

LEVY SUGAR PRICE EQUALISATION FUND BILL*

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND IRRIGATION (SHRI SHAHNAWAZ KHAN): On behalf of Shri Jagjivan Ram, I beg to move for leave to introduce a Bill to provide for the establishment, in the interest of the general public, of a fund to ensure that the price of levy sugar may be uniform throughout India and for matters connected therewith or incidental thereto.

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for the establishment, in the interest of the general public, of a fund to ensure that the price of levy sugar may be uniform throughout India and for matters connected therewith or incidental thereto."

The motion was adopted.

SHRI SHAHNAWAZ KHAN: I introduce the Bill.

BONDED LABOUR SYSTEM (ABOLITION BILL)—Contd.

MR. SPEAKER: The House will now take up further consideration of the following motion moved by Shri K. V. Raghunatha Reddy on the 23rd January, 1976:

"That the Bill to provide for the abolition of bonded labour system with a view to preventing the economic and physical exploitation of the weaker sections of the people and

for matters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration."

THE MINISTER OF LABOUR (SHRI RAGHUNATHA REDDY): I am grateful to the Hon'ble Members who participated in the debate. They have shed a lot of light on the strategy that we should adopt for the economic rehabilitation of the bonded labour. Some Members have pointed out that socio-economic legislation is bound to be reduced to a dead letter, if appropriate follow-up steps are not taken on the economic and the social fronts. The Government also share this view. The hon. Members have rightly pointed out that overt and disguised unemployment is rampant in the agrarian sector and there is a disquieting lack of balance between the supply and demand of labour in the rural market. Forced labour or debt-bondage are logical consequences of this imbalance and cannot obviously be done away with only through legislative fiat.

Government have analysed the economic problems that a bonded labourer would face immediately after emancipation. He will not have inputs for production or any supply of credit; he will neither have any professional skill that would enable him to pursue an independent livelihood. He may not be acceptable to the urban labour market either. Even when installed in a profitable activity, he will have no income during the period of gestation of any income-generating process; therefore, he may have to be given a consumption subsidy during the gestation period. The bonded labourer

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†Introduced with the recommendation of the President.

who is used to a world of domination and servitude will not obviously be aware of his rights and will not have any straying-power in the competitive labour market. At times, he may not even like to undergo the strenuous process of economic rehabilitation and may prefer reversion to thralldom. All these aspects of the problems have been taken into account by the Central Government in preparing the guidelines for the State Governments. The Union Labour Ministry has assumed the nodal role in monitoring and in co-ordinating the activities of different state Governments, under this Bill. In this case, in the last Labour Ministers' Conference, it had been decided that the relief that should be given to the bonded labour must be included in the State Plan and that the scheme must be sent to the Labour Ministry so that the Labour Ministry also might be in a position to take up this matter with the Planning Commission.

Some hon. Members have suggested that some more names should be added to the explanation of the Section. I may humbly point out that the explanation is only an illustrative list and cannot be comprehensive. Our purpose is to clarify to the courts the intention of the legislature. The names we have selected represent a cross-section of different types of debt bondage and forced labour. These examples will help the courts to interpret the definition of the bonded labour system. It was never our intention to make the list comprehensive. In fact, there is such a wide spectrum of different systems of forced labour in the country that it is impossible to enumerate them exhaustively and any attempt to do so will complicate the matter.

I would like to submit in this context that what is important in the legislation is the definition of bonded labour system. Even though one might give an illustration which raises

a presumption in law, unless that system itself is brought within the definition of bonded labour system given in the enactment itself, the presumption that would arise by way of an illustration itself will not become law because in the case of rebuttable presumptions, as you know, under the law, under the Evidence Act, any presumption that would arise will only shift the burden of proof. That is not an end in itself. The burden of proof can again be shifted by introducing evidence which would go to rebut the presumption that is raised under the Evidence Act. Therefore, what is necessary and what is important is a concrete definition given about the bonded labour system in the enactment. That is the crucial fact as far as law is concerned. It is not so much the names enumerated by way of presumption to be raised under the law. Once the names are given, any court is expected to raise a presumption even with regard to the names that are not mentioned since some evidence is introduced with regard to the bonded labour system. This is what is expected of the courts or the authorities which are mentioned in the enactment.

Some hon. Members have emphasized the necessity of organising the rural poor. The Government are seized of the problem caused by the lack of organisation in the rural sector. Steps are being taken by the Union Ministry of Labour and the National Labour Institute to create an ethos conducive to collective bargaining by the agrarian labour. This is a problem that must be taken up by the trade union organisation. Already the INTUC has taken up the problem to organise rural labour and, I hope, other trade unions also will take up this matter.

Some hon. Members have said that some State Governments have erroneously reported that there is no bonded labour in their jurisdictions.

[Shri Raghunath Reddy.]

There has not been an extensive survey of the bonded labour system in the country. But we are requesting the State Governments to conduct surveys and to identify areas where the system still exists. The enactment of this Bill surely will generate awareness and enthusiasm among the socially conscious section of the intelligentsia and that will definitely open up new channels of information.

In this connection, I might also point out that in the Labour Ministers' Conference it was decided to request the Commissioner for Scheduled Castes and Scheduled Tribes to utilise his organisation for the purpose of conducting surveys in certain States for the purpose of identifying the areas where the bonded labour exists and the extent to which it is operating and the remedial measures that can be taken by the State Government. I am happy to say that the Commission for Scheduled Castes and Scheduled Tribes has already agreed to this. I know, the problem is serious. It is not the legislation alone that will be able to deal with the problem. It is only when the social conscience of man is aroused to deal with the social evil that this barbarous system can come to an end.

Some hon. Members have suggested that the punishments prescribed in the Bill should be enhanced. No punitive action on its own can bring out the fundamental transformation which this Bill envisages. Moreover, increased punishments may not be compatible with the penal provisions in other statutes.

Some other members wanted rigid dead-lines to be imposed in respect of the time-limits for restoration of property and similar matters. We are not inclined to accept these amendments because rigid dead-lines may be considered to be arbitrary by the courts and one has to take a pragmatic

view of the processes involved which may not be completed within the time limit suggested. The court is given the power and, also, some authorities are given power in order to restore property and I have no doubt in my mind that the courts will take the least possible time and the authorities will take the least possible time in order to restore property. Suppose you put a time limit, unless you prescribe the consequences of not acting within a particular time limit, what would happen is this. The courts have interpreted that, notwithstanding any time limit being put, in such cases where the consequences are not indicated, the time limit put is only directory and not mandatory and, therefore, putting a particular time limit is not going to help us in solving this problem.

There are proposed amendments for setting up of vigilance committees at the State and at the Centre. As I have already told you, the Union Labour Ministry is functioning as nodal Ministry for monitoring and coordination. Secretary, Ministry of Labour is the Chairman of the administrative committee set up at the central level. State Governments have also been requested to set up watchdog committees at the State level. We, therefore, don't think that the suggested amendments are necessary at this stage.

