

[Shri K. Natwar Singh]

some actions on South Asia which, if enacted, would have adverse implications for our bilateral relations with the United States.

We would not like to pre-judge the final outcome of the congressional proceedings nor, in normal circumstances, would Government have commented on them. Yet the circumstances of congressional action have made it imperative to emphasize that improvement in Indo-US relations requires a better appreciation of India's point of view. Financial flows or technology transfer are not the totality of the relationship nor can they be used as levers to force policy changes upon us. A healthy relationship between two sovereign democracies has to be built on mutual interest, trust and confidence. Devoid of these elements our relationship with the U.S. cannot retain its present level much less prosper.

Sir, India made a commitment many years ago not to develop nuclear weapons. We have kept our word. Our nuclear materials and facilities are dedicated to peaceful uses. We are against both vertical and horizontal proliferation of nuclear weapons. But for reasons which we have stated openly and unequivocally, India is not prepared to accept a discriminatory non-proliferation regime. We stand by this position, and nothing will persuade or compel us to change it. It is regrettable that the Senate Committee has thought fit to equate India's peaceful nuclear programme with Pakistan's relentless pursuit of a weapons-oriented programme. We cannot, and will not, accept this distorted view of the reality in our part of the world.

We have conveyed our strong feelings to the US Government at all levels. The Prime Minister has conveyed our concerns to President Reagan. I too have told the US Ambassador in Delhi that the consequences of the proposed congressional actions should be viewed in the perspective of our bilateral relations and remedial action should be considered on an urgent basis.

As Hon'ble Members are aware, we are now dealing with the recommendations

of a Committee of the Senate. We shall have to await the final outcome. We have noted that President Reagan is very concerned about the South Asia part of the Senate Committee's recommendations. Both India and USA have striven to establish a productive bilateral agenda for the future. We shall formulate our considered response in the light of future developments. Government would like to assure the House that we will not allow pressures from any direction to alter our basic policies.

14.04 hrs.

**EQUAL REMUNERATION  
(AMENDMENT) BILL**

[English]

As passed by Rajya Sabha

MR. DEPUTY-SPEAKER : Now, we will go to the next item, that is, Item No. 18 regarding the Equal Remuneration (Amendment) Bill, which is to be taken up here for consideration.

Mr. P.A. Sangma to move the Bill.

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P.A. SANGMA) : I beg to move :

"That the Bill to amend the Equal Remuneration Act, 1976, as passed by Rajya Sabha, be taken into consideration".

Sir, one of the most important Acts relating to Women's employment, the Equal Remuneration Act, was passed in 1976 replacing the Equal Remuneration Ordinance of 1975.

The Act provides for the payment of equal remuneration to men and women workers for the same work or work of similar nature and for prevention of discrimination against women in the matter of employment. The Act covers all categories of employments in the organised and unorganised sectors.

During the decade or so that the Act has been in force, certain lacunae and omis-

sions have come to our notice which adversely affected the effectiveness of the Act more than we had wished.

To rectify these lacunae and omissions, therefore we seek to make some amendments to the Act. The principal omission in the existing Act is that while the Act prohibits discrimination against women in recruitment, there is no specific clause prohibiting such discrimination during their employment. Under the existing Act, therefore, any discrimination against women in matters of promotion, increments, etc. does not amount to an offence under the Equal Remuneration Act. This is sought to be rectified in the present Bill.

One of the reasons the Act has not been as effective as it should have been is that the penalties provided in the Act are comparatively light. It is proposed to make these penalties far more stringent.

To make prosecution easier, it is also proposed to permit individuals and recognised welfare institutions or organisations to file complaints in the court. Section 15 of the existing Act is also being re-worded so that it cannot be used to justify discriminatory practices against women workers.

It is felt that these amendments will go a long way towards removing the difficulties faced in the implementation of the Equal Remuneration Act and will prevent many of the discriminatory actions being practised against women in employment.

With these few words, I commend the Bill for the consideration of the House.

MR. DEPUTY-SPEAKER: Motion moved :

“That the Bill to amend the Equal Remuneration Act 1976, as passed by Rajya Sabha, be taken into consideration.”

Now Dr. Datta Samant may speak.

DR. DATTA SAMANT (Bombay South Central). Sir, for the first time I am the first speaker in the last three years.

MR. DEPUTY-SPEAKER : Sometimes last, sometimes first.

DR. DATTA SAMANT : Sir, this is more or less a political Bill just to please the women members because they are having 50 per cent votes, so that they can start some women's wing and all these things. Otherwise I do not think the Government is having any other motive to bring such a type of Bill in this House.

Sir, the Labour Bills are just for the discussion and they are not for implementation. If I go on elaborating one by one, the Labour Bills are for the discussion in the House and they are not for implementation, and whenever we raise this issue, the hon. Minister or the Central Government is so wise to say that the implementation is already left to the State Governments, they are not doing anything. So, I am not interested whether it is the State Governments or Central Government, but the whole system of this country—what is going on, the so-called privatisation and all these things, none of you are interested regarding the labour's share, labour problems, their rights, their share in the national profits or income. Sir, I have seen that we are giving lot of concessions to the employers in the country for starting the industry. But while giving them loans and licences, how the employer or the industrialist should behave with the workers? A particular industrialist made a particular profit. Forty years after the Independence there is no law on what he should give to his workers. One employer in Bombay, Hindustan Lever, because of my strong union is paying Rs. 3000, but the same employer is paying Rs. 400 to the workers in Kashmir and his profits are Rs. 70 crores. Sir, the employer can keep all the workers on contract, there is no law in this country which would prevent him. These are all such type of things. The whole system is not interested in getting economic benefits for the workmen. Sir, I am going to put a categorical question to the hon. Minister. For the equal recruitment opportunities, promotion opportunities and the wage for male and female workers, there was some law existing in 1974. What about its implementation? Have you implemented it? Have you implemented it in the public sector? Sir, in coal mines, in respect of the wages of males and females there is a difference of Rs. 3/-, and you are the owner. In the construction industries,

[Dr. Datta Samant]

the construction done even of big houses or the Government buildings and other buildings there is already discrimination going on for the last number of years. Has any of your officers, your Secretary or your Commissioner, in the last 40 years, prosecuted anybody?

Now, you are making for stringent punishment. But whatever small punishment of Rs. 1,000 fine prescribed earlier, has any Central Government machinery charged even one rupee fine to any industrialist or anybody for discrimination made between male and female workers? This is just a discussion, just academic discussion. You are not interested in labour, in women labour to get equal share. I am making this accusation in this august House. These are the things going on.

14.10 hrs.

[SHRI ZAINUL BASHER *in the Chair*]

Many of your public sector units do not pay equal pay. Now you say, in the private industry, you are going to implement it and provide for some more punishment. Who are going to implement those provisions? You will say, it is the State Governments. Our country is a male-dominated country. Socially, in our country, females are not given recognition, unfortunately. There are some industries where ladies are most suitable for the jobs. I am not coming to that. But wherever appointments or promotions made, there is always discrimination made between the female and male workers in the country. This is the system that is going on. You are bringing such type of Bill, discussion and passing it hurriedly and it is not going to do anything. The Government intention is not to do anything for the labour except to publish in the Radio or TV or the Press that "We are doing something good for the labour". These are the crocodile tears to show something, "We are for you". You have no intention to implement it.

We have discussed in this House the child Labour (Abolition) Act—a sweet name you have given—for 8 days. I may ask the hon. Minister, what have you done for its imple-

mentation. Have you sent circulars to the State Governments? What about the various steps taken where child labour employment is there in the public sector? Are they all protected? We have spent 8 days in this House for discussing the Child Labour (Abolition) Bill and passing thereof but not even one per cent of it has been implemented. Nobody is bothered about it, neither the State nor the Centre. Now, the Minister may say, States are not bothered about it. All your labour laws are just for discussion, not for implementation, because the industrialists and big people get affected. The capitalist and the bureaucratic tendency of this Government and the system in this country is damaging the labour of this country.

I am going to ask another thing. The Maharashtra Government, about 7 years back—I was a Member of the Assembly—had passed a Bill wherein it was ready to give 5% wage as housing rent. They have sent 10 reminders to the Central Government. But from the Centre, we are not getting assent. It is a Bill to give house rent to the workers. This shows your tendency. I can go on enumerating these things. The Central Government has no sympathy for the labour. Just some labour Bills are discussed and passed. In the Construction industry, male workers are paid Rs. 15 to Rs. 20. But ladies are paid Rs. 8 or Rs. 9. In the coal industry, the wage difference is Rs. 3. I am going to ask one categorical question to the hon. Minister. In the textile industry, there were more than one lakh lady members working. In the last 5 years, all of them were removed. If you go to Ahmedabad—I know, the Minister will say, Dr. Samant had made the strike, he will go on talking it for one century. I am asking you, in Ahmedabad, Dr. Samant is not there. There are strict instructions from the employers in the Bombay mills that lady members should not be taken there; they should be removed and they should not be given the jobs. In Bombay only, 25,000 lady workers were working in the textile mills 10 years back. Now, you will not find even 1,000 workers. Bombay is such a big city and capital city but even there, lady workers were not taken and mill-owners have given a direction in writing to the Unions and to the Government that

they are not going to recruit any female workers. What are we talking here? In Bombay, lady members are not given job and even those who are already working, they are removed. So, how in the remote village or small places where you have no factory inspector, where all corruption is there, this type of Bill will be implemented? Will anybody be prosecuted there? In this Bill, you are giving the rights to the Union to fight the case.

