

[Shri Jitendra Prasad]

labourers who are exposed to great difficulties and danger of lives in the absence of adequate accommodation in the existing trains.

13.13 hrs.

PLANTATION LABOUR
(AMENDMENT) BILL—Contd.

MR. DEPUTY SPEAKER :

Shri K. A. Rajan was on his legs. The time allotted to this Bill is three hours. We have already spent one hour. The Minister will reply to this discussion at 14.00 hrs. or earlier even.

SHRI K. A. RAJAN (Trichur) :

Yesterday, I have been impressing upon the Minister that whatever legislations we may pass or whether it is a welfare measure or not, because of the peculiar nature of this industry and also the backward conditions prevailing therein, implementation of the legislation is an important problem. Various enactments have been brought in for Plantation workers. It may be minimum wage or equal pay for equal work or any other welfare measure, the implementation side is lacking very much. With whatever good intention you may bring in this legislation, the main point to be stressed again and again is that implementation part is very important so that it is strictly adhered to. Only then the workers will be able to get the benefit, otherwise not.

I would like to mention two or three points connected with the amendments. I would like to express my anxiety in regard to one particular provision. Fragmentation is going on in the rubber plantation. Earlier parent Bill of 1956 was there. The acreage fixed was

11.1 hectares. Most of the rubber plantation owners began to fragment the whole plant to get away from the provision of the enactment. A large chunk of workers were denied the benefit of living. It is not like coffee or tea or any other plantation. Rubber plantation can be very easily fragmented. Lot of workers were thrown out of employment. Those workers could not get minimum living.

The fragmentation particularly in rubber plantations may take place thereby the workers would be denied all those benefits. So, my anxiety regarding this point is that the Minister should take notice of this.

The other point which I would like to bring to the notice of the Minister is the equation connected with the acreage or hectare with the number of workers. The hectare per number of workers varies from plantation to plantation. In tea plantation, the equation may be different. Similarly, in coffee plantation it differs so also the rubber plantation. My humble submission is that the equation connected with the acreage or area vis-a-vis the number of workers, should be decided after taking into consideration the various, different and peculiar aspects of the tea plantation. So, I suggest that the number of workers may be reduced as suggested by the various amendments.

The other thing for which I would like to draw the attention of the Minister is with regard to amount. This Bill has gone far from the report of the Joint Select Committee, which has suggested for Rs. 500/- Now it has been fixed as Rs. 750/- to the workers who are entitled to this benefit. This amount is quite insufficient. You know, apart from the field workers

connected with the plantation, there are other workers connected with the industry. There are skilled, unskilled and semi-skilled workers who are just getting remuneration or salary of more than a thousand rupees. Normally, an amount of Rs. 750/- is not enough under the present state of affairs and the quantity of labour involved in the plantation work. So, my humble submission is that the amount of Rs. 750/- may be raised to Rs. 1,000/- keeping in view a large number of workers connected with the other part of the same industry and who are doing a skilled nature of job, are getting a very good salary. I would like to mention that the Minister may rise the amounts to Rs. 1,000 and for which certain amendments are moved on the matter.

Another point is regarding the compensation that has been mentioned in this Bill as a result of the collapse of a house. This is a very meager amount. The building material and all other costs have gone up. So, this does not commensurate with the high cost that is being spent by the workers in building a house—even of a substandard type. The amount that has been fixed as compensation is quite insufficient and therefore the amount may be enhanced to meet at least the present cost of building materials and the construction work.

In the case of death or injury to a person, the compensation has been fixed according to the provisions of the Workmen's Compensation Act. I would request the hon. Minister to enhance the amount so that it may do justice to the worker.

The other point is regarding giving effect to the Act. It has been stated that it shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

But unless immediate action is taken for the implementation of the Act, there is every chance, as I mentioned earlier, of break-up or fragmentation, especially in the rubber plantation, because of peculiar nature of rubber industry. The plantation owners may even bi-turcate the plantation thereby the benefits would be denied to a large number of workers.

With these three suggestions, I call upon the hon. Minister to consider the matter sympathetically.

MR. DEPUTY SPEAKER : I called only from the Opposition. Your name is there in the list. I will call you.

SHRI CHITTA BASU (Barasat) : Mr. Deputy-Speaker, Sir, at the very outset I want to bring to the notice of the House and the hon. Minister for Labour that the tall claim that she has made while introducing this Bill for consideration that this Bill is designed to protect the interests of the plantation labour, is, in my humble submission, not justified. My esteemed friend, Mr. Rajan, has already lightened my burden to prove that the claim which the hon. Minister has made is not justified. She has claimed that this Bill is designed to protect the interests of the plantation labour. My comment is that it cannot be properly justified if you go through the Bill and the Report of the Joint Committee. This House had the privilege of considering a petition in the year 1976 presented by the Secretary of the All India Plantation Workers' Federation, Mrs. Vimala Ranadive; a petition was made by her on the conditions of the plantation labour and it was considered by the Petitions Committee and they made their observations. I will come to that later.

This Bill provides for registration of plantations, appointment of additional inspectors, rooms for the

(Shri Chitta Basu)

children of women workers, duty of employers for providing accommodation, payment of compensation for injury and death due to collapse of houses and payment of overtime wages. These are the major provisions of the Bill. But there are certain shortcomings. Let me point them/out. Number one is, the Bill proposes to lower the acreage limit to five hectares. I agree that this Amendment will cover a large number of plantations, but it will not cover all the plantations. Many more plantations will be left outside the ambit of the Bill. Again, very dangerous consequences are going to follow. This I say from my experience coming as I do from West Bengal where tea plantation is an important industry. Many plantation owners would now try to reduce the size of the plantation estate so that they may be left outside the ambit of this legislation. Therefore, the only remedy is to cover all plantations irrespective of size. Unless you go in for that, some loopholes will be left by which the plantation owners will be able to keep their estate outside the ambit of this legislation.

There is another shortcoming. You have provided for rooms and not creches for women workers. The concept of 'creche' and the concept of 'room' are not one and the same. You are a trade union leader. You know the difficulties of the women workers. Here the Bill provides for rooms to look after children. That room will be provided only where there are more than 20 children. If the number is less, then the employer is not bound to provide a room, leave alone the question of a modern creache.

I now come to the question of housing. Before, however, coming to that, I would only refer to the Report of the Joint Committee. . . .

MR. DEPUTY-SPEAKER : If there are less children, it is good because we want to control the population growth.

SHRI CHITTA BASU : You do in your home.

MR. DEPUTY-SPEAKER : If 20 children are there, they will provide. If there are less children, then also they must provide.

SHRI CHITTA BASU : This is what I want to say. The point is that a room will be provided if there are 20 children in the Estate. I want that all the children, even if their number is less than 20, should be provided with that facility.

I do not say from my own experience, but my experience is one with the experience of the report of the Joint Select Committee. The Joint Select Committee has observed I quote from their report :

"During the course of the evidence tendered before the Committee, the representatives of the workers employed in the plantations stated that the implementation of the provisions contained in the Plantation Labour Act, 1951, particularly those which provide for the various welfare measures for the workers, had not been at all satisfactory."

This is the remark given by the Joint Select Committee.

"They contended that there had been more violations than the observance of those provisions".

I want that the hon. Minister should take note of it. There were more violations than the observance of the provisions of the Act:

"Officials of the State Governments 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."

As a matter of fact, I think the entire house will agree with me that when this Plantation Labour Act of 1951 is being amended, the object of amendment should be to plug the loopholes which have been pointed out by the Joint Select Committee. You will agree—I think you must agree—that the Joint Select Committee's recommendations or the spirit of their recommendations is not reflected in the Bill. Therefore, I say it is not the acceptance of the recommendations of the Joint Select Committee that is important but it has to be reflected in the Bill. The Joint Committee was very much clear in their mind that the basic objective of the amendment would be to remove the loopholes and to remove the lacunae and see that the 1951 Act is properly implemented which has not been done. No attempt has been made in the Bill to remove that basic and fundamental weakness of the 1951 Act. Therefore, the claims made are not proper, rather it goes to reward the plantation-owners. While the plantation owners have to be awarded punishment, no action is proposed in the Bill, rather they will be allowed to go on as they have been going on since 1951.

I will refer to only some observations of the Petitions Committee. As I have already mentioned to you this is very important and this was discussed by the Petitions Committee

of the House in the year 1976—Petitions No. 7. It is relevant and it must be known to the House—this concern about the plantation workers of our country because the House cannot but remain concerned as this plantation industry employs more than 9 lakhs of our employees. It earns yearly not less than Rs. 400 crores in foreign exchange. They have contributed for the prosperity and the export market of our country. But, unfortunately, the workers engaged in the plantations are the most neglected ones to-day. Therefore, the Petitions Committee in its wisdom made certain remarks which I think, the House should know.

