

SHRI BHUPESH GUPTA: I would like to say a few words. I am sorry that the hon. Minister permitted himself to some measure of confusion which was absolutely unnecessary. Towards the end of his speech, he said that I was not opposed to the Bill. In this connection, I would only like to impress upon him that what I suggested in order to maintain and improve our position in the international market was that there should be some reorganisation. In this connection, even if nationalisation cannot be undertaken—I know it cannot be undertaken by them; I see their difficulties—they can take up the trade in the State sector through the operation of the State Trading Corporation. That will enable them to manoeuvre in the international market better than what the private elements are doing. We had been suggesting in the past that foodgrains should be taken in the State sector. Now, you hear of the National Development Council discussing it. The matter is being discussed in the Congress Party and I believe in the Government but the only thing is that they are realising the need for it now. It may be too late but does not matter. Here again, we want to suggest this because the situation has developed to a point where this kind of reorientation is warranted.

The hon. Minister made a point about the tea tasters. I understand the technical skill and all that but as I am coming from Calcutta, I should like to tell the House and the hon. Minister that the European concerns in Calcutta are not interested in imparting the technical know-how to Indians. In fact, some of these undertakings are trying to victimise those Indian nationals who have got training abroad and are working as tasters in some of the concerns. Here I understand in Calcutta some of the Indian interests are trying to start a co-operative in order to protect national interests and improve the situation. I hope such proposals—I do not know what the proposals are—would be sympathetically con-

sidered by the Government. Therefore it will all depend on how they are handling the whole business. He was very right towards the end when he said that merely by giving export duty relief the position cannot be improved. It might as well go to improve the position of profiteers and industrialists. This was precisely what I was trying to impress upon the hon. Minister that until and unless such measures are simultaneously backed by effective steps in different directions the results will not be what are aimed at.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be returned."

The motion was adopted.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL, 1958—contd.

SHRI P. T. LEUVA (Bombay): Mr. Deputy Chairman, Sir, in the morning today we had informal discussions regarding the provisions of this Bill and I hope now in view of the informal discussions we had in the morning, my hon. friend, Dr. Raj Bahadur Gour, will see wisdom and withdraw his motion for reference of this Bill to a Select Committee.

Now, Sir, with respect to this legislation I have to make a few observations. It is no doubt true that the Workmen's Compensation Act is itself a part of our social security measures provided to our workmen. Whenever a person who is engaged in a hazardous occupation wants to engage an employee he does so with open eyes and therefore it is quite equitable and justified that in case of injury or loss of life as a result of injury caused in a hazardous occupation, the workman should be entitled to compensation. In spite of this I would suggest one thing that in view of the fact that we have got

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several measures of social security, a time has come when we must consider their total effect.

DR. A. N. BOSE (West Bengal): Sir, there is no Minister present.

MR. DEPUTY CHAIRMAN: Mr. Gopala Reddi is here representing the Government. And every word that is said here will be recorded and passed on to those concerned.

SHRI P. T. LEUVA: As I was saying, there are several measures for providing benefits to the workers. We have got the Provident Funds Act; then we have got retrenchment and lay-off compensation. Of course, the Provident Fund and the retrenchment and lay-off benefits came much later than the Workmen's Compensation Act. At the same time in view of the increased pace of industrialisation it is now necessary for us to consider this question of the cost structure of every industry and relate a burden of this nature in such a manner that neither the worker nor the industrialist is in any way unduly handicapped. Because unless the industry is kept alive the worker would not only lose his compensation but would lose his job as well. I would therefore submit, Sir, that before extending the scope of any legislation of this nature we should have a wider perspective than merely have a narrow outlook of giving benefits to a particular section of persons engaged in any industry. The present measure has certainly given more benefits to the workmen than what they had before. For example, the period of limitation regarding filing of claims has been increased from one year to two years. I am not much enamoured about this extension of period of limitation because it is common knowledge that the courts whenever there was an occasion regarding giving benefits to workers have always erred in favour of the workmen and have always condoned any delay in filing their

claims. My fear is that this extension of period might work not in favour of the workmen but it might be in favour of the employers for the simple reason that delay always defeats justice because the evidence that might be available in the earlier stages might disappear. The solvency of the person who is liable to pay compensation might also be adversely affected through lapse of time. I am therefore personally of the opinion that in view of the fact that the courts have wide discretion to condone delays it was not necessary to increase this period to two years because I feel it might only mean delay in the disposal of these cases.

One thing of importance which is now being legislated upon is the liability to pay compensation. Sometimes it was deliberate and sometimes it was through mistake that the claims of workers were defeated by transfer of assets. It is really no doubt very beneficial to the worker that his claim has now been ensured by making a legal provision that in case any assets are transferred before the compensation is paid, that compensation will be a charge on the assets. But I am intrigued about the provision itself because as it stands now, the charge is only created on the immovable property that may be transferred. So far as industrial factories are concerned, immovable property might form a substantial part of the assets, but there are trading and other concerns which may not be having a substantial portion of their assets in immovable property. In those cases the claims of the workers might be defeated by transferring those assets which may be only movable property. I would therefore suggest that the hon. Minister should reconsider this question and see whether it is advisable to make it applicable only to immovable property. I know there are certain administrative and legal difficulties involved in covering movable property but by a suitable legal device I think we can always find out ways and means of stopping any loop-hole that might be left there.

Now, Sir, I do not wish to go into the detailed questions which have been raised in the discussion but one of the issues raised was regarding the quantum of compensation. It must be remembered however that the quantum of compensation today is related to the wage. The quantum of compensation has nothing to do, as the law stands today, with the cost of living index. It can be justifiably argued that the proportion which was fixed in 1923 may not be justifiable now, but in a Bill of this nature—which has got a very limited scope—it would be indeed difficult for the Minister or this House to consider the question of quantum of compensation, unless the question is thoroughly examined, because fixing of quantum of compensation is a technical subject and requires careful study. Of course, times have changed. The cost of living has increased. The earning capacity of the worker has also increased. I understand that a committee is considering this question regarding the quantum of compensation. I hope and trust that this committee will give due consideration not only to the claims of the labour, but also consider the probable effect and the probable burden that the industry might have to bear in case the quantum of compensation is raised upwards.

This measure is no doubt helpful to the workman, but what I would suggest is that instead of working in the direction of paying compensation we must adopt a different angle altogether. As the country is developing industrially, hazardous occupations also increase. The list of occupational diseases is also increasing. What should be our attitude in this matter? To a person who loses his life, it is a very poor solace for him if compensation is to be paid to his dependants. No person is willing to exchange his limb for any monetary price. So, in my opinion, the most proper thing to do is to see that the safety measures are enforced in a more rigorous manner. As the complications in the industry increase,

side by side there must be research going on to devise the safety measure for protecting the life and limb of the worker.

Regarding occupational diseases also, it is better to have preventive measures rather than have curative measures. In regard to a person who is working in an industry which afflicts him with any particular disease, it would be cheaper to make him resistant to that disease rather than provide for compensation in case he falls victim to an occupational disease. We should take measures to increase the resistance power of the worker. We must take measures to increase the vitality so that he will resist any disease to which he would be ordinarily liable.

Another question in this connection was raised by one of the hon. Members, that the workers should be rehabilitated in the industry. So far as a person who claims compensation because of occupational disease is concerned, I do not see any point in rehabilitating him in the same industry, because a person who has himself shown vulnerability to that occupational disease, even after recovery would be still weaker and he would be more vulnerable to the occupational disease than what he formerly was.

Regarding the other question that after a person is cured, even though his functional capacity might have been reduced, he must be given alternative appointment in the industry, any industrialist would be willing to employ a person who has suffered in this manner rather than pay compensation for work which is not done by him at all, because compensation is paid to a person who does not do an service to the employer. But if he is in a position to employ him, he will pay him only for the work that being done. But it will be very difficult indeed to rehabilitate a person in the industry from which he has discontinued to work because of disability. In this connection, hon. Members lose sight of one factor that if a person, who was disabled due to any injury received during his course

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of employment in that industry, is rehabilitated in his own industry again, he will be displacing an able-bodied person from employment. This question of rehabilitation of a worker should not be a burden on the industry itself. It is for the society to consider the entire question of providing benefits to persons who are disabled. There are not only disabled workers, but there are other categories of people who might have been disabled for no fault of their own. Therefore, it is a larger question which still requires to be tackled. But I do not think that the time has still become opportune for considering that question. I would, therefore, suggest that the Bill which has been presented today is sufficiently wide enough to cover such categories of workers who are really in need of protection.

Some friends suggested that the list of occupational diseases should be expanded. Now, Sir, if they carefully read the amending Bill they will find that the State Governments and the Central Government have been given the power to expand the list of occupational diseases as and when they find it necessary. To decide whether a particular disease is an occupational disease or not is a very technical question. It requires a lot of evidence before one can come to any judgment. I would, therefore, submit that hon. Members sitting opposite and those friends who are interested in the welfare of the workers would at least depend upon the judgment of two Ministers who have spent their life time in the service of the working people.

Sir, I have nothing more to say.

SHRI BABUBHAI M. CHINAI (Bombay): Mr. Deputy Chairman, I rise to make a few observations on the amending Bill. Taking into consideration in isolation the amendments which have been proposed to this Bill, I feel that these amendments have been brought only from a humanitarian point of view. But, if we look

to the economic situation of the country, I feel that this would be an additional burden which under the present circumstances the industries cannot bear. If we take into consideration the original Act plus the amendments suggested, plus the State Insurance Scheme, benefits taken as a whole, the industries in the present circumstances are not in a position to bear the whole burden. As it is, most of the industries today are becoming very high cost industries and it is not in the interests of the country itself that the industries should become very high cost industries. We are finding it very difficult to export our commodities but for the fact that the industries are getting some comfort, some encouragement by way of import restrictions. That is a protection which the industries are getting. Therefore, they have been able to pull along. But what is necessary today is, and the important aspect of it is, that we must seriously consider whether the situation is such as to absolutely necessitate bringing in such amendments piecemeal now and then. It is all right that some sort of provision for the welfare of the labour should be there, but we must take the overall picture and come with an integrated scheme. If I am not mistaken, the Government of India are considering the question of bringing before Parliament an integrated social welfare scheme, and if all these amendments are incorporated in it, then it will go a long way to meet the needs. By bringing them piecemeal the situation becomes such that neither the employer nor the employee is well served. There is always an ambiguity in it, and the ultimate result is that a long litigation is resorted to, and thereby both the employers and the employees are put to great hardship.

