

amended from time to time, the members of Lok Sabha do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to serve as members of the Indian Lac Cess Committee, subject to the other provisions of the said Act and the Indian Lac Cess Rules, 1930, as amended from time to time."

Mr. Speaker: The question is:

"That in pursuance of sub-section (4)(iii) of section 4 of the Indian Lac Cess Act, 1930, as amended from time to time, the members of Lok Sabha do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to serve as members of the Indian Lac Cess Committee, subject to the other provisions of the said Act and the Indian Lac Cess Rules, 1930, as amended from time to time."

The motion was adopted.

COMPANIES (AMENDMENT)
BILL

EXTENSION OF TIME FOR PRESENTATION
OF REPORT OF JOINT COMMITTEE

Shri Rane (Buldana): I beg to move:

"That the time appointed for the presentation of the Report of the Joint Committee on the Bill further to amend the Companies Act, 1956, be further extended up to the 16th August, 1960."

Mr. Speaker: The Question is:

"That the time appointed for the presentation of the Report of the Joint Committee on the Bill further to amend the Companies Act, 1956, be further extended up to the 16th August, 1960."

The motion was adopted.

PLANTATIONS LABOUR (AMENDMENT) BILL—contd.

Mr. Speaker: The House will now take up further consideration of the following motion moved by Shri Abid Ali on the 4th August, 1960, namely:—

"That the Bill further to amend the Plantations Labour Act, 1951, be taken into consideration."

Shri Nanjappa (Nilgiris): I welcome this Bill, but my only regret is that it has come very late. In my constituency, namely the Nilgiris, fragmentation has taken place long ago, and as such, this Bill will remain inoperative in that place.

Some months ago, certain representations were made to me regarding this Bill, saying that this will work as a hardship and will lead to disputes. The proposed sub-section (4) (a) of section 1 of the Act, as we find it in clause 2 of this Bill reads thus:

"to any land used or intended to be used for growing any other plant, which admeasures 10·117 hectares or more and in which thirty or more persons are employed or were employed on any day of the preceding twelve months...."

The latter portion of this sub-section will work as a hardship on the small plantations. Generally, they employ very few people as labourers, but on occasions like harvesting time, weeding time and so on, they do employ more than 30 persons. Simply because they employ more persons for a few days, they should not be penalised, and this Bill should not affect them. So, they expressed their apprehensions that this sub-section would affect the small planters whom this Bill was not intended to cover. I would like to bring this hardship that would be experienced by the small planters, to the notice of the hon. Minister, because it is not intended that they

[Shri Nanjappa]

should be brought within the scope of this Bill.

Again, in clause 7, the proposed sub-section (1A) of section 31 reads thus:

“... a worker shall also be paid the cash value of food and other concessions...”.

The term ‘other concessions’ is very indefinite and may lead to confusion and dispute. So they proposed an additional clause to deal with ‘other concessions’, that is, leaving side amenities. Even that may not be very precise, but probably that may not lead to many disputes. I have tabled two amendments to this effect and if the hon. Minister accepts them or if he finds a way out to exclude the small planters and deal with the ‘other concessions’ which will lead to confusion and dispute, I think I need not move those amendments.

In his opening speech, the hon. Minister referred to the housing conditions in plantations. I have been drawing the attention of Government to the very bad housing conditions in the plantations in my area. I used to call them slums. They are so bad that they are not fit for human habitation. Even though the plantation may be a sound one, the labourers’ living quarters are in a very pitiable condition. No sanitary arrangements are made—no latrines, no bathrooms and no drains. A number of families are huddled together in one house. I have seen in a number of places both men and animals living together. I have drawn the attention of the Madras Ministry to this state of affairs in Nilgiris. The Minister said that the planters were not coming forward to utilise the amount set apart by that Government. He said he had made provision for 90 quarters, but since the planters had not come forward to utilise that amount, he had to divert it for some other purpose. That is the state of affairs in Nilgiris. The

Minister referred in his opening speech to housing conditions; I only bring to his notice the state of affairs in this respect in my constituency.

