

INDUSTRIAL DISPUTES (AMENDMENT) BILL

The Minister of Labour (Shri Khandubhai Desai): I beg to move:

"That the Bill further to amend the Industrial Disputes Act, 1947, as passed by the Rajya Sabha, be taken into consideration."

This is a very small amending Bill and I need not take much time of the House in explaining the Bill, as it has been presented to the House. The House is, no doubt, aware that when we passed the amendment of the Industrial Disputes Act in the November session, the Government gave an assurance to the House that plantation labour which had been excluded from that Bill would be brought under the Act as early as possible, because that Bill when it was brought, was brought in consultation with the tri-partite conference to whom the question of plantations was not referred. Immediately after that amendment became law, the Government called a meeting of the Plantation Committee, on the 31st December 1953, and that Committee unanimously recommended or agreed that plantation labour be brought under the lay-off scheme.

Shri Amjad Ali (Goalpara—Garohills): At what place was the meeting held?

Shri Khandubhai Desai: At Calcutta. After the unanimous consent of the Committee was given, Government introduced a Bill in the Rajya Sabha in the Budget Session, and it was passed. But, unfortunately, because of the pressure of work here, we could not bring in the Bill last session and so we are bringing it just now.

The Bill provides that the Act should be applied with retrospective effect from the 1st April 1954, and when the Act is applied in any plantation where the workers are enjoying a position more advantageous to what has been provided in the Act as the

minimum, the provisions of the Act should not have a derogatory effect and they must get that much more advantage. That is all I have to say regarding this Bill. If there are any criticisms that come up, I would reply at the closing stage.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Industrial Disputes Act, 1947, as passed by the Rajya Sabha, be taken into consideration."

Shri Amjad Ali: Sir, the Bill as it seeks to amend the Industrial Disputes Act, to give the benefit of lay-off compensation to the plantation labour is long overdue. The plantation industry is the most important and premier industry in India. When the lay-off benefit was given to the labourers under the Factories Act, 1948 and Mines Act, 1952, there was no reason why this benefit was withheld from the plantation labour.

Then again, I find from the statement of the hon. Minister that it is going to be given effect to from the 1st of April, 1954. I request him to consider whether it is possible to accept the suggestion that instead of April, 1954, it may take effect from the date from which the Industrial Disputes (Amendment) Act was given effect to—it was sometime in October, 1953 I think. It was provided in the Industrial Disputes (Amendment) Act that the provisions regarding retrenchment and lay-off will have effect from the 31st October, 1953. If the Government accept the suggestion, namely, that the Bill will have retrospective effect from 31st October, 1953 that will really give some benefit to the poor plantation labourers.

May I also point out, Sir, that mere passing of the legislation will amount to nothing if the implementation is not seen through. Emphasis therefore should be on the act of implementation and that is very important. The Plantation Act came into force in 1944, but though this piece of legislation came into force due to the insistent demand of the plantation

[Shri Amjad Ali]

labour movement, yet the planters simply resort to various devices to defeat the provisions of the Plantation Labour Act. They evade repairs to the houses of labourers saying that they have to build houses for the labourers but the Act does not say anything of repairs at all. They say to the plantation labourers: "The Act says: new houses will have to be built, but repairs cannot be undertaken because that is not in the Act". The labourers have to live in rains. So, the labourers pass long days in summer and monsoon months in torrential rains. The Act is there but the human element is missing. Therefore, implementation of the measure is the chief thing.

I ask, Sir: "How long it will take to provide housing to the labourers in the plantation area?" The Government had put some targets to supply house for each labourer. Has it come to the target level even now?

Some months ago a tripartite committee met at Ootacamund and made its recommendations. May I ask, why the recommendations have not been put into effect?

Sir, the Plantation Labour Legislation which was passed three years ago for the benefit of the workers has not been put into effect. The delay has no cause. The only possible answer that will be given is that it is under the active consideration of the Government. But, why so long? Where there is a trade union the rights of the labourers are admitted. Where there is none, what happens to the labourers? All manner of obstructions are put. The planters see if there is any loophole to escape through the Acts and evade their responsibility with the result that the poor labourers suffer. For this purpose a definite joint standing machinery of individual industries to settle trade disputes at that level of industry is required so that the representatives of the union and employers can settle the dispute which may arise between them.

Sir, with these words I support the Bill.

Shri Velayudhan (Quilon cum Mavelikkara-Reserved-Sch. Castes): Sir, in the Statement of Objects and Reasons it is stated.....

Mr. Deputy-Speaker: I can hear if it is a matter of doubt.

Shri Velayudhan: It is a matter of doubt, Sir.

Shri B. S. Murthy (Eluru): One doubt or two doubts?

Shri Velayudhan: Sir, here it is stated:

".....subject to the condition that none of the provisions of the Act derogated from the effect of any statutory notifications issued by Governments or of any agreements or contracts entered into between the parties....."