The intention, as I have told you, is to have vigilance committees at the district level and the sub-divisional level. Even assuming there are State and Central Committees, these committees can meet only occasionally. As for as the operational part of executing the law is concerned, it is the District Committees and the Sub-Divisional Committees which can go immediately into action and since the District Magistrate is made the Chairman of the Committee, he can go into action with all the powers which a District Magistrate can exercise. Otherwise,

any other Committee cannot be a statutory committee but can only be an optional committee without capacity to exercise any power. Therefore, the District Magistrate is made responsible for this purpose—the District Magistrate at the district level and the Sub-Divisional Magistrate at the sub-divisional level—because these problems will arise in our day-to-day life and occasional meetings of a committee will not solve them. These problems may arise every day and sometimes even every hour and, therefore, the District Magistrate and the Sub-Divisional Magistrate would be the proper authorities to deal with them.

The terminological changes suggested in respect of Section 3 and Section 14 do not imply any material change and we do not agree to the amendments.

There is an amendment providing that it should be mandatory for the State Governments to take certain measures in respect of the rehabilitation of bonded labourers. After careful examination, Government have decided that a categorical section of this type is not necessary. As I have already told you, State Governments are taking appropriate action for the implementation of the Bonded Labour System (Abolition) Ordinance. A perusal of the various provisions of law would indicate that there are provisions in regard to co-ordinating the efforts of the rural banks and some other rural finance institutions; all these are indicated in the law itself. It means that the various financial institutions would come to the aid of the bonded labour for the purpose of rehabilitation. That is the intention of Parliament expressed specifically in the legislation. Therefore, the intention is to let it be implemented by the concerned authorities in this respect.

I again express my heart-felt thanks to the Hon. Members who participated in the debate and showed keen interest in the Bill. It is only natural that this House which has always stood for the dignity of human labour and the rights of the down-trodden will support this Bill unanimously. I have no doubt that the hon. Members will support this Bill without any hesitation and unanimously. At the same time, I would also appeal to the Hon. Members to withdraw their amendments. If the amendments should become absolutely necessary, I will not feel hesitant to come forward before this House with such appropriate amendments after having gained some experience in the matter.

MR. SPEAKER: The question is:

“That the Bill to provide for the abolition of bonded labour system with a view to preventing the economic and physical exploitation of the weaker sections of the people and for matters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration”

The motion was adopted.

We will now take up clause by clause discussion. Clause 2. There are amendments by Shri Kathamuthu, Shri Ramavatar Shastri and Shri Siddayya. Are you moving your amendments?

SHRI M. KATHAMUTHU (Nagapattinam): Yes.

SHRI RAMAVATAR SHASTRI: Yes.

SHRI S. M. SIDDAYYA: All except 67.

Clause 2— (Definitions)

SHRI M. KATHAMUTHU (Nagapattinam): I beg to move:

[Shri M. Kathamuthu]

Page 2, line 20,—

add at the end—

"Vettian, Pannaiyal, Vallurkavu Panam, Nilpu Panam, Subashu and similar other systems existing in any part of the country" (13)

SHRI RAMAVATAR SHASTRI
(Patna): I beg to move:

Page 2, line 20,—

add at the end—

"Hari-begari, Halwahi, Kami-
auti, Bandhuagiri and such
other forms of bonded
labour prevalent in any
part of the country". (30)

SHRI S. M. SIDDAYYA (Chamara-
janagar): I beg to move:

Page 2, line 16,—

after "Basahya," insert "Begar,"
(6)

Page 2, line 17,—

after "Garru-Galu," insert
"Gothi," (62)

Page 2, line 17.—

after "Holya," insert "Ijhari," (63)

Page 2, line 17,—

after "Kamiya," insert "Kamla,"
(64)

Page 2, line 18,—

after "Lakhari," insert "Mahi-
dari," (65)

Page 2, line 18,—

after "Munish system," insert
"Nadappu, Nilpupanam,"
(66)

Page 2, line 20,—

after "Seri," insert "Sonkiya,
Vallurkavu, Valva Veta," (68)

SHRI M. KATHAMUTHU: The hon Minister, when he spoke, told us that if he accepts the amendments to add some more names of the bonded labour system, the list would become exhaustive. At it is, now, if a case is taken to the court, how will the Court interpret this? If they do not find the name of a particular system in the Act, about which complaint has been raised, they will reject the case. Therefore, I would request the hon Minister to agree to include all the names that I have mentioned in my amendment; or, he may at least agree to add the words, 'and similar other systems existing in any part of the country'.

श्री रामावतार शास्त्री अध्यक्ष जी, जहाँ पर बन्धक लेबर की परिभाषा दी गई है, वही मैं एक शब्द जोड़ना चाहता हूँ। प्रायः जानते हैं कि बिहार में कई प्रकार के बन्धुग्रा मजदूर हैं जिनमें हडरी-बेगारी, हलवाही, कमियाँ, बन्धुग्रा-गिरी प्रथाएँ हैं। इन नामों का जिक्र इस में नहीं है। अगर इन नामों का जिक्र नहीं होगा, तो इस तरह का काम करवाने वाले जो लोग हैं वे इस कानून की गिरफ्त में नहीं आ सकते। इन में जो नाम दिया गया है वह मुनिस प्रथा का दिया गया है और सवाल परगना के हर गाँव में यह प्रथा बहुत बड़े पैमाने पर है। अभी हाल में हमारे दल के एसेम्बली के सदस्य श्री विमेश्वर से मेरी बात हुई और उन्होंने बताया कि सवाल परगना के घर घर में यह प्रथा है। इसलिये मैं मंत्री जी से यह कहना चाहता हूँ कि यह जरूरी नहीं है कि जो बिल में लिखा है, उसमें ही प्रथा बन्धुग्रा मजदूरी या बन्धक मजदूरी की है। इन के अलावा भी और प्रथाएँ विभिन्न राज्यों

में बन्धुव्रा मजदूरी की हो सकती है जैसे कि विहार में मैंने तीन चार प्रथाओं के बारे में बताया है कि वे वहाँ पर चालू हैं। अगर उन को प्राप्त इस में मंशन नहीं करेंगे तो वे मजदूर जो इस तरह का काम करते हैं, वे इस के अन्तर्गत नहीं आएंगे और किसी न किसी रूप में बन्धक प्रथा चालू रहेगी। इसलिए मेरा कहना यह है कि मैंने जिन नामों का जिक्र अपने सशोधन में किया है, उन को प्राप्त स्वीकार करें।

SHRI S. M. SIDDAYYA: Different names have been included in the list of bonded labour. I have suggested inclusion of the name 'begar' because this exists in Maharashtra. Article 23 of the Constitution also prohibits 'begar'. 'Gothi' exists in Andhra Pradesh and Orissa also. These names have been given by the Commissioner for Scheduled Castes and Scheduled Tribes who had occasion to make an investigation into the matter. In the Bill only 31 names have been mentioned, I want the eleven names, which I have mentioned in my amendments, to be included. As the hon. Minister has already pointed out, if a name is included in the list, a presumption can be raised that it is a form of bonded labour; if it is not included, then it has to be proved that it is a bonded labour. I, therefore, suggest that all my amendments which I have moved may be accepted and the names included in the list, so that the list becomes exhaustive.

