

[Shri Raj Kumar Rai]

following suggestions should kindly be considered :

1. Thread, colouring agents; dyes and other material used by weavers should be made available at mill rates;
2. Ration cards should be issued to weavers and these materials should be distributed through them;
3. Weavers should be given interest-free loans and it should be seen that under the Plan this loan is given to the actual weavers only;
4. The finished goods of the weavers should be purchased by Government agencies against cash payments;
5. The supply against foreign orders for handloom cloth should be made through the co-operative society of weavers and the money lenders and middlemen should be kept away; and
6. Powerloom industry should be saved from the new Textile Policy.

14.30 hrs.

EQUAL REMUNERATION (AMENDMENT) BILL—Contd.

[English]

MR. CHAIRMAN : We will take up further consideration of the Equal Remuneration (Amendment) Bill. Shrimati Vyjanthimala Bali.

SHRI KALI PRASAD PANDEY (Gopalganj) : I am on a point of order.

[Translation]

Sir, I had been called and asked to speak next time.

[English]

MR. CHAIRMAN ; I will call you. But the record shows that no member's speech was left incomplete. I will call you, later.

SHRIMATI VYJAYANTHIMALA

BALI (Madras South) : I rise to support the Equal Remuneration (Amendment) Bill, 1987. It is a step in the right direction taken by the Government to plug the loopholes that have crept in the original Act of 1976 so that the right of women is safeguarded against discrimination in the matter of employment and remuneration.

It is a matter of regret that even after the Act was passed a decade ago, there has been a perpetual discrimination practised against the women in the payment of wages, workload, recruitment policy and other benefits that are normally given to the women.

Our Constitution guarantees equal status to women along with men and it also provides for their protection. Now, how far have these guarantees been transformed into legislative and executive action ?

For example, in the tea and coffee plantations in Nilgiris District, Tamil Nadu, women workers are discriminated against with regard to payment of wages. Exploitation and discrimination against women in respect of payment of wages and recruitment become handy to the menfolk because 75 per cent of the Indian women are illiterate.

The women workers who have migrated as far away from Tamil Nadu and other Southern States and even States like Rajasthan, Uttar Pradesh and Bihar have been engaged in the road and building construction work in Delhi and other places. The contractors do not pay not only minimum wages, but also, they do not pay equal wages to women. Women workers are always exploited.

In our country you will find that a major percentage of workers are in the unorganised sector. In the unorganised sector, women engaged in agriculture, construction work, household duties, beedi factories, match factories, weaving sector and so on are paid less wages, compared to men.

I would like to draw the attention of the Government that even after passing this Bill, as long as they are in the unorganised sector and they continue purely as temporary workers, discrimination in wages and exploitation of women

will continue, because they cannot demand equal wages and if they demand, they will only lose their jobs. So there should be a provision to cover the unorganised labour also.

I hope that the National Commission on Rural Labour which has been set up by the Government will also make a thorough study with regard to the women labour in the unorganised sector, particularly in rural areas and suggest suitable measures for securing to women their due rights and privileges in the society.

Now in certain categories of post where women are the best suited, there is a wanton recruitment of men to those posts. For example, in many hospitals in the country, nursing duties are given to the males and they are also posted in maternity ward. Why should the Government not declare that these posts should be filled by women only? Moreover, there are many industries, factories and offices where women are not at all recruited for appointment. Wherever women are employed, they are discriminated against in all respects.

Sir, it is wrong to presume that the development, tailored to economic growth can be defined as a process for socio-economic change directed towards satisfaction of basic human needs, reduction of inequalities and strengthening of self-reliance without considering women's development and their needs.

Sir, it is revealed from several studies that women constitute half the world's population, and they perform nearly two-thirds of its work hours, receive one-tenth of the world's income and they own less than one per cent of the world's property. From this, it goes without saying that India's position would be even more dismal.

The discrimination approach towards women is deep-rooted in our society. It is very very tragic thing to say. It is agonising to note that there is failure on our part to recognise the extensive contribution of women to household and natural

economy as active workers, producers of goods and services in the country. Since time immemorial women have formed an organic component of working force in India. They work both outside and inside their home. Thus women always play a dual role in our society.

Discrimination is also shown in the matter of employment, in that women get employment for 138 days a year, whereas men get employment for 268 days a year.

In this connection, I would like to give a few suggestions.

1. Disparity of wages between the men and women particularly in unorganised sector should be removed. Unfortunately, I think the laws do not apply to the unorganised sector.

2. The Central Government and the State Governments should reserve at least 30 per cent of the jobs for women in all departments and undertakings.

