

Tuesday
24th August, 1948

THE
CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE) DEBATES
(PART I—QUESTIONS AND ANSWERS)

Official Report

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(9th August to 31st August, 1948)

THIRD SESSION
of the
CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)
1948



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C ONSTITUTENT A SSEMBLY OF INDIA (LEGISLATIVE) DEBATES

(PART I—QUESTIONS AND ANSWERS)

Tuesday, 24th August, 1948

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

DECLARATION BY MEMBERS

The following member made the declaration under Rule 2C:

Rajya Ratna Lala Harish Chandra (Jodhpur State).

STARRED QUESTIONS AND ANSWERS

(a) ORAL ANSWERS

CLOTH PRICES BEFORE AND AFTER DECONTROL

416. *Mr. B. K. Sidhva: Will the Honourable Minister of Industry and Supply be pleased to state the prices of the following kinds of cloth before total decontrol, and the peak levels after total decontrol and the present prices at Bombay, Ahmedabad, Delhi, Kanpur, Calcutta and Madras:

Voiles, Mulls, Drills, Saris, Shirtings, Dhoties (per pair) and longcloth?

The Honourable Dr. Syama Prasad Mookerjee: Statements containing the desired information are placed on the table of the House.

Statement I

Showing Ex-Mill and Retail prices before Total Decentral, peak levels after Total decentral and present prices as quoted in Bombay Cloth Market—referred to in reply to Starred Question No. 416.

| Serial No. | Description of cloth | Dimensions | Prices before total decentral | | Peak levels after total decentral | | Present Prices | | | Per | |
|------------|---|------------|-------------------------------|--------------------|-----------------------------------|--------------------|---------------------|--------------------|---|---------|-------------------------------------|
| | | | Ex-mill Rs. As. Ps. | Retail Rs. As. Ps. | Ex-mill Rs. As. Ps. | Retail Rs. As. Ps. | Ex-mill Rs. As. Ps. | Retail Rs. As. Ps. | Reported by Bombay by Millowners Assocn. on | | Reported by our office Inspector on |
| 1 | 2 | 8 | 4 | 5 | 6 | 7 | 8 | 9 | 9 | 10 | |
| 1 | Bld. Merc. Voile Khatau Mills | 52 30 | 0 10 7 | 0 13 8 | 2 6 0 | 2 10 0 | 1 6 0 | 1 8 0 | 1 8 0 | 24.7-48 | Yard |
| 2 | Bld. Merc. Mulla Century Mills No. 3020. | 50 20 | 0 11 4 | 0 13 7 | 1 6 8 | 2 8 0 | 1 6 8 | 1 8 0 | 1 8 0 | 24.7-48 | " |
| 3 | Grey Sarces Grown Mills No. CR686N. | 44 10/2 | 6 3 9 | 7 7 8 | 9 9 0 | 11 12 0 | 9 9 0 | 10 3 0 | 10 3 0 | 6.7-48 | Pair |
| 4 | Bld. Sarces Kobinoor Mills No. 4139. | 47 9 | 6 9 3 | 7 14 4 | 10 8 0 | 12 4 0 | 10 8 0 | 9 8 0 | 9 8 0 | 24.7-48 | Piece |
| 5 | Grey Dhories Western India Mills No. 7944. | 44 10/2 | 4 15 3 | 5 15 1 | 7 8 0 | 8 4 0 | 7 8 0 | 7 6 0 | 7 6 0 | 24.7-48 | Pair |
| 6 | Bld. Dhories India United Mills Noble King. | 50 9/2 | 7 4 0 | 8 11 2 | 15 3 6 | 15 0 0 | 15 3 6 | 10 8 0 | 10 8 0 | 24.7-48 | " |
| 7 | Bld. Shirjeing New Great Kaseero Mills Nine Fibres. | 36 40 | 0 9 1 | 0 10 11 | 1 0 6 | 1 4 0 | 0 14 0 | 0 14 6 | 0 14 6 | 24.7-48 | Yard |
| 8 | Grey Longoloth Hindustan Mills No. 4189. | 35 38 | 0 7 7 | 0 9 1 | 0 12 3 | 0 12 9 | 0 12 3 | 0 10 9 | 0 10 9 | 24.7-48 | " |
| 9 | Bld. Longoloth Kobinoor Mills No. 494. | 33 40 | 0 10 9 | 0 12 11 | 1 6 0 | 2 0 0 | 1 6 0 | 1 8 0 | 1 8 0 | 6.7-48 | " |
| 10 | Bld. Drill India United Mills No. 1804. | 28 40 | 0 12 5 | 0 10 11 | 1 0 2 | 1 6 6 | 1 0 2 | 0 15 0 | 0 15 0 | 24.7-48 | " |

Statements II

Showing Ex-Mill and Retail prices before Total Decantrol, peak levels before Total Decantrol, and present prices as reported in Ahmedabad Cloth Market.

| Serial No. | Description of cloth | Dimen- sions | Prices before total decantrol | | Peak levels after total decantrol | | Present Prices | | | Per |
|------------|---|--------------|-------------------------------|--------------------|-----------------------------------|--------------------|---------------------|--------------------|--|-------|
| | | | Ex-mill Rs. As. Pa. | Retail Rs. As. Pa. | Ex-mill Rs. As. Pa. | Retail Rs. As. Pa. | Ex-mill Rs. As. Pa. | Retail Rs. As. Pa. | Date of report by our Ahmeda- bad Office | |
| 1 | 2 | 8 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 10 |
| 1 | Bleached Mulls Calico Mills No. 47845. | 47 20 | 0 10 2 | 0 12 3 | 1 8 0 | 1 12 6 | 1 5 9 | 1 5 0 | 24-7-48 | Yard |
| 2 | Bleached Sarree Calico Mills No. 471003. | 47 5 | 4 5 9 | 5 3 8 | 8 12 0 | 9 0 0 | 6 12 0 | 7 0 0 | 24-7-48 | Piece |
| 3 | Bleached Dhories Calico Mills No. 501002. | 50 9/2 | 6 1 8 | 7 4 8 | 13 1 3 | 13 8 0 | 8 9 3 | 9 10 0 | 24-7-48 | Pair |
| 4 | Bleached Stripe Shirting, Jaybharet Mills No. 31004 | 20 24 | 0 12 3 | 0 14 8 | 1 12 0 | 1 8 0 | 1 6 0 | 1 5 0 | 24-7-48 | Yard |
| 5 | Bld. Longcloth Ahmedabad New Cotton No. 3908. | 33 40 | 0 9 5 | 0 11 4 | 1 0 10 | 1 2 0 | 0 15 0 | 1 0 0 | 19-6-48 | " |
| 6 | Bleached Drill Ahmedabad Advance 283 B. | 28 40 | 0 14 1 | 1 0 11 | 1 5 0 | 1 8 0 | 1 2 4 | 1 4 0 | 24-7-48 | " |

Statement III

Showing retail peak prices after total decontrol and present prices as reported in Delhi.

| S. No. | Description | Dimensions | | Retail Peak Prices after Total Decontrol | | | Present Prices | Per |
|--------|------------------------------|------------|------|--|-----|-----|----------------|-------|
| | | Ina. | Yds. | Rs. | As. | Ps. | | |
| 1 | Bleached Mulls . . . | ... | ... | 1 | 1 | 0 | 1 6 0 | Yard |
| | | | | 2 | 8 | 0 | | |
| 2 | Bleached Voile . . . | ... | ... | 2 | 0 | 0 | 1 6 8 | do. |
| 3 | Printed Voile . . . | ... | ... | 1 | 8 | 0 | 1 11 0 | do. |
| 4 | Bleached Saris . . . | ... | ... | 8 | 8 | 0 | 4 14 0 | Piece |
| | | | | 12 | 18 | 6 | | |
| 5 | Grey Dhoties . . . | 44 | 10/2 | 9 | 8 | 0 | 8 8 0 | Pair |
| | | | | 12 | 0 | 0 | | |
| 6 | Bleached Dhoties . . . | | 8/2 | 7 | 8 | 0 | 9 0 0 | do. |
| 7 | Shirting . . . | ... | ... | 1 | 0 | 0 | 1 7 0 | Yard |
| | | | | 1 | 13 | 0 | | |
| 8 | Grey Long Cloth . . . | ... | ... | 0 | 15 | 0 | 1 2 0 | Yard |
| | | | | 1 | 5 | 0 | | |
| 9 | Bleached Long Cloth. . . | ... | ... | 1 | 5 | 0 | 1 11 7 | Yard |
| | | | | 1 | 14 | 0 | | |
| 10 | Bleached Drill (White) . . . | ... | ... | 2 | 0 | 0 | 1 4 0 | Yard |
| | | | | 3 | 0 | 0 | | |

Prices before total decontrol where the same as stated in the Statement No. 1.

Statement IV

Showing retail peak prices after total decontrol and present prices as reported in United Provinces.

| S. No. | Description | Retail Peak Prices after Total Decontrol | | | Present Prices | | | Per |
|--------|-------------------------------|--|-----|-----|----------------|-----|-----|---------|
| | | Rs. | As. | Ps. | Rs. | As. | Ps. | |
| 1 | Bleached Mulls | 1 | 8 | 0 | 1 | 0 | 0 | } Yard |
| | | to | | | to | | | |
| | | 4 | 8 | 0 | 3 | 8 | 0 | } |
| | | | | | | | | |
| 2 | Bleached Voile | 1 | 8 | 0 | 1 | 0 | 0 | } do. |
| | | to | | | to | | | |
| | | 3 | 8 | 0 | 2 | 12 | 0 | } |
| | | | | | | | | |
| 3 | Printed Voile | 1 | 4 | 0 | 1 | 0 | 0 | } do. |
| | | to | | | to | | | |
| | | 5 | 0 | 0 | 2 | 10 | 0 | } |
| | | | | | | | | |
| 4 | Grey Sarrees | 10 | 0 | 0 | 8 | 0 | 0 | } Piece |
| | | to | | | to | | | |
| | | 16 | 0 | 0 | 16 | 0 | 0 | } |
| | | | | | | | | |
| 5 | Bleached Sarrees | 10 | 8 | 0 | 8 | 0 | 0 | } do. |
| | | to | | | to | | | |
| | | 23 | 0 | 0 | 18 | 0 | 0 | } |
| | | | | | | | | |
| 6 | Grey Dhoties. | 9 | 8 | 0 | 9 | 0 | 0 | } Pair |
| | | to | | | to | | | |
| | | 32 | 0 | 0 | 15 | 0 | 0 | } |
| | | | | | | | | |
| 7 | Bleached Dhoties | 10 | 0 | 0 | 8 | 8 | 0 | } do. |
| | | to | | | to | | | |
| | | 22 | 8 | 0 | 19 | 0 | 0 | } |
| | | | | | | | | |
| 8 | Sairting | 0 | 15 | 0 | 0 | 11 | 0 | } Yard |
| | | to | | | to | | | |
| | | 3 | 0 | 0 | 2 | 8 | 0 | } |
| | | | | | | | | |
| 9 | Grey Long Cloth | 0 | 15 | 0 | 1 | 0 | 0 | } do. |
| | | to | | | to | | | |
| | | 1 | 8 | 0 | 1 | 3 | 0 | } |
| | | | | | | | | |
| 10 | Bleached Long Cloth | 1 | 8 | 0 | 0 | 11 | 0 | } do. |
| | | to | | | to | | | |
| | | 3 | 0 | 0 | 1 | 14 | 0 | } |
| | | | | | | | | |
| 11 | Bleached Drill | 1 | 3 | 0 | 0 | 12 | 0 | } do. |
| | | to | | | to | | | |
| | | 3 | 12 | 0 | 2 | 8 | 0 | } |
| | | | | | | | | |

Prices before total decontrol were the same as stated in the Statement No.1.

Statement V

Showing Retail Peak Prices after Total Decontrol and Present Prices as reported in Calcutta.

| | Description | Dimensions | | Retail Peak after Total Decontrol | | | Present Prices | | | Per |
|---|-------------------------------|------------|------|-----------------------------------|-----|-----|----------------|-----|-------|-----|
| | | Ins. | Yds. | Rs. | As. | Ps. | Rs. | As. | Ps. | |
| 1 | Grey Sarees | 44 | 10/2 | 8 | 0 | 0 | } 12 0 0 | | Pair | |
| | | | | 14 | 8 | 0 | | | | |
| 2 | Bleached Sarees | 46 | 5 | 5 | 8 | 0 | } 10 0 0 | | Piece | |
| | | | | 9 | 0 | 0 | | | | |
| 3 | Grey Dhoties | 44 | 10/2 | 9 | 4 | 0 | } 18 4 0 | | Pair | |
| | | | | 18 | 8 | 0 | | | | |
| 4 | Bleached Dhoties | 46 | 9/2 | 10 | 0 | 0 | } Not received | | Pair | |
| | | | | 11 | 8 | 0 | | | | |
| 5 | Shirting | ... | ... | 0 | 14 | 0 | } 0 12 0 | | Yard | |
| | | | | 2 | 10 | 0 | | | | |
| 6 | Grey Long Cloth | ... | ... | 0 | 12 | 0 | } Not received | | Yard | |
| | | | | 0 | 15 | 0 | | | | |
| 7 | Bleached Long Cloth | ... | ... | 0 | 12 | 0 | } Do. | | Yard | |
| | | | | 1 | 4 | 0 | | | | |
| 8 | Bleached Drill | ... | ... | 1 | 4 | 0 | Do. | | Yard | |

rices before total decontrol were the same as stated in the Statement No. 1.

Statement VI

Showing Retail Peak Prices after total Decontrol and Present Prices as reported in Madras—referred to in reply to Starred Question No. 416.

| S. No. | Description | Dimensions | | Retail Peak Price after Total Decontrol | | | Present Prices | | | Per |
|--------|---------------------|------------|------|---|-----|-----|----------------|-----|-----|-------|
| | | Ins. | Yds. | Rs. | As. | Ps. | Rs. | As. | Ps. | |
| 1 | Bleached Mulls | 45 | 20 | 1 | 4 | 0 | 1 | 0 | 0 | Yard |
| | | | | 2 | 4 | 0 | 1 | 12 | 0 | |
| 2 | Bleached Voile | 45 | 30 | 1 | 8 | 0 | 1 | 4 | 0 | Yard |
| | | | | 3 | 0 | 0 | 2 | 0 | 0 | |
| 3 | Printed Voile | 45 | 30 | 1 | 8 | 0 | 1 | 6 | 0 | Yard |
| | | | | 2 | 10 | 0 | 2 | 0 | 0 | |
| 4 | Grey Sarrees | 45 | 5 | 4 | 8 | 0 | 4 | 4 | 0 | Piece |
| | | | | 10 | 0 | 0 | 8 | 8 | 0 | |
| 5 | Bleached Sarree | 45 | 5 | 5 | 8 | 0 | 5 | 0 | 0 | Piece |
| | | | | 11 | 0 | 0 | 10 | 0 | 0 | |
| 6 | Grey Dhoties | 50 | 8/2 | 6 | 0 | 0 | 5 | 8 | 0 | Pair |
| | | | | 9 | 0 | 0 | 8 | 12 | 0 | |
| 7 | Bleached Dhoties | 50 | 8/2 | 8 | 0 | 0 | 7 | 8 | 0 | Pair |
| | | | | 15 | 0 | 0 | 14 | 8 | 0 | |
| 8 | Shirting | 27 | 24 | 1 | 4 | 0 | 1 | 4 | 0 | Yard |
| | | | | 2 | 8 | 0 | 2 | 4 | 0 | |
| 9 | Grey Long Cloth | 35 | 38 | 1 | 4 | 0 | 1 | 0 | 0 | Yard |
| 10 | Bleached Long Cloth | 38 | 40 | 1 | 4 | 0 | 1 | 1 | 0 | Yard |
| | | | | 2 | 0 | 0 | 1 | 12 | 0 | |
| 11 | Bleached Drill | 28 | 40 | 0 | 14 | 0 | 0 | 10 | 6 | Yard |
| | | | | 1 | 2 | 0 | 1 | 0 | 0 | |

Prices before total decontrol were the same as stated in the Statement No. 1.

Mr. Tajamul Husain: In view of the fact that prices have increased since decontrol, do the Government propose to control the prices again? If not, why not?

The Honourable Dr. Syama Prasad Mookerjee: I supposed the honourable member knew that control had been re-imposed since 31st of July.

Mr. B. K. Sidhva: May I know if the Honourable Minister could kindly give us some idea as to the percentage of the rise in prices before decontrol and at the time he issued a communique for control?

The Honourable Dr. Syama Prasad Mookerjee: It is a long list. I can take a few samples; but I would suggest that the honourable member may go through this list and then put in further questions later on if he likes. For instance, the price before decontrol in one case was ten annas and the retail price was 12 annas. After decontrol, the price rose to Rs. 2-10-0, and it came down to Rs. 1-8-0 per yard. Since 31st of July, this has come down still further. In fact, I can say this generally that since 31st of July the prices have come down on an average by 25 per cent. with regard to coarse, by about 80 per cent. with regard to medium and by about 50 per cent. with regard to fine and superfine cloth. With regard to every variety, it is difficult for me to read detailed figures.

Mr. B. K. Sidhva: May I know what the prices of *dhoties* were?

An Honourable Member: Which kind of *dhoties*?

Mr. Speaker: Order, order.

The Honourable Dr. Syama Prasad Mookerjee: I have got here figures for the different provinces. I shall give the Delhi figures. Grey *Dhoties*: the retail price after total decontrol was Rs. 12. The present price is Rs. 8-8-0. Bleached *Dhoties*: the retail price after total decontrol was Rs. 7-8-0; the present price has not much changed. This is for Delhi.

In the United Provinces: Grey *dhoties*: the price went up from Rs. 9-8-0 to Rs. 22; the present price is from Rs. 9 to Rs. 15. Bleached *dhoties*: the price went up from Rs. 10 to Rs. 22. The present price is from Rs. 8-8-0 to Rs. 19. This is for the United Provinces.

In Calcutta: Grey *dhoties*: the prices went up from Rs. 9-4-0 to Rs. 18-8-0; the present price has not changed much. Bleached *dhoties*: the price was from Rs. 10 to Rs. 11-8-0; the present prices, we have not yet received.

With regard to Madras: Grey *dhoties*: the prices went up from Rs. 8 to Rs. 9; it is now from Rs. 5-8-0 to Rs. 8-8-0. Bleached *dhoties*: it was from Rs. 8 to Rs. 15; now, it is Rs. 7-8-0 to Rs. 14.

Mr. B. K. Sidhva: May I know whether the Government think of bringing in any measure in this session for giving effect to the control that has been re-imposed?

The Honourable Dr. Syama Prasad Mookerjee: One Bill is going to be introduced defining the punishment to be imposed with regard to those who violate the provisions of the Cloth Control Order.

Shri L. Krishnaswami Bharathi: May I know whether the prices relate only to mill cloth and not to handloom cloth or *khadi* cloth?

The Honourable Dr. Syama Prasad Mookerjee: I am referring only to mill-made cloth.

Shri L. Krishnaswami Bharathi: Is it a fact that the prices of handloom cloth have not risen, but have gone down?

The Honourable Dr. Syama Prasad Mookerjee: In some places, that is so.

Shri S. V. Krishnamurthy Rao: May I know whether the Government has been able to find out who is responsible for the rise in prices, the mill-owners, wholesalers or retailers?

The Honourable Dr. Syama Prasad Mookerjee: I believe all including some sections of consumers also.

Shri S. V. Krishnamurthy Rao: May I know whether the Government propose to bring down the prices to the pre-control level?

The Honourable Dr. Syama Prasad Mookerjee: That is what exactly the Government is attempting to do now.

Shri B. P. Jhunjhunwala: What is the difference between the black-market price when there was control, and the price which was prevailing after decontrol?

The Honourable Dr. Syama Prasad Mookerjee: The prices during the peak period of decontrol were higher than even the black-market prices.

Shri Ajit Prasad Jain: Is there any proposal to disgorge the profiteers of the profit which they have made on account of this abnormal rise in prices?

The Honourable Dr. Syama Prasad Mookerjee: As I said previously, this matter is under the examination of the Government.

Mr. Hossain Imam: Is there any proposal by the Government to bring any legislative measure to sanction the controls which have been decided upon now?

The Honourable Dr. Syama Prasad Mookerjee: Already certain Orders have been promulgated under the legislative powers which the Executive Government now possesses. Certain other measures also will be coming before this session.

Sardar Mohamad Latifur Rahman: Is it a fact that the agency which has so far successfully defeated all Government measures to keep the prices under control, is again going to be entrusted with the job of carrying out the new textile policy, after the Government has been convinced of their responsibility for all these things?

The Honourable Dr. Syama Prasad Mookerjee: The Government now propose to fix the prices mainly on the recommendation of the Tariff Board, which is an expert advisory body of the Government. The Government will consult all the interests involved; but the ultimate responsibility for fixing the prices will be the Government's and none others.

Sardar Mohamad Latifur Rahman: The question was not about the fixing of prices, but the agency for selling.

Mr. Speaker: I think that has also been answered.

Shri Prabhudayal Himatnagar: Will the Honourable Minister be pleased to state if the industry was against de-control when de-control was introduced?

The Honourable Dr. Syama Prasad Mookerjee: There was difference of opinion within the industry. There were many who thought control might continue; there were some who thought that de-control may be introduced.

Shri Prabhudayal Himatnagar: Is it a fact that industry was against de-control?

The Honourable Dr. Syama Prasad Mookerjee: I do not think industry as a whole ever met and forwarded any decision to the Government.

Shri L. Krishnaswami Bharathi: May I know, Sir,.....

Mr. Speaker: Order, order. Next question. We have already taken ten minutes on this.

GOVERNMENT MEASURES TO CHECK RISE IN PRICES OF CLOTH

417. **Mr. R. K. Sidhva:** (a) Will the Honourable Minister of Industry and Supply be pleased to state whether it is a fact that at various stages the Government of India made the following announcements regarding prices prevailing in Textiles:

—“that in the event of Millowners not bringing down prices

(i) the Industry would be nationalized;

(ii) Government were contemplating to set up a countrywide cloth Corporation which would sell cloth at fixed rates, Government controlling 51 per cent. of the shares; and

(iii) Government will freeze the entire mill production?”

(b) Which of the above three proposals do Government propose to carry out?

The Honourable Dr. Syama Prasad Mookerjee: (a) and (b). No such announcement has been made by the Government of India. However, under the system of control imposed on 30th July, 1948, the existing stocks of mills, and future production, may be sold by the mills only against purchase permits of the Textile Commissioner who will issue them in favour of buyers nominated by Provincial and State Governments.

Mr. R. K. Sidhva: If Government did not make the announcement may I know who made it when the press note was issued?

The Honourable Dr. Syama Prasad Mookerjee: I believe the honourable member is in the best position to inform us.

Mr. R. K. Sidhva: But I am not here to give information.

Mr. Speaker: The honourable member must accept the Honourable Minister's statement as to the fact that neither he nor his Government made the statement. Whosoever else made it, is not the concern of Government.

Shri B. Shiva Rao: May I know whether the Honourable Minister has any estimate of the total amount of profits made by the textile industry after de-control was enforced?

The Honourable Dr. Syama Prasad Mookerjee: I had better not say anything at this stage because the whole matter is now under the examination of Government.

Shri Ajit Prasad Jain: What agency—cooperative societies or private agencies—do Government propose to employ for the distribution of cloth under the new scheme?

The Honourable Dr. Syama Prasad Mookerjee: We have left the matter of distribution to be decided by the provincial Governments and we have advised that wherever possible cooperative agencies should be employed for the purpose; but it is open to the provincial Governments to encourage private trade also under suitable conditions.

Shri Ajit Prasad Jain: Are Government possessed of any power to force the Provincial Governments to give preference to cooperative societies in case they are not doing so?

The Honourable Dr. Syama Prasad Mookerjee: I think it will be better to leave the matter in the hands of the Provincial Governments because they will be best entitled to decide the matter in regard to provincial needs.

Mr. Tajamul Husain: Do Government propose to introduce rationing in all the provinces?

The Honourable Dr. Syama Prasad Mookerjee: That also has been left to the Provincial Governments. In many places rationing will be introduced.

श्री० मोहन लाल गौतम : क्या गवर्नमेंट ने इस तरह की हिदायतें दी हैं कि जिन लोगों ने पहिले बलेक मारकेटिंग करके कपड़ों की कीमतों को बढ़ाया है अब उनको एजेन्सी ना दी जाय ?

Shri Mohan Lal Gautam: Have Government issued any such instructions that those people who have been doing black-marketing in the past thus resulting in a rise in the price of cloth should not now be given the agency?

The Honourable Dr. Syama Prasad Mookerjee: Certainly Government do not desire agencies to be given to any one who has been suspected of doing black-marketing in the past.

Mr. Tajamul Husain: Do Government realise that if this matter of rationing is left to the provinces there cannot be uniformity all over India as regards the rationing of cloth is concerned?

Mr. Speaker: That is an argument. Next question.

ELECTRIFICATION OF RAILWAYS IN CALCUTTA AND SUBURBS

418. ***Mr. R. K. Sidhva:** (a) Will the Honourable Minister of Railways be pleased to state whether it is a fact that the Terminal Facilities Committee, Calcutta appointed by the Government of India have recommended the electrification of Railways within a radius of thirty miles from Calcutta and the construction of a Circular Railway round Calcutta?

(b) What is the estimated cost of the said Railway and have the Railway Board approved of the scheme?

(c) What steps do Government propose to take to implement this scheme and when is the construction work likely to be started and within what period is it likely to be completed?

(d) What is the percentage of the net expected return from the said Railway?

The Honourable Dr. John Matthai: (a) Yes.

(b) The estimated cost of Circular Railway as given in the Report of the Calcutta Terminal Facilities Committee, 1947, is Rs. 5.22 crores and that of the short links connecting this railway with the existing lines Rs. 1.18 crores. The scheme is still under Railway Board's consideration.

(c) The views of the West Bengal Government on the Circular Railway scheme, which is essentially municipal in character have been asked for and are awaited. It is not possible to state at this stage when the construction is likely to be started and the period within which the work is likely to be completed.

(d) The percentage of net return on the capital has not been worked out by the Committee.

REPORT OF ENQUIRY COMMITTEE ON RAILWAY GRAIN SHOPS

419. ***Mr. R. K. Sidhva:** (a) Will the Honourable Minister of Railways be pleased to state whether Government have received the report of the Sub-Committee appointed by the Legislature in the last Budget session to enquire about the running of Railway grain shops?

(b) If so, when is that report likely to be published and what is the decision of Government thereon?

(c) Is it recommended that grain shops be stopped and cash be paid to employees in lieu thereof?

The Honourable Dr. John Matthai: (a) The honourable member is probably referring to the Committee appointed by the Government to enquire into the working of the railway grainshops. If so, the reply is in the affirmative.

(b) I would invite the honourable member's attention to the Press Note issued by Government on the 30th of June, 1948 on the subject. As stated therein the report is at present under examination by Government and arrangements for translating it into the important Indian languages and for printing are in hand. Owing to congestion of work in the Government Printing Presses, this is likely to take some time. It is, therefore, not possible for the Government at present to fix a date for the publication of the Report. The Government's decision on the Report will be announced at the time of its publication.

(c) The information asked for will be available when the report is published.

Mr. R. K. Sidhva: May I know what the recommendations of the Committee are?

The Honourable Dr. John Matthai: I am not in a position at present to disclose them; the honourable member will know them when the report is published.

Mr. R. K. Sidhva: As publication in different languages will take some time, may I know if the report will be first published in English?

The Honourable Dr. John Matthai: I will consider that.

Mr. Frank Anthony: Will Government take the Central Advisory Council for Railways into confidence before coming to a decision on this matter?

The Honourable Dr. John Matthai: I am not in a position to give any undertaking on that point; this is a matter essentially for Government.

Mr. Frank Anthony: Have Government consulted any labour organisations on this question? If so, what is their attitude towards the continuance of the grainshop concession?

The Honourable Dr. John Matthai: I understand the Committee was closely in touch with the Unions on the railways throughout the period of the investigations.

Pandit Balkrishna Sharma: May I know if the question of fair price shops for railway employees was also included within the purview of the Committee's work?

