

APPENDIX II

Route mileage of Railways in India
and its proportion to area State-
wise.

States	Route mileage	Proportion of route mileage to 1,000 sq. miles
Part A—		
Assam . . .	1,108	13.03
Bihar . . .	3,230	45.92
Bombay . . .	3,822	34.29
Madhya Pradesh . .	2,598	19.94
Madras . . .	4,494	35.16
Orissa . . .	838	13.93
Punjab . . .	1,672	44.73
Uttar Pradesh . .	5,050	44.52
West Bengal . .	2,016	65.50
Part B—		
Hyderabad . . .	1,585	19.28
Madhya Bharat . .	972	20.91
Mysore . . .	781	26.48
PEPSU . . .	607	60.23
Rajasthan . . .	3,176	24.39
Saurashtra . . .	1,368	63.77
Travancore-Cochin .	171	18.70
Part C—		
Aimer . . .	106	43.85
Bhopal . . .	103	15.70
Delhi . . .	89	153.97
Himachal Pradesh .	23	2.20
Kutch . . .	179	10.70
Vindhya Pradesh .	291	12.32
Bilaspur . . .	Nil	
Coorg . . .	Nil	
Manipur . . .	Nil	
Tripura . . .	Nil	
Part D, etc.—		
Andaman Islands . . .	Nil	
Sikkim . . .	Nil	

LEAVE OF ABSENCE TO SHRI
SHRIYANS PRASAD JAIN

MR. CHAIRMAN: I have to inform
the hon. Members that the following
letter has been received from Shri Shri-
yans Prasad Jain :

"I am suffering from a serious neu-
ralgic pain and have been advised to
undergo operation. As such I will not
be able to attend the present session of
the Council of States.

I, therefore, request the Council
through you, Sir, to grant me leave of
absence for the whole of the present
session."

Is it the pleasure of the Council that
permission be granted to Stui Shriyans
Prasad Jain for remaining absent from all
meetings of the Council during its
current session?

(JVo hon. Member dissented.)

Permission to remain absent U
granted.

THE FACTORIES (AMENDMENT) BILL, 1952.

SHRI S. GURUSWAMI (Madras): Sir,
I beg to move:

"That the Bill further to amend the
Factories Act, 1948, be taken into
consideration."

Sir, the present position is that there are
about 250,000 factory workers employed
on the Railways of whom about 150,000
are recognised to have come under the
operation of the Factories Act. Until 1st
April 1949, those employed in the
running sheds and who were otherwise
eligible to be treated as workmen
employed under the Factories Act were
given all the privileges of employees who
come under the Factories Act. It was in
the legislation that was introduced on 5th
November 1947 that the running shed
workmen were exempted from the
benefits of the Factories Act. In doing so
the Government had no consultations
with organisations of labour. Apart from
that, the position is that the running shed
staff are entitled to be treated as
employees under the Factories Act in the
same manner as any other factory worker.
By being deprived of the benefits of the
Factories Act, these men have come
under worse provisions of

the Hours of Employment Regulations embodied in the Indian Railway (Amendment) Act. That would mean from a 48-hour week the running shed staff would be governed by a 54-hour week. If they have to work overtime they would not get the benefits of overtime under the Factories Act, but they would be eligible for overtime only under the Hours of Employment Regulations. This would mean, in other words, a loss of about 25 per cent, in their overtime earnings. Much more so, because in the Factories Act there is no provision for the average clause. By average clause I mean that the Factories Act does not stipulate that a person will be entitled to overtime only if he has completed 48 hours or 54 hours on the average. The Factories Act is very definite in regard to that provision of earning overtime. The result is, having been thrown to the wolves, the railwaymen who are employed in the running sheds will not be entitled to earn overtime which they used to earn under the Factories Act.

