

vote, will, if necessary, be held in the secretary's room (Room No. 29, Ground Floor, Parliament House) between the hours of 10 A.M. and 1 P.M. on the 15th May.

THE MINIMUM WAGES (AMENDMENT) BILL, 1954

THE MINISTER FOR LABOUR (SHRI V. V. GIRI): Sir, I beg to move:

"That the Bill further to amend the Minimum Wages Act, 1948, as passed by the House of the People, be taken into consideration."

In moving this motion, I may be permitted to explain, the reasons why Government found it necessary to bring forward this Bill.

The Minimum Wages Act, as enacted in 1948, was originally applicable only to the present Part A States, then called Provinces, and a few of the present Part C States, which were formerly Centrally-administered areas. With the integration of Part B and Part C States, the Act was extended to them also, but it became applicable to some of the States only in 1950 and to others still later in 1951. In view of the belated application of the Act to these States, its implementation could not be completed during the periods originally fixed in the Act, viz., up to 15th March 1950, for employments mentioned in Schedule I, and up to 15th March 1951 for employments mentioned in Schedule II. In order to suit the requirements of the newly integrated States, the time-limit prescribed for fixation of minimum wages had to be extended by amendment of the Act twice. The time limit set by the last amendment, expired on the 31st March 1952, but reports received from the States show that the fixation of minimum wages has not been completed in all the States in respect of all scheduled employments, and in respect of all categories of workers in the scheduled employments. No doubt, a good deal of

the work was completed before the 31st March 1952, but so long as even a small portion of work remains incomplete, it is necessary to extend the time limit. Though the date fixed for fixation of minimum wages expired on 31st March 1952, a number of State Governments have issued orders fixing minimum rates of wages even after that date. As those orders are for the present invalid, it is proposed to validate them, for, in accordance with legal convention, it is necessary to lay down that failure to comply with them between the 1st April 1952 and the date of the passing of this Bill will not be subjected to any punishments or penalties.

We are taking advantage of this opportunity to make good certain omissions and to clarify certain doubtful points. For instance, though section 3 of the Act says that the appropriate Government shall not be required to fix minimum rates of wages in respect of any scheduled employment in which there are, in the whole State, less than one thousand employees, there is no provision requiring the appropriate Government to fix minimum wages after the number of employees goes above one thousand. It is not satisfactory that a growing employment should be left unprotected, and it is now proposed to make it obligatory on Government to fix minimum wages within one year of finding that the number has exceeded one thousand.

Similarly, when under section 27 of the Act new employments are added to either part of the Schedule, the Bill seeks to provide for the fixation of minimum wages in those employments within one year of such addition.

The difficulties of fixation of minimum wages in agriculture have been formidable, and have been experienced by practically every State Government. Perhaps, the fixation of minimum wages in agriculture will therefore, have to be gradual. Most State Governments are starting with fixation of minimum wages in areas of abnormally low wages and hope gradually to

LSHri V. V. Giri. I extend the area covered by the Act. It is necessary in the early stages of implementation of the Act to restrict fixation of minimum wages in agriculture to specified localities or specified class of employment in such localities. A provision in the Bill makes such selection fixation possible, and clarifies the existing provisions on the subject

Clause 5 of the Bill gives the appropriate Government a new discretion. When the Minimum Wages Act was enacted, the intention obviously was to protect sweated categories of labour which had been denied the minimum means required for maintenance of life in a reasonable condition. It was not the intention of the Legislature to protect highly paid workers, but as the Act stands at present, it is applicable to all categories of employees in the establishments mentioned in the Schedule, and would cover even highly paid officials. To take one instance, municipal corporations and port trusts are covered by the expression "local authority", and strictly speaking, it is unnecessary, as the Act stands at present, for appropriate Governments to fix minimum rates of wages for engineers, sanitary officers and administrators, etc. of the important local bodies. The Act is not intended to apply to them, nor is it capable of being so applied properly. Clause 5 of the Bill, therefore, gives the appropriate Government eminent discretion, to direct that minimum wages need not be fixed for any definite class of employees who are in receipt of wages exceeding such limit as may be prescribed.

