

[Shri T. T. Krishnamachari]

superable which, in due course, perhaps, can be surmounted—I won't give an assurance. The hon. Member's State might have a cotton market,—Ujjain—but he must keep all the mills in the area working. Otherwise they may have a market, but not the market to sell their cotton.

**Shri Radhelal Vyas:** There is a market for cotton, whether the mills work or close.

**Mr. Chairman:** The question is:

“That the Bill be passed.”

*The motion was adopted.*

MINIMUM WAGES (AMENDMENT)  
BILL

**The Minister of Labour (Shri V. V. Giri):** I beg to move:

“That the Bill further to amend the Minimum Wages Act, 1948, be taken into consideration.”

In moving this Bill, I may be permitted to explain the reasons why Government found it necessary to bring forward this Bill.

The Minimum Wages Act, as enacted in 1948, was originally applicable only to the present Part “A” States, then called Provinces, and a few of the present Part “C” States which were formerly Centrally Administered Areas. With the integration of Part “B” and Part “C” States the Act was extended to them also, but it became applicable to some of the States only in 1950 and to others still later in 1951. In view of the belated application of the Act to these States, its implementation could not be completed during the periods originally fixed in the Act, viz., 15th March, 1950 for employments mentioned in Schedule I, and the 15th March, 1951 for employments mentioned in Schedule II. In order to suit the requirements of the newly integrated States, the time-limit prescribed for fixation of minimum wages had to be extended by Amendment of the Act twice. The time-limit set

by the last Amendment expired on the 31st March, 1952, but reports received from the States show that the fixation of minimum wages has not been completed in all the States in respect of all scheduled employments, and in respect of all categories of workers in the employments. No doubt, the bulk of the work was completed before 31st March, 1952, but so long as even a small portion of work remains incomplete, it is necessary to extend the time-limit. For this purpose, the Amending Bill fixed the 31st December, 1953 as the target date. I am afraid that, as there has been delay in the passing of this Bill, it is necessary for me to suggest an Amendment changing the date to 31st December, 1954, so that all Governments may have about one year's time to take stock of the position and to complete all the processes of fixing the minimum wages. We propose to inform all States that the remaining work must be completed by that date. Though the date fixed for fixation of minimum wages expired on 31st March, 1952, a number of State Governments have issued orders fixing minimum rates of wages even after that date. As those orders are for the present invalid, it is proposed to validate them, for, in accordance with legal convention, it is necessary to lay down that failure to comply with them between the 1st April, 1952 and the date of the passing of this Act will not be subjected to any punishments or penalties.

We are taking advantage of this opportunity to make good certain omissions and to clarify certain doubtful points. For instance, though Section 3 of the Act says that the appropriate Government shall not be required to fix minimum rates of wages in respect of any scheduled employment in which there are, in the whole State, less than one thousand employees, there is no provision requiring the appropriate Government to fix minimum wages after the number of employees goes above one thousand. It is not satisfactory that a

growing employment should be left unprotected and it is now proposed to make it obligatory on Government to fix minimum wages within one year of finding that the number has exceeded one thousand.

Similarly, when under Section 27 of the Act new employments are added to either part of the Schedule, the Bill seeks to provide for the fixation of minimum wages in those employments within one year of such addition.

The difficulties of fixation of minimum wages in agriculture have been formidable, and have been experienced by practically every State Government. Perhaps, the fixation of minimum wages in agriculture will, therefore, have to be gradual. Most State Governments are starting with fixation of minimum wages in those parts where abnormally low wages prevail and hope gradually to extend to the entire area covered by the Act. It is necessary in the early stages of implementation of the Act to restrict fixation of minimum wages in agriculture to specified localities, or specified classes of employment in such localities. A provision in the Bill makes such selective fixation possible, and clarifies the existing provisions on the subject.

Clause 5 of the Bill gives the appropriate Government a new discretion. When the Minimum Wages Act was enacted, the intention obviously was to protect sweated categories of labour which had been denied the minimum means required for maintenance of life in a reasonable condition. It was the intention of the Legislature to protect highly paid workers, but as the Act stands at present, it is applicable to all categories of employees in the establishments mentioned in the Schedule, and would cover even highly paid officials. To take one instance, municipal corporations and port trusts are covered by the expression 'local authority', and strictly speaking, it is necessary, as the Act stands at present, for appropriate Governments to fix minimum rates of wages for en-

gineers, sanitary officers and administrators etc. of the important local bodies. The Act is not intended to apply to them, nor is it capable of being so applied properly. Clause 5, as contained in the Bill, therefore, gives the appropriate Government discretion to direct that minimum wages need not be fixed for any definite class of employees in a scheduled establishment, drawing more than Rs. 75 per month or Rs. 3 per day. However, there have since been protests from workers' organisations against the fixation of what they consider a low wage limit. They have pointed out that if an appropriate Government decide to exclude categories earning Rs. 75 or more per month or more than Rs. 3 per day, a large number of workers would be excluded, especially in establishments like the Bombay Port Trust and so on. Government also feel that the same wage limit would not equally be applicable to all employments mentioned in the Schedule. Consequently, I shall be craving the indulgence of the House for making an amendment to clause 5 of the Bill, which will have the effect of removing the wage limit of Rs. 75 a month or Rs. 3 a day mentioned in it. At the same time, as the House will appreciate, it is not the business of minimum wage legislation to fix salaries of high paid officials. For this reason, it will be necessary to leave discretion in the hands of the appropriate Government to decide that minimum wages need not be fixed for highly paid categories of employees. To that extent, the amendment will seek to leave discretion in the hands of the appropriate Government, and this was the proposal made by the trade unions in Bombay and elsewhere, where they felt that they were affected.

I shall not take up too much of the time of the House with an elaborate statement. I know that this House has at times expressed a feeling of impatience at the slow pace of implementation of the Minimum Wages Act, and has wondered whether

[Shri V. V. Giri]

something could not 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. But let me assure the House that the State Governments have co-operated with the Central Government in this matter, and that if progress has not entirely been to our satisfaction, it is because of the many serious difficulties in the way of implementation of the Act. However, all Governments are striving hard to complete the work, and I hope they will succeed in doing so, before the expiry of the time-limit set in the Bill.

**Mr. Chairman:** Motion moved:

"That the Bill further to amend the Minimum Wages Act, 1948, be taken into consideration."

**Shri M. S. Gurupadaswamy (Mysore):** Madam Chairman, the hon. Minister made certain remarks regarding this Bill, which are to my mind, not satisfactory. To begin with, he said that the State Governments never fulfilled their responsibilities, and that the orders passed by the State Governments were rather late, with the result that he had to come before this House to validate those wrong orders made by the State Governments. Thus, he criticised the attitude of the State Governments, to begin with, but in the end, he said that the State Governments are all co-operating very well.

**Shri V. V. Giri:** Both the positions are correct.

**Shri M. S. Gurupadaswamy:** The hon. Minister says that both these things are correct. On the one hand, there is co-operation, and on the other, there is non-co-operation; we cannot understand how that is possible. He also said that it is not possible to widen the scope of the Bill so as to cover all types of employments, and particularly agricultural labour. It is on this point that I want to make some observations.

In this country, the percentage of agricultural labour is far more than that of industrial labour. Nearly 75 per cent. of the labour population is employed on the lands, and only 20 per cent. or so is employed in the factories. Since most of the Members of this House are representing the countryside, viz., the agriculturists and agricultural labour, it is the primary duty of this House to see that the labourers working on the fields get adequate economic justice. We attained freedom nearly eight years ago, but nothing has been done till now to protect the welfare of agricultural labour, or to fix a minimum wage limit for them. And yet the hon. Minister waxes eloquent and justifies himself that we are progressing and doing justice to these labourers. At the same time, he admits also that our progress so far has been very slow. And that is the point of criticism now. I can understand if he says that there is no progress at all, because nothing has been done so far to do justice to agricultural labour. The hon. Minister of Labour who had been a great leader of labourers, who was known for solving labour problems when he was outside Government, now when he has occupied a seat in the Government, has not been taking proper steps or showing the same earnestness and anxiety which he was showing before, in regard to protecting the interests of agricultural and factory labour.

My second point is that this Bill is not perfect, because it does not cover all industrial establishments. It touches only a few factories which employ a fixed number of labourers, which is rather kept at a high level. I want that this measure should be made applicable to all industrial establishments, including small factories and cottage industry type establishments, which engage 50 or 60 persons, so that they should all get the benefit of the minimum wage limit. But unfortunately, this measure is very conservative, and does not want to

protect the interests of labourers employed in small industries. It must be acknowledged that most of the industries in India today are small industries; though they may be of the factory type, and unless we extend the benefit of this measure to these industries as well, it is very difficult, —and it will not be right—to say, that we have done justice to the labourers employed in these industries.

So I want that the scope of the Bill should be enlarged to include all the industrial employments in the country. Unless that is done, we cannot call this Bill progressive and we cannot say that we have made any progress at all in this field.

My next point is that the State Governments are not acting properly in this field, and there is not much co-ordination between the various State Governments in following a wage policy. It is because the Central Government is not acting as a co-ordinating body. I feel that the Central Government should act as a co-ordinating agency and bring about a sort of uniformity throughout the country. Today we are seeing that one State acts upon the measure and another State does not do it; moreover, there are variations in the methods employed in bringing the measure into action. Further, I find in some States there have been too many violations of this measure by industries and no action has been taken by State Governments. Though complaints have been made now and again by various labour organisations that the Minimum Wages Act has not been implemented, no serious action has been taken by labour departments of the respective State Governments, and no directives have been issued by the Centre either in this regard. So hereafter we should follow a very bold, courageous and progressive policy and the Centre should take steps to see that this measure is implemented in all parts of the country; they should also see that the various State Governments act properly in implementing this measure.

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Further, I want to say one thing more, and that is about statistics. Now, we have not been able to collect sufficient data about people who are employed in various industries. We do not have the full picture of the number of people who are employed in various categories of industries. So far the Government have not made any survey and they have not set up any statistical organisation to collect data. Unless we know the number of people who are employed in various categories of industries, it is very difficult to assess what percentage of labour class this Bill is going to benefit. So it is very necessary that proper statistics should be collected regarding the persons employed and also, it is very necessary to set up an organisation for that purpose.

Finally, I say that it is very necessary that we should enlarge the scope of the Bill. I hope the Minister very soon will take steps to do so that the Bill covers the entire labour in the country—both agricultural and non-agricultural. If you want to call yourselves a Welfare State, if you want to bring about equality of income and if you want to assure a minimum standard of life to every labourer, it is necessary that the benefits of this Bill should be applied uniformly to all kinds of labour in the country.

