

[Mr. Deputy Speaker]

Members would have pressed the button. That is why physical counting is required. That is why I asked for Division once again.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRI H. K. L. BHAGAT): Mr. Deputy Speaker proves to be correct about the voting machines.

MR. DEPUTY SPEAKER: The next item on the Agenda i.e. the Constitution (Amendment) Bill, 1985 (Insertion of new Articles 31, etc.) by Shri Saifuddin Chowdhary can now be taken up for consideration.

Shri Saifuddin Chowdhary may move the motion for consideration of the Bill.

I see that Shri Saifuddin Chowdhary is not here.

The House will now take up the next item.

15.50 hrs.

UNORGANISED LABOUR WELFARE FUND  
BILL

[English]

MR. DEPUTY SPEAKER: The House shall now take up the Unorganised Labour Welfare Fund Bill.

Shri Balasaheb Vikhe Patil to move the Bill for the consideration of the House.

SHRI BALASAHEB VIKHE PATIL (Kopargaon): Sir, I beg to move:

"That the Bill to provide for setting up a fund for the welfare of unorganised labour, be taken into consideration."

[Translation]

Mr. Deputy Speaker, Sir, under Unorganised Labour Welfare Fund Bill, 1985

which was brought forward in this House, the facilities provided to labourers could not satisfy us and we have also observed that desired assistance is not available to the unorganised labourers. It is my view that if those who are interested to form unions of unorganised labourers to assist them should contribute at the rate of 1% or give some donations to create a separate fund for the welfare of unorganised labourers. Along with this, Centre and State Governments each should also contribute to this fund at the rate of 25%, thus this sum can reach upto 50 percent. Thereafter, if this sum is utilised for the welfare of unorganised labourers, this can do a lot of good for them. Even otherwise, you have provided for constitution of an advisory committee under this Bill to look after their welfare work.

Public workers, leaders and scholars have been feeling for a long time that organised labourers get their demands accepted in one way or the other but the unorganised labourers which includes much of the labour class feel themselves helpless to get even their legitimate demands accepted. Therefore, it becomes a duty of all members of organised labour unions, citizens, Centre and State Governments that they should extend their cooperation for the welfare of unorganised labourers. Keeping this in view, I have brought forward this Bill. I have observed that problems faced by unorganised labourers are very serious and they are exploited continuously. These labourers are unable to present their demands firmly and they do not get even minimum wages. Farm labourers, bidi workers and contract labourers do not get even minimum wages. If they demand for it, they are removed from the service. These labourers now sought for improvement of their condition stoppage of their exploitation. Welfare fund facility provided in this Bill is not for only welfare activities, it is also aimed at enhancing their bargaining power in respect of their demands.

There exist already many laws for the welfare of unorganised labourers but they are not implemented properly as they come within the jurisdiction of the State

**Governments.** Justice is not provided in spite of labour inspectors and labour officers. They are also unable to go to the courts due to poverty. In addition to it, they do not possess sufficient funds. After creation of the fund, there will be no financial problem and they will be in a position to go to courts and justice will be done to them. To my view, minimum wages must be paid to them. Minimum wages should also be increased. Labourers and workers employed in mines, construction of roads, small shops and bidi manufacturing are exploited. As a matter of fact, watchmen are employed by the agencies in Delhi, Calcutta and Madras on contract basis. They are paid very less wages. This has not affected much in respect of contract labour. Supreme court has also constituted a panel comprising three members which has issued directives. This panel has commented as under :

[English]

"We consider that all the evils of exploitation of the workers arise out of the contract system" it said and added that "sooner this system of contract is abolished the better would be the conditions of life and work of the people working in the couple."

[Translation]

The Commission had Mr. Justice Pav, Mr. Justice Shekheran and Mr. Justice Bacha as its members, and they also tried to do some work in this direction. After this, Government constituted a Rural Labour Commission also. But two years have passed since the commission was constituted, Jinna Bhai Darzi is its Chairman. This Commission has not submitted its report as yet. Report should have received earlier, it is not known why it is delaying its report.

It is observed that a large number of people are migrating to the cities from the villages at present. Why are they migrating to the cities? Because there is not water, no means of livelihood, no house to live in. Though these things are not available in

cities also. Inferior foodgrains are supplied to them. They are paid low wages. Even the people are migrating to cities, because they will get some or the other work to sustain their lives. What is the plight of unorganised labourers in cities? They are lacking basic facilities such as health, education for their children and housing. Slums are increasing in the cities and due to this they are falling prey to diseases whereas Government is busy in formulating rural health programme and slum implement programme. New housing policy is still under finalisation, there is some talk about it, housing is the fundamental right. A campaign is already on but the desired improvement in the condition is not being achieved. Their families live in such horrible conditions that their state is somewhat like bonded labour. Just see the bonded labour, the Hon. Minister for Labour has himself said that there were nearly 2.5 lakhs bonded labourers. Only 12 States were surveyed which include Andhra Pradesh, Bihar, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tamil Nadu, Uttar Pradesh, Kerala, Gujarat and Haryana.

There are bonded labourers in other States also. Till today, more than one lakh people have been rehabilitated but the work of their rehabilitation still remains incomplete with the amount allocated for the purpose. Consequently, they fall a prey to exploitation as they do not get any job and remain unemployed and ultimately go to the contractors for employment. Most of the agricultural labourers and the forest labourers belong to the scheduled castes and scheduled tribes. We are taking up a number of programmes for the welfare of scheduled castes and scheduled tribes. Today we are advancing towards the 21st century but the question is that whether we will be able to pay our attention to the plight of the unorganised labour who have been facing exploitation for last many decades? We talk of socialism and equality which have been enshrined in the constitution also but today the Unorganised Labour and Beedi workers are being meted out with injustice. Minimum wages have been laid down by law for the beedi

[Shri Balasaheb Vikhe Patil]

workers, agricultural labour and the contract labour working in a sugar mill, cotton mill, or a cloth mill or those engaged in road and building construction work but as these laws are not implemented, the labourers are not paid full wages by their employers who get their signatures for the full amount. In this regard he can neither approach anybody nor lodge a complaint with any authority and in case he writes to an authority, the very next day he is terminated from the service by the Managers. The root cause of this problem is unemployment and until the due attention is paid to the removal of unemployment, their condition will turn adverse. At present, the Government have introduced a number of schemes like N.R.E.P. and R.L.E.G.P. etc. but the Government is thinking to drop all these schemes and introduce an Employment Guarantee Scheme alone and provide productive jobs to the needy persons in villages and thus improve the condition of villages. Today more than 11 percent people are migrating from their villages to the cities daily.

16.00 hrs.

I would like to say that several small schemes are being operated by the Government with an increase in the number of man days but there is a lot of bungling and corruption even in it. More figures do not make the real progress. Have the big statistics furnished in regard to R.L.E.G.P and the claims made in regard to the increase in man days and bringing 37 to 45 percent of people above the poverty line, mitigated their grievances in the real sense of the term with the resultant increase in production and employment opportunities? Though we talk a lot about the villages, and give many suggestions for the improvement of villages but when the question of visiting the remote rural areas comes, they say that there are no aeroplane, train or any other transport facility for these villages. On one hand we talk so much about villages but when nobody will go to the villages, how the things can be improved there? Pt. Nehru had visited Ahmednagar twice- first in 1954 and secondly in 1962. He travelled

thousands of miles by car. He did not avail any heli-copter facility because he wanted to see with his own eyes as to how the people live in villages. Improvement in the condition of villages is associated with the question of unorganised labour inclusive of the poor Beedi workers who work for 16 hours a day but are paid only for 8 hours and in case of any price-rise, the amount of minimum wages is not increased. The Government of Maharashtra had appointed a committee on agricultural labour and I was the chairman of that committee. I had recommended increase in their wages if there was an increase in prices: The labourers in the organised sector, however, are able to get it compensated because their union can negotiate and enter into an agreement with the employers within the framework of law.

If I present before you some comparative figures to mark the extent of difference in the wages and salaries in the organised public sector and the private sector. In public sector, the annual average income is Rs. 10600 whereas in the private sector it is Rs. 11200. These figures are for the year 1971. Uptil now these might have increased a lot. Now they are having more facilities. Similarly the agricultural labourers in the unorganised sector are getting quite a meagre salary. They are getting only Rs. 1700 per year against the amount of Rs. 10000 which their counterparts are getting in other sectors and non-agricultural worker gets only Rs. 4800/- per year. So also, the self-employed people and cultivators are getting quite a small amount instead of Rs. ten or eleven thousand. The cultivators' annual income is Rs. three thousand and that of the non-cultivators' Rs. 5 thousand and odd per year. This is amply indicative of the condition of these labourers. This has also been mentioned in the highlights of the report of economic survey wherein it is stated that :

[English]

"Even though the organised sector accounts for only one-tenth of our labour force, it accounts for one-fourth of the nation's total wages and incomes. In a certain sense, the work force in the

organised sector constitutes a powerful exploitative chunk of the Indian society.

