

Tuesday
27th April, 1954



PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Part I- Questions and Answers)

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NEW DELHI**

CONTENTS

Volume II—From 23rd March, 1954 to 27th April, 1954

	<i>Columns</i>
Tuesday, 23rd March, 1954—	
Written Answers to Questions	1297—132
Wednesday, 24th March, 1954—	
Oral Answers to Questions .	1329—65
Written Answers to Questions	1365—72
Thursday, 25th March, 1954—	
Oral Answers to Questions .	1373—1410
Written Answers to Questions	1410
Friday, 26th March, 1954—	
Oral Answers to Questions .	1411—50
Written Answers to Questions	1450—64
Monday, 29th March, 1954—	
Oral Answers to Questions .	1465—99
Written Answers to Questions	1499—1508
Tuesday, 30th March, 1954—	
Oral Answers to Questions .	1509—46
Written Answers to Questions	1546—60
Wednesday, 31st March, 1954—	
Oral Answers to Questions .	1561—97
Written Answers to Questions	1597—1620
Thursday, 1st April, 1954—	
Oral Answers to Questions .	1621—55
Written Answers to Questions	1655—58
Friday, 2nd April, 1954—	
Oral Answers to Questions .	1659—95
Written Answers to Questions	1695—1704
Monday, 5th April, 1954—	
Oral Answers to Questions .	1705—46
Written Answers to Questions	1746—56
Tuesday, 6th April, 1954—	
Oral Answers to Questions .	1757—83
Written Answers to Questions	1784—90
Wednesday, 7th April, 1954—	
Oral Answers to Questions .	1791—1828
Written Answers to Questions	1828—34
Thursday, 8th April, 1954—	
Oral Answers to Questions .	1835—65
Written Answers to Questions	1865—74
Friday, 9th April, 1954—	
Oral Answers to Questions .	1875—1907
Written Answers to Questions	1907—14
Monday, 12th April, 1954—	
Oral Answers to Questions	1915—45
Written Answers to Questions	1945—48

Wednesday, 14th April, 1954—		
Oral Answers to Questions		1949—87
Written Answers to Questions		1987—96
Thursday, 15th April, 1954—		
Oral Answers to Questions		1997—2026
Correction to Answer in respect of a Supplementary Question to Starred Question No. 267 put on 23rd February, 1954 regarding propagation of Hindi		2026
Written Answers to Questions		2027—36
Saturday, 17th April, 1954—		
Oral Answers to Questions		2037—67
Written Answers to Questions		2068—72
Monday, 19th April, 1954—		
Oral Answers to Questions		2073—2108
Written Answers to Questions		2108—20
Tuesday, 20th April, 1954—		
Oral Answers to Questions		2121—51
Written Answers to Questions		2151—58
Wednesday, 21st April, 1954—		
Oral Answers to Questions		2159—92
Written Answers to Questions		2192—98
Thursday, 22nd April, 1954		
Oral Answers to Questions		2199—2232
Written Answers to Questions		2233—42
Friday, 23rd April, 1954—		
Oral Answers to Questions		2243—62
Written Answers to Questions		2262—68
Monday, 26th April, 1954—		
Oral Answers to Questions		2269—2308
Written Answers to Questions		2308—16
Tuesday, 27th April, 1954—		
Oral Answers to Questions		2317—48
Written Answers to Questions		2348—52

PARLIAMENTARY DEBATES
(Part I—Questions and Answers)
OFFICIAL REPORT

2317

2318

HOUSE OF THE PEOPLE*Tuesday, 27th April, 1954*

The House met at a Quarter Past Eight of the Clock.

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS**RISE IN WHEAT, *Atta* AND SUGAR PRICES**

*2059. **Shri V. P. Nayar:** (a) Will the Minister of Food and Agriculture be pleased to state whether Government are aware that wheat, *atta* and sugar are not available at fair price shops in several parts of India at the controlled prices?

(b) Are Government also aware that the prices of wheat, *atta* and sugar have reached the highest level after the relaxation of controls?

(c) If so, what are the causes of the scarcity and rise in prices and is relaxation of controls any way responsible for this?

(d) What steps do Government propose to take to make these articles available and to bring down their prices?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): Sir, I would like to place it on the Table of the House, as it is a big answer.

Mr. Speaker: The answer has to be short; even if it is long it has to be read.

Shri M. V. Krishnappa: (a) to (d). So far as wheat and *atta* are concerned, there is no dearth at all of wheat

116 P.S.D.

and adequate quantities are available at controlled prices at Government Fair Price Shops and Central Sales Depots. There has no doubt been some small increase in the prices of Indigenous wheat in the open market recently, in certain parts of the country, but this is only a seasonal rise in prices which usually takes place during this part of the year, which is the fag-end of the crop season. The Government are, however, freely distributing wheat at Rs. 15/8/- per maund through Central Sales Depots established at important consuming Centres.

As regards sugar, there is at present no control on the price of sugar except that 25 per cent. of the production of sugar factories can be taken over by the Government at a fixed ex-factory price. There is also no control over distribution except on releases from sugar factories. Hence the question of availability of sugar at controlled rates does not arise.

It is true that the prices of sugar have gone up recently. The main reason for the rise in prices is the fall in production of sugar during the current year and a feeling among the sugar manufacturers and the trade that sufficient quantity of sugar will not be available to meet the requirements of the country. With a view to maintaining continuity in the supply of sugar and stability in its prices, Government have decided—

(i) to import sugar in requisite quantity from abroad;

(ii) to supply sugar throughout the country out of its reserve stock and from the quantities imported from abroad, at a uniform rate of Rs. 31

per maund F.O.R. destination i.e. inclusive of railway freight. This price will be reduced to Rs. 30 per maund in the case of tenders made for supply after May 15, 1954. It is proposed to continue this arrangement at least upto the end of September, 1954;

(iii) not to release sugar from the factories for free sale till September, 1954;

(iv) to advise the factories to expedite despatches of sugar already released for free sale;

(v) to advise stockists to clear their stocks by May 31, 1954 and to requisition uncleared stocks of sugar from stockists, as and where necessary, after that date.

Shri D. C. Sharma: May I know what steps Government will be taking to set right the position I have stated in the question? In big cities and mofussil towns, what action is the Government going to take to control the prices of wheat, atta and sugar which have gone up tremendously?

Shri M. V. Krishnappa: On the 10th, when the hon. Member sent this question, that is, 16 days ago, the prices were different from what they are today. There has been a sharp fall in the prices all over the country. For instance, yesterday I had been to Hapur and the price of wheat there is Rs. 14 per maund and in Delhi the price is Rs. 15 per maund. The price of atta is Rs. 18 per maund. In the Punjab, the fear expressed by the agriculturists is not that the prices will go up but that the prices may fall below the economic levels. The steps that Government have taken are that we are issuing wheat at Rs. 15/8 per maund throughout this area without any restrictions on quantity.

श्री नवल प्रभाकर: क्या मैं जान सकता हूँ कि जो सरकारी गोदामों से विदेशी गेहूं दिया जाता है, वह उत्तिया किसम का होता है और उसी के कारण बाजार में और हुसरे गेहूं के भाव बढ़ गये हैं?

Shri M. V. Krishnappa: I did not understand the question.

Mr. Speaker: What is the quality of the foreign wheat that has been supplied, and has it affected the local prices?

Shri M. V. Krishnappa: Unless the quality is good, nobody will purchase it. Under de-control, there is no question of compulsion. The quality has to be good. The general quality of the wheat issued now-a-days is much better than it was when under control. The question will not arise here because the open market prices are much below the control prices. For example, yesterday I had been to the market. In Delhi the price is Rs. 15 per maund while our price is Rs. 15/8. Nobody will purchase our wheat when the indigenous wheat which is being liked by the people is sold at Rs. 15 per maund in the open market.

Shri V. P. Nayar: Is it not a fact that the sugar prices soar so high because Government have no control and because there are forward sales in the mills in the names of bogus dealers and then subsequent re-sale by monopolists?

Shri M. V. Krishnappa: That is one of the reasons why we have banned forward trading on the 13th of this month. We have issued a Notification by which forward trading in sugar is banned.

Mr. Speaker: Before I proceed to the next question, I should like to make a suggestion to the hon. Minister. In cases where the reply is so long and takes as much as four minutes to read it, it will be better if it is placed on the Table and intimation given to the Members. That will save time and all Members will be enabled to put supplementaries.

दरभंगा मैटिकल कालिज

*२०६०. श्री एस० एस० बासः क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगी कि :

(क) क्या सरकार ने विहार विश्व विद्यालय से सम्बद्ध दरभंगा मैटिकल कालिज एस० बी० बी० एस० की छिपी को मान्यता देनेके सम्बन्ध में भौतीय विकित्सा परिवद्

की सिफारिशों पर कोई निर्णय किया है ;
प्रौर

(ख) यदि हां, तो वह निर्णय क्या है
प्रौर किस तिथि से लागू होगा ?

The Deputy Minister of Health
(**Shrimati Chandrasekhar**): (a) Yes.

(b) The M.B.B.S. degree of the Bihar University when granted after the 1st April, 1953 has been recognised under the Indian Medical Council Act. 1933.

Shri S. N. Das: May I know whether the case of those students who passed the M.B.B.S. course from that college before this date has been considered and, if so, what is the decision of Government with regard to them?

Shrimati Chandrasekhar: This is the first regular batch of M.B.B.S. students who have passed out of the Darbhanga Medical College after it was affiliated to the Bihar University. Those students who passed out prior to 1953 are not going to be affected because the college was affiliated to the Patna University and the degrees awarded by the Patna University are already recognised.

Shri S. N. Das: In between the taking over of this college by the Bihar University and its previous affiliation to the Patna University certain examinations were held and students passed. What will happen to those cases?

Shrimati Chandrasekhar: The Government of India are aware of the condensed M.B.B.S. course that was being conducted by the Darbhanga Medical College and those students that passed that examination are going to be affected. We have brought this to the notice of the Indian Medical Council and we have asked them to reconsider the date.

GUARANTEED P. AND T. OFFICES

*2061. **Shri S. C. Samanta:** Will the Minister of Communications be pleased to state:

(a) whether State Governments can pool the revenue and expenditure of

all Post and Telegraph offices guaranteed by them and pay only the net deficits of guarantee;

(b) how many such Post and Telegraph offices have been opened and by which State Governments under the above Scheme; and

(c) whether Government have calculated how much the State Governments have been financially benefited by this system?

The Deputy Minister of Communications (**Shri Raj Bahadur**): (a) Yes.

(b) A statement giving the information upto 28th February 1954 has been laid on the Table of the House. [See Appendix IX, annexure No. 2.]

(c) It has been estimated that the State Governments will save Rs. 1½ lakhs per annum from these arrangements.

Shri S. C. Samanta: From the statement I find that important States like West Bengal, U.P., Delhi, PEPSU etc., have not taken advantage of that scheme. May I know the reason?

Shri Raj Bahadur: We accepted this scheme from the 1st of April, 1952. It is for the State Governments to take advantage of it.

Shri S. C. Samanta: Is it not a fact that still 104 telegraph offices are to be opened near police stations in West Bengal and, if so, whether the West Bengal Government have approached this Ministry or the Ministry has informed the State Government about it?

Shri Raj Bahadur: I am not in a position to give a categorical reply without checking up.

Shri S. C. Samanta: May I know whether the State of Assam has been given preference as regards priority?

Shri Raj Bahadur: Yes, Sir; that is a fact.

श्री भरत दर्शन : क्या मैं जान सकता हूँ कि उत्तर प्रदेश की सरकार ने इस मुदितवा

से कोई लाभ उठाया है? यदि हाँ, तो कितने डाकघरों में यह योजना लागू की गई है?

श्री राज बहादुर : मैंने जो स्टेटमेंट टेबल पर रखा है, उस में दुर्भाग्यवश उत्तर प्रदेश का नाम नहीं है।

INSEMINATION OF COWS

*2063. **Pandit D. N. Tiwary:** Will the Minister of Food and Agriculture be pleased to state the number of cows inseminated every year since 1951 in the various artificial insemination centres?

The Minister of Agriculture (Dr. P. S. Deshmukh): The information is being collected and will be placed on the Table of the House in due course.

Pandit D. N. Tiwary: May I know the Minister's idea as to whether the calf born of artificial insemination is better than the natural one or worse?

Dr. P. S. Deshmukh: It is quite as good as the natural process, and the results, so far as I myself have seen, are very satisfactory.

Pandit D. N. Tiwary: May I know whether this system will be extended to other animals such as buffaloes?

Dr. P. S. Deshmukh: There is a particular paucity of proper bulls so far as cows are concerned and that is the reason we want to concentrate on them, but the other animals are being and will also be taken up if circumstances make it necessary.

Shri N. L. Joshi: Is any charge levied for this type of insemination? If so, how much?

Dr. P. S. Deshmukh: As a rule, no charge is levied.

GEOLOGICAL EXPLORATION OF WATER SUPPLY

*2064. **Dr. Ram Subhag Singh:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government propose to launch a project to study geological conditions in relation to water-supply and the possibility of utilizing underground water for irrigation;

(b) if so, when that project is likely to be launched; and

(c) the estimated cost of the project?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Yes.

(b) The preliminary work under the project has already started. The actual construction work will start as soon as these preliminaries have been completed.

(c) The estimated cost of the project is 4.5 million dollars and 1.2 crores of rupees.

Dr. Ram Subhag Singh: May I know in which area the project to study geological conditions has been started and whether similar operations in any of the areas have been completed?

Dr. P. S. Deshmukh: The actual work has not started yet, but the survey is going on. Tentatively, it extends to sixteen States and the various places and areas have been indicated in the scheme itself. Now, a party of a few people is going round to see what places should be actually chosen.

Dr. Ram Subhag Singh: May I know the number of tube-wells or borings which are proposed to be constructed under this scheme and from which source the finance necessary for those wells will be met?

Dr. P. S. Deshmukh: The total number is 350, and as I have already indicated, the American assistance will be to the extent of 4.5 million dollars, and the rupee expenditure will be Rs. 1.2 crores.

Shri Bansal: May I know if the survey party visited Rohtak and Gurgaon districts a month back and, if so, whether its report has been received by Government?

Dr. P. S. Deshmukh: I have not yet seen the report.

Shri T. S. A. Chettiar: Have the Government examined the view that exploitation of the sub-soil water supply may prejudicially affect the water-supply position permanently?

Dr. P. S. Deshmukh: Care is being taken to see that while we wish to do good in one way, it does not cause some other evil.

Shrimati Renu Chakravarty: May I know whether the sixteen States were chosen with a view to having different varieties of soil for testing, for instance, saline area, Gangetic plain area etc.? Was any sort of categorisation made?

Dr. P. S. Deshmukh: Essentially, there were two principles that were kept in view. One was the possibility of the tube-wells being successful according to the geological data, and the other is that the areas were so chosen that there was no possibility of water-supply being affected by canals etc.

FORGED RAILWAY TICKETS

*2065. **Shri Bibhuti Mishra:** Will the Minister of Railways be pleased to state:

(a) whether Government are aware that forged railway tickets were found being used on the occasion of the Kumbh Mela; and

(b) the number of forged tickets detected so far and their money value?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) Nc. Sir.

(b) Does not arise.

MEDICAL COLLEGES

*2066. **Shri Sanganna:** Will the Minister of Health be pleased to state the number of medical colleges recognised by the Indian Medical Council during 1952, 1953 and 1954 year-wise?

The Deputy Minister of Health (Shrimati Chandrasekhar): Medical Colleges are not recognised by the Indian Medical Council. Only the qualifications granted by Medical Institutions are recognised by the Central Government after consulting the Indian Medical Council. A statement showing the names of Universities and the degrees awarded by them, which were recognised between 1952 and 1954, is

placed on the Table of the House. [See Appendix IX, annexure No. 3.]

Shri Sanganna: May I know when the medical college attached to the Utkal University was recognised?

Shrimati Chandrasekhar: Utkal was granted recognition after the 15th November, 1951, and the information is given in the statement which is placed on the Table of the House.

Shri Sanganna: May I know whether the medical degrees granted by the University have been honoured in other States as well as in the Centre for Government purposes?

Shrimati Chandrasekhar: After 1951, they are honoured.

SONAI RIVER BARRAGE

*2067. **Shri Dasaratha Deb:** Will the Minister of Food and Agriculture be pleased to state whether Government propose to construct a barrage on the Sonai River in Tripura either under their own supervision or through the local people?

The Minister of Agriculture (Dr. P. S. Deshmukh): The matter is under consideration of the Tripura Government.

Shri S. C. Deb: What is the amount that the Government is going to give for the construction of the barrage?

Dr. P. S. Deshmukh: Even the preliminary enquiry is not completed, and so I am not in a position to state the estimated cost.

Shri S. C. Deb: What is the reason for the delay in making the enquiry during the last two years?

* **Dr. P. S. Deshmukh:** I do not think there has been any great delay, but I will enquire if there is any.

हिन्दी के टेलीप्रिन्टर

* २०६८. **श्री रघुनाथ सिंह :** क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या हिन्दी टेलीप्रिन्टर का प्रयोग सफल रहा है ; और

(ख) क्या सरकार नागरी लिपि की टेलीप्रिंटर सर्विस चालू करने का विचार कर रही है?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes. Further experiments for improving the operation, speed and making the keyboard identical with the standard Hindi typewriter are being made.

(b) No. The news agencies would use the Nagri teleprinters on the circuits rented out to them for the dissemination of news.

श्री रघुनाथ तिहार: आपने कहा कि अभी इसका एक्सपेरिमेंट हो रहा है, क्या मैं जान सकता हूँ कि अभी आपको और कितना समय एक्सपेरिमेंट करने के लिये चाहिये?

श्री राज बहादुर: जी, मैं ने यह कहा कि बंगाल जा चुका है, लेकिन अभी और एक्सपेरिमेंट की आवश्यकता है क्योंकि जितनी मात्रायें और जितने अक्षर हैं हिन्दी में उनका समावेश इसकी मशीन पर नहीं हो पाता है।

श्री एल० एन० मिश्र: टेलीप्रिंटर का हिन्दी में नाम क्या है?

श्री राज बहादुर: यदि माननीय सदस्य के पास कोई उचित सुझाव हो तो उस पर सादर विचार किया जायेगा।

Shri Sadhan Gupta: May I know if any attempt has been made to invent teleprinters in other regional languages of India?

Shri Raj Bahadur: So far, we have only made a beginning with the Hindi teleprinter.

SUGAR REFINERIES

*2069. **Shri Bishwa Nath Roy:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether any application is under consideration for the installation of a sugar refinery in India; and

(b) how the price of imported raw sugar after refinement would compare with the sugar produced locally?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Yes.

(b) The price of imported raw sugar after refinement would be cheaper compared to that of sugar produced locally if no import duty is levied on raw sugar, as at present.

Shri Bishwa Nath Roy: May I know whether the sugar refinery concerned would refine imported raw sugar only?

Dr. P. S. Deshmukh: Yes, that is the proposal.

Shri S. N. Das: May I know the names of the places where refineries are going to be installed?

Dr. P. S. Deshmukh: There is an application by one firm from Bombay.

Shri Bishwa Nath Roy: May I know whether the work of refining raw sugar can be done in other sugar factories which are working at present?

Dr. P. S. Deshmukh: That will also be considered.

FORESTS IN N.E.F.A.

*2070. **Shri Rishang Keishing:** Will the Minister of Food and Agriculture be pleased to state:

(a) the acreage of forests reserved by Government in the North-East Frontier Agency;

(b) how these forests are acquired; and

(c) the total annual income from and expense on the upkeep of these forests?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) to (c). Information is being collected and will be laid on the Table of the House in due course.

Shri Rishang Keishing: May I know the nature of work on which people are employed in these forest areas?

Dr. P. S. Deshmukh: I think it falls outside the present question.

Shri Rishang Keishing: May I have an idea as to the forest policy of the Government?

Dr. P. S. Deshmukh: I would require notice of the question.

INTERNATIONAL FARM YOUTH PROGRAMME

*2071. **Shri Janardhan Reddy:** Will the Minister of Food and Agriculture be pleased to refer to the reply given to starred question No. 248 asked on the 22nd February, 1954 regarding International Farm Youth Programme and state:

(a) how many candidates have been selected for study and training in USA; and

(b) whether these candidates are selected on a State-wise basis?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Twenty-five.

(b) No.

Shri Janardhan Reddy: May I know the type of training that they will get?

Dr. P. S. Deshmukh: There is no idea of training as such. The Four-H Club in the U.S.A. which is organising interchange of young farmers from various countries invites certain number of young farmers, and it is under that scheme that these young farmers will go and visit the country and live with the farmer families and try to learn the American ways and also explain to them the Indian agricultural situation and Indian conditions.

Shri Janardhan Reddy: May I know who will bear the expenses over these boys?

Dr. P. S. Deshmukh: The whole expenditure is being borne by the Four-H Clubs.

Shri Radharamaish: May I know whether under this programme, in India we have to receive some American farm youths, and whether any have come or are expected to come?

Dr. P. S. Deshmukh: Not as a condition precedent but as a gesture of mutual goodwill we received nine young men last year.

Shri Janardhan Reddy: May I know whether there is any proposal for sending some of our youths to any other country—China, Japan?

Dr. P. S. Deshmukh: There has not been any specific offer. We will be very glad to consider if there is one.

Shri N. Rachiah: May I know the basis on which these candidates are selected, and if there is any Scheduled Caste candidate?

Dr. P. S. Deshmukh: In any case, communal considerations are not the basis of these selections.

Shri N. Rachiah: It is not a question of communal considerations.....

Mr. Speaker: Order, order. Next question.

BOMBAY-POONA NATIONAL HIGHWAY

*2073. **Shri Y. M. Mukne:** Will the Minister of Transport be pleased to state:

(a) whether Government propose to construct diversions on the Bombay-Poona National Highway No. 4 where it passes through the villages of Chawk, Khopoli, Kamsheth and Vadgaon; and

(b) if so, when the work will be undertaken?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). It is proposed to construct diversions near Khopoli and Kamsheth villages and provision for necessary surveys has been made in the current five year programme. The question of construction will be considered after the results of the surveys are known. There is for the present no proposal for the construction of diversions at Chawk and Vadgaon villages.

Shri Y. M. Mukne: May I know whether Government have any figures as to the number of accidents that took place in these villages and how many accidents have been fatal each year?

Shri Alagesan: I do not have the figures for these places.

Mr. Speaker: He has not got the figures. Next question.

FILM ON 'ROAD SENSE'

*2075. **Shri Raghbir Sahai:** Will the Minister of Transport be pleased to state:

(a) whether Government are contemplating to produce a film on 'Road Sense';

(b) if so, the progress made so far;

(c) whether any statistics of accidents of motor vehicles have been collected; and

(d) if so, the total number of road accidents in 1950-51, 1951-52 and 1952-53?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) Yes.

(b) The film is expected to be ready for release by the end of June 1954.

(c) Statistics relating to accidents involving motor vehicles are being collected on quarterly basis through the State Governments.

(d) A statement giving the available information is placed on the Table of the House. [See Appendix IX, annexure No. 4.]

Shri Raghbir Sahai: May I know which agency has been entrusted with the work of producing such a film and what amount has been sanctioned for expenditure so far?

Shri Shahnawaz Khan: The Films Division of the Government of India.

Mr. Speaker: He wants to know the amount also.

Shri Shahnawaz Khan: I have no idea.

Shri Raghbir Sahai: May I know if the producers of the film have been asked to bear in mind the large number of rural population in the country who have no road sense at all and in whom road sense has to be created?

Shri N. M. Lingam: May I know whether Government have examined how far the unsatisfactory conditions of the roads such as narrow width, sharp bends, etc., have contributed to the number of accidents?

Mr. Speaker: I do not think that will arise out of the main question.

Dr. Suresh Chandra: Apart from these films, may I know what other methods do Government propose to create road sense among people who are without sense?

