

[Shri D. P. Karmarkar.]

which they react as soon as anything is mentioned about foreign experts. Whenever foreign experts are mentioned, there is great impatience on their part. So far as we are concerned, wherever our schemes require foreign experts, we have taken them. There is no gainsaying it. I do not know of any other country which has shown any impatience about foreign experts.

SHRI S. N. MAZUMDAR: What was objected to was the way foreign experts are thrust, if the Press report is correct, by the Deputy Labour Minister in Geneva.

SHRI D. P. KARMARKAR: Many a time we find that the Press reports are not correct. We cannot proceed on Press reports. I was on the point that, whereas it might be found that every foreign expert that we have employed is not as competent as we thought him to be—as a matter of fact every employee that we employ may not be found to be as competent as we thought him to be—by and large I can say that the foreign experts whom we have invited have done justice to their jobs. We have gained a lot from them. This is not a question of foreign exploitation of our economic resources and the like. We do believe in inviting experts from wherever they are available, and I am quite sure that my hon. friend who suggested this is not for any deterioration of the economic interests of this country. If our country's economic development requires foreign experts, I can only hope that he will not oppose the introduction of foreign experts. I think that by and large the foreign experts that we have invited to help us have rendered us very good service, and in the future also we propose to invite foreign experts whenever it is considered necessary. Not that we are enamoured of them. "Enamoured" is rather an enamouring word, and so I do not propose to dwell further on this point. We do invite foreign experts wherever we think it necessary, in the best interests of the country.

SHRI S. N. MAZUMDAR: But do not neglect Indian experts.

SHRI D. P. KARMARKAR: There is no question about that. If my hon. friend thinks that we are neglecting Indians as Indians, there is no hope for us or for this country.

SHRI P. SUNDARAYYA: You are neglecting.

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

THE INDIAN RAILWAYS AMENDMENT BILL, 1953

MR. CHAIRMAN: We now pass on to the next item. Mr. Lal Bahadur to move that the Bill further to amend the Indian Railways Act, 1890, be taken into consideration.

SHRI B. RATH (Orissa): May I submit to you, Sir, that the notice about the consideration of this Bill today was given to us day before yesterday night at about 11 p.m.

SHRI H. N. KUNZRU (Uttar Pradesh): This is true.

SHRI B. RATH: As such, there has been very little time for us to give any consideration to this Bill and to see what are the pros and cons of the various clauses that are there. It may be a small Bill but since it is affecting the Railway service and the persons who are serving on the railways, I would request you to postpone the consideration of this Bill to a later stage and take up the second item first.

MR. CHAIRMAN: I do not know. (*Addressing Mr. Lal Bahadur*) I think you will explain the provisions of the Bill carefully.

SHRI B. RATH: It is not a question of merely explaining the provisions,

It is a question of studying the contents of this Bill in the context of the contents of the Act itself. Yesterday also there was business in the House and, as such, there has not been sufficient time to study this Bill.

THE MINISTER FOR RAILWAYS AND TRANSPORT (SHRI LAL BAHADUR): This is not borne out by the number of amendments received. There have been 26 amendments, and most of them are from Mr. Sundarayya and members of his Party. It seems that they have fully considered the Bill.

MR. CHAIRMAN: What he says is that the members belonging to your Party have had time to study the Bill and propose very satisfactory amendments.

SHRI P. SUNDARAYYA (Madras): I would like to say in this connection that because we have given notice of 26 amendments, it does not mean that we have had time to study the Bill fully and put our points of view convincingly before the hon. Minister.

MR. CHAIRMAN: I do not wish to offend your intelligence by saying that you cannot put these things properly.

SHRI S. N. MAZUMDAR (West Bengal): Because we are acquainted with railway labour problems, it has been possible for us to give notice of amendments within a short time. Actually the Members of this House have not had sufficient time to study the Bill. It is not a matter of principle but the application in a concrete form of the adjudicator's award, which is not a simple matter.

SHRI LAL BAHADUR: I may make it quite clear that there is no possibility of my accepting any of the amendments, because this is merely a question of the implementation of an award. So Members need not take the trouble of moving.....

SHRI B. C. GHOSE (West Bengal): That is not fair.

SHRI H. P. SAKSENA (Uttar Pradesh): The provisions of the Bill have been in operation for a number of years. It is only to legalise them that this Bill has been brought forward.

SHRI B. C. GHOSE: I do not object to this Bill being taken up today. But I want to say on the general proposition.....

MR. CHAIRMAN: The general proposition, but not with regard to this particular Bill. The general proposition is that sufficient time must be given to the Members of the House for them to go through the Bills carefully and then come forward with suitable amendments. I agree.

SHRI B. RATH: Please apply it in this case.

MR. CHAIRMAN: Not in this case. For one thing, to take up the discussion on the other Bill, the lady Members are not here.

10 A.M.

SHRI LAL BAHADUR: Sir, I beg to move:

"That the Bill further to amend the Indian Railways Act, 1890, be taken into consideration."

(MR. DEPUTY CHAIRMAN in the Chair.)

As I said just now, the Bill which is before the House for consideration is a non-controversial measure. I would not like to take up the time of the House in going into the history of the development of the Trade Union Movement. The pattern of the workers' organisation which took shape in Britain and other Western countries was bound to influence us also. In fact the cause of the worker is now being taken up on an international level and the International Labour Organisation has become their mouth-piece. Questions relating to hours of work, rest, leave, overtime, etc. are subjects of common interest for all countries and India

[Shri Lal Bahadur Shastri]
 does not and would not like to lag behind in essential matters where the workers' interests are vitally concerned. The two Conventions of Washington and Geneva regarding hours of work and rest were very important and after prolonged considerations during the British regime it was decided to implement them. A Bill amending the Indian Railways Act was passed in 1930. But the position since then has changed considerably. There was greater awakening among the workers and a greater realisation of their rights. For some time past, since 1940, the workers have put forward demands for further reduction in hours of work, more rest, etc. There was some difference of opinion between the Railways and the representatives of the workers. It was finally decided to refer the questions which were in issue to adjudication in 1946. The adjudicator gave his award in 1947. By that time the national Government had come into power and they accepted the recommendations of the award and published in 1948 those recommendations that were acceptable to the Government. The recommendations were implemented by altering the hours of employment regulations, and these recommendations were thus implemented throughout the Railways. But it was felt later that it would be more proper to provide for those alterations in the Act itself. Hence we have decided to place this Bill before the House.

I shall now refer in brief to the important provisions incorporated in the Bill. In view of the continuous nature of the work on the Railways it was found necessary to divide the staff into three categories *viz.* continuous, essentially intermittent and the third is those who were excluded from the two which I have just now named. The first important change which the adjudicator's award made was in respect of classification of the staff.

The adjudicator introduced a new classification called 'intensive' which was intended to cover staff whose work was of a strenuous nature involving continuous concentration or hard manual labour with little or no period of relaxation. The next change that the adjudicator's award made was to the definition of 'essentially intermittent'. According to the award the staff can be classified as "essentially intermittent" only if during their daily duty hours there are periods of inaction aggregating 6 hours or more (including at least one such period of not less than one hour or two such periods of not less than half an hour each). The third change was the inclusion within the scope of the award the restriction of hours of the running staff and lastly the Adjudicator's Award defined specifically the class of staff who should be excluded from the operation of these regulations. After classifying the staff the award proceeds to determine the maximum hours of work on which each class of staff may be employed. In respect of intensive workers, the award lays down that they shall not be employed for more than 45 hours a week on the average in a month. In respect of continuous workers, the limit has now been fixed at 54 instead of 60 as it used to be previously. In respect of essentially intermittent, the limit has now been fixed at 75 hours as against 84 previously. Section 71 (c) proposed in the Bill seeks to implement in full this award of the adjudicator. The award also provides that where for any reason the staff are employed for hours in excess of those prescribed, overtime pay shall be paid at the rate of $1\frac{1}{2}$ times the remuneration for excess hours as against $1\frac{1}{4}$ times now provided under the Act. The proviso in clause 71(c) is in conformity with this portion of the award.

The adjudicator's award provides for periodical rests as follows: For intensive and continuous workers at least 30 consecutive hours in a week;

for essentially intermittent workers at least 24 consecutive hours in a week, including one night; and for excluded inferior staff, at least one period of 48 consecutive hours in a month or one period of 24 consecutive hours in each fortnight. In the case of running staff the periodical rest may be four periods of not less than 30 consecutive hours each or five periods of not less than 22 consecutive hours each in a month. It should also include one full night. These provisions have been included in clause 71D of the Bill. Clause 71C(4) and clause 71D(4) provide for temporary exemption from the restrictions of the hours of work and grant of periodical rest in cases of emergencies like accidents etc. It is necessary for the Administration to have these powers in order to ensure that the continuous work of the Railways is not interrupted. Safeguards for the payment of adequate overtime or the grant of compensatory rest have also been included in the Bill. Clause 71E confers on the Government powers to make rules on specific matters. Provision has also been made in clause 71G for the promulgation of rules regarding the inspection of Railways in respect of the way in which they have implemented the provisions of this Act. It is proposed that the inspecting machinery under the Labour Ministry shall be entrusted with this work and that that Ministry shall also ultimately be the appellate authority for the determination of the classification of railway services. The rules made in this regard will make the position clear. As I told the House before, these recommendations are being implemented and they are now only being placed on the Statute Book. I do not think the House would have any difficulty in disposing of this Bill quickly.

The provisions contained in this Bill, I hope, will lead to more work being done and greater efficiency achieved. I do not mean to say that all that is needed has been done; but in

the abnormal circumstances in which we are placed today, railway employees will have to work hard and even at some inconvenience. The face of the country has to be changed within a specified period and the Railways have to play a very important role in that task. Sometimes doubts are expressed regarding the capacity of the Railways to cope with new development requirements. Realising, therefore their heavy responsibility, I am sure the workers and others concerned will come forward to contribute their mite to make the Railways' work a great success. Whatever may be the demands or the delay in their fulfilment as patriotic men and women we can carry on the burden of the work cheerfully. Work and privilege, if I may say so, are interdependent. Hence I appeal to the workers and the officers of the Railways. Let us not falter in our work. I am sure Government will have to accede to all reasonable wishes of the workers. Sir, I commend the Bill to the House.

MR. DEPUTY CHAIRMAN: Motion moved:

"That the Bill further to amend the Indian Railways Act, 1890, be taken into consideration."

There is an amendment by Mr. Rath to this motion, that the Bill be referred to a Select Committee. Of course, normally 24 hours' notice has to be given; but since he complains that he has not had sufficient time, I am allowing this amendment as a special case; but it will not form a precedent. Mr. Rath may move his amendment.

SHRI B. RATH (Orissa): Sir, I beg to move:

"That the Indian Railways (Amendment) Bill, 1953, be referred to a Select Committee consisting of:

1. Shri Lai Bahadur
2. Shri Govinda Reddy,

[Shri B. Rath.]

3. Shri B. K. Mukerjee.
4. Shri S. Guruswami,
5. Shri K. L. Narasimham
6. Shri B. C. Ghose.
7. Shrimati Violet Alva,
8. Shri J. R. Kapoor,
9. Shri Rama Rao."

MR. DEPUTY CHAIRMAN: You don't want to be there on this Select Committee?

SHRI B. C. GHOSE (West Bengal): The mover has to be there.

MR. DEPUTY CHAIRMAN: Have you obtained the consent of these Members to serve on this committee?

SHRI B. RATH: I have received the consent of some of the Members of this House, not of all the Members of the House. Since there was very little time it was not possible for me to obtain the consent of others. I would have done it if we had had sufficient time. So, in view of the fact that this amendment has been taken as an exception to the general rule that proper notice should be given, I have put down the names and I hope the proposal will be accepted by the hon. Members whose names I have proposed. I think there will be no objection.

MR. DEPUTY CHAIRMAN: Amendment moved:

"That the Indian Railways (Amendment) Bill, 1953, be referred to a Select Committee consisting of:

1. Shri Lal Bahadur.
2. Shri Govinda Reddy.
3. Shri B. K. Mukerjee,
4. Shri S. Guruswami,
5. Shri K. L. Narasimham,
6. Shri B. C. Ghose,
7. Shrimati Violet Alva,
8. Shri J. R. Kapoor,
9. Shri Rama Rao."

