

Thursday  
26th August, 1948

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

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CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)  
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# CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE) DEBATES

## PART I—QUESTIONS AND ANSWERS

Thursday, 26th 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.

### STARRED QUESTIONS AND ANSWERS

#### ORAL ANSWERS

##### TRAINING OF STUDENTS AS TECHNICIANS

503. \*Mr. R. K. Sidhva: (a) Will the Honourable Minister of Education be pleased to state whether Government have revised the policy, as stated in the last budget session, for training of students as technicians in foreign countries?

(b) If so, what are the details?

(c) Have Government considered the necessity of giving such students practical training in workshops and not merely theoretical training?

(d) When is the scheme likely to materialise?

آنریبل مولانا ابوالکلام آزاد: (a) گورنمنٹ نے جو کمیٹی اس فرض سے بتھائی تھی کہ اورسوز سکالرشپ سکیم کی نئے سرے سے جانچ پڑتال کرے - اسکی فائنل رپورٹ گورنمنٹ کو مل گئی ہے اور اسکی روشنی میں وہ معاملہ پر فور کر چکی ہے - لہذا جلد فیصلہ ہونے والا ہے۔

(b) تا (d) یہ سوال سودست پیدا نہیں ہوتا۔

The Honourable Maulana Abul Kalam Azad: (a) The matter is under consideration in the light of the Final Report of the Roy Committee appointed to examine the Overseas Scholarships Scheme in all its aspects and a decision is expected shortly.

(b) to (d). Do not arise at this stage.

مسٹر آر۔ کے۔ - سدھوا : اس کمیٹی نے کیا سفارہں کی ہے۔

Mr. R. K. Sidhva: What are the recommendations of the Committee?

آنریبل مولانا ابوالکلام آزاد: جیسا کہ میں نے ابھی سوال کے جواب میں کہا ہے اس کمیٹی کی سفارہوں پر گورنمنٹ فور کر رہی ہے - آخری فیصلہ بہت جلد ہونے والا ہے - اگر آنریبل ممبر اسکی بلحاظی سفارہں معلوم کرنا چاہتے ہیں تو اس وقت میں صرف اتنا کہہ سکتا ہوں کہ جتنا روپیہ پرانے سکیم پر خرچ کیا اچانا تھا اُسکا بہت زیادہ حصہ اب پبلک کے انسٹی ٹیوشنوں پر خرچ کرنا چاہیے اور تھوڑی رقم باہر سکالرس بھیجنے پر خرچ کی جائے۔

The Honourable Maulana Abul Kalam Azad: I have already stated in reply to the question, Government are considering the recommendations of this Committee and final decision is likely to be arrived at very soon. If the honourable member wants to know its basic recommendations, I can only say at the moment that a major portion of the amount which was previously spent on the old scheme should now be utilized on the public institutions, and a comparatively smaller amount should be spent on sending the scholars abroad.

مسٹر آر - کے - سدھوا: یہ سکیم بن جانے کے بعد کیا ممبران کو مل جائیگی؟

**Mr. B. K. Sidha:** Will this scheme after it is finalized be circulated to the members?

آنریبل مولانا ابوالکلام آزاد: عام قاعدہ یہ ہے کہ جو فیصلہ گورنمنٹ کرتی ہے وہ مناسب موقع پر پبلک کے سامنے آجاتا ہے اس سکیم کے بارے میں بھی ایسا ہی ہوگا

**The Honourable Maulana Abul Kalam Azad:** The general practice is that whatever decision is arrived at by the Government, it is announced to the public at the proper time. Similar action will be taken in regard to this scheme.

شری گوپی کृष्ण विजय वर्गीया: में मिनिस्टर साहब से यह जानना चाहता

हूँ कि इस नुकते नज़र से कि हिन्दुस्तान तटस्थ फोरन पालिसी (Foreign Policy) अमरीका और रशिया से रख रहा है और दोनों से फायदा उठाना चाहता है तो क्या गवर्नमेंट स्टूडेंट्स को रशिया ट्रेनिंग हासिल करने के लिये भेजेगी?

**Shri Gopikrishna Vijayavargiya:** Will the Honourable Minister please state whether in view of the fact that India is observing a neutral foreign policy with America and Russia, and wants to derive benefit from both the countries, will Government arrange to send students to Russia for training?

آنریبل مولانا ابوالکلام آزاد: ہاں - پہلے یہ فیصلہ کیا جائیگا کہ کن کن سبجیکٹس کے لئے ہمیں سکالرز باہر بھیجئے ہوں - اگر ان میں کچھ سبجیکٹ ایسے ہوئے جنکے لئے روس میں بھیجنا مناسب ہوگا تو ضرور روس بھیجئے کا انتظام کیا جائیگا -

**The Honourable Maulana Abul Kalam Azad:** Yes. First of all the subjects for the training of which we have to send scholars abroad will have to be decided. If any of these subjects necessitate that scholars should be sent to Russia, then arrangements will surely be made in this direction.

شری अजीत प्रसाद जैन: क्या मिनिस्टर साहब यह फ़रमायेंगे कि इस स्कीम पर गवर्नमेंट कितना खर्च कर रही है ?

**Shri Ajit Prasad Jain:** Will the Honourable Minister please state the amount that the Government are spending on this scheme?

آنریبل مولانا ابوالکلام آزاد: میں اسوقت پورے فکرس نہیں بنا سکتا ہوں -

**The Honourable Maulana Abul Kalam Azad:** I cannot quote complete figures at the moment.

شری महावीर त्यागी: जो तुलबा बाहर भेजे जाते हैं क्या इनके इन्तखाब करने में सूबाई और रियासती हकूमतों से सिफ़ारिश ली जाती हैं ?

**Shri Mahavir Tyagi:** Are any recommendations called for from the Governments of Provinces and States in regard to the selection of students who are sent abroad?

آنریبل مولانا ابوالکلام آزاد: پرانی سکیم جو چل رہی تھی وہ اس تھلگ پر چلائی گئی تھی کہ کچھ اسکالرز سنٹرل گورنمنٹ بھیجتی تھی اور کچھ پراونشل گورنمنٹیں بھیجتی تھیں۔ جن سکالرز کو پراونشل گورنمنٹ بھیجتی تھیں ان کے بارے میں وہ سدا رہی کرتی تھیں جو سکالرز سنٹرل گورنمنٹ بھیجتی تھی اُس کے لئے وہ ٹھیک سلکھن ہوتی بنا دیتی تھی - صوبوں کے لئے کوئی ہتوارہ نہیں

**The Honourable Maulana—Abul Kalam Azad:** The old scheme had been designed in such a manner that some scholars were sent by the Central Government and some by the Provincial Governments. The Provincial Governments used to make recommendations in respect of the scholars sent by them, and the Central Government used to set up a Selection Board for selecting its scholars. No such quota was fixed for the Provinces.

**श्री महावीर त्यागी :** यह तुलबा जो बाहर से सीख कर आते हैं, उनको क्या गवर्नमेंट मुलाज्जमतें देने में कुछ रियायत देती है ?

**Shri Mahavir Tyagi:** Do Government provide any facilities of employment to the scholars who return from abroad after training?

آنرہبل مولانا ابوالکلام آزاد : اس کے لئے وعدے بدلائے گئے تو - لیکن میں صاف طور پر اسکا اعتراف کرونگا کہ پچھلی سکیم میں اسکا انتظام ٹھیک طرح نہیں کیا گیا تھا۔ اب جو لوگ سیکھ کر آئے ہیں انکو کام پر لگانے میں مشکلیں پڑھ رہی ہیں -

**The Honourable Maulana Abul Kalam Azad:** Rules were prescribed in this respect. But I will frankly admit that no proper arrangement was made in this direction in the old scheme. Difficulties are, however, being experienced in finding employment for those persons who have returned after completion of their studies.

**Shri Yudhisthir Mishra:** I have been authorized to put the questions standing in the name of Rai Bahadur Lala Raj Kanwar.

**Mr. Speaker:** They will come at the end of the round.

STATES NOT MERGED WITH PROVINCES OR CENTRE

\*504. **\*Shri Yudhisthir Mishra** (on behalf of **R. B. Lala Raj Kanwar**): Will the Honourable Minister of States be pleased to state:

(a) whether the total number of Indian States is 584 as given in Appendix II of the White Paper on Indian States;

(b) what are the names of the 49 states which have either not merged with the Provinces or the Centre or combined to form new States, and

(c) of the 49 states referred to above how many are viable and non-viable respectively?

**The Honourable Sardar Vallabhbhai Patel:** (a) to (c). As pointed out in paragraph 2 of Part I of the White Paper the term 'Indian States' is an elastic one. So far as the States geographically contiguous to the Dominion of India are concerned, the term 'Indian States' may be taken to apply to 557 units existing before any of the merger or integration schemes were put into effect. Of these 535 including seven viable units have been affected by the various merger and integration schemes. Lists of viable and non-viable states are given on page 101 of the White Paper. Only one non-viable State, namely, Bilaspur has not been included in the list. This is because as stated in paragraph 80 of the White Paper it has already been decided to take it over as a centrally administered area.

**Shri H. V. Kamath:** What is the criterion for the viability or otherwise of a State?

**The Honourable Sardar Vallabhbhai Patel:** The criterion is direct representation in the Constituent Assembly.

†Taken up in the second round. Printed serially in the day's Debate—Ed. of D.

**Dr. B. Pattabhi Sitaramayya:** Has the Bilaspur State been since taken over as a centrally administered area?

**The Honourable Sardar Vallabhbhai Patel:** I think yes, because it was decided only last week to take it over.

**Shri H. V. Kamath:** What are the reasons for the isolationism of some States which have neither merged with provinces nor joined to form new States? which have neither merged with provinces nor joined to form new States?

**The Honourable Sardar Vallabhbhai Patel:** Probably the situation is not ripe for their merger or union.

**Shri H. V. Kamath:** Is any pressure being brought to bear upon them by the Government of India to act for their own good?

**The Honourable Sardar Vallabhbhai Patel:** No, Sir; pressure is out of the question.

**Shri H. V. Kamath:** Not even gentle pressure?

**The Honourable Sardar Vallabhbhai Patel:** That is worse than extreme pressure.

**Shri Mihir Lal Chattopadhyay:** May I know what is the present position of Sikkim, because there is no mention of it in the White Paper?

**The Honourable Sardar Vallabhbhai Patel:** I should like the honourable member to address that question to the Prime Minister because the External Affairs Ministry deals with these two States of Sikkim and Bhutan.

**Shri Nandkishore Das:** Are there any States which did not accept the merger scheme but subsequently changed their mind and are now negotiating with the States Ministry to join the merger scheme?

**The Honourable Sardar Vallabhbhai Patel:** Yes, it is a continuous process.

**Shri Nandkishore Das:** Is Mayurbhanj one of those States?

**The Honourable Sardar Vallabhbhai Patel:** Yes, they are considering this,—the representatives of the people as well as the Maharaja.

**Shri Mihir Lal Chattopadhyay:** Is Sikkim included in the list of names of Indian States?

**The Honourable Sardar Vallabhbhai Patel:** No, Sir.

**Shri Mihir Lal Chattopadhyay:** Has it got a representative in the Constituent Assembly?

**The Honourable Sardar Vallabhbhai Patel:** No, Sir.

#### STATES UNDER CENTRAL ADMINISTRATION

†505. \***R. B. Lala Raj Kanwar:** Will the Honourable Minister of States be pleased to state:

(a) the names of Indian States which are at present Centrally administered, and

(b) the form of administration and popular representation in each of those states?

**The Honourable Sardar Vallabhbhai Patel:** (a) I invite the attention of honourable member to the pages 97-8 of the White Paper on Indian States. In addition to the States mentioned therein, the administration of Junagadh is also controlled by the Central Government.

†Printed serially in the day's Debate. The question, could not, however, be reached during the question hour and the replies were laid on the table of the House.—Ed. of D.

(b) Steps are being taken to associate popular representatives with the administration of the merged States, Himachal Pradesh and Kutch by setting up Advisory Councils. As regards Junagadh an Executive Council has been formed with the Administrator as the President and three non-official Councillors. The Councillors are jointly responsible for the administration of the State under the direct guidance and supervision of the Regional Commissioner for Western India and Gujarat States Region.

#### GOVERNMENTS IN VIABLE STATES

†506. \*R. B. Lala Raj Kanwar: Will the Honourable Minister of States be pleased to state:

(a) the names of states treated as "viable" units which have got responsible Government; and

(b) whether any of them have still got any Ministers nominated or appointed by their Rulers?

**The Honourable Sardar Vallabhbhai Patel:** (a) Most of the States mentioned on page 101 of the White Paper on Indian States, which have not joined one or the other of the Unions, have either granted Responsible Government or have announced their intention of doing so.

(b) The information is being collected and a statement will be placed on the table of the House as soon as inquiries in this regard are completed.

#### ADMINISTRATIVE ARRANGEMENTS FOR NON-VIABLE STATES

†507. \*R. B. Lala Raj Kanwar: Will the Honourable Minister of States be pleased to state:

(a) what administrative arrangements have been made with regard to the non-viable small states referred to in para. 99 and on page 101 of the White Paper on Indian States which have not so far been affected by any merger or integration scheme; and

(b) whether these States correspond direct with the States Department of the Government of India or through an intermediary?

**The Honourable Sardar Vallabhbhai Patel:** (a) I presume the honourable member is referring to the future of these non-viable States. The policy of Government in regard to them is indicated in paragraph 99 of the White Paper on Indian States.

(b) They correspond through the Regional Commissioner concerned.

#### CARRYING OF ARMS TO HYDERABAD BY EUROPEAN AIRCRAFTS via KARACHI

508. \*Mr. R. K. Sidhva: (a) Will the Honourable Minister of States be pleased to state whether it is a fact that European countries have been supplying arms and ammunition by aeroplanes via Karachi to the Hyderabad State?

(b) If so, what are the details thereof?

(c) Do the aircrafts while carrying this cargo fly over Indian territory?

(d) If so, is it not a breach of International Air Laws?

(e) What steps have Government taken or intend to take to stop such passage of arms through aeroplanes?

†Printed serially in the day's Debate. The question, could not, however, be reached during the question hour and the replies were laid on the table of the House.—Ed. of D.

**The Honourable Sardar Vallabhbhai Patel:** (a) Government have no information.

(b) Does not arise.

(c) to (e). I would invite the honourable member's attention to the Honourable the Deputy Prime Minister's reply to starred question No. 21 by Giani Gurmukh Singh Musafir on the 9th August, 1948.

**Mr. R. K. Sidhva:** Arising out of part (a) of the question to which the Honourable the Deputy Prime Minister replied that Government have no information, may I know whether actually some of the planes which passed via Karachi to Hyderabad carrying arms have not come to the notice of the Government of India?

**The Honourable Sardar Vallabhbhai Patel:** The question put by the honourable member is affecting European countries. We do not know whether any European countries are involved.

**Mr. R. K. Sidhva:** From any foreign country?

**The Honourable Sardar Vallabhbhai Patel:** We do not know whether any country as such is involved. An individual foreigner may have been involved—or has been involved—in this, but a country as such has not been involved, according to our knowledge.

**Shri Khurshed Lal:** Has it come to the knowledge of the Honourable the Deputy Prime Minister that any aeroplanes, apart from that of Sydney Cotton about which we all know, have been flown from any other country to Hyderabad?

**The Honourable Sardar Vallabhbhai Patel:** Government have no knowledge.

**Shri Ajit Prasad Jain:** May I know whether the honourable the Deputy Prime Minister has made any enquiry to find out whether any of the European countries are importing arms into Hyderabad, and if so with what result?

**The Honourable Sardar Vallabhbhai Patel:** We have made all possible enquiries from our Ambassadors and we are informed that no specific country as such is involved.

**Shri K. Hanumanthaiya:** Are the Portuguese helping the Nizam?

**Mr. Speaker:** It seems that the Honourable Minister's reply has not been properly understood by honourable members. He said that no country as such has been involved—individual foreigners may be.

**Prof. Shibban Lal Saksena:** Is the Honourable the Deputy Prime Minister aware of the rumour that this plane which carried Sydney Cotton took the treasures of Hyderabad to Karachi and then to London?

**The Honourable Sardar Vallabhbhai Patel:** It is very difficult for me to say what Cotton was carrying from Hyderabad. But I can say what probably he was carrying from Karachi—he was carrying arms.

**Shri M. Tirumala Rao:** With regard to part (c) of the question, may I know whether we have not got any effective scientific equipment like radars and other things to detect aeroplanes running stealthily without previous notice?

**The Honourable Sardar Vallabhbhai Patel:** It is not in public interest to disclose this information.

**Pandit Hirday Nath Kunzru:** Have Government been able to find out the countries to which those foreigners who sent arms to Hyderabad belong?

**The Honourable Sardar Vallabhbhai Patel:** No, Government have not been able to find out from what particular country the arms have been obtained.

**Pandit Hirday Nath Kunzru:** What is the extent of their information, this matter? What is the place from which, according to their information, this thing originates?



**The Honourable Sardar Vallabhbhai Patel:** We have no information as to the point from which the arms are obtained.

**Pandit Hirday Nath Kunzru:** What is the place, before Hyderabad, from which the planes carrying arms, fly to Hyderabad?

**The Honourable Sardar Vallabhbhai Patel:** I cannot say; I have no information.

**Pandit Hirday Nath Kunzru:** Do they not fly from Karachi?

**The Honourable Sardar Vallabhbhai Patel:** Of course from Karachi.

**Pandit Hirday Nath Kunzru:** Are Government certain of that?

**The Honourable Sardar Vallabhbhai Patel:** Yes. But we do not know from what country the arms are obtained. It is however known to Government that these planes carry arms from Karachi.

**Pandit Hirday Nath Kunzru:** Does he mean that they all halt at Karachi and then carry the arms to Hyderabad?

**The Honourable Sardar Vallabhbhai Patel:** Yes.

**Babu Ramnarayan Singh:** Have Government enquired into the nationality of the foreigner who has been trying to import arms into Hyderabad?

**The Honourable Sardar Vallabhbhai Patel:** About Cotton's nationality—Yes.

**श्री मोहन लाल गौतम :** क्या गवर्नमेंट यह बतलाने की मेहरबानी करेगी और इस बात को मालूम करने की कि वह जहाज करांची से गया तो उसने पाकिस्तान की गवर्नमेंट के साथ क्या खतोकिताबत की और क्या किया ?

**Shri Mohan Lal Gautam:** Will Government please state that after having come to know that the plane in question flew from Karachi, what communications were sent to the Government of Pakistan and what action did it take?

**आनरेबिल सरदार वल्लभभाई पटेल :** पाकिस्तान से गवर्नमेंट को ज्यादा खतोकिताबत करने से कोई फायदा नहीं ।

**The Honourable Sardar Vallabhbhai Patel:** No useful purpose would be served by further correspondence with Pakistan.

**Mr. R. K. Sidhva:** May I know the number of aeroplanes which were carrying arms and ammunition from Karachi to Hyderabad during the month of June or July?

**The Honourable Sardar Vallabhbhai Patel:** It is known to those who smuggle the arms—not to us.

**Shri H. V. Kamath:** Among individual foreigners to whom the Honourable Minister referred, have the depredations of anyone besides Mr. Cotton come to Government's knowledge?

**The Honourable Sardar Vallabhbhai Patel:** No, Sir.

**Shri S. V. Krishnamurthy Rao:** Recently a report was published that a British plane flew with arms from France to Hyderabad. Has it come to the notice of the Government?

**The Honourable Sardar Vallabhbhai Patel:** Whatever information we got we have communicated to our High Commissioner for inquiry through the British Government.

**Shri S. V. Krishnamurthy Rao:** Has any report been received from the British Government in this connection?

**The Honourable Sardar Vallabhbhai Patel:** Well, I have no knowledge of it.

**Dr. V. Subramaniam:** Is there any regular plane service between Karachi and Hyderabad?

**The Honourable Sardar Vallabhbhai Patel:** No 'plane service.

**Shri Ajit Prasad Jain:** What steps, if any, are the Government taking to stop the import of arms from Karachi to Hyderabad?

**The Honourable Sardar Vallabhbhai Patel:** That information cannot be disclosed.

#### RAZAKAR RAIDS INTO C. P. AND BERAR

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

(a) the number of raids so far made by Razakars and other goonda elements of Hyderabad on the Central Provinces and Berar territory;

(b) the damage to life and property inflicted by the raiders;

(c) the action taken by our army and police in repelling the attacks, and the result thereof, and

(d) the nature of measures adopted to prevent such occurrences in future?

**The Honourable Sardar Vallabhbhai Patel:** (a) and (b). According to the information available with the Government of India there have been 105 raids into the Central Provinces and Berar territory involving the death of 28 persons, and injury to 29 persons. The total estimated loss of property as a result of the raids of which reports have been received come to about Rs. 1 lakh.

(c) and (d). I would invite the honourable member's attention to my reply to starred question No. 73 by Shri S. V. Krishnamurthy Rao on the 10th August, 1948.

**Shri H. V. Kamath:** To which period of time do these raids relate?

**The Honourable Sardar Vallabhbhai Patel:** From the time it started to the day on which the information was given in Starred Question No. 73.

**Shri H. V. Kamath:** May I know the dates between which the raids took place on C.P. and Berar territory?

**The Honourable Sardar Vallabhbhai Patel:** I cannot give you the exact dates now.

**Shri H. V. Kamath:** How many Razakars and other Hyderabad goondas were arrested in this connection?

**The Honourable Sardar Vallabhbhai Patel:** I cannot give you the numbers as to how many Razakars were arrested or how many were killed. If the honourable member wants any information I will supply it if a Question is asked.

**Shri H. V. Kamath:** In connection with these raids, was there any instance when the raiders—Razakars or others—were pursued into Hyderabad territory according to Government's latest orders?

**The Honourable Sardar Vallabhbhai Patel:** Several times they have been pursued inside the State territory.

**Shri H. V. Kamath:** Is it every time or some times?

**The Honourable Sardar Vallabhbhai Patel:** Almost every time they have been pursued and driven back.

**Maulana Hasrat Mohani:** Is it a fact that the Razakars pursue those of the Indian people who had gone into the Hyderabad territory?

**The Honourable Sardar Vallabhbhai Patel:** That perhaps is the knowledge of the honourable member.

**Shri Mahavir Tyagi:** Are these Razakars inspired by the Hyderabad State or helped by the Government of Hyderabad State?

**The Honourable Sardar Vallabhbhai Patel:** It is difficult to say whether the Hyderabad State is inspired by the Razakars or whether the Razakars are inspired by the Hyderabad State.

**Shri Ajit Prasad Jaisi:** May I know whether during the course of these raids the Razakars suffered any casualties, and if so on how many occasions?

**The Honourable Sardar Vallabhbhai Patel:** I cannot give the details about the number of casualties that the Razakars suffered, but they were not received as friends.

**Shri H. V. Kamath:** With regard to the measures adopted—with reference to part (d) of the Question—is the Government aware that on account of the monsoon prevailing at present the Army patrols in the border require jeeps for their efficient functioning, and mere trucks and lorries will not do?

**The Honourable Sardar Vallabhbhai Patel:** That is what has been supplied to the Army; we have not given them tongas!

**Shri H. V. Kamath:** At present the Army patrols on the border are equipped only with lorries or trucks or station wagons. My point is that they should be given jeep cars which can negotiate the black cotton soil.

**The Honourable Sardar Vallabhbhai Patel:** I would invite the attention of the Defence Ministry to the invention of the honourable member.

**Shrimati Renuka Ray:** Is there any honourable member of this House who receives a pension from the Hyderabad State?

**The Honourable Sardar Vallabhbhai Patel:** I have no knowledge about it but I can enquire if the honourable member wants.

**Mr. R. K. Sidhva:** Will the Honourable the Deputy Prime Minister enquire and let the House know as to whether any honourable member of this House is receiving pension from the Hyderabad State?

**The Honourable Sardar Vallabhbhai Patel:** If the honourable member wants information I will certainly inform the House, but I do not think that this question arises from the Question that has been put.

#### SMUGGLING OF GOODS INTO HYDERABAD

519. **\*Shri H. V. Kamath:** Will the Honourable Minister of States be pleased to state:

(a) the total quantity and money value of contraband goods seized by our customs and police authorities while they were being attempted to be smuggled into Hyderabad, since the enforcement of the economic blockade;

(b) the action taken against persons who tried to run the blockade as aforesaid; and

(c) the nature of measures adopted to prevent such occurrences in future?

**The Honourable Sardar Vallabhbhai Patel:** (a) As has been pointed out in reply to starred question No. 52 by Pandit Mukut Bihari Lal Bhargava on the 10th August, 1948, it is wrong to describe the measures adopted by the Government of India as economic blockade. What they have done is to ensure that arms and ammunition and other materials which may assist the war preparation of the State do not find their way into Hyderabad. No statistics have been maintained of such arms and ammunition and other warlike equipment which have been seized while being smuggled into Hyderabad.

(b) Action has been taken by the Provincial Governments under the ordinary law against persons who have been caught in the act of smuggling.

(c) It will not be in the public interest to disclose all the measures adopted by Government to prevent smuggling.

**Seth Govind Das:** Are the Government receiving any periodical reports from various Provinces about the measures which they are taking against this smuggling?

**The Honourable Sardar Vallabhbhai Patel:** Yes, we get regular periodical reports.

#### RE-STARTING OF ORDNANCE FACTORY, KHAMARIA (JUBBULPORE)

**511. \*Seth Govind Das:** Will the Honourable Minister of Defence be pleased to refer to the promise made by Government during the last session of this Assembly to re-start the working of the Ordnance Factory, Khamaria (Jubbulpore) in the very near future and state, why the same has not been started up till now?

**The Honourable Sardar Baldev Singh:** It has not been possible to start the factory so far owing to difficulties of finding staff and the necessity of transferring certain machinery from another Ordnance Factory.

**Seth Govind Das:** Is there any definite date when it is to be started?

**The Honourable Sardar Baldev Singh:** In the very near future.

**Seth Govind Das:** The Honourable Minister gave that reply about six months ago. May I know what does he mean by "very near future"—a year or six months?

**The Honourable Sardar Baldev Singh:** In the public interest it will not be advisable to disclose the exact date.

**Seth Govind Das:** Is it not a fact that as far as staff is concerned, there is sufficient staff available even in Jubbulpore as far as that factory is concerned?

**The Honourable Sardar Baldev Singh:** As I have said in my reply to this question, steps have already been taken to start the factory but when it will be possible to start the factory in full production I cannot say. It will naturally take some time.

**Seth Govind Das:** No, Sir. The Honourable Minister just now stated that the difficulty is about the staff. I am enquiring from him as to whether sufficient staff is not available in Jubbulpore itself to run the factory?

**The Honourable Sardar Baldev Singh:** Not all the staff that is required to run the factory.

**Seth Govind Das:** Is the Honourable Minister aware that valuable machinery which is lying in that factory is daily rotting on account of rainy season and proper care is not taken to protect it?

**The Honourable Sardar Baldev Singh:** Every possible care is being taken to protect the machinery that is already there, but as the honourable member will appreciate, it is difficult to start the factory unless the machinery required is transferred from the other Ordnance Factories to Jubbulpore.

**Seth Govind Das:** Is it not a fact that the machinery which is already in that factory is sufficient and there is no necessity to import any more from other places?

**The Honourable Sardar Baldev Singh:** According to technical experts, the machinery at present lying in the Jubbulpore factory is not enough to run the

factory. Certain other machinery is required and arrangements are being made to transfer that machinery from other Ordnance Factories to this factory.

**Seth Govind Das:** Then, may I take it that when the factory was working in full swing in Jubbulpore and all the machinery was there, some machinery from that factory has been removed to other places?

**The Honourable Sardar Baldev Singh:** It is not possible for me to say. The information that I have at present is that certain additional machinery is required to put the factory into operation.

**Seth Govind Das:** Will the Honourable Minister enquire what is the reason that more machinery is required now, while the fact is that in Jubbulpore the factory was working in full swing and as far as my information goes, no machinery was removed from there to other places?

**The Honourable Sardar Baldev Singh:** The information that I have given is as a result of careful enquiry by technical experts. I am not giving off-hand information. The matter has been thoroughly enquired into by the technical experts and their view is that certain additional machinery is required.

**Seth Govind Das:** Then, Sir, is that machinery which is required going to come from abroad or from other places in India?

**The Honourable Sardar Baldev Singh:** I have already stated in the original reply, which the honourable member has apparently not followed, that arrangements are being made to transfer certain machinery from the other Ordnance Factories in India.

**Prof. Shibbanlal Saksena:** Will the Honourable Minister say if other Ordnance Factories are also working at their maximum capacity?