I quote :

"From the material placed before them, the Committee are inclined to agree with the complaint of workers that while plantations are earning huge profits, by having both internal as well as external market, particularly in respect of tea and coffee, the employers are not considerate enough in providing benefits to workers in the same measure to ameliorate their living conditions. In fact, the Study Group of the Committee which undertook on-the-spot study visits of plantations received numerous representations from workers about low-wages, delay in payment of wages and violation of the provisions of the Plantations Labour Act, 1951, requiring the employers to provide amenities to workers. From what the Study Groups have seen, it cannot be gainsaid that there has been an inexcusable laxity, neglect and lack of urgency on the part of the authorities in enforcing the provisions of the Plantations Labour Act, 1951. The Committee feel that the Centra

[Shri Chitta Basu]

Government cannot disown its responsibility....

Are you disowning your responsibility ?

The Petition Committee says that you cannot disown your own responsibility.

I further quote :

“The Committee feel that the Central Government cannot disown its responsibility for giving proper and timely guidance to the State Governments in so far as the implementation of the various provisions of the Plantations Labour Act, 1951, is concerned.”

Regarding housing, I only want to mention what the Joint Committee says :

• “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.”

Madam, Minister, may I draw your attention to what the Joint Committee says ?

“... 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.”

Sir, I think you won't give me much more time. The basic problem is the non-implementation of the parent Act. It has not been touched in any way. The planters'

interests are being served. Rather the *status quo* is maintained. The *status quo* is maintained means serving the interests of the planters.

Therefore, my point is that the claim of the Government is not justified. The Bill does not remove the basic weaknesses of the parent Act. This Bill is only subserving the interests of the planters—not the plantation labour.!

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (SHRIMATI RAM DULARI SINHA) : It is quite wrong.

SHRI CHITTA BASU : Sir, by working among the workers, I know the trade union art. Whatever is available you accept.

MR. DEPUTY-SPEAKER : And improve upon it.

SHRI CHITTA BASU : Right Sir. Therefore I cannot just leave it. What has been given we take it but what has not been given we fight for it.

I wanted the Government to side with the workers in their struggle to achieve what has not been given. May I know from the Government whether they will side with the workers or side with the planters? I am justified in my comment to say that the claim made by the Minister is not justified. Therefore, this Bill does not deserve the whole hearted support from the working-class of our country. But, at this stage, I would say that this is a right step, a welcome step, to some extent. But it is not all that we strive for. The basic interest is to have a comprehensive law of the plantation labour. There is a significant characteristic in the field of labour. other benefits are controlled by the other laws.

Here in this case, you will find, that all social benefits are also

included in the parent Act, namely, housing, drinking water, medical benefits, etc. etc. But these fringe benefits which are embedded in the Act of 1951 are not commensurate with the benefits which other Acts provide for the working class engaged in jute.

Sir, plantation constitutes an important sinew of our economy.

MR. DEPUTY SPEAKER :
Please conclude.

SHRI CHITTA BASU : Sir, my last point is that the women workers engaged in plantation are not getting equal wages for equal work although we have got Equal Remuneration Act. Even now that Act is being violated. What steps have been taken by the Government to see that this Equal Remuneration Act of 1976 is properly honoured.

Sir, we have come to know from the newspapers that Optional Wage Survey Committee has submitted its report. We will request the Government to lay it on the Table of the House. We are told that it was submitted on 1st May, 1980. In that report it has been said and I quote :

- “(1) It has been found that the workers' wages have increased, that is, man worker's wages have been increased and not that of the women worker ;
- (2) The survey also showed that women in three plantations earn less than men. The difference in case of Tea ranges from 11 paise to 98 paise. In the case of coffee it ranges from 46 paise to 117 paise and in respect of rubber it varies from 40 paise to 142 paise.”

Sir, men and women enjoy equal citizenship right irrespective of their sex but here a woman Labour Minister does not guarantee the right of the woman working class.

SHRIMATI RAM DULARI SINHA : Sir, the hon. member must know it that they have been guaranteed by the working of the Labour Ministry and myself.

SHRI CHITTA BASU : Sir, I want the Minister to go a little fast. She is a bit slow. She should go fast.

Sir, with these comments I conclude that the Government should take effective steps to see that a comprehensive Bill of plantation labour on the lines I have indicated is brought forward. I would also urge upon the Government to call a conference of the plantation workers, Government representatives and the plantation owners to evolve a better approach to the problems of the plantation workers. I hope the plantation labour as they are engaged in an important sinew of our economy would receive proper attention of the House and the Government.

श्री मूल चन्द्र डागा (पाली) : उपाध्यक्ष महोदय, संविधान बनने के 32 साल के बाद भी अगर इस देश में शोषण और दमन पर टिकी व्यवस्था कायम रहे तो यह कोई अच्छी बात नहीं है। संविधान के डायरेक्टिव प्रिंसिपल्स, (38) और (39) का अनुपालन नहीं हो रहा है और 32 साल के बाद आप यहां पर यह बिल ला रहे हैं। मुझे बड़ा दुःख हो रहा है कि आज भी इस देश में आदमी का आदमी के द्वारा शोषण होता है। आप इसको कब तक बर्दाश्त करेंगे? हम दुनिया में आवाज करते हैं कि शोषण-विहीन समाज की स्थापना करेंगे। आज बड़े सौभाग्य की बात है कि बड़ी काबिल और योग्य एक महिला मंत्री इस बिल को पायलट कर रही हैं। स्त्री के हृदय में बड़ी करुणा और दया होती है। स्त्री में सभी गुण होते हैं। ब्रह्मा की सृष्टि में

[श्री मूल चन्द डागा]

अगर कोई बहुमूल्य रत्न है तो वह स्त्री है। उन्होंने आज यहाँ 32 साल के बाद रखा है कि मजदूरों के लिए कुछ व्यवस्था की जायेगी। उधर के नेता कह रहे थे कि क्या व्यवस्थायें करना चाहते हैं। व्यवस्था यह करना चाहते हैं कि जो बागान के मालिक हैं वे बड़े बंगले में रहें, आराम करें और गरीब मजदूर लोग कहें कि हमें दवाई के लिए पैसे दो, हमें हमारी तनख्वाह दो। आखिर यह बिल क्या है? नौकरशाही ने यह बिल बना दिया है। क्या इनसान इनसान में कोई फर्क है? महेनत मजदूर करते हैं, अपना खून पसीना बहाते हैं, भरी धूप में काम करते हैं, सर्दी में काम करते हैं और प्लान्टेशन के मालिक किस प्रकार से अपनी रंगीन रातों बिताते हैं और कहां कहां घूमते हैं? आप यह क्यों नहीं कहते कि उनको उनका जो हिस्सा मजदूरों का है वह दे दिया जायेगा और यह उनका अधिकार होगा?

उपाध्यक्ष महोदय, आप तो गरीबों के बड़े हमदर्द हैं। आप देखें, जब बीम आदमी होंगे तभी यह कानून लागू होगा और अब आपने इसको 15 कर दिया है। इसका मतलब यह है कि इस देश में एक आदमी का, सात आदमियों का या 14 आदमियों का शोषण हो सकता है और उसको कानून नहीं रोकेंगे। मैं नहीं समझता यह कैसा कानून है? मैं समझता हूँ सन् 1981 में इस बात को बर्दाश्त नहीं किया जाना चाहिए कि किसी आदमी का शोषण हो सकता है। कानून तो हर आदमी के लिए होना चाहिए और तभी शोषण-विहीन समाज की स्थापना की जा सकती है।

यह आपका सन् 1951 का एक्ट है, इसमें सेक्शन (39) और (40) हैं—मैं जानना चाहूंगा कि इनके अन्तर्गत आपने कितने आदमियों को प्राजिक्युट किया है और उनको क्या सजा मिली है? सेक्शन (40) कहता है :

No Court shall take cognisance of an offence punishable under this Act unless the complaint thereof

has been made or is made within 3 months from the date on which the alleged commission of the offence came to the knowledge of the Inspector.

अगर किसी एक आदमी को भी आपने सजा दी हो तो उसके आंकड़ें देने की कृपा करें।

अब मैं आपका ध्यान एक महत्वपूर्ण संवर्धन की ओर दिलाना चाहता हूँ :

No Court shall take cognisance of any offence under this Act except on complaint made by or with the previous sanction in writing of the Chief Inspector and no court inferior to that of a Presidency Magistrate or a Magistrate of the second class shall try any offence punishable under this Act. I am an aggrieved person. But I cannot go direct to the Court. I will have to go through the Chief Inspector.

