

**THE TEA DISTRICTS EMIGRANT LABOUR (REPEAL) REPEALING
BILL, 2001**

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRI MUNI LALL): Sir, I move:

"That the Bill to repeal the Tea Districts Emigrant Labour (Repeal) Act, 1970, be taken into consideration."

The Commission on Review of Administrative Laws, under the chairmanship of Shri P.C. Jain, has recommended repeal of the Tea Districts Emigrant Labour (Repeal) Act, 1970.

The Tea Districts Emigrant Labour (Repeal) Act, 1970 repealed the Tea Districts Emigrant Labour Act, 1932. However, the Tea Districts Emigrant Labour (Repeal) Act, 1970 retained the right of repatriation provided under section 12 of the Tea Districts Emigrant Labour Act, 1932 subject to the following conditions, namely:

- (I) if on commencement of the Tea Districts Emigrant Labour (Repeal) Act, 1970, a three year period of stay of an emigrant labourer, who entered Assam after the 3rd August, 1960 had expired, he was given a period of six months from the commencement of the Act to exercise the right of repatriation, or
- (II) if three years' period of stay of an emigrant labourer who entered Assam before the commencement of the Act of 1970 expired after the commencement of the said Act, then he could exercise the right of repatriation within six months of the expiry of such period of three years.

As the period mentioned in paragraph 2 above has expired, the Tea Districts Emigrant Labour (Repeal) Act, 1970 is no longer required. The Bill, accordingly, seeks to repeal the Tea Districts Emigrant Labour (Repeal) Act, 1970. I request this august House to consider and pass the Bill.

The question was proposed.

SHRI KHAGEN DAS (Tripura): Sir, I have no objection to support the Bill to repeal the Tea District Emigrant Labour (Repeal) Act, 1970. Sir, hundreds of labourers, who, generation after generation, are engaged in tea-plantation enter Assam and are in different tea gardens. The owners of the gardens also require their services. In some other North-Eastern States also, such emigrant labour are working.

Now, while supporting this Bill, I urge the Government that they must look into the most pathetic, pitiable, living conditions, of the workers. The workers are deprived of the facilities which they are entitled to. On and off, they are harassed like anything. I request the Government to come forward to ameliorate the sufferings of the emigrant tea workers. Thank you.

SHRI MANOJ BHATTACHARYA (West Bengal): I thank you, Mr. Vice-Chairman, for giving me this opportunity to speak on the Repeal Bill, 2001. I would take advantage of this Repealing Bill and say a few words about the labourers who are engaged in tea-gardening in Assam and in other North-Eastern States. Before I dwell on the subject, I would like to ask the Government, the Labour Department in particular, whether their role or their responsibility to protect the interests and advance the welfare of the workers is limited or confined to the ambit of some statutes, to the ambit of certain Bills, or to repealing the old Acts which cannot be continued or in vogue at present, or whether the Government is really interested to look after the welfare of the workers, their right to live and their general livelihood. Sir, I sincerely urge upon the Government to ameliorate the condition of the tea-garden workers, particularly in Assam. They are mostly labourers from the State of Bihar to which the hon. Minister, Shri Muni Lall, belongs. It was said a long ago by a leader of the Government, "*Ah Kuli Bengali, Nak Chapta Nepali*". That is, the *coolies* are from Bihar, and the Nepalese population is also there. Unfortunately, whether we accept it as a Assam is very deplorable. The law and order situation in the State is very bad. Whether we repeal the Emigrant Labour Act or not, they are regularly tortured by the locals, by the extremist organisations, by the Bodos and by the ULFAs. This is number one. How to take care of their situation? Unfortunately, at present, following the dispensation of the neo-liberal economy in the country, in fact, the labour is under siege. As Afghanistan is under the siege of American bomb, the labour in this country is under siege, and a horrendous situation exists so far as the condition of labourers is concerned. Will the Department be careful enough to see that the

welfare of labourers who are engaged, for generations together, as my earlier speaker told us, in the tea-plantation work, is properly looked after? Many of the tea-garden owners do not adhere to the rules, the regulations and the laws, and many of the labourers are not only emigrant labourers but also casual labourers, contract labourers and bonded labourers. So, this sort of thing has to be taken care of very seriously.

