

अध्वक्ष महोदय: सुनिये, सब बिल बताये जा चुके हैं। उनके अलावा कोई भी बिल आने वाला नहीं है।

श्री रघुनाथ सिंह (जिला बनारस मध्य): हम लोगों की रिक्वेस्ट है कि जहां तक अस्पृश्यता का सम्बन्ध है, यह बिल अगर इसी समय आ जाता तो बहुत उत्तम होता।

Mr. Speaker: The hon. Member will have consultations with the hon. Minister and if the Minister is agreeable and if the House is also agreeable, I have no objection to prolong the sittings of the House for any length of time. It is for the hon. Members to consider whether they will sit after the 21st May, as I find the House is already restive and is protesting that we have extended the sittings by about 6 days more.

MINIMUM WAGES (AMENDMENT)
BILL.—Contd.

9-A.M.

Mr. Speaker: We will now proceed with the further consideration of the following motion moved by Shri V. V. Giri on the 13th March, 1954, namely:—

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

I might say that the time allotted to this Bill is two hours out of which 18 minutes have been taken up before.

Shri Tushar Chatterjea (Serampore): Mr. Speaker, Sir, some time back I heard the Labour Minister saying something about the Minimum Wages Act in the Central Advisory Board for fixation of minimum wages, and what the Labour Minister said there goes to show that the Government has, of late, become a bit serious about this Minimum Wages Bill.

Mr. Speaker: Order, order.

Shri Tushar Chatterjea: The Labour Minister assured us that the Government will try to fix adequate minimum wages and also a sort of regional or State minimum will be fixed. This was assuring, no doubt, but the point

is, so far as this Bill goes, we do not see any seriousness in the attitude of the Government. Had the Government in their mind such things as fixation of minimum wages and some sort of regional or State minimum, then, certainly, they would have proposed a new sort of Bill in which such things would have been incorporated. But, so far as this Bill goes, we do not find any serious attitude of the Government.

I say this, firstly, because, for a long time this Bill is pending in the House. From the Government side it is argued that it is due to the overcrowding of business here that this Bill could not be put through. But, had Government been serious about guaranteeing minimum wages to the workers then they could have arranged for the promulgation of an Ordinance just as they did in the case of compensation for lay-off etc. But this has not been done and the fixing of the minimum wage of the workers has been made to depend on the prolonged procedure of the House.

Secondly what do we find in this Bill? Extension of the time-limit has been granted. Altogether, I have calculated four years have elapsed from the original time-limit fixed. This means that the workers have been made to suffer material loss for these four years, when the workers have been legitimately demanding the fixation of minimum wages and the spokesmen of the Government of India very very categorically say that in India the workers are not yet given adequate minimum wages. This extension after extension of the time for fixing the minimum wages means that the Government is not at all serious about this vital labour demand.

The argument that is advanced in the Statement of Objects and Reasons is also not convincing. One argument is that some more time should be given for the Part B States for making complete arrangements to implement the Minimum Wages Act. Already three years have passed. Are we to

believe that three years are not enough for the States for making complete arrangements? For Part A States, some argument has been advanced that there are some legal difficulties and this Bill has to be brought about. We are not responsible for these legal difficulties. It is the business of the States to implement the Bill timely and for the fault of the Governments the workers cannot be held responsible. In other words, the workers cannot be asked to suffer material loss. We do not want to oppose the Bill, rather we want a quick passage of the Bill. In view of the circumstances and the experience we have got, even now we cannot rest assured, when a final time-limit has been fixed, that the State Governments would adequately implement the provisions of this Act in time.

We have every reason to suspect that there may be still negligence on the part of State Governments, and so we must demand a safeguard. Supposing a particular State Government does not fix the minimum wage rate in time for a particular section of employees, then there must be some sort of a safeguard by which the workers can get their demand of a minimum wage fixed. Therefore, I would suggest to Government that, whatever the Bill provides for, Government must take up the attitude that in case a State Government fails to implement it, in time, then some machinery should be evolved by which workers can have the right to refer the matter to a tribunal, which shall have the right to determine the minimum wage rate and that rate must be binding on the employers.

