

[Mr. Deputy-Speaker].

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

The Schedule was added to the Bill.

Clause 1 The Enacting Formula and the Title were added to the Bill.

SHRI R. VENKATARAMAN:
Sir, I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

15.54 hrs.

PLANTATION LABOUR (AMENDMENT) BILL

THE MINISTER OF STATE IN
THE MINISTRY OF LABOUR
(SHRIMATI RAM DULARI SINHA): I beg to move*:

"That the Bill further to amend the Plantations Labour Act, 1951, as passed by Rajya Sabha, be taken into consideration."

The plantations Labour Act provides for the welfare of labour and regulates the conditions of work in the plantations. The Act deals with— (i) health and welfare, (ii) hours of work, rest intervals, etc. (iii) employment of children and young persons, and (iv) leave with wages.

The Plantations Labour (Amendment) Bill, 1973 was introduced in Rajya Sabha in 1973. The Bill was referred to Joint Select Committee of Parliament. The Committee submitted its recommendations on 3rd March, 1975.

The main objectives of the Amendment Bill are to extend the benefits of the welfare provisions to a larger number of workers, to provide for compulsory registration of plantations and reduction of weekly hours of work for adults and children. The Bill also seeks to provide for the first time, compensation in the case of death or injury to a worker or a member of his family as a result of the collapse of the house provided to him by the employer.

The Act as it exists, applies to tea, coffee, rubber and cinchona plantations measuring 10.117 hectares or more and in which 30 or more persons are employed. The Amendment Bill seeks to make the Act applicable to plantations measuring 5 hectares and in which 15 or more persons are employed. Workers drawing a monthly wage of Rs. 750/- would now be covered as against those drawing Rs. 300/- at present. Employers are now required to provide housing accommodation not only for workers and their families residing in the plantations, but also for those residing outside if they have put in six months of continuous service and express a desire in writing to reside in the plantations. The working hours for adults are also proposed to be reduced from 54 hours a week to 48 hours and in the case of adolescent or child worker from 40 to 27 hours a week. The Bill provides for the first time for the payment of overtime wages for doing work beyond prescribed hours. The Bill also seeks to require the courts to specify the period by which the employers would be required to rectify breaches of laws and rules. With a view to ensure effective implementation of the provisions of the Act, the Bill seeks to provide for a compulsory imprisonment upto six months and fine upto Rs. 300/- for every day in cases of non-compliance of such orders of the court.

*Moved with the recommendation of the President.

15.56 hrs.

[SHRI CHINTAMANI PANI-GRAHI in the Chair].

Government have accepted all the recommendations of the Joint Committee of Parliament except the one for extending the Act to new species of plantations, namely, citronella grass, cardamom, arecanut, medicinal herbs, banana, apple, pine apple, cashewnut, olive, cocoa or coconut. Government has accepted this recommendation in the case of cardamom plantations only as these plantations which are located in the States of Karnataka, Kerala and Tamil Nadu of fairly good size and well demarcated. The recommendation to extend the Act to the other plantations has not been accepted because of the scattered nature of these plantations and consequent problems of implementation. Government has improved upon the recommendation of the Committee regarding payment of compensation in the case of death or injury due to the collapse of the house provided by the management to the worker. The Committee had recommended compensation upto Rs. 14,000/- and Rs. 20,000/- in the case of death and in the case of injury respectively against Rs. 10,000/- and Rs. 14,000/- in the original Amendment Bill. As neither the Amendment Bill nor the Joint Committee related the compensation payable to monthly wages of the workmen nor did they provide separately for total disablement and temporary disablement, the Government has decided to amend the provisions to provide for payment of compensation as per provisions in the Workmen's Compensation Act, 1923 i.e., upto Rs. 24,000/- in the case of death and upto Rs. 33,600/- in the case of disablement.

It is unfortunate that this Amendment Bill for the welfare of plantation workers has been pending for the last 8 years. The Bill was passed by Rajya Sabha on 3-9-1981. In view of the additional benefits and welfare measures that will accrue to a large number of workers through this

proposed legislation, I hope the House will pass the Bill as passed by the Rajya Sabha, unanimously.

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill further to amend the Plantations Labour Act, 1951, as passed by Rajya Sabha, be taken into consideration."

Shri Ananda Pathak.

SHRI ANANDA PATHAK (Darjeeling): Sir, I rise to welcome the Bill because this is aimed at removing some of the shortcomings in the principal Act, though it is still uncomprehensive, belated and half-hearted.

It is a pity that the Government took more than six years to make up their mind and bring this Bill before the House after receiving the Report of the Joint Committee on 3rd March, 1981.

After years of ruthless exploitation by the British and Indian planters, after shedding gallons of tears and blood, after years of struggle, the Plantation Workers got the plantation Labour Act in the year 1951 which was the first legislation to regulate their service conditions and provide some amenities.

16 hrs.

Sir, hithertofore, there was no law, no rules and regulations for providing even the bare necessity of life to the workers like drinking water, housing accommodation and medical facilities. The whims and passions of both the British and Indian planters was the unwritten law for regulating the way of life and service conditions of the plantation workers. They had no civil liberty, no trade union right and they were not allowed to meet and mix with the people outside the plantation. The relatives of the plantation workers were not

[Shri Ananda Pathak]

allowed to enter into the Estate and meet their nears and dears. A reign of terror was let loose by the planters. They were like supreme Gods in their Estates.

