उस कार-

खाने का जो मालिक है, जो सेठ जो है, उनका जो रसोइया है, वह उस कारखाने में वैलफेयर आफिसर के तौर पर काम कर रहा है। इस तरह की बातें सभी कारखानों में होती हैं। इस तरह की बातें न हों, इस तरफ भी आपका ध्यान जाना चाहिये। आपका जो कानून है और उस कानून का जो मंशा है, उस पर बराबर अमल होना चाहिये। इस दृष्टि से यह बहुत जरूरी है कि आप इसका नियमन इस प्रकार से करें कि एक निश्चित संख्या से अधिक वे ट्रेनीज को न रख सकें। आप चाहें तो संख्या को अधिक ठहरा सकते हैं लेकिन उससे अधिक रखने की उनको छूट नहीं मिलनी चाहिये। आपके पास फिगरज है कि किस किस उद्योग में, किस किस कारखाने में श्रमिकों की गैरहाजिरी का परिमाण कितना होगा। कहीं पर वह १५ प्रतिशत होता है, कहीं पर १२ प्रतिशत होता है, कहीं पर १० प्रतिशत होता है। अहमदाबाद जैसे शहर में जहां अच्छा आर्गेनाइजेशन है, वहां गैर-हाजिरी का परिमाण बहुत ही कम है। इस परिणाम में आप दो प्रतिशत या तीन प्रतिशत या चार प्रतिशत और या पांच प्रतिशत ट्रेनीज अधिक ले सकते हैं। लेकिन इस मामले में बिल्कुल ही खुली छूट उद्योगपतियों को नहीं दी जानी चाहिये कि वे जितने भी चाहें रख लें। अगर आपने ऐसा किया तो इस बिल के कानून बन जाने के बाद इसको अमली रूप देने में आपको मुश्किल होगी और जिस रूप में इस पर अमल होना चाहिये, उस रूप में इस पर अमल नहीं आप करा सकेंगे।

13 hrs.

इस बिल के कानून बन जाने के बाद प्रॉब्लिम उद्योगों में काम करेंगे और आपने बिल में रखा है कि इन प्रॉब्लिमों के बरताव और डिस्प्लिन के सम्बन्ध में वही कानून इन पर लागू होंगे, वही स्टैंडिंग आर्डर्स लागू होंगे जोकि दूसरे श्रमिकों पर लागू होते हैं। यह

सब तो ठीक है। इनको सजा देने की जब बात आई तब तो अन्य श्रमिकों को सजा देने के कानून के मुताबिक आपने इनको सजा दे दी और इन पर वे कानून और स्टैंडिंग आर्डर्स लागू कर दिए। लेकिन अगर उस उद्योग में, उस विभाग में, उस प्लांट में जो एप्रेंटिस काम करते हैं, उनको लाभ देने की बात आती है, फायदा पहुंचाने की बात आती है और उसके बारे में जो कानून है आप कहते हैं, वे इन पर लागू नहीं होंगे, उनसे वे मुक्त होंगे और उनका फायदा उनको नहीं मिल सकेगा। मेरा निवेदन है कि आप उनको ट्रेनिंग दें और कहीं भी दें, इसके बारे में मुझे कुछ नहीं कहना है। लेकिन किसी प्लांट में, किसी उद्योग में जहां उत्पादन होता है, वहां प्रैक्टिकल ट्रेनिंग के लिये जो एप्रेंटिस जाते हैं, वहां पर उनको बराबर उन कानूनों का लाभ मिलना चाहिये जिनका उन उद्योगों में, उन प्लांटों में काम करने वाले अन्य श्रमिकों को मिलता है। अगर उनको इन लाभों से अलग रखा गया तो उसका फायदा एम्प्लायर्स ही उठाने वाले हैं और उससे श्रमिकों को लाभ होने वाला है। यह मेरा निश्चित मत है। आपने श्रमिकों के सम्बन्ध में ओवर-टाइम के बारे में फ़ैक्टरी एक्ट के अन्दर यह ठहराया है कि अगर उनको देरी तक काम करना पड़ता है तो उनको ओवर-टाइम मिलेगा। अब प्रैक्टिकल ट्रेनिंग के लिये जो एप्रेंटिस किसी प्लांट में जाते हैं, उन्हें भी मैं समझता हूँ उसी आधार पर ओवर-टाइम का पैसा मिलना चाहिये जिस आधार पर कि उस प्लांट में काम करने वाले अन्य श्रमिकों को मिलता है। क्या कारण है कि आप उनको इस से वंचित रखते हैं? आपने फ़ैक्टरी एक्ट के अन्दर यह ठहराया है कि किसी उद्योग में काम करने वाले मजदूरों को जो ओवर-टाइम मिलगा वह उनको वेतन वगैरह जो मिलता है, उसका डबल मिलेगा, तो फिर इनको भी अपने वेतन आदि का डबल क्यों न मिले? डिस्प्लिन और बर्ताव आदि के सम्बन्ध में, सजा देने के

### [श्री राधसिंह भाई वर्मा]

सम्बन्ध में तो उन पर वही नियम लागू होंगे जो कि अन्य श्रमिकों पर लागू होते हैं, तो फिर जहाँ लाभ की बात हो, उन लाभों से इनको क्यों अलग रखा जाता है, यह मैं समझ नहीं पाया हूँ। मैं चाहता हूँ कि लाभ भी उनको अन्य श्रमिकों की भाँति ही मिलना चाहिये।

अब मैं जो बकाया रकम श्रमिकों की और एप्रेंटिसों की निकलती है, उसके बारे में कुछ कहना चाहता हूँ। आपने श्रमिकों के बारे में तो यह ठहरा रखा है कि अगर उनको कोई बकाया रकम निकलती है तो पेमेंट आफ वेजिज एक्ट के अनुसार वे भ्राये जा सकते हैं, कोर्ट में जा सकते हैं? लेकिन यह बात एप्रेंटिसों पर लागू नहीं होती है। अगर किसी की कोई बकाया रकम एम्प्लायर के पास निकलती है तो उसको चक्कर काटने होंगे, इस रकम को वसूल करने के लिये। इससे बड़ी मुश्किल का सामना उनको करना पड़ेगा। इस वास्ते इस बिल में इसकी गुंजाइश रखी जानी चाहिये, कोई ऐसी धारा भी रखी जानी चाहिये कि अगर किसी एप्रेंटिस की कोई बकाया रकम निकलती है तो उस धारा के अनुसार वह रकम वसूल की जा सकती है। श्रमिकों के लिये रकम को वसूल करने के लिये अपने फौजदारी एक्ट में, पेमेंट आफ वेजिज एक्ट में और दूसरी जगह ऐसा ठहराया है कि किस तरह से यह और प्राविडेंट फंड की रकमों वसूल की जा सकती हैं और यह भी कहा है कि लैब रेवेन्यू एक्ट के तहत उनको फौरन वसूल भी किया जा सकता है। यह ब कुछ होने के बाद भी मैं आपको बतलाना चाहता हूँ कि श्रमिकों की लाखों करोड़ों की रकम एम्प्लायर्स के पास पड़ी हुई है जो वसूल नहीं हुई हैं। जब कानून होते हुए भी उसको वसूल नहीं किया जा सका है तो फिर इन एप्रेंटिसों के सम्बन्ध में जहाँ कोई कानूनी आधार ही नहीं है, कैसे रकम वसूल होगी और उन्हें कितनी दिक्कत का सामना करना पड़ेगा,

इसका अनुमान आप खुद लगा सकते हैं। कोई धारा इस सम्बन्ध में इस बिल में न होने से बड़ी कठिनाई होगी और मैं चाहता हूँ कि इस धोर आप का ध्यान जाए।

इस बिल में यह भी लिखा है कि एप्रेंटिस और एम्प्लायर के बीच जो एग्जीमेंट होगा, उसको दोनों में से कोई भी जब चाहे, समाप्त कर सकता है। यह जो व्यवस्था की गई है, इस से बड़ी कठिनाई होगी। इस से तो कानून का कोई रूप ही नहीं रह जायेगा। एम्प्लायर ने चाहा तो एग्जीमेंट समाप्त हो गया और अगर एप्रेंटिस ने चाहा, तो वह खत्म हो गया। इस सम्बन्ध में मेरा निवेदन यह है कि जो आपका एडवाइजर है, वह कारणों की जांच कर के लिखित रूप में अगर यह न देदे कि एग्जीमेंट को समाप्त कर दिया जाये तब तक उसको समाप्त नहीं किया जाना चाहिये। जो एडवाइजर या रजिस्ट्रार आपन इसके अन्दर ठहराया है, जब तक वह इसके सम्बन्ध में लिखकर न देदे तब तक उस एग्जीमेंट को समाप्त हुआ नहीं समझा जाना चाहिये। वह कारणों की जांच करने के बाद लिख कर दे सकता है और तब ही इस समझौते को समाप्त हुआ समझा जाना चाहिये।

जो बातें मैंने कही हैं, मेरा नम्र निवेदन है, उन पर सहानुभूति पूर्वक विचार किया जाये। जो १३ अमेन्डमेंट्स मैंने रखी हैं, वे मैंने अपनी दृष्टि से नहीं रखी हैं, बल्कि आपकी मदद करने के लिये रखी हैं। इन अमेन्डमेंट्स को स्वीकार अगर कर लिया जाता है तो इस कानून को अमली रूप देने में आपको बड़ी मदद मिलेगी। यह एप्रेंटिस ट्रेनिंग कोर्स जो शुरू किये जाने वाले हैं, इसके बारे में जो निर्णय हुआ है, उसमें ट्रेड यूनियंस का जबर्दस्त हाथ है और मैं निवेदन करना चाहता हूँ कि मेरी आशा