The Bill does not make any effective provision for the fixation of the minimum wage rate itself. In the Bill provision has been made that it is the business of the State Governments to consider what should be the upper limit of wages. As far as our experience goes, State Governments do not always consider the pros and cons in full and they do not take into

consideration the actual labour conditions. Many State Governments are led to fix the minimum rate in such a manner that it does not serve the interests of the workers. As the Labour Minister said in the Central Advisory Board, if Government is really serious about the fixation of adequate minimum wages, then some limit should be fixed in the Bill itself, but the Bill falls short of the necessity in this respect.

Then there is a provision in the Bill for excluding a part of the States so far as agricultural labourers are concerned. We do not understand how instead of making a provision for the whole of the State for agricultural labourers, a part of the State can be made the basis for fixation of the minimum rate of wages. I can cite an example. In West Bengal, as far as the paper report goes, the minimum rate for agricultural workers has been fixed only in the districts of Darjeeling and Jalpaiguri and that too in some parts. We understand by this that in other parts of West Bengal, all the agricultural labourers get adequate minimum wages. It is actually nothing of that kind. The Labour Minister himself was once reporting here that the condition of the agricultural labourers is very precarious and that those labourers generally remain unemployed for 100 days in a year. He also quoted that the average daily income of an agricultural labourer is Rs. 1-4-0 and that is for the whole family. If this is the finding of the Agricultural Labour Enquiry Committee, then certainly it demands that the minimum rate of wages should be fixed not only for a part of the State for agricultural labourers, but for the whole of the State, but nothing of the kind has been provided for in the Bill.

The Bill does not make any provision for determining the principles on which the fixation should be made and that has been entirely left to the State Governments. Of course, there is one provision by which a tripartite

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board is appointed, but that board is not a compulsory affair. The State can do the fixation and in some cases the tripartite board also can do it and this means that in the mind of the Government, there is no fixed opinion as to the principles on which the minimum wage should be fixed. The Labour Minister is reported to have said in the Central Advisory Board that the Fair Wages Committee's recommendations would be followed and a proper fixation would be made. We cannot rely on those words only. There must have been something definite and categorical in the Bill itself. Otherwise, how can you just depend upon occasional promises and assurances of the Labour Minister? In that respect also, the Bill falls short of the necessity.

Another very important thing is that even where the minimum rates have been fixed—of course, I do not know the details of the rates—it has been reported that there are some cases where it is fixed at a level even lower than the existing level. I have got only a very few instances and I do not know the details in respect of the whole country in this matter. The Government has not yet come forward with a detailed report from which we can know actually what sort of minimum rates have been fixed in the different employments. Why should there be this secrecy on the part of Government? Why should Government not come forward with a detailed report so that we may know whether the fixation of the rate has been properly made or whether it is made as a matter of formality only and the adequacy is not there. It is very necessary that a detailed report should be forwarded. Otherwise, we cannot remove the suspicion from our minds. The Labour Minister definitely said in the Central Advisory Board that the object of the Minimum Wages Act is not to endorse existing rates, but fix adequate wages. We want to know what the guarantee is that these words or promises will be implemented in practice. Nothing

of the kind has been provided in the Bill.

About the Fair Wages Committee's recommendations, for a long time from the workers' said, demands have been made that those recommendations should be implemented. The Fair Wages Committee have recommended that the fixation of the minimum wage should not be taken as the minimum subsistence wage. It should be something higher than the minimum subsistence wage and should take into consideration not only the living conditions of the workers but also their efficiency and their improved standard of life. The Fair Wages Committee has recommended that in fixing the minimum wage, the question of the capacity of the employers to pay should not come at all. We know in several cases the employers make the plea that they have not the capacity to pay the rate that may be fixed. The recommendation of the Committee is that the question of the employers' capacity must not come in when fixation is being made, and that Committee submitted its report as far back as 1949. I do not know whether Government has done anything on it up till now. We want that when the Bill is going to get passed, these defects must be corrected and remedied.

Lastly, I come to the extension of the Minimum Wages Act. As far as I have read the newspaper report, even the Central Advisory Board has suggested that provision should be made for extension to other employments. This Bill does not provide anything of the kind. We do not understand why the Labour Minister, sitting on the Central Advisory Board, says one thing and the Bill falls short of what the Central Advisory Board has suggested and what the Labour Minister himself is committed to. We want that the extension of the Minimum Wages Act should be made to other industries as well and this should have been referred to by Government in the Bill itself.

