12.16 bru

FACTORIES (AMENDMENT) BILL—contd.

MR. SPEAKER: The House will now take up further consideration of the Factories (Amendment) Bill.

SHRI SAMAR MUKHERJEE (How-rah): Yesterday I spoke generally on the approach to the question of safety and the health hazards of the workers. Now I shall refer to some facts and how this problem is being seriously neglected not only by the employers, but also by the Government.

This amendment proposes to amend section 12 of the old Act. Here it is stated that effective arrangements shall be made in every factory for the treatment of wastes and effluents due to the manufacturing process carried on therein so as to render them innocuous and for their disposal. This amendment will in no way act as a deterrent to the factory owners.

The Gwalior Rayon and Silk Wills, Naga, is an example where the Birla management is ignoring all provisions of factory safety. The Chief Inspector has actually studied in Depth the question of safety in the rayon industry and found that the health of the workers is seriously affected due to the poisonous gas, carbon disulphide emitted while the viscose rayon was being manufactured. More than 15 years have passed after the publication of the report, but the management has refused to implement most of the recommendations. The Labour Ministry is just sleeping over these recommendations and Birlas continue to violate all these safety measures. The union there made several representations, but all these representations were kept in file.

The Report of the Chief Inspector mentions serious cases of T.B., impotency etc., but no action has been taken to prevent the recurrence of 1668 LS-7

these occupational diseases. The Minister takes pleasure in quoting Marx against monopolists, but this is the behaviour of the monopolists, and he has been sleeping over the report for the last 15 years.

What is the result? It is having a ruinous effect on the health of the workers. I hope at least after this reference the Minister will see the file and the recommendations of the Chief Inspector and take some measures at least to stop this.

The Birlas in Nagda are letting out all poisonous effluents into the near by river. Some local leader from Nagda met me. The whole town is now vitiated by this poisonous atmosphere causing serious damage to the health of the town's population. The question was raised on several occasions, but the discharge of these effluents has not yet stopped. I hope the Government will act at least in this case.

Now, on the question of the Safety Committee, I may cite the example of the steel plants. The Steel Safety Committee is there, but it has four members nominated from the workers, while there are 20 on behalf of the management.

You can understand that the workers have no voice in the Committee. The workers and the trade unions who are more concerned with safety have the least voice in the committee. The Committee rarely meets and the meeting is a formal affair, Recently, the CITU representatives represented on the committee wrote to the authorities about the lack of functioning of the committee. But no action has been taken in the matter.

Then, the accidents in the steel plants have increased considerably after the proclamation of Emergency. I think, the Minister will look into the matter. In Durgapur Steel plant alone, during the last two months, several major accidents have occurred.

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recognised union Rut when the the Hindustan Steel Employees' Union, brought the matter to the notice of the management, the union representatives were charge-sheeted on false pretext I have heard a report that when one worker was killed in the plant and the management did not send anybody to remove the body there was discontent amongst the workers and the workers started gathering and when they approached the superior officers in a deputation demanding immediate removal of the dead body, they were charge-sheeted

suggestion of the union to Every improve the safety measures in the plant is considered as a step to in crease the production This Bill has provided increase in hours of work. from 10 hours to 12 hours This is a big concession to capitalists and employers. It is an imposition of increased workload on the workers The employers have related the question of safety with a step to increase oroduction This is the feature of this Bill also

The officers who are responsible for the safety of the workers behave in a callous manner They should be severely punished Unless there are some stringent measures of punishment against this callousness on the part of the officers this will not stop This should be severely punished In practice, the workers are victimised for demanding proper safety measure:

Further, this Bill does not provide strong penal measures including arrest and imprisonment In West Bengal, the incidence of accidents in jute industry is extremely high management's imposition of increased workload is primarily responsible for it. This is evident from the official figures of accidents The hon Minister can see them Why is this being tolerated? In order to bring down the number of accidents in the record, a new practice has been introduced. This is a device to report only serious accidents. The practice that they have introduced is that accidents which are not serious should not be reported. Only serious accidents are reported. So, in the records, it can be shown that the number of accidents is decreasing Only the other day, in the other House, the Minister replied that from 1971 on wards, the incidence of accidents has come down by 25 per cent I do not know I hope, he will corroborate it By using this device. you can show further reduction in the number of accidents. So, this device to show reduction in the number of accidents must be stopped. All accidents must be reported. All accidents must be recorded Otherwise, these employers will get scope to suppress all these facts regarding increase in the number of accidents For this purpose, a concept of reporting only serious accidents is being evolved. I demand that all accidents should be reported and a method should be evolved to inquire into all the accidents All accidents must be inquired into Stringent measures of punishment should also be there

The inspection machinery of the Government is only formal. This is another serious matter. I have got some figures here I have got these figures from the speeches in the other House in Maharashtra there are 49 inspectors for 12.000 factories. In such a situation how can the inspectors visit so many factories, how can they report regarding so many accidents and how can accidents be checked? In West Bengal, there is one inspector for every 300 factories So this is only an eve-wash and nothing else This should be completely changed, and the number of inspectors and, in fact, the whole inspection machinery should be strengthened to such an extent that the inspectors can visit the factories regularly and see that the safety rules and regulations are followed by the management and in case of violations, severe punishment should be given

Apart from the fact that the staff of the Chief Inspector of Factories is totally inadequate and many factories are not visited in a year, the factory inspectors, in many cases, are unofficially treated as guests of the factory management. This is another basic weakness. These inspectors cannot give reports against the management, because, they are entertained by the management as their guests. Sometimes they stay in factory guest houses. One can imagine the fate of factory inspections under such circumstances.

The proceedings of investigation of cases are extremely dilatory, and punishment is so nominal that the employers do not care. This is the position. If Government is at all serious about safety of the workers and are anxious to prevent the health hazards, more stringent measures are necessary. This Bill is too inadequate to deal with the situation. The punishment is very nominal. I would request the Labour Minister to give some more thought to the dangerous working conditions and take expeditious steps to ensure safety in factories which alone will protect the lives of the workers. If these measures are not taken and the present situation is allowed to continue, the factories would soon become the slaughterhouses of workers. The employers are trying to push up production ignoring all safety rules; they are profiteering; they want to intensify the exploitation, and in conditions of today when this capitalist system is faced with a serious crisis, the entire burden of the crisis is being imposed on the workers as well as the common man is no protection for them from the Government because the workers' voices are now throttled under the gency. They cannot launch even ordinary protests. The Emergency is now being used by the employers to intensify their exploitation and profit and to throttle the protests of the workers. Under these circumstances, a bigger responsibility rests on the

Government to come to the defence of the workers, by ensuring their health, life, safety and security. In that respect, the Bill is too inadequate, though there are some good provisions, namely, that the definition of worker has been enlarged to cover some more sections of the workers. But if this neglect is not checked, if this callous attitude towards the lives of the workers is not changed, then no good results will be produced; the employers will only get a free hand to continue their exploitation.

SHRI C. M. STEPHEN (Muvattupuzha): The Minister told us while introducing the Bill as also while seeking the leave of the House for consideration of the Bill, that this is a result of a series of recommendations made at different forums and with a view to improve the functioning of the factories and the safety measures in the factories. To the extent the cflort is made by the Government to improve the provisions in the Bill, I do take this opportunity to congratulate the Government.

But, whi'c doing so, there are certain provisions which the Government are now seeking to bring in, on an examination of which, I feel that those steps are somewhat retrograde from the workers' point of view. I will just point out what, according to me, those provisions are—

(1) In the nietter of the definition of a 'factory', certain sections of the establishment which so far were accepted as fectories are now sought by the Government to be exempted from the definition. By a ruling of the Andhra High Court it had been decided that hotels and eating places, if they employ a specific number of workers, should be treated as a 'factory'. Now, this benefit which the workers got with respect to those establishments is now sought to be taken away by the hon. Minister, There is this exemption provision whereby the Bill says that hote's and

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eating places will not be treated as factories I was just now saying that the Minister was reading something e se Under the ruling of the Andhra High Court it had been decided that hotels are factories I would like to know from the Government an explanation as to why, after this ruling-this took place a few years ago...the Government thought it abso. lutely necessary to specifically mention that hoters and eating places will not be factories I mean, after all, there are workers there. They have got certain benefits under the Factories Act, certain protective provisions and the hotels which are now developing are not of the types which were in existence in the olden days They have got cold storages They have got certain machines working there There are fumes and fumigation taking place there There are po sonous substances there in the matter of cooking and all that These are the conditions under which they have got to be protected

THE MINISTER OF LABOUR (SHRI RAGHUNATHA RADDY) 1 hope poison is not used for cooking

STRIC M STEPHEN At a part-cular stage these things are there But what I am saying is that the Minister may kindly explain as to why the Government thought it absolutely necessary in the public interest that hotels should no longer be treated as factories

Now, there i nother provision which has now been brought in amendment to Section 10 Section 10 speaks about 'Certifying Sui zeons that the Government under Section 10 as it is now, can declare and appoint Surgeons with competency to certify with respect to matters covered by the Bill These Certifying Surgeons have got the authority to appoint other persons also as 'Authorised Certifying Agents' And there is another provision in the ex-

isting provision which says that if any person is connected with any factory either as an employee or as a share-holder or is having a financial interest with respect to that factory, he shall not be entitled to be a Certifying Surgeon with respect to the workers in that factory. Now, an amendment is being brought in to say that the Government shall have the power by a notification in the Gazette, to say that in spite of any person being connected with a factory, he can still be a 'Certifying Surgeon with respect to the workers in that factory Do you really believe that the workers who are affected will get a certificate from the surgeon who is fir ancially connected with the factory, 11 favous of that worker? Here again I am requesting the Government to explain why it is and on the Lasis of which report the Government found ıt absolutely necessary that a Certifying Surgeon though he may be a manager of that factory, can still be a 'Certifying Surgeon with respect to that factory to certify whether there is an illness with respect to the workers under him Is he to protect the worker? What excell are the circumstances under which the Government found it necessity to bring forth this amendment? Then section 64 says about per his occupying confidential positions The section gives power to Government to frame tules regulations, etc which would define who are the persons who would come under the category of confidential persons If they one u der the category of confidential persons then none of the provisions of this Act except one or two section will be relevant to them and wil apply to them An extraordinary tep is being taken by the Government here An extraordinary power is cought to be conferred on the Chief Ir pector of Factories To say that although a person may not be occupying confidential position, yet, by virtue of the application of the definition spelt out by the rules of the Government, A or B or C persons will be treated as persons occupying

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confidential position, is not correct. We know the type of persons the Chief inspector of Factories are made of. Various complaints against the factory inspectorates are there. The compinefficient funcare of laints partiality tioning. in favour οf employers, amenability to corruption and all sorts of bad influence, etc. This is one of the graveman of the charge which any trade union brings against Inspectorate of Factories Here is a law which has come down from the period of the British Government. That law says that the State Government alone will have the power to define who the persons occupying confidential positions are. Thus far the delegating authority is the State. Now you are giving an unbridled authority and unguided authority to an officer here. To say that although as a matter of law a person may not come within the classification of confidential person, yet, nevertheless, the Chief Inspector may declare that a particular rerson can be treated as a person occupying confidential position is not correct. I want to know whether this delegated power is necessary, whether it is justified and if so under what circumstances can you say that this extraordinary power over the head of the Government conferred on the Chief Inspector of Factories will not be misused? This is a matter on which I wou'd like to have clarification from the Minister

In Section 64 large numbers of exemptions are given. There are two types of exemptions to which these amendments apply, one, the exempted cases who are sought to be exempted from a larger number of clauses. I hope I am being understood. There are a particular class of persons exempted from Section 52. Now this Clause says that Clauses 51, 54, 58 etc. will not apply to them. That is to say, persons exempted already, are now sought to be exempted from a larger number of clauses which were not originally in existence in the

Factories Act. Number two, new types of persons are now being brought in to be exempted from the provisions of the Act. I take serious objection to the amendment whereby trucks and lorry services are sought to be exempted and those workers are sought to be exempted. Now the Government has come forward saying that establishments operating trucks and lorries will also come under Section 64 and will be exempted from these respective previsions.