In the remote villages or some places where discrimination is there, unions should go and fight the case of that lady in the Industrial Court as if there is no other work to do! Is it not your responsibility? You are making provision for the social and economic status which ladies are given in this country. At the same time, you say that the union should fight out the case of lady workers, and that even if there is a single lady worker, the union can go and file a writ petition and go to the court, as if this is not your responsibility. That is the Clause you are amending by which you can take care and take interest in the work of the lady members of this country! This is only lip-sympathy which the Government is giving. I do not think that any such thing is going to help the lady workers. I have seen in Bombay that everywhere there is discrimination even in the stone-breaking industry. I am surprised how you can implement the laws of minimum wage. Even in the minimum wage laws of the various States, there is discrimination between male and female workers. These are the views of the people who rule. Whom are you going to punish? We are not accepting the concept in this country that lady workers should be given equal right and that they should be treated equally. Lady workers are exploited at many places. They give them less wage. In particular type of industry, they employed on Rs. 10/- or Rs. 12/- and they are exploited because they never get organised and there is no register. I have seen lakhs of lady workers in the cities working on Rs. 5/- to Rs. 10/- because of economic starvation and closure of hundreds of textile mills, because of various retrenchments and the laws of modernisation. In the cities, when the male workers are removed from duty, the female workers, in order to support their children and maintain the family take up some work. In

Bombay, they work from 5 to 15 hours going in the morning because they are shy. They have only one saree. They take some chapati, work till evening and the big boss and industrialist who is running the industrial estate is exploiting them for years together. I will show you such type of hundreds of examples in Bombay city which is supposed to have more industries and to be more organised. These are the things going on. What is in Delhi? Is there any labour law in Delhi? It is master and servant law. I am putting before you. No law is implemented in the so-called city. The trade unions are not organised. Even if they are organised, there are lot of loopholes and when there is a little demand, the vested interests are linked with top industrialists, and the police go there to arrest them. When the trade unions organise agitation against discrimination and for minimum wage, the police go to break the strike and the owner of the tea garden brings goondas from outside to break the strike. Is Government going to intervene? That is why, I appeal to the Government. My suggestions are not actually going to be accepted. I know it. Last year, I made lot of suggestions. Nobody is interested. You want more industries. You want 10 or 30 employers to come everywhere. You give them concessions. All the industries are running in losses. When this Government came to power, they started one Department for Youth, another for Ladies, and so on. It is all just lip-sympathy to show that you are doing something for people. To bring such Bills is the only thing that the Government is doing. If we look from outside, this Bill is good. But I do not think that the Government is going to implement it. There is no machinery to implement it. If you begin implementing these laws, the services of the ladies will be terminated. If some lady asks for equal wage to the females, immediately her services will be terminated. I know my union is a strong union.

SHRI SOMNATH CHATTERJEE (Bolpur) : Mr. Sangma is afraid.

DR. DATTA SAMANT : In our country, there are 15 crores of unorganised labour. Is the minimum wage being implemented in this country? I blame the State Government also. All the workers are living below poverty line.

[Dr. Datta Samant]

If you are interested to do something, you must do it. If you give me time, I will give the details of those States where their wages are not linked with the DA. The minimum wages were fixed about 12 years ago. Nobody is bothered about it. The real point is that they forget about the unorganised labourers. That is the system which is existing at present. Their intentions are well-known. No doubt, the hon. Minister is interested in ensuring their welfare of the workers. I know him very well. But the system, the party and whatever, thing that is going on, that is not well. The state of affairs is very poor. We are really very much disheartened about it. We thought that some thing would be done to restore their self-respect and improve their economic position. But, on the contrary, the way in which things are done, that proves that you are making something which is against the interests of the labour-class people. I strongly protest against this and Oppose the Bill. When I say I oppose this, it means that the whole system and thinking is totally not good. In that way only I am opposing this. But I would like to mention that the words that are written are quite good. However, morally I support it.

[Translation]

KUMARI MAMATA BANERJEE (Jadavpur) : Mr. Chairman, Sir, I support the Equal Remuneration (Amendment) Bill, 1987 introduced in the House. About 10 years back in 1976 also the Equal Remuneration Bill was introduced and at that time too it was said that the women should be treated at par with men and now after ten years this amendment has been brought. I support this amendment bill. I appreciate the sentiments expressed by Shri Datta Samant, but I do not agree with his views that this bill has been brought to please the lady Members in Parliament. Such comments should be avoided. There are 50% women in our country, they should be encouraged to improve their status. Their problems should be solved to ensure the progress and the advancement of the country.

Women have been given special respect in our country. If you happen to travel in

a bus, you will find 'Ladies Seat' written there. Does not it show that ladies are considered weak? Such laws still exist in our country. I would like to congratulate the Government for introducing this bill in Parliament. It is for the first time that a thought to improve the status of and ensure equal treatment to women has been given. A number of bills, aimed at improving the condition of the women namely Equal Remuneration Bill, Anti-dowry Bill, Prohibition Bill, etc. have been introduced in the 8th Lok Sabha and passed. I would like to congratulate the Government for this. I would also like to say that ten years back, the Act regarding Equal Remuneration was passed and now after ten years an amendment to that Act has been brought. Yet another amendment to this bill may be made after ten years, i.e. in 1997. I want to say that the Government does bring the bills and pass them in Parliament to become laws, but they are not properly implemented. The laws passed by the Government are not being implemented properly today and the same will be the fate of the laws passed ten years hence. Therefore, implementation of the laws passed by the House must be ensured. It is indeed said to see that the laws are not being implemented.

It is true that today we have a number of ladies as doctors, engineers, M.Ps and even Ministers in our country. But the development of women which ought to have taken place has not yet taken place. The Government should pay more attention to it. How will you give equal remuneration today? A number of private sectors give no chance to ladies on the plea that maternity leave will have to be sanctioned in such cases. Therefore, in order to curtail the maternity leave, they do not offer any chance to ladies.

Men and women workers do the same work in the construction industry. But the male workers are better paid than their female mates in spite of the fact that the latter have to keep their small babies at the site. Government does enact laws but who bothers about them? The private sector industries do not follow your laws because they are not properly implemented. I had raised a matter on Friday concerning a lady working as casual worker for the last six years. She requested me to recommend her

name for permanent absorption at the time of new recruitment. When I recommended her case, the bureaucrat issued her a letter for explanation. Action is taken if a woman MP recommends a case of woman. How then will they get the equal pay ?

How will the ladies fight for equal remuneration ? I want to stress the point that the bill which you have brought is good provided it is properly implemented. Women do not get equal pay in coal industry in the private-sector even today. Countless ladies work in the organised and unorganised sectors as petty workers and as agricultural labourers, but they are not paid at par with male-workers. Thus, there is utter discrimination.

Take the case of domestic servants Shri Rajhan. has told that the women working in the houses get less wages than the male servants. Therefore, they are being discriminated.

Thus, there is lack of employment opportunities for ladies. A number of ladies want to do some work in the houses to feed themselves and their children. But how will they get employment ? If you get a review done by the employment exchange, you will find that the employment ratio of ladies as against gents is not even 2 per cent. In the staff recruitment in Government offices, ladies are not at all preferred. A few are offered jobs in banks. Even in Parliament Secretariats, there is only one lady officer. What I mean to say is that ladies must be given what they deserve. We are not against anyone, but women must get their due share. How can our country progress without the progress of women.

It is true that being physically weak, women cannot do better in every field. But so far as mental work is concerned, they are far better. Women should be preferred in the field of education. I would suggest that the appointment of lady teachers be made compulsory in primary schools. At present, they get very few opportunities and that too as school teachers or professors or nurses etc., but they are not given chance in others jobs. They must be given more opportunities to enable them to do more work. Women should be preferred in small-scale-industries. Government should en-

courage women to start small-scale-industries by giving them loans from the banks and by evolving credit curriculum for them.

This tendency is noticed even in appointments made on compassionate grounds. It has been seen in various offices that whenever a person dies in harness, his wife or daughter do not get a chance. Not that it happens in every office, but there are offices which have such tendency. When asked, the officials tell that they do not have any vacancy and thus it does not benefit the bereaved family. Our Government must think on this issue and should see that discrimination does not take place against women. You should bring forward a comprehensive Bill through which the women could be given equal rights. There should be a provision giving punishment to any person whether he is in the private sector, is an industrialist, businessman or Government employee, if he is found practising discrimination against women. You will just pass this Bill now but after 2-3 years, you will have to come with an amendment to it. Therefore, it would be better if you could bring a comprehensive Bill in the first instance so that those involved in discrimination may be dealt with firmly.

