

THE DEPUTY CHAIRMAN: Let it begin tomorrow.

SHRI BHUPESH GUPTA: Therefore you need not take notice of the other portion.

SHRI ATAL BIHARI VAJPAYEE (Uttar Pradesh): Why a meeting of the Business Advisory Committee has not been called?

THE DEPUTY CHAIRMAN: That is another point. That will be taken into consideration.

SHRI MULKA GOVINDA REDDY: (Mysore): Why is it that they have fixed 3 P.M. as the hour for commencing the discussion? Why not after the Question Hour?

SHRI BHUPESH GUPTA: We are asking: 'Why 3 P.M.? Perhaps he has in mind the fact that the Government consult the astrologers very frequently . . .

(Interruptions)

SHRI JAGANNATH RAO: The discussion on the Tashkent Declaration has started in the other House. It will conclude tomorrow at 2.30.

SHRI BHUPESH GUPTA: No Haveli Ram business here?

THE DEPUTY CHAIRMAN: We go to the next business. Mr. Anandan will continue his speech.

**THE BEEDI AND CIGAR WORKERS
(CONDITIONS OF EMPLOYMENT)
BILL, 1965—contd.**

SHRI T. V. ANANDAN (Madras): In continuation of my unfinished observations, I now take up clause 17 which defines the hours of work. Here also I am of opinion that it could have been very well done had they reduced the hours of work from 48 to 42. We have now been subscribing to the ideals of the I.L.O. and many countries have now brought down the hours of work from 48 to 40, even though in

some countries it is 42 and the U.K. is struggling to bring it to 40. As far as the working class welfare is concerned, our country is lagging far behind as compared to the developed countries. If we had reduced the working hours from 48 to 42, we would immediately have solved the unemployment problem at least to the extent of 20,000 in the beedi and cigar workers' establishments. I think the Minister should set an example when he frames new statutory rights for new categories of workers. We must try the experiment of international achievements. The 48 hours of work a week is now spurned by the working classes internationally but ours is the only country which is adopting it although there is no dearth of willing hands to work.

Coming to clause 18, the explanation given is:

"'Standard family' means a family consisting of the employee, his or her spouse and two children . . ."

If we take the statistics of our country, I am strongly of the opinion that in a family of the working class there are not less than six children to a worker. When you are giving some concession by this clause, we should have at least thought of including three children instead of two. Thereby the advantage would have been given to the poor exploited beedi workers in this country. I hope the Minister will observe this point of mine.

Coming to clause 25, it permits the womenfolk to work till 7 P.M. Ours is a country which has honoured the women from times immemorial, since Lord Shiva destroyed Parvati and when he transformed himself into Ardhanareeswaran, of Shiva and Shakti, from that day onwards this country has given first place to womanhood and honoured the women. So when we frame the rules and regulations for women

workers, how can we permit them to work till 7 in the night? Internationally a convention has been made that after six, night starts. Such being the case how can our Labour Minister think of allowing the women to work till 7 P.M.? I request that the Minister would bear this in mind and bring this down. Let us not allow the women of this country to work after 6 P.M.

Coming to clause 26, which is about annual leave, it says one day for every 20 days of work performed. It is an antedated formula. We have now been observing the practice in other countries. They have three weeks' annual leave. Very recently we have allowed the Railwaymen, from 1st January, 1966, some concessions. Instead of calculating; for every eleven days, leave for one day, they have now amalgamated this and brought it to fifteen days for six months. I am not demanding that the beedi workers should get thirty days' leave, but at least instead of one day for twenty days, they should have three weeks annually which is an internationally accepted convention.

Coming to clause 31, which is a very important clause, the proviso says:

"Provided that such notice shall not be necessary if the services of such employee are dispensed with on a charge of misconduct supported by satisfactory evidence recorded at any enquiry held by the employer for the purpose."

Employer is the accuser and he sits in judgment over the accused. Such a thing should not happen in our country when the goal we have set before ourselves is a democratic socialistic State. Here the employee must have a counsel and so another employee should follow him and be present before the inquiry. We should not give the right to the employer to sit in judgment over his own employee, when he had already

framed an accusation against the employee. I think it is a fundamental right of an employee governed by the Constitution itself so that the employee, when he appears before an inquiry, must be supported by a co-worker, or a trade union representative, one to follow him and argue the case when the employer sits in judgment over this employee.

Coming next to the application of the Industrial Employment (Standing Orders) Act, 1946, clause 37 reads in part :

"...as if such industrial premises were an industrial establishment to which that Act has been applied by a notification under sub-section (3) of section 1 thereof, . . .".

Here I like to mention, Madam, that it should automatically be applied to this industry of beedi and cigar workers instead of the State Government or any Government publishing a notification in the Gazette and then bringing this industry for the applicability of the Industrial Employment (Standing Orders) Act, 1946 thereto. I may at the same time quote from clause 39 which reads in part:

"The provisions of the Industrial Disputes Act, 1947 shall apply to matters arising in respect of every industrial premises."

There it is automatic application of the Industrial Disputes Act. But when you want to apply the Industrial Employment (Standing Orders) Act, you say that two months' notice and publication in the Gazette are necessary. I think it is not right on our part when we are making a statutory law in this Parliament and I am of the opinion that the Industrial Employment (Standing Orders) Act should automatically apply to those beedi and cigar workers in our country.

Before I finish, Madam, I have to refer to one thing said by my hon.

[Shri T. V. Anadan.]

friend, Mr. Chordia, in his opening speech on this Bill. He said that hereafter all laws made in this Parliament should be available in the languages understood by the working class. I support that point of his and add that the industrial workers in this country are not so much educated today as to understand the law printed in English only. So it is very necessary that in their languages the law should be printed and published so that it may be very easily available to them, and it will also be easy for them to understand it in their own languages.

Finally, Madam. I request the hon. Minister of Labour and Employment, who is now looking after the entire welfare of the working class of this country that, whenever he wants to frame new statutory rights to the working class, he should compare the present status of the working class in other countries with that of the working class in this country, and our industrial workers of the wage-earners as a whole should be brought to the level of other countries, more so because the goal before us is a democratic socialistic State, and the sooner the Ministry of Labour and Employment does this and follows this principle instead of adopting the old, outdated ways, and the outmoded regulations, the better for the Government and the people.

With these observations, Madam, I do welcome this Beedi and Cigar Workers Bill before the House. At the same time, I hope that the hon. Minister of Labour and Employment will bear in mind the observations that I have made and will very soon bring in an amending Bill incorporating some of these very good and well thought of suggestions. Thank you, Madam.

SHRI SUNDAR MANI PATEL (Orissa): Madam, I rise to speak a few words on the Beedi and Cigar Workers (Conditions of Employment) Bill. It is a good Bill and I

support the spirit of the Bill. But, as I see it, it is not a comprehensive one. So I will request the hon. Minister through you to send it to a Joint Select Committee of both the Houses. Why it is not comprehensive, I shall now say.

The hon. Minister has stated that nearly one million workers are engaged in this beedi and cigar trade in our country. This is not a fact; it is more than one million, and I should say that it is three times as much; from the present statistics, that are available to me supplied by the Ministry, that much is engaged in this trade in this country.

Then he has dealt with one part of the trade, that is, how the beedi is being made, how the cigar is being made. But how the beedi leave is being collected, from where it is collected and by whom it is collected, well, that has not been mentioned in his speech, and that I want to refer to, how and from which section of the Indian society they have the work done. Mostly the rural people, the poorer sections of the rural masses undertake this work, and the collection of beedi leaves is done in the months of April, May and part of June every year. Actually, the operation of beedi-plucking work first starts in the month of January. We get beedi leaves from bushes and the beedi leaves are called *kendu* leaves in our part of the country. Now all these bushes have to be pruned first so that, after a few days, new shoots come out, and good leaves we can get out of those new shoots. So actually this plucking of beedi leaves starts in the month of April or a little earlier than that. And now, most of this trade, the plucking of *kendu* leaves and the collection of *kendu* leaves, has been monopolised by the State Government. I can cite the instance of my State, Orissa, and show how by their monopoly over the trade in *kendu* leaves the downtrodden people are being exploited by the Government, just a few observa-

[Shri Sunder Main Patel]

tions. So far as I remember, in the years 1959, 1960 and a part of 1961, when there was a coalition Ministry in Orissa, composed of the Congress and the Ganatantra Parishad, this beedi leaf collection and the trade in it was free from monopoly. At that time, I exactly remember, a plucker used to get nearly 2 to 3 rupees per day by collecting the beedi leaves from the forests. But now what happens? After this trade went into the hands of the Government, a labourer can get hardly 10 to 12 annas a day. This much is the difference.