इस एक्ट को भी अमेंड नहीं किया। क्या गरीब मजदूर की हिम्मत है चीफ इन्स्पेक्टर के पास जाने की? इस नौकरशाही ने और धनी लोगों ने अपना गठबन्धन कर दिया और उस गठबन्धन के कारण हिन्दुस्तान की आजादी का मजाक, कुछ नेताओं ने और कुछ पूंजीपतियों ने किया। गरीबों की दनिया नहीं है, यह दनिया इस प्रकार के कानून-बैलफेयर मंजर-लाती है। आप इस प्रकार कोई दया करते हैं, कोई आपकी मंहरबानी है। जब क्रान्ति आ जाएगी, बैलफेयर मंजर, क्या आप बैलफेयर मंजर का नाम लेते हैं, यह बात हम नहीं मानते हैं। मजदूर नहीं जा सकता है, चीफ इन्स्पेक्टर ही कर सकता है, यह मैं अभी तक नहीं समझा। फिर आप कहते हैं कि उसकी सजा तो हो ही नहीं सकती है, दो रुपये या चार सौ रुपये जर्मनी। हम लोग जब बगीचे में जाते हैं, तो मजदूर लोग बगैर कपड़े पहने नंगे खड़े रहते हैं। हम लोग खूब ज्यादा खाते हैं, जिनको नहीं खाना चाहिए, ज्यादा खाते हैं और एंज करते हैं—यह प्लान्टेशन की हालत। आपने फिर कहा है कि पांच एकड़ कर दिया। जब

एक एकड़ में आदमी मजदूर रखता है, तो वही अधिकार होना चाहिए। श्री मनोरंजन राय ने डिसेन्टिंग नोट दिया है—

“We feel that by bringing down the acreage limit to 5 hectares, some more plantations may be overed. However, a large number of plantations particularly in South will remain uncovered by the Bill. This would also enable some planters to further reduce the size of plantations to evade the implementation of the Act. We therefore propose that the acreage should be further brought down to 2.5 hectares irrespective of the employment in the plantations.”

उसने कहा है कि नहीं होना चाहिए और आज आप कह रहे हैं कि नहीं, हम तो यह कानून बनाना चाहते हैं।

श्री चित्त बसू : प्लानटेशन को नेशनलाइज कर दीजिए।

श्री मूल चन्द् डागा : मैं तो कहता हूँ, नेशनलाइज करने के बाद आखिर में मालिक मजदूर को बना देना चाहिए। हमारे मंत्री जी कानून पास करते हैं और कानून पास करने के बाद सदन में बड़ा अच्छा उत्तर देते हैं। मैं एक बात कहता हूँ, लेबर डिपार्टमेंट का काम कानून बनाना है...

श्रम मंत्रालय में राज्य मंत्री (श्रीमती राम बुलारी सिन्हा) : कानून बनाते हैं, और कार्यान्वयन करते और कराते हैं।

श्री मूल चन्द् डागा : इम्प्लीमेंटिंग बाडी अलग है। हम बात करते हैं कि आसमान जमीन पर ले आयेंगे... (व्यवधान)... आप सिद्धान्त बतायेंगे। भाषण देने आप जायेंगे। काम नहीं करेंगे, हम सुनौंगे।

श्रीमती राम बुलारी सिन्हा : हम काम करते रहेंगे और फिर भी आप हमको गालियाँ सुनाते रहेंगे।

2087 LS—

श्री मूल चन्द् डागा : गालियाँ नहीं सुनायेंगे। हम तो कहेंगे कि भगवान करे, आप अच्छे-अच्छे भाषण दें और काम कुछ न हो। 32 साल की आजादी के बाद भी ये बातें होती रहें कि हम आपकी भलाई करेंगे। मैं कहना चाहता हूँ, आप कानून बना रहे हैं—“वैलफेयर मेजर—बेचारा मेहनत करके सोना पैदा करता है और वह सोना ले जाते हैं बागान वाले। आप कानून बना रहे हैं—“वैलफेयर मेजर—झोपड़ी देंगे”। यह कानून अभी तक मेरी समझ में नहीं आया है, यह कानून क्या बना है।

MR. DEPUTY-SPEAKER: You have already taken 10 minutes.

श्री मूल चन्द् डागा : मैंने तो अभी बोलना शुरू ही किया है। मुझे पता है कि आपका दिल गरीबों की तरफ है, लेकिन यहां ये गरीबों के मसीहा बैठे हुए हैं।

आप देखिये—16 मई, 1973 को यह बिल ज्वाइन्ट सिलेक्ट कमिटी को रेफर किया गया। ज्वाइन्ट कमिटी ने अपनी रिपोर्ट 1975 में दी और 1975 के बाद अब 1981 में डिस्कशन हो रहा है। इस से मजदूरों का क्या भला होगा? जो चीज आप 1973 में शुरू करते हैं, 1981 तक उन के हितों की ही बात करते रहे, 8 साल तक कुछ नहीं किया।

इस में जो वेलफेयर-मेजर की बात है, वह तो हमारा अधिकार है, जो हम से छीन लिया गया है और उन एक्सप्लायटर्स ने छीना है जो हमारे खून का शोषण करते हैं। यह तो मंडेटरी होना चाहिये कि उन के लिये मकान बनाये जायें। वहाँ क्या है—बागान के बीच में एक बंगला बना हुआ है, नाँकर खड़े हैं, लेकिन मजदूरों के लिये क्या है? इस में आप ने प्रावधान किया है कि बागान में अगर 20 औरतों का काम करती हैं, हालाँकि पहले 50 औरतों के लिये था जो आप ने अब 20 कर दिया है, तो उन के लिये नर्सरी होम का इन्तजाम किया जायगा। मैं पूछता हूँ—अगर 19 औरतें होंगी तो क्या होगा? यह क्या तरीका

[श्री मूल चन्द डागा]

है—अगर हिन्दुस्तान का बच्चा रोता है तो देश रोता है। आप के ये वेलफेयर मेजर्स कैसे काम में आयेंगे? आप इस को हर आदमी के लिये लागू कीजिये, इसमें लिमिटेशन मत कीजिए, 5 हेक्टेअर्स की बात मत कीजिये और कुछ सजा भी मिलनी चाहिये।

मंत्री महोदय को यह कहना चाहिये कि हम इस को वापस लेते हैं और नया बिल पेश करूँगे।

श्री राम धार, पानिका (राबर्ट्सगंज) :
उपाध्यक्ष महोदय, मैं माननीया श्रम राज्य मंत्री जी के बागान सम्बन्धी अधिनियम का पुरजोर समर्थन करने के लिये खड़ा हुआ हूँ। वैसे तो इस बिल की भांशा तथा उद्देश्य के समबन्ध में माननीय मंत्री जी ने विस्तार से बतलाया है और इस बिल का आम तौर पर सभी ने स्वागत किया है। लेकिन मैं यह बतलाना चाहता हूँ कि केवल यह बिल ही नहीं, 1980 से, जब से श्रीमती इन्दिरा गांधी प्रधान मंत्री बनी हैं, उन्होंने ऐसी नीति अपनाई है कि देश का औद्योगिक उत्पादन, जो जनता रिजूम में बढ़ने के बजाय घट गया था, तभी से बढ़ना शुरू हुआ। 1980-81 में हमारा उत्पादन साढ़े तीन प्रतिशत बढ़ा और कल ही पं. नारायण दत्त तिवारी, श्रम मंत्री जी ने बतलाया कि इस वर्ष 10 प्रतिशत औद्योगिक उत्पादन बढ़ गया है। इस का मुख्य कारण क्या है? जब से हमारी सरकार सत्ता में आई है, श्रीमती इन्दिरा गांधी ने ऐसी श्रम नीति अपनाई है जिस में औद्योगिक क्षेत्र में सब जगह शान्ति रही है और यह बिल जो प्रस्तुत हुआ है यह भी उसी कड़ी का एक भाग है। कई सदस्यों ने यह आरोप लगाया कि यह सरकार देर से इस बिल को लाई है, तो मैं उन से पूछना चाहता हूँ कि ज्वाइन्ट सलेक्ट कमिटी ने 1975 में अपनी रिपोर्ट दे दी थी, तो आप जो ढाई-तीन साल तक रहे, तो उस समय क्या करते रहे। क्या आप उस समय सोते रहे थे। इसलिए यह आरोप लगाना कि यह बिल देर से आया है, ठीक नहीं है। दो-ढाई साल

