

MINIMUM WAGES (AMENDMENT)
BILL, 1953—Contd.

Clause 4.—(Amendment of section
14)

Mr. Deputy-Speaker: The House will now take up further consideration of the following motion moved on the 15th December, 1953:

"That the Bill further to amend the Minimum Wages Act, 1948, be taken into consideration."

The question is:

"That the Bill further to amend the Minimum Wages Act, 1948, be taken into consideration."

The motion was adopted.

Mr. Deputy-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.— (Amendment of section 3)

Amendments made:

(1) In page 1, line 23, for "1953" substitute "1954".

(2) In page 1, line 26, for "1953" substitute "1954".

—[Shri V. V. Giri]

Shri K. C. Sodhia (Sagar): I am not moving any amendment.

Mr. Deputy-Speaker: Shri Tushar Chatterjea, absent; Shri Sadhan Gupta, absent. The amendments are out of order also.

The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Mr. Deputy-Speaker: Shrimati Renu Chakravartty, absent; Shri Tushar Chatterjea, absent. So, no amendments moved. The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5.— (Amendment of section 26, Act XI of 1948.)

The Minister of Labour (Shri V. V. Giri): I beg to move:

In page 2 for clause 5, substitute—

"5. Amendment of section 26, Act XI of 1948.—After sub-section (2) of section 26 of the principal Act, the following sub-section shall be inserted, namely:—

"(2A) The appropriate Government may, if it is of opinion that, having regard to the terms and conditions of service applicable to any class of employees in a scheduled employment generally or in a scheduled employment in a local area, it is not necessary to fix minimum wages in respect of such employees of that class as are in receipt of wages exceeding such limit as may be prescribed in this behalf direct by notification in the official Gazette and subject to such conditions, if any, as it may think fit to impose, that the provisions of this Act or any of them shall not apply in relation to such employees."

Mr. Deputy-Speaker: Amendment moved:

In page 2, for clause 5, substitute—

"5. Amendment of section 26, Act XI of 1948.—After sub-section (2) of section 26 of the principal Act, the

following sub-section shall be inserted, namely:—

“(2A) The appropriate Government may, if it is of opinion that, having regard to the terms and conditions of service applicable to any class of employees in a scheduled employment generally or in a scheduled employment in a local area, it is not necessary to fix minimum wages in respect of such employees of that class as are in receipt of wages exceeding such limit as may be prescribed in this behalf, direct, by notification in the official Gazette and subject to such conditions, if any, as it may think fit to impose, that the provisions of this Act or any of them shall not apply in relation to such employees.”

Shri Venkataraman (Tanjore): I want the Government kindly to examine this point. The Amendment Bill says that in respect of employment specified in parts I and II of the Schedule, minimum rates of wages should be fixed by the 31st December, 1954. If on 31st December, 1954, there are certain industries in which the minimum wages are not fixed by reason of any default of the Government and the wages obtaining in that industry are slightly higher than the minimum wages which in the opinion of the Government would be fixed, what happens? That is the position which you have to take into account. Minimum wages are not fixed; but, in the opinion of the Government, minimum wages, if fixed, would be lower than the prevailing rate of wages. In that case, this provision authorises the Government not to fix the minimum wages. This is a subject in which the Government would not be able to know what the minimum wages in that industry would be. This is giving a large power to the Government to merely guess what the minimum wages would be. There are various ways in which wages are fixed by the tribunals.

The Tribunals in some cases fix minimum wages. In some other cases

24 P.S.D.

they fix fair wages or even living wages according to the state of the industry. There are other cases in which minimum wages are not fixed but customary wages are prevailing. So, to say that merely because the Government thinks that if minimum wages were fixed they would be lower than the prevailing rates and therefore minimum wages need not be fixed in a particular industry would be to give the Government a power which certainly labour would very much regret to give. It cannot clothe Government with powers in hypothetical cases, purely on a guess as to what would be the minimum wages. I am not quite satisfied that this clause would protect the interests of labour. I would like this matter to be examined by Government. Government should issue suitable instructions whenever they think there is likely to be an abuse of this section.

Shri V. V. Giri: This matter will certainly be further examined.

Mr. Deputy-Speaker: The question is:

In page 2, for clause 5, substitute—

‘5. Amendment of section 26, Act XI of 1948.—After sub-section (2) of section 26 of the principal Act, the following sub-section shall be inserted, namely:—

“(2A) The appropriate Government may, if it is of opinion that, having regard to the terms and conditions of service applicable to any class of employees in a scheduled employment, generally or in a scheduled employment in a local area, it is not necessary to fix minimum wages in respect of such employees of that class as are in receipt of wages exceeding such limit as may be prescribed in this behalf, direct, by notification in the official Gazette and subject to such conditions, if any, as it may think fit to impose, that the provisions of this Act or any of them shall not apply in relation to such employees.”

The motion was adopted.

Substitute clause 5 was added to the Bill.

Mr. Deputy-Speaker: The question is:

"That clauses 6 and 1, the Title and the Enacting Formula stand part of the Bill."

The motion was adopted.