Then there is also another thing. In the legislation that was passed in 1948, overtime earnings are based on the recognition of the fact that dearness allowance is part of the basic wages. In other words, overtime which would be earned under the Factories Act would be based on the basic pay

plus cent. per cent, dearness allowance that is granted to the staff who are under the benefits of the Factories Act. Because the running shed staff have been exempted from the provisions of the Factories Act, these persons will not be entitled to get cent, per cent, merger of dearness allowance for the purpose of earning overtime. Not only this; overtime can be earned under the Factories Act under more liberal provisions than are provided under the Hours of Employment Regulations. Sir, in any international legislation it is a common thing, it is an axiomatic thing to protect the employees who come under any new legislation from being faced with worse conditions of service. I submit, Sir that the running shed staff are those who were enjoying bet-

ter privileges, who are entitled to better privileges under the Factories Act and they have been wrongfully exempted from the provisions of the Factories Act. Until 1st April 1949, the running shed staff were all under the Factories Act. There was one small defect at that time because of the existence of what were formerly called the 'Native States'. There were many running sheds there which did not have the benefit of the Factories Act. When the Railway Adjudicator's attention was drawn to the fact and when a request was made to him that the benefits of the Factories Act should be extended to those running sheds which were situated within the jurisdiction of the Native States, the Railway Adjudicator felt that the privileges of the Factories Act need not be extended to these running sheds and that common treatment should be meted out to all those who were not under the Factories Act. Taking umbrage under this recommendation the Government have sought to exempt one hundred thousand running shed employees from the operation of the Factories Act. Sir, this is a serious issue; this is an issue on which a strike ballot was taken throughout India. The workers did not pursue the method of strike hoping that they would get some benefit. Having failed to get any response to the protests that we made in 1949 that the running shed staff were exempt from the operation of the Factories Act, I have been obliged to secure the verdict of this House for getting recognition of a fundamental right, the right of being classified as those employed under the Factories Act. In other words, Sir, if you apply the definition of a factory to a running shed, the running shed will satisfy all the requirements necessary for completing the definition of a factory. Therefore, it is nothing but an arbitrary exemption that was made in the legislation of 1948 when the Government sought to exempt the running shed staff from the operation of the Factories Act.

I may draw the attention of the House to another particular aspect of

[Shri S. Guruswami.] this question. On the 5th of November 1947, when this Bill was introduced by the then Labour Minister, I would point out for the information of this House that there was no provision to exempt the running shed staff from the operation of the Factories Act. It may be now stated that they were obliged to do so because of the incidental recommendation made by the Railway Adjudicator who was not called to adjudicate on the Factories Act. Even so, I submit that the Railway Adjudicator's Report was published on 15th May 1947. The Factories Amendment Bill was introduced on 5th November 1947—nearly six months after the publication of the Railway Adjudicator's Report; and in the text of the Bill there was no provision to exempt the running shed staff. Now, the Government by a snap vote—because of their convenient majority—have sought to deprive the running shed staff of the benefits of the Factories Act. All that I submit is that if they have to be exempted—for which there is no justification at all—they should not be deprived of the benefits to which they will be entitled as employees of factories under the common Factories Act. This is my simple submission. It is a very simple issue that I have raised, an issue on which a strike ballot was taken where four hundred thousand men recorded their vote in favour of taking direct action to vindicate their stand in pursuance of their demand. I submit that on this occasion I expect the Government not to oppose me but to give a proper response to the demands of the workers. The All-India Railwaymen's Federation included this as one of the 25 issues referred for consideration of the Tribunal which was appointed subsequently. Government have not yet taken any action. In view of these circumstances, I submit to the Government to unconditionally support my Bill or to give me an assurance that they would give the protection which I have sought and which has been removed from the railwayman employed in the running sheds whose number comes to nearly one hundred thousand. With these words.

Sir. I commend the Bill for the acceptance of the House.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Factories Act, 1948, be taken into consideration."