Now I want to say something on the issue of husband-wife transfer. The Government has already taken a decision to post both husband and wife at the same place. But it is often seen that if the husband is posted at Delhi, the wife is posted in Bengal and if the husband is working in Meghalaya, the wife is working in Bombay. We M.P.s, also keep writing such letters. We must give it a consideration. The decision of the Government to post husband and wife at the same station should be followed as a rule. Today the big problem is that nobody follows this decision. This spoils their whole family-life besides affecting the education of their children. Therefore, the Government should see whether that decision is being properly followed or not.

Right to Equal Wages exists in our country. In 1975, during the International Women Year, Shrimati Indira Gandhi took up the issue of Right to Equal Wages in the I.L.O. and later even put it into practice. But this Right to equal employment opportunities for women does not exist in our coun-

[Kumari Mamata Banerjee]

try. How can the right to equal remuneration work unless you give priority to the right to equal employment opportunities. Ladies should be given opportunities in employment. We do support this amendment but still a lot is left to be done in it. Our Government should take steps in this direction so that the women too could get employment. In India, ladies have not developed as much as they should have been today. I am not prepared to accept that there has been no development at all.

A Committee has been set up by the Parliament for the development of Scheduled Castes and Scheduled Tribes, which reviews their condition from time to time. But there is no committee for the grievances of the women. Therefore, a Parliamentary Committee on the same lines should be formed for this purpose also. I thank Shri Samant for his compliment that ladies are very happy. I know that he thinks for the ladies. There is no such issue of ladies and gents, nor do we have any personal discrimination. We have to take our nation towards progress by fulfilling all its needs. Therefore, I request you that a Parliamentary Committee should be set up in which we could put up all the grievances of the ladies.

Without saying anything further, I support this Bill. I do not want to make a long speech and preach politics, but it is the responsibility of our country, of our Government and this Ministry to ensure progress of women. I congratulate the Government for bringing this Bill.

**SHRI MANOJ PANDEY (Bettiah):** Mr. Deputy-Speaker, Sir, I support and welcome the Equal Remuneration (Amendment) Bill, 1987.

I would like to say a few words on Shri Datta Samant's speech, who is present here. When women are to be given status equal to men through this bill, and even then, if Shri Datta does not feel it to be our good intention, it is his own view. But I would like to tell Shri Datta Samant that whenever we bring a Bill you support the spirit of that Bill as you have yourself said about this Bill. When you support

the spirit of the bill the only thing left is the implementation about which you are not satisfied on the ground that it is not being done. Shri Datta Samant, there is nothing to be unhappy about it, you cannot put the entire responsibility of implementation on the Central Government. In many States, it is the non-Congress Government which is ruling. Therefore, when it comes to implementation, it would be the responsibility of the State Governments too to implement it. It is for us to see and point out as to where the State Government are lacking in the implementation of the Bills. I feel that if you support the spirit of the Bill, then you should also point out each of the deficiencies in the work done by the State Governments. After that you can complain if the action is not taken. I have noticed that Shri Datta Samant talks about the organised sector time and again. I want to draw your attention and that of the whole House towards the Unorganised Sector because the hon. Minister have also said the same thing and I am grateful to him too. I want to quote the figures given by the hon. Minister about the unorganised sector. There are 366 million workers in the unorganised sector. Their number is not 15 crores, it is about 36 crores or perhaps more than that because this figure seems to be on the lower side.

Mr. Chairman, Sir, you come from Ghazipur and you also know that no matter whether we bring Bills with clear intention, but our society is traditionally a male dominant society and educated people are no exception to it.

You as well as I understand that whatever Bill we may bring or whatever steps we may take to minimise male domination, but unfortunately the conditions are such that even today male domination continues in the society and in my view no law can bring it to an end. For this purpose, awareness in some form or the other is needed. We do not say that male domination should end rather we want to make the females dominant. This too is a good thing and needs proper consideration. It is a very good step that we are making the women entitled for equal wages. As of now men usually get more wages than women for doing the same work. This is a fact and I want to give a few examples in this regard.

What happens in the forest departments? You are aware that work is got done on contract basis in the forest departments of State Governments. Contract labour comprising mostly women still operates there. These women working as contract labour in the forest department do not even get minimum wages. This is true and the hon. Minister himself knows that this is still being practised in various States. He has also given assurance at different times in this regard. At least in our Government departments, the system of contract labour should be abolished and the work got done through departmental workers. The law regarding equal wages for equal work should be implemented in the Government departments without any discrimination between men and women. If you continue to give patronage to the contract labour anywhere, the payment of minimum wages will not be ensured anywhere and the implementation of these bills will never take place. Therefore, my suggestion is that you should abolish the system of contract labour in most of the places in Government departments and get the work done departmentally. I agree that there are some drawbacks even in this, but so far as departments are concerned, discrimination is not done there between men and women. I know that there are some shortcomings at some places, but it will certainly end the discrimination between men and women in so far as the work done in the Government departments is concerned.

There is another industry—the brick kiln industry in the villages—where this kind of discrimination is being made. So far as the question of the workers is concerned, you are aware that the labour of Orissa and Chotanagpur is very expert in making bricks.

Brick-kilns are being run in almost every village these days and most of the workers are women. What is special about women is that they can build more bricks in shorter time. I have myself seen it and I think that most of the Members would agree with me that so far as the question of contract labour is concerned, the condition of the women is such that the women working in the brick kilns do not get even the minimum wages. You have spoken of equal wages for equal work, but they do not get

even the minimum wages, what to speak of equal wages for equal work.

I would, therefore, like to urge the hon. Minister that he must pay attention to the labour in unorganised sector and should not discriminate on the ground of sex. You should form any such model under which some sections of the unorganised sector could be converted into organised sector. If the Government continue to neglect the unorganised sector by calling it unorganised, then, perhaps, it will not be able to do any betterment of this sector and they will continue to be exploited.

I would like to submit one main point regarding farm workers. Women are considered to be expert in the work of paddy transplantation, etc. in the villages. All those hon. Members who are getting the agricultural work done know this fact that the women are expert in this type of work.

**SHRI RAM PYARE PANIKA (Roberts-ganj)** : There is no farmer here who tills his fields himself.

**SHRI MANOJ PANDEY** : It is all right, but the women are very expert in this work relating to cultivation of paddy. If a woman takes a day to transplant paddy in one acre of field, the man will take at least two or three days for doing the same work, transplantation of paddy is an art and the women are well versed in this art, but it is a matter of great regret that when women work as farm labour, they are paid half the wages than the male farm labour. In this connection, you would say that as it is unorganised sector, you would not be able to do anything, but you should pay your attention to it. A lot of discussion has been held about minimum wages, but even minimum wages have not been ensured to them till now. This means that there are certain shortcomings in the Act. But at the same time, there are certain shortcomings on our part also. I would, therefore, like to submit that there has never been time assessment of farmers and when minimum wages were fixed, it was not remained as to what was the paying capacity of the farmers. It should have been assessed as to what was the paying capacity of the farmers of a particular State and minimum wages should have been fixed accordingly.



[Shri Manoj Pandey]

Unfortunately, when we talk of farmers, we forget the labour and when we talk of the labour, we lose sight of the farmers. If we are to fix anything in between the farmers and the labour, then we would have to keep in mind the economic viewpoints of both of them. If you do not consider the viewpoints of both of them, then you would be creating a very wide gulf between them. My feeling that the minimum wages which you have fixed cannot be enforced in Bihar and Uttar Pradesh. The reason is that you have not thought about the welfare of the farmers. You should also think as to what is the gap between the income and expenditure of a farmer's family. If you do not keep this in your mind, one or the other defect might creep in every Bill and we would be responsible for this shortcoming. This would lead to a division in the society. I would, therefore, like to caution you against it.

What is happening in the countryside these days? We have enforced the Minimum Wages Act and large number of litigations are going on in this regard and these cases have not been disposed of during the last five years. The farmers as well as workers are being ruined and the officers are engaged in making money. The persons who are responsible for implementing this Bill should also be kept in view. I am of the view that the farmers are in difficulty and so are the workers. In this way it would be difficult to maintain peace in the country. Therefore, you must think about taking such a measure which is in the interest of both the farmers and the workers. It would be in our interest to do so.

I have many suggestions and questions, but as time is short, I shall see the Minister later on and get them solved. I am very thankful to you for giving me time to speak.

[English]

SHRI GADADHAR SAHA (Birbhum): Mr. Chai man, Sir, I rise to support the Equal Remuneration (Amendment) Bill, 1987 and also to state that this is not enough from the study of records of non-implementation and non-application of the Act and a negligible number of presecutions

and convictions for large-scale violations of the Act of 1976, it is quite apparent that the Act is certainly ineffective and incomplete.