श्री ए० एन० विद्यालंकार (जालन्धर):

जनाब चेयरमैन साहिबा, जिस बिस् पर हम आज बिचार कर रहे हैं, मेरे क्लाल में जिनने भी मजदूरों के कानून सेटल गवर्नमेंट से पास हुए हैं, उनमें सबसे कम हय कानून पर धमल हुआ है। यह पहली दफा गी है जब कि भारत सरकार की तरफ से पार्लियामेंट के सामने यह कानून रली गई है कि मिनिमम वेज मुकर्रर करने की तारीखें बदली जाय और उनमें कुछ ज्यादा समय स्टेट गवर्नमेंट्स को दिया जाय। इस कानूनके ऊपर स्टेट गवर्नमेंट्स ने बिल्कुल

[श्री ए० एन० विद्यालंकार]

भी अमल नहीं किया, या जहां पर अमल हुआ भी है और जहां पर कम से कम उजरतें मुकर्रर हुई हैं, वहां पर भी उन पर अमल नहीं हुआ है। मैं पंजाब के सम्बन्ध में कह सकता हूँ कि वहां पर इस कानून के मुताबिक कम से कम उजरतें मुकर्रर हुई हैं। जहां उजरतें मुकर्रर हुई हैं वहां की मैं आपको बात बतलाता हूँ। मिसाल के तौर पर रोड मेकिंग और स्टोन मिनिमम वेज मुकर्रर करने के लिये कृषिग इन्डस्ट्री में जो कमेटियां बनाई गई उसमें हुआ यह कि पी० डबलू० डी० के कुछ मुनाजिम और कुछ ठेकेदारों के मुलाजिम ले लिये गये और उन को मजदूरों के नुमायन्दे के तौर पर पेश किया गया और जो चाहा या जो कुछ मिनिमम वेज मुकर्रर करने की इच्छा थी, उनसे बैसा करवा लिया गया और इस तरह मिनिमम वेज वहां पर मुकर्रर की गई। मजदूरों के सही नुमायन्दे जो कि यह कह सकें कि उजरतें क्या मुकर्रर होनी चाहिए, किस तरह मुकर्रर होनी चाहिए, उन कमेटियों में नहीं लिये गये। मैं और भी कुछ कमेटियों के बारे में जो दूसरे सूबों में बनाई गईं, जानता हूँ कि उनमें भी मजदूरों के सही नुमायन्दे लेकर उनके जरिये उजरतें मुकर्रर नहीं की गईं, बल्कि उन कमेटियों में भी इसी प्रकार से नुमायन्दे ले लिये गये और वहां भी चूँकि नामिनेशन हुआ, इसलिये जिनको भी नामिनेट किया गया, उनसे मन चाही वेज मुकर्रर करवा ली गई। आज जिस शाकल में यह कानून हमारे सामने मौजूद है, उसके अन्दर काफी कमियां हैं और उसमें काफी इम्प्रूवमेंट की आवश्यकता है। सबसे बड़ी कमी जो इस वक्त अमेंडमेंट पेश हुआ है, उससे भी जाहिर है। अगर स्टेट की गवर्नमेंट्स पूरी तरह से सहयोग न दें और वह उन तारीखों का ध्यान न रखें कि जिन तारीखों तक उन्हें कम से कम उजरतें मुकर्रर करनी

हैं तो उस मूरत में इस मौजूदा कानून के अन्दर सेंट्रल गवर्नमेंट कुछ भी नहीं कर सकती और केन्द्रीय सरकार सिवाय इसके कि फिर पार्लियामेंट के सामने पेश हो और वह उस तारीख को और बढ़ाये उसके सामने कोई और चारा नहीं रहता है। इसी तरह अगर प्रान्तीय गवर्नमेंट, स्टेट्स गवर्नमेंट्स, बाकायदा तौर पर जो कमेटियां बनाती हैं, वह पूरी तौर पर मजदूरों के नुमायन्दे इन कमेटियों पर नहीं रखते और मजदूरों का उनके अन्दर पूरा प्रतिनिधित्व नहीं रहता तो उस मूरत में कोई चारा नहीं कोई रास्ता नहीं कि वह अपनी बात मना सकें क्योंकि मजदूरों के सही नुमायन्दे तो वहां पर होते नहीं और न ही कुछ इन्डस्ट्रीज को सूची में बढ़ना सक्त है। खास स्टेट्स के अन्दर खात इन्डस्ट्रीज हैं जिनके सम्बन्ध में वहां के मजदूर समझते हैं कि मजदूरों में काम करने वाले कार्यकर्ता समझते हैं कि फ्रान्च इन्डस्ट्रीज को सूची में बढ़वाना आवश्यक है, क्योंकि उन इन्डस्ट्रीज में उजरतें बहुत ही कम हैं आज की हालत में उनके पास कोई चारा मौजूद नहीं है कि मौजूदा रिक्त के रहते उस सूची में इजाफा कर सकें, जब तक कि स्टेट गवर्नमेंट्स कोई कोऑपरेशन देने को तैयार न हों और स्टेट गवर्नमेंट्स उन शेड्यूल्स के अन्दर कोई इजाफा करने की तैयार न हों। वेजेज मुकर्रर होने के बाद कोई ऐसा रास्ता नहीं कि अगर उसके ऊपर अमलदरामद नहीं होता, तो कोई तरीका नहीं जिसके जरिये उसके ऊपर अमल कराया जा सके।

पंजाब के सम्बन्ध में मैं कह सकता हूँ कि अभीकाल तक के अन्दर भी कम से कम उजरतें मुकर्रर हुई हैं, कम से कम मजदूरी मुकर्रर हो चुकी है, लेकिन बाकया यह है कि आज तक उस पर कोई अमल नहीं हुआ

और जिस वक्त गवर्नमेंट से कहा जाता है कि उस पर अमल नहीं होता तो वह कहती है कि इतने इम्पेक्टर्स कहां से लाये जायें, इतना स्टाफ कहां से लाया जाय, जो इस कानून को इनफोर्म करा सके और इसको अमली जामा पहिना सके। मजदूरों की जिनकी उजरतें मुकरंर होती हैं उनके पास कोई ताकत नहीं, कोई ऐसा कानूनी जरिया नहीं जिसके जरिये वह अपनी चमत को मनवा सकें, और जो उनके अधिकार हैं उनको पूरे तौर से ले सकें। मैं यह महसूस करता हूँ कि जो इस वक्त मिनिमम वेजेज अमेंडमेंट बिल हमारे सामने पेश है, इसको काफ़ी सुधारा जाना चाहिए, मैं इस अमेंडमेंट का समर्थन करता हूँ, लेकिन मैं साथ ही यह समझता हूँ कि यह तरसीम काफी नहीं है। इस ऐक्ट को हमें बिल्कुल नये सिरे से बदलना चाहिए, ओवरहाल करना चाहिए, और इसको ज्यादा ताकतवर और जिन्दा कानून बनाना चाहिए, वरना यह मिनिमम वेजेज ऐक्ट इस तरसीम के साथ भी एक कमजोर कानून बना रह जायेगा, कागज पर तो बहुत कुछ लिखा जायेगा, लेकिन मजदूरों को सही तौर पर राहत नहीं मिलेगी। मैं इस मौजूदा अमेंडमेंट का जो कि ऐक्ट में रिकया जा रहा है, विरोध तो नहीं करता और मैं चाहता हूँ कि यह पास हो जाय, लेकिन मैं यह जरूर चाहता हूँ कि मिनिमम वेजेज ऐक्ट को ज्यादा जोरदार बनाने के लिये हमारे मिनिस्टर साहिब इस सारे ऐक्ट को फिर से रिवाइज करें और ऐसा करके फिर इसको एक नये ऐक्ट की सूरत में पार्लियामेंट के सामने लायें। इन अफ़्फ़ाज के साथ मैं अपनी स्पीच खत्म करता हूँ।

4 P. M.

**Shri T. B. Vittal Rao (Khammam):** Madam Chairman, when the original Act was passed 5 years ago, everybody thought that the Government

really meant to implement that. (*Interruption*) Speeches were made to that effect when the Bill was before the previous House. But, what do we find after all? Year after year, the period is being extended. The hon. Minister has said that he is also very anxious and desirous that this fixing of minimum wages should be done quickly. I would have understood the sincerity of his if he had only said that though he extends the period to 31st December 1954, all those employees for whom this wage has been fixed would be paid with retrospective effect. Paying with retrospective effect is nothing new. In the Railways we had our Pay Commission and it was agreed that it would be paid with retrospective effect. The Pay Commission was appointed in 1946; the report was submitted some time in 1947 and they did get the salaries from 1st January, 1947. So, when the hon. Minister says that he is very keen and earnest, I doubt very much because his assurances take a very long time to be translated into realities.

I can cite an example. Only during the August-September session, he assured us that an Industrial Tribunal to go into the question of coalminers' wages would be appointed. It is December and no Tribunal has till now been appointed. So also, I would not be surprised if there is no strong agitation from the workers by way of strikes and other things, if he will come sometime hence extending the period to 1955.

When he said that in applying it to Part B States the delay was due to their not having set up their committees, I would remind the hon. Minister that the I. L. O. convention has not been ratified by the Government of India so far regarding minimum wages, regarding the setting up of a machinery for the fixation of minimum wages. We have got the recommendations Nos. 99, 100 or 101—I do not remember—and there is also Convention No. 89. Those have not been ratified yet.

[Shri T. B. Vittal Rao]

During the budget session, during the discussion on the demands for grants of the Ministry of Labour, the late Shri Harihar Nath Shastri, who happened to be a Member of the Governing Body of the ILO expressed his difficulty. He said, 'I am on the Standing Orders Committee of the ILO, and I feel a little embarrassed when the question of the ratification of the ILO Conventions are taken up'. Even after so much time they have not been ratified.

Then the hon. Minister assured that the minimum wage of Rs. 3 daily and Rs. 75 monthly would be deleted. When he brought forth his arguments he said that if such a thing is not brought, it would apply even to Engineers and administrators and so on and so forth. Everybody understands that the Minimum Wages Act is only for sweated labour and only for those who are not able to get a good subsistence allowance so that they can keep their bodies in a state of efficiency. So, this argument of Engineers and others does not really fit in.

Various Committees are set up in various provinces. In Hyderabad also some committees have been set up only last year. Unfortunately the members who have been selected or nominated to the Committees have nothing to do with the particular industry. For example, there was a Committee to fix the minimum wages of municipal workers. There the workers' representative was one who had never worked amongst them. That is to say, they nominated such of those people who would not put up a strong fight on behalf of the workers, and those persons who could represent the workers, who have been in that particular Trade Union for a number of years, who have had enough experience and who have conducted strikes for the implementation of this Minimum Wages Act are not taken at all. Naturally, there is prolonged delay.

Then, regarding the coal miners, I very strongly urge that they should be included. They may not get much by the implementation of this Act but they will get their wages for their weekly rest. The Government could easily extend it to the coal miners who today are 3,25,000 in number and who are the lowest paid doing the most arduous and hazardous nature of work.

One more thing which he has said is about the employment of workers on road construction and building construction. The Government themselves employ so many thousands of road workers in Hyderabad. Recently, nearly 17,000 road workers have been confirmed who have put in 10 or 12 years of service. Their minimum wages have not been fixed yet. So, when we approach any other employer in any other industry, say the oil industry or the leather industry to implement the Minimum Wages Act and so many other Acts, they turn round and say how can the Government ask us to fix the minimum wage when they have not fixed it for the workers under their own employment. Government cannot have any moral right to force others to implement these Acts when they have not been implemented for their own workers.

Finally, I would very strongly urge upon the Government to see that even though there is delay the workers are paid with retrospective effect, that is, at least from the date originally fixed by this Act, namely 31st December 1952. I also strongly urge upon the Government to ratify the ILO conventions and recommendations.

**Shri K. P. Tripathi (Darrang):** Mr. Chairman, Madam, as has been pointed out, we have the experience of the working of the Minimum Wages Act for these five years. In the process of this experience I have thought that Government would be able to find out the loopholes and try to amend the Act accordingly, but I find that

the Government have brought forward an amending Bill which does not go far—rather in one case it retraces the step. The greatest experience which we got in the course of the last few years, as pointed out, is that there cannot be a minimum wage legislation unless there are certain other protections provided in the Act itself. I would draw the attention of the House to the great crisis which was faced by the tea industry at the end of 1951 and the beginning of 1952. In that we found that the Government did fix the minimum wage. After the minimum wage was fixed, the crisis came. With the crisis, the employers said "We could not pay the minimum wage." The Government came forward with certain measures for helping the industry. At the time of helping the industry, the Government said that they are giving this help on condition that no labour interest would be touched. But when the crisis actually came, labour interest was touched.

