

[Dr. G. S. Dhillon]

local bodies. I did not commit myself to the time limit but I committed myself to make effort in right earnest.

Regarding nationalisation of transport, so far as goods traffic is concerned, I do not think, Tamil Nadu has nationalised the goods traffic. Now, in this case, I think it is almost nearer to nationalisation. Seven gentlemen can form a cooperative. For the cooperative or the company, we have fixed the number at 7; i.e., 1 for each member. There are the other suggestions, as you said, that one man instead of 3, should be having 2. I gave the reasons. Suppose the truck fails from one end. There should be some standby. But suppose it fails from both the ends, then there should be 2. In that case it should have been 2; but we confine ourselves only to 1, because I never presume that the outgoing and incoming trucks, both will be failing (Interruptions). Mr. Deputy-Speaker, they had in a very ingenious manner connected the granting of this permit with the good condition of the roads. I said that so far as the... (Interruptions).

MR. DEPUTY-SPEAKER: Order, order please.

DR. G. S. DHILLON: It did not arise out of it as you, Sir, have already said, but... (Interruptions) That we will discuss when I come to Calcutta.

MR. DEPUTY-SPEAKER: The question is:

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

The motion was adopted.

MR. DEPUTY-SPEAKER: We now take up the next bill. (Interruptions) No, no. There has been enough. Instead of one hour, half-an-hour more we have taken; about 2 hours. You know very well, how flexible I am whenever you are within the point. Now we take up the next bill, the Equal Re-

muneration Bill. Before we take up this bill, I would like to say that I got a request from the Minister of Parliamentary Affairs that we are very very much behind time. Even with the extension of the House up to the 5th, it may be difficult. (Interruptions) Now 6th? I do not know. It may be difficult to dispose of all the business that we have in our hands. Therefore, he has requested that in the next items we must try to keep to the schedule. We have 2 hours for the Equal Remuneration Bill; and I might also announce in advance about the time when the Minister is expected to reply to the debate on the bill. I think this can be done, if Members from the government party would cut down their eagerness for speaking. Then we may be able; it becomes easier. Since the Minister would be speaking, he would be putting across the Government's point of view. If they cooperate that way, it should be much easier to do it. Now it is 1.45 P.M.; Is it not; If we allot 2 hours to this bill, that should be 3.45 P.M. Is it not? Then, the Private Members' Business come at 3.30 P.M. Now let us see; if you agree, shall I call the Minister to reply roundabout 3 P.M. Then we will try to dispose of it, before the Private Members' Business.

Now the Minister.

13.44 hrs.

EQUAL REMUNERATION BILL

THE MINISTER OF LABOUR (SHRI 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 or incidental thereto, as passed by Rajya Sabha, be taken into consideration."

The salient features of the Bill are as follows:

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.

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. (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 upto Rs. 5,000/-.

The justification for the measure is well recognised and the urgent need for these provisions is self-evident. While we have always held our women in high esteem and given them a position of importance in society, the 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 women's liberation 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 Indian 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:

"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 States 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 ILO 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 Wages Act, 1948. Under it the appropriate Government (the Central or the State Government, as the case may be) 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

[Shri Raghunatha Reddy]

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 ILO 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 of Women in India also strongly recommended legislative action in this regard to provide for equal pay for equal work. Hon. 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 ILO Convention, both in letter and spirit, should do so by taking appropriate measures 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 ILO 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 interest of women workers. It was also felt that it would 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.

This Bill has been already passed by the Rajya Sabha. This is a non-controversial Bill. I hope it will be passed even without discussion.

MR DEPUTY SPEAKER: Motion moved :

"That the Bill to provide for 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, as passed by Rajya Sabha, be taken into consideration"

SHRI S. P. BHATTACHARYYA (Uluberia): This is something to be welcomed, and it is fitting that the ordinance was passed during the International Women's Year. It carries on our tradition. As the Prime Minister pointed out, the first lady came to India for medical education. Europe did not allow that facility, but India allowed it. Secondly, our Prime Minister is also a lady. All this must go into the history of women's emancipation, but the Bill itself to my mind is something timid and halting.

Firstly, it will be implemented within three years of its passing. Why so much time? Again, we have got the Advisory Committee, Inspectors etc., but what about the people, the men and women to be employed? How are you going to take their cooperation?

Again, there are a large number of women working in the rural areas, but nothing is mentioned in this Bill about them. I think only the industrial areas will be affected by this Bill, not the entire country.

In our country 30,000 women workers in the jute industry have been retrenched and they are not getting

work. In the plantations in Tea Gardens, women workers are working better than men, but are getting less than men. When the question was raised by the women's representatives, they were told by the employers that it was a question of prestige and that the men should get more than the women. Such things are going on.

SHRI RAGHUNATHA REDDY: Already the notification has been issued covering plantations.

SHRI DINEN BHATTACHARYYA (Serampore) But no action has been taken.

SHRI S. P. BHATTACHARYYA: I have got a report that in Orissa the railways are fixing different wages for men and women casual labour. In Puri it is Rs. 3.50 for men and Rs. 3.30 for women. In Cuttack it is Rs. 4.25 for men and Rs. 3.75 for women. In Balasore, it is Rs. 4.00 for men and Rs. 3.50 for women. In Ganjam it is Rs. 4.30 for men and Rs. 3.50 for women. In Dhenkanal it is Rs. 2.90 for men and Rs. 2.40 for women. Everywhere it is 50 paise less for women, and this is done by the railways themselves.

SHRI MOHAMMAD ISMAIL (Barrackpore) In the bidi industry, half the workers are women.

SHRI S. P. BHATTACHARYYA: The main question is that you must have the co-operation of the people who are asking for employment. You must have their support, they must have some right to decide. Otherwise, things will not be effective. The question is not so much of giving equal wages for men and women for equal work.

But the main question in our country is how to get work. If there are ten vacancies, there will be thousands of applications. This is happening in all the big towns. You know how the things are going on. Where is the chance to get employment? If I do not get employment, where is the question

of getting some wages? This is the main problem which our country is facing. As a result of these things, women are compelled to prostitution to earn their livelihood in big cities. This is happening in Delhi, Calcutta, Bombay and in every big town. This is not for the dignity of our country.

On 22nd, to a foreign correspondent the Prime Minister told that a socialist base is strengthening in our country, but the monopolists are strengthening; they are earning more and the unemployment is growing, poverty is growing. I think, these are not bases of our socialism. These are the problems which are not published in the papers, but these are known to everyone. We must solve these problems. Without solving these problems, our socialist basis cannot be strengthened, our men and women cannot get equal remuneration.

Pandit Sunderlal went to China. He was telling a story in a meeting in Calcutta. After the liberation, when they entered Peking, on the same night, prostitution was stopped there. Those girls were taken to different places and were educated. They were asked to lead a happy life. The aged women became nurses, shopkeepers and tailors. Then the youngmen of China were asked to marry them. Panditji himself saw those girls in their family life. When he was telling this story he was weeping. This is the case after the liberation of China.

A few months ago, in our country, Shri E. S. Namboodiripad in an editorial of Peoples Democracy said, "Does our Prime Minister know that a woman in our country has to sell her body four times a day to get one kg. of rice."

Shrimati Bimala Randive gave a report that a Rajasthan tribal girl, after her marriage, had to come to Delhi to earn as a prostitute to pay money back to the money-lender. She had to live in prostitution quarters for five years, earn money, go back, pay to the money lender and then lead a

[Shri S P Bhattacharyya]

family life This is the condition in our country It is not a socialist base But I think, we are not deemed We are to free our country from the clutches of big money lenders

14 hrs

It is already known as I have said many times on the floor of the House, that only 10 per cent of the families in the rural area are controlling 66 per cent of the product of the rural area There is the Raj Committee Report The monopolists are controlling everything big monopolists and the big land owners are making profits everywhere every year, from grains etc to the extent of Rs 2500 crores These are known things

We can free our motherland from their clutches and we can create conditions for the employment of our men and women throughout the country It is possible It is not at all difficult We can solve the worries of our people We can make the equal remuneration for men and women guaranteed That is possible But for that proper conditions must be created and then only the purpose of the Bill will be served

With these words, I support the Bill

श्रीश्री सावित्री इय्यास (आवला)

उपाध्यक्ष महोदय, श्रम मंत्री जी नश्रमिक महिलाओं को बराबरी की पगार देने के सम्बन्ध में जो बिल उपस्थित किया है उसका मैं हार्दिक स्वागत करती हूँ। यह प्रधान मंत्री द्वारा घोषित बीस सूत्री आर्थिक कार्यक्रम का एक अंग है। इस देश की रहने वाली 28 करोड़ महिलाओं के अधिकारों को रिकगनाइज किया गया है इस में। श्रम मंत्री जी के भाषण को मैंने बड़े ध्यान से सुना है। कास्टी-ट्यूशन का हवाला उन्होंने दिया है, आई० एल० धो० की रिपोर्ट का हवाला दिया, स्टेट्स आफ विमेन कमेटी की सिफारिशों

का हवाला दिया है। लेकिन जब मैंने इस बिल को देखा तो इस में मैंने पाया कि इसको तीन वर्ष के बाद इम्प्लीमेंट किया जाएगा तो इसको देख कर मुझे निराशा हुई। इससे यह पता चलता है कि कितनी उनके अन्दर तत्परता है इसको लागू करने की। इसीके बाद जब मैंने दूसरी क्लॉजिब को देखा तब भी मुझे कुछ सन्तोष नहीं हुआ। अभी जो माननीय सदस्य बोल कर गये हैं उन्होंने एक बोचर के द्वारा पिछले दिनों फिगर्स सब हम बात के दिए थे कि 1961 में आज तब डम देश में कितनी रिट्रेचमेंट हुई हैं, टैक्सटाइल में, जूट में तथा दूसरे उद्योगों में। सविधान की सब धाराएँ लागू हैं, बहल में कानून उनको सुरक्षा देने की मौजूद है लेकिन फिर भी अब तक इस तरह की चीजों के ऊपर कोई ध्यान नहीं दिया गया है। मैं समझती हूँ कि अगर डम बिल को इनकी ट्रिस्ट्रिट में हम लागू करते हैं इम्प्लीमेंट करते हैं तब तो हम कुछ कर सकेंगे अन्यथा नहीं। इन में ईक्वल ईम्प्लुमेंटेशन की बात कही गई है। मुझ खुशी होती अगर हम म डबल रियुमेंटेशन की बात श्रम मंत्री जी न कही होती। इसलिए मैं यह कह रही हूँ कि आप देखें कि स्त्रियों को जो मेहनत करनी पड़ती है, घर में बाहर निकलना पड़ता है, बाहर जा कर काम करना पड़ता है तो किन परिस्थितियों में उनको ऐसा करने पर मजबूर होना पड़ता है। अपने बच्चा को छोड़ कर, परिस्थितियों से मजबूर हो कर, गरीबी की हालत में बाहर घर से निकल कर उनको जाना पड़ता है और मेहनत करनी पड़ती है। ऐसी स्थिति में बराबर नहीं बल्कि दुगुनी बेज अगर उनको मिले तब बात समझ में आती है।

क्लॉज 5 में आपने कहा है

"No discrimination be made while recruiting men and women workers."

