

The House reassembled at one minute past two of the clock, THE VICE-CHAIRMAN (Shri V. B. Raju) in the Chair

THE BONDED LABOUR SYSTEM (ABOLITION) BILL, 1976

THE MINISTER OF LABOUR (SHRI K. V. RAGHUNATHA REDDY) : Sir, I beg to move :

"That the Bill to provide for the abolition of bonded labour system with a view to preventing the economic and physical exploitation of the weaker sections of the people and for matters connected therewith or incidental thereto, be taken into consideration."

By emphasising in the 20-point programme the necessity of the immediate abolition of bonded labour, the Prime Minister voiced the aspirations of that mute and toiling minority of our compatriots that had been condemned to live as exiles from our civilisation.

The system of bonded labour is the most anomalous remnant of feudalism still vitiating our society. It is the moral duty of the nation to abolish the system. Freedom can never endure with enclaves of bondage; a civilisation with an army of exiles never lasts.

The mechanics of the system are well known. A poor peasant or an agricultural worker takes a small loan; his dues accumulate very fast under exorbitantly high rates of interest; soon he finds it impossible to extinguish his debts. He disposes of his property but still continues to be in the red; he then begins to work for the creditor at absurdly low wages and hopes to repay the debt by the fruits of his labour; but the cruel logic of usury defeats him. His children and grand-children also begin to work for nominal wages to liquidate the debt. Generation after generation become virtual slaves to the creditor. The entire future of the family becomes mortgaged to a small loan taken in the remote past, the debt becomes the destiny.

That is how this system based on usury and feudal exploitation perpetuates unequal exchange for ages. The bonded labourer has no access to any commodity or capital market; he ceases to be a free economic

agent; he is reduced to an appendage of feudal property. The debt thus dehumanizes him; he lives like a sub-man; he lives like a 'thing'. The system therefore not only dispossesses the labourer and also diverts him of his human essence. The Prime Minister has rightly said that it is a barbarous system.

No civilisation can endure—half-free, half-bonded. Freedom that co-exists with sub-servitude is illusory. So the Prime Minister decided that the system must end.

This House is aware that feudal relations of production coupled with the mercantilism fostered by colonialism gave rise to this mode of exploitation in different parts of the country. The colonies were interested in impeding the development of indigenous market forces in the country. They therefore aided and abetted the perpetuation of pre-feudal economic structures in this country of which the system of bonded labour is one of the glaring examples.

I may take this opportunity to bring to the notice of the House some examples of the system existing in different parts of the country. The practice of bonded labour was found to be prevalent in the scheduled areas of Srikakulam, Visakhapatnam, West Godavari and East Godavari in 1965-66. The Report of the Commissioner for Scheduled Castes and Scheduled Tribes (1971-72 and 1972-73) says—

"It is suggested that a detailed study on the subject may be carried out by the State Tribal Research Institute as it is difficult to believe that the economic condition of bonded labourers has improved to such an extent that during a period of 8 years, this practice has completely disappeared."

The system is prevalent in some areas of Bihar. The Report of the Commissioner for Scheduled Castes and Scheduled Tribes gives the names of the villages in which this system is prevalent in the State of Bihar. The Report also indicates the socio-economic factors that help the perpetuation of this mode of exploitation. The system of labour called Hali that existed in Gujarat is a type of bonded labour. According to the latest communication re-

ceived from the Gujarat Government, the practice of bonded labour is not prevalent in the State at present. The Commissioner for Scheduled Castes and Scheduled Tribes, however, states that more schemes are necessary for the economic rehabilitation of Halpatis.

In Karnataka, the Jeetha system that existed in Dharwar District comes under the purview of the system of bonded labour. In Kerala, the practice existed in the North Wynaad and South Wynaad and in Malappuram District. The State Government have abolished the system by promulgating an Ordinance. But we have a feeling that the economic rehabilitation of the bonded labourers may take more time. The Report of the Commissioner for Scheduled Castes and Scheduled Tribes also indicates that in Madhya Pradesh the system existed in the districts of Ratlam, Morena, Jabua and Mandsaur. The Gothi system in Orissa amounts to bonded labour. It is reported that in some backward areas of Rajasthan, particularly in the Bhimbarpur District, the Sagri system was prevalent. In Tamil Nadu, the State Government stated that the system of bonded labour was not prevalent. But the Chetty ryotes of Gudalur Taluk employ the hill tribals belonging to Paniyas and Kattunayakan as labourers to work in their paddy fields. Those who are employed for paddy cultivation are fed and clothed by them in addition to wages given in kind. The tribals who are employed for cultivation are at liberty to go anywhere else if they are not pleased with their masters. Whether really the persons, who have made some contract, can go and work with other landlords so easily is doubtful, but without having any detailed survey nothing can be concluded. Some surveys have shown that the system exists in some areas of Uttar Pradesh also.

Sir, I do not want to inflict more details on the House with regard to the various aspects of bonded labour. This House will definitely agree with me if I say that abolition of this system is a political and moral duty that cannot be pattered with.

The President promulgated an Ordinance on October 24, 1975 abolishing the system.

It has been laid down in the Ordinance that all debts incurred by bonded labourers shall be deemed to have been liquidated. Any act that can, in any way, perpetuate this system, or stand in the way of the abolition of this system, has been made a punishable offence under the Ordinance. The Ordinance also provides that there shall be vigilance committees at the district and sub-divisional levels consisting of officials dealing with developmental projects and non-officials concerned with rural development. The vigilance committees will advise the Government machinery and will evolve suitable methods for canalising credit and other production-inputs to the bonded labourer. Officers of the State Government can be vested, under the Ordinance, with adequate powers in respect of inquiry, cognizance prosecution and trial. State Governments have already been told that the eradication of bonded labour cannot consist in legislation only; it is a complex administrative problem, the solution of which will require the concerted efforts of the developmental machinery of the Government, nationalised banks, rural banks and social workers working in the agrarian sector. State Governments have been requested to utilise the Plan schemes for the rehabilitation of freed bonded labourers. It has to be remembered that years of servility generates not only professional inefficiency, but also psychological inertia. The dispossessed and bonded labourer got used not only to starvation but also to servitude. To extricate him from his economic squalor and moral pallor is a difficult job. But we cannot afford to be tardy in accomplishing this task if we want to rehabilitate these creatures that once were men.

Appropriate agencies are making arrangements for the collection of statistics on the earnings of freed bonded labourers. The State Governments have been asked to impart necessary vocational training to these labourers to enable them to pursue independent professions. If land is not available, these labourers may be supplied with the inputs for Khadi industries like bee-keeping, handicraft, weaving or sericulture.

Sir, no oratorical gift is necessary to convince this House that this Bill must be enacted immediately. Exploitation is immoral and immorality leads to decay. We

[Shri K. V. Raghunatha Reddy]

shall increase the durability of our civilisation by rehabilitating bonded labourers, the dehumanised creatures that once were men. I may say, with great respect, Sir, that this legislation that is now being considered by this House is one of the historic steps that have been taken by the country under the 20-point programme enunciated by the Prime Minister.

So, Sir, with your kind permission, I beg to move that the Bill to provide for the abolition of bonded labour system with a view to preventing the economic and physical exploitation of the weaker sections of the people and for matters connected therewith or incidental thereto, be taken into consideration.

श्री ओइम् प्रकाश त्यागी (उत्तर प्रदेश) :

उप-सभाध्यक्ष महोदय, यह जो विधेयक अभी उपस्थित किया गया है वह स्वतंत्रता प्राप्ति के तुरन्त बाद ही आ जाना चाहिए था। आज वह स्वतंत्रता प्राप्ति के 28 वर्ष बाद आ रहा है, लेकिन सुबह का भूला शाम को अपने घर वापिस आ जाए, तो उसे भूला नहीं कहा जाता है।

मैं इस बिल को बहुत ही महत्वपूर्ण मानता हूँ। मैं इतिहास के पन्ने पढ़ता ही रहता हूँ तो उससे मालूम होता है कि प्राचीन काल में दास बचे जाते थे और उनका बाजार लगता था। स्त्री पुरुष दास के रूप में बचे जाते थे और इस तरह से उनका अन्तर्राष्ट्रीय बाजार चलता था। परन्तु अब हमारे भारतवर्ष में यह प्रथा बाउन्डेड लेबर के रूप में आ गई है। कुछ महीने पहले समाचारपत्रों में इस तरह के जो समाचार पढ़ने और सुनने को मिले, वे सचमुच में हृदय विदारक हैं। वह हमारे देश पर ही नहीं बल्कि हमारे धर्म पर, हमारी संस्कृति पर और हमारी सभ्यता पर एक बड़ा कलंक है। इस प्रस्ताव द्वारा इस कलंक को दूर किया जा रहा है और इसके लिए मैं सरकार को धन्यवाद और बधाई देना चाहता हूँ कि वह इस तरह का विधेयक लाई है।

मैं इस सम्बन्ध में यह निवेदन करना चाहता हूँ कि इस विधेयक में बाउन्डेड लेबर का जो स्वरूप है उसमें भय लगता है कि जो परिधि इस विधेयक में बन्धक लेबर के सम्बन्ध में दी गई है उसके सर्वथा भिन्न स्वरूप में इस देश के भिन्न-भिन्न प्रान्तों में अलग-अलग रूप में विद्यमान है। इस चीज के लिए सरकार को अपनी मशीनरी इस प्रकार स्थापित करनी होगी कि जो भिन्न-भिन्न प्रान्तों में इसका स्वरूप है उसका निर्मूल किया जा सके। मैं इस सम्बन्ध में इतना ही कहना चाहता हूँ कि जो पर्वतीय क्षेत्र हैं वहाँ पर जो पिछड़ी जातियाँ हैं वे सब इस चीज से प्रभावित हैं। चाहे आर्थिक दृष्टि से या सामाजिक दृष्टि से प्रभावित हैं, केवल शिक्षा दृष्टि से ही नहीं है। वे देहाती और ग्रामीण क्षेत्रों में रहते हैं, लेकिन भिन्न-भिन्न रूप से उन लोगों का शोषण किया जाता है। अवस्था कहा तक दयनीय है, इस सम्बन्ध में मैं इतना ही कहना चाहता हूँ कि अपने यहाँ राजस्थान में मागरी कहलाए जाने वाले वे ऐसे लोग जो भीलवाड़ा क्षेत्र में रहते हैं, उनकी संख्या करीब 25 हजार की है। इस तरह के जो लोग हैं वे थोड़ा साधन दूसरों से कर्ज लेकर जीवन भर उनके यहाँ दास के रूप में काम करते रहते हैं। उनके दादा, परदादा, बाबा, अगर किन्हीं ने थोड़ा सा कर्जा ले लिया एक हजार रुपया शादी व्याह या किसी दूसरे काम के लिए ले लिया हो तो वह कर्जा व्याज सहित बढ़ता ही चला जाता है, जैनरेशन तक चलता रहता है और उस खानदान वाले को दासता के रूप में जीवन भर कर्ज देने वाले के घर में काम करना होता है।

अभी हमने कर्नाटक के बारे में खबर पढ़ी थी। कर्नाटक के सम्बन्ध में जो बैकवर्ड क्लास के सम्बन्ध में रिपोर्ट दी गई है, उसमें यह लिखा गया है कि वहाँ पर 44.57 प्रतिशत बैकवर्ड क्लास वाले जो लोग हैं,

वे बन्धक लेबर के रूप में काम करते हैं। यह एक विचित्र बात है। आप कर्नाटक में आए हैं और आप इस चीज को अच्छी तरह से जानते होंगे।

उपसभाध्यक्ष (श्री बी० बी० राजू) :
मैं पड़ोस से आता हूँ।

श्री ओइम् प्रकाश त्यागी : वहाँ पर "मुलाया हुलिया" का नियम है। इसके द्वारा कोई अपना कुछ रुपया देने के बाद उस आदमी को हमेशा के लिए अपने यहाँ रख लेता है चाहे वह स्त्री हो या पुरुष हो। इतना ही नहीं अगर उस आदमी के घर में उसके लिए कोई काम नहीं होता है तो उसको वह दूसरे के घर में काम करने के लिए भेज देता है और इस तरह से काम करने पर जो मजदूरी उसको प्राप्त होती है वह मालिक को मिलती है।

तो यह दासता का व्यापार 28 वर्षों तक चलता रहा, यह अब प्रकाश में आया। मुझे आश्चर्य है कि 28 वर्षों तक हमारी सरकार कैसे सोती रही, इस दिशा में ध्यान क्यों नहीं गया। इस देश में जितनी राजनीतिक, सामाजिक, धार्मिक संस्थाएँ हैं वे भी इस बात की दोषी हैं कि उन्होंने इस दिशा में पहले कदम नहीं उठाया। इस दिशा में क्यों नहीं तीव्र आन्दोलन किए गए? यही कारण है कि स्वतंत्र भारत में दासों की इतनी बड़ी संख्या है जिन्होंने अपने शरीर को बेचा हुआ है चांदी के चंद ठीकरों के लिए, इस प्रकार की दासता इस देश में चलती रही और आज उसकी ओर ध्यान गया है। मैं इस सम्बन्ध में एक ही बात कहना चाहूँगा कि संविधान की धारा 23 के अन्तर पुरुषों का शोषण चाहे किसी भी रूप में हो उस पर रोक लगाई गई है लेकिन इस धारा का सदुपयोग सरकार ने नहीं किया।