The unorganised sector of the work force, including the self-employed people, constituting nine-tenths of the labour force accounts only for three-fourths of the total incomes and wages."

[*Translation*]

Such is the situation in this country. It will reveal the extent of attention the unorganised labour requires to be paid to them. Unemployment is also there. Therefore I request every worker in the organised sector, who has the bargaining capacity be it the public sector or the private sector or the semi-private or the joint sector or the corporate sector, and is getting a salary of more than Rs. 1000/-, p.m. to pay one percent of his income as his contribution with the matching contribution of the Government to the fund to be formed and utilised for the provision of facilities for the labourers of the unorganised sector. (*Interruptions*).

You will also be surprised to know the extent of contribution of rural sector they are making in the field of production. These are the figures for the year 1970-71. The figures for 1980-81 are not yet available. As per the available figures, the net domestic product of rural sector in the field of agriculture was Rs. 15849 crore and that of the urban sector Rs. 505 crore. Similarly, in forestry and logging, it was Rs. 350 crore in the rural sector and Rs. 47 crore in the urban sector. It was Rs. 175 crore and Rs. 54 crore respectively in fishing. So also in mining and manufacturing, this amount is Rs. 199 crore and Rs. 128 crore in rural and urban sectors respectively. But in the field of transport, communications and trade, urban contribution was on the higher side as compared to that of the rural sector. In all other fields, rural sector has taken the lead. Similarly, urban income is more than the rural income in the field of finance and *Real estate*. *Community and Personnel services* are no exception to it. In this connection, one thing is clear that...

[*English*]

"Everyone agrees that relative level of rural incomes should be increased. But, when in practice it transpires that this means a relatively lower rate of increase of urban incomes, every urban group is up in arms."

[*Translation*]

They cannot fight out their cause in rural areas due to their poverty. That is why they come to cities from villages for employment. From all corners of India, these people come to Madras, Bombay and Delhi for earning their livelihood. How this situation can be improved? There are 24 million labourers in the organised sector in India and total number of labour including those working in the unorganised sector is 292 million and 80 percent of them belong to scheduled castes and scheduled tribes. In 1987, in this House, the then Labour Minister had declared that 1987 will be celebrated as the year of improvement in the conditions of unorganised labour. I would like to know the extent of improvement brought about in the condition of unorganised labour and the extent of increase effected in their income. I request you to conduct a survey in regard to the per-capita income in urban and rural areas. In 1980-81, it was Rs. 499 in rural areas and Rs. 1201 in the urban areas. There is a great difference between them and the ratio is 1:2:4. We have been talking about the villages, unorganised labour, unemployment and social-security but we do not talk about these people. At the same time, I also do not agree with this that nothing has been done in this field. Though a lot of it has been done for them but not that much and in the manner as it should have been. In fact, the organised workers whether they are in the industrial sector or in the Labour sector or in any other sector, get higher salaries due to the faulty policies of the Central Government and inspite of that they work against the Government. We lay down the policies but the benefit of it goes to the big industrialists. Moreover, they use the press media to propagate that the situation is deteriorating due to the



[Shri Balasaheb Vikhe Patil]

policies of the Government. This needs to be considered seriously because on one hand, they are taking the benefits of the Government policies, on the other they are creating a very difficult situation for us.

It has been stated that Government would provide social security to the rural labour and they will be paid insurance money. May I know how much money has been spent for this purpose in each of the States and Union Territories and how many labourers have been benefited so that people may know that so much work is being done by the Centre to provide social security but the State Governments are not making use of it. These State Governments should be exposed. The Centre should direct the authorities of Union Territories to take steps in this direction and a time-bound programme should be chalked out. Targets should be fixed for this programme so that in future we could say that we provided facilities for the enforcement of laws and ending the exploitation of unorganised labour. The Result of its implementation was that 1.5 lakh of the 2.5 lakh bonded labour could be rehabilitated by the Government. This will show people the direction in which we are proceeding. There are 92.5 million such labourers and 66.69% of them is farm labour. The plight of their families is pitiable. There are 7.7 million household labour in the country. When labour exists in such large numbers in this country I feel that they should get social security benefits alongwith the Employment Guarantee Scheme.

16.09 hrs.

[SHRIMATI BASAVARAJESWARI *in the Chair*]

The labourer comes alone from the village leaving his family behind. There are no health or education facilities for his children. So when the Employment Guarantee Scheme is introduced in this country, the social security scheme should also be implemented and it should be enforced strictly. The Government should do something about the Commission on

Rural Labour. In Maharashtra alone there are 68 lakh farm labourers and 64 lakh farmers. Farm labour is increasing in numbers because of distribution of land, family holdings of small farmers being rendered uneconomic and migration of children of farmers to cities in search of livelihood. As a result thereof, there is an increase in total working force. In 1981 the country's working force constituted 59.62% of the population. Of this only 24% were in the organised sector whereas the remaining 80% (approx) were in the unorganised sector.

I shall not express my views on tobacco. But the exploitation done by contractors cannot escape our attention. The Government may claim that contractors have been removed from the scene but they are very much evident everywhere. The Supreme Court has clearly stated that the contract system exists everywhere. The plight of 'beedi' workers is pitiable. The workers and their families slog hard but their wages have not increased. Workers develop diseases like T.B and cancer in the unhygienic working conditions of the factories. As they get very low wages, they are forced to starve. Will the Government do something for them or not?

The organised labour can earn more because they have bargaining power. They are in a position to demand more wages and facilities from their employer. If we compare a worker in a textile mill and a peon in a bank, the latter earns Rs. 3000/- per month. If a farmer or labourer in a village gets the salary of a bank peon he would be satisfied. This is my demand for farmers of this area.

How will the Government do this? In my opinion the organised labour should consider all other labourers as their brethren.

The organised labour should collect funds for the welfare of labourers in the unorganised sector. There should not be any question party affiliations. I appeal for a joint effort to provide assistance to the unorganised labour.

Recently a seminar was held in which the chairman of the Law Commission Justice Desai observed that "our law making process should be changed." Our present law making process is legacy of the British. The laws which were really applicable to those times, are being followed today. Many loopholes are left in the laws in this manner. The poor do not get any relief because "employer is more powerful than the employee". The poor cannot afford to go to the court. Then how can we provide social security to farmers and labourers?

When the price for the produce of farmers is fixed, the minimum wages fixed for farm labour should be added to it so that the farmer may give him full wages. He cannot pay more. If he pays more, then he is put to less. His profit is also reduced. As a result of less wages, production is also reduced. Therefore, at the time of fixation of prices for farmers' produce by Agricultural Prices Commission, the minimum wages for farm labourers will be able to fight for their dues because their minimum wage has been added while fixing support prices. I once again appeal to trade union and organised labour to help the unorganised labour. Fifty percent assistance, shared equally, should be extended by the Centre and the States. This will improve the lot of unorganised labour. The Government should definitely work towards the welfare of these labourers whose condition is miserable even 40 years after Independence. Today the Government talks of women's equality and moving into the 21st century. Along with this, Government should talk of giving equal rights to labour in the unorganised sector also. Every Party declares in its manifesto that poverty would be eradicated. Instead the gap between the rich and the poor widens further. The organised labour or corporator fight for their rights and get them too. I request them to donate to help the unorganised labour so that he could also lead a respectable life. With these words I introduce this Bill for consideration of this House and I request all hon. Members to support it.

[English]

MR. CHAIRMAN: Motion moved:

"That the Bill to provide for setting up a

fund for the welfare of unorganised labour, be taken into consideration."

[Translation]

SHRI VIJOY KUMAR YADAV (Nalanda): Mr. Chairman Sir, this Bill has a very noble objective. Similar issues have been discussed in this House many times in the past. I do not think collecting donations to improve the lot of unorganised labour is an effective way to solve the problem. If such methods had been effective we would have already seen an improvement in the situation through the 'dharamshalas' and free meals provided by the rich. But poverty and unemployment cannot be removed through such methods.

Today unorganised and farm labour constitute the biggest class in the country and a majority of these people are Harijans. These are the people whose lot the Government wants to improve. Since the time India became independent and even during the freedom struggle the congress and other political parties declared in their manifestos that they wanted to improve the condition of these people.