Look at Sec. (i) excluding the workers england in the work of loading and un'ording of railway wagons from the provisions of Secs. 51, 52, 54, 55 and 56. This is regarding the period of work. That is all right. There are also quite n number of other provisions We know the truck services or lorry services are developing as a very large industrial enterprise employing a large number of workers. The railways were the only area where the exemption is not given, in this period of great socialist motivation, we have decided that in this sector also they must get the benefit of the extension of the refused leave provision under the Factories Act. Why this benign approach to the workers in the Lorry Service is a matter on which I would seek of the Government their explanation.

Now, another thing is that there is Sec 65 which is sought to be amended. Section 65 says that although all these exemptions are there, there are certain limits. The limits will be as prescribed under Sec. 54. That is, the maximum period for which the workers should be allowed the leave is 12 days; the maximum period for which the workers should be allowed in a period of a week must be such and such.

Sec. 65 seeks to raise this limit. If it was 10 hours so far this is ought to be raised to 12 hours; if it was 50 hours, it is now sought to be raised to 60 hours. This is the new benefit that a worker is going to get. Why

[Shri C. M. Stephen]

then, is this section sought to be amended in this manner? I do not know this. This is a new provision that is being brought in, a disastrously injurious, damaging and retrograde provision which is injurious to the workers by taking away the benefit which the worker has so far been enjoying and giving the N.T.R. the power to operate such things.

Now, with respect to leave wages. there are certain good things. I am thankful to Government for having brought in the indirect workers. I am happy about this. There is now a new amendment which is sought to be introduced. I am unable to understand the purpose of this. In place of unavailed leave, it is sought to replace it by the words 'leave refused'. I would like to know what purpose this will serve. The purpose may be good. with my capacity of thinking about the leave refused it is beyond my comprehension. What is the motive behind this new amendment? There is one danger I can possibly see. Why should it not be continuous? Suppose to-day I have got some earned leave to my credit. There is a scheme in operation. I ask for leave but the employer refuses me that leave. As it is to-day the unavailed leave can be carried forward to the next year, to the succeeding year. You have now brought about a new clause of 'refused leave'. What do you mean by that? I ask for leave, say, for 10 days and the leave is refused. Is it that the leave refused is carried forward to the next year or is it that in respect of the leave refused, I should still be asking for it again? If I ask for leave, would it be with respect to the same days of leave which was asked for and refused? The whole complication arises because of this. That is what I feel. If it comes to leave refused, that leave should be allowed to be carried forward to the next year. Suppose I do not avail of it in the next year. Is it to be carried forward -is the leave refused allowed to be accumulated until the date of

my retirement? What exactly will be the implication of this amendment? This is a matter which passes my comprehension. I would like to get the explanation from the hon. Minister. Let me put it this way.

The employer is bound to grant me the leave-earned leave. When I am asking for it under the provisions of the scheme and if the employer refuses to give me the leave, then I should not be put to the necessity of seeking again and again my chance for the leave. Whatever leave is remaining unavailed, that must be given to me under the present provisions. Why should this operate as a penal This should provision? operate against the cantankerous employers? The employer refuses the leave standing to my credit. He is refusing the leave. The penalty that he has to pay is that I should be allowed my leave being accumulated in my favour, not merely refused leave, but unavailed leave. My argument is this. I go to the employer and ask for leave. He refuses it, although I am entitled to it. I know the employer, the type he is: I know he will be refusing it to me. That being so, I should not have any liability to go to him again with another application, still another application, yet unother application. It should rather be that the moment he refuses, I get the right to have it accumulated in my favour and this must continue as in the present provision. By taking it away and creating a new class of leave refused leave. you are taking away this benefit under the law I am now having. You are leaving it completely in favour of the cantankerous employer. I would like to know why this change sought to be made has been thought necessary. This is a matter on which I would ask for a clarification.

Having said this by way of criticism, I should certainly highlight certain provisions which are in favour of the worker. You have expanded the definition of 'worker'. It is a very

Bill

good change.-I am sorry there is another matter to which I wanted to refer before this. You have put in a new section, s. 40B suggesting the appointment of Safety Officers. Here I want to emphasise one thing. Today there is provision for Welfare Officers. Government can direct the employer to appoint a Welfare Officer. He is to be appointed by the employer. The employer appoints, the employer pays. To whom he is answerable? To the employer. You now want a Safety Officer to be appointed. Your justisdiction is only to say to the employer, to direct him, to appoint a Safety Officer. That is his pay bill may be increased—that is all. The Safety Officer will be his employee. He is Disanswerable to the employer. ciplinary action will lie with the employer. He will certainly be subject to the direction of the employer. This is what we are experiencing today with respect of Welfare Officers If it is for the protection of workers, why not Government appoint the Welfare Officer and the Safety Officer and ask the employer to pay the bil! for that? In that case, appointment will lie with Government and disciplinary jurisdiction will be with Government. We know he who pays the piper calls the tune. He pays the Welfare Officer and the Safety Officer He will call the tune and these fellows will have to dance to it. So if it is for the purpose of protecting the worker, let there be no illusion that by this you are going to further the interests of the worker by an inch. On the other hand, you are giving the employer a sort of approval to say that everything that has been done is all right although it is injurious to the worker which he is experiencing with respect to the Welfare officer.

One more observation and I will be closing. You have brought in a new definition public emergency. I went through it; it is exactly the same as the definition of an 'emergency' as described in the Constitution of India -exactly the same. What exactly are

you meaning thereby? Kindly look at the meaning of it. This is a very important matter which I would plead with Government to consider. For what purpose it is put in. I do not know. Under article 358, there is a provision for declaration of emergency under certain conditions-war and other things Exactly the same phraseology you have taken and put it in the Factories Act. Is it that although in this country a declaration of emergency can be made only by the President, your officer can make a declaration that there is a condition. of emergency in this country because of the factory? If that is not the purpose, would it not be enough for you to say that when a declaration of emergency is in existence, factories can be exempted? Who is the authority to decide whether there is a condition of emergency? I am putting this question because the phraseology you have adopted is exactly the same as in art. 358, exactly the same. While the President has to determine under the Constitution and decide about a condition of emergency, you are now giving power to your officer to decide that there is a condition of emergency. Are you going to equate the President of India with a factory inspector in this country?

SHRI N. K. P. SALVE (Betul): Mercifully he is not subordinated!

SHRI C. M. STEPHEN: I do not know. I can understand if there is a condition of emergency. My question is: who is to determine it? The condition of emergency has to be determined by the President of India. The wording of the section is such here. It might have been enough if yon say here: if there is declaration of emergency in existence, the exemptions can be allowed. That would have been enough rather than equating the President of India with the factory inspector; it rather stinks in my nostrils. I am complimenting the government for the good amendments that they have brought in and I am criticising them for amendments to

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the extent to which they appear to be retrograde or against the interest of the workers and I seek an explanation from the hon. Minister in respect of them. With these words, I support the motion.

DR. RANEN SEN (Barasat): I must refer to the criticism made by Mr. Stephen. with which I completely agree; in fact his criticism has made my position a little simpler and I will not go into all those points. But as he said, there has been some improvement also, a little wider coverage and some more steps which might go to some extent to serve the interest of the workers pertaining to safety in their work.

I am constrained to say that inspite of many safety conferences, many seminars and discussions, the safety conditions in our factories remain unsatisfactory In the National Commission on Labour they considered this matter and they recommended that there should be one inspector for every 150 factories and their recommendations have by and large been accepted by the government. I want to know whether our hon. Minister could tell us whether this particular recommendation had been implemented m our country. I know there , are places where there are 300 or even more than that number, factories but only one labour inspector. That means that he is unable to his job even though he may be an honest and hardworking person One inspector for 150 factories is m fact on the lower side: inspite of that this recommendation has not been accepted and implemented

It is known that according to the Factories Act of 1948 the management was enjoined to take certain precautionary steps. I want to know how many cases have been launched against employers or managers for violating the meagre safety rules that were prescribed in the Factories Act. I say meager, because they do not go

far enough; even this amending Bill does not go far enough. With industrial expansion, a large number of young persons are entering the factories and wrokshops from the rural areas; they are untrained workers There was a suggestion in the National Labour Commission that such persons who enter hazardous jobs should be given some training about safety measures and about the safety steps that they should take. these recommendations have been violated. Employers have been running riot and the number of accidents has not fallen appreciably. In MP., for instance, there were-10.000 accidents recorded in the Register of the Labour Department in 1965 It went up to more than 25,000 in 1975. The lives of the workers, particularly those doing nazardous. work, have been unsafe and this Bill does not go far enough tt safeguard their lives or protect their limbs.

Now I come to the clauses I agree with the criticism made by Mr. Stephen and I will not dilate upon it. Clause 6(c) says.

"in sub-section (7) for the words "Every Chief Inspector and Inspector", the words "Every Chief Inspector, Additional Chief Inspector, Joint Chief Inspector, Deputy Chief Inspector, Inspector and every other officer appointed under this section" shall be substitued"

So, it appears that the administration will be made top-heavy with so many officials We know from experience how these inspectors behave. This top-heavy administration will not improve the situation. The main thing is whether the number of inspectors has increased or not for each inspector how many factories are allotted. I have referred to the recommendation of the National Commission on Lobour. I cannot speak obout all inspectors, but thereare some who are absolutely untrained and innocent of any knowledge of

safety measures which the employers must take. Is there anything in this Bill to make it incumbent on the State Governments, who will be implementing this, to see that only trained people with good knowledge of the safety measures are appointed as inspectors. I have found factories where the employers should have installed protective glasses for the safety of the workers, but these have not been installed. The factory inspector goes round and does not make any comment about it!

Clause 9 is just a pious declaration. It says:

"Effective arrangements shall be made in every factory for treatment of wastes and effluents due to the manufacturing process carried on therein, so as to render them innocuous, and for their disposal."

It is a very good wish, but it is known that the two metropolitan cities of Bombay and Calcutta are the worst in this respect. In Bihar in Dhanbad area, the factories are so constructed and run in such a manner that this aspect is the first casualty. The whole atmosphere is polluted, the water system is polluted, so much so that recently an examination of the Calcutta city water supply was found to be heavily polluted. In Bombay a few years ago an enquiry revealed that even the sea water has been polluted because of the waste from the factories. Therefore, it is only a pious wish. What is the machinery through which this particular clause will be enforced in our coutry?

Clause 19 reads:

"If it appears to the Inspector that any building or part of a building in a factory is in such a state of disrepaid as is likely to lead to conditions detrimental to the health and welfare of the workers, he may serve on the occupier or manager or both of the factory an order in

writing specifying the measures which in his opinion should be taken and requiring the same to be carried out before such date as is specified in the order."

What will happen if that order is not complied with? That is nit mentioned here. Suppose the Inspector tells a factory manager or proprietor that a particular building is hazardous to the health or safety of the workers, but no remedial action is taken, then what happens? That is not specified here.

Again, the latter portion of clause 36 says:

"...with a view to removing conditions dangerous to the health of the workers, or to suspend any process, where such process constitutes, in the opinion of the Inspector or the Chief Inspector, as the case may be, imminent danger of poisoning or toxicity."

