

1436 hours

SHRI HANNAN MOLLAH (ULIBERIA): Mr. Deputy-Speaker Sir, I rise to speak on these two pieces of legislation brought before this House which should have been brought long ago. After 50 years of Independence, the largest number of working class, just next to the agricultural workers, are languishing for several decades to have their rights legalized. But unfortunately, those people remained outside the ambit of our legal protection. Even three decades before, in the Tripartite Conference of the Ministry of Labour, it was first of all accepted that such an Act was necessary. Then, again 30 years passed but that legislation could not be passed. About one crore construction workers are there in our country who have no protection, welfare measures and justice in their working place and amenities for discharging their service. They are building the nation through their construction work but we failed to recognise their services and give them a comprehensive legislation. Though belated, the Bill has been brought here.

Sir, you know that this Bill was brought through Ordinances. Before that, there were so many Tripartite and Bipartite Conferences and on the basis of those Conferences, recommendations were made and ultimately, the earlier Government drafted this Bill. The present Bill is almost the same as it was drafted by the last Government and we had lot of differences on several projects.

You may also know that the Construction Labour Movement and the National Campaign Committee fought for their rights and suggested certain measures to be included in this comprehensive Act but unfortunately, those have not been accepted. In spite of repeated discussions, the main points put forward by the National Campaign Committee headed by Justice Krishna Iyer had not been accepted. Yesterday, our former hon. Minister made some good points. I accept those points. We are fighting for those points and when he was a Minister, we had brought all those points before him but he could not incorporate them in the Bill.

Now, unfortunately or fortunately, he is not a Minister and he is speaking the truth... (interruptions)... So, because of that, I have moved the Motion for sending this Bill to a Joint Select Committee.

(kk/1440/snb-hcb)

If we could send it to the Joint Select Committee they could discuss it and the Committee could prepare a comprehensive report. After consulting the concerned authorities, they could prepare a comprehensive Bill. Our opinion is that this is not a comprehensive Bill.

Sir, first, the Petitions Committee took up this matter. I was a member of that Petitions Committee. We discussed the matter with all those organisations who represent the construction labourers. After getting their opinion, we made certain suggestions. But those suggestions of the Petitions Committee were not complied with. Again, on the basis of that, I also moved a Private Members' Bill in this House. There were wide ranging discussions in Calcutta, Durgapur, Hyderabad and in various other parts of the country. The construction labourers' organisations also discussed this Bill. They recommended that the main thrust of the Bill should be incorporated in the Government Bill. But unfortunately, those points have not been accepted.

Sir, I would like to draw the attention of the House to the various lacunae that exist in this Bill. It would be the best if the Government decides to accept the suggestion of referring this Bill to the Joint Select Committee. But if the Government have some other difficulties and want to pass this Bill through, then at least the lacunae in the Bill, about which I want to mention, should be taken care of and Government amendments to this effect should be moved on those lines before passing this Bill in this House.

SHRI BALDEB ACHARIA (BANKURA): Your amendments could also be accepted.

SHRI HANNAN MOLLAH (ULUBERIA): I have submitted my amendments and we would see at the time when they are taken up.

Sir, one of the major lacunae in the Bill and also one of the main demands of the constructions workers is that there should be a proper

authority for registration and administration of the construction labourers. A Construction Labour Board should be formed for this purpose. That Board should be at the national and State level and it should also be extended upto the district level. The Board could register the construction labourers. It should be formed on the pattern of the Dock Labour Board. This is the main demand of the construction labourers. But this demand has not been accepted. I would like to request the Government that the so called Welfare Board should be replaced by a Construction Labour Board which could serve the purpose of the construction labourers in a better way.

Secondly, whatever has been provided in the Bill regarding registration - the workers should work in an establishment which employs 50 or more workers - is not acceptable. If this clause in the Bill is accepted, 75 per cent of the workers would be left out and only 25 per cent of the construction labourers would be registered. It is because most of the workers work under small contractors. I have also given my amendments in this regard saying that all the one crore construction workers should be brought under the ambit of this Bill. Under the present clause, only 25 lakh construction workers would be included and 75 lakh would be left out from the benefits of this Bill. That would be a hoax and would not serve the purpose. So, I would like to request that any number of construction workers should be registered and there should not be any bar, such as 50 workers.

(11/1445/rk)

It has been said that unless a worker has worked for minimum three months in a particular establishment, his name will not be registered. I would say that this is an eliminating clause as this eliminates the workers from getting any benefit out of this Act. If such eliminating clauses are there, I am afraid we will not be able to register many workers. It has been said that the workers would cease to be called as construction workers if in one year they have not worked for a minimum period of 90 days. So, there are a number of eliminating clauses in this Bill and if they are retained, it will not be

In the interest of the construction workers. I would, therefore, say that this Bill should not be passed as it is.