Then the hon. Minister referred to medical facilities available in plantations. Nowadays, in many hospitals and dispensaries one will find no doctors. Probably one explanation is that doctors are not available and so many dispensaries and even hospitals are without doctors. Many of them are managed by compounders. There is a huge cry among labourers that proper medical facilities are not provided. Then again, in some areas to go to a hospital they have to walk miles and have to negotiate steep ascents and descents before they can get there. Such are the conditions. I bring them to the notice of the hon. Minister and request him to see whether he could improve conditions in my constituency.

But my main object is to refer to these defects in the Bill. I hope he will provide some clarification regarding these.

Shri Basappa (Tiptur): Mr. Speaker, Sir, I understand this Bill has been brought forward with a view to preventing planters from circumventing the liabilities under the Act. They are fragmenting their gardens with a view to see that the facilities needed to be provided to the workers are denied.

In this connection, I would like to say that the Ministry or this Parliament will have to be more cautious in bringing forward various pieces of legislation of this type before the House. We have been noticing that in some way or other the clauses enabling the workers to have facilities are circumvented and thereby the law is violated. Therefore, whenever we enact legislation, we must see that greater care is taken to see that the provisions are properly implemented. Whether we take this Bill or the next Bill on the agenda, the Rubber (Amendment) Bill, we see how either taxes are evaded or liabilities under the Act are evaded. So greater care

is necessary to see that such things do not happen. Sometimes we in Parliament are also discredited, in that we pass certain laws which will not be implemented effectively and which do not cover a wide range. Hence I say that all these things should be scrutinised properly. One of the objects of this Bill is to ensure greater production in plantations and unless the treatment meted out to the workers is good, we cannot expect much greater results.

I do not want to go into all the details of the facilities provided for them. Yesterday, we were talking about housing conditions; in the plantation areas, the housing conditions are very bad. Though encouragement is given by the Central Government and other agencies, it has not been taken advantage of. Why it has been so should be investigated. Greater vigilance should be exercised in this field also.

So far as the medical facilities are concerned, we know the conditions in the plantations. Their sickness benefits and maternity benefits should be well attended to. Their hours of work also need attention.

Whereas in the plantations conditions are neglected, in the coal fields greater attention is shown. We have got a big organisation known as the Coalmines Labour Welfare Fund. I think the Plantation Inquiry Commission also made some recommendations with regard to that. Therefore, it is high time that the Ministry looked into this and saw to it that a labour welfare organisation was created in the plantations so that all these things can be implemented properly. What we see is that we have provided facilities for them in the laws but they are not implemented. The planters do not take care to see that they are implemented properly. So the necessity for a labour welfare organisation on the lines of that in the coal fields is there so far as plantations are concerned.

As my hon. friends on the other side were pointing out, the basic question is about the establishment of a Wage Board. This has been on the anvil for a long time. I do not know what has happened to it. Now the position is that the terms of the agreement regarding wages have expired and a new Wage Board has not been constituted. In the meanwhile, I do not know what has happened, because we cannot expect wages to remain the same. As regards the rate at which wages should be paid, there will naturally be hitch between the planters and labourers. So something should be done quickly to see that all that unrest will not be there.

Regarding the definition of a 'factory', though I do not come from coffee-growing areas, I represent certain parts of the areas under coffee plantation. Formerly, labour used to come from South Kanara and Mangalore without their families after the sowing season and work in these areas for some time and then get back. But now people from Tamil Nad, from Coimbatore and some other parts, have come with their families and settled there. They have their parents, children and others. Therefore, the definition 'family' should be viewed in a broader way and facilities provided for them also.

As regards the working conditions of these labourers, I must say that there are powerful influences at work to prevent the workers from having their facilities. For example, the planters are sometimes too powerful to allow the workers to enjoy these facilities. Therefore, the workers need special attention. I am saying this because the Coffee Board and other plantation boards which are entrusted with these things should also pay attention to the welfare of these plantation workers. They are not taking sufficient care to see that things are properly done.