Now I just want to apprise the House a little bit about the plucking system and about the collecting system in relation to *kendu* leaves. A labourer leaves his bed early in the morning, at about 4 o'clock, goes to the forest and collects the leaves up to 11 o'clock, and that too in the summer. So practically he works in the forest for nearly seven hours. Then he comes back home and makes them into bundles, and then he takes the leaves in bundles to the *mandi*, where the Government agents are waiting to purchase the leaves. In this way most of the labourers are engaged for more than twelve hours a day, and even after working for twelve hours now a labourer is getting only 10 to 12 annas a day. So this is a strange thing. To say in one word, our Government are saying that they are trying to improve the lot of the rural masses, the poor people. On the other hand, how the Government itself is trying to exploit the poor masses, from this instance one can well imagine.

So far this reason I say that it is not a comprehensive Bill, and to make it a comprehensive one I request the hon. Minister to refer it to a Joint Select Committee of both the Houses with a view to seeing that these sections of the workers are better benefited through such a Bill. Otherwise it is incomplete. Only those who are working in factories

will get a little benefit. With these words, Madam, I request the hon. Minister once again to refer this Bill to a Joint Select Committee.

श्रीमती ताराबाई साठे (महाराष्ट्र) :

उपसभापति महोदया, इस सदन के सामने मंत्री महोदय ने बीड़ी कामगारों के बारे में जो बिल पेश किया है इसका मैं स्वागत करती हूँ ।

बीड़ी का धंधा आजकल बहुत तेजी से चलता है, हर एक प्रान्त में भी चलता है, देहातों में भी चलता है, और शहरों में भी चलता है । लोग बीड़ी बनाने का धंधा करते हैं । नेबर इनवेस्टिगेशन कमीशन ने इस के बारे में कुछ संख्या दी है । फिर आज-कल तो वह बहुत ज्यादा बढ़ी होगी और मंत्री महोदय ने भी अपनी स्पीच में, अपने भाषण में, उसे एक मिलियन से ज्यादा बताई है । हर एक कारखाने में चीजें निर्माण करने के लिये मालिक और मजदूर की आवश्यकता होती है । इन दोनों में जब झगड़ा हो जाता है तब उसका परिणाम खास कर के निर्माण पर होता है, इसीलिए असतुष्ट कामगारों से अच्छा काम मिल नहीं पाता है । इसलिये इस झगड़े को दूर करना चाहिये । इसके बारे में रायल कमीशन ने 1931 ई० की रिपोर्ट में कुछ बताया है :—

"It is sometimes assumed that improved conditions for labour involve a sacrifice for industry. But in the experience of India, there is abundant evidence to show that a generous policy in respect of labour is a wise policy in respect of industry."

तो कामगारों से जो अच्छा काम लेना होगा तो उन के लिये कुछ आराम भी देना चाहिये, इसलिए यह जो बिल पेश किया गया है, उसका मैं स्वागत करती हूँ । रायल कमीशन ने और भी बताया है :—

"It is not possible for India to secure a permanent advance in her

[श्रीमती ताराबाई साठे]

industry at the expense of her labour."

तो यह बहुत ध्यान में रखने की बात है कि हर एक काम में, चाहे घर का काम हो, चाहे सार्वजनिक काम हो, चाहे कारखाने का, फैक्टरी का काम हो, सब की सद्‌इच्छा चाहिये, महकार चाहिये। महकार के बिना कुछ भी काम हो नहीं सकता।

इस धंधे में, बीड़ी के धंधे में, खास कर ज्यादा से ज्यादा स्त्रियां ही रहती हैं और मैं कई स्त्रियों की परिस्थिति जानती हूं, हमेशा उनसे मिलती भी हूं, तो यह बिल देखकर मुझे बहुत आनन्द हुआ कि बाकी औरतों का कष्ट कम हो जायगा और उनको ज्यादा से ज्यादा सुविधा मिल जायगी और इसीलिये खासकर मैं इस बिल का स्वागत करती हूं।

कुछ प्रान्तों में मिनिमम वेजेज कितना देना चाहिये इसका फैसला हो चुका है। बम्बई में एक हजार बीड़ी बनाने के लिये—जब एक हजार बीड़ी हो जाती है तो ढाई रुपया देना पड़ता है। फिर इसमें भी कुछ कांट-छांट कर के कम हिसाब होता है। यह मैं आगे बतलाऊंगी। तो बीड़ी का काम करने के लिये उनको ढाई रुपया एक दिन में मिलता है। हर एक कामगर, ज्यादा से ज्यादा स्त्रियां, घर में काम करने को पसन्द नहीं करती हैं क्योंकि जब वह फैक्टरी में जाती हैं तो बच्चे साथ नहीं ले जाती हैं और वहां बैठ कर एक ध्यान से, एक मन से, वह काम कर सकती हैं और ज्यादा से ज्यादा पैदा भी कर सकती है। और जो कारखानेदार होते हैं वह भी यह पसन्द करते हैं क्योंकि ऐसी आदत होती है कि बीड़ी बनाते-बनाते कुछ तम्बाकू खा भी जाते हैं, और जब फैक्टरी में बैठते हैं तो उतनी ज्यादा तम्बाकू नहीं खा सकते और उस में अच्छी क्वांटिटी डाल सकते हैं और जब घर में बीड़ी बनाती हैं तो कम क्वांटिटी डालती हैं। तो कारखाने दार भी उनका फैक्टरी में आना ज्यादा पसन्द करते हैं। फिर भी इस

कानून से एक धोका है। आजकल कई जगह जो फैक्टरी एकट आया है उस से जगह-जगह इसके बारे में चेंज हो रहा है क्योंकि कामगारों को फैक्टरी में बैठने के लिये जगह नहीं मिलती है और सभी औरतों को घर में काम करना पड़ता है। घर में काम करती हैं तो यह आपका जब कानून हो जायगा तब यह इम्प्लोमेंट कैसे होगा इसकी मुझ बड़ी शंका होती है।

जब ये औरतें घर में बीड़ी बनाती हैं तो वह दुकान से बीड़ी की पत्ती, तेंदू की पत्ती, कुछ तम्बाकू और डोरा ले जाती हैं और जो पत्ती होती है उसका वजन कर के देते हैं कि घर में ले जाकर बनाओ। जिस साइज की चाहिये उस साइज की, उस आकार की पत्ती काट कर बनाती हैं तो बहुत सी पत्ती खराब हो जाती हैं और वजन का ऐसा कुछ उन्होंने हिसाब रखा है, कि इतने वजन की पत्ती जब मिलेगी तो इतनी बीड़ी होनी ही चाहिये और इस हिसाब से उनको बीड़ी देनी पड़ती है। अब इस हिसाब से कई दफ्ता पत्ती कम हो जाती है तो बीड़ी के कामगार को वह पत्ती बजार से, दूसरी जगह से, ला कर बीड़ी को पूरी करनी पड़ती है। यह एक बड़ी मुश्किल की बात है। फिर, घर में से बीड़ी बना कर दुकान में ले जाते हैं तो कई दुकानदार ऐसे होते हैं जो कि बीड़ी को देखते हैं, उसका कुछ टेस्ट होता है कुछ आवाज वगैरह कर के और जब बीड़ी अच्छी नहीं होती है तो उसको तोड़ देते हैं, उसकी छांट करते हैं। तोड़ने से तो कोई हर्ज नहीं है, ठीक है उसको नहीं लेना है, कोई यह नहीं कहेगा कि खराब बीड़ी वह लें, लेकिन बात यह है कि उसकी मजदूरी भी नहीं देनी पड़ती है और फिर कई दुकानदार, कई कारखानेदार ऐसे होते हैं जो कि छटी बीड़ी की मजदूरी भी नहीं देते हैं और उसको ऐसे ही रखते भी हैं। ऐसे रखने से क्या होता है? वह बीड़ी हिसाब में नहीं आती है, वह रजिस्टर में नहीं आती है, ऐसी बीड़ी अनकएकाउंटेड होती है,

