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* Factories (Amendment) Bill

Mr. President : The House will now proceed to the consideration of the Factories Bill.

The Honourable Dr. B.R. Ambedkar : I propose to deal with that point. I have been asked by my Honourable colleague to speak on that point and I am quite competent to speak because every Member of this Government can speak on behalf of the Government as a whole.

Diwan Chaman Lall (West Punjab: Non-Muhammadan): Sir, I have to say something on this question unless the Honourable Member is agreeable to my speaking afterwards.

Mr. President : Even if he is agreeable I do not think I can permit it under the Rules after the Honourable Member has replied to the debate.

The Honourable Dr. B.R. Ambedkar (Labour Member) : So much has been said already that it is not necessary to say more.

Mr. President, Sir. The debate that has proceeded so far has really left very little for me to say because what has been said by the one side against the Bill has, if I may say so, been effectively replied by the other side, and, therefore, certainly at this stage there is no great necessity for me to repeat what has been said already. If I rise at all it is to deal with the criticism that has been made by my Honourable friend, Mr. Vadilal Lallubhai. I have listened to his speech and I must say tha I have been quite unable to understand what complaint he has to make with regard to this Bill. I am quite aware and everybody else is that today there is a threat of cloth famine and that whatever we do with regard to the amendment of the Factories Act affecting the provisions relating to hours of work, we should be cautious to see that the situation with regard to cloth is not aggravated. My reply to the criticism of my friend is this that we have not only taken into

*Legislative Assembly Debates (Central), Vol. V-No. 4, 4th April 1946, pp. 3526-27.

consideration the situation regarding cloth famine, but we have taken into consideration the situation that might arise with regard to the shortage of other articles of consumption, and the Government of India has not only introduced an amendment which would give relief to the cotton industry but is so widely worded that it would also give relief to many other industries which are engaged in producing consumers goods. I do not quite understand why he is not satisfied with so general a provision which not only gives him relief but also gives relief to many other industries. I am still unable to understand the significance of his comment.

He made two other points to which I think he is entitled to a reply from me. The one comment that he made was—I have got the text of his speech before me—that this exemption ought to be given by the Government of India itself in this very Act and not to be left to the discretionary authority of the Provincial Government. My answer to this criticism is twofold : In the first place, as my Honourable friend knows, granting exemption is what in law is regarded as an exercise of executive authority under the constitution which is now in operation ; although labour is placed in concurrent list, that fact merely gives the Government of India the authority to make the law. It does not give the Government of India authority to put that law into execution. All execution must remain in the hands of the Provincial Government and if, therefore, we have not granted exemption straight-away in this Act it is because it is beyond the powers of the Central Legislature to do so. The second difficulty which I find in meeting the demand that he has made is this : It is impossible for the Government of India to single out any particular industry such as the cotton textile industry to be mentioned in the Act itself for exemption without at the same time giving a list of other industries which might require similar exemption. It is impossible for anybody in the Labour Department to anticipate the needs of other industries and to make specific provisions in that behalf. He expressed the fear that Provincial Governments will not grant the exemption for which they have been empowered very readily, and if I understood him correctly he said that labour in Provinces will create difficulties in the matter of Provincial Governments granting such exemptions. I do not share the fear because I believe that the Provincial Governments while they would undoubtedly listen to such

reasons as labour may have to put forward against granting exemptions will no doubt bear in mind the exigencies of public needs and public interests and do what may be needful in the circumstances. Therefore so far as his first point is concerned. I do not think that I can meet it because the law will not permit me to do so, and, secondly, I do not see why the Provincial Governments should not be trusted to do what is needful in the interest of the public in general.

The other question which he raised was whether the Industries and Civil Supplies Department was prepared to take responsibility for this measure. I do not think he should have raised this question because if he had only taken into consideration the way in which the Government of India operates, he would have known that no measure can go before this House unless it has had previously the consent of the Executive Council in which the Member in charge of Industries and Civil Supplies has every right to make his say, but I can say positively that the labour Department had paid the greatest considertion to what was urged by the Department of Industries and Civil Supplies in this matter and it is at their instance mat clause 5 was introduced in this Bill. They were apprehensive that while the general provisions regarding the restriction of hours of labour were essential and necessary and could not be postponed, yet the circumstances in which this country was placed with regard to certain articles should also be borne in mind, and it was at their express instance that this clause was introduced. I hope my Honourable friend will be satisfied that the Industries and Civil Supplies Department has in no way been rushed by this Bill and that this measure has their fullest support. Sir, I move.

Mr. President : The question is :

> "That the Bill further to amend the Factories Act, 1934, as reported by the Select Committee, be taken into consideration."
> The motion was adopted.

