

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

Saturday, 22nd November 1947.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Mr. Speaker: Honourable Members might have noticed that I stepped in here, according to the clocks in the Chamber, at 10 minutes past 11. When I came here I found that the clocks were going a bit too fast. I have, therefore, asked the office to adjust them. I came at the exact hour of 11. I hope, in the meanwhile, before we adjourn for lunch, the clocks will be set right.

SHORT NOTICE QUESTION AND ANSWER

ACCUMULATION OF MAILS ON RANAGHAT RAILWAY STATION

Shri Rohini Kumar Chaudhuri: (a) Will the Honourable Minister of Communications be pleased to state whether Government are aware that heaps of mails have been lying in uncovered platforms of Ranaghat Railway Station for a long time and mails from India to Assam are being held up?

(b) If so, what actions do Government propose to take to despatch these mails to their destinations?

(c) Do Government propose to introduce an air mail service from Calcutta to important towns of Assam? If so, from what date?

The Honourable Mr. Rafi Ahmed Kidwai: (a) Government are aware that there has been at Ranaghat a heavy accumulation of mails including those for Assam.

(b) Arrangements have been made in collaboration with the Pakistan authorities to clear existing accumulations in the next few days and to prevent further accumulations. An Inspector of the Railway Mail Service is being sent to Ranaghat to assist in this operation.

(c) Government are examining the possibilities of organising air mail services between Calcutta and important towns in Assam and expect air transport will operate in near future.

Shri Rohini Kumar Chaudhuri: May I know, Sir, by what time Government expect to clear up the mails which are now lying in Ranaghat?

The Honourable Mr. Rafi Ahmed Kidwai: About a fortnight ago there was an accumulation that was cleared up. Now we came to know there was great deal of accumulation. Our officers are already there and I hope in the next few days the accumulation will be cleared up.

Shri Rohini Kumar Chaudhuri: May I know, Sir, what towns of Assam planes carrying air mails will touch?

The Honourable Mr. Rafi Ahmed Kidwai: All the air mails will be carried to important towns in Assam, and we will be able to send mails by air to Gauhati.

Shri Rohini Kumar Chaudhuri: May I know, Sir, whether the mails carried by air will be carried on ordinary postage or whether extra postage which is prescribed for air mail will have to be paid?

The Honourable Mr. Rafi Ahmed Kidwai: As I have said in my reply, im- by air, and as much more of ordinary mails as there is accommodation in the planes.

Shri Rohini Kumar Chaudhuri: May I point out to the Honourable Member that the same result will take place if all the mails are not carried by air because ordinary mails will again be accumulated in Ranaghat or some other station?

The Honourable Mr. Rafi Ahmed Kidwai: That is why I said that even ordinary mail would be carried by air, but it will be limited to the space available in the plane.

Pandit Lakshmi Kanta Maitra: Is the Honourable Member aware that at Ranaghat station which I had occasion to visit about 10 days ago there is still a huge accumulation of mails not only bound for Assam, but also for Darjeeling and Jalpaiguri, and that notwithstanding our best efforts we could not persuade the Pakistan Government to take them over to Darjeeling and Assam?

The Honourable Mr. Rafi Ahmed Kidwai: That has been admitted in the reply and I said a special officer has been deputed to see that the accumulation is cleared.

Pandit Lakshmi Kanta Maitra: Is he aware that this difficulty has been mainly due to the fact that without reference to the Indian Union the Pakistan Government suddenly abolished the District Headquarters and the Postal Divisional Headquarters at Krishnagar Nadia, and that as a result of the sudden abolition by the Pakistan Government of the Postal Divisional Headquarters without reference to the Indian Union, the whole distribution of postal business has been dislocated?

The Honourable Mr. Rafi Ahmed Kidwai: That may be.

Pandit Lakshmi Kanta Maitra: Does not the Honourable Minister know that I addressed a personal communication on the subject that this sudden abolition by the Pakistan Government of the Divisional Headquarters which is within the Indian Union has caused this entire dislocation of postal business and the Honourable Minister promised action. What action has the Honourable Minister taken so far to re-establish a Postal Division there so as to facilitate postage of mails from Ranaghat to Assam and other parts of the Indian Union?

The Honourable Mr. Rafi Ahmed Kidwai: I have said we have decided to send mails from Calcutta to important towns in Assam by aeroplane and in the meanwhile arrangements are being made to clear the accumulations.

Pandit Lakshmi Kanta Maitra: I may also refer to Darjeeling, Jalpaiguri, Cooch Behar and other parts of the Indian Union.

The Honourable Mr. Rafi Ahmed Kidwai: Yes, in reply I have said that mails will not be confined to Assam, but other places as well.

Pandit Lakshmi Kanta Maitra: Is the Honourable Minister aware that at the present moment Ranaghat happens to be the station where the Pakistan and Indian Governments exchange their personnel for transit of mails. If so, will the Honourable Minister consider the suggestion of having a special establishment at Ranaghat for the time being for the speedy disposal of mails to other parts of the Indian Union?

The Honourable Mr. Rafi Ahmed Kidwai: That is also being arranged.

Shri Rohini Kumar Chaudhuri: Sir, is it a fact that air mails are today being taken from Calcutta to Dibrugarh and Jorhat and not to Gauhati? I have received unofficial information to that effect. May I know if there is any truth in it?

The Honourable Mr. Rafi Ahmed Kidwai: I have not received any information.

Shri Rohini Kumar Chaudhuri: If my information is correct, Sir, may I ask the Honourable Minister to particularly lay stress on Gauhati because Gauhati is the nearest place to Shillong?

The Honourable Mr. Rafi Ahmed Kidwai: In my reply I have said that Gauhati is one of the places where the mail will go.

Mr. B. Paker Sahib Bahadur: Mr. Speaker, Sir, may I make a suggestion regarding these short notice questions? I suggest that they may be included in the list of business for the day and a copy circulated to the Members of this House so that the Members may know what question is being moved.

Mr. Speaker: That suggestion is not possible. *Ex hypothesi* it is a short notice question—notice may have been given the previous evening after the agenda is issued. The Honourable Member may have noticed that, while other questions are not read to the Assembly, these short notice questions are read by the Questioner and then answered by the Minister.

MOTIONS FOR ADJOURNMENT

VALUABLES OF NON-MUSLIMS IN LAHORE SAFE DEPOSIT VAULTS

Mr. Speaker: Now, I have received notices of three adjournment motions, one of which is not going to be moved. They all relate to the position regarding the safe deposit vaults at Lahore and happenings in the Western Punjab about those vaults. I will read to the House the two motions. They practically cover the same ground with a slight difference as regards the emphasis on the points raised.

One is from the Honourable Member Shri Har Govind Pant, which reads:

"That the business of the Constituent Assembly (Legislative) be adjourned for the purpose of discussing a definite matter of urgent public importance, namely, the treatment meted out to non-Muslims from India who went to Lahore on Thursday to collect their valuable belongings lying in various safe deposits there".

The other stands in the name of Prof. Shibban Lal Saksena. I have amended the motion slightly with reference to words which I think are unparliamentary to be used. The motion is:

"That the House do adjourn to discuss a matter of urgent public importance namely the misgovernment in Lahore and the deliberate humiliation and insult offered by the Pakistan police and authorities to Hindu and Sikh nationals and the military guard of the Indian Dominion which had gone with our nationals who had gone to take their safe deposits in the vaults of the Punjab National Bank in Lahore and who were forced to re-deposit their valuables by use of criminal force as published in the *Hindustan Times* to-day and to decide the measure which should be taken to put a stop to such occurrences in future by their Government."

The matters are of course, of grave importance and they are urgent. I should like to know what the Government have to say about this. Personally I should have liked the Honourable Members to put in, first, short notice questions to Government to obtain information on the points and then see whether there is any occasion for moving such motions. As, however, they have sent me notices in a matter *prima facie* important and urgent, I am asking the Government to state what they have to say and then I will decide about the admissibility of the motions.

The Honourable Sardar Vallabhbhai Patel (Minister for Home Affairs, Information and Broadcasting and the States): Sir, I do not think that these adjournment motions are in order because they refer to incidents that have taken place in a foreign State. Therefore on behalf of the Government I would object to the discussion of this matter in this House. I do not think that what has happened in a foreign State can be discussed on the floor of this House by means of an adjournment motion.

Mr. Speaker: May I clarify the position as I see it? It is perfectly correct to say that whatever has happened in Pakistan cannot be the subject matter of

[Mr. Speaker]

discussion here. As I understand the motion, what is sought to be raised here is, the steps this Government are expected to take with reference to the incidents and the interests of the nationals of this country. That is the question as I see it. Of course from the point of view of expediency, I shall not express an opinion but I may say that these are not matters fit for discussion at present on the floor of the House. But then I have to go by the rules of admissibility.

The Honourable Sardar Vallabhbhai Patel: The question as to what steps Government should take about this matter can only be considered after we have got full details of the incidents that have taken place. Government cannot take any action merely on Press reports. The Government has been carrying on telegraphic communication on this matter, since before the incidents took place, about the attitude of the Pakistan Government regarding the safe deposits and we are still making efforts to settle this question amicably. I do not know what actually has happened and the Government therefore cannot decide what steps should be taken. I can only give an assurance that all that is possible will be done by the Government to safeguard the interests of their nationals.

Mr. Speaker: As there is no information on which the correctness of the facts could be vouchsafed, I do not give my consent to these adjournment motions.

ELECTION TO COURT OF UNIVERSITY OF DELHI

آئیو بی ایل مولانا ابوالکلام آزاد : جناب میں یہ تجویز پھیں کرتا ہوں -

۱۱۔ دہلی یونیورسٹی املڈمنٹ ایکٹ نمبری ۲۳-۱۹۴۳ کے سیکشن ۱۸-اسب سیکشن ۱۱-دفعہ ۱۳ کے ماتحت جسے یونیورسٹی کے Statute ۲ دفعہ ۵-مدرجہ Schedule کے ساتھ ملا کر پڑھنا چاہئے۔ اس اسمبلی کے ممبروں کو چاہئے کہ ایسے طریقے سے جسے آئیو بی ایل Speaker منظور کریں اپنی تعداد میں سے ۱۲ اشخاص کے چناؤ کی کارروائی اختیار کریں۔ یہ ۱۲ اشخاص دہلی یونیورسٹی کورٹ کے ممبر ہونگے ۱۱۔ اس سلسلے میں مجھے استقدر اور کہنا ہے کہ دہلی یونیورسٹی کے کورٹ کی بناوٹ ایسی ہوتی ہے کہ اس میں ۱۲ ممبر Central Legislature سے لئے جاتے تھے چار کونسل آف اسٹیٹ سے۔ اور آٹھ Legislative Assembly سے۔ اب چونکہ ۱۵ ایکٹ کو روک دینوں ختم ہو گئے اور اسکی جگہ اس Dominion Legislature نے اپنی اسمبلی اسکی ضرورت ہوئی کہ نئے ممبر سے ان ۱۲ آدمیوں کا چناؤ کیا جائے۔

The Honourable Maulana Abul Kalam Azad (Minister for Education): Sir, I move:

"That in pursuance of clause (a) of sub-section (1) of Section 18 of the Delhi University Act, 1922 (VIII of 1922) as amended by the Delhi University (Amendment) Act, 1943 (XXIV of 1943), read with clause (3) of Statute 2 of the Statutes of the University set out in the Schedule to that Act, the members of this Assembly do proceed to elect in such manner as may be approved by the Honourable the Speaker 12 persons from among their own number to be members of the Court of the University of Delhi."

In this connection I have to say further that the Court of the University of Delhi is so constituted that it included 12 members of the Central Legislature; viz., four from the Council of State and eight from the Legislative Assembly. Now because both these Houses have ceased to function with effect from the

15th August, 1947 and have been replaced by the Dominion Legislature, the necessity for the *de novo* election of these twelve members has arisen.

Mr. Speaker: The question is:

"That in pursuance of clause (xiv) of sub-section (1) of Section 18 of the Delhi University Act, 1922 (VIII of 1922) as amended by the Delhi University (Amendment) Act, 1943 (XXIV of 1943) read with clause (5) of Statute 2 of the Statutes of the University set out in the Schedule to that Act, the members of this Assembly do proceed to elect in such manner as may be approved by the Honourable the Speaker 12 persons from among their own number to be members of the Court of the University of Delhi".

The motion was adopted.

ELECTION TO THE CENTRAL ADVISORY BOARD OF ARCHÆOLOGY

آنرہیل مولانا ابوالکلام آزاد : جناب میں تجویز یہی کرتا ہوں -
 یہ اس اسمبلی کے ممبروں کو چاہئے کہ ایسے طریقہ جسے آنرہیل سی اسپیکر منظور
 فرمائیں اپنی تعداد میں سے سات شخصوں کے چناؤ کی کارروائی اختیار کریں وہ سات
 اشخاص سنٹرل ایڈوائزری بورڈ آف Archaeology کے ممبر قرار پائیں گے جسے
 گورنمنٹ آف انڈیا نے قائم کیا ہے -"

The Honourable Maulana Abul Kalam Azad (Minister for Education): Sir, I beg to move:

"That the members of this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct, seven persons from among their number to be the members of the Central Advisory Board of Archaeology in India constituted by the Government of India."

Mr. Speaker: The question is:

((That the members of this Assembly do proceed to elect in such manner as the Honourable the Speaker may direct, seven persons from among their number to be members of the Central Advisory Board of Archaeology in India constituted by the Government of India."

The motion was adopted.

Shri M. S. Aney (Deccan and Madras States Group): May I suggest, Sir, that when a motion is being read in Hindi or Urdu it is necessary that the members should have a copy of the Hindi or Urdu motion on the table?

Mr. Speaker: The Honourable Members have copies of them in English and they are conversant with the particular motion that is coming before the House.

Mr. Speaker: I have to inform Honourable Members that the following dates have been fixed for receiving nominations and holding elections, if necessary, in connection with the following Court and the Advisory Board, namely:—

	Date for nomination	Date for election
Court of the University of Delhi	2-12-1947	5-12-1947
Central Advisory Board of Archæology	2-12-1947	5-12-1947

The nominations for the Court and the Advisory Board will be received in the Notice Office up to 12 noon on the dates mentioned for the purpose. The elections by means of the single transferable vote will be held in the Assistant Secretary's room (No. 21) in the Council House between the hours 10-30 A.M. and 1 P.M.

ELECTION TO THE STANDING COMMITTEE FOR THE MINISTRY OF COMMERCE

Mr. Speaker: I have to inform the Assembly that up to 12 noon on Friday the 21st November 1947, the time fixed for receiving nominations for the Standing Committee for the Ministry of Commerce, ten nominations were received. As the number of candidates is equal to the number of vacancies, I declare the following members to be duly elected:—

Shri Satyanarayan Sinha, Shri U Srinivasa Mallayya, Shri Suresh Chandra Majumdar, Shri T. A. Ramalingam Chettiyar, Shri B. A. Khimji, Shri M. C. Veerabahu Pillai, Shri N. Mahadava Rau, Sir Padampat Singhania, Dr. B. Pattabhi Sitaramayya, and K. T. M. Ahmed Ibrahim Sahib Bahadur.

CHANGE IN THE PROGRAMME OF BUSINESS IN THE ASSEMBLY

Mr. Speaker: Before the House proceeds with legislative business, I have to announce a little change in the programme, which I trust the members will appreciate. In the programme sent to them, Tuesday the 25th is fixed for general discussion of the Railway Budget. The time allowed is up to lunch. I am extending that time for the whole day; so the whole of Tuesday the 25th will be allotted for general discussion of the Railway Budget. The question-hour will, of course, be there as usual. This also leads to another change, namely, that the voting on demands for grants which was to take place after lunch on Tuesday the 25th will now take place on Wednesday the 26th up to about 4-30 P.M. At 5 P.M. there is the presentation of the General Budget, which time is fixed by the Governor General. So the voting on the demands for grants has to be completed before 5. This necessitates fixing the voting on demands for grants a little earlier and therefore I am fixing it up to 4-30 P.M. I hope the House will be able to finish the voting on demands within half an hour.

Shri M. Ananthasayanam Ayyangar (Madras: General): May I request you, Sir, to dispense with the question-hour on both the 25th and the 26th in view of the fact that the general discussion on the Railway Budget will normally take three or four days and it has now been confined to only one day and a number of cut motions have already been given notice of?

Mr. Speaker: I am afraid I am personally not inclined to consider this suggestion favourably. However, I am entirely in the hands of the House. This is not a full Railway Budget; it is a supplementary revised Budget. That is one thing. Of course the revised Budget includes the whole railway policy but that is another matter. Apart from that the question-hour, to my mind, is an important item and many honourable members who have tabled questions would like to have information by way of supplementaries on the questions they have put. The previous practice was, that if the House was unanimous, then only the question-hour could be dispensed with. At this stage, I do not find unanimity. So the question-hour will stand.

DELHI AND AJMER-MERWARA LAND DEVELOPMENT BILL

The Honourable Dr. Rajendra Prasad (Minister for Food and Agriculture): Sir, I beg to move for leave to introduce a Bill to provide for the preparation and execution of land development schemes, the reclamation of waste land and the control of private forests and grassland, in the Provinces of Delhi and Ajmer-Merwara.

Mr. Speaker: Motion moved:

"That leave be granted to introduce a Bill to provide for the preparation and execution of land development schemes, the reclamation of waste land and the control of private forests and grassland, in the Provinces of Delhi and Ajmer-Merwara".