**The Honourable Sardar Baldev Singh:** According to requirements, Yes. They are all working.

#### RECOMMENDATIONS OF BHORE COMMITTEE

512. \***Shri V. C. Kesava Rao:** Will the Honourable Minister of Health be pleased to state the recommendations of the Bhole Committee that have not been implemented and when Government propose to implement same?

**The Honourable Rajkumari Amrit Kaur:** The Bhole Committee covered a very wide field in their enquiry and made more than three hundred recommendations. These are summarised in Vol. IV of their Report. A statement containing the action so far taken on the recommendations of the Bhole Committee is placed on the table of the House.

#### Statement

*Indicating the action taken on the principal recommendations of the Health Survey and Development Committee Report*

Recommendations relating to: (a) Objectives suggested by the Committee, (b) District Health Organisations, (c) Central and Provincial Boards of Health and Health Councils, (d) The amalgamation of the Medical and Public Health departments, (e) Water Supply and Sanitation, (f) Anti-Malaria measures, (g) Quinine production, and (h) The Indian Systems of Medicine, were discussed at a Conference of the Central and Provincial Health Ministers held on the 10th to 12th October 1946, and copies of the resolution passed are attached to this statement. (*Appendix I.*)

2. Provincial Governments who are primarily concerned are taking necessary action in regard to items (a) to (g) above. As regards item (h) the Government of India set up a Committee on the Indigenous Systems of Medicine under the Chairmanship of Sir Ram Nath Chopra. The Committee has just submitted its report which is being printed.

3. A second Health Conference attended by representatives of the Provinces, local administrations, States and Unions of States was held on the 2nd to 5th August 1948 to consider the recommendations on the following items: (i) Industrial health; (ii) Nutrition; (iii) Tuberculosis with special reference to B.O.G. Vaccination; (iv) Leprosy; (v) Training

of Medical and Ancillary personnel; (vi) Rural Medical Relief; (vii) Health Measures for refugees including absorption of doctors and other Health personnel in the Health Services of the Provinces and the States; (viii) Private Practice by Government Medical Officers; (ix) Drugs and Medical Appliances; (a) Drugs Standards Control, (b) Development of the Drug Industry in India; (x) All India Medical Register; (xi) Malarilogenic activities of the Railway and Works Department; (xii) Care of the Blind; (xiii) Improvement of the machinery for the registration of the Vital Statistics; (xiv) Desirability of prohibiting the building of back to back houses in the Industrial and slum areas and the Railway Quarters.

Copies of the resolutions passed at the Conference are attached to this statement as Appendix II.

4. The other recommendations of the Bhole Committee on which action was taken are as follows:

- (a) *Professional Education*.—The Medical Council of India, to whom the Bhole Committee recommendations regarding professional education were referred, have accepted in general the broad principles contained therein.
- (b) *Regulation of Dental, Pharmaceutical and Nursing profession*.—The Indian Nursing Council Act (XLVIII of 1947), the Dentists Act, 1948 and the Pharmacy Act have been passed by the Legislature and steps are being taken to put them into effect.
- (c) *Training of Personnel*.
1. (i) *Doctors*.—A scheme was started in 1946 to send selected Medical Graduates for post graduate training in Universities and institutions abroad primarily to fit them for higher teaching and research posts of all branches of medicine. The selections were made on an all India basis by a Central Selection Board.
  - (ii) *Dentists*.—Similarly 13 candidates in 1947 and 12 in 1948 were selected from the whole of India by a Central Selection Board for higher training abroad in Dentistry.
  - (iii) *Nutrition workers*.—In 1947 ten candidates were selected from the whole of India for higher training in Nutrition in Institutions abroad. In 1948 such personnel have been included in the medical scheme.
  - (iv) *Nurses*.—In 1945, 1946, and 1947, six, three and four qualified nurses respectively holding certificates were sent to the United Kingdom for Post Graduate training. In 1948, 16 qualified nurses have been so far selected for post-graduate training abroad. In 1946 ten and in 1947 twenty-seven probationer nurses were also sent to that country for training.
2. The Lake Hospital, Calcutta has been converted into a temporary Medical College for providing condensed M.B. Degree Course for ex-Army medical Licentiatees from all parts of India.
  3. A College of Nursing has been established at New Delhi to provide higher training for nurses.
  4. The staff of the All India Institute of Hygiene and Public Health has been increased to provide for 60 Public Health students a year and for other specialised courses. A course in Master of Engineering (Public Health) of the Calcutta University has been started at the Institute from the session 1948-49.
  5. *The Malaria Institute, Delhi*, has been expanded to provide increased facilities for training and research.
- (d) *All India Medical Institute*.—A Committee was appointed to advise Government on the establishment of the All India Medical Institute. It has submitted a report in pursuance of which it has been decided to upgrade certain branches of existing Medical Colleges as a preliminary step to the establishment of an All India Medical Institute.
- (e) *Medical Research*.—The recommendations of the Bhole Committee have been referred to the Indian Research Fund Association for their views.
- (f) *Bureau of Standards*.—A Bureau of Standards for Medical Institutions has been set up.
- (g) *Medicinal Spas*.—Provincial Governments have been asked to investigate the possibilities of developing the mineral and thermal springs in their territories and to supply the Government of India with detailed particulars of these springs as to their medicinal and therapeutic values, their radio activity, and their suitability to serve as medicinal or Table Waters, etc.
- (h) Other recommendations of the Bhole Committee will be considered in due course.

## APPENDIX I

## RESOLUTIONS

## AGENDA ITEM No. 2

*Objectives*

"The Conference endorses the objectives proposed by the Bhoré Committee as objectives to be kept in view in formulating plans for a national health service."

## AGENDA ITEM No. 3

*District Health Organisation*

The Conference considers that the District Health Organisation proposed is administratively sound and acceptable in principle. The programme for the first five years is not within present financial resources but it is agreed :—

- Firstly*, that the scheme should be implemented on as wide a scale as possible consistent with financial limitations, taking full advantage of existing institutions and staff;
- Secondly*, that modifications in the scheme may be made where necessary to adapt it to local conditions;
- Thirdly*, that in areas where the full organisation cannot be set up immediately, schemes for development should be framed with due regard to the objective of building up a curative and preventive health service on the general lines recommended by the Committee;
- Fourthly*, that each Province should review its plans with these considerations in view.

## AGENDA ITEM No. 5

*The provision of facilities for the training of Medical and other personnel*

The Conference agrees that a review of training facilities in the light of probable future requirements should be undertaken and that particular emphasis should be laid on the training of personnel. It also agrees that as far as possible, the larger provinces should assist those provinces which have not yet been able to provide their own training facilities by admitting students to their training institutions.

## AGENDA ITEM No. 6

*Central and Provincial Boards of Health and Health Councils*

The Conference agrees that Boards of Health and Councils of experts should be constituted at the Centre and in the Provinces. It considers that representatives of the Central Legislature should be included in the Central Board of Health, that the constitution of the Provincial Boards should be left to the discretion of the Provincial Governments and that the health experts of the Central and Provincial Governments should attend the Central Board of Health. The Conference also considers that the functions of the Central Board and Council should be purely advisory.

## AGENDA ITEM No. 7

*The amalgamation of the Medical and Public Health Departments*

The Conference accepts the principle of amalgamation of medical and public health departments and considers that the amalgamation should take place when a suitable opportunity occurs.

The Honourable Ministers from Madras and Bombay, dissented from this view. The Honourable Minister from Madras considered that co-ordination between the two departments was preferable to amalgamation.

## AGENDA ITEM No. 8

*Water Supply and Sanitation*

The Conference agrees—

- (1) that an active programme for the Improvement of water supply and sanitation in both urban and rural areas should be undertaken;
- (2) that in respect of water supply the objective should be to provide at least 50 per cent. of the population with a safe and abundant water supply within a period of not more than 20 years and the entire population within not more than 35 years.
- (3) that in urban areas the objective should be to instal adequate sewerage in all towns with a population of 50,000 or over during the first 10 years;
- (4) that the constitution and functions of provincial water and drainage boards should be left to the discretion of Provincial Governments.

## AGENDA ITEM No. 9

*Establishment of Anti-Malaria Organisations*

The Conference agrees—

- (1) that a vigorous drive against malaria should receive priority in development programmes;
- (2) that, subject to adaptation to suit local conditions, anti-malaria organisations should follow the general frame work of the organisation proposed by the Blore Committee;
- (3) that anti-malaria personnel trained in the Defence Services should be utilised to the fullest possible extent.

## AGENDA ITEM No. 10

*The policy in regard to Quinine and other Anti-Malaria Drugs*

The Conference agrees that quinine production should be continued and developed up to about 200,000 lbs. a year, subject to review from time to time. It was also agreed that the views expressed by the Provincial Ministers on the subject of a guarantee to the producing provinces should be further considered by the Government of India in consultation with Provincial Governments.

## AGENDA ITEM No. 11

*Indian Medicine*

I. In accordance with the recommendations of the National Planning Committee, this Conference resolves that adequate provision should be made in the Centre and the Provinces—

- (a) for research in and the application of the scientific method for the investigation of the indigenous systems like Ayurveda and Unani with references to (1) maintenance of health and (2) prevention and cure of disease;
- (b) for starting schools and colleges for training for diploma and degree courses in Indigenous Systems of Medicine.

(c) for post graduate courses in Indian Medicine for graduates in Western Medicine.

II. In accordance with Resolution No. 13 of the National Planning Committee this Conference resolves to absorb the practitioners of Ayurvedic and Unani Systems of Medicine into the State Health Organisation by giving them further scientific training wherever necessary as health personnel, like doctors, physical training experts (Ustads), Sanitary staff, masseurs, nurses, midwives, etc.

III. This Conference resolves that in the Central Council and Provincial Health Boards and Councils the departments and practitioners of Indian Medicine should be given due representation, wherever possible.

## AGENDA ITEM No. 12

*Abolition of Civil Branch of Indian Medical Service*

This Conference of Health Ministers is of opinion that there should be no civil branch of the Indian Medical Service and requests that the Central Government may arrange to take back immediately the Indian Medical Service personnel in civil employ in the Provinces, and post them on the military side to which they rightly belong.

## APPENDIX II

## SECOND HEALTH MINISTERS' CONFERENCE—AUGUST 1948

## Resolution on Agenda Item No. 2

*Industrial Health*

(a) The Conference approves of the broad outlines of the scheme for the development of an industrial health service put forward in the "Memorandum on the Formation of an Integral Industrial Health Organisation in India". For the present, in view of the undeveloped nature of medical relief available to the community as a whole, it is desirable to include, as part of the industrial health scheme, provision for medical relief also. In the working of the scheme the closest possible co-operation between the Employees' State Insurance Corporation and Provincial Governments is essential and the Conference recommends that such co-operation should be established and maintained at the highest possible level.

(b) In future of time the objective should be to reduce, in proportion to the expansion of health services for the general population, the provision now made for medical relief under the industrial health organisation and to enable the latter to take up, in an increasing measure, its legitimate tasks of controlling the health hazards of the employee in his working environment, provision for rehabilitation, research into industrial health problems and the training of the required health personnel.



(c) The Conference resolves that steps should be taken to establish Chairs in Industrial Medicine in selected medical colleges together with the provision of a certain number of beds, in order that work in connection with the investigation of industrial health conditions, detection and treatment of occupational disease, measures necessary for prevention and rehabilitation work can all be undertaken. A programme of training for various types of personnel required under the industrial health scheme should also be built up in association with these centres. In addition it is essential to develop the existing training facilities at the All-India Institute of Hygiene and Public Health and make it also a centre for teaching and research.

In view of the Employeers' State Insurance Act and the imminent enactment of the Factories Act, 1948, immediate steps should be taken by Provinces to initiate schemes for the training of such medical, nursing and other staff as are envisaged in the above legislative measures for the welfare of factory workers.

(d) A Medical Branch should be established in the Inspectorate of Factories under the Labour Ministries of the Centre and Provinces for reasons set out in the Memorandum.

(e) This Conference resolves that lady doctors should be appointed as Medical Inspectors of Factories in the Inspectorates of Factories, Central and Provincial, with a view to formulating schemes for the promotion of measures for the health, safety and welfare of women and children workers in factories.

(f) This Conference commends for consideration by the Central Legislature an amendment of clause 3, section 45, in the Bill to consolidate and amend the law regulating labour in factories now under consideration. This amendment is for the purpose of so enlarging the composition of the proposed unit under the clause as to permit of the inclusion of certain types of health workers, who will be concerned with the sanitation of the factory and the supervision of the working environment of the employee in respect of his health, safety and welfare. The clause should be amended as shown below :

"In every factory wherein more than 500 workers are ordinarily employed there shall be provided and maintained one ambulance room of the prescribed size containing the prescribed equipment and in charge of such medical and nursing staff as may be prescribed. In addition there shall be provided and maintained such other types of health staff and equipment as may be prescribed for the supervision of the sanitation of the factory and of the working environment of the employee in respect of his health, safety and welfare. This staff should be under the technical control of the local health authority."

SECOND HEALTH MINISTERS' CONFERENCE—AUGUST, 1948

### Resolution on Agenda Item No. 3

#### *Nutrition*

(a) The important part that sound nutrition plays in improving the health and working capacity of the people is universally recognised, in India, in framing a national health programme, it is necessary to remember that large sections of the inhabitants of this country are living in a chronic state of malnutrition and under-nutrition and that the rectification of this state of affairs is essential for obtaining the full benefit of expanded health services and other measures that may be adopted for raising the standard of health of the people.

(b) *Formation of Nutrition Committees.*—The national nutritional problem is so vast that its solution will require the united efforts of the people and the Governments. Within individual governments the activities of a number of ministries have to be co-ordinated and strengthened. The Inter-departmental Committee at the Centre in collaboration with the Nutrition Advisory Committee of the Indian Research Fund Association should formulate nutrition programmes for the country. The Provincial Governments should also set up Nutrition Committees representing the Departments concerned and also nutrition experts to formulate and implement nutrition programmes for the requirements of their respective provinces.

(c) *Nutrition Units in Health Departments.*—The Conference approves of the recommendation by the Bore Committee that nutrition units should be considered as integral parts of the Health Departments at the Centre and in the Provinces, their main functions being to survey and determination of the extent and nature of nutrition problems in local areas and amongst specific groups of population as well as active participation in the starting and conduct of nutrition programmes undertaken by governmental and private agencies and in the assessment of results achieved by these programmes.

(d) *Community feeding programmes.*—Immediate attention should be directed towards improvement of the nutrition of infants, children of the pre-school age, the schoolgoing population, expectant and nursing mothers and people engaged in heavy manual labour. The utilisation of maternity and child welfare centres for supplying supplementary food to children and mothers should be practised on as wide a scale as possible.

School meal programmes should be developed on a large scale. The objective should be to provide, at midday, a meal of balanced diet with adequate calorific value, particularly in the rural areas where children have often to walk long distances to the school and back to their homes without any adequate provision for nourishment during the school hours. Wherever possible, parents who are able to pay should be made to contribute towards schoolfeeding programmes, but the quality and quantity of the food supplied to the school children should be on a uniform scale in any area. The nutrition section of the Health Directorate in each province should take an active interest in the inauguration of such schemes and advise on the best ways of spending money set apart for the purpose. A beginning should be made in the province by provision of midday meals to children in primary schools.

It is urged that the Central and Provincial Governments should do all that they can to popularise the canteen movement in factories and offices in their respective spheres.

(e) *Education in Nutrition*.—Education of the people in nutrition should be an important activity of the Health Departments of all Governments and every available method should be utilised for the purpose.

(f) While it is impossible to maintain standards of health without sufficient and proper food this Conference views with anxiety the rising costs of food stuffs and requests the Central and Provincial and State Governments to take such measures as will bring prices within the reach of the common man.

(g) Measures designed to promote an improvement in the quality and purity of food supplied to the people are essential. For ensuring purity strict enforcement of the provisions of existing Food Adulteration Acts, with such amendments as may be necessary to make these enactments more effective wherever necessary, is required. For improving quality, legislation on the lines of the Agricultural Marketing Act, which covers only agricultural products, will be necessary. The Conference recommends that necessary legislation should be undertaken and that its enforcement as well as of the Agricultural Marketing Act should receive the earnest attention of all Governments.

#### SECOND HEALTH MINISTERS' CONFERENCE—AUGUST 1948

##### Resolutions on Agenda Item No. 4

##### *Tuberculosis*

(a) *Provincial Tuberculosis Organisation*.—The Conference recommends the appointment of a Provincial Tuberculosis Officer with suitable subordinate staff under him in each province as an essential step towards the formulation of an anti-tuberculosis scheme and its implementation in successive stages.

(b) *The Establishment of Demonstration Centres*.—(i) One or two demonstration centres with tuberculosis hospitals and clinics should, it is recommended, be established in each province on the lines indicated in the Memorandum. The work of these institutions should be supplemented by mobile tuberculosis clinics, which should be based on the demonstration centres and should work in the neighbouring rural areas.

(ii) Voluntary effort has a large part to play in supplementing the work of governments in the campaign against tuberculosis. For this purpose local committees should be formed in each demonstration centre from among the local population. These committees should be responsible for ensuring that the sick are provided with such comfort as are necessary both in the hospital and in the homes. These committees can, in addition, assist in domiciliary treatment, especially in cases where the bread-winner is sick and isolation of children is necessary.

(iii) After care colonies for patients discharged from hospitals and sanatoria are necessary for preventing relapse, and, in the working of these colonies also, local committees can play an important part by the provision of extra food, milk and other comforts and by assisting the patients to secure suitable employment on release from institutions.

(c) *B.C.G. Vaccination*.—(i) The development of a B.C.G. Vaccination programme forms an important part of the anti-tuberculosis campaign. The Conference therefore recommends the scheme put forward by the Central Government whereby B.C.G. Vaccination will be started, as the first stage in the programme, at Madanapalle, and in the cities of Madras, Bombay, Calcutta, Delhi, Baroda and Mysore and such other centres as may have facilities for the same, to the Provincial and State Governments concerned and expresses the hope that these Governments will extend their full co-operation in the execution of the scheme.

(ii) In view of the importance of securing adequate control over the use of this method of protecting the people against tuberculosis the Conference stresses the importance of the manufacture of the vaccine always being under governmental control and, for the time being, under that of the Central Government. The administration of the vaccine to the people should also be controlled by Governments.

(iii) In order to ensure that the effects of B.C.G. vaccine on the incidence of tuberculosis is studied properly it is essential that, at least during the present stage of the programme, a certain group of people, who have been vaccinated and who are relatively stable in their movements should, in each area, be kept under observation so as to obtain reliable data regarding the incidence of the disease among the members of this group.

(d) *The training of personnel for anti-tuberculosis work.*—The establishment of centres for the training of personnel is of great importance. There are at present only two recognised training centres in the country, at Madras and at Delhi respectively. The Conference recommends that training centres should be established as early as possible, in Calcutta, Bombay and Amritsar.

(e) *Specific recommendations for individual provinces.*—The suggestions put forward in Appendix I of the memorandum for developing anti-tuberculosis measures in individual provinces are based on the plans included in their five-year programme. These suggestions are recommended to the Provincial Governments concerned for serious consideration.

(f) *Non-pulmonary tuberculosis.*—The Conference further recommends the taking of necessary steps for the diagnosis and treatment not only of pulmonary tuberculosis but also of other forms of tuberculosis.

SECOND HEALTH MINISTERS' CONFERENCE—AUGUST, 1948

Resolutions on Agenda Item No. 5

*Leprosy*

The Conference recognises the magnitude, urgency and importance of the leprosy problem in India and recommends, for the consideration of Governments, the adoption of the following measures :

(1) *Provincial leprosy organisation.*—The creation of the post of a Provincial Leprosy Officer under each Health Department in each province is strongly recommended. In those provinces in which the preventive and curative health functions are combined in the same administrative head, the Director of Health Services, the Leprosy Officer will naturally be on the staff of the Director. In certain provinces the posts of administrative heads of medical and public health departments are separate. In such cases the question arises as to which officer should control the activities of the Provincial leprosy organisation and its head, the Provincial leprosy officer. Taking into consideration the importance of the preventive aspect of the campaign, it is recommended that the Provincial leprosy organisation may be attached to the Director of Public Health and a necessary corollary to this decision would be that the institutions for the treatment of the disease will have also have to be brought under the control of the Director of Public Health. Under each Provincial Leprosy Officer there should be a Provincial Survey Officer whose function would be to collect and correlate data regarding the prevalence of the disease in various parts of the Provinces. In each district there should also be a Leprosy Unit covering both curative and preventive aspects of the problem. To every district headquarters hospital should be attached a medical officer in charge of the curative side of leprosy. There should be accommodation in the hospital for the admission of at least 25-30 patients. Working side by side with this officer there should also be a district survey officer whose duty it would be to investigate the position of leprosy with regard to its incidence, local factors influencing increase or decrease of the prevalence of the disease as well as the possibility of setting up leprosy preventive schemes.

(2) *Leprosy institutions.*—The organisation of leprosy institutions on an adequate scale is essential as part of the campaign against the disease. A modern leprosy institution should provide for adults' and children's sections, a section for research and another for investigation into the methods of occupational therapy and methods of relief and rehabilitation of patients who are deformed. These institutions should not be of the type of "leper asylums" where two or three hundred patients are housed with inadequate medical attention and insufficient arrangements for their comfort.

The practical application of the sulphone group of drugs on a sufficiently large scale to secure results which might prove conclusive is essential. It is urged that the import of these drugs, particularly for experimental purposes, should be unrestricted especially when they are supplied to persons who are known to be specialists in the disease.

(3) *Control of leprosy in groups of villages.*—Leprosy, unlike tuberculosis, is largely a village disease. The vital need in leprosy control is planned experimental work in selected groups of highly endemic villages, directed towards the control and gradual elimination of leprosy in those groups of villages. Every case in an area should be accounted for, and even infective case taught to observe the necessary preventive precautions chiefly by adopting one or other of the recognised methods of isolation, viz., (a) home isolation; (b) group isolation in agricultural and occupational colonies; (c) night isolation; (d) institutional isolation.

Such measures should be made enforceable by law, in the selected epidemic areas.

The whole scheme should have for its central object the protection of children that are constantly exposed to infection in their homes and surroundings.

(4) *Organisation of leprosy teaching.*—In medical colleges and teaching hospitals attached to them there should be leprosy units in charge of persons well versed in leprology in order to develop undergraduate and post-graduate training on sound lines. The organisation of refresher courses to workers in leprosy is equally important.

(5) (a) *Organisation of social assistance and welfare.*—The modern trend in medicine is to relate the illness of a patient to his social background and to study those conditions and causes which govern the spread of the disease in the community. The problem of leprosy can also be solved only if this approach towards the elucidation of its causes and their effective control is adopted. The social welfare officer should therefore be trained to participate in leprosy prevention and treatment. Provision should be made for the training of such officers. The functions of these officers will include investigation of the social, economic, dietetic and other factors in respect of individual patients and participation in the measures designed to control the adverse effects of these factors. The social welfare officer will also be responsible for organising occupational therapy so that patients who have the disease and are liable to be crippled by it will be enabled to earn a living.

(b) *Stimulation of Voluntary effort.*—Though leprosy work is primarily a responsibility of Government, we cannot hope to achieve much progress without the help of voluntary work. Voluntary work must be stimulated by special and generous aims.

(c) *Educational propaganda.*—This should preferably be done by voluntary leprosy organisations such as the All-India Leprosy Organisation (The Akil Bharata Kushta Samiti) recently founded and through the Indian Council of the British Empire Leprosy Relief Association.

(7) *Child leprosy.*—Children are much more liable to leprosy infection than older persons and the most important measure for the control of the disease is prevention of infection of children. Child leprosy investigation units and sanatoria should be established. Special sections for children should also be created in existing leprosy institutions. It is impossible to segregate child cases of leprosy under village conditions and institutional isolation will be necessary.

8. The Conference recommends the establishment of a committee to report at a very early date on the steps to be taken on the creation of an All India Leprosy Teaching Research Institute and authorises the Chairman to establish this Committee.

SECOND HEALTH MINISTERS' CONFERENCE—AUGUST, 1948

Resolution on Agenda Item No. 6

*Training of Medical, Nursing and Ancillary Personnel*

(a) The Conference notes with satisfaction that Provincial and State Governments are taking steps to improve medical education by conversion of schools into colleges, establishment of new colleges and introduction of the double-shift system in the case of certain provinces. This process of development, should, it is recommended, be pursued with vigour in view of the need for producing, within the period of the next five to ten years an adequate number of doctors to permit of a reasonable expansion of health services in the country, particularly in the rural areas.

(b) The Conference is gratified to learn that the intention of the Central Government is to promote, in collaboration with Provincial and State Governments, the development of postgraduate education in all branches of medical science as speedily as possible. The appointment of the Upgrading Committee, in order to explore the possibility of improving existing centres of teaching and research in such a manner as to make them function as institutions to serve the purposes of the country as a whole, is particularly noted with satisfaction. The Conference emphasises that, as soon as circumstances permit, the establishment of the All-India Medical Institute should also be taken up.

(c) The training of health personnel other than doctors such as nurses, midwives, sanitary inspectors and health visitors is of the utmost importance because they can perform a variety of diagnostic curative and preventive functions under the direction and supervision of doctors. The Bhoré Committee estimated that, within a period of 25 years while a four-fold increase of doctors was necessary, the corresponding increase in respect of nurses and health visitors should be hundred times in each case and about twenty times in the case of midwives. The extent of sickness and mortality existing in the country can perhaps be halved by the employment of properly trained people of these types in sufficiently large numbers. It is, therefore, urged that Governments should concentrate, as much as possible, on the training of non-medical health workers during the next five to ten years.

(d) The general position regarding nursing is far from satisfactory. Some of the main impediments to the improvement of the nursing profession in the country are unsatisfactory conditions of pay and housing and lack of essential amenities for trainees as well as for nurses employed in service. Considerable efforts to improve these conditions are, therefore, required if a proper supply of nurses is to be ensured. A definite raising of the status of the nursing profession and the conferment of gazetted rank on those members of the nursing service who hold a nursing degree or hold the more responsible nursing posts are also necessary if suitable women are to be attracted to this service.

(e) The position of dentistry in India is even more backward than that of medicine. No health service can be considered complete unless adequate provision for dental care and oral hygiene is made available to the people. There is, therefore, urgent need for producing more dentists as well as for developing a dental service in association with the

general health service of the country. After the partition, there is only one dental college of university status in the country. In order to raise the standard of dental education and to permit of the rapid production of dentists the Conference recommends that other dental teaching institutions in India should, as soon as possible, be raised to the status of university colleges and that the establishment of new dental colleges in association with existing medical colleges should be taken up early in as many Provinces and States as possible.

(f) As expansion of dental service to the people is equally necessary and the objective for the near future should be to establish a proper dental hospital at the headquarters of each Province, to create dental clinics in association with every district headquarter hospital and to provide dental service for the rural population through travelling dental clinics centred on the dental institutions at the provincial headquarters and at the headquarters of the districts. The development of adequate dental services as part of school health programmes is also very important.

(g) The Conference recommends that each Medical College in the Provinces should set apart one seat in the case of small colleges and two seats in the case of large colleges for the admission of Indians from abroad, who have their domicile in those countries, that the allotment of seats should be left to the Central Ministry of Health and that capitation fee should not be charged in respect of these students. The Conference further recommends that conditions for the admission of such student should be laid down by the Central Government.

(h) The Conference also recommends that, similarly one seat in the smaller medical colleges and two seats in the larger colleges should be reserved for students nominated by the Central Government from among those in Centrally Administered Areas and from among the sons and daughters of Central Government servants serving in Delhi and in the Provinces. The Conference also recommends that no capitation fee should be charged in respect of such students.

SECOND HEALTH MINISTERS' CONFERENCE—AUGUST, 1948

Resolution on Agenda Item No. 7

*Rural Medical Relief*

The Conference notes with satisfaction that Provincial and State Governments are increasingly aware of the urgency and importance of developing adequate medical relief in the rural areas and that these Governments have made various attempts in the past and have also put forward new proposals to achieve this purpose. After a full consideration of the problem the Conference is of the opinion that a service which is designed to provide only curative measures for the rural areas will not meet the requirements of the people and that the organisation of an integrated curative and preventive health service is essential. Such a scheme has been put forward by the Bhow Committee but, for financial and other reasons, Governments have not found it possible to implement this scheme within the last few years. Nevertheless, in view of the need to ensure that developments take place on sound lines, it is urged that the whole question should be reviewed and suitable recommendations made to the Central and Provincial Governments in order to assist them in taking decisions on this important question. The appointment of a suitable committee for the purpose by the Chairman is recommended.

