

**ALL INDIA INSTITUTE OF MEDICAL SCIENCES (AMENDMENT) BILL.**

(Amendment of Sections 4 and 28)

**Dr. Atchamamba (Vijayavada):** I beg to move for leave to introduce a Bill further to amend the All India Institute of Medical Sciences Act, 1956.

**Mr. Speaker:** The question is:

"That leave be granted to introduce a bill further to amend the All India Institute of Medical Sciences Act, 1956."

*The motion was adopted.*

**Dr. Atchamamba:** I introduce the Bill.

**SALARIES AND ALLOWANCES OF MEMBERS OF PARLIAMENT (AMENDMENT) BILL.**

Amendment of Section 6

**Shri Keshava (Bangalore City):** I beg to move for leave to withdraw the Bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954.

This Bill concerns a large number of members of this House. This Bill seeks to provide against the greater inconvenience caused to a large number of members who are coming from places which are very far away from Delhi—say thousands of miles away—involving travel by train.

**Mr. Speaker:** What does the hon. Member want?

**Shri Keshava:** I thought I should give an explanation to the hon. Members and this House before I withdraw the Bill.

**Shri V. P. Nayar:** No explanation is necessary for withdrawal.

**Shri Keshava:** The Bill, as it stands, envisages scope for travel by air. Now I seek to introduce a Bill on identical lines, seeking for facility for travel only between Delhi and the constitu-

ency. I cannot introduce that Bill until I withdraw this Bill.

**Mr. Speaker:** The question is:

"That leave be granted to withdraw the Bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954."

*The motion was adopted.*

**Mr. Speaker:** The Bill is withdrawn.

**CODE OF CIVIL PROCEDURE (AMENDMENT) BILL**

Omission of Section 87B

**Mr. Speaker:** The House will now resume further consideration of the following motion moved by Shri M. L. Dwivedi on 8th September, 1957:

"That the Bill further to amend the Code of Civil Procedure, 1908, be taken into consideration."

Out of the 2½ hours allotted for the discussion of the Bill, 25 minutes were taken on the 8th September, 1957 and 2 hours and 5 minutes are still available. Shri Braj Raj Singh will now continue his speech.

I find that Shri Braj Raj Singh is not here. Does anybody else want to speak on this?

Since nobody wants to speak on this Bill, I am going to put it to the vote.

The question is:

"That the Bill further to amend the Code of Civil Procedure, 1908, be taken into consideration."

*The motion was negatived.*

**BEEDI AND CIGAR LABOUR BILL**

**Shri A. K. Gopalan (Kasergod):** I beg to move:

"That the Bill to provide for regulating employment and work in the factories manufacturing Beedi and Cigar in India, be taken into consideration."

[Shri A. K. Gopalan.]

The object of this Bill is to provide for regulating employment and work in factories manufacturing Beedi and Cigar in this country. In 1945 a Committee under the Chairmanship of one Mr. Rege was appointed to go into the working of the beedi industry. That committee made a thorough study and submitted a report. The report said that the beedi and cigar industry is one of the worst industries in India, with low wages, insecurity of employment, partial employment, employment of children, high incidence of T.B., absence of protective labour legislation, etc. To combat all these evils immediate legislation, regulating the working hours, and for securing to workers certain minimum conditions of service is necessary. As far back as 1946 this Committee stressed the importance of such legislation. This Bill seeks to put the beedi and cigar industry on a factory basis and securing the workers certain minimum conditions of work. The Bill seeks to put the beedi and cigar industry on a factory basis while still protecting the self-employed worker. The Bill also seeks to assure the workers the benefits of protective labour legislation available to large sections of industrial workers. I shall now mention some of the recommendations of the Rege Committee which will show the conditions under which the cigar and beedi workers live.

The Rege Committee observed that the factories or work places are found in semi-dark and insanitary godowns and bylanes. The workers squat on the floor with their material. Overcrowding is rampant. No drinking water or latrines or urinals are provided in the premises of the factories. The pungent smell of fermented tobacco greets one as one enters the workshops.

[MR. DEPUTY-SPEAKER in the Chair]

15.12 hrs.

As far as the conditions of the workers are concerned, it has been clearly stated in many places in the Report of the Committee that their

conditions are very bad. Sweated labour prevails on a large scale. So, it is high time that something is done to improve the lot of the workers.

There have been certain judgments in regard to beedi and cigar industry labour, one by the Madras Tribunal, another by the Nagpur Tribunal and the third by the Bombay Tribunal. One judgment differs from the other. The Madras Tribunal said that the employer employee relationship does not exist in the beedi industry and that it is governed by the contract system. So, as far as the employees are concerned, there is no question of any application of the factory law, or any other legislation. Employers can do as they like.

The judgment of the Nagpur Tribunal related to the Payment of Wages Act. It said that the Payment of Wages Act applied to the industry. But the employers do not pay. The Bombay tribunal judgment said that there is no question of employer employee relation; there is only a contract system; so the Tribunal cannot interfere. It depends upon the employer. There is nothing binding on the employer as far as wages and conditions of work are concerned.

There are about one million workers employed in the industry of which about 3 lakhs are in Madhya Pradesh, about one lakh in Madras and the rest in the other States. According to certain judgments, the Minimum Wages Act passed in certain of the States do not apply to the beedi industry, and consequently its provisions are not implemented. When the Factories Act was passed, instead of implementing it, what happened was the workers were retrenched. The contract system was obtaining in the industry. The workers were scattered with leaves and tobacco powder, asked to make beedis and deliver them to the employers so that he may give them the wages. The Factory Act is not applicable. I shall presently describe the organisation of this industry.

There is the commission basis; there is the contract system; there is the

home work. In all these cases the Factory Act does not apply; so also the Minimum Wages Act. In Kerala a minimum wage was fixed for the workers employed in the cigar and beedi industry. In the neighbouring States of Mysore and Madras there is no minimum wage for similar workers. So the employers tried to shift their factories to those places, so that the Factory Act may not be applicable to them and they may be able to carry on the contract system.

In Madras a Bill similar to the one which I have introduced has been published and it is likely to come before the State Legislature in the course of the next few months. Unless there is uniformity of conditions governing the workers' service the industry is likely to shift from an unfavourable to a favourable State. It is very necessary that about a million or more of workers employed in this industry must be governed by uniform legislation. That is why I have introduced this Bill.

In regard to the beedi and cigar labour the report of the Rege committee said:

"The bidi and cigar labour however, satisfied many of the criteria of sweated labour, such as sub-contract system, long hours, insanitary working conditions, home work (in bidis) employment of workmen and child-employment of workmen and children, irregularity of employment, low wages, and lack of bargaining power."

When such is the working condition of labour, it is certainly necessary the workers have to be protected and legislation with that end in view has to be enacted. The bidi industry is one of the biggest unorganised industries in India. The war has given a filip to all these three industries and it is very likely that at least the cigarette industry will maintain its present position in the post war period. The bidi industry has not maintained its position; it has deteriorated.

As far as the employers, especially in Madhya Pradesh, are concerned,

they manage the production of beedi through contracts. In the contract system there is no direct connection between employers and the workers and the contractor gets a commission of 1 to 1½ annas per thousand beedis which is deducted from the wages of the workers. This system has come into force because when the Payment of Wages Act was enacted, the system of not employing them directly, but on a contract basis, especially in the Jubbulpore District, became prevalent. It is scattered here and there. A not confined to any particular locality. It is scattered here and there. A certain amount of localisation there is in and around towns where there is abundant supply of labour and where there is also the possibility of rail transport.

Now, I come to the organisation of the industry. This industry is organised in two ways, direct and indirect. Organisation direct means, the employer gives the raw material, he gets the bidi from them whatever they produce and he gives them wages. There is connection between the employer and the employee. Also the employer gives the raw material and takes back the bidis. This is the direct system. The indirect system is prevalent in Tinnevely, Palghat, Salem and Vellore and Mysore State. That is the contract system. Even in this case, in Salem, Vellore and Mysore State, there is variation in the system. The difference is that they open branches, there are 8 or 9 people in the branches, they appoint one as manager or agent, the employers give him the leaves, etc., he goes out to the workers, he takes the products and gives them to the employer. As far as the contract system also is concerned, there is variation as far as these places are concerned. The wage payment and supply of materials are direct. As far as the other things are concerned, it is different in the indirect system.

