Bill

15265 Coal Mines (Conservation and Safety) Amendment Bill

responsibility. There are a large number of committees of various types and I am not quite clear as to whether any fruitful purpose would be served by associating the workers' representatives in all of them. I agree in principle that there should be some method of ascertaining the viewpoint of the worker. Some method can be easily thought of by inviting them or by having discussions so that their viewpoint may be known. The endeavour is a common one.

There was this question about the realisation of the targets. We are at the commencement of the Third Plan. With all the shortfalls, we should have a little greater confidence. It is true that physically we have not been able to produce throughout the twelve months a rate of production which would give about 60 million tons. But there is the fact that during the last quarter, every month, we have been producing a quantity of coal which, if multiplied by 12, would give you that rate which is much more than the capacity. That is to say, the physical production of coal was that much in the last three months. Therefore, we should have greater confidence that we can go up to that level of production. It is no doubt correct that our tasks in the Third Plan are much larger if we are to go up to 97 million tons. That means that in a period of ten years, we are planning to step it up three times. When we imagine the level of production at the commencement of the Second Plan and when we take into account that the level at that time was achieved after a period which extended to over a century, we will know magnitude of the task. We are now attempting, in ten years, to step up the production by three times of what it was at the commencement of the Second Plan. It is a very huge task. But I think the steps that we have taken, organisational, training and the like, should create confidence in this House that given the requisite

support the NCDC as also the private industry are well set to achieve this target which we hope to finalise, so far as the Third Plan is concerned.

There was reference to the movement of coal by road. I have already said that we will try to see that as much coal as can possibly be moved by road is moved by road. With regard to the other points, I may say this. Certainly whenever there is an increase in the excise duty, the notification will be placed on the Table of the House and the hon. Members who want to roise a discussion would be most welcome.

Shri Braj Raj Singh: Within a year you will not raise it beyond Rs. 1.50 nP.

Sardar Swaran Singh: I can say that. During the next year our intention is that; it may actually turn out to be less than that sum of Rs. 1.50. This is the maximum that is contemplated for the next year.

Mr. Chaliman: The question is.
"That the Bill be passed."

The motion was adopted.

13.55 hrs.

DELHI SHOPS AND ESTABLISH-MENTS (AMENDMENT) BILL

Mr. Chairman: We will take up the next item.

Shri Braj Raj Singh (Firozabad): How much time?

Mr. Chairman: Three hours.

The Deputy Minister of Labour (Shri Abid Ali): It may not take more than thirty minutes.

Shri T. B. Vittal Rao (Khammam): But Shri Banerjee is there.

Shri Abid Ali: He is welcome to speak.

Sir, I beg to move:

"That the Bil! further to amend the Delhi Shops and Establishments Act, 1954, as passed by [Shri Abid Ali] Rajya Sabha, be taken into consideration."

The purpose of the Bill has been fully explained in the Statement of Objects and Reasons. Since the present law fixes the opening and closing hours of shops and establishments in Delhi rather rigidly, it has been causing inconvenience and representations have been received for making a change in the existing position. It is being provided in the Bill that the opening and closing hours of shops and commercial establishments will be fixed by Government after holding a proper enquiry. This new provision will make it possible to have different hours for different types of establishments or different areas or for different times of the year, if necessary. This will introduce an element of flexibility to suit local conditions and make it unnecessary to bring up amending legislation every time there is need for changing these hours. Opportunity has also been taken to make certain amendments of a clarificatory or consequential nature. I hope that the hon. Members will appreciate the advantages of the proposals contained in the Bill and approve of them.

Mr. Chairman: Motion moved:

"That the Bill further to amend the Delhi Shops and Establishments Act, 1954, as passed by Rajya Sabha, be taken into consideration."

श्री स॰ मो॰ बनर्जी (कानपुर) : सभापित महोदय, दुकानों श्रीर कमिश्यल इस्टैब्लिशमेंट्स में जो कर्मचारी काम करते हैं उनके काम के घण्टे निर्धारित नहीं हैं ो श्राखिर उनके वास्ते भी कोई तसल्लीबरूप कानून ऐसा पास किया जाय जिससे कि उनको कोई राहत मिले।

सभापति महोदय, यह बिल या इसके पीछे जिस तरीके से लोग सोचने की कोशिश करते हैं यह कर्मचारियों की समस्या केवल दिल्ली की ही नहीं है। म्राखिर यहां बाजार कर्मचारी तकरीबन ७ लाख हैं। उनकी तरफ से भी बहुत से मेमोरडम म्रीर म्रपीलें पालिया-मेंट के मेम्बरों को म्रीर में म्राशा करता हूं कि मन्त्री नहोदय को भी दी गई हैं।

सवाल यह था कि उनके काम के घंटे किस तरीके से नियत किये जायं ? मन्त्री महोदय ने जो बिल के स्टेटमेंट ग्रौफ ग्रौब्जैक्ट्स एण्ड रीजन्स पढ़े उसमें उसमें कोई ऐसी चीज नहीं लिखी गई है। बिल में भी कहीं पर उनके काम के घंटे निर्धारित नहीं किये गये हैं। बिल में पुराने सैक्शन १५ की जगह एक नया सैक्शन रक्खा जा रहा है जिसके कि म्ताबिक चीफ कमिश्नर को यह पावर दी जा रही है कि वह इनक्वायरी करने के बाद उनके काम के घंटे निर्वारित करेंगे। फर्ज कीजिये कि दिल्ली के किसी एरिया में करौलबाग, जनपथ या कुछ दूसरी जगहों के द्कानदार काफी शक्तिशाली हैं भ्रौर उनका ग्रसर भी है ग्रीर हो सकता है कि उनके द्वारा कमिश्नर पर कुछ असर डाला जाय। मैं यह नहीं कहता कि कमिश्नर साहब ग्रसर में आ ही जायेंगे लेकिन उन दुकानदारों की कोशिश तो यह जरूर होगी कि वह काम के घंटे इस तरीके से निर्धारित कर जिससे दुकानदारों को तो सहूलियत हो और वहां पर जो कर्ष-चारी कास करते हैं उनको सहुलियत न सिल पाये । इसलिये मैं समझता हूं कि इस बिल को लाने का जो असली मतलब था वह शायद हासिल नहीं हुआ है।

बिल में कहा गया है कि किमश्नर इनक्वायरी करेगा। सब इनक्वायरी उसके सामने क्या होगी विक्रमचारी जाकर कहेंगे कि हमारे काम के घंटे जाड़े के दिनों में १० बजे से लेकर शाम के ७ बजे तक हीं और गरिमयों के दिन में म बजे सुबह से रात के बजे तक हों, १२ घंटे या ११ घंटे ह । सब किमश्नर

साहब किस चीज की इनक्वायरी करेंगे ? क्या वे इस चीज की इनक्वायरी करेंगे कि प बजे के बाद कोई कस्टमर आता है कि नहीं ? मेरी तो समझ में नहीं स्राता कि वे किस चीज की इनक्वायरी करेंगे? ग्रलबत्ता यह तो हो सकता है कि सरकार अपनी तरफ से कर्मचारियों के लिये काम के घंटे नियत कर दें भीर यह प्रोवाइड कर दे कि या ६ घंटे के बाद भी जो कर्मचारी काम करें तो उनको म्रोवर टाइम मिले, म्रतिरिवत पैसा मिला। भव एक छोटा दुकानदार है भीर वह एक से ज्यादा कर्मचारी अपनी दुकान पर नहीं रख सकता है तो मैं इस चीज को मानता हूं कि उस दुकानदार के लिये शायद यह मुम-किन न हो कि अपने कर्मचारी को सुबह ह बजे से ५-६ बजे तक काम लेने के बाद खट्टी दे दे क्योंकि उस हालत में दुकान में कौन काम करेगा। इसके लिये मैंने बतलाया कि सरकार द्वारा नियत घंटों से जो भी कर्मचारी ग्रधिक काम करें उन्हें ज्यादा पैसा दिया जाय।

14.00 hours.

जहां पर एक से अधिक कर्मचारी काम करते हों वहां काम के घंटों को स्टैगर किया जा सकता है। ६ बजे ग्राने वाले कर्मचाी को ५ या ६ बजे छुट्टी दी जा सकती है ग्रौर दूसरा कर्मचारी १ बजे दिन में सकता है ग्रौर वह रात के ६ बजे तक काम कर सकता है ग्रौर इस तरह से काम के घंटों को स्टैगर करके दुकानदार का काम भी चल जायगा और साथ ही कस्टमर्स को भी कोई ग्रसुविधा नहीं होगी । मेरे खयाल में इन चीजों की तरफ कम ध्यान दिया गया है। मुझें खुशी है कि सरकार की कम से कम इस बात का एहसास हुआ कि जो सात लाख कर्मचारी दिल्ली में हैं भ्रौर लाखों कर्मचारी हिन्दुस्तान के दूसरे शहरों में हैं भले ही वे कानपुर में हों, बम्बई में हीं, मदास में हों या दूसरी जगहों पर हों, उनके लिये भी

कुछ होना चाहिये । एक मेमोरेंडम नई दिल्ली ट्रेंड एम्पलायीज एसोसियेशन की तरफ से आया है और उसकी एक वापी मेरे पास है और इसमें उन्होंने यह कहा है कि यह . घंटों का ही सवाल नहीं है या इतना सवाल ही नहीं है कि कमिश्नर साहब के सुपूर्व इस सामले को कर दिया जाए स्रोर वह इन-नवायरी करने के बाद काम के घंटे निर्घारित कर दें बल्कि श्रम मन्त्री जी को यह भी देखना है कि वहां पर जो लोग काम करते हैं, उनकी हालत क्या है। सवाल उठ सकता है कि उनकी हालत को सुधारने के लिये पैसे की जरूरत है ग्रौर दूकानदारों के पास पैता नहीं है। मैं मानता हूं कि जो छोटे दूकान-दार हैं या जो पुरुषार्थी भाई हैं जिन्होंने अपने ब्ते पर, श्रपनी ईमानदारी वा सहारा हेवर, श्रपने बाल बच्चों को काम में लगा वर विसी तरह से अपने आएको दिल्ली कहर में या दूसरे शहरों में श्राबाद कर लिया है, फिर से बसाने की कोशिश की है ग्रौर उसमें वे काम-याब भी हुए हैं, उनके पास पैसा नहीं हैं, लेकिन जो बड़े बड़े दूकानदार हैं, बथा वारुई में उनके पास भी पैसा नहीं है, क्या वाकई में वे भी इस स्थिति में नहीं हैं कि इनकी हालत को सुधार सकें ? इन लोगों ने अपनी डिमाण्ड में कहा है कि टर्म श्राफ एम्प्लायमेंट क्या होगा, इस पर भी विचार होना चाहिये। ग्राज किसी भी दूकान में ग्राप चले जाइये, श्रापको मालूम नहीं होगा कि वे जहां पर काम करते हैं, उनकी जो भ्राज नौकरी है, वह कल रहेगी भी या नहीं। उसके बाद वे फिर कंसिलिएशन बोर्ड के पास जायें, मुकदमा करें, हजारों रुपया खर्च करें और मुकदमे में अगर जीत जायें तो जो मालिक लोग हैं, वे हाईकोर्ट ग्रौर सुप्रीम कोर्ट में चले जायें

Shri Abid Ali: I may clarify the position, if the hon. Member would like me to do it. The working hours are fixed. There is an Act existing in Delhi.

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Shops and Establishments (Amendment) Bill

Shri S. M. Banerjee: It is not uniform.

Shri Abid Ali: We are not extendtending the working hours. Within the working hours fixed in the Act, there is elasticity for different areas and different seasons.

Shri S. M. Banerjee: I am coming to that. Actually, I have got these appeals which I received from New Delhi Trade Employees' Association, and also from another association to which I shall refer later. This appeal speaks of non-observance of regular working hours, as are already prescribed under the Delhi Shops and Establishments Act, 1954.

Shri Abid Ali: We will have to see that these hours are observed.

Shri S. M. Banerjee: My submission is this. In the present Act which was passed in 1954 certain hours were fixed, but the complaint of the employees is that these hours are not observed. My contention is this: it is not a question of non-observance alone. Before bringing in this legislation the Government should thought of bringing in a comprehensive legislation governing the service conditions of those who are working in Delhi and New Delhi shops and establishments whose total number is more than seven lakhs. That would have been an ideal, model Bill for the other State Governments to follow and observe. There is no question of these things being applied to those working in the Union territory of Delhi only. Of course, Delhi has the fortunate position of being under the Central Government and having this Parliament here who are all responsible for the welfare of the people of Delhi. Or, I do not know whether the Delhi people are really fortunate in this respect; they may feel that they are unfortunate in not having any legislation of their own. It may also be that way. But my only point is this. A comprehensive legislation should have been brought in, wherein the terms of employment of these employees, the question of leave and holiday, the question of retirement

benefits and other things could have been considered and provided for. This particular legislation gives a free hand to the Commissioner of Delhi to make necessary enquiries and fix the working hours, within the 1954 Act and within the prescribed working hours.

Now, what will happen? The shopkeepers in Delhi are influential; there are big shopkeepers who are very influential. If they are able to influence the Commissioner, what will be the position of the employees vis-a-vis the shop-keepers? Supposing I am working in a big shop in Connaught Place. Of course, it is very easy for those like me, or say, the Members of Parliament, to enter a big shop in Connaught Place because we are generally clothed nice-I think twice whether a shopkeeper would attend to me or before I leave for a shop. There are shops in Delhi which follow such practices. On the other hand, take a poor employee getting Rs. 50 or Rs. 60 a month. When he goes to the Commissioner and complains, first, he has to sit outside and wait for the Commissioner. Sometimes, when they make a request to the Commissioner to grant an interview, the Commissioner says: "Please see me afterwards" and so on. But the big shopkeeper comes in a nice car, and he sits in a cosy room and the Commissioner talks to him. So, what is the protection offered to the employee? I want a clarification from the hon. Minister as to what will be the method of enquiry of the Commissioner, and how both the parties will be heard. As it is, I am sorry to say that this enquiry will have no meaning, and it will be no more than-I am sorry to use the expressionwhitewashing.

There was another resolution which was passed by the Delhi Pradesh Traders Committee. They have also issued an appeal to various Members of Parliament including the hon. Deputy Minister. It is dated 20th February, 1961 and they passed a resolution on 21st March, 1959. It reads as follows:

"We the representatives of the various Trade Associations

Delhi are of the opinion that the time has come when a change in the opening and closing hours in respect of shops and establishments be made. At present the opening and closing hours in summer are from 7 A.M. to 10 P.M. and in winter 8 A.M. to 9 P.M. That is, the shopkeepers are to work for 15 hours a day in summer and 13 hours in winter. In addition to this they are to spend about 2 hours in coming and going. These long hours are too taxing and detrimental not only to the health of businessmen but to the health and happiness of their family members as well. Lakhs of these people are left with practically no time for rest nor any time for participating in city's social life.

To give relief to traders and the shop assistants the opening and closing hours should be reduced to 11 hours in sumber and 10 hours in winter and be fixed as 9 A.M. to 8 P.M. in summer and 10 A.M. to 8 P.M. in winter. A change in the Delhi Sheps and Establishments Act, Section 15, be made accordingly."

This is from the Delhi Pradesh Traders Committee. They also say further as follows:

"The Committee also met all the five Members of Lok Sabha from Delhi, convinced them of the reasonableness of the demand of the traders and they signed our memorandum in support of the demand."

I am really surprised to see that all these five Members who signed this memorandum are missing from this House today, when this Bill is being discussed.

Shri Abid Ali: They have met us and discussed with us, very much in detail, all that the traders have represented. Shri S. M. Banerjee: I am not holding any brief for anybody. But they are all answerable to the electorate. They are not here now; I tell you it is bad. It may or may not go to the press. They have signed the memorandum of the traders who wanted certain hours to be fixed. Today, they are not here to support their own memorandum

ment) Bill

My submission is that the question of dearness allowance, the question of provident fund, the question of old age pensions, etc., have to be considered.

There is also another problem facing the shop assistants and that is regarding the lunch hour. Supposing, I am residing in Chandni Chowk or Kamia Nagar. Kamla Nagar is actually seven miles from any New Delhi shop in Janpath. I come to the shop at 7 o'clock and open it. Then, if the Commissioner so desires that the shop should be closed for four hours during summer, I close the shop at 12 o'c'ock, and then I will again open it at 4 o'clock. Within this period of four hours, where should I go and take rest? I cannot obviously go back to Kamla Nagar which means travelling again for seven miles, and it is not possible to do so for two reasons. One is, I have no money to travel daily like this; secondly, it is impossible for anyone during the months of May and June in Delhi to travel like this in a bus which has no regular service during these hours as suchto go to Kamla Nagar at noon and again come back before 4 o'clock. So, I suggest that the lunch hour should be one hour and the period of working hours should be so spread that I am actually not allowed to work for more than 10 hours a day. The ideal should be eight hours. I know that it is not possible for them to do it immediately because there is no capacity to do so. So, the working hours should be fixed at ten hours and the lunch hour should not be more than one hour in any case. If the shopkeepers can provide shelter for the employees, food for them and other amenities, it may be

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[Shri S. M. Banerjee]

possible for them to fix a greater number of working hours. But it is impossible for the employees to travel as they do now.

Certain people who come from Gaziabad to work in Delhi shops met me and they told me a sad story about their daily journey. They say, "During winter months, we have to open the shops at 7.30 or 7 and we start working immediately. We take our meals at 5 o'clock in the morning; we start from Gaziabad, take the first train and come here. When we return to Gaziabad or Gurgaon, it is actually dark. The history of the daily passengers is well-known. In Calcutta, there is a story prevalent. Somebody asked a daily passenger, "What about your son? He must have grown up". He said, "Yes; he has grown this much' and spread his hands. He sees his son in a sleeping condition at 5 in the morning and when he goes home at 8 in the night, his son is asleep. So, he can measure his son like this only in the sleeping condition. This is story of the daily passengers. (Interruption). I was also employed in a factory and I know what the duty hours mean to an employee.

This particular Bill should be considered in a more humanitarian and compassionate way. Giving all powers to the Commissioner without deciding anything is not proper. The employees themselves have said that there is non-observance of the 1954 Act. So. this will not help the employees, and will not have the desired effect.

Another very significant question was raised by the citizen of Delhi or Kanpur, viz., why should Sunday be closed? Sunday is the only day when these people who are working in various offices can go to the market and purchase things. This question was discussed at length and they said. "If we do not close on Sunday, we cannot have social contacts. We cannot have holiday on Monday, when everybody goes to work". While deciding this matter, we should see that the city is

divided. There is division in Kanpur and there is division in Delhi also. For instance, Karol Gagh shops close on one day and Janpath shops close on another day. This is also a matter which should be considered to suit the convenience of the public.

The representatives of the employees' association, specially the New Delhi Trade Employees' Association, have given a charter, which should also be considered. I am sure the Deputy Minister will assure this House that a comprehensive legislation embodying all their demands and discussing their service conditions fully will be brought before this House. I, therefore, request him to throw some more light on this matter and not to depend too much on the Commissioner, who has very little time to enquire into these matters. He will just depute some of the inspectors or honorary magistrates. So, the lot of the employees should not be sealed in the hands of the Commissioner.

