

vote, will, if necessary, be held in 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

[Shri V. V. Giri.]

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 classifies 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 necessary, 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 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 9th 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 co-ordinate 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 all 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 Bhopal, 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.

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 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 1945 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 understanding, 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 is 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 arriving 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 a 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 earnest Because more than 50 per cent of our labour go by the

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[Shri H. P. Saksena.] name of agriculturists, it is very easy to say that the prices of foodgrains are rising and rising and that, therefore, labour is prosperous, but it is not applicable in the case of agricultural labourers because only 30 per cent. are the actual tillers of the soil and the other 55 per cent. are only agricultural labourers working on the farms without owning any land for themselves. Therefore, some concrete, substantial and final step has got to be taken in order to give them satisfaction and in order to save them from starvation. My friend Mr. Banerjee said that this was starvation wage. But unfortunately these labourers do not get even starvation wages and they go on starving for want of employment. They are the people who are prepared to do work and yet they do not get work, and if a Government does not provide work to its labourers it is not fit to govern; it should quit. The hon. the Labour Minister said that not even some of the recommendations made by the Advisory Board had yet been implemented and I would.....

SHRI V. V. GIRI: The Central Labour Board met and came to their conclusions only two weeks ago. The Advisory Board is represented by the State Governments, the employers' representatives and workers' representatives.

SHRI H. P. SAKSENA: I am so glad that it was only recently that those recommendations have been made. All the same my request remains that early action should be taken to implement those recommendations.

I have not got much to say excepting this that unless and until the majority of the population of the country is satisfied, there is no use of our being happy that we are free. Freedom to starve! Freedom to go without food! This is not the freedom that we aspired for. This is not the freedom that we asked for and I would be happy only then when we have

plenty and the prices of things are in conformity and commensurate with the purchasing power of the average individual. There may be plenty and we have been listening to the statements that there was plenty of agricultural production and there was plenty of industrial production in the last year, 1953-54. But there was no purchasing capacity. When there was no increase in purchasing capacity, all this production is of no avail. You can export it in order to earn dollars. But then what about internal consumption and the satisfaction of the needs of the population? That is the whole point. That is why I have not yet been able to understand the thesis of the hon. the Minister for Food and Agriculture that the consumption of sugar has been rising, that the production has unfortunately fallen this year and, therefore, he must need import of sugar and that that is why the prices of sugar are rising so on and so forth. The whole thing is a jumble to me and I have not been able to understand how it is that the prices of sugar are rising when sugar is being imported and yet everybody agrees that the purchasing power of the people has not increased. How is it?

After all, it is a dilemma to me. Nobody excepting the hon. the Food Minister can solve it just as he has solved the dilemma of the food problem.

SHRI S. N. DWIVEDY (Orissa): Mr. Chairman, no doubt this is a very useful legislation and if the provisions of the Act had not been implemented within the time-limit, there should be no serious objection to give further extension. But I wish to point out that the time has come when Parliament should take a serious view of the fact that the Government is not implementing the Acts passed by Parliament, but comes forward asking for further extension

[MR. DEPUTY CHAIRMAN in the Chair.]

This particular Act was introduced in Parliament in 1946 and passed in

1948 and three further extensions of time were given. But even after this the Labour Minister comes forward and says that the States have not been able to implement the provisions of the Act. His main reason why he wants further extension till December 1954 is that Part B States did not get sufficient time to implement it. May I ask him this question? When this Act was amended in 1952 it was laid down that the State Governments were to fix the minimum wages, by the 31st March 1952 as far as the Part I of the Schedule was concerned and 31st December 1953 as far as Part II of the Schedule was concerned. May I know whether the Part A States have been able to put into effect or have acted according to this time-limit? He has not told us whether this has been done.

He has said that the Part B States who were in some difficulty have not been able to implement it. I would say that both the Central Government and the State Governments have not been enthusiastic enough to see that the Act is implemented.

As regards the Central Government, I would invite the attention of the hon. Minister to the Labour Ministry's Report for the year 1953-54. If you look at page 5 of that Report you will find, it says, "The State Governments (except the Government of Jammu and Kashmir) and the Chief Labour Commissioner were requested to furnish annual reports on the working of the Minimum Wages Act, 1948." That is, in the year 1953 they thought it advisable to write to the State Governments to report to them about how the Act had been implemented. That is what the Central Government have done and as you know, the State Governments are also reluctant to implement the Act. It is a known fact that as regards labour matters the State Governments always delay things. This being the state of affairs the Government proposes to give them further time and the Minister assures us that there will not be any further extension needed. But may I ask him to tell us whether

he is satisfied that sufficient machinery has been set up in the States to implement this Act? My contention is that it is not so. The State Governments have not got the requisite machinery to implement all the labour legislation that we are passing from time to time. Without enquiring and without ascertaining as to how this would be implemented, to give further time to the same machinery of the State Governments will serve no purpose. Again, the Minister will come forward and say that they have not been able to do it and let us give further extension of time and particularly because it affects labour, I think Parliament would have no other alternative but to give further extension. I would have understood that further extension would not be necessary if, as has been provided in some of the amendments given by some friends, it had been laid down—either the Labour Minister himself might have brought forward an amendment or it would be all right if he accepted the amendment given notice of—that if within this time-limit a particular State Government fails to implement it, then the labourers concerned would be free to refer this matter to a tribunal. The State Government would be obliged to refer the matter to the tribunal and within 20 to 30 days the matter could be decided according to the Industrial Disputes Act. If some such provision had been made in this Bill, then I think that the State Governments would think it advisable and necessary to act within the time-limit instead of going to the labour tribunal. But there is nothing like that here. Not only in respect of labour legislation, but we have heard in this House so often that money granted by the Centre for the welfare schemes and irrigation projects have lapsed because the State Governments have not been able to work within the period stipulated. Such being the state of affairs, perhaps it has become necessary—and I very earnestly recommend it to the Labour Minister—that he should recommend and advise his colleagues in the Cabinet to amend the Constitution in such a way that on labour matters no shilly-shallying by

[Shri S. N. Dwivedy.]

the States would be permissible. If that is done, his desire to do some good to the labourers of this country would, I think, have some effect, otherwise nothing can be done.

Having said this much about this aspect, I come to Part II of the Schedule which relates to agricultural labour. As you know, agricultural labourers are about one-third of the entire agricultural population and labourers mentioned in Part I of the Schedule also form a large part of the population. If this Act has not been implemented so far, that means that a majority of the labourers have not been in any way benefited by the present Government.

As regards agricultural labourers the hon. Minister now comes forward with an amendment saying that the State Government could select areas where they could implement this particular provision. If I may remind him, in the year 1950 a committee was appointed by the Government. The committee consisted of some economists and advisers of the Government of India and that committee went into this agricultural labour question and recommended that the present administrative machinery in the States, since agricultural labour was spread over a vast area, would not be able to cope with this problem. Therefore, in that year they suggested that in the States wherever there were very low wages in the agricultural field, an experiment should be started in those areas to see how it affects the general production and other matters. That was in December 1950. We know that the States failed to do anything and another amendment was moved in 1952 and still nothing has been done up till now. It is now 1954. But now the hon. Minister comes forward seeking to give permission to the States for starting work in some selected areas and I do not know what is going to happen. I say this will never be done. I will give him one instance. In Orissa there is one district called Koraput. It is a tribal district. There

was a system prevailing there called *Guthi*. According to this agricultural labourers are nothing but slaves. If they take from an agriculturist Rs. 5 or Rs. 10 at any time, the entire family of those people would become slaves to the agriculturist or the farmer for life. They won't be free afterwards. But even after this Act was passed, in the year 1950 the Orissa Government, on account of the agitation that was carried on, came forward with a measure abolishing the system and what did they provide instead? They said that henceforth if any *Guthi* was appointed he would be given Rs. 14 a month. This was done after this Act has been passed and the Labour Minister says here that we have decided that the minimum wage must be between Rs. 1-2-0 to Rs. 2-0-0. If that is the attitude in the States, I do not know how far they would implement the legislation that we pass here.

I would point out that the procedure that has been provided is also not such as can be worked out in the particular situation prevailing in the country. It is known to everybody that as far as agricultural labour is concerned, no uniform wage limit can be fixed. The wage level varies from place to place; not only from place to place but from district to district and from crop to crop. It will not be possible to fix a definite limit but how the agricultural labour could get justice is the problem. The methods that have been provided here, to my mind, are defective and with them we would not be able to solve this problem. Even after a series of conferences of Labour Ministers in which this question has been discussed over and over again, they have not been able to do anything. I think it would have been proper for the Labour Minister, when he brought forward this amendment, to have also suggested some changes in the procedure. I am not giving my personal opinion. In this connection I will refer to the Report of the Congress Agrarian Reforms Committee which was published, I believe, in the year 1949. It was called the Kumarappa Committee. This

Committee was appointed by Dr. Rajendra Prasad when he was the Congress President. This Committee was appointed because in a conference of the Revenue Ministers of the States it was thought necessary that the entire agricultural problem of the country should be enquired into and measures suggested for improving the conditions. That Committee consisted of persons of great experience, experts in economics and others—not only Congressmen but there were others also—and that Committee suggested that this Minimum Wages Act of 1948 should be implemented as early as possible. That was in the year 1949. As regards this wage aspect of the agricultural labour, they suggested certain methods. They, of course, ruled out the idea that many people have in this country that fixing of a minimum agricultural wage would hit the small farmers very badly and that they would not be able to pay the labourers. They say: "It has been suggested that the enforcement of the provisions of the Minimum Wages Act on farms irrespective of their size might drive the small farms, i.e., the bulk of the agricultural farms out of cultivation and they would find it difficult to pay the minimum wages. We feel that in a way this would drive the small holders into the co-operative joint farms which would increase the productive efficiency so much that it will make it possible to pay the minimum wages to the agricultural labourers. Not only that. Under the present circumstances when you want the distribution of land should take place as early as possible, I think it is proper that this is implemented as early as possible so that the non-agriculturists who do not cultivate their lands but have them in their possession and exploit the labourers would have to transfer their lands to real agriculturists.

I also want to draw your attention to the method that was suggested by this Kumarappa Committee. It discussed the entire matter and they came to this decision that unless and until the entire administrative set-up of the country changed, unless we have the Gram Panchayat system or other simpler sys-

tems of administration in which the local people can actively take part, it would be perhaps difficult to do anything so far as the Minimum Wages Act is concerned. Discussing this aspect they say we must have Wages Board. "The Wages Board, keeping in view the local usage, should prescribe for different areas and different crops and for different pieces of work, standards of minimum efficiency of work. Minimum wages to agricultural labourer should depend on the fulfilment by agricultural labour a standard of minimum efficiency laid down by the Wages Board, provided labour is given proper facilities of work. Wages would be paid in cash or kind with the option of the agricultural labourer to accept the payment entirely in kind or partly in kind and partly in cash or entirely in cash." They further say: "We recommend that to determine the minimum wage, a Wage Board consisting of one Government nominee, one representative of the landed peasantry and one representative of the agricultural labour should be appointed at the district level. There shall be an appeal from the District Wage Board to the Provincial Board which would be attached to the Land Commission and whose function would be to bring about reasonable parity in the rates of wages in different regions of the province." Then they discuss the question of the land tribunal and say: "The difficulty of enforcing these rates of wages would be very great indeed, specially in the absence of any well-developed organisation of agricultural labourers. We, therefore, recommend that a Land Tribunal consisting of equal number of representatives of landed and landless peasantry with an official chairman should be appointed in each local area to discharge the following functions: Firstly, implementation of the decision of the Wage Board regarding Minimum Wages and secondly peaceful settlement of disputes between the landed and landless peasantry."

I would have really believed that the wishes of the Labour Minister were likely to be fulfilled if this machinery had been provided in this particular

[Shri S. N. Dwivedi.]

Bill. Since this has not been done, I feel that the progress has not been encouraging in the past and is also not likely to be encouraging in the future. I would again draw the attention of the hon. Minister and of the House to the fact whether Parliament should not take a serious view of the position that they pass a certain Act and prescribe a certain time-limit and the Governments who are bound by the decisions of this sovereign House either unwittingly or deliberately hold out and do not implement it with the result that the hon. Minister comes forward again and again asking for further extension. This is not a healthy convention.

