

[Shri Lokanath Misra]

of whom shall be a woman social worker' be inserted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA): The question is:

7. "That at page 7, line 18, after the words 'two social workers' the words 'one of whom shall be woman social worker' be inserted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA): The question is:

"That Clause 13 stand part of the Bill".

The motion was adopted.

Clause 13 was added to the Bill.

Clauses 14 to 21 were added to the Bill.

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA): Clause 22 stand part of the Bill. There is one amendment by Mr. Dhulap.

Clause 22—Cognizance of offences.

SHRI KRISHNARAO NARAYAN DHULAP (Maharashtra): Sir, I move the following amendment:

8. "That at page 9, line, 15, for the word 'bailable' the word 'non-bailable' be substituted."

The question was proposed.

SHRI KRISHNARAO NARAYAN DHULAP: Sir, I hope, my hon. friend, Shri Amjad Ali, will try to support me as far as this amendment is concerned. Sir, much has been said about this system of bonded labour. If in any form, it is found to be in existence, then it should be dealt with very drastically. Some provision should be made so that there should not be any scope for the continuance of this sort of nefarious, anti-social system in this country. If the offence is cognizable why is it not made nonbailable? If it is made non-bailable, then it will be a sort of a deterrent in the minds of those who are actually dealing in such type of activities. All my earlier amendments are rejected, and I hope the hon. Minister will at least accept this amendment.

SHRI K. V. RAGHUNATHA REDDY:

Sir, two aspects will have to be appreciated here. As far as the offence part is concerned, we have made it cognizable so that notice of the offence can be immediately taken note of. But, as far as the bailable part of it is concerned, you will kindly appreciate, the principles, and circumstances in which the bail can be granted have been laid down by various High Courts and the Supreme Court. Therefore, taking into consideration all those principles, Sir, we thought that in a matter like this, though it is cognizable, it can still be made bailable because, in all matters like this, the courts are likely to enlarge the persons, and instead of getting these people enlarged on bail by courts, we would like to provide for this in the law itself.

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA): The question is:

8. "That at page 9, line 15, for the word 'bailable' the word 'non-bailable' be substituted.

The motion was negatived.

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA): The question is:

"That clause 22 stand part of the Bill."

The motion was adopted.

Clause 22 was added to the Bill.

Clauses 23 to 27 were added to the Bill.

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

SHRI K. V. RAGHUNATHA REDDY: Sir, I move.

"That the Bill be passed."

The question was put and the motion was adopted.

THE EQUAL REMUNERATION BILL, 1976

THE MINISTER OF LABOUR (SHRI K. V. RAGHUNATHA REDDY): Sir I beg to move:

"That the Bill to provide for the payment of equal remuneration to men and women workers and for the prevention of discrimination, on the ground of sex, against women in the matter of employment and for matters connected therewith incidental thereto, be taken into consideration."

Sir, a significant measure taken by Government in recent months has been the promulgation of the Equal Remuneration Ordinance providing for the payment of equal remuneration to men and women workers and for the prevention of discrimination against women, on the ground of sex, in the matter of employment and for other connected matters. This measure is significant not only because it coincides with the International Women's Year, and brings us fully in line with accepted international standards, but also because it brings immediate relief to millions of our womenfolk employed or seeking employment. As most of those women belong to the weaker sections of the community and are largely employed in agriculture and unorganised sectors of industry, it is only appropriate that this measure was taken on a priority basis, as a part of the Government's policy of improving the condition of the weaker and exploited sections of the community

Although we, in India, have always held our women in high regard and given them a position of importance in society, their contribution to the economic life of the community has not been fully appreciated, but a radical change in attitudes has been brought about by the nation's struggle for independence. Indian women, by their active participation in the country's struggle for independence have earned their rightful place in the community and won their legal rights, without the need for any aggressive feminist movement. Their claim for a position of complete equality in law was justified in terms of their significant contribution to the cause of the country's freedom; and it was fully recognised by the founding fathers of the India Republic. The Indian Constitution provides the right of equal opportunity for employment to men and women without distinction. Modern India's attitude to this issue is epitomized in the following words of our esteemed Prime Minister and I quote.

"I believe in the liberation of women in the same way as I believe in the liberation of men, that is liberation from all kinds of obscurantism and superstition from the narrow confines of out-dated thoughts and habits. Men and women together can help to create a better society

and a better world. In this, there should be no question of class, creed, sex or party."

Article 15 of the Constitution prohibits any discrimination on grounds of sex; and article 39 of the Constitution of India envisages that the State shall direct its policy, amongst other things, towards securing that there is equal pay for equal work for both men and women. India ratified in September 1958 the I.L.O. Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value which requires a Member-State ratifying the Convention to promote as well as ensure the application of the principle of equal remuneration to all workers through national laws or regulations, legally established or recognised machinery for wage determination, collective agreements between employers and workers or a combination of these various means.

The law which provides for the fixation of minimum wages in India is the Minimum Wage Act, 1948. Under it (The Central or the State Governments as the case may be), the appropriate Government is responsible for the fixation of minimum wages in respect of certain employments specified in the Schedule to the Act. The Act does not, however, specifically provide that wages to be paid to men and women workers should be equal. Consequently, different rates of wages were laid down in several cases at the time of initial fixation of minimum wages. Besides, there is no restriction on the fixation of different rates of wages for men and women in the sectors not covered by the Minimum Wages Act; in particular, wages evolved as a result of bipartite or tripartite negotiations or adjudication or arbitration awards could be different for men and women for similar jobs.

While over the years there has been some narrowing down of the differences in wages of men and women workers wage disparities on grounds of sex still exist in the country, even after 17 years of the ratification of the I.L.O. Convention. The National Commission on Labour while noting that the fixation of statutory minimum wages has tended to narrow the gap between men and women, observed that wage discrimination between men and women still prevailed in certain sectors like agriculture and unorganised industries. The Committee on Status o

[Shri K. V. Raghunatha Reddy]

women in India also strongly recommended legislative action in this regard—to provide for equal pay for equal work. Hon'ble Members of this august House have on several occasions expressed their feelings on this matter and have urged immediate and effective remedial action. The matter was discussed at the 25th Session of the Labour Ministers' Conference held in September 1974. It was unanimously agreed that the States which had not so far implemented fully the I.L.O. Convention, both in letter and spirit, should do so by taking appropriate measure to fix wages according to occupations within a period of three months but not later than six months. It was also suggested that statutory provision be made to prevent bipartite agreements fixing different wage rates for men and women workers.

To give effect to the Constitutional provision as well as to ensure stricter conformity to the I.L.O. Convention, the Equal Remuneration Ordinance, 1975 was promulgated by the President on the 26th September, 1975. It was a much-needed and overdue measure designed to benefit a large number of women labour and it was felt that any delay in promulgating the Ordinance would affect adversely the interests of women workers. It was also felt that it will be in the fitness of things to bring forward this measure to implement the provisions of article 39 of the Constitution in the year 1975 which was being celebrated as the International Women's Year.

