

RAJYA SABHA

*SYNOPSIS OF DEBATE

(Proceedings other than Questions and Answers)

Friday, August 2, 2019 / Shravana 11, 1941 (Saka)

GOVERNMENT BILLS

1. The Unlawful Activities (Prevention) Amendment Bill, 2019 - *Contd.*

SHRI ELAMARAM KAREEM: I oppose this Bill. In the name of combating terrorism, the Government is imposing State terrorism on people. This is the new model of corporate federalism. The properties of such identified people can be confiscated, individuals expressing dissent can now be declared as terrorist arbitrarily. It is shocking that by 1994, more than 7000 people were arrested and jailed under TADA. This would give an open licence to NIA to go to any State and do things according to their will and pleasure. The Government is taking a soft approach to certain extremist organisations. After passing this Bill, this Government may dare to list individuals as terrorists. Different method of treatment is being meted out on different organisations. The people of this country are afraid, when you bring such Acts. You are afraid of the voice of dissent. You don't want the opposition to speak against you. We are not afraid of your muscle power and money power. I would oppose this draconian law.

*This Synopsis is not an authoritative record of the proceedings of the Rajya Sabha.

PROF. MANOJ KUMAR JHA: I stand to express some serious concerns about this proposed amendment in the UAPA. There is a problem with the original inspiration of this act. It is draconian, arbitrary. In the last few years, the problem is that the country and the government have become united. The second thing is that if you look into the custodial interrogation, it is found that lot of powers have been given in it. These types of laws are harsh, they do not match with our character. There are many cases where after 15-16 years, the person is released if found innocent. We don't have such a system that we can return 15-16 years of his life to him. This will cause problems to the people belonging to weaker communities in particular. It is easy to declare someone a terrorist, but he alone knows what sufferings he and his family go through.

SHRI P. WILSON: I rise today to speak against the Unlawful Activities (Prevention) Amendment Bill, 2019. Our first suggestion is to refer the Bill to the Standing Committee or a Select Committee for an in-depth study and consultations. Terrorism is a great threat to the humanity and society and requires to be curbed with iron hands. Our concern is that the present Amendment Bill is in fact, an assault on the rights guaranteed under Part-III of the Constitution and in particular, violative of Articles 14 and 21 of the Constitution. It is subject to misuse and abuse by the Central Government. The Amendment Bill is highly discriminatory when it deals with individuals and associations. The draft-man of the Bill is not aware of the dimensions of Article 21 and its vigour, tenor and its applicability. He puts the rights of an individual and an organisation on the same scale. The Central Government has a power to declare any association to be unlawful by way of a notification. However, this declaration will not take effect till the Tribunal gives its approval under Section 4. However, in the case of a person, who is being branded as a terrorist, no such safeguards have been provided. The treatment of a terrorist organisation under Chapter-VI is slightly different. The exercise undertaken by the draft-man of the Bill is to fit an individual and treat him at par with an organisation. Without laying sufficient foundation, alterations of Sections 35 and 36 will yield no result. This Amendment can call any person a terrorist by a simple belief of an officer of the

Central Government that he is involved in terrorism. The problem of branding a person as a terrorist by whims and fancies of an officer may arise. The officer of the Central Government is not a judicial authority. The Act is silent whether there should be any materials available for the Central Government before declaring a person as a terrorist. The opportunity of hearing under the principle of natural justice is also not given. When the Central Government rejects the application, then the matter has to be taken before the Review Committee. Only a Review Committee is available for the individuals. I, therefore, request the Hon'ble Minister to include sufficient safeguards as are found under Section 3 and Section 4 for an association, and similar safeguards should be made available so far as an individual is concerned. That is the reason we are asking the Hon'ble Minister to send the Bill to a select committee.

SHRI SWAPAN DASGUPTA: I had the privilege of hearing very inspirational speeches in this debate. The gist of those inspirational speeches was that there is no fundamental difference between the struggle for independence and the struggle which is being waged now. This is rather excessive, exaggerated and occasionally a rather false narrative. This is an important point that the equivalence should not be made. I often wonder from some of the speeches, whether terrorism really exists or is it just a case of fake news. Terrorism is real. It is not a nightmare, it is not a bad dream. It is a very real thing which exists in this country. The terrorists have the technology. They have the resources. They have cross-border connections and they also have lot of intellectual support. We, as responsible Members, will never ask the security forces or the Government for operational details. The fight against terrorism is based on trust, a trust of the Government that they will do everything necessary to protect the people. It is true that in the past, a lot of these legislations have been misused. I think, this is a sacred trust which the Legislature accords to the Executive. There is the fight against terrorism, the fight to protect the citizenry. We support the Bill, but, with a proviso that this is a sacred trust which we have placed on you.