THE MINISTER FOR RAILWAYS AND TRANSPORT (SHRI LAL BAHADUR): Mr. Chairman, Sir, I shall not enter into the merits of the question. But I should like only to make a comment. I would like to correct one statement which Shri Guruswami made just now. He mentioned that all the running sheds came under the purview of the Factories Act and that some time later we withdrew that and that all the running sheds are now not under the purview of the Factories Act. That is not correct. The facts are these. After partition out of 313 running sheds on the Railways, only 92 were declared as factories under the Factories Act. It was so because different State Governments adopted different systems. So, only 92 were declared as factories. Out of about 1½ lakhs of men working in running sheds, only 19,000 were brought under the purview of the Factories Act. There is, therefore, no strength in the argument that large numbers of railway staff are being deprived of the benefits that they are entitled to.

As I said, I shall not go into the merits of the question; and I would like to say that the House is well aware that there is a negotiating machinery through which all matters pertaining to workers are raised by labour unions with the administration. May I suggest to Shri Guruswami that he might take up this matter also through that machinery with the Railway Board first. In case they are not satisfied with the results achieved, I would be prepared to consider what further action should be taken. I hope Shri Guruswami will not press the matter further and, accepting my suggestion, will withdraw the Bill. I have consulted my colleague, the Labour Minister, and he fully agrees with me.

THE MINISTER FOR LABOUR (SHRI V. V. GIRI): Sir, I may be allowed to say a few words on this occasion. As regards this Bill, I may say without disclosing any confidential information, as the trustee of the labour interest; in the Ministry, and not only as Minister but as a trade unionist as well. I appealed to my hon. colleague the Railway Minister to consider referring this issue to the negotiating machinery; and I am grateful to him for accepting my suggestion. I may here mention, Sir, that for a period of a quarter of a century, beginning most probably from 1925, I myself as one of the leaders of railwaymen with the assistance of the mover of the Bill who was one of my able lieutenants, tried to persuade the then Government to establish a negotiating machinery which would settle all disputes in the railways across the table at the level of the industry. But in spite of such agitation on my part, we could not succeed though there was some sort of negotiating machinery between the Railwaymen's Federation and the Railway Board. I am glad, however, that a few months ago, or a year and a half ago, this negotiating machinery had been accepted by this Government, and I have full faith in the negotiating machinery, which will give an opportunity to the representatives of the railwaymen and the Railway Administration to meet and iron out differences on big issues. It is always desirable that disputes should be settled through a negotiating machinery without resort to courts and tribunals, and I have no doubt that, with the experience that the railway unions and the railway labour leaders have in this matter, if they negotiate, they will be able to come to some understanding. I, therefore, request my hon. friend, the mover of the Bill, in view of the assurance given by the hon. the Railway Minister, to withdraw his Bill and proceed with the matter through the negotiating machinery.

SHRI S. N. MAZUMDAR (West Bengal): Sir, I submit that the House should be given an opportunity to discuss the Bill. Only after the discus-

sion, this question can be taken up—the question whether the mover of the Bill should withdraw the Bill or not.

MR. CHAIRMAN: If you want to say something, you can. What is the use of negotiating there between yourselves?

SHRI K. L. NARASIMHAM (Madras): Mr. Chairman, the hon. Railway Minister has asked the mover of the J Bill to withdraw it and utilise the negotiating machinery to settle this issue. Sir, this issue is a simple one. Under the statutory provisions, the running sheds are exempted from operation of the Factories Act, and they do not come under the Factories Act at present. Because they do not come under the Factories Act, they are now governed by the Regulations. And the Bill which we recently passed here operates in the running sheds also. Sir, the entire labour in our country and in the world is demanding relaxation of working hours—reduction in the working hours—in order that a worker I can efficiently discharge his duties and also can have sufficient rest in order to be able to fulfil his duties to the industry and to the country as such. Here, because they are not governed by the Factories Act, there is another disability. There is some staff called 'substitutes' working in the running sheds. Although they are termed as 'substitutes', they are working continuously in that particular running shed which comes under the Factories Act. Those substitutes are denied the leave facilities which are provided for in the Factories Act. I will explain it further, Sir. Under the Factories Act, if a particular worker works continuously, say, for a year, he is entitled to get ten days' leave. But that is denied to these workers who are termed as 'substitutes', and still are working in the running shed, which is a factory. And, as the mover of the Bill has already pointed out, they are denied even the overtime allowance. The hours of work are calculated on an average in 1 month. So, when this trouble is due to the exemption from the Factories Act in this respect, it can be remedied.

