

The Lok Sabha divided: Ayes 35; Noes 70.

Division No. 10]

16.34 hrs.

AYES

Banerjee, Shri Pramathanath
Bhargava, Pandit Thakur Das
Bharucha, Shri Neelhal
Bhargava, Shri
Chakravarty, Shrimati Renu
Chandramani Kalo, Shri
Dige, Shri
Dwivedi Shri M. L.
Ellis, Shri M.
Gandhi, Shri Feroze
Ghosh, Shri A.
Gopalan, Shri A. K.

Gupta, Shri Sadhan
Iyer, Shri Baswara
Kamble, Shri B. C.
Kar, Shri Prabhat
Katti, Shri D. A.
Khadilkar, Shri
Kodiyar, Shri
Kumbhar, Shri
Mahanty, Shri
Manay, Shri
Menon, Shri Narayanankotay
Mukerjee, Shri H. N.

Nair, Shri Vasudevan
Nayar, Shri V. P.
Panigrahi, Shri
Pradhan, Shri B. C.
Saksena, Shri S. L.
Singh, Shri L. Achaw
Singh, Shri T. N.
Sinha, Shri Singh, Shri
Siva Raj, Shri
Tewari, Shri Dwarikanath
Warior, Shri

NOES

Achar, Shri
Alva, Shri Joachim
Anupal, Shri P. L.
Bhogji Bhai, Shri
Bidayi, Shri
Birbal Singh, Shri
Bose, Shri P. C.
Brahm Perakash, Ch.
Chandra Shanker, Shri
Daljit Singh, Shri
Desai, Shri Morarji
Dindod, Shri
Ghosh, Shri M. K.
Guba, Shri A. C.
Iqbal Singh, Sardar
Jang Bahadur Singh, Shri
Jhunjhunwala, Shri
Jinachandran, Shri
Jyotishu, Pandit, J. P.
Kaliwal, Shri
Keshava, Shri
Kotoki, Shri Lileshwar
Krishna Rao, Shri M. V.
Laxmi Bai, Shrimati

Maeda Ahmed, Shrimati
Malviya, Shri K. B.
Mandal, Dr. Pashupati
Mishra, Shri Bibhut
Narayanaseamy, Shri R.
Nathwani, Shri
Nehru, Shri Jawaharlal
Nehru, Shrimati Uma
Neswi, Shri
Parmar, Shri Deen Bandhu
Parmar, Shri Y. S.
Pattabhi Raman, Shri C. R.
Patel, Shrimati Maniben
Pillai, Shri Thanu
Raghunath Singh, Shri
Rajiah, Shri
Ranbir Singh Ch.
Rane, Shri
Rangaroo, Shri
Rao, Shri Jagannatha
Reddy, Shri Bali.
Reddy, Shri Viswagatha
Roy, Shri Biswagatha

Rungtong Suise, Shri
Sadhu Ram, Shri
Sahodrabai, Shrimati
Saigal, Shri A. S.
Saments, Shri S. C.
Samantibhai, Dr.
Sanganna, Shri
Sankarapandian, Shri
Satyabhama Devi, Shrimati
Sen, Shri A. K.
Sharma, Shri R. C.
Shukla, Shri V. C.
Sinha, Shri Aniruddh
Sinha, Shri Jhulan
Sinha, Shri Sayangdara
Swaran Singh, Sardar
Thakur Das, Lala
Thummaiah, Shri
Upadhyaya, Shri Shiv Dutt
Varma, Shri B. B.
Varma, Shri M. L.
Wadiwa, Shri
Wodeyar, Shri

The motion was negatived.

NATIONAL AND FESTIVAL PAID HOLIDAYS BILL

Shri Kodiyar (Quilon—Reserved—
(Sch. Castes): I beg to move:

"That the Bill to introduce a uniform system of national and festival paid holidays for all industrial workers, be taken into consideration."

As mentioned in the Statement of Objects and Reasons to the Bill, the number of paid national holidays and

festival holidays in industrial undertakings at present varies from State to State, from establishment to establishment and from industry to industry. It is regrettable that so far as the question of paid national and festival holidays are concerned, there is no uniform system at present.

In certain cases no paid holidays are given. In certain other cases, even though paid holidays are given so far as certain national holidays are concerned, the festival holidays are not at all considered. Even in the

case of paid national holidays, only some of the national holidays are taken into consideration. It is also regrettable that the industrial workers of our country, who sweat and toil for the good of our country, are not allowed in certain industries to take leave or are not allowed holidays even on such important holidays as Gandhi Jayanti, Republic Day and Independence Day.

Therefore, not only from the point of view of giving better amenities to the industrial workers of our country, not only from the social point of view, but also from the point of view of better industrial relationship, it is absolutely necessary that some uniform system of giving paid national and festival holidays to the workers of our country should be introduced. It is with that object that I have introduced this Bill.