SHRI RAM PYARE PANIKA (Robertsgang): Which were the other parties involved in the freedom struggle? Only Congress party took part in it. Everyone knows about the other parties.

SHRI VIJOY KUMAR YADAV: India would never have attained Independence if the Congress alone had taken part in the freedom struggle. Barring landlords, every Indian participated in the freedom struggle only then India became independent and Britishers left our country. I do not want to get into this argument (*Interruptions*).

Exploitation of farm labour is due to the economic, social and feudal structure existing today. We can stop this exploitation only through changes in the basic economic and social structure.

For a long time communist and other parties have been demanding a Central law to uplift farm labour. The Centre has to take this responsibility State Governments

[Shri Vijoy Kumar Yadav]

do not have the capacity to handle a problem as big as that of farm labour.

It is not possible to help farm labour unless they are granted facilities available to industrial workers and agriculture is given the status of an industry. There is a large number of farm labour in the country. Wages for these people are different in States like Punjab, Bihar and Orissa. Their condition is worst in Bihar, the State where I hail from. Every year lakhs of labourers leave Bihar for Punjab, Haryana and other States in the hope of better wages they are treated like animals. The educated youth of today are fighting for their rights. They cannot tolerate a situation in which they are denied their right. If this problem is taken lightly we shall not be able to find a solution. The time has come for the Centre to take on this responsibility and a comprehensive legislation should be made. The States have been entrusted the responsibility of execution of laws formulated by the centre. We can see what happens to central laws at the State level. The execution machinery should be efficient enough to enforce the law regardless of the socio-economic structure.

Another serious problem is that of 'beedi' workers. Beedi workers work in large numbers in the country. There are 4 lakh beedi workers in Bihar. If we include their families the total comes to 20 lakh what is their plight?

The Government and the Labour Department agree that there should be equal pay for equal work. The wage rate in Bihar differs from that existing in Orissa, Maharashtra, Kerala and Bengal. Beedi making work is done in all States except two or three. At some places the contract system is followed, at others this work is done in houses. Wages in most of the States is Rs. 11/- to Rs. 12/- per day. There are one or two States where the rate is higher than the hon. Member who initiated discussion on this Bill has given certain figures. According to them, the annual income of beedi workers could be true in respect of his own State. He quoted a figure of over Rs. 3000/- p.a. Bidi workers

in Bihar do not get that much. A mere 20-21 days' work is available in Bihar. The daily wage is Rs. 11/- and women get even less than that. The income on 20-21 days of work comes to Rs. 2000/- Their income does not exceed this.

What I mean to say is that I have been continuously raising the question regarding the problems of Beedi workers since the year 1980 when I was a member of Lok Sabha. Nobody has raised these problems ever before. There are a good number of Beedi workers in my constituency but they are unorganised and exploited. What to talk of wages, Beedi factory owners do not give recognition as workers. Even after such a long period of independence, factory-owners do not give them recognition as workers and no service cards have been issued to them. According to the central law, every individual having the service card would be eligible to get the full benefits. The Government claims to bring socialism in the country. But Beedi factory owners are defying the law and are making millions of rupees. The money which is required to go to the central exchequer is being pocketed as personal profits. Such industrialists who are defrauding the nation, the Government and are earning huge profits do not give recognition to their workers. Agricultural labourers are awakening now and they have started organising themselves. But so far as the Beedi workers are concerned, inspite of their being unorganised, they are strong. They require just the help from the Government. They would themselves manage to get the law implemented. If the Central Government takes the initiative to penalise a few industrialists in every State who violate the law, nobody would dare repeat the same. The factory Act is enforced where there are 20 or more workers employed. But the factory owners manage to employ just 19 workers in order to escape the provisions of the Factory Act. If the workers try to get the employment, they ask them to take the leaf from the factory and make beedies at home. Agitations have started against them at national level. The Government should extend these provisions so that each worker may have the benefit

and facilities provided to him. Why does the Government not taking action against those who try to defraud the Government, evade taxes and earn undue profits. The Government claims to have taken various steps for the welfare of the women. But everybody is aware of the fact that women are the worst exploited in every field. Exploitation and rape of women is a common practice in the field of agriculture. No where else women are exploited so much. It is a matter of shame for us that we have not been able to provide protection to the women even after a long period of independence. It is quite difficult for the women working in Beedi factories to get organised. Even the State Government extends its cooperation to the Beedi factory owners. The corruption is increasing speedily while the workers remain deprived of justice. The Government should make a provision to pay equal wages to the beedi workers. They should be paid at least Rs. 25/- per thousand beedies throughout the country. These norms of wages should be applicable everywhere in cities, villages or municipal areas. They should get service card bonus and gratuity as well as weekly holiday with full pay. A law should be made to facilitate planning of welfare scheme for them. These things will certainly improve the condition of the workers.

Then comes the weavers. I do not have any idea about the condition of weavers in other states. But the way, they are being exploited by the cooperative societies in Bihar, we cannot find any example of this kind anywhere in the country. They have become a source of earning for a few people, who have got their say in these cooperative societies. Our Minister of Labour is from the labour fields of Bihar and has been a trade union leader. He is very well aware of the problems the weavers and the labourers are facing. When he assumed the change of his office, we had a hope that the conditions will improve and steps will be taken in the interest of the workers. Our hon. Minister is well aware of the problems relating to all the workers. He has been deeply associated with the workers and trade union movements. So there is nothing new to him, he knows everything. hope

that he will take the initiative to stop the exploitation of the weavers by the cooperative societies in Bihar. No doubt, the Central Government allocate adequate amount for the welfare schemes of the workers. But nobody bothers to see the extent of the benefit accruing to them out of it. Secretaries and other officials of the cooperative societies corner these funds. The State of Bihar leads in this regard. I would like to urge the Government to depute an independent team for Bihar to find out the progress of development projects and welfare schemes meant for the welfare of the workers and the extent of the funds misused by the officials. My hon. colleague, Shri Rajhans has just pointed out that 50 percent of the total amount is cornered by the contractors and the rest 50 percent is invested in the schemes, but the actual position is entirely different. If 50 percent of the works are completed in Bihar, things would be very good and the people of Bihar will go prosperous and happy. Hardly 10-12 percent of the total amount is invested in the State of Bihar and the remaining amount is grabbed by the officials. This is the actual position in Bihar. The intention of this Bill is worth appreciating. Provisions have been made for the welfare of the workers in this Bill. But I believe that these provisions would prove inadequate to solve the problems of the workers. The Central Government should bring a comprehensive legislation to ameliorate the conditions of the workers and to protect the unorganised labour from exploitation.

SHRIMATI PRABHAWATI GUPTA (Motihari): Madam Chairman, I heartily welcome the Bill regarding the provision of the welfare fund for the unorganised labour introduced by Shri Patil in the House. Bill on such issues is essential. Besides, I would also like to submit that the provisions in the Bill are inadequate to solve the problems of unorganised labourers in the country. India is an independent country since last 40 years and even today it has been observed that 90 percent of the people working in different sectors are unorganised. So far as the organised labourers are concerned, they get their demands fulfilled by means of



[Shrimati Prabhawati Gupta]

strikes and pressures but there is no medium to put the demands of unorganised labourers before the Government. The representatives in Legislative Assemblies and Lok Sabha try to raise the demands of these labourers through Questions and various other proposals.

It is not correct to say that the Central Government and the State Governments have been totally inactive regarding the welfare of the labourers. A number of Bills have been passed in the House after independence. These Bills have not been implemented properly. Section 3 of this Bill provides for a welfare fund for the labourers. Hon. Member, Shri Yadav has rightly pointed out that only the demands for adequate funds wouldn't solve the problems of unorganised labour. This is a private Bill. The Government should introduce a comprehensive Bill in this regard. No doubt the Government have made provisions worth appreciating, there is a proposal to set up an Advisory Committee. It has also been provided that the labourers working in organised fields having income more than Rs. 1000/- per month, would pay one percent of their pay in the welfare fund. It would reduce the burden of the Government. Our Government is a welfare Government where comes the question of burden then. It is the duty of the Government to undertake welfare schemes for the labourers. Maternity facilities provided by the Government would be utilized by the women working in organised field and industrial units, but the women workers engaged in agriculture or in construction works, who lead miserable lives, would be deprived of such benefits. Women from all age groups and who are generally weak and helpless are engaged in construction works. They have to perform hard task. They have to carry bricks on their heads up to 9, 10 storeys. I would like to know from the hon. Minister as to how this class of women is going to get the maternity benefits.