3. Jobs like Nurses, jobs at the ticket sale counters in the post offices, railway stations, public transport like bus conductors, primary and middle schools, electronic and computer operation services etc. where women are preferred, may be reserved exclusively for women.

4. Women Voluntary Organisations should be assigned the work of supervision and power to legally file complaints against those organisations which indulge in discrimination against women in the payment of wages and recruitment.

5. The Central Advisory Committee and with the formation of State Advisory Committees, in each State should see to it that the law is enforced in letter and spirit.

6. A separate machinery consisting of women officers to supervise at the work places and factories as also in the rural areas should be created and established all over the country so that they can go and ensure that equal wages are paid to the women workers.

[Shrimati Vyjayanthimala Bali]

7. Vast publicity about the laws relating to the payment of equal wages to women and recruitment of women should be made.

8. Wherever possible, whether in factories or in industries or offices, women should be enabled to form separate Union so that they may be able to safeguard their rights and prevent exploitation of women in all respects.

Lastly, Sir, by amending the Section 5 of the Act of 1976, the right of women to equal remuneration as also protection against discrimination in the course of employment is safeguarded. It is a welcome feature. Another mile-stone in the Act is that, under Section 10 the penalty for those violating the rule is enhanced.

I once again support the Bill.

MR. CHAIRMAN : Shri Kali Prasad Pandey.

SHRI AJAY MUSHRAN (Jabalpur) : I am on a point of order.

Shri Kali Prasad Pandey was on his legs day before yesterday.

MR. CHAIRMAN : Records shows he was not.

SHRI AJAY MUSHRAN : I am guided by you.

MR. CHAIRMAN : I cannot help it. I am guided by the records of the House.

SHRI P. NAMGYAL : Have you suspended the rules in his case ?

MR. CHAIRMAN : The records show that nobody was on his legs.

SHRI AJAY MUSHRAN : When the House adjourned day before yesterday he was on his legs. He is giving a second speech. Our only request is that we may also be allowed to make a second speech.

[Translation]

SHRI BALKAVI BAIRAGI : Mr. Chairman Sir, one of the objections is that Shri Kaliji has been called after Shrimati Vyjayanthimala Bali. How has he come as a villain after a heroine ?

[English]

SHRIMATI VYJAYANTHIMALA BALI : I would request the hon. Minister to reply especially to my 7th and 8th suggestions.

MR. CHAIRMAN : You be here to listen to the Minister's reply.

SHRI AJAY MUSHRAN : She should also get a second chance to speak.

[Translation]

SHRI KALI PRASAD PANDEY (Gopalganj) : Mr. Chairman, Sir, I have proposed certain amendments to this Bill. I was expecting that during the term of three years an independent Member like me would sometime get a chance to speak first of all. This was the first time when I was considered by the Chair. Sometime before the adjournment of the House, it was announced by the Chair that when the Bill would be taken up next time I would be allowed to speak at the first instance. This is what I have always been hoping. But now my wish has been fulfilled.

As Bairagiji has said very well that how has he come as a villain after Vyjayanthimala Bali ? I do not know how he has granted this title to me. I do not consider myself as a villain. But if my friend is of this opinion, I would only say that since Mr. Bairagiji is senior to me, I have every respect for what he says.

Mr. Chairman, Sir, now I want to express my views about the Bill.

[English]

SHRI GIRDHARI LAL VYAS : Sir the word 'Villain' should be expunged.

SHRI BALKAVI BAIRAGI : 'Villain' is not unparliamentary.

[Translation]

SHRI KALI PRASAD PANDEY : Mr. Chairman, Sir, so far as the Equal Wages (Amendment) Bill brought forward by the hon. Minister is concerned, I would like to say that even in 1976 it was definitely thought that women too would be given equal rights. If we properly look into the laws which are made in this House and the provisions enshrined in our Constitution, we would come to the conclusion that the law, in a sense, is a weapon in the hands of the poor and the helpless. One who does not get justice anywhere else, takes recourse to the law. Truth always prevails upon falsehood and if we properly look into the legal parlance even after 40 years of independence to find out whether the law made by us has really helped the people, we would find that it has not. I would like to ask through you that if an amendment is brought in the law or is passed which is supposed to benefit the poor women working as labourers, they will never be really able to get the benefit of law made for them. Unless the law is properly publicised it will merely get passed in the Parliament and remain closed in the sheets of papers.