SECOND HEALTH MINISTERS' CONFERENCE—AUGUST, 1948

Resolution on Agenda Item No. 8

*Health measures for Refugees including the absorption of Doctors and Other Health Personnel in the Health Services of the Provinces and States*

The Conference places on record its appreciation of the work so far accomplished in the task of providing health protection to the displaced millions from Pakistan and of the fact that some progress has been made in finding employment for doctors and other health workers among them. The most urgent need is now to take measures to disperse the refugees, who are concentrated in camps, over different parts of the country so as to permit of their assimilation by the general population and their return to normal settled life. Side by side with this, it will be essential to develop health services also. In this direction and in the development of similar services for the large Unions of States which have been formed it should be possible to absorb a large part of the remaining health personnel and the Conference urges that Governments should do all they can to achieve this end.

SECOND HEALTH MINISTERS' CONFERENCE—AUGUST, 1948

Resolution on Agenda Item No. 9

*Prohibition of Private Practice by Government Medical Officers*

The question of controlling or of prohibiting private practice by Government doctors is one of great complexity. As an ultimate objective it is essential that India should as pointed out by the Prime Minister in his opening speech fall in line with other countries and work towards the socialisation of its health services so as to make health protection of the proper quality and in adequate quantity available to all irrespective of their ability

to pay for such services. A socialised health service would include within its scope the newer conception of preventive health work on behalf of the healthy in order to promote positive health as much as provision of medical care to the sick. When such a service extends its operations over the country as a whole there would be relatively little room for private practice and the ultimate objective would therefore seem to be in the direction of practically complete prohibition of private practice. In the meantime taking into consideration existing conditions this Conference is of the opinion that prohibition can be introduced only in stages and that in the meanwhile salaries of medical officers should be increased. It therefore recommends that Governments should explore the possibility of restricting private practice by doctors in their service in successive stages. In this connection the suggestion put forward by the U. P. Reorganisation Committee for the establishment of Pay Clinics is commended for consideration by Governments. This scheme will make the services of well-qualified Government doctors available to a larger section of the community than at present and will also provide some monetary payment to these doctors and institutions.

Conditions in respect of the existing scales of pay and of availability of doctors vary considerably in the Provinces and States and therefore individual Governments will have to work out their own schemes for the gradual enforcement of prohibition of private practice. It is recommended that, where the existing privilege of private practice is completely withdrawn, the system adopted by the Government of India, in Delhi hospitals, of granting 25 per cent. of the pay of the doctors concerned in lieu of practice may be adopted in the Provinces and States. The Conference is further strongly of the opinion that as medical officers of the Public Health Department are not in many cases adequately paid at present, the granting of the 25 per cent. suggested above should be made in addition to their existing scales of pay with a view to attracting a better type of officers. Where existing scales of pay for Public Health Officers compare unfavourably with those of corresponding officers in the Medical Department, the pay of Public Health Officers should be raised to the level of those in the Medical Department before the 25 per cent. increase recommended above is added.

SECOND HEALTH MINISTERS' CONFERENCE—AUGUST, 1948

Resolution on Agenda Item No. 10

*Drugs and Medical Appliances*

The Conference notes with satisfaction that the Drugs Act and the Drugs Rules have been brought into force in all the Provinces and some States. In view of the importance of Drugs standards control on a uniform basis all over India the Conference recommends that legislation on the lines of the Drugs Act and of the Drugs Rules thereunder should be promoted in the other States also.

It is important that the Central and the Provincial and State Governments should take all possible steps for the effective enforcement of the Drugs Act. In particular, early attention should be devoted to the setting up of Provincial drugs laboratories, a strong and adequate inspectorate for the control of the manufacture, distribution and sale of Drugs and of the necessary machinery for issuing licences.

Regarding the manufacture of essential drugs and appliances the Conference urges that early steps should be taken under Governmental auspices to set up factories for making essential drugs like the sulpha drugs, synthetic anti-malarials, penicillin and streptomycin. As also for the manufacture of vitamins and hormones the ultimate objective should be to make the country self-sufficient in the supply of these drugs.

SECOND HEALTH MINISTERS' CONFERENCE—AUGUST, 1948

Resolution on Agenda Item No. 11

*All-India Medical Register*

The Conference recommends that, in consultation with the Medical Council of India, the Central Government should take early steps to create an All India Medical Register which should include medical licentiates also. The Conference is of the opinion that the standard of licentiate medical education should be raised to a University degree as early as possible and that the matter should be revised at the next Conference of Health Ministers when the period of enrolment of medical licentiates into this register be fixed.

Resolution on Agenda Item No. 12

*Malariogenic Activities of the Railway and Works Departments*

(1) Railway and road construction was often undertaken in the past without due regard to public health principles, thereby creating malariogenic conditions on a large scale. These have resulted mainly from the creation of isolated borrow-pits, high embankments and roads and railways which interfere with the natural drainage of the country in the absence of adequate provision for the rapid disposal of spill and flood water. Consequently large tracts

of the country have become subject to varying degrees of prevalence of malaria. The Conference recommends that the Government of India should make it a condition that railway projects for extension of lines, material alterations to existing lines and all projects costing Rs. 5,000 or more including construction or extension of embankments should first be referred to the Director of Malaria Institute of India in regard to the malariological aspects of these works. The Director should consult the Provincial or State Government concerned where the works are to be executed in the territories of a Province or State, and obtain concurrence of that Government regarding his own proposals for meeting the malariogenic problems associated with these works and, in particular, the adequacy of the waterways provided in the project concerned and their suitability from the public health point of view. In the case of works of an urgent nature such as repairs to breaches in a railway embankment for which it would not be possible to obtain the views of the Director, Malaria Institute and the concurrence of the Provincial or State Government beforehand, the Director and the Government concerned should be intimated as soon as possible after the works are started and their recommendations for remedying the defects, if any, from the public health point of view, should be given effect to. Similar conditions should also be laid down for observance by other Central Government departments and all departments of Provincial and State Governments which are concerned with engineering operations likely to produce malariogenic conditions.

It is essential that such consultations should be done as expeditiously as possible in order not to cause unnecessary delay in proceeding with important railway construction.

(2) In accordance with the recommendations of the Committee set up by the Government of India in 1946 to suggest measures to control man-made malaria no engineering project of any description undertaken under governmental or other auspices should be started without adequate consideration being given to its malariological aspects and without provision, in the original estimates for the project, for the necessary anti-malarial works.

(3) This Conference further recommends that in addition to the recommendations of the said Committee, Railways, Road Boards, Canal Construction Boards and other Departments concerned should also note the following directions for the guidance of all engineering works :—

- (i) When the Railways have to cross the natural spillways of a river in deltaic areas or cross the natural lines of drainage in non-deltaic areas and when high embankments have to be built, ample provision should be made for the free passage of water through the embankment by means of culverts and bridges.
- (ii) Such damage to health as is being done by existing embankments should be rectified without delay.
- (iii) Existing borrowpits should be made into continuous and properly graded channels leading, as far as possible, to the nearest drainage channel or tank.
- (iv) In the construction of bridges and culverts, the Railway should provide such waterways as will secure the maximum afflux of 12\* inches in an ordinary flood and not exceeding two feet\* in an exceptional flood. In the event of afflux being afterwards found to exceed these limits, the Railway Administration concerned should be prepared to provide additional waterways to bring the afflux within permissible limits, i.e., 12 inches\* in ordinary floods and two feet\* in exceptional floods.
- (v) The construction of paved floors under bridges over rivers and channels should be avoided as far as possible. When they are unavoidable, their levels should conform to the pre-existing bed level, upstream and downstream.
- (vi) In the interests of the public health, all depressions holding water within the jurisdiction of the Railway and other Public Departments should be kept free of aquatic vegetation.
- (vii) Should khals, rivers, hills and tanks owned by the Railway be leased out, the following clause should be included in the terms of the lease :  
 "That the lessee will hold himself responsible for keeping the leased-out khal, river and/or tank free of aquatic vegetation. In case of failure to do so, the lease shall stand cancelled and the lessee shall not be entitled to any compensation for the cancellation of the lease."
- (viii) There should be close co-operation between the health authorities of Railways, Provincial Governments and local bodies in order to ensure that the necessary anti-malaria measures are carried out effectively.

\*After the Conference the Director of Health Services reported that, so far as the province of West Bengal was concerned he had ascertained the views of the authorities of the Irrigation and other Engineering Departments and that these authorities were of the opinion that the basis on which they had been working so far, namely, 6 inches in the case of ordinary floods and 12 inches in the case of extraordinary floods should be adhered to.

- (ix) A suitable course in malariology for engineers should be established in as many Engineering Colleges as possible.
- (x) The Conference also recommends for consideration by Railway Administrations the desirability of planting trees near the boundary of railway land and not in a manner to interfere with the work of the railways. Such afforestation is likely to be of value in reducing the level of sub-soil water and will therefore probably prove to be a useful anti-malaria measure. The planting of trees should however be done in such a manner as not to permit of the resulting shade affecting the neighbouring land which is not in the possession of the railway administration.

SECOND HEALTH MINISTERS' CONFERENCE—AUGUST, 1946

Resolution on Agenda Item No. 13

*Blindness in India*

The care of the blind and prevention of blindness constitute problems of the utmost importance and the united efforts of the people and of Governments will be required for the solution of these problems. A special committee on blindness under the joint auspices of the Central Advisory Board of Health and of Education has estimated that over two-thirds of the cases of blindness in India are preventable. The need for an intensive campaign to control the causes responsible for blindness is therefore evident and the Conference recommends that concentrated efforts in this direction should be undertaken without delay.

2. A country-wide attack on eye diseases should be organised by bringing treatment facilities down to the remotest villages. Additional eye hospitals and eye wards attached to general hospitals are urgently needed throughout India. In order to carry treatment facilities to the rural areas it is recommended that fully equipped and well staffed *Mobile Eye Clinics*, based on these institutions, should be organised for work in the surrounding villages. Eye camps can be established in selected places for limited periods and concentrated efforts can be made to deal with as many eye cases as possible.

3. In order to assist in the development of such treatment facilities the Conference recommends that steps should be taken to institute postgraduate degrees and diploma in as many teaching medical centres as possible.

4. The Conference notes with satisfaction that the Government of India proposes to appoint a special Adviser in Ophthalmology and commends similar action to Provincial and State Governments. These officers will help in the organisation of the campaign against blindness and eye diseases on sound lines including the education of the people in the hygiene of the eye.

5. As regards the care of the blind, it is recommended that Governments should, instead of spreading out effort on too wide a scale, concentrate attention on the provision of (1) more schools for the blind at the schoolgoing ages, (2) workshops for the training and permanent employment of employable adult blind under conditions affording adequate care, and (3) Braille libraries and homes for the unemployed blind.

6. The education of blind children should be part and parcel of State educational system. It should, assist the present schools for the blind by subsidies or grants, provided the quality of the work done in these institutions is considered satisfactory by the Governments concerned.

SECOND HEALTH MINISTERS' CONFERENCE—AUGUST 1946

Resolutions on Agenda Item No. 14

*Improvement of the Machinery for the Registration of the Vital Statistics*

(a) The importance of promoting the development of vital statistics on sound lines cannot be over-emphasised. Vital statistics constitute the foundation on which all constructive work in the field of public health and in many other fields of administration must be built up. Preventive and curative measures can be formulated on sound lines only they are based on reasonably correct information regarding the age and composition of the people as well as the nature and incidence of sickness in the community. Existing vital statistics in India are defective both as a result of large omissions in the registration of births, deaths and other vital events as well as from the incorrect recording of the causes of death and of cases of communicable disease which are notifiable. Every effort is therefore required by all concerned to improve registration and compilation of vital statistics.

(b) The recommendations put forward by the Bhore Committee, after a detailed examination of the problem, are recommended to Governments for adoption and, in particular, the following:

- (i) the appointment of a Registrar-General of Vital and Population Statistics attached to the Central Ministry of Health, and responsible for the carrying out of the functions recommended by the Bhore Committee;



- (ii) (a) the creation of Provincial and State organisations under the charge of a Registrar of Vital and Population Statistics with district organisations on the lines suggested by the Committee.

In view of inadequacy of funds and of trained personnel it is suggested that the district organisation should be introduced, in the beginning, in one or two selected districts in each Province or State. The broad outline of work suggested for the district organisation by the Bhole Committee will have to be tried out in actual practice in order to ensure that the scheme develops on lines suited to local conditions and, from this point of view also, a gradual development of the district organisation seems desirable;

- (b) As an immediate step arrangements be made for centralising the compilation of the vital statistics in the provinces, that is, the vital statistical returns should be sent from the groups of villages or Union Boards or from the Thana as the case may be, direct to the Statistical Section of the Health Directorate for final compilation. After the final compilation the Centre can send out information to all concerned.
- (c) The Conference resolved to appoint a committee to revise the existing forms for vital statistics returns and to devise new forms so as to ensure the compilation of statistical information on uniform lines throughout the country and in a manner suited to the crude nature of the data which alone are available under existing conditions. The Committee should also make recommendations for the practical applications of the proposals put forward by the Bhole Committee in regard to the district vital statistics organisation. The following will constitute the Committee :—
- Dr. Bannerjee.  
Dr. Mathew.  
Dr. Chandrasekharia.  
Dr. Tampi.  
Dr. Chatterji.  
Dr. Raja.
- (iii) the creation of a medical section in the office of the Registrar-General and in those of the Provincial and State Registrars on the lines recommended by the Committee;
- (iv) the development of facilities for statistical training of a high order in the universities and in certain other centres where such training is now in progress is strongly recommended.

#### SECOND HEALTH MINISTERS' CONFERENCE—AUGUST 1948

##### Resolution on Agenda Item No. 15

##### *Prohibiting construction of back-to-back or ill ventilated houses*

Back to back and ill ventilated houses, which are still a common feature in many industrial and railway areas, are all important sources of diseases of the respiratory system, and specially of tuberculosis of the lungs. This Conference strongly recommends that the construction of back-to-back and lean-to structures and of buildings without adequate provision for "through ventilation" should be prohibited. Such prohibition should apply to all houses built by government, railways, local bodies, employers of labour, building societies and all other organisations interested in housing construction. The necessary legal provisions should be made to make this restriction universally applicable and such restriction be enforced through the issue of directives from the Central, Provincial and State Governments to all concerned.

#### SECOND HEALTH MINISTERS' CONFERENCE—AUGUST 1948

##### General Resolution

##### *Co-operation between the Centre, Provinces and States*

1. The Conference places on record its firm conviction that the utmost possible co-operation between the Centre, Provinces and States is essential in order to promote a planned programme of action for improving the public health. There is so much of preventible sickness and mortality in the country today that the development of the measures necessary for ensuring such co-operation should engage the immediate attention of all governments. The Conference feels that the Centre should play a much more prominent part than in the past in certain fields of health administration, particularly in the control of inter-provincial spread of disease, the maintenance of desirable standards of purity and of quality as regards food and drugs, the establishment of centres for the training of health personnel and for medical research in a manner designed to serve the needs of India as a whole and the development of the measures necessary to meet larger scale emergencies such as floods, famine and earthquake which may create conditions well beyond the capacity of individual Provinces or States to deal with. The Centre should also function as a clearing

house for information on all matters relating to the public health in order that Provincial and State health authorities may be kept informed of the latest developments in health practice in other parts of the world.

2. The Conference recommends that, in order to establish co-operative effort between governments on a sound basis, the States should fall in line with the Provinces by transferring to the Centre such health functions as now constitute common ground for Central and Provincial action. It is only in this way that the formulation and execution of health policies on a uniform basis throughout the Indian Union become possible.

3. The Conference further recommends that in the interests of establishing co-operation between the Centre, Provinces and States on a sound basis, three steps should be taken without delay; a considerable strengthening of the technical organisation under the Central Ministry of Health, an exchange for a limited number of years, of officers at different levels of administration between the Centre and the Provinces and States and, above all, the establishment of a Central Board of Health, on which the Central, Provincial and State Governments are represented. This Board should be invested with sufficient powers and funds to enable it to function efficiently. Legislative sanction, if necessary, should be obtained for the establishment and maintenance of the Board.

4. The Conference feels that it is no exaggeration to state that it is only by the Centre acting with imagination and sympathy and extending its help to bring together the different administrative units of the Indian Union, with their varying resources and differing levels of health development, that the past neglect of the public health and particularly of that of rural India can be rectified and an improved state of affairs brought into being within a reasonable period of time. The Conference cannot therefore commend too strongly the adoption of the measures it is now recommending to governments for their serious consideration.

**Seth Govind Das:** Is it not a fact, Sir, that as far as the Bhore Committee is concerned, it did not make any recommendation relating to Ayurved and a separate Committee was appointed to investigate the case of Ayurved? May I know whether the question of Ayurved will also be taken into consideration when these recommendations of the Bhore Committee are implemented?

**The Honourable Rajkumari Amrit Kaur:** The honourable member is aware that a Committee was formed to look into the question of Ayurved. That report has just come in. It has not been printed yet and the Appendices have not been received. When it is printed, the matter will be taken into consideration.

**Prof. Shibban Lal Saksena:** May I know if the Homoeopathic system of medicine is also likely to be considered at the time of giving effect to the Bhore Committee recommendations?

**The Honourable Rajkumari Amrit Kaur:** The honourable member is aware that a Committee has been formed to look into that also.

**Shri B. P. Jhunjhunwala:** Has this Bhore Committee made any recommendations regarding prevention—that is to say, preventive recommendations?

**The Honourable Rajkumari Amrit Kaur:** The Report is there for the honourable member to study. They have made recommendations as far as prevention is concerned.

#### EXAMINATION FOR RECRUITMENT OF ASSISTANTS IN CENTRAL SECRETARIAT

513. **\*Shri V. C. Kesava Rao:** (a) Will the Honourable Minister of Home Affairs be pleased to state whether it is a fact that a competitive examination was held in the year 1947 for recruitment of Assistants in the Central Secretariat?

(b) How many persons were recruited as a result of that examination?

(c) Was the examination a competitive one or a qualifying examination?

(d) When is the next examination proposed to be held?

**The Honourable Sardar Vallabhbhai Patel:** (a) Yes.

(b) Candidates whose ranks were not lower than 200th in order of merit are being appointed.

(c) Competitive.

(d) Not yet decided.

#### DEPORTATION OF ANTONIUS RAAB, A BARODA STATE EMPLOYEE

**514. \*Shri H. V. Kamath:** Will the Honourable Minister of Home Affairs be pleased to state:

(a) whether Government have ordered the deportation of Aircraft designer and builder, Antonius Raab, Technical Adviser to the Government of Baroda, and his wife, from our country; and

(b) whether notwithstanding a stay order, granted by the Baroda Privy Council, the Raabs were arrested on the 5th July, 1948 by the Baroda Government acting under the orders of the Government of India, and handed over to the Bombay police for detention in a Bombay jail pending arrangements for their deportation?

**The Honourable Sardar Vallabhbhai Patel:** (a) A foreigner named Antonius Raab and his wife have been ordered to be deported.

(b) Before the stay order of the Baroda Privy Council could be executed, the Raabs had been surrendered in pursuance of the order of the Baroda High Court.

**Shri H. V. Kamath:** Is it a fact that Mr. Antonius Raab built up an aircraft factory at Baroda almost from scratch and produced two gliders within record time when there were no other arrangements in India for manufacture of gliders or other aircraft?

**The Honourable Sardar Vallabhbhai Patel:** Mr. Raab put up some sort of a factory, but the information that the honourable member gives is not available to the Government.

**Shri H. V. Kamath:** Under which law of the land for the time being in force are Mr. Raab and his wife sought to be deported?

**The Honourable Sardar Vallabhbhai Patel:** I am afraid the question is *sub-judice*. He has filed an application in the High Court of Bombay.

**Mr. Speaker:** So that aspect will not be the subject matter of any questions. An application has already been filed on behalf of Mr. Raab in the Bombay High Court and therefore the question of merits and law is a matter under investigation by a court.

**Prof. N. G. Ranga:** From which country does Mr. Raab come and when did he come to India?

**The Honourable Sardar Vallabhbhai Patel:** He is from Germany and he came to India after the out-break of the war.

**Shri H. V. Kamath:** Is it not a fact that Mr. Antonius Raab was deprived of his German citizenship by Herr Hitler, then he escaped to Greece and later on when war broke out and German forces marched into Greece, he came to India *via* Cairo?

**Mr. Speaker:** We are not interested in how he came.

**Shri H. V. Kamath:** Is it a fact, Sir, that some time in 1942, the then Government of India served an order on Mr. Antonius Raab to the effect that the Foreigners' Ordinance, 1939, did not apply to him?

**Mr. Speaker:** Order, order. All these questions relate to that application. They will arise there. Let us not go into them.

**Shri H. V. Kamath:** Is it a fact, Sir, that the Maharajah of Baroda conferred order on the Police staying the arrest, but inspite of that they arrested Mr. Raab?

**The Honourable Sardar Vallabhbhai Patel:** It is not so.

**Mr. Speaker:** The question has already been replied.

**Dr. B. Pattabhi Sitaramayya:** May I know the nature of the judicial proceedings which is going on in the Bombay High Court which makes the case *sub judice*?

**Mr. Speaker:** It is an application for Habeus corpus in the Bombay High Court.

**Dr. B. Pattabhi Sitaramayya:** Has a temporary injunction been given or what?

**Mr. Speaker:** I do not know what has happened.

**Dr. B. Pattabhi Sitaramayya:** That is what I would like to know.

**Mr. Speaker:** It is not for the Honourable Minister to say that. Whether injunction is granted or not is a matter under investigation by the court and questions on the merits of the case are not permitted.

**Shri H. V. Kamath:** Who has filed the application on behalf of Mr. Raab?

**The Honourable Sardar Vallabhbhai Patel:** Someone interested in him.

**Shri H. V. Kamath:** Has any date been fixed for the hearing of this case?

**The Honourable Sardar Vallabhbhai Patel:** I have no knowledge.

**Shri K. Hanumanthaiya:** What is the date of the original Government order of deportation?

**Mr. Speaker:** What is his next question going to be on that?

**Shri K. Hanumanthaiya:** I want to know whether this Government passed that order or the previous Government passed it.

**The Honourable Sardar Vallabhbhai Patel:** We have issued no orders. The previous Government of India passed the order somewhere in 1945.

**Shri H. V. Kamath:** Is it a fact that the Privy Council of Baroda served an Baroda citizenship on Mr. Antonius Raab and his wife?

**Mr. Speaker:** The honourable member is going into the details of the case. I do not propose to allow these questions. Whether he is a citizen of Baroda or not, whether the order was justifiable or not—all these questions are material questions in the proceedings before the High Court. So, I do not propose to enter into that field.

**Shri K. Hanumanthaiya:** If the order was passed by the previous Government, will the present Government be pleased to reconsider the order?

**The Honourable Sardar Vallabhbhai Patel:** It does not arise.

**Shri H. V. Kamath:** Do you propose, Sir, to rule out questions on issues of fact or law or both?

**Mr. Speaker:** Both: It includes both facts and law.

#### COMPENSATION FOR ACQUIRED LAND NEAR CHAH WAZIRWALA, AMRITSAR

515. \*Giani Gurmukh Singh Musafir: Will the Honourable Minister of Defence be pleased to refer to the reply given on 16th March, 1948 to my Starred Question No. 773 regarding the compensation payable to the owners of land situated near Chah (Well) Wazirwala inside the Municipal Committee limits of Amritsar, acquired by the Government of India for the purpose of erecting a Munitions Factory, and state:

(a) whether the matter has since been decided by the East Punjab High Court, Simla; and

(b) if so, what action Government have taken to make immediate payment of the long-standing dues to the owners of the land?

**The Honourable Sardar Baldev Singh:** (a) No decision of the East Punjab High Court on the case has yet been received.

(b) As soon as the orders of the High Court are known, necessary action will be taken.

### EJECTION OF PEASANTS FROM LANDS IN VINDHYA PRADESH

**516. \*Shri Damodar Swarup Seth:** Will the Honourable Minister of States be pleased to state:

(a) whether Government are aware that the Ministry of the Vindhya Pradesh Union is a Jagirdar-ridden Ministry and that thousands of poor kisans have recently, in the new settlement, been ejected from their lands;

(b) whether it is a fact that the settled policy of the Government of India is to abolish this jagirdari system in the newly formed provinces of the states as early as possible; and

(c) if the answer to part (b) above be in the affirmative, whether Government propose to issue necessary instructions to the Government of the Vindhya Pradesh Union to desist from the policy of ejection of peasants from their land and restore the lands of all the peasants recently ejected at least for such time as a popular legislature of the province is elected and a really popular Government is formed?

**The Honourable Sardar Vallabhbhai Patel:** (a) Government are not aware whether any of the Ministers in the Vindhya Pradesh Cabinet are Jagirdars or not, but I am sure honourable member realises that being a Jagirdar is no disqualification for appointment as Minister in the Provinces.

(b) Government have no information on the allegations mentioned, but the honourable member will certainly realise that this is a matter of internal administration of the Union and if anybody has any grievances in the matter or has any suggestions to make, those should be addressed to the Ministry.

(c) Does not arise.

### GRANT TO DISTRICT LOCAL BOARD, DELHI AND AJMER-MERWARA -

**517. \*Mr. R. K. Sidhva:** (a) Will the Honourable Minister of Health be pleased to state the amount of grant given to District Local Board, Delhi and Ajmer-Merwara during the years 1946, 1947 and 1948?

(b) How many district local boards exist in Delhi and Ajmer-Merwara?

(c) What is the total area covered by each district local board and what is the number of villages and population in each?

**The Honourable Rajkumari Amrit Kaur:** (a) to (c). A statement containing the information asked for is laid on the table of the House.

## Statement

Name of Province	No. of District Local Boards	Amount of Grants given to District Local Board			Total Area covered by each District Local Board	No. of Villages in Each District Local Board	Population in each District Local Board (According to Census of 1941)
		1946	1947	1948			
		Rs.	Rs.	Rs.			
1. Delhi	1 (Delhi District Board)	2,88,765	4,21,930	4,46,277	498.37 Sq. miles	358	2,22,253
2. Ajmer-Merwara	1 (Ajmer-Merwara) Dis- trict Board.	6,000	6,000	6,000	2,400 "	718	3,69,595

**Mr. R. K. Sidhva:** May I know, Sir, whether the grant given to Delhi District Local Boards is more than that given in Ajmer-Merwara?

**The Honourable Rajkumari Amrit Kaur:** The information is given in the statement laid on the table of the House.

**Mr. Speaker:** I think when statements are laid down on the table, it is better that members study the statement first and then put the questions rather than take the time of the House for any information contained in the statement.

**Prof. N. G. Ranga:** It is an old, old problem.

**Shri Mahavir Tyagi:** Can not the statement be given in advance?

**Mr. Speaker:** Next question.

ARTICLES MANUFACTURED BY AMBERNATH ORDNANCE FACTORY

**518. \*Mr. R. K. Sidhva:** (a) Will the Honourable Minister of Defence be pleased to state the amount received for the manufacture of commercial articles by the Ambernath Ordnance Factory during the years 1946, 1947 and up to June 1948?

(b) Did the factory turn out materials for defence purposes during the above period?

(c) To what extent is it at present and Berar sent employed?

(d) Does it turn out articles should be raised or materials for military purposes?

**The Honourable Sardar Baldev Singh:** (a) I lay a statement on the table of the House.

(b) Yes.

(c) The factory is working to full capacity except for a small portion which is more or less idle as there is no demand at present for that particular type of production.

(d) The production from this Factory is at present being used for military purposes.

Statement

Year	Amount
April 1946— March 1947 ... ..	Rs. 1.40 Lakhs
April 1947— March 1948 ... ..	Rs. 41.78 Lakhs
April 1948— June 1948 ... ..	Rs. 11.71 Lakhs

**Mr. R. K. Sidhva:** Since what date the factory is working to full capacity now?

**The Honourable Sardar Baldev Singh:** I have not got the dates from which it is working full swing, but at present it is.

**Mr. R. K. Sidhva:** May I know, Sir, what proportion of the commercial side has been closed absolutely? Are commercial work being carried out besides the military outturn?

**The Honourable Sardar Baldev Singh:** Commercial orders are accepted on a very small scale.

**Prof. Shibban Lal Saksena:** How many ordnance factories in the country are still not working?

**The Honourable Sardar Baldev Singh:** As far as my information goes, almost all the factories are working.

**Seth Govind Das:** Is it not a fact, Sir, that the Jubbulpore factory is not working?

**The Honourable Sardar Baldev Singh:** As I have already stated the Jubbulpore factory is also working on a very small scale. It has not started work in full swing.