In the indirect system, there are three systems. One is the buying and selling system; the other is the commission system and the third is the home work system. In the buying and

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selling system, the middleman purchases the tobacco and leaf from a factory at a fixed price, he takes it to the workers either individually or in batches of 3 or 4 or 5, he gets back the products and gives them to the owner. The owner has two profits: one when he sells the tobacco, leaf, etc. and again on the manufactured bidis he gets another profit. The middleman gets another profit. This is the buying and selling system.

Then, there is the commission system. Under this system, the middlemen obtain raw materials from the factory owners and give them a stipulated number of bidis in return. He is paid a commission, though this amount is fixed. Out of this amount, he has to pay the workers. He pays the workers whatever he likes. In this system, there is no question of service conditions or anything else, because the workers are directly under the control of this commission agent. He gives the materials individually and he gets the bidis from them for a specified wage, as a contract system, for a thousand bidis or cigars so much money.

In the Home work system, the middlemen get the raw materials from the factory owners either on purchase or commission basis, but instead of setting up work places, they distribute the materials among a number of home workers, mostly women, and gather the finished product which they sell to the owners. This practice is common in those centres where home work is prevalent. In Tinnevely, about 20,000 workers are employed in this. They work in their houses. The middlemen take the raw materials to them and take back the finished products from them and give them to the employer.

There is also under-employment in this industry. There are so many causes for that. The important cause is inclemency of weather. When there is the rainy season, only very few factories have got the process of arti-

cially drying the bidis in an oven. In other places, the workers will have no work. Though the workers come, they will be told that they will have no work. Also when there is irregularity in the supply of bidi and cigar or there is lack of transport facilities for marketing, the factories are closed and the workers have no work. Because, it is mostly contract system where they work and get some wages, there is very great under-employment. In places where there is rain, especially in the south, they get work only for 7 or 8 months and for four months, there is no work. In the other periods also, there may be accumulation of big stocks and when the stocks are there, they will be asked not to work. As I said, the lack of transport facilities is there. This is the organisation of the industry.

As far as working conditions are concerned, this Bill says that some regulation should be made. Chapter II of the Bill deals with the inspecting staff and powers and functions of the Inspectors. In clause 4, it is specially said:

"The Inspector shall inform the Secretary or Secretaries of the Labour Union or Unions in the concerned industry or factory before he inspects any factory or factories and the Secretary or Secretaries of such Union or Unions shall have the right to accompany the inspector during his inspection and make any representation which may be deemed necessary."

This is provided here because in many factories which are small, where at least 10 or 8 workers are employed, because there is the commission system, there are very small children employed. What these children will get will be about two annas per day. They are to put the thread for the bidi or cigar. They have only to tie the thread. For that they are employed. When the inspectors come

for inspection, in many places either they will be asked to run away or they will be covered with something so that the Inspector, when he comes, he will not see the children and when he goes away, the children will appear. They will disappear and appear. That is why it is said here that the secretaries of the union also should be asked to follow the Inspector. They know what is happening in these factories, how many children are employed, how old they are, etc., so that they would be able to point out and the inspection may be useful.

In Chapter III, drinking water, conservancy, medical facilities are referred to. In almost all the places, in 95 per cent of the factories which are there now, there is no drinking water facility. As far as conservancy is concerned, nothing is provided. So, this Bill says that in every factory, a sufficient number of latrines and urinals accessible to the workers should be provided. In factories employing more than 50 workers, there should be a visiting doctor who shall examine the workers at least once in six months. In the bidi industry, the workers sit together for hours together. Certainly, they have no exercise at all. The conditions are insanitary. They work for 10 or 12 hours. The Rege Committee has found that most of the cigar and bidi workers are suffering from T. B. Particularly those who work in this industry should be examined by a doctor once in six months at least.

As regards hours of work, in Chapter V it is provided:

"No adult worker shall be required to work in Beedi or Cigar factories for more than forty-eight hours in a week or more than nine hours in any day."

The minimum limit is:

"No adolescent shall be required to work in any Beedi or Cigar factory for more than forty-two hours a week or eight hours in any day."

It also says:

"No child shall be employed or permitted to work in any Beedi or Cigar factory for more than four and a half hours in any day."

Chapter VI deals with holidays. In this industry, whether it is a big bidi factory or a small factory, there is no question of holidays. Even for such national holidays like the Republic Day and others, there is no holiday at all, because holiday means with wages. Because the system is contract system, piece rate system, only when he works and gives bidis, he will have wages. There is no question of a holiday. Holidays are not also given even when the worker wishes not to go to work on that day. They are made to work on that day even though they are willing to forgo the wages. Even if holidays are given, it will be no holiday because a holiday means without work. Otherwise, it may not be a holiday. They have no weekly holidays or national holidays. In many places, they work all the seven days in a week. Not only that. In some villages and particularly in the towns, they work from morning till evening, sometimes 10 to 12 hours.

The Factories Act comes into effect only if there are ten workers. So, when there are only eight or nine workers, they are asked to work for longer hours. They make 1,500 or 2,000 beedis so that they will get more money. Because they are poor, for the sake of getting more money they sit for 12, 14 or 16 hours. They also do not get the weekly holiday or the national holidays and hence their health suffers greatly.

In respect of intervals, it has been provided:

"The period of work on each day shall be so fixed that inclusive of interval of rest it shall

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not spread over more than ten hours including the time spent on waiting for the work on any day."

This is important because now the workers get only 10 or 15 minutes as interval to take some food if they have any, and then they have to work for the whole day.

There is no security for the workers because they are on a contract or commission basis, and they can be asked to be away on any day. There is no legislation to give them security.

Regarding the employment of young children, I need say nothing because it is generally accepted that no child who has not completed fourteen years should be required or allowed to work in a factory. I visited some beedi factories and talked to the workers. The children told me that they are unable to go to school, and to be of some help to the family they have to work. Thus they lose their chance of education also. It is very necessary that there should be strict prohibition of this practice which can be done only by legislation.

Chapter VII deals with annual leave with wages and also festival and national holidays. This I have already explained.

Now I come to sick and maternity benefits. A report from Tinnevely District says that there are thousands of women workers there who do not have these benefits. So, these should be provided.

Then, it has been provided that whenever any workman who has put in service of one year or more is retrenched, dismissed or retired, he shall be given benefits at the rate of fifteen days wages for every year of service put in by him. In other industries it is more, but we have asked for only 15 days here:

"Every employer of Beedi or Cigar industry shall guarantee full

work for at least 280 days to workmen working under him."

This provision for guarantee has been made because as I have already pointed out there is work generally only for three or four months in the year. So, the workers should have a guarantee of at least 280 days in the year and facilities for transport of beedi should be provided to see that beedi is not kept in stock.

Chapter XI provides:

"No self-employed worker shall sell or otherwise dispose of his produce of Beedi or Cigar to any factory owner, dealer or merchant in Beedi or Cigar having tobacco licence or trade mark of any particular brand of Beedi or Cigar".

What is generally done is this. Sometimes workers put forward some demands. Work is stopped by the owner and some other workers are brought in to do the work, and they get their beedies. This is the way the real demands of the workers are defeated. Hence the above provision, and we have also said:

"Any factory owner, merchant, dealer or principal employer in whose name any Beedi or Cigar trade mark is registered shall be punishable with imprisonment for six months, or with a fine of rupees one thousand, or with both in case he buys from any self-employed worker".

Regarding over-work, there is a report from Nagapattinam that the working conditions in the factories there are very bad. Most of the factories are in rented buildings, and even where there are regular factories there is no ventilation, no sanitation and provision for drinking water. There are no paid holidays or sick or maternity leave. About 5,000 people from Nagore, Nagapattinam, Porayar, Nalladai etc., are following double wrapper method. Here, in addition to the normal work, the labourers are asked to do various extra work for

which no wage is paid. They are tearing the tobacco, rolling the same into balls, drying, preparing gum, softening and cleaning the tobacco etc., which require about six hours of work per day. No wage is paid for this work. They are paid according to the number of beedis or cigars they make, and hence they have to do all this work for five or six hours a day to make the cigar. In the case of beedi it may be less. For this work they do not get any wages.