MIR MOHAMMAD FAYAZ: I stand to oppose this bill. This Bill is mostly misused in Jammu and Kashmir. Last week, five Kashmiri people were acquitted by Hon'ble High Court of Rajasthan and Gujarat after spending 23 years in jail. All the investigation agencies are covered in this case. The maximum misuse of this law will be done in Jammu and Kashmir. Hundreds of people from Kashmir are languishing in jails in connection with such cases in different jails of our country. If a terrorist has had dinner at my house on gun point, then how do I become a terrorist? The people of Kashmir have already suffered a lot, the government should not take anything more away from them. Kashmiri youth have been serving in jail for many years. I request the Home Minister to check the cases of innocent Kashmiri people languished in jail for the last 20-25 years. The people of Kashmir are living in fear. This Bill should be sent to the Select Committee.

SHRI V. VIJAYASAI REDDY: Amendment to this Act empowers the anti-terror organisation to deal with terrorism more effectively. The Bill allows the investigation of the cases at the rank of inspector level. It also empowers the Central Government agencies to seize the properties of the terrorists. This will definitely ensure the smooth functioning. The Bill rightly empowers the Central Government to designate individuals as terrorist. Our party fully supports the vision of the Government.

SHRI KANAKAMEDALA RAVINDRA KUMAR: We support any step to be taken by the Government to curb the terrorism. There are certain apprehensions. This Bill provides that individual can also be prosecuted. The government should take preventive measures, even by making provisions in this Bill, so that this is not misused. In this Bill many things are not clear which must be clarified.

DR. NARENDRA JADHAV: I support the Bill. The menace of terrorism is rising and this is a threat to the national security. There is a need to tighten our laws. We must do everything that is possible to contain the menace of terrorism.

SHRI K.T.S. TULSI: I oppose this Bill. The Police is now authorized to go into any State and begin their operation without consent of the State. This has a real danger of bringing the State Police and the Central forces on a collision course. This should be avoided. The other serious objection is about declaring an individual as a terrorist. There has to be evidence and that is required to be produced before a tribunal headed by a Judge. I submit that these two defects may be removed.

SHRI SATISH CHANDRA MISRA: In this Bill, there are two amendments. First, the NIA Director has been given power that wherever the investigation is going on, he can give the permission on the basis where such property is situated for seizure. The other one is that an individual can be named. If an individual gets out only because he is not a member or part of the organisation and thus slips away from the teeth of this act, that is something which is being sought to be checked. There should be an assurance by the government that it will not be misused. I do not find anything faulty in this Bill.

SHRI BINOY VISWAM: I oppose this Bill. I believe that a police State is in the offing. Everybody in this country are under the constant surveillance of the State. The Government can say that a person is a terrorist and he should be booked. NIA has become almighty. The democracy in this country is being torn into pieces.

SHRI SANJAY SINGH: The history of misuse of law has been long. TADA and POTA are it's examples. We have seen that TADA was imposed on the workers of CPM and RSS. In Assam and Baroda, 12-year-old children were arrested under this Act. There is a provision in this Bill that an inspector level officer can go to any State and arrest somebody. This is a violation of our federal structure and this negates the spirit of the Constitution.

SHRI ABDUL WAHAB: The national security cannot be compromised and it should be dealt with stringent measures. But, the State must ensure that this law is not misused or targeted to settle scores against a particular community. The proposed addition of

'individual' is a violation of the Fundamental right and the Human Right. This Bill should be sent to the Select Committee.

