

15.48 1/2 hrs.

REPRESENTATION OF THE PEOPLE  
(AMENDMENT) BILL\*

(Amendment of Sections 59 and 61)

[English]

SHRI SHARAD DIGHE (Bombay North Central): I beg to move for leave to withdraw the Bill further to amend the Representation of the People Act, 1951.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to withdraw the Bill further to amend the Representation of the people Act, 1951."

*The motion was adopted*

SHRI SHARAD DIGHE: I withdraw the Bill

15.49 hrs.

UNORGANISED LABOUR WELFARE  
FUND BILL—*Contd.*

[English]

MR. DEPUTY SPEAKER: Now, we take up further consideration of the Unorganised Labour Welfare Fund Bill.

Shri Yogeshwar Prasad to continue his speech.

[Translation]

SHRI YOGESHWAR PRASAD YOGESH (Chatra): Mr. Deputy Speaker, Sir, I was speaking on the Unorganised Labour Welfare Fund Bill introduced by Shri Bala-saheb Vikhe Patil. I had tried to reply to the criticism of the Bill by some of our colleagues. Shri Patil has tried to extend the benefits of labour welfare to a sector hitherto totally neglected and the Bill brought forward

by him needs to be considered with all seriousness.

Clause 4 of the Bill provides for a deduction of one-percent from the salary of persons working in the unorganised sector, whose emoluments are not less than Rs. 1,000, to be deposited in a fund to be created for their welfare. To me his suggestion does not appear to be practicable. There cannot be any objection to the labourers making a voluntary contribution but they cannot be forced to do so. This is the reason why this suggestion seems to be impractical.

The suggestions given by Shri Patil in respect of the other aspect can be implemented. I would like to draw attention towards that aspect. Regular labour is employed under the R.L.E.G.P. and other programmes for construction of roads, ponds and canals etc. in the villages. All this work is done through Government agencies. Money can be contributed into the Welfare Fund from such places also. The Government gives a matching grant for the Welfare Fund. A similar grant can be given in their case also. Thus a Welfare Fund can be created very conveniently.

A roll of labour force engaged in construction of roads, National Highways etc. can be prepared. This work is executed through contractors only. The services of labour engaged in construction of roads can be regularised. Subsequently a Welfare Fund can be created by deducting a part of their salary and with a matching grant from the Government. In my view this could be a beneficial step.

It has been observed that contractors do not make payment of full wages to the labour employed by them in construction of roads. So the question of creating a Welfare Fund in their case is a very difficult proposition. If the Government continues to keep a vigil on them, it will bring a lot of benefit for the labourers. The labourers can also be benefited if the Government makes a provision of provident fund for the labourers engaged in road construction work. In this regard, I

would like to submit that the Government may deduct a sum from the Bill of the contractors itself and deposit it in their welfare fund. Secondly, the Government agencies which have been entrusted to undertake construction work, their work is of sub-standard quality. The quality of their work seems to be not up to the mark. That is why there is no need of making double registration for those who are already undertaking work. Some other such agency should be engaged which can work properly for the protection of the labourers.

15.53 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

I would now like to draw your attention to the migrate labourers. A list of such migrant labour who migrate from one state to another in search of jobs should be drawn. There should not be any difficulty in drawing such list. A substantial number of labourers from Bihar, Orissa, Uttar Pradesh and Bengal migrate to other places to get jobs. An officer of the rank of Deputy Labour Commissioner should be appointed in this area by the Government. An entry should be made in the register to show whether those labourers are paid full wages in time or not. A welfare fund should be created for these migrant labourers too.

Shri Patel has made suggestions about welfare funds for the labourers working in various sectors. I do agree that welfare fund should be created for the labourers of unorganised sectors.

Secondly, I know that the hon. Labour Minister has given a new dimension, a new direction to the labour movement and has devoted his entire life for the cause of labourers. I would like to draw his attention to such labourers who are engaged in construction of roads and national highways. They not only get less wages or bungling is practised in payment of their wages, but also fall prey to pollution caused due to mission of smoke from burning of tarcoal and bitumin which directly affect them. Thus the labourers fall

prey to a number of diseases. It is necessary to make a provision of medical care for such labourers so as to protect them. The bidi workers are found all over India. Welfare fund for them is being collected and it has accumulated to millions of rupees. The Government also takes steps for their welfare but even that is an unorganised sector. When welfare fund can be created for them, it can also be got created for such labourers. I would like to draw the attention of the hon. Minister tea complaint that the bidi workers fall prey to tuberculosis and other such diseases. The Government is not in possession of a genuine list of such labourers by means of which they are to be best helped financially. In absence of it, there is no way for its realisation and making payment to them. There are thousands of such labourers whose money is still in credit but there is none to claim it. The scheme of provision for hospital made by the Central Government is still unfulfilled. I would like to draw the attention of the Government to all these things.

I would further like to draw the attention of the hon. Minister to the fact that the migrant labourers not only shift to different States within the country, but also migrant to foreign countries. A list of labourers migrating abroad is available with the Government and welfare fund should be created for them. Rather the problems faced by them are such that labourers from our country have to face competition with the labourers from Pakistan and Bangladesh. There has been a substantial decline in their rate of wages for the past few years. Now they have to work at half the amount of wages. Therefore, problems at international level are being created for these labourers. The Central Government should pay attention to this to ensure as to how those labourers can be organised and further, that there should be no reduction in their wages in foreign countries. In this regard, there should be some agency of our country abroad so that our labourers may live there safe. There are many such labourers working there who have no job guarantee. They are thrown out of job any moment and have to return to their country. Many labourers have to return from there on

[Sh. Yogeshwar Prasad Yogesh]

16.00 hrs.

meeting with an accident and becoming handicapped or else because of some threat. But no attention is paid to such labourers. My submission is that our embassies and ambassadors abroad should pay attention to all these things and see whether the labourers are being paid proper wages or not, and contribution to the fund should be made through them.

I thank the hon. Labour Minister that while discussion was in progress last time, he submitted that a lot of information regarding the labourers working in the unorganised sector has been received and there is a need to work efficiently in this regard.

With these words, I thank you for having given me the time to speak.

[English]

MR. CHAIRMAN: Before I call the next speaker, I want to bring to the notice of the House that the time allotted for the Bill will expire at 4.12 p.m. Do you want to extend the time?

SOME HON. MEMBERS: Yes, Sir. Extend it by one hour.

SHRI BASUDEB ACHARIA (Bankura): For the time being we can extend the time by one hour and if necessary, it can be extended further.

MR. CHAIRMAN: So, the time is extended by one hour. Now, Shri Basudeb Acharia.

SHRI BASUDEB ACHARIA: Mr. Chairman, Sir, I thank Mr. Balasaheb Vikhe Patil for bringing forward this Bill. Although I do not agree with all the provisions of the Bill, still I welcome the Bill. I disagree with one provision, that is, clause 4 where there is a provision for compulsory contribution from the organised workers.