May I know Sir, whether these papers mentioned here are placed before the House. For example it is stated "any statutory notifications". It would have been of great help if these notifications and other regulations issued by the Government are placed before us.

Shri Khandubhal Desai: So far there is none.

Shri Velayudhan: Then, why it is mentioned here?

Shri Khandubhal Desai: In future, if some orders may have to be passed, the workers interests will be protected.

Shri Velayudhan: If it is for that the Bill itself is there.

Mr. Deputy-Speaker: Now, Shri Bimlaprosad Chaliha.

Shri Bimlaprosad Chaliha (Sibsagar-North-Lakhimpur): Sir, the Government deserve our congratulations for coming forward with this piece of legislation. Leaving out the plantation industry from the scope of this compensation provision in the

Industrial Disputes Act was a very wrong thing. The plantation industry provides employment to quite a large number of people in India. In the tea industry alone, I suppose, more than 12 lakhs of people are employed. The labour conditions in India even today are far from satisfactory and it is in the fitness of things that the Government at the Centre and also the Governments in the States are now giving serious consideration to this problem and are trying to ameliorate the condition of the labourers. The difficulties of the labourers for the very small income and their laying-off as now happens in the seasonal factories and also in plantation industry could be well imagined than explained here. Therefore, this piece of legislation will be highly welcomed by the plantation workers and the Government deserves thanks from them.

I have, however, an apprehension. I wonder whether without proper arrangements to meet the situation which arise as a result of fall in prices of the commodities like tea and coffee, how far legislations alone could protect the interest of the labourers. We have some experience in this connection. Although the Minimum Wages Act was in force during the last crisis in the tea industry, in spite of the Minimum Wages Act, in many plantations lesser wages were paid and the Government had to connive at it. Government had to remain mum. Even the trade unions also had to remain mum because they thought that instead of the closure of the tea estates which will result in unemployment of the labourers altogether, it would be better to get something and keep in gardens going. Therefore, I support the idea that was suggested in an earlier speech in connection with the Tea Bill by an hon. Member that the Government should consider about the creation of what may be called a "Price Stabilisation Fund". They may bring out a legislation by which they will compel each plantation owner or company to create such

a fund, when, particularly, the industry is now having a very good time. If such a fund could be created even if the prices go down some wages need not be disturbed and the loss may be made up from this fund. Without such an arrangement, in spite of all the good intentions on the part of the Government, it may be very difficult for them to implement the various ameliorative measures suggested in this Bill and also in the earlier legislations. Therefore, while supporting this Bill and thanking the Government for coming up with this legislation, I draw their serious attention to the need for proper arrangement for the stabilisation of the prices of these commodities.

3 P.M.

Shri Punnoose (Alleppey): As the Minister of Labour said, this is a very simple Bill and one should welcome it. But I cannot agree with the previous speaker in congratulating the Minister on this, especially because the Minister has made a statement now to which we on our part take very serious objection—an objection to the principle contained in the statement. When in October, 1953, the ordinance was passed, giving the benefit of compensation for lay-off and retrenchment, plantation labour was not included in it. In November, 1953, the Bill was brought before Parliament.

Shri Khandubhai Desai: After an ordinance.

Shri Punnoose: Yes. Then, every section in this House—Congress, communists—every section indeed wanted the inclusion of plantation labour also. I think the hon. Minister himself, who was at that time a non-official Member of the House was for it, but it was not included. In January, 1954, there was a tripartite committee which decided that plantation labour may be included. Here a serious question of principle is involved. We do support the idea that tripartite conferences and bipartite agreements are necessary and we always want questions to be settled through this machinery. When

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labour disputes come up, tripartite conferences and bipartite agreements are all useful. But is it the policy of the Government of India to legislate for labour, giving them a decent standard of living only after consulting, and after getting the approval of the employers? That is the serious question. We do not want that the claim of the worker for decent living, human living, which is his natural claim that cannot be denied, should be subject to the approval or disapproval of the employer. The Minister of Labour was frank enough to say that they could not bring in plantation labour in the first Bill because there was no agreement from the employers. Now this amendment is brought because it has been agreed to by the employers. I would like the Minister of Labour to clarify the position of the Government. This amendment has been brought now. Why is it that it should not be made retrospective—from the 24th October, 1953? What prevents the Government from doing that unless it is the fear of courting the displeasure of the employer? That again adds to our fear that labour legislation is undertaken only with the approval and the sanction of the employers. Apart from this, we have got serious apprehensions as to the way in which this is going to be implemented, because we have got the bitter experience. For example, in the Plantation Labour Act, as was pointed here a few hours back, there are certain very good provisions, but in fact, the worker is denied the benefit of such provisions. In order to bypass the provisions of the Plantation Labour Act and the provisions of the Industrial Disputes Act, arbitrary dismissal is resorted to by many managements. Complaints have come from Bengal, Assam and indeed from every part of the country with regard to this thing.