If it is not complied with what happen? Clause 40 says:

"Provided that where contravention of any of the provisions of Chapter IV or any rul, made thereunder or under section 67 has resulted in an accident causing death or serious bodily injury, the fine shall not be less than one thousand rupees in the case of an accident causing death, and five rupees in the case of an accident causing serious bodily injury."

Suppose a factory owner contravenes this law and the rules and as a result of which a worker dies. Then the fine shall not be less than Rs. 1,000. So, that is the price of a worker's life. A worker's life costs only Rs. 1,000. In the case of serious bodily injury the fine is only Rs. 500. Here "serious bodily injury" according to the Explanation "means an injury which involves, or in all probability will involve, the permanent loss of the use of, or permanent loss injury to, any limb or the permanent loss of, or injury to,

[Dr. Ranen Sen]

sight or hearing, or the fracture of any bone....". That means the man is finished permanently and for that he gets Rs. 500, even though for his injury the employer is totally responsible due to violating all these provisions of the Factories Act, including this amendment.

MR. SPEAKER: He will continue after Lunch.

13 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha reassembled after Lunch at five minutes past Fourteen of the Clock

[Mr. Deputy-Speaker in the Chair]

FACTORIES (AMENDMENT) BILL contd.

DEPUTY-SPEAKER: MR. Dr. Ranen Sen to continue his speech.

DR. RANEN SEN: 1 was speaking on Clause 40 of the amending Bill. I have covered that.

Now I come to Clause 41. Here it is said that section 94 of the principal Act shall be renumbered, etc. I do not understand why this change has been made here. Let us see what this change is for. Section 94 of the principal Act reads:

"If any person who has been convicted of any offence punishable under section 92...."

Section 92 deals with general penalty for offences.

"....is again guilty of an offence involving a contravention of the same provision, he shall be punishable on a subsequent conviction with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both,'

The change here may be, instead of "or with fine which may extend to one thousand rupees" it will be "or with fine which shall not less than two hundred rupees which may extend to five thousand rupeles". I have got two criticisms to make here. There are always loopholes for violation of the provisions of the law. First, it is stated here that there may be imprisonment for a certain period or fine. We know how judiciary behaves. They generally say that the imprisonment is still the rising of the court-'imprisonment' means T.R.C. The punishment they give is very meagre. The explanation that would be given by the Minister would be-I can anticipate thatthat now the fine cannot be less than Rs. 200 whereas under the provisions of the original Act it could be even one rupee. I can understand that. But what I say is we could have said 'which will not be less than one thousand rupees'. That could have been very well done. A sum of Rs. 1,000 is not a very big sum. Also instead of 'or' in section 94, he could hava said 'and'. It is time that all those employers who with impunity contravene the provisions of the law were taught object lessons. Here I find, somehow or other, the soft attitude continues. Yesterday, in the course of discussion on another Blil, Mr. Somnath Chatterjee had said that, if certain rigidity was observed, then the employer might go to jail and the factory might go into liquidation. Well, there might be ten or twenty such cases. But that becomes an object for the employer's lesson. That is good for the employees in the long run. We should not merely see what is before our nose; we have to look far ahead. Therefore, I do not under stand this sort of softness for the employers.

Section 94 is sought to be amended. But the proviso that is there is being retained. For a continuing offence, there should be a deterrent punishment and with fine. Then, I could have understood this point of reducing the fine to Rs. 200. Otherwise, this is a loophole, and with the help of judiciary, the guilty employers will get out. In section 94 of the principal Act there is a proviso:

"Provided that for the purposes of this section no cognitrance shall be taken of any conviction made more than two years before the commission of the offence which is being punished."

This proving should have been absolutely done away with. Suppose an employer has committed such an offence two years before. Then what happens? He goes scot-free. This proviso should have been completely done away with. Therefore, with this Clause 41-the way section 94 of the principal Act has been renumbered and amended-I am not at all happy; I do not agree with the Minister.

As I have said in the beginning. Mr. Stephen had made certain valid criticisms I have not referred to them. I completely agree with him. I have made certain other criticisms.

As I said earlier, I cannot oppose this Bill because there has been some improvement here and there. Therefore. I have to support it; opposing the Bill would mean that I reject even whatever good is there. When I was reading the amending Bill. I thought that it would have been better if the Government had referred it to a Joint Select Committee, so that they could have gone into it thoroughly. Instead of doing that, he has brought forward this Bill very hurriedly, all of a sudden. I am very sorty for it. But, on the whole, I have to support the Bill; I have no other go.

MR. DEPUTY-SPEAKER: I want to mention the time in relation to this Bill. When we started, we had a balance of 55 minutes. We still have six Members to speak, and I am told that they have important contributions to make. The Minister of Parliamestary Affairs has written to me that one of them, Shri Ram Singh Bhai, may be given 20 minutes and the other Congress Members may be given ten minutes each. I do not think we can do that within the balance of time at our disposal. What is the pleasure of the House? I would like to know that :

Bill

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAM-AIAH); May I suggest that we may so extend the time for the Bill that it will be concluded by 3.30 p.m?

MR. DEPUTY-SPEAKER: That is a good suggestion. We go on with this Bill. We must complete it by 3.30 . p.m. Now, I would like to know how long the Minister will take.

MINISTER OF LABOUR THE (SHRI RAGHUNATHA REDDY): About 20 minutes.

MR DEPUTY-SPEAKER: I shall call you at about 3.10.

Mr. Ram Singh Bhai.

थी रामसिह भाई (इंदोर): उनाध्यक महोदय, यह एक महत्वपूर्ण बिल है। मानतीय सदस्य, श्री स्टीफ़न और डा० सैन, ने इस बारे में जो विचार प्रकट किये हैं। उन्होंने जो बाते कहीं हैं समय बोडा होने के कारण मैं उन्हें नही दोहराऊंग।

इस देश के काण्खानो भीर मजदूरी वे संबंध में यह महत्वपूर्ण विसे सब में पहले अग्रेजी में 1911 में बना था। उस पूरे की बदल 1948 में यह कानन गया। उसके बादं में इस में कोई चेंज

[बी रामसिंह भाई]

नहीं हुमा है। जब यह कानून बना जा, उस समय परिस्थितियां कुछ बीर बीं; भाज परिस्थितियां बहुत बदल गई हैं। इस लिए मच्छा यह होता कि मजी महोबय यह संबोधन करने से पहले इस सारे बिल को सिलेक्ट कमेटी में भेंब देते भीर सिलेक्ट कमेटी के सुझावों के भाषार पर यह कानून बनाया जाता।

इस में जो सशोधन किये गये हैं, बे कीम से सशोधन हैं। दम, पंद्रह वर्ष पहले चीफ फैक्टरी इंस्पैक्टर्ज की एक कांफ़रेंस हुई थी। उनके मुझाव रेंगते रेंगते लेकर मिनिस्टर्ज काफ़रेस में गये, और धाज वर्षों बाद संत्री महोदय उन को 15 वर्ष बाद सदन में लाये हैं। यह देख कर बहुन दुख होना है। यह बानून गिर्फ कारखानों मे होने वाले एक्सिडेट्स से ही सबिधत नहीं है, बिल्का ध्रमिकों की सुरक्षा स्वास्थ्य, बिकंग कल्डीशन्ज, ले घाउट, और भोजन, पानी, लैट्टिन, नहाने, धोने छुट्टी, शाम के घटे ध्रादि सुविधाओं की व्यवस्था भी करता है।

झापने यह कानून तो बनाया किन्तु इस कानून के अमल की व्यवस्था इस्ते के लिये सरकार के पास क्या लाइन है ? केन्द्रीय सरकार कानून बना बना कर राज्य सरकारों पर छोड वेती है और राज्यों में यह सब कास फैक्टरी इंस्पैक्टरों पर छोड विया जाता है। भाषिर ये फैक्टरी इंस्पैक्टर विस्त के हैं? वे श्रीमकों के नहीं फैक्टरी वालों के होते हैं।

मुझे सरकार के झाकडों पर कोई
विश्वास नहीं है। मेरे पान में इंडियन
लेकर जर्नल की किताबों रखी हुई हैं।
उन का यह हाल है कि बार उनके
पास कोई झाकडे नहीं होते हैं, तो
ने दो चार महीने पहने छने हुये झांकडों
को किर छाप देते हैं। यहां मई के भांकडें
दोबारा जुलाई में छप रहे हैं। इस
स्थिति में सरकार के झांकडों के झाधार
पर क्या विश्वास कार्यवाही हो सकती है?

प्राईवेट सैक्टर में कही जो प्रधेर हो ही रहा है, लेकिन पब्लिक सैक्टर में क्या नहीं हो रहा है? 1974 में मैंने मंत्री महोदय को एक पत्र लिखा या कि गर्वनमेंट के एक कारवाने में जो एशिया में प्रपने देग का एक ही है, उसमे फैक्टरीज एक्ट पर अपल नही हो रहा है। फ़्रीकटरीय एक्ट के अनुसार पाच घटे के जबाब एक घंटे का, या क्षभ से कम प्राप्ते घटे का, रेस्ट इन्टर्वल होना ही चाहिये। लेकिन वहां लगातार पाठ बाठ बटे नाम नरावा जाता है। मनसल्टेटिव कमेटी में भी इस का जिक मैंने किया। मैंने फ़िनाम भिनिस्टर और प्राइम भिनिस्टर को भी लिखा। प्राइम मिनिस्टिर ने इसी

हादमा में ही मुझ से कहा जि लेकर मिनिस्टर की बुलाकी । प्रोडम मिनिस्टर मैं भाप को लिख कर भी में जा। लेकर मिनिस्टर मेरे ग्या फिनाम के र ज्या मंत्री के पास गये और उन से चर्चा की। साम में 1976 में बोल रहा हूं। क्या मंत्री महोदन ने उस की कोई खबर सी?