The Honourable Dr. John Matthai: This Committee was appointed to inquire into the question of the existing grainshops; whether they have made any other suggestions in the course of their investigations I am not in a position to state at present.

Shri Bannath Goenka: How long will it take for the report to be printed?

The Honourable Dr. John Matthai: I expect it will be possible in the course of September for Government to publish the report and their decision on it.

Mr. R. K. Sidhva: Will that report after publication be immediately available to members of this House?

The Honourable Dr. John Matthai: Yes, certainly.

IMPORT OF POWDERED MILK AND SCHEMES FOR INCREASING MILK SUPPLY

420. ***Mr. R. K. Sidhva:** (a) Will the Honourable Minister of Agriculture be pleased to state whether the Government of India have prepared a scheme for increasing the output of milk in the country?

(b) Is it a fact that there is great deficiency in the production of milk at present?

(c) Is it a fact that in several towns both the Provincial Governments and local bodies encourage the use of powdered milk imported from foreign countries?

(d) What is the nutritive value and strength of powdered milk as compared with fresh milk?

(e) Have any Provincial Governments taken up the preparation of schemes for increasing the milk supply?

The Honourable Shri Jairamdas Doulatram: (a) A Five year plan for increasing milk production in the country has been prepared by the Dairy Development Adviser of the Ministry of Agriculture. This plan envisages eight specific projects *vis.*, (i) Milk-cum-bull production farms, (ii) small holder milk production farms, (iii) colonisation of dislodged city cattle, (iv) artificial insemination of cattle, (v) cross-breeding of inferior milch stock, (vi) co-operative milk unions, (vii) co-operative rural creameries (ghee), and (viii) increased production of green fodder and silage. Details of each project including technicians and equipment needed and targets of increased milk production which can be attained during the five year period have been given in the plan.

Suggestions for implementing the Plan have also been made. The Plan is under print at present and as soon as it is ready, copies of the same will be sent to the Provinces for adoption as far as possible with an assurance that the Centre will provide all possible help by way of technical guidance, advice, etc., for the implementation of the same.

(b) Yes.

(c) The import of milk powder is not being encouraged but quantities needed by deficit areas to meet the acute shortage of milk are being allowed to be imported and to some extent milk powder is also being used to increase the supply of standard quality milk to the public at a low price.

(d) The process of manufacture of powder milk results in losses in the case of Vitamin B, to the extent of 10—15 per cent., Vitamin C to the extent of 20—90 per cent. and deterioration not exceeding 5 per cent. in the biological value of proteins.

(e) Yes. A list of such schemes of the Provincial Governments for which financial assistance has been given by the Government of India and schemes which are under consideration is placed on the table of the House.

Statements
(A) SCHEME SANCTIONED

| NAME OF SCHEME | GRANT SANCTIONED | | | |
|--|--|----------------------------|----------|---------|
| | 1946-46 | 1946-47 | 1947-48 | 1948-49 |
| | Rs. | Rs. | Rs. | Rs. |
| 1 Assam | | | | |
| (i) Rehabilitation of cattle on dairy farms | *1,83,973 | ... | | |
| (ii) Appointment of Dairy Development Officer | * 30,300 | | | |
| (iii) Carrying out of rapid dairy surveys | 14,678 | 14,678 | | |
| (iv) Supply of concentrates and salt at subsidised rates | 45,033 | 45,960 | | ... |
| 2 Bengal | | | | |
| (i) Appointment of Dairy Development Officer | 60,567 | ... | | |
| 3 Bombay | | | | |
| (i) Appointment of Dairy Development staff | 51,558 | 15,528 | 15,500 | ... |
| (ii) Supply of concentrates at subsidised rates* | 11.71 lakhs | 11.711 lakhs | 21 lakhs | |
| 4 C. P. and Bihar | | | | |
| (i) Appointment of Dairy Development Officer | *9,675 | 10,415 (Revised sanction). | 11,597 | 61,034 |
| | Loan Rs. 1 lakh at 3½% for 3 years, Grant Rs. 31,847 upto 28-2-47. | | | |

| | | | | | | |
|--|--------|---------|-----|-----|-------|-----|
| 5 Punjab | | | | | | |
| (i) Appointment of Dairy Development Officer and survey staff. | | 37,200 | ... | ... | ... | ... |
| 6 Madras | | | | | | |
| (i) Appointment of Dairy Development staff | | *9,340 | ... | ... | ... | ... |
| (ii) Production and supply of milk to Madras city | | 26,150 | ... | ... | ... | ... |
| (iii) Creamery Society at Karunkungal | | ... | ... | 832 | ... | ... |
| 7 U.P. | | | | | | |
| (i) Carrying out of rapid dairy surveys | 3,000 | 8,600 | ... | ... | ... | ... |
| (ii) Supply of oilcakes to village milk producers | 18,800 | ... | ... | ... | ... | ... |
| (iii) Co-operative Milk Unions for supply of milk to Lucknow, Allahabad and Banaras. | | ... | ... | ... | ... | ... |
| 8 Bihar | | | | | | |
| (i) Scheme for the appointment of a dairy development Officer and staff. | | ... | ... | ... | 9,580 | ... |
| (ii) Scheme for carrying out rapid survey of large milk producing centres. | | ... | ... | ... | 8,700 | ... |
| 9 Ajmer-Mewar | | | | | | |
| (i) Carrying out of rapid dairy surveys | 5,712 | ... | ... | ... | ... | ... |
| (ii) Supply of concentrates at subsidised rates | ... | 192,000 | ... | ... | ... | ... |

Statements
(A) SCHEME SANCTIONED

| NAME OF SCHEME | GRANT SANCTIONED | | | |
|--|------------------|-----------------------------|---------|---------|
| | 1946-46 | 1946-47 | 1947-48 | 1948-49 |
| | Rs. | Rs. | Rs. | Rs. |
| 10 Coorg | | | | |
| (i) Carrying out of rapid dairy surveys | ... | 4,050 | ... | ... |
| (ii) Appointment of Dairy Development Officer | ... | ... | 9,000 | ... |
| (iii) Cultivation and conservation of green fodder | ... | ... | 16,630 | ... |
| (iv) A central farm for rearing youngstock and salvaging dry cows. | ... | ... | 41,000 | ... |
| 11 Delhi | | | | |
| (i) Carrying out of dairy surveys | ... | 5,000 <i>plus</i> 17,000 | ... | 32,700 |
| (ii) Appointment of Dairy Development Officer | ... | 7,000 | ... | ... |

* Sanctioned upto February 1947.

(B) SCHEMES UNDER CONSIDERATION

1. A cooperative milk union for supply of 1000 maunds of milk daily to Delhi from surrounding rural areas.
2. Increasing supply of milk to Madras through the Madras Co-operative Milk Union.
3. Appointment of Dairy Development Officer, Ajmer.
4. Carrying out of surveys of milk pockets for increasing supply of milk to Ajmer.
5. Artificial Insemination of milchcattle in Ajmer, Merwara.
6. Rehabilitation of cattle on Dairy farms, Assam.
7. A Co-operative milk union for the supply of milk to Mercara (Coorg).

Mr. R. K. Sidhva: With reference to part (a), is the Jubbulpore farm included in that scheme?

The Honourable Shri Jairamdas Doulatram: It is not included in this. These are plans for the provinces. The Jubbulpore farm is a Central farm. It is a cattle breeding farm, but this plan relates to work to be done in the provinces by the Provincial Governments with the help of the Government of India.

Mr. R. K. Sidhva: Has the Jubbulpore breeding farm been opened already, or is it under contemplation?

The Honourable Shri Jairamdas Doulatram: It is under construction and has not yet been opened.

Seth Govind Das: At what time is this Jubbulpore farm expected to come into use?

The Honourable Shri Jairamdas Doulatram: It may take some time; it is difficult for me to estimate the time. It may even be one or two years more.

Mr. R. K. Sidhva: Is it a fact that purchases of animals have already been made from the Pakistan area by the Central Government for the Jubbulpore farm?

The Honourable Shri Jairamdas Doulatram: Yes, we have negotiated and may be able to secure the cattle needed.

Seth Govind Das: Is it a fact that the land which was originally selected for the Jubbulpore farm is now being changed and another piece of land is being acquired?

The Honourable Shri Jairamdas Doulatram: I require notice of that. As honourable members will realise that specific question does not arise from this general question.

Prof. N. G. Banga: Does this plan include any experiments that are being made for the improvement of the quantity and quality of the production of grass, so badly needed for cattle if they are to yield a greater quantity and a better quality of milk?

The Honourable Shri Jairamdas Doulatram: Yes, the improvement of fodder is one of the plans—both its quality and quantity.

Prof. N. G. Banga: Are Government carrying on any experiments in order to improve the quality and the variety of production of various grasses, and also for producing the seed for distribution among farmers?

The Honourable Shri Jairamdas Doulatram: I will require notice of that.

Shri B. Shiva Rao: Has my honourable friend any evidence in his possession to show that the slaughter of milch cattle in the provinces is being positively discouraged?

The Honourable Shri Jairamdas Doulatram: Does this arise from this question?

Mr. Speaker: It does not.

Shri Ajit Prasad Jain: May I know what steps, if any, the Government has taken to prevent the milch cattle from indiscriminate slaughter?

Mr. Speaker: It is the same question.

Shri H. V. Kamath: What, in Government's view, is the minimum requirement of milk for health *per capita* per day?

The Honourable Shri Jairamdas Doulatram: Well, about a pound

Shri B. P. Jhunjhunwala: Is it a fact that the chief cause of deficiency in the production of milk is the want of grazing grounds for villagers who are the chief producers of milk?

The Honourable Shri Jalramdas Doulatram: It is one of the causes.

Shri Suresh Chandra Majumdar: Is it the intention of Government to set up modern dairy farms in every province on the lines of the Jubbulpore dairy farm?

The Honourable Shri Jalramdas Doulatram: If any Provincial Government is ready to co-operate we shall also assist.

Dr. V. Subramaniam: Does Government propose to resort to artificial insemination of cattle and is the process successful?

Mr. Speaker: That is one of the proposals.

Shri Mahavir Tyagi: In view of the acute shortage of milk in the country, has Government considered any scheme to prevent milch cattle being slaughtered?

Mr. Speaker: Order, order. It is the same question.

Shri Satish Chandra: Is it a fact that artificial insemination leads to a deterioration of the progeny after two or three generations?

The Honourable Shri Jalramdas Doulatram: That is not my information.

Shri Ajit Prasad Jain: What are the Government doing to encourage stall feeding instead of depending on pastures?

The Honourable Shri Jalramdas Doulatram: All steps are being taken in all directions to help to increase the feed of cattle and their quality.

ENCOURAGEMENT OF TOURIST TRAFFIC FROM ABROAD

421. *Shri M. Ananthasayanam Ayyangar: (a) Will the Honourable Minister of Transport be pleased to state what steps have been taken to stimulate tourist traffic in this country from abroad?

(b) Do Government propose to consider the setting up of an organisation for propaganda and publicity abroad for this purpose?

(c) What assistance are Government willing to give to the hotel trade in this country in stimulating the tourist traffic by publicity and effort by private parties?

(d) Do Government contemplate encouraging journals for propaganda and publicity regarding the attractions of India for the tourist?

The Honourable Dr. John Matthai: (a) Government have recently taken steps to set up a committee consisting of officials and non-official representatives of the various interests concerned with the subject of tourist traffic and also to appoint a special officer to frame workable schemes for the development of tourist traffic at as early a date as possible.

(b) to (d). Government will consider these matters while working out schemes for the development of tourist traffic.

Shri H. V. Kamath: Does Government think that, so long our transport arrangements and facilities are not adequate and efficient, tourists will be attracted to this country?

The Honourable Dr. John Matthai: That is as far as the immediate future is concerned. We have various difficulties in the country like transport, the food position and unsettled conditions generally. But all this is no reason for postponing indefinitely the making of investigations on the subject.

Shri M. Ananthasayanam Ayyangar: Arising out of the answer to part (c) of the question so far as the hotel trade is concerned *vis a vis* refreshment rooms and catering all along the railway line, is there any proposal to take over this business departmentally and run it for better service?

The Honourable Dr. John Matthai: That is a question that does not necessarily arise in connection with tourist traffic. It has been raised over and over again with regard to railway passenger traffic. That matter has been separately under consideration for some time.

Prof. N. G. Ranga: Is it not a fact that a similar question was put by Mr. B. Shiva Rao more than six months ago and a similar answer was given that investigations were being made.

The Honourable Dr. John Matthai: We have made progress to this extent that an *ad hoc* committee is going to be set up immediately and we are also going to appoint a Special Officer to work out schemes in consultation with this Committee.

MANUFACTURE OF GLIDERS

422. ***Shri H. V. Kamath:** Will the Honourable Minister of Communications be pleased to state:

- (a) how many factories there are in India for the manufacture of gliders;
- (b) how many gliders have been made in India up to date;
- (c) whether Government propose to encourage gliding as a sport with a view to making our youth airminded; and
- (d) if the answer to part (c) above be in the affirmative, the steps Government have taken or propose to take in that direction?

The Honourable Mr. Rafi Ahmad Kidwai: (a) There is no regular factory in India at present for the manufacture of gliders, but the Government of Baroda have set up an organisation on an experimental basis under the direction of their Department of Industries and Commerce at which the development of two or three types is being attempted.

(b) None, except that four units have been completed by the Baroda organisation which have yet to prove themselves in the air.

(c) Yes.

(d) Government have decided to grant a subsidy to the Indian Gliding Association, Bombay, to enable it to reorganise its activities.

Shri H. V. Kamath: Is the factory referred to by the Honourable Minister still functioning, or has it been dismantled?

The Honourable Mr. Rafi Ahmad Kidwai: We have not received any information that it has been closed down.

Shri H. V. Kamath: Who is in charge of the factory?

The Honourable Mr. Rafi Ahmad Kidwai: I do not know.

Mr. Speaker: Order, order. I think this question relates to internal administration.

Shri H. V. Kamath: Is not this under the Government of India?

Mr. Speaker: No. It is run by the State.

The Honourable Mr. Rafi Ahmad Kidwai: By the Industry and Commerce Department of the State.

Shri H. V. Kamath: How many gliders have been manufactured?

The Honourable Mr. Rafi Ahmad Kidwai: Only four.

Shri H. V. Kamath: There is no other factory in India which manufactures gliders?

The Honourable Mr. Rafi Ahmad Kidwai: No.

FOREIGN TECHNICIANS FOR SYNTHETIC PETROL INDUSTRY

423. *Shri H. V. Kamath: Will the Honourable Minister of Industry and Supply be pleased to state:

(a) how many foreign technicians have been imported into India in connection with the manufacture of synthetic petrol;

(b) to what nationalities they belong, and how many of each such nationality; and

(c) other measures taken by Government so far towards the promotion of synthetic petrol industry?

The Honourable Dr. Syama Prasad Mookerjee: (a) In pursuance of an agreement entered into by the Government of India with Messrs. Koppers Inc., Pittsburgh, Pa., U.S.A., for the preparation of a report on the possibility of manufacturing synthetic oil from coal, seven foreign technicians of the Company have visited India for studying conditions on the spot.

(b) They are all nationals of the U.S.A.

(c) A study of this question has also been undertaken in association with the National Petroleum Institute of France. Negotiations are afoot for bringing out one or two German specialists to advise Government on the reports of the consultants.

Shri H. V. Kamath: Is this Koppers of Pittsburgh the same firm as the Koppers of Essen in Germany?

The Honourable Dr. Syama Prasad Mookerjee: Koppers of Germany have now ceased to exist and most of the German technicians who used to work in Germany are now working in the United States. One of them who was mainly responsible for this synthetic petroleum scheme in Germany has been entrusted with the task of examining the Indian project.

Prof. Shibban Lal Saxena: Have any results been achieved so far and are there any prospects of obtaining oil in this country?

The Honourable Dr. Syama Prasad Mookerjee: The whole matter is now being examined. The experts are moving about in the areas and after we get their report, we shall take further action.

Shri H. V. Kamath: Are any negotiations afoot for the import of Czechoslovak experts or French experts for the manufacture of Synthetic petrol in this country?

The Honourable Dr. Syama Prasad Mookerjee: As I said we are negotiating with a French Company and they will examine the matter independently. So far as the German experts are concerned, they are mostly associated with Koppers in America.

Shri H. V. Kamath: Which countries of the world produce large quantities of synthetic petrol?

The Honourable Dr. Syama Prasad Mookerjee: The United States is doing it on some scale. But it was done on a big scale in it Germany and Japan.

Shri H. V. Kamath: What about the U.S.S.R.?

Shri Biswanath Das: Are Government aware of the fact that the Government of Orissa have taken a definite step in this direction, and may I know what help Government proposes to render to them in this regard?

The Honourable Dr. Syama Prasad Mookerjee: In fact the enquiry which we are now making from the French company is being done with the co-operation of the Orissa Government, which along with a private party will bear the necessary expenses.

Shri H. V. Kamath: How much of the total world production of petrol does India consume?

The Honourable Dr. Syama Prasad Mookerjee: It must be a very small percentage.

Shri H. V. Kamath: What is the Government's expectation as regards the manufacture of synthetic petrol in this country? How much can India produce?

The Honourable Dr. Syama Prasad Mookerjee: We are now proceeding on a basis of producing 100,000 tons (*Several Honourable Members:* "Gallons"?) of synthetic petrol. This of course it may not be possible to produce immediately but it may be done in three or four stages.

CONSTRUCTION OF JUBBULPORE RAILWAY STATION

424. *Seth Govind Das: (a) Will the Honourable Minister of Railways be pleased to state why construction work of the Jubbulpore Railway Station was not taken in hand, when this item was included in the budget proposals?

(b) Are Government aware that there is only one platform at Jubbulpore railway junction and that the public are put to inconvenience consequently?

The Honourable Dr. John Matthai: (a) The work of Remodelling and New Station Premises at Jubbulpore could not be included in the 1948-49 Works Programme of the G. I. P. Railway, as the plans were not finalised.

(b) Government are aware that there is only one passenger platform. When the yard is remodelled, additional facilities will be provided.

Seth Govind Das: Is it not a fact that while replying to this question last year the Honourable Minister promised that the construction of that railway station would be taken in hand immediately and eight lakhs have been budgetted for that purpose?

The Honourable Dr. John Matthai: There was some unavoidable delay in the finalisation of the plans, which has resulted in the present position. I may perhaps tell the honourable member that even when the plans have been finalised, in view of the scarcity of materials, it may not be possible for us to take this work in hand as soon as the honourable member would like it.

Seth Govind Das: May I know by what time the Honourable Minister expects that he will be able to take up this work on hand?

The Honourable Dr. John Matthai: I am afraid I am not in a position to give a definite answer. I have to determine relative priorities of matters of this kind.

CONSTRUCTION OF PLATFORMS AT SAUGOR RAILWAY STATION

425. *Seth Govind Das: (a) Will the Honourable Minister of Railways be pleased to state whether Government are aware that there is only one platform in Saugor Railway station and that too on the wrong side of the city?

(b) In view of the existence of the Saugor University there, do Government propose to consider the question of construction of platform on the right side of the city to avoid inconvenience to the public?

The Honourable Dr. John Matthai: (a) A station platform is provided at Saugor, but on the side of the line remote from the city.

(b) The question of remodelling the Station yard and locating the Station building and platform on the city side of the line is under consideration.

Seth Govind Das: Is it not a fact that this matter has been under consideration for many years now?

The Honourable Dr. John Matthai: It has been under my consideration I think for about three months now.

Seth Govind Das: Does the Honourable Minister not remember when I asked this question about a year ago he himself told me that the matter was under consideration? It is not a matter of three months.

The Honourable Dr. John Matthai: As a matter of fact I asked the General Manager of the G.I.P. Railway, as soon as the honourable member brought this matter to my notice, to make an investigation and during the past three months we have been actively concerned with the matter and as a result the conclusion that we have reached at present is that the station should be resited. But then the question as to when we shall be able to take the work in hand is a matter on which I am not in a position yet to arrive at a decision.

Shri Biswanath Das: Will the Honourable Minister please state how long since has this very question been pending in the hands of his predecessor or predecessors?

The Honourable Dr. John Matthai: Since my predecessor, whoever he was, gave an answer to the House on this matter the situation with regard to the position of building materials has altered so radically that it has necessitated a fundamental reconsideration of this problem as also similar problems.

APPOINTMENT OF INTERMEDIARIES BETWEEN COOLIES AND RAILWAY STAFF

426. *Seth Govind Das: (a) Will the Honourable Minister of Railways be pleased to state whether the policy of Government in not keeping intermediaries between coolies and the railway staff still exists?

(b) Is there any such intermediary appointed in Jubbulpore Railway Station?

(c) Are Government aware of the assurance given during the last session of this Assembly that the same if any, would be done away with and the whole matter looked into?

(d) What steps have been taken in this respect?

The Honourable Dr. John Matthai: (a) Yes. The policy of the Government is to eliminate contract-labour involving the existence of an intermediary and, in the few cases where very strong reasons exist for continuing this system, to secure for contract labour, conditions of work pay and other rights exactly similar to those enjoyed by workers recruited and paid directly by Railways.

(b) Yes.

(c) and (d). The honourable member is presumably referring to the assurance of a review of the whole position given by Sir Edward Benthall at the Budget Session of 1946 in reply to his starred question No. 354 on 19th February, 1946. This review was made in consultation with the Ministry of Labour and a scheme for direct recruitment of licensed porters drawn up and circularised to Indian Government Railways with instructions that each railway which entrusted the licensing of porters to contractors or Jamsadar should experiment at one large station for a period of six months with a system of direct recruitment and thereafter report to the Railway Board, with recommendations.

Final reports on the experiment have not so far been received from any railway. On receipt of these reports, the matter will be reviewed and a decision taken on whether or not to place the scheme on a permanent footing.

Seth Govind Das: Is it not a fact that at the station which I have mentioned there was no such intermediary two years ago? Under these circumstances why is it not possible for the Government to do away with this system when the policy of the Government is to remove all the intermediaries?

The Honourable Dr. John Matthai: As I said, in view of the recommendations which have been made to us by the Ministry of Labour, what we have decided to do is to ask each of the railways to make an experiment with one large station. As far as the G.I.P. Railway is concerned the experiment has been made at Poona. I think it has gone on for six months and I am expecting a report on that. On receipt of that report I shall have the matter examined with reference to other stations on the G. I. P. Railway.

Shri B. Shiva Rao: May I know if the Honourable Minister would consider giving some amenities to this exploited class of workers in regard to regular hours of work and resting places at big stations?

The Honourable Dr. John Matthai: I have already said in answer to this question that our policy is, as far as possible, to replace the existing system of contract labour by a system of direct recruitment and if for any reason we find that in any particular station it is not possible to carry out this policy, to continue the existing contract system, with conditions of work, etc. on as equal a footing with directly recruited labour as possible.

Seth Govind Das: Is it not a fact that from the particular station which I have mentioned even the railway authorities of that station have sent repeated requests to the Government asking them to abolish this intermediary system?

The Honourable Dr. John Matthai: I have already told the honourable member what the policy of the Government is in regard to this matter.

Seth Govind Das: As far as the policy of the Government is concerned I am satisfied but where is the difficulty in abolishing this system at a station where the system did not exist two years ago and from where the station authorities have sent repeated requests to the Government to remove these intermediaries from that station?

The Honourable Dr. John Matthai: The opinion of railway officers is one matter but the policy of the Government based on wider considerations is quite another matter. I am in sympathy with the honourable member as far as this question is concerned but I want to have a fuller examination, which I am conducting in the form of experiments at large stations.

Prof. N. G. Ranga: Who was responsible for introducing these intermediaries at Jubbulpore station? Has any enquiry been made as to why this system was introduced? Will Government see if

Mr. Speaker: Shri Tirumala Rao.

Shri B. Tirumala Rao: Is it not a fact that at Howrah Station the Bird and Co. enjoys a monopoly for the last twenty years in handling goods.

Mr. Speaker: That will not arise out of this question, which relates to Jubbulpore.

Prof. N. G. Ranga: It arises out of the answer to part (a).

Shri B. Tirumala Rao: I want to know how far this policy of the Government applies to Howrah station where Messrs Bird and Co. has been enjoying a monopoly.

The Honourable Dr. John Matthai: I shou'd like to have notice of that question.

TELEGRAPH WORKSHOP, JUBBULPORE

427. *Seth Govind Das: (a) Will the Honourable Minister of Communications be pleased to refer to the promise made by him during his last visit to Jubbulpore that the telegraph workshop would be extended at Jubbulpore itself?

(b) Is there any proposal now to shift the same to Bangalore?

(c) If so, why is this change proposed?

(d) What steps are being taken to implement the said promise?

The Honourable Mr. Rafi Ahmad Kidwai: (a) and (b). There is no intention of shifting the Telegraph Workshop to Bangalore:

(c) and (d). Do not arise.

Seth Govind Das: Is it not a fact that in that very workshop it was proposed to construct the telephone factory which it is now proposed to construct in Bangalore?

The Honourable Mr. Rafi Ahmad Kidwai: The question was about the telegraph workshop.

Seth Govind Das: What I mean is that in that very telegraph workshop was it not proposed that the telephone factory was going to be set up?

The Honourable Mr. Rafi Ahmad Kidwai: No.

Seth Govind Das: What was the purpose of the Honourable Minister's visit to Jubbulpore at that time when the construction of this telephone factory was being taken in hand?

The Honourable Mr. Rafi Ahmad Kidwai: The purpose was to find a building to locate the telephone workshop.

Seth Govind Das: And was it not decided at that time that the telephone workshop was to be constructed in Jubbulpore?

The Honourable Mr. Rafi Ahmad Kidwai: But the building that I went to visit was not available.

Seth Govind Das: Did the Honourable Minister receive any representation in this connection from the Central Provinces Government?

The Honourable Mr. Rafi Ahmad Kidwai: I do not think the Government of the Central Provinces was interested in it.

Shri S. V. Krishnamurthy Rao: How many telegraph workshops are there in India?

The Honourable Mr. Rafi Ahmad Kidwai: Three departmental workshops— one in Calcutta, another in Jubbulpore and third in Bombay.

Seth Govind Das: May I know the reasons why the former proposal of locating this telephone workshop at Jubbulpore has been abandoned and why it has now been decided to have this workshop at Bangalore?

The Honourable Mr. Rafi Ahmad Kidwai: As the building selected was not handed over to us by the Defence Department we had to go elsewhere.

Pandit Balkrishna Sharma: Is it a fact that Kanpur also made representations to the Honourable Minister?

The Honourable Mr. Rafi Ahmad Kidwai: The honourable member spoke to me about it.

Seth Govind Das: Is it not a fact that when the Defence Department was not ready to give the particular place which had been selected by the Honourable Minister, the Central Provinces Government proposed that they were ready to give ample land for this purpose elsewhere in Jubbulpore?

The Honourable Mr. Rafi Ahmad Kidwai: The honourable member spoke to me about it day before yesterday.

AIR SERVICE *via* JUBBULPORE AND CONSTRUCTION OF AERODROME

428. *Seth Govind Das: (a) Will the Honourable Minister of Communications be pleased to state whether Government are aware that a bi-weekly air service is in operation touching Jubbulpore and that construction of a new aerodrome at Jubbulpore is under the active consideration of Government?

(b) If so, is there any proposal to make the present bi-weekly air service into a daily service and if not, why not?

The Honourable Mr. Rafi Ahmad Kidwai: (a) A twice weekly air service is in operation between Nagpur and Lucknow *via* Jubbulpore, Allahabad and Kanpur. An aerodrome already exists at Jubbulpore and there is at present no proposal for the construction of another.

(b) There is at present no proposal to increase the frequency of the air service to daily. If there is sufficient traffic to warrant a daily service, the Company operating the service will doubtless approach the Air Transport Licensing Board in the normal manner.

Seth Govind Das: Is it not a fact that the present aerodrome at Jubbulpore is about thirteen miles from the city?

The Honourable Mr. Rafi Ahmad Kidwai: I accept the honourable member's statement.

Seth Govind Das: Does the Honourable Minister remember the promise, which he made last time when I asked a similar question, that a new aerodrome nearer the city would be constructed in Jubbulpore?

