

countries. Why I suggest that is to that extent we may avoid unemployment. What is the good of bringing in labour-saving machinery when we are not able to provide work for lakhs and lakhs of willing workers in this country? Therefore, our Government should think first of introducing rationalised methods to open employment potential to our working class.

Next I come to clause 6, amendment of section 22. I find that the principal Act is very clear. It is said in the principal Act 'privilege leave with full wages for a total period of not less than 15 days.' But here in the amendment sought to be made it is 'privilege leave for a total period of not less than fifteen days'. There it is said 'with full wages', here 'with full wages' is omitted. But the Labour and Employment Minister may say, "Please refer to the words 'wages with leave' under section 23". And he may say immediately that the wages are being provided with leave. But here leave means not only privilege leave but there is the sick leave and also the casual leave. If you are not very specific in the amendment as to what kind of leave it would be with full wages, I do not think that under the present set-up the employers or the industrialists or the commercial managements will immediately give them wages for sick leave. There are institutions where they have introduced sick leave at half pay. But here it is silent, even section 23 does not very clearly say about the leave or how one can qualify one self to earn the leave. Therefore, I think the removal of the words 'full wages' is of a doubtful nature and I expect that the Labour and Employment Ministry will give a satisfactory explanation for omitting from the principal Act the words 'leave with full wages'. That is a point which I am placing before the Minister in the interests of the wage-earners.

Coming next to the amendment about the accumulation of leave, from 30 days' accumulation they have now made it to three times— $3 \times 15 = 45$ days. It is a good thing, I do not say that it is a bad thing. But yet I feel that they could have gone one step forward—instead of 45 days they could have said two months. Accumulation of leave up to 2 months is not a difficult task. Even it gives an incentive to the workers not to absent himself. Workers in this country do not absent themselves

from work because the wages that they get are very limited and they do not want to absent themselves. And, therefore, they could make good use of the accumulated leave if they fell sick. We have not given them sickness insurance in this country. To provide for it is a stepping stone. But if this is increased to two months instead of 45 days, it would have been a welcome feature and it would have become a very good legislation also.

Now under sub-section (b) it is stated 'sickness or casual leave'. Casual leave means leave of a casual nature. A man may ask for casual leave for a day or two but as far as sick leave is concerned, I think this legislation should have provided for accumulation of sick leave. There are establishments, factories and other commercial concerns where they allow people to accumulate sick leave. I think it is a very great omission on the part of the Ministry not to have thought of allowing accumulation of sick leave to the workers for whom this legislation is introduced. However, Sir, on the whole, I may say that this legislation is a progressive legislation and the workers affected by this legislation, workers to whom this is going to apply, will be welcoming this legislation. I request the Ministry that in future whenever they introduce amendments to the old Acts, they should take some interest in comparing the condition of wage earners of this country with the wage earners of advanced countries.

Thank you Sir

REFERENCE TO STATEMENT BY PRIME MINISTER

MR CHAIRMAN Before I call the next speaker, I have to announce that the Prime Minister being indisposed would not be able to attend Parliament today and will, therefore, not make the statement at 5 P.M. as announced. She would do so on some subsequent occasion.

THE DELHI SHOPS AND ESTABLISHMENTS (AMENDMENT) BILL, 1965—*contd*

SHRI CHITTA BASU (West Bengal)
Mr Chairman, Sir, I welcome the Delhi

[Shri Chitta Basu]

shops and Establishments (Amendment) Bill, 1965 because it provides certain rights to shop assistants and also provides for the removal of certain lacunae in the parent Act. Sir, although it is a belated move it is a step forward towards the removal of these lacunae which were the weaknesses of the Act itself.

[THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY) in the Chair]

We would have been very glad had there been a comprehensive Bill dealing with all the problems and difficulties of the shop assistants. Anyway, through you, Sir, I like to point out certain lacunae in this Act to the pilot of this Bill.

Sir, in this Bill you will find that there is no provision for the protection of shop assistants against retrenchment and arbitrary discharge. You may say that there are other labour laws for adequate protection against this evil of retrenchment and arbitrary illegal discharges. But there are certainly provisions in the Industrial Disputes Act and it would have been better had these provisions been also included in this Bill so that adequate protection might be given against these illegal discharge and retrenchment, guaranteeing retrenchment benefits to workers of all other categories to which they are entitled.

Sir, you will notice that there is no provision for ensuring security of service. As far as I know, there is no security of service to shop assistants. They are very seldom made permanent in their service. They are arbitrarily discharged and their services terminated. One of the basic questions before all the working people is this that there should be adequate guarantee of security of their service. In this Bill, I note with regret, there is no provision which can ensure security of service to shop assistants.

Sir, you will note that there is also no provision for the improvement of the working conditions in which the shop assistants are to work. Almost in all the shops in developed cities—in this city also—the environments are hygienically uncongenial. Therefore, the shop assistants have to work in conditions which deserve rapid, speedy

improvement. There is no provision regarding that. I agree that in this Bill those provisions cannot be made, but one thing can be done. In this Bill an eight-hour working has been fixed. As you know, Sir, in works which involve hazards, the working hours have been lessened. For instance, in mines those who work underground, their working hours have been reduced. In this case also since the shop assistants are to work in uncongenial, unhygienic places and since there is no provision there for the improvement of the environment, I suggest that the working hours required of them may be lessened by a statutory provision in the Bill.

Sir, again, not only the question of enactment, there is also the question of implementation. It is our general experience that the objectives of many Acts are not fulfilled. They fail because of non-implementation of the provisions of the Acts. As far as my experience goes, I have found that Shop Inspectors are not above malpractices. They do not force the shop employers to observe the law *in toto*, both in letter and in spirit. I think there should be a provision in the Act itself for the supervisory staff to see that the provisions of the Act are properly implemented.

