

[Mr. Chairman.]

Is it the pleasure of the House that permission be granted to Shri Ansaruddin Ahmad for remaining absent from all meetings of the House during the current session?

No hon. Member dissented.

MR. CHAIRMAN: Permission to remain absent is granted.

REQUEST FOR GOVERNMENT STATEMENT ON THE CONGO SITUATION

MR. CHAIRMAN: Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA (West Bengal): Sir, yesterday I raised the question of the murder of Mr. Lumumba and his colleagues. You did not say anything. I understood why you did not say anything. But today, after we made a request here, Government should make a statement, tell us something more about this crime against humanity so that we know the position. Now, in all the capitals of the world people are on the march in protest against this crime. We would like to know the position from the Prime Minister or somebody on behalf of the Government. I am sure that in the other House also something will come out. The Treasury Benches are empty.

MR. CHAIRMAN: Mr. Bhupesh Gupta, your statement yesterday has been communicated to the Prime Minister. There will be a debate on the President's Address where there is a paragraph about the situation in the Congo and every Member will be at liberty to raise this question. The Government, in replying to that, will make a statement or give an answer referring to this particular situation. You want a specific statement to be made by the Prime Minister. This will be communicated to the Prime Minister.

SHRI BHUPESH GUPTA: Sir, your sympathy is there. There is not the slightest doubt about it. Only I want

to know what steps Government have taken today or will take tomorrow, * * *

MR. CHAIRMAN: Order, order.

SHRI BHUPESH GUPTA: These are the things I would like to know.

THE DELHI SHOPS AND ESTABLISHMENTS (AMENDMENT) BILL, 1960

THE DEPUTY MINISTER OF LABOUR (SHRI ABID ALI): Sir, on behalf of my senior colleague, I beg to move:

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

The purpose of the Bill has been fully explained in the Statement of Objects and Reasons. The present law fixes the opening and closing hours of shops and establishments in Delhi rather rigidly. This has been causing inconvenience, and representations have been received for making a change in the existing position. In the Bill we have proposed that necessary powers be given to the Government namely the Chief Commissioner in this case, to fix the opening and closing hours. By this new arrangement it will also be possible to have different hours for different types of establishments or areas, 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. I hope hon. Members will appreciate the advantage of the proposal contained in the Bill.

[MR. DEPUTY CHAIRMAN in the Chair.]

I commend it for consideration by the House.

The question was proposed.

* * * Expunged as ordered by the Chair.

شری فرید الحق انصاری (اُتو)

پروپوزیشن : قومی چیمبرمین صاحب -
ابھی میں آنریبل قومی منسٹر کی
تقریر سن رہا تھا - میں نے اس
بل کے ایڈس اینڈ آپجیکٹس کے
متعلق جو کچھ کہا ہے اس سے سمجھ
بھی اتفاق ہے مگر میری سمجھ میں
نہیں آتا ہے کہ یہ ایکٹ جو کہ دلی
لیجسلیچر نے سنہ ۱۹۵۲ میں پاس
کیا تھا وہ اب تک یہاں کیوں لاگو
ہوتا رہا ہے - اس کے سلسلہ میں
غالباً ان کو بھی معلوم ہوگا کہ اکثر
پروپوزیشنیں ہوتے رہے - یہ دلی کا شہر
بہت بڑا ہے اس کے بہت بڑے بڑے
حصے ہیں اور مختلف طرح کے ہیں -
ان میں جو شاپ کیپرس ہیں ان کو
اس قانون کی وجہ سے کافی تکلیف
اور مشکل پیش آتی رہی ہے - اول
تو میرے خیال میں سب کو معلوم
ہے کہ اس قسم کا جو ایڈ منسٹریشن
ہوتا ہے اور یہ ایڈ منسٹریشن
جن آفیسرس کے ذریعہ سے کیا جاتا
ہے ان میں اکثر کریپشن بھی آجاتا ہے -
شاپس اور اسٹیبلشمنٹس کے سلسلہ
میں اور سیمس ٹیکس کے سلسلہ میں
بھی اس طرح کی شکایتیں سنی جاتی
ہیں - خاص کر شاپس اینڈ
اسٹیبلشمنٹس کے سلسلہ میں یہاں
دلی میں اکثر دیکھا گیا ہے کہ
مختلف حصوں میں جو اس کے لئے
پینٹی آفیسرس ہیں وہ بیچارے
چھوٹے شاپ کیپرس کو ذرا سی بھی