SHRI P. CHIDAMBARAM: Earlier also, some Substantial amendments were made in this Act. The Congress brought laws to fight terrorism. So far as this Act is concerned, individuals were covered under this Act and an individual who is a member of an unlawful association is punishable. The Statement of Objects and Reasons, gives the impression that the purpose of this Act is really to empower the NIA. We are not opposing empowering the NIA. We are opposing the mischievous amendment which has empowered the Central Government to name an individual. The real mischief is in Section 35 (ii). Section 35 (ii) says that 'the Central Government shall exercise its power under Clause (a) of sub-section (1) in respect of an organisation or an individual only if it believes such organisation or individual is involved in terrorism.' If the Central Government believes that an individual is involved in terrorism, the individual will be named. But if the government names a terrorist organisation, that is one thing. If the it names an individual, it is another thing. The two can't be compared. It doesn't affect any individual or his family. We are doing something which is hopelessly unconstitutional. The Bill should be referred to a Select Committee. We may take the opinion of legal experts in this matter. The danger is, once an individual will be named, the consequence is arrest. There is no anticipatory bail. These are serious consequences upon an individual. During the Emergency, eminent legal experts in the Government advised the Government that it could suspend the Fundamental Rights and no individual has a right to go to court and ask for his liberty to be protected. There is a very close parallel between sedition and unlawful activity. If the government really believes and if it really wants to show to the world that it is fighting terrorism, it may bring the NATGRID and the NCTC into existence. I oppose this Bill because it takes power to the Government to name an individual as a terrorist. I oppose it on that ground.

SHRI SHAMSHER SINGH MANHAS: The terrorists believe in killing and running away. Changes and modifications to the law are necessary. It is also important to implement and modify it strictly. Without it the law is ineffective. The NIA is being empowered through this Bill to work effectively. At this time the atmosphere of Kashmir is very sensitive. The condition of this state needs to be improved. Government will make efforts to implement this Bill by amending this Bill.

SHRI DIGVIJAYA SINGH: I support the proposal to send this bill to a Select Committee. This law was brought by the Congress party so that we can deal with terrorism. After the coming of this government, the functioning of NIA has changed. Accused have been acquitted in the decisions related to the Samjhauta Express, Mecca Masjid and Ajmer Sharif. Today the people of the government are calling Nathu Ram a patriot. During the demonetization, the government said that it will end terrorism. But after that new notes of two thousand were recovered from terrorists. I strongly oppose this bill.

THE MINISTER OF STATE IN THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SHRI RAMDAS ATHAWALE): This Bill has been brought to end terrorism. We have to eliminate terrorism from all over India along with Jammu and Kashmir. This Bill is not meant to do injustice to anyone. We do not want to do injustice to any innocent person in Kashmir. No action will be taken against those who are not terrorists.

THE MINISTER OF HOME AFFAIRS (SHRI AMIT SHAH), replying to the discussion, said: If there would be unanimity inside the House for this Bill against terrorism, then there was a possibility of a good message in across the country. It has been said in the House that many cases related to the act are pending and the punishment is given in very few cases. Both the state and NIA use this Act. The data provided by them include both state and NIA data. NIA has filed 2078 cases under this Act and filed charge sheets in 204 cases. So far, 54 cases have been decided and punishment has been given in 48 cases. The conviction has been awarded in 91

percent cases. Therefore, this argument is not logical in any way that there is a process of making laws only, it is not used to prevent terrorism. In all cases of NIA, the process of filing the charge sheet in the court has been done under the law and till date no one has got free due to not filing a charge sheet. The cases filed by NIA against terrorism are very complex. There is less chance of getting evidence in them, because these cases are interstate and international. My argument regarding declaring an individual as a terrorist is that the organisation is formed by the person, not by its constitution. If we ban an organisation, then they open another organisation. The terrorist activity are not executed by the organisation, it is executed by person. But due to the shortcomings of law, these people keep changing the names of organisation. Unless an individual is declared as a terrorist, it is impossible to stop their activity and intentions. In many countries and the United Nations, an individual is declared as a terrorist. During the Emergency period all the leaders were kept in the jail for 19 months. There was no democracy in the country. It has been said that no punishment was given in the three cases of NIA. I want to inform the House that in all these three cases an attempt was made to link one particular religion with terrorism. Therefore, NIA could not present any evidence in the Samjhauta Express case. Samjhauta Express's charge sheet and supplementary charge sheet were filed in the UPA Government. The judge did not get anything in that investigation, then they were acquitted. The case of the Mecca Masjid was similar. If an individual is declared as a terrorist, a committee has been formed to appeal against it. There is also a review committee which chairman would be a retired judge or chief justice of the High Court. An appeal can be made in the High Court or the Supreme Court against its decision. Therefore, no human rights violation is going to happen. That is why I want to say that nobody needs to doubt. When an individual will participate in terrorist activities, help in preparing for terrorism, spread terrorism, and make a plan for it, only then he can be declared as a terrorist. If an individual is found involved in the activities of declared terrorist organizations, then he can be declared as a terrorist. This will be the process of declaring an individual as a terrorist. I think there should be no objection in this. With the time, as