It is now proposed to replace the Ordinance by an Act of Parliament. The Equal Remuneration Bill, 1976, was introduced in the Rajya Sabha on the 6th January, 1976. The salient features of the Bill are :

(i) The Bill provides for the payment of equal remuneration to men and women workers for the same work or work of similar nature. This stipulation would have effect notwithstanding anything inconsistent in any existing law, award, agreement or contract of service. Where the rates of remuneration for the same or similar nature of work are different on the ground of sex, the higher or the highest of such rates shall be payable to men and women workers.

(ii) No employer shall, while making the recruitment for the same work or

work of similar nature, make any discrimination against women except where the employment of women in such work is prohibited or restricted by any law, such as mines.

(iii) The Bill also provides for the setting up of one or more Advisory Committees by the appropriate Government for promoting employment opportunities for women.

(iv) Provision is made for the appointment of authorities for hearing and deciding claims and complaints, appellate authorities for hearing appeals and Inspectors for the purpose of making investigations.

(v) Contravention of any provision of the Act shall be punishable with fine which may extend up to Rs. 5000.

Sir, the justification for the measures is well recognised and the urgent need for these provisions is self-evident. I beg to move the Bill.

The question was proposed.

SHRI SANAT KUMAR RAHA (West Bengal) : Mr. Vice-Chairman, Sir, this is a piece of progressive legislation. I call it pious because I apprehend that there will be no implementation. Since it is a progressive legislation, I welcome it and hail it. It is an overdue measure as stated by the Minister. Sir, if a progressive measure is not implemented in time, it provokes only reaction resulting in further complications in our society. If this progressive measure is not given effect to, reaction is always ready to take advantage of it. I apprehend that this Bill will provoke reaction and there will be retrenchment of women already working in the fields and factories just as the share croppers in West Bengal were retrenched to fight the share-cropping legislation. It is a serious matter. I mention it because if this Bill is not implemented seriously, then I apprehend that those women who are working at present in factories and fields will be retrenched without delay.

Just now we discussed the Bill about the freedom of bonded labour. Now, we discuss the bonded conditions of 50 per cent of our human resources only on account of sex. I am confused whether it should be an independent Bill or it should be under the jurisdiction of Minimum Wages Act or a

national wage system or any other industrial bill. Sir, in this Bill, there are many references regarding Industrial disputes Act, Payment of Gratuity Act, etc. I would like the Minister to clarify his stand regarding these Bills. Also, how far can this Bill be implemented in conjunction with those Bills or with the help of those Bills.

Raja Ram Mohan Roy fought for the abolition of 'Sati Dahan Pratha'. He was the pioneer of women's liberation. After the lapse of 27 years of freedom, in the International Women's Year, 1975, the Government has awoken from deep slumber. The International Women's Movement has inspired our Government to bring forth this type of Bill. Further, though belated and overdue, I hail this Bill brought forth by our Labour Minister. Sir, in the Statement of Objects and Reasons, it is stated that Article 39 of the Constitution envisages that the State shall direct its policy, among other things, towards ensuring that there is equal pay for equal work. It is also stated in the present Ordinance that this provision is to implement Article 39 of the Constitution.

This is the type of objectives which we hail. But, Sir, from the very day that the Constitution was written till this day, we have many such articles which can be our future guide-lines. But, in spite of article 39 of the Constitution, how is it that we were not doing anything about women's struggle for their liberation? This is the question. Government should learn lessons out of their own bitter past experience. This shows that out of compulsion of circumstances only we wake up and bring forth some progressive legislation. But future is there, history is going its own way but it will be to the success of humanity. So what I would ask the Government is that beforehand Government should read history and create history by the people.

Again, Sir, in the statement laid by the Minister on the Table he says that particular for workers in the unorganised sector of industry and agriculture, and also for the organised workers this Bill has been made. If that be so, then the coverage is very big—unlimited coverage—because both the organised and unorganised workers in industry and agriculture are covered. If there are women in these sectors, they too

will get the benefits of this Bill. Sir, what I apprehend is whether the Government has got such a machinery to tackle this vast problem in our country. If this legislation is not implemented in the rural side and unorganised labour areas, then I think the reactionaries will take advantage of this and to avoid legislation, they will retrench.

Sir, in my district of Murshidabad, there are lakhs of bidi workers and what will be the fate of them? They are working under some commission agents working under some bidi merchants but not authorised by the bidi merchants in a written way. They cannot be called unauthorised; they cannot be called authorised. Such is the character of the commission agent. The bidi workers bind the bidis for the commission agent who collects the bidis and gives them cheaper wages for the manufacture of these bidis. They are always exploiting these weaker sections of the community. First of all, the rural section itself is a weaker section. Then, the much weaker section there is the women's section. They are doubly being exploited by these commission agents.

Similarly, there is the problem of the weavers. I find that in a weaver's family, three to four women will be working along with the menfolk, but the women workers are getting lower wages than the menfolk. This is their condition and I want to know whether this Bill will benefit them. If it is possible, then what is the machinery in the rural areas that will implement this Bill?

In clause 1(2) of the Bill it is said "It extends to the whole of India". So, the problem is very vast. As the problem is so vast, I would urge upon the Government to look at it seriously.

In clause 2(c) "Employer" has the meaning assigned to it in clause (f) of section 2 of the Payment of Gratuity Act, 1972. But the Payment of Gratuity Act deals only with permanent labourers. Here the Minister says that the unorganised sector labourers, organised sector labourers and agricultural labourers also will be taken into consideration.

The hon. Minister should clarify as to how he is going to define employer in the *bidi* sector where there are a large number of women workers.

[Shri Sanat Kumar Raha]

Coming to clause 4, it says:

"No employer shall pay to any worker, employed by him in an establishment or employment..."

Who is the employer? Lakhs of women workers are there in the hillside rural areas. They will be left without employment. The employer will say that he has not employed any person. He has just given the job on contract basis and I do not know how you can take them out of this contractual slavery.

Coming to clause 6, the Advisory Committee's function will be to advise and not to implement. The implementing machinery is the Government official agency and these Committees will do only the advisory job. It is good that 50 per cent of its members will be from women. The Advisory Committee will also regulate its own procedure but what powers the Committee has to help in implementing the Bill, that clause is not there. In sub-clause (5) it is said :

"The appropriate Government may, after considering the advise tendered it by the Advisory Committee and after giving to the persons concerned in the establishment or employment an opportunity to make representations ..."

It is all right, it is good but why not there be women special authority to hear grievances from women workers? So, I think when the Government appoints such officers they should also keep in mind that women officers are employed in this sector.

Then, Sir, in clause 7(8) it is said :

"The provisions of sub-section (1) of section 33C of the Industrial Disputes Act, 1947, shall apply for the recovery of monies due from an employer arising out of the decision of an authority appointed under this section."

