

that public opinion. That was the only other matter which the hon. Member wanted. May I know the hon. Minister's reactions?

Rajkumari Amrit Kaur: I am not willing to give any assurance about eliciting public opinion. It is a highly technical matter. All the States have been consulted, and all medical authorities have been consulted.

Mr. Chairman: I understand then that this is not going to be sent for eliciting public opinion. The hon. Member also does not want it. He only says that if it is to be sent for public opinion, it may be sent now, so that time may not be lost. It is not his case that the Bill may be sent for public opinion. It may not at all be sent for eliciting public opinion.

Is the hon. Member agreeable to the adjournment of the debate on this Bill?

Sardar A. S. Saigal: I would just beg of you that the debate on the Bill may be adjourned till a Bill is moved by the hon. Minister.

Mr. Chairman: The question is:

"That the debate on the Bill be adjourned."

The motion was adopted.

PREVENTION OF FREE, FORCED OR COMPULSORY LABOUR BILL

Shri D. C. Sharma (Hoshiarpur) I beg to move:

"That the Bill to provide punishment for free, forced or compulsory labour, be circulated for the purpose of eliciting opinion thereon by the end of March, 1955."

This is a very simple Bill, and a very short Bill too. But its simplicity and shortness are no index of its importance or the urgency of the problem to which it draws the attention of the Indian public. In the first place, I wish to say that this Bill is in confor-

mity with the spirit of the times in which we are living. There is no doubt that free forced labour is still practised. I shall come to that point later. But I must say that this is something which is reminiscent of the feudal times. It is not only that, but it is also a kind of slavery.

Now, we have abolished slavery in many ways in many countries, and slavery is a penal offence now. All that is there, but there are so many places where feudalism still lurks. There are so many forms of labour which still show the vestiges or signs of that form of slavery. Therefore, I think the spirit of the time requires that we should put an end to all kinds of slavery, whether it is free or forced, and whether it is practised on a small scale or a big scale, and whether it is practised in a direct manner or in an indirect manner. That is the first object of this Bill.

The second object of this bill is this. I am not very wrong when I say that about 85 per cent. of the people of India live in villages. The rural population of India requires to be given that status, that dignity of citizenship and manhood, which are postulated in our Constitution for all the citizens of India. I come from a village, and I know that in the villages, the conception of freedom is not the same as that which is to be found in the towns. It is so because in villages we do not have that amount of education as we have elsewhere. At the same time, we find that social stratification—I am using a very big word, but I shall explain it later on—is found there in its worst form. For instance, we have there persons who own lands, we have there persons who possess money, and we have there persons who possess some kind of influence.

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

And those persons are not always just those whom one could call poor, illiterate and uneducated. I do not want to talk in terms of castes, for I do not believe in castes. But I cannot help saying that this caste system still persists in India. It persists with

[Shri D. C. Sharma]

greater vehemence in the villages of India than in the towns of India. In towns, we find a sense of equality, but not so in the villages. There are some members of some castes—I do not want to mention those castes—who are not accorded that social equality which is to be found in other places.

Therefore, in the context of the Five Year Plan of India whose objective is to level up the rural population of our country, it becomes very necessary to have a Bill of this kind. I represent a constituency which I call a backward constituency. The hon. Member, Pandit Thakur Das Bhargava, while speaking yesterday on the Five Year Plan referred to Gurgaon. He said it was a backward area. He also referred to Hoshiarpur and Kangra districts and called them backward areas. Now, I represent the Hoshiarpur district and two tehsils of Kangra district, and I find in that backward area we do not have the same kind of social education as we have elsewhere. They are scarcity-affected areas. Three tehsils in my constituency, Hamirpur, Dera and Una are described as scarcity-affected areas. People own very small plots of land there and they find it very difficult to eke out their living with all the work that they do. Now in those areas, I find that the blessings of education are not to be found on a large scale. Therefore, there are castes, there are certain sections of society there who are not given that kind of equality of treatment which is the birthright of every citizen of India. I should not say it, but I cannot help saying it, that veiled forms of *begar*, indirect forms of *begar*, indirect forms of forced labour are still to be found in the villages of India and are to be found very often in the backward areas of India. Now, it is our duty to level up these backward areas and if we want to do so; we should make this approach. We should make these inhabitants of these areas feel that nobody can expect them to do any service against their will or against their inclination.