Unfortunately, Sir, this sorry state of affairs even continued after Independence and even after enactment of the Plantation Labour Act in 19.1. At the behest of the powerful planters this Act was not enforced and it was kept in abeyance for a long time. To counter the welfare measures in this Act, the planters raised hue and cry of crisis in the tea industry in the year 1952 and resorted to wage cut, increase in the rate of concessional ration, increased the work load and closed down some of the tea gardens. Sir, as soon as the planters were able to achieve their desired goal and wrested more concessions from Government and deprived the workers of their legitimate rights and hard won achievements there was an unprecedented boom in the tea industry in the year 1954 and onwards. Prices were jumped up both in the domestic and foreign markets. Profits and percentage of dividends were tremendously increased. Thus the planters once again earned a fabulous profit at the cost of the workers.

Sir, in this way they earned crores and crores of rupees for years together but they never cared to plough back the profits for the development of the tea industry and for the welfare of the workers.

Sir, in this background the tea garden workers in Darjeeling and Jalpaiguri districts of West Bengal launched their first united struggle and the historical strike in the year 1955 for implementation of Plantation Labour Act, introduction of Provident Fund scheme, granting of bonus and restoration of wage-cut. The strike continued for 15 days. The police resorted to firing and killed 50 innocent tea garden workers. Those

who were killed in this firing were honoured as the martyrs of the working class. Similarly, the plantation workers in Assam, Kerala, Trivandrum and other places launched movements in different forms to achieve the above-mentioned demands.

Sir, it was only then that the Government issued notification to enforce some of the provisions of the Plantation Labour Act in the year 1956. But many of the provisions were not enforced and implemented even then. So, the workers in tea, coffee, rubber and other plantations continued their movement for the implementation of all the welfare measures and removing the deficiencies in the Act. Ultimately the Government introduced the Plantation Labour Amending Bill in the Sabha on the 6th March, 1973. Thereafter, the Bill was referred to the Joint Committee which submitted its report. I have already said about this; the hon. Minister also has said about this. There is therefore no need for me to repeat the same. But, Sir, the Government failed to set right the deficiency in respect of the various provisions of the Act, especially in respect of Medical Facility, in the Amending Bill. Now, Sir, taking advantage of the deficiency in the principal Act, what happened was that these tea garden managements and other managements in other plantations also, took full advantage of the opportunity to completely evade their obligations in respect of provision of medical facilities to the workers. You will be surprised to know that even now, in the remotest areas in plantation areas, no facilities are provided to the workers. As trade union workers we know these things; we go to the various areas. These managements only cheat the workers; they keep red-colour water in some bottles, ordinary water in some bottles, some Aspros and so on as if these would be the panacea for all ailments? This is what we see and this sort of thing is still being continued.

I wish to submit that these provisions regarding Medical Facilities should be made more stringent but I am sorry to say that nothing of that kind has been done in this Amending Bill.

Similarly, I am very sorry to find that the provision of 8 per cent of pucca houses for the plantation labour (as provided in the Act itself) has not been implemented in full. Sir, the enactment of the Plantation Labour Act was done in the year 1951. 30 years have passed. Even 50 per cent of the houses of labourers has not been made pucca. We find that workers in various plantations and in tea industry live in hovel-type of mud houses and that is why the Joint Committee was constrained to make some very important observations. I quote what they said:

"The Committee, during their tours to the plantation areas also observed that in many gardens, even the barest minimum facilities such as arrangement for the supply of wholesome drinking water, latrines and urinals, provisions of qualified doctors and medicines, had not been provided though these amenities were required to be supplied by the employers under the Act."

Then, again, Sir, I quote again from what they had to say on Housing. I quote from the Report of the Joint Committee:

"According to the provisions contained in Section 15 of the Plantations Labour Act, 1951, an employer is required to provide housing accommodation to every worker and his family, residing in the plantations. Government also provide loan and subsidy for the construction of these houses. Even then, the progress of construction of houses in the Plantations has been very unsatisfactory, and, in fact, the rate of construction of houses has gradually declined. The

position has not improved even by the prosecution of the employers as there is a lack of desire on their part to take up the responsibility of constructing houses."

So, this is the sorry state of affairs. This is not my version; but it is the version of the Joint Committee itself.

When the managements and owners of these tea gardens and plantations came to know that the Joint Committee is going to recommend for giving more facilities to plantation labourers, when they found the Joint Committee touring the various places, they started fragmenting their Estates with a view to avoid their obligations provided under the Act. With that aim in view, they started fragmenting and bifurcating the Estates, to make it smaller and smaller, so that they need not implement all these provisions.

I am glad that Government has come forward for reducing the area. But, that is not sufficient, because, they go on fragmenting. Therefore, I have given my Amendment to reduce it to 2.5 acres. I hope that the hon. Minister will accept my amendment because it is an improvement in this respect. After all, it is a Welfare State. Welfare measures and amenities to the workers have got to be provided. Therefore, I do feel that there should be no particular difficulty for the Government to reduce these areas. Because, the number of workers may be 4, or 5 or 6 or 7, whatever it is, they are doing hard labour, they are working hard to give profit to the employers. Therefore, it is my request that Government should accept my amendment in this regard.