SHRI RATANLAL KISHORILAL MALVIYA (Madhya Pradesh): Mr. Deputy Chairman, this is a Bill in which the hon. the Labour Minister has sought an extension of the time-limit for the implementation of the promises which have not been fulfilled by the State Governments. Apart from this, he has, in his opening address explained the various difficulties and the various objects behind this Bill. So far as the industrial labour is concerned, the difficulties which have been pointed out by my friends are really genuine, and the spirit in which this Minimum Wages Act should have been implemented by the States has not been done. They probably did not know that a time-limit was fixed for the implementation of the Act and minimum wages were to be fixed within a certain period. They went on fixing wages even after the expiry of that period, and a situation was created necessitating introduction of the present legislation. It is good that this Bill has come for extension of the period and the defects in the working of the Act by the State Governments have been brought to the notice of the Centre. The hon. Labour Minister has pointed out in his opening remarks that the minimum wages up to a certain level have got to be fixed by the Centre, he has pointed out specially that wage from Re. 1-2-0 to Rs. 2 is the wage which has been recommended by the

tripartite conference and it should be taken as the minimum wage. As has been pointed out by my friend, Mr. Satyapriya Banerjee, the wages of stone-breakers and workers in other industries such as glass industry which I know of, are really very low. They have been fixed below the wages which they were actually getting. This is a very distressing state of affairs. And it was very necessary that the Centre should come forward and give a direction with regard to the fixation of minimum wages. The indication given by the hon. Labour Minister is welcome, and I believe the difficulties raised by my hon. friends which may come in the way of the implementation of the intentions of the Labour Minister would be overcome. As one of my friends has just now pointed out, the machinery for the implementation of those intentions must be there. It is a pity that the machinery necessary for the implementation of these provisions is lacking, as a result of which the agitation among the workers has been increasing day by day.

Now, with regard to the industrial labour much has been already said, but it is necessary to bring to the notice of the House some points which have not been touched and which require the attention of the House. It is not a fact that in all steps the Government has failed to implement the various resolutions or the international conventions, etc. I know of some industries—I am talking especially of the mining industry—in respect of which almost all the international conventions have been implemented so far as the hours of work, working conditions, age-limit and the safety in mines are concerned. I think a lot has been done. I do not say that there is no scope for improvement, but under the existing circumstances whatever was possible has been done, and the Government are to be congratulated for that.

I will point out one more fact. There has been some legislation which the worker has not been able to digest. I will refer to the Provident Fund Act which applies to the coal-miners. I

have got some experience in that field. Till today I am not able to satisfy them with regard to the benefits of the Provident Fund Act. They still feel that it may not be in their interest. We have been trying to remove the difficulties which have been there in the working of that Act. Every now and then, the Government also takes note of them and helps in removing those difficulties. The necessary confidence in the Provident Fund Scheme is still lacking.

Now, so far as the industries in Part I of the Schedule are concerned, I agree that the wages have been fixed at a low rate and they require improvement with the advice and consent of the workers themselves. The Provincial Committees are there, and I feel it may be made imperative for them to carry out the intention which has been disclosed by the hon. Labour Minister, i.e. the minimum wages between Re 12-0 and Rs 2 per day be fixed. I would like that a clause may be added here definitely fixing the minimum wages in various industries.

Now, there is another Part of the Schedule relating to agricultural labour. I beg to submit that, as a field worker, I myself went into the villages some time back, and made a survey for quite a long time, I wanted to form unions of agricultural labour. The main difficulty which faced me was that the holding with the people were so small and uneconomic that the tenant himself could not earn sufficient for his own livelihood. And if you define the agricultural worker as having no holdings with him, then too it will be difficult to give him a minimum wage, because there are workers with small holdings, say, one acre, two acres, three acres etc. who cannot make both ends meet, but who have to employ one or two workers during the season. It would hardly be possible for these small tenants to pay the minimum wages. My point is that, unless you include among the agricultural workers these small tenants who are having very small holdings, it is difficult to fix a minimum wage for them. There

was an agitation, when I wanted, of course in my own small way, to omit these small agricultural workers. So, this fundamental difficulty is there in organising agricultural labour and in fixing a minimum wage for them. The only alternative is the organisation of these small tenants and workers on a co-operative basis. Some additional work has got to be given to them, they must have some other occupation besides agricultural work on which they could fall back during non-season period and supplement their income. Without supplementing the income of these people, it is very difficult to fix a minimum wage for these agricultural workers. My submission therefore is that, so far as the agricultural workers are concerned, they should be organised in accordance with the plan suggested by the hon. Minister and their wages fixed in economically sound holdings or where agriculture on co-operative lines has been developed. Of course, the progress will be slow, and you cannot implement any minimum wage-limit immediately. Minimum wages in agriculture on mass-scale cannot be introduced unless agrarian reforms are introduced and the land is more equitably distributed or, in the alternative, some co-operative movement is started vigorously, and some industries also are started in the villages to enable the agricultural workers to supplement their income. There has been a complaint that this has not been done at once, but I do respectfully submit that this is a problem which requires to be dealt with patience. Of course, the zeal should be there, the work should be undertaken immediately and unreasonable delay should not be caused, but then we must know the different local conditions and the wages have got to be fixed in accordance with the conditions prevailing in different localities. We tried an experiment. We fixed the wages which should be paid to an agricultural worker, but then if the crops were very favourable, we tried, by conciliation amongst themselves, to give them some extra wages according to the quantum of the crop. That experiment worked very well in a particular area—a very small area—

[Shri Ratanlal Kishorilal Malviya.]
but elsewhere it failed. So, we could not proceed ahead. This is the kind of difficulty which faces us in the actual working, and so in trying to implement the minimum wages, we must use caution

So far as the industrial worker is concerned, of course, the situation is quite different. There, the profit motive operates and at least in one of the industries that I know of, the employers have not changed their attitude. I will cite the example of the coal industry. It is my experience that in this industry the employers are making huge profits but even with those profits, they do not want to increase the wages. The Government tried conciliation but conciliation failed. The employers said that, if wages were to be raised by 50 per cent., the coal price also should be increased by 50 per cent. There are reports that at least some of the employers are underselling coal by three to four rupees per ton, but still they will not yield to the demand of the workers and will demand an unreasonable increase in the coal prices, if they are to do it. So, in the industrial sector, the Government has got to be very strict, as against the agricultural sector. So far as the industrial sector is concerned, the Government must look to the interests of the workers and workers alone. I congratulate the Government for referring the demands of the coal-mining labourers to the tribunal, and I hope that the desired minimum wage for which we have been fighting during the last three or four years will be available to the workers after the decision of the tribunal. So far as the agricultural workers are concerned, I favour the hon. Minister's point of view and the scheme of the Planning Commission, which he pointed out in his opening address.

Sir, I support.

SHRI S. N. MAZUMDAR (West Bengal). Mr. Deputy Chairman, I shall

first speak about the extension. As this extension is in the interests of labour, I have to support it, but still I must say that there is no justification for delaying the matter so long. The hon. Minister in his opening speech said that because the original Act fixed the time-limit for fixing minimum wages only up to the end of March 1952, minimum wages could not be fixed after 1952. Secondly, he said that this amending Bill had been before Parliament for the last one year. It is also my complaint that this amending Bill which was introduced last year had to wait for one year to come up for discussion and for being passed. I do not know who is responsible for this delay. I think that long before this the passing of this Bill could easily have been managed in both the Houses of Parliament with some careful planning of the arrangement of work. Now, as regards the question of extension, my hon. friend said that after 1952 wages could not be fixed because the Act expired, but to that argument my reply is that when Government is issuing ordinances during the off-session days of the Parliament with regard to so many matters, this could also have been done by the promulgation of an ordinance. Then, there would have been a greater urge to come forward with a Bill before Parliament and have it enacted in the form of an Act. Then he said that some time had to be given to the Part B States, but my submission is that a long time is not necessary and was not necessary even for Part B States. The question of minimum wages is not a new one. Actually this question came up before the then Government of India in 1928, after the Minimum Wages Convention by the I.L.O. The then Government completely shelved it no doubt but the matter was before the Government, before the labour movement, before the different Departments of the Government and enquiries were made. A lot of materials on which work could be carried out was there. So there was no need of delaying this for a long time. In 1948 when this measure was enacted, then these things

were referred to even in the Provisional Parliament that after 20 years this had come to be passed in the form of legislation and the then Labour Minister who was responsible for this piece of legislation was hailed by Members who spoke on this Bill. But from 1948 to 1952 and we are now in 1954, the progress has not been very considerable.

Secondly there is some confusion about this concept of minimum wage itself. It would have been correct to call this Bill or even the original Act a Minimum Wages Act for the sweated industries because actually this means the fixing of minimum wages in the sweated industries and we know what the conditions of work and living and the wages of the labourers in the sweated industries used to be. They were simply beyond imagination. Each and every Labour Investigation Commission starting from the Royal Commission on Labour commented very sharply on this fact about the very pitiable condition, about the conditions of sub-human existence of labour in the sweated industries. So actually the step that was taken in 1948 was not a very big step in itself. That was only the barest minimum of what should be done. Even it was not the complete minimum itself. Only the beginning of fixing minimum wages in the sweated industries for those unfortunate labourers who, even in a country like India, get the lowest possible wages—nominal wages—and that too under what conditions? They get it for working for day and night, children, women—the whole family—working in sitting positions, in cramped positions, in bad lighting, even in the absence of lighting because in some of the industries which are included in the Part I of the Schedule like birr making, carpet weaving, wool weaving etc. we know the conditions of work are beyond toleration by any standard of civilization. So minimum wages were to be fixed only for the sweated industries. That has not been done completely. To the implementation aspect, I will come later. Minimum wage concept is not one that should

be confined to the sweated industries. It is to be guaranteed to workers in all the industries and that is not a revolutionary concept or a controversial subject too. That is agreed to even by the Government and by all sections of the labour movement that minimum wages should be fixed for the workers in all the industries. Maybe there are differences about the time or the method of implementing that but the concept is not a controversial one. It is accepted. The Government appointed a Fair Wages Committee about which I referred to earlier. It discussed and came to certain conclusions about fair wages, about the living wage and minimum wage and that was not only for the sweated industries. That was for all categories of industries. But the conclusions and recommendations of that Committee were shelved, what happened? A lot of confusion still prevails. I shall give an example. The Government of Bombay in 1952 appointed a Committee to fix up or advise the fixation of minimum wages in the salt pan industry which was not included in the Schedule originally. But when that Committee started its work, it had no clear ideas about this question of minimum wages. So while its duty was to fix minimum wages for workers in one of the sweated industries, it discussed and discussed the question of minimum wages in general for all industries. It discussed the question of capacity of the employers to pay, the question of employers who were likely to throw many labourers out of employment if a minimum wage is fixed, then the question of increasing the output of the labourers—all these questions were brought forward, discussed and discussed and they came to certain conclusions. I don't object to their discussing these matters but what I would like to point out is that because the recommendations of the Fair Wages Committee which gave us some indication of the minimum wages, about minimum requirements, about the extent to which wages should be fixed and the various requirements of the labour which should be covered by the minimum wages were shelved, a Committee which was appointed to go

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 into the question of fixing minimum wages for sweated industries brought all those considerations which were out of place in that context because in the sweated industries. There is no question of relating output or capacity of the industry to pay to the fixation of minimum wages. As I have pointed out earlier, the recommendations of that Committee clearly show that the fixation of minimum wages—not for sweated industries only but for all industries—should have no relation with the question of industry to pay or output of the workers. Those questions should come only when the question of fixing a fair wage comes. It is because of this confusion about minimum wages that these things do crop up and till now this has been cropping up. I am glad to learn that the hon. Labour Minister has spoken about the necessity of a national minimum wage. He has not expressed it too early. He has only recognised or acceded to the united demand of the labour movement. The labour movement is demanding not only for a national minimum wage for sweated industries but also for all industries. However I am glad to learn that the question of national minimum wage even for the workers in the sweated industries has come up before the Government recently. About this national minimum wage, the hon. Minister has spoken outside also. The sentiments expressed are no doubt noble and there is no quarrel about that but the question is when these are to be implemented—how soon they are to be implemented and how. The question of 'how' is a big one because what happens is this. We have seen that as in the case of some other pieces of labour legislations, in this case of Minimum Wages Act also, the Central Government passes a piece of legislation, leaves the implementation entirely to the State Governments and the State Governments proceed very slowly, very reluctantly and in a very niggardly and half-hearted manner. I don't know—nor do I like to go at this stage into the reasons—why the State Governments proceed in that manner. But it

is a fact that they do proceed in that manner. You know that on the floor of this House and outside we have had to raise our voices often and often for the implementation of the Plantation Labour Act. It took several years to see that the legislation which was placed on the Statute Book was actually implemented. I have not been able to get any detailed report of the discussions that took place in the meeting of the Central Minimum Wages Advisory Board at Bombay but from what reports I have got from representatives who went there on behalf of the A.I.T.U.C. it is clear that the representatives of the State Governments were doggedly opposing almost every suggestion for the rapid implementation of the suggestions which came up before the Board. Even certain suggestions which were accepted and propagated by the hon. Labour Minister himself were not agreed to by the representatives of the State Governments. So about this question of implementation, it is not simply sufficient to express noble sentiments or desires but to see that when a Central Act is passed, at least some steps are taken, some means are provided to see that on subjects like this the question of providing a national minimum wage which does not concern only one industry or one State—should not be left entirely to the discretion of the States.