With these words, I support substance of this Bill and the principle of this Bill. But I am surprised that after such long discussions, after so much of thought and discussion with everyone, only this piece of legislation has come. I am really sorry for this and I would request the hon. Minister to bring forward another comprehensive legislation which will satisfy all the employees.

Shri Tyagi (Dehra Dun): I lend my full support to the Bill. I do zot agree with my hon, friend who thinks that this Bill will not go sufficiently long. I hope it will go a long way and many of his points will be met I heard him with rapt attention. I respect him for his views and his sincerity. He always expresses what he feels and he has been very consistent in his views. I think whatever he desires is amply met in this Bill and there is nothing that cannot be done under the measure which is proposed.

I have to make some comments about the over-all position of labour. My feeling is our labour problem is not being tackled in a scientific manner. This little tinkering would not Actually speaking, let us face facts as they are. We in India suffer from surplus labour. There is too much of unemployment. In regard to all these types of Bills, we are apishly following the western countries, thinking we will have a little glamour of being democratic. Actually speaking, something practical has to be done. We are depending too much on law and show-off of our legislation. We have books after books and we feel everything must be done by law. Law is not all. There is something practical to be done to help the law. In England, all these types of Acts are successful because there is sufficient employment among them. In a country where there is surplus labour, these laws are of little avail.

In India, all this would be more useful and much in demand if we had created additional avenues for the surplus labour. If there is no surplus labour and if everybody is employed, then if you restrict and give amenities to labour, practically it goes to labour everywhere. Of course, whatever little benefit reaches labour is welcome and I do not resent it. But my question is, what about the unemployed? Unemployed will remain unemployed and neglected. With more amenities you give to the employed ones, unemployment further increases, because there is lesser chance of employment for the unemployed. So, unless there are additional avenues, this Bill will not be of much use. I should not be misunderstood. I am in favour of giving amenities to labour, but it will be more justified if we create scarcity of labour and create so many avenues that labour is really scarce and so, the market value of labour will increase. At that time, if you give any amenities to labour, the employer may not resent it because otherwise, it is difficult for him to find labour.

Therefore, the over-all question of labour can be resolved only when there are additional avenues for

labour, so that our unemployment problem is resolved. These amenities cannot do much. I can well see that there must be some control. But this is only half-way house; we are doing it partially. The problem is not being met fully. But that does not mean that a little good act done should be stopped. I do not want to come in the way, but I only want to point out that our labour problem will not be fully tackled and the question will not be amply met unless a deliberate attempt is made and planned efforts are made to increase the avenues of employment,

ment) Bill

These laws only give us a little pleasure of newspaper headlines and some slogans of which we can be in a position to talk in public that we had done all this. To favour those who are employed is good, but what about those who outnumber the employed and who are neglected? What are we going to give them? So long as those people who are not in a position to make both ends meet...

Shri Narayanankutty Menon (Mukandapuram): Does he want that till we find employment for everybody, we should not do anything for the employed?

Shri Tyagi: I am not opposing this. My friend always misunderstands. That is the difficulty. He always sees things with glasses which are negative. I do not resent this; I welcome this, but I want to further emphasise what the communists should do. I am doing their job, because they are neglecting it. I agree there must be some thing done for the labour who are employed. But my friends are always on the side of the labour who are employed, so that there are unions, they get fees, good subscriptions and all that. I am in favour of those who have no means. I am emphasising their case, so that they may also be brought to that level, and our labour all over India, all those who are employed and also unemployed may all be on the same level.

[Shri Tyagi]

Now, coming to the legislation that is before the House, it is very good. But let us see what the condition of shops today is. A legislation without looking into the factual position would be wrong. What is the position of the shopkeepers today? It is not only always the needy who go to the shops. You may go to a shop to buy something, and when you see so many other attractive things you may buy ten other things. Shops do not only attract persons who are actually in need of something and who want to buy something. Any man can go to a shop and when he finds some attractive things he may buy two or things. Therefore, what is actually required is that shops are to remain open not for the purpose of sale, but a major part of their function is, if you see things objectively, to demonstrate and to exhibit what is out for sale so that those exhibits attract customers. what the bigger function of a shop is. The other function in a shop is of bargaining. Most of the time of shopkeepers and assistants is wasted or is employed in bargaining or haggling.

When you thought of shops, thought you would do the same things as the Europeans have done. But wherever there is something very serious, something really very drastic, you get shy of it and you do not do anything. You simply sloganise things and think that it is all right, because you can have some publicity. But really speaking, in almost all the countries I have been able to see in Europe, most of the shopping is done by means of what is known "window-shopping". There everybody knows what the price of a commodity is. Three-fourths of the shopping of a customer is in the selection of the article that he wants to buy. customer has to go from shop to shop and select from which shop to buy and what things to buy. Most of the activity of a shop is engaged in this. That is why, as I said, in foreign countries they have window-shopping.

There the prices are fixed. They exhibit their things in glass cases behind which they put labels with the prices. During holidays customers go on shopping mentally. They do not actually buy things, but in their minds they select things to buy, from which shop to buy and at what price. Therefore, half of their function is over.

The difficulty here, in your case, would be that as soon as you fix the hours of a particular market, particular shops, when people who are employed in offices go there to buy things they would not find enough time to buy things. On Sundays the shops will be closed and they cannot do any shopping. They will not be able to take their children for any shopping. You can imagine the reaction of the clerical and other ministerial staff engaged in office work. So it becomes very inconvenient for persons who are employed in offices to find time for shopping. I think the convenience of the customers must also be taken into account.

Sir, while I support this Bill seeking to limit shopping hours, I suggest that you come forward, either this Ministry or some other Ministry, with a Bill saying that in big cities like Delhi every shop should hang in front of it a price list of all articles to be sold so that the prices may be fixed and the customers may know as to which shop is selling things cheaper and he may be able to select his shop. At the same time, three-fourths of his shopping can be done during Even during off-hours. even during holidays, a customer and his family can go round the market and find out from the exhibits and the price list in front of each shop the prices of the articles they want. They can make up their mind as to what they want to buy and from which shop. The next day, even during office hours, they can send their boy and get the things. Therefore, really speaking, it is very easy to fix the hours of shops in foreign countries,

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because they have seen to it, by custom as well as by law, that the prices of all commodities are fixed and they are affixed in front of each shop.

If the prices are fixed, it will also do one good thing. I feel that our moral standards in the country are fast deteriorating. The moral climate is getting bad, for the simple reason that it is the market atmosphere, it is the climate of the market which goes into the homes. Therefore, if you want to raise the morale of the society, if you want to take it higher, the best thing to do is to raise the market morality. Mostly a market means a place for earning. Blackmarketing and other illicit means a man go into illicit ways. Therefore, my suggestion is that you raise the morale of the society by raising the market morale. That can be raised if you enforce a law by which the prices are fixed. Now happen_S that the shopkeepers take advantage of the ignorance of customers.

Shri Narayanankutty Menon: But the employees who are covered by this Bill are quite innocent.

Shri Tyagi: I am not criticising the employees for it. I am talking of the employers. I am not talking of the actual vendor or the salesman. It is the proprietor of the shop who gets the benefit of all blackmarketing, all bargaining and all haggling.

Therefore, fixation of hours will be very much welcome, but if some other measures are taken to see that fixed prices are enforced all over the country and window-shopping is started so that people even during off-hours might go round the market and know what commodities are available and at what prices, it will improve matters.

With these words, Sir, I hope the Minister will look into these things and, whatever it is, I support the Bill because after all it is for the benefit of both the employers as well as the employees.

Shri D. C. Sharma (Gurdaspur): Mr. Chairman Sir, the other day I was travelling from Amritsar to Delhi, and in my compartment there happened to be a gentleman who was interested in big business. He told me that on account of our labour laws our production would stop or at least, if it would not stop, it would suffer some kind of diminution. He said that our labour laws were becoming more and more stringent and that the employers were finding it very difficult to cope with the mounting incidence of labour legislation. At the same time, Sir, I met certain employees.

Shri Nath Pai (Rajapur): In the same compartment?

Shri D. C. Sharma: No, somewhere else. I met certain employees in my own house, and they had a different tale to tell. They thought that they were not getting a fair deal from their employers. Last night, one of my clerks came to me and said that he went to buy a small battery. He said that he went to a shop and the shopkeeper asked Rs. 11.50 nP. for that battery. He went to another shop and for the same battery he was asked to pay Rs. 13; he went to a third shop and there he was asked to pay for the same battery Rs. 15 and when he went to a fourth shop for the same battery he was asked to pay Rs. 17. Ultimately, he said, he came back to the first shop to buy the battery but then the shopkeeper said that he would not sell it for Rs. 11.50 nP. and that he would only sell it for Rs. 15.

Now, I want that to a Bill like this we should make a composite approach, an approach which reconciles the different interests of the employers and the employees and also, as was put very admirably by my hon. friend, Shri Tyagi, the interests of the customers. How can that be done? It is a very difficult problem. I think this over-simplification of the problem by the Labour Ministry is not goir to carry us anywhere. I have looked into this Bill and I find that it has been prepared in a spirit which may

[Shri D. C. Sharma]

be admirable, but not wholly admirable.

I have got here the Delhi Shops and Establishments Act of 1954. I find that this Bill contains several provisions which are very useful and helpful. The Labour Minister thinks that this is a social measure. I believe that this social measure should have been brought after some kind of social survey had been made. I think some social students or investigators should have gone round and enquired from the shop-keepers and employees the difficulties in the way of the implementation of this Bill, how the employees have fared under this Bill and how the employers have fared. They should have undertaken that survey.

The hon. Minister has been telling us that he has been meeting deputations of employees, employers and others. Of course, all our Ministers are fond of meeting deputations, and we are also fond of going to them in deputation. But the fact of the matter is that as a result of those deputations of employers and employees, the Ministry has brought forward this Bill, which is merely a kind of tinkering with a very important social and human problem. I think the problem has not been dealt with adequately.

It is not only a question of giving a carte blanche to this officer or that officer that he can order the opening or the closing of this or that shop any time he likes. It may be a useful measure. I do not deny that it is a very useful measure. But that is not the crux of the problem and that is not the real place where the shoe pinches. There are other problems also. So, to simplify all those problems to this one point means that proper attention has not been paid to this Bill.

My hon. friend, Shri Tyagi, was discussing the ethics of shops and shop-keeping. He was also trying to give us some definition of "shops". I think he is perfectly right, and all those things should be done. But what I

mean to say is that there are so many things to be looked into. It is not the opening and closing of shops at a particular time that is very important, though that is important. The more material thing is how the employees are being treated? What about their casual leave? What about their holidays? What about the hours of rest that they enjoy? What about amenities that they are going to enjoy? What about the retirement and other benefits? Have these things been looked into? We are not told anything about these things. I want to ask the Minister how many persons have been arrested or have been convicted for going against the provisions of the Shops and Establishments Act. I think some questions have been put on this subject. But I do not know how many have been convicted. This Shops and Establishments Act has remained more or less a dead law. I do not think much action has been taken under the provisions of this Act. Therefore, I would say that the social part of this Bill should have been looked into more adequately than what has been done.

Shri Abid Ali: 3,500 people have been prosecuted in 1960 and Rs. 98,000 have been realised as fine.

Shri Narayanankutty Menon: Out of them how many were convicted? The number of prosecution is great, but what about the number of conviction?

Shri D. C. Sharma: I am very happy that 3,500 people have been convicted.

An Hon. Member: Not convicted,

Shrimati Parvathi Krishnan (Coimbatore): More people are contravening this law.

Shri D. C. Sharma: Also, Rs. 98,000 have been collected as fine. I think all these things show that there is something definitely wrong with this Bill, because there has been so much of wholesale convictions and so much accumulation of fine. What I mean to say is that the regulation of wages and other factors have not been properly looked into.

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My hon. friend, Shri Tyagi, was thinking of shops in UK, USA, Soviet Union or some other countries in Europe. I have also visited some of those shops and I wish I could say so many fine things about them as he said. They also practise mercantile morality. When I went to one country, a friend of mine told me: do not go and purchase anything from a shop where it is written "we are going to close down after one month; so, we are offering things at cut-throat prices" because it will not be a shop where you can have a fair deal. I do not want to put it strongly. So, what I say is that this mercantile morality is to be found all over the world. It is not peculiar to India. These blackmarketing and pugdi are not monopoly. They are found in parts of the world. They are found even in those countries which are called Socialist countries. I have been reading about those countries also.

Shri Tyagi has been trying to enlarge the scope of shops. Why think in terms of shop-windows? When there is no proper amount of cleanliness in those shops, why think about all those things? After all, our shops are a strange mixture of old and new.

Shri Tyagi: Could there be pricelists?

Shri D. C. Sharma: Yes. I would say that even the elementary things which are required in those shops for making the customers at home, for making the employees at home, for making even the employers at home are lacking. Then what have they got? The hon. Minister will tell us "we have got inspectors". How many inspectors do you have?

Shri Abid Ali: You do not want them. You say that prosecution should not be there.

Shri Narayanankutty Menon: He did not say that.

Shri D. C. Sharma: I think the hon. Minister is not following what is being stated on the floor of this House.

Shri Narayanankutty Menon: You are quite right.

Shri D. C. Sharma: He is following neither the members of the opposition nor the members of the Congress. What can I do? The only thing T can do is to say: Oh! God सबको सुमति दे भगवान। That is the only thing I could do. He should try to follow what we are saying, and follow us in the spirit in which we are saying. This is a social measure about which we think in terms of cleanliness, proper lighting and so on. But who is going to look after them? There may be some inspectors, I know. But how many inspectors are there and how many shops have you to look after? Somebody was saying that there are quite a number of inspectors. But when we consider the number of shops, the number of inspectors is very very few and the number of shops are very many. If an employee has to get the help of an inspector, I think he has to wait for a long time and the inspector will arrive when it is too late. Even when the inspector wants to come at the beck and call of the employers, he will not come at the time when they need him

What I was going to say was that the service conditions of the employees should have been properly looked into and the Bill should have been brought before this House to show that we have some solicitude for these employees who number so many lakhs or whatever their number be. Again, the conditions of work of these employees and also of the employers should have been linked into. Also, we should have seen to the accidents etc. which are the normal things in life of all kinds. I do not think that anything is being done. What I mean to say is that these employees in the shops and establishments should be treated at par with the employees in a coal mine or in a factory, either a Government factory or any other factory. You should not treat these employees in shops from an angle different from the one from which you are treating those employees who are working in factories. I think that both of them should be treated on par.

[Shri D. C. Sharma]

So far as the hours of work are concerned, it has been left to the Chief Commissioner to decide. I have nothing to say against that. But I would like to say that we should not think that in India we have a rigid daily time-table which can suit everybody. This is perhaps our misfortune. But all the same you should remember that the daily time-table of one human being in this country differs from the daily time-table of other human beings. They may be members of the same family and yet they may not be following the same pattern of daily living as is followed by others. So, there are so many variations. These variations are important when you remember that Delhi is a very congested place and people have to travel to Delhi for the'r work from distant places. For instance, there are persons who come from Ghaziabad, Sonepat or Gurgaon. I think there are persons who come from places farther than that.

An Hon. Member: From Panipat.

Shri D. C. Sharma: When you are thinking of these employees you must take into account also their places of habitation. It is not that every employee is going to be employed in a shop which is at a stone's throw from his house or at a distance of half an hour or fifteen minutes' walk from his house. No. On account of the congestion of this city persons come from many distant places. You have got to take this human factor into account. It is not that you say, "Open the shop at 7 o'clock and close it at such and such time and have a break for two hours or for one hour, whatever it is". You have to think of these things in terms of human necessity, human welfare and human exigencies of the situation. Therefore, I hope that all these things will be looked into so that the employees are not put to much trouble and the employers also do not suffer much inconvenience.

There is one p int which was made by my hon. friend, Shri Tyagi. I think it is a point which deserves consideration at the hands of all of us. Shri Narayanankutty Menon: Now please come to the Bill.

Shri D. C. Sharma: My hon. friend, the late Shri Feroze Gandhi, was very keen on that point. It is a pity that he died a premature death but if he had lived, I think something would have happened in that respect, namely, that all the articles that are displayed in a shop should have price tags attached to them so that there should not be any room for cheating, overcharging or anything of that kind. I do not know if this comes within the purview of this Bill or not.

Shri Tyagi: No.

Shri D. C. Sharma: I think something has got to be done. If we are going to control other people's hours of work and lives, I think we should also see to it that they display the price that they are going to charge. We are not going to order them to sell things at a particular price. But every shop-keeper should be able to show the price at which he is going to sell a particular commodity.

Shri Tyagi: Show their own price.

Shri D. C. Sharma: As Shri Tyagi said, I think this will go farther than anything else in promoting the highest qualities of life in this country. This is something which will go a long way in ridding us of all those ills from which we have been suffering all these years. Those ills have been referred to in our cinemas, pictures, books, stories and plays. I think that something should be done. I do not think that the Ministry is precluded from making this as a part of this Bill. Nobody can prevent you from doing that. After all, we are controlling the price of coal and steel. We need not control the price of these things.

Shri Narayanankutty Menon: That does not come under this Bill. You have got the Essential Commodities Act.

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M. M. Das): That should come under this Bill. That is what he wants.

Shri D. C. Sharma: There should be one thing, namely, that you should make it incumbent on the shopkeepers and employers to show the price tag on the article. Nobody can prevent you from doing that. The Essential Commodities Act is something different. This thing is of another kind.

Shri Tyagi: That will lighten the work of the shop assistant.

Shri D. C. Sharma: I very much like that this Bill has been brought forward but it does not go far enough. I believe that the hon. Lab ur Minister should try to bring forward a Bill which is the result of the experience that we have accumulated during all these years about the working of this Act and which enables us to overcome those difficulties which we have encountered and also helps to make an improvement in the conditions of work of the employers and of the employees. I would say this much that there shop employees should not be treated in a way in which the stigma of inferiority is placed upon them. They should be treated as other workers are freated and I am sure that I we do that we will be doing the right thing. After all, Delhi has a large number of shaps and establishments and there are so many workers in these shops and establishments. We must do something for them. If we do something for them, I think we will be doing something for similar workers all over India. Delhi leads the way in these things. Here is a place where we should try to show the quality leadership in order that these shop assistants and employees feel that something has been done for them.

Shri Warior (Trichur): Sir, I have only to make very few observations about this Bill. In the statement of objects and reasons of this Bill it is said that there has been an increasing demand for a change in these rigid timings. If it had been explicitly stated from which quarter these demands have come, whether

they are from workers and employees in the shops or from employers.....

Shri Tyagi: Or from consumers.