इसकी क्या गारंटी है ? क्या गारंटी एक्ट के अन्दर है कि महिलाओं को कुछ काम जरूर मिलेगा ? मैं रिजर्वेशन के बिल्कुल खिलाफ रही हूँ । स्टेट्स आफ विमेंस कमेटी की मैं एक मेम्बर हूँ । वहा पर भी यह नवाल जब आया था कि लज्जिले-चर्च में और नौकरियों में महिलाओं के लिए रिजर्वेशन होना चाहिये तो मैं पहली महिला थी जिम ने कहा कि मैं इनके विरुद्ध हूँ, इनकी हामी नहीं हूँ । लेकिन मैं देखती हूँ कि महिलाओं के साथ न्याय नहीं हो रहा है । अनस्क्रिब्ड लेबर में जितने कोई आर्ट नहीं है, कोई इंजीनियरी नहीं है, उममें भी रिट्रैच-मेंट हो तो इस बिल के पास हो जाने से क्या गारंटी है कि उनका काम मिलेगा या नहीं मिलेगा । जब उनका काम नहीं मिलेगा तो पगार नहीं मिलेगी । यह बेकार हा जायगा, मीनिंगलस हा जायेगा ।

इसलिये निवेदन यह है कि ऐमा अवश्य किया जाना चाहिये, हालांकि मैं इनमें अमेंडमेंट देना चाहती थी, इस बात की इसमें गारंटी दी जानी चाहिये कि जहा पर अन-स्क्रिब्ड लेबर है, जो स्थान मिनिमम बेजेज कानून में कवर हो जाने है वहा पर महिलाओं को 33 प्रतिशत 50 प्रतिशत अवश्य नौकरी मिलेगी, अवश्य कार्य मिलेगा । जब आप कुछ करने जा रहे है, आपका इरादा है और आप प्रगति की तरफ जा रहे है और गांधी जी के उस स्वप्न को पूरा करने जा रहे है जो कि उन्होंने नान-को-आपरेशन मवमेंट के जमाने में कहा था कि हिन्दुस्तान को आजादा तभी मिलेगी जब भारत की स्त्रिया साथ देगी, ता मैं कहना चाहती हूँ कि गांधी जी का स्वप्न तभी पूरा होगा, जैसे कि श्रीमति इंदिरा गांधी ने 20 सूत्री कार्यक्रम का आह्वान किया है, उसमें सारा ममाग और भी खुश रह भकेगा जब कि महिलाओं को समानता का हां नहीं बल्कि ऊंचा स्थान देगे ।

अभी तीन-चार दिन हुए यहां पर बौडेड लेबर का बिल लाया गया था । हम अभी

भी यह अनुभव करते हैं कि इस देश में करोड़ों स्त्रिया ऐसी हैं जो आदमी द्वारा दबाई जा रही है चाहे वह एम्प्लायर हो, पति हो, पिता हो या घर में बेटा हो । आज भी उन महिलाओं की स्थिति बौडेड लेबर से कम नहीं है । आप किसी भी घर में देख लीजिये, औरतें बौडेड लेबर से बुरी हालत में हैं ।

जहा तक कपीटीशन का सवाल है, वहा हमको कोई परेशानी नहीं है । चाहे एडमिनिस्ट्रेटिव भविस के क्षेत्र में हो, डाक्टर हा, इंजिनियर हां, कोई भी हो, मैं समझती हूँ कि महिलाओं ने इस देश में मर्दों से अच्छा दर्जा प्राप्त किया है उनको सम्पास किया है । एडमिनिस्ट्रेटिव भविस में फर्स्ट आर्ट है मकिन्ड आर्ट है । लेकिन जहा महिलाओं के पास हुनर नहीं है, जिन महिलाओं में गुण नहीं है, वही चाहे वैध्यावृत्ति की तरफ चनी जाये या शिक्षावृत्ति की तरफ चनी जाये । ये कार्य ऐसे होते है जिसमें वे समा- में शृणित समझी जाती है । वे ही महिलाएं उनमें फरती है जिनमें अपना कोई गुण नहीं होता है ।

आप यह देखें कि जब से एमरजेंसी लागू हुई है, तब से कितने पुरुष कपलसरी रिटायर हुए है । लेकिन क्या आपने एक भी महिला को ऐसा देखा जिसकी इट्रिटी या ओनेस्टी पर आच आई हो ? हम महिलाओं को इस बात का भव है और आपको भी करना चाहिये कि आपके देश की महिलाएं ऐसी है जिनकी इट्रिटी और ओनेस्टी इन्नी साफ और क्लीन है ।

जहा कपीटीशन की बात हो, वहा तो हम मान सकते है कि औरतें प्रतियोगिता में आयेगी और अपना कार्य करेंगी लेकिन जहा प्रतियोगिता की बात नहीं है, जिस क्लास में डिस्ट्रिबुशन नहीं है, वहा इस बात की गारंटी दी जाये कि वहां कम-से-कम 33 प्रतिशत महिलाओं को लिया जायेगा ।

[श्रीमती सावित्री श्याम]

इस बिल को क्लॉज 6 में एडवाइज़री कमेटी का समावेश किया गया है। इस एडवाइज़री कमेटी की रिपोर्ट एडवाइज़री रहेगी, मैडेटरि नहीं रहेगी। मेरा कहना यह है कि इसकी सिफारिशें मैडेटरि होनी चाहियें।

इस एडवाइज़री कमेटी में सब की सब महिलाएं होनी चाहियें पुरुषों को इसमें कोई ज़रूरत नहीं है, इसलिये कि सदियों से पुरुष हमारे हितों के लिये कुछ कर नहीं सके, हमारी भलाई नहीं कर सके। इसलिये हमें यह आशा नहीं है कि अगर एडवाइज़री कमेटी पुरुषों की रहेगी तो इससे हमारा कुछ भला होने वाला है। इस बारे में मेरी कोई एग्जैम्पल न होते हुए भी मेरा सुझाव है कि इस एडवाइज़री कमेटी में केवल महिलाओं को रखा जाये, अन्यथा कम से कम उन का बहुमत होना चाहिए, ताकि हम कुछ काम कर सकें और करा सकें।

क्लॉज 9 में इंसपेक्टर्स की नियुक्ति की व्यवस्था की गई है। मैं कहना चाहती हूँ कि इंसपेक्टर भी महिलायें हों, पुरुष नहीं। ऐसी व्यवस्था करनी चाहिए कि इस कानून का इम्प्लीमेंटेशन महिलाओं के द्वारा हो। सरकार को एक्सपेरिमेंट के तौर पर इस कानून को महिलाओं के द्वारा ही कार्यान्वित कराना चाहिए।

इस बिल में पनिशमेंट पांच हजार रुपये तक रखी गई है। यह काफ़ी नहीं है। यह व्यवस्था होनी चाहिए कि जिस व्यक्ति के द्वारा महिलाओं के प्रति डिसक्रिमिनेशन हो, उन की अवहेलना हो और उन के हक या इज्जत पर आघात हो, उन को उम्र कैद की सज़ा दी जाये।

MR. DEPUTY-SPEAKER: All men should be put behind the bars, including the Minister. Mrs. Roza Deshpande

SHRIMATI ROZA DESHPANDE (Bombay Central): Mr. Deputy-Speaker, Sir, it is very good that we are passing here this legislation which could not be passed even by the so-called industrialised and capitalist countries where inequality exists in respect of women. That injustice has been done to women is clear from the very fact that International Women's Year was celebrated; it was found necessary to celebrate such a Year.

Woman has been a bonded labour for centuries together. There was a time when she was really equal to man, and that was in the primitive society, but as feudal relations came into existence, as the production relations changed and as the State power came into existence and along with that this exploited section, specially in our country because of the caste system woman really became a slave of man and of the society. We can see how the status of woman has characterised when it was said:

पिता रक्षति कौमारे, भर्ता रक्षतियौवने,
रक्षन्ति स्थविरे पुत्रा न स्त्री स्वातंत्र्यं ग्रहीति।

That means, throughout her life, she is supposed to be protected; in the young age, by her father, in her youth by her husband, and in her old age by her son. She has nothing to do, she has nothing to think of herself. We have travelled a long distance since then. Our social reformers like Raja Ram Mohan Roy, Maharishi Karve, Jyoti Bafula and Mahatma Gandhi have tried to help women to come out of this bondage. But what is the basic reason for this? The basic reason is that she has always been dependent on the head of the family. She was never free. Unless woman is made economically free, she can never be equal to man, she can never contribute to the progress of the society. I think, it is with this view of women's parti-

icipation in the progress of our country. in production, that this Equal Remuneration Bill has been brought forward. We can see from the report of the Women's Committee which was appointed, that even the States were discriminating in giving equal wage to women. I do not have enough time to quote from this report, but the Minister is aware of this report; there are various ways and means by which woman's remuneration has been brought down and has been made unequal. They are not only paid less wages but there are certain jobs which are earmarked for women, for instance, agricultural labour; in the industrial sector also, there exists such a system. There are certain departments earmarked for the women and there they are paid less. Is there any provision in this Bill by which you will be rectifying this? In the agricultural sector also women are paid less for certain jobs like thrashing, weeding, etc. I would like to know whether in this Bill a provision is being made for equal wages for them.

