

[Shri Parvathaneni Upendra]

Previously, prior to 1976, it was not there; there was no income-tax. Now it is being charged. Poultry industry is an agro-based industry but it is treated neither as an industry nor as agriculture. As a result, it is suffering from both angles. There is justification to exempt it from income-tax. Government should take action on all the five points which I have mentioned so that the industry can prosper and also we can solve the twin problems which I mentioned earlier.

### Violation of Safety Norms in Indian Airlines

SHRI JASWANT SINGH (Rajasthan): I would like to refer to reports that have appeared about violations of safety norms in Indian Airlines. I have with me reports and photographs which show that the aircraft maintenance engineers of Indian Airlines are giving blank certificates, which is in violation of the safety norms. I do not know if it is the procedure of Indian Airlines that the aircraft maintenance engineers are to sign blank forms before certifying an aircraft as airworthy or ready for use. I have here with me photograph of a blank form which is check A; a certificate that is employed for Airbus and for a particular kind of engine. Then there is another photograph of what is called check B; which is a certificate used for Boeing 737. Then, I have here another photograph also for other kinds of aircraft. But really the point is that it has been reported that the Aircraft Maintenance Engineers are signing these blank check certificates and issuing them as a matter of routine and convenience. Now, if this is true, it is really a very alarming thing because once the AMEs sign blank forms and give them to the Maintenance Department, then, with these certificates, all that the Maintenance Department has to do is to fill in the aircraft No and the flight number and then the flight would be shown as

having been cleared by the Aircraft Maintenance Engineers. I very much hope that this is not correct. But, because there have been reports earlier also and there has been neither an official rebuttal by the Government nor a clarification from them, I would expect of the Government that, when I have raised it as a Special Mention, they would firstly issue a prompt rebuttal saying that this is not taking place and, if it is taking place, they would immediately take remedial measures and explain to me whether these reports were correct or not. Thank you, Sir.

### EQUAL REMUNERATION (AMENDMENT) Bill, 1987

THE VICE CHAIRMAN (SHRI JAGESH DESAI): Now, Mr. Ajit Panja to move the Bill for consideration.

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI AJIT PANJA): Sir, on behalf of the Minister of Labour, I beg to move:

"That the Bill to amend the Equal Remuneration Act, 1976, be taken into consideration."

Sir, as you know, one of the most important pieces of legislation with regards to women's employment is the Equal Remuneration Act which was passed in 1976 replacing the Ordinance of 1975. While this Act was being implemented certain lacunae came to the notice of the Government and those are sought to be removed by the proposed amendment.

SHRI LAL K. ADVANI (Madhya Pradesh): Sir, where is the Labour Minister?

AN HON. MEMBER I think he is not well.

SHRI LAL K. ADVANI: The Labour Minister should move it

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): He is not in the country now. That is why Mr. Panja is moving.

SHRI AJIT PANJA: Sir, section 5 of the Act stipulated that no discrimination should be made between men and women in recruitment and that equal payment should be made to both. But it appeared that no protection was given to women against discrimination during the course of employment in matters like promotion, transfers, leave, etc. Now, this is sought to be remedied by amending section 5 of the Act so that the right of women to equal remuneration and also to protection against discrimination in the course of employment is safeguarded.

With regard to section 10, we found that the penalty is so little that almost everywhere the people who are infringing the law pay the penalty and get scot-free. But the women go on suffering. Therefore, we propose to enhance the penalty so that the Act is properly enforced with authority.

The third provision relates to action by individual women. Even though women have got their rights, seldom it has been found that they are aware of their rights. Even if they are aware of their rights, they are slow to take recourse to the legal forum for the purpose of getting their rights. It has, therefore, been proposed in this amendment that recognised trade unions can take up the cause of the individual woman and fight for the equal rights which she is entitled to.

These were the three lacunae which were noticed in the Act passed by Parliament in 1976 and this amendment which is for removing those lacunae, if passed, will go a long way in protecting the rights of women so far as the ambit of this Act is concerned.

With these words, Sir, I commend the Bill for the consideration of the House. Thank you, Sir.

*The question was proposed.*

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Now, Mr. Dipen Ghosh.

SHRI DIPEN GHOSH (West Bengal): Sir, I would have been happy if, in the absence of the Labour Minister, the Minister of Energy or the Minister of Commerce had moved the Bill instead of the Minister of Information and Broadcasting.

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): Why?

SHRI DIPEN GHOSH: I would have been happier if any of them had been given the assignment of piloting this Bill because the offending organisations are the coal mines and the plantations mainly. Mr. Panja had stated that this important legislation had been enacted by the Parliament of India in order to ensure payment of equal remuneration to men and women. But still our experience is that though there have been legislations in all cases, in all places, equal remuneration is not being paid. The coal-mines are under the public sector. And the public sector is the offending organisation in the matter of the applications of the Equal Remuneration Act, still. Similar is the case of plantations—tea plantations, tobacco plantations and rubber estates. Here also we find still the Equal Remuneration Act is not being implemented faithfully. That is why I wanted that either of these two Ministers had been assigned the job of piloting this Bill in the absence of the Labour Minister instead of the Information and Broadcasting Minister, because so far as my experience goes in his Ministry or in the organisations under his Ministry perhaps the fair sex is being a little pampered, but not discriminated against. But, Sir, Mr. Panja will also appreciate, by virtue of his experience in his profes-

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sion before he became a Minister, that by making mere legislation or by even amending the existing legislation or making it more stringent the purpose for which this legislation is sought to be made cannot be fulfilled, because we are living, good, bad or indifferent, in a male-dominated society and mostly the executives are the people suffering from male chauvinism and, therefore, they are little concerned about the implementation of the legislation. Just now my learned colleague, Mr. Advani, had brought to the notice of this House that despite legislation being enacted by Parliament about the provision of secretarial assistance to ex-Presidents of India two such ex-Presidents have no such assistance. That means that the legislation is not being implemented. There are so many legislations which are not being implemented

So my first question is this. I do not know whether this Minister will be in a position to reply. However, I am assuming that he will be. While replying to this debate will he be in a position to tell us to what extent the principal Act which was passed by Parliament is being implemented? Has the Ministry of Labour come across any instances of failure of this legislation whether in the public or in the private sector? What machinery, the monitoring machinery, the overseeing machinery, this Ministry, the Ministry of Labour, has since constituted to ensure that the provisions of these legislations are implemented? In the Nilgiri Tea Estate where the Minimum Wages Act is in vogue and all workers, whether male or female, should be paid a minimum wage of Rs. 12 a day, my information is that a male worker is paid Rs. 8 a day while a female worker is paid Rs. 7.50 p. a day. And what is worse, when there was an agitation, when there was a movement, by the female workers in that tea estate, the employer brought hirelings from outside to break that agitation. There is neither labour

machinery nor any other machinery operating there to ensure that the minimum wage is paid equally to both male and female workers. Similarly, in the construction work—construction work is under the public sector—a male worker is paid Rs. 12 to Rs. 15 a day while a female worker is paid only Rs. 9 a day. In Assam Tea Estate—for that matter, in any tea estate in Assam—there is no equal remuneration between male and female workers and there is no machinery to implement the Equal Remuneration Act. Here so far as this particular amending piece of legislation is concerned, the words “work of a similar nature” in the earlier Section 5 are now sought to be replaced by the words—after the words “work of a similar nature”—“or in any condition of service subsequent to recruitment such as promotions, training or transfer.” Mr. Panja, by virtue of his experience in this profession, will share my concern that this term “work of a similar nature” is a vague term and there is scope to misinterpret it the other way round in order to pay less to a female worker; there is scope on the part of the employer to prove that by nature the work is not similar. There are hundreds of situations like that in tea estates, in tobacco plantations, in rubber plantations, etc. They say, this work is not of a similar nature. Therefore, I would be happy if, by virtue of the experience gained in the Ministry of Labour, in this amending law the Minister specifies or defines the words “similar nature of work” In Khakoja Tea Estate in Assam there was an agitation over this particular issue where the employer sought to take advantage of these words, “similar nature of work”, in order to pay less to the female workers; he tried to interpret that the work was not of a similar nature. Representations were made to the Labour Ministry but the Labour Ministry did not intervene to define or clarify what “similar nature of work” was or is. About this amending clause Mr. Panja has said that

[Shri P. N. Sukul]

Sir, the sole purpose of the Act was to prevent any discrimination against women workers in matters of employment and allied matters and especially any discrimination in matters of payment of wages. This Act was brought into being entirely in accordance with the spirit of our Constitution because article 15 of the Constitution provides for no discrimination on the basis of sex and article 39 of the Constitution also enjoins upon the State to direct its policy so as to ensure equal pay for equal work for both men and women. And it was in accordance with this spirit of the Constitution that to put a stop to the exploitation of women in matters of employment that the original Equal Remuneration Act was passed in 1976. These provisions in the Constitution were the direct result of the thinking of our national leaders at that time or before that. Our leaders like Mahatma Gandhi, Pandit Jawaharlal Nehru, Shri Rajendra Prasad, Maulana Azad and so many other stalwarts were against the exploitation of women and they were great champions of the liberties of women, the rights of women and that is why the provisions which I just mentioned were brought into being in the Constitution, were enshrined in the Constitution and to ensure the stoppage of discrimination against women on the basis of sex in matters of employment, especially regarding payment of remuneration, the original Act of 1976, was passed by Parliament. And this Act was passed also because the Minimum Wages Act of 1948 did not specifically provide for payment of equal wages to both men and women, and still it does not provide for. So, there was the need to bring about a separate, another legislation on the subject and I am really very happy that the then Government of Mrs Gandhi brought this Act before Parliament and got it passed and it has gone a long way to generate a consciousness among the people for not discriminating against women. Although as my learned friend was saying, the

exploitation of women is yet to be stopped fully; it still continues. There are many areas in which it continues and in matters of remuneration also it continues. In Delhi, I tell you, so far as the women workers employed in building works are concerned, they are paid much less than their male counterparts. If a women worker gets Rs 10 per day, the man gets Rs. 15 or Rs. 16. Similarly in villages also in one way or the other this disparity is going on despite this Act and there is nothing new about it as my friend was saying. He was referring to the secretarial assistance to retired Presidents only. But I tell you there are so many Acts which are not being implemented fully, for example, there is the Suppression of Immoral Traffic in Women Act. This Act was passed a generation back or even more than that. But do you think this immoral trafficking has been stopped because of the Act? It still continues. In almost all the cities it continues, as we read in the papers. It continues in places like Calcutta, Madras, Bombay, Nagpur etc, and before the Act, it was being done openly; now it is being done in a clandestine manner. And who is being benefited? Not those ladies or the prostitutes, but the police. It is the agents, the touts, the police who are benefited. Almost every thana gets paid regularly by them. So, that Act has not been able to dispense with that institution. Why then to have that Act? My humble submission is, if you cannot implement it fully, why should you have such an Act? For example, Mr. Vice Chairman, in the State of Gujarat—that is the only State where there is prohibition—you go to any city or village in Gujarat and you can get any drink you like...

DR. BAPU KALDATE (Maharashtra): What is your experience?

SHRI P. N. KAUL: I have been told like that. It is correct. I have been told like that and I have visited Gujarat more than a dozen times and once or twice I tried to find out the

this Equal Remuneration Act was conceived of for payment of remuneration at the time of recruitment. But during the course of service in respect of certain other benefits, what does an employee get? Concern was not taken that the principle of equality should be followed and that is why this Section has been sought to be amended by inserting a few words—"or in any condition of service subsequent to recruitment such as promotions, training or transfer." But, Sir, what about the cases of retrenchment? It is our experience that when the question of retrenchment comes ..

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Now please conclude. There is no time.