दिल्ली में बॉन्डेड लेबर का एक स्वरूप मैं आपके सामने रखना चाहता हूँ। ऐसे ठेकेदार होते हैं जो बाकायदा भिखारियों का ठेका लिए हुए हैं, समय पर वे उनको जगह-जगह बैठा कर चले जाते हैं और शाम को देख लेते हैं कि कितना पैसा उन्होंने कमाया है, वह सब उसके पास चला जाएगा। उस पैसे को चलाने के लिए बच्चों को उड़ाना, बच्चों के हाथ-पैर तोड़ देना, हाथों को काट देना और उनके द्वारा अपना धन्धा चलाना इस तरह मनुष्य का मनुष्य के द्वारा एक्सप्लोइटेशन इस देश में चल रहा है। बड़ी-बड़ी अट्टालिकाओं के नीचे इस प्रकार के कांड बड़े शहरों में हो रहे हैं, लेकिन इस ओर हमारी सरकार का ध्यान आज तक नहीं गया कि यह धन्धा किस प्रकार से चल रहा है। हम समझते हैं कि गरीब आदमी है, इसका हाथ कट गया है, लेकिन वह अपने आप नहीं कटा है, उसका हाथ काटा गया है केवल धन्धा चलाने के लिए लेकिन जिन बच्चों को असहाय अवस्था में उठा लिया गया था उनको तो विकलांग कर लिया गया है। चार प्रकार की केटेगरी हैं। जो इस प्रकार के बॉन्डेड लेबर को, इस दासता को चला रहे हैं। उनमें सबसे बड़ा वर्ग है महाजनों का जो कि पैसा गरीब लोगों को देकर उसके आधार पर गरीबों के भ्रम का लाभ उठा रहे हैं। मैं जानता हूँ मुझे जंगलों में सेवा कार्य करने का मौका मिला है। चार-पाँच वर्ष तक लगातार मैं छोटा नागपुर के जंगलों में कार्य करता रहा हूँ। वहाँ महाजन लोग ट्राइबल एरिया के लोगों को थोड़ा-थोड़ा रुपया देते हैं और उसके बाद उनका पीछा नहीं छोड़ते। कभी पूरी किश्त लेने के लिए तैयार नहीं होते, हमेशा ब्याज लेने पहुंच जाते हैं। जब काम करते हुए देखा झट जा कर ब्याज ले लिया। इसके अलावा मैंने एक विचित्र बात देखी है जिसकी ओर शायद सरकार का ध्यान नहीं गया हो। मैंने, विदेशी मिशन छोटे नागपुर में देखे।

[श्री ओडम् प्रकाश त्यागी]

उन्होंने धान बैंक खोले हुए हैं जिनसे ट्राइबल एरिया के लोगों को धान दे देते हैं। जब धान पैदा होता है तो ट्राइबल लोग चावल की शराब पीकर उसे खत्म कर देते हैं और जब खेत बोने का समय आता है तो धान नहीं होता। ऐसे समय में मिशन उन्हें धान दे देता है, फिर दुबारा दे देता है। जब धान का कर्जा ज्यादा हो गया 5, 7, 10 मन तब एजेंट छोड़ दिए जाते हैं, धान के कर्जे के रूप में काम तो लिया ही जाता है, उनका धर्म भी परिवर्तन कर डाला जाता है। इस प्रकार ट्राइबल एरिया के लोगों का बोन्डेड लेबर के रूप में प्रयोग तो होता है, उनका धर्म परिवर्तन भी होता रहता है।

कुछ ठेकेदार लोग हैं और जैसा कि मैंने पहले कहा था, रेड्डी साहब तो लेबर मिनिस्टर हैं, अगर आप देखना चाहें बोन्डेड लेबर तो बहुत दूर मत जाइए, किसी दिन भी कार लेकर आप के फाइव डायर प्लान में जो विल्डिग्स बन रही हैं, जहाँ मजदूर काम कर रहे हैं वहाँ जा कर उन मजदूरों से बात कर लीजिए। आप को पता चल जाएगा...

एक माननीय सदस्य : आप जाएंगे ?

श्री ओडम् प्रकाश त्यागी : मैं तो पास में ही रहता हूँ। मेरे लिए तो अच्छा रहेगा और मुझे मिनिस्टर के साथ जाने का मौका मिलेगा। उनसे बात कर के देखिए। कुछ ठेकेदार हैं जो कि ग्रामीण क्षेत्रों से उनको भर्ती करके लाते हैं और यह तय करके लाते हैं कि इतनी मजदूरी तुम को मिलेगी और वह ठेकेदार यहाँ ला कर अपना लेबर दूसरे ठेकेदार को सौंप देता है। आपके हिसाब से उनको तनख्वाह क्या मिलती है...

SHRI K. V. RAGHUNATHA REDDY: Mr. Vice-Chairman, Sir, when this point has been raised, I want to bring to your kind notice and the notice of the hon'ble Member that the Labour Minister inter-

vened in this matter and somehow the bonded labour who had come here from Rajasthan—all those who were here for the last five years—were released and helped to go back to their homes.

श्री ओडम् प्रकाश त्यागी : बहुत-बहुत धन्यवाद आप का। मैंने छोटा नागपुर के जंगलों में देखा। ठेकेदार वहाँ के ट्राइबल एरिया में लोगों को भर्ती करके आसाम के चाय बागानों में ले जाते हैं और यह कह कर ले जाते हैं कि इतनी मजदूरी तुम को मिलेगी और इसमें से इतना हिस्सा तुम को देना पड़ेगा। वह लोग 100 रुपया कमाते हैं जबकि वह बैठ कर ही 500 रुपया पाता है, वह मजदूर दिन भर परिश्रम करता है और मज्जा ठेकेदार लेता है। तो ऐसे ही बहुत से हथकण्डे हैं।

एक बात मैं यह कहना चाहूँगा कि जिन क्षेत्रों के बारे में कहा गया, जैसे राजस्थान है, वहाँ से जो लोग आते हैं, उस बोन्डेड लेबर के बच्चे भी साथ में होते हैं। उन्होंने तो अपना शरीर बेच डाला ठेकेदारों को, लेकिन हमारी अदूरदर्शिता के कारण उनके जो आने वाले बच्चे हैं उनका भी भविष्य अंधकारमय हो रहा है। इस लिए कम से कम इतनी कृपा कीजिए कि जिन को आप ने आजाद किया है उन के बच्चों को किसी रेजिडेंशियल स्कूल में भेज दे ताकि उनका भविष्य तो अच्छा हो जाए। आप ने बोन्डेड लेबर के सम्बन्ध में कानून बना दिया लेकिन इस को क्रियात्मक रूप देना तभी संभव होगा जब कि उनके विहिलिटेशन का पूरा प्रबंध किया जाए।

एक चीज विशेष रूप से कहना चाहता हूँ बोन्डेड लेबर के सम्बन्ध में। ठेकेदारों और महाजनो की जो शिकायतें हैं वह तो हैं ही, लेकिन आप की प्रत्येक पंचवर्षीय योजना में 40 से 50 प्रतिशत तक वजट भवन निर्माण के लिए होता है और लाखों लोग इस काम में लगते हैं। मैं आप का ध्यान दिलाना चाहता हूँ कि जब आप ने वेजेज

के सम्बन्ध में कुछ कानून बनाये तो आप यह भी देखें कि सेंटर पी० डब्ल्यू० डी० और स्टेट पी० डब्ल्यू० डी० के मजदूरों की मजदूरी का रेट अलग-अलग है। सेंट्रल पी० डब्ल्यू० डी० की मजदूरी ज्यादा है और स्टेट पी० डब्ल्यू० डी० की मजदूरी कम है और स्टेट में मजदूरों के स्वास्थ्य या प्राविडेंट फंड आदि के लिए कोई सुविधाएं नहीं हैं, न उनके लिए साप्ताहिक छुट्टी की कोई व्यवस्था है। आठ घंटे का नियम भी उस लेबर पर लागू नहीं है। तो सरकार को इस दिशा में ध्यान देना चाहिए।

अध्यक्ष महोदय, अंत में मैं कहना चाहूंगा और आप से सब से बड़ी प्रार्थना यह है कि आप बोन्डेज लेबर का कानून समाप्त कर रहे हैं तो आप ने इस विधेयक में कुछ संकेत तो दिया है उनके पुनर्वास के सम्बन्ध में, लेकिन यह समस्या बहुत ज्यादा बड़ी है और वह कुछ पंक्तियों के लिख देने मात्र से हल नहीं होगी। आप को सेंट्रल गवर्नमेंट की ओर से प्रान्तीय लेवल पर और तहसील लेवल पर, ग्रामीण क्षेत्र में बोन्डेज लेबर जो है, जो गरीब मजदूर उसके शिकंजे में हैं उन की उचित व्यवस्था करनी होगी और जैसे शहरों में इंफ्लायमेंट एक्सचेंज हैं, इस प्रकार का कोई संगठन वहां बनाना होगा।

जहां तक मेरी जानकारी है 28 वर्ष हो गए हैं मगर यह प्रश्न हल नहीं हुआ है। ग्रामीण क्षेत्रों में कितने ही मजदूर इस प्रकार के हैं जिनके पास अपना घर नहीं है, खेती भी नहीं है और बेचारों के पास काम करने के लिए मजदूरी नहीं है। मजदूर हैं मगर आप काम नहीं दे पा रहे हैं। अगर आप उन्हें काम नहीं देंगे तो मजबूर हो कर शरीर बेच कर बोन्डेड लेबर में जाएंगे। इसलिए मजदूरों का संगठन बनाने के लिए आपको कोई प्रोग्राम बनाना चाहिए। लेबर एक्सचेंज स्थापित

करना चाहिए। उनको काम देने के लिए आप को कोई योजना बनानी चाहिए। मैं गवर्नमेंट को उस वक्त धन्यवाद दूंगा जब इस प्रकार के सिद्धांत को आप अपने हाथ में लेंगे। जो आदमी इस देश में हैं और काम कर सकते हैं उनकी काम करने की जिम्मेवारी आप अपने ऊपर लें और अगर काम नहीं दे सकते हैं तो उनको बेकारी भत्ता सरकार की तरफ से दें ?

उपाध्यक्ष महोदय, मैं एक सज्जन से मिला अपने उत्तर प्रदेश में। उत्तर प्रदेश में एक कानून बना है जो समूचे देश में आ गया है। उसमें यह है कि जितने भी शेड्यूल कास्ट्स और शेड्यूल ट्राइब्स हैं उन्होंने जो कर्जा लिया हुआ है वह सब समाप्त हो जाएगा। वह समाप्त हो भी गया है। एक हरिजन भाई मेरे पास आया और कहने लगा त्यागी जी, सरकार ने हमें एक बड़ी कठिनाई में डाल दिया है। पहले तो शादी, विवाह के लिए कर्जा मिल जाता था लेकिन अब यह कर्जा हमारा खत्म हो गया है। अब हमें महाजनों के पास जाना पड़ता है। काम-काज के लिए, मकान के लिए या दुकानों के लिए कोई कर्जा अगर उन्हें चाहिए तो उनको महाजनों के पास जाना पड़ता है और वे लोग पैसा देने के लिए तैयार नहीं होते हैं। आप अपने कानून में इस प्रकार की व्यवस्था कीजिए ताकि वे पुनः कानून के रहते भी वांण्डेड लेबर के रूप में न जाएं। इस प्रकार की सावधानी बरतनी होगी। पुनर्वास योजना का विशाल रूप आप बनाएं और वह नीचे तहसील तक जानी चाहिए कागजों पर ही नहीं रहनी चाहिए। अंत में इन्हीं शब्दों के साथ मैं इस विधेयक का स्वागत करता हूं।

SHRI S. W. DHABE (Maharashtra) :
Mr. Vice-Chairman, Sir, this is a historical Bill in the trade union movement. Sir, as you are aware, the United Nations appointed the Human Rights Commission for abolition of slavery and discrimination of

[Shri S. W. Dhabe]

workers. Now this Bill is a very important step towards that direction, and a landmark in the history of our labour legislation.

Sir, before I make my suggestions on the Bill itself, I would like to say that this is for the first time that a battle for social and economic equality is waged. I do not agree with Tyagiji that this has got only economic aspect. It is deep-rooted in our social and caste system and unless we the parties including who are very much religious-oriented, either of the Hindu philosophy or the Muslim philosophy, feel that it is also their duty to promote the cause and take this torch to every hamlet and every village, this problem cannot be solved. They should tell the people that these human beings also require a sense of dignity, a life worth living, free from all these bondages. For this purpose, I take the opportunity to appeal to all sections of the society, including the Government and the Opposition, that this problem be taken above the party level, and everybody must try to see that abolition of bonded labour becomes a reality in life.