SHRI SHEEL BHADRA YAJEE (Bihar): Only the employers.

SHRI BABUBHAI M. CHINAI: The Employees' State Insurance Scheme which is before us carries out most of the social objectives which we are

required to fulfil in respect of our labourers. But the only difficulty is, as I said, this covers only particular industries, and therefore if at a sooner date this scheme is extended to other industries, I think the purpose of the amendment would be well served.

Then, as I said, it is necessary to sit together and see that all those reforms, all those reliefs which the Government intends to give to the labourers, are decided by a tripartite conference. We can have a single consolidated social relief Bill, so that the people who are going to get that relief, and the people who are expected to give that relief, know as to where they stand.

Then, Sir, it has been pointed out that unnecessary ambiguities should be removed. Piecemeal legislation, time and again, brings complications, and after all it will be for the courts to interpret the provisions, and it is not desirable either for the employer or for the employee to go to a court for clarification of the provisions of this Act.

Sir, I would briefly refer to two or three clauses which require the attention of the hon. Minister. Clause 2 seeks to eliminate the difference between the minor and the major. I can quite understand it when people who are major or minor are disabled, because then the question of dependants arises. But so far as the minors are concerned, when death occurs, I do not know who the dependants are, unless in a few rare cases old parents are there. In that case it would have been better if it is left to the employers to judge for themselves the need of relief for the minor's dependants. Similarly, in clause 5, there is a penalty, provided for default to pay compensation, of 6 per cent interest, and also a penalty of 50 per cent of such amount has been provided. I think justice would have been met if 6 per cent interest only was there. The amount of 50 per cent penalty was not at all necessary.

Clause 8 seeks to increase the period of limitation from one year to two years. Much has been said on the floor of the House on this aspect of the question. I can quite understand the justification for an increase in the period of limitation in special cases, as for example a seaman who dies or is disabled on high seas. Otherwise, the only net result of it would be litigation and long litigation, and I am sure that it is not the intention of the Government that this should result. I would request the hon. Minister to consider this point.

DR. R. B. GOUR (Andhra Pradesh): Sir, one small interruption. Will he kindly reply to this? There are cases when the employee who is disabled or who is the victim of an accident is in the hospital for one year or he is in correspondence with the employer himself for one year, because the Workmen's Compensation Commissioner does not take the period into account when the worker is in correspondence with the employer. Therefore, for this reason, why do you object when it is made two years?

SHRI BABUBHAI M. CHINAI: I do not object to it under the circumstances as stated by my friend. But as I quoted the example of a seaman, if he dies on high seas, naturally that requires time and it requires a limitation of two years or sometimes more even; but under ordinary circumstances the net result of it would be that the litigation would be prolonged.

SHRI P. N. SAPRU (Uttar Pradesh): How will it injure the employers?

SHRI BABUBHAI M. CHINAI: The employers will also have to spend on litigation, and spend time to that extent they will also be affected.

In clause 13, even for ordinary breach of notices and maintenance of notice book the penalty has been raised from Rs. 100 to Rs. 500. I do not know why for such small breaches the cognizance should be so seri-

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ous, why the Government has thought fit to raise the penalty from Rs. 100 to Rs. 500.

I have made these observations for what they are worth, and I would beseech the hon. Minister to take them into consideration.

DR. SHRIMATI SEETA PARMANAND (Madhya Pradesh): Mr. Deputy Chairman, I support this Bill whole-heartedly but oppose the motion for Joint Select Committee. I support the Bill whole-heartedly not because I feel that everything that needs to be done in this direction is being done, but because I feel that such a legislation, when it has taken such a long time to come in this amended form—about twelve years—is welcome. It has given us something, and we can ask for something if we want. Anything that is done to ameliorate the conditions of the workers is welcome.

Sir, I oppose the motion for Joint Select Committee because, firstly, I was surprised that the names of the Members on the opposite side should have been omitted. Besides, whatever it may be that makes a Joint Select Committee motion it has to request Members to join the Committee, leaving it to them to decide whether they could or could not serve on the Committee, obtain their consent and put their names on the Committee. (*Interruption.*) It is for Government to accept a Joint Select Committee motion or not, but it is not for the mover of a Joint Select Committee motion to show such narrow-mindedness as to say that the views of the other side are immaterial. After all when Government move a Joint Select Committee motion or a private Member on a Bill moves it, they always ask the Members on the other side, and I thought that parliamentary experience of so many years should not have been lost on our friend.

DR. R. B. GOUR: You are under the whip of Mr. Doogar. What can we do?

DR. SHRIMATI SEETA PARMANAND: We would have taken care of ourselves and the Whip would have taken care of us. Having failed in their parliamentary duty they should not find excuses. If the real interests of the workers were at their heart and not just publicity, then I am sure they would have liked us to co-operate with them. (*Interruption.*) Sir, I would not go further into this question because I think all the remarks I have made will stand in good stead for future occasions. They would do their bit to the opposition whatever their views may be.

DR. R. B. GOUR: Kindly pass all your remarks to your Whip.

DR. SHRIMATI SEETA PARMANAND: Sir, this is a social security measure and no social security measure can ever have a sort of final word on the matter. It is by its very nature progressive. As I have already said, much remains to be done. The day when the Employees' State Insurance Act could be applied to all industries, with the financial conditions in our country permitting this, much of this type of legislation would not be necessary. But I would here point out that even in a country like the United Kingdom which is the home, the mother country, of trade unionism, even now amendments are brought to all types of social legislation, and that itself should show that there is never a last word on this matter. Sir, the very fact that the workmen in our country 4 P.M. are employed without much training or preparation makes it more necessary to have this kind of workmen's compensation and the figures which show that the number of injured workers has gone to lakhs from thousands in spite of the rapid developments in industries also show that training in industry and training for safety are the rock foundations of this type of legislation. The Government had recently called a conference

of experts from England for safety measures in coal mines so far as that industry goes. I think that such a type of thought should be given in regard to every industry and the Government will do well to bring forward appropriate legislation by which, according to the nature of the industry, the Government would make it necessary for every worker employed in a mechanical type of work or technical work, to have undergone training at least for a period of one month or a course of lectures—maybe, in terms of six lectures—to understand the nature and implication of that industry so that he can protect himself. In other countries—I would mention the coal industry, for instance—nearly a course of twelve lectures is given to workers before they are sent underground. These lectures are not given by any specially appointed staff necessarily, but by staff like the foremen, surveyors, engineers, etc. who are in the industry. No worker is allowed to go underground or undertake any kind of mechanical work without that even though he may be a technically trained person in that particular industry. The second point is, in these countries, no worker is sent to a job of a technical nature excepting in the company of a worker who has already been there for a period of one year or more—that is, in the company of an experienced worker—and that eliminates this danger of accidents and injuries. I would, therefore, suggest that if the same thing is done here also, the number of accidents in the industries of our country might be reduced.

I would also submit that it is not enough to make the terms of compensation liberal, but it is also necessary to see that employment is guaranteed to workers who have been injured and who can be rehabilitated. I would even suggest that the Government could give some sort of a temptation or concession to the employers in the grant of compensation by reducing a certain percentage, if the same indus-

try re-employs a worker after he has been restored to normal health and when a certain percentage of his working capacity could be utilised. That itself would be a better compensation by an employer than being paid a compensation and sent away to fend for himself. Whatever may be the quantum of injury as shown in Schedule I—75 per cent., 5 per cent. or 7 per cent.—an injured worker is an injured worker, and nobody would take a person who is handicapped in the slightest manner as a new employee. So, in the next set of legislation which the hon. Minister has promised with regard to workmen's compensation, it would be necessary to take these factors into consideration and lay down the quantum of compensation on the basis of re-employment of a worker in the same industry, by the same employer. Or, on the other hand, in its Employment Exchanges, the Government could keep a section open where such injured workers were listed separately and were given preference for employment in lighter types of industries where able-bodied workers could be employed. That would be a guarantee to the workers and that would be a sign of the Government being fully aware of their responsibility towards these handicapped people.

A general type of responsibility that the Government has to shoulder when thinking of workmen's compensation because they are injured, is to start rehabilitation centres as in other countries. The rehabilitation centre has a double meaning. It does not mean only that the person should be bodily rehabilitated by being looked after as far as his recovery is concerned. A person should not be kept just in a hospital as it is done in our country where the injured takes a long time to recover, perhaps a year or two or, sometimes even as long as eight or nine years. If a person is in the hospital for a long time where the atmosphere is far from being cheerful, recovery is not to be entire-

[Dr. Shrimati Seeta Parmanand.] ly a physical one, but it is based on the mental factors also because a cheerful atmosphere and a helpful attitude and the surroundings, with other comparatively able-bodied people—and not absolutely diseased and ailing people—go a long way in giving him a speedy recovery. Therefore, the Government has to emulate the example of those countries where such rehabilitation homes are to be found practically in every industry—particularly, in industries which have greater hazards—and start such homes at least in the mining industry which is most hazardous and see what the effect would be.

