

[Mr. Chairman.]

Bills and Resolutions presented to the House on the 2nd March, 1955."

*The motion was adopted.*

**MINES (AMENDMENT) BILL**  
(Amendment of Sections 33 and 51)

**Shri T. B. Vittal Rao** (Khammam): I beg to move for leave to introduce a Bill further to amend the Mines Act, 1952.

**Mr. Chairman:** The question is:

"That leave be granted to introduce a Bill further to amend the Mines Act, 1952."

*The motion was adopted.*

**Shri T. B. Vittal Rao:** I introduce the Bill.

**INDUSTRIAL DISPUTES  
(AMENDMENT) BILL**  
Insertion of New Chapter VAA

**Shri T. B. Vittal Rao:** I beg to move for leave to introduce a Bill further to amend the Industrial Disputes Act, 1947.

**Mr. Chairman:** The question is:

"That leave be granted to introduce a Bill further to amend the Industrial Disputes Act, 1947."

*The motion was adopted.*

**Shri T. B. Vittal Rao:** I introduce the Bill.

**PREVENTION OF FREE, FORCED  
OR COMPULSORY LABOUR BILL.**

**Mr. Chairman:** The House will now resume further discussion of the motion moved by Shri D. C. Sharma on the 24th December, 1954:

"That the Bill to provide punishment for free, forced or

compulsory labour, be circulated for the purpose of eliciting opinion thereon by the end of March, 1955".

Out of the total time of one and a half hours allotted for the discussion of this Bill, 36 minutes were taken up on the 24th December, 1954. The balance of time remaining for the purpose of further discussion is 54 minutes. The mover has already spoken and concluded his speech. Shri R. K. Chaudhuri was speaking.

**Shri D. C. Sharma** (Hoshiarpur): May I submit that I would require some time after the hon. Minister has spoken?

**Mr. Chairman:** That I will consider. Time will be given for the reply.

**Shri R. K. Chaudhuri** (Gauhati): Sir, I had very nearly finished what I had to say but I would like to be informed or enlightened on two points. My hon. friend the Mover of this Bill has made an exception in favour of the Indian Forests Act of 1927 and the Bombay Irrigation Act. I should like to know whether he means that the working hours, so far as these two Acts are concerned, of the labourers would be same as voluntary labourers of longer hours of work might be demanded of them. Secondly, I want to know whether particularly this Indian Forests Act enjoins upon payment in cash to all the labourers, because I had cited the instance which actually occurred in the State of Assam. There some land is settled to the villagers and that is known as "Forest Village". They have not got to pay any rent to the Government, but in lieu of rent Government demands of them certain service in certain periods in the whole year. No cash payment is made to them for these services. If they do not work then they lose the privilege and right of living in the Forest village the land whereof belongs to the Government. That is a form of forced labour. This form of compulsory labour is very much

resented by the people. It will be good if this land which is actually occupied by the villagers is settled with them and cash payment is prescribed for the work which is done by them. So I want to know from the hon. Mover of this Bill whether his provision about working hours and his provision that cash payment should be made should also apply to labourers employed under the provisions of this Act or not.

I submit, Sir, that compulsory labour as well as the legislation for prevention of compulsory labour is somewhat an anachronism. If there would be any offender in this respect in future it would only be the State. Feudalism is either extinct or is going to be extinct. So, there cannot be any question of forced labour or exacting compulsory labour except by the Government itself. I would suggest that whereas on the one hand we have some compulsory labour, no compulsory labour, in any case as my friend the Mover wants, should be free from remuneration. But, in a place like, for instance, N.E.F.A. where it is difficult to get voluntary labour, it has become necessary sometimes, when the government servant or even the Governor himself are on tour, to have certain number of labourers. If this Act is in force in those areas, then those labourers cannot forcibly be compelled to work even for governmental business. But, what I would submit, in order to obviate this difficulty would be that the Government should retain a number of porters, pay for them whether they work or not and they should be called upon to work when actually it is needed. Their monthly remuneration would be the cash payment for the work done. That is the procedure which should be adopted; otherwise it causes a great deal of resentment when a man is compelled to work, when he is compelled to leave his home, whether he is in a position to leave his home or not on account of his illness or

sickness of his family, or on account of any other difficulty. Sometimes he is compelled to leave his home for 8 to 10 days and if has to do that compulsorily then he should be paid at least a remuneration in cash, or when he refuses to go like that he should be treated as a government servant and he should be given a monthly salary and that can be considered as remuneration for his work. That is one thing which I would like to impress upon the Government. My hon. friend the Mover has done a great service by drawing the attention of the Government to forced and compulsory labour which is still in vogue and I have regretfully to observe that this form of compulsory labour has been taken advantage of by the States themselves.