I drew the attention of the House at that time, but the Government felt helpless. The Governments of Assam and Bengal drew up a Sub-Committee in order to revise the minimum wages and ultimately they revised like this. They decided to create uneconomic gardens and in the case of uneconomic gardens, they gave power to this Committee to reduce the wages. Here is an interesting situation in which you say that this is the minimum wages, but a part of the industry will be permitted to give less than the minimum wage. Then, I ask how do you call it the minimum wage. Minimum wage is that which cannot be reduced; minimum wage is linked to the cost of living and is not linked to the paying capacity of the industry; it is always linked to the cost of living or the living conditions which you want to provide as the minimum. Here was an interesting situation in which it was said that the minimum wage shall be linked not to the cost of living which you want to provide but to the paying capacity of the industry. If the industry's paying capacity goes down, the minimum wage also will go

down and if the paying capacity goes up, it may go up. That showed that it was not a minimum wage but it was merely a wage fixed. There is a distinction between the minimum wage and the wage fixed. A minimum wage is that which cannot be reduced and a wage fixed is that which rises and falls. At that time I wrote a letter to the Finance Minister of the Government of India, making the position clear that if you say it is the minimum wage, you cannot reduce it and if you say it is the wage fixed, then you may do whatever you like. The Finance Minister did not appreciate this argument. I then wrote a letter to the Labour Minister and the Labour Minister also did not adequately reply. Since then, this feeling has been working in my mind to find out what may be the way by which this may be prevented, and I have come to the conclusion that a minimum wage legislation cannot be a successful wage legislation unless we provide that even in times of crisis and in times of lean years there shall be a fund created specially which will force the industry to continue to pay the minimum wage. Either we force the industry to continue to pay the minimum wage even in lean years and take the consequences or in the alternative we should provide for a fund like the equalisation fund which will help the industry to pay the minimum wage even when there is a crisis and a part of the industry says that it cannot pay the minimum wage. Unless you do that, it is not possible to continue to pay the minimum wage. To my mind, to pay the minimum wage, some guarantee must be there: Either the guarantee must be that you enforce the employers to pay on and take the consequences, or if that guarantee is not forthcoming, there must be some other way by which it must be paid. The other day we passed two legislative measures—the Provident Fund (Amendment) Bill and the Compensation for Retrenchment and Lay-off Bill. In that also, I find that no company, when the necessity for retrenchment or lay-off comes, will be able to pay unless a reserve fund is specially



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created. So, when you pass legislation, you have to enforce that such a fund is created. No such fund has been created in any of these companies. On the contrary, I find that there are special funds created for the purpose of pensions for the management, for the purpose of giving funds for their children's education, for the purpose of giving them facilities for going back home etc. There are special reserves created for those purposes but there is no such reserve created for the purpose of paying the minimum wage. Therefore, I draw pointedly the attention of the hon. Minister and the entire Government of India, including the Planning Commission, to this lacuna in the entire frame structure of legislation in this country with regard to labour welfare. If you can provide for this, then there is some point in providing for a minimum wage legislation. If you merely say that the minimum wage should be paid only so long as the industry is well off and can pay, then there is no point in forcing you. I admit that at least when the industry is well off, it pays the minimum wage, but the whole point is that the minimum wage should continue to be paid. What happens when the minimum wage is not paid. As soon as the minimum wage is reduced, the purchasing power of the country goes down and it has now been abundantly clear that...

**Dr. M. M. Das** (Burdwan—Reserved—Sch. Castes): May I ask my hon. friend what happens when an employer's concern is closed?

**Shri K. P. Tripathi**: Under the Industries Control Act, which has been passed by the Government of India, the Government has the power to take over the concern, in which case it will continue. If the Government decides that it shall not be taken over and the employer closes it down, then the labour is thrown out of employment, and after three months the crisis passes off and all the employers come and begin producing. So what happens is that the whole burden of

unemployment is borne by labour and the employer comes and merrily goes on producing later on, and that is what happens in the tea industry. When the crisis came, nearly 60,000 workers were thrown out of employment after two or three months the crisis was over and it was found that 80% of the gardeners made profits. They may profit, but the entire burden was thrown on labour's shoulder. There is no such thing as a permanent closure in the industry. All crises in the industries of the world last only for some strikingly small period. After the crisis is over, production is resumed

**Acharya Kripalani** (Bhagalpur *cum* Purnea): They never come but they are brought about.

**Shri K. P. Tripathi**: I am thankful to my hon. friend. Sometimes they are brought about and the individuals who fall under the crisis may not try to bring it about, but under the stress of policies made years ago, crisis does come and go and it never lasts too long and it is for this reason that I am suggesting an equalisation fund. If you have an equalisation fund, then we may tide over the crisis, because I have found that these small crises are temporary in character. It is for this reason that I suggest, with all the earnestness at my command, the creation of an equalisation fund for the purpose of funding the minimum wages in times of crisis in industries in which you have thought fit to fix the minimum wages.

Then, with regard to the minimum wages as fixed, I want to draw your attention to certain features which have arisen. The question has arisen, what should be the family which you take as eligible for the minimum wage—whether there should be one or two to earn the minimum wage or the whole family is in the minimum wage, in order to provide for the family. In our State, in these tea gardens generally it was found that the entire family including children were asked to earn the minimum wage in order to get the minimum sustenance to the family. I

do not think the framers of the Constitution or the framers of the minimum wage legislation have thought that the minimum wage should be earned by the entire family including children of 14 years of age. I suggested in the Minimum Wages Committee "please at least leave the children aside. Leave the wife aside." But it was not accepted, and ultimately it was decided that the minimum wage should be fixed on the basis of earnings earned by the entire family including children. There should be some guidance in the minimum wage legislation which guides the procedure of minimum wages committees at the time of fixation of the minimum wage. Firstly, it must say that one man should be able to earn a minimum wage for the family. That is a very prime necessity. Secondly, it must say that children must not be forced to earn for the minimum sustenance of the family. Children, if they earn, should be supplementary earners—they should be getting additional earnings to the family; and thirdly, it should be said that women should be given equal wages as men if they do the same work. It was found very interesting that in the tea gardens, women pluck more than men, but in terms of wages, women are given less wages than men. That is very unfortunate, and I hope all the women Members here would support me.

**Dr. Lanka Sundaram** (Visakhapatnam): They will always pluck more than men.

**Shri K. P. Tripathi**: They are better pluckers but less earners. I therefore request that this suggestion may be taken into consideration by the hon. Minister, and this also should be included in any guidance which is provided in the minimum wage legislation. These are very important things and the most important, as I have said, is the creation of a fund which ensures to get the minimum wage.

Then, you have now tried to provide that where Rs. 75 per mensem

is earned, those industries should go out of the purview of this legislation. You think that it is no longer necessary that those industries in which more than the minimum wage is earned should continue to be under the minimum wages legislation. I think when the necessity of a legislation is completely at an end, then only repealing Acts are framed. But within five years, when our country is passing through a very doubtful economy, to withdraw the benefit of a minimum wage legislation is not proper. It may be that in the same State, certain factories are so well developed that they are paying Rs. 75, but for the same category, there may be certain...

**Shri V. V. Giri**: An amendment is proposed.

**Shri K. P. Tripathi**: Thank you very much. The whole point was in taking this *ad hoc* figure of Rs. 75, you do not take into consideration the number of days a worker has to work. There are industries in which a man has to work seven days a week. In the textile industry, for instance, he has no leave. Therefore, his conditions will be different from those who have to work for six days only in the week. A day of rest in a week is not provided. Therefore, it is necessary for us to find out how best to distribute leisure for all the industries. You know that in all parts of the world—everywhere—wherever it has been possible to share the leisure with the working classes, the efficiency of the working classes has increased. Therefore, we in India who have so many teeming millions and very little of employment to offer, must begin to think in terms of leave being shared by all. If it be so, then you have to find out what are these industries in which the workers are working for seven days in the week and have no facilities for any other leave or holiday. You have to provide for them in our national structure so that more employment might be created and more efficiency might be achieved. I

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hope this will be borne in mind when they further think in terms of changing, by an amendment, the minimum wages legislation.

With these words, I support the principles of this Bill and I hope that the Government will in the near future come forward with a comprehensive piece of amending legislation which will fill the lacuna in our minimum wage structure not merely from the fixation point of view but from the point of view of sharing the minimum wages among all the workers of India in all possible industries.

**Shri B. S. Murthy (Eluru):** Mr. Chairman, Sir, I am not able to congratulate the Minister or the Ministry for having delayed a piece of legislation that should have been brought into force a year ago. Sir, as soon as Mr. Giri took up the portfolio of labour, the whole country in general, and labour in particular, evinced great hopes; but, Sir, Mr. Giri has been making speech after speech trying to encourage and give perhaps artificial respiration to the much sweated labour, but so far, he has not been pleased to bring forth a comprehensive legislation to make the labour in India the backbone of the society which it is or ought to be today.

Sir, we have been talking about minimum wages. The very idea of minimum wages in India is rather misplaced in a sense. Just as the interest evinced by this House for this Bill, so is the interest shown towards the labour in the country. Nearly 90 per cent of the people in India are sweated labour, whether they are in the factories or on agricultural lands. But nobody thinks about them, yet they always want the labour to sweat. The Prime Minister, from housetops, says all people should cooperate to make the first five year plan a success, a grand success. But what has this five year plan to give for this sweated labour? Hardly a few sentences have been

given, and no space has been devoted, and so far, no statistics of unemployment have been collected. So, with all these discussions about this Bill, I must say I am rather disappointed. I hope Mr. Giri, a tried trade unionist, a worker who has fought many a battle and won, who has always identified with the labour and has been talking, and assuring labour that he will stand by labour, will not make the labour get thoroughly disappointed with his assurances.

Sir, about the fixing up of these minimum wages, the standards applied is very curious. As my predecessor has spoken, the paying capacity of the industry is *prima facie* taken into consideration. But they do not consider that sweated labour must be fed and must be made fit to live. But it looks today that the factories require the blood of the labour rather than giving subsistence to the labour. Therefore, Sir, even these minimum standards have been long delayed to be enforced. Year after year, it is being postponed. Certain categories have been brought into the schedule and certain categories are even today left out. Therefore, I earnestly solicit the consideration of the Ministry to see that all important categories of labour are guaranteed minimum wages. The minimum wage should be a wage which will enable the labourer and his family to live a comfortable life, a life without indebtedness, a life in which he will not be going here and there for alms. As long as a man is able to earn he should not be at the mercy of others, either to a creditor or a munificent philanthropist. Another important criterion to be taken into consideration in the matter of fixation of minimum wage should be the standard of life. In the course of the first sentence of the Five Year Plan it is stated that the object of the Plan is to "improve the standard of living". Three years have now elapsed and the Government of India have not done anything by the labour

In this connection, Sir, I would like to make a few observations about agricultural labour. On a previous occasion too I made an attempt to make the hon. Minister of Labour understand the necessity of giving some succour to the agricultural labour. Nearly sixty per cent. of our population depend upon agriculture. There is many a difficulty which agricultural labour is subjected to. Landless labour even today is driven from pillar to post and post to pillar. Agricultural employment, as we all know, is only seasonal and the labourer is not able to secure any employment for more than four or five months in a year. After four or five months of hard labour, for the rest of the year the agricultural labourer has to go abegging. This practice has been going on for centuries: neither the British Government nor the Congress Government have taken any steps to provide agricultural labourers with full employment to make a living. I would, therefore, urge upon the Minister to see that minimum wages are fixed for agricultural labourers also. In fixing minimum wages for agricultural labourers, care must be taken because the operations vary from season to season, crop to crop and from region to region. Therefore, in trying to fix minimum wage for agricultural labour, we must see that proper justice is done.

Again, Sir, in many parts of India we see eternal disputes between the landlords and the agricultural labourers. For settling these disputes wage boards and Boards of conciliation should be brought into existence, because invariably the agricultural labour has no bargaining capacity. Because they are unorganised, they are being exploited. Government should, therefore, take early steps to see that agricultural labour is given all the facilities to organise themselves and get the maximum benefit of their labour. Again, as the previous speaker has pointed out, other types of labour, especially conservancy labour must be encourag-

ed by bringing in suitable legislation. In that legislation it must be provided that all cooperative societies of these labourers should be given sufficient encouragement. No exploitation of any kind should be tolerated. Therefore, Government should try to bring at an early date comprehensive legislation to give full guarantee to the rights and privileges of labour, whether agricultural or industrial.