तक आप ने कुछ नहीं किया, उस का आपने ध्यान नहीं रखा।

मैं वह भी कहना चाहता हूँ कि केवल वह नहीं कि ज्वाइन्ट सलेक्ट कमिटी ने जो अनु-शासन दी है उन को माना है बल्कि सरकार और ज्यादा उदार बन गई है और उन की अनुशासनों से भी आगे बढ़ गई है। आप यह देखें कि ज्वाइन्ट सलेक्ट कमिटी ने 18 हजार रुपये कम्पेंशन देने की रिपोर्ट-डेशन की थी लेकिन हमारी सरकार ने उदारता दिखाते हुए, उसे 24 हजार रुपये कर दिया और अर्पों के लिए जो उन्होंने 20 हजार रुपये कम्पेंशन देने की बात कही थी, सरकार ने उसे बढ़ा कर 33,600 रु. कर दिया। ज्वाइन्ट सलेक्ट कमिटी में विरोध पक्ष के सदस्य भी होते हैं और हमारे पक्ष के सदस्य भी होते हैं और उस की जो रिपोर्ट थी, उस को और उदार बनाया गया है। 1951 का जो ऐक्ट था और जिन उद्देश्यों के लिए यह बिल लाया गया है, आप यह देखें कि हम ने हर क्षेत्र में इस में सुधार किया है।

जहां तक प्लान्टेशन के रजिस्ट्रेशन की बात है, उस में भी सुधार किया गया है। पहले जहां 10.117 हेक्टेयर की लिमिट थी, उस को अब 5 हेक्टेयर कर दिया है हालांकि मैं चाहता हूँ कि इस को तीन या ढाई हेक्टेयर कर देना चाहिए क्योंकि लैबरर्स की संख्या 30 से घटा कर अब 15 कर दी है। तीन और ढाई हेक्टेयर में अगर 15 मजदूर काम करते हैं तो उसे आप रजिस्टर करें। चित्त बसू साहब और राजन साहब ने जो यह कहा है कि मजदूरों की संख्या 10 होनी चाहिए, अगर इस को कर दिया जाए, तो यह एक अच्छी बात होगी।

मैं यह भी कहना चाहता हूँ कि इस ऐक्ट में जो एक भया प्रारंभ किया गया है कि अगर मकान किसी मालिक ने दिया हुआ है और वह गिर जाता है और उस के गिरने के कारण किसी की डेथ हो जाती है, तो वर्कमें कम्पेंशन ऐक्ट, 1923 के अनुसार उसको कम्पेंशन दिया जाएगा। इस में यह भी किया गया है कि पहले

मजदूरों के वेतन की सीलिंग 300 रुपये थी। अब उसको बढ़ा कर 750 रुपये प्रति माह कर दिया गया है। इस तरह से आप देखें कि हमारी सरकार ने जो ये प्रावधान इस बिल में किये हैं, वे निश्चित तौर पर प्लान्टेशन वर्कर्स के हित में हैं।

कुछ माननीय सदस्यों ने जो यह कहा है कि एक काम्प्रीहीसिव बिल होना चाहिए, मैं मानता हूँ कि यदि कोई काम्प्रीहीसिव बिल अलग से आए, तो अच्छा होगा। आप जानते होंगे कि कई कान्फ्रेंसेज हमारे श्रम मंत्री जी ने की है। उन्होंने लेबर मिनिस्टर्स की भी कान्फ्रेंस बुलाई थी और उसमें कुछ निर्णय लिये हैं और जो मिनीमम वेजेज की बात है, वह होने ही वाली है लेकिन जो कई सदस्यों ने इस में शंका प्रकट की है, वह मैं उचित नहीं समझता। वे हर बात पर शंका प्रकट करते हैं और मेरा यह कहना है कि उनकी शंका निराधार है। बात यह है कि जैसा चश्मा वे लगाते हैं, दूसरों को भी वैसा ही समझते हैं। इन का जो निकम्पापन था, वह दो-ढाई साल में सामने आ गया।

मैं एक बार पुनः अपनी सरकार को और खास तौर पर लेबर मंत्रालय को और श्रम राज्य मंत्री जी को धन्यवाद देता हूँ कि वे इस तरह का एक क्रान्तिकारी बिल लाई और विरोधी दल के सदस्य जो इस को देर से लाने का आरोप लगा रहे हैं, वह सही नहीं हैं। दो सालों में लेबर एक्ट में यह सरकार संसोधन लाई है और वह सब जानते हैं कि यह सरकार मजदूरों के हितों के लिए कृषि मजदूरों और किसानों के हितों के लिए काम करती है और कई कार्यक्रम वह इन के लिए लाई है। 34 बिल पिछले सेशन में हमने पास किये हैं और इस सेशन में भी काफी बिल हम पास कर रहे हैं।

इन शब्दों के साथ मैं इस बिल का पूरजोर समर्थन करता हूँ और विरोधी पक्ष से कहता हूँ कि वे सर्वसम्मत से इसका अनुमोदन करें और इस को पास करें।

MR. DEPUTY-SEPEAKER:
Now, the Minister will reply.

THE MINISTER OF STATE
IN THE MINISTRY OF LABOUR
(SHRIMATI RAM DULARI
SINHA): Sir, I am grateful to
Hon. Member, Shri Ananda Pathak
Shri B.K. Nair, Shri Era Mohan,
Shri Girdhari Lal Vayas, Shri K.A.
Rajan, Shri Chitta Basu and others
who have generally supported the
provisions of the Plantations Labour
(Amendment) Bill, which would go
a long way to improve the working
conditions of the plantation labour.
I have great regards for Shri Chitta
Basu and so I have no words to say
anything to him.

14.00 hrs

But because he is sitting on the other
side of the House he has got every
right to condemn the working of the
Government, if at all it is a con-
structive criticism and meant to protect
the interests of workers, and promote
their welfare.

As regards equal remuneration,
the Act has come into force in 1976.
Hon. Member should know this. But
his version was related to 1974-75.
Our Government and I myself are
quite eager to enforce this Act, any
implement it fully. When it comes in
the house next, I will let the Member
know what I have done, and what my
Ministry is doing.

As far as Mr. Daga is concerned,
I have no words to say anything, except
that he is always in the habit of mak-
ing some sort of criticism regarding
my questions and my Bills. I will
address only these two sentences to
Mr. Daga.

डागा मुझे मालूम है बुलबुल तैरी हकीकत

एकमुश्त उस्तुखा दो पर लगे हुए।

Some Members have also made a
number of suggestions, to provide for
more welfare amenities, and to ens-
ure that the provisions are strictly im-
plemented. A few other suggestions
relate to nationalization of plantations

[Shrimati Ram Dulari Sinha]

etc. I would, however, restrict myself to the subject matter of amendments to the 1951 Act.

Hon. Members have suggested that the applicability of the Act should be further reduced to 2.5 hectares—as was mentioned by Mr. Chitta Basu and Mr. Daga also. I would point out that the State Governments are empowered to extend the provisions of the Act to any plantation, without any limit of acreage, or number of workers employed herein. But we should also think of the economics of the industry as well as the difficulties of enforcement in such small plantations.

14.01

[SHRI HARINATHA MISRA *in the chair*]

Hon. Members have also pointed out the lack of amenities, namely supply of drinking water, basic minimum sanitary conditions, medical facilities, education facilities etc. Government is equally concerned with the welfare of the workers and effective implementation of the statutory provisions.

I would draw the attention of hon. Members to the proposed amendments to the existing penal provisions in the 1951 Act. It is proposed to empower the courts to specify the period by which the employers would be required to rectify breaches of the provisions. For violation of such orders, the courts will be able to impose compulsory imprisonment up to a period of six months, and a fine upto Rs. 300/- for everyday in cases of non-compliance of these orders. I have also stated this earlier, when I was introducing this Bill to the House yesterday. Thus, for the first time there will be time-bound implementation and compulsory imprisonment for violation of directions. I am confident that with these stringent penal provisions implementation of the provisions of the Act would improve.

A further suggestion has been made that the Act should provide for the provision of Creches, without any reference to the number of workers or number of children. I may, in this connection, point out that under the amended provisions, State Governments would be empowered to provide for Creches, even where the number of women workers or children is less than that provided under the Act. Mr. Chitta Basu should note this. This would adequately meet the requirements of Creches for the children. Rules to be framed for this, would take care of the facilities to be provided for the children in the Creches.

I am aware of the shortfall in the number of houses being provided for the workers. Latest available figures indicate that out of a total number of 5.31 lakh eligible workers, 3.72 lakh workers have already been provided houses. There is a plan scheme being administered by the Ministry of Works and Housing for giving loans and grants for this purpose. I expect that the shortage of accommodation would be reduced in the near future. I have already pointed out that there has been delay in bringing this Bill before the House for consideration. As the hon. Members would note, Government has accepted almost all the recommendations of the Joint Select Committee of Parliament. With regard to the payment of compensation in the case of death or injury due to the collapse of the house provided by the plantation to the workers, Government has provided that the compensation should be paid as per provisions of the Workmen's Compensation Act 1923. I share the anxiety of the Hon'ble Members that Government should bring a comprehensive Bill providing for more amenities. I would appeal to Hon'ble Members to whole heartedly support this progressive measure in the interest of welfare of workers.