tShri K. L. Narasimham.] by an amendment of the Factories Act. If, however, the Labour Minister gives us an assurance that in the forthcoming amendment to the Factories Act they are going to incorporate this provision, we can understand that. But it is said here "You negotiate with the Railway Board and come to some agreement". That is the answer from the Railway Minister. I am not objecting to the settlement of disputes by utilising the negotiating machinery. But here is a statutory provision and this can be rectified only by another statutory provision, *i.e.*, by an amendment to the Factories Act. The Labour Minister, instead of advising the Railway Minister for a discussion with the labour leaders or the Railwaymen's Federation, should have come forward and stated that they were going to move an amendment to the Factories Act and incorporate this provision in the amendment that they were going to place before us. If that assurance had been there, I could have understood it. But when there is no such assurance, I do not see how this can be got over by negotiations across the table. In the negotiations across the table the Railway Board may come forward and say "Here is the statutory provision and we are acting under that statutory provision, and all that we can do is not to increase the hours of work to 54. We can exempt you to that extent only." By this procedure they will have the initiative in their hands. At any time they can change their rules or make subsequent rules, and in that way, they can deny the workers the benefits that they would be getting under the Factories Act. At this stage, Sir, I have to submit that this Factories Act is the result of great agitation and struggle of the workers, not only of our country, but of the entire world. They continued this agitation and this struggle for several years. Also the Indian Trade Union Congress fought for a reduction in the working hours, and now we have got the Factories Act, which provides for 48 hours of work. I am therefore asking as to why this benefit is being denied to 1,25,000 Rail-waymen who come under that defini-

tion. And I will therefore request the mover of the Bill not to withdraw it but press it.

SHRI H. P. SAKSENA (Uttar Pradesh):
Mr. Chairman, I rise to make a few observations with regard to the Bill that my hon. friend Mr. Guru-swami has just now placed before the House. After listening to the speech of the hon. the Railway Minister, thoroughly agreed upon and acceded to by the hon. Minister for Labour, I feel that my hon. friend Mr. Guruswami's Bill is as good as accepted. Mr. Guruswami is a leader of labour in the truest sense of the term. His heart beats in unison with the difficulties of labour people, especially of the Railway. And by saying this, I nail to the counter the lie which was administered to me by another hon. friend the other day, who had the temerity to say that -I had nothing but contempt for labour. I have lived for labour; I have breathed with labour; I have eaten with labour; I have drunk with labour; and, if need be, I shall die for labour. I would like my hon. friends, Mr. Guruswami and Mr. Mukerjee, to understand me, and not to misunderstand me wilfully and purposely. Sir, it is not a wise policy to drive a wedge between the Government and labour. My hon. friend Mr. Guruswami made a very conciliatory speech while proposing the Bill, but I cannot say the same thing about my hon. friend Mr. Narasimham. Mr. Guruswami was very much inclined—at least he so appeared to me—to accept the suggestion of the hon. the Railway Minister. If we want to live in peace, if the prosperity of labour is our first and foremost consideration, then we should, as much as possible, try to avoid any conflict between labour and the Government. So, I would be the last man to advise Mr. Guruswami not to withdraw the Bill. But on the assurance, the solemn assurance given by two important and eminent Ministers of the Government, I would advise him most respectfully to withdraw the Bill and try to prepare the ground for negotiations which would

bring about the same results as this Bill would do.