I have here before me a report of the working of these Boards. The Labour interests on the Board have

[Shri Basappa]

complained that they are not given sufficient opportunities to look after the affairs or the welfare of the people. I have with me the proceedings of the last meeting of the Coffee Board. From that I could see the feelings of the persons who represent labour because certain things are not happening properly. I will read out only one or two sentences.

"At the end of the morning session of the Board on the 7th June, 1960, a statement was submitted to the Chairman jointly signed by all the following Labour members on the Board stating that they were tendering their resignations from the respective Committees as a mark of protest against the manner in which they had been excluded from two of the important Standing Committees, namely, Marketing and Executive."

"Shri Karunakaran" another Labour representative "observed that the Labour members found themselves isolated and in a minority as all the other Members appeared to have held mutual consultations before the elections. The result was that they found no way but to register their protest."

In this way they are dominated by the other members of the Board so much so they cannot do much. Even the Government is slightly indifferent. In the matter of the plantation industries Government should take greater care. They appoint a Chairman of the Coffee Board. He remains there for six months and then goes away for politics. Should not Government take proper and greater care in the appointment of these people? The autonomy of the Board is set at nought because an official is made to work as Chairman of the Board. He is asked to do the duties of the Board. The Chairman is not under the directions of the Board, but he gives directions to the Board. This is how things

are happening and labour interests are suffering very much. In coordination with the Ministries concerned, the Labour Minister should see that things are done properly so that the labour interests are safeguarded. (*Interruption*). I have gone to Chikmagalur; Chikmagalur is a part of my constituency. It is a plantation area. I am sorry my friends here who are planters are more interested in seeing that these labour welfare measures are not given effect to. (*Interruptions*).

Shri Jinachandran (Tellichery): It is entirely wrong.

Shri Basappa: I may be corrected if I am wrong. But here is the report of the working of the Coffee Board. I am saying....

Shri Jinachandran: The hon. Member is complaining, pointing to me.... (*Interruptions*).

Shri Basappa: I only read out from the proceedings of the Board.

Shri Jinachandran: What is the labour interest in marketing? (*Interruption*).

Shri Basappa: I only read out the proceedings. (*Interruptions*).

Mr. Speaker: Order, order. We are not hard pressed for time. If any hon. Member wants to have his own say let him note down the points of objection and he will have an opportunity. This kind of interjection and interruption leads us nowhere. The hon. Member need not show the paper. What can I see from here?

Shri Basappa: I only showed the proceedings of the Board wherein certain labour members of the Board say certain things. I am putting it before the House so that their interests may be safeguarded.

All that I wanted to say was that the labour interests in the plantations

are suffering. Whatever has been provided in the Act for the workers has not been properly attended to for various reasons. A welfare organisation is quite necessary as recommended by the Plantation Enquiry Committee.

I, therefore, say that this Bill should be passed and that greater attention should be paid to the welfare of the workers.

Shri Balasaheb Patil (Miraj): Mr. Speaker, Sir, it seems that Government is coming forward to amend the original Act. But so far as these provisions are concerned the facilities that are given to the workers are insufficient. If you read clause 2—that is new clause (ee), you will find that 'family' is defined as—

"his or her spouse, and the legitimate and adopted children of the worker dependent upon him or her, who have not completed their eighteenth year;"

I want to know why the hon. Minister is excluding the illegitimate son and daughter. As a matter of fact, in other Acts like the Hindu Divorce and Maintenance Act, the family is defined as including minor illegitimate son or daughter. It also includes a widowed daughter, the widow of a pre-deceased son or children of a pre-deceased son. These are all dependent on the worker. And if you are going to give more facilities to the worker and his family then all these persons may be included.

