

In the second search, the police are alleged to have recovered two packets containing a substance like "charas".

[Translation]

These are the facts. In addition, Mr. Chairman, Sir, I have with me the newspaper *The Patriot* of 31 July 1983 which is a popular newspaper of India. In this paper also a report about this company has been published. If I get time, I would like to submit all those facts before the House, which I have obtained in answer to questions. It becomes clear from these that the company has violated the M.R.T.P. Act, the Companies Act and the Finance Act.

Mr. Chairman, Sir, in reply to the Question No. 1076 of 2 August, 1983, it was stated that the allegations regarding concealing of production and sale by the I.T.C.L. would be enquired into, but till today no enquiry has been made. I am stating before you the factual position. Similarly, they have their bogus agencies. It was stated that this too would be looked into but that enquiry has also not been completed. I am quoting these facts from the replies to my questions. These are the facts. [Interruptions]...Similarly, in reply to Question No. 1190 dated 8 May, 1984 it was admitted that Vazir Sultan of I.T.C.L. had manufactured between 1 December, 1983 to 30 April, 1984 72 crore pockets of cigarettes without printing the prices on them. No investigation has been made in this regard also, whereas an assurance had been given about conducting investigation in this regard as well. I am laying all these facts on the table of the House. You may go through them.

Subsequently, according to Question No. 1190 one unit of I.T.C.L. sold cigarettes worth Rs. 56.63 crores between 1 January, 1984 and 30 April, 1984 [Interruptions]...If you do not give me time, how shall I be able to tell you that I had delivered my speech on the basis of facts?

I have said all these things based on facts. This company is flouting all the rules. Therefore, in the interest of the country, it is necessary that it should be taken over. Till you take it over, a committee of the Hon. Members should be constituted which

should enquire into how the big industrialists of such a large company are earning money and becoming capitalists and its dividend is being sent to foreign countries whose excise Duty, Income Tax and Sales Tax are being evaded. Strict action should be taken against it. For this purpose, a Committee of the Hon. Members should be constituted.

With these words, I am laying all the facts on the Table of the House* and request for leave to withdraw the Bill, but with this definite demand that in the interest of the nation, an enquiry Committee should be constituted so that the activities of the company may be looked into.

[English]

MR. CHAIRMAN : The question is :

"That leave be granted to withdraw the Bill to provide for the taking over of the management of the undertaking of the Indian Tobacco Company Limited for a limited period in order to secure the proper management of the same."

The motion was adopted.

SHRI RAM BHAGAT PASWAN : Sir, I withdraw the Bill.

MR. CHAIRMAN : Now we go to item No. 15 of the agenda. Prof. Narain Chand Parashar....He is not present in the House.

We go to item No. 16. Shri Saifuddin Chowdhury....He is also not here.

Item No. 17. Shrimati Bibha Ghosh Goswami.

16.57 hrs.

WORKING WOMEN WELFARE BILL

[Engilsh]

SHRIMATI BIBHA GHOSH GOSWAMI (Nabadwip) : Sir, I beg to move :

* As the Speaker subsequently did not accord the necessary permission, the papers were not treated as laid on the Table.

"That the Bill to provide for the welfare of women employed in various industries and establishments, be taken into consideration."

Sir, I will be speaking in my mother-tongue, Bengali.

[Translation]

*I am very glad that we are getting an opportunity to discuss this Bill today. This happens to be the last-year of the womens' decade. It would have been better if this Bill was pre-scheduled to be discussed today and all the Hon. Members of this House knew about it. As it happens many Members especially the lady M.Ps had no idea that this Bill will be discussed today. Had they known about it, they certainly would have been present in the House in much larger numbers and would have participated in this discussion. This bill has come up for discussion today quite unexpectedly as the two Hon. Members who were to pilot two other earlier Bills are not present in the House by chance. It would have been very good if all the Hon. Lady Members were present and could place their views on this Bill before this august House. However, I hope that on the next occasion many more lady Members will be present and will participate in the discussion.

Sir, we all know that the women of our country are to a great extent deprived of the benefits envisaged for them in our Constitution. Most women are living as Second Class citizens, and they are victims of exploitation in some form or other. The number of women who work i.e. who get any opportunity to work, is very insignificant compared to men.