Both the original motion and the amendment are before the House.

SHRI H. N. KUNZRU: And the mover?

MR. DEPUTY CHAIRMAN: He does not want to be there. He is not anxious to be there. You don't want to be on this Committee, Mr. Rath?

SHRI B. RATH: Yes, I may be there; but I was not anxious.

MR. DEPUTY CHAIRMAN: You want to be on the Committee, then. Has he the permission of the House to amend his amendment?

SHRI K. S. HEGDE (Madras): Yes, but that does not mean that the House consents to the amendment.

MR. DEPUTY CHAIRMAN: No, it does not. So we add "and the mover" to the list of members for the proposed Select Committee.

SHRI B. RATH: Sir, though this Bill seems such a simple and small one, it is one which has to be very carefully considered.

SHRI H. P. SAKSENA: On a point of order, Sir. This amendment is constitutionally wrong. The mover of the Resolution—I mean the Minister who moved the Indian Railways (Amendment) Bill, Shri Lal Bahadur—cannot be on this Committee which is proposed in the amendment, because he himself has proposed the Bill. So he cannot be there on the Committee.

SEVERAL HON. MEMBERS: No, no.

MR. DEPUTY CHAIRMAN: There is no point of order. If he accepts the amendment he can be on the Committee, and if he does not accept it, he need not be there.

SHRI B. RATH: Sir, I must at the very beginning confess that it has not been possible for me to go through all the various clauses of this Bill. But considering the condition of the rail-

way workers in India, I feel it is time that we consider what should be the working hours for them. Government as the ideal employer should give the correct hours of work to those employed under them. The Bill says that though it is brought forward in 1953, because certain hours were given in 1947, therefore, after six long years, we should see that these hours are now enforced. We know that in the Railways, after the National Government came into power, instead of improving the conditions of the workers, it has increased the work-load on the workers. For example, after the Central Pay Commission's Report, the work-load on the gangmen has increased.

Because of the increase in traffic, the work-load on the station staff—the running staff—has increased. Because of the intensity of the traffic, the work of the vigilance staff has also increased and, under such conditions, to say that we are implementing today the award that was given in 1947 is something which I cannot understand. Sir, I submit that whatever may have been the 1947 award, it must be reconsidered again and, in view of the fact that there is discontent among the railway workers with regard to hours of work, with regard to the benefit that they get from the railways which are being limited, it is but natural for me to say that the hours of work must be reduced and the hours of rest increased. You will have to create condition for the worker to work more. It is but necessary that the old law should be modified and there I agree with Shri Lal Bahadur, but I cannot agree with him in regard to the hours that he is proposing in this Bill. That is why I suggest that these matters should be examined in a Select Committee and, taking into consideration the year 1953, suitable modification should be made so that the railway workers may be benefited.

Sir, further I would submit that there are certain clauses in the Bill

which give the Government rule-making power. There should be some provision for consulting representatives of the organised labour. In this connection I would draw attention to new section 71E(1) clauses (b) and (c) and others. I feel that if the representatives of organised labour are taken into confidence and they are consulted before classifying the workers as intermittent, continuous etc., much of the discontentment will vanish. For this purpose, Sir, I feel that this Bill should be referred to a Select Committee.

SHRI P. SUNDARAYYA: Sir, we want to know whether the discussion will be general on the Bill or only on the motion for reference to Select Committee?

MR. DEPUTY CHAIRMAN: On both.

SHRI S. GURUSWAMI (Madras): Sir, I have studied this Bill and I consider it with mixed feelings in regard to the manner in which it has been introduced. In the first place, there are two good aspects in it. I am grateful to the Minister for the compliment that he has paid to the House by initiating this Bill in this House and I hope there will be more such occasions hereafter. There is another good aspect of the Bill which I welcome. In the previous legislation complete discretion was vested in the Government as to the manner in which and the persons to whom the legislation would be made applicable, with the result that in 1934 organised labour had to bring a complaint before the International Labour Office that what was in force was only the title and the preamble of the Bill which was passed in the previous Legislature and not the other provisions of the Bill. Now, this Bill proposes to incorporate the changes in the Railway Act simultaneously. My reading of the Bill is that it is applicable to all the railways which come under the Indian Railways Act. If that is so, the legislation will be applicable not only to the Government-owned railways but also to the other

[Shri S. Guruswami.]
 railways like the Light Railways. I do not know whether that was the intention of the Government or not but, if the Bill is passed as introduced, I consider it would be made equally applicable to the other railways which are not Government. That satisfies one of the demands of organised labour and, from that point of view, I welcome this Bill.

There are other aspects of the Bill which cannot be allowed to pass without criticism. Sir, there is no hurry about this legislation. The recommendations of the adjudicator's award were made before India attained independence, to a Government which was not free; conditions have changed from that time, which may require reconsideration of the award. From that point of view, this is a halting measure; its provisions are inadequate and unsatisfactory. Even from the point of view of whether it fully implements the recommendations of the adjudicator's award, I submit that it does not. I shall quote certain recommendations of the award which are not implemented in the legislation that is brought before the House. For example, take the question of the Supervisory Staff. The adjudicator gave a definition of the Supervisory Staff specifically and that is not included in the list of the definitions. Not that I welcome the definition of the adjudicator, but this is not real and full implementation of the adjudicator's award in so far as regulation of working hours and rest periods of railway men are concerned.

The second important omission is that it was urged on behalf of organised labour that there should be prohibition of employment of women in the railways during nights, between the hours of 10 P.M. and 6 A.M. This demand of the workers was accepted by the adjudicator, but that does not find any place in the legislation. Another important demand of railway labour was that continual night duty

should not be imposed on the railway workers. In fact, there are many railwaymen who do not see their children in the night or in the day, or whose children have not seen their fathers in any of the periods. When we brought this to the notice of the adjudicator appointed in 1946, he considered the demand of organised labour a *bona fide* and reasonable demand and he recommended that continual night duty should be abolished. But that also has not found any place in the piece of legislation now under our consideration.

Then, there is another question. We had urged, and it is a characteristic feature of any international labour measure, that existing rights should not be adversely affected and the new legislation should not interfere with any demands for improvement which organised labour may make upon the employer. Sir, the adjudicator felt that this position should be clarified, and he specifically made a recommendation that where the railwaymen enjoyed better conditions of work than those contemplated in his recommendations, they should be protected. There is no legislative implementation of that recommendation.

I do not want to labour further on this point except to say that while implementing the adjudicator's award five years after its publication, seven years after the appointment of the Adjudicator and 23 years after the passing of the first legislative measure on this subject, the provisions contained in this Bill are unsatisfactory and inadequate. If we enter into the history of the whole legislation, it was in 1919 in the first International Labour Conference held in Washington that a convention was passed. It recommended the limitation of working hours to 60 in India and the position on the railways even then was that there were certain branches of railway work where there was the recognition of 40 hours work. In fact in one of our workshops the working week is 42

hours and it is in Lillooah. The same International Labour Conference made a specific recommendation that existing conditions of service which are superior to those contemplated in the International Labour Convention should be protected. Well, we see no legislative action to give effect to that resolution. Apart from that the standards of labour in regard to limitation of working hours and the periodic rest in so far as continuous workers are concerned have not made material improvement in the last 33 years. That is a submission which I make with the fullest sense of responsibility. There is no improvement in the position of the shift duty staff even after the Washington rest convention was ratified. It is the so called 'essentially intermittent' workers whose conditions have been progressively improved but not to the extent desired in regard to 'continuous' workers. The working hours that prevailed in 1919 in so far as daily limitation in the working hours were concerned have not materially changed. I submit, Sir, at that time the hours of work in the factories were 60 per week. It was considered a very unreasonable thing to continue to have a 60-hour week in an advanced country like India. India got a seat in the governing body of the International Labour Office by virtue of the fact that it was one of the seven industrially advanced countries but in regard to working hours India was the most backward among the industrially advanced countries and also after comparing the so-called industrially backward countries of Europe and other continents. Subsequently in 1930 the Whitley Commission on Labour in India recommended a reduction of working hours in the factories at least to 54. It was then that the rulers like Rip Van Winkle, woke up and enacted legislation for a 54-hour week. Subsequently the working week in the factories where nearly 2 million workers are employed in this country has been progressively reduced from 60 to 54 and then from 54 to 48, whereas the position of the railway workers who are 'continuous' workers has not mate-

rially improved. Out of nearly 70 per cent of the workers who are treated as continuous there are nearly 1½ lakhs of workers who are governed by the provisions of the Factories Act barring another 100,000 men who have been excluded from the Factories Act by a snap legislation that was enacted in 1948. Be that as it may, the position after independence is that the Government has been approving the idea of celebrating 'May Day', and the workers have been granted paid holidays. What is 'May Day' if it is not a demand for an 8-hour day and the Government which claims to encourage the celebration of 'May Days', if it enacts legislation for a 54-hour week 33 years after the passing of the Washington Hours Convention, is not going to be considered the Government of an advanced country. I therefore submit that, while technically it may be true that many of the provisions of this measure are a reproduction of the adjudicator's award, they are behind the times and no award can be a perpetual award in any industry and this is an award which is more than six years old. Sir, in regard to the implementation of even the adjudicator's award, they have gone far beyond the recommendations of the adjudicator in making provisions for the excluded staff. In 1946 the Railway Board had departmentally enjoined on the railway administrations to see that the number of excluded staff did not exceed 1 per cent. That was what the Railway Ministry did in 1946. Now we have no guarantee as to what would be the percentage of the excluded staff and there is a wholesale provision for exclusion of the staff employed in the railway schools or those employed in the watch and ward department and any staff who are classified as class IV who number nearly 653,000 from the provisions of this Act. I strongly protest against this proposal in this legislation.

Again, Sir, we want the Government carefully to peruse the recommendations of the Bhore Committee of 1946.

[Shri S. Guruswami.]

They said, considering the climatic and other conditions in this country it was high time to reduce the 48-hour week to 45-hour week with 8 hours per day for five days and 5 hours work for Saturdays. That has not been accepted by the Government. I submit that there should be a provision for progressive improvement in the conditions of service of the railwaymen in so far as limitation of hours of work and weekly rest periods are concerned.

There is another feature about the excluded staff in the Bill which is very reprehensible. They say that some categories of the health and medical department as may be specified by the Central Government by rules made under section 71E may be excluded from the provisions of this Act. What is the control that can be exercised on the discretion of the Central Government which has unlimited powers of rule making in this behalf? I say it is against the spirit and letter of the Adjudicator's Award to make such wholesale exceptions as is proposed in the present legislation in regard to the excluded staff.

Again there has been a deterioration of the conditions of service of certain men who enjoy better privileges, especially those who are classified as 'running staff'. Under the term 'running staff' not only those who work on the footplate or brake van are included but also those who are called as travelling ticket examiners or travelling hamals or store-keepers. These people should not have been adversely affected by the introduction of the adjudicator's award. Where is the provision in this Bill to protect the running staff against the diminution of their earnings because of the application of the two conventions, namely, the Washington Hours Convention and the Geneva Weekly Rest Convention? I therefore submit that while this is a decorative measure, a measure which is not necessary for implementation of the adjudicator's award, it is not an adequate measure. It will not consti-

tute even a decoration as from the International Labour standards they will consider India as behind the times in enacting a measure for a 54-hour week whereas even a 48-hour week has become out of date and if we have to compare ourselves with advanced countries which have advanced industrially and socially we must not keep such a measure on the Statute Book. Hence it is that we have proposed certain amendments, although it is too much to expect this Government to accept the amendments. The Railway Minister made it clear that he was not going to accept any amendments, and I know the fate of the amendments that are going to be moved. With the full knowledge of the fate of those amendments I want to make it clear that organized labour is not satisfied with the Adjudicator's Award which has been belatedly implemented and even violated. This Bill does not satisfy the aspirations of the workers in accordance with the spirit of the times. It will not properly benefit the railwaymen who are the true public servants. They cannot be ignored from an international point of view. If the prestige of this country is to be maintained high, it is high time we do not fall below the standards prescribed in May Day resolutions, resolutions passed on a day which is officially recognised as a holiday by the Government of India. With these suggestions I would appeal to the Railway Minister that whatever he might do with his majority to introduce this Bill on the floor of this House, at least in his negotiations with organised labour he should provide for liberalisation of the existing conditions.