That is the main clause. Contribution from the income should be there, but not from the employees because already even in the organised sector though they are in a better position, far better position than the organised sector, the workers are also exploited. The contribution from the Central Government and the compulsory contribution from the employer is for the Welfare Fund for the 'bidi' workers, cess is collected from the employer of the 'bidi' industry, cess is collected from the tobacco industry, for the welfare of the workers. The main purpose of collection of cess is for the welfare of the workers. This type of welfare fund for the unorganised workers can be formed out of some sales-tax collected from the employer, from the industrialists, from the contractor and in this way a welfare fund can be created. It is true that the condition of unorganised sector is worse and 90% of our work force is in unorganised sector. There are about 170 million people in unorganised workers in our country. They are working in brick-kiln, in the road construction work and in other building construction work, as 'bidi' workers, as agricultural workers, as artisans in various fields, etc. There are number of laws existing in our country like the Minimum Wages Act, Payment of Workmen's Compensation Act, Migrant Labour Act, etc. There are a number of Acts. But these Acts are not implemented properly by the law enforcing agency, like the one created for enforcing the minimum wages to the workers. There is also Equal Remuneration Act which is also not implemented. Sir, the minimum wage has been fixed at Rs. 11. We do not see what the rational behind is for fixing this minimum wage of Rs. 11. Whereas in a number of States, the minimum wage is far more than what has been fixed by the Ministry of Labour in the Labour Conference. In West Bengal, it is more than Rs. 18. Even the agricultural workers get more than Rs. 20 in West Bengal. Nowhere in West Bengal it is less than Rs. 20. The agricultural workers in West Bengal get Rs. 20 or even more in 24-Parganas. In Haryana also and in Andhra Pradesh also, they get more. Whereas in

Maharashtra, it is less. In Bihar also, it was less. It was said in this House that it was previously Rs. 6 in Maharashtra. In Orissa, in Kalahandi District where I personally visited, it is less. I do not know what is given in Maharashtra now. He in this House, the former labour Minister told that it was only Rs. 6. So, the Centre has fixed the minimum wage at Rs. 11. But there is no rationale behind it because minimum wage should have been linked with poverty line. This should not be below the poverty line, it should always be above the poverty line and in this way minimum wage should be determined. So, how to strictly implement this minimum Wage Act? There are Minimum Wage Implementation officers. Though they are under the State Governments, they are not there in all development blocks. In some development blocks there are Minimum Wage Inspectors, they are to look after the implementation of the Minimum Wage Act. But when this is being violated action is not being taken against those who violate this Act. So, the law enforcing agency should be strengthened to implement the minimum wages which are not sufficient for unorganised workers.

Similarly, Sir, there are lakhs of bidi workers in our country and the employers are now adopting tactics to decentralise this industry gradually. They give tobacco the tendu leaves and the workers bring tobacco the tendu leaves to their houses and they prepare bidis there. In order to avoid some regulation and law, these tactics are now being adopted by bidi factory owners. Even the identity cards which are to be issued to the workers are not issued. There is no provident fund, they do not get even the bonus, the workers struggle, they have a vast union and they organise themselves. (Interruptions) They can fight and they get bonus. In this Bidi workers' Welfare Fund lakhs of rupees are deposited, but this amount is not properly utilised. There are some hospitals, mobile hospitals and some dispensaries. In the dispensary you don't get medicines. In my constituency in Bankura there is a dispensary for bidi workers. There is a large concentration of bidi workers there.

But the bidi workers do not get medicines from that dispensary. Even doctors are not provided in the dispensary. In Murshidabad there is a large concentration of bidi workers, say, more than 60,000 bidi workers are there in the district of Murshidabad. One Tuberculosis hospital was sanctioned in one place, in Dhulian where here is large concentration of bidi workers. Suddenly it was shifted to Aurangabad and the foundation stone was also laid four years back when the land was not acquired and now, this foundation stone has been removed, the construction of the hospital has not yet started. Then, how the foundation stone was laid, and how the decision to shift it from one place to another was taken? And if at all it was taken and if the foundation stone is laid in another place, why the construction of that Tuberculosis hospital for bidi workers has not taken place? In Dhulian there is a tuberculosis dispensary. We also suggested that the dispensary should be strengthened there. When the construction of the hospital has been shifted from Dhulian to Aurangabad, at least that dispensary should be strengthened because majority of the bidi workers, say, more than 70 per cent of the bidi workers suffer from Tuberculosis. There was a scheme for providing dwelling house for them. Three or four years back, some dwelling houses were constructed; some grants were sanctioned. Most of the beedi workers do not have their own houses. Therefore, the question as to how properly this beedi welfare fund can be utilised should be thought of. They should provide dwelling houses, medical assistance, some assistance for education of the children of the beedi workers, to provide subsidy for their ration. All this can be thought of. Proper planning is necessary for proper utilisation of the welfare fund of the beedi workers.

The conditions of agricultural labourers who come under unorganised sector though they are now organising themselves, were pitiable. They are the most exploited class. They do not have any land. They till the land and produce food for us. But they do not get food and they starve. This is the general condition of the agricultural labourers. There

[Sh. Basudeb Acharia]

is a subcommittee set up by the Labour Consultative Committee known as Gurudass Gupta Das Committee, who is a Rajya Sabha member, with Lok Sabha and Rajya Sabha Members on the committee. This committee visited a number of States. They made certain recommendations regarding implementation of minimum wage, providing subsidy for their ration food, for their shelter. The important recommendation is to implement the legislation for agricultural workers. There are a number of important recommendations. Some of them are:

Minimum Wages of agriculture workers should be revised every two years or on a rise of 50 points of the consumer price number. No. 2. minimum wages in agricultural labour should be linked to the consumer price index No. Adjustment of wages on the basis of cost of living element should not be confused with the wage revision required under section 4 of the Minimum Wages Act. Then, minimum wages should be fixed on a rational basis taking into account factors like poverty line, requirement of nutrition, shelter, clothing, fuel, medical and educational expenses etc. The minimum wages should also be fixed on a realistic assumption of the consumption unit of the family and the number of workers of the family.

The subcommittee visited various States, met agricultural workers and various people. They then made recommendations for the improvement of the conditions of rural workers, unorganised workers, and agricultural labourers.

If you want to solve the problem of rural people, particularly, agricultural workers, you are to implement law on reforms. After 41 years of independence, in our country land reforms have not been implemented. Still 40% of the land is in the hands of 5% of the people who are not peasants and who are not cultivators and who are big land-owners and industrialists. They are owning 40% of the land. If these lands are distributed

among the agricultural labourers and poor peasants, the problem of agricultural labourers can be solved. This will also help in increasing the employment potential in our country. If the land is distributed to the landless people and if they cultivate it, they will get money and the purchasing power of at least 25% of people can be increased. But, our Government is not interested in land reforms. If you can implement the land reforms and if land is distributed among the landless, the social tension which is there in the rural areas, particularly in Bihar can be removed.

Similarly, share croppers also come under unorganised workers. The registration of the names of share croppers, as has been done in West Bengal, can be followed in the other States. 13 lakh share croppers' names have been registered and recorded. They are in West Bengal and most of them are Scheduled Castes and Scheduled tribes. They are getting assistance and loan from the banks. By recording and registering their names as share croppers, their problem can also be solved. This unorganised sector like bidi workers and construction workers and contract workers are in the railway which is a big organisation. There are 22,000 coal and ash handling workers. A Committee was constituted to see whether minimum wage is being paid in respect of these workers. From steam engine. They are switching over to electric and diesel engine and these workers are engaged in coal and ash handling and loading and unloading of coal in engine. When the steam local shed is being closed down and steam locomotives are being phased out, these helpless workers, most of them belonging to Scheduled Castes and Scheduled Tribes, are being thrown out of their job because they work as contract workers though they have been doing a perennial nature of job for years together. But, it is surprising that the Contract Workers Regulation and Abolition Act does not apply to these workers. Railway are disowning them. There are thousands of contract workers in the railways who are not getting minimum wages and even bonus. So, something should be done. A Welfare

Fund is really a welcome step if a Fund is created by levying taxes on the industrialists and employers. The Central Government can contribute a major portion of the fund by levying taxes on industrialists. This fund is a short-term measure to help the unorganised workers for their welfare. But, something must be done in the form of enacting a comprehensive legislation for the agricultural workers. The Acts which are now in existence should be strictly enforced. The law-enforcing agency should be strengthened. By doing this, we can help these hapless people who are in majority, who constitute 90 per cent of the working force of our country. There are about 170 million people who are unorganised workers. If the Government wants to help them, the Government has to do something for them. Mere enacting legislation would not do, unless it is properly implemented, unless the law-enforcing agency is strengthened.

