

on between 12.00 and the time we adjourn except on days which are specially allotted for Private Members' Bills and Resolutions. Therefore, these other matters I am freely allowing. This is not the proper time for getting through their objections. They will have to table independent motions on such matters.

So far as the time is concerned, we are short of time. If hon. Members are willing to sit after 5.30 every day I am prepared to allow every kind of motion to be discussed almost every day for an hour, an hour and a half or two hours. In important matters they must be prepared to sit. At any rate, for this coming week let us sit every day after 5.30, so far as non-official resolutions or motions given notice of are concerned.

Shri Thirumala Rao (Kakinada): In the bulletin it is said that we are going to sit up to 6.30.

Mr. Speaker: And, if necessary, some time more also.

श्री गणराज राव (जो प्र-रक्षित-अनुवृत्त जायियां) में एव बर्नेजिकेशन चाहा हूं मानन्य मंत्री जी से। पिछले बुनेटिन में वहा गया था कि सिइलड कास्ट कमिश्नर की रिपोर्ट पर बहस होगी, लेकिन इस बुनेटिन में इसका जिक्र नहीं किया गया है। क्या मैं पूछ सकता हू कि इसके लिए इस सेशन में समय निर्धारित किया जायगा या भगने मेशन में रखा जायगा और भगर भगने सेशन में रखा जायगा, तो क्या १९५५-५६ की रिपोर्ट और १९५६-५७ की रिपोर्ट को भलग भलग लिया जायगा या दोनों को एक साथ लिया जायगा ?

श्री सत्यनारायण सिंह : गहने भी एक दिन इस के बारे में यहां पर जिक्र हुआ था। मानूम होता है कि हनारे मानन्य सदस्य उस दिन मौजूद नहीं थे। हम लोगों ने कहा है कि यह रिपोर्ट दूसरे सेशन में ली जायगी और १९५६-५७ की रिपोर्ट तैयार नहीं हुई है, इसलिए वह नहीं आ सकती है।

श्री गणराज राव : क्या इसबार दोनों रिपोर्ट एक साथ ली जावेगी ? क्या उन के लिए भलग भलग समय नहीं दिया जावेगा ?

Mr. Speaker: Both of them will be discussed simultaneously.

Shri Sonavane.

Shri Sonavane: I wanted to speak about the same point.

Shri Satya Narayan Sinha: With regard to this Life Insurance Corporation (Second Amendment) Bill, to which my hon. friend opposite has taken some objection. I shall be able to announce within an hour whether we shall have this Bill postponed for the next session.

Mr. Speaker: I shall now put the motion regarding the Business Advisory Committee to the vote of the House.

The question is:

"That this House agrees with the Ninth Report of the Business Advisory Committee presented to the House on the 7th September, 1957."

The motion was adopted.

MINIMUM WAGES (AMENDMENT) BILL—contd.

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri Abid Ali on the 7th September, 1957, namely:—

"That the Minimum Wages (Amendment) Bill, 1957, as passed by Rajya Sabha, be taken into consideration".

The time allotted was 5 hours. Time taken is one hour and fifty-four minutes. The balance is three hours and six minutes. **Shri B. K. Galkwad** will kindly continue his speech.

Shri B. K. Galkwad (Nasik): Last Saturday I was describing about the

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class of workers who are called inferior village servants. Many of the hon. Members including the Deputy-Speaker were surprised to hear the pitiable condition of the inferior village servants in the villages. For the information of the House and for their information, I just want to explain what the position of the inferior village servants in the villages is.

These village servants are called by different names in different States. In Bombay, these inferior servants are called Mahars, Jaglyas and Ramoshis. In Gujarat, they are known as Rawnyas. In Uttar Pradesh and Punjab they are called Chawkidars and so on. Now, they have got several duties to perform. Several questions were put to me by some of my hon. friends last time, including the Deputy-Speaker, and it was said that the inferior village servants might be part-time servants. The Deputy-Speaker said that they must be getting some other kind of remuneration in order to discharge the government duties. Of course, that point was explained to a certain extent but in order to enlighten the House, I want to clarify the position further.

Now you will find that the duties which the inferior village servants, particularly, in Bombay have to discharge are numerous. If comes to 19 items. I have, of course, no time to describe the whole thing. There is very short time at my disposal, and so I will be very brief. The first duty they have to discharge is the collection of land revenue amount and take it to the Taluk Office. Whatever land revenue is collected in the villages, has to be taken to the Taluk Office by the village servants without any help or assistance. Secondly, whenever any departmental officer visits the village, the village servant has to be present in the village and discharge his duties for him, by giving him every support and help, whatever the officer wants. Not only that. If there is any epidemic such as cholera, small-pox, plague, etc., every day, the inferior village servant is to go to the Taluk Office and report about it. He

must report that so many attacks were known and so many deaths took place. Even if there is no attack, he will have to say "No attack, no death". That report will have to be made to the Taluk Office and he will have to go to the Taluk Office for that purpose. The distance between the village and the Taluk Office in several places is more than 20 miles. Every day, the man has to go on foot only. But he is not paid any kind of allowance for this. Even if there is motor traffic, he is not given any kind of allowance. He has to go on foot only. These village servants have to collect the information about births and deaths in the villages and report the information to the Officer when he visits the village.

During the period of the temple entry satyagraha, in Bombay State, particularly in Nasik, those people who participated in this movement in several villages—the Mahars, Jaglyas, etc.,—were boycotted by the villagers and when they were boycotted by the villagers, they were not allowed to enter the village. In spite of that when the officers visited the village, they were asked to report to the officer as to how many births and deaths took place in the village. Just imagine the condition of the village servant. How can he get this information when he is boycotted? Of course, any information about death may be known because the dead bodies are removed from the village and taken outside. But about births, when he is not allowed to enter the village, how can he furnish this information? If the officer finds that he is not in a position to supply the information, the village servant is fined. There is the State of affairs even now.

Some friends, associations and Harijan Sevak Sanghas go to the villages in order to remove untouchability. These Social Workers take the Scheduled Caste Inferior Village Servants to the temples or to the public wells. The next day, the village servants concerned are boycotted and they are not allowed to enter the villages. When they are not allowed to enter

the villages, how can they discharge the duty of collecting information about births and deaths? So, such is the peculiar condition. If they do not supply this information, they are fined. Such is the nature of these 19 items of work which they are asked to discharge.

Some of my friends were telling me on Saturday last that they must be part-time workers. In this connection I want to bring to the notice of this House the fact that they are not part-time workers alone but something more. I do not know how to define it. But, generally, a time-limit is specified for such full time work, is for six or seven hours as the case may be. But in the villages, the village servant is put on duty in the *chawri* for 24 hours. If the man goes on leave, and in the mean time if an officer comes to the village, the father of the village servant will be called. If the father is not available, the brother will be called. If the brother or nobody else is available, his wife will be called and be asked to discharge the duty. This shameful thing is going on in the States at present.

In this connection, I have to point out that no leave is granted to these village servants. Only wages are given for discharging the duties. The hon. Deputy-Speaker said the other day that there must be some other kind of remuneration earned by these people. I do admit that there are certain villages where there are government lands which are allotted to them. But there are also so many districts such as Kolaba, Ratnagiri, Thana and so on where no government land is given to these people. Further, you will find that the remuneration given was just Rs. 4 per mensem. Of course, I said last Saturday that Government was kind enough to increase that pay by cent. per cent., that is, from Rs. 4 to Rs. 8 per mensem. But I ask, is this the adequate wage in these days? You want to have the socialist pattern of society. Are you going to bring it by this way by giving most inadequate wages to these people who are all down-trodden and whom you call Harijans? I do not call them Harijans

or the sons of God? Just imagine how these people live. Of course, I do admit that some of the Members might have visited these villages, especially those who are born in the villages. But others may not be aware of the circumstances. When the people from the cities go to villages—I think they are not in the know of things. The untouchability is observed in three ways. (1) Untouchable (2) Unapproachable (3) Unseenable. These Inferior village servants come from the Scheduled castes and Scheduled Tribes. To the local people they are untouchables. But Hon'ble members of this house who live in cities and when they visit villages, these Inferior Villages servants are kept far away. They are unapproachable to them. In case of Hon'ble Minister when they visit villages during their tour these Inferior Village servants are unseenable to them. So, this is the state of affairs. Even during night-time, if an officer comes to the village, you know how many departments the village servants have to serve. If a peon is appointed here, for parliamentary affairs, he will discharge the duty pertaining to the parliamentary affairs alone, and nothing else. But this man will have to discharge duties for the revenue officer, the forest officer, the police officer and whatever officers there are for the various departments. If there is small-pox in the village, he will have to go from door to door. All these duties he has to perform in every village. But still you will find that the hon. Labour Minister was kind enough not to include these people, so that they may get the benefit of this Act. I would, therefore, earnestly appeal to the hon. Minister.

An Hon. Member: He does not know the problem.

Shri B. K. Gaikwad: I do not know whether they know the problem. Many of them say that they know the problem, but when they are not in touch with these people, what can they know about their problems? They want to establish a socialist pattern of society, but where? In big cities of people like Tata, Birla, etc. they might be doing

[Shri B. K. Gaikwad]

it. My submission is that while amending the Act, Government have failed to include the working classes.

I have given an amendment follows:

"In the Schedule to the principal Act, after item 12 under Part I, the following items shall be added; namely, employment in shops and establishments covered by the Shops and Establishments Acts in force in the various States and inferior village servants serving under States Governments such as Mahars, Jaglyas, etc."

I have not got the time at my disposal to mention the names by which these inferior servants are called in different States. But you will see that they are not in a small number; I think the number will not be less than 1 crore. In every village there are 3 or 4 such servants. So, at least those people should get the benefit of this Act.

So, I request the hon. Deputy Minister to accept my amendment. If he does not, I request hon. Members opposite to support this amendment of mine and press the Government to include it. As far as speeches are concerned, I know they will speak in favour of me, but while voting, they will vote in favour of the Government in order to have discipline. I do not come in the way of your observing this discipline. But when there is real service to be done to the country, I hope they should come to our rescue and help us.

You will find that it has been stated in the second Five Year Plan, on page 320 as follows:

"During the first five year plan, minimum wages have been fixed over their entire territories in the States of Punjab, Rajasthan, Ajmer, Coorg, Delhi, Himachal Pradesh, Kutch and Tripura. In Assam, Bihar, Bombay, Uttar Pradesh....." etc.

As far as Bombay State is concerned, I know it definitely that this Act has not been enforced so far as agricultural labour is concerned. If it has been enforced anywhere in Bombay State, I will ask the hon. Deputy Minister to enlighten what villages and in what parts it has been enforced in Bombay State. About other States, I know nothing. But I know definitely about Bombay. In the second Five Year Plan they have said that in Bombay also minimum wages have been fixed.

Mr. Speaker: 5 hours have been allotted. The hon. Member took 11 minutes on Saturday and today he has taken 15 minutes. There are other groups who have had no representation at all.

Shri B. K. Gaikwad: I will finish in one minute. Through you, Sir, I will bring to the notice of the hon. Deputy Minister the advice given by our Prime Minister. Of course, it is printed on the back-side of this book, *Small Industries Corporation*: "I am not interested in excuses for delay. I am interested only in a thing done". Government have delayed this matter for a long period. So, I request the House as well as the Deputy Minister not to delay or postpone it up to 31-12-59, but to see that this is done as early as possible, namely, 31st December, 1957. I hope the hon. Deputy Minister will agree to this.

Dr. Melkote (Raichur): Mr. Speaker for the past nearly two hours, various speakers have eloquently placed before the House the very important question.....

Mr. Speaker: The hon. Member will resume his seat for a minute. I would like to ascertain from the House what time should be allotted for the general discussion, what time for the clause-by-clause consideration stage and what time for the third reading, if there are any speeches then. Out of the 5 hours allotted, we have taken already 2

hours and 3 hours remain. It means that by 3.30 we must finish all the stages of this Bill. How much time would the Minister like to have?

The Deputy Minister of Labour (Shri Abid Ali): 25 to 30 minutes.

Mr. Speaker: All right. What time should be allotted for clause-by-clause consideration?

Shri Tangamani (Madurai): There are certain amendments.

Mr. Speaker: There are amendments to clauses 3, 4, 14 and 18. I think it will take one hour. The hon. Member has already spoken. There are other parties like the PSP, the Socialist Party and so on and they should be given opportunities.

Dr. K. B. Menon (Badagara): I shall not press my amendment to clause 18.

Mr. Speaker: All right; I am not taking up amendments now. So, it is the general desire of the House that there should be one hour for clause-by-clause consideration. In the third reading, there will not be any speeches.

Shri Tangamani: There will be one speaker.

Mr. Speaker: So, I will call the hon. Minister at about 2 O'clock. There are 1 hour and 20 minutes left. Hon. Members will try to be brief.

Dr. Melkote: I was saying that the Members were eloquent in placing before the House the problem facing the country. It should be understood as to why people have been speaking so eloquently. It was said by one Member that the agricultural landless labour form about 22 per cent. of the population. Some said, the number was 3.5 crores. If it is 22 per cent., it would come to 7 crores of our population.

Apart from that, there is the industrial sector, because in the Schedule, there are two parts: organised industries and non-organised industries, where there are more than 1,000 people pertaining to a calling. If that

number and the number in the industrial sector are added, it would come up to more than 9 or 10 crores, which means roughly about 33 per cent. of the population of India. So, the problem that we are discussing here is a problem that affects nearly 10 crores of the people of India. In a matter of this type, I am sorry to note that the total time allotted has been only 5 hours. The House is very thin, with a poor Press and a poorer public to attend to the woes and miseries of the section of the people who are denied the benefit of this Act. That is the problem with which we are being faced today.

The principle enunciated in this Minimum Wages Bill is the question of giving a minimum living wage. A minimum living wage cannot differentiate between a man and a woman. It is a minimum wage after all, it is not a fair wage. In this, as one of the Members pointed out, there have been disparities made in several States, and I do not know on what reason. Can a woman live—suppose she is the only bread-earner for the whole family—no less than what is necessary for a man worker?

These disparities are so enormous between State and State and between industry and industry that it immediately calls for the attention of the Government and the public to review the whole situation. And during the past six or seven years the Central Advisory Board has met only twice to consider this problem. The problem is so colossal that I feel that the Committee should have a continuous sitting and not an *ad hoc* sitting. Unless that is done this problem cannot be tackled to the extent we desire.

It is about ten years now since we have won our independence. When this Act was enacted in 1948 the poor man held it as a charter of his rights for a minimum living wage. Even today the whole of the agricultural sector is left out, almost untouched. Where do we stand? Is this right? This is the problem which we have got to consider most dispassionately.

[Dr. Melkote]

But it should be said to the credit of the Labour Department in the Government that it has enacted this law, it has taken all measures that it could, and it has brought to our notice the enormity of the problem that faces us. Several lakhs of people, I should say millions, have been affected and their living wage has gone up.

But then, as I said, there are two aspects of the question, the industrial and the agricultural. What the Government cannot do it will never be able to do. The whole problem is one of finance. Finance usually stunts money to the Labour Department. The Labour Department takes only a sum of about twenty-five or twenty-six crores of rupees during the five-year period to implement all its schemes. If we also have the agricultural sector as well as inspectorate for shops and other establishments, we would be having somewhere about seventy thousand or a lakh of people. Even then, a sum of three or four lakhs of rupees for an establishment annually spent is well worth it, because it affects ten crores of the population of India.

If that has to be done, and if minimum wage is to be enforced, naturally the Plan targets will get upset, as more money will have to be found for the Inspectorate as well as for the labour class who work in the private and public sector. Therefore I do not want the Planning Commission to go ahead just now with this increase in the outlay. But since the problem is so enormous, since there is no census and data collected with regard to this, and possibly since no assessment of the extra cost that would be involved has been made by the Planning Commission, I personally feel that this is the time, when there are still four years to go ahead to the next census, to consider as to what type of census we need and we have to give instructions to the Census Commissioner as to the items on which he is going to collect data. This is also the time, when pos-

sibly next year or the year after that the Third Five Year Plan will be in the offing, to consider the changes that may be necessary in the financial structure if the minimum wage that fixed is to be enforced, so that the Planning Commission may take note of this and make adequate arrangements for the implementation of this Act.

I was saying that the minimum wage has disparities in various sectors. The Department has supplied us with various notes. I would like to make only one point. Certain States have fixed a minimum of ten annas, and the maximum goes to two rupees four annas. Even the cottage industries sector which operates in the village side feels—a couple of annas put into the pocket of an agriculturist who is partially employed may be a different thing—but an unemployed person should get a minimum of twelve annas. And here the Minimum Wage Committee goes and fixes ten annas. The cottage industries sector is prepared to pay twelve annas, but the minimum wage in the rural sector is fixed at ten annas.