Madam, Shri Yadav has invited the attention of the Members towards the

women working in agriculture farms. Agriculture is the main occupation in our country, and 80 percent of the total population lives on agriculture. Our financial position depends upon it. It is the backbone of our country. Some of our trade union leaders have raised the voice to organise the farm labourers. But the Government have turned a deaf ear. Our Late Prime Minister, Shrimati Indira Gandhi introduced 20 point programme. Our present Prime Minister Shri Rajiv Gandhi started a new 20 point economic programme in order to uplift the poor and helpless people and to improve the economic structure of the country. The programme includes eradication of the bonded labour and a provision for the payment of minimum wages. I would like to know as to how many labourers get the minimum wages. I would like to submit in plain words that the farm labourers are deprived of the minimum wages. Is the Government unaware of the fact that the labour inspectors and officers who look after the agriculture sector are in collusion with the farm owners and level fake charges against the farm workers. You have to find ways to solve this problem. It can only be solved through negotiations between the officials of the Ministry of Labour and the representatives of unorganised labourers of the country who constitute 90 percent of the total working force.

Madam, whatever Shri Yadav said about the beedi workers of Bihar is correct. Bihar is the State where there is a large number of agricultural labourers and beedi workers and where the women are the most exploited and neglected lot. They have no security in their life. I am reciting a poem to give you a view of life lead by the women of Bihar.

*"Kheton ki medon par dekho majdurin  
kajali gati hai,  
din dhan lagane mein bita aa gaya yaad  
man manmita,  
woh kaise gaon ki ore jaye balam pardesi  
ghar rita,  
isliye akeli beth yahin geeton se man  
bahlati hai,  
kheton ki medon par dekho majdurin  
kajali gati hai."*



I would like to submit that a Bill has been passed for ensuring payment of equal wages to women. But when the hon Minister was the Chairman of the Federation of trade unions in the country, a committee was constituted to provide equal wages. At that time, it was decided to hold meetings of that committee from time to time. When I became the Minister of Labour in Bihar, I enquired about it and came to know that no meeting was held for a long time. Then, I said that the Central and State Governments want that women should be given wages equal to men in order to ensure their welfare. I told them that they should at least hold meetings. When I asked the committee members, they replied that no meeting was held. I called two meetings during my tenure. Government must consider how to uplift them.

From time to time, I have raised voice for the unorganised women working in homes. They should be given household allowance. On the 4th death-anniversary of late Shrimati Indira Gandhi on 31st October, our hon. Prime Minister announced that the Government was bringing a special perspective plan for women. This is a commendable step. We hope that through this plan, upliftment of women, particularly women labourers, will take place and the country will also march forward towards progress.

Women are the backbone of development of this country and their contribution in this field is immense. I would request that the housewives should be provided employment in their homes itself.

I would like to draw your attention to child labour. Even today, small children can be seen working in the fields, on the roads and doing other jobs. Many laws were enacted for this purpose, but they could not be implemented properly. Nothing worthwhile has been done in this field even after 40 years of independence.

The condition of women in our country is very bad today. You go to the villages and

see their condition. Shri Maithilisharan Gupta has rightly said:-

*"Nari janam ki durdasha hum se kahi jati nahin,  
Lajja bachane ko aah ve vastra bhi pati nahin  
janani pari hai aur shishu uske badan par mukh dhare,  
dekha gaya hai kintu wah maan putra dono hi mare."*

This often happens with the women working in the houses. Out of 4 lakh beedi workers in Bihar, 2 lakh are child labour. Our Government has set up a literacy mission under the new education policy and the Government proposes to provide compulsory education to every child in the age group of 11-14 years by the year 1995. How paradoxical it is! You should at least fix the working hours for the child labourers working in organised or unorganised sectors. Whether you go to hill areas or Assam, Punjab and Bengal, everywhere you will find half naked and bare footed small children working. Has any such survey been conducted by the Ministry of Labour? It is seen that they work under compulsion.

The Bill brought forward by Shri Patil is very important one. Therefore, the House must consider it. A legislation for the welfare of unorganised labour should be brought forward with the consent of all. Child labourers work hard to weave the carpets in Mirzapur. But they do not get wages commensurate to their hard work. You should pay attention to it also.

Government has started many welfare schemes which has accelerated the pace of progress in the country. Our hon. Prime Minister is very sympathetic towards the poor and women and is keen for their upliftment. Women working in fields or tea gardens have to carry their children on their backs. Our hon. Madam Chairman belongs to the constituency where coffee is grown extensively. The women in that area are also facing the same problems. Our Hon. Prime Minister had strongly emphasized the need for the upliftment of unorganised labour while speaking in the International

[Shrimati Prabhawati Gupta]

Labour Organisation. We should also accept this fact unanimously and work for the upliftment of the unorganised labour. It will lead to development of the country as well as the women. They will also see us as human beings and then only humanity can be saved.

With these words, I conclude.

DR. G.S. RAJHANS (Jhanjharpur): Madam, Chairman, the points that have been raised are quite serious and should not be taken in lighter vein. Whatever Shrimati Prabhavati has said is really worth consideration. One hon. Member from opposition also said something about Bihar which he has attributed to me.

The issue is not related to Bihar alone; it concerns the whole country, particularly the Hindi belt. The Bill brought forward by Shri Patil is really commendable. It has many aspects. There is no doubt that unorganised labour constitutes the largest segment of the total labour force in the country. We talk about them day and night, make promises at the time of elections and thereafter just forget them. The matter ends there. I can say from my personal experience that if a non-matric person gets employment in organised sector, he earns Rs. 2000 to Rs. 4000 per month in cities like Delhi. I have brought many non-matric people from my village and got them employed in organised sector. They are earning Rs.4000 here but their brothers living in the village are not getting even Rs. 40 per month as wages. This is a very desperate situation. How to solve this problem is a matter of great concern. I am not criticizing anybody but the trade unionism in organised sector is so strong that it gets its demands accepted by the owners. Since the owners fear loss of production, they have to accept their demands. It results in the price-hike of products, as the whole wage bill is added to the cost of production. Owners also get an opportunity to raise the prices on the pretext that they have to give more wages to the employees. This is a vicious circle that results in price-rise and ultimately the consumer has to bear the impact. In the

unorganised sector the problem is multi-faceted. It is a fact that scheduled castes and scheduled tribes among the agricultural labourers are exploited most, but there is one group which can neither be called agricultural labour nor marginal farmers. For instance, a person who owns only two acres of land, does not get remunerative price for his produce and as such, he is unable to pay more to the labour working in his field. The labourers have no other place to go. As they are helpless, they have to accept whatever is offered to them for sustenance. This is also right that there are lakhs of such people in the Hindi heartland who possess benami land 100 times more than the ceiling which was fixed. These people have purchased the land in the name of other persons and exploit the labour working on their farms. They make hundreds of excuses that they are employing the workers only to enable them to make their both ends meet and have no profit as such and the workers are always threatened that they can be removed from their job. The poor labourers are helpless and have to work under them. The saddest aspect is that I belong to Bihar and daily 200-250 such people meet me who have to migrate to Punjab, Haryana and especially in this area in search of their livelihood because they get higher wages here. But to what extent are they exploited? Some people do pay them reasonable wages in the beginning while others engage middlemen. Moreover this is also a fact that many people serve opium mixed tea to their labourers so that they may not feel tired. A labourer has to work for 15 to 18 hours. The result is that when they return home after working for 3-4 months, they have to meet me - if for nothing else then for their Railway reservation - and I find that they have become extremely weak. All the money earned by them is wasted in their treatment etc. either in Punjab and Haryana itself or when they return to Bihar they remain sick for a long time and their family members have to spend money for their treatment. This is worst exploitation towards which people have not paid their attention.

People from the Hindi heartland go to Assam and Bengal too and other places also

where the industrial establishment exist. All these places have prospered by virtue of hard labour put in by them but what have they got in return? There is no change in their condition and ultimately they die a painful death. My suggestion is that the States where labourers come for work from other States have a duty to create a welfare fund. It would not be proper that the fund should be created out of one percent contribution of a person earning Rs. one thousand. It is the responsibility of the State Government. which is directly benefited to provide money for the creation of this fund. And then if some labourer falls ill, entire expenditure of his treatment should be met from this fund. It is not difficult to trace such labourers because thousands of labourers from one village or one panchayat go to Punjab. The Government can easily do this task by conducting a survey at present because at present President's rule is there. Therefore such a fund should be created and a labourer who has worked in another State for 3 months, should get at least Rs. 6 hundred out of this fund so that he may be compensated to some extent from this fund. Out of that amount Rs. 600, Zamindar under whom the labourer was employed should pay Rs. 300 and another Rs. 300 should be paid by the concerned State Government because the State Government too is ultimately benefited. Therefore this may be examined and a fund may be created which will help in eliminating exploitation of such labourers who leave everything of their own and work for others prosperity but return to their own State after falling ill.

