

Seventeenth Series, Vol. IV No. 32

Thursday, July 30, 2019

Shravana 8, 1941(Saka)

## **LOK SABHA DEBATES**

**(English Version)**

**First Session**

**(Seventeenth Lok Sabha)**



(Vol. IV Contains Nos. 31 to 37 )

**LOK SABHA SECRETARIAT**

**NEW DELHI**

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**CONTENTS**

**Seventeenth Series, Vol. IV, First Session, 2019/1941 (Saka)  
No.32, Tuesday, July 30, 2019, /Shravana 8, 1941 (Saka)**

<b><u>SUBJECT</u></b>	<b><u>PAGES</u></b>
<b>OBITUARY REFERENCE</b>	8
<b>PAPERS LAID ON THE TABLE</b>	10-11
<b>MESSAGES FROM RAJYA SABHA AND BILL AS PASSED BY RAJYA SABHA</b>	12, 94
<b>SUBMISSION BY MEMBERS</b>	
Re : Failure of Uttar Pradesh Government to maintain law and order and also crime against women in the State	13-15
<b>CONSUMER PROTECTION BILL, 2019</b>	16-146
Motion to Consider	16
Shri Ram Vilas Paswan	16-17
Shri Danve Raosaheb Dadarao	17-20
Shri Rajendra Agrawal	21-27
Shri Balli Durga Prasad Rao	28-36
Dr. G. Ranjith Reddy	36-39
Shri M.K. Vishnu Prasad	39-47
Dr. Kalanidhi Veeraswamy	48-53
Shrimati Pratima Mondal	54-58
Shri Rahul Ramesh Shewale	59-61
Shri Chandeshwar Prasad	61-63

Shri Ramesh Chandra Majhi	63-65
Shri Girish Chandra	65-67
Shri Saptagiri Sankar Ulaka	67-70
Shri Ajay Misra Teni	71-75
Shri Jayadev Galla	75-79
Shri Girish Bhalchandra Bapat	79-81
Shrimati Supriya Sadanand Sule	82-84
Shri Hasnain Masoodi	85-87
Shrimati Aparajita Sarangi	88-91
Shri E.T. Mohammed Basheer	92-94
Adv. A.M. Ariff	95-97
Shri Asaduddin Owaisi	98-103
Shri Janardan Mishra	104-105
Shrimati Anupriya Patel	106-108
Shri P. Raveendranath Kumar	109-110
Shri N.K. Premachandran	111-114
Dr. Thol Thirumaavalavan	114-125
Clauses 2 to 107 and 1	126-146
Motion to Pass	146
<b>CODE ON WAGES BILL, 2019</b>	147-272
Motion to Consider	147
Shri Santosh Kumar Gangwar	147-152
Shri Kodikunnil Suresh	152-159
Dr. Virendra Kumar	160-170
Dr. D. Ravikumar	170-173 Prof.
Sougata Ray	174-179
Shri N. Reddeppa	179-181

Shri Gajanan Kirtikar	182-185
Shri Dulal Chandra Goswami	186-189
Shri Chandra Sekhar Sahu	189-193
Shri Malook Nagar	193-196
Shri Nama Nageswar Rao	197-198
Shrimati Supriya Sadanand Sule	199-204
Shri Pradyut Bordoloi	205-207
Shri Pallab Lochan Das	208-212
Shri Hasnain Masoodi	213-215
Shri E. T. Mohammed Basheer	216-218
Shri P. R. Natrajan	218-219
Shri Jayadev Galla	220-223
Shri Raju Bista	225-227
Dr.Thol Thirumaavalavan	228-229
Shrimati Jaskaur Meena	230-231
Shri M. Selvaraj	232-233
Shri N. K. Premachandran	233-237
Clauses 2 to 69 and 1	248-272
Motion to Pass	272

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224

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## LOK SABHA DEBATES

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LOK SABHA

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Tuesday, July 30, 2019, /Shravana 8, 1941 (Saka)

The Lok Sabha met at Eleven of the Clock.

[HON. SPEAKER *in the Chair*]

## OBITUARY REFERENCE

*[Translation]*

**HON. SPEAKER:** Hon'ble Members, I have to inform the House about the sad demise of our former Member Shri S. Jaipal Reddy.

Shri S. Jaipal Reddy was a Member of the 8th and 12th to 15th Lok Sabha representing the Mehbubnagar, Miryalaguda and Chelvella Parliamentary Constituencies of United Andhra Pradesh now in Telangana respectively.

An excellent administrator, Shri Reddy was a Union Minister of Information and Broadcasting, Urban Development and Culture, Petroleum and Natural Gas, Science and Technology and Earth Sciences.

During his long and illustrious political career, Shri Reddy was Chairman of Committee of Privileges and also member of various Parliamentary Committees.

He was also a Member of Rajya Sabha for two terms and held the position of Leader of Opposition in the Rajya Sabha from 1991 to 1992.

He was conferred "Outstanding Parliamentarian Award" in 1998.

Earlier, Shri Reddy was the Member of the Andhra Pradesh Legislative Assembly for four terms.

Shri S. Jaipal Reddy passed away on 28 July, 2019 in Hyderabad, Telangana at the age of 77.

We deeply mourn the loss of our former colleague and I am sure the House would join me in conveying our condolences to the bereaved family.

Now the House will observe silence in the memory of the departed soul.

**11.02 hrs**

*The Members then stood in silence for a short while.*

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*[Translation]*

**HON. SPEAKER :** Hon. Members, I have received notices of adjournment motions on some matters, however, I have not allowed any notice of adjournment motion to be taken up today.

... *(Interruptions)*

**SHRI ADHIR RANJAN CHOWDHURY (BEHRAMPUR) :** Sir, you held the Zero Hour yesterday. It is our request that the Zero Hour should be held today as well so that Hon. Members get an opportunity to raise their issues...*(Interruptions)*

**HON. SPEAKER :** Let us lay the papers first.

**11.04 hrs**

**PAPERS LAID ON THE TABLE**

*[Translation]*

**HON. SPEAKER :** Now papers to be laid on the Table. Item no. 2 – Shri Parshottam Rupala ji.

Shri Arjun Ram Meghwal ji.

**THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES (SHRI ARJUN RAM MEGHWAL):** On behalf of Shri Parshottam Rupala, I lay on the Table:-

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the National Centre for Cold-Chain Development, New Delhi, for the years 2011-2012 to 2017-2018, alongwith Audited Accounts.
- (ii) A copy of the Review (Hindi and English versions) by the Government of the working of the National Centre for Cold-Chain Development, New Delhi, for the years 2011-2012 to 2017-2018.
- (2) Seven statements (Hindi and English versions) showing reasons for 2 delay in laying the papers mentioned at (1) above.

[Placed in Library, See No. LT 660/17/19]

**THE MINISTER OF STATE IN THE MINISTRY RURAL DEVELOPMENT (SADHVI NIRANJAN JYOTI):** Sir, I lay on the Table a copy of the Annual Report (Hindi and English versions) of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005, for the year 2018-2019.

[Placed in Library, See No. LT 661/17/19]

**THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES (SHRI ARJUN RAM MEGHWAL) :** On behalf of Shri Anurag Singh Thakur, I lay on the Table:-

(1) A copy each of the following Notifications (Hindi and English versions) under sub-section (3) of Section 114A of the Insurance Act, 1938 and Section 27 of the Insurance Regulatory and Development Authority Act, 1999:-

(i) The Insurance Regulatory and Development Authority of India (Insurance Brokers) Regulations, 2018 published in Notification No. F. No. IRDAI/Reg/2/149/2018 in Gazette of India dated 19th January, 2018.

(ii) Notification No. F. No. IRDAI/Reg/3/150/2018 published in Gazette of India dated 28th February, 2018 repealing the Insurance Regulatory and Development Authority (Standard Proposal Form for Life Insurance) Regulations, 2013 w.e.f. the date of publication in the official Gazette.

(2) Two statements (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in Library, See No. LT 662/17/19]

(3) A copy each of the following papers (Hindi and English versions) under Article 151(1) of the Constitution:-

(i) Report of the Comptroller and Auditor General of India-Union Government (Report No. 9 of 2019)-Department of Revenue-Direct Taxes, for the year ended March, 2018.

[Placed in Library, See No. LT 663/17/19]

(ii) Report of the Comptroller and Auditor General of India-Union Government (Report No.11 of 2019)-Department of Revenue (Indirect Taxes-Goods and Services Tax), for the year ended March, 2018.

[Placed in Library, See No. LT 664/17/19]

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**11.04 ½ hrs**

**MESSAGE FROM RAJYA SABHA**

*[English]*

**SECRETARY GENERAL:** Hon.Speaker, I have to report a message received from the Secretary General of Rajya Sabha:-

“In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting held on the 29<sup>th</sup> July, 2019 considered and agreed without any amendment to the Banning of Unregulated Deposit Schemes Bill, 2019 which was passed by the Lok Sabha at its sitting held on the 24<sup>th</sup> July, 2019.”

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**SHRI ADHIR RANJAN CHOWDHURY (BAHARAMPUR)** :Sir, I may please be allowed to move an adjournment motion.

**HON. SPEAKER:** I have not given any permission to move adjournment motion.

...(Interruptions)

**11.05 hrs**

**SUBMISSION BY MEMBER**

**Re : Failure of Uttar Pradesh Government to maintain law and order and also crime against women in the State**

**SHRI ADHIR RANJAN CHOWDHURY:** Sir, it should be declared as zero hour and I may be given an opportunity to speak...(Interruptions)

Today, people of the entire country are ashamed of the incident which took place in Unnao district of Uttar Pradesh. ....(*Interruptions*), this incident is a stigma on a civil society where a minor girl was gang raped ...(*Interruptions*) In spite of the ongoing C.B.I inquiry, victims are feeling helpless to save their lives...(*Interruptions*)

Sir, the state of Uttar Pradesh which this government claims to have made 'Uttam Pradesh', is actually turning into a anarchical state where a minor girl was gang raped and her father died...(*Interruptions*) That girl also tried to self immolate in front of the residence of Chief Minister demanding justice for herself. ..(*Interruptions*) Thereafter, her 'chachi' (her uncle's wife) and her 'mausi' (her mother's sister) died . Not only this .two eye witnesses of the incident were also crushed to death by a truck....(*Interruptions*) Moreover, The victim is admitted in a hospital in a critical condition....(*Interruptions*) Her lawyer is also admitted in hospital... (*Interruptions*)

Sir, in such a situation, if these people do not consider this incident as a shameful one, all of us will have to be ashamed of that. ...(Interruptions) CBI inquiry is going on in this regard. ...(interruptions) I would like to submit that our Home minister should come in the House and give a statement in this regard so that people of this country get to know about our society where a victims of such a heinous crime has to go through such painful ordeal. ...(Interruptions)

**HON. SPEAKER:** Hon'ble Minister of Parliamentary Affairs.

**11.08 hrs**

*At this stage, Shri Gaurav Gogoi, Dr. Kalanidhi Veeraswamy and some other hon. Members came and stood on the floor near the Table.*

**THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF COAL AND MINES (SHRI PRAHLAD JOSHI):** Sir, we should not politicize this incident. ....(Interruptions) CBI inquiry is already going on in this matter...(Interruptions) An F.I.R. has also been registered. ...(Interruptions) Uttar Pradesh government is conducting a fair investigation in the matter and I would like to say that we are with that family. ...(Interruptions) Uttar Pradesh government is making all our efforts to do justice with the victim but it is not right to politicize this matter.... (Interruptions)

Sir, I request you to allow our hon. Jagdambika pal ji to comment on it. Please allow him to speak....(Interruptions)

**SHRI JAGDAMBIKA PAL (DUMARIYAGANJ):** Hon. Speaker, Sir, the way the leader of congress party has raised this state subject here today and to defame the Yogi government , said that an attempt has been made through a truck to eliminate the evidence of the victims family, I would like to say in this regard that he is misleading the country....(interruptions) the truck that caused the accident belongs to Amar Pal Singh, the leader of Samajwadi Party. ...(Interruptions) Let him give reply.... (Interruptions) Samajwadi Party was

demanding a CBI inquiry since yesterday and today Chief Minister of Uttar Pradesh has given permission to conduct a CBI inquiry about this truck accident...(Interruptions). CBI inquiry is going on in the earlier incident of murder also and the legislator is in jail...(Interruptions) He is in Sitapur. ...*(Interruptions)*

The way, congress Party has lost public support in Uttar Pradesh today. ...*(Interruptions)* be it Amethi or Raebareli. ....*(Interruptions)* Congress party is trying to defame Uttar Pradesh government....*(Interruptions)*

Hon. Speaker Sir, I want them to let the House run. ...*(Interruptions)* Thank you.

**THE MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT (SADHVI NIRANJAN JYOTI):** Hon. Speaker, we are with the victim and her family....*(Interruptions)* The truck driver is a resident of Narauli, district Fatehpur and he is also a worker of Samajwadi Party. ...*(Interruptions)* He is a worker of SP and comes from my parliamentary constituency...*(Interruptions)* He is a resident of Fatehpur....*(Interruptions)* Samajwadi Party is trying to defame BJP to protect its worker. ...*(Interruptions)*

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**11.12 hrs**

**CONSUMER PROTECTION BILL, 2019**

*[Translation]*

**HON. SPEAKER:** Item No. 6, consumer protection Bill, 2019, hon. Minister.

*...(Interruptions)*

**THE MINISTER OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION (SHRI RAMVILAS PASWAN):** Hon. Speaker, this is a new Bill. *...(Interruptions)* Earlier Bill was enacted in December 1986... *(Interruptions)* Once again, this Bill has been introduced in this House after 33 years...*(Interruptions)* With your permission I beg to move a motion for consideration on the consumer protections Bill, 2019...*(Interruptions)*

Sir, I beg to move

“that the Bill to provide for protection of the interests of consumers and for the said purpose, to establish authorities for timely and effective administration and settlement of consumers’ disputes and for matters connected therewith or incidental there to may be taken into consideration.”