The Honourable Mr. Rafi Ahmad Kidwai: When I was at Jubbulpore some people spoke to me about it and I said that if the Provincial Government would help us by giving us the land we would consider it.

Prof. N. G. Ranga: When will the service Delhi-Jubbulpore-Madras begin?

The Honourable Mr. Rafi Ahmad Kidwai: There is already a Delhi-Madras service.

Prof. N. G. Ranga: I am asking about the service *via* Jubbulpore.

The Honourable Mr. Rafi Ahmad Kidwai: A licence has already been given to the Jupiter Service for the Madras-Vizagapatam-Jubbulpore-Delhi service and I hope it will not take long for them to start that service.

Seth Govind Das: Will it be only a service twice a week as is obtaining at present or will it be a daily service?

The Honourable Mr. Rafi Ahmad Kidwai: That depends upon the traffic.

Shri H. V. Kamath: Arising out of the answer to part (b) of the question, on what grounds does the Honourable Minister base his view that the traffic between Jubbulpore and Delhi is not adequate enough to warrant the increase of air service?

The Honourable Mr. Rafi Ahmad Kidwai: I said nothing about the traffic between Delhi and Jubbulpore.

Shri H. V. Kamath: The Honourable Minister said "If there is more traffic we will extend the service".

Mr. Speaker: That does not necessarily involve the implication; that there is no traffic they will have experimental trials.

**APPOINTMENT OF SUPERINTENDENT OF WATCH AND
WARD ON B. N. RAILWAY**

429. *Shri V. C. Kesava Rao: Will the Honourable Minister of Railways be pleased to state whether it is a fact that a post of the Superintendent of Watch and Ward on the Bengal Nagpur Railway was filled up without the approval of the Federal Public Service Commission and offered to a non-Indian who had no substantive appointment as a subordinate?

The Honourable Dr. John Matthai: The reply is in the negative.

PRINTING OF GANDHI MEMORIAL STAMPS IN SWITZERLAND

430. *Shri B. Das: (a) Will the Honourable Minister of Communications be pleased to state whether it is a fact that the Gandhi Memorial Stamps were printed in Switzerland as reported in the *Hindustan Times*, dated 16th July, 1948?

(b) What was the price paid to the Swiss firm for this printing?

(c) What was the special reason for not placing the order for it in India?

(d) Was the Security Printing Press of the Government of India allowed to tender for this order and if so, what was the ground for rejecting such tenders?

(e) What was the Customs duty paid and incidental expenses incurred on this stamp consignment from Switzerland?

The Honourable Mr. Rafi Ahmad Kidwai: (a) Yes.

(b) Rs. 96,153-14 only.

(c) As most of the postage stamps used by the various countries in the world are produced by photogravure process and as no arrangements for printing stamps in India by that process were available, the stamps were printed in Switzerland. As stamps with Mahatma Gandhi effigy were bound to be in demand all over the world, it was considered desirable to get them printed by photogravure process.

(d) No, because the Nasik Press is not equipped for printing stamps with the photogravure process.

(e) A sum of Rs. 18-8 was paid as Customs duty and incidental expenses amounted to Rs. 34,962-1-9 only.

Shri B. Das: Do Government intend to start the photogravure process at the Nasik Government Press so that in future they do not have to place orders for memorial stamps outside this country?

The Honourable Mr. Rafi Ahmad Kidwai: I understand that the printing machine was ordered a few years ago and there is no knowing as to when it will be available.

Shri H. V. Kamath: Where was it ordered from—from which country?

The Honourable Mr. Rafi Ahmad Kidwai: I do not know, Sir.

Shri K. Santhanam: May I know if the Honourable Minister will try to get the equipment from Switzerland and itself?

The Honourable Mr. Rafi Ahmad Kidwai: As I said, the order has already been placed and I am told that the machine will be delivered in the course of the next year or so.

Shri Ajit Prasad Jain: What is the total value of the memorial stamps printed?

The Honourable Mr. Rafi Ahmad Kidwai: I require notice of that question. I may say that 32,000,000 stamps were printed.

Shri H. V. Kamath: Have any reminders been issued to the Government of the country whence the machine has been ordered?

The Honourable Mr. Rafi Ahmad Kidwai: I think the question should be put to the proper Department.

Shri H. V. Kamath: Which is the proper Department?

An Honourable Member: Industry and Supply.

Mr. Speaker: Next question.

RISE IN PRICE OF SUGAR AFTER DECONTROL

431. *Shri Basanta Kumar Das: Will the Honourable Minister of Food be pleased to state:

(a) whether Government have enquired into the causes of the high prices of sugar since its decontrol; if so, what these causes are;

(b) what steps Government have taken or are prepared to take to bring down the prices to a reasonable level;

(c) whether it is a fact that the Sugar Syndicate released for sale during the first six months of the year only 85 per cent of the total output and created an artificial demand causing high prices; and

(d) if the answer to part (c) above be in the affirmative, what steps Government have taken to set matters right?

The Honourable Shri Jairamdas Doulatram: (a) The Government of India are aware of the causes of high price of sugar since its decontrol. These are mainly (i) high price of sugarcane paid to the growers in U. P. and Bihar, (ii) increased cost of labour, and (iii) higher manufacturing cost.

(b) Government are at present actively engaged in considering the steps to be taken to bring down the prices of all essential commodities which have, of late, risen giving cause for anxiety. Sugar is also an essential commodity and it will not escape the attention of Government. But the sugar available for consumption in 1948 was produced from cane in the 1947-48 season which was paid for by the factories at a high price. It is, therefore, not easy directly to reduce the sugar price to any material extent except towards the end of the current year when fresh cane will be available for crushing.

(c) By the end of June 1948, fifty-five per cent. of the production of U. P. and Bihar factories had been released for sale.

(d) Does not arise.

Mr. Tajamul Husain: In view of the fact that the price of sugar has increased after decontrol, do Government propose to control it again; and if not why not?

The Honourable Shri Jairamdas Doulatram: The whole question of high prices is under consideration and it will not be possible to state anything definite at this stage.

Mr. Tajamul Husain: May I know how long Government will take to consider the matter and come to a final decision?

The Honourable Shri Jairamdas Doulatram: In the shortest possible time.

Shri K. Santhanam: Has the Honourable Minister assured himself that all cane bought in the last season was bought at rupees two per maund?

The Honourable Shri Jairamdas Doulatram: I assume so.

Shri K. Santhanam: Has he made any enquiries?

The Honourable Shri Jairamdas Doulatram: I am prepared to make enquiries if specific information about any factory is given.

Shri K. Santhanam: Is the Honourable Minister aware that it was only on the basis of rupees two per maund for cane that this price of rupees thirty-five was fixed?

The Honourable Shri Jairamdas Doulatram: Yes.

Mr. Hossain Imam: Is there any proposal to reduce the price of sugarcane?

The Honourable Shri Jairamdas Doulatram: This question also will have to be examined before the end of the year.

Shri Ajit Prasad Jain: What is the increase in the production of sugar as a result of the rise of prices?

The Honourable Shri Jairamdas Doulatram: I would not be able to say straight off.

Prof. Shibban Lal Saksena: Is the Honourable Minister aware that one of the causes for the high prices of sugar is the existence of the Indian Sugar Syndicate which prohibits all competition between sugar factories?

The Honourable Shri Jairamdas Doulatram: To some extent that may be a cause; but there are factories in India which are not covered by the Syndicate but which also are producing sugar.

Pandit Hirday Nath Kunzru: How far has the high price of sugar affected the cultivation of foodgrains?

The Honourable Shri Jairamdas Doulatram: I cannot state definitely, but it has had some effect in U. P.

Pandit Hirday Nath Kunzru: Is it a fact that the area under sugarcane cultivation has increased and that under food crops has decreased?

The Honourable Shri Jairamdas Doulatram: That has happened, I think, in parts of U. P.

Pandit Hirday Nath Kunzru: Is the Honourable Minister trying to ascertain full facts with regard to this matter?

The Honourable Shri Jairamdas Doulatram: The full facts will be enquired into and suitable action considered.

Babu Ramnarayan Singh: Has the Government ever enquired who has benefited owing to this high price?

The Honourable Shri Jairamdas Doulatram: I suppose everybody except the consumer.

Prof. Shibban Lal Saksena: Will the Government consider the desirability of abolishing the syndicates in order to restore free competition between factories so that prices may come down?

The Honourable Shri Jairamdas Doulatram: I think there are certain advantages in having some kind of an organisation like this, but if there are defects in it they may be considered and remedied.

Shri Prabhudayal Himatsingka: Is the Government aware that all the factories were in the syndicate because U. P. and Bihar passed laws that no factory would be allowed to crush without being a member of the syndicate?

The Honourable Shri Jairamdas Doulatram: It was so.

Shri H. V. Kamath: How much of our sugar has found its way into Pakistan during the last six months?

The Honourable Shri Jairamdas Doulatram: I cannot say, but I think about 5,000 tons.

Shri H. V. Kamath: At what price was it sold to Pakistan?

The Honourable Shri Jairamdas Doulatram: It was not sold as a Government arrangement. It was sold by the parties; I could not give the price but I suppose it must have been sold at the same price.

श्री मोहन लाल गौतम : क्या यह वाक्या है कि अगर सिंडीकेट तमाम शुगर Sugar रिलीज (release) करदे तो शुगर की कीमत ३२ रुपये मन तक आ जाय ?

Shri Mohanlal Gautam: Is it a fact that if the Sugar Syndicate releases the entire stock of sugar, then its price will come down to Rs. 32/- per maund?

आनरेबिल श्री जयरामदास दौलतराम : हो सकता है

The Honourable Shri Jairamdas Doulatram: This is possible.

Shri B. P. Jhunjhunwala: What is the difference in price between imported sugar and the price of Indian sugar?

The Honourable Shri Jairamdas Doulatram: Very substantial difference.

Shri B. P. Jhunjhunwala: What percentage?

The Honourable Shri Jairamdas Doulatram: I could not tell you.

Shri M. Tirumala Rao: Is it a fact that the Sugar Syndicate concentrates on accumulating as much profits as possible for the factory owners rather than seeing that equitable and honest distribution is made throughout the country?

Mr. Speaker: Order, order. The question contains a lot of inferences.

Pandit Hirday Nath Kunzru: Is the need for bringing down the prices of foodstuffs generally also under the consideration of the Government in connection with the question of reducing the price levels?

The Honourable Shri Jairamdas Doulatram: That question also will be under consideration.

Pandit Hirday Nath Kunzru: By what time may a decision be expected?

The Honourable Shri Jairamdas Doulatram: I think in the course of the next few weeks if not earlier.

Pandit Hirday Nath Kunzru: Will the House be informed of the lines on which Government propose to act, when the debate on the Resolution relating to control of prices takes place on the 30th inst.?

The Honourable Shri Jairamdas Doulatram: I suppose on that broader question of policy it is better for the Prime Minister to say something. All that I can say is that as soon as Government comes to a decision on important matters it certainly will be communicated to the House in some suitable manner.

Shri M. Ananthasayanam Ayyangar: If the Government are considering for reducing the agricultural prices, have they also considered the necessity for reducing the prices of agricultural implements, seeds, etc.?

The Honourable Shri Jairamdas Doulatram: That will be considered, but I do not suppose a decision on those points will be easy.

Shri M. Ananthasayanam Ayyangar: If on the one side prices of agricultural products are reduced without a reduction in prices of implements and seeds, have the Government considered the fact that agriculturists may once again be going into indebtedness?

The Honourable Shri Jairamdas Doulatram: That fact will have to be considered, but some times these implements are made in villages—it is difficult to control the prices of all those village-made articles.

Prof. N. G. Ranga: Does this consideration which Government is said to be giving to the question of prices, also comprehend the possibility of reducing the incomes and earnings of the professional class and other urban classes?

The Honourable Shri Jairamdas Doulatram: I suppose all aspects will be considered because Government represents the interests of everybody.

**AIR PASSAGE TO MR. BEAUMONT, PRIVATE SECRETARY TO
SIR WALTER MONKTON, NIZAM'S ADVISER**

†432. ***Srijut Kuladhar Chakha:** Will the Honourable Minister of Communications be pleased to state.

(a) whether Government are aware that Mr. Beaumont, Private Secretary to Sir Walter Monkton, Adviser to His Exalted Highness the Nizam of Hyderabad, was given an air passage on credit to London by the Civil Aviation Department, and

(b) if so, who will pay the fare?

The Honourable Mr. Rafi Ahmad Kidwai: (a) The Civil Aviation Department of the Government of India did not give any air passage on credit to Mr. Beaumont.

(b) Does not arise.

REPAIR OF ROWRIAH AERODROME

†433. ***Srijut Kuladhar Chakha:** Will the Honourable Minister of Communications be pleased to state;

(a) whether the aerodrome at Rowriah (Jorhat) has been repaired and the Tower duly built;

(b) whether there is any officer of the Central Public Works Department to look after the aerodrome and if so, what his functions there are; and

(c) whether there is any supervision of the work of the Officer by any Superior Officer and if so, where the Headquarters of the latter are?

The Honourable Mr. Rafi Ahmad Kidwai: (a) The runway at Rowriah (Jorhat) is in serviceable condition. The surface requires some repairs which will be carried out shortly. No new control Tower has been built but the existing Tower has been repaired.

(b) An Overseer of the Central Public Works Department looks after the aerodrome. His duties are the supervision of the maintenance works at Jorhat and Manipur Road.

(c) The work of the Overseer is supervised by the Sub-Divisional Officer at Mohanbari (Dibrugarh).

†Answer to this question laid on the table, the questioner being absent.

TELEPHONE LINK BETWEEN SILIGURI AND UPPER ASSAM

†434. *Srijut Kuladhar Chaliha: Will the Honourable Minister of Communications be pleased to state whether the telephone link from Siliguri to Upper Assam has been completed and if so, when?

The Honourable Mr. Raf Ahmad Kidwai: The telephone link from Siliguri to Upper Assam was completed on 30th January, 1948.

RAILWAY LINK BETWEEN SILIGURI AND GOLOOKGANJ, ASSAM

†435. *Srijut Kuladhar Chaliha: Will the Honourable Minister of Railways be pleased to state whether the construction of the Railway link between Siliguri and Golookganj (in Assam) has been started and if so, when the link will be completed?

The Honourable Dr. John Matthai: The work on the Assam Rail Link Project is well in hand. It is expected to open direct rail connection to Assam early in 1950.

ROAD LINK BETWEEN SILIGURI AND GOLOOKGANJ, ASSAM

†436. *Srijut Kuladhar Chaliha: Will the Honourable Minister of Transport be pleased to state whether the road from Siliguri to Golookganj (in Assam) has been completed and the bridges built, and whether it is possible for buses and lorries to use the road?

The Honourable Dr. John Matthai: A tarred and fully bridged road runs from Siliguri to Cooch-Bihar. From Cooch-Bihar to Golookganj a singled road has been constructed now. Except across three major rivers (Kaljani, Gaddhar and Raidak) bridges have been constructed. Across these three major rivers, ferries have been installed. Buses and lorries upto three tons could use the road.

DEPLOABLE CONDITION OF CERTAIN RAILWAY STATIONS IN ASSAM

†437. *Srijut Kuladhar Chaliha: Will the Honourable Minister of Railways be pleased to state:

(a) whether the Honourable Minister has inspected the Assam Railways during last twelve months and whether he has visited Assam; and

(b) whether Government are aware of the deplorable conditions of stations mainly Gauhati, Chaparmukh, Lumding, Moriani, Simolguri, Tinsukil?

The Honourable Dr. John Matthai: (a) I have not been able to visit Assam yet but hope to do so before long.

(b) It cannot be said that the condition of these stations is deplorable although it is true that there is room for improvement.

TRAVEL BY RAILWAY OFFICIALS IN UPPER CLASSES

†438. *Srijut Kuladhar Chaliha: Will the Honourable Minister of Railways be pleased to state whether Government are aware that Railway officials not entitled to travel in upper class invariably do so to the inconvenience of other passengers?

The Honourable Dr. John Matthai: The Government are not aware that railway officials not entitled to travel in upper class invariably do so to the inconvenience of other passengers.

† Answer to this question laid on the table, the questioner being absent.

FREE PASSES FOR RAILWAY EMPLOYEES ON BASIS OF PAY

489. *Shri Damodar Swarup Seth: Will the Honourable Minister of Railways be pleased to state :

(a) whether it is a fact that the limits of pay for determining the class for issue of free railway passes to subordinates on Government Railways have recently been revised to remove the congestion likely to be caused in the second and inter classes by the increase in the scales of pay introduced with effect from 1947;

(b) whether the employees who have since retired are allowed to continue to get the classes they used to get at the time of their retirement;

(c) whether Government are aware that the new orders have adversely affected even many of the employees who were getting second and inter-classes for some years past as per their existing pay in the old scale;

(d) whether Government propose to exempt the employees referred to in part (c) above from the operation of the new orders; and

(e) the reasons for not changing the limits of pay for the grant of first class passes so as to bring it to the level fixed for officers of other departments and for not restricting the use of reserved carriages to make more room available for the public?

The Honourable Dr. John Matthai: (a) Yes.

(b) Railway employees who retired on or before 31st December, 1946, are being allowed the same classes of passes as they were entitled to previously, but those who retired after that date are now governed by the revised pass rules.

(c) Yes, in some cases.

(d) No.

(e) There is at present no disparity in the class of travel in favour of Class I Railway Officers as against the other Civil Officers such as those belonging to the Indian Civil Service, Indian Police Service, Indian Forest Service, Indian Educational Service, Indian Audit and Accounts Service and the Indian Medical Service. So far as Class II Railway Officers are concerned, they are also entitled to 1st class passes, while the Civil Gazetted Officers other than those mentioned above and drawing less than Rs. 750/- P.M. are entitled to 2nd class travel. Unlike other classes there has been no increase in the number of first class pass holders as a result of the Central Pay Commission Scales, while the congestion in I class has considerably diminished if not altogether eliminated. There was, therefore, no reason to interfere with the pass rules which have been in force for I class passes ever since the railways came into existence.

Mr. Frank Anthony: Sir, since Government has allowed pre-1981 railway employees to continue in their old scales of pay, will Government consider extending the same benefit to old employees in the matter of travel passes?

The Honourable Dr. John Matthai: The main ground on which it became necessary for us to alter the class of passes in respect of a considerable number of our employees is simply the fact that as the result of the introduction of the scales of pay proposed by the Pay Commission there would be a very much larger number of people who would be entitled to use passes in respect of higher classes. The result of that would be that as far as the intermediate and the second class are concerned, the accommodation which is now available would be largely taken up by people who are pass-holders, and in the interests of the public it became necessary for us to make this change.

Mr. Frank Anthony: Is not the class of travel enjoyed by a particular employee guaranteed to him under his contract with the Government?

The Honourable Dr. John Matthai: I am not aware of it.

Shri K. Santhanam: May I know, Sir, if in view of the decision of the Government to abolish the first class, the pass rules are being altered accordingly?

The Honourable Dr. John Matthai: They would be.

Seth Govind Das: May I know what is the difficulty, and the time which is required, for abolishing this first class, when the abolition has been announced about eighteen months ago?

The Honourable Dr. John Matthai: We have already taken steps in the matter. For example, when these upper class coaches come for repair or reconstruction, we are seeing to it that they are adapted in such a way as to fit in with the new scheme that we have accepted.

Seth Govind Das: May I know how many coaches have been now altered and the number of first class coaches now being used as second class coaches?

The Honourable Dr. John Matthai: There are some coaches which are now in workshops which are being fitted up on that basis.

Seth Govind Das: So there are no coaches on the lines at present which have been converted?

The Honourable Dr. John Matthai: Probably not.

Prof. Shibban Lal Saksena: Will the Government give the number of those railway employees who were entitled to higher class passes formerly and the number of railway employees who will be entitled to higher class passes under the new rules?

The Honourable Dr. John Matthai: I am prepared to compile the necessary figures, but I can tell the honourable member broadly that it is in respect of people who are drawing salaries of between Rs. 175/- and Rs. 250/- a month that this change has occurred.

Mr. R. K. Sidhva: When the first class is abolished may I know whether the highest railway fare will be that of the present second class?

The Honourable Dr. John Matthai: That is a matter yet for consideration.

Prof. Shibban Lal Saksena: Is the Honourable Minister aware that even people getting higher pay have been given passes of lower classes and that has created resentment among them?

The Honourable Dr. John Matthai: I am aware of the resentment that has been caused in this matter, among certain classes of employees but however much I felt myself in sympathy with them, in the public interest a decision of this kind was almost unavoidable.

Mr. Speaker: The Question Hour is Over.

(b) WRITTEN ANSWERS

RETIREMENT PASSES TO GRADE IV RAILWAY SERVANTS

440. ***Shri Damodar Swarnp Seth:** Will the Honourable Minister of Railways be pleased to state whether Government are aware that:

(a) grade IV servants are not entitled to retirement passes;

(b) retirement passes are granted to all other grades of servants except those referred to in part (a) above; and

(c) if so, the circumstances under which this differential treatment is allowed towards grade IV servants?

The Honourable Dr. John Matthai: (a) Yes.

(b) All other classes of staff with not less than twenty-five years service get a limited number of passes after retirement. Officers with not less than twenty years service are also entitled to a limited number of such passes.

(c) In view of the enormous numbers involved and the inevitable congestion in trains if passes are given, it will not be in the public interest to extend the concession to retired class IV employees.

GRANT OF RAILWAY PASSES AND PRIVILEGE TICKET ORDERS

441. *Shri Damodar Swarup Seth: (a) Will the Honourable Minister of Railways be pleased to state whether Government are aware that there is diversity in the rules for the grant of railway passes and privilege ticket orders framed by each Indian Government Railway?

(b) If so, do Government propose to standardise the rules?

The Honourable Dr. John Matthai: (a) and (b). The general rules for the grant of railway passes and privilege tickets orders are already uniform over all Indian Government Railways; even the old Company railways taken over in recent years have been subjected to the same general rules with effect from 1st March, 1948. There are, however, certain special types of passes such as School Passes; Hospital Passes; Passes to employees of Co-operative Societies attached to Railways; Bazar Passes, etc., issued by individual railways locally to suit local circumstances. The question of prescribing uniform rules to apply to all Indian Government Railways in these matters is already under examination of the Railway Board.

CYCLE STAND AT DELHI RAILWAY STATION.

442. *Shri Damodar Swarup Seth: Will the Honourable Minister of Railways be pleased to state why it is not possible for Government to run the cycle stand at Delhi Railway Station with their own staff?

The Honourable Dr. John Matthai: There is no case for the Railways undertaking such work.

ROBBERIES AND MURDERS IN RUNNING TRAINS

443. *Giani Gurmukh Singh Musafir: Will the Honourable Minister of Railways be pleased to state:

(a) whether Government are aware that incidents of robbery and murder during railway journeys have increased recently?

(b) whether Government are aware of the recent murder of Dewan Bahadur Pindi Das Sabharwal, the Chairman of the Army Commission, and his wife on Ludhiana-Ambala Section; and

(c) what specific measures Government propose to adopt with a view to safeguarding the life and property of the travelling public?

The Honourable Dr. John Matthai: (a) From such reports as are available, the indication is that cases of robbery and murder in railway trains have, in fact, decreased recently.

(b) Yes

(c) This Ministry has arranged with the Provincial Governments for the posting of Police escorts on certain trains as considered necessary, and also for keeping watch on Upper Class compartments, specially those reserved for ladies, by Government Railway Police Staff in conjunction with Railway Guards and Watch and Ward Staff. As an additional measure, Railways have arranged for checking up of safety fastenings in compartments and are also providing windows of lavatories of all compartments with iron bar fittings as the coaches pass through shops for periodical overhaul. The door latches are also being so fitted as to make it impossible to operate them from outside.

SCARCITY OF TICKETS ON E. P. RAILWAY STATIONS

444. *Giani Gurmukh Singh Musafir: Will the Honourable Minister of Railways be pleased to state:

(a) whether Government are aware of the inconvenience caused to the public, resulting from the scarcity of tickets, which still exists at the East Punjab Railway Stations;

(b) if the answer to part (a) above be in the affirmative, the reasons for such scarcity; and

(c) the steps so far taken or which are proposed to be taken hereafter in this matter?

The Honourable Dr. John Matthai: (a) Government is aware of the inconvenience that was caused to the public in connection with a temporary shortage of tickets that prevailed on the E. P. Railway some months ago. The position has, however, now improved considerably.

(b) The shortage of tickets was entirely due to the failure of the N. W. Railway (Pakistan) to supply to the E. P. Railway, their allocation of printing machines in accordance with the agreement arrived at prior to partition. The E. P. Railway had, therefore, to find ticket printing capacity elsewhere and is, thus, entirely dependent on supplies from other Railways and a few private presses.

(c) Journey tickets are now being printed by the Indian Railway Presses at Lucknow, Ajmer, Gorakhpur, Bombay and Calcutta, and arrangements are also in hand for such printing at Madras and Trichinopoly. Platform tickets and some journey tickets are also being printed in private presses at Calcutta and Delhi.

New ticket printing machines for the E. P. Railway are already on order in the U.K. and delivery is expected in the near future.

CENSUS OF PERSONS FOR TECHNICAL AND ADMINISTRATIVE POSTS

445. *Shri Lakshminarayan Sahu: Will the Honourable Minister of Industry and Supply be pleased to state what steps Government have taken or propose to take in connection with any existing or contemplated programme of national, economic and industrial reconstruction to prepare lists of persons available in the country to fill (i) posts on the technical side of various industries, e.g., engineering, textiles, chemical industries, such as, pottery, tanning, etc., and (ii) posts of administrative officers, with particulars of their previous experience?

The Honourable Dr. Syama Prasad Mookerjee: The Council of Scientific and Industrial Research are preparing a National Register of scientific and technical personnel with the help of the National Institute of Sciences. This Register will contain, as far as possible, information about the existing talent in the country in the various branches of science, medicine and engineering.

As regards requirements of administrative personnel, suitable material from the services and from industrial undertakings will be utilised from time to time, after such further training in business methods and management as may be deemed necessary. I do not think it is possible or necessary in this case to compile lists of available personnel.

SOURCE OF SUPPLY AND PRICE OF MATCH BOXES

446. *Dr. P. S. Deshmukh: (a) Will the Honourable Minister of Industry and Supply be pleased to state the sources from which India was obtaining match-boxes during the years 1945, 1946 and 1947?

(b) Has there been any change or deterioration in the supply of match-boxes?

(c) Have Government fixed any price for match-boxes?

(d) Are Government aware that in Delhi a match-box with forty sticks is being sold for one and a quarter annas?

(e) Have Government thought of stopping this? If not, do Government propose to do so?

The Honourable Dr. Syama Prasad Mookerjee: (a) From indigenous production.

(b) No, Sir.

(c) None, so far as the Central Government are concerned. They have no statutory control over the prices of this commodity.

(d) The information so far received by Government is that a Standard Match Box of fifty sticks is generally sold at one anna.

(e) Government will inquire further into the matter, and shall advise Provinces to take suitable action where necessary.

CONSTRUCTION OF AERODROME AT AMRAOTI

447. *Dr. P. S. Deshmukh: (a) Will the Honourable Minister of Communications be pleased to state whether there was any proposal for constructing a landing ground for aeroplanes at Amraoti in the Central Provinces?

(b) Are Government aware that Amraoti is an important centre of commerce and political activities?

(c) Are Government aware that it lies directly on the way from Delhi, via Indore and Hyderabad to Madras?

(d) Are Government aware that suitable ground is available at Amraoti for this purpose?

(e) If the construction work has not been already undertaken do Government propose to consider the construction of run-ways and halting and landing grounds for aeroplanes at Amraoti?

The Honourable Mr. Rafi Ahmad Kidwai: (a) No, Sir.

(b) Government are aware of the local importance of Amraoti in the Central Provinces. The question whether the traffic potential at Amraoti would justify the construction of an aerodrome there and the operation of an air service through the place was recently examined and it was considered that neither of these steps would be justified for the present. If the position changes, Government will always be prepared to reconsider their decision.

(c) Amraoti does not lie directly between Indore and Hyderabad; Akola which is directly on the way has been provided with an aerodrome which is proposed to be further developed.