Shri Shahnawaz Khan: I do not know whether the Government can invent anything which can put sense into the minds of people who have no sense.

Dr. Suresh Chandra: He has taken it in a light way. My question was.....

Mr. Speaker: The question was perhaps put in a lighter vein! We shall proceed to the next question.

THEFT OF POSTAL BAGS

*2077. **Shri Gidwani:** (a) Will the Minister of Communications be pleased to state whether it is a fact that a number of postal bags containing insured articles and registered parcels were stolen from the Mail Van of Madras Mail between Dadar and Kalyan Stations on the 6th April, 1954?

(b) If so, what was the total loss?

(c) What were the findings of the enquiry?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes, but the incident occurred on the 5th April, and not on the 6th April, 1954.

(b) Rs. 542-6-0 on account of loss of insured parcels.

(c) Enquiry is still in progress, and no findings have yet been arrived at.

Shri Gidwani: May I know whether the culprits have been apprehended and the articles recovered?

Shri Raj Bahadur: So far as I know, the enquiry is still in progress. We

have not been able to lay our hands on any one. It is known, however, that after crossing the long tunnel, the train was stopped for a minute, and perhaps something happened between that particular stoppage and Kalyan station.

CONTRIBUTORY HEALTH SERVICE SCHEME

***2078. Shri Jethalal Joshi:** Will the Minister of Health be pleased to state what is the graded scale of contribution which Government employees of various categories will be required to pay under the Contributory Health Service Scheme?

The Deputy Minister of Health (Shrimati Chandrasekhar): A statement showing the proposed graded scale of contribution is placed on the Table of the House. [See Appendix IX, annexure No. 5.]

Shri Jethalal Joshi: May I know whether the scheme is compulsory or voluntary?

Shrimati Chandrasekhar: It is compulsory.

Shri Jethalal Joshi: May I know whether the scheme includes provision for the cost of injections or even major operations?

Shrimati Chandrasekhar: All specialized treatments are included.

Shri Jethalal Joshi: May I know how many employees are expected to contribute to this scheme to share the benefits of this scheme?

Shrimati Chandrasekhar: Nearly two lakh Government servants and the members of their families will be included in the scheme.

Shrimati Renu Chakravarty: Is it not a fact that the recent extension of medical facilities to Class IV servants is not free but that those medical facilities come actually under the contributory health service scheme which has been extended to them?

Shrimati Chandrasekhar: It is so. These Class IV servants will have to pay very little.

Shri Bhagwat Jha Axad: May I know whether the people will be at liberty to take any kind of treatment, or, whether the Government will impose on them only allopathic treatment?

Shrimati Chandrasekhar: Modern medicine is the basic treatment.

चम्बल नदी पर बांध

***२०७९. श्री आर० सी० शर्मा:** क्या परिवहन मंत्री यह बताने की कृपा करेंगे कि :

(क) आगरा-चम्बल राष्ट्रीय राजपथ पर धौलपुर के सभीप चम्बल नदी पर बांध बनाने के काम की प्रगति क्या है; और

(ख) इस पर यह तक कितना सर्व हुआ है और कुल सर्व का क्या अनुमान है?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) Tenders for the work have been received and the work will be taken up shortly.

(b) About Rs. 46,000 have been spent on preliminary survey and investigation work. The estimated cost is Rs. 41.30 lakhs.

श्री आर० सी० शर्मा : मेरे यह जानना चाहता हूँ कि क्या इस राजपथ का निर्माण इसी पंचवर्षीय योजना काल में समाप्त होने वाला है?

श्री शाहनवाज खां : काम इसी साल शुरू हो रहा है और उम्मीद है कि जल्दी सत्तम हो जायेगा।

श्री आर० सी० शर्मा : मेरे पूछने का तात्पर्य यह था कि क्या इसी पंचवर्षीय योजना के काल में यह राष्ट्रीय राजपथ निर्माण हो जायेगा?

श्री शाहनवाज खां : जी हाँ, उम्मीद ऐसी ही करते हैं।

Shri N. L. Joshi: May I know what will be the contribution of the Central and State Governments to the construction of this bridge?

Shri Shah Nawaz Khan: Rs. 41.30 lakhs is the total estimated cost of the bridge, and the entire cost is being borne by the Central Government.

रत्नाम के समीप मालगाड़ी का पटरी से उतरना

*2080. श्री डामर: क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि १३ अप्रैल, १९५४ को पश्चिमी रेलवे के रत्नाम और दोहद स्टेशनों के बीच एक मालगाड़ी के १७ डिब्बे पटरी से उतर गये;

(ल) इस से रेलवे और जनसाधारण कि तनी हानि हुई; और

(ग) इस दुर्घटना के कारण क्या थे ?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shah Nawaz Khan): (a) At about 14-35 hours on 13th April 1954, after No. 1038 UP Goods had started from Bajranggarh station on the Ratlam-Dohad Section of the Western Railway, 14 wagons on the train derailed over a pair of points in the yard after the first 17 wagons next to the engine had safely passed over the points.

(b) No one was killed or injured, nor was there any loss of public property. The approximate cost of damage to Railway Property was Rs. 2040.

(c) This is under enquiry by a Committee of Assistant Officers of the Railway.

श्री डामर: जिन रेलवे कर्मचारियों की असावधानी से यह घटना घटी है क्या उन के खिलाफ रेलवे मंत्रालय कार्रवाही करेगा ?

श्री शाहनवाज खान: अगर उसमें किसी का क़सूर पाया गया तो ज़रूरी तौर पर उसके खिलाफ कानूनी कार्रवाई की जायेगी ।

Shri N. L. Joshi: May I know what is the total number of accidents in the Western Railway in 1953?

Mr. Speaker: I am afraid it cannot be answered.

BONE-MEAL MANURE

*2082. **Pandit D. N. Tiwary:** Will the Minister of Food and Agriculture be pleased to state:

(a) the price and capacity of the new type of digester designed for the manufacture of bone-meal manure;

(b) the number of such digester sets manufactured in 1953-54; and

(c) the cost of bone-meal manure produced by these digesters?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Price: About Rs. 2,500 including cost of accessories. Capacity: It can steam-cook about 1,000 lbs. of raw bones in 4 charges in 8-9 hours.

(b) The information is not readily available.

(c) The cost of bone-meal depends on the price of bones, its raw material. If bones cost Rs. 100 per ton, the cost of bone-meal would be about Rs. 170 to 180 per ton.

Pandit D. N. Tiwary: What is the total production of bone-meal in this country?

Dr. P. S. Deshmukh: According to the estimates, the quantity of raw bones available in this country comes to about five lakhs of tons, out of which 1.25,000 tons are utilized. I do not have the exact quantity of the bone-meal utilized.

Pandit D. N. Tiwary: May I know whether it is exported?

Dr. P. S. Deshmukh: I explained the position sometime back on the floor of the House. We are exporting only bigger pieces. I had mentioned the dimensions also.

Shri N. B. Chowdhury: May I know the name of the place where the plant has been installed and whether it is a place where the bones are largely available?

Dr. P. S. Deshmukh: We have circularised all the State Governments and

I learn that many have been installed. I also learn that the Cottage Industries Board as well as the Gandhi Smarak Nidhi are taking up this matter.

AIR INDIA INTERNATIONAL

*2083. Dr. Ram Subhag Singh: Will the Minister of Communications be pleased to state:

- (a) whether some personnel of the Air India International have been sent to the U.K. for training in Comet flights;
- (b) if so, their number;
- (c) the companies in which they are being trained; and
- (d) the duration of their training?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) to (c). Six officers of the Corporation, three based in India and the other three in London, attended short courses of instruction held in the U.K. recently by Messrs. De Havilland Aircraft Company Ltd., the manufacturers of the Comet, on the main engineering and operational aspects of this type of aircraft.

(d) Nine or ten days.

Dr. Ram Subhag Singh: May I know whether the Air India International whose personnel were sent to the United Kingdom for undergoing training in Comet flights possess any Comet plane; if not, whether it proposes to buy any?

Shri Raj Bahadur: As the House is aware the Air India International, with the approval of Government, have placed orders for two Comet III planes for delivery in 1957.

Dx. Ram Subhag Singh: What is the estimated price of this plane?

Shri Raj Bahadur: I think it is more than Rs. 50 lakhs—I cannot give the exact price.

Shri Sadhan Gupta: In view of the fact that Comets have a way of exploding in mid-air, do the Ministry still contemplate buying these Comets?

Shri Raj Bahadur: I think it goes without saying that unless the Comet proves its airworthiness, there is no question of our buying it—unless the manufacturers themselves are confident about its airworthiness.

Shrimati Renu Chakravarty: In view of the new changes which are being carried out by the Comet manufacturers themselves, will these personnel who were sent abroad for training, have to go again for training in order to know exactly how to handle the new methods being introduced in the Comet?

Shri Raj Bahadur: As I said, this was a very short course lasting for nine or ten days. In pursuance of an arrangement and according to the terms of the contract, we did not have to spend much on this.

INDIAN ROAD CONGRESS

*2084. Shri D. C. Sharma: Will the Minister of Transport be pleased to state:

(a) whether the 18th Session of the Indian Roads Congress was held at Bhubaneswar on the 5th February, 1954; and

(b) the decisions arrived at by the Congress on the National Highways?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) The 18th Session of the Indian Roads Congress was held at Bhubaneswar from the 4th to the 11th February 1954.

(b) The Indian Roads Congress is a non-official body and is not competent to take any decisions on National Highways which are the responsibility of the Central Government.

Shri D. C. Sharma: May I know, Sir, if the recommendations—if I may call them as such—of the Indian Road Congress are considered by Government?

Shri Shahnawaz Khan: Certainly, Sir. They are an advisory body of experts and Government pay very great attention to their recommendations.

Shri D. C. Sharma: May I know what are the recommendations of the Indian Road Congress with regard to national highways in India and whether they have been considered?

Shri Shahnawaz Khan: The question relates specifically to the last session they held.

Mr. Speaker: But did they make any recommendations at the last session?

Shri Shahnawaz Khan: They have not made any recommendations so far.

Shri S. N. Das: May I know, Sir, whether any specific recommendations have been made for the consideration of the Central Government by that Congress?

Shri Shahnawaz Khan: As I said the recommendations of the last session have not been received yet.

Shri D. C. Sharma: What is the policy of Government with regard to extension of national highways in India?

Mr. Speaker: I think it is too general a question.

Shri D. C. Sharma: I mean, to increase the mileage of the national highways?

The Minister of Railways and Transport (Shri L. B. Shastri): The mileage of national highways is 13,477. Our policy is to complete the full 13,477 miles—that is to fill the gaps wherever they are, to bridge the rivers, etc.—within a prescribed period.

PORT COMMISSIONERS, CALCUTTA

*2085. **Shri S. C. Samanta:** Will the Minister of Transport be pleased to state:

(a) whether the Port Commissioners, Calcutta, are facing a deficit of over rupees 75.5 lakhs;

(b) if so, the reasons for the fall of income; and

(c) how the estimated deficit is proposed to be made up?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) The Calcutta Port Commissioners are faced with deficits of Rs. 110.75 lakhs in the Revised Budget Estimates for the year

1953-54 and of Rs. 57.6 lakhs in the Budget Estimates for 1954-55.

(b) Fall in income is due to decline in traffic.

(c) The Port Commissioners propose to cover the deficit partly by drawing upon their reserve funds and partly by raising the Port charges.

Shri S. C. Samanta: May I know how much the expensive pilotage system has contributed to the deficit?

Shri Alagesan: As far as that is concerned, it has been there always. We are conducting experiments of navigation in the river Hooghly through the Poona Research Station. The result of it has been communicated and we have constructed a spur which is nearing completion. I understand that it has already shown results.

Shri S. C. Samanta: Is it not a fact that in the 1953 budget the Port Commissioners estimated that there would be a deficit of Rs. 22 lakhs, while it actually came up to Rs. 1 crore 10 lakhs? If so, do Government think that the deficit may be more in 1954-55?

Shri Alagesan: This is the usual apprehension expressed by hon. Members. I do not have the budget figures relating to the year 1953-54 so as to make comparisons.

Shri S. C. Samanta: May I know, Sir, whether Government have directed their attention to the root-cause of the deficit in the port which can be removed by the construction of Ganga barrage?

Shri Alagesan: The hon. Member is somehow bringing the Ganga barrage scheme. As I pointed out, it is due to fall in traffic. The traffic budgeted for in 1953-54 was 93 lakh tons, whereas the revised estimates put it at 80.5 lakh tons. That is the main reason. The Port Commissioners are also examining as to whether any economies are possible.

Shri N. B. Chowdhury: May I know whether non-availability of wagons for carrying coal to Calcutta Port is one of the reasons for falling income?

Shri Alagesan: In fact, there has been a fall in coal export abroad; and that is one of the contributory causes—not the shortage of wagons.

Shrimati Renu Chakravarty: May I know whether the short-fall of 10 lakh tons of traffic has been wholly responsible for the deficit of Rs. 1 crore?

Shri Alagesan: That covers about Rs. 30 lakhs deficit. The other part is covered by considerable expenditure on arrears on overtime payment to the marine, shore and other staff under the Minimum Wages Act which comes to Rs. 81 lakhs.

ALL INDIA CATTLE SHOW

*2086. **Shri Janardhan Reddy:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether it is a fact that an All-India Cattle Show was organised in Bahadurgarh in the last week of March 1954 and the best cattle were awarded prizes;

(b) if so, the number of cattle exhibited there; and

(c) which State was awarded the best cattle prize and for which breed?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Yes.

(b) About 600.

(c) The first prize for the best animal was shared by a Deoni bull of Hyderabad and a Murrah buffalo from the Punjab.

श्री जनार्दन रेड्डी: क्या मैं जान सकता हूँ कि जो अच्छी नस्ल के कैटिल पाये गये हैं, उस नस्ल को पूरे मुल्क में फैलाने की तज्जीब है?

डा० पी० एस० देशमुख : जी हाँ, जितनी भी अच्छी नस्ल हिन्दुस्तान में मौजूद है, उन सबकी तादाद बढ़ाने को कोशिश है।

श्री जनार्दन रेड्डी : क्या इस तरह के कैटिल शो हर प्रान्त में करने की कोई तज्जीब गवर्नरमेंट के सामने है?

डा० पी० एस० देशमुख : जी हाँ, यह आल इंडिया शो, एक जो हमारी सोसाइटी है, उसके मात्रहत होते हैं और इरादा यह है कि एक से ज्यादा जगहों पर यह रीजनल शोज आर्गेनाइज़ किये जायें।

Shri Dabhi: May I know how many prizes were awarded and to which breeds they were awarded?

Dr. P. S. Deshmukh: I have not got the list of the whole lot of them. Over 154 prizes worth Rs. 18,000 in cash, including 76 trophies of the value of Rs. 45,000 were awarded to the cattle-breeders.

Dr. Rama Rao: May I know whether the famous Ongole breed was represented at this Cattle Show; if not, why not?

Dr. P. S. Deshmukh: I do not think the Ongole people took the trouble of coming to this Show.

दिल्ली के लिये चावल

*2087. **श्री नवल प्रभाकर :** क्या साथ तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि दिल्ली के लिये अच्छा चावल दिये जाने का प्रबन्ध किया गया है; और

(ल) यदि हाँ, तो कितना चावल दिया जायगा, और कहाँ से?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) and (b). Rice has been decontrolled in Delhi with effect from 1st March, 1954 and the traders of Delhi and U.P. have been permitted to import from U.P. 20,000 tons of rice of quality in demand in Delhi. Delhi has also been included in the free zone comprising Punjab, Pepsu, Himachal Pradesh, Bilaspur and Delhi and rice of the required quality will now move into Delhi from the surplus States of Punjab and Pepsu.

श्री नवल प्रभाकर : क्या मैं जान सकता हूँ कि जो चावल दिल्ली में दिया जारहा है

क्या वह सबं सुलभ मूल्य के ऊपर नहीं है, यानी मंहगा दिया जा रहा है ?

Mr. Speaker: Is it not being supplied at a higher cost?

Shri M. V. Krishnappa: The price of rice in Delhi has been coming down since the 18th March. Delhi is now in the free zone of Punjab, PEPSU, Himachal Pradesh, Bilaspur and Delhi. It is a free zone now. The surplus rice from Punjab has already moved and the Delhi price has come down. It ranges from eight to fourteen annas. The common rice is selling at eight annas. And the four or five other varieties are selling at twelve or thirteen annas.

श्री नवल प्रभाकर : क्या मैं जान सकता हूँ कि जो बासमती चावल दिल्ली में मिल रहा है वह १ रु० ४ आ० और १ रु० ३ आ० प्रति सेर के हिसाब से मिल रहा है ?

श्री एम० बी० कृष्णप्पा : १ रु० ३ आ० के लगभग था. लेकिन अब १ रु० सेर है और थोड़े रोज में और कम हो सकता है।

सरदार ए० एस० सहगल : क्या मैं जान सकता हूँ कि किस किस वेराइटी का चावल दिल्ली में बेचने की इजाजत यहाँ के व्यापरियों को दी गई है ?

Shri M. V. Krishnappa: I would like to make an announcement that in addition to the quality rice that we have allowed from Punjab and U.P., we have made provision to import some rice, best quality of rice—Sambha rice—from Andhra, because South Indians like that rice. And we are now trying to import some rice from Bengal which the Bengali people like generally. And if some merchants come forward to import some rice from Bihar and Madhya Pradesh, we are prepared to allow it.

CATERING ON RAILWAYS

*2088. **Dr. Ram Subhag Singh:** Will the Minister of Railways be pleased to state:

(a) whether it is a fact that methods of improving the present

catering system in Railways were discussed recently at a meeting of representatives of the catering contractors on different Railways and the Railway Ministry in New Delhi; and

(b) if so, the results thereof?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) and (b). Yes, a meeting was held on 28th January 1954, with the representatives of catering contractors with a view to ascertaining the opinion of those in the catering business as to the best methods of improving the standard of catering on Indian Railways.

—The following were the subjects discussed at the meeting:—

(i) Adoption of a standard menu at a standard price;

(ii) Desirability of redistribution of the existing contracts with a view to allotting certain compact areas to particular contractors;

(iii) Prevention of sub-letting;

(iv) Feasibility of Indian Style caterers also undertaking Western Style catering; and

(v) Suitability of the newly designed dining-cum-buffet car.

In arriving at final decisions the opinions expressed regarding the above will be given due consideration.

Dr. Ram Subhag Singh: May I know whether the methods of improving catering on railways as suggested by that meeting have been given effect to; and, if so, whether any improvement has been brought about in railway catering?

Shri Shahnawaz Khan: The recommendations are still being considered and no final decisions have yet been arrived at. But I might add here that since that meeting we have been told by several persons that the standard of catering has already improved.

Shri Heda: Is it not a fact that the vendors have complained to the Government that they have been exploited by these contractors; and, if so, have

Government gone into the question and come to some conclusions?

Shri Shahnawaz Khan: Representation on this respect has been received from endors, and the high-powered Committee of which the hon. the Deputy Minister is the Chairman is considering that matter very seriously.

Shri Gidwani: Is it contemplated to change the system of giving licence to big contractors to one of giving the licences to small contractors or individual contractors?

Shri Shahnawaz Khan: That matter also is receiving very serious consideration.

MINOR IRRIGATION WORKS IN PUNJAB

*2089. **Shri D. C. Sharma:** Will the Minister of Food and Agriculture be pleased to state:

(a) whether Government have recently approved a programme of Minor Irrigation Works in Punjab; and

(b) if so, the amount allocated for it?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Yes, Sir.

(b) Rs. 233.37 lakhs.

Shri D. C. Sharma: May I know if the Central Government gave any directive to the State Government to pay special attention to scarcity areas like Una in Hoshiarpur district and Hamirpur in Kangra district?

Dr. P. S. Deshmukh: We do not specify any areas to any State Government. But since we are anxious to provide for the scarcity areas more particularly, as a general rule attention is invited to see that the scarcity areas in any particular State are attended to.

Shri D. C. Sharma: May I know if the Central Government gave any directive to the State Government to look particularly into the conditions of those districts like Hoshiarpur and Kangra which are backward in this respect?

Dr. P. S. Deshmukh: It would be going too far if we were to issue any directive as such.

Shri D. C. Sharma: May I know if it is the policy of the Government not to give any directive to the State Government so far as the distribution of this is concerned?

Dr. P. S. Deshmukh: The State Governments are responsible governments, and I am sure they will not make any mistake with regard to the proper choice.

Shri Heda: May I know what remedy lies with the Central Government if in spite of their directive the State Government neglect or ignore certain parts of the scarcity areas?

Mr. Speaker: Order, order.

Dr. P. S. Deshmukh: I am sure they will do the needful.

Shri S. N. Das: In view of the fact that the scheme for minor irrigation works in Punjab has been given by the hon. Minister, will he kindly place a copy of the statement giving fuller facts about all the States on the Table of the House?

Dr. P. S. Deshmukh: Every Member coming from each State has in turn asked this question, Sir, and most of the replies are already known to the House.

LOCOMOTIVES AND WAGONS

*2076. **Shri T. K. Chaudhuri** (on behalf of **Shri N. Sreekanth Nair**): Will the Minister of Railways be pleased to state:

(a) how many locomotives and wagons have been purchased under the Indo-U.S. Technical Co-operation Programme; and

(b) from which countries and at what prices?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) None so far.

(b) Does not arise.

Shri M. D. Ramasami: 2062, Sir.

Mr. Speaker: Has he got the authority?

Shri M. D. Ramasami: Yes, Sir.

Mr. Speaker: He should produce it in time. He may put that question.

SELECTION POSTS ON RAILWAYS

*2062. **Shri M. D. Ramasami** (on behalf of **Shri Muniswamy**): (a) Will the Minister of Railways be pleased to state whether it is a fact that certain posts on the scale of Rs. 150—225 on Railways are to be classified as selection posts?

(b) If the answer to part (a) above be in the affirmative, what are the posts classified as such?

(c) Is this classification power left to the individual Railway Administration or a uniform policy will be followed throughout Indian Railways?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) The matter is under consideration.

(c) A uniform policy will be followed, as far as possible.

सरदार ए० एस० सहगल : सेलेक्शन पोस्ट्स के लिये जोनल सिस्टम बनने के बाद क्या यह सच है कि जो दुरानी एरियाज थीं, उन में जो लोग कार्य करते थे उनको यह जगहें नहीं दी जाती हैं?

Shri Alagesan: It is not correct. The Railway Board have laid down certain uniform principles, and on the basis of those principles the various Railway Administrations have been asked to compile combined seniority lists.

सरदार ए० एस० सहगल : सेलेक्शन प्रेंडस के सम्बन्ध में इस तरह की कितनी रिपोर्ट रेलवे बोर्ड और मंत्री महोदय के पास हुई हैं?

रेल तथा परिवहन मंत्री (श्री एल० बी० शास्त्री) : जो सवाल है वह दूसरे विषय

पर है। माननीय सदस्य कुछ गलती कर रहे हैं। जिन बातों को वह पूछ रहे हैं उनका इस सवाल से कोई मतलब नहीं है। सवाल सिफ़ यह है कि एक हद तक सीनियारिटी से प्रभोशन देने का फैसला रेलवे मिनिस्ट्री ने किया। उसी के अन्दर कुछ जगहें ऐसी हैं जिन के लिये सीनियारिटी से नहीं बल्कि सेलेक्शन से भरने का फैसला किया गया है। सवाल यह था कि आया उन सब जगहों के लिये एक सी नीति होगी या कि कुछ फर्क होगा, तो उसका जवाब यह है कि हम इस के कायदे बना रहे हैं और मैं उम्मीद करता हूँ कि हमारी सब के लिये समान नीति होगी।

Mr. Speaker: The Question list is over.

WRITTEN ANSWERS TO QUESTIONS

SHIPPING

*2072. **Shri K. C. Sodhia:** (a) Will the Minister of Transport be pleased to state the total share of the export trade of this country booked with the Indian shipping during 1953-54?