Shri Raj Krishna Bose (Orissa: General): May I submit, Sir, that copies of this Bill have not yet been circulated?

Mr. Speaker: As usual this is a motion for leave to introduce a Bill and there is no discussion whatever. It is only a matter of formality. Therefore the practice has been to distribute the copies of Bills after the introduction. The Honourable Members will get these at their residences this evening and copies will also be available in the lobby.

The question is:

"That leave be granted to introduce a Bill to provide for the preparation and execution of land development schemes, the reclamation of waste land and the control of private forests and grassland, in the Provinces of Delhi and Ajmer-Merwara".

The motion was adopted.

The Honourable Dr. Rajendra Prasad: I introduce the Bill.

INDIAN NURSING COUNCIL BILL

The Honourable Rajkumari Amrit Kaur (Minister for Health): Sir, I beg to move for leave to introduce a Bill to constitute an Indian Nursing Council.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to constitute an Indian Nursing Council".

The motion was adopted.

The Honourable Rajkumari Amrit Kaur: Sir, I introduce the Bill.

PHARMACY BILL

The Honourable Rajkumari Amrit Kaur (Minister for Health): Sir, I beg to move for leave to introduce a Bill to regulate the profession of pharmacy.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to regulate the profession of pharmacy".

The motion was adopted.

The Honourable Rajkumari Amrit Kaur: Sir, I introduce the Bill.

WORKMEN'S STATE INSURANCE BILL—concl'd.

Mr. Speaker: The House will now proceed with the further consideration of the following motion moved by the Honourable Shri Jagjivan Ram on Friday, the 21st November, 1947, namely:

"That the Bill to provide for certain benefits to workmen employed in or in connection with work of factories in case of sickness, maternity and accident and to make provision for certain other matters in relation thereto be referred to a Select Committee consisting of the Honourable Rajkumari Amrit Kaur Pandit Lakshmi Kanta Maitra, Shri K. Senthnanam, Shri Mohan Lal Saksena Shri T. T. Krishnamachari, Haji Abdus Sattar Haji Ishaq Seth, Shri Biswanath Das, Shri H. V. Kamath, Prof. N. G. Ranga, Shri Harihar Nath Shastri, Dr. Bakshi Tek Chand, Shri S. V. Krishnamurthy Rao, Shrimati Renuka Ray, and the Mover with instructions to report on the opening day of the next session of the Assembly, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Haji Abdus Sattar Haji Ishaq Seth (Madras: Muslim): Sir, I have to move a slight amendment to replace my name in this motion. It is an agreed amendment. In the place of my name, I propose the name of Begum Aizaz Rasul.

The Honourable Shri Jagjivan Ram (Minister for Labour): I have no objection.

Haji Abdus Sattar Haji Ishaq Seth: Sir, I move:

"That in the motion for the name of Haji Abdus Sattar Haji Ishaq Seth the name of Begum Aizaz Rasul, be substituted."

Mr. Speaker: Amendment moved:

"That in the motion for the name of Haji Abdus Sattar Haji Ishaq Seth the name of Begum Aizaz Rasul, be substituted."

Mr. E. K. Sidhwa (C. P. and Berar: General): Sir, the question of Health Insurance for the working classes has been receiving the attention of the general public and particularly the labouring classes since two decades. Many a time this question has come up before the various Legislatures also, but without any result. We are therefore, Sir, very glad to find to-day this measure, which has come from this popular ministry after the achievement of freedom in this country and at its very first session we are further gratified to learn that the Honourable Minister has thought it advisable to bring it so that the condition of the toiling working classes could to a certain extent be redressed. With this end in view, I heartily congratulate the Honourable Minister for bringing this Bill so that to some extent relief could be given to this class of workers who have been denied all these facilities, all these centuries in this country under the Bureaucratic Government.

Sir, the Bill provides that relief will be granted under this Bill to all the factory labourers including factories belonging to the Crown, but other than the seasonal factories. The Honourable Mover of this Bill stated that while he would have preferred his Bill to be made applicable to all the workers, he would like to start it with a particular class of labourers so as to see the result of its working and then he might bring in subsequently an amendment to apply to all classes of workers. Sir, with due deference to him, I do not share that view. When a start has to be made after such a long period—I should say about twenty years since this demand has been placed before this country—the start should have been more liberal and the start should be perfect, particularly when we are in the free country today and I do feel the seasonal factory labourers who are excluded should be included in the provision of this Bill. Before the War there were 11,080 factories in this country. Sir, out of this 8,941 are perennial factories and 3,623 are seasonal factories. From this you would be pleased to see that nearly 80 per cent. are the labourers who work in seasonal factories and so a fairly good number of the working classes will be

denied this right. I would therefore ask the Honourable Mover whether he feels justified to exclude 50 per cent. of the workers from the operation of the provision of this Bill. I would submit, Sir, that when he is going to make a start, the start should be liberal. I would not, of course. I use the word 'liberal', but I do say that justice demands that this class of relief ought to be given to the seasonal workers in the factories. They are also working for a number of years and for some reason or the other they are working in the seasonal factories and there is no reason why there should be a distinction between workers in the perennial factories and workers in the seasonal factories. If it had been a small number I would not have given much importance to it but when the number, as I have mentioned, is nearly 50 per cent. I hope, Sir, the Honourable Minister, sympathetic as he is always, will reconsider this matter and himself move an amendment in the Select Committee rather than allow any Select Committee Member to move such an amendment. That is one part of the Bill.

Sir, there is to be a Workmen's State Insurance Corporation for the purpose of giving relief to the labourers under this Bill and here also niggardly treatment, if I may use the word has been meted out, by fixing up the total relief to be given to the labourers. As one of the Speakers yesterday stated, the labourer who earns ten annas and under will be exempted from making any contribution towards this Fund. Ten annas today means, Sir, three annas. The value of a Rupee being five annas you can very well understand what the value of ten annas would be and under these circumstances the minimum wage to an ordinary labourer should be nowhere less than a Rupee. It varies between Rs. 1/4 and Rs. 2. This 10 annas might have been appropriate in former times but now that the value of the rupee has gone down so much I feel that the Select Committee should substantially raise this amount; it should be Rs. 1/8 according to present conditions.

Then, Sir, sickness benefit is provided for eight weeks. While in other services—Government, commercial as well as private—there are casual leave, medical leave, privilege leave, furlough, etc. which can be taken by any one from a subordinate to the highest officers who get full pay during these periods of leave, the workers are denied any of these kinds of leave although they are the backbone of all our industrial concerns. They do not ask for furlough or even for casual leave, but in sickness also they are limited to eight weeks, Specially in maternity cases, a woman after child-birth is not supposed to work, according to custom, for 40 or 50 days; and from the point of view of her health she should not be made to work for that period. Poverty of course compels them to do domestic and other work after about 30 days but Government should not allow them to work for two months after confinement. I submit that this is very essential in the interest of the health of these women workers. Before confinement also they should undergo ante-natal treatment, and medical opinion prescribes three months' ante-natal treatment in order to prevent infantile mortality which prevails to such a great extent in this country. I therefore submit that at least one month's leave should be given before confinement to undergo this treatment, and the period provided in the Bill should be increased. I am glad to find a provision in the Bill that provincial Governments will be asked to set up hospitals and dispensaries for this purpose. Today workers falling sick have to depend on the free dispensaries maintained either by the local bodies or by Government, and the burden on these dispensaries is so heavy that this class of workers does not get the treatment that it should have. I am therefore happy that the provincial Governments will be asked to establish these "special" hospitals and dispensaries; I say "special" because I hope they will be established exclusively for this class of people so that they may get the kind of relief that they are entitled to.

[Mr. B. K. Sidhwa]

Then with regard to the proposed constitution of the corporation I find no provision made for a woman member though there is only one seat provided for a woman on the Standing Committee. As there are 2½ lakh women workers employed in factories I feel that women should have proper representation in the working of this Corporation. I feel that women are the proper persons to look after the health of the workers, even male workers; and women should therefore be in large numbers in the executive of the Corporation. Membership is surely not restricted to the Assembly Members.

An Honourable Member: We have them on the Select Committee; we will follow that up.

Mr. B. K. Sidhwa: I am not thinking of the Select Committee; there you can get in by favour or through ability. I am thinking of this permanent body, *vis.*, the Corporation. I appeal to the Honourable Minister that the same class of work should be distributed between man and woman and there should be a larger number of women on this body.

Then I find that labour representation also is very small, only three being provided. The Bill is meant for the benefit of labour and I must say that the number of workers' representatives is insignificant,—only three out of something like 22. I feel that the Honourable Minister should bear this point of increasing this number in mind when the Bill is discussed in Select Committee.

Sir, I will not go into the details of this Bill at any length because I am told that every minute of this House costs a few hundred rupees. I have of course to do my duty and offer the views of the people whom I have the honour to represent here; but still I will not take the time of the House by discussing each clause of the Bill. I would have done that if the Bill was not to go to the Select Committee, but there are very able men in this Committee and they hold liberal views and I hope when they do go into Committee they will bear in mind the real injustice that has been imposed by the bureaucratic Government for the last 20 years on not being in measures for insurance fund. They will see to it that they are liberal enough, no matter if this is going to cost some money to employees. My honourable friend on the Select Committee will bear in mind that a share has to be given by the employers and there is a contribution also from the labourers. What a fine thing, that both combined go together! The labourer contributes in this fund and also the employer and the labourers have been saying that in your profit you also give us some little share. Now the labourers have said that in our own benefit and in your own benefit, we do not want necessarily to depend upon you. We pay also one pie and you will pay one rupee. That is real co-operation that this Bill provides for it. I congratulate the Honourable Minister for making this co-operative system in a fund that is proposed to be moved so that the labourers and employers also may feel that this is not a one-sided fund but brought about with the co-operation of both, and when it is co-operation of both, I do hope the Honourable the Select Committee Members, when it is presented to them, will bear in mind that no argument that this will cost the Government a good deal of money should be allowed to arise, because Government has not to incur any expenditure. The employers should be asked to take out from their pockets which they have filled for a number of years, something more for the benefit of the people, so that there may be more production and good co-operation between the employers and employees and we could see the factories making larger profit in the near future. I have congratulated the Honourable Minister for the initiative and courage that he has shown.

Shri Rohini Kumar Chaudhuri (Assam: General): Is the Honourable Member in order for clapping?

Mr. Speaker: It is a mis-statement of fact. He is not clapping.

Mr. B. K. Sidhwa: There is a section that relates to the benefit to be given to workmen who sustain temporary disablement and during the period of such disablement. We have a Workmen's Compensation Act also and for the various kinds of injuries and accidents certain amounts are set aside under the Workmen's Compensation Act. But I do hope when the provisions of this section are considered, it will be borne in mind that the amount that is provided in the Workmen's Compensation Act is quite different. It will not be understood that because a labourer for a certain accident gets compensation under the Workmen's Compensation Act, therefore he will not get the benefit of this. Therefore, the Honourable Minister has rightly made a provisions for this in this Bill but it is not very clear. It is likely to cause some friction between the operation of the Workmen's Compensation Act and this Act when it comes to giving any relief to the labourers. Under these circumstances, Sir, this clause will also require serious consideration of the Select Committee.

There is nothing more I have to say, although I could have said much more. I only hope when this Bill comes out in the next session, it will be a Bill for which we ought to be proud. Every honourable member of this House should be proud that whatever our belief, it has been our creed and principle. I have said that the workmen's interests will be near our hearts at all times. This we have said in our election manifesto. Only few days ago the A.I.C.C. meeting in Delhi reminded legislators to do their duty towards labourers by treating them liberally. When the Honourable Minister has given us an opportunity for considering this Bill, I hope the honourable members will bear in mind not to grudge a few rupees here or there, but that they will be very liberal for making this Bill really worthy of being on the Statute Book.

With these words, I again congratulate the Honourable the Minister and support the motion.

Shri Khandubhai K. Desai (Bombay: General): I have great pleasure in congratulating the Honourable Minister for Labour in bringing in this Bill, at the very first session of the free Parliament of this country. The working class has been expecting some sort of relief in regard to health for the last decade. I need not go into the history of the growth and the consciousness, particularly with regard to health insurance for the last 20 years. Anyway it is better late than never. The Bill that has been brought before us is certainly very comprehensive and it does consolidate into one legislation relief for various disabilities, a workman is liable to in the course of his work. The maternity benefit that has been contemplated under this Act now will apply to all the women workers working in the Dominion, irrespective of the fact whether a particular provincial Ministry has enacted a law with regard to it or not.

As far as the Bill is concerned, there have been one or two criticisms levelled against it, and I think definite exclusion of workers working in seasonal factories is not proper and we should not enact the law on these lines. If Government feel that in the initial stages it would not be possible to set up an administrative machinery to administer relief and medical aid to the workers working in seasonal factories, it may say that in the first instance it will apply to all the factories excluding the seasonal factories. But the scope of the Bill should be comprehensive enough so that whenever the Government thinks that a further application of the law is necessary, or it can be done, it should be provided accordingly.

Apart from this, there is a very serious omission to which I would like to refer. The Bill does not give any relief either in the way of medical aid or cash allowance to the clerical staff. I think the clerical staff working in the factories are as much entitled to get this relief as any other workman and

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particularly now when most of the provinces are enacting or have enacted legislation with regard to the Shop Assistants' Act, there is no reason why the Shop Assistant should be excluded from the operation of this law. I hope the Select Committee would take into consideration this aspect and make adequate provision for the inclusion of the clerks in the scope of the Bill. In offering my remarks on the Bill I do not propose to go into details. However, I would like to point out that as far as the working classes are concerned they are not very much concerned with what cash allowance they will get during the period of disability due to illness. The most important part of this 12 Noon Bill is the medical relief that is going to be granted to the workers. As is today, well known, there is very limited medical relief granted to the workers, either by the employers or by the municipalities or by the provincial Governments. We have to consider whether the obligation that is being placed on the provincial governments will be carried out properly. It has been said that every insured worker will be entitled to get medical relief and the provincial government under this law has been called upon to make adequate facilities for indoor and out-door medical relief of the insured workers. There is only one clause which is somewhat important in this connection and it is this. If in a particular provincial area the incidence of sickness cash benefit is much more than the average, the contribution may have to be made by the provincial government to the general insurance fund. That may give an impetus or encourage or impose a sort of obligation on the provincial government to give adequate medical relief.

There is one great omission in this. I think the health of the citizen is primarily the obligation of the State, whether it is the Centre or the Provinces. As far as this particular Bill is concerned it does not take into consideration the health of the dependants of the workers. Medical relief, both indoor and out-door will be given to the worker who is insured but as long as the worker has not got a living wage (and in a living wage is included the expenditure which a worker has to incur for the medical treatment of the members of his family) I should think, when the provincial governments have been called upon to institute dispensaries, hospital and such other medical institutions for medical aid to the working classes, it would not be too much—in fact I should think it would be economical—to provide for the medical relief of the women and children of the workmen who have been insured under this law. There is reason for this also. Generally all industries are located in big cities and it is one of the obligatory duties of the municipality to start medical aid for the citizens living in its jurisdiction. Under this law nothing is laid down as an obligation on the municipality. In my opinion, if the present fund will not be sufficient to give relief to the members of the family of the workmen, a contribution can certainly be asked for from the local bodies and they may be associated with this insurance fund and its management also. To that extent I should think the burden on the municipalities will be relieved. In cities like Bombay, Ahmedabad, Cawnpore, Calcutta, etc., more than 80 per cent. of the population belong to the working classes. In some cities it is more than 50 per cent. and it is the bounden duty of such local authorities to look after the health of the citizens living under their jurisdiction. We know that if there is any class of people in the urban areas who have been neglected in the matter of medical relief, it is this particular class. Under this law no provision has been made with a view to make medical relief available to the members and dependants of the insured workers. I think the Government should have gone a step further and provided for this. On the other hand, it will also give a sort of experience to Government as to how medical relief can be managed and can be made available to every citizen in the country, because I do think that in the very near future the Government would have to consider the possibility of extending medical relief to all citizens. The experience which may be gained, particularly in the administration of this act, will go a long way to give helpful suggestions in the matter of general medical relief.

Then some sort of liability or obligation has been placed on the occupier or the owner of a *chawl*, if it is insanitary, because the more insanitary the *chawl*, is, there will have to be more medical relief and more medical cash allowance. In this context I would suggest that if the municipality is also brought into the scheme, the purpose will be served better, because as is well known in big cities the employers do not provide houses for more than 10 per cent. of the workers working in their own respective factories. 90 per cent. of the *chawls* are more or less managed by private landlords and it is there that the local authorities should make the *chawls* sanitary. A sort of indirect deterrent liability should be placed on the municipal corporations of big cities to make additional contribution if the municipality fails to do its duty to look to the sanitation of the *chawls* owned by private landlords. Otherwise not only public health suffers but the corporation would have to pay larger cash benefits and they will have to provide a bigger amount for medical relief. Therefore I would recommend to the Select Committee to explore this suggestion which I have placed before the House.

A criticism has been made and rightly too that once this corporation is instituted, the persons concerned are the main beneficiaries under the Act, that is the working classes and the Government. The labouring classes have been given representation of three in the medical relief council, which in my opinion is very important. As I said in the beginning I attach more importance to the medical relief than the cash benefit. A worker does not want his cash relief if his health is insured. Therefore, even in the statutory constitution of the Insurance Corporation I should think that the workers should be given more representation; instead of three they must have five seats. Even keeping the constitution as it is, it is provided that the eleven Provinces will provide eleven representatives. Now there will be only nine Provinces. I would therefore suggest that the two remaining seats can very well go to labour, as they ought to.