Clauses 6 and 1, the Title and the Enacting Formula were added to the Bill.

Shri V. V. Giri: I beg to move that the Bill, as amended, be passed.

Mr. Deputy-Speaker: Motion made:

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

Shri Venkataraman: I must record my emphatic protest at the way in which this Minimum Wages Act has been enforced and implemented by the Governments, both at the Centre and in the States. In 1948 this Act was passed and time was given for fixing minimum wages at the inception for one year, but subsequently it has been extended three times in this House, and yet we are nowhere near fixing minimum wages in respect of industries mentioned in Schedule I, and I do not think we are anywhere near touching the fringe of the problem so far as agriculture, which is mentioned in Schedule II, is concerned.

I had half a mind to oppose the amendment which the hon. Minister moved, viz., to substitute "31st December 1954" for "31st December, 1953". In my opinion, we need not even have any date. By fixing a date we are limiting the powers of the State Governments to fix minimum wages. If they are not able to fix it within the prescribed date and if they fix it after that date it becomes null and void. If the date is not fixed, then they will have the power to fix minimum wages on any date, and there will be no limitation on the fixing of minimum wages. Some drive has to be undertaken by the Central Government by giving directions—which

the Central Government has got the power to give under the Minimum Wages Act—to the State Governments, calling upon them to implement this Act as quickly as possible. I do not know why we originally asked for certain dates to be prescribed. We thought at that time that if a date was prescribed in the Act, the Governments would bestir themselves and try to fix the wages within that date. But now we have found by experience that notwithstanding any date prescribed in the Act, State Governments are not fixing minimum wages within the prescribed time, and the Central Government is obliged to come again and again at much expense to the Government and the country with Amending Bills of this kind. I would earnestly urge that the Government should try to fix minimum wages at least within the 31st December 1954, and I earnestly hope that the Labour Minister will not be obliged to come forward again with another Amending Bill extending the time.

Shri Elayaperumal (Cuddalore—Reserved—Sch. Castes): I would like to say something about agricultural labour. The Minimum Wages Act was passed in 1948, and it was not implemented by all the States, excepting Ajmer, Delhi. In the Madras State, there were frequent labour troubles during the past six years, on account of the non-implementation of the Act. On 4th March 1953, there were some agricultural labour troubles in South Arcot, Dt. Keelnatham, K. Adoor villages in Chidambaram Taluk. The poor illiterate Harijan labourers were misled by the Communist Party, and hundred Harijans were arrested and their wives were beaten by the police. Thereafter, Shri Venkataraman and myself went to Madras, and requested the Chief Minister of Madras. Shri Rajagopalachari, to extend the Minimum Wages Act at least to Chidambaram Taluk. In Chidambaram Taluk Killai Thaikel Village, South Arcot District also, in this year, similar troubles arose, and 18 Harijans were arrested.

ted and a false case was filed by a Theikkal Kumarasawmy Padayatchi in Cuddalore session's court. All these things are happening, because the Minimum Wages Act has not been implemented in those places regularly and in time.

I would therefore support my non-friend Shri R. Venkataraman, and request the Labour Minister to give necessary directions to the Madras State, to implement this Act without delay, so as to help the Harijans and the agricultural labourers throughout Madras. There is no use in simply passing laws here, if they are not going to be implemented by the States.

Shri K. C. Sodhia: I am not going to move any amendments, but I would like to make one or two requests to the hon. Minister. The Minimum Wages Act was passed for the benefit of the workers. According to that, certain reductions are permitted in the wages of the labourers. But the poor illiterate labourers do not know what sort of reductions are there, and the employers keep them in the dark, and make reductions according to their whims.

For instance, in Sagar District in Madhya Pradesh, Rs. 1-4-0 per thousand has been fixed as the minimum wages for the bidi labourers, but as a matter of fact, the labourers are getting only As. 13 or 14 per thousand. The bidi labourers are doing quite a lot of work, and yet the wages have been reduced for paper wrapping, gumming, thread etc. The workers being illiterate do not know why these reductions are being made. I would therefore request the hon. Minister to see to it that the order of the State Government allowing these reductions to be made is pasted in the factory in a prominent place, in vernacular, so that the labourers may know what reductions are made. This is my first request.

My second request is this. There are certain Advisory Committees which advise the State Governments, as to what should be the minimum wages in respect of any particular industry.

Now in the Act, nowhere is stated the grounds on which these advisory bodies are to base their calculations; nor are there any principles stated for the guidance of the local governments to fix these minimum wages. My request is that in the Bill itself, there ought to be certain provisions, certain directions, both for the guidance of the Advisory Committee and of the State Governments to take these things into consideration while coming to a decision about the minimum wages. In calculating these minimum wages, the profits made by the employers should be taken into consideration because that is the main consideration on which these minimum wages are to be fixed. That is my second request.

My third request is that in the Central Advisory Board of Labour, there ought to be some representation of the Members of this Parliament because, though they have got no intimate labour connections, still they are men imbued with common sense and they are likely to give some advice in that body. That is my third suggestion.

