

in Rajasthan have been denuded. The tribals living in these districts are totally dependent on the forests. Will the Central Government and the State Government take up plantation work in these barren forest lands and allot the barren land under these forests areas to the tribals? Will the Government also make some arrangements for providing water to facilitate plantation? Mr. Speaker, Sir, exodus of Adivasis from these areas is taking place. They are migrating to cities in search of livelihood. Their huts are deserted. It is a very serious problem.

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, I have already said that there are no two opinions about it. Laws have been enacted, nobody can purchase Adivasi Land. The Adivasi land which might have been acquired by others will be restored to its original owner. The Adivasis should be freed from the exploitation by the money lenders who keep them under their debt trap. I have told the hon. Member that Act and fact are two different things. We will make endeavours to see that there is proper co-ordination between the Act and the facts. We have all along been writing about this. There is not a single State in the country in which Adivasi land has not been encroached upon. It is the primary responsibility of the State Governments to remove those encroachments.

As I said, I have already written to the State Governments and I shall write to them again. We are holding seminars to focuss attention on this problem. We will go to each and every State for this. We want to implement this proposal on priority basis. We seek the support of the entire House for this work. The tribal problem is a problem of the whole

country. It is not the problem of Adivasis alone. If, we view it as Adivasi problem, it will be an injustice to them. If we are to bring Adivasis to the mainstream of the country, the country has also to come forward for this. I, being the Welfare Minister, would like to give an assurance on behalf of the Government of India that all the Acts made for tribal development will be enforced effectively.

Minimum Wages for Agricultural Labour

*123. SHRI K. PRADHANI:
SHRI GANGA CHARAN
LODHI:

Will the Minister of LABOUR be pleased to state:

(a) what is the minimum wage fixed for agricultural labour in different States;

(b) when this limit was fixed;

(c) whether Government propose to reconsider this limit in view of the rise in prices and inflation; and

(d) if so, the details thereof?

THE MINISTER OF LABOUR AND WELFARE (SHRI RAM VILAS PASWAN): (a) and (b). A Statement is laid on the Table of the House.

(c) and (d). Power to revise these minimum wages vests in the State Government and they are advised to periodically do so.

STATEMENT

As on 1.3.90

Daily rates of Minimum wages of Agriculture workers fixed by different state/UTs. under the Minimum wages Act, 1948 .

Sl. No.	State/UTs.	Minimum Wages (with effect from)	VDA, if any (with effect from)	Total Minimum Wages	Remarks if any
1	2	3	4	5	6
	States				
1.	Andhra Pradesh	Rs. 8.50 to Rs. 11.00 (9.2.87)	No provision	Rs. 8.50 to Rs. 11.00	—
2	Arunachal Pradesh	Rs. 15.00 to Rs. 18.00 (1.9.86)	—do—	Rs. 15.00 to Rs. 18.00	
3.	Assam	Rs. 19.00 (1.7.86)	—do—	Rs. 19.00	
4.	Bihar	Rs. 10.00 or 5 Kg. Paddy or any other kind of grain of the same value plus one time nasta (16.10.86)	—do—	Rs. 10.00 or 5 Kg. Paddy or any other kind of grain of the same value plus one time nasta	
5.	Goa	Rs. 12.00 (1.7.86)	—do—	Rs. 12.00	

Sl. No.	State/UTs.	Minimum Wages (with effect from)	VDA, if any (with effect from)	Total Minimum Wages	Remarks if any
1	2	3	4	5	6
6.	Gujarat	Rs. 11.00 (4.2.86)	—do—	Rs. 11.00	
7.	Haryana	Rs. 27.75 with meals or Rs. 31.75 without meal (1.5.89)	Nil	Rs. 27.75 with meals or Rs. 31.75 without meal	DA is issued twice a year (1st January and 1st July) @ Rs. 1.70 per point per month
8.	Himachal Pradesh	Rs. 18.00 (15.4.89)	No Provision	Rs. 18.00	
9.	Jammu & Kashmir	Rs. 15.00 (25.5.86)	—do—	Rs. 15.00	
10.	Karnataka	Rs. 12.00 to Rs. 17.65 (12.7.88)	—do—	Rs. 12.00 to Rs. 17.65	
11.	Kerala	Rs. 12.00 to Rs. 15.00 (1.6.84)	—do—	Rs. 12.00 to Rs. 15.00	
12.	Madhya Pradesh	Rs. 11.00 (26.6.87)	—do—	Rs. 11.00	