So, if the definition of 'employer' is this and if there be a fine for recovery of money, I am in a fix to understand from whom the money will be collected, who will collect the money and who is the employer.

Regarding agricultural workers, I do not find any authority to collect money in this way.

Regarding appointment of Inspectors I will suggest that at the time of recruitment of Inspectors the Government should take into consideration appointment of women Inspectors from among women workers.

In clause 9(3), it is said:

"An Inspector may, at any place within the local limits of his jurisdiction."

And in sub-clause (d) of clause 9(3) it is said:

"examine the employer, his agent or servant or any other person found in charge of the establishment."

Now, what is 'establishment'? The employer will say I have no establishment. Women workers are binding *bidis* in their own houses and residences and I am just collecting them I am not engaging them. They are selling and I am purchasing. So how can this problem be solved?

Then, Sir, offences by companies. Under clause 11(1), it is stated: "Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of and was responsible to the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence." Who would be found guilty? In an established factory, when the Factory Act is applied, you can find out some employer. But in case of women when majority of them are working in the unorganised sector, in rural areas and in the agricultural field, how can a company be there, how can an established factory be there? How can you catch hold of the offender and punish him? A company means a corporate body. It does not cover these contract people. Sir, this is the sum and substance of my speech. Now finally I would urge upon the Government that in the field of organised factories, from the day the Bill is passed, the women wor-

kers will be retrenched, anyhow and on any plea. Has the Government any vigilance machinery to check that from this day they will not be retrenched, and if they be retrenched, immediately the offender, the employer, the factory owner or the director will be called in and punished?

Sir, with these words, I welcome this Bill. If this Bill be not implemented, I would say the reactionaries will get advantage out of this Bill.

SHRI U. K. LAKSHMANA GOWDA (Karnataka) : Sir, may I make one submission? We have already passed two Bills. The House is very thin. Why not we adjourn now? We have plenty of time. On Thursday we can go ahead with the Bill.

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA) : No. Mrs. Kulkarni.

SHRIMATI SUMITRA G. KULKARNI (Gujarat) : Mr. Vice-Chairman, Sir, it is something more than happiness or gratitude the hon'ble Minister was kind enough to. It is something deeper than these feelings. It is almost like a sigh of relief, Sir, that at long last 26 crores women of this country have been recognised and their rights are placed at par with men. Sir, just now to me with which I welcome this legislation, recount the glorious past of the women of this country, their contribution in the freedom movement, their contribution to the economic growth of the country, and almost every other field. And yet for the past so many years we have been neglected; the women of this country have almost been suffering at their hands—I would not say of the males, but suffering from the general lassitude of the entire society as such. Sir, we have been paying lip sympathy to the equalisation of wages for women. We have always been saying that in all ways the women are equal, they are even better, and there is no question of not giving them equal salary. Just now an hon'ble Member of this House—in fact, a very senior Minister was asking me: Where is any difference? After all, you are getting the same salary in Rajya Sabha? Why are you complaining all this? Sir, I accept that we are getting equal salary in Rajya Sabha, and I should say

that we are deeply grateful for this equalisation of wages. But there are areas where even today there are inequalities persisting. That is why, with great sense of relief, we welcome this piece of legislation.

Secondly, Sir, ordinances are taken up for something very important, which has cropped up suddenly, which could not have waited for the legislation. But on the day this ordinance came out, i.e. on 26th September, 1975, many many women, and many of us, felt that here is a thing which was much needed, which was being neglected and which nobody took care of, in spite of 28 years of our independence, and it is only this Prime Minister who has had this courage to put up this kind of an ordinance also. So I congratulate not only the Minister but also the Prime Minister who could think of it, i.e. use of an ordinance for a simple thing—obviously a simple thing but neglected for 28 years. Now, Sir, the hon'ble Minister said that it is because of the International Women's Year that they thought it was necessary, I would like to submit that we are happy that there was the International Women's Year, but that is not very relevant to the culture of this country, nor was it pertinent, because without any such year women in India were recognised; there were people who were espousing the cause of women. In fact, in our Constitution, our founding fathers of the Constitution, vide Article 39A and D, said that the citizens, men and women equally have the right to adequate means of livelihood. So, as long as 26 years ago, the founding fathers of the Constitution had said that men and women should be paid equally and adequate wages. So it is not as if that only the International Women's Year should have given this spurt of thought and such a brilliant idea. It was mooted 26 years ago. Only we neglected it so far. The only question is, why it delayed so far?

As I was trying to point out, very often we do not realise when there is inequality persisting. You take tea and coffee plantations. These are very large sectors where human labour, manual labour, in picking tea leaves and coffee beans is used. And there, female fingers which are quicker, smarter and more efficient are used. But we see that the wages paid to the females

[Shrimati Sumitra G. Kulkarni]

are sometimes less than half of what the males get. Next take the bidi industry of India.

Bidis are rolled mostly by women. You go to Madhya Pradesh or Maharashtra or Orissa; you will find lakhs and lakhs of women engaged in rolling bidis. But the wage given to a woman is much less than what is given to a male. Then take the cashew industry which is prevalent on the west coast from where I come. And in the Konkan area and in Kerala 80 per cent of the labour is female labour. With great anguish I have to submit that Rs. 1.80 is paid to a woman cashew worker as against Rs. 3.50 paid to a male worker. Is this justice? Is this equalisation of wage. But this has been perpetuated for long and is being carried on even today. And in the textile industry women are paid much less than men. Or take the rural agricultural labour. Women are working in the fields in harvesting and in other kinds of agricultural operations. But there, the women labourers are paid half of the men labourers. With great anguish and with a sense of hurt, I say that even in the Sewagram Ashram which is a place which has been sanctified by Mahatma Gandhi and where his principles are observed, even today the female workers are paid much less than the male workers. Even in the Ashram this is the condition of the women workers. And that is why I say that with some kind of a sense of relief I am welcoming this Bill.