Sir, I would like to place the historical background of this legislation before this House. Under this bonded labour system, a person usually takes a loan from the landlord or the money-lender and has to work for the creditor to wipe out the debt along with the interest which is usually very high. If that person fails to repay the debt by his own labour, his relatives and descendants may have to work for the creditor. The details of the bonded system, however, vary from one region to another, and are different in my State of Maharashtra. A bonded labourer often forfeits the freedom of employment given to the labourer or the right to move freely or the right to appropriate or sell at market value any of his property or products of labour. The system is often sanctioned by local customs and traditions. These are cases in which several generations of families have to work under bondage to repay a small loan that some remote ancestor took from the creditor. Bondage may not always originate from an advance of money but may be caused by obligations sanctioned by local customs.

The real reason for the prevalence of bonded labour is to be traced to the existing socio-economic structure of our rural society, in which land is concentrated in the hands of a few upper caste people. Economic backwardness of the mass of peasantry is inherent in such a hierarchical structure. This causes indebtedness among the poorer classes to meet their minimum daily needs.

Sir, a survey conducted in some U.P. villages revealed that 95 per cent of bonded labour belongs to the lower castes. There has been no census of the number of bonded labourers but one can form some idea from the fact that 65 to 70 per cent of small farmers, Harijans and Adivasis in rural areas are steeped in debt. Seventy per cent of their credit requirements are provided by rich farmers and kulaks. With a small upper caste group controlling credit, trade and contracts for forest resources and public works, the rural poor have no choice but to work for them, sell to them their produce, buy from them and borrow from them. Ignorance and high interest rates ensure that the poor labourers are indebted in perpetuity even from generation to generation. Fear of reprisals, such as beatings, rape and false cases prevent their resort to law courts, even if within their means. The fear of helplessness has put them in such bondages.

Sir, I do not want to take the time of the House but I would like to say that legislation banning bonded labour in some States goes as far back as 1920. We had the Bihar and Orissa Kamiaut Agreements Act, 1920, which declared the agreements entered into between Kamias and their masters void, unless certain conditions were fulfilled. As already stated by the hon. Minister article 23(1) of the Indian Constitution forming part of the Chapter on Fundamental Rights lays down that traffic in human beings and similar forms of forced labour are prohibited and any contravention of their provisions shall be an offence punishable in accordance with law. Convention 29 of the International Labour Organisation to which India is a party says that forced or compulsory labour could not be permissible. Section 374 of the Indian Penal Code has declared any form of forced labour an offence. But despite a legal

ban on this evil practice, it has continued almost in all the States of the country.

Sir, bonded labour flourishes in at least 17 out of 22 States and three out of nine Union territories. It has to be noted, Sir, that in view of the Prime Minister's own initiative and announcement of the 20-point economic programme in July, 1975 this question of bonded labour got priority in our programme. Therefore, Sir, I take this opportunity also to congratulate the hon. Prime Minister for giving importance to the problem of rural labour and for giving a very high priority in the 20-point economic programme. For the effective implementation of the Act, we have got certain suggestions and I am sure, Sir, the hon. Labour Minister will consider them.

When we consider the provisions of this Bill, we find that two or three things are very important for the rehabilitation of these poor workers. If that is not there, then as rightly pointed out by Tyagi, it will create more misery for them rather than give any solace to them. First is to associate organised rural workers. INTUC has started a trade Union i.e. Indian National Rural Labour Federation. The formation of vigilance committees at the district level alone will not solve the problem. The implementation of this Act will have to be ensured at the State level and at the Central level also. Therefore, I suggest the formation of such vigilance committees which should also include Scheduled Caste members, and in those committees if M.L.As. and M.Ps. and trade unions are also associated not only at the district level but also at the State levels, then it will certainly go a long way in creating confidence and it will also prevent the big cultivators and kulaks harassing the rural labour and making their life miserable.

My second suggestion is it will be very essential that they must get alternative employment. Therefore, a welfare board for the rural workers should be constituted by the Government on the lines as is for Industrial Workers which can canalise their scheme of employment to the rural labour. One scheme which I will suggest for the Labour Minister to consider is the scheme of guaranteed employment as is being worked in Maharashtra. It is guaranteed em-

ployment scheme. In Maharashtra, it has been a successful scheme. Not only that, Sir, in Maharashtra, there is a legislation by which a levy is imposed on all the workers and professionals and an amount of Rs. 25 crores has been raised out of that levy and this amount is utilised for the upliftment of rural workers. I suggest that a levy should be imposed on the cultivators and kulaks who have exploited the workers for such a long time so that the rural workers can benefit out of the welfare fund so raised.

My last suggestion is about the tribal labour. For this purpose I suggest raising of a Tribal Welfare Fund. Some amount can be set apart for the rehabilitation of the Adivasis and rural workers i.e. freed bonded labour.

With these words, Sir, I support the Bill.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : Mr. Lakshmanan,

SHRI YOGENDRA SHARMA (Bihar) : As a matter of fact, I should have been called.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : No name has been given from the CPI.

SHRI G. LAKSHMANAN (Tamil Nadu) : I welcome this legislation for the reason that this is the only legislation that has been brought in the interest of the people of this country after 28 years of independence. As my predecessor, Mr. Tyagi, said, it should have come earlier. Of course, at least, it has come today. We welcome it.

I want to take you back to the historical background as far as Tamil Nadu is concerned. We had a movement—still we have the movement—in Tamil Nadu, called the "Self-respect Movement". Man must have self-respect. He should not fall before another man. He should not be at the mercy of another man. Man is a human being and every one of us must respect human beings. These are the principles of the Self-Respect Movement. This was led by no less a person than Periyar Ramaswamy who was the President of the Indian National Congress at Madras, our Vice Chairman knows him. And then he found that the Congress Party

[Shri G. Lakshmanan]

was not working towards that end of abolishing caste system, feudal system and other things. When Periyar Ramaswamy presided over the conference of the Indian National Congress in Tamil Nadu, he found two pots there: one for Brahmins to take water and the other for non-Brahmins to take water. That took place in the Congress Party conference itself. Therefore, Periyar Ramaswamy left the Congress Party and started this Self-Respect Movement. And today his movement has been crowned with success through the Prime Minister of India, Mrs. Indira Gandhi by bringing in this 20-point programme. Therefore, I congratulate Mrs. Indira Gandhi, the Prime Minister of India for having included this in the 20-point programme.

Periyar Ramaswamy did not keep quiet after he left the Congress. Your know and those who have read the history of the Congress Party know, Sir, that he was called the *Vaikom Hero*. A dog could go, an ass could go, any animal could go in the streets of Vaikom but a man could not go. My friends from Kerala know this. It was Periyar Ramaswamy who led the struggle there and he was called the *Vaikom Hero* by no less a person than Mahatma Gandhi. That movement of Periyar Ramaswamy has taken a shape today through the 20-point programme and if at all I welcome it because one of the items is this. And this will be completed only if it is followed by another two programmes which I suggest.

Abolition of bonded labour alone will not do any good to the nation. It should be followed by another programme and by adding it you can call it the 21-point or 22-point programme, and that is, abolition of the caste system in this country. I do not know whether the Prime Minister would agree and openly give her support, because it would affect her future in the next elections.

Another thing is the abolition of the private property system in this country. If these two are followed, then this bonded labour will definitely be nowhere. I must have equal rights with another man. When this caste system was introduced, man was divided into four castes—Brahmana, Kshatriya, Vaisya and Sudra. This came after

the Aryan invasion of this great country of ours. Before that, Indian people were solid and united as one. Afterwards this caste system came into being. And bonded labour is the last caste. It was very nobly called by the Father of the Nation, Mahatmaji, as Harijans. How does the capacity to lend money to another man come. It comes because of the property system. Therefore, unless and until you abolish the property system, this man will say that by caste he is supreme and that he has been endowed with wealth and sent direct from God. According to the Puranas, the Brahmin was born from the face, the Kshatriya from the chest, the Vaisya from the abdomen and the Sudra—my friend, Tyagiji is not here, I think the meaning is, the son of a prostitute—from the feet, of God. When such a social system exists in this country, then actually there will be a bonded labour system also. Therefore, I would suggest with the greatest respect to our Prime Minister that immediately after bringing in this 20-point programme, she should not go to the Kumbh Mela if she is sincere. Our Prime Minister goes to the Kumbh Mela. People who are after Nirvana attend the Kumbh Mela; in the name of religion or God people attend it. But it is also being attended by very big persons, very important persons and leaders of the people. Therefore, I would say that it is not sufficient that we bring in legislation to this effect but we must see that our approach to the Indian problems is more scientific than feudal, more scientific than anything else.

Therefore, Sir, I welcome this. At the same time, the caste system should be completely abolished. The 20-point programme is not something that cannot be altered, or in which some amendments cannot be brought in. Therefore, I move on behalf of my party and on behalf of the people of Tamil Nadu that these two things must be done. Actually, Sir, before the Supreme Court, when our Government moved that the private property system should be completely abolished, the next day the Supreme Court stopped hearing anything in this regard—as you all know from the newspapers. Therefore, if at all this has come, this is a very good thing that has been brought in by the Government of India through the Prime Minister in her 20-point programme.

In forwarding programmes and planning the Indian National Congress is supreme. But how far they are implemented is the real thing. How many programmes have been given to the people for the last 28 years? How many Committees have been appointed? How many progressive legislations have been brought here? But what reflection all these had on the people of this country? Most of the people of this country are still below the poverty-line. And this is in spite of so many progressive legislations, so many programmes and four Five-Year Plans. Therefore, I congratulate the Government in bringing forward this measure. But, as I was told by my friends in the Congress Party—not new Congressmen—this bonded labour resolution was passed by Congress even in the year 1924 or 1925, in which year I was born. Therefore, as far as the programmes are concerned, no party can compete with the Congress. But so far as their implementation is concerned, so many reactionary forces come and take away the initiative. Shrimati Indira Gandhi, the Prime Minister of India, has brought it in all seriousness in her anxiety to see that the bonded labour must be stopped and abolished. But what about implementation? After one year she will have to come with another programme. That is the point. Therefore, the root cause or the real reason for the failure of this programme must be found out. It is, I would say, because of the system of administration in this country which was handed over to us by the British; that system is wooden, and it has not allowed us to progress forward. Therefore, until and unless we completely revolutionise this administrative system in the country which was handed over to us by the foreigners, by the imperialists, by the exploiters, things cannot move. We must completely revolutionise this system and then only any programme that is given by the Congress Party will come out successful. Therefore, I would suggest that the administrative machinery should be thoroughly changed. As I take part in the meetings of the Consultative Committee, I find that whatever the top-most officer says is told to us. I say, "Your party is socialist. How can you give this reply to me?" But the Minister is not able to go a little further and say anything. Therefore, I would say that all the pro-

grammes are unique. There are the programmes which were formulated by the Father of the Nation, Mahatma Gandhi. Therefore, the programmes are all right, but the implementation is not all right. Further, until and unless you change the administrative machinery, these things cannot be implemented. In addition to this, you must abolish the private property system and see that the caste system is abolished. Administrative reforms cannot do any good unless the administration is completely revolutionalised as has been done in China—of course we are not friendly with that country—by Mao Tse-tung and others.