There is another very important loophole or defect in the Bill. There

is one provision that in such employments in which less than 1,000 workers work in a whole State that particular employment should not come under the purview of this Bill. The point is this. It may be that, generally speaking, there is no such employment where in the whole of a State there are less than 1,000 workers; it may be the case at the present moment. But supposing somewhere in a particular State, there is found an employment in which less than 1,000 workers work, then what wrong or what fault those particular workers have done for which they are to be deprived of these minimum wages. We do not understand. It may be the case of 500 workers; it may be the case of 900 workers. Those poor workers have not done any thing wrong because they are less in number. Why then should they be deprived of this benefit? We cannot understand the logic of this thing. Therefore, our final demand is this. This Bill falls far short of the demand of not only the workers, it also falls far short of the suggestions of the Labour Minister himself and the Central Advisory Board of the Minimum Wages. They have understood or experienced or realised that at the present moment there is a big gap between this Bill and the pronouncements of the Labour Minister. We therefore hope and urge upon the Government that all these difficulties must be looked into; the defects must be corrected and the Bill should be modified in such a way that all the demands of the workers are fulfilled.

Shri Ramachandra Reddi (Nellore): I have a few observations to make on the Bill under consideration. I am second to none in the matter of appreciation of the provision of better amenities to labour. But our normal enthusiasm to support labour should not out-run the practical difficulties that we have to encounter. In several States, I know, minimum wages have been fixed and they are now being adopted but we have not been given any opportunity to know to what extent the minimum wages that have been fixed there are

being adopted and to what extent they are favourably reacting upon both labour and capital there and to what extent Government have been able to appreciate the exact position that is happening there.

I know in Madras and Andhra States in several sectors of industrial activity minimum wages have been fixed but we have not yet known either from the States or from the Centre whether the minimum wages have been satisfactory; whether there has been any bad reaction after the minimum wages have been fixed and worked and to what extent improvements or adjustments are necessary. I know in a few small or minor industrial pursuits, the minimum wages have worked havoc because the small capitalists who started certain industries were not able to cope up with the wage rate and so they had practically to discontinue their industrial enterprises. Especially in the rural areas where labour cannot find supplementary employment in factories or other industrial concerns, and where labour will be satisfied with a small wage, minimum wages have been fixed at a higher rate than the capitalists could bear or the labour would be able to secure otherwise. In such circumstances there is deployment of labour. Several thousands of labour in several industries have been deployed already and they are not able to find employment. They can migrate to towns where employment will be available but even in towns there is rush for employment and as such people who are living in rural areas are not able to secure employment in urban areas. In these circumstances, I only wish that the Government examines thoroughly the position to the extent the Minimum Wages Act has been made applicable and to the extent that minimum wages have been fixed. After that, certain adjustments may have to be made and the Government will have to think, rather soon, about these adjustments which are very urgent.

In the fixation of minimum wages, fair wages have been thought of and in some cases dearness wages also have

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been provided. But no notice has been taken by either the Government or by the sponsors of labour movements to find out ways and means of employing those people who have been deployed. One of the causes of deployment is that the wage rate is not possible for the small capitalist to advance.

As regards the minimum wages in the agricultural sector in rural areas, it is a very complicated problem and it is not easy theoretically to approach it and pass a few remarks. Those who know the agricultural sector and could assess the work that they are getting from the labourer would be able to assist the Government in coming to proper conclusion. Mere theoretical expressions would not help the situation at all because the standards of labour have to be diagnosed properly and the skilled and unskilled classes of labour in agricultural operations will have to be taken into consideration as in the Industrial Sector. Furthermore, agriculture is not an occupation which gives employment throughout the year. It is a seasonal industry and people are employed during a particular season and after that season is over they are practically deployed from the agricultural operations. It is, therefore, to be very carefully and tactfully handled and unless separate laws like the laws applicable to the factories are also passed to ensure that agriculture does not suffer on account of the fixation of minimum wages it will not be economical for the agricultural industry to utilise agricultural labour. It is, therefore, absolutely necessary that the matter has to be gone into with greater care. As a matter of fact, agricultural practices change from place to place and even in the same district they are different in different localities. I am sure in certain places where agricultural wages have been indicated in the press, or the State gazettes, certain landlords pay much higher wages than what is actually shown in the gazette. To that extent if minimum wages are fixed on a uniform scale the wage earner who is able to earn