Before proceeding further, I would like to draw the attention of the House to the discussions which we had on the subject of minimum wages at the Mysore session of the Indian Labour Conference held in January and the Bombay session of the Minimum Wages Central Advisory Board which met on the 8th and 3th of April. The Indian Labour Conference considered such questions as implementation of the Minimum Wages Act, principles

for fixation of wages, uniformity in actual fixation, and the need for widening the scope of the Act, etc. The Conference passed a resolution recommending that the time for implementing the Act, in respect of Part I of the Schedule should be extended till the 31st December 1954 and that the Central Advisory Board should examine the manner in which the Act has been implemented so far with a view to formulating a code of directions to be issued by the Central Government to the State Governments and with a view to laying down principles and criteria for the fixation of wages. The Conference also recommended that the Governments should issue notifications for covering additional employments on the advice of the Central Advisory Board. A meeting of the Central Advisory Board was held on the 8th and the 9th April. The Board considered the recommendations of the Indian Labour Conference and also examined other important matters such as disparity in wages in contiguous States or in the same geographical area, uniformity in regard to payment for overtime and weekly days of rest, etc. Among several other important recommendations made by the Board, I must make special mention of the concept of a national minimum wage which was examined in great detail. The Board recommended that the minimum wage should not be below Re. 1-2-0 to Rs. 2 per day for any category of workers depending upon the area-wise and employment-wise classification. This is an important step and I propose to place it before the Labour Ministers' Conference also so that further action may be taken in consultation with them.

The main criticism frequently levelled on this subject is that the progress of the implementation of the Act has not been satisfactory. I should like to remind the House in this connection that minimum wages could not be fixed under the Act in employments covered by Part I of the Schedule after the 31st March 1952, when the time-limit for fixation of wages expired. Even the present Bill has been

pending before Parliament for about a year. We have not, however, been keeping quiet all this time. We have been pressing the State Governments to take all preliminary action, such as the establishment of Committees and Sub-Committees in consultation with the interests concerned, etc. so that minimum wages might be fixed as soon as the present Bill is passed. In regard to the Centre also, a Committee for fixing minimum wages, an Advisory Committee for revising minimum wages and an Advisory Board to coordinate their activities are being set up. I am glad to say that good progress has been made in regard to these preliminary matters and I can assure the House that there is not likely to be any need for extension of time beyond the 31st December 1954. In so far as employments in Part I of the Schedule are concerned.

In regard to Part II of the Schedule, that is, agricultural employments, the Planning Commission has recommended in the First Five Year Plan that "full and effective implementation of the minimum wages legislation should be secured during this period. Enforcement of minimum wages for agricultural workers in low wage pockets, in the larger farms and in areas selected for intensive development, should be regarded as an important aspect of the programme for improving the conditions of agricultural workers and should receive high priority. In view of the paucity of data and the administrative difficulties pointed out by various State Governments, a limited beginning should be made with regard to the fixation of minimum wages for agricultural workers, and the scope should be extended further as experience is gained". It will, however, be agreed that substantial progress in the fixation of minimum wages in as many areas as possible, on the basis of a phased programme of implementation should be achieved. It is, therefore, proposed to amend the Act so as to extend the time-limit to enable the minimum wage rates to be fixed in the remaining areas by the 31st December

1954. It will be appreciated that in a vast country like India, where agricultural labour is absolutely unorganised, it is difficult to implement the Act throughout the country at one stretch. Apart from it, a large machinery will be required to enforce a measure of this character throughout the rural parts of this country. This matter was also considered by the Minimum Wages Central Advisory Board at the Bombay Session, held in April. The Board recommended that action on the lines indicated in the Plan should be taken. The State Governments will be fixing wages gradually and the position will be reviewed in due course. I shall then place all the facts before the House and ask for further extension of time as may be necessary.