एन० टी० यू० सी० का तो बहुत ही जबरदस्त हाथ है। अगर बुनियादी तरीके से इस सवाल को किसी ने उठाया हो तो इसका श्रेय आई० एन० टी० यू० सी० को मिलना चाहिये। इस पर अमल कराने में भी मैं निवेदन करना चाहता हूँ कि यह युनियन दूसरी युनियन्स से और गवर्नमेंट्स से भी प्रथम रहने वाली है। जितने भी आपने लेबर लेजिस्लेशन बनाये हैं उन पर अमल कराने में आई० एन० टी० यू० सी० का प्रमुख हाथ है रहा और उसने इनको सफल बनाया है। मैं आपको अपने प्रवचन की बात ही बताता हूँ। हर एक कानून के बारे में दूसरे देशों के मुकाबिले में सब से बेहतरीन सहयोग आपको आई० एन० टी० यू० सी० से ही मिला होगा और उसने इन सब लाज को सेंट पर सेंट सफल करके दिखाया है। आप वर्कर्स एजुकेशन को लीजिये, उद्योगों के मैनेजमेंट में मजदूरों की भागीदारी प्रथा को लीजिये, इन सभी क्षेत्रों में उसने पूर्ण सहयोग दिया है और इन कानूनों को सफल करके दिखाया है। लेकिन मैं निवेदन करना चाहता हूँ कि इन्डियन लेबर कान्फ्रेंस में इस बारे में निर्णय होता है और आई० एन० सी० का यह सिद्धांत भी है और सारी बातें हैं कि श्रमिकों को प्रतिनिधित्व मिले लेकिन इसमें श्रमिकों के प्रतिनिधि शुरू से ले कर अन्त तक कहीं दिखाई नहीं देते हैं। इसका क्या कारण है? हमें अछूत क्यों माना जाता है जब कि भारत में संविधान के अनुसार छुआछूत खत्म हो गई है। आखीर में सवाल यह आता है कि इसको सफल बनाया जाये, इस को यह किया जाये, इसको वह किया जाये। लेकिन आप ने भूपाल हेवी एलेक्ट्रिकल्स में क्या किया? तमाम अप्रेंटिस ट्रेनिंग जो थे उन पर यह बन्दिश लगा दी गई कि वे ट्रेड युनियन के मेम्बर नहीं बन सकते और उन के बारे में ट्रेड युनियन वाले नहीं बोल सकते। अन्त में जब हड़ताल हुई। तब जो लोग वहाँ ट्रेड युनियन मूवमेंट

को चला रहे हैं उनसे तो हड़ताल तोड़ने का सहयोग मांगा गया और समझौते के लिये उन को अलग रखा गया और ऐसे ट्रेड युनियन वालों को बुला कर दूसरे प्रदेशों से जिनका वहाँ से कोई वास्ता नहीं है, कहा गया कि यह लोग अनशन कर रहे हैं उन्हें आश्वासन दे कर कि आपकी मांग मंजूर कर ली गई है आप उन्हें मोसम्बी का रस पिला कर अन्धान समाप्त करायें। बड़े आपचयन की बात है कि जिस ट्रेड युनियन से हम डील करते हैं, जो उस उद्योग में प्रतिनिधि युनियन है, सारी की सारी बातें हैं, उन से मैनेजमेंट बात नहीं करता है और ऐसे ट्रेड युनियन के आदमियों को बुला कर जिन का वहाँ और उस प्रदेश में कुछ लेना देना नहीं है, आपके चेयरमैन साहब हेवी एलेक्ट्रिकल्स के अन्दर कहते हैं कि यह लोग अनशन कर रहे हैं उनकी मांग मंजूर है इन्हें आप रस पिला दीजिये। यह तो एक ऐसी चीज हो गई, जिस में बुनियादी बात को बिल्कुल छोड़ दिया गया है।

मैं कहना चाहता हूँ कि इस तरह से नहीं चल सकता। आप को सही दृष्टि से सोचना होगा। आप ने इस बिल में केन्द्रीय और स्टेट लेवल पर जो कॉमिशन बनाई हैं उसमें एम्प्लायर्स के प्रतिनिधि रखें, आप ने स्टेट गवर्नमेंट्स के प्रतिनिधि रखें, सेंट्रल गवर्नमेंट के प्रतिनिधि रखें, तरह तरह के प्रतिनिधि रखें, लेकिन जो सही तौर से लेबर के प्रतिनिधि हैं, जो सुद लेबरर्स हैं, जो ट्रेनिंग लेने वाले अपरेन्टिस हैं, जो प्लान्ट में काम करने वाले हैं, आप उन की परवाह नहीं करते हैं और उनके प्रतिनिधि नहीं रखें हैं। जब तक किसी अपरेन्टिस को इस की तालीम नहीं मिलेगी कि ट्रेड युनियन मूवमेंट का सही दृष्टिकोण क्या है, और उस को न समझ कर वहाँ पर हड़ताल हो गई, तब तक आप के यहाँ बिसिप्लिन रहने वाली नहीं है। आज एक एक श्रमिक को समझना चाहिये कि सही ट्रेड युनियन मूवमेंट क्या है। मैं इस चीज को मानता हूँ कि द्वितीय

[श्री राम सिंह भाई वर्मा]

पंच वर्षीय योजना में यह ठहराया गया था कि श्रमिकों को सही ट्रेड यूनियन मवमट की ओर ले जाना है ताकि उस को उस का पूरा ज्ञान हो जाये और उस का वह पूरा अध्ययन करे, और इस लिये आप ने वर्कर्स एजुकेशन की शुरुआत की। एक तरफ आप वर्कर्स एजुकेशन चला रहे हैं, दूसरी ओर जिस कांसिल में मजदूरों का प्रतिनिधित्व होना चाहिये, स्टेट लेवल पर और सेंट्रल लेवल पर, वहां पर लेबर के प्रतिनिधित्व का नाम भी नहीं है। इस के बारे में भी मेरे संशोधन हैं, और मैं भाषा करता हूँ कि उन के बारे में आप सहानुभूतिपूर्ण विचार करेंगे। मैं ऐसा मानता हूँ कि ट्रेनीज को भी ट्रेड यूनियन मूवमेंट से अलग नहीं रखना जाना चाहिये। बल्कि उस में यह साफ करना चाहिये कि ट्रेनिंग पाने के लिये अगर कोई भी अपरेन्टिस आयेगा तो वह ट्रेड यूनियन का मेम्बर बन सकता है, और ट्रेड यूनियन के सम्बन्ध में उस को भी वही अधिकार होंगे जो अन्य श्रमिकों को हैं। आज क्या हो रहा है। एक आदमी सड़क के ऊपर चला जा रहा है, वह किसी मिल में दाखिल होता है और बदली कार्ड लेता है। आप का जो इंडस्ट्रियल डिस्प्यूट्स एक्ट है उस में आप ने स्टैंडिंग आर्डर्स बनाये हैं और उन में जोड़ दिया कि उद्योग व्यवसाय में काम करने वाले किसी श्रमिक को दाखिल किया जायेगा तो उसे प्रथम बदली कार्ड दिया जायेगा जिसमें यह लिखा जायेगा कि वह किस डिपार्टमेंट, किस शिफ्ट में काम करता है और क्या काम करता है, इस की निश्चित सूचना कार्ड में लिखी जायेगी।

**Mr. Chairman:** The hon. Member must finish now. He has spoken for almost half an hour, and there are a large number of speakers.

श्री रामसिंह भाई वर्मा : १३ अक्टूबर में है, उन के लिये आधा घंटा ज्यादा नहीं है।

**Mr. Chairman:** On that he can speak at the second reading. He cannot take up that time now because there are another six or seven speakers.

श्री रामसिंह भाई वर्मा : आप चाहती हैं तो मैं बैठा जाता हूँ।

**Shri A. C. Guha (Barasat):** I welcome this Bill. A Bill of this nature should have come earlier. We have passed through two Plans, and industrial development of a considerable size has been going on, and all through we have been feeling the difficulty about trained personnel and trained craftsmen.

It is an admitted fact that the per capita production of Indian labour is considerably lower than that of labour in other industrially advanced countries. The real reason for this is that our craftsmen and labour engaged in factories and industries are not properly trained and so they cannot produce as much as they ought to. Therefore, there is necessity of having trained personnel to run our industrial units from the lowest bottom up to the top.

It has been estimated in the Third Plan report that during the Third Plan we would require about 13 lakh new craftsmen trained in their own arts and crafts. And for that there is hardly any scheme as yet. A voluntary scheme was tried some years ago, but it did not prove a success. So, the necessity for some sort of compulsion is admitted, and the Third Plan has stated:

"Legislation will shortly be introduced for placing apprenticeship on a compulsory basis".

But I find that the hon. Minister of Labour and Employment yesterday, while explaining the Bill, was feeling somewhat shy about the compulsion element of this Bill. He was rather

anxious to explain that the main object of the Bill was not compulsion but regulation of apprenticeship. But I think it should be clearly admitted that the main element of this Bill is compulsion, because the voluntary scheme for training of apprentices has failed, and so the necessity for having some compulsory measures is felt.

**Mr. Chairman:** May I enquire how long the hon. Member will take, because I am afraid some Members have taken a very long time.

**Shri A. C. Guha:** How much time does the Chair propose to allow?

**Mr. Chairman:** According to the time fixed, we should finish the first reading by 1.45. The hon. Minister would like to have 20 minutes. So, if he can finish by another five or ten minutes, it would be helpful.

**Shri A. C. Guha:** I shall try to finish by 1.30.

**Shri D. C. Sharma:** (Gurdaspur): More time should be given for this Bill. This is a very important Bill.

**Mr. Chairman:** The whole Bill has to be through by 2.30.

**Shri A. C. Guha:** I think you can extend the time.

**Mr. Chairman:** I think there are amendments only by Shri Ramsingh Bhai Varma. I do not think there are any other amendments. And he has spoken for a very long time. So, I propose that if it is not inconvenient we can possibly leave only about 15 minutes for the second reading. I will permit him to move his amendments.

**Shri A. C. Guha:** Is it not possible to extend the time?

श्री रामसिंह भईवर्मा : एक एक अमेंडमेंट के लिये दो दो मिनट दें तब भी २६ मिनट हो जाते हैं ।

**Shri A. C. Guha.** Anyhow, it is no use cutting into my time.

**Mr. Chairman:** These amendments are rather important. Is it the desire of the House that we should extend the time for this Bill?

**Hon. Members:** Yes.

**Shri Naushir Bharucha:** At least by one hour.

**Mr. Chairman:** Then, may be we can extend it. Then I think the hon. Minister can be called a little later, and the Member may continue. The first reading we shall take right up to at least 2.15.

**Shri D. C. Sharma:** 2.45.

**Mr. Chairman:** Let us see. There is a very large number of speakers. So, I would request the speakers to be concise in their remarks and finish in ten minutes each.

**Shri D. C. Sharma:** Very difficult.

**Dr. M. S. Aney** (Nagpur): May I make a suggestion? Can you not extend the time by half an hour?

**Mr. Chairman:** Beyond one hour? We have already extended it by one hour.

**Shri A. C. Guha:** Madam, as you have restricted the time, I would not go into the background of the Bill but would rather concentrate on the provisions of the Bill.

