

Dr. Atchamamba: I do not find it necessary now.

Mr. Deputy-Speaker: She has stated that it is not necessary now.

The question is:

"That leave be granted to withdraw the Bill further to amend the All India Institute of Medical Sciences Act, 1956".

*The motion was adopted.*

#### NATIONAL AND FESTIVAL PAID HOLIDAYS BILL

Mr. Deputy-Speaker: The House will now resume further consideration of the following motion moved by Shri P. K. Kodyan on the 6th December, 1957:—

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

Out of the 1½ hours allotted for the discussion of the Bill, 25 minutes have been taken on the 6th December and one hour and five minutes still remain. Shri Amar Singh Saigal was on his legs last time.

Shri T. E. Vittai Rao (Khammam): Mr. Deputy-Speaker, we are very glad that an opportunity has been provided to discuss this Bill in this House after a very long time. The first time this Bill was introduced was as long ago as 1955 in the last Lok Sabha. When my colleague introduced that Bill, the Government were seized of this matter and it came up before the Standing Labour Committee in April 1956. An expert committee was appointed, consisting of both the employers, employees and the government. Unfortunately, this matter did not receive the attention it deserved by the committee.

The employers' representative in the committee tried to side-track the issue of giving paid festival holidays by raising the subject as to what should

be the number of working days in a year. The terms of reference to them was about the question of grant of paid festival and national holidays. But it was side-tracked.

This issue came to the forefront because in the coal mines, where there are 3½ lakhs of employees, they were not given any single paid festival holiday or national holidays prior to 1956. Even Independence Day and Republic Day are not treated as paid holidays in most of the collieries. Nearly three lakhs of workers were deprived of that. Only 50,000 people working in the collieries in the public sector and in some collieries managed by Englishmen were given these two paid holidays. So there was some agitation and some strike.

Ultimately, Government referred this matter for adjudication to an Industrial Tribunal. The Tribunal gave its award sometime in 1954 that these two holidays, namely, Independence Day and Republic Day, should be treated as paid holidays. The employers did not keep quiet. They did not implement the award. They went in appeal to the Labour Appellate Tribunal.

The Constitution was adopted in 1950. The Government took a little more than two years to come to a decision to refer this matter for adjudication. It was referred for adjudication and after a year an award was given. But in 1954 the employers went to the Appellate Tribunal. That is why we say that statutory effect should be given to this.

Then there are several thousands of workers who do not get any festival holidays at all. The running staff in the railways and some of the employees who work in the Railway Mail Service in the Posts and Telegraphs Department do not get any festival holidays. It is said that if holidays are given to the running staff, then the whole thing will come to a stop. It is not so. If necessary, they may be given some other day in lieu of this holiday.

Then there is the road transport corporations in which more than three lakhs of people work. Out of that, nearly 80,000 people are working in the State managed road transport. They also do not get these holidays. Only last year, when the award was given in the coal mines dispute recommending seven days that they made it compulsory that Independence Day, Republic Day and Gandhi Jayanti should be paid holidays.

What is the argument that is generally put forward by the employers for not giving these paid holidays? They say that production will be affected. I have got figures to show that in a company employing about 20,000 workers the number of working days during the year is 309 out of 365. They give a compulsory weekly off. So, if you remove those 52 days, you will find that they enjoy only four days as festival or national holiday.

If the employers or the Government are very particular that the production should not be affected, they can so arrange with the company or the factory to work on a Sunday preceding the holiday. Then there will not be any loss of production. But it is absolutely necessary that some sort of legislation should be there so that it may be uniform throughout the country.

I am sure that our hon. Deputy Minister will see to it that the States are undertaking legislation. I do not know when they are going to undertake legislation. We have seen the examples of States undertaking legislation. I will quote one example. For instance, States have been asked to undertake legislation, regulating the conditions of work in the shops and commercial establishments.

15 49 hrs.

[PANDIT TRAKUR DAS BHARGAVA in the Chair]

Today what is the position. In Rajasthan there is no legislation. When all the other States have got legislation, Rajasthan has got no legislation. In Rajasthan, I am told, there are a little

more than 2-3 lakhs of people who are working in these commercial establishments. So, if you leave such matters to the States, some of the States won't undertake legislation at all. Not only that; there won't be uniformity in regard to the number of holidays granted. In this Bill, the days that should be given are clearly stated; ten days: New Year's Day, Republic Day, Maha Sheoratri, May Day, Id-ul-fitar, Independence Day, Moharram, Gandhi Jayanti, Diwali, Christmas Day.

You take the oldest industry in the country, the textile industry. What is happening? Nearly 10 lakhs of workers are employed in the textile industry in our country. How many paid festival national holidays do they get? You will be surprised to hear that they get only three paid holidays in a year of 365 days, that May 1st, August 15th, Independence Day and October 2nd, Gandhi Jayanti. Even the Republic Day is not given as a paid national holiday. This is the position. In this oldest industry, which has been making good profits, which has been contributing to the national income to the tune of Rs 500 crores a year, which employs the largest number of workers barring the Railways, you find this situation wherein even the Republic Day is not observed as a paid festival holiday.

Recently,—I am talking about uniform legislation—the Andhra Pradesh Government declared November 1st, the first anniversary of inauguration of Andhra Pradesh as a paid holiday to the workers. They have instructed the companies and factories to close down that day and pay the workmen. But, the Singareni collieries which are owned by the Andhra Pradesh Government did not give this holiday. The Government issued the notification to observe this as a paid holiday. But, the same Government, which owns the Singareni collieries, did not observe that day. What was the reason given? The reason given was that, 'Labour welfare in collieries is under the Central Government and therefore, it is the responsibility of the Central

[Shri T. B. Vittal Rao]

Government and they cannot declare. A very strange argument, indeed. But, the workers there said, let us lose our wages, we will observe this day as a national holiday because the workers also have contributed, and sacrificed for the formation of the Andhra Pradesh.

