

are concerned but everywhere and attempt is being made to step up the conduct and all that is expected of every citizen.

Regarding pension, as hon. Members are aware, there is a proposal to amalgamate the various social benefits allowed to the workers and provide for provident fund, pension, etc. Whenever this is made applicable to other workers, it will be made applicable to these workers as well.

Regarding the question of staff, we are not suggesting that additional staff should be appointed for administering the provisions of this Bill. Authority is given to State Governments to empower any of their present staff—and if necessary to appoint more staff—to take care of the requirements of the proposed enactment. It has not been made compulsory for them to have a separate staff for this purpose.

Sir, the suggestions made during the course of the discussion have justified my request to refer the Bill to a Joint Committee. Useful and important suggestions have been made; I do not propose to deal with all of them here because they will all be placed before the Committee for their consideration and certainly they will take into consideration all these suggestions that have been made here.

MR. DEPUTY CHAIRMAN: The question is:

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to provide for the welfare of motor transport workers and to regulate the conditions of their work, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee:—

1. Shri Jagannath Prasad Agrawal
- 2 Shri A. Chakradhar
3. Shri Khandubhai K. Desai
4. Shri M. S. Gurupada Swamy
5. Syed Mazhar Imam
6. Shri Kumbha Ram
7. Shri Lokanath Misra
8. Shri K. L. Narasimham
9. Shri Maheswar Naik
10. Sardar Raghbir Singh Panj-hazari
11. Dr. Shrimati Seeta Parmanand
- 12 Shri M. Govinda Reddy
13. Shri Ebrahim Sulaiman Sait
14. Shrimati Savitry Devi Nigam
15. Shri Abid Ali (*the mover*)".

The motion was adopted.

THE PLANTATIONS LABOUR (AMENDMENT) BILL, 1960

THE DEPUTY MINISTER OF LABOUR (SHRI ABID ALI) : Sir, I beg to move:

"That the Bill further to amend the Plantations Labour Act, 1951, as passed by the Lok Sabha, be taken into consideration."

The Bill has already been passed by the Lok Sabha. It contains some simple but important proposals for amending the Principal Act. Most of these were considered by the Industrial Committee on Plantations and the State Governments concerned.

By one amendment, it is proposed to empower the State Governments to apply the Act to any plantation irrespective of size or the number of workers employed on it. Hon. Members will recall that the Principal Act is applicable only to plantations with a minimum acreage and a

[Shri Abid Ali.] minimum number of workers employed. Unfortunately, there have been attempts to evade the law by breaking up bigger estates into small fragments falling below these prescribed minimum limits. The proposed amendment would render any such attempt ineffective. It is, however, being provided that the Act is not to be extended to small undertakings which were already outside its scope at the time of its commencement. The aim is to prevent evasion of legal obligations through fragmentation and not to impose any fresh burden.

We also propose to extend the benefits of this Act to all persons who are employed in work connected with the plantation in one form or another, like workers in offices, hospitals, schools, etc. The term 'worker' is also being redefined to include members of the medical staff whose salary does not exceed Rs. 300J- per month. By another amendment medical facilities under the Act are being extended to workers' families. When employers are to provide housing and medical facilities to workers' families, it is necessary to be precise about the meaning of the term 'family'. A definition is, therefore, being included in the amending Bill. A specific provision is also being made to give the workers the benefit of leave due to them, or wages in lieu thereof, at the time of termination of their services. A clear provision is being made in respect of the rate at which wages are to be paid during the leave period. It is now being provided that the time-rated workers will be paid at the same rate at which they were earning at the commencement of their leave and, in other cases, workers will be paid at the rate of daily average calculated over the preceding 12 calendar months.

Hon. Members will appreciate that the amending Bill, in fact, seeks to

liberalise the provisions of the principal Act in favour of the workers and I hope that the House will accept the motion and pass the Bill.

The question was proposed.

SHRI M. S. GURUPADA SWAMY (Mysore): Mr. Deputy Chairman, it is a matter of some satisfaction to us that some steps are being taken in this Bill to remove certain blind spots, which were manifest in the original Act. The Bill intends to confer more benefits and even enlarge such benefits to cover a large number of employees in the plantations. Before I deal with the various aspects of the Bill, it would be worthwhile to spend a few minutes to review and judge the performance of the Act, the progress made in regard to the implementation of the various provisions of the original law.