THE MINISTER OF LABOUR (SHRI RAGUNATHA REDDY): As I have submitted, this list cannot be made exhaustive. We have indicated this for the purpose of raising the legal presumption. This will give an indication to the courts; if any similar system is mentioned, they can raise the presumption; it is open to the court to draw a presumption under the Evidence Act. Here, in this enactment, the definition is more important

than any illustration. The definition given here is:

"'bonded labour system' means the system of forced, or partly forced labour under which a debtor enters, or has, or is presumed to have, entered, into an agreement with the creditor to the effect that,...."

Here, the definition is more important than any other statement. Even assuming that we include these, still there will be so many other systems also about which we may not have immediate knowledge. Therefore, let us see, how it works. If it does not work, we have no doubt, suitable amendments will be brought. But as I said, what is important is the definition and not the presumptions. I, therefore, respectfully decline to agree with the hon. Members.

MR. SPEAKER: Now I shall put all the amendments to Clause 2 to the vote of the House.

Amendments Nos. 13, 30, 61 to 66 and 68 were put and negatived.

MR. SPEAKER: The question is. "That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3— (Act to have overriding effect)

MR. SPEAKER: Now, we take up Clause 3.

SHRI S. M. SIDDAYYA: I beg to move:

Page 3, lines 34 to 36,—

for "in any enactment other than this Act, or in any instrument having effect by virtue

[Shri S. M. Siddayya.]

of any enactment other than this Act."

substitute "in any other law for the time being in force and in any instrument having effect by virtue of any such law." (88)

The clause as worded in the Bill is not properly drafted. I request that the amendment as proposed by me may be accepted by the Minister.

SHRI RAGHUNATHA REDDY: I decline to agree with the hon. Member.

SHRI S. M. SIDDAYYA: Sir, I am not pressing it.

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

SOME HON. MEMBERS: Yes.

Amendment No. 93 was, by leave withdrawn

MR SPEAKER: The question is:

"That clause 3 stand part of the Bill".

The motion was adopted.

Clause 3 was added to the Bill

MR. SPEAKER: Now we take up clauses 4 and 5 There are no amendments to clauses 4 and 5.

The question is:

"That clauses 4 and 5 stand part of the Bill."

The motion was adopted.

Clauses 4 and 5 were added to Bill.

Clause 6—(Liability to repay bonded debt to stand extinguished)

MR. SPEAKER: Now, we take up clause 6.

SHRI RAMAVATAR SHASTRI: I beg to move;

Page 4, lines 30 and 31,

for "as soon as may be practicable" substitute "within ten days." (31)

Page 4, lines 36 and 37,—

for "as soon as may be practicable" substitute "within ten days". (32)

Page 4 lines 40,—

for "thirty days" substitute—"ten days". (33)

Page 4, lines 41 and 42,—

for "within such time as may be prescribed" substitute "immediately". (34)

Page 4, line 46,—

for "such time as may be specified in the order" substitute "ten days". (35)

श्री रामावतार शास्त्री (पटना): अध्यक्ष जी, मेरा संशोधन बहुत ही साधारण है। इन्होंने कई जगहों पर as soon as may be practicable कहा है। कहीं इन्होंने कहा है within such time as may be specified in the order. यह कानूनी भाषा इस्तेमाल करने की कोशिश इन्होंने की है। ठीक है लेकिन इस से जो न्याय करन वाले लोग हैं, वे ज्यादा से ज्यादा समय ले लेंगे हैं। तो मेरे संशोधन का मंशा यही है कि इस में समय निर्धारित कर देना चाहिए, कही 10 दिन के अन्दर, कही 7 दिन के अन्दर और कहीं इतने दिनों के अन्दर क्योंकि जो बड़ा गुनाह करने वाले लोग हैं, जमीन मालिक हैं जोकि बन्धुआ मजदूरी करवाते हैं, अगर उन को आप पकड़ना चाहते हैं तो जाहिर बत है कि इस में आप समय निर्धारित करें हैं। As soon as may be practicable या "यथा-सम्भव" इस तरह की शीलशोष भाषा प्रयोग आप लिखते हैं तो इस से ही काम नहीं चलेगा। तो मेरे संशोधन का अकसर

इतना ही है कि निर्दिष्ट समय किश्तियाँ कर दिया जाय और उस समय में जो भी कार्य-वाही करनी है, उस को कर दालिये। कम से कम इस बात को तो आप को मान लेना चाहिए और लोको को कोई लेटीट्यूड या छूट मत दोशिये। "एक चुन एक" आप लिख देते हैं और तारीख पर तारीख बढ़ती जाती है जिस के कारण उल्हा कोई कार्य-वाही नहीं होती है।

13 hrs.

SHRI RAGHUNATHA REDDY: I have already answered this question we make a mere provision of the time limit without consequences thereof, it would only be directory and not mandatory and no purpose is likely to be served and especially in this matter, there will be a vigilance committee at the District level and also at the Sub-Divisional level and also legal aid is proposed to be given by the vigilance committee. In such circumstances, if we put details it will only be defeating the purpose of law and no useful purpose will be served.

MR. SPEAKER: I will put amendments 31 to 35 of Shri Ramavatar Shastri to vote.

Amendments Nos. 31 to 35 were put and negatived.

MR. SPEAKER: Now, the question is:

"Clause 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— (Freed bonded labourer not to be evicted from homestead, etc.)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 6, line 1,—

for "as early as practicable" substitute—"within seven days" (36)

I am not speaking on the amendment.

MR. SPEAKER: It is so kind of you.

Now, I will put amendment No. 36 of Shri Ramavatar Shastri to vote.

Amendment No. 36 was put and negatived.

MR. SPEAKER: I will now put the clause to vote. The question is:

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9— (Creditor not to accept payment against extinguished debt)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 6, line 7,—

after "with" insert "rigorous" (37)

Page 6, line 7,—

for "extend to" substitute "not be less than" (38)

Page 6, lines 12 and 13,—

for "such period as may be specified in the order" substitute "ten days" (39)

13 hrs.

श्री रामावतार शास्त्री : जो सजा का प्रावधान रखा गया है विधेयक में इसको में सख्त करना चाहता हूँ। अगर आप सख्त नहीं करेंगे तो जाहिर बख्त है कि आपका जो मकसद है वह पूरा नहीं होगा। आपने केवल यह लिख दिया है विद इम्प्रिजनमेंट। इतना बड़ा वह जुर्म करेगा बंधक मजदूर रखेगा लेकिन आप कह देते हैं विद इम्प्रिजनमेंट। वह सिम्पल होगी, रिगोरस होगी कुछ पत्रा नहीं है। मैं चाहता हूँ कि इस अपराध में सख्त से सख्त सजा होनी चाहिये। इसको तो आपको मान ही लेना चाहिये। इसी तरह से आपने कहा कि चिह्न में एक्सटेंड टू थ्री यीअर्स। आप ज्यादा से ज्यादा तीन साल सजा की सजा देना चाहते हैं। मेरा संश्लेषण यह है कि कम से कम तीन साल होनी चाहिये। इससे अधिक हो सकती है लेकिन इतनी तो कम से कम होनी ही चाहिये। टैंच इंज

[श्री रामावतार शास्त्री]

वाली पुरानी बात है और उस पर तो मैं बोल ही चुका हूँ।

श्री सच्चि भूषण : (दक्षिण दिल्ली) : शास्त्री जी प्रश्न कर नहीं रहे हैं। वह स्वयं दुखी हैं। मैं जानना चाहता हूँ कि धर्म पत्नी के जो बंधवा मजदूर हैं उनके लिए भी कोई इस विधेयक में प्रावधान है ?