much more than what is likely to be fixed on a uniform scale will suffer. If there are permanent labour employed by the landlords, they are, I think, paid adequately because without adequate payment, they will be reluctant to work and produce to any degree of satisfaction. I have known certain officers of the Agricultural Department who used to say that if we are paid as you pay, we need not stay in the government service. If that is the impression that is created in the minds of the officers themselves in the Agricultural Department, there is something which has to be properly examined and understood before these things are taken up seriously. I do wish that the Government would examine these things and come forward with a scheme for fixation of minimum wages even in the agricultural sector. Because, in the absence of any definite laws for working the minimum wages or to form a basis for the minimum wages in this sector, there are already very many difficulties that are experienced. For instance, agricultural labour does not come to the field as we find the industrial labour coming to the factory. They take their own hours of work and they leave the field as and when they like. But these are things which can be adjusted only by legislation which has to be strictly adhered to. In these circumstances there is no use in hustling any measure which would force the Government to fix minimum wages in the agricultural sector.

As I have already mentioned, the matter has to be tackled very soon, both from the point of view of agricultural labour as well as from the point of view of agricultural production which is entrusted to the care of the agricultural land-owners. As a matter of fact, in every State the number of bigger landlords is very small. And if labour laws have to be adopted, it will affect only a very small number of labour and also only a small number of landlords or capitalists. The question is whether it is

worth while to fix wages or to take up any law to control the agricultural operations and the labour thereof. It is necessary that the Government should examine all these things more carefully, if necessary, after consulting both the labour as well as the capitalists or the agricultural producers, as the Government is doing in the case of industrial labour.

Special attention has to be paid when fixing these wages to the conditions that exist in the rural areas. As I have already pointed out, the conditions are quite different in the rural areas from those in the urban areas. Any small trouble created in the rural areas, especially in the agricultural sector, would not only hamper the agricultural operations but also produce very bad results in the matter of production. After all, agriculture being a seasonal industry, it is very useful to understand the actual needs of the agricultural industry as well as the needs of the agricultural labour in each rural area. Conditions might differ not only from State to State but from village to village in a particular area also. It depends upon the productive capacity and the cultural practices in each area.

I therefore suggest earnestly to the hon. Minister of Labour that these matters will have to be very carefully considered. A mere theoretical solution should not be swallowed in because the later results might lead to disaster and great trouble. That has to be faced by the Government as well as the industry. In this connection I would only earnestly appeal to the hon. Minister that wherever the question of minimum wages occurs and wherever the question of employment of labour is taken up, they must see not only that those who are in employment are paid properly but also find ways and means for employing again those who are disemployed on account of some circumstances in the labour sector. Because, if a man cannot maintain a particular industry and as such has to disemploy several members of the labour sector, Government will be doing a

great injustice to labour if they cannot be employed otherwise. So, as we adopt these labour laws and as we adopt these minimum wages to be fixed sooner or later, we have to see that as much labour as is thrown out of employment is found other sources of employment to enable them to eke out their livelihood. We cannot always equate the circumstances in the industrial labour with those in agricultural labour. Special care has to be taken to discriminate or discern between the two sectors of labour.

The Minister of Labour (Shri V. V. Giri): I am grateful to hon. Members belonging to all sections of the House for the constructive suggestions that they have made in the matter of this Bill. I would like to submit that social legislation to be implemented in the fullest degree requires propaganda, creation of public opinion in its favour, and constant touch in this case with workers who must be explained all the implications of the Minimum Wages legislation and with employers and State Governments who have to implement the various requirements of the Act. Members interested in this subject should exert all their influence, with strength they have, as representatives of the States, with the State Governments, workers and employers for the implementation of this enactment. They should also be in touch with the various Advisory Committees which are charged with the duty of fixing minimum wages. In fact, they should take on their shoulders the responsibility of studying the conditions in scheduled employments and see whether the Act has been applied in spirit and letter. Trade union leaders should exert their influence to organise sound, democratic trade unions, whether in the field of agriculture or in the case of other scheduled employments in Part I. A mere ukase from the Centre will not be helpful unless real and effective work is done in the States. I would therefore appeal to the hon. Members, who are much concerned about the acts of commission and omission on the part of the Central

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and State Governments, to assist actively in the implementation of the Act.