After 1976 you made a lot of announcements regarding various laws at different times in this very House, but how many people have you punished through those laws till now? You will definitely not be able to answer this in your reply. Especially the question of women, you just see in the private sector today, the female workers in Nagpur and other places are 99 per cent. They are taken to Bengal or in our areas to work as labourers and in Chota Nagpur where 'Kurri' is called basket, hardly any male carries a basket on his head, it is the women who have to do this work, but so far as the wages are concerned the wage of a female worker even today is Rupees four whereas male workers are given Rs. 10 to 12. These are the disparities.

When we got freedom from slavery and constituted this democratic House then in this very House on the one hand we came victorious and on the other hand the number of females was very less, whereas they should have been returned

in equal number. Even in Government farms in the field of agriculture, two registers are maintained. In one of these registers the rate of wage fixed by the Government is shown but which is not actually paid to the women, and in the other register their signatures are taken against a payment of Rs. 4 or 5 and it is shown in the records that so much wages were paid by our farms. If you want to ensure that the law is implemented properly, you should adopt the same system of conducting sudden raids in this department also just like sudden income tax raids are conducted by the Finance Ministry so that one can know what wages the labourers, most of whom are women, working in the tea estates are getting. But the officers at the district level upto the higher level whose responsibility is to implement the Act and who are to take action against the defaulting factories where both male and female labourers work, are not doing their duty properly. The hon. Members of this House will agree with me that those workers can get justice only when the officers are able to take action against the mill-owners. But actually when a worker goes to the labour Inspector or the other officer for justice, he is rebuked. The problem of unemployment is becoming acute in the country day by day. People are not getting any job. A cell should be constituted in the department at the district level so that the Inspector or the labour Superintendent may be able to attend to the complaints of the woman worker keeping their prestige and honour in mind.

Besides this, I would like to give you a few suggestions. As a programme of basic education has been introduced by the Education Department, similarly a programme should be conducted in every labour organisation to acquaint the labourers with the policy formulated by the Government under this Bill. You should direct your officers in this respect so that the labourers may be able to safeguard their rights within the ambit of the Acts passed by the Government.

Due to the poverty and illiteracy the workers will not be able to take advantage of this Act. Employers employ workers

[Shri Kali Prasad Pandey]

on their own conditions by taking advantage of their poverty and literacy. When a worker or any member of his family falls sick, he is compelled to agree to every condition of his employer so as to be able to make arrangement for the for the treatment. Similarly, women are given less wages in comparison to the male workers. The women workers will be benefited by the Bill only when you acquaint them with its provisions. Otherwise they will be exploited in every field in the absence of any labour organisation. At present, the women workers are invariably exploited by the mill-owners. You should ensure through the labour organisations that security is provided to the women workers and they get medicines and other facilities at the time of their sickness.

With these words I would like to request again that it should be ensured that whatever acts are passed in this House, they are implemented in letter and spirit for the benefit of the workers for whom they have been passed. With these words, I support the Bill.

[English]

SHRI N. DENNIS (Nagercoil) : Sir, while supporting the Bill I wish to make the following points.

Women are still exploited and that is the reason for the occurrences of dowry deaths, sati and other occurrences. This evil must be removed at the earliest. The framers of the Constitution under Article 15 provided to do away with the discrimination on grounds of sex. Article 39 ensures equal pay for equal work irrespective of sex. The Equal Remuneration Act was enacted with the intention of securing equal remuneration for women on par with men. In the process of implementation of the Act of 1976 for a decade some lacunae are noticed and hence this amendment Bill.

The Bill seeks to amend Sections 5, 10, 12 and 15 of the Act. Clause 5 of the Amendment is to do away with discrimination against women subsequent to recruitment, and clause 10 of the Amendment is to enhance penalty and also clause

12 is to permit voluntary organisations to complain against the violations of the Act.

Clause 15 is to prohibit the use of the Act to justify discriminatory practices against women workers. Under clause 5 protection is given to women against discrimination during the course of their employment, in matters like promotion, transfer, leave etc. The conditions of service include transfer. Transfer is also considered to be a punishment because the women have to look to the welfare of the husband, children and the entire family. The entire family would suffer because of the transfer of women employees. So, there should not be any discrimination on this aspect and this clause protects that aspect. Under clause 10 of the Act penalty is enhanced. That would be a deterrent to the offenders and previously the offenders could pay the amount without difficulty and they would go without suffering. Enhancement of penalty is the proper step for the effective implementation of the Act. That would be a strong deterrent on the offenders. For subsequent offences the punishment is enhanced and this enhancement will help to prevent the exploitation of women.

