

LOK SABHA DEBATES

Saturday, September 7, 1957

SECOND SERIES

VOLUME VII 1957

(6th September to 13th September, 1957)



SECOND SESSION, 1957

(Vol. VII contains Nos. 41 to 47)

**LOK SABHA SECRETARIAT
NEW DELHI.**

CONTENTS

Columns

No. 41.—FRIDAY, 6TH SEPTEMBER, 1957.

Member sworn	12331
Oral Answers to Questions—	
Starred Questions Nos. 1527 to 1538, 1540 to 1542 and 1544	12331—68
Written Answers to Questions—	
Starred Questions Nos. 1543, 1545 to 1559, 1559-A and 1560 to 1569	12368—82
Unstarred Questions Nos. 1303 to 1331 and 1333 to 1398	12382—12321
Correction of Answer to Starred Question No. 1169	12321-22
Legislative Councils Bill—	
Clauses 8 to 13, 5 and 1 and Schedules I to VII	12322—12426
Motion to pass as amended	12426
Bills introduced	12426—29
(1) Code of Civil Procedure (Amendment) Bill (Amendment of the First Schedule) by Shri S. Ghose	12426
(2) Indian Penal Code (Amendment) Bill (Amendment of section 304-A) by Shri S. Ghose	12426
(3) Child Sanyas Diksha Restraint Bill by Shri D. C. Sharma	12427
(4) Delhi Union Territory Public Trusts Bill by Shri Radha Raman	12427
(5) Code of Criminal Procedure (Amendment) Bill (Amendment of sections 516A and 517) by Shri S. Ghose	12427—48
(6) Dramatic Performances (Amendment) Bill (Amendment of sections 3 and 7 and substitution of sections 8 and 12) by Shri V. P. Nayar	12428
(7) Constitution (Amendment) Bill (Amendment of Article 100 and 189) by Shri M. L. Dwivedi	12428
(8) Companies (Amendment) Bill (Amendment of section 293 and insertion of New section 624A) by Shri Naushir Bharucha	12429
Constitution (Amendment) Bill (Amendment of Article 58) by Shri Raghunath Singh	12429—66
Motion to consider	12429
Bill Withdrawn	12465
Code of Civil Procedure (Amendment) Bill (omission of section 87B) by Shri M. L. Dwivedi	12466—79
Motion to consider	12466
Half-an-Hour discussion re expansion of Ordnance Factories	12479—96
Daily Digest	12497—12502

No. 42.—SATURDAY, 7TH SEPTEMBER, 1957

Paper laid on the table	12503
Message from Rajya Sabha	12503
Calling Attention to Matter of Urgent Public Importance—	
Floods in Jammu and Kashmir	12504—09
Business of The House	12509—11
Inter-State Corporations Bill	12511—17
Motion to consider	12511
Clauses 2 to 5, the Schedule and Clause 1	12514—17
Motion to pass	12517

	Column
Dhories (Additional Excise Duty) Amendment Bill	12517—54
Motion to consider	12517
Clauses 2 to 7 and 1	12539—54
Motion to pass, as amended	12554
Cotton Fabrics (Additional Excise Duty) Bill	12554—12609
Motion to consider	12554
Clauses 2 to 6, the Schedule and Clause 1	11602—09
Motion to pass	12609
Minimum Wages (Amendment) Bill	12609—54
Motion to consider as passed by Rajya Sabha	12609
Delhi Municipal Corporation Bill—Introduced	12644
Delhi Development Bill—Introduced	12645
Business Advisory Committee—	
Ninth Report	12654
Daily Digest	12655
No. 43.—MONDAY, 9TH SEPTEMBER, 1957.	
Oral Answers to Questions—	
Starred Questions Nos. 1571, 1572, 1575, 1583, 1585, 1587 to 1595, 1598 to 1600 and 1602	12657—91
Written Answers to Questions—	
Starred Questions Nos. 1570, 1573, 1574, 1576 to 1582, 1584, 1586, 1596, 1601, 1603 to 1609 and 1611 to 1617	12692—12709
Unstarred Questions Nos. 1359 to 1386, 1388 to 1414 and 1416 to 1427	12710—47
Papers laid on the Table	12747—48
Minutes of Committee on Government Assurances	12748
Messages from Rajya Sabha	12748—49
Statement <i>re</i> points arising out of discussion on Agreement with TELCOS	12749—53
Business Advisory Committee	
Ninth Report	12753—58
Minimum Wages (Amendment) Bill	12758—12846
Motion to consider, as passed by Rajya Sabha	12758
Clauses 2 to 18 and 1	12806—44
Motion to pass	12843
Motion <i>re</i> Suspension of First Proviso to Rule 74	12846—48
Delhi Municipal Corporation Bill	12848—60
Motion to refer to Joint Committee	12848
Delhi Development Bill	12860—66
Motion to refer to Joint Committee	12860—62
Motion <i>re</i> Representation of the People (Conduct of Elections and Election Petitions) Rules	12870—89
Half-an-hour discussion <i>re</i> Suspension of Train Services—Chupra—Varanasi Line	12889—12902
Business of the House	12775—76
Daily Digest	12903—10
No. 44.—TUESDAY, 10TH SEPTEMBER, 1957.	
Oral Answers to Questions—	
Starred Questions Nos. 1618 to 1625, 1627 to 1632, 1634 to 1638 and 1640 to 1644	12911—46
Short Notice Questions Nos. 24 to 27	12946—54
Written Answers to Questions—	
Starred Questions Nos. 1626, 1633, 1639, 1645 to 1647 and 1649 to 1651	12954—59
Unstarred Questions Nos. 1428, 1429, 1431 to 1464, 1466 to 1473 and 1475 to 1477	12959—84

Paper laid on the Table	12984
Committee on Private Members' Bills and Resolutions	
Seventh Report	12985
Committee on Petitions	
First Report	12985
Calling attention to matter of urgent public importance—	
Implementation of Factories Act and other labour laws in the Ceramic Industry in Delhi	12985—87
Business of the House	12988-89, 13080
Essential Commodities (Second Amendment) Bill introduced	12989
Motion re. Representation of the People (Conduct of Elections and Election Petitions)	
Rules	12989—13023, 13064—68
Indian Succession (Amendment) Bill	13023—28
Motion to consider as passed by Rajya Sabha	13023
Clauses 1 and 2	13028
Motion to pass	13028
Repealing and amending Bill	13029—34
Motion to consider as passed by Rajya Sabha	13029
Clauses 2 to 4, the Schedules and Clause 1	13034
Motion to Pass	13034
Resolution re. International Convention for Protection of cultural property in event of Armed Conflict	13034—64
Discussion re. Plantation Enquiry Commission Report Part I—Tea	13067—13108
Discussion re. Regulation of working hours in Transport Industry	13108—24
Daily Digest	13125—30

No. 45.—WEDNESDAY, 11TH SEPTEMBER, 1957

Oral Answers to Questions—

Starred Questions Nos. 1653 to 1657, 1659 to 1663, 1665 to 1670, 1690, 1671, 1673, 1674.	13131—67
Short Notice Questions Nos. 28 to 30	13167—73

Written Answers to Questions—

Starred Questions Nos. 1652, 1664, 1668, 1672, 1675 to 1683, 1685 to 1689, 1691 to 1699, 1701 to 1722	13173—13203
Unstarred Questions Nos. 1478 to 1517, 1519 to 1551, 1553 to 1572	13203—63
Papers laid on the Table	13263—64
Rules Committee	
Second Report	13264
Message from Rajya Sabha	13264
Forward Contracts (Regulation) Amendment Bill—	
Laid on the Table as passed by Rajya Sabha	13264
Estimate Committee	
Sixty-Seventh Report	13265
Calling attention to matter of urgent public importance—	
Closure of Narsing Girji Mills etc.	13265—66
Business of the House	13266—69
Point of procedure regarding resolution seeking disapproval of Essential Services Maintenance Ordinance	13269—81
Public Employment (Requirement as to Residence) Bill—	
Introduced	13281—82
Essential Commodities (Second Amendment) Bill	13282—13316

	COLUMNS	
Motion to consider	13282	
Clauses 2 and 1	13316	
Motion to pass	13316	
Resolution <i>re</i> . ratification of Universal Copyright Convention	13316—37	
Discussion <i>re</i> . Air Crash in N.E.F.A. Area	13338—61	
Discussion <i>re</i> . Explosion in Railway Wagons and Sheds	13361—13420	
Daily Digest	13421—28	
No. 46.—Thursday, 12TH SEPTEMBER, 1957		
Oral Answers to Questions—		
Starred Questions Nos. 1722-A, 1723 to 1729, 1730-A, 1763, 1731 to 1735, 1735-A, and 1736 to 1739	13429—65	
Written Answers to Questions—		
Starred Questions Nos. 1740 to 1742, 1744 to 1761, 1761-A, 1762, 1764 to 1768, 1768-A, 1769 to 1772, 1772-A and 1773 to 1776	13465—85	
Unstarred Questions Nos. 1573 to 1584, 1584-A, 1585 to 1607, 1607-A, 1608 to 1644 and 1644-A.	13485—13524	
Papers laid on the Table	13524—26	
Minutes of Committee on Private Members' Bills and Resolutions	13526	
Minutes of Committee on Petitions	13527	
Minutes of Committee on Absence of Members from the Sitzings of the House	13527	
Committee of Privileges		
First Report	13527	
Message from Rajya Sabha	13527—28	
Insurance (Amendment) Bill		
Laid on the Table as passed by Rajya Sabha	13528	
Committee on Subordinate Legislation		
First Report	13528	
Public Accounts Committee		
First Report	13529	
Calling attention to matter of urgent public importance—		
Food Situation in West Bengal	13529—33	
Rules Committee—		
Second Report	10534—47	
Forward Contracts (Regulation) Amendment Bill	13547—87	
Motion to consider as passed by Rajya Sabha	13547	
Clauses 2, 3 and 1	13587	
Motion to pass	13587	
Discussion <i>re</i> . Food Situation in West Bengal	13588—13627	
Committee on Private Members' Bills and Resolutions		
Seventh Report	13627	
Resolution <i>re</i> . Nationalisation of Sugar Industry	13627—67	
Resolution <i>re</i> . Appointment of a Tribunal to Review the cases of dismissed Government Employees		13667—70
Daily Digest	13671—78	

No. 47.—FRIDAY, 13TH SEPTEMBER, 1957	
Oral Answers to Questions—	
Starred Questions* Nos. 1778 to 1791, 1791-A, 1792, 1794 to 1797 and 1799. 13679—13717	
Short Notice Questions Nos. 31 and 32	13717-18
Written Answers to Questions—	
Starred Questions Nos. 1793, 1798, 1800 to 1802, 1802-A, 1803, 1804, 1804-A, 1805 to 1814 and 1814-A.	13718—29
Unstarred Questions Nos. 1645-78	13729—48
Death of Shri Choithram Partabrai Gidwani	13748
Papers laid on the Table	13748—51
Directions issued by the Speaker under the Rules of Procedure	13751
Regulations for holding of Elections by means of Single Transferable Vote	13752
Minutes of Rules Committee	13752
Messages from Rajya Sabha	13753
Calling attention to matters of urgent public importance	13753—58
1. Explosions in Kashmir ;	13754—56
2. Retrenchment of C.P.W.D. staff at Ajmer ;	13756
3. Imposition of curfew in Delhi	13756-57
4. Supply of railway wagons in Orissa ;	13757
5. Food situation in Kerala ;	13757
6. Supply of imported rice in Madras State ;	13757
7. Food situation in U.P. ;	13758
8. Failure of electric supply in Delhi ;	13758
9. Death of monkeys in Mysore State)	13758
Correction of answer to Starred Question No. 161	13759
Statement regarding sinking of 'World Splendour'	13759-60
Committee of Privileges	
First Report	13760—63
Insurance (Amendment) Bill,	13763—66
Amendment made by Rajya Sabha agreed to	13766
Motion <i>re</i> . Second Five Year Plan in relation to current economic situation	13766—13889
Statement <i>re</i> . implementation of decisions of Wage Board under Working Journalists Act	13889—94
Daily Digest	13895—13902
Resume of the Second Session	13903—06
Consolidated Contents (7th September to 13th September, 1957)	(i—v)

N. B.— The sign + above a name of a Member of Questions, which were orally answered indicates that the Question was actually asked on the floor of the House by that Member.

LOK SABHA DEBATES

12503

LOK SABHA

Saturday, 7th September, 1957.

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER in the Chair]

PAPER LAID ON THE TABLE

AMENDMENT TO INDIAN ADMINISTRATIVE SERVICE (PAY) RULES

The Minister of State in the Ministry of Home Affairs (Shri Datar): Sir, I beg to lay on the Table under sub-section (2) of section 3 of the All India Services Act, 1951, a copy of the Notification No. S.R.O. 2726, dated the 31st August, 1957, making certain amendment to the Indian Administrative Service (Pay) Rules, 1954. [Placed in Library. See No. S-258/57.]

MESSAGE FROM RAJYA SABHA

Secretary: Sir, I have to report the following message received from the Secretary of Rajya Sabha:

"In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Railway Passenger Fares Bill, 1957, which was passed by the Lok Sabha at its sitting held on the 31st August, 1957, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

12504

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

FLOODS IN JAMMU AND KASHMIR

Shri Radha Raman (Chandni Chowk): Under Rule 197, I beg to call the attention of the Minister of Home Affairs to the following matter of urgent public importance and I request that he may make a statement thereon:

"The floods in Jammu and Kashmir, loss of life and property resulting therefrom and the steps taken by Government to relieve distress."

The Minister of Home Affairs (Pandit G. B. Pant): Sir, the Jhelum basin has, this year, suffered one of the worst floods in its history.

During the last spring, there were three minor floods in this basin when large tracts of cultivated land between the Wular Lake and Sambal were submerged. The monsoons have caused further and more intensive flooding in the same area.

From 24th August, there was a continuous down-pour for 36 hours resulting in unprecedented rise of the water level in the river Jhelum. The level at Sangam, confluence of the Liddar and the Jhelum, rose to 31.2 feet which was about a foot higher than the highest recorded previously, that is, in the year 1950. With the return of the spill-waters to the basin the level at Srinagar rose to 25.2 feet on 27th August, which also was nearly 7 feet above the danger level and the highest ever recorded. The river Sind also broke all previous records. Bunds on either side of the Jhelum breached at more than a hundred places and the entire area between

[Pandit G. B. Pant]

Srinagar and Anantnag, and the foothills of the Eastern and the Western slopes was submerged. Low-lying areas in the valley had remained submerged from the floods in spring; with the recent floods, an additional 70,000 acres of land went under water. Parts of Srinagar City itself were affected but enormous efforts by the Army prevented the breaches in the cantonment area from attaining dangerous proportions. Bunds between Srinagar and Sumbal, however, were overtopped and a part of the national highway between Khanabal and Baramulla was also submerged, causing dislocation of traffic. Owing to the high level of the Wular Lake and the flood conditions prevailing in the areas below Srinagar, the drainoff of the water was slow and back-flow of the flood waters caused flooding of additional areas in and around Srinagar.

The Province of Jammu suffered similar floods from the rivers Tawi and Chenab. Owing to continuous rains Tawi was in flood from 26th August and simultaneously the river Chenab. The bridge over Chenab at Doda, north-east of Jammu, was washed away and so also the southern approach of the bridge at Ramban, north of Jammu and one of its piers damaged. The river also touched the 450-foot span steel girder of the bridge at Akhnoor, overtopped the masonry work of the head-regulator of the Ranbir Canal by 10 feet and out-flanked it on the left up-stream. This caused damage to the head-works and serious floods in the Ranbir Canal, damaging the canal for a length of about four miles. This meant not only inundation of cultivated lands but also choking up of the power house and the tube-wells with debris, with the consequent failure of electricity and water supply in the city of Jammu.

The river Tawi out-flanked the bridge over it near Jammu and cut off all approaches to the city. The Jammu-Banihal road was damaged at several places. The canal system of the Tawi river became badly damaged

and about 1-1/2 miles of the Ranbir Canal was filled with silt, cutting off irrigation facilities to the Ranbirsinghpura, otherwise known as the granary of Jammu. The Ujh and Pratap canals were also breached at a number of places and bridge No. 6 between Doda and Ramban, north of Jammu, was washed away.

Whilst an accurate assessment of the damage and loss caused by the floods must necessarily wait, it is clear that these will be heavy. In the Province of Jammu, 14 deaths have been reported from the district of Doda. There may have been some loss of life in the Kashmir Valley also, but no figures are yet available. Many heads of cattle have perished and damage to crops in the inundated areas is expected to be great. The Chief Engineer (Irrigation) of the State has reported that the system of protective bunds built up at a heavy cost since 1950, has been washed away and serious damage has been caused to other works, particularly bridges, roads and canals, in both parts of the State. No assessment has yet been possible of the damage to huts and permanent structures.

Although the rivers have not yet returned to normal, it is believed they no longer pose serious menace. The level of Jhelum fell five feet by noon on the 31st August, 1957, and it was felt that the danger to Srinagar had receded.

The Prime Minister of Kashmir has been personally visiting the affected areas and supervising rescue and relief operations. The Revenue Minister and a Minister of State have been touring the Jammu area. The Flood Committee, consisting of officers of the Engineering and other Departments of the State, got to work from the 25th of August and were busy enforcing protective measures. Intensive patrolling was undertaken by day as well as by night, with the help of the Army and Air Force and of members of the local militia and police. Non-official agencies also lent

a helping hand, and it was possible, as a result, to prevent further breaches in the embankments, particularly in Srinagar and to save a large part of the city from the threat of floods. Rescue operations were commenced immediately and a large number of people were evacuated to safety by boats. The distribution of rations and food amongst the needy flood-sufferers was commenced with the utmost promptitude and the machinery for dealing with protective and relief measures has been geared up to minimise further suffering and loss in the affected areas. The contribution of our Army and Air Force in all this work has indeed been splendid. The Prime Minister of Kashmir has reported that the morale of the people is very high and their co-operation has made it possible to render assistance to the distressed people effectively.

Ration depots have been opened at Jammu, Akhnoor and Sambal. Supply of electricity and drinking water was restored in the city of Jammu by 30th August. A Bailey bridge has since been launched across the Tawi to take the place of the bridge out-flanked by the river. Supply of water to the Ranbirsinghpura for irrigating the Shali (paddy) crop is being arranged from the Tawi and the work is expected to be completed within a few days. The work of restoring communications and the canal system has also been taken in hand.

The State Government have authorised the Deputy Commissioners and Tahsildars, respectively, in the affected areas to render cash relief up to Rs. 500 and Rs. 200 to needy persons. The Government have also set up a Central Flood Relief Committee consisting, among others, of members of the State Legislature, representing various shades of public opinion. A sum of Rs. 5 lakhs has been placed at the disposal of the Committee for administering relief.

Among the steps taken by the Army to provide prompt and effective assist-

ance to the State Government, the following deserve special mention:

- (a) Army Engineers built a number of diversions on the Jammu-Akhnoor Road and restored normal traffic by the 30th August. Land-slides in the vicinity of Ramban Bridge were also cleared by Army Engineers and line-construction parties. The Bailey Bridge across the Tawi river was also erected by Army Engineers.
- (b) 3,000 maunds of rice have been loaned to the State Government and large quantities of clothing, including 10,000 blankets, have been diverted for issue to victims of the floods in the Kashmir valley.
- (c) Light aircrafts were used to help in the evacuation of persons marooned in the Jammu area. They also carried out a few airdropping operations. Army engineering equipment was used to a limited extent in the evacuation of marooned people.
- (d) Mobile medical teams have been formed in the valley and are assisting in the prevention of epidemics.

A sum of Rs 1 lakh from the Prime Minister's National Relief Fund has been placed at the disposal of the Prime Minister of Jammu and Kashmir as aid to the stricken people. A further sum of Rs 10,000 from the same Fund has been separately earmarked as assistance to women and children of the State. The Indian Red Cross Society are arranging for the distribution of 1,000 blankets, 3,750 lbs. of milk powder, a quantity of medicines, 500 yards each of white ribbed cotton material and assorted cotton cloth and 1,000 sweaters.

The Ministry of Irrigation and Power have deputed a Chief Engineer to assist the State authorities in respect of protective measures to be

[Pandit G. B. Pant]

undertaken. The Kashmir Valley Flood Protection Scheme (Phase I), estimated to cost about Rs. 95 lakhs, and which involves enlargement of the spill-channel from Padshahi Bagh to the Wular Lake, was nearing completion and this work will be continued. Good progress has also been made in the strengthening and retirement of the Jhelum bund. In the last financial year, an expenditure of Rs. 21.67 lakhs was incurred against a loan assistance of Rs. 32.5 lakhs. The loan assistance provided for in the Central Budget for the current year for this item is Rs. 14 lakhs, the allocation for the second Plan period being Rs. 1 crore.

Shri B. S. Murthy (Kakinada—Reserved—Sch. Castes): On a point of information.

Mr. Speaker: No questions are asked.

Shri B. S. Murthy: On a point of information, Sir. I want to know whether any extra quota of foodgrains has been rushed to the affected areas.

Pandit G. B. Pant: Foodgrains have either been sent or additional consignment will be sent in due course.

BUSINESS OF THE HOUSE

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Sir, I beg to announce that the following items of business will be brought forward in this House from 9th to 14th September. Except where otherwise specified, the various items are mentioned in the order in which they will be taken up:

- (1) Consideration of business carried over from today's order paper.
- (2) Consideration and passing of the Life Insurance Corporation (Second Amendment) Bill.

- (3) Consideration of motions for modification of the Representation of the People (Conduct of Elections and Election Petitions) Rules.
- (4) Consideration of a motion for the reference of the Delhi Municipal Corporation Bill to a Joint Committee.
- (5) Consideration of a motion for the reference of the Delhi Development Bill to a Joint Committee.
- (6) Discussion on the Plantation Enquiry Commission Report, Part I—Tea, for which notice of a motion has been given by Shrimati Parvathi M. Krishnan.
- (7) Consideration and passing of the Forward Contracts (Regulation) Amendment Bill which is now pending in the Rajya Sabha and is expected to be passed early next week.
- (8) A debate on Planning on a motion to be moved by the Minister for Planning will be held on 13th September.

Time permitting, the following items will also be brought up:

- (1) Discussion on the Food Situation.
- (2) Discussion on Rice Milling Committee's Report on a motion given notice of by Shri S. N. Das.
- (3) Discussion on Government's decision regarding the future of non-Government (Light) Railways on a motion given notice of by Shri Jhulan Sinha.

The House is already aware that a discussion on explosions which have occurred in railway wagons and sheds at Asansol, Katpadl and Kanpur to be initiated by Shri S. V. Ramaswamy will be held on the 11th September, at 5-30 p.m.

Shri D. V. Rao (Nalgonda): What about the Scheduled Castes and Scheduled Tribes Report?

Shri Satya Narayan Sinha: I told the House on the last occasion that it will be taken up in the next session because the 1956 report is not yet available.

I may inform the House that we have to bring a small piece of legislation. It is very urgent on account of the ruling of the Calcutta High Court on the seizure of rice. That is very important and a Bill will be introduced on Monday. I request the House, after this is finished, to take it up for an hour.

An Hon. Member: Today?

Shri Satya Narayan Sinha: It will be introduced on Monday. I have just informed the House that that important piece of legislation will also be added to the list which I have already announced.

INTER-STATE CORPORATIONS BILL

The Minister of Law (Shri A. K. Sen): I beg to move:

"That the Bill to provide for the reorganisation of certain corporations functioning in two or more States by virtue of section 109 of the States Reorganisation Act, 1956, and for matters connected therewith, be taken into consideration."

This Bill has become necessary in view of the reorganisation of certain States under the States Reorganisation Act, specially the State of Bombay. Under several State laws, various statutory corporations were set up having their activities throughout the States, some of which have been reorganised. Hon. Members will see in the schedule annexed to the Bill a list of statutes of the old State of Bombay, Hyderabad and also Madhya Pradesh, under which various statutory authorities and corporations were

set up. As a result of the reorganisation, mainly the territorial reorganisation of these States, these statutory corporations, which were originally intra-State corporations became inter-State corporations by reason of the reorganisation of these States by the States Reorganisation Act, 1956.

The consequence has been that a statutory corporation functioning in the old State of Bombay, let us take for example, under a statute of the old State of Bombay, will now continue to have its activities over territories which now form parts of other contiguous States, which have also undergone transformation. In order to enable these statutory corporations to continue, notwithstanding the territorial severance of their own States and consequentially their own territorial severance, section 109 of the States Reorganisation Act, 1956 provided that these statutory corporations should continue to function, notwithstanding the severance of the territories of their former States, until provisions in that behalf were made by the Central Government or Parliament.

This measure really seeks to provide for the permanent functioning of those statutory corporations under arrangements which may be arrived at by the local States and thereupon such arrangements will be forwarded to the Central Government and the Central Government will confirm the schemes under which those corporations will continue to function. This, hon. Members will appreciate, is highly necessary and really consequential upon the reorganisation of the former States, within which the statutory corporations were situated and within whose original boundaries these corporations were functioning.

Hon. Members will no doubt notice that the real provisions are sections 3 and 4. Section 3 reads as follows:

"If it appears to the Government of a State in any part of which an inter-State corporation is functioning that the inter-State

[Shri A. K. Sen]

corporation should be reconstituted and reorganised as one or more intra-State corporations or that it should be dissolved, the State Government may frame a scheme for such reconstitution and reorganisation or such dissolution, as the case may be, including proposals regarding the transfer of the assets, rights and liabilities of the inter-State corporation to any other corporations or State Governments and the transfer or re-employment of employees of the inter-State corporation and forward the scheme to the Central Government."

Section 4 provides:

"On receipt of a scheme forwarded to it under section 3, the Central Government may, after consulting the State Governments concerned, approve the scheme with or without modifications and give effect to the scheme so approved by making such order as it thinks fit."

Then, it provides what the order will provide for.

Therefore, hon. Members will now pass the Bill without much delay, because it is really of a very non-controversial nature, intended to meet the requirements of the States Reorganisation Act and the difficulties that the territorial reorganisation of some of the States have created in the functioning of these corporations, which were originally situate within the portions of one State, but now have become the subject-matter of several States, so far as their statutory activities are concerned.

With these words, I recommend that the motion be accepted by the House.

Mr. Speaker: I will now put the motion to the vote of the House. The question is:

"That the Bill to provide for the reorganisation of certain corporations functioning in two or

more States by virtue of section 109 of the States Reorganisation Act, 1956, and for matters connected therewith, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 4.— (Reorganisation of certain inter-State Corporations).

Shri Shree Narayan Dass (Darbhanga): I beg to move:

Page 2, line 40—

add at the end:

"and shall be subject to such modifications as Parliament may make during the session in which it is so laid or the session immediately following".

I have nothing to say about this amendment except that when we are going to make some changes with regard to the inter-State corporations, there may be some matters there in the order issued by the Government which may be controversial. Therefore, the Members of this House should be given an opportunity to scrutinise the order and if there is any discrepancy in that order issued by the Government, it may be removed. Usually in every such enactment, a provision like this is inserted. I think there is no harm if this is provided here also.

Mr. Speaker: Amendment moved:

Page 2, line 40—

add at the end:

"and shall be subject to such modifications as Parliament may make during the session in which it is so laid or the session immediately following".

Shri Naushir Bharucha (East Khandesh): I would like to point out to the hon. Minister that there appear to be two lacunae in clause 4. Clause 4 deals with dissolution of an inter-State corporation. At page 2, if you

look to clause (d), it refers to the transfer, in whole or in part, of the assets, rights and liabilities of the inter-State corporation to any other corporations or State Governments and the terms and conditions of such transfer.

It is obvious that, if there is a quarrel between two State Governments on the division of the assets and liabilities, there is no provision here to solve the dispute between the two Governments. Obviously some clause has to be incorporated providing for arbitration by the Central Government or by some body or other, because, take for instance, the State Road Transport Corporation of Bombay, part of which will go to Mysore. Questions will arise as to how many buses will go to Mysore, what will be the debt which will be borne by the Mysore State and so on. Obviously, there will not be agreement between the two States. Therefore, it is necessary that some sort of arbitration clause should be provided to resolve the dispute.

The second point is, if you turn to clause (f), it refers to the transfer or re-employment of any employees. "Re-employment" sounds as if there will be a break in the service of the employees. If as a result of the operation of the States Reorganisation Act, the employees have to be divided between two States, I do not see why it should be considered as a break of service. Perhaps that may affect the provident fund, pension or gratuity of the employees. I beg to submit that care should be taken with regard to the use of the word "re-employment". I think the Government by way of administrative direction might prescribe that "re-employment" used in this particular clause (f) does not mean any breach in the continuity of service.

I hope these two points will be taken care of by the Minister.

Shri A. K. Sen: I am sorry I cannot accept the amendment proposed by Shri Shree Narayan Das. It is not

really necessary, because we are dealing with corporations incorporated by virtue of State legislation. It is primarily for the States to frame schemes for the future constitution, organisation or functioning of these corporations and the Central Government would really exercise more or less a supervisory authority under the Bill. It is not really feasible or practicable to trouble Parliament with each and every scheme of each and every statutory corporation. I have not the least doubt that if any suggestion with regard to any particular corporation is accepted by the House in the form of a resolution, the Government will no doubt give effect to it. But, for that it is not necessary to adopt the amendment proposed. It will rather take a lot of time of the House on all the details and the House cannot be properly informed either.