Sl. No.	State/UTs.	Minimum Wages (with effect from)	VDA, if any (with effect from)	Total Minimum Wages	Remarks if any
1	2	3	4	5	6
13	Maharashtra	Rs 12.00 to Rs 20 00 (1 5 88)	—do—	Rs 12 00 to Rs 20 00	
14	Manipur	Rs 23 70 per area other than Hill area and Rs 26 70 for Hill area (1 12 88)	—do—	Rs 23 70 per area other than Hill area and Rs 26 70 for Hill area	
15	Meghalaya	Rs 15 00 (1 3 87)	—do—	Rs 15 00	
16	Mizoram	Rs 28 00 (1 11 87)	—do—	Rs 28 00	
17	Nagaland	Rs 15 00 (16 5 87)	—do—	Rs 15 00	
18	Orissa	Rs 11 00 (10 2 89)	—do—	Rs 11 00	
19.	Punjab	Rs 33 30 without meal or Rs. 29.30 with meal (1 9 89)	Nil	Rs 33 30 without meal or Rs 29 30 with meal	VDA is provided twice a year (1st March and 1st September) @ Rs. 2 30 per point

Sl. No.	State/UTs	Minimum Wages (with effect from)	VDA, if any (with effect from)	Total Minimum Wages	Remarks if any
1	2	3	4	5	6
20.	Rajasthan	Rs. 14.00 (11.3.87)	Nil	Rs. 14.00	per month or 9 paise per point per day
21.	Sikkim	Rs. 14.00 (10.1.87)	Nil	Rs. 14.00	Wages have been fixed by an executive order
22.	Tamil Nadu	Rs. 14.00 (3.4.89)	No provision	Rs. 14.00	
23.	Tripura	Rs. 16.00 (1.1.90)	—do—	Rs. 16.00	
24.	Uttar Pradesh	Rs. 18.00 (29.4.89)	—do—	Rs. 18.00	
25.	West Bengal	Rs. 19.65 without meal or Rs. 16.45 plus 2 principal meals (1 10 88)	—do—	Rs. 19.65 without meal or Rs. 16.45 plus 2 principal meals	

Sl. No.	State/UTs.	Minimum Wages (with effect from)	VDA, if any (with effect from)	Total Minimum Wages	Remarks if any
1	2	3	4	5	6

Union Territories

1.	Andaman & Nicobar Islands	Rs. 20.00 (Andaman) Rs. 21.00 (Nicobar) (12.7.89)	—do—	Rs. 20.00 (Andaman) Rs. 21.00 (Nicobar)	
2.	Chandigarh	Rs. 23.85 without meal Rs. 19.85 with meal (30.8.88)	—do—	Rs. 23.85 without meal Rs. 19.85 with meal	VDA is issued quarterly @ Rs. 2.25 per point per month
3.	Dadra & Nagar Haveli	Rs. 14.00 (5.10.89)	—do—	Rs. 14.00	
4.	Delhi	Rs. 28.85 (1.5.89)	65 paise per day	Rs. 29.50	
5.	Lakshadweep	Rs. 18.00 (1.9.88)	No provision	Rs. 18.00	Wages have been fixed by an executive order
6.	Pondicherry				
	(l) Pondicherry region	Rs. 14.00 (2.1.90)	—do—	Rs. 14.00	