SHRI E. AYYAPU REDDY (Kurnool): Mr. Chairman, Sir, the object of this Bill is laudable. But the provisions of the Bill are hopelessly inadequate to achieve the object I am not able to understand why only the organised labour force is asked to contribute 1 per cent of its salary where the monthly income exceeds Rs. 1000. Why should the organised labour force alone bear the burden and why not every other citizen whose income is more than Rs. 1000/- per month bear the burden for the unorganised labour force? So, there seems to be something contradictory in the Bill itself. The very idea of having a labour welfare fund for the unorganised labour force to be administered by the Central Government is to help those people. The liability of the Central Government is estimated at Rs. 25 lakhs. That means four times of this amount will be Rs. one crore. Even with one crore or two crores of rupees, what welfare can you administer to the 17 million or 20 million unorganised labour force? You cannot even give five paise of relief to anyone of these unorganised labour force. But, even for administering this fund, you have to organise the unorganised labour force because without organised it, you cannot administer the fund. There

seems to be something inherently contradictory in the provisions of the Bill. But the object is laudable, as I have stated earlier. It is for the purpose of giving relief to the unorganised labour. Why should there be unorganised labour force in India even at the end of the Seventh Plan Period, my point is we have got a constitution where there are Directive Principles where the objectives of the Constitution have been stated that we must have a welfare State and not a police State; where every citizen has to be gainfully employed and every citizen has to get the minimum requirements. That at the end of the Seventh Five Year Plan Period we have got about 20 million unorganised labour force only indicates that something has gone wrong with our Planning. Our planning is based not on human resources. The essential difference between our planning and the planning which the Father of the National Babu-ji taught us is clear from the disparities and from the social, political and economic conflicts which are confronting us to day. Gandhiji wanted that we should plan on human resources, on human beings. Now we are planning in terms of material resources and material development—how much electricity to be produce; what is the industrial output; what is the agricultural output; what is the coal output; what is the steel output. You may double these outputs. You will never be in a position to usher in a Welfare State unless and until you plan on human resources. Only yesterday, in reply to a question put by me, the answer was that in the year 1988, 23.8 million live births have taken place in India. You are not planning on the human resources available in India. We know, in the beginning of 18th century and especially in the 19th century, the people from India, which used to be a Heaven or Earth, migrated to other continents for seeking jobs. Even today, the position is that hundreds of thousands of people are just waiting for a passport to go to Gulf country for the purpose of investing their labour and making a living. So far as our planning is concerned, we have forgotten the basic lesson taught by Gandhiji that first and foremost, we must plan on our human resources and then try to develop this country. Now last

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time, when the Resolution put by Shri Thampan Thomas came up that the right of employment must be incorporated into the Fundamental Rights, I attempted to analyse how is it possible to provide employment to every person in India. For instance, what is the manpower required for our agricultural sector. Every one of you will agree with me that at least we require 20 per cent of our manpower resources to man our agriculture. At least 20 per cent. It is true that in some States, wages of agricultural labourers are low. But in some other States like Punjab, Haryana and Andhra, there is a scarcity of labour during the harvesting season. We do not get a labour there even for Rs. 20. Even for cotton picking, we do not get a child for Rs.10 or Rs. 15. There is some sort of disparity in this. If we carefully plan, we do require at least twenty per cent of our population to man our agriculture, to look to our agriculture.

Then we have got the gigantic problem of education, educating thousands of children. As I stated, the reply given yesterday was that 23.5 million live births have taken place in 1988. And the school-going children will not be less than five crore or ten crores. This is about primary education itself. In the *Directive Principles* itself you have stated that up to 14 years, there should be compulsory education. Even if we try to give compulsory education at the primary level, how many teachers do we require for manning our primary and elementary schools. You will agree with me that we will be requiring at least ten per cent of our population to look after our educational needs. Then you require another fifteen per cent to look after our health needs. So, 20 per cent, 10 per cent and 15 per cent, that is 45 per cent of our people will be required to look after our agriculture, our health and our education. Then what about our industries and other services? Therefore, if we plan properly on our human resources, there will not be any need for unemployment. We can certainly give gainful employment. There are huge projects to be taken up. Multi-purpose river

projects are there. All the water resources of Bralmaputra are going waste. Similarly, the entire Godavari itself is going into the sea. You are not able to make use of 70% of Godavari water. The precious water resources are going waste.

Therefore, what I a trying to submit is that these problems cannot be looked into in isolation. Unorganised labour; what shall we do? Anti poverty programmes; what shall we do? Doing some tinkering here and there would not solve the problem.

In fact, as the Chairman of the Public Accounts Committee, I had occasion to evaluate the implementation of IRDP, NREP and all the anti-poverty programmes. The Committee has given a report. One of the recommendations made by the Committee is to have an integrated approach to the village development. Unorganised labour can be divided into two classes—unorganised labour in villages and unorganised labour which is migrated to the towns and are living there doing some job in an industry or somewhere else. The disparity between rural and urban economy has grown up. There is any amount of necessity to bring down the disparity in the incomes of the urban elite and urban population and the rural population.

Only today I was reading how Israel has tackled the problem of unemployment. There they have organised themselves into kibbutz, much better than communes. The way in which they have done it is exemplary.

Here, what is the basic problem and how we look at the basic problem? We had some sort of village republics. In India republics were there. Most of the time the artisans used to have their full work. There was an organised way of life even in agriculture based societies. In villages they were functioning very much in a beautifully organised manner. The artisans were divided and everyone had his work. Now we have destroyed that system. Therefore it is quite essential that we must go back again and re-examine the basic approach to planning.

Even in the 8th Plan we have not thought about this. Though it has been stated *Bekari Hatao* which has been the slogan adopted by the Congress organisation at Avadi, how are you going about it? How are you trying to do this? Simply because you have levied surcharge of 8% which has been challenged by Mr. Nani Phalkiwala as unconstitutional- for the purpose of raising Rs. 500 crores for providing employment, it would not solve the problem. I think this is a very half-hearted method. I don't know whether it would be valid constitutionally or not, that cannot be the proper approach. If you want *Bekari Hatao* willy nilly India has to organise itself on the Gandhian methods and principles.

We say that even after the end of the 7th Plan we require some sort of a charitable fund. Welfare Fund is nothing more than a charitable fund. How much and to what extent can you give this charity for millions of people? Is it possible to give charity and endowments unless they are able to stand on their own? So now it is essential that we have to organise. We have to organise in every aspect of life. We have to computerise the requirements of every family even for the purpose of implementing the rural employment and anti-poverty programmes. Now in this advanced age it will not be difficult for us to have a population count and also a proper computerisation of the requirement of every taluk, every village, every block, every district and every State. After having done that it is quite essential that they should be reorganised and disparities which are existing now have to be reduced by some sort of legislation and every citizen must be given some sort of employment or identity with some useful productive nation-building activity otherwise we will not be able to provide any type of relief. The types of reliefs which we are now trying to provide by way of anti-poverty programmes will not help us.