In the latest census of 1981 it has been stated that out of 66.3 million working women, 45.9 million are 'mainworkers' i.e. who are employed for the major part of a year, and 20.3 million have been identified as 'marginal workers' i.e. who work occasionally in a year. In the Census of 1981 the concept of the term 'worker' has been enlarged *vis-a-vis* the 1971 Census. In the 1971 census it was stated that 52.5 of the

able-bodied men population actually work whereas only 13.8% of the able bodied women were found to be working. This was contained in the 1971 census report.

Then in the 1981 census, the definition of the term 'worker' was enlarged and liberalised. Those were also counted as 'workers' who have worked for some time or other in a year thereby an effort was made to project the impression that the number of women workers have gone up. But inspite of this liberalised definition it was seen that the number of women workers did not raise beyond 21% and the number of women 'mainworkers' is only 45.9 million. We can study the position in another way also. In 1951 the number of men and women workers was in the ratio of 1000 : 525 i.e. for every 1000 men workers, the number of women workers was 525.

In 1971 the ration came down to 210 women workers for every 1000 men workers. In 1981 due to the liberalised definition, the ratio should slightly improve but still the number of women workers remain far less than the men workers.

The welfare facilities which are at present being made available to the working women are wholly inadequate and unsatisfactory. In various factories and establishments, where they work, more attention has been paid to items like cleanliness, ventilation, first aid, canteen etc. But not much attention has been paid towards labour welfare. The exiting laws do not provide for proper medical, educational, recreational facilities for the working women and their children.

The enactments mostly entrust the responsibility for providing these facilities on the employers. But the employers mostly deceive the workers and do not provide the required benefits to the working women, the working mothers, the pregnant workers and the children of the women workers. Therefore we feel that some such system must be devised whereby the burden and responsibility for providing reasonable working conditions and other welfare facilities to the women workers and their children must fall on the Government that is the purpose of introducing this Bill.

*The speech was originally delivered in Bengali

consists of three parts. In the first part a provision has been made for the setting up of a Working Women Welfare Fund. In this Fund the Government shall contribute an amount equal to 10% of the pay of the women workers. The employer shall contribute another 10% of such pay to the Fund. The women workers will not have to contribute anything to this Fund themselves. This provision regarding constitution of the Fund has been made in this Bill.

In the next part it has been provided how this fund is to be utilised. The very first item for application of the fund is 'to ensure the right to work for the women employees in any industry or establishment.' It has been our experience that at many places the employers appoint men workers even where women can be suitably appointed. The other day there was a discussion in this very house about women's welfare. There Smt. Geeta Mukherjee pointed out how in the Bharat Coking Coal Limited the women workers were being forced to proceed on voluntary retirement and to give in writing that in their place a male member of their family will be appointed. In this way the men are being given employment there in place of the women. The B.C.C.L. is also retrenching a large number of women workers. "As a result of the Babhaja Committee report it is found that in the BCCL about 50,000 women workers will fall surplus. Even in the open hearth mines, women are not being employed and only men are being appointed. Whenever one woman is coming out of employment, she is being replaced by a man. No woman is being appointed in her place. Therefore, there is need for such an enactment whereby a woman only shall be appointed in place of another woman. No man shall be allowed to be appointed there. There is a function in the coal mines called 'shell picking'. This function performed with the hand ensures that no stones mix with the coal that is lifted out of the coal mines. This shell picking job is performed very efficiently by women. But this very function of shell picking is being given up in the mines. This Bill seeks to ensure employment to women at all those places where they can be suitably employed. This Fund shall be utilised for that purpose. Secondly, this fund shall be utilised to ensure to women employees equal wages for equal work. In this connection I have one submission to make. We have seen that in some sectors, where govern-

ment fixes the wage, women get less than men. For example, in the plantations where the Government themselves fix the wages, there too grave injustice is done to the women workers. Women are paid comparatively less wages for the same work as done by men. The Government should rectify this.