(b) What steps are Government taking to secure a greater share of the export trade for the Indian Shipping?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Information is available only for the calendar year 1953 and it shows that Indian shipping had carried 3,88,668 dead-weight tons of export cargo in the overseas trades during that year. Attention of the hon. Member is also invited in this connection to the reply given to starred question No. 1870 asked by Shri Raghunath Singh on the 19th April 1954.

(b) Since shipping is in the private sector of our economy and our export trade is largely in private hands, it is for the Indian shipping companies themselves to take the initiative for securing adequate cargo for their ships

ing in the overseas trades. Government are, however rendering such assistance as is possible to enable the shipping Companies to carry as a share of Government owned or Government controlled cargoes as possible.

AGRICULTURAL FARM, SULTANPUR

4074. **Shri S. K. Razmi:** (a) Will the Minister of Food and Agriculture be pleased to state what expenditure has so far been incurred on the Agricultural Farm at Sultanpur and how much more do Government propose to spend during 1953-54?

(b) How many families of landless labourers do Government propose to settle on the land and what facilities would be provided for the workers?

(c) Did the land on which the farm being established belong to the State Government or has it been acquired from peasants and cultivators?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) The estimated expenditure from September 1953 when the Farm was set up to the 31st March 1954, is Rs. 5,52,900.

(b) 1,000 families. The facilities to be provided to them are (i) a subsidy to Rs. 500 to each family for construction of a hut, (ii) provision of schools and panchayat-ghars, dispensaries and drinking water wells and (iii) assistance in the promotion of cottage industries.

(c) A part of it belongs to evacuees from whom it has been acquired by the State Government. In order to consolidate the farm area some plots of land belonging to cultivators of the locality are being exchanged and newly allotted land very near their present plots is being allotted to them in lieu thereof.

INDIAN PLANTATION ACT

4081. **Shri K. P. Tripathi:** Will the Minister of Labour be pleased to state:

(a) whether it is proposed to call a tripartite conference to discuss the

draft rules made under the Indian Plantation Act, 1951; and

(b) if so, when?

The Minister of Labour (Shri V. V. Giridharan): (a) Yes.

(b) The draft model rules have been circulated to the employers' and workers' organisations and their comments are expected to be received by the end of this month. After the draft rules have been re-examined in the light of those comments, a date for the tripartite conference will be fixed.

WAGES OF TEA GARDEN LABOURERS

446. **Shri Dasaratha Deb:** Will the Minister of Labour be pleased to state:

(a) whether a demand has been made by the tea garden labour organisations of Tripura for the convening of a Tripartite Conference for enhancing their rate of wages; and

(b) if so, when Government propose to convene such a conference?

The Minister of Labour (Shri V. V. Giridharan): (a) and (b). Representations have been received by the Government of Tripura from labour unions for revision of the minimum rates of wages of tea garden workers. The matter is receiving the attention of the State Government.

TELEPHONE CONNECTIONS

447. **Dr. Ram Subhag Singh:** Will the Minister of Communications be pleased to state:

(a) whether Government propose to provide additional telephone connections in Patna; and

(b) if so, how many and when?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) 80, by 31st May 1954.

MICA MINES LABOUR WELFARE

448. **Shri Nageshwar Prasad Sinha:** (a) Will the Minister of Labour be pleased to state how many sittings of the Mica Mines Labour Welfare Advisory Committee were held in 1952 and 1953 and at what places?

(b) What business did it transact?

The Minister of Labour (Shri V. V. Giri): (a) and (b). Two statements giving the requisite information are placed on the Table of the House. [See Appendix IX, annexure No. 6.]

EMPLOYMENT EXCHANGES

449. { **Shri Y. M. Mukne:**
Shri Natawadkar:
Shri B. K. Patel:

Will the Minister of Labour be pleased to state:

(a) the total number of Scheduled Tribe and Scheduled Caste graduates, undergraduates, matriculates and others who registered their names in the different Employment Exchanges, State-wise, during 1953; and

(b) the number of them under each category who were provided with employment?

The Minister of Labour (Shri V. V. Giri): (a) and (b). Two statements are placed on the Table of the House. [See Appendix IX, annexure No. 7.]

Contents

Part II - Parliamentary Debates

Part II - (Proceedings other than Questions and Answers)

Tuesday, 27th April, 1954—

Messages from the Council of States	5809, 5911—5912
Committee on Petitions—Second Report presented	5809
Food Situation—Petition received	5810
Calling Attention to Matter of Urgent Public Importance—	
Inadequate transport facilities for lifting coal and cement to North Bihar	5810—5812
Code of Criminal Procedure (Amendment) Bill—Introduced	5812
Factories (Amendment) Bill—Motion to Pass— <i>No concluded</i>	5812—5911
Prevention of Disqualification (Parliament and Part C States Legislatures) Amendment Bill—Laid on the Table, as passed by the Council	5912

THE
PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)
OFFICIAL REPORT

5809

HOUSE OF THE PEOPLE

Tuesday, 27th April, 1954

*The House met at a Quarter Past Eight
of the Clock*

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

9-05 A.M.

**MESSAGE FROM COUNCIL
OF STATES**

Secretary : Sir, I have to report the following message received from the Secretary of the Council of States:

"In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Council of States, I am directed to return herewith the Finance Bill, 1954, which was passed by the House of the People at its sitting held on the 22nd April, 1954, and transmitted to the Council of States for its recommendations and to state that the Council has no recommendations to make to the House of the People in regard to the said Bill."

**SECOND REPORT OF COMMITTEE
ON PETITIONS**

Shri Raghuramaiah (Tenali): I beg to present the Second Report of the Committee on Petitions.

122 P.S.D.

5810

PETITION RE FOOD SITUATION

Secretary: Sir, under Rule 178 of the Rules of Procedure and Conduct of Business in the House of the People I have to report that a petition, as per statement laid on the Table, has been received relating to the prevailing food situation in the country.

STATEMENT

*Petition relating to the prevailing
food situation in the country.*

No. of Signatories	District or town	State	No. of Petition
One	South Malabar	Madras	7

**CALLING ATTENTION TO MATTER
OF URGENT PUBLIC IMPORTANCE**

**INADEQUATE TRANSPORT FACILITIES FOR
LIFTING COAL AND CEMENT TO NORTH
BIHAR**

Mr. Speaker: I have received notice under Rule 215, from Shri L.N. Mishra, Shri Awadheshwar Prasad Sinha and Shri Bhagwat Jha Azad calling the attention of the Minister of Railways to the following matter of urgent public importance and requesting that he may make a statement thereon:—

"Inadequate transport facilities to lift coal and cement to North Bihar which has caused much dislocation in the programme and arrangements made for rehabilitation of those who had lost houses in last year's flood."

The Deputy Minister of Railways and Transport (Shri Alagesan): The traffic from areas served by the broad gauge for North Bihar has to be ferried over the river Ganga via Mokamehghat, Bhagalpur and Manihari-Sakrigali ghat and also carried by a longer route via Manduadiah near Banaras. The volume of traffic that can be ferried across the river is dependent upon the behaviour of the river, which directly influences the number of trips which the ferries can make daily. Towards the latter part of 1953-54, the river conditions have been most unfavourable as compared with the last several years with the result that the quantum of traffic moved was about 20 per cent less than the normal capacity of about 215 broad gauge wagons a day via the three riverine points.

This unavoidable decline in the total quantum of rail transport could not be possibly made up by increased movements via Manduadiah. The movements via Manduadiah also had to be unavoidably curtailed during January-February to accommodate the heavy passenger traffic on the metre gauge in connection with the Kumbh Mela at Allahabad.

The reduction in the total traffic carried naturally affected coal and cement also.

The Bihar State Government represented their difficulties about the middle of February 1954 and the position was discussed at Delhi with their Minister for Civil Supplies on 28th February 1954. As a result of the discussions, *inter alia*, the following arrangements were made to move coal and cement:—

Coal: 24 broad gauge wagons a day and in addition, 8 special trains to Manduadiah.

Cement : 16 broad gauge wagons a day and in addition, 2 special trains via Manihari-Sakrigali ghat.

The Bihar Government agreed to receive the coal by special trains to a

dump at Manduadiah, to be subsequently despatched to metre gauge stations as early as feasible.

A meeting was called at Patna on the 14th April 1954, by the Chief Minister, Bihar State, with the representatives of the Railway Board, the Railways concerned and the Coal Commissioner. The Chief Minister is understood to have expressed satisfaction at the increased movements which materialised as a result of the special arrangements made during the month of March. A close liaison is being maintained with the Bihar State so that timely and appropriate action is taken to meet the requirements of that State as best as possible, having regard to the requirements of other States also served by these routes.

CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

The Minister of Home Affairs and States (Dr. Katju): I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Code of Criminal Procedure, 1898."

The motion was adopted.

Dr. Katju: I introduce the Bill.

FACTORIES (AMENDMENT) BILL

The Minister of Labour (Shri V.V. Giri): I beg to move:

"That the Bill further to amend the Factories Act, 1948, as passed by the Council of States be taken into consideration"

The House will no doubt recall that in 1948 a comprehensive law was enacted to consolidate and amend the

law relating to factories and the new Factories Act came into force with effect from the 1st April 1949. As India has ratified the I.L.O. Conventions Nos. 89 and 90 prohibiting the employment of women and young persons during night in factories, it has become necessary to amend Sections 66, 70 and 71 of the Act so as to bring their provisions in conformity with the I.L.O. Conventions mentioned. Advantage has also been taken of this opportunity to incorporate in the Act certain other amendments in order to remove the practical difficulties experienced in the enforcement of some of the provisions of the Act. These amendments have been examined in consultation with the State Governments and the all-India organisations of workers and employers, and there is a large measure of agreement between the various parties in regard to them.

Before going to the nature and scope of the amendments proposed, I would like to say a few words about the measures the Government of India have taken for improving the administration of the Factories Act, particularly in view of the criticism voiced on the floor of this House and outside on various occasions in regard to the laxity in the enforcement of the provisions of the Act. The House is no doubt aware that 'Factories' being a concurrent subject, the responsibility for the administration of the Act rests with the State Governments. Laws and regulations can be effective only to the extent that they are implemented and implementation calls for the establishment of adequate enforcement machinery. The question of strengthening of the Factory Inspectorates and appointment of Medical Inspectors has therefore been actively pursued since 1946 and the position has been constantly under review. I might mention in this connection that during the course of the last seven years, the sanctioned strength of the Inspectorates in part A States has increased from 60 to almost double the number. Medical Inspectors of factories have also been appointed in some of the major States.

The need for adequate training of Factory Inspectors has also been fully appreciated. Arrangements have been made under the various foreign Technical Assistance programmes for the training of Inspectors in some of the industrially advanced countries. At the same time, training and refresher courses are being held by the organisation of Chief Adviser of Factories from time to time, for the benefit of the Inspectors, particularly those newly appointed.

The Central Organisation of the Chief Adviser of Factories has also undertaken studies into the incidence of occupational diseases and other health hazards in the various industries. These Industrial Hygiene Surveys are being conducted on an industrywise basis and an attempt is being made to cover a representative section of the industries in the country as a whole. Already the following hazardous industries have been covered:—

- (1) Motor-car Storage Battery Industry
- (2) Dichromate Industry
- (3) Mica Industry
- (4) Refractories.

As a result of these detailed investigations, recommendations have been made for reducing the incidence of occupational diseases and for improving working conditions in general, and they have been communicated to the State Governments, etc., for further necessary action.

In all social legislation, if a reasonable standard of compliance is to be maintained, the co-operation of all parties is very necessary. It is recognised that voluntary action achieves better results than compulsion and a new method of approach for ensuring the effective implementation of the provisions of the Act is being considered in some of the better-organised industries by securing an agreement with the employers and workers, both as to the method of compliance with the Factories Act and Rules and also

[Shri V. V. Giri]

as to the observance of certain practices outside the scope of the Act but affecting the safety, health and welfare of the workers. These agreements do not, of course, supersede, in any way, the requirements of the Act.

We have been hoping for some time to have an institute for the scientific study of the various aspects of industrial development relating to the human factor and the needs of a developing economy. The hon. Members would be interested to know that Government have decided to set up a Central Labour Institute in Bombay. The institute will function as a centre for research on problems bearing on the well-being of industrial workers and for imparting specialized training in labour problems. The scheme envisaged is a composite one comprising (1) a Museum of Industrial Safety, Health and Welfare, (2) an Industrial Hygiene Laboratory, (3) a Training Centre and (4) a Library-cum-Information Centre.

I would now refer to the more important amendments to the Factories Act proposed in this Bill. As already stated, it has become necessary to amend sections 66, 70 and 71 of the Act so as to bring their provisions in conformity with I. L. O. Conventions Nos. 89 and 90. Convention No. 89 concerning night work of women employed in industry provides that women without distinction of age shall not be employed during the night in any public or private industrial undertaking. For the purpose of this Convention, the term 'night' signifies a period of at least eleven consecutive hours, including an interval prescribed by the competent authority of at least seven consecutive hours falling between 10 P.M. and 7 A.M. Under the existing Act, women are prohibited from employment between 7 P.M. and 6 A.M., that is, for 11 hours, but the State Government can, in respect of any class or description of factories, vary this limit subject to the condition that such variation shall not authorise

the employment of any women between 10 P.M. and 5 A.M. In cases of change of shifts, however, it may happen that the 11 hours' limit may not be maintained. For example, if a shift in which women are employed is from 2 P.M. to 10 P.M. and it is changed the following day from 6 A.M. to 2 P.M. the interval would only be 8 hours between the end of the first shift and the beginning of the next. To cover such contingencies, a provision is necessary to the effect that change of shifts of women should be made only after a weekly holiday or any other holiday. Section 66 of the Act is, therefore, to be amended as suggested in the Bill.

Convention No. 90 concerning night work of young persons employed in industry prohibits young persons working at night. The basic requirement of this convention is that young persons should not be employed for a period of at least 12 consecutive hours, including an interval of at least seven consecutive hours between 10 P.M. and 7 A.M. To give effect to the convention, it is necessary to amend sections 70 and 71 on the lines indicated in the Bill.

Another important amendment is the revision of Chapter VIII relating to leave with wages. This is with a view to simplify the provisions and thus to remove the frequent differences of opinion that now occur between employers and workers. Under the existing provisions, a worker has to put in 12 months' continuous service for eligibility to leave with wages. The determination of 'continuous service' has, however, been causing considerable difficulty as interruptions on account of various causes such as sickness, involuntary unemployment etc., have to be reckoned with. A large number of representations have been received from workers against the provision relating to 'continuous service.' Suggestions have also been received that the workers should be

entitled to leave with wages without any condition of qualifying service and that the rate of earning leave with wages should be increased. I would like to point out here that the I.L.O. Convention on Leave with Wages prescribes continuous service for a year as a pre-requisite to earning leave. The object of leave with wages is to give to the worker an opportunity of rest and recuperation. At the same time, the terms of leave should be such as to encourage regular attendance. It is, therefore, proposed to fix 240 days work in a calendar year as the minimum attendance necessary to qualify for leave with wages. This will still leave 125 days in a year to account for absence for various reasons. Periods of lay-off, maternity leave up to 12 weeks in the case of female workers and the leave earned by a worker in the year prior to that in which the leave is enjoyed are proposed to be counted towards the qualifying period of 240 days mentioned above. This condition of qualifying service will not be applicable to workers who are discharged or dismissed by the employer in the course of the year. It is also proposed to make it clear in the new provisions that the annual leave with wages admissible under the Act is exclusive of holidays occurring during or at either end of the period of leave. Provision has been made for the grant of proportionate leave to workers whose service commences after the beginning of the calendar year. The limit of the leave that can be carried forward has also been raised as it is felt that workers cannot afford to go on leave very often and that when they go, they prefer to be away for comparatively long periods. It is also proposed to provide that where a worker requires leave to cover a period of illness, no prior notice of leave, as required under the existing provisions, should be necessary. The sums payable by an employer on account of leave with wages have been made recoverable as if they were wages under the Payment of Wages Act.

The other amendments are of a minor nature and are intended to remove the difficulties which have been experienced in the administration of the provisions. I may mention here that apart from the amendments incorporated in this Bill, Government have under consideration certain other proposals for the amendment of the Act but these require detailed examination and consultation with all the interests concerned including the employers' and workers' organisations. These will be brought before the House in a separate Bill in due course.

With these remarks I commend the Bill for the consideration of the House.

Mr. Speaker: Motion moved:

"That the Bill further to amend the Factories Act, 1948, as passed by the Council of States, be taken into consideration."

Before I proceed further, I would like to state the time-limit as fixed by the Business Advisory Committee. It is in all five hours starting from 9 o'clock today. We shall have to adjust as to what time we shall take for the consideration motion, what time for the clauses and what time for the third reading. May I have the inclination of the House on that aspect?

Some Hon. Members: Three hours for the consideration motion.

Mr. Speaker: Is that agreed? That leaves two hours. How much would be required for the third reading?

Some Hon. Members: Half an hour.

Mr. Speaker: Then one and a half hours for the clause by clause consideration and half an hour for the final stage. So, that is the allotment which the House is fixing.

There is an amendment to the original motion by Mr. Gurupadaswamy. Does he intend to move it?

Shri M. S. Gurupadaswamy (Mysore): Yes, Sir.

Mr. Speaker: I think that the amendment is for referring the Bill to a Select Committee. Will he give the names of the members of the Select Committee?

Shri M. S. Gurupadaswamy: Sir, I beg to move:

"That the Bill be referred to a Select Committee consisting of—Shri Khandubhai Kasanji Desai, Shri Nemi Chandra Kasliwal, Dr. Ram Subhag Singh, Shri V. V. Giri, Padit Thakur Das Bhargava, Shrimati B. Khongmen, Shri S. V. Ramaswamy, Shri C. R. Basappa, Sardar Hukam Singh, Shri Choi-thram Partabrao Gidwani, Thakur Jugal Kishore Sinha, Shri Sahdam Chandra Gupta and the Mover, with instructions to report not later than the 15th May, 1954."

Mr. Speaker: He wants the Select Committee to report not later than 15th of May, 1954. This is an important point.

Shri Punnoose (Alleppey): As the hon. Labour Minister indicated, the Bill is intended to effect certain amendments to the Factories Act. Some of the amendments are of minor nature as he said; some of them are important also. The changes that he has indicated are, on the whole, salutary changes, changes for the better; there is no doubt.

[MR. DEPUTY-SPEAKER in the Chair.]

It was meaningful that he began with certain observations with regard to the Factories Act and the condition of labour in general.

That, I think, is the correct approach because, you cannot deal with a particular amending Bill with regard to labour without taking into consideration the whole question, as to what exactly has emanated as a result of the various legislations and also as a result of the various activities of the Labour Department.

The hon. Minister said that this amending Bill has been drafted in consultation with the State Govern-

ments and all India Trade Union organisations. When he said "State Governments," I was rather surprised. For the last three or four days, I have been searching our Library to get enough information with regard to the conditions of labour in the various States. With regard to a few States, I found something of the year 1948. There was nothing afterwards. This is a phenomenal thing to be seriously considered. Labour being a concurrent subject, whatever nice legislation may be passed here, it has to be implemented by the States. What happens is that sufficient information is not even reported back to the Central Government and no information is available with the Central Government on various questions with regard to labour. When points are raised here, and the Labour Minister has to answer, he has no information regarding them. If that state of things continues, I would say that all our efforts are not going to benefit labour to any considerable extent. Something has to be done in this matter. This particular difficulty is inherent in the attitude of the Central Government and the Congress Government as such towards labour.

What should be the attitude of the Government? The Government of a State which claims to be a welfare State should not pass legislation merely when driven to that necessity, when the employers or labour clamour for it or the I. L. O. wants certain amendments to be brought about. That, I feel, should not be the attitude of a progressive Government. They should take into consideration the conditions obtaining in this country for decades. They should appreciate that for decades our workers were neglected and their demands were overlooked.

Government should take a consistent and determined attitude and put forth an effort to make up for the past omission not only by tackling the problems when they come and strike in the face, but by seeing what

exactly are the difficulties and problems confronting the working classes and trying to legislate for them. The mere fact that there are certain pieces of nice law in our statute-book will not do. It should be thoroughly investigated how these laws are put into practice.

For the first time labour legislation was enacted in this country in 1881. It was confined to a few industries only. Then, the law relating to factories was passed in 1922. It was overhauled in 1934, and the Factories Act of 1934 was passed. In 1948, we got the Factories Act. It is now nearly six years that this Act has been working. I am surprised that the Labour Minister had nothing more to say about the working of this Act and the results flowing therefrom. Spokesmen from the other side often say that there is reduction in the number of strikes and man-days lost, etc. I do not know whether they believe that the working masses in this country are more contented now than in the past. Time and again, you will find that whenever some labour question comes up for discussion here, irrespective of parties, all those who are interested in labour ventilate the grievances of the workers. It does not matter whether the leadership of a particular union is fraternising with the Government or not, the fact is that the masses of labour are grossly dissatisfied with the conditions in which they are placed. Therefore, it should be the concern of the Government to go into the question in a detailed manner, collect all the data necessary and bring forward a more detailed type of legislation. This has been overdue and I do not think that the promise of the Labour Minister to bring about some Bill includes this. This has to be done at an early date. What ought to have been done was, to have taken into account all the difficulties and disabilities from which the working classes are suffering in spite of the prevailing legislation and then brought a Bill providing for their solution.

The present amending Bill deals chiefly with the employment of women and children, eligibility for leave with wages and also with certain practical difficulties experienced in the working of the Factories Act. In various States, the provisions of the Factories Act are respected more by their breach than by their observance. I have got considerable experience in my own place. Take, for example, the Travancore-Cochin State. There, after all the Labour Department is a minor department. The Labour Minister is talking about Inspectors and so on. We have very few Labour Inspectors there. I have not got the figures. But, from experience I can say that a large number of Factories are not at all visited by the Inspectors in a year for the simple reason that their number is so small. Also when they visit, they take all the information from the management. No effort is made to consult the labour, to know their views or even to consult their organised unions. Where there is some agitation or strike or some difficulty, certainly, there is some sort of a conference. But, that would not do. The Labour Inspectors, when they visit the factories, should know how the labour feels about things and how the provisions of the Act are implemented there.

For example, we are talking about overtime allowance. What happens in many factories there? In the Government transport itself, they keep a large number of casual labour. If you go to Trivandrum, the centre of the transport industry, you will find that there is a very large number of casual labour. They have been casual labour for four years, five or six years. They are kept as casual labour with the result that they do not enjoy the benefits of the Factories Act.

Then, in the Alleppey area you will find that managements take in and dismiss workers before they can

[Shri Punnoose]

claim the benefit of these 240 days. This 240 days is now being introduced here, but that basis has been accepted in some of the factories there, but what happens is that a large number of workers are discharged before they can complete these 240 days, with the result they are not considered as permanent workers and they do not get the benefit of the Act.

The Factories Act provides that there should be good sanitary conditions in the factories. It would be a heart-rending sight to visit some of the factories in South India. Not only inside the factories, but there is provision for housing also. For example, in the big sheds, you will find that one single...

Mr. Deputy-Speaker: Are we getting into the general discussion of the Factories Act?

Shri Punnoose: It is relevant in the sense that my intention is to show that this amending Bill is too small and too general. So I have to show they are touching only the fringe of the big problem.

Mr. Deputy-Speaker: My difficulty is this. Then all the difficulties that have been experienced during the last four or four and half years may be now agitated on the floor of this House saying that this must have been incorporated, another thing must be incorporated etc. If I only open the door, another hon. Member who may be in touch with something else, may go on in the same way. Hon. Member will kindly consider it. Therefore, it is good to confine oneself to the Bill.

Shri S. S. More (Sholapur): Then, how are we to point out to the Government the difficulties that were experienced after they passed the Factories Act? This is the only occasion we get for pointing out the difficulties.