As far as the question of cash relief to a worker, as an indoor patient is concerned, it has been provided that if a worker is so ill as to be admitted in the hospital as an indoor-patient, the relief will be half. It ignores the fact that whatever compensation for sickness is paid to the worker is not paid to him alone. That amount is also for the maintenance of his dependants and his family. It appears that the Bill assumes that all the members of the family of a working class person will be earning. When the worker is so ill as to go as an indoor-patient into the hospitals, how is his family going to be maintained? I should feel that he gets the unfair treatment because he is very seriously ill. If he is not given the treatment as an indoor-patient it is likely that his illness will be aggravated and it may prove fatal. But what is going to happen to his family? There is no justification whatsoever, when a worker goes as an indoor-patient, to reduce his allowance to half. With these words, Sir, I commend the motion to the House.

Shri Ajit Prasad Jain (U. P.: General): Sir, it is a matter of no small pleasure for me to welcome this Bill. It is an important piece of social legislation. In fact it marks a milestone in our onward march to make up the lag in labour laws. For the first time in the history of labour legislation the State has taken upon itself the responsibility for safe guarding health of the labouring classes.

This Bill is applicable only to factories, and that too only to perennial factories. We are on the eve of an industrial revolution. Unfortunately on account of the difficulties in the import of machinery and capital goods our industrial progress has not assumed the pace that it should have otherwise done. Therefore this measure has come none too soon so far as the factories are concerned. But a complaint has been made by a number of speakers who have preceded me as to why seasonal factories have been excluded from the

[Shri Ajit Prasad Jain].

operation of the Bill. I join hands with those Honourable Members in taking up that grievance. So far as these seasonal factories are concerned, there is one aspect which perhaps has not been emphasized before the House so far. Even in seasonal factories there are a certain number of workmen who work permanently. In the sugar factories practically 20 to 25 per cent. of the workmen are on the permanent list and if this Bill remains as it is, namely that the seasonal factories are excluded from its operation, it will mean that not only workers who are employed during the working season in our seasonal factories but even the workmen who are permanently employed in the seasonal factories will be excluded from the benefits of the Bill. Whatever may be the reasons for excluding the seasonal factories, at least these workers stand absolutely on a par with workers who work in permanent factories.

An examination of the preamble of the Bill will show that it provides for insurance against sickness, maternity and accident. In case of seasonal factories it may be reasonable to make a differentiation in respect of maternity cases, because the seasonal factories work only for a short time. The sugar factories work only for 100 to 120 days, and one could say that if during this short period a woman gets leave for 3 months for maternity, it may not be proper to employ her altogether. But so far as the other two things are concerned, namely sickness and accident, it would be improper to make a differentiation between the workers who are employed only during the season and workers who are permanently employed. Even under the Workmen's Compensation Act, if a worker labouring in a seasonal factory suffers an injury during his employment is entitled to compensation. I would submit that that the provisions of this Bill by which the worker gets higher compensation than what he gets under the workmen's Compensation Act for accident, should be made applicable to seasonal workers also. Similar to this is the case of workers who suffer from sickness.

Apart from all these, a very large number of workmen are employed in transport, in agriculture and as domestic servants. I can well understand that there will be some difficulty in applying the provisions of this Bill immediately to unorganised labour in agriculture and to domestic servants, but there may not be the same difficulty in the case of transport workers. At any rate, I would wish that provision should be made in this Bill that all these classes of persons, namely transport workers, domestic servants and agricultural workers may be included within its compass but the provisions of the Bill may not be made applicable to them immediately but extended to those classes of workmen as conditions permit.

I would like to make some comments on a few aspects of the Bill for the consideration of the Select Committee. An observation was made by the Honourable Member, Shri Harihar Nath Shastri, which has had the support of several other speakers, that the ten annas limit of exemption from payment of contribution in the case of workers is very low. This ten annas in these days are really equal to about 2½ or 3 annas and I join hands with those speakers that this limit should be raised to at least Re. 1. But I find a much worse case than that. It is that the benefit to women in case of maternity is limited to a flat rate of twelve annas. Section 40 (1) says that "maternity benefit shall be payable to a woman, who is or has been an insured person at the rate of twelve annas a day for a period of twelve weeks". I fail to understand why a flat rate should have been prescribed in the case of women. This Bill covers cases in which the maximum pay of a workman might be Rs. 400 a month. And to pay a paltry sum of twelve annas a day to a woman in confinement who gets Rs. 300 or 400 per month is I think no relief.

What I would wish is that this 12 annas may be kept as the minimum, and in other appropriate cases a higher rate of maternity allowance may be paid.

There is another provision in section 39, sub-section (4), clause (a), which says that no cash benefit shall be paid until six months have elapsed after his,

that is the worker's, entry into the insurance scheme. I would submit, Sir, that a similar condition is not laid down in the case of an accident, and if any compensation is permissible in the case of accidents during the first six months there is no reason why a distinction should be made in the case of sickness, and more so because sickness has been definitely defined in this Act. It excludes any sickness arising out of drunkenness or voluntary participation in any brawl, riot or affray, or injury or condition voluntarily brought about by a worker, or any condition attributable to his wilful misconduct. Now after the exclusion of these cases, sickness is a misfortune and an accidental misfortune not brought about by the worker himself. Why should you treat such sickness differently from an accident and I would commend it to the consideration of the Select Committee that they may delete this condition.

There is another important section in this Bill, namely 45, which deals with medical benefit. As a previous speaker has observed, medical benefit is even more important than cash benefit. Clause (5) lays down that treatment as an in-patient in a hospital or other institution shall be available to an insured person in need of such treatment only so long as he is entitled to sickness cash benefit, disablement benefit or maternity benefit. It would mean that after 8 weeks during which a worker is entitled to cash benefit under section 39, he will be turned out from the hospital. That I consider, Sir, would not be a proper thing. Only those persons, who are suffering from any very serious ailment, will be admitted in a hospital, and unless they are fully recovered, it would be cruel that they should be deprived of treatment as an in-patient merely because eight weeks have expired. I also, Sir, do not agree with the provision that the amount of the cash benefit should be reduced to half in the case of persons getting in-patient treatment. A worker has to support his dependants, and if he falls ill, surely his dependants cannot go half-stomach, I would very respectfully suggest to the Honourable Minister to put it before the Select Committee to consider whether this provision will not work as a very great hardship upon the workmen.

There is one more provision, Sir, to which I would like to draw the attention of the Honourable Minister, and that is sub-clauses (i) and (ii) of clause (3) of section 40, which deals with maternity benefit. It says that a woman must have made 26 weekly contributions before she is entitled to maternity benefit. Of course I do not agree with what was said yesterday by the honourable member Shrimati Durgabai, who objected that if men have to pay only 17 contributions in case of sickness or accident why a woman should pay 26 to earn maternity benefit. The reason is a woman gets benefit for 12 weeks; a man gets benefit for 8 weeks. It is a very simple principle that the larger the amount of insurance the more and larger contributions you have to pay. But there is another condition in sub-clause (ii) that five out of the said twenty-six contributions must have been paid before thirty-five weeks preceding the week in which the confinement takes place. I have not been able to understand the logic of this double check. It may be that there is some reason for prescribing that, but I will await the reply of the Honourable Minister to understand this provision.

Now, Sir, this Bill is a great measure in so far as it provides curative treatment against diseases. But more important than the curative relief of it is the positive health of the nation. India has a low longevity. The incidence of sickness is very high. The general health of its people is very poor. I would request the Government to bring in another bill at an early date by which the positive health of the nation may be built. It is good to provide for medical relief when a workman falls ill, but it is even more important to provide healthy conditions of living, nutritive food and good working conditions for workmen so that the necessity for curative relief may be lessened and lessened and be ultimately obviated. I hope that the Honourable Minister will pay increasing attention to measures for ameliorating the conditions of the working classes and for building the positive health workmen.

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I will not take any more time of the House, and with these few remarks I resume my seat.

श्री अलगूराय शास्त्री : अध्यक्ष महोदय, मजदूरों को तरह तरह की सुविधा देने के लिए जो यह बिल आज सेलेक्ट कमेटी में भेजा जा रहा है, उसके लिए मैं श्रम सचिव को बधाई देने के लिए खड़ा हुआ हूँ और इसके साथ ही उनसे एक छोटी सी प्रार्थना करनी है। भारत में भी यह है कि जब हम मजदूरों को सुविधा देने का विचार करते हैं और कोई विधान उसके लिए बनाते हैं, तब हमारा ध्यान केवल उन मजदूरों की ओर जाता है जो फैक्टरीज (Factories) में काम करते हैं, कारखानों में काम करते हैं। मजदूरों की समस्या एक ऐसी समस्या है जिसमें मजदूरों का केवल एक ही वर्ग नहीं आता। जो कारखानों में काम करते हैं सिर्फ वह ही श्रमिक हैं, ऐसा हम नहीं मानते।

हमने अपने उस प्रस्ताव में जो बम्बई का सन् ४२ का मशहूर प्रस्ताव है, यह स्वीकार किया था कि हम भारत में स्वतंत्रता चाहते हैं, वैसे ही जैसी दूसरे स्वतंत्र देशों में है और उस स्वतंत्रता का अर्थ होगा शासन सत्ता का उत्पादक जनता के हाथ में हस्तांतरित होना। उत्पादक जनता का साफ साफ अर्थ अंग्रेजी में Workers in the factories and workers in the field किया था। लेकिन होता यह है कि जब कभी हम सुधारों की बात करते हैं, जब भी मजदूरों को कोई सुविधा देने की बात करते हैं, तब हमारा ध्यान कारखानों की तरफ जाता है। इसमें संदेह नहीं कि मजदूरों के सबसे बड़े मित्र और सब से बड़े कल्याणकारी मार्क्स ने 'Capital' नामक ग्रंथ में कहा है कि जो मजदूर कारखानों में काम करते हैं, उन्हें जैसी असुविधाओं से दुःखित होना पड़ता है और कष्ट उठाना पड़ता है, खेतों में काम करने वाले मजदूरों को वैसे कष्टों का सामना नहीं करना पड़ता। खेत में काम करने वाले मजदूरों को अच्छी खुली हवा मिलती है और वह उनसे अपेक्षाकृत अधिक स्वस्थ रहते हैं। उनके अपने खेत होते हैं। और वह आजादी से काम करते हैं। लेकिन कारखानों में काम करने वाले मजदूर अपने श्रम से पूँजीपतियों की जेब भरते हैं। आपने नंगे, घुटने तक पानी में डूबे हुए औरतों और मर्दों को काम करते हुए देखा है। इस हिसाब से देखा जाय तो खेतों में काम करने वाले मजदूर बहुत कुछ सुविधाएँ प्राप्त करते हैं और Feudal Lords के अधीन जोकि खेत के मालिक हैं, ऐसे ही छोटे छोटे खेतीहरों तथा जमींदारों के अधीन काम करने वाले मजदूर कारखानों में काम करने वाले मजदूरों की अपेक्षा अधिक स्वतंत्र होते हैं। लेकिन सच्चे मजदूर वही हैं और आज हम जिस युग में चल रहे हैं उसमें ट्रेड यूनियन मूवमेंट की चाहे कोई शकल रहती हो और उसके हिसाब से हम खाली कारखानों में काम करने वाले मजदूरों की तरफ ध्यान देने में अपने को कृतकृत्य समझ लें, लेकिन मैं नम्र निवेदन करना चाहता हूँ कि जो सुविधाएँ कारखानों के मजदूरों को आप दे रहे हैं—उनके details में नहीं जाना चाहता हूँ। सिध्दा साहब ने और एक मित्र ने बिल में कुछ सामियाँ बतलाईं। उन सामियों को

दूर करने की तरफ सेलेक्ट कमेटी ध्यान देगी। वे लोग जो Factory Labour के माहिर हैं जानते होंगे कि किन किन चीजों पर विशेष ध्यान देना चाहिये। मैं खेतिहर मजदूरों के सम्बन्ध में कुछ अपनी जानकारी रखता हूँ आज मैं माननीय श्रम मंत्री का ध्यान इस तरफ दिलाना चाहता हूँ कि वह उस गरीब तबके की तरफ ध्यान करें और उनको भी वही सुविधाएँ प्रदान करें और उनकी रक्षा करें। लेबर का पूरा इतिहास Industrial Revolution के बाद इस तरह का है और उसका पूरा इतिहास 'Capital' नामक ग्रंथ में मार्क्स ने लिखा है कि फ्रेंच रिवोल्यूशन के बाद एक सौ वर्ष तक फ्रांस के मजदूर को लगभग अठारह घंटे काम करना पड़ता था। धीरे धीरे करके मजदूरों को उनके बोझ से नजात मिली है और वह एक बड़े भारी Struggle का इतिहास है और वर्ग संघर्ष का महान् इतिहास है। और अगर हम इस तरफ देखें तो आज हमको कहा जा सकता है कि मैं एक बड़ा भारी अधीरवान पुरुष हूँ, मैं बड़ा impatient हूँ। Factory Labour के बारे में दुनियां के बड़े बड़े समुन्नत देशों ने जो बातें नहीं कीं, आज मैं पहले उस चीज को लेना चाहता हूँ। दुनियां की हम इस तरीके से नकल नहीं करना चाहते हैं। हम कृषि प्रधान देश हैं। यहां ज्यादातर उत्पादक जनता खेतों में काम करती है। उन लोगों ने जिन्होंने धान के खेत में रोपनी करते कृषि मजदूरों और मजदूरियों को देखा है, जिसने जांध भर पानी में डूबे चमार औरतों को काम करते देखा है, उनमें कौन ऐसा है जिसका हृदय द्रवित न हुआ होगा। किस तरह कष्ट से उनको गुजारा करना पड़ता है। और मलेरिया जैसी दूसरी बीमारियां उनको होजाती हैं।

Mr. Speaker: While the Honourable Member would be in order, to invite attention, as he has done, to the necessity for providing benefits to agricultural workmen and speak on the motion before the House, it is not permissible for him to go into further details. He may mention the point only for inviting attention and that he has already done. But if he wants to go into any further discussion on the miseries or disabilities of agricultural labourers, I am afraid, though the subject is important, it will be out of order.

श्री अलगुराय शास्त्री : केवल दो शब्द कहकर अपनी स्पीच पूरी करना चाहता हूँ। मेरा विचार सिर्फ ध्यान दिलाने की तरफ है कि इसकी तरफ सेलेक्ट कमेटी गौर कर सके और इस तरह एक बड़े भारी गरीब तबके के प्रति वह अपने कर्तव्य का पालन करेगी।

English Translation of the above speech

Shree Algu Rai Shastri (U.P. General) Mr. Speaker, I rise to congratulate the sympathisers of the labourers for the Bill which is being referred to the Select Committee for providing amenities to the Working Class. I have also one small request to make to the members of this Committee. In India also we find that whenever we think of providing amenities to the labourers, and make a law for it, our attention is drawn only towards those who work in the factories and in the mills. The labour problem is such as does not include only one class. I am not prepared to accept that only they are labourers who work in the mills and factories.

[Shri Algu Rai Shastri]

In that resolution of ours which is popularly known as the Bombay Resolution of 1942, we agreed that we want freedom for India, freedom of the kind we find in other countries. This freedom would mean the power of Government vesting in the hands of the people, in the hands of those who are responsible for the formation of the Government. The clear definition of "The people responsible for the formation of the Government," as given then, was "workers in the factories" and "workers in the field." But what actually happens is that whenever we talk of reforms or of providing amenities to the labourers, we let our attention rest only on mills and factories. No doubt, as the greatest friend and benefactor of the labourers, Marx, says in his book entitled "Capital," the difficulties which a factory worker comes across and the troubles which he has to bear are worse than those which confront a worker in the field. The workers in the fields have fresh air to inhale, and consequently they are healthier than the workers in the factories. The fields belong to them and they work according to their will. But the labourers of the mills toil only to add to the wealth of the capitalists. You have seen men and women working in knee deep water with little clothing on their persons. From this point of view the field workers are much better off. And those labourers who work under the feudal lords, the owners of these farms, and those who work under such petty Zamindars and husbandmen, have comparatively greater amount of freedom than those who work in the factories. But it is the former who can be called labourers in the real sense of the word. In the age we are passing through, the Trade Union Movement will assume different forms; and these forms will make us feel it our bounden duty to advert to those who work in the mills and factories. We intend providing many facilities to the Industrial labourers. I do not want to go into the details of these. Mr. Sidhwa an another friend of mine pointed out some of the short comings of this Bill. The experts of the factory labour know what points deserve special attention. I have some knowledge of the difficulties of the peasantry today, I would like to draw the attention of the Honourable Minister for Labour to this poor class so that amenities and protection be provided to them.

The complete history of the labour after the Industrial Revolution has been recorded by Marx in his book entitled "Capital". He writes that for a hundred years after the French Revolution the French workman had to labour for about eighteen hours a day. By and by the labour was rid of this strain of work. This is the history of a very great struggle, it is a monumental record of people's collective work.

If we survey the growth of this struggle, then it can be said that I am very impatient. Let me first of all discuss that point about the factory labour which even the most progressive countries of the world have failed to attain. We do not desire to imitate others in this way. Ours is an agricultural country. They are mostly the workers in the field who are responsible for the formation of this Government. Who is there whose heart will not overflow with the milk of human kindness when he sees peasants, men and women, planting the seedlings in rice fields? Who is there whose heart will not be torn with compassion when he sees the women tanners working in thigh deep water? With what great difficulties they have to pull on. Diseases like Malaria etc. pounce upon them.