Rehabilitation has its second meaning, that is, starting special centres for teaching the patients of these homes some crafts so that they could make a living—a better and improved method of living—in spite of the handicaps that they suffer from. That is, if they have got a bone injury, their homes have to be equipped through Government funds in such a way as would make it possible for them to live without much help from the family members, through mechanical gadgets. Similarly, by being taught some sort of crafts, a person who cannot leave his seat due to a back injury may earn money. He may be taught printing so that by sitting at home, he may be making invitation cards, visiting cards and things of that type. Similarly, knitting or weaving or other appropriate crafts have to be taught to people in these rehabilitation homes. These secondary rehabilitation centres are for those who need not stay in rehabilitation homes, but whose injury is of such a type that they would not be able to go back to the same industry and would be able to carry on with some sort of a light work, making *newars* or repairing something or things of that kind. If these things are done with the aid of the industries or with the help of welfare funds or on a 50: 50 basis, that will be, I think, a far better

method of looking after the workers than giving them some compensation and then forgetting them altogether.

Similarly, I would like to point out here that it is not only the responsibility of the Government wherever the industries are completely nationalised, but also the responsibility of the unions to appoint inspectors for this task. It would be rather difficult to believe that there are so many people in this country who are anxious to accept jobs of well-paid inspectors under unions rather than under the Government and through these officers, it is possible to reduce the number of accidents.

So, with these words and again impressing on the Government to come forward with a scheme, I would suggest that after their 'safety' conference' in the coal industry which I was unfortunately not able to attend because I was not here, they should lay emphasis on the necessity of taking safety measures not only through Government agencies, but also through workers' agencies because there is to be workers' participation in the management also. The Government should take the next logical step, namely, the establishment of rehabilitation homes where their speedy recovery and their rehabilitation through some sort of improvement will be taken care of, without rendering them as useless elements of the society. Sir, I would not like to go into the details of the clauses because, speaking towards the end of the debate as I am doing, most of the clauses have been attended to already by others, but I would like here to mention one or two points with regard to these also.

With regard to a minor having been put on the same level as an adult person, I would like to bring to the notice of the Government one factor, namely, that the compensation being given to a minor on the same level as that to an adult is not adequate to my mind because a minor, as a disabled person, has a longer period of

life to pass if he is more or less completely or more than partially disabled, and in that case I would say that, even though a minor has no dependants, looking at it from the other point of view, a minor ought to get greater compensation, and I would leave it to the Government to consider when the next Bill comes.

With regard to the liability of the employer to pay six per cent interest on delayed payments of compensation I am afraid that unless the amount is produced in front of the Compensation Commissioner, this kind of measure, in practice, is not going to be of much help, because many people have seen how Tribunals' decrees and Regional Commissioners' decrees are passed and how they are disobeyed until the Government is forced to launch prosecution proceedings and, when done, how the prosecution of the employers takes years. Thus all these measures are defeated. And if they are not to be defeated as far as giving benefit to the worker is concerned, to my mind there are two ways. One is to make the payment in instalments, the first instalment being payable on the spot on the day the decision of the Compensation Commissioner is given and secondly, wherever there are welfare funds in existence, make it possible for the worker to borrow the amount from the welfare fund and then make the employer responsible to reimburse the workers' welfare fund. This is not a new suggestion because, as far as the housing scheme was concerned, where the employers were to pay half, their 50 per cent share, Government ultimately finding them failing in their duty took upon itself to pay their half share also and then making recoveries from them as if it were arrears of land revenue. I would suggest the same method here. Otherwise welfare fund for workers has not much meaning if it cannot be used here, where real welfare of the injured is to be considered. I would also say, Sir, that, the cost of living having gone up, as has been said already, the quantum of compensation has to be increased substantially.

but there again I am fully aware of the other factor, namely, that the capacity of the industry to bear the total burden has to be seen and Government will not be in a position to make these rules applicable to all industries. So it would be better if it chose those industries where the hazards of accidents were greater and then took up those which came next by comparison. Even here I would suggest that Government could take up those categories of workers in the other less hazardous industries also who might be faced with these accidents more easily than the others who might not be working under conditions which would involve them in accidents.

There is one other point, Sir, and that is with regard to the salary of the worker. It has been said in the Industrial Disputes Act in the definition of a "workman" that the salary covered is up to Rs. 500. But it is not so laid down here and also the Statement of Objects and Reasons says that the wage limit of workers was increased from Rs. 300 to Rs. 400. As in that legislation applicable to workmen the definition of a "worker" has been changed to bring him under the category of a maximum salary of Rs. 500, the same could be done here so that there is no discrimination made. It need not be salary; let it be total emoluments and go up to Rs. 500.

With these few words, Sir, I would like to wholeheartedly support this amendment and I would appeal to Government that before they bring their next Bill on this subject they might . . .

DR. R. B. GOUR: May I suggest that it be half-hearted support because further amendments are expected after some time?

DR. SHRIMATI SEETA PARMANAND: I am saying about that. Before Government brings out next a comprehensive Bill, as the Deputy Minister has already promised, it would be

[Dr. Shrimati Seeta Parmanand.] better and also it would save time and cause very little disappointment if the Bill, after it is introduced, is either sent for circulation for public opinion or discussed in a consultative committee composed of such Members of Parliament who are interested in this type of legislation and their suggestions accepted in the form of amendments brought by Government itself. That will save time and that will create a wave of enthusiasm.

Lastly, Sir, I would say that it is very easy to raise a wave of dissatisfaction saying that whatever is being done is not at all enough. We have to remember that in our country we have the various limitations, for example, the lack of funds. Secondly there is the rapid industrialization which itself sets many limits on the type of legislation that we can bring in because awareness of the workers about their sense of duty is not there and it is not the case that they are doing their best to produce the utmost; that itself raises certain limitations. And lastly because, Sir, the union workers very often think that the only way they can please labour is by telling them that what they have got is not enough and they should agitate for more. I feel that, if we have to benefit by the trade union movement as it has come to now in other countries, the union workers have to first create a sense of discipline and a sense of national spirit in our workers. Then they can certainly ask the workers to fight for their rights, but what unfortunately is happening is only this and the one thing that is being done is that we are teaching them only to fight for their rights by creating a perpetual wave of discontent and dissatisfaction, the result being that the workers have never been able to apply themselves fully with a view to attain the national targets of production and as such Government itself finds these handicaps coming in its way in delivering what it wants, to the labour.

Our country, Sir, has the proud privilege of having brought out labour

legislation for the benefit of labour within a short period of ten years, much more than any other country has done in such a short period. The process there has been a long one and they have taken a long time in other countries. We have had the benefit of their experience and we have been able to do these things quickly.

The speaker on the opposite side, Dr. Gour, pointed out in a very critical manner about the inadequacy of inspections of factories in our country. He quoted figures from which themselves it is evident that about 75 per cent. of the factories were inspected and only 25 per cent. were not inspected. On the face of it, when one sees, a layman would think that the criticism was legitimate. But when you think of the shortage of personnel, the expenditure involved and the fact that it is not necessary to inspect every factory whether it is being run on proper lines—it may be a factory only in name and its size and everything may not be so big as to make it necessary to inspect it every year—a sample survey should be enough whereby one factory is inspected this year and the other the next year, and when 75 per cent. . . .

DR. R. B. GOUR: No, Sir. When we have to inspect all the factories under the Factories Act how can it be sample survey, I cannot understand.

DR. SHRIMATI SEETA PARMANAND: All I am saying is that it is not possible to get all the personnel; the distances are so great. I know how difficult it is to do so in spite of the personnel appointed by the Government. It is physically impossible for the personnel, though doubled by the Government—now the Government is hoping to treble it—to inspect every mile.

DR. R. B. GOUR: I am sorry, Mr Deputy Chairman. . . .

MR. DEPUTY CHAIRMAN: She is not yielding to you.

DR. R. B. GOUR: She has. Sir, she seems to be confusing mines with factories.

DR. SHRIMATI SEETA PARNAND: Sir, these things on paper may be absolutely necessary, but sometimes in practice they are not necessary, and they are not always practicable also. Until conditions improve to such an extent that the workers can do their utmost to improve the industrial production, this aspect has to be borne in mind, and criticism for the sake of criticism cannot be of much value. With these few words, Sir, I would like to support this Bill wholeheartedly, because I am sure that the Government which has promised to bring forward a comprehensive Bill will actually bring forward such a Bill, and I have no reason to doubt, as Members on the opposite side do, the *bona fides* of the Government. Thank you, Sir.

مولانا ایم - فاروقی (اتر پردیش):

مسٹر ڈپٹی چیئرمین - آپ کے سامنے یہ امانڈمنٹ ہے جو آیا ہے یہ ایک کڑی ہے ان تمام تھریکریوں کی جو گورنمنٹ لیبر کے ویلفیئر کے لئے اور مزدوروں کی حالت درست کرنے کے لئے کر رہی ہے - جیسا کہ میرے بعض دوستوں نے بھی کہا کہ انڈسٹری و صنعت و حرفت کو بڑھانے کے لئے اور ہندوستان کے پروجکشن کو زائد کرنے کے لئے اس کی ضرورت ہے کہ جس طرح اپنے پاس کپیتل ہو جس طرح اپنے پاس مشینری ہو جیسا اپنے پاس بڑے بڑے کارخانے ہوں اسی طرح بلکہ اس سے کہیں زیادہ اس کی ضرورت ہے کہ لیبر کی حالت درست ہو - مجھے یہ افسوس کے ساتھ کہنا پڑتا ہے کہ جو حالات تین سو برس سے ہندوستان میں

