

[Shri Pataskar]
money. I do not know how far this will serve the purpose of bringing up the children in the proper way.

Situated as we are, we know that there are women who are in need of protection. If there is no law of this nature the institutions are liable to be misused by unscrupulous people. The hon. Members have already stated that there had been instances of that kind. If it will not solve altogether the problem of the care of destitute women and children, at least it will control the existing institutions which are being run in a bad way. In India charity is very liberal and most of these institutions have been run with the money collected from people who are charitable. This measure will regulate the conduct of these houses.

So far as the financial question is concerned, I am sure that the State Governments also will give the necessary financial help. It is not possible for us to make a provision here that the State Governments shall give so much money. Considering everything, I think this is a step in the right direction which will ultimately lead to the solution of this problem. I must join with the other Members of the House in complimenting the hon. lady Member who had moved this House, and also the other lady Members who had given notice of similar motions. It can be said to the credit of the women Members here generally that they have been taking very keen interest in the solution of this problem relating to women and children. It is a social problem of great importance. I am glad at any rate that this Bill is being passed by this House and I am sure that it will go a long way in trying to set right the institutions. Many things which are wrong are done in the name of charity and that has to be prevented. I think such funds will hereafter be properly used.

Mr. Chairman: The question is:

"That the Bill as amended be passed."

The motion was adopted.

MOTOR TRANSPORT LABOUR BILL

Shri A. K. Gopalan (Cannanore):
Sir, I beg to move:

"That the Bill to regulate the conditions of motor transport workers, be taken into consideration."

The Deputy Minister of Labour (Shri Abid Ali): Sir, on a point of order, may I submit that this is a Financial Bill? I understand that the hon. Member has not applied or obtained the President's recommendation and so it cannot be considered or passed. If you so desire, it may be considered but why waste the time of the House.

Shri A. K. Gopalan: Sir, I have to say that another Bill, the Motor Vehicles Amendment Bill, 1955 which is for the substitution of section 65 of Act IV of 1939 was there. Its clauses were the same as here. I do not say that because it was not objected to then, it should not be objected to now.

I want to point out that this Motor Transport Labour Bill contains almost all the clauses in the Motor Vehicles (Amendment) Bill which sought to amend the section relating to labour. In this Bill there are sections about weekly holidays, compensation day for rest, over-time, spread-over and other things. Even the Bill was voted out, I would like to point out that when the Motor Vehicles (Amendment) Bill was under discussion certain remarks were made by the hon. Deputy Minister. He said:

"The Bill which we propose to bring forward will contain all these subjects mentioned in the Bills of these two hon. Members."

Before that he said:

"I may submit that this matter has been under consideration of Government for more than two years. In 1944 there was a question in Rajya Sabha, also and there I myself promised that we

were ourselves thinking of bringing forward a Bill which would contain provisions with regard to these subjects which have been mentioned in the Bill just under consideration. Much has been done since then. It is not that the matter has been taken up after the Bill was introduced by Shri A. K. Gopalan or after the present Bill which has been introduced by Shri T. B. Vittal Rao."

There was no objection then. The Minister said that they were bringing out a Bill "not after Shri A. K. Gopalan introduced his Bill or the present Bill was introduced by Shri T. B. Vittal Rao". He went on to say:

"The Bill which we propose to bring forward will contain all these subjects mentioned in the Bills of these two hon. Members, and they are: hours of work, rest period, spread-over, weekly day of rest, overtime, medical facilities, welfare amenities like canteen, rest houses, recreation facilities and provision of uniform, annual leave with pay, sick leave, minimum age for employment, medical examination of young persons and other provisions for such persons."

Then he said:

"An appeal has been made that workers should be given provident fund benefits. Of course they should get them. The workers in this industry should also get all the benefits which the workers in other industries are getting. There is no doubt about it. There cannot be any question about it."

Before concluding he again said:

"Certainly the Bill which we are proposing to bring forward will not take care of these things, because these are matters of discipline and are connected with what is mentioned in the main Motor Vehicles Act. Certainly, as

far as the discipline side of the drivers and conductors is concerned, we want it to be maintained. I hope that after the assurance I have given, namely, that we ourselves are thinking of bringing forward an amending Bill before long containing the provisions which have been mentioned by him, the hon. Member will not press for the consideration of this Bill."

Therefore, as far as the Motor Transport Labour Bill goes, my point is that it has been introduced, and after introduction also the Minister has mentioned about it and said that the Government is going to bring forward a Bill. He also said that they thought about bringing forward such a Bill not after the introduction of this Bill or the Bill of Shri T. B. Vittal Rao. The first thing I want to point out is that it was not objected then. Secondly, in view of the assurance discussion can proceed on this Bill

Shri Abid Ali: Was the assurance accepted?

Shri A. K. Gopalan: Because there was an assurance by the Minister and I think this will be the last session of this Parliament....

Mr. Chairman: There is no question whether the assurance was accepted or not. The only question here is about the recommendation of the President.

Shri A. K. Gopalan: I am coming to that. What I am pointing out is that the sections in this Bill are the same as contained in the other Bill. The Minister said that the Bill they are bringing forward will contain all these provisions. After giving an assurance that the Government will bring forward a Bill they are now going to oppose it.