श्री योगेन्द्र शर्मा : मान्यवर, हम इस बिल का हार्दिक स्वागत करते हैं क्योंकि इस बिल के द्वारा सामन्ती शोषण और अत्याचार के एक अत्यन्त ही अमानवीय अवशेष को खत्म करने का प्रयास किया जा रहा है। बिल जिस रूप में हम लोगों के सामने है वह वर्तमान परिस्थिति की सीमाओं के भीतर एक सर्वांगीण और सुसंगत बिल है जिसमें इस अमानवीय प्रथा का अन्त करने के विभिन्न पहलुओं को लिया गया है और उनका प्रवन्ध किया गया है।

इस प्रश्न में मैं नहीं जाना चाहता कि यह प्रथा कब प्रारम्भ हुई। उसमें इतिहास में जाने वाले जाएंगे। अभी हमारे सामने जो समस्या है वह यह है कि कैसे इस प्रथा को जड़ से हम खत्म करें। हमें चिन्ता इस बात से है कि इस बिल में जो प्रावधान है उसके मुताबिक बिल का पालन होना या पालन न होना राज्य सरकारों पर निर्भर करता है और राज्य सरकारों का जो रवैया है उससे हमको बहुत ज्यादा उत्साह नहीं होता है। अभी दो-तीन दिन पहले दूसरे सदन में एक प्रश्न के उत्तर में श्रीम मंत्री ने बताया कि 15 राज्य ऐसे हैं महाराष्ट्र से लेकर पांडिचेरी तक, जहाँ बन्धक मजदूर प्रथा है ही नहीं। जब 15 राज्य कहते हैं कि हमारे यहाँ बन्धक मजदूर की प्रथा है ही नहीं

[श्री योगेन्द्र शर्मा]

तो उसका पालन कहां से होगा । अभी-अभी, श्रीमन्, आपने महाराष्ट्र के एक माननीय सदस्य की बात सुनी कि किस तरह से वहां भी यह बन्धक मजदूर प्रथा है, लेकिन राज्य सरकार की ओर से उनको जवाब आया है कि हमारे यहां नहीं है । तो फिर इसका पालन कौन करेगा । इसी तरह से, श्रीमन्, गुजरात राज्य को ले लें । अभी-अभी आज के अखबार में हमने पढ़ा कि लैंड रिफार्म्स एडवाइजर टु दि यूनियन एग्रीकल्चर मिनिस्ट्री श्री एस० एन० द्विवेदी ने यह कहा है कि गुजरात सरकार कहती है कि भूमि सुधार के सम्बन्ध में जो राष्ट्रीय मार्ग दर्शन है उनको हम नहीं लागू करेंगे ।

श्री राम लाल डी० पारीख (गुजरात) : मिनिस्टर ने जवाब दे दिया है यह गलत है ।

श्री योगेन्द्र शर्मा : उन्होंने इस बात का खडन नहीं किया है । तो कैसे आप कहते हैं कि गुजरात में इस बन्धक मजदूर प्रथा का अन्त हो जाएगा ?

इसी तरह से तमिल नाडु सरकार ने किया है । तमिल नाडु सरकार ने कहा है कि बीस सूत्री कार्यक्रम के 15, 18 सूत्र तो हम ने पहले ही लागू कर दिए हैं । इसका मतलब है कि वहां भी कुछ नहीं होगा । श्रम मंत्री जी कह सकते हैं कि यह तो हमारी लाचारी है । गुजरात और तमिल नाडु में दूसरी तरह की सरकार है तो हम क्या करें । हमारे लक्ष्मण जी ने बहुत क्रान्तिकारी भाषण दिया कि व्यक्तिगत संपत्ति को ही खत्म कर देना चाहिए । उन का भाषण जब मैं सुन रहा था तो हम को एक किस्सा याद आया । ढपोर शंख का किस्सा याद आया । एक गरीब ब्राह्मण था । उसने बहुत तपस्या की तो उस को वरदान मिला एक शंख और उसे बताया गया कि जब वह शंख को फूकेगा और जितना उस से मांगेगा

उस का दाना वह शंख उसे देगा । उस ब्राह्मण को बड़ी खुशी हुई और उस ने शंख में कहा कि हम को पांच सेर चावल मिलना चाहिए । शंख ने कहा कि हम दस सेर देते हैं । फिर उस ब्राह्मण ने कहा कि 10 सेर चावल चाहिए तो शंख ने कहा कि हम 20 सेर देंगे । ब्राह्मण ने कहा कि 20 सेर चाहिए तो शंख ने कहा कि हम 40 सेर देंगे । इस तरह से ब्राह्मण मांगता गया और शंख दोहराता गया और अंत में उस बेचारे को एक दाना भी नहीं मिला । लक्ष्मण जी का भाषण उसी प्रकार का था । वह व्यक्तिगत संपत्ति को ही खत्म कर रहे हैं जब कि भूमि सुधार लागू करने का सबाल आता है, बंधक मजदूरी प्रथा का सबाल आता है तो सरकार कहती है कि हम तो यह सारा काम किए हुए हैं । इसके मायने यह है कि वहां बंधक मजदूरी प्रथा आज भी कायम है । मध्य प्रदेश को ले लीजिए । अभी वहां के मुख्य मंत्री जो बदल कर यहां आए हैं ...

SHRI G. LAKSHMANAN : I have not said that there is bonded labour in Madras. I have only agreed with my Chief Minister there. I have welcomed this programme. That is all.

श्री योगेन्द्र शर्मा : पता नहीं वहां क्या हो रहा है, मगर कुछ दिन पहले की बात है कि मध्य प्रदेश के उज्जैन जिले में खड़ौद एक तहसील है । वहां पर एक एम० एल० ए० साहव जिनका नाम ठाकुर पुष्पेंद्र सिंह है उन्होंने अपनी लड़की की शादी की और जब लड़की की विदाई होती है तो उस में बहुत सी चीजें दी जाती हैं । खाट दी जाती है, बिछावन दिया जाता है, धनी लोग टी० वी० भी देते हैं, इन सब चीजों के साथ उन्होंने एक दाई भी दहेज में दे दी । अभी हमारे जनसंघ के त्यागी जी बड़ी अच्छी बातें कह गए और इस बात पर उन्होंने बहुत जोर दिया कि बात तो हम बहुत करते हैं लेकिन उनका पालन नहीं होता है । त्यागी जी ने

भी बहुत अच्छी-अच्छी बातें कहीं, लेकिन यह एम० एल० ए० जनसंघ के थे। तो जनसंघ के एम० एल० ए० और व्यवहार में वह मजदूरों को दहेज में देते हैं और भाषण करेंगे कि यह पाप है। तो या तो उनको जनसंघ से निकालो या जनसंघ से खुद ही अलग हो जाओ। प्रचार करेंगे डोल गंवार, शूद्र पशु नारी, ये सब ताड़न के अधिकारी और कहेंगे कि यह भारतीय संस्कृति है और कहेंगे कि यह पाप है और व्यवहार दूसरी तरह का होगा। तो यह पाखंड जो है उस का जब तक अंत नहीं होगा तब तक हम समस्याओं का ठीक-ठीक हल नहीं निकाल सकेंगे और समस्याओं के खिलाफ लड़ नहीं सकेंगे।

अब हम मंत्री की पार्टी की सरकारों पर जरा हम ध्यान दें। उन्होंने उस सवाल के जवाब में कहा है—और राज्यों में क्या हो रहा है, इस बारे में तो वह खामोश है, शायद उन को अन्य राज्यों से खबर नहीं मिली होगी, लेकिन बिहार के बारे में उन्होंने कहा है कि :

"The Government of Bihar have taken action to abolish the bonded labour system and have freed so far 525 labourers."

3 P.M.

बिहार के चीफ मिनिस्टर कहते हैं,

The practice of bonded labour, that is, compulsory service in lieu of old and outstanding loans is not prevailing in the State.

श्रीमन्, यह उनका लेख है जो 'टाइम्स आफ इंडिया' के 12 दिसम्बर के अंक में प्रकाशित हुआ है। यह लेख प्रकाशित हुआ है पैसा देकर। कहते हैं बिहार में बाँडेड लेबर नहीं है। इसका मतलब क्या है? इसका मतलब साफ है कि राज्यों में बाँडेड लेबर का सिस्टम खत्म होगा नहीं। वे खत्म

कराना नहीं चाहते। फिर बाद में उन्होंने कहा है ...

श्री रणवीर सिंह (हरियाणा) : बिहार में स्थिति क्या है ?

श्री योगेन्द्र शर्मा : मैं चाहूंगा आप अपने हरियाणा के बारे में भी बतलाएं, छिपाइगा नहीं। हाँ, वहाँ कुछ स्टडी की गई है। वहाँ प्लामू जिले में उसके आंचल में कुछ निकला है। मेरा ख्याल है कि मंत्री महोदय के जवाब में जिस बात का उल्लेख है शायद इसी जिले का उल्लेख होगा।

मैं मंत्री महोदय का ध्यान खींचना चाहूंगा शेड्यूल कास्ट्स और शेड्यूल ट्राइब्स कमिश्नर की 21वीं रिपोर्ट की तरफ जो 1971-72 और 1972-73 की है। उसमें साफ कहा गया है आंध्र, बिहार, गुजरात, कर्नाटक, केरल, मध्य प्रदेश उड़ीसा, राजस्थान, तमिल नाडु और उत्तर प्रदेश आदि 10 राज्यों में कमिश्नर की रिपोर्ट में इस बंधक मजदूरों की प्रथा का बड़े पैमाने पर प्रचलन है। अब हम किसकी बात मानें। जाहिर है कि हम इस कमिश्नर आफ शेड्यूल कास्ट एण्ड शेड्यूल ट्राइब्स की रिपोर्ट को मानेंगे।

आई० एल० ओ० का अधिवेशन 1975 में हुआ उसी अधिवेशन में डॉ० बंधोपाध्याय साहब जो रांची ट्राइबल इंस्टीट्यूट के हैं, उन्होंने रूल ब्रक आर्गेंटाइजेशन कमेटी की रिपोर्ट पेश की थी। उसमें उन्होंने बतलाया कि रांची जिले के 27 गांवों का सर्वे किया गया है। सर्वे से पता चला है कि वहाँ पर बंधक मजदूरी प्रथा बड़े पैमाने पर जारी है। यह रिपोर्ट आई० एल० ओ० के विशेष अंक में प्रकाशित हुई है। नेशनल लेबर इंस्टीट्यूट दिल्ली को आप जानते होंगे। उन्होंने बिहार के एक जिले धनबाद का सर्वे किया। उस सर्वे में उन्होंने इस बात को कहा :

[श्री योगेन्द्र शर्मा]

The system of bonded labour was prevailing in the village where the upper caste Hindus owned bulk of the land and where traders, have been able to grab vast tracts of land formerly belonging to the tribals.

यह लेबर इंस्टीट्यूट की रिपोर्ट है। उसी लेबर इंस्टीट्यूट ने बिहार के एक नालंदा जिले का भी सर्वे किया। उसी रिपोर्ट के 10वें बुलेटिन में यह प्रकाशित हुआ है कि :

There is yet another kind of indebtedness. It is to ensure that number of agricultural labourers who will meet the landlord's permanent demand for labour i.e. labour needed for sending cattle, etc. In such cases, the debt is a noose round the borrower's neck and he is never able to cut this Gordian knot.

श्रीमन्, विश्व भारती विश्वविद्यालय के एक भूतपूर्व रिसर्च स्कालर श्री मुनील सेन गुप्ता ने बिहार के जिलों में अध्ययन किया है। श्री सेन गुप्ता ने बिहार में स्थित जिन जिलों का अध्ययन किया है, वे हैं नालंदा, गया और मुंगेर। मुंगेर में दाबिल लौहरा, गया में मोकरे और नालंदा के माहूल गांवों का उन्होंने अध्ययन किया है। अपने अध्ययन में उन्होंने लिखा है :—

"I have found hundreds of families who were with their masters for more than a generation for their own or for their sons' marriage expenses borne by their masters and they remain tied to their masters for ever."

इतने बोलते हुए प्रमाणों के होते हुए चीफ मिनिस्टर कहते हैं कि हमारे यहां बंधक मजदूर, बांडेड लेबर हैं ही नहीं। इस बात से यह आशंका पैदा होती है कि वहां पर यह प्रथा किस प्रकार से बंद होगी? मैं समझता हूँ कि यह बहुत ही अच्छा बिल है, लेकिन जब तक इसको अच्छी प्रकार से अमल में नहीं लाया जाएगा तब तक कोई फायदा नहीं होने वाला है।

इस सिलसिले में एक बात मैं और अर्ज करना चाहता हूँ। जिस इलाके के बिहार के मुख्य मंत्री हैं, उसी इलाके के एक संसद-सदस्य श्री भोगेन्द्र झा ने 14-11-1975 को एक पत्र मुख्य मंत्री के पास भेजा है। इस मधुबनी क्षेत्र के राजनगर प्रखण्ड के कोयलक ग्राम के एक सज्जन, बन्धक मजदूर, श्री असरफ़ी राम ने आकाशवाणी से जब प्रधान मंत्री श्रीमती इंदिरा गांधी का यह संदेश सुना कि बंधक मजदूरी प्रथा का अन्त कर दिया गया है तो उसने अपने मालिक से जाकर यह बात कही। उसके मालिक ने उससे कहा कि साले तू मुक्त होगा? उसको पकड़ा और खूब पीटा। उसका घर भी जला दिया गया और उसके मवेशियों को छीन लिया गया। इसके बाद उसने दूसरे लोगों से अपना दुखड़ा रोया। श्री भोगेन्द्र झा से भी उसने अपनी बात कही। जो पत्र श्री भोगेन्द्र झा ने लिखा है उसमें लिखा है कि "आज स्थिति यह है कि जिस गांव या जिले में मैं, आप और श्रम मंत्री आई हैं। उन सभी जगहों पर हजारों गांव में बंधक मजदूर काम करते हैं। वे लोग आजादी से वंचित होकर विभिन्न रूपों में बन्धक मजदूर बने हुए हैं।" उन्होंने लिख कर इस बात का दावा किया कि कोई ऐसा गांव नहीं है जहां पर ये बन्धक मजदूर नहीं हैं। इसके बावजूद यह कहा जाता है कि वहां पर बन्धक मजदूर नहीं हैं। ऐसी स्थिति में हम कैसे आशा करें कि यह प्रथा वहां पर पूरी तरह से समाप्त की जाएगी। मैं आपके ध्यान में यह बात भी लाना चाहता हूँ कि सन् 1920 में बिहार के अन्दर एक कमयोगी प्रथा का अन्त करने के लिए एक कानून बनाया गया था। यह प्रथा भी बंधक मजदूरी का एक रूप है। लेकिन यह कानून सन् 1920 से कागज पर ही रहा। इसलिए मैं कहना चाहता हूँ कि राज्य सरकारों की सद्‌इच्छाएं होते हुए भी जब तक इस कानून को अच्छी प्रकार से अमल में नहीं लाया जाएगा, तब तक इसका कोई फायदा पहुंचने