I have stated that I welcome this Bill. Rather it is quite late; it ought to have come at the beginning of the Second Plan. But the Bill is not quite clear on many points. This Bill lays before you just a skeleton and the entire picture has been kept vague and everything is to be prescribed. I think it is not proper for Government to ask this House to pass a Bill where all the relevant provisions are to be prescribed by rules, such as the ratio of apprentices to the number of workers in any particular industry,

[Shri A. C. Guha]

the duration of apprenticeship, the syllabi, stipends and remuneration for the lecturers, the remuneration for the members of the councils and other bodies to be set up under this Bill etc. Everything is to be decided either by the Central Government or by the National Council. The House is asked simply to pass a Bill setting up certain authorities who will exercise certain powers and decide many things which will come subsequently under the supervision of this House in an indirect way through the Subordinate Legislation Committee of this House. I think it is not proper that all these relevant matters should be kept out of discussion of this House.

It is more regrettable that the hon. Minister did not give yesterday any indication as to the ratio of apprentices to the number of workers in each industry or of the duration or of the stipend. He could have given us at least an approximate idea of all these things.

This Bill envisages the setting up of a number of authorities. I would refer you to Chapter III. The authorities to be set up are, the National Council—which already exists but that is going to have certain powers under this Bill—the Central Apprenticeship Council, the State Council, the State Apprenticeship Council, The Central Apprenticeship Adviser and the State Apprenticeship Adviser. All these authorities are going to be set up for the implementation of the provisions of this Bill. I think there is too much of multiplication of authorities. They could have been restricted to not more than three.

Excepting the public sector industries and certain industries in the Union Territories, the whole scope of apprenticeship has been left to the State Governments. That is a lacuna in this Bill. The whole scope of operation will be left to the State Governments or certain subsidiary bodies under the State Governments. This

House will have direct authority or some supervision only over the public sector industries—the apprenticeship scheme introduced in those industries—and the entire private sector would be left to the discretion of the State Governments.

You know already there have been certain schemes of apprenticeship in the public sector industries, in the Defence Industries, the Railways and the P&T and also in certain corporations recently set up under the public sector. There is no apprenticeship scheme in the private sector industries as yet and the private sector occupies a very big place in the industrial set-up of the country. If any compulsion or statutory authority is needed, that is, for the private sector and that has been left to the State Governments.

I think I am not the only member of this House who will have his misgivings about the working of the State Governments. Perhaps, we may be somewhat partial to ourselves; but there is a feeling in this House that things are somewhat better under the Central Government and definitely worse under the State Governments. We are passing a Bill the real obligation of the implementation of the provisions of which would be left to the State Governments. That also, I feel, is not quite proper.

Some hon. Members have suggested that trade unions should be represented in these councils. I feel they should not be represented. Trade unions in India are politically dominated. These trade unions are not conducted on purely trade union lines but according to the policies of political parties, their whims and caprices (*Interruption*): It is no use introducing politics into the apprenticeship scheme. If you put some Trade Union representatives, even of the INTUC or the AITUC, whatever it may be, that would introduce an element of politics into the scheme. So, I oppose it.



It has also been suggested that there should be a guarantee of employment to the apprentices after training. I think it is not a practical suggestion. Even if the proportion of the apprentices to the total number of workers is 1, 2 or 3 per cent., no industrial unit can undertake to employ the apprentices trained under them. Nor, is it possible to compel the trainee to take a job in the particular unit giving him the training.

Lastly, I would like to refer to clause 30 of the Bill. Here there is a provision for imprisonment up to six months for certain offences which include—

"If any employer—

engages as an apprentice a person who is not qualified for being so engaged,"

I cannot understand that. A contract has to be registered with the Adviser and he will see the contract. So, it is not the responsibility of an employer alone. Then, there are two other offences:

"fails to carry out the terms and conditions of a contract of apprenticeship, or

contravenes the provisions of this Act relating to the number of apprentices which he is required to engage under those provisions,"

For these offences imprisonment should not be awarded. These are not offences of any moral turpitude nor any attempt to cheat the public or the Government of any dues or any revenue. It is not even an evasion to pay tax. The offence is in connection with a training scheme.

Madam, you must be conversant with the state of affairs in the secondary schools committees of West Bengal. This is a training scheme. If you extend these provisions to the secondary schools of Bengal I think most of the members of the secondary school committees would have to go to jail. I

do not feel there is enough justification for introducing this condition of imprisonment for contravention of certain things in a training scheme. It can be understood if such a punishment is imposed in cases of attempted evasion of tax, adulteration or other anti-social activities or acts of moral turpitude or in business or commerce or industry. I do not feel that there is enough justification for imposing terms of imprisonment in this scheme.

Lastly, I may say that the Government has to be careful about two sides. We know the nature of young men of our country; they have to be kept under certain discipline in the course of the training. At the same time, Government should see that the employers do not attempt to exploit the apprentices and trainees in the course of their apprenticeship period as cheap labour. Government should be careful about these two things. With these words, I commend this Bill for early passage. I do not think that this Bill should be sent to the Select Committee; it would mean delay and going over to the next Parliament. I do not know exactly the technical position, whether it will lapse or not. So, I am opposing this suggestion.

**Shri S. M. Banerjee** (Kanpur): Mr. Chairman, I rise to support this Bill. I associate myself with the many observations made by my hon. friend Shri Muhammed Elias and others. It is heartening to have a Bill regulating the working of apprentices in the private sector also. In Defence, Railways and in many public corporations we have these apprentice schemes but I feel that they also need revision or modification.

My hon. friend Shri Ram Singh Bhai Varma referred to the apprentices in Bhopal Heavy Electricals and he had a grouse that the management or the chairman did not have any negotiations with the INTUC leader. Because it has been specifically mentioned I would like to refer to this

[Shri S. M. Banerjee]

case. He further said that the chairman had discussions with the outsiders. After all leaders of the AITUC or other Members of Parliament who are associated with the trade union movement in this country are not supposed to be outsiders for the trainees or the workers. I would remind him and in his absence my hon. friend Shri Kashinath Pandey who represents the INTUC that their leadership of the INTUC was physically afraid to face the situation. When I got a telegram in Indore that the apprentices want negotiations to settle their matters, I sent a telegram to the Minister concerned and also to the chairman requesting them to be present there for settlement and it was after 36 hours of continuous discussion and despite all the destructive tactics and attempts of the INTUC that a settlement was reached and that was hailed by all the sections of the workers including the 3000 apprentices. There is no use saying that the apprentices were given a glass of orange juice and it was bad because it was given by the AITUC. Some trouble was going on in Bhopal and it was time the Labour Minister intervened in the matter. I must say here that the hon. Deputy Labour Minister, Shri L. N. Mishra, who is sitting here helped us to a great extent in solving this matter. In Bhopal the apprentices were told that they would be absorbed after their training period of 18 months was over. Later on the 18 months was extended to two years and naturally there was some discontentment. I would request the Labour Minister to consider this apprenticeship period as also the entire scheme in Bhopal because such a scheme is likely to be implemented in other corporations. I fully realise the necessity of this training. This particular training scheme should be implemented everywhere in the private sector also. But there are some difficulties also? There are various training schemes but there is no assurance or security of job. One does not know whether one would get a

job after the training period. It is futile to have a training scheme unless there is a job at the end of it. When the industrial training institute in Kanpur was formed it was hailed by all the people because they thought that their sons would go there and get training as craftsman, turner, fitter, etc. and, after 9 or 10 months, would be absorbed in various factories. But only fifty per cent. of the first batch of people were absorbed and the second batch could not be absorbed. More than fifty per cent. of the trainees there are doing work not related to their training. It is a misfortune. We want so many skilled workers for the success of our Third Plan. Government spends money on this training and their services should be utilised. In Defence also, many apprentices were trained in Ambarnath factory. There is a big hostel there and many of the trainees were not absorbed. The hon. Defence Minister intervened in the matter and some people were taken but there are still some people rotting on the streets.

There is another question about the relationship between the skilled worker and the apprentice. A skilled worker feels that a boy trainee, after this training, would get grade B or A whereas he is only in grade C. There is this gulf and something should be done to bridge this gulf. Shri Muhammed Elias expressed it very nicely on the basis of his own experience. When he was a boy he was not helped by the draftsman there because he thought that this young boy would take his place. The only solution is that there should be some percentage fixed for the workmen so that they may get their promotion.

I can understand that unless a boy is fully qualified educationally he cannot possibly have a training. In the Ordnance factory, a boy artisan comes as a trainee at the age of 14 or 15. For that also, we want

matriculation or more less that standard. Previously, when the old workers used to retire, their boys used to come to that place but now that is not the case and the workers genuinely feel that the clause about educational qualifications must be relaxed.

13.39 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

If a boy, who is the son of a worker there, has studied upto the 4th or 5th class, it can be proper education for training. Both can combine together. But the particular boy of an ordinary worker should not be denied the opportunity to become an apprentice only because he is not a matriculate. This has happened in many factories and establishments with the result that only the boy of the supervisor or the foreman has been taken in, whereas the son or the boy of the actual worker who is the backbone of the factory and who is on the verge of retirement or who has no benefit accruing from retirement as other people get, has no future in that particular factory where his father had played a part in building up that factory. I, therefore, feel that there should be some provision by which for a certain training of this nature this qualification restriction should be removed or should not be there. After all, that particular boy, apart from any educational qualification, has a heritage and has a tendency to work. After all, we have to believe that the son of an old craftsman will have a natural inclination towards craftsmanship and that fact must be accepted. It is not only the environment but heredity that will count in such things. So, I feel there should be some relaxation in regard to the qualification restriction.

I fully agree with the suggestion made by my hon. friend Shri Muhammed Elias and Shri Ramsingh Bhai Varma that there should be a worker's representative on the council. I was surprised to hear the speech of my hon. friend Shri A. C.

1377 (Ai) LSD—7.

Guha. He said that trade unions should not be associated with the council or the training scheme, because they run on the political plane, or politics. He said that there is no pure trade unionism in the country. I do not know how to define trade unionism—whether it is pure or impure. After all, if trade unions in this country have been adulterated, they have only been adulterated with the help of or with the concurrence of the ruling party. In fact, up to 1947, there was only one Trade Union Congress in this country and one trade union movement, but who divided it? It is the responsibility of the ruling party, and now they say that in the absence of a pure trade unionism in the country no trade union member should be associated with the council. It is a wrong thing. I think that a representative of the trade unions should be associated with the council. These apprentices should have the right to form trade unions and trade organisations, so that what happened in Bhopal and Bhilai may not be repeated. It is necessary that a trade union representative should be there and be associated with the Council.