Shri Warlor: We would have known whether it is actually in the interest of the workers and employees or in the interests of the employers and which party or which section is gaining more from this sort of an amendment in the original Act

Another point I wish to make is that similar conditions prevail in other big cities of India, like Bombay, Calcutta and Madras. Almost the same circumstances obtain there. I wish to know from the hon. Deputy Minister whether any blanket power has been given to the Commissioners of these big cities for enforcing the opening and closing hours of these establishments. The main point is that this piece of legislation is not primarily in the interest of the shops and establishments; it is in the interest of the employees of the shops. The employer who is the shopowner and who has invested his money knows how to protect his interests. It is the employees who are at the mercy of the employers and not vice versa. It is not a two way traffic; it is a oneway traffic. When we legislate in labour affairs, it is always to protect the interests of those who are at the mercy of others. If the employers are at the mercy of the employees I can understand those pleading for the interest of the employers. But that is not the situation. The fact of the matter is that the employees are at the mercy of the employers.

To whose interests must we look to first? We must primarily look to the interests of the employees. The employers are capable of protecting their interests. The laws are there to protect them; they are better situated, Their position in society and in the economy is such that they can protect their interests very well. The completely non-protected section is the employees. Therefore the primary object of this piece of legislation should not be forgotten; when the Act is implemented, or amendments are sought.

[Shri Warior]

Now what is the actual position? Even after the passing of the first Act in 1954, we know that the most difficult sector, where no labour legislation can be implemented, where the bebefits of labour legislation cannot reach those for whom it is intended. is the shop establishments. That is because the very character of employment there is such that it is difficult for the employee to get the advantages of the legislation. Take, for instance factory workers. They are to a certain extent united; there is a sort of uniformity and equality between each and every individual, in their conditions of employment, in their wages, in their production methods. This sort of equality has been established more or less by the mechanical processes coming into the factories. That is not the case in regard to shops.

Our shops particularly are such that they are still in the mediaeval period; they do not belong to the modern age. I do not think any enactment with regard to their opening and closing hours **c**an be rigidly enforced. It mere dilatory tactics to speak morality, honesty and other things. That is not the point at issue at all. We can, no doubt, sermonise to them to be more honest, not to indulge in blackmarketing, to set an example to the world, etc. If they indulge in bargaining, we also do so. They might as well retort: if you stop bargaining we shall also stop bargaining. Whether you accept it or not, people are given to bargaining. order to ensure that even after bargaining there was a margin left, the shop-keepers would fix a higher rate.

Shri Tyagi: My idea was not that Government should fix prices. What I meant to say was that the shop-keepers must be given the liberty to fix whatever prices they want, and they must be hung in front of the shops, so that the customer may decide which shop to buy from.

Shrl Warior: I have not been able to understand my hon, friend Shri Tyagi perfectly. It is not a question

of statutorily fixing prices. I wish to point out to him an instance. In olden days, British firms like Whiteway and Laidlaw used to fix the price of an item at Rs. 4-15-6, just half an anna less than Rs. 5. People used to say that the margin was so accurately calculated and there must be nothing to bargain at all. We have known such things. Our country has certain other traditions. I do not wish to go into the details of it. We have our Arabic system of bargaining. If a keeper were to quote Rs. 10 for an item the customer would bargain it for Re 1. It is said that is the Arabic system. I do not know whether the Arab traders brought it into our country. But things like that go on. Unless the customers are also socially educated not to bargain and have confidence in the traders when they fix prices, no amount of platitudes would work. And these points are irrelevant as far as this Bill is concerned. The only question with which we are concerned is the working hours-it is not a question of work-load even.

The working hours are usually ten hours a day, lasting from seven to nine. Throughout this period assistant has to be in attendance. There may be days when he may not have occassion to handle even a single item; he may be waiting the whole day for the customer. The shopkeeper having cast the net, he would ask the assistant to wait and watch whether any fish come in. The assistant cannot go anywhere else; he cannot go home; he cannot attend to his private matters. Even if his mother were about to die he canont leave the shop. A factory worker on the other hand can leave his work. But if the shop assistant leaves some mishap may happen. So, it is a very tiresome, wearisome and hard work; a man without any work has to be in attendance all the while. If he has work all the day, he can while away his time. At least his mind will not be affected. Here it is a question of great mental strain on the shop assistant, which only he can understand.

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If the shop has got brisk business, it is all right. If not, there is a great strain on him. This is one aspect of the question. All these hours they have to keep waiting without any work.

Most of the small shops employ only a few persons, hardly two or three. Will these three people, however much they might organise themselves, be able to have collective bargaining? From my own experience and the experience of so many other trade unions, I say that this piece of legislation cannot be effectively implemented. Any employer can victimise two or three employees, once the employee asks for his rights. So it is very difficult. I will quote instances. At 9 p.m. the shop is to close. The shop-keeper says, "The accounts are not yet complete, you stop for half an hour or one hour". Will the employees get any benefit of overtime out of it? He will not. But he has to wait for one hour more. So the employees cannot enforce anything by their sheer weight, by their organisation, by their unity or their capacity as a trade union can do with respect to a factory. That is the difficulty. They are completely at the mercy of the whims and fancies of the employers and they are not protected by these pieces of legislation. There are other aspects of the question, but I am not going into them.

15 hrs.

In such a situation, if blanket powers are given, to whomsoever it might be—he might be a very nice person. I am not questioning the character of the person—but when such blanket powers are given to a bureaucrat, we know how he will use those powers. He will cover everything by that blanket power.

I do not know what is meant by this proposed new section 15(3) under clause 3 which says:

"The Government may, for the purposes of this section, fix different opening hours and different closing hours for different classes 492(Ai) LSD—8.

of shops or commercial establishments or for different areas or for different times of the year."

What is left, may I know? When it is said "classes of shops" I want only one question to be clarified namely about hotels and restaurants. What will be the hours of work there? In shops of a high standard they keep some shift system and all that. We know that. But if any survey has been made, can the hon. Minister tell us, from any review or report, in how many hotels and restaurants this legislation about hours of work is in reality being enforced? Not many. And I think that more than fifty per cent of these shops and establishments will comprise of hotels. When all these hotels and restaurants are coming under the class of "shops", are they not going to have a shift system in their establishment? If one and the same group of workers have, from morning till the time they close, to work, what will be the condition of those hotel workers? Such class of shops cannot but be put under the very rigid observation of the Department. The hours must be enforced, especially in these establishments in which these workers cannot get any relief at all. From the point of view of the longevity of the workers in such establishments, at least the Chief Commissioner should not be given any such power to stagger the working hours. Even in other shops also why should the hours be staggered, and why should the Chief Commissioner be given powers like this? I cannot understand it. If the shop owners have a genuine complaint that they are losing business due to this, I can understand. Therc are many concerns which keep to a high standard and they do not demand of the Government any staggering of the hours of work. It is really the small shops which want to make money by any means by harassing their employees in whatever way possible and it is to help them only that these powers will be used. I am quite sure of that, For this reason, as well as for the other

[Shri Warior]

reasons which my hon, friend Shri S. M. Banerjee has already advanced, we cannot support this piece of legislation.

Dr. Melkote (Raichur): I fail to understand the implications of this Bill. In the Statement of Objects and Reasons to the Bill it is stated that the object is "to confer powers on the Chief Commissioner to fix different opening and closing hours for different areas or for different times of the year after holding an inquiry in the manner prescribed by rules".

This is a piece of social legislation. and by means of rules the Chief Gommissioner is given powers to prescribe the timings, the locality and other matters.

15.06 hrs.

[SHRI HEDA in the Chair]

I am aware that matters pertaining to labour, shops and establishments are in the Concurrent List. But so far as Delhi is concerned, it is governed by the Central Government, and here the Central Government is supreme. In a matter of this type, wherein large sections of the population are affected, the employer, the employee and the consumer have felt that legislation of this type should be brought in in this House, not merely giving for consideration and for powers to certain persons, but for discussing these matters and for understanding all the implications. If this has been brought in because of the fact that so far large numbers of the employers the shop-keepers, have had to be brought before the courts and punished and large sums of money collected from them, if it is to give them relief, I felt this is not a very salutary statutory enactment. this was brought in, I felt that sufficient information would be given to us as to how the employees themselves feel about it and whether the Delhi public would welcome such an enactment. When we are considering this aspect of the question, we have to remember that Delhi is one of the major cities now and as such has to set an example to the rest of the country in all these matters. People in Delhi are much more awake then people at other places, and social enactments of this type have far-reaching effects elsewhere. I would have therefore felt that while dealing with this question, other questions pertaining to this aspect could have been brought forward.

I heard with rapt attention my hon. fried Shri Tyagi who, I find, is not present in the House at the moment. And it surprised me that a person with his outlook should have made certain remarks which are not true to facts. He said that whilst we are attending to the improvement in the standards of the labouring classes, the employees, in very many sectors, it is having adverse effect on the other unemployed people in the country. Sir, I least expected that Shri Tyagi would make such a remark. I could have expected it from a shop-keeper, from a capitalist. They have been saying this all along, that if the conditions of labour go on improving at this rate it would have an adverse effect on the agricultural population and on the unemployed population of the country. Facts have revealed, after investigation in very many countries, that this is not so. The improvement in the standards of living, in the working conditions, in the salaries, bonus and other conditions has had its beneficial effect on the labouring class, the unemployed class, as well as the agriculturists elsewhere. This is what the factual data collected in other countries reveals. Therefore, I felt it very much that a Member like Shri Tyagi should have made such remarks. I hope that this House will take his statement for what it is worth.

The second point is that whilst a Bill of this type is being brought forward, we should have looked into the working hours of the employees in these shops and establishments. Now, we are trying to give a carte blanche

Shops and Establishmente (Amendment) Bill

to the Chief Commissioner Whilst he may decide on the convenience of the area as well as the type of shop that is to be kept open, I hope he shall not contravene the other enactments in this field

These are very wide powers that are being given to him now. I feel that Government could have brought forward a more comprehensive Bill for the consideration of this House, which would have taken very many other aspects of this question into consideration, and set an example to other, because, as I said in the beginning, they need not consult other States in the matter and possibly other cities and other States would have followed our example.

Therefore, whilst I $expres_S$ my feelings here on this aspect of this question, I would submit that Government should immediately give consideration to this aspect and in the very near future bring forward before the House a more comprehensive legislation for consideration. I personally feel that the rules that are framed by the Chief Commissioner would again be placed before us for our consideration, so that we can ensure that they do not offend the Interests of employees and the larger section of the public

श्री बलराज मधोक (नई दिल्ली) : सभापति महोदय, यह विधेयक दिल्ली की बहुत बड़ी जनता के साथ सम्बन्ध रखना है। दिल्ली बहुत तेजी से फैल रही है भीर उसकी बाबादी बढ़ती चली जा रही है भौर उसके साथ ही साथ द्कानों की ग्रौर इसी प्रकार के जो भीर व्यापारिक संस्थान हैं उनकी संख्या भी बढ़ रही है। भाज दिल्ली के भन्दर इस प्रकार की द्कानों भौर व्यापारिक संस्थानों में काम करने वालों की संस्था लालों में है और इसलिये उन्हें जो मुविचा मिलती है वह मारी दिल्ली के लिये महत्व रतती है।

माज से ६ वर्ष पूर्व दिल्ली की विचान सभा ने एक कानून पास किया था । उस कानून के प्रन्तर्गत दुकानों के खुलने धीर बन्द करने का समय निश्चित किया वा । सप्ताप्त में कर्मचारियों को एक दिन की खटटी हो यह भी तय किया था भीर भी कुछ बातें उस बिल में कही गई थीं। लेकिन बह बिल भपूर्ण या भीर उससे काम करने वालों को जो प्रोटैक्शन मिलना चाहिये या वह प्रोटै-कान भी उनको पूरा नहीं मिला भीर न ही खद द्कान चलाने वालों को जो सुविधा मिलनी चाहिये थी वह मुविधा ही उनको मिली।

दिल्ली में दो तरह की दकानें हैं। एक तो वह बड़ी बड़ी दुकानें भीर फर्में हैं जहां बहत से कर्मचारी काम करते हैं और दूसरी वह द्वानें हैं ग्रीर जिनकी कि काफी संख्या दिल्ली में है, जो सैल्फ एम्प्लायेड सैक्टर में श्राती हैं। उन दकानों में कोई मलाजिम नहीं होता है, भाई बन्द मिल कर वह दूकानें स्वयं ही चलाते हैं। हमें विधेयक बनाते समय इन दोनों ही तरह की दकानों को दण्टि में रख कर विचार करना होगा।

इसके भलावा कुछ भीर तरीके के भी काम धंघे हैं जिनके कि ऊपर सन १६५४ का कानन लाग होता है जैसे कि डाक्टर साह-बान हैं। दिल्ली के अन्दर डाक्टरों की संख्या लगभग ४००० के ऊपर है भीर उन पर भी यह शतंलाग की गई कि वह भी इतवार को या किसी और दिन अपनी दुकानें बन्द रहलें। घब जहां तक डाक्टरों का सम्बन्ध है हम सब जानते हैं कि मरीज का कोई समय नहीं होता भौर डाक्टरों की दुकानें बन्द करने से बहुत जगहों पर मरीजों को तकवीफ भी हुई है। लेकिन उन डाक्टरों की बुकानों पर जो कम्याजण्डमं भीर दूसरे एम्प्लाईज काम करते हैं उनकी यह मांग कि उनको हपते में एक छटटी मिले, एक जायज मांग बी । उस बिस के अन्दर इस तरह की बहुत सी कठिनाइयां

[श्री बलराज मधोक]

थीं जिनको दूर करने की ग्रावश्यकता थी। परन्तु यह जो बिल लाया गया है it does not touch even a fringe of the problem. जिस तरीके से दिल्ली अरबन टेनेंन्ट्स के लिये बिल लाया गया और श्रौर वह समस्या को देखते हुए नाकाफी था उसी तरीके से यह ग्राज का बिल केवल टिंकरिंग करता है श्रीर जो मूल सवाल है उस तक यह पहुंचता नहीं है। मूल बिल में समय निधारण की बात कही गई है। मूल बिल में यह निर्धारित किया था कि कोई भी दुकान या कर्माशयल इस्टैब्लिशमेंट गरमी के दिनों में सुबह ७ बजे से पहले नहीं खुलेगा श्रीर रात में में दस बजे तक बन्द हो जायगा। इसी तरह जाड़े में कोई दुकान सुबह प बजे से पहले नहीं खुलेगी ग्रौर रात में ६ बजे के बाद बन्द नहीं होगी, ६ बजे के ग्रन्दर ग्रन्दर बन्द हो जायगी । इन टाईमिंग्स के बारे में दुकानों के मालिकों श्रीर एम्प्लाईज की मांग यह थी कि यह समय बहुत ग्रधिक है ग्रौर श्रगर एक दुकान वाला इतनी देर तक अपनी दुकान खोलता है तो दूसरे दुकान वाले भी खोलना चाहते हैं क्योंकि उसमें एक कम्पटी-शन आ जाता है। अब दुकानदार अगर यही सोच कर प्रपनी दुकान खोल कर बैठा रहे कि मौत ग्रौर गाहक का कोई पता नहीं कि कब श्रा जाय श्रौर इसलिये दुकान खुली रक्ले तो इससे न केवल उसको कठिनाई होती बल्कि उन दुकानों पर काम करने वाले कर्मचारी लोगों को भी विशेष रूप से बड़ी दिवकत का सामना करना पड़ता है। वह किसी तरह के पारिवारिक ग्रीर सामाजिक ग्रन्य कामों में भाग ले सकते हैं। इसलिय दिल्ली व्यापार मण्डल की ग्रोर से कई वर्षों से यह मांग की जा रही थी कि यह समय कम किये जायें ग्रौर जिस प्रकार से पंजाब के अन्दर दुकानों के खुलने श्रीर बन्द होने का समय तय कर दिया है उसी तरीके से यहां भी इस को फिक्स कर दिया जाये।

इस बिल के अन्दर चीफ कमिश्नर को यह पावर्स दी गई हैं कि ग्रगर चीफ कमिश्नर चाहे तो वह छानबीन करने के बाद समय तय करे ग्रीर यह भी तय करे से दिन कौनसी दुकानें इलाके में बन्द रहेंगी। मेरा है कि यह चीज चीफ कमिश्नर पर छोड़ देना ठीक नहीं है। जिस तरीके से पंजाब ने यह बिल पास किया है ग्रीर उसमें तय कर दिया है कि दुकानें गरमी के दिनों में ६ बजे खुल कर ७ बजे बन्द होंगी ग्रीर जाड़े का भी उनका समय नियत कर दिया है उसी तरीके से यहां भी दुकानों के खुलने ग्रौर बन्द होने के समय नियत कर दिये जायें। कर्मचारियों के काम के घंट भी तय कर दिये जायें। यह भी तय कर दिया जाय कि कोई भी दुकान भ्रौर कोई भी संस्थान १० घें से ऋकि खुलान रहे। इस समय के अन्दर कुछ विश्राम दिया जा सकता तो कहीं पर १५ घंें काम कराया जाता है। मेरा ो सुझाव यह है कि सरकार को गर्मी के दिनों में दुकान खुलने का समय साढ़े ६ बजे सुबह से लेकर साढ़े ७ बजे तक का ग्रौर जाड़े में १० बजे सुबह से लेकर ७ बजे शाम तक का समय फिक्स कर देना चाहिए । ग्रब इसके लिए कहा जाता है कि उससे कुछ लोगों को कठिनाई होगी। दफ्तरों में जो लोग काम करते हैं उनको बाजार से खरीद फोरूत करने का समय नहीं मिलेगा । इसके लिए मेरा कहना है कि जहां पर समय निविचत होता है वहां लोग उसके मुताबिक अपने आप को ऐडजेस्ट कर लेते हैं । इसके ऋलावा गवर्नमेंट कालोनीज के भ्रन्दर दुकानें भ्रामतौर से इतवार को खुली रहती हैं। सप्ताह में एक दिन की छुट्टी के बारे में एक मत दिल्ली में यह है कि सारी दिल्ली के ग्रंदर एक ही दिन फिक्स कर दिया जाय जब कि तमाम दुकानें बंद रहें परन्तु में उस मत से सहमत नहीं हूं। गवर्नमेंट सर्वेंट्स की कालोनीज जहां पर कि सरकारी मुलाजिम

(Amendment) Bill

रहते हैं सोग सप्ताह में ६ दिन तो दफ्तर में जाकर काम करते हैं झौर उनके पास बाजार से सरीद फोस्त करने के लिए केवल इतवार ही रहता है जिस दिन कि उनके दफ्तर बंद रहते हैं। इसलिए गवर्नमेंट सर्वेंटस की काो-नीज में साप्ताहिक छुट्टी इतवार की न होकर किसी और दिन की हो तो सरकारी मुलाजिमों को कोई अमुविधा नहीं होगी।

मेरा एक सुझाव तो यह है कि इस बिल के भंदर यह निश्चित कर दिया जाय कि कोई भी दुकान या संस्थान १० घंटे से भ्रधिक नहीं खुलेगा।

It should not be left to the discretion of the Chief Commissioner.