**Shri Mohan Lal Gautam:** Do the Government propose to transfer the Jubbulpore factory to any other place?

**The Honourable Sardar Baldev Singh:** No, Sir.

#### HUNGER STRIKE BY A STUDENT OF CAMP COLLEGE, DELHI

519. \***Giani Gurmukh Singh Musafir:** Will the Honourable Minister of Home Affairs be pleased to state

(a) whether Government are aware that a group of students, going to see a fast unto death, was abused, lathi-charged and that cycles and books of several students were snatched away from them;

(b) whether Government are aware that Professor Nirbhay Singh, a teacher in the Camp College, Delhi who was sitting by the bed side of S. Mota Singh, and nursing him was likewise abused, dragged and pushed away by the police who also removed S. Mota Singh, from the place of incident; and

(c) what was the reason of the fast and what action Government have taken or propose to take in the matter?

**The Honourable Sardar Vallabhbhai Patel:** (a) The students were neither abused nor lathi charged nor were their cycles or books taken away by the Police. A certain amount of tear gas was used to disperse them when they became violent and continued to march in procession in violation of the orders of the District Magistrate.

(b) Government are not aware of any such ill-treatment of Professor Nirbhay Singh by the Police. S. Mota Singh was removed by the Police to the hospital, but this was at his own request and that of the Professor.

(c) The object of Mota Singh's fast was to secure hostel accommodation and loans for the refugee students. As regards the second part of the question, I would draw the honourable member's attention to the reply given to part (b) of his question No. 466 on the 25th August by the Honourable Minister for Relief and Rehabilitation.

#### SELECTION FOR POSTS OF INFORMATION OFFICERS/EXTERNAL

520. \***Seth Govind Das:** Will the Honourable Minister of Information and Broadcasting be pleased to state:

(a) whether Government are aware that the Federal Public Service Commission has interviewed candidates for appointment as Information Officers (External) during March 1948;



(b) if so, how many candidates were recommended for those posts by the Federal Public Service Commission;

(c) how many of the recommended candidates were taken by the department; and

(d) whether it is a fact that the selection for Information Officers (External) is made by the *ad hoc* Committee of the Ministry of External Affairs and if so, why?

**The Honourable Sardar Vallabhbhai Patel:** The question should have been addressed to the Honourable the Prime Minister. It has accordingly been transferred to the list of questions for 30th August, 1948, when the Honourable the Prime Minister will answer it.

**AGE OF SUPERANNUATION IN CENTRAL GOVERNMENT OFFICES**

**521. \*Seth Govind Das:** (a) Will the Honourable Minister of Finance be pleased to state whether Government are aware that the Government of the Central Provinces and Berar have accepted and given effect to the recommendation of the Central Pay Commission that the superannuation age of Government servants should be raised to 58 years?

(b) if so, do Government propose to consider the advisability of giving effect to the Pay Commission's recommendation regarding the superannuation age limit of employees of the Central Secretariat and the Subordinate offices?

**The Honourable Shri K. O. Neogy:** (a) The C.P. Government have accepted the recommendation of the C.P. and Berar Pay Committee that the normal age for compulsory retirement should be raised to 58 years, but the Government of India have no information as to whether the recommendation has been given effect to.

(b) The recommendation is under consideration.

**GRANT FOR IMPROVEMENT OF TECHNICAL SCHOOL, JORHAT, ASSAM**

**522. \*Srijut Kuladhar Chaliha:** (a) Will the Honourable Minister of Education be pleased to state whether the Technical School at Jorhat (Assam) has received any grant for its improvement from the Government of India and if so, how much?

(b) Is the grant sufficient to buy the necessary machine tools etc., for the school to develop it into a Technological College in the near future?

(c) Are Government aware that the Technical School used to serve as a base workshop on the Eastern Frontier during the last war?

(d) If so, do Government propose to keep it fully equipped in the same way as the Americans used to do for use in case of emergency in the Eastern Frontier?

**The Honourable Maulana Abul Kalam Azad:** (a) and (b). Yes. Scheme for Expansion and Improvement of His Royal Highness the Prince of Wales Technical School, Jorhat, is part of the Five-year Development Plan of Assam Government and was approved by the Government of India in 1947-48. As the Government of India make block grants for all approved Development Schemes and no separate grant is paid for any individual scheme, the exact amount of the Central block grant utilised by the Provincial Government for this particular scheme is not known. Enquiries made from the Provincial Government show that although some grants have been already made, more grants will be required for developing the school into a Technological College.

(c) Yes.

(d) The Government do not propose to establish a Base Workshop at Jorhat at present.

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

## CONSTRUCTION OF HOSPITAL AT KOHIMA, NAGA HILLS

†523. \*Srijut Kuladhar Ohaliba: (a) Will the Honourable Minister of Health be pleased to state whether the Government of India have promised to build a hospital at Kohima in the Naga Hills, Assam?

(b) If so, do Government propose to expedite the building of the hospital?

(c) Are Government aware that the Nagas have expressed dissatisfaction at the delay of Government in constructing the hospital?

**The Honourable Rajkumari Amrit Kaur:** (a) to (c). Work on the construction of the hospital at Kohima is proceeding. A large part of the construction has been finished and it is expected that the construction of the hospital will be completed by the end of the current year.

## EXECUTION OF INSTRUMENT OF ACCESSION BY RAJPRAMUKH OF MADHYA-BHARAT STATES UNION

524. \*Shri Ram Sahal: (a) Will the Honourable Minister of States be pleased to state whether the Rajpramukh of Madhyabharat States Union executed an Instrument of Accession on 15th August, 1948 under Article 8 of the Covenant constituting the United States of Gwalior, Indore and Malwa (Madhyabharat) on behalf of the Union?

(b) If not, why not?

(c) When is it expected to be executed?

(d) Has the time-limit been extended by Government in this respect?

**The Honourable Sardar Vallabhbhai Patel:** (a) Yes. His Highness the Rajpramukh of Madhya-Bharat executed the revised Instrument of Accession on 19th July, 1948.

(b) to (d). Do not arise.

**श्री राम सहाय :** क्या डिप्टी प्राइम मिनस्टर साहब यह बताने की कृपा करेंगे कि किन किन यूनियनों ने इस किस्म के इन्स्ट्रुमेंट आफ अक्सेशन पर साईन करदिए हैं ।

**Shri Ram Sahal:** Will the Honourable the Deputy Prime Minister please state what Unions have signed such 'Instruments of Accession'?

**The Honourable Sardar Vallabhbhai Patel:** All Unions have signed this revised Instrument of Accession.

525. [WITHDRAWN]

## PAKISTAN ARMY MEN TAKEN PRISONER IN KASHMIR

526. \*Dr. Kaghu Vira: (a) Will the Honourable Minister of Defence be pleased to state what is the total number of Pakistan army men, who have been taken prisoners while fighting in Kashmir?

(b) What units do they belong to?

**The Honourable Sardar Baldev Singh:** (a) and (b). It would not be in the public interest to disclose this information at present.

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

## WIDENING OF AREA OF OPERATIONS BY RAIDERS IN KASHMIR

**527. \*Dr. Raghu Vira:** (a) Will the Honourable Minister of Defence be pleased to state whether it is a fact that the "raiders", after their first onslaught had failed, launched successive attacks elsewhere in order to widen the area of operations to the South up to Jammu?

(b) If so, how many such raids were carried out by the raiders and on what different dates?

(c) Why were no steps taken to defend the border against such attacks, and to localise the operations?

**The Honourable Sardar Baldev Singh:** (a) Yes.

(b) and (c). It would not be in the public interest to disclose this information at present.

## TERRITORIES HELD BY RAIDERS IN KASHMIR

**528. \*Dr. Raghu Vira:** Will the Honourable Minister of Defence be pleased to state what was the area occupied by the raiders in Kashmir at the end of (i) the first week of the commencement of hostilities, and (ii) each month after the commencement of hostilities up to date?

**The Honourable Sardar Baldev Singh:** I am afraid, it would not be in the public interest to disclose this information at present.

**Shri Mahavir Tyagi:** Is the Honourable Minister aware that the matter of defence is of great interest to the public?

**The Honourable Sardar Baldev Singh:** That is the reason why it is not in the public interest to give the information.

## REGISTRATION OF BAHAWALPUR STATE EMPLOYEES WITH TRANSFER BUREAU

**529. \*Prof. Shibban Lal Saksona:** Will the Honourable Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the Honourable Minister of Home Affairs, on receipt of a representation on behalf of Bahawalpur State Employees agreed to issue orders for their registration with the Transfer Bureau like Provincial Government servants;

(b) whether it is a fact that this being delayed, the deputation again approached the Honourable Minister and thereupon the Honourable Shri N. V. Gadgil with reference to the Honourable Home Minister's agreement sent an order to the Transfer Bureau for their registration;

(c) if the replies to parts (a) and (b) above be in the affirmative, why registration of the Bahawalpur State employees with the Transfer Bureau is not allowed; and

(d) what steps have been taken so far to re-settle them in services keeping in view their past permanent and pensionable services?

**The Honourable Sardar Vallabhbhai Patel:** (a) No

(b) No.

(c) Does not arise.

(d) They have been advised to register themselves with the Employment Exchanges. Highly qualified persons among them can register themselves with the Special Employment Bureau. The Employment Co-ordination Committee makes a selection of a limited number from among persons registered with the Special Employment Bureau for Transfer Bureau facilities.

**Prof. Shibban Lal Saksena:** Is it a fact that the refugees from the Frontier and Sind who are Government employees have been registered with the Transfer Bureau? If so, may I know why the Bahawalpur State employees who are on the same level have not been put on the Transfer Bureau?

**The Honourable Sardar Vallabhbhai Patel:** Obviously, the distinction is between the employees of the States and the employees of the Government of India in any part of India, to whom we are primarily responsible. Priority is to be given to Government servants who were serving under the Government of India in any part of the country. States come next.

**Prof. Shibban Lal Saksena:** When the Government of India take the employees of provincial Governments to whom there was no responsibility on the part of the Government of India, why are they not treating the non-Muslim employees of the Bahawalpur State on the same footing on which they are treating the provincial Government employees?

**The Honourable Sardar Vallabhbhai Patel:** The administration in the provinces and the administrative experience of our officers in the provinces are far superior to the administrative experience of the officers in the States. Their qualifications are entirely different.

**Prof. Shibban Lal Saksena:** In view of the fact that Bahawalpur State was a Muslim State.....

**Mr. Speaker:** I am afraid the honourable member is arguing the point.

**Prof. Shibban Lal Saksena:** I am only asking for information.

**Mr. Speaker:** What is the question?

**Prof. Shibban Lal Saksena:** When the number is so small as 300, cannot the Government of India show them some consideration in view of the sufferings they have undergone?

**The Honourable Sardar Vallabhbhai Patel:** The number of employees to be employed is very large still, apart from the 300 Bahawalpur employees.

#### ABOLITION OF TITLES CONFERRED BY BRITISH INDIAN GOVERNMENT

**530. \*Prof. Shibban Lal Saksena:** (a) Will the Honourable Minister of Home Affairs be pleased to state:

(i) the number of officers in the various Ministries of the Government of India who still hold titles conferred by the late British Indian Government;

(ii) the number of officers who have relinquished these titles after 15th August, 1947; and

(iii) the number of officers who have removed these titles from their name plates in offices after 15th August, 1947?

(b) Do Government propose to abolish these titles? If so, when and if not, why not?

**The Honourable Sardar Vallabhbhai Patel:** (a) The information is being collected and will be laid on the table in due course.

(b) Government have not considered this matter and do not think it necessary to do so till the new Constitution has been finalised.

**Shri H. V. Kamath:** Will the Government at least discontinue the practice of referring to these titles of the title holders in their communiques and other statements?

**The Honourable Sardar Vallabhbhai Patel:** The question of reference to titles has become so unimportant that nobody except a very few specially interested in that affair, takes any interest in it.

**Shri H. V. Kamath:** In view of the fact that it is so unimportant, why should the Government attach so much importance to it by referring to them in their communiques and statements?

**The Honourable Sardar Vallabhbhai Patel:** The Government takes no interest. If the honourable member takes interest, he can find them in the Government records.

**Prof. N. G. Ranga:** Will the Government see that in their statements and in their references they make to the appointment of the various people holding these erstwhile titles, they would not refer to them?

**The Honourable Sardar Vallabhbhai Patel:** As I said in my reply to the honourable member in the previous question, the Government takes no interest in it at all.

**Shri M. Tirumala Rao:** Will the Government make it clear to the gentlemen in our foreign embassies that the use of these titles does not add to the prestige of this country, particularly after 15th August, 1947, when our country has attained independence?

**The Honourable Sardar Vallabhbhai Patel:** It will depend upon the different countries: different countries attach different values.

**Shri M. Tirumala Rao:** I request an enunciation of the policy of the Government.

**The Honourable Sardar Vallabhbhai Patel:** The Government policy is that they take no interest in it.

**Dr. B. Pattabhi Sitaramayya:** Is it not a fact that the Government has only undertaken not to confer titles in the future and not to abolish titles conferred in the past?

**The Honourable Sardar Vallabhbhai Patel:** That is true.

**Shri H. V. Kamath:** By continuous reference to the titles in their communiques, does not Government think that it creates an impression upon the public that even the Government of free India still clings to these British haubles?

**Mr. Speaker:** Order, order. Next question.

#### TRAVELLING AND HALTING ALLOWANCES TO GOVERNMENT EMPLOYEES AND NON-OFFICIALS IN INDIA DURING LAST TEN YEARS

531. **\*Prof. K. T. Shah:** (a) Will the Honourable Minister of Finance be pleased to state what is the total cost of travelling and halting allowances incurred by the Government of India every year from 1938-39 to 1947-48, on account of the travels in India (i) of the employees of the Government of India and (ii) of non-officials in connection with deputations, committees or conferences convened by or under the auspices of the Government of India?

(b) What is the expenditure incurred during that period on travels out of India of such employees and non-officials in connection with international conferences, committees, or deputations?

**The Honourable Shri K. C. Neogy:** (a) and (b). The information asked for by the honourable member is not readily available and it will entail considerable expenditure of time and money to collect it. Government consider that this will not be commensurate with the result.

## TAXATION ENQUIRY COMMITTEE

**532. \*Prof. K. T. Shah:** Will the Honourable Minister of Finance be pleased to state whether any progress has been made or action taken in regard to the Taxation Inquiry Committee promised to be appointed by one of his predecessors?

**The Honourable Shri K. C. Neogy:** The attention of the honourable member is invited to the answer given on the 6th December, 1947 to Pandit Hirdaynath Kunzru's starred question No. 644. The position remains the same.

**Prof. N. G. Ranga:** Has the Taxation Enquiry Committee begun its work?

**The Honourable Shri K. C. Neogy:** I have referred to a previous answer to a question in the Legislative Assembly. If my honourable friend were to look up that answer, he would find that there was no intention to appoint a committee at that time.

## REFUNDABLE EXCISE DUTY ON TEA

**+533. \*Srijit Kuladhar Challa:** (a) Will the Honourable Minister of Finance be pleased to state whether Government are aware of the trouble experienced by overseas buyers of tea in going to the office of the Collector of Central Excise and not getting necessary information regarding refundable excise duty?

(b) Is it a fact that the Collector of Central Excise received representations from Indian Tea Associations, Calcutta and from the Calcutta Tea Brokers Association and from individual overseas buyers regarding this matter?

(c) Is it a fact that overseas buyers have not yet been reimbursed the refundable excise duty since January, 1948?

**The Honourable Shri K. C. Neogy:** (a) No overseas buyers had recently sought any information from the Collectorates of Central Excise regarding refundable excise duty on tea exported from India.

(b) Yes. The Government of India have received in the past some representations from the Tea Associations and certain foreign trade interests have also approached them through diplomatic channels. It was stated that difficulties were being experienced by the trade in obtaining rebate of excise duty on tea exported out of India due to the strict application of one of the conditions laid down by the Central Excise Rules, 1944, for the grant of rebate of duty, namely, that the goods exported should be identifiable as the goods on which duty was originally paid. These difficulties have since been removed by the adoption from the 10th April, 1948 of a revised procedure settled after consultation with trade interests.

(c) Government have no information as to the arrangement existing between the overseas buyers and exporters in India. Rebate of excise duty on tea exported from India is granted to exporters in India, who paid the duty and not to overseas buyers.

## MUSICAL ACADEMIES AT MADRAS AND LUCKNOW

**534. \*Shri R. R. Diwakar:** (a) Will the Honourable Minister of Education be pleased to state whether the Academy of Karnatak music to be started in Madras is a College or a University?

(b) If it is the latter, do Government propose to consider, in view of there being two schools of music in India, the necessity of instituting a Chair of Hindustani music in the proposed Academy of Karnatak music?

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

(c) Do Government also propose to consider for similar reasons the necessity of instituting a Chair for Karnatak music in the Academy of Hindustani music at Lucknow?

(d) Do Government propose to reconsider the location of the Academy of Karnatak music in a more central place in South India such as Bangalore or Mysore?

آنریبل مولانا ابوالکلام آزاد : (a) سنٹرل کالج آف کرناٹک میوزک کی پروویژنل کونسل نے یہ سفارش کی تھی میوزک اکیڈمی کو چھوڑ دینا چاہئے کہ وہ ایسے ٹیگ پر اب اپنا راستہ لگائے اور اپنا سٹیبلشمنٹ پیدا کرے۔ اکیڈمی کوالی فیکیشن پر زور نہیں دینا چاہئے۔ اور نہ اس پر زور دینا چاہئے کہ اسے ضرور پروفیسورسٹی سے جوڑ دیا جائے۔

اس سفارش پر عمل کرنے کا نتیجہ یہ نکلیگا کہ اکیڈمی اپنا راستہ آپ نکالے گی۔ اور آگے چلکر ایک انڈیپنڈنٹ یونیورسٹی بن جائے گی۔ گورنمنٹ آف انڈیا نے کونسل کی اس رائے سے اتفاق کیا ہے۔

(b) اور (c) گورنمنٹ آف انڈیا کی رائے یہ ہے کہ میوزک کے دونوں سکولوں یعنی ہندوستانی اور کرناٹک کو پورا موقع دینا چاہئے کہ اپنی اپنی جگہ آزادی کے ساتھ پھولیں پھولیں۔ البتہ یہ مناسب بات ہوگی کہ دکن کے سنٹرل کالج میں ہندوستانی میوزک کی تعلیم کے لئے آسانیاں پیدا کی جائیں۔ اور لکھنؤ کالج میں کرناٹک میوزک کے لئے۔ اس بات کا انتظام دونوں کالجوں کی گورننگ باڈیاں ہی کر سکتی ہیں۔ اور امید ہے کہ کرپنگی۔ یہ بات بہت کچھ اس پر بھی موقوف ہوگی کہ کہاں تک وہ خرچ کا انتظام کر سکتی ہیں۔

(d) اس بارے میں کہ یہ کالج کہاں کھولا جائے۔ گورنمنٹ نے چند ایجوکیشنلسٹ اور میوزک اکیڈمیسٹس کی رائے مانگی تھی۔ ان سب کی رائے یہ ہوئی کہ دکن کی چاروں بہاشاتھ، ہولنے والے حلقوں کے لئے تھریک جگہ مدراس ہو گی۔ مدراس تعلیم کا بڑا سنٹر ہے۔ بہت سے تعلیمی انسٹی ٹیوشن وہاں قائم ہو چکے ہیں۔ اس لئے میوزک کالج کے ودیارتھوں کو وہاں جو آسانیاں مل سکیں گی شاید دوسری جگہ نہ مل سکیں۔

گورنمنٹ نے اس رائے سے اتفاق کیا۔ اور مدراس گورنمنٹ نے کالج بلڈنگ کے لئے زمین حاصل کر لی۔ اب گورنمنٹ اسکی ضرورت نہیں دیکھتی کہ پھر نئے سرے سے یہ سوال اٹھایا جائے۔

**The Honourable Maulana Abul Kalam Azad:** (a) The Provisional Council of the Central College of Karnataka music recommended that 'the Music Academy may develop on its own lines not insisting on academic qualifications and that it may develop its own standards without affiliation to the University'. The result of this recommendation would be that the Academy would in time develop into an independent University. The Government of India have agreed with this view of the Provisional Council.

(b) and (c). The Government of India are of the opinion that the two Schools of Music, namely, Hindustani Music and Karnataka Music should develop independently. They however agree that it would be desirable to provide facilities for the teaching of Hindustani Music in the Central College in the South and of Karnataka Music in the Central College at Lucknow. These, however, would be primarily the concern of the governing body of the two institutions and would largely depend upon their financial resources.

(d) The Government of India invited opinions of some of the educationists and experts in music in regard to the location of the College. They were of the opinion that Madras would be the most suitable place for the four linguistic areas of the South. Further the existence of educational Institutions in Madras would provide the requisite facilities to the students of the training section of the Academy to carry on their teaching practice. It has accordingly been decided to establish the College in Madras, and a site has been acquired by the Madras Government for the buildings of the College. The Government of India do not, therefore, propose to change the location of the College to any other place.

**Shri E. R. Diwakar:** Am I to understand with reference to the answers to parts (b) and (c) that both the schools of music will be taught in both the institutions?

آنریبل مولانا ابوالکلام آزاد : وہاں جیسا کہ میں نے ابھی کہا ہے ، اسکی پیوری کوشش کی جائیگی لکھنؤ کے کالج میں کرناٹک اسکول کی تعلیم رکھی جائیگی اور اسی طرح مدراس کالج میں ہندوستانی مہوزک کی -

**The Honourable Maulana Abul Kalam Azad:** Yes. I have already stated that all possible efforts will be made in this direction. Karnataka Music will be taught in the Lucknow College and similarly Hindustani Music in the Madras College.

**Shri M. Tirumala Rao:** With regard to Karnatic music, will the Government see that no language controversy creeps into it, like Tamil, Telugu, etc.?

آنریبل مولانا ابوالکلام آزاد : مجھے امید ہے آنریبل ممبر کو معلوم ہوگا کہ مہوزک کی کوئی بہاشا نہیں ہے -

**The Honourable Maulana Abul Kalam Azad:** I believe the honourable member is aware that Music has no language.

**Dr. B. Pattabhi Sitaramayya:** Will the Honourable Minister make it clear that the word "Karnataka" here means South Indian Music and not particularly the music of a particular music?

آنریبل مولانا ابوالکلام آزاد : گورنمنٹ ایسا ہی خیال کرتی ہے -

**The Honourable Maulana Abul Kalam Azad:** Government also concur in this view.

**श्री मतुरी सत्यानारायण :** क्या मैं यह पूछ सकता हूँ कि गवर्नमेंट की यह मन्सा नहीं होगी कि दोनों कोलजों में दोनों तरह के गाने सीखाये जायें ताकि सारे हिन्दुस्तान के लोगों को हर तरह के गाने सीखने का मौका मिले जिस तरह का कि वह चाहते हों ।

**Shri Moturi Satyanarayana:** May I know whether it will not be the intention of the Government that the two Schools of Music should be taught in both the Colleges with a view to afford an opportunity to the people of India to learn such music according to their taste.



آنریبل مولانا ابوالکلام آزاد : میں جو اب میں بتا چکا ہوں کہ دونوں کالجوں میں دونوں قسم کا گانا سکھانے کا انتظام کرنے کی کوشش کی جائیگی۔

**The Honourable Maulana Abul Kalam Azad:** I have stated in the reply that efforts will be made to teach both kinds of music in the two Schools in both the colleges.

**Shrimati G. Durgabai:** What are the actual steps taken by Government in the working out of these proposals?

آنریبل مولانا ابوالکلام آزاد : یہ تو پرفورمنس گورنمنٹ کر رہی ہے۔ لیکن معلوم ہوا ہے کہ انہوں نے ایک بلڈنگ 'رحمت باغ' کے نام کی لے لی ہے اور وہاں پر تب تک کام شروع کرینگے جب تک ان کی بلڈنگ بن جائیگی۔

**The Honourable Maulana Abul Kalam Azad:** This is being done by the Provincial Government. But it has been ascertained that they have acquired a building named 'Rahmat Bagh' and will start working there till such time as their own building is constructed.

श्री महावीर त्यागी : क्या मिनस्टर सहाब को यह शेर याद है ।

फरियाद की कोई लै नहीं है ।

नाला पाबन्दे लै नहीं है ।

**Shri Mahavir Tyagi:** Does the Honourable Minister remember this couplet?

'Faryad ki koi lay naheen hai,

Nala pabandey lay naheen hai.

**Mr. Speaker:** Next question.

#### INCOME-TAX ASSESSMENT OF EVACUEES FROM PAKISTAN

**535. \*Mr. R. K. Sidhva:** (a) Will the Honourable Minister of Finance be pleased to state whether it is a fact that in the recent Inter Dominion Conference, it was decided that pending further discussion, *ex parte* income-tax assessments be postponed for a further period of one month?

(b) If so, what provinces are included in this arrangement?

(c) What are the proposals which the Indian Dominion is likely to place before the Dominion of Pakistan regarding the assessment of Income-tax of those persons who have migrated into India and who are not in a position to go to their original places of residence?

(d) Do Government propose to include the provinces of Sind, Baluchistan and North West Frontier Province also in any agreement arrived at for Punjab?

**The Honourable Shri K. C. Neogy:** (a) Yes.

(b) West Punjab, N.W.F.P., East Punjab and Delhi.

(c) Two proposals are now under examination: (i) that the Government of Pakistan should depute some of their officers to two or three important places in India, e.g., Amritsar, Delhi, Bombay, etc., to examine the accounts of evacuee-assessees, to give them the usual "hearings", to examine evidence, etc., for completing their assessments; or (ii) that the assessments of such evacuees should be concentrated at Lahore and Karachi, and notices in regard to them should be served on the High Commissioner, who would thereupon arrange for the handling of such cases in consultation with the evacuees concerned.

(d) N.W.F.P. is already included; as regards Sind and Baluchistan, action is being taken.

**Mr. R. K. Sidhva:** May I know why in the original proposal Sind and Baluchistan were not included?

**The Honourable Shri K. O. Neogy:** For the very good reason that when the proposal was originally made—in October, 1947—evacuations from Sind had not assumed any serious proportions. That also applies in the case of Baluchistan.

**Mr. R. K. Sidhva:** When did the evacuation take place and what is the date of the agreement?

**The Honourable Shri K. O. Neogy:** Proposals were made in October, 1947 and the agreement was reached in December, 1947.

**Mr. R. K. Sidhva:** May I know the number of assesses who have come out from Pakistan to India and the number that went to Pakistan from India?

**The Honourable Shri K. O. Neogy:** The information, I am afraid, is not available.

**Mr. R. K. Sidhva:** When will this proposal be placed before the Conference?

**The Honourable Shri K. O. Neogy:** The Inter-Dominion Conference that met in Lahore on 22nd July, 1948 considered these suggestions and Pakistan promised to let us know their final reaction. Unfortunately nothing has been heard from them since, but correspondence is still going on between the Central Board of Revenue of India and the Central Board of Revenue of Pakistan on this subject.

**Mr. R. K. Sidhva:** Will Government take active steps to see that the proposals they have made are carried out and Sind and Baluchistan are included?

**The Honourable Shri K. O. Neogy:** My Honourable friend should realise that it depends upon Pakistan agreeing to the proposals being accepted.

**Mr. R. K. Sidhva:** Will Sind and Baluchistan be included?

**The Honourable Shri K. O. Neogy:** That, as a matter of fact, is what we have demanded; but whether they will be included and whether any particular scheme to which I have referred would be accepted depends upon the agreement of the Pakistan Government.

**Mr. R. K. Sidhva:** What is the reason that they do not want to include Sind in Pakistan? Is it because there are large numbers of wealthy assesses from Sind?

**Mr. Speaker:** That is for the Pakistan Government to say.

**Mr. R. K. Sidhva:** I want to know the reason.

**The Honourable Shri K. O. Neogy:** I do not think they have said that they do not want to include these two provinces. As I have stated, the original agreement took place at a time when these two provinces were not suggested by us for inclusion, for the reasons I have stated. Now we have asked that these provinces should now be included within the ambit of that agreement, and further that certain schemes to which I have already referred should be given effect to. All that is under consideration of the Pakistan Government.

#### ACTION AGAINST NEWSPAPERS FOR BREACH OF INTER-DOMINION DECISIONS

586. **\*Giani Gurmukh Singh Musafir:** Will the Honourable Minister of Home Affairs be pleased to state the number and names of the newspapers in India against whom action has been taken for publication of news or comments in breach of the decisions arrived at between the two Dominions at Calcutta?

**The Honourable Sardar Vallabhbhai Patel:** Action has been taken against two newspapers (the *Sarathi*, a Bengali weekly of West Bengal, and the *Ujala*, a Hindi weekly of Agra, U.P.).

Thursday  
26th August, 1948

# CONSTITUENT ASSEMBLY OF INDIA

## (LEGISLATIVE) DEBATES

( PART II—PROCEEDINGS OTHER THAN QUESTIONS AND ANSWERS )

### Official Report

Volume VI, 1948

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### 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)

Thursday, 26th 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.

QUESTIONS AND ANSWERS

(See Part I)

11-45 A.M.