بھول کے لئے پریشان کرتے ہیں - جو
مقررہ وقت سے اس سے پندرہ منٹ
زیادہ کی اجازت تو ہے لیکن اگر
پندرہ منٹ سے ایک سیکنڈ بھی
کچھ زیادہ ہو گیا تو بیچارے شاپ
کیپرس کی گردن پر وہ سوار ہو جاتے
ہیں - اور ان کو تلک کرتے ہیں -
اس امنڈمنٹ کے بعد بھی غالباً یہ
ہوگا - تو آنریبل منسٹر سے میری
یہ درخواست ہے کہ وہ کوئی ذریعہ
ایسا اختیار کریں جس سے جو بیچارے
چھوٹے شاپ کیپرس ہیں ان کو
ہرا سمنٹ نہ ہو - انکو تلک نہ کیا
جائے -

دوسری بات یہ ہے کہ غالباً
پچھلے سال یا اس سے پہلے
یہاں کے میڈیکل پریکٹیشنرس نے
سخت پروٹیسٹ کیا تھا کہ اس
ایکٹ کو ان پر لاگو کرنے سے بہت
دقتیں اور مشکلات پیدا ہو جاتی ہیں
اور اس کی وجہ سے پھیشینٹس کو
تکلیف ہوتی ہے - اگر ۸ بجے کے بعد
وہ کسی پھیشینٹ کو ایگزامن کریں
اور ان کا اسٹنڈنٹ—کہہ دو—اس کے بعد
کام کرتا رہے تو وہ قانون کی زد
آ جاتے ہیں - معلوم نہیں کہ گورنمنٹ
نے اس کے متعلق کیا کیا ہے اور جو
مشکلات انہوں نے اپنی پیس کی
تھیں ان پر کچھ غور کیا گیا ہے یا نہیں
کیا گیا ہے اور ان کو اس ایکٹ سے معاف
کیا گیا ہے یا نہیں کیا گیا ہے -

[श्री फ़रीद الحق انصारी]
 बेह حال یہ ایک اچھا قدم ہے کہ
 دلی کے مختلف حصوں میں ضرورت
 کے لحاظ سے اور مختلف محلوں کے
 لحاظ سے شاپ کیپرس ایڈی دوکانوں
 کھولیں اور بند کریں - جبکہ ان کی
 مشکلات کے اوپر آج غور کیا گیا ہے اور
 ان پر د کرنے کے بعد یہ املڈمنٹ
 پیش کیا گیا ہے تو میں اس بل کا
 خیر مقدم کرتا ہوں - یہ بھی اچھا
 ہوا ہے کہ جو دلس بدلنے کے ان کو
 پارلیمنٹ کے سامنے پیش کیا جائے
 اور اگر پارلیمنٹ اس میں کوئی
 تبدیلی چاہے گی تو تبدیلی کر سکے
 گی - ان الفاظ کے ساتھ میں ریگمنٹ
 کرتا ہوں کہ یہ بل منظور کیا
 جائے -

†[श्री फ़रीदुल हक अन्सारी (उत्तर प्रदेश):
 डिप्टी चेयरमैन साहब, अभी मैं आनरेबल
 डिप्टी मिनिस्टर की तकरीर सुन रहा था।
 उन्होंने इस बिल के एम्ज एंड आब्जैक्ट्स
 के मुतलिक जो कुछ कहा है उस से मुझे भी
 इतफाक है मगर मेरी समझ में नहीं आता है
 कि यह एक्ट जो कि दिल्ली लेजिस्लेचर ने
 1954 में पास किया था वह अब तक वहां
 क्यों लागू होता रहा है। इस के सिलसिला में
 गालिबन उन को भी मालूम होगा कि अक्सर
 प्रोटैस्ट्स होते रहे। यह दिल्ली का शहर बहुत
 बड़ा है। इस के बहुत बड़े बड़े हिस्से हैं
 और मुख्तलिफ हिस्से मुख्तलिफ तरह के हैं।
 इन में जो शाप कीपर्स हैं उन को इस कानून की
 वजह से काफी तकलीफ और मुश्किल पेश आती
 रही है। अब तो मेरे ख्याल में सब का
 मालूम है कि उस किस्म का जो एडमिनिस्ट्रेशन
 होता है और यह एडमिनिस्ट्रेशन जिन