Mr. Deputy-Speaker: The scope of an amending Bill is only restricted to

the amendment. So far as the other one is concerned, there are many ways. A resolution can be moved that these inconveniences must be taken notice of and due provision must be made through an amending Bill or otherwise. A number of opportunities are there. But I cannot enlarge the scope of this particular Bill. It must be relevant. Even if it is remotely relevant, I have no objection. When there is absolutely no relevance or connection, I find it difficult.

Shri Damodara Menon (Kozhikode): The hon. Minister in his opening speech referred to a Bill he is preparing with further amendments. So, any suggestions we make...

Mr. Deputy-Speaker: All suggestions can be made, but not on the floor of the House now on this Bill.

Shri Damodara Menon: The Minister said that he was contemplating another amending Bill. Will it not be...

Mr. Deputy-Speaker: But shall I allow discussion on the prospective amending Bill now? Therefore, hon. Members will kindly pass on whatever suggestions they have to the hon. Minister. If they are not satisfied with that, they can give notice of a resolution, and there are various other ways in which the matter can be brought up before the House.

Shri Punnoose: I do accept the spirit of your advice and shall try to limit myself.

The hon. Minister was speaking about the overtime wages that the worker is to get. What is the good of bringing in such legislation here while in the industries run by Government itself, it is being overlooked. For example, I told you about the transport industry in Travancore-Cochin State. There, you will be surprised to know that workers who run scheduled and non-scheduled special service are getting one per cent.

of the basic salary as overtime allowance. The mechanical staff gets one per cent. of the basic salary and the operating staff gets only 3/4 per cent.

Not only that. As the hon. Minister said the implementation of any law depends much on the mutual agreement and the co-operation coming forth from the various parties interested. But, there are instances and instances of Government themselves refusing to recognise unions which have the real backing of the workers, the accepted trade unions of the workers. For example—in Travancore-Cochin, in the transport industry, the officer concerned, the Director, refuses to talk with the representatives of the only recognised union in that industry.

Shri V. V. Giri: In Trivandrum city?

Shri Punnoose: Yes. In Travancore-Cochin.

And the peculiarity about it is that till recently that union was recognised and consultations were taking place, but now they refuse to recognise it. Therefore, what I wanted to impress on the Minister is that he should look into all these problems and bring in the necessary legislation—not only that, but also some machinery has to be devised by which this can be implemented. It is no good saying the responsibility for implementation is that of the State Government, what can we do about it? Unless something is done to that effect, the lot of the workers is not going to be improved by mere legislation.

With regard to the amendments here, I would ask the hon. Minister why the railway running sheds are excluded from this. I do not suggest that it should be straightforward included here, but what is the labour legislation under which the workers of the running sheds get the benefits? Some time back it seems there was an understanding, some sort of pro-

mise from the other side, that it would be looked into and something will be done, but nothing has been coming forth.

Then, with regard to leave with wages, now it is specified there should be 240 days for qualifying for this leave. I have got a doubt as to why there should be this qualifying clause at all. The hon. Minister did not explain that. He said that in the I.L.O. Conventions there is this qualifying clause, and so it should be there. If a Government servant can get his period of leave no matter whether he was there for so many days or not, then why not the same principle be applied and labour get this leave irrespective of the number of days put in? They are proceeding on the supposition—on the presupposition—that if workers have the right to take leave, they will not work. That is a wrong attitude. Even these 240 days will create all sorts of complications, and in practice the worker will be deprived of the benefit. There are factories in the Malabar coast which insist that workers cannot take all these days at a stretch. There are factories which say: "You cannot take more than four days or five days leave at a time." The hon. Minister stated that now the number of days can be carried over to the next year, so that they can go to their distant homes. How is it possible when there are managements which say that the workers cannot take more than four or five days leave?

Then, he said he consulted the All-India Trade Union Organisations. I know that the All-India Trade Union Congress suggested that instead of 240 days, 90 days should be the qualifying period. I do not know what difficulties there are in accepting it. Now, in the Labour Relations Bill which was placed by the Government before the provisional Parliament, 90 days was the qualifying period. Why should that be made 240 days now?

In the amendment to section 64, the provisions for rest that were

[Shri Punnoose]

made in the parent Bill are being abolished. Why should that be so? I do not know why those provisions are abolished.

Then, in calculating the wages, the standard family is taken into consideration. I do not know whether the word 'standard' was put in there wrongly. Is it the 'planned' family?

Shri V. V. Giri: Standard family.

Shri Punnoose: I know the Government are now engaged in that costly hobby, planned parenthood. But I find that the Labour Ministry has taken it as a reality, that is, father, mother and two children below 14 years of age should be taken as a standard family. I do not know how they get that statistics. The fact is that our workers have got much larger families than our Government desires. Therefore, the 'standard family' has to be amended. It has to be really standardized according to the realities.

I once again bring the point before the hon. Minister, and that is, a larger measure of labour legislation is necessary and that some plan also has to be found by which they are implemented.

With these observations, I close.

Mr. Deputy-Speaker: The limitation of time to the Bill as a whole and dividing the time for the various stages necessarily implies a limitation of time for the speeches. Lest only one section of the House should have all the time, however interesting or however good the speeches might be, I would request the hon. Members to confine their remarks to 15 minutes each. In cases where they have much more to say,—I will be watching—I shall allow twenty minutes. Beyond that, I will not allow, because, if I allow more than twenty minutes, I will not be able to call upon all sections of the House to say what they have to say.

Shri M. S. Gurupadaswamy: The policy of Government in regard to labour, I must say, is very halting, hesitant and thoroughly unsatisfactory. (Laughter). Some Member is laughing at it.

An Hon. Member: It is an unwarranted laughter.

Shri M. S. Gurupadaswamy: Perhaps that laughter is a sign of weakness. According to one of the theories of psychology, laughter is a sign of weakness on the part of the human individual.

Shri D. C. Sharma (Hoshiarpur): Certainly not.

Shri Nambiar (Mayuram): A professor can dispute it.

Mr. Deputy-Speaker: Why should there be a dissertation on laughter? It is not a part of the Factories Act.

Shri M. S. Gurupadaswamy: The history of the Factories Act goes back to the year 1881. It has got a long history. It is not quite new to our country. From time to time, the Factory Act has been amended, changed and overhauled but throughout, we find that at no stage of amendment or change in this legislation has any satisfactory response to the demands of labour been shown by the powers that be. The present Factory Act is the culmination. I must say, of the previous Factories Acts. This is not an entirely new and independent Act. It is only one in the series of Factories Acts. This Act came into existence nearly four and a half years ago, in the year 1948. In that year, when this Act came up for discussion before the House, many Members in Parliament at that time suggested that this did not go far enough to meet the reasonable demands of Indian labour. They also pointed out that it was not comprehensive enough to include all categories of labour. In spite of this, the Act was passed, because there was a majority. But after seeing the unsatisfactory

working of this Act for the last four and a half years, many of us naturally expected that the Minister would bring forward a more satisfactory amendment this time. I hope the Minister will agree that there has been too much delay in bringing this amending legislation. But even after taking so much time to bring forward this amendment, the Minister has belied our expectations in not bringing comprehensive amendment to this Act. That is my first complaint to the Minister against this measure.

My next point is: this Act is not progressive but retrogressive in one or two respects. Perhaps you are aware that the Act of 1934 included running sheds of the railways in the definition of the word "factory". But in 1948, this was removed from the ambit of the definition of 'factory' and we thought that after working this Act for these number of years, the Minister would come forward to include this category and other categories of labour, namely, casual labour, in the definition of the word 'factory.'

This Bill has been brought forward with a view to make certain amendments to keep the provisions in conformity with the conventions of the International Labour Organization. In so far as this is concerned, I have no dispute. I do not say that it is bad. I agree with the Minister. It is a welcome step, and I even congratulate the Minister, in so far as this matter is concerned. I am glad that at least he has realized that hereafter we should not isolate ourselves from the international standards of labour and we should always act in conformity with international conventions. So, in this particular matter, I must congratulate the Minister that he is trying to approach international standards in labour matters. But there he stops. Beyond this, he has not taken any positive steps. We know how, during the last four years, the administration of this Act has been unsatisfactory. He himself admitted that

the administration of this Act is entirely in the hands of the State Governments and the Central Government cannot effectively take part in implementing the provisions of this Act. This is one of the drawbacks in our Constitution. I feel that in labour matters there should be more effective guidance from the Centre because we expect that in the labour front there should be uniformity throughout the length and breadth of the country, in regard to the implementation of labour legislation as well as the common conditions that should prevail in all factories.

The hon. Minister pointed out in his speech that he preferred bi-partite agreements between employers and labour and that it would be a better arrangement than any other method. Though bi-partite agreements, are good, they have got very limited purposes to serve. They do not go far enough. We have, by experience, found that in these bi-partite agreements, the power of bargaining is always on the side of the employer and the Government always tries to help the employers. That has been my experience. The Government always favours the employers and the interests of labour always suffer.

Shri Nambiar: It is their Government.

Shri M. S. Gurupadaswamy: If bi-partite agreements could satisfy the reasonable demands of labour, I offer no objection to them. But the way in which things are being done at present, shows that there is a sort of alliance—I do not say conspiracy—between the Government and the employers. It looks as though the Labour Departments in the various States are functioning as appendages of Government and the impression in the mind of labour is that the Labour Departments are not meant for labour but they are meant for the employers and at the most they are like any other department of the Government. So, the Labour Departments

[Shri M. S. Gurupadaswamy]

in the various States are not playing their proper role and, in many cases, I know they encourage fissiparous tendencies among labour. They do not try to sympathise with or appreciate or understand the real demands of labour. On the other hand the policy of the Labour Departments in every State seems to be to bring about some sort of compromise, on some basis or other, between labour and the employer, for some time at least so that there may not be trouble. So, the policy of the Labour Department is a hotch-potch policy. It is not correct and proper and is not pursued keeping in view the long-term settlement. Any settlement that has been brought about by the Labour Department is only a short-term settlement and any compromise that has been brought about by the intervention of the Labour Department is only a short-term compromise; and moreover any agreement between the labour and the employers is always interpreted in favour of the employers and against labour interests. That is why I say that though some of the provisions in the Bill give certain benefits to labour, actually, the benefits are not enjoyed by labour.

10 A.M.

In this connection, I may quote one particular instance. In a number of factories, the factory owners employ casual labour. They maintain a huge fleet of casual labour and they employ these labourers for three or four months and then discharge them and then again re-employ them so that they may get over the provisions of the Factories Act. The Factories Act fails to meet this situation. It has not in any way improved matters. It has not compelled the employers not to resort to these devious and irrational methods. I, therefore, say that Government should take more positive steps for implementing at least the limited guarantees given under the Act. That has not been done so far.

One hon. Member suggested that the reports of the Labour Departments are not coming from the various States. That is true. They are very meagre and scanty. Moreover, I wonder what report can they send. They have nothing to send to the Central Government, because they are not functioning properly. I will quote one instance. There are various Factory Inspectors employed under the Labour Departments. Their duty is to inspect the factories, see the conditions of working of labour and see that sanitary conditions and other facilities are provided. But, unfortunately, if you see the available statistics, you will come to know the deplorable lack of inspection on the part of the Inspectors. I can say, particularly in the Punjab, there are 1336 factories and only 497 have been inspected. How can you expect that the provisions of the Act will be implemented or properly adhered to by the employers unless you inspect and unless you know all the things that are being done inside the factory? You will not be able to know whether the Factories Act is properly working or not. So, either the staff provided to the Factory Inspector is very inadequate or there is no effective check over the Factory Inspectors and there is no effective functioning of these Inspectors. So, I say the Factories Act is not at all working in the country though it is there on the statute-book. What is the use of passing such a legislation? It may satisfy the Labour Minister, it may please him that he has passed this Act or that Act and it may serve as a camouflage to hoodwink the public. But, unless these Acts are implemented properly, there is no purpose in multiplying such Acts. So, the only criterion by which labour policy should be judged is whether the Acts that have been passed by Parliament are properly working or not and if there is no proper working, then we have to say that the Labour Ministry is not working properly and the policy of Government is wrong (*Interruption*).

There is one more aspect about which I want to make one or two observations. The benefits that have been given by the Factories Act are not far-reaching; they are very limited benefits as I stated. I urge upon the Minister therefore to take more **concrete measures** to benefit labour. I suggest to him that every adult labourer should have one day for rest, after working for ten days. With regard to children that must be reduced to eight days. That is, after working for eight days, every child should have one day for rest. Holidays should not be included in this.

It was suggested long ago that the present 48 hours of work is not in conformity with some of the progressive ideas of labour policy. I wish that this 48 hours should be reduced to 44, and more rest may be given to labour.

Finally, I say that this Bill needs more amendments and we do not know when this Bill, if passed, will come again for amendment. As the Minister has in any way brought forward this amending Bill, he must take this opportunity to amend other provisions of the Bill, so that the benefits accruing to labour would be real benefits, which are satisfactory and good. This opportunity should be utilised to bring about a more comprehensive list of amendments and I urge that this Bill be referred to a Select Committee for the purpose. In the amendment I have suggested that the Select Committee may report back to the House by the 15th of next month and so we can pass the Bill within the period of the current session. My motion is not a dilatory motion, and my only purpose is that we should make the Bill more comprehensive and satisfactory. I hope that the Minister will agree to my amendment and send the Bill to the Select Committee.

Shri Venkataraman (Tanjore): The hon. Minister, while moving for consi-

deration of the Bill, stated that he will bring forward a more comprehensive amending Bill to the Indian Factories Act. Therefore, I do not propose to devote my time to the lines on which the Factories Act should be improved or amended. I shall confine my observations to the several clauses in the Bill before the House. In doing so, I have to place before the House the lack of material or the paucity of material to base our conclusions upon, which handicaps the Members of the House in relation to matters affecting labour. We all know that this is a concurrent subject and that the administration of the factories as well as other labour laws are with the State Governments. The Parliament here passes certain legislation with the best of intentions, but either due to lack of necessary financial strength in the States or even due to lack of sufficient interest in the matter, the enforcement of these legislations is somewhat tardy. Take for instance the figures relating to accidents in factories. The Factories Act, as we all know, is intended to prevent accidents and provide amenities for normal and decent standards of health, ventilation and conditions of work, and yet, when we are discussing a piece of legislation like this, we do not have any figures later than 1951-52 in respect of anyone of these items. The State Governments take such a long time in furnishing materials or data in respect of these matters that we are handicapped in coming to a conclusion as to whether these particular amendments, that have been brought forward by the hon. Minister, are necessary at all and whether, if they are passed, they would be administered properly.

First of all, I must express my firm conviction that the Indian Factories Act is one of the few labour legislations which is well enforced. It is one of the very few pieces of legislation which have kept abreast with the legislation in modern times in other countries. My friend, Mr. Gurupada-

[**Shri Venkataraman**]

swamy, was saying that the Factories Act has been continuously amended and that it is not a modern piece of legislation. On the contrary, the Indian Factories Act is based on the British Factories Act, and as and when the British Act has been amended, the Indian Factories Act has been brought in line with the U. K. Act. If you look at the conventions and recommendations accepted by the U.K., you will find that among the countries which have adopted the highest standards of factory management and factory legislation, the U.K. is fairly on the top. Therefore, let us not decry ourselves under an imaginary complex that we are always behind others in the world in respect of labour legislation. On the contrary, so far as factory legislation is concerned....

Shri S. S. More: We have closed our eyes.

Shri Venkataraman: We are very well abreast with the modern countries.

Shri Nambiar: Though in practice, there is nothing.

Shri Venkataraman: If there is nothing in practice, it is largely, if not entirely, due to friends like Shri Nambiar and myself, because legislation is not an animal with a life of its own, capable of walking about the streets and enforcing itself. Somebody has to move the authorities to enforce it. I do not mean it seriously and for an illustration, I would say that if my hon. friend Shri Nambiar slapped me on my face, the Indian Penal Code will not, automatically go into operation and catch hold of Shri Nambiar, but the procedure laid down will have to be followed—I will have to go and complain to a magistrate, whereupon summons will be issued and Shri Nambiar may be brought to book. Therefore, if we have a legislation like the Factories Act, and if it is not enforced, it only means that the Unions are not strong enough to

bring breaches of this piece of legislation to the attention of the authorities charged with the duty of enforcing it. It is no use coming to the forum of Parliament and saying that it is not being enforced. In my own little experience, I have found that the Factory Inspectorates in the States have been quite alert in enforcing the legislation provided the breaches are brought to their notice, but if the breaches are not brought to their notice, due to indolence or indifference of the unions themselves or the absence of trade unions, I am afraid labour has to thank itself for it. The Indian Factories Act, I was going to say, is following closely the British Act, and in introducing the amendments with regard to section 64 etc., relating to work at night by women and children, we are only following the British Act as well as the conventions of the international Labour Organisation. I do not know where from Mr. Gurupadaswamy got his facts when he stated that the running sheds are not governed by the present Factories Act for the sake of hours of work and overtime. The railway running sheds are now, according to my information, governed by the hours of work as contained in the Factories Act with only one difference, namely, that so far as overtime work is concerned, while the Factories Act provides for payment of double time as overtime, the Railways are providing a time and a half as overtime. That is not the same thing as to say that the conditions relating to hours of work are not followed in the running sheds.

Then, there are a few things in respect of which Government will have to be very careful in bringing forward this legislation, because it appears to me that, if the Government does not exercise considerable care in the enforcement of these amendments, there is the possibility of abuse. I wish to refer to clause 3, in which

power is given to the occupier to split up his factories into smaller units, or combine all of them together for the purpose of being governed under the Factories Act.

Sir, I will cite only one notorious instance to show how it is capable of abuse. You are familiar with the *bidi* manufacturing centres. The owner of the *bidi* factory with a view to escaping the provisions of the Factories Act which are now applicable even to non-power factories split up their employment in such a way as to appoint what they call agents and get work done through them. These agents are not governed by the Factories Act and conditions of utmost filth and squalor prevail in those areas where children and also adolescents are working in the manufacture of *bidis*. If you permit this clause to be abused, if the factory inspectorate staff is not able to enforce the conditions of employment in those areas where the management splits up its establishment into small groups so as to evade the operation of this law, they will find that this abuse will become more and more rampant and it may lead even to the negation of the enforcement of this Act. In Madras City, there are a number of places where *bidi* is being manufactured and which are not governed by the Factories Act by reason of the splitting up. I have also received complaints from Andhra area where similar practice is said to exist,—particularly in Kalahasti I am told that employers split up the manufacture of *bidi* into smaller units with a view specifically to evade the enforcement of the Factories Act. Therefore, I desire to emphasise on this occasion that Government should be careful to see that when they bring forward the comprehensive Bill this clause 3, that is section 4 of the Act, is suitably amended so as to avoid the possibility of evasion of the Factories Act, not only in *bidi* industry, but in others also. I gave this as an instance, because the abuse there is notorious.

Then, Sir, with regard to clause 6 which deals with employment of women and children in moving machinery and transmission machinery, I am not satisfied that there is any need for the amendment which Government has brought forward. The law as it stands prevents the employment of women and children in machinery which is moving and the machinery which is called transmission machinery, so that the opportunities or occasions for accidents may be avoided. Now the hon. Minister has brought forward an amendment here (clause 6) in which permission can be given for the employment of women and children in prime movers and transmission machinery if cleaning, lubrication and adjustment thereof does not expose the women and children to the risk of injury from any moving part either of that machine or any other adjacent machinery. That is to say, the burden of proving that the women or child was employed in a moving machinery which was dangerous and capable of causing accident is shifted on to the Factory Department while under the law as it exists they cannot be employed at all. Sir, if Government wants to make a change in the existing law they should make it in such a way that the burden of proving that employment in these places are not such as to cause injury, should be placed on the shoulders of the employer, the occupier of the factory. On the other hand, the section as it now stands places the burden on the inspectorate and I am afraid the Factory Inspectorate would never be able to prove except in very obvious and patent cases that they are such as to cause injury.

Sir, let us look at the basis of this section. It is felt that women and children should not be asked to work in moving machinery at all, because the chances of accident are very great in those areas. Even if they are sufficiently fenced, any number of

[Shri Venkataraman]

accidents occur now-a-days. Government has not got figures to show that the accidents in respect of moving machinery have gone down even by a little. As I said, Government has not even the figures for the year 1952-53 and have to content themselves with the 1951 figures. I am not happy about the wording of this section and I am quite sure that Government which has got ample powers in respect of framing rules under this Act will exercise it in such a way that the employment of women and children in or about moving machinery and prime movers is reduced to the minimum and is amply safeguarded.

Then, Sir, there is this question of over-time. Government come forward with a proposal to remove the limit in respect of hours of over-time work permissible under the Act in cases where they want to facilitate change of shifts. This change of shift has been a cry with the employers. For a long time they have been agitating that the present Factories Act is very rigid and that they are not able to change the shifts because a person is not allowed to work more than nine hours a day. Assuming that the complaint has basis, assuming that a certain amount of accommodation has got to be made according to the exigencies of the situation, even then Government ought to place a time-limit for such exemption. I would suggest that Government declares that in respect of change of shifts the hours of work shall not exceed by another half an hour. It is not necessary to give more than half an hour or, at the most, one hour for the purpose of accommodating the change of shift. On the other hand, if the section is amended as is now proposed, employers or occupiers of factories may employ persons for even eleven hours. I know they cannot employ for more than twelve hours, but they can employ up to a limit of eleven hours. It is certainly not in the interest of labour.

With regard to the interval and rest, the amendment which is proposed by the Government is also likely to be abused. As the law now stands, the rest period should follow a work period of five hours but under the amendment it is proposed that work period be extended to six hours before a rest period comes in. In the notes on clauses Government have stated that to accommodate printing presses and newspapers, particularly the night shift of six hours, it has become necessary for them to bring forward this amendment. In that case, it is much better to state specifically that in those factories where the operation is continuous—that is, it continues throughout the day, 24 hours, exemption of working for a period of six hours may be granted. As the amendment now stands any employer may seek the permission of Government to work for six hours without a rest period.

I will give a practical instance. Many of the factories work for $8\frac{1}{2}$ hours a day on the week-days and then 5 hours on Saturdays. The employers are not able to work for more than five hours and are compelled to give half a day leave on Saturday because of the existing provision under the Factories Act which prevents the working of a factory for more than five hours without a rest period. If they give a rest period of half an hour and then continue it will not be worth while for the factories themselves. Therefore, they take five hours work and give the afternoon as a holiday. If you now allow the working of factories for six hours continuously without a rest period, it is likely that the managers and employers may come forward to the Government and ask for permission to work for six hours on Saturdays instead of five hours. I am quite aware that they cannot do it themselves and permission of the Government has to be taken before working for six hours as contemplated under the amend-

ment but once you give the power to the officers of the Government you throw open the door for discrimination. The law as it now stands has been working satisfactorily in this behalf and I submit that at least in framing rules in this behalf Government should make it clear that only in respect of these factories, which work all the 24 hours...

May I have five minutes more?

Mr. Deputy-Speaker: Yes.

Shri Venkataraman:....in respect of only those factories that work all the 24 hours, exemption should be granted for the third shift to work for six hours. In no other cases should such exemption be granted.

I come to the next point, namely, with regard to the assessment of wages in respect of a worker who is remunerated by piece rates and also a person who gets grain under concession. An enquiry into the Madras working-class budget conducted by Mr. Adhyantaiah put the working-class family at 4.9 persons per family and in terms of consumption units it varied from 3.75 to 4 but the Government in the present amendment is thinking in terms of a standard family not as it exists but standard family as it ought to be or as an ideal. This is likely to take away the remuneration which the workers are now getting. The way in which the workers' remuneration is now settled is on the basis of their purchases in the past. If the worker's family was large, he made certain purchases under the concession and when he made these purchases under the concession the amount of concession which he got was calculated and the average wage arrived at. That is the existing practice. No doubt, there have been unnecessary differences and quarrels between employers and employees in respect of this matter. But in order to avoid those differences, it is not right to take away the existing privilege, namely, the privilege of being

compensated for the family which now exists. I would, therefore, suggest that this matter should again be considered when he brings a comprehensive Bill and the clauses should be framed in such a way.