Now, with regard to the suggestion of the hon. Member, Shri Bharucha, I don't think there is any necessity for providing any arbitration for the order contemplated under section 4 gives really the final seal for any scheme relating to such inter-State corporations and that order will be binding on every party concerned. Therefore, no other authority, either as arbitrator or otherwise, will be necessary to introduce finality for any scheme for these statutory corporations.

With regard to the question of re-employment, I certainly think that the hon. Member's suggestion deserves serious consideration. It is really a technical word—re-employed. And the Hon'ble Member will appreciate as a lawyer that you cannot transfer personal service from one to another. In fact, the authorities are clear on that point. Nobody can transfer 'personal service' in the sense one transfers assets and liabilities. Therefore, if as a result of the re-organisation of two corporations, the services of one are taken over by the other, it is really new employment by the new corporation. What should be the terms of service and whether

[Shri A. K. Sen]

there should be continuity of service or not are certainly matters for the consideration of the Central Government and, I have no doubt, the Central Government and the State Governments, while framing any scheme, will bear that in mind and will not deprive employees who are taken over by the re-organisation, the continuity of service and other conditions, to which they are normally entitled. That really is a matter for administration and is not a matter to be introduced in the legislation. Therefore, I submit, the clause, as framed, may be passed.

Mr. Speaker: Shall I put the amendment to the vote of the House?

Shri Shree Narayan Das: I am not pressing it.

*The amendment was, by leave,
withdrawn.*

Mr. Speaker: The question is:

"That clause 4 stand part of the Bill".

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

The Schedule, Clause 1, the Enacting Formula and the Title were added to the Bill.

Shri A. K. Sen: I beg to move:

"That the Bill be passed."

Mr. Speaker: The question is:

"That the Bill be passed".

The motion was adopted.

DHOTIES (ADDITIONAL EXCISE DUTY) AMENDMENT BILL

The Minister of Commerce (Shri Kanungo): Mr. Speaker, with your permission, I beg to move:*

"That the Bill to amend the Dhoties (Additional Excise Duty) Act, 1953, be taken into consideration."

This is a very simple Bill, the principles of which have been extensively debated in the House and which, I beg to submit, has proved its worth in the course of the years. As a matter of fact, the very purpose of the provisions of the Bill were being operated under the Textile Control Order, 1948. But, as there has been some doubts about the absolute legality of it, in the form of ample precaution, this Bill has been introduced. There is nothing new in it. It is merely to legalise or rather to confirm the legalisation of certain steps, certain procedures which are already being followed. I move that the Bill be taken into consideration.

Mr. Speaker: Motion moved:

"That the Bill to amend the Dhoties (Additional Excise Duty) Act, 1953, be taken into consideration."

Shri Naushir Bharucha (East Khandesh): The Bill, which the hon. Minister has termed as simple, is going to benefit the mill-owners at the cost of the handloom industry. If we turn to clause 3 of the amendment, we find that "group of mills" has been defined as follows:

"'group of mills' means two or more mills under common ownership or management;"

So, if there is common management, which can be created by the imposition of a common management for a group of mills belonging to different owners, they will get a bigger quota and thus the provisions of this Bill can very well be circumvented. I fail to understand why 'management' has been included. The definition should have been 'a group of mills belonging to one individual'. That should have been sufficient. Now, it appears, a loophole is left to the mill-owners to create a common management for a group of mills, which will enable them to avail of this concession.

*Moved with the recommendation of the President.

The object of the Bill is to protect the handloom industry. But the Bill permits inroads to be made in the quota of dhotties allotted to the handloom industry, which is easy to manufacture and easy to dispose of. One of the Bombay mill-owners confessed to me that the profit they made during the war period out of dhotties, was criminal. This is the most profitable part of business and a portion of it, which has been left by law to be produced by the handloom industry, is diverted to the mill. I will tell you how it is being done. Now clause 4 says:

"The permissible quota of dhotties which may be issued out of any group of mills as a whole during any quarter in any case where an application is made in that behalf by that group, shall be such as the Textile Commissioner to the Government of India may fix, but such permissible quota shall in no case exceed the total of the permissible quotas

My submission is that it should not be in excess of the total of the average which units manufactured in any particular year.

The difference between what I have suggested and what is incorporated in the Bill is this. Supposing a mill-owner has got three mills. Let us call them A, B and C. Each of them, let us presume, is producing one million yards of dhotties. The total quantity produced by them is three million yards. Now, under the Bill, as it is, it will be open for the owner either to have all the three million yards produced in one mill or in the three mills. He can distribute it anyway he likes. Now, it is quite possible, that one of the mills is producing only half a million yards and another of them producing two million yards. Under this Bill, the owner is entitled to the full quota, though a particular mill may produce only much less than what is allotted to it. So, I suggest that a particular year should be prescribed as the relevant year and the

actual output of cloth manufactured by each unit during that year should be taken into consideration. The total that should be provided as the maximum quota. Otherwise, what will happen is that though there may be some units which are idle, the owner will allot it to another mill and will take advantage of this provision. This is very undesirable and we should not permit it.

In the schedule, the slabs of penal excise duties to be levied for unauthorised production of dhotties are mentioned. The rate of penal excise duty is very low and the demand for dhotties is very high. So, it is likely that this penal excise duty will tend to become part of the cost of production and will be passed on to the consumer. Therefore, the so-called penal excise duty is not at all penal. What will certainly happen is that it will be passed on to the consumers. The Bill, therefore, as I said, affects the handloom industry, permits the mills to make inroads into the handloom quota and therefore places at a disadvantage the handloom industry.

Shri. Ranga (Tenali): Mr. Speaker, in addition to the points that my hon. friend Shri Naushir Bharucha has already made, which deserve careful consideration at the hands of the hon. Minister, I would like to make a few suggestions to be carefully considered by the Government not only at this juncture during the passage of this Bill, but also in the implementation of this Bill.

The protection that has been sought to be given to the handloom weaving industry as a result of this Bill has not materialised so far for various reasons. I would like to state just one reason at this juncture for consideration by the hon. Minister. Although a particular quota is supposed to have been fixed for the production of dhotties for internal consumption, it is feared that a portion of their production is set apart by the

[Shri Ranga]

mills for so-called exports and later on diverted for internal consumption

Shri Kanungo: This is not that. This Bill has nothing to do with that.

Shri Ranga: When it is diverted for internal consumption, it escapes payment of this special excise duty or penalty. I would like to know how far and what steps are being taken by the Government to prevent that kind of mischief.

It has been the plea from the handloom weaver and also the khadi producer that as time goes on, more and more of these weaving mills or combined spinning and weaving mills should find it unnecessary to carry on their production and to that extent handlooms and khaddar should be able to expand their production. As a result, one of the effects of this Bill when passed would be that, even though one or two mills become out-dated and, therefore, production of cloth or dhoti becomes uneconomical from such mills, it would still be possible for the owners of these mills to go into a combination with other mills where economic production is still possible and in that way, maintain their quota for the mill sector and, to that extent, prevent the opportunity for handloom production and khadi production to go on increasing. It is a well known fact that the khadi industry as well as the handloom industry have been claiming the right of encroaching upon mill production as and when mills find it necessary to give up cloth production. When their machines become out-dated and permission for the installation of new looms is not given, when naturally mill production is expected to go down, this is one of the means by which this hope and aspiration of the khadi and handloom industries can be stultified. I would like the hon. Minister to assure us that it is the policy of the Government that, in course of time, the handloom industry and the khadi industry would be helped to gain more and more of the

field which would come to be vacated by the weaving mill industry. If that continues to be the policy of the Government, I would like my hon. friend the Minister in charge of this Bill to assure us how, in the working of the provisions of this particular Bill when passed into an Act, it would promote that objective, or whether it would frustrate that objective.

In conclusion, I would like to remind the hon. Minister of the duty of the Government to think not merely of providing employment for those few thousand people who are today employed on the mill weaving industry, but also assure the continuation of the present quota of employment and also increase the total quantum of employment that would be made available to the lakhs of weavers who are today engaged in the handloom industry and khadi industry. I would also like my hon. friend to assure us whether he has consulted the Khadi Commission as well as the Handloom Board in regard to this matter and whether they have agreed. Even if they have agreed, I would like my hon. friend to take into consideration those fears that I have expressed on behalf of the workers employed in the khadi industry and the handloom industry.

श्री जाधव (म. न. गाँव) : अध्यक्ष महोदय यह जो धोतीज एंडिशनल एक्ससाइज ड्यूटी अमेन्डमेंट बिल इस समय सदन के सामने उपस्थित है, यह एक सोचामादा बिल है जैसा कहा गया लेकिन इस बिल पर हमारे हिन्दुस्तान के जो बुनकर लोग हैं और हमारे जी एनसिएलरी वर्कर्स होते हैं उनकी जिन्दगी निर्भर रहती है, इसलिए इस बिल का बहुत महत्व हो जाता है।

आप जानते हैं कि हिन्दुस्तान में कृषि के ध्वे के बाद जिस सनघत में और जिस उद्योग में सबसे ज्यादा लोगों को काम मिलता है वह यह सनघत है। इस उद्योग के सम्बन्ध में जो आंकड़े यहाँ प्रस्तुत किये गये हैं उनके

बारे में तो मैं कुछ कह नहीं सकता क्योंकि इस सनघत के जो नये नये आकड़े हमारे सामने आये हैं, उन आकड़ों को देखकर आदमी खबर में आ जाता है। इसके बारे में मैं विस्तार से जब यहाँ पर कौटेल फ़ैब्रिकस बिल हमारे सामने आवगा तब कहूँगा।

इस बिल को खाम तौर पर आगे लाने की ज़रूरत इसलिए पड़ी कि सन् १९५०, ५१ में हंडलूम इंडस्ट्री के ऊपर काफी भारी सदमा पहुँचा था और हंडलूम इंडस्ट्री को प्रोटेक्शन देने की ज़रूरत महसूस की गई। आप जानते हैं कि टेक्साटाईल इंडस्ट्री के मिल सैक्टर को आज पिछले २० साल से प्रोटेक्शन मिल रहा है और उसका बड़ा खराब असर हमारे हथकरघे की सनघत पर पड़ा। जिस तरह एक बड़ी मछली छोटी मछली का खा जाती है, ऐसा ही इस बारे में भी हुआ। मिल सैक्टर काफी आगेनाइज्ड होना है और यह आगेनाइज्ड सैक्टर माल पैदा करने में और बाजार में उसको लाने के लिए उसके पास काफी सामर्थ्य है। जा प्रम है वह उनका है। मैंने बल एक पम्पलेट पढ़ा उसमें कहा गया है कि हमारी वायस की सरकार कहती है कि स्लागन दन वाले लोग हिन्दुस्तान में बहुत पैदा हो गये हैं लेकिन मैं आपका बताना चाहता हूँ कि हिन्दुस्तान में स्लागन दन के वास्ते सबसे आगे अगर कार्ट जमाना जागी तो वह कंस्ट्रिक्टिव क्वायस की जमात है। रास्तो पर रहने वाले और हथकरघा पर काम करने वाले जो गरीब बनकर लगते हैं, वे क्या स्लोगन दे सकते हैं? उनकी आवाज यहाँ तक नहीं पहुँच सकती है।

यह जो काटशन है यह पढ़ने योग्य है। जो मैं पढ़ने जा रहा हूँ उसके बारे में बी० एल० मेहता साहब ने कहा है —

"It is not only the crowds in the streets who shout slogans. For the past seven months we have had dinned into our ears the cries of 'industrialise or perish' and 'produce or perish', the slogans

emanating from the representatives of the most well-organised industry in the country."

इनके जो स्लागस होते हैं वे स्लोगम गवर्नमेन्ट के कान तक पहुँच जाते हैं। इस बिल में गयनमट को खाम तौर पर यह प्रावीजन करनी पड़ी है कि हिन्दुस्तान में जिस कपड़े की सब से ज्यादा खपत होती है वह यही कपड़ा है जो कि एक मर्द और एक औरत पहनती है। एक मर्द को पहनने के लिए एक धाती और एक औरत का आढ़ने के लिए एक साड़ी तो कम से कम अवश्य चाहिये। इस प्रकार के कपड़े जो लोग उत्पादन करते हैं तथा जिस सनत में इसको तैयार किया जाता है उस सनत को जिन्दा रखा जा सके, इस दृष्टि में इस बिल को यहाँ पेश किया गया है। लेकिन इस प्राविजन का जिनता असर होना चाहिए तथा इससे जितना फायदा होना चाहिये उतना फायदा नहीं हुआ है। उसकी प्राडक्शन की जो फिगम हैं वे बहुत लम्बी चौड़ी हैं और उनको पढ़कर बतलाने में काफी समय लगगा, इसलिए मैं उनको यहाँ पर कोट करना नहीं चाहता। साथ ही इस बिल की डिमक्शन के लिए केवल एक घंटा ही दिया गया है और यह एक सीधा सादा सा और सिमपल बिल है, यही वजह है कि इसका, मेरे ख्याल में इतना कम समय रखा गया है। मैं समझता हूँ कि इस सनत ने तरक्की नहीं की है यह आग नहीं आई है। इसका आग लाने के लिए हम ग्वो-ल्यूशनरी स्टेपस उठाने जायेंगे। हमारे भाष्य-वर मंत्री जो न जिन्होंने इस बिल का इस सदन के सामने पेश किया है, वह कोई नया तवांगी परिवर्तन लाना चाहते थे। उनकी जो रिपोर्ट है काननगा कमटी की रिपोर्ट, उसको मैंने पढ़ा है तथा उसकी जो समरी है उनका हर् लपज मैंने जारी करके अखत पान रखा हुआ है। उन्होंने इस बात को समझा है कि जमाना बदल रहा है। और हमारा जो फाइव-यर प्लान है वह भी हमारे सामने है और वह चाहते थे कि उसमें जो दी गई पेश की जाए। इस उद्देश्य में वह इस सनत

[श्री जाधव]

को नए ढंग से, नए रूप में हिन्दुस्तान में पनपाना चाहते थे। जवाहरलाल नेहरू जी ने भी कहा, और मैंने इसको पेपम में पड़ा है कि अगर हम हिन्दुस्तान का नक्शा बदलना चाहते हैं तो हमें इस सनत को ही जिन्दा नहीं रखना है तथा इस सनत के बारे में ही क्रान्तिकारी कदम नहीं उठाने हैं बल्कि हिन्दुस्तान की जितनी भी छोटी छोटी सनतें हैं उनको भी हमें आगे बढ़ाना है और हमारा यह फर्ज है कि हम देखें कि वे कैसे पनप सकती हैं। मैं पूछना चाहता हूँ कि कानूनगो साहब की जो रिपोर्ट थी, क्या कारण है कि वह पीछे पड़ी, क्यों उसको नहीं माना गया है? मुझे इस बारे में बहुत कुछ कहना है और उम में फिर कहूंगा। लेकिन इस समय मैं यह कहना चाहता हूँ कि हिन्दुस्तान की सनतों के बारे में हमें कोई क्रान्तिकारी कदम उठाने चाहियें और गवर्नमेंट उनको उठाना नहीं चाहती है। इस वास्ते आज जो हमारी आर्गोनाइज्ड मिल सैक्टर की जमात है वह हमारे सामने आई है और उसकी खातिर इस बिल को हमारे सामने रखा गया है।

भरूचा साहब ने कहा कि युद्ध के जमाने में इन लोगों ने कितना ही पैसा कमाया है और वे लोग अब भी पैसा कमा सकते हैं। उनके सामने पैसा कमाने के बहुत से रास्ते हैं। कौन से रास्ते पर चल कर वे पैसा कमा सकते हैं, यह वे अच्छी तरह से जानते हैं और इसको वे अच्छी तरह से समझते हैं और बराबर उसी रास्ते पर वे चल सकते हैं। इन लोगों ने कितना पैसा कमाया है और इनकम टैक्स की स्लेबस कितनी बढ़ती गई हैं इसे सब लोग जानते हैं। लेकिन मैं बहुत अदब के साथ कहना चाहता हूँ कि आप लोग बहुत होशियार हैं, बहुत अक्ल-मन्द हैं, पैसा कैसे कमाना चाहिये, यह आप अच्छी तरह से जानते हैं। आपकी अक्ल का उपयोग अगर हिन्दुस्तान के जो गरीब लोग हैं उनके फायदे के लिए किया जाए तो अच्छा होगा। आज किसानों का सवाल नहीं है। आज तो उन लोगों की जिन्दगी

का सवाल है जो कि गाँठ घंटे काम करने के बाद मुश्किल से छः गज कपड़ा ही तैयार कर पाते हैं तथा जिन परिस्थितियों में उनको काम करना पड़ता है, यह भी आप अच्छी तरह से जानते हैं। उनकी आधी कमर, उनका आधा जिस्म जमीन के अन्दर कब में रहता है और आधा बाहर। इस तरह से वे अपने कमर के नीचे के हिस्से को जमीन के अन्दर रख कर करघे को चलाते हैं तथा गाँठ घंटे लगातार काम उनको करना पड़ता है। ऐसे लोगों की जिन्दगी को हम अगर ऊँचा करना चाहते हैं, तो इस तरह की रेस्ट्रिक्शंस लगाकर या कानून बना देने से काम नहीं चलेगा। हम देख रहे हैं कि आज हमारी सरकार कानून पर कानून बनाये जा रही है। अगर हमारी सरकार की कोई निशानी बाकी बचेगी तो ये जो कानून इसने बनाये हैं, इनके द्वारा ही बचेगी। आज कानून बहुत ज्यादा हो गए हैं। अगर हम सही मानों में इन लोगों की जिन्दगी को सुधारना चाहते हैं, इस हैंड-लूम की सनत को हम जिन्दा रखना चाहते हैं तो हमें देखना होगा कि जो कानून हम बनाते हैं, उन पर बराबर अमल होता है या नहीं। इस चीज की तरफ हमें खास तौर पर देखना होगा।

अध्यक्ष महोदय, मैंने एक एमेंडमेंट पेश की है जिस पर मैं अभी बोल लेना चाहता हूँ क्योंकि हो सकता है कि बाद में मुझे समय न मिले। मैंने इस एमेंडमेंट के द्वारा एक प्राविसो इस में जोड़ा है। इसमें यह कहा है कि उनको कोटा दिया जाता है उस कोटे के अलावा अगर वे ज्यादा माल पैदा करेंगे और गवर्नमेंट ने देखा कि उन्होंने कोटे ने अधिक माल तैयार किया है तो उसे उस माल को जप्त कर लेना चाहिये, कनफिस्केट कर लेना चाहिये। इतना ही गवर्नमेंट को नहीं करना चाहिये बल्कि, उनको डिस्ट्रेट पनिशमेंट भी दी जानी चाहिए। डिस्ट्रेट पनिशमेंट की बात मैं इसलिए नहीं करता हूँ कि हम उन लोगों से नफरत करते हैं बल्कि इसलिए कि हमने उनको काफी सुविधायें दे रखी हैं

और काफ़ी उनकी सनत को प्रोटेक्शन हमने दिया है। जो ग्रेडिड लिस्ट दी है एक्साइज ड्यूटी की इसके सिवा मेंने यह कहा है:—

“Provided that without prejudice to the Schedule to section 4, if the quantity of dhoties issued out of any mill after the 26th day of October, 1953, or group of mills exceeds the permissible quota it may be confiscated and the mill or group of mills be fined with an amount ranging from one thousand rupees to ten thousand rupees as the case may be”.

अगर ऐसा कोई कदम उठाया गया तो मुझे उम्मीद है कि हम बराबर इस सनत की रक्षा कर सकेंगे तथा उनके पनपने के लिए जगह पैदा कर सकेंगे। मैं आशा करता हूँ कि हमारे जो मंत्री महोदय हैं, वह इसके बारे में अवश्य सोचेंगे। मैं यह भी चाहूंगा कि आज ६० परसेंट कोटा उनके लिये रखा गया है और ४० परसेंट कोटा हंडलूम की सनत के लिए रखा गया है, इस किस्म की कोर्ट भी डिस्टिंक्शन रखे बगैर तमाम धोतियो तथा साड़ियो का उत्पादन हंडलूम सेक्टर तथा पावरलूम सेक्टर के लिए ही रिजर्व कर दिया जाए। यह तो आगे के लिए है। आप जिस तरह का कदम उठा रहे हैं उससे यह सनत जिन्दा रहने वाली नहीं नहीं है तथा खाली पेपर पर कानून पास कर देने से तथा मुहब्बत जनता देने से ही काम नहीं चलेगा।

डा० मैनकोट्टे (रायचूर): अध्यक्ष महोदय, इस बिल के बारे में मैं भी दो लपज कहना चाहता हूँ। मुझ से पहले रंगा साहब ने खादी के बारे में तथा वीवर्स के बारे में उनके जो जज़बात हैं, उनको विस्तार के साथ इस एबान के सामने रखा है। बात यह है कि हमारे मिनिस्टर साहब एक बार टेक्सटाईल इन्क्वायरी कमेटी के चेयरमैन थे। जब उनकी रिपोर्ट सामने आई उस वक़्त खादी का उत्पादन जो लोग करते थे तथा खादी का उत्पादन करने वाली संस्था

से मेरा भी सम्बन्ध है तथा मैं उसका चेयरमैन भी हूँ, उस रिपोर्ट को पढ़ने के बाद हमारे दिल को धक्का लगा और हमें बहुत तकलीफ हुई। आज मैं माननीय मंत्री से यह चाहता हूँ कि वे हमें आश्वासन दें कि खादी के उत्पादन को तथा वीवर्स जो कपड़े तयार करते हैं, उस कपड़े के उत्पादन को इससे किसी किस्म का धक्का नहीं लगेगा। खादी का जो लोग उत्पादन करते हैं वे गांवों में रहते हैं। उनकी तरफ भी हमारी तवज्जह जानी चाहिए। आज हम देख रहे हैं कि अनएम्प्लायमेंट भी बहुत ज्यादा है, बेरोजगारी भी बहुत अधिक है। इस बिल के प्राविजंस के लागू होने के बाद अगर अनएम्प्लायमेंट और बढ़ गया और लोगों की मीयार जिन्दगी पर असर पड़ा तो यह ठीक नहीं होगा। इस लिए मेरे दोस्त रंगा साहब ने जो कुछ कहा है, मैं उसको सपोर्ट करता हूँ तथा मिनिस्टर साहब से प्रार्थना करता हूँ कि जिस आश्वासन की मैंने मांग की है उसे दे दें। इससे अधिक मुझे और कुछ नहीं कहना है। मैं केवल मिनिस्टर साहब से यही आश्वासन चाहता हूँ।

12 hrs.

Shri A. C. Guha (Barasat): I have some fundamental objections against this Bill. The Government started in 1952 a policy to assist the handloom industry. That was a laudable step taken by the Government. But gradually they have been whittling down the effectiveness of this step taken in 1952. I cannot understand the logic of the subsequent measures. If it is thought desirable to assist the handloom industry, then that should be done without any mental reservation. For the furtherance of the policy, Government in 1952 took a measure to peg the production of dhoties and sarees by textile mills at 60 per cent. of their average monthly production in 1951-52.

Then they thought that this order of Government could be flouted by the mills; in fact, the textile mills were flouting this order of Government. They were producing more than the

[Shri A. C. Guha]

quota allotted to each of them. In the Statement of Objects and Reasons, we find that it was not possible to penalise the infringing mills, and so to remove the disability, the Dhoties (Additional Excise Duty) Act, 1953, was passed, imposing a penal excise duty on a regulated scale on mills infringing this order. If it has been thought necessary to restrict the production of textile mills in dhoties and sarees to a particular quantity, and that is for the purpose of helping the handloom industry, I cannot understand how simply by paying a penal excise duty that policy can be given the go-by. It appears from this that Government are not so much anxious to help the handloom industry, or they are not sure of their step. This creates a bad psychology. The Government are encouraging the infringement of their own orders and allowing the sin to be expiated by the payment of a small excise duty.

I think you know, Sir, that in our shastras, there was a sort of atonement of the sin by paying some gold or some coin to the Brahmins or to the gods.

कॉलनमूलान रि गृह्णा

I think the Government also have taken to that policy that the violation of government orders—orders calculated to implement some economic policy of Government—can be done with impunity simply if an additional excise duty is paid by the infringers.

Shri Ranga: They wish to encourage it.

Shri A. C. Guha: This has a bad psychological effect. It generates an attitude of violating government orders; it generates an outlook that any order of Government or even the law passed by this House, can be violated if the offending party can make a payment to the Government by way of an additional excise duty. I think that should not have been the method of Government. As far as I can understand, it is not a revenue measure. I think the revenue collected on this is very meagre. If it is the policy of Government to help the handloom industry, they should firmly

stick to that policy without diluting their step and without injuring the effectiveness or efficacy of the steps proposed and taken by them.

Then again there is another fundamental thing which I would like to object and which has been brought in this Bill. The Act that was passed in 1953 allowed only individual mills to pay the excise duty and violate the government restrictions imposed on them. But here we find the Government are still diluting their policy. They have put here that a group of mills may also be allowed this extension. A group of mills means two or more mills under common ownership and management. Apart from the fact that this will further dilute the original step taken by Government for helping handloom industries, this is also a step which will lead to or help concentration of productive forces in a few hands.

I do not like to mention the names, but I have got a list, which may not be quite exhaustive. Some of the managing agents or owners have got 9, 6 and 5 mills under their control. 20 such firms control about 36 per cent. of the installed looms in the textile mills and 28 per cent. of the installed spindles there. So even now there is somewhat a concentration of productive forces in the textile industry in a few hands. But if we give further latitude to these managing agents or directors or proprietors to concentrate their hold on the textile industry by this measure, I think that will also go contrary to the declared policy of Government. As far as I know, it is the policy of this House and of the Government to foster decentralised economy, but this measure is sure to result in concentration of economic power in a few hands—concentration of productive forces in the hands of a few magnates. Out of 1·2 crore spindles, 28 per cent. are controlled by these 20 firms, and 36 per cent. of the powerlooms are controlled also by these 20 firms. This measure will, I think, give further fillip to their propensity to expand their control over the textile industry.

I have a third objection. I think it is the policy of Government to see that there should be a sort of equality of development—economic and industrial development—in the country. The region from which the hon. Minister in charge of this Bill comes is backward in respect of industries, particularly textile industry. This measure will simply help the regions already advanced in the textile industry. Except one or two, the 20 firms I have referred to are, I think, belonging to western India. This Bill will only give help to these 20 firms almost all belonging to western India. This will act adversely to the interest of textile industry in other parts of India.

Some years ago, some subsidy was given to the textile mills in the form of supply of American cotton for the purpose of supplying yarn to the handloom industry. The total value of the subsidy was Rs 1,33,00,000 out of which Rs 110 lakhs worth of subsidy was given to some mills only in one State. I think that is again the declared policy of Government. That subsidy should also have been given evenly to the textile mills belonging to all the States.

I feel that this Bill will also be contrary to the declared policy of Government in that respect. So, I hope the hon. Minister will take note of these things. I have given notice of some amendments to restrict the scope of mischief of some of the provisions. Though I have my fundamental objections to allow particular groups of mills to have this right to infringe the Government orders, I think it may now be too late for the hon. Minister to accept that position. I have tried to limit the scope of the mischief of some of the clauses. I hope the hon. Minister will take cognizance of these amendments.

Mr. Speaker: Shri Shankaraiya.

Some Hon. Members —rose

Mr. Speaker: I find that this is gathering magnitude like a snowball. I think I should ask the hon. Members at the very outset to get up so that

I may note down their names and call them, except in exceptional cases when I may call others. Otherwise, they take up a few points from here and there and then emphasise them. I will call the hon. Minister next. Hon. Members who are prepared must stand up. I find one hon. Member says something and the same thing is taken up by others.

Shri Tangamani (Madurai): I won't take more than ten minutes, Sir. I will not speak on the amendments.

Mr. Speaker: I will allow him to speak on the amendments.

Shri Shankaraiya (Mysore): I do not want to make any long speech; but coming from the rank and file of the weavers, I wish to say a few words. I have got some apprehensions with regard to the effect of this Bill. No doubt, on behalf of the weavers, I must thank the Government for the help and support given to the handloom sector or the cottage industry and the weavers are feeling very grateful to them. After this help was rendered and facilities provided, they have made considerable progress. The reports of the Ministry themselves had conceded that the handloom sector and the khadi industry have done very well and that production has increased.

Knowing full well the running of societies, being the President of the Mysore State Handloom Weavers' Society, knowing the handloom sector and knowing also some facts about Hyderabad and Andhra particularly, I may say that the handloom industry has developed to such an extent in the manufacture of dhories that they are producing finer qualities from 100 to 125 counts at a cheaper rate than the mills. This has opened the eyes of the mills and they have not been able to compete with the handloom industry. That is why they have resorted to all these methods. And, if at this particular time when the handloom sector and the khadi sector are making progress, if the Government were to relax those measures, and if proper protection is not given, the progress that they have made till now

[Shri Shankaraiaya]

and the help that has been rendered to them will be nullified.