Shri Velayudhan: What about our part—Travancore-Cochin?

Shri Punnoose: In Travancore-Cochin State the phenomenon is slightly different. I do not know whether the Plantation Labour Act has been implemented there in full, though the State Government has got the right to do that. There was a notification a few months back that the present Government—the P.S.P. Government—is going to implement the Plantation Labour Act. But my own idea is that it has not been fully implemented there yet. The managements resorting to certain methods. There are a large number of dependants who are kept as casual workers in the estates. When once a worker is entered on the muster rolls, then he has got certain rights. He has got the right of leave with wages, etc., with the result that the managements are keeping a large number of dependants of the present workers as casual labour. They are kept out of the permanent list. An agitation has been going on, but no agreement has been reached and large numbers are kept away from the benefit of the Plantation Labour Act.

There is another feature. Take the rubber estates. In the rubber estates, there are men as well as women tappers. Previously, both the men and the women tappers were getting the same wages. But after the implementation of the Minimum Wages Act, a woman tapper gets Rs. 1-3-0 per day while a man tapper gets Rs. 1-9-0 per day. The Minimum Wages Act, when implemented, went against the interests of the woman workers who do exactly the same work as the men workers. Both the men and women workers tap 250 trees every day, but the woman worker gets six annas less than the man worker. Again, in the Plantation Labour Act, there is a provision for maternity benefit. One should be surprised at the attitude of the managements in the rubber plantations. In rubber plantations, in order to avoid giving maternity benefit, the managements are persistently keeping away women from employment.

[SHRIMATI KHONGMEN in the Chair]

All these things have created a very serious situation in the plantations in the whole country especially in Travancore-Cochin State. The Labour Minister should note that in recent weeks there have been many labour disputes cropping up in the estates. I shall just make reference to one instance. There is a company called Malayalam Plantations. This Malayalam Plantations is purely a British company. Its director made a speech very recently in London showing the profits of the company in 1953. This Malayalam Plantations, which has got estates all over Kerala, earned a net profit of £5½ sterlin. In 1954, during the last ten months, the same company has earned a net profit of £11 lakhs. Nevertheless, the company is now refusing the minimum conveniences, the elementary demands, of the workers. For example, for generations it has been the practice that the management is responsible for supplying food for the workers in the estates. The plantation workers live far away from their villages and towns and so the management used to discharge the responsibility of supplying food material to them. Of course, the price of this would be collected from the wages of the workers. But the Malayalam Plantations has now refused to discharge that responsibility with the result that there is a big struggle going on. Why should they do so now? It is because, according to the Plantation Act, if this practice is continued, certain responsibilities would devolve on the management. I wanted to impress upon this House that while these good pieces of legislation are being passed here, steps are being taken by interested parties, the managements or the employers, to bypass these and deny the benefits of these laws to the workers. It is not a question of passing them; it is a question of implementing them. The half-hearted way in which the labour laws had been implemented should be given up. Government should take steps towards the proper implementation of the labour laws.

I conclude by requesting the Minister to make a forthright declaration that the policy of the Government is to enact labour legislations and implement them irrespective of the fact whether the employers agree with them or not. They should make it quite clear that they want to give a decent standard of living to the worker. I would also request that this amendment should be made to have retrospective effect and that Government should take steps to get for the workers the real benefit of labour laws.

Shri B. S. Murthy: It looks as if the Ministry of Labour is a step child of the Government of India.....

Shri Velayudhan: Child labour. (interruptions.)

Shri B. S. Murthy: I am not able to understand Mr. Velayudhan's expression 'child labour'. When all the other Ministries are able to enjoy the tempo of progress, this Ministry has not made much progress. Ever since this Parliament has come into existence with a popular vote, no progress has been shown so far by this Ministry. We are all very sorry that this Ministry is not able to pull its weight with the Government, as has been seen in the case of the bank employee's award, etc.

This is a Bill which has been long overdue. This is a right that has been fought for by the workers of the plantations. When the ordinance was issued, we all expected that the Government would include the plantation labour also in that ordinance. But the Government failed to include it and thereupon an agitation was started. Even then Government did not move. The Government of India moves very slowly as far as the workers' affairs are concerned. I am not able to understand why the 1st day of April 1954 should be fixed....

An Hon. Member: April fool.

Shri B. S. Murthy: I want to use that word but my hon. friend is anxious to use that word himself; perhaps he is able to know it better. 1st April has no sanctity and there is no reason given here as to why

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that day has been fixed. When the ordinance had been issued on the 24th of October 1953, I think the proper thing would have been to take that date and deem that date to be the date from which the plantation labour also would get the benefits which the workers in the mines and factories would be eligible for. I want the Ministry to consider whether this date could not be taken back to October 24th, 1953.