It is due to the ineffective Act and approach and a little or light penalty provision and inadequate staff with a little or no priority to enforcement of the Act concerning women workers and mostly due to lack of provision to prohibit discrimination against women in the matters of promotion, training, transfer and leave, lack of provision to provide a separate machinery for enforcement of the Act in addition to the State Government and Central Government machineries and lack of comprehensive policy. Now, the Act is being amended to remove the lacunae through certain legislative steps which include provision to prohibit discrimination against women in matters of promotion, training, transfer and leave, a provision to empower recognised institutions and trade unions to report the offences, to extend the scope of the courts for taking complaints relating to violation of this Act and also a provision to enhance the punishment against those who indulge in discriminatory practices against women. This is certainly an improvement in the Act. The Equal Remuneration Act was enacted in compliance with and in pursuance of Article 39(b) read with Articles 14 and 15 of our Constitution. These Articles constituting Fundamental Rights and Directive Principles of State Policy as they do can apply only in the matter of public employment and shall have no application in the matter of private employments.

14.54 hrs.

[SHRI VAKKOM PURUSHOTHAMAN  
in the Chair]

So, the Act is intended to cover only public employment under the States as defined in Article 12 of our Constitution most of which fall under State sectors. This is a lacuna which this Parliament through Central Legislation must fill to serve and save the female workers who are employed in private and unorganised sectors; because women the exploited half of humanity are yet to reap the benefits of the new interpretation of equality clauses by the highest judiciary of our country and because women working in these unorganised private sectors,

particularly, women agricultural workers and bidi binding and rolling female workers do not generally get wages equal to men.

Sir, the Hon. Labour Minister categorically stated in reply to Lok Sabha Unstarred Question No. 2045, dated 10th April, 1986 that the Act has been extended to all industries and employments. He is requested to throw some light during his reply to the debate on whether this extension includes the private sector and the un-organised sector also because the general feeling about the Act is that it does not apply to the employment in the private and the un-organised sector. The Central Government is not yet prepared to accept the reality that the powerful struggle for the principle of equal pay for equal work converts in the course of time into enforceable legal formulations.

Sir, in public employments under 'State' in coal mines construction work, CPWD, Forest Development Department, and the Government's Agricultural universities and farms run by the Government, there are examples of discrimination against women workers for they are the big defaulters in the matter of application of the Equal Remuneration Act. In construction work a male worker is paid Rs. 12 to 15 while a female worker is paid only Rs. 9 a day. Sir, in Nilgiri Tea Estate, where Minimum Wages Act is in operation, a male worker is paid Rs. 8 while the female worker is paid Rs. 7.50 against the minimum wages of Rs. 12.00 a day to be paid to a male as well as female workers. Why it is so, Sir? It is so because there is no Labour Machinery operating there to ensure the payment of minimum wages equally both to men and women workers. Sir, to fill this lacuna, the machinery has to be created for the enforcement of labour laws, relating to women workers, otherwise this Act will remain a piece of legislation to be quoted as a good measure of the Government and the women workers will not be benefited.

The term or the expression, 'The work of similar nature' is a vague expression. The term should carefully be defined to avoid misinterpretation.

As regards the enhancement of punishment, our experience is that it cannot alone deter employers, whether private or public,

from following discriminatory practices. So, an awareness has also to be created among them.

As regards the transfer, some special care and step should be taken because in the case of transfer of a married woman worker there is a question of breaking half of the family in the social family set up. It is also a question of social view point. So, such transfers should be avoided.

[Translation]

15.00 hrs.

SHRI SHANTI DHARIWAL (Kota) :  
Mr. Chairman, Sir, I rise to support the Equal Remuneration Amendment Bill, 1987. It has been accepted in principle by all the State Governments, the Central Government and this supreme body that equal wages should be paid for equal work, but it is a matter of great regret that we add to the volumes of statute books by enacting the laws, but these are not implemented properly.

Mr. Chairman, Sir, the implementation work is entirely under the control of the State Governments and until the State Governments are made responsible, it could not be properly implemented. That is why, due to lack of implementation, women are discriminated against and they are looked down upon in every work and in all spheres of life. It is thought that a woman cannot do a work which could be done by a man. In many quarters it is thought that the job of a woman is that of a typist or a stenographer. Such a tendency is being created. Its reason is that despite existence of so many laws, their proper implementation is not being ensured. This law was enacted in 1976 and after 11 years, this minor amendment is being made. We may pass any number of amendments, but these amendments are not going to serve the purpose. What is required is that there should be proper monitoring and there should be evaluation from time to time. It should be seen whether laws are being properly implemented or not. Responsibility should be fixed on the State Governments and they should monitor whether laws are being implemented properly or not. It is a matter of great regret that men are given preference in the matter of promotions, training and

[Shri Shanti Dhariwal]

transfers. Though women work equally, honestly and carefully, but they do not get promotion in time. Men take advantage of all the facilities and women are discriminated against. Women are paid lower wages in unorganised sector, agriculture sector and building construction sector. In Agricultural sector, women are paid ten rupees, whereas men are paid Rs. 14 for the same work. In building construction sector, woman who is called coolie is paid Rs. 14, whereas man who is called Beldar is paid Rs. 18, though both of them do equal work. We see such a discrimination every day, but we are helpless despite all the laws in this regard. All this is happening due to non-implementation of laws.

State Governments and the Central Government have formulated many schemes regarding working women's hostels, so that working women could get some facility. We have seen many such hostels in district headquarters which have been constructed by the Government, but these hostels are being managed by Municipalities or by any other agency of the State Government. These agencies are not managing these hostels properly. I would like to suggest that the management of such hostels should not be handed over to the local bodies and other agencies. Their management should be under the control of a board of the Central Government so that these hostels could be run properly. The Board should see as to how shortcomings, if any, could be removed and maximum facilities could be provided to the working women residing there.

There are certain jobs which could be done better by women, e.g. working on computers, working in Electronics and watch factories. Assembling work which is done by sitting on a table is better done by the women. Laws should be passed to restrict the men in getting employment in such sectors and ladies should be given top priority. It has also been found that work of carpet weaving and embroidery is done better by the women. There should be induction on men for such jobs and not on women. If women are given priority, they will get encouragement. In the elementary studies it has been found that if a primary school teacher is a male, his attendance would be

less in comparison to a woman teacher. Besides, woman teachers undertake teaching work in a better way. I think that there should be ladies teaching staff in primary schools. The transport facility should be provided to the ladies from their residence to the place of work, where they are required to work during night. Such a rule must be framed. When a woman lodges any complaint against the management, then the people in the management try to take advantage of the helplessness of the woman. There should be provision for awarding stern punishment on such complaints. The poor parents do not have any means of livelihood and in such a situation they are forced to send their daughters to work in order to sustain themselves on her earnings. In such a situation, the girl undergoes all sorts of atrocities. Such a rule should be framed under which there might not be any risk to their moral character. It should also be seen whether the laws are being implemented properly or not and which of the State Governments are not paying proper attention to this work. Stern action is required to be taken in this regard. With a view to providing interim relief, the Central Government had formed a Committee under the chairmanship of Shri Vasant Sathe. Shri Vengal Rao and Shri Sangma were also members of this Committee.

That Committee recommended that the workers and employees of certain Public Sector companies should be provided interim relief. But that recommendation has not been fully implemented so far. Considerable time has passed since the Committee was constituted and its report has also come out, but the interpretation given to it by the bureaucrats is harming the interests of many Unions in the Public Sector. Wherever interim relief has not been provided, it should be given immediately. For example, the BALCO and the Instrumentation Limited at Kota where agitation is going on at present. There also the employees have given a notice. Arrangements should be made for providing interim relief at the earliest.

I thank you for giving me an opportunity to speak.

SHRIMATI KISHORI SINHA  
(Vaishali) : Mr. Chairman, Sir, I am happy that you have given me an opportunity to

speak on this Bill. The International Women's Year was celebrated 11 years ago and during that year a law was enacted to provide equal pay for equal work. The present amending Bill has been brought to remove the shortcomings which were noticed during all these years. In that Bill, provisions were made to eliminate discrimination on the basis of sex in matters of recruitment and wages but no provision was made to check discrimination on the basis of sex in service conditions after recruitment had taken place. There was no provision for equal treatment in matters of transfer, appointment and other facilities. This amending bill has been brought to remove this lacuna and I welcome and support it. It indicates that the intention of the Government is very good. Under clause 10 a provision is there to award punishment for discriminating against women. But even after 11 years, it is very disappointing to see that this law had made no impact. This law has hardly made any difference. Government has not so far come forward with the information as to how many cases have so far been filed and how many persons were punished. According to 1981 census, out of 13 crores of labourers about 6 crores are in the unorganised sector. For example, women are paid very low wages in the agricultural sector. This is my personal experience because I myself hail from a rural area. I have come across several cases where women were discriminated against and it was found that though they work as much as men, yet they are not paid equal wages. This I ascertained from the women themselves. Government should find out the reasons as to why women are paid less than men. From the very beginning, this law has been violated on a large scale in the agricultural sector. In the construction work also, women are paid less than men. The contractors do not obey the labour laws and have not complied with them. This is what we find in the 1981 report. The question of implementation of law regarding equal wages does not arise as long as the question of minimum wages is ignored. The House is aware that this issue has given rise to discontent and tension in many areas in the country.