Sl. No.	State/UTs.	Minimum Wages (with effect from)	VDA, if any (with effect from)	Total Minimum Wages	Remarks if any
1	2	3	4	5	6
(ii)	Mahe region	Rs. 15.00 p.d. for hard work Rs.	—do—	Rs. 1500 p.d. for hard work Rs. 12.00	
		12.00 p.d. for light work (4.7.87)		p.d. for light work	
(iii)	Yanam region	Rs. 11.00 (15.3.88)	No provisio	Rs. 11.00	
(iv)	Karaikal region	Rs. 8.00 (16.5.86)	—do—	Rs. 8.00	Draft for revision issued on 1 11.10.89

[English]

SHRI K. PRADHANI: Mr. Speaker, Sir, the Minister has stated in his reply that the State Governments are advised periodically to revise the minimum wages. The Finance Minister in his Budget speech on 19.3.1990 has stated that they will formulate an agricultural policy like the industrial policy, where the remunerative price will be fixed based on the cost of input, labour charges and managerial charges. I want to know from the hon. Minister: whether the Minister will issue guidelines to the States based on the statement made by the Finance Minister to fix up the price according to the fertility and productivity of the soil and taking into account all the factors mentioned by the Finance Minister.

[Translation]

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, what the hon. Member has pointed out is already being emphasised on the states. It may be seen that we go by the provisions of the Minimum Wages Act of 1948. In 1948, there was a proposal to revise the Minimum Wages after every 5 years. Thereafter, the National Commission on Labour was set up in 1969. This commission suggested that there should be a revision of the minimum wages after every three years. A conference of the Labour Minister was held in 1980. It was decided in that conference that the minimum wages be revised after every two years or when Consumers Price Index reaches 50, whichever is earlier. In 1987 the proposals made in 1980 were repeated and it was decided that minimum wages should in no case be less than Rs. 11 under the Minimum Wages Act. In 1988, it was decided that wages should be enhanced with the rise in prices. At present, the rate of minimum wages is Rs. 11 which is quite low. There has been a proposal to raise this rate to Rs. 14.25. We are examining this matter. But one thing I would like to tell the hon. Members that the minimum wages as stated above are the minimum only, these are not maximum. No State Government should pay less than this amount. Haryana has more paying capacity and it is paying more. If they

pay a still higher rate, it will be most welcome. There is a binding on the State Governments which are paying less that they cannot pay less than this amount.

[English]

SHRI K. PRADHANI: Sir, my second supplementary question is this: Sir, the minimum wages fixed for States differ from State to State and it is State-wise. But in a State there are different type of lands varying in fertility and production. And the State-wise list does not seem to be proper. May I know from the hon. Minister whether he will consider to issue guidelines to the State Governments to fix up minimum wages according to the fertility of the soil from region to region so that it can be implemented in practicality for the labourers and the farmers?

[Translation]

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, as the House is aware that the Minimum Wages Act is implemented by officers of the State Governments. In this regard, the main difficulty is that the agricultural labour cannot press for wages till they work throughout the year. In backward states, they get work for 3 to 4 months only during the year and for the rest of the period they are idle. When agricultural labour demands minimum wages from the landlord, he is told that he would get wages for three months only and not for the rest of the year. This is the reason that he goes to Haryana and Punjab in search of job and there also he is exploited. Therefore, we are considering to bring forward a central legislation in Parliament. A national conference was also held in Delhi on 9th and 10th March regarding the problems of agricultural labourers, which was inaugurated by the Prime Minister. We are considering it seriously. We have decided that we will include the problems regarding land in the Ninth Schedule of the Constitution. By including land problems in it, the right of the landlords to go to the court would go. The lease of the land will be received by the poor man directly and he will not be requested to go to the courts. So far

as the question of implementation of the wages is concerned, it is under the purview of State Governments. We are instructing State Governments in this respect. The trade union leaders met me the day before yesterday and we had discussions with them and we are trying if an organisation like that of trade unions is formed by the agricultural labourers, we will be able to give them to same rights as are enjoyed by the trade unions. I would request the hon. Member that the labour leaders should strengthen their agricultural labour cell so that we can enforce Minimum Wages Act.