much as the terrorist organizations are move ahead, if they move two steps ahead, then our agencies will have to move forward four steps, then terrorism can be overcome. We have to strengthen our agencies. I have not brought this law. This law was come in 1967. During the UPA government three amendments were brought in this Act. We supported all those amendments. Today also, we have brought amendments in it. Strong laws against terrorism should be supported by all, because terrorism has no religion. They are not against any person or government. Terrorists are against humanity. As far as the NIA is concerned, the NIA is a specially designed workforce, its administrative hierarchy has been fixed. The reply to the investigation and the evidence are reviewed at the SP and DSP level in NIA. At the level of IG and the director is finally reviewed. After that the charge sheet is filed in the court. NIA has 298 cases and it has around 30 SPs. When the NIA was formed then this number was adequate but now cases come to court. They have difficulty in appearing in scattered courts all over the country, so, PI level officer has been given this authority, but the important decisions are taken in the review meeting of the NIA. So, I think there is no possibility of any lapse of investigation. This will increase the speed of the case because PI will be available in the court. It has been said that the power of the DG of the state is being snatched and given to DG of NIA. Nobody has snatched the power of the DG of the state. If the state police is investigating the UAPA case, then it will remain only with the state police. When the NIA takes a case in its own hands, it informs the Chief Secretary and DGP of the state as the case is inter-state or international. In the end, I want to say that if we pass this law with unanimously, then it will give a good message that we are at least unanimous on issues like terrorism. I think that this will also help us in fighting against terrorism. I agree with the point that there should be a clear provision in law about the declaration of a individual as a terrorist. An individual will be declared as terrorist only after intensive inquiry and collecting evidence, but if he is not cooperating then decision will be taken on the basis of circumstantial evidence and statements. So, there is a clear provision of appeal within the NIA. I.O. and the IG both form an opinion together. The opinion of the law

officer who argue in the case, comes later. After these opinions, the opinion of the Law Officer of the Government of India is taken. After that, decision is taken at the director level. There is no role of government in this.

The amendment moved by Shri Vaiko, Shri K.K. Ragesh and Shri Tiruchi Siva for reference of the Bill to the Select Committee of the Rajya Sabha was negatived.

The motion for consideration of the Bill was adopted.

Clauses etc., were adopted.

The Bill, was passed.

2. The Repealing and Amending Bill, 2019

THE MINISTER OF LAW AND JUSTICE, THE MINISTER OF COMMUNICATIONS AND THE MINISTER OF ELECTRONICS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD), moving the motion for consideration of the Bill, said: Our Government decided to repeal many old laws. We had constituted a committee consisting of two members from the Legislative Department and Parliamentary Department. This committee identified 1824 laws of the Government of India for which repealing is needed. We have repealed 1,428 Bills by 2-3 enactments and many of these also included amending laws etc. The amending Act becomes part of the main Act, but the Amending Act remains lying in the almirah in the Statute Book. That number also runs into hundreds. Many of those have also been sought to be repealed. Now when a State remains under President's Rule, from time to time, the Parliament gets the powers to make laws even for the State Governments, but even though the Parliament is exercising the power for the State, those laws are for the State, and therefore, we have identified about 229 laws, and we requested the State Governments that these laws, are old, obsolete, not useful at all. They need to be repealed. Till date, 75 laws have been repealed by the various State Governments and we are also emphasising upon them that they need to repeal it more and more. Finance Bills are passed in

the House. But the Finance Bills of 1955 and 1960 are piling up. Traditional thinking is that these Bills are part of the archives. People are being persuaded to change this thinking. The Prime Minister has directed us to coordinate with various departments to merge two laws. We can make a comprehensive law by merging 3-4 laws operating in the same field. Today's Bill seeks to repeal 58 Central Acts. Through this bill, we are repealing obsolete laws and amending Acts. This will facilitate ease of living and ease of business and facilitate governance. This will repeal illogical and irrelevant laws. This is an initiative in the right direction. Periodic review of obsolete and irrelevant laws should be a part of good governance. In this light we have come up with this bill.