श्री नागेश्वर प्रसाद शाही : (उत्तर प्रदेश):
वहाँ महिलाएं देशी भाषाएं बोलती हैं।

श्रीमती सुमित्रा जी० कुलकर्णी : वहाँ देसी का प्रश्न नहीं है, मातृभाषा का है। ईकवल रम्यूनिरेशन की हिन्दी समझ में नहीं आ रही थी तो मैंने छोड़ दिया। आप मुझे क्षमा कीजियेगा। कहीं तो हिन्दी में बोल सकती हूँ।

श्री नागेश्वर प्रसाद शाही : हिन्दी में ही कहिए।

श्रीमती सुमित्रा जी० कुलकर्णी : श्रीमन् मैं आपसे यही कहना चाहती हूँ कि इस तरह

के अनेक क्षेत्र ऐसे हैं जहाँ स्त्रियों के ऊपर सतत अन्याय होता चला आ रहा है और यह आज नहीं वर्षों से होता चला जा रहा है। ताज्जुब की बात है कि इतने सालों की स्वतन्त्रता के बाद भी हमारी सरकार को फुर्सत नहीं हुई कि वह स्त्रियों के इस अधिकार को पहिचाने।

श्रीमन्, इस बिल के सेक्शन 10 के बारे में एक छोटा सुझाव देना है, जिसमें पेनाल्टी के बारे में है कि क्या सजा दी जाए। इसमें सजा के स्थान पर दिया गया है कि उनको 5,000 रु० तक का जुर्माना हो सकता है। श्रीमन्, इसके अन्दर कहीं पर भी जेल जाने की व्यवस्था नहीं की गई है। लोग कहेंगे कि इस तरह से सजा बढ़ाने से परेशानियां होंगी, फ्रीडालस केसेज चालू हो जाएंगे। मेरा यह कहना है कि सारे सिद्धांत मात्र स्त्रियों के लेजिस्लेशन में ही क्यों आएँ? यहाँ पर इस विधेयक के अन्दर यह आवश्यक था कि जेल जाने की भी व्यवस्था रखी जानी चाहिए थी।

पांच हजार रुपया तो कोई भी फैक्टरी वाला आसानी के साथ दे सकता है क्योंकि उसके लिए पांच हजार रुपया क्या चीज हुई। उसके लिए तो पांच हजार रुपया पांच रुपये 50 रुपये के बराबर हुआ। इसलिए यह निवेदन करना चाहती हूँ कि इसमें अकेले पांच हजार रुपया नहीं रखा जाना चाहिये। बल्कि उसके अन्दर यह भी व्यवस्था होनी चाहिये कि उसको जेल भी हो सकेगी। अगर इस तरह की व्यवस्था कर दी जाती तो इसका असर लोगों पर गहरा पड़ता और इस तरह की गलती करने से लोगों को रोका जा सकता।

दूसरा जो प्रश्न आता है वह सैक्शन 12(1) के सम्बन्ध में है। इसमें कहा गया है :—

“12(1)—No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.”

श्रीमन्, हमारे मंत्री जी ने इस सम्बन्ध में पांच हजार रुपया उचित समझा, लेकिन मुझे यह नहीं समझ पड़ता है कि फस्ट-क्लास मजिस्ट्रेट के पावर की क्या आवश्यकता होनी चाहिये। जब कि हम अकेले ही जुर्माना कर रहे हैं? इस बारे में तो तीसरे श्रेणी के मजिस्ट्रेट को फौसला करना चाहिये। अगर हम इस तरह का बंधन छोड़ देंगे कि मेट्रोपालिटन मजिस्ट्रेट यह केस करे या फस्ट क्लास मजिस्ट्रेट करे, इस तरह से वह महिला अपने आप न्याय नहीं ले पायेगी। वह महिला किस के दर दर घूमेगी और किस किस के पास अपने केस के लिए जायेगी?

इसी तरह से सैक्शन 12(2) में यह दिया हुआ है और वह इससे भी ज्यादा विचित्र है। मुझे तो आश्चर्य होता है कि इस सैक्शन के मातहत कोई भी भला आदमी किस तरह से फौसला कर सकता है और इसमें जो व्यवस्था की गई है उसका पालन करना चाहिये या नहीं, यह इसमें साफ नहीं लिखा है। श्रीमन्, इसके शब्द पढ़ने लायक हैं जो इस प्रकार से हैं :—

“12(2)—No court shall take cognizance of an offence punishable under this Act except upon a complaint made with the sanction of the appropriate Government or an officer authorised by it in this behalf.”

श्रीमन्, हम चाहते क्या हैं? हम चाहते हैं कि जो स्त्री सब जगहों से तकलीफ पा रही हो, हर जगह उसके साथ अन्याय हुआ हो, वह जाकर सरकार से मूव करे, सरकार वहादुर के दरवाजे खटखटाये कि मेरे साथ जो अन्याय हुआ है वह सही है और इसलिए आप मुझे इजाजत दीजिये कि मैं कोर्ट में केस करूँ। सरकार इसके लिए कोई सरकारी आफिसर की नियुक्ति करे और उसकी परमिशन लेकर मैं कोर्ट में केस करूँ। कहे तो बेचारी औरत जो एक केस करने की भी हिम्मत नहीं रखती है उसके ऊपर हमने इतना बोझ डाल दिया।

इसके लिए भी हम यह कहते हैं कि यह पुरुष की उसके प्रति उदारता है कि उसने स्त्री को केस लड़ने के लिए इजाजत दे दी है। इस तरह से उस महिला को दो केस लड़ने होंगे। पहिले तो वह सरकार के पास इजाजत लेने के लिए जाय और वहा से इजाजत लेने के बाद फिर तीन महीने के अन्दर अपना केस दायर करे। इस तरह की हमारी लेजिस्लेशन की परिस्थिति है। मुझे तो लगता है कि हमारा इरादा तो अच्छा है, लेकिन हम अपने इरादों को केवल कागजों पर ही रखना चाहते हैं और उन्हें दिल में रखना नहीं चाहते हैं। हमारा यह कर्तव्य होना चाहिये कि हम इन चीजों को जल्द से जल्द कार्यान्वित करें और उसका फायदा हमारे देश की महिलाओं को मिले। अगर इस तरह से किसी महिला को किसी आफिसर से सैक्शन लेकर केस लड़ना पड़ेगा तो कोई भी महिला वहां नहीं जा पायेगी।

श्रीमन्, देश में जो श्रमिक वर्ग हैं, वह कुछ सेक्टरों में ही आर्गनाइज्ड है। जो आर्गनाइज्ड है, जहां पर व्यवस्थित यूनियन चलती है, उनका काम तो चलता है और उनके प्रति जो अन्याय होता है उसके बारे में चर्चा होती है। स्त्रियों के अन्दर यूनियन कम होती है और न वे वहां जा पाती हैं। बहुत से ऐसे क्षेत्र होते हैं जहां पर व्यक्तिगत काम करना पड़ता है और उनका किसी ट्रेड यूनियन से लेनदेन नहीं होता है। वह महिला अकेले किस तरह से जायेगी और दर दर में जाकर अपील करेगी और किस तरह से अपनी नौकरी करेगी और अपने बच्चों को सम्भालेगी तथा किस तरह से अपने घर में रोटी बनायेगी? वह किस तरह से सरकारी नौकरों के पास जाकर कहेगी कि यह मेरा केस है। हमारा इरादा क्या है और हम क्या चाहते हैं। क्या हम केवल ढोंग करना चाहते हैं। मेरा कहना तो यह है कि सैक्शन 12(2) जो है, वह ढोंग के सिवाय और कुछ नहीं लगता है। इरादा मात्र होने से और उसको कागज

