

can assure the House again when you are offering this cooperation by way of unanimous support to this Bill, that the Government will not relax in taking measures for consumer protection.

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

17.44 hrs.

FACTORIES (AMENDMENT) BILL

MR. CHAIRMAN: We now take up the Factories (Amendment) Bill. Mr. Raghunatha Reddy.

THE MINISTER OF LABOUR (SHRI RAGHUNATHA REDDY): Sir, I beg to move*:

"That the Bill further to amend the Factories Act, 1948, as passed by Rajya Sabha, be taken into consideration."

The health and happiness of the working class are the very foundations of production, productivity and progress. These essentials are not merely confined to the narrow precincts of the shop-floor but extend beyond the walls of the workshop, into the very life and living of the labour force. The main purpose of having a Factories Act is to regulate the management in the interest of the workforce. Unless the hands of the working class are safe and secure from hazards of disease and disablement, the process of manufacture can be neither perfect nor efficient. The hands that shape the production processes gradually shape and direct the destinies of a nation.

The present Factories Act was passed in 1948 and came into effect from the 1st April, 1949. The Act was last amended in 1954. The working of the

Act was discussed at the Annual Conference of the Chief Inspectors of Factories. The various amendments proposed at the Conference and the suggestions made at the 16th Session of the Labour Ministers' Conference for appointment of safety officers and for enquiry into fatal accidents, etc., have been examined by the Government in consultation with the State Governments and all-India organizations of workers and employers. The Bill, which is before this august House, incorporates amendments in respect of which there is a fairly large measure of agreement amongst the various interests.

I now proceed to explain briefly the nature and scope of some of the important amendments:—

- (a) It is proposed to widen the scope of the existing definition of the term 'worker' in the Factories Act so as to cover certain categories of persons employed in factories but so far taken to be outside the protective clauses of the Factories Act. Contract labour of all employed directly or through any agency with or without the knowledge of the principal employer will be covered by this Bill before the House.

It is proposed to insert an 'explanation' to clause (m) of section 2 of the Act so as to include all the workers in different relays in a day for the purpose of bringing such factories within coverage of the Act.

In certain exceptional circumstances, workers may have to work near unfenced machinery. The present provisions concerning this type of work are proposed to be amended so as to clearly define these circumstances and to spell out the precautions to be adopted in such cases.

Experience has clearly indicated the advantages in assigning the staff func-

*Moved with the recommendation of the President.

[Shri Raghunatha Reddy]

tions relating to safety to a competent safety specialist. It is proposed to insert a new section requiring the appointment of safety officers in factories wherein one thousand or more workers are employed or where any manufacturing process or operation is carried on which exposes the workers to a serious risk of bodily injury poisoning or disease.

Additional powers are proposed to be given to Inspectors to issue orders in certain circumstances where the condition of the building or part of the building of the factory may be detrimental to the health and welfare of the workers.

It is essential that fatal accidents receive top priority in the matter of making investigations and initiating control measures by the Inspectors. Investigations of all fatal accidents within a month of their occurrence would be required by an amendment which has been suggested.

Similarly in the case of fatal and serious accidents involving contravention of any of the provisions of Chapter VI or rules framed thereunder or under Section 87 a minimum penalty is being proposed.

The minimum number of women employees is proposed to be reduced to thirty from the existing limit of fifty so as to require the employer to provide for the facilities of creches.

The entire nation is at present geared up towards a single objective of securing uninterrupted process of production. We have therefore to take measures for making the work places safe and humane so that the worker can give his best without any sense of fear or insecurity.

I may quote our beloved Rashtra patiji who observed on the occasion of the last National Safety Awards function.

Industrial safety is not only an important aspect of the process of

production but also the measure of the intrinsic worth of our industrial civilisation. We must keep this in mind while transforming our economy into a modern and industrialised one."

The productive forces that technology can generate depend not only on the machines but also on the skill and psychology of the men who work with the machines. A worker suffering from a feeling of insecurity cannot contribute his best. There is sometimes an erroneous notion that safety measures are not compatible with higher productivity. As a matter of fact quite the contrary is the case. An unprotected work-place is an unproductive work-place. The fruits of all development of industrial prosperity and of industrial peace promoted primarily by the safety and health of the working class are ultimately shared by a grateful nation. I need not take more time of the House by elaborating all the detailed amendments covered by the Bill. Enough it is to mention here that every amendment proposed here goes to strengthen the hands of labour, speed up the wheels of industry and smoothen the relations between the management and their men.

THE CHAIRMAN: Motion moved.

That the Bill further to amend the Factories Act 1948 as passed by Rajya Sabha be taken into consideration.