16.55 hrs

[SHRI SHARAD DIGHE *in the Chair*]

My submission is that a provision of compulsory insurance should be made for them. A provision of compulsory insurance should be made for the unorganised labour irrespective of whether they are working in their own State or in another State. The premium of this insurance should be paid by the Central Government. I have myself seen it and it was a hair-raising sight when snakes in lakhs managed to creep into our territory during flood days. You cannot

imagine the condition here particularly at night. People have no clothing, no shoes, ration or oil and have to return home after the days work in such a condition only. I have myself seen hundreds of labourers dying of snake-bite. There is no one to take care of them. The insurance scheme exists merely on paper but is not implemented anywhere and no one pays money for the same. When the victim approaches the Collector for assistance, he is told that he should have reported about the snake bite earlier. The collector is acting as a ruler in the district. Who dares to tell him at that time that someone has been bitten by the snake and should be treated. How many workers whose hand is cut by the crusher get compensation or how many of the patients dying of tuberculosis get compensation. Same is the case with the beedi workers who die of silicosis, tuberculosis or cancer. Therefore my submission is that the Government should introduce blanket insurance scheme for the unorganised sector and any person employed in that sector should get compensation from the Government if he is involved in some accident or he dies. Ours is a Welfare State and we can do it. If the development money which is wasted, is utilised for this task, it will prove extremely beneficial.

Shri Patil has introduced an excellent bill and in spite of practical problems in it, I would say that a beginning should be made from some point so that it may prove that the Government did such a task in 1988 which will be remembered in history and the future generations will also remember that such a thing was done by the Government for the unorganised labour.

I want to submit something regarding my constituency viz. North Bihar, which is the most backward area in the country. If you want to have a glimpse of poverty you should accompany me there and see how people shiver in the months of December and January in the tarai region of Nepal. After seeing all that you will yourself say that all the development proposals are useless and will feel ashamed on seeing their condition. We ourselves feel ashamed because we are wearing warm clothes while

[Dr. G. S. Rajhans]

those people are shivering in cold and dying of pneumonia. My submission is that some sort of assistance should be provided to the boys who come here to serve in the hotels or as domestic workers. The Government should start this at some point. In the construction industry the women of our region come to work and carry bricks from long distances but do not get any facilities or maternity benefits. After some time they are to change their name from Rama to Radha or something else and are exploited in this manner.

There is a lot to say on this subject and if you allow, I can go on speaking for hours. But the fact remains that the picture of the unorganised labour is extremely miserable and there is no one to take care of them. Therefore my submission is that the Government should make some efforts in this direction and provide them with facilities so that we can prove that our country is a Welfare State in the real sense of the term.

With these words I conclude.

[English]

PROF. SAIFUDDIN SOZ (Baramulla): Sir, I congratulate my dear friend Shri Balasaheb Vikhe Patil for two things. One, he was a lucky person that the ballot has thrown up his Bill. It is not a joke to introduce a Bill of this sort and organise a discussion on this.

Secondly, I congratulate him for the subject that he has chosen, a very important subject. It is a very neglected sector. But, it is very unfortunate that there are not so many Members to participate in the discussion. I had the privilege of getting the House adjourned in the 8th Lok Sabha on a day like this for want of quorum and that too when a Private Member's Bill was being debated. These are important subjects. Where are the Members? Anyway, now a Senior Minister is here, who has lot of experience, Shri Bindeshwari Dubeyji. Therefore, I would like to say a few points. We speak out of our own experience and we want that something should be done.

Private Members Bill should not be treated in a casual manner. The subjects are very important.

The unorganised sector of labour has many problems and these problems will have to be identified and solutions will have to be found. In this Bill, Shri Balasaheb Vikhe Patil Saheb wants to two important things. One is that the Central Government shall by notification in the Gazette, create a Fund to be known as "Unorganised Labour Welfare Fund" which shall be administered in such manner as the Central Government may prescribe. This is Clause 3 of the Bill.

Clause 5 says:-

"The Central Government shall contribute to the Welfare Fund to the extent of 25% of the total amount of the annual contribution, collected from the organized labour while every State and Union Territory shall contribute to the extent of 25% of the total contributions collected in the respective State or Union Territory."

I support these two Clauses, rather the whole Bill, wholeheartedly.

17.00 hrs.

But, many more things are required for this sector. In the Seventh Plan, we were told that attention would be paid to this sector, particularly to the landless labour. But I do not think that any concrete measures have been taken. The hon. Minister for Labour would tell us as to what the Government has done for the unorganized landless labour. The problems of working women are different from those of workmen. Then there is the question of children. I feel that nothing has been done so far for the children. The problems of children have not even been recognized. I do not know how the hon. Minister will react. At least, the hon. Minister should say "we shall recognise the problem." There are some written documents available with the hon. Minister. The Ministry may continue to work. But we are the elected representatives of the public. We work at



the grass root level. I am not against the bureaucrats who boast of having knowledge. Sometimes they cook up stories. But, they do not deliberately mislead the Ministers. What they do is they see the problems in their own perspective sitting in their air-conditioned rooms. I remember a book written by a Russian writer, Mr. M. Ilin. He wrote a wonderful book in which he wrote 1,00,000 whys. That means, you can raise one lakh questions about the things you see in your own room. It is a wonderful book on General Science. I translated it into Kashmiri and got Soviet Land Nehru Award for that. That book is a wonderful book. So vast is his knowledge that in his room where he sits, he could raise 1,00,000 questions. Therefore, the Secretaries and their staff sit in a room which is a very big world and they cook information. I raised a question. I would like to say that the Seventh Plan has aimed at doing something for the landless and unorganised. I want to know the concrete facts. What has the Government done for the landless labour and what has the Government done for the unorganised labour in the small industries and in the serfdom. I remember how Mr. Maurice Dobb explained in a very important book: "Studies in the Development of Capitalism." Sir, India is modernised. But it is sometimes half-modernised and half feudal. There is a kisan who has three landless labours helping him. They have no rights; they have only duties to perform. They have no time-scale to work there, not to speak of big zamindars. There is no land-reform in this country. So, the problem is gigantic. The hon. Minister would have prepared the reply. I do not know about it whether he will change his reply or not. But he must change because I raised a question about the Seventh Plan which outlined to do something for these people. Are you going to do something for them? I felt that the problem was recognised. But today I feel, when I rise to speak in great sympathy with Mr. Patil, that it was not. Actually, I had to go to an important job. Today is Private Members Business. But the subject is very important. Then, I came here. My question is: if the Seventh Plan laid down a policy, has anything been done? I want a definite answer to that.

What pains me is that in Parliament and outside Parliament, there are lobbies for the big industrialists, Zamindars and even lobby for the kisans. The other day we were discussing about the farmers landless labour and their plight. All the speeches were made for the kisans that they should get fertilisers, electricity etc. Then I was provoked and asked: Why don't you talk about the landless labour? The landless labour has nothing. When you call kisan, he can be a big kisan or a small kisan but he gets all the benefit. He has already got the benefits, got electricity etc. Please go to Haryana and Punjab and see. But the landless labour has not got anything. There is a lobby for the kisan, for the landlord, for the zamindar and the big business people in the Parliament and outside Parliament. But there is no lobby for this class of unfortunate people, in the unorganised sector. Therefore, it is the duty of the Ministers who are here to see that they get something. There is a neglected section of society. These are the people, who in their faith in reform and change in their life vote for us. But we do not do anything for them.

Mr. Chairman, through you, I want to ask the hon. Minister certain questions. One question is about the Seventh Plan: whether something has been done. The second is that we do not know even the status of unorganised labour. There is no survey. At All-India level, there should be survey as to what is their condition - State-wise and even District-wise. We must know about that. What are they doing? What is their status? Therefore, if there is no survey so far, the Minister must say that there is no survey. If there is going to be a survey, we request that the Minister should come forward to say that there will be an All-India survey to determine the status of these people, to get to know and tell the nation as to what is the position of these unorganised labour class.

