

1547 hours

**SHRI CHITTA BASU (BARISAT):** Sir, I want to be very brief because of the fact that earlier speakers have already dealt with various aspects of the Bill.

The Bill has come too late. Even ~~if it has come too late~~, it has given too little, particularly in respect of the construction workers of our country. Some Members have mentioned the number as 22 crore and some others have mentioned it something less than that. But I say, it is the teeming millions. And if we are to do any justice to the deprived, to the under-privileged, the first target necessarily has to be these construction workers. If the Government is committed to look after the interests of the most deprived, the neglected and the lowest of the low of our social strata, then the target is these construction workers. At least the Government has up-till now taken cognisance of their presence in the society as also their contribution to the human civilization of the world.

This Bill suffers from a basic infirmity. And this infirmity is neither like a fish nor like a chicken; it is neither for the workers nor for the employers. This is because the basic philosophy of trade unionism has been altogether rejected in this. The basic philosophy of trade unionism is tripartism. I have got an experience of years if not of decades in the trade unionism. I can say that unless there is a tripartite mechanism, it has got no basis at all.

(zz/1550/kvj)

It has provided for an Advisory Committee. Who will appoint that Advisory Committee? The Central Government at the national level and the State Government at the State level. All are nominated; there is no element of election. There is no element of representation either from the workers' side or from the employers' side and whatever representation they give will be decided by the Government either at the State level or at the national level. Representation is a basic element in Trade Union democracy and it should be

there in order to protect, preserve and expand the TU rights. But that aspect is altogether absent in the whole perception of the Bill.

There is no conciliation machinery. Workers have their own interest; employers have got their own interest. There would certainly be conflict of interests and that is another basic perception of the trade unionism. For that every law relating to the interest of the workers naturally provides for some kind of mechanism for the redressal of grievances or some kind of mechanism for the conciliation of the conflicts arising between the two classes. Here there is no provision of conciliation machinery. If you call it a welfare Bill, these welfare measures will have to be taken by the Board. But that is not very much present here. In future some State Advisory Board will decide upon what kind of welfare measures that State Board will prescribe. There is no mention about that Welfare Board except for the expression of what I will say pious wish. That is also not there. (Interruptions)

I am very happy that you have really understood me. But this is what it is. It is neither fish nor chicken. It is neither vegetarian nor non-vegetarian.

I cannot reject the Bill because that will be injustice. It is after all a Bill concerning the most teeming millions of our society which is going to become a part of the statute. It will have a place in the statute books. That is the only pleasure I can derive. For that this House or the Minister can claim credit and I am prepared to concede that credit to him. After all construction workers will also be mentioned in the statutes of our country. Therefore it requires to be further modified; it requires to be further enriched; it requires to be further corrected; infirmities and weaknesses removed; and it requires to be further strengthened.

As regards the negative aspects, that is exemption, it takes some of the teeth out of the Bill. As regards the question of depositing the cess to the Consolidated Fund of India, it is an example of the concentration of powers in the hands of the Centre. It shows scant respect for federalism. —The

State Government will collect it from the poorest of the poor and it is expected that that fund will be spent for the welfare of the workers.

(aaa/1555/reg-hat)

It would be deposited in the Consolidated Fund of India. This House has some control. I do not know how it would be distributed and what the methodology of distribution would be. Not a single farthing can be spent out of the Consolidated Fund of India unless this House approves of it. Thus, it becomes a part of budgeting. It becomes a process in the passing of the Budget. This is unnecessary and avoidable.

There is the question of collecting cess not exceeding one per cent. What is the rationale for it? Why is it not 1.5 per cent? There might be many other factors: big contractors, small contractors and so on. You may have some differentials. But why do you not have it at 1.5 per cent or two per cent or three per cent? What is the rationale for that? The hon. Minister should explain if there is any rationale for that. Therefore, I support the perception of the Bill and I support that this Bill should be passed by the House, but it is better that it is further corrected and further improved upon.

I do not mind if the Bill is passed today, but heavens would not fall if it is referred to a Joint Committee and the Joint Committee might be asked to submit its report within a month. There have been many precedents of this nature, where the House refers a particular Bill, an important and an urgent Bill to a Joint Committee with the purpose of improving upon it, when the principle of the Bill is accepted by the House. I have not heard anybody who has objected to the principle of the Bill. Everybody has appreciated the basic principle of the Bill. But it needs further improvement; it needs further strengthening; it needs the removal of certain weaknesses and infirmities.

Therefore, this Bill might be referred to a Joint Committee with the request to report within a month and the House can adopt it in a rich and better form with necessary modifications. A motion has already been moved for referring this Bill to a Joint Committee.

With that, I conclude, Sir. Thank you, very much.

(ends)