Hon. Speaker, this Bill was enacted in the year, 1986. ....*(Interruptions)* Since then, it was continuously being demanded that the consumers ....*(Interruptions)*

**THE MINISTER OF PARLIAMENTARY AFFAIRS, AND MINISTER OF COAL AND MINES (SHRI PRAHLAD JOSHI):** Ramvilas ji you are audible from there....*(Interruptions)* Please move a little backward...*(Interruptions)*



**SHRI RAMVILAS PASWAN:** Rao Saheb Danve ji, please speak briefly....*(Interruptions)*

**HON. SPEAKER:** Motion moved:

“that bill to provide for protection of interest of consumers and for the said purpose, to establish authorities for timely and effective administration and settlement of consumers’ disputes and for matters connected therewith or incidental thereto may be taken into consideration.”

...*(Interruptions)*

**THE MINISTER OF STATE IN THE MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION (SHRI DANVE DADARAO):** Hon. Speaker, with your permission I beg to move the motion for consideration of the consumer protection Bill, 2019...*(Interruptions)*

Hon. Speaker, this Bill....*(Interruptions)* consumer protection bill was introduced in Lok Sabha on 10 August 2015. ....*(Interruptions)* Thereafter, bill was referred to departmentally related standing committee for consideration, Parliamentary standing committee presented its 9<sup>th</sup> report on 26 April, 2016 wherein 37 recommendations were made....*(Interruptions)* Some of the recommendation were related to address the issue regarding dealing with misleading advertisements, adulteration and proposed central consumers protection authority and safety etc. ....*(Interruptions)*

Hon. Speaker, these recommendations of Standing Committee were adopted in toto or with some amendments. Thereafter, a Group of Ministers also considered these recommendations. ...*(Interruptions)*

Hon. Speaker, keeping in How the recommendations of Group of Ministers, standing committee and Law Ministry, a new revised bill i.e. consumers protection Bill, 2018 was formulated and the same was introduced in Lok Sabha on 05.01.2018

Hon. Speaker, Lok Sabha passed this Bill on 20.12.2018 but it lapsed due to dissolution of 16<sup>th</sup> Lok Sabha .

Hon. Speaker, this Bill was again introduced in Lok Sabha on 8 July, 2019 with some amendments. I would like to describe about salient features of this Bill.

Earlier, there were consumer courts at district level, state level and national level but the consumers had to wait from three to five months to get justice. Consumers were not able to get their problems solved under the earlier Act. Therefore establishment of a central consumer protection Authority (CCPA) has also been proposed besides there courts.

Hon. Speaker, we have included in this bill simplified dispute redressal process, provision of mediation, product liability, penalty for misleading advertisements and adulteration, to simplify the investigation process of consumer commission and to simplify the investigation process of consumer commission and to simplify of adjudication process. We have also included in this bill the provision of early disposal of cases through mediation, e-commerce, direct selling and making of new rules to address the issues of consumer.

Hon. Speaker, there will be one Chief Commissioner and some other commissioners in the central authority. There will be one commissioner in the regional authority. However, its complete composition will be decided by consulting states and Union only after bill is passed.

Hon. Speaker, CCPA is an executive agency to provide relief to categorised consumers. It will have rights to do the following work: to start prosecution in case of violation of consumer rights and complaint to order to withdraw unsafe products and services, to order not to publish misleading advertisements and unfair trade practices, to impose penalty on producers/ endorsees/ publishers for misleading advertisements. We have included these new provisions in this bill.

Consumers will get its benefit. At present, there is only one point for consumers to get justice which takes much time. Additional rapid executive reforms, through central consumer protection Authority, have been proposed in this bill.

Hon. Speaker, provision of penalty has been recommended in this bill to check misleading advertisements of products and adulteration. A provision of product liability has also been made to prevent manufactures and services providers to supply defective products or faulty services.

This bill aims at facilitating access to consumer commission and simplifying the process of adjudication. A provision to expedite to the disposal of cases through mediation has also been made in this bill provisions for making rules for young consumers, e-commerce and direct selling have also been made.

Hon. Speaker, earlier bill was enacted in the year 1986. There was a provision in that bill to establish consumer commissioners at district, state and national levels which was a quasi-judicial process. Now in this bill besides these consumer commissions, we have proposed to establish a central consumer protection authority.

Hon. Speaker, earlier, there was a provision to consider cases only upto Rs.20 lakh in District Commission which we have now increased to Rs. One crore. The same limit of Rs. 20 lakh was applicable in case of state commission

also which we have increased to more than Rs. One crore. For national commission, it was Rs. One crore only which has been increased to more than Rs. 10 crore in this new bill.

Earlier, consumers could not get immediate relief and they had to lodge several complaints to get justice. But, through this bill, the process of dispute redressal has been simplified and accelerated.

Sir, as per old bill, when a consumer wanted to lodge a complaint, it was compulsory to obtain admissibility of the commission within 21 days. ...(Interruptions) but according to this new bill of 2019, if a consumer lodges a complaint, it will be deemed to have obtained admissibility within 21 days. If any consumer is not satisfied with the decision of the commission ...(Interruptions) he can approach state commission as well as national commission. ...(Interruptions) As per the provisions of this bill, an appeal can be filed at one level only. ....(Interruptions) For example, if a consumer is not satisfied with the decision, he can approach state commission only. ....(Interruptions) In this bill, provision has been made only for two levels. I request you to get this bill passed.

**SHRI RAJENDRA AGRAWAL (MEERUT):** Hon. Speaker, I would like to thank you for giving me an opportunity to speak on the consumer protection Bill, 2019. This is an important bill which is related to the common consumer. I hope that our esteemed members of opposition will play a construction role in this regard and support this bill. ...(Interruptions) This is a comprehensive bill which has been brought after long discussions. I would like to congratulate our hon. Prime Minister and very empathetic hon. Minister Shri Ramvilas paswan ji for bringing this bill. This bill will replace the bill of 1986.

Hon. Speaker, sir, today, modalities of trade and commodities have changed to a great extent. A new system of e-commerce has started. General public is being cheated because of new system of information. ...(Interruptions) It had become very difficult to protect the interests of the consumers. As I said, today is the era of e-commerce. Companies like Amazon and Flipkart have become very big international companies and owners of these companies are among the most rich people in the world today. ...(Interruptions) In such a situation, consumer has become helpless and as a result of that possibilities of his exploitation have increased.

I would like to share with this House an incident which happened with me. I will not reveal the name of the company and the product. In the year 2016, I placed an order for a mobile. My son advised me to place an online order through e-commerce and he did so. Thereafter, I received a very beautiful packet but it was quite shocking when I opened the packet, I got a piece of stone in place of a mobile. Since, I am a Member of Parliament; I immediately lodged a complaint and got it resolved. Officials of that company apologized at once and mobile was delivered to me. It was stated that mistake took place while packing the mobile. ..(Interruptions) Such a big empire has been created. Such ways have been devised, in such a scenario, many a time small consumer gets exploited due to

such mistakes. It is, therefore, necessary to protect his interests... (Interruptions)  
That is why, this new bill has been brought. Even in the Act of 1986, there were provisions to redress the disputes at district level, state level and centre level. It is not so that the old Act was useless. Through, 90 percent cases of dispute were redressed by that Act which is a good percentage but it takes long time to deliver justice. It used to take six months or one year in this process. On an average, it comes out to twelve months for one case.

As far as pendency is concerned, I want to give a data provided by NCDRC. This data is about the pendency of cases as on 13 June 2019. The number of consumer cases pending in consumer courts.....(Interruptions) The pendency of such cases is 20,304, 1,18,319 and 3,23,163 in the national commission, state commission and district forum respectively. Today, total pendency is 4,61,786 which should be cleared. If injustice is meted out to a consumer, it should be opposed and protection should be given to him. A need was felt to draft a new bill to deliver immediate justice to the consumers, that is why the process of making this bill started.. .....(Interruptions)

A large number of new members have been elected to this House. Hon. Minister has moved a motion for consideration of this bill. I also want to convey to this House that this new bill has been brought to replace the bill of 1986. When bill was introduced in Lok Sabha on 10 Aug. 2015, a demand was raised by all the members in the House to refer the bill to standing committee for further consideration. Therefore, the bill was referred to the committee on Food, consumer Affairs and public distribution. Committee presented its report in April 2017. In this report, committee made 37 recommendations. Most of the recommendations were related to the following issues: how to deal with misleading advertisements and adulteration in products and to establish a central consumer protection Authority....(Interruptions) what should be its powers and

way of implementation. All these recommendations were accepted with minor changes. It was later decided that the bill should be referred to a Group of Ministers (GOM) headed by the Minister of Finance for further consideration. The bill was sent to GOM and they considered the bill.....*(Interruptions)* They reviewed it and GOM made five recommendations in this regard. These five recommendations are very important on which this new bill is based. With your permission, I would like read them out. [*English*]The first recommendation is with regard to misleading advertisements, imposition of monetary penalty by the central authority on endorsers, publishers and persons party to a publication and ban on making further endorsements and in the case of manufacturers, imprisonment and fine. Second recommendation is: inclusion of product-neutral offence with graded punishment in the case of adulteration of any product containing adulterant that will cause injury to the consumer. Third recommendation is: removal of overlap of powers between the Central Consumer Protection Authority and the consumer disputes redressal agencies under the Bill by modifying the powers of the central authority against any order of the commissioner or the chief commissioner of the Central Consumer Protection Authority. Fifth and last recommendation is: establishment of regional benches of the National Consumer Disputes Redressal Commission by the Central Government at each other places as may be necessary. [*Translation*]Thus, while including all the recommendations and considering each level, a new bill was introduced in Lok Sabha on 5 Jan 2018. This bill was discussed in December and it was passed on 20 Dec 2018. But like other bills, this bill could not be passed in Rajya Sabha. In the meantime, Tenure of 16<sup>th</sup> Lok Sabha was over and this bill lapsed. Today, this bill has been brought in this session once again. This bill was introduced on 8 July 2019 and today it is presented for consideration of the House. ...*(Interruptions)* I hope that this time narrow politics will not come in the way of

this bill and it will be passed by Lok Sabha and Rajya Sabha so that a consumer can get justice. ...(*Interruptions*)

Some old provisions have also been kept unchanged in this bill. Some of them have been amended and some new provisions have been added. ....(*Interruptions*) First consumer protection council which was existing earlier also in three levels, will be established. Ministers will be its chairman at state and central level and district magistrate at district level. Moreover, consumer Dispute Redressal commission which is very important and was earlier called as consumer forum, district forum, will now be established by giving them more powers as a court.....(*Interruptions*) Consumers commissions will be constituted at district, state and centre levels. All these points have been elaborated in the bill. In common parlance these commissions can now be called as consumer courts. Their powers and jurisdiction have been increased further. District consumer courts can now consider the cases involving upto Rs. 1 crore instead of Rs. 20 lakh. State consumer court can consider the cases of involving upto Rs. 10 crore instead of Rs. One crore. Similarly, National commission can consider cases involving rupees 10 crore or more. Thus, a new commission with the increased powers and jurisdiction will be give relief to the consumers to a great extent. ...(*Interruptions*)

Similarly, a new provisions has been added in this bill regarding establishment of a Central consumer protection Authority. Chief commissioner will be its chairman and other commissioners will also be appointed to help him. A Director General will be appointed supervise the work related to investigation. ....(*Interruptions*) CCPA will provide protection to the consumers against any kind of cheating, be it regarding commodity exchange , spurious product, advertisement or trade practice.



And a major device has been provided for in the Bill to protect the consumers. ....(*Interruptions*)

**11.33 hrs**

**(Shrimati Meenakashi Lekhi *in the Chair*)**

Similarly, a new provision has been made in this bill regarding product liability be it related to any service or commodity. There was no provision in the old bill to fix liability and penalty. But as per this new bill, if any customer makes a complaint regarding product liability, guilty will be identified and action will be taken against him. ...(*Interruptions*) As I said in the beginning that I placed an online order to purchase a mobile but a stone was delivered to me. Such type of things can happen to anyone. Some more provisions, like provisions of penalties, have also been made in this bill. As per this provision, any person found guilty of doing such things, will not be spared. ....(*Interruptions*) Suppose, any person is convicted of such cheating, the district, state or national level commission, as the case may be can punish him with three years imprisonment or impose a penalty of Rs. 25 thousand which may be increased up to Rs. One Lakh. If any misleading advertisement is given and we know that such things often happen, you must have seen. ...(*Interruptions*) I do not want to name any product. We used to see an advertisement about a particular soap that anyone who uses that soap, will become fair complexioned. Someone said that he used that soap on his buffalo and that become fair complexioned. Thus, people used such memes. No information was given about the quality and limitations of a particular product. Many a time, big celebrities including actors and sports persons were associated by their managers without their consent. ...(*Interruptions*)

These celebrities are looked up to in the society and they have a following. In this bill, protection will be given to consumers against many face creams and other such products. Endorser will also be punishable as per the provisions of this

bill. ....(*Interruptions*) This is a very important provision in this bill. Sometimes, information is given only about the benefits of some funds like mutual funds in the advertisements whether it is given on radio or any other electronic channel but their terms and conditions are read out very quickly which no one can understand. ....(*Interruptions*) Consumers will be protected against such cheating through this bill.