SHRI SUBHASISH CHAKRABORTY: Legislation is an important and sensitive matter through which people can exercise their Fundamental Rights and get protection from evils, i.e., laws safeguard the people. The Government has proved that it will pass legislation one-after-the-other without much parliamentary scrutiny and discussion. With this Bill too, nearly half of the Acts being repealed out of 68 Acts formulated after 2014. Also, three Acts from 2017 will be repealed. This proves that the Government has a history of passing legislation hastily, many only to be repealed a few years later. Also, there are three laws dating back to the mid and late 1800s that are being repealed. But, has the government scrutinised archaic colonial laws, like, the Indian Penal Code of 1860, which still has, among other things, regressive ideas? It is to be noted that the Fundamental Rights of the citizens are being curtailed due to the incidence of archaic laws which were given legitimacy by the British to rule over the Indian populace. The Government needs to sensitize the people and public organizations about the tenets of the laws being repealed so that they are armed with information about the new systems in place when it comes to affecting policy.

SHRI BHUPENDER YADAV: 58 Acts are being repealed through this bill. In the first tenure of this government, more than 1,200 laws were repealed. Then the Select Committee was formed. That committee made a recommendation. This provision has

been made because Section 6 of the General Clauses Act does not provide for automatic repeal clause. A lot of legal Bills are therefore constantly in the Statute Book because Section 6 of the General Clauses Act remains a hindrance. The Legislative Department has to scrutinize the Section 6 of the General Clauses Act. I believe that when we talk about the minimum government, maximum governance, its purpose is that our laws should be transparent. This General Clauses Act is also an old law and it should be revisited. A provision should be made to lay down a proper and time-bound procedure to repeal moribund laws.

DR. AMEE YAJNIK: It is a necessary Bill in the sense that it provides for some periodical corrections. In our litigation system, we have numerous laws. It is an important Bill and we should give a little time to all the Members here. They may also see what the government is doing for the 68 Acts. But, these are archaic laws. Some of them have become absolutely obsolete. We make arguments that these have served a purpose for a certain era. The repeal provision should solve the problems. So, we also have to bring in the Law Commission or a legislative body or a two-member Committee; the Committee which has given its opinion. Its scope should also be expanded in terms of reference, how they can go into this and make it a really rigorous exercise, so that we do not get burdened by all this and do not have to bring Amendment Bills time and again. It may be once in a couple of years. But it must solve the issue by taking inputs from the legislative bodies. So, we support the Bill. But, as I said, discussions should go into these kinds of Bills.

SHRIMATI JAYA BACHCHAN: I support the Bill. Any progressive change in society, in law, is very good for the country. But, the government should communicate this to the people, who are not aware of technical laws and rules. Until and unless you communicate and inform people, there is going to be a chaos. Another point that comes to my mind is, if justice is delivered efficiently and on time, I don't think that too many laws are necessary. The government is repealing about 25 Acts. Why are they being repealed so early? Laws should be enacted keeping the future in mind.

SHRI A. NAVANEETHAKRISHNAN: In our parliamentary system, there must be a mechanism in place to monitor all the cases, which are dealing with validity or otherwise of the enactments passed by the Parliament in various High Courts and the Supreme Court. And by that mechanism, we must have a Committee here, and that mechanism must report to that Committee. And, what are the various directions given by the High Courts and the Supreme Court and what is their view on the laws passed by our Parliament, that must be updated. I request that a Committee must be in place permanently and a mechanism must also be in place to monitor the proceedings happening in the various High Courts and also the in Supreme Court and various tribunals. I welcome this Bill.