और वह अनएकाउंटेड मनी हो जाता है और जो अच्छी बीड़ी होती है उस में मिला सकते हैं। यह बहुत धोका इसमें है। इसलिये कानून में ऐसा कुछ होना चाहिये कि इस्पेक्टर को यह मालूम करना चाहिये कि जो छटी बीड़ी है वह तोड़ी गई या नहीं, छटी बीड़ी को तोड़ने का कानून होना चाहिये और छटी बीड़ी को दूसरी बीड़ी में मिलाने की परमिशन नहीं होनी चाहिये।

इस कानून में बहुत कुछ सुविधा रही है, बच्चों के लिये जो फ्रिंशेन रखे हैं वह बहुत अच्छा है। दूसरी बात यह है कि आपने स्पेस का बंधन लगाया है। $4' \times 4' \times 10'$ । I have calculated it in that way यह बड़ी अच्छी चीज है। नहीं तो मैंने देखा है कि इतनी थोड़ी जगह में इतने नजदीक नजदीक बैठते हैं कि काम करने में बड़ी मुश्किल होती है। तो यह जगह की चीज जो रखी है वह बहुत अच्छी है। किन्तु, फिर भी मुझे एक शका होती है कि कारखानेदार का फैक्टरी में किसी को नहीं रखेंगे और घर में ही उनको काम करना पड़ेगा, तो इस एक्ट का कुछ फायदा नहीं होगा। यह बात मेरे ध्यान में आती है। जो सेल्फ इम्प्लायड है, जो खुद बनाते हैं, और बेचते हैं, ऐसे लोगों के लिये इसमें कुछ नहीं है। इसके बारे में मंत्री महोदय कुछ बतायेंगे तो ठीक होगा। इसके बारे में कुछ मशीनें तो होती ही नहीं। फिर भी हमारे बम्बई में कई दिन पहले एक आदमी ने एक मशीन निकाली थी और उस के जरिये से 15 हजार बीड़ी तैयार होती थी। फिर ऐसा सुना है कि गवर्नमेंट ने इस मशीन के लिये परमिशन नहीं दी क्योंकि इतने लोग बेकार होते थे। तो यह कानून जब लागू हो जायगा तब बीड़ी का यंत्र भी निकल सकेगा या नहीं? तो इस कानून में थोड़ा यह रखना चाहिये कि ऐसा न हो सके। ऐसा हो जायगा तो एक्ट का बिल्कुल उपयोग नहीं हो सकेगा। तो यह भी सोचना चाहिये।

इसलिये मेरी प्रार्थना है, कि कई बातें इस बिल में नहीं आई हैं जो आती तो बहुत अच्छा हो जाता। मैं प्रार्थना करती हूं कि इस बिल में स्नफ यानी नस्वार और चबाने और खाने की तम्बाकू की कुछ बातें नहीं आई हैं। ये चीजें तम्बाकू की खास कर ऐसी हैं और बीड़ी के साथ उनको भी इस में शामिल करने की जरूरत थी क्योंकि जो लोग स्नफ करते हैं या तम्बाकू खाने हैं उसके लिये इधर कुछ ऐसा एटमासफियर हो गया है, ऐसी हवा चली है कि कैंसर होने की इससे बात है। अभी हमारे साइटिस्ट्स ने यह बताया है कि बीड़ी से ज्यादा से ज्यादा कैंसर होने की बात है।

मैं प्रार्थना करूंगी कि हेल्थ मिनिस्ट्री को इस बारे में कुछ इन्वेस्टिगेशन भी करना चाहिये कि जो लोग कारखानों में और घरों में भी जब काम करते हैं तो क्या उपाय करेंगे। तो मेडिकल एग्जामिनेशन, डाक्टरों मुआयना होना चाहिये और बार बार होना चाहिये, सिर्फ एक बार होने से पूरा नहीं होगा। मैं सोचती हूँ हाथ में तम्बाकू भरते समय ग्लोव्स वगैरह लगाने की कोशिश करनी चाहिये। मैं जानती हूँ खाली हाथ से काम जितना सफाई से होता है उतना ग्लोव्स की मदद से नहीं होता फिर भी आदत डालने के बाद हो जायेगा। तो इसके बारे में मैं सोचती हूँ कि इस बिल को यहीं आना चाहिये था। यह आया नहीं यह मुझे बुरा लगा।

क्लाज 24 और 25 बहुत अच्छे हैं। क्लाज 12 से भी काफी सुविधा मिलेगी। क्लाज 14 का मैं स्वागत करती हूँ। क्लाज 14 के बाद क्लाज 16 में जो 250 की संख्या दी है वह ठीक है। हमारे एक सदस्य ने बनाया कि 20 लोग भी अगर हो तो कैंटीन होनी चाहिये। लेकिन 20 के लिये कैंटीन कैसे होगी, 20 लोग कितनी चाय पीयेंगे, क्या खायेंगे। तो 20 के लिये कैंटीन हो सकती है इसके बारे में मुझे शक है। 250

[श्रीमती ताराबाई साठे]

तो ठीक है, नहीं तो 100 रखिये । 20 काफी कम संख्या होगी ।

क्लाज 37 में जो मैटरनिटी बेनिफिट रखा है यह भी अच्छा है । मिनिमम वेजेज ऐक्ट को इसके बारे में आपने कुछ लगाया नहीं । तो उसके बारे में भी कुछ सुविधा देने के लिये इस बिल में थोड़ा प्राविजन होना चाहिये कि कम से कम 1000 बीड़ी बनाने के लिये कितना वेज देना पड़ेगा । यह इसमें शामिल होना चाहिये । फिर बार बार मेरे मन में यह शक आता है कि घरों में जो औरतें यह काम करती हैं या लोग करने हैं वहां यह कानून कैसे इम्प्लीमेंट होगा । इसके बारे में मंत्री महोदय बताएं तो अच्छा होगा ।

मैं फिर एक दफा यह बिल लाने का स्वागत करती हूं ।

SHRI D. L. SEN GUPTA (West Bengal): Madam Deputy Chairman, I congratulate the hon. Minister for bringing forward this Bill. I congratulate him for the simple reason that it is a step towards the abolition of the contract system of labour. Even in the president's Address we have got an indication of the Bills now under study and one of them is a Bill for the abolition of the contract system. This contract system is the real characteristic feature of the beedi and cigarette workers in our country. The conventional method of manufacture of beedi was to supply to the rollers who were known generally as the beedi makers or the beedi rollers—this is the technical term—the requisite quantity of tobacco leaves through one known as the 'munshi'. The manufacturers when confronted with the question of payment of salary and other responsibilities with reference to these beedi rollers used to shirk their responsibilities by saying that the rollers were not their employees but were the employees of the munshis and when the munshis were confronted with this fact, they

used to say that they were as much employees of the manufacturers as the beedi workers themselves and so the rollers were between the devil and the deep sea and they did not know where to go for their problems to be solved. These rollers had no security of service. I had no occasion to work amongst these beedi workers but as a lawyer I have had to handle two big cases in West Bengal. One of the union of beedi workers, possibly that is the biggest and the best trade union of the beedi workers, was led by a Congress M.L.A. of West Bengal. He entrusted me with two cases, one related to the termination of the services of 2,400 workers. It is not a matter of joke, this termination of the services of 2,400 workers and nobody knew who the employer was. That matter is being contested before the Third Industrial Tribunal in West Bengal to determine the employer. On the same lines as this Bill is framed, the Government of West Bengal has appointed a court of enquiry to find out the employer so far as these unorganised or disorganised workers are concerned, whether they are the munshis or the manufacturers. This Bill would solve the problem of not only the workers in West Bengal but also throughout India. The purpose intended to be achieved by the setting up of the Industrial Tribunal in West Bengal would now be served by this Bill so far as the entire sub-continent is concerned.

However, I deplore very much the delay that has been occasioned in bringing forward this Bill. This Bill should have been brought forward much earlier. The term "employer" has already been defined and settled by the decision of the Supreme Court, as the man who controls, as the man for whom the employees work and as the man who ultimately receives the benefit out of it. So, the decision of the Supreme Court is there and that is now being enacted as a statute. Even if it is done late,

a good thing would always do a lot of good to the workers and would better their lot.