Clause 12 is an important improvement on Section 12 of the Act. Now, any person aggrieved by the offence or any recognised welfare organisation can seek remedies through court. Previously the court could take cognizance of the offence by its own knowledge or upon a complaint by any appropriate government or authorised officer. Inclusion of voluntary organisations is helpful because inspectors cannot go and inspect in every nook and corner of the country.

13.00 hrs.

Sir, voluntary organisation exists throughout the country and they can look after the violations without any difficulty. That would greatly help in the effective implementation of the act. Moreover, women are mostly ignorant of their rights. Even if they know the offence committed against them, they would be very slow to seek remedy through the Courts. So, as

per the provisions of the act, the social organisations should come forward and help them and that would greatly help in the implementation of any act that is passed by Parliament etc. But the point is that scrutiny has to be made. We should be conscious of the functioning of the voluntary organisations. Guidelines should be given to the States on the type of organisations to be recognised. Organisations run by women should be encouraged and preference has to be given to such organisations. Sir, you can find so many violations in the implementation of any act. There are several occurrences. Further, a large number of women labourers are there in the unorganised sectors like the agricultural sector. They are not getting wages equal to that of men in such sectors. The private employer is the biggest defaulter. But the Government too which is the biggest employer also is not an exception to this. In the construction work, in the plantations, tea-gardens, cashew-nut factories and rubber factories as also in other places, equal wages are not given to the women workers. Merely by bringing forward an amending Bill will not serve the purpose. Its full meaning cannot be achieved by a legislation and an enactment, unless it is implemented fully. Even, the Government institutions and the public sector organisations are not implementing the provisions of the act fully. There are some casual labourers and daily-wagers and they are not getting equal pay.

Another important point I would like to bring to the notice of the hon. Minister is the reality of the circumstances. The practical aspect of implementation has to be taken into consideration. Women are the weakest section of our society. Therefore, wages have to be increased and salary should be enhanced for the ladies. Particularly, the private sector run the factories with profit-motive. When the production is not high, they would try to send them away or they would avoid employing ladies. These poor ladies who want to earn their bread have to accept whatever they are paid by the employers. They cannot fight with the employers because the employers would send them away. They would be

thrown out of employment and they would be put to a lot of troubles and difficulties. In order to earn their own livelihood, they have to work under the employers whatever may be the salary given by the employer in the private sector. What is the remedy to get over this aspect of the problem? It can be possible to have some remedies in the Government institutions. But in the private sector that is not possible and Government have to find out some remedy. It is also not possible in the unorganised sector. The purpose of the Act is not only giving equal remuneration but also increasing the employment opportunities. But we find that, though the employment opportunities increased, employment of women has not increased. That aspect also has to be taken into consideration. My point is that employment of women has not increased in proportion to the increase in the total employment opportunities.

Another thing I would like to bring to the notice of the hon. Minister is this. In certain categories of work men are preferred. In certain other categories women are more suitable; in such categories ladies should be given preference and they should be appointed. There should be reservation in favour of ladies in such categories of work. Similarly, in the other categories reservation can be made in favour of men.

A certain percentage can be reserved in governmental organisations and public sector organisations in favour of women. Governmental organisations and public sector organisations have to implement the provisions of the Act. They should be the ideal managers. Whenever a case of violation is noticed, Government should take appropriate effective and severe action against such a violation in governmental organisations and public sector organisations. Then only the private companies would take things seriously.

Section 6 of the Act provides for formation of Advisory Committees. But such Advisory Committees are not functioning effectively. Particularly in some States the Advisory Committees are not functioning. Advisory Committees at the

[Shri N. Dinesh]

Centre as well as in the States, to review the working of the Act, should be made to function effectively.

Another point I would like to bring to the notice of the hon. Minister is that there should be a Monitoring Committee for the effective implementation of this Act which is lacking. Above all, general consciousness has to be created among the people that women should not be discriminated against and they should be protected against social exploitation. Then only, there would be the possibility of effective implementation of this Act.

With these words, I support the Bill.

SHRI N. SOUNDARARAJAN (Sivakasi) : Mr. Chairman, Sir, I support this piece of Amendment to the Equal Remuneration Act which was passed in the year 1976. Though under the Constitution women are to be given equal rights, in the name of religion, in the name of customs, conventions and practices, women are not given equal opportunities in employment. If at all employment is given to women, there is disparity in the remuneration given to the womenfolk. So to avoid this, the Equal Remuneration Act was passed in Parliament in the year 1976. After more than ten years, Government has found certain lacunae in implementing that Act. So, in order to remove those lacunae, Government has brought forward this piece of Amendment before this House.

