

1521 hours

SHRI K.V. SURENDRA NATH (TRIVANDRUM): Mr. Chairman, Sir, I am very happy that since I came to the Lok Sabha the first time that I opened my mouth is in support of this Bill which concerns the daily life and fate of - if I may use the very often used and popular phrase - "wretched of the earth" as Herbert Marcuse once said. The real 'wretched of earth' is in India. It is a different matter that you may quarrel that the number is eight million or twenty million. Whatever be the number, they are the most wretched of the working class of India, closer to the agricultural labour in the villages than the urban industrial workers. A large part of them consists of women and a rather considerable part consists of pre-adolescent workers. I call them children but they are pre-adolescent workers. They are always scattered, shifting from one work place to another and not knowing where to go the next day. They are not at all integrated as the mill workers or any other industrial workers are. All these are the peculiarities which make them, in spite of the peculiarities, a section of our work force that should have been given greatest priority, the first priority when legislation is concerned. That has not been done.

I think it is the eighth attempt. In 1986 we were thinking of legislation. In 1982 itself Tamil Nadu had made a legislation of its own. From that day actually they targeted the workers of the building industry which covered a large portion of the building industry. It was in 1982. Now it is 14 years later. In 1989, without waiting for the Central Bill to come, Kerala enacted a Bill and brought it into force. It should have been done long ago. Even now, in spite of all the changes that have come, the name itself will leave a very sour taste in the mouth. It says: 'building and construction workers'. What does it mean? why should you call the baby by its real name? I do not understand it. That is one thing.

There has been a big boom now. As we have already seen a big change is coming over in this industry. It is not merely the common man who takes a loan of one lakh of rupees from somewhere and puts up a residential house. That is

a very small part of the industry. Greater and greater part of this construction activity has already gone into the hands of big-money people.

(tt/1525/san)

We have a company in Kerala. I do not want to mention its name. It can, even now, through its activities in connection with power, irrigation and other sectors, buy the whole State if it wants. The Kerala people know the name of the company. Such big sharks have become prominent. The industry is their now. It is not so about residential house building sector alone. Even in a very backward city like Trivandrum which I represent what happens is that multi-storeyed skyscraper residential apartments have stolen the show and are coming up in a big way.

The other thing is that smaller houses measuring 1000 sq.ft. are going out of fashion and out of popularity. The big multi-storeyed buildings are coming up. The big projects like dams, irrigation works, electricity projects and various other projects - mainly owned by Government institutions, departments and corporations - are running the show.

There is a big talk going on whether it is possible to have such a legislation in an industry which is one hundred per cent unorganised. Even now, it is unorganised. We have experienced two things in the South. One of the things is the plight of handling workers at docks and Cochin Port. Had such a legislation come in time, it would have been beneficial to them also. Some wrangling went on for some time and finally we had a piece of legislation. The other thing was a very difficult thing which generated a lot of controversy regarding head-tolling workers. They are spread throughout the State. We tried to organise it in some fashion by the use of legislation which we had. It has served quite a good purpose and it has not been very bad. There was not much opposition to that legislation which was helpful to the workers.

So far as legislation here is concerned, I would say that there is a big boom in construction activities. Even in a poor State like Kerala, a vigorous economic venture is in house building. Therefore, unless we give some

protective shield to the workers in this sector, our commitment to the working class will not really be through.

In the Bill, it is mentioned that a worker should have minimum work for 90 days in a year. What it means is such work may not be continuous. Secondly, the number of workers with a contractor should be 50 for registration. Taking all these things together, what is the percentage of construction workers that is going to be covered? I do not think that if you retain these two conditions, it would be possible to cover more than five per cent of the workers and 95 per cent of the workers would remain out of its purview. The smaller is the contractor, it is easier for him to say that he did not employ 10 persons. Who is going to find out? There is no possibility of finding out. These two conditions of work for 90 days and 50 persons in the work force make it impossible to give it not only considerable coverage but wide coverage in respect of construction workers in this sector.

(uu/1530/ksp/asa)

So, these two things have to be done. Otherwise there is no use wasting the precious time of the Lok Sabha or any other legislative organ. That is the main point to which I would like to draw the attention of the House.