MR. SPEAKER: It is against the International Women's Year.

SHRI RAGHUNATHA REDDY: This amendment relates to prescription of a minimum period of punishment. Now, the provision prescribes punishment upto three years. We would rather leave this matter to the discretion of the courts rather than provide a minimum punishment.

MR. SPEAKER: I will now put amendments 37 to 39 of Shri Ram-avtar Shastri to vote

Amendments Nos. 37 to 39 were put and negatived.

MR. SPEAKER: Now, the question is:

"That clause 9 stand part of the Bill."

The motion was adopted.

Clause 9 was added to the Bill.

New Clause 9A

SHRI M. KATHAMUTHU: I beg to move:

Page 6,—

after line 13, insert—

"CHAPTER IIIA

REHABILITATION OF FREED
BONDED LABOUR

9A. (1) Every State Government shall by notification in the Official Gazette constitute a separate Board for the purpose of rehabilitation of freed bonded labourers.

(2) Each such Board shall consist of the following members, namely:—

(a) the Minister of Labour or a person nominated by him who shall be the Chairman;

(b) three persons belonging to Scheduled Castes, Scheduled Tribes and a person working among agricultural labourer to be nominated by the Labour Minister;

(c) two social workers to be nominated by the Labour Minister;

(d) Secretary of the Finance Department of the State who shall be the Secretary of the Board;

(e) one person to represent the financial and credit institutions in the State to be nominated by the State Government;

(3) The State Government shall place at the disposal of the Board adequate funds for the working of the Board.

(4) It shall be the duty of the Board to prepare special schemes for providing alternate jobs for the freed bonded labourers and take any other measures to ensure their economic and social rehabilitation." (14)

MR. SPEAKER. I shall now put Amendment No 14 seeking to insert a new clause 9A to the vote of the House.

Amendment No 14 was put and negatived.

MR. SPEAKER: The question is:

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Clause 11—(Duty of District Magistrate and other officers to ensure.. credit)

श्री रामावतार शास्त्री : एज फार एज प्रेसिडेंटकेवल का क्या मतलब है ? इसको भाप हटा दे। बाकी आपकी ग्याहर क्लाज ठीक है।

I beg to move:

Page 6, line 25,—

omit “, as far as practicable,”
 (40)

SHRI RAGHUNATHA REDDY: I am sorry I am unable to accept this.

MR. SPEAKER: I shall now put Amendment No. 40 moved by Shri Ramavatar Shastri to the vote of the House.

Amendment No. 40 was put and negatived

MR. SPEAKER: The question is:

“That Clause 11 stand part of the Bill.”

The motion was adopted.

Clause 11 was added to the Bill.

Clause 12- (Duty of District Magistrate and officers authorised by him

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 6, line 36,—

for “such action as may be necessary” substitute “drastic action including arrest” (41)

इन धारा में अगर कोई बंधवा मजदूर रखता हुआ पाया जायगा तो प्राप कहते हैं कि थल टेक सच एकशन एज में बी निसेसरी। इसको मामूली बात समझ कर बानिग दे कर भी छोड़ा जा सकेगा। इस कानून के बाद अगर कोई इस गुनाह को करता पाया जाए, सुलाम प्रथा को जारी रखता हुआ पाया जाए और इनकवायरो के बाद मालूम हो जाएगा कि वह इस प्रथा को चला रहा है फिर भी प्राप कहते हैं कि सच एकशन एज में बी निसेसरी तो यह ठीक नहीं है। इसके खिलाफ इास्टिक एकशन लिया जाना चाहिये, उसको सख्त से सख्त सजा मिलनी चाहिये

इनक्लपूडिंग एरेस्ट उसको जेल होनी चाहिये। हमें प्राप जेल में डाल दें, कोई बात हो लेकिन बंधक मजदूर रखने वाले के प्रति प्रभा भी लगता है कि प्रापके दिल के किसी कोने में समता है। इसको प्राप त्यागें। इस कानून के बन जाने के बाद अगर कोई दोषी पाया जाता है तो उसको गिरफ्तार करके प्राप जेल में डालें। यहीं मेरा संशोधन है।

SHRI RAGHUNATHA REDDY: With regard to this, clause 12 places a duty on the District Magistrates and officers authorised by them under sec. 10 to perform certain duties with regard to bonded labour. As soon as they identify any bonded system of labour, they will have to take consequential action and if they do not do, so, I am afraid, they can also attract the provisions under Section 20 which would amount to abetment.

MR. SPEAKER: I shall now put Amendment No. 41 to Clause 12 to the vote of the House.

Amendment No. 41 was put and negatived.

MR. SPEAKER: The question is:

“That Clause 12 stand part of the Bill.”

The motion was adopted.

Clause 12 was added to the Bill.

New Clause 12-A

MR. SPEAKER: This is for insertion of new clause 12-A. Amendment No. 1. Shri Mohd. Ismail, not here. Amendment No. 15 Shri Kathamuthu.

SHRI M. KATHAMUTHU: I beg to move Amendment No. 15.

I beg to move:

Page 6,—

[Shri M Kathamuthu]

after line 39, insert—

"12A. (1) The Central Government shall by notification in the Official Gazette constitute a Central Vigilance Committee

(2) The Central Vigilance Committee shall consist of the following members, namely —

(a) The Central Labour Minister who shall be the Chairman,

(b) four members of Parliament,

(c) three representatives of voluntary organisations working among Scheduled Castes, Scheduled Tribes and backward classes and agricultural workers,

(d) not more than three persons to represent the official and non-official agencies connected with rural development to be nominated by the Central Government,

(e) the Commissioner for Scheduled Castes and Scheduled Tribes,

(f) one officer of the Banking Department connected with rural banks" (15)

My amendment is for the purpose of constituting the Central Vigilance Committee. There is need for a Vigilance Committee at the Central level to review the matter periodically because a constant effort is needed to abolish this system. For the implementation of the Act, the recommendation of the Central Committee is needed. I request the Minister to accept it.