SHRI S. N. MAZUMDAR: Mr. Chairman, I am sorry I cannot share the optimism of my hon. friend Mr. Saksena. I extend my support to the Bill moved by my hon. friend Mr. Guruswami, and also request him not to withdraw it. I shall explain. It is not that I quarrel for quarrel's sake with the Government. We may have understood the assurances of my hon. friends, the Railway Minister and the Labour Minister, if they had come out earlier with this assurance before this House on their own initiative. As matters stand, this question has been pending for a long time now before the Railway Ministry and the Labour Ministry. As my hon. friend, Mr. Guruswami, pointed out, several lakhs of workers voted for strike on this issue. This has been pending for a long time. Recently we saw the hon. the Railway Minister coming before this House with an amendment of the Railway Act in order to give legislative effect to the Adjudicator's Award which was being implemented, and that Award also is several years old. He could have come out at that time with this assurance. As matters stand, whatever the arguments coming from the other side, a large number of the Railway labour who were enjoying the privileges given to them under the Factories Act before 1949 were exempted from this and deprived of the privileges given to them without even an opportunity being given to them to express their opinion. Why? Because, as my hon. friend, pointed out of certain incidental recommendations by the Adjudicator, though the matter was not referred to him. What was the ground? The Factories Act did not cover the railway running sheds in certain States. I ask: Will the workers be compensated for the losses which they had sustained, loss of privileges, loss of their over-time pay, loss of cash emoluments, etc., which they have had to undergo for all these years from 1949 to 1953? Can the Railway Minister and the Labour Minister give an as-

surance that these labourers will be compensated for the losses they had sustained and for the injustices heaped on them? If they can give that assurance, I can understand that assurance and I shall be prepared to give it serious consideration.

Secondly, Sir, as my friend pointed out, we do not object to the negotiating machinery as such. It is necessary, but we also know how things move. There is red tape, there are many bottlenecks in the administration, there are many difficulties which labour feels as a result of which my hon. friend, Mr. Guruswami, who, according to Mr. Saksena, has made a conciliatory approach, was moving heaven and earth on this issue for several years. He tried all sorts of methods, and now, as a last resort, he has come before the House and before the country with this Bill. Therefore, Sir, we cannot see that if this is referred to the negotiating machinery, any immediate results will come. So, I join with my friend, Mr. Narasimham, in saying that if the hon. Minister can give an assurance that he will come forward with some such provision in the Factories (Amendment) Bill which he introduced before this House, then his assurance can be given serious consideration. But the amending Bill which has been introduced by my hon. friend, Mr. Giri, in this House was supplied to us only last night. I have not had the time to go through it, but I had a glance at the reports on the summary of the recommendations contained in this Bill which have been published in the newspapers today and there I came across a suggestion, though I am speaking from a first glance, which gives rise to serious apprehension that exactly the opposite will be done, because there, so far as these recommendations go, some such attempt is being made which will exclude the possibility of the Factories Act being extended to the labour of the railway running sheds. That is why I agree with my friend, Mr. Narasimham, in asking my friend, Mr. Guruswami, not to withdraw this Bill,

SHRI B. RATH (Orissa): Sir, I do not anticipate what Mr. Guruswami is going to do. He has moved the Bill and the Bill wants that certain provisions of the Factories Act of 1948 be omitted from the Act itself. Here the question of the negotiating "machinery does not arise. A negotiating machinery is necessary only for purposes where there is any trade dispute, and where there is no provision in the body of the laws themselves with regard to the rights of labour. For that purpose, a negotiating machinery may be useful and helpful, but here is a statute which definitely lays down that the railway running sheds should be excluded from the scope of the Act, and Mr. Guruswami wants that such exclusion should be omitted from the Act. That is a simple proposition, and it is for the Railway Minister either to accept or refuse it. In this case, he said he was open to reason, he did not have a closed mind, but it was evident that he had a closed mind so far as the rights, rest periods, and other facilities of the railway workers were concerned. So, requesting Mr. Guruswami to withdraw the Bill and to come before the Railway Board with his negotiating machinery is only to delay matters. and to continue, as far as possible, the process of excluding the railway running sheds from the definition of the Factories Act till the Railway Minister either feels strong enough to repudiate it or feels weak enough to surrender. That has been the habit of our Government to take time, to try to win over Mr. Guruswami if possible, to coerce him if not possible, to use the machinery that is in the hands of the Home Minister and then, failing all these, to surrender. We all know. Sir, that before the 1948 Act the railway running sheds were not in the excluded list. It was only then, for whatever reason I do not know, it was decided to exclude them. So we have to see what has happened as a result of taking the Railway running sheds out of the purview of the Factories Act. We have three running sheds—one at Khurda Road, one at Bhadrak and one at Jharsaguda. What is the condition

of work there, the same must be the condition elsewhere also in the running sheds, because they have no protection under the Factories Act. Gradually at least the fencing in certain areas where accidents are likely to occur is either falling down or is being removed. With regard to the safety and health of the workers, nobody has any interest in that.