Shri Nambiar: He can accept our amendment to that effect.

Shri Venkataraman: I would have myself supported or suggested that but for one serious difficulty. Not all workers have got five members. There are certain workers who have not got five members. In the general age-groups of working-class, you will find that between the years of 18 and 25, the average size of the family is two adults and one child. That is how the statisticians have worked out. If you say that every worker should get the concession available for five members, I think that would cause hardship. We have to be fair.

An Hon. Member: Let it be the maximum.

Shri Venkataraman: The object would be defeated if you fix the maximum at five because under the existing provisions if a person has five children and he has been purchasing at concessional prices for these five children, he is getting the benefit. But if we arbitrarily fix it at five, as the maximum, he would be deprived of what he now gets under the existing concessions. This is a very difficult problem. We have tried at a level of negotiation to come to some agreement with certain employers. I have not been able to find a solution for it. It has got to be adjusted in a rough and ready manner. Not all the things between capital and labour can be regulated by law; many things will have to be regulated by negotiation and this is one of them. However, since the law is now being formulated saying that he shall be entitled to be compensated only at the rate of a standard family, it is likely to bring about a decrease in his emolu-

[Shri Venkataraman]

ments, which, I am sure, is not the object of the Government.

I welcome the provisions with regard to leave. My hon. friend, Mr. Gurupadaswamy made certain statements which are not based, I am afraid, on practical experience. The law as it now stands has been causing great hardship to the workers. One year of continuous service has been interpreted by the Government itself in so many different ways. The Madras Government issued four circulars in respect of that. We do not know where we stand. Periods relating to lay-off for which neither the employer nor the employees are responsible are now excluded in the computation of the period of 240 days. That is a great improvement. We have been agitating and sending resolutions to the Government that this section should be changed. I think 240 days is a fair compromise between the demand for 300 days put forward by some of the employers and 200 days put forward by us. The provision is likely to bring a great deal of benefit to the workers and I am quite sure that all the troubles and suspicions in respect of these words and the earned leave will be set at rest by this particular section.

On the whole, I think the Bill as it is, is necessary and it is timely; it should be passed. Only in the enforcing of the several sections which I have mentioned, Government has to take care that there is no abuse because the section as it stands leaves a fear that it may be abused in its enforcement.

Mr. Deputy-Speaker: Now, I will formally place the motion for reference to a Select Committee, moved by Shri Gurupadaswamy. It has not yet been placed before the House. The names have to go on record. motion moved:

"That the Bill be referred to a Select Committee consisting of

Shri Khandubhai Kasanji Desai, Shri Nemi Chandra Kasliwal, Dr. Ram Subhag Singh, Shri V. V. Giri, Pandit Thakur Das Bhargava, Shrimati Khongmen, Shri S. V. Ramaswamy, Shri C. R. Basappa, Sardar Hukam Singh, Shri Choithram Partabrai Gidwani, Thakur Jugal Kishore Sinha, Shri Sadhan Chandra Gupta and the Mover, with instructions to report not later than the 15th May, 1954."

Shri T. S. A. Chettiar (Tiruppur): A remark came from the opposite side that the policy adopted by the Government of India in regard to labour has been halting and unsatisfactory. I should have thought that the presence of Shri Giri is itself the best guarantee for labour. There is a phrase "More loyal than the king", and I am one of those people who think that Shri Giri is more labour-minded than the labour leaders. And I should have thought, as we have seen even in this brief period that we have been here, that social legislation in this House has not been lagging and we have been continually getting quite a number of Bills which will improve the status of labour.

Coming to a few points in the Bill itself, it is true that our managers and capitalists should develop a new outlook with regard to labour. Time was when labourers were considered as coolies; time was when they were considered as people to whom respect was not due. But now the better-minded capitalists have adopted, and should adopt, this view that they are partners in industry. They must be given not only living wages, but they must be given the respect that is due to them as producers in industry and as partners in the great task of producing things in this great country. And so I should think that the labour legislation should be viewed not from the point of view of any rights that are sought to be got out from the capitalists but as something in the

nature of reasonable standards of work which we must provide for these people. And unless capitalists develop this attitude towards labour, there will always be trouble.

At the same time, I should also say a word to labour. Being in touch with them to a small extent in my own part of the country, I must say that labour also must have before them the point of view of the greatest production. I know that in certain factories 'go slow' has been too common. The example of the Burnpur Iron and Steel Works is a classic one. Ordinarily 350 tons were produced there every day. But when labour agitation came, the production went down to 100 tons. That was the statement made by the Prime Minister. And when the labour leaders came to negotiate, they said that they will kindly "Increase it by another 5 per cent production". That is not the attitude which labour leaders should take. Then there was a lock-out and great deal of trouble. When they got broke by the lock-out and the labour joined the factory, the production went up to 600 tons per day. What does all this show? It shows only that a good outlook by the labour themselves is necessary.

I am for giving as many facilities as possible to them, for providing education, medical facilities to them. I am for providing all reasonable amenities to them, with this guarantee that production must go high. After all, when production goes high they can be paid more. After all, when production goes high they can be given all the facilities they require. But when it goes slow, as it has been planned by some labour leaders, because they think that slowing down is one way in which they can persecute the employers...

Shri Nambiar: Create conditions for more production; then there will be more production.

Shri T. S. A. Chettiar: I have given a classic example. There are many

others where production had been going on well, but labour leaders have come in the middle and production has gone down. The example of Burnpur is a classic one. The production came down from 350 to 100 tons and it went up to 600 tons later on with the same labour, with the same conditions of labour.

Sardar A. S. Saigal (Bilaspur):
Labour leaders like Shri Nambiar.

Shri T. S. A. Chettiar: I am sure if the country is to rise, an attitude of co-operation between capital and labour is absolutely necessary. I do not think these are things which we are providing as gifts to labour but as the proper things. But our country will not rise unless labour themselves are imbued with the spirit of doing their job properly and patriotically. I know of instances where machines have been spoiled by labour. They do not like the managing agent or the manager; the result is that the machines are spoiled. I know of many instances where production has been wantonly spoiled. At this time, when we are making legislation for giving amenities to labour, I would like to impress upon labour leaders that they have a duty, that every individual labourer has a duty to this great country.

Now, coming to a few points in the Bill, clause 20 is the most important clause which deals with annual leave with wages. This clause provides for 240 days being taken as the period. There is one point which I would like to be considered here. Throughout this country, I feel, whether in regard to educational institutions or others the number of holidays we are having in this country are so many. I am one of those who would like that the number of working days in this country should be increased in every department of life; it applies to the secretariat, schools and colleges. This number of 240 days here has been arrived at on a par

[**Shri T. S. A. Chettiar**]

with what is obtaining in the other departments. I would like to suggest that the number of working days in this country should generally be increased. I would like to know, first of all, how this number of 240 days has been arrived at. Of the 365 days in the year, 52 Sundays go as holidays, leaving a balance of 313 days. And then there are sectional holidays for Hindus, Christians, Sikhs or Muslims; and in many parts of the country the majority of people are Hindus, Sikhs or Muslims, as the case may be. I believe these sectional holidays may come to twenty. Still, what is left would be 293 days. How do they arrive at this figure of 240?

Shri Venkataraman: Sick leave.

Shri T. S. A. Chettiar: Even taking sick leave into account, the normal sick leave we give in other institutions is fifteen days.

Shri Venkataraman: If he is sick for more than fifteen days he should die?

Shri S. S. More: Regulate sickness.

Shri T. S. A. Chettiar: That applies not only here but to every department. I would like to know the rationale behind this 240 days.

Let me come to another of the clauses. I would like to refer to sub-section (10) of section 79 (as it would be when enacted) in Chapter VIII. In educational institutions, for instance, while people are entitled to casual leave, that casual leave will be given according to the convenience of the working of the institution. In this sub-section it is provided that:

"An application for leave which does not contravene the provisions of sub-section (6) shall not be refused, unless refusal is in accordance with the scheme for

the time being in operation under sub-sections (8) and (9)."

I should think that schemes may be so framed that while people must be given leave, while people are entitled to leave, it must be consistent with the working of the institution to which they belong. While we want to give all facilities for labour, it should be consistent with the working of the institutions to which they belong. I hope this matter will be gone into further when the clause comes up for discussion.

There is one other matter to which I would like to refer. In the factories we should encourage the workers to work continuously for a number of years. The workers must be proud of their service in the factories as in other institutions. In the case of an educational institution, for instance, it is a credit for an individual to say "I have worked for eighteen years or twenty years in this institution". Even so, if the workers are to claim ownership, as I want them to—I hope some time we will evolve a system by which the workers may own the factories in which they work even as well as the capitalists and whatever profits that accrue will be divided on a partnership basis, and that will be the final way of solving these labour problems—from that point of view is it not good to encourage people to work in the same factory for many years? If that is done, it will not only create in them a feeling of love and affection for the place of their work but they will also develop a claim towards that factory itself. I believe that clause 11, perhaps, goes against that tendency. That is, if a man wants to leave his employment, even when he leaves his employment, he will be entitled to this allowance. I should think that we should put restrictions upon people who would like to leave their employment and get themselves employed in another factory. I would like the Government to go over this matter fully and evolve a formula so

that these labourers will be encouraged to work in the same factories continuously for many years because that will develop affection and steadiness of work.

One other matter, Sir, and that is with regard to clause 11. This permits that a labourer can continuously work for six hours. As far as I know, I do not know whether any efforts have been made to know whether six hours work is tiresome and whether a labourer can have the strength to do six hours work without over-tiring himself. We, in basic education, have provided work for two hours in schools, but at the same time, today we are trying to see whether two hours continuous work every day does or does not produce tiresomeness in some particular aspects of the work. In the same way, there are various types of factories. Work is not of the same type in all factories; in some it may be strenuous and in some others it may be less strenuous. I should think that a provision of this kind, that for six hours people can work continuously is sometimes dangerous. When they work in machines which require the greatest amount of circumspection, these six hours of work may become dangerous. I should, therefore, think, that instead of putting a general clause like this, the Government should examine the various industries concerned, and in cases where six hours work can be done without tiresomeness, six hours work may be provided. In other cases in which six hours work will produce tiresomeness, the provisions of this clause will be wrong. I am of opinion that a general clause like this should not apply equally to all the industries.

I have not much more to say on the Bill I would only appeal that both capitalists as well as labour should develop proper attitudes towards each other so that production may increase and the welfare of the other party may be assured.

Shri T. K. Chaudhuri (Berhampore): Sir, I think certain remarks are called for, after the observations made by the previous speaker with regard to the hon. Minister for labour. We, on our side, were also of the opinion that, with Mr. Giri in the Labour Ministry, the labour would have no just cause for apprehensions; but, I am afraid that this is the worst Bill that Mr. Giri has had the occasion to pilot through this House.

Shri Bansal (Jhajjar-Rewari): First Bill?

Shri T. K. Chaudhuri: Worst Bill. Sir, I must express my disagreement with those hon. Members of the House who have seen in this Bill, on the whole, a very salutary measure. Perhaps, it may be a salutary measure for interests represented by my hon. friend Mr. Bansal; but, so far as the labour interests are concerned. I think this is the most pernicious Bill that has come up before us up till now, excepting of course the provisions relating to the annual leave with wages; and, even there, as Mr. Venkataraman has just pointed out, we have to make certain exceptions.

Now, Sir, I will come to the Statement of Objects and Reasons. The Statement refers of three categories of amendments proposed in the present Bill. The first relate to those that want to bring the provisions of the statute in conformity with the I.L.O. Conventions. I am surprised, that it has escaped the notice of the hon. Members of this House that, so far as prevention of night work for women, children and adolescents are concerned, the Indian Act was in certain respects far in advance of the I.L.O. Conventions. The I.L.O. Conventions have been there since 1919, and therefore, as early as 1919, not only with regard to women but with regard to young persons also the term 'night' was defined as "a period of at least eleven consecutive hours including an interval between ten o'clock in the evening and five in the morning. This Convention with re-

[Shri T. K. Chaudhuri]

gard to young persons was revised in the year 1948—there were several revisions, one in 1934 and the last revision has been made in 1948. The 1948 revision is a progressive measure compared to the Convention of 1919; but, if we want to make our law conform to these things, I have no hesitation to say that this attempt of the Government cannot be characterised as anything other than a very retrograde measure; a measure which takes away from labour the privileges which they had been enjoying so far. I cannot bring myself to associate Mr. Giri with the idea of havng put forward this misleading statement in the objects and reasons, as if we are, just for the first time going to prevent night work for women workers, young persons and children. As a matter of fact, that privilege was already there. That right was already there and to a certain extent this Bill takes away the right that labour had been enjoying so far.

Then, Sir, coming to those provisions of the Bill which relate to removing some practical difficulties experienced in the Act, I want to ask: "practical difficulties experienced by whom?". I have listed here some six to seven provisions of the present Bill before us—Clauses numbers 3, 6, 9, 10, 11, 12 and 15—seeking to amend Sections 4, 22, 45, 54, 55, 58 and 64 of the original Act, which have been discussed in some detail by our friend Mr. Venkararaman who at least took the trouble of going through the actual provisions of the proposed measure, and I have no hesitation in saying that not only does this Bill open the way to depriving labour of certain rights which they had been enjoying all these years, but I would go so far as to say that it would open the flood gates to unemployment and retrenchment. As a matter of fact, this Bill has to be seen in the background of economic recession and mounting unemployment in the country. As we all know, the employers are anxious to reduce their labour costs and retrench labour.

I would urge upon the hon. Minister to consider once again whether this Bill would not give the employers the power to retrench labour, a power which we want to take away from their hands. In this House we all seek to resist the attempt of the employers to retrench labour by way of mechanical rationalisation. But, what they could not achieve by mechanical rationalisation will be achieved now by intensified labour exploitation, longer hours of work, and employing of young persons in works in which they were not allowed to be employed so far, for example, in the power transmission equipment and other things. In these ways, they would be enabled to reduce the number of adult male labourers employed by them. Unemployment would ensue as an inevitable consequence of this Bill. I would request the hon. Minister to consider this aspect of the matter very seriously and take the amendments which we have proposed from our side, in that light.

I would not go into the details of the provisions that have been sought to be introduced by this Bill. But, I would make a passing reference to certain clauses. Clause 3 relates to power sought to be given to appropriate authorities to declare different departments to be separate factories or two or more factories to be a single factory. I ask the Government what would be the position if two or more different factories which are situated at some distance from one another, which are not in the same compound, are classified as one factory under the provisions of this clause. Workers can be harassed unnecessarily by the relay system. They would be sent from one factory to another by the introduction of relays, change of shifts, and so on. This is a very objectionable provision from the point of view of labour.

With regard to proposed clause 6, I do not want to go into the details. They have already been dealt with

elaborately by my hon. friend Shri Venkataraman. I think this is a positively retrograde measure. Women and children were not so far allowed to be employed in these prime movers or transmission machinery in motion. Now, Government want to surreptitiously smuggle in a provision by which the employers would be enabled to employ young persons or women in this work and retrench people, who are skilled workers perhaps and who are already working there. This clause also throws on the Government the onus of proving that the machinery in question is dangerous. That also, I think, is a retrograde measure. This question should be carefully looked into.

The hon. Minister Shri V. V. Giri said that these amendments relate to removing some of the practical difficulties in the working of the Act and that they were formulated in consultation with the All India central Trade Union organisations. He has not indicated which are the particular provisions which had the approval of the All India Trade Union organisations or even one of these organisations. We have already heard Shri Venkataraman who represents the Indian National Trade Union Congress. Whatever differences we may have with the I.N.T.U.C. as members of the United Trade Union Congress or the All India Trade Union Congress, it does not matter. I have no hesitation in endorsing the remarks that he has made with regard to the proposed clause 6.

11 A.M.

The proposed clauses 10, 11 and 12 relate to hours of shift, hours of rest, etc. In respect of these clauses also I wholly endorse the remarks of Shri Venkataraman. Clause 9 relates to the provision of first-aid equipment in factories. The amendment proposed only seeks to introduce the words "at any one time" in a certain place. But, the effect of this amendment if accepted would be this. As the section stands, first-aid equipment has to be maintained for every 150 workers

ordinarily employed in the factory. The Bill seeks to introduce the words 'at any one time' after the words 'ordinarily employed'. That means that if at any one time, the number of workers is less than 150, this equipment will not have to be maintained.

Shri Venkataraman: I am afraid it is the other way about. Because, even if at other times, less than 150 people are employed, if at any one time 150 are employed, the equipment must be provided.

Shri T. K. Chaudhuri: Anyway, this matter has to be looked into carefully. I do not accept the interpretation of Shri Venkataraman. I am afraid the employers are clever fellows and they will find out loopholes.

Similarly, with regard to clause 15, I would make my observations when moving the amendments standing in my name. Then, I come to annual leave with wages. The provisions relate to calculation of the cash wages and the number of days that have to be served for earning annual leave. It is said that it should be 240 days. I think this is rather too much. I again put forward the demand that so far as calculating cash benefits is concerned, the standard working-class family should be taken to be a family of five adults and that a better and easier method has to be devised for the calculation of cash benefits to which a worker would be entitled in lieu of rations. I appreciate the difficulties that have been pointed out by Shri Venkataraman and also in the notes on the clauses appended to the Bill. At the same time, care should be taken that the workers should not be deprived of the benefits that they are getting now. That aspect of the matter should also be carefully looked into. I know as a student of economics that in ordinary economic calculations, a family of five is the unit which is generally accepted. With regard to the number of days of continuous service for earning annual leave, I urge that the number should

[Shri T. K. Chaudhuri]

be reduced to 200. Although this proposal of 240 days is a compromise, this is a compromise with which we are not satisfied. I would urge upon the Government with all the emphasis that I can command that the number of days of continuous service should not be more than 200 in any case.

With these observations, I.....

Mr. Deputy-Speaker: Oppose or support? The hon. Member has not made up his mind to oppose.

Shri T. K. Chaudhuri: My whole point, has been Sir, that the Bill is a peculiarly composite Bill with a few beneficial clauses, the majority of the clauses being objectionable.

Mr. Deputy-Speaker: He need not re-start the argument. I only said he might just come with his own suggestion to support or oppose, or keep quite.

Shri T. K. Chaudhuri: I would conclude now. I will make further observations later on the clauses.

Shri S. S. More: I am elected from the Sholapur constituency, which is predominantly a labour constituency, and therefore, though I do not presume to be an expert on these matters, at least I have some personal knowledge about the problems which are faced by those who have the interests of labour at their heart.

We need not go into the past history of labour legislation, but I will content myself by saying that all along labour legislation is supposed to be designed for safeguarding the interests of the weaker party, i.e., labour. In industrial production, no doubt, the purse has some role, but the purse is a negligible factor. The productive wealth that is contributed to enrich the country is the manual labour contributed by labour, and though that class might be disorganized for the present, might not be sufficiently large in the context of our present population, it is industrial labour which is going finally to enrich the country. If we propose

to strike a balance between our agricultural economy and the industrial potential that we possess, and which we want to develop, then industrial labour will have to assume pride of place and receive all the consideration which a welfare State is supposed to give to labour.

But, unfortunately this present Government which is torn between different and, on occasions, conflicting interests, is, on many occasions, a sort of resultant force which takes us no further. If I am to describe the present policy of the Government, I would say that they have minimum action with maximum sympathy for labour. But the tons of sympathy that we express can not purchase rations, does not purchase medical aid, nor saves one when a labourer is exposed to T.B. and such other devastating diseases. It does not give any medical relief. What is the concrete form the sympathy of this Government is going to assume, and what are the concrete reliefs this Government is supposed to give to these much-harassed and much-exploited section of the people? These are the most pertinent questions.

Government will say: "Well, we have appointed a batch of Inspectors to see that the labour get all the amenities given by the Factory Act". These Inspectors go to the factories and try to find out what are the conditions under which the workers are working. I have very little experience about the actual mode of inspection, but the first question I would pose is: what is the class from which these Inspectors are recruited? Our country is split up, as any other country, into different classes. Some persons belong to the exploited class, some belong to the exploiting class. So, if the Inspectors are taken from the class from which most of the capitalists, most of the exploiters come, then, naturally, their class interests, the interests of the

particular class from which they come, will force them to take an attitude which is antagonistic to the interests of labour. Because the time is very short, I cannot develop my arguments. I will speak in a categorical and as brief a manner as possible. I would rather like to make a suggestion. Can the Labour Minister, with all his sympathy, which I concede is very genuine sympathy, see that whenever an Inspector goes to inspect any factory, he takes with him a representative of the trade union in which that particular section of labour might be organised? Now, under section 9 of the Factories Act, there is a provision that the Inspectors, on occasions, may take with them some officers. Section 9 (a) reads:

"enter, with such assistants, being persons in the service of the Government, or any local or other public authority...."

—I do not understand what this "local or public authority" is designed to convey—

".....as he thinks fit, any place which is used, or which he has reason to believe is used, as a factory;"

I feel we should legislate and put it down as a binding condition that whenever an Inspector goes to visit any factory—and it must be a surprise visit, with no prior or previous or secret intimation to the factory owner—it is obligatory on him to take with him some person who is associated with and who is an office-bearer of some trade union working in that particular field, because the office-bearer of the trade union knows the difficulties of the workers, the workers come to him with all their grievances. He is the running and walking catalogue of their grievances, and if the aid of such a person is sought, there is hardly any chance for the Inspector to allow his sympathy for the exploiter to be his master at the cost of his own duty.

There are many cases when the Inspector goes to a factory, the fac-

tory-owner makes all arrangements for entertaining him. Sumptuous arrangements are made, and naturally, the sweet delicacies that go into his belly generate sympathy that creeps up to his heart and something comes out which is not very favourable to labour. Therefore, I would say if any such person accompanies the Inspector, then it will be a clog not only on his craving for the sumptuous but even also on his sympathy for the exploiter, and the interests of labour might be safeguarded to that extent.

Then in this context, I would refer you to clauses 11 and 12. In the case of hours of work, the Chief Inspector is permitted here to grant some exemption. In the matter of overlapping of shifts also, he is permitted to give certain concessions. But there is no provision here to see that such concessions are given after consulting the labour working there. It only says "for the reasons specified therein". As one who practises in law courts, or who used to practise in law courts, you know that whatever reason is given when an order is passed will be considered enough. For passing that order, the person may give any reason, good-bad or indifferent. He may say: "Well, I feel that I should pass this order", and that will be counted as good reason at least for that particular order. It is not enough. There must be some check and the only check that I can visualise at this particular juncture is that he should consult the interests of the labour working there, record their statement, not in the presence of the employer, because again victimisation will come in, but in some other way, consult the trade union if there is any trade union working for that section of labour, and then only he should give that sort of concession. There should be also some period of appeal for the purpose of rescinding that order if that goes against the interests of labour.

There is one other clause. Take, for instance, clause 3. My legal mind

[**Shri S. S. More**]

rather sees so many loopholes in this particular Clause. It reads:

"4. Power to declare different departments to be separate factories or two or more factories to be a single factory."