कानून के प्रनुसार संडे वर्किना नही होनी चाहिए ; उस दिन साप्ताहिक चुट्टी रहनी ही चाहिए। प्रगर संडे के दिन कारखाने को चलाना है, तो फैक्टरी इंस्पेक्टर से इजाजत नेनी चाहिए। लेकिन कोई इजाबन नही भी गई और कारखानेदार ने कारखाने को चलाया । मान्यता-प्राप्त मजदूर संगठन के नेता मजदूरों को ले कर काम करने को फाटक पर बड़े हुए हैं। मेरे जैसे लोगों ने कहा कि कारकाना नही चलना चाहिए, क्योंकि भाज बीक्सी हालिडे है भीर फैक्टरी इस्पेक्टर से इजाजत नहीं ली गई है। वहा डिपुटी कलेक्टर, डी० एम० पी० और लेकर भ्राफिमर भी खडे थे। उन्होंने कहा कि कारखाना चलाम्रो भीर चला। भगर वाड ही खेत को बा रही हो, तो फिर खेत की रक्षा कैसे होगी? भगर सरकार का थम विभाग भीर सरकार के अधिकारी ही सरकार द्वारा बनाए गए कानून को तोड़ रहे हों, तो हम किम के पास जाए।

इस कानून में हर जगह अमल की जवाबदारी के लिए "माकुपायर" की बात कही गई है। धगर सजा होगी, भाकुपायर यानि संबंधक मैनेजर को होगी। फैक्टरीज एक्ट में नालिक "मैनेजिन डायरेक्टर या चेयरमैन" क्यों न हीं लिखा जाता है--जिसे संबा हो । मेरी राय है कि 200, 500 या 1,000 रुपए जुर्माने की मजा को हटा दिया जाए; भौर सिर्फ कडी सचा का प्रावधान कर दिया जाएं फिर एक दिन ही क्यों न हो। हमारे लिए वही काफी है। हम नहीं चाहते कि वे लोग जुर्माना वो तीन हजार स्वया दें। माज तो कुछ कारवानो मे "हबकड़ी मैनेजर" भी रखे हुए है। उन की केवल इस लिए पैसा मिलता है कि अगर कोई केस चलाया जाए, तो बह व्यक्ति हथकडी पहुन कर जेल म चला जाएगा भीर मालिक बच जाएगा।

पीछे में हैवी इनैक्ट्रिकल्ख, जिलंडि, बोकारो, राउरकेला भीर रावी वगैरह स्थानों पर गया । मैंने इस मे एक महीना विताया । मैं कारखानों भीर मजदूरों मे गया, मैं ने देखा कि वहा भी कानून का पालन नहीं हो रहा है।

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विशे रामसिंह भादी

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यापने इसमे स्त्रेड-बोतर श्री बडा कर रका है, यानी 12 घटे का स्त्रेड घोबर होगा। एक मजदूर काम करने के लिए जाता है, उसका रेस्ट इस्टबंल ग्राप्ते घटे या एक घटे का हीना चाहिए और 9 घटे होना चाहिए। श्रापने 12 पटे रखे हैं। मजदूर एक पटा पहुले अपने घर से बलेगा । क्योंकि 12-15 मील दूर से भी मजदूर फैक्टरी मे बाते हैं। मजदूर फैक्टरी मे जाएगे। 4 बंटे काम करेंग भीर नारखानेदार कहेगा कि 4 घटे का भाराम करो। वह बेचारे 4 घटे तक वहा बैठे रहेंगे भीर फिर उनस कहा जाता है कि 4 घटे काम करी । इसके बराबर कोई ग्रन्याय नही है। पब्लिक सेक्टर की किसी फ़्रीस्टरी में यह काम इस प्रकार नहीं होता है लेकिन प्राइवेट सेक्टर वाले ऐसा क्यो करते हैं। 12 वंटे का भाषका जो स्प्रेड-मोवर है उसका मतलब है कि भगर कारखानेदार तीन शिषट चलाते हैं तो कानून के धनुमार उन्हें धाधे घटे की छुट्टी रखनी पडेगी इमनिए विका साढे 7 घटे की होगी। 8 घटे का विकग सेने के लिए होता यह है कि 4 घटे बाम ले लिया, 4 घटे के लिए मजदूर घर जाए ग्रीर फिर झाकर 4 घटे काम करे। कहन का मतलब यह है कि 8-8 घटे की 3 शिफ्ट हो गई। यह मातो वहां परितया बाता है वहां पर मजदूरों के रहने की पूरी व्यवस्था हो, दूर से माये हुए मजदूरी के लिए हास्टेल्स हो भीर उसमे मुफ्त बाना-पीना भीर वातावात दिया जाता हो । किन्तु जो प्राइवेट सेक्टर वाले करना चाहते वे, प्रापने भी स्त्रेड-शौवर साढे 10 बेट से 12 बंटे एक विधा है और वे जो 12 घटे काम ले रहे हैं। जोकि सान्स मे नही है किन्तू वे वाम ले रहे हैं भौर उसको भ्राप जस्टिकाई करने जा रहे हैं। इसमे स्प्रेड-प्रोबर साढे 10 बंटे से 12 बंटे वरके, एभ्प्लायर जो गलन काम कर रही हैं उसको आप मही करने जा रहे हैं। **प्राप फर्स्ट क्लास एम्प्रलायर किसका मानवे** हैं ? टाटा को जिस रोज 15 अगस्य को हमारी प्राइम मिनिस्टर लाल किले पर झ डाफहरा ग्ही थी सारे देश में हर्षोल्लास मनाया जा रहा था उसी रोज टाटानगर में धमन भट्टी की गैस के कारण 14 ग्रादमी बेहांग हो गए जिनमे से 4 श्रमिक बही पर मर गए । टाटा जैसी कन्सर्न मे भगर ऐसा हाता है तो उससे बड़ी वेदना होती है। मैं भी एक मजदूर हु, पढ़ा-लिखा नही हू । भगर पढा-लिखा होना तो यहा भी नही या पाता। इसलिये में मजदूरों की बात कर रहा हूं। ग्राप व है वी किमकल्स मे क्या हाल है ? दूसरे देशों में हैवी वे मिकल्स सिर्फ पहाडों या समुद्र के किनारे होते हैं, बस्तियों मे नहीं होते । लेकिन आपके यहा ऐसी जगहों पर हैं जहा भाजू बाजू के झाड जल गए, वहां पर खेती नहीं हो सकती है। इसके साथ साथ जो लोग वहा पर काम करते हैं उनकी हाखत क्या है ? उन सोनो की पाचन शक्ति बत्म हो नई है, को कुछ बाते हैं वह हक्त शहीं होता है। उनके बाल सकेद हो गए हैं जोकि श्रुती, 25 साल के भी नहीं हैं । उनकी ज्ञानेंक्रियां क्रियल हो मई हैं। उनके लिए कात से सुनना भीर नाक से सांस लेना मक्किल है। उनके गरीर चिनड़े जैसे हो गए हैं। इसके कारण कितने ही परिवार क्रियड़ गए। जानेंद्रियां शिथिल हो जाने के क्तरण जनकी प्रत्नियों ने उनको छोड़ दिया है। ऐसी बात नहीं है कि इसके बचाव के लिए कोई प्रबन्ध नहीं हो सकता । प्रबन्ध हो सकता है। मैं भापको याद दिलाना चाहता हं भ्रापके चीफ फैक्टरी एडवाइजर, मानकीकर ने भाज से 15 साल पहले एक रिपोर्ट दी थी भीर उसमें सुझाव दिये थे ऐसा काम करने वाले श्रमिकों के काम के घंटे घटाने चाहिए । हमारे मिनिस्टर साहब उस कारखाने के सामने से कभी निकले नहीं हैं। मैं भी वहां गया है लेकिन एक सेकेन्ड भी खड़ा नहीं रह मका। इमलिए जो मजदूर वहां काम करते हैं उनके काम करने के घंटे कम होने चाहिए । इसके साथ साथ उनका इलाज भी भ्रन्छा होता रहना चाहिए भीर दुमरे बचाव के साधन भी उनको देने चाहिए। इसके अनावा उनकी वाधिक छुट्टियां ज्यादा होनी चाहिए। विदेशों में तो श्रमिकों के लिए सेनिटोरियम तक बने हुए हैं। हिन्दुस्तान में भी कुछ ऐसे कारखाने हैं, मैं बता मकता हूं। भापने देखा नही होगा । कुछ तो विदेशों के मुकाबले में भी भ्रच्छे है। मैं ऐसे एक कार-बाने में गया जहां, कुछ वर्कशाप का काम जिस जगह होतः है उसको छोड़कर सारा कारखाना एधरकंडी गर है। इसके झलावा जहां पर जनरूल मैने वर बैठना है बहां टेलीविजन लगा हुतः है यह देखने के लिए कि किस **डियार्ट**मेन्ट में क्या हो रहा है, कारखाने के कम्प्राउत्ह में क्या हो रहा है भीर वाउंड़ी के भाजुंबाबुले कौन भाजारहाहै। भाप मिलाई में, राउरकेला में या दूमरे कारखानों

में जायें तो देखेंगे कितने शब्दी कारखाने हैं लेकिन गैस के कारण भिलाई कारखाने में. राउरकेला भीर बांकारी कारखाने में दम षुटता है। जो पढे-लिखे बादमी हैं, बैठकर काम करने बासे हैं उनके लिए तो एश्वर-कंडीशन लगा है लेकिन जो कोक: श्रीवन पर काम करता है उसकी क्या हालत है ? ऐसा नहीं है कि उसके लिए इन्तजाम नहीं हो सकता। इन्तजाम हो सकता है लेकिन उसकी देख-रेख का कोई इन्तजाम नहीं है न्योंकि भाषने समल राज्य सरकारों पर छोड़ दिवा है। जो बीफ फैक्टरी इंस्पेक्टर जाते हैं वह उनके गेस्ट हास में जाकर रहते हैं, भ्रामन्द करते हैं। वहां जाकर कारखाने की गाड़ी लेते हैं और अपनी गाड़ी को उसी कारखाने में रिपेयर करने के लिए छोड़ वेते हैं। यह मेरा निजी घनुभव है, मैं किसी रिपोर्ट के भाधार पर नहीं कह रहा है।

मापके यहां सभी सरकारी दक्तरों में भीर पन्लिक सेक्टर के कारखानों में साप्ता-हिक छुट्टी रहती है। हरएक श्रमिक को सप्ताह मे एक छुट्टी मिलनी चाहिए-यह कम्पलसरी है। भ्राप हे फैक्टरी ऐक्ट में भी यह है लेकिन इतना भारी काम करने बाले, जो मट्टी के सामने काम करते हैं, जो सी एस टू में काम करते हैं, हेबी केमिकस्स मे काम करते हैं उनका हाल क्या है ? जब साप्ताहिक छट्टी प्रानी है तो उसकी कैंसिल करके प्राप 8, 9, 10, 11 दिन कारखाना चला रहे हैं # उन्हें साप्ताहिक छुड़ी का पैसा भी देना नहीं पडता है। हम सभी भारत के नागरिक हैं, हमें समानता का ग्रधिकार है तो जो सबैतनिक साप्ताहिक छुट्टी मभी को मिलती है वह निजी क्षेत्र में भी मिलनी चाहिए। बह मिल जायेगी लेकिन कारखाने वे मजदूरों को साप्ताहिक छट्टियों का पैमा नहीं मिलेगा । भ्राप विचार करें, हम इस देश के रहने वाले हैं लेकिन जो खतरे का काम करते हैं उन्हें महीने में 26 दिन का ही पैसा मिलता है। आप यहां पर कानून

विशे रामसिंह भाई]

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बनाते हैं भीर वहा पर कारखानेदार उसकी स्रक्रिया उडाते हैं लेकिन उसको कोई देखने बाला नहीं है। मैंने आपको लिखा है कि एक कादमी लवातार तीन तीन शिफ्ट में काम कर रहा है, 8 मंद्रे से ज्यादा काम यह नहीं कर सक्ता, मैं फैनटरी इंस्पेक्टर, लेबर ममिक्तर सीर-कलेक्टर सबी से कहता ह लेकिन बे कहते हैं हा, काम हो रहा है पर हम क्या करें। तो फिर हमे कह दीजिए, हम ही उसको ठीक करेगे। हमने बहुत से बन्द कारखाने बलाए हैं. भापकी मदद वा भाप हे पैसे से मही बल्कि मबदूरों के सहयोग से चलाए हैं।

द्यापने कान्न में 20 दिन के ऊपर एक सबैतनिक छड़ी रखी है, उसमे प्रतिबन्ध सनाया कि 240 दिन की हाजिरी होगी तो ही 20 दिन की हाजिरी के ऊपर एक दिन की सबैतनिक छुड़ी होगी। जब मादमी नैस में काम करेगा, इन खराब काम की हालात में काम करेगा, सी० एम० 2 में काम करेगा, हैवी कैमिकल्स मे काम करेगा, तो बह सप्ताह में तीन दिन भी काम नही कर सकेगा, उसका मारा वेतन डाक्टरो के पास ही चला जायगा इसलिए में धाप से निबेदन करना चाहता हूं कि 240 दिन की हाजरी का प्रतिबन्ध खत्म की जिए भीर जो भादमी 15 दिन काम करता है उसका एक दिन का सर्वेतन भवकाश जरूर दीजिए। बहुत से उद्योगपति दे रहे हैं, जैसे बम्बई मे 15 दिन के बाद एक दिन का सबैतन अवकाश दिया जाता है, इसी तरह से शहमदाबाद में दिया जाता है. मेरे क्षेत्र नागदा में भी इसी तरह से 15 दिन पर भवकाश दिया जाता है। इसलिए ऐसा प्रावधान सब के लिए होना चाहिए।