Sir, in this unorganised class, there are two classes. One was - Mrs. Gupta also said - about the women. Their plight is very grave. There should be a system. Sir, the decision-makers are the bureaucrats. They take a lot of decisions. There is tremendous power in their hands and they exercise this



[Prof. Saifuddin Soz]

power on theoretical knowledge. There must be a system. Through you, I inform this House and the entire country - it could go to the country because it is a Private Members' Bill - that it was for the first time in the Jammu and Kashmir State that the Chief Minister three months ago took the Planning Commissioner to the interior areas, far-flung areas of Currej, Tulel, Keran Karrah where we were sitting together in a helicopter. The Planning Commissioner said that for the first time he was there and for the first time, he saw Chief Minister and MPs talking to the people. He saw the plight of the people. They were asking for so many things. They were telling that things were sanctioned in the air and they never get to know whether the building was there, whether the things were done for animal husbandry. He saw an area and said that this was happening throughout India and not only Jammu & Kashmir. There must be a system whereby our bureaucrats who enjoy great powers, should go to the rural India and understand the situation. They get this LTC facility for going to various places. I do not grudge about that. They go to Dalhousies, or to Darjeeling or to Kashmir. But it must be made compulsory for them to go to rural India and spend some time and understand the problem because behind the scene when they see us talking, they laugh. This laughter is not correct. Nobody laughs here. But I have seen that they pity us because they feel that we cannot bring about a change. So, it is the responsibility of the Minister. Why I raise this question is because I feel that nothing moves, nothing changes, yet we go on speaking. The Indian Express said something about the Bill which was discussed yesterday. It was introduced four months ago. It was on price rise. Unfortunately, perhaps, it could not be completed. This discussion was spread over for three sessions and the price index has gone high. Nothing stirs. Nothing moves. I want the Minister to make a meaningful speech in response to our points that we have raised. I remind the Hon. Minister that we are ourselves fed up with the system. We shall fight. We come here with the popular mandate of the

people. Now the design of bureaucracy has to change.

I saw an article only two days back. It is a journal which I don't read and I should not quote its name. But somebody telephoned to me last night saying that it was an interview of Sam Pitroda by Talveen Singh. Only four days ago he told me to read this journal. This is from Sheila Barse of Bombay. She has described the plight of the children who are in jails in Bihar, U.P., Maharashtra. Nobody cares. Those are the children of an unorganised labour class. Her figures are that 100,000 children are in jail and she fought a battle in the Supreme Court. Do you know what the Supreme Court did? The Supreme Court got fed up because bureaucrats never replied to its letters. Even contempt proceedings failed to get response from the so called Chief Secretaries. And when she wanted to investigate herself at the state level, Supreme Court got fed up and threw Mrs. Barse away and said that their legal aids committee would do. Then she passed strictures against the Supreme Court. She is a very bold lady. She said: "this functional Supreme Court has no authority to make bureaucrats behave with the judiciary. Judiciary has failed to do justice." It is on record. This is published in a magazine. And I feel tempted to commit contempt of this court. We did not take care that Mrs. Barse was travelling from Bombay in ill health. She never missed an attendance in the court except once when she was ill. She had no money to travel. Yet the State Government's respondents never appeared before the court. Even contempt of the Supreme Court was committed. Do you know why is this? It is Shielia Barse saying in this article. It is because their sons, daughters and relatives are in IAS and IPS and they cannot do anything against the bureaucrats.

I have already moved a motion for reform in the judiciary and may be the Government will come forward in that regard. In Supreme Court one lakh thirty three thousand cases are pending with no justice being done. For twelve years this case has been going on there. The Supreme Court has not been able to liberate these

one hundred thousand children who are behind the bars in various courts in the country.

It is because of that the bureaucracy has not been able to function in the way Pandit Jawaharlal Nehru wanted the bureaucracy to function. It is a very heart-rendering story.

At the end I only say that Mr. Dubey - though he may not come forward with a blanket assurance - has his conscience stirred and he would do something. Today he is in this Ministry; tomorrow he may be shifted to another Ministry. So, he should not have a feeling that he left this Ministry without having contributed anything. Here is an occasion for him to respond to the urges and expectations that we have of him.

With these words I strongly support Shri Balasaheb Vikhe Patil's Bill on this subject.

[Translation]

KUMARI MAMATA BANERJEE (Jadavpur): I support the Bill introduced by Shri Bala Saheb Vikhe Patil for the unorganised sector. Shri Soz has said that it is a very good Bill and maximum number of Members should participate in its discussion. But it is sorry state of affairs that when we are discussing this Bill, not even a single Member of the Opposition is present here. These people pretend to be working for the welfare of labourers but in reality they can only speak on Bofors and have nothing else in their mind. They could also give their suggestions when such an important Bill is being discussed. I am asking to record this. I support clause 3 and 5 of this Bill. Shri Bala Saheb Vikhe Patil has said in clause 5 that the people of organised sector should contribute in this and help the labourers of unorganised sector. But first of all, we should also see as to what is their view lest this Bill itself should be dropped and if this happens then the people of organised sector will give no contribution in it. The employees of the organised sector get all the benefits of

safety, absent benefit etc. and the Government has even introduced the Equal Remuneration Act for them and the Equal Wages for Women Act had also been ratified in the House when Shrimati Indira Gandhi was in power. But the National Survey Centre does not publish the information in the data brought out by it regarding the number of employed and unemployed people and the number of people in agriculture sector, in the organised sector and in the unorganised sector. The National Survey Centre is making efforts for it but it has not been compiled so far and this is quite shameful. It is 40 years since we achieved independence but the master roll has not been prepared yet. Today the condition of the unorganised sector labour is quite miserable in our country. This is right that the Government of India has ratified a number of I.L.O. conventions like Equal Remuneration Convention, 1951, Discrimination Convention 1958, Equality of Treatment Convention, 1962, Minimum Age Convention, 1965 and Rural Workers Organisation, 1975. But I.L.O. has also held other conventions and in the conference of Labour Ministers held in Delhi in 1987, which included a number of recommendations made by the Labour Ministers and Secretaries from different States for the benefit of the unorganised sector labourers. Those recommendations also included that:

[English]

- (1) Removing lack of awareness among labour, particularly unorganised labour, through a sustained publicity campaign both by the Central and the State Government.
- (2) Upgrading the enforcement machinery by the State Governments with the assistance of Central Government as may be required. Assistance of other departments of the State Government like the Revenue and Welfare also to be taken, wherever necessary.

[Kumari Mamata Banerjee]

- (3) Claims authorities and prosecuting authorities should be appointed at the Block level.
- (4) Regular review of implementation of legislation by State Level Advisory Boards and Tripartite Bodies.
- (5) State Governments should make efforts to accelerate anti-poverty programmes, employment generation programmes and enforcement of minimum wages.
- (6) Identification and rehabilitation of bonded labour to be integrated with other anti-poverty programme so that bonded labour do not slip back into bondage.

[*Translation*]

Besides a Labour Conference was held in Geneva under the auspices of I.L.O. which was attended by the then Labour Minister Shri Sangama and a few recommendations were made for the labourers of unorganised sector. Two main recommendations were made in Geneva. (1) Employment and Social Security and (2) Safety in Construction. But it is regretting that the Government accepted neither the recommendations made by I.L.O. not those made by the Conference of labour Ministers held in Delhi in 1987. There is no such data bank in our country till date through which we may know the number of labourers in the unorganised sector and the organised sector. The hon. labour Minister has worked as the President of INTUC and has good experience. The unorganised sector consists of mostly workers in the agricultural field and they are badly exploited by the land lords or the contractors. The effort made by Shri Bala Saheb Vikhe Patil in introducing the Bill to highlight the sufferings of the unorganised sector and for stopping the exploitation is commendable but it is sad that the Government will not accept his Bill. In this regard, I would request the hon. Minister that while he has brought a number of Bills

for the welfare of the labourers, he should also bring another Bill for the welfare, security and safety of the unorganised sector labourers so that they may also get protection. It is the duty of the Government to bring such a legislation and I want that the Government should bring it. You should invite the leaders of all parties unions connected with the Labourers' like INTUC, CITU, AITUC and hold a meeting in which a representative of the Central Government should also be included to decide as to what steps can be taken for the welfare of the unorganised labour and to improve their condition. Today we are discussing a Private Member's Bill in the House and we know that this will remain a mere discussion since the Government is not going to accept it. There is no point in holding such a discussion. I think that the Government should bring a comprehensive Bills in Consultation with the State Government, Central Government and the unions of all the Parties. It will prove to be a better step for the benefit of labourers.