SHRI BIREN DUTTA (Tripura West): I beg to move my amendment No 18 for new Clause 12-A

I beg to move:

Page 6,—

after line 37, insert —

"12A Whenever any State Government fails to provide machinery for the implementation of the Act within six months of passing of the Act the Central Government may confer such powers and impose such duties on an officer, as may be necessary, to ensure that the provisions of the Act are properly carried out and such officer shall perform duties, as mentioned in sections 10, 11 and 12, on behalf of the Central Government"

(18)

SHRI S M SIDDAYYA I am not moving my amendment

SHRI RAGHUNATHA REDDY: I have already explained our position with regard to these amendments in my reply to the debate. I am not in a position to accept them.

MR SPEAKER I will now put amendments Nos 15 and 18 together to the vote of the House.

Amendments Nos 15 and 18 were put and negatived

Clause 12—Vigilance Committees)

MR SPEAKER We go to Clause 13

SHRI M KATHAMUTHU I beg to move

Page 7,—

after line 27, insert,—

"(3A) Every State Government shall, by notification in the official Gazette constitute a State Vigilance Committee and each Vigilance Committee constituted for a State shall

consist of the following members, namely:—

the largest membership in the district" (19)

- (a) the State Labour Minister who shall be the Chairman;
- (b) three members of the State Legislature;
- (c) two representatives of the voluntary organisations working among the Scheduled Castes, Scheduled Tribes and agricultural workers;
- (d) the Director of Social Welfare in the State;
- (e) not more than three persons to represent official and non-official agencies connected with rural development to be nominated by Government;
- (f) one person to represent the financial and credit institutions in the State." (16)

I beg to move:

Page 7,—

after line 33, insert,—

"(4A) the functions of the Central and State Vigilance Committees shall be—

- (a) to advise the appropriate Governments as to the action to be taken to ensure that the provisions of the Act or any rule made thereunder are properly implemented;
- (b) to assist the economic and social rehabilitation of the freed bonded labourer;" (17)

SHRI BIREN DUTTA: I beg to move.

Page 7, line 4,—

for "social workers" substitute

"representatives of agricultural workers' organisations having

Page 7, line 18,—for 'social workers' substitute

"representatives of agricultural workers' organisations having the largest membership in the Sub-Division." (20)

MR. SPEAKER: Now, Shri Ramavatar Shastri.

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 7,—

for lines 4 and 5 substitute—

"(c) two representatives of the organised agricultural workers elected by secret ballot;" (42)

Page 7,—

after line 10, insert—

"(f) one member of Parliament and one Member of State Legislature." (43)

Page 7,—

for lines 18 and 19, substitute—

"(c) two representatives of the organised agricultural workers elected by secret ballot;" (44)

Page 7,—

after line 37, insert—

"(g) one member of State Legislature elected within the Sub-Division and one member of the District Board of the Panchayat Parishad as the case may be." (45)

ये मेरे चार संशोधन निगरानी समिति से ताल्लुक रखने वाले हैं। निगरानी समिति यह देखगी कि बंधुवा मजदूर की प्रथा वास्तव में खत्म हुई है या नहीं।

[Shri Ramavatar Shastri]

क्लाज 13 (सी) में 'दू सोशल वर्कर्स को रखने की बात कही गई है। सोशल वर्कर, सामाजिक कार्यकर्ता से बड़ा घपला पैदा होता है। जो सरकार का समर्थक होना है या कांग्रेस पार्टी का समर्थक होता है, वह तो रातों-रात सामाजिक कार्यकर्ता बन जाता है लेकिन किसी दूसरे दल के व्यक्तियों को सामाजिक कार्यकर्ता नहीं माना जाना है। मैं इस झूठ को साफ करना चाहता हूँ। मेरा सशोधन सख्या 42 यह है कि संगठन एग्रीकल्चर वर्कर्स के सीक्रेट कौन्सिल द्वारा दो प्रतिनिधि निगरानी समिति में रखे जायें। वे लोग इन समस्याओं को ज्यादा अच्छी तरह समझेंगे जब कि सामाजिक कार्यकर्ता इन बातों को नहीं समझते हैं।

जिजा स्नर पर बनाई जाने वाली निगरानी समिति में सरकार न तो किसी पार्लियामेंट के मेम्बर को रखना चाहती है और न विधान मंडल के किसी सदस्य को। उनको वहाँ रखने में सरकार को फायदा होगा।

मेरे संशोधन सख्या 43 का आशय यह है कि जिला निगरानी समिति में कम-से-कम एक पार्लियामेंट का मेम्बर और एक राज्य विधान मंडल का सदस्य प्रवेश रखा जाये। इससे उस समिति का दबदबा बढ़ेगा और वे लोग इस जिले को कार्यान्वित करने में सरकार की अधिक सहायता कर सकेंगे।

मेरा संशोधन सख्या 44 भी मेरे पहले संशोधन के समान है जिसमें मैंने संगठन एग्रीकल्चर वर्कर्स के दो चुने हुए प्रतिनिधियों को रखने का सुझाव दिया है।

जहाँ तक संशोधन सख्या 45 का सम्बन्ध है, जो सब-डिवीजन लेवल पर निगरानी समिति बनाई जायेगी, उसमें भी सरकार ने विधान मण्डल के सदस्यों को रखने की कोशिश नहीं की है। हम संशोधन के द्वारा मैंने यह सुझाव दिया है कि विधान-मण्डल के कम-से-कम एक सदस्य को उस समिति में रखा जाये। इसके प्रतिरिक्त देश के हर राज्य में डिस्ट्रिक्ट बोर्ड या जिला परिषद् काम कर रही है। निगरानी समिति का एकसद यह है कि मोलमाल करने वालों को पकड़े और उनको सबूत से सबूत सजा दे। सरकार सदस्य, विधान मण्डल और डिस्ट्रिक्ट बोर्ड या जिला परिषद् के सदस्यों को उसमें क्यों नहीं रखता है? सरकार उन लोगों के प्रति इतनी उदासीनता क्यों बरत रही है? मेरे संशोधन का आशय यही है कि इन लोगों को इन समितियों में रखने की व्यवस्था की जाये।

THE MINISTER OF LABOUR
(SHRI RAGHUNATHA REDDY) Sir,
I would like to state very respectfully that I have got very high respect for the Members of Legislature and Parliament. I want of respect for them is not the reason. That is not at all the case. The Vigilance Committee consists of three persons belonging to the scheduled castes and scheduled tribes residing in the district to be nominated by the District Magistrate.

What is necessary is that persons who are residing in that area who are members of the scheduled castes and scheduled tribes can safely be presumed to be persons belonging to the agricultural labourers. They can not, by any stretch of imagination, be considered to be the land lords. Therefore the representatives of the agricultural labour are there. So, to introduce an element of secret ballot to me sounds to be a little bit of romanticism in this case and it is not a practicable proposition.

With regard to the social worker, naturally, the District Magistrate is expected to exercise this mind in nominating the social workers—not the socialites—who have a deep heart and understanding the problems with them—not more than three persons who represent the official or non-official agency in the rural development to be nominated by the State Government. The hon Member referred to the zila parishad. Certainly, the zila parishad is connected with the rural development and the developmental agency. Therefore, the zila parishad representative is not precluded from being nominated. Naturally, the District Magistrate will have to consider associating zila parishad representatives in this case. If necessary, we will also advise the District Magistrate to follow this methodology in nominating one or two persons representing the financial and credit institutions in the district to be nominated by the district magistrate.