(d) Does not arise.

(e) No, Sir.

BROADENING OF RAILWAY BRIDGE AT BADNERA

448. *Dr. P. S. Deshmukh: (a) Will the Honourable Minister of Railways be pleased to state whether Government have received any representations with regard to the broadening of the bridge at Badnera on the Bombay-Nagpur Railway line?

(b) Are Government aware that a very heavy motor, cart, cyclist and pedestrian traffic passes over it?

(c) Do Government propose to sanction the widening of this bridge and meet the public demand?

The Honourable Dr. John Matthai: (a) A representation was received in February 1948 from the Town Municipal Committee, Amraoti.

(b) and (c). The honourable member's attention is invited to the information laid on the table of the House in reply to parts (a) to (c) of his starred question No. 468 put on 1st December, 1947. The Government have nothing to add.

REPORT OF COMMITTEE FOR PROTECTION OF CATTLE

449. *Shri Ram Sahai: Will the Honourable Minister of Agriculture be pleased to state:

(a) as to when the Report of the Committee set up for the protection of cattle may be expected;

(b) the number and dates of meetings this Committee has held since it was first appointed; and

(c) how many more meetings are expected to be held?

The Honourable Shri Jairamdas Doulatram: (a) The Cattle Preservation and Development Committee finished its deliberations on the 19th August, 1948. The report of the Committee is expected shortly.

(b) The first meeting was held on the 18th, 19th and 20th February 1948 and the second on the 17th, 18th and 19th August, 1948.

(c) No more meetings are likely.

SMUGGLING OF TEXTILES FROM COCHIN HARBOUR TO KARACHI.

450. *Shrimati Dakshayani Velayudhan: (a) Will the Honourable Minister of Industry and Supply be pleased to state whether Government are aware of the regular smuggling of textiles which is taking place from Cochin Harbour to Karachi?

(b) Are Government aware that Cochin Government have arrested some textile merchants who are engaged in this contraband trade?

(c) If the answer to part (a) above be in the affirmative, what steps do Government propose to take in the matter?

The Honourable Dr. Syama Prasad Mookerjee: (a) to (c). The Central Government are not aware of any regular smuggling of textiles taking place from Cochin Harbour to Karachi. Enquiries have, however, been made from the Cochin Government and the information will be furnished to the honourable member when it is received.

CONTROL OVER PORTS IN STATES ON WESTERN COAST

451. *Shrimati Dakshayani Velayudhan: (a) Will the Honourable Minister of Transport be pleased to state whether Government have any control over the Ports situated in States on the West Coast of India, especially Travancore, Cochin and Kathiawar?

(b) In view of the possibility of contraband trade through these Ports to Pakistan, do Government propose to have a uniform policy regarding the ports and Harbours in the States and bring them under the control of the Government of India?

The Honourable Dr. John Matthai: (a) and (b). An answer to this question will be given by the Honourable Minister for States to whom it should have been addressed.

CONSTRUCTION OF RAILWAY LINE FROM KOVOUR TO POLAVARAM ON M. AND S. M. RAILWAY

452. *Prof. N. G. Ranga: (a) Will the Honourable Minister of Railways be pleased to state whether it is a fact that the Government of Madras or the Government of India have suggested the construction of a branch Railway from Kovour in West Godavari District (Madras and Southern Marhatta Railway) to Polavaram, where the Ramasadasager project is sought to be constructed with a view to facilitate the movement of heavy machinery needed for the development of this multipurpose project?

(b) If so, are Government considering the practical steps to construct the said railway line?

The Honourable Dr. John Matthai (a) The construction of a branch railway from Kovour to Polavaram has been suggested by the Madras Government.

(b) The method of financing the project and the alignment to be followed are still under consideration of the Government of Madras, whose final decision is awaited.

DETENTION OF ENGINES AND ROLLING STOCK OF JODHPUR RAILWAY BY PAKISTAN

453. *Shri Ajit Prasad Jain: (a) Will the Honourable Minister of Railways be pleased to state whether some engines and rolling stock of the Jodhpur Railway have been forcibly detained by the Government of Pakistan?

(b) What are the number and details of such engines and rolling stock?

(c) What is the book value of these engines and rolling stock?

(d) Have Government contacted the Government of Pakistan in this behalf?

The Honourable Dr. John Matthai: (a) Yes; and some of the stock belonging to other Railways.

(b) According to the latest information the rolling stock detained in Pakistan comprised: (i) six locomotives of the Jodhpur Railway, (ii) Thirty bogies and fourteen four wheeled coaching vehicles of the Jodhpur and one coaching vehicle of the B.B. and C.I. Railway, and (iii) 243 pooled wagons of which 46 are on the books of Jodhpur Railway and 197 on those of other Railways.

(c) The book value of all these engines, carriages and 243 Jodhpur wagons corresponding to the pooled wagons detained is estimated to be over rupees seventeen lakhs.

(d) The Government of India have taken up the matter through their High Commissioner at Karachi.

PROVISION OF LIGHTS IN INTER AND THIRD CLASS ON B. N. RAILWAY

454. *Shri Lakshminarayan Sahu: (a) Will the Honourable Minister of Railways be pleased to state whether Government are aware that there are no lights in Inter and Third class compartments of the Bengal Nagpur Railway passenger trains running from Howrah to Vizianagram and Puri?

(b) If so, what action do Government propose to take in the matter?

(c) Are Government aware that much inconvenience is caused to passengers for want of lights in the compartments and that robbery and molestation of women take place?

The Honourable Dr. John Matthai: (a) Yes. Government are aware that certain Inter and Third Class compartments of the Bengal Nagpur Railway trains on the sections mentioned by the honourable member occasionally run without lights.

(b) This has been due to the difficulty in obtaining necessary supplies of electric bulbs in the country caused by shortage of raw materials, labour unrest and civil commotion, particularly in the Calcutta area where the lamp factories are situated, and also to the difficulty in obtaining supplies from overseas against orders placed on the Director-General, India Stores Department, London. These difficulties have now been largely overcome and it is expected that the position will improve in the not too distant future.

(c) Government are aware of the inconvenience but so far as the references to robbery and molestation of women as a result of the absence of lights in certain compartments made by the honourable member are concerned, the Railway Administration have received no reports of such incidents.

FOODGRAINS SENT TO MADRAS AFTER DECONTROL

455. *Shri O. V. Alagesan: Will the Honourable Minister of Food be pleased to state:

(a) the quantity of foodgrains in rice, wheat, maize and millets sent to Madras after the decontrol was announced;

(b) whether the demand of the Government of Madras as regards supply of foodgrains for the year has been met in full; if not, why not; and

(c) the quantity of foodgrains that is likely to be sent to Madras in the course of the next four months which is going to be a very critical period?

The Honourable Shri Jairamdas Doulatram: (a) From 1st January to 31st July, 1948, the following supplies have been made to Madras:

| | Tons. |
|-------------------|---------|
| Rice | 246,100 |
| Maize | 131,500 |
| Wheat | 39,000 |
| Millets | 26,000 |
| | 441,600 |

(b) No, because the extent to which the full demands of Provinces and States can be met depends upon the total available foodgrains procured by Provincial Governments and imported from abroad.

(c) The situation is being reviewed from time to time. The quantity of foodgrains which will be sent to Madras during the next four months will be known from month to month.

LAND TO MANUFACTURERS OF SALT IN MADRAS

456. *Shri O. V. Alagesan: (a) Will the Honourable Minister of Industry and Supply be pleased to state how many applications for assignment of land for manufacture of salt were received from Madras after the policy of increased production of salt was announced and what is the extent of land involved?

(b) How many applications have been disposed of and what is the total extent of land so far assigned?

The Honourable Dr. Syama Prasad Mookerjee: (a) Seventy applications for manufacture of salt on new lands have been received so far in Madras of which five are for small plots below ten acres each and sixty-five for larger areas. The total area involved is 775 acres.

(b) All the five applications for the manufacture of salt in small plots without licence have been forwarded to the local officers for giving the applicants the necessary permission. The area so far put under cultivation without licence is sixty-five acres only. The assignment of the remaining 710 acres in bigger plots is pending enquiries and will be made before the starting of the next manufacturing season.

THIRUCHIRAPALLI—BANGALORE TELEPHONE LINE

457. *Shri O. V. Alagesan: Will the Honourable Minister of Communications be pleased to state:

(a) whether it is a fact that the Thiruchirapalli—Bangalore telephone line which was constructed for the use of the army is about to be dismantled; and

(b) if so, whether Government propose to consider the desirability of retaining the line and making it available for the use of the public?

The Honourable Mr. Rafi Ahmad Kidwai: (a) No.

(b) One line has already been used for extending trunk facilities at Salem and nine public call offices will soon be opened on the remaining circuits.

NON-AVAILABILITY OF POST-CARDS AND ENVELOPES IN MADRAS

458. *Shri O. V. Alagesan: (a) Will the Honourable Minister of Communications be pleased to state whether Government are aware that several Post offices including Post offices in important centres in Madras were not able to supply post-cards and postal envelopes to the public and were able to supply only stamps in the months of June and July 1948?

(b) If so, what are the reasons for the same?

(c) What steps do Government propose to take to prevent such inconvenience and loss to the public?

The Honourable Mr. Rafi Ahmad Kidwai: (a) Yes, some complaints of shortage of post-cards and embossed envelopes in the months of June and July, 1948 at Trichinopoly, Masulipatam, Narsapur and Vizianagaram city have been reported.

(b) Shortage of post-cards was due to heavy demand on account of reduction in the price of post-cards from 3 pice to two pice each. Shortage of embossed envelopes was due to shortage of paper coupled with detention in course of transport by rail.

(c) Additional machinery and supply of paper have been arranged for the Nasik Security Printing Press and it is hoped that the supply position will improve. Government proposes to build adequate reserves in course of time to avoid any future inconvenience to the public.

**MANUFACTURE, IMPORT AND DISTRIBUTION OF TRACTORS AND BULLDOZERS
TO PROVINCES**

459. *Shri O. V. Alagappa: (a) Will the Honourable Minister of Agriculture be pleased to state how many new tractors and bulldozers were imported during the current year and how they were distributed province-wise?

(b) Were the full requirements of the provinces met?

(c) Is there any proposal before Government for the manufacture of tractors, bulldozers etc., in our own country?

The Honourable Shri Jaiaramdas Doulatram: The Question should have been addressed to the Honourable Minister of Commerce. It has accordingly been transferred to the list of questions for 80th August, 1948 when the Honourable Minister of Commerce will answer.

COMMISSION TO WHOLE-SALERS AND RETAILERS IN VANASPATI

460. *Babu Ramnarayan Singh: Will the Honourable Minister of Food be pleased to state whether it is a fact that at the time of fixing the price of vegetable oil products to be sold in large packs the question of commissions to the distributors, whole-sale sellers and retail sellers was considered and if so, what is the rate of commission allowed to each of them?

The Honourable Shri Jaiaramdas Doulatram: Yes, the Commission allowed to wholesalers and retailers is included in the controlled prices of Vanaspati fixed by Government separately for the three stages of transaction viz. sale by manufacturer or his distributing agent to a wholesaler, by a wholesaler to a retailer and by a retailer to the consumer. The difference between the prices paid and chargeable by wholesalers and retailers in either case gives them a margin of 9 pice per lb. The agency of distributors which is employed by some manufacturers has not been recognised by Government in the schedule of prices.

GRANTS FOR CONSTRUCTION AND IMPROVEMENT OF ROADS IN ASSAM

461. *Srijut Bohin Kumar Chaudhuri: (a) Will the Honourable Minister of Transport be pleased to state whether Government have received any request from the Province of Assam to give separate and specific grants for construction and improvement of roads passing through the States of Assam?

(b) If so, do Government propose to make such grants?

The Honourable Dr. John Mathas: (a) Government have received only one such request; it relates to certain roads passing through the Khasi Hill States.

(b) The Government of India will consider the request after preliminary plans and estimates have been prepared.

Tuesday
24th August, 1948

CONSTITUENT ASSEMBLY OF INDIA

(LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Official Report

Volume VI, 1948

(9th August to 31st August, 1948)

THIRD SESSION

OF THE

CONSTITUENT ASSEMBLY OF INDIA

(LEGISLATIVE)

1948



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CONSTITUENT ASSEMBLY OF INDIA
(LEGISLATIVE) DEBATES

(PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS)

Tuesday, 24th August, 1948

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

QUESTIONS AND ANSWERS

(See Part I)

11-45 A.M.

FACTORIES BILL.—~~contd.~~

Mr. Speaker: The House will now proceed with the further consideration of the Bill to consolidate and amend the law regulating labour in factories, as reported by the Select Committee. The consideration motion was passed by the House yesterday and we proceed today with the clause by clause reading of the Bill. I find there are amendments by Mr. Nasiruddin Ahmad.

Mr. Nasiruddin Ahmad (West Bengal: Muslim): Yes, Sir. I have two amendments and I shall move them together as they relate to the same matter.

I beg to move:

"That in parts (e) and (f) of clause 2 of the Bill, for the word 'beginning', the word 'commencing' be substituted."

The clause in the Bill says: "'day' means a period of twenty-four hours beginning at midnight". This is in part (e). (f) also says the same thing. "Week" means a period of seven days beginning at midnight on Saturday night etc. I want to substitute the word "commencing" for the word "beginning". First of all, the word "beginning" is an informal word. The word "commencing" is a formal word and a precise one. It is given out in Webster's Dictionary of Synonyms, which is a standard authority on these matters that the word "beginning" has relation to an event, but the word "commencing" is related to a point of time. We may say that the proceedings of this House begin with the arrival of the Speaker, but it will be proper to say that the proceedings of the House commence at Quarter to Eleven. We are here concerned with a point of time and "commencing" would be a more proper word. I do not say that "beginning" would be absolutely wrong, but the word "commencing" is more appropriate.

In this connection, I should also like to make a suggestion, if it is acceptable to the Honourable Minister, namely, that the week should rather begin after the week-end, that is, after the midnight of Sunday. A week to begin after the midnight of Saturday would not be very proper. This is only a suggestion. For the present, I move only for the changing of the word "beginning" into "commencing".

Mr. Speaker: Amendment moved:

"That in parts (e) and (f) of clause 2 of the Bill, for the word 'beginning', the word 'commencing' be substituted."

The Honourable Shri Jagtivan Ram (Minister for Labour): Sir, I do not claim to be a grammarian as my friend claims to be, but both the words "commence" and "begin" have the same meaning and the word "begin" is simpler than the word "commence". So I would go in for the simpler word and I have also been advised by the Draftsman that "begin" is quite appropriate here. I had requested my friend Mr. Naziruddin Ahmad to help the Draftsman in all these matters and he has helped him to a very great extent. That is why this time honourable members do not see such a large number of amendments from my friend, but I am sorry I cannot accept this amendment.

Mr. Speaker: I take it that only such of the amendments as are not accepted by the Draftsman appear on the Order Paper.

Mr. Naziruddin Ahmad: Yes, Sir.

Mr. Speaker: If that is so, the honourable member may leave them alone, unless he is very particular.

Mr. Naziruddin Ahmad: I am not very particular about these amendments. What happened was that the Honourable Minister was kind enough to ask me to point out some of the amendments to the Draftsman instead of troubling the House over them, and I was enabled to make a large number of suggestions. I am grateful to the Honourable Minister and also to his Draftsman for accepting a large number of suggestions. It is for this reason that they do not appear on the Order Paper. Yesterday, the honourable lady member, Mrs. Renuka Ray, rather lamented the absence of a large number of amendments which the House normally expects from me. The reason was as I have explained. However, in spite of all my industry, I missed a few more points and that is why they appear even now on the Order Paper. But so far as the Honourable Minister is concerned, he has been extremely fair in considering the amendments. So, if he does not accept these two particular amendments, I shall not press them.

Mr. Speaker: Then, I take it the honourable member wishes to withdraw.

Mr. Naziruddin Ahmad: Yes, Sir. I beg leave of the House to withdraw.

Mr. Speaker: Has the honourable member leave of the House to withdraw his amendment?

The amendment was, by leave of the Assembly, withdrawn.

Mr. Speaker: Then there are amendments by Prof. Shibban Lal Saksena in List No. 5, amendments Nos. 1 to 5.

Prof. Shibban Lal Saksena (U.P.: General): Sir, I beg to move:

"That in part (k) (i) of clause 2 of the Bill, after the word 'packing', the words 'painting and polishing' be inserted."

I will also move the second amendment just now as it relates to the same sub clause. I beg to move:

"That after part (k) (v) of clause 2 of the Bill, the following new part (k) (vi) be added:

'(vi) loading cargo on or unloading cargo from vessels or ships;'

Sir, by my first amendment I have only tried to extend the meaning of the words "manufacturing process". As I said yesterday, some industries had been left out and they could be easily included in this Bill by adding "painting and polishing" here.

By my second amendment—which is more important—I have tried to add "loading or unloading of cargo from ships". In fact, the British Factories Act

has got several sections for dock workers, because according to that Act, dock workers are also entitled to the same amenities. In fact, I would like to draw the attention of the Honourable Minister to Section 105 of the British Act by which they have extended the provisions of the Factory Act to dock workers. We know that there are about a lakh of these people in this country and if a Section like Section 105 of the British Act could be added to this Bill, it would be much better, but I think even if we add this new sub-section (vi) in clause 2 (k), the purpose would be served. The provisions in Section 105 of the British Act run as follows:

"The provisions of this Act hereinafter in this sub-section mentioned shall apply to every dock, wharf or quay (including any warehouse belonging to the owners, trustees or conservators of the dock, wharf or quay and any line or siding used in connection with and for purposes of the dock, wharf or quay and not forming part of a railway or trainway) and every other warehouse (not forming part of a factory) in or for the purpose of which mechanical power is used, as if it were a factory; and as if the person having the actual use or occupation of it or of any premises within it or forming part of it were the occupier of a factory....."

Then there are certain other sub-sections; and in regard to the loading and unloading of cargo, the section says:

"The provisions of this Act mentioned in paragraph (a).....shall apply to the processes of loading, unloading or coaling of any ship in any dock, harbour or canal..... and to all machinery or plant used in those processes, as if the processes were carried on in a factory and the machinery or plant were machinery or plant in a factory and the person who carries on those processes were the occupier of a factory."

That means that all the docks and wharves and quays are covered by these provisions in the British Act. So what I say is that the large numbers of dock workers in India should also be given the benefit of this Act. Recently, we had a Dock Worker's Act which is intended to remedy the present casual nature of dock labour, but the condition of the dock workers is very bad and if we only add this simple clause, all the benefits of this Act would be extended to them. They are engaged in a work which is of paramount importance to the country, and if their conditions of service are not improved, and they are dissatisfied, nation's commerce will suffer. I, therefore, earnestly plead for extending this Act to them.

Mr. Speaker: I was just considering, before I put the amendments, whether the first amendment is not covered by the words "ornamenting, finishing" etc. which are already in the section.

The Honourable Shri Jagjivan Ram: It is covered. I was also just going to point out that it is covered by the words "ornamenting and otherwise treating" which are already in the Section.

Prof. Shibban Lal Saksena: Then, I do not press that amendment.

The Honourable Shri Jagjivan Ram: In regard to the second amendment also, I may explain, so that the honourable member may be induced to withdraw it. Loading and unloading of cargo is covered by the Dock Labourers' Regulations and therefore we did not include that thing here.

Prof. Shibban Lal Saksena: But there is nothing for them in this Bill here.

The Honourable Shri Jagjivan Ram: Not in this Bill but in the other Act.

Mr. Speaker: The Honourable Minister says loading and unloading is covered by the regulations for the dock labourers. His contention is that they have therefore, not included it here.

Prof. Shibban Lal Saksena: Are the same amenities provided there and have they the force of a statute?

The Honourable Shri Jagjivan Ram: Their safety and other things are provided there, but not all those things which are provided here in the Factories Act. The point about loading and unloading does not come in the manufacturing process and that is not a factory.

Mr. Speaker: The question is:

"That after part (k) (v) of clause 2 of the Bill, the following new part (k) (vi) be added;

'(vi) loading cargo on or unloading cargo from vessels or ships.' "

The motion was negatived.

Prof. Shibban Lal Saksena: Sir, I move:

"That in part (l) of clause 2 of the Bill, the following be added at the end;

'including every person employed in or on behalf of a factory as menial, clerical, supervisory or other staff.' "

Sir, the definition of "worker" formerly had a tail in which it was mentioned that the clerical staff is not included in the definition of "worker". This tail has now been dropped. I consider this is an improvement, but this matter is of vital importance and these words should therefore be specifically mentioned here. There is obviously no harm in mentioning them. It was with this same purpose in view that the words in the tail of the former definition were omitted. I think by using these words, we will be able to make our purpose more explicit and avoid much litigation. I hope the Honourable Minister will accept the amendment.

Mr. Speaker: Amendment moved:

"That in part (l) of clause 2 of the Bill, the following be added at the end;

'including every person employed in or on behalf of a factory as menial, clerical, supervisory or other staff.' "

The Honourable Shri Jagjivan Ram: I have every sympathy with the mover of the amendment, but I do not accept it, not because I am opposed to it, but because it is superfluous. It is covered here in the definition as given in the Bill. Everybody who is connected with any of the works incidental to or connected with the manufacturing process is a worker. So I find this amendment superfluous and not necessary.

Prof. Shibban Lal Saksena: In view of the assurance of the Honourable Minister that they are included, I beg leave of the House to withdraw my amendment.

Mr. Speaker: Has the honourable member leave of the House to withdraw his amendment?

The amendment was, by leave of the Assembly, withdrawn.

Prof. Shibban Lal Saksena: Sir, I beg to move:

"That in part (m) (ii) of clause 2 of the Bill, for the word 'twenty', the word 'fifteen' be substituted."

Sir, our friend Mr. Santhanam and two other friends in the Select Committee have given their note of dissent stating that this part (ii) should not be there and that all factories whether they use power or not should be covered by this Act. I have every sympathy with them, but I do think that there should be maintained separate statistics of factories which are using power or which are not using power. If the Honourable Minister is keen on having that differentiation let him have it, but there should be brought under this Act a larger number of factories, and therefore I have suggested that the word "fifteen". I hope as a compromise the Honourable Minister will accept the amendment.

Mr. Speaker: Amendment moved:

"That in part (m) (ii) of clause 2 of the Bill, for the word 'twenty', the word 'fifteen' be substituted."

The Honourable Shri Jagjivan Ram: Sir, I do not accept this amendment, not because I do not want to bring all the factories in this country within the

purview of this Act, but because it will not be administratively possible at this stage and there is no meaning in putting a thing on the statute book which will not be enforced in the near future. Moreover if the Provincial Government find that they are in a position to enforce the provisions of this Bill to every factory, they have got the power to extend the scope of this Bill and apply it to the other factories as well. Therefore I do not accept the amendment.

Prof. Shibban Lal Sakena: If the Honourable Minister is not agreeable, I beg leave of the House to withdraw my amendment.

Mr. Speaker: Has the honourable member leave of the House to withdraw his amendment?

The amendment was, by leave of the Assembly, withdrawn.

Prof. Shibban Lal Sakena: Sir, I move:

"That in part (m) of clause 2 of the Bill, the words 'or a railway running shed', occurring at the end, be omitted."

Sir, this is an important amendment and I wish the Honourable Minister could see his way to accept it. In fact, it was not in the old Act and it is an innovation in this Bill. I don't think that the Honourable Minister wants to make the lot of people in the railway running sheds worse than what it was before. As I pointed out yesterday from a quotation from the Railway Act, I find that they are putting in 60 hours work and the spreadover is 84 hours. I think the running staff is the most important staff in the Railways. Unless we give the drivers, the firemen, the engine-cleaners and all these people the amenities provided for in this Act, I think we cannot run the railway service efficiently. I therefore hope that the Honourable Minister will not have it said about this Bill that it has also injured a large number of workers who have so far enjoyed the benefits of the Factory Act. I hope, Sir, he will accept the amendment.

Mr. Speaker: Amendment moved.

"That in part (m) of clause 2 of the Bill the words 'or a railway running shed', occurring at the end, be omitted."

Shri K. Santhanam (Madras: General): This point came for an exhaustive enquiry at the Select Committee meeting and it was found that it was to the advantage of the workers themselves that the clause should remain as it is. There was some difficulty in distinguishing between workers within the running shed who were treated as factory workers and others who work outside the running shed and were treated as non-factory workers and there was a great deal of confusion. Also under the Railway rules the people exempt from this Factory Act get many more privileges and therefore it is considered desirable that this running shed should not be treated like a factory for the good of the workers themselves.

Prof. Shibban Lal Sakena: I cannot think of any advantages to which they are entitled by being excluded from this Act.

The Honourable Shri Jagjivan Ram: I think, Sir, this amendment has been put by my honourable friend out of some misconception. He has raised the question of drivers and guards. I do not see how we can mix up these drivers and guards with the railway running sheds. It is not meant for drivers, firemen and guards. These running sheds are not as a matter of fact factories; they are not even repair shops; they are places where these engines are cleaned or minor repairs done. The anomaly arose because those who are working in these sheds are treated as if they were employed in a factory and those working outside are treated as if they are not factory workers; and that anomaly was created among the same category of staff themselves. In order to do away with that anomaly and in view of the fact that these running sheds are from the nature of their work not factories, it was brought to our notice by the Railway Board

[Shri Jagjivan Ram]

that it would be advisable to exempt these running sheds from the purview of the Factories Act. As regards other amenities, as pointed out by Mr. Santhanam they are better placed in the matter of leave rules and other things. As regards hours of work, for railway workers as pointed out by Prof. Saksena, they are for the running staff. Those also are going to be revised in view of the award given by Justice Rajadhyaksa which will soon come into force. So all these points do not arise and my honourable friend is labouring under a misconception; I hope he will withdraw the amendment.

Prof. Shibban Lal Saksena: I would have found great pleasure in withdrawing it but as I am myself fully acquainted with many running sheds all over the country

Mr. Speaker: There can be no reply to the argument. The honourable member has to make up his mind whether he withdraws it or wishes it to be put to vote.

Prof. Shibban Lal Saksena: I desire to press it.

Mr. Speaker: The question is:

"That in part (m) of clause 2 of the Bill, the words 'or a railway running shed' occurring at the end, be omitted."

The motion was negatived.

Mr. Nasiruddin Ahmad: Sir, I move:

"That in part (n) of clause 2 of the Bill, for the words 'and where the said affairs are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory'; the following be substituted:

'and includes, where the affairs of the factory are entrusted to a managing agent, such managing agent;'"

This relates to the definition of the word 'occupier'. It says: "'occupier' of a factory means the person who has ultimate control over the affairs of the factory." Then there is a long passage: "and where the said affairs are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory." These words are condensed in the amendment.

The amendment merely substitutes for the last words "shall be deemed to be the occupier of the factory" the word "includes". The definition relates to an occupier and if we say it includes a managing agent all these words "shall be deemed to be the occupier of the factory" would be unnecessary. If we say that the occupier includes the managing agent if he is in charge, that is quite enough to express the idea and it economises so many words. Sir, I move.

The Honourable Shri Jagjivan Ram: Sir, it is not only a question of drafting but changes the meaning also to some extent. Under the clause the managing agent if he is in charge will be the occupier, whereas the amendment would make the person who is in ultimate control as well as the managing agent occupiers of the same factory. So it is not merely an improvement of language but also changes the meaning. I cannot accept it.

Mr. Nasiruddin Ahmad: The same risk is there also in the clause as it stands.

Mr. Speaker: No, it is not so. The amendment would make it apply to both; that is not the idea.

Mr. Nasiruddin Ahmad: Then I do not press it.

Mr. Speaker: Then I need not put it to the House.

Mr. B. K. Sidhva (C. P. and Berar: General): Sir, I beg to move:

"That after part (d) of clause 2 of the Bill, the following new part be inserted:

'(e) 'Chief Inspector' and 'Inspector' mean persons who have served for about three years in any recognised social institute.'"

In view of the Inspector's duties this is very important. The Honourable Minister stated that even in the Adviser's department there is training of inspectors. I should like to know what training is given there. If the Inspectors are trained there I will press for this amendment.