It is rather sad that though the Act was passed long ago and it came into force in the year 1954, many of the provisions of the Act were observed more by violation and I find that no steps worth the name were taken by the authorities to punish such violations. I am making this general remark, because I feel strongly that unless we attach due importance to the problem of performance, to the question of implementation, it would be useless and even wasteful to pass measures which are not to be implemented, which are meant only to be ignored. I shall give one or two instances to show how the provisions of the Act have been violated deliberately by the proprietors or estate owners. According to the Act, it is mandatory that they should maintain certain minimum facilities in regard to health, education, accommodation and the rest. I have got a report in regard to an estate in Himachal Pradesh. The report, I think, refers to the year 1956 and it was submitted by the Manager to the Labour Department. I shall just read out from the report, so that the House may draw its own inference

as to how far the Act is fulfilled or violated. Here I find under the item 'Facilities provided in each creche' in the Estate:—

Milk	Nil.
Food	Nil.
Clothes	Nil.
Toys	Nil.
Medical Aid —	Nil.
Others	Nil.
Doctors—	
Male	Nil.
Female	Nil.
Nurses	Nil.
Ayahs	Nil.

SHRI ABID ALI: What was the requirement under the law?

SHRI M. S. GURUPADA SWAMY: You are aware of the requirement of law in respect of each estate. I will read out the relevant portion.

SHRI ABID ALI: Is there any plantation?

SHRI M. S. GURUPADA SWAMY: I will give you the name of the plantation also.

SHRI ABID ALI: Also the number of employees.

SHRI M. S. GURUPADA SWAMY: The name of the plantation is Chann-tra and Dhelu Tea Estate. The number of women workers normally employed is 15.8. The gross area is 220 acres; under tea—180.39 acres.

SHRI N. M. LINGAM (Madras): Where is the estate?

SHRI M. S. GURUPADA SWAMY: In Himachal Pradesh. This report was submitted to the Chief Inspector in the year 1959. I have got other reports from other areas which show that r,"t much facility has been created for labourers. For instance,

the report of the administration oi the Plantations Labour Act for the year 1957 in respect of Assam is here with me. There, the Inspector went round the estates and he reports as follows, with regard to the provision of medical facilities:—

"No schemes were received in respect of as many as 90 estates, and in every case reminders and warnings were issued. 26 estates prayed for exemption or relaxation on the plea of financial distress. Schemes submitted by 450 estates were found acceptable, in some cases with minor amendments. Schemes in respect of 80 estates had to be returned for re-submission after making the required provisions."

In regard to housing accommodation, the same report says:—

"Schemes for provision of housing accommodation were received in respect of 523 estates. As many as 111 schemes provided for building less than 8% houses during the year for reasons of lack of finance and/or materials. Another 48 estates prayed for exemption and/or relaxation in the matter of constructing new houses. Schemes in respect of 77 estates were still to be received at the end of the year."

These instances would show that in these gardens there seems to be no adherence to any of the provisions of the Act and it is surprising that the authorities have not taken any legal proceedings, have not punished anybody, for such violations. So, I would ask the Minister. In this atmosphere would you be able to assure us cf any good performance in regard ru the implementation of the Act?

Sir, I come from a State where coffee is predominantly grown. One of the important aims of the Bill is to protect those labourers who are employed in areas which are less than 25 acres. So far as it goes, it really deserves our consideration and sup-

[Shri M. S. Gurupada Swamy.] port. But the Bill does not seem to thJife of such people who are considered to be casual always even in very big estates. After the passing of the Act in 1951 attempts were made, deliberate attempts were made, by the planters to fragment the estates, to make them small, so that they may bypass the rigours of law. And secondly, they terminated the services of permanent employees.

They began to depend mostly on casual labour. I have seen both in Ooty and Coorg many big estates, more than 100 acres each employ more than 75 to 80 per cent casual labour. The Bill does not speak anything about them. I thought that the Bill would be comprehensive enough to deal with that question also.

MR. DEPUTY CHAIRMAN: Please finish. There are three more speakers.

SHRI M. S. GURUPADA SWAMY: I want a little more time. The speakers are few.

MR. DEPUTY CHAIRMAN: One hour is allotted for this Bill.