So far as the provisions of this Bill are concerned, I would like to draw the attention of the hon. Minister to the definition of the term "industrial establishment" in clause 2(i). I also wish to draw the attention of the hon. Minister to clause 43 of the Bill and I am reading clause 43 only for the purpose of deleting the words "(not being a private dwelling house)" in clause 2(i) where an industrial premises is defined. Clause 43 says:—

"Nothing contained in this Act shall apply to the owner or occupier of a private dwelling house who carries on any manufacturing process in such private dwelling house with the assistance of the members of his family living with him in such dwelling house and dependent on him:"

Nobody will object to this exemption but then why provide this exemption in clause 2(i)? If you remove this phrase and make as industrial premises as defined then nobody's interest would be affected and the purpose of the Bill would be fully met. Otherwise I think the words "not being a private dwelling house" will create complications. In a private dwelling house if a portion of it is let out for the purpose of manufacturing beedi, the employer can very well take shelter that it is not an "industrial premises" and hence this Act has no application. "Industrial premises" is defined in clause 2(i) as follows:

"Industrial premises" means any place or premises (not being a private dwelling house), including the precincts thereof, in which or in any part of which any industry or manufacturing process connected with the making of beedi or cigar or both is being, or is ordinarily, carried on with or without the aid of power."

1206 RSD—5.

But this whole Bill relates to "industrial premises" and if it ceases to be "industrial premises" this measure does not affect that; none of the provisions of this Bill will have any application to anything which is not an "industrial premises". This will have all the force and effect only on "industrial premises". But you say if it is a dwelling house it is not industrial premises. If it is a very big dwelling house where one room is used for dwelling purposes and the other rooms are used for this purpose, what is the position? It ceases to be "industrial premises" and when it ceases to be "industrial premises" the provisions of this measure will have no effect on it. That is the position. When clause 43 remains, nobody's interest is affected and if you remove these words here in 2(i) it becomes "industrial premises". There is that clause of exemption and here again you are exempting. Why do you exempt twice? Here you exempt from "industrial premises" and thereby enter into a mess. If clause 43 is kept the "dwelling house" matter is solved without difficulty.

Then I would draw attention of the hon. Minister to clause 2(d) which defines the contractor. As I told at the beginning of my speech, I congratulate the Government because this abolishes the contract system but in spite of the best intentions of the Minister concerned I doubt very much whether this is a fool-proof or knave-proof definition. There may be fools; there may be knaves too but I am only anxious about the knaves more than the fools. What is the definition of 'contractor'?

"'Contractor' means a person who, in relation to a manufacturing process, undertakes to produce a given result by executing the work through contract labour or who engages labour for any manufacturing process in a private dwelling house and includes a subcontractor, agent, munshi, thekedar or sattedar."

[Shri D. L. Sen Gupta.]

Surely this looks very innocent. Everybody has been trapped and nobody can escape but I would like to remind the hon. Minister that while they were defining the words 'employee' and 'employer' in the Employees State Insurance Act, they used the words in connection with manufacturing process "incidental thereto or connected therewith". In such legislations which are of the same nature as this where you intended to make them comprehensive you had said after manufacturing process "or matters incidental thereto or connected therewith". Here in this definition the expression "manufacturing process" appears in two places, in the second line and in the fourth line and I would very much like the hon. Minister to add the words or matters incidental thereto or connected therewith" in both the places after the words "manufacturing process".

So far as clause 3 is concerned, it is very interesting. It says:

"Save as otherwise provided in this Act, no employer shall use or allow to be used any place or premises as an industrial premises unless he holds a valid licence issued under this Act and no such premises shall be used except in accordance with the terms and conditions of such licence."

Now, Madam Deputy Chairman, what happens? These employers shift from place to place. They are employing 20 men, 30 men or 40 men. When they come under the Factories Act for registration, they disband the whole thing and they make it 5, 5, 5 in eight places, in eight domestic houses but now because of this clause 3 that mischief will be prevented. Under this clause nobody will be in a position to manufacture beedi in any place unless that place is licensed. That is quite nice and interesting. And I congratulate the hon. Minister for this provision particularly, otherwise this mischief which was going on would have been con-

tinued in spite of the Factories Act. The Factories Act has application by and large, but in spite of that this measure has become necessary. The provisions of this Bill starting from clause 6 to clause 27, that is to say, twentytwo clauses of this Bill are more or less in line with the provisions in the Factories Act, these welfare measures, weekly holidays, etc. What was the necessity for these provisions? It was because we found that in spite of the Factories Act, the interest of these exploited people could not be saved. So you have done a good thing by having them here, but I do not know how far this will be implemented and who will take care of it. Good laws do not necessarily mean that they will be implemented properly. In spite of all that, it is quite nice and I appreciate it very much.

Coming to the question of working hours, you have provided 10½ hours and you give a attitude to the employers that if they can satisfy the official gods they can get it extended up to 12 hours. Now everybody knows that this labour is largely unorganised and the officers who grant exemptions sometimes feel—I am being very, very cautious in using my language—obliged towards these employers and grant the extension of the spread-over period. In the relevant clause it is said that the reasons will have to be specified in writing for increasing the spread-over. Is mere recording the reasons enough? The official can say that the employer wanted it and so he granted it. He gives the reason all right but where do we find that the reason should be just and proper? There is no such provision. Clause 20 says:

"The periods of work of an employee in an industrial premises shall be so arranged that inclusive of his intervals for rest under section 19, they shall not spread over more than ten and a half hours in any day:

Provided that the Chief Inspector may, for reasons to be specified in writing, increase the spread over to twelve hours"

The reason will be there; there is no doubt about it. The reason assigned by the management will be put in by him. Why do you not put therein 'may for just and proper reasons'? Why not put in the words 'just and proper' preceding the word 'reason'? 'Reason' is one thing and 'just and proper reason' is another thing. The Chief Inspector will be quite competent just to say that the management asked for extension of the period and so he has given it. That is regarding the reason. If you say 'for just and proper reason', he will be very cautious. He will have to give a reason for it, a justification for it. Otherwise, he will be hauled up. There will be article 226 against him, a writ petition against him, and he will have to answer it. He will have to say what is the just and proper reason.

Now, on the question of this ten and a half hour business, I am at one with my friend, Mr. Anandan, who has rightly said that this period of 10½ hours itself is a long one, but I am not as revolutionary as he is. Mr. Anandan pleaded for a 40-hour week or a 42-hour week. I shall, for the moment, remain satisfied with a 48-hour week. If he works for 48 hours a week I shall remain satisfied. It is a question of implementation. So long as the Factories Act provides for 48 hours' work, so long as the shops and Establishments Acts throughout the country provide for 48 hours' work, I cannot expect the beedi workers, for whom there is no other law, to work for 40 hours. I shall be glad and I wish very much that the country had progressed to that extent. I am congratulating the hon. Minister on this 48-hour week at the moment and let me hope that it is rightly implemented.

Now, on the question of the application of the Industrial Disputes Act,

I am constrained to observe that clause 39 is not happily worded. It is unhappily worded. Clause 39 has sub-clauses (1), (2), (3) and (4). Let me read clause 39 (1):

"The provisions of the Industrial Disputes Act, 1947 shall apply to matters arising in respect of every industrial premises."

In matters of industrial dispute arising in respect of every industry, in respect of any industrial premises, an industrial dispute does not arise. In an industrial premises an industrial dispute may arise and an industrial dispute may arise even outside the industrial premises. If you say that the provisions of the Industrial Disputes Act shall have application in regulating the relations between the employer and the employee, that is enough. Otherwise, it is so confusing. It does not convey any sense. If the Government intends that in matters of employer-employee relations it will have application in the sense that it applies in other industries, that is all right. One sentence is enough; Industrial disputes between the employer and the employee will have application in the same manner as it does in other industries.

Then, sub-clause (2) says:—

"Notwithstanding anything contained in sub-section (1).....", Why confuse by again adding certain words as 'the issue by the employer of raw-materials to the employees'? Is it an industrial matter? Is it a term of employment? Is it a condition of labour? Can you conceive of the condition of labour of a beedi worker and his employer without reference to these items? They form part and parcel of their service conditions.

Then, it says:

"(b) the rejection by the employer of beedi or cigar or both made by an employee."

[Shri D. L. Sen Gupta.]

It raises an industrial dispute. Then, it says:—

“(c) the payment of wages for the beedi or cigar or both rejected by the employer.”.