When this question came up for discussion in the last Standing Labour Committee, the Government were not serious about this at all. Government was serious on only one thing, that is, discipline in industry. The other items in the agenda were not discussed properly and thoroughly. The employers' representative Shri Tata said, if you pay one paid holiday to the workers, it would cost the country to the tune of Rs. 1 crore. He did not stop at that. He said, this will greatly impede production, today we want increased production. As I submitted earlier, if the Government and the employers are serious about production, they can very easily work on a Sunday preceding the holiday. This is what is being done in many factories where the managements are interested in production. To deny this and say that production will be impeded does not stand to reason.

Especially in the public sector, the running staff are not enjoying this. I cannot understand why the Government is hesitant to undertake this legislation. A committee was appointed and they gave their report. There will be differences here and there. The minimum working days would also be laid down. This is not going to affect industrial production at all. Even to this day, the workers are observing these holidays. The only difference is that they are observing without getting pay. By statutorily binding them to 15 days, you are not going to reduce the number of working days in any factory, mine, etc. You will make the people observe these national holidays. For instance, you do not know that in the textile industry in Bombay and Ahmedabad which is considered to be managed by the most progressive

employers, the Republic Day is not observed as a paid holiday. Are we going to allow these things; even for these national holidays?

Therefore, I would very strongly urge upon the Minister to accept this Bill brought forward by my friend Shri Kadiyan. It is high time, that such a legislation is undertaken. If you leave it to the States, no legislation will come and there will be States like Rajasthan where the workers will not get any benefit out of it.

Shri S. M. Banerjee (Kanpur): Mr. Chairman, I rise to support this Bill moved by my hon. friend Shri Kadiyan. The Bill seeks to remedy the position by fixing the minimum limit of 15 paid national festival holidays in a calendar year.

I had been serving myself in the public sector, especially on the ordinance factory. I know what is happening and in a minute I will tell you what it is. The workers there are divided into two categories, non - are divided into two categories non-industrial category, that is, the ministerial staff and the supervisory staff including the managerial staff are entitled to 21 paid holidays. That is, they are entitled to observe or enjoy all the holidays including the three national holidays. The industrial workers who are actually the backbone of the industry, are entitled only to 14 paid holidays. Since the very inception of the Defence workers' federation and the Defence workers movement in the country, the Federation has been asking the Defence Ministry and also the Labour Ministry to remove this discrimination. What happened? Whenever we go to the Ministry, they say, after all, these holidays are non-production days and naturally we cannot possibly afford to have more holidays in this country when our country is marching towards socialism and more production, because our slogan is produce or perish. Of course, in my experience, when I see retrenchment going on, our slogan

has been changed from produce or perish to produce and perish.

Naturally, this difficulty can be solved. What right have we got to debar the industrial workers from the benefit of these 21 paid holidays? Whenever we say, this should be uniform, they quote England and other foreign countries and ask, what is happening in England, it is only seven days there. Let me ask the hon. Minister here, what about the wages in England? What about the housing conditions in England? What about other social amenities in England? Why are we only comparing other countries in the matter of holidays?

1½ hrs.

What is happening in the textile industry? I may state for the information of the hon. Minister that some time in 1949 or 1950 about 60,000 workers in the textile industry in Kanpur wanted to observe May Day as a holiday, but the millowners supported by the U.P. Government would not allow them, because they thought May Day was a day which should not be observed and could not be a festival day for the workers, though being a true representative of the workers I feel this is the biggest and greatest festival day of the workers. So, they refused leave. They said: "No, you cannot have this holiday", with the result that the workers did not join duty, and the net result was, as a political vendetta against the workers, their service was broken and they were told: "From now on you will not be entitled to have any leave because there is a break in your service".

So, I feel that this discrimination existing among defence industry employees of industrial and non-industrial categories must be abolished, and this Bill should be accepted.

After all, religious sentiments still prevail in our country. We see our Prime Minister and other Ministers actually going to the various places of worship, and we cannot possibly expect Hindus, Muslims, Sikhs and Christians of this country to forget their religious sentiments.

I know how difficult it is to distribute these paid holidays among the various classes of employees. I had been secretary of the workers' committee since 1948 in a factory in Kanpur. We were told that 14 days were to be distributed, and that out of them three national holidays had to be observed, viz., Independence Day, Republic Day and Mahatma Gandhi's birthday. I felt it would have been much easier to distribute the land available in India to the landless labour than distribute the remaining 11 days among the various sections of the workers. It was so difficult for me.

So, I appeal to the hon. Minister, and through you, Sir, to the Prime Minister and to our Government to consider this point very sympathetically. It is not a question of non-productive days. What is happening in countries where there is a 40-hour week? After all, more production does not only depend on longer hours of work or curtailing the holidays and leave of the workers. It is absolutely essential that this Bill should be passed. I request the hon. Minister to consider it sympathetically, and not to condemn it outright in his usual way because it has unfortunately been moved from the leftist side. I would request him not to touch this Bill with political vendetta, but to accept it.

**Shri Anthony Pillai (Madras North):** With regard to the question of festival holidays, unfortunately this Government has been taking a very long time to make up its mind. The net result is that with regard to festival holidays, different standards have been adopted in different industries and different States. Even when a State Government is ready to adopt legislation on the question of festival holidays for the workers, the Government of India always advise them that there should be a postponement of the question as the Government of India are seized of the matter and they would bring forward legislation at an early date. But this "early

[Shri Anthony Pillai]

date" has kept on being postponed and still we have no precise policy.