SHRI M. S. GURUPADA SWAMY: I think the Minister will not require much time except to know some of our reactions.

MR. DEPUTY CHAIRMAN: Please try to finish.

SHRI M. S. GURUPADA SWAMY: This aspect of the question has been overlooked, and I hop.? that the Minister would see that the provisions of the Bill also will deal with this important question, because I feel hereafter we will be confronted with more and more casual labourers and less and less permanent labourers. And if there are casual labourers, then the benefits under the Bill will be denied to them. I think very soon we will have a large number of casual labourers who will be denied of these opportunities and facilities.

The Bill is bringing about a redefinition of certain terms, and they have introduced under the definition of 'family' a new concept. Under the Bill 'family' includes only a small section of persons like the labourer himself, his wife, the legitimate and adopted children of the worker dependent upon him or her, who have not completed their eighteenth year, and includes, where the worker is a male, his parents dependent upon him. I just ask you, Sir, why this definition has been narrowed down. The definition of 'family' in some of the other Acts is wide enough. It includes very many other people. Therefore, in appearance, no doubt the step taken to define 'family' in the Bill is good, but the definition itself is so done that it excludes a large number of people who will never get any benefits under this measure. I said, Sir, that in other Acts the definition of 'family' is wide enough. For instance, in the Workmen's Compensation Act, 1923, the definition of 'family' includes not only a widow, a minor legitimate son, and unmarried legitimate daughter, or a widowed mother, but also a widower, a parent other than a widowed mother, a minor illegitimate son, an unmarried illegitimate daughter or a daughter legitimate or illegitimate if married and a minor or if widowed and a minor, a minor brother or an unmarried sister or a widowed sister if a minor, a widowed daughter-in-law, a minor child of a pre-deceased son, a minor child of a pre-deceased daughter where no parent of the child is alive, or a paternal grandparent if no parent of the workman is alive. So, Sir, here you see that this Act gives a very wide definition of the concept of a family. I do not know why a different definition is followed here. I wish that this definition had been widened so that other people may have the benefits under the Act.

Sir, the Bill deals with the definition of the 'worker' also. It is very good that the definition is widened to cover various types of workers, but it excludes deliberately from here any

person temporarily employed in the plantation in any work relating to the construction, development or maintenance of buildings, roads, bridges, drains or canals". The construction of buildings, roads and bridges are a part of the work of a plantation. In the other House also the same point was made out by certain Members. I do not know why the Minister has drawn a distinction between the employees employed for constructional work and those employed for plucking and the rest. I want to know, Sir, whether these employees should not get the benefits under the Bill. They are employees staying all the time in the plantations, they are employed for constructional activities, and they are always dependent upon this mode of living. Why do we deny the privileges or the benefits, whatever they are, under the Bill to those employees?

Sir, the Bill deserves our support so far as it goes. I would have been very happy indeed if it had been drafted to include some of the suggestions which I have made. But anyway, Sir, the test of the Act depends upon its performance, upon how it is implemented, and unless it is implemented properly, even with its limited provisions, it would be very difficult for the House to give its approval to the provisions that are brought before us. I only wish that the Minister will take care to see that all the provisions of the law are implemented properly. The staff, the Inspectorate and the Labour department should be strengthened properly. There is a complaint that the Labour department is deficient, that there is not enough staff there. I hope that the Labour Minister would give some thought to this problem of the administrative set-up and see that all the deficiencies and drawbacks are removed so that this measure may be properly and effectively implemented. Thank you, Sir.

SHRI B. P. BASAPPA SHETTY
(Mysore): Mr. Deputy Chairman, in

the interests of the small growers, if this Bill does not affect the small growers, I welcome this most heartily. But at the same time I feel that there was no necessity for this Bill being brought before this House, as our hon. Minister has not convinced us by citing a number of cases where fragmentation of estates has taken place. Sir, I am living in the midst of coffee plantations and I know much of a coffee estate but I have no knowledge of a tea or rubber estate. I know that no fragmentation has taken place so far to evade the liabilities under the Act. Whatever that might be, the hon. Minister says that he has come to know of some cases. Well and good. I welcome this Bill from that point of view. At the same time I want him to give protection to those planters or owners of plantations who divide their properties among their sons or daughters genuinely. They must be given protection. When a partition of an estate takes place, if the officers are prejudiced against the person, they may proceed against him and drag him to the court and harass him. But in case of genuine partitions, *bona fide* partitions of property among daughters or sons, among the person's family members, he must be given protection. I think no protection has been provided in this Bill, and I hope that the hon. Minister will bear this in mind and see that such *bona fide* partitions of properties among sons and daughters are given protection.