Mr. Chairman, Sir, in Tamil Nadu, for the first time, my Chief Minister Dr. MGR has established one university called Anni Tarasa University exclusively for the development of woman in our country. Not only that. Our Chief Minister Dr. MGR has, for the first time, appointed one lady member as judge of the High Court in Madras. In Tamil Nadu, at higher secondary level, we have introduced one teacher training course to which only woman students are given admission. Thus, in Tamil Nadu, women are given more opportunities than men. When things are going like this, I am very sorry to say that most of the woman folk are being

neglected by both the Government and the private sector.

Sir, nowadays, we have more female students studying far better than the male students. Yet, they are not given proper opportunities. They are not given equal opportunities to get employment, according to merit, to avoid all this and to give equal opportunity to women folk, Government has now brought this Amendment Bill. I support this Bill. Thank you very much.

[Translation]

SHRI MADAN PANDEY (Gorakhpur) : Mr. Chairman, Sir, our present hon. Labour Minister is very fortunate because he has the privilege of bringing forward a number of Bills in regard to the labour welfare during his tenure...

(Interruptions)

MR. CHAIRMAN : Order, order please.

SHRI MADAN PANDEY : The provisions made in this Bill are such the need for which was being felt for a long time. Although the provisions have been brought forward belatedly but the hon. Minister has included them in the Bill taking into consideration their need. Previously, the fine for any offence was from Re. 1 to Rs. 5,000. The influential persons used to either get themselves acquitted or pay very nominal fine by influencing the judgement. Same was the condition in regard to the simple or rigorous imprisonment. The imprisonment could be from one day to three months. The guilty persons used to take advantage of this provision. I would like to convey my thanks to the present hon. Labour Minister for plugging all those loopholes due to which the guilty persons escaped punishment or got very less punishment. Now, the amount of the fine has been increased from Rs. 5,000 to Rs. 10,000. Now one will have to pay a minimum fine of Rs. 5,000. Under these provisions, the guilty persons will definitely get stern punishment for which the Minister deserves our thanks.

15.12 hrs.

[SHRIMATI BASAVARAJESWARI
in the Chair]

While supporting these provisions whole heartedly, I would like to draw the attention of the hon. Minister to some loopholes. We will have to evolve a new policy for implementing labour laws effectively. We will have to think over it afresh. Although this Bill does not relate directly to the female workers, but this has indirectly been brought forward for the welfare of female workers. This Bill envisages to end discrimination being carried on against female workers. I would like to draw the attention of the hon. Labour Minister towards this fact that there are two categories of female workers. One category consists of those female workers who work in the secretariat and other consists of those who work in fields, brick kilns and carry luggage on their heads. Now you will have to formulate a common employment policy just like water policy, textile policy and all other policies. If you do not formulate an employment policy, a number of problems will arise in the coming days in the absence of employment policy. There is a question of implementing these provisions also which have been made in the Bill. The discrimination is not so much in the case of women working in the offices in Delhi notwithstanding they being unorganised. But the threat of discrimination is much in the case of those women who work in the fields. I have got a personal experience of it. A Consultative Committee was constituted by the Labour Department to ascertain the facts about the unorganised Labour. Wherever the committee went in the country, we found the same thing. The discrimination is there not only in the case of wages but in other matters also. You have taken steps to end the discrimination but these are not sufficient because although you have passed the Acts, but there is no machinery in the States to implement them. In Gujarat and other States, the officers who have no connection with the labour department, have also been empowered to see whether the Acts are being implemented or not. We are in a dilemma

whether they will be able to do this work or not because when the officers of the concerned department are not able to do this work then how officers of other department can do this work. It is a fact that these officers are not able to do this work. You have employed very less number of Inspectors for this purpose. There are only 60 Inspectors in the whole State who have been engaged to look into the problems of the unorganised labour. This number is insufficient. The same case is with Tamil Nadu. In Kerala, where the number of educated persons is the highest in the whole country, even there work can be done with less number of Inspectors but unless sufficient number of Inspectors are appointed in bigger States like Uttar Pradesh, Bihar and Madhya Pradesh we will not be able to do the needful. So my another suggestion is to formulate an employment policy. A Rural Labour Commissioner Organisation should be set up and they should have their own staff in it. It does not matter if the States and the Centre have to spend more. But this must be done.

Both these provisions are very necessary to implement the Acts that you are going to enact and to end the injustice that is being meted out to the male and female workers. My third submission is that enactment of laws in piecemeal is not going to help us. A comprehensive legislation should be brought forward. I would like to ask Shri Sangmaji that if a comprehensive Bill is brought forward during his tenure and a machinery is set up for its implementation, the House will not only support him wholeheartedly but also thank him for the same.

