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इस भाग में भिन्न पृष्ठ संख्या दी जाती हैं जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 13th March, 1981:—

I

BILL No. II OF 1981

A Bill to recognise and remove doubts as to the validity of inter-marriages solemnised in accordance with the Buddhist rites and ceremonies.

WHEREAS it is expedient and necessary to recognise and place beyond doubt the validity of inter-marriages as per Buddhist rites and ceremonies; it is hereby enacted as follows:—

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| <p>1. (1) This Act may be called the Buddhist Marriage Validation Act, 1981.</p> <p>(2) It extends to the whole of India except the State of Jammu and Kashmir and applies to citizens of India wherever they may be.</p> | <p>Short title and extent.</p> |
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| <p>2. Notwithstanding any provision of the Hindu Marriage Act, 1955, or any other law, usage, custom or order or decree of a court of law, to the contrary, no marriage solemnised, whether before or after the commencement of this Act, between two persons being at the time of marriage, Buddhist by religion, according to the Buddhist marriage rites and ceremonies, shall be invalid by reason only of the fact that it was solemnised according to Buddhist rites and ceremonies not customary of a Hindu marriage.</p> | <p>Validity of Buddhist marriages.</p> |
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Registra-
tion of
Buddhist
marriages.

3. (1) For the purpose of facilitating the proof of a Buddhist marriage, the State Government may make rules providing that the parties to any such marriage may have the particulars relating to their marriage entered in such manner and subject to such conditions as may be prescribed in a Buddhist Marriage Register kept for the purpose.

(2) Notwithstanding anything contained in sub-section (1) the State Government may, if it is of opinion that it is necessary or expedient so to do, provide that the entering of the particulars referred to in sub-section (1) shall be compulsory in the State or in any part thereof, whether in all cases or in such cases as may be specified and where any such direction has been issued, any person contravening any rule made in this behalf shall be punishable with fine which may extend to twenty-five rupees.

(3) All rules made under this section shall be laid before the State Legislature, as soon as may be, after they are made.

(4) The Buddhist Marriage Register shall at all reasonable times be open for inspection, and shall be admissible as evidence of the statements therein contained and certified extracts therefrom shall, on application, be given by the Registrar on payment to him of the fees prescribed by rules made under sub-section (1).

(5) Notwithstanding anything contained in this section, the validity of any Buddhist marriage shall not be affected by reason only of the omission to make the entry as provided in sub-section (1).

Saving

4. Notwithstanding anything contained in this Act, other provisions of the Hindu Marriage Act, 1955, and the benefits conferred thereunder shall apply to persons who are Buddhist by religion.

STATEMENT OF OBJECTS AND REASONS

Doubts have been created about the marriages solemnised as per Buddhist rites, and solemnising of some marriages has been held illegal as they were not performed according to Hindu Religious rites. After the conversion of a large number of Hindus to Buddhist at Diksha Bhoomi (Nagpur) in the presence of late Dr. B. R. Ambedkar in 1956, many marriages have been solemnised as per Buddhist rites and, therefore, such marriages need protection and validation. This Bill therefore, provides retrospectively for validation of such marriages.

S. W. DHABE.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the proposed Bill empowers the State Government to make rules regarding the Registration of a Buddhist Marriage. It is provided that these rules will be laid before the State Legislature. The delegation of legislative power is normal.

II

BILL NO. V OF 1981

A Bill further to amend the Trade Unions Act, 1926.

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Trade Unions (Amendment) Act, 1981.

Amend-
ment of
section
2.

2. In the Trade Unions Act, 1926 (hereinafter referred to as the principal Act) in section 2,—

(i) after clause (f) the following clause shall be inserted, namely:—

“(ff) ‘Rural worker’ means any person engaged in agriculture, forestry, fishery, handicrafts or a related occupation in a rural area whether as a village artisan, wage-earner or a self-employed person.

Explanation: In this clause, the expression "self-employed person" includes a tenant, sharecropper or small owner-occupier who derives his main income from agriculture, ploughs the land himself with the help only of his family or occasional outside labour but does not—

- (a) permanently employ workers; or
- (b) employ a substantial number of seasonal workers; or
- (c) have any land cultivated by sharecroppers or tenants."