The usual argument that is trotted out is that in India we enjoy a large number of festival holidays. That may be so with regard to some of the clerical employees in Government service. For instance, in Madras State the Government employees are given 27 paid holidays, but if you take Government industrial establishments, there is no uniformity.

You have in the Posts and Telegraphs I believe 16 paid festival holidays. You have in the Port of Calcutta 16 paid festival holidays. In the Port of Madras, for some section of workers there are only two paid holidays, but for another section working in the same port by their side, there are ten paid festival holidays, and for a third category there are 16 paid festival holidays. Why there should be discrimination between the same set of employees enjoying the same wage structure I cannot possibly understand.

Then the usual other argument that is trotted out is that in other countries there are fewer paid festival holidays, but what is very conveniently forgotten is that in these very countries the hours of work per week is much lower than here. Here we still stand by the 48-hour week, whereas in the U.K. or the U.S.A. or many other industrially advanced countries it is a 40-hour week. Therefore, when we take the total hours of work in a year for an Indian industrial worker and the total hours of work in the industrially advanced countries, where presumably there are fewer number of holidays, will find that undoubtedly the Indian worker works for a longer period during the year than his counterpart in the other countries.

The claim that has been made in this Bill is only for 15 paid festival holidays. This quite modest in view of the fact that many wage authorities and tribunals have given more liberal festival holidays than is even

claimed here. For instance, one authority has recommended that in a port, which is an essential service, there should be 16 paid festival holidays. In the Posts and Telegraphs there are 16 paid festival holidays. When clerical employees are being allowed to enjoy festival holidays to the tune of 26 or 27 days, I do not see why we should continue to stick to this particular rule.

Again, it creates unfair competition. An employer who is liberal enough to concede the demands for paid festival holidays is at a disadvantage compared to other employers who are more reactionary and more conservative. I did not see why on this question the liberal employer should be put at a comparative disadvantage when they follow the recommendations generally made by the authorities concerned.

Therefore, I wholeheartedly support this Bill, though I do not agree fully with its formulations in every case. I would have preferred that certain specified number of festival holidays might be fixed, and that the management in individual industries may, in consultation with the employees, fix the holidays, but the number should be unalterable, namely 15, because in this country we have so many communities and sub-communities also and so many religions and therefore it is very difficult to frame one particular list of major holidays which the workers would like to have.

I have heard from highly placed members of the Government that there should be at least seven paid festival holidays. I do not know why they fix seven. Even if they grant seven days it will be something, but they are not granted even though they were promised long, long ago.

Shri Achar (Mangalore): The simple question before the House is whether we could have a uniform system of national and festival holidays. I am not against having a fixed number of paid holidays, but that is not the

**Bill.** If the Bill were only that much, I would have gladly supported it.

How many days should be granted is a matter to be considered and that could have been done,....

**Shri V. P. Nayar (Quilon):** Why do you not send in an amendment?

**Shri Achar:**....but the main principle of the Bill seems to be different. The main principle seems to be whether it will be a uniform system. There I am constrained to oppose this Bill.

Will it be possible to have a uniform system of holidays is the simple question that is before the House. I feel that that is not possible. Holidays like Independence Day, Republic Day and Mahatma Gandhi's birthday or one or two other holidays of that nature can be given for the whole country, and so far as that is concerned, I agree. But here, the question of festival holidays also comes in.

Is it possible to have a uniform system of holidays all over India, so far as festival holidays are concerned? Certain holidays may be convenient for certain States or for a certain section of the population, and those days may be fixed as holidays for them. Let me make myself clear by an example. For example, suppose a Hindu employer with only Hindu employees is working a small factory, and there are no Mohammedans or Christians. Why should there be any holiday for that factory, which is concerned with either Mohammedans or Christians? The same thing would apply equally to a concern run by a Muslim proprietor with Muslim employees. The same thing would apply also to a concern consisting wholly of Christians.

**Shri S. M. Banerjee:** May I point out that at present the practice is that if there is no Muslim employee in a factory, then such Muslim holidays can be adjusted against any other holidays?

**Shri Achar:** That is exactly the reason why I am opposing this Bill. This Bill wants a uniform system of holidays for all institutions, whether they be Hindu, Christian or Muslim institutions consisting wholly of Hindu, Christian or Muslim employees. That is not practicable. That is the reason why I am opposing this Bill.

**Shri S. M. Banerjee:** We are only saying there should be a uniform number of holidays.

**Shri Achar:** I think I have made myself clear. If hon. Members want to say anything, they can do so when they have their chance to speak.

Further, it is not only a question of Hindus, Muslims or Christians. Even amongst the Hindus themselves, the festivals are not observed uniformly. I believe the Mover of this Bill comes from Kerala. Shivaratri is a very important holiday, so far as the Malayalees are concerned.

**Shri S. M. Banerjee:** It is so in UP also.

**Shri Achar:** It may be so. But there are quite a good number of people who are Hindus who do not observe it. For example, there are the Vaishnavites, for whom Shivaratri is not an important day. They would like to have a holiday on Janmashtami day. . .

**Shri V. P. Nayar:** They can have Vishunratri.

**Shri Achar:** But what the Bill wants is a uniform system. That is why I am opposing it. The Bill wants to declare Shivaratri as a holiday for me also. I do not observe Shivaratri at all. Why should I have a holiday on that day? I would like to have a holiday on Krishnashtami or Ramanavami day.