Then, it has been provided that this 'Working-Women Welfare Fund' shall be utilised "to ensure steady and definite increase of the women employees in the total work force." I have already stated how the number of women workers are declining over the years even in industries and establishments where they used to be employed traditionally. Take for instance the Jute mills. In all the jute mills the women workers have practically been wiped out where once they used to work in large numbers. We have seen that at all places where the women work, the most tedious, the most back breaking items of work are given to them. They are mostly non-technical and untrained. Therefore, they are given the lowest type of work which carry the least remuneration and require the maximum patience and endurance. The men workers are given the more remunerative works which carry many associated benefits. The women have unfortunately very little opportunity of receiving training and thereby getting better and more remunerative jobs. They are, therefore, employed on the more monotonous, tedious and difficult jobs. In the textile mills of Bombay there were at one time about 25% women workers. In a discussion held in 1983, it was found that the percentage had come down to 5%. Today, in 1985 I doubt that there are even 3% women workers in the Textile mills of Bombay. Then, in the tea plantations, upto 1971 the number of women workers was more than the men workers. In the total work force, the number of women was more than men. But in 1972 it was found that the men workers outnumbered women workers by 25,000. This gap is increasing continuously in favour of men. In tobacco, in Coir, the same situation prevails. In the mines, the number of women is dwindling steadily. In 1951 their number among the mine workers constituted 20%. In 1971 it came down to 12% and even less. In 1973 they numbered 30,000. In 1982 we found that the number of women workers in the mines have fallen to 12000 only. Their number has been falling steadily. It is a matter of regret that even our public sector undertaking viz. the

B.C.C.L. is also resorting to retrenchment of women workers. In our country the women have equal rights with men. Here we want that the women should come forward in larger numbers for more socially responsible productive work. This is what we want. Otherwise there can never be equal rights for women, unless they can be self supporting economically. Till than there cannot be equal rights. We all know that. So long as women are economically dependent on others, there cannot be any rise in their social or economic status. Therefore, we must all strive to ensure that the women may join the work force of our country in larger numbers as 'main workers'. Therefore, I want that through this Bill the proposed fund shall be utilised towards that end. Efforts should be made to suitably amend the existing labour laws to provide adequate benefits to the women workers. Keeping their need in view, provision has also been made in the Bill for providing child-care facilities to the women employees. If proper and adequate child care facilities are not available, than many mothers cannot go for work even if they are willing and have deed for work. The children are a nation's wealth. They must be considered as such and the state should take their responsibility upon itself, and provide all facilities for them. This Bill provides for that also.

A special problem of the women employees is proper accommodation or residential facilities. The women workers in our country and all over the world need some extra residential facilities. The women cannot reside at any and every place. They need some extra facilities. They should be provided with safe accommodation near their place of work and with proper transport facilities. They should be enabled to go to their place of work and come back in safety with enough security. That provision has been made in this Bill. It has been provided that this fund may be utilised for improving the working conditions of the women at their place of work. Now a word about maternity facilities. This will be considered alongwith childcare. Sir, in this last year of the women's decade, the Government of India should come forward and declare that all the new born babies and their mothers, both are our national responsibility and the Government is accepting them as such. For every child and its mother in any part of our country, the Government of India will provide full

maternity facilities such as paid maternity leave. The Government should declare that all the mothers all over the country and the pregnant ones also, be she in the factories or in the fields shall be provided with full maternity and child-care facilities. In this year it is necessary for the Government to make this declaration.

The Bill provides for construction of more hostels for the working women at suitable places near their place of work so that they may live in safety and may be able to join work in larger numbers. Provision has been kept in this Bill for protection of women against health hazards inherent in certain types of work.

Therefore, in this Bill I have provided for the constitution of the Working Women Welfare Fund in the first part and in the second part it has provided as to how this Fund is to be applied or utilised. Towards the end of the Bill, it has been provided how this legislation should be implemented. To enforce or implement this law, I have provided that in every area or in every industry or establishment an Advisory committee should be set up which should have three types of representation. First there should be Government representatives second, there should be the representatives of the employer and third, there should be representatives of the trade union. But here too, I have said that preference should be given to women while selecting these representatives. Beeause if these are female representatives, then they would be able to realise the problems of the women workers more intimately and will be able to consider them more sympathetically. This Law is to be implemented through these advisory committees. This Bill also provides for constitution of a Central Advisory Committee by the Central Government. This Central Advisory Committee should monitor and coordinate the work of the other Area Advisory committees all over the country and the state level committees. The Central Government shall have to appoint many officers to ensure the enforcement and implementation of this legislation all over the country.