SHRI DIPEN GHOSH: I know, Sir. In view of my experience, I am only giving the specific cases. In the case of retrenchment, it is our experience that women workers are made the victims of retrenchment, particularly in the mines, in the plantations and in the unorganised sectors. Even now care has been sought to be taken to see that in the case of retrenchment at least this discrimination is not followed, some rules some provisions of equality are followed. Here, I would only draw the attention of the Minister to another aspect. Condition of service includes transfer. In the case of transfer, concern has been expressed to see that discrimination is not made. But, Sir, surely you will agree that in the case of transfer, particularly the transfer of women workers some special care needs to be taken because the fall-out in the family, if a woman workers is transferred, is not the same as that of a male worker when he is transferred. Looking at the question of equality, yes, remuneration has to be equal, equality has to be ensured in the case of other conditions of service and in the case of transfer there should be equality. But, Sir, in the social set-up that we are having today, care has to be taken in the case of transfer because if a married

woman worker is transferred, immediately the apprehension of breaking-up of the family arises. So, I want to draw the attention of the hon. Minister to this particular aspect. It is not simply a legalistic point of view. It is a question of social viewpoint as in the present family set-up and the social set-up that we are having now. So, in the matter of transfer of women workers particular care should be taken, particular view should be taken to see that such transfers do not result in the breaking up of the families by creating some problems. In such cases, transfer of women workers should be avoided, simply equality should not be maintained.

Lastly, Sir, it is true that under Section 10, the punishment has been sought to be increased from Rs. 1000 to Rs. 10,000. But I don't think—I don't think the Minister also will believe it—that by simply raising the amount of punishment from Rs. 1,000 to Rs. 10,000 it can deter the employers whether in the public sector or the private sector from following these discriminatory policies between the male and woman worker. Therefore, I think, an awareness has to be created among the employers. And particularly from the Government of India's point of view, from the Labour Ministry's point of view, a straight monitoring, overseeing machinery has to be created to see that these laws—the amending Bill and whatever provisions are there—are implemented. Otherwise this will remain only a piece of legislation to be quoted as a good measure of the Government, but the women workers will not be benefited. Thank you, Sir.

1.00 P.M.

SHRI P. N. SUKUL (Uttar Pradesh): Mr. Vice-Chairman, Sir, I rise to support this very simple and very laudable Bill. The Bill, namely, the Equal Remuneration (Amendment) Bill, 1987, seeks to bring about certain amendments in the original Equal Remuneration Act of 1976.

truth. You tell me any city; I will take you and get you the bottle. So, why to have such a law? Something which is not a crime in the neighbouring State of Maharashtra or the State of Rajasthan, is banned there. Why should this be a crime in Gujarat? Simply because you have such an absurd law, it is not being implemented. Its absurdity lies in the fact that it is not being implemented. So, having such laws which cannot be implemented fully, does not contribute much to the society not therefore, the governmental agencies and the voluntary agencies and organisations have to work hard to ensure that the law is implemented in its real spirit. And it, indeed, is very good. According to this Bill, voluntary organisations can also lodge a complaint regarding a disparity in wages. Previously, voluntary organisations were not in a position to lodge a complaint in the matter. Now, this Bill seeks to authorise or empower them to lodge complaints if there is any disparity in payment of wages to workers, and it is a very welcome step.

As regards enhancement of penalties, under section 10 of the Act, about which my learned friend just mentioned, rather summarily, I welcome this enhancement. Under section 10A "...for not maintaining or producing register of workers or muster rolls or other connected documents" the fine previously was Rs. 1000 and now it is being raised to Rs. 10,000 plus one month's simple imprisonment. So, there is ten times enhancement in fine as well as simple imprisonment, and I think this will prove a strong deterrent in the matter.

Similarly, under section 10(2), for making recruitment in contravention of the Act or for unequal remuneration for the same work or for any discrimination between men and women, after employment, the previous fine of Rs. 5,000 is now being raised. It ranges between Rs. 10,000 and Rs. 20,000. The minimum is Rs. 10,000 and the maximum is Rs. 20,000. I

is now double or four times with three months to one year imprisonment. The enhancement in the two penalties is a very welcome thing and I hope it will go a long way preventing the exploitation of our women workers.

Sir, in our Indian society, women have suffered a lot. For ages, women have suffered. I am not talking about women like our friends who are sitting here, but about those who live in the villages. They have suffered a lot. Sir, even in the *Ran. Charit Manas*, it is said:

“ढोल, गंवार, शूद्र, पशु तारी  
ये सब ताड़न के अधिकार.”

Women have been equated with animals. Even a Brahmin woman has been equated with a Harijjan by Tulsidas. Such a general rule has been there. This has done a lot of damage to our women in matters of their rights. This has been the position for a long time and still, in certain areas, they are considered to be a part of our movable property. They are sold. Women are brought from Nepal and other places and sold. There have been many instances. Women have been suffering in many ways. Dowry deaths are taking place. There is an anti-dowry legislation. Only the other day we have been informed in Parliament that the dowry deaths are on the increase. Why? Because we have not taken steps to prevent them as best as we should have done. Sati is another form of exploitation. Then, there are women who are meant to be engaged in prostitution and all that. Therefore, the Government should be very very alive to the problems of our womenfolk who are still suffering, who are still being exploited by the society and it must be ensured as best as we can that these evils are dispensed with as early as possible. In other words, the law should be implemented effectively. This is the first requirement. You may make laws

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but they will have meaning only when they are implemented.

SHRIMATI RENUKA CHODWHURY (Andhra Pradesh): Will the hon Member yield for a minute? I fully associate myself with what he has said that the law should be implemented. I would, at the same time, suggest that if the Bill is not going to be implemented in toto...

SHRI P. N. SUKUL: This is what I am saying.

SHRIMATI RENUKA CHOWDHURY: I am supporting you. If it is not going to be implemented in toto, at least, women should be able to get value for money. When we are paying to buy a husband, let him be worth it. Let the Government look into this aspect also. (Interruptions)

DR BAPU KALDATE: This Bill is not concerned with that.

SHRIMATI RENUKA CHOWDHURY: They get nothing. In the case of Sati also, even in death, only because the woman dies with the husband, with the man, men in Rajasthan want to build temples for them because she dies with the husband. What about women who are dying on account of dowry every day? She is a Mahapativrata. Not only she gives him Dahej and dies but she allows him to marry for a second time

उनके नास पर भी तो कोई मंदिर बनना चाहिए। वह भी तो देवता है, यह मैं एक श्रीरत की और से कह रही हूँ

SHRI P. N. SUKUL: I associate myself with the feelings expressed by her.

Mr Vice-Chairman, Sir, what I am pointing out is that the law should be made effective and implemented. Secondly, the Minimum Wages Act, 1948, should also be implemented. This Act also specifically provides for payment of equal wages to both men and women workers. As you all know, the National Commission on

Rural Labour has been set up by the Government under the Chairmanship of Shri Jinabhai Dorji in August last. This Commission is also to make a study of this particular problem of women and children. That is one of the terms of reference. I earnestly hope that this Commission will also make proper study of the subject and will recommend to the Government suitable steps that should be taken to secure to the women their due rights and privileges in the society.

With these words I support the Bill.

डा० बापू कालदाते : उपसभाध्यक्ष महोदय मैं सिर्फ दो तीन बातों की तरफ माननीय मंत्री जी का ध्यान खींचना चाहता हूँ। एक तो इस संसोधन विधेयक में चार व्यवस्थायें करने का आप ने प्रयास किया है। ताँ एक तो जिन के पास रोजगार है उन की पदोन्नति, उन का तबादला, उन के प्रशिक्षण के बारे में एक समानता हो। कोई भेदभाव न हो। दूसरी बात यह है कि जो भेदभाव करे उस के दंड और सजा को आप ने बढ़ा दिया है। और एक विशेष बात मुझे लगी, जिस का जिक्र करने वाला हूँ क्योंकि भेदभाव के जो नमूने हैं, जो मिसालें हैं वे कम मिलती हैं इस लिये इस में समाज सेवी संस्थाओं को जोड़ने का प्रयास किया गया है, और यह है कि कोई भेदभाव का प्रयत्न न करे इसके लिये प्र विजय किया गया है।

मैं दो बातों की तरफ आप का ध्यान खींचना चाहता हूँ। एक बात तो यह है कि इस देश में महिलाओं को प्रोत्साहित करने के बजाय कई काल कारखाने ऐसे हैं कि जो कानून के तौर पर तो नहीं लेकिन कंवन्शन्स के रूप में किसी स्त्री को अपने यहां नहीं लेते। और मैं एक बड़ी कंपनी का नाम बतलाना चाहता हूँ। जिस के बारे में मेरे दिल में बड़ी इज्जत है, वह एक अच्छी कंपनी है। औरंगाबाद में आटो बजाज का कारखाना है, लेकिन एक महिला कर्मचारी भी वहां नहीं है। वहां कोई ऐसा नियम नहीं है कि महिलाओं को न लिया जाय लेकिन दे है व मेड इट

ए प्वाइंट नाट तो टेक बीमेन, और इस लिये एक भी महिला वहां नहीं है। नीचे से लेकर ऊपर तक कोई नहीं है। यह जो डिस्-इंसेटिव है इंट इज नाट बाई ला, बट बाई ऐक्शन, इस की तरफ भी हम को ध्यान देने की आवश्यकता है। इंफ्लाय-मेंट में आने के बाद अगर उन को रोजगार मिलेगा तो उन का प्रशिक्षण होगा, उन की पदोन्नति होगी, उन के तबादले की समान व्यवस्था होगी, लेकिन उन को इंफ्लायमेंट में ले ही नहीं तो यह सब व्यवस्था वहां से होगी। आप जानते हैं कि दुनिया में एक बार ऐसा भी स्ट्राइक हुआ कि जब महिलाओं ने अपने भोजन बनाने, कपड़ा धोने आदि को यह एक जाब है ऐसा मान कर उस के लिये स्ट्राइक किया था। उन का मानना था कि इंट इज ए जाब। यह बात यहा भी हो सकती। ऐसा मत सोचिये कि यह बात यहा नहीं हो सकती। अंतरराष्ट्रीय महिला संगठन ने इस के बारे में एक बड़ा स्ट्राइक किया था। तो एक तरफ महिलाये अपने अधिकारों के लिये इतनी जागरूक है तो दूसरी तरफ यहा की महिलाये भी जागृत हो रही हैं। कुछ दिन पहले हवाई जहाज से मैं आ रहा था। मुझे देख कर खुशी हुई कि उस हवाई जहाज की को-पायलट एक महिला थी। ऐसे चैलेजिंग जाइस की तरफ भी महिलाये जाये इस दृष्टि से भी हम को विचार करना चाहिए। उन को रोकने का प्रयत्न हम को नहीं करना चाहिए। मुझे लगता है कि कुछ कंस्ट्रेंट हो रहा है इस नाम पर कि महिलाये फिजिकली फिट नहीं होती, कुछ मामलों में बैकवर्ड है ऐसा कहा जाता है, या बहाना बनाया जाता है, लेकिन कानून की ओर से तो बाधा नहीं है उन को किसी रोजगार में जाने के लिये, लेकिन फिर भी उन को इक्वेल अपारचुनिटी की आवश्यकता है। मुझे लगता है कि स्त्रियों को इस दिशा में जितनी अपारचुनिटी चाहिए, जो सुविधा चाहिए, वह उन को नहीं मिल पा रही है। यह उन को सरकारी कार-खानों में इंडस्ट्री में और दूसरी जगहों में मिलनी चाहिए ऐसा मेरा तर्क है।

एक बात और कहूंगा कि हमारी खेती की दृष्टि गलत है। हम हवाई जहाज

में उन को 'हवाई सुन्दरी' कहते हैं। मैं उन को सेविका मानता हूं। इंट इज इन इटसेल्फ एन एटीच्यूड टु लुक टु दि वॉमेन दिस इज ए सेक्स एटीच्यूड। वह सुन्दरी तो हम सुन्दर क्यों नहीं? वह तो हवाई सेविका हैं जिन के बारे में भूतपूर्व प्रधान मंत्री जी ने स्वयं कहा था। फेयर गुड लुकिंग अन-मैरिड होनी चाहिए फिर झगड़ा हो गया कि अन-मैरिड क्यों होनी चाहिए। लेकिन वह फिर हट गया। लेकिन ऐफिशियेंसी के नाम पर यह कहना कि फेयर, गुड लुकिंग में नाट बी ऐफिशियेंट यह तो देखने का तरीका है, इसको बदलने की आवश्यकता है, इस पर विचार करने की आवश्यकता है इस तरह का जो भेद-भाव किया जाता है वह उचित नहीं है।