SHRI PRASHANTA NANDA: It is advisable to repeal obsolete laws. It is a periodical thing, which is going on. But there are certain archaic laws such as Indian Penal Code, IPC, CrPC, etc. Our Criminal Law was enacted to meet colonial needs. It needs scrutiny, and necessary amendments may be brought. I would also like to draw the attention of the Minister to the Cinematograph Act, which obviously has been a severe constraint on artistic freedom in our country; and it must be looked into. I request the Minister to make provision for a fixed time interval for repealing of such obsolete laws so that unnecessary burden could be removed from the Government book. It is a continuous process. It should go on. Let there be a committee to constantly look for laws that are obsolete. I have seen from my own experience that we make laws and then the Executive does not make rules for quite a long time. So, laws can never be implemented if rules are not made. The Government must look into that too. The most important point is, if a law is made for one year, there must be a repealing clause there too that says that after one year this law would become obsolete or stop existing.

SHRIMATI KAHKASHAN PERWEEN: The Government has brought these old and useless laws in the House with the aim of cleanliness under the Swachhta Abhiyan . In his speech, Hon'ble Minister said that the only purpose of bringing this bill is that there should be minimum use of law. Mahatma Gandhi also said that we

should create such a society, where the control with the law is minimal. I support this Bill.

DR. K. KESHAVA RAO: I have no problem with the Bill as such nor do I have any grievance. In schedule-I, there are two Bills listed, the Andhra Pradesh Reorganization Bill, 2014 and the Andhra Pradesh Reorganization Bill, 2015. So far as 2014 Bill is concerned, I can understand, it is with regard to Polavaram, and on that, we will be having an Ordinance. As far as 2015 Bill is concerned, it should be of no consequence. Otherwise, it would have come here. If it were explained to us why these Bills are being repealed, only then would it be advantageous to the Members who are trying to participate in the debate. Having said that, I am not against it; it is a regular procedural thing whereby you really want to remove the obsolete. I wonder how could something like 20 to 30 Bills of recent origin have become obsolete so quickly? There could be some reason for it. The Minister should explain it.

SHRI K. SOMAPRASAD: I support this Bill. Here 58 laws are repealed and two are amended. The usefulness and operation of every law must be reviewed continuously and the outdated laws should be deleted or modified. According to the vast development and growth of science and technology, especially the IT sector, the revision of existing laws and creation of new laws becomes very essential. The society is changing every second. Accordingly, the mindset of the law makers is also changing. In 1960s and 70s the main intension of the law-making was to provide better living facility to the poor mass of India. Now we are making new laws and amending existing laws for the multinational corporations.

SHRI P. WILSON: Society is never static but always dynamic and change in law is one of the facets of democracy. The reason for introducing amendment laws is because that the principal Acts are not allowed for proper deliberations. When we have a power to enact law through Ordinance, why the Bills are rushed through. The people suffer from continuing with the obsolete and dead laws. Citizens rights guaranteed under Article 21 have to be protected from being prosecuted and punished for violation of a law which has

become a dead letter. Government should think of having a Clause where there is a repeal and the Amendment law itself should be repealed by itself. Government may kindly clarify as to what are the corresponding laws for the three labour welfare laws which are sought to be repealed.

SHRI VEER SINGH: The Government has brought a proposal to repeal 58 more such laws through this bill. Our party supports this bill. At the same time, we believe that the laws, which are required for good governance, should be retained. A bill should be passed to repeal all obsolete and irrelevant laws together. For the law to be repealed by the States, the concerned State Governments should be asked to take steps for necessary action.

SHRI RAMKUMAR VERMA: There are about 58 such laws, which are to be repealed through this bill. Some laws belong to British era. Due to some reasons, there was such a disorder in many things. For this reason, the judicial process for the common man had become very difficult. At that time Honorable Narendra Modiji had said that after coming to power, we will repeal such laws which have become irrelevant or which are obstacles in the judicial process. Such laws are reviewed by the Law Commission. The Law Commission itself has recommended that there are so many laws that are no longer relevant. But they were not repealed yet. So far, around 1,428 laws have been repealed under this process. Passing of this bill will give great relief to all.