दूसरा सुझाव मेरा यह है कि सारे शहर को जोन या हिस्सों में बांट दिया जाय श्रीर यह तय कर दिया जाय कि फलां जोन में श्राने वाली दुकानें सोमवार को छुट्टी करेंगी श्रीर श्रमुक जोन की दुकानें मंगलवार को छुट्टी रक्खेंगी। गवनंमेंट सवट्स की कालोनीज इतवार के श्रलावा श्रीर कोई छट्टी करें ताकि सरकारी मुलाजिमों को कोई श्रमुविधा न हो श्रीर वह इतवार को श्रपनी खरीद फरोस्त कर सकें।

जहां तक डाक्टरों का ताल्लुक है उनके जगर किसी प्रकार की पावन्दी नहीं होनी चाहिए। मैं स चीज को जानता हूं कि जो डाक्टर हैं उन्हें भी एक छुट्टी मिलनी चाहिए, इतवार की छुट्टी वह मना सकते हैं लेकिन दूसरी घोर मरीजों की कठिलाई भी देखनी है क्योंकि बीमारी तो कह कर धा ी नहीं है और हो सकता है कि मीज को उस ट्टी बाले दिन ही डाक्टर की घौर दवा की जरूरत पड़ जाय। इसलिए डाक्टरों के जगर इसकी बंदिश न हो धौर उनको यह घौर्यान दे दिया जाय कि जो बंद करना चाहें बंद करें धौर बो न बंद करना चाहें वे न बंद करें उनके अक्टर धनने क्यांका वे करने उनके

कम्पाउडसं भीर दूसरे जो कार्यकर्ता है उनको भोवरटाइम मिलना चाहिए । भगर उनको इसके लिए एक्सट्टा वेजेज मिर्झे तो उनको इसमें कोई भापति नहीं ोगी ।

इसी प्रकार के कुछ भीर भी इदारे हैं। सब्जीमंडी को ही ले लीजिये। वह सुबह ४ बजे से शरू हो जाती है भीर रात को १२ बजे तक चलती रहती है। उसके कारण वहां के जो एम्पलाईज हैं उनको बहुत काम करना पहला हैं। मैं इस बात से इंकार नहीं करता कि उनके लिए कोई समय निष्टिचत करना कठिन है क्योंकि गाडियां घलग घलग समय पर माती हैं भीर गाडियों से माल समय समय पर उनको लाना होता है। लेकिन भाप उनके लिए यह तो कर सकते हैं कि एक फिक्सेड टाईम के बाद ग्रगर कर्मजारियों से काम कराया जाय तो उनको उसके लिए शोवरटाईम मिले। यही चीज कोयले के डिपोज के बारे में लागू होती है। उनके काम के घंटे निविचत कर दिये जायें ताकि वहां काम करने वाले कर्मचारियों को भी कुछ राहत मिले। माज जो स्थिति है उसमें उनको कोई राहत नहीं मिलती। जैसा मैंने कहा कि एक कहाबत है कि ग्राहक भीर मौत का पता नहीं होता है, इस कारण से जो दुकानदार हैं, उन्हें पता भी हो कि बाहक नहीं मा रहा है तो भी वे बैठे रहते हैं भीर इस कारण स उन्हें राहत नहीं मिलती है।

साय ही साय में यह भी कहना चाहता हूं कि वड़ी वड़ी दूकानो में जो एम्पलायीज हैं, जो मुलाजिम हैं, उनको भी प्रोटेक्शन मिलना चाहिये। इस बिल के घन्दर जो मुविधायें वी गई हैं वे बहुत थोड़ी हैं। बहुत सी दूकानें हैं जहां पर कि कोई एम्पलायीज नहीं हैं, जो कि सैल्फ एम्पलायड सैक्टर में घाती हैं। वहां बहु समस्या नहीं है। परन्तु जो बड़े बड़े दवारे हैं, बड़े बड़े बिजिनेस हार्जास्स हैं, वहां बहुत से कमैचारी काम करते हैं, उनके सिए कुछ निरुक्त करना होने चाहियें, कर्षे बाकाववा कुट्टी निसनी चाहियें, उनके बाकाववा तीर

[श्री बलराज मधीक]

पर वर्षिंग मावर्ष होने चाहियें, उन्हें कै बुमल लीव मिलनी चाहियें, प्रिविलेज लीव मिलनी चाहियें, प्रिविलेज लीव मिलनी चाहियें और साथ ही साथ इनकी मेंट्स का भी प्रबन्ध उनके लिए होना चाहि । मैं मपने जाती तजुर्वें की बिना पर कह सकता हूं कि बहुत सी दूकानों में जो सहू लियतें कानून में दी गई हैं, वे भी कर्मचारियों को नहीं मिलती हैं। इसके कई कारण हैं। एक कारण तो यह है कि म्राज देश में म्रनएम्पलायमेंट बहुत हैं, कारी बहुत मिलत है मीर जब एम्पलायर को जरूरत होती है वह किसी भी कीमत पर किसी भी म्रादमी को म्रपनी ही शर्तों पर नौकर रख लेता है भीर बाद में चूंकि मालिक जानता है कि वह मुलाजिम उस पर निर्मर है, मनमाने ढंग से उसके साथ व्यवहार करता है।

े कुछ बातें हैं जोकि मैं माननीय श्रम मं ी जी के सामने रखना चाहता था। जैसा मैंने कहा यह वि यक बिल्कुल लिमिटेड ी चीज को सामने रख कर तैयार किया गया है भीर यह केवल प्राब ैंम के साथ टिकर करता है। सवास्ते इस विधेयक के क्षे को बढ़ाने की जरूरत है। जरूरत इस कार की भी कि सारे का सारा नये सिरे से बनाया जाता। मैं चाहता हं कि श्रम मंत्री जी इस पर विचार करें। तो भी जिस हद तक यह बिल जाता है श्रचा है। इस के बारे में बहुत देर से मांग की जाती रही है भीर इसको पास भी हो जाना चाहिये। लेकिन साथ ही साथ एक कम्त्रीहेंसिव बिल भी लाया जाना चाहिये जो दिल्ली में जितने भी व्यापारिक संस्थान हैं, उन सब पर वह लागू हो सके। साथ ही साथ इस बिल में जो लामियां हैं, उनको भी दूर किया जाना चाहिये ।

Shrimati Parvathi Krishnan: The Minister in his opening remarks started by saying that this is a very innocuous measure. From the manner in which the debate has progressed, it is quite obvious how it is far from being an innocuous measure, and certainly labour in this country is quite convinc-

ed of the fact that there is very little innocuity about the hon. Deputy Labour Minister.

Be that as it may, though the Bill may seemingly be innocuous, I do not think the House has been or can be misled by the Minister's fine words, because here is before us a provision giving blanket powers to the Chief Commissioner to fix hours arbitrarily as he likes or wishes during which a shop is to remain open or an eating establishment is to remain open. This means that both the customers on the one hand and the workers on the other are to be left to the mercy of those who would be in a position to make their voice heard with the Chief Commissioner.

Take, for instance, the various sections that are affected by this blanket power. We have both the big and the small shopkeepers having their shops side by side. We also know the amount of competition that is there between the big and the small shopkeepers. If certain very long hours are fixed with a spreadover with lunch interval and so on, if the opening hours are very early and the closing hours very late, we might see that the smaller shopkeepers will be suffering because with them there may be no attendants at all; they will themselves have to keep their shops open unlike the big shopkeepers who can pick and choose their time and pick and choose their employees.

Therefore, I have my doubts as to the wisdom of conferring this sort of blanket overall power on the Chief Commissioner. I certainly do not see how it is going to work out practically and how it is going to help in seeing that this particular demand that is there is definitely met.

Secondly, with regard to these hours, we are not clear as to what the spreadover will be and how exactly it will affect the workers. If the hours of opening are very early and the hours of closing very late, in a big city like Delhi, as has already been referred to

these very

demands.

pressing

(Amendment) Bill
being brought forward, it would certainly have been far more helpful if
we could have had a comprehensive
measure which would meet many of

urgent

Shops and

Establishments

and

The hon Minister seems to be asking this side of the House to have patience....

Shri Abid Ali: No, I am not asking that.

Shrimati Parvathi Krishnan: There are certain demands. For instance, take festival holidays. We all know very well that the holidays that are given to those who work in these shops and establishments are not fixed, as they are fixed in the case of factory workers or workers in industrial establishments, employees of the Central Government and so on. Why is it that these people should also be denied what is very right for them to have? Why should they be denied the right of having these festival holidays? Why do Government not come forward with a measure to help them to get this right?

Then again, with regard to casual leave and privilege leave, time and again we hear how those who are employed in these establishments do not have these rights and are unable to get leave at very short notice when there is serious illness in the house and so on. Just at the whim and fancy of the employer, they can be chucked out of employment because they have not got the safeguards because of the defective legislation in that regard.

Then there is the question of medical aid which is also not there for them. We—particularly those of us who are here—all know of the various grievances that are there with regard to the contributory health service, but at the same time, something is better than nothing. I would certainly plead that at least these shop assistants should have this type of aid which would certainly help them to meet

by one or two hon. Members who spoke earlier, it will adversely affect those who have to travel quite some distance between their places of work and their homes. Recently they have been demanding that the hours of work should be made shorter with a shorter lunch interval so that they are able to leave their houses at a reasonable hour and return at a reasonable hour. these timings are changed and they have to leave their houses earlier and return very late, one wonders in what way they are getting any protection and in what way this legislation is going to help them. Of course, I do not personally see the Deputy Minister being swayed by human considerations very often. But it is a very human demand when people say that they would like to have more time with their families, they would like to have more time at home. It may be that in the evening they might wish to join evening classes to improve their educational qualifications. They may be wanting to visit the theatre; they might be wanting to spend their hours of leisure attending a music performance and so on.

I do not know why the hon. Deputy Minister is not able to give us a clear picture in regard to all this. It seems to me that if all these things were considered before this legislation was brought before the House, it was certainly the bounden duty of the Minister to have said that such and such things were covered by the Bill in such and such manner, and the interests of the shopkeepers, the smaller and the bigger ones, and of the employees were definitely being looked after. But I do not know how these have been looked after with the sort of measure that is brought here.

Apart from these, the Minister is well aware, and the Members of the House must also be, that there are a whole lot of other demands put forward by those who are working in these shops and establishments with regard to their hours of work and other things such as holidays, casual leave and so on. When this amendment was

[Shrimati Parvathi Krishnan] many of their problems with regard to their health.

In conclusion, I would once again say that it would have been far more beneficial if we had a more comprehensive legislation where the rights of the workers on the one side and those of the smaller traders on the other would be safeguarded and they would not be left to the mercy of the Chief Commissioner who is now being given the complete right to fix whatever hours he likes during which the shops are to be kept open. Therefore, some method should be evolved by which on the one hand the interests of the smaller shopkeepers and on the other, of the customers-because we have heard the difficulties faced by very responsible and outstanding customers of our shops like Prof. D. C. Sharma and Shri Mahavir Tyagi-are safeguarded along with the interests of the employees. If we could have a legislation that would satisfy these people who form really the vast majority of the population of this city as compared to the few bigger shopkeepers and hoteliers, if such a legislation were to be brought forward, it would, certainly, be beneficial to all concerned. Of course I know from experience that this may fall on deaf ears....

An Hon. Member: What?

Shrimati Parvathi Krishnan: The appeal that I am making.

Shri Tyagi: The lady is very uncharitable.

Shrimati Parvathi Krishnan; I would make an appeal. I am making this appeal....

Shri Tyagi: This is a most uncharitable remark. The Minister is very receptive, I must say.

Shri Narayanankutty Menon: Hard truths are sometimes quite unbearable.

Shrimati Parvathi Krishnan: I do not know why hon. Members, even before hearing what I am saying, should jump to conclusions.

But my appeal would be that this Bill should be withdrawn. So often the Opposition, the Private Members, do co-operate with Government and we withdraw Bills and Resolutions that we bring forward in the face of the promises of comprehensive legislation. I hope, in this case also, this piece of legislation, this Bill will be withdrawn and very speedily a comprehensive Bill will be brought forward for the approval of the House, which, I am sure, from the trend of the speeches I have heard till now, will be most willingly and readily given even when a very innocuous speech may be forthcoming from the hon. Deputy Minister.

Shri Balraj Madhok: As it is the Bill meets the demands of so many people; of course, it is not sufficient. It am not in favour of its being withdrawn.

श्री नवल प्रभाकर (बाह्य दिल्ली-रक्षित-प्रनुसूचित जातियां): समापति महोदय, दिल्ली दूकान तथा संस्थान प्रधिनियम के संशोधन के निमित्त यह विधेयक यहां लायाः गया है। जहां तक इस विधेयक का सम्बन्ध है मैं इस का स्वागत करता हूं किन्तु जो कुछ कठिनाइयां हैं, उन को मैं माननीय मंत्री जी की सेवा में निवेदन करना चाहता है।

एक कठिनाई यह है कि दूकाने खुलती हैं, लेकिन घ्यान देने की बात यह है कि वे नियमित रूप से खुलती हैं या नहीं, श्रौर कानून के ऊपर समल किया जाता है या नहीं। यहां से बहुत से प्रिष्ठित्यम बनते हैं श्रौर वे लागू हो जाते हैं, किन्तु उन पर ठीक तरह से समल नहीं होता। वही बात ग्राज इस कानून के सम्बन्ध में भी है। मैं ने यह देखा है कि दूकानों पर सुट्टी का दिन घोषित किया होता है, लिखा होता है, किन्तु पिछले दरवाजे से दूकान चालू होती है भीर सौदा भी उसी तरह से विकता है क्योंकि शाहक जब देखता है कि पिछले दरवाजे से सामान मिल सकता है की वह उचर क्यां ही जाता है। मैं ने इस सम्बन्ध में इस जानका है जी वह उचर क्यां ही जाता है। मैं ने इस सम्बन्ध में इस जानका है

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नेने की कोशिश की तो ज्ञात हुन्ना कि दिल्ली प्रशासन के पास सात या ग्राठ निरीक्षक या इन्स्पेक्टर हैं। दिल्ली में, जहां की साढ़े छबीस नास की भाबादी है भीर बहुत बड़ी संख्या में द्कार्ने हैं छोटी बड़ी, वहां पर कुल सात या भ्राठ. ग्रयवा ग्रधिक से ग्रधिक दस या बारह निरीक्षक हैं। इतने निरीक्षक या इन्स्पेक्टर ठीक ठीक सब देख भाल कर सकेंगे, यह, मैं समझता हूं, उन की शक्ति के बाहर की बात है। यदि श्राप की वास्तव में उन कर्मचारियों के साथ, जो दूकानों पर काम करते हैं, हमददीं हैं तो यह म्रावश्यक है कि दुकानों द्वारा जो उन के खुलने श्रीर बन्द होने का समय है, उस का पालन हो, समय की जो पाबन्दी है वह ठीक ढंग से होनी चाहिये, ग्रीर वह तभी हो सकती है जब कि उन से नियमों का कड़ाई के साथ पालन कराया जाय । जैसा मैं ने बतलाया, हालत ती यह है कि छुट्टी का दिन निश्चित है, किन्तु हिसाब किताब के बहाने से मजदूर कर्मचारियों को बुला लिया जाता है ग्रीर उन का सारा दिन उसी तरह से गुजर जाता है। समय भी कोई ठीक ठीक निश्चित नहीं है। सवेरे ७ बजे से दुकान खुलती है ग्रौर रात की १० बजे तक खुली रहती है। ग्राप कल्पना कीजिये उन लोगों की । श्राप बूढ़े श्रादिमयों को छोड़ दीजिये, मुझे अपने निर्वाचन क्षेत्र में एक आदमी से मिलने का मौका मिला जो दुकान पर काम करते हैं। उन्होंने बतलाया कि उन का विवाह भी हुआ है परन्तु उन्होंने दिन के उजाले में श्रपनी दुल्हन की शक्ल नहीं देखी। इस से ग्राप उन की स्थिति का अन्दाजा लगा सकते हैं। चूंकि ७ बजे दुकान खुलने का समय है इस लिये उनको ५ बजे उठ कर चलना पड़ता है क्योंकि तभी जा कर वह ग्रपनी दुकान पर समय से पहुंच सकता है। ग्रगर कोई ग्रादमी तिलक नगर में रहता है श्रीर करौलबाग में दुकान पर काम करता है तो वह ५ बजे ग्रपने घर से चलेगा तभी तो ७ बजे पहुंच सकता है। वह ७ या ६॥। बजे दुकान पर श्रायेगा, दुकान खोलेगा, उस की सफाई करेगा, चीजों को लगायेगा श्रीर सजायेगा, तब जा कर दूकान का काम शुरू

हो सकेगा। इसलिये मैं चाहता हूं कि दूकानो का समय ठीक ढंग से निर्घारित किया जाय। जो ग्राहक है, ग्रगर उसे सौदा देना है तो वह समय पर लेगा । ग्रगर उस के ग्राठ घंटे भी मुकर्रर कर दिये जायें तो वह ग्राठ घंटों में भी ले सकता है, श्रीर श्रगर श्राप २४ घंटे भी दुकान के लिये मुकर्रर कर दें तो २४ घंटों में भी भ्रादमी भ्रा सकते हैं क्योंकि ग्राहक को २४ घंटे सामान बिकता दिखाई देगा । परन्तु में ने देखा है कि कितनी ही दूकानें हैं जहां पर काम ठीक समय पर से होता है, वह ठीक समय से खुलती हैं ग्रीर ठीक समय से बन्द हो जाती हैं, ग्राहक को पता होता है कि ग्रमुक श्रमुक दुकान श्रमुक श्रमुक समय पर खुलती है भौर भ्रगर उसे सौदा लेना है तो उस को वहां समय से पहुंचना होगा । ग्राप देखिये हमारा खादी ग्रामोद्योग भवन है, वह निश्चित समय पर खुलता है श्रीर ठीक समय पर बन्द हो जाता है, बीच में खुट्टी भी हो जाती है, परन्तु इससे उन की बिकी में कोई कमी नहीं स्राती । वहां पर बिकी उसी तरह चलती है जैसे कि दूसरी दुकानों पर । जिन दुकानों पर ईमानदारी है, सच्चाई है, वह ठीक समय पर खुलती हैं भौर उन की बिकी उसी तरह से होती है, तो कोई वजह नहीं है कि उन के काम के लिये एक समय न निर्घारित कर दिया जाय स्रौर उस समय के अन्दर ग्राहक ग्राये ग्रौर माल ले जाये ।

मैं ने एक शिकायत कर्मचारियों की सुनी है, **भ्रौर व**ह यह है कि इतवार का दिन ऐसा होता है जो कि छुट्टी का दिन होता है। वे कहते हैं कि हम भी चाहते हैं कि छुट्टी हो, हमारे बहुत से मित्र हैं, सम्बन्धी हैं, प्रेमी हैं, हम उन से मिलना चाहते हैं। हमारा श्रपना सामाजिक व्यवहार है ग्रीर उन को हम-निभाना चाहते हैं। किन्तु वर्षों गुजर जाते हैं श्रौर हम उन को निभा नहीं पाते हैं क्योंकि मित्र की खुट्टी तो इतवार को होती है ग्रौर दुकान के कर्मचारियों की मंगलवार को होती है। मंगलवार के दिन ग्रीर सब लोग तो इपतरों में होते हैं और दूकान के कर्मजारियों