These are matters of an industrial dispute. What is the definition of an industrial dispute as defined in the Industrial Disputes Act? It means a dispute between an employer and employer, or employer and workman or workman and workman over the terms of employment, terms of non-employment and conditions of labour of any person. So, terms of employment or terms and conditions of labour are very wide and extensive terms.

THE DEPUTY CHAIRMAN: How much more time will you take? There are four more speakers.

SHRI D. L. SEN GUPTA: If you say so, I shall stop now. I thought there were not enough speakers. I wanted to develop my points.

THE DEPUTY CHAIRMAN: There are four more speakers.

SHRI D. L. SEN GUPTA: I have no grievance. Thank you.

SHRI T. CHENGALVAROYAN (Madras): Madam Deputy Chairman, I have never known the sweet aroma of the cigar nor the delicious flavour of the beedi

SHRI ARJUN ARORA (Uttar Pradesh): You are very unfortunate.

SHRI T. CHENGALVAROYAN: . . . but I certainly know the woes and wailings of lakhs and lakhs of workers who are engaged in this industry. I am particularly grateful to the Ministry for having thought it fit to bring forward this beneficial measure for the purpose of ameliorating the conditions of the workers in this great industry. There was a very early investigation, at the instance of the Madras Government in the year of grace 1939, by an eminent economist, the late, lamented Dr. B. V. Narayana-

swamy Naidu, who went into the whole question of the conditions of service, of employment, of welfare and of wages of the workers in this great industry. He had presented a very revealing and remorseful report consisting of several valuable suggestions for the purpose of giving succour to these unfortunate workers who were almost suffering under the load of misery of that particular industry and I am happy to find that this Bill contains and incorporates many of the provisions and suggestions.

Secondly, at the instance of the Labour Tripartite Conference in the year 1943, it was suggested that a very thorough investigation must be undertaken for the purpose of investigating into the conditions of labour, employment, service and wages in the various types of industry in our country and as a result of that the Labour Investigation Committee was going into several of the conditions of the different industries; and, in particular, with regard to the cigar and beedi industry that Labour Investigation Committee had something very significant to contribute to the understanding of the special conditions in this industry. May I have your permission to just read one or two extracts from that particular report which will have a bearing upon our appreciation and assessment of the provisions in this Bill? It is stated therein:

“The bulk of workers employed in the beedi and cigar industries are rollers who are paid on a piece basis. Only packing, labelling and store work are paid at time rates, although labelling in many centres is also paid by the piece. Children employed in the beedi and cigar industries are generally paid on a daily basis.”

Then, it goes on to say about the rate of wages which varies from Rs. 1/4 to Rs. 1/13 and finally the report states:

“In South India, the monthly average earnings of the beedi wor-

kers come to Rs. 18/4 in Madras, Rs. 21 in Mangalore and Rs. 29/3 in Tinnevely and in Bombay on an average the earnings of men are between Rs. 30 and Rs. 40."

Therefore, the investigation report brings home this fact that so far as the conditions of employment in this particular type of work in our country are concerned, it has got certain peculiar features of evasion. In Madras they had passed a Bill more or less on the same lines, but they had to face a terrible handicap in the interpretation of the provisions of that particular Act. For example, 4 P.M. Madam Deputy Chairman, the question of the industrial relations based upon employer and employee was put in in that Bill, but the beedi industry and the cigar industry could get round that provision by stating that there was no direct relationship or what we call the privity of contract between the employer and employee, with the result that the legislative endeavour on the part of some progressive States like Madras could not achieve the desired result on account of the difficulty and the laconic defect in the very provisions of the Act. There was again another difficulty, Madam, which enforcement of such beneficial measures was found to cause. For example, if one State had this legislation and a neighbouring State could not have this particular legislation, there is possibility, and in fact there was possibility, of totally evading the consequences and clutches of such a beneficial measure. Therefore, it is in that context of evasion of such beneficial provisions I welcome this Bill which has become a legislation on the part of Parliament so that it could cover the entire country wherever this industry is in existence. I will particularly draw the attention of Members here to the definition of the word "employer" because the whole success of this measure depends, in my respectful submission, on the establishment of good relations between employer and employee, and I

am particularly pleased that, following several decisions ranging from the Supreme Court to several High Courts of the States, this definition is complete in itself, and I must respectfully congratulate the Ministry on the thoroughness with which this definition of "employer" has been put in.

I will make one submission in answer to my learned friend on my right when he said that the definition of "industrial premises" was rather defective, if not redundant, in that it had excluded from its purview private dwelling houses and that exemption had been given under clause 43 with regard to private dwelling houses. My learned friend forgets, perhaps, in his exuberance to support this Bill that clause 43 relates to a dwelling house where this process of manufacture is done with the assistance of the members of his family living with him. It does not, and I am sure it will not, include any other dwelling house. Therefore, the apprehension of my learned friend about the definition in clause 2(i) excluding the private dwelling house from the purview of the definition of "industrial premises" is certainly not very much well-founded.

SHRI D. L. SEN GUPTA: I only referred to clause 43 relating to a private dwelling house where a man with his family members may be doing it, and they have been exempted. I said that only they should be exempted. Other dwelling houses should not be exempted. That is what I meant.

SHRI T. CHENGALVAROYAN: I am sorry I have not made myself clear to my learned friend. When I said that the exemption under clause 2(i) referring to a private dwelling house refers to a private dwelling house within the meaning of clause 43, it is not any dwelling house, and I know that my hon. friend knows the canon of construction of a statute that any expression used in a definition clause will carry the colour and composition in subsequent clauses. Therefore, I

[Shri T. Chengalvaroyan]

will once again state that the definition of "industrial premises" is very thorough indeed.

I may also draw the attention of this House to the definition of "manufacturing process", and my friend from Orissa complained that those who are gathering beedi leaves are not included within the purview of this Bill. My most respectful answer to that criticism, Madam, is that gathering and collecting beedi leaves would not come within the purview of an industry. It is a contract of sale and not a contract of service. The scope of the Bill is entirely for the purpose of controlling and regulating the industrial and manufacturing process. Therefore, the apprehension or the desire that even those persons who are gathering beedi leaves must be roped within the purview of this Bill is rather beyond its ambit.

SHRI LOKANATH MISRA (Orissa): How do you consider that labour? Are they industrial or agricultural labour?

SHRI T. CHENGALVAROYAN: I think my learned friend must know. It is no labour, it is a case of collection of certain material.

SHRI LOKANATH MISRA: Labour is involved.

SHRI T. CHENGALVAROYAN: Even I am labouring, Madam Deputy Chairman, to make myself clear. But the question is labour as we understand in industrial language.

With reference to the other important provisions of the Bill, it has only applied the international standards of welfare for the workers, and I do not think anybody could improve upon the provisions of this particular Bill.

Then again, Madam, the question of the application of certain Acts, which have been so far eluding the application of those provisions to this particular type of industrial workers, is now made up by clause 37. For

example, the Industrial Employment (Standing Orders) Act, as per interpretation of the Courts, would only apply to an industrial establishment. Whenever there was an attempt for the application of the Industrial Employment (Standing Orders) Act to this particular type of industry, the argument that was advanced was that this was not an industrial establishment. Therefore, by clause 37 the provisions of the Industrial Employment (Standing Orders) Act are sought to be made applicable, and that is a very important innovation that is made in this Bill.

There is also the provision for the application of the Maternity Benefit Act for the purpose of the industrial workers. In this connection this application of the Maternity Benefit Act to the case of industrial workers in the cigar and beedi factories becomes relevant in the context of another provision of this Bill which provides for the regulation of the workers, particularly of the women workers. I will also draw the attention of this hon. House to one important question that relates to the provisions of this Bill, namely, the question of registration of the industrial premises for the purpose of licence. I will draw attention to clause 3:

"Save as otherwise provided in this Act, no employer shall use or allow to be used any place or premises as an industrial premises unless he holds a valid licence issued under this Act and no such premises shall be used except in accordance with the terms and conditions of such licence."