I shall not take up too much time of the House with an elaborate statement. I should, however, like to repeat that one thing is certain, *viz.*, that minimum wages in employments appearing in Part I of the Schedule to the Minimum Wages Act must be fully covered before the 31st December 1954. This being our target, we must do everything possible to fulfil our promise to the nation. This does not mean that minimum wages should appear to have been fixed on paper. Endorsement of existing rates is not the purpose behind the fixation of minimum wages. The minimum wage must be properly fixed taking into account a) the factors involved. It must also be adequately enforced. The minimum wage must become a reality, enjoyed by all concerned. Our Constitution requires that every effort should be made to secure to the workers a living wage. In a dynamic society, minimum wage is, therefore, only the beginning, an earnest of the fair wage to come.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Minimum Wages Act, 1948, as passed by the House of the People, be taken into consideration."

SHRI S. BANERJEE (West Bengal): Mr. Chairman, I have listened to the speech just now delivered by the hon. Labour Minister with interest and attention but I am constrained to have to say that the conviction which was deep in me has been further strengthened by his speech. The Government of India is creeping like a snail, unwilling to implement the Minimum Wages Act. I will only put before the House some data which will prove the truth of my contention. This Bill, or rather this Act which we are going to amend now, has a history. It was first published in the *Gazette of India* in 1946. It was referred to a Select Committee and the Select Committee reported in the year 1948. On the basis of that report the Act which we are going to amend was passed. 1948 to 1952—four long years have passed and nothing substantial has been done, which has been admitted even by the Labour Minister, in implementing the provisions of the Act. The concept of minimum wage is well known to everybody. The Labour Minister has just now said that the minimum wage is only a step towards living wage. And what should be that minimum wage? According to all recognized standards, the minimum wage should be that wage which will enable a worker to meet his minimum requirements with regard to food, with regard to clothing, with regard to shelter, with regard to medical treatment and a little primary education. That is the barest minimum that a welfare State is supposed to provide for each and everyone. But on the contrary, what do we find? I shall confine myself only to one industry mentioned in the Part I of the Schedule—stone-breaking. The wages that are fixed in a majority of instances, I mean for stone-breaking, are appallingly low. Let me give some figures. The minimum wages fixed with regard to this stone-breaking are annas eight in Bho-pal, annas seven in Madhya Pradesh, annas thirteen in Madras, annas ten in Mysore, annas eight in Orissa, annas twelve in Rajasthan, annas eight in Vindhya Pradesh and annas fourteen in West Bengal. But I think the hon.

I Minister for Labour will agree with me when I say that this is starvation wage and not minimum wage. And what is it, that labour wants? Labour wants a living wage, as guaranteed under the Directive Principles of State Policy by our Constitution. What else does it want? Good working conditions, the right to form unions and to strike, recognition of trade-unions, no victimisation for trade-union activities, no rationalisation which leads to unemployment. These, broadly speaking, are the demands which are being put forward by labour all over the country. What is it that the Government have done so far? Instead of a living wage, they have not even vouchsafed to the workers a minimum wage. Working conditions in many employments are appalling. The right to form unions is practically denied. Whenever any union is formed in any industry, if that union is not acceptable to the employers concerned, then they refuse recognition to it. I will quote I only one instance in point. The Metropolitan Insurance Company of Calcutta refused to recognise a union. Not only that, but they have set up one counter-union, if I may be permitted to say so, a union formed under the aegis of the management, and that is going to be recognised. The recognition of trade unions is one of the most important demands of labour, along with the demand for a living wage. And how is that to be done? Take a secret vote by ballot, and give recognition to that union—if there are more than one union in any industry—which secures the largest number of votes.

The implementation of the Act is very very defective. There is implementation of it in one category of a trade, but it is not applied to other categories in the same trade. Take for instance, bridge construction. There the stone-breakers are allowed the privileges of the Act, but those who carry the stone chips to the place of construction, are denied these privileges. These are anomalies that I bring to the notice of the hon. the Labour Minister so that they may be rectified.

One other matter which I want to bring before the House for their active and favourable consideration is that in an industry in which there are State-concerns, the privileges of this Act are denied to those who are employed by the State concerns in that scheduled trade. In Uttar Pradesh, for instance, the Act is applied to the motor transport workers. But those who are employed in the State Transport undertakings do not get the benefit of this Act. Why this preferential treatment to the employees of State undertakings, I do not know. This should be immediately done away with.