[श्री नवल प्रभाकर] की खुट्टी होती है भीर इतवार के दिन जिस दिन श्रीरों की खुट्टी होती है उस दिन कर्मचारी दूकानों पर सौदा तोलते होते हैं। इस तरह की स्थिति है जिसके कारण जो सामाजिक जीवन के सम्बन्ध हैं उन के वे सम्बन्ध भ्रच्छी तरह से नहीं बन पाते हैं। मैं चाहता हूं कि कुछ भी हो, एक दिन निश्चित किया जाये ग्रीर उस निश्चित दिन को छट्टी होनी चाहिये। चाहे वह इतवार का दिन हो या कोई ग्रौर दिन हो, लेकिन सारी दिल्ली में उस दिन दूकान के कर्मचारियों के लिए छुट्टी होती चाहिये । साथ ही दूकान की बिकी के लिये एक निश्चित समय होना चाहिये श्रीर वह निश्चित समय ग्राठ घंटों से ग्रधिक नहीं होना चाहिये। बहुत से काम हैं, बहुत व्यापार हैं, बहुत सी फैक्टरीज हैं, कारखाने हैं, उन सब के भ्रन्दर एक मजदूर भ्राठ घंटे काम करता है जब कि दुकानों पर मजदूर को बारह चौदह श्रीर कभी कभी बीस बीस घंटों तक काम करना पड़ता है । ग्राखिर वह इतनी देर तक क्यों पिसे ? उसको भी उतना ही ग्रस्त्यार होना चाहिये ग्राराम का जितना एक मजदूर को होता हैं। जिस तरह से निश्चित समय पर लोग दफ्तरों में माते हैं, वे दस बजे माते हैं मौर जैसे ही घड़ी की सुई पांच बजाती है, वे कुर्सी छोड़ कर चले जाते हैं,, उसी तरह से इन कमंचारियों को भी भ्रषिकार होना चाहिये कि वे ठीक समय पर भ्रपनी इयुटी भ्रदा कर के घर चले जायें। मैं समझता हूं कि इस तरह का प्रबन्ध होना चाहिये।

प्रापने चीफ किमश्नर की इस के लिये प्रिषकार दिया है। मैं चाहता हूं कि यह सदन उन प्रिषकारों के साथ यह बात भी जोड़ दे कि इन मजदूरों के साथ इंसाफ होगा घौर जो लोग दूकानों पर काम करते हैं उनको किसी भी सूरत में ब्राठ घंटों से प्रिषक काम नहीं करना होगा। धगर किसी दूकान में काम ज्यादा है तो मालिक दो पालियों में काम पूरा कराए। मालिकों का क्या है,

वह तो घटे भर को आते हैं, बैठते हैं भीर चले जाते हैं लेकिन जो मजदूर ग्राता है वह तो सुबह से शाम तक पिसता रहता है। मगर कोई ग्राहक नहीं होता तो भी देखता रहता है कि कब मालिक ब्राएंगे ब्रौर कब कहेंगे कि दुकान बढ़ाम्रो भीर मैं दुकान बढ़ा कर चलूंगा । ग्रगर मालिक की समझ में मा गया कि म्राज सिनेमा देखना है तो बह कह जाता है कि माज मैं जरा देर से माऊंगा, श्रीर श्रगर वह ६ से १२ बजे तक के शो में चला गया तो नौकर बेचारा बैठा उसकी राह देखता है कि कब मालिक ग्राए ग्रीर कब वह उसको चाबी देकर ग्रपने घर जाए। तो मैं चाहता हूं कि मजदूरों के साथ जो बरताव होता ग्राया है उसमें ग्राज के जमाने में परिवर्तन होना चाहिये। जब हम सबके साथ न्याय बरत रहे हैं तो कोई वजह नहीं कि इनके साथ भी न्यायन बरता जाए। मैं चाहता हूं कि किसी एक दिन सारी दुकानें बन्द रहें, ग्रौर वह दिन इतवार हो । इससे यह लाभ होगा कि वे भाई जो कि एक दूसरे से बरसों नहीं मिल पाते ग्रापस में मिल सकेंगे श्रीर उनका जीवन भी श्रच्छा होगा।

श्राप यह कहेंगे कि इतवार को लोगों की खुट्टी होती है। श्रगर उस दिन सारी दुकानें बन्द रहेंगी तो वे सौदा कैसे करेंगे। श्रापको कैनाट प्लेस की मिसाल देना चाहता हूं। वह बाजार इतवार को बन्द रहता है तो क्या उनका माल नहीं बिकता। चांदनी चौक भी इतवार को बन्द रहता है तो क्या वहां के दुकानदारों का माल नहीं बिकता। मने देखा कि उनका सब से ज्यादा माल बिकता है। जिनको उनके माल की जरूरत होती है वे उसको खरीदते हैं। तो मैं चाहता हूं कि इतवार का दिन खुट्टी का दिन घोषित किया जाना चाहिये। उस दिन सब की खुट्टी हो, सब को पूरे दिन की खुट्टी का श्रानन्द मनाने का मौका मिले।

मैं समझता हूं कि इन्सपेक्टरों की तादाद बढानी चाहिए। सभी यह होता है कि कुछ दुक्तानदार लालच के वशीभूत होकर खुट्टी के दिन भी अपनी दुक्तान का पल्ला खुला रकते हैं भीर सामान बेचते रहते हैं, इंस्पेक्टर आता है तो कह देते हैं कि हिसाब कर रहे हैं। यह चीज भी बन्द होनी चाहिए क्योंकि बे इस प्रकार दूसरे दुक्तानदारों को घोखा देते हैं। मैं चाहता हू कि इन लोगों के साम कड़ाई से व्यवहार होना चाहिए भीर कानून का पालन सस्ती से होना चाहिए।

बहुत सारी बातें कहीं जाती हैं। कहा जाता हैं कि सब्जी खराब हो जाती है। ग्राज के जमाने में यह कहना कि कोई चीज खराब हो जाती है उचित नहीं है क्योंकि कोल्ड स्टोरेज खुले हुए हैं। वैसे भी जब सब्जी का भाव नरम होता है तो उनको कोल्ड स्टोरेज में रस दिया जाता है। यही खुट्टी के दिन भी किया जा सकता है। तो मैं समझता हूं कि यह कहना कि **ग्र**गर एक दिन सबकी खुट्टी कर दी गयी तो सब्जी खराव हो जाएगी, सही नहीं है। ग्राज भी सब्जी वालों ने कुछ दिन नियत किये हुए हैं जिस दिन खुट्टी रहती है। उस दिन कोई सब्जी खराब नहीं होती। सब्जी दूसरे दिन के लिए खरीद कर रखी जा सकती है भीर काम में लायी जा सकती है। इसलिए मैं चाहता हूं कि एक दिन सबके लिए खुट्टी होनी चाहिए भौर सब के साथ समान व्यवहार होना चाहिए।

जहां तक डाक्टरों का सवाल है डाक्टर भी इतवार के दिन शाम को दुकान बन्द रखते हैं हैं। उस दिन शम को कम्पाउन्डर नहीं भाता । मैं चाहता हूं कि जिस तरह डाक्टर इतवार को एक वक्त दुकान बन्द रखते हैं इसी तरह शनिवार को भी एक वक्त बन्द रखें ताकि उनके नौकरों को पूरे दिन की खुटी मिल जाए ।

श्री त्याची: बीमाी की मी ट्री होनी चाहिए कि कोई ग्रादमी इतवार को बीमार न पडे। (Amendment) Bill श्री नगल प्रभाकर: त्यागी जी ने कहा कि बीमारी की भी ट्री होनी चाहिए । मैं तो चाहता हूं कि अच्छा हो कि जनता को माइवेट डाक्टरों की जकरत ही न पड़े । सरकार को यह न्तजाम करना चाहिए अस्पतालों के अन्दर कि हर आदमी को वहां पूर्ण मुविधा प्राप्त हो और उसको लाज के लिए प्राइवेट डाक्टरों का दरवाजा न खट-खटाना पड़े । मैं चाहता हूं कि वह दिन जल्द भाए । मैं समझता हूं कि त्यागी जी इस बात को तो स्वीकार करेंगे ।

भी त्याची: यह कि है।

बी नवल प्रभाकर: तो मैं चाहता हूं कि इन तथ्यों को ध्यान में रखा जाए घौर समय का निर्धारण कि ढग से घौर कड़ाई के साथ होना चाहिए घौर किसी भी सूरत में एक नौकर को घाठ घंटे से ज्यादा काम करने के लिए मजबूर नहीं किया जाना चाहिए। कोई वजह नहीं है कि यह नियम दुकानों के कर्मचारियों पर लागू न किया जाए।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूं भीर चाहता हूं कि सदन की भावनाभों के भनुसार कार्रवाई हो।

बी बचराब सिंह : सभापित जी, इस बिल की व्यवस्थामों को देख कर मुझे माहच होता है भीर में सोचता हूं कि यह सरकार दिल्ली की सन् १६५४ की प्रादेशिक सरकार से मागे जा रही है या पीछे जा रही है । इस बिल में यह व्यवस्था की गई है कि चीफ कमिश्नर को यह मधिकार होगा कि वह चाहें तो १८ घंटे तक के लिए दुकान खोल्मे की इजाजत दे सकते हैं । इससे तो यह प्रमाणित होता है कि यह सरकार मागे नहीं जा रही है । सारे हिन्दुस्तान के राजों में काम के घं निश्चित करने का कानून है । इसलिए जो बाजार में कर्मचारियों के रूप में काम करने है उनके काम के घंटे जी लिंदिकत होने चाहिएं। यह मैं होना चाहिए कि उनके [श्री बजराज सिंह]

कब से कब तक काम करना है। इसके पीछे भी एक सिद्धान्त है। सिद्धान्त यह उनको सारे लगाया जाए तो उनको श्रम का उचित एवज नहीं मिल सकता। माखिर फैक्टरियों में भीर दूसरी जगहों में भी काम के घंटे निश्चित है ग्रीर उनके पीछे भी वही सिद्धान्त है। उसके पीछे भी वही भावना है, श्रीर श्रगर यह भावना नहीं है तो ऐसा कानुन लाने की जरूरत ही क्या है। हिन्दू-स्तान के दूसरे राज्यों में पहले से काम के घं निश्चित करने के कानून मौजूद हैं ो फिर इन कर्मचारियों के काम के घंटे भी निष्चित होने चाहिए। इनको १५ घंटे काम करने के लिये बाध्य नहीं किया जाना चाहिए। माखिर उनसे माप क्या माशा करते हैं। उनका भी सामाजिक भीर राजनीतिक जीवन है, उनसे भी भ्राप भ्राशा करते हैं कि वे भ्रखबार पढ़ें, क्लबों में जाएं, सभा सोसाइटियों में भाग लें ग्रीर लोक सभा की कार्रवाई ग्राकर देखें। तो भ्रापको इन सब बातों पर विचार करने की जरूरत है। लेकिन मंत्री महोदय ऐसा बिल लाए हैं कि जो म्रन्य राज्यों के बिल के मुकाबले प्रतिक्रियावादी बिल हैं। मैं कह सकता हूं कि उत्तर प्रदेश का कानुन इससे भ्रधिक प्रगतिशील है। भ्राज सन् १६६१ में चीफ कमिश्नर को यह ग्रधिकार देना कि वह जैसा चाहे दुकानों को खोलने के घं निश्चित कर सकता है मैं समझता हं उचित नहीं है। माज दुनिया मागे जा रही है, लेकिन यह तो पीछे जाना है कि चीफ कमिइनर को इस प्रकार के म्राधिकार दिये जाएं। हमने सुना कि रूस ने चन्द्रमा में जाने के लिए एक स्पेशल शिप बनाया है भीर भ्रमरीका भी ऐसा शिप छोड़ने वाला था लेकिन मौसम सराब होने की वजह से नहीं छोड़ पाया। लेकिन झाज मंत्री महोदय इस प्रकार का बिल ला रहे हैं जो कि पीछे ले जाने वाला है। बाज हमको पीछे नहीं धागे जाने की जरूरत 🖁 इसलिए मेरा निवेदन है कि ऐसी

कोई व्यवस्था नहीं होनी चाहिए कि किसी एक व्यक्ति को इतने ग्राधिकार दे दिये जाएं ग्रीर वह चाहे जैसे उनका इस्तेमाल करे । इन लोगों के काम के घं निश्चित होने चाहिएं। यह सोचना कि ग्रागर १३ घंटे या १४ घंटे दुकान खुली रहेगी ो ज्यादा बिक्री होगी सही नहीं है। यह तो डिमांड ग्रीर सप्लाई का सवाल है। जितनी डिमांड है उसको प घंटे में पूरा किया जा सकता है। उसके लिए १४ घ तक दुकान खोले रहना तो समय की बरबादी करना है।

म्रभी भी बहुत से लोग निश्चित घंटों में प्रपनी दुकान खोलते हैं, लोग समझते हैं कि इनकी दुकान इस समय से इस समय तक खुलती है भ्रौर उसी समय में उनकी बिकी हो जाती है। जिसको उनके यहां से सामान लेना होता है वह उस समय के भीतर ले लेता है, इसिलये एक बात सिद्धान्त रूप से तय हो जानी चाहिये कि यह १५, १५ भीर १३, १३ घंटे किसी से भी काम लेना भ्राज के जमाने में यह बिल्कूल गलत बात है भौर इस चीज का किसी भी हालत में समर्थन नहीं किया जा सकता। जिस तरह से सरकारी दफ्तरों में काम के घंटे म्राप ने निश्चित किये हुए हैं उसी तरीके से दकानीं पर काम करने वाले कर्मचारियों के भी काम के घंटे नियत कर दिये जायें। दकानों में कोई उत्पादन कार्य तो होता नहीं है कि इस सीमा के बांध देने से उस पर मसर पडेगा। उदाहरण के लिये लोक सभा को ही ले लीजिये। मैं उन लोगों में से हूं जो कि वह मानते हैं कि लोक सभा भगर भीर ज्यादा घटे बैठा करे तो ज्यादा काम हो सकेगा। यहां पर जो लोग अपने अपने विचार प्रकट करते हैं वन को अपने विचार प्रकट करने का ज्यादा समय मिल जायेगा वह भीर भिषक भपने विचार प्रकट कर सकते हैं लेकिन दुकानों के बारे में यह चीज सागु नहीं हो सकती है। वहां पर कोई छत्पाददन का सवास नहीं होता

Shops and Establishments (Amendment) Bill

केवल चीजों की बिकी होती है दुकान बजाय १५ घटे खुलने के झगर ८, १० घंटे ही खुले सो उस का कोई प्रतिकृल ग्रसर पड़ने वाला नहीं है भौर ग्राहक जो समय भ्राप निश्चित करेंगे उन के अनुसार अपने आप को एडजस्ट कर लेंगे । इसिलये द्कानों के १३, १३ भीर १४, १४ घंटे खुलने की चीज को चैक करना चाहिये भौर उन के खुलने भौर बन्द होने के समय निश्चित कर दिये जाने चाहियें।

इस बिल में चीफ कमिश्नर को जो दुकानों के बन्द होने भीर खुलने का समय निश्चित करने का भ्रधिकार दिया गया है कि वह जैसा चाहें तय कर दें, मेरी समझ में इस तरह का ग्रधिकार चीक कमिश्नर को देना उचित नहीं है। सन् १६५४ में दिल्ली की विधान सभा ने दुकान कर्मचारियों को दृष्टि में रख कर दुकानों के खुलने ग्रीर बन्द होने का समय नियत कि रा था। उस में कहा गया था कि गरमी के दिनों में दिल्ली में द्कानें ७ वजे खल कर रात में १० बजे बन्द हम्रा करेंगी श्रीर जाडे के मौसम में पबजे सुबह खुल कर रात में ६ बजे बन्द हम्रा करेंगी । मेरा कहना यह है कि इस में काम के घंटे बहुत प्रधिक रक्खे गये थे और दूसरे राज्यों में जैसे उत्तर प्रदेश में काम के घंटे इतने भ्रधिक नही रक्खे गये हैं। होना तो यह चाहिये कि कन से कन कौनकरेंट लेजिस्लेशन में सेंटर स्टेटस को सही लीड दे लेकिन इस में हम देखते हैं कि सेंटर स्टेट्स से पीछे रहा है। सरकार की तरफ से कहा जा सकता है कि हम उन के काम के घंटे प घंटे के ऊपर नहीं ला सकते हैं लेकिन यह पन्द्रह घंटे तो बहुत ही ग्रधिक भाषने रक्खे हैं भौर इन में भ्रवश्य कभी की जानी चाहिये। शाखिर दुकानों पर काम करने वाले कर्नचारी भी इन्सान हैं भौर उन को इतना समय तो हमें देना ही चाहिये जिस से वे कुछ लिख सकें, पढ सके भीर भन्य सामाजिक भादि कायों में हिस्सा ले सकें लेकिन ग्राप उन के काम के घंटे इतने चधिक तय करके इन सब कार्यों में हिस्सा लेने से उन को रोक देते हैं

भी प० द० पांडे ("नैनीताल) : स्था ऐसा मुमकिन नहीं हो सकता कि कर्मचारी प्या १० वंटे ही काम करें घीर दुकानें फिर भी खुली रहें ताकि ग्राहकों को कोई ग्रमुविधा न हो ? कोई ऐसी व्यवस्था की जानी चाहिये ताकि एक कर्मचारी जिस का कि काम का समय समाप्त हो गया हो उस की जगह पर दूसरा व्यक्ति काम करे भीर द्कान खुली रह सके।

भी बजराज सिंह : ऐसा यहां इसलिये नहीं हो सकेगा क्योंकि भाज जिन हालात में से हमारा मुल्क गुजर रहा है उस में द्कान के मालिकों की हमेशा यह मनोवृत्ति रहती है कि दुकान पर जो कर्मचारी काम करते हैं उन से प्रधिक से प्रधिक काम लिया जाय भीर वह खुद भी दुकान पर इस उम्मीद में बैठे रहना चाहते हैं कि क्या मालुम कब हमारे पांडे जी सरीखे ग्राहक सामान खरीदने के लिये भा जायें। इस कारण से मैं समझता हूं कि यह व्यवस्था मुमकिन नहीं होगी। यह बात तय कर देनी चाहिये कि किसी भी कर्मचारी से ८ घंटे से श्रिक काम नहीं लिया जायेगा । इस के भलावा में यह भी कहना चाहना हूं कि दुकान के खुलने ग्रीर बन्द होने का समय ग्रगर निश्चित कर दिया जायेगा तो दुकानदार पर उस का कोई प्रतिकृत ससर नहीं पड़ने वाला है मसलन भगर भाप तय कर दें कि १० बजे से ७ बजे तक दुकान का समय रहेगा तो पाहक उसी समय के भीतर भपनी सब जरूरत का सामान खरीद लेगा । सारा सवाल भएनी भादतों को बनाने का है। बिकी तो उतनी ही 🖒 घंटे में हो जायेगी जितनी कि १५ घंटे में होनी है। जनता की जरूरत के मृताबिक विकी होगी। अस मंत्री महोदय को यह सब मोच कर एक ऐसा कानून लाना चाहिये जो कि मन्य राज्यों के लिये एक प्रादर्श कानून बन सके लेकिन हम देखते हैं कि जहां १३ वंटे भीर १५ घटे दुकान स्रोलने की व्यवस्था हम ने सन् १६५४ के कानून में रक्की है वहां उत्तर प्रदेश में केवल द या ६ चंटे का ही समय फिक्स