In this context I would request the hon. Labour Minister to take into consideration section 45 of the Act, which provides that if there are 150 people, then one first-aid box has to be maintained. I speak subject to correction not only by the Minister but even by Mr. Venkataraman who knows much more than I do. Then, in the case of factories where 500 people are employed, medical staff or nursing staff has to be employed. Supposing there are two factories with fifty persons in each. Now, if these two factories are working separately, then the proprietor of these two factories will have to maintain a separate box. In order to minimize the expenditure, it is quite possible that they may lump all such factories together, provided they do not exceed the limit of 150. In the terms of the legislation, they will be then saying that "we have satisfied the requirements. Here is the first-aid box, and we have done what is prescribed." Take another contingency. Supposing a factory is having more than 500 people. They will have to maintain a medical staff. Instead of treating that factory as one unit, they will split it up into two or three units so that the necessity for maintaining a doctor or a medical staff or a nursing staff will be dispensed with, and it will be to the disadvantage of the workers. I do not agree that this numerical limit on the strength of labour is enough to conform to the requirements of medical aid. Take, for instance, a factory which produces certain articles of importance. But along with the production of these articles, certain obnoxious smells and gasses are emitted. It does great harm to the health of

the workers in the factory. Suppose the factory employs more than 60 people: the work in which those people are engaged is itself extremely injurious to the health of labour. In that case, the number does not come to the maximum which is required. And yet some special medical arrangements ought to be made.

I will mention one case. At the station called Nagda, I am told there is a factory run. I believe, by Birlas. This factory, which is very close to the residential area and also to the railway station, emits such an obnoxious smell and poisonous smells that it has become impossible, for those who live in that vicinity, to continue to live there. Not only that. Some water from the factory is let out in the river Chambal with the result that all the fish in that river have disappeared. Of course, there is no factory legislation for the preservation of fish in the Chambal river, but if the fish disappear, what is the cause? The poisonous water from the factory. The water is such that it has brought injurious results from the point of health to both the residents and the employees there. In such matters, the location of such factories ought to be regulated, under some legislation—either under this legislation or under some other legislation. I concede that such factories produce certain essential goods which enrich the community, but what about the process of production? They produce unsavoury smells that humanity cannot stand or tolerate. So, I would request the Minister to look into all these matters.

My friend, Mr. Punnoose, did refer to *badli* labour. I know that in Sholapur a large army of people are kept as *badli* labour. If you ask any man there as to what he is, he will say 'I am *badli* labour.' They are not taken on any permanent roster. They are not given any facilities.

They are a sort of floating, unfortunate mass. I say that they need the greatest help from Government, the greatest scrutiny from Government so that Government could devise some machinery by which these unfortunate badies are put on a stable basis. They receive no relief either from the Government or from the employer. Government should see that they are kept on some permanent, durable, footing.

I do not want to take the time of the House any longer. I think these are some of the aspects. I would make one concluding request to the House. We are perfectly right if we judge the intentions in the light of our Constitution. The Constitution has declared that "We, the people of India, give unto ourselves this Constitution." What is the object? "Justice, social economic and political." I need not go into the directive principles. We know what those principles are. We are out to remove inequalities. We are out to raise the standard of those who are not in a happy position. That declaration is the touchstone by which labour legislation will have to be judged. I do fear that the labour legislation that this Government is legislating does not conform, and is not in accord with the pious declarations of the Constitution. Therefore I am saying that they have minimum action and maximum sympathy. In this era when jet planes are developing terrific speed, our great Labour Minister is going with the speed of a bullock-cart. That is not a desirable thing. He says that he is following the International Labour Organization. Let the Government lead that organization. Shri Venkataraman was saying that we are going after the United Kingdom Act. Why should you go after the United Kingdom Act? Even after divorce, the wife develops the habit of following her prior divorced husband. The Britishers have gone away from us. Why should we, like a very faithful divorced wife, try to keep pace with the former husband

who has already gone? Let us go in some other direction. Let us create.....

Shri Venkataraman: Lag behind?

Shri S. S. More:.....conditions in which the divorced wife will not be seen going after the husband but that the former husband will be seen running after the wife.

श्रीमती कमलेंदुरामति शाह (जिला गढ़वाल पश्चिम व जिला टिहरी गढ़वाल व जिला बिजनौर उत्तर) : उपाध्यक्ष महोदय, इस विषेयक में जो यह बात रखी गयी है कि श्रौतों से फँक्टरीज में रात में काम नहीं लिया जायगा, यह बहुत उचित है और में इस चीज़ का स्वागत करती हूँ। मंत्री महोदय तथा सब लोग जानते हैं कि हमारी श्रौतों इन स्थानों में कितनी अच्छी तरह और मेहनत से अपना काम करती हैं और में उनके लिये आपसे प्रार्थना करूँगी कि उन्हें हर तरह के सुभीते प्रदान किये जायें, जैसे कि उनके लिये दवाई का उचित प्रबन्ध हो और जब वे फँक्टरीज में काम कर रही हों तो उनके बच्चों की उचित प्रकार से देख रेख का प्रबन्ध हो और बच्चों के लिये अलग बच्चा ग्रह बनाये जायें जहां पर बच्चे रखे जायें और उनकी निःशुल्क शिक्षा आदि का प्रबन्ध हो। आप यह भी मानेंगे कि श्रौतों मर्दों से अधिक काम करती हैं और कर सकती हैं मसलन् जहां चाय के बागीचों में जब चाय की पत्तियां तोड़ी जाती हैं तो उसमें औरतें मर्दों की अपेक्षा अधिक पत्तियां तोड़ लेती हैं, मर्दों से दुगनी पत्तियां तोड़ सकती हैं, इससे यह बात सिद्ध होती है कि श्रौतों मर्दों की अपेक्षा कितना अधिक काम कर सकती हैं और करती हैं। इसलिये मैं आपसे प्रार्थना करूँगी कि श्रौतों का मर्दों से अगर अधिक नहीं तो कम बेतन तो होना नहीं चाहिये और उनका बेतन कम से कम मर्दों के बराबर तो अवश्य ही

[श्रीमती कमलेंद्रमति शाह]

होना चाहिये। आप जानते हैं कि औरतों को कितनी मेहनत करनी पड़ती है। फैक्टरीज में तो वह काम करती ही हैं, लेकिन घर लौटने पर अपने पति और बच्चों के लिये साना पकाना आदि भी उन्हें ही करना पड़ता है क्योंकि मर्द तो जब काम से लौट कर घर आता है तो वह थका रहता है, लेकिन बेचारी औरत तो साली नहीं बैठ सकती, उसे घर का कामकाज देखना पड़ता है, इसलिये उनको कम से कम मर्दों के बराबर बेतन तो मिलना ही चाहिये। इसके अलावा यह भी प्रबन्ध होना चाहिये कि उनके बच्चे हों, उनके फैक्टरीज में काम करने के कारण उन बच्चों की पढ़ाई में कभी न आये और उनकी पढ़ाई आदि के व्यवस्था में हर्जा न हो। दूसरे औरतों और बच्चों के बास्ते रिक्रियेशन खल कूद वर्गेरह का भी समूचित प्रबन्ध अधिकारियों की तरफ से होना चाहिये क्योंकि अगर ये लोग काम करने के बाद खुली हवा में खेलगे नहीं तो उनका स्वास्थ्य जल्दी ही बिगड़ जायगा, इस कारण इस तरफ भी माननीय मंत्री महोदय ध्यान दें और अगर ऐसा प्रबन्ध हो जायगा तो इससे उनको बहुत फायदा होगा और वह काम भी ज्यादा कर सकेंगे। बस इतना ही मुझे आपसे निवेदन करना था। अब मैं और अधिक न कह कर अपना भाषण समाप्त करती हूँ।

Mr. Deputy-Speaker: Would the Minister like to have half an hour?

Shri V. V. Giri: Twenty minutes.

Mr. Deputy-Speaker: Yes. Mr. Altekar.

Shri Altekar (North Satara): I would like to make two observations with regard to the present Bill that is before the House. Of course, it is a great improvement on the old Act, but I would like to bring an important fact to the notice of the hon.

Minister. Though by clause 8, the hon. Minister is amending the old section 29, there are certain points which must be taken into consideration and to which attention must be paid. So far as regards the inspection of the machine parts such as gear etc., and contrivances like chain, rope, or lifting tackle, is concerned, he has provided that these should be checked and properly inspected at least once a year. But there are certain parts which require to be inspected often and anon. Of course, there is a provision that is laid down here: that within twelve months or such intervals as the Chief Inspector may specify in that respect, inspection should be carried out. I would like to bring to the attention of the hon. Minister an experience which I had a few years ago in Bombay. I was acting as a juror in the Coroner's court at an inquest over an accident that took place on the Bombay dock. The coolie died on account of the knock of a bundle which fell on his head while he was unloading cargo from a ship on the dock. It so happened that the rope which was tied to the crane gave way and the bundle fell over the head of the coolie.

At the time of the enquiry I asked the Inspector how long the rope had been there and how long it was expected to work. He said that it had been working for the past four weeks and that it was expected to work for three or four days more. As a matter of fact, certain bundles were put into that net and it was tied by the rope to the crane. The number of bundles was twenty, I believe. At that time that was being carried on even to the last 28th day. The power or strength of the rope gets weaker and weaker as the period of month draws to an end. Therefore, the number of bundles that can be put into the net and be lifted by the crane has to be decided at the end of three weeks or so, by putting a large number of bundles and testing whether it was working

properly or not. The Inspector replied that it had been working for the past 28 days and why should it not work for two or three days more. That it had been working for the past 28 days was by itself sufficient proof that more care ought to have been taken. What I suggest from this particular incident is that when a certain limit has been placed on the working capacity of the rope or any other such contrivance, it is better that proper care is taken especially when that particular period is coming to an end. Great attention should be paid to that and the inspection that has been laid down here should be more strict and more careful when the period is coming to an end. Therefore, I would suggest that so far as this inspection is concerned, particular and greater care should be taken whenever the parts get old or that the rope or any other contrivance used is being drawn to the limit of its power of endurance. This special aspect should be taken into consideration and instructions should be issued in order that no such accident takes place.

I am glad to note that another important point that I wanted to be provided for has been laid down here. It is that the worker who is working on that particular contrivance should be at a sufficient distance from the point where he is likely to be hit by the crane or any part of the machine where he is working. Here the limit has been placed at twenty feet. I think that is a sufficiently good limit. It is in the interests of the worker who is working on that contrivance.

There are also other things noted here. It is stated that at a very prominent place a display should be made with respect to the number of bundles that a particular conveyance can lift and such particulars should be brought to the notice of the persons working there so that they may immediately bring to the notice of the authority if anything is being done contrary to that. That is a good thing. I think

the hon. Minister has paid his attention to this particular aspect of the case in a very proper manner.

Another amendment that has been made in this Bill is with respect to the restriction—or rather the prohibition—of engaging adolescent boys and women for the night shifts. But here I would like to suggest that just as care has been taken in the case of adolescent and women, so also it is necessary—I believe—in the case of men who are advanced in age, say, about 55 or so; because at the advancing age they have not got the same strength, the capacity and the power of endurance by which they can work at night. Attention should also be paid to this question and unless and until a person above the age of 50 is certified to be of good health and able to work by night, he should also be not allowed to work by night. That is another suggestion which I want to make in this connection and the hon. Minister should pay attention to that.

I do not want to dwell at length on any of these points. These are the points that I wanted to make.

Shri Nambiar: Mr. Deputy-Speaker, Sir, I have got....

Mr. Deputy-Speaker: Any hon. Member who wants to speak and intimate to me should kindly continue to be in his seat so that I may call upon him. The hon. Members cannot be expected to be called in the order they expect to be called. I cannot follow such an order and they ought not to insist upon my calling upon them in that particular order, but they should be present here.

Shri Nambiar: I was waiting for 2½ hours and I had to go out for emergent reasons (*Interruption*).

I have to add some more points to the criticisms offered here and especially I want to answer certain points made out by Mr. R. Venkataraman who said that in practice the railway loco sheds are brought under the purview of the Factories Act, though not in law. But, in actual practice, it is

[Shri Nambiar]

not so. I can say that the Factories Act provides for so many concessions and so many facilities for the employees whereas in the loco sheds, as things stand today, because they are not within the purview of the Factories Act, the workers are not getting all those facilities.

With regard to overtime allowance, he himself admits that they are not given at double the rate according to the Factories Act. Apart from that, the canteen facilities, the medical and other facilities which are there in the Factories Act are not extended to the railway workers. Therefore, in no respect at present can the railway loco sheds be termed or even be imagined to be brought within the purview of the Factories Act. I can say that in the loco sheds there are workers working for twelve hours. But, can any worker be asked to work for more than eight or nine hours a day under the Factories Act? Therefore, this is a wrong impression which he has created and I want to dispel that impression.

I also want to add that the railway loco sheds were excluded from the Factories Act deliberately in 1949 to deprive the workers of certain rights which they enjoyed previously and that there is a demand from all parts of the country from railwaymen and from other sections of workers that these loco sheds should also be brought under the purview of the Factories Act.

With regard to canteens, even in those factories which are brought under the purview of the Act, these facilities are not properly given. I can quote instances especially from railway workshops. Quite recently, in the Golden Rock Workshop, there was a canteen and the Railway Administration has now disowned the responsibility of running the canteen and they say that it is expensive. They sought the permission of the Inspector of Factories in Madras State to permit them not to run the canteen. If this is the case with the Railway Administration, the biggest

employer in the country—not only that, the railways are considered to be a nationalised industry—if this is the behaviour of the employer, then you can easily imagine the position of bidi employer or a handloom master. Railways being the biggest employer, must at least respect the law and behave in a manner that will be a model for others to follow.

I would also request the hon. Minister of Labour to see whether he can control the railways, whether he wants the railways to be put within the purview of the labour legislation in this country or not. We want to know whether the Labour Minister can harness the railways and bring them under the labour laws. Otherwise, ten lakhs of workers will be kept out of the purview of any labour legislation in this country and they can go on in their own way saying that they are the Government themselves and that the Labour Minister cannot call upon them to observe these laws; he is there after all to control the bidi workers and others. Let the Labour Minister and the Railways settle the matter; we do not know whether it will end in favour of labour or against it. But, this is the right moment when I have to impress upon him that the Railway Administration should be controlled and that labour must have all facilities that labour laws in the country can visualise to give. Mr. Venkataraman has also made very good suggestions with regard to the bidi industry. I have my own experience. In the bidi industry, there is something like the branch system and they divide the whole industry into small groups and the boys and workers are asked to sit on the verandahs of small streets, four or five groups together. Nowadays in Tamilnad, in Tirunelveli and other areas, I am told that they are allowed to take bidi material to their houses where they do their work. No proper conditions of welfare are given to them and they are something like casual labour. This is a very bad state of affairs. This legislation cannot bring the bidi workers under its

purview, but any legislation, if it improves the condition of labour, is welcome. In certain big industries also, facilities to labour are lacking. I have got the instance of the Hindustan Aircraft Ltd., Bangalore, which is also owned by the Government. The testing of aeroplane engines creates such a hell of noise that no worker in that particular department can hear or rather his capacity for hearing is gone and he is permanently disable so far as hearing goes. You may ask the question then: how can the testing be done? I say that there may be shorter shifts of working, and as soon as a three or four-hour shift is over, the worker must be given rest, rather more rest. Today, the situation in the Hindustan Aircraft Ltd, is such that the workers are not given shorter shifts, nor are they given sufficient leave and rest, so that they can at least see that their hearing capacity is not lost.

I have got the latest information from the Kolar gold mining fields where the workers are affected by a disease called 'silicosis' and it is something very cruel and once the worker, who is working several thousand that below in a mine, is affected, he is sure to die and there is no remedy. Silicosis comes out of mining gold dust with earth 10,000 ft. or so underground, and when the worker is attacked by this disease, he has no remedies and is sure to die, but the employer gives him only a gratuity at the rate of a half a month's wages for a year of service, and the maximum that a worker's family can get will be Rs. 200 or Rs. 300 or at the most Rs. 400. So far, the employers there do not give any sort of medical relief or medical data on the silicosis attack, even in the earlier stages. I think the hon. Minister will be aware of this fact, and I do not know to what extent he will be able to influence the employers to improve their condition in this respect.

Coming to the question of six hours' continuous work, just as Mr. Venkata-raman said, I have my own misgivings. If you allow six hours of continuous

work by law, then every employer will resort to that. I will quote the example of the railway workshops. The workers there do 47 hours' work in a week, one hour is given gratis, and they are paid for 48 hours of work. As soon as this law is passed, they will take away the gratis hour and make the workers work the full 48 hours. They will say to the workers "Work for 48 hours and you will get wages for 48 hours." In any new legislation, whenever there is anything favourable to the employers, they will at once implement that portion by taking shelter behind the labour laws, as for example, increasing the hours of work, but if there are any benefits coming to the workers, they will not care to follow such legislations. I have got, therefore, my own misgivings in this matter of six hours' continuous work and I would appeal to the hon. Minister at least to limit it to five hours instead of six as otherwise it will do havoc.

Coming to the question of leave, he is entitled to get leave only after 240 days of continuous work, which is a very wrong suggestion to make. Hon. Members have already expressed their opinions about it, and I suggest that the period must be reduced to, say, 90 days. Of course, I know that after 90 days, the employers will say that there is no work. So the worker will have to be in his house for three or four days and then they will be re-employed. Whatever law that we pass here is circumvented by the employer who is very cunning. We are always tired of these employers and that is why labour has to take law into its own hands sometimes. If the laws that we pass here do not go to the labourer's aid, and therefore, he thinks he has no go but to take law, in his own hands: The employers must, therefore, be told very clearly and unambiguously that if they misbehave, they will be booked. But Government do not tell the employers whereas they always tell the employees that they should not misbehave. That was exactly what Mr. Chettiar wanted to do, he being associated with the employers. I was myself a factory employee and I was under the Factories

[Shri Nambiar]

Act for three or four years, working in big and small factories, and I know the sufferings of the factory workers. The employers, whom Mr. Chettiar represents, cannot understand the sufferings of the workers. Therefore, the employers must be told that if they misbehave or if they circumvent these laws, they will be booked, whether it be through the State machinery or the Central machinery. If these things are done, I will be satisfied. I would therefore appeal to the hon. Minister at least to accept certain amendments which will improve the Bill and benefit the labour.

Shri V. V. Giri: I am indeed grateful to the different sections of the House for the very helpful criticisms that they have placed before the House with respect to this Bill. There was also an amendment by Mr. Gurupadaswamy for the appointment of a Select Committee to go into the Bill. I venture to submit that in the matter of this Bill, the proposal for a Select Committee need not be taken very seriously. I have stated—and I am glad my esteemed friend, Mr. Venkataraman also stated and I agree with him in what he said—that we propose to bring in at the earliest opportunity a comprehensive Bill, and when that comprehensive Bill comes—and I hope soon—I give an undertaking that I shall certainly agree to having a Select Committee for going through the clauses of that Bill. This Bill is merely intended to register our agreement as required under the International Conventions to put in legislation consistent with the Conventions passed. Taking also advantage of that, we thought that 'continuous service' should be defined in order that there may be no mistakes or doubts regarding the expression 'continuous service,' and we have mentioned 240 days. I want to assure the House that in the matter of these changes, we have taken not only the opinions but also discussed with the representatives of the workers, employers and State Governments and, therefore, what has been done is not only known to them, but

generally accepted by them. I want again to repeat my assurance that—after the passing of this Bill, we have the additional advantage—when we have the new comprehensive Bill on factory legislation, we have all the opinions of the various sections of the House, and in framing that Bill, we shall take into consideration the advice tendered. Under the circumstances, I strongly feel that a Select Committee need not come into existence to go into the various aspects of this Bill.

As has been stated by my hon friend Mr. Venkataraman, our factory legislation is based on the United Kingdom legislation which is fairly good democratic legislation. We do not want to ape anybody, nor want to swallow certain things because it has come from the United Kingdom. But whatever is good to us, whatever is beneficial from the point of view of workers here, we shall copy from legislation that may be available.

I also promise to place not only these suggestions but the points we would like to incorporate in the comprehensive Bill before the Indian Labour Conference which is a fully representative body, representing the three Central organisations of employers and the four workers' central organisations and the States. I have always said—and I wish to repeat it—that I am a believer in bi-partite and tri-partite agreements, because those agreements are based on detailed discussions among various interests at the highest level. I am sure those who know something about these organisations will admit that the leaders of industry, the topmost leaders of the trade union movement are there to discuss the various aspects of matters that come before them. I need not quote instances, but as I have repeated many times on the floor of the House, in the matter of lay-off, and retrenchment it was at the highest level of leadership of capital and labour that certain fundamentals were agreed. So also in the matter of plantation labour, on all aspects

of that industry at the highest level of leadership we have come to agreements on different matters. Similarly in the matter of cement industry. I am quoting these merely to prove that bi-partite and tri-partite agreements are in my humble view more useful than legislation itself. Legislation if it is to be implemented must have people to see that it is implemented. But generally the results of bi-partite and tri-partite agreements are based on detailed discussions, looking into all sides of matters by employers' and workers' representatives, and, therefore, the decisions of those are not only binding, but generally acted upon, because on both sides there is a respect for such an agreement arrived at by the highest leadership of employers and workers.

Therefore, I do not want any Member of this House to say that bi-partite and tri-partite agreements are less efficacious than labour legislation. Labour legislation, or any social legislation, cannot be fully implemented unless there are sanctions. Even if we pass the best of labour laws,—my humble opinion as a trade union worker of thirty-five years' standing is that unless the trade union is strong, well-knit, with sanctions behind it, it will not be able to get the legislation implemented. Some Members complained that when an Inspector of Factories goes to a particular institution or undertaking, he would not call representatives of labour but is more or less guided by the employer. It is not really the case: at any rate, it has not been my experience. If only labour leaders and organisations of labour are very careful and find out when the Inspector is coming, or when they have complaints make representation to the Inspector in advance, when the Inspector comes, even on a sudden visit without notice he will certainly send for the labour representatives to put forward their grievances. I can assure the House, as Labour Minister in Madras twice I always directed my Factory Inspec-

tors, and Labour Inspectors whenever they went to a certain place to make themselves certain that they met the labour leaders and even gave notice to them that they are going to a certain place and know before hand everything about a particular undertaking. I am absolutely certain that various States are following this principle and that has been my direction to my Inspectors even at the Centre. Therefore, a good deal of vigilance is required on the part of trade union organisations and their leaders and the trade unions must be strong, well-knit and run in a disciplined manner. Then they will be able to get much of this labour legislation implemented rather than by telling: "You should do this, you should do that, and so on and so forth." I would therefore advise my hon. friends the labour leaders, for whom I have the greatest regard, that they should take the greatest interest in seeing that labour legislation is implemented in a proper manner.

As regards the application of this Act to casual labour, it was felt by an hon. Member, that the benefits of the Factories Act are not extended to them. I would humbly submit that the Factories Act does not make any distinction between permanent, temporary or casual workers. It applies to all classes of workers working inside the factory. I would therefore humbly correct any misunderstanding on that score.

Shri Nambari: But "continuous service" is defined as 240 days.

Shri V. V. Giri: Such of those things which cannot apply cannot apply. But to say that casual labour does not get the benefit of the Factories Act is not entirely correct.

Naturally most of the Members of the House were anxious that the Act should be properly implemented and I am one with them in the hope that with the assistance and co-operation of the States, of the Labour Ministers in the States and at the Centre,

[Shri V. V. Giri]

as well as the leaders of the workers' organisations and those of the employers this Act will be implemented in a proper manner.

As regards the inspectorate, during the last few years it has been doubled. I do not mean to say that it is enough. The State Governments must increase the number of Inspectors and we have to do that also. Certainly that matter will be before my mind's eye.

As regards training, whenever there is an opportunity of sending Inspectors to other countries for special study, it is being done and the advantage of their experience is being felt after their return. So far as the Chief Adviser of Factories is concerned, his functions are those of a co-ordinating body for dissemination of up-to-date information relating to the advances made in the field of health, safety and welfare of workers. In the matter of silicosis, to which my hon. friend Mr. Nambiar referred, I assure him that we are focussing our attention to that. We are not only making experiments about it, but also trying to see how those who suffer from that disease are properly attended to. Not only in the mines at Kolar but other mines also, there are cases and we are giving special attention to that matter.