New, for implementing this Law effectively, it is very necessary to know correctly and accurately how many women are actually working at a particular establishment. For

that it has been provided in this Bill that a register is to be maintained in each district where in every employer shall enter the number and details of the women workers in his establishment. The district level advisory Committee shall have the right and responsibility of collecting these details from the employers. At the end of each financial year, the District Advisory Committees should submit a report. From this report it will be known what difficulties were faced by the women who are already in employment. What facilities were provided to them during the year etc. The State Government as well as the Central Government shall have the powers to collect all the information regarding the employment of women in various organisations, facilities that have been provided to them and what problems were faced by them etc. All sort of statistics and other information shall have to be provided to the Government in any form they ask for it. The Government shall also have the power to enquire whether this law is being properly implemented or not in any establishment. In the end it has been provided that this enactment will be enforced, even if there are any point agreements or condition entered upon by any employer with any women employee. There may be any unfavourable agreement entered into for getting employment by a poor woman. In our society we know that women do accept jobs under humiliating circumstances for economic reasons. They even sign bonds. This law shall have precedence over all such agreements. If at any place women are in receipt of some additional facilities or benefits not included in this Bill, they will continue to enjoy them in addition to the benefits of this Bill. It has been stated as usual how the Government of India shall issue notification etc. for implementation of this Bill.

17.14 hrs.

[SHRI SHARAD DIGHE *in the chair*]

Sir, this Bill is totally non-controversial. There is nothing to be said against it. I hope that all sections of the House shall extend full support to this Bill and help to pass it unanimously. We are all interested to provide good working conditions to our women and to protect the future of our children. Since it is absolutely non-controversial, I hope for unanimous support to this Bill. There are

some printing mistakes in the Bill at Page 2 line 32-35. On the next occasion I will move an amendment if necessary, incorporating the necessary corrections.

[*English*]

MR. CHAIRMAN : How much time should we allot to this Bill ? I think two hours.

SOME HON. MEMBERS : Yes Sir, minimum two hours.

MR. CHAIRMAN : Now Shri Shantaram Naik.

SHRI SHANTARAM NAIK (Panaji) : Sir, in principle, I very much agree with the objects of this Bill which has been presented by Shrimati Goswami. Basically, I would prefer that all the labour legislations, whatever they be, are included in one Labour Code. Today, at this stage, of course, it is not a directly involved question but I would like to take this opportunity to state—since the Labour Minister is also here that there are piece-meal legislation in this country dealing with various aspects of labour laws. It is very much necessary that these piece-meal legislations should be codified into one labour law including such legislations which deal with women's welfare. For this purpose I state that all the laws dealing with labour problems should be reviewed. As far as this Bill is concerned, there are various objectives laid down in this Bill. While considering this Bill, I would like to suggest that whatever legislation are there today, partly or fully dealing with women labourers should be reviewed in the light of objectives contained in this Bill, and whatever can be done by way of amendment or otherwise to ensure these and other objectives with respect of women, should be reviewed and incorporated in those legislations.

Today is a time that we consider women labourers with more dignity, with more attention. I would even suggest that the labour Ministry and Government of India should ear-mark even certain industries, may be small, cottage or otherwise industries only for women's employment. I will go to such an extent.

There are certain types of jobs which can be better done by women of conveniently be done. Such industries should be exclusively, by statute, be marked for women and there only women employees be employed. I have gone to USSR recently. I do not know whether there is any such law existing there, but in many places, I saw women working exclusively; and this is the time for us to consider this aspect.

Clause 6 reads as follows :

"The Central Government shall constitute for each area, where industries and establishment are situated, Advisory Committees in respect of the area of the city or level, etc."

There is a provision for providing Advisory Committees, consisting preferably of women. Where the provision lies that preferably women be included, I would advise necessarily that women should find a place in such advisory boards. Not only that, authorities mentioned under this Act, wherever legislation is enacted, certain authorities for the purpose of this Act are required. I would suggest that even under this Act those authorities may necessarily be women. Now a question of constitutional provision may arise, but I think when we have got a lot of exemptions made to the fundamental rights in the constitutions and when these exemptions, in the interest of the country in the interest of peace and other conditions, have to be hailed to be good, I think even such provisions or exceptions for the purpose of uplifting the women of this country, the Supreme Court and the High Courts of India will certainly consider and they may not attack any article of this legislation or any other legislation which seeks to protect the women in this land.

Article 11 reads as follows :

"The appropriate Government may require an employee, who employs women in his industry or establishment, to furnish, for the purposes of this Act, such statistical and other information, in such form and within such period, as may be prescribed."

I find that there is no penal provision for failure to enforce the law. Normally, when-

ever there is any legislation, it has also to be ensured that it is enforced and for that purpose, there must be some penal provision, so that in case an employer fails to comply with any of the provisions of that legislation, some action can be taken.