With these words, I support this Bill. I would request the hon. Minister to take note of these points and consider them favourably at the time of the passage of this Bill.

**Mr. Deputy-Speaker:** Shri Rajendra Singh. The hon. Member should be very brief.

**Shri Rajendra Singh (Chapra):** I am the only speaker from my party, and I must be given the same time as was given to others. There have been so many speeches.

**Mr. Deputy-Speaker:** Such time as Shri S. M. Banerjee has taken.

**Shri Rajendra Singh:** As much time as Shri Muhammed Elias has taken.

**Shri K. N. Pande (Hata):** I would like to speak just for five minutes only.

**Mr. Deputy-Speaker:** Yes.

**Shri Rajendra Singh:** Mr. Deputy-Speaker, Sir, this Bill is a belated attempt on the part of the Government to do something which is long overdue. On that account, the Government cannot take any credit. However, it is better late than never, and from that angle, I welcome this Bill, inadequate as it is.

Since this Bill will have far-reaching consequences and will affect the future of thousands and millions of young men, it would have been better had the hon. Minister agreed to refer the Bill to a Joint Committee. But I also understand his difficulty. He is in a hurry to get this Bill passed and since the time is short he would not like to send it to the Joint Committee and wait for the report of the Joint Committee. But, nonetheless, I hope that the criticisms and suggestions that have been made would be given due consideration and that at the appropriate time the requisite amendments will be forthcoming. With this belief, I am proceeding to give a few suggestions which may kindly be taken into consideration by the Government.

As you know, ours is a country where you have a public sector and a private sector functioning side by side. Both of them have been given their due place. A difference or an emphasis may be made here and there, but, nonetheless, so far as service conditions are concerned, so far as the question of giving benefit and amenities to the workers and the apprentices is concerned, there should not be any discrimination. I hope and trust that my hon. friend, the Deputy Minister, Shri L. N. Mishra, will bear me out when I say that there is a painful discrimination in the treatment that is being meted out in the public sector as against the workers in the private sector. Though I never support the private sector—I would like an increasing number of enterprises to be taken

over by the public sector and come under public ownership—I must say that in certain industries, the private sector is more liberal with the workers and apprentices than what the Government do in the public sector.

For example, as my hon. friend Shri S. M. Banerjee has pointed out about Bhopal, I would like to refer to Bhilai. In Bhilai there had been labour trouble. There had been trouble about apprentices too. The General Manager there and the Chairman of the Hindustan Steel refused to talk to the real leaders of the union but only to the INTUC. I do not know on whose initiative it was done; possibly it was done on the initiative of the party in power, and the INTUC, which does not have any hold over the workers there—the workers do not trust this body and they do not bear any allegiance to this organisation—and which is the trade union of the ruling party was recognised by the Labour Minister of Madhya Pradesh, and the deal was put through that organisation. There was trouble and the trouble was not in the interests of the country. I am very sorry for what happened there and it should not be repeated. The question is this. Shri Ramsingh Bhai Varma says that the INTUC was by-passed in the case of Bhopal. I know that, as a man interested in labour, the INTUC does not have any following or support or any allegiance over these workers, whether it be Bhopal or any other public enterprise. Wherever they are, they are on the support of the party in power. When I say that, I purposely exclude the hon. Minister of Labour, but the hon. Labour Minister is not the only man who is having the full control over it....

**Mr. Deputy-Speaker:** If he is excluded purposely, is it out of expediency or out of experience?

**Shri Rajendra Singh:** Out of experience; not out of political expediency. (*Interruption*). I want

to be honest here in this House unlike others.

**Mr. Deputy-Speaker:** I hope he is honest everywhere; not only in the House but also outside.

**Ch. Ranbir Singh (Rohtak):** The party in power is representative of the people.

**Shri Rajendra Singh:** The party in power is representative of the minority of the people. It represents only 44 per cent. of the people. It does not represent the majority of the people.

**Ch. Ranbir Singh:** What about the hon. Member?

**Mr. Deputy-Speaker:** Order, order. All these onslaughts should be directed towards me!

**Shri Rajendra Singh:** Technically, it is on you, Sir. Now, what I am suggesting is that even in the matter of appointment, regulation of the services of apprentices, etc., partisan policy should not be injected and it should be the duty of all, whether they be on this side or that side, to see that the people are not discriminated in matters of getting appointment and in matters relating to the regulation of their services on the ground of party interests. Therefore, I would urge upon the hon. Minister to see, when the rules under this Bill are framed, that the non-partisan principle is injected in this matter.

There is one thing about which the State I come from feels very sore. It has been accepted in this House and elsewhere also by the Planning Commission that there would be a regional balance in matters of employment. It is necessary not only with a view to evenly spread the employment opportunities all over the country but also to see that economic power is properly disbursed, to see that economic power is put in those places where you have only antiquated agriculture. For example, there is North Bihar. It is an area which is absolutely overpopulated. The people there would

like to have other avenues of livelihood. They are denied such avenues. When they make an attempt to enter any industry they are told that they have no experience and they are shut out. You know, Sir, the Bokaro Plant is coming up in Bihar. A large number of artisans, craftsmen, apprentices and skilled labour would be required there. But, when you look at the figures for Rourkela, Durgapur and Bhilai you will find that not even two per cent of the employees in those places are from Bihar. When it is a question of taking only simple labour people from Bihar are taken, but when it is a question of filling up a permanent post, taking a skilled man or a semi-skilled man, the people of Bihar do not come into the picture at all. Therefore, I hope when the rules are framed the hon. Minister will take care to see that the question of Bihar, which is so rich in minerals, minerals of all varieties, and where the people of the soil are struggling hard to get jobs, is taken into consideration. What is the use of having an industry in Bihar if the young men of Bihar cannot take advantage of it?

Similarly, there is Hatia. Even for clerical jobs, even for the posts of durwans people outside the State are brought in. Of what good is this project worth Rs. 200 crores to Bihar? We are supplying power. We are providing the roads. We have given the land. With what result? Sir, I am not saying this from a narrow-minded angle. What I am stressing is that unemployment is there. Industry is not growing up there with the result that the whole pressure is on agriculture and this pressure is increasing. Opportunities of employment are created by the Central Government, but somehow or the other those opportunities are being denied to the young men of Bihar. Where can those young men go? If those young men are not trained, if they are not skilled, no matter what you do from here or what the Government of Bihar may do, North Bihar can

[Shri Rajendra Singh]

never strike a root for industrial growth. That is why I say, from the point of view of promoting industrial growth in an even, balanced manner all over the country and in the interest of regional balance, it is of paramount necessity that so far as the appointment of apprentices and their training are concerned the interests of those areas which are in leeway side shall have to be given due consideration.

Sir, Bihar is an unfortunate State. I have to refer to it again and again. I have stated the position in governmental organisations. Similar is the case with private organisations. Look at Bihar. Tatas is the premier industrial organisation in this country. Take the figures of all types of officers—big officers, medium type of officers, small type of officers and others—in Bihar. All these officers are from outside the State. When we go to the management they say that they do not bother about our local problems and what they are bothered about is about their production, their efficiency of production, a more rational type of production. How can the people of Bihar be saved from this position? Now this Bill is there. The Tatas would be compelled to take apprentices and to train them on the conditions laid down in the Bill. But how can we force Tatas to see that if the requisite number of people with the requisite qualifications are available in Bihar itself they should be given a certain type of preference? That is not provided for in the Bill. If this is not done, it would not only harm the interests of young men of Bihar but it would also harm the interests of the country as a whole, because if there is a drag on our economy from any side of the country then, naturally, the total interest of the country as a whole would also suffer. I would, therefore, request the hon. Minister to see that certain amendments are made to the provisions in this Bill so that regional parity, regional balance in matters of apprentices and skilled labour is also maintained.

There is one thing about which I am very happy. I had a personal talk with the hon. Minister and he has assured me that trade unionists shall also be taken into the National Council and the State Councils. I compliment the hon. Minister for this. After all, whatever you might say about trade unions, we are there in the trade unions not because of the requirements of politics but it is also because of human considerations. Men who are always dealing with matters relating to labour should be given a place in the National Council and also on the different committees so that they can acquaint the authorities with the view point or the angle of thinking of the working class or people who are getting into the working force. From that view point, Sir, the amendment is welcome and I once again most sincerely compliment the hon. Minister.

But there is one snag. When we say that trade unionists should be associated with such organisations, we have to be a little bit careful. The Congress Party is in power because of the support of the majority of the people, because the majority of the Members in this House belong to the Congress Party. Naturally, it has a right to govern, it has a right to rule the country. There is no grievance about it. But, Sir, so far as trade unions are concerned, there are so many other parties, there are so many central organisations. I want that some device is found out—as we have already done in the case of many committees—by which if for one year or two years the INTUC has been represented, for the next term the AITUC is represented and for the next term the HMS and so on. This point has also to be taken into account. I hope, as I have already seen the hon. Minister, he will not have any objection to this because he himself has adopted this in the case of many of the committees, and some device will be found out and provided for in the rules so that by rotation all central trade unions are given a chance of representation.

14 hrs.

Lastly, I would say that once both theoretical and practical training has been given, the apprentices must be given some certificates. At present there is no provision in the Bill under which certificates could be given to the apprentices. Just like degrees of B.A. or M.A. or industrial diplomas, a certificate of competence of the ability which they have acquired should be given to them so that when they go from one industry to another that certificate will be of some help to them, as that would be a permanent standing recognition of the merit and ability of the trainees. With these words, I welcome the Bill and I hope that whatever loopholes, whatever anomalies are there will be smoothened out by the hon. Minister.