Apart from this, there has been no discrimination made, in certain States like U.P., between the minimum that ought to be paid to the rural sector as against the urban sector. How can a person live on twelve annas in a town like Lucknow or other such places?

These problems are so colossal, since it affects, as I said, seven lakhs of people of various callings and various groups who have to be questioned and answers obtained from them, that it is necessary, if the freedom is worth anything, to enthuse this sector and see that they live in India in a respectable manner. And that respectable manner is not even by a fair wage but by a living wage. I have also had the opportunity of working this scheme in a State and I know the colossal nature of the problem and the poor position of the finances. But I feel that ways have got to be devised.

With regard to the agricultural sector I understand that even in a place like China which has had its independence for more than six years or in Russia which has had its present government for over forty years, the agricultural sector is not treated just on par with the industrial sector. Where is the equity then? If this problem cannot be tackled on a totalitarian method even in a place like Russia or China, in a democratic country like India the problem that faces us has got to be very well understood. I therefore feel that methods have got to be adopted in a poor country like India which could be enforced and which would ensure that the poor man gets his rights.

We have heard sufficient criticisms here, but nobody has placed before us constructive suggestions as to how to end this. Whenever the financial proposition comes in, it brings in more taxes, and that is opposed by the Members of the Opposition. Somehow or the other the Government has to find the money. They take cudgels against the Government for not constituting a Pay and Service Commission. After all is said and done, they seem to feel that if it is put in their hands, they could manipulate, whether it is with regard to government employees or the industrial sector, and they would be able to go ahead. But this problem is not so easy. This problem has got to be faced by the country and by every section of the population.

Therefore, my suggestion is this. In the U.S.A., in the agricultural sector it is not necessary either to register or license. The inspectorate would go and examine only those places or shops and establishments which are registered and licensed. It is not necessary to register any person in the agricultural sector by licensing. He carries a book with him and the employer has got to note in the book as to what he has paid. If the employee feels that he has not been paid a living wage, he immediately reports the matter and the case is taken up. This way, we would avoid having a number of inspectors employed. This would save money. At the same time, those that have a grouse against the employer may re-

sort to measures which would give them succour. But possibly we cannot adopt it for the simple reason that for a paltry sum of eight annas a worker cannot go to the inspector of the town and make his representation. But there seems to be no other remedy. This is what I want to bring to the notice of the Government. Now Government has come forward with certain amendments. There are certain lacunae and they are trying to overcome them.

I welcome this small measure for the benefit it would confer on employees. But this problem has to be looked into in a wider perspective. Mere criticism of the Government would not do. All sections of the population should come together and help the Government in implementing this scheme. They could do it. But we must appreciate the enormity of the problem. Even ten years after independence this problem has not been tackled to the extent it should have been done, not because Government is not willing to do it—the Central Government is very anxious to do it—but because of other difficulties. The State Governments find various difficulties. Often time the vested interests come in the way. Sometimes it is the Finance Department that says that even the small sum they collect in the shape of licence and registration fee ought to go to the pockets of the Exchequer and not spent on employing more inspectors.

This problem could be overcome if a committee like the Pay Commission which was appointed recently, is appointed for the whole of India to investigate and report on these matters. It is a stupendous problem that I am referring to. I do not want to waste the time of the House by bringing amendment after amendment. That will not solve the problem. The problem has to be solved once and for all and that can be done only by going into the root of the problem. That can only be done when a Pay Commission is appointed.

I want to draw the attention of the Deputy Labour Minister to another problem and that is with regard to

[Shri Melkote]

village officials. It is a problem which we have to look into. Government paying Rs. 3 or Rs. 4/- per month to their employees and making them work for the whole of the day is not at all just. In these matters finance should not come in the way. We must give succour to them quickly.

There are various other matters where there are pin-pricks. Take, for instance, the case of the Delhi tonga-wallas. Now, because of the modernisation of the modes of conveyance, they are getting lower and lower earnings every day. When they go to get their licences registered, they are asked to come over and over again for eight months. Then, they have to get it registered over and over again every year, whereas a motor driver need registered only once in three years. Why there is this harassment of a poor worker, I cannot understand.

I want Government to look into these problems and give them succour. I am sure that the Labour Department will, understanding the situation as it does, place before this House a very well-conceived plan in the near future for the betterment of the poor man, to whom we have given this charter or rights for a living wage.

Mr. Speaker: I am now calling Dr. K. B. Menon. Thereafter I will call Mr. L. N. Mishra and Shri Anthony Pillai.

Shri Thimmaiah (Kolar-Reserved-Sch. Castes): Could we also get some chance?

Mr. Speaker: I will try.

Dr. K. B. Menon: I feel that there is considerable truth in the charge that the Government have no wage policy. I am doubtful whether the Government have any definite conception even about the minimum wage, whether it is to be calculated on the efficiency standard or whether it is to be calculated in some other way. This discussion has often taken place in some of the State Assemblies and I have had the privilege of both listening and participating in those discussions. And I should say that at none

of these discussions they have been able to arrive at any definite conclusions for the simple reason, I believe is that Governments are afraid to touch the problem or to deal with the problem of the minimum wages, particularly in agriculture, because they will be handling a problem about which they are themselves not quite sure. I do not wish to devote the little time that I have in the discussion of these general problems but I would like to concentrate my attention upon the Bill that is before the House for amendment.

We have had an opportunity of seeing the working of this Act for the last nearly one decade and, I believe, we are in possession of sufficient information to assess the advantages and disadvantages that this Act has given to the employer and the employee. This decade has been significant, not only in the length of time that has lapsed, but also in the richness of experience that this decade has, being the period immediately following the winning of freedom. This Act has come for amendment three times and this is the fourth time that it has come up again for changes. I wish to submit that even with this amendment the Bill is by no means a perfect one. There are certain loopholes and pitfalls in the Act to which I would like to invite the attention of the House and that of the hon. Minister.

Sections 5, 6, 7, 8 and 9 of the Act deal with the composition and constitution of committees, sub-committees and advisory-committees. These committees are appointed or nominated committees. My feeling is that the time for nomination is over and so these committees should not be nominated or appointed, but should be elected. I can understand that in certain cases Government may reserve the privilege of nominating part of the members, but complete nomination, I believe, is not necessary today. During the discussion of the Legislative Councils Bill we have heard insistent and persistent protests against the alleged nomination of members on the district boards in some of the States.

We have had considerable amount of experience—I won't say considerable amount—some experience in the working of democracy in the last ten years, and considerable changes have also come over the country. Labour is more conscious, is more organised and is more capable of collective bargaining. Under such conditions, I believe that labour is in a position to take care of itself and that the places on these committees should be filled by elected representatives of registered trade unions.

13 hrs.

Another submission that I wish to make is this. The power of these committees should not be restricted to mere rendering of advice. If it is limited to rendering of advice, I am afraid it is likely to remain only on the minutes book. Section 19 provides for the appointment of Inspectors who are government employees. But, being of the subordinate service, I am afraid, these Inspectors may, sometimes, be influenced by the employers and may not always be in a position to render service to the employees. I, therefore, feel that these advisory committees or advisory boards may be given some supervisory powers so that the employees may go to these members in case of need. I also feel that, if these committees or boards are given more than advisory powers, and if they are vested with supervisory authority they will exercise a certain amount of healthy influence over the subordinate Inspectors who are appointed by the Government and give greater service to the employees themselves.

Now, I would like to say a few words about section 20 which deals with adjudication of disputes. When there are disputes between the employees and employers, there is a limitation provided in sub-section (1) of section 20 limiting the time to six months. I feel that this is too short a time. Ordinarily, under the Limitation Act, three years are given for filing claims with regard to moneys that are due. In case of employees,

I do not know why it should be restricted to six months whereas in other cases a claim may be made within three years. Ordinarily, an employee is an ignorant and illiterate man, who may yet have information that he can file claims within three years. I understand the dictum that ignorance of law is no excuse. But, that legal dictum will not hold where the ignorance is universal. It would even be cruel to exercise or impose that dictum in the case of employees who are generally ignorant. My submission in that connection is that time should be executed, if not to three years, at least from six months to one year.

I have also a submission to make in connection with sub-section (3) of section 20 when it says that an employee may file a claim for the difference of wage paid, less than what is prescribed by the Minimum Wages Act. Because of the rather loose wording or lack of clear wording, it has been interpreted by the lawyers of the employers in such a way that that the court, because it has to take a purely legalistic viewpoint, often has refused to pay anything or grant anything to the employee where the employer has claimed that he has paid no wages at all. The sub-section says, what is paid less than the minimum wage. It implies that some part of the wage has been paid. When no wage at all has been paid, it is argued before the court, that the employee has no right for any claim at all. I am not merely quoting theory. Many courts have refused to grant the appeal of the employees when the employer came and stated that no wages at all were paid. This is the experience of some of the lawyers who have attended these courts and pleaded for labour.

Very often, both the court as well as the Labour officers are lenient to the employers. Even though there is a provision in section 22 for imprisonment, I do not know yet of any single case where an employer has been sentenced to imprisonment. Oftentimes, he escapes with a light

[Dr. K. B. Menon]

punishment of a fine of a few rupees. How this can be overcome, I do not know unless the Government takes up the question of issuing instructions or in some way tightens the Act.

I would like to conclude with just a few words about minimum wages in agriculture. It is rather pathetic that Government have not found it possible to enforce minimum wages in agriculture. Government have gone only to the extent of experimenting and conducting research with regard to the enactment of Minimum Wages Act for agriculture. In the first place, I do not understand why there should be research, why there should be experiment as to whether there should be minimum wages in agriculture. I believe that the very object of minimum wages is to protect labour from exploitation by the employer and also to safeguard the interests of labour to the extent that they get sufficient remuneration for the labour that they put in. If these principles underlying minimum wages are accepted, I do not understand the hesitation on the part of the Government to enforce payment of minimum wages for agriculture. Agricultural labour being the largest section—more than 50 per cent of the people are engaged in agriculture—I wish that the Government would see to it that minimum wages are enforced with regard to agriculture. It is also more necessary because there are greater fluctuations in the prices of raw materials. The agricultural labour is less sophisticated, less aggressive, less organised, and less capable of collective bargaining. It is they who need the protection of the Government. I wish that the Government would extend that protection without any further delay.

BUSINESS OF THE HOUSE

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): In view of the opinions expressed by a large number of Members from all sections of the House that more time

should be allotted to the Life Insurance Corporation (Second Amendment) Bill which is not possible in this session, Government has decided that this Bill should be taken up next session. So, as soon as the Minimum Wages (Amendment) Bill is finished, the Delhi Municipal Corporation Bill for reference to a Joint Committee will be taken up.

MINIMUM WAGES (AMENDMENT) BILL—contd.

The Parliamentary Secretary to the Minister of Labour and Employment and Planning (Shri L. N. Mishra): I seek your indulgence and the indulgence of the House to intervene at this stage of the consideration of the Bill.

The House will recall that some hon. Members, especially Dr. Menon, Shri Shibbanlal Saksena and Shri Jadhav, while speaking on this Bill day before yesterday, made certain general remarks about the labour policy of the Government, and they tried to give a very distorted picture of the policy of the Government, as regards minimum, fair and living wages.

Strictly speaking, the question of living and fair wages should not have come within the purview of the discussion of this Bill. I say that these two points were outside the scope of this amending Bill not only because we are mainly concerned with the minimum wages, but also because of the fact that only a few days back, the Minister of Labour, Shri Nanda, had made a very lucid clarification of the general labour policy of the Government. While explaining the general labour policy of the Government he had also emphasized and clarified the wage policy of the Government. Explaining his policy, he had referred to the wage policy and said:

“Our intention is that the maximum should be done in the matter of wages, in the matter of social security to satisfy the claims of the workers. But there is some limitation to that. That

limitation does not arise on account of want of goodwill on our part, that is inherent in the economic situation in the country."

He proceeded further and said:

"Considering the situation here, considering what we are in this country, considering the stress of the Plan which is intended to help us later on and also now, I think what we are doing is nothing of which we need be ashamed."

However, some hon. Members have chosen to raise these points again and it would be my endeavour here to meet them in my own humble way.

Let me begin with the minimum wages question. It has been accepted that the minimum wages should be need based. If that is so, we will have to think of the needs of the different sections of the country, to look to the vast expanse of the country and we will have also to accept the needs of each State or region are not the same, but that they differ from place to place, from region to region. The purchasing power of the people also is not the same in every State. It differs and the needs differ. Therefore, there cannot be anything like a uniform minimum wage throughout the country.

It is because of this that the Minimum Wages Act provides that regional committees and local committees should be set up to take into consideration the various local conditions before fixing minimum wages. And these committees, before deciding what should be the minimum wage in particular industries, have to look into these matters and find out the needs of the local people, the normal purchasing power of the people in the local area and then fix the wages. Therefore, there cannot be uniform standards throughout the country so far as minimum wages are concerned.

There is also a fact that while considering the minimum wages, these committees took into consideration the question as to what should

be the basic requirements of the persons, and therefore, it is not correct to say that we have no basis for fixing the minimum wages. Our basis is this, namely the requirements of the people, their purchasing power etc., as I have enumerated earlier.

Further, the House is aware that the last labour conference which was held in Delhi has come out with a tripartite agreement in which it has been clearly stated that the minimum wages should be calculated on certain minimum food requirements, clothing requirements, requirements in terms of housing, fuel, lighting and other miscellaneous items. For example, any future committee, while fixing the minimum wages will take into consideration these minimum requirements of the working people. Furthermore, there has been a special recommendation also made by this conference which we did not have so far, and that is that if the minimum wage is fixed below the norms in any industry or any State, they will have to explain what prompted them to go below the prescribed norms. They will have to convince the State Government, the parties concerned etc., as to what special factors made them depart from the prescribed norms. Therefore, I would appeal to the Members to give a fair trial to this decision. Before they demand anything drastic or radical, they should wait and see the working of this recommendation of the tripartite agreement arrived at at the last labour conference. Such an onus had not been thrown on the wage-fixing authorities till now, and we do hope that this will fetch better results and that the complaints that we have heard thus far will no more be heard in future.

Now, let us come to the question of fair wages and living wages. The question of fair wages and living wages is not as simple as stated by some Members. It might be easier to fix minimum wages in an industry, but it is not so easy to fix fair or living wages. At times it becomes a very abstract thing. What might be a living wage in one part of the

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country may not be so in another part of the country. You can prescribe certain norms for minimum wages, but it is very difficult to prescribe them for living wages.

So far as the question of fair wages is concerned, Government have been very serious about this. We know the recommendations of the Fair Wages Committee, and we do hope and believe that the study made at the labour conference gives ample facts to know the working of the mind of Government so far as this question of fair wages is concerned. The thousands of awards of the central industrial tribunals, as also those of the labour appellate tribunals, have been studied, and the conclusion of this study has been broadly accepted by the Indian labour conference. I may quote here one or two paragraphs from the conclusions:

"Regarding wages the tribunals have generally followed the principles laid down in the Fair Wages—Committee's Report."

Attempts have been made by the tribunals to fix the fair wage between the two limits recommended by the Fair Wages Committee. Tribunals have also taken into account the criteria which govern the fixing of wage differentials.

Some Members demanded a comprehensive legislation as regards fair wages. I must ask your indulgence to tell them that it is not very easy to have some kind of comprehensive legislation. What is the need for it at the present moment when we feel that there are still some ways of getting the principles of fair wages accepted by the wage-fixing authorities? So long as these ways are open to us, I do not see why there should be any statutory obligation of the type demanded. If they have some complaints against the working of the Minimum Wages Act, they might have similar complaints against the working of the Fair Wages Act also.

Shri Tangamani: May I know whether they will give directions to the State Governments to fix the minimum wages on the basis of the recommendations of the Indian Labour Conference held in Delhi, namely there should be three consumption units for every wage-earner and that on that basis the wages should be fixed?

Shri L. N. Mishra: The decisions of the Indian Labour Conference have been published, and the hon. Member was one of the participants, and I believe he must be knowing all the norms that have been prescribed. We believe the State Governments will try to implement them subject to their capacity.

Talking about fair wages, I would draw the attention of the House to the Wage Board for the textile industry established by the Centre. In the terms of reference constituting this Board, hon. Members will find that enough of prominence has been given to the question of fair wages.

This has been very much highlighted in the terms of reference of the Cotton Textile Wage Board. We hope and believe that the Board will take into consideration the recommendations of the Fair Wages Board to a considerable extent before making any concrete suggestions in this respect. Therefore, it will not be wrong to say that Government are very much alive to the question of fair wages. We believe that the implementation of the recommendations of the last Labour Conference will go a long way to ensure fair wages to the working people in this country.