Sir, you will find that the employers reaped fabulous profits out of the sweat and blood of the workers for years together, but they did not plough back the money for the preservation, upliftment and development of the industry. They diverted the Fund to other channels. They

[Shri Ananda Pathak].

failed to carry out the replantation programme. Even now you will find that there are tea bushes older than 80, 90, 100 years in age. That is why many of the tea plantations have become sick, though there is no dearth of demand of Indian tea, coffee and other commodities in the domestic as well as in the foreign markets. The greedy management is making profit and is diverting it to other channels and is depriving the workers and the industry of its due share. This is a sorry state of affairs.

These unscrupulous employers are inflicting injury to such a vital industry which is providing employment to more than two million workers and which is earning Rs. 500 crores of much needed foreign exchange for our country every year. It will be bringing in another crore of rupees to the Government exchequer through duties and taxes. But they do not provide the barest necessity to the workers and violate the law with impunity.

I, therefore, plead that this vital plantation industry should be nationalised in the larger interest of the country and in the interest of the workers and in the interest of the industry itself. Pending its total nationalisation, I demand that at least at the moment the tea trade which is monopolised by big houses like Brook Bond and others should be nationalised and the small growers, small producers should be financed and otherwise helped.

We will discuss this aspect of the problem at appropriate time. So, I restrict myself to matters pertaining to the amendment of the Plantation Labour Act.

Though I have given eighteen amendments, yet I am not going to elaborate on all the amendments here. I would only emphasise on some of the very pertinent and important points. I would fervently appeal to the Hon. Minister to kindly accept them in the larger interest of the neglected section of our working class.

Now I come to my amendments.

Regarding application of the Act, I have proposed to reduce its area to 2.5 hectares with five or more workers in employment.

I want that the scope of the Act should be enlarged to other plantations also and I have given my amendment to that effect. ILO has defined plantations to include any activity having regularly employed hired worker, whether it is situated in tropical or sub-tropical region and which is mainly concerned with the cultivation or production for commercial purpose. E.G. Coffee, tea, sugar-cane, ground-nut, cotton, tobacco, fibre, jute, pineapple etc. That is mainly to emphasise the point of my amendment which I am giving.

Thirdly, I propose to bring in the employees drawing Rs. 1,500/- basic salary excluding their fringe benefits like complimentary tea etc. to take it as basic.

I hope in view of the spiralling prices and revised pay scales, the Government would have no difficulty to accept it.

Regarding provision of creches, I suggest that whatever be the number of working women, this provision should be there. Instead of 50 women, I propose even if 5 women workers working as hired labour are there, the creches should be provided there.

Now, regarding the compensation for the death or injury caused by the collapse of the House. There also I have submitted my amendment that the provision which is there in the Amendment given by the Hon. Minister should not be there, because when the collapse is not solely or directly attributable to the fault on the part of the occupant of the house, or to natural calamity, the employers will give flimsy reasons to say that you have done this or they will give excuses if these words are kept. Therefore, I request the Minister to omit it so that the aggrieved workers may get compensation.

The time for claiming compensation has been given six months. When our Hon. Minister has already stated that we will follow the procedure as laid down in the Workmen's Compensation Act, I find that the time for claiming, what is one year, and that it is stated that if the worker could not file his or her case within one year, another one year has been given. Therefore, when we are following the procedure in respect of the amount and everything, then why not for this period also we adopt that provision. I hope the Minister will consider and accept it.

With these words, I support the Bill.

SHRI B. K. NAIR (Quilon). I thank you for the opportunity to take part in the debate relating to the section of the people who have been neglected in our country. Plantation in India extends to about twelve and a half lakhs of acres covering crops like tea, rubber cardamom and coffee. While welcoming the provision of the Amending Bill. I take it only as a token of the Hon'ble Minister's great sympathy for these down-trodden people. I feel confident that in the days to come she will further extend her sympathy so as to provide for a further amendment and bring in a comprehensive Bill to cover whatever aspects are left out.

From my own experience, I suggest certain points to be considered.

This original Plantation Labour Act, as it was first conceived, suffered from some sort of conceptual deficiency in the sense the definition is based on the plantations being conceived as units comprising a minimum of twentyfive acres and employing thirty workmen. This equation between 25 acres and 30 workmen can subsist only in the case of tea, whereas in the case of rubber, for employing 30 workmen, you will require 150 acres; for cardamom, it may be

about 40 acres, for coffee, it may be about 75 acres.

It is clear that while drafting the original Bill, the people who were responsible, took into account the conditions of plantation in Assam and Bengal; they did not take into account the conditions that exist in an ideal plantation State like Kerala where we grow all the various other crops. We have got rubber in abundance; about 90 per cent of the rubber is grown in Kerala; and we are growing about 75 per cent of the cardamom. We grow coffee and about 70,000 acres of tea. So far all these multifarious crops the ideal conditions exist in Kerala. These factors were not taken into account by the persons who have drafted the original Bill; and we are still carrying on the burden. The deficiency of the Act have to be got to be rectified.

Even now the plantation industry as a whole, in the thousands of units which are growing these crops employing about more than 12 lakh of workers, not even 30 per cent of them have been covered by this legislation however ambiguous its scope might have been.

Whether it is a question of rubber or cardamom, to qualify for being included as a plantation under the definition of the plantation, the units have to be so big that they cannot have any comparison whatsoever with the tea growing units.