**Shri Shree Narayan Das rose—**

**Mr. Deputy-Speaker:** When I wanted to call him, he was found absent.

**Shri Shree Narayan Das (Darbhanga):** I request that I may now be given an opportunity.

**Mr. Deputy-Speaker:** All right.

**श्री श्रीनारायण दास :** उपाध्यक्ष महोदय, यह जो विधेयक सदन के सामने उपस्थित किया गया है, मैं उस का स्वागत करता हूँ। यद्यपि हमारे देश में औद्योगिक विकास बहुत अधिक हो गया है और योजना कमिशन ने और मंत्रालय ने भी बराबर इस बात पर जोर दिया है कि हमारे देश में जो कुशल कार्यकर्ता हैं, प्रशिक्षित कार्यकर्ता हैं, उन का अभाव है। फिर भी इस सम्बन्ध में जो कदम आज उठाया जा रहा है उसे पहले ही उठाया जाना चाहिये था। यह बात सही है कि एक कानून हमारे देश में मौजूद है जो कि सन् १९५० में पास किया गया था और जिस के अनुसार अपरेन्टिसेज की ट्रेनिंग के बारे में व्यवस्था की गई थी, लेकिन जहाँ तक पता लगा है वह कानून करीब-करीब कागज में ही पड़ा हुआ है, उसके अनुसार कोई कार्य नहीं हुआ है। यह बात सही है कि

पहले सरकार का यह विचार था कि उद्योग को चलाने वाले जो उद्योगपति हैं या कारखानेदार हैं, वे स्वेच्छा से इस कार्य को अपने-अपने कारखानों में करेंगे और देश के लिये प्रशिक्षित कार्यकर्ताओं की जो जरूरत है उसको स्वेच्छा से प्रशिक्षण देकर पूरी करेंगे। लेकिन पिछले दस बारह वर्षों में जो नतीजा इस का निकला है वह बहुत सन्तोषजनक नहीं है। हमारे देश में जो उद्योग चल रहे हैं, चाहे वे प्राइवेट सेक्टर में हों या पब्लिक सेक्टर में, उनमें इस बात की व्यवस्था नहीं की गई है कि हमारे देश में जो वैज्ञानिक संस्थायें हैं, या टेकनिकल संस्थायें हैं, उन में से शिक्षा प्राप्त करके निकले हुए नवयुवकों को, चाहे वे डिप्लोमा होल्डर्स हों या ग्रेजुएट्स हों, उन को प्रशिक्षण देने का काम दिया जाये। एक तो इस तरह से शिक्षा प्राप्त व्यक्ति नहीं हैं दूसरे जो व्यक्ति कारखानों में भरती हो कर, अपरेन्टिस हो कर, काम सीखना चाहते हैं, उन के लिये काफी व्यवस्था नहीं है। इस लिये मैं समझता हूँ कि अम मंत्री जी ने जो विधेयक आज रखा है, उस को पहले ही लाया जाना चाहिये था। अगर अब से पहले यह बिल लाया गया होता और इस को कानून का रूप दिया गया होता तो हमारे देश में आज कुशल कार्यकर्ताओं की जो कमी है, जो अभाव है, वह दूर हो गया होता।

अभी माननीय मंत्री महोदय ने स्वयम् इस बात पर जोर दिया था कि हमारे देश में औद्योगिक विकास जिस रफ्तार से हो रहा है, जिस रफ्तार से हम चाहते हैं कि उद्योग का विकास हो, उस के लिये कार्यकर्ताओं का काफी अभाव है, और मैं उनकी बात से सहमत हूँ। अभी भी कारखानों में, चाहे वे पब्लिक सेक्टर में हों या प्राइवेट सेक्टर में, कुशल कार्यकर्ताओं का अभाव है। अभी भी हमको अपने देश के लोगों को प्रशिक्षण पाने के लिये दूसरे देशों को भेजना पड़ता है। अब भी हमारे कारखानों में

### [श्री श्रीनारायण दास]

विदेशी लोग काम कर रहे हैं। इस बात का ख्याल रखते हुए भ्रगर यह विधेयक बहुत पहले लाया गया होता तो ज्यादा अच्छा होता।

दूसरी बात जिसके बारे में मैं निवेदन करना चाहता हूँ वह यह है कि इस सम्बन्ध में बहुत सी छानबीन की गई है, जिनका जिक्र माननीय मंत्री महोदय ने किया था। बहुत सी कमेटियाँ बनीं, और सभी ने इस बात पर जोर दिया, पर नहीं मालूम क्यों सरकार इस बात पर निर्भर करती रही कि हमारे देश के कारखानेदार और उद्योग-पति स्वेच्छा से इस बारे में सही कदम उठावेंगे और अपने-अपने कारखानों में काफी मात्रा में प्रशिक्षण की व्यवस्था करेंगे। यद्यपि यह बात सही है कि स्वेच्छा से जो काम होता है वह ज्यादा कारगर होता है लेकिन यह बात जाननी चाहिये थी कि बहुत से ऐसे लोग होते हैं कि जो स्वेच्छा से इस तरह के कामों को नहीं करना चाहते हैं। इसलिये अपरेन्टिसेज बिल के द्वारा अनिवार्य रूप से कारखानों में अपनी-अपनी श्रोकत के मुताबिक अपरेन्टिसों को प्रशिक्षण देने के कानून का मैं दिल से समर्थन करता हूँ। जैसा कई माननीय सदस्यों ने कहा, जो अधिकारी इस कानून को लागू करने के लिये और इसके सम्बन्ध में जरूरी व्यवस्था करने के लिये कि प्रशिक्षण किन-किन अवस्थाओं में आवश्यक होगा, कितनी अवधि का होगा, उस का क्या पाठ्यक्रम या प्रशिक्षण क्रम क्या होगा, रकबे जा रहे हैं, केन्द्र में और राज्यों में इस सब की व्यवस्था करने के लिये किस अधिकारी वर्ग की सृष्टि की जा रही है, मैं भी समझता हूँ कि वह पर्याप्त होगा। फिर भी जहाँ तक मैंने देखा है, इसमें जिन स्वार्थों का रिप्रेजेंटेशन किया गया है, उनके भलावा मजदूरों की संस्थाओं का रिप्रेजेंटेशन भी इसमें होना चाहिये। दूसरी बात मैं यह कहना चाहता हूँ

कि यह बात सही है कि डेजिग्नेटेड ट्रेड होंगे उनके सम्बन्ध में यह व्यवस्था है, बहुत से ऐसे ट्रेड हैं जिनके बारे में सरकार इस कानून को लागू करेगी, लेकिन बहुत से ऐसे उद्योग हैं जिनके बारे में सरकार कानून लागू नहीं करेगी। मैं समझता हूँ कि जितने बड़े-बड़े उद्योग हैं उन पर जल्दी से जल्दी इस कानून को लागू करना चाहिये ताकि छोटे-छोटे उद्योगों में काम करने वाले या प्रशिक्षण पाने वाले जो अपरेन्टिस हैं, उन के काम करने के जो नियम हैं, जो उनके काम करने की अवधि है, उन से काम लेने की जो मजदूरी है, या दूसरी जो व्यवस्थायें हैं वे ही उन पर लागू हो जायें। यद्यपि इस बात का जिक्र इस विधेयक में नहीं किया गया है कि किन-किन उद्योगों की तरफ अभी सरकार का ध्यान है, लेकिन मैं समझता हूँ कि माननीय मंत्री महोदय अपने अन्तिम भाषण में इसका जिक्र करेंगे कि अभी केन्द्रीय सरकार और राज्य सरकारें किन-किन उद्योगों पर, किन-किन डेजिग्नेटेड उद्योगों पर, इस को लागू करेंगी। किन-किन पर यह लागू किया जायेगा और किन-किन पर लागू नहीं किया जायेगा। हमको इस बात की सूचना भी होनी चाहिये कि तृतीय पंचवर्षीय योजना के अन्त तक कौन-कौन से उद्योग धन्धे इस कानून के अन्तर्गत आ जायेंगे।

एक और बात की तरफ मैं सरकार का ध्यान आकर्षित करना चाहता हूँ। सरकार ने इस बारे में कहा है कि कानून में प्राविजन किया गया है कि यदि कोई उद्योगपति उस मात्रा में प्रशिक्षण नहीं देता है जिस मात्रा में उसे देना चाहिये तो इस कानून के अन्तर्गत उसे अनिवार्य रूप से उतना प्रशिक्षण देना होगा। इसके भलावा भ्रगर किसी उद्योग-पति के यहां अनिवार्य रूप से प्रशिक्षण की व्यवस्था की जाती है और वह ५०० व्यक्तियों से कम कार्यकर्ता रखता है तो उसके लक्ष



का एक हिस्सा सरकार वहन करेगी और एक हिस्सा उद्योग को वहन करना होगा। इसके सम्बन्ध में सरकार कम्पलसरी तौर पर नियम बनायेगी कि किसी उद्योग में अगर सरकार समझती है कि काफी व्यवस्था प्रशिक्षण की नहीं है और व्यवस्था की जाये तो सरकार को खर्च और सुविधा प्रदान करना होगा। यह बात स्पष्ट नहीं है कि सुविधा देने में जो खर्च पड़ेगा उसका कौन सा भाग सरकार को देना पड़ेगा और कौन सा पोर्शन उद्योगपतियों को देना पड़ेगा। इसका खुलासा हो जाना जरूरी है।

इसके अलावा मैं सेंट्रल अपरेन्टिसशिप कौंसिल और स्टेट अपरेन्टिसशिप कौंसिल के रिप्रेजेंटेशन के बारे में भी कहना चाहता हूँ। इसमें तीन तरह का रिप्रेजेंटेशन है, एक एस्टेब्लिशमेंट का है, चाहे वह पब्लिक सेक्टर में हो या प्राइवेट सेक्टर में हो, दूसरा सेंट्रल या स्टेट गवर्नमेंट का और तीसरा ट्रेड और इंडस्ट्री का। मैं समझता हूँ कि जो कौंसिल बनेगी, उसमें लेबरर्स का रिप्रेजेंटेशन होना भी जरूरी है ताकि लेबरर्स का जो व्यू प्वाइंट है उसको भी उसमें रखा जा सके।

इन शब्दों के साथ मैं विधेयक का समर्थन करता हूँ।

**श्री काशीनाथ पाण्डे :** उपाध्यक्ष महोदय, बहुत सी बातें इस बिल के बारे में पहले ही कह दी गयी हैं। मैं उनको फिर से नहीं दुहराना चाहता। केवल कुछ थोड़ी सी बातों पर मैं अपने विचार प्रकट करना चाहता हूँ।

पहली बात तो मैं यह कहना चाहता हूँ कि हाउस में जो विषय विचारार्थ प्रस्तुत होता है उसके विपरीत भी बहुत सी ऐसी बातें आ जाती हैं जिनका उस विषय से कोई सम्बन्ध नहीं होता, जैसे कि अभी एक माननीय सदस्य ने यहां पर आई० एन० टी० यू० सी० का मामला छेड़ दिया। उनके विचार से कहीं भी आई० एन० टी० यू० सी०

का फोलोइंग नहीं है। लेकिन जिस संस्था का माननीय सदस्य प्रतिनिधित्व करते हैं उससे उसकी सदस्य संस्था दस गुनी अधिक है। इस बात की जानकारी उनको आज तक नहीं है जब कि यह बात इस हाउस में बार-बार बता दी गयी है। मुझे ऐसी बातें सुन कर आश्चर्य होता है।