Now the speech of my friend Shri Giri which he delivered before the Central Minimum Wages Advisory Board, as reported in the Press, showed that he is fully conversant with the fact that practically nothing has been done to implement the provisions of the Minimum Wages Act. It is reported—and I take it that what is reported correctly gives his sentiments—that the Minimum Wages Act should not be allowed only to remain on the Statute Book but should be made a reality. The question then is how it can be made a reality. To this we should pay more attention. The question of this implementation of the Act and the question of the machinery for such implementation figured very prominently. Of course the question of

a machinery for the implementation of the Act has to be decided upon. There is however, one machinery almost ready at hand—I mean the trade union organizations of the labourers. These organisations of the labourers, of every shade of political opinion, irrespective of their political affiliations can be used. We are now finding that these organisations, irrespective of their political affiliations are more and more speaking with a common voice with a united voice on such matters of vital interest to labour. Therefore, we can expect a common measure of agreement and co-operation from these unions. If the power is given to the representatives of the labourers through their organisations and associations, to see that the Minimum Wages Act is implemented, then the question of machinery, this problem of finding a suitable machinery will be solved to a very great extent.

Next I come to the question of implementation of the Act. How far this implementation has been defective and how it has practically amounted, in many cases, to nullifying the benefits of this Act has been shown by hon. Members who have spoken before me. Examples were also given by my hon. friend Shri Satyapriya Banerjee and also by Shri Dwivedy, and Shri Malviya who spoke before me dealt with this topic. I shall just give a few more examples, though it is not my intention to tire the House out by giving example after example. But some example has to be given to show how this aspect of the problem has been dealt with.

First of all, when a minimum wage is fixed, it is to be fixed or laid down as the minimum wage which should satisfy at least the minimum requirements, the barest minimum requirements, of the workers. But the minimum wage fixed in certain places does not satisfy this requirement. And what is far more objectionable is that there are instances where the wages are allowed to be lowered by the employers, even below the minimum level. Even when a minimum wage was fixed, that minimum was also lowered as in the

case of the tea industry. In the tea industry, Mr. Deshpande instituted an enquiry into the living conditions of the plantation workers in Bengal and Assam in 1948 and he came to certain conclusions after a lot of hesitation and after considering many factors. He came to the very modest conclusion that the minimum wage should be fixed for the plantation labour at Rs. 1-10-0 for an adult male worker in Bengal. But the wage actually fixed at Jalpaiguri was only Rs. 1-2-0 for 11 A.M. an adult male worker. In the name of the crisis in the tea industry, the employers were allowed to lower the amount of the wage thus fixed last year. This is something to which we very strongly object. The minimum wage should be fixed, and after that, there should be no power given to the State Governments to lower those minimum wages. After all, they are not really the minimum, they are even below the wages necessary to meet the barest minimum needs of the workers, if there is anything below the barest minimum, it is that. That being so, there should not be any power given to the State Governments to lower the amount of the minimum wages once fixed.

Then there is the provision that in fixing the minimum wage, the recommendations of the tripartite committees on which the representatives of labour should be there, should be considered. But in many cases, minimum wages have been fixed by State Governments without referring the matter to any tripartite committees. And even on such tripartite committees that are appointed, representation is not always allowed properly to all sections of labour or to the unions or associations that work in that industry.

Moreover, the wages that have been fixed by the Government are not always implemented everywhere. In some States different rates are fixed at different centres. Even where a minimum wage has been fixed, the employer tries to by-pass the provisions of the Act and even when detected he

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gets off by paying a paltry sum as fine

There was a question in the other House last year about the number of prosecutions of employers who violated the provisions of the Minimum Wages Act and from the answer it was found that only very few cases came up. The question was as to how many infringements there were of the nature of short-payment or no-payment of weekly wages detected by the Chief Labour Commissioner's organisation. I do not want to go into all the details, but the answer that my hon. friend then gave shows that the number of prosecutions was very very small, and the employers got off almost scot-free by paying a paltry sum as fine and this does not deter them from flouting the provisions of the Act. We also know the various means which the employers adopt for by-passing and defeating the provisions of this Act.

Another point made out as regards the implementation of this Act is that when the wages are fixed, they vary from State to State. As a result of that, when the wage fixed in one State differs and is much below that fixed in the neighbouring State, then the workers in the latter State suffer. Take for example the workers in the *bidi* industry. The wages fixed for workers in this industry vary from State to State to a great extent. It is 10 annas in Madhya Pradesh, and the maximum in Bihar where it varies from 12 annas to Rs 2/8 per thousand *bidis*. In Madhya Pradesh it varies from 10 annas to Rs 1/6. There is a different rate in Travancore-Cochin and Madras. And where the disparity is great, we find that *bidi* from the State where the wage is low, goes to compete with *bidis* in the neighbouring State and the labourers in that State are exploited all the more because of the competition they have to work more and more, they have to work the whole day, the whole family has to work and in this way they have to suffer for this.

If I quote all the figures, it will be tiring for the House but even from a perusal of the figures, it will be seen that there is a wide disparity between the minimum wages fixed in one State and in another. There may be State-wise variations in cost of living, there may be fluctuations but still there must be one standard below which minimum wages should not be allowed to fall.

Now I shall come to some other point. In the Mysore meeting and also in the Bombay meeting the representatives of the AITUC demanded that so long as they could not come to fix a minimum national wage, at least let them make a beginning with regional or State-wise minimum wages below which the wage level should not be allowed to fall in any and every case. I think my hon. friend Mr Giri agrees with it—I do not know—and he is remaining silent. I shall wait for his speech when he will reply to this point.

Now, there are some other points in this connection. When minimum wages have been fixed in any place, there are discrepancies between the minimum wages for men and women even for equal work. There is no justification for it, there should be equal pay for equal work. This is an accepted principle in all civilised countries and there have been many discussions on this question. It is accepted by Government or it should be accepted by Government—there should not be two views about it—that there should be no difference between the wages paid to men and women. The wages should be the same. There are differences and I can speak from my personal knowledge about plantations where women are paid less than the men, whereas women predominate in the plantations they do most of the plucking and they also take part in other arduous work. There is no reason why there should be any discrimination. In this connection, my information is that the representatives of most of the State Governments in the Bombay meeting were opposed to this.

concept of paying equal wages for equal work to women. I do not understand what objection there can be for this. I do not also know what reasons they advanced because when I asked for some information from my friends I could not get it; I wanted them to supply me with a copy of the minutes of the proceedings of the Bombay meeting which would have been very helpful for discussion now and I do not know why they have failed to do so, and so I have to rely on my information which is not also complete. I do not know the reasons why those representatives of the State Governments were so opposed to the question of fixation of equal wages for equal work for men and women.

Now, Sir, I shall touch on some aspects of the question of agricultural labour.

MR. DEPUTY CHAIRMAN: You have already done that, Mr. Mazumdar.

SHRI S. N. MAZUMDAR: About agricultural labour? No, Sir, I have not spoken on that.

MR. DEPUTY CHAIRMAN: The first thing that you spoke about was regarding agricultural labour. You have already taken twenty minutes.

SHRI S. N. MAZUMDAR: There is no time-limit for this Bill.

MR. DEPUTY CHAIRMAN: There is no time-limit but hon. Members will please avoid repetitions.

SHRI S. N. MAZUMDAR: You know, Sir, that I do not speak anything which is unnecessary or superfluous or irrelevant.

MR. DEPUTY CHAIRMAN: You have dealt with agricultural labour in the earlier portion of your speech.

SHRI S. N. MAZUMDAR: I do not remember, Sir. Maybe I have dealt with it in a cursory manner and so, for the benefit of the House, I ^{will} say a few words.

MR. DEPUTY CHAIRMAN: You have spoken at sufficient length.

SHRI S. N. MAZUMDAR: Did I talk about agricultural labour? I am wondering whether my memory is failing me today. I have spoken about plantation labour; plantation labour is not agricultural labour. Even though plantation labour is akin to agricultural labour in the sense that some of its operations resemble agricultural operations, actually there are points of difference.

MR. DEPUTY CHAIRMAN: Two or three Members have already said about that.

SHRI S. N. MAZUMDAR: However, Sir, I give some figures and I hope that you have no objection if I give some figures. My hon. friend has said that it is very difficult to fix wages for agricultural labour. Some of my friends who have spoken earlier have dealt with this point and I do not like to go into that. Difficulties there may be but they should not deter us from taking steps in the right direction. The Agricultural Labour Enquiry Committee has gone into the question thoroughly; it has made some modest recommendations and these recommendations can be and should be accepted and implemented. As regards the State Governments, some State Governments have fixed minimum wages for agricultural labourers only in certain districts or in certain part of districts in their own State but even there also it is absolutely unreal. In the case of West Bengal, minimum wages for agricultural labour have been fixed in the districts of Darjeeling and Jalpaiguri where agricultural labour as such is practically non-existent. In these districts share-croppers predominate. The point raised by my hon. friend Mr. Malaviya about the small tenants who hold very small holdings and about their being also included in the category of agricultural labourer is a suggestion to be considered because most of these small owners have to work themselves as agricultural labourers. However, I put only this instance before you to show that to claim that minimum wages have been fixed at least in two districts in West Ben-

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gal on the basis of reports is a fraud. An examination of the conditions of those two districts where minimum wages have been fixed will prove to you that wages have been fixed in such districts where that category of labour is practically non-existent. It means nothing but a fraud. In many cases where such rates have been fixed they are below the rates which the labourers used to get before. I shall give only a few examples. In Madras the rate which is fixed for ploughing with bullocks is Rs. 1/8/ whereas the existing rates were Rs. 2/8/ and Rs. 2 per adult; similarly, for transplantation and for weeding, the rate fixed is 12 annas whereas the existing rate was 13 annas. In U.P. the rate fixed is Re. 1 whereas the existing rate was Rs. 1/2/. There are many such examples. The present fixed rate is Re. 1 whereas the existing rate was Rs. 1/2/ and by existing rate I mean the rate which was prevalent before the rate was fixed under the Minimum Wages Act. So, it is a reduction.

SHRI H. C. DASAPPA (Mysore): It is only the minimum.

SHRI S. N. MAZUMDAR: It is the minimum but in reality it becomes the maximum. In reality the labourers do not get anything beyond the minimum. It is also another factor which I shall deal with later on. There are many such examples where the wages fixed are in reality below the wages which that category of labour used to get. There are some categories of labour which should be included in this, say, forest labourers. From my own experience of my State, I can say that there is a category of labour called forest labour, who live in the forests and they have to do all such work in connection with the planting of trees and all these things but they are given a pittance and the cash given to them is very low. In one particular case I know of, they are given a piece of land to cultivate in return for the labour but actually whether they get any yield out of that piece of land and whether that is sufficient return for

them is not considered. These are some of the aspects which should be considered by Government.

I find that a discussion took place, so far as my information goes, in the Bombay meeting about including certain industries in the schedule. Some States, in some cases, have extended the benefits of the Minimum Wages Act to some industries which are not included in the Schedule. I have mentioned the case of the salt pan industry. As far as my information goes, the cashew-nut industry has been given the benefits of this Act by the Travancore-Cochin Government but there are many industries which should be included in this Schedule and the Government should come forward with a list giving us an idea about the industries which the Government propose to include in the Schedule.

Now, Sir, before I resume my seat, I shall, in brief, deal with certain provisions of this Act. This Act, Sir, contains some amendments, particularly one.

MR. DEPUTY CHAIRMAN: You have tabled amendments.

SHRI S. N. MAZUMDAR: It is No. 5.

MR. DEPUTY CHAIRMAN: You can speak when it is under consideration.

SHRI S. N. MAZUMDAR: I am dealing with it only in a general manner. I want to say that it will be a retrograde step. The hon. Labour Minister referred in his opening speech to the fact that minimum wages are to be fixed for lowly paid categories of labour so that category of labour whose wages are higher should not get the benefit of this Act. He did not use exactly the words but the sense was there. I say that if he introduces that amendment and gets it passed, it will be a retrograde step.

When the conception of a national minimum wage for workers in all industries is before us, when the conception of a fair wage is before us,

when the conception of a living wage is before us, then to exclude categories of labour who used to get the benefit of minimum wages in sweated industries previously would be a thoroughly retrograde step.