تھے ان کا لازمی نتیجہ یہ تھا کہ لیبر کی حالت بری سے بری ہوتی جائے - سرمایہ داروں کا جوا لیبر کے کندھوں پر رکھ اور وہ اس سے اپنا سر کھڑے بھی نہ اٹھا سکیں - آج دس برس ہو گئے ہیں اور یہ یقینی بات ہے کہ جس طرح آزادی کی تحریک میں ہمارا مقصد یہ تھا کہ ہم نیچے کے لوگوں کو اوپر اٹھائیں اسی طرح بلکہ اس سے زیادہ آزادی کی تحریک کے بعد ہمارا مقصد یہ ہونا چاہئے تھا کہ جب ہم کو آزادی ملے اور حکومت ہمارے ہاتھ میں آئے تو ہم اپنے مقصد کو پورا کریں - یہ بالکل صحیح ہے کہ باوجود سینکڑوں مخالفتوں کے باوجود سینکڑوں نکتہ چینیوں کے سر بلند کر کے یہ کہا جا سکتا ہے کہ ہندوستان کی اس قومی گورنمنٹ نے لیبر کی حالت کو درست کرنے کے لئے ہر قدم جو اب تک اٹھایا ہے وہ آگے ہی بڑھایا ہے پیچھے نہیں ہٹایا ہے - اور گورنمنٹ کا قدم ایک جگہ پر قائم نہیں رہ گیا بلکہ برابر آگے ہی بڑھتا رہا ہے اور اس کا اندازہ ہم سب کو ہے - اگرچہ ایک آئین سا بن گیا ہے کہ ہر گورنمنٹ بل کی مخالفت بنچوں کی طرف سے مخالفت ہو اور گورنمنٹ بنچوں کی طرف سے موافقت ہو لیکن بہر حال اس حقیقت سے انکار نہیں کیا جا سکتا کہ لیبر کی حالت کو درست کرنے کے لئے گورنمنٹ برابر قانون بناتی رہی ہے اور اس سلسلہ

[مولانا ایم - فاروقی]

میں ہر طرح کی ترقی ہوئی ہے - لیکن جو حالات ہندوستان میں موجود ہیں ان حالات کے اعتبار سے یہ بھی ایک حقیقت ہے کہ ابھی لیبر کی اتنی اچھی حالت نہیں ہے جتنی قانونی چاہیئے اور اس کی بہت سے وجوہات ہیں -

ہمارے یہاں دو طرح کے سیکٹر قائم ہیں ایک پبلک سیکٹر اور ایک پرائیویٹ سیکٹر - پبلک سیکٹر میں جو ہمارے لئے سب سے بڑی مصیبت ہے وہ یہ ہے کہ عام طور سے فیصلے قانون کے ذریعہ ہوتے ہیں یا ایڈمنسٹریشن کی طرف سے ہوتے ہیں - حقیقتاً جہانتک قانون کا تعلق ہے لیبر کے لئے ایک بڑی مصیبت یہ رہتی ہے کہ وہ اپنے کیس کو اپنی غریبی، اپنی مفلسی اور پڑھا لکھا نہ ہونے کی وجہ سے ٹھیک طریقہ سے ایذا معاملہ نہیں پیش کر سکتے ہیں جس کا نتیجہ یہ ہوتا ہے کہ اکثر فیصلہ ان کے خلاف ہوتا ہے - آپ قانون بتاتے چلے جائیں اور مختلف قسم کے سخت سے سخت قانون بنا دیں لیکن مشکل یہ ہوتی ہے کہ جتنے قانون بڑھتے جاتے ہیں اتنا ہی وکیلوں کے لئے اس میں دائرہ وسیع ہوتا جاتا ہے اور ان کے لئے گنجائش نکلتی آتی ہے - اس طرح کسی شخص کے لئے انصاف حاصل کرنا بڑا مشکل ہو جاتا ہے - اس میں جسکی طاقت عام کی ہوتی ہے -

ہے جسکی طاقت پوری کی ہوتی ہے - جسکی طاقت رویہ کی ہوتی ہے وہی ہمیشہ کامیاب ہوتا ہے -

اس کے علاوہ جیسا کہ ابھی میری ایک محترمہ بہن نے فرمایا کہ یونینوں کو بڑی دقتیں ہوتی ہیں اور ان کو سخت مشکلات کا سامنا کرنا پڑتا ہے - جہاں یونینیں بنی ہیں ان کو توڑنے کی کوشش کی جاتی ہے کیونکہ پبلک سیکٹر میں افسروں کو یونین کا رویہ کبھی پسند نہیں آیا - دوسری بات بیک سیکٹر میں یہ ہوتی ہے کہ جو ہمارے آفس والے ہیں وہ ابھی تک پرانے طریقے پر کام کر رہے ہیں - وہ اپنے کو یونینوں کے ساتھ چسپاں نہیں کر سکتے - آپ نے ورکس کمیٹیاں بنائی ہیں آپ نے مختلف کانسیلیشن آفیسرس بھی ہیں لیکن میں بڑے آفسس کے ساتھ اس امڈمنٹ بل کے بہانے یہ کہنا چاہتا ہوں کہ حالات ہمیشہ مزدوروں کے خلاف جاتے ہیں - چونکہ میں مختلف یونینوں کے ایک خدمتگار کی حیثیت سے آپکے سامنے بول رہا ہوں اسلئے مجھے دوسری طرف یہ بھی نہایت تکلیف کے ساتھ اقرار کرنا پڑتا ہے کہ مزدوروں میں بھی ابھی ہندوستان کو ترقی دینے کا صحیح جذبہ نہیں پیدا ہوا - جتنی ان کی مانگیں ہوتی ہیں ان کے اعتبار سے ۷۵ فیصدی بھی وہ اپنا کام انجام نہیں دیتے اور یہ بہت

شرم کی بات ہے - اس کی وجہ زیادہ تر انہیں تعلیم کی کمی ہے اور اس کمی کی ذمہ داری گورنمنٹ پر ہے - لیکن مجھے پوری امید ہے کہ وہ وقت آئیگا کہ جب انکی تعلیم اچھی ہو جائیگی اور انکی موجودہ حالت میں تبدیلی ہو جائیگی - اس کے علاوہ ایک اور سب سے بڑی مصیبت ہے جو میں صاف صاف کہنا چاہتا ہوں اور وہ یہ کہ آج چونکہ ڈیموکریٹک گورنمنٹ ہے اور ووٹوں پر مختلف پارٹیوں کے نمائندوں کی کامیابی یا ناکامیابی کا دارومدار ہوتا ہے اور چونکہ لیبر کے ووٹ زیادہ ہیں اس لئے ہر پارٹی اکثر لیبر کو صحیح راستے پر لیجانے کے بجائے ان کی تائید حاصل کرنے کے لئے انہیں غلط راستے پر لیجاتی ہے اور اس کی وجہ سے غلط ایجنڈیشن پیدا ہوتے ہیں - یہ تو پبلک سیکٹر کی حالت ہے - پرائیویٹ سیکٹر کے بارے میں بھی بعض سرمایہ دار دوستوں نے کہا ہے اس لئے میں بھی اس سلسلہ میں کچھ عرض کر دینا چاہتا ہوں - جناب والا - ڈیموکریٹک بلنچوں پر بیٹھ کر یا کمیونسٹ بلنچوں پر بیٹھ کر چاہے کوئی بات صاف طریقے پر نہ کہی جائے لیکن جو دل میں ہوتا ہے اس کی آواز نکل ہی جاتی ہے - ابھی بہت سے لوگوں کے منہ سے یہ آواز نکلی کہ یہ جو جرمانہ رکھا گیا ہے یہ زیادہ ہے یا یہ جو بالغ اور نابالغ کا فرق مٹا دیا گیا ہے یہ غلط ہے - یا یہ جو معیار آپ نے رکھی ہے کہ اس وقت تک اگر کوئی مقدمہ عدالت میں دائر نہ کرے یا اطلاع نہ دے تو اس کا مقدمہ ختم ہو جانا چاہیئے -

تو یہ غلط ہے - ان تمام چیزوں سے ایک کھلی ہوئی خوشبو آتی ہے کہ لوگوں کے دماغ میں کیا ہے - ہمارے سرمایہ دار ہمارے کمیونسٹ ہمارے مل اونرس اور ہمارے ایمپلائرس اس وقت بھی یہ کوشش کرتے ہیں کہ وہ زیادہ سے زیادہ فائدہ حاصل کریں - زیادہ سے زیادہ نفع کمائیں - یہ کوئی بڑی بات نہیں ہے - یہ ہرگز کوئی نہیں کہہ سکتا کہ انسان کا یہ جذبہ برا ہے کہ ہمیں زیادہ سے زیادہ فائدہ پہنچے یہ جذبہ ہر شخص میں ہے اور ہونا چاہئے -

श्री शीलानंद याजी : कैपिटलिस्टों का यह जजबा बुरा है।

مولانا ایم - فاروقی : پورا جملہ ختم

ہو جانے دیجئے - تب آپکو تسلی ہو جائیگی -

डा० राज बहादुर गौड़ : लेकिन नफा दूसरों के अकलास पर न किया जाय।

مولانا ایم - فاروقی : پورا جملہ تو ختم ہو جانے دیجئے - جناب والا یہ جذبہ قابل تعریف ہو سکتا ہے کہ آدمی اپنے نفع کو سامنے رکھے بلکہ ہر شخص کے دل میں ہوتا ہے - جو مخالفت کرتے ہیں ان کے دل میں بھی ہوتا ہے اور جو موافقت کرتے ہیں ان کے دل میں بھی - یہ دوسری بات ہے کہ پروپیگنڈہ کے پوائنٹ آف ویو سے اس کا اقرار نہ کیا جائے - آج جہاں جہاں بڑی بڑی کمیونسٹ اسٹیٹس ہیں وہاں بھی یہی جذبہ کام کرتا ہے اور وہاں بھی زیادہ سے زیادہ سرمایہ جمع کرنے کی کوشش کی جاتی ہے - وہاں بھی لیبر کے جھگڑے

[مولانا ایم - فاروقی]