SHRI V. V. GIRI: Question.

SHRI B. RATH: We cannot say anything about the working of the running sheds, as conditions are deteriorating in the running sheds. With regard to the wages, overtime payment, limit of the period of overtime work in a week, etc., nothing can be done. Should this state of affairs continue? That is the question now. If the hon. Railway Minister could have given an assurance that he is going to bring his own legislation or he is going to persuade the Labour Minister to bring a legislation to amend the Factories Act in the same pattern as Mr. Guruswami has brought in order to remove the Railway running sheds from this list and that it will be done in a short time, if such an assurance was given. I would have thought that it had some meaning although I have experience and impression that sometimes assurances are also not kept up. But, then, I believe a man for the first time. I even excuse him for the second time and still I hope he will keep up his assurance and so I would have accepted it for the first time but instead of giving such a categorical assurance, to prevail upon Labour Minister to come to his assistance and strengthen his hands to forge a negotiating machinery without modifying the statute is something about which I am very suspicious. We have seen that in spite of the 25 years of experience in trade unions of our present Labour Minister, in spite of his words of platitude towards labour, how the Acts that are in the statute book regarding improvement of the conditions of labour are being worked out in this country. We know what is happening to the Minimum Wages Act

and also he is bringing about some amendment with regard to that. We know how the Industrial Disputes Act is being used to delay to the maximum extent the period of negotiation, to tire out the workers and then coerce them; and if they are not coerced, then set up a conciliation machinery and take some further time or at last appoint a Tribunal or Adjudicator and the trial goes on till they can be coerced. We know here a case was be

ing discussed yesterday with regard to the lock-out in Burnpur Factory. According to the Industrial Disputes Act, it was a dispute and what steps has the Labour Minister taken to see that a dispute which arose in January is conciliated upon and settled? The Labour Minister did not do anything. Government did not do anything and they waited and waited till they coerced the workers to such a position as to make them go on a slow-down strike and then they came with all their brute force to suppress them. I know if the Government had intervened in January this year

MR. CHAIRMAN: Mr. Rath, talk about the Bill.

SHRI B. RATH: Yes, Sir. If they had intervened in January such things would not have happened. Now it is the Labour Minister who has joined hands with the Railway Minister in order to persuade Mr. Guruswami to withdraw his Bill because it is for him to withdraw it if he so desires but it is diverting the whole issue. It is for Mr. Guruswami to consider whether he should accept the suggestion made by the hon. Minister and the assurance given to him that the negotiating machinery should function in this case or there should be no modification of this step. Supposing the negotiating machinery comes to an agreement with the Railway Board that the running sheds should be treated as factories and if they are so treated, then the workers will get the benefit. But if the statute remains as such, for a certain period the workers may get the benefit and then it may be withdrawn. Then what happens? Another dispute takes place.

Again there will be machinery to go into negotiation. I don't think that is a healthy way of doing things. I can accept the assurance of the Labour Minister if he promises that he is going to bring a Bill on the same model as that of Mr. Guruswami. In that case we can consider the proposal and his request, otherwise not.

SHRI B. K. MUKERJEE (Uttar Pradesh): Mr. Chairman, Sir, though I have full sympathy with the Statement of Objects and Reasons of the mover in introducing this Bill in this House, I need not go into the details of the amendment proposed

MR. CHAIRMAN: Amendment?