I feel that the hon. Minister will be ready to consider this suggestion that there should be no relationship whatsoever to the size of a unit; it should be related only to the number of workmen. What is the difference between a workman employed in 100 acres estate and another in 2 acres estate? Both are working under the same conditions. As far as the product is concerned, it is also sold in the same market. As far as taxation is concerned, it is also similar; So also is the matter of con-

[Shri B. K. Nair].

cessions. The product and the producers get the same treatment, whether it is from the Government or from the market. The worker alone has to suffer because he just happens to be employed in a estate under smaller acreage. Another thing is that a plantation is not bound by four walls. There is no fixity about its size. It can be cut into pieces by a partition at any time. A plantation of 100 acres can be cut into 10 pieces depending upon the owner's will. He can divide it among his sons or the dependants. There may be an artificial sale. Even the present Bill provides for it.

Once a plantation is registered the employees are entitled to get certain benefits under this Bill. But a registered plantation can be deregistered if the registering authority is satisfied that the conditions of registration do not any longer apply. What does it mean? What happens to the benefits of the workmen who are employed there so far on the plantation being deregistered? Suppose as a result of actual partition or an artificial partition, a unit is divided into 3-4 units and the units go out of registration. What happens to the benefit of the workmen? Are they liable to be expelled from their homes and deprived of all the benefits that are guaranteed by the law? Overtime wages are given to the workmen employed on the registered plantation. That is provided by this law. When they go out of registration, the planters escape their obligation owed under the law. There is no protection to the worker and there is no bar on registration being cancelled or units going out of registration.

In Kerala, when this mischief was brought to the notice of the Government, they provided in the rule that deregistration or any division of the estate taking place after a particular date will not apply, will not result in loss of the benefits enjoyed by the workmen till then. So, the workers

continue to enjoy their benefits even after a unit goes out of registration, goes out of the definition of plantation by reducing the size. That mischief is required to be got over. Because of high winds, the trees may fall. And because of natural calamities, houses may also fall. But are the workers employed in small plantations not exposed to the same calamities? There should be pucca houses and they are not supposed to collapse. This is not a widespread calamity as, for example, snake bite and other things. Nevertheless, it has to be provided for. But it is only one of the types of incidents that the workers may have to suffer.

The original Act was conceived to provide for a paradise within the estate. Every facility was to be provided there like school, medical aid, hospitals, electricity, drinking water, housing, recreation clubs, creche, etc. It can be said that the Central Government was trying to escape from its own responsibilities by passing on these burdens to the planters. But how did they react? They just refused to implement the law and to provide the facilities. The State is interested only in collecting taxes. Because of the rise in the rate of taxation, huge amounts are collected as taxes from the planters. If the planters spend money on providing facilities and amenities and if the conditions are improved, then there will not be much scope for taxation. So much taxes are collected by the Government. But what do they give to the workman? Nothing, no hospital, no obligation to provide school, not even lighting. The State has completely absolved itself of this obligation by saying that this is the job of the planters. Why should this responsibility be passed on to the planters? The State has to bear the responsibility of setting up schools, hospitals and to provide other amenities which other citizens are entitled to get. Why should plantation workers be treated as second

class citizens? They are producing crores of rupees worth tea, rubber, cardamom and coffee. At the cost of the workman, why should the State collect taxes?

Implementation is just impossible. We must have half-a-dozen inspectors in a whole of the State. Where does the Inspector go and stay? How will he go? He does not have any amenity, no vehicle, nothing of that sort. In practice, it is only a pompous piece of legislation.

What about housing? We provided in the Act that housing to all will be provided in 12 years, that is, 8 per cent per year. How many 12 years have passed since then? The planters say that they have got no funds to construct houses. When they provide money in the budget, they say that cement is not available or the plan to be provided by the Inspector is just not ready. All these excuses are given. Then there is also delay in framing the plan. Even a housing plan takes so many years to be framed. So, we should not be allowed to continue living in this sort of a paradise hoping that things will improve by the mere passing of a legislation.

I will tell you one of the dangers that this may result in. Without incurring any expenditure, the planters will say we have provided houses and water. So, without implementing any of the objectives of this legislation, they will claim all the benefits one to them they will add it to the cost of production, without incurring an expenditure of even a single paisa. Therefore, this enactment only helps the planters to escape taxation, while putting up the cost of production, apart from escaping their social obligations.

Further, there should be no limit of acreage for the implementation of this legislation. For example, in the case of shops and establishments there is no limitation of numbers for the implementation of the legislation.

2973 LS—13.

Similarly, workman employed in the units producing coffee, tea, rubber and cardamom should be entitled to the minimum benefits, like drinking water. Suppose a plantation is only of ten acres, even then the workers have to work in the open sun for hours together. So, there should be provision of drinking water.

The Kerala State Government had set up a Committee to go into the question of welfare and amenities of workers and it has submitted a report. When Shri Ravindra Varma was the Labour Minister, I requested him to go into this report and then come forward with a model legislation; but that was not done. So, even now I would make an appeal to the hon. Minister, while giving my full support to the Bill, which is about to be passed, let the entire question be examined once again from the point of view of alleviating the suffering of the poor and backward people who are engaged in this industry. Let us find a way out to help them.

The question of welfare of the workers should not be left entirely in the hands of the inspectors. After all, there are commodity boards, like the Rubber Board, Tea Board, Coffee Board, Cardamom Board and so on. They collect cess on production of these commodities. The Acts dealing with them provide for the inclusion of labour representatives in those Committees. Even though the welfare of labour is very much within the scope of the activities of these Boards, it is not being taken up seriously. They just provide some stipend to students in some cases. If necessary, Government should raise the rate of cess, but the Boards should be asked to take up labour welfare activities much more seriously and earnestly.