Not only that. As far as the other question is concerned, namely, the discipline of the motor drivers, conductors, etc., the Motor Vehicles Act came to this House and it was passed after hearing the objections.

Mr. Chairman: I would request the hon. Member to come to the point. The fact that an assurance was given to the effect that another Bill would come up that another Bill was passed and provisions were made in that Bill, etc., is all extraneous to the matter. The real question is whether the present Bill can be allowed to be discussed in this House and be passed and, if so, article 117 (3) stands in the way or not. That is the only question. As it stands, it is quite clear that the Bill as enacted and brought into operation, would involve expenditure from the Consolidated Fund of India. So, such a Bill shall not be passed by either House of Parliament unless the President has recommended to that House the passing of the Bill. Of course, two courses are open now.

Further only the motion for consideration of this Bill is being discussed now, and the Bill is not going to be passed now. The Bill cannot be passed unless the recommendation of the President is obtained. So, as I said, there are two courses open to the Member. Either the hon. Member may get the sanction of the President or, he might remove those provisions in the Bill which attract article 117 (3). I have pursued this Bill, and it appears to me that there are several clauses which must require expenditure from the Consolidated Fund of India. All the public vehicles and public transport system will come under the operation of this Bill, as it is, which means the Government shall have to spend money. If that is so, either such provisions may be taken away, or, the President's recommendation must be brought before this House for enabling the Bill to be passed, if the hon. Member wants this Bill to be ultimately passed. Pending such recommendation of the President, we can go on with the Bill up to a certain stage.

Shri A. K. Gopalan: May I make a submission? As far as the Union territories are concerned, the expenditure may come to a very small amount. After the reorganisation

of the States, there are only a few Union territories such as Delhi, Himachal Pradesh, Andaman and Nicobar Islands, etc. So, the implementation of this Bill will involve only a very small expenditure.

Apart from that, may I request the Chair to allow me to discuss at least the part relating to the private motor transport? While considering that aspect of the Bill, the other aspect namely, the President's sanction, may be thought of. Either I may write and get the sanction of the President or continue with this Bill in so far as it relates to private motor transport. As I said, if this Bill is passed, the amount that will be incurred, so far as the Union territories are concerned, will be very little. Anyway, let me take up the consideration of the Bill in so far as it relates to private motor transport in India. At the time of consideration, the other question may be proceeded with separately.

Shri Abid Ali: I may be allowed to say a few words for a minute or two with regard to the points raised by Shri A. K. Gopalan. It is true that I promised on the last occasion that we would be introducing a Bill ourselves. But it is also a fact that the hon. Members opposite always insist that all these matters should be decided after consultation with all the organisations concerned.

The hon. Member is also aware that very recently we have had a meeting of the Standing Labour Committee where this matter was considered and certain recommendations were made.

These recommendations have been forwarded to the State Governments and their replies are awaited. It is because of this that the delay has occurred, but certainly that was in deference to the wishes of the Members opposite. It is not that we are delaying it, but our inability because of the things I have explained should be appreciated. You yourself have pointed out that what happened on the last occasion is immaterial. The fact remains that the recommendation has not even been applied for.

17 hrs.

Shri A. K. Gopalan: May I know whether the Minister has any objection to the discussion of this Bill?

Shri Abid Ali: I will again assure him that we are ourselves very anxious to bring forward an amending Bill at the earliest possible opportunity. That should satisfy the hon. Member. Even on the last occasion, the hon. Member who moved for the consideration of his Bill was not satisfied and he made the House reject the proposition. That assurance was not accepted.

Mr. Chairman: The position is quite clear. It appears that the Government are trying to fulfil their promise to give effect to their undertaking. But apart from that, even according to the admission of the hon. Member some expenditure must be involved, though it may be an insignificant amount. Therefore, the provisions of article 117 (3) are attracted and we cannot pass this Bill unless and until that recommendation is here. At the same time, the hon. Member in charge of the Bill says that he will restrict it only to the private undertakings. Unless he gives that undertaking and says that he will remove such portions, I am unable to proceed with it. Also, there is another principle involved. When such an objection is taken, we should have a reasonable expectation that sanction would be obtained. So, it will practically be waste of time to go on with this Bill if we are not sure that the recommendation will be coming. It is already five and I am

going to adjourn the House now. Therefore, I would suggest that the hon. Member may make efforts to obtain the recommendation and if he succeeds, he can go on with the Bill. Even if the Government is bringing forward a Bill, it is no bar to his continuing the discussion. The other alternative can be that the hon. Member gives an undertaking to this House that he will restrict himself to such portions of the Bill as do not involve any expenditure from the Consolidated Fund of India. That is another solution. I leave it to his discretion.

Shri A. K. Gopalan: I will restrict myself to the private transport and not the other portions involving expenditure from the Consolidated Fund of India. On that basis, I may be allowed to continue.

Mr. Chairman: On the next day he may give that undertaking to the House and if the House accepts it he may be allowed to go on.

श्री रघुनाथ सिंह: (जिला बनारस मध्य):
समापति महोदय, मेरा भी एक बिल मूव (प्रस्तुत) करने के लिए है, मुझे भी आधे मिनट का समय दे दिया जाय।

Mr. Chairman: This Bill is not over. I cannot proceed to the next item. The House stands adjourned till 11 A.M. tomorrow.

17-03 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Saturday, the 8th December, 1956.