One more provision has also been made in this bill. Recently, a bill related to mediation was also passed. A provision has been made in this bill to dispose of such issues through mediation. I think that there is no need to tell about the functioning of mediation courts. Such disputes will be redressed through mediation. ...(*Interruptions*) Such decision will be valid. Sometimes, it may be the case that matter is disposed of after arriving at a consensus through mediation but one of the two parties goes to the court, but this is not allowed as per the provisions of the bill so that the importance and honour of these courts is enhanced and no one takes them lightly. ....(*Interruption*) and pressure on consumer courts is lessened.

Hon. Chairperson, a person of any age group, male or female, student or living in any section of our society, can be recognized by his or her personal identity but it is a fact that we all are consumers in one way or the other. Therefore, if consumer is not given protection, there can be resentment and disappointment in the society. Our government has always been sensitive on these issues. ...(*Interruptions*) RERA Act or a bill related to unlawful deposits schemes which we have passed last week, are such efforts of the government which provide relief to the consumer. My colleagues from the congress party are in the 'Well' which is called 'Kuan' in Hindi language. I do not understand as to what comment I should make about them. ....(*Interruptions*) Many a time, I think that promises made during elections, are not fulfilled. Yesterday, one of our hon'ble

members was talking about Madhya Pradesh. Rupees 30 thousand crore are required but only Rs. 4 or 5 thousand crore have been given. I have come to know that in Rajasthan, promises have been made for Rs. 96 thousand crore but there is no record. One leader of congress party talked about 24 lakh jobs. Government is providing jobs. If it is worked out on yearly basis, it comes to crores of jobs. If on an average, one employee is paid Rs. 50 thousand, the total yearly expenditure comes to Rs. 9 lakh 44 thousands crore. ...*(Interruptions)* They have not done any calculation. They are here only to oppose GST and demonetization. Today, economy of our country has expanded and collection of revenue has increased. The only reason for that is that we have brought transparency in each sector. Earlier, false promises were made but ultimately a voter is a consumer and he is exploited. Therefore, a lot of work is required to be done for consumers. If hon. Paswan ji can do something in this regard, I request him to do it. It is the prime object of our government to provide full protection to the consumer and we are moving forward to achieve it with transparency. ....*(Interruptions)* I am sure that this bill will prove to be a milestone to ensure full protection to the common consumer. I would like to thank hon. Prime Minister and the Minister of consumer Affairs, Food and Public Distribution and support this bill. ....*(Interruptions)*

*[English]*

**SHRI BALLI DURGA PRASAD RAO (TIRUPATI):** Hon. Chairperson, Madam, at the outset, I would like to thank you very much for giving me this opportunity to express my views and suggestions on 'The Consumer Protection Bill, 2019'.

The Consumer Protection Act of 1986 was enacted to provide better protection of the consumer and establishment of a Consumer Protection Council to settle consumer disputes, etc.

Though these agencies have served the purpose to some extent, the disposal of the cases has not been so fast due to various constraints in reality ...*(Interruptions)*.

As time is passing fast, the trend of the market products of the companies has changed like rise in the international market, emergence of global supply chains and rapid development of e-commerce which have led to a new delivery system of goods and services and provided new options and opportunities to consumer ...*(Interruptions)*.

**HON. CHAIRPERSON :** Dear Members, my request to all of you would be that when on suspicion there is a crime being committed, the CBI inquiry has been ordered. Whatever is the truth, it will come out. I would request all of you to go back to your seats.

... *(Interruptions)*

**HON. CHAIRPERSON:** I would request all of you to go back to your seats.

... *(Interruptions)*

**HON. CHAIRPERSON:** Let everyone go back to his seat.

**11.41 hrs**

*At this stage, Shri Gaurav Gogoi and some other hon. Members went back to their seats.*

*[Translation]*

**SHRI ADHIR RANJAN CHOWDHURY :** Madam, please listen to me. This is an issue regarding women and *Beti Bachao, Beti Padhao* and we are not politicising the issue. We are not against anyone. We wish to draw the attention of the House and the people of the entire country towards this incident. A minor girl has been gangraped and everyone is aware of it.

*[English]*

**HON. CHAIRPERSON:** Suresh Ji, please be seated. My question to all of you is very simple. On suspicion, something wrong or untoward has happened. The CBI inquiry has been ordered. There is one view and there is contrary view also which was told by Sadhvi Ji. Now other than the CBI inquiry, what else is required to be done?

... (*Interruptions*)

**HON. CHAIRPERSON:** Dada, please be seated. Suresh Ji, between the two of you, you decide who wants to speak. Adhir Ji has already spoken. Whatever he said in the morning is on record. Hon. Speaker has already permitted him. A very important Bill is being discussed right now.

**SHRI ADHIR RANJAN CHOWDHURY:** Madam, we are also going to participate in the discussion on this Bill. Please give me just two minutes. I am not indulging in any kind of politicking.

**HON. CHAIRPERSON:** Adhir Ji, this is politicking.

... (*Interruptions*)

**HON. CHAIRPERSON:** I will request all of you to please be constructive in your opposition.

Now Durga Prasad Rao Ji was speaking on Consumer Protection Bill. You allow him to speak.

**11.44 hrs**

(Hon. Speaker *in the Chair*)

**SHRI BALLI DURGA PRASAD RAO:** At the outset, I thank you very much for giving me this opportunity to express my views and suggestions on the Consumer Protection Bill, 2019.

The Consumer Protection Act, 1986 was enacted to provide better protection to the consumers and establishment of Consumer Protection Councils to settle consumer disputes, etc. ...(*Interruptions*).

[*Translation*]

**HON. SPEAKER :** Adhir Ranjan ji, please speak.

...(*Interruptions*)

**SHRI ADHIR RANJAN CHOWDHURY:** Sir, we do not want to politicize the issue. We want the House and the people of India to take cognizance of the issue that a girl has been gangraped, her father has died. Everyone is aware of it. CBI investigation is underway. In the meantime, the girl is being attacked and her relatives are also being attacked.

The victim tried to commit suicide in front of the residence of Chief Minister. Even when CBI is investigating, the girl is being attacked and eyewitnesses are being murdered. It means that there is a conspiracy behind it. I am not saying that the State Government and Union Government is involved in

it. I do not want to say that. However the incident that has occurred there is shameful. She is the daughter of India. We talk about protecting women and securing their rights inside the House every day all the time, however such incidents are occurring outside the House... *(Interruptions)*

**HON. SPEAKER:** What is your demand?

**SHRI ADHIR RANJAN CHOWDHURY :** Sir, I demand that Hon'ble Minister of Home Affairs should come in the House... *(Interruptions)*

**HON. SPEAKER:** No, that is not relevant. You may make your demand.

**SHRI ADHIR RANJAN CHOWDHURY :** Sir, I demand that the accused in the incident should be given maximum punishment... *(Interruptions)* The victim and her family should be given protection. It is shocking that the security personnel deputed was also not there when this incident occurred. ... *(Interruptions)* Sir, Hon'ble Minister of Home Affairs should come here and make a statement ... *(Interruptions)* Sir, Hon'ble Minister of Home Affairs should come here ... *(Interruptions)*

**HON. SPEAKER :** Hon. Members, all the Hon. Members had decided that the state matters will not be taken up in this House and this is a state matter. You may demand for investigation into this matter by any agency.

... *(Interruptions)*

**SHRI ADHIR RANJAN CHOWDHURY :** Sir, it is our demand that the guilty should be given the maximum punishment and the family members of the victim should be given security. We have already seen that the security personnel was missing, that is why we are not assured... *(Interruptions)* CBI investigation is underway. Therefore, Hon. Minister of Home Affairs should come here and

make a statement ...(Interruptions) The House and all the Members should take cognizance of the matter ...(Interruptions)

**HON. SPEAKER:** Shrimati Kanimozhi ji, you have raised this matter earlier. Kanimozhi ji, you have raised your issue earlier. You may speak in detail during Zero Hour to be held in the evening.

...(Interruptions)

**HON. SPEAKER:** No. You have spoken on one matter once.

Hon. Balli Durga Prasad Rao ji to speak now.

...(Interruptions)

**HON. SPEAKER:** Hon. Member, you have not given Notice on this matter. Your notice pertains to another matter. I have given you the chance to put across your views on the matter for which you had given notice. I have given you the opportunity to speak.

Hon. Balli Durga Prasad Rao ji will speak now.

...(Interruptions)

**11.48 hrs**

*At this stage, Shri Adhir Ranjan Chowdhary, Shrimati Kanimozhi and some other hon. Members left the House.*

[English]

**SHRI BALLI DURGA PRASAD RAO :** Though the agencies have served the purpose to some extent, the disposal of cases has not been so fast due to various constraints in reality ...(Interruptions)



As the time is passing fast, the trend of marketing products of companies has changed like rise in the international market, emergence of global supply chains and the rapid development of e-commerce have led to new delivery systems for goods and services and provided new options and opportunities to consumer, e-commerce, tele-marketing, multi-level marketing etc. are posing new challenges to consumer protection.

The Government is bringing this Bill to establish CCPA to look into the grievances of the consumer and to promote, protect and enforce the rights of the consumers and initiate action, including enforcing recall, refund and return of products etc.

Sir, further, “mediation” as an Alternative Dispute Resolution Mechanism has been provided for in the Bill. I would like to know from the hon. Minister the definition of ‘Mediation’. It is not defined in the Bill. The Bill aims at simplifying the consumer dispute process and provide provisions for filling complaints electronically etc.

CCPA will have an investigation wing headed by the Director-General which will conduct an inquiry or investigation into such violations. I would like to know from the hon. Minister about the organisational structure of CCPA. Has any fund been allocated for this? Will CCPA have State and district level investigation wings to look into the violations?

I would like to appreciate the Government for carrying out multi-media campaign, namely ‘*Jago Grahak Jago*’ on pan-India basis covering both urban and rural areas through print, electronic and outdoor media.

The Central Government releases funds to the States and UTs for creating awareness among consumers and ensures that campaign reaches the rural areas

of the country. How much funds have the Central Government released in this regard particularly to my State of Andhra Pradesh?

We often chant that customer is the king. On this occasion, I would like to quote what the Father of the Nation, Mahatma Gandhiji , said:

“A customer is the most important visitor in our premises. He is not dependent on us. We are dependent on him.”

The Bill does not address the fundamental problem of protracted and complicated litigation, the bane of consumers, under the Consumer Protection Act, 1986. The lawmakers promised that it would redress consumers’ disputes in a simple and quick manner without the help of lawyers. This Bill does not simplify procedures and prohibit lawyers or even restrict their presence to complaints of high value.

Health is wealth and it is a service extended to patients. In this terminology, the patient is called a consumer. Earlier, healthcare was not included in the service list of the Bill. The Ministry of Consumer Affairs came across the Supreme Court judgement of 1995 which said that medical services to patients involves charging of some fees and hence, it comes under the purview of the Consumer Protection Act. I appreciate the Government for including healthcare in the list.

There is a penalty of Rs. 10 lakhs and up to two years imprisonment, if any manufacturer or an endorser gives false or misleading advertisement. In case of a subsequent offence, penalty will be levied up to Rs. 50 lakhs and imprisonment of up to 5 years. I would request the hon. Minister to increase the penalty amount to Rs. 25 lakhs for initial false or misleading advertisement. For the subsequent offence, the penalty imposed may be up to Rs. 1 crore.

CCPA can also prohibit the endorser or manufacturer for misleading advertisement from endorsing particular product or service for a period of up to one year. For the subsequent offence, this period may be extended to three years. However, in this Bill, there are certain exceptions mentioned when endorser will not be held liable for such a penalty. I want to know from the hon. Minister as to what those exceptions are. Those exceptions should be understood by the consumers easily. They should be aware of the exceptions under which an endorser will not be held responsible for such a penalty.

There is no time frame for disposal of cases. Consumer complaints should be disposed of in less than 90 days with a minimum number of adjournments but in reality, very few cases meet the benchmark and most cases take more than a year to two years.

As per the *Deccan Herald* news report dated 4.4.2019, a total of 1.5 lakh cases are pending in the consumer courts. One of the reasons for poor implementation of CPA is the absence of a strong and vibrant consumer movement in India.

With these observations, I want to conclude my speech and support this Bill.... (*Interruptions*)

[*Translation*]

**HON. SPEAKER :** Sougata Ray ji, what do you want to say ?

**PROF. SOUGATA RAY (DUMDUM) :** Sir, I only want to say that we protest the deadly attack on Unnao rape victim... (*Interruptions*) We do not trust the CBI enquiry... (*Interruptions*)

**HON. SPEAKER :** All right, Unnao matter has been raised.

...(*Interruptions*)

**HON. SPEAKER:** Chandreshwar Prasad ji – Not present.

Shri Ramesh Chandra Majhi – Not present.

Shri Ranjith Reddy.

...(Interruptions)

**HON. SPEAKER:** Shri Ranjith Reddy's speech may be put on record.  
Nothing else should be recorded.

...(Interruptions) \*...

**HON. SPEAKER:** Hon. Members may not cross talk.

Shri Ranjith Reddy ji will speak now.

...(Interruptions)

[English]

**DR. G. RANJITH REDDY (CHEVELLA):** Hon. Speaker Sir, I thank you very much for giving me this opportunity to talk on the rights of the consumer.

If you look into the rights, what exactly are the rights of the consumer regarding the consumer products? They have the right to know about the quality of the product, quantity of the product, pricing and purity of the product, potency of the product, and the standard of goods and services. Has the Bill really taken care of all these rights? I would say that it is partially right because all the rights have not been considered in this Bill. So, through you, I would request the hon. Minister to look into these things.