Several of my hon. friends referred to railway workers. There was a Bill by Mr. Guruswamy, and I, not only as Labour Minister but as a trade unionist, appealed to the Railway Minister who is very sympathetic in matters affecting railway workers and he attended to their grievances. He agreed with me and said that he would give due consideration. I appealed to Mr. Guruswamy and all sections of the Council of States to withdraw that Bill. I am glad to say that the All India Railwaymen's Federation and the Railway Board have come to some agreement in the matter. I do not know the actual

details of the same but it is—I am subject to correction—like this: 'After discussion with the Indian National Federation of Railwaymen, it has been decided that the duty staff in the running sheds will be given overtime at the rate of one and a half times the normal rate for all hours of work in excess of the average for the month.' This has been accepted by the Federation and orders have issued. I do not want to go into details of this but I assure you that whenever I could do something for railway workers in whom I am interested both as a Central Labour Minister and otherwise, I shall do it; I have to do a good deal with labour, and I am very glad and grateful to the hon. Minister for Railways for what he has done and for having taken the Railwaymen's Federation into confidence and trying to come to some understanding with them.

I assure my friend, Mr. Venkata-raman that, regarding the framing of the rules we will be very careful to see that the workers are not affected in a disadvantageous manner by any of the loopholes that might creep in by mis-interpretation of any of the sections. I would carefully examine later when I get the comprehensive Bill whether any of these provisions are taken advantage of by the employers to the detriment of the welfare of the workers.

As regards 240 days, my hon. friend Shri Avinashilingam Chettiar asked how that period has been arrived at. I may state that it was as follows. The total number of days in a year is 365 of which deduct weekly and other holidays—that is, Sundays 52, festival holidays 8, days on which leave with wages may be accumulated 30, sickness or strikes etc. 35—all come to 125. That is how 240 days have been arrived at.

A point has been put forward by some hon. friends that this Bill has done harm to the workers who were

having better conditions especially in the matter of night work by women and children. It is not a correct proposition. We as members of the ILO had to agree to certain Conventions. That does not mean that the previous benefits which they are enjoying are in any way interfered with. The amendment now proposed does not alter the substantive provision of the section as it stands. Only the procedure for change of shifts is proposed to be laid down to comply with ILO requirements. The amendment proposed would, in fact, provide two hours interval. I therefore wish to emphasise that these international Conventions being acted upon do not in any way interfere with the advantages that the children and women were already having.

12 NOON

I do not wish to go into further details. I would only like to submit to the hon. House that in the comprehensive Bill that we are going to bring forward we shall make it really comprehensive. We shall go into all matters and points that have been advantageously raised in the course of this discussion. They will be very useful and they will all be considered. In these circumstances, I would appeal to the House to pass this beneficial measure which is very useful especially with regard to leave with wages wherein the employers have not been treating the workers in a proper manner by using the word 'continuous service'. With these words I move. My Bill.

Mr. Deputy-Speaker: I will put the other motion to the vote of the House. The question is:

"That the Bill be referred to a Select Committee consisting of Shri Khandubhai Kasanji Desai, Shri Nemi Chandra Kasliwal, Dr. Ram Subhag Singh, Shri V. V. Giri, Pandit Thakur Das Bhargava, Shrimati B. Khongmen, Shri S. V. Ramaswamy, Shri C. R. Basappa, Sardar Hukam Singh, Shri Choithram Partabrai

Gidwani, Thakur Jugal Kishore Sinha, Shri Sadhan Chandra Gupta, and the Mover, with instructions to report not later than the 15th May 1954."

The motion was negatived.

Mr. Deputy-Speaker: The question is?

"That the Bill further to amend the Factories Act, 1948, as passed by the Council of States, be taken into consideration".

The motion was adopted.

Mr. Deputy-Speaker: Now, the House will proceed with clause by clause consideration.

Clauses 2 to 9 were added to the Bill

Clause 10—(Amendment of Section 54).

Shri Tushar Chatterjee (Serampore): I beg to move:

In page 4, line 20, after "exceeded" insert "by one hour".

Originally, I had thought of moving an amendment; entirely to delete this proviso but as I felt that the Government will not be in a position to accept anything of that nature, I moved this amendment and hope that Government would accept my amendment. I have suggested that the power for exceeding the time of work under the plea 'change of shift' should not be such a power as can be misused. So, I think that specific time should be mentioned there that the excess can be only one hour; otherwise employers may take advantage of this general power and workers may be put to difficulties. I think there is no difficulty on the part of the Government in accepting my amendment.

Shri V. V. Giri: I can assure my hon. friend that the Chief Inspector will always bear this in mind and will see to it that nothing is done which is contrary to the benefit of the workers.

Mr. Deputy-Speaker: Is he pressing his amendment?

Shri Tushar Chatterjea: No, Sir. I am not pressing it.

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.

[PANDIT THAKUR DAS BHARGAVA in the Chair].

Clause 11.—(Amendment of section 55)

Shri Tushar Chatterjea: I beg to move:

In page 4, line 27, for "for the reasons specified therein" substitute "to enable workers to avail themselves of half-holidays in full and to enable newspaper printing presses to work their entire night shifts of six hours at a stretch".

In the Explanatory Note it has been stated that this particular amendment is being brought forward not in a general way but the intention is to enable workers to avail themselves of half-holidays in full on Saturdays wherever such holidays are allowed and that it will also permit newspaper printing presses to work for six hours at a stretch. I think that although generally this particular section may be taken advantage of by the employers for violating the general time-limit of work, in special cases more than five hours of work may be necessary, as has been stated in the Explanatory Note. They state it clearly in the Explanatory Note, but I do not understand why they do not specify the reason in this particular amendment. It has been said "for the reasons specified therein." The employer or the Chief Inspector also may take advantage of this vague statement and they may put the workers of different industries into trouble. So I think the speci-

fication should be made as has been made in the Notes on Clauses. I think my amendment can be very well accepted by the Government.

Mr. Chairman: Amendment moved:

In page 4, line 27, for "for the reasons specified therein" substitute "to enable workers to avail themselves of half-holidays in full and to enable newspaper printing presses to work their entire night shifts of six hours at a stretch".

Shri Nambiar: If the hon. Minister cannot accept the amendment exactly in that way, at least he may be pleased to reduce it to five hours. Because, I have already explained our difficulties. We have our own fear. Either he must say, as suggested by Shri Tushar Chatterjea, that it must be for certain particular purposes so that others may not have an opportunity of misusing it, or he must give the maximum limit of five hours and not six hours. That will satisfy our need. Otherwise we have our own fear, and I have already explained it.

Shri V. V. GirI: I submit that the amendment proposed is this: "The State Government or, subject to the control of the State Government, the Chief Inspector, may, by written order and for the reasons specified therein, exempt any factory from the provisions of sub-section (1) so however that the total number of hours worked by a worker without an interval does not exceed six." It is only permissive, and the Chief Inspector has to give reasons whenever an exemption is given. And there can always be an appeal also to Government over the orders of the Chief Inspector. Under the circumstances I oppose the amendment.

Mr. Chairman: Does the hon. Member want that his amendment be put to the House?

Shri Tushar Chatterjea: Yes, Sir.

Mr. Chairman: The question is:

In page 4, line 27, for "for the reasons specified therein" substitute "to enable workers to avail themselves of half-holidays in full and to enable newspaper printing presses to work their entire night shifts of six hours at a stretch".

The motion was negatived.

Mr. Chairman: The question is:

"That clause 11 stand part of the Bill".

The motion was adopted.

Clause 11 was added to the Bill.

Clause 12 was added to the Bill.

Clause 13.—(Amendment of section 59)

Shri Nambiar: I beg to move:

In page 4, lines 50 and 51, for "two children below the age of fourteen years requiring in all three adult consumption units" substitute "three children below the age of twenty-one years requiring in all five adult consumption units".

Here my point is this. My points are supported by Mr. Venkataraman, partly though not in full, in that he admits that the average number of adults in a family which we arrived at in Madras 4.9 or so. But .9 cannot be there with regard to people. Therefore it must be rounded to five. For statistical purposes it is .9. But for practical purposes it is five.

Another point which I want to mention is this. We know that there is so much of unemployment. The worker's children below the age of fourteen are not the only dependents. The worker's children above the age of fourteen and upto the age of twenty-one are generally unemployed. Beyond twenty-one, even if he is not employed, he may find his own way. But upto the age of twenty-one he

must be protected by the father. Therefore, the limit of fourteen has to be increased to twenty-one.

And the worker must be allowed to have three children of that type. On a very reasonable, moderate and modest basis of calculation I have come to this conclusion. But I have got one answer to the point of Mr. Venkataraman that in making this provision there is a danger that certain families may not have the benefit which they are enjoying today. In that respect we can say that in case the maximum is beneficial to the worker he can be given that, or the present state of affairs can continue. We can so put it as to give the benefit to him. My purpose is to give more advantage to the worker's family. Therefore, the hon. Minister can accept the amendment in whatever form he feels best, but the spirit may be accepted. That is my humble submission. I think even at the eleventh hour the hon. Minister may kindly apply his mind in favour of the workers, at least in this limited scope.

Mr. Chairman: Amendment moved:

In page 4, lines 50 and 51, for "two children below the age of fourteen years requiring in all three adult consumption units" substitute "three children below the age of twenty-one years requiring in all five adult consumption units".

Shri Punnoose: The hon. Minister did not state from where he got these statistics, from where he took this standard. It is also well known that the lower income groups have more children. It is well accepted fact.

Shri V. V. Giri: Poverty and children go together.

Shri Punnoose: That is right. Therefore, I think the standard family has to be revised and realities have to be recognised.

Shri B. S. Murthy (Eluru): An average family in India is expected to consist of five—father, mother and

[Shri B. S. Murthy]

three children. Though the hon. Minister may not be able to extend the age up to twenty-one, at least the standard of family recognised by the country, namely five, may be accepted and the raising of the number of the children from two to three may be accepted.

Shri V. V. Giri: I humbly submit that this formula was arrived at on the basis of the definition of 'standard family' in the Fair Wages Bill, 1950. There was a Fair Wages Committee, representative of all the parties who after a good deal of discussion thought that that was a fair proposition I can only assure my hon. friends on the other side and Mr. Nambiar that "at this eleventh hour" it cannot be done, but at the twelfth hour, when the comprehensive Bill comes for consideration, certainly the All India Trade Union Congress and other workers' organisations could put forward their views; and, as I have said, I will have a bi-partite conference where they can put forward their views.

Mr. Chairman: Does the hon. Member want that his amendment be put to the House?

Shri Nambiar: In the usual form it may be put, Sir.

Mr. Chairman: The question is:

In page 4, lines 50 and 51, for "two children below the age of fourteen years requiring in all three adult consumption units" substitute "three children below the age of twenty-one years requiring in all five adult consumption units".

The motion was negatived.

Mr. Chairman: The question is:

"That clause 13 stand part of the Bill."

The motion was negatived.

Clause 13 was added to the Bill.

Clause 14 was added to the Bill.

Clause. 15. —(Amendment of section 64)

Shri T. K. Chaudhuri: I beg to move:

(1) "In page 5, (i) omit lines 20 and 21; and (ii) in line 22—omit '(b)'."

(2) "In page 5, after line 32, add 'provided that extra wages for overtime are paid calculating the entire period they are at the factory as working hours'."

(3) "In page 5.—omit lines 43 to 50."

As the note to the clause makes it clear that the amendments proposed by the Government of India in the Bill will liberalise the working of overtime and will also enable continuous employment of workers in case some of the subsequent shift workers do not turn up in time, I have to say that the reasons given in the note are very meagre. It obviously liberalises the provisions of the present Act, but it liberalises the provisions to the detriment of workers. That is why I have put in all these amendments. I need not go into details about these, as these are self-explanatory. Only I want to point out with regard to my amendment number 6, that it should be expressly provided that the extra wages for overtime should be calculated by taking the entire period that they are at the factory as working hours; otherwise the workers will suffer very much. There should be a clear, precise and unambiguous provision in that respect. I also think that the proviso which has been added to the end of this page 5 is absolutely unnecessary and the State-Governments should not in any case be given this power as has been proposed in the amended clause. So, I want that this should be deleted.

Mr. Chairman: Amendments moved:

(1) "In page 5, (i) omit lines 20 and 21; and (ii) in line 22, omit '(b)."

(2) "In page 5, after line 32, add 'provided that extra wages for overtime are paid calculating the entire period they are at the factory as working hours'."

(3) "In page 5,—omit lines 43 to 50."

Shri Tushar Chatterjea: I beg to move:

"In page 5, after line 50, add—

'Provided further that work beyond ten hours put in by the worker in respect of such emergency carryovers shall rank as part of his work for the succeeding day and that such work shall be paid at the rate not less than three times the ordinary rate of wages.

Provided further that the work in respect of such emergency carryovers shall further be regulated by rules prescribed in that behalf'."

I have to say just a few words. I fully support what Mr. Chaudhuri has said just now. Supposing all his points are not accepted, at least the point that I raise here may be considered. In cases where a shift worker is asked to work even beyond his time to take up the work of the next worker who has failed to report for duty, this provision should be made that when he is made to work beyond ten hours, then that extra hour of work should be treated as carryover for the next day; that is, for the next day he may be allowed to keep absent and his absence for the next day, at least for that part of the work should not be treated as regular absence. Secondly, if such a worker is asked to work beyond ten hours, it certainly means over-strain on his body and in such cases not only ordinary over-

time rate should be paid, but something extra should be paid. Therefore, I have proposed that three times the ordinary rate of wages should be paid in those cases. That is all I have to say and for further points I support Mr. Chaudhuri.

Mr. Chairman: Amendment moved:

"In page 5, after line 50, add—

'Provided further that work beyond ten hours put in by the worker in respect of such emergency carryovers shall rank as part of his work for the succeeding day and that such work shall be paid at the rate not less than three times the ordinary rate of wages.

Provided further that the work in respect of such emergency carryovers shall further be regulated by rules prescribed in that behalf'."

Shri V. V. Giri: I beg to make the following submission, that under section 59, overtime wages are already payable for all work done in excess of 9 hours in any day, and 48 hours in any week. In continuous process factories it sometimes happens that a man put down for shift duty does not turn up for work and the man on duty on the previous shift may have to remain on duty by putting extra hours of work so that the continuance of the process may not be affected adversely. The amending Bill provides for meeting such contingencies. The main changes suggested by my friend Shri Tushar Chatterjea are these. The amendments are; that when a worker is required to work beyond ten hours under the exempting powers conferred by section 54(4), he should be paid overtime for the extra work beyond ten hours at the rate of three times the ordinary rate of wages instead of twice the ordinary rate of wages; and the work should count as part of the work for the next day. The overtime wages in most of the countries are

[Shri V. V. Giri]

paid at 1-1/4 the ordinary rate of wages, whereas in India twice the ordinary rate of wages is paid. The provision relating to overtime wages is therefore liberal as compared with that of some other countries. The exemptions are to be granted only in exceptional cases, and the current rate of overtime wages does not, therefore, require any change.

The suggestion that work beyond ten hours should count as part of the work for the next day is obviously not acceptable, and, most probably, not advantageous to the worker. Overtime wages can be claimed for such work and any extra work beyond mid-night is already covered by section 67 of the Act. Under these circumstances, I oppose the amendments.

Shri B. S. Murthy: Sir, I want to say a few words.

Mr. Chairman: At this stage, after the Minister has replied, it is not possible. Had the hon. Member told me before the Minister replied, I would have certainly allowed him.

The question is:

"In page 5, (i) omit lines 20 and 21; and (ii) in line 22, omit '(b)'.

The motion was negatived.

Mr. Chairman: The question is:

"In page 5, after line 32, add 'provided that extra wages for overtime are paid calculating the entire period they are at the factory as working hours.'"

The motion was negatived.

Mr. Chairman: The question is:

"In page 5, omit lines 43 to 50."

The motion was negatived.

Mr. Chairman: The question is:

"In page 5, after line 50, add—

'Provided further that work beyond ten hours put in by the worker in respect of such emergency carryovers shall rank as part of his work for the succeeding day and that such work shall be paid at the rate not less than three times the ordinary rate of wages:

Provided further that the work in respect of such emergency carryovers shall further be regulated by rules prescribed in that behalf.'"

The motion was negatived.

Mr. Chairman: The question is:

"That clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill.

Clauses 16 and 17 were added to the Bill.

Clause 18.—(Amendment of section 70)

Shri T. K. Chaudhuri: I have got an amendment: No. 8.

Mr. Chairman: The same for clause 19 also.

Shri T. K. Chaudhuri: The same thing. I beg to move:

In page 6, for lines 20 to 23, substitute—

"Explanation.—For the purpose of this sub-section, 'Night' means 7 P.M. to 6 A.M."

I have already said in the general discussion on the consideration of the Bill that the argument that the amendments in clauses 18 and 19 have been proposed to bring the provision of law in conformity with the I.L.O. Conventions, seems to be a specious sort of argument. As a matter of fact, in some respects, the Indian law was in advance of the I.L.O. Conventions.

The I.L.O. Conventions have been there from the year 1919. What is the difficulty in allowing the workers, particularly the children and adolescents, to enjoy the privileges which they have been enjoying for the last three decades. Moreover, we should take into consideration the state of industrial housing in this country. By this amendment, young persons and children who would be made to work or the capitalists would be allowed to employ them in factories up till 10 P. M. at night. Then, they will have to walk back to their homes. It may be a distance of miles between the place of the factory and their homes. So, it is very necessary that the existing provisions of the law that we have had for so many years should be continued unchanged. That is why I want that in clauses 18 and 19 the proposed explanation should be substituted by a new explanation that for the purpose of this sub-section, 'night' means 7 P. M. to 6 A. M. That was the provision already incorporated in our law and that should not be modified.

Mr. Chairman: Amendment moved:

In page 6, for lines 20 to 23, substitute—

"Explanation.—For the purpose of this sub-section 'Night' means 7 P.M. to 6 A.M."

Shri V. V. Giri: I have nothing to add to what I have already stated.

Mr. Chairman: The question is:

In page 6, for lines 20 to 23, substitute—

"Explanation.—For the purpose of this sub-section 'Night' means 7 P.M. to 6 A.M."

The motion was negatived.

Mr. Chairman: There are no amendments to clause 19. So, I shall put both clauses 18 and 19 together.

The question is:

"That clauses 18 and 19 stand part of the Bill."

The motion was adopted.

Clauses 18 and 19 were added to the Bill.

Clause 20.—(Substitution of new Chapter for Chapter VIII).

Shri Nambiar: I beg to move:

- (1) In page 7, line 6, for "twenty" substitute "eleven".
- (2) In page 7, line 8, for "fifteen" substitute "seven".
- (3) In page 8, line 2, for "fifteen" substitute "seven".

The whole chapter is one concerning annual leave and wages. The hon. Minister says that an adult will get one day's leave for every 20 days of work performed by him in the previous calendar year and that in the case of a child, it will be one day for every 15 days' work in the previous calendar year. I want that for an adult it should be 1 day for 11 days' work. The reason is this. In this way he will get one month's leave with wages for 11 months' work. That is, in one year, he will get one month's leave. In this particular respect, the Railway is a better employer. I must accept that. In the Railways, in certain factories, workers are entitled to more leave. In this respect, I want legislation for the working classes should follow the footsteps of the Railways. I would request the hon. Minister to accept my amendments. If one works for 11 months, he gets one month's leave. Otherwise, he gets only a very small number of days of leave with wages for a whole year. The workers should be given better facilities and such concessions should be encouraged by the Government. Then only the other employers will follow the Government. So also for children, I say that instead of one day for 15 days, they must get one day's earned leave for every seven days of work. They are getting one day for every 7 days of work; but that is rest. Apart from this, they must get earned leave with wages for one day for every 7 days of work.

In my amendment No. 29, I want to allow the employee to apply for

[Shri Nambiar]

leave seven days in advance. The provision is that the employee should apply 15 days in advance. My reason is this. If there is any urgency, for instance, some domestic events, some litigation, etc., and the employee wants to avail himself of the opportunity of taking leave, he may be given the facility to apply within 7 days. Otherwise, certainly the employer will refuse to grant the leave on this very ground that the law provides that he should apply 15 days earlier, that he has not done so and so the leave cannot be granted. The period must be so limited that the employer could not take shelter under the law and refuse the leave. I do not know on what basis the hon. Minister has fixed 15 days. For casual leave there is no such condition. I can understand that. For other leave which he has earned rightfully for so many days and so many months, if the employee tells the employer that he may be given leave 7 days in advance, he may be given that facility. After all, no manager or employer can say that work will suffer and that he cannot plan the work in advance if notice is not given within 15 days. Any employer will be in a position to arrange relief within 7 days. Fifteen days is too long a period. These are very innocent amendments, very good amendments. This is a welfare measure. The employers also, as Shri Bansal and others used to say, are always kind and all that sort of thing. If that is so, these small concessions may be extended. Of course, when the comprehensive legislation is coming, we expect quite a lot. Let us have, as an interim award, certain concessions at this stage.

Mr. Chairman: As a foretaste.

Shri Nambiar: Let us get all these facilities.

Mr. Chairman: Amendment No. 31 is not moved, I think.

Shri Nambiar: I am moving. Sir, I beg to move:

"In page 9, line 10, for exclusive of any overtime and bonus but inclusive of" substitute inclusive of overtime, bonus.".

Mr. Chairman: Amendments moved:

(1) In page 7, line 6, for "twenty" substitute "eleven".

(2) In page 7, line 8, for "fifteen" substitute "seven".

(3) In page 8, line 2, for "fifteen" substitute "seven".

(4) In page 9, line 10,—for "exclusive of any overtime and bonus but inclusive of" substitute "inclusive of overtime, bonus.".

Shri T. K. Chaudhuri: With regard to clause 20, I have three amendments, numbers 9, 10 and 11.

I beg to move:

(1) In page 7, line 2, for "240 days" substitute "200 days".

(2) In page 7, line 18, for "240 days" substitute "200 days".

(3) In pages 9 and 10, omit lines 47 to 49 and 1 to 4 respectively.

In order to earn annual leave with wages, the present Bill requires continuous service for a period of 240 days. I want that this should be made 200 days. The first two amendments relate to that. I do not want to add to what I have already stated during the general discussion. With regard to my third amendment I have to point out that, I want to omit lines 47 to 49 in page 9, and in the next page to omit lines 1 to 4 because this gives to the State Government the power to exempt certain factories and discretion is left entirely in the hands of the State Government. We already

know, and the hon. Minister, although he does not admit it in so many words, has indicated that the State Governments are moving in the matter rather unsatisfactorily. If we give them this discretion that will simply work havoc with the privileges that are enjoyed by the workers. That is why I want these lines to be omitted altogether.

Shri Tushar Chatterjea: I have got an amendment.

Mr. Chairman: Let me place these three amendments before the House.

Amendments moved:

(i) In page 7, line 2, for "240 days" substitute "200 days".

(2) In page 7, line 18, for "240 days" substitute "200 days".

(3) In pages 9 and 10, omit lines 47 to 49 and 1 to 4 respectively.

Shri Tushar Chatterjea: I beg to move:

In page 7, line 12, after "orders" add "and the days covered by any legal strike".

My point is very simple. There is one Explanation which says that for the purpose of calculating the 240 days, any days of lay-off, by agreement or contract or as permissible under the standing orders shall be included. But the question of legal strikes is completely omitted here. As we know, these days in most of the factories strikes take place, and workers have to take recourse to strikes to get their demands. So, unless this strike question is taken into consideration in calculating the period of 240 days, most of the workers in the present state of affairs will suffer. That is my point.

Mr. Chairman: Does he propose to move his other amendments also?

Shri Tushar Chatterjea: No. I am not moving the others.

Mr. Chairman: Amendment moved.

In page 7, line 12, after "orders" add "and the days covered by any legal strike".