[बी बजराज सिंह]

किया गया है। अब आप के इस पीछे की ओर के जाने वासे लेजिस्सेशन का उत्तर प्रदेश में बहु असर पड़ सकता है और वहां एक आन्दोलन चल सकता है कि दिल्ली की तरह हमें भी अपनी दुकानें ज्यादा समय के लिये सोलने की इजाजत मिलनी चाहिये। इसलिये कोई भी कानून बनाने से पहले हमें यह विचार कर लेना चाहिये कि कौनकरेंट लैजिस्लेशन जो हम करने जा रहे हैं वह सब राज्यों के लिये एक अच्छा उदाहरण और ब्रादर्श बन सकेगा या नहीं

यह बहुत भावश्यक है कि कर्मचारियों के काम के घंटे कम किये जायें भीर निश्चित कर दि जायें। भाज मुल्क में जनतन है भीर उस में सब को यह, भ्रधिकार हासिल है कि वह भ्रपने विचार रक्खे, ज्ञान प्राप्त करे विद्याध्ययन करे भीर दुकानों के कर्मचाी कभी यह सब करने योग्य बन मकेंगे जब भ्राप उन के काम के घंटे भाज के मुकाबले कम करें भीर उन को नियत कर दें।

मैं यह कहे बगर नहीं रह सकता कि भाज जो भाप यह व्यवस्था इस लेजिस्लेशन से कर रहे हैं वह प्रतिक्रियावादी है भीर हमारे माननीय मंत्री सिर्फ इस कारण से कि चुंकि कम्यनिस्ट मित्रों ने इस लेजिस्लेशन का विरोध किया है, हकीकत को नजरभन्दाज न कर दें। हुमें कोशिश यह करनी चाहिये कि दुकानें प्रचेसे प्रचिक न ख्लें ताकि से द घंे कर्म चारियों से ग्रधिक काम न लिया जा सके। भगर भाप भाज इस चीज को पूरा नहीं कर सकते हैं तो इस को छ: महीने बाद करिये या साल भर बाद करिये लेकिन इस तरह की व्यवस्था भाप को देर सबेर निविचत रूप से करनी होगी। सास तौर से दिल्ली की दुका ों के कर्मचारियों के लिये तो यह व्यवस्था बहुत ही भावश्यक है क्योंकि उन को कई कई मील चल कर दुकानों पर पहुंचना होता है, बसों की व्यवस्था सन्तोषजनक नहीं है भौर दूसरी सवारियां, कारें वह उन के बस की बात नहीं है भीर मैं

ो कहूंगा कि उन के ही नहीं भपित पालियामेंट के मेम्बर भी उन पर नहीं चल सकते हैं, मंत्री लोगों की बात अलबत्ता मैं नहीं कहता । जब दिल्ली में ट्रांस्पोर्ट की व्यवस्था उचित नहीं है ग्रीर काफी दूर दूर से उन को दूकानों पर श्राना पड़ता है तो यह श्रीर भी जरूरी हो जाता है कि उन के काम के घंटे प्र घंटे ु से ज्यादा फिक्स न कि**े जायें । म्राप म्रगर** श्राज यह चीज नहीं कर सकते तो साल भर बाद या ६ महीने बाद करे। लेकिन स कानुन से यह मंशा कभी पूरी नहीं होगी। श्रब चीफ को जो यह दुकानों का टाइम फिक्स करने का श्रिधकार दिया जा रहा है उस में होगा यह कि उन पर दुकानदार श्रमर डाल सकते हैं श्रीर उन के पास जा कर कहेंगे कि गरमी जब श्रधिक हो जाती है श्रीर ोपहर को जब लु चलने लगती है तो उन को मुबह ६ या ७ बजे दुकान खोलने की इजाजत दे दी जाय भीर दोपहर में ल चलने के समय दकान बन्द कर के थोडा वे माराम कर लिया करेंगे लेकिन मैं पूछना चाहता हं कि दूकानदार तो भाराम कर लेंगे से किन वह बेचारा कर्मचाी कहां जायेगा। उस का घर तो वहां से ४, ६ मील के फासले पर है भीर इस थोड़ी मी ट्टी का वह क्या करेगा ? इसलिये यह सारी बातें भसम्भव हो जायेंगी भीर उन पर भ्रमल नहीं हो सकेगा।

भन्त में मैं फिर यही कहूंगा कि सरकार को इस बारे में एक ऐसा लेजिस्लेशन लाना चाहि जो कि दूसरे राजों के वास्ते एक भादर्श बन सके। जिस तरीके से दूसरे कर्मचारियों के लिसे मुविधायें दी जा रही है उसी तरह से बाजार कर्मचारियों को भी सहूलियतें दी जासं क्योंकि भाप यह क्यों भूल जाते हैं कि वह भी उसी तरह समाज का एक भंग है जैसे कि हम भाप सब हैं। उन के साथ ज्यादा दिन ६क उपेक्षा भौर लापरवाही नहीं बरती जा सकती

Shops and I Establishments
(Amendment) Bill

है। सरकार को उन की भोर घ्यान देना चाहिये और भावश्यक लेजिस्लेशन लाना चाहिये।

श्री राषा रमण (चांदनी चौक) सभापति महोदय, यह विधेयक जो यहां दिल्ली की विधान सभा ने सन् १६५४ में एक कानुन पास किया था उस के संशोधन के रूप में भाज सदन के सामने भाया है भीर मैं उस का स्वागत करता हं। मैं इस संशोधन विधेयक का स्वागत इसलि करता हं कि पिछले ६,७ वर्षों में जो मल विधेयक था भीर जो दिल्ली में लागु हुआ उस के लागु हो के पश्चात् जो त्रुटियां भीर जो कमियां उस में नजर ब्राई उन को दृष्टि में रखते हुए सरकार ने यह संशोधन विधेयक लाना उचित समझा है। ग्रीर उसी विचार को ले कर यह विधेयक बनाया गया भीर हमारे सामने **भा**या । इस विधेयक में कई बाें ऐसी हैं जो पूरानी टियों को दूर करती है भीर कई बातें ऐसी हैं जो सम्भवतः उन की पूर्ति पूरे तौर पर नहीं करतीं। कुछ मित्रों ने चर्चा किया हैं कि हम देश में समाजवादी समाज की कल्पना करते हैं भीर उस दिशा में हल्के हल्के बढ़ना चाहते हैं। उस के लिये यह भावस्यक है कि इन मारे क्षेत्रों में इन सारे इदारों में जो जीवन से सम्बन्धित हैं.हल्के हल्के हम संशोधन करते जायें ताकि समाज का वर्ग जो कि भाषिक द्षिट से विवंस है, उस का जीवन स्तर भी हल्के हल्के ऊंचा उठ सके, वह भी भागे बढ सके । शाप प्रसिर्टेंट्स या दुकान कर्मचारियों का तुबका एक ऐसा तुबका है जो कि बहुत बरसों से दुकानदारों के हाथों पिसता चला बा रहा है। उन की न तो कोई नौकी की शतीं के बारे में कानन या कायदे थे भीर नहीं उन के बाने जाने के कोई नियम थे। जिस प्रकार से मी मालिक चाहता था, कर्मचारी से काम लेता था भीर उस से जितने भी फायदे उठा सकता था, उठाता था । उन की तरफ पहने हमाराकमध्यान गयाचा। यही कारज है कि यहां की चसेम्बली े मन् १६५४ में स पर विचार किया और एक कर्न बनाया

जिस में संशोधन करने के लिये एक विधेयक बाज यहां लाया गया है और हम विचार कर रहे हैं।

सब से पहली बात इस विधेदक के सम्बन्ध में यह कहना चाहता हूं कि क्या ही भण्छा होता भगर एक भादशं रूप में इस विधेयक की रखा जाता ताकि यह सारे देश में लागू किया जा सकता भीर राज्य सरकारें भी इससे कुछ कायदा उठा सकतीं । इस विषयक को दिल्ली तक ही सीमित रखा गया है भौर जब इसको दिल्ली में ही लागु किया जा रहा है तो दिल्ली के कर्मचारियों से ही इस का ताल्लुक रह जाता है। मैं घव भी सरकार से प्रार्थना करता हूं कि यह जो विघेयक भाषा है भीर जिस के ढारा मल विधेयक में संशोधन करना मकसद है, इसलिये इस को तो हम प्राज पास कर दें, मगर यह ध्यान में रह्ये कि सभी राज्यों में से इस वर्ष के कर्मचारियों की समस्याभी का निदान हो, उनके काम के घटों के लिए कानून बने भीर जो मुविधायें दी जानी हैं, वे उनको कानून के तहत मिलें भीर साथ ही जो उनके जीवन की भावश्यकतायें हैं, वे मालिकों से जनको मिलें।

हमारे मित्र श्री नवल प्रभाकर ने कहा है कि दिल्ली में ज्यादा सच्छा हो कि हर किस्म की दूकान का एक ही वक्त कुलने का और एक ही वक्त बन्द करने का हो। उन्होंने इस बात का प्रचार किया है कि फिक्स्ड धावर्ज होने चाहियें और फिक्स्ड धावर्ज एक ही तरह के हो। दस से पांच तक हों या ग्यारह से छः बजे तक। इस तरह की बाते उन्होंने कही हैं। मैं समझता हूं कि यह बहुन ज्यादा प्रेक्टिकस बात नहीं होगी। इसका कारण यह है कि जो दूकानदार धाज किसी भी मार्किट के धन्दर कोई काम करता है, [श्री राधा रमण]

या किसी वस्तु को बेचता है, उसकी अप्रलग म्रलग जरूरियात होती हैं म्रौर उन जरूरियात के मुताबिक ही दूकान खुलती ग्रीर बन्द होती है। यह स्वाभाविक सी बात है कि ग्रगर किसी की दूध की दूकान है, तो अगर उसको दस बजे से पांच बजे तक या ग्यारह बजे से छः बजे तक खोला जाता है ग्रीर इस समय दूध की बिकी की जाती है, तो शायद जो उसका दूध है, वह सड़ कर ही जाएगा भ्रीर जो दूध पीने वाले हैं या दूध की चाय बना कर पीते हैं, वे दोनों के ्दोनों उससे वंचित रह जाएंगे । इसी प्रकार से किसी सब्जी वाले को अगर यह कहा जाता है कि वह नौ बजे या स्राठ बजे दूकान खोले ग्रौर शाम को छः बजे या सात बजे दूकान बन्द कर दे तो मैं समझता हूं कि यह कोई उपयुक्त बात नहीं होगी । इस तरह की मांग के अन्दर मुझे कोई प्रेक्टिकल नजरिया सामने रखा गया हो, ऐसा दिखाई नहीं देता है। इसलिए मैं समझता हूं कि यह भ्रावश्यक है कि कोई ऐसी भ्राथोरिटी या ताकत किसी के हाथ में रहे जो इस बात का निर्धारण करे कि दूकानें मुकरी वक्त पर तो खुलें ग्रौर बन्द हों, ग्राठ या दस घंटे वहां पर काम हो, जैसा भी मुनासिब समझा जाए वे खुलें ग्रौर बन्द हों लेकिन उनके खुलने ग्रौर बन्द होने का समय श्रलग श्रलग हो । श्रगर ऐसा किया जाता है तो इसमें कोई ऐसी बात नहीं है जिसको ग्रापत्तिजनक कहा जा सके । इससे फायदा ही होगा । जो खरीदार लोग हैं वे उसी समय जा कर खरीदेंगे जब दूकान खुली होगी । बहुत से यूरोपियन कंट्रीज में ग्रीर ऐसे मुल्कों में भी जिन को साम्यवादी मुल्क कहा जाता है इस बात का ख्याल जरूर रखा जाता है कि जैसे म्रावश्यकता हो उसके ुमुताबिक दुकानें खुलें ग्रौर बन्द हों। यह सही है

कि समय खुलने भ्रौर बन्द होने का निर्धारित है, यह भी सही है कि जो कर्मचारी वहां काम करते हैं वे उतने ही घंटे काम करते हैं जितने घंटे कि उनको काम करना चाहिये, यह भी सही है कि जो कर्मचारी उन में काम करते हैं, उनको छट्टियां मिलती हैं, उनके साथ ग्रच्छा बरताव होता है, मुनासिब तरीके से उनको तनस्वाह मिलती है। इन सब चीजों को वहां देखा जाता है ग्रौर इनका समुचित इंतिजाम किया जाता है मगर इस पर वहां भी कोई बहुत ज्यादा दबाव नहीं डाला जाता है कि दुकानें सिर्फ एक ही वक्त खुलें ग्रौर एक ही वक्त बन्द हों । भ्रगर इस तरह की चीज यहां की जाती है ग्रौर सरकार ग्रगर बिल के ग्रन्दर कोई इस प्रकार के बन्धन लगाती है तो वह मुनासिब बात न होगी ।

यहां पर यह भी कहा गया है कि चीफ कमिश्नर को उसके अन्दर बहुत वाइड पावर्ज दी गई हैं। **इसमें** सन्देह नहीं कि एक श्रायोरिटी को हमने मुकर्रर किया है कि इस बिल के ग्रन्दर ग्रौर एक धारा के मुताबिक चीफ कमिश्नर को इस बात का अख्तियार दिया है कि वह जैसा भी मुनासिब समझे इलाके तथा काम की स्थिति को देखते हुये ग्रौर संस्था को देखते हुये समय निर्घारित कर दे स्रौर कर्मचारियों की स्रावश्यकतास्रों को ध्यान में रखते हुये उन दूकानों को खुलवाये **ग्र**ौर बन्द कराये । मैं समझता हूं कि चीफ कमिरनर की पावर्ज इतनी वाईड नहीं होनी चाहिये थीं । मैं अनुरोध करूंगा कि सरकार <mark>ग्रगर इ</mark>स पर भ्रब भी विचार करे ग्रौर ची**फ** कमिइनर को जो ताकत दी जा रही है वह उसी हद तक दी जाे जो लाजिमी है, तो ज्यादा ग्रन्छा होगा ग्रौर यदि ऐसा किया गया ो बहुत साी दिक्कतें साफ हो जायेंगी। कोई कितना भ्रच्छा भी इन्सान क्यों न हो, उसकी नीयत कितनी भी नेक क्यों न हो, कितनी **ही**

ग्रच्छी तरह से एडिमिनिस्ट्रेशन को रन क्यों न करता हो वह कहीं न कहीं दवाब में ग्राकर ऐसा काम कर सकता है जो एक वर्ग के लिये तो कायदेमन्द साबित हो ग्रीर दूसरे के लिये उतना फायदेमन्द साबित न हो । वह कितना भी ईमानदार क्यों न हो, उसके दिल ग्रौर दिमाग पर कभी ग्रसर पड़ सकता है, किसी के ग्रसर में ग्राकर कुछ काम कर बे सकता है। जितनी पावर्जचीफ कमिश्नर को दी गई हैं वेन देकर सिर्फ उतनी ही ी जातीं जो लाजिमी थीं, तो ग्रच्छा रहता । कई बातें ऐसी थीं जो हम बिल में ही निर्घारित कर सकते थे। हम एक शे ्यूल बना सकते हैं जिसमें कह सकते थे कि इस काम को करने वाली दूकानें इस वक्त से इस वक्त तक ुलगी ग्रौर बाकी की दूसरी चीजों के लिये, हम भ्रयने हाथ में ताकत रखते ग्रौर उनका इस्तेमाल करते । उनके बारे में जैसा हम मुनासिब समझते कर सकते थे। स्रगर ऐसा किया गया होता तो जो डर यहां प्रकट किया गया है, वह प्रकट न किया जाता और हमें पता चल जाता कि चीफ कमिश्नर इन कामों के लिये दूकार्ने खुलवाने ग्रौर बन्द करवाने का फैसला कर सकते हैं। इससे काफी आसानी हो सकती थी।

स्राप धीरे धीरे दूकानदों स्रौर कर्म-चारियों दोनों को इस बात की स्रादत डाल रहे हैं, कि वे समय पर काम करें स्रौर समय पर दूकानें खोलें स्रौर बन्द करें। यह सही है कि बहुत से दूकानदार ऐसे हैं जो शाप स्रिस टैंड्स के बारे में जो कानून है, उसके स्रामार कहने को । स्रमल करते हैं, लेकिन स्रमल में वैमा नहीं करते हैं। एक तरफ तो ऐसे दूकानदार हैं दूसरी तरफ वे इंस्पेक्टर भी हैं जो दूकानें स्रगर समय से पहले या बाद में खुती भी होती हैं तो जब उनके हाथ में दस बीस रुपये का नोट पकड़ा दिया जाता है तो दूकानदारों के खिलाफ कोई एकशन नहीं लेते। कर्मचारी भी स्रगर कोई गलत

काम करते हैं तो ग्रगर इस्पेक्टर के हाथ में वे एक दो रुपये थमा देते हैं तो उस गलत काम को भी नजरम्रन्दाज कर देते हैं, उसकी चश्मपोशी कर देते हैं। इस सब का ोष श्रगर दूकानदार पर हम मढ़ने लग जायें तो भी कि नहीं होगा ग्रौर ग्रगर सरकारी मुलाजिम पर इसका इल्जाम लगाने लग जायें, तो भी ठीक नहीं होगा। इस वास्ते हल्के हल्के इन सब बातों को हमें सुधारना है। म्रगर म्राप यह कहें कि फलांफलां दूकानों के खुलने का यह वक्त होगा ग्रौर बन्द होने का यह, कपड़े की दूकानों का होगा, सब्जी की दूकानों का दूसरा होगा, दूध की दूकानों का तीसरा होगा, तो मैं समझता हूं कि जो खरीदार है वह उसी समय चीजें खरीदने के लिये जायेगा जब दूकानें खुली होंगी ग्रौर खुलने से पहले ग्रौर बन्द होने के बाद के वक्त में नहीं जाेगा। खीदार की श्रादत यह नहीं है कि वह बेवक्त जाकर सौदा खरीदे। हजार में एक या सौ में एक ग्राध ऐसा खरीदार हो सकता है जो बेवक्त जाकर किसी चीज को खीदता है, लेकिन ६६ प्रति-शत आदमी श्रापको ऐसे मिलेंगे जो वदत पर जाकर खीदते हैं। जब यह चीज हो जा ेगी तो न इंस्पेक्टर जाकर कोई ऐसी बात कर सकेगा, न कर्मचाी वक्त से पहले जा सकेंगे न ही दूकानदार वक्त से पहले दूकानें खोल सकेगा, क्योंकि उसे मालूम होगा कि बेबक्त कोई खीदारी नहीं करेगा। े चीजें हैं जिनकी भ्रादतें हमें लोगों में डालनी हैं। लेकिन आज हमारी ऐसी आदत हो गई है कि कानून बना कर ग्रौर कानून की लाी से ही हम हर चीज को संभालना चाहते हैं जिसका नतीजा यह होता है कि बात बनती नहीं है, बिगड़ती चली जाती है क्योंकि लोग समझते हैं कि कानून बनते रहते हैं, कानून को इग्नोर करना उन लोगों का ोजाना का काम हो गया है जिनके लिये वह बनाये जाते हैं। शायद जो कानून की पैरवी करने वाले सरकारी मुला-जिम होते हैं वह भी समझते हैं कि उनके हाथ में एक ग्रौर लकड़ी ग्रा गई है जिसके जरिये