Sir, my friend, Mr. Gurupada Swamy, said that plantation labour was very much neglected and that it was not provided with the necessary facilities and amenities. There may be one or two instances where fragmentation of estates might have taken place. But I know some of the estates. They have provided decent quarters to their labour according to the type design provided in the Plantation Labour Act; maternity benefits are being given to them and provident fund facilities are also there. In addition, on occasions like the Independence Day and the Republic Day

[Shri B. P. Basappa Shetty.] celebrations, they are all given holidays. In some estates they are given protected water supply also. I wish he comes with me to Chikmagalur when I shall take him round some of the estates and show him how the planters are taking care of their labourers. But he said that they were bypassing the provisions, that they were not providing all these facilities and that they wanted to escape the provisions of this Act. I am very sorry that I have not *come* across any instance of this sort so far. He said that they employed casual labour, that they w^ere not being provided with all these facilities and that efforts are not being made to help them. How can they help casual labour? These people also own lands, wet lands and all that. At the time of agricultural operations, even if the plantation owners offer them Rs. 3 or 4 per head, they will not care to come. It is only when they are free that they come and work, and how can we apply the provisions of this Act to this casual labour? They come and work for one or two days and afterwards they do not turn up. In such a case, how is it possible for them to provide them with all these facilities? It is impossible. They come for work only when they are free. That is all.

I thought that this Bili would apply to small growers also but fortunately, our hon. Minister has not done any harm to the small growers having less than 25 acres or employing below thirty labourers.

Sir, while welcoming all the facilities that should be provided for the labour, I should like to suggest also that wage boards and bonus commissions should also be constituted in the interest of the labour force. I think that this question is under the active consideration of the Government, and I am sure they will see that the needful is done in the matter.

That is all that I wanted to say in regard to this Bill.

SHRI P. A. SOLOMON (Kerala): Mr. Deputy Chairman, I want to draw the attention of the House to a small point here. The proviso to the new sub-section (5) says:—

"Provided that no such declaration shall be made in respect of such land which admeasured less than 10-117 hectares or in which less than thirty persons were employed, immediately before the commencement of this Act."

I would like to know from the hon. Minister whether it means this Act or the original Act. If it refers to this Act, then there is no use. The hon. Minister has said that fragmentation is already being done and that only a few estates remain. Therefore, this provision must be made applicable after the introduction of the original Act. Otherwise, I do not think that it will be useful.

This is the only observation that I want to make before the House

SHRI N. M. LINGAM: Mr. Deputy Chairman, I was not very keen on taking part in this discussion but on a closer scrutiny, I find that the Bill is not as innocuous as it appears to be. According to the Statement of Objects and Reasons, the Bill is to prevent the fragmentation of estates. It says:—

"Some employers are fragmenting their plantations into small units with a view to evading their liabilities under the Act. The amendments mentioned in the Bill are proposed to check fragmentation of plantations and to ensure more effective working of the Act."

In the first place, as my friend, Mi. Basappa Shetty, said, we do not know the extent of fragmentation that is going on. To my knowledge, there is not much of fragmentation to speak of because it is not economical to fragment an estate. It may be that here and there a planter may attempt

to fragment his estate with a view to avoiding implementation of the provisions of the Plantation Labour Act but then he has corresponding disadvantages. If he fragments the estate, the fragmentary units cease to be economical. So, the disadvantages outweigh the advantages. So, in the normal course, fragmentation does not take place just for the sake of avoiding observance of the provisions of the Plantation Labour Act. Then there are cases where fragmentation has to take place by inheritance. This Bill does not mention anything about it. If a father owns about 100 acres and he has five sons and each gets 20 acres, then the holding of every son has to be brought under the provisions of this Act although the extent of each holding will be less than 20 acres, because the idea is to restore the labour amenities as they stood prior to the passing of the Plantation Labour Act. The provisions of the Act do not make the position clear in this regard.