SHRI GANGA CHARAN LODHI: In our country, the condition of agricultural labourers is like that of bonded labourers and their number is more than that of bonded labourers. Today, the children of an agricultural labourer, who are born on the same land, are unable to feed themselves and their children when they grow up even after working very hard through out their life. Due to poverty their children cannot receive education. Government should make efforts to improve the condition of agricultural labourers as it has done in the case of industrial workers. School should be opened in villages for their children and hospitals should be set up for the treatment of their parents. Special arrangements should be made for the treatment of their old parents in cities. They are not in a position to marry away their daughters of marriageable age due to poverty and Zamindars of the villages and sons of money lenders kidnap their daughters and daughters-in-law to satisfy their lust. Therefore, I would like to know what is being done by the Government to ameliorate their social condition and to provide social security to them. I want a positive reply that when this would be implemented.

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, as I said earlier we organised a national seminar on 9th and 10th March regarding problems of agricultural labourers. Recently, a conference was also held regarding agricultural labourers in the Malankar Hall by leftist parties, which was inaugurated by me. As I said earlier also,

Government is trying to enact a central law in this regard at the earliest. This central law will be very effective and we will spare no efforts to make it effective. As Shri Ganga Charan has said that the main problem of agricultural labourers is that they do not have guarantee of work for the whole year. So long as we do not guarantee this right of work to them, the standard of living of agricultural labours will not improve. We will try that they should be guaranteed work throughout the year under right to employment. Keeping in view this object, we have decide to spend Rs. 50 out of Rs. 100 on the rural development, which will facilitate construction of roads in villages, irrigation facilities and work to labourers throughout the year. When they will get work throughout the year, we can ask them to contribute towards a savings fund in which Government will also contribute and those savings will be deposited in a bank so that it could held them in future and in their old age. We are also trying that they should also receive benefits available to other workers. We are much concerned in this regard. As I have said, agricultural labourers are the backbone of this country so we are making all out efforts to solve the problems of agricultural labourers.

[English]

SHRI S. BENJAMAN: Mr. Speaker, Sir, the question of agricultural labour is a continuous problem. Directions were not given to the State Governments to implement land reforms. The number of working days available to the agricultural labour is just three or four months in a year. The rest of the time they have to starve. So, will the Government consider the question of implementing land reforms by deforesting the area where there are huge tracks of land but no trees, and where SCs/STs are living, or where there are no forests, by giving them the right to cultivate the land? There are huge tracks of Government land which are under the control of the Central Government. So, will the Government consider allotting those lands to these agricultural labourers in order to bring them up as small or marginal farmers because we have not been able to bring their

wages on par with the industrial labour? What is the way in which the Government can solve the problem of the agricultural labour which constitutes at least twenty per cent of the population of the country? Assurances have been given since the time of Independence that these people will be developed as independent farmers but no such thing has taken place so far. So, will the Government consider whether they are to be treated on par with the industrial labour at least?

[Translation]

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, I want to reply first the second question of the hon. Member. He has asked whether the Government is thinking of giving to the agricultural labourers status equal to the industrial labourers or other labourers. I want to make it clear that once they are able to organise themselves, they will be given equal status and those who are organising themselves, we are trying to give them equal status. The second question is about land problems. These can be solved only by amending the existing laws relating to land. Today, if a landless is given slip for a land and if that land is occupied by the landlord, then as per the existing laws, there is no way out for that poor man except to go to a court of law to get the possession. If the poor landless has to go to court, he can never get justice because he cannot fight against the landlord. To improve this situation, we are considering to include 'land' in the Ninth Schedule of the Constitution so that the right of the landlord to go to the court could be curtailed and the poor landless could get justice.