A refresher course is organised by the National Labour Institute in which Labour

Inspectors from all over the country participate. On going through the report of this institute, it becomes clear that none of the Labour Laws is observed.

The condition of women engaged in the Agricultural Sector is even more serious. Government has not released any report in this regard but on the basis of unofficial and unconfirmed reports, I can say that from 1981 to 1984, 250 cases were filed out of which punishment was awarded in 71 cases only. It is clear from this that progress has been very slow in this field. It is a matter of satisfaction that the present amending bill has provisions for strict action against those who violate these laws and the recognised voluntary agencies have been authorised to file cases against the payment of unequal wages. I would suggest that priority should be given to women's organisations in this regard.

Another suggestion which I want to give is that the Members of Legislative Assemblies and Members of Parliament should be entrusted with this responsibility because they have a direct link with the rural areas and it is comparatively easy for them to get information.

Our Constitution guarantees equality and equal pay for equal work but we find in daily life that it is being clearly violated. Even today, desired improvement has not come about in the condition of women. Although laws are there for ensuring equality and justice, they are not observed strictly in the society. I want to submit that Government should think more seriously in this direction. I think that in this country, it is essential to set up one such body which would not only settle disputes expeditiously but also ensure that the employers do not circumvent the law.

With these words I support the Equal Remuneration (Amendment) Bill that has been brought forward and hope that Government will implement this law in letter and spirit and with strictness as only then the women will benefit and inequality between sexes will end. I thank the hon. Chairman also for giving me an opportunity to speak.

SHRI VIJOY KUMAR YADAV  
(Nalanda) : Mr. Chairman, Sir, I support

[Shri Vijoy Kumar Yadav]

the present Equal Remuneration (Amendment) Bill introduced in the House. In our Constitution, it is provided that discrimination on the basis of sex, region, caste or colour is an offence. The Constitution also provides that every region will get an equal status. As it is, all this exists in paper only and in practice, such discrimination exists everywhere in the Public as well as in the Private Sector.

Regarding the modern-time society, it has been said that it is a male-dominated society and its ills cannot be removed without a social revolution but I think that until we make progress in the economic field, we cannot bring about equality in society. Moral lectures and all such efforts will always be futile. The extent of exploitation of women in this country is unparalleled in the world. Not only this particularly in the labour sector we find exploitation of men as well and men are also victims of discrimination in the Government sector.

The labourers are called by so many names such as, contract labour, casual labour, daily wages labour etc. But they do not get equal economic benefits for equal work. These benefits may be in the form of compensation for labour, wages or any other facilities. This question has been arising in the public sector also but no solution has been found to this problem in the country. Laws enacted by the Government are not implemented in its own establishments. The same situation exists everywhere these days. All labourers belonging to any party or union, have presented the same view—that all discrimination against them should be stopped forthwith. Workers have launched a number of movements for this purpose and these are still going on. But till today the Government has not been able to implement this law even in its own undertakings. In theory the law is all right and everyone will support it. But in practice, its implementation should start from all Central undertakings, you could start with the public sector, so that this type of discrimination could be ended and the formula of equal pay for equal work would be applied on an all-India basis.

, Mr. Chairman Sir, the second thing I

would like to say...(*Interruptions*).

[*English*]

MR. CHAIRMAN : Which public undertaking is having this discrimination ?

[*Translation*]

SHRI VIJOY KUMAR YADAV : Undertakings like Hatia, Bokaro still continue to have the system of contract labour.

[*English*]

They are not getting as much wages as the regular workers are getting.

[*Translation*]

There are many other places like this, Mr. Chairman Sir, every where, it is the same story. A demonstration and a *Dharna* was held for this purpose at the Boat Club here in Delhi. But the Government did not agree and the law could not be implemented till today.

Mr. Chairman Sir, the second thing I want to say is that the State Government is responsible for implementing laws enacted by the Central Government. Whenever this question is raised in Parliament, you give the same stale reply saying that the Central Government cannot do anything as the State Government is responsible for its implementation. There are 40 lakh bidi workers in India. They are not paid uniform minimum wages. Even the male workers do not get the statutory minimum wages. As for female workers, they all hardly paid 50% of the minimum wages. There are nearly 4 lakh bidi workers in Bihar State. This question has come up many times and we also gave it in several times. Nothing has been done in this matter. In this situation, this bill that you have introduced is good. It is a step in the right direction. But how are you going to implement this law, who is going to implement it ? Who will guarantee that the laws enacted by you will be implemented ? The similar law which the Government enacted earlier also could not be implemented.

In such a situation, I want that the Government should evolve some sort of machinery. The State Government should

be given the responsibility of evolving such a machinery to solve this problem. If you want to bring about a revolutionary change in our society which is ridden with problems of bonded labour and social, personal and economic exploitation of women, then you have to take some solid steps. In present-day society, it is not enough to sit back after making laws. We have to act upon them. I hope you will take a step in this direction to ensure its proper implementation so as to fulfil the objective with which this amendment has been introduced. With these words I support the Bill.

**SHRI VIRDHI CHANDER JAIN** (Barmer) : Mr. Chairman, Sir, I support the Equal Remuneration (Amendment) Bill. It is clear in Article 15 and Article 39 of the Constitution that—

[English]

Article 15 of the Constitution says :

“The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.”

Article 39(D) of the Constitution says :

“That there is equal pay for equal work for both men and women.”

[Translation]

The persons who drafted the Constitution of our country were very learned. They were aware of the exploitation of men and women and provided for this in the Constitution. On the occasion of the International Women's Year in 1976, a similar law was enacted. I support the three amendments to section 5, 10 and 12 that have been introduced. This will also take care of lacunae in the payment of equal remuneration.

As 'work of the similar nature' has not been defined properly, I suggest that it should be done. Otherwise it will lead to discrimination and women will not get the wages or compensation they are supposed to get. Therefore, 'work of the similar nature' should be defined.

Under the provision in section 10 which deals with punishment, amount of fine has been increased to Rs. 10,000 from Rs. 1000, but the period of punishment has been kept as one month. In the second amendment, provision has been made for imprisonment upto one year. I should say that provision should be made to increase the term of imprisonment. Just now, our friend was saying that the Act is not being implemented. I feel that an increase in punishment would help in the implementation of the Act. So an increase in punishment is necessary. A compulsory punishment of 6 months' imprisonment should be provided for. 11 years have passed since we made legal provisions and still they are not being adhered to. The main reason for this is that there has been no punishment in the cases filed under this law. The culprits have gone scot-free. Hence, it is necessary that this Clause is strengthened and provisions be made for severe punishment. This will help in its full implementation.

There are two categories of workers—organised and unorganised. Implementation is easy where the workers are organised. This is because an organised Workers' Union always fights for its rights. Due to the same reason, women also get their rights. But the plight of unorganised workers is a sad one. This is more evident in the agricultural sector. Landlords still exploit workers. It leads to even murders which only encourages them further. So it is important that they get their rightful dues. If you do not do anything in this area, landlords will keep exploiting them and not let them prosper.

The second thing that I want to say is that you have done well by making provision for recognised trade unions. I whole-heartedly support it. But one thing that is needed is a system of monitoring. This should be done by all State Governments. For this purpose, a monitoring cell should be set up by the Central Government. This cell should be a part of the Labour Department and it should specifically check whether these laws are being adhered to or not. The hon. Minister visited Rajasthan. He saw for himself that the workers are not paid even the minimum wages. From 1st March, 1987 minimum wages has been fixed at Rs. 14

[Shri Virdhi Chander Jain]

per day. But in Rajasthan, only Rs. 11/- is given as minimum wages. When the minimum wages has already been declared on the 1st March, 1987, what is the reason for not giving minimum wages? The Central Government must take some step in this regard and think over it seriously.

Besides, payment is made according to the quantum of work done. If they do work worth Rs. 3, they are paid Rs. 3 and if they do work worth Rs. 2, they will be paid Rs. 2 and so on. I mean to say that they are given wages according to the quantum of work done by them. As you are aware, their economic condition has gone down and their health has deteriorated to such an extent that they are not in a position to work, due to which they find it hard to finish the work allotted to them. As a result of it, they are given less wages. So, you should make arrangements for this also.

It has also been observed that supervisory staff and engineers are not appointed in adequate number. Later on, when work load is reduced, less wages are paid. Therefore, there is need to think about it. Their wages should also be increased in view of rising prices. What I mean to say is that the monitoring should be done by the Central Government.