I may say a word about our wage policy also. Some Members deplored what they called the absence of wage policy or norms of wages. What they have in mind is that Government should come out with a resolution that wage should be fixed at a particular level and a certain percentage of increment might be given to wages in certain industries. As I

have said earlier, it is not so easy as that. It is not a mathematical thing that we can calculate some wages and prescribe that such and such industry will have to make such and such wages available for its working people. It is not so. Moreover, I do not know how Government can arrogate to themselves the responsibility of pleading the case of one side or the other. Fixing a minimum wage or prescribing a percentage increase in certain industries would precisely mean that. All that Government can do is to enumerate the various elements that will go in the determination of a living wage or a minimum wage or a fair wage, and leave the weightage to be given to these various factors by the adjudicating authorities. If Government intervene and ask the adjudicating authority to give weightage to one side or the other, it will not be a fair and workable proposition also. All that the Government can do at the most, and that they have been doing, is to enumerate the considerations that should be taken into account before fixing any wage. I may venture to say that in no country have attempts been made so far to establish a mathematical relationship between the wages which it considers fair and the various considerations which go in arriving at such a wage. We have our documents; we have our papers; we have the decisions of the Labour Appellate Tribunals and the Indian Labour Conference. We hope and believe that they enumerate the wage policy of Government to a great extent.

We may look to the Second Five Year Plan also. Along with that there is the First Five Year Plan and the resolution of the last Labour Conference. From these, it cannot be said that Government have got no wage policy. If this Government have got no wage policy, I am very much afraid if any government has got one. It is suggested that it is not as exact or as accurate as one hon. Member wants it to be. We hope and believe that all possible norms and principles have been taken into consideration while fixing normal wages.

Before I conclude, I would like to refer to one point referred to by my hon friend, Shri S. M. Banerjee, who is not here. He said something about contract labourers and building labourers, and referred to the conditions of labourers in Kanpur. It is a fact that the conditions of building labourers are not happy. As the hon. Member himself has said, they are so much disorganised and so much scattered that it is difficult to organise them also. It is difficult for the Labour unions to organise them. It is also very difficult to just say how they can be benefited through the existing laws.

However, a tripartite committee, for reviewing the difficulties experienced by these workers, from time to time has been set up. Members will realise that if there are difficulties and their condition is not happy, it is largely because of the peculiar nature of their work and the peculiar way in which they are working, the contractors themselves being not under direct control; so they are not on the same footing as those in other industries. It has been so far difficult for us to look to their conditions. But the Government are very much sympathetic, and they hope that some review will be made by the tripartite committee from time to time and some concrete steps will be taken to improve the conditions of the building workers. I may also invite Members to make some suggestions so far as the improvement of the conditions of these labourers is concerned. This is a new thing. We are taking up this matter. It should be our joint endeavour to improve the conditions of these building labourers.

Shri Anthony Pillai (Madras South): Mr. Speaker, Sir, that the Government has come forward with this piece of amending legislation is, in my opinion, a shameless confession of administrative bankruptcy. For the last 9 years, this particular piece of legislation has been on the Statute-book and during these last 9 years,

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no efforts have been seriously made to administer this law.

This amending legislation, again, is only a piece of prestige legislation in that Government would like to feel that it has got a minimum wages legislation which it can talk about at organisations like the I.L.O. Apart from the question of administrative bankruptcy, I cannot refrain from saying that this Government is incapable of carrying out any other directive principle of the Constitution. My most serious charge is that there is intellectual bankruptcy about this legislation. There is no fixed and firm policy with regard to what they mean by minimum wages.

I have listened very carefully to the last hon. speaker. I have never heard a more confused jumble of ideas, with regard to minimum wage fixation, than was adumbrated by the last speaker. He referred to the Indian Labour Conference and the resolutions adopted there. He must realise that as far as those resolutions are concerned, they will very largely have effect on organised labour; they will hardly have any effect with regard to unorganised labour, for whom this Bill caters. I hope he will concede that if we are going to accept the subsistence standards suggested by the Indian Labour Conference, the minimum wage at subsistence levels would work out at Rs. 4 to 5 per day adopting the lowest possible subsistence standards according to the general resolution adopted by that conference.

But today we have in many sweated industries minimum wages fixed at As. 10 per day. Is it being suggested by him that overnight because of the Indian Labour Conference having adopted some resolution, the As. 10 will be raised to Rs. 4 or Rs. 5? The administration of minimum wages is a most complicated piece of work. I admit it is not easy or possible to work out a norm of subsistence wages and then say that all industries throughout the country, organised or

unorganised, sweated or exploited, should immediately adopt that particular standard, of wages, because there is the complex problem of wage and employment. For instance, is it possible in any unorganised industry where productivity is very low to suddenly fix the wage at Rs. 3 or Rs. 4 a day and expect that industry to survive?

With regard to the agitation of the Central Government servants, we were told that Government was not pressured into appointing a Second Pay Commission, but that of its own free will, it thought that in the present circumstances it would be advisable to have a Second Pay Commission. I support the plea made by my hon. friend on my left that it is absolutely necessary to appoint a Commission—do not call it Pay Commission—regarding the administration of minimum wages, because, as I said before, it is a complex question—the question of employment *versus* wages. There is no fixed policy with regard to fixation of minimum wages.

I know that the Central Advisory Board has made some general recommendations that for class A it should be Rs. 2, for class B it should be Rs. 1-10, for class C it should be Rs. 1-6 and for class D it should be Rs. 1.

13.29 hrs.

[MR. DEPUTY-SPEAKER in the Chair.]

Which regional committee has ever been able to adopt these standards? Has the Central Advisory Committee given clear directives as to what it means by class A, class B etc.? Does it refer to class A industries and class B industries, or class A areas and class B areas? No. It is a general and vague recommendation. If you go through the proceedings of the meetings of these committees that have been appointed, for fixing minimum wages, you will find that there is no policy followed, there is no discussion and no decision with regard to whether they are going to subordinate the question of subsistence wages

to considerations of employment or whether they are for implementing it, at the cost of employment.

This is a piece of legislation which can affect the lives of crores of people. With regard to something which can affect the lives of crores of people in respect of their employment and in respect of their consumption standards, there is a complete lackadaisical policy, a complete lackadaisical attitude. We want a Minimum Wages Act. Let it be there on the statute-book. Let it be there. If we want we can bring in an amendment asking for extension of time.

I can speak with a certain amount of confidence that with regard to unorganised industries we cannot expect to fix a wage Rs. 4 or Rs. 5 per day. We are not unconscious of the fact that any realistic wage can reduce the potentialities of employment. But, is there a possibility of raising the wages even by stages to a subsistence level? Is there a consciousness that the laws of supply and demand are pushing the wages far below the animal standard of living and that administrative measures must be taken to break the inexorable law of supply and demand? To be able to break the inexorable law of supply and demand, we must adumbrate a clear, realistic and long term policy.

As far as Madras is concerned, I know a little more about it, than about other States. We have there a peculiar kind of fixation of wages. They fixed the basic wages under the Minimum Wages Act at some nominal level and notify that dearness allowance can be fixed according to the law of supply and demand. What does the concept with regard to the fixation of minimum wages by this particular policy reveal? It reveals a complete bankruptcy of thought with regard to the basic fundamentals minimum wage fixation. We fix the minimum wages because we know that the law of supply and demand will push the wage down and therefore it is necessary to enforce this wage by legislative means. But, here, the Madras Government says that the dearness allowance can

be fixed by the supply and demand process. In other words, they have no knowledge, no idea, no vision, no imagination with regard to the fixation of minimum wages. That is true not only of Madras but also of other States. We have wide variations ranging from 0/10/- to Rs. 2/8/- per day. But the why, how and the whether, of all this there is no knowledge.

Some States have fixed minimum wages on the basis of a uniform minimum wage throughout the State. There is no sense in fixing a uniform rate for a large area as mobility of labour in minor industries is low. You must take the wage as it is today. We can push it by another 5 per cent or 10 per cent. We have the example of Kerala where a committee decided consciously to increase the wage by 20 per cent and there was widespread unemployment. A committee was appointed subsequently to discover whether the employers were machiavellian in not granting that wage.

There are industries and industries; industries which cannot pay subsistence wages and industry which are exploiting labour. Biri manufacture is an exploiting industry. It is capable of paying a better wage. In the Bombay State the minimum wage fixed is Rs. 2/8/-. But there are States in India in which it is not even 0/10/- or 0/12/-. In Madras it has now been raised to Re. 1/4/-. But, in some places, it is not possible to implement it. Even if you attempt to fix the minimum wage, there is the subsidiary question of decasualisation of labour. And, my friend who spoke before me has referred to the problem of the building industry workers. It has been the plea of building workers that a scheme of decasualisation be adopted so that the minimum wages fixed under the Minimum Wages Act can be implemented. They must take some steps with regard to decasualisation. If they do not it is either a machiavellian policy of pretending to do something and practically doing nothing at all. Therefore, I have heard a eloquent plea from my left that some particular

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category of workers should be included.

I am afraid that my friend does not know that while minimum wages are fixed, the present practice is to fix them only at prevailing rates. We are not concerned with this particular industry or that particular industry. We are only concerned with the policy that this Government is going to adopt. My submission is that there has been no policy, that the Government does not even discover what are the details, the complexities of the problems that exist, what is the employment potential etc. Unless a clear and categorical policy decision is taken and that decision is communicated to the various wage fixing authorities, no good will result. You may pass any legislation but it will be a dead letter for another decade.

My earnest plea is that minimum wage affects not only 2 million workers; it may affect the whole of the country. It may affect crores of people; it may affect the question of inflation if a wrong policy is followed. But, it does affect the lives of crores of people. Therefore, if this Government is really serious about its intention to break the inexorable law of supply and demand, may we know the policy it is going to have? If it has no policy and if it is incapable of thinking out any policy, let it at least appoint a Commission that will go into the complexities of this question and find out the success or failure in solving wage fixing problems in other countries and evolve some workable scheme by which at least there will be a 5 per cent increase per year in the wages prevailing, particularly in the unorganised sectors. Let the Government give us an assurance that they will appoint a Commission for analysing the problems concerned in fixing the wage structure, in the several sweated industry.

Shri Ranga (Tenali): I am afraid my hon. friend has overstated the case.

He said that the Government of India has no wage policy.

Mr. Deputy-Speaker: He has a right to do that also.

Shri Ranga: But I wish to concentrate myself on one specific side of this subject alone and that is agricultural workers. I recognise the validity of some of the objections raised by our friend, Shri Mishra, to any attempt to fix these minimum wages on an all India scale, especially for agricultural workers. But at the same time, we cannot forget the fact that we have given sufficiently long time to the State Governments to set up their own wage fixing machinery to conduct necessary local enquiries, even district by district, and thereafter to attempt to fix the minimum wages for the different types of agricultural work connected with different crops also. The Government of India themselves have conducted an enquiry into agricultural labour conditions. And, they have published a good number of monographs of the results of these enquiries. As a result of these enquiries, it has come to light that most of our agricultural workers are obliged to live on less than subsistence allowance and they suffer from long periods of under-employment and fairly long periods of total unemployment during any one year. It was thought that one of the means by which their conditions could be improved was the implementation of the Minimum Wages Act.

I was also one of the people who welcomed the move of the Government at that time to get this Act passed. I have been advocating the need for fixing the minimum wages for agricultural workers for all these last 30 years. But, unfortunately, what I find is that the Government of India as well as the State Governments are so averse to making any constructive effort to fix these wages for various reasons, one of them being that they are unwilling to fix the minimum price for agricultural produce. Once a minimum wage is fixed for the agricultural worker, necessarily they have got to

assure the agricultural producers of this country a minimum price for their agricultural produce. In that case, they must be prepared to negotiate with the opposition that may arise from the town or non-agricultural class of people. Unfortunately or fortunately, this class of people always wants the supply of agricultural products at too low a level of prices which have come to rule in this country. They happen to be a very powerful section in this country as in other countries. The agricultural class of people be it landless peasants or small proprietors are so hopelessly unorganised and in the political life, they are so powerless except on the rare occasions of elections. It is only then that the Government are beholden to heed the voice of these people. At other times, they have to heed the voice of the townspeople including the organised proletariat. That is why we have not so far succeeded in any kind of minimum wage for agricultural workers.

Here and there, minimum wage has been fixed to a few categories of workers in different States in a few villages and that way a kind of salvaging of conscience has been provided by the local Governments. But, this is not a satisfactory state of things. We cannot any longer neglect this. We ought not to

When we went to the electorate, we had this very bitter experience of having to explain to the agricultural workers who form a substantial part of our society. We had to explain to them why this Act is not being implemented. When we trotted out those arguments which Mr. Mishra and various others gave out, they turn round and say: you are fixing minimum prices for agricultural produce. Our Government has come out with a policy of keeping up the floor price of wheat and rice. Then, why not have a corresponding minimum wage also for at least labour connected with the production of rice and wheat.

It is easy to say that things go on changing from district to district or that the cost of living or standard of

living changes from district to district. But, it is not so easy to justify all these varied levels of wages that are today ruling in different parts of the country for labour connected with the production of rice and wheat when a minimum price is assured for these producers.

Power is given to the State Governments to fix these minimum wage levels in accordance with the local customs as well as local conditions. Giving due recognition to all these facilities that you have provided, it should be possible for the Government, when they take action to maintain the floor prices for certain agricultural commodities, to insist that the State Governments should fix the minimum wages for certain minimum norms of work or minimum hours of work or for different types of work connected with these crops.

I am extremely anxious that the Government should get those reports on agricultural labour conditions which have already been placed at their disposal studied specially by some high level officer and with his guidance and assistance, they should try to convene a labour conference. I do not mean the sort of labour conference—tripartite labour conference—where the industrial labour alone predominates with its representation. In that conference, there should be the Labour Ministers of the States, representatives of the Harijan Sevak Sangh, for instance, Anti-Untouchability League and various other people who have been concentrating upon the welfare of Harijans and other agricultural workers in this country and also the land-owning peasants and their organisations. They should take counsel with them as to in what manner and direction, effect can be given to this Act in order to enable the State Governments to fix minimum wages for different types of agricultural workers. Unless they take time by its forelock and begin to do something substantial within the next two or three years, they would find it extremely difficult to go again to the agricultural working classes in this country and give any satisfactory answer

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or reliable assurance that the Government consider the improvement of their social and economic conditions to be of much greater importance than the conditions of industrial labour.

This is a very urgent matter and I sincerely hope that Shri Abid Ali who understands the significance of this labour vis-a-vis industrial labour in this country would be able to give his early and earnest consideration to this matter and try to get a much better implementation of this Act during the next three or four years than has been the case till now.

Lastly, I would like him to take into consultation the Food and Agriculture Ministry and their experts. In consultation with them, let some definite and satisfactory action be taken which would result in the early improvement of the economic conditions of our agricultural workers and indirectly through them, improve the conditions of self-employed owner-cultivators and peasants.

Shri B. S. Murthy (Kakinada—Reserved—Sch. Castes): Mr. Deputy-Speaker, I wish the Labour Ministry had not moved this amending Bill. This is the fifth time they are coming before this House. It is better to recapitulate the idea of fixing a minimum wage and how it has taken shape in this country. If I am right, it was in 1928 the Royal Commission on Labour gave a suggestion that the wage-fixing machinery might be tried and experimented. It has taken nearly twenty years for the Indian Government to bring some sort of a Bill in—allowed to escape their responsibility—before the Central Assembly.

Sir, when the late Dr. Ambedkar proposed a Bill like this in 1946 the whole working class in India acclaimed it as a Magna Carta but, unfortunately, it could not see the light of the day, and two years had to elapse before it emerged as the first Minimum Wages Act in India under the stewardship of Shri Jagjivan Ram, that is in 1948. After having got the Act passed in 1948 the Government has taken nearly

a year to frame the rules. The rules had to be sent to the State Governments for their approval and for their acquiescence. And, what happened? They thought that before 1st March, 1950, nearly all the schedules for the employments required will be fixed. Later on it was considered that the date did not give them sufficient time. So, from 1950-51, 1951-52 and 1952-53 the amending Bill has been coming before this Parliament.

This amending Bill has given some more time asking the State Governments to do their best to see that everything is being done, as far as agricultural labour is concerned, before 1959. I am afraid this will be a dead letter and it will be only adorning the archives of Government unless and until the attitude of the Central Government and the attitude of the nation as a whole is focussed towards this problem of fixing minimum wages for all categories, especially those who are engaged in the agricultural sector.