Therefore, this procedure has to be laid down whereby even if there is any case of emergency and it is necessary to have impressed labour then they should be paid for in every case. They should be suitably paid for. I should not always have people to labour under compulsion. I should not have the feeling of having to work under compulsion unless I am paid every moment of my liability to render that labour.

So, I submit that in cases of the kind where voluntary labour is not available and where labour is essential for the performance of the work of the State there should be paid labourers who should be paid at monthly rates and they should get the remuneration whether they actually work or not. At the same time they should also not be in a position to demand higher remuneration—something in excess of what they actually deserve.

Whether the Government accepts this Bill in its entirety or not, I hope the principle underlying this Bill will be accepted by the Government.

**Shri Biren Dutt** (Tripura West): Sir, I rise to support the Bill because just now my hon. friend has described the condition in Assam, particularly

[Shri Biren Dutt]

in Tripura, I also come from Tripura where this type of forced labour is always utilised by the Government. There is a system in Tripura which is known as Tyton. According to this system, whenever any Government official enters village area the villagers are to offer their labour to help them. If there are no men folk in the village then the women are forced to carry the luggage and do other necessary labour for the government officials.

**Dr. N. B. Khare** (Gwalior): I rise to a point of order. Is there a quorum in the House.

**Mr. Chairman:** The number might be counted.

**Pandit D. N. Tiwary** (Saran South): The House is not counted between one and three.

**Mr. Chairman:** It is only up to 2-30. Now it is past 2-30. What the hon. Member should bring to the notice of the Chair is that there is no quorum, and not question whether there is quorum or not.

**Dr. N. B. Khare:** There is no quorum.

**Mr. Chairman:** I am ringing the bell. Now there is quorum. The hon. Member might proceed.

**Shri Biren Dutt:** As, I was telling the House, in Tripura you will find a custom known as Tyton according to which the villagers are asked to work for the government officers, and they are not paid anything. They may go to some place; may be it is a mile or two or three miles, or even ten miles. These people are to carry even their foods from their home. If anybody refuses, he can be punished physically immediately.

I can refer here to one incident. In one village known as Padma-Bil, one Secretary—perhaps he is still a Secretary in the Government of Tripura—was passing through that village. A Sardar known as Ram Kumar Tha-

kur went to the village and asked the villagers to help him. Practically all the men were in the fields, and the women were there. They could not collect immediately to serve him. And the Sardar began to beat some of the women, there was shooting, and three girls were killed. When an enquiry was demanded, there was so much of propaganda about the incident that practically no enquiry was conducted.

The point is that the system is so much hated by the people of Tripura that many memoranda have been submitted to the Government. Even when the Scheduled Caste's Commissioner went to Tripura, he was told after his return by one of the Members of this House, Shri Dasaratha Deb, about such incidents. But we find that no step is taken. Such systems are maintained through some Sardars in Tripura, which are termed in this report as the *mutadar* system. This *mutadar* system is maintained. We are finding a very interesting thing as to how democratic system is going to be introduced. The very persons, the *mutadars* who are now oppressing and exacting slave labour for themselves and the State, are brought to Delhi as representatives of the tribal people in Tripura! For the 26th January celebration, Sardar Ram Kumar Thakur and other persons against whom there are cases in the court for exacting forced labour, and killing some persons, those very persons were selected by the Chief Commissioner as the representative of the tribal people, and they came here with Government money.

I have ventured to give this incident, and I wish to say that in Tripura in some areas, in all communities, this type of labour is exacted by the Government, and it is so prevalent that nobody can protest against it without being severely beaten by the police.

Now, just before me, the hon. Member was speaking about the Forest Law. In Tripura, so long there was no Forest Law as the Indian Forest Act was not

implemented there. There was some privilege to the people to use the jungle areas. Today the whole of Tripura has been declared as reserved forest area. Now, in that forest area, because of the prevalence of this old *tyton* system, Government is employing a method which is very dangerous. These people were living in the village, in the hill area, paying five rupees as annual tax. But this forest tax is forcing them to work for the Government for three to four months without any payment. And when they clear the jungle, the land is given on lease or rented to some other people, not to these people who clear the jungle. Because they are to live in the jungle and the Forest Act requires some sort of labour, these people are forced to work in the jungle area without any payment. When they work in the jungle, when it is cleared, when it is burnt by these very people, then and there they are driven from that area, without giving them any payment, to some other area. And when they enter new areas, they are again cordoned off and told "you are using the government forest, so you are again to work". To their question "where will we get our food", no reply will be given. And they are forced to beg in the nearabout village areas, if there are villages.