برابر ہو رہے ہیں اور ان کی کوئی خاص پرواہ نہیں کی جاتی - اس کی بھی یہی وجہ ہوتی ہے کہ جو لوگ کوئی ٹیکٹری فائرم کرتے ہیں یا کارخانہ کھڑا کرتے ہیں وہ اس کی کوشش کرتے ہیں کہ زائد سے زائد فائدہ حاصل کریں اور ان تھک کوشش کرتے ہیں کہ جو لوگ اصل پروڈکشن کرتے ہیں ان کو کم سے کم ملے - یہ ایک حقیقت ہے جس سے انکار نہیں کیا جا سکتا اور اسکا برابر اثر بھی ہو رہا ہے - سب سے بڑا تسہیوت اور سب سے بڑا اختلاف جو ہے وہ یہ کہ مزدور یہ دیکھتے ہیں کہ سرمایہ دار اور مل مالک بڑی بڑی موٹروں پر چڑھ رہے ہیں اور بڑے بڑے محلوں میں رہ رہے ہیں اور وہ سمجھتے ہیں کہ ہمیں دو وقت کھانا ملتا ہے وہ بھی مشکل سے دو وقت سوکھی روٹی کھاتے ہیں اور اس کے بعد جب سیٹھ صاحب کے پاس آتے ہیں تو وہ کہتے ہیں کہ تو آج 15 مدت کے بعد آیا ہے اس لئے تیری بارہ بجے تک کی غیرحاضری ہو جائیگی - وہ بیچارہ کانسیلیشن آفیسر کے پاس جائے، یونین کے پاس جائے یا کہاں جائے - اکثر تو وہ تال چاہا کرتا ہے اور نقصان سہہ لیتا ہے - لیکن بڑھتے بڑھتے جیسے کہ کسی جگہ پر آگ کا مادہ ہوتا ہے تو پھٹ جانا ہے کبھی اسٹرائیک کی صورت میں، کبھی ہڑتالوں کی

صورت میں، کبھی ملوں کو خراب کرنے کی صورت میں تکلیفوں اور مصیبتیں سامنے آ جاتی ہیں اور تب پولیس اس کا پروڈیکشن کرتی ہے اور حفاظت کرتی ہے - تو کہنے کا مطلب یہ ہے کہ یہ تمام دقتیں ہیں اور ان دقتوں کے اندر ہماری منسٹرپیز، ہماری گورنمنٹ، ہمارے سوشل ورکرز گذر رہے ہیں - کوئی یہ نہیں کہہ سکتا کہ سوشل ورکروں کے کانڈھوں اوپر اس کا بوجھ نہیں ہے اور صرف جو گورنمنٹ میں ہیں انکے ہی کانڈھوں پر ہے - جذبات والا - آج ہندوستان جس اقتصادی مصیبت میں ہے اس کے لئے ضروری ہے کہ زیادہ سے زیادہ پروڈکشن ہو - ہماری چیزیں زیادہ سے زیادہ نکلیں اور اس کے لئے یہ ضروری ہے کہ لیبر کے اور مالکوں کے تعلقات اچھے ہوں -

جناب والا حقیقتاً یہ بل کوئی نیا قدم نہیں ہے بلکہ شروع سے سنہ 1947ء سے برابر ایک ایک دو دو تین تین کر کے یہ قدم بڑھایا جا رہا ہے - آج آپ کے سامنے جو بل ہے اس میں کچھ بہت زیادہ باتیں نہیں ہیں - جیسا کہ بعض دوستوں نے کہا ہے یہ نہیں کہا جا سکتا کہ اس میں کل اختیارات لیبر کو دے دئے گئے ہیں یا بہت زیادہ ان کی حفاظت کردی گئی - ارے بھائی جس کی جان جانگی اس کی بھی کوئی قیمت ہونی چاہئے - آپ نے تنخواہ کی بلنا پر اسکی قیمت رکھی ہے کہ جتنی تنخواہ ہے اس اتنا ہی سے جان کی قیمت ہونی چاہئے - تھیک ہے اس امداد

کے دینے میں کوئی معیار ضرور ہونا چاہئے اور آپ نے تلکواہ کو اس کا معیار رکھا ہے - لیکن ہم تو سمجھتے ہیں کہ جان تو ایک ہی ہے چاہے وہ جھوٹی ہو یا میں دھنے والوں کی ہو یا محل میں دھنے والوں کی ہو یا کسی اسٹیٹ کے وزیر کی ہو یا کسی معمولی جھوٹی میں دھنے والے کاشتکار کی ہو - بہر حال قاعدے قانون سے چیزیں چلتی ہیں اس لئے آپ نے یہ قاعدہ رکھا ہے لیکن بار بار مجھے یہ چیز کھٹکتی ہے کہ ویجیز کی بنا پر آپ کمپینسیشن کا رویہ رکھتے ہیں - میں تو یہ توقع کرتا تھا کہ اس میں یہ امانت ہو سکے کہ یہی نہیں کہ ان کو کمپینسیشن دیا جائے گا بلکہ ان کی جو اولاد ہوگی اس کی پرورش کے لئے بھی کوئی سہارا نکالا جائیگا چاہے وہ سہارا آپکی اسٹیٹ نکالے یا وہ کمپنی نکالے جس میں وہ کام کرتے ہیں یا ایمپلائر نکالیں - کم سے کم آپ اس میں انڈا تو امانت تو لاتے کہ مرنے والوں کی جو اولاد ہوگی ان کے لئے کوئی انتظام ہوگا کہ وہ ملازم رکھ لئے جائینگے کم سے کم ان کو پرائیویٹ ہی دی جائیگی - مجھے اس پر اور زیادہ افسوس ہوتا ہے کہ ہماری تھک بات کو بھی بہت سے لوگ برداشت نہیں کر سکتے - اخبارات میں بھی مضامین نکل رہے ہیں کہ لیبر کا دماغ بہت

بڑھ رہا ہے اور ملبوں کی حالت خراب ہوتی جا رہی ہے اور اندستگی خراب ہوتی جا رہی ہے - خیر میں بہت دور چلا گیا - میں یہ کہہ رہا تھا کہ اس آب و ہوا اور فضا میں یہ بل پیس کیا گیا ہے - اس بل میں صرف دو تین چیزیں ہیں - ایک تو یہ ہے کہ آپ نے بالغ اور نابالغ دونوں کے بارے میں ایک ہی حق دیدیا ہے کہ دونوں کی جانیں بھی ایک طرح پر ہیں - دوسرے یہ کہ اگر ایمپلائر کوئی تاخیر کرے تو اس کے لئے آپ نے کچھ پینالٹی وغیرہ رکھ دی ہے - تیسرے یہ کہ آپ نے تاروان کی کچھ تعداد بڑھا دی ہے - بہر حال پھر بھی اس میں بہت کچھ ہے - ہم بہت کچھ آگے بڑھ کر آئے ہیں - لیکن ہم تو اس سے زیادہ توقع کرتے ہیں اور امید کرتے ہیں کہ آئندہ اس سلسلہ میں اور زیادہ آگے قدم بڑھایا جائے گا -

لیکن مجھے ایک خاص چیز عرض کرنی ہے اور اس کو آپ غور فرمائیں - شروع میں میں نے اسے عرض کیا تھا اور وہ چیز یہ ہے کہ مقدمات کی مصیبت بہت ہوتی ہے - مزدور لیبر کمشنر کے یہاں بھی پورے طور پر پیروی نہیں کر سکتا ہے چہ جائیکہ باضابطہ عدالت میں - اس پر آپ حضرات غور کریں - آپکا لا قیہ وڈمٹ غور کرے - آپ کے

[مولانا ایم - فاروقی]

ایک منسٹریشن کا ڈیپارٹمنٹ غور کرے کہ کوئی طریقہ ایسا ہو جس سے وہ جلدی اور سہل طریقہ پر انصاف حاصل کر سکیں - سینکڑوں باریکیاں اور سینکڑوں نکتے قانون میں نکلنے ہیں - لیبر کمشنر کے یہاں بھی جاتے ہیں تو وہاں بھی یہی چیز دیکھتے ہیں اور بڑے افسوس سے دیکھتے ہیں - آپ کے لیبر کمشنر ہیں - کانسلیوشن آفیسر ہیں - آپکی اسٹیٹ کا لیبر ڈیپارٹمنٹ ہے - آل انڈیا کا لیبر ڈیپارٹمنٹ ہے - لیکن جب ہم پیروی کرنے کے لئے جاتے ہیں تو ہمارا ہاتھ کافی کمزور ہوتا ہے اور ہم یہ محسوس کرتے ہیں کہ ہمیں بھی کسی کی خوشامد کرنا چاہئے ہے اور خوشامد کر کے ان کے اوپر کچھ اثر ڈالنا ہے - یعنی یہ کہ پیچھے کے دروازے سے جانا پڑتا ہے - کھلے کھلائے دروازے پر انصاف نہیں ملتا - غرضیکہ میرا عرض کرنے کا یہ مقصد ہے کہ لیبر کے آرگنائزیشن وغیرہ کے بارے میں اور ان کے درست کرنے کے سلسلہ میں آپ جو کچھ کر رہے ہیں وہ ٹھیک ہے اور میں اس پر آپ کو مبارکباد دیتا ہوں اور یہ سوچتا ہوں کہ اس کے بعد آپ اور اس سے بڑھا کر قدم بڑھائینگے اور اس پر ایک جگہ بیٹھ کر تھلے دل سے غور کریں گے کہ یہ جو مزدوروں کی ذاتیں ہیں ان کے لئے کچھ ایسی راہ نکالیں کہ رفتہ رفتہ چیزیں درست ہوں اور

درست ہو کر ہم بہترین پروڈکشن کر سکیں اور ایمپلائر اور ایمپلائز کے درمیان بہتر تعلقات ہو جاویں -
میں آپکا شکریہ ادا کرتا ہوں -