I would beg of the hon. Minister to consider whether this clause may not be overlapping with certain provisions of certain Municipal Acts. For example, several Municipal Acts contain these licensing provisions, and those licensing provisions indicate certain trades which are to be licensed under the Municipal Act. For example, Madam, with regard to the Madras City Municipal Act, I can say from

personal knowledge that a beedi and cigar factory should be licensed under the provisions of the City Municipal Act. I only beg of the Minister to consider whether there could not be a suitable amendment for the purpose of avoiding any duplication with regard to the necessity of licensing industrial premises of this particular character. There are several ways by which such a duplication could be avoided. For example, clause 3 could be modified, if the hon. Minister thinks so, "holds a valid licence issued under this Act or any other enactment", and it will serve the purpose of avoiding any duplication of the necessity for taking out a licence. One important thing, Madam, is that this question of the licensing authority being duplicated will result in what we may call doubtful control. Now, this person may say, "I have got the licence under the City Municipal Act" though it may not be licensed under this Act. Therefore, I would very much request the hon. Minister to consider the feasibility of a suitable amendment of clause 3 by adding these words: 'if he holds a valid licence issued under this Act or any other enactment'. That would, in my respectful submission, solve this consequence of a duplication of the licensing authority.

One word more and that is with regard to the provision relating to the workers of this great industry, with regard to certain beneficial measures, particularly in the case of the Industrial Disputes Act. Clause 39 provides:

"(1) The provisions of the Industrial Disputes Act, 1947, shall apply to matters arising in respect of every industrial premises."

So far, the Industrial Disputes Act could not be applied to those workers who are engaged in this industry. But this clause, in my respectful submission, gives that great relief to those lakhs of workers so that they can raise the dispute under the provisions of the Industrial Disputes Act.

Finally, these provisions of the Bill will go a long way in trying to relieve the great distress of the workers that are engaged in this great industry. I am sure that all the State Governments will take effective steps to bring into notification the provisions of this Bill as soon as it is passed as an Act of Parliament and it will go down in the history of labour legislation as one of the hall-marks of labour welfare legislation. Hitherto the workers in the beedi and cigar industry have had no champion of their cause and no person to give relief, and this Bill comes in such a handy way that they may have the aroma of their life and the flavour of their existence.

SHRI ARJUN ARORA: Madam Deputy Chairman, this is a welcome Bill. But I must submit that it has come 30 years too late.

SHRI LOKANATH MISRA: Government have become wiser.

SHRI ARJUN ARORA: Our Government is not thirty years old. Before our Government came into power, it was your Government.

SHRI LOKANATH MISRA: I see.

SHRI ARJUN ARORA: The plight of the beedi and cigar workers was highlighted by the Royal Commission on Indian Labour whose monumental Report came out in 1931 and it is remarkable that the Royal Commission on Labour in India made a recommendation that a separate Act, brief and simple, should be passed to apply to factories without power machinery.

Madam, the difficulty with the beedi and cigar workers has been that though there has been a Factories Act, quite a liberal Factories Act, in this country, it does not apply to establishments where beedis and cigars are manufactured. The Factories Act lays down that it will apply to establishments which use power and employ more than ten workers, and in the case of factories not using power, in case they employ twenty or more

[Shri Arjun Arora]

workers. The work in the beedi industry is done on a small scale and it is a much-publicised cottage industry. Therefore all the labour laws which, like the Factories Act, lay down the minimum number of employees as a pre-condition for applicability of those particular measures, do not affect the beedi industry.

The plight of the beedi workers was also highlighted by the Royal Commission on Labour in India, which said:

"The making of the bidi is an industry widely spread over the country. It is partly carried on in the home, but mainly in workshops in the bigger cities and towns. Every type of building is used, but small workshops preponderate and it is here that the graver problems mainly arise. Many of these places are small airlines boxes, often without any windows, where the workers are crowded so thickly on the ground that there is barely room to squeeze between them. Others are dark semi-basements with damp mud floors unsuitable for manufacturing processes particularly in an industry where workers sit or squat on the floor throughout the working day. Sanitary conveniences and adequate arrangements for removal of refuse are generally absent. Payment is almost universally made by piece-rates, the hours are frequently unregulated by the employer and many smaller workshops are open day and night."

It is this sort of situation, the worst type of exploitation of labour, which this Bill seeks to remove and therefore labour in the country is bound to welcome it.

This Bill is particularly important because the beedi manufacturing industry is famous for the employment of children. When the Royal Commission on Labour went into the matter, it found that in many cities, large

numbers of young boys were employed for long hours and discipline was strict. They said:—

"Indeed there is reason to believe that corporal punishments and other disciplinary measures of a reprehensible kind are sometimes resorted to in the case of the smaller children. Workers as young as five years of age may be found in some of these places working without adequate meal interval of weekly rest days, and often for 10 or 12 hours daily for sums as low as 2 annas in the case of those of tenderest years."

This was the situation in 1931. When the Labour Investigation Commission enquired into the beedi and cigar industry in the 40s and its Report came out in 1946—the situation was no better. The Rege Committee said:—

"Children get on an average 4 to 6 annas a day in Bengal and South India, while they get 3 to 4 annas in the Central Provinces.

It is this sort of exploitation that this Bill seeks to eradicate and therefore I welcome and support it.

There are one or two aspects of the Bill which cause some anxiety. The implementation of the measure is left to the State Governments. Now, all the State Governments in the country do not fully implement all the labour laws. It is therefore, necessary that this Government should take upon itself some power to review and keep an eye, watchful eye, on the implementation of the laws which this Parliament passes for the good of labour and the enforcement of which is left to the State Government.

SHRI P. N. SAPRU (Uttar Pradesh): It requires a change of the Constitution.

SHRI ARJUN ARORA: There have been many changes in the Constitution.

SHRI P. N. SAPRU: I agree with you.

SHRI ARJUN ARORA: And if necessary, legal pundits like Dr. P. N. Sapru should suggest the necessary change in the Constitution. In this case, this aspect of action by the State Governments is particularly important because the beedi industry is a migratory industry. Some State Governments have in the past enacted laws and taken steps for the benefit of the beedi workers, and they later found that the industry migrated to a neighbouring State. The area in which beedi leaves are preponderant is such that migration of this industry is easy and it was because of this migratory tendency of industry and the inclination of the employers to migrate because of laws that the Zonal Council of the Southern Zone recommended some time back a Central legislation which we are enacting now.

Madam, clause 44 gives all the rule-making powers to State Governments. That is exactly what has been done under the Factories Act and there is nothing basically objectionable in that. But there should be some arrangement to see that the rule-making powers are so utilised by State Governments that the industry gets uniform conditions of employment of labour. That again will require the Centre to act as the watch dog.

The Bill seeks to enforce three important measures on the beedi industry. They are Payment of Wages Act of 1936, Industrial Employment (Standing Orders) Act, 1946 and the Industrial Disputes Act, 1947. As far as the Industrial Disputes Act is concerned, we know that the scheme of the Act is such that mere legislation does not help the workers. It is their organisation which helps them, and only in case of workers organising themselves in strong trade unions they are in a position to take advan-

tage of the Industrial Disputes Act. So mere application of the Industrial Disputes Act to the beedi and cigar industry, as envisaged in the Bill, will not help the workers. They will have to be organised. But in their case organisation into trade unions is a difficult process because the industry is scattered from place to place, from house to house. It is, therefore, proper that the Government should really provide for an inspecting machinery which guarantees things like security of employment to beedi making workers. Unless that is done, mere application of the Industrial Disputes Act will not help these workers because they will not have the resources to fight adjudication cases, they will not have the resources to go on a strike.

As far as the Industrial Employment (Standing Orders) Act is concerned, it is a very good Act. But there again there is a limitation. The Industrial Employment (Standing Orders) Act is not applicable to cottage industries, and in this case of beedi making industry, the application of that Act will be a mere formality. The application of Payment of Wages Act to beedi-making industry is bound to help them because, as was pointed out by the Royal Commission and the Labour Investigation Committee, the payment of wages has been most irregular. Sometimes child labour was forced to work in inhuman conditions because their parents obtained some advances from the employer. That sort of thing will disappear if the provisions of the Payment of Wages Act are strictly enforced on the beedi industry. On the whole the Bill is a belated act of wisdom and I welcome it.

SHRI M. C. SHAH (Gujarat): Madam Deputy Chairman, I welcome the provisions of this Bill. The Bill is intended to improve the working conditions of beedi and cigar workers. Lakhs and lakhs of people are engaged in this industry and they

[Shri M. C. Shah.]

are staying throughout the length and breadth of our country. Except in some concentrated areas, most of them are staying in rural areas where they are exploited by the employers. Two aspects of this industry I would like to put forward for the consideration of the hon. Minister.