In the speech delivered by my friend the Deputy Minister, Shri Abid Ali, he was good enough to say that so far this Act has been able to cover only 1·7 million workers in the matter of fixation of minimum wage. I think according to the modest estimation of both the labour organisations as well as the economists and writers on labour affairs, the working class population in India including the agricultural labour comes to somewhere about 7 to 9 cores of people. Out of these if only 17 lakhs of people are covered by this Act, I do not think it is doing full justice to the provisions adumbrated in this Act.

Therefore, it is time that courage is taken into both hands by the Minister and the Deputy Minister and also by the Parliamentary Secretary, Shri L. N. Mishra, and they go about, if necessary, from State to State and persuade the Chief Ministers of States and also the Ministers dealing with labour problems in the States, so that something tangible is done in

this matter which is of vital importance. I am afraid the working class as a whole are mostly disappointed with the manner in which the Government is dealing with their day-to-day life as well as their living conditions. You promise them something and you say, these are our assurances. Assurance is given at the time of elections, assurance is given when the Minister goes and presides or inaugurates conferences of labourers. But the assurances are not put into effect. I do not think an independent India can afford to have the Ministers give assurances which are not transferred into deeds. Therefore, the very mention of only 17 lakhs people being covered by this Act out of the huge innumerable lakhs of people who are wage-earners in this country is itself an argument to say that we are not proceeding well and it is high time that we devise our plans.

Again, this amending Bill has tried to add a proviso to clause 3. I do not think it is quite essential. In the parent Act, if I remember correct, it is said that for every five years the conditions and the rates of minimum wage should be revised. This proviso gives a handle for the employers to say, let the existing minimum wage structure remain, let us see afterwards. Therefore, this quinquennial revision should not have been given this sort of an interpretation giving a handle for those employers who are very keen to avoid their responsibility towards the workers. They should not have been encouraged by adding this proviso. They should not have been allowed to escape their responsibilities.

I am very happy that in sections 22D and 22E there are very salutary provisions, because the employer cannot escape by saying that the payments are not to be attached. I do not understand why in 22D it is said that money is to be deposited with the prescribed authority, who shall deal with the money so deposited in such manner as may be prescribed. I do not think it is quite justifiable. As far as this money is concerned, it should go to the

worker who has earned his wages. The plea is that he or his family is not to be found anywhere and, therefore, what should be done. The Government asks the employer to give the money and says that if the man is not to be found the money may be deposited with the prescribed authorities. So far it is good. I want a clause to be added here that in such a case where payment was not made in time and the employer could not find the man, the employer must be penalised for that because he did not give the money in time to the man who earned that. Perhaps, the man who worked and did not get his salary for two or three months might have committed suicide, his family might have died of hunger. Therefore, the employer must be penalised for not having paid the wages in time and thus causing great hardship to the family of the wage-earner.

My last point is about the agricultural labour. I do not agree with my very good friend, Shri Abid Ali, the Deputy Minister, that the agricultural labour in India is 3.5 crores. It should anywhere be 7 crores. Unfortunately, this agricultural labour has got a taint with it.

Shri A. C. Guha (Barasat): According to Government figures 22.7 per cent of the total population is agricultural labour.

Shri B. S. Murthy: I do not know what Shri Guha means. I think he is only supporting me. But there is one peculiar, unwelcome, very heart-burning point as far as agricultural labour is concerned, which I want to tell the Minister. The majority of the agricultural labour belong to the Harijan community.

Shri B. K. Gaikwad: And Scheduled Tribes.

Shri B. S. Murthy: And a very few backward classes. The fate of the Harijan community today is very well known and I am not here to talk about that. Nearly 6 to 7 crores of Agricultural labour today are being

[Shri B. S. Murthy]

neglected and the Central Government is not trying to do anything. Shri Nanda with all his exuberant enthusiasm, real and sincere as it is, is not able to tackle this question. In his speech Shri Abid Ali said that to fix a minimum wage for agricultural labour, the man is illiterate and the conditions are not permanent: the yield is less and the tenant question is not solved. There are a number of questions, I do admit. But something must be done and what has to be done now? For centuries, until conditions are solved, is the agricultural labour to lie low and lead a life of the slave or lead the life of an underdog? No, Sir. Something must be done and therefore, I would suggest that instead of depending upon the sweet will of the State Governments and the State Governments' Labour Ministers, something must be done by the Centre either through persuasion, or, if persuasion fails, in the national interests, by coercion. Coercion must be used and the coercion is in the form of making a law here and making it soon and implement it as we are doing in other sectors.

14 hrs.

Therefore, my suggestion is this. Before the resentment and the dissatisfaction of the working classes in India get fossilised and very hard to remove, I want the Labour Minister to do something both by the working classes and also by the agricultural labour.

One more point and I have done. They have got the tripartite conference for organised labour. I would suggest that the Government, to begin with, should also have a sort of tripartite conference as far as agricultural labour is concerned. They can invite some States representatives from the agricultural labour organisations and the Ministers or the Secretaries as the case may be who are dealing with the States' agricultural labour and with them the Central Ministry could sit together, deliberate, discuss and

come to a decision as to make the life of the agricultural labourer tolerably good and better than it is today. Therefore, I think this suggestion may be given thought to and also a form devised as and when the Minister and the Deputy Minister are able to do it. I think that then only we shall be able to do some justice for all the working classes. If not, they will go out of our hands and in course of time there may be resentment for having neglected a problem like this.

Shri Abid Ali: Mr. Deputy-Speaker, my colleague the Parliamentary Secretary, has dealt with some of the points and has lightened my burden. Moreover, most of the friends from the Opposition Benches who have spoken have chosen to remain absent; that implies that they are not expecting me to attend to the points they raised during the course of the debate. But the difficulty is, we come with sincere expectation that the hon. Members opposite may be able to tell us how the working of this Act or other Bills which we bring in, can be improved and give considered suggestions which may be workable. But they indulge in general sorts of criticism most of which have nothing to do with the working of the particular enactment which is now considered for being amended. That is what happened on Saturday and today, when this Bill was taken up. One hon. Member, the Member from Nasik—was referring to Chawkidars on Saturday and today also, he took nearly 20 minutes on that aspect. He should be aware that so far as Chawkidars are concerned, they are not within the purview of this Act nor can they be brought in. They are part-time workers, though some of them may be busy for 12 hours continuously, but they have to attend to particular jobs in the villages and they may not have any item to attend for weeks together. They are quite a different category, and have some privileges.

Of course, the figures that can be mentioned with regard to their wages may be small, but they have some

other avocations also. Taking all that into consideration, the criticism which the hon. Member was good enough to level here was completely beside the point and is not justifiable.

It has been said that this Bill is a useless one and the Act itself is useless; that it is harmful and derogatory. In the same breath, the hon. Members complain that they are angry on account of the delay. If it is useless, derogatory and harmful to the workers, why complain about its delay? It is useless and they should be happy even if it has not seen the light of day!

Shri Tangamani: It is not so simple as that.

Shri Abid Ali: I have noted it. Hon. Members have used those words. But, still, so far as I am concerned, I may submit that all the workers in the industrial field and particularly those who could be covered by the Central Government have been covered by the Minimum Wages Act. Also in the State sphere, in the industrial field, the workers have been mostly covered. So far as agricultural side is concerned, I have myself made clear in the opening remarks that the situation is not as satisfactory as it should have been, and the reasons also have been mentioned.

Some of the hon. Members who have taken part in the discussion, especially, Shri Ranga and Shri B. S. Murthy, have given good suggestions. I may submit that we have been writing to the State Governments from time to time. Again, perhaps in the month of October next, a Labour Ministers' Conference will be held most probably in Delhi. We have placed this item on the agenda, and we are placing before the State Governments all that the hon. Members suggest here, and it is entirely within their jurisdiction to do or not to do as they may consider proper.

It should be appreciated that we have a federal democracy in this country and the powers the State Governments also have got under the

Constitution should always be appreciated before levelling the criticisms which some of the hon. Members thought fit to mention here.

Shri Tangamani: May I know whether any of the State Governments has implemented these minimum wages, so far as agricultural labour is concerned? Even in the original Act itself—the Act of 1948—in Part II of the Schedule, the agricultural labourers have been included and repeatedly this matter has come up in the various conferences. May I know whether there is any State or States where these minimum wages have been fixed at least?

Shri Abid Ali: Page 48 of the report gives the details. Also, in Bihar, they have appointed an Inspectorate for this purpose,—with an Inspector of Factories, Assistant Labour Commissioner, labour officers and chief inspectors of agricultural wages. In Madhya Pradesh, an agricultural employment staff has been appointed. In Punjab and several other States, they have appointed inspectors also to see that the minimum wages fixed for this category are implemented. A machinery has been set up.

What I was submitting was, whatever has been suggested here will be communicated to the State Governments and, as I said, this matter is on the agenda of the forthcoming labour conference. The hon. Members should realise that the Minimum Wages Act is for the workers who are known as sweated labour. It is not for others. Some hon. Members said that lakhs of workers remain uncovered; textile or jute or steel or sugar and so many other industries. Cement industry, of course, has got the minimum wages act. They have got much more than the minimum wages fixed for them. There are other categories who need not be covered by this Act. That also hon. Members will appreciate.

Shri B. S. Murthy: As far as contract labour is concerned, the hon. Deputy Minister said in his speech

[Shri B. S. Murthy]

that the total number of workers who have been covered is only 17 lakhs. We are not criticising what has been said, but we are only anxious that the speedy implementation of the Act is quite essential.

Shri Abid Ali: So far as this matter is concerned, we have appointed competent active inspectors to take care of them. Prosecutions are filed and workers are being served very adequately. In case any hon. Member finds out any defect in the working of the Act anywhere, I shall always welcome his suggestions. If it is communicated to us, I assure hon. Members that all that is possible to remove the defect will be done, so far as we are concerned.

So far as agricultural workers are concerned, I have said about the non-availability of data and I have informed the House that for 3,600 villages, we are having the necessary survey. Both the employers and the employees being illiterate, the holdings being small, are difficulties which should always be appreciated.

About the labour policy, my hon. friend Shri Mishra has already explained that there is a sufficiently big chapter in the Five Year Plan. That is our labour policy. As my senior colleague said the other day, it is a national policy; it is not the policy of any particular party, because it has been accepted by all.

Shri Tangamani: What about wage policy?

Shri Abid Ali: That covers the wage policy also. Some hon. Member was so unkind to say that we are influenced by the land-holders in the villages and therefore, we are determined not to implement the Minimum Wages Act for the workers in the villages. I submit that there cannot be anything more unkind than that. I request hon. Members not to search for abuses when arguments are lacking. If there is no room for argument, there is no argument. It is not necessary to resort to abuses.

About the number of agricultural workers, I submitted it was 3:5 crores. It is true and the figure given by hon. Members is also correct. That is with regard to the agricultural population. There is difference between agricultural population and agricultural workers.

Shri A. C. Guha: Here in the report it is said:

"The income of agricultural labour families, who formed 22·7 per cent of the total number of families of the Indian Union, accounts only for 8·3 per cent of the national income."

That is their number and that is their income.

Mr. Deputy-Speaker: Both are right.

Shri Abid Ali: A remark was made with regard to High Court. The Rajasthan High Court has given a decision not concerning the defect in the provisions of the Act, but with regard to the procedure adopted by the Government of Rajasthan. I could not appreciate the relevancy of it when the hon. Member referred to it.

One hon. Member said that whenever I go to Kanpur, I make it a point to be in the company of Shri Jaipuria, and I never go to workers' quarters. I would submit that nothing could be more unfair, because I have myself lived in a place called Gwaltoli, which is the workers' quarters in Kanpur. Whenever I go to Kanpur, I go there, stay for at least a couple of hours, meet my old friends, because I myself know quite a large number of the workers. Some of them have retired and some are still working. It may be that the hon. Member may not be aware of what I do in Kanpur, but when he says that I remain in the company of Shri Jaipuria, I must submit that not even once I have gone to the factory of Shri Jaipuria. Of course, I should meet everybody—the workers' section and the industrial section. But I have not been there, by

accident. If there would have been any occasion, I would have certainly gone to the factory of Shri Jaipuria also.

Mr. Deputy-Speaker: The hon. Member must have been invited on the same occasion and both of them happened to be there together!

Shri Abid Ali: I said I would have gone to his factory, but there has been no occasion. But it is not proper to make a completely unfounded statement in this House. Hon. Members should appreciate that they are elected Members of Parliament and they should not make such statements.

About the wage for workers in the leather industry, it was said that they are paid six annas. From the book it will be found that their minimum wage is fixed at Re. 1 and not six annas. These minimum wages are fixed not by the Government, Central or State. There is a tripartite committee who, after investigation, come to a certain conclusion, which is submitted to Government. Generally their conclusions are accepted.

A complaint has been made with regard to statistics. Hon. Members here rely on statistics and again complain that statistics are wrong. If the statistics are wrong, why rely on them? Leave them alone.

Mr. Deputy-Speaker: They say that these statistics are wrong. They say, when the Government provide them the statistics, why should not they use them? The Government claims that these statistics are right. They say, the statistics are wrong.

Shri Mohiuddin (Secunderabad): With regard to agricultural labour, the complaint is that for the last six years, there are no statistics

Shri Abid Ali: With regard to male and female, there was a complaint made. There was a decision of a tripartite board in which the representatives of the central organisations of the workers were present. There it was said:

"It would, however, be permissible to fix differential rates for men and women, because their

rate of output is demonstrably unequal. In some cases, it may be desirable to fix minimum wages for different categories even of same jobs, namely, light or heavy."

On this basis, the minimum wages are fixed. There is some difference at certain places. My answer to the hon. Members is that their counterparts in the trade unions are themselves a party to this. Therefore, this charge that the Government is responsible for this is not reasonable.

With regard to December, 1959, a criticism has been made. I submit it is not the intention that the fixing of minimum wages should be delayed till December, 1959. If the State Governments do it in the month of September or October, 1957, we will be very happy. It is only an enabling clause that if they are not able to fix the minimum wages for agricultural workers earlier, then at least by December, 1959, they should be able to do it. That is the intention and it should be satisfactory to hon. Members opposite also. It should be appreciated that only by passing enactments, the condition of workers will not improve. Everybody should acknowledge that a healthy, responsible, trade union organisation of workers is very necessary, free from exploitation by political parties. Then only, it will be possible for the workers to get all that they deserve. Ours is a big country. Things take time to spread in every sector and every region. That also should be kept in mind.

One hon. Member said that for one post of driver, thirteen persons were recommended by the Employment Exchange. I believe that the information given to the hon. Member is not correct. I shall be very much obliged to the hon. Member concerned if he sends me the list because, for one vacancy, only four or at the most five can be submitted. Sending thirteen is not correct. I hope the hon. Member will send me the statement. Sometimes, some statements are made here which we cannot get connected with facts. I write to hon. Members opposite and it has happened that never

[Shri Abid Ali]

have they been able to be helpful so that we may reach the facts. Therefore, I may again submit that things which have no relevancy, which are far from truth, should not be said in this hon. House.

About biri workers, I am in complete sympathy with them. But, what to do? In some places, it has happened that where Minimum Wages Act has been applied or factories have been brought under the Factories Act, by arrangement with the employees, factories have been closed, biri leaves, tambaku and thread are given to the workers, they go to their own homes and do the work there and take a lesser wage than the amount to which they are entitled under the Minimum Wages Act. The moment factories are dispersed, it becomes difficult for the Factories Inspectors to take action under the Factories Act, other difficulties arise. What I have submitted, the hon. Member knows is a fact. Ours is a democratic system of Government. Things go according to a law. We are not dictators to keep the law apart and go on whipping the people according to the wishes of a person in the village or on the spot. Law should be followed with all the respect that it deserves.

Shri Tangamani: About biri workers, the point raised was not that they are not getting minimum wages. They did not know who the proprietor was. There was an attempt in the Madras State to bring a Bill. It is being held up.....

Shri Abid Ali: Why not the counterpart of the hon. Member in the Madras Legislature raise this issue and bring it to the notice of the Government there? Why do they need our help to approach the Madras Government?

Shri Tangamani: They did raise....

Mr. Deputy-Speaker: I am sorry, this cannot be settled now.

Shri Anthony Pillai: On a point of clarification, Sir, because an allegation has been made, it must be rebutted,—the hon. Minister said that no

attempt has been made in the State Legislature concerned to bring up this matter. An attempt was made in the Madras State Legislature and we were informed that the Central Government has not yet given them the necessary assent to go ahead with the legislation. We would like to know whether the Central Government has given the assent or withheld the assent and for what reason.