वाला नहीं है। मैं इस बिल का हार्दिक समर्थन करते हुए यह कहना चाहता हूँ कि अभी महाराष्ट्र से आने वाले एक माननीय सदस्य श्री धाव ने जो मुझाव दिए हैं, उनका मैं पुरजोर समर्थन करता हूँ। मैं चाहता हूँ कि हर प्रान्त में एक निगरानी कमेटी बननी चाहिए। अगर हर एक राज्य में निगरानी कमेटी जिला स्तर और तहसील स्तर तक ही रहेंगी तो उससे काम चलने वाला नहीं है। जब तक राज्य स्तर पर प्रत्येक राज्य में निगरानी कमेटियाँ नहीं बनाई जाएंगी, तब तक इसका कार्यान्वयन अच्छी प्रकार से नहीं हो सकेगा। इसलिए मैं चाहता हूँ कि श्रम मंत्री महोदय इन सब बातों के संबंध में जवाब दें। हमारे श्रम मंत्री चाहते हैं कि इसका कार्यान्वयन अच्छी प्रकार से हो। मैं चाहता हूँ कि श्रम मंत्री अगर दिल से चाहते हैं कि यह प्रथा समाप्त होनी चाहिए तो उन्हें राज्य स्तर पर एक निगरानी कमेटी बनानी चाहिए ताकि राज्यों के अन्दर यह प्रथा सदा के लिए समाप्त हो सके।

इसके अनिश्चित श्रीमन्, मुझे कहना है कि हमारा आपका सबों का अनुभव है कि अच्छे से अच्छे कानून भी तब तक पर रख दिए जाते हैं, खाम कर इस तरह का कानून जिसका संबंध देश के आर्थिक पुनरुद्धार और पुनरुत्थान में है। वह सिर्फ व्यूरोक्रेसी पर छोड़ देने से नहीं होता है। राष्ट्रपति ने भी अपने अभिभाषण में कहा कि इस तरह के कामों में जनता का सहयोग, जनता की शिरकत, होनी चाहिए। बंधक मजदूरी प्रथा जैसी चीजों को खत्म करना है तो उनके पुनर्वास और पुनरुत्थान के लिए यह बहुत आवश्यक है कि उन में जाग्रति हो। जब तक उनमें जाग्रति उन तक नहीं होगी, जब में मजदूरों की

नुमायंदगी नहीं होगी, जब तक उनका संगठन नहीं होगा, तब तक बाहर से केवल दया और कृपा करके बहुत ज्यादा नहीं हो सकता। इसलिए जहाँ पर कि आपने अपने बिल में इस बात का प्रावधान किया है कि विजिलेंस कमेटी में 3 आदिवासी और हरिजनों की नुमायंदगी होनी चाहिए, हम चाहते हैं कि उसके साथ-साथ आप इस बात का भी प्रावधान कीजिए कि खेत मजदूरों के जो संगठन हैं—हम समझते हैं कि कांग्रेस पार्टी की ओर से खेत मजदूरों का संगठन बनाया जा रहा है, हमारी पार्टी ने भी खेत मजदूरों का संगठन बनाया है, अखिल भारतीय खेत मजदूर संघ, वे इस काम में लगे हैं, लड़ रहे हैं, अनेकों उनके कार्यकर्ता मारे जा चुके हैं, इसलिए कि उन्होंने बंधक मजदूरों की तरफदारी की—उनको भी सही मानों में प्रतिनिधित्व हो। सबसे बड़ी चीज उनके संगठन को बनाने की जरूरत है—खेत मजदूरों का, बंधक मजदूरों का संगठन हो, उनकी ट्रेड यूनियन हो या जो भी उपयुक्त संगठन हों, उन संगठन के बनाने में आप विशेष रूचि लीजिए। जिस हद तक आप करेंगे, उसी हद तक उनके उद्धार के कदम चले बढ़ेंगे।

SHRI SARDAR AMJAD ALI (West Bengal) : Mr. Vice-Chairman, Sir, perhaps this is the first time that this Parliament is having the privilege of sitting to legislation on one of the most important points that have been made in the 20-point programme announced by the Prime Minister. And on this occasion I must congratulate the Labour Minister for giving us this opportunity to discuss it and to legislate the issue, that which perhaps percolated in his Ministry as reported in the year 1975 by way of a report of the Commissioner for Scheduled Castes and Scheduled Tribes. Although it is 26 years after our Independence that we are legislating upon it, but the malady of this problem was there and this sort of exploitation was allowed to be continued in this

[Shri Sardar Amjad Ali]

country. Sir, definitely any historian will congratulate the Government, will congratulate the Prime Minister and the Congress Party as such if this whole is seen from a philanthropic point of view, that we are giving liberation to those people who had lost it for no fault of their own but perhaps because of some loans or some debts which had been incurred by their predecessors or by their forefathers and who are still being treated mercilessly—a sort of exploitation which perhaps some other countries faced it for quite a long time before.

Mr. Vice-Chairman, Sir, today when we are discussing this particular Bill, I think almost all the Labour Ministers of this country, of the various States, are here in Delhi. And I had an opportunity to discuss this issue with at least three Labour Ministers of different States this morning. I asked them whether they had got any information or statistics at all in their Departments as to what is the number of bonded labourers which they have in their respective States.

I am sorry to say, Sir, none of these three Labour Minister could give me any figure at all. With a great expectation I was also listening to the debate of the Labour Minister here in the Centre to know whether he could produce any figure. It is unfortunate that we do not have any figures. It is quite natural that when this sort of malady was going to be wiped out from our society, then definitely we shall not be mincing words to praise the whole thing. And astonishingly enough we shall find some tilt also, some swing also, in the version as made by my honourable friend Mr. Lakshamanan on the other side. I would like to know from the hon. Minister: Have you got any machinery at present—if you do not have, do you propose to have any machinery—to make a scrutiny to find out in which pocket, in which State, this sort of social and economic exploitation is still continuing and what is the number? We have made various surveys from the Indian Statistical Organisation and others but if you could collect some figures at least with regard to certain zones, it will immediately give you an idea about those un-

happy souls, unfortunate persons who are still within this bondage. That is my first submission.

Secondly, Sir, I had the opportunity to go through the Bill and some of my colleagues were also making these suggestions and probably this point was also raised in the Conference of the Labour Ministers being held in Delhi for the last two days that while abolition of a malpractice, abolition of a system which is bad, which is perilous, which is objectionable, can be made but what is the alternative? There are people, those who are still within this system, who do not have any other alternative way of livelihood. Mr. Vice-Chairman, Sir, in this Bill, the only provision that has been made is the formation of vigilance committees at the District level and at the Sub-Divisional level with the District Magistrate and the Sub-Divisional Officer at the head of it, and the alternative livelihood for these unhappy persons will have to be arranged by those vigilance committees. It is neither the State Government nor the Centre that are trying to find alternative sources of their livelihood which will give them some human value. I do not think it will be sufficient to leave this whole issue of the alternative employment or alternative livelihood to these vigilance committees in the districts and at the Sub-divisional level. One mean has been suggested in this Bill, Sir, that it will be the duty of the vigilance committees to arrange relief from the rural banks. Mr. Vice-Chairman, I am getting a doubt within me. How many rural banks you have formed and how many units of these rural banks exist in those pockets where credit facilities to these unhappy souls could be given? Mr. Vice-Chairman, time without number I have brought it out here and my able colleagues on the other side also have brought it out that these financial institutions unfortunately are still retaining that old character of financing the big people, of financing those who without the assistance of these financial institutions could proceed towards the betterment of their establishments or their entrepreneurship. And on an any analysis, it has been found that the financial institutions are rather a bit shy to extend credit facilities to the few people, who perhaps because of their

social and economic circumstances, cannot come out to repay their loans. While we abolish this system, it is primarily those people who do not have any economic means or financial means to establish themselves that will have to be given this credit facility. Mr. Vice-Chairman, Sir, I would like to know one thing from the Labour Minister : Have you formulated any scheme as to how an easy credit can be given to these unhappy people, for whom we are going to abolish this system ? Sir, these are the vital things that agitate my mind. Then, Sir, the third thing I would like to know from the hon. Minister is this. It has been raised in the Parliament, both in this House and the other House, that in the urban areas, you could know as to how many people are there as unemployed because you have got the employment exchanges there. But what happens to those who live in the rural areas ? The moment we abolish this system, these people will have to be registered in certain quarters. Unless that institution goes to them, it will be something fantastic on their part to come and report to any urban pocket where they can enlist themselves. Mr. Vice-Chairman, Sir, we cannot leave this to this Ministry or that Ministry. Since it is a question of how a toiling mass should survive and survive honourably, it is, perhaps, the sole responsibility that is falling upon the Ministry of Labour that they will have to come out with some material plan. I hope that the hon. Minister, while replying to the debate, will kindly give us a glimpse as to how he wants to help these, unfortunate people to come out of the rigorous of those who wanted to exploit them for the last few hundred years.

With these words, Sir, I support the Bill.

SHRI RAMLAL D. PARIKH : Mr. Vice-Chairman, Sir, I rise to welcome this very important legislation, and I think, nobody in this House or outside this House would disagree with the purpose of the Bill or the content of the Bill. The point however remains that the Bill, although it provides for the abolition of the bonded labour system, does not seem to be very adequate to implement it thoroughly. And, Sir, it was rather surprising that some of the States like Gujarat, one of the first ones in abolish-

ing this system soon after the achievement of independence around 1948-49, should be referred to here, purely for political purposes, as if they do not agree with this measure. Sir, the Gujarat Chief Minister, Mr. Babubhai Patel, made a clear statement in the last Assembly session in July that bonded labour system does not exist there and the Gujarat Government has stated this very categorically to the Labour Minister, which the hon. Minister was kind enough to quote here. Therefore, let us be very clear on this point that bonded labour does not exist there. The measure to abolish this system was not taken now but as far back as 25 years. The measures were started even in the pre-independence days, in 1937 in the former Bombay State when the Congress formed the Government. So, the question of having a bonded labour system in Gujarat does not arise unless some friends are determined to use this House to malign the Gujarat Government in any measure even if there is no disagreement, even if there is full agreement.

SHRI K. V. RAGHUNATHA REDDY : Sir, I do not want to intervene at this stage. But I would like to say one thing. We are not going into the question whether there is bonded labour in Gujarat or not. The fact remains that there are quite a number of books written on the subject, namely, the prevalence of bonded labour in Gujarat and the form and manner in which it exists there. Therefore, there is sufficient evidence to come to the conclusion that there is bonded labour in Gujarat. I do not think that the hon. Member need waste his time on this question.

SHRI RAMLAL D. PARIKH : Well, so far as the Gujarat Government is concerned, it has been stated very categorically that it does not exist and it will be still willing to go through it again and find out if it exists anywhere. There is no disagreement on the question that if at all it exists anywhere it should be forthwith abolished. As far as the Gujarat Govt. are concerned, it has been abolished. Now, that this House is debating such an important matter—the Bill is receiving universal support, there is no doubt about it—the hon. Minister owes it to explain to this House as to why it was delayed so much. The reasons for delaying such an important Bill for so many years should have been stated to the Members of the House. Secondly, I

[Shri Ramlal D. Parikh]

think, the hon. Minister owes to us, to all the Members of this House, to provide very correct, documented, authentic information as to what is happening in each State and we just cannot rely on press clippings and reports and statements issued by the certain concerned and interested parties. Therefore, without losing any time, I would urge upon the hon. Minister that such information should be compiled and provided, namely, the extent and size of the bonded labour problem that is existing in the country anywhere, to the Members of the House. I think it is necessary to provide this information.

Secondly, Sir, so far as the Bill is concerned, there are one or two concrete suggestions which I would like to make. First of all, the Bill does not make any mention about the resettlement of the bonded labour. I think that this Bill should have simultaneously provided for the resettlement of this class of people. It is the obligation of Governments, whether it be the Central Government or the State Governments, to provide for their resettlement simultaneously. That should have been a legal obligation. I would request the hon. Minister to consider this suggestion and see what can be done to make it a statutory obligation and see that at least a piece of land along with the piece of land some loan is advanced to them so that they can make their own living and live with selfrespect.