Such things are happening as a result of the government machinery in the Forest Department with the patrol police. And in this work it was found that in Tripura even the local people who are in the Police Department were refusing to goad and harass the tribal people in this way, with the result that the Government of India has arranged to import into Tripura a batch of Garhwali soldiers who are employed for this exaction of forced labour. It is very painful to see in this report that these *mutadars*, zamindars and the Government are utilising the backward people without giving them any payment, and they are refusing even to amend the Forest Act; particularly in the forest zones, where the tribal people or the backward people live, to change the rules. We have

again and again asked the Tripura Government and we have also asked the Government of India to see to it that where you declare the whole of the zone as a reserved forest area you must have some peculiar amendment of the rules at least. But that is not done.

By using the Forest Law, by having the right to use the backward people according to the *tyton* system of Tripura, the officers have got sufficient courage even to use the minority people or the refugees, the unfortunate people who have gone from East Pakistan into Tripura, who have been given some allotment of lands in the jungle areas; they are also goaded in the same way to work, in the name of rehabilitation.

3 P.M.

When these refugees clear the land, they are not sure whether they would get a plot for themselves. When the clearance is over, rich people from the adjoining areas come and purchase the land at the auctions. From my personal experience I can say that the system of forced labour is a cause for dissatisfaction among the people. I would in this connection make an earnest appeal to hon. Members of the House not to think in terms of areas, developed areas, where slave labour cannot be so easily practised, but in terms of the backward areas, especially the tribal areas, where it is still widely prevalent. For instance, in Manipur, persons who are fighting against this system of slave labour are considered to be anti-social elements: those who oppose this system of forced labour are termed "anti-social elements." If Government want to perpetuate this system, then, let there be a clear declaration from them.

I was attentively hearing the speech of hon. friend Shri R. K. Chaudhuri. He pointed out that in certain areas it is not possible to run the administration without resorting to this practice. Well, the same is the argument used in Tripura as well. The Chief Commissioner and his staff,

[Shri Biren Dutt]

whenever approached by us on this question, says: "How can you go to these backward people; they do not know how to deal with forward people; we cannot help forcing them to develop the State, otherwise you cannot develop the State. So, you should not protest against this system of forced labour without any payment." My hon. friend, Shri Rohini Kumar Chaudhuri, however, conceded that wherever forced labour is resorted to, it should be paid for

My contention is this. We should altogether give up the idea of using forced labour. The question of payment is an entirely different one. In fact, in Tripura and several other places, no payment at all is made for forced labour.

**Mr. Chairman:** I would request the hon. Member to conclude. There are two hon Members who are anxious to participate in the discussion on this measure.

**Shri Biren Dutt:** So, this question of slave labour should not be related to wage payment. The slave labour system arose out of feudalism, in the tribal or backward areas. It is high time we put an end to this vicious practice, and do not maintain it by the reservation of forests, etc. In the name of reservation of forests, we are strengthening the hand of the officers of that area to perpetuate this system. We must see to it that the Forest Acts are so amended that Government officers do not resort to this practice. If, for instance, this system were to be resorted to in the Community Projects and National Extension Service areas, it will have a very adverse effect and you cannot expect people's co-operation.

**श्री हेम राज (कांगड़ा):** जो विल शर्मा जी ने हाउस के सामने प्रस्तुत किया है, उसके जो स्टेटमेंट आफ आब्जेक्ट्स एन्ड रीजन्स हैं उसमें उन्होंने इन बातों का खास तौर पर उल्लेख किया है। एक बात तो यह है कि जबर्दस्ती