I have just explained what the Bill stands for. There are a million workers employed in the cigar and beedi industry. There is no legislation for their benefit, and this Bill seeks to give them the protection and benefit which other workers in this country are getting.

I want to point out that Madras State has already published a Bill, more or less on the same lines. I have got a copy of it. But, if there are conflicts between legislations introduced by different States, it would affect the industry as a whole as well as the workers, and the workers may be exploited both by the employer and the middleman. So, a uniform Bill is necessary and hence I request Government to accept my Bill. I am sure the State Governments are also willing to bring in legislation, but such legislation will not be effective. For instance, the Kerala Government has fixed the minimum wages. On the one side of Kerala there is Tamil Nad and on the other there is Mysore. The employers have threatened the Government that they will shift their industry to other parts so that they may not have to pay the minimum as fixed by the Kerala Government. So, unless there is central legislation, whatever is done by the States will not be of any use, and there will also be no uniformity. The industry itself may be destroyed by the middlemen. So, to protect the industry as well the workers, legislation is overdue.

This is an industry employing a million workers, and I do not

know why the Labour Minister or his Deputy is not here. After all, what I am suggesting is nothing new; it is there already for the other workers. So, I hope the Minister will see his way to accept this Bill. If he wants to make some amendments or modifications, certainly they can be done, and there is no harm in it. But I would urge that something must be done for these workers, and, therefore, I request that this Bill may be accepted.

**Mr. Deputy-Speaker:** Motion moved. Now, Shri Heda.

**Shri Tangamani (Madurai):** I have given notice of some amendments.

**Shri Heda (Nizamabad):** Amendments will come up after the consideration stage is over. उपाध्यक्ष

महोदय . . .

**Shri V. P. Nayar (Quilon):** In English please.

**Shri Heda:** This is for my constituency.

**Shri V. P. Nayar:** The hon. Member can send the translation to his constituency.

श्री हेडा : उपाध्यक्ष महोदय, इस बिल का जिस उद्योग से सम्बन्ध है उसका ताल्लुक मेरे निर्वाचन क्षेत्र से भी है। इस बारे में मैंने जो वहां प्रयत्न किये और जो जो मुश्किलें देखीं वे मैं आपके सामने रखना चाहता हूं।

पहले मैं यह कबूल कर लूं कि गो मैं ने वह रिपोर्ट देखी है फिर भी मैं यह धार्ज करूंगा कि मेरा यह निवेदन केवल निजामाबाद के जिले से ही ताल्लुक रखता है बल्कि सासकर प्रारमूर के ताल्लुक से ताल्लुक रखता है जिसके बारे में बिला मुबालगा यह कहा जा सकता है कि तकरीबन हर गाँव में एक छोटी मोटी फैक्टरी है जहाँ बीड़ी का काम होता है क्योंकि वहाँ पत्ता आसानी से मिलता है और तम्बाकू भी पैदा होता है। वहाँ पर वह

[श्री हेडा]

काम बड़ी लावाव में चल रहा है। सिर्फ निजामाबाद में तकरीबन ४० फैक्ट्रियां हैं। धामतौर पर हर गांव में एक एक छोटी फैक्टरी है। काम करने का तरीका वहां यह है जैसा कि गोपालन साहब ने भी बतलाया है कि काम करने वाले सुबह फैक्टरी पर आते हैं उनको पता घीर तम्बाकू तोल कर दे दिया जाता है और शाम को बीड़ी गिनकर ले ली जाती है। अगर कोई बीड़ी ठीक नहीं बनी होती तो उसको लेने से इन्कार किया जाता है मगर धामतौर पर ऐसा होता नहीं। जिस तरह से बीड़ी आती है उसी तरह से मजदूरी दी जाती है। हमारे यहां देहातों में १४ आने फी हजार बीड़ी के हिसाब से मिनिमम बेज और शहरों में १ रुपया २ आना फी हजार के हिसाब से मिनिमम बेज मुकरर की गयी है लेकिन इसकी धामतौर पर पाबन्दी नहीं होती है। इसकी पाबन्दी कानून के जरये कराना मुश्किल होता है क्योंकि इस बात का ठीक से पता नहीं चलता कि किस तरह से रोजगार दिया जाता है और क्या काम किस तरह से होता है। गोपालन साहब ने भी इसका जिक्र किया है और मैं ने भी जब कभी मजदूरों को संगठित करने की कोशिश की और चाहा कि उनके संगठन के जरिये उनकी मुआशी हालत ठीक की जाये तो मैं ने देखा कि दिक्कत यह होती है कि ये लोग गांव गांव में फैले हुए हैं और भ्रमपट्ट हैं इनको हम इस तरह से संगठित नहीं कर सकते जिस तरह से कि फैक्ट्रियों के दूसरे मजदूरों को कर सकते हैं। इनको एक जगह इकट्ठा करना मुश्किल होता है।

15.44 hrs.

[SHRI C. R. PATTABHI RAMAN in the Chair]

यही वजह है कि जो मदद हम उनको पहुंचाना चाहते हैं वह उस वक्त तक उनको नहीं मिल सकती जब तक कि सुपरबीजन काफी न हो। इस प्रकार की नियरानी को प्रभावशाली

बनाने के लिए यह आवश्यक है कि जो लेबर आफिसर हों उनकी संख्या बढ़ायी जाये और वे भ्रमल भ्रमल गांवों में जाकर और छोटी छोटी फैक्ट्रियों के हालात को देख कर हफ्ते वार या महीने वार उनकी रिपोर्ट दें। इससे भी बढ़कर एक और बीज हो सकती है जो कि सिर्फ इसी उद्योग से लाभकारी सिद्ध नहीं हो सकती बल्कि इस तरह के दूसरे उद्योगों में भी लाभकारी सिद्ध हो सकती है और वह यह है कि जहां पर मजदूरों को संगठित करके उनकी भलाई का काम नहीं किया जा सकता है वहां सरकारी अफसरों और गैर सरकारी नेताओं को मिल कर कुछ इस प्रकार की योजना करनी चाहिए ताकि वे खद जाकर हर ६ महीने में या हर साल में या हर दो साल में इन मजदूरों का जाजा लें और देखें कि उनकी हालत में क्या तबदीली या तरफकी करनी चाहिए और अपनी सिफारिशें सरकार के सामने पेश करें और सरकार उन पर भ्रमल करे। यह तरीका ज्यादा बेहतर होगा। हम दूसरे उद्योगों में जहां मजदूर संगठित होते हैं यह देखते हैं कि जो मजदूरों के मतालबात होते हैं उन पर गौर होता है सरकार की तरफ से और मालिकों की तरफ से और दोनों पर दबाव डाल कर समझौता कराने की कोशिश की जाती है। लेकिन वह तरीका यहां कारगर नहीं होता क्योंकि यहां यनियन बन ही नहीं पाती और अगर कोई यनियन बन भी जाती है तो उसके अन्दर वह शक्ति नहीं पैदा होती जिसकी वजह से वे अपनी मांगों को मनवा सकें। इसलिए मेरा यह निवेदन है कि जहां तक बीड़ी और सिगार इंडस्ट्री का ताल्लुक है यह बेहतर होगा कि बजाय इसके कि हम मजदूरों की यूनियन पर निर्भर रहें सरकार की तरफ से कम से कम दो साल में एक बार इन लोगों की हालत देखी जाये और यह मासम किया जाये कि इनको क्या उजरत मिलती है उसके ऊपर गौर किया जाये और उसके बारे में सरकार से उचित सिफारिशें की जायें और उन पर भ्रमल किया जाये।

13.47 hrs.