With these words, Madam Chairman, I wholeheartedly support the Bill and the provisions made therein.

SHRI BALKAVI BAIKAGI (Mandsaur) : Sangmaji, the question of sickcosts must be taken up. It should not be left.

[English]

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P.A. SANGMA) : Madam I am grateful

[Shri P. A. Sangma]

to the hon. Members who have extended whole-hearted support to this amending Bill and also gave so many useful suggestions. I must concede that the debate was very interesting and fruitful and by and large it really represents what is happening all over the country. Lot of discussion has taken place about discrimination against women but I must inform the House that I come from a place and from a society where women reign supreme and if there is any discrimination it is discrimination against man. So if discrimination against women has to be solved the best way is to adopt our customs and our culture.

Sir, out of 292 million work force in our country women account for 82 million which makes the percentage of women workers in our country to be 28 per cent. Out of this 82 million women work force in our country 86 per cent of them work in the rural areas. I am saying particularly this aspect just to draw the attention of the House that 86 per cent of the women workers in our country belong to unorganised sector. Therefore, we are really concerned about the conditions of women labour in our country.

Sir, quite a number of legislations have been passed. We have Factories Act where there are special provisions for protection of women, Plantation Labour Act, Mines Act, Maternity Benefit Act, Employees State Insurance Act, the present Equal Remuneration Act, etc. After having so many legislations for the protection of women, I think, the House has rightly questioned whether the women have really got protection. The House has rightly questioned whether these laws have been really, strictly and effectively implemented. I must admit that much remains to be desired in the implementation of these laws not to speak only of Equal Remuneration Act but I am talking about all other Acts which govern protection of women.

There are many reasons why these laws have not been effectively implemented. I think the House has voiced it and

so many reasons have been pointed out. I agree with that. The most important reason is that 86 per cent of the women workers are in the rural areas and they belong to the un-organised sector. They are not organised. They have no bargaining capacity. They cannot have any bargaining capacity because they even do not know the provisions of law. How many women in our country today know that there exists as many as seven laws specifically enacted by the Parliament to protect them? Probably, there are many more in the various States. Few of them know about that. There is no awareness among the women workers in our country. This is the second important reason why their implementation is not being done effectively.

The third reason is that the State Governments as they told me—because of constraints of finance are not able to have adequate enforcement machinery. I have reviewed the position of each and every State regarding the enforcement machinery available with them. I must say that it is very very inadequate. Whatever enforcement machinery is available with the State Governments, their mobility is very poor. They do not have transport with them. If they have to travel to a factory or a quarry for inspection, they normally travel in the employer's transport. You can understand if once they travel in the employer's transport, what will be the consequence. Therefore, their mobility is limited. The mobility has also to be strengthened while strengthening the enforcement machinery.

Besides, we have also found that whatever enforcement machinery is available, it is available mostly at the district headquarters and not beyond that. How many people in the rural areas can reach the district headquarters? They cannot. Even if some of the unorganised labourers are aware of the rights and privileges, they are not able to reach the place of justice because of long distance and lack of transportation. All these problems are there.

We had convened a Conference of the Labour Ministers on 28th May this year

where we had only one topic for discussion. Normally such Conference had 10-15 items on the agenda. This time, I had said that we would have only one item and that was about the implementation of labour laws. We had a two-day session discussing about the implementation of the labour laws.

There are 140 labour laws in this country. I said I am not interested in all the 140 labour laws to be implemented. Let us short-list and select only a few important laws. We will draw up a plan of action and see how it could be implemented. We have chosen seven laws to lay an emphasis in their implementation. These are :

- (i) Minimum Wages Act; I hold it the most important one.
- (ii) Abolition of Bonded Labour Act;
- (iii) Child Labour (Abolition & Regulation) Act;
- (iv) Contract Labour (Abolition & Regulation) Act;
- (v) Inter-State Migrant Labour Act;
- (vi) Equal Remuneration Act; and
- (vii) Biri & Cigarette Workers Act.