Sir, the last point I would like to make is that the Department should also be careful about the health of those workers. I remember, I made a Special Mention in the august House during the last Session that one very serious disease is invading. It is an invasive disease to which these tea-garden workers are prone to. I remember the name also, the name of an infection of a special virus penicillium mernify; the tea garden workers are prone to this sort of infection. I proposed that there should be some institutes either in Assam or in North Bengal, particularly in Siliguri which is the gateway of the North-East, to investigate the matter, to encourage in research works as well as to ameliorate the problems or the health hazards of the tea-garden workers. In regard to emigrant workers, we are trying to repeal the Act. But what about making a conducive atmosphere to allow them to live happily for many years to come? Whether the Department is interested to take care of them and whether the Department is interested to implement the rules and the laws, whatever rules and laws are existing in the country--these should be clarified by the hon. Minister in his reply.

श्रीमती सरोज दुबे(बिहार): धन्यवाद उपसभाध्यक्ष महोदय, मैं प्रस्तावित चाय जिला उत्प्रावासी श्रम (निरसन) निरसन विधेयक, 2001 का समर्थन करती हूँ लेकिन साथ ही साथ मैं वहाँ पर टी गार्डन में श्रमिकों को जो स्थिति हैं, उसके बारे में मंत्री जी का ध्यान आकर्षित करते हुए कहना चाहती हूँ कि वहाँ पर सभी प्रकार के मजदूरों की स्थिति अत्यंत दयनीय है-चाहे वह स्थायी लेबर हो, चाहे अस्थाई लेबर हो या कैजुअल लेबर हो। वहाँ पर महिलाओं की स्थिति भी बहुत खराब है। हम लोगों ने जब वहाँ पर विजिट किया तो देखा कि पत्ता तोड़ते तोड़ते उनकी अंगुलियां सड़ जाती हैं और उसी हालत में वे काम करने के लिए विवश होती हैं क्योंकि अगर वे काम नहीं करेंगी तो उनका परिवार भूखा रह जाता है। उनके इलाज की कोई व्यवस्था नहीं है। उनको कोई सुरक्षा प्रदान नहीं की गयी है। मैं माननीय मंत्री जी से कहना चाहती हूँ कि वहाँ के उद्योगपति इससे इतना फायदा उठाते हैं, उनको कम से कम उनके स्वास्थ्य का ध्यान रखना चाहिए। सरकार को इस बात का ध्यान रखना चाहिए। साथ ही उनके रहने के लिए जो निवास बनाए गये हैं, वह भी काफी दयनीय स्थिति में हैं, महोदय, मैं ज्यादा समय नहीं लेना चाहती लेकिन वहाँ पर उनकी स्थिति बहुत दयनीय है। इसलिए मैं आपसे कहना चाहती हूँ कि मजदूर जब काम करने के लिए टी-गार्डन में जाता है तो उसके मालिक और सरकार की यह जिम्मेदारी

होती है कि कम से कम उनको रहने के लिए स्थान दे और स्वास्थ्य का पूरा ध्यान रखे। महोदय, महिलाएं जब वहां पत्ते तोड़ती हैं तो उनके साथ-साथ बच्चे भी काम करने लग जाते हैं और हमने देखा है कि कम उम्र की लड़कियों की अंगुलियां सड़ गयी हैं, उसके हाथों में कांटे लगे होते हैं, खून निकल रहा होता है और उसी हालत में वह पत्ते तोड़ती रहती हैं यह बड़े अफसोस की बात है कि स्वतंत्र भारत में जहां एक ओर बतरा, अपोलो और एम्स जैसे बड़े-बड़े अस्पताल हैं, जिनका देश-विदेश में नाम है, वहीं दूसरी ओर हमारे देश का जो असली नागरिक है, जिनकी मेहनत पर हमारा देश टिका हुआ है, जिनकी बनायी हुई चाय आप सुबह पीकर तरोताजा होते हैं, उनकी हालत दयनीय है। एक बार आप सुबह की चाय के मीठे गर्म प्याले में झांककर देखिए, आपको उसमें श्रमिकों की दयनीय सूरत दिखाई देगी उनकी आंखों में झलकती हुई मायूसी दिखाई देगी। अतः मेरा आपसे अनुरोध है कि आप इसका जरूर निरसन करें किन्तु साथ ही साथ इन मजदूरों की स्थिति में सुधार करने का भी पूरा पूरा प्रयास करें। इन्हीं शब्दों के साथ मैं इस विधेयक का समर्थन करती हूं। धन्यवाद।