†[مولانا ام ۰ فاروقی (उत्तर प्रदेश) : मिस्टर डिप्टी चेयरमैन, आपके सामने यह अमेन्डमेंट बिल जो आया है यह एक कड़ी है उन तमाम तहरीकों की जो गवर्नमेंट लेबर के वेलफेयर के लिये और मजदूरों की हालत दुरुस्त करने के लिये कर रही है। जैसा कि मेरे बाज दोस्तों ने भी कहा कि इंडस्ट्री व सनत, हिरफत को बढ़ाने के लिये और हिन्दुस्तान के प्रोडक्शन को जायद करने के लिये उसकी जरूरत है कि जिस तरह अपने पास कै पेटल हो, जिस तरह अपने पास मशीनरी हो, जैसा कि अपने पास बड़े-बड़े कारखाने हों इसी तरह बल्कि इससे कहीं ज्यादा इसकी जरूरत है कि लेबर की हालत दुरुस्त हो। मुझे यह अफसोस के साथ कहना पड़ता है कि जो हालात ३०० वर्ष से हिन्दुस्तान में थे उनका लाजमी नतीजा यह था कि लेबर की हालत बुरी से बुरी होती जाये। सरमाये-दारों का जुआ लेबर के कन्धों पर रहे और वह इस से अपना सर कभी न उठा सके। आज दस वर्ष हो गये हैं और यह यकीनी बात है कि जिस तरह आजादी की तहरीक में हमारा मकसद यह था कि हम नीचे के लोगों को ऊपर उठाये, इसी तरह बल्कि इससे ज्यादा आजादी की तहरीक के बाद हमारा मकसद यह होता चाहिये था कि जब हम को आजादी मिले और हुकूमत हमारे हाथ में आये तो हम अपने मकसद को पूरा करें। यह बिल्कुल सच्चा है कि बावजूद सैकड़ों मुआलफतों के; बावजूद सैकड़ों नुक्ताचीनियों के सर बुलन्द कर यह कहा जा सकता है कि हिन्दुस्तान की इस कौमी गवर्नमेंट ने लेबर की हालत को दुरुस्त करने के लिये हर कदम जो अब तक उठाया है, वह आगे ही बढ़ाया है; पीछे नहीं हटाया है। और गवर्नमेंट का कदम एक जगह

पर कायम नहीं रह गया; बल्कि बराबर आगे ही बढ़ता रहा है और उस का अन्दाजा हम सब को है। अगरचे एक आयन सा बन गया है कि हर गवर्नमेंट बिल की मुखालफ बैचों की तरफ से मुखालफत हो और गवर्नमेंट बैचों की तरफ से मुआफकत हो, लेकिन बहरहाल इस हकीकत में इन्कार नहीं किया जा सकता है कि लेबर की हालत को दुस्त करने के लिये गवर्नमेंट बराबर कानून बनाती रही है और इस सिलसिला में हर तरह की तरक्की हुई है, लेकिन जो हालात हिन्दुस्तान में मौजूद हैं उन हालात के एतबार से यह भी एक हकीकत है कि अभी लेबर की इतनी अच्छी हालत नहीं है, जितनी होनी चाहिये। उसके बहुत से वजूहत हैं।

हमारे यहां दो तरह के सैक्टर कायम हैं। एक पब्लिक सैक्टर और एक प्राइवेट सैक्टर। पब्लिक सैक्टर में जो हमारे लिए सबसे बड़ी मुसीबत है वह यह है कि आम तौर से फौले कानून के जरिये होते हैं या एडमिनिस्ट्रेशन की तरफ से होते हैं। हकीकत जहां तक कानून का ताल्लुक है, लेबर के लिए एक बड़ी मुसीबत यह रहती है कि वह अपने केस को अपनी गरीबी, अपनी मुकदसी और पढ़ा-लिखा न होने की वजह से ठीक तरीका से अपना मामला पेज नहीं कर सकते। जिसका नतीजा यह होता है कि अक्सर फौला उनके खिलाफ होता है। आप कानून बनाते चले जायें और मुख्तलिफ किस्म के सख्त से सख्त कानून बना दें, लेकिन मुश्किल यह होती है कि जितने कानून बढ़ते जाते हैं उतना ही वकीलों के लिए उसमें दायरा बसी होता जाता है और उनके लिए गुजायश निकलती आती है। इस तरह किसी शख्स के लिए इन्साफ हासिल करना बड़ा मुश्किल हो जाता है। उसमें जिसकी ताकत इत्म की होती है, जिसकी ताकत पंखों की होती है, या जिसकी ताकत रुपये की होती है, वही हमेशा कामयाब होता है।

इसके अलावा जैसा कि अभी मेरी एक मोहनिमा बहन ने फर्माया कि यूनियनों को बड़ी दिक्कतें होती हैं और उनको सख्त मुश्किलात का सामना करना पड़ता है। जहां यूनियन बनी हैं उनको तोड़ने की कोशिशें की जाती हैं; क्योंकि पब्लिक सैक्टर में अक्सरों को यूनियन का रवैया कभी पसन्द नहीं आया। दूसरी बात पब्लिक सैक्टर में यह होती है कि जो हमारे आफिस वाले हैं, वे अभी तक पुराने तरीके पर काम कर रहे हैं। वह अपने को यूनियनों के साथ चस्पा नहीं कर सकते। आपने वर्क्स कमेटियां बनाईं। आपके मुख्तलिफ "कन्सिलिएशन आफिसर्स" भी हैं, लेकिन मैं बड़े अफोस के साथ इस अमेन्डमेंट बिल के बहाने यह कहना चाहता हूँ कि हालात हमेशा मजदूरों के खिलाफ जाते हैं; चूकि मैं मुख्तलिफ यूनियनों के एक खिदमतगार की हैसियत से आपके सामने बोल रहा हूँ। इसलिए मुझे दूसरी तरफ यह भी निहायत तकलीफ के साथ इक़रार करना पड़ता है कि मजदूरों में भी अभी हिन्दुस्तान का तरक्की देने का सही जज्बा नहीं पैदा हुआ। जितनी उनकी मांगें हैं, उनके एतबार से पचहत्तर फीसदी भी वे अपना काम अन्जाम नहीं देते। और यह बहुत शर्म की बात है। इसकी वजह ज्यादातर उनमें तालीम की कमी है और इस कमी को जिम्मेदारों गवर्नमेंट पर है। लेकिन मुझे पूरी उम्मीद है कि वह बक्त आयेगा जब इनको तालीम अच्छी हो जायगी और इनकी मौजूदा हालत में तब्दोली हो जायगी। इसके अलावा एक और सबसे बड़ी मुसीबत है, जो मैं साफ साफ कहना चाहता हूँ और वह यह कि आज चूकि डेमोक्रेटिक गवर्नमेंट है और वोटों पर मुख्तलिफ पार्टियों के नुमाइन्दों की कामयाबी या नाकामयाबी का दारोमदार होता है और चूकि लेबर के वोट ज्यादा हैं, इसलिये हर पार्टी अक्सर लेबर को सही रास्ते पर ले जाने के बजाय उनकी ताईद हासिल करने के लिये उन्हें गलत रास्ते पर ले जाती है और उसकी वजह से गलत एजिटेशन पैदा होते हैं। यह तो पब्लिक

[मौलाना एम० फारूकी]

सेक्टर की हालत है। प्राइवेट सेक्टर के बारे में अभी बाज़ सरमायादार दोस्तों ने कहा है, इसलिए मैं भी इस सिलसिला में कुछ अर्ज कर देना चाहता हूँ। जनाबेवाला ! डेमोक्रेटिक बैचों पर बैठ कर या कम्युनिस्ट बैचों पर बैठ कर चाहे कोई बात साफ़ तरीके पर न कही जाये, लेकिन जो दिल में होता है उसकी आवाज़ निकल ही जाती है। अभी बहुत से लोगों के मुँह से यह आवाज़ निकली कि यह जो जुमाना रखा गया है, वह ज्यादा है या यह जो बालिग और नाबालिग का फर्क मिटा दिया गया है, यह गलत है। या यह जो मियाद आपने रखी है कि उस वक्त तक अगर कोई मुकद्दमा अदालत में दायर न करे या इत्तला न दे तो उसका मुकद्दमा खत्म हो जाना चाहिए। इन तमाम चीज़ों से एक खुली हुई खुशबू आती है कि लोगों के दिमाग में क्या है। हमारे सरमायेदार, हमारे कैपिटलिस्ट, हमारे मिल ओनर्स और हमारे एम्प्लायर्स इस वक्त भी यह कोशिश करते हैं कि वह ज्यादा से ज्यादा फायदा हासिल करें। ज्यादा से ज्यादा नफ़ा कमायें। यह कोई बुरी बात नहीं है। यह हर्गिज़ कोई नहीं कह सकता कि इन्सान का यह जज्बा बुरा है कि हमें ज्यादा से ज्यादा फायदा पहुंचे यह जज्बा हर शख्स में है और होना चाहिए।

श्री शीलभद्र याजी : कैपिटलिस्टों का यह जज्बा बुरा है।

मौलाना एम० फारूकी : पूरा जुमला खत्म होने दीजिये तब आप को तसल्ली हो जायगी।

श्री राजबहादुर गौड़ : लेकिन नफ़ा दूसरों के अफ़नास पर न किया जाये।

मौलाना एम० फारूकी : पूरा जुमला तो खत्म हो जाने दीजिये, जनाबेवाला ! यह जज्बा काबिले तारीफ़ हो सकता है कि आदमी अपने नफ़े को सामने रखे; बल्कि हर शख्स के दिल में होता है, जो मुखाबलफ़्त करते हैं उनका दिल में भी होता है और जो मुआफ़क़न करते