Mr. Chairman, Sir, Shri Rajhans has suggested that there should be an insurance scheme for the agriculture labour. The Government formulated a scheme according to which an accident victim will get Rs. one thousand immediately at the time of accident and Rs. 3 thousand later on. But the fact is that a scheme which is approved by the Government later goes into the hands of politicians or political parties. In my State, this scheme has been entrusted to Life Insurance Corporation, but what happened is that the corporation handed over this scheme to the local bodies, the Panchayat Committees. There is so much politics in my State that even the benefits of the scheme are given on political considerations. It is seen as to which farmers in the Panchayat belong to C.P.M. and which to the Congress and on that basis they are given these benefits. Is such a discrimination proper? The farmers as a class are one. Therefore the Government should see as to how the problems of the agriculture labour may be solved and then the steps should be taken accordingly. The Central Government should not transfer its responsibilities to other institutions. The Central Government should also share the

responsibility; its responsibility is not over by merely handing over the scheme for implementation to others. The scheme should be monitored by the Central Government and attention should also be paid to it. The Government should not confine its duty merely to the passing of the laws but it should also look that the laws passed are properly implemented. In this regard the Government should get a sample survey conducted and appoint local officers for the purpose. If such an action is taken, then that local officer may also give you the report from time to time. We are not against the bureaucracy. We can neither afford to do so. The fact is that there is some communication gap between the grass root level and upper level bureaucracy. The Government does not get the kind of information it should receive. Therefore the communication gap in our bureaucracy should be removed.

Madam Chairman, our Government has made a lot of efforts for the development of labour. Legislations adopted in this regard bear a testimony to this fact. I support the proposal made by Shri Bala Saheb Vikhe Patil that the Central Government should arrange 25 percent funds from the Consolidated Fund of India. The Government can create a fund for the unorganised labour by contributing from the Prime Minister Fund and President Fund and in this way the unorganised labour will be benefited. Once when I asked a Question from the Minister of Industries in the House and suggested to take some steps for the labourers who are starving due to the closure of so many industries, he replied that he is helpless regarding the private sector and can take steps for the public sector. I am afraid that you too may say that steps can be taken only for the organised sector and not for the unorganised sector. When the I.L.O., the Ministry and the whole nation is paying attention towards this issue, the Government should also pay attention in this regard. Arrangements should at least be made so that the unorganised labour may get medical facility, maternity benefit and the facility for their children's education. Besides, they should also not be exploited any more. The Monitoring

committee should be constituted in consultation with the State Governments. The Government can succeed in doing something for the unorganised labour if such steps are taken. The Government should either accept this Bill or bring a comprehensive Bill in this regard. The Labour Ministry will succeed only when such a Bill for the welfare of agricultural labour is adopted here.

SHRI VIRDHI CHANDER JAIN (Barmer):  
Mr. Chairman, Sir, I support the Bill presented by Shri Bala Saheb Vikhe Patil. Our Constitution makers favoured the idea of democracy, socialism, secularism, social and economic justice. After achieving political independence, we abolished the princely States, jagirdari and thereafter we enacted Land Reforms Act. In pursuance of the Land Reforms Act we abolished zamindari system. The Land Reforms Act was not progressive enough and was not in favour of the poor. Very few people could be given land under this law. Therefore the Land Reforms Act should now be so amended that more land may be given to the agriculture labours. It is only then the condition of agriculture labour can be strengthened.

The question regarding solving the problems of the agriculture labour is before us. The need of the hour is to unite them and then fight for their rights. Today's discussion is also related to this subject. Various hon. Members have expressed their views in this regard. You know that we have formulated various programmes. Under the 20 point programme, various decisions were taken as well as implemented. The most important programme is I.R.D.P. under which the agriculture labour was identified and both the small as well as marginal farmers were included in the programme. However we could not uplift them to the extent we wanted. Under this programme, the people from tribal areas were given 50 percent subsidy the Schedule Caste 33 percent and others 25 percent. The funds were not utilized for the purpose they were granted. This is the reason their economic condition of those who utilised this amount properly has improved.



[Shri Virdhi Chander Jain]

It has generally been noticed that the grants provided by the Government were pocketed by the officials. The Surpunch, the district officials and the doctors swindled that money. As regards I.R.D.P. programme, which is an important programme and on which crores of rupees have also been spent, my suggestion is that in the Eighth Five Year Plan assistance should be given for employing its people in productive jobs. Under the Trysem system we should provide them training through the experts so that they may learn such works and be self-sufficient through these productive jobs and strengthen their economic condition. In order to create such a situation it is essential to stop such grants. We may utilize this amount for giving interest free loans to the selected families of the Scheduled Castes and Scheduled Tribes. We should not charge any interest on these loans for 5-6 years. In case of continuous drought or flood situation, instalments should not be recovered. They should be given productive goods which may strengthen their financial position. Then alone will the condition of agriculture labour improve otherwise their lot is not going to improve. Today if an agricultural labour works under a zamindar, he will surely be exploited and the Government cannot stop this exploitation. You may make any number of laws, you are not going to stop it. It is right that if the landlord is generous and humane, he may treat his labourers well and the condition of his labourers improve but people with such tendency are very few. The Government made various efforts and announced Rs. 11, Rs. 14, and Rs. 20 in Haryana and Punjab as the minimum wages but these wages are not being paid and the labourers are not getting the required relief. The question is how to implement the law and how to unite the unorganised labourers?

We shall not be able to attain our objective until dedicated, sympathetic and committed workers come forward to organise the unorganised labourers and work for their progress and development.

Another difficulty is that few people are prepared to work among the poor. We make tall claims but in reality, we are not able to work for them and strengthen their financial position by ensuring even the minimum wages to them. This is a problem before us and we must prepare a concrete programme to solve it. We have the R.L.E.G.P. scheme under which agricultural labourers are provided employment. This scheme has brought the contract system to an end. But in reality it is not so. Contract system is still thriving and the representatives of the people, the 'Sarpanchs' the 'Pradhans' of the Panchayat Samiti and the Development officers are responsible for it. The Central Government has issued clear directions against the contract system. In our constituency, we have made constant efforts to ensure that the labourers get minimum wages and a Central Minister also visited our area to monitor the progress. He was satisfied that the law is being actually implemented there. Previously, our workers used to get Rs. 11 per day as wages which was increased to Rs. 14 subsequently. A Minister of State of the Central Government said why this law has not been implemented. The State Governments implemented it. What I mean to say is that by ensuring minimum wages to the workers under the RLEGP scheme, their financial position can be improved. By enhancing the allocations for I.R.D.P., R.L.E.G.P. and N.R.E.P., their financial position can be strengthened. They are getting necessary assistance. Besides, wheat has also been made available to them at subsidised rates which is a source of great relief for them. They have got substantial relief during the drought. Similarly, some concrete programmes have to be prepared under the N.R.E.P., R.L.E.G.P. and I.R.D.P. schemes. The labourers should not be dependent on the landlords. I want that we should create such a situation where in the landlords do not find any agricultural labourers. They should not work for the land lords under any circumstance. We are capable of creating such a situation. They should be able to protest against the exploitation of the land lords. A situation can be created when they need not go to the land lord for work. Today farm labourers are migrating from Bihar in large



numbers. They are moving to Punjab and Haryana because of exploitation. They have decided to seek employment anywhere else rather than tolerating humiliation and insult. It is with this intention that they are migrating to other States. Today the situation in the country is that no worker can tolerate exploitation. He cannot withstand any sort of humiliation. Therefore, we have to think of giving alternative employment to those labourers who are engaged by these land lords. We shall have to create circumstances where in land lords are forced to till their lands. We shall have to frame a law which could provide land to the tiller. Those who do not till the land should be deprived of land ownership. We shall have to take such steps for land reforms. Until such measures are taken, real progress cannot take place nor will this problem be solved.

The All India Congress Committee has stated in its economic resolution that at least one member of every family consisting of 5 members should be provided with gainful employment. As regards the select families, it has been observed in the rural areas that some families have been included in this category although they do not belong to it as a result of their influence in the Gram Sabha. They should be excluded from the list of beneficiaries and the families which belong to this category in reality and who are living below the poverty line should get the benefits. This programme should be implemented strictly and one member of every such family consisting of 5 members, should be provided with respectable employment either in Government service or in factories. Immediate steps should be taken in this direction. Whatever concrete steps are taken, they should benefit those who are living below the poverty line. Necessary direction should be issued to every State in this regard so that the State Governments can frame laws for the upliftment of these deprived sections of society.

Now the question is whether women workers get wages equal to their male counterpart? Under the famine relief schemes women workers are paid less than their male counterparts. We protested

against this practice in Rajasthan and equal wages were granted to women. Clear direction should be issued to all the States in this regard.