These planters, even the small ones, have to come to the Board one day or the other, because of the facilities which the Boards provide to them like supply of fertilizers, insect-

[Shri B. K. Neir]

ticides etc. at concessional rates. So far as the Coffee Board is concerned, it looks after the marketing also. The Boards are all pervasive. Let us bring the Boards into the picture in regard to the implementation of labour welfare measures, rather than leaving them completely to the inspectors. The Boards should be charged with the responsibility of looking after the welfare activities.

The other day I attended a meeting of the Rubber Board, where I made one suggestion. Instead of depending upon the planters to provide hospitals, let the Rubber Board build two or three hospitals in the region which can give preferential treatment to the employees of the Rubber plantations. They can build housing colonies and hospitals. That is why I say that the Boards should be brought into the picture. The Board may be brought into the picture. The rate of cess may be increased. Sufficient fun may be allotted.

In regard to the construction of houses I may submit that there is a provision in the Act—if the employers fail to construct houses, Government will build their own houses and recover the money from the employers as arrears of revenue. Why should they not take it up seriously? The Government should acquire land, construct houses, the cost of which should be recovered from the employers.

I commend this Bill. At the same time I would request the hon. Minister of Labour to try to bring a more comprehensive Bill to give a better deal the long neglected sections of workmen.

*SHRI ERA MOHAN (Coimbatore): Hon. Mr. Chairman, Sir, the Plantation Labour (Amendment) Bill that has been introduced by our hon. Minister of Labour deserves to be

commended by the entire house unanimously and I on behalf of Dravida Munnetra Kazhagam wish to say a few words. The Plantation Labour Act was passed in 1951 and after 30 years this parent legislation is sought to be amended through this Bill. I extend my whole-hearted support to this Bill. I would briefly refer to the myriad problems of the Plantation workers and how they are sought to be resolved through this amending Bill, the implementation of which is vested with the State Governments.

So far the plantation with an area of 10 hectares is to be registered, but now the plantation with 5 hectares can be registered. The Registrar is to be appointed by the State Government. Similarly, there will be a Commissioner who will go into the extent of damage etc., caused to the habitation of plantation workers either due to heavy downpour or due to sudden cloudbursts in the hilly tracts and recommend the amount of compensation to be paid to them for such losses. This Commissioner is also to be appointed by the State Government. These are no doubt laudable objectives meant to serve the cause of lakhs and lakhs of plantation workers. All of us here are fully acquainted with the woes of these workers.

I would like to apprise you of the vicissitudes of lakhs of plantation workers in Udhagamandalam and Coonoor near my town Coimbatore, in Gudalur, Munnar, Kollimalai, Ercaud, Kodaikanal, Cumbum and Anaimalai Hills in Tamilnadu where we have plantations of tea, coffee, cardamom, rubber etc. The sweat and blood of these workers bring to the public exchequer thousands of crores of rupees in foreign exchange, with the help of which we seek to industrialise the nation as a whole. It is an irony that those workers continue to live in primitive conditions exposing themselves to vagaries of wea-

*The original speech was delivered in Tamil.

ther and whims of plantation-owners. Educational facilities, public health amenities, basic minimum sanitary conditions around their habitations are woefully lacking. When land-slides occur during peak rainy season, these workers live in islands of isolation for days together without any contact with the rest of the country. I am really happy that this legislative effect is meant to compensate these helpless people in their hour of distress. But here comes the question of effective implementation of the provisions of this Bill. The State Government has been entrusted with the onerous task of redressing the genuine hardship of the plantation workers. I wonder what will be the fate of this Bill in the hands of the present State Government in Tamil Nadu, where nine senior I.A.S. Officers have resigned and run away to foreign countries because of the incessant and intolerable harassment of their political bosses.

In Tiruchendur an Officer of the Hindu Religious and Charitable Endowments Department was murdered and the issue was closed by the Police as a matter of suicide. But the persistent public agitation compelled the State Government to constitute Paul Commission. While the State Government was hibernating over the Report of the Paul Commission, the resourceful Opposition Leader get this Report published in the newspapers. Then the wrath of the State Government descended on the Officer by name Sadasivam who was arrested and harassed on unfounded suspicion by the Police only last week. Thiru Selvam, the Associate Editor of popular Tamil Daily MURUSOLI and Thiru Shanmugam, the Government official working as P.A. to the Opposition Leader have been arrested on some baseless allegations. The house of Thiru Murosoli Maran, M. P. (Rajya Sabha) has been ransacked by the Police today in Madras. Such a State Government, drunk with political power and arrogance of authority, not being reluctant to give refuge to murderers, is being

vested with the authority to implement this Bill for the welfare of plantation labour!

MR. CHAIRMAN: It has nothing to do with this Bill.

SHRI ERA MOHAN: Sir, this has everything to do with this Bill. Through this Bill the Central Government is empowering the State Government to implement these salutatory provisions intended to serve the cause of plantation workers.

I have to stress these points to emphasise the inevitable need for the Central Government to have an institutional set-up for ensuring effective, efficient and expeditious implementation of this welfare measure, particularly when such onerous responsibilities are being entrusted to the care of callous State Government like that of Tamil Nadu.