But, what is contemplated here is not merely abolition of bonded labour but also rehabilitation of the bonded labour. Therefore, developmental agencies and also financial institutions which provide the credit facilities must be associated. Therefore an effective type of agency is contemplated here. With regard to the associating of Members of legislature and Parliament, we can consider the question of having a review committee at every State level. That can be done at the administrative level instead of providing it in the statute.

MR SPEAKER I shall now put amendment numbers 16, 17, 19, 20 and 42 to 45 to the vote of the House

Amendments Nos 16, 17, 19, 20 and 42 to 45 were put and negatived.

MR. SPEAKER. The question is

“That Clause 13 stand part of the Bill”.

The motion was adopted.

Clause 13 was added to the Bill.

Clause 14—(Functions of Vigilance Committee)

MR SPEAKER We now take up clause 14 There are amendments. Shri Anadi Charan Das He is not here

SHRI S. M SIDDAYYA I beg to move.

Page 7, lines 38 and 39,—

for “the District Magistrate or any officer authorised by him”.
substitute,

‘the District Magistrate or any officer specified by him under section 10 and the Sub-Divisional Magistrate’. (60)

Page 7, lines 38 and 39,—

for (a) to advise the District Magistrate or any officer authorised by him as to the efforts made, and action taken, to ensure”

substitute “(a) to take such steps as to ensure” (94)

SHRI RAMAVATAR SHASTRI I beg to move

Page 8, line 3,—

add at the end—

“at the lowest rate of interest”
 (46)

MR SPEAKER I shall now put amendment Nos 46, 60 and 94 to the vote of the House

Amendments Nos. 60, 94 and 46 were put and negatived

MR SPEAKER The question is:

“That clause 14 stand part of the Bill”.

The motion was adopted

Clause 14 was added to the Bill.

MR. SPEAKER: Shri Anadi Charan Das. He is not here.

The question is:

"That clause 15 stand part of the Bill".

The motion was adopted.

Clause 15 was added to the Bill,

Clause 16—(Punishment for enforcement of bonded labour)

MR. SPEAKER: We shall now take up clause 16. There are amendments

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 8, line 22,—

after "with" insert "rigorous"
(47)

Page 8, line 23,—

for "extend to" substitute "not be less than" (48)

MR. SPEAKER: I shall now put amendment Nos 47 and 48 to the vote of the House

Amendments Nos 47 and 48 were put and negatived

MR. SPEAKER: The question is

"That clause 16 stand part of the Bill".

The motion was adopted

Clause 16 was added to the Bill.

Clause 17—(Punishment for advancement of bonded debt)

SHRI RAMAVATAR SHASTRI: Sir, I beg to move:

Page 8, line 26,—

after "with" insert "rigorous"
(49)

Page 8, line 27,—

for "extend to" substitute "not be less than" (50)

MR. SPEAKER: I will now put amendments Nos. 49 and 50 to the vote of the House.

Amendment Nos. 49 and 50 were put and negatived.

MR. SPEAKER: The question is:

"That Clause 17 stand part of the Bill."

The motion was adopted.

Clause 17 was added to the Bill.

Clause 18—(Punishment for extracting bonded labour under the bonded labour system)

SHRI BIREN DUTTA: Sir, I beg to move:

Page 8, line 33,—

after "with" insert "rigorous"
(21)

Page 8, line 34,—

for "three" substitute "five" (22)
Page 8, line 35,—

for "two" substitute "five" (23)
Page 8, line 36,—

for "five" substitute "eight" (24)

SHRI RAMAVATAR SHASTRI: Sir, I beg to move

Page 8, line 34,—

for "extend to" substitute "not be less than" (52)

Page 8, line 36,—

for "five" substitute "seven" (53)

MR. SPEAKER: As amendment No. 51 is the same as amendment No. 21, therefore, it will not be moved. Now, I will put amendment Nos. 21, 22, 23, 24, 52 and 53 to the vote of the House.

Amendments Nos 21 to 24 and 52 and 53 were put and negatived.

MR. SPEAKER: The question is:

"That Clause 18 stand part of the Bill."

The motion was adopted

Clause 18 was added to the Bill.

Clause 19—(Punishment for omission or failure to restore possession of property to bonded labourers)

SHRI BIREN DUTTA: Sir, I beg to move:

Page 8, line 41,—

after "with" insert "rigorous" (25)

Page 8, line 42,—

for "one year" substitute "two years" (26)

Page 8, line 42,—

for "one thousand" substitute "two thousand" (27)

Page 8, line 44,—

for "five" substitute "eight" (28)

SHRI RAMAVATAR SHASTRI: Sir, I beg to move:

Page 8, line 42,—

for "or with fine" substitute "and with fine" (54)

Page 8, lines 42 and 43,—

omit "or with both" (55)

Page 8, line 44,—

for "five" substitute "seven" (56)

MR. SPEAKER: I will now put amendment Nos. 25, 26, 27, 28, 54, 55 and 56 to the vote of the House.

Amendments Nos. 25 to 28 and 54 to 56 were put and negatived.

MR. SPEAKER: The question is:

"That Clause 19 stand part of the Bill."

The motion was adopted.

Clause 19 was added to the Bill.

Clause 20—(Abetment to be an offence)

SHRI RAMAVATAR SHASTRI: Sir, I beg to move:

Page 9,—

"after line 3, insert—

"(2) If any officer of the State Government or any member of the Vigilance Committee abets or helps the commission of any offence under this Act, whether or not the offence abetted is committed, shall be punishable with twice the rate of punishment as is provided for the offence which has been abetted" (57)

मेरे संशोधन का मंशा यह है कि जो सजा बंधुधारा मजदूर रखने वाले को दी जाएगी, उस से दुगुनी सजा उस अफसर या विजिलेस कमेटी के उम सदस्य को दी जाये, जो बंधुधारा मजदूर रखने वाले की मदद करे या बंधुधारी में सहायक हो। बहुत दफा यह देखा गया है कि अफसर लोग, या वे गलत तत्व जो कमेटियों में चुम जाते हैं या जिन को सरकार कमेटियों में रख देती है, गुनाह या गोल-माल करने वालों की मदद करते हैं। ऐसे लोगों को दंडित करने की कोई व्यवस्था इस विधेयक में नहीं रखी गई है। उन लोगों को केवल क्रिटिसाइज करके, या उन की एक्सप्लेनेशन मांग कर, ही न छोड़ देना चाहिए, हालांकि इस विधेयक में उन की व्यवस्था भी नहीं की गई है। उन को इतनी सख्त सजा देनी चाहिए कि किसी अफसर या विजिलेंस कमेटी के किसी मेम्बर को बंधुधारा

(Shri Ramavatar Shastri.)