जहा तक समाजिक सस्थाओं का सवाल है, मैं इस विधेयक के साथ हूँ। मैं स्वयं मानता हूँ कि खासकर जो भी असंगठित मजदूर हैं खेतों में काम करने वाले हैं, उनमें काम के भेदभाव को दूर करने की सख्त आवश्यकता है। मैं स्वयं महाराष्ट्र सरकार की भूमिहीन खेत मजदूरों की स्थिति के बारे में नियुक्त निरीक्षण समिति का सदस्य था। हमने सब कुछ देखने के बाद जो रिपोर्ट दी थी, उसके मुताबिक महाराष्ट्र सरकार ने एक बिल रखा था। लेकिन हम लोग यह बार बार देखते आए हैं कि जहा जहां भी असंगठित मजदूर हैं वहां पर आपके कानून लागू ही नहीं होते कानून हवा में रह जाते हैं क्योंकि वहां पर लेबर इंस्पेक्टर नहीं पहुंच सकता बार-बार सरकार कहती है कि कैसे इतनी दूर तक हमारे देहातों में लेबर इंस्पेक्टर जाएंगे? तो व्यवस्था नहीं होगी तो बराबरी आप कैसे लाएंगे? आपकी सद्भावना है, सदृच्छा है, वह ठीक उससे सत्कार्य होना चाहिये। यह हम कई जमाने से देखते आ रहे हैं, हम लोग शान्ति शान्ति कहते आए हैं लोग कहते आए हैं।

सर्वे सन्तु सुखिनः सर्वे सन्तु निरामयाः  
सर्वे भद्राणि पश्यन्तु, मा कश्चिद् दुःखं  
भ्रातृभवेत्



(डा० वा० कास्टले)

सभी दुख में फंसे हुए हैं, लेकिन रोज खाने को ठीक मिलता रहे तो वह कहता है सर्वे सन्तु मुखिन लेकिन समान काम के लिए समान वेतन मिलता है क्या? तो यह समानता का जो मुद्दा है वह बहुत महत्वपूर्ण है कभी कभी समान काम क्या है, इसके बारे में भी बहुत चर्चा होती है, खेत में जो काम करते हैं, घास खांते हैं, जमीन को ठीक करते हैं, उनमें भी जो महिलाएं काम करती हैं उनको पुरुषों के बराबर वेतन नहीं मिलता है। हमारे महाराष्ट्र में रूरल इंप्लायमेंट गारंटी स्कीम में महिलाओं और पुरुषों को समान वेतन देना चाहिए, लेकिन यह केवल कानून में है, वास्तविकता इससे दूर है कानून के अनुसार आप देखें कि वहां पर इंप्लायमेंट गारंटी स्कीम के अंतर्गत समान वेतन मिलना चाहिए लेकिन जो-अन-आर्गनाइज्ड सेक्टर है वहां पर इसको इंप्लीमेंट करना सबसे बड़ी समस्या है।

दूसरी बात यह है कि आपने विधेयक में लिखा है Under Section 12(8)(b):

A complaint made by a person aggrieved by the offence or by any recognised welfare institute or organisation.

तो मान्यता प्राप्त संस्थाएं कौन सी रहेंगी यह बहुत महत्वपूर्ण सवाल है मेरा सुझाव यह है कि इसमें महिलाओं को जो संस्थाएं हैं उनको प्राथमिकता देनी चाहिए क्योंकि अगर महिलाओं के साथ भेदभाव होता है इस बिल के अनुसार तो वे उसको दूर कर सकती हैं तो मैं मानता हूं कि जितनी भी रिकाम्नाइज्ड या रजिस्टर्ड संस्थाएं हैं, वे चाहे आई.एन.टी.यू.सी. की हो, एच.एम.एस.ओ. की, आई.टी.यू.ओ. की तरह का भाव उनको रिकाम्नाइज्ड करने के लिए नहीं होना चाहिए मैं तो यह चाहूंगा कि महिलाओं की समाज सेवा संस्थाओं को इसमें प्राथमिकता देनी चाहिए नहीं तो जो हम चाहते हैं, वह नहीं होगा। इन सुझावों को ध्यान में रखते हुए इस कानून को आप सही ढंग से इंप्लीमेंट करना चाहते हैं तो मैं मानता हूं कि आपका यह संशोधन उचित है। आप इसको लागू करने का प्रयास करें तो

आप इस विधेयक को लागू कर सकते हैं यह कहते हुए मैं अपना भाषण समाप्त करता हूं।

श्री मीर्जा इश्रादबेग: गुजरात. आप उनको एलाउ कर इससे पहले में एक सम्मिश्रण करना चाहता हूं। मान्यवर, मैं हिन्दी का समर्थक हूं लेकिन जैसा कि अथोराइज्ड ट्रांसलेशन बिल पर बहस हुई थी उस वक्त यह स्वीकार किया गया था कि हिन्दी ऐसी होनी चाहिए, उसका ट्रांसलेशन ऐसा होना चाहिए जो आम आदमी समझ सके। उसका कितना इम्प्लीमेंटेशन हुआ मैं नहीं जानता। इस बिल में देखिये। यहां बिल का हिन्दी वर्णन है जिसमें लिखा है

“समान पारिश्रमिक अधिनियम, 1976 (जिसे इसमें इसके पश्चात् मूल अधिनियम कहा गया है) की धारा 5 में समान प्रकृति के काम के लिए भर्ती करते समय शब्दों के पश्चात् या भर्ती की पश्चात्-वर्ती सेवा जैसे प्रोन्नति प्रशिक्षण या अन्तरण की किसी शर्त में शब्द अंतःस्थापित किए जाएंगे।

यह हिन्दी कितने लोगों को समझ आ पायेगी मैं नहीं जानता। इसको सरलता को आप जान सकते हैं। मैं चाहूंगा आप इसमें मुझे सहयोग दें।

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Very frankly, I am not able to understand this.

श्री शरद यादव: (उत्तर प्रदेश) यह जो सवाल उन्होंने उठाया है इसे आप को गम्भीरता से विचार करना चाहिए। वह ठीक से बात उठा रहे हैं जो इस देश के बहुसंख्यक लोग हैं उनके साथ रोज ही खिलवाड़ किया जाता है। यहाँ यह आश्वासन दिया गया था कि हम भाषा को सरल करेंगे। मैं चाहूंगा इस पर गम्भीरता से विचार करना चाहिए।

उपसभाध्यक्ष: (श्री जगेश देशई) मैंने यह कहा कि मुझे भी यह समझ नहीं आती।

**चौधरी राम सेवक (उत्तर प्रदेश) :** माननीय उपसभाध्यक्ष महोदय, यह जो समान पारिश्रमिक (संशोधन) विधेयक, 1987 में लाया गया है इसका मैं समर्थन करता हूँ और अनुमोदन करता हूँ। गवर्नमेंट का प्रयास अच्छा है। गवर्नमेंट की मंशा अच्छी है कि गरीब महिलाओं को बराबरी का उचित डेली वेजेज मिलना चाहिए। जो पिछला बिल में जो प्रोविजन्स थे उन प्रोविजन्स पर भी सरकार द्वारा कोई विशेष कार्य नहीं किया गया। मैं सरकार से जानना चाहता हूँ कि पिछले तीन वर्षों में शासन ने इस एक्ट के अन्तर्गत कितने कैंसेज रजिस्टर्ड किये हैं। इसमें कितने लोगो को सजा हुई है और कितने कैंसेज पेडिंग है इस बात की जानकारी मैं शासन से चाहता हूँ। विशेषरूप से शोषित जो गरीब महिलाएँ हैं, हरिजन महिलाएँ हैं उनके साथ जो अत्याचार, अन्याय होता है उन पर कोई ध्यान नहीं दिया जाता, उनको पूरे वेजेज नहीं मिलते। इनकी तरफ शासन का ध्यान दिलाना चाहता हूँ।

ऐसे लोग जो देहातों में मेहनत का काम करती हैं उनको कम वेतन दिया जाता है। अगर पुरुष को वहाँ 15 रुपये रोज मिलते हैं तो महिला को 5 रुपये दिये जाते हैं। मैं देहात से आता हूँ। वहाँ खेतिहर मजदूर हैं या धरेलू काम करने वाले लोग हैं या जो राज का काम करने वाले, मकान बनाने वाले हैं उनके साथ जो महिलायें काम करती हैं उनको पुरुषों को अपेक्षा वेजेज कम दिये जाते हैं इस के ऊपर कोई प्रतिबन्ध सरकार को लगाना चाहिए। अगर इस तरह की शिकायतें सरकार के पास आयें तो उन शिकायतों पर जिला के कलेक्टर द्वारा मुकदमा चलाने की व्यवस्था की जानी चाहिए। जो अधिकारी इसके लिए जिम्मेदार हों, जो इसको ठीक से लागू न करें उनको सजा दी जानी चाहिए। कोई ऐसा प्रावधान रखना चाहिए जिससे वे ठीक ढंग से लागू कर सकें।

आप वालियंटर आर्गनाइजेशंस के लिए पार्वस दे रहे हैं। इसमें सारी वालियंटर आर्गनाइजेशंस को रसकेग मुक्त शक्ति है क्योंकि वालियंटर आर्गनाइजेशंस देहातों में

तो है नहीं, शहरों में कुछ है तो मैं इस बात को जानना चाहता हूँ कि देहातों के लिए इसकी क्या व्यवस्था होगी। इन शब्दों के साथ मैं बिल का समर्थन करता हूँ।

**THE VICE-CHAIRMAN (SHRI JAGESH DESAI):** I think now we shall adjourn for lunch and meet again at 2 30 p.m.

The House then adjourned for lunch at thirty minutes past one of the clock

The House reassembled after lunch at thirty-three minutes past two of the clock **THE VICE-CHAIRMAN (DR. BAPU KALDATE):** in the Chair.

**SHRI YALLA SESI BHUSHANA RAO (Andhra Pradesh):** Mr. Vice-Chairman, Sir, the Bill seeks to amend section 5, section 10, section 12 and section 15 of the Equal Remuneration Act, 1976. The Statement of Objects and Reasons says that the above sections of the Act are being amended because the Government wants to remove a lacuna in Section 5, to prevent discrimination against women subsequent to recruitment; it wants to amend section 10 to enhance penalties; it wants to amend section 12 to permit voluntary organisations in addition to the inspecting staff to file complaints regarding violation of the Act; it wants to amend section 15 to prohibit the use of the Act to justify discriminatory practices against women workers

Generally, steps aimed at preventing discrimination on all such grounds are welcome. But, unfortunately, this is a dead Bill in the archives of the Government legislations for the last one decade. I may be permitted to say, there is no machinery at all to enforce the laws made in this regard. The number of prosecutions levelled from 1982 to 1984 was 240 under the Central sector. There was no prosecution at all in the States except in U.P.

[Shri Yalla Sesi Bhushanarao]

That shows the law was not implemented. There is no machinery to enforce the law strictly. Corrective steps are to be taken to enforce the law to achieve these laudable objectives. Even in the cases filed, out of 240 cases, only in 71 cases convictions were made. That itself shows how in a haphazard way, prosecution machinery is functioning. This is apathy of the prosecuting machine and thus has to be considered very seriously before we enact such laws. I feel the punishment adopted in dowry death cases may be adopted in this Bill also for causing discrimination against women. Merely enhancing fine for an industrialist from Rs. 1,000 to Rs. 10,000 is not enough. He is capable of paying this fine very easily. So some long imprisonment should be prescribed.

Article 39(d) of the Constitution provides equal pay for equal work for both men and women. In our country more than 75 per cent work in the agricultural sector but they are still in the dark.

The number of working people in the organised sector though increasing, according to me, is not less than 40 lakhs. The number of workers in white collar employment has been increasing but their number has been declining specially in mines, plantations and factories. I wish to point out that the organised sector is avoiding employing women purposely. So the Bill instead of safeguarding the interests of women is reducing their employment chances in the organised sector.