So, there are several practical difficulties in having a uniform system of holidays. That will not be possible. Only certain holidays, like the Independence Day, Republic Day and Mahatma Gandhi's birthday can be uniform for the whole country.

[Shri Achar]

That is a different aspect of the matter, and that can be considered. But this is not the Bill for that purpose. This Bill intends to have a uniform system of holidays, which will not be possible in a vast country like ours with so many religious and with so many different sections of populations. So, it is better that this matter is left to be settled by the several proprietors in consultation with the workers, so that the holidays could be fixed as they want, and not be of a uniform pattern for the entire country.

Shri Prabhat Kar (Hooghly): While supporting this Bill, I want to draw the attention of the Deputy Minister to the fact that only one section of the workers is granted these paid religious holidays. Take, for instance, an industrial establishment. The clerical section working in that industrial establishment enjoy all the holidays that are declared by the Negotiable Instruments Act or by the State Governments. But the workers working in the factory part of the establishment are denied of all these holidays which are enjoyed by their counterparts who are working inside a room at tables instead of with tools. I would ask the Deputy Minister to consider whether this is justified or it should be allowed.

Now, the necessity of granting holidays to the workers is accepted, because it is in the interests of the industry and in the interests of greater production. Time should be given to the worker to enjoy social life and to recuperate. Unless this right is granted to the workers, it causes a mental repercussion on the workers, which in turn hampers production. So, the stock argument of the capitalist that a paid holiday will hamper production is completely wrong; rather, if these religious holidays are allowed to be enjoyed by the workers, not only will it not

hamper the production but it will help in upgrading the standard of production.

It is being said that in other parts of the world, the workers enjoy less paid holidays. But we forget the conditions of service which they enjoy. Nobody will contest the fact that the working condition in India in a factory today cannot be compared with those in any other part of the world. So, to compare the number of paid holidays that the workers of the other countries enjoy with those that are enjoyed by the workers in this country would be completely a wrong analogy, because it depends very much on the conditions of service that the workers enjoy in India. Shri Achar has said that on principle he is not objecting to the workers having a certain number of holidays to enjoy the religious festivals, but he is objecting to fixing or enumerating the religious festivals. The main point, as I understand it from the Mover of the Bill, is to fix the number of the paid holidays. If Government agree to fix the number of paid holidays at 15 or some such number, it can easily be decided in consultation with the State Governments which are the religious holidays which should be enjoyed by the workers. There may be some national holidays of an all-India character, and there may be some religious holidays of a State character. This can be settled along with the State Governments and with the workers.

Here, the main point is that the Government of India should accept the principle that the workers should enjoy the benefit of 15 paid holidays in a year. As Government have been thinking over this matter for a considerable time, I would beseech the Labour Ministry to appreciate this fact that since we are needing workers' co-operation in stepping up production and also in the fulfilment of the targets of the Second Plan, it is essential that the workers

should be given the benefit of enjoying social and religious life. And 15 days as paid holidays in a year is not a very big number as a result of which production will go down. Rather, I feel that if this number is accepted, and these paid holidays are granted then production will increase, and workers' co-operation in fulfilling the targets of the Second Plan and in stepping up production will be ensured.

I would, therefore, request the Deputy Minister to accept the principle enumerated in this Bill and also to accept this Bill.

Shri V. P. Nayar rose—

Mr. Chairman: I propose to call the hon. Minister.

Shri V. P. Nayar: I only want five minutes or even less.

Mr. Chairman: It is now 16 20 hours. The hon. Minister will take at least 15 to 20 minutes. Then we have to finish at 18 46 hours. Anyway, he can have three minutes

Shri V. P. Nayar: I am sorry that I do not get more than three minutes. But I shall confine my remarks to that much of time.

I want to make only one point. As between workers and workers, there seems to be some discrimination in the matter of holidays. Do workers who do not work under government establishments have the same number of holidays as those who are working under various government establishments? Even in one unit, as was pointed out by Shri Prabhat Kar, there is difference. The clerical staff get more holidays than the non-clerical staff. Is this condition to be perpetuated? If Government are not serious in accepting this Bill, I shall be led to the conclusion that they are not at all keen on providing equal opportunity in the matter of holidays to workers in various sections. This, I say, is a breach of duty cast upon Govern-

ment, and it is also against the spirit of the Constitution.

You know the provisions of the Constitution so well that I need give no interpretation. But what is the directive principle of State policy in this respect so far as workers are concerned? I ask whether this is humane treatment to the workers. I ask whether in giving one section of workers more holidays than another section, we give equal treatment? Do we give to those who are denied holidays humane treatment?

I do not have the time to interpret article 42 of the Constitution. But may I, with your permission, just remind the hon. Minister of this article? It says:

“The State shall make provision for securing just and humane conditions of work and for maternity relief”.

I ask whether this sort of treatment to the workers constitutes humane conditions of work. Is it not the duty of Government to come forward with legislation to see that the physically weak who work in the same or different establishments are given more holidays than what they get? None of these workers can go to a court of law to enforce this right because it is not a right of such fundamental character as to enable them to seek remedy. Nonetheless, it is a duty cast on Government. It is written so in the Constitution. They should themselves have come forward with legislation to this effect. So if the hon. Minister is at all sincere, he should find no reason to oppose this Bill.

I am sorry Shri Achar is not here. He seems to have confused between number and the system. He said he agreed with the principle of the Bill and then he denounced the Bill. What we have asked for in the Bill is very simple. We ask for 15 days. After all, Shri Kodiyam has not mentioned all the 15 days. He has mentioned only 10, all of which will be non-controversial. If



[Shri V. P. Nayar]

the hon. Member is a Vaishnavite, it is equally open to him or the place from which he comes to invent a 'Vishnu Ratri' instead of observing 'Shiva Ratri'. I am not bothered about it. What we want is only 15 days, of which 10 have been specified, and none of them, I submit, will ever be the subject-matter of controversy.