I do not like to take much of your time. I would suggest that all these points may kindly be looked into so that the Bill may be improved to the best possible extent. Thank you.

سری عبدالعی (پنجاب) : وائس

چیرمیں، سر میں اس بل کا سواگت کرنا ہوں لیکن مجھے حیرت ہے کہ آخر یہ کیا باب ہے کہ دلی کو جمہوری حقوق سے محروم کر کے جو دہ دارباں ان پر نہیں۔ کہ خود ان کی بہانہ لے کر سلسلہ ہوئی اور وہ اپنا بل آج سائے ناکہ اپنی ضروریات کو دیکھ کر۔ اپنی دوکانوں کی حالت کو دیکھ کر۔ حوائث وہ رکھا چاہتے تھے وہ رکھتے اور جس ڈھنگ سے وہ مناسب

سمجھتے جو اپنے لیبر ہنس۔ ملازمہ ہنس
ان کو مدد اس طرح سے کرے۔ لیکن
یہ سرکار کچھ عجیب ڈھنگ سے بنی ہے۔
ان کی یہ سمجھ میں نہیں آتا کہ سارے
اختیارات اورنگ زیب عالم گیر کی طرح
اپنے پاس رکھنے سے مغل ایمپائر پاس
پاس ہو گا وہ نہیں حل نانا ہو کبا
یہ سرکار جو اورنگ زیب عالم گیر کی
بیروی کرنا چاہتی ہے اسی طرح
سے سب اختیارات اسے ہاتھ میں رکھنا
چاہتی ہے یہاں سے ہی ساعی فرمان
جاری کبا جائے اور اس طریقہ سے فرمان
ساعی جو ہے اس سے ان کی بات چلے۔
یہ بات اچھی نہیں۔

جہاں تک یہ سوال ہے کہ اس
میں بڑی خوبیاں ہیں اس لئے پہلے
دوست سے اتفاق کرنا ہوں کہ جہاں
اس میں خوبیاں ہیں وہاں اس میں
کافی برائیاں ہیں۔ اور برائیاں کیوں
رہ جاتی ہیں اس لئے کہ سرکار کو مزہ
آتا ہے جیسے بلی جوہ کو پکڑتی ہے
پھر چھوڑتی ہے پھر پکڑتی ہے اور
پھر چھوڑتی ہے اور آہستہ آہستہ اس کو
کھا جاتی ہے۔ نو یہ مزدور کو اور
ملازم کو بھی خوش کرنا چاہتے ہیں
کیوں کہ انہوں نے قسم کھائی ہے
کہ یہ سماج وادی ہیں۔ سماج واد
کے تحت غریب مزدوروں کو۔ ملازموں
کو جو دوکانوں کو چلانے میں مدد
دیتے ہیں ان کی یہ مدد کریں اس
لئے وائس چیر من صاحب۔ بھوڑا آہستہ

آہستہ یہ بل لائے ہنس کبھی بھی
یہ پوری تفصیل کے ساتھ پوری برائی
اور اچھائی کو دیکھ کر بل لائیں ایسی
زحمت انہیں گوارا نہیں۔ کیوں
گوارا نہیں؟ اس لئے کہ وائس چیر
مین صاحب۔ یہاں پولیٹیکس چلتی ہے
یہ خالی دھلی کا سوال ہے۔ دھلی میں
تو ان کو جو کونسل بنانے جا رہے ہیں
اس کو بنا دینی چاہئے تاکہ وہ اپنے
طور پر اس سنہر کی۔ اس کبشل کی۔
لاکھوں کی جو آبادی ہے اس کی سوا
کرے۔ اگر ان کو پہلے انہوں نے
حق دیا تھا لیجسلیشن کا۔ لیجسلیشن کا
حق دینا تھا تو انہیں دینا تھا بجائے اس
کے کہ یہ بل لائیں اور ادھورے دل
سے لائیں جیسا یہ لائے۔

بہر حال اس میں کسی ہی
خوبیاں رکھی گئی ہیں اس لئے ہم
کہیں کہ اس کا ہم سواگت نہیں
کریں تو اس کا تو سواگت ہمیں کرنا
ہی چاہئے لیکن یہ بھی سوچنا چاہئے
کہ ہم کونسے راستے نکال سکتے
ہیں۔ ہم سوچیں کہ دلی میں دو
طرح کی دقتیں ہیں۔ ایک یہ کہ
دلی تقریباً اب ملازموں کی بستی بنی
چلی جا رہی ہے۔ خدا بھلا کرے
کل ہمارے وائس چیرمین صاحب
نے یہ فرمایا تھا کہ ایک ہی جگہ
سیکرٹیریوں کی بھرمار ہے۔ جوئٹ
سیکرٹیریوں کی بھرمار ہے اور اسی طرح
ایک اینٹ اٹھاؤ دس آفیسر نکلتے

(شری عبدالغنی)