Mr. Speaker: While the Honourable Member would be in order, as he has done, to invite attention to the necessity for providing benefits to workmen and speak on the motion before the House, it is not permissible for him to go into further details. He should make a point of only inviting attention and that he has already done. But if he wants to go into any further discussion on the miseries or disabilities of agricultural labourers, I am afraid, though the subject is important, it will be out of order.

Shri Algu Rai Shastri: With a word or two, I would like to finish my speech. My object is only to draw the attention of the Select Committee to this aspect of the problem so that it may be able to give some thoughts to it. It would thus be discharging the obligations which it owes to this big class of the poor.

Prof. Shibban Lal Saksena (U.P.: General): Sir, I have very great pleasure in thanking the Honourable the Labour Minister for having brought forward this great measure. It is a measure for which I congratulate him and it is worthy of the new times into which we have emerged. I know these provisions have been in existence in the free countries for long but in our country they were totally absent so far, and so the measure is really a great one and one worthy of the first Labour Minister of free India.

I wish, while congratulating him, to point out the limitations of this measure which have taken away very greatly from its utility. While discussing during the last three or four days other labour legislation, I heard some honourable friends here say, "You people think only of labourers, who are very few in number, and do not think of the population. You provide the labourers with so many amenities and benefits and cry for more." I want to tell them that I am not one of those who do not wish all these benefits to be provided to all people. In fact, I think in our Constituent Assembly we have provided for every person who is fit for work full employment *plus* other benefits. We have also provided that he shall get sickness insurance, maternity and other benefits, and when we are able to do it, I think there will be nobody left whether in agriculture, or in industry or in other walks of life, who shall be denied these benefits. But at present we have only come into our own and I think anybody will agree that we cannot immediately adopt all these measures which you would wish to be adopted. I therefore think that even though I would insist for the immediate extension of this Bill to all the agricultural labourers, although I feel that theirs is a very big class and that they are probably worse off than anybody else, still I do not think it will be fair on my part to demand from the Minister an immediate application of this Bill although I am sure he is very keen and that he is alive to their disabilities and will do all he can to ameliorate their conditions.

But when I say that even organised labour and labour organised in trade unions or otherwise, has not been given the benefits of this Bill, then I feel I have the right to ask the Labour Minister to go a bit forward. The Bill in the Preamble says,

"to provide for certain benefits to workmen employed in or in connection with work of factories".

I wish to point out exactly the position about labour in this country. In our country (though the figures are for the whole of India and Pakistan), the total number of labourers in 1943 was:

Factory—Industries	...	24,86,812
Plantation Group	...	11,69,618
Communication Group	...	9,91,046
Mines Group	...	3,49,891
Total	...	49,46,367

These 50 lakhs of people is really industrial labour. Some work in factories, some in plantations, some in communications and some in mines. We have to give priority to them because, as everybody knows, it is industry which provides the key to the life of a nation. Out of the population of the country, these 50 lakhs are the key-men. We have had experience in the revolution in our own country as to what serious consequences may flow if a key industry is controlled. General strikes have brought even a democratic country like Britain to a standstill and they have played a great part in our own revolution.

[Prof. Shibban Lal Saksena]

So if we want to build a great nation as we all wish to do and if we want to achieve our ideals, we must give priority to these key labourers and my answer to those friends of mine who complained that we always think of these industrial people is that it is not because we are partial to them but because we feel that these are the key-men and without making them more healthy and happy, we cannot make the whole nation more efficient and more happy. In my opinion, we must give these men the first consideration, because that will result in enabling all workers to get the benefits. I therefore appeal that this Bill which extends to factory workers alone should extend to industrial workers also.

In this connection, I wish also to mention the existence of what is called "seasonal labour" employed in Seasonal factories. Out of these five lakhs, the seasonal labour amounts to the following figures. It is divided into two categories, the first one consisting of cotton ginning and pressing, jute pressing, indigo, shellac, tea, coffee and rubber factories etc., and the second group consisting of rice mills, oil mills, sugar mills, tobacco factories, flour mills and others. The number in the first group is 248,898 and in the second group 98,172. As regards the latter, I find the figure is an under-estimate because I know from my experience that in the sugar industry alone the total number of labourers is 1 lakh 50 thousand. In other words, I would put the latter category at about 2½ lakhs. In view of the large number of this seasonal labour and in view of the fact that they are performing a very essential function for the country, I see no reason why we should exclude these seasonal factories from the benefits sought to be given by this Bill. Cases of the type mentioned by my friend Mr. Jain may happen, but when our aim is to provide maternity benefits for the whole of the nation, I do not see any reason why the women labourers in seasonal factories should be excluded from the maternity benefits.

Again, I would like to refer in particular to sugar factories in U.P. which employ nearly 1½ lakhs of people. There are no women workers there. Out of these 1½ lakhs, at least 50,000 are permanent labourers, i.e. those who are retained even in the off-season. If this Bill is passed as it is, then seasonal factories would include even these 50,000 workers. I therefore think that the Select Committee must take care to extend this Bill to these people also, so that the nation as a whole may gain by the advantages which these people will derive and the consequent better and happier state in which they will work.

Besides, we have got the plantation group, the communication group and the mines group. My friend who preceded me has pleaded for the extension of this Bill to agricultural labour. If this Bill is extended to the plantation group, that will be a beginning with agricultural labour. I know the Honourable Minister feels for them very much and I wish to repeat my hope that he will try to extend the operations of this Bill to include plantation workers. If the Bill is extended to them, they have experience of the agricultural aspect in these plantations and the difficulties of agricultural labour will also be brought out.

Then, coming to the communication group, there are about 9 to 10 lakhs of people. They are organised concerns, e.g. the railways, the tramways and the buses. I think the bottleneck at present in our development is the delay and trouble prevalent in the communication services. One of the main reasons for this is that labour is not fully satisfied and therefore not fully efficient as it ought to be. I think it is most important in the interests of the nation as a whole that this group should get all the benefit that we can give. They are the key-men and we should not grudge them. Without them we cannot function as a great nation.

So also the mines. In their case, I am glad to inform the House, that from 1941 most of the people in the mines have begun receiving maternity benefits already. I submit, therefore, that it will not be very costly to extend to them these two other benefits, compensation and accident sought to be given by this Bill. It is not a very big thing, especially as we remember what the Honourable the Railway Minister said the other day when introducing the Budget that how important is coal to the life of the nation. Without coal, the velocity of the wagons becomes so small that a very large proportion of our wealth becomes chocked. I therefore think that if this Bill could be extended to the mines also, it will be a very good thing. The preamble of the Bill limits its utility to only factory workers. I would therefore request the Honourable Minister for Labour to kindly extend its operations to these 50 lakhs workers.

Then there are other difficulties which have been pointed out by my friends which I shall not repeat again. I merely wish to extend my support to the suggestions made by my friend Mr. Shastri and my sister Mrs. Durgabhai and other friends. I do hope that the Select Committee will take all these things into consideration and amend the Bill accordingly.

I only want to say at the end that in our country labour legislation is in a very primitive stage. In fact there are only 9 Labour major Acts which are at present in existence and this will be the tenth Great Act which will be on the statute book. I know our Labour Minister is very keenly conscious of the deficiency of these necessary essential legislations which alone can put labour on a proper footing. May I draw his attention to the Australian Labour laws in which labour is given all rights. I would request the honourable Minister to see that our labour legislation also comes on a par with that of the most advanced countries and the next thing I would expect him would be to provide Unemployment Insurance. This is probably the most difficult and also the most important and the most necessary measure and I hope that he will see that very soon our country becomes in the van-guard of all those nations who are at present great nations. In fact as a matter of right, we must be the greatest nation in the world. By population we are the greatest nation. China probably is not at present in a position to come to the most advanced position. Then our resources, our civilization and our leadership are such that we may easily attain the highest position and that is only possible when we are able to carry on a planned programme and catch up with America and Russia and come to the forefront and for that also I think that labour which consists of keymen will be to do their bit to realize their dream. My honourable friend the Minister of Labour has therefore got great responsibility in his hands and on him and on his wisdom will depend the pace at which we can progress. Once labour is contented, I can assure him there will be no strikes and no more industrial disputes and we shall have a very smooth and calm running of the industry in our country and our country will really become great and we shall have all we want. The Philadelphia declaration says that "poverty anywhere constitutes a danger to prosperity everywhere". That famous phrase in that great declaration is and should be our ideal. Recently there was the Asian Labour Conference held here and there was an item—Social Security—and in that our Great Prime Minister said that these were the two ideals which he wanted to achieve and the ideals were that "if there is poverty anywhere it constitutes a danger to prosperity everywhere" and secondly "all human beings irrespective of race, creed or sex have the right to pursue both their material well-being and their spiritual development under conditions of freedom, dignity, economic security and equal opportunity." I think these two great principles laid down in the Philadelphia Charter, which the Honourable the Prime Minister declared to be the guiding principles of this nation shall very soon be realised and our labour shall then thank our great Labour Minister for his achievement.

Shri V. I. Manikavaram Pillai (Madras: General): Mr. Speaker, Sir, I heartily welcome the introduction of the Bill of this nature which goes to give some benefit to the labourers in the factories. I do not wish to take the various clauses that are in this Bill, but I would like to confine myself to a few observations that will affect the labourers in the factories and in the plantations. In the first place, Sir, I must welcome the provision under Section 63 of this Bill. Hitherto, Sir, the labourers in the plantations, either in the field or in the factory were dismissed without any rhyme or reason. Now, Sir, this provision will go a long way that some justice is done to the labourers in the factories. Sir, in plantations during the time when recruitment takes place, labourers from the plains are taken to the *ghats* where the management selects a few people for the work in factories and drafts other people to the field. When the Objects and Reasons of this Bill is known in the plantations, we must know what will be the reaction. Out of 100 people who are recruited for tea plantations or tea estates, it will be only 15 or 20 people who will be taken to the factories and the rest are left in the field. We can very well know what will be the invidious distinction that is made between labour and labour and the few labourers that are drafted to the factories will get all the benefits that are provided in this Bill, but 90 per cent. of the labourers who are drafted to the fields will go without any of these benefits. So naturally there will be great disappointment in the minds of those labourers who are drafted to these tea fields.

Secondly, Sir, as it is provided in this Bill, the seasonal factories are left out. Take for instance the coffee estates which have factories of their own and they do not come exactly as factories, but they are called 'pulp houses' and these labourers who have to do this technical work are drafted to these factories in coffee estates since they do not come under the category of the factories, they also will be left alone. So also if you take cinchona plantations where they do not have several factories for doing the bark work and other things they too will not be happy with regard to the benefits provided in this Bill. I know, as a matter of fact the Honourable Minister has got in his mind to do something for the agricultural labourers. I would also like him to take into account the plantation labourers other than the factory labourers so that it may also have some benefit, if not today at least in the future date.

Sir, in the Objects and Reasons under clause 5, sickness cash benefits—it is said that if a man or woman works for 12 continuous months they will be entitled for 8 weeks' leave but what happens now for the labourers in plantations is the able-bodied men are all retained in the plains but only the weaklings and the poor people generally go to these plantations. As soon as they go from the plains to the plantations, where generally Malaria is prevalent, these people immediately become sick and are laid up. So I wish the Honourable Minister during the discussion of this Bill in the Select Committee will make some provision for compulsory medical benefit for those people who are taken in the estates immediately after their arrival. Sir, in the composition of the Committees under Section 6, I find enough representation is not provided for the representation of workmen. 'It is said only one'. I would urge on the Honourable Minister to reconsider this and give better representation for the workmen in the factories. Another thing, Sir, is that no provision has been made for the children in the estates. As we know and as the Honourable Minister himself saw in many of the estates on the Annamalais during his recent tour in South India, we found several of the children rolling in the cooli lines in the mud and in several bad places. I would request that all the children of the labourers either in the factory or in the estates should be looked after at the Child Welfare Centres which should be opened. I am sure Sir, the Select Committee will take into consideration these suggestions and do something for the benefit of the Labourers in the factories.

Shri Rohini Kumar Chaudhuri: Sir, I hope you will permit me a little digression. I have succeeded in getting this chance to speak at the fifth attempt, thus proving the shastric injunction, *Panchama Shubha*. In our part of the country we do not make the fourth attempt, we call it *Teen Bar NEEBAR*. I was following my own provincial doctrine when an honourable friend intervened and said that the fifth attempt was bound to be successful.

Mr. Speaker: The Honourable Member has succeeded much earlier.

Shri Rohini Kumar Chaudhuri: Sir, I will not congratulate the Honourable Minister on this Bill at this stage. I believe in praising the fair day at night, and I will congratulate him only after I have seen what kind of Bill emerges out of the Select Committee after he has been able to meet successfully the fiery arguments of my honourable friends like Mr. Kamath or Mrs. Renuka Ray. If the Bill survives their criticism it is only then that I will congratulate the Honourable Minister.

Sir, even at the risk of repetition I will draw the pointed attention of the honourable Minister to the definition of the word "sickness" in this Bill. I know it is very natural for a man to fall sick if he is assured of half the wages. I remember that in boyhood—other honourable Members who were wicked in their younger days in school will also remember it—it was very easy to pretend sickness like colic pain. You have simply to struggle with your arms and feet or lie inert and there is no medical man on earth who can say that you are not suffering from colic. My friend Dr. Khare if he were here would support me but my honourable friend Dr. Sitaramayya will admit the truth of what I am saying. Even then, Sir, I consider that the definition given here is rather too strict. It is provided here that you are entitled to the benefit of this clause only in case of a breakdown in health. Now breakdown in health is a very serious matter, and if the workers are to get the benefit of wages only if there is a breakdown in health I am sure it will be very difficult for them to get these Concessions at all. Would you say that a man suffering from malarial fever or from typhoid has got breakdown in health. He certainly does not necessarily suffer a breakdown in health although in such cases, everybody will admit, the man or woman should be entitled to sickness benefit. I do not also understand the third sub-clause which refers to conditions attributable to "wilful misconduct". Causing voluntary injury has been already met in sub-clause (ii) and drunkenness in sub-clause (i); but what kind of wilful misconduct can it be which gives rise to sickness? I know that if you want to show a little fever you have only to put a few onions under your armpit and then you get fever. Is that the wilful misconduct? Our honourable Minister is referring to in this Bill.

Then I turn to clause 40 of the Bill and I think the lady Members of the House will appreciate my doing so. In sub-clause (8) it is provided that a woman shall not receive maternity benefit unless—

"Not less than twenty-six weekly contributions.....immediately preceding the week in which she is confined or in which she gives notice of pregnancy before confinement,..."

Is there any woman who will give notice of her pregnancy My Honourable lady friends here may enlighten us on this. I think the clause should run as follows:

"the week in which she is confined or in which she or her relations give notice of her pregnancy..."

I remember the honourable Dr. Pattabhi Sitaramayya saying once that in law "he" embraces "she". But that would not be applicable to this clause because both "he" and "she" are there. In any case I think the Honourable

[Shri Rohini Kumar Chaudhuri].

Minister will agree that some amendment is called for in this clause. One should be careful about this clause because it is the only clause in which a discrimination is sought to be made in law between man and woman.

Then it is stated that leave for women during maternity should be given for six weeks before confinement. In that case what assurance is there that her husband or her relative will not employ her for domestic work during this period? She may be made to draw water or do various kinds of work; the husband will get the benefit of her labour though the wages have been paid by the employer. In our part of the country woman in an advanced stage of pregnancy are asked to work on a *dhenki* which is supposed to be beneficial for her,—a *dhenki* being a substitute for an aeroplane in which the great *Mishi Narada* came down from heaven to earth. If a woman is given six weeks before confinement to spend at home she may be employed there more cruelly than in the factory. I personally think one month would be better than six weeks. Then I come to clause 68. Let us turn to sub-clause (c) particularly. The first two sub-clauses (a) and (b) deal with workmen.

"No employer shall dismiss, discharge or reduce any workman or punish him in any other manner—(i. e., here the workman does not include woman).

- (a) during the period he is under medical treatment or is in receipt of sickness cash benefit or maternity benefit; or
- (b) while he is in receipt of disablement benefit, except in accordance with the regulations made under this Act; or
- (c) in the case of a woman worker during such period of her absence from work as a result of illness medically certified to arise out of pregnancy or confinement and rendering her unfit for work, as may be specified in the regulations."

In the three clauses you think of the workman and the benefits to be given to him. In the last clause you speak of woman and there you write as if the only illness a woman can suffer from is the illness arising out of her pregnancy and confinement. This ought to be made more clear so that the woman also gets the benefits of the previous two sub-clauses.

Shri Harihar Nath Shastri (U.P.: General): There is a definition of "workman" in the Bill.

Mr. Speaker: His point is not about a woman being described as woman; but the specific mention of "a woman" might lead to the interpretation that a woman be excluded in the other clauses.

Shri Rohini Kumar Chaudhuri: Yes, that is my point. I hope the Select Committee will consider the points raised by me. Although I cannot congratulate the honourable Minister at this stage, I am sure the labour population of India will bless him if he can bring this into law.