इस में भाप ने एक प्रावधान यह किया है कि जिन कारखानों में एक्सीडेंट का भय क्र बहां के काम करने वालों को बुस्त कपड़े की यूनीफार्म दी जायगी। क्या यूनीफार्म

देंगे-सलवार देंगे या बच्डी देंगे-कुछ साफ नहीं है। मैं कांच से यह निषेदन करना चाहता हं कि एक्सीडेंटर्स को बचाने के लिए सब सं पहली बान सी यह है कि जिस अभिक का सम्बन्ध मसीन स हो, उमको युनीकार्म भवश्य दी जाए, इसी तरह से जी क्लर, केंग्रीकल में काम करते हैं, जो कीवलै-डस्ट में काम करते हैं, ऐसी जगह काम करते हैं जहां गैस का सवाल चाता ही--उन सब की भी यूनी-फार्म मिलनी चाहिए।

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मंत्री जी ने अपने भाषण में कहा है कि हम ने इस बिल में एक संज्ञोधन किया है ---जिन कारखानों में 50 महिलायें काम करती हैं,उनके बच्चों की देखभाल के लिये पहल कानून में "केश" का प्रावधान या, गब इसको घटा कर 30 कर दिया गया है, जिन कारखानों मे 30 महिलायें काम करती हैं, ग्रब वहा पर भी कारखाने की भोर से "केश" का प्रबन्ध होगा---ग्राप ने ऐसा प्रावधान करके महिलाओं के साथ बडा उपकार किया है। लेकिन मेरा यह वहना है वि किसी भी कारखाने में यदि एक महिला भी काम करती हो तो उसके बच्च की देखनाल का प्रबन्ध कारखाने की ग्रांर से होना ही चाहिए। कारखाने को महिलाछो की पावस्य-कता है. इसलिए ऐसी व्यवस्था भी उसे ही करनी चाहिये। मैं चाहता हु कि ग्राप इसके बारे में फिर से गौर करे।

हमारे देश मे एकेज 1000 वर्कस बातक एक्सीडेन्ट की संख्या 15 भारती है, लेकिन धनर भाष विदेशों में देखें तो वहां यह एनेज 0. 15 है और यदि मेरे प्रदेश मे चले जायें---मध्य प्रदेश में-तो यह एवेज . 29 हाता है। मैं भाप से यह निवेदन करना चाहता हं कि जो गरीब प्राना खून और पशीना कार्यान के लिये बहाता है, कारखाने के लिये सपनी. जान देशा है-मेहरवानी करके सपने कानुनों का पालन धक्छी तरह से कराई जिस से उब के साथ बेडन्साफी न ही।

कारवानी मे जो बनर्प कमेटी के सदस्य हैं, जिन में मजदूर सदस्य है, उन को माप उस क्रीकटरी के लिये फ़ील्टरी इंस्पेक्टर के अधिकार बीजिये नाकि वे मजदूरों के हिन में सही काम कर सकें, कानून का ठीक तरह से पासन

करवा सकें।

इन शब्दों के साथ मैं इस बिल का संमर्थन करता है।

सरवार स्वर्णसिंह सीखी (जनशेरपुर) : डिप्टी स्पीकर साहब, में इस फ़ैक्टरीज समेण्डमेन्ट बिल का स्वागत करता है भीर कुछ सुत्राव मिनिस्टर साहब के सामने रखना चाहता हं। मृझे उम्मीद है कि वे भेरे समाबों पर गौर करेंगे।

यह बिल 1948 में बना था, 1 मार्च, 1949 में लागू हुआ। 1954 में फ़िर इस में कुछ भ्रमेण्डमैन्टस हुई मौर भव 22 सालों के बाद किर इस में कुछ अमेण्डमैन्टस आई हैं। इन 22 सालों के दौरान कारखानों में कई तरह की तबदीलियां भाई। बहुत सी जगह कारखाने बदल गये, उन में नई तरह की मशीनें लग गई, नये तरीकों से काम शरू हुए । इस कानून में भारीजनली 120 सैनशन्य हैं घीर ग्रन जो घमेण्डमेन्टस ग्राई है-इन की तादाद भी 45 के करीब है। लिकिन इस के बावजूद भी मैं ऐसा समझता हं कि इस में कुछ कमियां रह गई हैं। जैसा मेरे मुंख बोस्तों ने कहा कि इस को सीलैक्ट कमेटी को भेज दिया जाय-- मैं इस राय से इतिफ्राक नहीं रखता। सिलैक्ट कमेटी में श्रेजने से दो साल लग जायेंगे । सिलीक्ट कमेटियां का हमारा प्राना अनुभव है---माइन्य की सिलैंबट कमेटी थी, सारा हिन्द-स्तान भूमती रही, दो साछ के बाद रिपोर्ट मार्ड । इसलिये सिलैयट कमेटी को मेजने का कोई खायदा नहीं होचा, क्योंकि सब भागे लोक सचा के चुनाव होने वाले हैं, जो 1600 1.6-B

सिलैक्ट क्रमेटी बनाई क्रायमी, बह खत्म हो जायनी, फ़िर दोवारा इस बिल को लाना पडेगा. इस लिये आव इस विन को फ़ीरन ही यहा पास कर दे भीर डिले न होने से 1-

Bill

ग्राप ने सैक्शन 11 में भ्रमेण्डमेन्ट की है--जिप ये बड़ीनलीनैस और पेन्डिंग का किक किया गया है और इस में कहा गया है कि क्य से कम रीन साल में एक दफा जहर पेन्ट होता चाडिये । मेरा-यह कहना है कि कार बाने को मशीनरी भीर स्ट्रम्बर कम से कम साल में एक दफा जरूर पेंट होना चाहिये, तीन साल की बात गलत है। प्राप की बाद होगा 1971 में रूरकेला में पूरी छत गिर गई थी, जिससे बहुत सुकमान हुंगा था। बाद में श्री मोहनक्रमार मंगलम साहब ने जैनरल मैनेजर से लेकर फोरमैन तक को मलगकर दिया था। इस लिये मेरा सङ्गाव है कि कारखाना की सफ़ाई भीर पेंट का काम हर साल किया जाना चाहिये।

माप ने इस में बहुत सारे इंस्पेक्टर्स का जिक किया है-एडीशनल चीफ इंस्पेक्टर होगा, डिप्टी इंस्पेक्टर होगा. सब इंस्पेक्टर होगा--वर्गरह वर्गरह--इन के बारे मे मुझे फुछ नहीं कहना है, लेकिन बगर ये लोग ठीक से काम करें तो हालत सुधर मकती है। ग्रशी मेरे दोस्त इंस्पैक्टर्स के बारे में शिकायत कर रहे थे --उन की शिकायन बिलकुल वाजिब है-ये लोग जब भी कहीं इंस्पैक्शन करने जाते हैं तो सब से पहले अपने जाती फ़ायदे की अपने सामने रखते हैं, भारते लोगों की फ्रीक्टीब में नीकर कराते हैं, भाने पर्सनल गेन्य को पहले देखते हैं। प्राप कानून जरूर बनाइपे, लेकिन ये जितने दैंस्पैक्टर्स हैं इन पर कड़ी निवाह रिवारे क्कि ये लोग किस तरह से काम करते हैं।

सैक्जन 12 में बैस्ट्स ग्रीर एफ्रल्एन्ट की जिल्लोजल की बात है। बाज क्या हो रहा है- बहुत सी ऐसी मिले हैं, जैसे वेप र [सरबार स्वर्णासह साखी]

मिले हैं—उन का एक्तनुग्ट नहीं में आता
है, जिस से नहीं का पानी खाब हो जाना है।
बिनदान गर में कामत का काम्खाना है
उस की सारी गर्दाी नहीं में जाती है, उस को
माम करने ना कोई इन्स्वाम नहीं है।
माने कहां इन्क्रम्ट्रीयस काम्बीक्स बनते
मा रहें हैं, बड़ा बड़ी हास्तर पैदा होती का
रही हैं—इस के बारे में हमें सोकना नीहिये
मीर कोई इन्सबास मरना साहिये।

त्रहत से कारखाबों में भगर कोई स्वाबट पैदा हो हो कट-ब्राफ्र-मावर का इन्छवाम मगीतों के साम तही होता है, यशीकों में प्रापर सेखंटी का इन्तजाय नहीं होता है। 28 फरवरी, 1975 को टिम्को में---ब्रहा पर बहुत सन्द्रों सहीते लगी हुई हैं--एक लड़का स्रोतस्टाइस पर काम कर रहा था. उस की मशीन में कोई गडबड़ी पैदा हुई, भ्रजानक उस का सिर या हथा राफ में फस गया, पावर-कट होने की वजह से उस लडके की डैय हो गई। इस में कोई शक नहीं कि भाप ने बढ़न सी छोटी छोटी ची बी को भी इस में मेन्सन किया है, लेकिन फ्रिट भी देखने की जरूरत है। ग्राप ने अभी जो कार बाने लिये है -- जै। 'ब्रैयवेट' को लिया, इन में पुरानी चगीने है, इस लिये सफ़टी के लिये माप को बहुन कुछ करना होगा। हालांकि भाजनल जो नई मधीने द्या रही हैं, उन में सेफटी का काफी अच्छा इन्ट्रजास होता है, फ़िर भी सेफ़ टी के बारे में बते एक एन के बोते हैं जन की मन्छी तरह से देखशास होती जाहिये, ध्राप के यहां जो शाबधात किया गया है, वह सब कुछ यहा है या नहीं है-- यह साप को देखना होगा।

बच्चों के बारे में भो मापने कहा है, कैंचे मोसुमूड क्रने के बारे में मापने कहा है। समाने यह कहा है कि वहा पर-तेरेस सारते काम करहो हांकी वहा सह कैचेन की सुनिवस वच्चों के लिए जेना न्यनिकार्य होगा। पहले यह तक्या पणास थी. में क्लूंगा कि तीस क्यों आप रक्ष रहे हैं इस क्यों नहीं इकते हैं। जहां वस हों जहां आपको इस सुनिधा को उपसब्ध करना यानिकार्य-कर देता लाखिये। आस इस नारे देखें बीर इसको रिकाइक करे।

श्रीवर टाइम की बात की आपने इस में लिखी हैं। मोबर टाइम कोई देता ही ज्हीं है। छोटी फैक्ट्रियो वाले तो बिल्कुल ही नहीं देते हैं। प्रेल्स्टर,आदि श्री है तहीं, रखते हैं। फोटी कोटी की मुनत में काम करवाते हैं। छोटी छोटी फैक्ट्रियों की हालक बहुत बुरी है। इस्पैक्टर जो आपके हैं उनको इस तरफ ज्यादा से ज्यादा स्थान देना चाहिये।

सेक्टी बहुत जरूरी है। इसका गव से पहले प्रबन्ध होना चाहिये। पैसेक्टी भी आपने पाच सी से बढ़ा कर एक हजार कर दो है इसको और अपने बढ़ाना चाहिये। यह पैनेलटी आपने 40 क्लाज में बढ़ाई है और सैक्शन 92 को आप एमेंड करना चाहते हैं। कम से कम आपको इसको पाच हजार करना चाहिये।