Shri Abid Ali: I did not make any allegation. I said that the hon. Members, through their counterparts in the Madras legislature, should go on persuading the State Government to do all that is necessary for them to do. Once it has been made, one can go on making it a second time, third time and so on.

About de-casualisation of building workers, it is not possible to introduce it because most of the workers come to towns and cities for that particular job during the particular period they are not required in the villages. They go back to the villages as soon as they are needed there. Therefore, the suggestion to bring the decasualisation scheme is not appropriate.

I submit that the people are nearer to our heart. They are supreme in our thought. They deserve and they have a claim on us. So far as we are concerned, we are also alive to our responsibility towards them. We shall never be found wanting in discharging our responsibility towards the villagers, kisans, those who are unemployed and every citizen of this country. I have submitted that those who are poor deserve more attention from our side and that is what we are doing and we shall continue to do.

Shri S. M. Banerjee (Kanpur): On a point of clarification, Sir.

Mr. Deputy-Speaker: So many hon. Members are wanting clarifications.

Shri S. M. Banerjee: Just one second. The hon. Minister said that the minimum wage fixed for leather workers is Re. 1. May I ask, Sir, whether this particular wage is applicable

there? Whatever I mentioned, six annas or seven annas for the tannery workers, was correct. I would request the hon. Minister to make some enquiry and see whether this wage of one rupee is applicable and whether they are paid.

Shri Abid Ali: One has to see that the minimum wage which has been made applicable is implemented. If anywhere it is not implemented, a complaint should be made to the appropriate authority which is also mentioned in the book.

Shri B. K. Gaikwad: Sir, I did not like to interrupt the hon. Minister when he was speaking. Now that he has concluded, I would like to have one point clarified. The hon. Minister said that inferior village servants like Mahars, Jaglyas, Ramoshis, Chawkidars, etc. are part-time servants. May I know whether this information that they are part-time servants is correct and for what part of the day they have to be present? Has he got this information? I know it definitely and I have said in my speech that they are not only full time servants, but they have to be present in the chavadi day and night.....

Mr. Deputy-Speaker: It is unfortunate that two hon. Members differ. I cannot help.

Shri Abid Ali: This is my information.

Mr. Deputy-Speaker: He has given his information that they are part-time servants. The hon. Member says that they are not part-time servants. There is difference of opinion. Both are entitled to equal respect from me. I cannot resolve this.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

Clause 2—(Amendment of section 2).

Mr. Deputy-Speaker: Clause 2. No amendment.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—(Amendment of section 3).

Shri Tangamani: I beg to move amendment No. 24.

Mr. Deputy-Speaker: It is the same as No. 1.

Shri Tangamani: It is not the same. One is 1958; another is 1957.

Mr. Deputy-Speaker: Is No. 1 being moved?

Shri B. K. Gaikwad: Yes I beg to move:

(1) Page 1, line 16, for "1959" substitute "1957".

(2) Page 1, line 16, for "1959" substitute "1958".

Shri Oza (Zalawad): I beg to move:

(1) Page 1, after line 16, insert—

"(ia) in clause (b), omit "such intervals not exceeding five years" and after "if necessary" add "and until they are so revised the minimum rates fixed shall continue in force".

(2) Pages 1 and 2, omit lines 17 to 20 and 1 to 8 respectively.

Shri Jadhay (Malegaon): I beg to move amendments 7 and 10.

Mr. Deputy-Speaker: Amendment No. 7 is the same as No. 2. So. No. 7 cannot be moved when No. 2 has been moved.

Shri Jadhav: I beg to move:

Page 2, lines 2 to 8--

for "nothing contained in this clause shall be deemed to prevent it from reviewing the minimum rates after the expiry of the said period of five years and revising them, if necessary, and until they are so revised the minimum rates in force immediately before the expiry of the said period of five years shall continue in force". substitute—

"the minimum rates be reviewed forthwith".

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

(1) Page 1, after line 16, insert.

"(1a) sub-clause a(i) and (ii) following further proviso shall be added, namely:—

"Provided further that the appropriate Government shall every year after report to the Central Government the progress made in the year and with the approval of the Central Government may extend the time by one year in the first instance and by two subsequent periods of six months each."

(2) Page 2, line 2, after "five years" insert—

"it shall submit a report to the Central Government explaining the reasons of its failures, and".

(3) Page 2, lines 2 to 5,

for "nothing contained in this clause shall be deemed to prevent it from reviewing the minimum rates after the expiry of the said period of five years and revising" substitute "it will undertake such review within the next two years and may revise".

Shri Tangamani: In moving amendment No. 24.....

Mr. Deputy-Speaker: First, I wanted to be satisfied whether it is not the same as No. 1. It is the same. He has some mistaken idea.

Shri Mohiuddin: I beg to move:

Page 1, for lines 15 and 16, substitute—

'(i) in clause (a), the words and figures "before the 31st day of December, 1954" wherever they occur shall be omitted.'

Shri Tangamani: This amendment which seeks to replace 1959 by 1957, although it is simple, goes into the very root of the purpose of the Bill itself. The object has been accepted, and when this enactment was passed in 1948 we incorporated agricultural labour in part II of the Schedule and some twelve industries, in which the labour is of a sweated nature in part I of the Schedule. As early as 1953 when the Indian Labour Conference met in Mysore, it was agreed by all the parties that the minimum wages would be made applicable in all the States Again in 1955 when the Labour Ministers of the various State Governments met, it was agreed that the minimum wages applicable to agricultural labour would be implemented forthwith. Though all these assurances were given, the date in the principal Act was extended to 1954 by an amendment, and now we are asked to extend it to 1959 which I submit is begging the very question itself. If the Government is serious about this particular legislation, then without altering the date, a directive must go to the various State Governments to fix the minimum wages immediately for the industries covered by Part I of the Schedule as also for agricultural labour.

I ask the hon. Minister whether minimum wages have been fixed for agricultural labour. I can give him this information that they have been fixed in Madras State for agricultural labour, but in its actual implementation the Madras Government is finding it extremely difficult because they do not get any guidance from the Centre as to how to enforce it.

So far as industrial labour is concerned, the minimum wages were fixed in 1952 and again they have been

revised in 1956. So, a certain *modus operandi* has been followed, but in regard to agricultural labour implementation is very difficult. So I was expecting the hon. Minister, both at the time of introducing the Bill and in his reply, to give us some idea as to how this is going to be implemented in regard to agricultural labour, because as an hon. friend has already pointed out, agricultural labourers number nearly seven crores in this country. Certainly a specific proposal has to come in respect of these seven crores of agricultural labourers, and if at least an explanation comes from the hon. Minister as to how he is going to enforce this even after extending the period to 1959 I will be very grateful. But at present we are in the dark as we were in 1954. If there is no attempt on the part of the State Governments to fix minimum wages by 1959 what are we going to do?

These State Governments were asked to fix the minimum wages in December 1954 but nothing was done by that time. In 1957 we are extending the period again to 1959. Whether they have fixed minimum wages during these three years seems to be immaterial to us. Hence extending the date to 1959 is simply to inform the State Governments that the Centre is not at all serious about the fixation of minimum wages. That is my complaint, and I am making it in all seriousness, because if we extend the period to 1959 we will not be compelling them to fix minimum wages before 1959 and that will be giving them a loophole. That is why though my amendment is a simple one, it is very important for the purpose of this Act and for carrying out the spirit of this legislation.

श्री श्रीनारायण दास (दरभंगा) :

उपाध्यक्ष महोदय, इस बिल की तीसरी क्लाज एक बहुत महत्वपूर्ण क्लाज है। एक तरह से इस कानून को फिर से लागू करने वाली यही क्लाज है। मुझे दुख के साथ यह कहना पड़ता है कि मालूम नहीं कि जब सरकार की तरफ

से इस कानून की अवधि को बढ़ाने का प्रस्ताव आता है, उस समय इस प्रश्न की कठिनाई और इस कानून को लागू करने में जो दिक्कतें होंगी, उन का अनुमान केन्द्रीय सरकार को या विभिन्न राज्य सरकारों को होता है या नहीं। अगर इस कानून को लागू करने की कठिनाई का कुछ अनुमान केन्द्रीय सरकार और विभिन्न राज्य सरकारों को होता, तो ऐसा प्रस्ताव लाने के पहले वे एक ही बार विचार कर लेते कि कितने दिन के अन्दर यह कानून हिन्दुस्तान के खेतिहर मजदूरों के सम्बन्ध में लागू किया जा सकता है। अभी जो प्रस्ताव हमारे सामने आया है, उस में इस की अवधि १९५९ तक बढ़ाई जाने वाली है। इस बात का कोई अन्दाजा हमारे सामने नहीं है कि इस सम्बन्ध में जो भाषा की जाती है, वह पूरी होने वाली है या नहीं। क्या विभिन्न राज्य सरकारों से इस बारे में परामर्श कर लिया गया है और क्या उन से इस बात का आश्वासन लिया गया है कि वे खेतिहर मजदूरों के सम्बन्ध में इस कानून को १९५९ तक पूरे तौर से लागू कर सकेंगे।

उपाध्यक्ष महोदय, इस सम्बन्ध में मैं यह कहना चाहूंगा कि भारत में रहने वाले जितने वर्गों के लोग हैं, या जितने व्यवसायों के लोग हैं, उन में खेती का व्यवसाय करने वाले सब से उपेक्षित हैं और उन में भी किसान सब से उपेक्षित होते हैं और किसानों में भी खेतिहर मजदूर, जो मजदूरी कर के अपना निर्वाह करते हैं, सब से उपेक्षित हैं। यह कानून पहले १९४८ में पास हुआ था। मैं तो कहूंगा कि यह कानून भी उतना ही उपेक्षित है तभी तो बार बार इस कानून को लागू करने की अवधि बढ़ाई जाती रही है। पछि इस कानून को चालू करने के लिये केन्द्र और राज्य के स्तर पर बहुत सी सलाहकार समितियां बनाई गई हैं और केन्द्र में भी एक सलाहकार समिति है, जिस का काम इस सम्बन्ध में सरकार को राय देना है, मुझे दुख के साथ कहना पड़ता है

[श्री श्रीनारायण दास]

कि सेंट्रल एडवाइजरी बोर्ड की, १९५४ तक सिर्फ दो बैठकें हुई थीं। उस के बाद उस की कोई बैठक हुई या नहीं, यह ठीक पता नहीं है। हिन्दुस्तान का यह उपेक्षित वर्ग खेतिहर-मजदूर संगठित नहीं है, जो एक जगह रहते नहीं हैं, जो खून पसीना एक कर के अपना जीवन-निर्वाह करते हैं, उन के हकों की हिफाजत करने और इस बात की व्यवस्था करने के लिये इस कानून का निर्माण हुआ था कि रोजगार लगाने वाले लोग उन के साथ प्रत्यायन न कर सकें। हम ने अपने संविधान में भी इस बात को मान लिया है कि जो शोषित हैं, जो उपेक्षित हैं, उन पर जल्दी से जल्दी और अधिक से अधिक ध्यान दिया जायगा। मुझे यह भी दुःख के साथ कहना पड़ता है कि हम में से भी जो लोग मजदूर ग्रान्दोलन में काम करते हैं, खेतिहर मजदूरों की तरफ उन का ध्यान बहुत कम जाता है। सब के सब संगठित मजदूरों में, जोकि कारखानों में काम करते हैं, कार्य करते हैं। उन मजदूरों के संगठन और उन के हितों की रक्षा के लिये तो बड़ा हल्ला होता है। जब जब हम लोग यहाँ पर अधि-वेशन के लिये आते हैं, तब तब हम देखते हैं कि पार्लियामेंट हाउस के सामने उन लोगों के प्रदर्शन होते हैं और हमारे मजदूर दल के नेता लोग जा जा कर उन के साथ बात-चीत करते हैं और उन को आश्वासन देते हैं। लेकिन करोड़ों खेतिहर मजदूरों में, जिन का संगठन बड़ा पठिन है, जिन का साहस बहुत थोड़ा है लोगों को है, चाहे वे कांग्रेस दल के हों या उस के विरोधी दूसरे दलों के। कारखानों के मजदूरों के पास अपेक्षित अधिक पैसा है, उन का संगठन घासान है, उन के संगठन को चलायाना घासान है, इसलिये उन के लिये काम हो जाता है।

जहाँ तक इस कानून का सम्बन्ध है, मैं कुछ तथ्य इस सदन के सामने रखना चाहूँगा। जब १९४८ में यह कानून बना, तो शिष्टयुग

के प्रथम भाग की अवधि १५ मार्च, १९५० तक रखी गई और दूसरे भाग की १५ मार्च, १९५१ तक रखी गई। चूकि उस अवधि में काम नहीं हो सका, इसलिये १९५१ में उस कानून में संशोधन किया गया और प्रथम भाग की अवधि बढ़ा कर ३१ मार्च, १९५२ तक कर दी गई और दूसरे भाग की अवधि ३१ दिसम्बर, १९५३ तक कर दी गई। लेकिन काम फिर भी न हो सका। इसलिये १९५४ में एक संशोधन उपस्थित किया गया, जिस के अनुसार दोनों भागों की अवधि ३१ दिसम्बर, १९५४ तक रख दी गई।

मैं यह निवेदन करना चाहता हूँ कि हम लोगों का यह कर्तव्य है कि हम जो भी कानून पार करे या किसी कानून की अवधि बढ़ाये, तो हम का इस बात का अन्दाज होना चाहिये कि जो मिथ्यान्त उस कानून में माना गया है, वह निश्चित समय में कार्यान्वित कर लिया जायगा और कार्यवाही करने के लिये जो आदेश हुआ है, उस आदेश का पूर्णतया पालन कर लिया जायगा। अगर हम समझते हैं कि किसी कानून को कार्यान्वित करने में किसी जबर्दस्त कठिनाई का सामना करना पड़ेगा, तो हम को उस के लिये अधिक समय रखना चाहिये। अगर ऐसा नहीं किया जाता है, तो देश में यह धारणा पैदा होती है कि जब हम किसी कानून पर विचार करते हैं, तो उस की गम्भीरता पर और उस के सब पहलुओं पर हम सुचारु रूप से विचार नहीं करते हैं—और यह बिल इस का एक नमूना है, प्रमाण है। मैं सदन का ज्यादा समय नहीं लूँगा, लेकिन मैं यह कहना चाहता हूँ कि हिन्दुस्तान गाँवों का देश है, एक खेती प्रधान देश है और खेती में उर्वर करने वाले कौन हैं? वह हैं एड़ी चोटी का पसीना एक बरने वाले खेतिहर मजदूर। हो सकता है कि बाढ़ की वजह से या अनावृष्टि की वजह से उस के परिश्रम का वह परिणाम न निकलता हो, जो परिणाम कारखानों में काम करने वाले मजदूर के परिश्रम के

निकलता है। फिर भी सुबह से शाम तक, गरमी में, धूप में, वर्षा में, जाड़े में ठिठुर कर वह खेत में काम करता है और उपज हो या न हो, वह आठ दस घंटे परिश्रम करता है। इस पर भी अगर समाज उस के जीवन-निर्वाह या सामान न करे, तो यह समझ का लिए लाछनता की बात ही सकती है। यहाँ पर इनके सम्मेलन हुआ करते हैं, जिनमें राज्यों के मंत्री और सचिव आया करते हैं। एक प्रकार से सम्मेलनों की होड़ चल गई है। मैं माननीय मंत्री जी से कहूँगा कि उनको खेतिहर मजदूरों की दशा को सुधारन के बाने में गम्भीरता से विचार करन और उन पर न्यूनतम पारिश्रमिक देने का कानून, जिसकी अवधि १९५६ तक निश्चित की गई है, लागू करने के लिए एक बड़े ऊँच स्तर पर सम्मेलन करना चाहिये, ताकि फिर इस कानून की अवधि को बढ़ाने का मौका न आये। १९५६ के बाद भी अगर इस कानून का अवधि का बढ़ाने का मौका आया, तो मैं समझता हूँ कि वह सरकार के लिए और हमारे लिए भी एक बहुत ही अफनाम और लज्जा का बात होगा। इसलिए इन बातों की बड़ी आवश्यकता है कि इतने महत्वपूर्ण मसाले पर, यह फराड जनता की, जोकि बिल्कुल असंगठित है, उर्ध्वगत है, गाँवों में रहने वाला है, जिसका संगठन करने वाला कोई नहीं है, देखभाल करने वाला कोई नहीं है, जिसका शोषण होता है—समस्या पर भी विचार करने की व्यवस्था आप जल्द में जल्द करे।