ہیں۔ یہ آفیسروں کی اور ملازموں کی بستی بنتی جا رہی ہے اور اسی طرح دوکانیں جگہ جگہ بنتی چلی جا رہی ہیں۔ لوگ آ کر دوکانیں بنا رہے ہیں کیوں کہ یہ دنیا کا ایک عظیم شہر بن رہا ہے۔ دہلی پر سارے دنیا کی توجہ ہے سارے دیش کی توجہ اس طرف آ رہی ہے اس لئے جگہ جگہ دوکانوں کو چلانے کے لئے ملازموں کی ضرورت پڑتی ہے لیکن مصیبت یہ ہے کہ ملازم پیشہ جو ہیں صبح کے نو بجے تک انہیں دفتر کی فکر ہوتی ہے اور ساڑھے پانچ بجے کے بعد جب وہ گھر جاتے ہیں تو دوکانیں بند ہو جاتی ہیں۔ کوئی شکل ایسی نہیں رہ جاتی کہ سامان خریدیں۔ کیوں کہ آج ان امپلائمنٹ حد سے زیادہ بڑھ رہا ہے اس لئے آپ دوکانوں کا ٹائم اس ڈھنگ سے رکھ سکتے تھے کہ جس میں ملازم کو چھ گھنٹہ سے زیادہ کام نہیں کرنا پڑتا۔ اس کی دو شفٹ ہوتیں اور سرکاری ملازم دوکان کے نوکروں اور دوکان داروں کا پورا پورا فائدہ اٹھا سکتے اور اس طرح سے رکھا جاتا کہ سات بجتے ہی الارم نہ بج جاتا اور اگر کوئی بچے کی بنیان لینا چاہتا ہے تو باہر چپراسی کھڑا ہو کر کہے کہ دوکان کے اندر گھسنے کی اجازت نہیں۔ تو یہ سوچا جائے کہ دو شفٹ ہو جائیں اور جہاں بڑے بڑے ملازمین رکھتے ہیں وہاں

ان ملازمین کو پورا موقع ملے کہ وہ بھی اگر ان کے گھریلو ضروریات کی چیزیں ہوں تو ان کو وقت پر لے سکیں۔ ان کو آسانی ہو۔ تو ایسی کوئی شکل اس میں نہیں ہو پائی اور اس لئے نہیں ہو پائی کہ جیسا میں نے کہا ان کو فرصت نہیں ہے کہیں ناگا ان کو ستاتے ہیں کہیں میزو ان کو ستاتے ہیں کہیں ویسٹ بنگال سے گرم ہوائیں آ رہی ہیں۔ ابھی میرے بھائی نے صبح ویسٹ بنگال کی سچویشن کی طرف توجہ دلائی تو یہ ہنس دینے۔ میرے دل میں آیا کہ آج یہ ہنس رہے ہیں کل خون کے آنسو روئیں گے کیوں کہتا ہوں یہ بات سرکار کے توجہ کی ہے۔ اگر یہ حکومت کرنا چاہتے ہیں تو جہاں کو دیکھیں۔ یہ جو گرم ہوائیں اٹھ رہی ہیں۔ مشرق سے ڈر ہے کہ یہ فتنہ پیدا نہ کریں۔ اس طرح سے مزدور کے ساتھ جو کھیلنا چاہتے ہیں تو میں ہمیشہ کہا کرتا ہوں پھر کہتا ہوں ایسا نہ کریں۔

تمناؤں میں الجھایا گیا ہوں

کھلونے دے کے بہلایا گیا ہوں

اگر بل لانا ہو تو بل لائیے۔ تفصیل سے لائیے اور بہتر یہ ہے کہ آپ نہ لائیے کیوں کہ دلی کی اسمبلی بنی ہے اسمبلی بنائیے۔ کونسل بنانی ہے کونسل بنائیے۔ ان کو پورا اختیار دیجئے کہ جس میں وہ انی

بہتری سمجھتے ہیں وہ کریں ۔
 ان کو موقعہ دینا چاہئے بجائے اس کے
 کہ ساری کی ساری چیزیں آج اپنے
 ہاتھ میں لے لیں ۔ خدا آج کا بھلا
 کرے آپ سماج وادی ہیں ۔ آپ
 سماج واد لانا چاہتے ہیں اس لئے کوئی
 ایسی شکل نکالیں کہ مزدوروں کو ۔
 ملازموں کو ۔ جو دوکان کے ملازم ہیں
 ان کو ۔ پورا موقعہ ملے کہ وہ بھی
 اپنے بچوں کی تعلیم کی طرف ۔ اپنے
 بچوں کی صحت کی طرف ۔ اپنے بچوں
 کے لباس اور کھان پان کی طرف دیکھنے
 کا پورا موقعہ پا سکیں ۔ صبح تڑکے وہ
 جاتے ہیں اور شام کو سات بجے آتے
 ہیں ان کے لئے اپنے بچوں کے لئے
 کچھ کرنا ناممکن ہے ۔ آپ اپنے
 سرکاری ملازموں کو موقعہ دیتے ہیں
 پانچ بجے وہ چلے جاتے ہیں ۔ ساڑھے
 پانچ بجے وہ چلے جاتے ہیں ۔ لیکن
 بے چارے دوکان کے ملازموں کو
 اجازت نہیں ہے ۔ تو اس لئے ان کی
 دو شیفت کی جائیں اور اس ڈھنگ سے
 کیا جائے کہ جو دوکان دار ہیں ان
 سے کہا جائے کہ وہ سات بجے دوکان
 بند نہ کریں ساڑھے آٹھ بجے کریں ۔
 اس میں ڈبل شیفت رکھا جائے تاکہ
 کام ان کا زیادہ چلے اور ہمارے ان
 امپلائمنٹ کو کافی موقعہ ملے کہ وہ
 کم ہو ۔

وائس چیرمین صاحب ، میں یہ
 ایک اور عرض کرنا چاہتا ہوں کہ
 اگر وہ چاہتے ہیں کہ دلی سے ہمارے