Dr. B. Pattabhi Sitaramayya (Madras: General): I shall confine myself to one or two points only and will therefore finish very soon. I had a chance to cast my glance upon two sections. One is a definition and the other is Section 40. In the definitions there is the term 'confinement' defined. I looked up as to what it was made to mean. Under 'Confinement' it is said that the childbirth must be after 28 weeks' of pregnancy; that is to say, seven months roughly. Therefore any maternity benefit will accrue to a woman only when she has carried her gestation seven months or 28 weeks. That would really be less than seven months. In this country it is well known that abortions are very common, and as one who has examined tens of thousands of cases of insurance policies, I find that many of the deaths of young women occur from post-partum difficulties, mostly in cases of abortion. Abortion is the name given to the failure of pregnancy within three months, and thereafter it is

called miscarriage. But whether it is abortion or miscarriage, the dangers of abortion and miscarriage and of the *post-partum* affects act much more adversely upon a parturient woman who has aborted or has had a miscarriage than on one who has run her gestation to full term. Therefore the maternity benefits must also be made possible for women who have not run quite upto 28 weeks. The second point is this.

Shri M. S. Aney (Deccan and Madras States Group): What is meant by *post-partum*?

Dr. B. Pattabhi Sitaramayya: It means after birth.

Mr. Speaker: If the second point is to take some time, we may adjourn till after lunch.

Dr. B. Pattabhi Sitaramayya: I shall finish in two minutes. Section 40. (3) (ii) says:

"A woman shall not be qualified for the maternity benefit unless—

(i)

(ii) at least five out of the said twenty-six contributions have been paid before thirty-five weeks preceding the week in which the confinement takes place....."

Confinement takes place in a particular week. Thirty-five weeks before that she must have paid five weeks' contributions. That is to say, the total number of weeks have come to forty. But the total duration of pregnancy is only 80 weeks or 273 days. Therefore the Honourable Member for Labour—(and here the Labour obviously) is economic labour and not midwifery labour,—would do well to consult a doctor with regard to these figures. It is difficult for the woman to know when she is pregnant unless she misses her first period, and many women imagine that they are pregnant although they are not. But many do not know that they are pregnant until two or three months elapse. Therefore there is a mistake in computing these terms as nobody can possibly make five weekly contributions thirty-five weeks prior to the confinement,—i.e., make the first contribution a week before pregnancy commences!

The third point is about the eight weeks illness. There are cases in which enteric and typhoid may be the illness contemplated. I have treated a case of typhoid which went on for 180 days. My next case went on for 150 days. Sixty and seventy days are very common. Such cases must be provided for, also where there are tubercular cases in which the people are likely to suffer from low temperature and progressive decline in weight. These are the reasons why the whole business must be made as elastic as possible.

The Assembly then adjourned for Lunch till Half-Past Two of the Clock.

The Assembly reassembled after Lunch at Half-Past Two of the Clock, Mr. Speaker (The Honourable Mr. G. V. Mavalankar) in the Chair.

Shrimati Purnima Banerji (U.P.: General): Sir, I wish to say a few words. I join with my other friends in their congratulations to the Honourable Minister for the legislation which he has introduced in this House. I would rather congratulate him for doing a thing which was long overdue, because I think that the benefit that labour get out of this legislation is their elementary rights which they should have got much before the passing of this measure. Knowing as we do the conditions of labour that one of the first acts of this Government should be the introduction of this form of social insurance is a very happy step and right step which we all welcome.

I will not repeat the many points that have been raised by the other speakers, with which I am in agreement but I would only refer to one difficulty with which I am faced and I wish to bring it before the House so that when

[Shrinati Purnima Banerji]

the Select Committee meets it is able to pay attention to that point. Where it has been said that dependants of disabled workers will get compensation the wording used is "he". Under the ordinary law "he" stands for "she" as well and it follows that the dependants of the woman worker will also get the benefits, should she be disabled. But it has been said in the Act that the dependants are those dependants who have been defined in the Workmen's Compensation Act, which is already in force. It is true that in the definition the wife's husband has been mentioned and also her legitimate children. But I would like to suggest that when a woman goes to a factory to earn her living, she does not do so to earn pocket money or pin money in order to indulge in some luxuries with that earning. She subscribes to the domestic budget and even though she only supplements the income the whole family depends upon such supplementary income. If she is disabled she should be entitled to the pension that the ordinary workers will be entitled to. Therefore even if her husband is already working and is not disabled, if the woman has been disabled and the family has been deprived of that amount of money which she would have ordinarily earned had she been well, she should get it under this Act. I hope that the honourable Minister will keep this in mind.

The other point which I would like briefly to refer to is that the weekly contributions which a woman worker or a married worker has to pay before she could get the benefit of this legislation should be further examined. Sir, I commend this Bill to the House.

The Honourable Shri Jagjivan Ram: Sir, one naturally feels elated when volleys of congratulations are offered to him from different sides of this honourable House but to tell the truth I feel rather overburdened by these congratulations and if I have decided to say a few words, it will not be in the nature of a reply to the various criticisms that have been advanced against this Bill, not because I am not in a position to meet these criticisms or not because that my case is indefensible but my weakness is—if that may be regarded as a weakness—my sympathy for the working classes. So I will not attempt a detailed reply of the various criticisms that have been made on this Bill. I know that anybody who has a genuine sympathy for the working classes will feel that this Bill falls short of expectations in various respects. One may very well point out that the Bill is not adequate. But as I said, while referring this Bill to the Select Committee, this is just a beginning and if we view the measure from that point of view, we will find that most of the criticisms are not justified.

The scope of the Bill, I admit, is limited, limited to the factory workers and even in the case of the factory workers it is for those workers who are engaged in perennial factories. Even in the case of perennial factories provision has been made in the Bill authorising the provincial Government to exempt certain factories from the scope of this Bill. One may very well infer that in that case the benefit which will accrue to the working classes will be limited to a fraction of the workers even in the factories. I admit that the position is as such. But while considering social security measures and especially measures of the present nature, we will have to keep in view the various limiting factors which we have to face, not only in the case of the working classes but for the country as a whole. Primarily the Bill intends giving medical facilities to the working classes. In this respect it will not be out of point if I were to emphasise the paucity of qualified medical men and medical facilities available in this country. I may just quote one instance: for the coal mines we have made a provision that where female workers are employed, the employers should maintain creches for the children of the female employees, but that provision has not been given effect to in the coalfields—not because the employers are unwilling to give effect to

it, but because qualified nurses are not available and whenever we impress upon the employers the necessity of giving effect to that provision they ask us to supply them with qualified nurses who will take charge of those children. Howsoever I wish and howsoever the present Government wishes that these social security measures, and especially measures relating to medical facilities that are to be made available to the working classes should be implemented we find that the limiting factor is there. It is no use placing a measure on the statute book which will not be given effect to in the near future. If it were only to satisfy the wishes of some of the honourable Members in this House or to satisfy the working classes, it is very easy to widen the case of the Bill not only to seasonal workers but to all categories of workers, whether in plantations, mines, docks or in agriculture. But we will simply have the consolation of putting an Act or the statute book without giving effect to that in the near future. My intention is not, however, that other categories of labour should be deprived of these benefits.

As regards labourers employed in the mines we have got the Coal Mines Labour Welfare Fund created out of a cess which we levy on the production of coal, and with that Fund we are already having a programme of medical facilities for the coal miners. Already some hospitals, regional and central, have been constructed and I hope in the coming few months those hospitals will be functioning fully. More than that, recently I have been able to institute a compulsory contributory provident fund for the miners. That will go a great way in relieving their difficulties in time of emergency.

As regards plantation labour I feel that they have been the most neglected one. As soon as I took charge of this Department I convened a tripartite conference on plantation labour. As a result of that we instituted an enquiry into the condition of the labourers on the plantations in Assam, Bengal and Madras. The report of the enquiry is now before the Government, and we are considering that. For January next I have already invited a tripartite conference on plantation and I am sure I will be able to persuade the planters to agree to the realisation of a welfare cess on the lines of the Coal Mines Cess, and out of that cess to create a Welfare Fund. With that Fund I am sure we will be able to provide better housing accommodation, and better medical facilities. Effort shall also be made to institute a compulsory contributory provident fund for the plantation labourers as in the case of the coal mining labourers. So that covers the case of labourers in plantation and in mines—not only coal mines but other mines, as for instance mica.

Then comes the question of agricultural labour and the labour engaged in transport services. As I said on a previous occasion the question of other categories of labour are already before us. The only point is whether we will be in a position to cope with the situation, whether the Corporation that we envisage in this Bill will be in a position to keep pace with it. When we think of the health of the working classes we should not lose sight of the health of the general population of this country. It is a problem not only of the working classes. It is a problem of the entire population. I need not emphasise and dilate on the point that we have, as a result of foreign rule in this country for so many years, been deprived not only of health but of many things, and it will be a herculean task for any Government to regenerate the nation in all directions. We are short not only of funds. Here the question of the cost does not arise. Some of my friends have pointed out that the question of funds should not come in because the contributions are to be made by the workers and employers. It is not the question of cost which arises. The Government is prepared to meet the cost which will accrue on account of the administration of this Corporation and this Fund. The question of funds does not come in. But questions of qualified medical personnel and the medical accessories necessary for this purpose are the greatest hurdles that stand in the way. If one were to quote facts and figures, which I do not propose to do on this occasion, one will find

[Shri Jagjivan Ram]

how short we are of qualified medical personnel. That is the one factor which stands in the way of extending the scope of this Bill to all categories of labour.

Other points were also raised in the debate. Pandit Algu Rai Shastri has been very vehement in espousing the cause of agricultural labour. I am glad that the problem of agricultural labour has begun to receive the attention of honourable Members in this House and also of the public workers in the country. It is a happy sign. These vast multitudes of toiling millions have long been neglected, not only by the Governments but also by the public workers, and it is therefore a happy sign that we have now come to realise that unless we do something substantial for these people who are the mainstay of agricultural products we cannot think of economic progress in all directions in the country. But I may point out to Pandit Algu Rai Shastri that a man from India need not go to Marx in order to compare the condition of agricultural labour with other labour. He said that the condition of agricultural labour was like that of the cattle which plough the fields. I may point out to him with some personal experience that the condition of agricultural labour is worse than that of the cattle which plough the fields. It is not the absence of any appreciation of this on the part of the Government which stands in the way of doing something substantial for them. As their condition is the most miserable, they deserve the first attention. But there are certain difficulties in the way. In this case the primary difficulty is whether the Provincial Governments will be in a position to make available to these vast multitudes of agricultural labourers the medical facilities envisaged in this Bill in the near future, or whether it will be simply a pious hope to include agricultural labourers within the scope of the Bill and not to give them any of the facilities provided in this Bill within the next few years.

The general scheme of improving the public health in the country and making available to the general public the medical facilities required for a man will certainly cover the agricultural labourers; but that will naturally take some time before we are in a position to launch upon that scheme. A modest beginning however may be made and I will certainly consider in the Select Committee with our friends who are there whether we can do something for them in this Bill or not.

The other suggestions regarding the inadequacy of the allowances for women workers in case of maternity, the unreasonableness of the exemption of only such workers as get only 10 annas a day and other points which have been raised will be naturally considered sympathetically in the Select Committee. I do not want to give a reply in the way of a reply to all these points. As I have already pointed out, Sir, I have a weakness and that weakness is my sympathy for the working class. I hope the House will unanimously adopt my motion for referring the Bill to the Select Committee.

Mr. Speaker: I formally put the amendment first to the House, which was moved by Hajj Abdus Sattar Hajj Ishaq Seth. The question is:—

"That in the motion for the name of Hajj Abdus Sattar Hajj Ishaq Seth the name of Begum Aizas Rasul be substituted."

The motion was adopted.

Mr. Speaker: I now put the amended motion.

The question is:

"That the Bill to provide for certain benefits to workmen employed in or in connection with work of factories in case of sickness, maternity and accident and to make provision for certain other matters in relation thereto be referred to a Select Committee consisting of the Honourable Bajkumari Amrit Kaur Pandit Lakshmi Kanta Maitra, Shri K. Senthnam, Shri Mohan Lal Saksena, Shri T. T. Krishnamachari Begum Aizas Rasul, Shri Bishwanath Das, Shri H. V. Kamath G. Ranga, Shri Harihar Nath Shastri, Dr. Bakshi Tek Chand, Shri S. V. Krishna-murthy, Rao, Shrinivati Renuka Ray and the Mover, with instructions to report on the opening day of the next session of the Assembly, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

DOCK WORKERS (REGULATION OF EMPLOYMENT) BILL

1937

The Honourable Shri Jagjivan Ram (Minister for Labour): Sir, I beg to move:

"That the Bill to provide for regulating the employment of dock workers be referred to a Select Committee consisting of Shri R. R. Diwakar, Pandit Govind Malaviya, Shri Nandkishor Das, Shri V. C. Kesava Rao, Shri Khandubhai K. Desai, Shri Arun Chandra Guha, Shrimati Sucheta Kripalani, Pandit Mukut Bihari Lal Bhargava, Shri Damodar Swarup Seth, Shri Jaipal Singh, Shri O. V. Alagesan, Shri Gokulbhai D. Bhatt, Prof. Shibban Lal Saksena, Mr. Naziruddin Ahmed, and the Mover, with instructions to report on the opening day of the next session of the Assembly, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

This Bill, Sir, is a simple one, but at the same time urgent and important one. The nature of the employment of the labourers in the docks depends upon the arrival of ships and upon the cargo which they bring. As there is uncertainty and irregularity in the arrival of ships and also in the cargo which they bring, the employment of the labourers employed in the docks is not regular. The dock authorities may call on a certain date a number of workers only a fraction of whom may get employment on that date and the remainder of them might have to return unemployed. As the result thereof many of the workers do not get any employment on that day either in the docks or elsewhere, and this has been a cause which leads sometimes to bitterness among the labourers and sometimes gives rise to serious trouble. We have been thinking for some time past whether we can evolve some scheme by which we can stabilize the labour force required in the dockyards. This measure is a simple one which provides that in respect of major ports the Central Government may have the power, and in the case of smaller ports the provincial Governments may be authorised to prepare suitable schemes for the registration of workers and thus to see that as many workers are called for as are required in the docks, and those for whom employment is not available on the date on which they have been called, some wages—say half of the wage or a portion thereof—may be given to them in order that they may be in a position to maintain themselves. The Bill also provides for the formulation and execution of such schemes as may be necessary for social and welfare measures for the working classes. The Bill is a very small and simple one, and I hope the House will accept the motion.

Shri B. Das (Orissa: General): May I enquire why the Commerce Minister is not a Member of the Select Committee, as he is in charge of docks and harbours. He is the employer of most of the labour that would be engaged in dockyards: so it is better he is included in the Select Committee so that we may know his difficulties. There is difficulty in Bombay even now.

The Honourable Shri Jagjivan Ram: As a matter of fact this Bill is the result of consultations between the Labour Department and the Transport Department, and at every stage that Department will be kept in touch with developments in the Bill: but I will have no objection if the Commerce Member is also made a Member of the Select Committee.

Prof. N. G. Ranga (Madras: General): The only difficulty in adding one more Minister is that when meetings of the Select Committee are to be arranged, his convenience also has to be provided for.

Mr. Speaker: As the Honourable Minister has said, this has been proceeded with in consultation with him, and he will continually keep in touch. I do not think we need include him at this stage.

I will now put the motion to the House:

Motion moved:

"That the Bill to provide for regulating the employment of dock workers be referred to a Select Committee consisting of Shri R. R. Diwakar, Pandit Govind Malaviya, Shri Nandkishor Das, Shri V. C. Kesava Rao, Shri Khandubhai K. Desai, Shri Arun Chandra Guha, Shrimati Sucheta Kripalani, Pandit Mukut Bihari Lal Bhargava, Shri Damodar Swarup Seth, Shri Jaipal Singh, Shri O. V. Alagesan, Shri Gokulbhai D. Bhatt, Prof. Shibban Lal Saksena, Mr. Naziruddin Ahmed, and the Mover, with instructions to report on the opening day of the next session of the Assembly, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Shri Harbhar Nath Shastri (U. P.: General): Mr. Speaker, Sir, very few remarks are called for in support of the present motion. I have had some knowledge of the problems of dock labour due to my intimate contact with the trade union movement of this country for the last 22 years. The main hardship that the dock labour suffers from is in regard to the system of recruitment which has all along been done through contractors. In the year 1929 when the Royal Commission on Labour was set up, this problem was placed before it and the Commission very vehemently condemned this system and recommended its abolition. But for a number of years nothing could be done. During the War when the importance of this kind of labour gained considerable importance, the then Government had also to move in the matter and they felt it necessary to do something to appease labour. In the year 1943 when the Government set up a Labour Investigation Committee, one of the industries that was entrusted to that Committee for investigation was Docks. The Committee made necessary investigations for a certain number of years and only last year it submitted a report. A perusal of that Report will reveal that the system, which received condemnation at the hands of the Royal Commission on Labour in 1931, although it has improved in some of the Ports including Calcutta, still continues with no appreciable change.

The system as it prevails in Bombay and as it persists even today is like this. To put it in a nut shell, there are a number of contractors employed by the Port Authorities, who are known as *toliwallas* and these *toliwallas* are registered by the Port Authorities as approved contractors. Each of these *toliwallas* has got 10 to 15 gangs and there are about 15 to 20 men in each gang. It is in fact these *toliwallas* that are responsible to the Port Authorities who have nothing to do directly with labour.

Now, the main defects of the system as it prevails, are that in the first place the Port Authorities have got no control over the conditions of work with the result that serious complaints have from time to time been brought against the contractors and against the unsatisfactory conditions of work to which labour working under these contractors are subjected.

The second difficulty is that these contractors employ a much larger number of men than is actually and ordinarily needed. The result is that, generally speaking, most of the workers have to remain idle for a considerable number of days every month. That means reduced earnings and unemployment.