(ii) in clause (h) after the words "more Trade Unions" the words "and also includes the National Trade Union Centre composed of a number of Trade Unions and federations known as INTUC, AITUC, HMS or any other federation of similar nature" shall be inserted.

3. In section 6 of the principal Act, for clause (ee), the following clause shall be substituted, namely:—

Amendment of section 6.

"(ee) the payment of a subscription by members of the Trade Union at the following rates, namely:—

(i) in case of rural workers, at the rate of rupee one per annum per member;

(ii) in case of workers employed in an establishment employing less than 500 workers, rupees three per annum per member; and

(iii) in other case, rupees six per annum per member."

4. After section 21A of the principal Act, the following new section shall be inserted, namely:—

Insertion of new section 21B.

"21B. Non-eligibility of a Minister to be office bearer etc. of a Trade Union—

Notwithstanding anything contained in section 21A, no Minister either for the Union or State or Union territory shall be a member of the executive or any other office-bearer of a Trade Union:

Provided that if a member of the executive or any other office-bearer of a Trade Union is appointed a Minister, he shall cease to be such a member or office-bearer from the date of such appointment."

5. After Chapter III of the principal Act, the following Chapter shall be inserted, namely:—

Insertion of new Chapter IIIA.

"CHAPTER IIIA.

RIGHTS OF RURAL WORKERS

Protec-
tion for
Trade
Unions
of Rural
Workers.

28A. (1) No employer shall discharge, dismiss, retrench or reduce in rank or otherwise punish any employee by reason only of the fact that the employee—

(a) is an office-bearer or a member of a registered Trade Union of rural workers or a Union which has applied for being registered as such under this Act; or

(b) is entitled to any right or benefit under any agreement, settlement, adjudication or any provision of an industrial or labour law.

(2) No employer shall discharge, dismiss, retrench or reduce in rank any protected employee save with the permission in writing of the Labour Court.

(3) In every establishment or local area, a workman, to be recognised as a protected workman, shall be an office-bearer or a member of a Trade Union with a total membership of a minimum number of ten protected workmen and a maximum number of one hundred protected workmen in that establishment or local area, as the case may be, and the distribution of such protected workmen among various Trade Unions connected with that establishment or local area shall be such as may be prescribed.

(4) Whoever contravenes any provision of this section shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to rupees five thousand.

(5) The Court trying the offence under this section may direct that from out of the fine imposed and realised under this section, such amount shall be paid to the employee concerned as compensation as the Court may by order direct.

Explanation.—For the purposes of this section, a protected workman in relation to an establishment or local area means a workman who is a member of the registered Trade Union connected with that establishment or the local area and recognised as such in the manner prescribed."

Amend-
ment of
section
29.

6. In section 29 of the principal Act, in sub-section (2), after clause (d), the following clauses shall be inserted, namely:—

"(da) the distribution of protected workmen among various Trade Unions connected with the establishment or a local area;

(daa) the manner in which a workman may be recognised as a protected workman;

(daaa) the territorial limits of a local area.

STATEMENT OF OBJECTS AND REASONS

Recently a tendency has grown that Ministers for the Union or State continue to be office-bearers or members of the executive committees of Trade Unions, Federations or National Trade Union Centres. At some places, Ministers are office-bearers of the minority and unrecognised unions. This has created new problems and the State being the biggest employer, for the development of healthy, free and independent trade union movement, it is necessary that Ministers should not remain office bearers or members of the executive committees of trade union organisations.

Though our country has adopted the ILO Convention No. 141, still there is no provision made in the Trade Unions Act for the protection of office-bearers of trade unions of rural labour. There is also a demand to reduce the membership fee in respect of such labour.

The Bill seeks to achieve these objectives.

S. W. DHABE

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 29 of the Trade Unions Act, 1926, confers power on the appropriate Government to make regulations for the purpose of carrying into effect the provisions of that Act. Clause 6 of the Bill enables regulations to be made also for the distribution of protected workmen among various Trade Unions, the manner in which a workman may be recognised as a protected workman and the territorial limits of a local area for the purpose. The delegation of rule-making power is thus of normal character.

S. S. BHALERAO,
Secretary-General.

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