اس ایکٹ کا تعلق ہو تو میرا خیال
 ہے کہ جہاں تک راسٹر پتی رول کا
 تعلق ہے وہ نو کافی جگہوں پر ہے ۔
 جیسے کیرل میں ہے یہاں ہے اور
 دوسری جگہ بھی ہے سب جگہ ایک
 ہی قانون لانا چاہئے ۔ آج آج دلی
 کے لئے ایک قانون لاتے ہیں ۔ کل
 کیرل کے لئے قانون لائیں گے ۔
 پرسوں کسی اور جگہ کے لئے لائیں
 گے ۔ کیوں سب جگہ کے لئے ایک
 ساہ قانون نہیں لانے ۔ کیوں کہ
 جہاں تک ملازموں کا تعلق ہے ۔
 دوکانوں پر جو ملازم ہیں ان کی حالت
 ایک سی ہی ہے ۔ ایک سے ان کے
 مفاد ۔ ان کے انٹرسٹ ، ان کی
 ضروریات زندگی ہیں ۔ نو جہاں جہاں
 ان کا اپنا راج ہے یعنی جہاں جہاں
 راشٹر پتی رول ہے یا سینٹرل گورنمنٹ
 کے تحت جہاں جہاں کام چلتا ہے
 ان سب جگہوں کے لئے اکٹھا ہی
 قانون لے آئیں تاکہ ان کو زیادہ
 موقعہ مل سکے ۔ زیادہ وسیع نظریہ
 ان کا ہو سکے کہ کس طرح سے
 لیبر کو اور ملازمین کو ڈیل کرنا
 چاہئے ۔ لیکن یہاں ایک بدنصیبی
 ہے ، وائس چیرمین صاحب—کہ ان
 کے اپنے جو ملازم ہیں ان کی کیا
 حالت ہے ۔ آپ دیکھتے ۔ چیراسیوں
 کو لیجنے ۔ چھوٹے چھوٹے کلرکوں
 کو لیجنے ۔ چھوٹے چھوٹے نگہبان
 کو لیجنے جو دوسرے ملازم ہیں سرکار
 کے ان کو لیجنے یہ ان کے مفاد کی

(سری عبدالغنی)

طرف کتنا دھیان دیتے ہیں۔؟
 سرے خیال سے اگر یہ غصہ نہ
 کریں تو ایک وزیر کی کوٹھی کا
 جو خرچہ ہے وہ یہاں کے سو ملازموں
 کے خرچہ کے برابر ہے۔ وہ بے چارے سو
 ملازم بھی اس سے کم خرچ کرنے میں
 نوسعاج واد اس طرح سے نہیں آئے
 گا۔ اگر نہ سوچنا ہے کہ نو پھر
 اب اس ڈھنگ سے سوچیں کہ آخر
 ۴۵ کروڑ کی بسنی کو جو خدا کی
 سب سے بڑی سستی ہے اور جس میں
 خدا نے بڑے بڑے رسی منی پیدا
 کئے کرو پیدا کئے۔ بڑے بڑے
 ولی پیدا کئے۔ اس بسنی کو
 اگر سنبھالنا ہے تو اس ڈھنگ سے
 سنبھالنے کی کوشش کیجئے۔ وہاں
 آنے والے الیکشن کی تیاری کرنا اور
 چرچا کرنا ہم نے مزدوروں کے لئے
 یہ کر دیا اور دوکانوں پر جو ملازم
 ہیں ان کے لئے یہ کر دیا اس سے
 بات بننے والی نہیں ہے۔ میں امید
 کرتا ہوں سرکار اپنی اس نالبتی پر
 بھر سے وچار کرے گی کہ آیا انہیں
 اس طرح سے قدم قدم پر چھوٹے چھوٹے
 بل لانے چاہئیں یا ایک جامع بل
 لانا چاہئے۔ بہر حال میں سرکار کا
 شکریہ ادا کرتا ہوں اور وائس
 چیرمین صاحب آپ کا بھی۔

†[ش्री अब्दुल गनी (पंजाब): वाइस चैयर
 मेन, सर, मैं इस बिल का स्वागत करता

† [] Hindi transliteration.

लेकिन मुझे हैरत है कि आखिर यह क्या बात है
 कि दिल्ली को जम्हूरी हकूको से मरहूम करके
 जो जिम्मेदारियां उनपर थी कि खुद उनकी
 यहाँ लेजिसलेचर होती और वह अपना बिल
 आप बनाते ताकि अपनी जरूरियात को
 देखकर, अपनी दुकानों की हालत को देखकर,
 जो टाइम वह रखना चाहते थे वह रखते और
 जिस ढंग से वह मुनासिब समझते जो अपने
 लेबर है, मुलाजिम हैं, उनकी मदद उस तरह से
 करते। लेकिन यह सरकार कुछ अजीब ढंग से
 बनी है उनकी यह समझ में नहीं आता कि सारे
 अस्त्यारात औरंगजेब आलमगीर की तरह
 अपने पास रखने से मुगल इम्पायर पाश पाश
 हो गया, वह नहीं चल पाया तो क्या यह
 सरकार औरंगजेब आलमगीर की पैरवी
 करना चाहती है इसी तरह से सब अस्त्यारात
 अपने हाथ में रखना चाहती है यहाँ से ही शाही
 फरमान जारी किया जाए और इस तरीके से
 फरमान शाही जो है इससे उनकी बात चले।
 यह बात अच्छी नहीं।