In conclusion, I would like to point out that there is necessity for collecting Plantation Workers Cess from the Plantation-owners so that the funds needed for providing basic minimum living amenities can be made available to them. A Group Insurance scheme should also be implemented for the welfare of plantation workers. For the houses of Members of Parliament in New Delhi a Group Insurance scheme has been evolved. Such a Group Insurance scheme should be formulated and implemented for the welfare of plantation workers also. I am sure that our hon. Labour Minister will take necessary initiative in this regard. On behalf of D.M.K. I extend my wholehearted support to this laudable legislative effort.

श्री गिरधारी लाल व्यास (भील-वाड़ा) : सभापति महोदय, प्लांटेशन लेबर (एम्प्लॉयमेंट) बिल, 1981 का मैं समर्थन करता हूँ मगर इस में जो सेक्शन हैं उन में कुछ सेक्शनों के बारे में जो क्लेरीफिकेशन की आवश्यकता है, उस के बारे में मैं कुछ निवेदन करना चाहता हूँ।

[श्री गिरधारी लाल व्यास]

एक तो सेक्शन 3 (बी) (1) है, जिस में यह दिया हुआ है :

“Every employer of a plantation, existing at the commencement of the Plantations Labour (Amendment) Act, 1981, shall within a period of sixty days of such commencement, and every employer of any other plantation coming into existence after such commencement shall, within a period of sixty days of the coming into existence of such plantation make an application to the registering officer for the registration of such plantation:”

उसके बाद प्रोविजो है —

“Provided that the registering officer may entertain any such application after the expiry of the period aforesaid if he is satisfied that the applicant was prevented by sufficient cause from making the application within such period.”

इस में एक तो यह है कि रजिस्ट्रेशन 6 महीने के अन्दर अन्दर देससरी है । अगर वह नहीं करा पाता है तो बाद में आपने प्रोविजो में यह व्यवस्था कर दी है कि किसी प्रकार की गलती से अगर यह रह गया है तो उसका टाइम एक्सटेंड किया जा सकता है । जब आपने इस में यह प्रोविजो दे दिया है तो एम्प्लोयर जानबूझ कर गलती करेगा । पहली ही 6 महीने का समय बहुत ज्यादा है । अगर कोई 6 महीने का अन्दर अपना रजिस्ट्रेशन नहीं कराता है तो उसके खिलाफ पीनल एक्शन होना चाहिए । जुर्माना नहीं उसके खिलाफ सजा का प्रावधान होना चाहिए । अगर आप इस प्रकार

को व्यवस्था नहीं करेंगे तो ऐसे कानूनों को पालना लोग नहीं करेंगे । इसलिए यह व्यवस्था आवश्यक है ।

आगे आपने इस बिल की क्लॉज 3(बी) को सब-क्लॉज (5) में लिखा है—

“Where after the registration of a plantation under this Section, any change occurs in the ownership or management or in that extent of the area or other prescribed particulars in respect of such plantation, the particulars regarding such change shall be intimated by the employer to the registering officer within thirty days of such change in such form as may be prescribed.”

अब इसमें क्या व्यवस्था है कि मान लीजिए प्लांटेशन के सम्बन्ध में इतने एकड़ जमीन रखने का जो नियम है अगर उसमें से वह जमीन बेच देता है और कानून से बचने के लिए बेच देता है और उसको वह रजिस्ट्रेशन अथागिटी को भी सूचना नहीं देता है तो उसके लिए क्या प्रावधान है ? वह भी इस कानून को अवहेलना करता है और वह व्यक्ति जो कानूनी तरीके से अपराधी है और उसे अपराधी मान कर सजा मिलनी चाहिए । इस बिल में इस प्रकार का प्रावधान नहीं किया गया है । इसकी भी व्यवस्था इस बिल में की जानी चाहिए । जो भी प्लांटेशन मालिक कानून से बचने को कोशिश करे, उसके खिलाफ कोई न कोई सख्त कानूनी व्यवस्था बनाना नितान्त आवश्यक है ।

इसी प्रकार इस अमेंडमेंट बिल की सेक्शन 6 और पुराने एक्ट की सेक्शन 12 में यह लिखा है—

"In Section 13 of the principal Act, —

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

- (1) In every plantation where fifty or more women workers (including women workers employed by any contractor) are employed or were employed on any day of the preceding twelve months, or where the number of children of women workers (including women workers employed by any contractor) is twenty or more, there shall be provided and maintained by the employer suitable rooms for the use of children of such women workers."

यह आपने इसमें प्राधान्य किया है, लेकिन इसको अहमलना करने वाले के खिलाफ वाा कार्यवाही की जाएगी। इसकी कोई व्यवस्था नहीं की गई है। प्लांटेशन जंगलों में होता है और वहां पर लेबर डिपार्टमेंट का कोई अधिकारी नहीं जाता, इसलिए इन बातों की पालना नहीं होती है। इसलिए ऐसी व्यवस्था को जानो चाहिए, जिससे इसकी पालना हो। जा ठाठे बच्चे औरतों के साथ आते हैं, उनके लिए केमरा कमरे को व्यवस्था इसमें की गई है। वह कमरा भी नहीं बनाया जाएगा। मेरा कहना तो यह है कि वहां पर बच्चों के लिए खिलाने-पिलाने, नहाने-धुलाने, दूध पिलाने और अन्य दूसरी आवश्यक चीजों की व्यवस्था भी होनी चाहिए। ये व्यवस्थाएं नितांत आवश्यक हैं। बच्चों की देखभाल के लिए एक आठमी भी होना चाहिए। यह बहुत ही महत्वपूर्ण मसला है। वेस्ट बंगाल की गवर्नमेंट तो सब तबाह और बरबाद कर रही है। ये तो हमारी