The third defect is that there is no security of tenure and the labour employed is left to the complete mercy of the contractors who can dispense with their services any time they choose at their sweet discretion.

Then the Port Authorities have got no voice in the wages of labour which is ordinarily determined by these contractors. Of course, the Port Authorities have fixed some minimum but, generally speaking, they have got no voice in the wages permissible to the various categories of workers. Now, in a City like Bombay, I should say the average earnings of a Port working is Rs. 40, provided he works throughout the month. But in view of the fact that he has to remain idle for a number of days in the month; the wages are much less. Now with regard to the wages, what actually happens is that the Port Authorities pay to the contractors a certain amount based on tonnage—piece-rates—and the contractors in their turn pay to the labour on time-scale.

The next point worthy of consideration is that whereas in determining the rates on tonnage the Port Authorities take into consideration the number of men in each gang as 14, the work actually is taken by ten persons; the rest of the money goes into the pocket of the contractors. So, these contractors derive maximum profits and the workers in their turn suffer.

Sir, I am glad that this Bill has been brought forward. As has been explained by the Honourable Minister, the cardinal provision of this Bill is that one scheme or more schemes than one will be formulated by the Government and according to that scheme labourers will be registered with a view to ensuring regularity of employment to them and also with a view to regulating their conditions of work including holidays, remuneration, absence, and so on and so forth.

One other provision of the Bill that I should like to appreciate is that so far there has been no provision about payment of any compensation for the period of idleness, but in this Bill it has been provided that in course of unemployment workers will get certain amount of compensation.

The Bill, as I said, in the beginning, calls for very little comment. In fact, my own personal view is that it should not have been referred to any Select Committee but should have been passed outright. But as the proposal has been made by the Honourable Minister and it is only a question of a few weeks, I support this motion and congratulate the Honourable Minister for the same.

Mr. R. K. Sidhwa (C.P. and Berar: General): Mr. Speaker, Sir, the condition of dock labourers is quite different from the labourers in the ordinary factories. When I say the conditions are different, I mean the privileges and the rights that are conferred under the various Trade Union Acts and the other measures are not enjoyed by the dock workers in many respects. The main principle of this Bill, as the previous speaker made out, is to regularise the unjust practices which are prevalent in the recruitment of labour. That is the main principle and also to improve the condition of dock workers generally.

In some of the port areas, Sir, the system of labour is that the Stevedores and *Dubashis* who are the agents of the Steamship Companies have the greater part to play for the recruitment of labourers and these Stevedores and *Dubashis* connive with the Port Trust authorities and between them create an agency for recruitment. They in turn entrust the work to a contractor of labour, who is known as *Jamedar*. The *Jamedar* brings in a certain number of labourers and for that he is supposed to be paid something like 6 annas to 8 annas for each labourer per day. When the labourer gets his wages at the end of the day in the evening, or at the end of two or three days' work in some cases, the *Jamedar* has to be paid at the rate mentioned. I might tell you also that the labourers' wages in the docks are not very low wages as are given to the other factory workers. They sometimes get from Rs. 2 to Rs. 3 per day, but the point there is that the work which they have to do is really very arduous. There is no system fixed for their wages and there is no protection to them. Therefore these *Dubashis* exploit them because they have a lot to do for the purpose of this labour, being responsible for discharging and loading cargo from the steamer to the wagons in the railways or on the port. Both the Port Trust Authorities and the Steamship agents employ them and they, as we all know, make a huge amount of profit. Notwithstanding what they earn from the Steamship Companies they try to earn as much as possible from the poor labourers as well. Some of them charge very heavy bills to the ship-owners, which indeed exceed what they actually pay. The system is so defective that there have been strikes and we know that even today there are strikes in some docks. I may tell you, Sir, these strikes are not strikes organised for the purpose of strikes only but they are very legitimate because these dock labourers suffer from two or three directions. First of all they have to suffer at the hands of the contractor. Nobody listens to them if they go for direct recruitment. There is no agency for recruitment. Secondly, the Stevedores come in. They go and induce the Port Authorities to employ their services. Of course, the Port Commissioners, or Port Trustees in various ports etc. who have a final say in this matter are all preponderatingly officials. The Collector of Customs is a Member, the Railway Manager, the Military Officer are *ex-officio* members and then there are seats given to various mercantile Chambers

[Mr. B. K. Sidhwa]
 both European and Indian. That is the composition of the Port Trust at various ports and whenever a complaint arises, it goes to the Port Trust Board and the Commissioners and Trustees come to know of it. But I know, Sir, of many instances where they have not been helpful to the workers for the reasons I have stated before. What I would suggest, therefore, is that—while it is true that the recruitment system provided herein is very good, we must see that this underhand practice of these contractors and also these Stevedores and *Dubashis*' intervention as far as labour recruitment is concerned should be done away with.

It may be argued that these *Dubashis* have to be there because they are the agents of the Steamship Companies. That is true. Actually speaking, the Stevedores are supposed to provide provisions and other things for the crew of the ship from the period they are in the port or up to the next discharging port that they have to go to, but, Sir, let me tell you frankly, there are many duties entrusted to the Stevedores for the purpose of making money and in this money-making everybody—I won't say everybody, I may say several of them, right down from the Managers and the staff of the Ship Companies, Port Trust people and the Captains and some of the high officials of the ship take part. If one scrutinises their bills, one will be simply horrified. Once upon a time, this matter came up for consideration before certain Steamship Companies and one of the Stevedores offered to the London Office that he was prepared to do the same job at 65 per cent. less charge than what it is charged by the present Stevedores. You can understand from this the hopelessness of the situation. The Stevedore did not get a certain Steamship Company's business, therefore he was in competition and offered to do it at such a reduced charge. All the same, Sir, I may assure you that he was making 25 per cent. profit on the reduced offer. This is not a new thing that I am placing before you. Those who are connected with these people—I am not a Stevedore nor am I interested in being one—but as one having acquaintance with the dock workers, I know these people. We have brought this matter to the notice of the Port Trust authorities several times, but to my regret nothing has happened. I hope, therefore, that this point will be borne in mind by the Select Committee and it will remove these underhand methods. If the Select Committee do not give attention to them, let me tell you, Sir, the improvement sought for will not be achieved.

Then, Sir, as is stated rightly in the Bill, hardly 20 per cent. of the labourers working in major ports get work for 12 days in a month. I have known of instances where for a number of months, on the average, workers got 14 days or sometimes only 12 days in the month. Therefore, although their wages are higher, since they do not get work for the month, you can imagine what their monthly salary would work out to.

Therefore this discontent remains even between the labourers and the system is so very defective and I know, Sir, for the purpose of employing of labourers for the only purpose—no question of wages, no question of relief, no question of leave or any other concession—that they should be given work, there have been strikes and legitimate and right strikes. Some of the labourers are residing near the docks—the harbours in Bombay, Madras and Karachi are an exception and some places are not. That also is a burning question. The Port Trust authorities have built houses for them in some Port areas—of course they charge reasonable rent. Therefore one of the conditions should be that these dock labourers in all the ports must be provided with houses by the Port Trust authorities. That is a legitimate duty. The Government must compel these local bodies. The Port Trusts make a good deal of profit.

I can tell you of only one port, Sir, where the income of a port is much more than the income of the Municipal Corporation because the Port trust charges, the wharfage, the Port Trust demurrage and other charges, the crane charges,

landing and shipping—all these are very high and naturally the Port Trust Budget is very much higher than that of the Municipal Corporation of that city. From that point of view, I remember Sir, one of the Committees recommended to the Port Trust to build houses for the dock labourers and some have started. I imagine there is no provision in this Bill to this effect but if it is within the scope of this Bill, I do hope that the Select Committee will kindly bear it in mind, because that is one of the greatest complaints of the labourers and on account of it there have been strikes that the houses should be provided near the harbour, as some of the harbours are two or three or four miles away from the city. In Madras, Bombay and Calcutta the harbours are situated just in the heart of the town. I do hope that this facility will be provided and the remarks that I made will be borne in mind; otherwise the object of the Bill which is very good will be simply frustrated if the Select Committee does not consider it. With these remarks, I support the motion.

Prof. N. G. Ranga: Mr. Speaker, Sir, I am very glad that this Bill has at long last been introduced. It is long overdue. Forty years ago a similar scheme was inaugurated in London and we have had to wait till today to see this Bill. Sir, as our friends have already suggested that until and unless the contract system of recruiting labour and employing them is done away with, this Bill or any schemes that may be inaugurated thereunder cannot be of much use at all to the dock labour. Sir, there is an Act called the Payment of Wages Act by which every employer is charged with the responsibility of paying the wages directly to the worker. But it has been made absolutely nugatory in so far as the great majority of the dock workers are concerned, because of the existence of this vicious system of contract recruitment of labour. Some of us had strongly pleaded for doing away with that system at the time when the Payment of Wages Bill was on the anvil but we could not succeed. I sincerely hope that the Honourable Minister will see to it that one of the many schemes that he is likely to inaugurate under this Bill will provide for the effective abolition of the contract system and of recruiting labour in these dock-yards.

Secondly, Sir, there are four curses from which these dock-workers suffer. One is the contractors, the other is casualness of labour. The third is chronic indebtedness and the fourth unemployment being the result of large reserves of labour. Larger reserves of labour do exist in dock-yards than in any other employment and this has naturally weakened the bargaining capacity of the workers for higher wages and better facilities. This evil can be got rid of only if labour exchanges are started in every part for the benefit of these workers, and employers are made to recruit their labour only through the labour exchanges and also through the registration that is provided for here and not by any other means. There is the question of indebtedness also which has been referred to at great length by the Royal Commission on Labour and one cannot really come to grips with it until and unless the casualness of the character of recruitment for dock-yard labour is done away with. That reform can be effected only when registration is insisted and only a minimum amount of reserve of labour is allowed to make itself available for employment whenever called upon by the Port Trust authorities and not otherwise. If you allow the present system of labour going through being entirely free to make themselves available on call and to be at the disposal of these Port Trust authorities and shippers, then it will be impossible to remove this casualness and that will always bring about this chronic disease, of indebtedness. Therefore, the Government has got to see to it that this system of recruiting this labour will minimise the total quantities of reserve of labour that will be made available for the Port Trusts and other authorities.

Sir, I am glad there is a provision here for the appointment of a Port Advisory Committee on the national level. But I wish to suggest that such committees should be appointed in every major port. While the National Com-

[Prof. N. G. Ranga]

mittee may be expected to make definite suggestions in regard to various schemes that may be inaugurated or any alterations that may be proposed to be made in these schemes, those local committees must be expected to look after the interests of labour on those areas and to aid effectively the Port Trust authorities in seeing to it that the labour exchanges that have got to be brought into existence, the system of registration and various other means that have got to be adopted in order to eliminate casualness of labour will be able to play their role and aid the workers. I am glad, Sir, my honourable friend, Mr. Sidhwa has referred to the question of housing. This housing problem is a very serious thing to any kind of labour and more so in the case of those dock-yard workers and early attention has got to be paid to them. Then, Sir, I am anxious that at an early date, whatever schemes that may come to be inaugurated under this Bill will also be extended to the minor ports also and especially the workers who are employed in the inland navigation and shipping.

Lastly, Sir, it is essential that the Government should take care to bring in within its net the shipowners and win their co-operation either voluntarily or otherwise and see to it that they will not encourage any longer any of these evils that my honourable friend, Mr. Sidhwa has already referred to and that they will not continue to encourage these contractors. The biggest difficulty in this is that the shipowners themselves are so much unmoved with the contract system because they find it much more easy to exploit the workers and also to escape from the provisions of the various labour legislations that Government bring forward from time to time. For instance, the Payment of Wages Act has had no terrors at all to the employers because the workers that have been employed have been there under the contract work under the contractors and naturally shipowners could always claim that they were not responsible for the payment of wages to their workers. With these remarks, I wish to support this Bill.

Shri K. Santhanam (Madras: General): Sir, I rise to make just two points which are more or less of a formal nature. I think clause 8 should be divided into two parts, one part consisting of those provisions which every scheme must contain and the other part containing provisions which a scheme may contain. As the provision stands, it will be possible for a scheme to contain any of these provisions or not. My own view is that apart from registration clauses (c), (d) and (e) should form part of every scheme for dock workers; the other provisions like training and welfare of dock workers may or may not form part of a scheme. It depends upon the size of the port, the number of dock workers, and so on. You cannot say that for every small port if you form a scheme all these provisions should be there.

An Honourable Member: It is only for major ports.

Shri K. Santhanam: In any case as the provision stands everything is optional. My point is that some of these provisions must be compulsory.

My second point is that the provisions regarding Advisory Committee are far from clear. The heading of the clause is "Advisory Committees" but in the body of the clause it looks as if they contemplate a central Advisory Committee alone. My own view is that the provisions have been so framed as to fit in with an advisory committee for each scheme. For instance, representation is given to Government, the dock workers and the employers of dock workers. I do not think on a national level this representation can be fitted in; it is good for a local scheme. Again I should like to know who are the employers of dock workers; are they the contractors or the port authorities? The matter must be made clear. Suppose the port authorities are the employers of dock workers, Government and the port authorities are the same. Therefore it will mean over representation of Government and the workers will be in a permanent and insignificant minority. I think the whole question of the composition of the local Advisory Committees and the Central Advisory Commit-

tee—if one is to be started—should be made very clear. Prof. Ranga has suggested that there may be a Central Advisory Committee and local Advisory Committees. I do not know if the Central Advisory Committee will be much good because there will be many schemes and I do not see how one Central Advisory Committee can go into the working of every one of these schemes. Therefore the right procedure according to me is to attach an Advisory Committee to each scheme, and let it be more or less a self-contained business. There is no need for an Advisory Committee on a national level.

Sir, I suggest these two points for the consideration of the Select Committee.

Mr. Speaker: I should like to invite the attention of honourable Members to one little point. Among honourable Members who are trying to catch my eye with a view to be able to address the House, I notice there are some whose names have already been proposed as members of the Select Committee. To my mind, it will be a better convention to set up that those whose names are on the Committee do not make any such attempt. It saves time and also gives an opportunity, of addressing the House, to others who might make suggestions which would be useful to the Committee.

Shri M. Ananthasayanam Ayyangar (Madras: General): I suggest, Sir, that the views of these Members also may be invited so that all these things may be taken into consideration by the Select Committee, although preference may be given to non-select committee members. But I submit that they should not be excluded altogether because their views also may be of much use to the select committee.

Mr. Speaker: I just expressed to the House what is passing in my mind, so that if they are unable to catch my eye they may not misunderstand the position; and my eyes ordinarily will not be open to them.

Shri B. Das: Sir, I consider this Bill a very half-hearted measure. As far as it goes to improve the working condition of dock labourers I have my sympathy and support for it. But today we have a national Government and I should not like this national Government to attempt to solve the problem of dock workers in the way it has been attempted in this Bill. Already there is a strike of dock workers in Bombay and the military has been called out to clear the ships. This phase of labour attitude is not an isolated instance. It will continue, because Indian labourers have got the habit of imitating their Western comrades and do not like to imitate their comrades in Asian countries. They try to follow what is happening in far richer countries of Europe and America and they want India to repeat all that; they are at times very cheap imitations.

When I suggested that the Honourable Commerce Minister should be associated in this I had a larger viewpoint in mind. The Port Trusts are all State-owned; they are utility concerns, though the predecessors of this Government have so framed the Port Trusts Acts and created bodies of Port Commissioners that the whole thing was isolated islands in the administration by the Government of India of the major Port Trust and they were controlled by British capitalists, British shipowners and British interests. And the Port Trust Commissioner was inevitably a European who served best the U.K. interests in commerce and trade. The full measure should be to have all the Port Trust Acts revised; all major ports as they are owned by the Government of India should devise measures in such a way that there should be no undue hardship on dock labourers. At the same time there should be no undue hardship on the business community and the consumers. My Honourable friend Mr. Sidhwa pointed out the institution of *Dubashis* and *Stevadores* in Bombay, Calcutta and Karachi. We know some of them are millionaires or rather multi-millionaires. They came into existence with the advent of the British Government and with British shipping companies who have been enemies of Indian shipping interests, and are so even today. So it is high time for the Government of India to revise their attitude. The Port Commissioners must be nationalised, the Port Trusts should be nationalised and the dock labourers

[Shri B. Das]

should be nationalised, so that there is no undue hardship on the business community. Any extra charge that my Honourable friends Mr. Shastri and Prof. Banga have in view will fall on the business community as goods will be charged much more in docks and clearing houses. That means that the consumer will pay. So we are all at one in that and we do not want the consumer, already hard-hit as he is with these high prices in the country, to be still more hard-hit. Therefore while I will not raise now or hereafter any serious objection to this half-hearted measure, I think it is high time that the Port Trusts should function as national institutions and all contracted labour and all full time labour should, as employees of the State, be employed by Government. The strategic importance of these ports demand State control of all labour. Sir, I am alive to the demands of dock labourers in ports. During the monsoons, in Indian ports, less labour is employed there being few ships to unload or load. Then again, it all depends on the number of ships that come from foreign climes to these ports. Then there is the problem of making double arrangements for the wholtime employment of a certain kind of labour and for seasonal employment of others. I hope the question of dock labour and stevedores will vanish and services like dock labourers and port employees must be controlled by the Port Commissioners and the State.

I hope this point will be examined in the Select Committee. I do not think that this Bill can entertain all the points which I have mentioned, and I hope that in time the Commerce Minister and the Minister of Labour will combine to introduce proper Bills in this House for the control of all major ports and their employees in the national service of India.