[English]

SHRIMATI MALINI BHATTACHARYA: Mr. Speaker, Sir, the law provides that there should be equal wage for equal work so far as women labourers are concerned. But as we know, there are great difficulties in the way of this law being implemented in reality. The situation creates a dilemma. Women

are brought into the job market only to devalue labour. On the other hand, when labour is not devalued, they are excluded from the job market. So, I would like to ask the hon. Minister whether the Government has any plan in mind whereby this inequality can be sorted out and the labour Law can be enacted in reality.

[Translation]

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, hon. Member has correctly said that law provides that there will be no discrimination between a male and a female labourer so far as their wages are concerned but still discrimination is made. As I said, this problem falls under the jurisdiction of the States and it is their responsibility to see to it. Union Government can only write and advise them. If you have any suggestions, we will consider them and exercise our powers. We are considering the suggestions, we have received.

SHRI SATYANARAYAN JATIYA: Mr. Speaker, Sir, the agricultural labourers do not have any organised sector. They do not get employment for the whole year. It has been said that in this sector the majority of the labourers are women and they do not get regular employment throughout the year. Besides, there is exploitation of contract labour. They do get minimum wages but if you go through the list, you will find that even the minimum wage is not sufficient to meet the bare necessities of life. Therefore, it is my submission that it will not solve the problem if we leave this matter to states. What is the policy of the Government with regard to save the labourers of the unorganised sector from exploitation? What steps will be taken in that direction?

SHRI RAM VILAS PASWAN: Sir, Government is considering introduction of a central legislation in which it intends to cover all these points.

SHRI YAMUNA PRASAD SHASTRI: Mr. Speaker, Sir, I....

MR. SPEAKER: Mr. Shastri, you may please sit down

...(Interruptions)...

SHRI DASAI CHOWDHARY: Mr. Speaker, Sir, hon. Minister has just now stated in his reply that minimum wage is Rs. 11, which will not be reduced. But in Bihar, the situation is that Rs. 2/- or 2.50 are paid to the labourers, particularly to those engaged in brick kilns. They work there as bonded labour. I want to know whether Government has made or intends to make any enquiry into the payment of wages less than the prescribed minimum wages to the labourers in Bihar?

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, though provision for monitoring exists, we have asked our Ministry to conduct a survey about the total number of agricultural labourers and also to see as to whether those who have violated the provisions of the Minimum Wages Act have been punished, but no separate enquiry has been conducted so far. All this has been laid down in the Minimum Wages Act. I fully agree with the views of the hon. Member that the labourers are paid a lesser amount than that prescribed under the Minimum Wages Act. For that matter either the State Governments should enforce it or else it would be left to the courts to decide. I completely agree with you and I have asked my Ministry to maintain a complete record of the number of people against whom action has been taken for violation of the Minimum Wages Act. Apart from taking action against the guilty, the amendment seeks to incorporate a provision of fine of Rs. 500/- or six months imprisonment. As regards the penalty of Rs. 500/-, it is paid by the offenders, but for the violation of act, no one has been jailed so far. So, we are trying our level best to get stringent punishment to the persons who violate the law and a record is being kept for this purpose.

SHRI YAMUNA PRASAD SHASTRI: Mr. Speaker, Sir, the sympathy shown by the hon. Minister for agricultural labourers is

commendable, but I would like to draw your attention to the fact that despite the provision of Rs. 14.25 as minimum wages, agricultural labourers in most of the villages are paid their wages in kind and not in cash, as a result of which they get foodgrains equivalent to an amount for less than the minimum wages fixed by the State Governments. Mr. Speaker, Sir, it is the responsibility of the State Governments to ensure that this Act is implemented, but the hon. Minister is also aware of the fact that they are unable to do so. Therefore, I would like to know whether the Central Government, in order to bring about consistency in the Minimum Wages Act and to make its implementation mandatory, proposes to establish a co-ordination agency, which would at least see to it that agricultural labourers are definitely paid minimum wages in all the States.