लोगों से मजदूरी के बगैर काम न लिया जाय और दूसरी बात यह है कि उस काम के लिये जितनी मजदूरी उसे वाजिब मिलनी चाहिये उससे कम मजदूरी देकर उनसे काम न लिया जाय। इस किस्म की बंगार लेने की एक दो मिसालें मैं सिर्फ पंजाब के मृताल्लिक रक्खंगा क्योंकि जो हालत पंजाब में इस वक्त मौजूद हैं उनमें से एक का तो उल्लेख हमारे आसाम के एक सदस्य ने कर दिया है। चूंकि मैं भी एक ऐसे इलाके से आता हूँ, जहाँ जंगलात ही हैं। वहाँ तीन तरह के फारस्ट हैं। रिजर्व्ड फारस्ट, प्रोटेक्टड फारस्ट और तीसर हमारे विलेज फारस्ट हैं यानी जो हमारी पंचायतों के जंगलात हैं। इन तीन किस्म के फारस्ट्स में पहले दो किस्म के जो फारस्ट्स हैं उनमें हमारे ऊपर एक पाबन्दी आयद होती है और वह यह है कि उन जंगलात की हिफाजत का जो काम है, वह हमारे जिम्मे होता है, जैसे अगर किसी समय उन में आग लग जाय, तो जितने इर्द गिर्द के गांव होते हैं वहाँ के सब रहने वालों को आग बुझाने के काम में बांध लिया जाता है और उन्हें जंगलात में जाकर आग बुझाने का काम करना पड़ता है लेकिन उसके लिये किसी किस्म की मजदूरी किसी शख्स को नहीं दी जाती है। हमारे कुछ राइट्स भी वहाँ पर मौजूद हैं और वह यह है कि दरस्त हमें बजाय बाजारी शहर के जमींदारी शहर पर मिलते हैं। यह राइट या सद्दलियत हमें हासिल है। लेकिन साथ ही वहाँ पर जब काम होता है तो किसी किस्म की कोई छुट्टी नहीं मिलती और हमारे लोगों को वहाँ पर जाकर काम करना पड़ता है, कोई आदमी तब घर पर नहीं रह सकता। इसीलिये मैं समझता हूँ कि जो पुराने रूल्स बने हैं जिनकी वजह से पीपल को खास तौर पर तकलीफ होती है उनको बदलने की सख्त जरूरत है। यह सही है कि भारत के संविधान में यह चीज आ चुकी है कि सब तरह की बंगार बन्द की जाती है लेकिन अगर इस किस्म की बंगार कहीं पर रायज है और जबर्दस्ती लोगों से काम कराया

जाता है, तो आज जब कि संविधान में हम हर प्रकार की बंगार को अनुचित करार दूँ चुके हैं, बंगार को बंद करने के लिए उसमें और ज्यादा मुनासिब तबदीली की जरूरत है। इसी प्रकार आप ईस्लैंग-कि जहां शर्मा जी ने इसका लुब्ध लुआब बयान किया है वहां उन्होंने यह साफ कर दिया है कि अगर किसी को कम मजदूरी देकर काम कराया जाता है तो वह भी फोर्स्ड लेबर की डीफिनीशन में आ जाता है। हमारे पंजाब में जो कमीन लोग हैं उनकी मजदूरी आजकल के हालात में बिल्कुल मुनासिब नहीं है। हमारा जो दस्तूरल अमल और वाजिबुल अर्ज है, हर एक गांव का जुदा जुदा दस्तूरल अमल है और उस दस्तूरल अमल में कमीयां हैं जिनको कि सुधारना निहायत जरूरी है। उस के अनुसार यह जो बैकवर्ड क्लासेज हैं जैसे लुहार, तरखान, चमार और कोहनी बगैरह जो कौनाल से पानी देने का काम करते हैं, ये जितने भी आदमी हैं उनके वास्ते १९६५ के दस्तूरल अमल में इंदराज हुआ था, वही चीज १९६१ में चली आई और वही १९६२ में भी कायम रही कि उनके काम के एवज में एक खास जिनस का मिथार मुकररे हैं कि इससे ज्यादा दाने उनको मजदूरी के रूप में नहीं दिये जायेंगे, मजदूरी में उनको दाने दिये जाते हैं। मैं समझता हूँ कि यह भी एक किस्म की फोर्स्ड लेबर है क्योंकि उनसे हर एक जगह जो गांव के जमींदार होते हैं वह उनसे काम लेते हैं और अगर वह काम करने को तैयार न हों, तो उनको अपने अपने गांव में भूखा मरना पड़ता है। आज इस जमाने में जब कि सारी जरूरी चीजों के भाव बढ़ गये हैं, कीमतें बहुत ज्यादा हो गयी हैं उनको वही सेरे या दो सेरे देना या तो पांच सेरे दाने दे देना, और वह भी जब वह एक एक या छ' छ' महीने काम कर चुके होते हैं, छ' महीने के बाद जिस वक्त कि फासल पक जायगी उसके अन्दर उनको पांच या छ' सेरे दाना दे देना उस सारं काम के लिये जो उन्होंने छ' महीने तक किसी जमींदार के यहां किया है, आज की हालत में बिल्कुल मुनासिब नहीं है और बजाय मजदूरी में उनको

दाना देने के में चाहूंगा कि उनको उनकी उचित मजदूरी नकद दी जाय, कॅश पेमेंट किया जाय। मैं समझता हूँ यह भी फोर्स्ड लेबर की डीफिनीशन में आता है और इस किस्म का जो रिवाज चला आता है वह भी बन्द करने के काबिल है। चूंकि आप भारतवर्ष को एक वेलफेअर स्टेट में या कल्याणकारी राज्य में तब्दील कर रहे हैं इस लिये इस तरह की फोर्स्ड लेबर जो है, जो हमारे नाम पर एक कलंक सी है, उस को हटाने की जरूरत है।