Another thing is that women are prohibited from seeking employment in certain categories of jobs. Similarly, men should also be prohibited from certain categories of jobs for which women are found most suitable. Further a certain percentage of jobs in the Government and in the organised sector has to be reserved for women because that will ensure

employment for women. For instance, the Government of Andhra Pradesh has reserved 30 per cent of the jobs for women. Similarly, the Central Government can also think over it and see that a certain percentage of jobs is reserved for women in all the organisations. I suggest that certain jobs where women are preferred may be reserved exclusively for them and for certain jobs where men are preferred may be reserved for men. This suggestion may be considered. Though there is an awareness of social and political consciousness among the working class, yet, the struggle for justice, equal pay for equal work still remains a dream for millions. A new legal ideology and technique which will link judicial process with social change has to be evolved.

I regret to bring to the notice of the hon. Minister that equal pay for equal work is not correctly implemented in Government institutions and in the organised sector also. There are thousands of casual labourers on daily wages who get less pay than their counterparts for the same work. In this connection, the Supreme Court has given a judgment and observed that such things must not happen in the Government sector and in the organised sector. They have also pointed out that the Government or organised sector must be ideal managers but not like a private sector. The Supreme Court has very clearly stated in different cases before them that there should be equal pay equal work: The Central Government, the State Governments and likewise all the public sector undertakings are expected to function like a model and an enlightened employer and arguments such as those which are advanced before us should not come from the States and the State Government undertakings. This is a very serious observation made by the hon'ble Judges of the Supreme Court. It is not a comment of a trade unionist. The Government must be ashamed of such observations coming from the

Supreme Court. While welcoming the Bill, I would like to inform that mere passing of such laudable Bills cannot help us. It should be properly implemented. The hon. Minister should take active steps to implement it and should ensure that proper rules about the casual labourers, women workers and about their equal pay are framed. That way, let this dream come true in future. With these remarks, I conclude. Thank you.

SHRI CHIMANBHAI MEHTA (Gujarat): Mr. Vice-Chairman, Sir, I welcome this Bill because the Bill is in the right direction and is a long required legal amendment. But the main question still remains that women are being treated as unequal partners in our society. Probably, only in a few socialist countries, women have acquired the status of equality in reality because only the socialist system, if really implemented, bring about equal status for women and nowhere in the world, whether it is India, whether it is Western democracies or whether it is Muslim feudal countries, women have equal status or they are nearer to the position of men.

Now having admitted this reality in our country, by enacting equality can we bring about equality, that is the point we should also discuss while welcoming this Bill. If I have properly heard my previous speaker, some reservation of jobs for women is being tried in Andhra Pradesh. That means giving extra favourable treatment to women. Once you put them on a legal footing of equality but the social conditions do not permit that equality to be achieved in reality, then some further safeguards are required. We are giving reservations to socially and economically backward classes. We call them scheduled castes, scheduled tribes and that category is added by other sections. But the reality is this that women are the weakest sections of our society; whether she may be a Maharani or an agricultural worker, her

They are considered inferior. They are treated inferior.

Therefore what is to be done. Just by a simple enactment can we remove this inequality? This is a very vital point and this should also be considered. Therefore, to what extent the Andhra experiment is going to succeed is worth watching. Unemployment is a very big factor prevalent throughout the country and therefore, nowadays, poor women sell their bodies just to get the minimum of a meal. That is our society. At this time, one has to think seriously about our progress of forty years: This is the fourth decade we are ending after acquiring independence. Although we try for equality for women, we are not succeeding. Yet, attempts have to be made. In matters of promotion and the like matters, a more favourable treatment is required. As a general rule, on promotion of an employee, transfer is made. In the case of women, this is a penalty. For, they have their children and husband to look after. In a majority of cases, women employees lose promotion in order to avoid a transfer. This happens in all the States and in most of the Government Departments. Therefore, the Government should issue a circular or guideline that on promotion, no woman employee should be transferred against her will. This minimum measure should be taken for the welfare of women employees. Requesting the Ministry to look into all these aspects, I welcome this Bill. Thank you very much.

श्री कैलाश पति मिश्र (बिहार):  
उपसभाध्यक्ष जी हम विशेषकर पर आने से पहले मैं एक महिला एडिटर, बिमला पटेल का असेसमेंट यहाँ पर पढ़ता हूँ।

"Seventy-five per cent of the Indian women are still illiterate and almost seventy-eight per cent are without paid work or economic independence of any kind."

A U.N. report says,

"Being fifty per cent of the popu-

(श्री कैलश पति मिश्र)

as men but receive only ten per cent of the world's income and hold only one per cent of the property. These are world averages. Specific figures on this count in India are more shocking."

She further said,

"In our country, it is unfortunate to have a daughter. It is still useless to educate a girl whose destiny is to be only a housewife, a mother. A girl is still some one else's property."

महोदय, ग्यारह वर्षों के बाद इस विधेयक में संशोधन आया है। कमी-कमी ऐसा लगता है कि संशोधन लाते समय, उसके जिनने पक्ष है उससे संबंधित, यदि सच-मुच में उन पर विचार करके संशोधन आता, तब तो उसका उपयोग होता।

विधेयक पढ़ने के बाद ऐसा लगता है कि आपने बीस हजार सया जमाना, लम्बी सजा, इसका प्रावधान तो किया है। इसके पहले भी सजा का प्रावधान है। यदि एक रिपोर्ट सामने आती कि 1976 में यह विधेयक बनने के बाद आपने कितनी महिलाओं का केस लेकर कितनों को दण्डित किया, कितनों को जेल में रखा और कितनों को जमाने के अन्दर खींच तब जरा समझ आता है कि जो कानून हम बनाते हैं वह कानून धरती के ऊपर कर्णवित होता है। मुझे तो कमी-कमी उल्टा संदेह लगता है कि लम्बी सजा की घोषणा कर दी लेकिन लागू करने के लिए आपके पास अगर कोई हथियार नहीं हुआ तो आज जितनी महिलाएं हैं, चहे सरकारी सेवा में हैं, चहे अर्द्ध-सरकारी सेवा में हैं या निजी सेवा में जाती है, अथवा के कारण उन्हें सेवा से भी मुक्त कर दिया जाएगा, सेवा में लाने से कई प्रकार की बाधाएं उत्पन्न होती। महिलाओं के भी दो चित्र सामने आ रहे हैं। एक वह महिलाएं हैं जो बड़े-बड़े नगरों में, शहरों में हैं जहां पर शिक्षा की सुविधाएं हैं, उनके जीवन में जरूर एक भ्रांति आई है, परिवर्तन आया है। दूसरी उन क्षेत्रों की महिलाएं

हैं जो बड़े-बड़े शहरों से दूर हैं जिन्हें सुदूर ग्रामीण क्षेत्र कह सकते हैं जहां शिक्षा आज भी नहीं है, 75 प्रतिशत महिलाओं में तो बैसे ही शिक्षा नहीं है लेकिन शहरों में जहां पढ़ने की सुविधा है वहां एक चित्र सामने आ रहा है कि किसी भी प्रतियोगिता में वहां की महिलाएं पंछे नहीं हैं, जहां पर स्वतंत्र रूप से प्रवेश करने का अवसर है मेडिकल में जत है प्राइवेट प्रैक्टिस में है और अगर छान-बीन की जाए तो रिपोर्ट मिलेगी कि 40 प्रतिशत प्राइवेट प्रैक्टिस करने वाली महिला डाक्टर हैं। वे इंजीनियरिंग में जाती हैं, शैक्षणिक क्षेत्र में जाती है, रिमार्क में जाती है, सुप्रीम कोर्ट में लेकर, हाई कोर्ट से लेकर के जिला कचहरी तक में जा रही है और किसी से अयोग्य नहीं है, किसी ने पीछे नहीं है और किसी भी प्रकार की कमी उनमें दिखायी नहीं दे रही है। आखिर ग्रामीण क्षेत्र में रहने वाले व यही महिलाएं हैं अगर उनको भी इस प्रकार की सुविधाएं मिलती तो टक्कर लेने में वे किसी से पीछे नहीं रहतीं। पहले तो इसकी छान-बीन करनी चाहिए कि सरकारी क्षेत्र, अर्द्ध-सरकारी क्षेत्र उसमें महिलाओं का प्रवेश कितने प्रतिशत है? अखिर आब दी 50 प्रतिशत है लेकिन सेवा में, नौकरियों में प्रवेश कितने प्रतिशत है और निजी क्षेत्र में जाने के बाद एक, दो, तीन, चार उद्योगों का भी आप नाम लेने। उदाहरण महोदय, एक संस्थान का उदाहरण भी दिया, केवल एक का नहीं देश के अन्दर सारे के सारे निजी क्षेत्र में चलने वाले जितने संस्थान हैं अगर जरा उनके उदाहरण सामने रखिए कि उनमें कितने प्रतिशत महिला कर्मचारी हैं। मैं एक कारखाने में देखने के लिए गया, वह भी पब्लिक अण्डरटेकिंग है, वहां तो ऐसा महिलाओं के लिए कुछ व्यवस्था दिखाया पड़ा जिनका गोदी में बच्चा है। लेकिन महिलाओं के साथ कई प्रकार की जिम्मेदारियां जुड़ी हैं। कम करने की जिम्मेवार, मां बनना यह दूसरी जिम्मेवारी और बच्चे को देखभाल करना यह जिम्मेवारी भी उसके साथ जुड़ी हुई है। अखिर महिलाएं मां भी बनती हैं, आपने तो

मां नहीं बनना है इसलिए आप निश्चित है। ... (व्यवधान)

**एक माननीय सदस्य :** क्या आप चाहते हैं कि यह मां बनें ?

**श्री कैलाश पति मिश्र :** महोदय, यह निश्चित है कि प्रायः महिलाएं मां बनती हैं। अगर मां नहीं रहे तो यह समाज कहाँ से खड़ा होगा, कहाँ से पराक्रम की बात आयेगी ? प्रतिभावान किस्से घर से पैदा होंगे ? इसलिए सचार्च में तो दोहरी ध्यान उनके ऊपर देना चाहिए था। काम करने के लिये शारीरिक अवस्था है और तब तक वह काम कर रहा है। मां बनने का स्थिति अती है तो एक और दायित्व उसके साथ जुड़ता है। यह समाज का भी कर्तव्य है और शासन का भी कर्तव्य है कि उसे दोहरी सुविधा प्राप्त होना चाहिए। इसके विचार करने के बाद लगता है कि 40 वर्ष की आयु दी प्राप्त होने के बाद जो मातृ-शक्ति के प्रति व्यवहार होना चाहिए, जो दृष्टिकोण होना चाहिए, जो जगरण और उत्थान होना चाहिए और उसके लिए जो विधि बननी चाहिए, जो कानून बनना चाहिए, वह बहुत ही अचूक है। यह ग्यारह साल के बाद लेकर आप गए, इसमें कुछ सजा बड़ा दी, कुछ चार वटाजेज लेकर बड़ा दिए। इससे क्या अन्तर आने वाला है ?

अन्त में, मैं एक बात की ओर ध्यान दिजाना चाहूँगा। आपने स्वयं सेवी महिला संगठनों की बात कही है। लेकिन उसकी व्याख्या नहीं की है और कोई सूची भी प्रकशित नहीं की है। कुछ संस्थाओं का मुझ ज्ञान है। पहले भी मैंने एक बार कहा था कि सहकरिता में आने वाली संस्थाएं अनेक क्षेत्र में, अनेक प्रदेशों में हैं, जिनमें ऐसे गजराज जमकर बैठ गए हैं कि कोई एक सदस्य बनना चाहता है तो सदस्य बनने की भी गुंजइश नहीं रहती है। अलग कोई सोनयटी का रजिस्ट्रेशन करने के लिए तो इतने हथकण्डे, इतने अड़गं डले जाते हैं कि सोनयटी का रजिस्ट्रेशन नहीं होजा

अब हमने उदार भाव से एक जो कल्पना में ढांचा खड़ा कर दिया, तत्त्व-ज्ञान भी लाकर खड़ा कर दिया, लेकिन कदम-कदम पर ऐसी बाधा है कि राष्ट्रीहित में उपयोगी यह सुनहरी संस्थाएं कुछ की जब मैं आकर बैठ जायं और आम आदमी से, आम जनता से उसका संपर्क न हो। तो इससे देश का क्या नेह होगा। संस्थागत, दलगत भाव से आप कुछ उपयोग कर लें, लेकिन देश का उत्थान, मारी मातृ-शक्ति का उत्थान तब होने वाला है जब व्यापक रूप से इसका प्रसार, व्यापक रूप से इसका अभियान हो और सब तरह इसके दरवाजे ऐसे खुले रहें कि जिसकी बात समझ में आए, उसको प्रवेश पाने में, संस्था बनाने में और संस्था बन गई है तो उसे मन्यता देने में किस प्रकार का कष्ट, किस प्रकार की कठिनी उसके सामने नहीं होना चाहिए। . . .