Shri B. S. Murthy: According to the provision made in this Bill, the total number of days of earned leave a worker can get will be 184 days after having sweated for 365 days. I think this is rather very unfair to the worker. I think a minimum of 30 days should be provided. Especially, in these days when workers are trying to get their rights, the Minister of Labour must also see that their legitimate aspirations are conceded. Further, it is common knowledge that the better the facilities, the greater is the enthusiasm of the workers to step up production. If the workers are being teased on all sides, and even after making them to sweat day and night if you do not give them this small concession of 30 days a year, I think it is quite unfair, if not cruel.

Another point I want to stress is that in calculating this earned leave, overtime also must be taken into consideration. The calculation must be not on the basis of day to day work also, but all the overtime work should also be added so that the worker may benefit by it.

Shri V. V. Giri: I should not be considered to be discourteous if I am not able to accept the amendments.

As regard the notice period, this is also not a new provision. The requirement for giving 15 days' notice to an employer for leave exists in the existing Act. We cannot agree to any reduction in this period as the employer must have sufficient time to find substitutes. I have nothing more to say.

Mr. Chairman: The question is:

In page 7, line 6, for "twenty" substitute "seven".

The motion was negatived.

Mr. Chairman: The question is:

In page 7, line 8, for "fifteen" substitute "seven".

The motion was negatived.

Mr. Chairman: The question is:

In page 8, line 2, for "fifteen" substitute "seven".

The motion was negatived.

Mr. Chairman: The question is:

In page 9, line 10, for "exclusive of any overtime and bonus but inclusive of" substitute "inclusive of overtime, bonus,".

The motion was negatived.

Mr. Chairman: The question is:

In page 7, line 2, for "240 days" substitute "200 days".

The motion was negatived.

Mr. Chairman: The question is:

In page 7, line 18, for "240 days" substitute "200 days".

The motion was negatived.

Mr. Chairman: The question is:

In pages 9 and 10, omit lines 47 to 49 and 1 to 4 respectively.

The motion was negatived.

Mr. Chairman: The question is:

In page 7, line 12, after "orders" add "and the days covered by any legal strike".

The motion was negatived.

Mr. Chairman: The question is:

"That Clause 20 stand part of the Bill."

The motion was adopted.

Clause 20 was added to the Bill.

Clause 21 was added to the Bill

*Clause 1 was added to the Bill.
The Title and the Enacting Formula
were added to the Bill.*

Shri V. V. Giri: I beg to move:

"That the Bill be passed."

Mr. Chairman: Motion moved:

"That the Bill be passed."

Shri D. C. Sharma: I congratulate the hon. Minister for Labour on bringing forward this Bill which is a definite improvement on the existing conditions. I would, however, make one humble submission. Every time a Bill is brought forward, whether it is a new Bill or an amending Bill, hon. Ministers have got into the habit of saying that the amending Bill or the new Bill should be passed for the time being and that a more comprehensive legislation on the subject would be brought later. I would submit with due humility that we should not make such promises and that every Bill that we bring forward, either a new or amending Bill, should be a definite improvement on existing conditions.

It was said about the Bill that the principle of legislation, so far as labour is concerned, is this that there should be the minimum of action and the maximum of sympathy. I am very sorry to differ from my hon. friend. I have studied this Bill. I have listened to the speeches on this Bill from both sides of the House, and I would say in all fairness to the Ministry of Labour that the principle that has been followed in this Bill is maximum action with maximum of goodwill. I feel so far as labour legislation is concerned, so far as social welfare is concerned, we must have this principle in view. Otherwise, instead of solving problems, we create more problems.

Otherwise, instead of reducing tensions, we accentuate tensions.

I find that this Bill is in accordance with the principles of the I.L.O., and I am very glad to find in the papers

that the I.L.O. has become, if I may use that expression, a very comprehensive body because the countries which were standing outside the I.L.O. at one time have also joined it now. Therefore, if the Bill is in conformity with those principles, I am sure that it should be acceptable even to those persons who do not want us to follow the lead of other countries.

Again I find this Bill has been brought forward as a result of talks between the Centre and the States. I think this is a very admirable attitude towards this kind of legislation. We cannot force any legislation on any person. As it has been said, the basic principle of legislation is persuasion and we should go forward with as much speed as the country can stand, as the particular sector of our country can stand. And I believe that this Bill which is the result of agreed negotiations between the Centre and the States marks a very definite improvement.

Again, there are some persons who think that there are two classes in India—the exploiters and the exploited. One hon. Member said sometime ago that the Inspectors came from the class of the exploiters and therefore they were not in a position to enter into the feelings of the labourers; they were not in a position to understand their difficulties and their problems. I think we must give up this unnatural classification of human beings. Somebody said here: Why should we follow the United Kingdom. And I say this classification of human beings into exploiters and exploited is taken from the West. It is not operative in our own country, and therefore, I should say that whether we are labourers or whether we are inspectors or whether we are Members of the House of the People or skilled or unskilled workers, we are all Indians. There is no question of being exploiters or exploited.

Shri Nambiar: Have we reached the stage of classless society in this country?

Shri D. C. Sharma: I can assure my friend, Shri Nambiar, that we have in India a classless society in a greater degree than in any country of the West. I do not want to specify the names of those countries. I can assure him that our classless society is in a much higher degree of perfection than the so-called, much-boosted and much vaunted classless society of other countries.

Shri Nambiar: A new thesis.

Shri D. C. Sharma: I should like to commend the principle which has been adopted in the formulation of this Bill, and it is this. It is the result of negotiations between employers and workers, between trade union leaders and those persons whom they represent. I think this is a very wholesome principle, and this wholesome principle should be accepted as a principle of work all along the line. I think that this principle is bound to do the maximum of good to our country.

I find from the Bill that there are certain things which have been done, and which, I am sure, are going to work for the welfare of our workers. Of course, I am not a labour leader in the sense that some of my friends are. But I represent a constituency which consists of a large number of workers, skilled and unskilled—I should say, temporary and also all kinds of workers. I meet them and I understand their difficulty. They have their problems. But I must say that this Bill has prohibited the employment of women and young persons during nights, in factories. I think no one can deny that this is a step forward. An hon. lady Member of this House paid a compliment to the hon. Minister by saying that this was a move in the right direction. I think as time goes on, it will be possible for us to make better provisions for this aspect of the problem, but I am sure that even this

[Shri D. C. Sharma]

thing which has now been done is a great step forward.

Sir, it has been said that our enforcement machinery for this is weak. I would not say that it is weak, that it is vacillating or that it is hesitant. But, I would say one thing that our enforcement machinery does require gingering up. (*Interruption*). Whenever my friend approves of anything that I say, I always feel very unhappy; I do not know why. Anyhow, I must stick to my point. What I was going to say was this that this enforcement machinery should be tightened up, should be strengthened and should be made to work with a greater sense of responsibility. I do not say that it is not working with a sense of responsibility already. They are doing their work well but they can do better.

I think the hon. Minister has already taken measures to see that this enforcement machinery is able to deliver the goods. What are those measures? The number of Factory Inspectors has been increased. I find that even the medical inspection of these factories has been made more helpful. I find also that the training of these Factories Inspectors has been undertaken on a bigger scale; they are being trained in such a way that they can become welfare officers in the real sense of the word. I can see that all the knowledge and experience that we are getting from the industrial countries are being pooled and we are instituting refresher courses in order that these persons should be more able and competent to deal with the problem. I think all these are steps in the right direction.

The hon. Minister has said that they are going to make a scientific study of the occupational diseases of our workers. Some of my friends have referred to some of the diseases to which factory workers are liable. They are liable and we are also liable to certain diseases. I would say every

attempt is being made to make a systematic study of these diseases and to eliminate those causes or conditions which bring about these diseases. I think this solicitude for the health and welfare of the workers on the part of the Labour Ministry is something which I should say is very good for all of us.

I find that there are certain kinds of labour for which this kind of scientific investigation is going to be carried out. I would only say that the scope of the investigation should be extended and no kind of factory labour should be beyond the purview. I think labourers, whether they belong to one category or the other, should be made to see that their health and welfare are very well looked after.

I do not want to say much about other points that have been raised. But, I must say that the question of leave and wages has been put on a more rational and more human basis than it was before. Of course, you can give greater amount of leave and all that. But, I think this question has been decided on a better basis than it was before and I think this also marks a step forward so far as the Bill is concerned. At the same time, I would say that so far as the calculation of the standard family is concerned, I would request the hon. Minister to go into this question once more. Of course, there is a statistical approach to it and there is also the human approach. I know the statistical approach has not to be ignored but I must say that whenever there is a conflict between the statistical approach and the human approach, it is the human approach that should prevail. I would request the hon. Minister to see to it that the question is solved on a very rational basis and on a very human basis. I would say that this is a Bill which is going to do a great deal of good to the workers in our country and I think it is something of a beneficent measure.

Somebody said that the directions of the Constitution, the fundamental provisions of the Constitution were not being honoured. I do not know what the hon. Member meant by saying that the fundamental objectives and collective privileges were not being honoured. I think we have also read slightly the Constitution and we also read it every now and then and, perhaps we are also much wedded to the Constitution as anybody else. Of course, there are some persons in this House who think that they would change the Constitution beyond recognition. I am not one of them. But, I can say this. Any worker can understand these things, not under the tuition of some fire-eating labour leader, not under the tuition of some interested party, not under the tuition and guidance of those persons who want to dangle before them the paradise which does not exist in any part of the world, but if any worker looks at this piece of legislation, I am sure, he would come to the conclusion that he is having better opportunities and rights than before. A greater amount of equality is being given to him and that he is being led to feel that he is a member of a society which is in the process of becoming very much a classless society.

Sir, I congratulate the Labour Minister once again for bringing this good measure which will do a lot of good to the worker.

Shri H. N. Mukerjee (Calcutta North-East): Mr. Chairman, I am afraid I do not share the enthusiasm of the hon. Member who has just spoken, and particularly, his discovery that in our progress towards the classless society, we have advanced further than any other country in the world. If the hon. Member chooses to live in a particular paradise, I am afraid I cannot help it. I wish he were correct in his estimation because in that case, much of the worry which my hon. friend, the Labour Minister, has to face would have been eliminated. Actually his

occupation from day to day would have gone and I am sure he would have welcomed it as he has been a trade union worker all along with the idealism at any rate that sooner rather than later we are going to get the elimination of the distinction in society between the different classes.

As must have been apparent from the debate, our attitude towards this Bill is one of approval no doubt, but of qualified approval, because it does not go as far as we wished it to have gone. We know also that as long as the present set-up continues and as long as the Government has its present character, Bills of this description cannot go as far as they ought to go. That is our grouse, and that is a grouse which I wish to repeat at this point. I say again that we give our support to this Bill in so far as it does bring about certain improvements in factory legislation.

In regard to the question of inclusion of railway running sheds within the definition of 'factory', an inclusion which I understand was made in the Act of 1934, but for some unspecified reason was omitted in the Act of 1948, I was rather intrigued to hear from the hon. Labour Minister that he had appealed to his colleague, the Railway Minister, and that he expected something good would ensue because the Railway Minister is going to have some kind of understanding with the Railwaymen's Federation—and soon I hope to have some kind of advance in this direction regarding the inclusion of railway running sheds within the category of those advantages that this Bill is offering—but I felt certain difficulties also, because my experience lately with the Railway Minister has been somewhat of a disillusionary character. I do not wish to say anything against the hon. the Railways Minister,—appearances might be deceptive, but he always appears to me to be a well-meaning person, and I do have a great deal of respect for him. I discovered something which came to

[Shri H. N. Mukerjee]

me as a shock.—I am going to repeat although I have referred to it once before in the House but the Labour Minister and the Railway Minister were not present on that occasion. It was roughly about November or December 1952 that by means of a question I elicited the information from the Railways Minister that over 700 railway workers in the Sealdah Division of Eastern Railway were living in condemned wagons because they had no other accommodation. When we came for the Budget Session this year, my information was that the position had not improved very perceptibly, and in my speech on the general discussion of the Budget, I referred to this point. For this act of commission, I was upbraided by the Railway Minister, who told me "You are no good at all; you do not go and see your constituents; the condition of things has improved beyond recognition." I was slightly taken aback because I do not pretend to be a very assiduous trade unionist—I am sorry to have to acknowledge it—and I have not specialised in that direction. I thought for a moment that possibly the Railways Minister was correct, that possibly he has built a number of houses, and these people have been shifted from their condemned wagons. I asked the question once again in the House. I have not got the proceedings with me now, but I can give the reference. The Railway Minister told me that about 100 to 120 members of the railway staff were living still in those condemned wagons.

1 P.M.

Sir, I sent in another question after I got some further information from Calcutta. That question was disallowed, and I was referred to a question asked by a Member on the Congress Benches. Mr. Ramananda Das who had asked a similar question in regard to condemned wagons. He elicited the information on the 4th

of April that 768 members of the Railway staff in the Sealdah Division of the Eastern Railway were still living in condemned wagons.

Now, Sir, I know that the Railway Minister has allotted some money for the construction of new quarters, but for some reason or other, either the construction has not proceeded expeditiously enough or orders regarding the removal of these people from condemned wagons to quarters presumably constructed for them have not been executed.

The Deputy Minister of Railways (Shri Alagesan): If I may interrupt the hon. Member, I may say that on the Eastern Railway Rs. 135 lakhs were spent on the construction of quarters.

Shri H. N. Mukerjee: That is really neither here nor there. My question was very specific; the answer of Government also, was. I must say in all fairness, very specific. I say that the number given to me in November or December 1952 and the number given to my hon. friend Mr. Ramananda Das in April 1954 did not vary very perceptibly. If this is the way in which Ministries of our Government are functioning, then I do not know what exactly we should say. I am glad that this time the Labour Minister has got a kind of an assurance from the Railway Minister and that something will be done in regard to railway running shed workers and this time at least some implementation will happen.

Shri V. V. Gir: I may assure my hon. friend that something has been done. An agreement was arrived at between the Railways Ministry and the Railwaymen's Federation.

Shri H. N. Mukerjee: I wish also to refer to certain other matters in connection with certain assurances we have got from time to time from the Labour Minister himself, and that is germane to the discussion of this legislation, because we ought to

know what exactly is the labour policy of Government and we ought to know how exactly the Labour Ministry functions. I found, Sir, on several occasions the Labour Minister giving an assurance that he has made up his mind about a certain point, that he has already decided what to do. Now in regard to the question of the demand of insurance employees all over the country regarding a tribunal . . .

Mr. Chairman: May I request the hon. Member to kindly keep in mind that he is speaking on the third reading stage of this Bill. He has already referred to matters connected with the Ministry of Railways, which to my mind were not very relevant. I would request him to speak within the scope allowable for speaking on the third reading of this Bill. According to rule 131 the third reading should be confined to the submission of arguments either in support of the Bill or for the rejection of the Bill. The hon. Member can certainly say and give arguments that this Bill should be rejected. Any other matter would be extraneous and would not be relevant.

Shri H. N. Mukerjee: I submit that the Labour Minister has given certain assurances in the course of discussion of this Bill. Now, those assurances, I hope, are going to be implemented. There are certain misgivings in our mind regarding the previous history of Government assurances not being implemented and I wish to refer to one or two examples.

Mr. Chairman: This is exactly what I am objecting to. He cannot refer to those assurances at the third reading of the Bill. He can only refer to assurances which have been given now and give his reasons why this Bill should be rejected or accepted. Any other remark in regard to any other assurances in regard to other Bills or other occasions would not be relevant.

Shri H. N. Mukerjee: You will permit me to point out that we are passing this Bill on certain assurances

given by the Labour Minister, on certain expressions of policy which he says he is going to pursue in the future. That being so and since there is no particular urgency, or lack of time and we have got some more time at our disposal, I do not see why we cannot get a discussion on some of the points which are very germane to this discussion.

Mr. Chairman: I will request the hon. Member again to see whether the remarks that he is making are relevant. So far as time is concerned, it is not to be thought about in this matter. I have referred him to a particular rule which requires that in the third reading only certain matters can be referred to. He may make any submission before the House in respect of the assurances which have been given today in regard to this Bill. But, if he refers to the Labour Ministry or the Railway Ministry's not keeping their past promises or about their not behaving properly in regard to prior assurances, I am afraid, this is not relevant.

Shri B. S. Murthy: On a point of order, Sir.

Shri H. N. Mukerjee: I am not speaking in general terms. My point is very clear.

Shri B. S. Murthy: On a point of order, Sir. The hon. Member is trying to . . .

Mr. Chairman: Order, order. First of all, Shri Mukerjee is able to defend himself. Hon. Member should not be impatient. He should be kind enough to hear me. Secondly, when I have given a ruling, no point of order arises. If the Chair gives a ruling or finds some thing in favour of this point or that point, on that ruling no point of order arises.

Shri B. S. Murthy: Could I ask for a clarification?

Mr. Chairman: No clarification can be asked. If these discussions on rulings are allowed, then there will be no end.

Shri B. S. Murthy: The ruling is for all of us.

Mr. Chairman: The ruling may or may not be wrong in relation to the particular matter but it is only confined to this matter. If the hon. Member wants to ask some hypothetical question....

Shri B. S. Murthy: It is not a hypothetical question. If you are kind enough, I shall finish it in one minute.

If.....

Mr. Chairman: I also get impatient; everybody gets impatient. The question is certainly hypothetical.

Shri H. N. Mukerjee: In view of what you have said, I will try to limit myself as much as I possibly can. I wish that the Labour Minister had given us some idea of how the factory legislation has worked so far because we find from the reports on factory administrations that in all the States, even the reports regarding factory administration are not up-to-date. We find also that factory inspecting departments in all the States are under-staffed and that all kinds of difficulties arise and all kinds of accidents happen; man-days are lost to a very large extent and so on and so forth.

Shri V. V. Giri: In my opening speech, I have dealt with these matters.

Shri H. N. Mukerjee: I know that the Labour Minister has told us that he is going to bring up some comprehensive legislation. It is in regard to this point again that I had felt certain apprehensions. I am very sorry that I have to put it in this fashion because in the sphere of labour legislation particularly, the hon. Minister has perhaps found himself facing hurdles which he cannot surmount; that is my impression. Otherwise, I do not understand how it is that, if the Labour Minister who is supposed to represent the Cabinet policy in regard to Labour, makes up his mind in regard to certain points—for example, the point relating to the appointment of a tribunal for the insurance employees—it is not put into effect. I do not see how in a system

of joint Cabinet responsibility which is supposed to function here, the decision of the Minister of Labour which has been publicly reiterated has to wait upon some discussion at a higher level. I cannot imagine how this kind of higher level discussions can be resorted to when the Labour Minister has made up his mind on a particular matter. That is why I say that the whole history of delayed action in regard to labour legislation impairs the record of the Labour Minister in spite of his record of so many years of work as a trade unionist. That whole history comes to our mind. That is why we want a really comprehensive legislation to come up as soon as it ever possibly can but we have our doubts. We feel our qualms. We feel very hesitant to accept the assurance of the Minister at its face value because as far as our experience up-to-date is concerned, we do not find that the Government has a clear-cut labour policy. We find occasionally the Labour Minister expresses himself in one particular direction, while possibly the general feeling of the Cabinet pulls him in another direction. The result is a kind of stalemate, the result is a kind of advertisement of conflict inside the Cabinet, which is virtually a negation of the system of joint Cabinet responsibility which is supposed to function as far as our Parliament is concerned.

I do not wish to prolong my speech. But it is just because my friend from the Punjab referred to the "Virtual elimination of class differences" in our country that I am constrained to say a few things.

The Labour Minister knows very well, as a trade unionist he knows very well, that the working-class, which has been, in capitalist society, something like a Cinderella, is today a challenger for power. But that challenge of the working class has not yet achieved success in most countries of the world, including our own. And as a trade unionist I am

sure he does not believe in getting only a kind of an agreement between capital and labour. That is why I join issue with him when he says that he prefers bi-partite or tri-partite agreements to labour legislation. I see the weakness in his armoury there. By all means go ahead with the bi-partite or tri-partite agreements. By all means, if administratively that is more convenient, get those bi-partite or tri-partite agreements. But if you are going to function as a Government, do bring forward labour legislation; do get an apparatus of administration which shall see to it that that labour legislation is properly put into execution. Today we do not see labour legislation being properly put into execution. Why is it that Government is afraid? Government is afraid because Government has to pander to the powers that be. And that is those who have the biggest money bags, it is those people who pull the strings from behind the scenes, and it is they who exactly stand in the way of the passage and execution of labour legislation in this country which the country wants. It is a pity we are very far from the elimination of class distinctions in society. It is a pity our working people still live in sub-human conditions. It is a pity when any Westerner comes to our place (he may be a sympathetic person, he may be *persona grata* with the Ministry, like Mr. Bevan) when he goes out he says—Mr. Bevan said, it was reported in the papers—that the contrast which he saw between the splendour of fashionable New Delhi and the squalor which he saw a few miles away from the place is a kind of contrast which is excruciating, a kind of contrast which he did not conceive was possible before he came to this ancient country of ours. Our country has greatness. Let not the greatness be measured in terms of the poverty which we are perpetuating in the name of the elimination, which we are supposed to have achieved according to Mr. Sharma, of class divisions in our society.

But labour, he knows, has got a new mission. That is why Mr. Giri has to say over and over again that he is a trade unionist. He has worked with the working class, and he knows that they are new-fangled men, that they work new-fangled machinery, and that the working class is going to create their own society where those who work shall be the rulers of society and those who do not work shall not have the right to eat. That is the kind of society which we want. That is the kind of society envisaged in all civilised periods of the history of our country, as well as of every other country.

But today we find that to the working class work is not a part of their life; we find that their work means a slice taken out of their lives. The working people need a different kind of life so that they can work with that spirit of exhilaration which we say we cannot have in the present-day set-up of ours. It is for the Labour Minister, for the Government to follow such policies as will enthuse our working people with the feeling that they are working, not for the private gain of the bloated money-bags who control Government from behind scenes, but in order to build a better society for themselves and for generations yet unborn. That is the kind of feeling which we have got to get and not the kind of complacence which the hon. Member from the Punjab has obviously developed. As I have said before, if he lives in a particular paradise we cannot help it. But he cannot expect everybody to live in that paradise

Shri D. C. Sharma: Both of us live in the same paradise.

Shri H. N. Mukerjee: We cannot expect everybody to accept that kind of assumption.

That is why I say to the hon. Labour Minister, whom I respect as a trade unionist with really significant experience, that he should be working here and now, and for as

[Shri H. N. Mukerjee]

long as he has the strength to work, for the elimination of class distinctions. He does not, I am sure, believe that the lion and the lamb can lie together. He knows the fact of exploitation, he knows that misery exists; he has got to fight it not merely by bi-partite or tri-partite agreements, but by bringing into existence a way of life, a system wherein division between those who are exploiting and those who are exploited will be completely eliminated. In that perspective alone we can think of significant labour legislation and I beg of the Labour Minister to keep that perspective in view. I beg to tell him that those who are working in the Trade Union Movement would only be worth their salt if they work not merely for the adjudication of differences between workers and their employers, but to bring about abolition of the present wage-system, abolition of the tragic class-difference between the workers who are exploited and the class of employers who exploit them.

MESSAGE FROM THE COUNCIL
OF STATES

Secretary: Sir, I have to report the following message received from

the Secretary of the Council of States:—

"In accordance with the provisions of rule 97 of the Rules of Procedure and Conduct of Business in the Council of States, I am directed to enclose a copy of the Prevention of Disqualification (Parliament and Part C States Legislatures) Amendment Bill, 1954, which has been passed by the Council of States at its sitting held on the 27th April, 1954."

PREVENTION OF DISQUALIFICATION
(PARLIAMENT AND PART C
STATES LEGISLATURES)
AMENDMENT BILL

Secretary: Sir, I lay the Prevention of Disqualification (Parliament and Part C States Legislatures) Amendment Bill, 1954, as passed by the Council of States, on the Table of the House.

Mr. Chairman: This Bill will be put down in the Order Paper tomorrow for discussion and passing, after the Factories (Amendment) Bill, 1953.

The House then adjourned till a Quarter past Eight of the Clock on Wednesday, the 28th April, 1954.