SHRI RAMA RAO (Madras): In according my general support to this Bill I must offer the preliminary remark that I have changed my mind here and there after hearing the speech of my friend Shri Guruswami, apart from whom there is not perhaps a more strenuous worker, a more stentorian voice, on behalf of the railway working classes of this country. I trust he will continue to be in Parlia-

ment long, so that the workers' rights may be safeguarded. In according support to this Bill, I am also in a measure lending support to the class to which I belong. If the railway workers make an advance on the general front, so do we—those who are slowly creeping from behind the lines. As I was reading with particular interest some of the provisions of this Bill, I was saying to myself how good it would be if even these provisions, inadequate as they are considered to be by my friends over there, were made applicable to the newspaper profession, I should indeed be very happy if it were done so. I was saying to myself: Better to be a railway servant than a journalist; better to be a porter than a proof-reader; better to be a railway guard than an editor. I am not praising the merits of this Bill, nor am I preparing to go into the details. I am only saying to my friends that I wish you the best of luck. If my friends advance so do I.

Sir, I must pause to pay a tribute to the Railway Administration less from the working class point of view than from the national. I have not the slightest doubt that if lustre, brightness and glory have been added to the achievements of the Indian National Congress in the freedom era, some of it is due to the manner in which our Railway Administration has recovered from the debacle and the disaster of the last days of the British Empire in India. We used to hear at the end of the war: "How can this British Government continue to rule this country when it cannot manage even the Railways? How can it rule over a rebellious people?" The railways then did not do their work properly. Wagons were not available. Railway labour was in a revolting mood. The public were thoroughly disgruntled by the overcrowding. Imagine those days. And now, look at the enormous improvements that have been made, I pay at once my tribute to railway labour for this achievement. It has done more than anybody else to establish the claims of Indian labour for bet-

ter treatment, for better rights and for better privileges. I must also pay a tribute to the Railway Administration. I remember it was once stated in the old Central Legislative Assembly that there was not one Indian good enough to be on the Railway Board. That impertinent remark was made by the British Administrators—probably by some Executive Councillor in those days. The Railway Administration is entirely in our hands now and I think we are doing much better than Englishmen ever did.

Sir, there are big tasks before the Railway Administration. Transport of this country has got to be vastly developed. I refer, in particular, to Visala Andhra, which is coming. The hinterlands of the Godavari and the Kistna, especially in the Hyderabad region, have got to be vastly developed, and unless you have got contented railway labour, you will not be able to carry on that work. I would therefore support any legitimate and valid claims of the railway workers.

Sir, Mr. Lal Bahadur Shastri in the course of his speech said something about the almost essential conflict between work and privilege. Rather, I would say he stated, from the Administration's point of view that if more rights were demanded, the labourers should do better work. I entirely agree, but may I point out that the cardinal misfortune of this country is that the workers are given too little and the Administration asks for too much. It is not only with regard to Government labour; it is so with regard to every kind of labour in this country. The exploited classes are however no longer in a mood to accept those conditions. To that extent therefore any measure that advances the cause of labour is near and dear to us of the intellectual classes who are supposed to be indifferent to the lot of the working classes and would continue with their own caste system.

Mr. Guruswami complained that the Adjudicator's Award was late by six

[Shri Rama Rao.]

years and any legislation based on it today ought to be considered more or less invalid. As I said, I know very little about the adjudicator's award and I am, therefore, not in a position to make a comparative study of the Award and the present Bill. But one warning he has given and that is that it is wrong to appoint an adjudicator, to get his report, to study his recommendations and then take a lot of time to put it through in the form of a legislative measure. I am concerned at this delay for more reasons than one. We are having commissions and committees of enquiry and surely many momentous reports will come out. The public will read them, will take interest in them and will demand that as soon as possible the good recommendations that are made should be put into operation. Delay is dangerous and in this particular event a good measure has subjected itself to much hostile attack.

I particularly welcome, Sir, the attempt to pass this legislation and not merely to amend the rules to gain the objects in view. There is always something fatal with regard to rules and rule-making. It was a very common trick of the British Administration to pass a law formally and to take powers for the Executive to make rules under it that killed the law. You will remember that the Morley-Minto Reforms pretended to concede a good deal, but all that was whittled down under the rule-making powers of the Executive. It was a classic example. Today the Railway Minister has chosen an entirely new path, a very sympathetic path and, I must say, a generous path. We do not want that anything should be left to the rule-making powers of anybody, if possible. We want, as far as possible, all that is conceded to the labour class to be incorporated into legislation so that it may be possible for Parliament to control that legislation and its working. It should not be possible for the Executive to change the rules as it pleases.

This refers in particular to those aspects of industry and profession where there is conflict. Take the case of journalism. It is an industry or is it a profession? It is good to have a special code for every profession or industry, so long as there is no possibility of a general code being made applicable to all of them. For this reason the measure before the House proceeds on correct lines. It is an enlargement of the Railway Act and therefore railway labour comes directly under the protection of Parliament.

Sir, the Statement of Objects and Reasons says that in respect of this Bill we are falling in line with international practice. We are happy about it. I remember years ago a distinguished editor of mine telling me that India should not accept the International Labour Office Code. Why? We are a poor country; we are industrially not advanced. If we accept the conventions and the rules and regulations governing labour practices of the Western countries, what will happen is that our cost of production will go up and we will not be able to compete with foreigners. Well, it was 30 years ago, and probably the fear was justified then. But today the position is different. India has become a great and powerful international power thanks to the excellent foreign policy of the Prime Minister and therefore in every department of life we have got to live up to the high expectations of the world for India. In the world of labour in particular we have not merely to accept what international conventions lay down, but we have also to give a lead to the other countries wherever possible, this Parliament must insist that the Government should go ahead and not lag behind.

Sir, it has been said that the 1914-18 war did two great things. It created Soviet Russia; it created the International Labour Organisation; and both of them were welcome. The 1939-45 war created Communist China and also created by the side the U.N.O., the U.N.E.S.C.O. and the W.H.O. The

League of Nations is dead but the I.L.O. lives. The United Nations Organisation is going to die in spite of the best prayers of Pandit Jawaharlal Nehru, but the U.N.E.S.C.O. will remain and so will the W.H.O. We are proud that this legislation puts us right in the picture of international labour and life on its highest level.

Mr. Deputy Chairman, as I have said, I am not prepared to concede that this Bill is a sort of workers' charter, which I thought it to be before hearing Mr. Guruswami's speech. But I am prepared to say that the classification of labour proposed in it is, in my opinion, generous as compared to the conditions of journalism, where often I had to work 16 hours at a stretch without getting a single extra pie. Railway labour is more fortunate. By all means let it fight for its rights and here is my distinguished friend Mr. Shastri to give you more and more for the mere asking.

SHRI K. L. NARASIMHAM (Madras): Mr. Deputy Chairman, this Bill dealing with hours of work and periods of rest for the Railway employees is really an important one. It needs very careful consideration. The provisions of the Bill are such that need special scrutiny. For that reason, the hon. Shri Rath has suggested that this should be referred to a Select Committee. When this Railway Act was amended in 1930, it was referred to a Select Committee. In that Select Committee, certain Members of the then Legislative Assembly had made certain specific recommendations and there was a minute of dissent. I do not want to go into the history of that. I only mention it here to show that that was referred to the Select Committee. Coming to the Bill proper, I think it is very essential that this should be referred to a Select Committee where we can scrutinise all the provisions carefully. This Bill, as was recommended by Shri Lal Bahadur Shastri, is implementing the adjudica-

tor's award by a statutory provision. What I want to stress is that this Bill is coming seven years after the adjudicator's award, and that too, with provisions to take away the concessions that were gained by the Railway employees through the struggle of their Trade Unions. The Washington Convention has been quoted and it has been stated that this Bill is in consonance with that Convention. Sir, article 2 of the Washington Convention deals with the hours of work, and it is stated therein that the industrial undertakings shall, with a few exceptions, be limited to eight hours in a day and forty-eight hours in a week. But British India was excluded. It was stated that British India must have 60 hours in a week. The British Government which was managing the Indian railways, which was using the railways to wipe off the people's struggle for freedom, fixed 60 hours of work a week. So, that was an exception made in the case of British India and Shri Lal Bahadur Shastri still continues to make an exception in the case of India. I should like to say, Sir, that that exception was made during those days of British imperialism. They wanted to manage the railways for their own profits and thus fixed 60 hours a week and so on. If you want to be in consonance with that Washington Convention, you must come forward with a measure fixing 8 hours a day and 48 hours a week. Secondly Sir, when this Bill was considered in the Central Legislative Assembly in the year 1930, it was the Congress which demanded 8 hours a day; Diwan Chaman Lall was for 8 hours a day. If you go through the minute of dissent, you will find that they have demanded 8 hours a day and 48 hours a week. Today, we forget the statements made in the Central Assembly; we forget the ideals for which we fought; we forget the principles for which we stood—the national movement—and we come forward here and say that we are acting in consonance with the International Labour Organisation, which excluded British India from the Convention. I do not here want to refer to all the reports of the

[Shri K. L. Narasimham.]
various committees which recommended the limitation of hours of work in the industries. Let us take the history of our own country.

Now, the Factories Act was amended several times and under the provisions of the same Factories Act, it was limited to 48 hours of work. And now we are even behind that Factories Act itself. We are going to fix in this Bill 75, 54 and 45 hours a week, whereas industrial labour in our country which is governed by the Factories Act, is working only for 8 hours a day, I ask why should this be denied to the Railway employees? I want the same thing to be given to Railway employees as is being given to industrial labour.

11 A.M.

I cannot agree to any provision to give powers to any authority to make rules and thus exclude a large number of employees from the operation of this measure. Even this minimum concession here will not apply to everybody. I am afraid we are not taking any progressive step forward in social legislation. This is a Bill which is behind the times, which is not helpful even to this national undertaking. You take powers to exempt a large number of workers. You call them 'excluded' and you call them in so many other ways. It was in the old Select Committee that Mr Abdul Matin Chaudhury and another Member, I think, who in their minute of dissent demanded 48 hours. The then British Government, British Imperialism which was at the helm of affairs, rejected that demand. The same suggestion we are making and you are rejecting that suggestion. Even before hearing us, the hon. Minister came forward with the statement that he was not going to hear us. Without even hearing us, the Minister came forward with the statement that he was not going to accept any of the amendments. That shows a prejudiced mind, the mind of a person who thinks, "I will rule eternally".

Now, Sir, coming to the Bill itself, there is no provision to define the hours of work. There is no defining provision. The expression hours of work has been defined in various Acts in various ways. Here I think the hours of work should be defined as "the time during which the person employed is at the disposal of the employer and is not free to dispose of his own time and movements at his will." That must be the definition of the hours of work. That is left vague here. This Bill gives powers to the authorities to classify workers as "essentially intermittent", as "continuous" and as "excluded". I will give you an example. When I was at the station, one man gave me a letter, which says:

"For running staff, both loco and traffic, the hours on duty is being reckoned from the time the train starts from the starting stations but not from the time of 'signing on' to 'signing off'; thereby the administration is extracting more than 12 hours of work and paying less. At the starting stations, the trains seldom start to the scheduled time. The detention will vary 2 to 4 hours, and this is not counted. Hence the railway staff are losers for non-payment for this period."

I will illustrate it. A goods train which is scheduled to start, say, at 8 o'clock at one station does not start at the scheduled time. It starts four hours later. This is a daily experience, and the staff who are in charge of the train and who are on duty throughout are denied this 4 hours in counting their hours of work. The officer concerned of that railway counts these people's duty time not from the time the train was actually scheduled to depart but from the time the train actually started. By leaving this vague in the Bill, power is left to the officers to define it whichever way they like and this is one of the dangers that I see in this Bill.