सरकार पालन-पोषण करती है वरना आपकी तरफसे तो . . . । (व्यवधान)

हार्जिसिंग फेसिलिटीज के बारे में कहा गया है कि वहां पर छोटे-छोटे झोंपड़े बना देंगे। क्या इनसे बरसात और सर्दी से मजदूर अपनी रक्षा कर सकेंगे? इसलिए मेरा सुझाव यह है कि मजदूरों के लिए मकानों की व्यवस्था होनी चाहिए।

हाउस कोलेप्स के अन्दर जो आठमी भर जाता है या हाथ-पांव टूट जाते हैं तो कंपेंसेशन के लिए इसमें कहा है। कितना कंपेंसेशन भरने वाले को और कितना हाथ-पैर टूटने पर दिया जाएगा और कंपेंसेशन देने की क्या व्यवस्था होगी? क्या कंपेंसेशन लेने के लिए ठावा करना पड़ेगा या आपका अधिकारी उस सम्बन्ध में कोई एक्शन लेगा? इस प्रकार की व्यवस्थाएं नितांत आवश्यक हैं। यदि प्रोसीजर लम्बा-चौड़ा कर दिया तो उसके फैसले में हो साल भर लग जाएगा और एक मजदूर इतनी लम्बों पर रवी नहीं कर सकता। इसलिए सरकारी अधिकारी के द्वारा कंपेंसेशन को कुछ न कुछ व्यवस्था को जानो चाहिए तब जा कर माकूल तरीके से मजदूरों का भला हो सकता है।

16 (ई) में आपने कमिश्नर को कंपेंसेशन का फैसला करने का अधिकार दिया है और उनके बाट अपील हाई-कोर्ट में रखा है। अगर एप्पेयर के खिलाफ फैसला होता है तो वह तो हाई-कोर्ट में जा सकता है, लेकिन यदि मजदूर के खिलाफ फैसला होता है तो उसके लिए बड़ा मुश्किल होगा। इसलिए मेरा विवेक है कि इसके लिए कोई लोकल व्यवस्था होना चाहिए। डिस्ट्रिक्ट मजिस्ट्रेट को यह अधिकार होना चाहिए, ताकि

[श्री गिरधारी लाल व्यास]

मजदूर कम पैसे में सारी व्यवस्था कर सके। यह आवश्यक है।

Clause 16F reads:

"The right of any person to claim compensation under section 16A shall be without prejudice to the right of such person to recover compensation payable under any other law for the time being in force; but no person shall be entitled to claim compensation more than once in respect of the same collapse of the house."

यदि एक घर से दो आदमी मर जायें तो उनका डिपेंडेंट उन दोनों के लिए क्लेम नहीं कर सकता। यह आपने पाबन्दी लगा दी है कि वह दो के लिए कम्पेन्सेशन नहीं मांग सकता। इसी प्रकार यदि दो व्यक्तियों के हाथ-पैर टूट जाते हैं, तब भी उनका डिपेंडेंट कम्पेन्सेशन क्लेम नहीं कर सकता। इन संस्केध में व्यवस्था को आनी चाहिए ताकि कानून के शिकंजे में शरोब आदमी न पिस जाए।

इसी प्रकार इसमें वेलफेयर एक्टिविटीज के बारे में किसी प्रकार का कोई प्रावधान नहीं किया गया है। शिक्षा, इंटर्नमेंट, रेक्रिएशन, मेडिकल फेलि-टोज, आदि का किसी प्रकार का कोई प्रावधान नहीं है। ये सब व्यवस्थाएं की जानी चाहिए।

इसी प्रकार मैं प्रावीडेंट फण्ड और ई० ए० आई० को भी व्यवस्था होनी चाहिए। जो बड़े प्वांटेज हैं वहाँ पर ये व्यवस्थाएं होनी चाहिए। इन दोनों कामों में मापके महकमें में ढील हो रही है। बड़-बड़े एंजायर् प्रावीडेंट फण्ड हाईसा खा कर बैठे हैं और आपका

डिपेंडेंट कोई कार्यवाही नहीं कर रहा है। मेबाइ टेक्स्टाइल मिल का एंजायर् 20 लाख रुपये खा कर बैठा है, लेकिन आपका विभाग चुपचाप है। ई० ए० आई० साढ़े तीन लाख रुपये और खाए बैठा है और आप मजदूरों को दवाई नहीं मिल रही है। कोई कार्यवाही नहीं हो रही है। इससे ज्यादा और तथा संभाव्य हो सकता है। मेबाइ टेक्स्टाइल मिल के

सोडा 20 लाख रुपये प्रावीडेंट फण्ड के और साढ़े 3 लाख रुपये ई० ए० आई० के मजदूरों को नहीं दे रहे हैं। कोई कार्यवाही नहीं की जा रही है। मजदूर पिस रहा है। इसलिए इसको भी देखा जाए। मिनिमम बेज जो आपने सौप स्टोन वर्कर के लिए निर्धारित की है वह बहुत कम है। उसके बारे में मेरा निवेदन है कि उसका रिविजन होना चाहिए। महंगाई भत्ता आप उनको देते नहीं हैं 16-65 में उनका गुजारा नहीं होता है। उसके रिविजन की आवश्यकता है। इन और मैं आपका ध्यान आकर्षित करता हूँ और निवेदन करता हूँ कि इनका आप रिविजन कराएं।

मैं आपको धन्यवाद देता हूँ और इस बिल का समर्थन करता हूँ।

SHRI K. A. RAJAN (Trichur):
I am sorry to say that this is a belated piece of legislation. If you see the parent Act, it was of 1951 and after that 30 years have passed and this piece of legislation comes. This Bill was brought in 1973 and then it went to a Joint Select Committee which took 2 years and submitted its report in 1975. After 7 years this Bill has been brought before the House. In the meantime much water has flowed and the overall economic situation has changed.

