

public should be given an opportunity to give their opinion on its provisions. Besides it will also be necessary to consult the various bodies which might feel apprehensive of the effect of some of the clauses on their interests. Such consultation is also necessary to make necessary changes. Therefore, I would request that the House be pleased to grant a further six months before I move it for consideration.

Mr. Deputy-Speaker: The question is:

"That the time appointed for eliciting opinion on the Bill to provide for the better administration of Sikh Gurdwaras situated in different States of Indian Union and for inquiries into matters connected therewith be further extended upto the 15th February, 1960."

The motion was adopted.

15.41 hrs.

EQUAL REMUNERATION BILL—
contd.

Mr. Deputy-Speaker: The House will now resume further discussion on the motion for circulation of the Equal Remuneration Bill moved by Shrimati Renu Chakravarty on the 1st May, 1959.

Out of 2½ hours allotted for the discussion of the Bill, 1 hour and 23 minutes have already been taken up on the 1st May, 1959 and 1 hour and 7 minutes are now available for its discussion today.

Shri Abid Ali, Deputy Minister of Labour, may now continue his speech.

The Deputy Minister of Labour (Shri Abid Ali): Mr. Deputy-Speaker, most of the points which were raised on the last occasion were dealt with by me when the debate was postponed. Therefore, I will not be taking much time of the House. I was explaining that day that in various

employments, there is no difference, so far as wage is concerned, because of sex. In Government employment and also in the public sector, like, Hindustan Telephone Industries and the like establishments, where a large number of women are employed, there is no difference so far as wages are concerned. Also, in plantations, mines and in categories like the clerical staff typists, stenographers, teachers and the like, nowhere any difference will be found in this respect. A large number of employees are getting wages on the basis of piece rate. In that also there is no difference. There is a small number, who are of unskilled category and in some places, there is a difference, but that difference is because of the type and volume of work, like carrying of material in the constructional section. There, there is not only difference in the wages of male and female workers but also in wages concerning people coming from different regions. A worker from a particular region may be able to carry much more quantity at a time than other persons, coming from other regions, may be able to carry. Women are not able to carry materials as much as male members are able to carry. Therefore, even between the males there is a difference in the wages so far as males coming from different regions are concerned. So, the wage is not only equal so far as time-rate and piece-rate are concerned, but in some sections for the same job, women are getting more wages.

Directive principles contained in article 39(b), to which a reference was made, enjoins that there should be equal pay for equal work for men and women. Also, the Minimum Wages Act of 1948 does not make any distinction based on sex. The Central Minimum Wages Advisory Board recommended that the principle of equal pay for equal work should be complied with and that there should be no discrimination in wages on account of sex only. In respect of time rates also... (Interruption).

Mr. Deputy-Speaker: Laughter should not be so loud as to reach the whole House and disturb the proceedings.

Shri Abid Ali: "In respect of time rates also, the rate should be equal for men and women employed for identical work. Of course, it has to be made permissible—this I am quoting from the report of the Advisory Committee—to fix differential rates for men and women when their respective output was demonstrably unequal." Now, these principles have been accepted by the Central Government and also by the State Governments in the matter of minimum wages fixation.

That day it was stated that we are bullied by certain interests and do not carry out these principles. It is absolutely wrong. In these matters not only do we do our part of the job very well but do it to the satisfaction of the workers at large.

About maternity benefits also, a reference was made. All the preliminaries have been completed. The delay is because we have to consult various interests, both of workers and of employers and committees, conference, consultations and objections, all these have to be dealt with. State Governments have to be consulted. Therefore, there has been some delay. I can appreciate that. But I hope the amending Bill will be coming very soon and that should convince the hon. Members that the propaganda by some sections about the delay in these matters does not influence us.

About circulation my feeling is that all the facts are known and nothing more will come to light because of further enquiry. All that is possible and necessary in this matter is being done and, therefore, we should not waste time and money by accepting this circulation suggestion.

This should also be borne in mind that it is very easy to pass this Bill and have another Act on the statute book. But will this bring employment

or ensure the number of employment opportunities which are available to women? Of course, those who are in employment have complete protection. But when those who are now in employment retire, have we any power by which we can ensure that the same number of women will remain in employment? What guarantee can there be for that? So, the hon. Member should appreciate that more and more of these compulsions may result in reducing employment opportunities for women, but if the intention is to achieve that so that there may be more trouble and agitational interests may be served by that then, of course, I cannot have any quarrel with that. But my feeling is that every reasonably minded person should appreciate that nothing should be done to further reduce the employment opportunities for women. There is no case either for any enactment of the kind or for the circulation of the proposed Bill.