हैं उनके दिल में भी। यह दूसरी बात है कि प्रोपेगन्डा के पोइन्ट आफ व्यू से उसका इकरार न किया जाये। आज जहाँ जहाँ बड़ी बड़ी कम्युनिस्ट स्टेट्स हैं, वहाँ भी यही जज्बा काम करता है और वहाँ भी ज्यादा से ज्यादा सरमाया जमा करने की कोशिश की जाती है, वहाँ भी लेबर के झगड़े बराबर हो रहे हैं और उनकी कोई खास परवाह नहीं की जाती। इसकी भी वजह होती है कि जो लोग फैक्टरी कायम करते हैं, या कारखाना खड़ा करते हैं, उसकी कोशिश करते हैं कि ज्यादा से ज्यादा फायदा हासिल करें। और अनथक कोशिश करते हैं कि जो लोग असल प्रोडक्शन करते हैं, उनको कम से कम मिले। यह एक हकीकत है, जिससे इन्कार नहीं किया जा सकता और उसका बराबर असर भी हो रहा है। सबसे बड़ा डिस्प्यूट और सब से बड़ा इस्तराफ़ जो है वह यह कि मजदूर यह देखते हैं कि सरमायेदार और मिल मालिक बड़ी बड़ी मोटरों पर चढ़ रहे हैं और बड़े बड़े महलों में रह रहे हैं और वे समझते हैं कि हमें दो वक्त खाना मिलता है, वह भी मुश्किल से, दो वक्त खाना खाते हैं तो एक वक्त सूखी रोटी खाते हैं और उसके बाद जब सेट साहब के पास जाते हैं तो वे कहते हैं कि तू आज १५ मिनट के बाद आया है, इसलिए तेरी बाग़्ग वजे तक की गैरहाज़िरी हो जायगी। वह बेचारा कन्सिलिएशन आफ़ीसर के पास जाये, यूनियन के पास जाये, या कहाँ जाये? अक्सर तो वह टाल जाया करता है और नुकसान सह लेता है, लेकिन बढ़ते बढ़ते जैसे कि किमी जगह पर आग का माद्दा होता है तो फट जाता है, कभी स्ट्राइक की सूरत में, कभी हड़तालों की सूरत में, कभी मिलों को खराब करने की सूरत में और तकलीफ़ें और मुसीबतें सामने आ जाती हैं और तब पुलिस उसका प्रोटेक्शन करती है और हिफ़ाज़त करती है। तो कहने का मतलब यह है कि यह तमाम दिक्कतें हैं और उन दिक्कतों के अन्दर हमारा मिनिस्ट्रीज़, हमारी गवर्नमेंट, हमारे सोशल वर्क्स गुज़र रहे हैं। कोई यह नहीं कह सकता कि सोशल वर्कर्स के कंधों के ऊपर

उसका बोझ नहीं है और सिर्फ जो गवर्नमेंट में हैं उनके ही कंधों पर है। जनाबेवाला ! आज हिन्दुस्तान जिस इक्तसादी मूसीबत में है, उसके लिए जरूरी यह है कि ज्यादा से ज्यादा प्रोडक्शन हो, हमारी चीजें ज्यादा से ज्यादा निकलें और उसके लिए यह जरूरी है कि लेबर के और मालिकों के ताल्लुकात अच्छे हों। जनाबेवाला ! हकीकतन यह बिल कोई नया कदम नहीं है; बल्कि शुरू से सन् १९४७ से बराबर एक एक, दो दो, तीन तीन करके यह कदम बढ़ाया जा रहा है। आज आपके सामने जो बिल है, उसमें कुछ बहुत ज्यादा बातें नहीं हैं जैसा कि बाज दोस्तों ने कहा है, यह नहीं कहा जा सकता कि इसमें कुल इस्तेमालात लेबर को दे दिये गये हैं या बहुत ज्यादा उनकी हिफाजत कर दी गई है। अरे भाई ! जिसकी जान जायगी उसकी भी कोई कीमत होनी चाहिए। आपने तनख्वाह की विनय पर उसकी कीमत रखी है कि जितनी तनख्वाह है, उस एतवार से जान की कीमत होनी चाहिए। ठीक है इस इम्दाद के देने में कोई मयार जरूर होना चाहिए और आपने तनख्वाह को उसका मयार रखा है। लेकिन हम तो समझते हैं कि जान तो एक ही है चाहे वह झोपड़ी में रहने वालों की हो या महल में रहने वालों की हो या किसी स्टेट के वजीर की हो या किसी मामूली झोपड़ी में रहने वाले काश्तकार की हो। बहरहाल कायदे कानून से चीजें चलती हैं, इसलिए आपने यह कायदा रखा है, लेकिन बारबार मुझे यह चीज खटकती है कि वेजिज की विनय पर आप कम्पनशेसन का रुपया रखते हैं। मैं तो यह तवक्को करता था कि इसमें यह अमेन्डमेंट हो सके कि यही नहीं कि उनको कम्पनशेसन दिया जायेगा; बल्कि उनकी जो औलाद होगी उसकी परवरिश के लिए भी कोई सहारा निकाला जायगा; चाहे वह सहारा आपकी स्टेट निकाले या वह कम्पनी निकाले, जिसमें वे काम करते हैं या एम्पलायर निकाले। कम से कम आप इसमें इतना तो अमेंडमेंट लाते कि मरने वालों की जो औलाद होगी, उसके लिए

कोई इन्तजाम होगा कि वे मुलाजिम रख लिये जायेंगे, कम से कम उनको प्रायरीटी ही दी जायगी। मुझे इस पर और ज्यादा अफसोस होता है कि हमारी ठीक बात को बहुत से लोग बर्दाश्त नहीं कर सकते। अखबारात में भी मजामीन निकल रहे हैं कि लेबर का दिमाग बहुत बड़ रहा है और मिलों की हालत खराब होती जा रही है और इंडस्ट्री खराब होती जा रही है। खैर, मैं बहुत दूर चला गया। मैं यह कह रहा था कि इस आबहवा और फिज्जा में यह बिल पेश किया गया है। इस बिल में सिर्फ दो तीन चीजें हैं। एक तो यह है कि आपने बालिग और नाबालिग दोनों के बारे में एक ही हक दे दिया है कि दोनों की जानें एक तरह पर हैं। दूसरे यह कि अगर एम्पलायर कोई ताखीर करे तो उसके लिए आपने कुछ पैनलटी वगैरह रख दी है। तीसरे यह कि आपने तावान की कुछ तायदाद बढ़ा दी है। बहरहाल फिर भी इसमें बहुत कुछ है, हम बहुत कुछ आगे बढ़ कर आये हैं। लेकिन हम इससे ज्यादा तवक्को करते हैं और उम्मीद करते हैं कि आइन्दा इस सिलसिले में और ज्यादा कदम बढ़ाया जायगा।

लेकिन मुझे एक खास चीज अज्र करनी है और इसको आप गौर फर्मा लें। शुरू में मैंने इसे अज्र किया था और वह चीज यह है कि मुकद्मात की मुसीबत बहुत होती है। मजदूर लेबर कमिशनर के यहां भी पूरे तौर पर पैरवी नहीं कर सकता है। च जायका बाजाबता अदालत में। इस पर आप हजरात गौर करें, आपका ला डिपार्टमेंट गौर करे। आपके एडमिनिस्ट्रेशन का डिपार्टमेंट गौर करे, कि कोई तरीका ऐसा हो जिससे वे जल्दी और सहज तरीके पर इन्साफ हासिल कर सकें। सैकड़ों बारकियां और सैकड़ों नुक्ते कानून में निकलते हैं, लेबर कमिशनर के यहां भी जाते हैं तो वहां भी यही चीज देखते हैं और बड़े अफसोस से देखते हैं। आपके लेबर कमिशनर हैं कांसिलेशन

[मेलाना एम० फास्की]

आफ्रीसर है। आपकी स्टेट का लेबर डिपार्टमेंट है। आल इंडिया का लेबर डिपार्टमेंट है, लेकिन जब हम पैरवी करने के लिए जाते हैं तो हमारा हाथ काफ़ी कमजोर होता है और हम यह महसूस करते हैं कि हमें भी किसी की खुशामद करना चाहिए और खुशामद करके उनके ऊपर कुछ असर डालना है। यानी यह कि पेंछे के दरवाजे से जाना पड़ता है। खुले खुलाये दरवाजे पर इन्फ़्र नहीं मिलता। गर्ज यह कि मेरा अर्ज करने का यह मकसद है कि लेबर के अर्गनाइजेशन के बारे में और उनके दुस्त करने के मिलसिला में आप जो कुछ कर रहे हैं वह ठीक है और मैं इस पर आपको मुबारकबाद देता हूँ और यह सोचता हूँ कि इसके बाद आप और इससे बढ़ा कर कदम बढ़ायेंगे और इस पर एक जगह बैठ कर ठंडे दिल से गौर करेंगे कि यह जो मजदूरों की दिक्कतें हैं उनके लिए कुछ ऐसी राह निकालें कि रफ़्ता रफ़्ता चीजें दुस्त हों और दुस्त होकर हम बेहतरीन प्रोडक्शन कर सकें और एम्प्लायर और एम्प्लॉईज के दरम्यान बेहतर ताल्लुकात हो जायें।

मैं आपका शुक्रिया अदा करता हूँ।]

SHRI M. P. BHARGAVA (Uttar Pradesh): Mr. Deputy Chairman, I had no intention of speaking on this Bill, but now I would like to say a few words about the procedure adopted. When the Bill was moved, there was a suggestion from the Opposition that the Bill should be referred to a Joint Select Committee. Well, for obvious reasons, that was not possible, because the main Act was enacted after a lot of consideration and deliberations in the Select Committee and in the old Legislature. But the Opposition was pressing on this Joint Select Committee business and so the Deputy Minister of Labour came out with a suggestion that there could be informal talks, that we might sit together and see if anything could be done to make the Bill more acceptable to the Opposition. Accordingly, this morning, the

Deputy Minister met some of the Members from the Opposition from both Houses.

DR. R. B. GOUR: All, even Congress Members were there.

SHRI M. P. BHARGAVA: Yes, all parties, and various suggestions were considered, and I am told that some of the suggestions made have been accepted. That, I feel, Sir, is a very good precedent and many of our differences can be solved if we can resort to this kind of procedure for future Bills also where there may be differences of opinion.

DR. R. B. GOUR: Labour always sets precedents for other Departments.

SHRI M. P. BHARGAVA: Coming to the Bill, there are three or four features to which I should like to invite the attention of the House. The main point is the one about doing away with the distinction between majors and minors as far as the paying of compensation is concerned. Personally, I am against minors working but if for some reason it is necessary for them to work, then it is a very good provision which ensures some kind of safety for them and which brings them on a par with the adults as far as the payment of compensation is concerned. Previously there was provision only for the payment of Rs. 25 for funeral expenses. That was too small a sum for funeral purposes and I am happy to find that in the Bill it has been raised to Rs. 50. Then comes the question about the waiting period. It was seven days in the original Bill. There was a proposal to reduce it to five and now, after the informal talks, I am told that it is being agreed to have three days as the waiting period. There was another point of difference and that too has been settled by amicable negotiations. So, I must congratulate the Deputy Labour Minister.