एक बात और कह कर मैं खतम करता हूँ यद्यपि इस विधेयक का उद्देश्य जो मजदूरों को उन लोगों को मिलती है उसका न्यूनतम स्तर ठीक करना है लेकिन इस काम को पूरा करने में जबदस्त कठिनाइयाँ सामने आ सकती हैं। जब आप मजदूरों की दर कानून द्वारा ठीक करना चाहते हैं तो उस कानून की देखभाल करने वाला भी कोई होना चाहिये और यह देखने वाला भी कोई होना चाहिये कि आया ठीक मजदूरों

मिल रही है या नहीं। हमारे देश की भाषा जो परिस्थिति है, मुझे अफमोस के साथ कहना पड़ता है, वह अत्यन्त ही शोचनीय है। जमींदारों एबालिशन के बाद एक दूसरा वर्ग हमारे देश के अन्दर आ खड़ा हुआ है जो खेतिहर मजदूरों का शोषण कर रहा है। जब जमींदार लोग यहाँ पर थे उस वकत यह वर्ग ही सकता है कुछ दबा हुआ हो, लेकिन आज यह अपना गिर ऊँचा कर रहा है। जो बड़े बड़े किसान लोग हैं जिनके पास काफी जमीन है, व बहुत जबदस्त शोषक बन रहे हैं और उनके इस शोषण में मदद देने वाले हैं, पुलिसके कर्मचारी। अगर खेतिहर मजदूर अपने हक को प्राप्त करने के लिए कोई शिकायत करते हैं तो पुलिस इन लोगों का साथ नहीं देती है और यह नहीं देखती है कि ये उर्ध्वगत हैं, इनके पास पैसा नहीं है और इनकी मदद की जानी चाहिये। इसमें विपरीत यह देखा जाता है कि जब कोई खेतिहर मजदूर बड़े किसान के नाजायज दबाव में रहने में कुछ आनाकानी करता है तो वह किसान उस मजदूर के खिलाफ झूठा मकदमा दायर कर देता है और उसमें पुनःमाने वाले बड़े किसान के महायक हो जाते हैं। इसका जो नतीजा होता है उसका अन्दाज आप सहज ही लगा सकते हैं। चार बार जब इन लोगों को काचहरी जाने के लिये मजबूर हो जाना पड़ता है और मेहनत मजदूरों के जीवन निर्वाह करने वाले इन लोगों की जो हालत होती होगी वह आसानी से समझा जा सकता है। व तब आ कर बड़े किसानों के सामने झुक जाते हैं और नाजायज दबाव में पड़े रहते हैं।

उपध्यक्ष महोदय सदस्य महोदय नें यह इकारार किया था कि वह बहुत वकत नहीं लेगे।

श्री श्रीनारायण दास मैं एक मिनट में खतम कर रहा हूँ।

उपध्यक्ष महोदय, मैं यह कह रहा था कि आप कानून तो बना देते हैं लेकिन इन

[श्री श्रीनारायण दास]

कानूनों पर ढोक से प्रम्स हो रहा है, इस की देखभाल करने के लिये भी कोई होना चाहिये। दस साल स्वराज्य मिले हमें हो गये हैं, लेकिन स्वराज्य की ज्योति उन के घर तक नहीं पहुंच पाई है, यह भ्रफसोस की बात ही है। इस संशोधन विधेयक से हो सकता है कि कुछ रोशनी उन के घर तक पहुंच पाये। लेकिन राज्य सरकारों का आग्रह है कि उन के रास्ते में कठिनाइयां हैं। लेकिन इन कठिनाइयो का सामना भी समाज को करना है तथा राज्य सरकारों को करना है और यह उन का काम है। यदि हिन्दुस्तान के छः करोड खेतिहर मजदूरों की दशा को सुधारने का जल्द से जल्द प्रयत्न नहीं किया गया तो फिर में समझता हूं कि एक ऐसी परिस्थिति देश के अन्दर पैदा हो सकती है कि जिस से हमारे उत्पादन के काम में भी बाधा पैदा हो सकती है तथा विशेषकर खेती के उत्पादन के काम में बाधा पैदा हो सकती है। पंचवर्षीय योजना के चालू होने से काम के कुछ अधिक मौके तो मिले हैं। लेकिन अर्द्ध बेकारो के लिये तथा उन के लिये जिन को साल भर काम नहीं मिलता है अगर पूरी मजदूरी के कानून को जल्द से जल्द हम लागू नहीं कर सके तो में समझता हूं कि उन के सुधार की जो योजना है वह आगे नहीं बढ़ सकेगी।

इन शर्दों के साथ यह जो संशोधन विधेयक यहां उपस्थित किया गया है, उस का में समर्थन करता हूं।

Shri Mohiuddin: I have moved an amendment, the effect of which will be that there will be no time-limit to enforce the Act. We have seen what has been the fate of the time-limits fixed at various stages since 1948. We have seen that in spite of the fact that the Government of India have been persuading and asking the State Governments to enforce the Act within the limits of time fixed from time to time by Parliament, the Act has

not been enforced in the agricultural sector.

Therefore, I think we should be realistic. I requested the Deputy Minister in my remarks on Saturday that he may kindly explain to the House what concrete steps Government in consultation with the States have evolved for the implementation of this Act before the end of 1959, the limit now fixed. He has not said a word about it except to say that a Labour Conference will be held in November 1957, and the Act, as amended now, will be placed before them to see that the State Labour Ministers take necessary action to enforce the Act within the time-limit. I think that is not satisfactory. I therefore propose that instead of the hon. Minister coming back to the House in January or February or March 1960—which I am sure he will do—we better amend this Act in such a way that we leave it to the States to enforce the Act. There will be pressure of public opinion, there will be pressure of trade unions and there will also be the pressure of the Central Government. That may bring about a situation in which State Governments will gradually enforce the Act.

I know there are innumerable difficulties; but those difficulties are there only to be solved. Therefore, I suggest that instead of the period being fixed as 31st December, 1959, my amendment may be accepted. If it is accepted, there should be no period, no time limit fixed so that the State Governments will have more responsibility and they will enforce the Act as early as they conveniently can. That is what I propose.

Shri Jadhav: I have tabled an amendment to clause 3.

Mr. Deputy-Speaker: My advice is that he may speak on amendment

No. 2 and need not mention amendment No. 7 because that has not been moved. One amendment cannot be moved twice.

Shri Jadhav: I have tabled amendment No. 10 also to the proviso to clause 3, that is the proviso to be added after clause (b) in the original Act. In the original Act, a Procedure has been laid down for fixing the minimum rates of wages and in sub-section (b) it is provided that a review of the same can be had after intervals of 5 years. The provision mentions that if the review has not been made, then the appropriate Government may review it after the end of 5 years. I want to omit these lines on page 2 and I have suggested that the minimum rates be reviewed forthwith. That is all I have to say.

Shri A. C. Guha: As I said yesterday, I was one of the original sinners.....

Mr. Deputy-Speaker: Therefore, he would be very brief today.

Shri A. C. Guha: As regards the fixation of a date for determining the minimum wages as far as agricultural labour is concerned, it was on an amendment of mine that it was so done. The original Bill contained only the date to be notified. Experience has made me wiser now and I have suggested that even by this 1959, it will not be done, there should be a time-gap for the Government to take up the matter with the appropriate State Government.

This Act practically became a dead letter by the end of 1954. A legislative lacuna was created and it existed for about 3 years. I am afraid the Government will have to come before this House again for an amendment and that there should no hiatus created by the end of 1959. So, there should be some time in which the Government can take up the matter with the appropriate Governments and, if necessary, may move for an amendment within that.

If the hon. Deputy Minister can give me an assurance that it will not be necessary to come before this

House for a further amendment as regards the date for the implementation of the provisions of this Act for agriculture, I am ready to withdraw my amendment. I am really anxious that some thing should be done for agricultural labour as soon as possible. But, at the same time, I can realise the difficulties. Last occasion, the hon. Minister in charge of the Bill made this observation:—

"It is wrong to say that the State Governments will not do it. The State Governments are bound to carry out the directions of the Central Government. They are also faced with certain difficulties and certain other matters and under a federal constitution you cannot dictate everything from above."

So, I request the hon. Minister to accept my amendment and provide for some contingency so that he may not be faced with another necessity of coming before this House immediately after 2 years.

Then, I come to my amendments, Nos. 9 and 11. In the original Act, there is a provision in sub-section (3) of section 3 for the appropriate Government to review it at such intervals as it may think fit and at such intervals not exceeding 5 years, the minimum wages so fixed and revise the minimum rates if necessary. By adding a new proviso to this, this sub-section is being made completely ineffective. This proviso would leave the whole matter to the sweet will of the State Government and there is nothing in the power of the Central Government to make a State Government to review the thing even after 5 or 10 years. They can go on without reviewing for any number of years. So, I have provided that the State Government shall at least submit a report to the Central Government explaining the reasons for its failure to review within 5 years the rates fixed previously.

By amendment No. 11, I have tried to make it obligatory that it shall undertake such a review within the

[Shri A. C. Guha]

next two years and then may revise. These will follow the words contained in (b). That will make at least 7 years within which the State Government will have to review the minimum rates. It is not a question of revision; but at least a review of the rates should be made and, if necessary, they should change the rates. But you must put a provision in sub-section (b) of section 3 that the rates should be reviewed after 5 years. Please do not make that provision an object of ridicule. The State Governments can go on simply ignoring it. They may go on without reviewing the minimum wages for any number of years. I hope the hon. Minister may also be pleased to accept these amendments so that the Act may not be made an object of ridicule.

Shri Oza: Mr. Deputy-Speaker, Sir, the purpose of my amendment is very simple. It relates to the provisions of review and revision contained in section 3 of the Act as it stands today. According to sub-clause (b) of section 3, the appropriate Government shall in the manner hereinafter provided review at such intervals as it may think fit and at such intervals not exceeding 5 years. As the law stands, the appropriate Government within 5 years or at any time can review and revise the minimum rate.

By adding a proviso to this, it is further provided that where for any reason the appropriate Government has not reviewed the minimum rates of wages fixed by it in respect of any scheduled employment, nothing shall be deemed to prevent it from reviewing it after five years. So, the effect of this amendment of the original section is that within 5 years the Government can at any time review the rates or after 5 years it can review the rates at any time. So, the period of 5 year, has no relevance and it does not make happy reading. So, I request by my amendment that this period of 5 years may be done away with and the appropriate Government

may at any time review the rates and revise them if necessary.

My hon. friend, Shri Guha has very pertinently pointed out that the provision appears to be ridiculous. Under the Act, the Central Government has no authority to force the State Governments to review and revise the rates at a particular time. Even if his amendment is accepted, there is no sanction and there is no remedy if the State Governments do not proceed with the review and revision. Under the present provision, it is obligatory. It was obligatory for example for them to fix the rates before 1954 December. They have not done it and what is the result? The labourers have gone without the minimum wages in certain sections. The only section, section 28 says that the Central Government can send directions. It has no significance at all when the whole thing as amended will stand that before 5 years they can be revised and after 5 years also they can be revised.

15 hrs.

What is the reason for fixing the period of five years? Leave it to the State Governments to revise the rates any time they think necessary. Whenever the Central Government deems fit, it can issue instructions to the State that in a particular sector you may revise the rates. I hope the Deputy Minister will agree to this amendment.

Shri B. K. Gaikwad: Sir, I have moved two amendments to clause 3. The first amendment is that for the word '1959' the word '1957' be substituted. The second is also of the same nature but the year is 1953.

The first amendment was moved with this idea. Such kind of amendments were put before this House several times and hence whatever information is required to implement this Bill and put it into operation, it is at the disposal of the Government and hence no time is required for that purpose. That is why I have said that 1957 should be substituted for 1959.

If the hon. Deputy Minister comes forward and says that it is not possible to bring it into operation before 1957, then I can give time up to 31st December 1958. For the implementation of the provisions mentioned in the Bill, it is absolutely necessary that these provisions should be put into action as early as possible. I can only say this.

There is a proverb: where there is a will, there is a way. If there is will in the mind of the Government, there can naturally be a way. Several experts are at their disposal in addition to the Government machinery. If they intend to do it, and if they desire to bring the Act into operation, I am sure that the information will be provided in no time. But, the Labour Ministry should take it into their heads to bring this Act into operation. I, therefore, earnestly request that this should be brought into operation as early as possible, losing no time.

श्री गणपति राम (जीनपुर-रक्षित-अनुसूचित जातिया) : उपाध्यक्ष महोदय, इस मदन के कोने कोने से और दश सदन के ही नहीं बल्कि सारे देश के कोने कोने से यह आवाज उठ रही है कि यह विधेयक जिस दिन पास हुआ था उसी दिन से लागू हो जाना चाहिये था लेकिन वह नहीं हो सका। मैं मानता हूँ कि सरकार इस को लागू करने के लिये तत्परता से काम लेना चाहती है लेकिन उस की कुछ दिक्कतें हैं जिन को आखों से ओझल नहीं किया जा सकता है। लेकिन मैं समझता हूँ कि सरकार की तरफ से इस को लागू करने में विशेष प्रयत्न नहीं किये गये हैं। आज खेतिहर मजदूर जोकि देश के कोने कोने में फँसे हुए हैं और जो अशिक्षित तथा असंगठित हैं तथा पूणतः अशिक्षित हैं, अपनी आवाज को आगे बढ़ाने के लिये असमर्थ हैं तथा उन की क्या आवश्यकताएँ हैं, इस को जानने

के लिये सरकार की तरफ से कोई कदम नहीं उठाये गये हैं। आज सरकार ने इस बिल को यहाँ पेश कर के १९५६ तक का और समय मागा है। मैं सरकार से यह आग्रह करता हूँ कि सरकार भविष्य में १९५७ ईसा बिल को पेश करने की आवश्यकता महसूस नहीं करेगी और इन वर्षों के अन्दर प्रांतीय सरकारों से अनुग्रह करेगी कि वे इस को पास कर दें। अगर प्रांतीय सरकारें यह नहीं करती हैं तो केंद्रीय सरकार को इस को लागू करवाने के लिये कोई विशेष कदम उठाने चाहिये। सरकार को चाहिये कि वह खेतिहर मजदूरों का एक संवर्धन कराये और जो मजदूरी निश्चित की गई है यदि वह आज की आवश्यकताओं से मेल नहीं खाती है, तो उस में संशोधन करे। अगर यह मजदूरी आज की कड़िवास को सूट नहीं करती है सर्व करवाने के बाद इस को घटाया या बढ़ाया जा सकता है और फिर इस को तमाम स्टेट्स में लागू किया जा सकता है। मैं जानता हूँ कि सरकार समाजवादी समाज की स्थापना करने के लिये कटिबद्ध है। लेकिन क्या मैं आप से पूछ सकता हूँ कि हिन्दुस्तान जैसे देश में, जहाँ पर करोड़ों की मध्या में रहने वाले शोषित लोग जोकि सदियों से मजदूरी कर के अपना पेट भर रहे हैं तथा जनता की सेवा कर रहे हैं तथा जिन का आज तक आदर नहीं किया गया है, समाजवाद विकसित हो सकता है, समाजवाद की इस प्रकार से स्थापना हो सकती है ? क्या यह आप का कर्तव्य नहीं है कि उस वर्ग की जोकि मजदूर वर्ग कहलाता है, जो कि समाज को कमा कर के रोटी देता है, जो असंगठित होने की वजह से आप के सामने अपनी मांग उपस्थित नहीं कर पाता है, जोकि आप के सामने रोना और झिल्लाना नहीं जानता है, आप रक्षा करें ? आप को उस के प्रति सजग रहना पड़ेगा। लेकिन मैं सरकार से आग्रह करता हूँ कि वह मुझे बतलाये कि इस वर्ग की दशा को सुधारने के लिये तथा इस वर्ग का संवर्धन करने

[श्री गणपति राम]

के लिये वह कौन से निश्चित कदम उठाना चाहती है तथा देश को आगाह करे कि ये निश्चित कदम कब तक उठा लिये जायेंगे ।

श्री आशिष शर्मा : सभी माननीय सदस्य ने मुझ से आश्वासन मांगा कि जो तारीख निश्चित की गई है उस के अन्दर अन्दर यह काम हो जाना चाहिये । चाहते तो हम भी हैं कि उस तारीख तक यह काम हो जाय तथा उस से पहले हो जाय । लेकिन मजबूरियां भी हैं । अगर कोई खास मजबूरी जोकि मामलात में आती है, ऐसी कोई बड़ी मजबूरी न आई तो मेरा विश्वास है कि उस तारीख से पहले पहले यह काम पूरा हो जाना चाहिये । सभी एक माननीय सदस्य ने फरमाया है कि अगर इच्छा हो तो काम हो भी सकता है । इच्छा तो है ही लेकिन अगर हम यह इच्छा कर लें कि सभी हम बम्बई में हों तो शायद इसी वक्त बम्बई पहुंचा नहीं जा सकता है । वहां पहुंचने तक अगर गाड़ी से जाया जाय तो २४ घंटे लगेंगे और यदि हवाई जहाज से जाया जाय तो चार पांच घंटे लगेंगे । तो कभी कभी मजबूरियां होती हैं । देश बड़ा है और मामला भी बहुत बड़ा है । इस को खयाल में रखते हुए मैं ने कहा है कि हम जितनी कोशिश कर सकते हैं करेंगे । यह कोशिश इस तरह से हो सकती है कि यहां जो सूचना हमें दी जाती है उस को हम राज्य सरकारों तक पहुंचायें वह जितना इस सम्बन्ध में कर सकती है करें और कर रही हैं, मैं इसे मानता हूँ । मजबूरियों का मुकाबला भी हमें करना है

Shri A. C. Guha: Were the State Governments consulted, before fixing the date? Have they agreed that it will be implemented before 1959?