Even if you look at the labour laws, especially, the Workmen's Compensation Act, there is a definition of family and in that definition minor relatives, the illegitimate son and daughter are included. Therefore I urge upon the hon. Minister to see that this definition of family is extended so that more benefit will go to the dependents, because after all, the legitimate and illegitimate sons depend on the father. So these facilities, especially the facilities of medicine should be given to them. If the

plantation owner is to give these facilities he should give them to all these persons. That is one of my suggestions.

My second suggestion is this. There is an amendment put forth to clause (k) of section 2. In sub-clause (iv) it is stated that some persons will not be included in the definition of a 'worker'.

"any person temporarily employed in the plantation in any work relating to the construction, development or maintenance of buildings, roads, bridges, drains or canals;"

My submission here would be that this work of construction, development, maintenance of buildings, roads etc. is properly the work of the plantation. These give more benefit to the plantation owner. And, if any worker is to work there temporarily, so long as he works he is entitled to the benefits that accrue under this Act. I do not know why this provision has been added. In the original Act there was no such provision. I think because the name is plantation worker and this worker is working on construction of buildings and roads, probably, the Minister might have felt some difficulty in including him. But my submission is that as he is a worker just like other workers in the plantation the benefits of this amended Act should be given to him. Therefore, there is no necessity for this sub-clause (iv) to the definition of the worker given in (k).

Then, there are certain amendments to section 30. And, one of them is this. For the purposes of calculating leave under this sub-section, there are two sub-clauses. One is,

"(a) any day on which no work or less than half a day's work is performed shall not be counted;"

I can understand that if the worker has not worked at all that day may be excluded. It further says that if

[Shri Balasaheb Patil]

less than half a day's work is performed it shall not be counted. There is the further clause—

“any day on which half or more than half a day's work is performed shall be counted as one day.”

How can you definitely say what is half a day and what is a quarter day or a full day? Therefore, there are necessarily difficulties in calculating. This will be taken advantage of by the clerical staff to exclude the benefits given to the workers. If the worker does not work on a certain day that may be excluded; but if he comes there and works even for a minute that should be counted as a day. Therefore, sub-clause (a) should be deleted so that more benefit may accrue to the worker who goes there. Supposing he goes out a few minutes before half a day then what is to be done? He will while away his remaining time. As a matter of fact, if the plantation owner gives him work for the whole day he will work there. Otherwise his whole day is wasted. Therefore, this sub-clause may be deleted so that more benefit will be given to a worker.

There is then a general question about the wage board. Though it is not within the scope of the amending Bill, I agree with the suggestions given here by the hon. Members about the appointment of a wage board. There is definition of ‘wages’ here but that comes under the Minimum Wages Act. Times have changed and the price level is rising and the standard of living is also rising. In these circumstances, a wage board should be appointed as early as possible and after the report is received, it should be given effect to.

The Deputy Minister of Labour (Shri Abid Ali): Most of the hon. Members who have taken part in this discussion have welcomed the amending Bill which seeks to restore the position as it was when the principal

Act came into force. Since then, some of the gardens have reduced their size or the number of workers. The main purpose of the amending Bill is to stop this practice and also to restore the position as it was intended at the time when the principal Act was passed by Parliament.

My friend Shri Basappa has suggested that we should be more careful while bringing forward these Bills. Certainly all possible care is taken but fraud is in advance of law and therefore, sometime people do find methods to circumvent law. Parliament is here to take care of such things. If the hon. Members find any loophole, they can point them out and they can be very helpful. We are always amenable to reasonable suggestions. No law can by itself ensure all that the workers deserve. It is also necessary that the workers should have their strong and sound trade union movement which can see to it that the provisions of law are implemented. Of course the Labour Ministries in the Centre and the States are helpful and the hon. Members can also be helpful in their respective spheres. When there is a provision for hospitals but there are no hospitals or when there are hospitals but no staff or medicine, they can bring them to the notice of the departments concerned. It is not necessary to wait for any amending Bill to be discussed in this House. We are always amenable to reasonable suggestions and responsive to complaints. If during their tours they come to know of these deficiencies, they may inform the departments concerned. They can address the State Governments as well directly as this particular law is administered by them.