SHRI B. K. MUKERJEE: The amendment to the Factories Act, Because in view of the request made by the hon. Railway Minister as well as by the hon. Labour Minister, whom I suppose the mover of this Bill. Mr. Guruswami, will treat as his political or trade union guru, I am convinced that Mr. Guruswami is going to withdraw this Bill. As I am sure he is going to withdraw it I have got to make a few suggestions both to the hon. Railway Minister as well as to the hon. Labour Minister and to the mover of this Bill, my friend Mr. Guruswami.

SHRI S. N. DWIVEDY (Orissa): Why waste time then?

SHRI B. K. MUKERJEE: Have patience please and I am coming to the point which you will like. The trade union leaders of this country today are committed to one very important factor. We believe in collective bargaining and arbitration and labour leaders of all groups in this country are committed to this. Now this is a suggestion coming from the employers themselves to refer *this* issue to arbitration. We have got to accept it because that is our creed today. Therefore Mr. Guruswami will have to consider this before he presses for the consideration of this Bill. But before he withdraws this Bill, I have got another suggestion to make to him, and that is this. The Government of India in the Labour Department has introduced an-

[Shri B. K. Mukerjee.] t
 other Bill aiming at amending the Factories Act and that Bill will be considered by this House very soon. If the arbitrator gives his decision, and if he gives a decision in favour of the railway workers who are working in the running sheds, who have been suffering really for a number of years by being excluded from the operation of the Factories Act, in that case I would request Mr. Guruswami and also the Government to hurry up with that issue and refer it immediately to the arbitrator or the negotiating machinery for a decision so that the decision may come before this House takes up the consideration of the Bill that was introduced only yesterday by the Government of India. That is my request. Mr. Guruswami, I have no doubt, will agree to the request made to withdraw this Bill. But he must get another assurance from the Government not to delay the matter when it is referred to the arbitrator, but to hurry up with the decision so that when we amend the Factories Act after due consideration, that amendment, if needed, may be incorporated in the Bill which was introduced only yesterday as the Factories (Amendment) Bill, 1953. That is my request, and I hope both the Ministers—the Minister for Labour and the Minister for Railways—and my hon. friend Mr. Guruswami would hurry up with the decision of the arbitrator and bring it up before this Bill is taken into consideration.

SHRI S. GURUSWAMI: Mr. Chairman, I am in a very embarrassing position. The position is that my leftist friends to my right and my rightist friends to my left are not in agreement as to how to deal with this Bill and the position of those who press the Bill in this situation is a little uncertain. I have great respect for the Railway Minister. I have even greater respect for my trade union *guru*, the Labour Minister, and his assurance that the Government will consider seriously the issues that I have placed before the House cannot be ignored. If, in the face of the assurance given by the

two Ministers, I press this Bill to a conclusion, the House can legitimately feel hurt that I have not done all that could have been done. My friend Mr. Mukerjee has readily come to my rescue. He said I need not wait for long as the Railway Tribunal is functioning and the Factories (Amendment) Bill has been introduced and it should not take much time for the negotiating machinery to come to a conclusion. In the light of the assurances given by the two great Ministers of this House, there would be time enough to consider whether it is worth while pushing my measure through another amendment in the Factories (Amendment) Bill moved by the Government. In view of these assurances I feel inclined to withdraw my Bill. But before doing so, I should like to state that the figure of 20,000 given by the Ministry understates the seriousness of the demand. That figure was true at a time when the Indian States had different or no legislation governing factories. But for the exemption provided in the 1948 Act, nearly five times that number of 20,000 would have come to be benefited by the Factories Act. It would be a retrograde step not to bring these men within the purview of the Act.

I do not want to go further into the merits of the issue raised by the Bill. I beg leave of the House to withdraw my Bill.

The Bill was, by leave of the Council, withdrawn.

PRIVATE MEMBERS' BILLS

10 A.M.

DR. SHRIMATI SEETA PARMANAND (Madhya Pradesh): Sir, may I bring a matter to your notice? In the Order of Business for today all the six Bills that have come through the ballot have been put at the end and that is in accordance with the Rules of Procedure in respect of the grant of leave to introduce Bills, *i.e.*, ~~Rule 17(f)(5)~~—the, last but one section. May I submit that as leave for introduction of offi-