Mr. Speaker, Sir, with my next supplementary question, in the regard, I would like to know whether the Central Government proposes to make a mandatory provision for payment of pension to the agricultural labourers as they do not have any means of livelihood in their old-age?

SHRI RAM VILAS PASWAN: Mr. Speaker, Sir, as regards the suggestion of my hon. friend for setting up a machinery to enforce the Act, it is my humble submission that the creation of such a machinery would only increase bureaucratic red-tapism and it would not benefit the agricultural labourers. Therefore, as I have said in the beginning, agricultural labour organisations should be strengthened. As regards the amount of minimum wages, it is decided on the basis of the per capita income in each state. In spite of that, it is the minimum wage, and not the maximum wage that has been laid down in the act.

Mr. Speaker, Sir, with regard to old-age pension, State Governments have their own schemes, but as I have said earlier, under the central legislation, which we propose to bring forward, these labourers would get work throughout the year and a certain percentage of the wages would be deposited in

the Provident Fund or some other fund, in their name and from that fund, they would be given financial assistance in their old age.

MR. SPEAKER: Next question. Shri Madan Lal Khurana

...(Interruptions)...

[English]

SHRI K.S. RAO: Sir, only four questions are being covered every day leaving the rest of the 16 questions unanswered. If this is the position, all questions cannot be covered on any day

...(Interruptions)

Right to Housing

*124 **SHRI MADAN LAL KHURANA:** Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) whether Government propose to declare 'right to housing' a fundamental right; and

(b) if so, the details of the steps taken in this regard?

THE MINISTER OF URBAN DEVELOPMENT (SHRI MURASOLI MARAN): (a) and (b). No Sir, At this stage, Government does not consider it necessary or feasible to declare housing as a Fundamental Right. The Action Plan announced by the Government envisages a comprehensive National housing Policy for different sections of the society with specific programmes directed towards the poor and improving the housing finance structure and this would be placed before the Parliament after its finalisation.

[Translation]

SHRI MADAN LAL KHURANA: Mr. Speaker, Sir, I have a submission to make. I know that the right to property was deleted from the Constitution through the 44th Amendment in 1979, but here I am talking

about the right to Housing. What I mean is that after 42 years of independence, the right to a roof or the right to shelter should be granted to the common man. Mr. Speaker, Sir, the freedom of speech and right to freedom of religion are included in the list of our fundamental rights. Even the right to life is there, but the right to life does not mean the right to live like animals, instead, it means the right to lead a dignified life. Mr. Speaker, Sir, to lead a dignified life means fulfillment of some basic necessities like food, clothing and shelter. Housing also should be one of them.

MR. SPEAKER: No one has any objection about housing.

SHRI MADAN LAL KHURANA: Mr. Speaker, Sir, this is so important a right that all other rights are useless without it. What I mean to say is that, in this country, people die of the adverse effects of weather in all the seasons. They die of heat in summer. In winter, it is cold that brings them death or during the monsoons, excessive rains take the toll of their lives. Just now, the hon. Minister said that he would make efforts. Earlier, the Government had said that every person in the country would be given a 25 Sq. yard or 25 sq. metre plot. Government should at least come out with a statement in this House, specifying therein the period by which every person in the country would be given a 25 sq. metre plot.

[English]

SHRI MURASOLI MARAN: Sir, I agree with the basic principle underlying in the argument of the hon. Member. But, in fulfilling the basic needs of the population, housing ranks next only to food and clothing in importance and there is no doubt about it. If we make it a justiciable right and a fundamental right, it will create a lot of problems. In short I would like to give the hon. Member and the House, through you, the total dimension of the problem. For example, in the Eighth Plan period the housing needs i.e. the physical requirement is about 21.77 million housing units. If we have to fulfil all these obligations,