The quota will be fixed by the Government. Hitherto the mills were passing their production to the subordinate mills or the mills under their control. Now, what I would request the Government is that while giving effect to the provision in clause 3, they must see that 60 per cent. of production is restricted only to the particular mill that produces it and that it should not be taken as the cumulative amount of what all the different mills under their control and fix 60 per cent. according to that strength. It should be fixed according to 60 per cent. of production by each mill and not the total capacity of all the mills under their control. If that is done, it will be providing more help to the weavers. The Minister in charge of these things and the Government should see these things and study the difficulties of the handloom and the khadi weavers and see that all protection is given so that the industry may progress.

Shri Tangamani: Mr. Speaker, Sir, the object of this amendment of the Dhoties (Additional Excise Duty) Act of 1953 and also the original Act is to assist the handloom industry by restricting the production of certain kinds of dhoties in the mills. But, I would like to submit, in view of the many points that have already been covered by my hon. friend, Shri Guha, that the price of yarn does not at all compare with the price of raw cotton. I would only give certain figures to show how there is so much of disparity. The index of yarn prices...

Mr. Speaker: How does that arise out of this? It is a Bill restricting production of certain dhoties.

Shri Tangamani: The first sentence of the Statement of Objects and Reasons itself says that it is for the protection of the handloom industry. So, some restriction on the price as well as a restriction on production of the dhoties is required.

Mr. Speaker: We are not going into the question of prices of cotton. There are many ways in which handloom dhoties can be allowed to expand. This is one particular restriction on mill cloth and to make that they say 60 per cent.

Shri Tangamani: It is for a particular purpose.

Mr. Speaker: The particular purpose is met in a particular manner.

Shri Tangamani: I will confine myself to the price of dhoties.

Mr. Speaker: How does the price of dhoti come in here? It is only a restriction....

Shri Kanungo: It is only a restriction on the quantity.

Mr. Speaker: It is only a restriction on quantity. What is the use of going into the dhoti prices?

Shri Tangamani: I will come to it. There is so much disparity between the price of dhoti and the price of raw cotton itself.

Mr. Speaker: If a point is raised here, the hon. Minister must answer that. People outside should not think that the Minister has no answer.

Shri V. P. Nayar (Quilon): That very often happens.

Shri Tangamani: Regarding restriction of dhoties, from the objects we find that the production in a particular Mill for the year ending 1952 March, has been taken as the basis and 60 per cent. is the allowable production for these various mills. We are told that by this Act a certain penal excise duty has been imposed. What I would like to know is how much penal duty has been collected during this period. I have received information that the dhoties which are defined in the principal Act as cloth which contains coloured yarn on its borders—I would not use that word—abuse is made of this particular thing. Plain cloth is woven and then some kind of colouring is put on the border. They go

about doing this to get round the condition, 'coloured yarn on the borders'. These things are sold as dhoties. All this is done for the purpose of circumventing the provisions of the Act. I would like to know what are the safety measures for preventing this. Once the restriction is imposed....

Mr. Speaker: I think dhoties include saris also.

When Shri Rajagopalachari was the Chief Minister of Madras the problem of handloom industry was becoming acute and there was a demand that a certain kind of dhoties and saris should be banned from being manufactured in the mills. These were known as the coloured *pudavais* and *karai veshtis*. This was banned and so far as the Madras State was concerned there was no problem at all because most of the mills are spinning mills. Even the biggest unit, the Harvey Mills with 4 lakhs of spindles is only a spinning mill and we have got only a very few composite mills in Madras.

Shri Kanungo: They don't wear conventional dhoties in Madras State.

Shri Tangamani: In Madras there are handloom dhoties and the very purpose was that handloom dhoties should be encouraged. We should not allow these mill-made dhoties to be let loose in the market. That was the purpose of this particular Act and that has been more or less successful so far as the Madras State is concerned.

Because the Act is a Central Act and the operation of this is a Central subject, I submit that the mischief has not been prevented at all. I would like to know where the permissible quota is sixty per cent. of the normal quantity packed by the mills, how much of the duty has been collected for a particular quarter or how much excise duty has been collected ever since 1953 when this Act came into force. That is why, by way of abundant caution, I have given an amendment that the excise duties leviable should be three annas, four annas, five annas and ten annas per yard in place

of two annas, three annas, four annas and eight annas.

Another point is that where this permissible quota is not fixed, where it has been rejected by the Textile Commissioner, they have still got ways and means of getting this permissible quota. That is why I am also moving an amendment that where the Textile Commissioner has rejected this permissible quota, no further appeal lies.

I have also moved an amendment that in addition to the extra excise leviable on goods, there must also be powers to prosecute them and levy a fine to the extent of Rs. 20,000. I would like to get an assurance from the hon. Minister as to how he expects to see that these practices are not continued. The limited scope of this amendment is to bring under the purview the owners who have got more than one mill. I would like to know the formula which he has got to enforce the scheme propounded in this Bill.

Shri Narasimhan (Krishnagiri): We are happy to note that the handloom industry is being benefited, thanks to the policy of the Government. It is very sympathetic to the weavers. There has also been a rise in the demand for cloth. Both these things have helped the handloom industry to manage to exist. But a major portion of the assistance that is being given by the Government out of revenues and excise duties collected is now limited to handlooms within the co-operative field. I would like the Government to consider whether its scope could be extended to the larger section that is outside the co-operative field so that they will also get the benefit as soon as possible. Questions were put in the House about this and we were told that references were being made to the Khadi Commission and other such bodies. I hope an early decision would be taken and if possible, the benefits of the excise duties arising out of these measures will also be reaching that large section which is outside the co-operative field.

Shri Kanungo: I am grateful to Shri Shankaraiya who has made my task very much easier. He is connected with an apex society and he has practical knowledge of the benefits of this particular policy embodied in the Bill. He has said so. I am afraid that most of the doubts arise from not reading the original Act carefully. It was passed in 1953. The Bill was debated in the House from 21st November to 26th November, 1953. From the proceedings, I find that a closure motion had to be applied because many more Members wanted to participate in the debate. All sorts of doubts were expressed and rightly so. It was apprehended that this measure will not be able to give results. Those hon. Members who have followed the fortunes of the textile industry will realise that the apprehensions expressed in 1953 have been belied.

I would only submit that this is only one of the steps which have been adopted for the advancement of the lot of the handloom weaver. This step, by itself, is of no value; it is a simply negative step. This morning I was reading the contribution of my friend opposite, Shri Mukerjee, in the 1953 debate. From the point of view of principles of economics, his arguments were unexceptionable. But conditions being what they are, we cannot be theorists. We have to make compromises—very undesirable compromises, possibly—as the history would show.

This particular Bill is one of the infinitesimal attempts of the Government of India to see that our large weaving population are able to earn a living wage. I would rather say that they should be able to eke out some sort of living instead of a living wage. The limited purpose of the Bill was to see that dhoties and sarees which are mainly worn by our population should be offered at prices at which the weaver may be able to compete in the market.

Shri Bharucha and others have expressed certain doubts about the manipulation of the statistics of production which may release, as a result, more

dhoties than was fixed. If the original definition of permissible quota in the Act is read, none of these doubts can be maintained. Recently, in 1956, the amount of duty has been increased to a considerable extent. There is then the physical quantitative restriction. These give a support to the weaver.

The improvement of the lot of any given man, particularly of a craftsman, will depend upon his capacity to produce a product which will be in demand by the consumer at a price which is competitive. Therefore, the weaver must have to change his technique and adopt himself to improved tools and appliances. I know there is a considerable volume of opinion in the country which stands against such a course.

Shri Ranga: Does improvement mean only introduction of power?

Shri Kanungo: Let us not argue about it; I have only said that there are diametrically opposite views. In a democratic country, the will of the bulk of the population will prevail. Therefore, what I mean to say is, I need not go into those aspects within the limited scope of this Bill. My point is, within the Bill it is not possible to juggle the figures of production in any way, so that the quantum of dhoties and sarees would be anything higher than the 60 per cent. which has been envisaged.

About the amendments which have been tabled—Shri Tangamani has spoken about them—they arise from the apprehension that more Draconian measures are necessary to make the purpose of the Bill effective. I do not think that such sadistic legislations are needed considering...

Shri Tangamani: What is the sadism about it?

Shri Kanungo:the results which we have obtained. A mere recapitulation of the fact, that when the Bill came into operation in 1953 the amount of excess levy on excise was Rs. 9.18 lakhs which gradually dwindled and in 1956-57 it has been merely

Rs. 1 lakh, will show that, with the take-up of the handloom weavers and, particularly, the reduction in the cost of production of sarees and dhories and better marketing facilities, in the course of a couple of years there will be no necessity of levying any excise duties, because the handloom weaver will be able to compete at a par.

Therefore, I believe that it is not necessary to have any more drastic measures added to the provisions in this Bill, because the results during the last few years have proved that these are enough. And, considering the present additional duties which have been imposed in 1956 the protection, however clumsy it may be, is available to the weaver and, provided advantage is taken of that protection for the time being, I believe it won't be necessary for very long.

Sir, I commend the motion for consideration of this Bill.

Mr. Speaker: The question is:

"That the Bill to amend the Dhories (Additional Excise Duty) Act, 1953, be taken into consideration."

The motion was adopted.

Clause 2.—(Amendment of section 1).

Mr. Speaker: There are no amendments to clause 2. I shall put it to the vote of the House. The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(Amendment to section 2)

Mr. Speaker: Are there any amendments to clause 3?

Shri A. C. Guha: Sir, I beg to move:

Page 1, lines 11 and 12—

for "under common ownership or management" substitute "under the same Managing Agency or Managing Director or the same Board of Directors and located in the same town

within one municipal area or if outside any municipal area within the same district."

Mr. Speaker: Why does he want to restrict? How does it help? This goes to help the mills to increase production or, at any rate, not put any restriction upon mill production as a group. If they are situated in the whole State, even then the present clause applies.

Shri A. C. Guha: That is the present position. Some of the managing agents may have mills some in Bombay, some in Kanpur, some in Bengal and so on. They will pool together the resources of these mills and then go on producing beyond the quota allotted.

Shri Kanungo: It won't be possible.

Mr. Speaker: On the other hand, my fear is that the hon. Member is not helping towards increased production in the mills.

Shri A. C. Guha: No, Sir.

Mr. Speaker: "Under common ownership or management" may mean anywhere in the whole of India, but he is restricting it to one single village, district or even town at the most.

Shri A. C. Guha: "Under common ownership or management" may mean throughout India. One managing agency or some owner may have mills in Bombay, Kanpur and Calcutta. The purpose of my amendment is that while grouping these mills, as far as the violation of the quota allotted to them is concerned it should be restricted only to those situated in a particular area.

Mr. Speaker: How will it help the handloom industry?

Shri A. C. Guha: In the sense that their quota will be restricted to a particular area, instead of pooling together their resources throughout India and infringing the quota allotted to them. That will give them greater scope for producing over and above

[Shri A. C. Guha]

the quota. If my amendment is accepted they can pool together the resources of mills situated in a particular area and not beyond a particular area.

Mr. Speaker: It may be both ways. In a particular area it may be intense and therefore 60 per cent. may be high, and it may be less in the whole of India.

Shri A. C. Guha: Under the present provisions of the Bill that is always allowed. The same managing agency under common ownership and management may have mills in Bombay or Ahmedabad. They may also have mills, in addition to those in Bombay and Ahmedabad, some in Kanpur and some in Calcutta. My amendment will restrict the scope of pooling together resources only to a particular area, say, Bombay, Ahmedabad or Calcutta. Instead of pooling together resources available in all the States, for mills situated in all the States, this will restrict their resources to a particular area, so that the total quantity produced in violation of the quota would be small.

The hon. Minister in his reply has spoken much about the original Bill, the original Act or the original measure. I think no hon. Member has questioned the soundness of the original Bill or the original Act adopted in 1953. Our objection is only that by this measure he is affecting the efficiency or effectiveness of the original Act. This will not help the handloom industry. This will rather act adversely to the handloom industry and the help that has been provided for by the original Act will be reduced. This will whittle down the effectiveness of the original Act.

If my amendment is accepted, that will at least restrict to some extent the mischief that these mills may do by pooling together the resources of their mills. As I have stated, some of them have got 4, 5, 6 or 9 mills

under their control. They may be spread throughout India. My purpose is to restrict the pooling together of their resources to a particular area, so that they may not go on producing on the basis of 6, 8 or 9 mills that they may be controlling.

Mr. Speaker: Amendment moved:

Page 1, lines 11 and 12—

for "under common ownership or management substitute "under the same Managing Agency or Managing Director or the same Board of Directors and located in the same town within one municipal area or if outside any municipal area within the same district."

Shri Ranga: Mr Speaker, Sir, we make our remarks here in the hope that the hon. Minister on that side will give due consideration to them and, if he agrees well and good, if he does not agree he will state his reasons as to why he does not agree so that we may become the wiser for it. But, instead of that my hon. friend has thought it fit to ignore all the suggestions that we have made in regard to this particular matter. I have already requested him to assure the House what steps the Government would be willing to take in order to prevent these out-dated or too old mills from....

Shri Kanungo: That is entirely....

Mr. Speaker: I am afraid, hon. Members are trying to make this Bill much bigger than what it is. The original Dhories (Additional Excise Duty) Bill was there. This does not touch all those points. Here it is about group of mills under the same management.

Shri Ranga: My point is, supposing there are A, B & C, three mills, one of which becomes too old to produce any cloth at all, then the production from it ought to be taken out of account and credit should not be given to the owner to get that particular

quota transferred to the other two mills and maintain the same amount of total production. Of course, we would like this mill production to be reduced, but it cannot be reduced under this particular provision: If some steps are not taken by the Government to see that the old or out-dated mills are taken into account and the quota granted to them is not made use of by the owners of a particular group of mills in order to step up production in the other two or three mills that may be in their possession. That is a kind of loop-hole which they are likely to exploit. That is why I said that if it is the intention of the Government to pursue a policy of slowly allowing these over-aged or out-dated weaving mills to go out of production, then, they should certainly not give an opportunity to the common owner to make use of the quotas that are already given to these over-aged mills for stepping up their production in the other mills, and in that way maintaining the total mill production to the detriment of the khadi and handloom industries. I thought that the hon. Minister would give some assurance as to the steps that he might be possibly taking or at least that they would be keeping this particular possibility under careful examination so that at the proper time they might be prepared to take necessary protective steps in the interests of the weavers and of the khadi industry.

Shri Shankaraiya: There is some truth in what Shri Guha has said and that is why in my speech I stated that the lifting of the 60 per cent. should be restricted to the particular mill that produces that cloth. What happens is this. Suppose four mills are in the common management of one person. If the production is 1,000 bales every month, 60 per cent. would be 600 bales per four mills. That would come to 2,400 bales. Suppose, three mills do not work and only one mill produces. If they produce 2,400 bales, even though the other three mills are idle, the group of management will be allowed to lift

2,400 bales. What I say is, suppose a particular mill produces 1,000 bales, then 60 per cent. is allowed under the Act and it may be given. They will be entitled only to 600 bales instead of 2,400 bales. Now, we will be allowing the production to be lifted in a larger variety even though the mills remain idle. That is why in the beginning I said that the production must be limited to the particular mill and the 60 per cent. should be restricted to the particular mill in one group, as it would otherwise encourage the higher lifting of the quota.

Shri A. C. Guha: It is against the fundamental provisions of the Bill.

Mr. Speaker: What Shri Shankaraiya wants evidently is this. Not only the permissible quota should apply, under this amending Act, to a group of mills together but also apply individually. The quota shall apply both individually and collectively. With the permission of the Commissioner, it may be reduced in the case of a group but not added to it. Also, 15 per cent. quota must apply to everyone of them. These are the ceiling or the roofing—something like that.

Shri Kanungo: I am sorry I cannot accept the amendment, because the results of it will be

Mr. Speaker: What is the object of this amendment? How does it help?

Shri Kanungo: I do not know. If you permit me to say how it hurts...

Mr. Speaker: I am asking the hon. Minister how this amending Bill helps.

Shri Kanungo: This amending Bill is giving legislative sanction to a practice which is continuing and is showing results from 1952.

Shri A. C. Guha: ...and it has been acting adversely to the interests of the handloom industry.

Shri Kanungo: I beg to submit that it is not. The results of this—what you call—amendment would be that it will achieve the purpose which was debated in 1953 and rejected by the

[Shri Kanungo]

House, namely, that the mills in West Bengal should have a larger quota of dhoties to manufacture.

Shri Ranga: It was for their benefit that we have adopted this.

Shri Kanungo: The fact is, the permissible quota as defined in the original Act is based upon production at a given period. Some of the mills are equipped for production of more dhoties and some are not equipped for that purpose. A balance has got to be struck. The problem has to be solved and the purpose for which this particular amending legislation has been brought is this. The Textile Commissioner should have the option of clubbing together different units and clubbing together the quota for the purpose of giving a 60 per cent. average of the productive capacity of dhoties at a given period. By no manipulation of statistics it can be said that the total overall of 60 per cent. is being increased.

Shri Naushir Bharucha: That is not the point. The quota is transferred from one unit to another.

Shri Kanungo: It is transferable, but the total quantum of dhoties and sarees at a given period based upon the definition of permissible quota cannot be increased. If my anticipation is wrong and if Shri Naushir Bharucha's anticipation is right, or not, only the statistics for a given quarter will prove.

Shri Barman (Cooch Behar—Reserved—Sch. Castes): Why clubbing of different mills in the same management is required then?

Shri Kanungo: It is required because we have got to keep up a certain quantity of production.

Shri A. C. Guha: If necessary increase it.

Shri Kanungo: It is not possible. No. We cannot increase it. We do not want to increase it. The total quantity of 60 per cent. has got to be

maintained, but maintained in a way where the prices will be simpler. The prices cannot be allowed to rise. It is quite possible that, as it happened in 1956—September—the prices can rise very much higher. The immediate result of this legislation was that the prices of dhoties rose up by as much as 40 per cent. That is a condition of things which certainly none of the Members of the House desire.

Shri Shankaralaya: May I add one clarification? If there are subordinate companies, with branches, we can understand something. But if different companies are under the same management, the managing agent or the managing director is interested.

Shri Kanungo: There are so many forms of ownership and management. It is simpler to have a proper definition of it than to restrict it to companies as defined by the Companies Act. Also, there are certain units which are proprietary and what you call partnership firms, and the position of ownership companies also changes from time to time. Therefore, we take one component unit as the establishment, whatever be the ownership. Therefore, the definition of ownership has been purposely made wide, because you want to stick to the provision of 60 per cent. and you cannot have an undesirable state of things where the price shoots up. So, we require this particular provision to be enacted and the results will prove whether our anticipations are right or Shri Naushir Bharucha's anticipations are right.

Shri D. C. Sharma (Gurdaspur): What happened last time?

Mr. Speaker: For clause 3, there is only one amendment. I shall put the amendment to the vote of the House.

The question is:

Page 1, lines 11 and 12—

for "under common ownership or management" substitute "under the same Managing Agency or Managing

Director or the same Board of Directors and located in the same town within one municipal area or if it is outside any municipal area within the same district."

The motion was negatived.

Mr. Speaker: The question is:

"That clause 3 stand part of the Bill".

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4.— (Amendment of section 3)

Shri Tangamani: I beg to move:

Page 2, lines 7—

add at the end.

"and the decision of the Textile Commissioner shall be final"

If my amendment is accepted, sub-clause (4) will read as follows:

"Where an application for the fixation of a permissible quota under sub-section (3) is rejected, the Textile Commissioner shall record in writing a brief statement of his reasons for such rejection, and the decision of the Textile Commissioner shall be final"

I shall also move the next amendment No. 5.

I beg to move:

Page 2—

after line 7, add:

"(5) Where the quantity of Dhoties issued out of any mill or group of mills exceeds in any quarter the permissible quota for that quarter fixed by the Textile Commissioner, the mill or group of mills may be levied a fine extending to rupees twenty thousand in addition to the duty payable under the Act."

I shall briefly explain my amendments. If the particular permissible quota is rejected, then no attempt should be

made to refix the quota, but the decision of the Textile Commissioner should be final.

My second point is more in the nature of a deterrent punishment that a fine of Rs. 20,000 should be imposed where they have exceeded this quota. The Minister, in his reply to the first reading, said that this excise duty has progressively decreased. Whether it has decreased because there has not been any violation of the fixed quota permissible or whether there is some method for circumventing it is a point to be enquired into. The hon. Minister also stated that a certain existing practice is being legalised, namely, although the individual quota has been fixed, whether the individual mills had produced the requisite quota or not, because the group of mills were owned by a particular owner, this 80 per cent. has somehow been adjusted. If that is the position and this is only for the legalisation of the actual practice, I submit that my amendment is very important, which I would like to press.

Mr. Speaker: Amendments moved:

(i) Page 2, lines 7—

add at the end:

"and the decision of the Textile Commissioner shall be final".

(ii) Page 2—

after line 7, add:

"(5) Where the quantity of Dhoties issued out of any mill or group of mills exceeds in any quarter the permissible quota for that quarter fixed by the Textile Commissioner, the mill or group of mills may be levied a fine extending to rupees twenty thousand in addition to the duty payable under the Act."

Shri Jadhav: I beg to move:

Page 2—

after line 7, add:

"Provided that without prejudice to the Schedule to section 4, if the

[Shri Jadhav]

quantity of dhoties issued out of any mill after the 26th day of October, 1953, or group of mills exceeds the permissible quota it may be confiscated and the mill or group of mills be fined with an amount ranging from one thousand rupees to ten thousand rupees as the case may be."

By this amendment I only seek to add a proviso to sub-clause (4). If a mill or group of mills produce a quota beyond the permitted quota, the quota produced beyond the permitted quota should be confiscated and the mill or group of mills should be fined with an amount ranging from Rs 1,000 to Rs. 10,000.

Mr. Speaker: Amendment moved:

Page 2—

after line 7, add:

"Provided that without prejudice to the Schedule to section 4, if the quantity of dhoties issued out of any mill after the 26th day of October, 1953, or group of mills exceeds the permissible quota it may be confiscated and the mill or group of mills be fined with an amount ranging from one thousand rupees to ten thousand rupees as the case may be."

Shri Kanungo: As regards Shri Tangamani's amendments, he wants that the decision of the Textile Commissioner shall be final. I shall be very happy to do that; in fact, I would like it to be embodied myself, but the point is that the Constitution gives certain powers to every citizen and we cannot take them away. The courts are open to every citizen. Therefore, there is no point in our saying that the Textile Commissioner's decision shall be final, because the power given by the Constitution cannot be abridged.

About the next point, I have replied earlier that the penal provisions of the Textile Control Order are still there. Prosecution is possible; it is not ruled out. It can be done. But when the purpose is being served with

the present provision of a penal deterrent duty, what is the use of embodying it in this legislation? Prosecution is possible and can be done. But if you can get the same purpose served without going to criminal courts, by the economic laws and by fiscal measures, why should we take recourse to it doubly? Therefore, I do not accept this suggestion.

To Mr. Jadhav's amendment also, the same argument applies. I would only add that confiscation will create another problem. We do not want to destroy a certain quantity of cloth produced. What are you going to do about it.

An Hon. Member: Sell it.

Shri Kanungo: We cannot sell it cheap, because the very purpose will be lost. So, the present provisions, as they are, are desirable and should be kept.

Mr. Speaker: I shall now put amendments Nos. 2, 4 and 5 to the vote of the House. The question is:

Page 2—

after line 7, add:

"Provided that without prejudice to the Schedule to section 4, if the quantity of dhoties issued out of any mill after the 26th day of October, 1953, or group of mills exceeds the permissible quota it may be confiscated and the mill or group of mills be fined with an amount ranging from one thousand rupees to ten thousand rupees as the case may be."

The motion was negatived.

Mr. Speaker: The question is:

Page 2, line 7—

add at the end:

"and the decision of the Textile Commissioner shall be final".

The motion was negatived.

Mr. Speaker: The question is:

Page 2,—

after line, 7, add:

"(5) Where the quantity of Dhoties issued out of any mill or group of mills exceeds in any quarter the permissible quota for that quarter fixed by the Textile Commissioner, the mill or group of mills may be levied a fine extending to rupees twenty thousand in addition to the duty payable under the Act."

The motion was negatived.

Mr. Speaker: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

Clause 6.—(Amendment of section 5)

Shri Harish Chandra Mathur (Pali): My amendment No. 1 is in accordance with the recommendation of the Committee on subordinate Legislation and I hope the hon. Minister will have no objection to accept it. It is only about the rules made under this section to be laid before the Parliament.

Mr. Speaker: Is it not there in the original Act itself? This is only an amending Bill to levy an additional duty. I find that it is not there in section 5 of the Act. Section 5 says, "The Central Government may..... make rules for carrying out the purposes of this Act, including, in particular, the submission of returns...." etc.

We have adopted this formula uniformly in the case of all delegated legislation.

Shri Kanungo: I have no objection on principle to accept this amendment, but I would like Mr. Mathur to substitute the words as I have here.

Shri Mohiuddin (Secunderabad): The rule-making section of the original Act is not touched by this amending

Bill. So, this amendment cannot be moved.

Mr. Speaker: We are only giving additional power to the Parliament and legalising it, bringing about uniformity. It can be said that the notifications or orders made by the Commissioner shall be laid before the House for being examined and so on. Therefore, there is no harm. We have done it when we refer a Bill to a Select Committee. We have issued instructions that other clauses which have not been touched by the amending Bill may also be examined. Now, we are not referring this matter to any Select Committee; we are disposing of it here. For instance, in the case of the Preventive Detention Act, it was thought that other clauses which were not touched by the amending Bill might also be examined by the Select Committee for bringing about uniformity and in accordance with the experience in later years; so, that power was given to the Committee....

Shri Kanungo: It is for you to consider whether this precedent will apply in future also.

Mr. Speaker: It will not apply. This is purely a matter of delegated legislation, under the rule-making power of the Government. We are trying to bring about uniformity. I thought the hon. Minister himself would have brought forward such an amendment. It is only for removing a lacuna. The Minister has no objection to that.

13 hrs.

Shri Mohiuddin: I suggest that the word "Act" may be substituted for the word "section".

Shri Kanungo: That is the regular form which we have accepted.

Shri Harish Chandra Mathur: I beg to move:

Page 2,—

for clause 6 substitute:

'6. Amendment of section 5.—
Section 5 of the principal Act

[Shri Harish Chandra Mathur]

shall be re-numbered as sub-section (1) thereof, and—

(a) in sub-section (1) as so re-numbered, after the words "in particular", the words "the form and manner of applications for fixation of permissible quotas for groups of mills, the procedure to be followed in relation to such fixation and" shall be inserted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) All rules made under this Act shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made, and shall be subject to such modification as Parliament may make during the session in which they are so laid or the session immediately following."

Mr. Speaker: The question is:

Page 2,—

for clause 6 substitute:

6. Amendment of section 5,—
 Section 5 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

(a) in sub-section (1) as so re-numbered, after the words "in particular", the words "the form and manner of applications for fixation of permissible quotas for groups of mills, the procedure to be followed in relation to such fixation and" shall be inserted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) All rules made under this Act shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made, and shall be subject to such modifications as Parliament may

make during the session in which they are so laid or the session immediately following."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 6, as amended, stand part of the Bill".

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clause 7.— (Amendment of the Schedule)

Mr. Speaker: Amendment No. 6 of Shri Tangamani is out of order because it increases the incidence of taxation.

The question is:

"That clause 7 stand part of the Bill".

The motion was adopted.

Clause 7 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Shri Kanungo: I beg to move:

"That the Bill, as amended, be passed."

Mr. Speaker: The question is:

"That the Bill, as amended, be passed".

The motion was adopted.

COTTON FABRICS (ADDITIONAL EXCISE DUTY) BILL

The Minister of Commerce (Shri Kanungo): I beg to move*:

"That the Bill to provide for the levy and collection in certain circumstances of an additional duty of excise on cotton fabrics issued out of mills be taken into consideration."

The purpose of the Bill has been explained in the Statement of Objects

and Reasons. Apart from it, "hon. Members of the House, as well as the country outside, are aware of the policy, in implementation of which this Bill has been introduced. As a matter of fact, there is a motion for circulation of the Bill for eliciting public opinion and I might as well say that the interests concerned, that is, the textile industry and the public in general are very much aware of the provisions of this Bill, and, therefore, there is no point in circulating it.

The policy was announced in September, 1956. The idea was that in order to stimulate our exports, which is not showing any such tendency, we have to permit, or rather to induce, the textile industry to instal additional capacity for producing 350 million yards of cloth to go into the export market. The apprehensions in the country were that if the capacity was increased, it is quite possible that the goods produced by the additional capacity would go into the home market and thereby hurt the interests of the weavers, whose cost of production is definitely higher. And the apprehension of the weavers is certainly legitimate.

Here we have a situation where we have to take contradictory lines of action together. In order to establish ourselves in the export market in competition with other countries we have to undertake production by means of improved techniques and produce goods which are faultless at a price which can compete in the export market. A citizen of India can be made to suffer to a certain extent, or any extent, according to the will of Parliament. But the citizens of other countries are not amenable to it. Therefore, it was thought in 1956 that we would permit the installation of automatic looms to the extent of production of 350 million yards of cloth, which was the anticipated requirement of the export market. Unfortunately, none of these anticipated units have come into being. The reasons are various. In 1956, to allay

the apprehensions of the weavers and the public in our country we had stipulated, in consultation with the textile interests, that a penal duty will be imposed on the additional cloth woven out of these automatic looms which may go into the internal market. The quantum has been fixed according to this Bill at various rates and the quantum is a maximum of 12 nP, that is, two annas per yard over and above all the impositions which we have made. In other words, the rates are prohibitive and if a particular establishment finds it not remunerative to work these looms for export purposes, if there is not enough demand or if the price is not remunerative, the inhibitions of the high excise duty plus penal excise duty are such that, instead of trying to divert production into the internal market, he will not produce. As given out by the Commerce and Industry Minister at that time, the intention of the Government was that the entire production of these looms should be earmarked for export. In pursuance and implementation of that policy, this piece of legislation has been introduced. I believe the inhibitions put have been so stiff that there has not been a scramble for utilisation of this capacity in looms which could have been expected three years back. However it may be, it has allayed the apprehensions of a large bulk of our population.