SHRI CHITTA BOSU : She did not say anything on the equal wages for men and women.

SHRIMATI RAM DULARI SINHA : I am concerned with that. I have done a lot. If at all you have got any case, you can bring it to my notice and I will do the needful.

MR. CHAIRMAN : The question is :

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

The motion was adopted.

MR. CHAIRMAN : Now we shall take up clause by clause consideration of the Bill.

Clause 2—Amendment of Section 1.

SHRI MOOL CHAND DAGA (Pali) : I beg to move :

Page 2, line 1,—

for “fifteen” substitute “ten”. (1)

SHRI ANANDA PATHAK (Darjeeling) : I beg to move :

Page 1, line 11,—

for “5 hectares” substitute—
“2.5 hectares” (9)

Page 2, line 1,

for “fifteen” substitute—“five” (10)

Page 2, line 4,—

for “cinchona or cardamom” substitute—“Cinchona, medicinal plants, cardamom, coconut and other agricultural products” (11)

Page 2, line 9—

for “5 hectares” substitute
“2.5 hectares” (12)

Page 2, line 14,—

for “5 hectares” substitute
“2.5 hectares” (13)

SHRI SUBODH SEN (Jal-
Paiguri) : I beg to move :

Page 2 line 4,—

for “cinchona or cardamom”
substitute—

“Cinchona, medicinal plants, cardamom, coconut, betelnut and other agricultural products for commercial purpose” (29)

श्री मूलचन्द दागा (पारू) ३
As far as clause 2 is concerned, I have said in my amendment substitute “ten” for “fifteen”.

आपने जब एरिया छोटा कर दिया है, 5 एकड़ कर दिया है तो 10 वक़र भी हों तब भी यह कानून लागू होना चाहिए ।

यहाँ पर जो डिसेंटिंग रिपोर्ट कमेट्री द्वारा दी गई है, उसमें डिसेंटिंग नोट यह भी है—

“We therefore propose that the acreage should be further brought down to 2.5. hectares irrespective of employment in the plantations.”

मैं माननीय मंत्री जी का ध्यान इसलिए दिलाना चाहता हूँ कि क्या 5 या 10 आदमी ह* तो उनका शोषण होगा, उन पर यह कानून लागू नहीं होगा? कानून का मतलब है कि कोई भी आदमी किसी आदमी का शोषण न करे । शोषण-विहीन समाज की स्थापना करना चाहते हैं और संविधान की यह मुख्य धारा है ।

संविधान में कहा है कि हमारे देश के अन्दर मीनार में बैठने वाले को नीचे और जमीन में बैठने वाले को ऊपर उठाया जाएगा और मंत्री महोदय जो यह कानून ला रहे हैं 1981 में उसमें कहा गया है कि 10 आदमियों का शोषण कर सकते हैं । वह आर्गनाइज लैबर नहीं है तो कुछ नहीं कर सकता ।

श्री मूलचन्द डागा (पाली)

मेरा कहना यह है कि नम्बर बहुत कम होना चाहिए। कई बार बागान के जो मालिक होते हैं वे चीफ इंस्पेक्टर से मिल लेते हैं। श्रम विभाग के जो कर्मचारी होते हैं वे लेबर कमिश्नर बनने के बजाए लेबर इंस्पेक्टर बनना ज्यादा पसंद करते हैं।

सभापति महोदय : आपको कैसे मालूम हुआ?

श्री मूलचन्द डागा : मुझे इसलिए मालूम हुआ कि मैं लेबर में थोड़ा-बहुत काम करता हूँ। मुझे मालूम है कि फूड इंस्पेक्टर, लेबर-इंस्पेक्टर, शाप-इंस्पेक्टर, एस. एच. ओ., रहने में बड़ा आनंद है। सभापति जी, क्योंकि वह सीधा संबंध अपना जोड़ देता है। वे एटेंडेंस गलत लगाते हैं। जो नम्बर रखा जाए वह मिनिमम रखा जाना चाहिये। पन्द्रह क्यों रखें हें? आज भी हमारे समाज में एक आदमी दूसरे का एक्सप्लायटेशन कर सकता है तो कानून का क्या मतलब? दो आदमी हों चार आदमी हों और चाहे एक आदमी भी हो अगर उसका शोषण होता है तो क्या आप कुछ नहीं करेंगे? इस वास्ते मेरा निवेदन है कि नम्बर को आप रिड्यूस करें। इस विभाग की महिला मंत्री हैं। उनके हृदय में करुणा है। मैं आशा करता हूँ कि मेरे संशोधन को वह मंजूर करेंगी। श्रीमान, आप बिहार के हैं और बड़े लॉर्ड आदमी हैं। इनको कहिये कि इस मामूली से संशोधन को मान लें।

सभापति महोदय : महिला मिनिस्टर को भी क्लीन बॉलड नहीं करने दिया आपने।

श्रीमती राम दुलारी सिन्हा : मैंने जो देना था दे दिया। आप एक ही बात बार बार कहेंगे तो मैं क्या करूँ?

SHRI ANANDA PATHAK : First of all, I have said in my amendment that instead of 5 hectares, it should be 2.5 hectares. I have already submitted that when the planters came to know that the Joint Committee was going to recommend something for the welfare of the

workers, they start a re-vegetation. Therefore, to protect the workers from mechanisation it should be made to 2.5 hectares.

Secondly, I have suggested that instead of 5 workers, there should be 5 workers because there is a convention of one worker per acre in the plantations. According to that, for 2.5 hectares, there should be five workers.

Similarly on page 2, the Bill provides for cinchona or cardamom. Here I have enlarged the scope by adding cinchona, medicinal plants, cardamom, coconut and other agricultural products. I do not think the Minister will have any difficulty in accepting this. These plantations are meant for commercial use. And that is done through hired labour. I think, the Minister will have no objection in accepting my amendments.

SHRI SUBODH SEN : I will speak on amendment number 29. Now-a-days, new agricultural crop has been coming up. Previously, it was to be used for domestic purposes. But now it is being used for commercial purposes. Pine-apple, citronella grass and other things are coming up in big way and they are being used for commercial purposes. Now, this amending Bill has come after 20 years of the original Act. Who knows when the next amending bill will come? In the meanwhile, other crops will also come up.

So, I have laid special emphasis on the term "and other agricultural products for commercial purpose". I hope the hon. Minister will accept this amendment.

SHRIMATI RAM DULARI SINHA : I have already explained that I am not accepting these amendments.

SHRI MOOL CHAND DAGA : Since the hon. Minister is not accepting my amendment, I want to withdraw it.

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

SOME HON. MEMBERS : Yes.

Amendment No. 1 was, by leave withdrawn

MR. CHAIRMAN : I will now put the amendments moved by Shri Ananda Pathak, to the vote of the House.

Amendments Nos. 9, 10, 11, 12 and 13 were put and negatived

MR. CHAIRMAN : I will now put the amendment moved by Shri Subodh Sen to the vote of the House.

Amendments No. 29 was put and negatived

MR. CHAIRMAN : The question is :

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 Page 2, line 21—*Amendment of Section 2.*

SHRI MOOL CHAND DAGA : I beg to move :

for "rupees seven hundred and fifty" substitute—"rupees one thousand" (2)

SHRI ANANDA PATHAK : I beg to move :

Page 2, line 21,—

for "rupees seven hundred and fifty" substitute—"rupees one thousand and five hundred (excluding fringe benefits)" (14)

SHRI SUBODH SEN : I beg to move :

Page 2, line 21,—

for "rupees seven hundred and fifty" substitute—"rupees one thousand and five hundred basic (excluding fringe benefits)" (32)

श्री मूल चन्द डागा : सभापति जी, डायरेक्टिव प्रिन्सिपल् आफ स्टेट पॉलिसी का आप आर्टिकल 39 देखें। आप चाहते हैं कि एक आदमी अपने बच्चों को अच्छी शिक्षा दे, अच्छे घर में रहे, उसको 2,400 कैलरीज फूड मिले, अच्छा स्वास्थ्य बने ताकि देश का एक अच्छा नागरिक बने। तो क्या आप सोचते हैं कि 750 रुपये में यह सब हो जायगा? मैं चाहता हूँ कि उसे आप 1,000 रुपये से कम न दीजिये। क्योंकि 750 रुपये से कुछ नहीं होता। अब काफी प्लान्टेशन वाले तो इंग्लैंड और अमरीका की सैर करें और जो मजदूर धन पैदा करता है वह गरीबी में रहे जो एक अभिशाप है। तो आप 1,000 रुपये क्यों नहीं करते बजाय 750 रुपये के? श्रीमान् आप चेंबरमैन हैं चैनल के, आप भी चाहते हैं।

सभापति महोदय : यहां जो बैठता है वह कुछ अपना नहीं चाहता।

श्री मूल चन्द डागा : मैंने मंत्री जी से अपील की है अगर मान लें तो कोई मुश्किल की बात नहीं है। 250 रुपये और बढ़ा दें।

SHRIMATI RAM DULARI SINHA : I do not accept it.