In our State of Rajasthan, contract system is still prevalent. Contractors never pay full wages to the labourers. If they do more work, they are given more wages, if they do less work, they are given less wages, no matter, whether they are male or female labourers. Therefore, abolition of contract system is required to be considered. Unless this system is abolished, we shall not be in a position to implement the laws, and the inspectors engaged in this task will continue to mint more money out of it, because it is the Inspectors who get more benefit from this type of legislatures. With the enactment of such laws, flood gate of corruption is opened to them, and they demand more bribe. Contractors have to bribe them as they fix the quantum of bribe according to the degree of illegality of work. So a vicious circle is created. Therefore, what I mean to say is that corruption is increased due to it.

So, it is imperative that we should make the laws more stringent. Let the voluntary organisations come forward to do the job. Steps should also be taken for land reforms so as to improve the condition of landless labourers. They have not been provided land so far. Talking about Rajasthan, I want to say that they have been given un-economic holdings there. They have been given the most infertile land acquired under land ceiling. How can they improve their lot? Thus, they are forced to depend on the landlord. They work as a labourer for the landlord and are exploited. So, they cannot make progress. No doubt, the laws made in this regard is a progressive one, but there is need to make it more stringent and its penal provisions more rigorous.

With these words, I welcome to Equal Remuneration (Amendment) Bill, 1987.

DR. G.S. RAJHANS (Jhanjharpur) : Mr. Chairman, Sir, almost all points relating to this bill have already been covered and I do not want to repeat them.

In fact, justice is not done to the women in this country. You talk about equal remuneration, but my submission is that you should talk about equality before providing for equal remuneration. The birth of a female child casts gloom even in the elite families...

SHRI RAMANAND YADAV : It is not so, in Bihar, it is said that the Goddess Lakshmi has come...*(Interruptions)*

[English]

DR. G.S. RAJHANS : Sir, these ladies are fighting among themselves, what can I say ?

[Translation]

The above fact is true. It is due to the economic reason that in the course of the history of the last 3000 years, we have been so much burdened that our society has been forced to treat our women folk as our second grade citizens. From the very date of her birth in the family, she is treated as second class member. Gradually, she is forced to imbibe the impression in her mind that she is not at all equal member of the family and it is the God WHO made them

unequal. In our country, most of the people are fatalist. They are imparted training to this effect even in their home, that they are not made equal to males by the God. Girls are told that they are not equal to boys. Thus, exploitation begins right from there. Then, girls are sent to schools, but how many villages have girls schools? In how many schools, bath room and other facilities are there for girls? How many of them have lady teachers? I am talking about north Bihar. Of course, in your State of Kerala, the position in this regard is good but in Bihar, and U.P., there is no schooling facilities for girls. Parents are always in a hurry to get their daughters married by the time they attain 15-16 years of age so that they could get rid of their burden. So first of all, we should think about equality, thereafter, we can think about equal pay and equal remuneration. If you just could do one small thing, this will solve all sorts of the problems facing the country. You appoint ladies on 80 per cent posts of the teachers in the primary schools. For all the primary schools in the States, it may be made obligatory that 80 per cent of the vacancies of teachers in the primary schools should be filled by appointing ladies only, as they are very sincere in teaching work as compared to male teachers, who somehow manage to get appointment letters but indulge in union activities from the very next day of their appointment, paying least attention to their teaching job. They put State Governments also in trouble by raising the demand of increase in their salary. We are also threatened by them that if we do not support their demand they would see us at the time of next election when they will be appointed as presiding officers in the elections. You go any where, you will find that out of 100 teachers, 80 teachers do not come to school at all. If you appoint ladies as teachers, the students, coming from the schools, will be most disciplined.

So far as I understand, a conspiracy is going on to prevent ladies from entering job. At the time of interview, they are told embarrassing things such as they would not be able to do the job, as it is a most difficult job, involving night shift duty also. Helplessly, the girls are left with no option but to refuse the job by saying that they cannot work in the night shift. Thus, they get rid of them and the job goes to male member.

There are thousands of ways to exploit women. As Mamataji was saying, the maid servants engaged for household work are supposed to serve in one fourth of the salary that their male counterpart gets for the same job. It is presumed that if they refuse to work, they have no option but to work, whereas for the male servant, there is every apprehension that he might leave the job. Maid servant quietly tolerates this because she has no other alternative. Similarly, women working in tea gardens have no alternative. In construction industry also, women are not paid wages equal to men. Retrenchment of women from the service is considered to be a very ordinary thing. Where will a woman approach in the event of her retrenchment from the job by the contractor? If she is not in a position to go to anybody for making complaints, she has no option but to accept what is offered to her as wages.

I want to say that the objective of your bill is very good, but, today, there is need to change the attitude. Unless we change the attitude, women will continue to be treated as second class citizens in this country, despite your passing any number of legislations. As has been said by our other colleagues, a number of legislations have been enacted by you, but they are not being implemented properly. For example, under the Factories Act, provision has been made for creches and rest rooms for ladies, but I say it with challenge that what to speak of other places, even in Delhi, 80 per cent of factories do not provide these facilities. Women have been quietly tolerating this injustice and this vicious circle is allowed to persist, because women are trained from their very childhood to tune with the idea that women are not equal to men. Therefore, I feel that no country will prosper until women are treated at par with men in the matter of providing job opportunities, in the field education and in giving equal status in the society. There cannot be a better measure than this. But I would like to say that you propose to bring men and women at par in the matter giving remuneration, but can you be able to implement this provision?

One of our colleagues has raised the issue of bidi workers. In this very House and in the current session itself, we have held discussion on bidi workers four times.



[Dr. G.S. Rajhans]

In every discussion, it was said that bidi workers, particularly women are exploited by contractors. It is openly said that the women bidi workers, will be paid less remuneration as compared to the male bidi workers for making the same quality of bidi. Everybody knows it. State Government as well as the Central Government are aware of it. Despite enactment of laws by us, this system could not be abolished. There is only one root cause of all these things. You may enact any number of laws, but you must ensure their implementation.

Earlier to this, no law was enacted to provide for equal wages to women. Let the women know that the Government thinks about their welfare. That is all I want to say.

[English]

15.16 hrs.

SHRI THAMPAN THOMAS (Mavelikara) : Sir, about this Bill first I would like to ask the hon. Minister to give us the details when he gives the reply on how many cases have been detected under this Act earlier, before this amendment and how many people were punished. To my knowledge about this Bill it is not clear who is the authority to exercise powers for the purpose of prosecution if equal wages are not paid and who are the culprits who are not paying it, whether that is detected and any effective steps have been taken is the question. Really the existence of such a law and its observance is not known to the workers, not known even in many areas where it ought to have been because it is followed more in violation than in observance because even the Government is discriminating between these workers who do the same work. Sir, the Railways are one of the most important establishments in India. They fix up the salaries for the workers who are doing the same work. They themselves classified them into two categories and they fixed up their wages. Has the Government on any occasion made such enquiries and found that such violations are being committed by the Government themselves, Government institutions and departments, and actions are not taken against them ? If they

violate such things, is there any machinery which can initiate action against them and book them ? So, this amendment will remain only on the Statute book ; more than that it may not have any effect.

Therefore, I submit that there should be a law codifying the labour legislations in this country. I think the hon. Minister is making an attempt on this line to bring an Industrial Relations Law and he has told us that he was bringing it even last year and it was ready. But till today, that has not seen the light. What happened to it ? If that is correct, this is one of the things which have to be highlighted in the approach of the Government in processing an Industrial Relations Law because 'there should be equal remuneration for equal work and workers cannot be discriminated on the basis of sex' are the slogans or the accepted principles of the Constitution of this country. The Constitution itself gives the guarantee under Article 15 as well as Article 39 in the Directive Principles and in the Fundamental Rights, both as instructions to the Government and also a right for the citizen that he has a right for an equal wage when he does the same work. So in both the senses it is there and therefore, I may submit that not as a piece of separate legislation but all the more to be a subject matter of serious importance you get it in the Industrial Relations Law itself as a basic approach. That has not been done. This is a legislation which has no teeth to implement. In that way the law is being brought and some amendment is being sought for in this Act.

Sir, my friends were elaborating the situation in this country. I need not go into details as to where these people are discriminated against. In this context, I would like to say that irrespective of this fact, we could not give dignity to labour in this country till date. I submit that still the workers in this country are looked as a second-class citizen. They are not reckoned in the society as equal partner in the process of production. They are still treated as master-servant relationship. Even workers among themselves they are treated like that. Even among the workers, discriminations comes, i.e. between men and women and between people who are working in the private sector and public sector. Wherever they work, there is a discrimination according

to their own shaping and administration. All these are attracting punishment under this Act. All these things have to be prohibited under the guarantees given under the Constitution. If we look at these things from one angle, we find that the basic defect in all these labour laws in this country is that the dignity of work has not been accepted. We still consider worker as a commodity or something like that. He has to work ; he has to sweat ; he has to give his service and receive whatever is applicable at that time, at the moment and what can be given to him. With that, he has to satisfy. When he raises a slogan of collective bargaining or demands better thing from the employer either it is Government or private person, then all the burden of "not improving the society" is put on him and he is made a scapegoat. It is said that because the workers are on strike and are bargaining for better wages and all that, this country is put to ransom. They are taking the society to ransom and taking advantage of the situation. This is the criticism which comes against the workers whenever they ask you for better wages and better living conditions. Therefore, my submission is, even before bringing the Equal Remuneration Act and all these things, the first thing is to accept the dignity of labour which is there in the ILO Charter as well as in our Constitution, as a fundamental thing and then to approach the problem basically. Therefore, I suggested that instead of bringing piecemeal legislation, a comprehensive legislation should be brought in. Then, it will find a proper place and proper acceptance. That is my request which you can consider.