Coming to the classification itself, you will find that the classification can be done as "essentially intermittent", "continuous" and "excluded

staff". I join with Mr. Guruswamy in his observation that these provisions in the Bill are beyond the scope of the recommendations of the adjudicator's award. The adjudicator himself found that there were administrations and officers of the railways who were classifying the staff indiscriminately. There is a glaring example in the adjudicator's award wherein he mentions that there is a railway where 30 per cent. of the staff are classified as intermittent. Such things will happen if you give powers to officers, leaving it to them to interpret things as they like. I can show instances where they have said, "You had no work. You were sitting idle. There was no train." They may be doing extra work. They may be at the disposal of the Station Master, but this is not counted on the ground that they have quarters. There is always a period of inaction. For railway servants whose employment is essentially intermittent, this Bill provides 75 hours. I object to it in principle. If you say that railway work is such that there will be such persons who would be classified in that form, it must be specifically stated "persons who are provided with quarters at their station". I submit that their hours of work should be 60 instead of 75 hours, and for the others, it should be 48 hours a week. In the case of the intensive workers, where if the attention of the worker, is distracted, the industry will get into trouble, in the case of such workers, whom the adjudicator has specifically mentioned, the hours of work should be six. Even now, in the control offices, the control staff work for only 6 hours. But the provision in the Bill says 45 hours a week on the average in any month. This is only the average in any month. The figure can be anything for a particular week or day; only it should be 45 hours a week on the average in any month. It is not even the weekly average. So, these provisions have got to be carefully scrutinised. This is not a forward step. This is not going to improve the working condition of the railway workers. The adjudicator's

award which was given in 1947 is sought to be implemented by Mr. Lal Bahadur Shastri now, and these provisions show clearly that what is sought to be given by the right hand is taken away by the left hand. I see that danger in this Bill.

I need not give any instances from my local experience. In my station you will find that the hours are from 6 to 12, 12 to 21 and 21 to 6. A worker who goes on duty at 12 o'clock works till 21 hours. You will find here under section 71E that the "Central Government may make rules prescribing the authorities who may declare that the employment ... " etc. They can prescribe the authorities. They can prescribe the authority and that authority will classify them. The adjudicator asked "what are the categories?" It is kept very vaguely and it says:

"Such categories of class IV staff may be specified by the Central Government by rules made under section 71E".

It may mean anything. The officer can arbitrarily classify and say these are excluded from the operation of even the rules. In that way, as I stated previously, even the Factories Act is not in implementation and it is excluded and under the Government of India Act powers were given to the Central Government to make rules and under the same powers they made rules calling them National Security Rules under which they arbitrarily dismissed hundreds of employees without any reason. They don't even go into the cases or give opportunity to the persons to defend themselves and the same danger is there also. The Government of India Act gave power to the Central Government and the Governor-General in Council made the rules. We know how they were used. We know how the powers given under the Factories Act were used. Again the powers given in this Bill will be used for the detriment of the Railwaymen.

Coming to the next point, when the whole world is advancing, when in-

[Shri K. L. Narasimham.]

dustrial labour and the trade union movement on a world-scale are asking for reduction of working hours and in our own country the workers through their own struggles under the leadership of their own Trade Unions fought heroic battles and won concessions, those concessions are being taken away one by one and that too in this form—by introducing a Bill, not giving time to Members to study it and passing judgment in advance that the amendments would not be accepted and rushing through the Bill and taking away the concessions won by the workers in this country. It was once argued in the Central Legislature in those days that if you reduce the working hours on Railways, it would have effect on industrial labour outside and we hear the same thing today from Mr. Rama Rao who said 'I would prefer to be a porter than be a journalist'. I can give him some more information. If he hears about the pay of a porter in England, he would prefer to run to England rather than be a journalist in India and be dismissed arbitrarily if he does not sign the note that he gets. Here you find the conditions in such a way. The other day when I asked a question about the Railway accidents I got a reply that the Railway accidents were on the increase at least for a few months previous to that also. When going through the details of accidents, you will find the reason is overwork, working under duress, undernourished employees working under the climatic conditions of our country, and they have to bear the burden and you will find the strain on their faces today. In recent years, if you take the time-table, you will find the number of trains and goods trains have increased and the intensity of work has increased and instead of coming forward with a Bill to give them proper rest and facilities to take part in social functions or attend to their domestic duties and relax from the overwork, you take cudgels against them and you try to fix their hours arbitrarily. If they complain, they are not patriotic. That is the statement we hear very often from responsible persons.

I am reminded of a case which Shri Nambiar has represented to the Railway Minister, that a driver who started at 3 P.M. worked till 7 A.M. *next day*. He worked for 16 hours. He demanded rest and the Station Master called the Police and said that he was not attending to his work and he must be taken to task and he was asked to work. When a man asked for rest, instead of giving him relief, instead of encouraging him and giving facilities to work efficiently, you come forward with these provisions and if anyone complains you explain it away by saying that they are not patriotic. I take this opportunity to inform this House that the Railwaymen are all patriotic and they want to work in the interests of the people of this country. They want their railways to be run really in the interests of the people. They are working and I can say how they work by giving you the latest example. During the Godavari floods I saw with my own eyes that when their houses were being flooded with water and their cash crop was being damaged, they were coming out to move the wagons and to do other work entrusted to them by their officers. Do you call them unpatriotic, that they are not taking into consideration the people's interest? If you go into the history of the movement in general, of the Railwaymen in our country, you will find them very patriotic. You will find them working in the interests of the people. You don't encourage them, or give them sufficient rest, and then say they are not working properly. This Bill is not in consonance with the adjudicator's award in details and it is not in consonance with the labour standards of the International Labour Movement and this Bill is not going to be in any way helpful to the workmen in general of this country leave alone the Railwaymen. When organized labour fights for reduction of hours outside, the employers will come and quote this Bill, and say 'This is what a Government which claims to be a Welfare State, which says they are working for the poor man to see that every man is provided with a job, is doing.' This Bill is against the Rail-

way worker and this Bill is against the working class movement and the hours of work they are working in the various industries.

Lastly, I would mention only one more point. Periodic rest here is defined in hours. I can also work out a roster and say that he is given 24 hours' rest. The adjudicator while examining the cases or hearing witnesses has specifically pointed out that it is not calendar day. It is not giving them rest to attend to his domestic work. Here the rest period is defined in hours which means you can put a roster and say 'X' is employed in the Railways and his work is fixed at 8 or 12 hours. 12 hours is considered to be work and another 12 hours is taken as rest. The principle involved in this is 12 hours at his house and they consider this as rest period and rest is calculated on that basis. This needs judicial scrutiny and it is not even calendar day rest. In certain cases it is even said that 48 consecutive hours shall be given a rest of not less than 48 hours each month or a rest of not less than twenty-four consecutive hours each fortnight. If you say this and say that they have had rest, then I have to submit that you are not giving them adequate rest, the necessary rest. You are not relieving the man who has been straining himself and working under abnormal conditions with an out-moded engine, with heavily worked tracks and under trying climatic conditions and who is prepared to work day and night. To such a man you deny proper rest and proper facilities.

With these observations I say that this Bill is in no way a progressive measure.

SHRI H. P. SAKSENA: Sir, I give my whole-hearted support to the Indian Railways (Amendment) Bill, 1953, and in doing so I join my hon. friend Mr. Guruswami in congratulating the Railway Minister on having done his little bit to raise the status and dignity of this House by honouring us in introducing this Bill origi-

nally and primarily in this House. I hope that many more Ministers in the Central Cabinet will be taken from this House in future so that the status of this House which, in fact, is not the same as that of the other House, although, in law, it is the same as that of the other House, may be raised.

To me it appears that today is a day of paradoxes. While I look upon this Bill as the Magna Charta of the railway employees, in that the Railway Minister has been good enough to give the sanctity of the law of Parliament to the provisions of the adjudicator's award, so that nobody may subsequently be able to touch them, my friends on the opposite side, holding perhaps honorary or otherwise briefs from some organisations, hold that the Bill is worthless; that it is of no use; that it is not worth even the paper on which it is printed.

SHRI P. SUNDARAYYA: On a point of order. Can the hon. Member refer to Members of Parliament as having paid briefs of some organisations?

MR. DEPUTY CHAIRMAN: Please avoid all insinuations.

SHRI H. P. SAKSENA: I said honorary or otherwise. Those are the words that I used.

MR. DEPUTY CHAIRMAN: Please avoid all insinuations.

SHRI H. P. SAKSENA: I have not intended any and if there was anything which my friend Shri Sundarayya finds distasteful, I am sorry and shall withdraw it, if there is anything to withdraw. Anyway, I am not going to be disturbed by these interruptions.

Sir, this Bill has come now and it has given them all that the railway employees have been hankering for, since long. I have some practical experience of the railway employees and the period of that experience extends to about sixty years. I mean, some of my relatives were railway employees, and I do not forget the days when

[Shri H. P. Saksena.]

my own eldest brother used to bring heavy files of office work each Saturday evening to be finished on the Sunday following which was a holiday and take the files back after finishing the work, on the next Monday morning. There was no adjudicator then whose award could have been sought. There was no appeal to be made to any Parliament. There were Station Masters also among some of my relatives. But to me it appears that the conditions of railway service have now changed beyond recognition and they have become simply ideal. I look upon them with my eyes; but my friends over there look upon them with theirs. I must join issue with my hon. friend Shri Guruswami when he compares the conditions of service in Indian Railways with those obtaining in considerably advanced and industrialised countries, when he says that the railway workers there put in only five to six hours. He is purposefully oblivious of the fact that there the average income is Rs. 14 to Rs. 16 per day. While here we have been raising and raising the salaries and emoluments and allowances of railway employees, they have been crying for more and more and more, for no other reason than that they have got very able advocates in the persons of men like Mr. Guruswami and Mr. Narasimham.

SHRI TAJAMUL HUSAIN (Bihar): The whole Opposition are very good advocates for them.

SHRI H. P. SAKSENA: I do not grudge the railway employees any of the privileges that they may obtain; but then they should not be forgetful of the fact that privileges do carry with them duties and responsibilities also for which there is not the same strict regard that used to be there before; otherwise the number of accidents would not have been as numerous as it is today.

Mr. Guruswami said that labour was not satisfied. All right, labour was not satisfied even before the adjudicator's award. The technique is

this. Some imaginative and wise people, cook up things and submit memoranda to the Railway Board and there is the threat of a strike held out. What is the result? The Government is stirred. The Railways are stirred. The Railway Board begins to look about and they appoint an adjudicator. Now, the adjudicator gives an award. They say it is bad and they do not accept it. I have not come across any award, whether it be the Bank Award or the Railway Award or any other award, which has been accepted by the persons concerned, with good grace. No one has ever thought as to where all this money is to come from. The consumer is neglected. Of course, everybody is a consumer in one capacity or another. But in general terms the consumer is neglected and the employee thinks that the whole world is his. So, I say this technique has been put into practice long enough. Now, we in free India should not act in the same bargaining fashion as we used to do before, when the British Government was here. May I just suggest to these hon. Members to reflect once in a while as to how many hours a day the Prime Minister of India works? Is it not possible that later on, when this Government becomes a full-fledged Labour Government, one of these friends here may become the Prime Minister of India.....

AN HON. MEMBER: Never.

SHRI H. P. SAKSENA:and then to which adjudicator would he go as Prime Minister to complain that his hours of work are too many, and that he will not be able to do so much work?

So, "for God's sake, Gentlemen,"—I repeat Mr. Macdonald's phrase,— "for God's sake, Gentlemen, be honest to yourselves", not to me or to anybody else but be honest to yourselves."

(Interruption by Shri Tajamul Husain)

I do not think so; 'impossible' is a word which does not find a place in my dictionary. I do not accept Mr. Tajamul Husain's view.

Now, Sir, I may inform my hon. friend the Railway Minister that the Railway Ministry is being looked upon as the favoured wife of the Government of India, and the other Departments of the Government of India complain that all the concessions that are ever given by the Government to anybody are given to the Railways. The Railway Minister is the biggest *Seth* of India—minus, of course, the belly. He is the biggest *Seth* employing 9 lakhs of people. He has got crores of rupees at his disposal out of which ~~He~~ we gives us a paltry sum of Rs. 30 crores a year. The rest of it, he disposes of in any manner he likes.

(Interruptions by Hon. Members.)

SHRI GOVINDA REDDY (Mysore): Labour consumes it mostly.

SHRI H. P. SAKSENA: Now, what I am concerned with is this: if he goes on like that, the other Ministers will get jealous of him and while he will be gaining in popularity with the railwaymen, he will be losing his popularity with his own colleagues in the Cabinet and that is why I request him to have some consideration for the employees of the other Ministries also and not grab the whole thing for the employees of his own Department.

PROF. G. RANGA (Madras): And himself?

SHRI H. P. SAKSENA: No I don't think so.