मंत्री महोदय, अपने उत्तर में इसका जहूर स्पष्टीकरण करने की कोशिश करेंगे कि स्वयं सेवी संस्थाओं के विस्तार के लिए कौन से कदम उठाने जा रहे हैं, कौन से अभियान चलाने जा रहे हैं ? अगर चार गिरी-गिराई संस्थाएं हैं, उसके घेरे में घमती रह जायगी तो फिर याद रखिए कि फिर चार वर्ष के बाद, अठ वर्ष के बाद, तीन वर्ष के बाद फिर से इस पर एक संशोधन विधेयक भल आप ले जाएं, लेकिन लाभ होने वाला नहीं है। जिन बातों की तरफ मैंने उल्लेख किया है, इनको जरा गभीरता से लेकर विचार करें अगर आप सबमुच में उत्थान के लिए कदम उठाना चाहें और तभी आप मातृ-शक्ति के साथ न्याय कर सकते हैं। इन्हीं शब्दों के साथ मैं इस संशोधन विधेयक का समर्थन कर रहा हूँ।

THE VICE-CHAIRMAN (DR. BAPU KALDATE): Now, Mr. Santosh Bagrodia.

SHRI SANTOSH BAGRODIA (Rajasthan): Sir, I rise to support wholeheartedly the Equal Remuneration (Amendment) Bill, 1987.

[Shri Santosh Bagrodia]

Sir, whatever Bills we bring forward, the intentions are good. But we have to see whether they are practical or not. I wish to draw the attention of the honourable Minister to one thing. I wish we could link the wages to productivity. I am not disputing the view that we must have some minimum wages. I will rather say that we should increase the wages, but we should also see that productivity also increases because unless we increase productivity along with wages, it will be impossible to compete in the world market. Why in the world market? Even in the Indian market it would be difficult to compete. When we talk of price rise—probably we are going to discuss the issue of price rise in the after-noon today—how do we reduce the price rise? The same problem will arise when we talk about remuneration because unless the unit cost of wages is lowered, it will be impossible to reduce the price.

Sir, we may make rules directly or indirectly. But the same Government will try to avoid giving the same pay or same remuneration to the women workers or less productive workers. In any case, Sir, in the private industry, it will be very difficult because if a particular worker is producing less, they will try to find out a way to pay him much less. This aspect I will request the Minister to examine.

3.00 P.M.

Hon. colleague, Dipen Ghoshji, mentioned about tea. In the case of tea I don't think this is a very big problem, because to the best of my information and experience I find here the same job is not done by men and women both. It is at the plucking stage only that women work no men are employed, no women are employed; no women are employed. I don't think this is a very big problem there. In some cases, however, women get more than what

men get. For example, take Private Secretaries and lady stenographers. In private organisations specially women get more because of various reasons. Of course, I do not have to go into them. So I don't think this Bill be really required there.

In the case of construction work. Sir, I find that the output of women obviously is much less and, therefore, employers do not like to pay as much as to men. That is why this particular Bill will go a long way.

Similarly, the inclusion of voluntary organisations to file complaints in case of violations is very helpful, because many a time Government Inspectors cannot go and inspect in every nook and corner of the country. Many times they cannot really know what is happening, because obviously there is a limitation in the matter of control. Here voluntary organisations which are working all over the country will definitely go a long way to draw attention and even legally file a complaint. Of course, we have to avoid its misuse. If we can register voluntary organisations or do something like that, it will be good, otherwise two people will make a voluntary organisation and create more problems.

Similarly, so far as the enhancement of penalties is concerned, some Members from the Opposition side said that this is not going to help. I think it will be a very good deterrent for the employers because they definitely affect the economic side. If there is a provision for arresting them also, this will also help because they will be more careful after this Bill is passed.

As I said, even in Government, semi-Government departments or in rural works where men and women are employed in road construction or any other such work, unfortunately men and women do not get the same

remuneration. This anomaly has to be looked into by the Minister concerned.

Another point which is very important to see how to really uplift women. This Bill will not be required at all in case women are made self-sufficient. Sukulji mentioned about many other problems like 'sati' or dowry. All these problems will be tackled once women are made economically self-sufficient. Women should also come forward and say: we do not want to depend on our fathers, brothers or husbands and we will also like to go out of the home like men. In some cases, I know that even where men are not employed they go out at ten and come back at 5 o'clock. Women should also change their image. Only then in this country the women related problems will be solved.

Another point is about security of women when they are employed. In some cases women are very violently misused by their bosses. I think it is more prevalent in Government and semi-Government Departments than in private offices. I think we have to find out a way whereby these poor women workers in whatever capacity they may be working, can be helped. Some laws have been made by our Government. Even in the case of dowry, the culprit has to prove his innocence. I am sure that it will help the women workers in Government and semi-Government Departments and also in private organisations. Otherwise, they are exploited to the maximum extent possible.

In our society, we have many examples of brave women throughout our history. We have the example of Jhansi Ki Rani. It is not that they are not capable of reaching certain heights. Our friend just now mentioned the case of a pilot. There are many pilots not only in the civilian airlines but I believe, even in the Air Force. Similarly in Delhi we have a well-known Police Officer whose name is Kiran

Bedi who is known for her efficiency. Not only men, but women also can reach any heights in any kind of job provided they are willing to come forward. I am not talking about politics. In politics we have shining examples. Indira Gandhi was not only one of our best leaders, but she was one of the best leaders in the world. In the world, there are other examples. Recently we had the Prime Minister of Norway who is a lady who came to India. Like that, there are many women leaders. There was a woman leader in Israel. Madam Thatcher is there in England. If the women come forward by themselves, then there will be no problem in our society.

Sir, with these words, I once again support the Equal Remuneration (Amendment) Bill, 1987. It will definitely help the women in our society which is a developing society.

श्री शरद यादव : उपसभाध्यक्ष महोदय, मैं इस विधेयक पर अपनी बात बहुत संक्षेप में रखना चाहता हूँ। हमारा जो मानस है, खास कर इस विधेयक की अच्छाई के बारे में, उस में कोई दो रायें नहीं हैं। ठीक है, यह विधेयक आना चाहिए था बराबरी का। बराबरी का जो सिद्धांत है वह ज़िदगी का कोई क्षेत्र हो—भले ही वह औरत मर्द की बात हो बराबरी की या देश में, समाज में जाति व्यवस्था के चलते, धर्म और मजहब के चलते छोटे-बड़े का मामला हो, सारी दुनिया में यह बराबरी का सिद्धांत बहुत प्रिय हो गया है और मैं लगातार यह देख रहा हूँ—इस पंचायत में काफी दिनों से हूँ और हमारे सदन में भी था, लगातार हिन्दुस्तान की जो सरकार बनी आज़ादी के बाद उस सरकार का हमेशा यह प्रयास रहा कि अच्छे सिद्धांतों को उमने कानून का जामा पहनाया और फिर उनको मौत के घाट उतार दिया। वह इसी को अपना कर्तव्य मानती है। उपाध्यक्ष महोदय, जब आप बोल रहे थे—यह बड़ी कृपा है कि जब आप वहाँ बैठे हैं सामने, तो मैंने आप का पूरा भाषण सुना। बात आप ने दुस्त कही कि सिर्फ



[श्री शरद यादव]

इसका भजन करना हो तो भजन के लिये यह है, लेकिन उस भजन में जो तत्वज्ञान है, उसके पीछे जो सिद्धांत है बराबरी की जो भावना है, उस के लिये, मजदूती और संकल्प के साथ कोई प्रयास नहीं हो रहा है। ऐसा होने पर उस सिद्धांत का कोई मतलब नहीं रहता यह औरत और मर्द की मजदूरी बराबर करने का मामला है। इस बारे में मैं पूछना चाहता हूं कि पहले भी कानून था। उसमें जर्मनी एक हजार का था। मेरे ख्याल से भारत सरकार के पास एक केस भी नहीं होगा जिसमें उन्होंने इस के लिये किसी को सजा दी हो। दिल्ली में जहां मैं रहता हूं, सरकार द्वारा जो मकान दिया गया है, उसके आगे ही एक बड़ी बिल्डिंग बन रही है। वहां पर बुंदेलखंड को जो उत्तर भारत का गरीब इलाका है, वहां पर बहुत सी औरतें मजदूरी का काम करती हैं। वहां पर पुरुषों से ज्यादा महिलाएं मजदूरी का काम करती हैं। आपको ताज्जुब होगा यह सुनकर कि उन महिलाओं के नाम लिखने की रजिस्टर भी नहीं है। जहां हम लोग रहते हैं वहां पर सबसे अधिक बुंदेलखंड के गरीब इलाके के मजदूर लोग रहते हैं, उनमें भी महिलाएं अधिक हैं जिनको मजदूरी पुरुषों के बराबर नहीं मिलती है। बाकी देश के इलाकों में जो लोग रहते हैं उनका क्या हाल होगा, यह आप समझ सकते हैं। हमारे यहां पर जो आदिवासी इलाके हैं वहां पर तो मां की संस्कृति ही ज्यादा डॉमिनेंट करती है, मां ही ज्यादा महत्वपूर्ण है ट्रायबल समाज में हम लोगों से चूक उनका कोई इतिहास नहीं है। यह सब मानस इतिहास से खराब होता है। आदिवासियों को कोई इतिहास नहीं है, इसलिए हिन्दुस्तान में कोई जमात देश भरमें बढ़िया नहीं है, बढ़िया है तो केवल ट्रायबल है जो कि नाच के मामले में, गीत के मामले में, संगीत के मामले में, सब तरह से हिन्दुस्तान के जितने समाज हैं, उनमें बेहतर है। आज हिन्दुस्तान में आप देखेंगे तो पाएंगे कि जिनने भी ट्रायबल लोग या शैड्यूल कास्ट के

लोग या शैड्यूल ट्राइब्स के आफिसर हैं वे सबसे कम भ्रष्टाचार करते हैं, मे सबसे ज्यादा ईमानदार हैं मेरे कहने का तात्पर्य यह है कि उनको कोई इतिहास नहीं है, यह अच्छी बात है। चाहे वे आई ए०एस० में हों यह कही भी। तो यह जो विधेयक लाया गया है, इसको आप कारगर तभी बना सकते हैं जब कि जिस इलाके में भी महिलाओं का बराबर मजदूरी देने की बात हो वहां पर आप इसको लागू कर सकें। जिस इलाके में मैं कर राजनीतिक काम करता था वहां पर आदिवासी महिलाएं रहती हैं। इस देश में औरतों और मर्दों की मजदूरी तो अलग अलग है ही, लेकिन आदिवासियों की, आदिवासी इलाकों की औरतों की मजदूरी जहां ज्यादा मिलती है, वहां पर भी आपने इस कानून को लागू कर दिया है, अपना कानून उनके ऊपर थोप दिया है जिससे उनका इतिहास, उनकी संस्कृति, उनका तौर तरीका आपने बिगाड़ दिया है और उनके ऊपर अपना गंदा इतिहास, गंदा कानून थोप दिया है। निश्चित तौर पर यह विधेयक बढ़िया बन सकता है, लेकिन इसके लिए संकल्प चाहिए। औरतों के बारे में हमारे दिमाग में पड़ा हुआ है। इसलिए चाहे दुनिया में खेल-कूद हो, चाहे विज्ञान हो, साइंस हो, किसी चीज में भी हिन्दुस्तान का सिर ऊंचा नहीं होता, सिवाय एक दो चीजों के। यहां कोई नई खोज नहीं है। इस देश में कोई मर्द का लाल नहीं होता जो कुछ कर सके। सारी चीजें बाहर के मुल्कों के लोगों करते हैं, सारी खोज बाहर के लो करते हैं, सारा ज्ञान बाहर दुनिया से ही को मिलता है। इसका कारण यही है कि हमने मा को पंगु बना दिया है, इसलिए जिस देश की मा को छोटा कर दिया जाए, संस्कार से गिरा दिया जाए तो वहां पर सन्तान पैदा नहीं हो सकती, इतिहास बनाने वाले पैदा नहीं हो सकते और जो इतिहास हमारा है उसमें औरतों के साथ हमने बहुत ही बेसलूकी की है।