जहाँ तक यह सवाल है कि इसमें बड़ी
 खूबिया है मैं अपने पहले दोस्त से इत्फाक
 करता हूँ कि जहाँ इसमें खूबियां हैं वहाँ इसमें
 काफी त्रुटियां हैं और त्रुटियां क्यों रह जाती
 हैं इसलिए कि सरकार को मज्जा आता है जैसे
 बिल्ली चूहे को पकड़ती है फिर छोड़ती है फिर
 पकड़ती है और फिर छोड़ती और आहिस्ता-
 आहिस्ता उसको खा जाती है। तो यह मजदूर
 को और मुलाजिम को भी खुश करना चाहते हैं
 क्योंकि उन्होंने कसम खाई है कि ये समाजवादी
 हैं, समाजवाद के तहत गरीब मजदूरों को,
 मुलाजिमों को, जो दुकानों को चलाने में मदद
 देते हैं, उनकी यह मदद करें इसलिए वाइस
 चैयरमैन साहब, थोड़ा आहिस्ता-आहिस्ता यह
 बिल लाते हैं कभी भी यह पूरी तफसील के
 साथ पूरी बुराई और अच्छाई को देखकर
 बिल लाए ऐसी जहमत इन्हें गवारा नहीं।
 क्यों गवारा नहीं ? इसलिए कि वाइस चैयर-
 मैन साहब, यहाँ पोलिटिक्स चलती है। यह
 खाली दिल्ली का सवाल है। दिल्ली में तो उन

को जो कौंसिल बनाने जा रहे हैं उसको बना देनी चाहिए ताकि वह अपने तौर पर इस शहर की, इस केपिटल की, लाखों की जो आबादी है उसकी सेवा करे। अगर उनको पहले उन्होंने हक दिया था लेजिसलेशन का—लेजिसलेशन का हक देना था तो उन्हें देना था बजाए इसके कि यह बिल लाएं और अधूरे दिल से लाएं जैसा यह लाए।

बहरहाल इसमें कितनी ही खूबियां रखी गई हैं इसलिए हम कहें कि इसका हम स्वागत नहीं करें तो इसका तो स्वागत हमें करना ही चाहिए लेकिन यह भी सोचना चाहिए कि हम कौन से रास्ते निकाल सकते हैं। हम सोचें कि दिल्ली में दो तरह की दिक्कतें हैं एक यह कि दिल्ली तकरीबन अब मुलाजिमों की बस्ती बनती चली जा रही है। खुदा भला करे कल हमारे वाइस चेयरमैन साहब ने यह फरमाया था कि एक ही जगह सेक्रेट्रियों की भरमार है ज्वाइंट सेक्रेट्रियों की भरमार है और इसी तरह एक.ईट.उठाओ दस आफिसर्स निकलते हैं। यह आफिसों की और मुलाजिमों की बस्ती बनती जा रही है और इसी तरह दुकानें जगह-जगह बनती चली जा रही हैं। लोग आकर दुकानें बना रहे हैं क्योंकि यह दुनिया का एक अजीम शहर बन रहा है। दिल्ली पर सारे दुनिया की तवज्जो है सारे देश की तवज्जो इस तरफ आ रही है इसलिए जगह-जगह दुकानों को चलाने के लिए मुलाजिमों की जरूरत पड़ती है लेकिन मुसीबत यह है कि मुलाजिम पेशा जो हैं सुबह के नौ बजे तक उन्हें दफ्तर की फिकर होती है और साढ़े पांच बजे के बाद जब वह घर जाते हैं तो दुकानें बन्द हो जाती हैं। कोई शकल ऐसी नहीं रह जाती कि सामान खरीदें। क्योंकि आज अनएम्प्लायमेंट हद से ज्यादा बढ़ रहा है इसलिए आप दुकानों का टाइम इस ढंग से रख सकते थे जिस में मुलाजिम को छः घंटे से ज्यादा काम नहीं करना पड़ता। इसकी दो शिफ्ट होती और सरकारी मुलाजिम दुकान के नौकरों और दुकानदारों का पूरा-पूरा फायदा उठा सकते और इस तरह से रखा जाता कि सात बजते ही अलार्म न बज

जाता और अगर कोई बच्चे की बनियान लेना चाहता है तो बाहर चपरासी खड़ा होकर कहे कि दुकान के अन्दर घुसने की इजाजत नहीं। तो यह सोचा जाए कि दो शिफ्ट हो जाएं और जहां बड़े-बड़े मुलाजिमीन रखते हैं वहां इन मुलाजिमीन को पूरा मौका मिले कि वह भी अगर उनके घरेलू जरूरियात की चीजें हों तो उनको वक्त पर ले सकें, उनको आसानी हो। तो ऐसी कोई शकल इसमें नहीं हो पाई और इस लिए नहीं हो पाई कि जैसा मैंने कहा उनको फुर्सत नहीं है। कही नागा उनको सताते हैं कही मौजो उनको सताते हैं, कहीं वेस्ट बंगाल से गर्म हवाएं आ रही हैं, अभी मेरे भाई ने सुबह वेस्ट बंगाल की सिचुएशन की तरफ तवज्जो दिलाई तो यह हंस दिए। मेरे दिल में आया कि आज यह हंस रहे हैं कल खून के आंसू रोयेंगे क्यों कहता हूं यह बात सरकार के तवज्जो की है। अगर यह हकूमत करना चाहते हैं तो जहां को देखें। यह जो गर्म हवाएं उठ रही हैं। मशरक से डर है कि यह फितना पैदा न करें। इस तरह से मजदूर के साथ जो खेलना चाहते हैं तो मैं हमेशा कहा करता हूं फिर कहता हूं ऐसा न करें।