I need not speak about the woeful conditions in which the plantation labour is suffering today. My friends who have preceded me have told many things. I think it is high time. Government appointed a Commission to go into the living conditions of the plantation labour. The planters are making tons of profit but they are not coming forward to give some consideration even to the elementary needs of the plantation workers. They have no houses; they have no clothes. Even when they have to go miles and miles to come to the place of work, no conveyance is provided to them. All sorts of impediments are put on them and so their health has deteriorated. I think it is high time that the Minister who had been fighting for these rights for the labourers came forward with a Commission to go into the conditions of plantation workers so that their living conditions could be adjudged and new proposals might be brought forward.

I have nothing to add except to congratulate the Minister because he has thought it fit, even at this late hour, to bring forward this measure so that the benefit of 'lay-off' might be given to these workers. I am afraid that the clever planters will again try to circumvent the law and to deny the benefit which this Act might confer upon the workers. Therefore, the Ministry must be vigilant and see that the benefit conferred by this legislation is actually given to the workers. If the planters are clever to see that regular labour

is not put on their registers, Government should see that the persons working for a certain period must also get the benefit. With these remarks, I support the amendment.

Shri Velayudhan: I welcome the introduction of this Bill by the hon. Labour Minister. I would like to make a few remarks at this time on certain points raised in the objectives of the Bill. It is said in the Statement of Objects and Reasons of the Bill that the Industrial Disputes Act was amended in 1953 but at that time the plantation labour was not included for the purposes of compensation for retrenchment, lay-off, etc.

Shri Khandubhai Desai: Retrenchment has been included.

Shri Velayudhan: I am saying about lay-off. I do not know why at that time this important issue was not taken into consideration by the Government because the year between 1952 and 1954 was a year of not only retrenchment but also of large scale lay-off, especially in Travancore-Cochin. I remember very well that in many of the factories—almost all the factories—and in the plantations, there was very heavy lay-off. Even now it is going on. There was no remedy or safeguard in the interest of the labour because of the lacuna in the Act. It took one full year for Government even to contemplate a legislation. It was not included in the amending Act of 1953. Then a Conference of Industrial Committee on Plantation met in January 1954. Now, Madam, we are now reaching the lap of 1955. So, it is more than one year since this Committee met and decided that compensation should be paid to the employees who are under the lay-off system. During this time thousands of employees have suffered. Government also should know very well that during this period of one year there was I must say large-scale seasonal retrenchment, for the word lay-off, especially in the rubber, tea

and coffee plantations in Travancore-Cochin. When we visited the plantations in Travancore-Cochin the complaint that we very often heard from labour and the trade unions was that because of this lacuna in the amendment Act of 1953 the managements were taking a lot of advantage, with the result that labour had to suffer a lot.

Let me in this connection bring to the notice of the House that all these difficulties for labour have arisen because of Government's apathy towards two very important Bills—the Labour Relations Bill of 1950 and the Industrial Disputes (Amendment) Bill—the first of which was actually introduced and even passed the Select Committee stage. If only these two Bills had been passed at that time, this retrenchment, or this kind of lay-off would not have taken place and millions of labourers in India would not have suffered. One hears a lot about labour and industrial disputes in the country and Government's stand about them. But at the same time we have not heard anything definitely or precisely on the Industrial Relations Bill or the Industrial Disputes Bill. Both these Bills were brought not by the former Labour Minister, but by his predecessor, Shri Jagjivan Ram, and in spite of our repeated requests that these two measures should be passed into law, they are still lying in the archives of the Government. How many labourers have suffered because of the delay in the enactment of these measures? I would like to tell one thing to the hon. Labour Minister who is a seasoned leader of labour, and in whom I have great hopes, and who I am sure will champion the cause of labour as any other labour leader in the country. I want the two Bills lying idle in the files of the Government to be brought forward and passed into law, so that this lacuna may be rectified. At the same time I should request him to give retrospective effect to the measure now under discussion. The Committee discussed this matter in Calcutta in January 1954; the Gov-

ernment is bringing forward the Bill in December 1954. My request to the hon. the labour Minister is that if this measure is given retrospective effect millions of labourers will be saved from a lot of suffering,—not only in my State but all over India.

Shri Keshavaingar (Bangalore North): I tender my wholehearted welcome for this small measure. It is a very non-controversial Bill. I do not think there is anything very much surprising in the fact that it has sought to be enforced from the 1st of April 1954, because the new financial year comes into force from that date. It is most gratifying to see that Government opened its eyes only on the recommendations of the meeting of the Industrial Committee on plantations held in Calcutta in January 1954. It is a long overdue enactment that was expected of the Government.

Plantation labour is that section of labour which has been very much neglected. In fact, the conditions of life of the labourers in the plantations is very distressing; it is the most unorganised section of labour too. Therefore, it has not been able to make its voice felt very much. I am very thankful to the Government for having brought forward this measure, even though late in the day. Let us not rest content with the passing of this Bill and making the lay-off compensation clauses applicable to the plantation labour. In that part of the country from which I hail there are thousands of labourers undergoing untold hardships under this lay-off system. After this Bill comes into force they will have some relief. These are days when we have got to be grateful for small mercies and I suppose even on that ground, I should tender my heart-felt support to this measure.