Shri T. B. Vittal Rao (Khammam): Mr. Deputy-Speaker Sir, at this stage

Shri Abid Ali: It was my reply, Sir. Now the hon. lady Member, who moved the Bill, should reply, or I should be given another opportunity.

Mr. Deputy-Speaker: Normally, I should say that what he says has some force. He has replied to the debate and the hon. Mover should give her reply now.

Shrimati Renu Chakravarty (Basirhat): He has just intervened in a debate on a non-official Bill. Normally hon. Ministers intervene.

Mr. Deputy-Speaker: Who is to reply?

Shri Tangamani (Madurai): What happened was that on the last occasion, although only one hour was taken, the hon. Minister was called upon to reply. Now, there is one hour more left.

Mr. Deputy-Speaker: If no hon. Member was prepared to speak or offer himself to speak, what could the Chair have done? I do not know what happened that day. I was not there.

Shri Tangamani: If necessary, the hon. Minister may be called upon to make further observations, if he so chooses.

Mr. Deputy-Speaker: He cannot go on making speeches again and again. One hon. Member cannot make two speeches in the same debate.

Shri T. B. Vittal Rao: The hon. Minister of Labour and Employment can reply.

Mr. Deputy-Speaker: He has replied on behalf of the hon. Minister and he is in charge of it. The hon. lady Member shall reply now.

Shrimati Renu Chakravartty: Mr. Deputy-Speaker, Sir, the hon. Deputy Minister has posed the problem whether we want more employment for women or we want protection for her welfare, that is, whether we want to enact certain welfare laws which will bring about further equality in wages etc. That posing of the question will not be very correct because there is no doubt about it that today one of the major problems that are facing the working class, specially women, is that there is a definite attack on the women workers. Her retrenchment is going apace and really upto now the Government has done nothing to give her statutory protection. One of the big classic examples, of course, is the textile industry and the jute industry. The hon. Minister is quite right when he says that as yet in India statutorily there is nothing to guarantee that even in the industries where women have been traditionally employed, like plantations, jute, textiles or mines, the average percentage of women will be kept at a level at which it has been during the last 15 years or so. Even that is not statutorily provided. Therefore, both the Labour Ministry and the working classes are being

faced with this problem. They will have certainly to consider in what way they are going to provide some statutory security for women workers from being retrenched. The main attack in retrenchment is coming upon women. They are the first targets. This is an aspect which I would like the Government to consider. Obviously, it cannot be dealt with in this Bill.

On the question of equal wages, this has to be looked upon not as a question which is posed opposite to the question of the employment of women. I would like to have an Equal Wages Bill, a statutory Bill which need not necessarily be my Bill, but a Bill which may be a much improved version. With the help of the Labour Ministry and the Trade Unions, we can certainly make it a much better Bill. I would like, it could be incorporated in this Bill a clause which will give some protection to the working woman against the whims of the employers and against their powers of retrenchment. I would welcome an amendment saying that in the departments where women are traditionally employed in the traditional industries, there should be laid down a certain percentage of women who must be given employment. A committee could be set up to determine the exact percentage of women which must be maintained in that industry. Because, there is no doubt about it that the number of women who are today seeking employment is growing. One of the things which I have always felt in the employment figures that are coming from the Planning Commission reports or in the calculations of the employment potential in the country is that this has always been based only on the figures of the unemployed men. The number of women today who are seeking employment either because they have no other means of subsistence or no other guardians,—may be widows with children—is increasing every day. Therefore, I am in favour of laying down a percentage of women

workers who have to be guaranteed employment in the major industries employing women and they have to be kept statutorily by the employers. The alternative course would be, before wanting to retrench a woman worker, the employer will have to show cause and get the permission of the Government and only when it is a legitimate cause, can she be retrenched. Some such guarantee should be embodied in such a bill. I would welcome it.

Instead of that, the hon. Minister has pleaded helplessness in this matter and he feels—and I appreciate that part of his feeling when he says that—that, may be, if we pass this Bill without making a condition that there will be no further retrenchment, the employment opportunities of women may be reduced. Therefore, I would plead that this Bill be circulated with the idea that it should be further improved upon, specially with regard to the question of retrenchment.