फैटल एक्सीडेट्स के बारे में आपने कहा है कि एक महीने में उनकी जाज हो जानी चाहिये। में मानता हूं कि पुलिस इक्टेस्टोरेजन ग्री हागी। लेकिन आपका जल्दी करनी चाहिये एक महीना भी क्यों सगना चाहिये। इस पीरियड का आप भीर कम करे।

श्री मूल क्षम काता (पाती): यजदूर को समदूरों दे कर खरीचा नहीं जा सकता है। उसको प्रेम से ही खरीदा जा सकता है। दुर्माम्य की बात समारे देश के लिए कह कै कि स्मारे देश में जितनी कारकानां में दुर्मान्य होठी हैं किसी दूसरे देश में नहीं होती हैं। सहा पर मज्जूनां का कोनस बहुत ज्यामा होता है। क्ष कानून के करिये आयने वो बुधार युक्ताव हैं उनका में स्वायत करता हूं। नेत्रन्य किपान वान लेवर ने वो रिकोमैंडेशम्य यो वी जनको दिए हुए किनने ही साल बीत गढ़ हैं। उन के बाखार पर अवर कानून पाप क्यारी तो बहुत कंच्छा रहता। 1969 में उनकी रिपोर्ट प्रकाशित हुई थी। जत साल हो कंच हैं। सेकिन उसकी रिपोर्ट को कानून व्यारी समय स्वाम में नहीं रचा गया है। उनकी इन्न्यां मेंट नहीं किया गया।

धाप कानून तो बहुत ज्यादा बनाते चले जा रहे हैं लेकिन उन बर घमल नहीं होता है। कानून तो भाष बना देते हैं लेकिन उनकी लागु स्टेट गवतीमेंड्स करती है। कार्य बनाने के बाद माप मपनी जिम्मेगरी से हट जाते हैं और कह देते हैं कि इन की लाग करने की जिम्मेवारी राज्य सरकारों की है। राज्य मरकारों के जो श्रम विभाग है वे इस ब्रोर बहुत उदासीन हैं। उन में हिम्मत नहीं होती है कि पूरी तरह इनको लागू कर मके। पूंजीवाद प्रभी भी कई बार उन पर हानी हो जानी है। 'राजनोतिकों और प्रशासको पर भी मिल मालिक इसकी वजह से अपना मनर डाल "ते हैं। उसके कारण मजदूरों का शोषण होता है। कई माननीय मदस्य कह रहे थे कि कानून तो भ्राप बहुत भ्रच्छे बना देते हैं लेकिन उनकी धन्पालना धगर न हो तो उनका काई फायदा नहीं होता है। मजदूर की भी उठना होगा ग्रीर ब्रह्माचारों के खिलाफ लड़ना होगा। जब तक वह ग्रंथने ग्रधिकारां के लिए लडेगा नहीं, उसकी अधिकार प्राप्त नहीं होंगें।

आयापने कहा है कि सेपटी प्रफनर मिल गालिक रखें। नई क्लाब 40 शोर् में क्रमपर्ने बड़ा कहा है:

"the occupier shall, if so required by the State Covernment in the efficial gazette, employ such number of Safety Officers as may be specified in that notification."

नेवर बैल्फेंबर प्राफिसर प्रगर मिल मालिक मुकरंर करेंबे तो वे किन के इंटरेन्ट्स की वाच करेंगे। वे उद्योग के हितों का प्र्याप रखेंबेंबे मजदूरों के हितों को कीन वाच करेगा? अब विषय में बर्च करने की ताकत नहीं है। अब मस्कुर कैंचारा क्या करे?

क्लाज 41 भ्राप देखें :

Clause 41 says:

"In the opening paragraph, for the words 'which may extend to one thousand rupees', the words 'which shall not be less than two hundred rupees but which may extend to thre thousand rupees' shall be substituted,"

मधी मापने एक हजार से पांच हजार कर दी है। खैकिन रिकोमंडेशन क्या थी

"The CCIF has brought to our notice the fact that the current penal provisions are adequate only for formal offences relating to maintenance of register and records and submission of actices. Offences relating to safeguarding of machinery or other matters which may result in accidents and occupational discases should attract more rigorous sanctions"

मन स्थिएस करने के लिए प्रापने क्या किया है? आपने पाज हजार तक कर दिया है । मापने किसी मिल मालिक को जैल में नहीं हाला है। मैं मशना हूं कि प्रापको कम्य-लसरी इम्त्रिजनमेंट का सन्दर्भन करना चाहिए या। दुख है कि जो बुद्धिनी होते हैं वे सपनी सेफटी सोच लेते हैं। पालिमेंट के प्राप्त कहीं गन्दगी न हों, हजा पानी का क्रिक इन्तनाम हो यह सब कुछ हो चाला है। हेर्नक्ष को उरपादन करने बाला होना है। उसकी तरफ म्यान वहीं विव्य क्रास्त है। जो केवन कोलहा है, साम्ब को सेता है उसकी

[श्री मूल चन्द डागा]

तो ज्यादा सुविधाए मिल जानी हैं, लेकिन जो निर्माता है देश का, उसकी तरफ व्यान नहीं दिया जाता है। मजदूर के साथ खिलबाड नहीं होना चाहिये। फिर

Why should it be 1,000? Why should it be applicable only to 1,000 workers? In 40(b) you say "wherein one thousand or more workers are ordinarily employed".

1000 क्यों? मैं सभक्षता ह कि मजदूर के कियों को रक्षा का प्रभी भी व्यान नहीं रखा गया है। बुद्धिजीवी तनक्वाह तो तीन तीन हजार महीना ले लेते हैं लेकिन मजदूर जहां काम करता है वहा गन्दगी ही गन्दगी रहती है, उस तक को माफ करवाने की व्यवस्था नहीं की जाती है। कानून में प्रावधान होने के बाद भी उसकी लागू नहीं किया जाना है।

मिल मालिक लाग मजदूरों का माज मां सायण करते हैं। स्थाने मच्छी नहीं होती हैं। सैफ्टी का प्रबन्ध नहीं होता है। मजदूर लाग मण्यी जिल्दगी को खनरे में डाल कर उत्पादन करके देते हैं। लेकिन उनकी कोई परवाह नहीं कि जानी है।

श्रम मनी बहुत से कानून लाये हैं, इन्होंने बहुन से कानून लेवर के फायदे के लिए पाम करवाए हैं। जल्दी जल्दी नाए हैं, अच्छे लाए हैं। लेकिन उनकी अनुपालना कौन करेगा? बोड़ी वर्कन के लिए वह लाए हैं, दिंदू बनेट, ल बाफ बादि के बारे में लाए हैं। अब फैक्ट्री एक्ट में तरमीम के बारे में लाए हैं। अब फैक्ट्री एक्ट में तरमीम के बारे में लाए हैं। इस सब को में मानता हूं। लेकिन उनकी अनुपालना हो इनका बी आफ्नो ब्यान रखना चाहिये। सेफ्ट्री मेर्न बंदी स्कटी एक्वि मेंट की ट्रेनिंग की तरफ मो ब्यान बेना चाहिये, तथी फायदा हो सकता है।

श्री अमरताय विद्यालंकार (चंडीगढ), उपाध्यक्ष महावय, मैं इस बिल का समयन करता हू, लेकिन मैं स्वीकार करता ह कि फैक्टरीज ऐक्ट में तरमीम करने, के बारे में हमारी जो बालाये थी, यह बिल उनसे बहुत कम पडता है। मैं यह श्री अनुभव करता हू कि इस शक्ल में इस बिल के पास हो जाने के बाद फैक्टरीफ ऐक्ट जो शक्स अक्टपटर करेगा, यह एक ममाजवादी राष्ट्र के अनुक्ष्य मही होगी।

Bill

मभी तक हमारा फैक्टरीज ऐक्ट श्रीर वर्ककं की सेफटी के लिए हमारे मेजजं न सिर्फ समाजवादी देशों. बल्कि धमरीका भौर इगलैंड झादि क्सरे देशों. के मकाबले में भी बहुत पीछे हैं। पाजी-वादी देणा में भी ऐसे काननी का पालन पूरी पाबन्दी के साथ किया जाता है। मेफ्टी मेजर्ज ग्रीर मजदरी की सुविधाशी के सबध म उन दशा की छोटी या बढी फैक्टरियो की स्थिति यहा से ग्रच्छी है। नहा जाता है कि गरीव देश होने के कारण हम उतनी सुविधाये नही दे सकते हैं । लेकिन स्थिति यह हे कि ग्रस्यन्त मावश्यक स्विधाये भी हम नई। देते हैं। इसम एक तो कानून का दोष है, ग्रॉर दूसरे, इम्प्लीमेटेशन में बसी का दोष है। में भागा करता हू कि मती महोदय इस विवय मे फिर विचार वरेगे भीर फैक्ट-ीज ऐक्ट में एक काम्प्रीहेंसिब तरमीण लायेगे, ताकि एक समाजवादी राष्ट्र में फैक्टरियो प्रारंग उन में नाम नरने बाले वकर्ज की जो स्थिति होनी पाहिए, वह स्थिति हम प्रपने देश मे साने में मफम हो मके।

जैमा कि मैं न कल भी एक दूसरे बिल पर बोसते हुए कहा था, इम्प्लीमें-टेशन न होने की वजह यह है कि हमारा इस्पैक्ट्रेट का डाम्बा बहुन ही कमजोर है। हमारे इस्पैक्टर फैक्टरियो में काते हैं, नैनेचरों से जिनते हैं जीर इंधर उधर की बात कर के कि धाते हैं। ऐसे कम ही फैक्टरी इंट्येक्टर होंगे, जिन के बच्चे या रिस्तेबार फैक्टरियों में मुखाफिम न हों। नालिक उन लोगों को किसी न किसी तरह से धोवलाइज करके, उन पर एह-सान करके, प्रपनी तमाम जिम्मेदारियों से बच्च जाते हैं। इस लिए यह जरूरी है कि इंट्येक्टरों के ढाचे को ठीक किया जाये।

मेरा सुझाव है कि हर एक फैक्टरी में वहां की युनियन श्रीर मालिक की एक जायंट कमेटी होनी च हिए, जो यह देखी कि क्या फैक्टरीज ऐक्ट ग्रीर दूसरे मजदूर कामुनों की पाबंदी की जा रही है या नहीं। हाल ही में वर्क्स कमेटियां बनाई गई हैं, लेकिन उन को कोई प्रधि-कार नहीं दिया गया है। उन की हैसियत सिर्फ एडवाइजरी कमेटी की सी है, इस-लिए उन से कोई फायदा नहीं है। जायट कमेटी को यह अधिकार होना चाहिए कि वह बता सके कि फैक्टी में फला कमी या दीव है बीर उसकी प्रातीक्य मन करने की सिफारिश करने का भी अधिकार होना चाहिए । मैनेजमेंट में मजदूरों का पार्टिसिपेशन होना चाहिए । यह काफी नहीं है कि मजदूरों के किसी नमायदे को डायरेक्टर बना दिया जाये । हर एक फैक्टरी में मजदूरों को यह अधिकार देना चाहिए कि जहां कानून की पाबधी नहीं हो रही है, वे उस के संबंध में कुछ ऐक्जन ले सके, या सुझाव दे सके। एसे सेफगार्ड रखने चाहिए, जिससे मालिक को महसूंम हो कि प्रगर वह कानून की पाबंदी नहीं करेगा, तो मजदर माफ नहीं करेंगे भने ही इस्पेक्टर माफ करता हो। मैं समझता हूं कि इस कानून का इम्ली-मेंदेशन बगैर मजदूरों की मदद के ग्रीर वर्षर उनको प्रधिकार दिये नही किया जा सकेवा ।