As such, the consumer is facing umpteen problems as far as the quality and quantity of the product is concerned. After the advent of e-commerce, the problems have been doubled, be it relating to quality of the products or getting the damaged goods. I was reading Clause 2 (16) in which 'e-commerce' has been defined. It says:

“‘e-commerce’ means buying or selling of goods or services including digital products over digital or electronic network”

I heartily welcome this. If you look at Clause 94, it simply says:

“...the Central Government may take such measures in the manner as may be prescribed.”

Through you, I would request the hon. Minister to look into exactly what action the Government is going to take regarding these damaged goods instead of merrily saying that the bureaucracy will answer it.

The second point I wish to make is relating to recognition of consumer rights. The rights are amply defined in the Bill but when it comes to defective goods or bad services, the Bill does not clearly say about the action to be taken against this. The Bill only proposes the product liability from Clause 82 to Clause 87, and penalties from Clause 88 to Clause 93. I was looking whether the agreement can be terminated in case the damaged goods are being supplied to the consumers. Sometimes, even bricks are supplied instead of regular products. So, through you, I request the hon. Minister to look into this matter. My only request to you is to consider implementing some penalty clauses whenever damaged goods are supplied to the consumer.

The third point is relating to MRP. Whatever MRP is mentioned on the product, the retailer is bound to sell it only at that price. But sometimes, they charge above MRP depending upon the season. Suppose, the cold drinks are to be

sold at Rs. 30. In summer season, additional Rs. 2 are being charged by the retailer saying that these are the refrigerator charges. The Bill does not clearly say about the punishment for retailer if he is selling the product above MRP. So, I request the hon. Minister to look into this.

The next point is relating to false or misleading advertisements. I welcome Clause 89 of the Bill which deals with false or misleading advertisements. But the Bill deals only with the manufacturer or the service provider, and is silent about what is going to be done against the celebrities. The celebrities who are playing a very big role in advertisements are being excluded from the Act. I request the hon. Minister that along with the manufacturer and the service provider, even the celebrities have to be charged because they have a big impact on the consumers.

The next point is relating to Clause 2 (1) which defines about what constitutes an advertisement. But it is silent on passive or indirect advertisements, for example, advertisements relating to liquor, *pan masala*, or cigarettes. These are totally banned in the print and electronic media. But the companies promote their brands indirectly through passive advertisements. I was going through the Bill and looking whether there is any clause which deals with such advertisements but I found that there was no mention of it in the Bill. Through you, I suggest the hon. Minister to also consider including proxy or passive advertisements in the Bill.

The next point is relating to Clause 2 (42) of the Bill which deals with 'service'. When we look into the definition of service, it means service of any description made available to users by various service providers, including banks. But I was really astonished when the RBI said that banks are not responsible for the loss of valuables kept in lockers. So, through you, I would like to know from the hon. Minister that why the items we deposit in the bank lockers are being

exempted. I would also like to know from the hon. Minister as to how is he going to address this serious problem.

Finally, after passing this Act in 1986, we had three amendments. One was in 1991, second in 1995, and the third one in 2002. But the problems still remain unsolved, and new problems are mushrooming.

### **12.00 hrs**

I do not know how this new regulation will stand up to the market dynamics, multilevel delivery chain, and innovative misleading approach of companies and service providers.

I hope that with the proposals of the Bill if the suggestions given by all the hon. Members in the House are included in the Bill, it would definitely improve the state of affairs between the consumer, the manufacturer, and the service provider. Otherwise, I have no hesitation to say that the initiatives will be again like watering a dead plant.

With these observations, I am anticipating that the hon. Minister will give a serious thought to all the suggestions being made by the House.

Thank you very much, Sir, for giving me this opportunity. With these words, I conclude my speech.

**DR. M.K. VISHNU PRASAD (ARANI):** Hon. Speaker, Sir, I am thankful to you for giving me this opportunity to speak on this important Bill.

Every time this Government brings a Bill, it gives us a moral will. The people of India are feeling ill. At the end of the day, this Government is going to do nil.

All the time, the Minister says, this Bill has some modifications. But out there, public says: “Is it modification or ‘*Modi*’fication? ...(Interruptions) it is because there are some small changes. One of the hon. Members said, ‘This Government is full of light, it has an era of hope and an era of brightness’. But I would rather say that this Government is an era of opaqueness, an era of highhandedness, an era of zero democracy, and at the end of the day, the people are going to give them a very big result, which they are going to see in the near future. It is because these Bills are only centralised in their powers. They are not trusting their own States. They are not trusting their own Chief Ministers. They are only taking all the powers in their hands. It is a one line agenda – ‘centralisation of all the powers’. That is happening in this current Parliament.

Then, what is the point in having so many clauses in a Bill, when they are going to club all the clauses in one clause and say, ‘at the end of the day, the Central Government will decide; at the end of the day, the Central Government will rule.’? They say: ‘You do not have the right to go to the court. You cannot go for a suit.’ This is the sad Government. This is the Government that we are facing and people are suffering.

**THE MINISTER OF STATE IN THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SHRI RAMDAS ATHAWALE):** People are not suffering; you are only suffering ...(Interruptions)

**DR. M.K. VISHNU PRASAD:** Absolutely, Mr. Minister, people are suffering ...(Interruptions)

Sir, we can say with pride that it was we who brought Aadhaar card.



*[Translation]*

**HON. SPEAKER** :Hon. Member, Hon. Minister has the special permission to speak.

*...(Interruptions)*

*[English]*

**DR. M.K. VISHNU PRASAD**: Mr. Speaker, with pride we can say that the UPA Government brought the Aadhaar card. But this Government made it as a 'Bother' card. For everything, Aadhaar is becoming 'botheration'. People are suffering day by day because of the Bills that they are bringing day by day.

Now, let us talk about the Consumer Protection Bill. Who is the consumer? It is he who consumes, who buys and sells. See, where it all started? In a small manner, in the olden days, the small theft started by changing the weights, by changing the measuring tapes. The consumer did not know what happened then. This is how the consumer was suffering.

In order to protect the interests of the consumer, the Government with motherly heart thought that these consumers should be protected. That is why in 1986, the Consumer Protection Act came. The idea is that if a farmer, a poor person who even buys a thing for 10 paise, his product should be validated; it should be justified. But is it happening here? The maximum number of consumers in India are basically the PDS, Public Distribution System beneficiaries. They use ration cards. Whoever is availing ration cards, are also consumers. A small poor farmer is not buying a big car, he is not buying a big cell phone, but he is buying from the ration shop, the pulses, *chawal* and *cheeni*,*[Translation]*When they purchase, they are also categorised as consumers, however, whether they get any subsidy? *[English]* Is the consumer protected

there? Can a poor farmer go and fight against the Government? Where is the law that is enabling a consumer to protect his interest? This is my humble question.

As far as BSNL is concerned, we are all getting telephones. Is it working properly? When we keep on talking, there is a drop in the signal. Hon. Speaker, Sir, I am hundred per cent sure, you have been a biggest sufferer as a consumer. What steps can we take? The real Consumer Protection Act should come in such a manner that immediately consumer voices can be heard. What is happening in this House? The voice of minority is being suppressed by the noise of majority. This is what is happening. The real poor farmer or a consumer should go and appeal to the concerned authority and say: "This is what I bought and this is what I got." What is the Government going to do? Are we in such a position? I am not against all the clauses in your Bill. At the end of the day, we also want this Government to be safe. We also want the consumers to be really protected. Are they being protected?

As far as civil aviation sector is concerned, the moment you go for an online booking through your mobile, it will show you one price and if you again go for the same booking after ten minutes, it will show you another price. We are all suffering. Are we not suffering? What can we immediately do? Whom can we contact? What is the number? Do we know all these things? We do not know. It is all happening. You can complain in e-mobile. You can complain on a website. The interest shown by the manufacturers or the companies in selling the product is not reflected in solving the problems of the consumers. This is the reality. In this connection, I would again want to say that it is not at all time-bound because whatever the manufacturer decides, he will do. The consumer can only register his concern but, at the end of the day, he will not get his *nidhi*.

As far as insurance companies are concerned, they are charging premium. When some accident takes place, we go to the insurance company to get our

money back but there is no immediate claim bonus. It is gone. They are charging double. As a consumer, I want to know how to address and whom to address. This is the voice of ordinary people. What mechanism has been devised by this Government to solve such problems?

Then, I am coming to the electricity boards. As a consumer, I asked the Electricity Board: “How many deaths have taken place because of short-circuits and mismanagement of the Electricity Board? Where will all these people go and ask for justice?” These are common-man’s problems. The protection of consumer is a very big subject. It has to be dealt in a very detailed manner so that the problems of even the last consumer of India can be solved. This is not happening.

What is happening with the Metro Water Board? Are we getting proper connection in time? I am paying the water tax as a consumer. I am paying drainage tax. At the end of the day, if there is any problem, where will these consumers go? As a consumer, I am entitled to use this law. How friendly and clean is this law going to be? This is what matters. That should be the idea of every Government, either this Government or that Government. A consumer has to be hundred per cent satisfied. Is it happening in this Government? It is the biggest question mark that we all have to re-think.

As far as toll roads are concerned, they are another big subject. As a citizen of India, when I buy a vehicle, I pay the road tax from Kashmir to Kanyakumari. Suppose, I am a patient, I am not in a hurry to go anywhere. In a normal manner, when I want to go in an ambassador car, provide me a normal road. I do not want a toll road. I do not want to go fast. If you give me a normal road and then if you provide me another toll road where you are charging toll, it is understandable and justifiable. You are forcing the people only to go on a toll road. Even the Supreme Court has given a judgement that if you are waiting for more than three

minutes at a toll gate, you are not bound to pay the toll. In spite of that, they are collecting the toll. Why is the Government mute on this? This is everybody's voice.

Are we not suffering due to this hazard? So, the Consumer Protection Bill should be brought in such a manner that real feelings of the people are heard. It has to be answered in the right manner to the people as per their demand.

Expiry date is a very important subject, again. First of all, regarding toll also, we have already paid tax to travel anywhere in India. Again and again, they are taking toll. In order to get toll, they should have an ambulance, a telephone and water facility. All these things are there, mandatorily. But when we ask them, they will not give any answer. Instead, they will use thugs to exploit us and extract money from us. This is the reality that we are facing. Let us not go and hide ourselves.

Regarding expiry date and MRP of the Indian products, they are very important. But they are printed in such a manner, in tiny letters which we cannot see with glasses or without glasses. Either way you try – I am challenging you – you cannot see the expiry date, the manufacture date and MRP also. What is the justice we are giving to our people who are paying so much? Is it not our responsibility? As a very rightful Opposition party, we are proud to raise all these issues, to bring them to the notice of the hon. Minister, through our hon. Speaker, to rectify all these things. They should bring a comprehensive Bill that will enable the citizens of India to use the Bill in a nice manner.

We are buying imported products. You have control over the manufacturers who are located within India. But most of the products we are using – we are using cell phones and tabs – are made outside India. What control do we have over these manufacturers? It is again the biggest question.

We are from Tamil Nadu. In my friend, Shri Manickam Tagore's constituency, there is a town called Sivakasi. Sivakasi is basically famous for crackers. But a lot of Chinese products are coming from abroad to replace this homogenous domestic product, that is, crackers. If any problem comes, where will we go? This is a million-dollar question. So many products are imported and if anything goes wrong, they will never come into the picture at all. The money lost is lost for ever. This is the saddest condition that the Indian consumers are facing.

E-commerce is another bigger issue which I want to address. Shishir Vayttaden, a partner in Cyril Amarchand Mangaldas law firm pointed out that the 2019 Bill does not attribute liability to e-commerce marketplaces for goods sold on their platforms and they are recognised as electronic service providers. The obligations of e-commerce marketplaces are limited to sharing information with the relevant authority in an investigation and designated nodal officer to accept notices.

They say, service providers are not responsible in case there is any flaw in the products that they purchase. Then, where will the consumer go? *[Translation]* If a person orders a phone from a laptop in a village *[English]* E-commerce is penetrated so deeply into each and every village. Everybody is ordering goods through mobile phones. In case, there is any problem with the product, where will they go? Will they go to the service provider or to some manufacturer in Thailand or to some manufacturer in Bangladesh? This is the problem that the consumers are facing. But it has not been addressed in this Bill. Only one thing they have addressed is: 'I will have all the power within my pockets and lead the country and you have no right as a consumer to even think of questioning'. This is the state of affairs that is happening in India right now.

The Bill provides that no person shall take part in publication of any advertisement which is false or misleading. The vagueness of the term 'false' subjects to the prospect of misuse and subjectivity by those in power. Thus, this could infringe upon the Right to Freedom, to practise any profession or to carry on any occupation or trade or business. Where is the right to freedom of practising any profession? When they say 'false', it is up to the hands of the discretionary authority which obviously lies in the Centre.

You have so many Consumer Dispute Redressal Commissions at the district level, at the State level and at the national level. As a consumer, I am sitting in some village, if there is any problem with the service or the product, I go to the district. But the district authority has an upper hand. They can always dismiss it. Even if I win, the district people will go to the State.

Does the poor farmer in the village has the ability to go again to the State and appeal? If he has that much *dhum*, he goes and fights in the State and wins his case. Then also, the Commission can go to the National Level, that is the Supreme level. Will any poor person have an ability to fight against this at the Central level?