Then about those labourers particularly in ports and docks. They protested and protested against the proposed amendment. In the copy of the Bill which was circulated to us before it was passed in the House of the People, there it was clearly mentioned which categories of labour ought to be excluded. Now in the Bill which has come to us after being passed by the House of the People that is not clearly mentioned; it is left to the discretion of the State Governments. But the intention is clear in the Statement of Objects and Reasons. So I take it that the intention which was there before is also here now. So I firmly say that it will be a retrograde step. The question of there being no real need for fixing minimum wages for this category of employees does not hold any ground or any water, because when we see the whole thing from the point of view which I have expressed before you, it is clear that it will be a very retrograde step.

And now before I resume my seat I shall refer to another point about implementation which I left out before. The implementation of this Act is left not only to State Governments but also sometimes to autonomous bodies such as the Port Commissioners or the Port Trusts. I do not know exactly the relation between the Central Government and these bodies. Now what happens? These bodies have not implemented the recommendations of the Minimum Wages Act and thereby large numbers of employees were deprived of the benefit. Questions were raised by me in this very House about the employees of the Calcutta Port Trust and the Bombay Port Trust having demanded the implementation of the Minimum Wages Act with retrospective effect and if that was acceded to they would get large sums of money. The Labour Minister said in reply that

the Port authorities had been instructed to apply the Minimum Wages Act with retrospective effect, but as far as my information goes, that instruction was not carried out till recently, till the other month. So if this is the way in which this is being implemented by such autonomous authorities, it means practically defeating the Act or sabotaging the Act. As you want me to be brief, I resume my seat at this stage and I shall take up other points in connection with my amendments.

SHRI C. P. PARIKH (Bombay): Mr. Deputy Chairman, I rise to support this Bill and it is very pertinent to know here that this Bill, although it was introduced in the House a long time ago, is coming now today, after one year and extension had been asked for on account of the States being unable to implement it in the way in which Government desires it or in the way in which the State Governments will like it to be implemented. Now the Central Advisory Board is there and the labour conference is also advising in these matters. The Central Advisory Board have fixed the minimum wages at from Rs. 1/2/ to Rs. 2 as a recommendatory measure. That means, wherever the wages are below this level, it is necessary to fix a minimum and this will happen in cases where labour is sweated or where trade unions do not exist, because wherever trade unions exist, I know that in most of the cases the wages are above the minimum level. So the necessity of fixing them in such industries does not arise. But wherever there is sweated labour and the industries are very small and scattered, it is sometimes difficult and hence these minimum wages have not been fixed in respect of every industry mentioned in Part I of the Schedule although it is there that these minimum wages should be applied to those industries. As regards agricultural wages, Part II of the Schedule, the difficulty is all the greater for the States to fix minimum wages in matters of agriculture because our agricultural holdings are generally very small and it will be difficult unless the agriculturist himself has au

[Shri C. P. Parikh.]

income of over Rs. 2,000 to fix a minimum wage. Moreover the fixing of such a minimum wage for agricultural classes will be very difficult because the wages are spasmodic and paid for a certain time. Therefore the difficulty is all the greater in fixing a minimum wage in areas or in holdings where cultivation is on a smaller scale because the demand is spasmodic. With regard to the bigger areas or where there is intensive cultivation it is very easy to fix them but these areas are very limited and owing to the fact that there is going to be redistribution of land and redistribution of holdings it is natural that we have to proceed very cautiously as regards the fixing of minimum wages for agriculture. With regard to this I have to point out here what is the need of fixing minimum wages as regards agricultural labour. The need has arisen specially because their employment is only for four or five months in a year. On that account the minimum wages which they get should be safeguarded and the States should look after them. But I think the Labour Minister is the Minister for employment also and so over and above fixing minimum wages, his duty is to see how labour gets employment, more working hours in order that his total wage during the year may be increased. And for that, I suggest that he should use his influence in having smaller industries and cottage industries established in order that the labourers can supplement their wages and their annual income will then grow higher. And I think, he being in charge of labour it is necessary for him to provide more employment avenues so that eight hours work is provided to all. Therefore, his influence has to lie with the other Ministries also so that measures can be taken as a whole by the Cabinet in general by which every worker is able to get more work and more wages; because fixing a minimum wage does not help a great deal because fixing a minimum wage may give him the wages for a certain time and during a certain period but if he

is able to get work for a much longer period the man will be satisfied with a little less wage also. So the difficulty is arising here and I think, it is for the Labour Minister to see how every man is employed for longer and longer time and then only the object of this minimum wages can be realised much better and for that, I think, he should use all his influence for taking the necessary steps in such a way that there is no under-employment but there is fuller employment in the country and that is the way to attain the object of minimum wages which lies behind the Act at present.

With regard to the other areas in which this Bill may be applied, the suggestion for its application in parts is a good one because there are certain factories where they may be having only 20 workers or 50 workers and they may not pay the minimum wage. The trade unions are now multiplying and they will be able to enforce the wages in factories. But, as regards agriculture, in my opinion the only remedy is to give him more work in order that his total wages during the year will be more. With these words, I support the Bill.

SHRI H. C. DASAPPA: Mr. Deputy Chairman, I will not take long because some of the points which I wanted to place before the House were just now stated by the previous speaker. I take it, there is no opposition at all for the amending Bill. I did not see anybody trying to say that this Bill is not worthy of the support of the House. Only this occasion has been taken advantage of for the purpose of ventilating certain views about the working of the Act. Now I do not suggest that they should not do it or that this is not the occasion for doing so. It is quite natural for the hon. Members to take advantage of an occasion like this to bring out the defects in the working of the Act itself and I think it is only to that extent criticism should be limited and not extended to the question of a broad and detailed survey of the whole field including the policy of the Government in these matters.

That will help in focussing attention on particular issues which, I am sure, will be of some real benefit.

I have nothing very much to say about the particular provisions of the amending Bill except to warmly welcome them. They are desirable, they are necessary, they are consequential, and therefore, I do not think there should be any opposition to the Bill itself.

Now, there are certain points which have been urged to which I may refer. I take it that these reforms in the field of labour and labour legislation are intended to build up the economic strength and prosperity of the country. Even those who may be working in the field of labour and who are trade unionists, will also admit that the objective of both labour and the management should be to build up the economic strength of the country. Therefore, I would beseech hon. Members that an over-emphasis should not be made only on the question of wages but also on the question of workload and outturn of work. Experience has abundantly proved that where there is adequate outturn of work, the wages also are reasonable and fair. That has been at any rate my experience. I do not mean to say that this is an absolutely undisputed theory that everybody should accept. Exceptions there may be to this statement. But my little experience in the part of the State that I come from is that where there is a reasonableness on the part of labour to give honest service for the number of working hours prescribed and for which they have to work, there, the wages also are reasonable; and we have not had clashes as probably in some other parts of the country. Therefore, Sir, I would say that along with this question of wages, the question of work also should be considered. I find in the Act of 1948 that there is a provision

for fixing normal working hours. Now, hours may be fixed, but I would lay equal emphasis on the amount or quantum of work that has got to be turned out by labour. The very objective of this measure, the fixing of minimum wages, or living wages or fair wages, that very objective could be more speedily attained by a course of conduct like that.

Now, the question of implementation arises. I venture to think that a measure of this kind is not a thing which can be implemented very easily by the Central Government. They will necessarily have to depend on the co-operation and help of the various State Governments. When criticisms were levelled against the disinclination of the State Governments to implement this wholesome measure loyally and effectively, I was rather sorry to hear of such a complaint. Every State Government, let me assure the House, has a Labour Ministry. It has a Minister in charge of Labour; and, while I join with the rest of my hon. friends in paying fullsome compliments to the Labour Minister here at the Centre and the interest he is taking in this grand work, I should think he has imparted a part of that fire and enthusiasm to the Labour Ministers in the States; and it only requires a little more of continuous watch to see that they come up to the expectations of the Labour Minister here and the legislation that we are enacting.

Speaking for Mysore, we had an Act to fix the minimum wages even before the Central enactment was made applicable to Mysore. They were very earnest in trying to implement this particular Act. Therefore, I do not think that any other State, Part A State or Part B State, is less anxious or enthusiastic about the implementation of that Act. In any case, I do not think it would be very fair for us to make any comments or criticisms about State Governments which are not here to answer

[Shri H. C. Dasappa.]

the charge. By and large, I can only say that they are equally keen on implementing the Act. The logic of events, the nature of circumstances themselves will force them to do so, even if they do not choose to loyally implement this Act.

Then, as regards the suggestion that these minimum wages must be uniform in all parts of India, I am afraid I cannot agree with the protagonists of such a view. There are various circumstances which necessarily imply and mean that wage levels must also differ. Just this morning, when the question of scales of salaries of officials of Part B States was discussed at the question hour Government themselves said that they could not bring about a uniformity in the scales of pay of these officials. I ask, why should they say so? If they say that uniformity is not feasible or desirable for a class of people who render service to Government, I say that the argument could be much more effectively advanced in the case of non-official labour in the industrial and other fields. I must say, that uniformity is not the thing which is called for so urgently. What is required is that having regard to the conditions of living, in the particular area and in the particular employment, wages—reasonable or minimum wages—should be fixed. Let us go slow and get something out of this Bill. Let us not ask for something which this Bill cannot, in the very nature of circumstances, give us. Therefore, I would say that if the Bill, as it is, is implemented, I personally would be more than satisfied.

Now, I know it is very very difficult to implement this Bill in every respect; and I agree that so far as Part I of the Schedule is concerned, that is, with reference to the fixation of minimum wages for various industrial labour, it is far more easy to do this. I would plead before the hon. the Labour Minister that the

Schedule must be extended. As it is, I see that there are very few industries shown in the Schedule. I am sure that it is quite possible without coming before Parliament to increase the items in Part I, and I only hope that it will be extended—I mean the benefits of this measure—to a lot more of other industries than are enumerated in the list. As regards agriculture, I feel that for a long time to come, this measure will be only a measure in the Statute Book, as it is difficult of implementation.

SHRI S. N. DWIVEDY: Why, why?

SHRI H. C. DASAPPA: I can tell you why. So far as agricultural operations are concerned, in the case of plantations and even others, where labour is organised it is more easy to give effect to these provisions. I am not speaking anything about legislating; I am referring to implementation. I would, for instance, add to the list relating to plantations like rubber, coffee, tea and so on, the sugar cane cultivation also in areas where there are factories. It is easy to fix the minimum wage or fair wage in places where there are settled labour conditions. But to legislate and attempt to apply these provisions to labour in out of the way place where you have a seasonal requirement of agricultural labour and that too may not be for full eight hours but only part of the time there it is difficult for us, with the best of motives, to implement that particular measure. Not that I differ as to the absolute necessity of seeing that every agricultural labourer gets his minimum wage. On that, I cannot at all differ from any of the hon. friends; but, in implementing it it becomes, in fact, very difficult. In its practical application it will have to penetrate the entire structure of our agricultural life; to get these provisions made applicable to them when they themselves are so little organised is a stupendous task.

Again let me assure you that I do not suggest it should not be done. All that I say is that the Labour Minister will be unable to implement it immediately after the 31st of December 1954, even if the minimum wages could be fixed by that date.

I take it that the fixation of minimum rates of wages payable to employees in different occupations should be ready before the 31st of December 1954; it would mean that the implementation should commence from the 1st of January 1955. My fear is that all our expectations may not bear fruit. Therefore, I would be more than satisfied if Part I is effectively implemented and due progress is made under Part II. We would then have made an honest effort towards the realisation of the ideal.

I do not think, I have anything more to say on this Bill.