**SHRI CHINTAMANI JENA (Balasore):** Mr. Chairman, Sir, I am very grateful to you for having allowed me to participate in this very important, useful and timely Bill brought by my hon. friend, Shri Balasaheb Vikhe

Patil. Mr. Patil has provided us an opportunity to think about those un-organised brethren for whom our Prime Minister and also the Labour Ministry are formulating so many schemes and programmes though I have my own doubts about the proper implementation of those schemes and programmes.

Although the Bill which has been moved by my friend Shri Patil is a very useful one yet I have my doubts about the implementation of this Bill. Now he has suggested that 1 per cent of the organised workers' emoluments should be contributed towards our brethren who are in the un-organised sector and nobody is there to look after their welfare. It is a very pious intention, no doubt. I fully agree with it. Sir, you are from Maharashtra which is industrially very prosperous but what is happening there even. In the 'bhavishya nidhi' the employers are to make matching 50 per cent contribution. The organised workers are paying their share but the employers are not depositing the same in the 'bhavishya nidhi' and, as such, those workers are not being benefited. Huge amounts are being collected but being invested for their own purpose. They are getting benefit out of it. Particularly they are benefited and not the persons who are contributing. So even if they pay 1 per cent for their brethren who are neglected and un-organised yet I doubt whether those employers will utilise it for the welfare of the un-organised workers. This is one defect.

The second thing is how can you identify the unorganised workers. There are so many types of unorganised workers like house-wives, rural artisans, domestic servants, handloom workers, etc. So many millions of un-organised workers are there besides agricultural labourers. There would be difficulty to identify them. Tomorrow I say that I am an un-organised worker. Who can deny it? So this is another factor which should be thought of. Identification would be a big problem. In these sectors, you will find that more than 60 per cent are unorganised female workers and it is difficult to identify them. I, therefore, doubt very much whether it will be practicable to implement it.



[Sh. Chintamani Jena]

Three years back, when some renovation of the Parliament House was going on, I met some workers. When they were speaking among themselves, I identified them. They were from my State. I talked to them and come to know that everyone of them was brought by the middleman. The middleman was taking some amount as commission from their wages and paid much less to them. That is another difficulty. This is happening not only here but everywhere else in the country. The unorganised workers do not know about the rules and regulations, acts and the benefits available to them because of their illiteracy, ignorance and due to so many other factors. Even if this very useful Bill is passed, I doubt very much whether it will benefit them at all.

Leave aside the private employers. Even in the Railways, the minimum wages are not being paid properly. My good friend, Mr. Basudeb Acharia, was telling about his State successfully implementing the Land Reforms Act. I fully agree with him. But has it benefited the tillers of the land or the tenants? I doubt very much about its proper implementation as the agricultural workers, who are employed, are not getting the approved rates of minimum wages. This is happening even in the cooperative sector and private and public sectors. The Railways have a provision that minimum wages should be paid to the casual labourers. But actually, they are not being paid. The wages differ from place to place. If a particular person is getting a certain amount of wages in West Bengal, the same worker, while working in Orissa, is getting much less. These are the factors which have to be taken into account. In West Bengal, even if the land reform laws are implemented quite successfully, perhaps he does not know that the labourers, especially agricultural labourers, are not getting minimum wages from the employers or the landowners.

The laws relating to minimum wages are passed by the Central Government. Many of the State Governments have also

passed useful laws concerning the minimum wages. But they are not being implemented because there is no inspection to know whether such laws are being properly implemented or not. Minimum wages are covered under the 20-point programme announced by our Prime Minister Shri Rajiv Gandhi and late Prime-Minister Shrimati Indira Gandhi. So, it has to be looked into by the Union Government whether this programme is being implemented properly or not. But that is not being done. I suggest that there should be a provision for appointment of rural labour inspectors to see that the laws about minimum wages are properly implemented.

Going out of the way, I submit that the hon. Minister is very competent and also very sympathetic towards the labourers. I would only bring to his notice that in the State of Orissa they have appointed only 65 Rural Labour Inspectors (RLI) for the entire State having 314 Blocks and with a population of 3 crores. In such a State only 65 inspectors are appointed to look after the Minimum Wages Act as to whether it is properly implemented or not. Recently, they had a provision that this will be reviewed as to whether the Act is implemented properly or not. In the month of August 1988, they reviewed 42,578 cases were reviewed out of which in 36042 cases these were deviations. The Act is not implemented properly. There were violations. How can you expect that only 65 persons can look after this work? So, the State Government requested to Centre to appoint at least one rural labour Inspector for each block i.e., 314 inspectors had to be appointed. It was the proposal of the State Government. It is still pending with the Centre. If we enact any useful Bill and if we could not look to the implementation part of it, then what is the use of passing the Bill? Follow up action is also not being taken. In this particular case, I request the hon. Minister to kindly see that these rural labour inspectors are appointed one for each block. Our Government, especially our Prime Minister very much keen that these unorganised labourers should be given their dues and proper justice. Mr. Ayyappu Reddy was just now telling that he has given the programme

for 'Beikaari Hatao' workers and how it can be implemented. I will tell him that till today nobody has thought about that. Even then Government which was ruling the centre from 1977-80 did not think of it. But it is our Prime Minister, Shri Rajiv Gandhi, who has serious thought about the matter. He has given this programme and we should strive hard so that unemployment is eradicated from our country for which he has proposed so many schemes. My good friend, Mr. Acharia was talking about RLEGP, NREP and so many thing. But does he know that these programmes are not properly implemented in his State also? The work is provided to certain contractors and there is a provision that it will be implemented through village committees. Suppose I am getting work from the Block and execute the work but I do not pay them the minimum wages. Then how can it be implemented? The Centre, under the leadership of our beloved Prime Minister, is providing so many useful schemes which are to be implemented in the States but if the States cannot look after it, cannot see to its proper implementation, then how can it be successful, even if it is criticised? What is happening with regard to the implementation of RLEGP, IRDP, DRDA and other programmes in his State? He may kindly go round his area and see whether there are also middlemen who are getting money out of these programmes.

While we are providing some welfare measures for the unorganised workers, we must also see that those who are unskilled should be trained; some institutions should be established in the rural areas to make them skilled workers so that they may earn more to maintain their livelihood and their family. I request the hon. Minister to consider this suggestion very seriously, so that this type of labourers for whom nothing is there, may get some more benefit through training and become skilled workers.

What is happening in Delhi and other areas where labourers are brought from outside the State, from distant places, from rural and interior areas. They also do not get proper wages and no welfare measures are

being provided for them. Their shelter and health needs are not taken care of.

Though my good friend, the mover of this Bill has brought forward this Bill with pious intentions, I doubt whether it can be implemented. Therefore, the hon. Minister may kindly seriously think of bringing forward an elaborate Bill at least before the term of this Lok Sabha ends, so that if we pass this Bill, our successors may implement it.

In view of this, I request my good friend to withdraw this Bill because this cannot be implemented whatever pious intentions he may have.

With these words, I conclude.