SHRI S. P. DAVE (Bombay): If he is victimised, we will take up his cause.

SHRI H. P. SAKSENA: Sir, the hon. the Railway Minister has done well to emphasise and impress upon the railway workers the need to have greater regard for their duties. Their duties are very onerous; they are very responsible and they carry with them the burden of the life and death of thousands upon thousands of human beings. That being so, any amount of privileges and concessions given to them cannot be grudged by anybody,

but then certainly there should be a limit. This Award in the form of this Bill will, I hope, satisfy all the railway employees in spite of the efforts of my hon. friends opposite to create disaffection amongst them and there will be, in the railway administration, a long period of peace, progress and tranquillity.

SHRI P. SUNDARAYYA. Sir, the way in which the hon. Minister has introduced this Bill is not the proper way. Even before hearing patiently the cause which we are going to advocate in a patient and argumentative way, he has come with his mind made up and has said "whatever you may say, we are not going to change this Bill in any way and we are not going to accept any amendment." The Bill contains so many important clauses.

PROF. G. RANGA: When did he say that?

SHRI P. SUNDARAYYA: If that is the way in which he comes to this House, I would like to ask the hon. Minister to state what is the use of bringing such Bills to this House. Is it just to get our rubber stamp on them and go away? He has got his majority and he may be sure of getting it passed, but at least he must be modest enough not to flaunt his majority again and again and say, "whatever you may say, however reasonable that argument may be, however reasonable the cause that you represent may be, I for one, because of my assured majority, am not going to consider them". This attitude is not only wrong on his part to take but, taking the whole House, it is a reflection on the House. This is not the way a Minister has to function.

Now, coming to the Bill, his argument is that this Bill is intended to give legal effect to whatever the Adjudicator has awarded and, as such, he is not going one step beyond what the Adjudicator's Award has mentioned. Shri Guruswami has already undone that theory by showing that this Bill does not give effect even to the Adjudicator's Award. Important points

[Shri P. Sundarayya.] which were there in the Award have been omitted, and Shri Guruswami, who knows more of these things, has already mentioned them. Even the argument of the Minister that this Bill only gives legal effect to whatever the Adjudicator has awarded is not true. After all, is the adjudicator superior to Parliament? Is he superior to the whole Government and is he superior to the nation? Not at all and, as such, when the adjudicator's Award comes before this House for discussion, certainly this Sovereign Parliament has got the right to make whatever amendments it wants. Therefore to bring the argument that this Bill has been brought to give legal effect to the award of the adjudicator and no amendments can be accepted, is a totally wrong attitude. How does the adjudicator come into the picture? His award is not final. The grievances of the workers are there and they have been pressing them for a long time before Government. Previously, the British were interested only in the exploitation of our people for their own interest and refused to listen to the grievances. Therefore the workers after agitating for a long time—when the British Government refused to listen in spite of the Geneva Conventions and in spite of the Washington Conventions—were forced to give a strike notice. Faced with the unanimity of the working class in 1946, backed by the whole mass of the Indian public, the British Government had to yield and appoint an adjudicator. Now that the adjudicator has given his Award, it is our job to see whether the adjudicator appointed by the Imperialist Government has met the minimum demands of the working class. Shri Guruswami and other labour leaders have said that it is not satisfactory. In fact, if you properly examine the Award you will find that it is not a satisfactory Award and that it does not meet the minimum demands of the working class. That is why the Trade Unions have never accepted the adjudicator's award as final. They have been again and again putting forward their case before the Government that they must

go beyond the adjudicator's award and do justice to the working classes. Now in this connection some persons like Shri Rama Rao and even Shri Saksena argued that the railway workers were being treated with special consideration, that the lot of journalists was very bad and that the lot of other workers is bad. Shri Saksena went to the ridiculous extent of bringing in the Prime Minister in this connection and said that the Prime Minister worked for 20 hours or so and argued that when the Prime Minister himself was working so many hours why should the workers demand an adjudicator to have their *hours of working reduced*. It is nothing but a ridiculous argument when discussing the question of the workers' minimum demands. Now, Shri Rama Rao says that the lot of the journalists is bad and when compared to that of the railway workers it is the worst and therefore he would rather prefer to be a porter, etc. etc. He need not envy the lot of the railway workers. It may be true that the condition of the journalists is worse as there are no fixed hours of work but then it is not for him to say that 'our lot is bad and therefore why should the workers who are already well off because of their organization and because of their long agitation and who have already achieved some concessions, clamour for more.'

SHRI RAMA RAO: That is not what follows from my speech. I have no quarrel with the railwaymen's demands.....

SHRI P. SUNDARAYYA: Therefore don't compare the lot of the journalists and envy the lot of the railway workers.

SHRI RAMA RAO: I do not envy.

SHRI P. SUNDARAYYA: But that is how the House understood him. If the lot of the journalists is bad certainly it is open to them to organize themselves and form themselves into

strong trade unions and then fight for more concessions. The railway workers have trade unions which are stronger than others and so they are capable of winning their demands to that extent. In like manner the journalists also can strengthen themselves and get their demands satisfied.

Now I come to the next point. Government is very powerful in maintaining law and order and naturally when it comes to dealing with its employees it has got its own special laws and special regulations like the Public Security Rules, etc., etc., because it considers that anybody employed under the Government, in a public concern must observe certain things and the Government employees cannot behave just as the employees behave in other industries. If that is the stand they take then the Government must also come forward to provide proper conditions of work, conditions of service, etc., which are far better. In fact it should be a model for others to emulate and in that case there will be no ground for the employees in any Government concern to behave just as they would behave in an industrial concern. Why does it happen so in the industrial concerns? It is because the industrial magnates want to make huge profits at the cost of the workers, and also of course at the cost of the consumers. It is against this huge exploitation that the workers have to organize and fight. Now if the Government behaves just like a greedy industrial magnate refusing to satisfy the minimum demands of the workers and pursuing the policy of exploitation then naturally the workers even in the Government concerns will have no other way except to organize themselves and if necessary even to go on strike. Nobody is generally anxious to go on strike and least of all the workers because strikes mean so much sacrifice and sufferings. Only when the repeated approaches to the people concerned fail and only when unbearable conditions continue to exist they are forced to go on strike.

It is a bogus theory, it is a slander, to say that the working class can be engineered by any interested persons, meaning by 'interested persons' the Communist Party, to go on strike. I would not like anyone to go on strike unless there were serious grievances. It is impossible that the working class will go on strike with its attendant sacrifices and sufferings for nothing.

Now I want the Government to consider the conditions of life and hours of work of the railway workers, and to say whether the existing state of affairs even after the adjudicator's award is such that the workers are satisfied and whether there is no justifiable cause for the workers for pressing for better conditions of work and rest.

Now, I come to the I. L. O. standards. The I. L. O. standard is 48 hours of work. The Government says that 'we want to implement the I. L. O. standards.' First of all I want the Government and the Members on the Congress benches to consider carefully whether even 8 hours of work per day in our country, taking the hot atmosphere, the climatic conditions and other things, is a reasonable minimum. In the European countries where the climate is temperate, 8 hours of continuous work is considered as appropriate, but how can the same 8 hours of work become applicable in our country especially in the hottest parts of the year or in the hottest places? Will not the health of the workers deteriorate when there is already starvation among them and when their wages are low? It is not going to help either the smooth running of the railways or the welfare of the working class itself.

Now, this Bill divides the railway workers into four categories, namely, 'essentially intermittent', 'continuous', 'excluded' and 'intensive'. Now why should there be this essentially intermittent category at all? We are opposed to this category because the workers who come and join duty are

[Shri P. Sundarayya.]
on duty. They cannot go to their homes and attend to their personal needs. They must be on duty. 'Essentially intermittent' has been defined here like this "during which the railway servant is on duty but is not called upon to display either physical activity or sustained attention." That means that he is there on duty even if he is not doing any physical activity or mental activity. Most probably they may not have to display any physical activity or sustained attention. Then in that case why should they be on duty? Once they are on duty we know that there may be times when they may have to do intensive physical activity or concentrate attention, at other times less. But the main point is that they will not be in a position to use their leisure and to use the time at their disposal for their own personal business and to attend to their family affairs or to improve his personal qualifications because he is there at his job. When he is at the job why is it that his total time of work should not be taken as the total number of hours? It should also be noted that when the wages are fixed the wages are fixed on the basis of the character of the work which he does, not on the basis of the number of hours of work or the intensity of work that he is doing. In their case the wage scale which has been fixed is comparatively less than in other cases. Therefore there was no reason whatsoever in the case of intermittent workers to extend the hours of work to 75. In fact there was no necessity whatsoever as far as the question of fixing of hours is concerned to bring a category as 'essentially intermittent'.

Now, let us look to the other category of workers—excluded workers—to whom these rules and regulations will not apply at all. First comes railway servants employed in a confidential capacity. After all anybody whether he is employed in a confidential capacity or in any other capacity is a human being and if he is a human be-

ing he can be expected to work only for certain hours and not for any number of hours at the sweet will and pleasure of the employer, though the employer may be the Government. The question whether the Ministers are not putting in more hours of work or whether the Prime Minister is working much more than this, is all totally irrelevant. As Prime Minister he is responsible for the whole country. He takes it as his own and he has got many facilities. If he works 20 hours, he has also got facilities. It is not only the Prime Minister who is working 20 hours—even Ministers work; the political leaders and a number of Members—I do not know if all Members can work 18 to 20 hours—but there are many who work for long hours. The question is not: "I am working 20 hours, why not others?"

That is not the question. If the Ministers work or if the managerial and the senior staff of the Railways work, I have seen a number of Secretaries and Under Secretaries also working beyond the eight hours. But the conditions under which they work are all different. The conditions are such that they can work for long hours. Therefore before you say that the workers must work for more than eight hours, you must also see whether the conditions of their work are such that they can work for so many hours. Then even the Ministers and the Prime Minister are all human beings. They can work for long hours only for certain periods. No human being can work without proper rest for unlimited hours of work. So, as I said, there is a long list of workers to be excluded from even these minimum provisions of hours of work and rest. If the railway servants employed in a confidential capacity themselves feel so much that they are voluntarily prepared to work for more hours, then it is a different thing. But why should we exclude them from the benefits of the Act itself?

The second category to be excluded is the armed guards, or other person-

nel subject to discipline similar to that of the armed police forces. Does it mean that the armed forces should have no hours of work? When we say that every category of worker since he is a human being should have limited hours of work and periods of rest irrespective of the job which he is employed in, why should we exclude these people? We are not saying that all the railway employees should have the same hours of work day from 10 to 6. We know it is a continuous essential service and therefore when we say that the workers should have limited hours of work, it may be so arranged that somebody or other is always on duty all the 24 hours. But each worker must be entitled to get his period of rest. That is the principle on which we ask: why should certain categories be excluded from the benefits of this Act?

Then there is the staff of the railway schools imparting technical training or academic education. What is the sin that they have committed to be excluded even from these minimum facilities? Simply because they are imparting technical training or academic education, should they be deprived of these facilities in respect of hours of work and periods of rest?

Then comes the most horrible thing—such categories of class IV staff as may be specified by the Central Government by rules made under section 71E. Class IV staff is the least paid category of workers and even to them you are not prepared to give these minimum facilities. Government wants to take a blank cheque to exclude various categories. There is no provision even to say what are these categories of workers that will be excluded under particular conditions. Government wants a blank charter to exclude the class IV staff of any category. They can exclude even all the class IV staff from the purview of this Act. What is the use of this Act when such sweeping exceptions Government wants to take in its hands?

The next one is—such staff as may be specified as supervisory staff by the Central Government by rules made under section 71E to be excluded. Supervisory staff may mean anything. He may be a mistry looking after a gang; he may be a small foreman drawing a small sum as salary, but looking after a small section of a loco workshop. All these people can be brought under this supervisory staff. If you want to make a legal enactment, why have it in such a way that you can bring in any category of supervisory staff to be excluded from the benefits of this Act.