Shri P. C. Bose (Manbhum North): Madam-Chairman, it gives me great pleasure in supporting this Bill which is intended to bring plantation labour under this Act. I congratulate the Labour Minister for bringing this Bill, though rather late....

Shri B. S. Murthy: Very late.

Mr. Chairman: It is better late than never.

Shri P. C. Bose: Plantation labour, as the House well knows, is the most sweated and the most miserable labour in India. Since the time of indentured labour in the tea gardens they are suffering untold miseries, untold difficulties. Those who have some knowledge about tea garden labour know how these people live in the wilderness, away from towns and cities and civilisation, and there is nobody to help them. In former days, in the course of enquiry by the Government it was found that they lived as if in concentration camps. The estate owner was the lord of those places, he had no mercy for the labour. I am afraid that a bit of that tradition is still going on.

It is therefore the bounden duty of the present Government and the Labour Ministry to see that their lot is improved to a certain extent. I am glad that this Bill has been brought in today. But what I want to emphasise is this, that it is also the duty of the Government to see that the Bill is properly implemented in the case of plantation labour. Otherwise it will be of no use to those people who live away from the towns and cities.

With these words I support the Bill.

Shri K. P. Tripathi (Darang): I rise to welcome this Bill. This Bill fulfils the promise which Government gave in the last session in which the relevant amendment was passed. In that amendment it was said that plantations had been excluded because they did not form part of the agreement under which the other industries had come. So we had to await a conference. The conference met in Calcutta and unanimously decided that plantations should be brought under its purview. And I am glad that Government has taken steps now to fulfil that promise. In that conference it was also decided that higher benefits than what are contemplated in this Bill, if available to labour

anywhere, should prevail over the benefits provided in this Bill.

May I point out that this problem was discussed in its entirety in the international conference of the I.L.O. which met at Bandoeng? There we discussed and ultimately came to the conclusion that it is very necessary for plantation labour to provide twenty-six days' work in the month, for which the reason obviously was that plantations are scattered over the countryside in huge areas where there is no alternative employment possible. In the South, when I went to Madras and the Nilgiri Hills I found that this labour was tucked up on the summit of the mountain and when they were laid off for two or three days in the week they had no other alternative occupation. After the lay-off period they were expected to go back to the industry and perform their functions with the same efficiency with which they had left off before. You will realise that it is not possible for plantation labour, or any labour for that matter, to function with the same efficiency if he or she is laid off for two or three days in the week. This point was not understood by the employers. When I interceded with them they said it was not possible. But the same employers, in the distribution of profits, had made special reserves called the dividend equalisation reserve. When I asked them, "How do you justify this, on the one side you put dividend equalisation reserve so that every year you might continue to get dividend even if the garden might lose, and on the other hand you make no provision whatever for the labour on which this profit occurs, although the labour is laid off for two or three days?"—because after all plantations are seasonal industries—no reply was forthcoming. And it was out of such considerations that it was decided in that conference that it was necessary to fully protect the wages of plantation workers. That was the decision.

I am glad to hear that thereafter the Minimum Wages Committee of

Travancore-Cochin which finalised the minimum wages decided that minimum wages shall be fixed on the basis of twenty-six working days and, if no work was provided, then wages shall be provided.

Unfortunately the Assam Government did not have such a law when the huge unemployment and lay-off and retrenchment came in 1952. The lay-off and retrenchment passed off and later on, at the end of 1953, the Assam Government also had to pass such an order under the Minimum Wages Act, when it was unnecessary. I am mentioning these things in order to point out how the necessity of fully protecting the earnings of plantation workers exists.

May I point out that there was a Government committee which went into the wages of plantation labour, and you will be surprised to find that it discovered that 72 per cent. of their wages were used for food alone; that was the average figure. You know there are some families which have a larger number of children than others. In those families it was discovered that as much as 90 per cent. of the wages were consumed for food alone. There is hardly any other industry in the world in which such a high percentage of the wages is consumed on food alone. If ninety or eighty per cent. of the wages is consumed on food alone, what about clothes, what about fuel and other things. The answer is not forthcoming from anywhere.

Therefore you can find out how these people are living from hand to mouth. If on the top of it they are to be laid off for a certain period, what happens? Obviously, they starve. Therefore it was discovered by the Lloyd-Jones report that there was so much anaemia, that anaemia was a persistent disease among plantation labour. It was for this reason that we felt it was very necessary to protect the wages of plantation.