[श्री नानेश्वर प्रमाद शाही]

में रख देने से महिलाओं का भला होने वाला नहीं है। इसलिए मैं मंत्री महोदय से नम्रता पूर्वक कहना चाहती हूँ कि वे इस बारे में ध्यानपूर्वक सोचेंगे और इस तरह का विधान नहीं बनायेंगे जिस के कारण स्त्री को और भी तकलीफ हो जाए। वह बेचारी कहती है कि आधी मनकरी और आधा पगार बहुत है। अगर ज्यादा पगार मांगते हैं तो ड्योढ़ा खर्च हो जायेगा। इसलिए ड्योढ़ा पगार से और ड्योढ़ी ताकत से तो आधी रोटी खाना सही चीज है। इस तरह की दशा हमारे देश की महिलाओं की है और इस बारे में मैं माननीय मंत्री जी का ध्यान आकर्षित कराना चाहती हूँ।

तीसरी चीज जो मुझे लगती है और जो इसमें से निकलती है वह यह है कि इस सारे विधेयक में इस तरह की कोई व्यवस्था लिखी नहीं है कि इसका इम्प्लीमेंटेशन किस तरह से किया जायेगा।

5 P.M.

एडवाइजरी कमेटी की रचना अवश्य हुई है मगर एडवाइस देना, समझौता कराना आदि बातें यहीं तक रह जायगी। हमारे पास कोई मशीनरी नहीं है। जब तक हमारे पास तंत्र नहीं है हम करेंगे क्या। अभी तो सरकार उसको मान्य करेगी, किसी सरकारी अफसर को बनायेगी। यह करते-करते दो साल निकल जायेंगे और उसके बाद हमारी राज्य सरकारों के पास उसकी व्यवस्था नहीं होगी। स्त्रियों के साथ हम न्याय करें यह जो भावना हमारे दिल में है उसको पूरा करने के लिए आवश्यक है कि उसके लिए तुरन्त एक तंत्र की व्यवस्था करें। जो तंत्र बनाया जाय उसके अन्दर इस बात का भरसक प्रयत्न हो कि महिलाओं के साथ अन्याय न हो और वे सरलतापूर्वक न्याय पा सकें। इसलिए यह बहुत जरूरी है कि इस तरह ध्यान दिया जाय। विधेयक की जो भाषा है उसमें इरादा यह है कि स्त्रियाँ अपने पर होने वाले अन्याय के बारे में सामने आयेंगी,

केस चलायेंगी। स्त्रियाँ हमेशा से पिछड़ी रही हैं, हमेशा से लोगों ने उनको तंग किया है। इसलिए यह जरूरी है कि सरकार इस बारे में इनीशिएटिव ले। जब तक सरकार स्वयं इसके बारे में जागरूक नहीं होती, जब तक सरकार स्वयं ठेका नहीं लेती कि इस देश की महिलाओं को बचाना है, यह हमारी जिम्मेवारी है—वे खुद तो आगे आयेंगी नहीं—तब तक इस विधेयक को हम सफल नहीं बना पायेंगे।

एक चीज और खयाल में आती है। यह विधेयक तो हम ले आये है लेकिन मनुष्य स्वभाव बड़ा विचित्र चीज है, कई बार झुंझला कर लोग विचित्र काम करने लगते हैं। मुझे खतरा यह लगता है कि कहीं यह न हो जाय कि महिलाओं को लोग नौकरी देना बन्द कर दे, वे सोचेंगे कि कहां यह बला ले ले, क्यों महिलाओं को पूरी पगार दे, इसमें अच्छा है कि महिलाओं को काम ही न दें। श्रीमन्, यह बहुत सीरियस खतरा है। जैसा कि सामने के पक्ष के मित्र ने कहा, रिट्रैचमेंट का बहुत बड़ा खतरा है। लोग अभी इस बात के लिए तैयार नहीं हैं और फैक्ट्री वाले सोचेंगे कि इन औरतों को अलग किया जाय और इस तरह जो कुछ भी रोजी-रोटी मिल रही है वह चली जायगी। इसके लिए क्या व्यवस्था सरकार ने की है? यह विधेयक के बाहर की चीज है जिसको सरकार को सोचना पड़ेगा, उसकी तैयारी करनी पड़ेगी। अगर इसकी तैयारी हमने नहीं की, अगर इसके बारे में आगे से नहीं सोचा तो यह विधेयक बेकार साबित हो जायगा। हम औरतों की मदद के लिए यह विधेयक तो ले आए लेकिन समाज में किस तरह से लोग इससे बचने के लिए गलत रास्ते निकालेंगे उन सबको रोकना पड़ेगा। उसके बारे में मंत्री महोदय ने क्या सोचा है, क्या व्यवस्था की है, यह मैं जानना चाहती हूँ?

आखिरी चीज जो मुझे लगती है वह यह है कि लोग महिलाओं को काम के लिए समान पगार दें लेकिन उनके मन में यह नहीं होता

चाहिए कि इन लोगों को समान पगार दी है तो इनसे जबरदस्त काम लिया जाय, भारी-भारी बोझ उठवाया जाय। वे मूक प्राणी होती हैं, वे बोल नहीं पाती, उनसे ज्यादा बोझ उठवाना जैसे काम न करवाए जाएं इसकी सावधानी बरतनी पड़ेगी, नहीं तो हो सकता है कि उनको तंग किया जाय या इस तरह के ज्यादा काम दिए जाएं और फिर यह सिद्ध किया जाय कि वे योग्य नहीं हैं इसलिए उनको निकाल दिया जाए। यह भी खतरा है जिसके बारे में हमको ध्यान देना चाहिए।

सबसे आखीर में मैं यह कहना चाहती हूँ कि फूलरेनु गुहा कमेटी ने हाल ही में जो रिपोर्ट दी है उस रिपोर्ट के अन्दर यह कहा गया है कि हमारे यहाँ स्त्रियों को पहले जितनी नौकरियाँ मिली हुई थी उनकी संख्या धीरे-धीरे कम होती जा रही है। पहले से ही जो चिन्ताएं मेरे दिल में हैं वे इस कमेटी की रिपोर्ट से प्रगट हो रही हैं। मेरे मन में जो डर लग रहा है जो चिन्ताएं वह महज् काल्पनिक चिन्ताएं नहीं हैं। इसलिए मैं कहती हूँ कि मंत्री महोदय इस विधेयक के पास होने के तुरन्त बाद ही इसके बारे में एक कमेटी बनाने की व्यवस्था करे जो इस समस्या के आसपास के पहलुओं को सोचे और उनका निदान तभी यह विधेयक सफल होगा।

आखीर में मैं इस विधेयक का तहे दिल से स्वागत करती हूँ और बहुत अनुगृहीत हूँ कि सरकार और मंत्री महोदय ने महिलाओं के बारे में सोचा और उनकी मदद में आये, मगर वह मदद सार्थक मदद ही इसके लिए आवश्यक है कि जो-जो चिन्ताएं मैंने व्यक्त की हैं उन पर ध्यान दिया जाय। धन्यवाद।