SHRI SHANTARAM NAIK (Panaji): Mr. Chairman, Sir, like my other colleagues, I certainly appreciate the laudable object of our colleague, Shri Balasaheb Vikhe Patil in introducing the present Bill. Although the object is laudable, how far is this Bill in reality practicable or how far Clause 4, specially, is desirable? That has to be seen and examined.

In fact, our Constitution, item 24 in the Concurrent List provides:

"Welfare of labour including conditions of work, provident funds, employers' liability, workmen's compensation, invalidity and old age pensions and maternity benefits."

This is a special subject specifically for welfare of labourers which has been included in the Concurrent List. It means that the burden for welfare of labourers has been cast on both the State and the Centre by the Constitution. Again, there is another provision, namely Article 43, which is a Directive Principle and which states:

"The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way to all workers, agricultural, industrial or oth-

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erwise work, a living wage, conditions of work ensuring a decent standard of the life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas."

Therefore, Mr. Chairman, Sir, the welfare of the labours has been given considerable importance in our Constitution as a result of which the Centre as well as State Government have enacted a number of legislations, framed rules and chalked out schemes for this purpose.

Mr. Ayyappu Reddy while speaking about the employment, rather ridiculed the Central Government for not fulfilling the aspirations of people so far as employment is concerned. As of today, no political party would blame only the Central Government for this. It is the problem which concerns everybody. He gave the example of Israel and said how Israel has solved this problem. Shri Harish Rawat rightly pointed out to him that Israel is equivalent to his constituency. So, it seems that those who speak like this fail to understand the geographical problems faced by our country. They speak as if they do not know the magnitude of the problems faced by our country, or about the resource constraints that the country faces. They just happen to rule one part of the country where they are utter failures. Very irresponsibly they make statements. We would have agreed with them if within a short period of 4 or 5 years their party in Andhra Pradesh would have been successful in solving the problem of unemployment. That would have been a defeat for us. But they could not do it. Their Chief Minister is just busy in producing films like the Brahminitra or the Vishvamitra which will have a number of kissing scenes. I have heard that one young lady by the name Mandakini is going to be the heroine of the film. I pity that poor lady who will have to confer so many kisses. What I am trying to say is that those

who are at the helm of affairs in Andhra Pradesh they have nothing serious thing to do and they are thinking of producing films which will create 'mafia' activities in the studios. Are they the people who are responsible for solving the problems of the people and alleviating the poverty to the extent possible? It is very surprising.

Shri Balasaheb Vikhe Patil expressed his concern over the unorganised labour. I do not know how far it is practicable, but if at all it is practicable then let the employer of the unorganised labour contribute for them. But that should not be the part of the wages of the labourers; rather that should be the amount which he would have otherwise not paid as wages.

**17.00 hrs.**

If at all there should be some contribution to mitigate the sufferings of the unorganised labour, it must be from the employers of the organised labour. The main question is that somehow this discrepancy has to be removed. As far as my territory Goa is concerned, you will be surprised to see that we do not have such problems. Our wages today are not less than Rs. 30 a day. Even if you offer Rs. 30, you will not get labour unless you have well planned your work about seven days in advance. Then alone, you can get labourers to do the work.

Of course, this does not mean that problems of unorganised labour do not as such exist. In several parts of the country, wages are considerably low. It is quite true. But one aspect has to be considered. When Shri Patil's Bill seeks to have this remedy by way of contribution by organised labour to unorganised labour, what does it mean ultimately? Ultimately, we accept our failure in implementing the Minimum Wages Act and because we are not able to implement the law properly, we ask the organised labour to contribute. This is not at all correct. Those who are supposed to pay minimum wages to the labourers should be made to contribute. Let our law to pay minimum wages be implemented strictly. I have hardly seen any

prosecutions in connection with minimum wages. Even when there are prosecutions, one does not know whether they are successful or not or whether they are in favour of the labourers or not. Implementation of Minimum Wages Act is one very important aspect which would help to bring the unorganised labour at par with the organised labour.

At the same time, there are certain side issues which are also equally important. We must try to ensure that the wages earned by the organised or the unorganised labour are well-spent or properly served. Today, in our society several superstitious beliefs prevail. The labourers, organised or unorganised, spend a lot of money on superstitious things. For example, if they are told to do some *pooja*, which has nothing to do with religion, they would spend Rs. 500 or even Rs. 2000 on that *pooja*. Sometimes they go to the extent of even taking loans and spend the money on such superstitious beliefs. Even when they suffer from some illness, they do not go to the doctors. Instead, they resort to some *jadu-tona* and spend a lot of money unnecessarily. This way, their income gets reduced indirectly. Here also we have to do something to create awareness among the illiterate labourers so that the money earned by them is saved or spent properly. In this connection, we have to do something concrete in the field of adult education. I say this because merely by paying them money, we will not be able to elevate their standard of living. It is money coupled with a dose of education which is going to achieve the welfare of our labourers ultimately.

We do have adult literacy programmes in our villages. But it is often seen that these programmes are very far from satisfactory. The officers or the employees who are in charge of these programmes draw some statistics and show to the authorities that they have achieved the targets. But the fact is that they do not achieve any targets whatsoever. Neither do they spread literacy amongst the labourers. In fact, literacy programmes should not only involve day to day academic courses, but the labourers must

also be told about the labour laws in the country. It is not difficult to explain labour laws to the labourers. They are not so complicated. In simple words, the labour laws can be explained to them as to what are their rights; what wages should be given to the different kinds of labourers; what wages are they entitled to have; and what course is open to them in case the wages are not paid to them. If these things are explained to them by way of literacy programmes then I think we will achieve the results. These days it is being said that agricultural and other labourers are getting themselves organised. May be they would have found some leader like Shri Tikait ! But they are not really interested in the welfare of the labourers. Recently the labourers had brought to Delhi their leader for solving their problems, rather I think to have a confrontation with the Government by showing the strength of Tikait. This is the attitude of the newly born leaders of the labourers. These are not the type of organised labourers which one can conceive of. There is no doubt that they must get themselves organised for the purpose of demanding their rights. They are entitled to have an association as per the Constitution as everyone has. But if somebody by just dragging them out from their fields and then bringing them to the Capital just to show the strength is not going to achieve anything.

Another aspect which is linked with the welfare of the labourers is the land reforms. In our country although the aspect of land reforms had been included in the 20 point programme of the Government yet we have seen that Government somehow feels that if cases are pending in courts with respect to land reforms, they are helpless. Until the courts decide about the cases, they will not be able to do anything. This is a wrong approach in my humble opinion. First of all if cases are pending for quite a long time, the State Governments in their High Courts and the Central Government in the Supreme Court can through their Attorneys or lawyers ask the courts to expedite the matter. So priority should be given to such cases. We have seen cases pertaining to industrialists or other high class people are getting expe-

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dited. They are also given some interim relief. On the other hand the cases pertaining to land reforms which are pending for years together—I have been pleading with the Central Government here also the Central Government should, through their attorney, make a list of all the cases and tell the courts that these are the matters which should be decided by courts within a month or so, so that relief is obtained.

Secondly, if the Government feels that nothing can be done urgently, then kindly see as to what are the flaws in the Bill and if there are any, correct them and implement them, rather than waiting for long years.

So far as land reform is concerned, I think the Government has to play an important role. By doing so, the potential regarding employment can also be increased.

Lastly, I would like to submit that although the object of my colleague Shri Patilji is very laudable, I think the Government has to apply its mind to it. Principles have been stated. Members have expressed their concern that unorganised labourers have to be looked after and they must get their due. This message has gone to the Government and now the Government has to see as to how far these objectives can be achieved.