आफिसर्स के जरिये से किया जाता है उन में
 अक्सर कम्प्लेन आ ही जाता है। शाप्स और
 इस्टैब्लिशमेंट्स के सिलसिला में और सेल्म
 टैक्स के सिलसिला में भी इस तरह की शिकायतें
 सुनी जाती हैं। खास कर के शाप्स एंड एस्टै-
 ब्लिशमेंट्स के सिलसिला में यहां दिल्ली
 में अक्सर देखा गया है कि मुख्तलिफ
 हिस्सों में जो इस के लिये पैटी
 आफिसर्स हैं वे बेचारे छोटे शाप कीपर्स
 को जरा सी भी भूल के लिये परेशान करते हैं।
 जो मुक़र्र वक्त है उस से 15 मिनट ज्यादा
 की इजाजत तो है लेकिन अगर 15 मिनट से
 1 सेकंड भी कहीं ज्यादा हो गया तो बेचारे
 शाप कीपर्स की गर्दन पर बे मवार हो जाते हैं
 और उन को तंग करते हैं। इस एमेंडमेंट के
 बाद भी गालिबन यह होगा। तो आनरेबल
 मिनिस्टर से मेरी यह दरख्वास्त है कि वह
 कोई जरिया ऐसा अख्तियार करें जिस से जो
 बेचारे छोटे शाप कीपर्स हैं उन का हेरिसमेंट
 न हो। उन को तंग न किया जाये।

दूसरी बात यह है कि गालिबन पिछले
 साल या उस से पहले यहां के मेडिकल प्रैक्टिशनर्स
 ने सख्त प्रोटैस्ट किया था कि इस एक्ट को
 उन पर लागू करने से बहुत दिक्कतें और
 मुश्किलात पैदा हो जातों हैं और उस की वजह
 से पेशेंट्स को तकलीफ होती है। अगर 8 बजे
 के बाद वे किसी पेशेंट को एग्जामिन करें और
 उन का असिस्टेंट-कम्पोडर-उस के बाद काम
 करता रहे तो वे कानून की जद में आ जाते हैं।
 मालूम नहीं है कि गवर्नमेंट ने इस के मुतलिक
 क्या किया है और जो मुश्किलात उन्होंने
 अपनी पेश की थीं उन पर कुछ गौर किया गया
 है या नहीं किया गया है। और उन को
 इस एक्ट से मुआफ किया गया है या नहीं
 किया गया है।

बहरहाल यह एक अच्छा कदम है कि
 दिल्ली के मुख्तलिफ हिस्सों में जरूरत के
 लिहाज से और मुख्तलिफ महल्लों के लिहाज
 में शाप कीपर्स अपनी दुकानें खोलें और बन्द
 करें। जबकी कि उन की मुश्किलात के ऊपर

आज गौर किया गया है और उन पर गौर करने के बाद यह अमेंडमेंट पेश किया गया है तो मैं इस बिल का खैर मुकदम करता हूँ। यह भी बहुत अच्छा हुमा है कि रूलन बनेंगे उन को पालियामेंट के सामने पेश किया जायेगा और अगर पालियामेंट उस में कोई तब्दीली चाहेगी तो तब्दीली कर सकेंगे। इन अफ्फाज के साथ मैं रिकनेड करता हूँ कि यह बिल मंजूर किया जाये।]

SHRI N. SRI RAMA REDDY (Mysore): Deputy Chairman, I heartily welcome the amendments proposed in this Bill. It is because the principal Act that has been enacted in 1954 places a certain amount of rigidity with regard to the opening and the closing hours of commercial establishments or shops. This rigidity has been a source of great hardship to the owners or the managers of shops or commercial establishments, as has been found from the experience of working this Act for six years. For instance, there are different kinds of shops and different kinds of commercial establishments. Their opening and closing hours naturally depend upon the particular commodities they deal in. In the case of hotels or eating establishments, their hours of working should naturally be different from those of the shops or establishments that deal in consumer goods. For example, if a vegetable vendor is asked to open his shop only at eight in the morning and close it only at ten at night, if there is that rigidity, that will surely work against him. Most of the householders would like to purchase their vegetables right in the morning, at six or seven, or much earlier if it can be helped. In that case, there will be no meaning in insisting upon the vegetable vendor to open his shop or close it at a particular hour. After all, what is the chief aim of this Act? It is only to provide a safeguard that no employer should exploit the employee unduly. We want every person to con-