The Honourable Shri Jagjivan Ram: Sir, I am not accepting this amendment.

Mr. E. K. Sidhs: Then I do not press it.

Mr. Speaker: Then I will not put it to the House.

Shri Ajit Prasad Jain (U. P.: General): Sir, I move:

"That in part (q) of clause 2 of the Bill, the following be added at the end:
'and all references to a province shall be construed as references to an Acceding State'."

I said something about this yesterday and I desire to say a few words on it now. This amendment really relates to clause 100 of the Bill which says that in case of firms and associations all the partners of the firm or members of the association shall be responsible for any breach or violation of the provisions of law. To this there is a proviso to the effect that it will be open to the partners of the firm or the members of the association to nominate one of their partners or members, and that person alone shall be liable for any breach or violation of the law. But that proviso lays down a rider that such member should be residing within the provinces of India. Now the word 'provinces' has a special meaning under the Government of India Act and means one of the provinces mentioned therein. This Bill has now been extended to the Acceding States. And if this amendment is not accepted it will mean that in the case of a firm or association which carries on business in an Acceding State the partners or members, who will all be ordinarily residing in an Acceding State, shall not be entitled to nominate a partner or member who alone will be responsible for violations or breaches of the law. I think for provinces and States there must be one law and my amendment would remove the anomaly that now exists in the Bill. I hope it will be accepted. Sir, I move.

Mr. Speaker: Amendment moved:

"That in part (q) of clause 2 of the Bill, the following be added at the end:
'and all references to a province shall be construed as references also to an Acceding State'."

The Honourable Shri Jagjivan Ram: I think it should read as "references also to an Acceding State." I am prepared to accept in this form.

Mr. Speaker: Has the honourable member any objection to adding the word "also"?

Shri Ajit Prasad Jain: No, Sir.

Mr. Speaker: The question is:

"That in part (q) of clause 2 of the Bill, the following be added at the end:
'and all references to a Province shall be construed as references also to an Acceding State'."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Mr. Nasiruddin Ahmad: Sir, I beg to move:

"That the Proviso to Clause 3 of the Bill be omitted."

{Mr. Nasiruddin Ahmad}

Sir, the main part of clause 8 is to this effect: "In this Act, references to time of day are references to Indian Standard time, being five and a half hours ahead of Greenwich Mean Time." Then there is the proviso that the Indian Standard Time may be abandoned in certain cases and other times may be allowed to be observed. I submit, Sir, that by allowing this latitude, nothing would be gained. In fact, no principle will be affected if we all observe the same Standard Time. There will be uniformity. No vested rights or caste prejudices of any kind which the people value so much will be safeguarded by adding this proviso. On the other hand, in the interest of uniformity of time, I submit the proviso should be deleted. No hardship will be caused thereby to anybody.

Mr. Speaker: I think the honourable member knows that this is an amendment which need not be proceeded with and that he will not, as usual, press this.

Mr. Nasiruddin Ahmad: If the Honourable Minister does not accept it. . .

Mr. Speaker: It must be obvious. There is a difference of twenty minutes between the Bombay time and the Calcutta time. If a uniform time is adopted, the Calcutta workers will be put to a great hardship.

Mr. Nasiruddin Ahmad: The amount of time will be the same; only the starting point will be different. It is only in astronomical or other scientific observations that the exact local time is very important. If in the Posts and Telegraphs and the Railways the same Standard Time which is current from Bombay to Assam without causing the least disturbance, I think there will be no difficulty in accepting this amendment and deleting this proviso. It will cause difficulty only in the case of nautical and astronomical observatories; we are not here dealing with any such thing.

The Honourable Shri Jagjivan Ram: What about the Calcutta local time?

Mr. Nasiruddin Ahmad: Calcutta time is an anomaly against which there has been a serious outcry. I beg to submit that in the Railways, Post Offices and in Offices throughout India, the Standard Time is maintained and no hardship is caused. There was a gentleman who was a lawyer, and he wanted to catch a train. He had to add 24 minutes to the local time, which was then known as the Jubbulpore time. He was always late and always missed the train. So, this time he began to arrange for his departure from three days before the journey. First of all, he added 24 minutes to the local time and committed to memory the exact time. Unconsciously, forgetting that he had already added the time, he again added 24 minutes and when he went to the platform, it was empty. He thought the train was late and that he had come too early. After some time, he was informed that the train had left. In these circumstances, no advantage will accrue to any one by allowing this difference in the timings; in fact, it would be always dangerous to allow two timings in the same place.

Shri K. Santhanam: In U.K., they have got the Summer Time and Double Summer Time.

Mr. Nasiruddin Ahmad: In Post Offices and in Telegraph Offices, we have got the Standard Time. The All-India Radio also observes the Standard time, and everybody has accepted these timings. Conversion of one time into another is an irksome and risky affair. It is for this purpose that I want to make it uniform.

Shri H. V. Kamath (C. P. and Berar: General): The metropolis of the province from which my honourable friend himself hails, which is one of the biggest industrial centres in our country, is notorious for its persistent observance of local time.

Mr. Nasiruddin Ahmad: Nowadays that has changed.

Mr. Speaker: Do I put it to the House?

Mr. Nasiruddin Ahmad: Yes.

Mr. Speaker: Amendment moved:

"That the Proviso to Clause 3 of the Bill be omitted."

The Honourable Shri Jagjivan Ram: I do not accept the amendment. Apart from the times that may be prevailing in places like Calcutta and Bombay, it becomes sometimes necessary to alter the Standard Time and apply the local times in certain industries in certain seasons of the year. In other countries also they have the Summer Time and the Double Summer Time and think like that. It is at present existing in our country also. It is not going to cause any difficulty to anybody if local times are applied. Therefore, I do not accept the amendment.

Mr. Speaker: The question is:

"That the Proviso to Clause 3 of the Bill be omitted."

The motion was negatived.

Mr. Speaker: The question is:

"That Clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Shri Ajit Prasad Jain: Sir, I do not propose to move the amendment; but I would like to take this opportunity to make a few observations about this clause 4, if I may be permitted to do so.

Mr. Speaker: Yes.

Shri Ajit Prasad Jain: Sir, Clause 4 provides that the provincial Government shall have the power to declare that a factory which in fact consists of different departments or branches should be treated as so many different factories. In the British Act, there is also a counter part of this provision and the Chief Inspector there has been given the power to treat more than one factories as one factory. I think that is a very wholesome provision that the Chief Inspector of the Provincial Government should have the power to treat either a number of factories as one, if they are one, or treat one factory as a number of factories, if they are different factories. That does not necessarily mean that the Provincial Government will un-necessarily group a number of factories into one; but if any effort is made by the Factory owners to circumvent the provisions of law, then, the Provincial Government may act so that the true intention of the Act may be carried out. I hope that in working out the provisions of this Bill, this point will be kept in view.

Mr. Speaker: The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Prof. Shibban Lal Saksena: Sir, there is some misprint here. The amendment which I have tabled gives two alternatives. The first alternative is that clause 5 of the Bill be omitted and if it is not acceptable, then, in the alternative, I have suggested three amendments.

Mr. Speaker: That may not be in order.

Prof. Shibban Lal Saksena: I know my honourable friend the Minister is not going to accept any of these amendments. I only want to make my position clear in regard to this clause.

Mr. Speaker: The procedure which I would suggest is this: let us first dispose of the amendments; if he has to say anything substantially against the clause, then he may address the House about the clause.

Prof. Shibban Lal Saksena: All the four amendments are one connected whole. They are put forward only in the alternative.

Mr. Speaker: Which amendment does he propose to move?

Prof. Shibban Lal Saksena: I have suggested that either clause 5 of the Bill be omitted, or, if that is not acceptable, then in clause 5 of the Bill, after the words "provincial Government", the following words be inserted, namely:—"with the consent of the Legislative Assembly expressed through a resolution."; that in clause 5 of the Bill, the words "all or" occurring in line three be omitted, and that in the Proviso to clause 5 of the Bill, the words "at a time" be omitted. I had also pointed out yesterday that in a free India we should not give to the Executive power of over-riding the wishes of the Legislature. Here we are passing this Act after prolonged discussions and we should not give power to any executive authority to say that an emergency has arisen and so this Act must remain in abeyance. I think the Government has enough powers to meet emergencies, and Acts passed with great labour by this sovereign Assembly should not be put at naught by mere executive orders. I want this power to be taken away, but Government may have power in times of emergency to call a meeting of the Assembly. At present they also have powers to issue an Ordinance. It should never happen that the workers in a factory are without any Code to regulate their conditions of service. I think that England and America, although they went through the great war, still did not annul their labour legislations. What they did was that they tried to have their Parliament or Congress to meet and to frame laws to meet any emergency. If we put in this provision here, it may be later used vindictively by another Government not properly disposed towards labour. I am not prepared to give this power to any Government to set at naught the will of this sovereign Assembly. I think it is an undemocratic provision and it should not be included in an Act passed by this Assembly. I hope the Honourable Minister will see that this anomaly is removed from the Act. He already has all the powers to meet emergencies and to give a Government the power to transcend all law will be most unwise. I wish this to be a really democratic Bill and I do not want it to be said that any Government has powers to sit at naught legislation passed by this House.

Mr. Speaker: The position then comes to this. As I stated to him his amendment No. 7 for the deletion of the entire clause, will be out of order. He can of course vote against the clause.

Then there are three other amendments—Nos. 8, 9 and 10, which he wishes to move as alternatives to the deletion of the clause.

I shall put them to the House one by one. Amendment No. 9 goes out because the deletion of the words "all or" is not going to make any difference. The clause reads:

"In any case of public emergency the Provincial Government may, by notification in the official Gazette, exempt any factory or class or description of factories from all or any of the provisions of this Act....."

Really there is no substantial change. But if he is particular, I will put Nos. 8 and 10.

Prof. Shibban Lal Saksena: I would like to know what the Honourable the Minister has to say. I think he may agree with me.

Mr. Speaker: Very well.

The Honourable Shri Jagjivan Ram: I have nothing much to say. These powers of exemption are being given to the Provincial Governments in case of

public emergency. We are widening the scope of the Factories Bill. My friend is aware in case of an emergency, like a war, a very large number of small factories spring up in connection with war supplies and it may not be desirable and wise on the part of the Government to enforce the provisions of this Act to a very large number of factories that may be existing or may exist, as a war emergency.

Now as that amendment is, if this emergency provision is to be used, it should be with the express approval of the Legislature. Well, it is for the House to decide whether, in case of an emergency, it will be possible to convene a meeting of the Legislature and to have a resolution passed to this effect, seeking the approval of the House to the exemption of the factories from the provisions of this Act. I do not think it is advisable to have this provision that the prior approval of the Legislature will have to be taken. It might be that in case of an emergency it will not be possible to convene a meeting of the Legislature at all and the members themselves may not be in a position to attend the meeting. So I do not think it is necessary to have that provision and I cannot agree to the deletion of this provision. It is very necessary.

Prof. Shibban Lal Saksena: In place of "Provincial Government" will he be prepared to have "Central Government"?

Mr. Speaker: That is a new suggestion. But is the honourable member particular that I should put the amendment to the vote of the House?

Prof. Shibban Lal Saksena: If he does not agree I will withdraw it.

Mr. Speaker: There is no question of withdrawal. He is not going to move the amendments. So that disposes of all the amendments to this clause except that of Mr. Naziruddin Ahmad.

Mr. Naziruddin Ahmad: I am not moving.

Mr. Speaker: In that case I shall put the Clause to the vote of the House. The question is:

"That Clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

The Honourable Shri Jagjivan Ram: Sir, I move:

"That in sub-clause (1) of clause 6 of the Bill, for the word 'may', the word 'shall' be substituted."

The idea is that the Provincial Government 'shall' have to make rules requiring all these provisions which are provided in this Act. Therefore, I move.

Mr. Speaker: Amendment moved:

"That in sub-clause (1) of clause 6 of the Bill, for the word 'may', the word 'shall' be substituted."

Shri Prabhu Dayal Himat Singh (West Bengal: General): I do not see why the Honourable Minister should ask for this change to be made in clause 6. This Factories Bill makes compulsory provision for health, safety and other conveniences and amenities for labour, this section seeks to lay down certain additional conditions which if the Provincial Government shall so desire they may lay down, viz., approval of particular places as sites for a factory or otherwise. There is nothing as regards conveniences for labour or anything else. So far as the big towns are concerned, there are municipal laws which have to be followed by applicants for the erection of factories and they have to apply for sanction to the different municipal corporations. So far as the other municipal towns in the provinces are concerned, there also the municipal laws require it. But if certain factories have to be erected in villages, where there

[Shri Prabhu Dayal Himatsingka]

is neither a municipality nor anything else, this question of a selection of a site or finding a site, does not arise. You will find that this Factories Bill has been made very extensive in view of the definition of the word 'factory' and it has been made applicable to a number of occupations carried out by more than 20 persons. If site plans have to be filed and specifications have to be filed and the same made compulsory, the expenses will be very much increased. Any expenditure we add to the erection of a factory, or the manufacture of any particular thing, has to be paid for by the consumers. It is not the factory owners alone who have to pay. They certainly realize every pice they spend from the consumers. Therefore the Honourable Minister should consider the advisability of the change of the word 'may' into 'shall' and I am sure that when he will consider it carefully he will not press his amendment.

Shri K. Santhanam: I support the objection taken by the previous member. There is not only the question of plans but also provisions requiring registration and licenses for factories. If you alter 'may' into 'shall' it will mean every kind of factory, including weaving factories, etc. will have to be licensed. I do not think it is the intention of the framers of the Bill or the Government that such things should be forced on the Provincial Government for every class of factory. This Bill can be extended to the smallest concerns with five or six people and so in view of those facts, I do not think it is desirable that the Provincial Government should be compelled to make rules on every one of these items. They may make rules on one, two or three items according to the necessities of the case.

Shri H. V. Kamath: I think, Sir, the word 'may' wherever it is necessary will carry the force of 'shall', and the amendment is not quite necessary.

Shri Gopurabha Vijayavargiya (Gwalior State): Sir, I feel that this amendment is necessary, because I know in my place in Central India the Birlas have acquired a very large amount of land and factories will grow on them very gradually. Nobody will know how they will construct them. Specifications and plans are therefore very much necessary, as the Government must know what they are and, so the rules must be framed.

Shri Ajit Prasad Jain: Sir, I am afraid I cannot agree with the contention of Mr. Santhanam. Section 6 begins with: "The Provincial Government may make rules". This 'may' is proposed to be changed into 'shall'. Further the clause says:

"requiring the previous permission in writing of the Provincial Government or the Chief Inspector to be obtained for the site on which the factory is to be situated for the construction or extension of any factory or class or description of factories."

This section by itself empowers the provincial government to frame rules with respect to any class or description of factories. After the change of the word "may" into "shall" it will still be open to the provincial government to lay down that certain classes of factories may not have to take the permission. This change will not make it compulsory for the provincial government to lay down rules in respect of all factories. The rules may be confined to certain classes or descriptions of factories and the reasons given by Mr. Santhanam in support of the objection does not hold good

Shri K. Santhanam: Will the honourable member please see that part (a) refers only to the site and in regard to parts (b), (c) and (d) there is no such option.

Shri Ajit Prasad Jain: Yes, I have seen them. Paragraph (b) refers to such permission and if (a) goes (b) also goes. Similarly (c) refers to such plans and specifications and if (b) goes (c) also goes: Thus (a), (b) and (c) all go together. They all apply or do not apply. Part (d) is on a different footing. But it also provides that the requirements of registration may be in respect of any class

or description of factories. (d) does not come under the omnibus objection, because certain very small factories may be left out of the requirements of registration by the provincial administration. I submit that it should be made compulsory for the provincial government to lay down the rules. May be the provincial government may choose to exempt certain class of factories but the laying down of the rules must be compulsory and as such I support the amendment of the Honourable Minister.

Prof. Shibban Lal Saxena: Sir, I also think that the amendment of the Honourable Minister is necessary and I do not agree with my friend Mr. Santhanam. I think that this is really intended to enable the Government to keep statistics of all the factories which spring up and also to see that they do spring up according to a national plan of development. Government will then know where such factories are being established. The provincial governments shall themselves take into consideration the objections raised by my friends and make such rules which will exempt such factories in regard to which it will be cumbersome to file such particulars. We should trust the provincial government in that respect. They will themselves make rules which will enable industry to grow and the Government at the Centre will have an overall picture of the development and they will know whether the development is according to their plan, so that they may be able to tell us when necessary how much the country has progressed and how far their plans are being achieved. I think this is a very important amendment. The word 'may' should be changed into 'shall'.

श्री गोकुल नाराई दीक्षित्राम बहू : वाचनीय सभापति जी, भारतीय सरकार विषय "बनावे"

वा उन्हें बनाना चाहिये इसके मूलात्मिक बात बल रही है। मैं मानता हूँ कि हर एक प्रान्त में म्युनिसिपैलिटियां, कारपोरेशन वगैरह होते हैं और उनके भी बहुत अलग अलग नियम रहते हैं कि कहां कारखाने होने चाहिये, कबे कारखाने कहां बल सकते हैं, छोटे कहां होने चाहिये। इसके मूलात्मिक भी उनके नियम होते हैं। तो यहां हमने जो दो बातों के मूलात्मिक कहा है कि भारतीय सरकारों को नियम बनाना चाहिये। इस प्रकार का जो संतोचन बनी जा रहा है उसमें इतनी कड़ी पाबन्दी जा जाती है कि भारतीय सरकार इस प्रकार से करेगी तो हर एक छोटे और बड़े कारखाने को कोई न कोई बाधा मायेगी कि वह कुछ नहीं कर सकेंगे। हर जगह एक लोकल नवोर्गिटी (Local authority) होती है, फिर प्राविन्सियल नवोर्गिटी (Provincial authority) जा जाती है। इस प्रकार से वह विस्कृत पैदा होगी। इसके मैं चाहता हूँ कि जो शब्द 'may' पहले से इसमें रखा है, वह ही मुनासिब है और एतना ही काफी है और वहीं तक हमें जाना चाहिये, क्योंकि कई जगह हमारे वाचनीय बन्नी महापात्र कहते हैं कि इससे ऐडमिनिस्ट्रेटिव (administrative) विस्कृत पैदा होती है। और यहां पर ऐसी विस्कृत अकर पैदा होने काफी है। जब इस, पन्डह का खवाल जा गया यहां ऐडमिनिस्ट्रेशन (administration) का खवाल जा गया। मैं मानता हूँ कि खबहार में उससे ज्यादा विस्कृत हो जायेगी। 'shall' रखने से हब उनकी मूलात्मिक बजाने पाके हैं, बटायेने नहीं। इससे मैं चाहता हूँ कि 'may' ही रखा जाये और 'shall' न रखा जाये।

(English translation of the above speech).

Shri Gokulthai Daulatram Bhatt (Eastern Rajputana States Group): Sir, the matter under discussion is that the Provincial Government 'may' or 'shall' make the rules. I know that in each and every Province there are municipalities, Corporations etc. which have got separate rules of their own in regard to the location of factories and the places where small or large factories should

[Shri Gokulbhai Daulatram Bhatt]

be installed. They have framed their bye-laws concerning all such matters. Here we have referred to things about the rule-making powers of the Provincial Government. The amendment which is coming before us imposes some irksome restrictions which if observed in this manner by the Provincial Government will affect all the large and small factories and they will not be able to do anything. Everywhere there is a local authority and over that comes the Provincial authority. In this way, this dual control by the two authorities will create difficulties. Therefore, I would stress that the existing word 'may' is quite appropriate and adequate and we should not go beyond that, because at many places the Honourable Minister has stated that it will create administrative difficulties. Here there is bound to be such a difficulty. When the question of ten or fifteen arises, that will involve the administration. I feel that in actual practice it will create a great difficulty. By the substitution of the word 'shall' we are going to add their difficulty rather than removing it. Therefore, I would like that the word 'may' be not substituted by 'shall'.

Mr. Nasiruddin Ahmad: Sir, I beg to submit that the word 'may' will be sufficient to serve the purpose. There is a suspicion in the debate that Provincial Governments where necessary will not make rules, unless we introduce the word 'shall'. I submit that wherever rule-making power is given it is always the custom to use the word 'may' instead of 'shall'. As Mr. Kamath has said in many cases the word 'may' has the import of 'shall', though I do not agree with that view so far as the present Bill is concerned. There is no reason to suppose that where rules are necessary the Provincial Governments will not make them. After all they are democratic institutions and they will march with the times. As examples I submit that the word 'may' has been used in other places also. In clause 64 at page 21, line 1, it is said "The Provincial Government *may* make rules". In clause 76, line 1, it says "The Provincial Government *may* make rules". Again in clause 88 it is said "The Provincial Government *may* prescribe". I submit that the word 'shall' is not called for. It is always prudent to leave the Provincial Government to determine what rules are to be made. If we use the word 'shall', as Mr. Sunthanam has pointed out, the Provincial Governments will be bound to make rules, providing for all the things as are indicated in the clause. This may lead to hardship or anomalies in different cases. It is far better to leave to the Provincial Governments full discretion as to the matter in which rules are to be made, the manner in which they should be made and the extent to which they should go. By using the word 'shall' we shall probably rob the Provincial Governments of all discretion in the matter. In these circumstances I beg to submit that the change of the word 'may' to 'shall' is not called for and need not be pressed. The word 'may' is used in various other Acts and Bills in the same manner as it appears in the present text.

Shri T. A. Ramalingam Chettiar (Madras: General): Sir, on a point not necessarily of order but of procedure, I wish to point out that the report of the Select Committee has been presented by the Honourable Minister. It therefore puts people in a delicate position when he himself moves amendments to what he has placed before the House. I do not know whether as a point of order or as a point of procedure because of the delicate position thereby created, you may not rule that such amendments may, if necessary, be moved by somebody else on behalf of the Government or otherwise. But the Minister himself proposing an amendment puts people in a very delicate position and it makes things very awkward when there is an opposition.

Mr. Speaker: In form it will be better if somebody else moved the amendment; but in substance it is not going to make a difference because the awkwardness will still be there if the Minister supports that amendment. Technically speaking, it can be said that all the clauses are put from the Chair and therefore any person can move an amendment, including the Minister. That seems

to of the technical position. But it would look better if somebody else moved it—not that a Minister is debarred from moving it.

What is the Honourable Minister's say about the present amendment?

The Honourable Shri Jagjivan Ram: I personally thought that this change was necessary, but in view of the wishes of the House I will not insist on my amendment.

Mr. Speaker: Has the Honourable Minister leave of the House to withdraw his amendment?

The amendment was, by leave of the Assembly, withdrawn.

The Honourable Shri Jagjivan Ram: I move:

"That after part (d) of sub-clause (1) of clause 6 of the Bill, the following new part be added:

"(e) requiring that no licence shall be granted or renewed unless the notice specified in section 7 has been given."

This is a formal amendment requiring that the requirements of giving notice by the occupier under section 7 is fulfilled before a licence is granted or renewed.

Mr. Speaker: The question is:

"That after part (d) of sub-clause (1) of clause 6 of the Bill, the following new part be added:

"(e) requiring that no licence shall be granted or renewed unless the notice specified in section 7 has been given."

The motion was adopted.

Dr. V. Subramaniam (Madras: General): Sir, I will not move the amendment but will say a few words. Before giving the permission the Inspector will have to fulfil several formalities—he will have to inspect the site, he will have to scrutinize the plans and do so many other things. It will take a long time for him to go round and inspect all the sites. From the information given by the Honourable Minister there will be 150 to 200 factories and he will have to do his normal work and also inspect the sites and study the plans to see whether they are up to the standards and have the requisite safety and other margins. All this will take a long time. And by chance even a clerk can delay the communication for three months. According to the provision contained in the existing clause it is enough if the industrialist takes the opportunity of applying for permission: he just waits for three months and he automatically gets the permission. I consider that the period of three months is not sufficient. I have therefore made it six months in my amendment. If the Honourable Minister wills he may take it, otherwise I am not moving the amendment.

The Honourable Shri Jagjivan Ram: I will not accept it.

Mr. Speaker: Then there is the amendment by Prof. Shibban Lal Saksena.

Prof. Shibban Lal Saksena: In view of the acceptance of the amendment of Mr. Ajit Prasad Jain I am not moving it.

Mr. Speaker: The question is:

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

The Honourable Shri Jagjivan Ram: I move:

"That in part (b) of sub-clause (1) of clause 7 of the Bill, after the word 'name', the words 'and address' be inserted."

It is simply to have the name and address.

Mr. Speaker: Amendment moved:

"That in part (b) of sub-clause (1) of clause 7 of the Bill, after the word 'name', the words 'and address' be inserted."

Shri Prabhu Dayal Bhambhaniya: That is not necessary because of the definition of the word "occupier" in sub-clause (n) of clause 2. It says that 'occupier' means the person who has ultimate control over the affairs of the factory. The address and everything is there. It is not therefore necessary. But if the Honourable Minister wants to have it in addition here also, that is a different matter.

The Honourable Shri Jagjivan Ram: I want to have it here also.

Mr. Speaker: The question is:

"That in part (b) of sub-clause (1) of clause 7 of the Bill, after the word 'name', the words 'and address' be inserted."

The motion was adopted.

The Honourable Shri Jagjivan Ram: I move:

"That for part (d) of sub-clause (1) of clause 7 of the Bill, the following be substituted:
(d) the nature of the manufacturing process—

- (i) carried on in the factory during the last twelve months in the case of factories in existence on the date of the commencement of this Act, and
- (ii) to be carried on in the factory during the next twelve months in the case of all factories;"

This provision has become necessary in view of the fact that we want some industrial statistics. Under the Industrial Statistics Act employers are required to submit certain statistics. In order to save duplication of work of the employers, in consultation with the Ministry of Industry and Supply we thought that if we make this provision in this Act we will get these statistics and the work of the employers will also be lightened.

Mr. Speaker: Amendment moved:

"That for part (d) of sub-clause (1) of clause 7 of the Bill, the following be substituted:

(d) the nature of the manufacturing process—

- (i) carried on in the factory during the last twelve months in the case of factories in existence on the date of the commencement of this Act, and
- (ii) to be carried on in the factory during the next twelve months in the case of all factories;"

Shri K. Santhanam: There can be no objection to the amendment, but the wording is not quite happy. Suppose an existing factory has been carrying on one process for twelve months and carries on another process for the next twelve months. It has to give statistics as to what it carried on for the previous twelve months and not what it is going to carry on. In the case of existing factories if it is necessary they should give not only the process carried on for the last twelve months but also what they propose to carry on for the next twelve months.

The Honourable Shri Jagjivan Ram: That is covered by (ii) which says "to be carried on in the factory during the next twelve months in the case of all factories".

Prof. N. G. Ranga (Madras General): I would like to have one clarification. Does this preclude any factory in the next year in continuing the process of its own work?

The Honourable Shri Jagjivan Ram: No, not at all.

Mr. Speaker: It is only a necessary ingredient of the notice to be given—he has to give notice of occupation and it is in connection with that notice that he has to state these facts.

The question is:

"That for part (d) of sub-clause (1) of clause 7 of the Bill, the following be substituted:

(d) the nature of the manufacturing process—

- (i) carried on in the factory during the last twelve months in the case of factories in existence on the date of the commencement of this Act, and
- (ii) to be carried on in the factory during the next twelve months in the case of all factories;"

The motion was adopted.

The Honourable Shri Jagjivan Ram: Sir, I move:

"That after part (g) of sub-clause (1) of clause 7 of the Bill, the following new part (h) be inserted and the existing part (h) be re-lettered as part (i):

- (b) the average number of workers per day employed during the last twelve months in the case of a factory in existence on the date of the commencement of this Act;"

Sir, this amendment also is for statistical purposes.

Mr. Speaker: The question is:

"That after part (g) of sub-clause (1) of clause 7 of the Bill, the following new part (h) be inserted and the existing part (h) be re-lettered as part (i):

- (h) the average number of workers per day employed during the last twelve months in the case of a factory in existence on the date of the commencement of this Act;"

The motion was adopted.

Mr. Speaker: The question is:

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Shrimati Dakshayani Velayudhan (Madras: General): Sir, I understand that the Honourable Minister is not prepared to accept the amendment, so I do not propose to move my amendment, but I want to speak on the clause.