There is another peculiar matter. Minimum wages are fixed in some cases, at a level below what the workers have been obtaining. In Bombay, the bidi workers were getting something higher than what the Minimum Wages Act decided for them. So, in these cases, the minimum wage is becoming instrumental in cutting down the wage level of those workers.

I am very glad to learn from the hon. Minister about the discussions -which took place at the Indian Labour Conference in Mysore in January. The national minimum wage has been, if I understood him aright, accepted as a matter of principle. If that is so, why not in the very provisions of the Act, the minimum wages be fixed? If that were done, then the appallingly low wages which I have just now quoted would have been impossible. The minimum wages should be such as to enable the workers to live like human beings. If that is done by the hon. Minister, I am sure he will have done a great thing to labour in India. In that conference, the A.I.T.U.C. which I have the honour to represent have put forward the following points of view. The Union Government should issue immediately directives to the State Governments laying down the principles which should guide them in the fixing of such wages. The principle behind the fixation of minimum wage, as I have just now quoted, should be the

guaranteeing of the satisfaction of the minimum needs of the workers. The minimum wage should, therefore, enable the worker to provide his family with food, shelter, clothing, medical treatment and education at least up to the primary stage or standard. Towards the attainment of this, the Central Government should prescribe a national minimum wage below which no State Government will be permitted to fix any wage in any industry. And an immediate beginning should be made in this behalf by fixing at least the State minimum wages. If there is any breach of this Act by the employer concerned, the aggrieved worker himself or his union should be empowered to take proceedings against the employer and the liability in this behalf should not only be civil, but also criminal.

In the matter of fixation of these minimum wages, the workers concerned, the central trade union organisations concerned should be consulted at every level. I am sure if the Government of India or, for that matter, the Labour Minister wants to do justice to labour he has got to do all these things and unless these things are done, he will—I do not know—be sworn at instead of being sworn by the labour of India. I might remind him of the Congress policy with regard to labour, the policy of the Congress when it was a fighting organisation, when it had the will and not the power, but now it has got the power and also the will, if I may be permitted to say so, what stands in the way of implementing the provisions of this Act? It is this that they have not the courage to offend the employers. I ask them to take courage in both hands and to go ahead with their reforms so far as labour legislation is concerned and the enlightened capitalists—if there are any in this country—will bless the Labour Minister for having given them a further lease of life. What was the policy then of the Congress? Let me quote from the Rege Committee report appointed by the Government of India in 1.945 before the transference of power—I will not

[Shri S. Banerjee.] call it independence. The labour policy at that time was to secure to the industrial workers a decent standard of living, hours of work and conditions of labour in conformity with the international standard, suitable machinery for the settlement of disputes between the employers and workmen, protection against economic consequences of old age, sickness, unemployment and the right of workers to form unions and to strike for the promotion of their interests. I would ask the hon. Labour Minister to bear all these things in mind before he goes on with the spate of labour legislation that he has perhaps in view.

There is a provision in the Minimum Wages Act which empowers the Government to appoint a Committee to help the Government in fixing minimum wages but nowhere in the Act has there been a mention as to how this committee has got to be constituted. Shall it be appointed at the sweet will, the whims or the caprices of the Government or shall it take into account the interests of labour whose interests are represented by the Central trade union organisations of the country? I would ask if, on the committee under the present Act, there are interests of labour represented.

SHRI V. V. GIRI: Yes.

SHRI S. BANERJEE: And of the Central trade union organisations?

SHRI V. V. GIRI: Yes.

SHRI S. BANERJEE: Thank you very much. Then, there are cases where the committee has recommended some minimum wage and the Government, at the instance of the employers, has refused to accept that minimum wage; even when that minimum wage has been enforced by the Government, the employers came to the Government with begging bowl and the Government, in its never failing generosity for the employers—as they have been always showing since they assumed power—turned down the recommendations of the committee and

did what the employers bade them to do. I mention the case of tea. I have only one more word to say and I will have done.