Then, such categories of staff of the Health and Medical Department as may be specified by the Central Government by rules made under section 71E. Here the Government may argue by saying that those people are engaged in health and medical work. They have to attend to workers if they fall ill and therefore these rules should not apply to them. You cannot interrupt the health services. We do not want to interrupt the health services. In fact, we do not want to interrupt any service. We want to have a continuous service, but the way to do it is not to make the workers of the Health and Medical Department go on working more hours than physically possible. Have more staff if necessary, but arrange the hours of work in such a way that there is somebody or other always on duty. Why should the Government come forward with this clause saying that these categories of workers should be excluded and they should be left under the rule-making powers of the Government of India? This is not giving a right to the workers; in fact, it is depriving them of their right.

Then take the question of hours of work itself. In European countries 48 hours of work per week is considered to be reasonable. Because of climatic conditions and because in certain categories of work the work is intensive or dangerous or harmful to the worker, the hours of work are still further

[Shri P. Sundarayya.] reduced to 6 hours per day. When that is the case, the railway worker here is sought to be worked for more than 48 hours and even in the case of continuous workers Government says that they must work 54 hours, and in the case of intensive work, they want 45 hours of work. Instead of Government being a model employer, it is becoming a backward employer; a reactionary employer. In their Factories Act they say that the maximum number of hours of work in a factory is 48 hours, but when the same question comes up in connection with the railway employees, then the Government comes up saying that they must work 54 hours and even up to 75 hours in certain other cases.

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So this is very unjust. It is not only not being a model employer but actually being a backward and reactionary employer, and as such it is very necessary that the Government should change its attitude in the matter of hours of work. If we go into the various clauses of the Bill, we will get some details. In clause 71D (1)(a) we have provided for 30 consecutive hours of rest. These consecutive hours of rest should be defined from the time or the hour on which a worker is likely to join duty. The period of rest of not less than 24 hours or 30 hours is not really giving him the needed rest. That is why full Sunday is taken as a rest day in a week, and they thought that even this full Sunday was not enough; therefore half of Saturday was also sought to be given in many advanced industrial countries as a holiday. But the Government refuses to consider this period of rest in this Bill.

Sir, I would like to mention one other point and that is this. To certain categories of people they have not guaranteed a weekly holiday—weekly rest. Even the fortnightly rest is not guaranteed to them. Only monthly rest is there. In clause 71D(1)(c), it is said:

“(c) whose employment is excluded

under sub-clause (iv) of clause (c) of section 71A shall be granted a rest of not less than forty-eight consecutive hours each month, or a rest of not less than twenty-four consecutive hours each fortnight.”

Here you are not giving them a weekly holiday. You are saying that he is entitled to get two full days, i.e., 48 hours in a month or 24 hours in a fortnight. Where is the weekly rest? So there are certain categories of people to whom you deny a weekly rest or deny even a fortnightly rest. So we can see how unjust are the provisions in this Bill.

Then, Sir, coming to the question of hours of work also, we find that they are more. In this connection, I would like to draw your attention to clause 71C(2), which says:

“(2) A railway servant whose employment is continuous shall not be employed for more than fifty-four hours a week on the average in any month.”

How is this average going to be calculated? That means in one week he can work not only for 54 hours but for 60 hours and in another week he may work for 48 hours. Then an average will be taken. If that is not the construction of this clause, then I would certainly ask the Minister to consider the amendments which we have given notice of. Our amendment is there for 48 hours a week. Another thing that I find in the Bill is that the words “in any month” are there. Does it mean in one month they can work for more hours than 54 per week, and in another less? So we do not exactly know what month it is. There are doubts about these things. And if the matter is taken to law interpreters, they say: “Whatever be the Minister's speeches, whatever be the Minister's assurance, law is law.”

PROF. G. RANGA: Sir, what is the view of the Law Minister? Does it mean ‘in any month’ or ‘in a month’?

MR. DEPUTY CHAIRMAN: The hon. Minister will explain.

THE DEPUTY MINISTER FOR RAILWAYS AND TRANSPORT (SHRI O. V. ALAGESAN): It refers to the same month, in one month.

SHRI P. SUNDARAYYA: Then put 'one month'. Why have you put 'any month'?

Then, Sir, I want to know why these extensive hours of work have been fixed—more hours of work than what are fixed for any industrial concern. On the one hand, the Government shows its anxiety to solve the unemployment problem and, on the other, it comes and asks the existing workers: Why don't you carry on for longer hours of work? I am asking whether this is the way to solve the unemployment problem. Is it not better to provide humane conditions of work and, if necessary, to take more staff? By asking these people to work for long hours you will be intensifying the unemployment situation. If you read this whole Bill carefully, you will find that they give with one hand and take it away with the other hand. They make a show of giving certain concessions regarding hours of work and certain hours of rest, but they give it to one class but exclude some other class of workers. The rule-making power is there, and that means that they have the power in their hands to give leave and periods of rest whenever they want and to cancel them whenever they want. The Bill merely makes a show of making certain concessions. At the same time the Government take power to take away all those concessions by what follows in the subsequent clauses. It is for this reason that we have moved a number of amendments which I want the Government to consider favourably. The question of the Select Committee is there but yesterday I and my colleague, Mr. Narasimham, did not give any amendment for a Select Committee, as we thought that, if the Minister considered these things favour-

ably, we could do it on the floor of the House itself, even though it would take some time, but if the Minister says, "I am not going to accept a single comma in addition or a single full stop in addition," then there is no use having a Select Committee, and naturally the Minister is not anxious to have a Select Committee. If the Government really want an improvement in this, they must hear our suggestions.

SHRI GOVINDA REDDY: Sir, I should like to give my support to this Bill. I must admit that I am not very conversant with the affairs that are dealt with in this Bill. When I received the Bill, I wanted to educate myself on the provisions of the Bill and on the background against which these provisions have been made, and therefore sought the assistance of the railway expert in this House, the hon. Mr. Guruswami. I had a long talk with him and I don't know for what reason, I became more confused than before. I do not attribute it to any lack of ability on his part to impart instructions to me but to the lack of ability on my own part to understand him, or I don't know if I have to attribute it to the fact that I woke him up in the middle of his sleep and he was not therefore able to explain matters clearly to me, but still, as the matter is technical, I do not propose to go into the details of the provisions. Because of that fact, I wish to speak on the principle of the Bill. Sir, the Bill, admittedly, is an improvement upon the original Act. It liberalises things in every respect, in the matter of the working hours, in the matter of leave and in the matter of over-time charges. In one clause it makes a reduction from 84 hours to 75 hours. In another clause it reduces from 60 hours to 54. And in the case of what is called intensive labour, it reduces further to 45 hours. Then, over-time charges are increased from 1½ to 1¾. Well, this Bill is certainly an improvement. It must be remembered that the Railway Ministry have not come out with these suggestions on their

[Shri Govinda Reddy.]

own accord. It has been the result of an Arbitration Tribunal, and these things have been in force. My hon. friends on the opposite side and on the labour side who spoke on this Bill have said that this Bill falls short of the anticipations of labour and that labour will not be satisfied and Mr. Guruswami went to the extent of saying that this should not be placed on the Statute Book. I would like to ask these friends this: They have been voicing the workers' demands from the time that labour got organised. Was labour ever satisfied? From the time they were getting two annas per day, labour has now risen to Rs. 3 per day. Still, there is the demand of the workers for more pay. The hours of work have been reduced considerably. Still there is the demand that the hours of work should be reduced. There was no leisure formerly. Now leave is given. Still they want further leave. Amenities there were none previously. Amenities have been given, educational facilities have been given, housing has been provided, medical facilities have been given and, as the hon. Mr. Saksena was pointing out, railway labour is being given food at subsidised rates—it is far more subsidised than is being to other people in the country—but yet they are wanting more. I ask, are not doctors over-working? Are not lawyers over-working? Are not the public workers over-working? Are not the statesmen over-working?

SHRI S. GURUSWAMI: Railway doctors are excluded.

SHRI GOVINDA REDDY: In this matter, there is no use comparing ourselves with the European countries. European countries were not exploited countries. They had no alien administrations, whereas this country has been an exploited country for nearly two centuries, for at least one and a half centuries. We have been reduced to absolute misery and poverty. This country, although blessed by nature with rich natural resources, has not been able to develop these re-

sources for the benefit of the teeming and hungry millions of this country. I am unable to understand the members of the Communist Party coming here and saying that these provisions are not satisfactory. What is being done in Russia? The whole administration, the whole population in Russia, is striving its utmost to increase production. It is called Stakhanovism or something. The emphasis there is on more production, over-production.

SHRI P. SUNDARAYYA: You do not know the labour laws in the Soviet Union.

SHRI GOVINDA REDDY: To the extent that I have been able to gather, this is what they are doing in the ideal country according to the hon. Member's group. (*Interruptions from Shri B. Rath.*) I do not want to be interrupted. Sir, in rich countries like the United States, where the average wealth *per capita* is higher, where the average income *per capita* is higher, where the standard of life is higher, they provide more amenities than we can provide. It is so in the European countries also. But it must not be forgotten that labour there has been organised for centuries, but here in our poor country, our present problem is the problem of want of more production. We have to produce more wealth. When we have to create more wealth, not only labour but every element in national production will have to overwork. In fact, I do not want our Railway Minister to follow the I.L.O. or America or the other western countries in this matter. I want him to strike the path which Russia did strike in having more production. Russia did not look to other countries when she built up her own society, her own industries and organised her own labour. It must be said to the credit of Russia that she struck her own path without looking to the other countries to organize production of wealth.

SHRI P. SUNDARAYYA: Nor does it have capitalists and landlords.

SHRI GOVINDA REDDY: I wonder; if Mr. Sundarayya were ever to occupy the Treasury Benches.....

HON. MEMBERS: Never, never.

SHRI GOVINDA REDDY: He would not give them all these facilities but he would resort to slave-driving of labour, he would make them sweat and sweat and not give any of these facilities that are in the Bill. I don't find fault with anyone. In fact, I admire the country which he follows—I mean Russia—and we have to follow Russia if we have to produce more wealth in this country. Well, I understand that labour has always been insistent upon its privileges. Has anyone here in this House or anywhere said that labour ever was mindful of its duties? There is a lot to be done for the improvement of labour and I don't grudge them the facilities that labour should get. In fact I have got great admiration for the labour class in India. In fact, even railway labour has worked under great stress and strain and nobody can say that labour has not had its hard days. It had; but that is not the thing. So also every other sector of public life is having a hard life. That is true but we cannot help it. They have to go on. So let the labour leaders, instead of agitating for more wages or leisure from work, by all means demand amenities, but let them also see that the technical skill of labour, the discipline of labour, and the productive capacity of labour is improved. Have we seen in this country any single labour leader advising labour to demand more technical training facilities? They don't want to improve their own efficiency. They don't want to improve their work. On the other hand, they are asking them to go on having strikes and not help in the production process for which they are receiving wages. This will not help our country. As we go on insisting upon more and more privileges, we become poorer and poorer. Even here, if these provisions are implemented, it will cost Government Rs. 13 crores as

against Rs. 8 crores previously. Out of a total expenditure of Rs. 240 crores, half the expenditure goes for wages. Can we really improve at this rate? Hon. Members of this House and Members of the Opposition know the finances of our country. We are having hard days and we are looking for external help and we are looking for deficit budgets not only in the Centre but in the States as well. When this is the condition, if an earning Department like Railways should be made to pay half its revenues for labour itself, what would be the fate of the country? So it is not against the background of what other countries do and it is not against the background of what we want labour to be as it is there that we should look at this Bill. We have to look at this Bill against the background of our own country and then see that the Bill has made a liberal provision. I agree there is room for defining the various expressions, intermittent and intensive labour, etc. The Railway Board may classify one sector in one way and it may or may not be justified fully. But that is a matter which can be easily adjusted between the labour representatives and the Railway Minister and I must say that railway labour will never get a more sympathetic Minister than the hon. Minister whom we now have. Never was there a more **sympathetic Minister in the past** and never will we have a more sympathetic Minister. He is a labourer himself because he is working to the maximum extent and no other man can go further than that. If with him we cannot adjust our differences, I don't know if labour is really sincere of co-operating with Government in the matter of production and services. In the matter of overtime charges, the peasant would like to be paid for the overtime he works. He sweats all the 24 hours, he sweats for at least 14 to 15 hours a day as everybody knows but he does not demand anything. In fact, till recently, till the last decade, he was the most starved person in India. Even today his position is not much better. His position is much worse than that of the postal worker

[Shri Govinda Reddy.]

or railway worker. His earnings are much less than a postman's or a railwayman's. Is he not entitled to have overtime when the labour is getting everything? I am not in a position to give the figure that Government is spending for industrial labour. It is a huge sum. Are not peasants who are living in huts and hovels entitled to claim that the national resources be spent for the improvement of their housing conditions? Are they not entitled to the leisure which labour is demanding? Are they not entitled to the educational and medical facilities and the food subsidies and everything which labour is getting? Today have they got as many good facilities as the labour is getting? Have they got equal educational and medical facilities? When 80 per cent. of the people in the country is toiling and sweating in this manner, and that too with a smile on their face, I don't understand why Communist leaders and labour leaders should come and try to blacken this Bill which is really the *Magna Charta* of labour. In fact these provisions have been enforced and labour is satisfied. The small inconveniences that are there could be adjusted in any manner. I would not like to say more but I would like to appeal to my friends opposite to look at this Bill from this point of view, from the country's point of view. I don't say labour is unpatriotic. Labour has been patriotic, but labour should continue to be patriotic in working for the uplift of the country. There is no need for the Bill to be referred to a Select Committee. After all this is a simple Bill with regard to hours of work, hours of leisure, leave and overtime charges. For these if we should go to Select Committee only delay will result, and we will not have done anything meritorious. It would be better that hon. Members opposite should and, they are in duty bound to, extend their support to this measure and then discuss it with the Railway Minister and the Railway Board for possibilities of adjustment. We human beings always don't depend upon the letter of the law. The let-

ter of the law is the last thing that we take resort to but it is these human relations, it is these higher ideals that produce harmonious and co-operative effort. I would like those Members to take this Bill in that spirit and then withdraw the motion for Select Committee and all the amendments and give their hearty support to this Bill.