Shri Ranga (Tenali): How?

Shri Kanungo: I believe that is a gain worth having.

Shri Ranga: What apprehension?

Shri Kanungo: Apprehension that the increased capacity will hurt prices in the internal market.

I hope the inhibition will not be too much and I hope that at least the forward looking textile industry, which is a pioneer line of industry in our country, will not hesitate to take advantage of the offer of automatic looms and will, in spite of the halter that was put on them, prove their

[Shri Kanungo]

worth and acumen in holding and increasing the export market of Indian textiles.

I commend the Bill for the consideration of the House.

Mr. Speaker: Motion moved.

"That the Bill to provide for the levy and collection in certain circumstances of an additional duty of excise on cotton fabrics issued out of mills be taken into consideration."

Shri Ranga: Mr. Speaker, I am sure, nobody would grudge gratitude to the Government for what they have been trying to do in order to help our handloom weaving industry in our country.

Shri Mahanty (Dhenkanal): On a point of information, may we know what is the percentage of the total number of persons who are engaged in weaving? All the while, we are talking of handloom weavers.

Shri Kanungo: The published documents of the Government of India give them.

Shri Ranga: If he wanted to ask the Minister, he could have waited till I finish or he could have done it before I got up.

Mr. Speaker: The total population of handloom weavers? The Census report gives that.

Shri Mahanty: I thought the Minister would be able to give it.

Mr. Speaker: Why should the Minister give it.

Shri Mahanty: The point I raised is not for any frivolous reason. The fact is, there is a huge bulk of consumers. Their interests have also to be taken into consideration. We would like to know what is the total number of weavers and to what extent they contribute to the national wealth of the country.

Mr. Speaker: That can be said with respect to every industry. All right. Hon. Member will have a chance.

Shri B. S. Murthy (Kakinada—Reserved—Sch. Castes): The question was put by Shri Mahanty to Shri Ranga because he thinks that Shri Ranga is the accredited leader of the weavers.

Shri Ranga: In the Journal of Industry and Trade, latest number, which my hon. friend must have also got, we find that actual registration of handlooms has not yet been completed, and there were as many as 10,15,878 handlooms which were registered till the end of June, 1957. If we take that there are five people, children and others, in each one of these families depending on each one of these looms, this alone would give more than 50 lakhs of people who are dependent on the handloom weaving industry.

Sardar Hukam Singh (Bhatinda): Weavers have larger families.

Shri Ranga: They do have. There would be as many weavers as there are looms.

Shri A. C. Guha (Barasat): A considerable portion of the looms have not been registered.

Shri Ranga: Un-completed registration, I said. In many of the States, the weavers are unwilling to get themselves registered for fear that it may lead to some taxation upon their looms' production; in other areas also because of the penal provisions made for failure to register themselves. Especially in the whole of South India, quite a large number of weavers have been unwilling to get their looms registered. We are trying our best either to drop these penal provisions or if prestige comes in the way of their dropping the penal provisions, to wink at the penal provisions. If we succeed in persuading the Government to look upon this registration as an entirely voluntary process, we may be able to get a majority of the weavers register their looms. We know as a fact that more than one crore of people are depending on the

handloom weaving industry. All these people have got to be protected. I am glad that the Government has adopted a policy of protecting them.

At the same time, I do not know whether the Government is able to pursue any particular policy in a single-minded manner. The same Ministry is responsible for furthering the interests of large-scale textile industry, split into two portions there again, the spinning side and weaving side. The same Ministry is also anxious to help those who are interested in power looms. My hon. friend, somehow, has developed a particular fascination and affection for these power looms. Therefore, he seems to think that he alone is the best possible friend of the weavers, and therefore, as many as 50,000 power looms should be introduced into this country in order to replace all these handlooms in our country, so that all these 50,000 power looms would be able to produce all the cloth produced today by the handloom weavers and very much more also and enable the so-called handloom cloth to compete on equal terms with mill made cloth. How he has deceived himself into thinking that cloth produced on power looms will not be mill made cloth and that cloth produced only in the big combines alone can be mill made cloth is a thing that passes my comprehension. Anyhow, that certainly passes the comprehension of one crore of people who are employed on the handloom industry. Not only that.

There was a Committee known as the Karve Committee consisting of members and experts. They also came to the conclusion that they could not agree with Shri Kanungo.

* * *

In the Statement of Objects and Reasons, the hon. Minister has stated, and he has confirmed it by his speech, that many of these millowners have not been able to take advantage of the opportunity given by the Government to introduce these automatic looms. He says that certain sections, i.e., the handloom weavers, might welcome it, and they do welcome it.

But at the same time, the Government has kept this loophole open. Indeed, they provided this opportunity, additional opportunity, for the mill industry to develop itself, to expand itself. They themselves have estimated that our exports of cloth are not looking up, and our various Trade Commissioners also report that our exports to England are coming down, and Hong Kong, our biggest competitor, is having a big lead over us, and that the prospects of increasing our exports are not very bright. Under the circumstances, what would be the position in our country, when you allow all these automatic looms to be installed, when you increase the capacity of our weaving mill industry in this country to produce more and more cloth. They have themselves provided for an additional quota of production by the mill industry to the tune of 350 million yards.

Shri Kanungo: For export.

Shri Ranga: Solely for export. When they are not able to export, when they wish to sell a portion of it within the country they come with this Bill, with a penalty. Is it not so? I speak subject to correction.

Therefore, it comes to this, that first of all they enable them to instal more looms with higher capacity for production. Having done that when the mills find themselves in a position of larger and larger production and they are not able to sell it abroad, they would allow these mills to sell that surplus production in our country to the detriment of the Khadi industry and also the handloom industry. That is the sum and substance of the whole thing. And when they begin to sell it in our country, they want to levy this excise duty and then say to us: "Look here, we are going to make the mill cloth more and more costly and in that way penalise them, prevent them from selling it. Therefore, why have any fear?" Actually, they themselves admit that the internal level of prices is rising.

Mr. Speaker: The object appears to be not to prevent the production of

[Mr. Speaker]

additional cloth in mills, but to see to it that handloom cloth also is protected. This does not sell cheaper than the handloom cloth. Let there be more and more production. Fifteen per cent. is exempt. On anything more than 15 per cent. up to 1960 additional excise duty is payable for internal consumption.

Shri Ranga: Actually the point is, if we are to argue it from the other end, we find that in spite of all these complaints made by the millowners, as a result of the imposition of these excise duties, the prices of cloth are going up by leaps and bounds. Actually we find that the mill-made cloth has been selling more or less at the same price during the last year as well as this year, taking into consideration, of course the general inflation spiral which is pushing up the prices of all commodities including the manufactured goods also. Therefore, that way it is not really in any way helping the handloom weaver. It is not in any way increasing the capacity of the handloom weaver to compete with mill-made cloth, merely because of this excise duty. Actually it is really getting round the very policy of protection that they have adopted to help the handloom weaver and the Khadi industry. That is one of the reasons why, even on an earlier occasion when a Bill was brought before Parliament, I raised my voice against it and warned Government about this possibility.

Anyhow, today I find that they want to help them to a greater extent, but they are raising the excise duty. That is all they are doing. I cannot congratulate them because it is likely to nullify the programme that they have themselves adopted for the handloom weavers.

It is provided here that out of 1,700 million yards of additional production that they want to achieve during the Second Plan, 300 million yards have been set apart for Ambar Charkha and 700 million yards for the handloom industry. What is the actual position? There are larger

stocks of handloom products today which are not being sold. We are asking for more and more assistance in selling them. In addition to this, if you are going to ask them to produce 700 million yards more of cloth, where will be the sales, if they are to compete with this additional production that is going to be permitted to the mill industry? Again they turn round and say, as their Minister said the other day to the Handloom Board, that if the handlooms are not prepared to produce all this additional production that is expected of them, it will be diverted to the mill industry. That is where the thin end of the wedge comes in.

Here are the handlooms and the handloom weavers. They are prepared to produce to their maximum possible capacity, and actually they are able to produce now only one-third to one-fourth of the full capacity they are capable of even according to the report submitted by my hon. friend Shri Kanungo. And if they were to produce to their fullest capacity and place at the disposal of the consuming public 700 million yards more of cloth, how can it be sold and who is going to sell it. What we have been asking the Government all this time to do is to relieve us for God's sake of the responsibility of marketing the cloth that we produce. You set the standards if you so wish, you give us the patterns, the designs and all the rest of it, you supply us also the yarn at reasonable prices, but make yourself responsible for the marketing of the cloth.

13.27 hrs.

[MR. DEPUTY-SPEAKER in the Chair.]

Sell it to whomsoever you like either in this country or abroad. Then we would be able to satisfy all your demands, and if we are not able to produce this 700 million yards more, you can take us to task and say that that portion of it which we have failed to produce you are going to divert to the mill industry. Are they prepared to do that?

At present they are not yet prepared to do it. If they are going to ask the weavers themselves to be responsible for the sale of their cloth, as they are obliged to be today, and if they are not going to ask their Defence Ministry, their Railway Ministry and other various States enterprises to give special preference to handloom cloth and thereby encourage the marketing of handloom products, it would certainly not be right for them to turn round and say that they are going to place whatever additional production that the handloom weavers have failed to achieve at the disposal of the mill industry.

Let them be quite clear in their own mind as to whether they want to encourage the handloom industry or whether they want to encourage the mill industry. If they want to encourage the mill industry, then the country would know what to say to the Government. If, on the other hand, they wish to encourage handloom weaving industry, I do not want them straightaway to shut all the mills that we have today, but let them not at least allow any more looms to be installed.

Even in those days when the British Government was here, during the last years of the last war, they had to heed the voice of these weavers because of their dependence during the war upon handloom weaving production, and therefore they themselves promised to put a ceiling upon the licences they would be issuing for the installation of new looms. Soon after that, our own independent Government came in, and we requested the then Ministers Shri C. Rajagopalachari and the late Dr. Mookerjee to stop the implementation of those licences. They said they could not do that, but at the same time, they felt that more than half of those licences which had already been issued were not going to be utilised by the millowners. Therefore, the handloom weavers need not be afraid of it. Afterwards, not being satisfied with the installation of the looms that were obtained from abroad as a result of the licences that were issued during the last stages of

the war or soon after war, now our Government comes forward and gives them a further opportunity of installing these automatic looms. They knew that the textile mill workers themselves were not so very enthusiastic about the introduction and installation of these automatic looms, because that would cut down the employment for the mill workers. Therefore, they would allow these things over and above the looms that were already there—overaged or whatever they are—so that there would be employment for a few more workers and there would not be any unemployment to the existing number of workers. That is how you try to satisfy the industrial workers, although they form only a very small percentage of the total number of workers employed in the textile industry as a whole in this country.

But when it came to the handloom weavers, you began to say: "We have established the Handloom Board, we have imposed the cloth excise duty; we have also put certain restrictions upon mill production of certain varieties of cloth. You should be satisfied with these. Why do you bother?" The real bother comes in because of the inability of the handloom weavers to sell their cloth. Why are they not able to sell their cloth? My hon. friend has one standard argument—and that is also the usual answer given by very many friends—and that is that it is because their cost of production is so very high, their methods of production are so very uneconomical, unprogressive, reactionary and all the rest of it.

Actually, we have been employing a sufficient number of experts under the Handloom Board, and also the various State Governments have been employing a number of designers, pattern makers, implement designers. There are a number of research institutes also to improve these various implements. This work of improvement has been going on for the last 45 years, and with greater tempo during the last five or six years. Excepting

[Shri Ranga]

for the introduction of the powerloom, about which my hon. friend is so very keen, every improved implement that has been designed till now by way of weaving machines, warping machines, reeling machines, sizing machines, carding machines and so on, is being introduced and used by the weavers themselves. They are accepting and utilising them. I would like my hon. friend to see where it is that they are carrying on any kind of obstruction at all. On the other hand, if these improved implements are yet to be introduced in certain areas, they must be far outlying areas either in Assam or in certain portions of the hon. Minister's own State of Orissa or certain distant outlying areas of certain other States, possibly the hill areas of Andhra and Tamilnad. But certainly in Tamilnad, Andhra and Malabar, there is not one area, one group of villages, in the plains which had been approached so far by the officers of the State Governments and also the agents of the Handloom Board where you would find the handloom weavers unwilling to adopt any of these new machines and new implements.

Therefore, it cannot be said that they are not adopting improved methods of production. Even in regard to designs, we have got centres now to introduce them. Even in regard to patterns, we have got the weaves, the warps, the seams etc. For all these things, we also have the carding machines, warping machines etc. Therefore, it would be unfair to level this charge against the weavers that they are not adopting improved methods and say that that is the most important reason why prices are so very high.

Prices are high, they have got to be high, only for this one specific reason that a minimum earning has got to be assured to our weavers. Is that being assured? We would like the hon. Minister, the Government as a whole and the State Governments also to adopt this policy of fixing some particular minimum level of wages

or earnings to be made available to our weavers, and thereafter let them also fix certain norms of production patterns and all those various things. Then, if they are not satisfied, they can of course take us to task. But until then, it would not be fair to go on pampering the mill industry and giving this kind of encouragement in an indirect manner on the specious plea that we are so badly in need of foreign exchange; therefore, we are going to help our mill industry to export more and more, and it is for that reason that these automatic looms are being admitted here, at the same time, saying that because you people in India are so very rich that you are prepared to pay high prices for mill cloth....

Mr. Deputy Speaker: I am a displaced person—not getting rich.

Shri Ranga: These people are very rich and are willing to pay high prices and so the millowners do not find it profitable to export the stuff, although we want foreign exchange; and so we are going to enable them to sell it in this country itself and reap all those profits, provided they pay what is called this toll gate fee. We do not want this toll gate fee. We do not want toll gates, because we know that they are not intended to benefit the handloom weavers or khadi producers. We know that they are only going to benefit the millowners. We do not want the mill industry which employs hardly—I speak subject to correction—8½ lakh people in the whole country, including all the subsidiary units, to come in the way of the livelihood of more than 1 crore of our handloom weavers. I have done.

Shri T. K. Chaudhuri (Berhampore): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1957."

Mr. Deputy-Speaker: There are only two hours for all the stages of this Bill. Therefore, the hon. Member shall be brief.

Shri T. K. Chaudhuri: We saved some time in the earlier Bill. That may be added to the time for this Bill, because this is a very important measure concerning the interests of the handloom industry.

Mr. Deputy-Speaker: I have no discretion to increase the time. If we have saved, we have got many other things.

Shri T. K. Chaudhuri: All right.

The hon. Minister said that the measures proposed in this Bill had been before the country for nearly a year and these have been suggested more or less in consultation with the interests represented by the textile industry. Anyway, so far as the broad overall objectives of this Bill are concerned, I was under the impression that nobody would object to them, but after hearing Shri Ranga, I have been compelled to change my opinion.

I think so far as the objective of increasing our export trade in cotton textiles is concerned, the time has come when we must give our most serious consideration to it. Till 1950, we were the largest exporters of cotton textiles in the whole world. Even now, we retain our position as the second largest textile product exporter in the world; our position just comes after Japan. But due to the philosophy of economic obscurantism which is guiding the policies of this Government, somehow or other our industry has been placed in a position where we are threatened with a complete ouster from the external markets.

I will cite certain figures about the Volume of our exports. In 1950, it was 1120 million yards. In 1951, it came down to 823 million yards. In 1952, it was 802 million yards and in 1953, there was a slight increase and it came up to 834 million yards. In 1955, again, the figure went down to 735 million yards and last year it was 721 million yards. Only this year, in the first quarter, it has been at the rate of

1000 million yards. But the figures for April have gone down and I am not very sure that our export position is improving.

The latest reports that I have been able to secure, the reports of our Trade Commissioners, show that everywhere we are short of facing a losing battle in the cotton textile export field. Everywhere we are confronted with certain hard facts which we cannot just explain away. The Volume of world export trade is shrinking due to well-known causes into which I need not go immediately. So far as India is concerned, the advent of Japan and the growth of new textile industries in the markets where there were no indigenous textile industries formerly, is also a factor to be taken into account.

Then, there is our own inability to compete with new countries which are entering these markets, not only Japan. Japan, for the last three decades, has been one of our principal competitors but I find from latest official versions that in Iran we find competition not only from Japan but also from USSR, Hungary and Poland. It might be thought that with Iran so nearer Russia, that was a natural field where Russian exports of consumer goods could go. But here is a report in the Journal of Industry and Trade, a report of our Trade Commissioner there and it has been mentioned that the last year was marked by substantial increase in imports from Japan, China, Czechoslovakia, U.S.A., West German, and Poland. To new countries Russia and Pakistan entered the Malayan Market for the first time. The figures are telling.

Take Thailand, for instance. Here Japan increased its textile exports from 41 million yards in 1952 to 85 million yards in 1953 and to 116 million yards in 1954. We increased our exports to that country but it came up from 1.89 million yards to 3.47 million yards.

I have all the figures ready with me, but, unfortunately, I do not have the time to go into these figures. But

[Shri T. K. Chaudhuri]

the facts are very well-known. In spite of the fact that we have been able to hold our own in the export market, particularly, in the natural export market spread round about the shores of the Indian ocean, where we enjoyed a certain kind of natural advantage, the fact remains that in all these markets we are being slowly squeezed out.

Even now, as I have said just now, we have held our ground and, perhaps, made a little headway; but, others have made greater headway and unless we look sharp and unless we take safety measures for export promotion, in the course of the next few years, I think, we will be completely ousted from these markets.

So, it is not only from the point of view of foreign exchange earning alone, which is a very important consideration, but also from the point of view of maintaining the production and employment of the industry at a certain level where we can feel assured about the economic position of the country, that we should look to the export aspect of the question.

Unfortunately, the Bill submitted to the House by the hon. Minister, Shri Kanungo, hardly secures that objective. It is an absolutely negative measure. It is no measure for positively going forward and for creating incentives for our export trade so far as cotton textile industry is concerned. It is as if some Muhammad Tughlak comes and says: Look here, this is to be your quota; we are prepared to give you additional looms if you want to produce this much for export. But if you do not do it then we will impose penal duties on you.

I am not against securing a certain proportion of the market for the handloom industry. But, if we are really serious about increasing our share of world cotton textile trade, then, this negative sort of attitude should be totally given up and Government should take positive measures to really

foster the export trade in cotton textiles. I know the hon. Minister will immediately say, we have appointed a Cotton Textile Promotion Council. There are so many other Councils. I ask him straight, 'Has the Cotton Export Promotion Council suggested this measure?' Have you considered the implications? What are you going to do? You have already created a certain situation in the market where, in spite of your efforts, economic laws are having their no export effect. You are trying to put targets for mill production but in spite of the fact, mill production has already outstripped the targets that you had set for it in the First and in the Second Five Year Plan. You cannot prevent it. You imposed all sorts of duties. You imposed them in last September; now you are putting certain token penal duties on automatic looms. It intrigues me very much to find that mill-owners' associations have not been much perturbed although they have had these measures before them for the last several months. I just came across a letter from the Federation of the Indian Chambers of Commerce and Industry addressed to the Government. They have almost accepted this measure in principle, but only suggest certain changes here and there. To that extent, I am in sympathy with Shri Ranga who believe that these light penal duties were not going to induce the cotton textile magnates to dispose of their additional production in foreign markets. They have a ready market here, and excise duty or no excise duty, they will sell here. They earn sufficient profit to make it worth while to sell them here.

In the Second Plan, they were allowed an additional quota of 350 million yards and in September last the government proposed to licence an additional 18,000 automatic looms to enable the cotton mill industry to produce this quota exclusively for export purposes. But what are the facts? Already this sector has exceeded all the targets set before it.

In the First Plan, the quota was 4,700 million yards. In 1955, the production was 6,847 million yards. In 1956 Government says that they should produce another 350 million yards for export purposes but they have exceeded that target also and the production was 6,847 million yards. What are you going to do about this?

Shri Kanungo: That includes hand-loom also.

Shri T. K. Chaudhuri: No I am quoting from this book—*Programmes of Industrial Development* by the Planning Commission. At page 343 these figures are given. At the time of the recent Conference of textile mill interests held in Delhi in July 1957, they claimed that they had far surpassed the targets set for them in the Plan and wanted a change of quota and also for a change of the relative allotment given to different sections of the industry—hand-loom, power looms and mill. Howsoever people like Shri Ranga may shout or lament, assurances were held to the mill sector in that Conference. The hon. Minister of Commerce and Industry assured that Conference on 14th July:

"There cannot be any finality about statistical predetermination of demand and consumption targets. The Government of India is not wedded to any fixed targets of production, whether it is 18.5 yards per capita or 20 yards per capita and does not intend at any time to freeze on any particular yardage per capita. Both the overall target of cloth production and the targets set for the different sectors for this industry, namely, mill sector, handloom sector and khadi sector will have to be constantly reviewed from time to time in the light of the developments taking place in the different sectors."

That is to say, economic facts have compelled the Government to come out with this statement. Not only economic facts. I have just mentioned them. There is also a

close inter-relation or integration between this Government and the cotton textile interests of this country because the cotton textile interests of this country represent a monopoly interest. It is the premier national industry and the oldest organised national industry. The industrial development of capitalist industries has taken place in this country on the basis of cotton textiles. In spite of all your professions of good-will, sympathy and so on for the hand-loom industry, you have got a certificate from the President of the FICCI, Shri Babubhai M. Chinai. He comes from the same State as the hon. Minister of Commerce and Industry. He said:

"I will be failing in my duty if I do not place on record the assistance which Government have extended to the industry from time to time. For instance, the National Industrial Development Corporation is helping the industry to finance its rehabilitation and modernisation programme. Government have also constituted the Export Promotion Council for Textiles and financial and other assistance to this Council is being given. A Central Wage Board for the Cotton Textile Industry, the first of its kind, has also been set up to evolve a wage structure bearing in mind, on the one hand, the requirements of social justice, and on the other, the needs of the industry in a developing economy."

Why this expression of gratitude on behalf of the cotton textile industrial magnates. Who will believe you when it is said that the Government is going to impose penal duties upon this industry? It seems strange. That is why I said that I felt intrigued when I found that the Federation of Indian Chambers of Commerce and Industry have written to the Government only suggesting certain minor amendments here and there. They have only suggested a ceiling for the penal duty and nothing more. Why is it so? Let this

[Shri T. K. Chaudhuri]

country, the people and this Parliament ask of the Government, why is it that the cotton textile industry, the mill industry is so very full of gratitude? It is simply because they have reasons to be grateful.

14 hrs.

The Government have created in this country a condition in the market where, in spite of all the penal duties—these have now become token penal duties as our friend Shri Guha pointed out just now *काचन नूनन परिशुद्धति* anything can be done. Pay a little penal duty and everything will be allowed. But you are threatened with a danger. Do not think that things will go on smoothly. The hon. Minister, Shri Kanungo, himself recognises that. His sphere of authority or that of his chief Shri Desai runs within the frontiers of this country, and outside the frontiers of this country it is still the economic laws that operate and the operation of the economic laws are slowly ousting you from those markets, those markets which may be said, natural, 'markets for India' where you so long enjoyed a certain natural advantage of geographical contiguity and advantage from the point of view of raw materials. But, now you are slowly going to lose them. Do not think that other countries are sleeping.

Mr. Deputy-Speaker: I will be careful in that respect, but now the hon. Member should try to conclude.

Shri T. K. Chaudhuri: I will be very brief, Sir.

Mr. Deputy-Speaker: He has already taken about half an hour. He can very well imagine what it means out of the two hours allotted for this Bill.

Shri T. K. Chaudhuri: Sir, I will conclude in two minutes. I am nearly done. My only purpose in moving this circulation motion was to try in my own humble way—I don't exaggerate the importance or the sort of strength of my voice—to shake this House, to shake the Government

and to shake the country to a certain extent out of its complacency.

Shri D. C. Sharma (Gurdaspur): Not the Government.

Mr. Deputy-Speaker: The hon. Member there is not shaken.

Shri D. C. Sharma: He has been able to shake the House.

Shri T. K. Chaudhuri: Nobody can shake him, he is well buttressed. We have created a situation where, however much we may like we will not be able to buttress the handloom industry any further, and however much we may like we will not increase our foreign exchange earnings by way of export of our cotton textile products if we go the way that we are going up till now.

So, I want the hon. Minister, who is one of the constructive thinkers in this line, to bring forward a measure which will be a positive measure of export promotion, and not a token Mohammed Tughlak-like measure just saying "if you do not export we will put a penalty duty of two annas". What does this mean? The Federation of Indian Chambers of Commerce and Industry and all the millowners interested in this country have accepted the principle of this Bill. They have suggested minor amendments here and there. That is why I have moved this motion for circulation, so that we might yet get a positive measure. The laws do not allow me to straightaway oppose this Bill, so I had to take recourse to this motion for circulation.

Mr. Deputy-Speaker: Amendment moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1957."

Shri Mahanty: Mr. Deputy-Speaker Sir, so far as I have been able to follow the debate, the issue underlying the Bill is not an issue between the well-being of the weavers versus the

interests of the textile milling industry; the issue is not between the cottage handloom industry and the mill industry, but the real issue, to me it seems, is between the desirability of laying artificial restraints on a reasonable level of consumption and the justification for it.

This Bill, there is no doubt about it, seeks to lay artificial restraint on the reasonable level of consumption by adducing reasons the validity of which can be very seriously doubted. Sir, I invite your attention to the Statement of Objects and Reasons of this Bill. Therein three facts have been stated. In the first place, it has been stated that there has been a progressive decline in the export of cloth. In the second place, it has been stated that there is an increase internally in the demand for cloth. In the third place, it has been stated that increase in production has not kept pace with the increase in demand. I venture to think that all these are not borne out by facts which have been stated by the Government themselves as early as the 14th of last month.

The hon. Minister, Shri Satish Chandra, in reply to a question in this House on the 14th of this month stated that the production of cloth has been increased. He said, production of mill-made cloth in the present half of the current year was 2,700 million yards as against 2,583 million yards during the corresponding period last year. I am sure this does not include the handlooms to which the hon. Minister had referred. This is in the mill sector that the production of cotton textiles has been increased. He also stated that, due to low off take from the mills since last September due to higher prices, in the mills the stocks are accumulating.

Here we are presented with a phenomenon. There is low off take from the mills due to high prices, the stocks are accumulating, but due to certain other factors over which, possibly, the Government may not have any control they can't export all this accumulated stock to outside.

Therefore, has he any justification to impose an additional excise duty over the prevailing rate so as to induce a kind of inhibition which will always work against the interests of the consumers?

As I was saying, in the Statement of Objects and Reasons—if I were uncharitable enough I would have said it 'a tissue of lies'—when we come to the figure of exports we find that during January and May 1957 the exports of mill-made cotton textiles had aggregated to about 392 million yards. That means a 24 per cent. increase over exports during the corresponding period last year. Therefore, according to the Government figures our production is increasing, our exports are increasing, and what is decreasing is the average rate of consumption due to high level of prices.

In this context I would beg of the House to consider whether it is fair to function in the interests of the weavers alone to impose a further levy of excise duty on mill-made cloth and bring about a restraint on our consumption of cloth, which I think is the lowest in the world. When I say it is the lowest in the world, I would like to give figures. In the U.S.A., it is 33.3 lbs. per capita per annum. In Western Europe it is 17 lbs. In India, it is 5 lbs. Even in the report of the second Five Year Plan this fact has been admitted, namely, that the per capita consumption of cotton textiles in India is now much below the pre-war levels.

In this context, it is time that we consider whether we are not going to change completely our attitude towards this industry, not from the weavers' point of view alone, though it is a very important point of view. While Shri Ranga was speaking, I ventured to intervene for an information about the total number of weavers and what percentage they constitute of the total working force in this country. But there was no reply. Only, we were given a notional figure of about a crore of people who are said to be dependent on the handlooms.

[Shri Mahanty]

industry. I have every sympathy for that industry, but that industry cannot be allowed to prosper, cannot be allowed to grow, at the cost of the rest of the crores of Indian consuming population.

We note from the various reports which are regularly sent to us by our Trade Commissioners that our exports are falling primarily because of the fact that Hong Kong has now come up in the field; China and Pakistan have also come up, and because the middle-eastern countries are taking advantage of the barter system of economy, and the Soviet textiles are finding there more easier markets. I would like to know from the hon. Minister how, by imposing this additional excise duty, he is going to set right the falling exports of India which is due to technical reasons and not due to any other.