SHRI NIRMAL KANTI CHATTERJEE (DUMDUM): Mr. Chairman, Sir, I am on a point of order. The speaker's name is not being shown in the TV outside. It is mentioned that you are in the Chair, but the speaker's name is not mentioned.

MR. CHAIRMAN (SHRI P.M. SAYEED): It will be shown.

SHRI K.V. SURENDRA NATH: Sir, the most important thing in respect of legislations like this is the implementation. That is the core issue. Now, what does this Bill put forth for implementation? It says that there will be an Expert Committee in Delhi. Then, there will be an Advisory Board. They will tender general advice and keep quiet. In the States also there are Expert Committees and Advisory Boards. Then, do they have any organisation to coordinate the activities conducted under the auspices of the Central

Government and the State Governments? Do they have any organisation to coordinate the activities at the district level and at the State level? I do not think that they have gone into this question at all.

Then, it is stated that a gazetted officer would be nominated for registration at the Centre and in the States. The number of such officers and their qualifications are to be decided by the rule framing body. Beyond that, how do they coordinate between the Centre and the States? The only thing which is implied here is that the Central Government would nominate the Chairmen for the State Boards. The Central Government would nominate Chairman for the Kerala Board, Tamil Nadu Board and all the 25 State Boards.

It is stated that powers would be conferred on the instructors who would be appointed under this piece of legislation. But who will prepare charges and take them to the Metropolitan Magistrate or the First Class Magistrate or any judge of that level? Who will do this? This is not mentioned here. All the good things have been written here. But where are the teeth? Without the teeth, how will you implement these provisions?

Sir, I was thinking as to why they cannot involve the Panchayati Raj institutions in the welfare and the betterment of conditions of millions of workers who call themselves as 'construction workers'? Why can you not involve the district panchayats, block panchayats and the village panchayats? They could be involved in the implementation. So, some mechanism should be found out for implementation. The best thing would be to have a tripartite organisation. The Board is given the name as the 'Welfare Board' - as if it is concerned only with welfare activities.

(ww/1535/rc-sb).

They talk about pension but nobody knows what kind of pension they are talking about. They say certain other things like provident fund and life insurance. They are talking about insurance which is already in force for everybody. Even I can get myself insured under the Group Insurance Scheme. That is already in force. Excepting that, there is no real mentionable thing

which is now contemplated by this legislation. But still it calls itself a Welfare Bill. There is no welfare activity.

Then, there is a provision for a Welfare Board. I think, it is in clause 21. The Welfare Board will decide the hours of work, payment of wages, etc. All these things have been left to the State Boards and Welfare Boards which are being contemplated under this Bill. It is a self-contradictory thing. So, if these things have to be successfully enforced, the only way which we - the people like me and trade union leaders - could think of would be having a tripartite mechanism. You could have tripartite mechanism through this Bill or through some other way. This tripartite mechanism should include labour, employers and representatives of the Central Government or the State Governments. If such a tripartite mechanism comes into force, then the aims and objectives of this legislation could be achieved partially. Otherwise, it would just remain a pious wish. That is the only thing that is going to happen, if we pass this Bill in this form without any changes.

Then, what could be done about the children of 10 or 12 years age? They are not yet adolescent. If you do not do something for them, they may be out of work and starve. If you do not do something, the World-Trade Organisation will catch us by the collar of the shirt. It is a very difficult choice to make. But the fact remains that large number of children are involved in building construction work. Even in Delhi, when I open my window in the early morning, I see building construction workers of 10 years age sleeping in the open in front of our Kerala House. So, something has to be done.

Then, as the previous speaker, my hon. friend, Shri Jos said, why should we have a clause in the legislation saying that Government would have powers to give extension to certain employers? It is a very difficult thing. Not only difficult, but it is a very dangerous to have a clause like this.

As regards the nomination of Chairmen of the State Boards by the Central Government, I do not think it is a very desirable thing to do so. They

23.07.96

Uncorrected - Not for Publication

4555

can put up a panel and the Centre could choose from that panel. Or they can get the approval from the Centre in deciding who the chairman of the Board should be. That would suffice.

These are the main things I wanted to bring to the attention of the House. With these words, I conclude.

(ends)