श्री आशिष शर्मा : यह मामला लेबर मिनिस्टर्स की कम्पेन्स में पीछे रखा गया

था और उन की सम्मति से ही यह तारीख निश्चित की गई है । प्राते महीने जो लेबर मिनिस्टर्स कम्पेन्स हो रही है, उस में भी इस चीज को हम रख रहे हैं । इस से ज्यादा में क्या वादा दे सकता हूँ क्योंकि इस काम को तो उन्होंने ने करना है ।

माननीय सदस्य ने पांच साल के बारे में, जो समय इस क्लाज में रखा गया है, कुछ कहा है । मैं प्रार्थना करता हूँ कि कोशिश तो यही होगी कि पांच साल के अन्दर यह काम हो जाय लेकिन इस वक्त जो कानून है उस में यह मजबूरी है कि अगर पांच साल में न किया गया तो उस के बाद नहीं किया जा सकता है । इस वास्ते यह रखा गया है कि अगर पांच साल में न हो सके तो उस के बाद भी किया जा सकता है । माननीय सदस्य श्रीमा साहब ने फरमाया कि इस को निकाल दिया जाना चाहिये, इस की जरूरत इसलिये नहीं है कि कम से कम हर पांच साल में एक मर्तबा इस के उपर पुनर्विचार होना चाहिये और अगर वह न होगा तो फिर सम्भव है कि कभी न हो ।

दूसरी बात यह कही गई है कि कानून में इस बात को रखा जाय कि स्टेट गवर्नमेंट्स केन्द्रीय सरकार को सूचना दिया करें । अगर इस को उस में रखने की जरूरत नहीं है सम्भव होगा तो यह दो साल वाला जो प्राप का सुझाव है उस को रूल्स में रख लिया जायगा और अगर यह भी सम्भव न हुआ तो जहां तक सर्धर्स का सम्बन्ध है उन में इस को हम लिखेंगे और स्टेट गवर्नमेंट्स से

Shri A. C. Guha: May I draw the hon. Deputy Minister's attention to this point? The rule making power is conferred only under clause 29. That is on procedural matters. But, under section 28, the Central Government has got certain powers to give directives and I hope he may refer to that.

श्री आशिष अग्नी : मैं ने प्रार्थ किया है कि हम स्टेट गवर्नमेंट्स को सूचना देंगे और उम्मीद है कि

Shri A. C. Guha: Will that be under section 28?

श्री आशिष अग्नी : मैं ने प्रार्थ किया है कि हम सूचना देंगे और इस बारे में हम जितनी भी जानकारी

उपस्थित महोदय : वह डायरेक्शन चाहते हैं उस दफा के नीचे ।

श्री आशिष अग्नी : जरूरत होगी तो वह भी दी जायगी ।

मेरा कहना यह है कि उम्मीद है कि यह सब काम हो जायगा। उम्मीद पर ही तो दुनिया जीती है और इसी उम्मीद के आधार पर मैं यह कह रहा हूँ कि यह सब काम हो जायगा। लेकिन कुछ मजबूरियां अवश्य हैं, जिन का मैं जिक्र कर चुका हूँ ।

एक माननीय सदस्य ने जो कान्फ्रेंस का सवाल उठाया है तो मैं उन को और हाउस को यह बतलाना चाहूंगा कि सदस्यों को मालूम ही होगा कि फ्रामर्स फोरम और यंग फ्रामर्स एसोसियेशन की बैठके हर साल दिल्ली में हुआ करती है और अगर यह जरूरी समझा जाय और फायदे की चीज होगी, तो मैं उन के सामने उस चीज को पेश करने की कोशिश करूंगा ।

इस के अलावा एक माननीय सदस्य ने जो यह कहा था कि बोर्ड मीटिंग्स कम हुई हैं तो मैं प्रार्थ करूँ कि उस की पिछले साल की प्रोसीडिंग्स मेरे पास मौजूद हैं पिछले साल उस की तीसरा बैठक हुई थी ।

सन् १९५६ तक जो मैं प्रार्थ कर रहा था कि उस वक्त तक यह काम पूरा हो जाना चाहिये, तो उस का मतलब यह नहीं है कि सन् १९५६ तक इस काम को करना नहीं है, जितनी जल्दी संभव हो सके इस काम को कर लेना चाहिये लेकिन सन् १९५६ के पहले

तो यह अवश्य हो ही जाना चाहिये और इसीलिये सन् १९५६ को मुद्दत इस में रक्की गई है । इस में यह जरूरी नहीं है कि कोई स्टेट गवर्नमेंट सन् १९५६ तक हाथ पर हाथ धरे बैठी रहे ।

Mr. Deputy-Speaker: I shall put all the amendments to this clause to the vote of the House.

The question is:

Page 1, line 16,—

for "1959" substitute "1957".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 1, line 16,—

for "1959" substitute "1958".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 1,—

after line 16, insert—

"(1a) in clause (b), omit "such intervals not exceeding five years" and after "if necessary" add "and until they are so revised the minimum rates fixed shall continue in force".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Pages 1 and 2,—

omit lines 17 to 20 and 1 to 3, respectively.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, lines 2 to 8,—

for "nothing contained in this clause shall be deemed to prevent it from reviewing the minimum

[Mr. Deputy-Speaker]

rates after the expiry of the said period of five years and revising them, if necessary, and until they are so revised the minimum rates in force immediately before the expiry of the said period of five years shall continue in force". substitute—

"the minimum rates to be reviewed forthwith"

The motion was adopted

Mr. Deputy-Speaker: The question is:

Page 1,—

after line 16, insert—

"(ia) sub-clause a (i) and (ii) following further proviso shall be added, namely:—

'Provided further that the appropriate Government shall every year report to the Central Government the progress made in the year and with the approval of the Central Government may extend the time by one year in the first instance and by two subsequent periods of 6 months each'

The motion was adopted

Mr. Deputy-Speaker: The question is:

Page 2, line 2,—

after "five years" insert—

"it shall submit a report to the Central Government explaining the reasons of its failures, and"

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 2, lines 2 to 5,—

for "nothing contained in this clause shall be deemed to prevent it from reviewing the minimum rates after the expiry of the said

period of five years and revising" substitute "it will undertake such review within the next two years and may revise".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 1,—

for lines 15 and 16, substitute—

'(i) in clause (a), the words and figures "before the 31st day of December, 1954" wherever they occur shall omitted

The motion was negatived

Mr. Deputy-Speaker: The question is:

"The clause 3 stand part of the Bill"

The motion was negatived

Clause 3 was added to the Bill

Clause 4.—(Substitution of new Section for section 5)

Mr. Deputy-Speaker: What are the amendments to this Clause?

Shri A. C Guha: I beg to move

Page 2, line 33,—

after "two months" insert—

"and not more than four months"

Shri Tangamani: I beg to move:

Page 3,—

after line 10 add—

"Provided further that where the concerned worker's interests want revision by mode specified in clause (a) of sub-section 1 the appropriate Government shall follow the mode demanded by the workmen

Provided further that where the minimum rates of wages is fixed for the first time, the appropriate Government shall do

so by the mode specified in clause (a) of sub-section 1."

Mr. Deputy-Speaker: Both the hon. Members have spoken and, I think I may put these amendments straight to the vote of the House.

Shri Tangamani: There is an important point with regard to this amendment.

Mr. Deputy-Speaker: The hon. Member has already dealt with that important point too. All right, he may take a minute or two.

Shri Tangamani: When I spoke on other amendments I was confining my remarks to them only and I did not exceed my limit.

Mr. Deputy-Speaker: Now he may pass those limits

Shri Tangamani: Sir, in bringing forward this amendment I have in mind the question of fixation of wages and also the revision of wages. In the principal Act section 5 provides for fixation of wages at the first instance. At the first instance when wages are to be fixed they can be fixed either by notification or on the recommendation of a committee which is to be set up by the concerned Government. Whenever a revision of wages after a period of five years is contemplated, it is done on the recommendations of a sub-committee which is set up.

Here this clause combines section 5 of the principal Act which deals with the fixation of wages at the first instance and section 10 which deals with the fixation of wages when there is a question of revision. These two sections are clubbed together and option is given to the State Government of concerned Government to do even the revision of wages by notification. My objection is, whenever the wages are to be revised it must be made obligatory on the part of the concerned Government to refer it to a sub-committee set-up by the Advisory Board, otherwise, the present practice which itself is open to certain abuse, which has got its own

defects, will only add to more defects.

During the first reading of this Bill one of the hon. Members pointed out how there has been disparity in wages for the different categories of workers, and whenever there is a revision even if there is a notification by the Government I am sure it is going to be raised before the High Court challenging the fixation of wages itself. The other day one of the speakers said that this matter is being challenged by the High Court. The hon. Deputy Minister asked whether some instances could be given. In the question of revision of wages of the tannery workers by the Madras State, the matter is pending before the High Court.

If a clear direction could be given by the Central Government as to how the wages are to be fixed and how the wages are to be revised, then at least the basis for a revision of wages can be best served if it is referred to a sub-committee. That is why I have moved this amendment so as to make a distinction between the fixation of wages at the first instance and revision of wages.

Even with regard to the question of fixation of wages at the first instance, if the concerned workers want this matter to go before the sub-committee then they must have an opportunity to do so.

Shri Abid Ali: Sir, ordinarily the committee procedure is followed and shall be followed. But there may be an occasion when the State Government may feel that this revision may be effected by a notification. Therefore, that power should not be curtailed. I, therefore, oppose the amendments.

Mr. Deputy-Speaker: I shall put both the amendments together.

The question is:

Page 2, line 33,—

after "two months" insert—

"and not more than four months".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 3,—

after line 10 add—

"Provided further that where the concerned workers interests want revision by mode specified in clause (a) of sub-section 1 the appropriate Government shall follow the mode demanded by the workmen

Provided further that where the Minimum rates of wages is fixed for the first time, the appropriate Government shall do so by the mode specified in clause (a) of sub-section 1"

The motion was negatived

Mr. Deputy-Speaker: The question is:

"That clause 4 stand part of the Bill"

The motion was negatived.

Clause 4 was added to the Bill

Clauses 5, 6 and 7 were added to the Bill

Clause 8.—(Substitution of new section for section 10)

Mr. Deputy-Speaker: Any amendments to this clause?

Shri A. C. Guha: I beg to move

Page 3, line 27,—

add at the end "and it will be reviewed if considered necessary".

I think there is typing mistake The amendment should be as I have moved now I should say a word about this There is a provision now put that every such notification will be placed before the Advisory Board for information only. The Advisory Board will have no action to take, no suggestion to make That is why I have suggested that it should be not only information but it should also be open to the Advisory Board to review if necessary.

Shri AMD All: Sir, I may submit that the section relates to correction of clerical errors and accidental slips and omissions by the appropriate Government It is, therefore, sufficient to provide that the notification should be placed before the Advisory Board for information The question of review of the whole thing will not arise in such cases.

Shri A. C. Guha: If such mistakes are only of a clerical nature, there is no necessity of sending them to the Advisory Board If they are considered as to be of sufficient importance to be sent to the Board then it should be open to the Advisory Board to review the whole thing if considered necessary.

Mr. Deputy-Speaker: What can I do if he is not prepared to accept anything?

Shri A. C. Guha: That is right, you cannot do anything.

Mr. Deputy-Speaker: I shall put the amendment to vote

The question is:

Page 3, line 27,—

add at the end "and it will be reviewed if considered necessary"

The motion was negatived

Mr. Deputy-Speaker: The question is:
"That clause 8 stand part of the Bill"

The motion was negatived

Clause 8 was added to the Bill

Clause 9 was added to the Bill.

Clause 10.—(Amendment of section 13)

Mr. Deputy-Speaker: What are the amendments?

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

Page 4,—

after line 19 add,—

"(4) Any employer who contravenes any rule or order made under this section shall be punishable with imprisonment for a term which may extend to one

month or with fine not more than one hundred rupees or with both".

This is about punishment. We find from the report that practically nothing has been done as regards punishment so far. Therefore, it is no use putting something of a very high order in the Act and then allowing the States to ignore the provisions. That is why I wanted to separate the violation of rules made by the State Governments from the offences committed as regards the main provisions of the Act.

If you refer to the report on the working of this Act, you will find from page 51 that there have been only about 100 cases during all these years and the fine varied from Rs. 10 to Rs. 30 and in one case there is only a fine of Rs. 2. So, what is the use of putting Rs. 1,000 or something like that even for minor offences? Again, I shall have to use that word: Please do not make this Act an object of ridicule, to be ignored by the State Governments most flagrantly and lightheartedly.

Shri Abid Ali: The penalty for such contravention is already contained in the new section 22A.

Shri A. C. Guha: There, the punishment is Rs. 1,000, I think the hon. Minister has not followed me,—or a fine of Re. 1 and imprisonment, or both. Here, in my amendment, I have separated them. I have separated offences of a minor nature from the graver offences.

Shri Abid Ali: I do not think any change is necessary.

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

The question is:

Page 4,—

after line 19 add,—

"(4) Any employer who contravenes any rule or order made under this section shall be

punishable with imprisonment for a term which may extend to one month or with fine not more than one hundred rupees or with both".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Clause 11.— (Amendment of section 19.)

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

Page 4, line 26, for "has reason to" substitute "may reasonably".

I do not like to say anything on this.

Shri Abid Ali: I do not accept it.

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

The question is:

Page 4, line 26,—

for "has reason to" substitute,—
"may reasonably".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 11 stand part of the Bill"

The motion was adopted.

Clause 11 was added to the Bill.

Clause 12.— (Amendment of section 20.)

Shri Ghosal (Uluberia): I beg to move:

Page 4, lines 37 to 43, omit,—

"any Commissioner for Workmen's Compensation or any officer of the Central Government exercising functions as a Labour Commissioner for any region, or any

[Shri Ghosal]

officer of the State Government not below the rank of Labour Commissioner or any”.

This is in relation to the computing of claims. In the previous Act, the Chief Commissioner or any Workmen's Compensation Commissioner or any stipendary magistrate was empowered to consider these claims. In this amendment, the Labour Commissioner of a State has also to be included. I may say that these State Officers are always charitably disposed towards the employers. At least that is the idea of the working classes in my State. They have lost all confidence in this set of officers in our State. If we go into the statistics, we will find that 90 per cent. of the disputes are settled as soon as the dispute is referred to the tribunal and not at the conciliation stage of the Commissioners. Therefore, these regional Commissioners in whom the working classes have got no confidence should be excluded.

Shri Abid Ali: The present section 20 contains this power for the zonal Commissioner for Workmen's Compensation. What we are doing is that we are mentioning more persons to attend to these matters, but that will be not below the rank of a Labour Commissioner of the State. Therefore, I oppose the amendment.

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

The question is:

Page 4, lines 37 to 43,—

omit “any Commissioner for Workmen's Compensation or any officer of the Central Government exercising functions as a Labour Commissioner for any region, or any officer of the State Government not below the rank of Labour Commissioner or any”.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

“That clause 12 stand part of the Bill”.

The motion was adopted.

Clause 12 was added to the Bill.

Clause 13 was added to the Bill.

Clause 14— (Substitution of new sections for section 22 and insertion of new sections 22C to 22F. Penalties for certain offences)

Shri Jadhav (Malegaon): I beg to move.

Page 6, line 20, after “punishable” insert “with imprisonment for a term which may extend to three months or”.

I also beg to move:

Page 6, for lines 21 to 38, substitute “22B No Court shall take cognizance of an offence—

(a) under clause (a) or clause (b) of section 22, unless complaint thereof is made within three months of the date on which the offence is alleged to have been committed.

(b) under section 22A, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed”

In the amended section 22A, penalty has been provided but in it only a fine has been mentioned. I want to add three months imprisonment or fine.