There is a section, section 374 of the Indian Penal Code, and it lays down that nobody can be compelled to labour against his will. It is a very wholesome provision. It does away with free and forced labour in every sense of the word. But I must say that this section is so vague that it has failed to root out the evil. In the British days—I am very sorry to refer to them—it used to be thought to be the prerogative of officials to get free or forced labour from others. An official would come to a village and it would be said that his luggage should be taken from one village to another; it would be said that somebody should cook his meals; it would be said that somebody should look after his comforts. There was no electricity in the villages—and there is not much electricity in the villages even now—and when the officer went to a village in summer, somebody would be asked—I am deliberately not using the word 'compelled' because that hurts—to pull the *pankha*, the fan, all the time that he was there. Somebody would be sent to bring water for him from a distance. Well, this was done in the British days. I know that our officers are much better. They know what is meant by human dignity, they are themselves men of dignity and they respect human dignity among others. But all the same, I cannot deny the fact that sometime there is a regression, there is a going back, to the evil traditions of those officers we had in those bad old days.

Now, how many persons know of the provisions of the Act? I would like to know how many cases have been brought to notice when the provisions of this section have been violated?

Shri R. K. Chaudhuri (Gauhati): Indian Penal Code?

Shri D. C. Sharma: Very few. It is because the downtrodden man has not the courage to stand up for his right against those persons who are very powerful. It is, there-

fore, that this section has been adorning the pages of the Indian Penal Code. It has been a very fine section to be read by students of law colleges. It has been a very fine section which we can show for the good of our soul, to the world, but I must say that this section, like the Sarda Act which banned child marriages and like so many other pieces of legislation, has been inoperative; I won't say that it has been a dead letter, because that would rather be violence of language—I do not believe in violence of any kind, whether it is verbal or of any other description. But I must say that this section has not brought any relief to the toiling people of India whom our old masters used to call 'the hewers of wood and the drawers of water'. It is not only for this reason that I present this Bill to you. It is not because I stand against compulsion; I am against compulsion of this kind. I do not want that any person should be reduced to the status of a beast of burden. I am also against it because I do not want that....

Mr. Deputy-Speaker: If the hon. Member wants that this motion should be carried through today, he may cut short his speech. It is going for circulation. I have no objection to allow him to carry on.

Shri D. C. Sharma: I do not think I have spoken for more than six or seven minutes.

Mr. Deputy-Speaker: That is not my point. We have to adjourn today and, therefore, if the hon. Member goes on, there is no chance of this motion being disposed of one way or the other. If it is disposed of, we may know the result even before the House adjourns.

Shri D. C. Sharma: Do you mean to say that if I finish my speech earlier, the House will be adjourned earlier?

Mr. Deputy-Speaker: The House will adjourn at 5 O'Clock, and this Bill will have to stand over till the next session. In the meanwhile, if the Government agree, it may go

for circulation. Thus we would have finished one stage. What is the attitude of the Government in regard to this matter?

The Minister of Labour (Shri Khandubhai Desai: Though the object of the Bill is salutary, as far as the question of forced labour is concerned, it may be an exception in some parts here and there. The provision in the Constitution prohibits forced labour. Some of the States have their laws and we had circulated to all the States that they should be amended if they offended the provisions of the Constitution. I am very sorry I would have to oppose this Bill as such because in this one Bill, Shri D. C. Sharma had brought in three or four different aspects: remuneration, hours of work and making the offences cognizable. I can assure him that when Government seek to amend the Indian Penal Code, they will consider the question of suitably amending section 374. Shri D. C. Sharma should understand that what he had stated those conditions—obtained previously, some time about eight or ten years back. Things have considerably improved. The amendment is under consideration and the various States are already amending their State laws to give effect to the provisions of the Constitution. Whether these offences should be made cognizable or not will be considered when the amendment to section 374 comes. With this assurance on my part from a general point of view, I would request him to withdraw this Bill if this satisfies him and wait till the amendment of the Indian Penal Code comes before this House.

Mr. Deputy-Speaker: Does he mean to say that the Indian Penal Code and this section in particular will be placed before the Law Commission?

Shri D. C. Sharma: If I understood the hon. Minister rightly, he has made three observations. He said, in the first place that things were improving....

