

accommodation to everyone. It is not true that employees get allotment of quarter after 20 or 22 years of service. 40 per cent of Government employees are residing in Government quarters. The hon. Member will also be glad to know that in Rajya Sabha, last week, in a reply to a question it was stated that from 1.7.1987 onwards, a flat rate would be charged on all Government accommodations. It will benefit the Government servants much. We are always making efforts in this direction. We have a proposal for a general housing scheme and to provide housing accommodation to more and more people and we shall also take your suggestion into consideration.

[English]

Minimum wages for agricultural labourers

*289. SHRI BALASAHEB VIKHE PATIL : Will the Minister of LABOUR be pleased to state :

(a) whether Government propose to undertake a review of the minimum wages for the agricultural labour;

(b) if so, whether Government have taken any steps to see that the Minimum Wages Act is implemented in real terms; and

(c) if so, the details thereof?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P.A. SANGMA) : (a) to (c). A statement is given below.

STATEMENT

The Minimum Wages Act, 1948, provides that the appropriate Government shall review at such intervals as it may think fit and intervals not exceeding 5 years, the minimum rates of wages and revise them, if necessary. However, the Labour Ministers' Conference (31st Session) held in July, 1980, recommended that minimum wages should be reviewed and revised, if necessary, once at least in two

years or on a rise of 50 points of the Consumer Price Index Number, whichever is earlier. The recommendation was brought to the notice of State Governments/Union Territories for necessary action. The subject of implementation of Minimum Wages Act, 1948 was discussed recently in the Labour Ministers' Conference held in New Delhi on 20 May, 1987. The conclusion of the Conference in this respect are given in the Annexure. The State Governments/Union Territories have been requested to take necessary follow-up action.

ANNEXURE

1. In order to raise the status of unorganised labour it is essential to implement the labour laws which most closely concern them. Among these are the Minimum Wages Act, 1948; Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979; The Contract Labour (Regulation and Abolition) Act, 1970; the Bonded Labour System (Abolition) Act, 1976; the Equal Remuneration Act, 1976; the Child Labour (Regulation and Abolition) Act, 1986; the Beedi and Cigar Workers (Conditions of Employment) Act, 1966; etc.
2. Minimum wages fixed under the Minimum Wages Act should bear a relation to the concept of the "Poverty Line". After discussion, it was generally felt that a level of wages not lower than Rs. 11:00 per day should be fixed. It was indicated by many States that the minimum wages notified by them were already at or above this level.
3. The need for addition of specific employments in the schedule and periodical revision of minimum wages once in at least over 2 years or on a rise of 50 points of the Consumer Price Index Number, first set out by the 31st Session of the Labour Ministers' Conference in July, 1980, is reiterated. It is agreed that minimum wages, particularly, in respect of agricultural employment under the Minimum Wages Act, will be immediately reviewed

- and new rates of minimum wages notified within six months, wherever required.
4. The difficulties in implementation of the Minimum Wages Act need to be specifically addressed, and ways found to remove these difficulties. Particularly, action will have to be directed towards the following;
 - (a) Removing the lack of awareness among labour as well as employers of the provisions of the Minimum Wages Act, and other Acts, affecting unorganised labour, through a sustained publicity campaign both by the Central and the State Governments;
 - (b) Strengthening and upgrading the enforcement machinery of the State Governments with assistance from the Central Government as may be required;
 - (c) Ensuring that inspection staff have the necessary mobility by giving them transport facility and extending to them security in the course of their work involving enforcement of the Minimum Wages Act and other legislation governing agricultural and other labour especially in rural areas. Central Government may consider extending suitable assistance to State Governments for this.
 - (d) The assistance of other Departments of State Governments like the Revenue Department, Rural Development Department, Welfare and other Departments should also be taken, depending upon the conditions obtaining in individual States/Union Territories for the effective enforcement and implementation of the laws above mentioned.
 5. Claims authorities under the Minimum Wages Act and other Acts would be appointed at the block levels to see that workers get relief quickly; also, prosecuting authorities should exist, ideally, at block level.
 6. State level Advisory Boards and

Tripartite Boards/Committees should meet regularly to review monitoring and implementation of the legislation governing unorganised labour.

7. In order to raise income levels of unorganised labour, States would also adopt an integrated approach involving increase in general awareness about the laws governing unorganised labour, acceleration of antipoverty programmes, accelerating employment generation programmes, and the enforcement of minimum wages.

[Translation]

SHRI BALASAHEB VIKHE PATIL: Mr. Speaker, Sir, the Statement laid on the Table is good but nothing has been said in regard to the implementation of the Act. I asked in part (b) of the question: Whether the Minimum Wages Act would be implemented in real terms. We don't know whether you are going to implement it in real terms or not.