SHRIMATI SAVITRY NIGAM (Uttar Pradesh):

श्रीमती सावित्री निगम (उत्तर प्रदेश) .
उप सभापति जी, वैधानिक कठिनाइयों को दूर करने और नई इन्टीग्रेटेड (integrated) स्टेट्स (States) को सुविधाएँ देने के लिये जो यह एमेन्डिंग बिल (amending Bill) लाया गया है, उसका मैं हृदय से स्वागत करती हूँ और समर्थन करती हूँ। श्रीमन्, मुझे यह विश्वास है कि सचमुच सरकार तथा श्रम मंत्री मजदूरों की हित-चिन्ता और भलाई के लिये बराबर प्रयत्नशील है और इस बिल के द्वारा भी किन्हीं अंशों में मजदूरों को राहत मिलेगी। यह कहना भी सर्वथा अनुचित है कि सरकार ने मजदूरों के उन्नति के लिये, उनकी तरक्की के लिये अभी तक कुछ नहीं किया या करने नहीं जा रही है। किन्तु श्रीमन्, यह समस्या इतनी बड़ी है कि बहुत कुछ किया जाने के बाद भी ऐसा प्रतीत होता है

कि अभी बहुत कुछ करने को बाकी है और उस पर प्रकाश डालना, अत्यन्त आवश्यक है।

इसलिये, मजदूरों की बस्तियों में काम करने के कारण, उनकी दयनीय दशा देख कर, वहाँ मिले हुये अनुभवों और उनकी अकुलाहट के कारण, मैं मजदूरों की स्थिति पर प्रकाश डालना चाहती हूँ। यह मिनीमम वेजेज (minimum wages) की जो दरें सरकार द्वारा नियुक्त की गई हैं, वे भी सचमुच इतनी कम हैं कि दयनीयता की सीमा को पार कर गई हैं। आप ही बतायें कि चार-पाच नन्हें बच्चों के परिवार के लिये एक रुपया दो आना की रकम कितनी कम और कितनी छोटी है। आप यह जानते ही हैं कि गरीबों में सन्तान भी अधिक होती है। कम से कम सरकार को तो इतना अवश्य ही निश्चय करना चाहिये था, इतनी कम से कम बातें अवश्य करनी चाहिये थी कि बेचारे मजदूरों को पेट भरने को सूखी रोटियाँ तो मिल जाती। एक रुपया दो आना प्रति दिन की रकम इतनी छोटी है कि उसमें जीवन यापन करना अत्यन्त कठिन होगा। फिर मकान का किराया, कपड़े आदि अन्य खर्चों के लिये तो सवाल ही नहीं उठता। सच कहती हूँ कि ये तन-तोड़ और मेहनत करने वाले मजदूर जो हमारे लिये जीवन के सुख और ऐश्वर्य के सब सामान जुटाते हैं उनकी दशा भिखारियों से भी गई बीती है। मैं श्रम मंत्री जी से कहूँगी कि वे दूर न जाय, यहाँ राजधानी की मजदूर बस्ती में चले। मैं जानती हूँ कि मजदूरों की दशा को देख कर अवश्य ही हमारे श्रम मंत्री और उप श्रम मंत्री, जो स्वयं उच्च कोटि के लेबर वर्कर (labour worker) हैं, का दया से हृदय पिघल उठेगा। मैं जानती हूँ कि एग्रीकल्चरल लेबरर्स (agricultural labourers) को पूरी पूरी सुविधा और सुख साधन दिलाने

[Shrimati Savitry Nigam.]

में अनेक कठिनाइयां हैं, उसमें समय लगेगा। सरकार यदि इस प्रकार से प्रयत्नशील रहे तो जरूर इसका भी कोई हल निकल आयेगा। लेबरज् को कुछ न कुछ राहत ठीक ढंग से अवश्य पहुंचाई जानी चाहिये। संभव है वे कहें कि हमने छः आना के बजाय एक रुपया दो आना कर दिया है। किन्तु समस्त देशवासी यह आशा करते हैं कि सरकार उनकी रक्षा ही न करेगी वरन् जीवन की सारी सुविधायें दिलायेगी। उन्हें भोजन, वस्त्र और कपड़े दिलायेगी। किन्तु जब सरकार को वे इस तरह से मिनिमम वेजेज नियुक्त करते हुये देखते हैं तो उन पर बहुत बुरा असर पड़ता है, यह बात स्वयं सरकार भी सोच सकती है। इसके द्वारा पूंजीपतियों के तो साहस भी बढ़ जायेंगे और बेचारे मजदूरों को भी यह विश्वास सा हो जायेगा कि वे सफर (suffer) करने और एक्सप्लॉइट (exploit) होने के लिये बने हैं। वे अपने अधिकारों की मांग करने का साहस नहीं कर सकेंगे।

इसके अतिरिक्त आप ने एक हजार से कम मजदूरों पर ही यह एक्ट (Act) लागू करने की व्यवस्था की है। यह भी, उन पूंजीपतियों को जो बेचारे गरीबों का शोषण करने पर तुले बैठे रहते हैं, उन्हें शोषित करने के लिये एक बड़ा लूप-होल (loop-hole) मिल जायेगा और वे फैक्टरी (factory) के छः हिस्से करके, कोई हिस्सा भाई के नाम पर, कोई बहिन के या अन्य नाम करके, ९९९ मजदूर रखकर इस एक्ट द्वारा मजदूरों का खूब शोषण करेंगे और उन्हें एक रुपया दो आना से भी कम देने पर उनका सरकार कुछ न कर सकेगी। उनके लिये एक्ट की धाराओं का पालन करने की भी कोई आवश्यकता नहीं रह जायेगी।

SHRI RATANLAL KISHORILAL MALVIYA:

श्री रतनलाल किशोरीलाल मालवीय :
ऐसा नहीं है।

SHRIMATI SAVITRY NIGAM:

श्रीमती सावित्री निगम : श्रीमन्, यदि ऐसा नहीं है तो बड़ा अच्छा है। अगर सरकार ने मिनिमम वेजेज की दर कम से कम तीन रुपया रखी होती और एक सौ मजदूरों पर ही इस एक्ट को लागू करने का निश्चय किया होता तो बहुत अच्छा होता।

सरकार द्वारा दरें नियुक्त करने के लिये एक वर्ष काफी न होने की बात भी खेदजनक है। जब पिछले एक वर्ष में जो काम नहीं ही पाया, वह अगले एक वर्ष में कैसे हो जायेगा, इस पर लोगों को सन्देह है। इस कमजोरी के कारण सरकार की इस ढील के कारण, पूंजीपतियों को एक वर्ष तक मजदूरों के शोषण करने की खुली छूट मिल गई है : इसलिये मेरी दरखास्त है कि अब वह अवधि एक दिन के लिये भी न बढ़ाई जाय। इस सम्बन्ध में स्टेट गवर्नमेंट की मदद करने के लिये केन्द्रीय सरकार को इस दिशा में कुछ न कुछ प्रयत्न अवश्य करना चाहिये। स्टेट गवर्नमेंट (State Government) क्या करे पूंजीपति इस मामले में इतनी ढीलढाल जान बूझकर करते हैं कि इन्फारमेशन (information) ही नहीं इककट्ठा हो पाती। इसलिये स्टेट गवर्नमेंटों को मदद देने के लिये कोई पैनाल्टी (penalty) अवश्य फिक्स (fix) की जानी चाहिये ताकि वे लोग स्टेट गवर्नमेंट को पूरी पूरी इन्फारमेशन दें और यह कार्य निश्चित अवधि के भीतर ही पूरा हो जाय।

इसके अतिरिक्त बहुत सी बातें अन्य वक्ताओं ने कवर (cover) कर ली है, उनको मैं दोहराना नहीं चाहती हूँ।

परन्तु में माननीय श्रम-मन्त्री जी का ध्यान उन तमाम पार्ट-टाइम (part-time) वर्कर्स (workers) की ओर दिलाना चाहती हूँ जो पूँजीपतियों द्वारा बुरी तरह से एक्सप्लॉयट किये जा रहे हैं। उनका हर तरह से शोषण किया जा रहा है और उनकी हालत बहुत ही दयनीय है।

यहाँ सदन में जितने भी लेबर वर्कर्स हैं उन्हें पता है कि कितनी आसानी से वे पार्ट-टाइम कह कर उनसे पाँच सात घंटे काम करा लेते हैं जो कि फुल-टाइम (full-time) के बराबर हैं। इसके अतिरिक्त, श्रीमन् चाहे वे लोग दस साल लगातार भी काम करते रहे फिर भी उनको बराबर टेम्पोरेरी (temporary) ही रहना पड़ता है और वे एमिनिटीज (amenities) जो अन्य लेबरर्स को प्राप्त होती हैं जो कि पूरे दिन काम करते हैं, उनको कुछ नहीं मिलती। यहाँ तक कि उनको किसी भी वक्त नोटिस (notice) देकर बिना एक महीने की पूर्व सूचना के या बगैर किसी चार्ज (charge) के, निकाल देते हैं और जब जी चाहे उन्हें रख लेते हैं। इसलिये, सरकार को शीघ्र ही पार्ट-टाइम वर्कर्स के लिये कुछ न कुछ ऐसे नियम, सख्त नियम बनाने चाहिये ताकि उनको इस शोषण से बचाया जाय। कम से कम, श्रीमन्, उन सरकारी सस्थाओं को जो किसी तरह से सरकार से एफिलियेटेड (affiliated) हैं उनमें अवश्य ही यह व्यवस्था कर दी जानी चाहिये कि पार्ट-टाइम वर्कर्स को भी पूरी पूरी सुविधाये मिल सकें।

में माननीय मन्त्री जी का ध्यान यहाँ पर सरकारी दूध की डेरी जो आई० सी० ए० आर० (I.C.A.R.) के नाम से प्रसिद्ध है और फूड एंड एग्रिकल्चर मिनिस्ट्री (Food and Agriculture

Ministry) के अन्डर (under) है उसमें जो सेल्समेन (salesmen) नियुक्त हैं जो कि पार्ट-टाइम वर्कर्स की भाँति नियुक्त हैं, उनकी ओर दिलाना चाहती हूँ। उनको साढ़े तीन बजे सुबह उठ कर दूध लेने के लिये जाना पड़ता है और उसके बाद नौ या साढ़े नौ बजे तक वे सब रकम जमा करने के बाद फुर्त पाते हैं। इसके बाद उन्हें शाम को दो, तीन या साढ़े तीन बजे से काम शुरू करके साढ़े सात बजे तक करना पड़ता है। किन्तु फिर भी वे पार्ट-टाइम वर्कर कहे जाते हैं। इस सदन में ही एग्रिकल्चर मिनिस्टर महोदय ने कहा था कि वे पार्ट-टाइम वर्कर हैं इसलिये न तो उनका स्केल (scale) नियत किया गया है और न उनको पर्मानेंट (permanent) करने की योजना है। यह दलील यहाँ पर इस सदन में ही दी गई थी। इसलिये, श्रीमन्, उनका काफी एक्सप्लॉइटेशन भी किया जाता है। वे बँचारे जब जी चाहे रख लिए जाते हैं और जब चाहे निकाल दिये जाते हैं। इतना ही नहीं, जब कभी वे अफसरों के घरों में व्यक्तिगत काम करने से इकार कर देते हैं तो तुरत उनसे इस्तीफा दिला दिया जाता है और उधर पर अगर वे शिकायत करते हैं तो कहीं भी उनकी सुनवाई नहीं होती। इसी प्रकार, एक वक्ता महोदय ने कोल (coal) लेबरर्स की दयनीय दशा का हाल यहाँ बताया था। मैंने भी उन कोल फॅक्टरीज को देखा है और विशेषकर टाटा कोल फॅक्टरी के मजदूरों की बाबत कहना चाहती हूँ कि सचमुच उनकी दशा बेहद दयनीय है। न उनको हाऊसिंग (housing) फॅसिलिटीज (facilities) है और न अन्य एमिनिटीज दी गई हैं, हालाँकि उसके पास ही सिंदरी फार्टिलाइजर (Sindri Fertilizer) में

MR. DEPUTY CHAIRMAN: Just now about minimum wages, not about housing.

श्रीमती सावित्री निगम : मैं यह बताना चाहती हूँ कि उनको जो वेजेज की दिक्कतें हैं वे भी काफी हैं। ज़रा सा भी काम अगर किसी दिन नहीं होता तो बिना किसी कारण के उनसे कह दिया जाता है कि कोई काम नहीं है, चाहे वह काम सरकारी मशीनरी न मिलने के कारण कुछ समय के लिये रुक गया हो इस तरह से उन मजदूरों का कोई खयाल नहीं किया जाता और उन्हें बड़े कष्ट और कठिनाइयाँ उठानी पड़ती हैं।

इसके अतिरिक्त मुझे एक बात और निवेदन करनी है। वह यह है कि अगर सरकार इस दिशा में सचमुच प्रयत्नशील हो कि एग्रिकल्चर, लेबरर्स को पूरी पूरी सुविधायें दिलाई जाय तो जो इधर उधर बिखरे हुए एग्रिकल्चरल लेबरर्स हैं उनको अगर सरकार सुविधायें नहीं दिला सकती तो कम से कम प्लांटेशन (plantation) या टी इंडस्ट्री (tea industry) में लगे हुये जो एग्रिकल्चरल लेबरर्स हैं उनको कुछ न कुछ सुविधायें अवश्य दी जानी चाहियें। धन्यवाद।

[For English translation, see Appendix VII, Annexure No. 287.]

SHRI RAJENDRA PRATAP SINHA (Bihar): Mr. Deputy Chairman, this Act was passed in the year 1948, and it was twice amended. And now we have the third amendment. The hon. Minister himself is very diffident whether this Act will be implemented within the time-limit that he is asking this House to agree to, that is to say, by the 31st of December 1954. So, we find that another amending Bill is in store for us.

MR. DEPUTY CHAIRMAN: Well, Mr. Sinha, all these points have been

raised by previous speakers. If you have any new points with you, please bring them out. I do not want hon. Members to repeat the arguments already made.