मजदूर रखने वाले समाज-विरोधी तत्वों, जनता-विरोधी या मजदूर-विरोधी लोगों को दोबारा मदद करने की हिम्मत न हो ।

SHRI RAGHUNATHA REDDY: This clause deals with the applicability of the doctrine of abetment; it has nothing to do with punishment. Even otherwise, the maximum punishment is provided for any offence. If it is abetment, it would be treated as a substantive offence committed by the person himself. In such cases, it would be three years. I have no doubt that the courts would take a serious view of the matter if persons like members of the Vigilance Committee themselves commit this offence. There need not be any separate provision for it.

MR. SPEAKER: I shall now put amendment No. 57 to vote.

Amendment No. 57 was put and negatived.

MR. SPEAKER: The question is:

"That clause 20 stand part of the Bill."

The motion was adopted.

Clause 20 was added to the Bill.

Clause 21 was added to the Bill.

Clause 22—(Cognizance of offences)

SHRI RAMAVATAR SHASTRI: I move:

Page 9, line 15,—

omit "and bailable" (58)

SHRI S. M. SIDDAYYA: I move:

Page 9, line 15,—

for "bailable" substitute "non-bailable" (95)

MR. SPEAKER: I shall now put both these amendments to vote.

Amendments Nos. 58 and 95 were put and negatived.

MR. SPEAKER: The question is:

"That clause 22 stand part of the Bill".

The motion was adopted

Clause 22 was added to the Bill.

Clause 23 was added to the Bill.

Clause 24—(Protection of action taken in good faith)

SHRI BIREN DUTTA: I beg to move:

Page 9,—

after line 39, insert—

"(2) If any officer of the State Government or any member of the Vigilance Committee abets the commission of any offence under this Act, whether or not the offence abetted is committed, shall be punishable with twice the rate of punishment as is provided for for the offence which has been abetted." (29).

MR. SPEAKER: I shall now put this amendment to vote.

Amendment No. 29 was put and negatived.

MR. SPEAKER: The question is:

"That clause 24 stand part of the Bill".

The motion was adopted

*Clause 24 was added to the Bill.
Clauses 25 and 26 were added to the Bill.*

New Clause 26A

SHRI S. M. SIDDAYYA: I beg to move:

Page 10,—

after line 27 insert,—

“26A(1) Subject to such rules as the Central Government may make in this behalf under section 26, the State Government shall take such measures as may be necessary for the economic and social rehabilitation of the freed bonded labourers.

(2) In particular and without prejudice to the generality of the provisions of sub-section (1), such measures may include—

(i) the provision of adequate facilities including legal aid to the bonded labourers; and

(ii) the setting up of a Committee at the State level, to review periodically the working of the provisions of the Act with a view to suggesting measures for better implementation of the provisions of this Act.

(3) The Central Government shall take such steps as may be necessary to co-ordinate the measures taken by the State Government under sub-section (1).

(4) The Central Government shall, every year, place on the Table of each House of Parliament a Report on the measures taken by itself and by the State Governments in pursuance of the provisions of this section.” (96)

This amendment seeks to have a Committee set up at the State level. The Minister has agreed to suggest to State Governments to set up such a Committee. Instead of making it a matter of suggestion to them, we should have such a provision in the Bill itself so that it becomes binding on State Governments. The sugges-

tion made by the Minister may or may not be accepted. Secondly, the Central Government will have to be involved in this to co-ordinate the actions taken by State Governments. Thirdly, a report of the action taken by the State Governments and the Central Government should be laid on the Table so that Parliament can discuss it. All these things are incorporated in my amendment and I request the Minister to accept it.

SHRI RAGHUNATHA REDDY: As I have already submitted, the Central Labour Ministry is the nodal Ministry to co-ordinate all activities. With regard to the formation of a Committee by statute I gave the explanation about it. The immediate problem would be at the district and sub-divisional level. If necessary, we can consider the question of having a Review Committee at the administrative level. About the progress made, from time to time it will be relayed to the House and certainly I shall come to the House to make a statement with regard to the progress made about the implementation of this law.

MR. SPEAKER: Is Mr. Siddayya pressing his amendment?

SHRI S. M. SIDDAYYA: I do not press my amendment. I withdraw the same.

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

Amendment No. 96 was by leave withdrawn.

MR. SPEAKER: The question is:

“That clauses 27 and 1 stand part of the Bill.”

The motion was adopted.

Clauses 27 and 1 were added to the Bill.

Enacting Formula

(Amendment made)

Page 1, line 1,—

for "Twenty-sixth" substitute
"twenty-seventh" (92).

(Shri Raghunatha Reddy)

MR. SPEAKER: The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill

SHRI RAGHUNATHA REDDY. I beg to move:

"That the Bill, as amended, be passed."

MR. SPEAKER: Motion moved:

"That the Bill, as amended, be passed."

श्री रामावतार शास्त्री (पटना)
अध्यक्ष महोदय, जो छोटी-मोटी कमिया हम लागो ने इस विधेयक में पाई उन का उल्लेख हम लोगो ने यहा किया। उन कमियो के बाबजूद वह विधेयक स्वागत योग्य है

13 33 hrs.

[MR. DEPUTY-SPEAKER in the Chair.]

देर से ही मही सरकार ने इस तरह का कानून बना कर बंधक या बंधुवा मजदूर रखने वालो के खिलाफ जवदेस्त चोट की है। इसलिए इस विधेयक का समर्थन केवल वही लोग नहीं करेगे जो समाज को यथास्थिति में रखना चाहते है, इस में परिवर्तन करना नहीं चाहते, जो यह नही चाहते कि हिन्दुस्तान में सामन्ती प्रथा को समाप्त किया जाय और हिन्दुस्तान को सही माने में समाजवाद के रास्ते पर

ले जाया जाय। जो लोग इस तरह के होंगे वही इस तरह के विधेयक का विरोध करेंगे। बाकी तमाम लोग जो जनतंत्र में, स्वतन्त्रता में, समाजवाद में और गरीबी मिटाने में विश्वास रखते है वे सभी के सभी इस विधेयक का समर्थन करेगे। हमी दृष्टिकोण से मैं भी इस विधेयक का जोरदार समर्थन करता हू।

दूमरी बात कई राज्यों के अन्दर कही तो मुख्य मंत्री ने जेंने कि तामिलनाडु के मुख्य मंत्री ने कह दिया रीब में आकर बिना पना लगाए हुए कि हमारे यहा बंधक मजदूर प्रथा नहीं है और उमी तरह बिहार सरकार के लेबर मिनिस्टर ने भी कह दिया कि वहा भी बंधक मजदूर की प्रथा नहीं है जिन का विरोध वहा की कम्युनिस्ट पार्टी, बिहार राज्य कम्युनिस्ट पार्टी के मंत्री को करना पडा कि यह गलत बान है। तो किसी न किसी रूप में हिन्दुस्तान के प्राय. सभी राज्यों में इस तरह की प्रथा है जिसे मिटाने के लिए हम को भार आप को पूरा-पूरा प्रयास करना है।

तीसरी बात—सजा का जो आप ने प्रावधान रखा है वह ठीक है, उस का पालन हो, वह कार्यान्वित हो, सजा उन्हें मिले। पैरवी से बंधक मजदूर रखने वाले छोडे नहीं जाये। उन को आप पकडिए।