[PANDIT THAKUR DAS BEARGAVA  
in the Chair ]

जहाँ तक कारखानों का तात्लुक है इस बिल के अन्दर कुछ चीजों पर सस्ती के साथ पाबन्दी करने की कोशिश की गयी है। मैं निवेदन करूँगा कि इस धन्धे में बहुत छोटे छोटे कारखाने आम तौर पर होते हैं बहुत कम लोगों के चार या छः या दस कारखाने होंगे। हमारी तरफ शिवाजी बीड़ी बहुत महार है। मैं नहीं समझता कि उसके दस या बारह कारखाने हैं। आम तौर पर एक भादमी के दो चार कारखाने होते हैं बल्कि ज्यादातर तो एक एक भादमी का एक एक कारखाना होता है हर एक का अपना अपना ब्रांड होता है। अगर हम उनके ऊपर बहुत ज्यादा सस्ती से पाबन्दी लगायेंगे और अगर उनको अनुविधा ज्यादा हुई तो यह खतरा है कि वे लोग इस धन्धे को ही छोड़ दें और किसी दूसरे धन्धे की तरफ चले जायें और इस तरह से मजदूरों में बेरोजगारी पैदा हो जाये। इस तरफ थोड़ा सा इशारा इस बिल के पेश करने वाले साहब ने भी किया है। उन्होंने फरमाया है कि इस उद्योग को किसी प्रकार का नुकसान न होने देते हुए हमें मजदूरों की हालत को सुधारने की कोशिश करनी चाहिए और इसी ढंग से हमें इसको सोचना चाहिए।

उन्होंने यह जिक्र किया कि कारखानेदार पर यह पाबन्दी की जाये कि वह साल में कम से कम २८० या २८५ दिन मजदूरों को रोजी दे। मैं समझता हूँ कि इस तरह की पाबन्दी लगाना ठीक नहीं होगा। मेरे निर्वाचन क्षेत्र में यह हालत है कि वहाँ जो कारखाने हैं उनका यह कहना है कि जिस मौसम में धान बोया जाता है और जब कि चावल निकाला जाता है बीड़ी के कारखाने बन्द होने चाहिए ताकि उनको काम करने के लिए मजदूर मिल सकें। और वाक्या यह है कि जो मजदूर बीड़ी का काम करते हैं उनको एक बार चाहे मजदूरी कुछ कम भी मिले तो वे बीड़ी का ही काम करना पसन्द करते हैं क्योंकि वे उस काम

को अपने घरों पर अपनी सहूलियत के मुताबिक करते रहते हैं। उनको जेतों में काम करना पसन्द नहीं होता। वे लोग कृषि के उद्योग में पसना पसन्द नहीं करते। जापानी पद्धति से धान बोने के लिए बड़ी संख्या में मजदूरों की आवश्यकता होती है। तां कारखानों की मांग यह है कि साल में कम से कम दो महीने के लिए बीड़ी के कारखाने बन्द होने चाहिए। ऐसी हालत में मैं समझता हूँ कि कारखानेदारों को इसके लिए मजदूर करना ठीक नहीं होगा कि वे साल में २८० या २८५ दिन की उजरत मजदूरों को जरूर दें। मैं समझता हूँ कि जिस तरह से अभी रोजगार चल रहा है अगर उसको उसी तरह से चलने दिया जायेगा तो रोजगार की ज्यादा तरक्की हो सकती है।

जहाँ तक रोजगार का तात्लुक है मैं यह देखता हूँ कि जिन कारखानेजात की आमदनी अच्छी है, जिनकी मुभाशी हालत अच्छी है वहाँ मजदूरों की हालत खराब नहीं है। जो कारखाने अच्छी तरह कमाते हैं वे अपने मजदूरों को १४ आने, एक रुपया और १ रुपया चार आने की हजार बीड़ी तक की मजदूरी देते हैं और वहाँ मजदूरों को भी कम शिकायत होती है। लेकिन जिन कारखानों की मुभाशी हालत अच्छी नहीं होती उन कारखानों में मजदूरों को वक्त पर १४ आने भी नहीं मिलते और कभी कभी तो कारखाने का दिवाला ही निकल जाता है और उनकी उजरत नहीं मिलती। इस तरह की वारदातें होती हैं। इसलिए यह जरूरी है कि हम कुछ क्वालिटी कंट्रोल लगा दें कि इस नमूने से नीचे की बीड़ी नहीं बन सकती। ऐसा करने से कारखानेजात को भी फायदा होगा और साथ साथ मजदूरों को भी फायदा होगा क्योंकि उनको पक्के तौर पर रोजगार मिल सकेगा।

भाजकल हालत यह है कि गांव में एक नया कारखाना खुलता है। लोग खुश होते हैं और उस में धरीक होते हैं। लेकिन महीने दो महीने बाद उस कारखाने के बन्द होने की नौबत आ जाती है। लोगों की उजरतें डूब जाती हैं

## [श्री हेड]

धीरे उद्योग को नुकसान पहुंचता है। मैं समझता हूँ कि अगर स्टैंडर्डिजेशन के बारे में कुछ किया जा सके तो मजदूरों और उद्योग दोनों को बड़ा फायदा हो सकेगा, लेकिन मैं ने देखा है कि उस की तरफ कोई प्रवृत्ति नहीं है।

भ्रामती पर धादमी जिस तरीके से काम करता है, उस को कैसे बेहतर बनाया जाय उस के काम करने की सक्त—ताकत—कैसे बढ़े, उस की स्पीड और उस की एफिशेन्सी में कैसे इजाफा हो, सरकार की तरफ से इस और ध्यान नहीं दिया जाता है। अगर किसी रिसर्च इंस्टीच्यूट में इस बारे में जांच-पड़ताल की जाय और ऐसे तरीके निकालने की कोशिश की जाय जिससे अगर एक धादमी पांच या छः घंटे में एक हजार बीड़ी बनाता है तो यह १२०० या १५०० बीड़ी बना सके और इस के अलावा इस बक्त काम करने के दौरान में उस को जो थकान होती है, कोई ऐसा तरीका निकाला जाय कि उस को कम थकान हो, तो मैं समझता हूँ कि मजदूरों को माशी नुक्ता-ए-नजर से और सेहत के नुक्ता-ए-नजर से भी बड़ा फायदा होगा।

अगर हम एक दूसरी मिसाल दें, तो इस सिलसिले में एक बहुत बड़ा फर्क दिखाई देता है। माचिस बनाने की फैक्ट्रियां हाथ से चलाई जाती हैं, सिवाय कुछ बड़ी फैक्ट्रियों के। हम यह देखते हैं कि शिवकाशी में ऐसे लोग होते हैं, जिनकी काम करने की ताकत दूसरे लोगों से दुगुनी तिगुनी होती है। वे दोनों छः, सात घंटे काम करते हैं, दोनों की सेहत और ताकत एक जैसी होती है, लेकिन एक जगह काम कम होता है और दूसरी जगह ज्यादा होता है। इस की वजह यह है कि जहां काम ज्यादा होता है, वहां के लोगों में काम करने की महारत ज्यादा होती है। वे सब लोग महारत हासिल करें और उनकी एफिशेन्सी में इजाफा हो, ऐसे तरीके निकालने की जिम्मेदारी किस पर

है? मेरे ध्यान से इस की जिम्मेदारी सरकार पर है और सरकार पर होनी भी चाहिए, क्योंकि सरकार को इस में सब से ज्यादा फायदा होता है। तम्बाकू पर जो टैक्स है, वह सरकार के पास जाता है। लोग बीड़ी पीने के लिए जो रुपया खर्च करते हैं उस का बेहतर हिस्सा सरकार के पास चला जाता है। इस उद्योग से सरकार को बहुत मुनाफा होता है। मैं चाहता हूँ कि इस उद्योग से सरकार को जो रुपया मिलता है, उस का कुछ हिस्सा मजदूरों के फायदे के लिए खर्च करना चाहिए और इस बात का इन्तजाम करना चाहिए कि उन की महारत में इजाफा हो।

अहां तक दूसरी सलूलियतों का सबाल है, जैसे पानी, खाने की जगह, हवा, रोशनी और सैनिटरी कन्डीशन्स हैं, मैं समझता हूँ कि वे भ्राम फायदे कानून के मातहत भानी चाहिए। अगर हम फैक्टरी लाउ में ढोड़ी बहुत तरमीम कर दें और उन में काम करने वाले मजदूरों की तादाद कम मुकरर कर दें, तो मौजूदा फैक्टरीज एक्ट के तहत ही इन लोगों को बड़ा फायदा पहुंच सकता है। सिर्फ इन्हीं लोगों की खातिर एक खास, अलग कानून की दरकार में नहीं समझता, हालांकि उस की मुखालफत करने की भी मेरे लिए कोई वजह नहीं है।