डा० सत्यबाबी (करनाल-रक्षित-अनुसूचित जातियां) : सभापति महोदय, मैं इस बिल के विरोध के लिये तो नहीं खड़ा हुआ हूँ, लेकिन आपका ध्यान मजदूरों के उस तबके की ओर दिलाना चाहता हूँ जो म्युनिसिपैल्टियों में सफाई का काम करते हैं। यों तो अब तक जितना भी हम मजदूरों के लिये करते रहे हैं, उन में सभी जगह उन्हें नज़रअन्दाज किया गया है, लेकिन जहाँ तक इस बिल का सम्बन्ध है पंजाब का तजुर्बा मुझे भी है, खासकर उन लोगों के सम्बन्ध में जो म्युनिसिपैल्टियों में सफाई का काम करते हैं।

अभी पंजाब का पक्ष विद्यालंकार जी आपके सामने रख रहे थे, और यह बात उन्होंने बताई थी कि जो खेतिहर मजदूर हैं उन के लिये कम से कम उजरतें तो दो साल हुए मुकर्रर हो चुकी हैं, लेकिन उन पर अभी तक अमल नहीं हुआ। म्युनिसिपल लेबर के विषय में भी मुझे बताना है कि उन के लिये जो दो साल हुए ऐसी उजरतें मुकर्रर हुई थीं, उन पर अमल करने में म्युनिसिपैल्टियों ने, उन मालिकों ने कितनी चालाकी और कितनी अजीब व गरीब हरकतें की हैं जिस से कि उन लोगों को जो कुछ देना था वह भी उन तक पहुँच न सके।

एक बात तो यह है कि पंजाब की म्युनिसिपैल्टियों में जहाँ जहाँ इस कम से कम उजरतों के मामले पर अमल किया गया, अक्सरियत ऐसी कमेटियों की है जिन्होंने कि मजदूरों की संख्या कम कर के

[डा० सत्यवादी]

बाकी को उजरतें देना शुरू किया, जिस का मतलब यह था कि एक हाथ से मजदूरों से ले कर और मजदूरों की बेरोजगारी बढ़ा कर बाकी मजदूरों को उन्हीं से छीना हुआ रुपया वेतन के रूप में दे दिया गया। इस के लिये पार्ट-टाइम और होल-टाइम स्वीपर्स की बात बनाई गई और कारण यह बताया गया कि यह लोग पार्ट-टाइम थे और अब हम इन्हें होल-टाइम रख कर यह मिनिमम वेजेज दे रहे हैं। लेकिन असलियत यह है कि जहां तक स्वीपर्स की बात है, सफाई करने वालों की बात है, उस को जब हम सुबह पांच घंटे के लिये एम्प्लॉय कर लेते हैं तो वही वक्त उस मजदूर के काम का है। उन पांच घंटों के बाद जब वहां से पार्ट-टाइम काम करके वह निकलता है तो उस के लिये कोई और काम बाकी नहीं रह जाता। इस लिये मैं आपका ध्यान इस और दिलाऊंगा कि जब इस कानून पर अमल कराने के लिये कोई हिदायत जारी की जाये तो इस बात का ख्याल रखा जाय कि यह पार्ट-टाइम और होल-टाइम वाला झगड़ा म्युनिसिपल लेबर के ऊपर से हटा दिया जाय।

इस के अलावा हमारे यहां पंजाब में अभी एक नई बात पैदा हुई। पिछले दिनों सरकार ने उन सरकारी कर्मचारियों के लिये जिन्हें १०० रु० में कम वेतन मिलता था मंहगाई के भत्ते में पांच रुपयों का इजाफा किया था। पंजाब में जब दूसरे मुलाजिमों के लिये यह पांच रुपये दिये गये तो हम ने म्युनिसिपैलिटियों में काम करने वाले मजदूरों के लिये भी इन पांच रुपयों की मांग की। लेकिन हमें यह बताया गया उन को यह पांच रुपये इस लिये नहीं दिये जाते कि मिनिमम वेजेज तय करते वक्त उन के लिये जो उजरत स्वरूप की गई थी वह "ग्रा इन्क्लूसिव" थी। उस में मंहगाई भत्ते की

जगह अनाहुदा नहीं थी। इस लिये उन को वह पांच रुपये नहीं दिये जाते। इस के विषय में हमारा झगड़ा पंजाब सरकार से चल रहा है। मैं यह कहूंगा कि यह मिनिमम वेजेज जो पंजाब में म्युनिसिपल लेबर के लिये मुकर्रर की गई, वह उन के लिये एक डिस-एबिलिटी बन गई। इस बात के लिये और आगे भी उन को कोई लाभ देने में इस तरह का व्यवहार उन लोगों को मिन रहा है। इसकी तरफ मैं आपका ध्यान दिलाना चाहता हूँ।

इस के साथ ही समय की बात है कि काम करने के लिये कितना वक्त हो और उसके साथ ही हफ्तेवारी छट्टी है जो कि करीब करीब सब मजदूरों के लिये होती है। लेकिन इस सफाई पेशे वाले मजदूरों के मामले में यह चीज हम नहीं दे रहे हैं। म्युनिसिपैलिटियों में जहां भी यह लोग काम करते हैं, इन्हें कोई भी छट्टी आराम के लिये नहीं दी जाती। इसी तरह से काम करने के घंटों की बात भी है। दूसरे मजदूरों के मुकाबले में ऐसे मजदूरों के काम का नेचर ऐसा है कि जब हम दूसरे मजदूरों से आठ घंटे काम करवाते हैं तो इन मजदूरों का छः घंटों का काम सेहत के एतबार से, मेहनत के एतबार से, हर एतबार से, उन आठ घंटों से ज्यादा होता है। इसलिए इस किस्म की हिदायत होनी चाहिये कि जब मिनिमम वेजेज ऐक्ट के मातहत रूलस बनाए जाय या जो बनाए जा चुके हैं, उन में इस प्रकार से संशोधन किया जाय कि इनके काम करने के घंटे दूसरे मजदूरों के मुकाबले में कम हों, क्योंकि सफाई पेशा मजदूर ऐसे वातावरण में रहते हैं कि जो सेहत के लिये घातक है, हानिकारक है। उन के लिये दूसरे मजदूरों की तरह ज्यादा से ज्यादा वक्त रखना एक ज़ुल्म है। तो इस तरफ मैं आपका ध्यान दिला रहा हूँ।

साथ ही यह भी बात है जो कि श्री श्री विद्यालंकार जी ने कही कि हमें देखना चाहिये कि इस पर अमल भी होता है या नहीं। हमें सिर्फ इतना ही नहीं देखना है कि कानून पास हो गया और फिर उस में ढील हो जाये, बल्कि यह भी देखना है कि उस पर अमल भी हो रहा है या नहीं। इस पर हमें पंजाब में अमल कराने के लिये कई बार आन्दोलन और जहाँ जहद करनी पड़ी है और तब भी छः छः महीने तक यह आन्दोलन करने के बाद यह अमल में आया है। फिर भी मजदूरों को मिनिमम बेजेज उस वक्त से नहीं दी गयी।

दूसरी बात कमेटीयां बनाने के बारे में, उन के मेम्बर रखने के लिये है, जिस की तरफ विद्यालंकार जी ने भी इशारा किया। हम ने पंजाब में यह बात देखी कि एक ऐसे सज्जन जो शहर की सफाई के काम से ताल्लुक रखते थे, उन को खेतिहर मजदूरों की एक कमेटी का मेम्बर बनाया गया। यह तो बात ऐसी ही हुई कि जैसे पेट के दर्द का इलाज कराने के लिये किसी इंजीनियर को बुलाया जाय। तो देखना यह होगा कि जो कानून हम यहाँ पर पास करते हैं उस पर अमल भी होता है और हमें देखना चाहिये कि उस पर सही अमल हो रहा है या नहीं और उस से उन को वह लाभ पहुंच रहा है या नहीं कि जिन को लाभ पहुंचना चाहिये।

**Shri Damodara Menon** (Kozhikode): Mr. Chairman, Sir, it has been the standing complaint of even the members of the Congress Party that the Government are half-hearted in their attempt to implement the labour legislation that they have placed on the statute book. We often find the Labour Minister, not only of the Centre but of the States, coming forward with what appears to be very progressive legislation; but when it comes to the point of implementing them there is so much of hesitation. I must say they are often half-hearted. Now, in

this particular case also we find that the Central Government as well as the State Governments have been very reluctant to make a full endeavour and apply their full heart to the implementation of this measure, namely the Minimum Wages Act. And therefore we find the very pitiable spectacle of the Labour Minister coming forward from time to time asking for an extension of time for fixing minimum wages in all the States.

I have no objection to grant this extension now if we can get an assurance from the Labour Minister that there will not be any further demand for an extension of time. Now we are giving one year more.

The Labour Minister was rather apologetic when he tried to defend the State Governments for their not implementing this measure till now. He said that there are difficulties in fixing minimum wages regarding agricultural labour. There are difficulties. But, as has been pointed out by many previous speakers, agricultural labour constitutes, in fact, the major portion of our labour in this country. And if we are not able to do justice to them and see that they get a fair deal, I am sure that we have no justification to plead that we are progressing in the matter of our labour legislation. In any case, what is the good of our having a long list of labour legislation if it is not meant to be implemented? Therefore, I earnestly hope that there will be more effort in the line of implementing this legislation at least during the time that has been asked for by the present measure.

I would now like to refer to clause 5 of this amending Bill. The Labour Minister said in his speech that it was meant to see that people, especially employes who get fat salaries, like engineers, do not come under the provisions of this Minimum Wages Act. As has already been pointed out, nobody thinks that such high salaried

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officers should come under the purview of this legislation. But the Minister himself stated that there has been agitation on the part of the Bombay Port labourers regarding the Minimum Wages Act. I want to ask the Labour Minister whether this clause is meant to deprive them of the benefit of this labour legislation, namely the Minimum Wages Act.

I find that the Labour Minister has tabled an amendment to this clause. My own view is that the whole clause must be deleted from this Bill. There is no necessity for it at all. If it is not the intention of the Labour Minister to deprive the Port workers of Bombay and similar workers, of the benefits of the Minimum Wages Act, he has to come forward boldly and delete this clause from the Bill itself. What it provides is—I am not referring to the clause itself, because there is an amendment to the clause tabled by the hon. Minister—power is given to the Local Government to fix....

**Shri V. V. Giri:** That is in fact what the workers belonging to all sections wanted. They wanted this provision to be included, leaving the power to the appropriate Government. They said they will be able to deal with the appropriate Government. I must say for the information of the hon. Member that in the Bombay Port Trust the Minimum Wages Act is being applied even to those who are getting Rs. 300. There may be others getting Rs. 305. Therefore the workers said that if we fix a limit they will be in difficulty. They particularly wanted us not to fix any limit at all. The original intention of Government was to fix a limit as mentioned in the Wage Payments Act, which is Rs. 200. But we felt that we may be doing an injustice in view of the representations made by the Bombay Port Trust workers belonging to all sections. And conditions vary from industry to industry and from State to State.

**Shri Damodara Menon:** If the Bombay Port workers have accepted

the amendment suggested by the hon. Minister, I have nothing more to say regarding that. Considering the agitation that has been going on among the Bombay Port Trust workers regarding the amendment to the Minimum Wages Act and their fear that probably they will be left out of the Minimum Wages Act, I gave expression to these doubts. In view of the assurance of the hon. Minister on this score that there has been general agreement, I do not want to press this point.

