

[Shri Supakar]

Christian, Parsee, Jew and other religious trusts? We do not get full information.

**Shri Hajarnavis:** It is not merely for statistical purposes that this is done. Registration enables us to locate the institution with which we have to deal, just as registration and taking out of a licence by a motor driver enables us to locate him.

**Mr. Chairman:** I shall first put the motion for circulation to the vote of the House. The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1960".

*The motion was negatived.*

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

"That the Bill to provide for the better supervision and administration of certain religious trusts, be referred to a Joint Committee of the Houses consisting of 45 members; 30 from this House, namely, Shrimati Mafida Armed, Pandit Braj Narayan "Brajesh", Shri V. Eacharan, Shri S. C. Gupta, Shri R. K. Khadilkar, Shri Krishna Chandra, Dr. Pashupati Mandal, Shri C. Krishnan Nair, Shri Ghan-shyamlal Oza, Shri Chintamani Panigrahi, Shri C. R. Pattabhi Raman, Shri Khushwaqt Rai, Shri N. G. Ranga, Shri Jaganatha Rao, Shri M. Thirumala Rao, Shri K. R. Sambandan, Shri Bholi Sardar, Shri Ajit Singh Sarhadi, Lt. Col. H. H. Maharaja Manabendra Shah of Tehri Garwal, Shri Prakash Vir Shastri, Shri Mahendra Nath Singh, Shri N. Siva Raj, Shri Nardao Snatak, Shri V. N. Swami, Shri Ram Sahai Tiwari, Shri Manikya Lal Verma, Shri Pende-kanti Venkatasubbaiah, Shri Radhela Vyas, Shri K. G. Wode-yar and Shri Asoke K. Sen and 15 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the end of the first week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint-Committee".

*The motion was adopted.*

16.10 hrs.

# PLANTATIONS LABOUR (AMENDMENT) BILL

**The Deputy Minister of Labour (Shri Abid Ali):** Sir, I beg to move that the Bill further to amend the Plantations Labour Act, 1951, be taken into consideration.

The proposed amendments are mostly based on the recommendations of the Industrial Committee on Plantations and have been drawn up in full consultation with the State Governments and the organisations of workers and employers.

One group of amendments relates to the scope and coverage of the Act. As hon. Members will recall, the principal Act is applicable to plantations of a prescribed minimum size as measured in terms of acreage and the number of workers employed. Unfortunately, there have been instances where estates have been split up into fragments smaller than the minimum

so as to make the Act inapplicable to them. In order to make such attempts of evasion ineffective, it is proposed to empower the State Governments to apply the Act to any plantations irrespective of size or the number of persons employed. Care has, however, been taken to ensure that no additional burden is placed on the small units which were outside the scope of the principal Act at the time of its commencement by providing that the Act would not be extended to them.

By another amendment it is proposed to modify the present definition of the term 'plantation' so as to cover the workers in offices, hospitals, schools, etc. It is the intention to extend the benefits of the Act to all persons who are employed in work connected with the plantation in one form or the other.

Factories situated on the plantations are already covered by the Factories Act. The definition of the term 'worker' is also being modified so as to include within its scope members of the medical staff whose salary does not exceed Rs. 300 per month.

Another important amendment relates to the extension of medical facilities to the workers' families. These facilities were already being enjoyed by them as a matter of practice. This is now being given a statutory basis.

Employers have already to provide housing facilities to the workers and their families. Now, they will be under an obligation to provide medical facilities also.

It has been found necessary to define the term 'family' in a clear manner. The principal Act did not specifically provide for giving workers the benefit of leave due to them or wages in lieu of such leave at the time of termination of their services. This gap is being filled through a specific provision in the amending Bill.

Some difficulties were also being experienced in the matter of calculation of wages that should be paid to

the workers during their leave. The provision in the principal Act was not quite clear. A specific provision in this respect is being made in clause 7 of the amending Bill. It is being provided that time-rated workers will be paid at the same rate at which they were earning at the time of commencement of leave; and, in other cases, workers will be paid at the rate of the average daily wage calculated over the preceding 12 calendar months.

Some doubts have, however, been expressed in regard to the wording of clause 7(1) (a) concerning the rate at which the time-rated workers are to be paid during their period of leave. I propose to move, in due course, an amendment which will clarify the position and place it beyond all doubts. I hope that the House will agree to take the amending Bill into consideration.

Sir, I beg to move.

**Mr. Chairman:** Motion moved:

"That the Bill further to amend the Plantations Labour Act, 1951, be taken into consideration."