Then, I come to the question of judicial powers being entrusted to District Magistrates. In this connection, I would like to state that looking at the work that District Magistrates are doing, if we add to their responsibilities, it will not work. Instead, I think, the Government should consider constituting special tribunals, special district tribunals in every district. The more important question is not whether these tribunals will be able to complete their work in a year or two but the main point is that there must be a separate machinery to attend to this problem and we should not tag it on to some normal routine machinery with the result that the whole problem is submerged along with others.

The next question that comes to my mind while going through this Bill, is that it does not clearly provide—although by implication it does—that the principle of minimum

wages will inevitably be applied to this bonded labour which is freed from this system. I, therefore, think that it is necessary to strengthen this Act by making certain amendments or, may be, by elaborating certain provisions later on. The rule-making power has been left to the administrative machinery. Instead, some special committee of Members of Parliament or some such special committee or high-powered committee should be constituted to make immediate rules so that this Act can be implemented without delay. Our experience in the past has been that sometimes even after the Bills are passed it takes nearly a year or two to make the rules and the rules are made sometimes in such a way that they defeat the very purpose of the Act. I was happy to note that the Labour Minister here to set up very expeditiously a machinery to frame the rules under this Act. I was happy to note that the Labour Ministers have yesterday agreed in their conference but this is a matter which must be given topmost attention and urgency.

Then, Sir, this one measure should not remain an isolated measure. It should form part of the whole system for abolition of the system of zamindari, abolition of the system of exploitation in any form, whether it is in the case of Scheduled Castes or Scheduled Tribes or other backward classes. The Janata Front Government in Gujarat has appointed three commissions: one for the Scheduled Castes, other for the Scheduled Tribes and the third one for other backward classes to attend to all these problems. A Scheduled Caste Corporation has also been created and the land commission to which one hon. Member here made a reference is for consolidating the 29 legislative measures which Gujarat has taken for abolition of land tenure system. Gujarat has been one of the first States where "land to the tiller" has been accepted and implemented with vigour up to the point of even the temple land which is covered by this Act. Therefore, Gujarat will not be in any way lagging behind in supporting this measure and such other measures where uplift and welfare of the weaker sections is involved because it is a question which should be a top priority question and we should all work together for the uplift and for the welfare of the weaker sections, particularly the Scheduled Castes, Schedul-

ed Tribes and other backward classes and Gujarat State has been taking some of the most important measures and is fairly ahead, compared to other States in these measures.

With these few comments, Sir, I welcome the Bill. Thank you.

THE VICE-CHAIRMAN (SHRI V. B. RAJU) : Mr. Nizam-ud-Din, you wanted to make a mention, but not the speech.

SHRI SYED NIZAM-UD-DIN (Jammu and Kashmir) : Yes, Sir, I am referring to page 2 of the Bill, that is, Clause 2 and sub-clause (d) which is about the definition of "bonded debt".

It says :

"bonded debt means an advance obtained, or presumed to have been obtained by a bonded labour under, or in pursuance of, the bonded labour system."

Just as some other hon. Members also made it clear, sometimes it may be agricultural labourer who finally turns out to be bonded labourer. Therefore, I would suggest, to make the definition at the end of the sub-clause (d) of clause 2 more exhaustive, addition of some more words, that is,

"...or the debt which has resulted in bonded labour"

Debt may not be a bonded labour debt but the debt might have finally resulted into bonded labour. Therefore, every debt which has resulted in bonded labour should be defined as bonded debt. That is my submission.

THE VICE-CHAIRMAN : (SHRI V. B. RAJU) : Shri Thakur, only five minutes please because the Bill has been given only two hours

श्री गुणानन्द ठाकुर (बिहार) : उपसभापति जी, प्रधान मंत्री जी ने यह जो कदम उठाया कि भारतवर्ष से बंधक मजदूरों की प्रथा समाप्त की जाए और जिसे आज संसद में कार्य रूप में परिणत करने जा रहे हैं, यह भारत के इतिहास में स्वर्ण अक्षरों में लिखा जाएगा। यह एक ऐसा पेचीदा सवाल था, अगर सच पूछा जाए तो भारत के करोड़ों गरीब जो हजारों वर्षों से दामता की जंजीर में बंधे हुए

थे, उन्हें इन्दिरा जी ने आजादी दिलाई। यह भारत की संसद उस पर आजादी की मोहर लगा रही है। आज उन गरीबों को भगवान के रूप में इन्दिरा जी मिली हैं और इसलिए यह जरूरी है कि यह प्रथा समाप्त होनी चाहिए। बहुत-सी वाने हमारे शर्मा जी ने कही हैं। मैं समझता हूँ कि अभी भी बहुत से गांवों में बंधक मजदूरों की स्थिति बहुत ही खराब है। बंधक मजदूरों की प्रथा का विरोध कोई नहीं कर सकता है। इस सिलसिले में मैं आपका ध्यान गांधी जी द्वारा लिखे गए एक लेख की तरफ दिलाना चाहूंगा। गांधी जी ने अनटचेबिलिटी के बारे में कहा था—

"Gandhiji had foreseen that though law is a powerful instrument in bringing about socio-economic changes, by itself it cannot bring about a social revolution. Social revolution postulates change of heart on the part of the community as a whole and change of heart cannot be effected merely by the enforcement of law."

मेरे कहने का मतलब यह है कि गांधी जी ने यह कहा था कि सिर्फ कानून बना देने से काम नहीं चलेगा। कानून तो बहुत से बने। लेकिन जब तक कानून को व्यावहारिक रूप में अमल में नहीं लाया जाएगा, तब तक कानून कागजों पर ही रहेगा, उसका कोई फायदा नहीं होगा। मैं समझता हूँ कि यह एक अत्यन्त महत्वपूर्ण कानून है। गांवों के अन्दर बंधक मजदूरों की कई प्रकार की प्रथाएं प्रचलित हैं। देहातों के अन्दर बन्धक मजदूर पालकी में आदमी को एक जगह से दूसरी जगह ले जाते हैं। एक गांव में मैंने इस बात का खण्डन किया। लोगों ने मुझ से कहा कि आप ऐसा मत करिये। इसका अजाम बहुत बुरा होगा। अभी स्थिति यह है कि गांवों के अन्दर पालकी में होकर बन्धक मजदूर औरत या मर्द को एक स्थान से दूसरे स्थान पर ले जाते हैं। कम्प्लेसरिली उनको यह काम करना पड़ता है। इस प्रथा का आधार यह है कि किसी के बाबा ने किसी मालिक से 5 रु० लिया था

[श्री गुणानन्द ठाकुर]

या किमी के दादा ने 10 रु० लिया था। मुझे एक मामले के बारे में जानकारी है कि जहाँ पर एक बंधक मजदूर से एक मन धान के बदले में 35 मन धान लिये गये और इस तरह से उसके परिवार को बन्धक मजदूर बना कर रखा गया। अन्त में मैंने कहा कि भाई, इसको छोड़ दो, क्यों इस गरीब को परेशान कर रखा है। इस तरह के मामलों की तादाद एक नहीं हजारों में होगी। हमारी प्रधान मंत्री जी ने इस बात को महसूस किया और वे इस मामले की गहराई में गई। मैं हमारे देश की सब पालिटिकल पार्टियों से कहूंगा कि वे अपने सब मतभेद भुला कर इस मामले में सरकार को अपना सहयोग दें। इस कानून को एनफोर्स करने के लिए, इसको इम्प्लीमेंट करने के लिए हमारे देश की सब पार्टियों को अपना सहयोग देना चाहिए। लेकिन एक प्रश्न हमारे सामने उठता है। त्यागी जी ने एक व्यावहारिक बात कही। आजकल गांवों में स्थिति यह है कि जमींदार लोग कहते हैं कि हम कर्जा नहीं देगे। हमारे देश में कानून बना हुआ है। कानून को लागू करने के लिए हमें लड़ाई करनी पड़ेगी और हमको अगर कुछ नुकसान भी उठाना पड़े तो वह हमें उठाना चाहिए।

उपसभाध्यक्ष महोदय, मैं कहूंगा कि इस बारे में हमारी सरकार को चुप नहीं रहना चाहिए। सरकार को चाहिए कि हमारे देश के गरीब लोग, जो बंधक मजदूर हैं और जो बड़े लोगों द्वारा कुचले जा रहे हैं उनको जब तक मुक्ति नहीं मिले, तब तक सरकार को चुप नहीं बैठना चाहिए। सिर्फ कानून बना देने से काम नहीं चलेगा। जो लोग अब भी बन्धक मजदूर रखते हैं, जब तक उनके खिलाफ सख्त कार्यवाई नहीं की जाएगी, तब तक यह प्रथा समाप्त होने वाली नहीं है। मैं आपके ध्यान में यह बात भी लाना चाहता हूँ कि जिन लोगों को सरकार ऊपर उठाना चाहती है उनकी हत्याएं भी होने लगती हैं और उन

लोगों को ऊपर उठाने नहीं दिया जाता है। ऐसी स्थिति में मैं लेबर मिनिस्टर साहब से आग्रह करूंगा कि आप बिलकुल सतर्क रहे। अगर आप राज्यों में कानून से इस प्रथा को समाप्त करना चाहते हैं तो सख्ती से कानून पर अमल कीजिये और प्रत्येक राज्य में वाच डौग कमेटियाँ बना कर इस कार्यक्रम को कार्यान्वित कीजिये। जहाँ से भी कानून का उल्लंघन करने की शिकायत आए, वहाँ के बारे में अधिकारियों को आप जिम्मेदार बनाये ताकि अधिकारीगण कानून पर सख्ती से अमल करें। हमारी प्रधान मंत्री ने एक अभूतपूर्व काम किया है। हजारों वर्षों से जो मजदूर बंधक बने हुए थे उनको आज मुक्ति मिली है। उन्हें 15 अगस्त को आजादी नहीं मिली उन्हें 26 जनवरी को आजादी नहीं मिली और इस साल में आज यदि डाक्टर अम्बेडकर होते तो उन्हें बड़ी प्रसन्नता होती। 25 नवम्बर, 1949 को उन्होंने कास्टिट्यूट असम्बल में कहा था :

"On the 26th January, 1950 we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In politics we will be recognising the principle of one man one vote and one vote one value. In our social and economic life we shall by reason of our social and economic structure continue to deny the principle of one man one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has laboriously built up."

तो आज अम्बेडकर होते तो उन्हें बड़ी से बड़ी प्रसन्नता होती। उन्होंने 1949 में संविधान बनाते समय कहा था, जिसकी ओर सरकार का ध्यान खींचा था, देश का ध्यान खींचा था, आज उसकी पूर्ति सही मानों मे इंदिरा जी के 20 सूत्री कार्यक्रम के अन्दर हुई। इस सम्बन्ध में जो विधेयक संसद् में

पारित किया गया, इंदिरा जी ने उसकी धारणा थी, उसकी मंशा की पूर्ति की। आज उन्हें सबसे बड़ी प्रसन्नता होती। इन्होंने शब्दों के साथ मैं पुनः मंत्री जी से कहना चाहूंगा कि उन्होंने बहुत बड़ा मसला लिया है।

उपसभाध्यक्ष (श्री बी० वी० राजू) : वह तो बोल दिया है।

श्री गुणानन्द ठाकुर : बहुत बड़ा मसला लिया है। अभी जैसे शर्मा जी ने उदाहरण दिया, जो रेडियो पर सुना, मजदूरों ने कहा कि किस तरह से उनके घर जलाए गए। इस तरह से जो बड़े-बड़े लैण्डलाई हैं, जमींदार हैं, पैसे वाले हैं, ठेकेदार हैं या जो बड़े-बड़े लोग हैं, ये लोग परेशान करने हैं गांवों में। इसलिये पुनः मैं इस क्रान्तिकारी विधेयक के लिये अपने नेता को और अपने मंत्री को बधाई देता हूँ। धन्यवाद।

SHRI KRISHNARAO NARAYAN DHULAP (Maharashtra) : Mr. Vice-Chairman, Sir, I rise with your permission to give my observations on the provisions of the Bill which is before the House for consideration. Sir, the members of the Treasury Benches and some of the members from this side congratulated the Government and particularly the Labour Minister and the Prime Minister for introducing this measure in the House. I also wanted to congratulate the hon. Minister, but, Sir, I could not do that because I have gone through the provisions of this Bill. I have read between the lines and I have come to the conclusion if the Central Government and the Labour Ministry of Shri Raghunatha Reddy is having the sense of urgency and will to do away with this nefarious anti-social system prevalent in this country. Sir, I heard his speech in which he referred to the report of the Commissioner of Scheduled Castes and Scheduled Tribes of the year 1965-66. He also quoted from that report and in the reply given by him in the other House to which my friend Shri Sharmaji referred, he said that according to the information given by different

States—15 States—in the country this sort of bonded labour system is not prevalent in their States and that it has been done away with. That is the reply given by him in the other House. So, from the information that he gives to the House, it appears that the machinery that he is having with him to collect the data regarding the number of bonded labour in different States is quite inadequate. As a matter of fact this shows the lack of machinery available with him and the provisions that he has made in this Bill go to prove that his Ministry has no will to do away with this system.