May I know whether the decision taken at the meeting of the Ministers of Labour held in 1980 that on 50 point increase in the Consumer Price Index, the previous rates would be revised. Has been implemented or not?

In the meeting of the Labour Ministers held in 1987, the minimum wage was fixed at Rs. 11. Although it is a state subject, but I would like to know whether any directions have been given to the State Governments in this regard and whether there is any machinery of the Central Government to see whether it is being implemented or not? The House should be informed about those States who have not implemented the Minimum Wages Act.

May I know what steps the Labour Ministry is taking to bring unorganised agricultural labourers in the organised sector? Due to unemployment, the agricultural labourers do not get proper wages and if some one dares to demand proper wages, he is

removed from the job and in his place other person is engaged. Therefore, merely conducting inspection is not sufficient. Even in this, a lot of blackmail is going on. I know a number of examples but I would like to know what efforts are being made to implement the Minimum Wages Act and to bring the agricultural labourers in the organised sector?

[English]

SHRI P. A. SANGMA: As far as the agriculture sector is concerned, it is the primary responsibility of the State Governments to implement the Minimum Wages Act. State Governments are the appropriate Governments.

SHRI BHADRESWAR TANTI: You are shirking your responsibility.

SHRI P. A. SANGMA: No, no. But there are certain industries where the Central Government is the appropriate Government. For agriculture, with the exception of a few Government farms in the Agriculture University, it is with the State Government. It is true that minimum wages are not being implemented effectively. This is a fact which is known to everybody. The Labour Ministry commissioned a study on what are the reasons for the minimum wages not being implemented effectively in the agriculture sector. The Labour Bureau which made the study came out primarily with three reasons. Firstly, there was no awareness among the agricultural labourers themselves about what is the minimum wages and what the Minimum Wages Act means. They are ignorant of it. Therefore, even if they are paid less, they do not know that they are being paid less because they do not know the law.

Secondly, the State Governments lack effective enforcement machinery. The inspectorate that they have are not adequate and, therefore, it is not being able to enforce properly.

Thirdly, whatever enforcement machinery is available with the State Govern-

ments, their mobility was limited because they did not have transport facilities. This matter was discussed in the last Labour Ministers' Conference and in that Labour Ministers' Conference, we have come out with certain conclusions which I have annexed to the main answer. We have offered to the State Governments that in all these three aspects, the Central Government is willing to help the State Governments. We are awaiting their response.

[Translation]

SHRI BALASAHEB VIKHE PATIL: A number of study groups appointed by the Government have come to the conclusion that the labourers are not aware of the minimum wages. This is not true, because they are fully aware of the rates. But if they demand more wages, they are removed from the job. There is no guarantee of work for them

Secondly, at the time of fixation of prices by the Agricultural Prices Commission, the minimum wages are not kept in mind. May I know whether the hon. Minister will ask the Agricultural Prices Commission to calculate and take into account the minimum wages while fixing the prices? Will you make an announcement here in this respect?

[English]

SHRI P.A. SANGMA: Agricultural Price Commission deals with the price of agricultural products.

SHRI BALASAHEB VIKHE PATIL: Sir, the labour cost is more important.

(Interruptions)

SHRI P.A. SANGMA: I have admitted that the implementation of the Minimum Wages Act is not satisfactory. I have admitted that. We are trying to rectify the situation. There is no denial of that fact. We are trying to rectify the situation.

SHRI BALASAHEB VIKHE PATIL: Excuse me, Sir.

[Translation]

When you recommend to the Agricultural Prices Commission to calculate, and take into account the minimum wages while fixing the price of the produce, the farmer will get fair prices accordingly. But if the farmer gets less prices, how the labourers will get more wages?

(Interruptions)

[English]

MR. SPEAKER: Mr. Vikhe Patil, that has to be taken care of by the Agricultural Prices Commission as they are quite right enough to look into that matter.

SHRI SURENDRA PAL SINGH: Sir, may I know whether the relevant Act has any provision in it which makes it obligatory for the farm worker to put in a certain number of hours of work each day to earn his minimum wages?

SHRI P.A. SANGMA: There is a provision. It is for the State Governments to fix it. There is enabling provision.

SHRI BHADRESWAR TANTI: Sir, it is sad that the Labour Minister has agreed that the payment of Minimum Wages Act has not been implemented in this country. I am citing one example. On receipt of a complaint, on 17th June 1987, I visited one tea estate in my constituency, which is situated in Hatikhuli in Jorhat District. I found that there were 106 female labourers working inside the factories. I asked one lady, who was more than 50 years of age, as to how much wages she is getting per day.

MR. SPEAKER: Is she an agricultural labourer?

SHRI BHADRESWAR TANTI: The lady replied to my question saying that she is getting Rs. 5.88 per day as wages and she has been working there for more than three years.