मैं अर्ज करना चाहता हूँ कि इन मजदूरों की फलाह व बहुवृदी इस उद्योग की तरफकी के ऊपर निर्भर है। इस लिए हमें इस बात को देखना चाहिए कि यह उद्योग तरफकी करे। स्वयं श्री गोपालन ने कहा है और रिपोर्ट्स में भी हम देखते हैं कि हिन्दुस्तान भर में, दस पंद्रह लाख मजदूर इस उद्योग में काम करते हैं। मुमकिन है कि वे कुछ ज्यादा या कम हों, लेकिन इस बात में कोई शक नहीं कि उन की एक बहुत बड़ी तादाद इस उद्योग में काम करती है। मेरे जिले में, जो कि बहुत बड़ा जिला है, इन मजदूरों की तादाद पांच हजार से कम नहीं

हैं। जिस उद्योग में इतने लोगों के हित निहित हैं, उस की तरक्की के लिए हकूमत की तरफ से कोशिश होनी चाहिए और इस बात का प्रयत्न करना चाहिए कि इन लोगों की महारत में इजाफा हो, काम करने के तरीके बेहतर हों, शारीरिक श्रम ज्यादा न बढ़ते हुए वे आज की निस्वत ज्यादा काम करें।

इस बात की भी बड़ी निगरानी होनी चाहिए कि मुस्तलिफ रकबों में जो मिनिमम बेजिज मुकरर होती हैं, उन की पाबन्दी सक्ती में होती है या नहीं। अगर उन आफिसर्ज की तादाद में इजाफा किया जाय, जो कि इस सिलसिले में लेबर डिपार्टमेंट की तरफ से तैनात किए जाते हैं, तो काफी फायदा होगा।

इन हालात में मैं समझता हूँ कि इस मामले के लिए एक भलाहिदा बिल की कोई खास आवश्यकता नहीं है। अगर हकूमत किसी और ङग से इन बातों की तरफ ध्यान दे, तो मजदूरों की भी और उद्योग की भी, दोनों की तरक्की हो सकेगी।

श्री बे० ए० नयार (क्विलोन) : श्रीमान्, इस भाषण को सुनने के बाद यह ज्ञात नहीं हो सका कि माननीय सदस्य इस बिल का समर्थन कर रहे हैं या विरोध। यह साफ होना चाहिए।

श्री हेडा : अपने भाषण के आखिर में मैंने यह प्रश्न किया था। मेरे क्वाल से मेरी हिन्दी—या उर्दू—जिन की समझ में नहीं आई, इसलिए अंग्रेजी के दो जुमले कह देता हूँ।

I have recommended certain measures to be taken by the Government which would be in the interest of both the industry as well as labour. If those measures are taken, there will be no particular need for this legislation.

Shri V. P. Nayar: What I wanted to know was whether he supported the Bill for his constituency or opposed it.

Mr. Chairman: The hon. Member spoke very efficiently in Hindi. This question should also have been asked in Hindi.

Shri Heda: He speaks Hindi very well.

Shri Tangamani: Shri A. K. Gopalan has already pointed out that this Bill is long overdue. Not only are there more than 10 lakh workers throughout the country, but their conditions of service are very bad and wages are also very low. He also pointed out how in the Rege Committee Report beedi is mentioned as one of the biggest unorganised industries and the labour that is engaged in it is the most sweated labour. This was taken into consideration when the Minimum Wages Act was passed in 1948 and in Schedule A to that Act, one of the items mentioned is the beedi and cigar industry.

But what we find is that in many of the States no minimum wage has been fixed, and wherever it has been fixed, it has always been fixed at a level lower than the existing one. Several decisions have come about, whether in the tribunal or in the High Courts or appellate tribunals. I distinctly remember in 1954 the dispute between the beedi workers and the beedi employers was referred to the tribunal in Madras and the then tribunal, Shri Akhilandam Pillai, has given a very interesting award. Although he fully sympathises with the demands and aspirations of the beedi workers, he has found that there is no employer-employee relationship between the workers and employers.

There is also an obiter that the State Government or the suitable Governments must immediately come forward with legislation giving protection to these beedi workers, under the Industrial Disputes Act. That was nearly three years ago and from 1954 onwards, the beedi workers' organisations both in Tamil Nad and in Kerala

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have been demanding that such legislation must be immediately brought forward.

16 hrs.

Several tripartite committee meetings have been held and the workers have made very valuable and useful suggestions. Those suggestions have all been more or less accepted by the Government of Madras and they are incorporated in the draft Bill which has been framed by the Government of Madras. I understand that a copy of the Bill has been forwarded to the Centre for approval. Although labour and industrial relations is a concurrent subject, for the sake of uniformity it is necessary that the approval of the Centre has got to be obtained. And, I do not know whether the approval has been given.

In this connection, I may also mention that one of the questions concerning this has been admitted for 2nd December, 1957. Having said this, I would like to say that if we go through that Bill which is a draft Bill framed by the Government of Madras, as well as the Bill before this House, we will see that the two are more or less identical. It appears as though the relevant portions of Shri Gopalan's Bill have been copied by the Government of Madras.

I have sought to get an opportunity to move certain amendments and they are nothing but the important provisions contained in the Madras Bill. I wanted to move certain amendments to clarify the question of employer. Both in the Rege Committee's Report and the several reports that have been published in the Madras State and other States also, the question of employer is an elusive one. If there is a trade mark holder and if he is an employer who really wants to do good to the employees and make an honest profit, then, he keeps what is known as a factory and he submits himself to all the regulations of the Factories Act and regular wages are paid. But

such employers are few. What we find mostly is this.

These employes engage only a certain type of labour inside the factory and leaves and the tobacco are supplied to middlemen who are known as the Branch Managers in our parts. The Branch Managers in turn engage 10 or 12 workers and these workers work in a particular place and they are not governed by the Factories Act. Even if they are to be governed by the Shops and Establishments Act, they would reduce that number from 10 to 9.

I will give the instance of one particular concern in Madras, the Taj Mahal concern which employs nearly 3,000 to 4,000 workers. There the question of employer employee relationship is very elusive. It is true that 4,000 workmen are employed in the Taj Mahal concern because the Taj Mahal owner who is the registered trade-mark holder ultimately gets all the beedies. He has under him 20 or even 50 Branch Managers and they engage 10 to 15 workers in their turn. The Tribunal held that the relationship of master and servant, employer and employee existed only between the Branch Managers and the workmen. So, if the workmen get an award against the Branch Manager it can only be put into the waste-paper basket. So, the attempt has always been to find out who the actual employer is

Similar things have arisen also in the case of the casual employees in the dock workers' case. Here is an employer who employs nearly 3,000 to 4,000 workers and this employer must be held responsible for the payment of wages and for maintaining the good working conditions of these employees. The ultimate employer is the person who gets the beedies, whether it is through middlemen or whether it is directly from the workmen. So, the definition of employer is very important. That is why in the Madras Bill and also in the amendment I seek to

move, I have introduced the definition. I have said:

“‘Employer’ means the person who has the ultimate control over the affairs of any Beedi or Cigar factory and where the affairs of the factory are entrusted to any other person (whether called a Managing Agent, Manager, Superintendent or by any other name) such other person shall be deemed to be the employer and includes a Proprietor or a registered user of a Trade Mark.”

So, the employer who gets the ultimate control should not escape from his liability. That is the direction in which the trade union movement in the south has been moving. This, I submit, is a very very important point and this is also covered to a certain extent by Shri Gopalan's Bill when he defines ‘workmen’ as those people who are employed not only by the middleman or contractor but also by the ultimate trade-mark holder.

Having said this much what I would like to add is this. Government may probably be aware of certain reports which have been published. Soon after the end of the War there was a report published under the name of Dr. B. V. Narayanaswamy Naidu. In that he had dealt with not only the Beedi and Cigar workers but all those workers who are termed sweated labour.