I appeal to the hon. Minister to rise to the occasion and accept the Bill without any amendment. Of course, we would certainly welcome amendments if they are for improvement of the Bill and betterment of the conditions of work of workers. Otherwise, if the hon. Minister says that he cannot accept this Bill in this context, I submit that our conclusion will be that neither the Minister nor his Ministry is at all sincere in this very important matter.

The Deputy Minister of Labour (Shri Abid Ali): So far as the remarks of the last speaker are concerned, the very fact that he is sitting on that side and I am here is proof that there is a substantial measure of disagreement between us. The hon. Member says that I will be sincere if I accept this Bill, otherwise, I am insincere. If my sincerity is to be proved by accepting this Bill, then I will accept the Bill. Let us all be together.

Shri S. M. Banerjee: We do not mind.

Shri Abid Ali: It does not end there.

Shri V. P. Nayar: Accept it as a test of sincerity.

Shri Abid Ali: Another hon. Member said that if Government were prepared to do some service to the workers, they should accept this Bill, and if Government did not do so, then he would conclude that none of the suggestions coming from the other side is acceptable to us. If I

do not accept this Bill, they will consider that I am unreasonable.

Shri V. P. Nayar: Even otherwise.

Shri Abid Ali: I am not opposing this Bill because it comes from the other side, but because it is not appropriate to accept it, because acceptance of the suggestion will mean hampering of the progress of the Five Year Plan.

It is true, as some hon. Members have said that a section of employees get larger number of holidays. I would have welcomed a Bill coming from the other side suggesting reduction of the number of holidays not for factory workers, but for others. I will be one with them if such a suggestion is made—this is so far as my personal feeling is concerned.

These holidays are unfortunately the legacy of British rule, because the bosses were British, and they went on increasing the number of holidays for their own convenience. So far as I am concerned, I wish an occasion comes to reduce the number of holidays.

Take government offices. How many holidays there are besides 52 Sundays, 15 days' casual leave, one month privilege leave, one year's sick leave with pay and, again, leave given on half pay.

Shri S. M. Banerjee: That is for permanent employees.

Shri Abid Ali: It is true that the clerical section working in a factory get a larger number of holidays than the workers in the factory. But then production is not hampered. The workers produce; the clerks are there in the office. That is the difference. Their having more holidays does not hamper production.

Therefore, it is not at this stage proper to compare India with other advanced countries. One hon. Member said that in some countries,

although the number of holidays is less, working hours are more.

There are a large number of countries where the working hours are 48

Shri V. P. Nayar: There conditions of work are better.

Shri S. M. Banerjee: Some countries have 40 hours a week

Shri Abid Ali: Hon Members will appreciate that I did not interrupt them I say this because the time is very limited Otherwise, they know that I welcome interruptions and I am prepared to meet their arguments But let us be a little more businesslike today

There are countries which have got 48 hours and still holidays number 6 or 7 Take a State like the USSR of which hon Members opposite are very much enamoured There, although working hours are more, holidays are only 6

Shri V. P. Nayar: Take USA about which the hon Minister is enamoured

Shri Abid Ali: One hon Member said that working conditions in this country are the worst I would request him to be a little more patriotic Either he has not visited other countries or he does not know about the working conditions in this country If he compares our working conditions with those of most progressive countries, I certainly say that there is much need for improvement in our working conditions, but certainly we are superior to many

Then hon Members said that in UK and USSR, the emoluments of workers are more

It is true that they get more amount so far as the currency is concerned but here too compare the purchasing power If you compare the working condition, the living condition, the cost of living, the standard of living and these things, then certainly the conditions prevailing in this country are not worse off. Do not compare India with what Russia is today. Compare with what Russia was after ten years after the Revolution and see from that standard.

Shri V. P. Nayar: Russia never came in this debate; nobody referred to Russia We want to talk about India

Shri Abid Ali: I am quoting Russia. But why are they annoyed?

Shri T. B. Vittal Rao: Let him quote about Russia Let us know something from him

Shri Abid Ali: If such a comparison is made, we are in a much happier and better position in India in regard to the working classes It is said that May Day must be a holiday because of certain reasons given by them. But USSR has not declared May Day as a paid holiday, UK has not declared it so

Shri S. M. Banerjee: Kerala has declared it

Shri Abid Ali: They made an announcement only last time But even in Kerala, all the establishments did not do so, the workers in all the establishments did not get a paid holiday even though the Government was changed there before May Day was observed Therefore, it is not proper that in such matters comparisons should be made with other nations which were not under foreign domination or which had the Industrial Revolution much earlier Let us have a little breathing time

The hon Member has said that if workers are not given this holiday, they will not produce and that if the Plan has to succeed, then this Bill should be accepted No, Sir Workers are more patriotic than the hon Member sitting on the other side

Shri V. P. Nayar: What is this? How can he question the patriotism of the Members?

Shri Abid Ali: I am saying this because the other day, Shri Menon said that workers are cursing the Republic Day because a holiday was forced on them and they were not paid for that day. Today it is good that my hon friend, Shri Vittal Rao has said

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[Shri Abid Ali]

that, whether they are paid or not, they will observe these holidays. That is the spirit, the spirit should not be one that was shown the other day when this Bill was introduced. Certainly workers are not cursing but they are happy, they will always be happy because they have got Independence and they get a holiday. It is immaterial whether it is paid or unpaid.