CHANGE IN DATE FOR NON-OFFICIAL BUSINESS IN ASSEMBLY

**Mr. Speaker:** I have an important announcement to make as regards the change of certain dates. Honourable members know that 30th August is fixed for non-official business. I propose to cancel that date and fix the 3rd September as the date for the non-official business. So the non-official business on the 30th August will be taken up on the 3rd September. The list of business issued last night will hold good but it will be taken up on the 3rd September and not on the 30th August.

**Shri H. V. Kamath** (C.P. and Berar: General): Will the questions for the 30th also be taken up on the 3rd?

**Mr. Speaker:** The questions will not change. They will remain the same.

**Shri L. Krishnaswami Bharathi** (Madras: General): Are we to understand, Sir, that the present Session of the Assembly will be over on the 3rd September?

**Mr. Speaker:** It is in the hands of the honourable members.

SUPPLY OF ANSWERS TO QUESTIONS IN ADVANCE TO MEMBERS

**Dr. B. Pattabhi Sitaramayya** (Madras: General): Before you pass on to the agenda, may I recall your attention to the statement that you kindly made on Mr. Tyagi's suggestion that statements laid on the table of the House may be circulated beforehand: otherwise we are deprived of the chance of studying them and bringing up the points: and the number of questions will multiply upon the same question if they have to be dealt with on a later occasion. I think it is easy to have extra copies made of these statements and circulate them beforehand.



**Seth Govind Das** (C.P. and Berar: General): In addition to that request, I would again like to draw your attention to the statement which you made, and as it happens in various provinces, that the replies to these questions may also be printed and given to us beforehand. It will save the time of the House as well as give us facilities for asking supplementary questions.

**Mr. Speaker:** The question raised by the honourable member, Dr. Sitaramayya, raises the same question which Seth Govind Das has now raised.

**Dr. Pattabhi Sitaramayya:** On a minor scale!

**Mr. Speaker:** Yes. At the same time, that will involve the supply of answers to particular questions before the questions are answered in the House.

As regards the wider question, of which the first question is a part, I think I must admit that I do not feel so enthusiastic about the position which I had taken before, in view of the change of the whole set-up. The matter might be considered if the members so like. I am prepared to have consultations with some honourable members and talk the matter over. I think this is a better solution rather than having a discussion here.

But I may say, that, I have now begun to take a different view of the matter, from the one which I had taken two years back. The 15th August, 1947 has changed so many things and this is one of them.

**Shri Mahavir Tyagi** (U.P.: General): Cannot the member who asks the question be supplied with a typed copy for the time being so that he may at least know what the replies are?

**Mr. Speaker:** It makes no difference whether it is placed on the table or the particular member is supplied with the answer. However, I will talk with the members and have a discussion with them.

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#### ELECTION TO STANDING COMMITTEE FOR MINISTRY OF DEFENCE

**The Honourable Sardar Baldev Singh** (Minister for Defence): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, one member to serve until the end of the current financial year on the Standing Committee to advise on subjects concerning the Ministry of Defence, *vice* Shri Manikyalal Varma, resigned."

**Mr. Speaker:** The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, one member to serve until the end of the current financial year on the Standing Committee to advise on subjects concerning the Ministry of Defence, *vice* Shri Manikyalal Varma, resigned."

The motion was adopted.

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#### ELECTION TO STANDING COMMITTEE FOR MINISTRY OF COMMUNICATIONS

**The Honourable Shri Mohan Lal Saksena** (Minister of State for Relief and Rehabilitation): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, two members to serve on the Standing Advisory Committee of the Constituent Assembly of India (Legislative) attached to the Ministry of Communications, in the vacancies caused by Pandit Chaturbhuj Pathak and Kunwar Shamsher Jang ceasing to be members of the Constituent Assembly of India (Legislative)."

**Mr. Speaker:** The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the Speaker may direct, two members to serve on the Standing Advisory Committee of the Constituent Assembly of India (Legislative) attached to the Ministry of Communications, in the vacancies caused by Pandit Chaturbhuj Pathak and Kunwar Shamsher Jang ceasing to be members of the Constituent Assembly of India (Legislative)."

The motion was adopted.

**Mr. Speaker:** I have to inform honourable members that the following dates have been fixed for receiving nominations and holding elections, if necessary, in connection with the following Committees, namely:

	Date for nomination	Date for election
Standing Committee for the Ministry of Defence.	28-8-48	31-8-48
Standing Committee for the Ministry of Communications.	"	"

The nominations for these Committees will be received in the Notice Office upto 12 Noon on the date mentioned for the purpose. The elections, which will be conducted by means of the single transferable vote, will be held in the Assistant Secretary's Room (No. 21) in the Council House between the hours 10-30 A.M. and 1 P.M.

#### EXCHANGE OF PRISONERS BILL

**The Honourable Shri N. Gopalaswami Ayyangar** (Minister Without Portfolio): Sir, I beg to move for leave to introduce a Bill to provide, in pursuance of an agreement with Pakistan for the exchange of prisoners, for the transfer of certain prisoners from India to Pakistan and the reception in India of certain prisoners from Pakistan.

**Mr. Speaker:** The question is:

"That leave be granted to introduce a Bill to provide, in pursuance of an agreement with Pakistan for the exchange of prisoners, for the transfer of certain prisoners from India to Pakistan and the reception in India of certain prisoners from Pakistan."

The motion was adopted.

**The Honourable Shri N. Gopalaswami Ayyangar:** Sir, I introduce the Bill.

**Shri Mohan Lal Gantam** (U.P.: General): May I know whether these prisoners include the prisoners awarded capital punishment or not?

**Mr. Speaker:** I think when the motion comes for consideration, the honourable member will have all the information that he wants. The present is merely a leave motion, which is more or less a formal one.

#### CENTRAL SILK BOARD BILL

##### PRESENTATION OF REPORT OF SELECT COMMITTEE

**The Honourable Dr. Syama Prasad Mookerjee** (Minister for Industry and Supply): Sir, I beg to present the Report of the Select Committee on the Bill to provide for the development under Central control of the raw silk industry and for that purpose to establish the Central Silk Board.

## FACTORIES BILL—*contd.*

**Mr. Speaker:** The House will now proceed with further consideration of the Bill to consolidate and amend the law regulating labour in factories, as reported by the Select Committee.

I think we have to start with Clause 47.

But Clauses 21 and 28 were held over. Shall we dispose of them or proceed with Clause 47 and the further clauses? With Clause 47 first?

**The Honourable Shri Jagjivan Ram** (Minister for Labour): Yes.

**Mr. Speaker:** What is the idea?

**The Honourable Shri Jagjivan Ram:** Let us then finish clauses 21 and 28.

**The Honourable Shri Jagjivan Ram:** About clause 21, the draughtsman has been consulted, and he suggests that the word "and" occurring after (ii) may be dropped and the word "and" before "unless" will come after "lathe" in (iii), and the comma here will be dropped.

**Mr. Speaker:** But the construction of the whole sentence will stand as it is?

**The Honourable Shri Jagjivan Ram:** Yes.

**Mr. Speaker:** Is the position clear to honourable members?

**Some Honourable Members:** No.

**Mr. Speaker:** This clause was held over last time with a view to consider the amendments that were suggested and also to consider whether any change in the present structure of the section was necessary. The point has been considered and the proposal now is that the first "and" occurring at the end of part (ii) of sub-clause (1) be deleted and the second "and" occurring before the word "unless" be shifted from that place to the preceding line after the semi-colon. I think it would be better if somebody formally moves a revised amendment.

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

"That in sub-clause (1) of clause 21 of the Bill the word 'and' occurring at the end of part (ii) be deleted and the word 'and' occurring before the word 'unless' in line 9 be shifted to the last preceding line after the semi-colon."

May I know whether the Honourable Minister accepts my previous amendment No. 13 on list No. 8, *viz.*, that between the words "and" and "unless" occurring in line nine the brackets and figures "(iv)" be inserted.

**The Honourable Shri Jagjivan Ram:** Yes, Sir.

**Mr. Speaker:** Amendment moved:

"That in sub-clause (1) of clause 21 of the Bill,—

(a) the word 'and' occurring at the end of part (ii) be omitted;

(b) at the end of part (iii) the word 'and' be inserted; and

(c) for the word 'and' occurring in line 9, the brackets and letters '(iv)' be substituted."

**Mr. Naziruddin Ahmad** (West Bengal: Muslim): Sir, the passage occurring after the word 'unless' appears to be an exception to parts (i), (ii) and (iii). If that is so, the figure (iv) should not be there.

**The Honourable Shri Jagjivan Ram:** It applies to the following (a), (b) and (c).

**Mr. Speaker:** There is now no further scope for discussion. The amendment which I have put to the House, I suppose, correctly represents what the Honourable Minister wants.

**The Honourable Shri Jagjivan Ram:** Yes, Sir.

**Mr. Speaker:** The question is:

"That in sub-clause (1) of clause 21 of the Bill,—

- (a) the word 'and' occurring at the end of part (ii) be omitted;
- (b) at the end of part (iii) the word 'and' be inserted; and
- (c) for the word 'and' occurring in line 9, the brackets and letters '(iv)' be substituted."

The motion was adopted.

**Mr. Speaker:** The question is:

"That clause 21, as amended, stand part of the Bill."

The motion was adopted.

Clause 21, as amended, was added to the Bill.

**Mr. Speaker:** Clause 28.

**The Honourable Shri Jagjivan Ram:** Sir, the material amendment is that instead of the word "adolescent" we will substitute "young persons". A question was raised that children were debarred from working under sub-clause (2) of clause 22. If we look at sub-clause (2) of clause 23 we will find that the provincial governments have been given power to prescribe the machines which in their opinion are of such a dangerous character that young persons ought not to work at them unless the requirements laid down therein are complied with. This amendment which may apply to a child is necessary.

**Mr. Speaker:** Then the amendment which I have already put to the House stands?

**The Honourable Shri Jagjivan Ram:** Yes, Sir.

**Shri K. Santhanam (Madras: General):** My objection is this that under 12 Noon. clause 22 (2) "No woman or child shall be allowed in any factory,....." and this would be inconsistent with the permission for a child to work in certain machinery given under this amendment. The provincial government is vested with some discretion, no doubt but that does not obviate the total prohibition in clause 22 (2). I will not press my objection if the Honourable Minister thinks that there is no inconsistency.

**The Honourable Shri Jagjivan Ram:** Sub-clause (2) of clause 22 does not prohibit women and children operating machinery in a factory except those which are in motion at the time of lubricating, and adjusting any parts and it also prohibits the employment of women and children in certain dangerous positions such as between moving parts or between fixed and moving parts of any machinery which is in motion. The purpose of the present amendment is that there may be other machinery which may be dangerous and declared as such by the provincial government and if a child is employed at those machinery, he must fulfil all these conditions that have been laid down under Section 28. In no case a child or woman is to work at such machines as provided under sub-clause (2) of clause 22 but there may be other machines which may be dangerous and to guard against that this provision is made.

**Mr. Speaker:** If the Honourable Minister is satisfied then I suppose Mr. Santhanam has no further objections.

What about the other amendment moved by Prof. Shibban Lal Saksena on the 24th?

**Prof. Shibban Lal Saksena (U.P.: General):** I shall withdraw it.

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

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

**Mr. Speaker:** And I understand that Mr. Sidhva was not going to move his amendment. I shall therefore put the amendment moved by the Honourable Minister to the House.

The question is:

"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."

The motion was adopted.

**Mr. Speaker:** The question is:

"That clause 23, as amended, stand part of the Bill."

The motion was adopted.

Clause 23, as amended, was added to the Bill.

**Prof. Shibban Lal Saksena:** I find that the word 'adolescent' occurs again in the clause in the last but one line.

**Mr. Speaker:** A new clause has been put in in place of the old clause. We will now proceed to clause 47.

**Shrimati Dakshayani Velayudhan (Madras: General):** I move:

"That in sub-clause (1) of clause 47 of the Bill, the words 'wherein more than one hundred and fifty workers are ordinarily employed' be omitted."

Sir, the other day I spoke about the necessity of providing canteens for workers in factories. The same arguments which I placed before the House then will hold good in respect of this clause as well. In my opinion any welfare work done by the Government should reach each and every worker of a factory which the Government have recognized. To every worker, a resting place after the work is required during the interval. And for a worker to take rest is not a luxury but it is a necessity. If we do not make provision in this Bill to give such amenities to workers the workers will find it very difficult to get such things from the management through their own efforts. So it would be better if the Government make definite provision in the Bill to give all the necessary welfare measures which they propose to give to the workers. The workers should not be left at the mercy of the employers. And we know how merciful an employer can be towards the labourer! I do not want to go into any details and I hope the Honourable Minister will accept this amendment.

**Mr. Speaker:** Amendment moved:

"That in sub-clause (1) of clause 47 of the Bill, the words 'wherein more than one hundred and fifty workers are ordinarily employed' be omitted."

Prof. Shibban Lal Saksena may move his amendment at this stage.

**Prof. Shibban Lal Saksena:** I move:

"That in sub-clause (1) of clause 47 of the Bill, for the words 'one hundred and fifty', the words 'one hundred' be substituted."

I only want to say that the factories containing more than 150 workers should not be the only factories to enjoy these benefits and that factories

containing over hundred workers should also be provided with rest rooms, shelters and lunch rooms. I think that one hundred workers are a sufficient number for a factory to provide rest rooms, shelters and lunch rooms.

Shall I move the other amendments also, Sir?

**Mr. Speaker:** Yes.

**Prof. Shibban Lal Saksena:** I move:

"That in sub-clause (2) of clause 47 of the Bill, the following be added at the end :

'In these shelters and rest rooms in factories where workers change shifts between 10 P.M. and 4 A.M. there shall be arrangements for the sleeping of workers who change shifts and who desire to sleep therein, and the sleeping place shall be airy and shall be protected from rain and cold.'" and

"That in sub-clause (3) of clause 47 of the Bill, for the word 'may' the word 'shall' be substituted."

**Mr. Speaker:** I think I shall place these last two amendments later on before the House, because the subject-matter is different. The first one (No. 31) relates to the same subject, namely, about the number of workers.

Amendment moved:

"That in sub-clause (1) of clause 47 of the Bill, for the words 'one hundred and fifty', the words 'one hundred' be substituted."

**Mr. B. K. Sidhva (C.P. and Berar: General):** Mine is the same amendment, Sir, but I am not pressing it because the Honourable Minister stated that his figure was arbitrary—and mine is also arbitrary. He wants to make an experiment and I do not want to stand in the way.

**The Honourable Shri Jagjivan Ram:** For obvious reasons I am not accepting these two amendments. The obvious reasons are the grounds of practicability. If we delete the figure one hundred and fifty, it means that in every factory all these things have to be provided. I cannot conceive that in a very small beedi factory we can demand all these amenities for the workers. (An Honourable Member: "You can make a compromise and fix the number at 125"). There is no question of compromise here. I do not accept the amendments.

**Mr. Speaker:** The question is:

"That in sub-clause (1) of clause 47 of the Bill, the words 'wherein more than one hundred and fifty workers are ordinarily employed' be omitted."

The motion was negatived.

**Mr. Speaker:** The question is:

"That in sub-clause (1) of clause 47 of the Bill, for the words 'one hundred and fifty', the words 'one hundred' be substituted."

The motion was negatived.

**Mr. Speaker:** Now we go to the other amendment of Prof. Shibban Lal Saksena on this clause.

Amendment moved:

"That in sub-clause (2) of clause 47 of the Bill, the following be added at the end :

'In these shelters and rest rooms in factories where workers change shifts between 10 P.M. and 4 A.M. there shall be arrangements for the sleeping of workers who change shifts and who desire to sleep therein, and the sleeping place shall be airy and shall be protected from rain and cold.'" and

**Prof. Shibban Lal Saksena:** Sir, in my District of Gorakhpur there are 23 sugar factories. The shifts in the factories are in certain seasons continuous. They begin at 8 A.M. or 10 A.M. and with eight-hour shifts the midnight shifts change at 12 midnight or 2 A.M. What I find is that the workers have to come for the night shift at 12 night or 2 A.M. sufficiently early they come at

[Prof. Shibban Lal Saksena]

9 P.M. and sleep there till their shift begins. In the case of those whose shift concludes at midnight they sleep immediately after being relieved from duty. But actually there is no room for them to sleep anywhere. Sometimes they sleep on pavements and sometimes on the floor wherever they can find space to lie down. The sugar cane crushing season is between November and March during bitter cold, and in that bitter cold night they have to sleep on pavements and floors. I want that these shelters, rest rooms and lunch rooms should be so commodious that workers who change shift at midnight or at 2 A.M. should have place to sleep. It is a very important thing.

I think probably there are many more factories all over the country where workers change shift at midnight either in rain or in bitter cold, and they have no place to sleep. If lunch rooms are necessary or if rest rooms are necessary, it is much more necessary to have sleeping places for the night. I hope that by making this provision the Honourable Minister will earn the gratitude of millions of workers and make their lives human lives instead of animal lives, which is the case at present.

Moreover, the number of quarters for workers provided by the factories is very small; it is not even five per cent. of the required number. The only way in which the workers can be provided with temporary facilities for sleep until quarters for all are built is by having this sleeping accommodation. The worker working at midnight or at 2 A.M. cannot go at that time two or three miles to his residence. He has to spend the whole night in the factory or keep awake in which case he may not be ready for the next day's shift. Under these circumstances I think it is necessary to have shelters and rooms so that there is enough accommodation for sleeping in them. I hope the Honourable Minister will see that the shelters and rest rooms with such sleeping accommodation are provided very soon. If this amendment is accepted, the shelters and rooms will be such that people will get room to sleep in them at midnight.

**The Honourable Shri Jagjivan Ram:** Sir, so many amenities may be necessary for the workers, but we cannot argue on imaginary things. I do not know how the shift changes at midnight or at 2 A.M. One has got to work from 6 or 8 in the morning when the shift starts and if so how does the shift change at midnight or at 2 A.M.? I have not been able to follow.

**Prof. Shibban Lal Saksena:** The first shift lasts from 8 A.M. to 4 P.M.—8 hours—and the next from 4 P.M. till 12 midnight, and the third, from 12 midnight to 8 A.M. If the first shift starts at 10 A.M., then the shifts are from 10 A.M. to 6 P.M., 6 P.M. to 2 A.M., and 2 A.M. to 10 A.M.

**The Honourable Shri Jagjivan Ram:** It is very easy to calculate it as 8 hours, but there is a break—it cannot be eight hours continuous.

**Prof. Shibban Lal Saksena:** There is no break; there are continuous eight-hour shifts. The first shift that begins at 8 in the morning goes on till 4 P.M. and then from 4 P.M. till midnight comes the next shift; the third shift lasts from midnight to morning eight o'clock. Similarly the other shifts starting at 10 A.M. go from 10 A.M. to 6 P.M., 6 P.M. to 2 A.M., and 2 A.M. to 10 A.M. These shifts are continuous. They cannot get any off during the four months of the cane season. So they have to change at midnight.

**The Honourable Shri Jagjivan Ram:** It is always better to so arrange the shifts that the workers may not have to change at midnight or 2 A.M. You have to start your shift at 6 in the morning, work till 2 P.M., then work up to 10 in the night, from 10 P.M. you work up to 6 in the morning. So there will be no occasion to change the shift at 12 or 2 A.M. in the morning. That is easier than to provide sleeping accommodation.

For the sake of a few sugar factories where the shifts change at midnight or at 2 A.M., if you make a compulsory provision in this Act it will make it

compulsory even for those textile mills which are in big cities like Bombay, Madras or Calcutta where there is no sufficient accommodation even to provide these lunch rooms, rest rooms, etc., and we cannot expect the industrialists by simply making an absurd provision in the Act, to provide sleeping accommodation for their workers in their factories. On these grounds I do not see I am going to accept it.

**Prof. Shibban Lal Saksena:** May I ask the Honourable Minister to make this provision at least in the case of sugar factories? These are generally in villages where ample space is available. If power is given to the Provincial Governments they can do it. There is nothing to make the factories work according to the schedule from 6 A.M. to 2 P.M., 2 to 10 P.M. and 10 P.M. to 6 A.M. And even if it is done, one cannot work continuously for the whole night.

**Pandit Thakur Das Bhargava** (East Punjab: General): May I point out that in sugar factories the quarters of the labourers are on the premises and quite near the factories.

**Mr. R. K. Sidhva:** It may be that the argument advanced by my friend has some force, but I feel that for the good of the greater number of the workers it is not advisable to do so. We are advocating for housing accommodation for workers near the industry, and if we make such a provision it will give some kind of a loophole for the industrialists to say "Now, you are asking for sleeping room for these workers; that will solve to some extent the problem of accommodation and therefore the housing question may be held over". Therefore, for a section of the industry for which probably the shift system could be adjusted, as the Honourable Minister stated, it is not desirable that the sleeping room should be provided. If we do it we will give a loophole to the industrialists.

Again, some of the workers may be induced during the working hours to go and sleep if the sleeping rooms were there. And the industrialists might say, "They have so many facilities and they go and connivingly sleep there". We do not want to give any kind of a loophole to the industrialists. We want substantial things to be done for the workers. I for one would ask for the houses to be built and would insist upon them. Therefore I would suggest that this is a local matter which could be adjusted and should not be pressed.

**Shri H. V. Kamath** (C.P. and Berar: General): Sir, I am of the view that this amendment, if accepted, will not introduce any element of compulsion as the Honourable Minister fears. This amendment of my friend Mr. Saksena makes provision for sleeping room in factories where the shift changes between 10 P.M. and 2 A.M. Of course, if the Honourable Minister says that the shifts should be so arranged as not to change in this fashion, then of course those factories will not be bound by this provision.

As regards Mr. Sidhva's argument that the housing problem may be sabotaged or by-passed or kept in cold storage. I do not think it can hold much water. How long should the workers wait? Till Doomsday? How long have they to wait for houses built near the factory? When they are built, there will be no need for these dormitories inside the factories, but so long as there is no room near the factories and so long as their own homes are far away, there must be some arrangement made for them for rest during night when the shifts change between these hours. To my mind this provision will conduce to the efficiency of nightshift workers. Therefore, I think it is a very salutary provision and I would request the Honourable Minister to accept it in the interest of the working class.

**Shrimati Dakshayani Velayudhan:** Sir, I wish to support the amendment. I cannot quite agree with the arguments brought forward by the Honourable Minister. It seems that he is in favour of supporting the industrialists. If a law is made, it is for the industrialists to see that it is put into practice. It



[Shrimati Dakshayani Velayudhan]

is not for the Honourable Minister to see whether they will be able to give accommodation, to the workers if such a clause is provided there.

Sir, in this Bill, in the first part of the clause the Honourable Minister is leaving out a large number of factories from the benefit of having lunch rooms, rest rooms, etc. There are clauses here which allow women to work in factories at night. There may be factories where women will be coming to work if they are allowed to work in the factory at night. Certainly, they must have some place to sit and rest if they come before the fixed time, and if they could not return after work, even then they must have some place to sit and rest. I think it is quite necessary that this amendment should be accepted in the interests of the workers. We must not deprive the workers of the benefit of having rest rooms and we should not make any provision in the Bill which will put the workers, especially the women workers, into difficulties in finding a resting place. For the men workers, it does not matter where they rest before or after their work, but for women it is quite essential to have some rest rooms. By this I do not mean to advocate the provision allowing women to be employed in factories at night.

**Shri Prabhu Dayal Himatsingka** (West Bengal: General): I do not think, Sir, that this amendment is at all necessary. Firstly, you will be pleased to see that the Provincial Government has been given power by rules to prescribe the standards of accommodation and rest rooms and other matters have been provided for in sub-clause (8). If in a case the Provincial Government thinks that it is possible and ought to be done, it can prescribe that under the present sub-clause (3). Moreover, as you know, so far as women workers are concerned we have already passed a clause prohibiting their employment after 7 P.M. except in fish curing.

**The Honourable Shri Jagjivan Ram:** He is thinking of fish curing.

**Shri Prabhu Dayal Himatsingka:** So I do not think that argument holds good and as the Honourable Minister has said, it may not be possible to have in a large number of factories sleeping accommodation. Therefore, by accepting this amendment you would be putting something which will be impracticable and which will not or cannot be complied with.

**Babu Ramnarayan Singh** (Bihar: General): I am sorry, Sir, to see a situation in the House when amendments are to be accepted or rejected only according to the will of the Ministers or those who pilot the Bill. If that is the situation, what does the House stand for?

Now, so far as this amendment is concerned, I think that if the industrialists require their labourers to work at night, it is only just, proper and human that they should provide them with sleeping accommodation for the night. Of course, anything can be said about any amendment or any provision. That is another matter, but I think this particular matter is one which ought to receive the attention of the House and this amendment ought to be accepted by the House, no matter what the Minister says or does not say.

**The Honourable Shri Jagjivan Ram:** Sir, my friend has raised a constitutional point. I have not asked him to support or oppose that amendment. It is for him to decide which way to cast his lot.

On merits, as has been interpreted by Shri Prabhu Dayal Himatsingka discretion rests with the Provincial Governments. But I do not want to create a false impression that it was our intention to give this power to the Provincial Government so that it may require the factories to provide sleeping accommodation as well. That will be stretching it too much and if some Provincial Governments extend it to that extent they may do so, but that was not our intention and it is not my intention even at present to provide sleeping accommodation for the workers in the rest rooms.

Then Mr. Kamath raised a point that it will not become compulsory. I know what it means to make a provision in an Act. Besides, we have to look to the efficiency of the workers. If the shift changes at 2 A.M.—personally I hold that the shift should not change at 2 A.M.—it should be so arranged....

**Prof. Shibban Lal Saksena:** Will you make provision for that— that the shift should not change at 2 A.M. in the night?

**The Honourable Shri Jagjivan Ram:** If my friend takes some interest in labour matters and if he claims that he has got some hold on the workers, he can easily see that the shift does not change at 2 A.M. and if he can't even do that, I do not think he has any right to say that he represents the interests of the workers.

So I feel that the shift should not change at 12 midnight or at 2 A.M. There should be no occasion for the workers to sleep in the factories. The shift should end at 10 P.M. and they should return to their houses and they should be in the midst of their families at night. Those who have to change or those who have to work at night will come on at 10 P.M. and work till 6 in the morning and there would thus be no occasion for sleeping accommodation in the factories. Supposing the shift changes at 2 A.M. and there is sleeping accommodation for the workers in the factories, can anybody conceive that a person who retires at 2 in the morning will rise at 6 in the early morning? He would like to sleep till 8 A.M. or 10 A.M. as he does in his house and it will be a very difficult thing to ask the workers to leave the sleeping accommodation early in the morning. That will create complications. So, before we give amendments or before we accept or support the amendments, I would request my friends, especially friends like Babu Ramnarayan Singh to spend some thought as regards the practicability of the proposition and also all the aspects of it before rising and raising some constitutional point.

**Mr. Speaker:** I need not read again the amendment of Prof. Saksena.

**Prof. Shibban Lal Saksena:** No, Sir. Although I do not agree with the arguments given by the Minister, still in view of the fact that he is not prepared to accept it, I do not press it. I want permission of the House to withdraw it.

**Mr. Speaker:** The honourable member wishes to have leave of the House to withdraw his amendment. Has he the leave?

**Babu Ramnarayan Singh:** No.

**Mr. Speaker:** As there is one dissentient, leave is considered to be refused. So I shall put the amendment to the House.

The question is:

“That in sub-clause (2) of clause 47 of the Bill, the following be added at the end:

“In these shelters and rest rooms in factories where workers change shifts between 10 P.M. and 4 A.M. there shall be arrangements for the sleeping of workers who change shifts and who desire to sleep therein, and the sleeping place shall be airy and shall be protected from rain and cold.”

The motion was negatived.

**Mr. Speaker:** Does he wish to press the amendment about change of “shall” for “may”?

**Prof. Shibban Lal Saksena:** No, Sir.

**Mr. Speaker:** The question is:

“That clause 47 stand part of the Bill.”

The motion was adopted.

Clause 47 was added to the Bill.

**Shri H. V. Kamath:** I shall move my amendment.

**Shri O. V. Alagesan** (Madras: General): Mr. Speaker, Sir, I have got an amendment for sub-clause (1).

**Mr. Speaker:** I will take that later on, as it relates to part (d) of sub-clause (8).

**Shri O. V. Alagesan:** No, Sir. It really relates to sub-clause (1).

**Mr. Speaker:** Any how, we will take it up after Mr. Kamath's amendment.

**Shri H. V. Kamath:** Sir, I beg to move:

"That in part (b) of sub-clause (3) of clause 48 of the Bill,—

- (i) for the word 'and', occurring in line three, a comma be substituted; and
- (ii) after the word 'clothing', the words 'and for playing' be added at the end."