[श्री राधा रमण]

से उनकी ग्रामदनी पहले में ज्यादा बढ जा गी। इस लिये हमारे लिये इस बात की श्रावश्यकता है कि हम हलके हलके समाज को सवात के लिये तैयार करें कि वह इन चीजों की कि करे, हम इस की जनता की संजीदगी के ऊपर छोड़ें। उनके लिये कानन न लाकर हम जनता को इस बात से धागाह करें कि यह समय है कर्मचारियों के प्राने का. यह वक्त है उनके जाने का, यह वक्त है खीदने का ग्रीर यह बक्त है न खीदने का। तमाम शरूम जब भ्रवेभ्रर हो जाते हैं इसकी निस्बत तो फिर इस सदन का रामय इसके (लये लेने की जरूरत नहीं है। सभी लोग प्रच्छे रास्ते पर चलना चाहते हैं, गलत रास्ते पर जाना बहुत कम लोग चाहते है। इसलिये मैं समझता है कि इस बात की बड़ी श्रावश्यकता है।

इसलिये मुझे स बिल का स्वागत करने में बड़ी खुशी है। पिछले विवेयक में यह बात साफ नहीं थी कि जो कानुन इस बारे में बना जा गे, दिल्ली शाप्स ऐड एस्टे विलगमेंट्स (ग्रमेंडमेंट्स) बिल जो होंगे, उन काननों को सदन के सामने रक्य जाय ो दोनों हाउस उन पर गौर कर सकते है भ्रीर तमाम का नों पर वे भ्रपनी नुकताबीनी कर सकते हैं, भीर शाय में उनमें सु । र भीर संशोधन भी कर सकते हैं। भाज तक यह कमी थी। मैं समझता हं कि यह बहुत जरूरी है क्योंकि जो कानून बने, भगर उनके नुमाइन्दों के जरिये वह पास न हो, भगर उनके दिल व दिमाग को वह यहां न रख सके तो ऐसी सुरत में यह बातून भले ही बनाये जाें भीर लाग कर दिये जाये, उनसे शायद लोगां को तकलीफ ज्यादा होती है. उनमें कमी होती है। इसलिये मैं समझता हूं कि इस बात की जरूरत है कि हम अपने मुल्क को और समाज को हलके हलके इस बात के लिये धामादा करें कि वह इन कानुनों को सही तरीके पर धीर ईमानदारी से, नेकानयती से, धपने **ऊ**पर लागू क**ें, भ्र**पने ऊपर रिस्ट्रेंट रख कर, उन पर ग्रमल करने की स्वाहिश रक्खे । मेरा अपना स्याल ऐसा है, भ्रौर दूसरे भाइयों ने भी इसका जिक्र किया है, कि ग्रपने समाज के अन्दर क इस किस्म की किजा पदा होती जाती है, एक हवा बनती जाती है कि दूका े १० बजे लोगी फ्रांर ६ बजे बन्द होंगी यह १० बजे से खुलकर १ बजे बन्द होगी फिर ४ या ५ बजे खल कर दया ह बजे बन्द होंगी, भ्रीर भ्राम लोग इस पर भ्रमल करने लगते हैं भीर उनकी स्वाहिश नहीं होती। उस टाइम को गडबड करने की या चोर दरवाजे से खलवा कर चीजों को खरीदने की । १ या २ परसेंट ऐसे हो सकते हैं जिनके हाथों से गलत काम हो सकते हैं, लेकिन श्रब वक्त श्रा गया है उनकी अक्ल भी दूहस्त हो जायेगी भीर वह भच्छे काम करने लगेंथे। ऐसा होना चाहिय कि एक फिक्सड भ्रवर, फिक्सड टाइम को लेकर धापको बढना चाहिये धौर वह चीज चलनी चाहिये। भ्रगर ऐसा हभा तो इसमें शक नहीं है कि इस देखेंगे कि हमारी सब तकलीफे खत्म हो जायेंगी भ्रीर किसी भी चीज को, एक दाम पर ग्रीर किसी भी दुकान से निश्चित टा म पर हम हासिल कर सकेंग्रे भीर तश्पकी भीर तसल्ली पा सकेंगे।

16.13 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

मैं न चन्द शब्दों के माथ स बिख का समर्थन करूंगा और यह उम्मीद करूंगा कि स बिल को पास करने के बाद सरकार इस बात पर गौर करेंगी कि वह झाइन्दा एक ऐसा झुछा बिल लाेजों कि ज्यादा कांग्नि-हेन्सिव हो और जिसके झन्दर तमाम चीजें शामिल हों, जिसके मातहत तमाम राज्यों में जितने भी कर्मचारी दूकानों पर काम करते हैं वह झा सकें और तमाम दूकानदार इस कानून पर झमल करें और झपने कर्मचारियोंड को झाराम पहुंचा सके।

(Amendment) Bill दिया जाता है। उस को कोई बहुत ज्यादा या अनकंदोल्ड पावर्स नहीं दी जा रही हैं। केवल टाइम मुकरंर करने की बात है भौर वह भी मलग मलग जगहों के लिये मलगमलग टाइम मुकरंर करने की भावस्थकता है। जैसे मब्जी मण्डी है, चाहे सदी हो या गर्मी हो पांच बजे सबेरे से सब्जी का काम शुरू हो जाता है भीर दस या ग्यारह बजे तक ६० फी सदी काम खत्म हो जाता है। इस लिये उन का टाइम दस बजे से मुकारंट करने में कोई प्रकलमन्दी नहीं है। भ्रमल में बात यह है कि दिल्ली के भन्दर जहां २६ लाख की भावादी है, इस कानुन के मातहत बहुत से कर्मचारी धा जाते हैं, उन के अधिकारों की रक्षा के लिये यह कानन लाया जा रहा है, भीर में समझता हैं कि सन् १६५४ में कानन पास होने के वावजद उन गरीयों के ग्रधिकारों की रक्षा नहीं हो। रही है। इस बजह से भी यह कान्स

मभी लाना पड़ा।

Shops and

Establishments

भी प० कृ० नावर (वाह्य दिल्ली) : उपाध्यक्ष महोदय, जो सन् १६५४ में शाप्स ऐंड एर ब्लिशमेंटम ऐक्ट दिल्ली विधान सभा ने बनाया था, उस के भ्रमेंडमेंट की शक्ल में यह बिल पेश किया गया है । इस में चीफ कमिइनर को टाइम मुकरर करने का प्रधि-कार दिया गया है। इस का यह मतलब नहीं है, जैसा कि हमारे श्री बजराज सिंह ने फरमाया कि सारा हिन्दुस्तान भागे बढ़ रहा है लेबर राइटस के बारे में भ्रीर दिल्ली पीछे जा रहा है क्योंकि चीफ कमिञ्चर को इस बात का पुरा प्रधिकार दिया गया है । ऐसा मालुम होता है कि वह एक बहत बड़ी गलत-फहमी में मब्तला हैं ग्रीर इसी वजह से उन को ऐसा मालुम होता है। भ्रमल में जो मन् १६५४ का ऐक्ट है, उस में ही टाइम मकर्रर हो चुका है कि भ्राठ घंटों से ज्यादा कोई दूकानदार या एस्टैब्लिशमेंट भपने नौकरों से काम नहीं ले सकता । चीफ कमिश्नर को केवल यह श्रधिकार दिया जाता है कि वह समय मुकरंर करे क्योंकि दिल्ली में सदी ग्रीर गर्मी के दिनों में बहुत फक है। हम देखते है कि हमारी गवर्नमेंट भाफ इंडिया में भी जो नेवी है, एभर फोर्स है, उस के दफ्तरों का काम सबेरे मा है सात बजे से शुरू हो जाता है भीर डेढ़ या दो बजे तक खत्म हो जाता है, जब कि बाकी के भाफिसेज दस दजे में पांच बजे नक काम करते हैं। इसी तरह से यह रिवाज भौर डिपार्टमेंट्स में भी है, भीर होनी भी चाहिये। मगर काम इस बजे शुरू कर दें मीर पांच बजे खत्म करें, तो गॉमयों मे जरा मध्किल हो जाती है और इसी लिये बीच में जरा भारा का टाइम दे दिया जाता है। इस लिये इस सिलमिले में कुछ एजिटेशन शाप घसिस्टेंटस के बीच पैदा हुआ था और उसे खत्म करने के लिये, उन को क्षमल्ली देने के निये, यह बिल पेश किया गया है। इस का मकसद केवल यह है कि चीफ कमिश्नर को यह श्रविकार दिया जाना है कि वह मभय निश्चित करे, इस में कोई घनला चिषकार उस को नहीं

इस में एक भीर जीज में कहना चाहता हूं यह ग्रन्छ। होता यदि इस के साथ उन की फेसिलिटीज में भी जा कर कोई ससस्लीबक्श कानन हम पास करने, लेकिन इस में ऐसा नहीं किया गया, भीर में ऐसा मानने काला हं कि मजदूरों के प्रधिकार उन की संगठित शक्ति के जरिये पैदा होते हैं । उन को संधिकार तो दिये गये मन १६५४ में, लेकिन श्रव तक वे उन श्रिषका है को पूरी क्षण्ड में प्राप्त नहीं कर पाये। इसकी वजह यह है कि उनके धन्दर भी संगठन की कमी है । परन्त वह संगठित होते आयेगे तो उन को प्रधिकार मिलेंगे ही । मैं समझता हूं कि इस कानून का पास करना भी एक कदम है उन के अधिकारों की रक्षा के लिये। इस के पास ही जाने से उन लोगों में ज्यादा जागृति पैदा होगी । भ्रालम भ्रालम तबकों में, भाग भ्रामस्टेंट्स भीर दफरों में काम करने वाले नीकर जिसने भी हैं वे घपना संगठन कर के बीफ कमिण्नर से मिल सकते हैं, भ्रापनी विश्वता की बतना

[श्री च० कृ० नायर]

सकते हैं, उन के लिये जो कन्वीनिएंट टाइम हो सकता है उस के मुताबिक वह भवना समय निर्वारित करा सकते हैं, ग्रीर मैं समझता हं कि चीक कमिश्नर साहब भी श्रपनी मर्जी के मुताबिक, मनमाने ढंग से टाइम मुकर्रर करने वाले नहीं हैं। हमारे जैसे नुमाइन्दों से मलाह मिवदा कर के ही वह टाइम मुकर्र करेंगे। इस लिये उन को कोई ज्यादा पावर दी जा रही है, इस बिल के भ्रन्दर, यह कहना मच्ची बात नहीं है। भगर पालियामेंट बैठ कर के दिल्ली के शाप ग्रमिस्टेंट्स ग्रीर एस्टेब्लिशमेंट्स के नौकरों के लिये दूकानों के ख्लते ग्रौर बन्द होने का समय तक मुकर्र करने लगे तो बड़ी म्दिकल हो जायेगी क्योंकि प्रगर इस तरह से उन लोगों को कोई शिकायन रह गई, तो उन को मुनने वाला कौन हो सकता है। उन को उसे इस पालियामेंट में ही लाना होगा भौर यह गलत बात होगी । इस लिये दिल्ली के जो मुख्य ऐडमिनिस्ट्रेटर हैं उन को जो यह मधिकार दिया जाता है वह बहुत माकून है भीर में समझता हूं कि वे युकानदारों नीकरों भीर दिल्ली की पब्लिक के नुमाइन्दों से मताह मश्विरा कर के टाइम मुकर्रर करेंगे : जितने घण्टे उन को काम करना है वह तो **भालरेडी** सन् १६५४ के ऐक्ट में निधारित है मीर इस लिये उस को कम करने का या घटाने का कोई प्रधिकार उन को नहीं रहेगा। उन को केवल टाइम मुकर्रर करने का ग्रधिकार होगा । लेकिन घफसोस यह है कि इस कानून पर ग्रमल कम होता है ग्रीर उसकी वजूहात है। जैसा मैंने पहले कहा हमारे मजदूरों में भीर शाप भ्रमिसटेंट्स में संगठन की कमी है। मेरा विचार है कि ग्रगर ज्यादा इंस्पेक्टर नियत किए जाएं तो कानून पर पर ज्यादा भ्रम्स्त्री टरह भ्रमल होने लगेगा भीर भगी जो बहुत सी शिकायते सुनने में भाती हैं वे कम हो जाएंगी। इसलिए मैं इस बिल का स्वागत करता हूं श्रीर उम्मीद करता हूं कि जल्दी, एक दो साल के श्रन्दर ऐसा कानून लाया जाएगा जिससे कि दिल्ली के शाप श्रसिसटेंट्स श्रीर दूसरे मजदूरों के श्रधिकारों की ज्यादा श्रच्छी तरह से रक्ष∴ की जा सकेगी।

चौ० रणवीर सिंह (रोहनक): उपाध्यक्ष महोदय, मैं इस बिल का स्वागत करता हूं, इसलिए नहीं कि मुझे इस बात का शौक है कि चीफ किमश्नर को और ज्यादा अधिकार दें दिए जाएं। उनके पास पहले से ही काफी अधिकार है और उनके पास बहुत काम है।

कई भाई जो इस वक्त सोचते हैं तो वे दुक्तानदार ग्रीर उसके नौकरों की समस्याभ्रों से बाहर जाकर नहीं सोचते। लेकिन इनके साथ साथ खरीदार का भी सवाल ब्राता है ब्रीर उसकी भी सहलियत का ध्यान रखना चाहिए। ग्रीर हर किस्म के दुकानदार के ग्रलाहिदा मलाहिदा किस्म के खरीदार होते हैं । कई खरीदार वाहर से ब्राते हैं ब्रीर कई ब्रगने मकान से उठकर दुकान पर सामान लेने चले आते तो ग्रलाहिदा ग्रलाहिदा किस्म की दुवानों के ग्रलाहिदा ग्रलाहिदा किस्म के खरीदार हैं भीर उनको स्रलग-सलग तरह सूबिधा की अरूरत हातीहै। यह कहना कि इन बातों का ग्रन्दाका यह सदन या कोई विधान सभालगा सकता है, गलत है।

ब्रजराज सिंह जी ने कहा कि यह प्रतिकियावदी कानून लाया गया है। लेकिन मैं इस बात को नहीं मानता, यह तो उससे उलटा है। इससे तो यह साबित होता है कि ग्राज लोगों के ग्राराम भीर तकलीफ का सरकार पर कितना ग्रसर होता है, ग्रीर लोगों के ग्राराम के लिए ही सरकार मजबूर हुई है यह कानून लाने के लिए।

Shops and Establishments (Amendment) Bill

यह कानून लोगों के हकों को छीनने के लिए नहीं लाया गया है यह तो लोगों को ब्राराम पहुंचाने के लिए लाया गया है।

मैं न दुकानदार हूं भीर न दुकानदारों से मुझे बहुत सम्बन्ध है, खास तौर से दिल्ली के दुकानदारों से, लेकिन दिल्ली के दुकानदारों में भीर रोहतक के दुकानदारों में ज्यादा अन्तर नहीं है। कुछ दुकानदार मेरे मतदाता जरूर हैं। मुझे मालूम है कि इन दुकानदारों के पास कई तरह के इंस्पेक्टर आते हैं। मेरे दूसरे भाइयों ने बताया कि कानून पर ठीक अमल होने के लिए यह जरूरी है कि दुकानदारों के पास इंस्पेक्टर जाएं। इससे काम ठीक हो सकता है। लेकिन उनके पास तरह तरह के इंस्पेक्टर भाते हैं भौर अलग-अलग समय पर म्राते हैं भीर म्रलग-म्रलग सवाल लेकर ग्राते हैं। इस तरह से इन इंस्पेक्ट**रों** की तादाद भी बहत बढ़ जाती है जिससे दुकानदारों को दिक्कत होती है श्रीर सरकार का भी बहुत खर्ची होता है।

यह ठीक है कि लेबर का इंस्पेक्टर दुकानदारों के पास जाना चाहिए श्रीर इस बात की जांच पड़ताल होनी चाहिए कि नौकरों से कहीं द घंटे से ज्यादा तो काम नहीं लिया जाता। लेकिन मेरा सुझाव है कि एक इंस्पेक्टर के जिम्मे पांच इंस्पेक्टरों का काम कर दिया जाए ताकि वह एक साथ सब बातों को देख सकें। श्रभी कोई इंस्पेक्टर बाट देखने ग्राता है। कोई दूसरी चीज देखने म्राता है। मैं समझता हुं कि यह ज्यादा मुश्किल नहीं होगा ग्रगर इन इंस्पेक्टरों को चार पांच बातें देखने की ट्रेनिंग दे दी आए। हमारे सामने भी तरह तरह की शिकायतें आती हैं शीर हम उनको समझने की कोशिश करते हैं। इसी तरह से मैं समझता हूं कि यह

बहुत मुश्किल नहीं होना चाहिए जो लेबर का इंस्पेक्टर हो उसको दूसरे काम करने की भी ट्रेनिंग दी जाए। वह यह देखे कि मजदूरों से द घंटे से ज्यादा काम न लिया जाए, साथ ही बाट ग्रौर नाप वगैरह भी देख ले। इससे सरकार का पैसा भी बच सकता है ग्रौर दुकानदारों को भी सुविधा हो सकती है।

इसके भ्रलावा खरीदार का भी हमेशा ध्यान रखाजाना चाहिए । जैसा कि नायर साहब ने कहा, यह जो ग्रधिकार चीफ किमरनर को दिया जा रहा है वह उनकी एडवाइजरी कमेटी को पहुंचता है। भौर जो लोग शिकायत करते हैं उनकी एसोसिएशन को भी पहुंचता है। जो हमने पहले कानून बनाया था उसमें हमने सब चीज बांध कर रख दो थी ग्रौर न चीफ कमिश्नर को ग्रधिकार था, न एडवाइजरी कमेटी को ग्रधिकार था। इसलिए लोगों की शिकायत कोई सुनने वाला नहीं था। यह श्रच्छा हुश्रा कियह कानूनग्राया, इसके द्वारा लोग अपनी शिकायत दूर करवा सकेंगे ग्रौर ग्रपनी ग्रावाज चीफ कमिश्नर तक पहुंचा सकेंगे। मैं इस बिल का स्वागत करता हुं।

Dr. M. S. Aney (Nagpur) rose-

Mr. Deputy-Speaker: Ordinarily I should now call the hon. Minister, but if Dr. Aney wants a little time, he may have it.

Dr. M. S. Aney: I want only three or four minutes. If you want, you can curtail that.

Mr. Deputy-Speaker: Yes, he may take three or four minutes.