Mr. Speaker: Then she is also not going to move the other amendment for the deletion of sub-clause (5)?

Shrimati Dakshayani Velayudhan: My objection is to sub-clause (4) of the Bill

Mr. Speaker: I would like her to clarify as to whether she insists on moving for deletion of sub-clause (5), that is amendment No. 13 in list No. 5. She is not going to move amendment No. 12; is she going to move No. 13?

Shrimati Dakshayani Velayudhan: Sir, I am told the Honourable Minister is not willing to accept any amendment, so I do not propose to move any of them.

Mr. Speaker: Then she may speak.

Shrimati Dakshayani Velayudhan: I said my objection is to sub-clauses (4) and (5) of clause 8 of the Bill. In sub-clause (1) of this clause it is said:

"(1) The Provincial Government may, by notification in the official Gazette, appoint such persons as possess the prescribed qualification to be Inspectors for the purposes of this Act and may assign to them such local limits as it may think fit."

According to this Bill, an Inspector is expected to possess certain qualifications. If a District Magistrate is to act as a factory Inspector, I wonder whether he is also expected to possess the prescribed qualifications of a factory

[Shrimati Dakshayani Velayudhan]

Inspector. I understand the Labour Department has a scheme for giving training to factory Inspectors. I would ask the Honourable Minister whether he will ask the District Magistrates also to go for this factory Inspector's training.

Then, Sir, it is a known fact that if Government officers are asked to take up work relating to labourers, there is every possibility of the Government official siding with the employers and not with the employees. That is the most important factor which I wish to bring to the notice of the Honourable Minister

Shri B. Das (Orissa: General): I wish it were so!

Shrimati Dakshayani Velayudhan: and if you want an Inspector to fulfil his duties as a Factory Inspector in the interests of the workers, I think he will not be able to perform these duties if he has other duties as well. A District Magistrate I think will have a large amount of work and I do not think he will be in a position to do justice to the labourers if he is given the work of inspecting factories as well. So, I think the workers will not get any benefit if there is provision made in the Bill that even District Magistrates or any officials of Government can be made Inspectors of Factories. I therefore strongly protest against the provision made in this Bill to appoint District Magistrates as Factory Inspectors.

Then, I object to sub-clause (5) as well. That sub-clause also gives the Provincial Government power to appoint public officers to act as Inspectors. The arguments that I have already placed before the House will hold good in the case of sub-clause (5) as well.

So, my objection is to sub-clauses (4) and (5) of this clause. I hope the Honourable Minister will try to see whether there is any weight in the arguments that I have placed before the House.

Mr. B. K. Sidhva: I want to speak on this clause, Sir.

Mr. Speaker: In that case, we better adjourn and meet after Lunch.

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

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

Mr. Speaker: We were discussing Clause 8, Mr. Sidhva.

Mr. B. K. Sidhva: On this clause, Sir, hinges the smooth working of this Act. I consider this a very important clause if the various provisions are to be worked in the spirit in which they have been made. But I am very sorry to find that while our Honourable Minister is so liberal in his views as regards beneficial measures for the workers, he has adopted a retrograde measure as far as the implementation of these clauses are concerned, particularly when he has empowered the District Magistrate to be an Inspector. Now, Sir, you are well aware how over-busy a District Magistrate is. He is the head of the Local Self-Government Department

The Honourable Shri Jagjivan Ram: May I point out one thing? I am afraid Mr. Sidhva will be repeating the same things which he said in the general discussion on this point. He took a long time in labouring the same points.

Mr. B. K. Sidhva: That is not the answer to what I stated. The Minister did not certainly anticipate what I was going to state.

Mr. Speaker: The point is this. When the honourable member spoke on the consideration motion, the very same point was made by him.

Mr. R. K. Sidhva: I never spoke a word about the District Magistrate.

The Honourable Shri Jagjivan Ram: But he did, Sir.

Mr. R. K. Sidhva: I never mentioned District Magistrate. If you read my speech there you will find it.

What I was now stating, Sir, was that the District Magistrate is so over-full with his work. He is the head of the Local Self-Government Department. He is the head of the Revenue Department. He is the head of the Judiciary also. In several provinces, he is also the head of the Labour Department. I know of a province where the Chief Secretary is the Labour Commissioner. Now, how can you expect fairness from an officer who is over-worked and who really is saddled with other Departments who are so very important that he does not give any time to labour work. In these days when we are out to do something good for the labourers, we must have a person who can devote his time for this class of work and who has an aptitude for the good of the workers. That is the point and this clause is therefore really very important. I am therefore pointing out to the Minister that it will be unfair to himself and naturally to the workers if he does not apply his mind liberally on this issue. I want to know from him as to how he expects wholehearted attention from a District Magistrate as far as these beneficial labour measures are concerned.

The Honourable Shri Jagjivan Ram: You have already referred to training of Inspectors.

Mr. R. K. Sidhva: Yes, I did refer to the fact that he has got an Adviser, a Department in which it is stated that the Inspectors are to be trained. Now, if that is a very good Department, if the Inspectors are trained, then, why bring in the District Magistrate? Delete the District Magistrate. I am not at present interested in the Inspectors to be appointed, but I wish to say that this appointing of the District Magistrate as the Inspector for the district is very obnoxious.

Mr. Speaker: Will the honourable member refer to sub-clause (6)?

Mr. R. K. Sidhva: Yes, Sir. It says that where there are more Inspectors than one, the Provincial Government may declare the powers which they shall exercise etc.

Mr. Speaker: I do not claim to know the position of the Honourable Minister, but the scheme appears to be that there will be more than one Inspector and perhaps the District Magistrate is also to be an Inspector for his District so as to effect or bring about co-ordination in the whole of the district. That seems to be the scheme.

The Honourable Shri Jagjivan Ram: I think, Sir, that if I intervene at this stage there will not be much necessity for a longer debate on this point. What the scheme envisages I shall presently explain, and also what will be the result if the suggestions to omit clauses (4) and (5) are accepted. The scheme is that the Provincial Governments will have a number of Inspectors in their jurisdiction, but it may not be possible that there will be an Inspector in every district or in every Sub-Division. In some of the Sub-Divisions, there may be a few very small factories which may not justify the appointment of a whole-time Inspector for that area alone. In that case, the S. D. O. of that Sub-Division may be empowered with the powers of an Inspector under this Act and it is always better to have the Sub-Divisional Officer given this power rather than not have any person in that locality with the power of the Inspector. So it is in the interests of the workers to have this authority delegated to the District Magistrate or the Sub-Divisional Officers and others whom the Provincial Governments may think necessary. It does not preclude that in those districts where the District Magistrates have been empowered as Inspectors, under this

[Shri Jagjivan Ram]

Act there will be no Inspector appointed. There will be Inspectors in addition to the District Magistrate. It also happens that the District Magistrate, in the course of his duties, may go on tour in certain areas in the district and certain facts may be brought to his notice regarding some factories in that area. If he thinks that he will go and see the factory and find out whether the grievances or complaints are correct or not, unless he has got authority under this Act the employers may refuse him permission to enter the premises. Therefore, I think this provision is very necessary and it is in the interests of the workers. I am liberal to the workers, but that does not mean that I should also become impractical. I think that this provision is very necessary in the interests of the workers themselves.

Mr. R. K. Sidhva: My point was that really I do feel that it will be impracticable for a District Magistrate, in view of the other work with which he is saddled, to work satisfactorily. That is my point.

Mr. Speaker: The honourable member has not seen the point. The point is that the District Magistrate is not going to be the only Inspector. He is one of the many and he is given the power, in case there is not enough work for having a whole-time Inspector. The object is also that whenever a District Magistrate visits the district, he may casually go and see the factories. I think from the point of view of finance and also from the point of view of convenience, it is desirable that, as the head of the magistracy, the District Magistrate should be the co-ordinating factor. That seems to be the whole scheme.

Mr. R. K. Sidhva: You know very well, Sir, the influence of a District Magistrate and anybody who will be appointed

Mr. Speaker: Well, the honourable member does not seem to be satisfied. He may proceed with his argument.

Mr. R. K. Sidhva: I am only stating that it would be good on our part if at least (4) is deleted. I am not even worried about (5), which deals with other public officers, but I do feel that the District Magistrate would interfere unnecessarily. He has also no time to go into this matter and if other Inspectors are appointed he will come into their ways and unnecessarily prevail upon them with his influence. I only feel in the interest of the workers and also to ourselves who wanted to do something good that this clause 4 should be deleted.

Shri Prabhu Dayal Himatsingka: I do not think that Mr. Sidhva is taking the right stand. Why should we be afraid of District Magistrates in the changed situation today? If we have ready made Inspectors in every place, we can appoint them under this section. Otherwise Inspectors have got to be appointed or they may not be appointed in time and so on. I do not see how that can prejudice anybody—either the employers or the employees if you appoint a District Magistrate as an Inspector. He should be there; when other Inspectors do their duty, he need not go out all his way and take up those duties. I do not think, Sir, we should object to this officer or be afraid of him.

Mr. Speaker: I do not think any further argument on that point is necessary. The situation seems to be so obvious. However, it is a question of opinion and we are unable to convince Mr. Sidhva on the point.

Shri M. Ananthasayanam Ayyangar (Madras General): On a point of information, I believe that under the existing Act every District Magistrate is *ex-officio* Inspector. This is so in the present Act and we have not made any modification in that.

Baba Ramnarayan Singh: rose.—

Mr. Speaker: The matter has been sufficiently argued and I do not think any further debate on the point is necessary. We have to put through a very large number of sections and a very large number of amendments and the time

at our disposal is so short, unless the members want to sit in this session beyond the 4th of September.

The question is:

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9 was added to the Bill.

Shri V. S. Sarwate (Indore State): I beg to move:

"That in the *Explanation* to clause 10 of the Bill, the following be added at the end:

'or any such Authority as the Provincial or Indian State Government may by notification declare in the Official Gazette, provided the qualification granted by the Authority is registrable under the law of the Province or State concerned.'"

Mr. Speaker: The honourable member may have his say in support of the amendment. Then I will place it before the House.

Shri V. S. Sarwate: This is a very formal amendment. The scheme of the Bill seems to be that in administrative matters the Provincial Governments have been given power in most of the cases. Here the Provincial Government have been given the power to appoint qualified medical practitioners and the *Explanation* defines who are qualified medical practitioners and two Acts have been mentioned. My object in moving this amendment is that in the acceding states and in some of the provinces there are medical authorities who are competent to give degrees, which are not recognised by the above two Acts. For instance at page 73 of the evidence, there is one such authority mentioned by the Bombay Government. Take Medical Faculty, Bombay, which has not been included in the Acts mentioned. So to make this consistent with the first part which says: "The Provincial Government may appoint qualified medical practitioners", I have added that the qualifying medical practitioner may be such as have been recognised by the Provincial Governments themselves. There is nothing inconsistent in this. It is consistent with the spirit of the whole section. Therefore, I hope that the Honourable Minister will accept my amendment.

Mr. Speaker: Amendment moved.

"That in the *Explanation* to clause 10 of the Bill, the following be added at the end:

'or any such Authority as the Provincial or Indian State Government may by notification declare in the Official Gazette, provided the qualification granted by the Authority is registrable under the law of the Province or State concerned.'"

The Honourable Shri Jagjivan Ram: Sir, this is a matter for the Ministry of Health and as soon as I received notice of that amendment, the Health Ministry was consulted in this matter, and their opinion is that this amendment at this stage is rather premature. The Ministry of Health itself is examining the whole question and it will be for them to bring necessary amendments to these two Acts referred to in the *Explanation* and when they amend these two Acts, the purpose which is in the mind of my honourable friend will be served. So, for the present, I think it will be premature and I do not think I am competent to accept this amendment unless advised by the Ministry of Health.

Shri V. S. Sarwate: My difficulty is what happens in the intervening time.

Mr. Speaker: The Honourable Minister has explained the position. Does he wish me to put the amendment to the vote of the House?

Shri V. S. Sarwate: Yes, Sir.

Mr. Speaker: The question is:

"That in the *Explanation* to clause 10 of the Bill, the following be added at the end:

'or any such Authority as the Provincial or Indian State Government may by notification declare in the Official Gazette, provided the qualification granted by the Authority is registrable under the law of the Province or State concerned.'"

The motion was negatived.

Mr. Speaker: The question is:

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Clause 11 was added to the Bill.

Prof. Shibban Lal Saksena: Sir, I beg to move:

"That in sub-clause (1) of clause 12 of the Bill, the following be added at the end :

'so that they may not injuriously affect the health of, or become a source of nuisance to the people of the locality and the factory shall be liable to pay damages to compensate in full the injury suffered by any persons or institutions, singly or collectively, who are adversely affected by the manner in which the factory disposes of its wastes and effluents'."

Sir, I come from Gorakhpur where there are twenty-one Sugar Factories situated near every station and anybody who goes in a train will find that the whole atmosphere is full of stench. This is a great nuisance. I have many times tried that the factories should be so planned and equipped that the waste products which they throw out are properly treated before they go out of the factory so that the rivers which are used for drinking water by cattle as well as men may not be spoiled. I have seen villages where these effluents are collected and where life becomes a hell; the health of the people there is so bad; probably nowhere else you will find life so miserable.

In fact, we cannot stand in these villages on account of the effluents glutted there. Now that, we are a free country, the health of the people must be the first concern of this Assembly, and I think on the factories must be laid the duty of seeing that the waste products thrown out are properly treated before they go out, so that the people in the locality may not suffer. I think if this amendment is accepted, the effluents will not be discharged before they are treated properly by the factories. Of course, there are some good factories which treat the effluents before they are discharged and the nuisance is not there. But most of the factories do not take the trouble to ensure this; they do not care for the health of the people in the locality. If this provision is made, every factory will take care to see that the health of the people is not injured. I hope the Honourable Minister will accept this amendment because it would help thousands of people.

Mr. Speaker: Amendment moved:

"That in sub-clause (1) of clause 12 of the Bill, the following be added at the end :

'so that they may not injuriously affect the health of, or become a source of nuisance to the people of the locality and the factory shall be liable to pay damages to compensate in full the injury suffered by any persons or institutions, singly or collectively, who are adversely affected by the manner in which the factory disposes of its wastes and effluents'."

Shri Gopikrishna Vijayavargya (Gwalior State): Sir, the point raised by Prof. Shibban Lal Saksena is a really important one. I think the water coming out from so many factories is very injurious and some of the industries which probably may flourish in the future, such as the Ryon industry, and other factories throw out very injurious water. I think very drastic provision must be made in this respect. I hope the Honourable Minister will explain whether this provision is sufficient or not and if that is not sufficient, some other must be found in the direction of what Mr. Shibban Lal Saksena has suggested.

The Honourable Shri Jagjivan Ram: There are so many things which are very desirable and very important. I think the honourable members should realise that we are legislating here for factory labour. We are legislating here

to regulate the employment, health and safety of the workers in the factories. One may very well argue that some things are manufactured in the factories, the factory owners charge exorbitant prices and therefore, the Factory Bill should provide for the control of prices. I do not know how far it will be competent for us to legislate in this Factory legislation for everything that is connected with the factory, whether in the factory or outside the factory. We have made ample provision here. If one were to examine the provisions, he will notice that the provincial Government has been empowered to make rules prescribing the arrangements to be made under sub-section (1) or requiring that the arrangements made in accordance with sub-section (1) shall be approved by such authority as may be prescribed. If the Provincial Government thinks that the arrangements suggested by the employer for the disposal of the wastes and effluents is not satisfactory in the interests of the persons residing in the locality, the provincial Government may not approve of that scheme, but may ask for or suggest another alternative scheme. That is covered here. Even if it is not covered, I do not think it is competent for us to legislate for all these things in the Factory Bill itself.

Prof. Shibban Lal Saksena: In view of what the Honourable Minister has stated, I withdraw the amendment moved by me.

Mr. Speaker: I may point out for the information of the honourable member that even under the general law, nobody has a right to commit nuisance to the other and whoever is a subject of that nuisance has a right under the law to go to the court to have his remedy.

Mr. Nasiruddin Ahmad: The law of Torts.

Mr. Speaker: Has the honourable member leave of the House to withdraw his amendment?

The amendment was, by leave of the Assembly, withdrawn.

Mr. Speaker: The question is:

"That clause 12 stand part of the Bill."

The motion was adopted.

Clause 12 was added to the Bill.

Shri Ajit Prasad Jain: Sir, there is a similar amendment in the name of the Honourable Minister. If he wants to move it, I am not moving this; if he does not move that, I shall move this amendment.

The Honourable Shri Jagjivan Ram: Sir, I move:

"That in part (a) of sub-clause (1) of clause 13 of the Bill, for the word 'free', the word 'fresh' be substituted."

This is a formal amendment, Sir.

Mr. Speaker: The question is:

"That in part (a) of sub-clause (1) of clause 13 of the Bill, for the word 'free', the word 'fresh' be substituted."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 13, as amended, stand part of the Bill."

The motion was adopted.

Clause 13, as amended, was added to the Bill.

Shri H. V. Kamath: Sir, with a view to facilitate the acceptance of my amendment, I would invite reference to the corresponding clause in the original Bill before it was sent to the Select Committee: that is clause 15 in the original Bill. A comparative study will help us to comprehend the nature of the

[Shri H. V. Kamath]

amendment. In sub-clause (1) of clause 15 of the original Bill, we have got the words, injurious or offensive. Here also, in sub-clause (1), we have got the words injurious or offensive to the workers employed therein, in line 4. Just to bring sub-clause (2) in line with sub-clause (1), I have suggested this amendment. Because, here we have got only the word 'injurious'; the word offensive has been deleted. My impression is, unless my memory betrays me, that in the Select Committee—the proceedings of the Select Committee should not be disclosed—the word 'offensive' was agreed to be incorporated in addition to the word 'injurious' in sub-clause (2), so that it would read, "fumes therefrom as are likely to be injurious or offensive to workers employed in the room." I should like to hear from the Honourable Minister why this has not been incorporated. I hope he will throw some light on this point. Sir, I move:

"That in sub-clause (2) of clause 14 of the Bill, after the word 'injurious', occurring in the last line, the words 'or offensive' be inserted."

Mr. Speaker: Amendment moved:

"That in sub-clause (2) of clause 14 of the Bill, after the word 'injurious', occurring in the last line, the words 'or offensive' be inserted."

Shri K. Santhanam: Sir, before the Honourable Minister replies, I wish to point out that according to my recollection, this particular amendment was accepted in the Select Committee, but by oversight, it was not incorporated. I remember to have moved this amendment and it was accepted; but we were not able to scrutinise the entire re-draft in view of the short time. We merely want the same expression in the two clauses. It is "injurious or offensive" in one clause and "injurious" only in the other clause. Somebody may take a hair-splitting argument and find a difference between sub-clauses (1) and (2).

The Honourable Shri Jagjivan Ram: I do not remember exactly what Mr. Santhanam says. In this matter, we have to depend on our experts. My expert advice is that, in the first sub-clause it is all right. With regard to the second sub-clause, some gases may not be offensive, but may be injurious; there may be some gases which may be offensive, but may not be injurious. Therefore, this provision is not necessary.

Shri H. V. Kamath: That is why I have said, "injurious or offensive".

An Honourable Member: That would mean both.

Shri H. V. Kamath: It can be both.

Mr. Speaker: That would be a double restriction

The Honourable Shri Jagjivan Ram: I do not accept the amendment.

Shri H. V. Kamath: I do not accept the explanation of the Honourable Minister.

Mr. Speaker: The question is:

"That in sub-clause (2) of clause 14 of the Bill, after the word 'injurious', occurring in the last line, the words 'or offensive' be inserted."

The motion was negatived.

Mr. Speaker: The question is:

"That clause 14 stand part of the Bill."

The motion was adopted.

Clause 14 was added to the Bill.

Shri Ajit Prasad Jain: Sir, I move:

"That in sub-clause (2) of clause 15 of the Bill, the word 'If' occurring at the beginning be omitted."

The word is redundant.

Mr. Speaker: The question is:

"That in sub-clause (2) of clause 15 of the Bill, the word 'If' occurring at the beginning be omitted."

The motion was adopted.

Shri Ajit Prasad Jain: Sir, I move:

"That in sub-clause (3) of clause 15 of the Bill, the words 'which is required to be effectively purified' be omitted."

Clause 2 says that water is required to be used in a purified state and there is no need to repeat these words in sub-clause (3). These words should be deleted as being unnecessary.

Mr. Speaker: Amendment moved:

"That in sub-clause (3) of clause 15 of the Bill, the words 'which is required to be effectively purified' be omitted."

Shri Prabhu Dayal Himatsingka: Sir, I oppose this amendment because what Mr. Jain says is not correct. Under sub-clause (2) the factory will have to use water from a public supply or other source of drinking water or water which must be effectively purified before it is used. In the case of water from a public supply it is already purified, and the question of further purification does not arise. If it is taken from any other source and the water is not as it should be, it will be for the Inspector to require it to be purified. Therefore if you omit the words "which is required to be effectively purified" the Inspector may call upon a factory which is using water from a public supply to purify it again. So these words should remain; otherwise there will be complications.

Prof. Shibban Lal Saksena: I think it is unnecessary to retain these words.

Mr. R. K. Sidha: In some places there are two kinds of water,—for flushing and for drinking. If the clause is clear I do not mind.

The Honourable Shri Jagjivan Ram: There are three sources of water for increasing humidity,—public supply, other source of drinking water, or water which should be effectively purified before use. In the third case it must be purified in the factory; in the other two cases it is already purified. So the words should be retained.

Mr. Speaker: The question is:

"That in sub-clause (3) of clause 15 of the Bill, the words 'which is required to be effectively purified' be omitted."

The motion was negatived.

Mr. Speaker: The question is:

"That clause 15, as amended, stand part of the Bill."

The motion was adopted.

Clause 15, as amended, was added to the Bill.

Clauses 16 and 17 were added to the Bill.

श्री गोकुलमार्जुन दीक्षितराव नट्टु : माननीय सभापति जी, मेरा संशोधन इस प्रकार है—

"That in sub-clause (2) of clause 15 of the Bill, after the words 'drinking water', the words 'in Hindustani and' be inserted."

[श्री गोकुल भाई दौलतराम भट्ट]

वह संशोधन रखने की ज़रूरत इसलिए हुई कि हमें राष्ट्र भाषा का सब जगह इस्तेमाल करना चाहिये, चाहे वह गुजरात में हो, चाहे वह दक्षिण में हो, या चाहे वह देश के किसी और हिस्से में हो। भाषा की दृष्टि से यह ज़रूरी है कि हम अपनी राष्ट्र भाषा का सम्मान करें और उसके ज़रिए हम आम लोगों में पहुँचें। और आम लोगों में पहुँचने का एक तरीका यह है कि जहाँ कहीं कोई इतिला दी जाय, जहाँ कहीं कोई सूचना दी जाय वह राष्ट्र भाषा में तो देनी ही चाहिये। और उसके सिवाय प्रान्त की भाषा में या दूसरी और भाषा में जिसे लोग समझ सकें उसमें देनी चाहिये। इसलिये मैंने यह संशोधन रखा है। वैसे तो मैं मानता हूँ कि यह संशोधन सदा है लेकिन ज़रूरी भी है क्योंकि हमें अपनी राष्ट्र भाषा बढ़ानी है।

(English translation of the above speech).

Shri Gokulbhai Daulatram Bhatt: Sir, I beg to move:

"That in sub-clause (2) of clause 18 of the Bill, after the words 'drinking water', the words 'in Hindustani and' be inserted."

The necessity for moving this amendment is that we should use the national language in every sphere, may be in Gujrat, or in the South or in any other part of the country. From the linguistic point of view, it is necessary that we should respect our national language and by means of that we should establish our contact with the masses. The only way to associate ourselves with the masses is that we should use the national language for communicating any sort of information which may be desired to be circulated. And besides this, this should be given in the language in vogue in the Province concerned or in any other language which is understood by the people. Therefore, I have proposed this amendment. I do admit that this is a simple amendment, but I feel it necessary because we have to popularise our national language.

Mr. Speaker: Amendment moved:

"That in sub-clause (2) of clause 18 of the Bill, after the words 'drinking water', the words 'in Hindustani and' be inserted."

Mr. B. K. Sidhva: The clause refers to a language understood by a majority of the workers. If my honourable friend wants to propagate Hindustani, that is a different matter but this is not the place to do so. In the present clause I think it is enough if the language is one which is commonly understood in the place.

Shri O. V. Alagesan (Madras: General): Will both the scripts be used?

Mr. Speaker: The amendment is silent on that.

The Honourable Shri Jagjivan Ram: The provision as it stands is quite useful and will serve the purpose. The language should be one which is understood by the majority of the workers. I think we should find other means for the propagation of Hindustani. Sir, I oppose the amendment.

श्री गोकुलभाई दौलतराम भट्ट : मैं संशोधन को वापिस लेने की इजाजत चाहता हूँ।

Shri Gokulbhai Daulatram Bhatt: Sir, I beg leave to withdraw my amendment.

Mr. Speaker: Has the honourable member leave of the House to withdraw his amendment?

The amendment was, by leave of the Assembly, withdrawn.

Mr. B. K. Sidhva: With reference to sub-clause (2) if the Honourable the Minister considers that no exemption should be given, well and good. Otherwise I shall not put it. I feel that in such a matter, the drinking water should

not be contaminated with latrine or drainage water. Why should there be any objection to the approval of a shorter distance by the Chief Inspector?

The Honourable Shri Jagjivan Ram: I do not accept this view. When we are thinking of modern amenities, we have to think of modern science also!

Mr. Speaker: Science might perhaps invent better methods and the space in a factory may not allow for a longer distance.

Shri H. V. Kamath: In Clause 19 there are mandatory provisions to keep them clean.

Shri Ajit Prasad Jain: Sir, I move:

"That in sub-clause (3) of clause 18 of the Bill,—

(i) for the words 'methods of', the words 'provision shall be made for' be substituted;

(ii) the words 'shall be provided' be omitted: and

(iii) the words 'provision shall be made' be omitted."

The amendment would then read:

"In every factory wherein more than two hundred and fifty workers are ordinarily employed, provision shall be made for cooling drinking water during the hot weather by effective means, and for distribution thereof."

It is a verbal amendment.

Mr. Speaker: Amendment moved:

"That in sub-clause (3) of clause 18 of the Bill,—

(i) for the words 'methods of', the words 'provision shall be made for' be substituted;

(ii) the words 'shall be provided' be omitted: and

(iii) the words 'provision shall be made' be omitted."

The Honourable Shri Jagjivan Ram: I accept it.

Mr. Speaker: The question is:

"That in sub-clause (3) of clause 18 of the Bill,—

(i) for the words 'methods of', the words 'provision shall be made for' be substituted;

(ii) the words 'shall be provided' be omitted: and

(iii) the words 'provision shall be made' be omitted."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 18, as amended, stand part of the Bill."

The motion was adopted.

Clause 18, as amended, was added to the Bill,

Mr. R. K. Sidhva: With reference to this amendment, before I move it, I would like to know what is the meaning of "sufficient latrine and urinal accommodation....." in (1) (a) of Clause 19. It seems vague whereas there are municipal laws defining the number of persons to a seat. It is 20 persons to a seat. If it is sufficient then there is no meaning in moving it provided of course the Minister feels that the word "sufficient" would cover this. Otherwise, what does "sufficient" mean?

Mr. Speaker: That which is not insufficient will be sufficient.

Mr. R. K. Sidhva: I am not moving my amendment.

Prof. Shibban Lal Saxena: In sub-clause 3 of Clause 19 it is already said that Government may prescribe the number of latrines.

Mr. Speaker: In any case, he is not moving his amendment.

Prof. Shibban Lal Saksena: Sir, I move:

"That in sub-clause (3) of clause 19 of the Bill for the words 'may prescribe', the words 'shall make rules prescribing' be substituted."

I am not moving part (ii) of my amendment. I do not think the Government can prescribe latrines for every factory. So I want the words "shall make rules prescribing....." for the words "may prescribe".

Mr. Speaker: It is understood that "prescribe" means prescribing by rules.