Another aspect which I want to mention is with respect to the trade union activities of women. Here there is a provision with respect to giving facilities as far as trade union activities of women are concerned. I would say that in this Act, or for that matter in any legislation, there must be a provision for providing for the trade union activities of women exclusively in the sense that if the trade union act provides for certain requirements, for the purpose of forming a trade union, then some concession should be given as far as women are concerned, to form a trade union. Then as far as the number is concerned, and the other aspects are concerned, some concession should be given to women's trade unions, that is even if they are smaller in number they should be recognised. And that is the way we can see to it that their voice is heard.

Lastly, although in principle I agree with the provisions contained in this Bill, I would request that the Government itself should take over this matter. The Government can assure the Hon. Member that they would consider bringing in such a legislation by some other Act independently and request the Hon. Member to withdraw the Bill so that they could come forward with a comprehensive legislation meeting the requirements mentioned in this Bill.

Therefore, on their behalf I request the Hon. Member to withdraw the Bill so that the Government can bring forward a comprehensive legislation on the matter.

MR. CHAIRMAN : Shri Harish Rawat.

[Translation]

SHRI HARISH RAWAT (Almora) : Mr Chairman, Sir, the Constitution provides for equal rights to men and women of our country but till the women are given economic independence and are made economically self-dependent, mere enacting of laws or making provisions in the constitution is not going to

help. The Mover of the Bill has tried to draw the attention of the House towards some of these issues through this Bill.

One thing is about service conditions. Where women are working in the Government Departments, Government should arrange for their residential accommodation near their places of work. In private concerns also where women are working, hostels should be constructed for them. More and more working women's hostels should be constructed. The day before yesterday, when discussion was going on, the Minister of Social Welfare had stated that 350 working women's hostels would be constructed all over the country, I feel this number is quite inadequate. The way, a large number of women are coming forward to join service to become economically self-dependent, Government should also come forward in a big way to provide facilities to them. There is need to bring forward separate legislations for different subjects. There is need to pay special attention to the women working in agricultural fields or other unorganised sectors. The problems of the workers of the organised sectors can be raised but there is no forum to raise the problems of the unorganised sector. I would like to refer to the plight of the 'bidi' workers. I happened to see them working in Andhra Pradesh and Karnataka. There, mostly women are engaged in 'bidi' manufacturing and their service conditions are so miserable that anybody will be moved to see them working in such conditions. In the area of the Hon. Minister also there are a large number of women bidi workers. I think 60 per cent of this work is done there by women and he is well aware of their problems and service conditions. Law is there in this regard but it is inadequate. It is not binding on the employer and if he does not accept the provisions of the law, there is no effective provision to punish him and compel him to implement the law. Shri Shanta Ram has said a very significant thing. There should be certain services which should be reserved exclusively for women. The majority of the workers in some services should be of women, as is the case in the USSR or other socialist countries. There, in hotels, airlines and banks, mostly women have been employed. Even if we do not want to make this provision statutorily, at least a convention of this type can be established in the Government concerns and

the officers can be directed to recruit mostly women so that more and more of them may be provided with jobs. This will inculcate a feeling of self-dependence in them. In the field of industry also, women can be quite effective. In industries and in the field of publicity, women are coming forward in good number but in the field of manufacture, their number is less, and in spite of that they have done a good job. I would like to urge the Hon. Minister that women should be encouraged by the Khadi and Village Industries Commission to set up industries in the villages. This will not only improve the economic condition of the rural areas, but the people there will also be able to earn their livelihood. In all the agro-based industries, where consumer items can be produced, women should be encouraged more and more. Presently men and women are paid equal wages. Ours is a male-dominated society. In a male-dominated society, if you give equal opportunities to men and women and ask them to compete without any special protection to women, I do not think women can do well. In the matter of loans and other facilities also, banks and other Government institutions should adopt a liberal attitude towards women. I would submit that there is nothing in the Bill which will commend the Bill for our acceptance. Its provisions are self-contradictory. It has been said that women should form separate trade unions. Your Party has diverse views on this aspect. There are many trade unions which are dominated by your Party. You can bring forward women in those unions. In the unions controlled by us, we can bring women to the forefront. But this object cannot be achieved by enacting laws. It cannot be that only women should be made the presidents of the unions. I think these things may appear to be attractive but there can be practical difficulties before the Hon. Minister. Keeping in view the practical difficulties of the Hon. Minister, although I support, the spirit behind the Bill, yet I feel the object of the Bill brought forward by the Hon. lady Member cannot be achieved by this Bill.

[English]

MR. CHAIRMAN : Shri A.K. Sen desires to make a statement.