MR. SPEAKER: Does she come under the Agricultural Labour Act?

SHRI BHADRESWAR TANTI: Sir, the tea plantation is divided into two parts—one is industrial and the other is that of agriculture.

MR. SPEAKER: For the present, we are concerned with agricultural labourers. Put the question which concerns agriculture.

SHRI BHADRESWAR TANTI: The second part of the question is regarding the Minimum Wages Act.

MR. SPEAKER: That is for Agriculture.

SHRI BHADRESWAR TANTI: Sir, I would like to know whether this Act is implemented or not..(Interruptions). Now, I come to my point. Their reply was that all these 106 ladies were not paid minimum wages—not only minimum wages but child labour wages. This is so according to the staff. A lady of 50 years is getting Rs. 5.88 per day as minimum wages, in a country like ours where there are many laws...

MR. SPEAKER: Put the question, now.

SHRI BHADRESWAR TANTI: May I know from the hon. Minister that as far as implementation of the Minimum Wages Act is concerned, whether he is going to take any steps so that this particular law is implemented in the country and particularly in the State of Assam...

MR. SPEAKER: That is all.

SHRI BHADRESWAR TANTI: I want a specific answer in this matter.

(Interruptions)

SHRI P.A. SANGMA: My specific answer is this. The minimum wages fixed for agricultural labour by the Government of Assam is Rs. 12.50 as on 22.2.85. This is fixed. If somebody has got only Rs. 5.00 in your State, I think, the proper authority for you will be and you have to bring it to his notice—your own AGR Government in Assam.

(Interruptions)

SHRI BASUDEB ACHARIA: The minimum wages for the agricultural labourer has been fixed at Rs. 11.00. What is the principle behind this? There are a number of cases where the minimum wages of the agricultural workers are much more than what has been fixed by the Conference of the Labour Ministers. What is the principle behind fixing this minimum wages?

And number 2, in the large number of blocks, there are no minimum wages factors..

(Interruptions)

PROF. MADHU DANDAVATE: Don't say 'number 2', say 'and'.

SHRI BASUDEB ACHARIA: Whether the Minister will see that all blocks of our country be provided with minimum wages factors so that they can see the implementation of minimum wages for the agricultural labourer?

SHRI P.A. SANGMA: The Hon. Member has asked a very very important question. What is the basis of Rs. 11.00 is a very important question. Sir, on 20th of May when we met in the Labour Ministers' Conference, the minimum wages for agricultural labour ranged between Rs. 6.00 per day in Maharashtra to Rs. 19.50 in the State of Haryana. So, there was a wide gap between the minimum wages fixed by one State and another State. There has been a debate in the country whether the minimum wages fixed by the State Governments should not have any relation to the poverty line concept, and the demand was that no State Government should fix the minimum wages below the poverty line. That is number one. Number two, in order to avoid the wide disparity, there must be a national minimum wage policy. These were the two issues before the country and we were debating it for the last 15 years. The argument was this: there is a difference between the minimum wage and the poverty line concept; poverty line concept is based on the calorie requirements and on the basis of two-member earning in a

total family of five; wage is only a component to the income of that family whereas the concept of poverty line is based on the income of the family; therefore, minimum wage and poverty line cannot be related together. We gave a lot of thought to it and in the Ministry we took the view and I was myself very keen — that whatever might be the arguments, the minimum wage should not be below the poverty line. I took that stand very firmly. The State Governments were not agreeable to it. It was discussed on a number of occasions. Therefore, I decided to have the Labour Secretaries' meeting one month before the Labour Ministers' Conference. We discussed it in the Labour Secretaries' Conference and they went back to the State Governments. They discussed for one month, and that is how we came to this. So, we agreed on principle in the Labour Ministers' Conference that the minimum wage should not be below the poverty line. We also agreed unanimously in that meeting that there must be a national minimum wage for agricultural labour. A figure of Rs. 11 was calculated on the basis of two members earning in a total family of five. Actually the calculation comes to Rs. 11 and five or ten naya Paise; I do not exactly remember — a few Paise more. But we thought: let us make it Rs. 11/-. Therefore, in a State like Maharashtra where it was only Rs. 6, in six months' time they have to go upto Rs. 11; it is a big jump. This is how the figure of Rs. 11 was arrived at. And I am happy to say that today at least there is a basis below which the State Governments will not go, because they have agreed to it. It amounts to more or less a national minimum wage. I agree with you, Rs. 11 is not at all enough because States have already gone to Rs. 19.50.

As far as Block level is concerned, your suggestion is very valid. We have decided in that Conference that we must have an infrastructure for enforcement of the minimum wage at the Block level and we followed the State of Gujarat where they have notified the Block Development Officer as the competent authority and all the Labour Ministers have agreed. So, we will soon provide that machinery at the Block level.