Hon. Speaker, Sir, it is a very valid question. A farmer cannot go up to the Central level to address his problem. In that case, what is the point? Everything will come to the Centre finally and the poor farmer has no role to play. As a consumer, his freedom his curbed. He is crippled. He is malfunctioned and at the end of the day, the consumer is in the death-bed. You please send back to the Standing Committee which is not yet formed. It is very convenient for you. Without forming a Standing Committee, all the Bills are being passed. We are coming to the well not out of our interest. For the well-being of the nation, we are coming to the well. It is not out of interest or to disturb the proceedings of the House. It is for the well-being of the nation, we are coming to the well and, asking

sorry, praying you. Please answer. Mr. Speaker, through you, I would like to tell the hon. Minister to please consider all these points. The Bills are okay. Only when the common man feels that only he can address this problem. Time-bound solutions should come. It cannot go on and we do not have all the strength. The consumer does not have all the strength to fight till the Government can fight. So, thanks for giving me an opportunity hon. Speaker, thank you very much.

**DR. KALANIDHI VEERASWAMY (CHENNAI NORTH):** Hon. Speaker Sir, thank you for giving me this opportunity to speak on the Consumer Protection Bill, 2019 brought by this Government.

Sir, we oppose the Bill on certain aspects. No doubt, the Consumer Protection Act which was there earlier is useful. We have to definitely take care of the consumers to make sure that they are not cheated of for whatever their rights are. But here we are talking about a Bill about which we have made some fundamental changes in the already existing Act. What is the need for those changes? If you go through the Bill, we find that the need for this Bill has arisen only because of the time taken for the disputes to be addressed. There are instances where some cases have gone for a very long time. So, if you are going to address only about the duration taken for a consumer to get justice, that is acceptable. But here, we have made some fundamental changes in the composition of the Commission at the District level, State level and National level. The changes are these.

Earlier, the National level Commissioner was to be appointed by the Chief Justice of the Supreme Court of India and the State level Commissioner was to be appointed by the Chief Justice of High Court and the District level could have been by a person who is not of judiciary nature. This Bill is also like every other Bill which this Government has brought. You have made sure that these are the people who are going to be nominated or appointed by the Central Government and nobody has a right to question about the validity or their educational qualifications because you have not specified the qualifications for these Commissioners who are to be appointed.

**12.18 hrs**

(Shri Rajendra Agrawal *in the Chair*)

Sir, this is a very sad state of affairs because you are taking the rights out of the judicial system and giving these rights to the Central Government. You



have already taken so many powers from so many bodies. Do you want to take it away from the consumers? Should the consumer also suffer because of this Government's feudal attitude? This Government has made sure that there is no opposition.

On the other day, Dr. Shashi Tharoor said that even some amendments which are of a good nature are not being accepted. You are not treating the opposition Parties as Opposition parties. You are treating them like enemy parties. What is the harm in accepting some of the fundamental changes in certain Bills which is not going to be of any great concern and which is going to be a good thing for the common man? So, you have not considered all these factors while drafting this Bill. You are saying that the Central Government is going to be supreme. There is not going to be any autonomy where the State has a say in any of the matters and you are trying to bring all powers to Delhi. You do not want the powers to be vested with the States.

Sir, if you look at Clause (2) section 6 and sub-section 5, it says, "goods, which are hazardous to life and safety, when used." If people sell these products, they will be taken to task. Not only this Government but all the Governments across the world are very, very hypocritic when it comes to treating their civilians because we are allowing people to sell cigarettes and alcohol knowing very well that they cause a grave health hazard to the population at large. Being a doctor, I have seen umpteen number of people who smoke end up with heart attacks, cancers, bladder diseases, lung related diseases, COPD and all these things. We know all these things well. What do we do? We just put a sticker on the cigarette packet saying that this is hazardous to health. It is doing like this. You give poison and say, if you drink this, you will die. You allow the public to drink that. This is what we are doing as a Government. The Government is never bothered about the civilians or the consumers. We are only bothered about the revenue that we

can generate even if it is at the cost of their health. So, this is the kind of Government we are running. I do not know whether we can make any changes in that.

Recently, there was a newspaper article saying that a person bought two bananas for Rs.450 in a hotel. That person is a celebrity. He just tweeted it and *suo motu* somebody has taken cognizance of this and they have addressed this issue. But think about the common man. Even our *Pradhan Mantri* is seeing only the celebrities with his eyes. He does not see the common man. When an agriculturist from Tamil Nadu wanting to raise his concerns, comes and strikes for 100 days, the Prime Minister is not interested in meeting him at all. But at the same time, when celebrities come, they get an appointment within half-an-hour and they get to see him and talk about whatever they want to talk. He is more of a person who looks at media attention rather than the health of the people and the concerns of the people.

The other thing which I want to point out in this Bill is this. We are talking about consumer protection. For any consumer protection, I think there is something called an ombudsman. An ombudsman is a person who is appointed by the respective companies where you can raise grievances before coming to these Commissions. You can talk to the company, find out what is wrong and then you can address these issues. But most of the times, people are not aware of who the ombudsman is and how he can be contacted. Even if they have an ombudsman, he can be contacted only through an e-mail. When they send an e-mail, there is no response to it or there is a very dubious reply where they will have no answer to their issues. So, we are left with no choice but to go to a consumer court.

But again, like my friend over here said, when we go to the consumer court, how many people are aware of this? I think most of the people over here will not

be aware of this. We are all educated Members of Parliament. We will not be aware of how to address the grievance; how to go about getting a solution for our problems. So, when this is the case, how do you expect a common man, an illiterate, to get justice when he is being cheated?

In the same way, we are talking about MRPs. On MRPs, we say that the products should not be sold above the price. We are talking about instances where the product has been sold, probably, for Rs.10 above the price. Even when we are going by Government buses or private buses, people claim they do not get the change. If you look at the volume, when thousands and lakhs of people are travelling, this amount comes to a huge amount. So, these kinds of issues are there. For Rs.2, I will not want to take the pain to go and complain to somebody. There should be some kind of an e-mail system through which he can raise the issue; and action should be taken. Sending an e-mail alone is not enough. If we send an e-mail, there should be a proper response, and action should be taken. The person, who has complained, should be given a detailed reply about what action has been taken.

When talking about unfair contract and restrictive trade practices, we are talking about companies which are giving false promises while selling a product. We have to be happy that political parties do not fall in this ambit. In 2014, false promises were made by this Government by saying that they will deposit Rs.15 lakh into every person's account; they will create 10 crore jobs for the people; and they will bring back black money into the country from all over the world and make our country one of the richest nations. They were not materialised. It is funny to note that the Government, which came to power with such false promises, is taking action against companies which are not keeping their promises. Is it not funny to see something like that happening?

Now, I want to talk something about medical profession. As medical professionals, we all are suffering. The number of crimes which are committed against doctors are increasing. It is not only the crimes that are increasing but frivolous cases are also being filed against medical professionals. Some lawyers instigate the patients saying even if there is no negligence case, they will sue the medical professional and if they win, they would take 70 per cent of whatever is offered and the remaining 30 per cent would go to the patient. In this regard, I would suggest the Government to come up with a policy where any medical negligence case first should be sent to the State Medical Commission and if they approve that there is some validity in having a case over here, then only the case should be filed against a medical professional. I am saying it because umpteen number of cases have been filed against doctors. I think the doctors have to be given some respect. If this malpractice is continued, they would not be able to practice their profession in peace.

Now, I would also like to say something about insurance companies. Being a doctor, I have seen a number of cases where the medical insurance companies do not sanction full insured amount to their clients when they are treated in hospitals. They sanction only a partial amount and ask the clients to pay on their own the rest of the expenses charged by the hospital. These are some of the issues which patients often do not raise in public forums. I hope the Government will do something about it. Thank you, Sir.

**SHRI P. RAVEENDRANATH KUMAR (THENI):** Hon. Chairperson, Sir, I request you to expunge what Shri Veeraswamy has spoken against the hon. Prime Minister.

*[Translation]*

**HON. CHAIRPERSON :** Ok . I will look into it. We will look into it.

...(Interruptions)

*[English]*

**SHRI DAYANIDHI MARAN (CHENNAI CENTRAL):** The hon. Member should stick to his party stand. He is not in alliance with BJP.

*[Translation]*

**HON. CHAIRPERSON :** Ok, Ok, we will look into it.

...(Interruptions)

**HON. CHAIRPERSON :**Parliament has its rules and regulations. You need not worry.

...(Interruptions)

**HON. CHAIRPERSON :** Shri Maran, please sit down.

...(Interruptions)

**HON. CHAIRPERSON :**Kanimozhi ji, you may also sit down.

...(Interruptions)

**HON. CHAIRPERSON :**I am saying that if it is as per rules, it will be retained and if it is not, it will be expunged. It is very simple.

...(Interruptions)

**HON. CHAIRPERSON :**Pratimaji will speak now.

...(Interruptions)

[English]

**SHRIMATI PRATIMA MONDAL (JAYNAGAR):** Sir, I rise to speak on the Consumer Protection Bill, 2019 with a heavy heart since a girl child who was a rape victim has been murdered. It is a black day in India.

Sir, the Consumer Protection Bill seeks to establish a strong mechanism to shield the consumers in a globalised world. It is indeed a time to replace the rudimentary Act of 1986 because the world has witnessed a great transformation in the last three decades with the emergence of global supply chain, rise in international trade, rapid development of technology as a medium of transaction, etc. Though this transformation provides innumerable benefits, it has made the consumer vulnerable to new forms of malpractices through features like telemarketing, multi-level marketing, e-commerce etc.

The Bill attempts to intervene and protect the consumer, make better environment, and give directives. Bringing e-commerce in the ambit of the Bill is a big step forward. The basic purpose of the proposed Bill is to protect the consumers from misleading advertisements.

Chapter-I, Clause 28 enumerates its scope. It includes false description, false guarantee, unfair trade practices, and concealing important information from customers in the definition of misleading advertisement. But here we are missing out on a very important aspect, that is, depiction. We come across numerous advertisements which use derogatory language and depict women in an unacceptable manner. So, the Government should take it into serious consideration.

Somebody's skin complexion would not get him a job but his potential and capability. Also, a certain scent would not literally fetch him a girl but his sense

of humanity. So, the advertisements not only make false promises but also rot the minds of the people in society.

This has been a serious issue and came up only after the second wave of feminism. It is absolutely necessary to look into the matter and make depiction of women on media to an acceptable standard.

It has the provision to set up a Consumer Protection Council which will be an advisory body set up at national, State and district levels. Clause 3(2)(b) states “such number of other official or non-official members representing such interests as prescribed”. I have a couple of questions which I would like to seek answers to from the hon. Minister. Whom will the Council render its advice? Why are we not fixing the number of members that will constitute the body?

At the end of the day, each and every important decision is being left to the Central Government. The Government is legalising and increasing its power with every Bill it introduces. Again, clause 6(2)(c) speaks about the Central Government’s nomination of members in the State Council. Now, what is the need for that? Why should it encroach in the matters of State? Does it doubt the capabilities of State Governments or have the intention to overpower it and have control even in the advisory role? These repetitive actions display the controlling nature. It limits the nomination number to ten, but does not specify the actual strength of the council in terms of number of members.

Central Consumer Protection Authority will also be set up and it aims at protecting six rights of consumers, namely, right to be protected against marketing, be informed of quality, be informed of quantity and its potency, to be assured variety of products, to be heard, consumer awareness and redressal of grievance. Previously only the last point was given importance, but the bone of contention is, again, the same that the Central Government takes upon its own shoulders the task of setting qualification standards, number of members etc. Why

are we not empowering the Act itself? I would like to know this from the hon. Minister.

The Bill also provides for setting up of a quasi-judicial body, the Consumer Disputes Redressal Commissions at district, State and national level, but it does not make the presence of a judicial member mandatory. A quasi-judicial body cannot discharge its function in the absence of a judicial member. Giving this unlimited power to the Executive will turn out to be a big mistake. Thus, I request the Government to make a provision to ensure the participation of a judicial member and also enumerate the qualifications of its members in the Bill itself. Also, I object to the fact that all the members, whether in the Central or State Courts, will be appointed by the Central Government. This is an absolute infringement on the rights of the States, disrupting the federal structure altogether.

‘Consumer protection’ falls under the Concurrent List and is enforced by both, the Centre and the State. The provisions related to information technology are exclusive to Central laws and surprisingly, those are two decades old. Thus, simultaneous changes in the IT Acts are also required. It is also necessary to add a sunset clause in the Bill which will ensure regular modernisation of laws because it is necessary to maintain pace with the ever-growing and long strides of technology.

Sir, I would like to know from the hon. Minister as to how the Government intends to control advertisements on the internet. Also, how will it control the foreign companies that do not fall under our jurisdiction, if they put up misleading advertisements?

The Act of 1986 provided for settling the disputes within a stipulated period, but even then, around 4,60,000 cases are pending. How will the Government make sure that this problem is solved? We should impose a penalty on the adjudicator for non-compliance of the given time period.



The Bill contains a provision which imposes a penalty, on the manufacturer or service provider for false and misleading advertisements, of up to Rs. 50 lakh and a term of five years. The Bill imposes a penalty on the endorser as well, but does not provide imprisonment as a form of penalty.

It is known to all that celebrities leave a deep impression on the minds of the viewers and, so they have a responsibility on their shoulders. Just for their professional and economical benefit, they should not promote every other product. It is known to us that these celebrities are one of the richest class of citizens of our country and mere payment of a fine is not a big deal for them. This should be handled in a more stringent manner. Again, the Bill itself creates a loophole and provides an escape route by stating that the endorsers will not be liable to any punishment if he or she exercises due diligence without properly explaining what does it actually stand for. The Minister also needs to specify the channel through which a consumer can clarify their queries.

I would like to draw the attention of the Minister towards the case of C2C Business Model in which consumers sell their used products to other consumers through sites like the OLX, Quikr, etc.

My question here is this: How will the provisions in this Bill ensure the rights of customers in this business model? Will they be dealt in a similar manner? It will be immensely helpful if the Minister could please explain it.