मैं भी रामसिंह भाई के इस एमेंडमेंट ते सहमत हूं कि इस बिल में "आकु-पाबर" के साब-साथ योनर, चेयरमैन यौद्धनि- जिंग डायरेक्टर को भी लपेट में लाबा जाये। फैक्टरियों में ऐसे मैनेफर रखे बाते हैं, जो कानृन की सख्ती को क्षेत्रें, और इस तरह ग्रोनर या मैनेजिंग डायरेक्टर वर्गरह जिम्मेदार ग्रादमी बच जाते हैं। उन को भी बीच में लाना चाहिए शीर उन पर भी जिम्मेदारी डालनी चाहिए। बड़े ग्रादमियों को नहीं पकड़ना चाहिए, छोड़े धादमियों को नहीं पकड़ना चाहिए।

सजा में काफी कभी घीर मर्मी कर दी गई है। मजदूर यह भाशा करते हैं कि घगर सरकार कानून का पूरा पालन कराना चाहती है, तो उस की भूतमा सक्त बनाया जाये कि उसकी विलाककर्षी करने वाला बच न सके।

मोबर-टाइम के लिए 750 रुपये की लिमिट कम है। वक्जं भीर कारीवरों की मामदनी काफी बढ़ गई है। इसिलए 1,000 रुपये पाने वालों को इस में मामिल करना चाहिए।

छुटी के बारे में मेरे दोस्तों ने जो कुछ कहा है, मैं उससे सहमत हूं। जितने लोग कारखाने में काम करते हैं, उनको यूनिफार्म मिलनी चाहिए। वे लोण झक्ले कपडों में जाते हैं भीर उन को गन्दा करते हैं। उन सब के लिए नये कपडे लेना सभव नहीं होता है। इस लिए कारखाने में हर एक काम करने वाले को उस टाइप की युनिफार्म वेनी चाहिए, जिस टाइप का उसका काम है।

इस बात को भी एनकोर्स करना चाहिए कि मंत्रीनरी बनाने वाले लोग भी उसके डिजाइन में सेफ्टी का पूरा ध्यान [की समर शास दिवालंकार]

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एवं । कई बार मजीनरें के बिजाइंग ऐसे अनते हैं, जिनसे खनरें। रहता है। इस लिए एक कानून के द्वारा यह निष्टिन कर दिया कोये कि मजीनरी के बिजाइन ऐसे होने चाहिए जिन से पुरक्षा की पूरी तरह से पाबंदी की जा सके ।

वी हरी लिह (बुजी): उपाध्यक्ष महींदेय, अस मती पिछले काकी समय से येहे प्रवेल्न करते थी रह हैं कि देश के श्रीमकों को काम पहुंचे, उन का वैटरमेट ही धीर उनके लिए जो कल्याणकारी योजनायें सानू की वा रहीं हैं, उनका सकलतापूरक कार्कान्यन हो । उन्होंने सेवर साज में बहुत महत्वपूर्ण परिवर्तन किये हैं। उसी खूंचला में नह मीजूदा जिस है, जिस पर दक्ष सबय कर्यों हो रही है ।

इस कानून के द्वारा कई का न्तिकारी परिवर्डन खाये गये हैं। उदाहरण के लिए धारी तक धार 50 स्तिया किसी चैन्छरी हैं काम करती थी, तो उनके लिए कीश का इन्त्याम किया जाता था। प्रव उन्होंने सक्या घटा कर 30 कर दी है, यह घन्छ। सक्षण है धार जैसा धभी कुछ सदस्यों ने कहा—इस सक्या को आर ज्यादा प्रदाया जा सकता है। मैं धाणा करना ह—श्यम मती जी इस और ध्यान देगे।

15 hrs.

जो फैटल ऐक्सीडेट्स हो जाते हैं— उनमें बहुन समय तक जाव पड़नास और एक्स्तायरी होती रहती है। श्रव मंत्री महोदय ने इसके लिये एक टाइम लियट रख दी है- -यह भी एक स्मा लक्षण है। इसके साथ माथ प्रव इस्पेक्टर्स को श्राथोगाइज कर दिया गया है कि जहां पर मजदूर काम करते है उस किल्डिय की यदि हालत खराब हो तो वे वहां काम रक्षा सकत है और उसकी करकत करवा सकत है और उसकी करकत करवा सकते हैं। यदि किसी कार-

खाले. में एक हुनार के अपर व महूर, लहन करते हैं तो वहां पर सेल्टी अरिकार वी-रवा जारेवा। बहुन सी ऐसी जिलाकी यहा कर की गई है कि इस्पेन्टर्स परवाह मही करते हैं, लेकिन इन बिला में ऐसी प्रोबीजः एवा निया है कि यदि इस्पेन्टर्स ने मजदूरों के क्षाय इशाफ नहीं किया है तो वे स्टेड के पास अपील कर सकते हैं। वे सीरे प्रावधान प्रनित ने दोतक हैं चीर इन से देश के मजदूरों का भला होगा।

समय बहुत कम है, समझ में नहीं घा रहा है कि मैं क्या कह और क्या न कह । मैं एक हो बात गहना चाहता हू कि धनर भाग क्रिल्ली पर नजर बरसे तो भाषको सहुत भारी फेक्टरीक ऐसी नजर आवेगी जिनका मधीतक रजिस्ट्रेशन नही हो पाया है। वे कपने यहा भजवूरों से नाजायज तौर के काम सेते हैं, न उनको बेष्युढी मिनली है धीर न बोनस । जो सुविद्वायें मजबूरों को कायून के मनुसार दी जानी चाहिये, वे भी उनको नहीं मिलकी हैं। अन्य जितनी फेक्सपीय हैं--उनमें हमारे शेड्युन्ड कास्ट्स स्रीय शेड्युस्ड ट्राइब्स के लोगों क लिये नौकरियों से जो कोटा रखा गया है, उसका पालन भी नही किया जा रहा है। मैं मन्नी महोदय का ध्यान इस ग्रोर खास सीर से श क्षित करना चाहता हू कि हिन्दुस्तान में जितने मल-कारखाने चल रहे है उनमें स्थिएड भीर प्रनम्किल्ड लोगो मे शेड्यूल्ड कास्ड्म भीर मेड्युल्ड ट्राइब्स के लिये जितना कीटा है की र उस कोटे को क्यों पूरा नही किया जा रहा हैं। मैं मन्त्री महोदय से अपेका करना हू कि हमारा जितना कोटा ग्रह्मरा पड़ा हुमा है, उसको पूरा करायेगे।

बाज सरकार की नीति के जर्स देश के जो पिछड़े हुने इलाके हैं अनमे फैक्टरीज लगाने के लिये बहुत के प्रसीजन दिये जा रहे हैं, सरकार तग्ह तरह की सुविधाये दे रही है बार मुझे खुनी है कि लोग उन इक्का में बाकर फैक्टरीब लगें। एहें हैं, लेंकिन एक अफसोस है— उन भारखानों में बहां के रहने बालों को नौकरी नहीं दी जाती है। वहां के अफसरान अपने-अपने एरियाज से आदिमियों को लाकर नौकरी में भर लेतें हैं। मैं चाहता हूं कि मंत्री महोदय ऐसी व्यवस्था करें कि जिस इलाके में फैक्टरी लगी है, उस इलाके के आदिमियों को ही वहा नौकरी मिले।

धन्त में मैं यही निवेदन करना चाहता हूँ मि बाज मजदूरों की जी हांलत है उसमें सुधार की बहुत जेरूरत है, इस तरफ सरकार का ध्यान जाना चाहिये। इस बसकाज के साथ मैं इस बिस का स्वागत करता है।

MR. DEPUTY-SPEAKER: Mr. Chapalendu Battacharyyia—only five minutes.

SHRI CHAPALENDU BHATTA-CHARYYIA (Giridib): So, I am the residuary legatee.

Sir, I welcome the Bill. The Labour Minister has many things to his credit. His intentions are good. He wants to give the labour a good deal. But my approach to the Bill to amend the Factory Act by the Minister of Labour is: though his intentions are good, he wants to give the labour a good deal and a fair deal, but somehow some of the provisions may prove counter-productive. My submission is very simple. I would like that we have Factories Act with minimum but with large rule-making powers so that the entire wide spectrum of the factories in the country may be covered and to each factory the rules can be tailored according to particular situation or requirements of the units. If I may illustrate, the safety provisions required to govern a blast furnace or a steel melting shop or a nine metre high coke oven battery need not be the same as for a 4.5 metre coke oven battery or a bell-metal factory where no power whatsoever is used. The approach should have been different than what we have. I welcome that in section 23 for the words '50 women workers' '30 women workers' shall be substituted. The task of managaing human nature must never be confused with the task of transmuting it. If you had made the number still lower, the women would have found themselves out of work! I know the position in the coal-mines for which I have tabled a question and probably the letter will be reaching him shortly.

As regards uniforms I urge it particularly for women workers as a measure of safety.

But, Sir, the spread over of 12 hours, I think, is a retrograde step. In the interest of increasing productivity we may think of complementary shifts as are being thought of in coal mines. This matter should have been looked into in depth.

I would have welcomed that in the matter of 'occupational diseases' the Bill should have included neurols as an occupational hazard through speeding up of machines. There have been large cases of growth of neurosis and Charlie Chaplin portrayed in Modern times in 1987 is now catching up with us in the industrial establisments. So, that should have been included.

The Employees' State Insurance Corporation, as a matter of policy, should have done regular periodical checkup of these factory workers regarding their general health. There are cases about the incentives in which we found that some of the workers had literaly worked themselves to death. In copper mines in Mosabani the fbotage bonus depending upon the footage of drilling induced the werkers to work hard and hring about silicosis and T.B. to themselves. In many factories come of the workers', are working at 105 to 115 per cent of the installed canacity depending upon incentives. Aithough we must go in

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Shri Chapalendu Bhattacharyvial for higher productivity as a desideratum of national policy, crude intensification of labour and workload should not be permitted, because it will lead to higher stress and strain and higher incidence of disease and ill The Factories Acts should have provided for a sharing of the fruits of higher productivity.

The appointment of Safety Officers -the repetition of Parkinson's Lawwill not make the factories safer. The safety has to be sought in the workers' day to day active participation in management and the continued dialogue between the management and the workers at shop floor level alone will make the factories a safer place to work in

With these words I welcome the Bill and I support it.

THE MINISTER OF LABOUR (SHRI RAGHUNATHA REDDY). Sir, I am extremely thankful to all in hon. Members who had participated in this debate expressing appreciation to some of the provisions and also giving their views.

with regard to their criticisms about some of the provisions of the Bill before the House, while I do not want to take much time of the House in dealing elaborately with all the points that had been made by the hon. Members, I would seek their indulgence and I may point out with regard to the arguments advanced by Shri Staphen for the purpose of comparing the developing and undeveloped countries with all the developed countries and also I may satisfy my friend, Shri Samar Mukherjee by stating that the average investment of capital per worker in 26 similar undertakings or industries in India and the US.A. while India's per capita investment on a worker is 2,924 m US.A it is about 12,979.

That is why iwe have to go through a difficult process and for that hard work is necessary. Industrial development cannot take place without some sacrifices too.