The Honourable Shri Jagjivan Ram: I speak with a view to remove some misapprehensions under which some Members in this House are labouring.

Primarily, this Bill aims at de-casualization of dock labourers and this is clear from the title of the Bill. De-casualization does not mean anything if it does not mean the abolition of the contractor's labour. We have been trying to introduce some welfare measures in the major ports. But it was not possible because all the short-comings that have been pointed out by the various speakers, are inherent in the system of contractor's labour, and any welfare measure is not possible unless the recruitment and control of labour is directly under the employers. That has been the handicap in introducing welfare measures in the major ports and even in the minor ports.

Mr. Sidhwa has spoken about housing problems and other welfare measures, but so long as labour is not stabilized and regular, one cannot think of housing and other welfare measures. That was the primary object with which this Bill has been brought forward.

Mr. Das says the Bill is half-hearted. But he has not indicated what items should have been included in the Bill, in order to make it whole-hearted. He talked of nationalising the docks. I do not think this was the appropriate opportunity for that point. It would have been for the consideration of the Transport Member who is in charge of major ports. In any way, I am not in a position at the present moment to say anything definitely on that point. But while talking of nationalization of docks, he talked of nationalization of labourers. I do not know where the implication of this leads him to! There is not much to say on other points. The welfare measures will be worked out. The schemes will be prepared and certainly we have the intention to introduce all the welfare measures that we propose to give the other categories of workers and labourers in the docks as well. And certainly as far as I am concerned, I stand for the total abolition of contract labour, not only in the dock-yards but everywhere, where it is possible and feasible.

I can assure the Honourable Members that I will try to give as much benefit to the dock labourers as it is possible.

Mr. Speaker: The question is:

"That the Bill to provide for regulating the employment of dock workers be referred to a Select Committee consisting of Shri R. R. Diwakar, Pandit Govind Malaviya, Shri Nandkishore Das, Shri V. C. Kesava Rao, Shri Khandubhai K. Desai, Shri Arun Chandra Guha, Shrimati Sucheta Kripalani, Pandit Mukut Bihari Lal Bhargava, Shri Damodar Swarup Seth, Shri Jaipal Singh, Shri O. V. Alagesan, Shri Gokulbhai D. Bhatt, Prof. Shibban Lal Saksena, Mr. Naziruddin Ahmed, and the Mover, with instructions to report on the opening day of the next session of the Assembly, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

DENTIST BILL

The Honourable Rajkumari Amrit Kaur (Minister for Health): Sir, I beg to move:

"That the Bill to regulate the profession of Dentistry be referred to a Select Committee consisting of Shri Ramnarayan Singh, Shri L. Krishnaswami Bharathi, Shrimati G. Durgabai, Shri Mihirlal Chattohadhyaya, Shri Deshabandhu Gupta, Shri P. Kunhiraman, Mr. Hussain Imam, Prof. Yashwant Raj, Shri N. C. Mehta and the Mover, with instructions to report on the opening day of the next session of the Assembly, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, in placing this Bill before the House for acceptance for reference to a Select Committee. I just wish to make a few remarks regarding the present extremely unsatisfactory position of the profession of dentistry in India.

Honourable Members may or may not be aware that except in Bengal no legislation exists in India for the control of this profession. Persons practise without adequate qualifications, without adequate training. Indeed, I may say, sometimes without any qualifications and without any training. Surely this is a very hopeless position for an art of medicine which is extremely important. And as always happens, it is the poor and ignorant who suffer at the hands of unskilled persons.

Then there is no provision whatsoever for the registration of qualified persons. There is no authority to prescribe any minimum standards of training or again to negotiate with foreign countries in the matter of reciprocal recognition of qualifications.

This Bill is brought forward in order to remove this sorry state of affairs.

Proposals for legislation, as the honourable Members are aware, were prepared in consultation with Provincial Governments. The Bill provides for setting up a Central Dental Council as well as Provincial Dental Councils. It will be the duty of the Central Dental Council to provide minimum standards of qualifications, to keep an All-India register, and to negotiate for reciprocal recognition and qualifications. The Provincial Councils will in their turn keep provincial registers and also exercise jurisdiction in the matter of professional discipline.

This Bill was introduced in the Central Legislative Assembly in 1947. Subsequently in order to avoid delay it was circulated for opinion departmentally to Provincial Governments as well as to local administrations and replies have been received from most of the provinces.

The Bill, Sir, is wholly non-controversial in principle and it is a matter of urgency for us that it should come on our Statute Book. Therefore, I do ask the members to accept the motion that the Bill be referred to a Select Committee and that the report be placed before the House on the first day of the next session.

Mr. Speaker: Motion moved:

"That the Bill to regulate the profession of dentistry be referred to a Select Committee consisting of Shri Ramnarayan Singh, Shri L. Krishnaswami Bharathi, Shrimati G. Durgabala, Shri Mihir Lal Chattopadhyaya, Shri Deshbandhu Gupta, Shri P. Kumhiraman, Mr. Hussain Imam Prof. Yashwant Rai, Shri N. C. Mehta and the Mover, with instructions to report on the opening day of the next session of the Assembly, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Shri M. S. Aney (Deccan and Madras States Group): May I ask the Honourable Minister whether the opinions of the local and provincial governments to whom the Bill was circulated are also available to the members of this House and are they circulated to them?

The Honourable Rajkumari Amrit Kaur: I do not think the opinions have been circulated. They were taken into consideration of course and they will again be taken into consideration in the Select Committee.

Shri M. S. Aney: Will they be circulated to the members of the Select Committee?

The Honourable Rajkumari Amrit Kaur: Yes, they will be circulated, if desired.

Shri M. Ananthasayanam Ayyangar (Madras: General): How many of the Honourable Members whose names have been given for the Select Committee are doctors or dentists?

The Honourable Rajkumari Amrit Kaur: The election of members to the select committee is in the hands of the House itself. I asked how many doctors there were in the Assembly and was told that there were not more than one or two and I do not think there are any dentists in this House.

Shri M. Ananthasayanam Ayyangar: Sir, I move:

"That if the motion the names of Dr. B. Pattabhi Sitaramayya and Dr. V. Subrahmanyam be added to the names proposed for the Select Committee."

Mr. Speaker: Are the names acceptable to the Honourable Minister?

The Honourable Rajkumari Amrit Kaur: Certainly.

Dr. B. Pattabhi Sitaramayya (Madras: General): Sir, here is a series of Bills, one relating to the constitution of the Nursing Council, another on the regulation of the profession of dentistry and a third to regulate the profession of pharmacy. These three are of an allied nature. I wish all the three could be taken together and I do not see why public money should be wasted in the setting up of three separate committees. They are merely three branches of the medical organisation and if it would be possible to refer all these three Bills to one common Select Committee business would be expedited, expenditure would be saved and man or woman power conserved. That is one point I would like to suggest for the consideration of the Honourable Mover. I am not particularly anxious to serve upon this committee nor do I think will be able to make any contribution to dentistry. I might perhaps like to be on the later committee on pharmacy, if there are to be separate committees.

An Honourable Member: What about nursing?

Dr. B. Pattabhi Sitaramayya: Nursing, I am not an expert in. If at all you are inclined to put in an amendment, I would put Dr. Subrahmanyam in this Select Committee and I would come in in the committee on Pharmacy.

Mr. B. K. Sidhwa (C. P. and Berar: General): I am sorry I cannot approve of the suggestion of Dr. Pattabhi Sitaramayya that there should be one committee for all the three Bills, for the simple reason that the nursing council is absolutely different from dentistry and pharmacy.

Mr. Speaker: We need not spend any time over that. In short what Dr. Pattabhi Sitaramayya said was that he would not like to serve on this committee, and there is only the name of Dr. Subrahmanyam to be added to the list.

Mr. B. K. Sidhwa: What about his suggestion that there should be only one committee for the three Bills?

Mr. Speaker: It does not arise on this question. It is only a casual remark of his which we might not consider. I am putting to the House the amendment to this motion. Motion moved:

"That in the motion the name of Dr. V. Subrahmanyam be added to the names proposed for the Select Committee."

Shri Mohan Lal Saksena (U. P.: General): Sir, Dr. Pattabhi Sitaramayya's name may also be added. He says that he has no objection to serve on this committee but he would like to serve on the other committee on pharmacy.

Mr. Speaker: I understood him differently.

Dr. B. Pattabhi Sitaramayya: I am prepared to abide by the verdict of the House if they know better what I meant than what I said.

Mr. Speaker: The proposition before the House is not a test of the understanding of the House.

Dr. B. Pattabhi Sitaramayya: Sir, please cut out my name.

Mr. Speaker: That is how I understood him.

Shri Raj Krishna Bose (Orissa: General): As this is a Bill to regulate and control the profession of dentistry, I would like to know from the Honourable Minister whether there is any institution at present in the country where special training in dentistry is provided?

The Honourable Rajkumari Amrit Kaur: There is one in Bombay and there is also one in Calcutta. There was one in Lahore but that has now gone into Pakistan.

Shri Rohini Kumar Chaudhuri (Assam: General): Sir, I had no intention of speaking on this motion but I certainly must say that all people, young or old, man or woman, who suffer from dental troubles are sure to welcome this beneficial measure. I am afraid I have a quarrel with the Honourable Minister in charge of this motion. Instead of going about for medical men or dentists to serve on this committee she should have tried to include in this committee persons who have really experienced dental troubles. When you suffer from dental trouble, often you go to a medical man and he paints some tincture iodine or something of that sort which does not really alleviate the pain. That has been my painful experience. Go to a dentist and he simply pulls out a tooth and makes you look prematurely old. Although none of the members of the Select Committee would like to own it I dare say that many of them are chronic sufferers from dental trouble and we can therefore expect that the work of the Select Committee will be very smoothly gone through.

Mr. Speaker: The question is:

"That in the motion the name of Dr. V. Subrahmanyam be added to the names proposed for the Select Committee".

The motion was adopted.

Mr. Speaker: The question is:

"That the Bill to regulate the profession of dentistry be referred to a Select Committee consisting of Shri Ramnarayan Singh, Shri L. Krishna-swami Bharathi, Shrimati G. Durgabai, Shri Mihirlal Chattopadhyaya, Shri Deahbandhu Gupta, Shri P. Kunhiraman, Mr. Hussain Imam, Prof. Yashwant Rai, Shri M. C. Mehta, Dr. V. Subrahmanyam and the Mover, with instruction to report on the opening day of the next session of the Assembly, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

RESOLUTION RE. RATIFICATION OF CONSTITUTION OF WORLD HEALTH ORGANISATION AND PROTOCOL CONCERNING INTERNATIONAL OFFICE OF PUBLIC HYGIENE—concl'd.

Shri B. Das (Orissa: General): Sir, I feel like congratulating the Minister of Health and ourselves that at least India has been able to persuade the U. N. O. to locate an office in India and I hope that it is in its final stage and not in the talking stage. One thing that has made me very critical when I read the report of the Ministry of Health in the note that was circulated to us is that we will have to pay more money to the U.N.O. or rather the International Office of Public Health Hygiene.

[At this stage Mr. Speaker vacated the Chair which was then occupied by Mr. Hossain Imam (one of the Panel of Chairman).]

The other day I asked a question of the Honourable the Leader of the House and he said that in addition to the contribution of Rs. 47 lakhs to the U. N. O. which India pays, contributions to the other organisations associated with the U. N. O. will also have to be paid for. My painful experience of 25 years in this House has shown that we always pay through our nose and we pay everything, but afterwards we stand neglected in the international forum, be it, U. N. O., the UNRRA or be it this little social welfare organization referred to in the resolution moved by my friend the Honourable Minister for Health.

From paragraph 6 of the Ministry of Health Report, I find that on the question of ratification of the Constitution of the World Health Organisation and of the Protocol concerning the International Office of Public Hygiene the late Standing Advisory Committee of the Legislature for the Department of Health was of the opinion that the Constitution and Protocol should be ratified, but that it considered that "the financial contribution of India to the organisation should be fixed on the basis of the national income or the expenditure on health measures and not on a population basis." Of these three alternatives mentioned by the Members of the Standing Committee I do not like two. I would rather go out of the institution than pay always on the population basis. It will result in more Yankees and Englishmen—getting more employment in it and trying to play the part of adviser—superior to Asiatics. I would think that the basis of national income is rather better and our contribution could be fixed on the basis of our national income. But I should think that at present we should not go to that extent. I would therefore suggest to the House and to the Honourable Minister of Health that India should pay her contribution on the basis of her expenditure on public Health matters. The world knows, as we ourselves know, that the expenditure on public health in India has been infinitesimally small. The foreign Government never bothered about public health or social justice to the people of India. Let us therefore pay on a *pro rata* basis. Because we have a few American or German or English doctors standing here and assuming superior airs, talking about their country and their system of hygiene, which is so unnatural to the climate and tempo of this country, we are not going to pay more than is necessary. This point of paying more than is necessary according to our paying capacity has been worrying me all along, and I do hope that the Honourable Minister for Health will, when these international Protocols, U.N.O. and similar high organisations, come for discussion in the Cabinet, pay more attention to the financial aspect instead of being extra-generous. We, Indians, are very generous and hospitable. That does not mean that we should always pay to the maximum tune and remain just the same old hewers of wood and pariahs in Western hierarchy.

Now, Sir, I have distinct objection to associate myself with Netherlands which is a signatory to this Protocol. India is well-known for its malnutrition and for its deficiency diseases. Had the Dutch Government allowed the export of quinine from Java we would not have suffered much. Had it allowed a fraction of the accumulated sugar stocked in Java, which the Indonesian Government were so willing to send to India, the Honourable Minister of Health would not be worrying her head for the poor man's health.

Shri M. Ananthassyanam Ayyangar (Madras: General): What about rice?

Shri B. Das: I accept that amendment. If they had helped we would not have been troubled with rice shortage and would not have to pay high prices to U. S. A. and Australia for rice. Therefore, why should I associate myself with an institution where the Netherlands Government is also a constituent? Let the world know that we condemn as much the action of the Netherlands Government as we condemn the action of the South African Government in insulting Indians in South Africa. Unfortunately I have not seen in the press that in the U. N. O. General Council or in any of the Security Councils the Indian representatives—our permanent Minister or the Delegation sent there—ever raised the issue of these bad manners of the Dutch Government in starving India.

Shri K. Santhanam (Madras: General): On a point of order, Sir. The Protocol is to terminate the International Office of Public Hygiene.

Shri B. Das: No. My friend is mistaken. We are ratifying the Convention. Unfortunately I got a snubbing the other day from the Honourable Leader of the House that I have raised the issue of the League of Nations which is a defunct old body. We find that everything is a legacy of that defunct body in the measure under discussion. America and Russia which are refusing to participate together and co-operate as world power, are so very well-off; while in the poor countries of China and India poverty and malnutrition prevail. I would particularly refer to the Annexure in the last page of the booklet, to item 9 in it—'Convention on Traffic in Opium and Drugs, Geneva, 19th February 1925'. India has suffered the greatest humiliation owing to the Englishman's actions at the League of Nations Office in Geneva. There was one Campbell in the employ of the Finance Department. He was an Opium Master or something of the kind. That Campbell goes there and insults the Indian people and talks of her opium eaters and opium addicts. It has been affirmed by many Indians, by me many times on public platforms and on the floor of the predecessors to this House, that opium in small quantities is as much a necessity to do away with mosquitoes and other maladies of the poor man who walk 25 or 30 miles a day than a peg of whisky is to the Englishman and his European guests. And this Campbell became one of the greatest opium authorities in Geneva at India's cost! I am not convinced with what has been done by the League of Nations for Asiatics. If I correctly interpret it, even this very Protocol, the Health Organization, is also a legacy of that League of Nations. The westerners, including Americans, want to show, they are great servants of humanity. Humanity is a word that they cannot spell and cannot understand. They represent I would say destruction of humanity and destruction of culture and civilization of Germany and not to speak of Asia, and they talk of humanity. They came to Asiatic countries and talk of humanity! So I support my honourable friend the Minister of Health. I am not very happy that this particular office should be located in India, for American doctors and English doctors to talk about the system of sanitation, and hygiene prevalent in their countries. While the *per capita* income of the American is 1,500 dollars and the *per capita* income of the English is £100, the *per capita* income of my nation, my people, is no more than 100 rupees. We have been bled white by our former enemy, the Englishman. I must say that doctors that are represented

[Shri B. Das]

here—and doctors are not politicians (except of course my esteemed friend Dr. Pattabhi Sitaramayya) do not hit out. They will not dare to say to the European doctors and American doctors what they are. So, I do hope that the Honourable the Minister of Health, who is a great patriot, will see that India and Asia are in no way insulted by the location of the particular office in India.

Shri V. I. Munishwami Pilla! (Madras: General): Mr. Chairman, Sir, I rise to support the motion on the floor of this House. While doing so, Sir, I would like to bring home to the notice of the Honourable Minister of Public Health that Government, by ratifying these declarations and conventions of this Organization, is taking on a very great responsibility as to the state of health in India. Among the various nations and countries in the world, I think India is in a very low ebb of public health. Several states that formed the International Health Conference have unequivocally declared,—I would like to bring it to the notice of the Honourable Minister,—the enjoyment of the highest attainment of standard health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition. Also Government have a responsibility for the health of the people, which can be fulfilled only by the provision of adequate health and social measures. This country is full of villages, and for any casual observer it is crystal clear to know that standard health and proper nutrition to the various people that live in the villages is still wanting. Unless this Government takes up a dynamic programme of uplifting the masses in the villages, it will not be in the interests of this country joining the various countries in propagating or carrying out what is said to be an organized effort to improve the public health.