If the amendment is accepted by the Honourable Minister, the clause will read as follows:

- (b) requiring the provision in factories to which this section applies of additional facilities for the care of children belonging to women workers, including suitable provision of facilities for washing, changing their clothing and for playing."

Sir, I do not wish to expatiate upon the simple theme of children and their play. All of us here are agreed on this point, considering especially that children under the age of 6 are involved here and not merely children of 1 or 2 years. Children under the age of 6 really need something to amuse themselves with during their leisure, but throughout this clause, we do not find any provision for play or recreation of these little children. Those of us who remember our childhood days, I suppose will not seriously object to this amendment which provides for some toys or other little picture books, to which I referred in my speech on the bill the other day. Some provision should be made for children to play with for example toys etc., when their mothers are away and when the washing has been done and their clothes have been changed and they are sitting idle and doing nothing, because if nothing is thus provided for, their minds and bodies might wander into other avenues of mischief, which we certainly want to prevent. In my opinion it will be very wholesome, very salutary, that our Government which has introduced this very progressive labour legislation and has provided for creches also in factories, which is a very progressive measure, should make provision and afford facilities in those creches for children to spend their time pleasantly when their mothers are away from them.

**Shri K. Santhanam:** May I point out to the honourable member that his amendment adding the words "for playing" will really qualify the women workers and not the children.

**Shri H. V. Kamath:** No, Sir. I will explain to my honourable friend, it is not so. If he reads the clause very carefully, it will read like this: ". . . for the care of children belonging to women workers" (and not for the care of women workers) "including suitable provision of facilities for washing," (facilities for children being washed and not women being washed and) "changing their clothing" (changing the children's clothing and not women's clothing). I do not know if the honourable member wants to substitute by the words "for their playing", but certainly if my honourable friend had read the clause and amendment with an eye to proper connotation, construction and syntax, he would not have made the mistake. I therefore think that the words "and for playing" should be added at the end of the clause so as to provide facilities for the children's play and recreation inside the factories when the women or mothers are away from them and they are left to their own resources. Sir, I move this amendment.

**Mr. Speaker:** Amendment moved:

“That the part (b) of sub-clause (3) of clause 48 of the Bill,—

- (i) for the word ‘and’, occurring in line three, a comma be substituted; and
- (ii) after the word ‘clothing’, the words ‘and for playing’ be added at the end.”

**Shri M. Thirumala Rao** (Madras: General): Mr. Speaker, Sir, what Mr. Kamath wants to incorporate by way of amendment, I think, is contained in sub-clause (2) where it is mentioned: “shall be under the charge of women trained in the care of children and infants”. Women who are trained to take care of children and infants during the absence of their mothers, naturally see that the children spend their time in playing and there is no purpose in again adding another amendment.

**The Honourable Shri Jagjivan Ram:** I have every sympathy with my honourable friend, Mr. Kamath, but I do not accept his amendment; it is not that I am opposed to it, but because that amendment is superfluous. One cannot conceive of a creche where there is no arrangement for playing of the children. It has been provided that the Provincial Government may make rules prescribing the location and the standard in respect of construction and accommodation, furniture and other equipment of rooms to be provided under this section. Equipment means the equipment of playing things and things like that for the children and this provision is already there. We cannot conceive of a creche without playing things for the children and I hope my honourable friend will withdraw his amendment.

**Shri H. V. Kamath:** In view of the Honourable Minister's explanation to the effect that he cannot imagine creches without toys and facilities for the playing of the children, I do not think I need press 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.

**Shri O. V. Alagesan:** Sir, I beg to move:

“That in sub-clause (1) of clause 48 of the Bill, the words ‘or of such children under their charge’ be added at the end.”

The object of my amendment is this, Sir. The clause seeks to restrict the benefit to children belonging to the women workers. The object is that the scope should be expanded to include other children that may be actually under their charge and under their care. There may be cases, very hard cases when orphans and other children of near relations like a sister may be brought up by the women workers and it will cause hardship if such cases are not included. Another instance may also be cited. There may be children of the first wife who is no more and the husband may have taken the second wife merely for the purpose of bringing up the children of the first wife. In that case, if this clause is strictly and narrowly interpreted, it will bar such children having the benefit of this clause. There seems to be an apprehension in the mind of the Honourable the Minister that if this clause is liberalised, then, a number of children may be brought in and the employer put to the expense of giving milk to them. I am willing to have the wording of my amendment changed so as to include only children who are actually brought up by these women workers, or children who are actually dependent upon them. I think this amendment is necessary to avoid any of the hardships that I have pointed out. If the Honourable Minister is not willing to accept any of these things, I would request that instructions may be issued to officers vesting them with power to examine such hard cases and decide in their discretion to allow such cases. Sir, I move the amendment.

**Mr. Speaker:** Amendment moved:

"That in sub-clause (1) of clause 48 of the Bill, the words 'or of such children under their charge' be added at the end."

**The Honourable Shri Jagjivan Ram:** The honourable mover of the amendment has himself given the reasons and the fate of his amendment. In the last portion of his speech, some suggestion has been made. I will take care to see that in genuine cases the employers extend these facilities to the children who may be really dependant upon the women workers. To make a statutory provision here, Sir, will lead to mis-use of this provision and will throw an unnecessary burden on the employers. I therefore do not accept the amendment.

**Shri O. V. Alagesan:** In view of the Honourable Minister's assurance, I beg leave of the House to withdraw the 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. Speaker:** The question is:

"That clause 48 stand part of the Bill."

The motion was adopted.

Clause 48 was added to the Bill.

**Shri Upendranath Barman:** (West Bengal: General): Sir, I beg to move:

"That in sub-clause (1) of clause 49 of the Bill, for the words 'the occupier', the words 'the Provincial Government' be substituted."

Sir, generally speaking, I quite welcome the idea of a statutory provision for the employment of welfare officers; but my submission is that these welfare officers should be Government servants and not employees of the occupiers. I base my submission on two grounds. First of all, I think it would be rather a cumbersome procedure and that it would create difficulties if the position were that the duties and qualifications of welfare officers, the conditions of their service, etc., are to be fixed by the Government, but their actual employment was to be under the occupier. The occupier also may find it difficult to employ men who will be to the liking of the Government. It may be difficult for the Government also to find fault with the welfare officers and require the occupier to change them. I suppose there will be difficulties in the working of the system. But, my greater reason lies somewhere else. I consider, Sir, that the employment of welfare officers is a necessity for more than one reason. If we divide the activities of the labourers or the working force into two categories, or into two fields, we may do it by confining his activities inside the factory, that is when he is employed in the factory, and his activities outside. So far as the worker is concerned in his actual employment in the factory, if it be the Government's view that in this Factory Bill the Government is concerned with the welfare of the worker while he is employed in the factory, and would very little bother itself with the activities of the workers outside the factory, then of course, the Government may prescribe rules as to the duties of the welfare officers, namely, that he will see whether the rules in the Factory Act itself, and the regulations and instructions that may be issued by the Government are strictly observed by the employer. Even in that case, I should think, Sir, that if the welfare officer be a direct employee of the Government the Government would have a greater control over him, and every defect on the part of the employer in the execution of his duties under the rules and regulations will be at once reported to the Government, and the

Government could take adequate steps. But if the welfare officer be an employee of the occupier, then, he will have a double responsibility. His incentive will be to satisfy somehow the Government by submitting reports; but his main objective will be how to keep his employer satisfied. The objective of the Government will, I think be less fulfilled by a welfare officer employed by the occupier than had the welfare officer been appointed by the Government. I think the Government has got a duty not only to see to the working conditions of labour in the factory, but also to see that the condition of labour, the submerged class, who are ignorant, and uneducated, and who do not know how to live and how to educate their children, is improved. Of course, all the activities of a man cannot be regulated by law. But certainly, if the Government are going to appoint whole-time officers for that purpose, the Government can do much. Side by side with keeping a watch over the activities of the labourers inside the factories, the Government should also try to better their lot outside the factories. If Government have got this comprehensive view of things, that objective cannot be achieved if these welfare officers are not employed by Government. Government must employ these officers and have full control over the activities of these officers without let or hindrance from the occupier or without any divided responsibility of these officers to Government and to the occupier. The labour force I think suffers more in this country on account of their own inefficiency than to the wanton injustice meted out to them by their employers. I know many cases where a labourer gets more wages now than before but that surplus money is not spent on food or consumer goods or in the education of his children. The workers live in the same old miserable state because this surplus money goes in drink. (*An Honourable Member: 'Question'*)? I can answer that question by saying that the liquor shops near about the plantations and factories now sell more liquor than before, which shows where the surplus money of the workers is going. These welfare officers should therefore speak to these workers and point out to them where their good lies, explain to them the harm in buying unnecessary things and the benefit of good food and proper education for their children. That will do a lot of good to these people.

**Mr. Speaker:** I am afraid the honourable member is going into the widest question of the duties of welfare officers. The point here is as to who should appoint them; he must address himself to that point and to nothing else. I think he has done that sufficiently.

**The Honourable Shri Jagjivan Ram:** He has another amendment; he is speaking on that

**Shri Upendranath Barman:** I am explaining the reasons why Government should employ these welfare officers and how they can do better service if they are employed by Government. However, I have nothing more to say.

**Mr. Speaker:** The honourable member has another amendment the fate of which, I think, will depend on this amendment. That relates to the addition of sub-clause (3). So I will put the amendment to the House.

*Amendment moved:*

"That in sub-clause (1) of clause 49 of the Bill, for the words 'the occupier', the words 'the Provincial Government' be substituted."

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

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*The Assembly then adjourned for Lunch till Half Past Two of the Clock.  
Mandit Thakur Das Bhargava, (one of the Panel of Chairmen) in the Chair.*

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**Mr. Chairman:** We are considering the amendment by Shri Upendranath Barman.

**Prof. Shibban Lal Saksena:** I wish to support the amendment moved by my friend Mr. Barman. I am very glad that he has pointed out that the difficulties which will arise if Labour Welfare Officers are appointed by the management. I have experience of Welfare Officers appointed by some factories. What happens is that they are a sort of Assistant Managers of the Factory who try to see that labour is not able to organise properly and that labour does not become such a force as to be able to bargain for suitable terms of service. Such Labour Welfare Officers do no good. If we are to have real Welfare Officers, in whom labour should have confidence, then Government should appoint them and their expense should be recovered from the factories. That will inspire confidence, because when the Government, which is entrusted with the task of keeping industrial peace, appoints a man, his efficiency will be judged by the fact whether he is able to prevent any breach of the industrial peace there, and as such, he will devote himself wholeheartedly to see that labour is kept contented. He will be a sort of Liaison Officer between the Manager and labour and he will be able to perform the real functions of a Labour Welfare Officer independently.

But if the Manager appoints him, labour will not have faith in him, and he will become a sort of distrusted officer. It will not serve the purpose that the Honourable the Minister has in view. I should think that Mr. Barman has moved this amendment after some good experience that he has had and he therefore thinks that a Labour Officer appointed by Government will inspire confidence and he will see to it that peace is not disturbed and that there is harmony in industry. Also the Manager will feel that the Labour Welfare Officer gives impartial advice which he ought to accept, otherwise the matter will be reported to Government. The advice of such a Welfare Officer, will be something which he cannot easily reject. But if a Labour Welfare Officer, appointed by a Manager, gives some impartial advice which happens to be in favour of labour, the Manager may become angry with him and in future that officer may not dare to give such impartial advice, whereas, an officer appointed by Government will not care for the whims of the employer. He will give that advice which conduces to the peace of the industry.

I therefore think that it is very necessary that the amendment should be accepted. In that case the Labour Welfare Officers will become a real institution. At present the Works Committees are not functioning properly. What happens today is that some one of the management is appointed Chairman of the Works Committee. The Works Committee becomes equally divided on all important questions, with the representatives of labour and those of the employers ranged in opposite camps. The result is that instead of harmony there is friction. Probably a Welfare Officer appointed by the Government may act as a liaison officer and he should be made chairman of the Works Committee. I think the Welfare Officer appointed by Government will be to function as a sort of a cementing medium: he will cement both factions and be able to make the Works Committee work properly. Otherwise they will fail. In fact I stand for abolition of Works Committees altogether as they retard the growth of genuine, strong and independent Trade Unions. If they cannot be abolished then Government must appoint labour officers to act as their chairmen. It is obvious that the Labour Officer appointed by the Manager will have to depend on the good wishes of the employer and cannot be of any help.

So I think that Mr. Barman's amendment is very important and I hope the Minister will see his way to accept it, I am sure the Bill will be much improved if he accepts it. Sir, I support the amendment.

**Shri Ajit Prasad Jain:** Sir, I wholeheartedly associate myself with the amendment of Mr. Barman. I had given notice of an amendment of a similar nature, which is printed. It was to this effect:

"That in sub-clause (2) of clause 49 of the Bill, the following be added at the end, namely:

'and the person or authority subject to whose approval such officer shall be appointed or dismissed'."

The object of appointing a Labour Officer is to provide some sort of liaison between labour and the management. Experience has shown that if the appointment of the Welfare Officer rests with the management, the Welfare Officer is more prone to become one of the management rather than a person who cares equally for the labour.

In my own district, under the advice of the Employers Association, Northern India, the Tobacco Manufacturers Ltd., appointed a Welfare Officer. Those of us who had any sympathy with labour, or were working for labour, were happy at it. Shortly after we were disillusioned because we found that the officer was more concerned with creating division among the labour and in trying to impose the management's point of view on labour. He proved to be of no use whatsoever. If the present section is retained as it is, namely, that the appointment, dismissal and control of the Welfare Officer rests with the factory, I am afraid that it will not achieve the object for which the appointment of a Welfare Officer is provided. In fact an independent type of Welfare Officer is a useful institution for the factory, both for labour and the management. No person who is entirely in the hands of the management can inspire confidence in labour. My friend Mr. Barman's amendment goes a little further than mine. My amendment simply provides that the appointment and dismissal of the welfare officer shall be with the approval of such person or authority as the provincial government may nominate in that behalf. That authority may consist of one nominee of the Government, a representative of the management and a representative of labour, a sort of Board which will meet from time to time or it may consist of a particular officer who may act in that behalf. Mine is only a halfway house and I think that it would be in the interest of the State, the public as also the factory management and labour that the person appointed for the job should be one who enjoys the confidence of labour and may bridge the gulf between labour and management. Only such man who is not in the hands of the management can do this work and I do hope that the Honourable Minister will see his way to accepting the amendment of my honourable friend Mr. Barman or in the alternative he might accept mine and if there is any indication that he is willing, I shall move mine.

**Shri Gopikrishna Vijayavargiya** (Gwalior State): Sir, I support the amendment which has been moved by Mr. Barman. I think the labour welfare officer should be appointed by the provincial governments. The experience in my place in Central India has been that the labour welfare officer appointed by the management of different companies work more as spies and divide the working classes rather than do any good to the workers and therefore I think both the amendments put forward by Mr. Barman should be accepted. Then the institution will work very well. I would request the Honourable Minister kindly to accept them.

**The Honourable Shri Jagjivan Ram:** Sir, this is a provision which was specifically included in this Bill at my instance. I was very anxious that in the larger factories it should be made incumbent on employers to maintain welfare officers. At first my idea was the same as that of some of the honourable members of this House. I was also thinking on the lines that these welfare officers should be appointed by the provincial governments. But there is some difficulty in that. There is another aspect of the proposition as well. If the welfare officer is to be a successful officer, when he has to carry out various



[Shri Jagjivan Ram]

duties which are not necessarily statutory, unless he has the goodwill of the employer he will not be able to make much headway. A person who is a *persona non grata* with the employers will not be a successful labour welfare officer and more so when he has to execute so many things which are not provided in the Act itself. As regards the statutory part of the Bill we have already provided for the appointment of Inspectors by the provincial governments and these welfare officers are not necessarily meant for carrying out the statutory provisions of this Act. After weighing the advantages and disadvantages of both the arrangements I have come to the conclusion that it would be better if these welfare officers are appointed by the management. They should be persons who should have the confidence of the management, of course subject to such conditions as are to be laid down by the provincial governments under sub-clause 2 of the section. If the proposal of my friend Mr. Jain is accepted the labour welfare officers will be under the dual control of the provincial government and the employer. If the amendment of Mr. Barman is accepted these labour officers will be under the control of the provincial governments and will be *persona non grata* with the employer, with the result that every day they will find obstructions from the employer in carrying out the duties which may be conducive to the welfare of the labourers. Our idea here is that if the labour welfare officer is a man of the employer and he has the necessary training, which may be prescribed by the provincial government and if his duties and conditions of service are also prescribed by the provincial government, these safeguards to some extent will obviate the apprehension which is there that if the man does not please the employer he will be dismissed. Of course it does not go so far as the amendment of Mr. Jain goes but all the same it provides some safeguard against the arbitrary dismissal of the welfare officers. There have been other suggestions *vis.*, that the number might be reduced and so on. I would request the honourable members who have made these various suggestions to allow this scheme to work for sometime. Let us have some experience of working out this scheme and in the light of that experience it may not be difficult for us to amend the Act when the time comes. But for the present I would submit to my honourable friends that it would be in the interest of the workers if these welfare workers are persons enjoying the confidence of the employers, as a sort of personnel of the management itself but with such training and qualifications as may be prescribed. Then there is the other difficulty as well. If these labour welfare officers are Government officers, and if they have to carry out some functions which are not statutory and if the Government presses upon the employers that they have not carried out those instructions, they might turn round and make the plea that the welfare officers happen to be government servants and have not taken as much interest in their work as they ought to. Thus they will try to discredit the labour welfare officer. All these considerations weighed with me and then I finally reached the conclusion that these officers for the present should be employers' men with some safeguards to protect them against arbitrary dismissal and things like that. I hope, Sir, that in view of this explanation my honourable friend will withdraw his amendment.

**Shri Upendranath Barman:** In view of the Honourable Minister's assurance and in view of the fact that our Government is fully responsible for the execution of the provisions I beg permission of the House to withdraw the amendment.

**Mr. Chairman:** Has the honourable member got the permission of the House to withdraw his amendment?

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

**Mr. Chairman:** In view of this I do not think that the amendments of Mr. Jain and Mr. Barman require to be moved. Then I shall put the clause to the House.

The question is:

**"That clause 49 stand part of the Bill."**

The motion was adopted.

Clause 49 was added to the Bill.

**Mr. Chairman:** The question is:

**"That clause 50 stand part of the Bill."**

The motion was adopted.

Clause 50 was added to the Bill.

**The Honourable Shri Jagjivan Ram:** I move:

**"That in clause 51 of the Bill, for the word 'employed', the words 'required or allowed to work' be substituted."**

It is a formal amendment. In other clauses we have used this phrase and perhaps due to the oversight of the draftsman and in spite of the vigilance of my friend Mr. Naziruddin Ahmad this has been left out.

**Mr. Naziruddin Ahmad:** There would have been many more if the Minister would have accepted the amendments. It is sheer helplessness that has made us inactive.

**Mr. Chairman:** The question is:

**"That in clause 51 of the Bill, for the word 'employed', the words 'required or allowed to work' be substituted."**

The motion was adopted.

**Shri H. V. Kamath:** Sir, I move:

**"That in clause 51 of the Bill, for the words 'any week', the words 'any one week' be substituted."**

Of course my knowledge of the English language is rather meagre, but I think that "any one week" is more in consonance with idiom and usage than "any week." But if our linguistic experts here think otherwise I do not propose to insist on this amendment. If the experts think otherwise I would beg leave of the House to withdraw it later.

**The Honourable Shri Jagjivan Ram:** I think my knowledge of the English language is more meagre than that of Mr. Kamath, but I have consulted the experts and they have consulted the Oxford dictionary. Their opinion is that "any week" is correct phrase in such a context. "Any" here has the meaning of "one". And my friend may refer to the Oxford dictionary. "Any week" means any one week. But "any one" is ordinarily used in the sense of being single. When you say "take any one of the cards" you mean take a single card or one card. That is not the intention here. The phrase is therefore all right as it stands.

**Shri H. V. Kamath:** I do not venture to question the authority of the Oxford dictionary. I therefore beg leave of the House to withdraw the amendment.

**Mr. Chairman:** There is no question of any permission for withdrawal as the amendment has not been placed before the House.

**Prof. Shibban Lal Saxena:** Sir, I beg to move.

**"That in clause 51 of the Bill, for the word 'forty-eight', the word 'forty-four' be substituted."**

Sir, this is an amendment of a fundamental character. I wish to point out that the present international standard in this respect is even below forty-eight

[Prof. Shibban Lal Saksena.]

hours per week. It was in the year 1919 that the First International Convention laid down that "there shall be a forty-eight hour week and an eight-hour day". It is now the year 1948, and after thirty years our country has the good fortune to come even upto that 1919 Convention! But since then the world has moved much faster, and everywhere the demand is for a forty-hour week. I wish to draw the attention of the Honourable Minister to certain Resolutions of the International Labour Conference. The first Resolution for a forty hour week was adopted in the year 1932 and for the last sixteen years the International Labour Organisation has been in favour of a forty hour week. I will read out from a Report of the International Labour Office which says:

"A further stage was reached at the 1932 Session of the International Labour Conference, which adopted a Resolution submitted by Mr. Jouhaux, French workers' delegate, drawing attention to the need of international regulations for limiting hours of work to 40 in the week."

This is about a forty-hour week.

**The Honourable Shri Jagjivan Ram:** What was the fate of that Resolution?

**Prof. Shibban Lal Saksena:** It was passed and adopted. I will read out to you from the Report. But before I do that I wish to point out one other thing. There are two aspects of this question of hours of work. One is the health of the worker and recreation for him. The second aspect is relief from unemployment. Today in our country we see that there is so much unemployment that our Exchanges are quite unable to find jobs even for all the people who have registered themselves with it. And it is very well known that our country is probably the worst sufferer in unemployment. Therefore, from both these two points of view, firstly from the point of view of the better health of the workers and secondly from the point of view of reducing unemployment amongst workers, I think that we should reduce the hours of work.

I shall now read from the I.L.O. Report. It was in 1932 that the following Resolution was passed:

"In view of the continuance of the present depression with the sufferings it involves, it must be affirmed that palliatives are insufficient and that, if the suffering caused by the economic depression and by unemployment is to be mitigated, the causes of the depression must be directly attacked;

"In view of its prolongation, unemployment must no longer be regarded merely as an effect of the depression; it has become one of the causes which aggravate it;

"The disequilibrium between disproportionately increased production and a capacity for consumption which was insufficient even at the beginning of the depression and which to-day is still further diminished, condemns any policy of wage reduction which experience shows is in contradiction with economic requirements, in addition to being unjust;

"The principal means of restoring the equilibrium which has been upset must be sought in the reduction of hours of work. The increase in individual output renders this measure indispensable and urgent.

"By this means production can be adjusted to the level of a temporarily limited capacity of consumption, available work can be permanently distributed over a larger number of persons, and the unemployed can be reinstated in their positions in the economic system. Further, by this means the wage earners will secure a legitimate share in the benefits of technical progress;

"The Conference accordingly invites the Governing Body of the International Labour Office to investigate the question of the legal institution of the 40-hour week in all industrial countries, with a view to the early adoption of international regulations on the subject."

It was in the year 1935 that a Convention on this question was adopted. The Conference which met in 1935 adopted the following Convention.  
**S. P. M.** The Preamble to the Convention contains the following paragraph:

"The General Conference—

Considering that unemployment has become so widespread and long-continued that there are at the present time many millions of workers throughout the world suffering hardship and privation for which they are not themselves responsible and from which they are justly entitled to be relieved;

Considering that it is desirable that workers should as far as practicable be enabled to share in the benefits of the rapid technical progress which is a characteristic of modern industry; and

Considering that in pursuance of the Resolutions adopted by the Eighteenth and Nineteenth Sessions of the International Labour Conference it is necessary that a continuous effort should be made to reduce hours of work in all forms of employment to such extent as is possible;"

"Article 1 of the Convention introduces the principle of the 40-hour week and indicates the methods by which its application should be ensured."

"It declares approval by the ratifying Members of—

- (a) the principle of a 40-hour week applied in such a manner that the standard of living is not reduced in consequence; and
- (b) the taking or facilitating of such measures as may be judged appropriate to secure this end;

and undertakes to apply this principle to classes of employment in accordance with the detailed provisions to be prescribed by such separate Conventions as are ratified by that Member."

That Draft Convention was adopted at the Conference in 1935, that is to say the Conference passed a Resolution to that effect.

After having adopted the Draft Convention, the Conference passed the following resolution concerning the maintenance of the standard of living of the workers:

"The Conference—

Having adopted a Draft Convention declaring its approval of the principle of the 40-hour week,

Considering that the application of this principle should not as a consequence reduce the weekly, monthly or yearly income of the workers, whichever may be the customary method of reckoning, nor lower their standard of living,

Invites Governments:

- (1) to take appropriate measures in order to ensure that any adjustment of wages and salaries should be effected as far as possible by means of direct negotiations between employers' and workers' organisations concerned; and
- (2) after consultation with the organisations of employers and workers concerned, to take or facilitate appropriate measures to enable either of the parties concerned, if agreement between them cannot be reached, to submit the dispute to bodies competent to deal with wage questions, such bodies being set up, where there do not exist, for the purpose; and
- (3) to furnish to the International Labour Office periodic reports upon the measures they have taken for the introduction of the 40-hour week and for the maintenance of the standard of living of the workers."

Sir, this was adopted in the year 1935 and during the last thirteen years much progress has been made towards this end. But I may point out for the information of the House that many countries have adopted a 40-hour week. I will take first the U.S.S.R.:

"U. S. S. R.—General principles governing hours of work are incorporated in the Constitution of the U. S. S. R., and the main lines of hours of work policy are laid down by Orders of the Central Executive Committee and the Council of People's Commissaries, one of the most important of these being the Order of 2 January 1929 providing for the gradual introduction of a 7-hour day."

[Prof. Shibban Lal Saksena.]

It was in 1929 that it was adopted in Russia. Coming now to the home of capitalism, America, this is what they say:

"The Government Contracts Act of 1936 requires contracts of a value of more than \$10,000 made by the Federal Government to contain provisions that no employee of the contractor engaged in the manufacture or supply of materials, articles and equipment shall work more than an 8-hour day or a 40-hour week....."

So, even in America, a 40-hour week is provided. Even in small countries like New Zealand, Italy, Ecuador etc. there are laws laying down that there shall be a 40-hour week. So, what I have suggested in my amendment provides for a transition. I have said that at present we should have a 44-hours week. We may next time—soon enough, I hope—come to a 40-hours week and come in line with the progressive nations of the world.

Sir, in this country where there is so much unemployment it is very important that the weekly hours should be reduced so that a larger number may be employed. Today there are about 95 lakhs of workers in industry. If their hours of work are reduced by one per day, then we can have at least 1/7th of the number of workers more in employment. That means that we will have 5 lakhs more workers in employment; that will not be a small addition to the employed. I am grateful to the Honourable Minister that he has already reduced the weekly hours from 54 to 48 by which means he has employed 5 lac more workers. Now we have emerged out of slavery and become an independent nation. We must walk with the progressive nations of the world. Our country, is suffering from unemployment and we must be all the more anxious to adopt that 40-hour week Convention which by the way will also help us to come in line with the progressive world. Besides our labour will also become contended; they will have more leisure and more recreation. Sir, in our climate which is hotter than the cold countries, work should not be made as arduous as in those countries. I think the Honourable Minister should make a beginning and should accept this amendment which I know is of a fundamental character but which I think will earn the gratitude of the workers for the Honourable Minister.

Sir, with these words, I move the amendment.

Mr. Chairman: Amendment moved.

"That in clause 51 of the Bill, for the word 'forty-eight', the word 'forty-four' be substituted."

Shri Gopikrishna Vijayavargya (Gwalior State): Sir, I do not want to take the time of the House, but I think I am in support of this amendment and I feel that it should be accepted.

The Honourable Shri Jagjivan Ram: Sir, I wish I could have accepted this amendment. (An Honourable Member: 'Do it please') Sir, I am explaining something after hearing which you will perhaps join me in saying that this amendment should not be accepted. It is a simple rule of three that if a hundred thousand of workers are working 48 hours a week and if the hours are reduced to 44 or 40, a larger number of additional workers will find employment. But I wish my friend would have also considered that in order to employ a larger number of workers it is not simply the reduction of hours of work that is required but certain other factors are also necessary and also whether our country is in a position to afford those factors which are necessary for the employment of a larger number of workers in the same factory or in the same industry all other conditions remaining the same.