There is another important point which the Bill does not clarify even in its explanatory note. New subsection (5) under clause 2 says:—

"The State Government may, by notification in the Official Gazette, declare that all or any of the provisions of this Act shall apply also to any land used or intended to be used for growing any plant referred to in clause (a) or clause (b) of sub-section (4), notwithstanding that—

(a) it admeasures less than 10.117 hectares, or

(b) the number of persons employed therein is less than thirty."

So, this is applicable, if the State Government so wishes, to plantations measuring less than 25 acres and employing less than thirty persons. That is there. So, it affects anybody; even a person having one acre of land can come under the mischief of this pro-

vision. How does the hon. Minister give the assurance that it does not affect the existing holdings. It may be that holdings which were there prior to the commencement of the Act will be exempted. That is the proviso:—

"Provided that no such declaration shall be made in respect of such land which admeasured less than 10.117 hectares or in which less than thirty persons were employed, immediately before the commencement of this Act."

That may be so. But what about a person who starts a plantation tomorrow? He wants to open up a new plantation of 20 or 22 or 15 acres. He can come under the provisions of this Act and he will be governed by the provisions of the Plantation Labour Act and he has to provide all the amenities and he has to discharge all the obligations under this Act. So, this Bill has been very hastily drafted. It was not necessary in the first place. As I said, such fragmentations do not take place in large numbers. It is not in the interest of the estate people.

SHRI P. A. SOLOMON: Are you afraid of the State Governments? This process will be implemented by the State Governments.

SHRI N. M. LINGAM: That is all right. The State Governments are the people to implement this. Under this provision, the State Government can notify any holding, in spite of its extent or irrespective of the number of people that it employs, that it is coming under this Act. My hon. friend, Mr. Shetty, thought that it was not so. It is so. There is a special provision under which any estate could be notified.

Sir, now we have to encourage production. As the hon. Labour Minister knows, tea production here is far behind other countries; and expansion is not taking place according to our plan?

[Shri N. M. Lingam.] 4

P.M.

That is because the bigger estates are not interested in expansion. They are not even replanting and for local production there is no incentive. So, the only method is to encourage the peasant producers, who have small holdings, to produce. If you impose on the peasant producers these burdens, though unintentionally, production will suffer and they will be subjected to unnecessary hardships. All these factors have to be balanced. This Bill has been hastily brought forward. In the first place, it was not necessary, and secondly, it does not serve the purpose which the Minister said it was going to serve because the Statement of Objects and Reasons is clearly misleading. It is in conflict with the sub-section (proposed under clause 2 of the Bill.

Sir, the other provisions of the Bill cannot be taken exception to. Some are clarificatory in nature and some now definitions have been added such as 'plantation' and 'qualified medical practitioner'. These call for no comments, but the principal object of the Bill, namely that it is intended to stop fragmentation of holdings, will not be served because, in the first place, fragmentation is not taking place, and secondly, the object of the Bill will retard production of plantation crops and it will cause unnecessary hardships on the present producer, however small his holding may be.

In the light of these things I would ask the Minister to seriously consider whether it is worth while rushing through the passage of this Bill. If I had known the provisions of the Bill, I would have tabled amendments. Now I do not know what to do at this stage. However, I would appeal to the Minister to bestow his serious thought to the matter.

SHRI ABID ALI: Sir, I am sorry to find that the hon. Member who has just spoken has thought that this Bill has been brought forward in haste.

The fact is that as soon as the parent Act came into force, fragmentations took place particularly in Assam, some in Bengal and a few in the South.

SHRI P. A. SOLOMON: Kerala also.

SHRI ABID ALI: Yes. And the State Governments particularly the Government of Assam, wanted this amendment to be brought about about two years back.

Sir, this subject was placed before a tripartite conference of the plantation industry and employers were persuaded to

stop fragmentation and also reverse the process. Some of them did check this unhealthy practice. But such of the gardens which did not feel persuaded by the leaders of the industry have compelled us to bring in this amendment. The subject was very much discussed in the tripartite conferences, not once but more than twice. The Bill which has been put forth here is in accordance with the unanimous decision reached there in which the employers' representatives, the employees' representatives and the representatives of the Governments concerned participated,

Sir, the hon. Members should have an assurance from us that there is no intention to cover smaller gardens having less than 25 acres or employing less than 30 persons.