Shri B. Das Gupta (Purulia): Sir, on a point of order I want to know whether the hon. Ministers can cast a general aspersion about our patriotism.

Mr. Chairman: As a matter of fact, comparisons are generally odious. No comparison should have been made between a worker and a Member of Parliament. To say that one is more patriotic than the other is not proper. But at the same time, we must consider this also. Something was said some other day to which the hon. Minister was replying. It was said that this holiday was not observed and that the workers were cursing the Republic Day. It is in this context that the Minister was saying that. If the hon. Members are very sensitive to this, I do not think the hon. Minister will persist to this remark. After all, it is said in a different vein and there is no such comparison that our patriotism is less compared to that of the workers and that we are worse off in comparison. It is not in that spirit it is said. If the hon. Member is very sensitive, I will ask the hon. Minister to withdraw that remark.

Shri V. P. Nayar: There is no question of patriotism coming here.

An Hon. Member: At least, he is not here.

Shri Abid Ali: It is for him to be here when he makes a statement of this serious nature and says that the workers were cursing. The hon. Member says that the Plan will be hampered.....

Shri Prabhat Kar (Hooghly): Nobody has said that.

Shri Abid Ali: He has said that the progress of the Plan will be hampered if this Bill is not passed and therefore, I say this.

Shri Prabhat Kar: What I said was this. We want to step up production under the Second Plan and for that purpose we should grant these concessions to the workers so that they may get encouragement. (Interruptions)

Mr. Chairman: Order, order. Even after that is said, I think the hon. Member should accept what the hon. Minister has said.

Shri V. P. Nayar: Because you say, we accept. He is more unpatriotic.

Shri Abid Ali: This matter was discussed in the Standing Labour Committee sometime back and it was felt that holidays vary from State to State, establishment to establishment and industry to industry. A committee of six persons was appointed with the intention of finding out whether any uniformity could be reached. It came to the conclusion that it would not be possible to make any recommendation for national paid holidays and therefore, the matter again came up before the Standing Labour Committee. It was in October 1957 that it was recommended that no definite steps should be taken by the Centre. It was also felt that the experience of States which may introduce legislation for fixing the quantum and the other details of the national and festival holidays should be watched. This is the position, unanimously arrived at by a tripartite committee called the Standing Labour Committee in which the hon. Members' organisation is also represented. They came to this unanimous decision. It is not that I am suggesting as some hon. Member said that we are bringing a Bill ourselves in this connection. He wants the States to have their own legislation. As I have said earlier, it is not possible for us to accept the principle

of the Bill for the reasons already mentioned. One hon. Member has suggested that they should get holidays on these days for all. Then trains will have to be stopped

**Shri T. B. Vittal Rao:** No, no

**Shri Abid Ali:** If the workers in the water works and electricity and other establishments also have to enjoy the 26th of January or the 15th of August or Mahatma Gandhi's birth day, then electricity and water supply and all that will have to be stopped.

**Shri T. B. Vittal Rao:** On a point of explanation, they should be given a holiday in lieu of this holiday. This was being done by rotation.

**Shri Heda (Nizamabad):** What is the complaint?

**Shri T. B. Vittal Rao:** The complaint is that they do not get a holiday, if not on that day, at least on another day in lieu of that. (*Interruptions.*)

**Shri V. P. Nayar:** He refuses to understand. What can we do?

**Shri Heda:** He himself admits that another day is given as holiday. So what can be the complaint?

**Mr. Chairman:** Order, order. There cannot be interruptions like this. It is not possible in a debate like this for any hon. Member to just pin down the Minister to reply to a certain argument and say that he must reply to this. He has chosen to deal with this question. It is for him to choose to reply to the other part. Nobody can force any hon. Minister to specifically reply to certain arguments. So, I do not see how an hon. Member can insist that he should reply to this argument also. He has referred to an argument about the workers not being granted holidays in certain utility concerns such as water supply, electricity, railway, etc. He is replying to that part of the argument. He has not chosen to reply to the other part. How can the hon. Member force him to make a reply? He should be satisfied with what the hon. Minister says

**Shri Prabhat Kar:** We only say that what he says is not correct.

**Mr. Chairman:** This is not the way to correct it. In a debate, the hon. Members must be satisfied with what reply is given. No hon. Member, neither the Government nor the other side, can force any particular Member to make a particular reply to a piece of argument. It is difficult.

**Shri Prabhat Kar:** But he misquotes us.

**Mr. Chairman:** I would request the hon. Members to be patient and kindly hear what the hon. Minister has to say and not to interrupt.

**Shri Abid Ali:** If the suggestion has been that all workers should enjoy these festival holidays or the national holidays, then the running staff also are workers. I was replying that it would be possible only if the running of the trains was stopped. They were also workers. Then, there are others in electricity and other establishments. The difficulty again is that ours is a big country. Take Tripura and Andamans. They have eleven holidays for Durga Puja, etc. From 11 it is reduced to 9, 3 and 2 from one State to another. Similarly, there is Pongal. Pongal is observed as a festival in Tamil Nad, Kerala and Andhra. But if you come this side you find Dushera, Holi and such other festivals observed. Therefore, it becomes very difficult to accept a proposition of this kind.

If you go State by State there are 35 holidays in the Delhi Administration, then it goes on reducing and comes to 23. The Central Government observes 23 holidays and Kerala observes 19 holidays. Therefore, when the Committee was considering this question they felt that in this country there are difficulties which are obvious because of the vastness of the country, and they came to the decision that this matter should be left at present and, afterwards, whenever it may be possible to come to some unanimous decision with regard to national and other festival holidays to be observed, may be again taken up. But I am not promising that we are bringing in a Bill or the State Governments are

[Shri Abid Ali]

introducing any Bill of that kind. That is not the intention at present.