DR. R. B. GOUR: And the Opposition also.

SHRI M. P. BHARGAVA: . . . and I must also congratulate Dr. Raj Bahadur Gour and others who brought this idea that we could sit together and solve some of our differences. Thank you.

THE DEPUTY MINISTER OF LABOUR (SHRI ABID ALI): Sir, I am happy to find that so far as the provisions of the Bill under consideration are concerned, it has, as it has deserved, got unanimous support from all sections of the House. The little criticism that was made was of a formal nature and that too was with regard to what the Bill did not contain than for what it contained. Sir, we ourselves, as has been very much appreciated, are anxious that the workers should receive a fair deal and that all the labour enactments should be sufficiently progressive to cope up with the requirements of the time. Sometimes it does become necessary to bring piecemeal amendments. I appreciate the suggestions put forward by my friend, Mr. Chinai. Of course, we would like to bring, whenever possible, all the amendments which have been suggested but sometimes, as I said earlier, it is not possible to do that. When it is thought that bringing in all the amendments would take a long time, then the urgent ones are proposed earlier. There is no room for the complaint which he felt should make.

With regard to the various proposals which have been made, I might submit here, Sir, that this subject is a concurrent one, as hon. Members know, and therefore the States have got to be consulted besides consulting the organisations of the workers and the employers. For this reason, we had to give more time to the State Governments because it is administered by them both with regard to the industries which are within the Central sphere and the State sphere and also public and private sectors. Technicians also had to be consulted. A committee was appointed which invited doctors, nominees of the trade-union organisations and employers' organisations to give their

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views regarding the compensation about the hazardous part of the industry. The schedules had to be amended and a number of items have been taken in. Therefore, it would not be possible, at this stage, to accept any amendment to that particular schedule because this matter has again to be discussed and considered by the persons who are more qualified to go into the details. I do not say that Members of this hon. House are not qualified to discuss it but these are technical items. One item was suggested by an hon. Member but it was pointed out that that item was already included in the list although in a different form and the hon. Member agreed with it. The actuaries also have to be consulted. They were consulted before. They are also sitting in a committee, as I said earlier, in regard to other matters. So, it would not be possible to accept all the suggestions today.

DR. R. B. GOUR: May I request the hon. Deputy Minister to tell us the various matters that are under the consideration of the Actuaries Committee?

SHRI ABID ALI: Particularly this question of rising the quantum from Rs. 400 to Rs. 500. That is the main item.

DR. R. B. GOUR: The list in Schedule IV is also there.

SHRI ABID ALI: That is so far as the points considered by the technicians.

With regard to accidents, my hon. friend opposite said that the accident rate is increasing but somehow the very book from which he quoted also gives this statement which says that the accidents are decreasing, not increasing.

DR. R. B. GOUR: Mr. Mankikar's article that was published yesterday morning gives the latest position.

SHRI ABID ALI: In 1953, the death rate per thousand workers employed was '35; in 1954 it was '31; in 1955; it

[Shri Abid Ali.]

was 29 and in 1956 it was 27. It has been gradually coming down. Similarly, permanent disablements in the year 1953 were of the order of 1.31 per thousand. In 1956 it came to one in thousand. From 1.31 in 1953, it came to 1 in 1956. In the case of temporary disablements, it was 17.8 in 1955 and in 1956 it came down to 16.76.

DR. R. B. GOUR: Excuse me. Mr. Deputy Chairman. Could I draw the attention of the hon. Minister . . .

SHRI ABID ALI: I cannot convince everybody. I am explaining.

DR. R. B. GOUR: I want to know the total number of injuries, not deaths and permanent disablements only . . .

SHRI ABID ALI: They will always vary, I am quoting from the figures that I have collected. The number of persons employed is increasing very rapidly. Certainly, this running commentary is not proper.

DR. R. B. GOUR: I only want to know the total number of injuries per thousand workers.

SHRI ABID ALI: Whatever the hon. Members tell us is from the facts and figures that we supply. It is not that they have gone round and collected some information and then come and tell us the result of their study. They always depend upon us and again misquote us saying that our figures are incorrect. Let them produce sometimes their own figures and let us know the result of their own efforts, instead of simply talking, talking and talking. I do not think that is proper. It is mostly irrelevant.

I was saying that it was due to the alertness of the Factory Inspectorate that the number of accidents reported is more. There was the complaint that all the factories have not been inspected every year. It is true that all the factories have not been inspected and should not be inspected also because there are some factories which are to be inspected twice

and more than twice in a year. It depends upon the number of workers, the nature of the work done. There are many small factories, with a small number of workers engaged. And if our inspectors make it a point to inspect every one of them—some of them are situated at far off places—then the time taken for these will not be justified. Again, the number of inspectorates cannot be increased to meet the requirements of every factory wherever it may be situated. It is not very important that they should be inspected very often. That is not possible. It cannot be done simply. It has been taken into consideration, while chalking out the programme of inspection as I said earlier, the nature of the work, the number of persons employed, and the accidents taking place in the factories. So, I was submitting that it is the alertness of the Factory Inspectorate and also the trade union organisations that counts. Workers have become more conscious. They also report to the Government and to the factory departments also. The trade union organisations and workers should be more trained and encouraged. Wherever there is any irregularity, without any hesitation the workers should bring the irregularity to the notice of the Government and the appropriate department. Therefore, the complaint made by an hon. Member opposite has no basis.

DR. R. B. GOUR: There are so many hon. Members opposite.

SHRI ABID ALI: The suggestion about the rehabilitation of workers who suffer because of injury is a welcome one. But it is more the work of social workers and non-official agencies. Of course, Government should be helpful. We want to be helpful, as has been done in the coal mines section. All that experience which has been gained by the military department, its rehabilitation section in Poona, is available. Some people were sent by the Coal-mines Welfare Fund organisation to be trained there. All that experience is being made use

of for the benefit of the worker. A section has been opened in the hospital at Asansol so that the miners who suffer because of these accidents are rehabilitated. Again, efforts have been made to see that employers give them alternative work, like the railway crossing attendant, as has been done on the railways. As I said, at present it would not be possible to bring in any legislation for this particular item, but we want to be helpful and I hope that trade union organisations and social agencies will take it up. About the waiting period, I am glad to mention that the suggestion has been accepted by us that it should be reduced from seven to three days.

DR. R. B. GOUR: Thank you very much.

SHRI ABID ALI: Regarding Schedule II of the Act, list of persons included in the definition of workmen, I was submitting that much has been made here of cardamom plantation workers. But hon. Members know that there is provision in the main Act that State Governments can add to the Schedule. So, State Governments are at liberty to do it. They can by merely notifying workers in the cardamom plantations include them for the purpose of benefits under this Act.

DR. R. B. GOUR: Why can't you do it?

SHRI ABID ALI: What is the harm? If the Act has provision, it can be done. Any State Government can do it. There is no bar.

DR. R. B. GOUR: The Mysore High Court has suggested it. That is why we raised it.

SHRI ABID ALI: That is all right. Perhaps it was not within their knowledge that the Act gives authority to the State Governments to include them by a mere notification. So, it should be brought to the notice of the friends who have complained or given this information. Perhaps it could be done. In case there is any difficulty, we will be helpful.

Now, about the word 'casual' some reference was made to the definition of the workers who would be entitled to the benefit as provided for in the Act. There, the word 'casual' does not disqualify. We have examined what was mentioned by hon. Members opposite and I want to assure them that no difficulty would arise on that account—because 'casual and those employed' otherwise than in connection with the trade or business of the employer—because of the word 'and' there is no difficulty.

So far as workers attending to the work or performing their duty whether within the premises or outside the premises, are concerned, so far as 'outside' is concerned, that question also has been examined very carefully. Our legal department says that up to this time there is no difficulty and there is no adverse ruling of any High Court.

DR. R. B. GOUR: There is the Calcutta High Court's decision of 1955.

SHRI ABID ALI: That has been examined and it has been found that it does not debar the worker from getting compensation, although injured outside the working premises. I may submit that again we will examine this question, because our intention is that an employee suffering injury during the course of his employment, whether inside the factory premises or outside, should be compensated. And in case any ruling of High Court interprets it differently, then certainly Parliament is here to amend the Act and we will not lag a day behind in bringing forward an amendment.

DR. R. B. GOUR: The rulings of the Bombay High Court and Calcutta High Court are there.

SHRI ABID ALI: Now, this running commentary should stop. I have said that this is the advice of our legal department. Over and above that I have submitted that at any time if there is any difficulty felt either by hon. Members opposite or any trade union or by ourselves, we will not

[Shri Abid Ali.]

hesitate for a day to bring forward an amendment. Why should we bring amendments which are unnecessary simply because some people feel that there is necessity? If there is no necessity, there is no necessity. What else can be done?

Now, Sir, about jurisdiction, so far as railway employees are concerned, I do not find any difficulty with regard to that also, but the intention is that employees of the railways should not be required to go to the workmen's compensation court. Anyway, the railways should settle their cases speedily and should pay every pie to which the workers may be entitled. About that there should be no delay. That is why I am trying to persuade all the undertakings under Government that all such cases should be speedily disposed of. It should not be necessary for them to go to court. Again, I submit, Sir, if it becomes

necessary for them to go to court and any hardship is felt on account of jurisdiction—about which I feel that there is no difficulty at present, but in case it is felt—that also should be brought to our notice, and we shall certainly be glad to be helpful.

MR. DEPUTY CHAIRMAN: You require more time?

SHRI ABID ALI: Yes, Sir. A little more time.

MR. DEPUTY CHAIRMAN: Then you can continue the next day. The House stands adjourned till 11 A.M. on Thursday.

The House then adjourned at five of the clock and eleven of the clock on Thursday, the 27th November 1958.