For instance, countries like Canada, New Zealand, Cambodia, East Africa, Mauritius, Nigeria and Sweden, are desirous of getting particular varieties of Indian textiles which our mills cannot produce. I wonder why the Government does not insist on the mills to produce varieties of cotton textiles which those countries want of us. Why the Government is ready to impose an excise duty on the cotton fabrics and textiles, the standardised varieties of which neither the handloom industry can produce at a reasonable price nor can we get them in the market otherwise? Therefore, as Shri T. K. Chaudhuri has stated very rightly, this is a negative measure. It seeks to attain next to nothing. It merely wants to penalise consumers for the default of the textile industry as a whole. Neither it is going to benefit or better the lot of the handloom weavers about whom so much of concern has been expressed in this House. With these words, I am constrained to say that I am opposed to the very principles of this Bill because these are partial and negative measures which are going to achieve nothing.

Shri Warior (Trichur): Mr. Deputy-Speaker, the Minister, in introducing this Bill, said that there is some sort

of contradiction. In reading through this Bill and the material available, I was rather confused. So, I thought that the confusion is going to be mitigated. But when the Minister said that there is a contradiction involved in this Bill, then I am saved, and I am happy that I am not alone, a confused person.

Mr. Deputy-Speaker: You are in company.

Shri Warior: Yes; I am in his company! Now, what is the object of the Bill and what is the object of the new imposition of the excise duty as a penalising measure? The object obviously is to encourage export. What was the effect of the imposition of this excise duty before? We must begin from there, and then only we know the progress we have made in the production of cloth and what we have been doing in the matter of this imposition of excise duty on cotton textiles which then also meant enhancing export. At that time also, the export objective was before the Ministry and the Government, when the excise duty was imposed. So, there is a history behind it.

Reading through the report of the Cotton Textiles Mill-owners' Association for 1955-56, I find that the Chairman observed as follows:

"Turning to the incidence of the new duties, the Chairman said that it was unlikely that the consumer would be able to bear any part of the burden and in fact it was doubtful whether he would be able to bear even the existing duty. The price of all farm produce has gone down considerably during the current year and although the crops themselves might have been slightly larger than in 1953, the increase in the crops is in no way compensated for the reduction of the price"

The main contention against the imposition of an excise duty on cotton fabrics is that it directly goes to increase the price of a major consumer goods

of the people of the land. When we consider this, that it is a major item of consumption and the major item of expenditure in the daily family budget of the 36 or 40 crores of people in the country, this tax is a burden. That is the main thing. That is going against the principle of the imposition of an excise duty of this nature.

But the Finance Minister, sometime back here in this House said, when Shri Mohamed Imam from Mysore stood up and asked why the prices are going up, that the prices have not gone up and that what Shri Mohamed Imam said was not true. The main consideration, whether the statistics show really a price increase or not is not the thing to be gone into, because, it will take some more time for us to rely upon the Indian statistics and on the correct figures shown by them. We are only in the beginning stage of making statistics, I believe. In fact, in practice and in reality, this thing is tested when you go to the market and purchase cotton fabrics. Then you feel that you have been charged something more. That is the only thing. Statistics may prove otherwise. I do not know. But actually the people feel that the price of cotton fabrics has gone up. That is their practical knowledge about it and that is their experience.

The Chairman of the Mill-owners' Association, after briefly stating all the facts and figures, concludes thus:

"In the circumstances, it was open to doubt whether the offtake of cloth could be maintained at the existing levels if no extra excise duty is levied".

By this, he has also placed before the public and his own associates that the Bombay cotton textile industry especially is much affected by this excise duty. In fact, the cotton textile industry is in a confused state, so to say. We cannot clearly infer what exactly is the position; because I come to that later and I will explain then. The Chairman of the Association pleads in this way:

"The trading results of 1952-53 and 1953-54 disclose deficits to the

tune of Rs. 1½ crores each year. The industry in Bombay alone would bear a further burden of nearly Rs. 5 crores on the basis of estimates given by him or Rs. 3 crores as estimated by our Finance Minister".

That was his statement last time, in 1955-56 report.

Again, in the statement issued by the Association at the same time, it is also remarked:

"If the duty is passed on to the consumer, it will mean hardship particularly to the agriculturists and the lower class community who constitute 80 per cent. of the population. On the other hand, if the mill industries are unable to increase the price proportionately, many mills will find it extremely difficult to keep going. The result of any reduction in the offtake of cloth is bound to hit the farmer again in the shape of reduced price of the offtake of cotton and may even result in unemployment in the industry".

As a result of these submissions from the Mill-owners' Association, I believe, quite rightly the Finance Minister announced in April, 1956, a reclassification of the varieties and a reduction of excise duties. What was the effect of that? Formerly there was a classification. Then they changed it into 3 classes. Now again the old classification has been restored, namely, four classes—coarse, medium, fine and super-fine. The Minister gave the reduction more on the fine and super-fine varieties, thereby keeping the excise duty on the coarse and medium varieties in tact.

I believe that the coarse and medium varieties are the real needs of the majority of our people. They want coarse and medium varieties and not the fine or super-fine varieties. According to the mill-owners' report, the total production in India is as follows, in million yards: Coarse variety—509; medium variety—3,684; fine variety—463 and super-fine variety—336. From

[Shri Warior]

these figures, we see that the majority of the people use only the coarse and medium variety, because their purchasing capacity will be sufficient for that much only and not for the finer varieties.

The object of the Bill is said to be encouragement of export. If the object is simply to levy an additional excise duty and get so much more money into the coffers of the Government, I have no objection on that ground; the objection may come in some other form, that is another thing. As it is, if the objective of the Bill is to encourage export, then the nature of the export market, our traditional markets in the East and West, has to be seen. I understand from export reports that in these markets also, they demand coarse and medium varieties more than fine and super-fine varieties. There is mention about the competition from Hong Kong, Russia and China. I have seen that in the report of the Textile Enquiry Commission. But I believe it is not so much this competition alone. There may be competition and it is to be expected in foreign markets. But it is partly because they do not get the varieties they want in their markets for their own common people, whose purchasing capacity is not much above that of our Indian people. Naturally, they also expect to get coarse and medium varieties. But, because there is no centralised policy of production in the textile industry, because of the anarchy of production in the textile industry, because there is no planned production in the textile industry here, we are not able to export enough coarse and medium varieties.

It is an alarming situation: I do not minimise the impact of that on our foreign exchange, because from Rs. 36 crores, it has dwindled down to somewhere about Rs. 30 crores. It is in the interest of this country and for earning foreign exchange, that export must be encouraged. But the method adopted for that is the bullet which hits the consumer in this land. Why should the Government be so confused in this affair? I cannot understand why the

Government should not have a straight policy in this matter, a policy framed in consultation with the interests concerned in the textile industry and those who are engaged as labourers and workmen in that industry.

There is another contention here about which I must speak. The Textile Enquiry Commission has said that the per capita consumption has increased from 16 yards to 18 yards. Those gentlemen on that Commission prophesied that the consumption of 18 yards per capita would be reached only in 1961, i.e., by the end of the second Plan period. But unhappily or unluckily or unfortunately, it has been reached in 1957 itself. The Government thinks this is an alarming situation. Mr. Mahanty has said that our per capita consumption is so poor; it is only 5 lbs. whereas in the United Kingdom it is 30 or more. In so many western countries, it is many times more.

Does the Government want our people to go back to the old times, the pre-1939 period and have only 10 or 12 yards, or to the war period, when it was only 13 or 14 yards? Is that the idea of the Government? If that is the idea, we must be told about it. If the internal market is rising, if our people are consuming more of cloth, that means that our people are not so half-naked as Miss Catherine Mayo mentioned in her despicable book. If our people want to have a decent standard of clothing, can the Government go against it? Is that the wish of our Government? We are happy that now at least our people are having a purchasing capacity of 18 yards. That is the position really and we want to increase it. If we are to be good and faithful to our own people, we want our people to have more cloth and walk about decently dressed. But the Government is alarmed and it wants to curtail this consumption. That is one edge of the sword. They want to huge or luxurious. It is not so. If curtail it as if the consumption is so the Government has got that idea, I am very strongly against it.

I do not doubt the veracity or correctness of this figure of 18 yards. Not that, but it passes my comprehension, because it is stated that all the cash crops of the agriculturists are now fetching only lesser prices. That means the purchasing capacity is going down. As for the working class, their purchasing capacity is naturally going down. This is so not only with all the working class, but all those employed as workers. The living cost of index is 440 points. But at the same time, the real income has not increased so much. Naturally, the relationship between the real income of the workers and the living cost has widened. Their purchasing capacity has gone down. When the marketing value of the cash crops of the agriculturists has gone down, naturally the purchasing capacity of the poor peasants and the agricultural labourers goes down. When the relationship between the real income and the living cost is widened, workers' capacity goes down. That is the dilemma in which we are placed. How is it possible that in the case of 80 per cent of the people, who are the major consumers, the majority of whom are workmen and villagers, their capacity is going up so as to purchase more cloth and how is it that the per capita consumption has increased from 16 yards to 18 yards? That passes my comprehension. I think Government will have sufficient answers for them or sufficient figures for them.

There is another point also I want to make before I conclude my submissions. The mill-owners are not, I think, so much worried about this industry. I had a casual look at the papers; I did not get much time; I casually looked at the financial magazines obtainable here. When I looked into them, I found that two or three mills—I can point out the names if you want—have made profits—huge profits. For instance, the Mettur Industries in the south have declared a dividend of 42 per cent of their paid up share value. Ashoka Mills 30 per cent, Ambika Mills 60 per cent on the actual original paid up share value. Take the Bombay Dyeing and manufacturing....

Shri A. C. Guha: Is it the dividend declared in one year or the total dividend paid so far.

Shri Warior: Declared in 1956. This is given in Commerce. The hon. Member can refer to that. The Bombay Dyeing and Manufacturing Co., has declared 100 per cent., that is, the original share value is Rs. 25. There may be a new value, the market value. For instance, the bonus shares may be added and it may be swelled and inflated. Or, the stock exchange may be appreciating it and giving more value. That is not the question.

Shri A. C. Guha: Wherefrom is the hon. Member reading these figures?

Shri Warior: Given in all the financial statistics. Here in the Camp Library, you can get *Commerce* or *Capital* or *Eastern Economist*. I have taken it from the *Commerce*. If the hon. Member is interested, he can refer. What I mean is, Rs. 25 was the original paid up share. For this, a profit of Rs. 25 means 100 per cent.

An Hon. Member: What is the share value today?

Shri Warior: There are so many things. I am not going into all that. It may be inflated. Somebody wants to bank upon or corner it. Or they do some other tricks. There is so much gambling going on. I am not going into all that. It is difficult for me to explain all that. It may be Rs. 200 or 250. A deferred share of Tatas may have cost Rs. 25. Today it may fetch Rs. 1,380 or more. What of that? Suppose I am a shareholder. I get a share and keep it in my box. I get Rs. 25 this year. That means 100 per cent. There are so many things. I do not want to go into all that. Nor have I got them here.

In the same breath, I want to remind that some of the textile mills are also closing down. I have read somewhere—I do not remember where—I have read somewhere that cloth production has reached the saturation point here. If that is a fact, that must be reckoned with. Because, we find, at the same time, the Sholapur Mills are closing. In

[Shri Warior]

Bombay, some of the mills are closing. In my own area, Sitaram Mills, which employed 1,200 men, had closed. Another mill employing 800 men had also closed. In some places, mills are closing. In other places mills are making huge profits. This complex or confusing phenomenon in the textile industry is there.

What I mean to say is this. Our industrialist Member, Shri Somani, threw up a challenge, "take up the Sholapur mills". The Kerala Government has taken two mills and it is working them profitably. The profits shown by many mills may not be the real profit, may not be actual honest profit. We know how the mills are worked, how the balance sheets are prepared, how profit and loss accounts are manipulated, how the shareholders are duped, how the workers are humbugged. We all know these things. But, actually is it the saturation point that we have reached in the mills? Is it on account of that that textile mills are one by one closing down? Then, all the arguments adduced in support of this Bill are wrong, I submit very humbly.

Finally, I want to conclude with one submission. If the Government wants to export more cloth, the first thing they must do is, there must be a centralised plan of production. Finer varieties are produced as much as coarser varieties. Only very rich people can afford to purchase finer varieties. They are not doing that. With regard to surplus also, I have some figures here:—

Coarse variety, export,	185 mil. yds.
Medium variety, export	634 mil. yds.
Fine variety, export,	78 mil. yds.
Superfine variety, export,	24 mil. yds.,
a very meagre and small amount.	

When balances after export are struck, you will find that the coarser and medium varieties are much less than the exportable, dutiable balances, I think. The coarse, medium, fine and superfine varieties are respectively. 324, 2052, 285 and 812 million yards. Coarse variety is only 324 million yards dutiable. That is for export. When that is so, what is the position

of the fine variety? It is 385 million yards. This is the position. Nobody wants fine and superfine varieties. Government is willing to give excise duty concessions in order to make more exports. We want more coarser varieties and medium varieties. For that, we must reduce the duty on coarser varieties, and put this burden on the fine and superfine varieties.

Another point I want to make in this. I find that there is so much disparity between British imports and non-British imports.

Mr. Deputy-Speaker: The hon. Member has twice concluded.

Shri Warior: I am concluding my submission. The subject is so wide.

Mr. Deputy-Speaker: He has closed his papers twice and he has re-opened. I am afraid he will have to conclude.

Shri Warior: A suitable machinery must be created to check up the entire working of this vast industry. That is one suggestion. Profits also must be controlled. The prices also must be brought to the level of the purchasing capacity of our people, so that, these prices at the same time, will be able to meet foreign competition in our traditional markets. For that also, there is no policy. That is my contention. That is my humble submission. There is no clear-cut policy of export and internal consumption with the Government. Out of its confusion, out of its own contradiction, as the Minister was willing to tell us, the Government has imposed this duty. This, I fear, will only go against our own people, our own poor people who are now able to purchase a few yards of cloth, and dress themselves. This would increase the prices to the detriment of internal consumers. I think that this Bill must be revised and I appeal to the Government to revise this Bill.

14.39 hrs.

Shri A. C. Guha: Sir, I do not like to take much of the time of the House.

Mr. Deputy-Speaker: I shall be grateful.

Shri A. C. Guha: It is good that our textile goods are now being exported and we may stand the second or third exporter of textile goods. That is a welcome thing, and we should all try to encourage exports. This Bill is also intended to encourage exports.

The difficulty is that internal consumption has gone up. It is not a question of asking our people to go back to nature or the 1939 stage as some members have apprehended, but really we have to take into consideration the production before we can allow internal consumption, and we should also take into consideration the necessity of exporting textile goods. From that point of view I generally support the proposal to increase the productive capacity of the mills by 350 million yards.

Some apprehensions have been expressed about the handloom industry. I think this Bill does not as such affect the handloom industry. That was more the case with the previous Bill. This Bill is particularly intended to foster exports and also increase our production. But I have my own doubts about this penalty clause.

As I have stated in the case of the other Bill, I do not like this method of issuing some directive by Government or passing a law by this House and then allowing the business community to infringe the provisions of the law or the Government directive simply by paying a small penalty. Apart from the ethical point of view, from the social point of view also, I consider this method somewhat reprehensible. It encourages the psychology of breaking the Government orders, of infringing Government orders and of violating the provisions of this Bill. This is an insult to this House. The Act is passed by this House, and at the same time we say: well, you can infringe the orders passed under this Act provided you pay a certain penalty.

If the Government feels that a certain quota has to be fixed out of this 350 million yards, or out of the total production of the cotton mills, for export, I think the Government should strictly adhere to that and should not make it in any way flexible for the industry to violate the Government order, to infringe the underlying principle of the Act passed by this House. I still request the hon. Minister to consider this Bill from that point of view.

Whenever the Government finds it necessary to increase the quota for internal consumption, they can do it by a Gazette notification or by issuing some directions, but I do not like this backdoor method of allowing the trade and industry to violate the underlying principles of the Act passed by this House.

I have nothing much more to say. I wish only to refer to some remarks made by some hon. Members. As I have stated I am a critic of this Bill. I consider this to be a wrong measure from the ethical and social points of view, but still certain remarks made by some Members may not be quite correct. Some chamber of Commerce thanking the Government for certain measures does not mean that the Government has been acting according to the wishes of that chamber of Commerce. The Government has been trying to foster industries. So, the chambers of commerce of the different regions and the Federation of Chambers of Commerce and Industry should be thankful to Government for the measures taken in general. I think that should not be construed to mean that the Government have been doing something just to please them or to satisfy them or acting according to their dictates and wishes.

With these remarks I conclude, but I again wish to say that this penalty provision in the Bill is not justifiable from any point of view. It does not give us any revenue, we may get a paltry sum, and it adds to administrative difficulties. When I say that it adds to administrative difficulties, I

Pandit Thakur Das Bhargava: Sir, say so with some personal experience. It also generates a bad social psychology which the Government should not encourage.

Shri Naushir Bharucha (East Khandesh): In the Statement of Objects and Reasons certain facts have been mentioned and I should like to ask the hon. Minister in charge as to how these facts have crept in. It has been stated that increase in production has not kept pace with the increase in demand. May I tell him that according to the statistics from the Millowners' Association nearly 500,000 bales of cloth are in stock with the mills in their godowns, which have either not been sold or not taken delivery of.

Sir, There is a rival speech along with mine in the House.

Mr. Deputy-Speaker: I am very sorry to note that. Order, order.

Shri Naushir Bharucha: I should therefore, like to know how these facts can be reconciled. Even the hon. Minister Shri Manubhai Shah stated that the accumulated stock of cloth was over 300,000 bales. Therefore, this statement requires to be clarified.

So far as the scheme of the Bill is concerned, the mills are also recognised in groups, and clause 3 provides for fixing the export quota of each mill or group of mills and lays down certain criteria for fixing such quota. These quotas are fixed in relation to a particular relevant period which the mill owner is left to choose, and naturally the mill owner will choose the year that is most favourable to him.

The criteria for fixing the quotas are the quantity of cotton fabrics exported during the relevant period and the quantity normally expected to be produced by new looms installed since February 1957. There is also provision for varying such quota. Clause 4 provides for the levy of an additional excise duty.

Two points arise. What is it exactly that the Government desire to achieve by this Bill? What is the principle underlying it? Do Government want the maximum exports in which case why a floor figure has been prescribed for production by mills, no mill being permitted to short-fall below this, in which case also the ceiling of 350 million yards fixed for exports becomes illogical. Or is it the intention of Government that the particular overall export quota should not be exceeded in which case why penalise the millowners for short falls?

It is not very clear as to what is it that the Government want to do. If they want to encourage exports, then why do they fix 350 million yards as the upper limit? If they want to discourage them, why penalise the millowners for the shortfall? It is true the hon. Minister said that this Bill is contradictory. It is not only contradictory; it is illogical. The Government must make up their mind whether they want to encourage or discourage exports. If they want to encourage exports, they should not put the ceiling of 350 million yards. If they want to discourage exports, then let them not punish the millowners.

Under clause 4, what is the penalty for breaking the laws? An additional excise duty. It is in addition to the prevailing duty—a penal duty. What will actually happen is this. No millowner will be fool enough to break the law unless it pays him to do so. He will calculate first the cost of producing the cloth, the cost of the excise duty plus the penalties—all of which can be passed on to the consumer. He is not such a fool as to break the law if it does not pay. And enough loopholes have been left in the Bill to induce him to break the law and produce the excess.

I submit the Government should make up their mind as to what they want to do and accordingly the Bill should be altered.

भी जाहब (भालेगाव) : डिप्टी स्पीकर साहब, जैसाकि मैं ने धोतीज ऐंडीशनल एक्सहाइज ड्यूटी प्रमोडमेंट बिल के वक्त कहा था, हम को इस बिल की तरफ भी उसी नजरिये से देखना चाहिये । आज हम ज्यादा एक्सपोर्ट बढ़ाना चाहते हैं । उसके लिये कोई बिल लाने की आवश्यकता नहीं है । मुझे मालूम है कि एक्सपोर्ट के लिये भी हमारे पास काफी कपड़ा है । १९६०-६१ तक हमारा जो एक्सपोर्ट का टारजेट है उस टारजेट तक हम बराबर पहुंच सकते हैं । लेकिन जिन के लिये ये सहूलियतें दी जा रही हैं उन का बरताव क्या रहा है । मैं ने आज सबेरे एक पम्फलेट पढ़ा है । उस में यह लिखा है :

"An artificial crisis was created and it was argued that at no time in the history had stocks of cloth with mills been so low".

यह गये साल में कहा गया और इस साल में यह कहा जाता है :

"and the trade is now complaining of stocks accumulating".

और अभी करीब करीब पांच लाख बेल्स हमारे पास हैं ऐसा सोमानी जी ने अपने भाषण में कहा था । जो ३५ करोड़ गज कपड़ा हम और एक्सपोर्ट के वास्ते चाहते हैं वह आटोमैटिक लूम से पैदा किया जायेगा । हमने जो पंचवर्षीय योजना बनाई है उसे बनाते वक्त हमारे सामने क्या मकसद था ? हम चाहते थे कि हिन्दुस्तान में जो बेकारी बढ़ रही है उस को खत्म करने के वास्ते हमें ज्यादा से ज्यादा लोगों को काम देना पड़ेगा और इस बारे में सेकंड फाइव थ्रीयर प्लान फार खादी एंड विलेज इंडस्ट्रीज ने कहा है :

"In the context of widespread growing unemployment, a programme of technical advance which displaces such a large number of persons without providing alter-

native jobs for them, can hardly be seriously considered for the purpose of the Second Five Year Plan, the central objective of which is to create employment opportunities to the maximum extent possible".

जो हम यहां ३५ करोड़ गज कपड़ा तैयार करने वाले हैं वह आटोमैटिक लूम से तैयार होगा । मुझे मालूम हुआ है कि आज हिन्दुस्तान में करीब करीब ६ मिल्स के शॉट्स में आटोमैटिक लूम चल रहे हैं । स्वदेशी मिल के बारे में मुझे मालूम हुआ है कि एक आदमी २२ लूम चला सकता है । अगर हम १८ हजार आटोमैटिक लूम्स की इजाजत दें तो केवल ६०० आदमियों को काम मिलेगा । अगर हमारे पास अपनी ग्रन्दरूनी जरूरत को पूरा करने के बाद एक्सपोर्ट के लिये कपड़ा काफी नहीं है तो हम को आहिस्ता आहिस्ता डिसेंट्रलाइजेशन की तरफ जाना चाहिये । क्यों न हम इतना कपड़ा पैदा करने का काम सैमी आटोमैटिक लूम्स और पावर लूम्स को दें । टेक्सटाइल एन्वयायरी कमेटी ने कहा था कि ५००० मिलियन गज से ज्यादा कपड़ा मिल सेक्टर को नहीं पैदा करना चाहिये । सैंकिड फाइव थ्रीयर प्लान में भी ऐसा कहा गया था लेकिन बातें बदलती हैं, हर दफा बातें बदलती हैं और हमारे जो राज्यकर्ता हैं उन की नीति बराबर बदलती है ।

बारान्गनेब नृपनिती अनेक रूपा ।

तो सरकार अनेक रूप बनाती रहती है । अगर मिल सेक्टर के लोगों में जायेंगे तो हमारे मान्यवर मंत्री बोलेंगे कि हम को इंडस्ट्रियाइजेशन करना चाहिये और प्रोडक्शन बढ़ाना चाहिये । अम्बर चखाँ वाले जायेंगे तो वैसे बात कह देंगे । हमें उम्मीद थी कि हम इस साल ३० मिलियन गज कपड़ा तैयार करेंगे और आहिस्ता आहिस्ता १९६१ तक हमें १५० करोड़ गज कपड़ा अम्बर चखाँ और खादी का तैयार करना है और ट्रेडीशनल खादी का ५० मिलियन गज

[श्री आश्व]

तैयार करना है। लेकिन आज तक अम्बर चरखे की और ट्रेडीशनल खादी हम ३ करोड़ गज से ज्यादा तैयार नहीं कर सके। खादी के बारे में मैं ने सबाल पूछा था कि गवर्नमेंट ने खादी को कितनी सबसिडी दी है, गवर्नमेंट ने कितनी खादी खरीदी है। करीब करीब ६७ लाख की खादी गये साल में हमारी गवर्नमेंट ने खरीदी; तो यह क्यों हो रहा है। आप देहात में जायेंगे तो आप को मालूम होगा कि जो एक गरीब किसान है वह खादी खरीद नहीं सकता क्योंकि जो तीन करोड़ गज कपड़ा तैयार हुआ है उस का जब हिसाब लगाया जाता है तो यह मालूम होता है कि उस का दाम औसत में १ रुपया १२ आने गज होता है। जिस की आमदनी बहुत कम है और जिस की खरीदने की ताकत बड़ी नहीं है वह उसे कैसे खरीद सकता है। उत्पादन बढ़ा है लेकिन उस की खरीद करने की ताकत तो स्टैटिक है। तो हम को वह तरीका बदलना होगा।

15 hrs.

आज हम चाहते हैं कि जिस के पास ज्यादा जमीन है उसे आहिस्ता आहिस्ता भूदान करना चाहिए। मैं ऐसा कहना चाहूंगा कि हमारे हिन्दुस्तान में करीब करीब चार सौ मिलें काम कर रही हैं, उन में से, जैसाकि अभी वारियर साहब ने बतलाया, कुछ मिलें बन्द हुई हैं। १६ मिलें बन्द हो चुकी हैं। अगर वे अनइकानामिक होने की वजह से बन्द हुई हैं तो मैं कहूंगा कि उन मिलों को फिर चलाने की गवर्नमेंट इजाजत न दे, उन मिलों में जो लोग काम करते थे और जो बेकार हो गये हैं उन को बे लूम दे दे, मुफ्त में नहीं लेकिन उन से आहिस्ता आहिस्ता पैसा वसूल किया जा सकता है। इस तरह से डिस्ट्रीब्यूशन होता जायेगा। इस की तरफ हम कदम उठाना पड़ेगा। इस बारे में हमें यह भी देखना पड़ेगा कि हमारी अर्थव्यवस्था कैसी है। और सिद्ध करत ही हैं, श्री आदमी कितना

कपड़ा पैदा होता है, केवल यह देखने के काम नहीं चलेगा। हम को यह भी देखना होगा कि श्री आदमी कितना कपड़ा खरीद सकता है। हमारी आज की हैसियत क्या है? आज कितने ऐसे आदमी हैं, जोकि १६ गज या १८ गज श्री आदमी के हिसाब से कपड़ा खरीद सकते हैं। कपड़ा बढ़ रहा है, लेकिन हम नंगे हैं, हमें काफ़ी कपड़ा मिलता नहीं है। इस अवस्था में कहने वाले तो यह कहेंगे कि तुम नंगे नहीं हो, दिगंबर हो, तुम्हारे चारों तरफ दिशाये हैं, वही तुम्हारे कपड़े हैं। आज हमारी यह हालत है। मुझे यह देख कर बहुत दुःख होता है कि हमारे रगा साहब को कानूनगो कमेटी की सिफारिश पर बड़ा दुःख होता है और वह पावरलूम सेंक्टर और सेमी-आटोमैटिक लूम सेंक्टर के खिलाफ बोलते हैं, लेकिन वह मिल सेंक्टर के खिलाफ बोलने के लिये तैयार नहीं हैं, जोकि वास्तव में हिन्दुस्तान की सनभ्रत को मारने वाला है। जब हम लोग जेल में जाते थे और वहा पेठ दुखता था, तो आयोडीन लगाई जाती थी। वैसी ही बात आज भी हो रही है। अगर आप यह चाहते हैं कि ज्यादा लोगों को काम मिले, बेकारी खत्म हो, तो आप को डी-स्ट्रलाइजेशन करना पड़ेगा। क्यों? क्या हम चाहते हैं कि एक आदमी—एक बुनकर—अपनी रोज-मर्रा की ज़िन्दगी के लिये जो कुछ भी लगता है, वह लगातार घाठ घंटे काम करता रहे और पुरानी बातों से झगड़ता रहे? क्यों नहीं हम यह चाहते कि आहिस्ता आहिस्ता उस की स्थिति में तरक्की हो। मैं यह कहना चाहता हूं कि जो कोटा हम ने तय किया था, वह कोटा बढ़ रहा है। माननीय मंत्री, श्री मनुभाई शाह, ने मुझे बताया था कि ५,००० मिलियन गज कपड़ा तैयार करने का जो कोटा मिल सेंक्टर के लिये रखा गया था, वह कोई तयशुदा बात नहीं थी, उस में बदल भी हो सकता है। लेकिन मैं यह नहीं समझता। आप को इस

बारे में एक फ़िक्स्ड पालिसी बनानी पड़ेगी। अगर आप इस तरह बदलते जायेंगे, तो काम नहीं चल सकता है। अगर हम अम्बर चर्खों को ठरकी देना चाहते हैं, तो खादी का उत्पादन ज्यादा बढ़े और एक साधारण से भी साधारण आदमी उस को खरीद सके। आप वह खादी नहीं खरीद सकता है। कांग्रेस को मानने वाले जो लोग हैं, वे खरीद सकते हैं—बूँकि उन को खरीदना पड़ता है, इसलिये वे खरीद सकते हैं। आज एक साधारण आदमी खादी या हंडलूम के कपड़े को नहीं खरीद सकता है, क्योंकि मिल सेंक्टर में जो कपड़ा पैदा होता है, दूसरे कपड़ों से उस की कीमत कम्पैरेटिवली कम होती है और टिकने में भी वह कपड़ा ज्यादा अच्छा होता है। इसलिये साधारण किसान, साधारण आदमी मिल का सस्ता कपड़ा लेने की कोशिश करता है और इसी कारण इस सनम्रत को मारने वाला वास्तव में मिल सेंक्टर ही है। मिल सेंक्टर के लोगों ने बहुत पैसा कमा लिया है। उन का गवर्नमेंट से नान-को-आपरेशन है। जनता नान-को-आपरेशन नहीं कर रही है। जो गवर्नमेंट से नान-को-आपरेशन कर रहे हैं, जिन पैसे कमाने वालों की इनकम-टैक्स की स्लैब बहुत बढ़ रही है, जो ज्यादा मांगना चाहते हैं, वही इस सनम्रत को मारने वाले हैं, अगर हम इस बात को समझने की कोशिश करेंगे तो इस बारे में हम को बहुत लाभ होगा।

जहां तक फ़िगर्ज का सम्बन्ध है, हमारे महन्ती साहब ने पूछा कि हंडलूम का सनम्रत में कितने लोगों को काम मिलता है, कितने लोग उस में काम कर रहे हैं। इस बारे में हमारा जो तरीका रहा है, वह भ्रष्टाचार है। टेक्स्टाइल एन्क्वायरी कमेटी ने भ्रष्टाचार लगाया कि हिन्दुस्तान में बीस लाख हाथ-करखे हैं, लेकिन जो एक्टिव हाथकरखे हैं, वे बारह लाख से ज्यादा नहीं हैं। करीब करीब चार हंडलूम के पीछे पांच आदमियों को काम मिलता है, तो इस प्रकार पन्द्रह लाख लोगों को काम मिल गया। लेकिन जब पांच-

साला योजना बनाई गई, तो यह तादाद बहुत बढ़ गई। ऐसा समझा गया कि पच्चीस लाख लूम एक्टिव हैं और दो लूम के पीछे तीन आदमियों को काम मिलता है, यह समझा गया कि वह तादाद साढ़े सैंतीस लाख हो गई। जिस प्रकार भारत की दुम बढ़ती है, वैसे ही ये फ़िगर्ज बढ़ती गई। इस बारे में हम को बराबर यह जानने की कोशिश करनी चाहिये कि इस सनम्रत में काम करने वाले लोग कितने हैं—कितने लोगों को सही रूप में इस में काम मिलता है।

वह बिल 'एक्सपोर्ट' के नाम से लाया गया है। मैं यह कहना चाहता हूँ कि इन को पैतीस करोड़ गज कपड़ा तैयार करने की इजाजत नहीं देनी चाहिये। अगर हमने ज्यादा एक्सपोर्ट करना है, तो जो कपड़ा आज पैदा होता है, उस क्वांटिटी में से इन को दे दिया जाय कि जितना वह चाहें करें, लेकिन इधर हंडलूम को, चर्खों को, पावरलूम को और सैमी-आटोमैटिक लूम को तयकी दी जाय और उन के पीछे चला जाय। सैंकड़ फाइव योअर प्लैन की जो जड़ है, उस का जो प्रिंसिपल है, उस के खिलाफ मिल सेंक्टर ने बहुत जोर से आवाज उठाई और कहा कि वह यह नहीं चाहते कि इस सनम्रत को—वह चाहे हंडलूम हो, पावरलूम हो या अम्बर चर्खों हो—नरकही मिले। इसके बारे में हमें तय करना पड़ेगा। इस के लिये जरूर फिर एक कमेटी चुनी जाय, चाहे उस में हमारे रंगा साहब को रखा जाय। श्री कानूनगो को हम पेशन दे देंगे। अन्त में मैं यह कहना चाहूंगा कि हमें इस बारे में बराबर तहकीकात करनी चाहिये और एक तयशुदा पालिसी सामने लानी चाहिये, जिस से हमारे हिन्दुस्तान के लोगों का मुस्तफ़िल अच्छा हो।

Shri Ranga: I wish to offer a personal explanation. I want to apologize to the House as well as to my hon. friend, Shri Kanungo for the harsh things which I never thought that I would ever say at all but which escaped from my lips. I

[Shri Ranga]

am extremely sorry and I would request your permission to withdraw them.