SHRI H. S. NARASIAH (Karnataka) : Mr. Vice-Chairman, Sir, though this is a most non-controversial Bill as a most welcome one, yet, as the previous speaker pointed out, it has been long long delayed—long delayed because, 28 years ago, we

gave unto ourselves a Constitution which declared that all distinction based on sex should stand abolished and yet we could not bring forward this Bill. It is also long delayed in the sense that 17 years ago we signed the ILO Convention which also declared that there should be equal pay for equal work for both men and women. Even then we could not bring forward this Bill or implement that Convention. It is somewhere in 1975, as a poor token of gift during the International Women's Year, that we promulgated an Ordinance on which we are now debating and which we are going to place on the statute book of our land. Even then, Sir, this Bill contemplates that it is not likely to come into force immediately on being passed as an enactment. It is likely to be postponed by another three years and may be applied to such industries and such places as the Central Government may choose to apply as and when it is pleased to do so. Anyway, Sir, in spite of all these delays that are involved in bringing forward this legislation, I, welcome it. I welcome it because, in the task force of this country, in the labour force of this country, which is to the tune of 180.4 million, the female force of this working population constitutes 31.3 millions and, out of this, eighty per cent of the female working force is in the agricultural fields and most of these workers come from the poor families in the rural areas, from among people who are landless labourers and who have no economic protection whatsoever. And, Sir, to the extent to which this Bill contemplates to go to their aid in giving a sort of economic benefit in the sense that their wages would be equal to those of the male workers, it might appear that their economic lot might be bettered. But, Sir, I fear that it might involve competition from the side of the male workers and it might also result in the exclusion of the female workers from employment which has to be strictly guarded against in the implementation of the provisions of this Bill. For this purpose I would suggest that a scheme of guaranteed employment also must be formulated to see that these women, whose employment potential would face competition from the male workers, are not excluded from employment in the future. This aspect is not contemplated in this Bill

[Shri H. S. Narasiah]

and I would suggest to the Labour Minister that he might consider this aspect. And, Sir, to the extent to which this Bill is going to better the lot, the economic lot, of these poor, landless, siteless, houseless, employment-less, workers in the rural areas, I think it is a step in the right direction and it is also in the direction of implementation of the 20-point economic programme which our Prime Minister has enunciated and to the extent to which the 20-point economic programme is going to benefit the workers and is going to improve the lot of these women workers coupled with the enactment of this legislation, I welcome this measure and I also appeal to the Labour Minister to see that some kind of employment guarantee and some recruitment policy and some scheme of recruiting them in sufficient numbers are also tagged on to the implementation of this measure.

With these observations, Sir, I welcome this Bill and I support it.

SHRI U. K. LAKSHMANA GOWDA : Mr. Vice-Chairman, Sir, I rise to welcome this Bill which has been brought now with reference to the Ordinance on equal remuneration which was promulgated recently.

Sir, as the Labour Minister in his statement stated, under the Constitution, equal wage for women was also thought of and the Constitution provided that provision should be made to this end. Also, Sir, the ILO in its Convention No. 100 and the relevant Recommendation No. 20, which was passed in the year 1958, suggested to the ratifying countries to bring about equal remuneration for work of equal value by men and women. I welcome this Bill.

Sir, the Bill provides that it shall come into force on such date, not being later than three years from the passing of the Bill, as the Central Government may by notification appoint and different dates may be appointed for different establishments of employment. So far as this Ordinance is concerned, it has now been notified to cover plantations only. Mr. Narasiah was saying that three years is a long period. But, Sir, measures like this need a lot of study and also going into the question of

actual position of the different employees and the different wages existing, both in the organized and unorganized sectors. It is necessary that sufficient time is provided. Even in Britain, Sir, when the Equal Pay Act of 1970 was passed in December 1970, they fixed a prospective date of 5 years for complete implementation of the Act.

Sir, one thing which I would like to mention here is that I also share the apprehensions expressed by my friends, Mr. Raha and Mr. Narasiah, that a rigid implementation of this Act, without going into further studies of the particular position of employment and the different wages existing in different sectors, might result in large-scale retrenchment of women employees. So, to that extent, Sir, a study is necessary. Even the ILO Convention has provided that this implementation should be phased and they also suggested certain measures and several methods of doing it. One suggestion was bilateral negotiations, collective bargaining, etc. But, now, when the Ordinance as such has come into force immediately, the Notification is only with respect to plantations.

Sir, in plantations, as Mrs. Kulkarni was also mentioning, there are particular problems. So far as clerical employment and employment of people in hospitals, schools, etc., in plantations concerned, there is no discrimination in wages on the basis of sex. But it does occur in the case of actual manual workers. But what should be taken into consideration is that there are certain types of work in plantations which can be performed only by men and there are certain other types of work which can be performed both by men and women. So it is very necessary that this aspect about the plantations is considered and a proper categorization of the works which are performed mainly by men and women is taken into consideration, otherwise it will lead to unnecessary industrial disputes and impose difficulties for implementation. Besides, implementation will be delayed. For example, I will quote here one thing. There are certain types of work as shade-regulation and shade-logging. This is precisely man's work. You cannot expect women to climb the trees. There are hard, manual jobs like digging and pitting, etc.,

which are principally works of men, and there are others like picking of coffee or plucking of tea and light pruning; they are performed by women. To see that trouble does not arise in implementation, I would suggest proper categorization. In this the State Governments can help by notifying different wages for different categories of workers in their Minimum Wage Notifications. That will avoid many difficulties. Even in bilateral wage agreements which are there in plantations and which have successfully gone on for the last 10 or 15 years, different rates of wages are fixed for different categories of workers either on the basis of sex or grades. In some places it is for men and women and in others it is for Grade I, Grade II and Grade III. I would commend here to the hon. Labour Minister to see that the State Governments look into these aspects thoroughly and categorise workers so that we do not run into difficulties in implementation. Otherwise, a rigid implementation without going into these details will naturally encourage certain employers, when they are giving the same wage to both, to employ only men and do away with women. Particularly with regard to employment of women in plantations covered by the Plantation Labour Act, there are additional monetary commitments like maternity benefit and other things which will naturally result in a higher financial burden and it might encourage certain employers to retrench women workers. In order to see that there is a proper and smooth implementation of this Act, there should be proper categorisation of workers and the Labour Minister should take it up with the State Governments to ensure that this is considered in their Minimum Wage Notification and in its implementation.