Dr. M. S. Aney: Sir, I welcome this Bill and I support it also. This Bill is a very important step that is taken by the Central Government. One of the responsibilities which the Government of India have assumed is [Dr. M. S. Aney]

that of becoming a welfare state. Along with it, it has also assumed the responsibilities of preparing a disciplined nation. If these two responsibilities are to be observed properly, of the first things that we ought do is to see that our and business places show some kind of a discipline which is to be observed there. One of the ways for doing that is to introduce the principle of observance of some kind of time and punctuality among them. This intends to bring about that important thing. I am not against the workers and labourers having proper conditions of work. That is important, But in my opinion there should be some discipline in people, both in the customers and among the shopkeepers. That will be introduced when it becomes a matter of habit. It is very important in my opinion. Therefore I welcome this Bill.

But I have one observation to make.

The responsibility for making the law in this country is on the legislature, but in this Bill what we find is that we are taking advantage of the delegation clause instead of discharging that responsibility ourselves. We have delegated all our powers a certain authority leaving it to his discretion to work out the scheme and carry out the function of the legislature. The delegation that is made here is very sweeping. The legislature should have been able to law down some kind of a schedule showing the hours of opening and closing particular types of shops and so on. Had that been done, it would have given guidance not only to the shops of Delhi but it would have become a model legislation for other States also to follow. This, in my opinion, is a very big defect. But, anyhow, it is a good beginning that is made. I hope the authority whom the power is delegated, namely, the Chief Commissioner of Delhi. in carrying out these objects will certainly bear in mind the suggestions that are made here to make it a model

legislation and to make its working smooth, effective and turn this city of Delhi, particularly, the markets of Delhi; into a model place of doing business.

With these few remarks, I support this Bill.

Shri Balasaheb Patil (Miraj): Mr. Deputy-Speaker, Sir, I really do not understand the object of bringing forward this amending Bill because it is really superfluous and not necessary. It has been stated in the statement of objects and reasons that the Bill wants to change the rigid timings. But the original Act had stated that the shops should open in the morning at 7 and should not be open after 9 in the evening.

Therefore, the option is given to the shop owners and employers to open and close the shop. There is no rigidity in that, because section 15 of the Act is very clear about that. It says:

"No shop or commercial establishment shall open earlier than seven o'clock in the morning and close later than ten o'clock in the evening in the summer."

Therefore, if any shop owner or employer wants to open the shop at 10 A.M. he is at liberty to do so, or if he wants to close it earlier than 10 P.M. he is at liberty to do that.

Mr. Deputy-Speaker: But one who wants to open at six o'clock....

Shri Balasaheb Patil: He cannot do so.

Mr. Deputy-Speaker: Then there is that rigidity.

Shri Balasaheb Patil: There is. The intention of the hon. Minister appears to be to extend the time. As a matter of fact, the Bill can be looked at from three points of view.

One is that of the shop owners. There is no question there. Because, whosoever wants to work, he may

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work for twelve, thirteen or fourteen hours, just as in the case of the doctor or the advocate. When the whole world is having a holiday, more work comes to the advocate and he has to work for his own benefit. So also, if the shop owners or establishment owners want to work for their own benefit for twelve, thirteen or fourteen hours, they can do so. There is no objection to that.

The next question is about the employees. When Shri S. M. Banerjee was speaking, the hon. Minister intervened and said that there is a fluity of the working hours. If it is eight hours, the workers may start at 7 A.M. but they may go when the eight hours are completed. So there is no question of changing the opening and closing hours for the employees, because the working hours of an employee do not depend upon the opening and closing hours.

The third point of view will be that of the customer. The customer does not care when the shopkeeper opens or closes the shop. When he likes to go, he goes and purchases whatever he wants to purchase.

Therefore, this Bill is not necessary at all. The original section and the provisions as they stand are clear and sufficient. The only thing is, if you want to extend the time, then alone the amendment is needed.

The real question is about the workload that is placed on the employees, and the Ministry ought to have brought forward a Bill in respect of that. What is the number of these workers in Delhi, how long do they work, when do they come to the shop and when do they go-all these things should have been studied and a Bill brought forward, providing also for remuneration for over-work. Suppose an employee works for twelve, thirteen or fourteen hours. He must be paid overtime for that. A bill providing for such things should have been brought, not this Bill about opening and closing the shop.

Even with regard to this measure, my submission will be that when the inquiry is to be held, the first person or persons to be asked should be the persons staying in the locality. Suppose a person is staying in Chan Chowk. A huge business takes place there, from about four o'clock in the morning t ll about 1 A.M. in the night. The whole place is busy and full of people, and there is so much noise. Suppose a person is staying there and he comes back from office or from some other business. He cannot even sleep. And, in regard to hotels, they are given permits that they can have music. So this goes on. So the first question should be the requirements and the conveniences of the people of the locality in which the shops are to be opened and closed.

Then, there are some roadside shops. For instance, in Chandni Chowk on Sunday we find a lot of shops. The whole area and all the regular shops are closed under the rules, but on the pavement there are thousands and thousands of shops going on. I think the same shopkeepers give their wares to other persons and are selling the same goods on the pavements. If you cannot check this trade, then try to rehabilitate these persons. Provide them with some tenements, place them there and then check their trade.

Then, there was the question about price fixation lists. Since we are dealing with the law in Delhi, I would like to say that in Chandni Chowk, for instance, this is of no use, because the shopkeepers there start with a highly inflated price. For instance, for a pair of chappals they will start with Rs. 20 and finally they will sell it for Rs 2 with some grumbling. As has been stated by one of my hon. friends here, probably they have taken this practice from Arabia or so. If this sort of thing is going on, then what is the use of price fixation lists being exhibited outside the shops?

So, the points that we have to consider are as follows. Firstly, what is the workload on the employees?

[Shri Balasaheb Patil]

Secondly, what check should be put on those persons who are having shops on pavements? Thirdly, what is the remedy in the case of those persons who contravene the rules regarding the opening and closing of shops and make so much of noise w ith microphones and loudspeakers and things to the annoyance of the people in the locality? These are the questions which have to be tackled, and a Bill should be brought forward to deal with these things. So, this Bill is an unnecessary one.

Shri Abid Ali: We had a very interesting and rather amusing discussion, but in all humility, I may submit that most of what has been during the course of the discussion had very little relation with the subjectmatter mentioned in the amending Bill.

Mr. Deputy-Speaker: Therefore, was amusing.

Shri Abid Ali: And very very interesting suggestions were made, and certainly it was amusing. For, whenever the subject 'Labour' is discussed, hon. Members in a way are right in discussing other things, because they feel that labour actually starts from the time of birth in the labour room and it continues till the last breath goes out, and all that happens in between is labour. Therefore, whenever any amending Bill or any labour legislation is discussed here, all things come

As my hon, friend Shri C. K. Nair from Delhi has pointed out just now, the scope of this Bill is very limited.

Shri S. M. Banerjee: But, who put this limitation? Who made it limited?

Shri Abid Ali: We are not changing the scheme of the Shops and Establishments Act which was originally passed in Bombay in 1946 or 1947, and which was adopted in Delhi in 1954. Braj Raj Singh said that a popular Government in Delhi had passed the Act, and now we were changing the basis of it. That is not correct.

So far as the working hours, the limits of employment hours, spreadover for adults and others, interval for rest, leave, opening and closing etc. are concerned, we are not making any change.

The change proposed also did not originate from us. The Delhi Advisory Committee passed a resolution that the Shops and Establishments Act might be so amended that the Chief Commissioner, Delhi, might be empowered to fix the time at which any establishment or class of such estalishments shall be opened or closed. There have been demands from the side of the workers and the employers and their organisations that the timing should be changed, because Delhi . .

Shri T. B. Vittal Rao; Is it the Delhi Labour Advisory Committee? What is this Advisory Committee?

Shri Radha Raman: The Home Minister's Advisory Committee Delhi

Shri Abid Ali: In Delhi, the time fixed in Connaught Place may not be suitable to Chandni Chowk, or the time fixed in Chandni Chowk may not be suitable to Subzimandi or Karol Bagh or Rajindernagar or Patelnagar.

It is not possible to have the same timing (Interruptions).

Mr. Deputy-Speaker: It is only natural. They ought not to be curious about it. The vegetable sellers must open their shops much earlier than others.

Shri Abid Ali: People who visit the shops in Connaught Place are a different type of customers from others. If the same timing is forced on Patel Nagar, then people who are living there, who have to go to offices, will not be able to make their purchases.

Similarly with regard to holidays, every locality, has got a different day. The suggestion made here is that all shops in Delhi should close on a particular day. Of course, that argument has some force behind it. But there are difficulties also. The Connaught Place shops can close on Sunday. But if the shops in the various colonies are closed on Sundays, how will those who work during the six working days be able to make their purchases? These difficulties have been facing the employees and the shopkeepers themselves. Therefore these suggestions were discussed in the Advisory Committee. They have made a suggestion which has been incorporated in the amending Bill under discussion.

It is said that we are taking retrograde step. We are not increasing the working hours. The same hours as were fixed in the Bombay Act which was adopted by the Delhi State Assembly are fixed here. The whole scheme remains. Only the Chief Commissioner has been authorised to fix the hours according to the requirements of different localities according to the requirements of the Clause 5(b) of the Bill provides for framing of rules after previous publication regarding the manner in which an inquiry shall be held for fixing hours of work. The rules will also be laid before both Houses of Parliament. Both Houses will have an opportunity to discuss them. After the Chief Commissioner has fixed the working hours. which will be in consultation with the representatives of the workers and the employers, it will be open to any hon. Member of this House or the other House to raise a discussion here, to express dissatisfaction if really the action of the Chief Commissioner deserves that treatment. So we are not giving the Chief Commissioner such a power as will jeopardise the interests of the workers. Then where is the room for the arguments which were so vehemently advanced? I feel that those workers who briefed some of the hon. Members, on hearing what has been spoken here, must feel disappointed that their case was not at all represented.

Shri S. M. Banerjee: Now they will be happy!

(Amendment) Bill

Shri Abid Ali: They will be very much satisfied. Some compliments were showered on me. I am happy because every honest and reasonable minded person feels that myself and my colleagues in the Ministry and the whole Government are real, genuine, honest well-wishers of the working class (Applause). I thank my hon. friends very much. Sometimes opposition does the right thing.

Shri S. M. Banerjee: You always deserve it.

Mr. Deputy-Speaker; Then it becomes doubtful.

Shri Abia Ali: With regard to the suggestion that we should do nothing which will jeopardise the interests of the shop assistants in other parts of the country, the scheme of the Acts of Madhya Pradesh, Madras, Mysore, Orissa, Rajasthan and other places, and also the ILO Convention, should be kept in mind. If things are measured by that standard it will be convincing to every reasonable-minded person that what has been proposed here is nothing contrary to the scheme which is prevalent by and large in this country.

Some hon. Members have suggested a comprehensive legislation; and I was asked to make a declaration about it here. Yes; I am in a position to make a declaration and the answer is that, such a proposal is not under contemplation because it is not necessary. If hon. Members take a little pains to study the main Act, they will be convinced that nothing remains to be done. (Interruption). No one has made any suggestion as to what is missing from this and what more is needed.

Some hon. Members made a mention about provident fund. Hon. Members are aware that the provident fund scheme is applicable to the shop assistants also. Government has taken a [Shri Abid Ali]

decision that they can be covered and should be covered. There is no doubt -about it. For that no amendment is necessary just as if the employees are to be covered by the Employees' State Insurance Act or the Provident Funds Act or the Workmen's Compensation Act they can be covered directly. It is not necessary that this Act should be amended. It is not possible to understand the necessity for a comprehensive legislation. Has Parliament so much time to waste-simply to repeal the present enactment and in its place introduce a similar one and have a discussion here? Can they discuss the same thing from the time of birth till death?

About price fixation—that is not rwithin the scope of this Ministry....

Shri Narayanankutty Menon: And your concern also,

Shri Abid Ali: There is much advance in that direction also because we find larger and larger number of shops are having fixed prices and no offer even. These are matters which could be taken care of by other Ministries if necessary. Wherever necessary, action can be taken.

About non-observance of the provisions, of course, hon. Members—can have some justification to make suggestions. My hon, friend from Punjab asked me whether there was any prosecution of any individual shop-owner. I thought that it might be helpful if I could give the figures—When I gave the figures, he was angry and said that it was evident that the Act was useless. Of course, he is a learned—professor and I have respect for him. The position is that in 1960 also—3583 shopowners were prosecuted and the fine realised was Rs. 98,751.

Shri Narayanankutty Menon: May I know how many out of these 3583 prosecutions ended in conviction?

Shri Abid Ali: That figure is not here. I am saying that Rs. 98,000 and odd was realised as fine.

Shri Narayanankutty Menon: That does not give any clue at all. We should know how many ended in conviction. Then you will be able to find out the effect.

Shri Abid Ali: But they resulted in the realisation of a fine of Rs. 98,000 and odd.

Shri Narayanankutty Menon: The question is .

Shri Abid Ali: That information is not here.

Mr. Deputy-Speaker: The number is not with him.

Shri Abid Ali: I will give the information to the hon, Member. There may be, here and there, breaches. I quite appreciate that. But the effort of everybody concerned, every well-wisher should be that all combined should ensure that all the provisions of the main Act are fully enforced.

Some hon. Member said that there were only four or five inspectors. That is not correct. There are 17 inspectors in Delhi and what the hon. Member from Punjab suggested was being done. He said that the various inspectorates under Delhi Administration should be vested with powers under this Act also so that when they are moving about in the localities they can pay surprise visits to these shops and check whether the provisions of the Act are being implemented properly. Even granting that some provisions are not being fully observed, bringing in a comprehensive legislation will not ensure that all the provisions of the comprehensive legislation would be properly observed

Shri Braj Raj Singh: If you are there....

Shri Abid Ali: I am not going to inspect all the shops.

Shri Braj Raj Singh:...as Minister.

Mr. Deputy-Speaker: Order, order. Let him proceed.

Shri Abid Ali: Whenever any hon. Members find any defect in this, they have the liberty to inform us and certainly they have my assurance that all that is possible by the inspectors in the various sections will be done and a serious, sincere and honest attempt will be made so that the provisions of the Act may be fully implemented. If complaints are there, they should be attended to. I do not know how this figure of 7 lakh shop assistants in Delhi came in. If every one has a family of 4 or five, it becomes 28 lakhs of people in Delhi-all depending upon shop assistants (Interruptions)

Shri Tyagi: He must have counted the customers as well.

Mr. Deputy-Speaker: Perhaps be might have thought that the proprietor must be having his own sons as assisants . . . (Interruptions)

Shri Abid Ali: According to our information in 1960 there are about 60,000 shops in Delhi and the shop assistants were in the vicinity of a lakh. It may be a little more; I do not say that it is very correct; it may be more or may be less.

A suggestion was made with regard to the doctors. There was a suggestion from the doctors' association and also from the compounders and the Delhi administration called both the representatives and a compromise had already been reached and is working satisfactorily. There is no complaint from their side. Since this compromise was reached, no complaint had been received either from the doctors or from the compounders. They are all very happy. Some hon, Member said that it was very easy for a big shopkeeper in Delhi to go and meet the Chief Commissioner and a poor shop assistant cannot meet him. If he cannot meet him, he can come and meet me. I am prepared to meet anybody at any place at any time, without any notice, without any telephone. In fact, they come and meet me. They know that I am their friend. My house is open for them to come. They have been meeting me so often.

Mr. Deputy-Speaker: Only for visits or for entertainment?

Shri Abid Ali: I am sorry, Sir, that the number coming is so large that it is not possible for me to entertain them.

Shri Narayanankutty Menon: Everyone knows that the visit is so futile.

Shri Abid Ali: That is so far as the hon. Member is concerned; he is always unreasonable and so it is futile for him. But those who bring reasonable, decent, honest and practical suggestions are attended to to their complete satisfaction. That is the correct position.

With regard to the complaint that the Delhi Administration is not at all responsible to the suggestions made by the employees, I have already said that I am always at their disposal and I do not admit that the Delhi Administration is not responsible. Otherwise, how could a settlement with regard to the doctors and compounders have been reached to the complete satisfaction of the employees themselves?

Reference was made about Subzi Mandi. I may submit that there also every employee should get a holiday a week. He must get a holiday irrespective of the shops being opened or not. With regard to the complaint that it is not observed there, I may suggest that if an employee is entitled to have a holiday on a particular day and if he is not getting it, he should report to the inspector concerned, and also, if he so pleases he can phone to me. I assure hon, Members that immediately I will send the inspector and tell him that I received a telephone message to the effect that so and so who has got an off-day on a particular day is made to work on that off-day; and then the inspector will go immediately and check up the matter. In case the employee is working, immediately legal action will be against such a defaulting shopkeeper. It is not that I am making any big statement: I only want to assure the

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hon. Members opposite that, with all earnestness, we ourselves are very much anxious and serious that the workers who have been assured the privileges by this Act should be able to enjoy them to their full satisfaction. If anything is not being done in their behalf, then we should be always evailable to them and see that they are enjoying the privileges.

Shri Narayanankutty Menon: You had better phone up the inspector direct for better results.

Shri Abid Ali: The hon. Member may try this also. That is the reason why I cannot satisfy him! My hon. friend Shri Tyagi was saying that he was pleading for the unemployed persons and some hon. Member from those Benches interrupted him and Shri Tyagi said: "Why are you interrupting? I am doing your work". I do not know why Shri Tyagi should say that, when the Communists want that the unemployed people should not be employed! Their intention is that there should be more unemployment. They want that there should be chaos in the country because in an orderly atmosphere they cannot achieve what they want. They want Chaos; they can never have it. (Interruption).

Mr. Deputy-Speaker: I do not tolerate chaos here. We should proceed in an orderly way.

Shri Abid Ali: There will not be chaos. So long as you, Sir, are present here, you will not allow it. Anyway, I have referred to all the items which needed attention and I hope that my hon. friend opposite also will be satisfied that all that should be done is being done.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Delhi Shops and Establishments Act, 1954, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

Mr. Deputy-Speaker: There are no amendments. The question is:

"That clauses 1 to 5, the Enacting Formula and the Long Title stand part of the Bill".

The motion was adopted.

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

Shri Abid Ali: I beg to move:

"That the Bill be passed".

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

16.59 hrs.

SALAR JUNG MUSEUM BILL

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): Sir, on behalf of Shri Humayun Kabir, I beg to move:

"That the Bill to declare the Salar Jung Museum together with the Salar Jung Library at Hyderabad to be an institution of national importance and to provide for its administration and certain other connected matters, as passed by Rajya Sabha, be taken into consideration."

While moving this motion for consideration of the Salar Jung Museum Bill, I would like at the very outset to pay my tribute to the late Nawab Salar Jung Bahadur, whose personal collections alone have constituted the Salar Jung Museum of Hyderabad. A bachelor all through his life, the Nawab died in 1949 at the age of 60. A man of great culture and refined taste, he devoted his time, energy and wealth, specially during the later 35 years of his life, in the acquisition of objects of art and antiquity, curios