Shri A. C. Guha: They have been deleted.

Shri Ranga: Apart from deletion, a senior Member like me should not have allowed himself to say such things. Therefore, I wish to express my regret and I am glad that.....

Mr. Deputy-Speaker: There was some motion or some suggestion that these remarks may be removed. Perhaps, they were removed. The Minister had expressed sorrow at what had escaped from his lips and Shri Ranga had not done that at that time. He is doing it now. Perhaps, the remarks have been expunged already.

Shri Shankaraiaya: I want to say a few words.....

Mr. Deputy-Speaker: There is no time. I have already spent all the time that we had for all the stages of the discussion.

Shri Shankaraiaya (Mysore): I wish to say something on behalf of the weavers.

Mr. Deputy-Speaker: I had no impression that weavers had not been represented. Otherwise, I would have accommodated the hon. Member.

Shri Kanungo: Sir, at the outset, I must apologize to you and through you to Prof. Ranga for anything that I might have said. As a matter of fact, my personal relations with Shri Ranga are such that he is at liberty to tell me anything.....

An Hon. Member: Outside the House.

Shri Kanungo:...outside the House.

My task has been made very easy by the very lucid and clear exposition of the problems by my hon. friend opposite, Shri T. K. Chaudhuri. I do

not want to burden the records by a repetition of those things.

The plain fact which stares us in the face is that we are going to lose the entire export market which we had obtained by the adventitious circumstances of the last War unless we are able to offer goods at prices which will be acceptable to the world and of a quality which can compete with others. Shri Chaudhuri has also mentioned, and some other speakers also, that as long as the internal market offers attractive prices, manufacturers and trade will not be inclined to explore the export markets and make efforts for that. The logical conclusion is that if the internal supply could be available at lower prices—and it could be available of lower prices if you increase the installed capacity—if the freezing of installed capacity is removed. Once it is done it is possible that internal prices may come down. In those circumstances, the inducement for export may be greater. Why that cannot be done is another matter. From Shri Jadhav's contention it flows that if adequate quantity is available, we can expand our export markets; it is not an assessment of the whole situation. Apart from the price factor, the technique of production has advanced in other countries and unless we adopt similar techniques or, at any rate, our end product is of the quality comparable to others, we do not have a chance of retaining our markets.

The internal markets have to be regulated because of factors which are known to everybody. I confess that, to a certain extent, there are contradictions in our policy. At a certain stage in the economic history of every nation, it has to take pragmatic decisions which may offend the economic laws of the purists. So, certain amount of contradictions are inherent in the economic history which we cannot escape. If we take intelligent decisions in the transitional stage, then we progress; if we do not, we sink.

In this period, my friend, Shri Guha, objects to fiscal regulation of trade.

Shri A. C. Guha: I have never objected to fiscal regulation of trade. That control must be there. What I object is this. You have put certain restrictions. Then, again, you are putting nominal penalties so that they may violate those restrictions.

Shri Kanungo: These are fiscal regulations. We put a duty to regulate exports and imports; we put an excise duty to regulate production and sales and all that. These are fiscal measures and are to be judged by the results. We expect that when the 18,000 looms go into production, they will be so inhibited as to be diverted and channelled to exports. Then, it was asked, what is the special signification of this 350 million yards? We hope that the goods produced by these automatic looms will be such in quality that they can compete with foreign products. These are the anticipations and I hope the measures that we take would result in that.

Shri T. K. Chaudhuri said that these were not adequate. I confess. But, we have to compete with the economic organisation and economic production of more advanced countries which have made considerable progress in this industry. That is an issue which we have to face. But, I believe that we will not continue very long like that. Once we are able to get over the period of transition, we will get over that contradiction also.

Exports are a factor which do not lend themselves to regulation by any one country. Shri T. K. Chaudhuri made it clear and I entirely agree with him. Our main consideration is the stabilisation of our entire economy of which textile industry is an important part. The purpose of this legislation is to induce goods to be produced by the additional capacity and we hope they will be channelled for export. We think that this hope will be realised.

Conditions are changing and may continue to change. If they change, we will come before the House for modifying this measure.

Shri Bharucha asked: why this target of 350 million tons; why not leave it open? In this Bill nothing is mentioned. We will be only too glad, along with Shri Bharucha, if it is possible to increase our exports over 1,000 million yards not only by 350 million yards but by 3,500 million yards. But, conditions being what they are, this is the quantum that has been worked out on the basis of the production of 18,000 looms. We will be happy if we achieve that target. But, it is hedged in with so many restrictions and conditions, which are again very necessary in the present circumstances.

As Shri Chaudhuri has made it abundantly clear, once we lose our export markets, it is difficult to regain them. We have to do a little bit of tight rope walking under existing conditions. I hope that, if conditions move as we anticipate them—they are moving since September 1956 more or less not exactly as we expected—there may be an improvement in the situation. No progress, particularly industrial progress, can be arithmetically judged. If our anticipations are right then we hope that the policy will work as expected. If they don't, then we will have to take more vigorous measures.

Apart from that, as Shri T. K. Chaudhuri has mentioned, more vigorous measures are necessary, and certainly, we are taking them. But the fundamental fact is to produce goods at a cheaper price and of a quality which will compete with others. I am afraid, under the present circumstances, we are at fault. But, I hope, when the House, including Shri Ranga, realise the conditions as they are then most of the regulatory provisions will be eliminated.

Here again, my personal belief is the same as that of Shri Jadhav, that with the skill available with our

[Shri Kanungo]

weavers it is possible to produce in a decentralised way goods—may not be the best goods but quite good goods—at prices which will be attractive not only in the internal market but in the external market. But that has not yet been done, because in a democratic country it is not only the numbers that count but the conditions and factors of social justice also.

Shri P. R. Patel (Mehsana): How many years will it take?

Shri Kanungo: I wish it takes place quickly enough, but it all depends upon the bulk of our population making up their minds and I won't say obscurantist thought but, their rigid thoughts being relaxed I personally believe that it is possible to produce goods not with the highest of techniques, organisation and equipment but merely with equipment also.

Therefore, I shall not attempt to go into the many argument which have been advanced by many of the speakers, particularly with regard to the interests of the handloom weavers, because those principles have been discussed many times here. As far as I am concerned, I look to the interests of the weavers and not to the particular tool. I am not particular about power loom, automatic loom or semi-automatic loom; I am interested in the weavers. I hope that the policies which we are following now will result in the weaver finding his own place in the economic set-up of our country.

As far as this particular Bill is concerned, its limited purpose is to use fiscal measures to inhibit the tendency of the trade and manufacturers to unload the production into the internal market, and thus canalise the products to the external markets. I hope our anticipations will materialise.

Sir, with these words I commend the motion for consideration of this Bill.

Mr. Deputy-Speaker: First I shall put the motion for circulation, serial No. 15, by Shri T. K. Chaudhuri to the vote of the House.

Shri T. K. Chaudhuri: I do not press it.

The amendment was, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That the Bill to provide for the levy and collection in certain circumstances of an additional duty of excise on cotton fabrics issued out of mills, be taken into consideration."

The motion was adopted.

Clause 2.— (Definition)

Mr. Deputy-Speaker: We shall now take up the clause-by-clause consideration. We have discussed it sufficiently. If the hon. Members agree I shall put them to the vote of the House without much discussion. There are no amendments to clause 2. The question is

"That clause 2 stands part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.— (Export Quota)

Mr. Deputy-Speaker: What are the amendments that hon. Members would like to move to this clause?

Shri P. R. Patel (Mehsana): Sir, I beg to move:

Page 2, line 12—

after "quantity" insert "not less than 25 per cent of the total production by the mill or group of mills".

Shri Jadhav: I beg to move:

(i) Page 2—

for lines 16 to 34, substitute:

"the quantity of cotton fabrics exported by such mill or group

of mills during the three years commencing on the 1st day of April, 1953, and ending with the 31st day of March, 1956."

(ii) Page 2, line 17—

(i) after "during the" insert:

"three years commencing on the 1st day of April, 1953, and ending with the 31st day of March, 1956".

(ii) omit "relevant period".

(iii) Page 2—

omit lines 35 to 39.

(iv) Page 3—

omit lines 1 to 17.

Shri A. C. Guha: Sir, I beg to move:

(i) Page 2, lines 11 and 12—

omit "or by any group of mills under a common owner".

(ii) Page 2, lines 16 and 17—

omit "or group of mills".

(iii) Page 2, line 19—

omit "or group of mills".

(iv) Page 2, lines 25 and 26—

omit "or group of mills".

(v) Page 2, line 28—

omit "or group of mills".

(vi) Page 2, lines 38 and 39—

omit "or group of mills".

Mr. Deputy-Speaker: All these amendments are before the House. Shri A. C. Guha has already spoken on his amendments.

Shri A. C. Guha: Yes, they are all seeking to delete the words "group of mills".

Shri P. B. Patel: Sir, with your permission I will say a few words about this. My submission is only that the purpose of the Bill is not going to be served unless the mills are obliged to export a certain percentage of the production. Looking at the Statement of Objects and Reasons, I

come to only one conclusion, that even though there had been increase in production by mills there had been decrease in export. The reasons given in the Statement of Objects and Reasons is that there are high prices at home and our millowners are not able to fetch the price outside as they fetch in the home market. So, naturally, if they get very good prices at home it would not be hard for them to pay six, nine or twelve naye paise per yard and sell their goods here. Therefore, the result would be that there will be increase in our production by about 350 million yards—we are going to introduce automatic looms, we are going to have improved techniques and all that, and after these are introduced there will be increase in production—and if there is no condition on the mill manufacturers that a certain quota of their production should be exported that will mean a heavy burden on the country. Therefore, my submission through my amendment is that the exports should not be less than 25 per cent of the production.

Secondly, if we do not do it, then the additional cloth will be coming in the home market and it will adversely affect our handloom industry. On one side we are trying our best to survive the home industry, we are giving subsidies and other things and, on the other side, if this additional quota is allowed to come into the home market then I think we shall be ruining our home industry.

Therefore, my submission is that the Government should consider and decide that the quota should not be less than 25 per cent of the production. The penalty clause should be such that the manufacturers may be obliged to export goods outside the country and may not sell in the country; otherwise, we do rather a favour to them, that is my impression.

Shri Kanungo: I would merely mention that by fixing quotas and permitting things to be exported and all that, we cannot force the importer

[Shri Kanungo]

in other countries to buy things. To have a flat rate of, say, 20 per cent or 25 per cent of the production of the mills is also unrealistic because the goods have to be according to the taste and demands of the importer in other countries.

Shri P. B. Patel: They may export at any price?

Shri Kanungo: It is not so simple. As a matter of fact, where exports are concerned, we not only reduce it by 20 per cent but we insist upon the performance of 100 per cent of the present exports plus additional exports which to my mind is a very harsh thing. This being a fiscal measure, I hope it gives enough elbow-room for changing conditions—as conditions change in the internal as well as external market. The fact that we are being put out of the external market is not because we are not allowing things to be sold and not because of the international prices alone, but because the prices which our competitors are offering in the export markets are much lower than ours, compared to the qualities. So, firstly, we must improve the qualities, and secondly, we must offer the things at prices which are in competition with others. Therefore, I am not in a position to accept the amendments.

Mr. Deputy-Speaker: So, I shall now put the amendments to the vote of the House. The question is:

Page 2, line 12—

after "quantity" insert "not less than 25 per cent of the total production by the mill or group of mills".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2—

for lines 16 to 34, substitute:

"the quantity of cotton fabrics exported by such mill or group of

mills during the three years commencing on the 1st day of April, 1953, and ending with the 31st day of March, 1956".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, line 17—

(i) after "during the" insert:

"three years commencing on the 1st day of April, 1953, and ending with the 31st day of March, 1956".

(ii) omit "relevant period".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2—

omit lines 35 to 39.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 3—

omit lines 1 to 17.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, lines 11 and 12,—

omit "or by any group of mills under a common owner".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, lines 16 and 17—

omit "or group of mills".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, line 19—

omit "or group of mills".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, lines 25 and 26—
omit "or group of mills".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, line 28—
omit "or group of mills".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, lines 38 and 39—
omit "or group of mills".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 3 stand part of the Bill".

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4, 5 and 6 were added to the Bill.

Mr. Deputy-Speaker: I now come to the Schedule.

Shri P. R. Patel: I have amendments.

Mr. Deputy-Speaker: All amendments of the hon. Member are out of order.

Shri A. C. Guha: I beg to move:

(i) Page 5—

for lines 8 to 16, substitute:

"(b) where the said quantity exceeds 5 per cent. of the export quota but does not exceed 10 per cent thereof:.....Nine naye paise per square yard."

(ii) Page 5, for lines 19 to 27, substitute:

"(i) on the quantity which does not exceed 10 per cent of the export quota.....Nine naye paise per square yard."

These are my two amendments to the Schedule.

Mr. Deputy-Speaker: I shall put them to the vote of the House.

Shri A. C. Guha: I want to speak on them for a minute.

Mr. Deputy-Speaker: He has said enough. I shall put them to the vote. The question is:

Page 5—

for lines 8 to 16, substitute:

"(b) where the said quantity exceeds 5 per cent of the export quota but does not exceed 10 per cent. thereof:..... Nine naye paise per square yard."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 5—

for lines 19 to 27, substitute—

"(i) on the quantity which does not exceed 10 per cent. of the export quota.. .Nine naye paise per square yard."

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That the Schedule stand part of the Bill".

The motion was adopted.

The Schedule was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Shri Kanungo: I beg to move:

"That the Bill be passed".

Mr. Deputy-Speaker: The question is:

"That the Bill be passed".

The motion was adopted.

MINIMUM WAGES (AMENDMENT) BILL

The Deputy Minister of Labour (Shri Abid Ali): I beg to move:

"That the Bill further to amend the Minimum Wages Act, 1948, as passed by Rajya Sabha, be taken into consideration".

As the hon. Members would be aware, the Minimum Wages Act, 1948, requires fixation of minimum rates of wages in specified employments by a specified date. As its provisions stand today, after two amendments made in 1951 and 1954, that date expired on the 31st December, 1954. The main object of the present Bill is to extend the time limit till the end of December, 1959. We have, of course, taken this opportunity also to propose certain other amendments with a view to removing difficulties experienced in the working of the Act.

15-35 hrs.

[PANDIT THAKUR DAS BHARGAVA
in the Chair]

The Minimum Wages Act applies to employments specified in Parts I and II of the Schedule attached to it. Part I of the Schedule contains a fairly long list of employments and Part II is concerned with the employment in agriculture. The number of workers in employments specified in Part I is estimated at 17 lakhs while that in agriculture is about 3.5 crores. Wage fixation in all other employments has been practically completed

but progress in respect of agriculture has been rather unsatisfactory. While a few State Governments have fixed the minimum wages in agriculture for the whole State, the majority of them have been able only to make a beginning. Without an extension of the time-limit, Sir, they are now without any legal powers to go ahead. I am not at all happy that it should have taken us so long to fix minimum rates of wages for agricultural workers, but hon. Members will concede that wage fixation in agriculture presents special difficulties. There is, for instance, paucity of relevant data. There is illiteracy both among the employers and the employees. The employers' capacity to pay is at times limited and the size of the holdings very small. It was in view of these difficulties that the Indian Labour Conference and the Minimum Wages (Central) Advisory Board recommended in 1954, in agreement with the Planning Commission, that wage fixation in agriculture should proceed on the basis of a phased programme all areas being covered within the period of the first Five Year Plan, i.e., by the 31st March, 1956. But the State Governments had no legal powers to fix minimum wages after the 31st December, 1954. I do not suggest, Sir, that it would have been possible for them to complete the process if the powers were there. My purpose is to point out that even where it was possible, no action could be taken in the absence of Parliamentary authority and the same state of things remains today. The State Governments' determination to go ahead with wage fixation in agriculture was reiterated at a Conference of State Labour Ministers held in November, 1955.

I have already mentioned, Sir, that one of the principal handicaps in fixing minimum wages in agriculture is the lack of relevant data. We are trying to fill in this gap. We have made arrangements for collection of weekly retail prices from 3,600 villages.

On the basis of this data, cost of living indices for agricultural labour will be compiled and this can be conveniently made use of by the State Governments in fixing and revising minimum wages for them under the Act.

I would now refer to some of the other provisions that we have put in Bill. Under the present Act, minimum rates of wages can be reviewed and revised, if necessary, at intervals not exceeding five years. In some cases, it has not been possible to review the minimum rates of wages within that period. But the Act, as it stands today, does not authorise review or revision after the expiry of five years. It is now proposed to amend it to remove these difficulties and also to provide that the rates in force immediately before the expiry of the period of five years should continue to remain in operation until they are revised.

The present Act also does not provide for entertaining claims other than those relating to payment of less amount than the minimum rates of wages, such as claims for delay in payment or non-payment of wages. Similarly, there is no provision for prosecuting the employer for non-payment or delay in payment. This difficulty is proposed to be remedied by applying the relevant provisions of the Payment of Wages Act with such modifications as may be necessary.

In cases where employers delay settlement of wages but on detection by inspecting staff, are prepared to make the payment, difficulty has been experienced in the disbursement of wages when the workers concerned have left the employment and the original claimants cannot be traced. The present amendment proposes that undisbursed wages should be deposited with the Commissioner of Labour or some other officer designated for the purpose and should be utilised for such purposes as may be prescribed.

Instances have come to notice, particularly in the Central P.W.D., where contractors, after Labour Officers have given awards against them for payment of wages to labour in accordance with the contractors' Labour Regulations, often manage to get attachment orders passed by the civil courts against their assets with the result that they successfully delay the payment of wages to workers resulting in protracted litigation. It is, therefore, proposed to amend the Act to provide that wages should have first priority over other liabilities and that any attachment of civil courts on the contractors' assets should not tie down the hands of the Department in settling the wages due to the workers.

I do not think it necessary to take more time of the House.

Mr. Chairman: Motion moved.

"That the Bill further to amend the Minimum Wages Act, 1948 as passed by Rajya Sabha, be taken into consideration."

Shri A. C. Guha: Mr. Chairman, I think this Bill is a confession of failures on the part of the Government. I am one of the original sinners who pressed for an amendment when the Bill came before the House in 1951. In clause 3, there was no time limit fixed for enforcing minimum wages for agricultural labour, but it was on an amendment of mine that a time limit was fixed also for agricultural labour. That was at the end of 1951.

I think this Act has come before this House for the fourth time to be amended. The Act was passed in 1948; it was amended once in 1949, again in 1951 and for the third time in 1954. Now in 1957 it has again come to be amended. In the meantime, almost a vacuum has been created. The Act has practically lapsed, as far as the effectiveness is concerned, after 1954. After that, the State Governments, even if they were anxious to enforce the provisions of the Act, have no legal authority to enforce them. I wonder how the Government could have allowed this

[Shri A. C. Guha]

sort of vacuum to have continued for about three years.

When I mentioned that this Bill is a confession of failures on the part of the Government, I should clarify what I mean to say. The implementation of this Act depends entirely on the State Governments, except for Centrally administered areas. It is not possible for the Central Government to compel the State Governments to take any measures that the Central Government may desire. I think similar statements have been made during the budget debate by at least two Ministers—the Minister of Community Development and the Minister of Irrigation and Power. I think he used a very poetic language that it is easier for him to tackle turbulent rivers, but it is not so easy for him to tackle the Chief Minister of any State. I do not put all the blame on the State Governments. They must also be having some difficulties. It is not that they have flagrantly violated the provisions of this Bill.

I said I was one of the original sinners to fix a date for enforcing the minimum wages as regards agricultural labour. But I think I have become somewhat wiser now. I cannot expect that even by 1959 it will be possible for the State Governments to enforce this Act, particularly in the agricultural sector; but, that is the sector where this Act requires to be enforced at the earliest. The Central Advisory Board set up under this Act recommended in 1950 that in making additions to the schedule of employments, the following employments should be given priority: Employments in which sweated condition and low wages prevail, and in which there is no satisfactory organisation of labour. These two conditions apply completely to the agricultural sector. But it has not been possible to do practically anything as far as the agricultural sector is concerned.

I think the hon. Minister has not been quite correct when he has mentioned the achievements of the different States in this regard. The other day in the course of some reply he stated that this report for the year ending 1954 may be taken as the....

Shri B. S. Murthy: (Kakinada—Reserved—Sch. Castes): Available data.

Shri A. C. Guha: Not only as the available data, but as the statement of the up-to-date achievements. I do not think anything has been done or could have been done after the end of 1954, because for all practical purposes, the Act lapsed after that date. From page 36 of this report, I find that for agricultural employment, only five States have taken some action, out of which Andhra only in 14 villages.

Shri B. S. Murthy: They have added subsequently four more villages.

An Hon. Member: A great achievement!

Shri Narayanankutty Menon (Mukandapuram): After the act expired!

Shri A. C. Guha: I have stated that the hon. Minister was not quite right in his estimate about the achievements of different States, as far as the implementation of this Act in the agricultural sector is concerned. I have said that this is the sector where this Act requires to be implemented at the earliest. It is so urgent that some step should be taken as soon as possible.

But I would like to draw the attention of Members to some report published by the Government of India as regards the conditions of labour. About two years ago, in another capacity I mentioned these figures and I recollect distinctly you, Sir, questioned the authenticity of the figures and asked me wherefrom I was quoting. I mentioned that I was quoting from the Agricultural Labour,

a report published by the Government of India. I again refer to that report now. In Northern India, the per capita income of an agricultural family is Rs. 131; in East India Rs. 118, in South India Rs. 91, in West India Rs. 91, in Central India Rs. 91, in North-West India Rs. 139. All India—104. This is the position given out in the Government report. I think it was published in 1954 yes, May 1954.

In the same report, I find a comparison of the incomes of an agricultural family and an industrial family. The percentage of per capita income of agricultural labour to industrial labour in West Bengal is 59, in Bihar it is 36, in Madhya Pradesh 33, in Orissa 54, in Punjab 56 and in Bombay 24. You can realise the financial and economic position of agricultural labour in India. If this Act requires to be implemented anywhere, that is in the agricultural field. If the Government has to take any action for safeguarding the interests of labour, I think their first charge is agricultural labour. As the Central Advisory Board has stated, where labour is sweated and not properly organised, that should have the first priority. In the industrial field, it does not so much require any Act to be passed by this House. They are competent enough through their organised effort to enforce certain minimum wages to be paid to them. They have organised strength to extort their dues from the employers. It is only in the agricultural field where they are completely disorganised and dispersed throughout the country that they require some protection from the Government, some legislative measures, from this House to protect their interests.

I am quoting another figure. You will find that the total number of agricultural families in India is 22·7 per cent. but their total income is only 8·3 per cent of the national income. That also given an idea of the economic position of agricultural labour. Their population strength is

22·7 per cent of the whole population, but their income is only 8·3 per cent of the total national income. That means, near about one third of what they can expect on the population basis.

Apart from the failures of the State Governments, this Act provides so many exemptions that any Government, if it is shrewd enough, can escape all the provisions of this Act without being held accountable by any authority. Section 26 gives the State Government practically complete exemption from any of these obligations. There is another proviso to section 3 which says that the appropriate Government may, instead of fixing minimum rates of wages under this sub-clause for the whole State, fix such rates for a part of the State or for any specified class or classes of such employment in the whole State or part thereof, as the Andhra Government has done in 14 villages out of the whole State. That is not implementing the Act. That is not also paying any respect to the wishes of this House which passed this Act about 9 years ago. I think this proviso gives a big loophole for the State Government to escape real the obligations under this Act. They may enforce the provisions of the Act in one or two villages and say, all right, we have enforced it in the agricultural field. Again an exemption proviso has been put in the Bill. That should not have been allowed and I think that should not be allowed.

I have stated that the condition of agricultural labour is very bad. I think it has been made worse by some of the measures which the Government took, of course, with very good intentions, with the intention of improving the economic conditions in the country, I mean the abolition of zamindari. That was by itself a good measure. But, that has adversely affected the lot of a number of agricultural labour. I can speak for my own region. There was a class called Bagchasis. They were cultivating the lands of others, getting a half or

[Shri A. C. Guha]

two-third of the crop harvested. After the abolition of the zamindari, everybody has become afraid that if a share-cropping cultivator is allowed to cultivate the land, the land will become inalienable from that cultivator and he won't have possession of the land. This share-cropping system has almost ceased to exist with the result that quite a number of agricultural labourers have become more or less pauper and they have no avocation to fall back upon.

There is another report of the Government of India: Agricultural Wages in India. It is stated here that land tenure and tenancy have a vital bearing on the condition of agricultural workers. Unless a proper agrarian policy is accepted, not only accepted, but properly implemented, I think no State Government would be in a position to protect the interests of agricultural labour.

Along with this, I hope the Labour Ministry would take up the matter with the appropriate authorities here and with the State Governments. After the abolition of zamindari, they should not hold their hands back. That is a half measure, that has created a number of problems in various States. That measure has to be taken to its logical end. That means, a proper agrarian reform should be adopted and land should be distributed in a proper manner so that a number of agricultural labourers may get some land out of the land taken from the big farmers.

Moreover, I think there should be some scheme or plan for development of cottage industries. The per capita availability of agricultural land in the country may be 7.5 acres. In most of the States, it is near about two acres. In West Bengal, it is two acres and in Kerala it may be less. It is not possible to absorb 22 or 23 per cent of our population in surplus land that may be available even through Bhoodan or Gramdan. Some other scheme to absorb them in some

small-scale industries has also to be taken up if the Labour Ministry is really anxious to give some relief to rural labour. They are now, by necessity, agricultural labour. They may be diverted to some other form of labour.