tribute only a certain number of hours of work and he shall not work more. Of course, formerly there was no rigidity in this respect, and everyone, even the shop assistants used to work for seven hours and eight hours and ten hours and twelve hours depending of the nature of the business carried on. We did not want that such exploitation should be allowed to go on. Therefore this Shops and Establishments Act came into force. When we have insisted that only eight hours' work should be got from every employee, it does not matter either for us or for the public for how many hours a particular shop is kept open—even if it is kept open for twelve hours or for eighteen hours. As a matter of fact we are not bothered; it only means providing more employment for the people. So long as every adult works only for eight hours with a leisure of, I think, nearly an hour or so during his hours of work we should be completely satisfied. Therefore it is quite right that for different shops there should be different opening hours. Not only that, in a year, during a particular time different timings of opening and closing may be necessary and so it is quite in the fitness of things that such an amendment has been brought forward, and it is not too late in my opinion.

Now powers have been given to the Chief Commissioner of Delhi. I do not mind if the Commissioner takes into consideration the requirements of the individual shop-owner or manager and fixes for each shop different timings according to his convenience. In any case, Sir, all the rules that are going to be made in this behalf are going to be placed before Parliament for approval. Therefore we need not apprehend any difficulty. This is an innocuous sort of amendment and it must go through.

My friend who spoke on the other side was afraid of corruption. I was not able to understand his Hindi fully. All the same, if I have understood him correctly, he was talking of

[Shri N. Sri Rama Reddy.]

corruption that was likely to arise in case the Chief Commissioner was entrusted with all these powers. At least in this case no corruption can arise.

SHRI FARIDUL HAQ ANSARI: Why "likely to arise"? Already corruption is going on.

SHRI N. SRI RAMA REDDY: There cannot be anything like that. It is a question of an agreement between the employer, the employee and the Government. If all these three people agree, how any corruption can come in at all, I cannot understand. Who is going to corrupt whom and how? All this is impossible. I think it is more imaginary than real. Especially in the working of a Shops and Establishments Act like this no corruption can come in at all. So I have absolutely no doubt that this House will completely agree with the provisions that have been made in this Bill, and with the provision that the Chief Commissioner, in this case, could, in consultation with the manager or owner of a particular shop or commercial establishment fix the timings for opening as well as closing. As a matter of fact this is going to bring an additional benefit in that we are not going to fix the number of hours during which a particular shop should be kept open. Supposing instead of eight hours a shop is kept open for eighteen hours, it amounts to this that there will be greater scope for employment in the country and extra hands will be employed to do the extra work that will ensue if the shop was kept open for more than eight hours a day. So this is a thing which we should heartily welcome so long as—of course—the other provisions of the Act are satisfied, namely that no adult person shall be made to work for more than eight hours in a single day. Similarly, for children 8 hours have been fixed and no child shall be made to work for more than six hours. Therefore, looked at from any angle, this amendment is a very beneficial amend-

ment. It is going to be heartily welcomed by all, including the managers and owners of the shops and commercial establishments on the one hand, and the employees on the other. Also it would be very helpful to the Government in that by this method we will make possible the creation of more employment opportunities for the unemployed in our country. Therefore, Sir, I again heartily welcome this amendment and the provisions contained therein which are of a consequential nature, as has been stated in the Statement of Objects and Reasons. Certain amendments of a consequential nature have been enunciated here. I give my wholehearted support to this Bill, and I hope there will be no difficulty in pushing through this Bill.

REQUEST FOR GOVERNMENT STATEMENT ON THE CONGO SITUATION

SHRI BHUPESH GUPTA: May I point this out for your consideration, Sir? I understood and I verified it also and so I say that the Prime Minister is making a statement in the other House on the Congo situation and on the assassination of Mr. Lumumba in the Congo. Many of our Members are upset by the events in the Congo and that is why I say that the statement made in the other House might also be made here so that we might also have the same liberty as the Members of the other House to ask questions of the Prime Minister for elucidation of facts. Therefore, Sir, I would suggest in the interests of our House and dignity of our House, that the Prime Minister be requested to come here and make the statement this very day. He has not waited there for the debate on the president's Address to take place.

MR. DEPUTY CHAIRMAN: Yes.