Chapter VI, section 87 provides that prior warning from the manufacturers' end will protect them from violation case. Now, in the said business model there is no scope of concrete evidence whether warning was given or not. At the time of dispute, both parties will claim in their own favour. So, what will be the solution for that?

Finally, section 94 aims to protect the interests and rights of consumers and the Central Government will take measures in a manner 'as prescribed'. The Bill itself provides for the 'proper manner' and sets up bodies to ensure the same. Then, what will be the other measures that will be taken up specially by the Central Government? Seeking details also on the manner 'as may be prescribed', why is the Bill itself not providing those?

Now to end, I would like to put forward a true example where a woman tried to sue a butter company that had printed the word 'LITE' on its product's packaging. She claimed to have gained so much weight from eating that butter, even though it was labelled as being 'LITE'. In the court, the lawyer representing the butter company simply held up the container of butter and said to the judge, "My client did not lie. The container is indeed light in weight". The woman lost the case. From this, it is evident that consumer protection is a crucial and sensitive matter which is to be dealt with proper caution. I hope this Bill will make concerned changes to make itself more promising.

Thank you for giving me the opportunity.

*[Translation]*

**SHRI RAHUL RAMESH SHEWALE (MUMBAI SOUTH-CENTRAL) :** Sir, I thank you for giving me the opportunity to speak on the Consumer Protection Bill.

Through its various bills the NDA government is endeavouring to formulate laws which will provide not only facilities to the citizens but also participation in governance.

I believe that passing of this bill will help in effectively fulfilling the promise made to the people of the country by hon. Modi ji. This is a much needed law which will work towards safeguarding consumer rights and establishing fair trade practices .

First of all, I would like to congratulate the government for the proposal to establish a Central Consumer Protection Authority for promoting consumer rights, safeguarding them and implementing them. This is an important step in the right direction. As opposed to most of the other authorities whose mandate is restricted to redressal of grievances, CCPA has been conceptualised as an authority that takes suo moto cognizance of unfair practices of trading bodies and thus safeguard consumers

Sir, in accordance with the recommendations of the standing committee, the objective of the bill is to apprehend those celebrities or ad endorsers who are involved in misleading ads aimed at duping consumers and this is an important step in the right direction. On lines of what happens with manufacturers and service providers, people who endorse such misleading advertisements to dupe people of their money should be made responsible for the product. Penalty and accountability will ensure that the endorsers make efforts to find out the veracity of the products they are endorsing. In the last few years, we have seen that in the

real estate sector builders in large cities have used big celebrities to publicise their apartments ,but to what end?

Most of the housing schemes did not move forward and in the end investors were left holding empty assurances. Should those celebrities and advertisers not be held accountable? So this bill should also have a provision for recovering investors' money from them.

Hon. Chairperson, the objective of this bill was to establish the product accountability of manufacturer and seller and thereby hold them responsible for the sale of their products and services. It is required to make them accountable for providing compensation for the inconvenience faced by the consumers. Nowadays hundreds of companies are engaged in supplying goods sold online in the country. Lack of time and the hurly-burly of life cause many people to get taken in by the alluring advertisements of online sellers and when they get conned into buying substandard and faulty products the suppliers offer poor excuses and give no heed to their complaints. You all must have also gone through this experience. In fact, even the phone number printed on the voucher does not exist. They do not adhere to the time frame for returning an article. In the end, it is the consumer who suffers. There should be a provision for holding the supplier accountable for these lapses.

Hon. Chairperson, although establishment of CCPA is a commendable step of the government but the bill has not enumerated the number of commissioners required to head the authority. This should be decided by the government later-on. The government should also lay-down the total number of commissioners proposed to be appointed in CCPA in the interest of maintaining transparency and accountability.

Sir, the objective of this bill is to devolve the power of civil court upon an authority to avoid further burdening our already over-burdened courts to provide

timely redressal to affected consumers. Although the bill does not make judicial representation mandatory at these platforms still any representation should be well-planned and competent .

The right to appoint members of the redressal platforms should not lie only with the Union Government but there should be an independent selection committee including representation from the judiciary. The state governments should also be given requisite powers. The state governments should also have the power to appoint members to the redressal platforms in their states.

I would like to mention a matter related to Johnson and Johnson as an example where the company is being called to account to compensate for faulty hip replacement. The company supplied faulty kit due to which the patients are battling even more problems. The company has accepted its fault and is paying compensation in the USA but it is reluctant to do so in India. Is it not the government's responsibility to frame charges and file a case against the company? A regulatory mechanism has to be formulated to ensure redressal of those cases in which a multinational company is responsible for duping the consumers.

Sir, I support the bill with the hope that the government will give consideration to my suggestions.

Thank you.

**SHRI CHANDESHWAR PRASAD (JAHANABAD)** : Hon. Chairperson, I stood to speak in support of the Consumer Protection Bill, 2019. This is a very important bill.

Hon. Chairperson, first of all I would like to express my gratitude for the Consumer Protection Bill on behalf of all of Bihar including Jahanabad, Arwal

and Gaya district in the state. Our Chief Minister has also expressed his concern about this issue from time to time.

Hon. Chairperson, there are 130 crore consumers in the country. The consumers in the country are becoming aware but the law in fact is 33 years old. Now the market has become modernised. All markets, be it in the global, national, international or e-commerce format, have fallen prey to bad practices along with all kinds of improvements. There are no regulations regarding the operation of the new market mechanism. Quite recently, the high court has stopped sale of medicines through e-commerce and recommended formulation of appropriate regulations. Due to these reasons this bill is quite important. It will make provisions for safeguarding the interests of consumers. Misleading advertisements, telemarketing, direct sale and e-commerce are the realities of the market today.

This is why the consumers get duped sometimes. They do not get the right products in terms of weight and quantity. Fake and substandard products are supplied. Adulteration has become commonplace. Purity has become questionable. Earlier any complaint about a product after purchase was made through the consumer forum which took action upon the complaint. This bill provides for Central Consumer Protection Authority (CCPA). If there is any controversy in the consumer court then judicial issues can be sorted-out. Under the clauses the authority would have the right to take action in all the three situations, before purchase, during purchase or after purchase. This bill is non-controversial and is in the interests of the consumers in the country. The consumer commission functions at three levels- district, state and national level. Earlier the commission was set-up at district level or a population of 20 lakh, now this criteria has been raised to one crore. Earlier the purchaser was liable to file complaint only at the area of purchase. Now the consumer can file a complaint

from home. There would be no need for a lawyer. A provision of mediation can be made and a mutual settlement can also be reached.

If any decision in favour of the consumer has been given in a High Court or lower court then the other side would not have the option of approaching the national court or commission. This is an excellent bill. This will facilitate the consumers. It also has the provision of e-filing. If the case is not heard within 21 days then the complaint will be admitted automatically. It has also taken misleading advertisements into its scope. If a person gives misleading advertisement and the claims are false then he would be held guilty. Secondly, if any person publishes an advertisement in a misleading way then he/she is guilty too. Third, if a celebrity makes endorsements that are untrue then he/she is also guilty. This would be a very effective step. Besides this, hearing can be held through video conferencing. This Bill has provided for many facilities. There is provision for direct selling. Issuance of sale voucher (bill) by the seller has been made compulsory and the product is returnable within a period of one month. This matter deals with product liabilities and adulteration. This bill has been brought keeping these issues in mind. The process has been simplified.

I thank the hon. Minister for this. I would like to request the hon. Minister to ensure the presence of electronic weighing machines in all market committees and government godowns which will be a boon for the farmers.

Sir, all in all this is an important bill. With these words I conclude by thanking you. Thank you.

**HON. CHAIRPERSON** : Thanks to you too for completing your speech within the time limit.

**SHRI RAMESH CHANDRA MAJHI (NABRANGPUR)** : Hon. Chairperson, Sir, today the Consumer Protection Bill, 2019 is being discussed. I

support the Consumer Protection Bill, 2019. It has two or three good points. Provision for Consumer Protection Council, Central Consumer Protection Authority and Consumer Dispute Redressal Commission has been made thereunder. The establishment Central Consumer Protection Authority would be a good step. A new concept is of class action suit. This is also a good step. This talks of mediation. It provides for out of court settlement of disputes. This is good.

Sir, I would like clarification about one or two points from the hon. Minister. There is conflict in the e-commerce policy and the Consumer Protection Bill. Hon. Minister may kindly clarify . If any person refunds the cost of product then it is removed from the website. What is there in consumer protection bill. This product can be covered under liabilities. If we talk of quantum of punishment then e-commerce policy and draft e-commerce policy has not been finalised so far. There was a provision of a fine of 10 lakh rupees with two years of jail for a first time offender.

Now, a second time offender will have to face five years of jail and 50 lakh rupees in fine. What is the maximum ceiling in both cases? Hon. Minister may kindly clarify

In 2011, Reebok was fined by the US Federal Trade Commission. It was fined 25 million dollars. Will the hon. Minister clarify if 50 lakhs is enough or not. A celebrity may also be fined. One point here is due diligence, will the hon. Minister clarify what is due diligence?

There used to be a judge in the consumer redressal commission. Now what is the provision in this regard, will it be constituted of judges or bureaucrats? This rule should be clarified.

If we see the pendency there are 3,23,163 cases pending in the district forums. You have said that whereas claims of upto 20 lakh rupees could be heard



at district level earlier now that amount has been revised to one lakh rupees. What is the strategy in this regard? Will the hon. Minister clarify? The recommendations about the advertisement code and legal banking by the standing committee are good. When will the government give any assurance in this regard? It is a good thing that claims upto 20 lakh rupees would be finalised without advocates. The standing committee has made a recommendation in this regard also.

Who will create awareness amongst the consumers? How will consumer awareness be spread, who all will be responsible for this? Hon. Minister may kindly clarify.

Sir, I would like to conclude with these words.

**SHRI GIRISH CHANDRA (NAGINA)** : Sir, thank you for giving me the opportunity to speak during the discussion on the Consumer Protection Bill, 2019. I would also like to express my gratitude towards the National President of Bahujan Samaj Party hon. Behenji with whose blessings I have been able to reach here.

Sir, the Consumer Protection Act was passed in 1986. It was formulated to provide immediate benefit to the common people. I would like to inform you that court cases have been pending for 5 to 15 years in consumer courts in Uttar Pradesh. Cases are not being disposed as no members have been appointed in consumer courts during the last three years. There are nearly 50 consumer courts in Uttar Pradesh only where the posts of both President and members are lying vacant and consumer courts are non-functional. The government is paying no attention to consumer courts due to which government funds are being wasted. A law should be made that ensures that posts in consumer courts do not remain vacant and if the President and members of consumer courts do not dispose of cases on time then their responsibility should also be fixed. This is my demand.

Sir, in other states circuit bench of state commission is also constituted along with the state consumer commission bench. Uttar Pradesh is a large state in terms of population and area. The State Consumer Commission bench of Uttar Pradesh is situated in Lucknow. Since there is just one bench of the State Consumer Commission in Uttar Pradesh the disposal of cases remains pending for years altogether. Hence, it is my request that on lines of other states at least 5 circuit benches of State Consumer Commission should be set-up in Uttar Pradesh to serve the interests of the consumers. I also want one bench in Bijnor district in Moradabad division of the state.

The qualification of members for appointment to the state commission and district forums should be law graduate at least. The qualification for retired officials and staff should also not be less than law graduate.

Reservation for scheduled caste, scheduled tribe and Extremely Backward Category should be implemented while making appointment to the posts of Chairman and members in the National Commission, State Commission and district forums. At present the time frame for disposal of cases in district forums is three months but in fact it takes years to dispose of cases.

Sir, I would like to bring to your notice that the target for disposal of cases in district forums is at least 75 cases in a month but just five or ten cases on merit basis are being disposed of in most of the district forums. In such a situation responsibility of the Chairman and members of district forum should also be fixed. Uttar Pradesh government is providing pay and allowances equivalent to that of Group A officers to the Chairman and members of the forum but disposal of cases is not taking place in accordance with the norms. This is causing wastage of funds and the consumers are running around to get justice. Hearing of cases of bouncing of cheques and cases relating to students and education should be held in consumer courts.

At present, the jurisdiction of consumer courts in the electricity department is limited to hearing cases pertaining to billing but does not extend to hearing industrial and commercial cases. Jurisdiction of consumer courts should extend to hearing industrial and commercial cases in the electricity department. We should also bring into its ambit cases of adulteration of food stuff, the escalation in prices in the way a ten rupee bottle of water is sold for two hundred rupees in five star hotels. Cases of adulteration of food stuff and those pertaining to weights and measures should be heard in consumer courts.

I would also like to bring to your attention Sir, that three posts of Class III employees for each district forum are sanctioned viz. Reader, Stenographer and Junior Clerk. All these employees bear a heavy load of work. Hence, the sanctioned strength of two posts in Class III, that is, clerk and storekeeper should be increased in each district consumer forum. If these posts are sanctioned then the load on them would be reduced and cases would be disposed of in time. Thank you.