I want to refer to another matter, namely clause 6 (insertion of new section 31). It reads—I am referring particularly to these sentences "Where... minimum rates of wages have been fixed by an appropriate Government as being payable to employees employed in any employment specified in Part I of the Schedule in the belief or purported belief that such rates were being fixed under sub-clause (i) of clause (a) of sub-section (1) of section 3...etc." I want to know why these words "in the belief or purported belief that such rates were being fixed under sub-clause (i) of clause (a) of sub-section (1) of section 3" have been added here. Even without that the clause reads well, and the intention of the Minister would be carried out even if you delete those words. Suppose any appropriate Government has fixed a minimum wage after the 1st day of April, 1952. The intention of the Minister is to validate those Acts. Therefore, even if these words are not there, the intention would be carried out. Therefore, I want an explanation from the Minister as to why he wants these things to be particularly mentioned there. Does he feel that otherwise the employees will challenge the fixation by Government on the ground that it has not been done or purported to be done in the belief that they are doing it under sub-clause (i) of clause (a) of sub-section (1) of Section 3.

**Shri V. V. Giri:** Quite correct.

**Shri Damodara Menon:** Are we not throwing open the door for challenging the action of the Government by employers later on? Therefore, if the hon. Minister has no objection, I would suggest to him to delete those words.

**Shri Nanadas** (Ongole—Reserved—Sch. Castes): Mr. Chairman, when the Minimum Wages Act was passed in 1948, what was the intention of the legislators in fixing a time-limit for the fixation of rates of wages for the employments given in the schedule? I think the intention was to see that the provisions of this Act came into force before that time. They wanted that there should be no delay in the implementation of the provisions of the Act. That was the intention of the legislators then.

Even according to that original Act, the minimum wages ought to have come into force for industries and employments in Part I of the Schedule by 1951 and for those in Part II of the Schedule by 1952. Those dates have lapsed, and by that time the State Governments could not fix up the rates of minimum wages for those employments. Because of their failure to fix the rates in time, the Central Government came before the House and once again extended the time. This Act was amended in 1952.

The Minister now comes here and says that in the interests of the workers themselves he wants an extension of time. I really fail to understand why the workers did not want their wages to be fixed earlier. Why should they want a postponement of the fixation of the minimum rates of wages for years to come? Is that the true intention of this Bill, and is it to fulfil the intention of the legislators who passed the Act of 1948 that this amending Bill has been brought forward?

What I want to say is that it is not to benefit the workers that this kind of amending Bill is brought before the House, but it is just to support the failure of the State Government in not fixing the minimum rates of wages that

these Bills are brought forward before this House. In administering labour legislation in our country, we have got a dual system. It is the Centre that passes legislations and it is the State Governments that should implement those legislations, so much so that always the State Governments want that they must postpone implementation and take some more time, so that they may settle their affairs in the State before they implement the provisions of labour legislations. That has been the practice in the States since 1947 onwards. There is no justification for the Minister asking us for some more extension of time for fixing the minimum rates of wages.

The hon. Minister says that the State Governments found it very difficult to fix minimum wages for so many varieties of employments, and so he wants this extension of time. Not only that. He says that the Act could be applied to Part B States only very recently, viz., 1951, and therefore they could not fulfil all the conditions and could gather all the relevant material that is required in fixing the minimum rates of wages. But what is the position in Part A States? Have they completed the fixing of minimum wages for all classes of employment mentioned in Parts I and II of the Schedule? Why should we give more time to Part A States who are simply neglecting the implementation of the labour legislation of the Centre? Why do you want to shelter the State Governments by bringing forward this Bill before the House? That is what I want to know from the hon. Minister.

5 P. M.

The minimum rate of wages for farm labour, according to Part II of the Schedule, should have come into force by 1952 itself, but it is being postponed from year to year and we are now at the end of 1953. In the composite State of Madras, the minimum wages were fixed for tobacco labour in the year 1951. Tobacco labour then was considered to come under factory labour, and so the minimum rates of wages applied to tobacco labour. In my part of the country, we have got



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many tobacco factories and every baron that employs more than ten or twenty workers is a factory. In 1951 itself, the Madras Government wanted to implement the minimum rates of wages for this tobacco labour in regard to them also. Accordingly they issued a notification, and the Department officials gave instructions to their subordinates to prepare the necessary data and also notify to the proprietors of the factories that the minimum rates of wages should come into force by such and such dates. At that time, I was in Government service, working as an Assistant Inspector of Labour in the Madras State. Suddenly, all the vested interests—the landlord section of the people, those who had 50 acres or 100 acres or 200 acres of tobacco land—ran to Madras, approached the Ministers and brought pressure saying that the minimum rates of wages should not apply to tobacco labour, i.e. the barons should be exempted from the definition of the Factories Act. In order to satisfy the demand of the landlord classes at the expense of the labour classes, the Madras Government notified accordingly giving exemptions to these barons from the Factories Act. So much so, the poor labourers working in the tobacco industry could not get the benefits of these minimum wages. That has been the story. Like this, the State Governments who are in the clutches of the landlords, the feudal section of the people, want to satisfy the requirements and demands of the landlord section. Because of that, the State Governments will postpone the implementation of these minimum rates of wages. That is the reason why in my State, that is the composite Madras State, they postponed the fixing of minimum rates of wages for farm labour. Last year, at last, they notified the rates of minimum wages for agricultural labourers. In Andhra and Madras States it is a common feature that the minimum rate that was prevailing in 1952 was from Rs. 1-8-0 to Rs. 3/- for farm labour. If anybody ploughs, he will

get Rs. 1-8-0 to Rs. 2/- a day. But, the minimum rate of wage fixed was only 12 annas. I really wonder how the State Governments or the people that were in charge of fixing the minimum rates came to that conclusion. What are the bases for fixing this low rate of wage for farm labour? Have they taken into consideration the subsistence requirements of labour and the requirements for the maintenance of efficiency of labour? Without considering all these things, simply at the behest of the landlord class, they have fixed some arbitrary rates. They notified and the notification time also was over. But, I doubt very much whether the rates have come into force, and whether they are being implemented in my State. As for myself, I do not know. But, they might have withdrawn it. Now, the Minister in charge of Labour comes before the House and asks for extension of time for fixing the minimum rates of wages. What I want to say is this. There is no justification for giving extension. It has been the practice of the State Governments to postpone the implementation of labour legislation, particularly the Minimum Wages Act. If the Centre should yield to their behests, we are not really doing justice to the labouring classes. We are really harming their interests. That is why I say that there should be a time limit before which all the States, for example the Part A States should fix these minimum rates. The Part A States have a very good administration introduced by the Britishers and also by the Congress Ministries for such a long time. What was the difficulty in coming to certain conclusions and fixing the rates? There was no excuse so far as the Part A States are concerned. This extension of time is not at all justified.

Then, Sir, in the Madras State, for all kinds of work, harvesting, transplanting, weeding out, for anything, only a rate of 12 annas has been fixed. There are so many varieties of work. I am reading from Part II of the Schedule of the Act.

"1. Employment in agriculture, that is to say, in any form of farming; including the cultivation and tillage of the soil, dairy farming, the production, cultivation, growing and harvesting of any agricultural or horticultural commodity, the raising of live stock, bees or poultry, and any practice performed by a farmer on a farm as incidental to or in conjunction with farm operations (including any forestry or timbering operations and the preparation, marketing and delivery to storage or to market or to carriage for transportation to market of farm produce".

There are so many categories of employment under Part II of the Schedule. Now, the Minister wants by this Amending Bill to restrict the scope of the Act, or give some scope to the State Governments so that they might fix minimum rates of wages only to certain classes of employment. In page 2 of the Bill it is stated:

"Provided 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."

What does this mean? The Minister in charge of Labour wants to give a wide scope to the State Governments, to avoid implementation of this legislation. As I have stated, the State Governments are in the habit of submitting to the behests of the landlord classes. These landlords do not want to give minimum rates of wages to the labourers. According to this provision, the State Governments can fix the rates for only a taluk or for a district. They may not fix the minimum rates of wages for many districts. Again, they may fix the rates only for certain classes of employment. For example, in paddy growing areas, they may fix the rates only for transplantation or harvest. These are the two types of work in which the landlord

will be in need of labourers and he will have to submit to the demands of the labourers. Because, if he makes a delay in the harvesting season, all the yield on the field will go to waste. If he makes a delay in the transplanting season, he may not be able to raise the crop in time so much so, the yield will not be good. In these two classes of employment, the State Governments may fix minimum rates of wages. That would not be in the interests of labour; it will be in the interests of the landlord section. So, by giving this wide scope to the State Governments it is not intended to give any benefit to the labourer; it is certainly intended to give benefit to the landlord section or to the State Government to suit their own needs. Suppose there is a demand for minimum rates of wages in any district or in any locality. Under this provision, the State Government could fix the minimum rates of wages for a taluk only where the agitation is strong or where the demand is very strong and they can avoid the fixing up of minimum rates for the other parts of the country, and for other kinds of work. Thereby, they can rouse one section of the employees engaged in harvesting a certain type of paddy for other grain against another section of employees engaged in transplantation. Like this, by using this provision, they can divide the working classes and diminish the strength of the working classes and utilise the powers to their own ends. It is highly objectionable to give this wide scope to the State Governments because I am sure that the State Governments will really succumb to the behests of the feudal landlords. So, I am against giving this kind of wide scope to the States.

Again, Sir, in fixing minimum rates of wages for farm labour, the State Government must, in my opinion, consult the labourers—the representatives of the labourers. In my part of the country, in Andhra, we have got a very big labour organisation for farm labour—the Agricultural Labour Association—which has got lakhs of members, and the Madras Government ignored this organisation in fixing the

[Shri Nanadas:]

rates for farm labour. We have also got a very big peasants' organisation in Andhra. The membership of this runs into lakhs. But the State Government conveniently overlooked these two organisations. They simply fixed rates basing their judgment on the information given by the officials and landlords and the Ministers, because the majority of the Ministers and M.L.As. in certain States are also landlords. So, it is in the interests of these people that these rates are fixed. So, what I want to suggest to the hon. Minister is that while fixing the minimum rates of wages for farm labour, these organisations of the labourers must be consulted, and the Government officials and the representatives of the landlords also must be consulted. Then only we can come to a correct decision as to what would be the reasonable rate of minimum wage. So, Sir, I suggest there should be a Board for the whole State, a Wage Board which will go into all these matters and formulate its suggestions.

Then there must be a Board for every district, because between one district and another there is difference in wages even now. These differences are bound to be there. We cannot have a uniform rate of wages for the whole State because in delta areas the rates of wages are higher than the rates in dry taluks. In my part of the country, in Krishna, Guntur, Nellore districts where we have got the delta, the agricultural labourers get more wages only during certain periods, i.e., harvesting and transplanting seasons, whereas in the dry districts of Rayalaseema and in the dry taluks of Nellore, they will get wages throughout the year, but very low wages, because there the cultivation is carried on by well irrigation. So much so, in dry taluks there will be labour—only, of course, to a limited number—for a long period. So we cannot have a uniform rate of wages for the whole State. So for every district there must be a Wage Board.

**Mr. Chairman:** May I point out to the hon. Member that what he is arguing now is against his own Amendment to omit lines 1 to 5?

**Shri Nanadas:** No, Sir. What I have been arguing is that for fixing of rates of minimum wages there must be certain Boards.

**Shri V. V. Giri:** Those Boards are provided for.

**Mr. Chairman:** If he wants omission of lines 1 to 5, that means there should be only one uniform rate for the whole State. Of course, I will leave it to the hon. Member to judge what he is doing, but I think it is contrary to his Amendment.

**Shri Raghavaiah (Ongole):** By way of elucidation, may I say that the intention of the hon. Member who is on his legs is .. (Interruption)

**Mr. Chairman:** Let no other hon. Member speak for him.

**Shri Nanadas:** If we have this kind of Boards—State, District and Taluk Boards—then these Wage Boards will be in a position to give correct information to wage fixing authority as to what rates should be fixed for a particular locality, for a particular kind of work. Only for that purpose I am suggesting these things.