**Shrimati Parvathi Krishnan** (Coimbatore): Mr. Chairman, Sir, I welcome this Bill; but in welcoming this Bill I cannot but say that it has been delayed for a very long time by Government. This question of the fragmentation of estates—plantations—is most acute in the south of the country, even more than it is in Assam or West Bengal; and for a very long time we have been bringing it to the notice of the Government that fragmentation was taking place and it was the big companies, very many of them even foreign-owned companies, which were using this devious method of fragmentation of estates in order to evade the provisions of the Plantations Labour Act. But, knowing the general dilatoriness of Government in regard to labour, I am not surprised. Even the rules under the original Plantations Labour Act were delayed which delayed the implementation of the Act. However we have to be thankful for even small mercies and I am thankful to the Minister that he has

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at least brought this at this particular stage and it is possible now to see that the workers who are in those estates can be protected and brought under the protection of the Plantations Labour Act.

But, there is one clarification I would like to ask of the Minister. Here it is said that this will apply to estates that were more than the prescribed limit at the time of the Act. I want to know whether that reference is to the Plantations Labour Act of 1951 or whether it is to the date of passing of this particular Bill.

**Shri Abid Ali:** The principal Act.

**Shrimati Parvathi Krishnan:** If it is the principal Act, then, of course, there is no further clarification necessary.

**Shri Abid Ali:** So, you are satisfied.

**Shrimati Parvathi Krishnan:** But I hope that though this amendment has been delayed the Central Government will see to it that the State Governments take very speedy action in the matter and speedily notify those estates that now come under the purview of this Act as a result of the amendment being passed.

Secondly, the hon. Minister made some reference to housing facilities while he was speaking about medical facilities. I would like to take this opportunity of pointing out to the hon. Minister and to the Government that the housing facilities are not really being provided to the extent that the plantation owners have been claiming. This question has come up more than once in the Industrial Committee on Plantations. Apart from that, time and again, the All India Trade Union Congress and the unions that are affiliated to it have been pointing out to the respective State Governments that because of the relaxation and the leniency in seeking that the plantation labour laws are implemented—and particularly in my

State because of the leniency shown to the plantation owners—housing today continues to be more or less in the same position as it was even before the passing of the Plantations Labour Act. On the other hand, whenever the issue of wages is taken up, whenever the issue of bonus is taken up, the first thing that the owners or the managements talk about is that as a result of the various economic burdens being placed on them by the provisions of the Act and by the provisions of the rules, they are not in a position to bear the burden of an increased wage bill or to bear the burden of an increased amount of bonus. Therefore, I would take this opportunity of impressing upon Government that the facilities that are provided for in the Plantations Labour Rules, particularly with regard to housing, and with regard to canteens and so on should be speedily implemented and the State Governments should be asked to look into the matter.

For instance there are many provisions which say that State Governments will in their notifications indicate which provisions or rules are to be implemented. These rules will not be implemented or the managements will not be called upon to implement them unless and until a notification is made by the Government in the gazette. As a result we find that whereas the medical facilities are supposed to be expanded to a larger number under the Act, even those who are covered by the existing medical facilities do not receive them to the extent that is claimed by the management. The Minister would himself be aware of this because the matter has been brought up a number of times in the various tripartite committees for discussion.

I would like to remind the hon. Minister that the mere putting of this Bill on the statute book is not going to ensure that the facilities which the Government wants to guarantee for the plantation workers are going to be given to them. In concluding, I

would like to emphasize the fact that while you are providing for these facilities, the question of the wages of the plantation workers remains a burning issue and I would appeal to the Government that they should speedily see to the setting up of the plantation wage board and also to the implementation of the tripartite decisions taken earlier in this regard because unless that basic question is also settled all these other things are not going to bring such great benefit to the plantation workers.

**Shri S. M. Banerjee** (Kanpur): Mr. Chairman, I support the Bill. I must thank the Government for bringing in this piece of legislation, though belatedly. Some things are very good in this Bill. Especially, it is checking the fragmentation. I want to know from the hon. Minister as to what will happen to the tea gardens which have already been fragmented and what the number of such tea gardens is.

Many questions were raised in this House about the closure of the tea gardens and the hon. Minister who is in charge of this subject in the Commerce and Industry Ministry will bear me out when I say that the motive for the closure of the tea gardens was that the employers did not want to pay any retrenchment compensation. Now, what will be the fate of the tea gardens which have already been fragmented. There are a large number of workers with legitimate claims for retrenchment compensation.

My second point is about the definition of the family. It includes the workers' parents dependent upon him. It is a progressive legislation because according to the British rule family means only wife and legitimate children. That definition was being followed by our Government to a great extent... (*An Hon. Member*: Till now) even after Independence. In a joint family in our country, the family is so large. We cannot ask our old mother or father or even a widowed sister to go out of our house. This definition must be included in all legislation,

whether it is for plantation labour or some other industry. This will help the workers to a great extent in the matter of medical facilities or others.