As far as the accident rate is concerned, it is quite gratifying to note that in Steel Industry, especially, it has come down for one million man power in 1964, it is 30.5, in 1967 it is 12.45, in 1970 it is 8.5, 1973 it is 6.58 and in 1974 it is 618. I do not want to burden you and the House with further details about this.

Most of the criticism that had been offered and agreed to by the Members arise out of the speech of my hon. friend Shri Stephen While I am thankful for the elaborate speech that has been made by Shri Ramji Bhai and other friends, I can assure them that I have noted down the points and when a situation arises, those points would be attended to. Even though they cannot be sanctified into the law by way of inspection, I may assure the the House and the hon. Members here that their intentions would be carried out to the best of my ability.

Shri Stephen mentioned about the public emergency. As you see, the existing provisions of law, they only deal with the public emergency which the State can declare in order to provide the necessary guidance to the State. In any conditions, the Public emergency can be declared for the purpose of granting exemption from. the provisions of this Act. Certain guidelines had been given by way of a proviso Otherwise, the State staelf can declared this It is not the Chief Inspector or any other officer who can declare the public emergency. The public emergency is already there in the provisions of the existing Act. There is nothing new that I have add. ed In order to give a proper connotation for this expression Public Emergency'. I have to provide some explanation for it. That is why an explanation has been added and the explanation has not given any greater power than what had alreedy been

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Another point has been raised by Shri Stephen. That is about Sec. 32 of the Act relating to Clause 32 of the amending Bill relating to Sec. 79 of the Principal Act. The first Proviso sub-section 5 of Sec. 79 limits the carry-over of the period of unavailed leave to 30 days for the workers and 40 days for the others. The Second provio relates to the case; where the worker applies for leave and who has been refused. So, I feel that the second proviso to the principal Act is slightly anomalous. The workers have not availed of the leave because it was refused. The fact is that he has applied for the leave. Hence, to make the matter straight and to remove the anomaly, the word 'unavailed' has been substituted by the word 'refused'. There is no limit to the caryover of such leave It does not therefore come in any way against the interests of the worker. In order to correct the mistake and make it clear the language of the principal Act had been changed. My hon, friend has also referred to the other aspects and it is common knowledge that the carryover as such is not commensurate with the task that they perform. Shri Stephen has referred to the appointment of certifying surgeons and allowing certain categories also to come within this Act. I have said that the available number is very small. Considerable difficulty is being experienced all over the country in the matter of examining the persons engaged in the dangerous and hazardous places. There are a number of medical officers attached to the Central and State Governments whose services can easily be utilised for the purpose. With this end in view this exemption has been inserted and I have no hesitation to assure the House that every care would be taken to re_ quest the State Government to apply the principle in the interest of the employee or the workers of the Factories Therefore, with all the emphasis at my command, the State Governments would be requested to apply this principle especially in the private sectors There cannot be any possibility of de. feating the very purpose of the legislation that has been passed or is sought

to be passed just now.

Another interesting point that had been raised by Shri Stephen is with regard to the amendments to original sec. 65. If we read only the amendments there is likely to be, if not considerable, at least some, misunderstanding. The amendments proposed to sec. 65 will have to be read in conjunction with sec. 51 of the principal Act, sec. 54 of the principal Act and also sec. 64 so that the the intention of the amendments sought to be made to sec. 65 can be fully appreciated. Under sec. 51, there is no change, there is no amendment sought-48 hours a week remains unchanged Under sec. 54, the 3-hour limit is also unchanged. Under 64, we had contemplated 10 hours and under 65, we increase it to 12 hours. The purpose of this is this, with the development of modern technology and technological processes, specially in the chemical industry, it has been found that the chemical technological processes are continuous processes which cannot be stopped. So we thought that in some emergency when certain additional persons qualified for doing that particular job are not immediately avail-, able for reasons beyond our control, in such cases, the persons who are already there, who are qualified but have nevertheless already done their duty, should be requested to work. In such cases, some exemption will have to be given in order to see that the continuity of the technological processes is not interrupted so that there is no hindrance to production. There is no other intention behind this except to satisfy the needs of modern technological development and technological processes.

Since we have not amended sec. 41 or sec. 51, there is no harm caused. Whatever extra time is put in as a result of the amendment sought to be made, would be treated as overtime and they will be amply rewarded.

[Shri Raghunatha Reddy]

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But it must be admitted that a continuous technological process cannot be stopped and in such cases the services of qualified persons would be necessary.

With this. I think I have answered all the points made by Shri Stephen and other friends who had agreed with his criticism.

MR DEPUTY-SPEAKER: The question is:

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

The motion was adopted.

MR: DEPUTY-SPEAKER: We now take up clause by clause consideration. I see there is only one hon. member who has given notice of a very large number of amendments. If "he is going to fight every inch of the way, we would not be able to dispose of this business before 3:30 So I would like to ascertain from him whether he is going to move these amendments or not. If he is not, then the matter becomes simple.

श्री राम लिंह भाई: नहीं, मैं पेश ती करना चाहता है और यह जानना चाहता है कि मनननीय मंत्री जी क्या कहते हैं ? जी 'मेरी' भावता है और जो मैंने संगोधन रखे हैं वे गलत हैं या भही हैं और मंत्री जी की उन्हें भारते में कठिनाई कहां है यह ती बतलायों। मैं पेश कर रहा है।

MR DEPUTY SPEAKER: The procedure is that you should move each amendment as the clause is taken up. You cannot move all of them at the same time. I am trying to point out that if you are going to fight for every amendment, we will not be able to dispose of this Bill before 3:30 when we are to taken up private Members' business. This is the point I am putting to you. That is why I am ascertaining from you in advance what your intentions are.

भी राम सिंह माडि: में जानना चाहता है मैं जो रख्ता वे सजूर नहीं होंगी। लेकिन मजदूरों की कावनायें जो हैं वे तो मंत्री जी के सामने आपानी चाहिये। मैं मन्नी जी से संवर्ष करना नहीं चाहता है।

MR. DEPUTY-SPEAKER. It is un to you. We take up clause-by-clause consideration. There are no amendments to clause 2.

The question is:

"That clause 2 stand part of the

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 4-(Amendment of section 6.)

MR. DEPUTY-SPEAKER: We take up clause 4: there is an amendment. Are you moving it:

SHRI RAM SINGH BHAI: -

Page 3. line 27-

after "working" insert-

"and transportation of spare parts to be used and other material by trolley", (1)

इस संशोधन के बारे में निवेदन है कि जिस कारखाने में मशीनें लगी हुई हैं, दोनों तरफ पट्टे हैं वहां पर मशीनों की इस तरह से भरनार कर दिया जाता है कि टाली से चीजों के निकलने के लिए जगह ही नहीं छोड़ी जाती है। दो दो भौरतीन तीन मजदूर सिर पर लाद कर मशीन को लाते हैं। इससे एक्सीडेंट होने का बातरा रहता है। भाग इसमें यह रखें नि टाली से लाने ले जाने के लिये जगह रखी जानी चाहिये।

SHRI RAGHUNATHA REDDY: This does not call for an amendment. I shall discuss it with the hon, Member and see if it could be covered under the rules.

SHES RAM SINGH BHAI: I withdraw my amendment.

MR. DEPUTY-SPEAKER: Has the home Member leave of the House to withdraw his amendment?

Amendment No. 1 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER. If this is going to be your modus operand: why not say that? Now let us proceed with business. You have tabled your amendments; the hon. Minister knows them. He has said that he would try his best to provide for them in the rules. Then why move the amendment and go through the motion?

भी राम सिंह आई: एन बार मंत्री महोदय यह कह दें कि मैं सब पर विचार कहानों तो मैं बेर्गिंग्स नेने की तैयार हूं।

SHRI RAGHUNATHA REDDY: I shall discuss with him and to the extent possible we shall see how it could be provided.

he will also discuss them with you. So, I take it that you are not moving your other amendments. So, I will put all the clauses to the House. There are 45 clauses. The question is:

"That clause 4 stand part of the Bill".

The motion was adopted.

Clause 4 was added to the Bill.

MR. DEPUTY-SPEAKER: The question is:

"That Clauses 5 to 45, Clause 1. the Enacting Formula and the Title stand part of the Bfl."

The motion was adopted.

Clauses 5 to 45, Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI RAGHUNATHA REDDY: Sir, I beg to move:

"That the Bill be passed."

MR DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

SHRI K. RAGHU RAMAIAH: Only a few more minutes are left. Can we not start non-official business?

MR DEPUTY-SPEAKER: That will be a little irregular. Of course if the House agrees it can be done I do not know We have seven minutes more to go It is not twilight area.

SHRI K RAGHU RAMAIAH: I suggest that we take up non-official business.

MR. DEPUTY-SPEAKER. Does the House agree to that?

SOME HON. MEMBERS: Yes.

SHRI D. K. PANDA (Bhanjanager): What about Central Sales Tax (Amendment) Bill?

MR. DEPUTY-SPRAKER: We are regularising that because of this position. I must also say that the Minister should have been here to move it.

SHRI K. RAGHU RAMAIAH: I agree one of them should have been here, I am sorry.

MR. DEPUTY-SPEAKER: It is a piquant situation. Of course, the House can regularies everything. The situation is we have not reached the time for private members' business to be taken up. There are still five minutes to go Because of some misunderstanding, none of the Minister of the Ministry of Finance is here. Therefore, nobody can move that Bill.

SHRI D. K. PANDA. That should be recorded.

MR DEPUTY-SPEAKER: Not only has it been recorded, but the Minister of Parliamentary Affairs has said that he is sorry and one of them should

[Mr. Deputy-Speaker]

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have been here. But for some reason, may be mis-calculation or whatever it is, he is not here. That is why I am putting it to the House.

SHRI RAMAVATAR SHASTRI (Patna): In future such things should not happen.

SHRI K. RAGHU RAMAIAH. I hape in future you will not have any chance to say that.

MR. DEPUTY-SPEAKER. That makes my job very much easier So there is a proposal that we depart from the normal practice. We are a little more forward than backward We are ahead instead of behind Maybe that is the indication of the time, I wish it is so. In view of the situation I have explained the minister has proposed that we might take up the private members' business now Does the House agree to it?

HON. MEMBERS; Yes.

MR. DEPUTY-SPEAKER: We shall take up private members' business now. Bitls to be introduced

15.27 hrs.

CONSTITUTION (AMENDMENT)
BILL

. (Amendment of Seventh Schedule)

डा॰ कैलास (बम्बई दक्षिण) : । प्रस्ताव भरता हूं कि भारत के संविधान शा भीर संशोधन भरने वाले विधेयक को पुर-स्थापित भरने की धनुमनि दी जाये। MR. DEPUTY-SPEAKER; The question is a

"That leave be granted to introduce a Bill further to amend the Constitution of India"

The motion was adopted.

डा॰ कैलास : मैं विधेयक को पुर:-स्थापित करता हूं।

COCONUT BILL*

SHRI C. K. CHANDRAPPAN (Tellicherry) I beg to move for leave to introduce a Bill to provide for the establishment of a Board for the development, promotion and protection of the coconut cultivation and to set up coconut based industries and for these purposes to levy a cess to create a coconut fund and for matters connected therewith.

MR DEPUTY-SPEAKER: The question is

"That leave be granted to introduce a Bill to provide for the establishment of a Board for the development, promotion and protection of the coconut cultivation and to set up coconut based industries and for these purposes to levy a cess to create a coconut fund and for matters connected therewith."

The motion was adopted.

SHRI C. K. CHANDRAPPAN; I introduce† the Bill.

^{*}Published in Gazette of India Extraordinary, Part II, section 2, dated 27-8-76.

fIntroduced with the recommendation of the President.