महोदय, आपका वाल विवाह कानून है, लेकिन वह लागू नहीं होता। आपने शारदा एक्ट बनाया कि छोटी लड़कियों

को विवाह नहीं होगा, लेकिन आपका कानून उनको रोक नहीं पाता है। आज भी गावों में छोटी लड़कियों की शादी होती है। आपने कानून बनाया लेकिन उसको लागू नहीं किया तो इसमें आपके संकल्प की कमी है। इसलिए पुराने इतिहास को पढ़े हुए, देहात के लोग उसी इतिहास को लागू किए हुए हैं और हममें से और आपमें से नेक लोग यहाँ बैठे हुए हैं। इसलिए यह साफ है कि हमारा संकल्प मजबूत नहीं है। इसलिए मैं मंत्री जी से चाहूंगा कि आप इसका जवाब देते समय हमको बताएं कि कितने केसेज में आपने लोगों को सजा दी है। उनका आंकड़ा आप सदन में पेश करें। जो इतिहास हमारा है, उसके बारे में मैं कहना चाहता हूँ कि हमारा इतिहास औरतो के बारे में गंदा है। हम सीता की परीक्षा लेते हैं कि उसका योग्य, उसका चरित्र शुद्ध है या नहीं, लेकिन राम कितने दिन तक बाहर रहा, उसकी परीक्षा को हमने कोई काम नहीं किया। अगर उसकी परीक्षा ली होती तो इस देश में स्थिति दूसरी होती। इस देश में सती सावित्री की पूजा की जाती है, लेकिन द्रोपदी की पूजा किसी ने नहीं की। द्रोपदी में इतना ही एंव था कि उसके पांच पति थे। तो हमारा पूरा का पूरा इतिहास आधी महिलाओं को गुलाम बनाए रखने, जाति व्यवस्था और उसके चरित्र के बंधन में उसको बांधे रखने के लिए है। तब हमारी जाति व्यवस्था जैसी गन्दी चीज इस देश के सबसे बड़े लोगों की जननी में चल पाती है। हमने महिलाओं को गुलाम बना दिया है। गुलाम बना दिया है चरित्र के नाम पर। चरित्र के नाम पर गुलाम बनाते हैं तो द्रोपदी जिनमें सब गुण थे, महाभारत का जितना भी इतिहास है, उसमें जितनी भी लड़ाइयाँ हैं, जुल्म के खिलाफ, कदम-कदम पर लड़ाई हुई है मैं सोचता हूँ हिन्दुस्तान के इतिहास में इससे बड़ी महिला जो चतुर थी, चालाक थी, चुस्त थी और जिसने जुल्म के सामने झुकने का काम कभी नहीं किया उस द्रोपदी का मन्दिर इस देश में कहीं नहीं बन पाया वह इतिहास में ज्यादा नहीं मानी जाती।

सावित्री जिसने अपने पति को प्राण देकर वापस लाने का काम किया उस सावित्री को देश के इतिहास का आदर्श हम नहीं बना पाये। उस आदर्श नारी के मानस से हम औरतो की गैर बराबरी कर देते हैं। गैर बराबरी के चलते जो हमारे संस्कार और मानस होते हैं उसके चलते हम यह कानून भी मजबूती से धरती पर, जमीन पर लागू कराने का काम नहीं करते।

यह जो सस्थाओं के बारे में आपने कहा, मैं पूछना चाहता हूँ कि की मदद से गैर बराबरी मजदूरी के रहते उनको पकड़ने का काम करेंगे? वे सस्थाएँ कौन सी हैं इसका जरूर स्पष्टीकरण करें।

मैं कहना चाहता हूँ राष्ट्रीय सेवा दल इस देश में एक ऐसी सस्था है जिसमें बच्चे से लेकर उनको पढ़ाने, लिखाने और ट्रेनिंग देने का काम किया जाता है। मानें गुरु जी को आप जानते हैं। आपकी खुद की ट्रेनिंग वहाँ हुई है ऐसा मेरी जानकारी में है। मानें गुरुजी ने यद् गम्या कायम की थी। इस सदन में एक बड़ी बढ़िया महिला इला भट्ट जी बैठी हुई हैं। देश के इतिहास में जो जिदा इतिहास है उसमें हमारी महिलाएँ, राष्ट्रीय सेवा दल की औरतों के मामले में, उनके ऊपर जुल्म के मामले में लगातार इस देश के सारे इलाकों में जानी जाती हैं वं है मृणाल गोरे और प्रोमिला दण्डवते। राष्ट्रीय सेवा दल ने इन में यह हिम्मत और कुव्वत पैदा की है बराबरी के लिए लड़ाई की और देश और समाज के लिए लड़ने की। यह ट्रेनिंग उन्होंने वहाँ से ली। आपको सिर्फ अपनी पार्टी के दृष्टिकोण से नहीं देखना चाहिए। इसमें और पार्टियों के भी विग है। मार्क्सस्ट पार्टी का भी दिल्ली में महिला विग है। मैं जानता हूँ बहन शानदार महिला विग है। और पार्टियों के भी विमेन विग है। उन विगों को भी इंकलुड करना चाहिए। अकेले कांग्रेस पार्टी से काम नहीं चलेगा। कांग्रेस पार्टी की महिला संगठन को तो आपने

[ श्री शरद धंधव ]

वैसे ही नाश कर दिया। लेकिन विरोधी पक्ष में जो भी बढ़िया बेहतर ढंग से लड़ने वाली, समाज के लिए कुर्बान करने वाली महिलाओं के जो अच्छे संगठन हैं उनका भी योगदान आपको लेना चाहिए। इन्हीं शब्दों के साथ मैं इस विधेयक का समर्थन करते हुए इस बात की आशा रखता हूँ कि इसको लागू करने में आप में इच्छा शक्ति पैदा हो।

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Mr. Vice-Chairman, Sir, I rise to support the Bill. It has been my view all along that any Bill that is brought forward by the Government for the amelioration of the lot of the labour class should always be welcome and in the process of implementation of that Bill or that Act, if certain difficulties are faced, those can be remedied later on, but the Bill must be supported. Not only that, Sir. But in the instant Bill that is under reference I find that clause 12 has been replaced by another clause. The earlier clause 12 was having some grave deficiencies which have been sought to be removed in the new clause 12. For instance, clause 12 read:

"(1) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act

(2) No court shall take cognizance of an offence punishable under this Act except upon a complaint made with the sanction of the appropriate Government or an officer authorised by it in this behalf.

(3) No court shall take cognizance of an offence punishable under this Act unless complaint thereof is made within three months from the date on which sanction is granted under this Section."

This was the previous clause. Now it has been replaced by a very good provision. It says:

Clause 12 now reads:

"12. (1) No court inferior to that of a Metropolitan Magistrate or a

Judicial Magistrate of the first class shall try any offence punishable under this Act.

(2) No court shall take cognizance of an offence punishable under this Act except upon—

(a) its own knowledge or upon a complaint made by the appropriate Government or an officer authorised by it in this behalf, or

(b) a complaint made by the person aggrieved by the offence or by any recognised welfare institution or organisation.

Explanation—For the purposes of this sub-section "recognised welfare institution or organisation" means a social welfare institution or organisation recognised in this behalf by the Central or State Government."

This is a very great improvement in this Bill. Now any person or any recognised organisation can go to the court. This is a great improvement in this Bill.

Having said this, I now go to the real implementation part, and that is where the major part has to be played by the Government. Shri Dipen Ghosh referred to certain Government organisations where men and women are not being paid equal remuneration. If this Bill is not implemented by the Government itself, then no private organisation or a private company is going to take it seriously. So, I would request the hon. Minister—and I feel that the Government has honestly brought this Bill with the intention of ameliorating the plight of women workers, and I request the Government to take action wherever any cases are brought to its notice when a discrimination is found in a Government organisation itself. I learn in many Government organisations equal pay is not paid, as in the case of tea gardens, in the case of construction works, in the case of cashew-nut industry. In such cases, women are paid far less than men for doing the same job, and a different interpretation is given. So, one lacuna in this Bill is that there is

no authority which can determine as what is an equal remuneration. I will quote a small case of a factory in Kashmir, that I know of. There, the men are paid on monthly basis, which also includes bonus etc. and the women are paid on the basis of actual work done by them. The job is the same. But men are paid monthly salary and women are paid on the basis of work done and there is this discrimination and in this subterfuge, women get half the amount compared to men. Such things need to be plugged in the rules. I am also reminded of another case. You have gone to Srinagar; our Minister has also gone to that place. There is a Hari Parbat Fort and there is a wall around it, called Killa. This wall was constructed in the reign of Akbar the Great. When Akbar went to Kashmir, he found that there was a famine and he said that instead of doing anything else, he will start some construction work where both men and women will work and earn some thing. So, this wall, a concrete wall, was constructed. What he did was, he paid eight annas at that time to both men and women. This is a reference I am making from History. This is given in the history books also. What I would like to point out is that we are still in that age. What Akbar did was, he paid eight annas to both men and women. In the evening when the husband and wife went back home, seeing the wife sitting quietly and not cooking the meal, the husband asked her 'why are you not cooking the meal?' She said 'I have earned as much as you have earned; therefore, why don't you yourself cook the meal?' It came to the notice of Akbar that such a friction in the family has started. Then, he ordered that men should be paid eight annas and women should be paid four annas, so that when they go back home they will look after the menfolk well. I think we are still in that age. We have not come out of that age. Legislation is all right. But implementation is far more important. Then alone we can bring about equality between men and women. I would urge upon the hon. Minister to see to

it that this Act is implemented in letter and spirit.

Then, as I said, rules should be framed providing for an authority under the rules. The Act is there. But who will determine that the work is of a similar nature? How will you deal with discrimination, under some legal cover, between men and women doing work of a similar nature? There should be a determining authority under the rules which should lay down what constitutes work of a similar nature. This will enable you to take care of the violations of the law.

Another thing I would like to refer to is in regard to recognition of welfare institutions and organisations. Here it is mentioned '...recognised in this behalf by the Central or State Government'. My request to the hon. Minister in this connection would be that he should send guidelines to the State Governments as to what type of organisations will qualify for being recognised. **Shri Sharad Yadav** is right. In some cases, five women may somehow collect together and get recognition. That is why I suggest that guidelines should be sent to the States laying down the circumstances under which an institution or an organisation can be recognised. Sir, if you are looking at me, I will have to sit down.

**THE VICE-CHAIRMAN (DR. BAPU KALDATE):** Time is running out.

**SHRI GHULAM RASOOL MATTO:** I have some more points but I will end by saying this.

**SHRI DIPEN GHOSH:** There is no equality in regard to allotment of time to speakers.

**THE VICE-CHAIRMAN (DR. BAPU KALDATE):** I have to give some time to Elaji also.

**SHRI GHULAM RASOOL MATTO:** He is not considerate to the Opposition.

**SHRI SATYA PRAKASH MALAVIYA (Uttar Pradesh):** But you are in the Opposition.

**SHRI GHULAM RASOOL MATTO:**  
I am in the Opposition all right.

Now, special treatment is accorded to women in connection with the birth or expected birth of a child or the terms and conditions relating to retirement etc. I would request that in the case of women who join their husbands in service or any other job, they should also be covered by such special treatment.