I would like to have one clarification about the leave allowed to the workers under section 30 Clause 7(1) (b) says:

"In other cases, including cases where he is, during the preceding twelve calendar months, paid partly on a time-rate basis and partly on a piece-rate basis, at the rate of the average daily wage calculated over the preceding twelve calendar months."

I want to ask why he will be paid partly on a time-rate basis and partly on a piece-rate basis. How is it to be calculated? It will be extremely difficult. What is the basis of calculation and how will it be calculated?

I support what the hon. Member, Shrimati Parvathi Krishnan has said about the wages. The appointment of a plantation wage board has been delayed for nothing. These planters and the owners have the capacity to pay but unfortunately they indulge in politics everywhere. The foreign planters in this country have been practically trying to rule a particular Government. They did their best in the State of Kerala.

**Shri C. K. Bhattacharya** (West Dinajpur): Do the labourers indulge in politics?... (*Interruptions.*) Their leaders do.

**Shri S. M. Banerjee**: I do not know whether you agree with me or not but it is in our veins and it is in our life. We want everybody should indulge in politics; otherwise the present Government cannot be changed. Everybody should know politics. The plantation labour cannot any more be denied the benefit of wages according to the 15th Labour Conference. Medical and housing facilities should be considered realistically and sympathetically. For instance, they do not have any houses in Darjeeling; they have no place to stay. They come from a

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distance of 5, 6 or even 10-12 miles, work for the whole day and yet they have no shelters. The hon. Deputy Minister could give out some ideas as to when the wage board for plantation labour is going to be appointed because my information is that some decision has been taken to bring uniformity in the wages of plantation labourers in all the States. What is being paid in the south is not paid in the north, in Dehra Dun or say Darjeeling. The wages must be uniform and so there should be a wage board. With these words, I support the Bill.

**Shri Tyagi:** (Dehra Dun): Mr. Chairman, it is a queer coincidence that I find myself in the happy company of my communist friends...

**Shrimati Parvathi Krishnan:** We are happy.

**Shri Tyagi:** I agree with the sentiments expressed by them but at the same time I must congratulate the Ministry for having taken pretty good care of people working in such far away places. They needed protection. In fact their cause had been advocated by us for long time past because the foreigner had not been treating them fairly for decades together. There is a lot of difference in the conditions compared to what it used to be in the old days. I am glad that this Bill also gives some more amenities and the hon. Minister should also take care to see that they are also provided with shelter nearby. They are not given any travelling allowance when they come from long distances on foot. The labourers live in their respective villages and sometimes they come to work in the garden for the whole day and then they go back. It will be a good idea if in due course these tea gardeners were compelled to give them some housing facilities.

There are many other matters which may come up later on, but as regards this Bill it is a good idea that families

are also included in the matter of medical relief. It is very important. Actually speaking, the workers do not fall ill so very often as their children or other members of the family. Therefore, this was one of their very important demands. I am glad that that is being met.

17 hrs.

There are one or two matters on which I would like to have clarification of language.

**Mr. Chairman:** How much more time is the hon. Member likely to take?

**Shri Tyagi:** Hardly two minutes.

**Mr. Chairman:** He may go on.

**Shri Tyagi:** Here it is said:

"(4) It applies to the following plantations, that is to say,—

(a) to any land used or intended to be used..." The word "plantations" does not suit in this context. It is said: "to any land used or intended to be used". So it really applies to land and not plantations. In the previous Act that language was suitable because it was actually in the context, it referred to plantations. Here you intend to apply it to land which is used for such plantations. You may kindly look into it. Then, in (b) you say: "to any land used or intended to be used for growing any other plant..." It is rather vague. Wheat is also a plant, so also gram. I wonder if the lands nearby are used for the purpose of fodder or something because fodder is also a plant—they also will be included. I am suggesting this as a layman. I would like the hon. Minister to consult the Law Ministry, unless he deliberately means to include the lands on which wheat or some other plant is grown.

**Shri Abid Ali:** That is not the intention.

**Shri Tyagi:** "Plant" is never defined differently, "plant" here goes by the dictionary meaning unless it is defined otherwise. Therefore I suggest that it may be clarified.

**Shri C. K. Bhattacharya:** "Plant" also means "machinery".

**Shri Tyagi:** That is another matter. But that is not grown, here the question is of growing.

On the whole, Sir, the Bill is not objectionable at all, it must be welcomed by all quarters.

17.03 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Friday, August 5, 1960|Sravana 14, 1882 (Saka).*

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