*[English]*

**SHRI SAPTAGIRI SANKAR ULAKA (KORAPUT):** Sir, I am a first-time legislator in the Lok Sabha. I have never been an MLA. *[Translation]* Whenever a bill is introduced and passed it goes to the standing committee. *[English]* But the thing is that all the Bills are passed only in the Lok Sabha and the Government passed RTI Bill or Triple Talaq Bill not because of the merit of the Bill but because of the Government's brute majority in the House. *[Translation]* We raise the issue in the House still the Bill is passed in Lok Sabha. The Bill may be good or bad but you have majority and it gets passed. It used to get stuck in Rajya Sabha, now slowly they are being passed. This Bill is similar. *[English]* Now, we are talking about introducing a new Bill and we took into consideration the Standing Committee Report. We have created something called

a Central Consumer Protection Authority. This does not do anything but this is creating parallel powers. What will happen to the existing quasi-judicial courts? *[Translation]* The Bill does not specify the jurisdiction of consumer courts. *[English]* What is the limitation of that? So, this might lead to some parallel powers. I think the Government needs to clarify what will happen to the Consumer Courts. Secondly, They love to control everything. In Section 18(c), they have said that we want to regulate advertisements also *[Translation]* Will the Central Government clarify *[English]* what an advertisement should be like? *[Translation]* Modi is appearing on TV frequently. It seems that the government will have its way in all things, they want to control advertisements. This is given in 80C also. *[English]* In this Bill, they have given excessive control to the Central Government. *[Translation]* They want to control grievance redressal as well. *[English]* We are buying something. Now, you want to control everything by the centralisation of power. Section 18(d) says, “No person takes part in publication of any advertisement which is false or misleading”. *[Translation]* What does this mean? *[English]* How will someone know whether it is false or misleading? When it comes to celebrity, Section 21(5) says, “No endorser shall be liable to penalty if he has expressed due diligence”.

### **13.00 hrs**

This Government is in favour of celebrities. Clause 18(d) of the Bill says, “ensure that no person takes part in the publication of any advertisement which is false or misleading.” And clause 21(5) says, “No endorser shall be liable to a penalty ... if he has exercised due diligence to verify the veracity of the claims made in the advertisement regarding the product or service being endorsed by him.” This is ambiguous. Does the Bill hold the endorser responsible or not? *(Translation)* Are you with the celebrities or do you oppose them, clarify this too. *(English)* These two clauses are contradictory to each other.

One of the biggest problems now is of fake goods. With the advent of e-commerce websites, there are a lot of fake goods being sold. This Bill has nothing to say about goods sold on e-commerce sites like Amazon, Flipkart, etc. When one orders for a mouse, after opening the packet only he finds that it is a fake product. These sites claim to be selling an Apple product but instead you get a fake product which is made in China. But the e-commerce sites are never responsible. They are just meant to be carriers of products. It has to be clearly defined as to what has to be done in such cases.

Sir, the process of mediation has been introduced in Chapter 5. While this Bill is supposed to redress the grievances quickly, this mediation is likely to give scope to corruption. (Translation) Whosoever wants to indulge in corruption can do so. Anyone with power and money can control this. (English) This will further delay the process of grievance redressal.

I would like to highlight some jurisdiction issues. There are multiple other laws also along with this Bill. I will give you a few examples. There is the Real Estate (Regulation and Development) Act, 2016 which deals with real estate and construction activities. If you include the real estate in the present Bill also, under which of these two laws will the real estate be managed?

This Bill is being projected as a modern legislation. (Translation) The Minister had said that I am bringing a bill which will need no change for 30 years. This is not how it happens. E-commerce and technologies change within every one or two years. It is not possible to bring a bill that would last for 20 to 30 years. (English) You need to reconsider things from time to time. Will e-commerce be a part of the Information Technology Act, 2000 or will it come under the present legislation? We passed the National Medical Commission Bill, 2019 yesterday. (Translation) If any doctor has any complaint then he will act in accordance with this bill, not the National Commission Bill. (English) So, there

is duplicity of things here. We need to clarify all these things. When we want to bring a new legislation like the Consumer Protection Bill, we need to understand that the consumers of today are young, they work on multiple platforms, and they come from vast and varied backgrounds. We use technology, we import multiple products from abroad also. We need to see that there are some sunset clauses here.

This Bill has to be brought in such a way that it keeps changing and improving. The power you are giving to the Central Government has to be distributed. We need to include the people who are the consumers excepting the Central Government so that the grievance redressal can be done.

Sir, we need to send this Bill back to the Standing Committee because this is not thought through. The Bill having been passed in the last Lok Sabha and the Standing Committee examining it before does not mean that it has merit. The Bill was passed in the previous Lok Sabha because of the brute majority the Government had. Please try to send it back to the Standing Committee. Let us deliberate on it and then take it forward.

Thank you.

*[Translation]*

**SHRI AJAY MISRA TENI (KHERI):** Thank you Hon. Chairperson. I rise to support the Consumer Protection Bill, 2019. Earlier our country was one where people were self-sufficient regarding production and manufacture of products they required. Slowly as the purchasing power of the people increased the need to bring a bill was felt in 1986 with a view to protecting and facilitating the consumers. That bill passed in 1986 is now 33 years old. During this time not only the economy of our country has grown but the income of the people has also risen, their purchasing power has increased and a number of challenges such as e-commerce have arisen. Due to these factors, a need was felt to bring a new bill in place of that bill which has incorporated many amendments already.

The government had brought this bill in 2018. The bill was passed in Lok Sabha in December, 2018 but after that elections came up and we have had to introduce this bill again. This bill has only one objective that the consumers are facilitated and protected to the maximum possible extent. Provision of arbitration has been made for this. The scope of three level judicial mechanism at district, state and national level, provided for in the 1986 bill has also been extended. Besides this, alongwith arbitration law online provisions have also been made.

Hon. Chairperson, Sir, the economy of our country was ranked at 11<sup>th</sup> place in the world during the term of the Atal Behari Vajpayee ji's government and stayed at number 11 till 2014. But from 2014 to 2019 we reached the sixth position. Now our economy has grown to become a three trillion dollar economy which is likely to grow to become a five trillion dollar economy by 2024. The purchasing power of people has grown exponentially. A study has also said that the consumer market in India is growing the fastest in the world. This study has revealed that the consumer market which was valued at 31 lakh crore rupees in 2008 has grown to 110 lakh rupees in 2018. There is a possibility of it growing

threefold to become 335 lakh crore rupees by 2028. We can get a feel of how fast the purchasing power is rising in the country. The reason for this can be the rise in population too. Urbanisation has speeded-up. The middle class has grown in size. Nearly 17 crore people in the country belong to the upper middle class category and more than 30 crore, almost 50 crore people, belong to the middle class. Most of the people are making use of e-commerce. This is also a big challenge before us. There is hope that by 2021 our e-commerce market will grow to 84 billion dollars. This was merely 24 million dollars in 2017 so you can understand the tremendous rate of growth in this market. The biggest reason for this growth is the fillip given to digitalisation after our government came to power in 2014 which made things convenient for the people and made essential items available for delivery at home. This resulted in the fast growth of e-commerce. Where on the one hand this has made things convenient for the consumers, it has also increased the challenges for the government. As you said in your speech, sending a stone in place of a mobile was in the initial phase. Today data protection is a major challenge in front of us. The tremendous growth of e-commerce in the world has made the need of data protection felt strongly in the country. If our data is not protected then other countries can take advantage of it. Hence I would like to request the hon. Minister, through you, to ensure that the consumers should have full control over their data and the data is protected by the country. Internet trade has become a huge medium. More than 62 crore people in our country are using the internet.

Hon. Chairperson, I would like to tell you that our government is a compassionate government. We have made economic growth possible for the people. We also aim to double the income of farmers by 2022. We are trying to provide urban amenities and facilities in villages. The industrialists take products to the markets in accordance with the rise in purchasing power and needs of the people. Many hurdles come up in this process. There are misleading



advertisements or misleading claims are made in the products displayed but these claims are not true. So the challenges increase. The Supreme Court has also taken cognizance of this issue. The Supreme Court said that consumers should not be stopped only on technical grounds. A petition had been filed in which grounds for rejection given was that it was four weeks late. The Supreme Court said that the aim of the law is to protect and facilitate the consumers. Although the government is sensitive to the needs of the people and we have made efforts to ensure to make the market completely safe and empower the consumers. We have made efforts to increase the facilities available to consumers while protecting their interests.

Hon. Chairperson, one of the main characteristics of this bill is that there is a provision of constitution of a Central Consumer Protection Authority through which we would be able to succeed in curbing unethical trade practices. The manufacturing company would have to take responsibility for faulty products and the company which provides product to the consumer through e-commerce would also be held accountable. A new concept is that not only a particular consumer or group of consumers but the manufacturer or service provider would be responsible towards all the consumers. Also, in case of any loss to the consumer due to manufacturing or design defects of the product there is an effort to hold the seller responsible for that too. There is a proposal to dismantle the existing consumer dispute redressal mechanisms at the district, state and national level. This bill says that if the district and state consumer forums rule in favour of the consumer then the defendant company cannot approach the national forum. Besides this, the consumer arbitration cell has been linked to the consumer commission. This linkage will help the consumers tide over the problems they face at present. A number of provisions have been made regarding e-commerce as well. There is shortage of time so I will not go into the details. I understand your point of view.

The new law is important for quick disposal of cases. Provision for hearing through video conferencing has also been made thereunder. It has been made mandatory for the e-commerce companies to seek permission of consumers for accessing their data. I said in the beginning that with digitalisation, e-commerce and e-services gaining ground in the world, access to data has become all-important. No one can stop data dissemination, this is an open market. Hence there is need for formulation of a strong law for data protection. Data of consumers should remain protected within the country and the consumers should have full control over their data. The hon. Minister should make provisions for this under this legislation.

The manufacturers and endorsers have also been made accountable in the bill. We have seen misleading advertisements endorsed by big celebrities and people used to buy those products under influence of these celebrities. We have recently seen in the Amrapali case that the Supreme Court has... \*(Interruptions)

**HON. CHAIRPERSON :** Don't take anyone's name.

**SHRI AJAY MISRA TENI :** Yes, I won't take any names. This action was taken regarding a former captain of the cricket team. Similarly a film star was caught in the net for advertising Maggi noodles. The USA, China and South Korea have imposed advertising restrictions regarding some medicines. This bill has a similar provision. As per this provision celebrities cannot endorse medicines for diseases such as diabetes or medicines that claim to make a person taller or more fair. In the USA, the endorser has the responsibility to first use the product and then decide to advertise it. In countries such as the USA, and China all the people in the chain from the manufacturing company to the distributors

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\* Not recorded.

and advertisers, have been made accountable. A similar attempt has been made in this bill. I will conclude by putting a few of my demands before you.

I would like to draw the attention of the hon. Minister towards the fact that the MRP and discount on MRP advertised by the companies is a big scam. First they declare the MRP, then offer discounts thereupon but even then they make double profit on the product. This should be given consideration. I have already talked of data protection. This legislation also provides for e-filing, ceiling has been raised, national level monitoring mechanism has been put in place. This bill contains all these provisions and where on the one hand, legal provisions have been made to facilitate and protect the consumers, on the other hand the market has been given a fillip while enacting protection and monitoring provisions. The provisions have been expanded to protect the consumers and this bill will strengthen consumer rights. I request all the members to pass this bill unanimously. Thank you.

*[English]*

**SHRI JAYADEV GALLA (GUNTUR):** Sir, I thank you for giving me the opportunity to speak on this very important Bill. I will be brief and put forth my submissions point-by-point.

The first point I would like to make is relating to Clause 2 of the Bill which deals with definitions. Sir, Clause 2 (42) defines 'service' and brought under its purview a host of services, right from banking to entertainment. But there is no mention of health-care, which is a very important service.

In 1995, the Supreme Court gave a judgement which clearly said that medical services to patients, for which fee is charged, comes under the purview of the Consumer Protection Act. But, conspicuously, the Bill has left out this direction of the Supreme Court. Not just paid service, even service provided in

Government hospitals free of charge should be included in this Bill. It is not about whether they are charging something or not, but it is about the rights of a consumer, regardless of whether the service is free or on chargeable basis. So, even free Government services should be brought under this Bill. I would like to know from the hon. Minister the reasons for not including health-care as a service in the Bill.

It was promised that the Government would come out with a Bill which would provide consumers an alternate system of consumer justice, which would help them seek resolution of their disputes with manufacturers and service providers in a simple and quick manner. Sir, now-a-days, consumer justice has turned out to be anything but simple, quick or inexpensive.

The cases are piling up at every level. But I find no such provision in this Bill. So, I would like to know from the hon. Minister how is he going to simplify the procedure and resolve disputes in a fixed time-frame, as was promised to the consumers of this country?

Clause 2(7) and (42) of the Bill define the words 'consumer' and 'services'. Here you are putting a condition that there has to be some consideration to go before the concerned forum. I feel that consideration should not be a condition precedent in case of availing medical or municipal services provided by the Government. Let me give an example. A victim of medical negligence in a Government hospital or if a person dies due to negligence of any of the identified municipal services, should also be entitled to compensation. The proposed Bill restricts this. It says that there has to be a 'consideration'. I feel that the definition should be enlarged bringing even free services provided by the Government under the purview of the Bill for compensation. I would request the hon. Minister to consider this.

Sir, Clause 89 of the Bill talks about punishment for false or misleading advertisements which have far-reaching implications. There are penal provisions which say that in case of false advertisements, the imprisonment will be for 2 years and a fine of Rs. 5 lakh. But the Bill is silent on surrogate advertisements. For example, if you have surrogate advertisements for alcohol brands, pan masala brands, cigarette brands, and other such type of dangerous products where advertising is restricted, they come out with the surrogate advertisements. We are all aware of it. There will be liquor brand advertising mineral water and so on. There are advertisements where brands claim that doctors recommend a particular toothpaste, health drink, etc., and if such toothpaste or health drink misrepresents, penal action has to be taken against such brand and company. But there is no such provision in the Bill for surrogate advertisements. So, I would request the hon. Minister to give a serious thought to surrogate advertisements.

The next most important point is related to Clause 10 which deals with the appointment of the Chief Commissioner of the Central Consumer Protection Authority, and Clause 42 deals with the appointment of the State Consumer Disputes Redressal Commission. When it comes to the composition of the Commission, the Bill does not mention anything about the composition of the Central Consumer Protection Authority.