तमन्नाओं में उलझाया गया हूं।

खिलौने दे के बेहलाया गया हूं॥

अगर बिल लाना हो तो बिल लाइये तफसील से लाइये और बेहतर यह है कि आप न लाएं क्योंकि दिल्ली की असेम्बली बननी है। असेम्बली बनाइये, कौंसिल बनानी है कौंसिल बनाइये, उनको पूरा अख्तियार दौजिए कि जिसमें वह अपनी बेहतरी समझते हैं वह करें। उनको मौका देना चाहिए बजाए इसके कि सारी की सारी चीजें आप अपने हाथ में लें। खुदा आपका भला करे आप समाजवादी हैं। आप समाजवाद लाना चाहते हैं इसलिए कोई ऐसी शकल निकालें कि मजदूरों को, मुलाजिमों को, जो दुकान के मुलाजिम हैं उनको, पूरा मौका मिले कि वह भी अपने बच्चों की तालीम की तरफ, अपने बच्चों की सेहत की तरफ, अपने बच्चों के लिबास और खान-पान की तरफ,

[श्री अब्दुल गनी]

देखने का पूरा मौका पा सकें। सुबह नड़के वे जाते हैं और शाम को सात बजे आते हैं उनके लिए अपने बच्चों के लिए कुछ करना नामुमकिन है। आप अपने सरकारी मुलाजिमों को मौका देते हैं पांच बजे वह चले जाते हैं, साढ़े पांच बजे वह चले जाते हैं लेकिन बेचारे दुकान के मुलाजिमों को इजाजत नहीं है। तो इसलिए उनकी दो शिफ्ट की जाएं और इस ढंग से किया जाए कि जो दुकानदार है उनसे कहा जाए कि वह मान बजे दुकान बन्द न करें साढ़े आठ बजे करें। इसमें डबल शिफ्ट रखा जाए ताकि काम उनका ज्यादा चले और हमारे अनएम्पलायमेंट को काफी मौका मिले कि वह कम हो।

वाइस चैयरमैन साहब, मैं यह एक और अर्ज करना चाहता हूँ कि अगर वह चाहते हैं कि दिल्ली से हमारे इस एक्ट का ताल्लुक हो तो मेरा ख्याल है कि जहां तक राष्ट्रपति रूल का ताल्लुक है वह तो काफी जगहों पर है। जैसे केरल में है, यहां है और दूसरी जगह भी है सब जगह एक ही कानून लाना चाहिए। आज आप दिल्ली के लिए एक कानून लाते हैं, कल केरल के लिए कानून लायेंगे, परसों किसी और जगह के लिए लायेंगे क्यों सब जगह के लिए एक साथ कानून नहीं लाते। क्योंकि जहां तक मुलाजिमों का ताल्लुक है, दुकानों पर जो मुलाजिम हैं उनकी हालत एक सी ही है। एक से उनके मुफाद, उनके इन्स्टेंट, उनकी जरूरत-बात, जिन्दगी हैं। तो जहां-जहां उनका अपना राज है यानी जहां जहां राष्ट्रपति रूल है या सेंट्रल गवर्नमेंट के तहत जहां-जहां काम चलता है उन सब जगहों के लिए इकट्ठा ही कानून ले जाएं ताकि उनको ज्यादा मौका मिल सके। ज्यादा बसीह नज़रिया उनका हो सके कि किस तरह लेबर को और मुलाजिमीन को डील करना चाहिए। लेकिन यहां एक बदनसीबी है वाइस चैयरमैन साहब, कि उनके अपने जो मुलाजिम हैं उनकी क्या हालत है। आप देखिए, चपरासियों को लीजिए, छोटे-

छोटे कलकों को लीजिए, छोटे-छोटे निगहबान को लीजिए जो दूसरे मुलाजिम हैं सरकार के उनको लीजिए यह उनके मुफाद की तरफ कितना ध्यान देते हैं? मेरे ख्याल से अगर यह गुस्सा न करें तो एक वजीर की कोठी का जो खर्चा है वह यहां के सौ मुलाजिमों के खर्च के बराबर है। वे बेचारे सौ मुलाजिम भी इससे कम खर्च करते हैं तो समाजवाद इस तरह से नहीं आएगा। अगर यह सोचना है तो फिर आप इस ढंग से सोचें कि आखिर 45 करोड़ की बस्ती को जो खुदा की सबसे बड़ी बस्ती है और जिस में खुदा ने बड़े-बड़े ऋषि-मुनि पैदा किए, गुरु पैदा किए, बड़े-बड़े बली पैदा किए, इस बस्ती को अगर संभालना है तो इस ढंग से संभालने की कोशिश कीजिए—वहां आने वाले इलेक्शन की तैयारी करना और चर्चा करना हम ने मजदूरों के लिए यह कर दिया और दुकानों पर जो मुलाजिम हैं उनके लिए यह कर दिया इससे बात बनने वाली नहीं है। मैं उम्मीद करता हूँ सरकार अपनी इस पालिसी पर फिर से विचार करेगी कि आया उन्हें इस तरह से कदम-कदम पर छोटे-छोटे बिल लाने चाहिए या एक जामे बिल लाना चाहिए। बहरहाल मैं सरकार का शुक्रिया अदा करता हूँ और वाइस चैयरमैन साहब आप का भी।]

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): The Minister.

SHRI ABID ALI (Maharashtra): Mr. Vice-Chairman . . .

SHRI ATAL BIHARI VAJPAYEE (Uttar Pradesh): Is he the Minister?

SHRI ABID ALI: I am replying to my friend there. Have I your permission to speak, Sir?

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): I had called on the Minister. Do you want to speak?