The Labour Minister of today has been in the trade union movement for a long time and the labour of India looks up to him as one of whom they can expect justice to their demands even though he is now exalted to the position of the Union Labour Minister. I say this because a bird whispers in my ear that the comprehensive labour legislation of which we have been hearing so long and so much and which we were almost assured would be brought before this House this Session, is going to be kept in cold storage and I am supported in this because so far nothing has been done. Is it because of a division of opinion amongst the Ministers or is it because of something else? May I have this assurance from the hon. Labour Minister that he will bring that comprehensive labour legislation which will not be a replica of his predecessor's Draconic labour legislation but which really will go to the benefit of the worker and not to the benefit of the employers, this Session? If he can do that, I think he will have done a great deal for the labour.

Mr. Chairman, I have done.

SHRI H. P. SAKSENA (Uttar Pradesh): Mr. Chairman, I am neither of the A.I.T.U.C. nor of the A.I.N.T.U.C. but I bow to none in my compassion, understanding and regard for the poor labourers and the down-trodden workers. Happily, we have, in our Labour-Minister, Mr. V. V. Giri, a gentleman whose every action breathes under standing, compassion and regard for the miserable condition of our workers and labourers.

With much of what my venerable friend Mr. Satyapriya Banerjee has spoken just now, I am in agreement, but my only difference and the only point of disagreement (his impatience and pace of speed. I cannot go as fast as he wants the Labour Minister to go because let me tell **him**

plainly that the road is very slippery, | the obstacles are so many and there is every possibility, every danger of our falling down.

SHRI S. MAHANTY (Orissa): What are they?

SHRI H. P. SAKSENA: So far as my friend Mr. Mahanty is concerned, I have decided to ignore his interruptions.

Now, these terms, 'starvation wages' 'living wages' are all, after all, relative terms. If you do not mind, I can say that this Rs. 40 a day of my allowance is a starvation wage in the same way as ten annas or eight annas a day is a starvation wage for my brother, the hardpressed and hardworked labourer on an agricultural farm.

So they are all relative terms. By this I do not mean to say that the wages of an ordinary labourer on an agricultural farm must always remain eight annas. We must raise them and our target ought to be, as the Labour Minister has just now said, not merely a minimum wage of Rs. 1-2-0 to Rs. 2-0-0 but a decent minimum. Then I may point out to him one more important factor. This minimum wage must necessarily be fixed in proportion to the cost of living, to the prices of the essential commodities of life, because even if it is Rs. 2, if the prices go on rising and rising as much as they had been doing for so many long years, it would be very difficult for anybody to live not only decently but to live as the life ought to be led on a minimum wage of between Rs. 1/2-0 and Rs. 2.

For me the laudable purpose and object of the Bill to have fixation of minimum wages is something for which the entire nation must be grateful. After all there will be defects, there will be loopholes, there may be deficiency in the earlier stages, but once the principle of the fixation of minimum wages is accepted, conceded and given effect to, there will be no difficulty in smoothening things and arriv **lag at a nice level.**

Now the hon. the Labour Minister said that this Bill was intended to make good certain omissions, I would beg of him now to shake off this habit of omitting things and forgetting things and not including them at the proper time. These omissions ought not to have taken place. Nevertheless the Government has woken up to make good these omissions. It is something to be grateful for.

Now this business of Schedules is it business that troubles me. I am of the opinion that each and every labourer, whether he is on the Schedule or not, should be guaranteed a living wage. Otherwise there are men and men who will continue exploiting the poor people and paying them very little wages. There was a time when only four annas were given for the whole day which consisted of twelve hours work from 6 in the morning till 6 in the evening.

Now my friend Mr. Banerjee was recounting the rates of wages in certain States. Perhaps he does not know that in addition to the cash wages that are being given to the workers they are also allowed free corn at midday for their meal and that, after all, carries some money value with it and sometimes it is itself sufficient to take them to the end of the day. So this amount of wages that he has quoted is not the whole of it. It is about two-thirds of it and one-third they get in the shape of corn.

Now a very wide and very large area of labour is covered by agricultural labour for which, as the hon. the Labour Minister, said, there is no concrete provision yet for the simple reason that the problem is a very formidable one and so the States have been asked to take early steps in that direction, but nothing has yet been done. It must be conceded that the problem is a stupendous one. But, after all, it has got to be solved and this should be done in right 10 A.M. earnest Because more that 50 per cent, of our **labour go by** the