SHRI ANANDA PATHAK : The purpose of my amendment is to increase the limit to Rs. 1,500. A committee has recently submitted its report that the price of the plantation crops has gone up twice or thrice.

[Shri Ananda Pathak]

The basic fact of Rs. 1500 in the case of clerical & medical staff has already been accepted.

What is the difficulty for the Minister to accept this established fact? I once again request the Minister to accept my amendment—Rs. 1500 excluding fringe benefits.

SHRI SUBODH SEN : My amendment is self explanatory. I need not say anything.

SHRIMATI RAM DULARI SINHA : I have already explained. I am not going to accept.

MR. CHAIRMAN : Mr. Daga, are you withdrawing your amendment No. 2 to Clause 3?

SHRI MOOL CHAND DAGA : Yes.

MR. CHAIRMAN : It is the pleasure of the House that amendment No. 2 to Clause 3 moved by Shri Mool Chand Daga be withdrawn?

Amendment No. 2 was, by leave, withdrawn.

MR. CHAIRMAN : I shall now put amendment No. 14 to Clause 3 moved by Shri Ananda Pathak to the vote of the House.

Amendment No. 14 was put and negatived.

MR. CHAIRMAN : I shall now put amendment No. 32 to Clause 3 moved by Shri Subodh Sen to the vote of the House.

Amendment No. 32 was put and negatived.

MR. CHAIRMAN : I shall now put Clause 3 to the vote of the House.

The question is :

“That Clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.”

Clause 4—Insertion of new Chapter 1A

SHRI MOOL CHAND DAGA :

I beg to move :

“Page 2, lines 28 and 29—

for “as it thinks fit substitute—
“not below the rank of Deputy Collector”, (3)

“Page 3, line 4, -

after “sub-section (1)” insert—
“and after making such further inquiry as he may consider necessary” (4)

“and

“Page 3, line 32,—

for “as expeditiously as possible”
substitute—“within three months”
(5)

SHRI ANAND PATHAK :
I beg to move :

“Page 3, line 32,—

for “as expeditiously as possible”,
substitute—“within sixty days” (15)

MR. CHAIRMAN : Mr. Daga do you want to press your amendment?

SHRI MOOL CHAND DAGA :
Yes, I want to speak.

I am just pointing out as it is provided—

“appoint such persons being gazetted officers” What type of gazetted officers? So, I said, “not below the rank of Deputy Collector”.

When you want to appoint, he must be at least not below the rank of the Deputy Collector. What do you mean by "gazetted officer"? Even a police officer is a gazetted officer. I have not understood this. So, he must be not below the rank of the Deputy Collector. After all, you give powers to impose fine and to register an institution under the Act. He can book the owner under any of the Sections. You have never said, it is as prescribed. I is not printed as "as prescribed". So, I say, he should be not below the rank of the Deputy Collector.

SHRI A. K. ROY : (DHANBAD) : It is very much convincing.

SHRI ANANDA PATHAK : My simple amendment is that instead of the words "as expeditiously as possible". I want to make it specific, that it should be "within sixty days". That is my amendment in Clause 4.

MR CHAIRMAN : Mr Daga, are you withdrawing your amendments ?

SHRI MOOL CHAND DAGA : I would like to withdraw these amendments.

MR CHAIRMAN : Has Mr. Daga the leave of the House to withdraw these amendments ?

SHRI A.K. ROY : No.

MR. CHAIRMAN : I shall now put Amendments No. 3, 4, and 5, moved by Shri Daga to the vote of the House.

The question is :

"Page 2, line lines 28 and, 29,—

for "as it thinks fit", substitute—
"not below the rank of Deputy Collector" (2)

"Page 3, line 4,—

after "sub-section (1)" insert—
"and after making such further inquiry as he may consider necessary" (4)

"Page 3, line 32,—

for "as expeditiously as possible" substitute "within three months" (5)

The Lok Sabha divided

Division No. 6] [14.34 hrs.

AYES

Choudhury, Shri Saifuddin

Das, Shri R.P.

Ghosh Goswami, Shrimati Bibha

Halder, Shri Krishna Chandra

Jharkhande Rai, Shri

Mahata, Shri Chitta

Masudal Hossain, Shri Syed

Misra, Shri Satyagopal

Mohammed Ismail, Shri

Mukherjee, Shri Samar

Rajan, Shri K.A.

Roy, Shri A.K.

Roy, Pradhan, Shri Amar

Saha, Shri Ajit Kumar

Sen. Shri Subodh

Shastri, Shri Ramavatar

Suraj Bhan, Shri

Verma, Shri R.L.P.

Yadav, Shri Vijay Kumar

NOES

Appalanaidu, Shri S.R.A.S.	Nandi Yellaiah, Shri
Bansi Lal, Shri	Narayana, Shri K.S.
Behera, Shri Rasabehari	Netam, Shri Atvind
Bhagwan Dev, Acharya	Nikhra, Shri Rameshwar
Bhoye, Shri Reshma Motiram	Panigrahi, Shri Chintamani
Boddepalli, Shri Rajagopala Rao	Parmar, Shri Hiralal R.
Chaitra Shekhar Singh, Shri	Patel, Shri Ahmed Mohammed
Chaturvedi, Shrimati Vidyawati	Patil, Shri A.T.
Choudary, Shri Chitturi Subba Rao	Patil, Shri Chandrabhan Athare
Daga, Shri Mool Chand	Patil, Shri Uttamrao
Dalbir Singh, Shri	Patnaik, Shrimati Jayanti
Das, Shri A.C.	Pushpa Devi Singh, Kumari
Dev, Shri Sontosh Mohan	Ravani, Shri Navin
Devarajan, Shri B.	Saminuddin Shri
Era Anbarasu, Shri	Satya Deo Singh, Prof.
Fernandes, Shri Oscar	Shailani, Shri Chandra Pal
Gadhavi, Shri Bheravadan K.	Shakyawar, Shri Nathuram
Girraj Singh, Shri	Shankaranand, Shri B.
Gomango, Shri Giridhar	Sharma, Shri Kali Charan
Jamilur Rahman, Shri	Sharma, Shri Nand Kishore
Kandaswamy, Shri M.	Shastri, Shri Hari Krishna
Karma, Shri Laxman	Sidnal, Shri S.B.
Kosalram, Shri K.T.	Sinha, Shrimati Ramdulari
Kshirsagar, Shrimati Kesharbai	Soren, Shri Hari Har
Madhuri Singh, Shrimati	Sreenivasa Prasad, Shri V.
Mahabir Prasad, Shri	Sultanpuri, Shri Krishan Dutt
Mallikarjun, Shri	Tayyad Hussain, Shri
Mayathevar, Shri K.	Tewary, Shri Krishna Prakash
Mishra, Shri Uma Kant	Vairale, Shri Madhusudan
Misra, Shri Nityananda	
Motilal Singh, Shri	
Mukhopadhyay, Shri Ananda Gopal	
Murugian, Shri S.	
Nagina Rai, Shri	

Venkatasubbaiah, Shri P.

Vyas, Shri Girdhari Lal

Wagh, Dr. Pratap

Wasnik, Shri Balkrishna Ramchandra

Zainul Basher, Shri

MR. CHAIRMAN : Subject to correction, the result* of the Division is: Ayes 19: Noes 68

The amendments are negatived.

The motion was negatived.

MR. CHAIRMAN : I shall now put Amendment No. 15, moved by Shri Ananda Pathak to the vote of the House.

Amendment No. 15 was put and negatived.

MR. CHAIRMAN : The question is :

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

Clause 6—Amendment of Section
12

MR. CHAIRMAN : There are amendments given notice of to this Clause. Mr. Daga....He is not present.

SHRI ANANDA PATHAK : Sir, I beg to move :

Page 4, line 17,—

for "fifty" substitute—"five" (16)

Page 4, lines 20 and 21,

for "the number of children of women workers (including women workers employed by any contractor) is twenty or more" substitute—

"any number of children of women workers (including women workers employed by any contractor) are there"(17)

Page 4, line 30,—

for "fifty" substitute—"five" (18)

Page 4, line 33,—

for "the number of children of women workers is less than twenty,"

substitute—

"any number of children of such workers are there" (19)

SHRI SUBODH SEN : Sir, I beg to move :

Page 4, line 33,—

or "the number of children of women workers is less than twenty"

Substitute—

"any number of children of such women workers are there" (37)

SHRI ANANDA PATHAK : My Amendment is very simple. Instead

*The following Members also recorded their votes:

AYES: Dr. Subramaniam Swamy, Sarvashree Shibu Soren, Sunil Maitra Ananda Pathak, Matilal Hasda, L. S. Tur and Ajit Bag.