SHRI MUNI LALL: Sir, I am very thankful to the hon. Members, who participated in this discussion, for making positive suggestions for the overall improvement of the labour sector. The hon. Member, Shri Khagen Das, has opposed this Bill on the ground of welfare of the labourers. But this Repeal Bill pertains only to repatriation provision. The Department of Labour has got 49 Acts. Almost all the Acts are pertaining to the welfare of labourers, not this Act alone. The Department of Labour is taking care of them. We will consider his suggestions. Manojda has also dwelt upon it and eagerly mentioned many things which are out of the purview of this Repeal Bill. I would like to explain one thing that there are several Acts meant for the welfare of the workers. The Department of Labour is very much alive to it. In the Department of Labour, the labour policy is framed on the basis of tripartite talks, the labourers, the employers and the Department of Labour. There are three ingredients to take care of the labourers. Many of the Acts that he has mentioned pertain to the labourers. Anyway, this Repeal Bill is not going to affect the labourers, because the Inter-State Migrants (Regulation of Employment and Conditions of Service) Act, 1979, covers this also. That is why this Act is being repealed.

SHRI MANOJ BHATTACHARYA: Sir, just a minute.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Let him complete. I know what you want to know.

SHRI MUNI LALL: The hon. Member, Shrimati Saroj Dubey, has also expressed some concern about the overall working condition, women

labourers, roads, sanitation, housing, etc. The ESIC is taking care of the health of the labourers, including women labourers. I would like to impress upon the Members one thing, that is, the subject of labour is in the Concurrent List. Most of the work is done by the States. The Centre is only giving directions. However, I appreciate their sentiments, and whatever we can do we will do.

Sir, I request this august House to pass this Bill. ...*(Interruptions)*...

SHRI MANOJ BHATTACHARYA: I would like to know whether the Minister is interested in seeing that the workers are not forced to repatriate. It means that the Minister is interested that the workers and labourers who come from other States should be allowed to stay there. When the Minister is mooting this sort of a Repealing Bill, I would like to know whether he has inquired ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Mr. Minister, all that the hon. Members want from you is that you take into consideration their apprehension and anxiety and communicate it to the relevant Departments. ...*(Interruptions)*...

SHRI MANOJ BHATTACHARYA: There are several local factors which are not allowing the interstate people to live there. I would like to know from the hon. Minister whether he is speaking subjectively.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): I am confident that the Minister will communicate your anxiety to the relevant Department because this does not come under the purview of this Ministry.

SHRI MANOJ BHATTACHARYA: Sir, the Minister has made a sweeping remark that Mr. Manoj Bhattacharya has not spoken within the purview of the Bill. It is not correct. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): The question is:

"That the Bill to repeal the Tea Districts Emigrant Labour (Repeal) Act, 1970 be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

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

SHRI MUNI LALL: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

The Cine-workers Welfare Fund (Amendment) Bill, 2001

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRI MUNI LALL): Sir, I move:

"That the Bill further to amend the Cine-workers Welfare Fund Act, 1981, as passed by the Lok Sabha, be taken into consideration."

As the hon. Members are aware, the Cine-workers Welfare Fund Act, 1981 is a piece of progressive social welfare legislation enacted for the benefit of cine - workers. The Act envisages extension of welfare measures such as health, medical care and educational assistance to cine - workers and their family members. The corpus of the Fund is created out of a Cess levied and collected as a duty of excise on feature films certified by the Central Board of Film Certification, which is credited to the Consolidated Fund of India under Section 5 of the Cine-workers Welfare Cess Act, 1981.

The fund is utilised for financing activities to promote the welfare of workers employed in cine industry. Presently, there are approximately 63,000 cine-workers in the country, out of which only 30,000 workers are getting benefits under the ongoing welfare schemes. The reason is that the wage/remuneration limit prescribed under the Act has become insignificant and a large number of workers remain outside the scope of definition of cine-workers due to increase in their wages/remuneration over a period of time.

The ceiling of Rs.1,600/- p.m., where remuneration is paid by way of monthly wages, or a sum of Rs.8,000/- where such remuneration has been by way of lump sum, is prescribed under sub-section (b) (ii) of Section 2 for making the cine-workers entitled to welfare benefits under the Act.