दूसरी बात मैं भोपाल के सम्बन्ध में कहना चाहता हूँ। भोपाल की फैक्टरी के बारे में थोड़ी बहुत जानकारी मुझे भी है। और मैं जानता हूँ कि भोपाल में स्ट्राइक क्यों हुआ। इस बिल में इस बात पर जोर दिया गया है कि जो एप्रेंटिस हो वे ट्रेड यूनियन में शामिल न हों। मतलब यह है कि वे ट्रेनिंग लेने जाते हैं न कि राजनीति के अखाड़े में उतरने के लिए। भोपाल में स्ट्राइक इसीलिए हुआ कि ट्रेनोज़ ने राजनीति में हिस्सा लिया। भोपाल में बहुत बढ़िया आदमी चुन कर लिये जाते हैं और उनकी ट्रेनिंग पर करीब २५-२६ लाख रुपया खर्च किया जाता है। और उनकी ट्रेनिंग समाप्त हो जाने पर उनका टैस्ट होता है। जो फेल हो गए वह चाहते थे कि ट्रेड यूनियन के जरिये फोर्स से उनको भी पास कर दिया जाए।

भोपाल की ऐसी फैक्टरी है कि जिसमें ट्रांसमिटर और दूसरे बहुत ऊंचे दरजे के बिजली के सामान बनने वाले हैं। इसलिये हमको बहुत सतर्क रहना पड़ेगा कि उसमें किस तरह के आदमी रखे जाएं क्योंकि उस फैक्टरी में बने माल की खपत न केवल हिन्दुस्तान में होगी बल्कि उसको विदेशों को भी भेजा जाएगा। अगर हमारा बनाया हुआ माल ऐसा हुआ कि जो दूसरे देशों के माल के मुकाबले में न ठहर सका तो उसका इस इन्डस्ट्री पर प्रतिकूल असर पड़ेगा जो कि पब्लिक सेक्टर में है और जिस पर ५०-६० करोड़ रुपया लगा हुआ है। इसलिये यह बात उन लोगों के हक में है कि जब तक वह ट्रेड न हो जाए तब तक वह ट्रेड यूनियन में शरीक न हों।

[श्री काशीनाथ पाण्डे]

ऐसा ही निवर्सिटियों में भी होता है। लड़के चाहे पढ़ें या न पढ़ें लेकिन वह चाहते हैं कि फॉर्स के जरिये हमको पास कर दिया जाए। ऐसा हो सकता है लेकिन इसका उनके बाद के जीवन पर बुरा प्रभाव पड़ता है। जब वह कंपिटिशन में बैठते हैं तो फेल हो जाते हैं और उनको कोई अच्छी नौकरी नहीं मिलती और कहीं क्लर्की करनी पड़ती है। इसी लिये इस बिल में इस बात पर जोर दिया गया है कि पढ़ने के समय केवल पढ़ाई ही होनी चाहिए।

मैंने इस बिल के सम्बन्ध में एक और बात कहनी है। मैं सरकार को यह बिल लाने के लिए बहुत घन्वाव देता हूँ क्योंकि इसके द्वारा लाखों आदमियों को प्रशिक्षण मिलेगा। यह किसी खास उद्योग के लिये नहीं है, जहाँ भी स्कोप होगा वहाँ पर लोगों को प्रशिक्षण दिया जाएगा। जहाँ भी कोई बर्कशाप होगा वहाँ अगर स्कोप हुआ तो लोगों को ट्रेनिंग दी जा सकेगी। और खुद इण्डस्ट्री को भी ऐसे प्रशिक्षित आदमियों की आवश्यकता होती है क्योंकि जो उनके यहाँ पहले से आदमी काम करते होते हैं उनमें से कुछ रिटायर हो जाते हैं, कुछ मर जाते हैं। तो उद्योग के लिये योग्य आदमी इस स्कीम में तैयार हो सकेंगे। यह बिल इस प्रकार के लोगों को प्रशिक्षित करने का अवसर देता है। इसलिये इस बिल को लाने के लिये सरकार की जितनी प्रशंसा की जाये कम होगी। लेकिन इस सम्बन्ध में मुझे केवल एक बात कहनी है। और वह केवल इस बिल से ही सम्बन्ध नहीं रखती बल्कि इसका सम्बन्ध उन लोगों से भी है जो लेबर मिनिस्ट्री की अन्य स्कीमों के अन्तर्गत प्रशिक्षण प्राप्त करते हैं। इन शिक्षित लोगों को काम दिलाने की कोई मैशिनरी नहीं है, केवल वे एम्प्लायमेंट एक्सचेंजों में नाम रजिस्टर करवा सकते हैं और अगर भगवान की कृपा से उनको नौकरी मिल गयी तो मिल गयी नहीं तो बेकार

रहना पड़ता है। हमारे मन्त्री महोदय को काफी अनुभव है और मेरा उद्देश्य कोई उनको सिखाने का नहीं है लेकिन मैं निवेदन करना चाहता हूँ कि आप जिन लोगों को प्रशिक्षण देते हैं अगर उनको बाद में काम नहीं मिलता तो उनकी उस प्रशिक्षण से आस्था कम होने लगती है। मैं जानता हूँ कि आई० टी० आई० में बहुत से लोगों को प्रशिक्षण दिया गया लेकिन उनमें बहुत से ऐसे हैं कि जिनको काम नहीं मिला।

आज के युग में लोग यह अनुभव करते हैं कि अगर उनको टैकनिकल ट्रेनिंग नहीं मिलेगी तो काम नहीं मिल सकेगा क्योंकि क्लर्की आदि के लिये बहुत कम स्थान खाली होते हैं। इस के सिवा क्लर्की आदि के तनख्वाह भी कम मिलती है। इसलिए लोग चाहते हैं कि उनको टैकनिकल ट्रेनिंग मिले। लेकिन टैकनिकल ट्रेनिंग देने का प्रबन्ध करने के साथ यह भी उतना ही जरूरी है कि सरकार की कोई ऐसी मैशिनरी कायम की जाए जो कि यह देखे कि उनको काम मिला या नहीं।

मेरा संबंध नेशनल प्रशिक्षण संबंधी काउंसिल से भी है। मैंने इस बात को काउंसिल के सामने भी उठाया था। आज तीसरा प्लान हमारे सामने है और हमारा अनुमान है कि इस प्लान के दौरान में टैकनिकली ट्रेड आदमियों के लिए बहुत बड़ा स्कोप होगा। हमको ऐसे आदमियों की बड़ी आवश्यकता होगी। लेकिन मैं चाहता हूँ कि लोगों को ट्रेन करने के प्लानिंग के साथ-साथ हमको उन्हें काम देने का भी प्लान बनाना चाहिए और एक ऐसी मैशिनरी स्थापित करनी चाहिए कि जो देखे कि उनको कहां काम मिलने का स्कोप है। अगर उन को अपने भाग्य के भरोसे पर छोड़ दिया जाएगा तो उसके उनको काम नहीं मिलेगा तो फिर यह प्रश्न इस हाउस के सामने आएगा कि

उन्हें काम नहीं मिल रहा है। इसलिए मेरा निवेदन है कि लोगों को ट्रेन्ड करने के साथ सरकार की ओर से ऐसी भी मैसिनरी बनायी जाए जो कि यह देखे कि जो लोग ट्रेन्ड होते हैं उनको उपयुक्त काम मिल जाता है या नहीं।

एम्प्लायमेंट एक्सचेंज में नाम लिखाने का प्रोसीज्यूर बहुत संतोष जनक नहीं है। लोग समझते हैं कि उनको चुना जाएगा लेकिन नहीं चुना जाता। एम्प्लायर एम्प्लायमेंट एक्सचेंज को कह तो देते हैं कि हमको ऐसे आदमी चाहिए, लेकिन अपने आदमीयो को भर लेते हैं। मेरा विचार है कि जब तक इन लोगों को काम दिलाने की कोई मैसिनरी नहीं होगी तब तक यही अवस्था रहेगी।

अभी इस बारे में एक सप्ताह भी मनाया गया और इसका बड़ा प्रचार किया गया कि लोगों को ट्रेनिंग हासिल करने का अवसर होगा। यह ठीक है, लेकिन मैं निवेदन करना चाहता हूँ कि जहाँ प्लानिंग मिनिस्टर साहब लोगों को ट्रेनिंग देने का प्लान बनाते हैं वहाँ इस का भी प्रबन्ध करे कि वे आदमी बेकार न रहें।

मैं केवल इतना ही अर्ज करना चाहता हूँ।

**The Minister of Labour and Employment and Planning ((Shri Nanda):** Mr. Deputy-Speaker, Sir, I do not feel called upon to take much time of the House because although the discussion on the Bill has been very interesting and very useful comments have been made in the course of it, it has not thrown up any serious objections to which I might feel called upon to make any lengthy reply.

The first thing that I would like to deal with is the suggestion made for the appointment of a Select Committee. Several hon. Members referred to that and one of the hon. Members, Shri Bharucha, asked the House

not to mind the delay of a few months. Of course, it was very well meant. Perhaps the reason was that his concern with these matters is somewhat remote; otherwise, anybody who is in touch with the situation in the country in this matter would resent any delay which can possibly be avoided. I will be asked, "why was this sense of urgency not present before our minds and why did we not bring up this legislation earlier?" From what I said in the opening remarks it would be abundantly clear that the Government has been very vigilant about it and has been taking all such steps as were feasible.

Here I would refer to the report of the Shiva Rao Committee. We were told that apprenticeship training is important but we were also asked that we should try it on a voluntary basis first. We adopted that a suggestion. We formulated a scheme on a voluntary basis. I gave the information that about 7,000 seats were to be filled but actually the scheme was proceeding very readily and therefore we brought down the target to 3,000 or so. Having given a fair trial to this scheme, the conclusion was inescapable that this voluntary basis had failed. We may be blamed sometimes that we are delaying or on the other side that we are using too much compulsion. We have to avoid both extremes and take the middle course. This is what we have done. We gave a fair trial to one scheme and now we are embarking on the other alternative. There too it took sometime for finalising our ideas and proposals.

The scheme has to be worked out in industrial establishments. Therefore, the employers are vitally and intimately concerned. If something is foisted on them by force, it may not prove to be of any advantage to the apprentices themselves, because it is one thing to carry out a scheme for which there is statutory liability, but the spirit in which it is done may be different. So, we wanted to secure their cooperation

[Shri Nanda]

and I am glad to say that we have been able to do that. So, the scheme starts, I think, under more propitious auspices.