Prof. Shibban Lal Saksena: Then, I move:

"That in sub-clause (3) of clause 19 of the Bill, for the word 'may' after the words 'Provincial Government' the word 'shall' be substituted."

Mr. Speaker: Amendment moved:

"That in sub-clause (3) of clause 19 of the Bill, for the word 'may' after the words 'Provincial Government' the word 'shall' be substituted."

Prof. Shibban Lal Saksena: I beg leave of the House to withdraw my amendment.

Mr. Speaker: Has the honourable member the permission of the House to withdraw?

The amendment was, by leave of the Assembly, withdrawn.

Mr. Speaker: The question is:

"That Clause 19 stand part of the Bill."

The motion was adopted.

Clause 19 was added to the Bill.

Shri Basanta Kumar Das (West Bengal: General): Sir, I move:

"That in sub-clause (3) of clause 20 of the Bill, for the words 'to this effect', the following be substituted:—

'containing this provision and the penalty for its violation.'"

Mr. Speaker: Amendment moved:

"That in sub-clause (3) of clause 20 of the Bill, for the words 'to this effect', the following be substituted:—

'containing this provision and the penalty for its violation.'"

Shri Basanta Kumar Das: For "provision" we should not have the word "section" as suggested by an honourable member. That would not be better.

Mr. Speaker: "Provision" means the ban on spitting.

The Honourable Shri Jagjivan Ram: I accept it.

Mr. Speaker: In this very form?

The Honourable Shri Jagjivan Ram: Yes, Sir.

Mr. Speaker: The question is:

"That in sub-clause (3) of clause 20 of the Bill, for the words 'to this effect', the following be substituted:—

'containing this provision and the penalty for its violation.'"

The motion was adopted.

श्री गोकुलसाई दौलतराम भट्ट : माननीय समापति जी, मेरी तरफ़ीम यह है—

"That in sub-clause (4) of clause 20 of the Bill, for the words 'with fine not exceeding five rupees', the words 'under rules to be prescribed by the Provincial Government' be substituted.

मुझे याद है कि सिलेक्ट कमेटी में इसके मुताबिक कुछ बात थी और उस समय यह वास्तव में दिया गया था कि यह इसमें स उड़ाया जायगा क्योंकि कई जगह हमने जुरमाने बगैरह को बात नहीं रखी है। क्योंकि प्रान्तीय सरकार जो कुछ नियम बनावेगी उनके अधीन सब कुछ रखा जायगा। लेकिन मालूम नहीं कि वह किस रीति से इसमें आ गया है। उस समय शायद यह कुछ ध्यान के बाहर हो गया। मैं चाहता हूँ कि जुरमाना करने की जो बात है वह नियमों के अधीन होनी चाहिये। कौन जुरमाना करेगा, या नहीं करेगा, बूकने वाले को कौन पकड़ेगा बगैरह बातें अगर प्रान्तीय सरकारों के ऊपर और उनके नियमों के ऊपर छोड़ दी जायें तो ज्यादा अच्छा रहेगा।

वैसे तो उपधारा २ में यह चीज आती जाती है कि प्रान्तीय सरकार इसके मुताबिक नियम बनावेगी, (* * * * *) relating to their maintenance in a clean and hygienic condition बगैरह। तो ऐसी हालत में अगर वह जुरमाने की चीज भी वास्तविक करना चाहें तो कर सकेंगी। इसलिये मेरी प्रार्थना है कि इस चीज को प्रान्तीय नियमों पर ही छोड़ दिया जाय और यहां इस कानून में, इस बिल में इसको न रखा जाय।

(English translation of the above speech).

Shri Gokulbhai Daulatram Bhatt: Sir, I beg to move:

"That in sub-clause (4) of clause 20 of the Bill, for the words 'with fine not exceeding five rupees', the words 'under rules to be prescribed by the Provincial Government' be substituted."

I remember that this matter was discussed in the Select Committee and an assurance was given that this will be deleted from this Clause, because we have not provided for the imposition of fines at so many places. All these matters would be dealt with under the rules which will be framed by the Provincial Governments. But it is not known how has this crept here. It was perhaps overlooked at that time. What I want is that the levy of fines should be governed by the rules. It would be better if we leave it to the Provincial Governments to frame the rules as to who will impose the fine, who will catch hold of the person while spitting, and for such other matters.

Ordinarily this comes within the scope of sub-clause (2) that the Provincial Government may make rules prescribing the type and the number of spittoons to be provided and provide for such further matters relating to their maintenance in a clean and hygienic condition, etc. So under such circumstances if they consider it expedient to provide for the levy of fines also, they will be able to do this. Therefore, I submit that this matter should be left to be governed by the rules of the Provincial Government and no provision to this effect be made here in this Bill.

Mr. Speaker: Amendment moved:

"That in sub-clause (4) of clause 20 of the Bill, for the words 'with fine not exceeding five rupees', the words 'under rules to be prescribed by the Provincial Government' be substituted."

Prof. Shriban Lal Saksena: If the amendment of Mr. Bhatt is accepted I will not move mine. I feel that it should be left to the Provincial Governments to frame the rules or devise methods to get this done. If the amendment is not accepted I would suggest a fine of one rupee instead of Rs. 5. Even one rupee is too much but I hope it will not be five rupees in any case. Sir, I move:

"That in sub-clause (4) of clause 20 of the Bill, for the words 'five rupees', the words 'one rupee' be substituted."

Mr. Speaker: Amendment moved:

"That in sub-clause (4) of clause 20 of the Bill, for the words 'five rupees', the words 'one rupee' be substituted."

Shri B. Das: Sir, I am in entire agreement with my friend Mr. Bhatt and I do not understand how the champions of labour who were in the Select Committee introduced this sub-clause (4). It is a very irksome provision. If the trial is before a magistrate it would go very hard with the poor labourers. The standard of sanitation in congested places like factories has not reached that level when we can impose such restrictions on the workers. I hope it would be left to the Provincial Governments to frame bye-laws, because provinces in India have got different standards. Today there are 8 provinces but soon there may be 14. The racial characteristics of the people are bound to prevail. The working classes come from people who are less educated or illiterate and they are confined to one place of work and they might commit the offences contemplated in sub-clause (4). I hope the House will accept Mr. Bhatt's amendment.

Shrimati Renuka Ray (West Bengal: General): Sir, I should just like to point out that my honourable friend Mr. Bhatt is wrong. He has misunderstood the discussion that took place in the Select Committee

Mr. Speaker: Let us not go into that discussion.

Shrimati Renuka Ray: I will not go into details. I only want to point out that we decided there and I supported this decision that we should have this clause as it is. It has not been wrongly inserted. I do not agree with my honourable friend who spoke before me that these are racial characteristics. This habit was prevalent in Italy and after Mussolini introduced heavy fines the habit changed very soon. If we too provide a heavy penalty the habit will go out. It is not a racial habit of Indians in particular. It is a habit which has been prevalent in other countries as well. I am very strongly in favour of retaining the clause as it is.

Mr. B. K. Sridha: Sir, I am unmindful of the opposition raised by Mr. Das, but I am very much surprised that my friends Messrs Saksena and Bhatt should oppose the clause as it is. It is a very desirable clause which has been inserted. Spitting brings dangerous diseases. It is recognised by all that spitting anywhere contaminates the atmosphere and brings diseases to other persons who may be absolutely healthy. In England if a policeman sees a man spitting on the road side he would immediately fine him on the spot. If we are backward in social consciousness we must train the people in it. In a factory if workers are allowed to spit in all sorts of places, in the staircases, etc., it will breed all sorts of diseases. I am surprised that labour leaders should object to this salutary provision. The fine should be Rs. 10 and not Rs. 5. Nobody can say that I am not in favour of the workers. I however oppose the amendment because I want to improve the health of the workers. It is for that purpose that this provision has been put in.

Dr. V. Subramaniam: Sir, I am glad that the provision has been made in sub-clauses (3) and (4) but how far we will succeed is a matter of doubt. There is no provision for a watch and ward peon or person who will see who is spitting and has committed an offence. For propaganda purposes each worker must be educated that he should lead a clean and sanitary life and that he must not spit. How this provision will be enforced is a different matter and I have got my own doubts. Some provision must be made to let in evidence as to who has done it. By examining the sputum one cannot say whether X or Y has done it. I just want to draw the attention of the Honourable Minister that the fine must be a nominal fine and even one rupee is quite sufficient.

आमदेबिल श्री जगजीवनराम : मैं दोनों संशोधनों को कबूल करने की स्थिति में नहीं हूँ। गोकुलभाई भट्ट ने बताया है कि दूसरा जो प्रावधान (Provision) है उससे काम चल सकता है। उनको मैं वह बता देना चाहता हूँ कि दूसरे [Sub-clause (2)] में तो जबाबदेही इम्प्लायर्स (मालिकों) पर है कि अगर वह स्पिट्टून (बर्तन) को ठीक से नहीं रखेंगे तो उन पर उत्तरदायित्व होगा। और इसमें [Sub-clause (4)] मजदूरों पर उत्तरदायित्व रखा गया है कि अगर वे स्पिट्टून (Spittoon) को इस्तेमाल नहीं करेंगे, दूसरी जगह धूकेंगे तो वे जुर्म करेंगे और उस जुर्म के लिये उनको सजा होगी। मैं सिर्फ फैक्टरी साफ रहे इसके लिये ही यह प्रबन्ध नहीं करना चाहता हूँ बल्कि जैसी कि मजदूरों की हालत है वह जहाँ चाहें वही धूकते हैं उसका भी प्रबन्ध करना चाहता हूँ। यह जहाँ खाना खाते हैं, जहाँ कपड़े पहनने का प्रबन्ध होगा है उसी जगह पर अगर वह धूकते रहेंगे तो वह तो मालिकों के लिये नुकसानदेह नहीं होगा बल्कि मजदूरों के लिये ही नुकसानदेह होगा। और कोई भी आदमी जो मजदूरों का हितचिन्तक है उसे तो इसका स्वागत करना चाहिये और इसका विरोध नहीं करना चाहिये। हम इसे इस कानून में रख कर मजदूरों में वह भावना पैदा करना चाहते हैं कि अगर वह ऐसा करें तो उनके लिये दंड का भी इंतजाम है। इसलिये वह चीज तो जरूरी है और मैं उम्मीद करता हूँ कि हमारे दोनों साथी इसे वापिस ले लेंगे।

(English translation of the above speech).

The Honourable Shri Jagjivan Ram: Sir, I am not in a position to accept both the amendments. Mr. Gokulbhai Bhatt has stated that the provisions of sub-clause (2) can serve the purpose. I would like to state for his information that sub-clause (2) requires the employers to maintain the spittoons in a proper manner. Sub-clause (4) puts the responsibility on the workers that if they do not use the spittoon and spit elsewhere, they will be committing an offence and liable to be fined. I do not want to make this provision simply for keeping the factory clean, but also to stop the present-day practice of the workers to spit anywhere they like. If they go on spitting in the place where they take the meals and change their clothes, then this will not only prove harmful to the employers, but to the workers also. Anyone who champions the cause of labour should welcome this rather than oppose this. By providing it in this law, we want to impress upon the labourers that if they behave like this they are liable to be punished. It is, therefore, necessary, and I hope that both of my honourable friends will withdraw the amendments.

Prof. Shibban Lal Saksena: Will not one rupee be enough?

Mr. Speaker: There is now no further scope for discussion.

श्री गोकुलभाई दीक्षतराम भट्ट : माननीय मंत्री का जवाब सुनने के बाद मुझे सन्देह तो है कि इस पर अमल करना मुश्किल होगा लेकिन चूंकि वह एडमिनिस्ट्रेटिव व्यू (Administrative view) से इसे रखना चाहते हैं तो इसे रखें। मैं अपना सुझाव वापिस लेने की इजाजत चाहता हूँ।

(English translation of the above speech).

Shri Gokulbhai Daulatram Bhatt: After having listened to the explanations given by the Honourable Minister, I still have the doubt that it will be difficult to act upon this, but as he wants to retain this clause from an administrative point of view, he may do so. I, therefore, beg leave to withdraw the amendment.

Prof. Shibban Lal Saksena: Sir, in view of the submission by the Honourable Minister I desire to withdraw my amendment.

Mr. Speaker: Have the two honourable members Shri Gokulbhai Bhatt and Prof. Shibban Lal Saksena the leave of the House to withdraw their amendments?

The amendments were, by leave of the Assembly, withdrawn.

Mr. Speaker: The question is:

"That clause 20, as amended, stand part of the Bill."

The motion was adopted.

Clause 20, as amended, was added to the Bill.

Shri Ajit Prasad Jain: I move:

"That in sub-clause (1) of clause 21 of the Bill, between the words 'and' and 'unless' occurring in line nine the brackets and figures '(iv)' be inserted."

The Honourable Shri Jagjivan Ram: In that case the word "and" occurring after (ii) will have to be deleted.

Shri Ajit Prasad Jain: The word "and" will go to the previous line. That can be done by the draftsman.

Mr. Speaker: The word "and" might go after item (iii).

Shri Ajit Prasad Jain: The "and" at the end of item (ii) might be deleted and this "and" should go after item (iii). As it is only a drafting amendment I would request the Chair to put the amendment for deleting the word "and" at the end of part (ii) of sub-clause (1).

Mr. Speaker: I think the deletion of "and" after (ii) would suffice.

Shri Ajit Prasad Jain: My submission is that that "and" might be deleted and that this "and" occurring before the word "unless" should go to the last preceding line, because these parts are all connected together and the last "and" will govern all parts. The word "and" at the end of part (ii) is unnecessary.

Mr. Speaker: What does "they" after the word "unless" stand for?

Shri K. Santhanam: They refer to (a), (b) and (c) which follow, that is every part of an electric generator, a motor or rotary convertor, every part of transmission machinery and every dangerous part of any other machinery.

Mr. Speaker: Therefore, will not the word "unless" be necessary?

Shri K. Santhanam: The word "unless" is absolutely essential. Mr. Jain wants only "(iv)" to be put before "unless". He wants to make it a separate part so that the final part can govern the entire thing—(a), (b) and (c). That is his object.

Shri Ajit Prasad Jain: This clause relates to fencing. Fencing in the case of (i), (ii) and (iii) is compulsory. If my amendment is accepted, in the case of (iv) unless they are in such position or of such construction as to be safe to every person employed in the factory as they would be if they were securely fenced, the following, namely: (a) every part of an electric generator, a motor or rotary convertor; (b) every part of transmission machinery; and (c) every dangerous part of any other machinery—shall be fenced etc.

Mr. Speaker: I feel a sort of confusion here.

Shri K. Santhanam: There is none, Sir.

Mr. Speaker: There is none as a matter of fact. I am stating my own state of mind. The first "and" after part (ii) may go.

Some Honourable Members: Yes.

Mr. Speaker: That does not seem to create any difficulty.

Shri K. Santhanam: "and" should then come after the word "lathe;" in part (iii).

Mr. Speaker: The difficulty which I have been feeling so far as the drafting of it is concerned, is that in (i), (ii) and (iii) we are referring to a specific article, a thing, in respect of which we want what is given below.

Shri K. Santhanam: "securely fenced by safeguards....." governs (i), (ii), (iii) and (iv). That is the intention of the amendment. Each one of these should be securely fenced by safeguards.

Mr. Speaker: That I follow. What I was finding difficulty about is that this clause, which governs (i), (ii) and (iii), differs in nature from parts (i), (ii) and (iii). While they describe some parts of machinery, if we take this as (iv) it will be describing a sort of condition in which the machinery is kept.

Shri K. Santhanam: It will be defining the machinery to be fenced under certain conditions.

Shri Ajit Prasad Jain: Parts (i), (ii) and (iii) are to be compulsorily fenced. But here a rider has been added beginning from the word "unless" and ending as "securely fenced". In fact it would have been better if this had been made into a sort of Proviso to parts (a), (b) and (c). But as it is, it is a Proviso which, however, does not come after (a), (b) and (c) but precedes them.

Mr. Speaker: Shall we separate (iv) ?

Prof. Shibban Lal Saksena: I think the clause is all right as it is. The first part consisting of (i), (ii) and (iii) is separated from the second portion by the word "unless". The second part begins after the word "unless". I think the clause requires no change.

Mr. Speaker: I think it requires more material redrafting. I am myself not clear yet on the construction.

Mr. Hossain Imam (Bihar: Muslim): The difficulty will be removed if the last portion of this clause "shall be securely fenced...etc." goes before (iv). That is, the first three items—shall be fenced. They will come first. And this will be a Proviso. That is, these three—(a), (b) and (c)—will be fenced if these conditions are not fulfilled. The difficulty might be removed by juxtaposition.

Shri K. Santhanam: (a), (b) and (c) might come first and the clause beginning with the word "unless" might come behind them.

Shri Gopkrishna Vijayavargya: I think we might hold up this clause.

Mr. Speaker: I think so. In any case we are going to have discussion on this Bill tomorrow because I do not think we will be able to finish it before 5 of the Clock.

Shri B. P. Jhunjhunwala (Bihar: General): (i), (ii) and (iii) must be fenced under all circumstances. So far as these other three are concerned, namely, (a), (b) and (c), unless they are in such position or of such construction as to be safe to every person employed in the factory as they would be if they were securely fenced, they should also be fenced. That is, if they are securely fenced, in that case it is not necessary. But (i), (ii) and (iii) must be securely fenced under all circumstances. That is the intention.

Mr. Speaker: In any case, I am keeping it over with a request to the Honourable Minister that he may consult his draftsmen and then see what is to be done; if at all anything is required to be done we will do it tomorrow.

Shri K. Santhanam: I may also point this out for consideration of the draftsman. The clause says:

" construction which shall be kept in position "

It is the safeguard which is to be kept in position. There is a confusion as to whether the safeguard or the construction shall be in position.

Mr. Speaker: He will try to revise the whole clause. Now I will take up the next clause.

The question is:

"That Clause 22 stand part of the Bill."

The motion was adopted.

Clause 22 was added to the Bill.

The Honourable Shri Jagjivan Ram: Sir, I move:

"That for clause 23 of the Bill, the following be substituted:

23. Employment of young persons on dangerous machines.—(1) No young person shall work at any machine to which this section applies, unless he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed and—

(a) has received sufficient training in work at the machine, or

(b) is under adequate supervision by a person who has a thorough knowledge and experience of the machine.

(2) Sub-section (1) shall apply to such machines as may be prescribed by the Provincial Government, being machines which in its opinion are of such a dangerous character that young persons ought not to work at them unless the foregoing requirements are complied with."

Sir, this is the same as the existing clause 23. There it covers only adolescents and that has been replaced here by young persons in order to cover children as well. That is the only change that has been made in this new clause.

Mr. Speaker: Amendment moved:

"That for clause 23 of the Bill, the following be substituted:

23. Employment of young persons on dangerous machines.—(1) No young person shall work at any machine to which this section applies, unless he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed and—

(a) has received sufficient training in work at the machine, or

(b) is under adequate supervision by a person who has a thorough knowledge and experience of the machine.

(2) Sub-section (1) shall apply to such machines as may be prescribed by the Provincial Government, being machines which in its opinion are of such a dangerous character that young persons ought not to work at them unless the foregoing requirements are complied with."

Does Professor Shibban Lal Saksena want to move his amendment?

Prof. Shibban Lal Saksena: Yes, Sir. I move:

"That in sub-clause (1) of clause 23 of the Bill, after the word 'unless' occurring in line 2 the words 'the Chief Inspector of Factories certifies that' be inserted."

This clause is meant generally to protect young persons. I want that there should be some tests to prove that those persons who are put on the dangerous machines have actually satisfied the provisions of this clause. As the clause stands a manufacturer can send young persons for work on dangerous machines and there will be nothing to show that the workers have been properly instructed. So, I have added the words "the Chief Inspector of Factories certifies that" after the word "unless". This would read—

"...shall work at any machine to which this section applies, unless the Chief Inspector of Factories certifies that he has been fully instructed as to the dangers....."

Some authority must satisfy itself that the person has been fully instructed in the use of that dangerous machine. Then alone will this section have been adhered to; otherwise it will remain a dead letter.

Secondly, I may point out to the Honourable Minister that he has used the word "young persons". He should have included women also. In the English Act women are also included. So I would suggest to him that he may incorporate this amendment also.

Mr. Speaker: Amendment moved:

"That in sub-clause (1) of clause 23 of the Bill, after the word 'unless' occurring in line 3 the words 'the Chief Inspector of factories certifies that' be inserted."

I was just wondering as to how this amendment which was tabled to the old section will fit in with the new clause.

Prof. Shibban Lal Saksena: The words sought to be added by my amendment will be inserted after the word "unless" in sub-olause (1).

Shri K. Santhanam: It will not fit in with the new draft.

Mr. Speaker: I think perhaps his object would be served by adding the words like this to sub-clause (2) of the new clause:—

"...unless the foregoing requirements are certified by the Chief Inspector of Factories to have been complied with."

Would that serve his purpose?

Prof. Shibban Lal Saksena: I do not mind.

Shri K. Santhanam: Sir, I think this new clause is inconsistent with sub-clause (2) of clause 22 which absolutely bars a woman or child. A "young person" may be a child or may be an adolescent. A child within certain ages may be a "young person". Under the new clause 23 a child who is defined as a "young person" can work at a machine, while Clause 22 (2) says that a child cannot go near the machinery nor even clean it. I think there is some inconsistency between the two.

Shri M. Ananthasayanam Ayyangar: Therefore the word "adolescents" may continue.

Shri K. Santhanam: Yes, the old clause has been considered already. I think there has been some mistake.

Shri M. Ananthasayanam Ayyangar: The clause may be allowed to stand as it is.

Mr. Speaker: What is the position then?

Prof. N. G. Ranga: Sir, as it is, the new amendment that is proposed by the Honourable Minister is I am afraid likely to worsen the position of children. A "child" means a person who has not completed his 15th year of age. Hereafter children also will come to be employed, if this amendment were to be passed, in those machines which are considered to be dangerous; they will be expected to have attained so much of proficiency in managing these machines as to be able to work by them in safety. That is a very dangerous thing indeed.

As my friend Mr. Santhanam has already suggested, indeed this amendment is inconsistent with subclause (2) of clause 22. The House has already passed clause 22. Then, it is well-known that in other countries a "young person" is defined as one who is below the age of sixteen, and young persons are not allowed to work at all in any industrial employment. Only recently the International Labour Office had to consider this problem and they had to make a special exemption in the case of India, and then say, "So far as India is concerned, your Child Employment Act will be recognised according to which those who are children and who are fifteen years of age will also be allowed to work after they have finished their school-going age". Now, when an exception has been made in our case—not in our favour but in our case—in a sort of grudging fashion, I do not see any reason why on top of having got this exemption we should allow our children also to come to be employed by these dangerous machines. Therefore, Sir, I am all in favour of the existing provisions as it is, that is, clause 23. We should not at all bring within the mischief of this particular clause the children also. I suggest to the Honourable Minister that he should not press this amendment at all and he should really withdraw this amendment.

Mr. Speaker: I find that Clause 23 as it is printed in the Bill is a result of the deliberations in the Select Committee. Therefore, if the Honourable Minister would kindly explain why he thinks it is necessary to have this particular amendment, the whole position will be clear.

The Honourable Shri Jagjivan Ram: Sub-section (2) of clause 22 is about the cleaning or lubrication or adjustment of machinery while that part is in motion and there children and women are prohibited from working. This clause covers other machineries.

Shri K. Santhanam: Can it work without being in motion?

Prof. N. G. Ranga: It is even more dangerous.

The Honourable Shri Jagjivan Ram: This refers to certain.....

Shri K. Santhanam: The Minister may consult his advisers.

The Honourable Shri Jagjivan Ram: Yes, I would like again to consult my advisers. This is a technical matter.

Mr. Speaker: I was just going to make that suggestion. So this clause may stand over. There are no amendments to clauses 24, 25 and 26.

The question is:

"That clauses 24, 25 and 26 stand part of the Bill."

The motion was adopted.

Clauses 24, 25 and 26 were added to the Bill.

At this stage, [Mr. Speaker vacated the Chair which was then occupied by Pandit Thakur Das Bhargava, (one of the Panel of Chairman)].

Mr. E. K. Sidhva: Sir, my amendment is in relation to clause 27 regarding the prohibition of the employment of women and children in cotton-openers. These cotton-openers are very dangerous to health. They are combined with press factories. My amendment really arises out of this fact. Whereas the original clause says that unless a partition extending to the roof has been raised, women and children will not be allowed to work in cotton-openers, there is also a provision that the Chief Inspector may in any particular case if he desires that the height may be lower than the roof, he can exempt. I would submit for the consideration of the Honourable Minister that this is a very important matter. It affects the health. Cotton-openers emanate dust, which is liable to lead to diseases. This has been proved. So, if the proviso, "or to such height as the Inspector may in any particular case specify in writing," is deleted, it will serve the purpose, and the object of the clause will be immensely fulfilled. That is my submission and I would like to know the reactions of the Honourable Minister.

The Honourable Shri Jagjivan Ram: I have not personally myself seen the operations carried on in a cotton-opener, but I am told that this is a measure which is adopted as a precaution against fire, not merely dust, and hence if the partition is to such a height that danger from fire is avoided, it is not necessary that it should be a complete wall touching the roof. So if the protection against fire is covered, I do not think any other provision is necessary.

Mr. Hossain Imam: May I know what the position is in the present Act? Is it wall up to the ceiling or not?

The Honourable Shri Jagjivan Ram: It is not.

Mr. Hoesain Imam: Then, this is an advance.

Mr. Chairman: I take it that Mr. Sidhva does not move his amendments.

Mr. B. K. Sidhva: Yes, Sir.

Mr. Chairman: The question is:

"That clause 27 stand part of the Bill."

The motion was adopted.

Clause 27 was added to the Bill.

Shri H. V. Kamath: Sir, I move:

"That in part (b) of sub-clause (2) of clause 28 of the Bill, for the word 'efficient', the word 'sufficient' be substituted."

Sir, my amendment turns upon the meaning of the words "efficient" and "sufficient". In part (c) we have got the word "efficient" automatic device. When a device is automatic and when the purpose is to prevent the cage from over running, efficiency comes into play. But, Sir, in part (b) the word "sufficient" is appropriate, because firstly it has got a different connotation from the word "efficient" and secondly the purpose of this device or these devices is to support the cage in the event of breakage of ropes, chains or attachments. As far as I can recollect, this particular change from "sufficient" to "efficient" was effected in the Select Committee. In the original Bill it was "sufficient". But then, at the fag-end, on the last day of the Select Committee meeting—this amendment was suggested by one of the officials. I wanted to speak on it, but we were all in a hurry to go and I did not press my point. But in the context of the circumstances described in this part (b) I think what is intended is sufficient devices. It may be a number of devices. Efficiency does not here come into play so much as in the second one. What is intended is that the devices should be adequate and sufficient in number to support the cage in the event of a breakdown. So I think it is better to retain the original word "sufficient". That is how the clause appears in the original Bill. I am therefore of the view that the word "sufficient" is far more suitable and apt than "efficient" in the context of the circumstances described in part (b). Sir, I move.

Mr. Chairman: Amendment moved:

"That in part (b) of sub-clause (2) of clause 28 of the Bill, for the word 'efficient', the word 'sufficient' be substituted."

The Honourable Shri Jagjivan Ram: Sir, this is a contest between "sufficient" and "efficient" and it is common knowledge which of the two succeeds—efficiency always succeeds. So here we do not require "sufficient" devices. The devices may be sufficient; they may not be efficient. What we require is that the devices should be "efficient" in cases of emergency. I may say, Sir, that it was after great deliberation that the word was changed from "sufficient" to "efficient" and personally, I think "efficient" is better than "sufficient".

Mr. Chairman: The question is:

"That in part (b) of sub-clause (2) of clause 28 of the Bill, for the word 'efficient', the word 'sufficient' be substituted."

The motion was negatived.

Mr. Chairman: The question is:

"That clause 28 stand part of the Bill."

The motion was adopted.

Clause 28 was added to the Bill.

Shri Ajit Prasad Jain: Sir, I beg to move:

"That part (b) of sub-clause (2) of clause 29 of the Bill, be omitted."