इस के साथ ही मैं एक अर्ज यह भी कर देना चाहता हूँ कि आज आप ने मिनिमम वेंजेज एक्ट लागू कर दिया है, लेकिन इस के साथ ही मैं यह देखा हूँ कि मेरे अपने जिले में जो चाय के बागात हैं उन में जो लड़के काम करते हैं उन को तीन तीन आने वेंजेज मिलती हैं। या यूँ कहिये कि तीन तीन आने से ले कर पांच पांच आने तक मिलते हैं। क्या आप समझते हैं कि आज जब कि इतनी मंहगाई का जमाना है, उस वक्त इन मजदूरों का काम ठीक से चल सकता है? आज चाय के बागात में पुरुष को ५ आ० मिलेंगे, स्त्री को ६ आ० मिलेंगे और लड़के जो हैं उन को २ आ० से ४ आ० तक मिलेंगे। एसी सूरत में अगर घर के सारं के सारं लोग काम करने चले जायें तो भी क्या एक कुटुम्ब का पेट अच्छी तरह इतने कम पैसों में भर सकता है? एसी हालत में जो बिल शर्मा जी लाये हैं वह बहुत वाजिब है और उसको मंजूर कर लेना चाहिये। आज इस सम्बन्ध में जो भी खराबियां हैं, खास तौर पर बैकवर्ड क्लासेज के लोगों को जो तकलीफें हैं उन को दूर करने का मौका आ गया है और यह बिल जो आया है वह बहुत हद तक इस मसले को हल करता है।

इन शब्दों के साथ मैं शर्मा जी के बिल को सपोर्ट करता हूँ।

इ० सत्यबाबू (करनाल-रचित-अनुसूचित जातियां): मैं इस के लिये प्रोफेसर शर्मा को बधाई देता हूँ कि उन्होंने एक

[डा० सत्यवादी]

बहुत जरूरी चीज पेश की हैं, और इस में किसी को भी कोई इस्तेलाफ नहीं हो सकता है। लेकिन मैं जिस चीज की तरफ सरकार का ध्यान दिलाना चाहता हूँ, वह थोड़ी सी इस से हट कर है। जहाँ हम बंगार देखते हैं, दहात में, गांवों में जमींदारों के द्वारा, मालिकों के द्वारा या और किसी एजेन्सी के द्वारा, वहाँ एक चीज यह भी देखने में आ रही है कि खुद गवर्नमेंट भी बंगार लेती है और वह बंगार होती है हमारे दफ्तरों में। बंचार क्लर्क और हमारे दूसरे सरकारी कर्मचारी पांच बजे के बाद भी दौं दौं, तीन तीन घंटों, यहाँ तक कि चार चार और छः छः घंटों तक दफ्तरों में बैठे रहते हैं। कई बार तो रात में भी दर तक बैठे रहते हैं, फिर भी उन को कोई मुआवजा या हर्जाना नहीं मिलता। छोटें दर्जे के लोगों के बारे में खास तौर पर मुझे जो बात कहनी है वह यह है कि हमारी लोकल बाडीज के जो छोटें मुलाजिम हैं, स्वीपर्स और स्कैवेन्जर्स के नाम पर जो मुलाजिम रखे जाते हैं उन से भी फोर्स लेबर ली जाती है। अभी मैं जससां नभा से आया हूँ वहाँ सफाई पेशा मजदूरों का एक डिस्प्यूट था। जब वहाँ बातचीत की तो मालूम हुआ कि वह लोग सुबह ६ बजे काम पर जाते हैं और १० बजे दिन को उन की ड्यूटी खत्म होती है। २ बजे फिर वह आते हैं। यह जो दर्जाने का वक्त उनको खाने पीने और आराम करने के लिये मिलता है उस में भी उन के आफिसर्स उन से वह काम लेते हैं जो कि उन की ड्यूटी नहीं है। एक शस्त्र को, जो कि भाड़ लगाता है, ईटें उठाने के काम में लगा दिया जाता है, कमी बजरी वर्गों उठाने के काम में लगा दिया जाता है। और जो वक्त उनको १० बजे से २ बजे तक खाना खाने और आराम करने के लिये मिलता है वह इस तरह से चला जाता है। यही नहीं बल्कि मुस्तालफ सरतों में यह गरीब मुलाजिम बंगार करने में मुस्तला हैं। म्युनिसिपैलिटीयों के मुलाजिम हर तरह के कामों के लिये मजबूर किये जाते हैं। मेजें उठाने के लिये कुर्सियां