So far as the Select Committee is concerned, I would not have opposed it, but this Bill has been before the House since August and I believe there has been plenty of time to move amendments. Some amendments came, but there was nothing in those amendments or suggestions which were received which might create a presumption that a Select Committee reference was essential. Now we have the Bill before us and we have some amendments. The hon. Member who has moved those amendments does not agree that there should be any postponement of the discussion for the sake of discussion of those amendments. I will give due consideration to the various useful suggestions made by hon. Members in the course of their speeches, but it is obvious that there is nothing to necessitate any kind of postponement at all.

Criticism has ranged round the contract of apprenticeship. It was said in the first place that too much has been left to rules and there should be more precise provisions in the Bill itself. To that my answer is, it is a new thing that we have started, and to make it very rigid may not be very helpful. All those requirements which are of an essential character, in the interest of good training and protection of apprentices are all there.

Much was made of the fact that the stipend rate has not been specifically laid down here. Possibly there was some misunderstanding that it is left entirely to the employer and the Apprentice and in such a case, the Apprentice is being placed in an unequal position. But there is clause 13 which says:

"The employer shall pay to every apprentice during the period of apprenticeship training such stipend at a rate not less than the

prescribed minimum rate as may be specified...."

**Shri Naushir Bharucha:** It has to be specified in the contract.

**Shri Nanda:** "...in the contract of apprenticeship and the stipend so specified shall be paid at such intervals and subject to such conditions as may be prescribed."

So, we have not laid down the precise amount, but to have power of regulation in respect of it. If there is any ambiguity about it, I am prepared to consider that.

The next point was about a model. A model may emerge in course of time, but all that is of any real importance has already been laid down. Clause 3 says: that no person shall be engaged as an apprentice unless he—

"(a) is not less than fourteen years of age and

(b) satisfies such standards of education and physical fitness as may be prescribed."

So, some of the things have been brought into the Bill, but at the moment, to go into too much detail was not considered to be really serving the best interests of the scheme which we have before us.

The other point in connection with this contract was about the payment to be made to the apprentice. It has been the considered view that there should be no confusion regarding the role of the apprentice. He is apprentice and not an employee. To ensure that such confusion and consequent undesirable practices are avoided, it has been stated that in the payment made to the apprentice, other payments like bonus incentives, piece work wage, etc. will be excluded. The question was raised as to why overtime should not be paid. This will have to be related to the conditions of apprenticeship. If the overtime arises for the purpose of completion of the apprenticeship

course—for example, there are certain hours laid down and those hours have to be completed—then certainly something can be done. That, I believe, is permissible.

Shri Ramsinghbhai Verma and some others also asked, what is the relief if payments are not made and they fall into arrears? Powers have been given to the authorities to see that the terms of the contract are carried out. If they are not observed and if there are any violations, I believe the sanctions in this Bill are quite severe. Clause 30 provides that if an employer contravenes the provisions of this Act, he shall be punishable with imprisonment up to six months or with fine or with both. So, I think it has been adequately taken care of.

Regarding termination of contract also, it cannot be done by any arbitrary choice of the employer. The Apprenticeship Adviser comes into the picture and he has to see to it that the necessary precautions are observed.

Continuing the same line of argument, it was mentioned that there should be a certificate. The hon. Member who is not here now, I believe was oblivious of the fact that there is a clause—clause 21—for this in which it is provided that as an apprentice completes his period of training he shall appear for a test and after passing the test shall be granted a certificate of proficiency in the trade.

An apprehension was expressed that if we allow an employer to have additional number of apprentices there may be abuse of this discretion. This was done specifically because of our public sector undertakings. We want to train a larger number than may be required for a particular establishment and we thought that the legislation should not be restrictive and should not prevent such a thing being done. I do not think there is any ground for fear that in the private sector an employer will misuse this facility, because an apprentice will have to go through the syllabus and course laid down and he cannot be

mixed up with the workers and used for production, thereby reducing the number of workers on the muster. This cannot happen because we have made adequate provision for implementation of these requirements. There is a field organisation and also there are various bodies to deal with questions that might arise.

Then about employment. It has been laid down here that apprentices are not open for employment. An apprentice cannot be compelled to work in that establishment after completing his course. He cannot be compelled; nor can he compel the employer to keep him there. It has to be mutual and reciprocal. Since we wanted the worker to be free and not to be bound down, it was inevitable that the clause should be worded in this manner. So far as our experience of trainees who pass out of our institutions goes, no problem of any lack of employment opportunity has been encountered.

A point was raised about holidays. They will be the same as in the case of the rest of the workers. An hon. Member referred to the question of the composition of the National Council. I would request the hon. Member to have a look at it. We can supply him the personnel, etc. It is a well composed and it is quite adequate and suitable for the purpose. I may in this connection point out that this body does not deal with administration. There are certain matters of policy and larger significance which go to the Council. The other body, the National Apprenticeship Council, deals with questions which concern administration more or less. In the case of that body it was asked why representatives of labour have not been included on it. I cannot say that it was some kind of a lapse, that we forgot about it; but it appears that when this matter was taken up with the employers for an agreed basis this had emerged there. I agree with the views put forward here that the association of the workers' representatives would be useful. I was not here when the hon. Member

[Shri Nanda]

Shri Guha spoke. So far as I can recall, even the International Labour Organisation conventions on this subject call for a tripartite body and I do not think workers should be excluded from that. Therefore I would readily agree to this suggestion that workers' representatives may be included in that.

There was some exchange of pleasant argument about who should be there, as to which party is to be represented. I do not think in terms of parties at all in this matter. We are not concerned with parties. So far as the central organisations of labour are concerned, as hon. Members know, we have a basis of representation which gives ample justice to every organisation and there has not been, for many years, any grievance on the score that there is any partiality or bias shown in making nominations or giving representation on various bodies. The same policy will be pursued in this case also.

Certain matters do not concern us in relation to this Bill. Though they are important they are not relevant for purposes of discussion here. In the very first clause it has been said that this shall not apply to graduates, diploma apprentices undergoing training etc. They are a different category of trainees regarding whom something more may have to be done. That something does not arise out of this Bill. Therefore, those things can be considered separately.

It was asked to which industries this measure would apply. All those industries which are being covered by our courses of training would immediately come in. There are twenty-three basic trades, fitters, electricians; carpenters, machinists, etc. That is the straight reply that I could give. Of course the application of the legislation will proceed according to requirements.

I think I have dealt with all the points that have been raised. If, however, I have omitted any my attention may be drawn to it.

**Mr. Deputy-Speaker:** The question is:

"That the Bill to provide for the regulation and control of training of apprentices in trades and for matters connected therewith, be taken into consideration."

*The motion was adopted.*

**Mr. Deputy-Speaker:** We shall now take up consideration of the clauses. Clause 2.

**श्री रामसिंह भाई वर्मा :** मैं यह निवेदन करना चाहता हूँ कि कानून बन जाने पर किस क्षेत्र में और किस उद्योग में कैसे लागू किया जाय यह अधिकार केन्द्र के साथ साथ स्टेट गवर्नमेंट्स को भी होना चाहिए . . . . .

**उपाध्यक्ष मन्वीर :** यह बात आप कह चुके हैं और उन्होंने जवाब भी दे दिया है। अब यदि आप चाहते हैं तो उस पर हाउस का वोट ले लिया जायगा। अपनी बात को दुबारा दुहराने से कोई फायदा नहीं है।

**श्री रामसिंह भाई वर्मा :** तब माननीय मंत्री जी बतला दें कि मेरी एमंडमेंट्स में से वे किन किन को स्वीकार करते हैं।

**Shri Nanda:** I may indicate and I have already done so that I am prepared to take up for consideration of the House the amendments relating to representation of labour. That is on page 12, line 9.

**Mr. Deputy-Speaker:** That is amendment No. 12. No other amendment is acceptable to the Government.

**श्री रामसिंह भाई वर्मा :** और लाइन २६ के बारे में क्या मेरी एमंडमेंट को आप नहीं करत हैं ?

**Shri Nanda:** That is consequential.

**Mr. Deputy-Speaker:** Shri L. Achaw Singh is not here.

The question is:

"That clauses 2 to 11 stand part of the Bill."

*The motion was adopted.*

*Clauses 2 to 11 were added to the Bill,*

*Clauses 12 to 23 were added to the Bill.*

**Clause 24**—(Constitution of councils)

श्री रामसिंह भाई वर्मा : मैं अपनी एमेंड-  
मेंट्स १२ और १३ मूव करना चाहता हूँ ।

**Shri Nanda:** I accept the principle of the amendments, but would move amendments in a modified form. I move:

(i) Page 12, line 9,—

for "trade and industry" substitute "industry and labour". (14)

(ii) Page 12, line 26,—

for "trade and industry" substitute "industry and labour". (15)

As now put, the sub-para reads,

"persons having special knowledge and experience on matters relating to trade and industry."

Now, I am accepting the words, 'and labour'. I would like to omit the word 'trade'. This has ceased to be necessary at all. Therefore, we will have "relating to industry and labour".

**Shri T. B. Vittal Rao:** That would be all right.

**Shri S. M. Banerjee:** I want one clarification. The hon. Minister stated that verification has been done in the case of the central labour organisations. I would like to know this. In the Defence Industry and in the Railway Industry, where there are certain all India federations

which are neither affiliated to the A.I.T.U.C. or the I.N.T.U.C, what will happen to those federations? Will they be given representation?

**Shri Nanda:** We shall consider.

**Mr. Deputy-Speaker:** That will be considered.

**Shri T. B. Vittal Rao:** They must be affiliated to some central organisation.

**Mr. Deputy-Speaker:** The question is:

(i) Page 12, line 9,—

for "trade and industry" substitute "industry and labour" (14)

(ii) Page 12, line 26,—

for "trade and industry" substitute "industry and labour". (15)

*The motion was adopted.*

**Mr. Deputy-Speaker:** The question is:

"That clause 24, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 24, as amended, was added to the Bill.*

*Clauses 25 to 38 and the Schedule were added to the Bill.*

**Mr. Deputy-Speaker:** The question is:

"That clause 1, the Enacting Formula and the Long Title stand part of the Bill."