An Hon. Member: He said they have improved.

Shri D. C. Sharma: He said: "Things have improved". It does not make me very happy to hear that things have improved.

Shri Lokenath Mishra (Puri): You do not want them to improve!

Shri D. C. Sharma: You are much wiser than I am but at least let me finish.

Mr. Deputy-Speaker: Hon. Members will kindly address me.

Shri D. C. Sharma: I would very much like to address you, Sir, but this gentleman sometimes says things which are on the face of it very lively. The hon. Minister said that things have improved. I do not feel too happy to hear that. I want all kinds of free and forced labour to be abolished forthwith and that is the reason why I have brought this Bill. What is improvement? 'Improvement' is a very big word.

Mr. Deputy-Speaker: What is the hon. Member's reply to the other point in regard to the Law Commission which is going into this matter? The hon. Member may wait until the Law Commission comes out with its report.

Shri D. C. Sharma: I know that section 374 of the Indian Penal Code is going to be considered by the Law Commission. I am very happy to hear that.

Shri R. K. Chaudhuri: On a point of information, Sir. There is no question of section 374 alone here. Is not Government the biggest of fender in this respect? The complaint which he is making is that Government is carrying on *begar* system; I know of such cases.

Shri Khandubhai Desai: Section 374 is the main part of your Bill. Other things refer to some other matters regarding hours of work, remuneration, etc. This is a very clumsy sort of a Bill and therefore, what I feel is that this may not perhaps be acceptable. The main point relates to making these offences cognizable.

Mr. Deputy-Speaker: When the hon. Members carry on conversation with one another, a certain amount of heat develops which I am unable to suppress.

Shri D. C. Sharma: He says that it is a very clumsy Bill. You know now many clumsy Bills are put forward by the Treasury Benches. Therefore, it is no use using such adjectives. As the hon. Minister had stated, my Bill does not refer only to section 374. My Bill has other objectives also. Therefore, even if the Government amends section 374, the purpose of my Bill will not be achieved.

It has got larger objectives. If the hon. Minister gives me some assurances about those bigger objectives also, I would be happy to withdraw the Bill or do whatever he wants. This Bill is of a far-reaching character. I would say that it is not only against compulsion; it is against inadequate wages also, and against duration of the hours of work in excess of the normal working hours.

If my hon. friends look at this Bill, they will find these. I have tried to make it as clear as possible. Forced or compulsory labour, I have said, means all work or service which is extracted from any person under threat of a penalty and for which the said person has not offered himself voluntarily. Can one say that this thing is not happening? My hon. friend, Shri R. K. Chaudhuri, just now stated that things like that are happening. There are many hon. Members in this House who will bear me out when I say that this is not a thing of the past.

Again I have said that free labour means labour without providing remuneration in cash at the prevailing market rates in the locality for the kind of labour. Can it be said that we do not have any such labour in this country? I remember; once there was a discussion about *biri* workers, and manufacturers. Things were placed before the House which showed that these workers were a

kind of sweating workers. They were not being paid those wages to which they were entitled on account of the hours of work that they put in and on account of other things also. In the same way there are so many other kinds of labour where people do not get adequate wages.

I have said again that the offences under this Act shall be cognizable and triable by any Magistrate within whose local jurisdiction the free or forced labour is taken, or the person resides from whom such free or forced labour is taken. I have made these provisions because I know that many of these workers do not know their rights. If a Bill like this is circulated for public opinion, it will make them aware of their rights.

I have said, again, about working hours. The normal working hours of any person from whom forced or compulsory labour is exacted shall be the same as those prevailing in the case of voluntary labour, and the hours worked in excess of the normal working hours shall be remunerated at the rates prevailing in the case of overtime for voluntary labour. I have not put forward any novel thing here. This kind of thing is to be found in our factories and workshops. I know there are some kinds of labour for which people are not paid but they are to work for periods longer than the normal periods.

About the rates of remuneration also, I have said that forced or compulsory labour of all kinds shall be remunerated in cash at rates not less than those prevailing for similar kind of work either in the district in which the labour is employed or in the district in which the labour is recruited, whichever may be higher. This is a Bill which gives some rights to labour. I know the hon. Minister is very much interested in the welfare of labour. We often talk about India of workers and peasants. Here is a very simple Bill which wants to protect the interests of the workers. I do not see any reason why anybody should take exception to this measure. So far as voluntary

labour is concerned, I have no objection to it, but even voluntary labour is paid in some ways. For instance, we have got the NCC camps. But even there Government bears the expenses. Voluntary labour is not to be tabooed; voluntary labour is to be respected.