उठाने के लिये और दूसरी सब बंगारों के लिये बंधे होते हैं। कोई शस्त्र उफ नहीं कर सकता है, जबान तक नहीं हिला सकता है क्योंकि उन की मुलाजिमतों के लिये अभी तक गवर्नमेंट ने कोई कानून नहीं बनाया है, उन की हिफाजत का कोई इन्तजाम नहीं है, अगर वह कुछ बोलते हैं तो वह दूसरे दिन मुलाजिमत से अलग कर दिये जाते हैं।

इस लिये बहुत ज्यादा न कहते हुए मैं यही कहूँगा कि जहाँ हम प्राइवेट क्षेत्र में बंगार को बन्द करने की तरफ ध्यान दे रहे हैं, वहाँ हम को यह चीज भी देखनी है कि खुद हमारी सरकारी मशीनरी में काम करने वाले आदमी जो बंगार में लगा दिये जाते हैं, वह भी रुके। एक मिनिस्ट्री के एक नॉबवान ने मुझे बतलाया कि वह कालेज में ला की तालीम हासिल कर रहा है, लेकिन हर तीसरे चौथे दिन उस गरीब को शाम को दौं, तीन घंटों काम पर लगा दिया जाता है और पिछली बार २६ जनवरी तक को वह काम पर लगा दिया गया। नतीजा यह हुआ कि यूनियनवासीटी ने कहा कि चूँकि तुम्हारे लेक्चर कम हैं इस लिये तुम इम्तहान में नहीं बैठ सकते। यह बड़े दुःख की चीज है और इस तरफ हम को ध्यान देना है। जब हम फोर्स लेबर बन्द कर रहे हैं तो चाहे वह हमारे घर के अन्दर ले या बाहर उस को हर जगह पर बिल्कुल बन्द करना चाहिये ताकि जो हमारी गरज है वह पूरी हो।

इन शब्दों के साथ मैं प्रोफेसर शर्मा के बिल की तार्हद करता हूँ।

**The Minister of Labour (Shri Khandubhai Desai):** As far as the Government are concerned, there is common objective with the Mover that there should not be forced labour in any shape or form. Article 23 of the Constitution also lays down that no forced labour should be exacted and there is also section 374 of the Indian Penal Code which lays down the punishment for exacting the forced labour. The Bill seeks to provide for making that

offence cognizable. As I said on the very first day, it is under the consideration of the Government as to how to make forced labour a cognizable offence. The Bill, though it looks very simple, will not be very simple in its administration. That also has to be looked into. A legislation loses all its value if it is not capable of being administered. In this simple Bill of 4 or 5 clauses, our hon. friend Shri D. C. Sharma has also included rates of remuneration and hours of work. As the House knows, hours of work are regulated either by the Factories Act, which has got a machinery, or by the Shop Assistants Act in the urban areas. As far as rates of remuneration are concerned, they are to be governed, I would say, by the Minimum Wages Act, which this House has from time to time extended. I would have an opportunity to come before this House for extending the Minimum Wages Act. The Minimum Wages Act lays down particularly the remuneration for scheduled industries. As far as Schedule I is concerned, more or less, all the States have implemented it. As far as Schedule II, which deals with agricultural labour is concerned it has not yet been implemented, though in quite a few areas, an attempt to do so has been made. It has also been found a little difficult to implement it when we are just in the initial stage of effecting land reforms. Every State has said that it is going to implement the Minimum Wages Act. When the Minimum Wages Act is implemented, we will be able to know exactly what rates of remuneration should be paid in those areas. The Bill, if accepted, would mean the setting up of a very huge machinery to enforce it. That also, this House has to take into consideration.

I personally feel that there was, no doubt, a lot of *begar* or forced labour in the old Part B States. Those States have already been asked to bring their legislation, if there are regulations or rules which allow forced labour, in those States, into line with what has been laid down in the Constitution.

They are moving in the matter. The discussion that has been held here in this House is very useful and it will be all taken into consideration, and the points raised will be sent to the various States to see if certain points raised in the discussion have to be considered in their States, and whether those rules and regulations which go against the article of the Constitution should not be corrected.

Then, there is one other point to which I would like to refer. Much has been said about the *begar* prevailing in the forest areas according to the old forest laws, but if you look into it you will find that it is not entirely a sort of compulsory labour, because in Assam and under-developed areas, land is being given at either less rental or no rental and therefore, they voluntarily agree to cultivate a portion of the land without any rent or any revenue being paid, and for that something is taken as a sort of labour which they voluntarily give. However, since these points have been raised before this House, I promise that these points will be sent to the State Governments to bring the laws in conformity with the general spirit of our time, and I have no doubt that the States will agree to it, because the article lays down that forced labour should be prohibited.