The Hon'ble Minister, replying to the debate, said: Sensitivity is very important for a meaningful law. We are repealing two types of laws - one, which is the basic law and secondly, the amendment law. The amendment law also does not repeal itself. Therefore, the amending Act also remains on the Statute book. Section 6A of the General Clauses Act states is that even if an amending Act is repealed, the import of the amending Act is saved; by the repeal of the amending Act, its import, namely, the amendment, which is introduced in the main Act, remains alive and is always there. The Indian Penal Code, the Contract Act and the Transfer of Property Act have served the criminal justice system of India for more than 100

years. Many of the judgements of the Supreme Court which have established the norms of trial are based on those purposes. We can change that and we have done it from time to time. Mining Act has also gone through a lot of changes. The benefit of workers in mining in any industry has also been improved from time to time. Therefore, any specific law for a particular mining operation, be it manganese or others, requires to be considered or reconsidered. They have become redundant because other laws have taken their place. I think there is a proper law in place for Beedi Workers. There is a welfare fund available for them. There is a mechanism in place for periodic scrutiny of the laws. There is a need to further reinforce it. I will do that.

The motion for consideration of the Bill was adopted.

Clauses etc., were adopted.

The Bill, was passed.

3. The Code on Wages, 2019

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI SANTOSH KUMAR GANGWAR), moving the motion for consideration of the Bill, said: This Bill was introduced in the Lok Sabha on July 30, 2019 and most of the Hon'ble MPs supported this Bill. This Bill was passed unanimously in the Lok Sabha. Current labor laws are of very old time. In line with the changing social and economic situation, the National Labor Commission was set up to make these labor laws as rational, accountable and transparent. Its recommendations were given to the Government in 2002-03. There is a long process for any change in the Ministry. Before preparing this Code, trilateral dialogues of labour organization, employer and State Government were held. A draft of this Code on Wages was also made available in the public domain on the website of the Ministry, in which the general public had given its suggestions. These suggestions have also been considered in this Code. The Standing Committee on the Code on Wages had made 24 recommendations out of which 17 recommendations have been included in this Code. The existing four Acts on wages have been included in this Code. After enactment of

this law, all the workforce of that class of society, which is outside the ambit of minimum wages, especially in the unorganized sector, will get the right of minimum wage. It is also being ensured in this Code that minimum wages are paid on time. One very important thing is that in present situation, the Central and the State Government fix the rates of minimum wages in their respective jurisdiction. In the year 2017, the Central Government has made a historic increase in the rates of minimum wages in the central jurisdiction by 42 per cent. But many states have fixed very low minimum wages in some scheduled employment. To overcome this discrepancy, the provision of fixing floor wage has been made under this Code. The penalty has also been made rational in this. The Code on Wages will prove to be a milestone, which will empower all 50 crore labourer to live a respectable life. I would like to urge the Upper House to support it unanimously like the Lok Sabha.

Shri Elamaram Kareem and Shri Binoy Viswam moved an amendment for reference of the Bill to the Select Committee of the Rajya Sabha.

SHRI MADHUSUDAN MISTRY: This Bill affects millions of people of this country. It can bring drastic changes in their life. It talks about subsistence wages. It is unfortunate that even after so many years, only the minimum wages are being talked about. Fair wages, living wages are not being talked. I want to know from the minister that he had so many meetings in the committee. Everything happened in the meetings, but why the calorie intake could not be considered as the criteria for determining wages? That's why I have given amended in this. The first question arises about the fixation of minimum wages that how much money should be fixed. Skilled labourers have the bargaining power but there is nothing with unskilled labourers. Thousands of people have been left at the will of the Labour Department of the Government and that of the contractors. I have written in my amendment that five consumption units should be for one wage earner. The minimum food requirement should be 2,700 calories. The clothing requirement should be minimum 100 meters. Why did you not include them under this law?

The Government had the chance that it could have brought big changes in the lives of 45-48 crore people of this country through this law. But this law favours the employer and the owner. I request you to recruit Inspector-cum-Facilitator in the Income Tax Department too. Minimum wagers do not have pucca houses. I think the Government is not serious towards the minimum wage earners. There is no change in the definition of your Code on Minimum Wage and the Minimum Wage Act. The definition of general working day does not mention 'eight hours'. Minimum wages have not been assured in this Code on Wage. We have missed the opportunity to improve the lives of millions of people who are living in sub-human conditions. I hope that their economic conditions will improve. But this legislation doesn't provide that opportunity. It is unfortunate.

* * * * *
* * * * *

Desh Deepak Verma,
Secretary-General.

rssynop@sansad.nic.in

****Supplement covering rest of the proceedings is being issued separately.