SHRIMATI RAM DULARI SINHA: But better late than never.

SHRI K. A. RAJAN: A lot of changes have taken place and they have not been taken into account. That is what I say. Really, Sir, it is high time that they brought forward a comprehensive piece of legislation on plantation workers.

Even then, whatever has been incorporated in this legislation is welcome and there are certain features which I can welcome. They are regarding the working hours which you have brought down from 64 to 48 hours. Then the workers are also given benefits as per the provisions of the Workmen's Compensation Act.

One thing I would like to stress regarding these things. There is the difficult location. The plantation industry is located in isolated places. If I am correct, it is located in difficult areas and then mostly women are the workers in this industry. The industry is located in far off places. So there is the problem of lack of infrastructural facilities for implementation of the Act. We will find it very difficult. The officers and the machinery to implement these things cannot do their job because of the peculiar pattern and location of the industry. It is really very much a problem. You see the working of the Equal Remuneration Act. Really that Act is not properly looked after in the industry. Most of the men and women workers are having different patterns of wages. So the implementation and other things is a problem.

The Select Committee, even though it was not empowered to go into all these aspects, went into these problems and have made some general observations. They say regarding implementation:—

“During the course of the evidence tendered before the Committee, the representatives of the workers employed in the planta-

tions stated that the implementation of the provisions contained in the Plantations Labour Act, 1951, particularly those which provide for the various welfare measures for the workers had not been at all satisfactory. They contended that there had been more violations than the observance of those provisions. Officials of the State Government entrusted with the duties of implementing the provisions of the Act also admitted that due to paucity of inspection staff and transport facilities, they had not been able to arrange for the inspection of the gardens under their supervision to the extent required. The Committee during their tours to the plantation areas also observed that in many gardens even the barest minimum facilities such as arrangement for the supply of wholesome drinking water, latrines and urinals, provisions of qualified doctors and medicines, had not been provided though these amenities were required to be supplied by the employers under the Act.”

This is the observation they have made. They took evidence and toured all over the country. This is the observation made by the Joint Select Committee as to how far whatever measures, whatever welfare measures we enact are being implemented.

Then coming to the provisions regarding punishments for violations of the Act, the inadequacy of the punishments was brought forth before the committee and it was pleaded that prescribed in the Act, the deterrent effect of such punishment would not be felt. This is the observation of the Committee:

“The Committee agrees with that view and recommends to the Central Government that the existing provisions of Section 36 of the Plantation Labour Act, 1951, be

[Shri K. A. Rajan]

amended to the effect that for any violation of the provisions of the *Plantation Labour Act, 191*, and the rules made thereunder, the management shall be punished with imprisonment which should not be less than three months, by a competent court not below the rank of a first class Magistrate."

Why I am mentioning this is because of this. What is going on regarding housing? For housing we give so much subsidy and so much loan but how far house construction is satisfactory in the plantations. It is better to entrust the whole construction programme to the State Government and let the State Government concerned do the job and the money will be recovered from the plantation people.

MR. CHAIRMAN: Now it is 5 O'clock. You would like to continue tomorrow?

SHRI K. A. RAJAN: Yes, Sir, I will continue tomorrow.

17.00 hrs.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS: (SHRI P. VENKATASUBBAIAH): Sir it is now 5 O'clock. My item is coming. I only request that the *Plantation Labour* may be completed today itself.

MR. CHAIRMAN: How?

SHRI P. VENKATASUBBAIAH: After this, there is half-an-hour discussion. After the Half-an-hour dis-

ussion is completed, this Bill may be taken up.

AN HON. MEMBER: No, Sir.

SHRI P. VENKATASUBBAIAH: Sir, our time schedule is tight and there are large number of items.

SHRI KRISHAN CHANDRA HALDER (Durgapur): After all we may take up this Bill tomorrow morning. I wanted to help you.

MOTION RE. ANNULMENT OF ALL-INDIA SERVICES (DEATH-CUM-RETIREMENT BENEFITS) AMENDMENT RULES, 1981

MR. CHAIRMAN: Now we may take up item No. 24. Shri Shejwalkar is not here. Shri Phool Chand Verma is also not here. Dr. Vasant Kumar Pandit.

DR. VASANT KUMAR PANDIT (Rajgarh): Mr. Chairman, Sir, I beg to move the following:—

"That this House resolves that in pursuance of sub-section (2) of section 3 of the All-India Service Act, 1951 (61 of 1951) the All-India Services (Death-cum-Retirement Benefits) Amendment Rules, 1981, published in the Gazette of India by Notification No. G.S.R. 248 dated the 7th March, 1981 and laid on the Table of the House on the 15th April, 1981 be annulled.

"This House do recommend to Rajya Sabha that Rajya Sabha do concur in this resolution."

Sir, there is a matter of principle due to which I have stood and I say:

"That this House do recommend to Rajya Sabha that Rajya Sabha do concur in this resolution."