As far as section 374 of the law is concerned, Government is considering whether to make it a cognizable offence.

I hope Shri D. C. Sharma will, on the assurance which I have given to the House, withdraw this Bill and allow us to consider it, because, as I said, there is a common objective. The Government does not want any forced labour anywhere. The attention of the country and the Government has been drawn by this short discussion in the House and I can say that the States will be communicated with, and as I said the Government has already sent a communication to the States to bring the laws in conformity with article 23 of the Constitution.



**Shri D. C. Sharma:** I thank the hon. Members of this House who have supported this Bill. Support has come from North as well as from South, and all the sections of the House have joined in approving of the provisions of this Bill.

I must say that the importance of this Bill should not be judged by the amount of time that the Business Advisory Committee has given. The Business Advisory Committee has its own ways, and it is very difficult to understand those ways. Nor should it be judged by the number of speakers who have taken part in the discussion. I may say in all humility and with a due sense of responsibility.....

**Mr. Chairman:** All the time allotted by the Business Advisory Committee is put before the House for approval. It is the decision of this House. Therefore, no disparagement to the Committee.

**Shri Nambiar (Mayuram):** But there is unanimous support.

Whether we have enough time or not, everybody supports it.

**Mr. Chairman:** Yes, I am not commenting on that.

**Shri D. C. Sharma:** You know one cannot be disagreeing with everything that is done in the House.

So, what I mean to say is this, that there is an overwhelming feeling in favour of this Bill.

**Shri Nambiar:** Not overwhelming, but unanimous.

**Shri D. C. Sharma:** There is a bigger volume of opinion outside the House in all the States.

The hon. Minister just now said that Part B States may be erring in this respect and that they may not have produced any legislation to counteract the evils which are removed by this Bill. But here I have a Government report which came out in 1953. It is the Report of the Commissioner for Scheduled Castes and Tribes. I can of course give other instances also. Going

through this report I find that it is not only the Part B States that are offenders, it is also the Part A States that are offenders.

For instance, in regard to forced labour, on page 6 of this Report, a reference is made to Hyderabad. Of course, Hyderabad is a Part B State, but I will come to Part A State, also. We are told that there is a system in that State still going on, a relic of the feudal ages, which is detrimental to the interests of the workers. Of course, for my purpose, there is no discrimination between the so-called high castes and the Scheduled Castes. I believe in a classless society, and if anybody does something against the Scheduled Castes, I think it is as much against me as against any member of that class. And here is a system, and the system has been worked to deprive them of their rightful means of living. This is given at page 6 of this report.

Then, I come to page 41 of this report where a reference is made to the State of Madras, a progressive State. There also, I find that people have to be victims of forced labour.

"That Muthadar, though a tribal himself, has peculiar ways of tyrannising the tribals openly or stealthily. He is more harmful to the tribals than the Zamindar who does not live in the interior. The system is out-dated and should go with the Zamindari."

So much about forced about.

Now, I come to free labour. Take the State of Bombay. In this report it is stated at page 30 that in Bombay there were certain works undertaken by the State, and the State did not pay the workers adequately. The normal wages should have been Re. 1-4-0 per day, but the wages were fixed at six annas per day.

So, what I mean to say is that this is a matter which concerns all of us, whether we belong to Part A States or Part B States or Part C States. It concerns all of us whether we belong to the Scheduled Castes or belong to

the so-called high castes. It concerns all of us. But nothing has been done.

Of course, the provisions of the Constitution, are there and I respect the provisions and I respect the Constitution, but I must say that seven years have passed and nothing has been done to eliminate this evil of free labour of forced labour. Of course, all things do not come to the notice of the people who write the reports.

**Dr. N. B. Khare:** What about *shram dan*? Free labour means *shram dan*.

**Shri Nambiar:** One is forced and the other is voluntary.

**Shri D. C. Sharma:** So far as *shram dan* is concerned, it is neither forced nor free nor compulsory labour. It is a kind of exalted labour which any one should do to do good to his soul, to his body, to his country, to this *lok* and to the *par lok shram dan* is in a different category, and I am sorry for the gentleman.....

**Dr. N. B. Khare:** It is free, that is my point.

**Shri D. C. Sharma:** .....who does not treat *shram dan* seriously. It is strange that a person who believes in the ancient culture—and I also believe in ancient culture—of the Aryans should talk in such a spirit about *shram dan*. It is a thing which is sanctioned by the *shastras*, sanctioned by our social leaders today and sanctioned by everything that can be held sacred in this country or elsewhere.

So I was going to say that all kinds of free or forced or compulsory labour should be taboo.