Of these recommendations the main point that attracts attention is that in those cottage industries where we employ sweated labour, where the workers may get their work only at the whims and fancies of the employer or the whims and fancies of the season, they must be guaranteed a minimum wage. Not only should the employer guarantee a minimum wage but the worker must be given wages when he is not able to work due to reasons beyond the control of the employer. That is, when the worker himself is prepared to sell his labour and comes to the factories and when

the employer is not in a position to give him work, then the employer must be asked to give a certain amount. That is compensation for involuntary unemployment. In the Narayanaswamy report, for the Beedi worker, I think, one rupee per day has been fixed. That also is sought to be covered in Shri Gopalan's Bill.

Another report which I would like the hon. Minister to refer to in his reply if he chooses to do so is this. Recently, the Regional Factory Inspector, Shri Natarajan, toured all the beedi centres in Madras State and has made an extensive study of the industry and elaborated whatever points that have been raised in the Rege committee's report and he has gone deeper into them.

After all the workers of this industry are going to thrive because it is cheap and the beedi and cigar smokers are proportionately on the increase. So, this industry has come to stay and for protecting this sweated labour certain recommendations have been made. The hon. Minister will do well to go through those recommendations so that if by chance he brings in some legislation some of these may be included in it or for giving advice to State Governments to bring suitable legislation on this point.

My next point is about the rule making power which is brought out in the Bill of Shri Gopalan. I felt that clause 13 by which certain rule-making powers are given is not very exhaustive. That is why the rule-making powers must be so framed that the State Government may make rules to carry out the purpose of the Act. I have suggested an amendment seeking to substitute for line 7 on page 4: “13. The State Government may make rules to carry out purposes of this Act and without prejudice to the generality of the foregoing power such rules may”. So, greater powers must be given to the State Government to make rules, because in this industry there are certain points which may not be exhausted at all in this Bill. To copy in toto the Factories Act or

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the Shops and Establishments Act also will be wrong. Therefore, certain residuary powers by way of subordinate legislation will have to be given to the State Government to formulate these rules.

Another important point so far as the beedi workers are concerned, is the question of security of service. There are very expert beedi workers. If a real survey is made it will be found that it is one of the skilled jobs. The way they take the leaves, soak it, get it at a particular temperature, dry it, then cut it and the way they just roll it is all a clever piece of work. That is being done by small children and women. In our parts we find that mostly it is a home industry. I believe Mahatma Gandhi also suggested that our women folk are not used to remaining idle and that our women folk also must not be exposed to big factories. He was opposed to factories. The point that I want to drive home is that the charkha was an attempt to give work to our women. In our parts we find that mostly Muslim women are engaged in this job. There would be an employer, the middle-man will supply the leaves and the women in their hundreds roll these beedis during spare hours. Of course, the wages they get may not be considerable. Even then those who are doing this work in their houses must also be covered under this Act. That purpose is also sought to be served by this particular legislation. The Madras legislation has done it in a much more specific manner.

What Shri Gopalan has suggested is, if in a particular factory more women are employed—actually more women are rolling these beedis—a separate factory must be built for these women alone. If the Muslim women, Ghosha women want to do hard work and earn they should not be deprived of an opportunity.

My next point is also a very important point. It applies not only to

the beedi industries but also to other industries. A worker who has put in six months service or one year's service according to our rules and regulations will be deemed to be a permanent worker. When a worker becomes permanent is becomes difficult for an employer to remove him. There is no protection for a beedi worker. He can be removed according to the whims and fancies of an employer. Therefore, I want to add to clause 24 certain sub-clauses more or less taken from the Madras Act. The purpose of this is that no employer shall dispense with the services of a workman employed continuously for a period of not less than six months. My point is that if an employee has been working for six months then he must be deemed to be a permanent employee and he must be given at least a month's notice or a month's wages in lieu thereof before he is sent away. Of course, if he has committed acts of mis-conduct then it is a different matter. My provision is, if there is a charge of mis-conduct it must be supported by satisfactory evidence recorded by an enquiry held. For that purpose there must be a domestic enquiry and that must conform to principles of natural justice. Even after the domestic enquiry has found that a workman is guilty and gives power to the employer to dispense with his services, he must have the right to appeal whether it be to the Labour Commissioner or any other competent authority who may be fixed by the State Government. If the appellate authority decides that the dismissal is wrong, then certain things must follow. There is a lacuna here. It may not be of much interest to some people here, but I know it has been the most problem so far as Madras Government is concerned. There are a number of employees who are governed under the Madras Shops and Establishments Act. Under section 41, when the appellate authority gives his decision that the dismissal is wrongful, there is no remedy for that worker to be reinstated. That is the lacuna in sec-

tion 41 of the provincial legislation. I want to remedy it here. Then it will be an improvement. This arises mainly from the experience of many of the trade unions throughout the country. Because, there is no specific power in any of the laws compelling the employer to reinstate him where a particular order has been passed by the appellate authority.

I now come to the last point which I have sought to bring by way of amendment. Certain salutary provisions are there in many of the labour laws. One such thing is the Employer Standing Order Act. Under this Act, where there are more than 50 workers, the employer is compelled—there is a mandate provided by this Act—to frame certain standing orders. After some experience, that Act has been modified. Now, whether the workmen has got the right under the Standing Order or not, whether they are reasonably paid or not, the provisions of the Standing Order Act should apply to factories where there are more than 50 workmen.

Then, certain instances have been brought to my notice. Shri A. K. Gopalan referred to the Nagpur decision on Ramnath Beedi Factory. The question that arose in that case was whether the job workers are employees and whether the remuneration received for work done will be considered as wage. In that case a Bench of the Nagpur High Court held that they are workmen and that they are entitled to all the protection under the Payment of Wages Act, that is, wages will have to be paid within a particular day in the following month and the wages cannot be cut except under certain circumstances. They have also gone further and stated that under the Factories Act they will be entitled to recuperative holidays, which come to about 15 days.

Even after this, because there is no standing legislation protecting these workmen, because of the various types of decisions which are now pre-

valent in this country, we are not able to enforce it. Then, the beedi industry is one of the industries which is included in the Minimum Wages Act. It is one of the industries where the trade union is not very strong.

I may inform the hon. Deputy Minister—I am glad he has come—the workers in the beedi factories and workers in the cigar factories are anxiously looking forward to what is going to happen to this piece of legislation and what is going to be the reaction of the Central Government to this.

Beedi and cigar are allied industries. In cigar we are far more advanced in this country, particularly the cigar from Trichinopoly and Din-digal are very famous and they are being exported to different countries. But the conditions of service of the workers are very bad. Even those who have got 20 to 25 years of service are being retrenched. And it is difficult to bring them under any one of the legislation. The ordinary rights which are available to other employees are denied to them. So, it is time that confidence is given to this sweated labour, the beedi and cigar workers, who look forward to the Centre. I submit that the Centre should, if they are not going to bring forward any legislation, or if they are going to oppose this, at least encourage the State Government to come out with such legislation. If a particular State brings forward any piece of legislation it would be based on the experience of that State. That experience is given by the State to the Centre. That State should be allowed to proceed with its legislation and steps should be taken to fill up the lacuna, if any in it.

With these words, I once again not only commend the Bill, but also request the hon. Deputy Minister to give due consideration to this measure, because it is a very essential piece of legislation and has been long overdue

Dr. K. B. Menon (Badagara): Mr. Chairman, Sir, I wish to avail of this opportunity to place before the House and the Government a few of my experiences in connection with the beedi workers. I underscore everything that the mover of the Bill said about the condition of the beedi workers. Their working conditions are deplorable; their wages are low; they have very little of security of employment. The industry deserves the attention of the Government for the reason that it employs lakhs and lakhs of workers throughout the country. It is also a growing industry, because beedi favourites are increasing in number, partly because of the rising prices of cigarettes and partly because the beedi smokers are developing their own favourite brands.

It is also a growing industry because the industry needs very little investment. I am, however, doubtful whether it is possible to bring the industry under a factory system, I have my own doubts about it because machinery cannot be employed on any large scale, the industry calls for very little investment because with a handful of tobacco, plus a couple of bundles of leaves and scissors, I think one can launch on beedi production.