Mr. President : I shall take clause 2 first and clause 1 at the end. There is an amendment to clause 2 by Messrs. Vadilal Lallubhai and Ramalingam Chettiar.

Mr. Vadilal Lallubhai : I have got to make some observation. Dr. Ambedkar says that the law does not provide for exemptions but as the amendment has been drafted it is possible that it will come under

the law. I would like to know whether the amendment of clause 2 as drafted by me docs come under the Law.

Mr. President : I am not clear as to what the Honourable Member is driving at.

Mr. Vadilal Lallubhai : The Honourable Member said that the law did not provide for exemption. If he reads my amendment to clause 2 he will see that there is no legal bar. I would like to know whether it is because that there is a legal bar that he wants to oppose my amendment or there are other reasons.

Mr. President : I believe the Honourable Member has clarified the position sufficiently in his speech. I do not think there can be any doubt on the question. He said that the legal bar was one argument. There was a further argument also that, in his opinion, whatever is necessary will be done by the Government. Am I right ?

The Honourable Dr. B.R. Ambedkar : Yes, Sir.

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***Mr. President :** Amendment moved :

"That in Clause 4 of the Bill, for the words 'ten and a half hours or where the factory is seasonal one, eleven and a half', the word 'twelve' be substituted".

The Honourable Dr. B.R. Ambedkar : Sir, I am afraid I am opposed to this amendment. There are two objections which I see. One objection is a general one. The Honourable Mover of this amendment seems to hold the opinion that if employers in any particular industry have devised a particular plan of employing their labour in their factories, then the law ought to be so framed that it would suit the practice that is prevalent. That is a position which I am not prepared to accept. Many employers may devise many means that may be primarily in the interests of the employers and I think it would be wrong on the part of the State to accept the obligation that in whatever legislation they may propose, the legislation should be made to suit the practice, and that the law should not alter the practice if it is found that the practice is bad. That is my first argument why I am unable to accept this amendment.

*Legislative Assembly Debates (Central), 4th April 1946, p. 3532.

The second argument which I have against this amendment arises from a direct consideration of the matter. If I have understood my Honourable friend correctly, the sort of way in which he employs his labour could, I think, be described in a simple manner in some such fashion : he has as a matter of fact two corps of labour under him, which for purposes of explanation may be called 'A' corps and 'B' corps358 ! and the way he would like to employ them would be somewhat in this fashion : 'A' corps would start work at 8 a.m. and work till 4 O' clock in the afternoon. At 4 p.m. 'B' corps would be discharged and 'A' corps would again come in and work till 8 p.m. At 8 p.m. 'A' corps will be discharged and 'B' corps will be brought in for work and would work till 12 midnight. That, if I understood him correctly, would be the method by which he would work his labour.....

Sri T.A. Ramalingam Chettiar : Quite right.

The Honourable Dr. B.R. Ambedkar : Now, it seems to me that this arrangement is fundamentally opposed to the principle of spreadover. What is the principle of spreadover ? It is this, that as far as possible no worker should be required to stay on the factory premises for any period longer than is necessary for the full employment of the maximum hours prescribed by law. In this Bill we arc providing that the maximum hours per day should be 9. If the amendment was accepted, the worker would have to be kept on the premises, for three hours more, which I submit is not in consonance with the general principle of spreadover. A factory, if I may say so, is not a garden and certainly today has not got all the amenities which a factory ought to have ; and it is very desirable that an employee should be allowed to quit the factory as soon as he possibly can get back to his home, breathe free air, and enjoy such amenities as he can and make the best use of the leisure that the law gives him. For these reasons, I think this amendment is not a good amendment and I am therefore not prepared to accept it..

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***The Honourable Dr. B.R. Ambedkar :** I do not think I need say anything at this stage except to express my gratitude to the House and to the Members of the Select Committee who have so greatly

*Legislative Assembly Debates (Central), Vol. V. No. 4, 4th April 1946, p. 3540.

co-operated with me in carrying this measure through. With regard to the many suggestions which have been made by many speakers who have spoken on this motion, all that I need say is that whichever Government comes into operation, it will undoubtedly have to bear those suggestions in mind. As my Honourable friend, Diwan Chaman Lall said, we are not living in the same time when the Factory Commission reported. Time has advanced. The world has advanced and we have to show that we too, like other modern countries have a regard for the moral standards on which our industrial relations are to be based, and I have no doubt about it that what they have said will be borne in mind and that their suggestions will be given effect to.

Sir, I thank the House for the courtesy they have shown me.

Mr. President **:** The question is :

"That the Bill as amended be passed."

The motion was adopted.

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