NOES: Dr. Krupasindhu Bhol, Sarvashree Bheekhabhai, D. L. Baitha Manoranjan Bhakta, Jagan Nath Kaushal, K. Pradhani, Doongar Singh and Fatehbhan Singh Chouhan.

[Shri Ananda Pathak]

of fifty workers, I have said five. There should be no difficulty, to accept this amendment. I hope the hon. Minister will accept it.

(*Interruptions*)

My Amendment No. 17 is also very simple. Instead of twenty children, I have said, 'any number'. This is a very simple amendment. I think that will also be considered and accepted by the hon. Minister. In case of 15, I have said 5; instead of 'twenty' children, I have said 'any number'. I hope the hon. Minister will consider and accept my amendments.

(*Interruptions*)

MR. CHAIRMAN : Have you anything to say ?

SHRIMATI RAM DULARI SINHA : I do not accept them.

MR. CHAIRMAN : All right. I will put amendments No. 16, 17, 18 and 19 to vote.

Amendments Nos. 16, 17, 18 and 19 were put and negatived.

MR. CHAIRMAN : I will not put Amendment No. 37 moved by Shri Subodh Sen to vote.

Amendment No. 37 was put and negatived.

MR. CHAIRMAN : The question is:

"That clauses 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7 was added to the Bill.

Clause 8—*Insertion of new sections 16A to 16G*

SHRI ANANDA PATHAK :

I beg to move :

"Page 5, lines 19 and 20,—

Omit "and he collapse in not solely and directly attributable to a fault on the part of any occupant of the house or to a natural calamity" (20)

"Page 6, line 2,—

for "six month" substitute—"twelve months" (21)

"Page 6, line 5,—

for "six months" substitute—"twelve months" (22)

"Page 6, line 6,—

for "six months" substitute—"twelve months" (23)

MR. CHAIRMAN : All the amendments given notice of by Shri Subodh Sen are covered by the Amendments of Shri Ananda Pathak.

Shri Ananda Pathak may now speak on his Amendments.

SHRI ANANDA PATHAK : I have given amendment No. 20 to omit the words 'and the collapse is not solely and directly attributable to a fault on the part of any occupant of the house or to a natural calamity'. These words should be omitted. If these words are retained, the workers will never get the compensation because the employers will, on one plea or the other, deny the compensation to the workers. So I have given my amendment to omit these words so that the workers may get the compensation.

MR. CHAIRMAN: The Minister has nothing to say. I will now put Amendments Nos. 20, 21, 22 and 23 moved by Shri Ananda Pathak to the vote of the House.

Amendments Nos. 20, 21, 22 and 23 were put and negatived.

MR. CHAIRMAN : Now the question is

“That Clause 8 stand part of the Bill”.

The motion was adopted.

Clause 8 was added to the Bill.

Clauses 9 to 12 were added to the Bill.

Clause 13 *Insertion of new Section 37A.*

SHRI ANANDA PATHAK : I beg to move :

“Page 9, line 10,—

for “six months” substitute — “twelve months” (24)

“Page 9, line 11,—

for “three” substitute— “five” (25)

Sir, my amendments are very simple. My contention is that it should be 12 months instead of six months as proposed in the Bill. Now, in the Bill it has been proposed that the fine is Rs. 300. My amendment is that it should be Rs. 500. These amendments are very simple and I hope the Minister would agree to my amendments.

SHRIMATI RAM DULARI SINHA : I do not accept.

MR. CHAIRMAN : I shall not put the Amendments Nos. 24 and 25 moved by Shri Ananda Pathak to the vote of the House.

Amendments No. 24 and 25 were put and negatived.

MR. CHAIRMAN : Now the question is :

“That Clause 13 stand part of the Bill”

The motion was adopted.

Clause 13 was added to the Bill.

Clause 14 was added to the Bill.

Clause 1—*Short title and commencement.*

SHRI ANANDA PATHAK : I beg to move :

Page 1, line 5 and 6,

for “on such date as the Central Government may, by notification in the official Gazettee, appoint”

Substitute—“with immediate effect”.(8)

Sir, the Act was passed in 1951. But unfortunately it has not been properly implemented. It was abandoned and kept in the cold storage. If the Government is serious enough and sincere enough to look after the welfare of the plantation workers, I hope the Government would agree to my amendment, namely —

in place of “by notification in the Official Gazettee appoint”

substitute the words “with immediate effect.”

I hope that the hon. Minister would accept my amendment.

MR. CHAIRMAN : I shall now put the Amendment No. 8 moved by Shri Ananda Pathak to the vote of the house.

Amendment No. 8 was put and negatived.

MR. CHAIRMAN : Now, the question is :

“That Clause 1 stand part of the Bill”.

The motion was adopted.

Clause 1 was added to the Bill.

The enacting formula and the Title were added to the Bill.

SHRIMATI RAM DULARI
SINHA : I beg to move :

"That the Bill be passed"

MR. CHAIRMAN : Motion
moved :

"That the Bill be passed"

श्री राजावतार झारखी (पटना) : माननीय सभापति जी, मैं इस बिल का समर्थन करता हूँ लेकिन समर्थन करते हुए एक-दो बातों कहना मैं उचित समझता हूँ। इस संशोधन के जरिए बागानों में काम करने वाले श्रम-जीवियों के कल्याण संबंधी बातों की चर्चा की गई है और इन्हें सुविधाएं देने की बात है तो इसका तो कोई विरोध नहीं कर सकता। सब लोग समर्थन ही करेंगे, लेकिन अच्छा होता कि जितने बागान हैं, चाय-बागान हैं या और कोई निजी बागान हैं, अगर सरकार उन्हें अपने कब्जे में करके चले तो श्रम-जीवियों का ज्यादा भला हो सकता था, लेकिन अभी ऐसा नहीं है।

इस बात की चर्चा करते हुए मैं दो बातों कहना चाहता हूँ जिससे मैंने स्वयं देखा है। अभी अस्त महीने में सभापति जी, मर्भे नया अलीपुर द्वार जाने का मौका मिला था। वहां एन. एफ. रेलवे वर्कर्स यूनियन की कन्फ्रेंस थी। उस की रेली में बहुत बड़ी संख्या में चाय-बागानों के श्रम-जीवी आए थे। भन्डे-पताका लेकर आए थे, जाँरतें थीं, बच्चे थे, मर्द थे। उन लोगों ने वहां शिकायत की कि हम लोगों में से बहुत से चाय-बागानों में काम करने वाले लोग हिन्दी स्पीकिंग इलाके के हैं, लेकिन स्कूलों में हिन्दी पढ़ने की व्यवस्था नहीं है। बागानों के मालिकों ने इसकी व्यवस्था नहीं की है, जिसकी वजह से कठिनाई होती है। सरकार का नियम है कि अगर इस तरह से काफी संख्या में लोग हैं तो जिस भाषा को भी वे बोलते-जानते हों, उस भाषा में शिक्षा देने की व्यवस्था होनी चाहिए। तो मैं मंत्री जी से पूछना चाहता हूँ कि क्या यह बात सही है, इसका पता लगाएं। यदि सही है तो उन बच्चों को मूर्ख रखने से क्या फायदा। जो भाषा वे नहीं जानते, उसमें पढ़ना उनके लिए संभव नहीं होगा।

इसलिए आप देखिए कि जहां भी जिस भाषा के जानने वाले मजदूर काम करते हैं, उनके बाल-बच्चों की शिक्षा उनकी ही भाषा में होनी चाहिए, चाहे वह हिन्दी हो, बंगला हो या कोई और भाषा हो। उस भाषा में शिक्षा का बंदोबस्त होना चाहिए। मजदूरों के कल्याण से इस बिल का संबंध है और यदि मजदूर शिक्षित नहीं होंगे तो कल्याण की बात भी नहीं समझेगा। इसलिए उनकी इस शिकायत को दूर कीजिए, ताकि उनका असंतोष दूर हो सके।