*The motion was adopted.*

*Clause 1, Enacting Formula and the Long Title were added to the Bill.*

**Shri Nanda:** I move:

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

**Mr. Deputy-Speaker:** Motion moved:

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

**Shri D. C. Sharma:** Mr Deputy-Speaker, I think, with the Third Five Year Plan, we are going to do two momentous things. One is to introduce compulsory free primary education throughout the country of which we have heard a good deal. The second thing in the matter of education and training that we are going to do is this Apprentices Bill. I am afraid that this Bill is being passed without much fanfare though it is going to be far-reaching in its consequences. It is, I believe, going to lay the foundations of our future industrial prosperity in this country and it is going to be a boon for those young men and for those persons who cannot take advantage of the so-called schools, colleges and Universities but who are fit to be skilled workers. I believe that this Bill is going to do a lot of good to our country so far as the implementation of our Plans is concerned and so far as the utilising of the vocational talent in this country is concerned.

There is one thing about which I feel a little unhappy—I should not use the word unhappy. There is one little thing about which I feel a great deal of anxiety and it is this. When I look at Chapter III entitled Authorities, I feel that this Chapter has not been drafted with as much attention as it deserves. After all, this Bill gives us only the objectives that we are to pursue. What is going to be the implementation agency? The implementation agency is going to be very very meagre and is also going to be very very unbalanced and is also going to be very very inadequate. How can you expect one National council to deal with all the problems that would arise in the matter of training all over the country.

**Shri T. B. Vittal Rao:** They are already doing it.

**Shri D. C. Sharma:** I take it that there are going to be State Councils. But, is one State Council going to deal effectively with the multifarious activities of this Apprenticeship training scheme? I doubt it very much. I do not think that the implementation of the scheme which has been brought forward by the Ministry is going to be adequate for the purpose for which it is meant.

Again, I do not understand why there should be one National Council and there should be another Central Apprenticeship Council. Two Authorities have been brought into being. I feel that these two Authorities....

**Mr Deputy-Speaker:** We are in the Third Reading. The House has just adopted these provisions. He had no amendment for which he is sorry that it has not been adopted.

**Shri D. C. Sharma:** I submit very respectfully that these two Councils are going to look after the interests of the whole country which is an impossible task, a super-human task, which they cannot do. I would have suggested one amendment. This Bill came before us when we were just fresh from the recess and therefore, I could not send in any amendment. I would say that the State Apprentice Advisers cannot look after the interests of all the apprentices who are going to be there in so many industrial undertakings and in so many other places. I would, therefore, request the hon. Minister to look into this aspect of the question, again. Let there be regional advisory councils, and let there be local advisory councils. I might give one example. Take the case of Phagwara, or take the case of Amritsar or take the case of Ludhiana. There are so many kinds of industries in all these places. How is one State Apprenticeship Advisor going to deal with all these industries? Is he going to be all over the places? Is he going to be ubiquitous? It is not possible for



a single person to attend to all these things.

Therefore, I feel that there should be local advisory councils wherever there is big industrial output. There should also be honorary apprenticeship advisers. You can get any number of them, so that this scheme can be made as effective as possible.

Sir, I am looking at this Bill not with the eyes of a trade union leader but with the eyes of a teacher. I have been all my life a teacher, and I am looking at it as a great experiment in training and education of a different kind. I am looking at it as a great national venture of training. When I went to Japan, I found that every factory had school attachments. Those schools used to train the apprentices.

Here, we are told that a factory will give basic training as well as practical training, and where basic training is not available in a factory, Government will undertake that basic training. I do not understand how it is going to be done, and how the demarcation between basic training and practical training is going to be made, and how practical training is going to be given by the industrial undertaking and how the basic training is going to be given by some institute which Government are going to set up. These are some of my misgivings, and these are some of my doubts. I am glad that you have given me this opportunity to air my doubts and my misgivings, but in spite of that, I think that this Bill is of a very momentous nature, and I hope that it will change the industrial map of our country, so far as the training of persons is concerned.

I do not want apprentices to be equated with workers and given overtime allowances and all that. I do not want them to become workers before they have actually become workers. I want them to be trainees only. I find in this Bill that their rights have been very well protected.

I also find in this Bill that every effort has been made to see that they are not exploited by any employer. I am glad that all this has been done.

I want that this Bill should be essentially a Bill for training and not a Bill for training trade union leaders, not a Bill where trade unions of this type or that type can go to apprentices and indoctrinate them. Let us not dabble in that kind of thing when these persons are going to be trained. Let them be only trainees and nothing but trainees. If they want to join the trade union movement, they can do so after finishing their course. Therefore, the training and political indoctrination should be kept apart, so far as this Bill is concerned.

I welcome this Bill with all my heart, and I hope that this Bill will give more fruit than I think it will.

**Shri T. B. Vittal Rao:** We are passing a legislation which is of far-reaching importance to our country and to its economy. The idea of having legislation for regulating the training of apprentices has been recommended by various committees from time to time. If I remember aright, it was the Ananthasayanam Ayyangar Committee which suggested this first, and the Shiva Rao Committee also suggested this about six or seven years ago. Recently, the Working Group on Technical Education and Vocational Training appointed by the Planning Commission also strongly recommended that legislation should be undertaken for regulating the training of apprentices. I am very glad that the hon. Minister has come forward even at this late hour with this legislation.

The delay in bringing forward this measure has cost us very much. Today, we are not able to increase our rate of industrial production to the extent to which the resources are available, for want of skilled workers. This is so because we have failed in

[Shri T. B. Vittal Rao]

our efforts to utilise the human resources available and to train them properly. There have been certain enlightened employers who have recruited apprentices and trained them, and their industries are today prospering well. But there are certain industries where the employers were not so enlightened, and they refused to recruit apprentices, and the result is that today we are facing one of the greatest shortages of skilled workers. This has resulted in loss of production, which in turn has hit the economy of our country.

It is very easy for the hon. Minister to come forward and say that he has tried his voluntary methods but has failed. But what has it cost the country in terms of this delay? That is something which has got to be taken note of. Anyway, I am glad that at least at this late hour, this legislation has been brought forward and is being passed.

When we look at the provisions of this Bill, it is possible that here and there might be some loopholes, but I can say that on the whole the Bill has been very well drafted, and enough safeguards have been provided. For instance, there is provision for the awarding of a certificate; then there is provision for regulating the conditions of work of the apprentices in the industry, and these things have been very nicely defined. Then, there is also provision for State Apprenticeship Councils and State Councils etc. I hope that as soon as this Bill is brought into force, these various bodies will be constituted without any loss of time. We cannot wait today, because we need so many skilled workers immediately.

The other day, I was referring to certain statistics. I found that in our country, there are 26 crores of adult population. Out of a total population of nearly 43 crores, we have got 26 crores above the age of 15. The Plan schemes that we have undertaken are so huge that they require a number of

trained personnel to man them. Therefore, this legislation should be brought into force as quickly as possible.

There is one more question to which I shall make a reference, and that is in regard to the minimum rates being provided for the apprentices. Today, taking advantage of the unemployment situation in our country, several employers recruit these apprentices even at stipends of Rs. 30 to Rs. 50 per month, which is not at all sufficient. Since these apprentices are usually those who have studied up to the matriculation stage, they should be given at least the minimum rates obtaining in the industry. That will go a long way in enabling them to pursue their avocations properly.

With these words, I welcome this measure.

**Shri Nanda:** It is my obligation to reciprocate the appreciation of the provisions of the Bill expressed by hon. Members, and I express my deep gratitude to them for giving this sympathetic consideration to the provisions and also for making very helpful suggestions.

I appreciate greatly the keenness and anxiety on the part of my hon. friend who has been a teacher for many years, in regard to the implementation of this legislation. He very diligently looked into the provisions and succeeded in finding something about which he thought that he should say a few words. For instance, he had to say something about the various authorities. On the one side, he said that we do not have enough of them, and on the other, he said that we have too many of them. The National Council concerns itself only with very large and broad matters of policy. Then, there is the apprenticeship council at the Centre as well as in each State. Then, there are apprenticeship advisers, deputy and assistant apprenticeship advisers, and we can add, sub-assistant apprenticeship advisers and so on. By

Salaries (Exemption  
from Taxation) Bill

multiplying agencies, we do not necessarily ensure better implementation.

15 hrs.

The hon. Member had some doubt about basic training. Basic training has to be provided in a part of the premises of the employer, that is, in the industrial establishment, for the most part.

I need not add anything more to this. I also feel that if it had been possible, we should have brought up this Bill earlier. We have endeavoured our utmost, but in order to secure the co-operation of industry, it was necessary to go through a certain phase of negotiations and we had to apply some pressing persuasion or persuasive pressure in order to get the results which are now in the shape of this Bill.

**Mr. Deputy-Speaker:** The question is:

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

*The motion was adopted.*

15.02 hrs.

VOLUNTARY SURRENDER OF  
SALARIES (EXEMPTION FROM  
TAXATION BILL

**The Deputy Minister of Finance (Shri B. R. Bhagat):** I beg to move:

"That the Bill to provide for exempting from taxes on income a portion of the salary or allowances payable to any person who has in the public interest volunteered to forego it, be taken into consideration".

This is a short and simple Bill. The Bill was introduced in the last Session, but its consideration could not be taken up for paucity of time.

As the House is aware, there is already a similar enactment, the Voluntary Surrender of Salaries (Exemp-

tion from Taxation) Act, 1950, under which certain classes of persons are exempted from payment of tax in respect of such part of their salaries and allowances as is foregone by them in the public interest by a declaration in writing. The application of that Act is, however, limited to persons whose salaries are either specified in the Second Schedule to the Constitution or are determined by any Central, State or Provincial Act. That Act, accordingly, does not apply to other salaried persons either in government or in private employment, with the result that even if any such person volunteers to forego his salary in the public interest, he has to pay tax on the full salary which is due to him, including the portion foregone by him. The present Bill seeks to remove these restrictions and proposes that the scope of exemption from tax be extended to all salaried employees, whether in government or private employment, in respect of the amounts foregone out of the salaries and allowances due for any period after 31st March 1961.

So far as persons in government employment are concerned, exemption from tax will be available if the person concerned makes a declaration in writing volunteering to forego any part of the salary or allowance due to him. In the case of other persons, it is proposed that the part of the salary or allowance should be surrendered by the person concerned in favour of, and paid over to the Central Government in accordance with rules to be made in this behalf by the Central Government. This is necessary as the object behind this legislation is that the surrender should be made in the public interest. In the case of private employees, the mere act of surrendering the salary is not enough since such surrender will not subserve any public interest, unless the amounts surrendered are paid over to the Central Government.

Incidentally, I may add that as the provisions contained the present Bill