And again, Sir, while fixing minimum rates in rural areas, if they are fixed in cash alone, then the difficulty comes. So the minimum rates of wages should be fixed in cash and also in kind whichever is favourable to the labourer. That should be the principle guiding while fixing these rates.

So, Sir, I conclude by saying that this extension of time is not at all justified and this giving wide scope to the State Governments to fix only to certain parts of the country and to certain classes of employment is also not justifiable, is not in the interests

of the labourers. It will be only in the interests of the employers.

**Shri Sarmah (Golaghat—Jorhat):** Mr. Chairman, Sir, looking at the operation of this piece of legislation—the minimum Wages Act—one wonders whether the Government is sincere about their business, although I must say that I do not doubt the *bona fides* of the personalities at the helm of affairs in the matter of labour.

**Shri S. S. More (Sholapur):** This is a change of front from the previous one.

**Shri Sarmah:** After the legislation was enacted, what happened in a certain part of the country? The tea industry was taken as one of the sweated industries and the first fruits of the Minimum Wages Act for the tea labourers in Assam was that the big tea planters started whittling down the emoluments or the privileges that the tea labourers used to get previously, although in the enactment itself it was categorically stated that tasks may not be increased and emoluments cannot be cut down or reduced.

Now, there is a very fine history behind this. During the war, the road to Imphal had to be widened, and certain air fields had to be made. A labour corps from Travancore-Cochin came and the sweated tea labourers were drafted from the tea gardens of Assam with the garden clerks and some of the European officers, some of whom of course, made mint of money and left hurriedly for their home during the war. Quite a number of these poor labourers died in the arduous task in the inhospitable tracts. Then, to persuade them to come and build this road to make these air fields, besides their salary they were given salt, dal, rice, gur and some other things at concession rates. Now, after this Minimum Wages Act came in 1948, these privileges were sought

to be reduced. The plea of the planters' case was that these were *ex-gratia* payments and therefore these things were not attracted under the Minimum Wages Act. The tea labour union, of course, contended that these things constituted wages because at that time the wages for the tea labourers were made up of certain cash payments and certain other advantages and privileges given to them. That matter was hanging fire for some time, and as is the case with our Government, they sent it to the Tribunal. As we all know something about it, whether in Tribunals or in Law Courts, the party with the longer purse has always got the best of the say. And that matter is still pending before the Labour Appellate Tribunal at Calcutta. The employers can go to Calcutta easily, because they have the money, but the tea labourers find it very difficult either to engage advocates at Calcutta or to send their own representatives. Although it was clearly stated in the Act itself that the tasks cannot be increased, and the emolument cannot be reduced, precious little was done by Government to give relief to the labourers by way of advice or suggestion or even indirect pressure—which, of course, is not always desirable, but on certain occasions when the two parties are not equal, this may be adopted—so that things may be managed in such a way as not to be harmful to the industry on the one hand, but at the same time to be helpful to the labourers, on the other. When that chapter was hardly closing, towards the end of September or October 1952, came the so-called crisis in tea. It may be better described as price recession, and our contention was, and still is that it was man-made, because in London a tea market was opened, and the Food Ministry there withdrew the relief that was being given and yet the prices did not rise proportionately. Thus, at one stroke, the British consumers got the advantage of this price recession, and quite a good amount of capital was repatriated to England by indirect means, to state it briefly.

[Shri Sarmah]

When this so-called tea crisis came—which, I repeat, and we still hold, was mainly man-made, although there were certain other reasons for it, such as the peace talks in Korea and so on—the Government of Assam, one fine morning issued a communique appointing an Uneconomic Gardens Enquiry Committee, consisting of representatives of labour, employers, and some Members of the Assam Legislative Assembly. And what were the functions of the Committee? They could revise the minimum wages. The result was that in quite a good number of tea estates, the Minimum Wages Act was not observed, in consequence of the directions of this Committee. Thus in the same industry there were two levels of wages for the labourers, one on a par with the minimum wages, and the other less than the minimum wages, and this lesser emolument was given in the so-called uneconomic gardens. This anomalous position is still continuing. When we look at this reduction of the minimum wages, we are really flabbergasted, because the Minimum Wages Act was enacted, admittedly to give relief to the labourers in sweated industries.

Now, what is the basis for these minimum wages? It is the cost of living. In other words, the minimum wage is neither a fair wage nor a living wage, but it is literally a minimum wage at subsistence level. And yet, when certain gardens were found or supposed to be uneconomic, the wages were reduced below that provided by the Minimum Wages Act. Now, to find whether a garden was uneconomic or not, was rather difficult, because all the matters could not be thoroughly gone into or scrutinised due to various reasons. It may be that the persons were not quite competent, or the data were not available fully, or that the employers were not willing to disclose all the facts and figures relating to the cost of production or perhaps the time at the disposal of the Committee was not sufficient to enable them to come to proper findings. But the fact re-

mains that if a proprietor of a tea estate would purchase a Buick convertible but would not put manure on his tea garden, he would not get sufficient output, and would not have enough money to keep the garden going towards the latter part of 1952 or early 1953, with the result that the garden would be found uneconomic, because the income is not sufficient to make both ends meet. This is a very curious state of affairs. When the so-called tea crisis came, it was the labour alone that suffered in that part of the country. If that should be the case, what is the purpose of the Minimum Wages Act? Although the labourers cried for it, and although the labour-workers wrote letters, made representations, and took all possible steps, no relief was given to them.

Another curious part of this communique was that the reduction in wages would not be reconsidered until the loss supposed to be borne by the proprietors and employers were made up. I have not come across any device or any arrangement or any edict anywhere which says that the labourers will be sweating and starving till the loss supposed to have been incurred by the planters is made up. Did this so-called crisis come only for the labourers? Are the proprietors of the tea estates to be reimbursed for their supposed loss by the sweat of the labourers, until their loss is made up completely? And is it for this purpose that their wages would not be revised? The labourers have been taking exception to this, and I suppose in a recent meeting of the employers and the labourers, the representative of the labourers refused to have his seat in the conference and withdrew. Even today, the position continues to be the same, the question of revising the wages would not be reconsidered until the loss is made up by the planters.

Another point that I would like to invite the attention of Government to is that although there is

minimum wage in force in a tea Estate, there is often a peculiar category called '*letera challan*', and the minimum wage is not applicable. Goodness knows what is meant by this term. Perhaps it is a local term. The word '*letera*' means clumsy, awkward, incompetent or something like that.

**Shri K. P. Tripathi:** It means untidy fellow.

**Shri Sarmah:** A certain part of the labourers is categorised as '*letera challan*', and even though minimum wage is in vogue in that estate, these people are not given the minimum wages.

**Shri S. S. More:** What about some of our Ministers? Are they not also described as *letera challan*?

**Shri Sarmah:** If such anomalies continue, what is the meaning of this enactment?

I welcome the extension of the scope of the legislation, but I urge that effect to this piece of legislation should be given with all the seriousness that the situation demands. The tea labourers are perhaps amongst the most sweated labourers in all the industries in the whole world. Tea belongs to that category of industries which give a return on the investment, of the order of 300 to 1,000 per cent. The tea estates which came into existence prior to 1939 or 1940, or even 1945, must have returned at least 300 to 1,000 per cent. of the initial investment on them. If on one side, if we see the picture of starving labourers, and the reduction of the minimum wages, what do we see on the other side? We find that more non-Indians have been imported into the management of the industry.

**Mr. Chairman:** May I suggest to the hon. Member that he should rather come nearer the provisions of this Bill?

**Shri Sarmah:** I want to point out that the provisions of the Bill are salutary, but what is the good

of its existence on the statute book, if it is not going to be applied in actual practice. I suppose that is the most relevant part of this piece of legislation. That is my submission to you and this House. Soon after the coming into operation of the Act, we should have expected minimum wages in all sweated industries covered by the Act, but what do we find? We find quite the reverse of what the legislation intended has taken place, and the wages for the tea labourers has been reduced below what was provided by the Act. While the labourers are treated this way, we find that quite a number of Europeans have been brought in on the managerial staff. Prior to 1952, with a view to showing lesser income, other expenditures were also increased on the management. I hope, Sir, that the Government would be pleased to see to these aspects of the legislation so that really those for whom it is meant get the advantage.

**Shri K. C. Sodhia (Sagar):** I do not want to speak about factory labour, because...

**Mr. Chairman:** May I suggest to those who would like to speak hereafter that they should at least make some reference to the provisions of this Bill?

**Shri K. C. Sodhia:** I shall speak about the Bill.

**Shri Raghavaiah:** May I make a suggestion, Sir? Since the number of people who want to speak are too many, will it not be inconvenient and taking the time of the House... (*Interruptions*). It is for the consideration of the Chair that I am making this suggestion. It may not be a point of order. It may be taken as a suggestion.

**Dr. Suresh Chandra (Aurangabad):** It is no point of order.

**Shri Raghavaiah:** There are many Members who have already tabled amendments to the Bill. They may speak at the second stage of the consideration, and those who have

[Shri Raghavaiah]

not tabled any amendments and want to speak, may be given preference.

**Mr. Chairman:** I can do one thing. I can fix the time-limit for speeches hereafter—about ten minutes.

**Shri S. S. More:** 15 minutes.

**Shri Raghavaiah:** Suppose it relates to the provisions of the Bill; then he may be given 5 minutes more.

**Mr. Chairman:** Ten minutes only.

**Shri K. C. Sodhia:** I am going to relate to you the story of *biri* labour in Madhya Pradesh with whom I have got intimate connection and about whom I have got personal knowledge. Then I shall speak about agricultural labour.

It has been stated in one of the replies to my questions that the number of *biri* labour is only 1 lakh in Madhya Pradesh. I tell you, Sir, that the number of *biri* labour in Madhya Pradesh is, at the most conservative approximation, not less than 10 lakhs. Now, when under the law, the Minimum Wages Act, which is applicable to the *biri* labour, we do not know even the approximate number of *biri* labour, then what can we say about the administration of that law? That is the first point.

Now, Sir, you know this *biri* periods has to work with tobacco and you also know that the smell and the effects of tobacco on labour are very bad. They have to remain sitting the whole day and a man at the age of 30 working in this line will be a 70-looking man. In fact, if Government were to institute an inquiry, I am quite sure that at least 20 per cent. of them will be found to fall in this category.

Now, Sir, looking at this number of 10 lakhs of labour—or it may be even 5 lakhs, even then it is a big number—we find that they are working in a very bad condition. If we look to the Minimum Wages Act,

Rs. 1-4 per thousand was the rate fixed in the year of grace 1951. Since then, it has just been going on in the same fashion when a *biri* 'khatta' of 20 was priced at 4 pice. At present, the price of a 'khatta' is 2 annas, and the minimum wage that is allowed to a labourer has been reduced from Rs. 1-4 to 12 annas. The House will be curious to know how this happened. The thing was that when the Minimum Wages Act was not in force, the *biri* magnates used to give wrapper, gum, *dhaga* and all these things from their own shops. They were allowed to do that. Now, since the Minimum Wages Act has come into force and Rs. 1-4 per thousand has been prescribed as the rate of wage, these *biri* magnates have tried to make all sorts of deductions. They say: '1 anna for gum, 2 pice for wrapper, 2 pice for sitting accommodation' and so on and in this way, they have been making all sorts of deductions and the net amount that they give per labourer is 12 annas per thousand.

Now, Sir, you may say that this *biri* labour has not to work in a factory and their work is not very hazardous. But if you just look to the health of those labourers and the evil effects of the nature of their work that they have to do, you will see that their labour is very hazardous. Therefore, they ought to be given more for their work than is generally allowed. Therefore, my submission to the hon. Minister is that there ought to be some criterion to guide the Boards which are constituted for the purpose of making recommendations to the State Governments about the rate of minimum wages, and that criterion can only be the great amount of profit which these *biri* magnates are making. If that is done, then those Advisory Boards can come to a certain decision which can be reasonable to the labourers. That is my first suggestion.