So, out of these seven legislations which we have chosen out of the total of 140 laws, I am happy to inform the House that the Equal Remuneration Act is also one of them. We have drawn up a plan of action. I do not want to waste the time of the House by mentioning all the Acts which have been publicised widely. One thing that I want to mention is that the plan of action which we have drawn up in the Labour Ministers Conference on 28th May, 1987 shall be monitored. That monitoring will be at the regional level. We have decided to divide this country into six regions and have frequent regional meetings of the Ministers where we will review the decisions taken and how much progress they have made. We have already had a meeting at Madras of the southern region. We will also hold a meeting at Calcutta of the eastern region

on the 12th of this month. We will have a meeting at Delhi of the northern region. On the 17th we will have a meeting at Bombay of the western region. Like this, we have drawn up the programme and the entire exercise will be over by the 15th January, 1988. We are following each and every decision and I am happy to inform the House that the State Governments have taken lot of interest in this. One of the decisions that we have taken is about the revision of minimum wages. We have also taken up that minimum wages should not be below the poverty line. This is a very important decision that has been taken. State Governments have been asked to revise the minimum wages above the poverty line and they have taken steps in this regard. Maharashtra has not yet done but on the 17th they will have to do so because I am going there on that day. I am proceeding in the way in which I want to proceed but I am thankful to the State Governments.

SHRI AJAY MUSHRAN : The State where you don't visit and the zonal meetings are already held at a particular nodal point, that State gets has concentration during discussion. To obviate that, will you like to hold the meetings at different places also.

SHRI P. A. SANGMA : I am not only meeting the Ministers. I am also meeting the Parliamentary Consultative Committee and the Members of Parliament attached to the Labour Ministry are divided into two groups to go round the country. One is looking after the agricultural labour and another group is looking after the non-agricultural labour. I am happy that the Members of Parliament have gone round the country. In fact, the Committee of Agricultural Labour is ready with the report and they are supposed to give it to me on the 11th, i.e., day after tomorrow. Not only that, we have got two National Commissions to look after self-employed women. That Commission is also doing some work. We have also got a National Commission for rural workers which has a special reference to women workers. Hon. Members of the House are also going round the country. I want to say

[Shri P.A. Sangma]

that we trying to make the people aware that the Centre is really serious about the implementation of labour laws.

SHRIMATI GEETA MUKHERJEE (Panskura) : You said that the minimum wages are being revised according to the poverty line. Is it the old poverty line or the present poverty line ?

(Interruptions)

SHRI P.A. SANGMA : I understand your question.

We have at the moment accepted the poverty line concept which has been evolved by the Planning Commission. I am also aware that this concept is not acceptable to the West Bengal Government. The West Bengal Government has given its own formula which is with me.

SHRIMATI GEETA MUKHERJEE : It has nothing to do with the West Bengal Government, but I want to know this in relation to the all-India declaration. As you know, the earlier poverty line formula does not hold good any more.

MR. CHAIRMAN : No interruptions please. Let him reply.

SHRI P.A. SANGMA : As I have always been telling the trade union leadership in our country, unfortunately the trade union movement in our country has remained confined to the cities, urban areas. In some cases, we have as many as 125 unions in one unit. We have 40 unions in one unit and I have given the example of DTC, where we have more than 40 unions. As I said, every trade union leader has been confining to the urban areas only. Ours is such a vast country. Out of 290 million work force in our country only 25 million are organized and 267 million people in our country are still unorganized. We do not have unions for them. May I appeal to the Members of Parliament and the trade union leaders that they should go to the rural areas and organize the labour.

DR. DATTA SAMANT (Bombay

South Central) : If somebody does that, he will be finished off because of the system... *(Interruptions)*

SHRI P. A. SANGMA : The question of making the workers aware of their rights has been raised several times and I have myself given a thought to it. We have decided in the Labour Ministers' Conference also to use media, particularly, the radio and the television, to make the workers aware of their rights. We have not yet been able to finalise that scheme, but we are trying to do that.

DR. DATTA SAMANT : What is your machinery--Collector, police stations and others—doing ? Give them powers for this. Is it the duty of the public men only to organize workers ? *(Interruptions)*

MR. CHAIRMAN : No interruptions please; let him reply.

SHRI P. A. SANGMA : I have said that the machinery available with the State Government is limited and inadequate and whatever machinery they have is not mobile. I have always stated that. This has been discussed also. The State Governments wanted certain Central assistance in order to strengthen their enforcement machinery. I have agreed to that and in fact, we have formed a small Sub Committee with one Joint Secretary from the Ministry of Labour and some other officers—I do not exactly remember that—to formulate a scheme how the Central assistance can be given to the State Governments on these two points.

We have also stated in the Labour Ministers' Conference that the redressal mechanism or the claim authority must be taken as far as possible nearer to the people. At the moment, it is available at the district level. We have decided to take it to the block level in the beginning. For that we need to amend certain laws and it is under way and we are doing it. Therefore, whatever is possible from our side, we are trying. Now, the important provision which has been proposed in this amendment is that for

the purpose of launching the prosecution, for the purpose of lodging complaints, we have by this amendment empowered any individual, voluntary organisation and the trade unions. This has been a deliberate policy of the Government of India. It is not only here, this provision you will find in almost all the amendments that are coming in. We want to involve the voluntary organisations; we want to involve the trade unions and we also want to involve the individuals in this country to implement the Labour laws because I know the limitations of the Government and the limitations of the Inspectors. So far this power is available only with the inspector and now we want to give it to every individual. Any conscientious individual, who is in the social service, I think can take the initiative to implement these laws.