As I have said earlier, the intention is to make a success of our Five Year Plan. The workers know the purpose of the Five Year Plan. The workers know why they are working. The workers know that they are not working for anybody, any particular class or community. The workers know that they are working for the nation, and whatever will be the wealth of the nation, that will be added to the strength of the nation, all the prosperity will be owned by all and will be shared by all. Therefore, this suggestion that you do this otherwise the workers will not work is wrong. I submit that the workers are in a different mood. They are determined to make the Plan a success. They are determined to make this country a prosperous country, because they are assured that they will have their due share in this.

We do not want to make this a nation of idlers. Germany was quoted. What happened in Germany? A defeated country, after the war, worked hard. Even on Sundays they were working without any restriction of hours in the factories. They were working for 14 hours a day. Vinobaji introduced *shramdan* here, but the people in that country were giving this *shramdan* on Sundays, where they used to go and work on Sundays for the nation without pay. Everyone was devoting a good number of hours so that all bridges, all roads and public buildings which were destroyed because of bombing may be rebuilt. Within a few years, defeated Germany became stronger than those nations who won the war. That should be the spirit. We should work and make the nation a prosperous nation. When the nation will be strong everybody will be happy. That is the intention. With that, I say to the hon. Member to withdraw this Bill. Let people work, work hard and work sincerely.

Shri Kediyan (Quilon-Reserved-  
(Sch. Castes): Mr. Chairman, Sir, the

arguments put forward by the hon. Deputy Minister are absolutely wrong, and I am sorry to say so. His main argument is that he is very anxious to see that the Second Five Year Plan is a success, as if the Members opposite here are not at all interested in the implementation and the successful carrying out of the Plan.

His argument was that if workers are given some national and festival paid holidays it will hamper production and the whole Plan will collapse. That is his fear. But I have to point out that if workers are given paid holidays on certain specific days and if it is going to affect the production, then they may be asked to do that work on Sundays preceding such holidays. Then I would like to ask the hon. Minister how, if on the preceding Sundays the workers are prepared to work and compensate for the loss of production because of these holidays, it is going to affect the production as feared by him?

He has asked us not to compare the position of our workers with those of advanced countries. Let us not compare the position of our workers with the position enjoyed by workers in advanced countries like the U.S.S.R., U.S.A. or other European countries. But as he himself has compared our workers with those of other countries, I would like to mention only one point. There the holidays may be less compared to our country, but the workers there are enjoying more privileges, more conveniences and more facilities. If you take the example of U.S.S.R. you will see that there the workers are not only given holidays but the State also gives them help in all possible ways to enjoy holidays. Sanatoria and rest houses specifically for workers are being maintained there, and the workers every year tour the whole country. They go from one place to another, visit different projects and they are given an opportunity to see how the construction of their country is being carried out.

But this Bill is a very simple and modest Bill. We do not want those facilities. They have not been mentioned in this Bill. It is only to make available to the industrial workers of our country certain important national and festival holidays by giving them payment on such days. If it is going to affect the production, as I have already stated, that can be compensated by asking the workers to work on the preceding Sundays.

The hon. Shri Achar from Mysore said that he supports the principle of the Bill, but he said that it is not practicable to have a uniform system of holidays. The hon. Deputy Minister also pointed out that Pongal is a regional festival and it is only observed in certain parts like Tamil Nad. I think the hon. Deputy Minister and also the hon. Shri Achar have not gone through the Bill, in detail, because the Bill specifically provides that there are certain regional, sectional and religious holidays to be determined by the State Governments concerned. If this Bill is accepted and it becomes a law, the Madras Government is entitled to declare such holidays as are practicable in the Madras State. Similarly, the Onam holiday or the Dushera holiday and such other regional holidays have

to be fixed by the State Governments concerned. It is not binding that such regional or sectional or religious holidays should be declared as national holidays.

Here in this Bill ten such holidays of national importance have been specifically mentioned. Therefore, there is no question of some of the holidays being impracticable to other parts of the country.

Therefore, I would appeal to the hon. Deputy Minister that in order to ensure perfect industrial harmony and better industrial relationship, in order to make the workers confident that the Government are doing everything possible on their part, to improve the workers' living conditions, this bill may be accepted.

I once again appeal that they should come forward and accept the Bill.

Mr. Chairman: The question is:

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

The Lok Sabha divided: Ayes 29; Noes 89.

Division No. 14

A

[16.54 hrs.

Banerjee, Shri Pramathanath  
Banerjee, Shri S.M.  
Braj Rai Singh, Shri  
Dasgupta, Shri B  
Deb, Shri P.C.  
Dube, Shri Mulchand  
Elias, Shri M.  
Ghosal, Shri  
Ghose, Shri S.  
Gupta, Shri Sadhan

Imam, Shri Mohamed  
Iyer, Shri Eswara  
Jadhav, Shri  
Kar, Shri Prabhakar  
Khadilkar, Shri  
Kodiyam, Shri  
Mahanty, Shri  
Nair, Shri Vasudevan  
Nath Pat, Shri  
Neyyar, Shri V.P.