The Medical Science has now opined that excessive smoking of beedi and cigar leads to development of cancer in the smoker. I know that in the United States of America, on the packets of cigars the manufacturers of these packets have to write that smoking of this cigar may lead to development of cancer to the smoker.

SHRI K. S. RAMASWAMY (Madras): What about beedis?

SHRI M. C. SHAH: In the U.S.A. beedis are not in much use. But the people smoke cigars. On the packets these words are written. Also in several magazines, the Government of U.S.A. has forbidden the advertisement of cigars with a view to discouraging the use of cigars to a very large extent. If that is true in the U.S.A., I would request our Government to consider whether under the Indian conditions and under Indian environments this chain smoking of beedis and cigars would not lead to development of cancer to the smoker. This is to be examined. I am sure Medical Science has developed very well in India also and they are in a position to opine whether this chain smoking or excessive smoking of beedis and cigars would lead to development of cancer.

SHRI ARJUN ARORA: Does the hon. Member know that the Governor of Maharashtra is a very well known physician? He has recently given the expert opinion that smoking of tobacco has nothing to do with cancer?

SHRI M. C. SHAH: Experts always differ.

SHRI ARJUN ARORA: Why should I respect your expert when you do not respect mine?

SHRI M. C. SHAH: My case is that we have to look to the interest of the common people, the masses, and in our country, unfortunately, this smoking habit is increasing in our youngsters and teenagers. We see young boys on the road smoking with a sense of pride. This tendency in the teenager has to be discouraged. Moral advice or morally asking them to stop this habit will not help. But if this can be helped by medical opinion specially under the conditions prevailing in our country that excessive smoking of beedi or cigar may lead to development of cancer, then it is up to our Government to consider how to discourage this smoking habit especially in our teenagers. As I said, Western Medical Science is of the view that smoking may lead to development of cancer in the smoker.

SHRI LOKANATH MISRA: May I suggest one thing? Since the hon'ble Member belongs to the Congress Party, would he sponsor a resolution saying that a smoker would not be admitted to his party so that Mr. Arjun Arora would be kept out?

SHRI M. C. SHAH: Let that resolution come from your party. I would not like Congress members to join your party. I would, therefore, request that medical opinion may be ascertained from our country.

What will be result of excessive smoking especially in youngsters and teenagers in our Indian environment and Indian conditions?

Then I would refer to the second aspect. In rural areas, in small towns and villages, there are beedi shops and these shopkeepers provide the raw material like beedi leaves, tobacco,

thread, etc. to the workers. These are not regular workers as such. They are agricultural workers. They take the material from the shopkeeper, prepare the beedis at their leisure hours and they are paid according to some standard decided, namely, with this much of raw material, thousand beedis should be supplied, etc. and then they are paid a particular amount but as they are not regular workers and they were in their homes—it is a sort of home industry—they are exploited. I would request the Minister to consider how these people in the small towns and villages could be helped. In the Statement of Objects and Reasons, it has been stated:

“A special feature of the industry is the manufacture of beedis through contractors and by distributing work in the private dwelling houses where the workers take the raw materials given by the employers or the contractors.”

What I want to bring for the consideration of the Minister is how such beedi shopkeepers who provide these materials will be controlled. I would like to know whether they will be considered as contractors. The Minister, in his opening remarks, stated:

“As it is very difficult to regulate working conditions of workers, who work at their homes as self-employed persons, working with or without the aid of the members of the family, the legislation will not apply to such persons.”

May I take it that under these conditions the workers provided with the material by the shopkeepers would not be covered by this legislation? I understand that it is difficult to implement this legislation and to give these benefits to these workers but even then these workers are exploited and they also deserve to be considered and protected from these employers. I wish the Minister may give thought to this aspect and let me know in his reply as to what can be done for these unfortunate, unorganised beedi workers.

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION (SHRI SHAH NAWAZ KHAN): Madam, I am very grateful to all sections of the House that have, without exception, welcomed the introduction of this Bill. All the Members who have taken part in this debate have shown very deep insight and knowledge into the working conditions of the beedi and cigar workers. As my friend, Shri Arora said—and he has been supported by a large number of other hon. Members—this Bill was long overdue. Many Members have narrated the deplorable conditions under which the beedi and cigar workers had been working for a long time. They have explained how the efforts of the different State Governments to curb the activities and malpractices of the employers and contractors failed because the industry was of a migratory nature and if any legislation was passed in one State, the industry shifted to another area. So in order to make it uniformly applicable to the whole country, we have brought forward this Bill.

As has been explained in my opening speech, the object of introducing this Bill is to give relief to as large a number of persons as possible. We have taken care to see that the activities and tactics of the employers in the past, by which they escaped the provisions of the various laws, rules and regulations that were enacted, are covered and that the legislation would be made applicable to them. The main provision in this Bill is to ensure that the people who work either for the contractor or for an employer, whether in the industrial premises or in any private dwelling houses where they work, get the benefits of this Bill. We hope that with the proper enforcement of the provisions of this Bill, several intermediaries who are acting as contractors, who act as intermediaries between the workers and the employers, will disappear and there would be a direct link between the beedi and cigar workers and the employers. We also hope

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that with the enforcement of the provisions of this Bill, as few people as possible would work in the private dwelling houses and we also hope that many of them would be attracted towards properly-run factories and industrial premises. We have taken care to ensure that no hardship is caused to what we have stated in the Bill as selfemployed workers. There are many families who are engaged in other work but to supplement their income they work in their own homes—they just go and purchase the ingredients such as the leaves, the tobacco and the string, and they manufacture the beedi in the house and sell direct. We have taken care to see that no hardship is caused to such persons, but we have at the same time taken care to see that all those who are working either for an employer or contractor get the benefits admissible to them regarding maternity, leave, wages, etc. And we hope that this Bill will provide the relief, the necessary relief, for which it has been introduced.

My hon. friend, Shri Chordia, said that the Madhya Pradesh Government had wanted to introduce a Bill, the Madhya Pradesh Employment (Regulation of Minimum Working and Service Conditions) Bill. I would like to inform him that in 1963 we wrote to the then Labour Minister of Madhya Pradesh and drew his attention to certain proposed provisions which, we thought, were rather a retrograde step, that is, the provisions which they wished to introduce were harder, ran contrary to the accepted provisions of the I.L.O. and so we referred the Bill back to them, and since then we have not heard anything further about it. So it is not here that this Bill of the Madhya Pradesh Government was delayed.

श्री विमलकुमार मन्नालालजी चौरडिया
(मध्य प्रदेश) : उपसभापति महोदय, मध्य प्रदेश सरकार ने जो बिल भेजा था और केन्द्रीय सरकार ने जो उसके लिये एतराज

भेजा था उसमें मुख्यतः फॅक्ट्रीज एक्ट लागू करने और नहीं करने के बारे में प्रश्न था। अभी हाल ही में यहां पर वहां के लेबर मिनिस्टर आये थे, मैंने इस बारे में उनसे पूछा नहीं कि उन्होंने इसका जबाब भेजा था नहीं लेकिन उन्होंने यह जरूर कहा कि केन्द्रीय सरकार का जो एतराज आया था वह उचित नहीं था। इस दृष्टि से तो मैंने उनसे नहीं पूछा और जो वास्तविक स्थिति है वह मंत्री जी कहें तो ठीक है।

श्री शाहनवाज खां : मैं आपको बताना चाहता हूं कि द्रविड़ साहब जो कि वहां के लेबर मिनिस्टर थे वह यहां पर आये, हमारी मिनिस्ट्री के आफिसरों से बातचीत हुई, बहस मुवाहिदा हुआ, और फिर उनको लिखा गया कि ये, ये चीजें आपको अपने बिल में इंट्रोड्यूस करनी हैं और ये, ये इसमें रद्दोबदल करना है। उसके बाद इसका जबाब नहीं आया। तो इसलिये अगर कोई देरी हुई तो वह हमारी तरफ से नहीं हुई है।

Then, Madam, my hon. friend, Shri Chordia, and a number of other friends also spoke about the deplorable working conditions of those people who are engaged in the collection of *tendu* leaves. I quite agree with them, and we are also aware that there are malpractices and that people are being harassed in some places. But, as was very rightly pointed out by my hon. friend from Madras, that particular aspect is outside the purview of this Bill, and to safeguard their interests the State Governments have to come in, and we hope that the people who collect the *tendu* leaves will organise themselves into co-operatives and by their own efforts try and do away with the malpractices, in which they will also be assisted by the State Governments, I am sure.