If I were to expand this point, it means that if we are to increase the number of workers, we may have in certain cases to increase the number of

machineries. That is not possible and if my friend would have studied the condition in the textile industry, there recently the hours of work were reduced from 9 to 8 to which reduction employer friends attribute the fall in production in textiles and sometimes blame me for the acute shortage of textiles in this country. On this logic, it would have been presumed that by reduction of one hour in the working hour of the textile workers, at least there should be an increase in their number of one-eighth. If there were 100,000 workers in the textile industry, by reducing the hours of work from 9 to 8, there will be 112,000 workers employed in that industry, but it has not been possible to increase the number of workers there, because today we are suffering from shortage of capital goods. Many of our industries have not been able to replace and repair their worn out machinery. We are suffering from transport bottleneck. We are not in a position to transport the coal requirements of the industry. Sometimes we are not in a position to transport even raw materials from one part of the country to the other, with the inevitable result that inspite of the best wishes of the employers to maintain employment of the workers, sometimes they are compelled to force idleness on their workers and I have instances where both representatives of employers and workers have jointly approached me when they were faced with shortage of repairing materials, shortage of millstores, shortage of coal and shortage of raw materials. All these facts have to be taken into consideration before we can suggest that by simple reduction in hours of work we are going to increase the volume of employment in our country. I am equally anxious that I were in a position to solve the unemployment problem in this country and if this was so handy enough as conceived by my friends Prof. Saksena and Mr. Vijavargiya, I would not have hesitated even for a moment to reduce the hours of work not only to 44 but even to 40, but faced as we are today with all these difficulties, it is not advisable to reduce the working hours.

As regards the Conventions and Recommendations, so far the Convention of the I.L.O. is for 48 hours a week. It is only in the case of glass workers that there has been, not a Convention but simply a Recommendation, that they should have a 40 hour week. If I were to explain the procedure of the I.L.O. Convention to my friend Prof. Saksena, I may tell him that it is a tripartite organisation. There are representatives of workers, employers and Governments. Any item which is brought on the agenda of the I.L.O. is discussed twice. There is the first discussion in which the organisation does not reach any decision. It is exploratory. The views of all Governments are invited. Amendments are suggested by the Governments. Then this item is again discussed next year and if it is accepted, either there is a Recommendation or a Convention. The Conventions of the I.L.O. are to be ratified by the Member-States. India happens to be a member of the I.L.O. and we have been trying to ratify all the Conventions of the I.L.O. and as regards the hours of work Convention, we have already ratified it and this 48 hours week is in conformity with the I.L.O. Convention. We are not behind any of the other countries in our hours of work. As regards the argument that America has introduced 44 hours, well, America is in a position to do so many things which by the nature of things in our country today we are not in a position to do and we will have to judge whether copying America in this respect will be in the interests of the working classes, whether it will be in the interests of the country. Simply because America has done a thing I do not think we should adopt the same thing blindly. Today, Sir, I feel that this reduction of hours of work will not be even in the interests of the working classes. It will certainly not be in the interests of the country. In addition, it is my feeling that it will not be in the interests of the working classes themselves. You cannot go on exerting pressure over the employers alone. It is a common knowledge that any reduction in hours of work results in reduction in production as well. There might not be

[Shri Jagjivan Ram]

very much reduction in production, but all the same if you reduce the hours of work there will be reduction in production. Of course, there is one view that if the workers do not work for a longer period, their energy will be conserved and next day when they come to the factory that conserved energy will be instrumental in increasing the production. Theoretically, it sounds very well, but in actual practice the result has not been in conformity with this theory and therefore I do not think we have reached a stage where we can think of reducing the hours of work from 48 to 44, more so when we are conforming to the international usage and international Convention in having a 48 hour week. I hope therefore that my friend Prof. Saksena will withdraw his amendment.

**Prof. Shibban Lal Saksena:** Sir, in view of the fact that the Honourable Minister has assured us that he himself is anxious to bring about the 44 hour week as early as possible and that he will do all he can in this direction, I withdraw my amendment.

**Dr. B. Pattabhi Sitaramaya** (Madras: General): On a point of information, may I ask the Minister for Labour whether it is not true that in America they have reduced the hours of work in order to reduce unemployment?

**The Honourable Shri Jagjivan Ram:** I hope, Sir, I have given sufficient reply to that query in my speech.

**Mr. Chairman:** The honourable member, Prof. Saksena, wishes to have leave of the House to withdraw his amendment.

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

**Mr. Chairman:** The question is:

"That clause 51, as amended, stand part of the Bill."

The motion was adopted.

Clause 51, as amended, was added to the Bill.

**The Honourable Shri Jagjivan Ram:** Sir, I move:

"That in the proviso to sub-clause (1) of clause 52 of the Bill, the words 'or for more than three consecutive months without at least twelve such holidays' occurring at the end be omitted."

Sir, this sentence was added in the Select Committee in the misapprehension that if this was not added the workers may be deprived of their legitimate holidays. On further examination we found that as we have provided that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day, this safeguards the rights of the workers amply. They will get their full quota of holidays under this provision. So this sentence is unnecessary.

**Mr. Chairman:** The question is:

"That in the proviso to sub-clause (1) of clause 52 of the Bill, the words 'or for more than three consecutive months without at least twelve such holidays' occurring at the end be omitted."

The motion was adopted.

**Shri Ajit Prasad Jain:** Sir, I beg to move:

"That in sub-clause (1) of clause 52 of the Bill, for the word 'employed', the words 'required or allowed to work' be substituted."

**Mr. Chairman:** The question is:

"That in sub-clause (1) of clause 52 of the Bill, for the word 'employed', the words 'required or allowed to work' be substituted."

The motion was adopted.

**Mr. Chairman:** The question is:

"That clause 52, as amended, stand part of the Bill."

The motion was adopted.

Clause 52, as amended, was added to the Bill.

Clause 53 was added to the Bill.

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

"That in clause 54 of the Bill, for the words 'nine hours', the words 'eight hours' be substituted."

Sir, I only wanted to draw the Honourable Minister's attention that the convention of 1919 was for 48 hours a week and 8 hours a day, and I hope the labourer should not work for more than 8 hours in one day, so that we can have 6 days of eight hours' work. I also think in consonance with the Geneva Convention the shifts should be so arranged that the worker does not do work for more than 8 hours a day. If 9 hours is kept to be the daily limit, the employers will make the people work for 9 hours and the worker will lose one hour's overtime. If the employer wants to take more than 8 hours work on any day he should pay overtime for it. I therefore think that from the point of view of the International Conventions as well as the worker's right, we should legislate for a 48 hour week and a 8 hour day.

**Mr. Chairman:** Amendment moved.

"That in clause 54 of the Bill, for the words 'nine hours', the words 'eight hours' be substituted."

**The Honourable Shri Jagjivan Ram:** We have 48 hours a week, and if the worker has to work for 6 days, it is simple Rule of Three that in a day he cannot work more than 8 hours. We have provided for 9 hours a day so that if on any day he works for 9 hours, he works for a shorter period the other day. If he works today for 9 hours, tomorrow he may work for 7 hours and therefore the weekly limit will be there. I do not think it is going to cause any hardship to the worker; in some cases it may prove beneficial to the worker himself. A worker works for 9 hours today and tomorrow he has got some engagement at home in the evening; then he will work only for 7 hours and get leave earlier and go and see his work. Therefore, I think it is in the interests of the workers, it is desirable, that we should maintain this clause.

**Shri M. Ananthasayanam Ayyangar** (Madras: General): There is another point also. If my honourable friend Mr. Saksena has succeeded in restricting 48 hours to 44 hours, than distributing 44 hours, you will get 6 days of 7 hours. Then a man may work for more than 8 hours in one day and then reduce it to 7 or 7½ hours of necessity. It follows therefore if a man works less hours in certain days, he must perforce make it up by working 9 hours someother day. Therefore this is only an ancilliary work. When he has lost the elephant, what is the good of catching the tail? My feeling is this is only an ancilliary one or an auxiliary one that when one is first lost, it is lost *suo moto* and *ipso facto*.

**Prof. Shibban Lal Saksena:** As the Honourable Minister is not going to accept this important amendment, there is no use in getting it defeated and so I beg leave of the House to withdraw my amendment.

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

The amendment was, by leave of the Assembly, withdrawn

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

"That in clause 54 of the Bill, the following be added at the end:

'and in the case of a shift which extends beyond midnight, for more than eight hours'."



[Shri V. S. Sarwate]

I wish to bring out the fact that it is probably not denied that work at night is more onerous than work during day-time. So if one has to work 9 hours during day-time, it reasonably follows that he should be allowed to work less during night-time. Therefore, it is suggested that if the shift extends beyond midnight, the working hours should not be more than 8 hours. This is the object in moving this amendment and I hope that the Honourable Minister would have no objection in accepting it.

**Mr. Chairman:** Amendment moved:

"That in clause 54 of the Bill, the following be added at the end :

'and in the case of a shift which extends beyond midnight, for more than eight hours.'

**The Honourable Shri Jagjivan Ram:** Sir, I do not see any necessity for that amendment, because in the shifts after midnight neither the worker nor the employer are willing to take overtime work. The worker feels sleepy and the employers know that the production at that time is much less than in the first shift. No employer takes overtime or extra work in the third shift and therefore that amendment is not necessary.

**Shri V. S. Sarwate:** In view of the assurance given by the Honourable Minister, I beg leave of the House to withdraw my amendment.

**Mr. Chairman:** Has the honourable member leave of the House to withdraw this amendment?

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

**Mr. Chairman:** The question is:

"That clause 54 stand part of the Bill."

The motion was adopted.

Clause 54 was added to the Bill.

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

(i) "That in clause 55 of the Bill, for the words 'half an hour', the words 'one hour' be substituted."

(ii) "That in clause 55 of the Bill, the following be added at the end :

'unless the process is a continuous one, and there are three eight hours shifts in the factory each day.'

Sir, I wish to draw the attention of the Honourable Minister to one anomaly in this section. He has provided for half an hour's rest and he has said that nobody shall work for more than 5 hours continuously. 8 hours is the normal working day. If one man works for 5 hours, he can only be required to work for 3 hours more. If after 5 hours you release one shift and only employ the men after half an hour, who will work during the half an hour? This half hour can be no use to him. To be of any use the interval must be of at least one hour. Again suppose in a sugar factory they work from 8 to 4 O'clock, 4 to 12 and 12 to 9 O'clock. You cannot apply the five hours limit here. Hence my amendments.

At least in those factories where there is a continuous process of work and three shifts of eight hours, this should not apply. There cannot be half an hour's rest if there are three shifts. Wherever there is continuous work, there should be no interval.

About half an hour also, Sir, I think it must be made one hour. In factories where there are two shifts there should be at least as much interval as would allow the workers to take their food and if their house is near by, they may go home to take their food. When we are providing for a breaking of shift after five hours, there should be an interval of at least one hour. The worker

goes to the factory at 7 A.M. and works till 12 O'clock. He should have at least a recess of one hour. Then he can continue to work till 4 O'clock. Otherwise, if he is given an interval of half an hour only, he will work from 7 A.M. to 12 O'clock and then from 12-30 P.M. to 3-30 P.M. That would not be a proper shift. A minimum interval of one hour should be provided; half an hour is not sufficient even to have meals. Of course, we may exclude those factories where there is continuous work of three shifts. I hope this amendment will be accepted. Sir, I move my amendment.

**The Honourable Shri Jagjivan Ram:** Sir, I wish my honourable friend Professor Saksena had seen section 64.

**Prof. Shibban Lal Saksena:** I have seen that.

**Mr. Chairman:** Amendments moved:

(i) "That in clause 55 of the Bill, for the words 'half an hour', the words 'one hour' be substituted."

(ii) "That in clause 55 of the Bill, the following be added at the end:

'unless the process is a continuous one, and there are three eight hours shifts in the factory each day.'

**The Honourable Shri Jagjivan Ram:** Sir, as regards increasing the period of interval, it is stated here "at least half an hour". There is nothing to prevent a longer interval; it may be one hour; it may be one and a half hours. It all depends on the convenience of the workers and the employers. In some cases, the workers may not like to have a longer interval. They may like to have a shorter interval and get relieved earlier in the evening so that they may return home. In other cases, the workers may require a longer interval. We have provided for both. Where the workers require a shorter period of interval for rest, they must have at least half an hour; where the workers require more, they may have one hour or one and a half hours in consultation with the employers. There is nothing to prevent this.

As regards continuous work, I would refer my honourable friend to section 64 where he will find that the provincial Governments have been given power to exempt certain categories of factories from the provisions of this section, factories where the work is continuous.

I think the honourable member will withdraw his amendments.

**Prof. Shibban Lal Saksena:** Sir, I beg leave to withdraw the amendments.

**Mr. Chairman:** Has the honourable member leave of the House to withdraw his amendments?

The amendments were, by leave of the Assembly, withdrawn.

**Mr. Chairman:** The question is:

"That clause 55 stand part of the Bill."

The motion was adopted.

Clause 55 was added to the Bill.

**Shri Ajit Prasad Jain:** Sir, I beg to move:

"That in clause 56 of the Bill, the following be omitted, namely: . . . . ."

**The Honourable Shri Jagjivan Ram:** Sir, May I intervene for a moment. There has been a minor omission in clause 55. Of course, it is a drafting matter, but it has been omitted. The words "of work" have been omitted in line 1. It should read as "The period of work of adult workers in a factory each day..." It seems to be a printing mistake.

**Shri H. V. Kamath:** Then, it should be, "Period of work for adult workers"

**Mr. Chairman:** The period is fixed in clause 51. As it is, the sense is all right.

**The Honourable Shri Jagjivan Ram:** If you think it is quite right, I have no objection; but it would be more explicit if it is worded as "The period of work of adult workers".

**Mr. Chairman:** Then you may formally move it.

**Mr. Nasiruddin Ahmad:** The clause has already been passed, Sir.

**Mr. Chairman:** This is a technical thing; there is no objection.

**Mr. Nasiruddin Ahmad:** It may be done in third reading.

**Mr. Chairman:** It may be done in the third reading.

**Shri Ajit Prasad Jain:** Sir, I beg to move:

"That in clause 56 of the Bill, the following be omitted :

'Save with the permission of the Provincial Government and subject to such conditions as it may impose, either generally or in the case of any particular factory'."

Sir, while speaking in the course of the general discussion, I had pointed out that the power of exemption given to the provincial Government had been repeated in many cases more than once. This is a case of that kind. Section 56 gives the power to exempt to the provincial Government; so does section 64. Section 65 also does that. I need not go into the details; but even a cursory reading of these three sections would be enough to show that the power of exemption given in this section to the Provincial Government is a redundant power, a repetition of the power given under section 64. In section 64 certain limitations have been laid down. It says:

"In making rules under this section, the Provincial Government shall not exceed, except in respect of exemption under clause (a) of sub-section (2), the following limits of work inclusive of overtime :

- (i) the total number of hours of work in any day shall not exceed ten;
- (ii) the total number of hours of overtime work shall not exceed fifty for any one quarter;
- (iii) the spread-over inclusive of intervals for rest shall not exceed twelve hours in any one day;"

Those limitations do not apply to section 56 as the present arrangement of things stand. Therefore, I suggest, Sir, that it is proper that we should delete the words which form the subject matter of my amendment."

**Mr. Chairman:** Amendment moved.

"That in clause 56 of the Bill, the following be omitted :

'Save with the permission of the Provincial Government and subject to such conditions as it may impose, either generally or in the case of any particular factory'."

**The Honourable Shri Jagjivan Ram:** Sir, I accept the amendment.

**Mr. Chairman:** The question is:

"That in clause 56 of the Bill, the following be omitted :

'Save with the permission of the Provincial Government and subject to such conditions as it may impose, either generally or in the case of any particular factory'."

The motion was adopted.

**Prof. Shibban Lal Saksena:** Sir, I move.

"That in clause 56 of the Bill, for the words 'ten and a half hours' the words 'ten hours' be substituted."

This is a provision for spread-over. Nine hours have been prescribed as the maximum every day but it can be spread over to 10½ hours. I think ten hours would be better and I hope the Honourable Minister will accept this amendment.

**Mr. Chairman:** Amendment moved:

"That in clause 56 of the Bill, for the words 'ten and a half hours' the words 'ten hours' be substituted."

**The Honourable Shri Jagjivan Ram:** Sir, I do not see any necessity to reduce it by half an hour. It is not going to cause any hardship to the workers and it will not be advantageous to them either to reduce it by half an hour.

**Mr. Chairman:** The question is:

"That in clause 56 of the Bill, for the words 'ten and a half hours', the words 'ten hours' be substituted."

The motion was negatived.

**Prof. Shibban Lal Saxena:** Sir, I move:

"That in the Proviso to clause 56 of the Bill, after the words 'the Chief Inspector' the following be inserted:

'after ascertaining the wishes of the workers in the factory through their registered trade unions.'

Here the Chief Inspector of Factories has been given power to increase the spread-over to 12 hours. I think this is a very wide power which has been given to him. This means that although the worker will work for nine hours in the factory he can be made to hang on for twelve hours. For the worker at least these hours are wasted. This is not proper unless it is found to be convenient for the workers themselves; and it is possible only if the workers' unions are consulted. Objection may be taken from some quarters on the ground that there are so many registered trade unions in some factories. I wish to point out in that connection that in November last year the Trade Unions Amendment Act was passed in which it was laid down that among several registered trade unions only those unions will be recognised which satisfy the conditions laid down in the Act. The most representative union will be recognised under that Act and it should be consulted. Therefore if the word "recognised" be substituted for the word "registered" I will be prepared to accept it. In a matter of this kind where the spread-over is to be increased to 12 hours, the chief Inspector should consult the recognised trade union in the factory as to whether there would be any real hardship by the increase in spread-over. I hope this amendment will be accepted. Sir, I move.

**Mr. Chairman:** Amendment moved:

"That in the Proviso to clause 56 of the Bill, after the words 'the Chief Inspector' the following be inserted:

'after ascertaining the wishes of the workers in the factory through their registered trade unions.'

**The Honourable Shri Jagjivan Ram:** Sir, I cannot accept this amendment. The Inspector will have to state his reasons for increasing the spread-over to 12 hours, and I do not think there is any necessity to consult the trade unions.

**Mr. Chairman:** The question is:

"That in the Proviso to clause 56 of the Bill, after the words 'the Chief Inspector' the following be inserted:

'after ascertaining the wishes of the workers in the factory through their registered trade unions.'

The motion was negatived.

**Mr. Chairman:** The question is:

"That clause 56, as amended, stand part of the Bill."

The motion was adopted.

Clause 56, as amended, was added to the Bill.

**Shri H. V. Kamath:** Sir, I move:

"That in part (b) of clause 57 of the Bill, for the word 'in' occurring in the last line the word 'towards' be substituted."

This is a minor amendment but upon this I am more positive and more definite that it is the more correct word to be used in this context than I was in respect of the other amendments. If you retain the word "in" in clause 57, counting the hours in a day is something very different from counting the hours towards a day. A schoolboy will say that in a day there are 24 hours. But here the meaning intended is that the hours of work should be reckoned towards the previous day. Therefore I think "towards" is the more apt word; but if our redoubtable champions and valiant knights of the Oxford Dictionary think otherwise, I am prepared to re-consider my position.

**Mr. Chairman:** Amendment moved:

"That in part (b) of clause 57 of the Bill, for the word 'in' occurring in the last line the word 'towards' be substituted."

**The Honourable Shri Jagjivan Ram:** Again I will not claim mastery over the English language, but taking a common-sense view I think "counting in" means counting as part and parcel and "counting towards" means counting against or in lieu of. I have been advised that it is quite all right.

**Shri H. V. Kamath:** I cannot accept that meaning.

**Mr. Chairman:** The question is:

"That in part (b) of clause 57 of the Bill, for the word 'in' occurring in the last line the word 'towards' be substituted."

The motion was negatived.

**Mr. Chairman:** The question is:

"That clause 57 stand part of the Bill."

The motion was adopted.

Clause 57 was added to the Bill.

Clauses 58, 59 and 60 were added to the Bill.

**Prof. Shibban Lal Saksena:** Sir, I move:

"That in sub-clause (3) of clause 61 of the Bill, after the word 'factory', where it occurs for the second time, the words 'after consulting the registered trade unions of the workers' be inserted."

There are many places in this clause where the Factory Manager has been given the right to fix the shifts—the periods of time during which labourers work in a factory. I want these shifts to be fixed in consultation with the workers. So I have demanded that every Factory Manager should consult the registered trade unions of the workers before fixing the shifts. That will conduce to far greater harmony and industrial peace, and the workers will have the feeling that the shifts have been fixed according to their wishes. That will also help the employer to get more production out of the workers and there is no reason why trade unions recognised by the employers themselves and by Government should not be consulted. I do hope the Honourable the Minister will see his way to accept the amendment.

**Mr. Chairman:** Amendment moved:

"That in sub-clause (3) of clause 61 of the Bill, after the word 'factory', where it occurs for the second time, the words 'after consulting the registered trade unions of the workers' be inserted."

**The Honourable Shri Jagjivan Ram:** I do not accept this amendment because in all these matters we will have to give powers to the Managers or the employers to arrange how the workers will work. I am afraid that if we give this power to the trade unions, it will bring ruination upon the trade unions themselves. One set of workers may like to work one way and another set another way. It will also bring ruin on the workers themselves. In the interests of the workers' organisation, I can never agree to such a suggestion.

**Mr. Chairman:** The question is:

"That in sub-clause (3) of clause 61 of the Bill, after the word 'factory', where it occurs for the second time, the words 'after consulting the registered trade unions of the workers' be inserted."

The motion was negatived.

**Mr. Chairman:** The question is:

"That clause 61 stand part of the Bill."

The motion was adopted.

Clause 61 was added to the Bill.

Clause 62 was added to the Bill.

**Shri Ajit Prasad Jain:** Sir, I move:

"That in clause 63 of the Bill, for the word 'employed' the words 'required or allowed to work' be substituted."

**The Honourable Shri Jagjivan Ram:** I accept it.

**Mr. Chairman:** The question is:

"That in clause 63 of the Bill, for the word 'employed' the words 'required or allowed to work' be substituted."

The motion was adopted.

**Mr. Chairman:** The question is:

"That clause 63, as amended, stand part of the Bill."

The motion was adopted.

Clause 63, as amended, was added to the Bill.

Clause 64 was added to the Bill.

**Prof. Shibban Lal Saksena:** Sir, I move:

"That in sub-clause (3) of clause 65 of the Bill, the following be added at the end:

'and no exemption shall be given until the registered trade unions of workers have been consulted'."

If you see clause 65 you will find that the Provincial Government has been given wide powers for making exemptions about hours of work, about shifts, etc. I think it is most important that the workers' unions should be consulted before these powers are exercised. I was surprised to hear the Honourable Minister reply to the last amendment that the workers themselves did not like it. I really am surprised to hear this thing from the Hon'ble Minister. I feel he is wholly ignorant of the situation. Why should he anticipate that the workers will fight among themselves? We have already laid down in the Trade Union Amendment Act, 1947, that unions with the majority of the workers should be recognised by the employers. I know that recently there have come into being unions formed by millowners in their concerns to make them fight with the genuine workers' unions. But those unions should not be taken into account. I am sorry that ten months have passed and still the

[Prof. Shibban Lal Saksena.]

rules for the recognition of Trade Unions according to the Trade Union Amendment Act 1947, have not been framed by the Honourable Minister. As soon as they are framed, there will be recognised trade unions in every factory and they can always be consulted. It is no use saying that because there are more unions than one, therefore, none will be consulted.

I have only demanded that they should be consulted. Their advice need not be always binding. But the worker's point of view must be found out through their unions. I think this sort of consultation will be very useful as the workers will feel that whatever is being done is being done with their consent, so that they may do more work and may have a greater interest in it. I therefore request the Honourable the Minister to see that the workers are given the right to be consulted before exemptions from the fundamental clauses of the Bill are allowed. Sir, I move.

**Mr. Chairman:** Amendment moved:

"That in sub-clause (3) of clause 65 of the Bill, the following be added at the end:

'and no exemption shall be given until the registered trade unions of workers have been consulted.'

**The Honourable Shri Jagjivan Ram:** First we must see the reasons for the exemptions. The exemptions that may be given are mentioned in Sections 51, 54 and 56. These are the provisions relating to weekly hours, weekly holidays, daily hours and a spreadover. Exemptions from these sections are to be given when the factories are to deal with an exceptional pressure of work. We considered these things but there are certain seasonal periods of one or two months when there is so much pressure of work that unless these provisions are relaxed—unless those factories are exempted from the provisions of Sections 51, 54 and 56—there is a danger that there will be a great national loss by those things deteriorating or being damaged, for instance, the tea industry. I have not personally seen how it works but I am told that during one or two months in the year there is so much stress of work 4 P. M. that if the work is not carried on during those two or three months, then the whole tea will be damaged and we will lose this valuable commodity which is responsible for giving us considerable foreign exchange resources. This provision has been made for that contingency. I do not think there is any occasion for consulting the workers' organisation there, because if the workers do not agree then the other alternative will be to engage a very large number of workers for the extra pressure of work, which is not possible. It is also, in the interest of the workers that they do the work. This is provided for an emergency and for exceptional pressure of work, which in the very nature of the work is such that the workers will have to do more than what is prescribed for daily, or weekly hours or spread over. I hope Mr. Saksena will not press his amendment.

**Mr. Chairman:** The question is:

"That in sub-clause (3) of clause 65 of the Bill, the following be added at the end:

'and no exemption shall be given until the registered trade unions of workers have been consulted.'

The motion was negatived.

**Mr. Chairman:** The question is:

"That clause 65 stand part of the Bill."

The motion was adopted.

Clause 65 was added to the Bill.

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

**Mr. Chairman:** I might point out to the honourable member that two of his amendments (Nos. 53 and 54 on List V) are for omission. In regard to these it would be better for him to have his say when the clause is put and he can move if he likes his amendment No. 55.

**Prof. Shibban Lal Saksena:** Sir, this clause has been dissented to by three members of the Select Committee, Messrs. K. Santhanam, Khandubhai Desai and Gokulbhai Bhatt. I have only suggested that this proviso be dropped. It gives power to provincial governments to employ women between 10 P.M. and 5 A.M. There is probably a mistake. It should be 5 A.M. and 10 P.M. Secondly I also want that sub-clause (2) of section 66 should be deleted altogether and in sub-clause (8) for the words "three years" the words "one year" should be substituted. Here we are giving power to the provincial governments to exploit women labour between 5 A.M. and 10 P.M., although they would normally be allowed to work between 6 A.M. and 7 P.M. when I tried to make out a case for.....

**Mr. Naziruddin Ahmad:** On a point of order, Sir. The clause says "between the hours of 10 P.M. and 5 A.M." and not between 5 P.M. and 10 P.M.

**Shri H. V. Kamath:** The proviso does not give power to the provincial government to authorise the employment of women between 10 P.M. and 5 A.M. That means to say that they can be employed between 5 A.M. and 10 P.M.

**Prof. Shibban Lal Saksena:** The other day it was pointed out that there was a misprint.

**Shri K. Santhanam:** There is a misprint here. We have pointed this out in our minute of dissent. It should be 5 A.M. and 10 P.M.

**Prof. Shibban Lal Saksena:** Sir, I move:

- (i) "That the proviso to sub-clause (1) of clause 66 of the Bill be omitted;"
- (ii) "That sub-clause (2) of clause 66 of the Bill be omitted;" and
- (iii) "That in sub-clause (3) of clause 66 of the Bill, for the words 'three years', the words 'one year' be substituted."

The argument which the Honourable the Labour Minister gave in reply to the debate on the first reading of the Bill was that the provision is in the interest of female labour. He said that our female labour should be given an opportunity to earn their livelihood by the permission to work between 5 A.M. and 10 P.M. The argument is not convincing. This provision in the Bill I am sure is very harmful and injurious, both to our women and also to society in general. When you permit women to work beyond the hours of 6 A.M. and 7 P.M. which are the accepted hours in the last Factory Act, you are making an innovation. I do not think anything has happened since the last Act to justify this innovation. You cannot say that our women have become so advanced that they should be permitted to do this work. The Honourable Minister said the other day that women in factories are not the women who are abducted and so they need no protection. I do not agree with him. Secondly if the section remains as it is it will for ever close the door for middle class women to work in factories. In other countries middle class women work in factories. If you put this restriction they will be discouraged. The Honourable Minister's purpose was that they should be able to avail themselves of a second shift which usually ends at 10 P.M. and that if women are restricted to work from 6 A.M. to 7 P.M. the factory owners who want to take advantage of cheaper women labour would not employ women. That argument is not convincing. Millowners desiring advantage of cheap female labour will employ them in day shift. Middle class women would not like to work in factories in the night and from the point of view of general morality also it is not proper. As regards sub-clause (2), I think it should be omitted.



[Prof. Shibban Lal Saksena.]