It is excellent as a cottage industry and comes in as an effective supplement, especially in agricultural communities. As has been pointed out by some of the previous speakers, the Muslim women particularly take to this industry because it comes in as a handy supplement to their income. Therefore, it is very nice if it could be brought under the factory system. But, considering the nature of the industry, I have my doubts whether that is possible. I would, therefore, like to use the time to invite the attention of the Government to the difficulties that the workers are facing in getting even their minimum wages that they are entitled to under the Minimum Wages Act. This industry, I believe, is included in the Schedule.

The Minimum Wages Act is enforced in Kerala. In the last month there

was a strike in three of the districts of erstwhile Malabar which involved nearly 20,000 beedi workers. The immediate reason for this strike was the imposition of the tax of 15 naya paise. When the strike started and the demand became persistent and the strike continued, Government was forced to lower the tax and one big obstacle in the way of the strike was, therefore, removed. As a result of that, the strike in two districts was called off.

But, the strike in one district continued because there were other factors which brought about the strike. The one factor that brought about the strike in that district was the underhand methods which the employers used to undermine the conditions of the workers and difficulties in enforcing payment of minimum wages. The industry in this district was, to a large extent, controlled by two employers who had their own trade marks. I do not know whether they were working on a factory basis. I do not believe so, because they were avoiding those restrictions and limitations and did not wish to deny themselves the advance ages of working otherwise. The two brands were popular and they controlled the industry to a large extent.

When the Minimum Wages Act was enforced, these employers, instead of straightaway giving them the minimum wage, resorted to entertaining this labour on half-time work denying them full employment and giving the rest of the work on the putting out system or distributing the work to their homes. With the result that an average beedi worker received only 12 annas a day and he could not carry on. This was a very difficult position. Government was not in a position to enforce payment of minimum wages with full employment because the employers stuck to the letter of the law and they were able to evade it in other respects.

The result was, the Collector called a conference of the employers and representatives of the employees. I

had the privilege of taking part in it and that is why I am able to give first hand information on the subject. Government was helpless and Government was not in a position to enforce the minimum Wages Act providing full employment. The Government had to plead with the employers and a temporary arrangement was arrived at where a committee was appointed to go into the cost of production, and the employers agreed to pay minimum wages and provide full employment to the beedi workers in this district until the committee reported and an agreed settlement was arrived at.

There is, therefore, an obvious difficulty that the industry is facing with regard to minimum wages. I would like the Government to examine the position and see whether they could find out ways and means to get over this difficulty and to compel the employer to pay the minimum wage, whether the Shop Assistants Act could be extended to this industry and thereby secure some kind of relief for the employee. I do not know. These are problems which the industry is facing, and I submit that even if it is not possible to bring it under a factory system, about which I myself have my doubts, Government should examine the position and see whether it is possible to prevent the employer circumventing the law and denying the worker the minimum wage with full employment.

This is a problem which the industry is facing today. The strike I mentioned has not been completely called off. It has been called off for the time being pending a settlement, and even if there is a settlement, that will be a settlement between the employer and the employee for the time being, but it must be given a kind of legal sanction.

I have no exact suggestions to make. I would only request the Government to examine the position and find a way out.

**Shri D. C. Sharma (Gurdaspur):** Beedis are the common man's smoke and cigars are the fashionable persons' smoke.

**Shri Tangamani:** There are cheap cigars.

**Shri V. P. Nayar:** Almost as cheap as beedis.

**Shri D. C. Sharma:** Whatever these beedis or cigars may be, the persons who roll or produce them, and the persons who employ the labour to get them made are very curious specimens of humanity in different senses of the word.

During the last Lok Sabha in one of the sessions I had the honour to put a question about the beedi workers. I came to be interested in this thing because some workers came to me and described to me the appalling conditions under which they were working. I think the Labour Ministry was very thorough in giving a reply to that question, and the statement which they placed in my hand covered four to five typed pages. I had asked a question about the welfare schemes, if any, which were there for beedi workers, and I also wanted to know under what circumstances and conditions they worked, the number of workers engaged in the industry etc. I must say that the Labour Minister gave me a very full and complete answer, but the very fulness of the answer was such as to make iron enter into the soul of any thinking or feeling person. One could never understand how in a Welfare State where so much has been done for workers of all kinds during the last ten years, where so much ameliorative legislation has been passed, where so many laws have come into being to do good to the workers, these beedi and cigar workers did not come within the purview of the Labour Ministry. It was a puzzle for me, and I think the puzzle has been solved to some extent by the able speech which my friend Shri Gopalan made. It is a

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very peculiar type of industry. Is it a factory industry, or is it a cottage industry, or is it an industry which employs what Shri A. K. Gopalan calls in his Bill as self-employed workers? It is a very complex or composite kind of industry. Perhaps, its composite nature has baffled the ingenuity of our Labour Ministry to bring it under its control.

But I believe the time has come when these ten lakhs of workers—I hope I am not giving a wrong figure—should understand that they are living in a free India where exploitation is being reduced to zero, and where the provisions of the welfare State are going to affect everyone. I think it is a very pathetic thing for me to think that our Labour Ministry has not taken notice of these one million workers all these days. I do not know whom to blame. Perhaps, we are to blame that we have not pin-pointed this fact so far. We have not highlighted their conditions so far. If, Shri A. K. Gopalan has not done nothing else, at least he has focussed the attention of this House on these ten lakhs of workers who are of an indescribable variety, so far as factory legislation and labour legislation are concerned.

Therefore, I say that not a day should be wasted and not an hour should be lost now, and these workers must be brought into some kind of organisation where they can behave like workers and enjoy those privileges which workers have, and where they will not be at the mercy of the employers.

I need not repeat what has been said already by my hon. friends Shri Tangamani, Dr. K. B. Menon and others. They have given a very graphic picture of the conditions under which these workers are doing their work. I think, for a beedi worker, tuberculosis is the most normal thing. If he escapes it, it is his good luck. He is inhaling tobacco waste all the time and is working in dark and dingy houses and in all kinds of

conditions. And those conditions are such as cannot make for normal living or normal expectation of life.

I remember I met a headmaster of a high school in Calcutta. He was not a labour leader, but he was an educationist, and he told me a great many things about these workers. And what he told me has been corroborated word for word by what was told to me by the Labour Ministry in answer to my question and by what has been said to-day.

Now, the question is what we are going to do to improve their conditions. I believe that that is a problem not only for the Government of India and the State Governments, but it is also a problem for the Central Social Welfare Board. It has been said on the floor of the House that there are a great many Muslim women who work in this industry. I do not care whether they are Muslim women or Hindu women or Christian women; I do not want to go into these distinctions; I am very sorry to have to use these words such as Muslim Hindu etc., But I am told that there are a large number of women who work in this industry. Now, our Central Social Welfare Board has evolved a scheme for enabling middle-class women or women who want to eke out an income to work on a cottage industry basis for manufacturing matches. I think that is what they have done in the case of matches. Likewise, I think this is also a problem for the Central Social Welfare Board which is the recognised social welfare agency of our Government of India.

I believe that the Board also should do something. There are not many persons who would like to join factory. There are some Indian ladies who would like to do this kind of work in their homes and I believe that this problem should be turned over to the Social Welfare Board so that they can do something for them.

Again, this is also a problem for the State Governments, as was described by Shri Tangamani. He said that the Central Government could encourage State Governments to pass legislation of this kind. He told us that the Madras Government was going to have some legislation of this kind and that was going to prove very useful to these beedi workers. Therefore, I think, that in addition to the Social Welfare Board, the State Governments should be in the picture and they should try to regulate the working conditions and other things of these beedi and cigar workers. I think I am not wrong in saying—Shri T. K. Chaudhuri will correct me if I am wrong—that these beedi and cigar workers are also to be found in the State of West Bengal. I think there is a large concentration of such labour in West Bengal also.

So the second agency which has to deal with this problem is the State Government. But Labour is also a concurrent subject and I believe that if our Government here can do something, it will be very good. But if they take shelter behind the argument that this is a problem primarily for the State Governments, I would say that they should send a directive to the State Governments to bring about better conditions for these workers. Unless that is done, I believe that this will remain a very undesirable—I was going to use a very harsh word—sector of human labour in this country of ours.