Sir, what is there in this Bill after all? They want to rehabilitate the freed bonded labourers. How are they going to do it? What is the machinery? The machinery is the District Magistrate. And what is he going to do? The provision made in clause 11 of the Bill is: "The District Magistrate authorised by the State Government under section 10 and the officer specified by the District Magistrate under that section shall, as far as practicable, try to promote the welfare of the freed bonded labourer by securing and protecting the economic interests of such bonded labourer so that he may not have any occasion or reason to contract any further bonded debt." The words used here are "as far as practicable, try to promote". They have got much faith in bureaucracy. What the District Magistrate is to do is 'as far as practicable' try to protect them. He is free to say that he tried his level best to protect the interests of these people. And in the marginal title what is stated is: "Duty of District Magistrate and other officers to ensure credit." What will they do? They will try to give them credit. Through whom? Through the machinery that is obtainable at the district level at present, i.e. a society or a bank or whatever machinery is there. And in the Vigilance Committee there is only one representative of these institutions, credit-giving institutions. Now the second function of the Vigilance Committee is "to provide for the economic and social rehabilitation of the freed bonded labourers". Only the provision is there. There does not seem to be a will behind it. How are these people going to rehabilitate the freed bonded labourers? Until and unless, Sir, they are given alternative employment, this provision will only be on paper; it will be

[Shri Krishnarao Narayan Dhulap] only on the Statute Book. Because I know personally of what type these people are. They are sub-human, they are a beast of burden. By giving money, how are they going to be rehabilitated? If some effective machinery is provided in the Act itself to look after the interests of these people, then and then alone this can be done. Otherwise it will be only on paper.

[The Vice-Chairman, (Shri Lokanath Misra) in the Chair].

Secondly, Sir, I will refer to clause 22 which says: "Every offence under this Act shall be cognizable and bailable." Sir, the Minister himself has stated in the Statement of Objects and Reasons, in the last lines of paragraph 1, "The system implied the infringement of the basic human rights and destruction of the dignity of human labour." If this is the picture of the type of nefarious system that is prevalent, then why is the offence bailable? It should be non-bailable. Whose interests are you going to protect? You are going to protect those people who are in the nefarious system, by making the offence bailable. It should be made non-bailable? Why has it not been made non-bailable?

AN HON'BLE MEMBER: Procedurally it ought to have been like that.

SHRI KRISHNARAO NARAYAN DHULAP: Yes. On the face of it, it appears that the District Magistrate will be working as a Judge, and every offence is to be tried by him, whether a First Class Magistrate or a Second Class Magistrate. If these offences are to be tried and if you want to put a stop to this type of anti-labour offences, then these should be made non-bailable.

At present in the State of Maharashtra this system does not exist that was the reply given. Shri Ram Lal Parikh also said that this system is not prevalent in Gujarat. But that is not a fact. Thousands of workers from Bulsar and from around Surat come to Bombay and they are working in the brick kilns in Kalyan. Outwardly, it appears that there are only contractual relations but in fact, they are bonded labourers. Every year they come to work in the brick kiln factories near Bombay. They are paid some advance. They go back to their villages during the rainy season to carry on their agricultural operations. And when those operations are over, they are brought

back by force by these brick kiln owners from those areas and they are forced to work in their brick kilns. Similar is the case with the jungle contractors where the Adivasis and the Scheduled Tribes are working as bonded labourers. This matter should be enquired into. And if the Government is serious enough, the provisions in the Act should be made stringent and effective rehabilitation of these bonded labourers should be ensured.

श्री रणबीर सिंह : उप सभाध्यक्ष महोदय, मैं बन्धित श्रम पद्धति (उत्सादन) विधेयक का समर्थन करने के लिये खड़ा हुआ हूँ। इस बिल का समर्थन करते हुए जैसा कि कई एक सदस्यों ने प्रश्न किया कि यह प्रथा भिन्न-भिन्न प्रांतों में अलग-अलग रूप में इस समय मौजूद है। यह बात मैं भी मानता हूँ, मगर जिस तरह से इसमें उल्लेख किया गया है कि बाप का कर्जा बेटे तक पहुंचता है तो उसका बेटा भी बन्धक श्रम मजदूर रहता है। इसलिये मैं यह भी मानता हूँ कि इस तरह की बातें बहुत से प्रदेशों में नहीं हैं। जो उधार रुपया दिया जाता है वह किसी हद तक दे दिया जाता है। मैं पंजाब और हरियाणा के बारे में जानता हूँ और जहां तक इस बात का सम्बन्ध है कि बाप के कर्जे से बेटे को मजदूरों का काम करना पड़ता है, ऐसी बात नहीं है। हां, यह बात जरूर है कि मजदूर जो हैं, वह एक गरीब आदमी है। वह साल भर मजदूरी करने के लिये पहिले पैसा उधार लेता है। इस बारे में प्रदेश सरकारों की समझ का फर्क है और हमारी सरकार के समझने में भी फर्क है।

हम यह जो कानून बना रहे हैं, मैं मानता हूँ और जैसा इसमें लिखा है कि अगर किसी मजदूर की मजदूरी दर, निर्धारित मजदूरी दर से कम है, तो उसको बन्धक मजदूर माना जाये। जहां पर इंट के भट्टे होते हैं, उसमें जो मजदूर काम करते हैं, वे पहिले पैसा उधार ले लेते हैं और उधार पैसा मजदूरी की शक्ल में पूरा करते हैं। जब तक वह मजदूर अपना पूरा रुपया मजदूरी के रूप में अदा

नहीं कर देता है तब तक वह जा नहीं सकता है। अगर वह मजदूर जाना चाहता है तो उसके ऊपर जो बकाया पैसा रह जाता है, वह उसको वापस कर के ही जा सकता है और मालिक उसको फिर ही जाने देता है।

इसी तरह से खेती में प्रथा है जिसे शीरी कहे या साल भर का मजदूर कहे। वह पहले साल भर की मजदूरी के तौर पर उधार लेता है और जब तक वह साल पूरा नहीं हो जाता या बकाया पैसा अदा नहीं करता, उस वक्त तक उसे मजदूरी करनी पड़ती है। इसे भी श्रम बन्धित मजदूर प्रथा के तहत माना जाये तो मैं समझता हूँ कि सारे प्रदेशों में है। लेकिन बाप के कर्ज में बेटा मुफ्त काम करता रहे, जिसे पहले बेगार कहते थे, वह बहुत सारे प्रदेशों में खत्म हो चुका है।

धाबे जी को मैं बताना चाहता हूँ, कुलक्स से उनको बहुत गिला है, वे कुलक्स से क्या मानते हैं मुझको नहीं मालूम। अगर जमीन के मालिकों का जहाँ राजकाज में दखल हो उनको कुलक कहते हैं तो मैं उनको बताना चाहता कि वह सही नाम नहीं है। सरदार प्रताप सिंह की कैबिनेट में मैं भी वजीर था 1962 में। हमने सबके ऊपर टैक्स लगाया था। भू-मालिकों पर ही नहीं, जो भी टैक्स देता था उसके ऊपर टैक्स लगाया। हरिजन कल्याण के नाम से वह टैक्स लगा था। कोई 5 करोड़ के करीब रुपया इकट्ठा हुआ था ताकि गरीब हरिजनों पर जो पीढ़ी दर पीढ़ी कर्ज से दबे हुए थे, उनके कर्ज को अदा किया जा सके और उनके आर्थिक स्तर को ऊँचा किया जा सके। आज कोई जागीरदार नहीं है। अगर सीलिंग का कानून ईमानदारी से लागू होता है तो 17-18 एकड़ का आदमी कुलक नहीं है। अगर वह कुलक है तो यहाँ की विधान सभा के सदस्या या पार्लियामेंट के सदस्य कुलक से ज्यादा है। उनको सहूलियतें उनसे ज्यादा हैं, मेहनत वे कम करते हैं। ऐसे शब्द वे उनके लिए इस्तेमाल

करे यह देश के लिए अच्छा नहीं है। अगर कभी अकाल पड़ जाता है तो देश भिखारी बनता है। इसलिए वह भाषा हम को छोड़नी चाहिए। अगर कहीं सीलिंग का कानून पूरे तौर पर लागू नहीं होता है तो उसको लागू करे। जहाँ पूरी मजदूरी नहीं दी जाती है वहाँ वह दिलवाएँ। इस बात से मैं सहमत हूँ कि कोई न कोई टैक्स सबके ऊपर लगाया जाये, किसी को छूट न दी जाये ताकि जो गरीब भाई हैं, अति गरीब हैं उनकी आर्थिक स्थिति ऊँची हो सके। इसके लिए टैक्स लगा कर हर प्रदेश में पैसा इकट्ठा किया जाये जैसे पंजाब के अन्दर 1962 में किया गया था। उस ढंग की कोई कार्यवाही की जाती है तो हम सब सहमत हैं, लेकिन अगर किसी जाति भेद या व्यवसाय भेद के ऊपर टैक्स लगता है तो वह सही बात नहीं है। एक तो मैं चाहूँगा माननीय मंत्री जी से कि वे यह बताएँ कि जैसे आज प्रश्न है कि एक तरफ सदस्य समझते हैं कि उनके प्रदेश के अंदर बंधक मजदूर की प्रथा है, दूसरी तरफ 15 राज्य सरकारें कहती हैं कि ऐसा नहीं है, तो उनकी राय क्या है और वे किसको बन्धक मजदूर मानते हैं ताकि जो कमेटी बने वह अपना काम ठीक तौर पर कर सके।

उपसभाध्यक्ष (श्री लोक नाथ मिश्र) : मिनिस्टर साहब बोलेंगे तब वह यह बता देंगे।

श्री रणबीर सिंह : मैं प्रश्न तो कर दूँ। केन्द्र या प्रदेश के स्तर पर समिति बनेगी। मुझको यह समझ नहीं आया। अगर वह पैसा देने वाली समिति है तो ठीक है।

4P.M.

पैसा देने वाली समिति हो और वह पैसा दिला सकते हैं तो वह सही है। यह कानून तो गांवों में लागू होना है। गांव के स्तर पर कोई समिति बने तो वह उन को मदद करेगी। लेकिन दिल्ली में बैठ कर कोई समिति बना ली जाये तो वह कैसे उन की मदद करेगी। मैं मानता हूँ कि जैसा उन्होंने कहा डिप्टी

[श्री रणबीर सिंह]

कमिश्नर, सब डिवीजनल अफसर उस का चेयरमैन हो या वह समिति का सेक्रेटरी हो और कोई नान-आफिशियल चेयरमैन हो तो वह अच्छा होगा और ऐसा होने से वह पूरे तौर से गरीब के भले के लिये काम कर सकेगी।

SHRI K. V. RAGHUNATHA REDDY :

I am extremely grateful to all the hon. Members who have participated in this debate for extending their wholehearted support to this piece of legislation. The speeches were very learned and passionate and I do not want to add further to the details of the speeches which the hon. Members were pleased to make with respect to various aspects and various manners in which the bonded labour system exists in various parts of the country. One of the questions that has been raised is about the definition of 'bonded debt'. I do not think the way in which this legislation has been drafted give rise to any doubt which one of the hon. Members has pointed out. 'Bonded debt' is to be read with the definition of 'bonded labour system' and one of the clauses in the definition says :

"for any economic consideration received by him or by any of his lineal ascendants or descendants".

This, I hope, will dispel any doubt in the minds of the hon. Members because 'bonded debt' has to be interpreted with reference to bonded system for which the definition is given in the legislation itself.

One of the features of this legislation is the appointment of the vigilance committee. There were certain suggestions that there should be committees at the State level and Central level. Though I do not rule out the possibility of having something like a watch-dog committee at the Central and State levels, at present we will have this committee at district level and sub-divisional level because it is only at these levels that the problem can be effectively controlled. Regarding the constitution of this committee the law lays down that half of the persons will be from the Scheduled Castes and Scheduled Tribes and the rest will be public workers. The District Magistrate and the Dy. Commissioner would be the Chairman at the respective levels because these are

the law enforcing authorities who will be in a position to work better in this field. It must also be remembered that non-officials will also be associated, but the persons who are really affected by this are members of Scheduled Castes and Scheduled Tribes and therefore they are made effective members of such committees. This should dispel any kind of impression that the hon. Members may have that the vigilance committee will not be in a position to work effectively unless it is constituted at the Central and State levels.

I would now draw the kind attention of the hon. Members and the hon. House to clause 15 of the Bill which reads as follows :

Whenever any debt is claimed by a bonded labourer, or a Vigilance Committee, to be a bonded debt, the burden of proof that such debt is not a bonded debt shall lie on the creditor.