SHRI S. P. DAVE: Sir, before I go into a detailed discussion and criticism of the various clauses of the Bill, I have to raise a few fundamental questions for the consideration of the Railway Minister. When we were discussing the draft Labour legislation for which the country waits to regulate the industrial relations of labour and capital, I remember that we were under the impression that in any legislation that is to come into force now, there is going to be no distinction between the private and the public sector and the industrial relations of the two are to be governed more or less in the same manner. There may be some difference in the machinery to be utilized because we cannot afford stoppages and strikes in public utilities. To that I have no objection. We don't want strikes and stoppages in any public utility undertakings. I would even go further and say that strikes should be stopped even in private undertakings. I would argue my case with the employer or get an award. Therefore, to the extent that this Bill makes a departure from the common law of the country relating to labour and applicable only to railway workers, I would not like it in principle. Let the Labour Department of the Government of India sit down and find out whether there is anything in this Bill which goes counter to the accepted principles which apply to the other categories of labour. I am not prepared to give any privilege to the Government as an employer simply because the employer happens to be the Government.

Sir, I wish the hon. Minister for Railways had taken longer time in

explaining the provisions of this Bill, because to a layman it is not very clear as to what is intensive labour, what is intermittent labour and what is the other kinds of labour. Even though I am connected with labour, I had to inquire to understand some of these terms. These terms are specific to the trade and to one who knows the trade these terms are easy. Railwaymen love to talk in abbreviations. When I hear two railwaymen talk, I find every time they would refer to D.T.S., G.L.O., etc. They understand these terms and they find it easy to talk like that. But to an ordinary man it conveys almost nothing. Therefore I would like to know what is the percentage of staff that falls under each of these various categories. What is the number of men under intermittent staff? Does it apply, as I visualise it, to the station master at a wayside station who has little work to do, where it is a one-man show, and where he has a quarter adjacent to the station? In such cases the spread-over, I can understand, is a little longer than the spread-over in the case of ordinary workers. But does the term "intermittent staff" also include goods clerks, coaching clerks and other persons whose work is of a continuous nature? In that case, I would certainly say that there is something wrong about this Bill. Therefore, I say we want more information before we can make any criticism on this Bill. Who are the persons, and what is their number to whom the 54 hours a week will apply? We have a Factories Act. I heard a friend say that even under the present Bill, the workshops under the Railways will have to work 54 hours. I had my doubts and so I consulted experts. I consulted Mr. Guruswami and he said it was not so. They will work for 48 hours.

AN HON. MEMBER: It will be 48 hours.

SHRI S. P. DAVE: I was happy to know that. At least between factory and factory there should be no distinction, simply because one factory is

owned by the Government, that simply because Government happens to be the employer, the worker should not be required to work for 54 hours.

Then, again, I am also not happy about the definition of the term "railway servant." The definition in the Act does not appear to include contract workers. Contractors nowadays employ a lot of workers on works which are essential for the working of our Railways. For example, there are the men employed in the goods sections in large stations for what they call loading and unloading purposes. Contractors employ large bodies of labour in this work. Are they railway workers? Does any law of the limitation of hours of work apply to them? When I read the definition of the term "Railway servant" as put down here, it seems to be that no such law would apply to them. Railway servant means any person employed by a Railway Administration in connection with the service of the Railway. So, he is not under the service of the Railway.

PROF. G. RANGA: The Minister does not seem to agree with that.

SHRI S. P. DAVE: Then I am happy. I have seen in Ahmedabad Station many workers toiling even right up to 10 P.M. Possibly the Minister would not have had reports of it. So I want reassurance on the subject. I would be happy to know that the Limitation of Hours Act does apply to these workers also.

SHRI LAL BAHADUR: It does not.

SHRI S. P. DAVE: But they are all under the employment of the Railway and something has to be done for them.

Then Mr. Reddy made a plea on behalf of the consumer and the common man. He said railwaymen should be as patriotic as anyone else. I heard the Railway Minister eulogising the service of railwaymen at the time of the last centenary, and I hope nothing

[Shri S. P. Dave.] has happened after that to say anything else. Do not be led away merely by friends of the opposite side for they represent only themselves. They have a particular part or role to play in the politics of the country and any Bill brought here will meet with the same sort of criticism from them. But so far as this Bill is concerned, I can say that railway labour is today represented in the country by one organisation which is a unified organisation. Therefore it would be much better to bring forward measures after consultations with that organisation. I am therefore keen to know whether the clauses of this Bill have had the approval of the Railwaymen's Federation and the other Federation. Sir, even at this late hour, it is not too late. In England and other places legislation of this sort is not brought into Parliament. There they have the system of collective bargaining. They have enough commonsense in the employer and the employee and they strike a good bargain and decide on what is right and what is proper. They do what is dictated by commonsense.

PROF. G. RANGA: What about the adjudicator's award?

SHRI S. P. DAVE: It was a very happy thing that even at this late hour they should have thought it reasonable to have this provision brought in as a Bill. It is a new thing. Ordinarily, the adjudicator's award is the final word. It does not require the consent of the Government to make it applicable. Otherwise there is no sense in having the adjudication. If the right to strike exists after the adjudicator's award is given, then I would consider the law faulty to that extent. All those who go in for arbitration and who go to the arbitrator bind themselves to abide by the award, be it pleasant or unpleasant, for the time being at least.

I agree with the friends who criticised that it is too late in the day to implement an award which is about

six years old. A great social progress has been made during this period of six years and to that extent some of the clauses in this Bill have to be amplified or new clauses added to the Bill. In that case my friend Mr. Guruswami would have had no complaint to make. I tried to get a copy of the adjudicator's award from the Parliamentary Library but could not get it. Therefore I am not in a position to say whether some of the recommendations of that award have been included here. If not, they should have been and should be included.

Sir, coming then to the question whether the hours fixed under the Act are proper or not, to my mind it all rests on this. What is the type and nature of work that these various classes of workers are supposed to do and what is the numerical percentage that they would form. As I explained, if an intermittent worker is a worker on a road-side station who has really to do four hours of serious work but is supposed to attend any goods train that may come even at an odd hour, well, that work has to be done. Then, this definition is proper; otherwise, Sir, the spread over generally in all industrial establishments is not supposed to be longer than ten and I consider the intermittent hours to be equivalent of spread over. A spread over means, I may add for the clarification of other hon. Members, beginning or starting of the work to the conclusion of the work. There may be a gap in between for convenience and for adjustment of work hours to suit the public. That is spread over. Here also, Sir, the intermittent hours of work should not be more than what are considered to be reasonable hours of spread over.

With regard to overtime work, Sir, the accepted notions are that overtime should be as rare as possible and, therefore, in the amended Factories Act this very Parliament has given them double wage for overtime.

PROF. G. RANGA: How much have we given here?

SHRI S. P. DAVE: From 1½ you have raised it to 1½. (*Interruptions.*) The Professor says that it is a deterrent wage. I agree with him that overtime should also be deterrent. Generally, a man is fagged out by daily work and, therefore, overtime work should be as rare as possible. I have seen railwaymen at work and some of the clauses here will land them into unlimited trouble if precise rules are not made. One such thing is pressure of work. I know that when there is an accident there may be 24 hours of work; it is everybody's duty. But, pressure of work is a difficult* thing to explain. Take the case of Ahmedabad. There are 70 textile mills and in one day if each mill sends 100 bales, imagine the position of the yard; imagine the lot of the staff. Is it or is it not pressure of work? Similar is the case with unloading of goods. If goods are not cleared off within a particular time, there is demurrage to be paid and, therefore, the consignee would be very eager to have it cleared. Sir, all these details, therefore, have to be looked into in a very careful manner and the power to be exercised shall be such as is precise and should not be left to the local officers. Let the responsible officers of the Railway Board, in consultation with the labour organisations go into it carefully and make standing orders just as they obtain in other industries for routine work. For routine work in various industries we have what are called standing orders.

PROF. G. RANGA: We have them now in the Railways.

SHRI S. P. DAVE: You have, I am told standing orders; pressure of work and such other things should be defined carefully. Compensatory leave should be given, if possible, for overtime and the railwaymen should be compensated in other ways also.

Sir, it is very likely that it may be said that you have brought this Bill at a time when possibly the workers are trying to enlarge upon their privileges by fresh demands and that, therefore, you are trying to ward off or forestal a demand coming. I do not wish to go into the motives of the Government.

SHRI LAL BAHADUR: That never occurred to me.

SHRI S. P. DAVE: I also share the feelings of my friend, Mr. Reddy, that you are trying to do whatever good is possible to the railwaymen. Sir, therefore, I appeal to you that if possible the provisions of the Bill may be discussed in your scheme of collective discussions and whatever amendments are really convincing even to the Government at this late hour may be incorporated in this.

Shri Guruswami said that women workers should not be employed in the night. Barring the matrons at big stations, I do not know if there are many women employees; but if there are it is very easy to avoid the employment of women at night. Possibly this point may have been missed; otherwise, there is no difficulty in trying to satisfy railway labour with regard to this little matter.

Then, there are two or three minor things, e.g., watch and ward staff and the armed police. Sir, even under the Factories Act, for a long time it was a matter of legal doubt as to whether the sepoys and the watch and ward staff employed in the industries are covered by the Factories Act or not. Even today, the law has not made it clear; certain courts gave certain decisions and they have remained unchallenged and for all practical purposes they are now construed to be covered by the Factories Act. Similarly, there is a legislation called the Shops Act. In several States these Acts have also tried to regulate and limit the hours of work. The railway workers are mostly either industrial or commercial. Therefore, let us divide the

[Shri S. P. Dave.]

workers into commercial or industrial and try to follow the main legislation pertaining either to industrial establishments or to commercial establishments. There would, then, be no difficulty. There would be no occasion to charge the Government that because of the concessions to the Railways, they are adversely affecting the interests of the working classes.

Some reference was made in regard to conditions in foreign countries. I have been to foreign countries myself and I have seen that there too for everybody the nation is the first. In the Chemical Industries Conference which I attended in 1949, I saw many European nations pleading for not reducing the hours of work. They said that after the war, their economy cannot stand a reduction in working hours. Simultaneously, Sir, we have to go by what we have to do in India and I am not much enamoured of the four or six hour day in United States of America where their national income is very very high. At the same time, whatever comfort and convenience and amenities that the State can give to the employees it is the bounden duty of the State to give and consistent with our national resources, consistent with our national economy, let us not try to place on the Statute Book any Act which, in any way, is inferior in respect of the rights and privileges conferred by this very House to another category of workers who are doing an equally hazardous and strenuous work.