MR. CHAIRMAN: Shall we extend the time by one hour?

SOME HON. MEMBERS: Yes.

MR. CHAIRMAN: Now, Mr. Piyus Tiraky.

SHRI PIYUSH TIRAKY (Alipurduars): This Bill, moved by my good friend, Mr. Balasaheb Vikhe Patil is praiseworthy. He has tried to provide for some good things for the unorganized labour. He has tried his best to bring forth his ideas on how to bring the unorganized labour, which is a big force, within the mainstream of the Indian public in general.

This is the duty of the Government, much more of the Union Government, because in Free India, we have already stated in the Fundamental Rights that every one will have equal rights in all spheres of life and activities. So, the present position is a challenge to the Fundamental Rights themselves. How are we dealing with this problem? What can be the difficulty before the Government if it really wills to organize the people? We have organized our administrative set-up: we have villages, we have blocks, sub-divisions and districts. What difficulty is the Government facing in organizing these unorganized labourers? If Government sends a circular to the block level administrative authorities, the latter can easily inform how many unorganized labourers, agricultural labourers or other workers are there—who are landless and who are looking for jobs. You can immediately, within a month, get the figures from all over India, if every block works out how many surplus labourers are there in its area. Only then can Government come forward with a comprehensive Bill on how to get these people employed somewhere, and enable them to live as human beings.

In Free India, the policy of the Government has not been clear. I feel that the policy of the Government is the survival of the fittest. Our administration, whether at the block, sub-divisional, district, State or all—India level is protecting the affluent people, big people in the block and village levels also. What is the Police doing? It is protecting the interests of the big zamindars and the affluent persons. Nobody is listening to the poor, not to speak of the landless or unorganized labour. This is going on. If government is serious, it is not difficult for it to give them jobs and organize them. We have a number of development works at the block level also. If a certain block has got, say, 100 or 200 workers who have got no work or land or certainty of employment, can we not do something about it? If any block has a surplus labour force, it can put them to work in another block where there is shortage of labour. Thereby, you can remove this menace of unemployment from India, about

which we should be ashamed. Our living standards are very low. We are among the poorest nations in the world. If this situation continues, and nobody from the Central Government comes up with a comprehensive legislation, then the present situation will continue to be there even after 100 years. So, in the policy of the Government itself, protection should be given to the poor.

Not for the affluent like what is going on just now. We are protecting the industrialists, the moneyed people, the shopkeepers, the black marketeers and also the contractors.

Where our administrative people working? Can you ask them how many people of this block or that block have been without food for months together, for weeks together? They are moving here and there without any work. When do these people count for us?

These people count only when elections come; when elections come, we make so many promises to them; we distribute sarees, rice and so many other things among them; we also make promises that we will open more schools for their children and get jobs for them. We try to please them, so that they should cast their votes in our favour. We speak so many things in the Parliament for their development. If the Government is not sincere in helping them, then it is impossible for us to get along with these people.

Now I will speak about their illiteracy and how to absorb them. We have figures also. The Minister of Human Resource Development should have come, because it is related to him; it is not directly related to the Labour Minister. They are the people responsible for this. What is human power? We have neglected this human power. We are thinking about some big industrialists. We also think where to get money from, or where to get land, and for whom. The number of unorganised people, unemployed people, even the educated unemployed people, is increasing day by day. It is about

30 crore, which is mentioned in the Employment Exchange Register itself. We are only just touching the fringe; we are not doing anything to solve that problem. But this menace of unemployment is growing in India. The Government is not sincere about it. The ruling-party thinks about them just before the election and provides them some sort of relief so that they cast their votes in their favour and the elected representatives speak for their development in the Parliament. They just do it only before the elections; they do not want to go in this direction in a systematic way so that their problems can be solved permanently. So, this policy should be changed and a comprehensive Bill should be brought forward.

All Indians, who are born in India, have equal rights to live as human beings, and not as beggars. They should see that a majority of them live as human beings and not as beggars. All the people who live in Jhuggies-Jhompris are to work as domestic servants and do other jobs; and they carry a number of diseases. When these people work as domestic servants in the houses of the affluent people, they carry a number of diseases with the result that the affluent people are also affected by them. So, if that section of the people is not safe, not properly treated, not properly clothed, and not given proper education, then the condition of the affluent people will also go down; and the number of diseases will also go on increasing day by day. So, if India is to prosper, these people have to be looked after as human beings; not only that, their education, their housing problem, their food, everything has to be looked after properly.

I have seen it in Delhi. Before election, all the colonies where these people live get all the facilities temporarily. Since you have come here in the Parliament, because they have voted you to power, is it not your duty to see that they also enjoy equal rights and live like human beings? All these people must be free, and they should feel as free Indians. They should get all chances, equal chances along with all others and their children should also be given opportunity to

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come to occupy offices like a general manager and other offices also. They should be able to manage. They have got all sorts of knowledge. But they are not getting the opportunities.

I come to schooling. Those who have got money only get the schooling. In Delhi you can see the experience. People are coming to Members for recommendations to get their children admitted to English medium schools or Central Schools. But what do the general people get? No education at all! The majority of people have no education at all. This is the policy of the Government which is being followed now. So, this policy is totally faulty and it is based on wrong notions. All human beings in India should have equal rights and equal opportunities. I request the Union Government to ensure that all people get equal opportunities. You are perhaps looking after the districts, the entire India. We are speaking here as Members and the Government has to go to do its duty. Just now the Minister will be forced to say that because unrest is there all over India in the tribal belt, amongst the Scheduled Castes and Tribes and in many other people have started thinking or asking what independence exactly means.

We have read in history that four Ashrams were there and some sections of the people should remain slaves to serve others. This exactly is the problem and the policy pursued by the Government must change.

We need literacy. How to absorb those people? I am coming back to it. In every block you find them. You can count the number of children in the primary schools, or how many are needed to man a primary school. You can employ a number of people there also. About health care also, you can see how many men and women are needed for health care. You can have a programme to absorb them for health care. Roads, bridges, canals, and many sorts of works are there which are needed. What is the scheme

in the Five Year Plans? Why are we getting Thekedars from outside? Why do we not get these people for the same work which they are doing in their States or blocks? But they should also do the work in other blocks and areas also.

It can be estimated as to how much food is required for every block, how much clothing is required for every block, how much milk is required for every block, and how much of cereals are needed for the block. Can you not manage and have a scheme to get all the things which are needed in the block itself?

You are storing things in the godowns. The Food Corporation of India has got foodgrains in their godowns, floods and droughts are coming every now and then. And what is happening? Quite a good percentage of the stored foodgrains are either spoiled or stolen. The menace of middlemen also is always there everywhere. So, if you are sincere you should do something about it.

Sir, the Prime Minister has rightly said that the schemes should come from the block level. What are the schemes? I have just mentioned that these should be the schemes. The schemes of the Blocks must be procured there; they must produce these themselves, if possible. If this is done, then I am sure that all the Blocks within a year will come up and they can solve the problem. We cannot save it from Delhi. But you should have the intention for doing that. The interest of the poor labourers, lower class, unemployed men and women, unorganised labour and agricultural labourers should be protected by your administration. Why don't you ask the Block level Officers to register the names of those who are unemployed agricultural labourers? You ask them to register the names. You ask all the people who are in the forefront of any project to get the labour from there and inform them that these are the terms and conditions. So, if the Government is sincere, it is not difficult for the Government, to do it.