Of course, Shri A. K. Gopalan has brought forward a full-fledged Bill and I compliment him on the pains that he has taken in preparing it. Whoever brings forward any legislation for this will take note of what Shri Gopalan has said. But his experience is mainly based upon what he has seen in Kerala and one or two other States. There are other States also. Therefore, I would say that in the first place, this problem should be studied and explored on a State-wide basis. Of course, there are some

States which have already got this problem explored; but there are also others which have not done anything. Therefore, this problem should be investigated on a State-wide basis and after it has been so investigated, we should do something to bring it under some kind of legislation.

There is one danger, and that is not to be ignored. From what has been said on the floor of this House, and from what I find in this Bill, I think that the persons interested in the production of beedies, I mean the employers, know all the tricks of the trade, if I can use that expression. For instance, they can conceal children when somebody comes to inspect; they can decasualise labour; they can turn factory labour into cottage labour and *vice versa*. They can do all kinds of tricks in order to escape the rigours of the law, in order to escape detection. Therefore, they have to be dealt with as strictly as possible. But also this thing has to be taken into account that these workers do not get unemployed. This is also one aspect of this problem, that while we are safeguarding the interests of the workers—and we must safeguard them—we should also see to it that they are not thrown out of work altogether. I want these workers to enjoy all the amenities which other workers enjoy—I do not want to deny them these amenities. But I also want that we should guard against the practices of these employers so that these workers do not lose their source of living or source of income. That is also an aspect which has to be taken into account.

I think we have taken too long in concentrating our attention upon this subject, the beedi and cigar workers. Not a day is to be wasted. Something has got to be done and the sooner we do it the better it is. I believe that instead of passing any uniform legislation we should ask the State Government—rather the Central Ministry should send a directive to the State Governments—to soon bring forward legislation to regulate the conditions

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of workers in the industry. I believe that there would be no State Government which might not have to take notice of Shri Gopalan's Bill. This has been drafted with great care and I think it will be very helpful to them in drafting their own Bills. So, I would say that something should be done immediately and these beedi and cigar workers should also come to feel that they are living in conditions which are prevalent in a Welfare State.

**Shri Kunhan (Palghat—Reserved—Sch. Castes):** I support the Bill. The importance of this industry in our present day economy cannot be minimised. The industry has recorded rapid progress during the last so many years. Today the industry has almost a stable market. The smoking habits of the people are such that the beedi and cigar industry can satisfy their present demands.

The industry has grown considerably but the condition of the workers are very poor. The workers are not getting even the minimum wages necessary to maintain themselves. There are no regulations regarding their working hours. In some cases, they are denied the privileges extended to industrial workers by the Factories Act. The worker in the beedi industry works for about 12 hours in a day and still he gets only a meagre wage. In many cases the managements have tried to evade the regulations of the Factories Act by breaking their industrial units into small branches. Reorganisation of a big factory into a number of small branch units is being done by the managements with the sole purpose of evading the Factories Act. Thus, the workers in this industry are being denied the privileges which are enjoyed by the workers under the Factories Act.

I support this Bill because it provides for the regulation of employ-

ment and work in the factories manufacturing beedis and cigars. The Bill provides that no adult worker shall be required to work for more than 9 hours in a day. Such a provision if adopted will definitely make the worker's condition better.

Apart from the need for regulation of the hours of work and a minimum wage, there are other facilities which should be given to the workers in the beedi and cigar industry. Facilities for good drinking water, latrine and other primary facilities have to be provided by the management in every factory. Arrangements for medical examination at least once in six months must be made in the factories. The Bill contains many other provisions also beneficial to the workers. If the provisions in the Bill are adopted it will give a great relief to the thousands of workers engaged in the beedi and cigar industry.

**Shri Keshava:** I am second to none, Sir, in fighting the battle for the improvement of the conditions of workers in whatever activity they may be. I quite admit there have been quite a large number of workers engaged in this industry of bidi and cigar manufacture. It so happens that I am also not satisfied with the conditions of living and conditions of working of these workers.

In many concerns I am aware that people of all ages, even children of the objectionable age, are employed and, perhaps, the payment of wages is also not satisfactory. As such there has been a very great need for improvement of the working conditions of the workers in this industry.

This is one of the very potential cottage industries that we have in our country. But the remedy does not lie in a separate legislative measure as my friend is seeking to bring forward in this Bill. The Bill only seeks to provide for inspection of these factories, defines the powers of inspection to the inspectors and also

makes provision of giving other amenities like drinking water, conservancy, medical facilities and things of that kind. I am only anxious to provide all that. But even factories where ten workers are working with power come under the Factories Act. Factories where 20 workers are working without power come under the ambit of the Industrial Disputes Act. We have a heap of measures passed for the amelioration of the conditions of workers. My greatest grievance against the Government is that those labour legislations which we have passed in the interest of labour are not being implemented to the fullest extent possible. They are not in a position to implement the very salutary measures that we have passed for the welfare of the workers. When all the bidi factories do come under the Minimum Wages Act, the Factories Act, the Workers' Compensation Act and the Industrial Disputes Act, where is the need for another legislative measure of this kind. I feel we are unnecessarily burdening the statute-book, and this would amount to a superfluous measure which is absolutely not necessary under the conditions existing in our country.

My friend Shri D. C. Sharma was pleased to say that the employers are resorting to all sorts of practices against the workers. I quite agree there are several very objectionable employers in this industry. I am aware of it. But that does not mean we should resort to another legislation. They can certainly be brought to book under the existing laws. In fact, the biggest thing that we have got to do is to implement the legislative measures and enactments that we have already passed in this House. Even in the Statement of Objects and Reasons my good friend has very significantly omitted to mention the fact or reason why a separate legislative measure is necessary in spite of the heap of other enactments existing in this country already. Under these circumstances, I am compelled to oppose this Bill.

Shri T. K. Chaudhury (Berhampore): I commend the Bill of our friend, Mr. Gopalan for the acceptance of the House. The member who spoke just before me asked: what was the necessity of a separate legislation for beedi and cigar labour? I would like to submit to him and to the House that the problem of beedi labour in our part of the country is very acute. I come from one of those districts of West Bengal where beedi-making is a major industry. There is one centre in my State, Murshidabad, which is regarded as the second biggest centre of beedi industry in the whole of India. There about 50,000 people are earning their livelihood by beedi making. But, unfortunately, the system that obtains there is, as the Rege Committee has called, the *Gharkhata* system or the *domestic* system, under which the employers have beedis rolled by workers who work in their homes.

The difficulty all these years has been that these workers cannot be brought under the provisions of the Minimum Wages Act although for all practical purposes they are nothing but wage workers sweated in the worst possible manner. I would place before the House for its consideration, and also for the consideration of the hon. Minister, the ticklish situation that has arisen in Aurangabad where the majority of the beedi workers are Muslims. In the last elections, the seat in that constituency went to a Congress Muslim. He was a good Congressman and he had supported most of the beedi workers. So, they also in return supported that candidate. But there was another Hindu Congressman, who was a beedi magnate, who stood as an Independent candidate. He lost the elections. Since then, in order to retaliate upon the workers, he has reduced the piece rate of these domestic workers to eight annas per thousand from Rs. 1/4/- per thousand. Other employees have followed suit. I had been to that centre though that is not in my constituency but I belong to that district.

[Shri T. K. Chaudhury.]

We approached the Labour Department of West Bengal and the hon. Labour Minister of West Bengal was pleased to visit the centre because the livelihood of 50,000 workmen are involved. But he pleaded helplessness because they cannot be brought under any legislation. That is why this legislation is very necessary.

I support the contention of my friend, Professor D. C. Sharma that not a day should be lost and immediately, without waste of a single moment, Government should proceed to bring forward a legislation; if they are not able to accept the legislation

put forward by our friend, Mr. Gopalan, then they should themselves, of their own accord, bring forward a Bill, which brings the thousands of beedi workers within the purview of labour legislation and give them the benefit of minimum wage.

Mr. Chairman: I think the hon. Member may take some more time to conclude his speech. I, therefore, request him to continue his speech next time.

17.00 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Monday, the 24th November, 1957.*