Sir, I would like the House to go carefully into clause 29. It deals with cranes and other lifting arrangements. It lays down some essential conditions specifically in paragraphs (a), (b) and (c) of sub-clause (1) which every factory must observe. In clause 2, it gives the power to the Provincial Government to make rules in addition. The essential conditions laid down in sub-clause (1) are:

"(a) every part thereof, including the working gear, whether fixed or movable, ropes and chains and anchoring and fixing appliances shall be--

(i) of good construction, sound material and adequate strength;

(ii) properly maintained, and shall be thoroughly examined by a competent person at least once in every period of twelve months, and a register shall be kept containing the prescribed particulars of every such examination.

(b) No such machinery shall be loaded beyond the safe working load which shall be plainly inscribed thereon.

(c) While any person is employed or working on or near the wheel track of a travelling crane in any place where he would be liable to be struck by the crane, effective measures shall be taken to ensure that the crane does not approach within twenty feet of that place."

Now, these conditions do not lay down any concrete details. They simply say that the machine must be of good construction, sound material and sufficient strength, it must be properly maintained and so on. I fail to understand why the Provincial Government should be given any power to exempt any factory from these specifications.

Prof. Shibban Lal Saksena: Does the honourable member refer to 29(a)?

Shri Ajit Prasad Jain: Sub-clause (b) of sub-section (2) gives the Provincial Government power to make rules in respect of lifting machinery in factories, prescribing the requirements to be complied with in addition to those set out in sub-section (1). Now I come to the clause which I want to be deleted. It reads: "exempting from compliance with all or any of the requirements of this section.....". This means that the Provincial Government is being given the power to exempt a factory from the specifications laid down in sub-clause (1) as also any additional specifications which the Provincial Government may choose to lay down. I can well understand the Provincial Government being given power to exempt factories from complying with additional specifications laid down by the Provincial Government, but I cannot see why the Provincial Government should be given the power to prescribe any exemption in case of provisions laid down specifically under sub-clause (1). Then as regards the exemption from the additional qualifications, it is clearly laid down that additional rules may be made in respect of lifting machinery or class or description of lifting machinery in factories. The Provincial Government shall thus have the power to exempt a particular type of machine in the additional rules framed by the Government. Anyway I cannot understand why this exemption should extend to the sub-section laid down by sub-section (1). I hope the Honourable Minister will give a convincing reply to this House, and if that is so, I will be quite willing to withdraw my amendment.

Mr. Chairman: Amendment moved:

"That part (b) of sub-clause (2) of clause 29 of the Bill, be omitted."

Prof. Shibban Lal Saksena: I could not follow Mr. Jain and I do not know if he is referring to the last clauses (a) and (b) of sub-clause (2) of clause 29.

Mr. Chairman: The honourable member was referring to 29 (2) (b).

Prof. Shibban Lal Saksena: Then I support him, Sir, and if you permit me, I may also move my amendment in this connection.

Mr. Chairman: Your amendment is quite different.

Prof. Shibban Lal Saksena: Then I support Mr. Jain and I see no reason whatsoever for exempting the Provincial Government from compliance with any of the requirements of the section. I may say—and it is a very frequent occurrence—that men working on cranes often fall down and die and it is likely that this exemption power may be used. I do not think this should apply to such cases.

The Honourable Shri Jagjivan Ram: The clause reads thus “exempting from compliance with all or any of the requirements of this section, where in its opinion such compliance is unnecessary or impracticable”. The rules might have been prescribed, but the compliance of those rules may be unnecessary. There is no use or necessity of a thing which is unnecessary and is impracticable. It may not be possible in that case to comply with those requirements, and the exemptions are only to be given in these two cases, that is, where it is unnecessary and where it is impracticable, I think, if the Provincial Governments will see that these things are necessary or practicable, they will insist that they should be observed. If they find that this compliance is not necessary and impracticable, they will not use this exemption.

Shri Ajit Prasad Jain: With regard to sub-section (1), clauses (a), (b) and (c), is there anything which can be said to be unnecessary? I am not talking of sub-section (2), I am talking of sub-section (1) and is there anything which can be said to be unnecessary?

The Honourable Shri Jagjivan Ram: That will not be exempted.

Mr. Chairman: Is it the desire of the honourable member that I should put the amendment to the House?

Shri Ajit Prasad Jain: Yes, Sir.

Mr. Chairman: The question is:

“That part (b) of sub-clause (2) of clause 29 of the Bill, be omitted.”

The motion was negatived.

Prof. Shibban Lal Saksena: Sir, I beg to move:

“That in part (a) (ii) of sub-clause (1) of clause 29 of the Bill, for the words ‘twelve months’, the words ‘two months’ be substituted.”

Sir, it is said in the clause that the ropes, chains and other appliances shall be thoroughly examined by a competent person at least once in every period of twelve months. My experience about dock work where cranes and other lifting machinery are used is, that very frequently accidents occur and people fall down because ropes snap. I think a much more frequent examination of the ropes should be undertaken than at present. I think twelve months is too long a period for a rope to last. I think that the examination should be more frequent. This is a simple thing and the ropes etc., can be examined very easily. If there is a provision in the Bill, the factories will take care to see that the ropes etc. are in a good condition. I hope this simple amendment would be accepted.

Mr. Chairman: Amendment moved:

“That in part (a) (ii) of sub-clause (1) of clause 29 of the Bill, for the words ‘twelve months’, the words ‘two months’ be substituted.”

The Honourable Shri Jagjivan Ram: I am not going to accept this.

Prof. Shibban Lal Saksena: In that case, I withdraw the amendment.

Mr. Chairman: Has the honourable member leave of the House to withdraw his amendment?

The amendment was, by leave of the Assembly, withdrawn.

Mr. Chairman: The question is:

"That Clause 29 stand part of the Bill."

The motion was adopted.

Clause 29 was added to the Bill.

Clauses 30 to 33 were added to the Bill.

Prof. Shibban Lal Saksena: Sir, I beg to move:

"That in sub-clause (2) of clause 34 of the Bill, for the word 'Provincial', the word 'Central' be substituted."

Sir, here is a question of fixing maximum weights. It is provided that the provincial Government may make rules prescribing the maximum weights which may be lifted. I think there should be uniformity in this matter throughout the country. It should not be left to one provincial Government to fix one maximum and for another provincial Government to fix another. I think it would be much better if the rules are made by the Central Government. I think the Honourable Minister would accept this simple amendment.

Mr. Chairman: Amendment moved:

"That in sub-clause (2) of clause 34 of the Bill, for the word 'Provincial', the word 'Central' be substituted."

The Honourable Shri Jagjivan Ram: Sir, it is a matter of common knowledge that a Madrasi cannot be expected to lift as much weight as a man from your province can. I think it will not be wise to fix uniform weights for all and I do not know how my honourable friend thinks it possible to fix the weights from here.

Prof. Shibban Lal Saksena: I do not agree with the argument and do think a certain degree of uniformity is desirable, still as he is not accepting the amendment I will withdraw it, Sir.

Mr. Chairman: Has the honourable member leave of the House to withdraw the amendment?

The amendment was, by leave of the Assembly, withdrawn.

Shri Ajit Prasad Jain: Sir, I am not moving my amendment; but I should like to say a few words on the clause, with your permission. I have tabled an amendment to this clause; but I have not moved that amendment because I think that even under the present section, as it stands, the provincial Government will have the power to exempt certain classes of persons. The section runs as follows: "No person shall be employed in any factory to lift, carry or move any load so heavy as to be likely to cause him injury". The words are sufficiently wide to give power to the provincial Government that a child or a female who is not an adult, that is she is a young person, or a woman in a delicate state of health may not be considered to be fit to lift any weight. I do hope that this provision in its working will be interpreted in a liberal spirit so that any possibility of any injury to any class of persons may be avoided.

Mr. Chairman: The question is:

"That clause 34 stand part of the Bill."

The motion was adopted.

Clause 34 was added to the Bill.

Clause 35 was added to the Bill.

Prof. Shibban Lal Saksena: Sir, I beg to move:

"That in part (a) of sub-clause (3) of Clause 36 of the Bill, for the words 'a competent person', the words 'the Chief Factory Inspector', be substituted."

Sir, the clause provides for a certificate in writing by a competent person. But it is not defined who is a competent person. I only wanted this to be defined and I have suggested that the competent person should be the Chief Factory Inspector.

The Honourable Shri Jagjivan Ram: I do not accept this.

Prof. Shibban Lal Saksena: Then I do not press this

Mr. Chairman: The question is:

"That clause 36 stand part of the Bill."

The motion was adopted.

Clause 36 was added to the Bill.

Clauses 37 to 43 were added to the Bill.

Mr. Nazruddin Ahmad: Sir, I beg to move:

"That in sub-clause (1) of clause 44 of the Bill, for the words 'arrangements for sitting the words 'sitting accommodation' be substituted."

Sir, the words in the context do not really fit in with the text. Clause 44 says: in every factory suitable "arrangements for sitting shall be provided". I should think that arrangements for sitting can be made, but cannot be provided. You can provide sitting accommodation; you do not provide arrangements. Arrangement is not anything concrete and cannot be provided. Sir, the words should be, "suitable arrangements for sitting shall be made", or better, "sitting accommodation shall be provided". In these circumstances, I would suggest that either my amendment be accepted, or the other thing that I have now suggested, "arrangements for sitting shall be made", be accepted.

Mr. Chairman: Amendment moved:

"That in sub-clause (1) of clause 44 of the Bill, for the words 'arrangements for sitting', the words 'sitting accommodation', be substituted."

The Honourable Shri Jagjivan Ram: I cannot accept this amendment, for, what is required is not simple accommodation, but arrangements for the workers to sit. We do not want simple accommodation. If my honourable friend will visit some of the factories, he will see that the workers will have to work standing near the machine and there may not be sufficient accommodation for sitting, but some sitting arrangements may be made there, a collapsible seat may be provided so that the worker may sit for some time. What we require is not simple accommodation, but really it is seating arrangement that is required.

Mr. Nazruddin Ahmad: Then, the wording should be, "arrangements for sitting shall be made".

The Honourable Shri Jagjivan Ram: That is for the draftsmen, Sir. I do not claim any mastery over the English language.

Mr. Nazruddin Ahmad: This cannot be left over to the draftsmen. It is not a formal thing. It has got to be accepted or rejected. For the word "provided", the word "made" should be substituted.

Shri Gopkrishna Vijayavargiya: There is also the word "maintained".

The Honourable Shri Jagjivan Ram: I think the clause is quite right as it is.

Mr. Chairman: The question is:

"That in sub-clause (1) of clause 44 of the Bill, for the words 'arrangements for sitting', the words 'sitting accommodation' be substituted."

The motion was negatived.

Mr. Chairman: The question is:

"That clause 44 stand part of the Bill."

The motion was adopted.

Clause 44 was added to the Bill.

Clause 45 was added to the Bill.

Shri Ajit Prasad Jain: Sir, I move:

"That in sub-clause (1) of clause 46 of the Bill, between the words 'that' and 'any' occurring in line two, the word 'in', be inserted."

Mr. Chairman: The question is:

"That in sub-clause (1) of clause 46 of the Bill, between the words 'that' and 'any' occurring in line two, the word 'in', be inserted."

The motion was adopted.

Prof. Shibban Lal Saksena: Sir, I move:

"That in sub-clause (1) of clause 46 of the Bill, for the word 'may' the word 'shall' be substituted."

This is a provision which is very important and should apply to all provinces and it should not be left to the Provincial Governments to make rules or not to make them. I think it should be made compulsory on them to make rules for the provision of canteens.

The Honourable Shri Jagjivan Ram: Sir, I do not accept it.

Prof. Shibban Lal Saksena: Then I will not press the amendment.

Shrimati Dakshayani Velayudhan: Sir, I move:

"That in sub-clause (1) of clause 46 of the Bill, for the words 'two hundred and', be omitted."

The point is about canteens which have come into existence recently for the purpose of improving the standards of food and providing food at a cheap rate. The Bill provides for a canteen for a factory having more than 250 workers. But now there are very many small factories coming up which employ anything between fifty and two hundred workers. If my amendment is accepted this relief will go to a large number of workers, otherwise a large portion of workers will be excluded from the benefits of this provision. There are many small factories like match factories, leather factories, motor work-shops, sawmills, candle manufacturing factories, etc. to exempt whom from the benefits of this clause will be an injustice. Workers in a big factory can organise and put forth their demands and get their grievances redressed; but if the provisions of the Bill are not extended to workers in small factories, it means that Government by legislation are prohibiting the workers from putting forward their demands. In small factories the oppression of the employer is greater whereas in big factories the employer may be a little frightened by trade unions or other organisations of that type. My contention is that any welfare measure brought by Government should be comprehensive and include as many workers as possible and the benefit should not be given to one section of workers only. The benefit should reach each and every worker and the

Honourable Minister should not discriminate between one worker and another. If my amendment is not accepted it would mean that the Honourable Minister is discriminating between one worker and another by legislation, which he says he has no intention of doing.

The Honourable Shri Jagjivan Ram: Why have the limit at fifty? Why not have ten?

Shrimati Dakshayani Velayudhan: Let me take an illustration. We will suppose that in a particular locality there are two factories, one having more and the other less than two hundred and fifty workers. According to this Bill provision is made for a canteen for the first factory but the same benefit is denied to the second factory. The workers in the first factory can get better meals from the canteen and at a cheaper rate, and the food will be fresh, whereas their fellow workers in the other factory will be deprived of the same benefit, the result of which will be that the workers in the second factory will be discontented and will not be as enthusiastic in their work as the workers in the first factory. I will draw attention to the fact that many workers come from very distant places. If there are no facilities for canteens in their factory they will have to bring food from their homes if they find it difficult to buy food from a hotel or a teashop. And if their work begins at about 7 A.M. many of them will have to leave their homes in the early morning between 4 and 5 A.M. If the midday meal has to be carried by them to the factory they will have to keep it for hours together in a place which may not be very healthy. For these reasons I want that the scope of the Bill should be made wider, and it is on a certain principle that I want to insert the amendment. When we want the workers to work and be patriotic and see that they have responsibilities too, we must not forget that it is the duty of the Government and of the employer to provide facilities for the workers. This provision of a canteen is a right of the worker and on the other side it is the duty of the Government and the employer to establish such canteens for the workers. So I hope the Honourable the Minister will accept my amendment.

Prof. Shibban Lal Sakseena: Sir, I move:

"That in sub-clause (1) of clause 46 of the Bill, for the words 'two hundred and fifty', the words 'one hundred' be substituted."

The honourable member before me has argued for a limit of 50 workers. The Honourable Minister was heard to say, 'Why not 10? Probably he wanted to show that some limit had to be fixed somewhere. So the question is: Which is the proper limit? We ourselves have not mentioned the number but we want it to be a substantial figure so that a canteen can be run. I think 100 should be accepted. After all, if we want to give this benefit, it should be given to as many as possible. I think factories with a hundred employees should be able to run a canteen. I therefore implore him to accept 100 instead of 250.

The Honourable Shri Jagjivan Ram: I was just waiting whether after 50 or 100 were suggested there were going to be any further suggestions. One charge has been made against me that I have been discriminating against the workers. I do not know how discriminating will disappear if the numbers are reduced to 50 or 100. I admit that this number has not been fixed on any strict principle. It is an arbitrary figure no doubt but some consideration has been given to the fact that we should arrive at a number which would make practical the running of a canteen. It is common knowledge that in India we have so many social prejudices and in a factory where workers of different castes are working, it has been the experience of those who are in charge of running these canteens that questions of separate kitchens and dining rooms always come up.

Srimati Dakshayani Velayudhan: I know of the example of a canteen run by Tata's which is conducted without discrimination and no one refuses to take food.

The Honourable Shri Jagjivan Ram: If the honourable lady member has the patience, I may tell her that while she has the experience of one canteen, I have reports of a large number of canteens where common kitchens and dining rooms are maintained. But even those friends who are working among the workers will tell you that not more than 80 to 85 per cent. of the workers avail themselves of these canteens. So far as my knowledge goes, not more than 80 per cent. of the workers, even in the most successful canteens go and take meals in the canteens. If 80 per cent. of the workers go to the canteens and if we fix the number at 50 or 100, it means we will have to maintain the canteen for 16 persons or 82 persons. Any practical man can say that it is not economical and it is not desirable even to run a canteen only for 16 or 82 persons.

So, I say let us try. Let my friend, Prof. Shibban Lal Saksena exert his influence with the workers in factories with more than 250 workers. Let him see that in such factories canteens are started. Let him come to me next year after establishing canteens in all such factories to amend this Bill and make it applicable even to those factories where less than 250 workers are employed.

Mr. Nasiruddin Ahmad: The success will depend on the quality of the meals supplied and other things!

Prof. Shibban Lal Saksena: I wish to withdraw my amendment now that the Honourable Minister has assured me that he is prepared to amend the Bill if need be.

Srimati Dakshayani Velayudhan: I also wish to withdraw my amendment on the assurance given by the Minister. If there are people who will not take meals from the canteens, they should make their own arrangements. Though I am withdrawing, it does not mean that the workers ought to suffer because such a social evil prevails. Since the Minister is not prepared to accept my amendment, I am prepared to withdraw it.

Mr. Chairman: There is no question of withdrawal as yet as the amendments have not yet been put to the House.

Shri Upendranath Barman (West Bengal: General): Sir, I move:

"That in sub-clause (1) of clause 46 of the Bill,—

- (i) the words 'by the occupier' be omitted; and
- (ii) the following be added at the end:

'and the occupier shall contribute towards costs of maintenance a monthly sum to be calculated at a reasonable rate per head of workers, employed in the factory. The contribution shall be payable every month in advance to the managing committee of the canteen or canteens, and in case of default shall be recoverable under Public Demands Recovery Act.'

This clause was non-existent in the original Bill and it has been inserted by the Select Committee. I do not know whether my amendment will be carried or not. But in spite of that I think it my duty to place a few facts before Government, so that even if the amendment be not carried, the Government in its executive capacity may take these difficulties into consideration and deal with them with justice and equity.

Sir, my submission is that it will be much more difficult for the factory owner to be fully responsible for maintaining the canteen rather than if there were a managing committee composed of the manager or an officer of his and representatives of labour and any Government official that might be present and all these people put their heads together and made arrangements how

to run and maintain the canteen. In that case all of them being responsible for running it, they would be able to find out any difficulties that existed. I am conversant with certain factories that exist in my district. There are more than 400 factories in the Jalpaiguri district and I say from my own experience of recent days that if we suddenly put the responsibility of running the canteen upon the occupier, it will be a very handy weapon in the hands of those who want to create dissatisfaction in plantations. Not only that but at present the owners of these gardens are charged with the duty of supplying rice to the labourers at a certain price and in certain quantity. Government itself could not supply this rice at the proper price and in sufficient quantity and this has led to disturbances last year and ultimately resulted in police firing and a number of deaths. That difficulty has got to be overcome. Both labour and the factory-owner are carrying on somehow. Once this whole responsibility of running the canteen is saddled upon the occupier he will find it almost impossible to strictly carry out his duties in the face of agitators inside the factory. Particularly I find that the Government will prescribe the food-stuffs and the charges to be made therefor. Government as a rule will certainly prescribe a uniform kind of meals in a particular area and they cannot consider the difficulties that obtain in the locality of each and every factory. For instance, there are factories which are situated near about towns. If money is spent foodstuffs can be had in these places. But in outlying areas situated inside dense jungles, where even a certain quantity of rice cannot be supplied at proper times, once the Government makes a uniform standard of food to be supplied in the canteens, it will be much more difficult in those gardens in the outlying areas than perhaps in factories situated near Calcutta or other cities.

If the law is to be as it is, if any rule is infringed by any person, particularly by the occupier, he will be prosecuted and not only fined but imprisoned also. But there is a greater menace than prosecution. Before the Government official or the court lays hands upon the occupier so far as negligence is concerned, any time the occupier fails to supply the prescribed food the labour force themselves will fall upon him. If such instances occur in scattered places it would be very difficult in those areas to find the proper type of man to run those factories even. Not only owners will be put into difficulty but even Government itself will be in many cases in difficulty. There are for instance, chinchona plantations and it so happened that in the recent past because the Superintendent or the officials could not supply a certain quantity of rice to the labourers (it is said that they were instigated by persons but whatever it might be) they went near the bungalow of the Superintendent. He was the highest executive officer so far as chinchona plantation is concerned. After one or two words, the labourers who had gone prepared assaulted him, the chief chemist and also the lady members of his family. They were severely beaten and the chief chemist had to lie in a hospital at Calcutta for three months. These are the circumstances that obtain in outlying areas. In these areas foodstuffs which are required for running a canteen are very difficult to obtain. I think it my duty to place before Government that there are cases where it would be impossible for the occupier to discharge his responsibility. They may have to be in default without any blame on their part. They are ready to give any amount of money in order to maintain a canteen but because of difficulty of supply they may be prosecuted and imprisoned. But before all these penalties fall on them their lives will be in jeopardy. I have therefore added a paragraph whereby the occupier is not allowed to go scot free. There are many cases where the labour force run their own canteens and the owner makes a contribution per head, per meal. That would be a more salutary provision from both sides. The occupier will not be scot free and it will minimise the cost of running the canteens. The labour force are now-a-days able to manage their own affairs. If they run their canteens they

[Shri Upendranath Barman]

will know how much they can afford per meal and with the contribution made by the occupier they can manage their affairs. If the occupier runs the canteen a part of the labour force may somehow become dissatisfied and try to put the occupier in difficulty. They may not give the number of persons who are going to take their food in the canteen. In that case it would be impossible for the occupier to make the necessary arrangements and then there will be difficulty. These difficulties will occur and in these days when Government itself cannot supply even rice of sufficient quantity it would be unfair to make it a compulsory duty of the occupier to run the canteens on his own responsibility. Let all of them be responsible. Let the Government official go there and form the managing committee. Government can make the rules as to how much shall be paid by the occupier and the labour force can run the canteens. I hope that the Honourable Minister, if he is not prepared to accept the amendment, will at least bear these difficulties in mind. Otherwise the occupier will be placed in a disadvantageous position. The whole industry will suffer then and the Government itself would suffer, which is neither to the interest of the Government nor to the interest of labour.

With these words I commend my amendment.

Prof. Shibban Lal Saksena: I have very carefully heard the speech of my friend Mr. Barman.....

Mr. Chairman: Does the honourable member want to speak on this amendment?

Prof. Shibban Lal Saksena: Yes.

Mr. Chairman: Then I want to know the position from the Labour Minister if he is going to accept the amendment or not.

The Honourable Shri Jagjivan Ram: Sir, I do not propose to accept the amendment and I do not think that any reply to the points made is necessary.

Mr. Chairman: Does the mover of the amendment wish that I should put his amendment to the House?

Shri Upendranath Barman: No, Sir.

Prof. Shibban Lal Saksena: On this aspect of the question referred to by my honourable friend Mr. Barman I wish to say.....

Mr. Chairman: The amendment has not been put to the House as the honourable member does not want to press his amendment. Therefore, if the honourable member (Prof. Saksena) wishes to say something relating to the amendment he may do so when the clause is put to the House.

Prof. Shibban Lal Saksena: I want to speak on the clause itself.

Mr. Chairman: Does the honourable member propose to move his amendment to this clause?

Prof. Shibban Lal Saksena: I am not moving it.

Mr. Chairman: What about Mr. Barman's next amendment?

Shri Upendranath Barman: I am not moving it.

Mr. Chairman: The next amendment is that of Mr. Sidhva.

Mr. B. K. Sidhva: My amendment relates to part (d) of clause 46. It runs:

"That in part. (d) of sub-clause (2) of clause 46 of the Bill, after the word 'and' occurring in line one, the word 'major' be inserted."

It is a simple amendment. You will see that the constitution of a managing committee is provided in this clause. The canteen will be mostly meant

for the workers and the foodstuffs and other articles which are ordinarily consumed by them will be saleable there. In my opinion the view of the majority of the workers should prevail there. After all, they are the purchasers who will be really benefitted by these canteens. If they have not got a predominant voice in its management the result will be that the occupier will fix high prices as he likes and the object of the canteen itself will be frustrated. 'Occupier' means the owner of the factory and if the owner wants to avoid this kind of facility being given he may create many hitches and nullify the very object of this clause. It may be argued that a provision has been made for making rules and that the Chief Inspector has been authorised to frame the rules. Well, Sir, if that argument is going to be accepted, then this number of two hundred and fifty also should not have been provided here and the Provincial Government might have been left to fix any number in each factory. I do feel that the Honourable Minister will bear with me when I say that if the canteen is provided for the good of the workers then their voice should dominate in its management. Otherwise it is a question of money that is to be paid by the workers for the purchase of foodstuffs. And if the prices are prohibitive, there will be always conflict between the workers and the occupier, and the result will be that eventually the object would not be served. I therefore move the amendment and I hope the Honourable Minister will accept it.

The Honourable Shri Jagjivan Ram: I do not accept it.

Mr. E. K. Sidhva: There I do not press it.

Prof. Shibban Lal Saksena: I shall speak on the clause itself. I am sorry that the Honourable Minister has not accepted this amendment moved by my friend Mr. Sidhva. I also wanted to say something about the point to which attention was drawn by my friend Mr. Upendranath Barman. I do not agree that the occupier should not be held responsible for running the canteen. But I do feel that the omission in the clause is really contained in the second part of Mr. Barman's amendment which he has not moved. I think the canteen should be run by the factory owner and he should be required to contribute towards the cost of the canteen to some extent. That was the point which my friend Mr. Barman suggested. I think that is a point which should be considered. Otherwise the workers will suffer. The factory owner should run it and should also be required to contribute something towards the cost. When he is allowed to run it, it will be necessary to do so.

What my friend Mr. Sidhva has said only means that the management of the canteen should be entrusted to a committee where the workers shall be in a majority. I think that if our friend the Honourable Minister is serious that this should be run properly, and if he wants that it should benefit the workers, he should make the foodstuffs come within the easy reach of the workers who, he knows, are very poor. I therefore hope that, although there is no amendment before the House, he will try to modify the provision in such a manner that the foodstuffs in the canteen are purchasable by all the workers and also that the canteen is managed in such a manner that it really benefits the workers and they do not find any difficulty in getting the foodstuffs. I hope the Honourable Minister will revise his views about the amendment and say something on it.

The Honourable Shri Jagjivan Ram: As we will be rising in a few minutes I would like to say a few words on this matter. I may say that Prof. Saksena's readings are not going to induce me to revise my views. As the provision stands, the cost of the canteens is to be borne first by the employers and it will be recouped by selling foodstuffs to the workers. Mr. Sidhva says that the employers may profiteer in that also. I think he has not read sub-clause (c) which mentions "the foodstuffs to be served therein and the charges which may be made therefor" about which rules may be made. The charges

[Shri Jagjivan Ram]

are to be fixed by the Provincial Governments. So there is no question of profiteering. The canteens are to be managed by the employers and if there is any loss, the losses are to be met by the employers. As such it is quite desirable that the management also should be left in the hands of those who are to foot the bill if there are losses. I do not agree with the view that there should be a majority of the workers or that the management should be entirely in the hands of the workers. Of course, the workers should have a voice in the management. But, as I said, I dispute the view that there should be a majority of workers or that the management should be entirely in the hands of workers.

Shri H. V. Kamath: Mr. Chairman, could not the Honourable Minister meet Mr. Sidhva half way by accepting the word 'adequate' in place of the word 'major'? That would, I am sure, be acceptable to Mr. Sidhva as well.

The Honourable Shri Jagjivan Ram: I am not trying to meet him half way.

Mr. Chairman: Mr. Sidhva has not even chosen to say that his amendment be put to the House.

The question is:

"That clause 46, as amended, stand part of the Bill."

The motion was adopted.

Clause 46, as amended, was added to the Bill.

INDIAN RAILWAYS (SECOND AMENDMENT) BILL

PRESENTATION OF REPORT OF SELECT COMMITTEE

Mr. Chairman: The Honourable Dr. John Matthai will present the Report of the Select Committee on the Bill further to amend the Indian Railways Act.

The Honourable Dr. John Matthai (Minister for Railways): Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Indian Railways Act (Second Amendment).

The Assembly then adjourned till a Quarter to Eleven of the Clock on Wednesday, the 25th August, 1948.