Sir, I once again warn this Government, don't try to have vote catching slogans. You have organised Nehru Centenary Run all over India. Why can't you organise these unorganised poor labourers who have equal right to live as Indians? When you can organise India Festival with pomp and show, why can't you organise these things? So, it is not difficult for the Government to do it if the Government is sincere. (Interruptions)

[*Translation*]

THE MINISTER OF LABOUR (SHRI BINDESHWARI DUBEY): It seems that you do not know the difference between the two. You are not aware of the magnitude of the problem.

[*English*]

SHRI PIYUSH TIRAKY: You have got a capacity to organise these things. That is why I am praising you. Why don't you show your capacity in organising these things? That is my question.

Sir, the Government do not like to organise these people. These poor people also should enjoy the freedom. all the big people, *Thekedars*, industrialists and *kala bazaris* are enjoying the freedom in India when those who have built India are suffering daily.

Sir, the Government should think over it seriously. I hope, the Labour Minister who has come from Bihar where exploitation is going on very much, will think over it and bring a comprehensive Bill so that these people also enjoy the freedom, which we have got in 1947.

[*Translation*]

SHRI K.D. SULTANPURI (Simla): Mr. Chairman, Sir, I congratulate Shri Bala-sahel vikhre Patil for introducing the Unorganised Labour Bill which provided opportunity to express views on it. The names of the unemployed people have been registered in Employment Exchanges all over India. their

number is quite high. These unorganised labours lead a life of unemployment at very place. In this regard, I would like to submit that the hon. Member has made a good proposal through which a policy for the welfare of the unorganised labourers may be formulated by requesting the State Governments and the Central Government to collect funds for this. I would also like to suggest that our Government should encourage afforestation. In this regard, I feel that the unemployed youths should be recruited on the lines of army recruitment. They should be recruited from the panchayat level to the State level. The funds allocated to the State Governments for afforestation should be spent properly so that these unemployed youths may get jobs and green revolution may also come in the field of forests. The Central Government should consider this because afforestation should be introduced at places where forests have been denuded. The number of unemployed women, especially in the villages, is quite high. They work for cattle for the whole day but do not get adequate wages for their labour. The scarcity of land has also been mentioned here. During her tenure as our Hon. Prime Minister, Shrimati Indira Gandhi had formulated 20 point programme which consisted of a point to make the poor as the owners of land. With the help of that, a number of poor people received land but at many places, people got 'pattas' of land but not its actual possession in time. a number of people are still landless and work on the land of others. The Government has not taken any step for them. If the Government wants to take steps for the progress of the poor, it should introduce a legislation to take the land from the rich capitalists who are also in Government service, and distribute it among the poor who work on that land and do not even get adequate wages for their labour. The hon. Members of Opposition move that this is an election stunt and whenever we say something to this regard, they submit that this has been done viewing the forthcoming elections. It is not so. It is the Congress Party which has made efforts to uplift the poor and give the rights of villagers to them. There are parties which claim that they have exempted



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the people from debts. It has happened in some of the States, the Government has exempted those who do not want to repay the loan. In my opinion, this is a crime. The people who are on the verge of starvation have not been given any relief. The rich landlords, who exploit the poor, have been exempted from repayment of loans. In reply to a question, the hon. Minister of Finance stated today that transactions of the big business houses in India with the Banks are not proper. Why don't you provide facilities to the poor, who always maintain their transactions with the Banks properly. Those who live below the poverty line will never be dishonest and they will repay them amount of the loan outstanding against them. Efforts should be made to solve the problem of unorganised labourers. They should be provided jobs at Panchayat level. As Shri Patil said, to live their life properly they should deposit some money. The situation of bonded labourers in our country is very bad. A large number of unorganised labourers from Bihar and Orissa come to our state and they are paid very low wages. Firstly with a view to ascertain the number of the people, it becomes the duty of the State Governments to register those people who migrate to other States for seeking jobs there. Secondly, a large number of our labourers migrate to other countries like Dubai etc. where they are exploited. The Government of India should bring a Bill to stop this exploitation of Indian labourers in the country and outside. They can be provided employment in public undertakings and other industries. But opposition parties instigate them for taking recourse to agitations and let them work. Production suffers a setback and the labourers go jobless. After that, these people feel that the number of unemployed in the country is rising and that the Government is doing nothing in this regard. I fail to understand as to why these people want to take the labourers on a wrong path and want the production of the country to hamper. I have seen many factories where the labourers are exploited by owners and by the people of opposition parties. They

are asked 'simply' to donate money and nothing is done for them. The hon. M.Ps. from Maharashtra are sitting here. They might be knowing as to how the labourers are exploited in Maharashtra by the industrialists. I would like to submit that in the country only the Congress Party has made efforts to improve the condition of the labourers. During the Bombay session, the Congress Party took many decisions in favour of the labourers. It was decided to employ them in sick units so that they may have some relief. They were unemployed for the last four years. Today also poor people are being exploited by many industrialists in the country. Our Government has always helped the poor and in future it will continue to do so. I would like to suggest the Government through you that the retirement age in Government jobs should be decreased to 55 years from 58 years as has been done in the case of voting age which has been reduced from 21 to 18 years. No one should be given extension on any grounds beyond 55 years. Now-a-days extension is given even after 58 years. This will help us in solving the problem of unemployment as there will be more vacancies and we can recruit people for those posts. A wrong feeling is growing among the people. The government employees organise themselves by forming unions and create problems for the Government. Instead of doing her duties, they waste their time in other things. We have given them two holidays in a week, Saturday and Sunday. But it does not in any way benefit the farmer or the poor in the villages. They do not get cash assistance in time. But the Government employee gets his full salary even though he is sitting at home or he is on leave. It may be any Government, they start shouting slogans against it and then Members of opposition party say that the poor people are being exploited. I would urge the Government to decrease the retirement age to 55 years so that the village youths may get a job and an opportunity to come to the cities.

A village boy can never get more than third division marks even after his best efforts because he does not get all the facilities to fetch good marks. As Shri Patil said, a

person can give education to his children if he has some money. Today village students are not getting more than third division marks. They can not succeed when they have to face tough competition with other boys. Even in the case first divisioners, the one who gets the highest marks is selected for the job. They do not get employment in the Bank. They are not taken as peons or as casual labourers. There is no job available to the villagers. People living in hilly areas are facing even more worse a situation. There are no arrangements for marketing of their produce they are cheated by the middlemen who are sitting in the Azad Market, and who do not let them have the remunerative price of their crops. There is no auction in the morning. In the evening, these brokers fix the rate among them-selves. This situation is faced by all of us living in hilly areas of Garhwal, of Himachal Pradesh of Jammu-Kashmir. These brokers are exploiting us. I would request the Government to take some steps to check this exploitation.

Mr. chairman, Sir, there is some Government undertaking or industry in every State. But Himachal Pradesh has been deprived of this facility. A few days ago, a railway coach manufacturing factory has been sanctioned to set up in Punjab. But nothing has been done in my State. I demand from the Government to set up an ordinance factory at Solan district in Himachal Pradesh, survey for that has already been conducted. There are about 11 factories in U.P. I, therefore, request that the hilly areas should be paid special attention. Acute poverty is prevailing there. There is not much scope for farming also. Production of foodgrains is not adequate to what is needed. The people of the state get some money and thus strengthen then their economic condition from the production of apples and stone fruits.