Beyond that, I would like to plead with the hon. Minister this. He has read to me the recommendations of the Minimum Wages Advisory Committee. This is a point that I had already noted down. On this question of minimum wages, when I raised the case of plantation labour, he pointed out that in plantation labour, it is piece rate. My point is this. I know the case of Darjeeling plantations better than the south. In the Darjeeling plantations, it is minimum wages that is implemented. If it is minimum wage, that is a wage below which a man or woman cannot exist, there is absolutely no justification for having a wage differential. It is also a fact that actually women pickers are much better pickers than men. As such, there should be no difference between women and men as regards minimum wages. Regarding the difference in the nature of the job, even in my Bill itself, I have made that provision that if there is difference in the job, if there is difference in lead and lift, certainly there should be difference also in wages. I do not plead that even if a woman does

much less work, she must be given the same wages. I do not plead for that. But, I do say that the nature of the job, the lead and lift and other intricacies of the job itself, the technical skill required, etc. should be evaluated by a Committee and on the basis of that, the wages can be set down. But, the principle guiding it must be equal wage for equal work. I would like to know from the hon. Minister—I do not know if he will answer; I think he will not be answering—I would like him to consider this. In the case of minimum wages, the Advisory Committee has made recommendations. The Agricultural Labour Enquiry report shows that the figures are different between men and women. I do not know what is going to happen there. Now that the Committee has made its recommendations regarding equal wages, what is going to ensue? Are we going to make statutory changes? Will the minimum wages be revised and the schedules and charts revised and brought to the same level? There again, my point will be, when you do it without providing some law by which some kind of protection could be given to the women workers, it will be dangerous. That has to come side by side with that.

There is the question of closure which the employer always puts forward and which has led to this decrease in the number of women workers. As soon as we have tried to implement any social law or labour law, whether it is maternity benefit or wages, whenever we attempt to implement equal wages, or even such rules as banning women from working underground, that has led to a fall in the number of women workers. The hon. Minister says that we shall be using voluntary methods and we shall try to create that atmosphere. What has happened? When it has been statutorily enforced with the help of trade union organisations, with the strength of the trade union organisations as well as the vigilance of the Government, the attempt of the employers has been—and it will

[Shrimati Renu Chakravarty]

always be there—to avoid paying proper maternity benefits or other social amenities. They cannot avoid paying maternity benefits. But whenever we have elected voluntary methods, what is the position? For example, there is the industrial housing scheme. The scheme is such that the more attractive terms the Government comes forward and gives to employers, we find still the employers are not prepared to cut any of their profits to contribute even the amount which they have to give in order to bring about industrial housing, with the result that industrial housing even today is not coming up. There are very few industries, even if we take the total industries in India where industrial housing has come up satisfactorily. I think it will be very difficult to implement voluntarily social laws to protect the rights of women. Therefore, I was pleading with the House and with the Minister that in order to achieve the very objective which he has enunciated, that is, creating an atmosphere by which the tendency to reduce employment opportunities of women is checked, and in order to see that an atmosphere is created where social laws will be welcomed, circulation of the Bill is necessary. The necessity of social laws is recognised. I have not pressed immediately that you should pass this Bill. Certainly public opinion must be enlightened on this point. The working classes and trade unions themselves must come forward to take up this agitation as well as to make further improvements in the body of this Bill itself.

These are some of the points which I wanted to urge. I feel this is an argument that the employers are always putting forward. They almost put the trigger at your chest and say, either you want employment or take away your social laws; if you want social laws, if you want equal wages, we do not employ women. This is the state of affairs that is coming. I feel that in the context of today, only ratification of Convention 100, which

has been ratified by our Government, is not going to do justice. That ratification is essential. With that, there should be a law to implement the principles which we are accepting. The machinery should be set up.

I would urge that this Bill be allowed to be circulated for the purpose of eliciting public opinion. Let it be considered by committees of Government and by the Ministry itself again. May be, after some time, we may be in a position to have the help of the trade union organisations to bring forward a correct Bill, a Bill which will be able to give security to the woman worker, which is very necessary, and which will also ensure for her justice in the way of wages which is also needed today when larger and larger numbers of women are coming forward seeking employment.

16 hrs

Lastly, this principle of equality is, if at all, being implemented only in the higher categories, that is, in the case of skilled workers, educated workers, and the professional classes, both men and women are getting equal wages, but the more unskilled the job, the more helpless the woman. She has no education and she has possibly to contend with much greater poverty. To that class we have not given the amount of attention that we should have given in regard to equal wages. And that is why I plead on behalf of these unskilled categories who in numbers are the largest wage-earners among working women. The higher educated classes are certainly coming out in larger numbers to work, but as yet, the factory workers, the unskilled categories of workers and the casual workers are the largest number of wage-earners among women, and for them it is right that this principle should be accepted. No doubt differentiation can be made according to the