With these words, I conclude my speech and I think this Bill should be the last amending Bill as far as minimum wages are concerned. It is, I should say, a shame on the part of this House and also not a creditable thing on the part of the Ministry to come before this House repeatedly for shifting the dates for implementing this Act. They should take sufficient precaution and fix the date in a manner that the Act may be implemented by that date.

16 hrs.

Shri Narayanankutty Menon: Before offering my comments on the provisions of this amending Bill, I would point out, as has been mentioned by the previous speaker, it was nine years before when for the first time Parliament passed the Minimum Wages Act. If we have a cursory glance at the proceedings of the House then, we will find that it was the specific understanding at that time that the legislation was not intended for eternity to come, it was intended only to have a small beginning to fix the wages of at least the sweated labour in the year 1948. The time limit was originally fixed and the intention of fixing the time limit at that time was indirectly to give a mandate to the States to fix the minimum wages in the particular industries specified and especially of agricultural labour under Schedule II, so that the State Governments may not by any reason whatsoever delay the fixation of the minimum wages. But as has been already pointed out, two or three times amending Acts have been passed, and the time fixed in the last amending Act was 1954.

Even though for a large number of industries specified in Schedule I many State Governments have fixed the

minimum wages, so far as agriculture labour is concerned, the fixation of minimum wages till now in any State is confined to the absolute minimum, absolutely nil.

The total number of agricultural labourers in India comes to about 80 million and when such a large number of workers are affected by this piece of legislation and when no major State has taken any step to fix minimum wages for these people who are definitely sweated labour, I submit the Government is guilty of criminal delay in getting an amendment of this Act passed, even though the original provisions expired in 1954.

The hon. Minister when commending the Bill for the consideration of the House did not, as presumably he could not, give any excuse for the Government not bringing forward this amending Act for the last three years. What was the technical difficulty confronting the Government in bringing forward this amending Act since 1954? What was the legal difficulty confronting the Government all these three years in bringing forward this small piece of legislation which is to substitute 1957 or 1958 for 1954. The hon. Minister has not given any excuse for this.

The hon. Member from the other side, when he spoke, said that as a matter of fact if the amending Act had come long before, the State Governments would not have been in a position to fix minimum wages for agricultural labour because they were confronted with various difficulties. Whatever might be the merits of the argument that the wages to be paid to agricultural labour or the solution of unemployment among these 80 million workmen is integrated or closely connected with the problem of land reforms, it would have been possible to fix minimum wages provided the State Governments had the power.

I might remind the hon. Minister that in the State of Kerala in 1953 the Minimum Wages Committee to fix the minimum wages for agricul-

tural labour was formed and within a very short time that committee gave a very comprehensive report fixing the minimum wages for all categories of agricultural workers. The difficulty was not with the committee in fixing the minimum wages, the difficulty was not in having a conception of the minimum wages for agricultural workers, the difficulty was not that the land in that State was fragmented, but the difficulty was the Government's refusal to publish the report of that committee and to refer it to the advisory body so that a notification could be issued fixing the minimum wages there.

In April this year the Kerala Government gave us to understand in public that it wanted the Government of India to get this Act amended because it was facing a serious problem in the rice-producing area of the State when a number of gentlemen who were the monopolists of the land in the rice-growing area there held the entire people there to ransom because the agricultural labourers demanded payment of the minimum wages as per the report. Confronted with the serious situation, even though the Government of India's Labour Ministry knew the problem and the Kerala Government were ready to issue a notification and the report of the Minimum Wages Committee was ready there, the Government of India still waited and we should thank them for succeeding in getting five hours to pass this legislation towards the fag end of this session.

After referring to the delay in bringing forward the legislation, I should offer a few remarks about the basic trouble that was confronting the Government from 1948 onwards when this legislation was brought forward first. It is true that committees could be appointed under this Act. It is true the committees could report on the minimum wages to be paid, and it is true that the State Governments could issue notifications to implement the reports of the committees. But right from the year 1948 onwards, even though the First Five Year Plan is over and the Second

[Shri Narayanankutty Menon]

Plan is already on the anvil, the Government has refused to declare that they have any labour policy or what their labour policy is.

If you have a cursory look at the reports of the numerous committees appointed by the various State Governments and the recommendations of those committees, you will find that one report contradicts the other, though the statistics and the data relied upon by these committees are the very same, namely, those that have been supplied by the Government of India which itself has come out with the statement in public and admitted that their data are not necessarily true and correct. The ultimate result of this lack of basic declaration of labour policy is that the very conception of the minimum wage, the very conception of a fair wage, the very conception of a living wage has been understood differently by different committees, and in areas with similar cost of living index and similar living conditions you will find different types of minimum wages being fixed. The ultimate result is that there is no common norm for a minimum wage throughout India today. Why not this Government, when at the close of the first year of the Second Plan they have declared and agreed at the Indian Labour Conference that they accept a certain norm for fixing minimum wages, declare what their conception of the minimum wage is and what their policy towards minimum wages is for the benefit of these committees?

After the parent Act was passed a committee was appointed by the Government of India, that is the Fair Wages Committee. It submitted a report in which it has categorically stated the norms and conditions under which wages are to be fixed and paid. So far the Government has refused to accept the report. Therefore, that report is lying in the archives of the Labour Ministry. Even with this amendment, if committees are to be appointed, they are left in darkness as

to how minimum wages are to be fixed.

The Government declare their labour policy at different times in different ways. At one time they say that during the Second Plan no increase in wages should be asked for because there will be inflation and the Plan will be in danger, and hence the wages should be frozen. Confronted with a strike threat from the working class because the cost of living index has risen high, cornered to that position, they come out and say there will be limited wage increases. In this context who is asked to suffer? The sweated labour alone, because industrial labour is more organised, is able to bargain with the employers.

When the question of agricultural labour comes up, very different considerations come in. The first consideration is that agricultural labour in this country is far less organised than industrial labour, and therefore their bargaining capacity is far less. Speaking from experience of my own State, I may say that when the question of fixing minimum wages for agricultural labour comes, over all this time from 1948 to 1956 we find that all the landowners belong to a particular party which has got a very definite hand in fixing the minimum wages and bringing out the notification. The result was that till 1956 even though the report was ready, because of the pressure of the landlords upon the Government the Government refused to implement it. . .

Shri Abid Ali: Certainly not.

Shri Narayanankutty Menon: . . . did not do it, and therefore for three years this Government has waited.

We have found the difficulties of the Government in bringing forward this legislation. We have found in this House itself that for the mere creation of an Upper House in Andhra and for increasing the strength of the Upper Houses in different States, Government could find time. But the

Government could not find two hours all these three years that Parliament sat to get 1954 amended to 1959. I submit that it was ridiculous. If at all there is an excuse, that could only be the excuse of unwillingness.

After all this delay, after taking so much time, Government have come today with an amending Bill, if you read the amending Bill you will find its provisions far worse than those of the original Act itself. From all sides it has been stated that we have now reached a definite stage in our economy today that for assessing the quantum of the wages to be paid to the agricultural and other workers there should be a normal conception of wage throughout India and the minimum wage or fair wage or living wage should be fixed by accepting certain national norms. Instead of doing that, they again leave it to the various State Governments to fix their minimum wages, if they choose to fix the same. Also, all defects and irregularities in the original Act have been retained here.

Take, for example, the question of bonus. In certain industries in which minimum wages have been fixed, the question of bonus has been the subject matter of much controversy. Even though the Government at times used to accept that the workmen are entitled to get bonus as deferred wages or as a question of profit sharing and in various pieces of Central legislation. Government defined wages as inclusive of bonus as far as the Minimum Wages Act is concerned, the conception of bonus is altogether disregarded and bonus will have to be claimed separately, so that a basic wage could not be fixed inclusive of that. There are certain other types of industries in which because of the peculiar wording of the Act, only wages could be fixed and any sort of other peculiar allowances paid because of the different nature of that industry would not be included in this. This is especially so in the case of the motor transport industry and the water transport industry. Many State Governments fixed minimum wages inclusive of the customary *bata* that has

been paid to the crew of the transport. The ultimate result was that the employees went to the High Court. The High Court agreed that *bata* was not included in the definition of 'minimum wage' under the Minimum Wages Act. *Bata* is that quantum of remuneration paid to meet the extra expenses because of the peculiar nature of that particular business. No attempt has been made to include that also.

Another thing is this. I do not know how Government, when contemplating a legislation, do not review the working of the Act for the previous years and get the defects which have come to light in the light of the experience gained, rectified in the legislation. Many High Court have said that it is very very difficult for these committees to fix minimum wages as contemplated in the Act and also as amended today. I will read to the Minister clause 3(b):

"minimum rates of wages may be fixed by any one or more of the following wage periods, namely, by the hour, by the day, by the month, or by such other larger wage period as may be prescribed".

It sounds quite right. But in many many industries which are of a seasonal and intermittent character, it is impossible to fix the minimum wage as per this definition. For example, in an industry which runs 20 days a month, minimum wage could not be fixed for a monthly period, because the employer sometimes cannot pay the 30 days' wages. Minimum wage cannot be fixed by the hour because sometimes the work comes down to 4 days a month. Therefore, it will be absolutely inadequate. In certain States, to conform to the requirements of these industries, the Minimum Wages Committees recommended the fixing of monthly rates of wages over and above the daily and hourly rates both to run concurrently so that some answer could be found out for the seasonal nature of the industry. When minimum wages were so fixed, the

[Shri Narayanankutty Menon]

employers took the matter to the High Court. The High Court said that minimum wage could not be fixed for the hourly, daily and monthly basis, and all that the workmen got by the notification in those States for two years has been quashed by the High Court. The employers were let loose and so for three years nothing has been paid.

Now, under the amending Bill, nothing would be fixed and in the case of the majority of industries in India where sweated labour is employed, in those industries of a seasonal and intermittent nature, the employers will escape free from the clutches of this Act.

Even though there are many other defects in the working of the Act, in getting notification implemented and the penal provisions carried out, for want of time, I will confine myself to making an appeal to the Government. As they themselves agreed at the 15th Labour Conference to fixing a norm for minimum wages, let them scrap the whole legislation including the amending Bill and let them bring forward comprehensive legislation which gives some mandates for those committees to fix the norms of minimum wages. Then there shall be uniformity and under the guise of legal technicalities, employers should not escape by going to the High Courts, as we have found with regard to the wage fixation by many committees. I hope before the close of the Second Five Year Plan at least Government will come forward with a definite wage policy in between the basic minimum wage, fair wage and living wage,—a fictitious conception only dabbled before the working class today. We should have very comprehensive legislation which will not leave any loopholes. I once again draw the pointed attention of the hon. Minister to clause 3(b) where there is a serious defect and appeal to him to rectify it so that provision may be made to fix minimum wages on hourly, daily, and

monthly bases running on a cumulative basis.

Shri S. L. Saksena (Maharajanj): This Bill has come, I think, as a confession of failure on the part of this Government. Probably it has been compelled not to bring it before because some State Governments did not want to enforce the provisions of this Bill.

I was very sorry to hear the speech of the hon. Minister on a Bill like this brought three years after the expiry of its real functioning. He did not tell us the main things about it. He did not tell us why he could not bring it at the proper time before the House. He has not said about the experience of the working of this Act in all these years, which Governments have taken advantage of it, which have not, how many workers have been included under the benefits of this and how many have not been and so on. He could easily have told us these things. He could have told us how the provisions of the Act were nullified at least partially by High Courts and how this new piece of legislation would try to get over those difficulties. The House has been kept completely in the dark about the working of this Act. A very short speech has been made at the consideration stage which shows how much concern the Government have for the interests of labour.

I remember the time when this Bill was brought originally before the House. Probably but for Shri Jagjivan Ram, who keenly felt about the necessity of it, it would not have been brought at all. He took great pains to bring the first Bill before the House. A beginning was made then; before that time, this matter had not been touched by legislation.

I am sorry to say that during the last four years nobody has cared to look into the working of this Act, to amend it properly and to make it comprehensive enough to include the large number of workers who are not already cared for.

Sir, today the whole country talks of food scarcity and all those things. The Prime Minister always says that food production is the basis of the Plan. But have Government ever cared for those who produce the food? The hon. Minister said that 3.5 crores is the number of workers in agriculture who would be benefited by this. But the statistics and the reports give a large number. The number of persons engaged in agriculture having no land is much larger. My hon. friend told us that it is 80 millions. Let us take it just midway between these two figures. Even though such a large number of workers are affected by it, nothing has been done even now to bring in a comprehensive Bill in order to see that this kind of labour is really enthused to work and produce more foodgrains.

I would have been happy if the hon. Minister had shown the needed enthusiasm to ameliorate the lot of agricultural labour. He has not distributed land to the landless labourers in order to enthuse them to produce more food. If land could not be distributed, he could have at least made for them conditions in this Bill which would have induced them to produce more food.

This Bill is practically a retrograde Bill, as my hon. friend said. There is nothing to make it advanced. What was necessary was to bring in a comprehensive Bill which would have given the labour real enthusiasm to work and get a fair deal. But, nothing has been done. Even those lacunae pointed out by the High Courts have not been cured in this Bill.

Shri Abid Ali: Which High Court?

Shri S. L. Saksena: In this Bill you have brought.

Shri Abid Ali: Which High Court was the hon. Member referring to?

Shri S. L. Saksena: He was not here when my hon. friend just now quoted some decisions of the High Courts which nullified the action taken by some Governments under this Act. If he had known them, probably, he

would have been in a position to amend this Bill properly. It is surprising that the Minister does not even know those decisions which are against the functioning of the Act.

Apart from agricultural labour, the Bill also deals with 12 other industries which are in the list and these are very important industries. Some of them are small industries like biri making. I think the number of people engaged in it may run into several millions. But the conditions of labour are most primitive. They have almost no protection. Even the Unions that are formed are broken by the owners and without any remedy from the State either by a Board or any other machinery.

In other industries also the Act has been almost completely non-existent. Nobody has ever cared to apply the provisions of this Act. If the hon. Minister had told us which States had taken advantage of it, it would have been obvious to the House that a very large number of the State Governments have not availed of it. Only five State Governments had taken advantage of it and as my hon. friend suggested only a few villages have been brought under this Act. That shows the concern we have for agricultural labour.

We talk very loud for the welfare of the poor farmer, the agricultural labourer and the others. We want to produce more food but the concern which we really show for them is obvious. Therefore, I would suggest to the hon. Minister that this Bill be not pursued here. He need not bring in here and now but he may at least promise here that he will bring in a more comprehensive Bill very soon which will include all aspects of agricultural labour and all industries which are small and this Government should not leave it to the State Governments to choose whatever they deem proper. The nation should come forward at least in the Second Five Year Plan and must get at least the minimum living wage. If it is done some real advance would have been made. If you leave it to the

[Shri S. L. Saksena]

States, you can never have uniformity. One State will put one figure, another State will put another figure and it will depend on the character of the persons enforcing it. What we really need is a comprehensive Bill which will give labour real interest in working on agriculture. Otherwise you cannot expect labour to put its full heart into the agricultural operations or to produce what we require for our national Plan and our country.

It is no use going into the clauses because, I think, the original Act is better than this. There are very small amendments which do not make any fundamental change in the Act. It would be much better if the hon. Minister had moved only for its continuance so that Government may take advantage of the time and then bring forward a more comprehensive Bill to cover all agricultural labour as well those industries which have been mentioned which may really enthuse our workers to fulfil the Plan.

Shrimati Sucheta Kripalani (New Delhi): Mr. Chairman, Sir, rather late in the day, this amendment of the Minimum Wages Act has come before us seeking extension of time. This opportunity has been availed of by the Minister to introduce certain amendments which will give greater protection to the workers and remove some of the anomalies. As far as the amendments are concerned, I certainly support the Bill.

I would like to take this opportunity to assess the working of the Minimum Wages Act to find out to what extent advance had been made towards fixing minimum wages on an all India level. Nine years have passed since the Act was passed. It is a long enough time, a period within which we have a right to expect some tangible results.

In economically advanced countries, by statute, the minimum wage is fixed in order to give protection to sweated labour. How much more it is necessary for a country like ours, an

under-developed country where labour is not yet properly organised and their power of bargaining is very weak and naturally the only protection they can get is from Government, to have such measures?

You know that the demand for fixing the minimum wage has been old standing in this country. In 1928, when the Royal Commission on Labour enquired into the question, they recommended the immediate setting up of a machinery for wage fixation. It took us 20 years to implement that intention into action. In 1948, we passed that Act after we became independent. Now, I would like to ask whether we will have to wait another 20 years to see that the provisions of the Act are properly implemented. It is very depressing to find that the Government have thought it fit to come again and again only wanting extension.

In 1948, when the Bill was passed the difficulties of administration were appreciated and the Government was given time to implement the provisions of the Act. It was understood that the wages for industrial labour would be fixed within 2 years and those of the agricultural labour would be fixed within 3 years. The rules were framed in 1949. The State Governments were asked to take action; by 1950, the Central Advisory Board was appointed and the competent authorities in the States were also appointed and it was expected that by 1950 something would be done. But nothing was done. Therefore, in 1951, 1952 and 1954, again and again the Government sought to come before Parliament seeking extension of time. I hope now, when the extension is sought up to 1959—11 years would have passed by then since the passing of the Act—this would be the last time and no more extensions will be sought and the provisions of the Act will be complied with.

I would like to go into the question of the assessment of the working of the Minimum Wages Act which I

consider to be more important than even the lapse of not having the work done in the fixed period. I do appreciate that to fix minimum wage for agricultural labour is very difficult. I appreciate the remarks made by the hon. Minister. Ours is a very vast country and the problem is very vast. We have our uneconomic holdings; we have seasonal labour; we have illiteracy; both the land owner as well as the worker are illiterate. So, there are innumerable difficulties. Therefore, the fixation of minimum wage for agricultural labour is not an easy task. But that does not mean that I am excusing the Government for not having done anything. The work must have started. And, I would like to see what has been done in the field. Under part I of the Schedule, the minimum wage should be fixed for 12 industries under section 3 of the Act. It was also stipulated that no wage would be fixed in such industries where there are less than a thousand labourers.

Let us examine how the Act has been implemented in respect of these twelve industries. I do not wish to take the time of the House by quoting from this report; I will do so at another stage. The report tells us about the different industries and the States which have implemented this Act and what rates have been fixed. Three points emerge very powerfully from this report and they are: firstly, no proper or reliable statistics about the numbers of persons employed in the different industries are available. Secondly, all the States have not implemented the Act. Thirdly, the wages fixed vary greatly from State to State in identical industries.

For instance, in the woollen industry, the wages fixed are from Re. 1 to Rs. 1-12-0. The difference is not great. In rice milling, flour mills and such industries, wages vary from twelve annas in Madras to Rs. 2-5-0 in Bombay. In tobacco industries, it varies from twelve annas to Rs. 2-8-0. Then, in building industry, it varies from Rs. 15 to Rs. 80 a month. In road construction, it varies

from eight annas to Rs. 4-8-0. Only in the lac industry, the variation is not great 15½ annas to Rs. 1½.

I am particularly drawing your attention to these details because they are very interesting. I come to the following conclusion from a study of this report. No information regarding persons employed in particular industries is available; whatever is available is based on the 1951 statistics. The report published by the Labour Bureau states that no State Government has taken steps to conduct an employment census. They have not even made an attempt. Therefore, in the absence of any proper data on the employment of sweated labour, what steps can be taken with regard to the enforcement of the Minimum Wages Act? The basic factor for the implementation of the Act is absent. Whatever wage is fixed, in these circumstances, will not be on a rational basis.

In fixing wages, certain other points have been ignored. In most of the States—except Bombay—while fixing the wage, they do not differentiate between rural and urban areas. We know that higher rates should be fixed for urban areas because of the higher cost of living there.

Secondly, the most important point is the variation of rates in the different States. In one State a person gets eight annas; in another State a person employed in the same industry gets Rs. 4-8-0. That raises the question: what is the minimum wage? How is this variation justified? What is the purpose? We pass these laws in order to give some living wage to the worker. If such variations are allowed, the whole purpose is thwarted. So, the Government should lay down as to what are the principles governing the minimum wage? Is it a living wage? There should be certain principles.

The other point that arises is this. How does this minimum wage compare with the food prices? What is sold at Rs. 14-8-0 per maund; the price of rice is higher. The worker who gets eight annas as his minimum

[Shrimati Sucheta Kripalani]

wage is not in a position to buy cereals, leaving aside salt or anything. He cannot meet his requirements. That is not a minimum wage. A State which fixes such a minimum wage commits an atrocity on the worker in the name of protecting him.

While fixing the minimum wage, some consideration should be shown to the nature of the industry. In organised industry, the minimum wage should be higher than in cottage industries. But, in an organised industry, the wage is eight annas; in spinning, it is twelve annas. All this has been done again in the name of minimum wage. This is no minimum wage at all from my view.

In none of the States while fixing the wage, they have attempted to fix the same rate for the male and the female worker. The principle of equal pay for equal work is accepted all over but no regard is paid to this principle in the States.

Now, about the question of enforcement. Even where the Government has taken action to fix a minimum wage, unless there is a proper machinery for the enforcement, we do not know what is done. We know what the employers are likely to do. I do not think that any State has sufficient number of inspectors to go round and see that the Act is properly implemented. Even the inspectors who work under the Shop and Establishments Act are not able to inspect all the industrial establishments. I am told that forty per cent. of the industrial establishments are never visited by them. Only ten per cent. of the establishments are visited a third time. These inspectors are more often burdened with further tasks like this also. How can they be able to cope with the work?

I would like to give an example of how inspectors function and what kind of work can be expected out of these inspectors? If so much work is

expected of them, what can they do? I do not want to say from where this report comes but it is from a very reliable source and it says;

"I have come across a person who was a conciliator, labour officer, conciliator under the Central Act, was asked to work under the Provident Fund Commissioner and also Payment of Wages Inspectors. He has had to perform other miscellaneous jobs."

Shri Abid Ali: It depends upon the quantum of work also.

Shrimati Sucheta Kripalani: You can see. With all these headings and sub-headings, the quantum would be so great that you will require a Napoleon to cope with this task; an ordinary man would not be able to do this work. If you really want this Act to be implemented, the inspectorate should be amply strengthened.

I now come to the question of agricultural labour. Much has been said about it and I do not want to repeat. It is a stupendous task. Yet, some beginning can be made and I would like to make some suggestions. We cannot all of a sudden start all over the country. The agricultural labourers are of two kinds: casual labour and attached labour. It is difficult to bring in the casual labour. But for attached labour working in the bigger holdings, they are more or less working permanently and for them minimum wages can be fixed. According to the all India average, the number of days they work in a year comes to 326 days as against 200 days of casual labour. So, they are more or less permanent labour. We can begin with the attached labour and when that is accustomed to it, we can bring in the casual labour also gradually. So, in the bigger holdings, a beginning can be made. Once attached labour gets used to it, they can be organised and casual labour also can be brought in gradually and thus we can cover the whole area.

Again, we should divide our agricultural holdings into three categories: less than ten acres; ten to twenty-five acres and more than twenty-five acres. Roughly speaking, these three types of holding occupy in our total acreage 33 per cent., 32 per cent. and 35 per cent. respectively. So, if we start at least in the latter two then we at least start in above 75 per cent. of our agricultural area. We can start by fixing minimum wages in the bigger holdings and for attached labour, and gradually it will come down.

There are other methods. You can give incentive to land owners who give minimum wages to their workers. For instance, when you want to give assistance in loans, in the purchase of his commodities and other methods, if you help the land owner who gives minimum wages to his workers you can encourage the work of fixing minimum wages in the rural area.

I do not want to take more time, but I would like to say that the review of 9 years is a very sad reading. I am glad that the Minister did not try to slur over it, the Minister was honest enough to express his own dissatisfaction with the progress of the work. That was, to that extent, very good. I feel, if the Government makes up its mind to act vigorously and vigilantly and also in a rational way it can achieve much success. I have just shown that the fixation of minimum wages has been done in such a way that there is no rationale behind it. You cannot even call it a minimum wage, the wages that you have settled.

If a determined effort is made in this direction, if the Government is vigilant, if the Government takes into account the steps taken by the State, inspects it properly and supervises it properly, I am sure some changes can be introduced, and this kind of haphazard fixation of wage, this kind of neglect of the worker will come to an end. We have passed this Act with the idea of preventing sweated labour. If we cannot prevent sweated labour, if we give sweated labour

such wages which in themselves can be considered sweating wages, then you are not protecting the labour at all; you may as well not pass the Act.

Mr. Chairman: Shri S. M. Banerjee.

Shri S. M. Banerjee (Kanpur) rose.

Shri B. K. Gaikwad (Nasik) rose.

Mr. Chairman: I have called Shri S. M. Banerjee.

Shri S. M. Banerjee: Mr. Chairman, Sir.....

Shri B. K. Gaikwad: Sir, it would be better if you read out the names of Members whom you propose to call. You do not know the names of us and it will be difficult for.....

Mr. Chairman: Order, order. It is quite true that I do not know all the names. But, at the same time, there is somebody who takes care of all the Members here who want to speak. There is some power—either the Speaker, the Deputy-Speaker, or the Chairman—who is in charge of this. He takes care that all the parties are represented and all individuals also get a chance. Even if I do not personally know a Member, I have got directions from the Deputy-Speaker who was in the Chair before me as to whom to call and whom not to call. So the hon. Member need not complain that I do not know his name.

Shri Surendranath Dwivedy (Kendrapara): Sir, I would request that the names may be read out.

Mr. Chairman: There is no question of reading out the names. I do not know how the hon. Member takes courage of asking the Chair to read out the names. It is very unusual to do so.

Shri Surendranath Dwivedy: It is only a question of convenience, and it was done previously also.

Mr. Chairman: Order, order. This is not the way to behave in the House. The hon. Member is ordering the Chair to read out the names whom the

[Mr. Chairman]

Chair wants to call. The convention is that when a Member stands up and catches the eye of the Speaker, he is called. How can any hon. Member force the Chair to read out all the names. There is no settled list. When Members stand up the Chair chooses whom to call and whom not to call. You want to take away that power of the Chair?

Shri Surendranath Dwivedy: That was not my purpose. We have been following certain conventions in this House. As the hon. Member Shri Gaikwad pointed out it is possible that you may not know all the names. There are lists before you. You have got directions from the Deputy-Speaker and the Speaker. What I wanted was to know the names of Members who are likely to be called. I did not insist on anything.

Mr. Chairman: It has been pointed out many times that there is no settled list with the Chair. As soon as a Member stands up, if he is a Member who will contribute something to the debate, if he is a person who has not spoken so far, if he is a Member of a particular party—all these considerations are present in the mind of the Chair—and a Member's name is called out. To ask the Chair to read out certain names in advance is rather too big an adventure for any hon. Member to make. It is something unusual to ask the Chair to read out the names of Members who are to be called with the possible result that the House may be denuded of all persons and those who are not to be called may go out.

श्री स० म० बनर्जी : चेयरमैन महोदय मुझे सुशी है कि कम से कम एक साल के बाद हमारे श्रम मंत्री जी को हमारे मजदूरों का खयाल तो आया जो हमारे हिन्दुस्तान में लाखों की तादाद में हैं। लेकिन साथ ही साथ मुझे उस प्रमेडमेट का देखकर अफसोस भी हुआ जो कि मूव किया जा रहा है। वह इस प्रकार है :

"In clause (a), for the figures "1954" wherever they occur, the

figures "1959" shall be substituted".