I am really very sorry about one part of this Bill. There are 264 million women in this country. Hardly 31.3 million are working women and out of that 15.8 million are agricultural workers and 9.3 million are cultivators. We are excluding these women from this Bill. How are we going to take care of them? Have we thought about them? What is the number of women you are covering? It is only two million, who are in the organised sector. That is all; this Bill will be covering only 2 million women out of the 31 million who are supposed to be working women. And there are four million women working in the unorganised sector. How are we going to protect them? All the jobs women do at present are unskilled and semi-skilled; that is all they can reach. We have suggested a number of amendments; I do not want to read them here, but I want the Minister to think over them. If you genuinely

want to give equal wages to the women, then you have to think of covering the agricultural labour also. If you are going to cover only two million women, I am really very sorry. As I said you should try to cover the other section of women also.

Apart from the question of equal remuneration, there is another thing and that is that we must be able to provide employment to more women. There are two-three aspects of this. The first aspect is that you should be able to give vocational training to the women so that they can come in competition and they can become fit for the job. For instance, in the textile industry when in the reeling and roving departments, new machines were introduced, women were retrenched on the pretext that they cannot work on these machines. I want to know, if there is any provision in this Bill for this. I would suggest that the Committee that you are going to appoint should go and find out, how many training centres are there for women. There is a book published by your Ministry itself which has given certain statistics. If you look to those statistics, it indicates a pitiable condition of these centres. There are hardly any centres where the women can get training. If they are trained, the problem would be of jobs. I am in favour of fixing a certain percentage of women workers in certain industries where they are working now. You can force the employees to employ a certain percentage of women, excluding areas where their employment is prohibited. Employees should be forced to send them for further training as otherwise under the pretext that they are not trained, though certain jobs would be earmarked for the women, we will not be able to achieve the objects of the Bill. There is going to be a possibility that after passing of this Bill, a large number of women are going to be retrenched under this pretext or that pretext. So, I am just emphasizing this fact that to secure jobs for women

[Shrimati Roza Deshpande]

you have to provide more training centres and, at the same time, make a provision that the Advisory Committee should see to it that a certain percentage of women are employed in all the industries. For instance, you will see, as our friends pointed out, the number of women employed in the textile, jute and plantation industries has gone down. Still, in the plantation industry women are not paid equal wages and unless we do that because 81 per cent of the rural women are illiterate and unless you co-ordinate this action of giving equal remuneration to women and at the same time, provide them with employment by forcing the employer to employ women upto a certain percentage, I do not think this Bill will be very effective and, I hope our Minister accepts the amendments we have moved.

श्री जगन्नाथ मिश्र (मधुबनी)
उपाध्यक्ष महोदय, मैं आपका बहुत आभारी हूँ। मैं ऐसा महसूस करता हूँ कि मसदा का यह वर्तमान मसदा ससद में इतिहास में मुन्हरे अक्षरों में लिखा जायेगा। हमारी सरकार का जो इगदा है, समाजवाद और समानता लाने का उस दिशा में यह विधेयक एक जबरदस्त कदम है। इसमें एकाध महिलाओं की बात नहीं है, हमारे देश में 26 करोड़ महिलाये, है, आज उन सभी के उद्धार की बात है। मैं नहीं समझता जब प्रशासनिक क्षेत्र में महिलाओं और पुरुषों में किसी तरह का विभेद नहीं रखा जाता तो खेत में और फैक्टरी में काम करने वाली महिलाओं के साथ बतन देने में यह विभेद कहा से उत्पन्न हुआ और क्यों उत्पन्न हुआ-मेरे पाम इसका कोई नवाब नहीं है। जो विधेयक आया है उस पर मैं अपनी प्रसन्नता व्यक्त करता हूँ और सरकार को धन्यवाद देता हूँ कि देर से ही सही लेकिन वह उस विधेयक को यहाँ पर लाई।

साथ ही मैं इस विधेयक की धाराओं की कुछ त्रुटियों की भी चर्चा करना चाहूँगा मैं चाहूँगा मन्त्री जी ध्यान से सुने और यदि हो सके तो उनको सशोधित करने का प्रयास करे। धारा (10) में यह प्रावधान है कि यदि नियोजक गल्ती करे तो उन पर एक हजार से पाच हजार तक का जुर्माना हो सकता है लेकिन मेरी समझ में यह पर्याप्त नहीं है। मेरी राय में अगर वह गल्ती करें तो कम से कम पाच हजार जुर्माना और तीन वर्ष की सजा उनको मिलनी चाहिए। यह मेरा आपको सुझाव है। सविधान की धारा 15 इस सम्बन्ध में बहुत स्पष्ट है कि लिंग के आधार पर पारिश्रमिक देने में किसी तरह का कोई विभेद नहीं किया जायेगा।

इसी प्रकार धारा 39 में स्टेट को आदेश देने का पूर्ण अधिकार दिया गया है कि एक समान काम करने वाले पुरुषों और महिलाओं को समान बतन दिया जाये। अगर कोई नहीं देना है तो वह दोष का भागी होगा। इस अवसर पर मैं श्री राजा राम माहन राय का नाम नहीं भूला सकता, वे इस एक जबरदस्त स्पासर करने वाले थे और जब तक भी वे जीवित रहे बराबर प्रयास करने रहे कि पुरुषों और महिलाओं में किसी तरह का भेद न रहे, दोनों को समान में एक समान सम्मान और अधिकार मिले। आज के दिन उनको बड़ी खुशी होती, आज उनकी आत्मा को खुशी पहुँची होगी। हमारे देवता भी आज प्रसन्न होंगे। हमारे स्वर्गीय नेता भी आज मुस्कराते होंगे कि 27 वर्षों बाद ही सही, लेकिन आज महिलाओं के साथ इन्साफ किया जा रहा है।

श्रीमन् मुझे एक डर भी है। यह विधेयक यकायक नहीं आया है, पहले इसके लिए आर्डिनेंस निकाला था। इसलिये मुझे डर है नियोजकों ने पहले ही छटनी शुरू कर दी होगी। किसी बहाने से नोकरी से हटा दिया

होगा। इसलिए मैं चाहता हूँ आप पूरी तरह से इस बात की व्यवस्था कर लें कि किसी तरह की कोई छटनी और गड़बड़ी न होने पाये तभी हमारा यह विधेयक पूरी तरह से सकल हो सकता है।

श्रीमन् इस विधेयक में सलाहकार समिति बनाने की भी व्यवस्था है।

श्रीमन् इस में व्यवस्था है कि एक सलाहकार समिति बनेगी। यह समिति केवल सलाह देने वाली होगी, काम करने वाली समिति नहीं होगी। इसमें यह भी व्यवस्था है कि इस समिति में 50 प्रतिशत स्त्रियाँ होंगी—इस व्यवस्था को मैं ठीक समझता हूँ, इस तरह से वे अपना प्रतिनिधत्व स्वयं कर सकेंगी और उचित इन्सफ होगा, उचित विचार होगा और सरकार को उचित सलाह भी दी जायेगी।

नियोजक गल्ती न करें—इस के लिये हम में निरीक्षकों की नियुक्ति की व्यवस्था की गई है। इस सम्बन्ध में मेरा आप से आग्रह है कि निरीक्षकों की नियुक्ति के बजाय निरीक्षिकाओं की नियुक्ति की व्यवस्था की जाय तो ज्यादा अच्छा होगा, क्योंकि वे अपने मामले का देखभाल स्वयं ज्यादा अच्छी तरह से कर सकेंगी और उन की माँगों को सरकार के सामने पहुँचा सकेंगी।

आप को याद होगा—पहले एक गुहा कमेटी का निर्माण हुआ था, उस की रिपोर्ट बहुत दिल-दहला देने वाली है। उस के मूल्यांकन के अनुसार स्त्रियों और पुरुषों की बहाली में स्त्रियों की संख्या में काफी हास हुआ है। महिलाओं को कम संख्या में नियुक्त किया गया है—मैं चाहता हूँ कि सरकार इस का पता लगाये और शीघ्र कार्यवाही करें।

धारा 11 में कम्पनी द्वारा अपराध किये जाने की स्थिति में क्या दण्ड दिया जायेगा,

इस का कोई व्यवस्था नहीं है, केवल इतना ही कहा गया है कि वह दण्डनीय है। मैं चाहता हूँ कि इस को स्पष्ट किया जाय कि उस स्थिति में कितने रुपये और कितने दिनों की सजा दी जायेगी। मैं यह भी चाहता हूँ कि इस समस्या के समाधान के लिये एक शक्तिशाली कमेटी बनाई जाय जो समस्या की देखभाल और जांच करती रहे तथा इस विधेयक के नियम और शर्तों का अक्षरशः पालन हो।

इन शर्तों के साथ मैं इस विधेयक का फिर स्वागत और समर्थन करता हूँ और आप को एक बार फिर धन्यवाद देता हूँ।

SHRI K. MAYATHEVAR (Dindigul): Mr. Deputy-Speaker, I support the Bill partly and oppose it partly. I am extending support to the extent of 50 per cent, and 50 per cent I oppose it. When the Britishers left India, they divided India into two—Pakistan and India. My opinion is, Mr. Reddy you have divided women into two different sectors—rural women and the urban women; in other words I may say Industrial either by the British Government or women and the Rural Agricultural women including women in plantations.

My learned friends from C.P.I. and some other hon. Members including Shri M. Kathamuthu have moved certain amendments. I suggest the hon. Minister through you to include these amendments.

MR. DEPUTY-SPEAKER: This is a good point to conclude your speech with.

SHRI K. MAYATHEVAR: I have just now started.

We are celebrating the International Women's Year. We are happy to say that our hon. Prime Minister is the most influential lady, the most influential statesman in the world in the

[Shri K Mayathevar]

later part of the 20th Century The 20-point programme propounded by the hon. Prime Minister has to be implemented effectively in the length and breadth of India without distinction between the industrial and agricultural workers. Article 14 of the Constitution grants equality for all. Articles 15 and 16 do not allow us discriminate against any person even on the basis of sex

MR. DEPUTY-SPEAKER We do not discriminate, but nature does

SHRI K. MAYATHEVAR In this Bill we are discriminating even natural law, natural justice and common law.