SHRI ABID ALI: Yes, Sir. I beg to make a few observations with regard to the working of the Shop Assistants Act in Delhi. I request that the Government should ensure

at least near-minimum implementation of the provisions of this Act. In most of the areas in Delhi, the provisions of the Act are not implemented by most of the shopkeepers. This morning I was in Pahargunj and most of the shops were open at 8-30 A.M. I do not refer to the vegetable shops or the sweetment shops but shops which are governed by this enactment whose working hours are restricted. Similarly on Sundays most of these shops are open. In Subzimandi the shop-owners manipulate the working in such a way that it becomes impossible for the Inspectorate to have any checking. A suggestion was made some time back that along with the system of having employees by rotation, they should also have a system of photographs of the employees so that the Inspectors may be able to know whether a particular employee who was supposed to be on leave on that particular day is working or not. That can be done only if—not by names, because names are changed, and these employees have to submit to the dictates of the shop-owners—photos are there, and then the inspectorate will be able to have some checking done if these suggestions are taken into consideration for their acceptance and implemented. I do not know to what extent the inspectorate are influenced by bribe or otherwise so that, whatever the shop-owners want to do, they are able to do without any fear from the inspectorate. That has been the experience. This may kindly be taken into consideration.

With regard to what my friend opposite was just saying, namely that a sum more than the salaries of a hundred employees of Government is spent on a bungalow of the Ministers, I do not know how he has been able to come to this conclusion. Perhaps he wanted to say something against the Government, and just he had been telling whatever came in his mouth.

It is, likewise not possible to have a similar Act for Delhi and for Kerala. Kerala has got its own enactment and the shop assistants there have got the benefit of the Act in Kerala. And that cannot be brought here, nor can the Act which is in force here be taken to Kerala.

I strongly oppose the suggestion that from 8-30 A.M. till 8-30 P.M. the shops

should be allowed to be kept open, because that will mean that the spread-over will be much more, and it will be to the detriment of the employees. The suggestion was that, in between, for some hours there should be closure and that sort of closure means that the workers in the shops, who will be supposed to be attending the shop at 8-30 A.M., will be leaving home early in the morning, and if they leave the shop after 8-30 P.M. it means that they will reach home very late, and the rest of the period, they will be whiling away. And meekly he has said that there should be double shift. And that also will mean that again the prices will go up. So both ways it is to the detriment of the consumers and to the detriment of the employees working in the shops alike, and, therefore, no consideration should be given to such a ridiculous and unworkable suggestion.

And about other things which the hon. Member has said, just he wanted to please his own ego, and therefore he was said them and run away, and so I need not attend to them. Of course the hon. Minister will take care of them.

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): Only walked away, not ran away.

SHRI ATAL BIHARI VAJPAYEE: On a point of order. The hon. Member has just stated that one particular Member ran away after making his speech. Is that a happy expression, Sir?

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): Not decent.

SHRI ABID ALI: What is wrong? All right; he had left the House. Agreed?

SHRI ATAL BIHARI VAJPAYEE: They are very particular about keeping decorum in the House.

श्री आबिद अली : यह मामला खत्म हो गया है, अब आप बैठिये ।

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION (SHRI SHAH NAWAZ KHAN): Sir, I am grateful

to the hon. Members who have taken part in this discussion. As I stated in my opening remarks, certain amendments had to be brought forward in the light of certain difficulties that were experienced in the actual implementation of the Act, and these amendments were placed before the Home Minister's Labour Advisory Committee, and the Labour Advisory Board of the Delhi Administration.

Sir, a number of hon. Members have spoken. Shri Lokanath Misra wanted that the self-employed shop-owners should be allowed to keep their shops open as long as they liked. But, Sir, that would give rather an unfair advantage to the persons who are operating their own shops themselves, and that might amount to discrimination, and would be objected to by other people. He talked about sick leave and said that sick leave on half pay should be allowed, as in the case of Government servants. Sir, according to the existing provisions, the amount of sickness or casual leave cannot exceed twelve days in a year. As against this we are providing that such leave shall not be less than twelve days. So, as far as that is concerned, that is an improvement, since higher sick leave can now be allowed by agreement. Regarding sick leave on half pay on the lines admissible to Government servants, it is not possible to compare the conditions of service of these employees with that of the Government servants. He also wanted that a wage board should be set up to determine the wages of shop employees. I am glad to inform the House that the Delhi Administration have set up a committee to fix minimum wages for shop assistants under the Minimum Wages Act. They have also appointed a Wage Board for employees in hotels and restaurants which are governed by the Delhi Shops and Establishments Act, 1954, since wage structure there is a bit complicated owing to the existence of tips. Then, Sir, he wanted that the spread-over should be minimised and the interval for rest reduced to half an hour and added that, to facilitate this, the workers may be required to work in shifts. Sir, under the Act, the spread-over is not to exceed 10½ hours in any commercial establishment and 12 hours in any shop on any day. Working in shifts is hardly feasible as few employers would be able to engage more than a set

of workers. This may also lead to abuses as pointed out by Shri Mitra, one being the same worker being called by two different names and employed in more than one shift, and this malpractice may receive encouragement under this guise.

Sir, a number of Members also made the suggestion that the shops should remain open on Sundays. Sir, this is entirely within the competence of the Delhi Administration, and there is enough flexibility in the Act to enable the Administration to fix any day for keeping a shop closed.

Then my friend, Shri Anandan, spoke about the continuous hours of work, and he said that people should not be asked to work for five hours continuously without a break for lunch or meals. Sir, this provision is in accordance with and on the same lines as the ones in the Factories Act, and we have based it on the same lines, and when the other workers in the country are working in similar conditions, we do not see any reason why we should make separate provisions for shop workers. Sir, he talked about the wages. That is fully covered under section 23 of the Act. Wages are covered under that particular section. No mention was made of that because no amendment to that was to be effected.