दूसरी बात, दुर्घटना की चर्चा की गई है। दुर्घटनाएं बागानों में बहुत होती हैं, लेकिन दुर्घटनाओं के लिए जो मुआवजा बगैरह मिलना चाहिए, यह उचित तरीके से उनको नहीं मिलता है। मेरा सिर्फ यह निवेदन है कि आप देखिए कि जहां इस तरह की बात है, आपके कानून का उल्लंघन होता है, वहां इस पर रोक लगाइए। आप यह नहीं कह सकते कि निजी मालिक कानून का उल्लंघन नहीं करते। जब सरकार स्वयं अपने कानूनों का उल्लंघन करती है तो निजी मालिकों के बारे में कहना और उनकी जवाब-देही लेना मुश्किल है। वे उल्लंघन करते हैं। आप जो कानून बना रहे हैं, उन कानूनों का पालन हो, इसकी देख-रेख करना सरकार का कर्तव्य है, तभी सही माने में चाय-बागानों के श्रम-जीवियों की मदद आप कर सकेंगे, सरकार मदद कर सकेगी और उनको कुछ सुविधाएं मिल सकेंगी। आम तौर से उनके कल्याण सम्बन्धी सभी बातों की तरफ आपका ध्यान जाना चाहिये। अच्छा होता अगर आप कम्प्रहेंसिव बिल लाए होते जिस में और भी बातों को शामिल किया जाता। लेकिन जितना भी आप लाए हैं यह भी सही है, और इसका मैं समर्थन करता हूँ। मैं आशा करता हूँ कि जिन बातों की तरफ मैंने आपका ध्यान खींचा है उनकी तरफ आप ध्यान देंगी।

श्री रीत लाल प्रसाद वर्मा (कोडरमा) : चाय बागान श्रम विधेयक जो आया है यह अपने आप में पूर्ण नहीं है। फिर भी श्रम हितकारी होने के कारण मैं इसका

समर्थन करता हूँ। उनके कल्याण और श्रम जीवन उपयोगी व्यवस्थाओं का जो प्रावधान इस में किया गया है, वह पर्याप्त नहीं है। चाय बागानों को देश के लिए बहुत ही उपयोगी समझा जाता है। व्यापारिक, औद्योगिक और कृषि कार्य की दृष्टि से इनको बहुत ही महत्वपूर्ण स्थान प्राप्त है। इस विधेयक में चाय, काफी, रबड़, सिंचना आदि को ही शामिल किया गया है। व्यापारिक दृष्टिकोण से जो खेती चल रही है, जो बागान हैं, उन सब को इस में शामिल किया जाना चाहिये था जो नहीं किया गया है। इस कारण से बौतिहर मजदूर या बागानों में काम करने वाले मजदूर जो हैं और उनका जो कल्याण होना चाहिये था वह नहीं हो पाएगा। इलायची, केला, सब, जड़ी-बूटियाँ, पाइन एपल, मूंगफली, तम्बाकू, ईख, कपास, काजू, आलम, कोका, नारियल आदि को भी इस में शामिल करना चाहिये था। मैं आशा करता हूँ कि इस बारे में मंत्री जी का ध्यान जाएगा।

इन चाय बागानों की आमदनी से देश को पांच सौ करोड़ से भी अधिक की आय होती है। लेकिन सारी व्यवस्था को नियोजकों के ऊपर छोड़ दिया गया है। वही आवास की व्यवस्था करें, मजदूरों के कल्याण कार्यों की व्यवस्था करेंगे। यह सब उन से नहीं होगा। उपनिवेशवादी दिनों में हम दखत आ रहे हैं लिटन, बूक बांड या देशी चाय के मालिकान सभी मजदूरों का किसी न किसी तरह में शोषण करते आ रहे हैं, सैकड़ों बरसों में करते आ रहे हैं। 1951 में कानून बना था जिस को लागू नहीं किया गया। ज्वॉयंट सिलैक्ट कमेट्री ने कहा था कि सरकार को लगातार इस का निरीक्षण करते रहना चाहिये लेकिन सरकार ने नहीं किया। समिति ने रिपोर्ट दी थी जिस में उसने कहा था कि मजदूरों को कोई राइट नहीं है, सिविल राइट नहीं है, बाहरी लोगों से वे भिन्न नहीं कर सकते हैं, बालचीत नहीं कर सकते हैं। वहाँ पर जल की व्यवस्था नहीं होती है। आप कह रहे हैं कि नियोजक आवास की व्यवस्था करेंगे। कोलैप्स होने पर मजदूरों

की व्यवस्था भी की गई है। लेकिन वे बते लेते नहीं हैं। कानूनी पाबन्दी भी नहीं लगाई गई है। जो अनिवार्य आवश्यकताएँ हैं उनका प्रबन्ध भी नहीं किया जाता है। स्कूल आदि का प्रबन्ध नहीं किया जाता है। मनोरंजन की कोई व्यवस्था नहीं है। वेलफेयर के कोई काम नहीं होते हैं। मैं निवेदन करना चाहता हूँ कि जिस तरह से माइका माइज वेलफेयर आर्गनाइजेशन है, कालफील्ड में आर्गनाइजेशन है उसी तरह की वेलफेयर आर्गनाइजेशन की और वेलफेयर की यहाँ भी व्यवस्था होनी चाहिये ताकि बागान मजदूरों को उचित लाभ मिल सके।

SHRI SUBODH SEN (Jalpaiguri):
Though our amendments have been lost, I welcome this Bill since it is an improvement on the parent Act. In the meantime, I should point out that the original Act suffers from certain limitations which I thought would have been removed by this amendment.

As a matter of fact, in the original Act there has been no specific connotation of the term employer. What happens in the tea gardens? As per Articles of Association of the Joint Stock Company, the Board of Directors is the ultimate authority, but in the tea garden level, the workers are employed by the Manager. So if there is any contravention of the Act in regard to supply of wholesome drinking water, in regard to housing, in regard to medical treatment that paid Manager is being prosecuted. But the ultimate authority who draws up the budget, who decides what is to be spent on medical items, whether a deep tubewell would have to be dug for supplying wholesome water, all this is the business of the Board of Directors. But at the garden level, the appointment letter is issued not by the Board of Directors or the MD but the Manager. He comes in for prosecution. I thought this position should have been clarified in this amending Bill, but

[Shri Subodh Sen]

nowhere that point has been given. Though it is late, I would still hope that the Minister should see and devise some ways and means so that the connotation could be given. I would not have said it but yesterday some hon. member from that side rubbed West Bengal. I do not know why he rubbed West Bengal. How West Bengal came into the picture? But for the knowledge of this House I should say that during the tenure of the left front government during the last four years, the workers have been able to wrest from the employer's hands that much money which they could not get during the period of the last 100 years.

On the eve of 1977, in Duars, West Bengal the workers had

14.58 hrs.

[MR. DEPUTY SPEAKER in the Chair]

been getting Rs. 4.20, and in between the period of 1977 upto 1981, in the course of these four years, workers have got another increment of Rs. 4.80, what the workers could get during the preceding period spreading over 100 years they got it within four years, that is due to the unity of the working class including INTUC and the lending hands of the left front government. He does not know anything about it. He has unnecessarily raised the point which does not arise here.

श्रीमती राम दुलारी सिन्हा : सभापति जी, मैं सर्वश्री रामावतार शास्त्री, आर. एल. पी वर्मा, सुबोध सेन को धन्यवाद देना चाहती हूँ। लेकिन एक आश्चर्य भी प्रकट करना चाहती हूँ कि कल मैंने अपने प्रारम्भिक भाषण में जिन बातों का तर्जकिया किया था और बयान दिया था तथा माननीय सदस्यों ने जो भाषण दिये और कुछ राय जाहिर की उसके सम्बन्ध में भी मैंने अपना विस्तृत उत्तर दिया। उसके बावजूद भी वही बातें माननीय सदस्यों ने अभी कही। मैं

कहना चाहती हूँ जहाँ तक शास्त्री जी की प्लान्टेशन लैबर से संबंधित हर राज्य की शिक्षा से सम्बन्धित है इन्हें मैं शिक्षा विभाग को विचार करने के लिए भेज दूंगी।

इन शब्दों के साथ मैं कहना चाहती हूँ 1951 का बिल तरमीम के लिए 1973 में आया और संयुक्त प्रवर समिति को सुपुर्दा किया गया जिसकी रिपोर्ट 1975 में आयी और इम्यूचुअल तरीके से उस बिल को आज सदन में रखा है। इसके पहले ही यह बिल पिछले महीने राज्य सभा में पारित हो चुका है इसीलिये माननीय सदस्य एक मत से उसे अपनी स्वीकृति दे दें। ताकि मजदूरों का भला हो सके।

MR. DEPUTY SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

15.00 hrs.

INDIAN IRON AND STEEL COMPANY (ACQUISITION OF SHARES) AMENDMENT BILL

MR. DEPUTY-SPEAKER: Now we take up Indian Iron and Steel Company (Acquisition of Shares) Amendment Bill. Time allotted is one hour. I want hon. Members' cooperation in completing the Bill today.

THE MINISTER OF COMMERCE AND STEEL AND MINES (SHRI PRANAB MUKHERJEE): I seek consideration by the Lok Sabha of an amendment to the Indian Iron & Steel Company (Acquisition of Shares) Act, 1976, which will help alleviate the sufferings of the genuine ex-share holders who could not file their claims in time. The hon. Members are aware that the management of the Indian Iron & Steel Company Limited was taken over by the Government of India in public interest, with effect from