May I request the Government again and again to protect the interests of the rural working class in India. We all know that India's vital economy is the rural economy 75 per cent of the rural working women have been neglected. They have not been given protection in this Bill. Protection is being given to 20 per cent of the working class in the urban/town areas. The rural women are not having any unions to fight for their rights. There are no parties to safeguard their interests, no leader, no unions, no associations to protect their interests. They are with no protection either by the British Government or by this Government. In the 20-point programme the rural people should be helped in this regard. The amendment should be accepted into and thus must extend to workers of plantations, agricultural, bidi workers etc as submitted by some hon. Members of the House. This Bill will have meaning only if we extend it to rural women working in the agricultural field etc. This Bill says, this extend to the whole of India. But I feel that it does not apply to rural India. Unless it applies to rural India it will have meaning. Therefore, I say: Don't

break the backbone of the rural economy, rural working-class women. You should safeguard the rural working class people who have suffered from time immemorial. Only if we extend it to rural class can we call it as Equal Remuneration Bill; otherwise it won't be called as Equal Remuneration Bill but it will be a bill of discrimination. I request Minister to accept the amendment given by my hon. friend from CPI Shri Kathamuthu and others and safeguard the interests of the rural women.

सरदार स्वर्ण सिंह लोधी (जमशेदपुर)

उपाध्यक्ष महोदय, मैं प्रस्तुत विधेयक का स्वागत करता हूँ। मुझे उम्मीद है कि हमारे मिनिस्टर साहब जो मैं सुझाव दूँगा उन पर ध्यान देने और विचार कर के उन पर धमल करेंगे। हमारे जमशेदपुर में जो फैक्ट्रीज हैं उन में अदमी और औरत दोनों काम करते हैं एक को कुली और दूसरे को रेजा कहा जाता है, लेकिन उन को बराबरी का पैसा नहीं मिलता है। माइन्स में भी बराबरी का पैसा नहीं मिलता। चाइना क्ले माइन्स, फायर क्ले माइन्स जो बिहार और उड़ीसा में हैं, उन में बराबरी के पैसे नहीं मिलते हैं। आइनेस निकलने के बाद भी मालिक उन को बराबरी के पैसे नहीं देते हैं। जो बड़े-बड़े बिजनेसमैन हैं, जो यहाँ दोनों हाउसेज में भी हैं, जिन का यही काम है कि अपना इन्टरेस्ट सेफ करने के लिये यहाँ एम० पी० बन कर आये हुए हैं, उनके यहाँ भी बराबरी के पैसे नहीं मिलते हैं। आप को देखना चाहिये कि ऐसे कौन-कौन आदमी हैं।

इसी तरह जो आप के लेबर कमिश्नर्स हैं वह भी बिल्कुल ध्यान नहीं देते हैं। मैंने कई दफ्ता सिंहभूमि के लेबर कमिश्नर वालों को कहा कि बराबरी का पैसा दिलाओ, लेकिन कोई उस तरफ ध्यान नहीं देता। घनबाद से कोई देखने जाता तक नहीं। आप जो रजिस्टर, वे रोल्स और मस्टर रोल्स

लेके करेगे उन को जरा ध्यान से नक करना होगा क्यों कि होता यह है कि जो अनपढ़ अनीस अनस्किल्ड लेबर हैं उन से रुक जगह पर धतन कराते हैं और अपनी तरफ से तनबह की रकम भर ली जाती है। इस तरफ आम को ध्यात देना होगा।

जो एडवाइजरी कमेटीज बनेगी उन में कम से कम बराबर का नम्बर औरतों को होना चाहिये। इसी तरह से क्लाज (7) में नियुक्त अधिकारी इम्पाशियली जो डिसाइड करना हो वह करें, किसी की तरफदारी न करें। यहां तक देखा गया है कि जितने सरकारी विभाग हैं उन में भी जो स्किल्ड और अनस्किल्ड लेबर ऐम्प्लाय करते हैं उन को बराबरी का पैसा नहीं देते हैं। तो यह भी आप को सोचना होगा। यह कह देने से काम नहीं चलेगा कि यह स्टेट का मामला है। आप इस को देखिये। लेबर कमिश्नर किस लिए वहां रहता है। उन को देखना चाहिए और खाली कुर्मी नहीं तोडनी चाहिए दफ्तरों में बैठ कर।

यह जो फाईन का प्रोविजन आप ने इम मे रखा है यह ठीक है लेकिन इस के साथ ही साथ मैं यह भी चाहूंगा कि कुछ इस को इस माइने में कठोर करना चाहिए कि कम्पनी के जो डाइरेक्टर है या जो बड़े-बड़े मालिक हैं, वे अगर इन कानून को ठोक तरह से लागू नहीं करते हैं ता उन को 6 महीने या एक साल की सजा मिलनी चाहिए। इभ के वास्ते रीगरस इम्प्रिजनमेंट होना चाहिए। जब उन की हड्डिया पर चोट खेगी तब उन को कुछ समय में आएगा। मैं आप को बतला दू कि आप का जो लेबर डिपार्टमेंट चल रहा है वह बहुत ढीला चल रहा है और खाल्य बड़ी बड़ी फैक्ट्रियो पर ही ध्यान होता है और दूसरे जो लोग हैं उन की तरफ ध्यान नहीं है। आप मेहरबानों

कर के इस को देखिये कि क्या कम हो रहा है। अभी कल ही सिहरेनी, खान में एक एम्प्लीई हुआ है, जिस में 5 आदमी भरे हैं। आप का डिपार्टमेंट बहुत ढीला चल रहा है। इसलिए, इस तरफ आप को ध्यान देना चाहिए।

एक बात और मुझे कहनी है और वह यह है, कि इस में मैं और बीमन की बात तो है लेकिन एक क्लास और रह जाती है जो कि न आदमी है और न औरत, और उन को हिजड़ा कहा जाता है।

MR. DEPUTY-SPEAKER: They have the best of both parts of the world!

सरदार स्वर्णसिंह सोखी : बहुत सारी फैक्ट्रियों में ये लोग काम करते हैं। जमशेदपुर की फैक्ट्रियों में यह लोग काफ़ी संख्या में काम करते हैं। उन को कितना पैसा मिलेगा, यह इस में कहीं नहीं लिखा है। आदमियों और औरतों को बराबर बराबर वैज् मिलेंगे, इस का प्रोविजन इस में किया गया है लेकिन उन लोगों का जिन्हें इस में नहीं है। करोड़ों आदमी ऐसे हिन्दुस्तान में हैं।

उपाध्यक्ष महोदय : अब समाप्त करिये।

सरदार स्वर्णसिंह सोखी : मैं अभी समाप्त कर रहा हूँ।

दूसरी बात यह है कि यह जो क्लाज 12 है इस में आफसेज में कागनीजेंस लेने की बात की गई है, इभ को गवर्नमेंट का अफ़र ही करेगा और एडमिनिस्ट्रेटर करेगा और इम तरह से व्योरोकेसी जो बड़े लोग हैं उन के हक में फैसला लेगी। वे बड़े आदमियों को छोड़ देंगे और छोटे लोगों को पकड़ लेंगे। य सब मैं प्रैक्टिकल बातें बतला रहा हूँ।

[सरदार स्वर्णसिंह सोखी]

अगली बात मैं रिटायरमेंट के बारे में कहना चाहता हूँ। रिटायर ऐज महिलाओं और पुरुषों के लिए बराबर बराबर होगी या उन में कोई फर्क होगा। इस के ऊपर भी आप को ध्यान देना चाहिए।

इन शब्दों के साथ मैं बिल का स्वागत करता हूँ और अपनी स्पीच खत्म करता हूँ।

श्री रामकृष्णार (टॉक): उपाध्यक्ष महोदय, श्रम मंत्री जी स्त्री और पुरुष को समान वेतन देने का जो बिल सदन के सामने लाए हैं, मैं उस का स्वागत करता हूँ, लेकिन इस में काफ़ी खामियां इन्होंने रख दी हैं।

पहली बात तो यह है कि इस में इन्होंने यह नहीं बनाया है कि जन्म के वक़्त स्त्री को कितने दिन की छुट्टी दी जाएगी और उस का कितना वेतन उस को दिया जाएगा।

दूसरी बात यह है कि मंत्री जी ने अपने विधेयक में जो महिलाएं नौकरी करती हैं, उन के बारे में प्रावधान किया है लेकिन हिन्दुस्तान में और दूसरी महिलाएं भी हैं, जिन की संख्या पुरुषों के बराबर या उन से अधिक हो सकती है और जो खेतों में काम करती हैं उन पर इस को लागू किया जा सकेगा या नहीं, यह पता नहीं चलता है। इस के अलावा हमारे भारत में ऐसे बहुत से लोग हैं जो चलते-फिरते रहते हैं और उन में जो स्त्रियां मजदूरी का काम करती हैं उन को बहुत थोड़ा वेतन मिलता है। आप यह देखिये कि जो स्त्रियां बिल्डिंगों के बनाने में काम करती हैं, उन को आदमियों के मुकाबले में कम वेतन मिलता है। मैं श्रम मंत्री जी का ध्यान इस और आकर्षित करना चाहता हूँ कि वे इन की तरफ विशेष ध्यान दें और मैं ने सदन में कई दफ़ा बिल्डिंगों पर जो काम करने वाले मजदूर हैं उन की तरफ सरकार का ध्यान आकर्षित किया है। प्रधान मंत्री जी का और सरकार का जो

बीस सूची कार्यक्रम है वह ऐसे लोगों पर विशेषकर लागू होना चाहिये जिन के पास कोई सम्पत्ति नहीं है, न ज़मीन है, न रहने के लिए मकान है। ऐसे लोगों की तरफ सरकार का विशेष ध्यान जाना चाहिये।

आपने पहले भी बड़े अच्छे अच्छे कानून बना रखे हैं। लेकिन उन पर कभी अमल नहीं हुआ है। इसलिए मैं चाहता हूँ कि यह जो बिल है इस पर अमल होना चाहिये, इसको कार्यान्वित करने पर विशेष ध्यान दिया जाना चाहिये। आपको महिलाओं को ट्रेनिंग दे कर उनको नौकरी के काबिल भी बनाना चाहिये।