I appreciate that there is deficiency about housing. We had discussed these things from time to time in the industrial committees. There is already provision in the principal Act for providing the required number of houses of particular specifications and there has been substantial progress in that

[Shri Nanjappa]

so and they employ more men on certain occasions and yet they are affected. There are a number of such people in my constituency and they have also made representations. They are all indigenous people and holding uneconomic plantations and such people should not be affected by this Bill. That is my submission.

Shri Achar (Mangalore): Sir, I rise to support the amendment moved by Shri Nanjappa, which is entirely in the interests only of the small planters. It would not affect the big plantations at all. There are a few estates or plantations where they ordinarily engage 10 or 12 labourers, at the most 15, nothing more than that. They should not be affected by this legislation. The amendment proposed in the present Bill says that if on any one day within the course of the year thirty or more persons are employed the Act would apply. I would give an instance. I also happen to represent certain areas where there are considerable plantations—Coorg and South Kanara. Once in a way, say, twice or thrice during the year or at the most four times, when there is a landslide or heavy monsoons or anything of that kind, some physical inconvenience, these planters, who ordinarily do not employ, as I said, more than 10 or 12 labourers are compelled to employ 35 or 40 labourers. This is not the usual course of work in the estates. Such people should not be affected by this Act. As I said, the amendment suggested by my hon. friend from Nilgries does not affect the bigger estates. The object of the amendment is to see that such small planters should not have this liability. I would request the hon. Deputy Minister to consider this. I personally know that when there are landslides or heavy monsoons these small planters employ more labour once or twice in a year.

Shri Punnoose (Ambalapuzha): Is the hon. Member aware that there are

large estates which keep a large number of workers as temporary workers, give them a break for a month or so and again employ them on a temporary basis thereby denying them the advantages?

Shri Achar: That is not my intention at all. So far as enforcement of the provisions of the law is concerned, provide anything you like. If there are really small planters who ordinarily employ only 10 or 12 labourers, at the most 15 and nothing more than that, and if on any particular day they are forced to employ more they should not be affected. Shri Nanjappa has said in his amendment: "an average of thirty or more persons during the preceding twelve months". If these small planters who ordinarily employ only 10 or 12 labourers and if on account of a landslide or heavy monsoons they are forced to employ more on any particular day such people also should not be penalised. The Amendment suggested by Shri Nanjappa is very reasonable; he has suggested: "an average of thirty or more persons". If the hon. Deputy Minister thinks even that to be too much, I would submit, if they employ thirty or more persons at least on 15 or 20 days in a year the Act may be made applicable to them.

Shri Jinachandran: Sir, I would like to support the amendment moved by Shri Nanjappa. I am myself a planter. I know what a plantation is. I am not supporting this to bring in the cause of big planters. I am myself a big planter. I am not going to have any benefit by bringing in this amendment. I support this amendment only because it is going to benefit the small planters. The amendment proposed in the Bill will affect the small coffee plantations. Coffee is a seasonal crop. In the plucking season the estate owners or the planters are forced to engage a certain number of more labourers.

The small plantations generally do not get enough labourers. On one particular day the labourers may be available and they may engage a few more labourers. That does not mean that they will be able to do all these things provided for in this amending Bill. In the big plantations, according to the present Act, they have to keep 17 separate forms which they have to fill up. For that they have to keep an efficient clerk. The small planters do not have any clerk. Most of them are illiterate persons. Such people cannot afford to keep a clerk or fill up all these forms. Therefore, if this is applied to them it would be a very cruel thing. If you say that if these planters employ thirty or more persons on any day this would apply to them it would be a very cruel thing.

Sir, I support the amendment moved by Shri Nanjappa and request the hon. Minister to kindly accept it.

