

List—vide item No. 34. It is the first item in the Concurrent List: "Criminal Law, including all matters included in the Indian Penal Code, at the commencement of this Constitution, but excluding offences against law with respect to any of the matters specified in List I and List II." It is true that in regard to certain matters about which the State Governments have exclusive enacting jurisdiction, you may take action under article 252. First, a Resolution is passed by several States that Parliament may be asked to enact the law for the purpose of securing uniformity. So, that is one objection standing in the way of a measure of this type.

Let me suggest one course to my hon. friend. His motion today is for the circulation of this measure for eliciting public opinion. This debate may therefore, stand over till the next session. In between the Bill will be introduced and he may decide for himself as to whether to proceed with the Bill. In the meantime he may also take legal opinion as to whether his Bill is within the competence of the Parliament at all.

**Mr. Chairman:** The hon. Member has just heard the suggestion made by the Home Minister. He can choose his own course; I do not wish to advise him in the matter. If he wants to proceed with the Bill he can go on. If he thinks it would be better that when the Bill comes he can make up his mind, he can ask for postponement of consideration of the Bill.

**Shri Nageshwar Prasad Sinha:** I am not anxious to proceed now. I have no objection to accepting the hon. Minister's suggestion. The consideration of the Bill may be held over, but I am anxious that if Government do not come forward with their Bill, my Bill should not lose the ballot.

**Mr. Chairman:** Then the hon. Member himself may move a motion that the debate on this Bill be adjourned.

**Shri Nageshwar Prasad Sinha:** I beg to move:

"That the debate on the Bill be adjourned."

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

"That the debate on the Bill be adjourned."

The motion was adopted.

#### PAYMENT OF WAGES (AMENDMENT) BILL

**Dr. N. B. Khare (Gwalior):** I beg to move:

"That the Bill further to amend the Payment of Wages Act, 1936, be taken into consideration."

This matter is very simple. It is brought before the House on account of the difficulties experienced by labour which they feel and which hit them hard. In section 17 of the original Act the word "direction" occurs. That word is rather ambiguous and some doubts have arisen about its interpretation and difficulties have been experienced by the manner of its interpretation. I therefore submit that that word should be changed into "decision". That is all.

And there are certain other small defects which also are sought to be removed by the other clauses of the Bill. I move for consideration of this Bill and I appeal that the Government should support this measure. Because if they support it, it will be passed; if they do not support it, it will not be passed. I will content myself with saying this. That is all.

**Mr. Chairman:** Motion moved:

"That the Bill further to amend the Payment of Wages Act, 1936, be taken into consideration."

**The Minister of Labour (Shri Khandubhai Desai):** I am in sympathy with the two small amendments that my hon. friend Dr. Khare has moved. This Act came into force somewhere in 1934 (Dr. N. B. Khare: 1936) in 1936 and various decisions of various courts have created a lot of difficulties. This

[Shri Khandubhai Desai ]

whole Act was under consideration and Government propose to bring a comprehensive amending Bill before the House. But owing to the state of business before the House they could not bring it. I can assure Dr. Khare that along with the amendments which he has moved there are about half a dozen other amendments which will go a long way in improving the Payment of Wages Act. So I would request him to withdraw this Bill and permit us to bring in a little more comprehensive Bill in consultation with the States. The States have already been addressed, because after all the law has to be administered by the States. And the States have also placed before us certain difficulties with regard to the constitution of authority. There is also the question of the definition of "wages" which has also created considerable complication.

I would therefore request Dr. Khare to withdraw this Bill and allow us to bring in a little more comprehensive Bill than what he has brought.

**Mr. Chairman:** In case he does not withdraw, is it the case of the hon. Minister that Government will not bring their Bill? If Government does not bring the Bill, the hon. Member will be able to resume it.

**Shri Khandubhai Desai:** He may. But I can definitely assure him that I shall bring the Bill early enough in the next session and the amendments which he has proposed in this Bill will be incorporated in that. That assurance I can give.

**Mr. Chairman:** May I know the reaction of the hon. Member?

**Dr. N. B. Khare:** I profusely express my thanks to the Government for their sympathy, but I am rather chary of the promises made on behalf of the Government.

**Shri Khandubhai Desai:** I am myself more anxious to bring in the amendments than Dr. Khare himself, including his own amendments.

**Dr. N. B. Khare:** Therefore, I would agree, not to withdraw this Bill and lose my weapon, but I will simply agree to postpone its consideration. As previous Members have done, I will follow suit.

**Mr. Chairman:** May I take it that the hon. Member is making a motion to this effect that the debate be adjourned?

**Dr. N. B. Khare:** Yes, the debate may be adjourned. I will see the Government's attitude. If it is good I will not insist on this, but if it is not good and I am not satisfied I will insist on this.

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

"That the debate on the Bill be adjourned."

*The motion was adopted.*

INDIAN MEDICAL COUNCIL.  
(AMENDMENT) BILL

**Sardar A. S. Saigal (Bilaspur):** I beg to move:

"That the Bill further to amend the Indian Medical Council Act, 1933, be referred to a Select Committee consisting of Rajkumari Amrit Kaur, Shrimati M. Chandrasekhar, Shri M. Ananthasayanam Ayyangar, Dr. Ch. V. Rama Rao, Shri Amjad Ali, Dr. Ram Subhag Singh, Shri K. S. Raghavachari, Pandit Dwarka Nath Tiwari, Shrimati Sushama Sen, Shri Awadheshwar Prasad Sinha, Shri Nageshwar Prasad Sinha, Dr. Hari Mohan, Shrimati Indira A. Maydeo, Shri B. H. Khardekar, Shri Bhupendra Nath Misra, Shri Sushil Kumar Pateria, Dr. D. Ramchander, Shri C. Ramasamy Mudaliar, Shri K. Ananda Nambiar, Shri A. V. Thomas, Shrimati Tarkeshwari Sinha, Shri Lok Nath Misra, Shri Uma Charan Patnaik, Dr. Virendra Kumar Satyawadi, Sardar Iqbal Singh, Shri Amarnath Vidyalankar, Shri Bahadur Singh, Dr. Pashupati Mandal, Pandit Muni-