AN HON. MEMBER : It is a very dangerous step.

SHRI P. A. SANGMA : It is not a dangerous step. Let us do the experiment and see how it works.

AN HON. MEMBER : They could be corrupt; they could be vindictive.

SHRI P. A. SANGMA : Could be, but let us have a trial. I want to do it because every time people blame the Government. I think peoples' participation is required in it. We want to have peoples' participation in it.

As far as this Act is concerned, so many things like it has not been implemented, have been said. I do not claim that it has been implemented.

PROF. N. G. RANGA (Guntur) : It should be done in an organised way through organisations so that there could be some control over them at the grass root level.

SHRI P. A. SANGMA : I think Dr. Samant and many other members have asked me as to how it is being implemented; whether I have got the facts with me or not. I am giving very reluctant figures and also not for many years but

only for the year 1967. This year the number of inspections carried out was 1037, the number of prosecution launched is 248 and the number of conviction is 138. Now, you may ask me what is the conviction. I will be very reluctant to tell you that the penal provisions provided in all the labour laws have an incentive for the violation. If somebody has to adhere to the laws, may be he will have to spend Rs. 50,000 but for not doing it when he is taken to the court he will be able to get out of it by just paying Rs. 100 as fine. That is one of the reasons why these laws were not effective. Therefore, in all the Labour Laws including this particular one, we have brought in a provision where we have made the punishment more stringent. Therefore, Madam, I only want to submit that these amendments that we have brought in will go a long way to help us. The figures which I quoted are of the State Department and not from the Centre. The hon. Members have rightly pointed out that the remedy lies not in enacting these laws and amending them on the floor of the House but in their actual implementation at the field level. I can assure the House that we are trying our best to see that the implementation will be much better in future. With these words I once again thank all the hon. Members.

MR. CHAIRMAN : The question is :

“That the Bill to amend the Equal Remuneration Act, 1946, as passed by Rajya Sabha, be taken into consideration.”

The motion was adopted.

MR. CHAIRMAN : The House will now take up clause by clause consideration.

The question is :

“That Clause 2 stand part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill.

MR. CHAIRMAN : Now clause 3, There are four amendments to Clause 3—Amendment No. 1, 2, 3 and 4, to be moved by Shri D. B. Patil. He is absent.

The question is :

“The Clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

*Clause 4—(Substitution of new section
for section 12)*

MR. CHAIRMAN : Amendment Nos. 5 and 7 to Clause 4 to be moved by Shri D.B. Patil. He is absent. Amendment No. 6 to be moved by Shrimati Kishori Sinha. Are you moving your amendment, Madam?

SHRIMATI KISHORI SINHA (Vaishali) : Yes Madam. I beg to move :

Page 2, line 20,—

Add at the end,—

“or by a Member of Parliament or by a Member of a State Legislature”. (6)

I request the hon. Minister to accept my amendment.

SHRI P.A. SANGMA : Individuals, unions and associations have already been given power to launch prosecutions. The hon. member wants that Members of Parliament and MLAs also should be specifically mentioned in this Act. I feel that there is no necessity for it. The hon. Member may kindly withdraw her amendment.

SHRIMATI KISHORI SINHA : Madam, I withdraw my amendment.

MR. CHAIRMAN : Has the hon. Member leave of the House to withdraw her amendment ?

SEVERAL HON. MEMBERS : Yes.

*Amendment No 6 was, by leave,
withdrawn.*

MR. CHAIRMAN : The question is :

“That Clause 4 stand part of the Bill.”

(The motion was adopted)

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

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

SHRI P.A. SANGMA : I beg to move :

“That the Bill be passed.”

MR. CHAIRMAN : The question is :

“That the Bill be passed.”

The motion was adopted

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION BILL

15.47 hrs.

[English]

MR. CHAIRMAN : We will now take up Item No. 13 of the Agenda.

[Translation]

THE MINISTER OF STATE IN THE DEPARTMENTS OF EDUCATION AND CULTURE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI KRISHNA SAHI) : Madam Chairman, I beg to move :

“That the Bill to provide for the establishment of an All India Council for Technical Education with a view to the proper planning and coordinated development of the technical education system