An Hon. Member: What is the difference between voluntary labour and free labour?

Shri D. C. Sharma: Voluntary labour is that labour in which the worker offers himself willingly without any kind of threat or intimidation. It is labour which has social consciousness. By free labour I mean labour which a man is required to give without expectation of any wages or remuneration.

So, I would say this is a wholesome Bill; it is a Bill which seeks to abolish social inequalities; it is a Bill which promotes a spirit of social justice; it is a Bill which is in keeping with the rights of man as enunciated by the UNO; it is a Bill which is in keeping with the principles enunciated in our Constitution. I would, therefore, request the hon. Minister to accept the principles underlying this Bill.

Shri Lokenath Mishra: He has accepted it.

Shri D. C. Sharma: You are not a Minister yet and I do not think I am giving out a secret if I say that you will never have a chance.

What I say is that the hon. Minister should accept this Bill and should also bless it. He is a great friend of the workers and we are proud in having him as our Minister of labour. I know he wants to put labour on the map in every sense of the word. So, I expect him to say that he accepts this Bill. If my Bill is not as comprehensive as he wants it to be, I would have no objection to his making it so, to improving it in any way he likes. But the principles of the Bill should be accepted and the objectives underlying it should be accepted. This is all my request to the Minister of Labour.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to provide punishment for free, forced or compulsory labour, be circulated for the purpose of eliciting opinion thereon by the end of March, 1955."

Shri R. K. Chaudhuri: I am grateful to you, Sir, for giving me an opportunity to make a few observations in order to enable Government to decide what they should exactly do in a matter like this. In our State at least, there is a system of what you may call forced labour which is resorted to by Government officials themselves. For instance, if you go to the North-Eastern Frontier Agency you cannot expect any voluntary labour; still official duties have to be performed. There, I do not know exactly what wages are given, whether they are reasonable or not. But actually, forced labour has to be employed. Otherwise, the work of the State will collapse.

Now what are you going to do about cases of that kind? If this Bill is circulated for eliciting public opinion, I am sure we will be apprised of this system. Then there is in Assam another system of work which is generally complained of as forced labour. That is with regard to the Forest Department. The Forest Department wants people to work in the forests; the Forest Department has to carry on their work and for that purpose they do not actually conscript labour. What they do is this. They settle some land near about the forest and constitute a sort of forest village and everyone living in that village has to work free for the Forest Department. At any time the Forest Department—and I think most of the time they require it—want any labour, they call upon the villagers of that forest village to come and give them free labour. Sometimes they are compelled to do things which they would

not like to do and which are generally complained of here. They are compelled to make, or construct a latrine, demolish another or build a third. They do not actually do any kind of scavenging work. But they are still compelled to do, for the sake of living free in that village and for getting certain quantities of timber free, certain work, whether they like it or not.

So, we have to consider both sides of the case. On the one side there is the Government work and Government work cannot go on in certain places unless you use a sort of forced labour. It may not be free, but it will have to be forced in certain cases. Otherwise you will not get labour anywhere. That is one aspect. The other aspect is by the mere fact that some labourers, some villagers, have accepted some land from the Forest Department, and they have no other land available, they are compelled to work, even if they do not want to. So, I would respectfully submit to Government, I would also request my hon. friend, not to drop this Bill. Let this matter be considered fully in all its aspects.

I am not at one with the hon. Member who moved this Bill that the British Government introduced this system. The *begar* system was already here under the native rule. It is not, therefore, the British Government who were responsible for it. In fact the British Government when they passed the Indian Penal Code in 1860 provided that nobody should be compelled to work free.

Pandit Thakur Das Bhargava (Gurgaon): Does the hon. Member know that article 23 of the Constitution provides for it?

Mr. Deputy-Speaker: Has the hon. Member anything more to say?

Shri R. K. Chaudhuri: I am as anxious as anybody else to go.

Mr. Deputy-Speaker: Then he may continue the next day.

Shri R. K. Chaudhuri: Yes.