Sir, in the implementation of the Act, special care should be taken. It should be seen that the Act is implemented both in letter and spirit. I heartily support this Bill and congratulate the Government on bringing forward this legislation for the amelioration of the lot of women. But as I said, it will have meaning only if it is implemented effectively. Mr. Dipen Ghosh pointed out how this is not being implemented even by the public sector. If this is the case, what can we say about others? Here, I will give just one example. I will not take more than a minute. There was a great saint of Baghdad called Ghouse Paak. A woman went to him and said 'My child is taking a lot of sugar please do something to see that he does not take sugar'. He asked the woman to bring the child to him after three days. After three days, when the woman brought the child to the Ghouse, he told the boy that he should not take sugar. The woman was surprised. She asked the Ghouse why he could not say the same words to the boy on the very first day. The Ghouse said: "I had myself taken sugar on that day. I have not taken sugar for the past three days. Had I taken sugar, how could the boy trust me that I am honest in asking him not to take sugar?" Similarly, the Government should also be honest in coming forward with the report next time as to how many government organisations have been booked for breach of this Act.

With these few words I wholeheartedly support this Bill.

**SHRIMATI ELA RAMESH BHATT**  
(Nominated): Mr. Vice-Chairman, I

do not know why I am always the last, but surely not because I am a woman.

**THE VICE-CHAIRMAN (DR. BAPU KALDATE):** You know why you are the last.

**SHRIMATI ELA RAMESH BHATT:**  
But not the least. Sir, I welcome the proposed amendment in the Equal Remuneration Act. However, looking to the implementation of the existing labour laws, there is hardly any hope that it is going to make any improvement in the life of the women workers in general.

If only three labour legislations, i.e. The Minimum Wages Act, the Contract Labour Act and the Migrant Labour Act, are implemented, the life of the Labour in this country would be very different.

Coming to this legislation, based on the observations made by me during my recent tour of the country I must say that the general feeling about this law is that this law does not apply to the unorganised labour. Also, the Act hardly applies in reality to women in the unorganised sector. As we know, majority of women happen to be in the unorganised sector. Agriculture is the biggest employment giving sector to women. I would say that hardly anywhere women agricultural workers are getting wages equal to men. Then construction is the second biggest employment giving industry to women. Hardly any woman employed on construction work gets wages equal to man and it is not, as my friend said, that women workers have been producing less than what men are producing on the same job. The third biggest employment giving industry is bidi and tobacco and there also we see that there is no existence of equal wages.

Of course, we know that the private employer is the biggest defaulter but the Government, being the biggest employer in the country, is also no exception. For women labour, whether it is the unorganised sector or the Government, none is better. The

Government itself flouts its law openly. I can give concrete illustrations and to name a few, PWD is the biggest defaulter. The second biggest defaulter is the Forest Development Corporation. Even the Government Agriculture Universities and the farms that are being run by the Government do not pay equal wages to the labour labour.

As I understand, the purpose originally for enactment of this law was not only to give equal remuneration but also to increase employment opportunities for women. What have we done under this law in this direction? May I ask the hon Minister: what has been done to bring women of the unorganised sector into the formal sector, or what you call organised sector? What has been done to bring women from the piece-rate wages to time-rate wages? The fact is that though the country is going modern and becoming industrialised, yet on the labour front the proportion of the unorganised labour is increasing, and the proportion of women in the unorganised sector is also increasing. The women in the organised sector are now being pushed further into the unorganised sector. So how can this law be relevant to the women in the unorganised sector? And how can it improve the employment opportunities for women workers?

Let me say, Sir, that wage is a very crucial issue for women. Many studies have now opened our eyes to two facts. One is that there is a sharp increase in the women heading the households. Traditionally, it is understood that women are not heads of families, it is the man who are the main supporters of the family. But a number of studies have shown that 39 to 44 per cent families have women as the sole supporters of the families. More than 50 per cent of the families have major income contribution from women rather than men. In poor families, this ratio is still higher.

The second fact that has opened our eyes though these studies is that the more the cash income comes in the

hands of women, in poor families particularly, the sooner the quality of life of the family goes up, because women spend mainly—almost 99 per cent of the woman's income is spent—on food, shelter and clothing. That is how the level or quality of life of the family goes up sooner.

Sir, as I understand it, the purpose of this law is not only to give equal remuneration but also to give more employment opportunities. For that Advisory Committees have to be formed under this law. May I ask the hon. Minister—unfortunately the Labour Minister is not here—in how many States the Advisory Committees have not yet been formed? How many times have they held meetings? What have they achieved so far? And what measures have been taken for the inaction of the States in not forming the Advisory Committees? And at the Central level, the Central Advisory Committee has been formed. May I ask: when did it meet last? It is three years since it met last. So there is no doubt in our mind that this Act is not taken seriously at all by the Central Government, much less by the State Governments. When an important law like the Minimum Wages Act is not implemented, no wonder that a law which is related to women is hardly paid more attention by the Government. The reality of the matter is that women workers hardly know that such a law exists. Women also hardly believe that they are entitled to wages equal to those of men for similar work. We live in a society where women have been brought up in the belief that they are lesser human beings than men; it is a society which perceives women only as a mother, as a wife, as a homemaker, and not as a worker. Woman's self-perception is also such that she does not perceive herself, first of all, as a worker and then as equal to man as a worker.

So this is the social condition. She is not convinced that this law is applicable to her.

Then, about unions. Where are the unions which take up the issue of

[Smt. Ua Ramesh Bhatt]

women as an issue of the entire union? Where are strong unions which have taken up big fights for the implementation of minimum wages and which have taken up the issue of equal remuneration to women members of their unions? In such cases there is a great expectation from the Government. I would sincerely request the honourable Minister of Information and Broadcasting to give extensive coverage, to give publicity, to the labour laws, particularly laws related to women, more particularly, poor women. This kind of awareness raising of the people will prove more effective than a fleet of Government Inspectors in implementing the law.

Lastly, Sir, I appreciate the provision for permitting voluntary organizations to file complaints regarding violations of the Act. In this case, if the Government is sincere about the effective implementation of the law, I strongly suggest that, wherever possible, women's organizations should be given the first preference while selecting the organizations. This should be made clear in the instructions to the States. It is true that women workers will have easy access to legal protection only through women's organizations and Women Inspectors. Therefore, I also suggest the appointment of Women Inspectors in this case.

With these words, Sir, I support the amendment of the law. Thank you.

श्री सत्य प्रकाश मालवीय : माननीय उपसभाध्यक्ष जी, पिछले सप्ताह जब इभी सदन में बहस हो रही थी जिनने भी अधिनियम हैं उनके भारतीय भाषाओं में अनुवाद के संबंध में तो उस और सरकार का ध्यान आकृष्ट किया था कि जो अनुवाद हो वह मरले भाषा में हो। इसलिए मैं गुजरात के सम्माननीय नौजवान सदस्य श्री बीजाई ईशदिबेग की बात का पूरा समर्थन करता हूँ क्योंकि जब मैं यहां पर हिन्दी के अनुवाद को पढ़ता हूँ तो वह मेरी समझ में बिलकुल नहीं आता,

लेकिन जब ईशदिबेग साहब अपना हिन्दी में भाषण देते हैं तो मैं समझता हूँ कि उसको इस सदन का प्रत्येक माननीय सदस्य जिसको हिन्दी की जरा भी जानकारी हो उसको समझ लेता है। इसलिए मैं इस और फिर सरकार का ध्यान आकर्षित करना चाहता हूँ कि भविष्य में जो भी अधिनियमों के अनुवाद हो वह कम से कम ग्राम आदमी की भाषा में होने चाहिए जिसमें कि ग्राम आदमी भी उनको समझ सकें। मान्यवर, हमारे संविधान में और हमारे संविधान की जो प्रस्तावना है उसमें बराबर समानता की चर्चा की गई है। Equality of status and opportunity. उसी प्रकार से संविधान के अनुच्छेद 14(2), 16(2), 39 (सी), 39 (डी), में भी समानता की चर्चा की गई है और और 39 (डी) में इस बात की भी चर्चा की गई है कि महिलाओं और पुरुषों के लिए समान कार्य के लिए समान वेतन होना चाहिए। इस दृष्टि से यह जो विधेयक लाया गया है इसका तो मैं स्वागत करता हूँ लेकिन इस संबंध में मैं सरकार की जो मंशा है उस और ध्यान आकर्षित करना चाहता हूँ क्योंकि आज भी बहुत सी ऐसी संस्थाएँ हैं जिन पर नियुक्ति का अधिकार केवल सरकार को प्राप्त है चाहे केन्द्रीय सरकार हो और चाहे प्रदेश सरकार हो लेकिन आज भी महिलाओं को उपेक्षा की दृष्टि से देखा जाता है और महिलाओं को सम्मान नहीं दिया जाता है जो कि उनको मिलना चाहिए। हमारे देश की महिलाएँ किसी भी मायने में, परिश्रम या योग्यता के मामले में पुरुषों से कम नहीं हैं। लेकिन आज भी जब सरकारी सूची की और मेरा ध्यान जाता है, चाहे सुप्रीम कोर्ट के जजों की सूची हो, चाहे हाई कोर्ट के जजों की सूची हो, चाहे विश्व-विद्यालय उप कुलपति जो हैं उनकी सूची हो चाहे राज्यपालों की सूची हो या विदेश में राजनयिकों की सूची हो तो मुश्किल से आज भी अगर उंगली पर गिना जाए तो इन सारे पदों पर शायद एक दर्जन महिलाएँ भी इस देश में नहीं होंगी। इसलिए मैं सरकार का ध्यान विशेष रूप से इस और आकर्षित

करना चाहता हूं कि चाहे आप संविधान में समानता की व्याख्या कर दीजिए, चाहे आप कानूनी अधिनियम बनाइये उसमें भी समानता की चर्चा कर दीजिए और समान कार्य के लिए समान वेतन की चर्चा र दीजिए लेकिन जब तक उसका कार्यान्वयन नहीं होगा तब तक जो हमारा मकसद है, जो हमारी अपेक्षा है, वह पूरी नहीं हो पाएगी। इस दृष्टि से सन, 1986 में भी लोकसभा के सदस्यों ने इस बात की मांग को रखा था कि यह जो वर्तमान कानून है, इसमें संशोधन करना चाहिए। लेकिन उसका कार्यान्वयन अभी नहीं हुआ।

मान्यवर, जनवरी, 1986 में ही इसी विषय पर, जिस पर माननीय सदस्या इल्ला भट्ट जी ने चर्चा की की सी०पी०डब्ल्यू०डी० या पी०डब्ल्यू०डी० में काम करने वाले जो कर्मचारी हैं चाहे वे महिलाएं हो, चाहे पुरुष हो, उनको समान प्रकार का वेतन नहीं दिया जाता है। इस प्रकार का विषय, मान्यवर सर्वोच्च न्यायालय के पास गया था, और 17 जनवरी, 1986 को सुप्रीम कोर्ट ने एक निर्णय पारित किया। इस मामले में केन्द्र सरकार के जो वकील थे, उन्होंने इस प्रकार की बहस की कि कोई आवश्यकता नहीं है कि समान काम के लिए समान वेतन का प्रावधान जो संविधान में किया गया है, उसको सरकार करे। इस बहस की भी भर्त्सना सुप्रीम कोर्ट के जजों ने की। मैं उस फैसले की ओर आपका ध्यान आकर्षित करना चाहूंगा। यह सी०पी०डब्ल्यू०डी० के जो कर्मचारी थे सुरेन्द्र सिंह जी, उन्होंने केन्द्र सरकार पर मुकदमा दाखिल किया और कहा कि हमारे यहां जो कर्मचारी हैं चाहे वे महिला हैं या पुरुष हैं, उनको उस प्रकार का वेतन नहीं मिलता, जो परमानेंट एम्पलाईज को मिलता है। तो उस वक्त सरकारी वकील ने बहस की जो संविधान की धारा है या अनुच्छेद है, इसको सरकार पर लागू नहीं होना चाहिए। मान्यवर, सरकारी वकील की जो राय होती है, वह सही होती है जो सरकार झीफ करती है। तो फैसला देते समय माननीय जस्टिस चिन्मपा-

रेड्डी और माननीय जस्टिस बालाकृष्णा एराडी ने जो निर्णय दिया, उसकी ओर मैं सरकार का ध्यान आकर्षित करना चाहता हूँ।

"The Government Counsel argued that it could not be enforced in a court of law.