Shri Abid Ali: Sir, the scope of the amending Bill is very limited. We are not making any change so far as the scheme of the principal Act is concerned, we are only trying to remove some of the loopholes through this amending Bill. This particular item was very much discussed and considered at the time when the principal Act was passed. The intention is to restore the position as it was, as I have submitted earlier, on the day when the principal Act came into force. There is no intention of penalising anybody or putting the small planters into difficulty, because we want that the safeguard afforded to small planters having less than thirty workers should continue. I would invite the attention of the hon. Member to the proviso to clause 2. It is said:

"Provided that no such declaration shall be made in respect of such land which admeasured less than 10:17 hectares or in which less than thirty persons were employed, immediately before the commencement of this Act."

So whatever position was there at that time, that has to remain. We are not disturbing the scheme of the Act.

Mr. Speaker: It is not clear. It is said: "immediately before the commencement of this Act." Does it mean that if on any day 30 persons or more were employed this will apply?

Shri Abid Ali: Such gardens will be covered.

Mr. Speaker: It is not said: "on any day during the previous year".

Shri Abid Ali: Yes, Sir, it is said: "before the commencement of the Act."

Mr. Speaker: "Immediately" means how long?

Shri Abid Ali: Immediately.

Mr. Speaker: "Immediately" means the previous day?

Shri Abid Ali: Not this amending Bill, our principal Act.

Mr. Speaker: Even then, what does "immediately" mean?

Shri Abid Ali: Immediately before the commencement of the principal Act.

Mr. Speaker: One year before that, six months before or how many months before?

Shri Abid Ali: During one year.

Mr. Speaker: All this is explanation given by the hon. Minister; there is nothing here in the Act itself.

Shri Abid Ali: As I have already explained, after the passing of the Act some gardens were divided or the number of workers was reduced, not really reduced but so manipulated. We are taking care only of those things. So the position that existed at that time in respect of the small gardens will continue to exist; we are not disturbing that at all.

Shri Nanjappa: What about the small gardens who engage some more men on any particular day?

Shri Abid Ali: The main scheme of the principal Act is not to be disturbed. That is not the intention.

Mr. Speaker: Is the hon. Member pressing his amendment?

Shri Nanjappa: No, Sir. I beg leave of the House to withdraw my amendment.

The amendment was by leave, withdrawn.

Mr. Speaker: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 to 6 were added to the Bill.

Clause 7

Mr. Speaker: There is one Government amendment to clause 7.

Shri Abid Ali: Sir, I beg to move:

Page 4, lines 5 and 6,—

for "at the rate of minimum daily wage fixed" substitute—

"at a rate equal to the daily wage payable to him immediately before the commencement of such leave." (5)

13 hrs.

Sir, the amendment is sufficiently explanatory and I commend it for the acceptance of the House.

Mr. Speaker: There is an amendment by Shri Nanjappa.

Shri Nanjappa: I beg to move:

Page 4, line 20, after "if any" insert "which are not in the nature of amenities" (4)

Sir, I only wanted to make the clause more clear. The concession is

so indefinite that I want to make it more clear by my amendment, which says, "which are not in the nature of amenities." I think the Minister will accept it.

Shri Abid Ali: I am sorry, I do not accept the amendment.

Shri Nanjappa: I do not press my amendment.

Mr. Speaker: Very well. I need not put it to the vote of the House.

The amendment was, by leave, withdrawn.

Mr. Speaker: I shall now put the hon. Minister's amendment to the vote.

The question is:

Page 4, lines 5 and 6, for "at the rate of minimum daily wage fixed" substitute—

"at a rate equal to the daily wage payable to him immediately before the commencement of such leave". (5).

The motion was adopted.

Mr. Speaker: The question is:

"That clause 7, as amended, stand part of the Bill"

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clause 8 was added to the Bill.

Mr. Speaker: The question is:

"That clause 1, the Enacting Formula and the Title stand part of the Bill"

The motion was adopted.

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

Shri Abid Ali: I beg to move:

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

Mr. Speaker: The question is:

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

The motion was adopted.