The Bill seeks to notify ten national holidays of an all-India character—the New Year Day, Republic Day, May Day, Maha Shivarathri etc. With regard to the May Day I have to say a few words. The May Day, a great day of the working class, a day of international solidarity of the working class is not at all considered in our country as a paid national holiday. It is rather a pitiable state of affairs. The workers of our country, as I have already pointed out, who sweat and toil for the good of our country, who are today working in the front rank for the successful implementation of our Second Plan, are not given their right, which in several other countries has already been recognized. Even in Government-owned factories this May Day is not allowed as a paid holiday.

In Kerala, recently, that is, since the new Government assumed power, May Day was declared as a paid holiday. But, so far as the private enterprises are concerned, it is not in the power of the Government to enforce this new system unless there is some legislation making it obligatory on the part of the private capitalists to give

the workers a paid holiday so far as the May Day is concerned. But in government undertakings in Kerala the workers are so enthusiastic over the decision of the Government to give them a paid holiday on May Day.

Therefore, this measure has become an urgent necessity, as I have already pointed out, from the point of view of promoting industrial relationship and harmony and to have a contented working class.

Apart from the national holidays of an all-India character, ours is a country where so many festivals occur which are of a regional, sectional or religious character. Almost every national section in our country has its own national holidays. For instance, the Malayalee people have their great Onam festival which is celebrated throughout Kerala not only by the rich but also by the poor. During the Onam festival every Malayalee will wear newly bought clothes, children will be seen playing and singing all through the country, and women have their own special plays known as the Onam play. It is the symbol of a great bygone era in the history of the Malayalee people, as the legend says, when the land was ruled by the famous Mahabali, the Asura King, when there was peace and plenty everywhere in the land. The legend further says that in those days there were no thefts, no malpractices. In order to commemorate those happy days of the past, the Malayalee people celebrate this national holiday of theirs in the first month of the Malayalee year. And the people prepare themselves to receive Mahabali on that day. For the legend says that when Mahabali was ruling, the Devas got enraged and envious and approached Maha Vishnu, and Maha Vishnu the God himself came to the rescue of the Devas in the form of an avatar known as Vamana Avatar and begged three steps of land from this Mahabali. This Vamana being a very small man, Mahabali agreed to give him three steps of land. But

[Shri Kodiyan]

actually when Vamana began to measure the land, he grew into a huge person, he grew up to the sky with the result that Mahabali found that the land was not enough to give him as a charity. Unable to keep to his promise, Mahabali was forced to go underground and when he was leaving his land, lamented by the entire people, he begged for a courtesy, and that courtesy was to allow him once a year to return to his own land see his own people. So the Malayalee people every year, thinking that their own old King is coming back, prepare themselves to receive him on that day.

Similarly, there is the great Pongal festival of the Tamil-speaking people. Then there is also the famous Durga Puja or Kali Puja in Bengal. Then there is the famous Holi festival in North India. And several other regional festivals are being celebrated every year throughout our country. And it is sheer justice to say that when the whole people of our country are celebrating the important national days of our country such as Independence Day and Republic Day and Gandhi Jayanti, when all the citizens are in a gay and happy mood celebrating these days, there is no reason why the workers who are sweating and toiling for the good of our country should be tied up on these important days in their factories and work spots.

Therefore I request the hon. Minister to consider this question earnestly. I have also to point out that Government themselves have understood the importance of such a measure, and I understand that Government had appointed a committee to go into this matter. I do not know what happened to that committee. Nothing has been heard about that committee since it was appointed. I want to know whether that committee has functioned and has submitted its report and, if so, what its recommendations are and what action Government propose to take on this particular problem.

With these words I request the hon. Minister to accept this Bill.

Mr. Chairman: The motion is now before the House.

Shri Narayanaikutty Menon (Mukandapuram): Judging by the experience of today, when such an innocent and innocuous Bill as the one brought forward by Professor Sharma has not been accepted by the Government, I have absolutely no doubt that the hon. Minister is already on his feet to say that "I oppose this Bill". Still I wish to bring to the notice of the Government the injustice that is done to certain categories of workers by denying them the national holidays when the same holidays have been allowed to other sections of the people.

In certain establishments in the public sector the Government is giving a certain number of holidays, even though those holidays do not come to fifteen days. For example, Republic Day, Independence Day and similar other holidays are being given to the permanent workmen in certain parts of the public sector. But a large number of workmen, coming to millions, are working in the public sector today in various construction projects, and what happens today is that when the permanent workmen of a particular establishment are given the holiday, the construction workmen who are larger in number than the permanent workmen in the same or similar establishment are denied even the right to work on that day on the excuse of its being a holiday. Not only do these men not get any holiday on Independence Day and other national holidays, but they are denied even their wages on those days.