SHRI RAJENDRA PRATAP SINHA: Yes, Sir. A very pertinent question has been put by my hon. friend, Mr. Dwivedy. That is this. Why was this Act not fully implemented in Part A States? Is any report available to us giving the causes of delay in the implementation of this Act in Part A States? The hon. Minister has come forward and stated that so far as the employments under Part I of the Schedule are concerned, he will be able to get them completed by the 31st of December 1954. But he is doubtful with regard to the employments under Part II of the Schedule. Sir, a Member from Mysore has just said that there are Labour Ministers in the different States and they are equally anxious to get the Act implemented in the different States. I would add that there are not only Labour Ministers, but there are Deputy Ministers and Parliamentary Secretaries also in the Labour Departments of the various State Governments, and even then this Act has not yet been implemented. And I will presently show that there is no possibility of this Act being implemented within the time that is now being fixed.

The hon. Member also said that we should not criticise here the State Ministers who are not present here to reply. We are not criticising the State Labour Ministers. We are here criticising the hon. the Labour Minister of the Central Government. We consider that it is his duty to get this Act implemented through the agencies of the State Governments, and if he fails to get it implemented, he stands here charged for negligence and he has to meet that point. I will now refer you to the Report of the Labour Ministry known as "Agricultural Wages in India" (Volume I) which gives a resume of the work so far done in the various

States (Parts A, B and C) in regard to the implementation of this Act. At page 43 it says:

“(i) The rates of minimum wages for agricultural workers have so far been fixed by the States of Punjab, Delhi, Kutch, Bilaspur, Himachal Pradesh, Uttar Pradesh, Coorg, Ajmer and Bihar; minimum wages have been fixed in the latter State in the district of Patna only.

(ii) The Governments of Orissa, Rajasthan and Vindhya Pradesh have published draft proposals for the fixation of minimum wages.

(iii) The Government of Madhya Bharat have appointed a Committee under clause (a) of sub-section (1) of section 5 of the Minimum Wages Act, 1948, to examine the question of the fixation of minimum wages for agricultural workers and make recommendations therefor.”

In the rest of the States no step has so far been taken as we see from the report with regard to the implementation of this Act for employments in Part II of the Schedule. Even in those States where some steps have been taken for the implementation of this Act, the progress is not satisfactory. In the Punjab, they have fixed minimum wages for agricultural employees throughout the State. In Delhi also throughout the State. In Kutch also throughout the State. In Bihar, they have done it only in one district, Patna, out of about 15 or 16 districts in that State. I will here refer you to a report on this Act by the Bihar Government. In their report for 1952-53, on page 41, they say:

“Wages for agricultural workers were also fixed for the district of Patna only.

The Minimum Wages Act 1948 will be extended gradually to em-

ployment in agriculture in other parts of the State also. Rapid wage survey was undertaken in the districts of Gaya and Shahbad during 1953-54.....”

Even a wage survey has not yet been completed for all the districts:

“A machinery for the implementation of the Minimum Wages Act in agriculture will be set up during the current year.”

With regard to Bengal—

“Fixation of minimum rates of wages in respect of all the scheduled employments except agriculture was completed. And inquiries were almost completed to fix minimum rates of wages for agricultural labour in the districts of Jalpaiguri and Darjeeling before the target date, i.e., December 31, 1953.”

Steps have been taken only in two districts.

MR. DEPUTY CHAIRMAN: You need not go into all these details. The hon. Minister himself has admitted, when introducing the Bill, that it has not been possible to implement it in full. You don't gain anything by repeating all these details. The time at our disposal is very short.

SHRI RAJENDRA PRATAP SINHA: With regard to U.P., they have fixed minimum wages only for farms exceeding 50 acres and over.

MR. DEPUTY CHAIRMAN: You are again going into details. This point has been dealt with at length by your leader, Mr. Dwivedy.

SHRI RAJENDRA PRATAP SINHA: What I want to submit is this that this legislation is going to be a dead letter. We are not legislating here in a realistic manner. I will draw

[Shri Rajendra Pratap Sinha.]
your attention to section 5 of the Act which gives the procedure which has to be adopted before minimum wages could be fixed.

[THE VICE-CHAIRMAN (SHRI B. C. GHOSE) in the Chair.]

They say that committees have to be appointed for each district and sub-committees for each locality, and then an Advisory Board for every State. No step has so far been taken in Part A States—that is my main complaint—for the setting up of these committees, so that we can go ahead with the fixation of minimum wages for agricultural labour. What I want to emphasise is that even in Part A States in these five years' time even these committees have not been set up.

Then I would draw your attention to section 4 of the Act. It says: that the basic rates of wages and allowances have to be in accordance with the cost of living index number. Now, it is the responsibility of the Central Government to publish these cost of living index numbers, and unless they are published, the State Governments cannot possibly fix the minimum wage.

Now, I have the report of the Labour Ministry for the year 1953-54, in which they say that these index numbers have been compiled only for one place, Bhopal. I do not know whether they have published these index numbers for other areas and for other States, so that minimum wages could be fixed. The delay is also that of the Central Government. Unless these preliminaries are completed, how can the wages be fixed?

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Then, I would like you to appreciate the importance of agricultural labour and the deplorable conditions under which they live, which need

the immediate attention of the Labour Ministry. There are 34 million agricultural labourers living in this country, and we have only about 30 lakh industrial workers. We have so far devoted all our attention for the well-being of industrial labourers. I do not grudge that, but I would like you to appreciate the comparison that exists between these two sets of labour. We have enacted so many pieces of legislation, we have set up so many organisations and administrative machineries to protect the interests and for the welfare of the industrial workers, but no step has so far been taken by the Ministry to look after the interests of agricultural labour. Regarding agricultural labour, they say: "Driven into debts by their poverty, the agricultural workers have to render life-long service to their creditors whom they cannot repay otherwise". This state of affairs has been described in the following words:—

"The average agricultural labourer is not infrequently compelled in times of stress to mortgage his personal liberty. In return for a small sum of money which he may happen to need at the moment, he agrees to serve the man from whom he has borrowed. The money is not repaid, nor is it intended to be repaid, but the borrower remains a life-long slave of his creditor."

My hon. friend, Mr. Dwivedy, has also given facts about it, and we find that they still continue to suffer in spite of the fact that we have a minimum wage legislation.

I would like you to appreciate one point. We cannot possibly guarantee a minimum wage to agricultural labour unless we take adequate steps to improve agriculture. The question of a minimum wage for agricultural labour is linked with the paying capacity of Indian agriculture.

These 54 million workers are not employed on big farms only but they are employed on the small farms of 3 or 4 acres and even less and unless we improve the paying capacity of the Indian agriculturists, it will not be possible for us to guarantee a living wage or a minimum wage to agricultural labour. This question is intimately linked up with the question of providing adequate credit facilities to the agriculturists in India. Just imagine what would happen if the banking facilities are not available to the industries. The wages would not be paid to the labourers. How can we expect that a proper and a minimum wage could be paid? Unless we fix up and we guarantee a proper price for the agricultural products based on the cost of production, we cannot guarantee a minimum wage to the agricultural labour. We have got to do this thing, therefore, in a comprehensive manner. Then alone we can offer a minimum wage to the agricultural labour. I would urge upon the Labour Minister to do it in this comprehensive manner and then alone a proper minimum wage for the agricultural labour can be fixed. Thank you.

THE VICE-CHAIRMAN (SHRI B. C. GHOSE): Mrs. Menon.

SHRI K. B. LALL (Bihar): Sir, before the hon. lady Member speaks, I would like to know if you go by the principle of catching the eye or whether there is any list that is followed?

THE VICE-CHAIRMAN (SHRI B. C. GHOSE): Catching the eye. She has formally indicated.

SHRI K. B. LALL: Whether any minimum time-limit has been fixed for finishing the debate I would like to know, so that we may know our position and know if there is any chance for us to speak.

THE VICE-CHAIRMAN (SHRI B. C. GHOSE): So far as I know, there is no time-limit.

SHRIMATI LAKSHMI MENON (Bihar): Mr. Vice-Chairman, the reason why I am intervening at this stage of the debate is to be sought in the speeches made by two of the Members on the Government side—Mr. Parikh and Mr. Dasappa. I am very much surprised at the attitude taken by these two speakers with regard to the implementation of this Bill. If, as is told to us, the purpose, the aim or objective of this Bill is to deal with the appalling conditions that exist in the wage structure in the sweated industries, really there should have been a better note of optimism for the implementation of this Bill. On the other hand, what do we find? Mr. Parikh, being an employer I am sure, has dismissed the whole implementation of the Bill in one or two words by saying that the sweated industries are on a small scale, that they are scattered all over the country and, therefore, it is not possible to enforce minimum wages in the case of sweated industries. As far as agricultural labour is concerned, it is unorganized and, therefore, it is not possible to apply Minimum Wages Act. This should not be the spirit of the Party or of Members of the Party with regard to this Bill. After all, we all agree that the conditions under which certain industries are conducted in the unregulated category which go by the unhappy name of sweated industries are so bad that anything that we might do will not be adequate enough to resuscitate or place those industries on human levels. Under the circumstances I really think that the Government should go even beyond the objects aimed at in this Bill and try to improve the wage structure with regard to the so-called sweated industries. On the whole, I must confess that both the speakers tried to find

[Shrimati Lakshmi Menon]
difficulty for every solution, and that has been the attitude of the employers in industries right through history

We were discussing also the question of equal wages for equal work and Mr Mazumdar pertinently asked the hon Minister why the Conference at Bombay did not support that idea. In our Directive Principles of State Policy we are told that is one of the ideals of our State, *i.e.*, to have equal pay for equal work for men and women. This House will be much interested to know that at the International Labour Organization's Conference—I think in 1949 or 1950, I am not quite sure—the Conference, because of the dominating influence of the employers' delegation, would not accept a Convention although there was an insistent demand by all women's organizations all the world over that men and women should receive equal pay for equal work, and I regret to say that even our delegation was content to vote for a recommendation only because a recommendation need not be ratified by a Member State and therefore it does not require to be enforced. Sir, as far as our Government is concerned in the civil services and in all Government departments we don't have this discrimination based on sex with regard to payments and salaries but in all the industries, in all the sweated industries whether it is under the Central Public Works Department or in Agriculture or Plantation Industries, there is a terrible difference in the wages that are paid to men and women. I hope the hon Minister for Labour would look into the matter and also insert a suitable provision either under the rule-making powers or under any of the clauses that wherever Minimum Wages Act is enforced, that equality of wages for men and women should also become a part of the enforcement policy. One of the things that Mr Parikh suggested was rather unfortunate. He said

that where there was trade union organization among the workers, the question of minimum wage did not arise at all because they did get minimum wages by methods of bargaining. Is that an ideal to be pursued in a State like ours? After all, we must remember that it is an old idea that minimum wages can be guaranteed only by strikes and lock-outs and by trade union methods of bargaining. In a State like ours which has, as its ideal, a Welfare State, the minimum that we should accept is not the minimum wage that the capitalistic countries talked of in the last century. Even in capitalistic countries, today they don't talk of minimum wage. They talk of a wage of health because nobody thinks today that the wage is the price of labour. While everybody should have the right of work, the wage is not determined by the amount of work that you put in but by the minimum of facilities that we want to have to live as a human being. Therefore, they talk of a health wage and a decent wage but in a Welfare State, what we want—may be called a responsible wage policy. In a responsible wage policy you don't care whether it is Rs. 2 or Rs. 3 but the basic requirements for a human being to live decently—not only to live on a subsistence level or on the poverty level, but a wage which will enable the worker to live decently as a human being. We know—may be as a result of circumstances which are beyond our control, the conditions under which our people live—not only the workers in the sweated industries but even people in the Government services, in the lower grades of Government services. They also form, in my opinion, a part of the sweated industries because Government service is one of the biggest industries in our country. You have to think of that also.

In all these cases, our ideal should be to have a responsible wage policy. I really do not understand the idea

of this amendment, this very generous amendment, to section 26. If a Minimum Wage Act need not be applied, if already the existing wages are the minimum, then what is the purpose of a Bill like this? If in many industries as a result of trade-union work and bargaining, or as a result of scarcity of supply you do have wages which are normally beyond the wage fixed by Government, then there is no need for this kind of legislation at all. Hence it only shows that the minimum that might be fixed by Government, by the different Labour Ministries in the different States will be normally below the wages that are actually drawn by the people in the sweated industries.

