

* The Factories (Amendment) Bill

The Honourable Dr. B. R. Ambedkar (Labour Member):
Sir I move:

“That the Bill further to amend the Factories Act, 1934,
be taken into consideration.”

This Bill is a very simple piece of legislation and it is also a non-controversial piece of legislation. The Bill proposes to make four amendments and the sections which are sought to be amended by this Bill are sections 9, 19, 23, 45 and 54.

Section 9 is a section which legislates that the occupier of a factory, before starting the factory, should send to the Inspector of Factories a notice giving certain particulars. Now, it has been found out that under this section the Inspector of Factories is not entitled to ask for the particulars from the occupier of the factory which he thinks he ought to have, nor the occupier is bound to give any such particulars. Recently it has been found out that the occupier of a factory, who wants to start a factory, has refused to give certain important information which the Inspector of Factories requires. In order to remove this difficulty, section 9 is amended and the amendment gives powers to Government to ask for certain particulars which the Inspector requires for his purposes.

Section 19 deals with the supply of water and washing places in the factory. As the section stands now, the provision for a washing places is confined to factories involving contact by workers with injurious and obnoxious substances. The section does not require owners of factories of either kind to provide washing places. It has been suggested that this limitation ought to be removed because washing places are necessary for all sorts of workers and not merely for those whose work brings them in contact with injurious and

* Legislative Assembly Debates (Central), Vol. III of 1944, 4th April 1944, p. 1929.

obnoxious substances. The amendment, therefore, makes provision for making washing places obligatory on all factories.

Section 23 deals with fire-escapes to be installed in a factory. Here, again, it has been found that the section is defective. The section leaves to the occupier required. It does not give to Government the power to prescribe the number of fire-escapes that a particular factory may find it necessary to have. Consequently, section 23 has been amended by the present Bill in order to give power to Government to prescribe the requisite number of fire-escapes which the Factory Inspector may find it necessary in the circumstances of a particular factory.

Then, Sir, coming to sections 45 and 54, the position is this. These sections deal with two matters. They deal with hours of work which a child and a woman is required to work in a factory. They also deal with what are called the limits of the spreadover. The present amendment does not in any way alter the provisions with regard to the number of hours which a child or a woman is required to work in a factory, nor does it in any way affect the 13 hours spread which has been prescribed by these provisions. All that the present amendment does is to alter the limit of the spreadover by changing 7-30 p.m. to 8-30 p.m. This change has become necessary on account of two reasons. Firstly, it is due to the change in the standard lime and, secondly, it is due to the necessity for saving light.

Sir, I do not think anything more is required from me to explain the provisions of this Bill. I move.

Mr. President (The Honourable Sir Abdur Rahim): Motion moved:

“That the Bill further to amend the Factories Act, 1934, be taken into consideration.”

I find notice of amendments has been given by Maulvi Muhammad Abdul Ghani, but he is not in the House. The House, will, therefore, proceed with the consideration of the Bill.

Mr. Muhammad Nauman (Patna and Chhota Nagpur *cum* Orissa : Muhammadan): Sir, I agree with the Bill and its principle as explained by the Honourable Member. My only objection is that the Honourable Member has not taken pains to consult the opinion of the Chambers and the merchants who would have been really the proper people to say whether such amendments were necessary. What I am

afraid of is that by placing restrictions in the manner proposed in section 19 it may be more difficult for the people who have factories or who are establishing factories to have that Schedule which they want to prepare. That is my only trouble. If I am convinced that the Government has taken pains to consult the commercial opinion and the opinion of the industrialists on this matter, I will be glad to support the motion.

The Honourable Dr. B. R. Ambedkar : Sir, with regard to the point raised by my Honourable friend Mr. Muhammad Nauman, I would like to say this, that this Bill is the result of the recommendations made by the conference of Inspectors of Factories all over India. It is they who have thought that the Bill has been defective in the way in which it has been found to be. All that the Government has done is to give effect to the unanimous recommendation made by the Inspectors of Factories all over India. I have no idea, and I have no papers with me to enable me to say whether the Chambers of Commerce have been consulted. But I should have thought that the Chambers of Commerce were hardly the bodies to be consulted with regard to factory legislation. But I believe employers' organisations have been consulted.

Mr. President (The Honourable Sir Abdur Rahim): The question is :

“That the Bill further to amend the Factories Act, 1934, be taken into consideration.”

The motion was adopted.

Mr. C. C. Miller (Bengal: European): Sir, I move:

“That in clause 2 of the Bill to the proposed part (f) of sub-section (1) the following words be added : ‘for the purposes of this Act’.”

Sir, I can explain this amendment very shortly. The original section 9, as the Honourable Member has already stated, gives under certain specified heads the information which the factory owner must supply to the Factory Inspector. Incidentally one really doubts whether the amending clause is necessary at all in view of section 77 of the Bill which seems to supply the gap if further information is needed. But, assuming that the Government amendment is in order, we thought that it is asking rather a lot to put in an omnibus amendment of this

nature to certain specifically defined subjects. All we ask for is that the Factory Inspector should be entitled to seek information only which is relevant to the Factory Act. I hope that the Honourable Member will accept this very modest amendment

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved:

“That in clause 2 of the Bill to the proposed part (f) of subsection (1) the following words be added:

‘for the purposes of this Act’.”

The Honourable Dr. B. R. Ambedkar: I accept the amendment.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

“That in clause 2 of the Bill to the proposed part (f) of subsection (1) the following words be added :

‘for the purposes of this Act’.”

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clauses 3, 4 and 5 were added to the Bill.

Clause 1 was added, to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Dr. B. R. Ambedkar: Sir, I move:

“That the Bill, as amended, be passed.”

Mr. President (The Honourable Sir Abdur Rahim): The question is:

“That the Bill, as amended, be passed.”

The motion was adopted.

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