My second suggestion is this. In the Act, there is a provision that if certain deductions are to be made and are allowed by the State Governments, then these deductions can be made in the minimum wages that are allowed to the labourers. That is one of the provisions of the old Act. Now, Sir, these labourers—90 per cent. or even 95 per cent. of them—are illiterate and they do not know what deductions have been allowed by the State Government for the meagre pay that is allowed to them under the Minimum Wages Act. Therefore, my humble submission to the Minister is that if the State Government allows any such deductions, then the terms of those deductions should conspicuously displayed in the office of the manager who manages these shops.

Then my submission is this. Under the Amending Bill, it has been left to the State Governments to just wait till the end of the statutory limit of 5 years after which they have to revise their minimum wages or to just make an inquiry and fix the minimum wages anew. My submission is that the procedure for finding out the new minimum wages under the Amendment Act should be taken up by the State Governments without any delay.

Now, Sir, I have to say a few words about agricultural labour. We are all very impatient and we want to eat much much more than we can digest. That is my impression about labour laws. My view is that agricultural labour now gets much more than what they are likely to get under the Minimum Wages Act. I will give you a concrete example.

I am a farmer and I have always to engage two labourers for the whole year. I pay to them one-third of a *mani*. A *mani* means 6 mds. and 10 srs. of wheat in our side of the country. Now, one-third of that means 2 mds. and 3 srs. every month. Now, that is, of course a mixture of gram and wheat. Now, they sell practically at the same rate at least for the last two or three years. It has been

found by experience that the rate of gram is only very slightly lower than that of wheat. Now, according to our calculation one *mani* comes to about Rs. 110 or Rs. 115 and one-third of it comes to nearly Rs. 40. That is what we pay to them. Moreover, at the time of harvest we have got another rate which is nearly 125 per cent. of what their monthly wages are.

Moreover, the rates of agricultural labour vary from place to place. It is very difficult for any State Government to fix a reasonable rate of minimum wage for agricultural labour within a period of 6 months or even one year. Therefore, Sir, my submission is that instead of 1954, the period should be extended to 1956 so that justice may be done to all the parties. My submission to the hon. Minister is that he is really solicitous for the welfare of labour but his misfortune is that he cannot properly administer the laws which he frames because the agencies through which he administers these laws do not come up to his expectations or to his level of thinking. Therefore, I would request him—if he wants that his labour laws are at all to be conducive to the welfare of labour as he desires them to be—to have an agency on which he can rely for the proper implementation of his laws. That is all that I have to say.

**Mr. Chairman:** Before I call upon any other hon. Member, I would like to say this. I think the Bill has been very exhaustively considered and I think I will have to give at least 20 minutes to the Hon. Minister for his reply and another 10 minutes also for the amendments to be moved so that we could succeed in passing this Bill before 6-30. I think there has been enough discussion and I will call upon one hon. Member and after that the hon. Minister. I have got another way of curtailing the debate, to which I would not like to resort. I think the House is satisfied that the Bill has been thoroughly discussed and if some hon. Members



[Mr. Chairman.]

want to place new points, that is a different matter.

**Shri S. S. More:** There are different categories of labour.

**Mr. Chairman:** It may not be quite irrelevant for any hon. Member to discuss every little trade and the payment of minimum wages to them, but I cannot help it.

**Shri S. S. More:** How can we help it?

**Mr. Chairman:** I can help it in another way; that is a different matter.

**Dr. M. M. Das:** We have done a lot of work today. This can be taken up tomorrow or the day after. Why are we in such a hurry, Sir?

**Shri S. S. More:** About minimum wages, Sir....

**Mr. Chairman:** I am on my legs and I would request hon. Members to hear me. There is no desire really to curtail discussion. If any hon. Member wants to put forth the grievance of any particular kind of labour, I think that can be done without taking much of the time of the House. I would suggest to the hon. Members that they should rather observe that.

**Pandit S. C. Mishra (Monghyr North-East):** Mr. Chairman, Sir, I will not spoil my time. This Bill which seeks to amend our old Act has given out as one of its objects the protection of certain classes of labour. The notion of minimum wages, Sir, is certainly a notion that we have borrowed totally from western countries. I think when I utter this sentence, our friends like Kila-chandji and Somaniji would think that I am in their box and perhaps I want to attack the Bill.

**An Hon. Member:** They are not here.

**Pandit S. C. Mishra:** They might have gone in the knowledge that no legislation is going to be passed which will really harm them or really affect them. Therefore, they can always be at ease. What I want to draw the attention of the hon. Minister and the hon. Members behind him to is what can be the intention behind such Acts and whether any of those intentions have been fulfilled. Because you have limited my time, I will not take these friends back to the history of those days by which we can see how the necessity for such Acts arose in the other countries, England, Holland etc. and whether they fulfilled anything or not. Here of course, these are only pious wishes which help nobody and inconvenience no party and certainly achieve nothing. I will assure our Labour Minister that the way in which they are serving our country does not come to anything. It may be serving the other party but it is not serving labour at all. Before a notion about any minimum wage can be crystallised, the first thing that must be taken into consideration is the status of the society. What do we mean by minimum wages, Sir? Nothing has been mentioned either in the original Bill or in the amending Bill as to the principles on which the States should fix the minimum wages. If they find that there is a class of industry which is employing 1,000 men, then, only they should think of fixing the minimum wage. Therefore, Sir, the position in a nutshell is that if there are ingenious persons who wish to exploit labour and if they have got some ingenuity they can go on doing it with audacity and this Act will not apply at all, will not touch them. Only when there is a great demand on behalf of labour will our benign Government come to their rescue.

One of my friends questioned the honesty or the intention of the Government. I say, if there was any intention to give general protection, the first thing is to have minimum

wages fixed for all classes of labour by the Central Government. Why should there be a minimum rate only in a certain industry which is having at least 1,000 labourers in one State? One of my friends was talking of dock labour. These docks may be diffused all over the States and one State may not have more than one dock and perhaps there may not be 1,000 labourers in one State. Our good friend of the labour, by this Bill, is telling the States "You need not legislate on that point because this industry does not in your own State employ more than 1,000 labourers". What I wish to suggest before the House is this. The notion of a minimum wage must be constantly revised. What is fair and equitable now may not be so next year and it may then become obsolete, because our standard of living is changing every day. I would like to give you a simple illustration. These chariots drawn by horses—were they not the greatest luxuries only a hundred years back? Now they are dingy things because shining motor cars are being used by our Ministers and therefore those chariots have now become obsolete and have gone below the minimum standard. Similarly, mud-houses might have been very comfortable at one time, but now what are they? What I wish to say is that there must be a notion about what is the level of minimum rate at a certain period of time, and now in this twentieth century, the elementary thing that should be taken into consideration and which the Government of India should have laid down, when they are making so many schedules, one more schedule to say that such and such standard of living shall be considered to be the minimum standard of living for a human being in India. Only on that basis there could have been some benefit and that ought to be universally applied. I will not go into the history, but one word I can say—and perhaps our friends are not ignorant. Especially in England, about 200 years ago, when their manufacturers came to have their own way,

they made laws in the Parliament of England, by which begging, etc., were made a crime and any poor fellow found on the roadside was just put into the jail. Therefore, the manufacturers on the one hand opened certain factories whose gates were open, and on the other hand they took whips from the Government and every poor man was driven by those whips till he was forced to enter those factories. If he did not enter those factories, he goes to the jail. That sort of thing was prevailing in England for so many years. Then, the manufacturers had the pleasure of employing, because otherwise the poor man had to go to jail. This exploitation of labour went on there for more than two decades and it was only after that that something leaked out of that and then the conscience of England revolted against this and they drafted these laws—minimum wages laws. If we wish to avoid exploitation, then we should legislate and not leave everything to be settled between the exploiters and the exploited. If you leave it to them to decide, then of course this is enough for an eye-wash, but if we intend anything else, I would humbly request the hon. Minister to take the matter up immediately. You fix a minimum wage and fix the intensity of exploitation of labour. Suppose you fix certain wages for certain industries, and you do not fix intensity, what will the capitalist do? He will only speed up his own machines and the poor labourer, who used to sweat in eight hours, will be sweated out in four hours and his life will become a burden to him; he cannot stand up any longer after four hours' work. There is no protection for this man. Therefore, this minimum wage should take into consideration the intensity of the employment also. I find that our benign friends have suggested that in such and such industries where the wage standard is above Rs. 75 per month, they need not at all legislate for the workers. You may pay Rs. 75 per month, but take the life out of those fellows so that they become old men at the age of

[Pandit S. C. Mishra]

20 and go to their grave at the age of 30.

**Dr. M. M. Das:** Is that correct?

**Pandit S. C. Mishra:** You, being a doctor, must know.

**Dr. M. M. Das** *rose*—

**Pandit S. C. Mishra:** I am ready to sit down and let him have his say if he wants to interrupt me.

**Shri Algu Bai Shastri** (Azamgarh Distt.—East cum Ballia Distt.—West): On a point of order, Sir. Can two hon. Members talk to themselves.

**Pandit S. C. Mishra:** What I am saying is that the notion of minimum wages can only be right and concrete when we take into consideration all these factors. Every man has the right to expect to live at least upto 60 or 70 years under certain Indian conditions. Without taking that into consideration, if a factory owner pays Rs. 75 to a labourer and if he roasts that fellow, our Government does not wish to go and protect him. Our friends have drawn your attention, Sir, to the fact that there are many classes of employment where this Act does not apply at all. I was shocked to hear what our friend from Assam had to say I knew that there was a Viceroy's rule in India some 50 years ago, who when he went to the tea gardens of Assam, said "we are doing the same job in India, you through exploitation and I through administration". Is that the same state that still prevails? Are these tea gardeners still so very dear and near to us that we cannot extend this simple Act to their regimes also? What I wish to say is that you should throw out this clause wherein you say that it will apply only in those industries in a State which retain at least a thousand employees. We are legislating from this august Parliament and I say that anybody employed anywhere shall have the protection of this law and the big arm of Parliament will protect him

anywhere—whether there are 1,000 people or only one man and one child in the factory. The conditions of living must be prescribed, that is, that minimum wage means such and such a standard of living. Although the money standard varies from State to State, the material standard should almost be the same throughout the Indian Union.

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I think I have included landless labour especially. This protection should be applied to all. It may be that in the rural side, when calculated in money, the wage may be smaller. In fact in factories in the cities, it may be calculated in money, and in this case, the wage may be higher. But there must be a uniform policy.

**Shri Mohiuddin** (Hyderabad City): Mr. Chairman, the common feature of all the speeches that have been made today on this amending Bill is that criticism is directed not against the Act or the amending Bill but mostly against the implementation of the Act. There has been a common complaint that although the Act has been enforced—it is now about five years—the minimum wages have been enforced by the State Governments only in a very limited manner and even then, wherever they have been notified, they have not been properly enforced. That is a very common experience throughout India. I know of two States, for example, who by notification, had enforced the Act for beedi workers. In about six or nine months' time, they found that the notification could not be enforced, or, the State Government were helpless in properly enforcing it. So, the notification was withdrawn and a committee was appointed to go into the question of revising the rates of wages. The enforcement of the minimum wages in cottage industries and small scale industries is no doubt very difficult. It is difficult, firstly on account of the fact that State Governments have not got sufficient staff to enforce the law. Neither have they sufficient funds to

employ more staff for the purpose of enforcing the Act. Now, that is the situation in respect of the cottage and small scale industries. In regard to agriculture, we find that very few States have enforced, in a limited area the minimum wages for agricultural labour. Even there, the enforcement difficulties are encountered, and we find that the law is not properly enforced. These two fundamental defects have been found all over India. I think it is high time that the Minister of Labour considered and examined the rationale of the Act itself. It is necessary to see that if a law is to be enforced, it should be properly enforced by the staff and by public opinion. I do not know how far public opinion can help in this matter. It does help to a certain extent in large areas, but it is helpless in bringing the defaulters to book.