Mention has been made about the stone-cutters or stone-breakers. You might have noticed that most of the people employed by employers for the breaking of stones are women and children. Recently, I enquired about the wages that these women and children get. After all, we should remember that even children are being employed although their employment is not allowed by any Act. Of course, our Acts are violated at every step in every part of the country. Well, as I was saying the wages paid to these women and children are terribly low and they have no relation whatsoever to the living conditions. Women are exploited because for one reason or the other you find large numbers of them in industries which require unskilled workers, and also in agricultural work, as in the tea industry where they are peculiarly suited for tea-leaf-plucking and other such jobs. There also we find them discriminated against on the basis of sex. Therefore I make a special appeal to the hon. Minister for Labour that particular attention should be paid to the enforcement of equal wages for equal work. This brings me to the question of the exploitation of women.

Another thing which the Ministry might take into consideration is the elimination of the vast gulf that exists between the minimum and the maximum wages or salaries that exists in our country. If we look at the table of national income, for the 14 countries that are listed, we find that India ranks fifth in the list. But when we come to the question of *per capita* income, we find that our country is nearly at the bottom end, having the eleventh place. Since our *per capita* income is so very low and the national capital income is fairly high, the best way to improve matters, the best way to have a proper wage policy would be to have a method by which the vast difference between the maximum and the minimum could be eliminated. In India—and I do not know how far I am correct—the difference between the maximum and the minimum wages—and here I am including the sweated as well as the Government cadres—is sometimes more than one hundred times. So this vast difference should be eliminated. Therefore, the minimum wage, or what I would call the responsible wage policy would insist on bringing down certain categories of salaries in order to raise the minimum as such.

I would like to make one more point before I sit down. It has been said that it is difficult to fix a minimum wage for agricultural labour—that labour not being organised. But there is, I think, a very easy remedy for that. When we find that the minimum wages in all the other industries rise, then due to the pressure of it, a sort of gravitation takes place, and this will raise the wages of agricultural labour also. So we need not have any fear with regard to agricultural labour. If our policy is implemented in such a way that the wages of employees in all the other industries rise to the maximum, as necessitated by a responsible wage, then we will find that the

[Shrimati Lakshmi Menon.]

wages of agricultural labour also will come up, whether it is organised or not.

SHRI B. K. MUKERJEE (Uttar Pradesh): Mr. Vice-Chairman, while I stand to support this measure before the House for consideration—the Minimum Wages (Amendment) Bill, 1954—I cannot but congratulate the hon. Minister for Labour for the very courageous assurance he has given to this House this morning regarding the time for implementation of this amended Act. He has stated that he will not come again for further extension of the time-limit provided in section 3 of this Act. But I doubt very much whether the authorities on whom he has got to depend for the implementation of this law will fully co-operate with him in his desire to get this law implemented throughout this country within the course of the current year, that is to say, 1954. I take it that the hon. Minister will certainly try his level best and in that attempt of his, he will get the full co-operation of the Central Advisory Committee that has been appointed under this Act for the purpose of the implementation of this Act, and that action will be taken by the authorities, to implement the Act, to honour the assurance that has been given by the hon. Labour Minister in this House today. I hope my hon. friends, particularly those on the Opposition side, will not disagree with me when.....

SHRI S. BANERJEE: When you say the right thing, of course.

SHRI B. K. MUKERJEE: ...when I say that the hon. Minister will certainly try to get this Act implemented within the time mentioned. Then this amending Bill will make the principal Act more realistic, that is to say, the amendments proposed here will make it easy for implementing all the provisions that were in the original Act.

The delay in the implementation is no doubt, very regrettable.

But I cannot agree with some of the speakers who preceded me, particularly my friend Mr. Banerjee who thinks that the organisation to which the Labour Minister and the Members on this side of the House belong has got less sympathy for the down-trodden people in this country than the people sitting on the opposite side. That is not so.

SHRI S. BANERJEE: Very glad to hear it.

SHRI B. K. MUKERJEE: If my hon. friend remembers aright, he will know how this slogan of minimum wages came. I hope he has not forgotten the days when we together used to raise this slogan for fixing a minimum wage for the industrial labourers in the early thirties. If he cares to look into the proceedings of the Trade Union Congress of India, he will find from.....

[MR. DEPUTY CHAIRMAN in the Chair.]

...there that we used to reiterate every year our demand for a minimum wage for industrial labour. Now, with a desire to satisfy labour demand Government took action to come out with this legislation which was passed in 1948. I want to remind my friend that in 1948 the reins of the Government of this country were in the hands of that political organisation which holds them today. Therefore, the Congress Government or the hon. Minister then went one step further than our demand, that is to say, we wanted minimum wages for industrial labour only but the hon. Minister who drafted this Bill and who piloted this Bill so drafted this Bill as to include not only industrial labour but also agricultural labour as they too suffered in that respect. They do not get any wages, what to talk of minimum wages. Agricultural

labour even today does not get a wage, not to talk of a minimum wage. So, he went a step forward than what my friends demanded and so, I want to inform him that the organisation to which the hon. Minister for Law belongs goes a step forward in the desire to give relief to the down-trodden people in this country than my hon. friend opposite could conceive of a few years back.

Now, the desire of the Government to include the agricultural labour and the incorporation of this item in Part II of the Schedule was no doubt very praiseworthy but in my opinion that has proved to be an obstacle in the way of proper implementation of this legislation. Of course, the desire was there but the ways and means for implementation was not there or was not very easy to find because for the agricultural labour, minimum wages will come next. We have got to take the first step before we can go in for implementation of the minimum wages for the agricultural labour. That first thing is the mechanisation of agriculture. In our country, as a few speakers have pointed out, our holdings are very small and unless we can consolidate the holdings and mechanise our agriculture, implementation of the minimum wage cannot be effective. In other words, if we insist under the present conditions on implementing minimum wages for agricultural labour, it will adversely affect them.

AN. HON. MEMBER: How?

SHRI B. K. MUKERJEE: The question is put, 'How?'. In our present state of agriculture, one labourer is employed by one agriculturist for half a day. He does not work himself now but if he has got to come under the paraphernalia that has been provided in this Act, the maintenance of registers and explaining everything to the inspectors, etc., to avoid all these things probably he

will avoid employing labour and he himself or his wife herself will work in the field instead of employing a labourer. Therefore, unless we can consolidate the holdings when you will not want one man for half a day but many for months and months, we cannot hope to get this implemented in regard to agricultural labour as is in the case of other industries listed in Part I of the Schedule. Agricultural labour is unorganised, unorganised not only in the sense that there is no trade union but unorganised in the sense also that labourers are so scattered about that they cannot be organised by trade unions.

SHRI S. BANERJEE: Kisan Sabhas are there.

SHRI B. K. MUKERJEE: It is so very difficult to organise one man here and another man ten miles away. I hope there will be attempts—there are attempts being made now to organise them but I have got no doubt to express my feeling that it is not possible to organise them in trade unions as the condition of agriculture exists in this country today. This Act, when it was drafted, was also not meant for agricultural labour. If any one goes through the principal Act minutely he will find various terms used such as piece-rate, overtime rate, etc., which are never used for agricultural labour. That is to say, when the Bill was drafted the Government did not think of agricultural labour at that time. They were always thinking in terms of industrial labour only but at a certain stage it occurred to them that agricultural labour was suffering more than the industrial labour in the sweated industries, and Part II of the Schedule was, therefore, in my opinion, added at a subsequent stage, no doubt, to improve the conditions of agricultural labour. But, in my opinion, this Part II has become an obstacle in the way of implementation in the whole of the country.

[Shri B. K. Mukerjee.]

But apart from agricultural labour, who are the tillers of the soil, in Part II there are certain categories of labour in agricultural undertakings. One lady Member who just spoke before me was referring to one instance and that is the dairy-farming. She referred to the condition of the people working in the dairy-farm in this capital city of Delhi itself. Though we cannot improve at once the condition of the tillers of the soil by a stroke of the pen, at least, if the Government of India so desires, the condition of those people in the dairy-farm can be improved even tomorrow. But unfortunately there were questions in this House regarding the condition of the workers in the dairy-farm under the control and direct management of the Government of India under the Food and Agriculture Ministry. Unfortunately, the hon. Minister who came to this House to reply to the questions was not fully aware of the conditions of the workers who are employed there. Though the condition of the tillers of the soil cannot as a whole be improved immediately, at least the condition of the agricultural workers who are employed in dairy-farming and other allied undertakings can be improved and the Government of India will do well—and I hope the hon. the Labour Minister will send a friendly note to the Food and Agriculture Ministry of the Government of India—to implement this Act, in the first instance, in its application to the agricultural labour employed in the dairy-farms.

SHRI S. N. MAZUMDAR: Then he will be told not to interfere.

SHRI B. K. MUKERJEE: That I know. I want him to send only a friendly note and not send any direction. Now, in respect of the sweated industries in Part I of the Schedule it may be easy for those among them who have got the money and the local Governments may want

them to implement this law, but there are certain private industries where money is not very easy to obtain.

Now let me take up another industry in Part I of the Schedule, and that is item No. 7, Employment on Road Construction and Building Operations. Here I am again coming to the Government of India. Now the Government of India, Public Works Department, employs large number of workers in the building industry. They are employed not for a month or two but they are employed for years but the question of implementation of this Minimum Wages Act was not put into operation in that department. I think before speaking to the private sector we will be well-advised if we start doing the thing in our own homes. That is to say, the Government of India should implement this piece of legislation in its own various departments which are in the Schedule either in Part I or Part II. Then we can ask other people to follow us. But we want others to go first and the Government of India to follow next. I do not think that can be treated as a good suggestion by any one. This is a legislation which should be given effect to also by the various departments of the Government of India and by the States, but if there is non-implementation naturally the Labour Minister is attacked from that side and we are also willing to join them provided the Labour Minister is lacking in his attempts to implement it. But I know the Labour Minister is desirous of implementing this whereas he does not get the same amount of co-operation he needs from the other authorities mentioned in this Act, that is, the local Governments. But this much the Labour Minister can do. The Government of India need not wait for the private sector to implement this in the sweated industries, where money is not easily obtainable or is not easily coming forward. But in their own

industry, in their own departments, for example, in the dairy-farming and the building industry of the Government of India it can be implemented by a stroke of the pen tomorrow I desire to inform my friend Mr Banerjee who imputed motives that it is not the Ministers and it is not the Congress who do not want to implement this But I agree with the critics fully that the machinery under the control of the Government of India is not moving as we all desire it to move Unfortunately in the States too the Government machinery does not move and particularly when it is the question of the down-trodden people When the question of labour comes, they are not with the labour They are always with the employers, whether big or small and it is because the employers stand as a class The authorities, either in this Central Government or in the State Governments, they stand by the employers, not by the workers Their attitude is not in our favour and the machinery is moving very slowly and hence this delay in implementation of this Act And, as I stated before, I shall be too happy if the co-operation from the State Governments required in this matter to honour the assurance given by the Labour Minister is forthcoming as we want to get it implemented within this period as stipulated in the amending Bill, that is by the 31st December 1954 In my mind I feel that the Labour Minister should have widened the scope of operation of the Central Advisory Committee Ultimately that committee has got to advise the individual authorities responsible for implementing this law That Central Advisory Committee as stated in section 8 of the principal Act is there but it does not have any power They merely advise and, as some of my friends stated before, that committee is overridden by the representatives of the State Governments who are not in our favour, who are not in favour of implementation Therefore,

it was required that section 8 should have been modified and more power should have been given to the Board which is responsible for implementation of this Act

Here we are talking of the minimum wage While I congratulate the Labour Minister, I hope my friends on the opposite side cannot disagree with me that here is an indication given by the Labour Minister in the Statement of Objects and Reasons as to what his conception of a minimum wage is As many speakers have said a minimum wage of eight annas per day is being paid, but our Labour Minister visualises a minimum wage of not less than Rs 75 a month or Rs 3 a day Of course, this is his desire, it is not incorporated in the Bill

SHRI S BANERJEE Are you sub-deputising the Labour Minister, his Deputy being by his side?

SHRI B K MUKERJEE Now, in this Bill there is no provision as to what should be the minimum wage We have got, in different industries—no* only private industries but in the Government of India—minimum wages ranging from Rs 25 to Rs 35 but they realise that that wage is no more the minimum wage because the dearness allowance they pay to their employees getting Rs 25 comes to about Rs 40 to Rs 45 Of course, the Government of India appointed a committee to enquire into this matter and on the recommendation of that committee, 50 per cent of this dearness allowance has been merged with their basic pay If that basic pay and the dearness allowance are taken together you will get some idea of the minimum wage

MR DEPUTY CHAIRMAN I think 'minimum wage' is a well known expression It is clearly defined The hon Member need not

[Mr. Deputy Chairman.]
argue on that. And it is time that
he wound up.