Sir, then I come to the question of Advisory Committees. As has already been stated here, the Advisory Committees as constituted mainly concern themselves with regard to the extent to which women may be employed in particular establishment. Therefore, the advise relates only to the employment potential for women. It does not go into the wage structure. It will be advisable if the Advisory Committees can also look into this matter. As Mr. Raha

has stated, the implementation authority for this purpose will be the Labour Department and the implementing officer will be an officer who is not below the rank of Labour Officer. The Advisory Committees will go into the question of employment only. I would suggest that they should also look into implementation aspect so that any difficulties which may arise can be handled carefully so that it may not result in unnecessary industrial disputes.

Sir, so far as recruitment is concerned, it is very necessary that it is handled very carefully. Otherwise, as I said, in view of the rigid implementation, they may not recruit women workers at all. Safeguards should be available. Since the implementing authorities are only the State Governments, I would suggest that care should be taken while framing the rules. A proper categorisation, in my view, will do away with a lot of these difficulties in implementing this Act for the plantations.

So far as general agriculture and others are concerned, I do not know when they are going to notify about them. They are very unorganised sectors not having proper registers of workers employed. It is going to be a difficult task and I do not know what machinery the hon. Labour Minister has in mind for applying this Act to the workers employed in unorganised sectors like general agriculture.

Also, I would like to have one clarification. It has been stated in the ILO Convention that equal remuneration for men and women for work of equal value, etc. Here, in the Ordinance as well as in the Bill, the definition is :

“‘same work or work of a similar nature’ means work in respect of which the skill, effort and responsibility required are the same, when performed under similar working conditions by a man or a woman and the differences, if any, between the skill, effort and responsibility required of a man and those required of a woman are not of practical importance in relation to the terms and conditions of employment.”

I do not know why this deviation has taken place from the original recommendation of the ILO. Whether it is going to

[Shri U. K. Lakshmana Gowda]
help a better implementation of the Act. I am not very sure.

Sir, with these comments I welcome this Bill and I hope there will be smooth implementation of it. Thank you, Sir.

SHRI K. V. RAGHUNATHA REDDY :
Sir, I am extremely grateful to all the hon. Members who have extended their wholehearted support to this Bill. In view of the non-controversial nature of this Bill, I hope, Sir, it does not call for a very elaborate reply to this debate. Nevertheless, I would try to cover as far as possible the points that have been raised by the hon. Members.

With regard to the definition which Shri Lakshmana Gowda has raised, Sir, I have no hesitation to state that the definition we have given in this Bill—same work or work of similar nature—is more practicable and in fact a better definition than “work of equal value” because, “equal value” can be misinterpreted. But as far as this definition—same work or work of similar nature—is concerned, it can easily be ascertained and it can be more easily understood than this concept of “equal value”. Therefore, in terms of measurement, though some people may be able to do it, it is very difficult to ascertain. Therefore, it is easily ascertainable by way of a definition like the same work or work of similar nature, and it has also been explained in this definition and I do not want to take the time of this House in further elaborating this. If it is a question of job classification, Mr. Lakshmana Gowda is right. If it is a question of job classification, then it would amount to fraud if you want to make a distinction in case of same work or work of similar nature. Therefore, this is the aspect which I would like the hon. Member to keep in mind.

Sir, Shri Narasiah has raised the point about the extension of the provisions of this Bill to various fields. Yesterday, Sir, when the Labour Ministers met, we have come to an understanding in this regard that all employments scheduled under the Minimum Wages Act should be notified under the Equal Remuneration Ordinance as far as possible. For this purpose, the State Governments would immediately

supply information regarding the employments covered under the Minimum Wages Act in their respective States. Secondly, the State Governments would indicate within a period of three months the other establishments, employments to which the provisions of the Ordinance should be made applicable. Though the Bill states three years' time within which the provisions of this Bill will have to be brought into action, that does not mean that we are going to keep quiet in this period and allow the three years to lapse. It is not so. As Shri Lakshmana Gowda pointed out very neatly, it needs study in respect of certain industries. The application of the provisions of this Bill or enactment should not lead to certain hardships resulting in retrenchment or non-recruitment of women at all. That is why, we want to study the question with respect to various industries and various establishments. When all the State Governments are too willing to supply the information, I think, we need not wait for three years. Even within a period of one year, I think, we will be able to achieve the target which we have got in our mind as far as the extension of the provisions of the Bill to various aspects of economic activity is concerned.

Sir, another aspect which I would like to point out is this. Well, Shrimati Kulkarni has made a very inspiring speech, and some of the passages in her speech are quite memorable and quotable though she has made critical observations with regard to the provisions of this Bill in respect to punishments. Well, under clause 9 of the proposed Bill, Sir, inspectors are appointed. Apart from the inspectors, I expect that the trade union movement also would take sufficient interest in the matter because, without the co-operation of the trade union movements, and trade union organisations taking sufficient interest for the purpose of implementation of the provisions of this Bill, the Government would not be able to achieve this alone. In this case, social organisations, women's organisations, trade unions, and all these organisations should come forward for the proper implementation of the provisions of this Bill. Apart from this, the Government itself have provided for a machinery in clause 9 of the Bill by way of appointment of inspectors. These inspectors are given certain powers and they can

enter into establishments and look into registers and see that proper implementation of this law is taking place. One of the considerations was to provide for a balance between punishment and economic activity. Therefore, we have not gone in for more serious punishments than have been contemplated in the Bill. But if it is going to be our experience that in the absence of a provision for serious punishments, the provisions of the Bill are not being properly observed, in such a case I will not feel hesitant nor will the Government feel hesitant to come forward before this House for your approval and provide for more deterrent punishments in this regard.

Another aspect to which I would like to draw your kind attention is the provisions made in respect of certain jobs where women must be given advantage and where they must be protected. Such a provision has been made in this Bill. Women have been given advantage in respect of certain jobs which they are doing specially. Then, if there is any discrimination against women in respect of employment on account of sex, that has also been prohibited.

Another question raised has been what the remedy is if a particular establishment chooses to retrench or not employ women? For instance, if there is a textile industry and the textile magnates do not choose to employ women. What would happen in such a case an advisory committee is going to be constituted by the Central Government or a State Government, as the case may be. This committee can not only go into the question of retrenchment of women workers but also into the question of potential possibilities of women employment. If such a committee comes to the conclusion that a particular undertaking could have employed more women and makes a recommendation to that effect to the Government, the Government can issue directions. I want to emphasise here that the advisory committees have got a very vital and important role to play in this regard, namely, to help in making provisions for employment of women and also to protect their employment. Therefore, Sir, we will have to watch this legislation and if in the course of our experience we find that some amendments are necessary, certainly

we will come before this House for the purpose of those amendments.

Sir, the passing of this Bill is one more historic step and historic task done by this House. This is one of the historic Bills that the country has passed. Even some of the most advanced countries could not provide by legislation equality between men and women in terms of equal remuneration for the same or similar nature of work. Thank you.

SHRIMATI SUMITRA G. KULKARNI : What is meant by clause 12(2)? Why is the sanction of the appropriate Government or an officer authorised by it necessary? This is a very important thing and not at all necessary. This is the way to bind women workers. Let alone all other things that you have said but what about this thing?