Sir, it must be within our knowledge that every village in India has with it a small place or a hamlet inhabited by the *Harijans*. This portion of the village forms an eye-sore not only in the matter of public health, but in all respects. If there is an outbreak of any epidemic, it is in this part of the village that it starts; and due to the exploitation of the foreign government, and due to what I may call the provision system of caste distinction, a certain section of the people have all along been kept in dungeons and places where no beasts will ever live. Now, Sir, the Honourable Minister, in a motherly approach, has taken up this important work of bringing India along with other countries to improve the lot of the masses in matters of health. Sir, I may tell you there are millions of our people we have no habitation and no drinking water facilities. The very habitation of these poor people is the abode of beasts. The cattle they have, have to be accommodated in their very habitation. These things do not talk much of the civilization of our country. It might have been very well in years gone by that our villages were noted for *acharam*, cleanliness and all that, but as days went on, all these have been neglected and we are in a hopeless condition. The primary need when any country is thinking of improving the lot of the people is to take care of the children in these villages and to promote the well-being of the masses by seeing that they have proper nutrition, housing, sanitation, recreation, all of which form a part of the functions of this agreement by the various nations. I would urge upon the Honourable Minister for Public Health that she should take up this cause of the *Harijan* hamlets known as *cheries* in South India, and *Harijan* hamlets in various other provinces by affording facilities in the matter of habitation and drinking water. Sir, in chapter V, under clauses 11 and 12 are given the composition of the Board, delegates and their associates. What I would request of the Honourable Minister is that if at any time we were to send representatives from this country to these international conferences, we must pick up people who are in these miserable conditions so that they may point out at the world conference the state of affairs obtaining in India.

There is one other point I want to refer to. I find that having declared all these functions and all these points about the welfare of the masses, there is no clause as to the penalty that will be imposed on any countries that have joined this conference and have not followed the principles as set out in the conference note. I would request the delegates that might go from India to take this point and see that something is done in this matter. But in article 7 of Chapter III it says that if a member fails to pay subscription, the voting privilege will be taken away: but I would rather like that the principles set out are carried out than losing the vote in the International Conference.

With these words, Sir, I support the motion.

Shri H. V. Kamath (C. P. and Berar: General): Sir, I am very well aware that it is too late in the day to alter or amend either the Constitution or the Protocol, because we are more or less faced with a *fait accompli* and here it is before us merely for ratification. After a cursory perusal of this Constitution and the Protocol, I could not but put to myself the question as to what part our representatives from India—Dr. Lakshmanan and Major Mani—played in the drafting of the Constitution and the Protocol. Of course, I do not intend to lay the fault at the door of the present Government, because I find from the relevant papers that the Constitution and the Protocol were drafted and signed at the International Health Conference held in New York from the 19th June to the 22nd July, 1946; that is to say, even before the Interim Government took office—let alone the present Government. So, then the present Government had no hand whatsoever in selecting the representatives to this International Health Conference held in 1946.

Yet, Sir, I felt on reading the Constitution that certain points could have been better elucidated and clarified. Especially here I feel that our Indian representatives in spite of their background perhaps played no part whatsoever in the drafting of the Constitution. (*An Honourable Member*: How do you know?) How do I know? Well, I cannot get the information from the present Minister of Health and must proceed only on hypotheses. Well, Sir, on page 1 of the Constitution, health is defined as "a state of complete physical, mental and social well-being". I fail to understand, Sir, what is meant by the definition of health as "social well-being". I can very well imagine social health as social well-being, but to define mere health as social well-being certainly beats me. I could have put it better by saying that health is a state of complete physical, mental and spiritual well being, because, Sir, it is realised more and more that the ultimate basis of well being is the spiritual. Time was when the Greek doctors or psychologists or moralists laid the *dictum mens sana in corpore sano*; that is, a sound mind in a sound body. But recently our friend George Bernard Shaw has amended it to this effect—he might have been half in jest and half in earnest. He remarked that the criterion or basis of health is "a sound body in a sound mind". I feel, Sir, that with our ancient spiritual background we in India, who developed our systems of *Hatha Yoga and pranayam* recognise the nervous and mental system; and behind that, the spiritual as the true basis of all well being.

Therefore, Sir, it was in the fitness of things for our representatives at the Health Conferences to have stressed the spiritual aspect of well being. In any case, health cannot be defined as social well being; health certainly is physical and mental well being; social health is of course social well being. Over and above that, Sir, I should like to say that the malady from which the world is suffering at the present day is at bottom spiritual and nothing else. It is only a transvaluation of values and a return to the spirit that can save the world and therefore it would have been very well indeed if health, meaning health in the comprehensive sense, had been defined as physical, mental and spiritual well being, giving priority to the spiritual well being of the individual as well

as of humanity. In the Gita, Sir, it is stated that struggles and conflicts arise

[Shri H. V. Kamath]

because certain men take it into their heads to behave in a particular manner. There are some well known verses in the Gita which with your indulgence, Sir, I would like to quote. In the sixteenth Chapter of the *Bhagvad Gita* it is stated that men with *asura prikriti*—devilish or demonic nature—bring about these wars and conflicts and thus ruin the well being of humanity. It is necessary, Sir, that these tendencies should first of all be curbed and eliminated before we proceed to build the well being of humanity. The important verse from the Gita, which is very well applicable to the present day, is:—

Asatyam apratiktham te jagadahuranishwaram,

Aparaspara sambhatam kimanayat kama kaitukam.

That is exactly the state in which we find the world and humanity today, and unless that is remedied and unless these tendencies are eliminated from human society, I see no salvation for men, and *homo sapiens* will go under as many other species have gone under in the past.

There is another point which I would by your leave, Sir, like to make out. The second Article or second sub-clause of the Preamble to the Constitution says that "the highest attainable standard of health is one of the fundamental rights of every human being, without distinction of race, religion, political belief, economic or social condition". I fail to see, Sir, how if economic and social conditions are bad, health is at all attainable by any human being. I could have very well understood it if the word had been "status" instead of "condition", because after all we are living today in a class society. But I cannot understand how you can say that irrespective of social and economic conditions health is the fundamental right or the birthright of every human being. Put a man in a *chawl* in Bombay or a slum in London and then say, "You must be healthy". I fail to see, Sir, how anybody can be told to become healthy living in slums. I feel, Sir, that this idea does not represent the point that is sought to be made out in this, that is that health is the fundamental right of every human being irrespective of social and economic conditions. I do not see what they had in mind but this Constitution has come before us only for ratification; we have not got the time or the opportunity to amend or alter it at this stage.

One more point, Sir, and I have done. In Hindi or Sanskrit there is one word which very aptly, very comprehensively, very completely defines what health is; and that is the word *swastha* from which you derive *swasthya*—health. *Sw* is self, and *stha* means to stand—poise; poised in the self; that is health. That point I tried my very best to find elucidated or even mentioned in this Constitution—I was very much disappointed.

The last point, Sir, that I want to make out is that in Chapter 2—Functions—there are various functions assigned to the Organisation. I would have very much liked, Sir, that this International Health Organisation had some active contact and association with the various Governments of the world in a particular direction, namely, the direction of education. I mean to say the World Health Organisation should have called upon the various educational institutions like colleges and schools through the respective Governments to promote health instruction as an integral part of the curriculum during the formative period of boyhood, youth and adolescence. That I find, Sir, has not been done. Of course, I am speaking subject to correction. It may have been included indirectly in some other clause, but I tried my very best to see if it could be comprehended in some other clause, but I could not. This is very necessary at the present day when all educationists and psychologists realise that education is the only way to practically every kind of prosperity and happiness, provided you give the proper bias to it, whether in schools or in colleges or in universities. The International Health Organisation has an active role to play here,

because with it all the Governments are associated and certainly it could have been embodied in its Constitution that the Organisation should ask the various Governments of the world to see that proper instruction is imparted to the pupils in all the educational instructions in this direction of promoting health by means of sports of all kinds, pastimes, recreation and cognate activities of that sort.

Sir, unfortunately, for good or for ill, this Constitution and the Protocol are before us only for ratification. I have therefore only to request that in future at least the National Government of our Free India would take care to see that our representatives who attend these International Conferences are properly instructed from time to time.

Begum Aizaz Rasul (U.P.: Muslim): Sir, I have great pleasure in supporting the motion which the Honourable the Minister for Health has moved for the consideration of the House. I do not think that a long speech is necessary to support it, because it is a matter which I think will have the unanimous approval of the House. In fact, Sir, it is one of the most fundamental and necessary requirements of our life that this motion seeks to bring into existence and I am glad that the Honourable Minister for Health has brought forward this motion here.

Sir, the basic principles that have been enunciated by the World Health Organisation in its constitution lay out very clearly the principles on which this Organisation will work and I hope that every single principle that has been laid down here will be followed both in the letter and in the spirit. Our country, Sir, most unfortunately, as it is backward in most other respects, is, I am sad to say, very backward in the matter of health also. There was a time when India was very high up in standards of health, when people in this country compared very favourably in the field of physical strength in comparison to other countries and won prizes in physical contests but that is now a story of the past. Misfortunes betook our country and took away among other things the health of the country also. The health of our people has gone down most considerably and it is a matter for great regret that today our men and women are physically very much inferior as compared to peoples of other countries. This is a matter which must engage the attention of every one who has the good of the country at heart and of the Central and Provincial Governments. Therefore, the constitution of this World Health Organisation is more necessary from the point of view of the needs of our country than of any other country. As I said, I only hope that the principles enunciated and the objectives laid down will not merely remain on paper but will be followed both in the spirit and in the letter.

Sir, we can confidently hope that this world organisation *vis.* the International Health Organisation, the signatories of which hail from most of the countries of the world, will be popular, and will, it is hoped, get the unstinted and undivided support of all countries of the world. Unfortunately, the world today is so much torn by factions, rivalries and jealousies that any world organisation that is set up, founders on the rocks of international rivalries and intrigues. We have the example before us of the League of Nations. We also see what is going on in the United Nations Organisation, and how groups of different powers are intriguing against each other. Therefore, the organisation World Health Organisation, to me, seems a very happy augury for at least in its case there is a principle on which every country in the world, irrespective of its importance or non-importance in world affairs, will contribute very heartily and sincerely. That is one reason why we can look forward to the successful attainment of the basic principles laid down by this Organisation.

[Begum Aizaz Rasul.]

Sir, the Honourable Mover when moving this Bill told the House that she hopes that the Head Office of this Organisation will be established in India. With all the emphasis at my command, I would request her that she should try that this should be so, because more than from any other point of view, the reason why India should be the headquarters of this international organisation, is that tropical diseases are mostly rampant in this part of the world and need the greatest attention from the medical institutions and technicians of the world, and therefore if India is made the headquarters of this Health Organisation this very important branch of medical research will receive better attention. India being the heart of Asia, will be able to supply not only facilities for research and other things but also the very much needed medical facilities that are so much required in this part of the world.

From another point of view, Sir, and some reference of this has been made by previous speakers, the nutrition conditions in India and in other countries of Asia are such that they require special attention and therefore also it is necessary that India should be made the headquarters of this Health Organisation.

Sir, I support the suggestion made by my Honourable friend the previous speaker that attention should specially be given to physical culture. That is one of the most necessary things which go towards the making of a healthy body and no amount of medicine or medical research can have the desired effect until and unless due attention is paid to the physical development of human bodies and it goes without saying that a healthy body is necessary for a healthy mind and that can only be achieved if we pay more attention to our physical well being, by improving not only our food, which unfortunately is not so much in our hands but is due to the economic conditions of the country, but, by physical exercises and physical culture. For this government should make as much provision as possible and encourage means of imparting physical education. I may inform the Honourable House that in the United Provinces such a council has been in being for some time, as this is one of the principles laid down in the Constitution of the World Health Organisation. I should like to draw the attention of the Honourable Minister for Health that she should kindly keep this in mind and that as soon as it is possible a Council of Physical Culture for the whole of India may be established to cater for this very necessary item of the human requirements. With these words, Sir, I have great pleasure in supporting the Motion.

Shri K. Senthanam: (Madras: General): I do not propose to take the time of the House for long. I cordially support the motion before the House. I am convinced that nothing but good can come to this country out of this organisation. Its objects and generally the constitution are altogether unexceptionable. But I have got one or two points on which I seek some light from the Honourable Mover.

Sir, if you turn to Article 56 it is stated that the World Health Organisation may approve the Budget estimates and according to Article 59, it is said that important questions will be decided by two thirds majority and other questions by a bare majority. I want to know whether the Budget appropriations are considered to be important questions and whether they will be decided by a two-thirds majority or by a mere bare majority, because if it is by a bare majority, there is a chance of all small nations joining together and putting on us a very disproportionate burden. I do not see why such an ambiguity was left in this Constitution.

Again Sir, if you take Article 74 it is said the Chinese, English, French, Russian and Spanish texts of this Constitution shall be regarded as equally authentic. I cannot understand the rationale of this linguistic combination. I think in all world organisations there should be some principle adopted in

relation to language. I would suggest that our representatives hereafter should suggest the adoption of some such principle, for instance they may suggest that the language which is the mother tongue of not less 200 millions of people may be taken as a world language or some such principle. Now it is said English, French, Chinese, Spanish texts of this constitution etc... Why should it not be a Hindustani text? And why not there be other texts? While we ratify it now, I hope our representatives will take up this question of language and see that we get a proper recognition that is our due.

Again, Sir, in the Executive Board there are to be 18 members. I want to know if it is the World Health Organisation that pays for all the travelling and other expenses of the Executive Board of the Member nations. I ask this question for this specific purpose because the chances are that the headquarters of this organisation will be somewhere in Europe or America, so much so if the Member nations have to meet this expenditure, the poorest countries will have to bear much greater burden. So if all the expenses are met by the World Health Organisation, I do not mind if it is situated in America or Europe or anywhere because our Members will get an opportunity to go at the World Health Organisation's expense to other countries; otherwise our taxpayers have to pay heavily for every world organisation and then it would become an unnecessary and rather unreasonable burden upon our country. I hope I shall get some information on these points. Otherwise generally I approve of the constitution I congratulate the Minister on the motion and I hope our country will play an adequate part in this World Health Organisation.

The Honourable Rajkumari Amrit Kaur (Minister for Health): There are not many points to which I have to reply after the discussion to which we have all listened. I am aware as well as anybody else what very poor conditions of health are obtaining in this country and it was for that very reason that I suggested to our Government that we should ask that the headquarters of the World Health Organisation should be in India. I think that health has been neglected and it is my hope that if this proposition of India is accepted a very great impetus will be given and more attention than has hitherto been concentrated will be given to a solution of health problems. As far as Village India is concerned if the Organisation is here and I have no doubt that medical relief to Village India will constitute one of the things that we in India can put forward before the Health Organisation. As far as removing of slums in Bombay or *cheris* in Madras, I would suggest to the speakers that they are primarily Provincial questions, but with the help of the World Health Organisation, these questions would certainly be brought before the public eye in a larger measure.

Now one of the things was in regard to finance. I would like to assure Members that I do not think in any case will India have to pay more than the scales that have already been settled at the Fourth Interim Commission. The decision that was arrived at there was that they should be based provisionally on the scales approved by the General Assembly in 1947 for the 1948 budget of the United Nations adjusted as necessary with the membership of the World Health Organisation. For the information of Honourable Members I should like to say that the total expenditure of the World Health Organisation for the years 1946 and 1947 on the basis of 8.95 per cent. representing the contribution from India and Pakistan was Rs. 1,69,455; and for the financial year 1948 it will be about the same or perhaps a little more. But that means India and Pakistan, and Pakistan will not pay itself and therefore that contribution will be less. Then, it may be even less than that because the expenditure was distributed among 54 States who are members of the U.N.O. and 68

[Rajkumari Amrit Kaur]

States actually have signed the Constitution of the World Health Organisation. And if the number of States which accept the Constitution exceeds 54, then the percentage contribution from India along with that of other countries will also be correspondingly lower. As far as whether we should join this World Health Organisation or any other organisations that are off-shoots of the U.N.O. is concerned, I think the Prime Minister very clearly put forward the Government of India policy, and I need say no more about that. In regard to the question about *Hindustani*; this really rests of course with the United Assembly. We can certainly raise this point and it can be dealt with later.

There was some criticism as to what part our Indian representatives had played in framing this Constitution. I think I said in my opening remarks when I moved this Resolution that the Technical Committee which drafted the original Constitution in Paris in March 1946 included our representative and he was a member of a committee of four who drafted the bulk of the Constitution; so that they did not play an unworthy part in the drafting of the Constitution as a whole.

Then one honourable Member talked about no reference having been made to health education. I think if he were to read the functions more carefully he would see that clauses (h), (g), (q), (r), and (v) would include all that he wants in the sphere of education. And the travelling allowances of members as they go will be paid by the World Health Organisation.

Sir, I think I have answered most of the questions that have been raised; and as far as our own health programmes are concerned they are really not relevant to this Resolution because here we are only ratifying what has in fact been signed on our behalf by our Indian delegation. The question that I myself wish to emphasise is that we shall benefit by becoming a member and a party to this World Health Organisation, and I hope the House will now proceed to ratify the Constitution and the protocol.

Mr. Chairman: The question is:

"This Assembly is of opinion that the Constitution of the World Health Organisation and the Protocol concerning the International Office of Public Hygiene be ratified."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 25th November, 1947.