I hope the hon. Minister will kindly take all these suggestions into consideration.

Mr. Deputy-Speaker: Mr. D. C. Sharma. When are we likely to close?

Shri D. C. Sharma (Hoshiarpur): You had given me no chance to speak on the Press (Objectionable Matter) Amendment Bill. I want to speak on this Bill. I would be in your hands.

Mr. Deputy-Speaker: I have no objection. I will give five minutes.

Shri D. C. Sharma: I will obey you. I am an obedient Member of this House.

Mr. Deputy-Speaker: Very well.

Shri D. C. Sharma: Sir, I must say that I was very unhappy that I was not given a chance to speak on the Press Bill. Now, I will speak for as many minutes as you permit me.

Mr. Deputy-Speaker: Does the hon. Member want to say all that he wanted to say on the Press Bill while we are on the Minimum Wages (Amendment) Bill? He can have five minutes.

Shri D. C. Sharma: Sir, irrelevance have never been my virtue.

Mr. Deputy Speaker, Sir, to put it very mildly, I want to say that this Bill is a confession of our inadequacy. I could have used more harsh words, but I do not want to use them. I do not want to say that this Bill is a confession of our incompetence or inefficiency. I would say only this much that this Bill, which has been dragging on for so many years, shows in which way our administrative machinery moves. Sir, in the first place, it shows that there is very little of co-ordination between the Centre and the States. I think that the States are there to work in collaboration with the Centre. But what do I find? The year 1948 has passed, 1949 has passed, 1950 has passed, 1951 has passed, 1952 has passed, 1953 has passed and now we have come again to have those things implemented by the end of 1954, which should have been done much earlier than that. I would therefore request the hon. Minister that he should evolve some formula by means of which there can be closer and quicker and more effective collaboration between the Centre and the States. That is the first thing I want to say.

The second thing I want to say is this. I come from a constituency where there has been a great deal of trouble with regard to agricultural labourers and also with regard to other labourers. I do not want to mention the name of that constituency, but I can tell you that every kind of trouble that you can imagine has happened there. There were lots of cases and all that. I think there were one or two murders also. What is the reason for that? The reason for that is that there has been no fixation of the wages of agricultural labour. Not only that but the agricultural labourer has not been put on the economic map

of India. I would request the hon. Minister—he has always been a lover of workers and a lover of those people who toil—to see to it that the wages of the agricultural labourers are fixed in every State in India, whether it is Part A, B or C State.

My next point is this. When we were fighting our battle for freedom, we said we want *swaraj* for our workers and peasants. Workers and peasants were our first consideration. But what has happened? Of course, we have done something for the peasant, and we have done it for the workers too. But, I believe that enough has not been done for them and if you want to see how we have failed in this matter, this Bill is a living testimony to that. Our slowly moving government car has not been able to catch up with the pace with which events have been happening in the world of peasants and the world of workers.

An Hon. Member: Slow and steady wins the race!

Shri D. C. Sharma: Slow and steady wins the race when he is sitting on the benches of the House of the People but slow and steady loses the race when he goes out of the House of the People. Therefore, I say, this is something which has got to be done.

My next point is that in my constituency—I represent a double Member constituency—there are a large number of Harijans. Whenever I go to any part of my constituency, I am told by these Harijans that they are not getting what they deserve. They say that Bapu had promised this thing and Bapu had promised that thing and that they want Bapu *raj*. I think the kind of Bapu *raj* which these Harijans have been looking forward to and which other people have also been looking forward to has not materialised and the reason is this. Most of the ameliorative legislation, welfare legislation and most of the economic legislation which our Government should have undertaken have gone by default.

Leaving apart other things, the first thing that we should do is to fix the minimum wages for these people. Unless that is done. I think, the proportion of contentment in our country will not be as high as it should be.

I will not take more time of the House because one of the Whips has come here to tell me that I should sit down. I am afraid of you and I am afraid of this gentleman also. I am afraid of everybody. Therefore, I would not take any more time of the House and I would request the hon. Minister to see to it that the Bill is implemented at the earliest possible opportunity. The Labour Minister is a friend of the workers and I hope he will not come to us again for an extension of this Bill. This is all I have to say.

Mr. Deputy-Speaker: I think I will close at 7 o'clock today. I will call Mr. Kakkan.

Shri Kakkan (Madurai—Reserved—Sch. Castes): In the name of the

Harijans and especially in the name of agricultural labourers, I express my heartfelt thanks to the hon. Labour Minister. Though this Bill was passed in 1948, it was not implemented especially in the State of Madras. As you know, the workers in Madras are being misled by the Communists and the other anti-social elements. I ask the hon. Minister to ask and urge the Madras Government to implement this Act within a short time. The traitors of the past and the enemies of the future are misleading the Harijans against the Government. It is well known fact that Congress Government has done much for the upliftment of the Harijans. So, I request the hon. Minister to urge the Madras Government to implement the Minimum Wages Act within a short time and help the Harijans Agricultural labourers who are being misled by the anti-social elements.

The House then adjourned till Two of the Clock on Monday, the 15th March, 1954.