"We are not a little surprised that such an argument should be advanced on behalf of Central Government 36 years after the passing of the Constitution and 11 years after the Forty-second Amendment proclaiming India as a Socialist Republic. The Central Government like all other organs of the state was committed to the Directive Principles of article 39 which enshrines equal pay for equal work.

"This argument lies ill in the mouth of the Central Government for it is an all too familiar argument with the exploiting class, and a welfare state committed to a socialistic pattern of society cannot be permitted to advance such argument."

Then, Sir, the Court directed the Central Government that it should adhere to the Directive Principles of State Policy guaranteeing equal pay for equal work which is not an abstract doctrine but accepted by the entire socialist world.

मान्यवर, मैंने इस फैसले की ओर इसलिए ध्यान आकर्षित किया कि केवल सवा साल पहले सर्वोच्च न्यायालय ने यह निर्णय दिया। लेकिन क्या वजह ज कि उस आदेश का, उस निर्णय का आठ तक कार्यान्वयन नहीं हो रहा है, जबकि न्होंने निश्चित रूप से इस बात का आदेश मया कि समान काम के लिए समान वेतन देना। लाओं और पुरुषों को मिलना चाहिए

मान्यवर, दूसरी ओर मैं आपक ध्यान आकर्षित करना चाहता हूं कि इन्होंने धारा 5, धारा 10 और धारा 15 में संशोधन किया है। धारा 10 के अन्तर्गत जहां पर केवल एक हजार तक तक जर्माना होता था, वहां पर सजा की



[श्री सत्य प्रताप मालवीय]

भी व्यवस्था की है और साथ ही साथ यह कहा है कि 1,000/-रुपए तक जुर्माना हो सकता है। लेकिन जो सजा की व्यवस्था की है, उसमें यह कहा है कि —

“(a) in sub-section (1), for the words with fine which may extend to one thousand rupees”, the words “with simple imprisonment for a term which may extend to one month or with fine which may extend to ten thousand rupees or with both” shall be substituted;”

मेरा निवेदन यह है कि संशोधन में आप सजा के लिए “सिम्पल इम्प्रिजनमेंट” का प्रावधान क्यों कर रहे हैं? जब यह माना जा रहा है कि इस प्रकार का कानून जो भंग करेंगे, इस प्रकार का कानून जो तोड़ेंगे या इस प्रकार के कानून का जो लो। पालन नहीं करेंगे उनको जेल की हवा खानी पड़ेगी तो आपको इस सिम्पल इम्प्रिजनमेंट की जगह “रिगोरस इम्प्रिजनमेंट” की व्यवस्था करनी चाहिए। मान्यवर, अगली धारा में जहां इम्प्रिजनमेंट की व्याख्या की है, वहां न तो सिम्पल लिखा है और न ही रिगोरस लिखा है, जिसका मतलब है और जैसा कानून में प्रावधान है कि जहां पर इम्प्रिजनमेंट लिखा हो वहां पर अदालत का विवेक होता है कि वह कड़ी सजा दे या साधारण सजा दे। लेकिन जहां आपने यह सिम्पल इम्प्रिजनमेंट का इस्तेमाल किया है, उसके लिए निवेदन है कि उसे “रिगोरस” या कड़ा बनाया जाना चाहिए।

मान्यवर, दूसरा मेरा सुझाव यह है, माननीय सदस्य यादव जी तथा इल्ला अदुट जी ने जिस ओर ध्यान आकर्षित कर दिया है। लेकिन मैं एक प्रश्न पूछना चाहता हूं कि जो स्वेच्छिक संस्थान है, वेलफेयर इंस्टिट्यूशंस है इसके बारे में यह कहा गया है कि: “recognised welfare institution or organisation means a social welfare institution or organisation recognised in this behalf by the Central or State Government.”

तो इस संबंध में केन्द्र और राज्य सरकारें मान्यता तो देगी लेकिन इस संबंध में

वर्तमान विधेयक में, इसी में इस बात की परिभाषा क्यों नहीं की गयी है कि कौन कौन सी संस्थान संस्थाएं होंगी, कौन कौन सी इस प्रकार की संस्थाएं होंगी जिनको मान्यता दी जाएगी और परिभाषा में आएंगी। इस बात को वेग रखना या व्यपक रखने का मतलब यह हुआ कि हमारा कानून ठीक प्रकार से लागू नहीं हो पाएगा। इसलिए मेरा निवेदन है कि इस संबंध में भी सरकार को व्याख्या कर देनी चाहिए और इस कानून में इस प्रकार की व्यवस्था कर देनी चाहिए। वरन् अधिकारियों के पास आ ल जाएगा तो सरकार की ओर सदन की जो मंशा है, वह ठीक तरह से पूरी नहीं हो पाएगी। हमारे संविधान की ओर संविधान निर्माताओं की जो इच्छा है कि समान कार्य के लिए महिलाओं और पुरुषों को समान वेतन दिया जाए वह पूरी नहीं हो पायेगी। तो मेरा निवेदन है कि इसकी सरकार को व्याख्या करनी चाहिए।

उपसभापति महोदय, मेरा अंतिम निवेदन यह है कि पुरानी धारा 10 जिसमें कि आप परिवर्तन करने जा रहे हैं, इसके अंतर्गत कितने मुकदमों अभी तक दायर हुए, इसके आगे आंकड़े बताने का कष्ट करें या पिछले तीन साल के आंकड़े बताने दोड़ें। अन्य माननीय सदस्यों ने तो इस बारे में पूछा है कि कितने ऐसे मामले हैं जिनमें कि लोगों को सजा मिली है। लेकिन मेरा प्रश्न दमर है कि पिछले तीन वर्ष के अंदर धारा 10 के अंतर्गत कितने ऐसे मामले हैं जिनमें कि सरकार की ओर से चहे केन्द्रीय सरकार रही हो या राज्य सरकार रही हो, मुकदमों खिल गये? भले ही पकड़े गए हो या सजा मिली हो।

इन्हीं शब्दों के साथ मैं संशोधन का समर्थन करता हूं इस आशा और विश्वास के साथ कि यह कानून सिर्फ कितनों में ही पड़ नहीं रहे जएँ बल्कि इसका सही मायने में कार्यन्वयन होगा। धन्यवाद

DR. (SHRIMATI) SAROJINI MAHISHI (Karnataka): Mr. Vice-Chairman, Sir, I thank you for giving me a few minutes to speak on this Bill. I had the opportunity of going to a

field wherein the relief work was going on in one part of the country. I went to some women workers and asked them: how much remuneration you are getting? They told me that it was nearly half of the remuneration given to the men workers. Then I talked to the Contractor or the person concerned. He told me "no such thing is being done and we will look into it." Next day women workers came to me and told me "since we complained to you about these things, we have been relieved from our services." Therefore, you will kindly appreciate how women workers are being treated actually in the field.

**The Vice-Chairman (Shri Mostafa Bin Quasem)** in the Chair) In theory we say so many things. Our Constitution has already proclaimed that irrespective of cast, creed or sex or place of work equality will be given to women, all shall be treated equally before law and equal protection shall be given to all. In spite of all these and in spite of our good wishes to ameliorate the socio-economic conditions of the weaker sections of this country, we find that in actual practice, the laws that are being made are never implemented or there is no seriousness on the part of the person implementing or the agency to implement with all seriousness. Therefore, under the circumstances, I would like to say when Equal Remuneration Act, 1976 was passed it was welcomed by the jubilant women's organisations but even after a period of one decade we see that it is not being implemented with all seriousness. If you kindly look into the reports of the women textile workers in Maharashtra, women textile workers in Tamil Nadu and women textile workers in Karnataka you will find that the number of women workers in these areas has been reduced. Why? Because the mill manager or the owner of the mill in the private sector considers that it is better to employ men workers rather than employ women workers giving them equal pay, maternity leave and other facilities. I

have actually gone into these problems and when I talked to them they told me that it will be very costly for them to engage women workers and give them maternity leave and pay equal wages. Therefore, the number of workers is gradually decreasing. In the case of women officers, the question does not arise. It arises only in the case of women workers in this field the casual labour, the contract labour, the migrant labour and all this labour where actually it is unorganised labour. this problem is seriously felt. In organised labour section, it may be possible to an extent... (Interruption).

**SHRI G. VARADARAJ** (Tamil Nadu): Mr. Vice-Chairman, Sir, I want to clarify one point. As far as textile industry is concerned, it is not the mill management but the Government Labour Laws and regulations are such that we cannot employ any woman worker after five of the clock. This means the mill managements prefer men.

**DR. (SHRIMATI) SARAJINI MAHISHI:** This is a good thing that during night shifts, women employees cannot be employed. These things are also there but what are exactly the difficulties in the way of mill management also to implement these things, that also has got to be looked into. Therefore, under these circumstances, I would like to say that a survey of the last one decade will show us whether this is being implemented. In the unorganised sector, the question does not arise at all because it is out of question. They do not give equal pay at all. The woman is compelled to do the work. She is compelled to undertake the work to provide bread to her family. Therefore, even the Minimum Wages Act is not being made applicable. She is required to work for whatever amount she gets. Sometimes, it is given in cash, sometimes, it is given in kind also and it is difficult to say what is the total amount that is being given to her. Therefore, under these circumstances, when the Government has brought this amendment forward for Clause

[Dr. (Shrimati) Sarojini Mohishi]

12, why should not the penalty be such as it will become deterrent for the other people not to commit these things also? If it is a matter of only Rs. 1,000/- or Rs. 1500/-, the industrialist will throw it away and go away. Therefore, this should be made deterrent so that they will be prevented from resorting to such types of things.

Secondly, I would like to say, Sir, in all seriousness, in the biggest sector of unorganised women labour, that is agricultural sector, how are we going to implement these things? As we find even in the case of public sector industries where women are to be given equal remuneration, they are not being given. At places, I know, Sir, because some women may require maternity leave and other things, an undertaking is taken from all the women workers that they are not married and they do not require such leave and other things. When I went to one factory, some women came out and I asked them. They told me, "we are made to give this undertaking. Otherwise, we would not be taken into service at all." That is what they said. Under these circumstances, I would really appreciate very much the amendment that has been brought forward but in all seriousness, it should be implemented. Shri Malik said that the Hindi translation of this is not being even understood by him. I do not know whether he will be able to appreciate it. It is written in such a language that even I could not understand it. It should be appreciated in the other way. It has been translated in such a beautiful way that even I could not understand it. It is above my knowledge also. Therefore, it is written in a very graceful way. There are two ways of appreciation. If I can understand something, I say, could understand and this is a very beautiful piece. The second way of appreciation is it is so beautiful that even I could not understand it. Therefore, I am putting it in the second category. We should be able to appreciate this in that way.

Anyway, if these laws are translated into regional languages and they are broadcast as far as possible, they will go a long way in giving some understanding some knowledge at least to some people because illiteracy in this country is of a very high percentage, especially among women. Under these circumstances, we do not expect them to understand the law and try to implement these things. Their first objective is to get some money for their bread. They cannot go for fighting with the managers. The Government should come forward for giving full protection to the women and try to see that the people who are not providing these facilities are punished also. At places, I have seen that the creche is not provided for the babies; at places, I have seen even the other facilities, like drinking water and other relaxation facilities, even they are not provided. Therefore, these things go along with these things. They should be provided to these people. Then only, of course, we can expect proper turnout of the work. I would welcome this Bill and request the Government to implement it in the public sector industries, in the bigger factories and see that these things are not violated. Compliance in violation is there but compliance in following the rules and regulations etc. is not being done. I would like the Government to very seriously implement these things. Thank you.

4.00 P.M.

THE VICE-CHAIRMAN (SHRI MOSTAFA BIN QUASEM): The discussion on the Bill is now over. The Minister will reply tomorrow. Now we take up the short duration discussion.

#### SHORT DURATION DISCUSSION ON THE PRICE SITUATION IN THE COUNTRY

SHRI N. E. BALARAM (Kerala): Mr. Vice-Chairman, Sir, now, we are discussing, according to me, a very serious problem, the problem of price rise. This problem has already created a very difficult and a rather