THE MINISTER OF LABOUR (SHRI BINDESHWARI DUBEY): There are laws in this regard. The State Governments are not implementing them.

SHRI VIRDHI CHANDER JAIN: If the State Governments are not implementing them, then a meeting of the State Chief Ministers should be called and told to implement. They also uphold the dignity of humanity and democracy and they will accept this suggestion.

SHRI BINDESHWARI DUBEY: A meeting of the State Labour Ministers was convened.

SHRI VIRDHI CHANDER JAIN: You should make a beginning somewhere. We can make them understand by reminding them the principles laid by Mahatma Gandhi, particularly, non-violence, so that the women workers are not exploited and discriminated and they get wages equal to men. A Commission has been constituted for the unorganised labourers under the Chairmanship of Shri Jina Darzi and several hon. Members of the House including Shri Panika are its members. I want that its report should be presented during the next Budget Session so that some decisions could be taken in that matter and the position of the labourers could be strengthened. Besides, there should be further improvement in the labour laws so that the workers lot could be improved.

I want to submit a few points regarding bonded labour. The Bonded Labour Act is laudable and is well-intentioned but even today bonded labourers have not been identified in many States. They do not come into the open because they are afraid that by doing so their position may become even more weak. Therefore, I want to submit that they should be identified in every State. In this connection, the Central Government should issue special directions to the States and the Collectors should be directed to identify bonded labourers at the district level and make efforts to rehabilitate

[Shri Viridhi Chander Jain]

them thereafter. The rehabilitation work done for them is laudable and their condition has improved. We want that their condition should improve further. We have attained political freedom but we have yet to achieve full economic freedom and in order to do so, we should not have a single bonded labour in the country by 2000 A.D. Everyone should get employment and their financial position should be strong. For social and economic progress there should not be a single land less labourer or poor person in this country. We want to banish poverty from this land. To achieve all this, the problem of unorganised labour has to be solved.

With these words, I thank you.

[English]

MR. CHAIRMAN: Now the time for this Bill has expired. How much more time do the hon. Members want for this Bill?

SOME HON. MEMBERS: Two more hours.

MR. CHAIRMAN: Is it the sense of the House that two more hours should be extended for this Bill?

SOME HON. MEMBERS: Yes.

MR CHAIRMAN: So, the House has extended two more hours for this Bill.

Before I call upon the next speaker to speak, the hon. Minister, Ajit Panja wants to lay papers on the Table of the House.

17.52 hrs.

PAPERS LAID ON THE TABLE - *Contd.*

[English]

THE MINISTER OF STATE IN THE DEPARTMENT OF REVENUE IN THE MINISTRY OF FINANCE (SHRI A.K. PANJA): I beg to lay on the Table a copy each of the

following Notifications (Hindi and English versions) under section 150 of the Customs Act, 1962:-

(1) Notification No. 307/88-Customs published in Gazette of India dated the 25th November, 1988 together with an explanatory memorandum prescribing the basic customs duty rates for certain categories of iron or steel products.

(2) Notification No. 308/88-Customs published in Gazette of India dated the 25th November, 1988 together with an explanatory memorandum excluding certain categories of iron or steel products from the purview of Notification No. 61/86-Cus. dated the 17th February, 1986.

[Placed in Library. See No. LT-6785/88]

17.52 hrs.

UNORGANISED LABOUR WELFARE FUND BILL - *Contd.*

[English]

MR. CHAIRMAN: Now Shri Ram Pyare Panika.

[Translation]

SHRI RAM PYARE PANIKA (Robertsganj): Mr. Chairman, Sir, I would like to express my thanks to my hon. colleague, Shri Patil who, by introducing a Bill on the unorganised labour, provided us an opportunity to have a discussion in this august House on the problems of labourers.

It is a matter of satisfaction that the hon. Minister, who has been rendering yeoman service to the cause of Labour Welfare, is present here. I think that hardly will there be any labour aspect with which our present hon. Minister is not acquainted. He worked for the welfare of labourers both in organised as well as in unorganised sectors. After independence, a lot of work has been done for the welfare of the labourers in this country and that is why the country is

gradually making progress in the agriculture as well as industrial fields. Development is taking place in agriculture as well as industry rapidly.

Sir, keeping the plight of labourers in the unorganised sector in view. Our Government, our Hon. Prime Minister had made an announcement in the Budget that some concrete steps would be taken for the welfare of the labourers, as a result of which National Labour Commission for Rural Labour was constituted. It is also a matter of chance that I happen to be one of its members of that Commission. I have been benefited from the views expressed here. There is no doubt about the fact that the Commission has not been able to go into the details of labour problems since it started working a year ago.

One thing I would like to say that the problems of unorganised labour is very acute. In my constituency, there is factory where four different categories of labourers have been doing the same type of job. These labourers are contract labour, casual labour and muster roll labour and their rates of wages are different. While one category draws at the rate of Rs. 28 per day, the other category Rs. 40 and the third only Rs. 12, though they do the same type of job. Though the nature of their work is the same, their rates of wages differ widely. It is, therefore, necessary that the labourers in this unorganised sector should be saved from exploitation.

A large number of labour laws have been enacted in this country during the last 40 years. But very few laws have been made for the welfare of labourers in unorganised sector. It has not yet been possible to provide free legal aid to agricultural labourers. No one has ever taken up the case of agricultural labourers in any court of law. Besides, there are agricultural labourer in my area and carpet weavers in Mirzapur and eastern region. The carpet industry has been declared an hazardous industry. Even then, children work in it. The Government has made a lot of efforts to ensure that the labourers are meted good treatment, but there has been no improvement in the situation. Despite all

efforts to prescribe the minimum wages, the labourers have to work there for 12 hours daily from dawn to dusk and they are not paid more than Rs. 14 a day as their wages. The minimum wages so fixed do not have any scientific basis. This is telling upon their health. Their living standard is going down. The Government of India gives 30 percent incentive for export of carpets, but the weavers do not get any share out of it. I would like that some steps should be taken to ensure that these labourers, who are very industrious and whose number runs in lakhs, get their due share out of this 30 percent incentive amount. The Government of India introduced a scheme for their welfare, for the improvement in their health and for their social welfare and with a view to implementing the scheme, the Government of India has provided a sum of Rs. 42 crore for this. This scheme is not being implemented. It should be seen as to why this scheme is not being implemented.

So far as the question of implementing the schemes in respect of agricultural labourers is concerned, the schemes have not been implemented for want of sufficient machinery in the country. 80 to 85 posts of Inspector are lying vacant in Uttar Pradesh and there is none to look into it. The wages of agricultural labourer should be fixed keeping in view the local conditions, otherwise the farmers and labourers will clash among themselves. The wages should be fixed in the light of income accruing to the farmers. Subsidy should be given to farmers in those places where their condition is not good. It is all right that minimum wages have been fixed and payment should be made on that basis, but the farmers should be provided some source of income. This is a very important thing. Apart from it, there are labourers working in the brick kilns and bidi workers are also there. All of them are in the unorganised sector. Our Commission is going into their problems comprehensively. But the Government has already enacted a number of laws earlier. The Ministry of labour had convened a meeting and I was invited to that. But I was not able to participate in the meeting due to Panchayat elections. When this matter is taken up with the State Governments or officers, they talk of extending all co-

[Shri Ram Pyare Panika]

operation and making improvements in the situation, but when we make an on the spot visit, everything is found to be in a disarray. The Centre and State should do a co-ordinated efforts in this regard. The laws are made with the consent of both of them. As such, both of them should possess power of implementation. Rules should be made strict so as to ensure that these laws are duly implemented.

As the hon. Minister said that Minimum Wages Act has since been enacted. But some of the departments in Uttar Pradesh have taken exemption. The Departments of Forest and P.W.D have taken exemption, because they were subjected to legal action when an F.I.R was lodged against them. Such complaints are very common in the private sector, but as far as the exemption taken by the Government Departments is concerned, there is a need to review the whole issue. Despite so many directives of the Government, discrimination is made in disbursement of wages. While women

workers are paid at one rate, the men are paid at a different rate. This also causes discontentment among them. Funds are allocated for various development works. Funds are allocated for N.R.E.P and R.L.E.G.P. It should be ensured that minimum wages are paid to the labourers engaged in schemes run under those programmes. But the Governments in various states exploit the labourers in this regard.

[English]

MR. CHAIRMAN: You may continue next time. The House stands adjourned to meet again on Monday at 11.00 A.M.

18.00 hrs

*The Lok Sabha then adjourned till Eleven of the Clock on Monday, November 28, 1988/Agrahayana 7, 1910 (Saka)*