There is another clause which says, a worker would cease to be called the construction worker and would not remain the beneficiary if he fails to pay his contribution for one year. A poor worker may have lost his job after working in an establishment for 10 days and thereafter he may have to go to another district in search of work. If he fails to pay his contribution he will cease to be a construction worker. If we allow this to happen, I doubt that even 25 lakh workers, that are there at the present moment, will not be there in the workers' list. One-fourth of the workers only may get the benefit out of this Bill and another three-fourth of the workers will not get any benefit. This, I think, is the major flaw of this Bill and this should be removed.

I would suggest that a worker may be registered if he works under a person who is constructing his own residence. A big house under construction employs a large number of workers. People are spending about Rs.10 lakh to Rs.15 lakh on construction. If this type of exemption is given, it will reduce the number of the construction workers who can take the benefit out of this Bill. I would request the Minister that the list of beneficiaries should cover the entire construction labour as without that this will not be in the interest of the construction labour. In this Bill, only a partial benefit is accorded to the construction workers.

I would suggest that there should be some welfare scheme for the workers and that welfare scheme should be a part of the Construction Labour Act, otherwise the intended benefit would not go to them. The workers have got a number of problems. There are economic problems, educational problems, accommodation problem, drinking water problem, medical benefit problem and a number of other problems. I would suggest that a comprehensive clause should be added in this Bill spelling out all these benefits so that a comprehensive welfare scheme becomes a part of the Bill. It should not be left in the hands

of the bureaucrats - who may say that it should be done as per the rules - but it should be made statutory. I, therefore, strongly demand that a comprehensive welfare scheme should become a part of this Bill. I request that this should be accepted, as without this, it will not serve the poor people.

Now, I will talk about the cess. An employer is a person who employs 50 workers and above. Those who are constructing personal houses are not contributing to the Cess Bill. There are provisions to exempt these people. In our country we have developed such a culture that if a loophole is there, everybody will take advantage of that loophole and thereby cheat the poor people. I think, if this clause is accepted, the construction workers will not get any benefit.

(mm/1450/kmr/nkr)

This exemption clause should not be there. The builders should also contribute to the fund. This collection should directly go to the welfare fund. It should not go to the Consolidated Fund of India in which case it will be lost and will not reach the people for whom it is collected.

I have been working in this field for the last fifteen years. We have built up this movement and have been fighting for these people all these years. When at last the Bill has come, it has come with a lot of loopholes in it. It is not a comprehensive Bill.

Regarding contribution to the welfare fund, why should a construction worker contribute? We all know that no surcharge is collected from beedi workers, dolomite workers, mica mine workers, limestone workers, chrome mine workers, etc. None of these workers contribute for any welfare fund. Why should only the construction workers contribute? I do not know if the IAS officers and other officers contribute for their welfare funds but why should these poor people be forced to contribute? This is one of the major lacunae. Instead of helping the workers, the Bill will impose a burden on them. Therefore, Clause 16 of the Bill should also be suitable changed.

The clause relating to pension in the Bill virtually results in denial of pension to a construction worker. The condition laid down is, if a worker does not continuously work for a period of five years immediately before he attains 60 years of age, he will not get pension. To be eligible for pension a worker must continuously work from the age of 55 years to 60 years in a particular construction company. If he does not work in his last days, he will not be a beneficiary of pension. This clause is out and out a farce and it should be deleted. Any worker who is registered as a construction labourer and who attains the age of 60 years, should be covered by the provision of pension. This type of eliminating clauses will not help the construction worker in true sense.

I have certain objections regarding cess also. In the Bill, a cess of only one per cent has been proposed to be imposed which will result in a very meagre fund. A minimum cess of 50 per cent should be imposed to create a sizeable fund which can serve the interests of construction workers.

These are the major lacunae that we have seen in this Bill. I request that either the Government should agree to all these major points which the construction labour unions have been fighting for and incorporate them in the Bill, or this Bill should be sent to a Select Committee so that a comprehensive Bill is brought into the House after accepting these suggestions.

The agricultural workers Bill is pending. Though all previous Governments promised that it will be brought before the House, it could not see the light of the day. I hope, that Bill will come soon. I also hope that when it is brought, it would not be handicapped by such lacunae. I request the hon. Minister to accept all these major amendments that are yet to be moved.

SHRI P. UPENDRA (VIJAYAWADA): Do not suggest referring it to a Select Committee, in which case it will take two years to come back. Ask the Minister to call a meeting.

(nn/1455/spr-1a1)

SHRI HANNAN MOLLAH : Within a limited time, you can discuss and you can incorporate the suggestions of those responsible people and unions so that the Bill would really become a comprehensive Bill.

Sir, with these words, I hope that the hon. Minister will take note of the sentiments of the whole country, of the whole movement of the construction labourers and that he would try to come up with a real comprehensive Bill in the interests of the second largest segment of the poorest working class of this country.

Thank you, Sir.

(ends)