मैंने देखा है कि दफ़्तरों में जहाँ बीस बाबू काम करते हैं, उन में एक-दो महिलाएं होती हैं जो काम करती हैं। उनके लिए वहाँ काम करना बड़ा कठिन होता है। इस वास्ते कोई भी डिपार्टमेंट ऐसा न हो जिस में पचास प्रतिशत से कम महिलाएं न हों या फिर आप महिलाओं के लिए कोई ऐसा डिपार्टमेंट बना दें जिन में केवल महिलाएं ही काम करें। महिलाओं की मजोरिटी होगी तो वे शान्ति से आपना काम कर सकेंगी।

सोखी साहब ने लेबर इंस्पेक्टरों की बात कही है। वह बिल्कुल सच बात है। मैं भी पंजाब बिल्डिंग मजदूर यूनियन का दस साल तक प्रधान रहा हूँ।

लेबर इंस्पेक्टर ठेकेदारों से मिल कर पैसे खा जाते हैं और मजदूरों को ठीक तनख्वाह भी नहीं मिलती है। सैकड़ों इस तरह के केसिस होते हैं। लेबर इंस्पेक्टरों से मिल कर लेबर का गला घोंटा जाता है। यह नहीं होना चाहिये। मैंने आपके डिपार्टमेंट में कितनी ही एप्लीकेशंस खुद इसके बारे में दी हैं लेकिन कोई एकशन नहीं हुआ है। इस तरह की चीजों की तरफ भी आपका ध्यान जाना चाहिये।

अन्त में मैं इतना ही कहना चाहता हूँ कि जिन वफ़र में बीस बाबू हों तो उन में से कम से कम आठ दस महिलाएँ जरूर हों, ऐसा न हो कि एक दो महिलाएँ हों और बीस बाबू हों। इतना ही सुझाव मैं देना चाहता हूँ।

श्री राम सिंह भाई (टूटी) मैं इस बिल का हृदय में समर्थन करता हूँ। यह इतना अच्छा बिल है कि इस बार में भी अग्रणी आलोचना की जाती है तो यह हमारा दुर्भाग्य ही होगा। लेकिन कुछ बातें हैं जिन को और मैं मंत्री महादय का ध्यान दिलाना चाहता हूँ। इन बातों का अग्रणी टम में शामिल नहीं किया जाता है तो महिलाओं का साथ जो न्याय करने की बात है वह नहीं हो सकेगा।

पहली बात यह है कि हमारे देश में अधिकांश महिलाएँ कृषि में काम करती हैं देहातों में काम करती हैं और व पुरुषों में अधिक काम करती हैं, टाइम भी देती हैं काम भी भारी करती हैं, बराबर भी करती हैं लेकिन उनको इस कानून में शामिल नहीं किया गया है। इसी प्रकार में कस्टमन वर्कर्स में अधिकांश महिलाएँ होती हैं। वे भी पुरुषों में अधिक काम करती हैं और महिलाओं का काम करती हैं। उनको भी इस में शामिल नहीं किया गया है। यहाँ पर महिलाएँ पुरुषों से कम नहीं होती हैं। मेरा निवेदन है कि जब हम न्याय करने लगे हैं तो इस तरह का पक्षपात भी नहीं होना चाहिये।

आपने इस अमल के बारे में यह रखा है कि इसे अमल में लाने में तीन साल में अधिक का समय नहीं लगेगा। एक दशक भी आप रख सकते हैं किन्तु बिल का मकसद क्या है? सब बात तो यह है कि आर्डिनेंस के साथ ही इस पर अमल हो गया है ऐसा माना जाना चाहिये था। आपने जैसा रखा

है इसके परिणाम बहुत भयंकर होंगे। आपने चोंगे के लिए दरवाज़े तो बन्द कर दिए हैं लेकिन खिड़कियाँ खुली रखी हैं। मैं प्रैक्टिकल आदमी हूँ। किताब पढ़ कर नहीं बोल रहा हूँ। वहाँ काम करने अनुभव में बोल रहा हूँ। आपने मैट्रिनिटी बेंचिफिट एक्ट बनाया। जब वह अमल में आया तो आपने सुधार भी उस में किया। महिलाओं के लिए आपने यह किया कि जल्दा के पहले और बाद उसको सबैतिक फ़ुट्री मिलेगी, वाग़खाने में बच्चों के लिए पालना घर रखा जाएगा, उनके लिए आया रखी जाएगी बच्चों को दूध बन्द कर दिया जायेगा बच्चों को माफ़ गुथरा रखा जाएगा। इसका नतीजा यह हुआ कि वाग़खाने में महिलाएँ ही नहीं रहतीं। टैक्स-टोटल इन्स्ट्रुमेंट्स में एक-निहाई महिलाएँ थी, आज वह वहाँ दिखाई ही नहीं दे रही हैं। केवल उस जगह महिलाएँ हैं जहाँ पुरुष काम करना पसंद नहीं करते। मैंने महिलाओं को मशीनों पर काम करने देखा था, लेकिन आज टैक्स-टोटल इन्स्ट्रुमेंट्स में महिलाएँ केवल गोलिंग डिपार्टमेंट में ही मिलेंगी, जहाँ पर शोध में गोल चलती हैं।

मैं निवेदन करना चाहता हूँ कि इस कानून का फ़ारन अमल होना चाहिये। 3 बरस में तो महिलाएँ किसी नौकरी में दिखाई ही नहीं देंगी। मैं समझता हूँ कि इस बारे में इतनी कमेटियों की भी कोई जरूरत नहीं है। हर एक्ट में एम्पलायी की परिभाषा में कहा जाये कि महिला और पुरुष का भेद नहीं होना चाहिये। वेतन व्यक्ति का नहीं होना है, वेतन काम का होता है, स्किल का होता है। स्किलड वर्कर हार्डिंग, स्किलड वर्कर, सेमी-स्किलड वर्कर अत-स्किलड वर्कर यह तथ्य होना चाहिये कि उस काम का वेतन क्या हो और उस पर जो भी काम करेगा, उसको वह वेतन मिलेगा।

लेबर कमिश्नर पर आरोप लगाया गया है, वह तो है ही लेकिन इस बारे में ज्यादा

[श्री राम सिंह भाई]

जवाबदारी ट्रेड-यूनियनों की है। लेकिन वह भी एम्प्लायर की एजेंट बन जाती है। आखिर सरकार ट्रेड यूनियनों को मान्यता और सहूलियत क्यों देती है? मैं समझता हूँ कि इस कानून की कार्यान्वित करने की जिम्मेदारी केवल सरकारी अधिकारियों पर नहीं छोड़ी जानी चाहिये।

जहाँ तक महिलाओं पर अन्याय करने की बात है ऐसा नहीं है। मैं आदर के साथ कहना चाहता हूँ कि राज्य सरकार अथवा केन्द्रीय सरकार में हरेक डिपार्टमेंट में हम देखते हैं कि अब महालाओं की संख्या बढ़ती जा रही है, जब कि पहले वहाँ महिलाएँ दिखाई नहीं देती थी, और उनमें वेतन-भेद नहीं है। हम बड़े भाग्यशाली हैं कि हमारी प्राइम मिनिस्टर भी महिला हैं और हम जिस पार्टी के सदस्य हैं उसकी दो जनरल सेक्रेटरी भी महिलाएँ ही हैं। भारत तो वह देश है, जो शुरू में ही महिलाओं को सम्मान देना चाहा है। जहाँ तक राजनीति का सम्बन्ध है, जैसा कि मैंने कहा है, हमारी प्राइम मिनिस्टर भी महिला हैं।

धार्मिक, परम्परा और आदर्श की दृष्टि से हमारे देश में सदा महिलाओं को सम्मान दिया जाता रहा है और हम पुरुष के पहले महिलाओं को आगे रखते हैं पहले सीता कहते हैं, फिर राम कहते हैं, पहले राधा कहते हैं फिर कृष्ण कहते हैं और पहले गौरी कहते हैं और फिर महादेव कहते हैं। इसी तरह से पहले हम भारत माता की जय का नारा लगाते हैं और फिर किसी पुरुष की जय-जय काग करते हैं।

इस बिल में यह संशोधन अत्यन्त किया जाये कि छवि और कस्ट्रक्शन वर्कर्स को भी इसमें इन्क्लूड किया जाये और इस बिल पर तत्काल अमल कराया जाये।

*SHRIMATI BHARGAVI THAN-KAPPAN (Adoor); Sir, I support this Bill. But I do not know whether there is any provision in this Bill to bring the workers in the agricultural sector within its purview. I hope the hon. Minister will clarify the position when he will reply to the debate. Sir, I am really pained to see that the Government has taken 27 long years to realise the fact that women workers who are working in farms, factories plantations etc. are not getting equal wage for equal work. We have declared 1975 as the International Women Year. I really wonder whether this Government would ever have cared to think about the problems of thousands of women workers if the decision to celebrate 1975 as the International Women Year was not taken and if the various women's organisations had not urged the Government to solve some of the burning problems of the women workers. Of course it is a very welcome measure. The Minister deserves to be congratulated for bringing forward this measure. But Sir, I doubt very much whether at the stage of implementation the same amount of zeal will be displayed by the Government. The reason is that although the entire working class has supported this measure the employers I am sure, will try all that they can to subvert it. For example, in the cashew industry a large number of women workers were retrenched when the law was passed to provide maternity benefit to them, since the employers did not want to give this benefit. Not only that the employers will try not to recruit sufficient number of women workers in future only because of this reason that they should be paid equally. Similarly, the women workers working in tea plantations, coffee plantations, bidi and match industries are not even getting half as much as the male workers are getting. The

Bill itself says that the Government will require some time to collect the relevant data before implementation of the Bill. I would like to ask the Government whether there was not time enough to do this work since the promulgation of the ordinance. Three years are too long a period. This gives rise to a suspicion in my mind that this Bill will not be implemented with the zeal with which it should be done. I hope that the Government will implement it immediately after the passing of this Act with all vigour.