Mr. Chairman, Sir, land should be given to the landless labourers so that they may have a feeling that they belong to this Nation. Land was distributed in my State and in other States as well when Shrimati Indira Gandhi, was the Prime Minister of the country. The

States should be instructed to provide the actual possession of the land, the Patta for which was given by the Government.

I would like to say that there should be more expansion to industrialization and such people should be absorbed there who are committed to strengthen the economic condition of the country. I.T. I.s. should be set up where such institutions do not exist. The I.T.I.s. trained boy should be absorbed in jobs. In I.T.I.s. boys should be imparted training which is needed in the industries to be set in the area. A programme should be evolved in this country wherein all the I.T.I. trained boys may be employed. The 20 point programme has long process. While addressing a rally of farmers, Hon. Prime Minister has stated that the farmer gets rupees one when we release Rs. 6.00 from here, and Rs. 5.00 are pocketed by the people in middle of the process. He said that the people in villages get the actual amount. For this, we should strengthen the Panchayat system. It is in the interest of the country to provide more powers to panchayats because unemployment in villages can only be removed through them. Besides, both the organised as well as unorganised labourers should get benefit from it.

There programmes should be implemented in such a way that the panchayats may get funds. The State Government should also pay special attention and see that the funds should be given to panchayats only and those people should get employment through panchayats.

As regards the education, the poor children get education in ordinary schools and rich children study in costly schools but the common people are not being benefited by this education policy. Our Hon. Prime Minister has made arrangements for opening Navodayas Schools in every district and of course some people have been benefited but there also admissions are given on approach basis. A proper monitoring of this should be done to know the actual number of the children of unorganised labour studying in these schools. In this regard the Govern-

[Sh. K.D. Sultanpur]

ment will have to take steps to streamline the procedure so that people may utilise this opportunity.

Free education should be imparted to the poor and it should be ensured that teachers are there. At present teachers do not go to the schools meant for poor children. No doubt, the Government have formulated programmes to educate the poor but they should ensure that all the men and women who are illiterate should get education, they should know their rights because at present a lot of money is being wasted. We should look into this matter. Although this matter is not covered under this legislation but it has been stated in clause 4 of this Bill that the unorganised labour should also be charged and it is not wrong. They should be charged. In act persons belonging to legal profession interpret the law, as it suits them. They advocate their cause.

It would be better if the contributions made by unorganised labourers are credited to this fund as a result of which their capital will grow and the poor people would derive benefit otherwise amount would be pocketed by the persons belonging to the opposition.

I congratulate Mr. Vikhe Patil for moving a good Bill and I fully support this Bill. He has mentioned Mr. Dubey as an experienced leader and who has been associated with labour problems and has devoted his entire energy and vigour for the welfare of labourers. Therefore if there are some drawbacks in this Bill, the Government should introduce a comprehensive Bill and make such provisions to punish those people who incite the labourers without any justification and put hindrances in the way of production and harm the country.

The leaders who make false promises to the labourers by giving them assurances that their salaries would be increased but nothing is done. On the contrary, the money is pocketed by them. At present Mr. Datta

Samant is not here in the House but his friends are very well aware of his activities. So our Government should take decision about such people who create misunderstanding and spoil the peaceful atmosphere. The people should be provided with relief as advocated by Shri Patil. I congratulate him for moving this Bill and hope that the the hon. Minister will pay attention to it and will take necessary action to implement the provisions envisaged in the Bill.

SHRI MANOJ PANDEY (Bettiah): Mr. Chairman, Sir, it is a matter of great pleasure that Mr. Patil has moved a very nice proposal regarding the creation of a welfare fund for unorganised labour. The spirit behind this proposal is more nice than the proposal itself. Through this Motion Shri Patil has made a good beginning. I would like to give some suggestions in respect of unorganised labour of rural areas.

Sir, even now the farmer is the biggest employers in rural areas. In so far as the question of unorganised labourers is concerned, census of farmers who employ unorganised labourers is carried out after every ten years so as to ascertain the number of farmers and agricultural labourers and total population of a particular village. A sum of millions and billions is spent on this account. No registration is made as to what is the number of farmer families living in panchayats of a block. If such a record is maintained in every block office, it will make the task earlier. It will also not involve much expenditure. On the pattern of death and birth registration, a record should be maintained which should include number of farmer families, their names and areas of land under their possession etc., it will prove beneficial. As it is, details of land are kept in the block office, but no record is available with regard to the benami land.

Besides, it would be more useful if information about production in a particular land is also made available as some land gives two crops and some give three crops in a year. Good crops are taken from the land where irrigation facilities are available.

Therefore it would be better if land is categorised on the basis of irrigational facilities available. After collecting all the information, number of unorganised labourers working on the farms may be worked out. After this it will make our job easier in finding out all the names. I would like to quote an example. Paddy and wheat are the two crops which are grown all over the country. Wheat and paddy crops are good where irrigation facilities are available.

As I belong to farmer's I have a good knowledge of all these things. In villages, everyone knows as to whose family works on whose farms. Similarly it is almost certain as to which families grow wheat and which families grow paddy. So if we calculate the monthly income of a labourer's family that they receive from the farmer, with whose land they are attached to, we can have an idea of income of a labourer family in a particular village. Unless we have prior information of all those points, we cannot know the condition of farmers and labourers in the villages. So this method is required to be adopted. Of course, it is a time consuming process but it will provide a clear picture as to the kind of a labourer employed by a particular farmer and monthly income thereof. This is the information which we can get. So in this manner we can calculate the income of unorganised labourers. I support the idea of formation of a welfare fund, but on the basis of my experience I tell you that whenever such welfare funds have been created, a lot of irregularities have been committed. I have seen the condition of beedi workers and contract labourers. Our idea to create welfare fund is to help these unorganised labourers. We shall be able to assess the quantum of amount to be given to the families of unorganised labourers only after knowing their monthly income. At present we know this much that the population of rural labour is either 30 crores or 28 crores or 32 crores. We never tried for individualisation and if we want to make an organisation, it requires the real number of labourer families in a particular village. It will not be clear from census. The census only indicates the number as it is given in the booklet of labour

that rural labour increased to 32 crores according to the 1980-81 census and the number of farmers reduced to 40 crores from 58 crore. There is no need of number but there is dire need of individualisation than number and it can be possible only when in every block the registration of farmer family is done and this registration should be considered as the most important thing. Our hon. Minister is a very senior labour leader and has been Chief Minister of Bihar, is fully aware of all these things and he is very expert in this field. Today we say that we are Indians but we have no proof of our being Indian. This point has also been discussed that foreigners from Bangladesh etc. come to dwell in Purnia and the Indians also tell them as their relatives. Thus according to this system, there are ten members in a family but the name of 50 members have been included in the Voters' list. If the registration of such foreigners is also recorded, we can tell the real figure of population in India. At present we can say that the population in India is either 72 crores, 80 crores or 90 crores. We can easily tell 5 crore more or 5 crore less. Today the defect lies in planning due to the wrong census. According to the census of 1980-81 the population of India is 72 crore and planning is also made on that basis while the rural population is 78 crore. Thus the planning process which is made once a year is not made on the basis of real number of population. In this manner, we may improve our economy but it will be of no use if we do not know the actual number of rapidly increasing population and the figure of census is of little importance.

[English]

MR. CHAIRMAN: You may continue your speech latter. The House stands adjourned to reassemble on Monday, the 13th March, 1989 at 11 AM.

18.00 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Monday, March 13, 1989 / Phalguna 22, 1910 (Saka).*