There was also a query raised by Shri Chordia, that municipal taxes are being levied on the manufacturer of beedis, etc. Well, Madam, he knows very well that we cannot interfere with the levy of municipal taxes.

SHRI V. M. CHORDIA: I spoke of *janpad*, not municipal . . .

SHRI SHAH NAWAZ KHAN: If any action has to be taken the State has to step in, and it is a matter which he has got to take up with his State Government.

SHRI LOKANATH MISRA: It will be easier for you to take it up with his State Government because you are nearer.

SHRI V. M. CHORDIA: If it is decided that it is not proper, you can ask the State Government to do the needful.

SHRI LOKANATH MISRA: He is much nearer to Madhya Pradesh than you are.

SHRI SHAH NAWAZ KHAN: Madam, some Members who spoke wanted to know why the various provisions regarding sanitation, the provision of latrines and other amenities was not being made available to private dwelling houses. Well, the reason is obvious, that it will be very difficult for us to enforce the provisions of the Bill. We have made ample provisions in industrial premises, but it will be difficult to carry out those in private dwelling houses.

My hon. friend, Shri Anandan, wanted us to have a canteen where twenty workers were being employed. Well, we have kept the figure at 250; we have provided that all factories employing 250 or more workers should provide a canteen and such a canteen alone, by experience, has been found to be a viable unit, and if we have canteens for below that number, we find that it is not possible to run them on an economic basis, on a no-profit-no-loss basis. Also he is wrong in saying that very few factories have 250 workers. I am sure my friends who come from Madhya Pradesh know that in places like Sagar, Kamptee and others there are factories which employ as many as 2,000 workers. So, this beedi industry

is coming up and we hope that more and more well-organised factories will come up, when we will be able to provide all the amenities and facilities to the workers.

Two or three of my hon. friends wanted that the Bill should be referred to a Select Committee. Madam, I do not have to reply to that as many of my other friends have already replied to that point by saying that this Bill was long overdue and they did not wish to delay it any longer. I am grateful to my hon. friend from Madras, Shri Chengalvaroyan, who has gone into all the provisions of this Bill very thoroughly, and he has answered almost every single point and query which were raised by my hon. friend, Shri Gupta, and since he has very ably explained everything in his speech, I do not have to go into the points raised by my hon. friend, Shri Gupta. Shri Anandan also raised the point why women were being allowed to work as late as 7 P.M. This is nothing new. We have only taken this from other Acts which are in existence and these are the very conditions that are prevailing for work in those factories and industrial concerns.

There was one point raised by my hon. friend, Shri Chengalvaroyan. He asked whether this measure will lead to any duplication. There are various Municipal Acts which require people to take out licences. He wanted to know whether there would be any duplication. In case there is any duplication, the provisions of this measure will over-rule all other existing Acts. This has been provided for in this Bill itself. So there will be no conflict.

My hon. friend Shri Arora—unfortunately he is not here now—wanted that the Central Government should have the power of review in respect of the implementation of this law by the State Governments. I submit that clause 42 has taken care of this. Under this provision we can give directions to the State Governments and we shall

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see that this Bill is implemented in the spirit in which it is made.

SHRI LOKANATH MISRA: The point is unless you have a review and an assessment as to how far these Acts are being implemented by the State Governments, how do you know when a direction is necessary. You have so many Acts passed here in Parliament, but none of them is probably implemented to the fullest extent you expect.

SHRI SHAH NAWAZ KHAN: I hope my hon. friend who takes such keen interest in these matters will inform us on the floor of the House, how this is being implemented in his State. Madam, we shall also keep a watch on how the State Governments are progressing, through our own inspectors. Also, through constant touch with the Ministries concerned we will try to do our best.

I do not claim that this Bill is something very extraordinary. But I do claim that this Bill was long overdue and we do hope that it will provide the necessary relief to a section of our population which has been neglected so far. With these remarks, Madam, I conclude. I am very grateful, I submit once again, to all the hon. Members who have taken part in this discussion, and I submit that the motion may be accepted by the House.

SHRIMATI TARA RAMCHANDRA SATHE: The hon. Minister has not given any reply to my question which was this. Workers working in their homes bring the beedi to the owner. How is this Bill going to be implemented as far as those workers are concerned? That was my question.

SHRI SHAH NAWAZ KHAN: I thought I had made that clear in my opening speech. When dealing with self-employment I referred to this. In my opening speech I said that the provisions of this Bill will apply to all labour, also to those who are supplied the raw materials direct by the owner

of the factory or through the contractor. Even if the raw material is supplied to them and they take the raw materials to their homes, make the beedis and give them to the owner or contractor, these provisions will apply and they will get these benefits.

SHRIMATI TARA RAMCHANDRA SATHE: Some of the provisions.

SHRI SHAH NAWAZ KHAN: All of them will apply.

THE DEPUTY CHAIRMAN: Even those like hours of work?

SHRI SHAH NAWAZ KHAN: In their own homes I admit it will be difficult to enforce the provisions about hours of work. But then they will generally be working on a piece-rate basis and, therefore, it will not be possible to enforce the provisions about the hours of work. They may work in their off-time, whenever they have some leisure. They may do this work when they do other work also. But they work on a piece-rate basis and therefore, this will not apply.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill to provide for the welfare of the workers in beedi and cigar establishments and to regulate the conditions of their work and for matters connected therewith be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up the clause by clause consideration of the Bill. There are no amendments.

Clauses 2 to 44 were added to the Bill.

Clause 1—Short title, extent and commencement

SHRI SHAH NAWAZ KHAN: Madam, I beg to move:

2. "That at page, 1, line 4, for the figure '1965' the figure '1966' be substituted."

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

SHRI SHAH NAWAZ KHAN:
Madam, I beg to move:

1. "That at page 1, line 1, for the word 'Sixteenth' the word 'Seventeenth' be substituted.

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

SHRI SHAH NAWAZ KHAN:
Madam, I beg to move:

"That the Bill, as amended, be passed."

The question was proposed.

श्री विमलकुमार मन्नालालजी औरड़िया:
उपसभापति महोदया, माननीय मंत्री जी ने अपने जबाब में यह बताया था कि यह बिल प्रवर समिति को इसलिये नहीं भेजा जाना चाहिये, या भेजना उचित नहीं समझते, कि पहले से ही काफी देर हो चुकी है। मैं जरा इस मत का हूँ कि इतने वर्षों तक हम आराम करते रहे, हम इतने वर्षों तक कानून भी नहीं पारित करवा सके, तो अगर कुछ दिनों के लिये इसको प्रवर समिति को भेज कर इसको अधिक सुन्दर बना सकते तो वह मजदूरों के

अहित में होता ऐसी मेरी मान्यता नहीं। मैंने प्रवर समिति में भेजे जाने का सुझाव इसलिये दिया था कि वहां जाकर के मजदूरों का और ज्यादा लाभ कर सके और इतने वर्षों की सुस्ती का भी हम उनको ठीक तरह से प्रतिफल दे सकें और उनको ज्यादा अच्छा कानून दे सकें। इस आशय से यह प्रवर समिति का सुझाव रखा था। खैर, अब यह तो पारित होने की स्थिति में है इसलिये मैं माननीय मंत्री जी से प्रार्थना करूंगा कि अभी भी जैसी जल्दी आप करना चाहते हैं उस हिसाब से उतनी सारी स्कीम्स रख कर जल्दी से जल्दी कार्यान्वित कराने की कृपा करें जिससे इसका पूरा हित मजदूरों को मिल सके।

श्री शाहनवाज खां : उपसभापति महोदया, मैं माननीय सदस्य के इस सवाल के बारे में सिर्फ इतना कहना चाहता हूँ कि यह विधेयक बहुत साधारण सा है, इसमें कोई पेचीदा बातें नहीं हैं और हम यह चाहते हैं कि जो फायदा दूसरे मजदूरों को मिल रहा है और जिससे बीड़ी और सिगार उद्योग के मजदूर अभी तक महरूम हैं वह फायदा जल्दी से जल्दी उनको पहुंच जाय और इसलिये मैंने कहा था कि सेलेक्ट कमेटी को भेजने की जरूरत नहीं।

THE DEPUTY CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

THE DEPUTY CHAIRMAN: The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at five of the clock till eleven of the clock on Thursday, the 17th February, 1966.