There is a provision in this Bill for the setting up of Advisory Committee. It provides for the inclusion of women in it. My opinion in this connection is that women workers representing various trade unions should be included in the Committee. I would also suggest that some arrangements should be made by which the progress of the implementation of this Bill can be reviewed after every three months or one year and the State Governments and Central Government can be apprised of the results. With these words I conclude.

श्री मून चन्द डागा (पाली) : उपाध्यक्ष मजदूर, वंडल इस्टीमेट आफ रिमार्स एंड ट्रेनिंग इन पब्लिक को-ऑपरेशन द्वारा 1975 में प्रकाशित एक किताब 'विमेन इन इंडिया' में कहा गया है :

"In every case women labourers who are working in farm or plantations are getting lower wages than men; it ranged from 10 to 60 per cent....In the Mysore villages a male agricultural labourer received Rs. 1.45 to Rs. 1.86 as daily wages while the women in the same villages received Rs. 0.59 and 0.95 respectively."

'This particu'ar books says:

"According to the 1971 census report 28 per cent of the total num-

ber of women workers were reported as cultivators and another 46 per cent as agricultural labour. Hence they form 74 per cent of the total working population of women".

यह कानून बहुत थोड़े हिस्से पर लागू होगा।
उस में कहा गया है :

"'employer' has the meaning assigned to it in clause (f) of section 2 of the Payment of Gratuity Act, 1972".

You have confined yourself to this, that is only where payment of gratuity is applicable this law will be applicable.

इस बिल में कहा गया है कि एडवाइजरी कमेटी में पांच औरतें और पांच आदमी होंगे। उस में कम से कम औरतों की मौज-रिटी होनी चाहिए। आखिर इस एडवाइजरी कमेटी का परपत्र क्या है ?

You can very well ignore the advice of the advisory committee; it is of no use.

You can very easily ignore the advice of the Advisory Committee. We do not know the composition of the Advisory Committee and what will be the function of that Committee. We do not know how it will function and who will become the members of that Committee. Nothing is known. Another point is that every complaint or claim referred to in sub-section (1) shall be made in such manner as may be prescribed. Then only a man or woman can submit his or her complaint. For this purpose, they will have to go and ask them again. But you can say that nobody can make a complaint. The court will take no cognisance of this.

So, a man or woman whoever wants to make a complaint before the court, he or she will have to obtain the sanction of the proper authority. He

[श्री मूल बन्द डगा]

or she cannot go to court direct but he or she will have to obtain sanction before approaching the court. It is not very helpful. It is a very long and tedious procedure. Moreover, it will take a year or two for the court to take a decision.

बहुत सी बड़ी बड़ी महिलाएं और औरते काम होती होगी कि बहुत बड़ा काम हो गया है और मैं भी उन को मुबारकवाद देता हूँ कि बहुत बड़ा काम हो गया है। लेकिन यह काम बहुत छोटे दायरे में हुआ है और यह दो परसेंट बीमेन पर ही लागू होगा, यह मैं कहना चाहता हूँ।

SHRI RAGHUNATHA REDDY: Sir, I am extremely thankful to the hon. Members who participated in the debate on the various provisions of this Bill. I would like to draw the attention of the House to the fact that the Labour Ministers' Conference had already taken a decision to apply the provisions of this Bill to all the occupations governed under the Schedule of the Minimum Wages Act. The minimum wages act deals with agriculture. That is why the provisions of this Bill would also be made applicable as soon as we hear from the various State Governments with regard to this. I also assure the hon. House that the provisions of this Bill would be made applicable to agricultural occupations and agricultural establishments. If there is any legal difficulty that might arise, which the hon. Member seems to have in mind, certainly steps will be taken to remedy it. With regard to the Advisory Committee Shri Daga had given an advice and we have advisedly put that 50 per cent of the members of the Advisory Committee—at least 50 per cent—must be men.

(Interruptions)

SHRI M. C. DAGA: Why not majority of them or even 100 per cent?

SHRI RAGHUNATHA REDDY: Sir, it does not mean that even 100 per cent of the Committee members cannot be women, but we have put the minimum requirement which cannot be less than 50 per cent. It can be 100 per cent. There is no bar. If there is a bar, it can be removed.

With regard to the machinery, that is provided here, the idea is that even without resorting to courts, these matters must be settled on the spot. The Inspectors and the concerned authorities will have to deal with the situation. Further it is the trade unions which will have to take a lot of interest in this matter, in getting this provision implemented. A question has been raised as to why we have taken three years for this. I would state that the question is with regard to the implementation. The hon. Members know how difficult it is to get the various decisions under the Minimum Wages Act implemented in various establishments and Undertakings. One thing is to take a decision and another thing is to get the decisions implemented we should see that the machinery is available and the implementation process is speeded up. In such a case we can go ahead by extending all the provisions of this Act to various establishments, employments undertakings and occupations governed under the Minimum Wages Act and various other things. We have already issued notifications extending the provisions of the Ordinance to plantations, local authorities, Central and State Governments, hospitals, nursing homes, dispensaries, etc. We have put three years only by way of abundant caution; may be within one year the provisions of the Bill will be applied to all the establishments and undertakings.

15 hrs.

While some other advanced countries have not given the the right to

women to vote—it is not ancient history—as soon as we became independent, we gave equal rights to women in all political matters. It is our duty to extend the equality before the law not merely in form but in substance. Therefore, this Bill has been brought forward in accordance with the provisions of the Constitution and ILO conventions.

An hon. Member asked why maternity benefit is not mentioned in this Bill. There cannot be any question of maternity benefits being given equally to men and women. Some Scandinavian countries may provide maternity benefits for man also. But this Bill is limited only to equal remuneration. I hope the hon. member would pardon me.

I am extremely thankful to hon. members who have participated in the discussion. It is a non-controversial Bill and I hope hon. members will withdraw their amendments and allow it to be passed.

MR. DEPUTY-SPEAKER: 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 incidental thereto, as passed by Rajya Sabha, be taken into consideration.”

The motion was adopted.

MR. DEPUTY-SPEAKER: We shall now take up clause-by-clause consideration. There is a formidable array of amendment. Anyway, I will go through them. Clause 2.

Clause 2— (Definitions)

SHRI M. KATHAMUTHU: I move amendments Nos. 12 and 13.

SHRIMATI ROZA DESHPANDE: I am moving all my amendments.

MR. DEPUTY-SPEAKER: You need move only amendment No. 29. Amendments Nos. 30, and 31 are the same as 12 and 13 already moved.

SHRIMATI BHARGAVI THANKAPPAN: I move my amendments Nos. 35, 36 and 37.

SHRI M. KATHAMUTHU (Nagapattinam): I beg to move:

Page 2, line 7,—

add at the end—

“and also includes any landlord or land owner employing agricultural worker on his land” (12)

Page 2, line 27,—

add at the end—

“and also includes a worker employed in agriculture” (13)

SHRIMATI ROZA DESHPANDE: I beg to move:

Page 2, line 1,—

after “other employment”

insert “including employment in all spheres of agriculture” (29)

SHRIMATI BHARGAVI THANKAPPAN: I beg to move:

Page 2, line 7,—

add at the end,—

“and also includes any landlord or land owner employing agricultural labourer on his land.” (35).

Page 2, line 26,—

after “a worker” insert,—

“in the agricultural sector” (36)

Page 2, line 26,—

after “a worker” insert,—

“in the agricultural sector, or” (37)

SHRI M. KATHAMUTHU: In this Bill, the women workers in the agricultural sector have been completely left out. Agriculture remains the major activity of women in our country. According to the 1971 census, 80 per cent of women workers are found in agriculture.

MR. DEPUTY-SPEAKER: That point was made by other speakers also.

SHRI M. KATHAMUTHU: The minister said that this Act can be applied to the agricultural sector.

SHRI RAGHUNATHA REDDY: We are issuing a notification covering all items covered under the Minimum Wages Act. I hope hon. Members will not raise doubts about the legality of it.

SHRI M. KATHAMUTHU: According to the definition of 'employer', it is restricted. The definition of workers also is restricted. Unless the agricultural workers are included in this, a lot of difficulties will arise. So, I request the minister to accept my amendments.

SHRIMATI ROZA DESHPANDE: We want that the agricultural landless women workers should be protected by this Act. Secondly, about the definition of employer under Payment of Gratuity Act. It may not cover agricultural labour constructions workers too. It is not only plantations because that is already covered, but landless agricultural labourers should be covered.

***SHRIMATI BHARGAVI THAN-KAPPAN (Adoor):** When this law comes into force a large number of women workers are likely to be retrenched. For example, as I have already said when the Maternity Benefit Act came into force, just because the facilities had to be extended to them many women workers in the

cashew factories were retrenched. Therefore, it is quite likely that the clever employers will throw the women workers out of job on a plarge scale since they do not want to give them this benefit. Therefore it is very essential to make some provision to prevent such a situation.

SHRI RAGHUNATHA REDDY: With regard to the specific case of retrenchment, etc. I have already introduced a legislation on the 28th of this month in the other House, to prevent retrenchment, lay-offs, and closures. If the Hon. Members pass the Bills immediately, we may have time to pass that also.

MR. DEPUTY-SPEAKER: Now, I will put all amendments on clause 2 to the vote of the House.

Amendments Nos 12, 13, 29, 35, 36 and 37 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 4— (*Duty of employer to pay equal remuneration to men and women workers for same work or work of a similar nature.*)

MR. DEPUTY-SPEAKER: On clause 4, there is an amendment by Shri Mohammad Ismail, Shri Birendra Dutta and Shrimati Bibha Ghosh Goswami.

SHRI BIREN DUTTA (Tripura West): I beg to move:

Page 2, line 45,—

add at the end—

"and increase the existing workload on the women workers

in the name of equalising the work" (2)

My fear is that in the name of equalising the work, the employer may increase the existing workload on the women workers and that is why we have given this amendment. He should also be prevented from resorting to retrenchments.

SHRI RAGHUNATHA REDDY: About retrenchment, I have already said that the legislation has already been introduced in the other House.

MR. DEPUTY-SPEAKER: Now, I will put the amendment to the vote of the House.

Amendment No 2 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 4 stand part of Bill".

The Motion was adopted.

Clause 4 was added to the Bill

Clause 5 was added to the Bill.