My hon. friend, Shri Chitta Basu from West Bengal talked about arbitrary retrenchment and said that no provision had been made in this Act against that. There are other Acts which take care of that and the workers are fully protected under the different sections of those Acts. Also if he will look at section 30 of this Act under the heading "Notice of dismissal" he will find that all the rights and privileges of the workers in this respect are fully covered.

My hon. friend Abdul Ghani Dar digressed from the Delhi Shops and Establishments (Amendment) Bill and the Act which is dealing with the conditions of the work of the employees in these shops and went on to deal with the political set-up of Delhi Administration. That is a little beyond the purview of the amendments which are now before the House.

شری عبدالغنی : میں نے تو صرف
اتنا عرض کیا کہ آپ کیوں تکلیف
اٹھائیں وہ خود ہی کر لیں -

†[श्री अब्दुल गनी : मैं ने तो सिर्फ इतना
अर्ज किया कि आप क्यों तकलीफ उठावें वह
खुद ही कर लें ।]

SHRI SHAH NAWAZ KHAN: I am sure if it is decided to give a separate Legislature to them, then this will automatically be transferred to them. But until such time as they have a separate Legislature of their own, the Central Government has to look after this.

I am also grateful to my hon. friend, Shri Abid Ali, for pointing out certain drawbacks and certain weaknesses in the actual implementation of these Acts. As he would see, there are Inspectors who have already been appointed under this Act to see that the Act is properly implemented. But I am grateful to my hon. friend for the information that he has given and we shall take all possible steps to ensure that the actual provisions of this Act are properly implemented and I hope, Sir, that with these amendments, which have been fully discussed by this hon. House, we will be able to implement this Act in a more effective manner.

SHRI ATAL BIHARI VAJPAYEE: May I ask a question as to whether Subzi Mandi is covered or not? In spite of this enactment being amended, subzi Mandi workers continue to work as before. They have no time-limit, no fixed hours of work and the Inspectorate has done nothing in the case of Subzi mandi.

SHRI SHAH NAWAZ KHAN: We will certainly look into that matter, Sir, and if there is any failure of that kind, we shall try to set it right.

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): The question is:

"That the Bill further to amend the Delhi Shops and Establishments Act, 1954, be taken into consideration."

The motion was adopted.

*] Hindi transliteration.

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): We shall now take up the clause by clause consideration of the Bill.

Clauses 2 to 6 were added to the Bill.

Clause 7—Substitution of new section for section 24—Contracting Out

SHRI SHAH NAWAZ KHAN: Sir, I beg to move:

3. "That at page 4, line 5, for the figure '1965' the figure '1966' be substituted."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): The question is:

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clause 1—Short title

SHRI SHAH NAWAZ KHAN: Sir, I beg to move:

(2) "That at page 1, line 4, for the figure '1965', the figure '1966' be substituted."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

SHRI SHAH NAWAZ KHAN: Sir, I beg to move:

1. "That at page 1, line 1, for the word 'Sixteenth' the word 'seventeenth' be substituted."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI SHAH NAWAZ KHAN: Sir, I beg to move:

"That the Bill, as amended, be passed."

The question was put and the motion was adopted.

ANNOUNCEMENT RE. TIME FOR DISCUSSION ON THE BASTAR INCIDENT

THE VICE-CHAIRMAN (SHRI M. RUTHNASWAMY): I have to make an announcement. The discussion on the Bastar incident will take place tomorrow at 2-30 p.m.]

The House now stands adjourned till 2-30 P.M.

The House then adjourned for lunch at fifty seven minutes past twelve of the clock.

The House reassembled after lunch at half past two of the clock, The VICE-CHAIRMAN (SHRIMATI TARA RAMCHANDRA SATHE) in the Chair.

MOTION RE REPORTS OF THE UNIVERSITY GRANTS COMMISSION FOR 1963-64 AND 1964-65

THE MINISTER OF EDUCATION (SHRI M. C. CHAGLA): Madam Vice-Chairman, I beg to move:

"That the Annual Reports of the University Grants Commission for the years 1963-64 and 1964-65 laid on the Table of the Rajya Sabha on the 7th May, 1965 and the 4th March, 1966 respectively, be taken into consideration."

Madam, at this stage I do not wish to take much of the time of the House. The Reports have been laid on the Table and I am sure all Members have perused them.

I shall listen with attention to the observations, suggestions and criticisms of the Members and when I come to wind up the debate I shall try and meet those suggestions and criticisms to the best of my ability.

The question was proposed.

SHRI M. RUTHNASWAMY (Madras): Madam Vice-Chairman, let me begin by congratulating the Minister on the up-to-dateness of the Reports and also on the readiness with which he has introduced the Reports for discussion in the House.

With regard to the composition of the University Grants Commission I cannot say much because it is according to the provisions of the Act but I must again draw the attention of the House—as I have drawn in past years—to the embarrassment caused to the Commission and to the members of the Commission by actual Vice-Chancellors of Universities being members of it because however impartial they may be in regard to their own Universities the impression goes abroad that they mutually help each other. Again about the presence of Secretaries of the Finance Department and of the Education Department, although it may be pleaded that their presence would expedite the discussion of questions because the objections that may be raised afterwards in the Education and the Finance Departments to the proposals of the Commission may be disposed of then and there at the meetings of the Commission, I am afraid the presence of these officials of the Finance and Education Departments would interfere with the freedom of discussion because at the very outset these officials may bring forward administrative objections or financial objections that might scotch any proposal of the members of the Commission. Any discussion of the proposals of the University Grants Commission by these officials should come at a later stage when the members of the Commission have come to their own conclusion. The point of view of the administration may be placed before the Minister after the decision of the non-official members of the Commission.

Then going to the body of the Reports I shall take up first the standards in regard to admission with which the University Grants Commission is charged. On page 7,