Then, in section 22B, for lines 21 to 38, I want to substitute section 22B, a new section. Whenever there is a breach of the provisions, the employee should not be compelled to take the permission of the Inspector but he should have a chance to file a complaint himself. Therefore, I have added a new section and have worded it accordingly.

Shri Abid Ali: I oppose the amendments. They are not necessary.

Shri A. C. Guha: I want to move certain amendments. I am not moving amendment No. 17. I shall move the others. I beg to move:

Page 6, line 29,—

omit "under clause (b) of section 22 or".

Page 6, line 33,—

omit "or clause (b)".

Page 7, lines 34 and 35,—

after "Government" insert "or prescribed authority".

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

The question is:

Page 6, line 20,—

after "punishable" insert,—

"with imprisonment for a term which may extend to three months or".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 6,

for lines 21 to 38, substitute—

"22B. No Court shall take cognizance of an offence—

(a) under clause (a) or clause (b) of section 22, unless complaint thereof is made within three months of the date on which the offence is alleged to have been committed;

(b) under section 22A, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 6, line 29,—

omit "under clause (b) of section 22 or".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 6, line 33,—

omit "or clause (b)".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

Page 7, lines 34 and 35,—

after "Government" insert "or prescribed authority".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 14 stand part of the Bill".

The motion was adopted.

Clause 14 was added to the Bill.

Clauses 15 to 17 were added to the Bill

Clause 18.— (Amendment of the Schedule)

Shri Tangamani: I beg to move:

Page 9, after line 14 add—

"In the Schedule to the principal Act, after item 12 under Part I, the following items shall be added and shall be deemed always to have been added, namely:—

13. Employment in shops and establishments

14. Employment in press.

15. Employment in hotels and restaurants."

In this amendment, what I seek to do is, in the Schedule to the principal Act, after item 12 under Part I, employment in shops and establishments, in press and in hotels and restaurants should be added. In the principal Act, there are 12 industries given, namely, rice-mill, tobacco,

[Shri Tangaman]

plantations, oil-mills, road construction, stone-breaking, mica, transport, etc. Although the State Governments have got the power to include any of these items, our experience has been that no such employment has been included. That is why I want these industries also to be included in the Schedule

Shri Abid Ali: I submit that State Governments have power, as the hon. Member himself has said, to add to the Schedule.

Shri B. K. Gaikwad: I beg to move:

Page 9, after line 14 add—

"(2) In the Schedule to the principal Act, after item 12 under Part I, the following items shall be added and shall be deemed always to have been added, namely:—

13. Employment in shops and establishments covered by the Shops and Establishments Acts in force in the various States.

14. Inferior village servants serving under State Governments such as Mahars—Jaglyas, Ramoshis, Chawkidars, etc."

Mr. Deputy-Speaker: He has already spoken on that.

Shri B. K. Gaikwad: Yes.

Shri Abid Ali: I wish to submit that the State Governments have got the power to add to the Schedule. So, it is not necessary to add what the hon. Member wants to add.

Shri N. B. Maiti (Ghatal): I beg to move:

"Page 9, after line 14 add

In the Schedule to the principal Act, after item 12, under Part I, the following item shall be added and shall be deemed always to have been added, namely:—

13. Employment in any cotton or spinning mills."

I need not dilate upon it. I shall be glad to hear from the hon. Minister.

Shri Abid Ali: The textile mill workers are sufficiently organised. Therefore, it is not necessary to classify them as sweated labour.

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

15-30 hrs.

[MR. SPEAKER in the Chair]

Mr. Speaker: I shall now put amendments Nos. 6, 32 and 34 to the vote of the House.

The question is:

(6) Page 9,—

after line 14, add—

"(2) In the Schedule to the principal Act, after item 12 under Part I, the following items shall be added and shall be deemed always to have been added, namely:—

13. Employment in shops and establishments covered by the Shops and Establishments Acts in force in the various States.

14. Inferior village servants serving under State Governments such as Mahars—Jaglyas, Ramoshis, Chawkidars etc."

(32) Page 9,—

after line 14 add—

"In the Schedule to the principal Act, after item 12 under Part I, the following items shall be added and shall be deemed always to have been added, namely:—

13. Employment in shops and establishments.

14. Employment in press.

15. Employment in hotels and restaurants."

(34) Page 9,—

after line 14, add—

'In the Schedule to the principal Act, after item 12, under Part I, the following

item shall be added and shall be deemed always to have been added, namely:—

"13. Employment in any cotton or spinning mills."

The Lok Sabha divided: Ayes 44; Noes 108.

Division No. 38]

[15.31 hrs.

AYES

Banerjee, Shri Pramathanath
Barucha, Shri Naushir
Beck, Shri Ignace
Chaudhuri, Shri T. K.
Dasaratha Deb, Shri
Dasgupta, Shri
Eliaa, Shri M.
Golkwad, Shri B. K.
Ghosal, Shri
Ghoor, Shri S.
Gupta, Shri Sadhan
Hynniewta, Shri
Isam, Shri Mohamed
Iyer, Shri Baswara
Jadhav, Shri

Kale, Shrimati A.
Kodiyar, Shri
Kumaran, Shri
Kumbhar, Shri
Kunhan, Shri
Laxmi Bai, Shrimati
Majhi, Shri R. C.
Manay, Shri
Matera, Shri
Matin, Shri
More, Shri
Mukerjee, Shri H. N.
Nath Pai, Shri
Pandey, Shri Sarju
Panigrahi, Shri

Patel, Shri N. N.
Patil, Shri U. L.
Pillai, Shri Anthony
Ramam, Shri
Rao, Shri D. V.
Reddy, Shri Nagi
Sharma, Shri H. C.
Singh, Shri L. Achaw
Siva Raj, Shri
Soren, Shri
Tangamani, Shri
Valvi, Shri
Warrior, Shri
Yadav, Shri

NOES

Achar, Shri
Agadi, Shri
Arumugham, Shri R. S.
Balakrishnan, Shri
Balmiki, Shri
Barman, Shri
Barupal, Shri P. L.
Basappa, Shri
Basumatari, Shri
Bhagat, Shri B. R.
Bhakt Darshan, Shri
Bholi Sardar, Shri
Bdari, Shri
Borooah, Shri P. C.
Brahm Perkaab, Ch.
Chaturvedi, Shri
Chunni Lal, Shri
Daljit Singh, Shri
Dasappa, Shri
Das, Shri K. K.
Das, Shri Shree Narayan
Datar, Shri
Deb, Shri N. M.
Desai, Shri Morari
Dinesh Singh, Shri
Dube, Shri Mulchand
Dwivedi, Shri M. L.
Eyyaperumal, Shri
Golkwad, Shri Patesingh Rao
Gnanapathy, Shri

Gandhi, Shri M. M.
Ganpati Ram, Shri
Gounder, Shri Doraiswami
Gounder, Shri K. P.
Guha, Shri A. C.
Harvani, Shri Anwar
Hem Raj, Shri
Jogendra Sen, Shri
Kayal, Shri P. N.
Kesar Kumari, Shrimati
Khedkar, Dr. G. B.
Krishna Chandra, Shri
Krishna, Shri M. R.
Krishnamachari, Shri T. T.
Kureel, Shri B. N.
Lahiri, Shri
Laskar, Shri N. C.
Mallah, Shri U. S.
Manasa, Shri
Mandal, Dr. Pashupati
Manyangadan, Shri
Mehdi, Shri S. A.
Melkote, Dr.
Minimata, Shrimati
Mishra, Shri L. N.
Misra, Shri R. D.
Misra, Shri R. R.
Morarka, Shri
Murmu, Shri Paika

Murthy, Shri B. S.
Muthukrishnan, Shri
Naidu, Shri Govindarajulu
Nair, Shri C. K.
Naldurgker, Shri
Nathavan, Shri
Nayar, Dr. Sushila
Nehru, Shri Jawaharlal
Nehru, Shrimati Uma
Nek Ram, Shri
Panna Lal, Shri
Patel, Shrimati Maniben
Pillai, Shri Thanu
Prabhakar, Shri Naval
Radhamohan Singh, Shri
Radha Raman, Shri
Raghunath Singh, Shri
Raman, Shri C. R. Pattabhi
Ramanand Shastri, Swami
Ramaswami, Shri S. V.
Ramaswamy, Shri P.
Rampure, Shri M.
Rane, Shri
Ranga, Shri
Rao, Shri Jaganatha
Rup Narain, Shri
Sadhu Ram, Shri
Sahodrabai, Shrimati
Sahu, Shri Rameshwar

*The result of this division applies to amendments nos. 6, 32 and 34 separately.

Sarmata, Shri S. C.
Sanganma, Shri
Sardadi, Shri Ait Singh
Satyanarayana, Shri
Shah, Shri Manabendra
Shakuntala Devi, Shrimati
Siddiah, Shri

Sinha, Shri Anirudh
Sinha, Shri B. P.
Sinha Singh, Shri
Sonawane, Shri
Somani, Shri
Subbarayan, Dr. P.
Subramanyam, Shri T.

Sunder Lal, Shri
Tahir, Shri Mohammad
Tewari, Shri Dwarkanath
Uike, Shri
Vishwanath Prasad, Shri
Wasnik, Shri Balkrishna

The motion was negatived

Mr Speaker. The question is

"That clause 18 stand part of the Bill"

The motion was adopted

Clause 18 was added to the Bill
Clause 1, the Enacting Formula and
the Title were added to the Bill

Shri Abid Ali: I beg to move

"That the Bill be passed"

श्री पद्मजी (रमडा) अध्यक्ष महोदय, इस मिनिमम वेजेज अमेन्डमेंट बिल, १९५७ को जिसका कि हम समय तृतीय वाचन हो रहा है, थोड़ी ही देर में हमका यह सदन पास करने जा रहा है।

इस बिल के सिलसिले में जो यहाँ पर बहुत और तकरीरे हुई हैं उनको मैं न सुना है। मैं इस अवसर पर सिर्फ दो बातों की ओर सदन का ध्यान आकृष्ट करना चाहूँगा। उत्तर प्रदेश की बाबत में आपको बतलाना चाहता हूँ कि हालांकि यह कानून मनु १९४८ में पास हो गया था और हमका प्रभाव १७ लाख मजदूरों पर पड़ेगा लेकिन इसका मुख्य रूप से खेतिहर मजदूरों की अवस्था पर कोई प्रभाव नहीं पड़ा और उन खेतिहर मजदूरों को इस कानून से कोई लाभ नहीं पहुँच सका। उनकी अवस्था वंसी ही शोचनीय बनी हुई है। आज भी उत्तर प्रदेश में ऐसे जिले हैं जहाँ पर खेतिहर मजदूरों को २ पैसे मजदूरी दी जाती है। कहीं कहीं तो उनको छ भी मजदूरी नहीं दी जाती और बगैर पैसे के काम करना पड़ता है। गाजीपुर, बलिया, भाजमगढ़, गोरखपुर, बस्ती और बनारस के गावों में यदि आप जायें तो आप

पायेंगे कि आज भी खेतिहर मजदूरों को जितना वह भ्रम करते हैं उसके मुकाबले बहुत कम मजदूरी दी जाती है।

श्री मिह्रासन मिश्र (गोरखपुर) आन ए प्वाइंट ऑफ ऑनफॉर्मेशन सर, क्या मैं माननीय सदस्य से पूछ सकता हूँ कि वह कौन सा स्थान है जहाँ पर एक खेतिहर मजदूर को २ पैसे प्रतिदिन मजदूरी मिलती है ?

श्री मन्मथ पात्रे जी डा अगर मौका दिया जाए तो मैं एक एक गाव का नाम पेश कर सकता हूँ जहाँ कि २ पैसे मजदूरी दी जाती है। गोरखपुर, गाजीपुर, बलिया आदि स्थानों पर गावों में काम करने वाले खेतिहर मजदूरों की बड़ी खराब अवस्था है और मुझे यह खतरा है कि यह जो अमेन्डमेंट बिल पास करके कानून बनाया जा रहा है उसमें उ मजदूरों की अवस्था में कोई सुधार नहीं होगा। इसलिये मैं हाउस में अपील करता हूँ और सत्री महोदय में भी यह निवेदन करना चाहूँगा कि खेतिहर मजदूरों की दशा सुधारने के लिये अलग में एक सर्वे कराया जाय और उसके पश्चात् उनके लिए अलग से एक कानून बनाया जाय। ऐसा होने में उनको फायदा पहुँच सकेगा और उनकी शोचनीय हालत को हम बेहतर बना सकेंगे। इस कानून के पास होने में खेतिहर मजदूरों को कोई लाभ नहीं पहुँच सकेगा और वे उसी तरह पिसते रहेंगे और मरते रहेंगे जैसे कि अब तक मरते आ रहे हैं। इसलिये आवश्यकत इस बात का है कि खेतिहर मजदूरों के वास्ते अलग से कानून बनाया जाय ताकि उनकी हालत बेहतर की जा सके और उनकी मानल मजदूरी दिलाई जा सके। आज गावों

में जो उनको मजदूरी मिलती है वह बहुत नीची मिलती है और इस कारण उनकी आर्थिक अवस्था बहुत शोचनीय है। खेतहर मजदूरी का एक बहुत बड़ा भाग गावों में गोबर से जो अनाज निकलता है, उसमें अपना पेट पाते हैं। मजदूरी के अलावा उसके पास दूसरा कोई साधन नहीं रह गया है और जब गावों में भूखो मरने की मौजबत आती है तो तग होकर वे बेचारे अरिया, कलकत्ते आदि स्थानों में जाकर कोयले की खानों में काम करते हैं। इस तरीके से पूर्वी उत्तर प्रदेश के उन ६ जिलों की जितनी मैं बात करता हूँ वहाँ पर उनकी हालत निहायत खराब है और मंत्री महोदय को जितनी जल्दी मभव हो सके उनकी हालत बेहतर बनाने के लिये कदम उठाना चाहिये। हमें उनका बारे में सब करण कर अलग-अलग कानून बनाना चाहिये और काफी समय बँसे ही हमने गवा दिया है और अब जरूर इस बात की है कि इस काम में अब और अधिक देरी न की जाय।

इसी तरीके से मैं आपको बनलाना चाहना हूँ कि चमड़ा उद्योग और विान्दमय में जो भजद काम कर रहे हैं, उनकी हालत बहुत खराब है। कानपुर में जाकर देखिये आपको पता लग जायगा कि टैन्ने के मजदूरों की दशा कितनी खराब है। इसी तरीके से जो हमारे गावों में मजदूर भाई इमारतों के काम करते हैं उनकी अवस्था भी बड़ी शोचनीय है और उनको बहुत कम मजदूरी मिलती है और ठेकेदार मनमाने रग में उनसे काम करवाते हैं और थम के हिसाब से जो मजदूरी मिलनी चाहिये वह उनको नहीं देते हैं।

इसलिये मैं निवेदन करूँगा कि जितनी जल्दी हो सके मंत्री महोदय को इसके लिये कानून बनाना चाहिये और मैं उनसे यह भी अपील करूँगा कि मन् १९५७ से ही उसको लागू करना चाहिये ताकि खेतहर मजदूरों की अवस्था ठीक हो सके और उनको माहूल मजदूरी मिल सके।

Mr. Speaker: The question is:

"That the Bill be passed".

The motion was adopted.

MOTION RE SUSPENSION OF FIRST PROVISIO TO RULE 74

The Minister of Home Affairs (Pandit G. B. Pant): I beg to move:

"That the first proviso to Rule 74 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for reference of the Delhi Municipal Corporation Bill, 1957 to a Joint Committee be suspended."

I have given notice of a motion for the reference of the Delhi Municipal Corporation Bill to a Joint Committee. Such a motion is governed by Rule 74 of our Rules of Procedure and reference to a Joint Committee cannot ordinarily be made if it involves matters coming within sub-clauses (a) to (f) of clause (1) of Article 110 of the Constitution. The Delhi Municipal Corporation Bill contains certain clauses which would come within the scope of Article 110 of the Constitution. It is desirable, however, that this Bill, which is a voluminous one, should be referred to a Joint Committee. The Members of Delhi are primarily and mainly interested in it, though I hope that other hon. Members of the House will also cooperate in improving the Bill.

The Members of the Delhi area are divided into two parts. Some are here in the Lok Sabha and some in the Rajya Sabha. I wish that all of them may be included in the Joint Committee. So, I am making a request to you for waiving this rule 74 so that the reference of the Bill which is hardly of a very contentious character may be made to a Joint Committee of Both Houses.

Shri Naushir Bharucha (East Khandesh): We hope that it will not be a normal procedure for Government to ask for suspension of the