Clause 5A (New)

MR. DEPUTY-SPEAKER: Now, there are three amendments given notice of by Shri Mohammad Ismail, Shri Ramavtar Shastri and Shrimati Bhargavi Thankappan. They seek to add a new clause to the Bill.

SHRI MOHAMMAD ISMAIL (Barackpore): I beg to move:

Page 3,—

after line 19, insert—

"5A. On and from the commencement of this Act, no employer shall retrench, dismiss or victimise in any manner women workers in order not to implement the provisions of the Act under any pretext." (3)

SHRIMATI BHARGAVI THANKAPPAN: I beg to move:

Page 3,— *after line 19, insert,—*

"5A. On and from the commencement of this Act, no employer shall victimise in any manner, retrench or dismiss women workers in order not to implement the provisions of the Act under any pretext." (38)

MR. DEPUTY-SPEAKER: I shall now put amendments Nos. 3 and 38 to the vote of the House.

Amendments Nos. 3 and 38 were put and negatived.

Clause 6— (Advisory Committee)

MR. DEPUTY-SPEAKER: We now come to clause 6.

SHRI BIREN DUTTA: I beg to move:

Page 3, line 27.—

add at the end—

"representing women workers".
(4)

SHRIMATI ROZA DESHPANDE: I beg to move:

Page 3,—

after line 24, insert—

"(1A) The Advisory Committee shall review time to time the progress regarding the implementation of this Act and make recommendations to the appropriate Government." (14)

Page 3, lines 26 and 27.—

for "one-half" substitute "six"
(15)

Page 3, line 27,—

add at the end—

"and three of these women shall be representatives of women workers."

[Shrimati Roza Deshpande]
contd.

women nominated by the Central
Trade Unions" (16)

Page 3,—

after line 33 insert,—

"(3A). The Advisory Committee shall take appropriate measures for ensuring a minimum of twenty-five per cent employment to women in all spheres of work except where the employment of women in such work is prohibited or restricted by or under any law for the time being in force." (32)

SHRIMATI BHARGAVI THANK-
APPAN: I beg to move:

Page 3,—

after line 27 insert,—

"(2A). The Advisory Committee shall be entrusted with the work of reviewing the progress made from time to time regarding the implementation of the Act and to make recommendations to the Governments concerned." (39).

MR. DEPUTY-SPEAKER: Now, Shrimati Deshpande.

SHRIMATI ROZA DESHPANDE: My amendment was that on this Advisory Committee, there should be 6 women, minimum. Not 50 per cent, but I want six because we can then have a majority.

MR. DEPUTY-SPEAKER: Why do you want six? I have come across so many women who say that their interests are far safer in the hands of men than in the hands of their fellow women.

SHRIMATI ROZA DESHPANDE: I did not have such an experience. My second amendment is that the central trade union organization should be given representation on these committees. The decisions of this committee should not only be advisory;

they should be mandatory. Otherwise our advice will remain on the paper of this committee.

SHRI BIREN DUTTA: In the name of following the legislation, the employers follow a method. While they agree to pay the female workers equally they want to give them the same type of work as given to the men workers. This bill is creating another difficulty for the women workers; and it is giving a handle to the employer to retrench the female workers. So, the Minister must look into this and advise the labour officer to look into the attitude of the employers and see that they adopt the correct methods in dealing with women workers.

THE MINISTER OF LABOUR (SHRI RAGHUNATHA REDDY): I can assure the hon. Members that those selected to become the members of the advisory committees will effectively protect the interests of women. Though you have already given your advice, Sir, notwithstanding it.

MR. DEPUTY-SPEAKER: Not advice, but opinion; my opinion based on experience.

SHRI RAGHUNATHA REDDY: Even while respectfully differing from your opinion, Sir, we would provide not only equality but also majority for women in these advisory committees; but we cannot provide it in this manner, under the law. But the hon. Members can be absolutely certain that those persons who would effectively represent the interests of women and protect their interests would find a place in the advisory committees. The other question that has been raised is: why have the recommendations of the advisory committees not been made mandatory? The advisory committee can make certain recommendations; and it is not a mere, general advisory committee. An advisory committee can be there for the textile industry; it can be there for mines; that committee can be there for the sugar industry as also for various em-

ployments and occupations. People who have got special knowledge of these industries can be appointed as members of these advisory committees. What is contemplated is this. After the advisory committees tender their advice or make their recommendations, Government would examine them, give opportunities to the employers or whoever should be given an opportunity; and then the Government would give directions as to what is to be done, on the committee's advice. So, though at one stage it is recommendatory, at another stage it becomes mandatory.

SHRIMATI ROZA DESHPANDE: What about the suggestion that the Central trade unions should be represented there?

SHRI RAGHUNATHA REDDY: They are already there. They are going to be expanded.

SHRIMATI ROZA DESHPANDE: I am pressing for my amendment No. 16.

MR. DEPUTY-SPEAKER: I will now put amendment No. 16 to clause 6, moved by **SHRIMATI ROZA DESHPANDE**, to the vote of the House

Amendment No. 16 was put and negatived.

MR. DEPUTY-SPEAKER: I will now put the rest of the amendments to the vote of the House.

Amendments Nos. 4, 14, 15, 32 and 39 were put and negatived.

MR. DEPUTY-SPEAKER: 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 9 were added to the Bill.*

Clause 16 (Penalties)

SHRI MOHAMMAD ISMAIL: I beg to move:

Page 6, line 7,—

after "with" insert—

"rigorous imprisonment which may extend to (three years) and"
Page 6, line 7,

for "one" substitute "five" (6).
Page 6, line 19,—

after "with" insert—

"rigorous imprisonment which may extend to three years and"
(7)

Page 6, line 19,—

for "five" substitute "fifteen"
(8)

Page 6, line 23,—

after "with" insert—

"rigorous imprisonment which may extend to six months and"
(9)

Page 6, lines 23 and 24,—

for "five hundred" substitute "two thousand" (10)

SHRIMATI ROZA DESHPANDE: I beg to move:

Page 6, line 7,—

for "one" substitute "two" (17)

Page 6, line 8,—

add at the end—

"and imprisonment of not less than six months" (18)

Page 6, line 20,—

add at the end—

"and imprisonment of not less than one year" (19)

Page 6, lines 23 and 24,—

for "five hundred rupees" substitute "one thousand rupees"
(20)

SHRI BIREN DUTTA: My amendment is only to ensure that exemplary punishment is given, even if it is only one day. Now it does not happen when a crime is committed. That is why I have moved my amendment. I hope it will be accepted.

SHRI RAGHUNATHA REDDY: We are of the opinion that it has already been provided.

MR DEPUTY-SPEAKER: The question is:

Page 6, line 7,—

after "with" insert—

"rigorous imprisonment which may extend to one year and" (5)

The Lok Sabha divided:

Division No 14]

[15 21 hrs.

AYES

Bade, Shri R. V.
Banerjee, Shri S M
Bhargavi Thankappan, Shrimati
Bhattacharyya, Shri Dinen
Bhattacharyya, Shri S P
Chandrappan, Shri C. K.
Chowhan, Shri Bharat Singh
Deb, Shri Dasaratha
Deshpande, Shrimati Roza
Dutta, Shri Biren
Halder, Shri Krishna Chandra
Hazra, Shri Manoranjan
Joarder, Shri Dinesh
Kathamuthu, Shri M
Mavilankar, Shri P G.
Mehta, Shri P M.
Mohammad Ismail, Shri
Mohanty, Shri Surendra
Mukherjee, Shri Samar
*Panuli, Shri Paripoornanand
Parmar, Shri Bhajibhai
*Rao, Shri Jagannath

Saha, Shri Ajit Kumar
Saha, Shri Gadadhar
Sequeira, Shri Erasmo de
Singh, Shri D. N.
Yadav, Shri G. P.

NOES

Aga, Shri Syed Ahmed
Alagesan, Shri O V.
Ansari, Shri Ziaur Rahman
Austin, Dr. Henry
Balakrishnan, Shri K.
Barman, Shri R N.
Basappa, Shri K
Basumatari, Shri D
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Chikkalingaiah, Shri K
Dalbir Singh, Shri
Darbara Singh, Shri
Das, Shri Dharmidhar
Daschowdhury, Shri B. K.
Dhusia, Shri Anant Prasad
Dwivedi, Shri Nageshwar
Engti, Shri Biren
Gangadeb, Shri P
Gautam, Shri C D
Gavit, Shri T H.
Godara, Shri Mam Ram
Gogoi, Shri Tarun
Gomango, Shri Giridhar
Gopal, Shri K.
Gowda, Shri Pampan
Hanumanthaiya, Shri K.
Hari Singh, Shri
Jaffer Sharief, Shri C. K.
Joshi, Shrimati Subhadra
Kader, Shri S. A.
Kamble, Shri T. D.
Kinder Lal, Shri
Kureel, Shri B. N.

*Wrongly voted for AYES.

Mahajan, Shri Vikram
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Mandal, Shri Jagdish Narain
Maurya, Shri B. P.
Mayathevar, Shri K.
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Oran, Shri Tuna
Pandey, Shri Narsingh Narain
Parashar, Prof. Narain Chand
*Patel, Shri H. M.
Patel, Shri Natwarlal
Patil, Shri T. A.
Pradhani, Shri K.
Raghu Ramaiah, Shri K.
Rai Shrimati Sahodrabai
Rajdeo Singh, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri Rajagopala
Ray, Shrimati Maya
Reddi, Shri P. Antony
Reddy, Shri P. Ganga
Richhariya, Dr. Govind Das
Samanta, Shri S. C.
Sankata Prasad, Dr.
Sarkar, Shri Sakti Kumar
Satish Chandra, Shri
Savitri Shyam, Shrimati
Shankaranand, Shri B.
Sharma, Shri Nawal Kishore
Shastri, Shri Sheopujan
Shenoy, Shri P. R.
Shukla, Shri B. R.
Siddayya, Shri S. M.
Siddheshwar Prasad, Prof.
Stephen, Shri C. M.

Suryanarayana, Shri K.
Swamy, Shri Sidrameshwar
Swaran Singh, Shri
Unnikrishnaa, Shri K. P.
Verma, Shri Sukhdeo Prasad
Virbhadrā Singh, Shri
Yadav, Shri R. P.