In other industries you will realise that wages have been fixed on the

basis of one earner earning for the family. But in the plantation industry wages have been fixed on the basis of the individual. It is supposed that the whole family must earn in order to live, including children. And you know when the whole family has to earn, it cannot put in the requisite number of days. If the child is ill the mother cannot go; if one person in the family is ill the rest of the family cannot go to work. In this way no family in plantation labour ever fulfils the required number of days' work which is necessary. Therefore, if you fix that so much is the earning of a plantation worker for maintaining the minimum number of calories, you will find the earning is far less than what is provided for. It was from this point of view that everyone felt that it was necessary to fully protect the wages of plantation workers. Therefore, we had asked therein, in that resolution of the Bandoeng Conference that there should be full protection for them.

But the House will realise under what circumstances this amendment was originally enacted. At that time in different parts of India different industries were being looked out and a serious problem arose as to how to prevent that. And ultimately there was a tripartite conference in which a unanimous decision was taken, and therefore this amendment was passed. And this amendment succeeded in the purpose for which it was passed, namely to stop lock-outs. Therefore, we thought it would be quite convenient to extend it to plantations. Because in 1952 we discovered there were many plantations which closed, not because they needed closure but because they wanted to keep in sympathy with other gardens which had closed. This question was brought out. We discussed with the employers and the employers discussed with their financiers, and discovered that whenever they found that the amount of loss which occurred to them was more in this way than in the other, they at once switched over and took

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work from the labour. We asked: how is it you closed yesterday and now you are opening, has the crisis disappeared? The answer given was: we thought if we did not close the other neighbouring garden will be in difficulties, so we also closed in sympathy. So at that time when the crisis came gardens were closing in sympathy. If this law had been there such a thing might not have occurred at all. Therefore, I am glad that now this law is being put on the statute-book also with regard to plantations, and I have great hope that in future just as other industries have been prevented from locking out, similarly plantations also will be prevented from locking out merely for the sake of locking out. Therefore, it is a very valuable and good measure. We have been looking forward to it and we hope that it will succeed in the purpose for which it is being meant.

In this connection, may I point out that there are certain fundamental problems of the plantation workers? Both of our Labour Ministers are seasoned trade unionists and the country expects very great things from them, and I have no doubt that they will be able to justify the expectations. People are looking forward to the solution of certain fundamental problems which are waiting to be solved not only in respect of plantation workers but in other industries also. Just as they have taken the earliest opportunity to bring this measure before the House and get it passed, similarly, other fundamental issues both with regard to plantation labour and with regard to other labour have been pending, and I have no doubt that they will be bringing forward suitable legislation.

With these words, I have great happiness in welcoming this measure, and I thank you.

Shri S. V. Ramaswamy (Salem): I wish only to draw the attention of the hon. Minister to one point.

In the First Report of the Committee on Subordinate Legislation certain things have been pointed out and I find they have not been carried out in this Bill.

Section 38 of the parent Act deals with the rule-making powers, but it does not contain a clause which is usually found in such Acts. Now, there is a set formula which is followed in all sections dealing with rule-making powers. For instance, subsection (2) of section 11 of the Salaries and Allowances of Officers of Parliament Act says:

“All rules made under this Act shall be laid before both Houses of Parliament as soon as may be after they are made.”

This formula has been adopted in almost all the Acts—for instance in the Tea Act, the Estate Duty Act etc. A similar provision is not found in the parent Act. It is with respect to this that the Committee on Subordinate Legislation in its report of March, 1954, has said in paragraph 11:

“The Committee, therefore, feel that in order to have proper scrutiny over the delegated legislation, it is imperative that there should be uniformity in the provisions of Acts authorising the making of rules, regulations etc. With a view to achieve this, the Committee make the following recommendations:—

(i) That in future the Acts containing provision for making rules etc. shall lay down that such rules shall be laid on the Table as soon as possible.

(ii) That all these rules shall be laid on the Table for a uniform and total period of 30 days before the date of their final publication.

(iii) That in future the Acts authorising delegation of rule-making power shall contain certain express provision that the rules made thereunder

shall be subject to such modifications as the House may like to make."

This report was submitted to Parliament in March, 1954. This Bill has been prepared in April, 1954, a month after the First Report was submitted. There is again a reference to this in the Second Report of the Committee on Subordinate Legislation in paragraph 29 (submitted to the House in September, 1954).

Shri N. M. Lingam (Coimbatore): On a point of order. Are we discussing the report of the Committee on Subordinate Legislation, or the Industrial Disputes (Amendment) Bill?

Shri S. V. Ramaswamy: My friend may wait. There is no point of order.

Mr. Chairman: The hon. Member says it is relevant.

Shri S. V. Ramaswamy: The relevant portions of this Bill delegating powers for making rules to the executive, have not been framed on the lines suggested by the Committee.

Shri U. M. Trivedi (Chittor): On a point of order. This is not lunch hour and we are not in quorum.

Mr. Chairman: Let the quorum bell be rung. The hon. Member can continue now.