[MR. DEPUTY-SPEAKER *in the Chair.*]

Before dealing with the specific points made in the course of the debate I would like to draw the attention of the House to the discussions which we had on this subject at the Mysore session of the Indian Labour Conference held in January, and the Bombay session of the Minimum Wages Central Advisory Board which met on the 8th and 9th of this month.

The Indian Labour Conference being a tripartite organisation of the greatest importance in the labour field, I thought that this vital subject of wages should be placed before it. The Conference considered such questions as implementation of the Minimum Wages Act, principles for the fixation of wages, uniformity in actual fixation, and the need for widening the scope of the Act, etc. Having considered the various suggestions made by different interests, the Conference passed a resolution recommending that the time for implementing the Act in respect of Part I of the Schedule should be extended till the 31st December, 1954 and that the Central Advisory Board should examine the manner in which the Act has been implemented so far, with a view to formulating a code of directions to be issued by the Central Government to the State Governments, so that principles and criteria for the fixation of wages may be laid down. The Conference also recommended that the Government should issue notifications for covering additional employments on the advice of the Central Advisory Board. A meeting of the Central Advisory Board was held on the eighth and ninth of April, 1954. The Board considered the recommendations of the Indian Labour Conference and also examined other important matters such as standardisation of the methods of collection of statistics, disparity in wages in contiguous States or in the same geographical area, uniformity in regard to the pay-

ment for overtime and weekly day's rest etc. Among several important recommendations made by the Board, I must make a special mention of the concept of 'national minimum wage' which was examined in great detail. The Board recommended that the minimum wage should not be below Rs. 1-2-0 to Rs. 2-0-0 per day for any category of workers depending on the area-wise and employment-wise classification. This may develop into an important step and I propose to place it before the Labour Ministers' Conference also, so that further action may be taken on lines acceptable to the highest level of policy matters.

I shall now deal with some of the most important criticisms made in the course of the debate. The main criticism has been that the progress of implementation of the Act has not been satisfactory. I should like to remind the House, in this connection, that minimum wages could not be fixed under the Act in employments covered by Part I of the Schedule to this Act after the 31st March, 1952 as the time limit for fixation of wages expired. Even the present Bill has been pending before the House for an year, as has been stated by an hon. Member on the other side. We have not been keeping quiet all the time. We have been pressing the State Governments to take all preliminary actions, such as the establishment of committees and sub-committees in consultation with the interests concerned, so that minimum wages might be fixed as soon as the present Bill is passed. In regard to the Centre also, a committee for fixing the minimum wages, an advisory committee for revising the minimum wages and a necessary Board to co-ordinate their activities are being set up. I am glad to say that good progress has been made in regard to these preliminary matters, and I can assure the House that there is not likely to be any need for extension of time beyond 31st December, 1954 in so far as employments in Part I of the Schedule are concerned.

In regard to Part II of the Schedule—that is, agricultural employments—the Planning Commission has recommended in the Five Year Plan that full and effective implementation of the Minimum Wage Legislation should be secured during this period. Enforcement of minimum wages for agricultural workers in low-wage pockets, for the larger farms and in areas selected for intensive development should be regarded as an important aspect of the programme for improving the conditions of agricultural workers and should receive the highest priority. In view of the paucity of data and administrative difficulties pointed out by various State Governments, a limited beginning should be made with regard to the fixation of minimum wages for agricultural workers, and the scope should be extended further as experience is gained. That is the view of the Planning Commission. It will, however, be agreed that substantial progress in the fixation of minimum wages in as many areas as possible, on this basis of a vast programme of implementation, should be achieved. It is, therefore proposed to amend the Act so as to extend the time-limit, to enable the minimum wage rates to be fixed in the remaining areas by 31st December 1954. It will be appreciated that in a vast country like India, where agricultural labour is absolutely unorganised, it is difficult to implement the Act throughout the country at a stretch. Apart from it, a large machinery will be required to enforce a measure of this character throughout the rural part of this country. This matter was also considered by the Minimum Wages Central Advisory Board at their Bombay session, where the representatives of all sections of the workers, employers and State Governments were present. The Board recommended that action on the lines indicated in the Plan should be taken. The State Governments will be fixing wages gradually, and the position will be reviewed in due course. I shall then place all these

facts before the House and ask for further extension of time as may be necessary.