MR. DEPUTY-SPEAKER: The result of the division is: Ayes—27; Noes—80.

The motion was negatived.

MR. DEPUTY-SPEAKER: I put the rest of the amendments to the House.

Amendments Nos. 6 to 10 and 17 to 20 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Clauses 11 to 18 were added to the Bill.

Clause 1—(Short title, extent and commencement)

SHRI MOHAMMAD ISMAIL: I beg to move:

Page

for lines 1 to 10, substitute—

"(3) It shall come into force immediately after passing of this Act." (1)

SHRIMATI ROZA DESHPANDE: I beg to move:

Page 1,—

for lines 7 to 10, substitute—

"(3) It shall come into force within six months after the enactment." (11)

*Wrongly voted for NOES.

†The following members also forded their votes:

AYES: Sarvashri Bakal Nayak, K. M. 'Madhukar' and H. M. Patel;

NOES: Sardar Swaran Singh Sokhi, Shri Paripoornanand Patil and Shri Jagannath Rao.

[Shrimati Roza Deshpande]

My amendment is to shorten this period of three years. In fact, having started in the form of an ordinance, it should have been implemented immediately. Already you are not covering women in the unorganised sector, construction and bidi workers. Over and above that you are giving three years, and this latitude will give an opportunity to the employers to retrench women employees. That is why I have moved amendment.

SHRI BIREN DUTTA: I only wish to draw the attention of the hon. Minister to the fact that about 30,000 women workers have been retrenched in the jute industry in West Bengal.

SHRI RAGHUNATHA REDDY: This provision does not mean that the Act would come into force after three years. It only means that the maximum period is three years. It does not mean that the Government cannot implement it before. I have already submitted that notifications are being issued. I can assure hon. Members that as early as possible all sections of women will be covered by this.

MR. DEPUTY-SPEAKER: Now I shall put amendments Nos. 1 and 11 to the vote of the House.

Amendments Nos 1 and 11 were put and negatived.

MR. DEPUTY-SPEAKER: The question is—

“That clause 1 stand part of the Bill.”

The motion was adopted.

Clause 1 was added to the Bill.

Enacting Formula

Amendment made:

Page 1, line 1,—

for “Twenty-sixth”
substitute

“Twenty-seventh” (38)

(Shri Raghunatha Reddy)

MR. DEPUTY-SPEAKER: The question is:

“That the Enacting Formula, as amended, stand part of the Bill”.

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI RAGHUNATHA REDDY: I beg to move:

“That the Bill, as amended, be passed”

MR. DEPUTY-SPEAKER: Motion moved:

“That the Bill, as amended, be passed.”

श्री न हम्मद इस्माइल (बैरकपुर) :
उपाध्यक्ष महोदय, इक्वल रैमनेशन के बारे में जो यह बिल लाया गया है, इसके मुताबिक कुछ मेम्बरो ने कहा है कि यह बिल प्रागेनाइज्ड सेक्टर पर लागू होगा और प्रागेनाइज्ड सेक्टर जैसे एग्रीकल्चरल वर्क्स, बीडी वर्कर्स और कस्टमर वर्कर्स वगैरह लाखो लोग इससे महरूम रहेगे। मंत्री महोदय ने इस बारे में जो जबाब दिया है, वह सैटिस्फैक्टरी नहीं है। मैं उनसे यह कंटेन्ट्रीकल जबाब चाहता हूँ कि यह डिफरेंस क्यों रखा गया है। इस बिल को लागू करने के लिये 2 बरस का टाइम रखा गया है।

हम देखते हैं कि सीसा वगैरह कानून तो फौरन लागू कर दिये जाते हैं लेकिन जब वर्करो या औरतो के लिये इक्वल रैमनेशन का सवाल आता है तो तीन साल का टाइम रखा गया है। अभी इंटरनेशनल वीमेन्स इंपार खरव हुआ है, इस बिल में औरतो के लिये इक्वल वेजेज का सवाल है। इसलिये मैं मंत्री महोदय के जबाब चाहता हूँ कि इस कानून को जमल में लाने के लिये 3 साल का टाइम क्यों चाहिये? उन्होंने

सकीन दिलाया है कि वह इसको जल्दी लागू करे। यह सरकार जो कुछ करती आई है, उसको हम देखते रहे हैं। सवाल यह है कि इस बिल में 3 बरस की बात लिखी क्यों गई है ?

इस बिल में कहा गया है कि जो एम्प्लायर इस कानून के खिलाफ काम करेगा, उसको एक हजार से 5 हजार रुपये तक फ इन किया जायेगा और उसको कैद की सजा नहीं दी जायेगी। एम्प्लायर के लिये इनना फाइन देना कोई बड़ी बात नहीं है। वरत 200 औरतो को निकालेंगे और 5 हजार रुपये जुर्माना दे देंगे और फिर 300 और तो को निकाल देंगे।

प्रोबिडेड फंड के बारे में क्या हुआ ? वर्कर्स का 20 वरोट रुपया जमा है। उस लिये मालिकों पर सिर्फ 50 या 200 रुपये का फाइन होता है, जिनका नतीजा यह है कि वर्करी को उनका रुपया नहीं मिल पाता है। इस बिल के बारे में भी यही होगा। श्रीमती रोजा देशपांडे ने ठीक कहा है कि इन तीन बरसों में तो एम्प्लायर्स सब औरतों को निकाल देंगे। मैं कैटेगरीकली जानना चाहता ह कि इन लोगों को कायदे की सजा देने से सरकार क्यों डरती है ? उन पर फाइन भी किया जाये और अगर मालम हो जाये कि मामला सीरियस है तो जेल की सजा भी दी जाये।

सरकार वर्कर्स को तो गैर-कानूनी स्ट्राइक करने में नाम पर जेल भेजती है तो फिर क्यों नहीं एम्प्लायर भी इस कानून के खिलाफ काम करने पर जेल भेजे जाये ?

SHRI S. A. KADER (Bombay—Central South): I am very much touched to say that at last, the long-delayed justice is being done to the weaker sections of our society in our country. I do not know what my hon. friend Shrimati Roza Deshpande wanted to cover. I think she wanted that there should be all ladies on the advisory committee.

SHRIMATI ROZA DESHPANDE: I did not say that. I say majority.

SHRI S. A. KADER: It is all right. I will be even in favour of making it cent per cent provided they agree among themselves.

There is a very small anecdote which I want to narrate here. Some people went to visit a mad prison house. They saw 36,000 inmates there. When they came out, they asked, "How many policemen are required?" The reply was, "Only 36."

They were wonder-struck as to how 36,000 persons could be controlled by only 36 policemen. They asked, "How is it possible?" And the reply was, "It is absolutely simple. Mad men never unite."

SHRI S. M. BANERJEE (Kanpur): Mr Deputy-Speaker, Sir, I am no doubt happy, that this Bill has been brought before the House. It was promised to us several years before.

I would like to invite the kind attention of the hon. Minister to two or three things. I want to get an assurance from the hon. Minister about the construction workers. These construction workers throughout the country are not covered under any Act, whether men or women. They do not get gratuity; there is no provident fund for them. Whenever we have demanded that these construction workers should be brought under any legislation....

MR. DEPUTY-SPEAKER: This is about equal remuneration for men and women.

SHRI S. M. BANERJEE: They are not getting equal remuneration.

These construction workers are called *rejas*. They are always paid less. After the passing of the Bill, these construction contractors have decided to employ only men, not women. They say, men will do more work. These construction workers should be protected. I want an assurance on that.

Then, about the *bidi* workers, the entire *bidi* industry is a cottage in-

[Shri S. M. Banerjee]

dustry, it is a home industry. It is run by women, by widows, by young children, by small girls. What will be their fate? What will they derive out of the Women's International Year? What salary will they get? Their interests should also be protected.

Last but not the least, there is the contract labour. These people are exploited to the hilt. I would like to know from the hon. Minister, apart from this legislation, whether there will be any other law for them. I want an assurance how their interests will be protected.

SHRI ERASMO DE SEQUEIRA (Marmagoa): Mr. Deputy-Speaker, Sir, this is a delightful moment in these bleak days of our interrupted democracy. It is also very appropriate that we pass this Bill on a day on which, every year, we remind ourselves Gandhiji who relentlessly fought against all kinds of discrimination, and all kind of repression.

I welcome this Bill. This is one case in which we shall expect the Government to wake up from their slumber after legislation and ensure quick implementation. There was recently a women's year, which the ladies, bless them, turned into a women's decade. And all of us can think of many a moment, and one particular current one, in which the ladies have made life very very difficult for the other side.

MR. DEPUTY-SPEAKER: You are speaking from experience!

SHRI ERASMO DE SEQUEIRA: From current experience also.

Let me say also that without the ladies, this world of ours would be humdrum and, absolutely impossible to live in.

MR. DEPUTY-SPEAKER: So for the ladies without the men.

SHRI ERASMO DE SEQUEIRA: Therefore, in spite of my complete adherence to the principle of equality between the sexes, notwithstanding

this Bill, I plan to continue say "with all the gaelic at my command, Vive La Difference."

SHRI RAGHUNATHA REDDY: Mr. Deputy-Speaker, Sir, we are not advocating for any biological equality between the sexes in mathematical terms. But this is a legislation dealing with equal remuneration to men and women and, while the job classification is made, no inequality is allowed to exist.

Some of the points that have been raised have already been made and most of the points are already answered. Let us pass the Bill in loving memory of and in homage to Mahatma Gandhi who always stood for the equality of mankind.

MR. DEPUTY-SPEAKER: The question is—

"That the Bill, as amended, be passed"

The motion was adopted

15.35 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS:
FIFTY-NINTH REPORT

SHRI RAJDEO SINGH (Jaunpur): I beg to move:

"That this House do agree with the Fifty-ninth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 28th January, 1976."

MR. DEPUTY-SPEAKER: The question is:

"That this House do agree with the Fifty-ninth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 28th January, 1976."

The motion was adopted.

15.36 hrs.

RESOLUTION RE. IMPLEMENTATION OF THE 20-POINT PROGRAMME—contd.