१९५४ तक अगर हम मिनिमम वेजेज का फायदा मजदूरों को नहीं दे सके हैं तो मुझे मालूम नहीं कि अगर हम इस की उम्र बढ़ाते जायें तो कहां तक उन को फायदा पहुंच सकता है। कहीं ऐसा तो न हो कि हम इस की उम्र बढ़ाते जायें और हमारी प्रान्तीय सरकारें या जमींदार या छोटे छोटे उद्योग इस का नाजायज फायदा उठा कर १९५६ तक इस चीज को टालें। शायद मंत्री महोदय के दिल में यह आशा हो कि इसका जायज फायदा हमारे मजदूर भाई उठा सकेंगे लेकिन मुझे तो ऐसा लगता है कि इस का नाजायज फायदा हमारे कुछ मालिकान उठावेंगे और इस को १९५६ तक ले जायेंगे और उसके बाद कहीं ऐसा न हो कि १९६० में जब यह मिनिमम वेजेज ऐक्ट सदन के सामने आये तो मंत्री महोदय यह कहें सन् १९५७ में १७ लाख को लागू हुआ था और अब १८ लाख को लागू हो गया। इसलिये मैं चाहता हू कि इसकी उम्र न बढ़ाते जाये जिन का नाजायज फायदा दूसरे लोग उठा ले।

इस के अलावा मुझे यह कहना है कि आज हमारे यहां खेतिहर मजदूरों की बहुत बड़ी तादाद है जो कि मिनिमम वेजेज में नहीं आती। इन की तादाद लगभग साढ़े तीन करोड़ है। इन को मिनिमम वेजेज लागू करने को कहा जाता है तो जवाब मिलता है कि पासिटी आव डाटा है और एम्प्लायर और एम्प्लोईज दोनों में इल्लिडिरेसी है। लेकिन एक चीज नहीं कही गयी और वह यह कि शायद लेबर मिनिस्ट्री का उन की तरफ स इंडिफिरेन्स भी है वरना इन वजहों से एक ऐक्ट का उन पर लागू होना नहीं रुक सकता था। आज ये तीन करोड़ मेहनतकश किसी त ह से भी फाकाकशी का मुकाबला नहीं कर पा रहे हैं। मिनिमम वेजेज ऐक्ट रहते हुए भी वे उस का फायदा नहीं उठा सकते हैं तो फिर ऐसे कानून को बनाने से बड़ा फायदा।

दूसरे में मंत्री जी का ध्यान बिल्डिंग वर्कर्स की तरफ धार्षिक करना चाहता हूँ जो कि हमारे निर्माण के कार्य में हाथ बंटा रहे हैं। अगर हमें दूसरी पंचवर्षीय योजना को कामयाब बनाना है तो जरूरत इस बात की होगी कि देश का निर्माण किया जाये। जितना निर्माण का कार्य बढ़ता जायेगा उतनी हम को मजदूरों की जरूरत होगी। इसी दिल्ली शहर में आप देखें कि तकरीबन एक लाख मजदूर बिल्डिंग वर्कर्स के नाम से काम कर रहे हैं। १९५४ में एक दफा शायद उन का सर्वे करने की कोशिश की गयी थी कि कितने बिल्डिंग वर्कर हैं लेकिन वह सर्वे शायद पूरा नहीं हुआ। आज भी हमारे पास कोई फिगर नहीं है जिस के बूते पर हम कह सकें कि कितने मजदूर ऐसे हैं जो कि कंस्ट्रक्शन के काम में लगे हुए हैं। आप दिल्ली में बिल्डिंग वर्कर्स की हालत को देखें। मैं माननीय मंत्री का ध्यान उन बस्तियों की तरफ दिलाना चाहता हूँ जो कि पट्टागंज से रोहतक रोड तक चली गयी है। मैं उन से दरखास्त करूंगा कि वे कभी वहां पर जा कर उन मजदूरों की हालत को देखें, उनके गिरते हुए मकानों को देखें, उन के सिसकते हुए बच्चों को देखें, उन की तरफती हुई बीवियों को देखें तो उन को मालूम होगा कि जो लोग आज देश को बना रहे हैं उन की हालत ऐसी है। उन की हालत के लिये यह नहीं कहा जा सकता कि तंगदस्ती है, लेकिन अगर उस से भी खराब कोई हालत हो सकती है तो वह उन की हालत है। उन के रजिस्ट्रेशन का कोई सवाल नहीं है। उनके कोई फिगर हमारे पास नहीं है। हम नहीं कह सकते कि मिनिमम वेजेज एक्ट लागू हो रहा है या नहीं। अगर उन के पास पैसा होता तो वे मुकदमा करते हैं, अगर पैसा नहीं होता है तो उन की पसीने की कमाई का ज्यादातर हिस्सा मालिक से जाते हैं। क्या कभी इस चीज का हिसाब किया गया है कि जो मजदूर निर्माण कार्य में लगे हुए हैं, जो ठेकेदारों के मातहत काम करते हैं उन मजदूरों को उन ठेकेदारों की कमाई और प्राफिट का कितना हिस्सा वेज की शक्ल में मिलता है जिन के बूते पर यह मुनाफा किया

गया है। मैं दरखास्त करूंगा कि इन वर्कर्स की तरफ आज हमारे मंत्री महोदय ध्यान दें।

उस के बाद मैं उन का ध्यान दिलाऊंगा एम० ई० एस०, सी० पी० डब्ल्यू० डी०, और रेलवे और दूसरी कंटेक्ट लेबर की तरफ। कंटेक्ट लेबर का आज बहुत शोषण हो रहा है। मेरे पास इन के कई केमेज हैं जिन को मैं माननीय मंत्री जी के पास भेज सकता हूँ। आप एम० ई० एस० में देखें कि ठेकेदार थोड़ी तनखाह दे कर उन में ज्यादा से ज्यादा काम लेते हैं और हम उन के बारे में कुछ नहीं कर सकते। सी० पी० डब्ल्यू० डी० की भी यही हालत है। कुछ जगहों में मिनिमम वेज लागू हैं लेकिन ज्यादातर लोग उन का फायदा नहीं उठा पाते हैं। अगर कोई रोजनल कमिशनर या कांसिलियेशन आफिसर के पास जाता है तो वह कुछ जरूर करते हैं लेकिन आज कंटेक्ट लेबर की हालत ऐसी है कि उन को जीने में कुछ सहाय मिलना चाहिए। अगर यह सहारा नहीं मिलेगा तो मेरी समझ में नहीं आता कि किस तरह से वे अपनी जिन्दगी बसर कर सकेंगे और किस तरह से देश का निर्माण कर सकेंगे।

इस के बाद मैं आप का ध्यान लैंडर वर्कर्स की तरफ दिशाना चाहता हूँ। इस शिड्यूल में जो १२ उद्योग दिये गये हैं उन में टैनरी वर्कर्स का भी जिक्र है। मैं चाहता हूँ कि मंत्री महोदय उन की हालत को देखें। वे कानपुर शहर में जाते हैं लेकिन इन लोगों की बद-किस्मती है कि वे उन के इलाके में नहीं जाते जहां कि कम से कम ३० या ४० टैनरीज है। इन टैनरीज के मालिकों के पास इतना पैसा है कि वे मिनिमम वेजेज दे सकते हैं लेकिन आज के हिन्दुस्तान में जो कि समाजवाद की तरफ बढ़ रहा है उन की तनखाह ६ या ७ आने रोज है। वे लोग इतने मकरुज हैं कि पहली तारीख की वह तनखाह ले कर नहीं जाते हैं बल्कि दूसरे के नाम से तनखाह लिखवा देते हैं। मैं मंत्री जी से कहूंगा कि वे मेरे साथ उन के इलाके में चलें, मैं उन को अपने घर और भाँखों पर ले चलूंगा। वे कानपुर में जाते हैं

[श्री स० म० बनर्जी]

तो बड़े बड़े कारखानों को देखते हैं, सिंहानिया साहब के कारखानों को देखते हैं, जयपुरिया साहब के कारखानों को देखते हैं। मैं चाहता हूँ कि इन लोगों को भी देखें जो कि इन टैनरीज में इतनी मेहनत से काम करते हैं और ६ और ७ घाने रोज पाते हैं। इन के मकान गिर रहे हैं, वहाँ गन्दगी है। यह हालत है हमारे लैबर वर्कर्स की जो इस उद्योग को चला रहे हैं जो कि इस शिड्यूल के १२ उद्योगों में से एक है। इसलिये मैं कहता हूँ कि इस के बारे में मेहरबानी कर के जांच की जाये। मैं ने बार बार कानपुर के बारे में दरखास्त की है, इस वजह से नहीं कि यह मेरा क्षेत्र है लेकिन इसलिये कि मैं उन की हालत सुधारवाना चाहता हूँ।

जब हम इन मजदूरों से मिनिमम वेजज ऐक्ट की बात कहते हैं तो वे जवाब देते हैं कि हमको इस कानून से क्या फायदा जो कि हमारी गरीबी को दूर नहीं कर रहा है। इस कानून से क्या फायदा जो हमको लागू नहीं हो सकता। उसके बाद वे हमारे सामने आज के हिन्दुस्तान का तस्वीर रखते हैं जो कि हमको एक नागरिक होने की हैसियत से बुरी लगती है। वे लोग कहते हैं कि आजादी के बाद के हिन्दुस्तान का यह नक्शा है कि जो पहले एक मकान का मालिक था वह आज दस मकानों का मालिक हो गया है, जिसके पास एक मोटर थी उसके पास आज दस मोटरे हैं जो एक मिल का मालिक था उसके पास आज दस मिले हैं, लेकिन जो छोटे में मकान में रहता था वह आज झोपड़ी में रहता है और जो झोपड़ी में रहता था वह आज सड़को पर लेटता है और जो सड़को पर लेटते थे वे आज बिना कफन के मरघट की तरफ चल रहे हैं। इन लोगों की आज यह हालत इसलिए है कि छोटे छोटे उद्योगों और कारखानों पर यह ऐक्ट लागू नहीं होता है। मैं समझता हूँ कि आज बेकारी उन लोगों का साथी हो चुकी है। आज हमारे देश में बेकारों की संख्या इतनी बढ़ चुकी है कि अगर हम बीस रुपए के किसी एक मजदूर को निकाल दें,

तो फौरन उसकी जगह पर चालीस हाजिर हो जायेंगे। यह सप्ताई और डिमांड का सवाल है। इस बारे में मैं एक मिसाल देता हूँ। एक दफा कानपुर के एक बहुत अमीर आदमी ने अपने ड्राइवर को धमकाना चाहा और कहा कि मैं तुम को निकाल दूंगा। ड्राइवर ने जवाब दिया कि निकाल दीजिए, मैं लड़ूंगा। उस अमीर आदमी ने कहा कि मैं देखता हूँ कि तुम क्या करते हो। उसने फौरन एम्प्लायमेंट एक्सचेंज को टेलीफोन किया कि आई रेक्वायर ए ड्राइवर। इस पर एम्प्लायमेंट एक्सचेंज ने उसके यहाँ तेरह ड्राइवर भेज दिए। उस आदमी ने फिर टेलीफोन किया कि आई डून ट रेक्वायर एनी ड्राइवर। इस पर एम्प्लायमेंट एक्सचेंज को बड़ी हैरानी हुई और उन्होंने उस आदमी से सूझा कि आखिर क्या बात है। उस आदमी ने कहा कि मैं अपने ड्राइवर को दिखाना चाहता हूँ कि इस वक्त कितने ड्राइवर बेकार हैं, एक दफा टेलीफोन करने पर तेरह ड्राइवर आ सकते हैं।

इसलिए मैं माननीय मंत्री जी से दरखास्त करूंगा कि वह सब जाह इस ऐक्ट को लागू करने की कोशिश कर। जब भी किसी स्टेट का जितना होता है, तो उनकी तरफ से कहा जाता है कि वहाँ पर दिक्कत है। मैं अर्ज करना चाहता हूँ कि दिक्कत तो हर चीज के बारे में है, लेकिन यह एक तथ्य है कि मिनिमम वेजज ऐक्ट की हर एक धारा को हर जगह लागू करने के लिए आप के पास ताकत है, मजबूतरी है। अगर आप इस ऐक्ट को लागू करें, तो उन लोगों को भी कुछ फायदा हो। क्वैरीज, स्टोन ब्रेकिंग, स्टोन-क्राशिंग भी शिड्यूल में है। आज ही मुझे कोटा, राजस्थान से एक टेलिग्राम मिला है। वहाँ पर रामगज मंडी में एक मजदूर ने हंगर-स्ट्राइक शुरू कर दी है। वह ऐसा कोई आत्म-शुद्धि के लिये नहीं कर रहा है। वहाँ पर उन लोगों को ठीक तन्खाह नहीं मिल रही है। वहाँ पर कोई ऐक्ट लागू

नहीं है, लेबर लैजिस्लेशन का कोई फायदा नहीं है। वहां पर मालिकों ने आतांक फैसला रखा है। टेलीग्राम में लिखा है कि मैंने अनशन शुरू कर दिया है और सत्याग्रह शुरू होने जा रहा है, इस लिये कि मिनिमम वेजिज एक्ट आप के पास है, जिस के जरिये अच्छी तरह जिन्दगी बसर करने के लिये हम लोगों को तन्खाह मिल सकती है। मैं यह पूछना चाहता हूँ कि आखिर किस वजह से उस को भूख-हड़ताल करनी पड़ी। आजाद हिन्दुस्तान में किसी को भूख-हड़ताल करने की नौबत नहीं आनी चाहिये। मैं माननीय मंत्री जी से निवेदन करना चाहता हूँ कि जो बातें मैंने उन के सामने रखी हैं, उन की तरफ वह ध्यान दें।

जहां तक खेतीहर मजदूरों का सम्बन्ध है, आप ने कहा है कि ३,६०० गांवों का डेटा कलेक्ट किया जा रहा है। मैं यह कहना चाहता हूँ कि हिन्दुस्तान के सात लाख गांवों में आप को यह एक्ट लागू करना है। उन सात लाख गांवों में कितने खेतीहर मजदूर होंगे? अगर इस सम्बन्ध में आप की यही रफ्तार रही, अगर आप इसी स्पीड से चलते रहें, तो मैं समझता हूँ कि शायद पचास साल के बाद इस का फायदा होगा। तब तक वे लोग मिनिमम वेजिज एक्ट की तरफ देखने देख न मर भी जायेंगे और पंच-वर्षीय योजना से उन को कोई फायदा न होगा। अगर हम ने इस देश का निर्माण करना है, तो जो लोग वह निर्माण का काम करते हैं, उनको कम से कम वेज देने की व्यवस्था की जानी चाहिए। इस सम्बन्ध में कंपेसिटो टू पे का भी जिक्र किया जाता है। मैं यह जानना चाहता हूँ कि गवर्नमेंट के पास यह जानने के लिए क्या यार्डस्टिक है कि किसी की कंपेसिटो है या नहीं उसका मुनाफा चोर बाजारी में चला जाय, उसकी अपनी जेब में चला जाय, हमारतों की शकल में परिवर्तित हो जाय, लेकिन जब

वेज के बारे में कोई बात हो, तो कहा जाता है कि कंपेसिटो टू पे नहीं है। आज आजाद हिन्दुस्तान में हम समाजवाद की तरफ बढ़ रहे हैं, लेकिन समाजवाद के ये मायने नहीं हैं कि मजदूर यह समझ कि उसके लिए कोई समाजवाद नहीं है, वह केवल कुछ मुट्ठी भर लोगों के लिए ही है।

अन्त में मैं फिर मंत्री महोदय से दरखास्त करूंगा कि वह लैडर वर्कर्स, सी० पी० डब्लू डी०, एम० ई० एस०, कन्स्ट्रक्ट वर्कर्स, खेतीहर मजदूरों और क्वेरीज में काम करने वालों की तरफ ध्यान दें। इस बात की आवश्यकता है कि हम अपने लेबर व लैजिस्लेशन में—इस बिल में—रिजिडिटी लाये और जो इसको इम्प्लीमेंट न करे, उनके खिलाफ कार्यवाही की जाय और सजा दी जाय। दूसरों को तो आप सजा दे देंगे, लेकिन सरकारों को आप क्या कहेंगे? हम को नेशनल वेज भी लागू करने की कोशिश करनी चाहिए, ताकि हमारे सब मजदूरों को यूनिफार्म फायदा मिले।

DELHI MUNICIPAL CORPORATION BILL*

17 hrs.

The Minister of Home Affairs (Pandit G. B. Pant): I beg to move for leave to introduce a Bill to consolidate and amend the law relating to the Municipal Government of Delhi.

Mr. Chairman: The question is:

"That leave be granted to introduced a Bill to consolidate and amend the law relating to the Municipal Government of Delhi".

The motion was adopted.

Pandit G. B. Pant: I introduce** the Bill.

DELHI DEVELOPMENT BILL*.

The Minister of Home Affairs (Pandit G. B. Pant): I beg to move for leave to introduce a Bill to provide for the development of Delhi according to plan and for matters ancillary thereto.

Mr. Chairman: The question is:

"That leave be granted to introduce a Bill to provide for the development of Delhi according to plan and for matters ancillary thereto."

The motion was adopted.

Pandit G. B. Pant: I introduce the Bill.

—
MINIMUM WAGES (AMENDMENT)
BILL—contd.

Shri Mohiuddin (Secunderabad): The Minimum Wages (Amendment) Bill will be perhaps supported from all sections of the House, but we have seen so far that no section of the House has a good word to say about the implementation of the Minimum Wages Act during the last eight or ten years.

17-02 hrs.

[MR. DEPUTY-SPEAKER *in the Chair.*]

Even the Minister himself has said that he is not satisfied with the working of the Act.

The Bill was passed in 1948 and it was amended in 1950 and again in 1951 and 1952. There have four amendments to this Act that was passed in 1948. I therefore suggest that this amendment may be called the Minimum Wages (Fourth Amendment) Bill, so that we realise that the lack of implementation may add to a number of future amendments which will increase from year to year.

The history of this Act is rather unfortunate. Even in the beginning

every one realised that this Act, as far as Part II of the Schedule is concerned, is very difficult to enforce. It is not possible to have a huge inspectorate staff all over the country. The employers are illiterate and perhaps do not know the provisions of the Act, and the labour in the agricultural sector is unorganised. It was fully known, but still the Government persisted, with full sincerity I am sure, in trying to see that the provisions of the Act are enforced in as large a part of the country as possible, especially in those areas where the wages are particularly low.

In 1951 when the period was being extended, the hon Minister said that so far as part one of the Schedule was concerned, it offered no difficulty. That was a definite statement made by the Minister at the time when amendment of the Act was under consideration. So far in 1957, we still find that part two of the Schedule is not fully enforced in all those industries which are included in that part; if they are enforced, it is rather very doubtful that the provisions of the notification have been fully carried out.

In 1953, Shri Giri was the Labour Minister and he proposed further amendment and said that one year's time was required to complete all the processes of the enforcement of the law. He added that he proposed to inform the States that the remaining work of implementation of the Act should be completed by March, 1954. He added:

"I know that this House at times expressed a feeling of impatience at the slow pace of implementation of the Minimum Wages Act and has wondered whether something could be done to expedite its progress. I am one with the House in that impatience and anxiety and have

constantly been goading the State Governments to fulfil their responsibilities as rapidly and as completely as possible".

Now, in spite of this assurance, in spite of this anxiety, we find that part one of the Schedule is incompletely enforced and as far as part two of the Schedule is concerned, I am afraid it is rather misuse of the language to say that it has been enforced in some parts of the country.

We learn that the question of implementation of the Minimum Wages Act was considered in 1954 by the tripartite Labour Conference as well as on many occasions by the Central Advisory Committee. In 1954, that Committee advised that steps should be taken regarding the *standardisation of the methods of collection of statistics*. They also advised that disparity in wages in contiguous States or the same geographical area should be fully examined. They recommended that there should be a minimum between Rs. 1-2 to Rs. 2-4 per day for the labourers.

Now, we do not know whether these recommendations have been carried out. What statistics are collected? How do we know what is the minimum or average wage paid in industries in part one of the Schedule, and also in the agricultural sector?

An enquiry was made in 1950-51 regarding the wages paid to agricultural labour and the results of those investigations are just available. But it is now six years and the continuous process of collecting data that should have been evolved has not yet been evolved at all.

The Planning Commission in their first report suggested that by the end of the First Plan, the Act should be fully implemented. I am just showing that every Advisory body or every commission or every committee that went into this question agreed that certain steps should be

taken to implement the provisions of this Act both in the small-scale industries as well as in the agricultural sector. But, we find that the progress is hardly satisfactory.

I wish the Minister explained to the House the real difficulties in the way of full implementation. Generally, we know that as far as agricultural sector is concerned, it is difficult but when Government comes forward before the House and asks that an Act should be amended with a view to extend the period by 3, 4 or 5 years, they must have some scheme in their mind for fully carrying out the provisions of the Act which they have asked the House to extend for two or three years. 1959 is only two years more.

Can we get the assurance from the Minister that this two year period is sufficient for the implementation of minimum wages in the agricultural sector? What is the machinery that he will set up or the State Governments will set up to enforce it? What is the machinery by which the employers who do not observe the provisions of the Act will be prosecuted or punished? Unless we know fully that the Government have some scheme in their mind, it will be rather difficult to support the Bill and to say, 'All right we give you two years more'. We have given two years and 3 years during the last 8 years and the result, according to the Minister himself, is not satisfactory.

Therefore, I suggest that the Minister may explain the actual proposal by which it is hoped to implement the Act within the next two years; otherwise, I would suggest to the hon. Minister that the date 1959 should be dropped and it should be left to the States, under pressure of public opinion, to carry out the provisions of the Act in their areas. On the one hand, Parliament lays down that the State should carry out certain provisions within a specified date. Those provisions are not carried out. The House is asked

[Shri Mohiuddin]

again to extend that period. That is not a very desirable procedure to be adopted. If the Minister has got any definite scheme of action by which the provisions of the Act will be fully implemented within the period provided for in the amending Bill, it is all right; otherwise let us drop the period of 1959 and leave it to the States to carry out the provisions as and when they desire. There will be the pressure of public opinion, of the Central Government and other pressures as well. But, that will be a better procedure to adopt.

There are advisory committees, investigating committees and other committees provided under the Act. Are there any committees sought to be established at the level of the taluka where the Act is enforced by the State? It is not possible, under the present circumstances, to have inspecting staff for vast areas in the agricultural sector. We should adopt some other means by which we can see that the provisions of the Act are enforced in that area where the State Governments have, by notification, brought the Act into force. I, therefore, suggest for the consideration of the hon. Minister that it should be provided in the Bill that in every taluk there should be a committee of five—two officials and three non-officials—to constantly watch the working of the Act in that area and review the working every six months or every year and submit a report to the Government after checking up the data regarding the wages paid during the harvest and other season and other benefits and also generally advise the Government about the implementation of the Act. If you have a committee at the taluka stage, perhaps, there may be some interest in the administration of the Act. Otherwise, the fate of this Bill will also be the same as that of the 1948, 50, 51 and 52 Acts.

Shri B. K. Galkwad: Mr. Deputy-Speaker, Sir, in the Statement of

Objects and Reasons of the Bill moved by the Government, it is stated:

"It is not possible to fix the minimum rates of wages before that date in respect of certain employments, particularly employments in agriculture."

This fact shows that the motive behind this Bill is to introduce it and do something good for the agricultural labourer.

Sir, in this connection, I want to point out that several Bills have been moved by this hon. House, but the Government failed to bring those Bills into proper operation. That is why I do not congratulate the Government for bringing forward this Bill. I am afraid the Government will again not bring this Bill also into proper working. I am very doubtful about this.

There is another reason for my not congratulating the Government. The reason is a very simple one. You are aware that the Minimum Wages Act was passed in the year 1948. The Act was last amended in the year 1954 and once in 1953 with a view to enable appropriate Governments, Central as well as the State Governments, to fix minimum wages for scheduled employments before the 31st December, 1954.

Sir, hundreds of meetings were held in my State demanding that the Government should fix minimum wages for the agricultural labourers. I also come from a village. There is a reason for this demand from the agricultural labourers. My experience is, if there are some landlords in a village—of course, there are landlords—they hold meetings of the small agriculturists and pass resolutions that the agricultural labourers should be given a certain wage and nothing more than that. In case the labourers refuse to work on that wage they are boycotted in the villages.

You will find that in almost all the villages the Scheduled Castes, Scheduled Tribes and other Backward Classes people are the agricultural labourers. If they refuse to work on inadequate wages they are boycotted, they are not allowed to go into the jungles to bring grass or head-loads of fire-wood. If they go, several criminal complaints are made against them. If they go into the jungle with their sheep or cattle, complaints are made. I have seen with my own eyes that their cattle being sent to cattle pond. Not only this, but they are not allowed to live in the village peacefully.

That is the state of affairs. That is why in the meetings of workers in several villages we have passed resolutions that Government should fix minimum wages, particularly for the agricultural labourers, because they are the worst sufferers as compared to other labourers working in industries.

For industrial labourers there are several institutions and organisations who support their cause and fight for them. But I am extremely sorry that nobody is prepared to fight for the agricultural labourers. The reason is not known. Of course, during the debate several Members will speak. The number of agricultural labourers is not small. It is something like 8 crores to 9 crores.

In every village you will find that those who are landless and have no other source for their maintenance. They have to go and work in the fields. Therefore, the problem of agricultural labourers is very important, and it should be tackled very earnestly and as early as possible. Government have come forward with this piece of legislation and now they say that they want the time-limit to be extended till the 31st December, 1959? Why? In order to bring this piece of legislation into action, they want the time-limit to be extended, as if no time-limit was given or asked for. The time-limit was

extended and extended several times before and nobody knows whether another occasion will arise to extend the time-limit till 1969 or something like that. I say, no time-limit should be extended. Not only that but we should ask the Government to see that this Act is enforced in the year 1957, before 31st December. That is one part of the thing.

There is the second part. There are other classes of labourers who are called in villages as chowkidars. I was in Uttar Pradesh and in Punjab and I found that there is one class of labourers who are called chowkidars. They do government duty. For doing government duty they are getting Rs. 5 to Rs. 7 per mensem. They have to discharge this duty for the whole day in the *chauri*. They are inferior government servants in the villages and they are not under any landlord. They are getting such low wages. Not only that. If they demand something more, they are refused and they are compelled to do their duty. This is forced labour, Sir. If you go through the Constitution Sir you will find that the Constitution has prohibited forced labour.

Shri Shree Narayan Das (Darbhanga): Are they full-time workers

Mr. Deputy-Speaker: That may be only a retainer fee and they may be getting something else in other forms.

Shri B. K. Gaikwad: I will tell you that as far as Uttar Pradesh and Punjab are concerned, they are called chowkidars. Of course, I have no knowledge about it. But as far as Bombay, Nagpur and other marathi-speaking districts are concerned, I know that those who are provided with Government lands are called inamdars—such called *inams* lands are except the income of these lands and they get nothing. Those who are landless labourers are provided with a small pay. They were getting Rs. 4 per mensem. Our Congress Government was kind

[Shri B. K. Gaikwad]

enough and increased it from Rs. 4 to Rs. 8, and they said in the statement that cent. per cent. increment has been given to the inferior village servants. That was just from Rs. 4 to Rs. 8 per mensem. I know it definitely in Bombay State that the workers of such a class are inferior servants and they are working from morning to evening. Even during night time, if any officer comes, the man has to go there and do the required service to the officer. So, this is the state of affairs of these inferior village servants, and they are found in every village. No care has been taken about them.

The question was put by one of my hon. friends whether they are full-time workers. As has been said, they are full-time workers, and the Government were saying that they were government servants. Taking into consideration this attitude of the Government, I moved a resolution at a meeting of the Backward Classes Board when I was a member of the Backward Classes Board in Bombay State to the effect that if the Government considered these people—inferior village servants—as Government servants, the Government should apply to them whatever the Government applied to their permanent servants. One committee was appointed and they have fixed this wage and said that that wage should be given to the Government servants; and it was called in Bombay State as Pay Commission. According to that Pay Commission, every Government servant was entitled to get a minimum wage of Rs. 85. So, I demanded Rs. 65 for every inferior village servant. The resolution was passed when the Chief Minister of Bombay State was in the Chair. After passing that resolution, there

was *garbar*. They said that in every village there were inferior Government servants and that if they begin to pay Rs. 65 to each of them, the amount would be too much. That is why they subsequently said, "No, no; they are part-time servants". That is why this pay cannot be given to them. Again I raised the question in the Backward Classes Board that "If they are part-time servants, will Government come forward and say, of what part of the day they should be present in the *chauri*, so that it will not be necessary for them to be in the village for the whole day, but they can go and work somewhere else?" When I said this, the Government said, "Whenever their services are required, they must be present. They must be at our disposal whenever we want." This is the state of affairs.

Mr. Deputy-Speaker: Is the hon. Member likely to finish in a minute or two?

Shri B. K. Gaikwad: No, Sir, I want some more time.

Mr. Deputy-Speaker: He may continue on Monday

BUSINESS ADVISORY COMMITTEE

NINTH REPORT

Shri Rane (Buldana): Sir, I beg to present the Ninth Report of the Business Advisory Committee.

Mr. Deputy-Speaker: The house stands adjourned till 11 A.M. on Monday.

17:31 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, the 9th September, 1957.

[Saturday, 7th September, 1957]

COLUMNS

COLUMNS

PAPER LAID ON THE TABLE 12503

A copy of the Notification No. S. R. O. 2726, dated the 31st August, 1957, making certain amendment to the Indian Administrative Service (Pay) Rules, 1954 was laid on the Table . . .

MESSAGE FROM RAJYA SABHA 12503

Secretary reported a message from Rajya Sabha that Rajya Sabha had no recommendations to make to Lok Sabha in regard to the Railway Passenger Fares Bill, passed by Lok Sabha on the 31st August, 1957 . . .

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE 12504—09

Shri Radha Raman called the attention of the Minister of Home Affairs to the floods in Jammu and Kashmir, loss of life and property resulting therefrom and the steps taken by Government to relieve distress . . .

The Minister of Home Affairs (Pandit G. B. Pant) made a statement in regard thereto . . .

BILLS PASSED 12511—12609

The following Bills were considered and passed :

- (1) Inter-State Corporations Bill

- (2) Dhories (Additional Excise Duty) Amendment Bill
(3) Cotton Fabrics (Additional Excise Duty) Bill

BILL UNDER CONSIDERATION 12609—54

The Deputy Minister of Labour (Shri Abid Ali) moved for the consideration of the Minimum Wages (Amendment) Bill as passed by Rajya Sabha. The discussion was not concluded . . .

BILLS INTRODUCED 12644—45

The following Bills were introduced :

- (1) Delhi Municipal Corporation Bill
(2) Delhi Development Bill

REPORT OF BUSINESS ADVISORY COMMITTEE—PRESENTED 12654

Ninth Report was presented

AGENDA FOR MONDAY, 9TH SEPTEMBER, 1957

Further consideration and passing of the Minimum Wages (Amendment) Bill as passed by Rajya Sabha. Motions to refer the Delhi Municipal Corporation Bill and Delhi Development Bill to Joint Committees