The other day an Honourable Minister said that the habits of fish, which are most conveniently caught in the evening, cannot be cured. But men can be employed to cure the fish instead of women. We should not depart from the accepted principle that women shall not be allowed to work in factories after 7 P.M. in any industry. I think these are grave considerations and the Honourable Minister himself will be convinced on further thought that the existing provisions in the Bill are not proper provisions. As usual he might say 'I will not accept the amendment'. But I think that the opinion of the House and of the country is that this amendment should be accepted. Sir, I move.

**Mr. Chairman:** Amendments moved:

- (i) "That the proviso to sub-clause (1) of clause 66 of the Bill be omitted;"
- (ii) "That sub-clause (2) of clause 66 of the Bill be omitted;" and
- (iii) "That in sub-clause (3) of clause 66 of the Bill, for the words 'three years', the words 'one year' be substituted."

**Shri H. V. Kamath:** I have got two amendments. They go together. No. 27 of list 4 hangs upon the fate of No. 28.

**The Honourable Shri Jagjivan Ram:** Let us finish one at a time.

**Mr. Chairman:** There is another amendment—No. 26 in list No. 3 by Messrs. Santhanam and Khandubhai Desai. Mr. Kamath's amendment No. 28 in list 4 is the same as that of Prof. Shibban Lal Saksena's amendment No. 52, that the Proviso to sub-clause (1) of clause 66 of the Bill be omitted.

**Shri Khandubhai K. Desai (Bombay: General):** I have tabled an amendment along with my friend Mr. Santhanam to drop this Proviso, though I do not want to press this amendment now. But I would like to say a word or two on the merits of the amendment which I wished to move. Clause 66 is intended to safeguard and protect the interests of women and children while the Proviso to the clause gives power to the Provincial Government to exempt the protection that has already been given in clauses (a) and (b). Clause (b) lays down that no woman shall work after 7 P.M. At the same time the Proviso gives authority to the Provincial Government to exempt it to the extent of three hours between 7 P.M. and 10 P.M.

**Shri H. V. Kamath:** And between 5 A.M. and 6 A.M.

**Shri Khandubhai K. Desai:** That is different. This means that under this Proviso, if the Provincial Government so permits, a woman shall be allowed to work between 7 P.M. and 10 P.M. According to the present Factory Act no women are working after the dusk hours and I think it is a very healthy provision where it exists. It is a very healthy restriction. The factories, as we know, in big towns are situated at very great distances from the areas in which most of the people are living, sometimes one mile, sometimes two miles. Generally in quite a large number of factories the women go with their husbands to work. When under this Proviso the women are not allowed to work after 10 P.M. they will have to go home earlier. But the husband will come home at about 12 or 12-30. What an absurd situation it will create? Again, under clause 48 which has been passed orches are being made compulsory. Therefore the children of these women will have to be looked after. Possibly the employers also will have to make arrangements for maintaining those creches. In these circumstances I feel that the Proviso be better omitted, provided of course the Government agrees with the views which I have placed before it. The Government might forward and say that the Provincial Governments have been given powers and they will use their discretion. I would like to say that Provincial Governments should not be given these powers and we must lay down statutorily that in this country no woman shall work after 7 o'clock.

**Shri H. V. Kamath:** I was inclined to agree with the amendment which has been moved by my friend Prof. Shibban Lal Saksena, and it accords with my own—No. 28. I was also inclined to agree with the minute of dissent given by my three friends that the Proviso in its effect is likely to lead to abuses and to prove destructive of the home life of the women workers. But the one consideration which has persuaded me to revise my view is this, that our women friends here, and the solitary woman member on the Select Committee, did not think it fit to support the deletion of this Proviso. So I thought to myself, where women do not want to fight for women, why should men come and fight for them? This has persuaded me to alter my position. In the circumstances—where women are not willing to fight for their own sisters—I think we men need not bother to fight for them. I therefore do not wish to support this amendment.

**Shrijut Rohini Kumar Chaudhuri (Assam: General):** I think the amendment will be accepted by the Honourable Minister inasmuch as it comes from certain privileged members of this House. I am not briefed to defend the clause, but all the same I can see very good reason for the clause as it stands. If only the word 'unmarried' could be inserted in sub-clause (b) then the whole thing would be perfectly in order. Then sub-clause (b) would run like this "no unmarried woman shall be employed in any factory except between the hours of 6 A.M. and 7 P.M." It is rather unsafe to allow an unmarried woman who goes unattended by any guardian to a factory to come back at a very late hour from the factory. So far as married women are concerned there should be no objection in allowing the husband and the wife to earn their bread and to increase their income by working together at night even in the factory. That is not only beneficial for the greater gain to the family but there will also be greater safety inasmuch as when the husband goes to work the wife is not left alone and unprotected in the house. This is no humour; this is a serious question. It is more dangerous at times to leave the lonely wife at home and allow the husband to go to the factory. In these circumstances the Provincial Government or the Government in power—my honourable friend the Labour Minister—ought to be able to use his discretion in allowing such couples to go to the factory at night and work together.

**Shri K. Santhanam:** Will you compel the factory owner also to take the wife to the factory?

**Shrijut Rohini Kumar Chaudhuri:** If both of them are working in the same factory it will be safer, wiser and more beneficial to the labourers themselves if they are allowed to go and work together in the factory. The discretion can also be exercised by the Government in not allowing the couple to go to the factory when they have a large number of children. If they also want to carry the children to the factory it will only hamper the work and in such cases the Minister may have discretion in not allowing the women to work at night in the factory. But in other cases, where it is only a question of a couple, it will be more advisable for the husband to take the wife along with him to work. My honourable friend Mr. Kamath was thinking of the disturbance to the family life of the workers. I would rather say that the family life of the workers would not be disturbed if they were allowed to go together to the factory, or to remain absent from the factory, together. Instead of separating the husband and wife for a long time from 10 P.M. to 5 A.M. and in tempting the man to leave his wife at home alone and go and work in the factory between 10 P.M. and 5 A.M. it is much better to allow both the husband and wife to go at night and work. That would be more beneficial. Therefore, if the Honourable Minister agrees with what I have said, the whole clause should be allowed to stand as it is now. Only a formal amendment should be made inserting the word 'unmarried' in sub-clause (b) between the words "no" and "woman".

**Shrimati Dakshayani Velayudhan:** Mr. Chairman, I move:

"That sub-clause (3) of clause 66 of the Bill be omitted."

Sir, the other day the Honourable Minister, while explaining his reasons for allowing women to work in factories, said that he was doing so because he can give work to a large number of women by giving them work in the factories by a night shift. This he said was to give work to women who are on the margin of starvation. But I understand that by "shift-system" is meant a change of time of the workers concerned. I don't think more women will come to work if such a shift-system is introduced; if the shift-system comes it gives only a change in time.

Now, I think more women will come to work if only there is a shortage of labour in factories. But we find that there is a shortage of labour only in coal mines and in factories where jobs of a hazardous nature are to be executed by the labourers.

I think these night-shifts can be avoided. The management can very well give work for the women by taking them in the general shift and in the first shift. Even if we suppose that a large number of women are coming to work in the factories at night, it will be advisable on the part of the management to give them work during day time and I don't think that any sensible management will give women work in the factories at night. When we consider the proportion of women labourers to that of men we can say that it is very small.

Sir, the other day I asked whether there is international law allowing women to work in factories at night. The reply of the Honourable Minister was that the international law allows that. But I understand that in countries like America in fact women are allowed to work in the factories at night. The fact that we have to bear in mind is that 90 per cent of the women working either in the U.S.A. or in other Western countries are unmarried girls, widows or deserted wives. But the condition in India is quite different. Here we find that a woman who has got three or four children goes to the factory for work. Mostly the working class woman comes from the Harijan community—I must say that almost 90 per cent. of the working class women come from the Harijan community and I know that the Labour Minister might have understood by this time that what I say is correct.

Therefore, I cannot approve of the provisions of the Bill which provide not a charter of rights but a charter of slavery to many women. We can do one thing if the Honourable Minister is determined to encourage women to come to factories at night for work. (*An Honourable Member:* 'He is determined') What is done in America is this: the girls who go to the factories for work are given more wages than the men. If the Honourable Minister can do this thing I think that will be the best thing he could do. If he could induce the employers and the Government to bring in legislation of this kind and add more wages for the women who work in factories, he would succeed in giving them work.

Sir, I must be failing in my duty if I don't mention a word of congratulation here. I congratulate the honourable members who have written a Minute of Dissent. In fact, I concur with the opinion expressed by the three members but we must not forget that there was a lady member of this House who gave her assent to the provisions of this clause. Mr. Kamath said that he is not prepared to fight for women when women are not prepared to fight. I can say that I am prepared to fight.

Sir, I move my amendment and I heartily support the amendments moved by Mr. Saksena.

**Mr. Chairman:** Amendment moved:

"That sub-clause (3) of clause 66 of the Bill be omitted."

**The Honourable Shri Jagjivan Ram:** Sir, I have nothing to add to what I said during the discussion of the motion for consideration of this Bill. I may add only one point that this is quite in conformity with the International Labour Organisation's Convention, and that being a Member of the International Labour Organisation, we cannot bring in any legislation which goes beyond the recommendations or convention of the International Labour Organisation. This is quite in keeping with the Convention of the International Labour Organisation. I think, Sir, that this provision is very necessary and I don't accept any of the amendments.

**Mr. Chairman:** Does Mr. Jain wish to move his amendment?

**Shri Ajit Prasad Jain:** Sir, I move:

"That in the Proviso to sub-clause (1) of clause 66 of the Bill, after the word, brackets and letter 'clause (b)', the word 'but' be inserted."

**The Honourable Shri Jagjivan Ram:** Sir, I accept it.

**Mr. Chairman:** I will put the last amendment first.

The question is:

"That in the Proviso to sub-clause (1) of clause 66 of the Bill, after the word, brackets and letter 'clause (b)', the word 'but' be inserted."

The motion was adopted.

**Mr. Chairman:** I shall now put the amendments one by one.

The question is:

"That the Proviso to sub-clause (1) of clause 66 of the Bill be omitted."

The motion was negatived.

**Mr. Chairman:** The question is:

"That sub-clause (2) of clause 66 of the Bill be omitted."

The motion was negatived.

**Mr. Chairman:** The question is:

"That sub-clause (3) of clause 66 of the Bill be omitted."

The motion was negatived.

**Mr. Chairman:** The question is:

"That in sub-clause (3) of clause 66 of the Bill, for the words 'three years' the words 'one year' be substituted."

The motion was negatived.

**Shri H. V. Kamath:** I have also got an amendment to clause 66. It is No. 27 in list No. 4. Amendment Nos. 26 and 27 go together and I gave notice of amendment No. 27 just to provide against the contingency of the acceptance of amendment No. 26. Now that 26 has been defeated there is no need for amendment No. 27. So I do not move it. It has no relevance now. It reads as follows: "That in part (b) of sub-clause (1) of clause 66 of the Bill, for the figures, letters and word '6 A.M. and 7 A.M.' the figures, letters and word, '5 A.M. and 8 P.M.' be substituted."

**Mr. Chairman:** The question is:

"That clause 66, as amended, stand part of the Bill."

The motion was adopted.

Clause 66, as amended, was added to the Bill.

Clauses 67 to 70 were added to the Bill.

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

"That in part (a) of sub-clause (1) of clause 71 of the Bill, the words 'and twenty-four hours in any week', be added at the end."

Sir, here children between the ages of 14 and 15 years are forbidden to work for more than 4½ hours a day, but no limit has been placed on their weekly hours of work. I wish that limit was provided and children between 14 and 15 years of age were not permitted to work for more than twenty-four hours a week. That would mean that they can work for four hours every day for six days and get a holiday on the 7th day and if there is any emergency they may work up to 4½ hours a day, but normally they should not be required to work for more than 24 hours in the week. I hope the amendment will be accepted.

**Mr. Chairman:** Amendment moved:

"That in part (a) of sub-clause (1) of clause 71 of the Bill, the words 'and twenty-four hours in any week', be added at the end."

**The Honourable Shri Jagjivan Ram:** Sir, we have raised the age of children from 13 to 14. No person below the age of 14 can be required to work in a factory and as provided here the maximum number of hours in a week is 27. I do not think that is too much for a child.

**Mr. Chairman:** The question is:

"That in part (a) of sub-clause (1) of clause 71 of the Bill, the words 'and twenty-four hours in any week', be added at the end."

The motion was negatived.

**Mr. Chairman:** The question is:

"That clause 71 stand part of the Bill."

The motion was adopted.

Clause 71 was added to the Bill.

**Shri Ajit Prasad Jain:** Sir, I beg to move:

"That in sub-clause (1) of clause 72 of the Bill, after the word 'required' occurring in line five, the words 'or allowed' be inserted."

**Mr. Chairman:** The question is:

"That in sub-clause (1) of clause 72 of the Bill, after the word 'required' occurring in line five, the words 'or allowed' be inserted."

The motion was adopted.

**Mr. Chairman:** The question is:

"That clause 72, as amended, stand part of the Bill."

The motion was adopted.

Clause 72, as amended, was added to the Bill.

Clauses 73 and 74 were added to the Bill.

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

"That in clause 75 of the Bill,—

(i) before the word 'Where' occurring in line one, the figure and brackets '(1)' be inserted; and

(ii) the following new sub-clause be added:

"(2) The occupier shall be called upon to show cause why he should not be prosecuted for having allowed a young person to work without a certificate of fitness, and if no satisfactory explanation is forthcoming, the Inspector shall report the case for prosecution."

Sir, clause 75 says that the Inspector shall visit the factory and see that no young person is working without a certificate of fitness, and if any one is so working he shall call upon the Manager to produce the person before a doctor for examination and until that young person is given a certificate of fitness he shall not be employed. That is all right. But no penalty is provided for the employer who permitted such a thing.

**Shri K. Santhanam:** Clause 92 provides all penalties.

**Prof. Shibban Lal Saksena:** That is a general clause for all punishment. But what I wish to point out is that here the Inspector if he finds that a child labourer employed in a mill is below the age of 14 he will merely serve a notice on the employer requiring that such child be examined by a certifying surgeon. But no penalty is provided for having allowed such a child to work.

**Shri K. Santhanam:** Then what about clause 92?

**Prof. Shibban Lal Saksena:** I do not think that penalty would be enforced, because this clause definitely says:

"He may serve on the manager of the factory a notice requiring that such person or young person as the case may be, shall be examined by a certifying surgeon, and such person or young person shall not, if the Inspector so directs, be employed.....until he has been examined and granted a certificate of fitness."

There is no penalty provided here.

I think that in such cases wherever such men are found they will be sent to the certifying surgeon and then after they refuse to certify him as fit, the child will not be allowed to work. I do not think the manager will be prosecuted for having employed child labour below 14 years of age. What I want is that wherever a young person is allowed to work without a certificate of fitness the occupier should be prosecuted. Sir, I move.

**Mr. Chairman:** Amendment moved:

"That in clause 75 of the Bill,—

(i) before the word 'Where' occurring in line one, the figure and brackets '(1)' be inserted; and

(ii) the following new sub-clause be added:

'(2) The occupier shall be called upon to show cause why he should not be prosecuted for having allowed a young person to work without a certificate of fitness, and if no satisfactory explanation is forthcoming, the Inspector shall report the case for prosecution.'

**The Honourable Shri Mgrivan Ram:** Sir, this amendment is unnecessary in view of the general penalty clause provided in section 92. I do not accept this amendment.

**Prof. Shibban Lal Saksena:** In view of the fact that the Honourable Minister is not going to accept the amendment, I beg leave of the House to withdraw my 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 75 stand part of the Bill."

The motion was adopted.

Clause 75 was added to the Bill.

Clauses 76 to 78 were added to the Bill.

**Prof. Shibban Lal Saksena:** Sir, I move:

(i) "That in part (i) of sub-clause (1) of clause 79 of the Bill, for the word 'twenty', the word 'fifteen' be substituted."

(ii) "That in part (i) of sub-clause (1) of clause 79 of the Bill, for the word 'ten', the word 'fifteen' be substituted."

(iii) "That in part (ii) of sub-clause (1) of clause 79 of the Bill, for the word 'fifteen', the word 'ten' be substituted."

(iv) "That in part (ii) of sub-clause (1) of clause 79 of the Bill, for the word 'fourteen', the word 'twenty' be substituted."

Sir, this is a clause about annual leave with wages and in this clause it is provided that an adult for every twenty days of work shall get one day's holiday and in the case of a child for every fifteen days' work it will have one day's holiday. This present clause means that if a factory work for about 300 days in the year an adult worker will have 15 days' leave in a year and a child will have 20 days' leave. I think these periods are not sufficient and therefore, I want to provide that for every 15 days' work the adult should have one day's leave and for every 10 days' work the child should have one day's leave. On this basis every adult will have 20 days' leave and every child 30 days' leave in the year. I think that in other countries, they have more holidays than we have provided here and in the Railway Workshops also as the Honourable Minister knows there are more holidays and I do not see why every other industry should not be brought on the same level. I therefore, hope that the Honourable Minister will see his way to make leave rules more liberal. I therefore hope that this amendment to the clause about annual leave which is very important will be accepted by him. Sir, I move.

**Mr. Chairman:** Amendment moved:

(i) "That in part (i) of sub-clause (1) of clause 79 of the Bill, for the word 'twenty', the word 'fifteen' be substituted."

(ii) "That in part (i) of sub-clause (1) of clause 79 of the Bill, for the word 'ten', the word 'fifteen' be substituted."

(iii) "That in part (ii) of sub-clause (1) of clause 79 of the Bill, for the word 'fifteen', the word 'ten' be substituted."

(iv) "That in part (ii) of sub-clause (1) of clause 79 of the Bill, for the word 'fourteen', the word 'twenty' be substituted."

**The Honourable Shri Jagtivan Ram:** I personally feel that the leave provided here is enough for the present. As regards the point that has been raised by him that in some of the concerns in factories workers are getting more liberal leave, they are protected under the proviso to section 78. Wherever the workers are getting more leave they will continue to get it; they are not going to be affected I hope my honourable friend will not press his amendments.

**Prof. Shibban Lal Saksena:** In view of what the Honourable Minister has said, I beg leave of the House to withdraw my amendments.

**Mr. Chairman:** Has the honourable member leave of the House to withdraw his amendments?

The amendments were, by leave of the Assembly, withdrawn.

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

"That the first Proviso to sub-clause (1) of clause 79 of the Bill be omitted."

Sir, the period of leave will also include any holiday that may fall during the period. Assuming 15 days to be the annual leave for an adult and 20 days to be the annual leave for a child if the leave is taken at a stretch, it is quite possible that some normal holidays may fall during this leave period and if these holidays and Sundays are not excluded in counting 15 days or 20 days annual leave, the worker who takes all his annual leave at a stretch from one

who absents himself every twentieth day. But I do not see any reason why a worker should not be encouraged to take the leave at a stretch. It will be better for the industry if the worker does not leave his duties every now and then, but goes on leave at a stretch. The provision as it stands at present must, therefore, be amended, Sir, I move.

**The Honourable Shri Jagjivan Ram:** Sir, I do not accept it.

**Mr. Chairman:** The question is:

"That the first Proviso to sub-clause (1) of clause 79 of the Bill be omitted."

The motion was negatived.

**Shri Ajit Prasad Jain:** Sir, I move:

"That for the second Proviso to sub-clause (1) of clause 79 of the Bill, the following be substituted:

'Provided further that any worker whose services are terminated and who has completed a period of more than four months continuous service in a factory since his employment or the termination of a period for which he has earned leave under sub-section (1) shall be entitled to leave in the same proportion as the period of such service bears to the period of twelve months and the occupier of the factory shall pay to such worker the amount payable under section 80 in respect of the leave to which he has become entitled.'

Sir, I want the honourable Minister to give earnest attention to the amendment which I have moved. The present proviso is not clear. It reads thus: "Provided further that where the employment of a worker who has completed a period of four months continuous service in a factory is terminated before he has completed a period of twelve months' continuous service, he shall be deemed entitled to leave....." This proviso lays down two conditions namely, that the worker must have completed four months continuous service and the service must have been terminated before the expiry of a period of twelve months continuous service. It does not lay down when that period of four months should begin. The two conditions together would mean that if a worker has completed four months period of continuous service, he will be entitled to proportionate leave. But, take the case of a worker who has completed 18 months of service. He should ordinarily earn full leave for the first twelve months of continuous service and for the remaining six months he is entitled to proportionate leave. Under this proviso, as it stands, if it is carefully read, a worker who has completed 18 months of continuous service will not come in because then he would have completed more than twelve months of continuous service. He will not satisfy the second condition. It is with this view that I have moved this amendment. I have clearly specified when the period of service will begin. I have said: that the period of four months must have expired since his employment or the termination of a period for which he has earned leave under sub-section (1). If a worker has worked for 18 months, he would earn full leave under sub-section (1) for the first twelve months and then for the remaining six months he gets proportional leave. That position is not clear from the present proviso. A correct interpretation of the present proviso, as I take it to be, would be that it would apply to a worker who has completed four months service and not to one who has completed one year or two years or three years plus four months. I hope the Honourable Minister would see his way to accept this amendment, or, at least to hold over the clause to have it re-examined from the point of view which I have put before the House.



**Mr. Chairman:** Amendment moved:

"That for the second Proviso to sub-clause (1) of clause 79 of the Bill, the following be substituted:

'Provided further that any worker whose services are terminated and who has completed a period of more than four months continuous service in a factory since his employment or the termination of a period for which he has earned leave under sub-section (1) shall be entitled to leave in the same proportion as the period of such service bears to the period of twelve months and the occupier of the factory shall pay to such worker the amount payable under section 80 in respect of the leave to which he has become entitled.'

**Shri K. Santhanam:** I am afraid, the honourable member has misunderstood the scope of this proviso. This is intended to apply to seasonal factories. In the case of perennial factories, there is a continuous period of a year, and that has been defined later on and the ordinary leave rules would apply. But, in sugar factories and other factories if they work for a minimum period of four months and then they are discharged, and then re-employed every year...

**Shri Ajit Prasad Jain:** May I ask a question? Is it the implication that in the perennial factories where a worker has worked for six months and then his service is terminated he shall not be entitled to leave under this proviso?

**Shri K. Santhanam:** It seems he will come under this. There, it is not a question of dismissal; it is termination. Termination may be either by the employer dismissing him or the worker leaving service or the factory closing. According to his amendment, it may be terminated by the worker himself in which case he does not want that leave should be given. Ordinarily, leave is earned only after one year of continuous service. This is meant for special circumstances. I do not think it is wise to tamper with the section as we do not know what its implications will be. Therefore, it has been provided after a great deal of consideration and this is intended mainly for the people in the seasonal factories. Because we have removed the distinction between seasonal and perennial factories, this has become necessary.

**Mr. Chairman:** The question is:

"That for the second Proviso to sub-clause (1) of clause 79 of the Bill, the following be substituted:

'Provided further that any worker whose services are terminated and who has completed a period of more than four months continuous service in a factory since his employment or the termination of a period for which he has earned leave under sub-section (1) shall be entitled to leave in the same proportion as the period of such service bears to the period of twelve months and the occupier of the factory shall pay to such worker the amount payable under section 80 in respect of the leave to which he has become entitled.'

The motion was negatived.

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

"That, in sub-clause (4) of clause 79 of the Bill, for the words beginning with the words 'Works Committee of the factory' and ending with the words 'similar committee in the factory', the following be substituted:

'most representative registered trade union in the factory or if there is no such union in existence';" and

"That in sub-clause (5) of clause 79 of the Bill, for the words 'Works Committee or a similar Committee or', the words 'most representative registered trade union in the factory', be substituted."

Sir, sub-clauses (4) and (5) really give the management power to prepare plans according to which they will give leave to workers. The Honourable Minister has recognised that in this matter the workers should be consulted. What he has provided for is that although the manager will prepare the plan yet, he will consult the Works Committees and not the unions. I think the

consultation should be with the most representative trade union in the factory. According to the Act which we have passed on November 21, 1947, a Union which is most representative will be recognised, and that Union should be consulted. Otherwise what happens is this. The factory owner prepares a scheme which the workers do not like. It goes to the Works Committee where the factory owner has an equal number of nominees of his own, and he wins over our workers representative to his side, his scheme is accepted by the majority of the Works Committee. There would be real consultation with the workers' only if the trade union of workers is consulted. Therefore in these two clauses, instead of the Works Committees, the Trade Union which is most representative should be substituted. The Works Committees are not working satisfactorily now. At present, what happens is, that whatever quarrel there is in the factory, it is put before the Works Committee and the management and the workers get equally divided so that the employer gets an opportunity of postponing the dispute. Then the dispute goes to Conciliation Board and so the process goes on. The Works Committees are really trying to supersede the Trade Unions; I do not want this to happen. I want the Trade Unions to be living things. I am surprised that the Honourable Minister is laughing at this.

**The Honourable Shri Jagjivan Ram:** No; I am enjoying.

**Prof. Shibban Lal Saksena:** What I say is that the Trade Unions which are most representative of the workers should have the power to say whether the plan is satisfactory or not. As there are an equal number of representatives of the factory owners in the Works Committee, that cannot represent the voice of the workers. I therefore want in these two clauses that recognised Trade Unions should be substituted for Works Committees. Only in November last this House passed the Trade Unions Amendment Act laying down that representative Trade Unions should be recognised. But in this whole Bill I do not find any mention of Trade Unions anywhere. It seems the Honourable Minister is frightened by the word Trade Union. But I want that the Trade Unions should have the real authority and not the Works Committees, so that the workers may feel that it has been done with their consent. Otherwise there will be quarrel and friction. There will be deadlocks in Works Committees and then references to industrial courts, etc. So in the interest of industrial peace I suggest that Works Committees should be replaced by Trade Unions in this clause.

**Mr. Chairman:** Amendment moved:

"That in clause 79 of the Bill—

(i) in sub-clause (4), for the words beginning with the words 'Works Committee of the factory' and ending with the words 'similar committee in the factory' the following be substituted:

'most representative registered trade union in the factory or if there is no such union in existence';" and

(ii) in sub-clause (5) for the words 'Works Committee or a similar Committee or' the words 'most representative registered trade union in the factory' be substituted."

**The Honourable Shri Jagjivan Ram:** Sir, I am surprised to hear the arguments of my honourable friend. The primary object of trade unions is to make the workers conscious, and once that is done I do not see why they should grumble. It is not intended that they should lead the workers for all time and that the workers should always be spoon-fed by their leaders. The object of trade unions is to make the workers stand on their own legs, and that is what this clause seeks to do. It is not only that the works committees will be consulted but the scheme is to be prepared in agreement with the works committees. I will invite my honourable friend's attention to these words "in agreement". It is not simply consultation but in agreement. And if the works committees cannot represent the workers in a factory I doubt whether

[Shri Jagjivan Ram]

the trade unions can represent them better. I want to encourage trade unionism so that the workers may be taught to stand on their own legs, but I do not want that leaders should have free scope to exploit them for all time.

**Mr. Chairman:** The question is:

"That in clause 79 of the Bill—

(i) in sub-clause (4), for the words beginning with the words 'Works Committee of the factory' and ending with the words 'similar committee in the factory' the following be substituted:

'most representative registered trade union in the factory or if there is no such union in existence';" and

(ii) in sub-clause (5) for the words 'Works Committee or a similar Committee or' the words 'most representative registered trade union in the factory' be substituted."

The motion was negatived.

**Mr. Chairman:** The question is:

"That clause 79 stand part of the Bill."

The motion was adopted.

Clause 79 was added to the Bill.

Clauses 80 to 83 were added to the Bill.

**Prof. Shibban Lal Saksena:** Sir, I move:

"That in clause 84 of the Bill the following be added at the end:

'but only after the consent of the most representative registered trade union in the factory has been obtained'."

Here again very important powers are being given to Provincial Governments to exempt factories and I wish trade unions to be consulted by the Provincial Governments before giving such exemptions because Government should at least know what the workers feel before they decide to give exemptions.

**Shri K. Santhanam:** These rules will be duly published and the workers like others will have full opportunities of expressing their views.

**Mr. Chairman:** The question is:

"That in clause 84 of the Bill the following be added at the end:

'but only after the consent of the most representative registered trade union in the factory has been obtained'."

The motion was negatived.

**Shri H. V. Kamath:** Sir, I move:

"That in clause 84 of the Bill for the words 'substantially similar to those' the words 'not less favourable than those' be substituted."

**The Honourable Shri Jagjivan Ram:** Sir, I accept the amendment.

**Mr. Chairman:** The question is:

"That in clause 84 of the Bill for the words 'substantially similar to those' the words 'not less favourable than those' be substituted."

The motion was adopted.

**Mr. Chairman:** The question is:

"That clause 84 as amended, stand part of the Bill."

The motion was adopted.

Clause 84, as amended, was added to the Bill.

*The Assembly then adjourned till a Quarter to Eleven of the Clock on Saturday, the 28th August, 1948.*