SHRI N. M. LINGAM: But what do you say about sub-clause (5)?

SHRI ABID ALI: The intention, Sir, is to cover the position as it existed when the parent Act was brought into force. Now, the difficulty was that we could not pass a Bill. If we pass today a Bill clarifying this intention, then only such of the gardens which today have got more than 25 acres and 30 workers can be covered. To overcome this legal difficulty we have framed the definition as given in the Bill. And, as I have said earlier, the House has my assurance that no State

Government will cover gardens which could not be covered when the parent Act came into force.

According to sub-section '5) proposed under clause 2, as you will see, the State Government is empowered to notify any garden although it may be less than twenty-five acres or employs less than thirty persons. They will notify. That is number one . . .

SHRI N. M. LINGAM: How do you say that? They are covered by the provisions of the Bill not by your assurances.

SHRI ABID ALI: I submit that this has been agreed to.

Secondly, suppose this provision had not been made in the parent Act. In that case whenever any State Government wanted to cover gardens having less than 25 acres or less than 30 workers, they could have been at liberty to pass an Act through their own Legislature. This is a Concurrent subject and we cannot come in their way. Whenever they want to cover smaller gardens also, they can do so.

(*Interruption by Shri N. M. Lingam.*)

MR. DEPUTY CHAIRMAN: Please do not interrupt. He is replying to you.

SHRI ABID ALI: I am only trying to explain the position. I am sorry if I cannot go to the extent of convincing the hon. Member. But that is the position.

Now it was said that we should not bother or put smaller plantations into difficulty. But we do not want to put bigger plantations also into difficulty. What does the main Act ask them to do? It asks them to provide educational and medical facilities and housing facilities also wherever necessary. Now, if these big plantations are put to inconvenience for this purpose, if

we do not ask the plantations in this progressive age to provide these facilities, then the workers will be inconvenienced. In the hilly, far-off places if these suggestions cannot be accepted by plantation proprietors and if these are to be complained of, all I can say is that I am very sorry that I cannot agree with the friends who insist that even to this extent no provision should be made for the workers.

Now, as for the complaint made by my friend from Mysore, I may submit that hon. Members should not wait for any Bill to be introduced here and discussed before these things are mentioned to me. They are at liberty to write to us whenever these things are noticed by them, and certainly I promise them that we shall do all that is possible to ensure that the provisions of the enactments are implemented. I cannot say that everything is perfect everywhere. I am myself not satisfied. In spite of the Penal Code and police force, murders take place, rapes take place and thefts take place, but it does not mean that action should not be taken.

SHRI M. S. GURUPADA SWAMY: Violation of legislation.

SHRI ABID ALI: Yes, violation should not be there but still violation is there, in spite of all these things. If people were not to violate, where was the necessity of bringing forward this Bill and the necessity of Parliament? So our attempt should be to do all that is possible in the given circumstances, to ensure that the provisions of the law are implemented. Our machinery, of course, should be sufficiently alert. And as hon. Members know, this particular law is also administered by the State; they are also sufficiently alert.

Now, Sir, some hon. Members wanted to know why we had different provisions with regard to the definition of the word "family" and why it is different in this particular Act from other Acts. Sir, there is no difference-

[Shri Abid Ali.] rence. It is the same as is provided in the Employees' State Insurance Act.

The hon. Member opposite mentioned about the provision of creches. It is not necessary for every plantation to have creches because the number of women there is smaller. About houses, most of the workers have their own houses in their villages. I do not say that this is quite a satisfactory reply. I have already submitted that much can be done and should be done. I invite the co-operation of hon. Members opposite also, not only to bring this to our notice but also to help in having sound, genuine and living trade union organisations of the workers so that we may ensure that no injustice is done to the workers in any form or shape.

About the wage board, enquiry, was made. With regard to the wage board for the plantation, it will be appointed in a few weeks but about rubber and coffee it, may take some more time because we want to have verification of affiliations of unions and central trade union organisations, to appoint their nominees. As soon as that is completed, the boards will be appointed.