Another point that was made in the course of the debate was that the Minimum Wages Act should be extended to all industrial establishments in the country. This suggestion is based on some misunderstanding. This Act is mainly intended to cover cases of employments which are unorganised and sweated; and where trade unions do not exist; or, where it will be easy to have strong trade unions and where there is little or no bargaining power on the part of the workers. It will not, therefore, be right to cover all employments generally. The Central Advisory Board while considering all the additional employments needed to be covered, recommended that State Governments should examine the question, particularly in respect of those employments which have already been included by some States and those whose inclusion has been suggested. Some Members have criticised the lack of co-ordination by the Centre. I must state that the Act is mainly for implementation by the States. The Centre has therefore to play its role very carefully and to the extent necessary

One major step taken by the Centre has been the preparation of model rules of the Act which, I am glad to say, have generally been accepted by the States. The Centre works as a co-ordinating authority also through the Central Advisory Board. Co-ordination is also achieved through discussions in tripartite meetings like the recent session of the Indian Labour Conference. The States have been asked to prepare an annual report on the working of the Act. These reports will be consolidated by the Centre to produce an All India picture of the working of the Minimum Wages Act.

It has been stated that there have been too many violations of the

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Minimum Wages Act and that, no action has been taken by the State Governments. As far as I am aware, the State Governments are taking action in cases of violation. We have also impressed upon the Ministries of the Central Government employing industrial labour, who are concerned, that they should co-operate fully with the officers responsible for the enforcement of the Act.

I think I have dealt with the most important of the points raised in the course of the debate. As I have said, these points have already been engaging the attention of the Government and many of them have recently been examined in detail by the Central Advisory Board which met recently at Bombay. Further action on the recommendations of the Board will shortly be taken. I now hope that with the co-operation of the employers, workers and the States, we will be able to go forward and cover rapidly all the workers in the sweated and unorganised industries and give them a minimum wage as an earnest of the fair wage to come.

Mr. Deputy-Speaker: The question is:

“That the Bill, as amended, be passed.”

The motion was adopted.

VOLUNTARY SURRENDER OF SALARIES (EXEMPTION FROM TAXATION) AMENDMENT BILL

The Deputy Minister of Finance: (Shri A. C. Guha): I beg to move.....

Mr. Deputy-Speaker: On behalf of Shri C. D. Deshmukh, he may move this. The record would not be complete otherwise.

Shri A. C. Guha: With your kind permission, I beg to move:

“That the Bill to amend the Voluntary Surrender of Salaries (Exemption from Taxation) Act, 1950, be taken into consideration.”

This is a non-controversial Bill. The present Act, in section 2 (2) gives a list of persons to whom this exemption will be applicable. But, this list makes the whole Act something like a closed thing. If there is any addition of the officers or persons to whom this exemption is to be given, who may be ready to surrender a portion of his pay voluntarily, there would be the necessity of amending the present Act. Since the passing of this Act, there have been certain persons who have to be included in this exemption list. If the hon. Members will look into the list here, even the Speaker and the Chairman are not included in the list, for they have also surrendered a portion of their salary. That is why instead of keeping the list as a closed and fixed one, we are proposing in this Bill to keep the whole thing open so that any person who may surrender a portion of his salary and make a declaration in writing, may be given this exemption. Sections 2 and 3 of the present Act are being replaced by clause 2 of the Amending Bill.

Under the Income-tax Act, a person is liable to pay tax on his salary on a due basis. That is, he is liable to pay the tax on what is due to him and not necessarily on what he cares to receive. But for the provision in the Voluntary Surrender of Salaries Act, 1950, he would not be able to get this exemption. To remove this difficulty and obligation under the Indian Income-tax Act, I am moving this Amending Bill. I hope there will be no objection from any section of the House to accept the Bill as proposed.

Mr. Deputy-Speaker: Motion moved.

“That the Bill to amend the Voluntary Surrender of Salaries (Exemption from Taxation) Act, 1950 be taken into consideration.”

Shri Nambiar (Mayuram): We are glad that such a Bill has been brought