Whenever a bonded labourer claims a debt or whenever the vigilance committee says it is bonded debt, the burden of proof is not on the person who asserts it, but on the creditor. This is one of the meaningful provisions in this Bill... (Interruption). It is rather difficult to answer the question raised by the hon. Home Minister.

THE MINISTER OF HOME AFFAIRS
(SHRI K. BRAHMANANDA REDDI) :
No, no...

SHRI K. V. RAGHUNATHA REDDY :
Although he is a Member of this honourable House, I do not want to consider the Home Minister as a participant in this debate and do not want to answer his question. This is a legislation which has been approved of by the Cabinet and he is also a party to this legislation.

Then, Sir, there is another aspect of the Bill which must be considered and it is this: We have made specifically a provision of abetment in the case of bonded labour, in the case of any offence committed under this Act, and I would like to remind the officers who are to deal with the enforcement of this legislation either at the district level or at other levels that, if they keep quite when a matter is brought to their notice without taking any action or if they are slow or lethargic in taking action, I am afraid, by a proper interpretation of the concept of abetment in the IPC, these officers would

be covered and their acts would attract these provisions if offences are brought to their notice and they keep quiet. If I may say so, Sir, his is a kind of revolutionary jurisprudence as far as the bonded labour is concerned. Therefore, this aspect of the question also must be borne in mind...

SHRI SARDAR AMJAD ALI : What about Sec. 374 of the Penal Code? That provision is already there. What has been done so far? That is what we would like to hear from the honourable Labour Minister...

(Interruption)

SHRI K. V. RAGHUNATHA REDDY : Sec. 374 is already there. But, here, if a matter is brought to the notice of the officer and if he keeps quiet, he will attract the provisions...

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA) : He wants to know...

SHRI SARDAR AMJAD ALI : I would like to know whether any prosecutions were made by the Government since the provision is already there.

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA) : Mr. Reddy, he wants to know whether any prosecutions have been launched so far in this regard.

SHRI K. V. RAGHUNATHA REDDY : That is being provided for now and he cannot expect me to have a retroactive legislation with regard to this and even though it may be possible to have a retroactive legislation, you cannot produce retroactive offences.

SHRI SARDAR AMJAD ALI : This provision is already there.

SHRI K. V. RAGHUNATHA REDDY : Then, Sir, there are two other important questions which have been raised : One is about the rehabilitation and this is one of the material aspects that would be considered. I would like to draw the attention of the House to the decisions taken at the Labour Ministers' Conference only yesterday. It has been decided by the Labour Ministers in the Conference held yesterday, that is, on the 11th January, 1976 like this : While the different State Labour Ministers pointed out the steps taken by the State Governments for the abolition of the bonded labour

system, it was decided, Sir, that the State Governments would take steps for specifically identifying bonded labour and the Commissioner for Scheduled Castes and Scheduled Tribes agreed to lend his organisational support for sample surveys or for surveys to help in identifying bonded labour. One of the questions that have been raised is this : Suppose the concerned authorities do not take steps for the purpose of identifying the existence of bonded labour in a particular area. Now, what would be the method adopted to deal with this problem? For this purpose, the various research institutes, especially the research institutes under the Commissioner for Scheduled Castes and Scheduled Tribes and the Director of Tribal Welfare, would be made effective use of for the purpose of identifying the existence of bonded labour and in such cases, the States like Gujarat may not be in a position to claim that the bonded labour system had been completely abolished in their States. Then, Sir, it was also decided that in each State the Government concerned should prepare and implement schemes for the social and economic rehabilitation of the emancipated bonded labour. The State Labour Departments would act as nodal points for co-ordinating the activities of the other Departments relating to bonded labour. Further, since the abolition of the bonded labour is an important and integral part of the programmes for the weaker sections of the community for the upliftment of which annual allocations are made in the Plans, specific schemes are to be drawn up by the States for the rehabilitation of the bonded labour and the schemes may be sent to the Union Labour Ministry which is the nodal Ministry for co-ordination amongst the Central Ministries. It has also been decided, Sir, that each Labour Ministry should take active interest in this matter and, while they prepare their Annual Plan for their respective States, they must include provisions for the purpose of relieving the bonded labour and for rehabilitating them. The annual plans must contain such provision and the scheme which they prepare must be sent to the Labour Ministry for the purpose not only of scrutiny but also of seeing in what manner it can be helped so far as implementation is concerned. This is one aspect of the matter which I wanted to bring to the notice of the House. I do not wish to take any more time. This is

[Shri K. V. Raghunatha Reddy]

a piece of legislation which is historic in its character and which has received abundant support from various sections of the House.

Thank you very much.

THE VICE-CHAIRMAN (SHRI LOKA-NATH MISRA) : The question is :

"That the Bill to provide for the abolition of bonded labour system with a view to preventing the economic and physical exploitation of the weaker sections of the people and for matters connected therewith or incidental thereto, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI LOKA-NATH MISRA) : We shall now take up the clause-by-clause consideration of the Bill.

Clauses 2 to 5 were added to the Bill.

Clause 6—(Liability to repay bonded debt to stand extinguished)

SHRI KRISHNARAO NARAYAN DHULAP : Sir, I beg to move:

1. "That at page 4,—

(i) in lines 30-31, for the words 'as soon as may be practicable' the words 'within thirty days' be substituted; and

(ii) in lines 36-37, for the words 'as soon as may be practicable' the words 'within thirty days' be substituted."

The question was proposed.

Sir, I have given this amendment and I will draw the attention of the hon. Minister to sub-clause (6) of clause 6, which states :

"If restoration of the possession of any property referred to in sub-section (4) or sub-section (5) is not made within thirty days from the commencement of this Act..."

That provision is there. In clauses (4) and (5) the words used are "as soon as may be practicable". In both these, these words are to be substituted by the words "within thirty days", as this provision is already there in sub-clause (6). Therefore, I move this amendment, and I think the Minister should have no hesitation in accepting this.

SHRI K. V. RAGHUNATHA REDDY :

Since the property would be in the custody of the court, the court must have permission to dispose of this matter. If you lay down a period of thirty days, there may be some difficulties for the court. Therefore, I oppose this amendment.

THE VICE-CHAIRMAN (SHRI LOKA-NATH MISRA) : The question is :

1. "That at page 4,—

(i) in lines 30-31, for the words 'as soon as may be practicable, the words 'within thirty days' be substituted."

(ii) in lines 36-37, for the words 'as soon as may be practicable' the words 'within thirty days' be substituted; and

The motion was negatived

THE VICE-CHAIRMAN (SHRI LOKA-NATH MISRA) : The question is :

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clauses 7 to 9 were added to the Bill.

Clause 10—(Authorities who may be Specified for Implementing the Provisions of this Act)

SHRI KRISHNARAO NARAYAN DHULAP : Sir, I beg to move :

2. "That at page 6, line 19, after the words "subordinate to him" the words "not below the rank of a Divisional Magistrate or a Deputy or an Assistant Collector" be inserted."

Sir, this amendment is crystal clear and does not require any explanation. The Sub-Divisional Magistrate will be the Chairman of the Vigilance Committee which will be appointed. The District Magistrate may specify the officer subordinate to him. It should be specifically mentioned here that the officer should not be below the rank of Sub-Divisional Magistrate, or a Deputy or an Assistant Collector, otherwise perhaps the Tehsildar may be appointed on his behalf. Therefore, this specific provision has been brought.

THE VICE-CHAIRMAN (SHRI LOKA-NATH MISRA) : Are you accepting it ?

SHRI K. V. RAGHUNATHA REDDY : No. I am not accepting.

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA) : The question is :

2. "That at page 6, line 19, after the words 'subordinate to him' the words 'not below the rank of a Divisional Magistrate or a Deputy or an Assistant Collector' be inserted"

The motion was negatived.

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA) : The question is :

"That Clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA) : Clause 11 stand part of the Bill. There is one amendment by Mr. Dhu'ap.

Clause 11—Duty of District Magistrate and other officers to ensure credit

SHRI KRISHNARAO NARAYAN DHULAP : Sir, I beg to move :

3. That at page 6, line 25, the words 'as far as practicable, try to' be deleted.

The question was proposed.

SHRI KRISHNARAO NARAYAN DHULAP : Sir, this is a very important amendment that I am making and the hon. Minister should have no hesitation in accepting this. There should be a mandatory provision on the officer concerned to carry out whatever burden is put on his shoulders. He should do his work effectively. The words used in this clause are :

"The District Magistrate authorised by the State Government under section 19 and the officer specified by the District Magistrate under that section shall, as far as practicable, try to promote the welfare of the freed bonded labourer by securing and protecting the economic interests of such bonded labourer....."

Sir, if the intention is that they should be given some protection effectively, then I do not understand why this loose phraseology has been used. Therefore, I want to remove "as far as practicable, try to". This should go and then the clause will read like this : "The District Magistrate shall promote the welfare of the freed bonded labourer." This provision is being made mandatory by this amendment. Therefore,

I would request the hon. Minister to accept this.

SHRI K. V. RAGHUNATHA REDDY : Sir, this provision regarding the economic welfare must be as far as practicable. Therefore, I am opposing the amendment.

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA) : The question is :

3. "That at page 6, line 25, the words 'as far as practicable, try to' be deleted.

The motion was negatived.

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA) : The question is :

"That Clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill.

Clause 12 was added to the Bill

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA) : Clause 13 stand part of the Bill. There are four amendments. Mr. Deorao Patil is not here.

Clause 13—Vigilance Committees

SHRI KRISHNARAO NARAYAN DHULAP : Sir, I beg to move :

5. "That at page 7, line 4, after the words 'two social workers' the words 'one of whom shall be a woman social worker' be inserted."

7. "That at page 7, line 18, after the words 'two social workers' the words 'one of whom shall be a woman social worker' be inserted."

The questions were proposed.

Sir, I have made a specific provision because much has been said about the International Women's Year. A specific provision should be made regarding taking a woman social worker in the committee. Therefore, this has been put forth by me. I think there should not be any objection whatsoever from the other side to accept these amendments

SHRI K. V. RAGHUNATHA REDDY : There is no provision for women social workers to be appointed and this need not be provided by law.

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA) : The question is :

5. "That at page 7, line 4, after the words 'two social workers' the words 'one

[Shri Lokanath Misra]

of whom shall be a woman social worker' be inserted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA): The question is:

7. "That at page 7, line 18, after the words 'two social workers' the words 'one of whom shall be woman social worker' be inserted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA): The question is:

"That Clause 13 stand part of the Bill".

The motion was adopted.

Clause 13 was added to the Bill.

Clauses 14 to 21 were added to the Bill.

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA): Clause 22 stand part of the Bill. There is one amendment by Mr. Dhulap.

Clause 22—Cognizance of offences.

SHRI KRISHNARAO NARAYAN DHULAP (Maharashtra): Sir, I move the following amendment:

8. "That at page 9, line, 15, for the word 'bailable' the word 'non-bailable' be substituted."

The question was proposed.

SHRI KRISHNARAO NARAYAN DHULAP: Sir, I hope, my hon. friend, Shri Amjad Ali, will try to support me as far as this amendment is concerned. Sir, much has been said about this system of bonded labour. If in any form, it is found to be in existence, then it should be dealt with very drastically. Some provision should be made so that there should not be any scope for the continuance of this sort of nefarious, anti-social system in this country. If the offence is cognizable why is it not made nonbailable? If it is made non-bailable, then it will be a sort of a deterrent in the minds of those who are actually dealing in such type of activities. All my earlier amendments are rejected, and I hope the hon. Minister will at least accept this amendment.

SHRI K. V. RAGHUNATHA REDDY:

Sir, two aspects will have to be appreciated here. As far as the offence part is concerned, we have made it cognizable so that notice of the offence can be immediately taken note of. But, as far as the bailable part of it is concerned, you will kindly appreciate, the principles and circumstances in which the bail can be granted have been laid down by various High Courts and the Supreme Court. Therefore, taking into consideration all those principles, Sir, we thought that in a matter like this, though it is cognizable, it can still be made bailable because, in all matters like this, the courts are likely to enlarge the persons, and instead of getting these people enlarged on bail by courts, we would like to provide for this in the law itself.

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA): The question is:

8. "That at page 9, line 15, for the word 'bailable' the word 'non-bailable' be substituted.

The motion was negatived.

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA): The question is:

"That clause 22 stand part of the Bill."

The motion was adopted.

Clause 22 was added to the Bill.

Clauses 23 to 27 were added to the Bill.

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

SHRI K. V. RAGHUNATHA REDDY:

Sir, I move.

"That the Bill be passed."

The question was put and the motion was adopted.

THE EQUAL REMUNERATION BILL, 1976

THE MINISTER OF LABOUR (SHRI K. V. RAGHUNATHA REDDY): Sir I beg to move:

"That the Bill to provide for the payment of equal remuneration to men and women workers and for the prevention of discrimination, on the ground of sex, against women in the matter of employment and for matters connected therewith incidental thereto, be taken into consideration."