About Shri P. A. Salomon's query, as I have submitted earlier, the intention is to revert to the position as it existed when the parent Act was brought into force. So the gardens which have fragmented after the application of the Act will of course be taken care of but there is no intention of stopping any legal right of anybody or anybody's *bona fide* partition, as *my* friend from Mysore has suggested.

I hope the Members are satisfied to the extent that the intention is to revert to the previous position and do justice to the workers and not allow the employers to run away by having fragmentations and avoiding implementation of the provisions of the Act.

SHRI B. P. BASAPPA SHETTY: The hon. Minister said that he was sure that the State Governments would not reduce the acreage from 25 to 10 or 15. Now the Planning Commission did not want to fix any ceiling on coffee plantations whereas the State Governments have fixed it at 100 acres. If we ask the Central Government now to come to our rescue, they say that it is a State Government affair and that they do not want to interfere with States affairs and you will also say the same thing about this. I want you to give us a definite assurance that the limit of 25 acres will not be affected.

SHRI ABID ALI: The same people who have elected us have elected them but of course we do try to influence them and carry out a uniform policy in such matters. This is a Concurrent subject. Of course as the position exists, I am in a position to give an assurance that there is no intention to cover gardens which could not be covered when the main Act came into force. That should be sufficient.

SHRI N. M. LINGAM: One more clarification I want. I refer to estates that will come up hereafter. It is true that the intention is not to see that estates that were in existence at the time of the passing of the parent Act . . .

MR. DEPUTY CHAIRMAN: You can only ask for information.

SHRI N. M. LINGAM: What happens to plantations that will be newly opened up, of less than 25 acres?

SHRI ABID ALI: They will not be covered, according to the present policy.

SHRI N. M. LINGAM: I am glad that he gave it. The provision of the Bill is at variance with the assurance.

MR. DEPUTY CHAIRMAN: It is not, he says.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Plantations Labour Act, 1951, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up the clause by clause consideration of the Bill.

Clauses 2 to 8 were added to the Bill.

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

SHRI ABID ALI: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE INDIAN AIRCRAFT (AMENDMENT BILL, 1960

THE MINISTER OF TRANSPORT AND COMMUNICATIONS (DR. P. SUBBARAYAN): Sir, I move:

"That the Bill further to amend the Indian Aircraft Act, 1934, be taken into consideration."

Sir, this is a very simple amendment and has been necessitated by fact that a number of people, with out , declaring the explosives, etc. under the Act, go without being punished properly because they think the fine to be levied and the imprisonment to be imposed are only Rs. 1,000 and 3 months respectively. So we are amending section 10 and are providing for a more severe punishment, as would be found. The punishment is for 2 years and there will also be the liability to a fine, so that this will act as a deterrent.

Taking advantage of the amendment, we are also introducing two amendments which have been neces-

sitated by recent trends. The Law Commission have recommended that the word 'Indian' need not occur in any legislation. So the word 'Indian' in the Indian Aircraft Act in section 1 is left out. Also any rules made under this Act, under section 5(3), will be applicable to all rules made under the Act, and not only to the particular section provided in the Indian Aircraft Act, as it exists now, because the Committee of Parliament on Subordinate Legislation have recommended that all rules should be so laid on the Table of the Houses and subject to alteration by the Houses of Parliament.

The question was proposed.

SHRI BIREN ROY (West Bengal): Mr. Deputy Chairman, we are glad that the hon. Minister has brought in at least one very necessary amendment of a section of the Aircraft Act on account perhaps of certain accidents which took place in India but we are not happy at the manner in which only this one section—and that too after such a lot of time—of the Act XXII of 1934 is being amended. Many things have happened in these last 26 years. We have practically two Aircraft Acts. If we take the word 'Indian' out from this, as we are doing now, then certainly from the other Act, which is called the Indian Aircarriage Act, that word would also have to be taken out. At the same time it should also have been stated in the same Indian Aircraft (Amendment) Bill that all the rules made hereafter will also be called as Aircraft Rules and not Indian Aircraft Rules. Otherwise it is not consistent.

Now the clause is so going to be amended, as he has rightly pointed out, that every rule made under this Act shall be laid as soon as may be, after it is made, before each House of Parliament. It is a very salutary move. The point is, after a lapse of nearly 26 years, as I said, we are having a comprehensive set of rules which have been gazetted only recently, namely, on the 11th July 1960. It