Shri S. V. Ramaswamy: They have said:

"The Committee recommend that before these Bills are enacted, necessary amendments should be made in the relevant clauses and in the amending Bills which do not touch the rule-making sections of the principal Acts, new clauses making the necessary provisions should be inserted."

My submission is that even when the Bill was framed, the recommendation made in the First Report of the Committee on Subordinate Legislation submitted in March, 1954 should have been taken into consideration and the parent Act should

have been amended suitably. But, if it is too late, all that I would submit is that the hon. Minister may kindly give an assurance on the floor of the House that any rules framed under section 13 of the parent Act would be placed before the House.

ठाकुर युगल किशोर सिंह (मुजफ्फरपुर उत्तर-पश्चिम): सभानंत्री महोदया, मैं श्रम मंत्रालय को इस बात के लिये बधाई देता हूँ कि उन्होंने इस प्रकार का बिल ला कर प्लेन्टेशन लैबर को हर्जनी की सूची में दाखिल किया है। यद्यपि यह बिल बहुत पहले आना चाहिये था, फिर भी अगर सुबह का भूला शाम को घर पहुँच जाता है तो वह भूला हुआ नहीं कहलाता है। इसीलिये मैं श्रम मंत्री को बधाई देता हूँ।

साथ ही मैं यह कह देना चाहता हूँ कि यहां के अलावा कई रंगमंचों से, लैबर मिनिस्टर को ओर से यानी इनको भूतपूर्व लैबर मिनिस्टर की ओर से यह आश्वासन दिया गया था कि जब कभी इंडस्ट्रियल डिस्प्यूट्स एक्ट के एमैन्डमेंट का सवाल होगा और वह इस हाउस के सामने आवेगा तब उस में वीकेंग जर्नीलस्ट्स, जिन के सम्बन्ध में इस हाउस में एक प्रस्ताव आया भी था, के लिये भी कुछ न कुछ किया जायेगा। इसी तरह से जब 'ले आफ' के सिलिसिले में बातचीत चलती थी तो उस में सीजनल एम्प्लायीज जो कि शूगर फैक्टरीज में काम करने वाले होते हैं, उन का सवाल भी साथ बंधा हुआ कहा गया था। लेकिन उन के सवाल पर विचार नहीं किया गया और उन को इस बिल में रखने की कोशिश नहीं की गई। मैं समझता हूँ कि इन फैक्ट्रियों में काम करने वाले जो मजदूर हैं उन के सम्बन्ध में इस तरह का सवाल रोजमर्रा उठता रहता है। अगर हम इस बात पर भरोसा कर के ही कानून बनावे कि जिस बात में इंडस्ट्री के लोग राजी होते हैं, मिल मालिक लोग राजी होते हैं, उसी को हम कानून के रूप में रखें, तो यह सम्भव नहीं हो सकता है कि मजदूरों के हित में जो कानून मुनासिब तरीके से होना चाहिये वह ही सम्भव होगा। मैं यह मानता हूँ कि 'ले आफ' के सिलिसिले में या प्लेन्टेशन के सिलिसिले में

[ठाकुर युगल क्वारो सिंह]

जो भी फसला एक मत से हो उस को कानून के रूप में उन को जल्द से जल्द लाना चाहिये, लेकिन साथ ही मैं यह भी कह देना चाहता हूँ कि हमारा श्रम मंत्रालय के इसी पर भरोसा कर के काम करने से मजदूरों का हित नहीं हो सकेगा। इसीलिये जो भी मजदूर छूट गये हैं, जो इस के दायरे में नहीं आते हैं, वर्कमें की परिभाषा में नहीं आते हैं या जो सीजनल एम्प्लायीज होने के नाते ले आफ के हकदार नहीं होते हैं उन सबको भी इस बिल में शामिल कर लेना चाहिये। तभी मेरा ख्याल है कि हम अपना फर्ज अदा कर सकेंगे।

Shri Khandubhai Desai: As far as this small non-controversial Bill is concerned, there has been general support to this Bill. But incidentally some remarks have been made which require some reply from me.

It has been stated that the Bill has been delayed. May I say that as far as Government are concerned, there has been no delay at all. When the original Bill was passed, an assurance was given—that was in November 1953—that immediately Government would bring in this Bill. We consulted both the parties in January, and the Bill was passed by the Rajya Sabha in April 1954. In the Budget Session or the subsequent Session in autumn, this Bill would have become law, but the Business Advisory Committee of this House did not consider it, and therefore, it has been my fortune—or whatever you may call it—to bring this Bill in this Session. So, there has been absolutely no delay at all, and Government have acted very expeditiously in the matter.

Shri Velayudhan: You are very quick.

Shri Khandubhai Desai: And I think Government have carried out their assurance in the very letter and the spirit in which it has been given.

Even if the Bill is passed today—and it is going to be passed, and I have no doubt in my mind with

regard to that—nothing is lost, because it will be retrospectively applied from 1st April 1954.