Therefore, Sir, as I said in the beginning, it is a question to be examined from the point of view of fundamentals. Should we treat the worker in an industrial concern privately owned or State owned in the same manner or not, and on that hinges the reply as to what our attitude towards this Bill should be. Sir, I have not tried to view this Bill merely as a trade unionist but also as a citizen and, therefore, I have not merely pleaded the workers' point of view but also the citizens' point of view because I am

keen to see that every day more and more industries are taken in by the State, if that is going to result in more happiness and more amenities for the public. But, when we do that there shall not be exploitation of the workers. We have to take care of that factor also. Recently, there was a controversy in the columns of the *Harijan* as to what is going to happen when the industries are State-owned. Shall there be greater exploitation or less exploitation or will exploitation continue? I am one of those who dream Gandhiji's ideals of *Sarvodaya* to be translated into action and, therefore, believe that any exploitation anywhere shall be ended. Today we may not be in that position but our goal should be that and, therefore, every step we take should be assured and should take into consideration the fact whether it is in that direction or not.

With that, Sir, I close my remarks but I would just make one request to the hon. Minister, namely, that whatever alterations may be suggested by labour organizations they should be carefully gone through before he accepts or rejects any, and the rules should be framed in such a manner as to safeguard their interests and to prevent the misuse of the provisions of the Bill.

PROF. G. RANGA: Mr. Deputy Chairman, Sir, I am rather surprised at the attitude taken up by my friends from the Communist Party for this reason that if this Bill had not been based upon an adjudicator's award there would be some justification for an Opposition Party to raise an objection even for its own sake because it is the duty of the Opposition to offer constructive criticisms to any proposal that is brought up before Parliament. But when it is based on an adjudicator's award it is the duty of all Parties concerned first of all to accept it and then ask for something more. Then there is the second point, Sir. We can ask for any number of things, all those things that my hon. friends have detailed today, but there is the question

of the time element. Till now what are the privileges that our workers have been enjoying? Does this particular Bill seek to extend those privileges or does it seek to curtail them? I consider that it does not seek to curtail them. On the other hand it does try to extend them and it is trying to improve their lot, and to attenuate their sufferings also and from that standpoint alone we will have to judge this Bill. Afterwards if anybody is not satisfied with what is being done today let us ask for something more. There is no sense in attacking the Bill as such. We are convinced and we ought to be convinced that this Bill is seeking to extend the privileges of our workers. Take for instance, Sir, one category of workers, namely, the running staff. These running staff people have been asking for these privileges for a long time. I myself have had to fight for their privileges in this as well as in the previous House for years but I could not however succeed. Now these privileges are being extended to them. Now how can we be blind to this and such facts and then say that this is a retrograde step. Then, Sir, it is easy to compare ourselves with other countries. Of course, we should; otherwise we would not be able to know whether we are making progress or not. In America the workers are working for lesser hours. Maybe true; it is true. But then what are the conditions there? Whichever worker there is, who is already trained and who becomes an adult and then seeks employment is able to find employment, except perhaps in the case of a few hundreds of thousands of people, at the most a few lakhs of people. The rest of them are all fully engaged. Is that the position in our country? Here do we not hear every other day 'Why have you allowed retrenchment in that industry or in this industry?' Is it not a fact that the Labour Minister made an appeal the other day to the private manufacturers and industrialists that they should try their best not to retrench any workers even if they were found to be redundant. This is what we hear. Now

would it be possible for my hon. friends on this side of the House to agree with the Government if supposing they were to increase mechanisation on the railways and thereby bring about retrenchment? They would not agree and they should not. Even as it is, is it not a fact that they have on the railways certain sections or certain groups of workers whose services they could easily dispense with and yet are they not keeping them in service? And they should because this is a country over-full with unemployment or under-employment and therefore in every sector of employment we want the workers who are already there to be kept in continuous employment or even in casual employment and under these circumstances I do not think it would be right for us to insist that we should reduce the hours of work to the same degree—I do not say that they should not be reduced at all—as it has been found possible to do either in England 1 P.M. or in America. We should be all in favour of reduction in hours of work consistently with the general economic conditions that prevail in our country. Judged from that point of view, I do consider this Bill, Sir, to be a progressive one.

Then, Sir, my hon. friend Mr. Govinda Reddy, I thought, got mixed up between two expressions—one the Communist Party and the other the labour leaders—and then began to level charges against labour leaders which he really intended to level, I think, against the Communist Party. I consider Mr. Guruswami to be one of the labour leaders in this country; so is Mr. Dave. They surely cannot deserve the criticism that he has thought fit to make upon the labour leaders as such.

SHRI GOVINDA REDDY: Even the hon. Mr. Guruswami has not striven to educate labour in making them conscious of the improvement of their technical efficiency.

PROF. G. RANGA: He has done that. If my hon. friend had only known what Mr. Guruswami was doing even during the course of the last war when our workers had to be advised to undergo special training in order to become more efficient, in order to safeguard railway property and so on, I am sure he would not have made this criticism. Mr. Dave himself has now given an example of how a responsible labour leader would like to look at national problems such as the labour problem. Mr. Dave wanted Government not to make any distinction between industrial employment and Governmental employment. But there is need for making such a distinction. He himself was conscious of it up to a degree. That is, he was prepared to make a distinction in regard to public utilities, but in regard to the question of employment also Government has gone much further than private employees by preventing retrenchment and when we expect Government to behave more honourably towards workers, necessarily it would not be wrong if Government were to expect workers also to show greater responsibility towards Government and its employment.

Sir, my hon. friend Mr. Dave did not want women to be employed at night time. It would be interesting for the House to know that when we made a suggestion like this at a session of the International Labour Office, the European women protested against it. They said, "We are not inferior to men in any way; we are able to look after ourselves just as well as men. Therefore, we do not want any objection to be raised against our employment during night time." So, that only brings us back to this, that it is not always quite right simply to compare ourselves with other countries and think that all that is good in other countries might possibly be good in our own country.

Sir, in regard to these various categories, it has been contended that in the interpretation of this Act, there

will be plenty of scope for Government to misbehave and therefore everything should be stated here precisely. I wish to state that it would not be possible and that that is not a correct attitude. We must leave a certain amount of flexibility in the formulation of such laws as these, where the State has to deal with lakhs and lakhs of workers and with a huge industry like our Railways. "If we are to allow such wide powers with Government where is the guarantee that the Government will behave itself?"—I quite see the weight of that argument. But as against that, there has been the practice of the Government of this country, especially during the last two or three years, of seeking to establish a process of continuous consultation with the labour organisations. My hon. friend Mr. Govinda Reddy paid a highly deserved compliment to our Railway Minister, but at the same time I wish him and also the House to remember that it was his predecessor, the late Mr. Gopalaswami Ayyangar, who really initiated this process of achieving good understanding with railway labour when he was alive. I am sure our friend Mr. Guruswami also assured the House that the then Railway Minister tried his best to establish the best possible relations with railway labour and their Federation. Now, in the light of this good understanding that has come to be achieved between the Railway authorities and the Railway labour, it is only fair that we should allow a certain amount of flexibility to prevail in the manner in which Government has to be given the power to interpret these various provisions of this Bill. In regard, Sir, to grant of periodical rest, it is quite possible that unless the Administration is really sympathetic, right to the bottom level, the workers may not be able to gain sufficient privileges, and it is in this respect that I would like the Government to keep in mind the need for consulting their own local works, committees or workers' councils, so that it would be possible for those councils themselves to bring to the notice of their own higher-ups any individual cases of injustice

that might have been done in interpreting these periods of rest.

One point was made by Mr. Sundarayya in regard to proposed section 71C(3). That was about the words 'in any month' contained in this section. Now he raised the objection to these words. He said that there might be confusion. I personally do not feel that there would be any confusion and it could only mean 45 hours a week on the average in any one month. Now, if there could possibly be any scope for any such confusion, I would like my hon. friend the Railway Minister to propose that amendment and I would request the Chair also to waive the usual rule for notice and allow such an amendment to be made, so that there would be no scope at all for any confusion.

Sir, I find that there is a new category introduced in favour of the workers, and that is 'intensive' employment. It was not there in the earlier days. It has been brought in now in favour of the workers and during that period of intensive employment a worker is not to be allowed to work for more than 45 hours in a week. Now, it is a good thing. But, at the same time, who is to classify these various groups of workers as coming under this 'intensive employment' category? The Railway authority of course would be the final authority, but, at the same time, I do take it and I hope and trust—I speak subject to correction—that these classifications will be made by the Railway authorities in consultation with the National Federation of Railwaymen. And, therefore, we need not have much fear of any misuse of powers on the part of the Government.

Then there is the question of this power to make rules, Sir. I think several friends have expressed the doubt whether Government could be trusted to make these rules in such a way that it would not hurt the workers or would not reduce the privileges of the workers. Here also I take it that the Government would make

these rules only after consulting the Railwaymen's Federation, i.e., the National Federation of Railwaymen. I would like the Government to consider this suggestion, because otherwise there would be no harmonious relations between the Government as employer and the workers.

SHRI LAL BAHADUR: I thought you had some faith in me.

PROF. G. RANGA: Apart from my faith in this particular incumbent of the office of the Railway Minister or any other person, it is best that we should have our own traditions built up so that, whenever these things are decided upon by Government, before they take their decision, they should take the National Federation into their confidence and try to carry the Federation with them to the maximum possible extent. I do not deny the right of the Government in certain cases to make their own decisions when they are not able to get the Federation to agree with them completely but, nevertheless, it is wise on the part of any national Government like ours to carry the Labour Federation with them.

Lastly, I wish to pay my tribute to our Indian railwaymen. It was unnecessary on the part of my hon. friend, Mr. Narasimham, to have assumed that there might be some people in this House or in the other House who would be questioning their loyalty, their patriotism or their anxiety to be industrious. It is not a fair assumption to make. To my mind, Sir, comes the example of that wonderful driver or foreman who was caught in between the engine and the next van that was coming behind in that Madanapalli accident. I wonder not only at the patriotism but also at the sense of duty of that driver. Sir, his body was caught in between these two carriages, but his hand was still there on the brake. It is by such men that the safety of travel in this our great national asset can be maintained in all its prestige. Therefore, we are

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all conscious of the service rendered to us, that is being rendered to us, by our railwaymen. We are also anxious to concede their demands as far as possible, as far as it is consistent with our national security and national interests and the national capacity also to make these concessions. At the same time I am one with my friend Mr. Govinda Reddy, in his belief that the railwaymen also and those who seek to improve their conditions must realise that if our nation, in its effort to make comprehensive economic and social progress, does not make as much progress as they want, it is not because of any lack of anxiety to help them but because of our poverty and the other weaknesses in our country.

SHRI KISHEN CHAND (Hyderabad): Mr. Deputy Chairman, since this Bill has been brought forward in haste, it seems to me that the provisions are being introduced in the hope that further demands of the railwaymen may not be made. After all, the adjudicator's award was given six years ago, and during this period of six years, labour legislation in our country has progressed considerably. There have been great changes brought about in the hours of work, and it would have been far better if the hon. Minister, before introducing this Bill, had considered it in conjunction with the Railwaymen's Federation. He would then have been in a position to modify some of these clauses in such a manner as to satisfy the demands of labour. I refer in particular to the fact that 54 hours per week have been specified for certain classes of workers, when the general law is 43 hours for any fac-

tory worker, and therefore bringing in this legislation in such haste is going to create disaffection in the railwaymen's minds. I support the suggestion of Mr. Rath that it be referred to a Select Committee. I would suggest to the hon. Minister that he should take this opportunity to consult the Railwaymen's Federation and accept whatever amendments are considered suitable in the Select Committee.

MR. DEPUTY CHAIRMAN: The hon. Member may continue his speech on the next official sitting. There is a message from the House of the People and the Secretary will read it.

MESSAGE FROM THE HOUSE OF THE PEOPLE

THE ANDHRA STATE BILL, 1953

SECRETARY: Sir, I have to report to the Council the following message received from the House of the People signed by the Secretary to the House:

"In accordance with the provisions of Rule 115 of the Rules of Procedure and Conduct of Business in the House of the People, I am directed to enclose herewith a copy of the Andhra State Bill, 1953, which has been passed as amended by the House at its sitting held on the 27th August 1953."

I lay the Bill on the Table.

The Council then adjourned till a quarter past eight of the clock on Friday, the 28th August 1953.