Pandey, Shri Sarika  
Patel, Shri P.R.  
Pillai, Shri Anthony  
Punnoose, Shri  
Rao, Shri T.B. Vittal  
Singh, Shri L. Acharya  
Singh, Shri Rajendra  
Thakore, Shri M.B.  
Warior, Shri

ES

Achar, Shri  
Ajit Singh, Shri  
Anjanappa, Shri  
Aranganathan, Shri R.S.  
Atchannambal, Dr.  
Balakrishnan, Shri  
Balamudi, Shri  
Bharadwaj, Shri P.L.  
Dasappa, Shri

Bhogli Shri, Shri  
Bidari, Shri  
Bose, Shri P.C.  
Brahman Prakash, Ch.  
Chettiar, Shri R. Ramanathan  
Das, Shri Rasudhani  
Dasappa, Shri  
Dewan, Shri Mowraj  
Dhondod, Shri

Dwivedi, Shri M.L.  
Elysperumal, Shri  
Geekwad, Shri Patsinghree  
Ganapati Ram, Shri  
Ghosh, Shri M.K.  
Gounder, Shri K.P.  
Hada, Shri Subhadh  
Hada, Shri  
Jangde, Shri

Joshi, Shri A.C.  
Joshi, Shrimati Subhadra  
Kanakasbai, Shri  
Krishnamachari, Shri T.T  
Krishna Rao, Shri M.V.  
Kureel, Shri B.N.  
Lachhi Ram, Shri  
Lal, Shri R.S.  
Mallick, Shri U.S.  
Malviya, Shri K.B.  
Mansel, Shri  
Mathur, Shri Harish Chandra  
Mehta, Shrimati Krishna  
Mishra, Shrimati  
Mishra, Shri L.N.  
Mishra, Shri M.P.  
Mishra, Shri R.R.  
Morarka, Shri  
Murli, Shri M.S.  
Naidu, Shri Govindarajulu  
Nanda, Shri

Nareyanaswamy, Shri R.  
Naskar, Shri P.S.  
Nehru, Shri Jawaharlal  
Nehru, Shrimati Uma  
Palaniyandy, Shri  
Patel, Shrimati Manibhai  
Patel, Shri Rajeshwar  
Prabhakar, Shri Naval  
Radha Raman, Shri  
Rajiah, Shri  
Ramaswami, Shri S.V.  
Ram Krishna, Shri  
Rampure, Shri M.  
Ram Saran, Shri  
Ram Subbag Singh, Dr  
Rane, Shri  
Rao, Shri E.M.  
Rov, Shri Bishwanath  
Sahodrabai, Shrim  
Saigal, Shri A.S.  
Samania, Shri S.C.

Samentanbar, Dr.  
Sanganna, Shri  
Sarkadi, Shri Aft. Singh  
Satyabhama Devi, Shrimati  
Satyanarayana, Shri  
Sen, Shri A. K.  
Shah, Shrimati Jayaben  
Siddanarasappa, Shri  
Singh, Shri D.N.  
Sinha, Shri Jhulan  
Sonswane, Shri  
Subramanyam, Shri T.  
Tantia, Shri Ramchwar  
Tariq, Shri A.M.  
Tewari, Shri Dwarakanath  
Thakur Dda, Lal  
Thimmariah, Shri  
Tiwari, Shri R.S.  
Umao Singh, Shri  
Upadhyaya, Shri Shiva Datt

क. म. म. :

The motion was negatived.

#### PUNISHMENT FOR MOLESTATION OF WOMEN BILL

Shri Radha Raman (Chandni  
Chowk): I beg to move:

"That the Bill to provide for  
punishment of persons guilty of  
molesting women, be taken into  
consideration".

समापन महोदय, मैं आपके गौर के लिये एक छोटा सा विधेयक रखने जा रहा हूँ। मेरा यकीन है कि इस सदन के संस्वरान इस विधेयक पर निहायत मजिदगी के साथ गौर करेंगे और सरकार भी उसको बहुत गौर के साथ और माच विचार के बाद मंजूर कर लेगी। इस बिल के अग्रगजात और मकामद यानी उद्देश्यों में से न लिखा है कि हमारे मुल्क में घोरता और नरकियों का माच बहुत बढतनूक और दुर्भावहार होना है और ऐसे बहुत से जुर्म हमारे मुल्क में होते हैं कि जिन का कोई इलाज, जो हम वकल हमारे यहाँ इंडियन पीनक कोड है और उसकी जो इस सम्बन्ध में धारों हैं, उनसे होता नजर नहीं आता है। आज हिन्दुस्तान को आजाद हुए करीब करीब दस बरस हो चुके हैं और हम ने इस बीच को अपने

कागट्टेशन में रखा है कि हमारे मुल्क में मई और घोरता के अरम्यान कोई फर्क नहीं होगा और उनको सब से अधिकार प्राप्त होंगे जो दूसरों को है और उनमें कोई भेदभाव नहीं किया जाएगा। लेकिन अगर हम चारों तरफ देखें, तो हम पायेंगे कि आज के बाने हो रहे हैं जो उनके बिन्दुन बरषम्प है।

यह ठीक है कि हमारी सरकार ने कुछ ऐसे कानून पास किये हैं जिन के द्वारा हम न समाज सुधार का बहुत सारा काम किया है और आज भा के कानून हमारे मुल्क में राज्य है। लेकिन उन कानूनों के होने हुए भी आज जब हम चारों तरफ नजर दोड़ते हैं तो हम ऐसे बहुत सारे जुर्म देखते हैं कि जो कियो भी मध्य दुनिया में या कियो भी मध्य देश में नहीं किये जाने चाहिये और जिन को करने की किमी भी समाज के अरर इजाजत नहीं हो सकती।

मे निहायत अरर मे अरर करना चाहता हूँ कि इस विधेयक को अगर आप देखें तो आप पायेंगे कि यह बहुत सारक का और बहुत मुक्तारि का विधेयक है। इसको बाने का मेरा मंता सिर्फ एक है। मैं यह चाहता हूँ कि इस किन्म के जो अररव है जो हमारे