I wish to point out one example that in the Port of Cochin 1,500 permanent workmen are working. Those workmen are granted certain holidays in the year which are considered national holidays and also regional holidays. At the same time, 5,000 workmen are working on the construction projects of the Cochin Port. On these

holidays, in the port, it is declared a holiday. These workmen in the construction projects are not only denied that holiday with wages, but they are denied even the right to work. Consequently, instead of enjoying the Republic Day and Independence Day by going home with wages, these workmen are compelled to starve on these days. The workmen employed in all these construction projects will be cursing the Independence Day and the Republic Day because on that day, they do not get any wages and therefore, they will have to starve.

It is true that the Government may bring in an argument that if this Private Member's Bill is accepted, it will entail a large amount of money even in this year's budget because they may employ a large number of workmen in the public sector. Whatever may be the difficulty that is confronted in this year's budget or in any other way, I request the hon. Deputy Minister who is present to oppose the Bill to explain to us the matter. For once, the Government felt the necessity of standardising and consolidating the holidays to the workmen both in the public sector and private sector and having been convinced of the need, they appointed a committee. As usual, that committee may have made recommendations. I request the hon. Minister to tell the House what were the recommendations of that committee. This dissimilarity and disparity in the number of holidays granted in the public sector itself in different ways and in the private sector in different ways is bringing in a lot of dissatisfaction among the workers. A very large number of industrial disputes, the hon. Deputy Minister knows, have cropped up on the question of these holidays and various industrial tribunals in various regions have decided as to what should be the conception of social justice in relation to these holidays. While one industrial tribunal in the far south says that the conscience of social justice will be satisfied by giving seven days in a year, somewhere in Central India, another tribunal says that fifteen days should

be given. Therefore, provision has been made in this Bill that all the National Holidays should be made compulsory holidays with the additional provision that 15 days should be the minimum number of holidays for all workmen in the country. Apart from the seven National Holidays, the other eight days may be utilized in the various regions to be set apart for regional or state-wide holidays so that the workmen in each region could get holidays on their own festivals.

If this defect is not rectified today, the consequence will be that industrial disputes on this question will crop up everywhere especially in the public sector and there will be a lot of trouble going on as to which holiday should be given and which should not be given and that industrial dispute itself will deprive the State of more working hours than in actually granting holidays themselves.

I will conclude by once again pointing out that stark injustice is being done to these workmen. Because the Republic Day or any National holiday falls on a particular day, they are denied their wages. At least, if the Government find it very difficult at this stage to accept the provisions of this Bill now because of the possible repercussions on the Budget or because of want of time and because of their unwillingness to accept a Private Member's Bill, especially from the Opposition, let the Government rectify this injustice that in any one particular establishment run by the public sector there shall not be any discrimination between the permanent labour and labour employed in construction work. If the Government could not come down and offer a National Holiday with wages to these workmen who are employed in construction work, let the Government not refuse them the day's work, let them be at least allowed to work and get their wages so that, on a National Holiday, when the entire nation is rejoicing, these workmen employed in the construction work in the public sector may not curse the Government and

[Shri Narayanankutty Menon]

the Government policy because they are deprived of their wages on that day. Therefore, for the time being, if the Bill cannot be accepted, let this injustice be removed. After all, it comes to seven days in a year. Let the public sector at least be compelled to give holidays on a national basis to these workmen and also in the private sector, let this statutory provision be made so that the workmen could enjoy the holidays.

Before concluding, I wish to point out an instance of the patriotism of the private sector. Every year, an instance has been pointed out. Government have realised the importance of the May Day. But, when it comes to the private sector, Government is powerless. The Government, in place and out of place are fond of praising the patriotism and co-operation of the private sector. The Labour Minister issues a sort of patriotic appeal to stir the patriotic sentiments of the private sector, advising them to give a holiday on May Day. What sort of co-operation is the Government getting up till now? After issuing 10 circulars in the 10 years since this Government has come into power, 95 per cent of the employers have refused to heed to the request made by the Government. If 5 per cent have done this, it has been done on the specific condition that the workmen shall come and work on another holiday, for example, a Sunday or some other holiday.

Therefore, Government should be convinced by the experience of these ten years that whatever amount of patriotic sentiment is put in their circulars, these employers in the private sector will not learn a lesson unless a statutory obligation is put on them. With this experience, let the Government bring in, if this piece of legislation is not acceptable, another piece of legislation in which the National Holidays are guaranteed to the workmen under the private employers—a minimum number of holidays. I appeal to the Government that this question is not so much of

a revolutionary character. This question is one which will not be opposed by any hon. Member to whatever side he or she may belong and from the side of the Government. Long long before, the Government have recognised the justice of this demand. Whatever might be the technical arguments that the Government could adduce in support of opposing this Bill, I make an earnest appeal to the Government that this standardisation should be done and the National Holidays should be guaranteed to all workmen.