I am not going into the details. I am not against the things which you have said. But find out these details about the workers' conditions in the country and make a study of these things and also bring a comprehensive legislation in the matter with effectiveness to implement it and not to bring this piecemeal legislation. That is only my opinion with regard to this.

DR. PHULRENU GUHA (Contai) :  
Mr. Chairman, Sir, I rise to support the Bill, namely the Equal Remuneration (Amendment) Bill, 1987 which seeks to bring about certain amendments to the original Equal Remuneration Act of 1976. I may mention that a committee, namely the Committee of

the Status of Women was constituted by the Government of India and that committee submitted their report to the Government on 1st January, 1975. I happened to be the chairman of that committee and in that report, we have specifically pointed out again and again that there is a discrimination between men and women not only in payment of wages but also with regard to recruitment, transfer and in every matter. I must say, on the basis of that recommendation of the Committee of the Status of Women, the Government of India brought this Equal Remuneration Act in 1976.

Now the amendments have been brought forward. Section 5 of the Act stipulates that no discrimination should be made between men and women in recruitment and the equal payment should be made to both men and women. But no protection was given to women against discrimination in matters like employment, promotion, transfer, leave etc.

Now section 5 is to be amended. Penalty was very little in the original Bill. Apart from that, I am sorry to say that people who did not or do not follow the law go scot free. As far as I know, none of them is arrested. They are not given any punishment also. Equal remuneration is not being paid even in the public sector. I am sorry to mention that Equal Remuneration Act is not being implemented in most of the organisations such as tea plantation, tobacco, coffee plantation, rubber plantation and construction works. I can go on adding the names.

By making mere legislation, the purpose cannot be fulfilled. I would stress this point. I am sorry many legislation are not being implemented. That is why, I say that mere legislation will not help us. Equality has to be ensured in the case of conditions of service.

In the case of transfers, some special consideration should be given as far as women are concerned because we should not forget the social conditions of this country. When the question of transfers of these categories of people comes up, the authority should take a little care of an unmarried young woman and a married woman with children and place them in proper place.

[Dr. Phulrenu Guha]

In Section 10, punishment has been increased but unless an awareness is created among employers, women workers will not be benefited. We have seen that the punishment has been increased in a number of cases but yet those who do not follow the laws are not arrested. Even if they are arrested, they are scot-free. That is happening in most of the cases. I am sorry to say that even in my State with Left Front Government, women do not get equal remuneration. You may be angry with me but I can show them.

SEVERAL HON. MEMBERS : We agree.

DR. PHULRENU GUHA : In a male-dominated society, it is not easy for women to get equal remuneration and promotion etc. I once again say that an awareness is to be created all over the country. There is no difference whether the States are run by Congress or non-Congress Governments. In a male-dominated society, the psychology is the same. Awareness is most important.

With these words, I support this Bill.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT) : Shri K. Natwar Singh is replying in the Rajya Sabha. He will be here in the next five minutes.

MR. CHAIRMAN (SHRI VAKKOM PURUSHOTHAMAN) : That is right. So, we will start discussion five minutes late.

SHRIMATI SHEILA DIKSHIT : Yes. You can continue with this. (*Interruptions*). Shri K. Natwar Singh is replying in the Rajya Sabha. I want to just inform the House. He will be delayed by about five to seven minutes.

[*Translation*]

SHRI BAPULAL MALVIYA (Shajapur) : Mr. Chairman, Sir, I support the Equal Remuneration Bill which has been brought forward by the hon. Minister in the House. So far as the question of giving equal wages to women is concerned, the male and female employees get equal pay for equal work in

the Government Offices. There is no discrimination on the basis of sex in the matter of pay, whatever be the post. But when the work is assigned to a contractor, he discriminates between male and female worker in the matter of wages. If a male contract labour gets Rs. 7 the female gets Rs. 5 per day. In such a situation, I would suggest that watch should be kept on contractors also to see if they are actually paying wages to women at par with their male counter parts.

We find in the Municipalities and city Municipal Corporations also the male and female safaiwalas get different remuneration through their job requirement is the same. This difference needs to be removed.

There are some contractors who bring tribal labourers from Rajasthan, Madhya Pradesh and Uttar Pradesh for providing employment to them at other places and take commissions in the process. The workers get less wages at such places and discrimination is done between male and female workers in the matter of wages. There is a need to pay attention towards this also.

In this regard, it is very essential to have social equality. All happens because we do not have social equality. This lowers the morale of the women. Some of our scriptures too do not grant social equality to women. I feel distressed when I read one of the couplets written by Tulsidas about women. He has written that :

“Dhol Ganwar Shudra Pashu Nari,  
Ye sab tadan ke adhikari.

Such couplets should be deleted from the holy books.

16.03 hrs.

[SHRI ZAINUL BASHER *in the Chair*]

It will be difficult to raise the morale of the women if this type of references are not omitted from the holy books. The women are paid less wages only on the basis of this type of references. The Government should take note of these things. This sort of references are a disgrace to the women and it is due to this that the women do not get social equality.

In the factories also, the male and female workers get equal pay according to their post. But in the factories they engage women on daily wage basis and thereby pay less wages to them. It should, therefore, be looked into whether the women are getting just wages in the factories or not. The women perform half the agricultural operations in India. In spite of that they get less wages as compared to their male counterparts. Similarly girls of 15 to 16 years of age get far less wages when they come to work though they do equal amount of work. The Government should pay attention towards all these things. When I read about fine I felt that it would serve no purpose. Who will pay the fine? It may work in the factories, but it is difficult to penalise anybody in the agriculture labour sector. In fact it is not being enforced in the case of rural labour and women which is the right area where it should have been enforced. Today we find that agricultural labour is unorganised. The same is the case with the women. The village landlords decide at the beginning how much wages is to be paid this year. They decide that male workers will be paid Rs. 7 and female workers Rs. 5. It has been left to courts and other institutions to look into this, but in my view it is very difficult for them to enforce it. The Government do not recognise the labour union where 50 workers work. They cannot go to court. If the voluntary institutions are not recognised, how can they go to courts. If the Government really wants to improve the lot of the women and ensure payment of equal wages to them, all these aspects will have to be looked into very carefully. I want that there should be a labour Inspector in every district. He should at least go to the villages and see whether the women are getting proper wages or not. We are a democracy. Demos mean people and cracy means administrative machinery. It is that machinery which sends us Bills and we get them passed. Come up like this one after the other. In fact there should be a spirit to implement them. The Labour Act was passed earlier also. How many people were penalised on that basis? I think not a single one. Whatever laws are enacted, they should be implemented. If this will be the spirit, it will really work. I support this Bill and express my gratitude to you for providing me time to speak.

[English]

SHRI BHADRESWAR TANTI (Kaliabor): Sir, the Equal Remuneration Act has been enacted in the spirit of one of the Conventions of the International Labour Organization. India, being a member of the I.L.O., has accepted 33 Conventions out of about 150. Apart from that, Part III and Part IV of the Constitution of India are lenient towards the working class. That is why, India accepted this Convention and in the International Year for Women, in 1976, this law was enacted in this House. After eleven years, this Amendment Bill has been brought by the Government. But if you go through this Amendment Bill, you will find that there is not much change in it. At the time of making this law, there were some provisions that violation of this law would be punished with fine and imprisonment. Now the entire matter has been taken in a broader way and modified. In section 10 of the Act, you will find that the punishment prescribed was a fine which may extend to Rs. 1,000 and simple imprisonment for a term which may extend to one month. Now it is being extended to a fine of Rs. 10,000 and imprisonment upto one year.

Why have you failed to make the law that any violation on the part of the management they will be convicted and sentenced? Not only penalised but they will be convicted and sentenced along with fine. But now it is either of the two. With the result, they laugh, throw money and go without imprisonment. There should be permanent penal provision for any violation made by the management. They should not only be punished but also jailed. But, there is no question as such.

The dignity of labour in our country has been ignored, particularly the women workers working in various industrial sectors have been ignored. In Assam there are about 775 tea estates where about five lakh women workers are working and in almost all the tea gardens, women workers are not being paid equal wage to that of man till today.

(Interruptions)

SHRI S. JAIPAL REDDY (Mahbubnagar): I have a point of order. The Chairman earlier said that Mr. Natwar Singh would be held up in the other House for five or ten minutes. It is fifteen minutes. I think we must see that the sanctity of time given to us is honoured.