अन्तिम बात जो सब से बड़ी बान है पुनर्वास की उस में संबंध में मैं निवेदन करना चाहता हू कि जो बंधक मजदूर याजाद होंगे जिन की बाकी कल गणतंत्र दिवस के अवसर पर हमें देखने की मिली कि वे लाग नाच रहे है, गा रहे है कि हम ने गुलामी से छुटकारा पाया, उन क पुनर्वास की जरूरत है, उन्हें हर तरह की महायता देने की जरूरत है। अगर उन के लिए पुनर्वास की व्यवस्था आप नहीं

करेगे और उन की सहायता नहीं करेगे इस काम में तो केवल इसी गानून में काम नहीं चलेगा। इन शब्दों के साथ मैं प्रार्थना करना हूँ कि आप का ध्यान इस और जायगा।

श्री परिपूर्णब पंथली (टिहरी-गडवाग) उपाध्यक्ष महादय, यह विल स्वागत योग्य है। मैं एक दावाती की प्रार्थना करती हूँ। मंत्री जी का ध्यान आकर्षित करना चाहता हूँ। पहली बात तो यह कि इस विल के पास हा जाने के बाद जिन समस्यायें इस क ऊपर चर्चा में दिखा लीया है उन को बुना कर उन से मुझावा का किस तरह से कार्य रूप में परिणित किया जाय इस के बारे में उन के सुझावों को आप न ताकि सदन में जिन वातों पर चर्चा नहीं हो सकी है तथा इस के कार्यान्वयन में जो अनेक दिक्कतें हैं उन के बारे में आप उन से चर्चा कर सकें। मैं यह बात इसलिए भी कह रहा हूँ क्योंकि यह सोशियोलॉजिकल एम्प्लेट है। गानून से भी उन को गहत मिलेगी लेकिन वही एकमात्र चीज नहीं है। जब तक कि आप उस के कार्यान्वयन के मामले में पब्लिक प्रेजेन्टेटिव्स का इन्वाल्वमेंट नहीं करोगे, केवल ब्यूरोक्रेट्स के ऊपर सौंपने से इस में सफलता नहीं मिलेगी। हरिजन कल्याण समितिया भी हम ने देखी हैं। डिस्ट्रिक्ट मैजिस्ट्रेट के द्वारा जो नामजद होते हैं वे भी कई बार स्थावरी वेस्टेड इन्स्टिट्यूट के साथ मिल जाते हैं। इसलिए जिनके साथ न्याय होना चाहिए उन के साथ न्याय नहीं हो पाता है।

एक बात और मैं निवेदन करना चाहता हूँ और वह यह है कि उन को ऋण मुक्त करने प्रावधान आपने किया

है। निवेदन करता हूँ कि यो लेंड नाईड मंत्री कर्ता लेंगे व उस के विकल्प में जो आप उन्हें कर्जों की फॉर्गिविटीज देना चाहते हैं उस पर तब तक कौन भी एजेंसी होगी? कूरन बैरम की जो व्यवस्था आप ने की है वह केवल गावों के जा सभ्रान्त किसानों को उन्हीं को उस में कार्यदा मिलेगा। व्यवस्था मजदूरों को उन से क्या फायदा पहुंच सकेगा? विजिलेंस कमेटिया के बारे में भी मैं निवेदन करता हूँ कि समय बर्बाद उस में ऐन होना चाहिए जो कि सचमुच में ऐन नाया का प्रतिनिधित्व करते हों। दूसरी शब्दों के साथ मैं इसका समर्थन करना हूँ।

SHRI ERASMO de SEQUEIRA. (Maimagoo) Mr Deputy Speaker, Sir, it is a very good thing that we are passing today a bill for the abolition of bonded labour and we all welcome it. But, Sir, is it not an indictment of the Government that this bill is being passed in the 26th year of this Republic? What was Congress Government after Congress Government doing all these twenty-five years?

MR DEPUTY-SPEAKER This you should have said at the beginning, not at the end

(Interruptions)

SHRI ERASMO de SEQUEIRA: Sir, the hon Minister himself has said that even today we do not have a survey of the extent of bonded labour in this country, and my fear is that just like many laws that we have enacted in this House, this one also will go on the Statute Book but will remain mostly unimplemented. The Minister was speaking about Vigilance Committees. We would all welcome that Vigilance Committees would be formed, so that the Act that we are passing is really of some benefit to the common people of this country.

[Shri Erasmo De Sequeira]

But, Sir, let me also request the hon. Minister to see that these Vigilance Committees should not be turned into some kind of Congress Committees at the constituency level. This Government may try in this manner, and get out of the direstraits in which it finds itself before the people of this country because of its total inability to function. I agree that the hon Minister should come forward before this House from time to time, and tell us exactly what is the extent of implementation of this Bill. But, in any view, he can only do this until the 18th March, because on that day he must unbind himself from the chair, and go to the people.

THE MINISTER OF LABOUR (Shri RAGHUNATHA REDDY): Sir, I had already explained the legal position with regard to the points made by Shri Ramavatar Shastri. The law passed by the Parliament is the law that is applicable to all parts of the country and no State can escape the provisions of the law. He need not have any apprehension whether a particular State would implement it or not because the law is applicable to each State and every officer who is mentioned in this enactment is bound to implement the law. He need not have any apprehension about it. With regard to what my friend Mr. Erasmo de Sequeira has mentioned, this is part of our social system, this cannot be there merely by law and every Member of this House must exercise his influence and rouse the social conscience of the people. For instance, Shri Shrikishna Mody brought to my notice that about 50 workers were working here as bonded labour for the last five years as part of the contract labour system. We took immediate action and within 24 hours, they were freed and sent back to their homes with necessary help.

With regard to the suggestion made by friend, I will try my best to convene a meeting of the members who have participated in the debate, as soon as the House adjourns.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

13.42 hrs.

STATUTORY RESOLUTION RE DIS-APPROVAL OF CONSERVATION OF FOREIGN EXCHANGE AND PRESENTATION OF SMUGGLING ACTIVITIES (SECOND AMENDMENT) ORDINANCE AND CONSERVATION OF FOREIGN EXCHANGE AND PREVENTION OF SMUGGLING ACTIVITIES (AMENDMENT) BILL.

SHRI ERASMO de SEQUEIRA (Marmagao): Sir, I beg to move:

"This House disapproves of the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Second Amendment) Ordinance, 1975 (Ordinance No. 29 of 1975) promulgated by the President on the 12th Decmber, 1975"

Sir, it is again my duty to stand in this House and protest against the manner in which this government is ruling by ordinance and by edict, instead of by law. This is the Fascist method, not the democratic one.

Under the original enactment, Government already had power to extend, in the case of a person who has been detained before 31st December, 1975, the period of detention by one year, or two years as the case may be, under section 9 or 10. I would like to ask the minister, what was the justification for this ordinance? How many people has the government detained between 31st December 75 and today, under the ordinance?