SHRI B. K. MUKERJEE: We should
now go in for a minimum wage, if
not a national minimum wage, at
least in every State there should be
a standard minimum wage. It may
not be possible, as some friends have
argued, to have a minimum fixed for
the entire nation but it may be possi-
ble and it is possible to have a mini-
mum wage State-wise. I think if the
Government of India directs the
State Governments to fix a minimum
wage for each State, it can be done.
While fixing that minimum wage they
should keep in view the living condi-
tions today and the wage they are
actually paying. The worker's basic
pay plus the dearness allowance
should be the minimum wage and
not the basic pay alone. That is my
point. The basic wages that they
are getting today are based on a
figure which was obtaining some 15
years back and that no more holds
true today because they are paying
over and above that basic pay, dear-
ness allowance. So the basic pay
together with the dearness allowance
as paid by the Government and the
private industries should be the cri-
terion for the fixation of a minimum
wage.

MR. DEPUTY CHAIRMAN: I
believe you have finished.

SHRI B. K. MUKERJEE: Just one
more point, Sir.

MR. DEPUTY CHAIRMAN: You
have taken half an hour.

SHRI B. K. MUKERJEE: Sir, one
of the speakers said that if the
workers were reasonable and if they
produced more they would get more
than the minimum wage. I am sorry
to state that my hon. friend did not
understand the term 'minimum wage'.
Minimum wage is that which a man

should get for a day's work; whether
he works for two hours a day or
eight hours a day, he has got to be
assured of that minimum. If he
works more he gets more but he
must be assured of a minimum for
his subsistence and he ought not to
be paid less than that figure under
any circumstances. That is the
demand of labour.

SHRIMATI PARVATHI KRISHNAN
(Madras): Mr. Deputy Chairman, I
will be very brief because I wish
only to emphasize one or two points,
and much of what I would have
liked to say has already been covered
by other speakers before me.

The first thing that I would like
to say is that one of the hon. Mem-
bers speaking before me stated that
in his opinion those of us who on
the one hand supported this Bill
were taking this opportunity to venti-
late their views, to ventilate their
knowledge and to ventilate their
opinions and so on. What I would
like to point out and point out most
emphatically is that while certain
aspects of this Bill are supported by
us, because the demand for a mini-
mum wage is a demand that no
honest trade union worker could
possibly oppose, at the same time our
emphasis is that the delay in imple-
menting the provisions of the Act
should be shortened and minimised
to as great a measure as possible.
And in so doing it is always neces-
sary to provide arguments to support
that point of view. This, in his
opinion, might be ventilating views
and opinions but, in my opinion, it
is really to bring to the notice of
the hon. the Labour Minister certain
facts and certain figures which we
feel will help him in judging whe-
ther we are correct or whether we
are wrong.

Secondly, another point I would
like is that some hon. Members of
this House who have practised and
developed to a fine art the skill of
opposing a measure in the name of

supporting it, those very hon. Members who got up to defend most valiantly and most heroically the Labour Minister against the remarks that have been made from this side of the House, proceeded to take up a stand which was most illogical and which really adds strength to our arguments, because they put forward all those difficulties, hindrances and obstacles and recounted millions of them one after another which would be in the way of implementing this Act. While we are asking for speeding up the implementation, while we are asking for action on the part of the Labour Minister instead of only words and promises, they are providing him with those arguments which will enable him to ward off the stand that has been taken on this side of the House. My hon. friend Mrs. Lakshmi Menon also drew attention to this fact and, therefore, I do not wish to dilate any further on this particular point.

The hon. the Labour Minister, in his opening remarks, had stated that this amending Bill is being brought forward in order to make good certain omissions. We are very happy to hear it. We welcome also the sentiments and the policy that lie behind that. Once again, I would remind the hon. Member who claims that we only ventilate our views when we get up, that we get up in order to ensure, in order to warn the Labour Minister that in trying to make good certain omissions, he should not go deeper into the bog of committing further acts of omission and commission.

There are only one or two points that I would like to deal with particularly. I refer to the power given to the various States on account of which the uniform application of the Act is not ensured. Once the principle of a minimum wage is accepted, it is necessary in order to ensure that the workers in the various industries do get that minimum wage, that uni-

form principles, uniform rules and uniform wage should be laid down.

It is certainly not logical that in the same industry wages can differ from area to area. For instance, in the Madras State it is very strange that the Government State Farms are excluded from the provisions of this Act. I should have thought that the Government which formulates that principle, which brings forward such a legislation, will ensure that the State Government enterprises will set an example to other private enterprises. Secondly, with regard to the question of equal pay for equal work, it is really surprising that the Government should not have taken up and accepted this principle, a principle that is established in most of the civilized countries of the world today. I would just like to give a few figures to show how the Government itself in Government enterprises is lagging behind in this respect. In Government State Farms in Madras while men receive from 12 annas to Rs. 1-2-0 a day, women are paid from 6 annas to 12 annas a day. In Orissa, in the State Farms, men are paid from 7 annas to Rs. 1-4-0 a day, while the women receive from 4 annas to Rs. 1-1-0 a day, and so forth; and I don't wish to take up the time of the House by placing before you more and more figures. I would like to emphasise this fact that the principle of equal pay for equal work is a principle that is today accepted in all civilized countries. Equality is a principle that is provided for in the Constitution and it is really surprising that the Government and the hon. the Labour Minister have failed to take up that principle, have failed to implement the spirit of the Constitution and to ensure that women in our country are paid equal wages for equal work.

SHRI V. V. GIRI: Sir, I do not want to interrupt the hon. Member, but would only like to say that as far as the Central Advisory Board is

[Shri V. V. Giri.]

concerned, it recommended that there should be no distinction made between male and female labour. It is to be equal. That has been the decision of the Central Advisory Board.

1 P.M.

SHRIMATI PARVATHI KRISHNAN: I am very happy to hear that the sentiments of the Labour Minister are on this side of the House in regard to this subject. But there is one thing that I would like to point out, that is, that sentiment alone and advice alone, are not sufficient. It is also necessary to ensure that there is some machinery which will help to implement such very admirable sentiments that he has just now given expression to.

In conclusion, I would refer to the inordinate delay that has taken place in implementing the minimum wages in regard to agricultural labour; because, it is a generally accepted principle that unless and until the minimum wage is assured, unless and until we can guarantee the economic life of the worker, the economic life of our very country is at stake. So long as the economic conditions of the workers are neglected, so long as they deteriorate from day to day, the economic life of the country as a whole is undoubtedly likely to deteriorate. So long as the workers are not assured of their minimum living wage, so long as their purchasing power is being reduced day after day, it naturally affects every aspect of the economic life in the country. The extreme urgency of this can be seen if we take certain figures. I will be very brief. Because one must judge this problem in the context of the steep rise in prices of commodities in the country, I am taking just two figures from Madhya Pradesh. There, from 1939-1948 alone, in the cotton-jowar area wheat prices increased 834 per cent.,

while the wage increase, on the average, was only 300 per cent. In the rice area, the wheat price marked an increase of 682 per cent. whereas the average wage increase was only 400 per cent. These figures alone are enough to bring before us the urgency of taking up the issue to guarantee a minimum wage so that we can be sure that the wages of the workers, particularly of industrial workers, do keep pace with the steep rise in prices and thereby ensure that the economic life of the country is itself not seriously affected. Therefore, I would like, in concluding, to point out that minimum wages should be pegged to subsistence levels and that they are not cut down below that level. This is a case of extreme urgency and on it will depend not only the economic progress of the individual worker but the economic prosperity of the entire country.

SHRI LALCHAND HIRACHAND DOSHI (Bombay): Mr. Deputy Chairman, I am glad that the hon. the Labour Minister has brought this Bill and has been anxious to expedite the implementation of the minimum wages. The low wages prevailing in the country, has been a great handicap, in my opinion, in the economic development of the country. The purchasing power of the people has been very low and the production of wealth is thereby greatly restricted. It has caused a lot of poverty; and if the poverty of the people has to be reduced, the wages of the large number of them must be raised so that the purchasing power of the people might go up. It was quoted a little while ago that in industry our country's rank in the world comes as high as fifth. But so far as the income of the individual is concerned, it is much lower and ranks eleventh. I am afraid, the comparison is incorrect, because the income when compared is not the real income based on the figures of the cost of living but it is on the basis of so much money given to the

worker. I had the occasion of comparing the wages in a country like Russia which many of our friends believe has made considerable progress in industrialisation. The minimum wage there, as we were told in the cities of Moscow, Stalingrad and Leningrad, comes to about 400 roubles, or in Indian rupees, if you add about 20 per cent., it would be somewhere about Rs. 475. But in terms of real income compared with the cost of living in that country, I doubt very much if it would really come to about Rs. 100 or Rs. 125.....

SHRI S. BANERJEE: Question.

SHRI LALCHAND HIRACHAND DOSHI: Sir, the hon. Member says 'question'. I am ready to prove that from facts. I am not talking from books read here and there by propagandists. The information which I had the occasion to place before this House was obtained from official sources. I had the occasion to visit that country. The bread available there costs five times as much as it would cost in a city like Bombay. And these are the figures supplied to us by the officials who were going round with us to show us the country.

Sir, if therefore you compare the real income of this country, you will find that it is much higher than what it apparently looks. How will the wages be determined? The Bill is before this House for giving minimum wages somewhere about Rs. 3 a day. Yes. But will it be possible to give Rs. 3 a day purely on the basis of rupee wages? The wages will necessarily have to be considered in terms of the production that a man is prepared to give in his day's work. If the wage is divorced from the production, well, I am sure that will not last long.

The hon. Minister is a habitual wearer of *khaddar*. It has been the desire of the advocates of *khaddar* to give fairly high wages to the producers of *khaddar*. But it has not

been possible to pay the high wages that are desired to be paid to the producers of *khaddar*. Why? Not that that man does not want to work. But the tools and implements that he is using are unable to produce more valuable goods than what he is producing at present. It may be argued "All right, pay a higher price for *khaddar*". But the economics does not allow that to be done. Therefore, you have got to bear in mind, whenever you are fixing wages, the actual value of the production that a person or a worker is able to give when he is earning wages. We know that on the western side the wages are comparatively much more. I had the occasion of visiting America and I studied the wages there. In some of their factories, I understand, they pay something like two dollars per hour of work, or in other words, if that were to be compared with the Indian wages, it works out to Rs. 10 per hour of work, or in other words, it comes to a wage of Rs. 1,000 nearly per month, which is far more, of course, when compared to India or compared to the wages paid in Russia. But how is that possible? Not by wishful thinking, not by speeches on the platforms, but by giving the worker such implements and tools whereby he can produce wealth more economically and produce it in such a way that the ultimate day's wage can be increased to such a high figure as Rs. 1,000 a month.

SHRI S. BANERJEE: What about the millions of unemployed there?

SHRI LALCHAND HIRACHAND DOSHI: There is no unemployment. If my hon. friend really goes and sees things there for himself, he will find that in fact they are trying to utilise even the students who are learning through schools and universities, to pay them wages and make them self-sufficient in their educational work. It would be absurd to say that there is unemploy-

[Shri Lalchand Hirachand Doshi.]
ment. The so-called unemployment exists even in Russia, because we know definitely that there are beggars in Russia too.

SHRI S. BANERJEE: It appears the hon. Member is out-Heroding Herod.

SHRI LALCHAND HIRACHAND DOSHI: I have myself roamed through the streets of Moscow and have seen conditions with my own eyes.

SHRI S. BANERJEE: I had been there also.

SHRI LALCHAND HIRACHAND DOSHI: You had gone there with closed eyes, and I had gone there to see things with real eyes. Therefore, you cannot dispute the facts which I am placing before the House.

My only point is that a minimum wage in terms of money will not mean anything. If a worker on an agricultural land is unable to earn more than eight annas, it is not the fault of the man who employs him or the fault of the man who works, because the earnings from agriculture are so meagre. The man holds hardly five acres or ten acres of land and he has to earn his own living for the whole year. What can he pay to the agricultural worker? Can

he pay more than eight annas when he can hardly earn from the whole year's labour only Rs. 100? Certainly, he cannot pay more, because the productive capacity of the labour that is employed in that industry is so low that it is impossible to pay higher wages. Therefore, if we disregard the productive capacity of the labour employed in any industry or in agriculture, certainly, for a little while you may show a higher wage on paper, but ultimately that sort of paper wage will collapse, and you will never be able to give the man a real wage for any length of time. I would, therefore, earnestly appeal that while we are fixing these minimum wages, we should take into consideration the productivity of labour, the productivity of the industry itself, and in tabulating these figures we must try and push forward the industrialisation of the country in which alone lies the strength and the wealth and the prosperity of the country.

MR. DEPUTY CHAIRMAN: The hon. Minister will reply tomorrow. The House stands adjourned till 8-15 A.M. tomorrow.

The Council then adjourned till a quarter past eight of the clock on Tuesday, the 11th May 1954.