श्री डॉ० सि० सहगल (जंजवर) :

सभापति महोदय, यह जो बिल इस सदन के सामने माननीय सदस्य श्री कोडियान लाये हैं, उस पर मैं अपने विचार रखना चाहता हूँ।

यह ठीक है कि जहाँ तक इस बिल का मकसद है और जहाँ तक इसका सम्बन्ध प्राइवेट सेक्टर से है मैं यह जरूर चाहूँगा कि नेशनल जो हमारी चीज है खास कर २६ जनवरी और १५ अगस्त, इन दो दिनों को प्राइवेट सेक्टर के लोगो को बराबर मान्यता देनी चाहिये और जो उनके वहाँ पर कर्मचारी काम करते हैं उनको बराबर इन दोनों दिनों की वेंजेज देनी चाहिये। लेकिन हमारे माननीय सदस्य जो यह युनिफार्म सिस्टम ग्राफ नेशनल एंड फेस्टिवल पेड होलिडेज की व्यवस्था चाहते हैं तो मैं अपने उन मित्र से प्रदब के साथ कहना चाहूँगा कि यह युनिफार्म सिस्टम सन् १९५७ में जिम जमाने में हम चल रहे हैं, उसमें शायद यह लागू नहीं कर सकेंगे। उसके बहुत से कारण हैं और बहुत सी दिक्कतें ग्रापके प्राइवेट सेक्टर की और पब्लिक सेक्टर के लोगो की हैं और उन सारी चीजों को अपने सामने रख कर इस चीज को देखना चाहिये कि क्या हम उसको कर सकते हैं या नहीं। मैं समझता हूँ कि यदि ठंडे दिवाग से हमारे मित्र बैठ कर इस पर विचार करेंगे तो जैसा कि अभी मेरे से पूर्व बक्ता ने कहा कि अभी तो फिलहाल नहीं लेकिन आगे चल कर

अनूकूल परिस्थितियों में हम इस पर फिर गौर कर सकते हैं, वे भी इसी नतीजे पर पहुंचेंगे और हम तब उस पर विचार कर सकते हैं और जरूर विचार करेंगे ।

आप यदि गवर्नमेंट आफ इंडिया की हालिडेज को देखेंगे तो आप पढ़ेंगे कि वहां पर सायद कुल २२ या २४ हालिडेज होती हैं ।

इस के साथ ही साथ हमें यह देखना चाहिये कि स्टेट गवर्नमेंट्स की छटियां भलग हैं और हमारी छटियां भलग हैं । यह दोनों छटियां मिला कर बहुत ज्यादा हो जाती हैं । इसलिये मेरी धर्ज है कि इन दोनों छटियों को मिलाने के बाद, जैसा कि उन्होंने बिल में कहा है :

"National and festival holidays for all industrial workers."

हालिडेज के रोज बराबर तन्हाहें दी जायें ।

17 hrs.

Mr. Chairman: The hon. Member may continue next day.

HALF-AN-HOUR-DISCUSSION

ADVANCES AGAINST FOODGRAINS

Shri Sadhan Gupta (Calcutta-East): I am raising this discussion to draw the attention of the House and the country to the failure of the Government to provide an elementary safeguard against speculation with our food.

It has been noticed that there has been a large amount of speculation in foodgrains as a result of which prices of foodgrains have recently soared very high, and it was quite apparent that bank advances had been utilised for the purpose of such speculation. It was, therefore, decided to restrict the amount of bank advances that might be made against foodgrains by raising the margins that are to be kept against foodgrains and also by issuing of directions to speedily reduce the amount of ad-

vances against foodgrains to a certain proportion of advances during the previous year.

The question naturally arises: what if these directions are circumvented? What if bank advances are abused? And there are two possibilities in which the directives can be circumvented and bank advances continued to be used for the purpose of speculation in foodgrains.

In the first place there may be fraudulent transactions by banks by which advances against foodgrains might be shown under other heads, and that way the directive might be circumvented. Secondly, and the more likely way, traders would take advances from scheduled banks against other commodities or other securities and utilise those advances for the purpose of speculation in foodgrains.

That is why I had asked a supplementary question on Starred Question No. 80 which was answered on 13th November, as to whether the Government had looked into the question of evolving a machinery which would guard against the misutilisation of bank advances for the purpose of speculation in foodgrains. The answer given to that supplementary, I would submit with due respect, was astounding.

The Finance Minister replied, and I quote his reply here:

"The process is a continuous one and efforts are being made, but, as I have indicated in my answer at that time to the hon. Member's supplementary question, it is not a problem that can be solved in a day or two; it will take years."

Now, I draw the attention of the House to this last sentence that it will take years, that is to say, it will take years to evolve a machinery to effectively check the continuation of speculation in foodgrains by utilising other advances or perhaps by having fraudulent transactions by banks.