Shri Samar Mukherjee

SHRI SAMAR MUKHERJEE (Howrah): The Bill which has been introduced here has a background and that background is to have more production. We know from a deep study of various Acts and amendments that either there is some objective compulsion behind these amendments or Bills or Acts or there is some background of conflict of interests or struggle between interests or in other words a struggle between various classes. The Hon. Minister has stated that now the whole nation is engaged in more production. So in order to facilitate that, some conditions have become necessary.

for the safety of the workers so that they can contribute to the further production with some sense of safety and security. Behind these amendments, he has stated, there are recommendations of the conferences of inspectors on safety measures. But what he did not tell us is that the measure brought in here in the form of these amendments really do not bring about any basic change in the condition of safety and security in the factories.

The Hon. Minister said that the workers should feel that the whole nation is concerned in their safety and security. But, Sir, the recommendations or the amendments brought in by this Bill are just slight variations in the old Act. What are the factors that contribute to the large scale accidents in factories? It is due to the utter negligence on the part of the employers and the management for the safety and security of the workers. It is due to their utter negligence in maintaining proper conditions of work, which various organisations and trade unions have suggested. It has been our experience that despite various Acts and provisions, despite demands and recommendations, the management generally refuse to follow those rules and regulations and thereby the safety and security of the workers get utterly neglected.

Some months back we discussed the Chasnala tragedy. That incident revealed before the whole country how safety and security provisions had been utterly neglected. Even after Chasnala tragedy, when the entire national consciousness was roused, when there was universal demand that government should be very strict in the observance of these safety measures, nothing has happened and there has been no change. There has been a second Chasnala incident after that I have got another report that there is a third Chasnala incident. We now understand that the Chasnala coalmine has completely stopped working. Almost daily we come across in the newspapers incidents of this nature, deaths involved, etc. It is a fact that our rate of accidents is the highest in

the world, when we compare our country with the other countries of the world. India occupies a leading place in regard to the number of such accidents.

I am not comparing with the socialist countries where the entire system is totally different. There, the working classes are the masters of the entire society; they are the masters of production and the entire management. So, in socialist countries, these types of accidents are almost eliminated though occasionally there may be some accidents. The State uses its power to take quick measures not only to attend to the accidents but they also take remedial measures to remove the factors permanently.

I am not comparing with the socialist countries now here because we are far away from socialism. Even in comparison with the other capitalist countries, the percentage of accidents is much less in highly developed capitalist countries. This point was raised in the other House by some hon. Members. And a reply was given by the Minister. He tried to give explanation on some technological grounds because there the technology is sophisticated, that is why there is less accident. But, here, in our country too, we have very much advanced in technology but there has not been so much reduction in the accidents. The main thing is the attitude of the employer as well as Government. Here we are under a capitalist system which is based on the exploitation and here the employers, the capitalists, are interested in cheap labour. In America, some months before the leader of one Indian Delegation, an industrialist, has publicly told that in India, now the climate for investment is most favourable because there is cheap labour and no working class movement, because of emergency, the protests of the workers against this type of total negligence are completely suppressed and there is no opposition and here labour is the cheapest. I read one report in the *Hindustan Times* some days before that Birla has told the

[Shri Samar Mukherjee]

Press that he had a tour in Western countries and there all big business houses including the multi-national corporations had admitted that in India, now the time for investment was the best. Now, I say that this emergency is being used against the working class for defending the interests of the capitalists.

That is why the interest in safety measures is a far cry on the part of employers from what the Government measures are as advocated in this amending legislation.

MR CHAIRMAN You would like to take some more time.

SHRI SAMAR MUKHERJEE Yes, Sir.

MR CHAIRMAN You may continue for another minute.

SHRI SAMAR MUKHERJEE The amendment has suggested that the fine will be increased from Rs. 1,000 to 2,000. What is the difference to a big mill-owner? If you increase the fine for violation of the safety rules for a serious accident, where one worker dies or he is crippled for the whole of his life, for the serious accident, if the

rate of fine has been increased only from Rs. 1,000 to 2,000, what difference does it make to them? I am not here talking about the man but about the attitude this Government is taking by bringing in the measure, for the fatal accidents.

MR CHAIRMAN The hon. Member may continue his speech tomorrow.

17 59-1/2 hrs.

BUSINESS ADVISORY COMMITTEE

SIXTY-FOURTH REPORT

MR CHAIRMAN Let Mr Shankaranand present the Sixty-fourth Report of the Business Advisory Committee.

THE DEPUTY MINISTER IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI B. SHANKARANAND) Sir, I beg to present the Sixty-Fourth Report of the Business Advisory Committee.

18 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, August 27 1976/Bhadra 5, 1898 (Saka).