SHRI K. V. RAGHUNATHA REDDY : This is a very relevant question that has been raised.

SHRIMATI SUMITRA G. KULKARNI : And which you were trying to evade.

SHRI K. V. RAGHUNATHA REDDY : A provision has been made for the appointment of inspectors. In such a case where employment questions are involved instead of allowing the aggrieved to have a cause of complaint, we thought that there must be some regulation. Therefore the requirement of sanction has been provided. But if this requirement of sanction is going to work adversely in case of women, I will not hesitate to take this away.

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA) : The question is :

"That the Bill to provide for the payment of equal remuneration to men and women workers and for the prevention of discrimination, on the ground of sex, against women in the matter of employment and for matters connected therewith or incidental thereto, be taken into consideration.

The motion was adopted.

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA) : We shall now take up clause by clause consideration of the Bill.

Clauses 2 to 5 were added to the Bill.

Clause 6—Advisory Committee

SHRI KRISHNARAO NARAYAN DHULAP (Maharashtra): Sir, I move:

"That at page 3, line 27, for the words 'shall be women' the words 'shall be the working women' be substituted."

The question was proposed.

SHRI KRISHNARAO NARAYAN DHULAP: This is regarding the provision in Clause 6 about the appointment of an Advisory Committee on which women members are going to be the member of that Advisory Committee. Here, Sir, I want that instead of the words "women", the words "working women" should be mentioned. I move this amendment with the intention that the working women having experience of their own should be included in this Advisory Committee which is going to be a very important Committee. What generally happens is that when such committees are appointed, the Government appoints only such women who are known as society women or society ladies, those who are generally coming from the upper middle class or the rich classes, those who have got enough time to spare. But these women have got no idea about the working conditions of the women working in different fields. Such women have got their maid servants to look after their work of cooking or cleansing utensils or for washing and other purposes. So, I think, if these women are going to be the members of this Advisory Committee, the actual purpose for which these committees are being formed, will not be served. On the contrary, it is likely to be nullified. As the Labour Minister is concerning himself over the question of working women in this country, they should be given a place in such types of Advisory Committees and with that intention, Sir, I move this amendment.

SHRI G. LAKSHMANAN (Tamil Nadu): I support this amendment because there is a possibility of the wives of the employees becoming members of this Advisory Committee. Therefore, this amendment should be accepted. The hon. Minister can accept this amendment.

SHRI K. V. RAGHUNATHA REDDY: We do not want to exclude other women who are also very able and who are also interested in the field and who have render-

ed very good service in this respect. There may be some technically qualified women for instance, those who are specialists in the field. For instance, in the textile industry, there may not be many working women but we may be able to find women who are otherwise qualified and interested in the job. So by accepting this amendment, we will only be restricting the field. Therefore, we cannot accept it.

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA): The question is:

"That at page 3, line 27, for the words 'shall be women' the words 'shall be the working women' be substituted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA): The question is:

"That Clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clauses 7 to 18 were added to the Bill.

Clause 1—Short title, extent and commencement

SHRI KRISHNARAO NARAYAN DHULAP: Sir, I move:

1. "That at page 1, lines 7-8, for the words 'three years' the words 'six months' be substituted."

The question was proposed

SHRI KRISHNARAO NARAYAN DHULAP: Sir, the provision of the Act is that it shall come into force on such date, not being later than three years from the passing of this Act, as the Central Government may, by notification, appoint and different dates may be appointed for different establishments or employments. Sir, the three years' time is a very long period even though the hon. Minister referred to it and my friend Mr. Lakshmana Gowda supported him and said that in other advanced countries, in western countries, five years' time is there for the implementation of the Act. Sir, in the Statement of Objects and Reasons, the hon. Minister has referred to a very important event in this country. The President promulgated on the 26th September, 1975, the Equal Remuneration Ordinance, 1975 so that the provisions of article 39 of the Constitution may be implemented in the year which is being celebrated as the International Women's Year.

So, the President also wants that these provisions should be implemented in the year which is being celebrated as the International Women's Year. So, implementation should be, according to him, during this year. Of course, that year is also gone. But after that also three years' time is being taken and that is too long a period. Sir, may I bring to the notice of the hon. Minister that womenfolk, the majority of them, are working in the agricultural field? Sir, I would refer to the Report of the Committee on the Status of Women in India. The title is "Towards Equality". So, this equality should be achieved as early as possible. In that Report, on page 157, paragraph 5.35, it is said:—

"94 per cent of the women workers are engaged in the unorganised sector of the economy, 81.4 per cent in agriculture and the rest in non-agricultural occupation." And the other important factor is that on page 165 of the Report, paragraph 5.55 "Wage Discrimination", it is said:— "In the larger sectors where women are employed—agriculture and small industries—evidence shows that in fixing wage rates, some State Governments have not been free from discrimination against women." So, this is the state of affairs. Therefore, I would request the Minister—he has already appointed Inspectors to go into the provisions of this Act and for the effective implementation of them Inspectors are going to be appointed—that taking into consideration all the views expressed by the Members of this Committee plus the International Women's Year where-in we want to give some benefit to the womenfolk in this country, he should agree that six months' time is sufficient. You are having such a big machinery to look into the implementation of this Act and therefore, instead of prolonging the implementation of this Act for three years, six months' time should be appointed so that there is some sense of urgency. Some speedier implementation of your intention should be there and therefore I move this amendment.

SHRI K. V. RAGHUNATHA REDDY: Sir, while I compliment the hon. Member for the study he has made on this subject, I am afraid I am not in a position to accept this amendment. Though it is our desire also to extend the provisions of this Bill to

all economic activity as early as possible, to fix a time limit like six months sometimes will be self-defeating. But I can assure the hon. Member, Sir, that we are not going to wait for a three-year period and as early as possible, may be within one year, we will try to extend the provisions of this Bill to all the areas of economic activity wherever women are employed or can be employed.

SHRI KRISHNARAO NARAYAN DHULAP: Sir, with this assurance likely to be implemented. I may be permitted to withdraw my amendment.

The amendment (No. 1) was, by leave withdrawn*

THE VICE-CHAIRMAN (SHRI LOKANATH MISRA): The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

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

SHRI K. V. RAGHUNATHA REDDY: Sir, I beg to move:

"That the Bill be passed.

The question was put and the motion was adopted.

MESSAGES FROM THE LOK SABHA

I. The Income-tax (Amendment) Bill, 1976.

II: The Delhi Development (Amendment) Bill, 1976.

SECRETARY-GENERAL: Sir, I have to report to the House the following messages received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha:—

1

"In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith the Income-tax (Amendment) Bill, 1976 as passed by Lok Sabha at its sitting held on the 9th January, 1976

*For text of amendment vide col. 180 supra