*(Interruptions)*

SHRI SOMNATH CHATTERJEE (Bolpur): Where is the full External Affairs Minister?

*(Interruptions)*

SHRI SOMNATH CHATTERJEE: We request the presence of the full Cabinet Minister here.

SHRIMATI SHEILA DIKSHIT: I will convey your message.

*(Interruptions)*

SHRI BHADRESWAR TANTI (Kaliabor): Sir, these women workers who have been employed in private tea plantations in Assam have not been paid wages to that of man till today. No action has also been taken by the Government for any violation on the part of the management.

The defect in this Bill is that this Bill is not a socially-oriented Bill. This is a draconian system of law. Here no private individual can file the case, no one can complain for any violation. Only the Government officers or any particular organisation can file the case. But you and me cannot go and file the case. We cannot file. Why? Why no provision has been made for a citizen to file a case for any violation done by the management? This is nothing but waste of paper. This will be thrown in the dustbin. No Minister will honour it.

Sir, Part III and Part IV of the Constitution is lenient to the working class. You have got so many laws for the working class. These laws have not been implemented. If you go to my State Assam, you will find that these laws are nothing but on the paper. What the Centre has to say about equal wages? You go and find that women working in tea plantations are paid the child labour wages at Rs. 5.88 per day. I have complained in this House several times,

But no action has been taken. What is the position of women working in our country now?

*(Interruptions)*

PROF. MADHU DANDAVATE: What are the lady Ministers doing?

SHRIMATI SHEILA DIKSHIT: We get equal wages.

SHRI SOMNATH CHATTERJEE: They should ask for more because they do the household work also, I suppose.

*(Interruptions)*

SHRI BHADRESWAR TANTI: My humble submission is that not only you make provision for equal wage for equal work but less work and equal wage be paid to the women workers also. A man working in an industry will go back to his house and sleeps; but a lady worker, after doing her work in the industry, will also have to work for another five to six hours at home. Why not bring such a law suggesting equal wages for the women of this country and less hour of work for them.

You accept the ILO convention. You also please take the spirit of it and implement all the conventions and the laws that you make in this House for the welfare of the people, for the working class of this country. You only make law and keep silent, for your political gain.

Today, the women workers have to face many challenges. If a worker is working in the private sector, she is thrown out of her employment. She will have to go to the labour inspector, then she will have to ask for conciliation, at his sweet will, the labour inspector sends a favourable report to the Government, the Government will refer the case to the labour court for adjudication, then to the High Court and finally to the Supreme Court. How can you expect a poor worker to follow this process of law? You cannot. Ours is a welfare State and you are committed to the service of the people, particularly the working class because the Constitution of India in its Parts 3 and 4 is lenient towards the working class.

This has been said by many people,

There is no difference of opinion on both the sides. But I don't see any reason why the Government do not try to implement these laws. Whatever they bring, remains on the paper, in the library.

Our women workers are not only ignored ; but also they have been sexually exploited by many industrialists. Sexual exploitation is going on in our country on the women workers. In many remote places where private industries are there, where the contract labour system is going on, the women are facing this trouble. They have become the victims. Even when they come to the authorities, nobody is there to listen to them. I being a citizen of India, made very many complaints but it proved to be a futile exercise. The crying of the working class is a crying in wilderness.

We are very much concerned because it is the question of the dignity of women. We say that the women should be honoured but how many are honouring the women? Women working for 8 hours do not even gain the equal wages today.

According to law, maternity benefit is there. But this law has also not been implemented in any part of the country, particularly with regard to the casual women workers, working in private sectors. The regular women workers in the private sector get the maternity benefit ; but the casual labourers do not get it. Whereas the law says that workers working in any industry are entitled to get the benefit. They do not get and the department is also silent.

*(Interruptions)*

There is no relationship as master and servant ; it is a relationship called God and dog !

PROF. MADHU DANDAVATE : That means reverse spelling !

SHRI BHADRESWAR TANTI : Big businessmen and the management have also been supported by the Government. They always take the side of the Government and the Government never takes the side of the workers. When do they take the side of the workers? Only at the time of elections.

Just like in Nagaland where there was a large amount of money spent. In one constituency Rs. 10 crores have been spent.

We are equally concerned. We would like even to suggest to the Government that they may bring such a piece of legislation whereby there is less work and equal wages for the women workers. Before I conclude I would only like to say that the law should be implemented both in letter and spirit.

*(Interruptions)*

SHRI SOMNATH CHATTERJEE : Sir, I rise on a point of order. The Minister of Parliamentary Affairs proposed that the discussion should start at 4 p.m. and the House agreed. In spite of that the debate under Rule 193 has not started. There are three Ministers for External Affairs. What is this? Is the Government functioning or not? Is this the way that Government should treat the Lok Sabha?

*(Interruptions)*

MR. CHAIRMAN : Let the Minister come. He is on his legs in the other House. Mr. Kali Prasad Pandey may speak now.

SHRI S. JAIPAL REDDY : Sir, the Prime Minister could have come and thrown light on the subject. Recently he had talks with Mr. Reagan in USA.

*[Translation]*

SHRI KALI PRASAD PANDEY (Gopalganj) : Mr. Chairman,

*(Interruptions)*

*[English]*

SOME HON. MEMBERS : Sir, you may adjourn the House for some time.

*(Interruptions)*

SHRI SOMNATH CHATTERJEE : Where is the Cabinet Minister for Parliamentary Affairs? He gave that commitment.

*(Interruptions)*

**THE MINISTER OF STATE IN THE  
MINISTRY OF PARLIAMENTARY  
AFFAIRS (SHRIMATI SHEILA DIKSHIT) :**  
Sir, the Minister for External Affairs against whom this item is listed is Mr. Natwar Singh. He is on his legs in Rajya Sabha. He cannot be expected to run away from there.

**SHRI BASUDEB ACHARIA :** Where is the Cabinet Minister ?

*(Interruptions)*

**SHRIMATI SHEILA DIKSHIT :** Sir, we have a Cabinet Minister here. If you like we can start the debate and..

*(Interruptions)*

**SHRIMATI SHEILA DIKSHIT :** Sir, the hon. Minister, Mr. Natwar Singh has come. Let us start the debate now.

**MR. CHAIRMAN :** Mr. Kali Prasad Pandey you may continue your speech next time when this item is again taken up. Now the House will take up discussion under Rule 193 regarding recent deliberations in the US Congress on South Asia. Shri S. Jaipal Reddy may initiate the discussion.

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16.25 hrs.

**DISCUSSION ON THE STATEMENT  
RE : RECENT DELIBERATION IN  
THE US CONGRESS ON  
SOUTH ASIA**

*[English]*

**SHRI S. JAIPAL REDDY (Mahbubnagar) :** Mr. Chairman, Sir, the whole nation is profoundly perturbed...

**PROF. MADHU DANDAVATE (Rajapur) :** Even Tiwari.

**SHRI S. JAIPAL REDDY :** ...over the obnoxious and outrageous move of US Senate Committee for Appropriations to equate India with Pakistan on the nuclear question. Though it is a bolt from the blue, our nation is not surprised. This move of the US Congress fits in with the general pattern. It is in perfect conformity with the time-honoured approach the United States

adopted towards the problems in this region.

Today, the whole nation reacts against this cutting across all party barriers. Never has India felt so much insulted and provoked as by this move since perhaps 1971 Bangladesh War. The equation is illogical and immoral. India has had nuclear weapon capability at least since Pokaran implosion in 1974. But India has unilaterally and scrupulously refrained from using this know-how and capability for military purposes. India, at the same time, has been consistently opposing the nuclear non-proliferation treaty as it is discriminatory, and as it is weighted in favour of the big powers of the world. This has been the stand of our nation irrespective of who was in power. I may recall that Mr. Morarji Desai as Prime Minister snubbed the then US President Jimmy Carter in 1977 on this question.

India has developed this capability all on its own while Pakistan has been resorting to stealing spree of nuclear weapon materials. The latest instance was Arshad Pervez case. Ironically, the trial of Arshad Pervez is starting today in Philadelphia. Some of us have always felt the United States has been deliberately turning a Nelson's eye to this nuclear ambition of Pakistan. It has always adopted double standards on this question. Soon after Pokaran implosion the United States unhesitatingly went back on a contract to supply enriched uranium for a US-supplied plant at Tarapur. Now it is admitted among experts in the United States that Pakistan has a workable nuclear device and America is back to its age-old game. It again wants to turn the blind eye. Now with this move, our nation has got the worst of both worlds. We have been pleading that the Symington Amendment should be applied in the case of Pakistan and Pakistan should not get any military aid.

The latest move is clear to release the stalled 4.02 billion dollars military and economic aid to Pakistan, which includes the dreaded system called AWACS which could totally upset the apple cart or the balance of forces in the sub-continent. I do not know why the US Congress wants to insist on treating India on par with Pakistan. India is a big country which has developed its own capability and built up its own infra-