Of course, the hon. Minister has given the assurance that he will see to it that the States toe the line so far as this Bill is concerned, but I am sorry he has not referred to Part A States. He has not referred to other things. Moreover, he has not said anything about those forest reservations. Of course, the people who work in those forest areas get something, but what I mean to say is that they do not get enough, they do not work as voluntari-

ly and as gladly as they should, and that they are, so to say, under a kind of fear. Any work that is done under fear is not free labour. Therefore, I would say that even the work done by those persons living in forest areas in Assam or in Tripura or in other parts of India should be looked into.

What I want to urge is that the incidence of free, forced and compulsory labour is quite high in India. My hon. friend Dr. Satyawadi has made a reference to one kind of that labour, and my other hon. friends have referred to the other kinds of that labour. I would be failing in my duty, if I did not raise my voice against this kind of exploitation. It is a very unhappy kind of exploitation.

It is held that there is no *begar*. But I might tell you one instance in this regard. Recently, I was in a particular place in my constituency. One rickshaw-driver came to me—and he was not an ordinary driver, but he was the president of the rickshaw-drivers' union—and said that there is some department of the government—I do not want to name that department—which forces them to carry them from one place to another without paying anything; and if they do not do so, then they are hard put to it. So, it is clear that this kind of thing is there.

My purpose in bringing forward this Bill was that this Bill should be circulated in all the States of India to elicit public opinion. Of course, public opinion is already there. By eliciting public opinion, I mean that public opinion should be educated with reference to the insidious farce of this kind of labour which persists in India even now. That was what I meant and I am glad that the hon. Minister says that we have a common objective. But he has not made it clear how that common objective can be realised. If the hon. Minister makes it clear as to how he is going to put an end to this thing, what measures is he going to adopt to eliminate this kind of labour, I shall be very happy to do as he bids me to do. But a vague and general

[Shri D. C. Sharma]

kind of assurance will not be enough. I would, therefore, request the hon. Minister to tell me what practical steps he is going to take in order to put an end to this kind of dire exploitation of the underdogs in India. This is the question which I put to the hon. Minister.

**Mr. Chairman:** This request and counter-request cannot go on for any more time. I have to put the question to the House, and the hon. Member might give his reaction. An appeal was made to him that he should withdraw this Bill. Is he withdrawing it, or should I put the motion to the House?

**Shri D. C. Sharma:** Will you not give two minutes to the hon. Minister?

**Mr. Chairman:** No, it is not possible for me. Then, he will make another request to the hon. Member, and again I shall have to find out whether he agrees to it or not.

**Shri Khandubhai Desai indicated assent**

**Shri D. C. Sharma:** He is nodding in assent. I think sometimes silence is more effective, and a gesture is more effective than speech.

**Mr. Chairman:** Mostly, we might be misled by these gestures and nods. Therefore, I should like to know definitely what the reaction of the hon. Member is.

**Shri D. C. Sharma:** I believe in his nods, and I, therefore, say that in view of the assurance that he has given that he will take every step, by legislation and otherwise, to implement the principles underlying this Bill. I withdraw this Bill.

**Dr. N. B. Khare:** On a point of personal explanation. The hon. Member of this Bill has tried to be unfair to me, and has tried to create a misunderstanding about me for that interjection about *shram dan*, by quoting scriptures.

**Mr. Chairman:** There is no misunderstanding in the minds of hon. Members.

**Dr. N. B. Khare:** There is misunderstanding. In quoting scriptures and Aryan culture, he has sought to create a misunderstanding that I was against this Bill. I am not against this Bill. My only point is that he has included free labour in this Bill. He wants to penalise those who want free labour. Therefore, I want a clarification whether *shram dan* does not come under the category of free labour.

**Mr. Chairman:** He meant only free labour with inadequate remuneration.

Has the hon. Member leave of the House to withdraw his Bill?

**Hon. Members:** Yes.

**Mr. Chairman:** Leave is granted, and the Bill is withdrawn.

#### WOMEN'S AND CHILDREN'S INSTITUTIONS LICENSING BILL

**Shrimati Jayashri (Bombay -Suburban):** I beg to move:

"That the Bill to regulate and licence institutions caring for women and children, be taken into consideration."

We all know that at present due to poverty and the economic condition of our people, and especially the one-sided civil laws which do injustice to women, and also the evil customs like child marriage, dowry and other customs, which are the causes of the degradation of our society, women and children are exploited. Naturally, our mind turns to the question of giving relief to these people; and we want to give shelter to the orphans and destitute women, and institutions are started for that purpose.

In India, we have a large number of such institutions, good, bad and indifferent. In Bombay, I can say that there are very good institutions, volun-