The important question is whether, if we are going to pass this amending Bill,—is it going to be properly enforced or is not going to be properly enforced. I hope the Labour Minister will give his attention to that problem and find out why is it that the State Governments are not at all enthusiastic. I am saying it deliberately that the State Governments are not at all enthusiastic about enforcing the Act. I suggest that either a departmental enquiry committee should be appointed or another type of committee may be appointed to go into the whole problem of minimum wages for agricultural labour as well as cottage industries.

Now, Sir, in regard to agricultural labour, an enquiry was made about three or four years ago into the rates of wages for agricultural labourers. The reports for a few villages have been placed in the library, but the report for the whole of India has not yet been published. I do not know when the report is going to be published. It will be an interesting document on which the policy of the Government will be based as regards wages that are to be paid or enforced for agricultural labour. Now, in

respect of a few reports that have been published or have been placed in the library, we find that the agricultural labourer has got employment for at the most 160 to 180 days in a year. Now, I wonder, when the whole scope of employment for agricultural labour extends only to about 170 days in a year on an average, how the minimum wages are going to help them. The problem of agricultural labourers is a vast problem, and the simple enforcement of the Minimum Wages Act in respect of agricultural labour is not going to solve that problem. I do support that the minimum wages for agricultural labour must be enforced and it should be properly enforced, but it requires something more than the enforcement of the minimum wages to increase the standard of living or the agricultural labourer. With these few words, I support the Bill.

**Shri P. C. Bose (Manbhum North):**  
Mr. Chairman, Sir, I would like to support the Bill for a particular reason. I support the Bill because this Act, the Minimum Wages Act, has got a special significance for our country. In almost all the countries of the world which are advanced in industry, there is a Minimum Wages Act, but so far as I know, everywhere it has lost its significance altogether. In England, for instance, there is a Minimum Wages Act, but the actual rates of wages paid are something like four to five times the minimum wages prescribed in the Act. But here, in this country, it is very unfortunate that all employers—employers include Government also because they are the biggest employers—consider that the minimum rate is the maximum rate. It is both minimum and maximum. When a legal enquiry is held into the rates of wages, they fix it at the minimum rate without any consideration of the actual living costs. So, this Act has, as I was saying, got a special significance and special importance in our country. That is why I said in the beginning that I support it on that particular ground. That is necessary: otherwise the employers will find some

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loophole to bring down the wages below the minimum level. But at the same time I have heard that there are so many fields of labour where this Act is not applicable.

As I was saying this minimum wage rate should not be the maximum rate. Government should see to it. In the coal area I have seen that in 1947 the minimum rate of basic wage was fixed at eight annas; and they gave something more—four annas as new basic and 150 per cent. as dearness allowance. But that rate is still continuing. There is no grade at all. Nobody gets one anna more than eight annas per day. That is why I was saying that minimum in our country means the maximum, whereas in industrially advanced countries the Minimum Wages Act has been left in the background; it has no significance at all. In fact, they are paying four or five times the rates fixed by the Minimum Wages Act.

In regard to other labourers, about whom certain hon. Members have spoken, I think the scope of this Bill is rather limited. Take for instance agricultural labour. I had some concern with agriculture labour also. But I have found it a very difficult thing to assess the actual rate they get, or to fix a minimum wage; because, in the same village some labourers are paid in cash, some are paid in kind, some are paid both in cash and in kind. Then again the price of grain varies from year to year. Therefore, it is very difficult to fix the actual amount. If we fix a minimum wage in cash, it will be impossible for the villagers who have got very small holdings, who appoint two or three labourers, to pay cash down. They invariably pay in kind, —a few maunds of paddy or some food. Sometimes the father, mother and children work and make their living. So, introduction of minimum wages in agriculture is a difficult thing and should be considered very thoroughly. Also, this matter should be considered separately, apart from this Bill.

Again in regard to smaller concerns, I do not understand why people working in them should not get the same rate as those employed in bigger concerns. They have got to spend the same amount of money for their upkeep and for feeding their children. This kind of difference is really not understandable, and I think should not be allowed. The difficulty may be, as was pointed out by one hon. Member, that the poor employers may find it difficult to carry on and may close down. This in turn will lead to unemployment. This aspect no doubt should be considered by Government, but I feel that in a measure designed to raise the standard of living of the labourer, those engaged in smaller concerns should not be neglected. In that respect the law should be all-pervading, comprehensive and equally applicable to all labourers working everywhere.

**Shri Raghavaiah:** Mr. Chairman, Sir, in a measure seeking to amend the Minimum Wages Act of 1948, one naturally expects from the Ministry an account as to how the original Act has been implemented by the administrations and what success or failures it has encountered in the course of its administration. But this is lacking. No literature has been supplied to Members of this House as to how this piece of legislation has worked in different States from 1948.

When such is the plight in which Members find themselves, it is really difficult for them to make any suggestion or any contribution to the amending measure that has been brought forward. One of the previous speakers, who is experienced in the administration of this legislation in Hyderabad, from the other side has already pointed out two fundamental defects. Time and again it has been pointed out by several hon. Members in this House that there has been inexcusable and inordinate delay in the implementation of this piece of legislation in the different fields of labour. It is not surprising that not only is there delay, but even where it has

been implemented it has been a dismal failure. Where minimum wages are fixed, the labourers are not paid even that and they have to go to some tribunal. So, the whole thing boils down to a farce.

Sir, I had the other day given certain definite and concrete cases to the hon. Minister of Labour, cases relating to the mica labour, where we expect this legislation to be implemented in all its fulness. But even there the wages that are fixed have not been paid; the mines have been closed and the labourers have been left to fend for themselves. That is the plight of hundreds of workers in the mica industry. When such is the position, where minimum wages have been fixed, one can imagine how this measure is going to be implemented and what fruitful results are going to come out of it.

About the unhappy results that have followed in the absence of implementation of this legislation much has been said by my predecessors and I need not add another stone to the large number of stones that have already been thrown at the Minister who must have been already tired of the discussions.

**Shri V. V. Giri:** Not at all.

**Shri Raghavaiah:** This is not the first time that Government is demanding an extension of time. The first extension was up to March 1950; later it was further extended to March 1952. Then again there was a further extension of one and a half years. In all there were three time limit extensions of about four and a half years. One can easily imagine the immense loss that would have been sustained by labour during these four and a half years. If this piece of legislation had been brought four and a half years before or at least three and a half years before, certainly the workers would have been benefited. So the only serious complaint, the main complaint and the only grievance of each and every Member of this House, both from the Opposition and from the ruling party, will be

that this amending piece of legislation is too late, so late that it has taken so many human lives for which there is no regard by this Government. If only there is any regard for human life and the labour of man, if only the so-called dignity of labour has any meaning—a term that has been used in the literature of the kinds of governments that we are having in certain parts of the world including ours, unhappily, I have to add—if there is any meaning for that term, Sir, so many lives would not have been lost as a result of the absence of implementation of this legislation and also as a result of this measure being too late.

So, Sir, even at this stage one cannot argue otherwise, because the nature of the piece of legislation is not such that we can expect the wages to be paid for the past three and a half years. Nothing can be applied in a retrospective manner. This piece of legislation does not provide for such a scope of getting wages paid for the years that have elapsed on account of the negligence of an inhuman government—I must be excused, Sir, for saying so, because no value has been paid to human life and human labour—I am again repeating on account of the negligence of an inhuman government.....

**Shri V. V. Giri:** Call it un-human. That is more cultured!

**Shri Raghavaiah:** If you accept the premise, the corollary follows. After all I do not dispute the term if the meaning is accepted.

Sir, I do not find fault with the hon. Minister Shri Giri who is today in charge of Labour. After all he has come today. His predecessor Shri Jagjivan Ram has done nothing. And his predecessor has done still more nothing.

**Shri V. V. Giri:** Nothing comes out of nothing!

**Shri Raghavaiah:** The responsibility is not only of the present administration but its predecessors and its predecessors also. So one cannot

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level all the criticism against the Government that is today carrying on the administration.

Another point that follows from the extension of time, is why should it be extended? Because a certain delay has been caused in the implementation of the legislation, in taking data, fixing wages and so many other legal formalities—because of these one has to extend the time. The delay has been caused by the State Governments in implementing the original piece of legislation of 1948. One has to accuse the State Government for not implementing it with all the rapidity, with all the sincerity, with all the swiftness and with all the humaneness that this piece of legislation, namely the Minimum Wages Act of 1948 requires. Since the State Government has not done that, the duty of the Central Government is not to extend the time, not to give a still further lease of time for it to breathe and spoil even this amending piece of legislation—because it is only accustomed to not implementing the legislation with sincerity, honesty and swiftness that the legislation demands, but to ask for explanation.

Sir, the hon. Member from the other side who comes from Hyderabad has already stated how two fundamental factors are required, namely the question of staff and the question of funds. And, as he has already said, when these two main basic things are absent the State Governments could not implement the measure. So it needs no explanation or addition on my part to what has been said by him. In this way the main defect lies with the State Governments for which the Central Government also is partly responsible because it has not provided in the legislation for the State Governments to get any funds or employ any staff. Neither has it done it of its own accord nor has it provided scope in the legislation for the State Governments to remove these two main defects as a result of which

they could implement the measure effectively.

In view of these two factors the main party to be accused is the State Government, and partly the Central Government—of course only in a subsidiary capacity it comes. But instead of charging the State Government and punishing the State Government it punishes the workers by extending the time and by giving more time to the State Governments.

Here one can understand the role that is played by the State in implementing legislation. Why do we make a legislation? Why do we pass a certain Bill? It is only to see that it is implemented with all sincerity, swiftness and humaneness that the country and the people demand. We do not go on passing pieces of legislation and fill the statute book increasing its size to such an extent that one will not be able to go through it or know what has been passed—because nothing is there in practice. And even when it is implemented the losers are the people, the workers. I have already pointed out how it has not been implemented in respect of the mica workers. And even in the implementation there are so many pitfalls. By this piecemeal and half-hearted implementation and these defects in the implementation, the result is disastrous to the people and the workers.

In view of all these things one questions the treacherous role, the unhappy, inhuman role played by a State in doing justice to the people. Whom does it support? Does it support the mica owners? Does it support the industrialists? Or does it support the workers, the labour?

Time and again the other party has said, especially the Deputy Minister in many of his speeches on many an occasion has left no chance in assailing the Opposition with terms such as "revolutionary", "red bogey", "Bolshevik" and so many other terms that are most unfit for decent hearing. I

may remind him in this connection of what is the role played by a State, in not implementing the legislation. And if it is not implemented, is it not the duty of the Government to accuse and charge the State Government and to punish it? Instead of punishing the accused, you are punishing the accuser. Is this the type of justice that we are administering in this country? The party that is to be accused here is the State Government.

I need not advance any further arguments. Much has been said by the hon. Member coming from Hyderabad. So with all sincerity let me advise the Deputy Minister who is always anxious to assail the Opposition with all varieties of red bogey: here is a culprit, an accused, the State Government; and here is another accused, a subsidiary accused, namely the Central Government which has not provided the State Governments with funds, which has not provided

the State Governments with staff to implement this measure, and here is a State that has not implemented the Act at all in most of the industries. Here are the accused. They have got to be punished. They have got to stand a trial before the people. And it is only after that, as a result of the report that we get from the trial before the people, it is only then that this piece of legislation is worth being discussed in this House, Sir.

**Mr. Chairman:** Is the hon. Member going to close or will he take some more time?

**Shri Raghavaiah:** Sir, I have three more points.

**Mr. Chairman:** The House stands adjourned till 1-30 p.m. tomorrow.

*The House then adjourned till Half Past One of the Clock on Wednesday, the 16th December, 1953.*