Shri Amjad Ali: Why not from 31st October 1953?

Shri Khandubhai Desai: I am coming to that. A point has been made that it should have retrospective effect from 24th October 1953. Friends who have made this suggestion do not realise that this Bill provides that this law shall apply to labour covered by the Plantations Labour Act. That Act had been applied from 1st April 1954, and therefore, the Advisory Committee on Plantation Labour has very wisely stated that the Act which this Bill seeks to amend should also be applied from 1st April 1954, on the day on which the Plantations Labour Act had been applied. That is my reason for making it 1st of April.

Certain criticisms were made regarding housing. No doubt, the conditions in most of the Plantations in this regard are not satisfactory. The Plantation Labour Act does provide that houses shall be built for labour. Government have already framed rules and regulations, which have now been finalised, and the State Governments have been empowered to phase the building of houses according to what they think proper, and I may assure this House that the whole Plantation Labour Act is meant to be implemented. The tripartite committee which met in January, and also the one which met in Ootacamund a year back, have unanimously agreed to the phasing of the Act. The most important provisions of the Plantation Labour Act have already been brought into operation, and the provision regarding canteens, medical aid, etc. have been phased. I have no doubt, and I hope, that the other provisions also will be implemented as early as possible. Particularly in view of the fact that the tea industry is making good profits, there will be no occasion on the part of the tea planters to say that they cannot implement the provisions of this Act.

Shri B. S. Murthy made a criticism that no progress had been made during the last seven years.

Shri B. S. Murthy: Last three years.

Shri Khandubhai Desai: Yes, last three years. Plantation labour, as it was about six or seven years back, was in a very bad condition. A square deal had been given to them during the last few years; all the States have appointed Minimum Wages Committees, and the Minimum Wages Act has been implemented throughout. But during the last years, no progress could be made for obvious reasons.

Shri B. S. Murthy: I am right.

Shri Khandubhai Desai: The tea industry, as we all know, is an export industry, and we have got to plan, whether we would like it or not, for our commodity being sold in the foreign market; and therefore, the Plantations Labour Act had to be delayed in its implementation. In the year 1952-53, the tea industry was not in a good condition, and therefore, the progress that the Plantations Labour Act envisaged when it was passed in 1951 could not be made, and we are all sorry for it. As a matter of fact, the Act was meant to be implemented. So, immediately after the industry is looking up a little, Government have brought in this Bill, and they have also decided to implement the whole of the Plantations Labour Act from 1st April 1954. I think the House would not have to complain much about the implementation of any legislation which provides for ameliorative measures as far as labour in the plantations is concerned. No doubt, plantation labour, when compared with other labour, is in a little worse position, but its lot has to be bettered, and with the help and co-operation of this House, I have no doubt that it will be brought up to the level of the other workers very soon.

A point has been made about laying the subordinate legislation like

rules and regulations under this Act on the Table of the House. This Bill was meant only for the lay-off provision, and so a provision to that effect has not been included. But even if it is not there, Government would have no objection to place on the Table of the House whatever rules they make with regard to this legislation.

There are not many other points which require a reply from me. So, I commend this Bill to the House, and I hope we shall be able to complete the passage of the Bill before the expiry of the time that has been allotted to it.

Mr. Chairman: The question is:

"That the Bill further to amend the Industrial Disputes Act, 1947, as passed by the Rajya Sabha, be taken into consideration."

Shri U. M. Trivedi: Could we place this motion when there is no quorum? We are only thirty-one in the House, now.

Shri Bimladas Chaliha: You were counting all the time?

Shri B. S. Murthy: Why not keep on the bell ringing, and let us go on speaking.

Shri Velayudhan: This shows the interest taken by Members in labour problems.

Mr. Chairman: Now, there is quorum.

The question is:

"That the Bill further to amend the Industrial Disputes Act, 1947, as passed by the Rajya Sabha, be taken into consideration."

The motion was adopted.

Clauses 2 and 3

Mr. Chairman: There are no amendments to clauses 2 and 3.

The question is:

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1.—(Short Title and Commencement)

Shri Tushar Chatterjea (Serampore): I beg to move:

In page 1, lines 5 and 6, for "1st day of April, 1954" substitute "24th day of October, 1953".

I do not want to say anything on this amendment now, because I have already had my say.

Mr. Chairman: Amendment moved:

In page 1, lines 5 and 6, for "1st day of April, 1954" substitute "24th day of October, 1953".

Shri Khandubhai Desai: I have already replied to this point. I am sorry I cannot accept this amendment.

Mr. Chairman: The question is:

In page 1, lines 5 and 6, for "1st day of April, 1954" substitute "24th

day of October, 1953".

The motion was negatived.

Mr. Chairman: The question is: "That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill.

Shri Khandubhai Desai: I beg to move:

"That the Bill be passed."

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, the 15th December, 1954.