The Bill delegates powers with regard to qualification, terms and conditions of service, salaries, etc., to the Government of India and same is the case with regard to the State Consumer Disputes Redressal Commission where appointment of the President, Members, their qualifications, salaries and allowances, etc., are under the State Government.

The existing Consumer Protection Act clearly mentions that Commissions at various levels will be headed by a person qualified to be a judge. And, 1986

Act also clearly mentions about minimum qualification for Members. But nothing has been mentioned in this Bill.

Sir, I also mentioned, while speaking on the RTI Bill, similar concern that the Government wants to keep in its fist every institution by keeping with it the qualification, salaries, allowances, tenures, etc.

**HON. CHAIRPERSON :** Now, please conclude.

**SHRI JAYADEV GALLA:** It is not in the interest of any institution, including the consumer forums. So, instead of detailing them under subordinate legislation, I would request the hon. Minister to mention the same in the Bill itself.

Sir, I will finish with just two short points. The next point, which some other hon. Members also mentioned, is about penalising celebrities who endorse misleading advertisements. While I agree that there has to be some accountability with the celebrity, we also need to understand that they are not organisations that can do due diligence on every product that they endorse. So, while there has to be brought some type of accountability, it should not be the same type of penalty as on the brand of the company, but, I think, something to hold them accountable is in order.

Finally, the *Jago Grahak Jago* movement is not going on with the kind of a momentum which it ought to have been. So, I suggest for consideration of the hon. Minister to provide some extra financial support for this movement and to bring awareness among consumers about their rights and duties.

You should make a provision in this Bill itself that all private TV channels could telecast consumer-related advertisements, at least, five minutes in an hour. This will help a lot in consumer education.

With these observations and hoping that the hon. Minister, Shri Paswan Ji, would pay attention to the various issues raised by me and act on suggestions rendered and take them to their logical conclusion for a better consumer-friendly mechanism, I support this Bill. Thank you.

**\*SHRI GIRISH BHALCHANDRA BAPAT (PUNE):** Hon. Chairman Sir, I rise to support the Consumer Protection Bill, 2019. At the outset, I would like to thank the Hon. Ministry Shri Ramvilas Paswan ji and Shri Rao Saheb Danve ji. This law has been continuing since 1986 with fewer amendments at regular intervals and this is for the first time that many amendments are made. This is going to support and help millions of people to seek justice and that is why I want to congratulate them. Hon. Chairman Sir, if someone wishes to speak on this entire Bill which runs into 75 pages, it will take around 2 hours and hence I would not go into all the details. I was a minister of this ministry in Maharashtra Cabinet and I have a good experience of all these. Hon. Minister Ramvilas Paswan ji had supported me whenever I needed his support and I am very grateful to him. So, I would not go into Clauses, Sub-Clauses, Rules, Sub-rules. But, I must mention here about the stand and commitment of this Government. Manufacture-distributor-Consumer are in the chain. This is common to all and a consumer is both a customer as well as beneficiary and that is why he is more vulnerable. This bill aims to protect the consumers and hence it is unique. It works at three different levels like district, state and central. This bill will cover all the stages, levels and areas and it will also do justice to the common consumer.

Some members asked to send it back to Select Committee once again. Many newspapers took cognizance of this and they have also made many suggestions in that regard. Cabinet sub-committee had also looked into it. We are not claiming that this is a foolproof bill. But, I must say that nothing is

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\* English translation of speech originally delivered in Marathi.

foolproof and everything changes with time. Earlier, there were no TV or other electronic advertisement 50 years ago. But, with changing times, now we have electronic, computerized, online purchases and even other means of shopping.

While appreciating this bill, I would request Hon. Minister Shri Rao Saheb Danve ji to set up new Consumer Courts. We have the data regarding pending cases, and around 4,61,000 cases are pending throughout India. We should come forward for speedy and time bound trials in Consumer Courts. I have got few things to mention. If any consumer is cheated, all the concerned consumers would get compensation and that kind of provision has been made in this bill. It would be a big deterrent to the traders and retailers. I want to make few points here. This bill is very important for the cause of common man. This is consumer-centric bill and Government has come out with many amendments for the benefit and welfare of common man. All the sections of our society like SCs, STs, OBCs and women should also get due representation in appointments under this bill. There is a saying in our Marathi. The moment a law comes into existence, it also paves the way for its misuse. We cannot stop this but we should take utmost care and come with a better law having minimum loopholes. We should also use new means of communications like video conferencing, digital and online complaints and other electronic platforms. District Magistrate should also be made more responsible.

Hon. Minister Sir, I would like to draw your kind attention towards the issue of lesser funding for courts from Central Government. No proper court buildings and chambers are available for advocates and judges in many districts. Adequate space should be made available to the judiciary and Government should come forward for this.

I have last two points to make. Somebody spoke about 'Jago Grahak Jago Campaign'. If somebody is at fault, we have a law to punish him, but we should



focus on spreading awareness. We should run an awareness campaign through schools and colleges for consumer education and awareness. To avoid accidents, we educate the children about traffic rules. Likewise we should focus on consumer awareness to avoid cheating. Whether they are children or aged people, we all are consumers. We all need protection as consumers and I think this bill will definitely serve the purpose. But I have one more point to make. We should be more alert and vigilant as a consumer to avoid cheating. Citizens should also come forward to file complaints whenever they are cheated.

I can give you a good example about it. One day, a man came to me. He told me that his dhoti is torned due to a nail fitted in railway seat. I asked him to file a complaint against railways. He filed a complaint. The litigation took a long time but at last the court ordered railways to pay the expenses of fares for trips to Mumbai and also to gift of 2 dhotis to the complainant. This is a classic example of alertness and awareness. Government cannot intervene in everything and everywhere. Citizens should be cautious about their consumer rights and also to fight against injustice. You have given the much needed protection to them through this bill. But, I think awareness is the key to all the problems. We should focus more and more on awareness. We should come out with more 'Jago Grahak Jago like Campaigns'. Lastly, I would like to reiterate that more funds should be allocated for courts. We cannot discuss all the issue of the bill due to paucity of time. But, I think commitment and willingness of the Government is more important. I would like to thank Hon. Ministers and this Government for bringing this Bill. I conclude with these words. Jai Hind Jai Maharashtra.

**SHRIMATI SUPRIYA SADANAND SULE (BARAMATI):** Hon. Chairperson, thank you for giving me this opportunity. I stand here in support of this Bill. I would just like to ask four to five pointed questions as clarifications from the Government.

The Standing Committee made a recommendation that the word 'Government' is not included. I appreciate what Shri Bapat ji said just now about what happened in Railways. But there is no redressal system which had actually been recommended by the Standing Committee. The specific word 'Government' has to be there. The incident that he mentioned about the Railways is actually a very valid point. The story is small and sounds inconsequential in the larger context of discussion on this Bill. It is a very valid point. It is not just what he said. I would like to add that there are stories of food adulteration which are horrific. Who do we turn to? I want a pointed clarification from the hon. Minister. The Food Safety Officer of every district comes under the Ministry of Health. Now, will there be a duplication of this? I would like to have a pointed clarification that in case of all the adulterations that we are seeing, this is also a very consumer-oriented product, who does he or she turn to? Like Bapat ji said he had to go to the court ten times. Can we find a better system with the help of technology which is far more effective?

**13.34 hrs**

(Shri N.K. Premachandran *in the Chair*)

I appreciate that the Bill is very well-meaning but the Government has not accepted the recommendation of the Standing Committee which specifies the word 'Government'. So, why has it been left out? Apart from adulteration, look at healthcare and education as an example. There are so many times that you have issues because of education and because of healthcare. Who does the common man turn to? The Government talks about their flagship scheme about great

healthcare but who does the common man turn to? So, will the hon. Minister kindly clarify on what would be the role in case of healthcare and education?

Another thing is about service defects. These are all product based. If there is a bad product you go to court you will get help. But what about services? How will this redressal system work for bad services given? I will give you a very small example.

If you are in the transport business and you do not get good transport for the commitment that you have paid for, what will happen specifically to the service industry? There is always a loophole in most of these rules. If there could be some specific rule, it will be good.

Coming to labs, I would like to rethink about big multinational companies which vends a lot of products. I am a mother myself. When you hear something different about any product which is popular in that age group, or if it is banned, the first thing which every mother feels is that it is obviously not good for a child. I hope there are enough labs to support it and every lab in this country, State wise, gives a different report. For the same product – I would not like to name the company – UP had a separate report and Maharashtra had a separate report. The point is, who do we turn to and whom do we believe? We cannot go to Central Government for everything and it cannot be centralised at this rate. Are the labs strengthened enough to look into adulteration and food products? I hope that it is not misused either because firstly, the product was banned pan India. Everybody got panicked and then it was removed. Then after a few tests, it became normal. Was it a harassment or what was it? It has put some sort of suspicion in my mind that whether it was misuse of power because it is a product consumed globally. Why was this particular company picked up? These things actually put pressure on consumers because you do not know where you stand.

What is the plan for strengthening specific laboratories and technicians by this Government?

Product liability is applicable to all participants in the food chain. Here, the producer is at one end and the consumer is at the other end. Today, when there is a product which can be adulterated, what about the middle level agencies? There are multiple agencies which can be responsible for it. If it is a milk product or a food product or fresh food item, the transporters are involved and people who store them are involved. How will you pinpoint in the whole supply chain? I think everybody should have accountability. There is no point just saying that only the producer is responsible. This has to be a collective effort. Will the Government give a signal of a collective measure of zero tolerance of bad food or any adulteration? That sort of a signal should be given.

There are a plenty of laws already in the country but adulteration has still not stopped. We have to put in our collective mind to see how we can go about it. I appreciate what Shri Bapat has said that there is always a law made and somebody finds a loophole in it. It is not about finding a loophole. The collective thought of this entire discussion should be to make better and stringent rules in the interest of the citizens. I come from a State where the consumer is the king. Maharashtra is always known for its marketing abilities. So, the consumer is the king. Let us put the consumer first and find a Bill which is in the interest of the nation. Thank you.

*[Translation]*

**SHRI HASNAIN MASOODI (ANANTNAG)** : Hon. Chairperson, Sir thank you for giving me the opportunity to speak. I am not going to make any long speech and neither will you allow me do so. Basically this law pertains to protecting the consumers. We have been listening to this story for a month now. *[English]* It is scripted in each and every piece of legislation. *[Translation]* There is an effort to put all our institutions under control of the Union Government . This law is one more link in that chain. How right would it be for the institutions is a different story. But this is a link in the same effort. You can take a look at RTIs, or the Medical Commission Bill passed yesterday. All steps point to efforts at bringing local governance under control of the Central Government and sidelining the states. *[English]* This effort to run down institutions is not good for the health of the democracy of the country. Democracy flourishes in the country because we respect institutions. And elsewhere in our neighbourhood, that is not done and we see how things have gone wrong there. *[Translation]* Such efforts should be opposed. This law should also be reconsidered. Why was this law formulated? This law exists because of lack of a level playing field. *[English]* Essentially, this belongs to the court of law but it was taken away from there. We provided an alternate mechanism because consumers do not have a level playing field. They have no resources. They cannot organise litigation costs to fight big business houses. *[Translation]* An effort has been made to provide an efficient mechanism for them. *[English]* Essentially, the colour and custom of this efficient mechanism are that of a court.

*[Translation]*

Now, this is a new system. Earlier the national redressal commission consisted of a supreme court judge or a person with equivalent qualifications, of a high court judge in the states and acting district judge in districts. *[English]*The whole exercise is a judicial exercise.*[Translation]* A ruling has to be made regarding the legal issues in the complaints. This system is being scrapped today. *[English]*This is a question of big concern. I do not whether this Bill will survive a judicial challenge, litigation costs challenge before the Supreme Court. *[Translation]* We can give it a second look right now. We are over-centralising to the extent that we are not giving even district redressal commission to the state. That too is being taken in centre's hand. *[English]* So, this is one of the concerns.

The second point is that we cannot expect a perfect law, the Consumer Protection Law, because it is an evolving concept. *[Translation]* With new experiences, new concepts are included. New territories have been covered under this law. There is no doubt. Online shopping, e-commerce have been included there under . But an efficient justice delivery system has not been put in place still. Sir, till we do not integrate IT tools, consumer justice delivery system which is consumer jurisprudence we can have no hope. It is my experience and maybe that of the hon. Members as well that the consumers are not getting justice in reality. *[English]*It is the same story for him in terms of procedural angles. It is run of the mill attitude. *[Translation]* The court system is not delivering justice. It is not delivering justice because we have failed to evolve an efficient consumer justice delivery system. There is need to pay attention to this. There are other important things like ADR system. *[English]*Alternative Dispute Resolution system can be integrated with Consumer Redressal System. Say, there is a sum upto Rs. 50 lakh, our first priority would be get it settled by employing ADR mechanism.

**HON. CHAIRPERSON:** Thank you. Kindly wind up.

**SHRI HASNAIN MASOODI :** Besides there is question of price fixation, sometimes, we have to have a holistic approach.(Translation) When we talk of services and goods or of deficiencies therein or when they do not correspond with description. ... *(Interruptions)*

*[English]*

**HON. CHAIRPERSON:** Please conclude.

**SHRI HASNAIN MASOODI:** I am just going to conclude.[Translation] It has become the norm. I have been seeing for the last one month. It has become the norm [English] to run down institutions. This is again one more effort to run down institutions, and to leave everything to the Central Government, even matters pertaining to the district consumer redressal.

**SHRIMATI APARAJITA SARANGI (BHUBANESWAR):** Hon. Chairman Sir, I am extremely grateful to you for having given me this opportunity to speak on this very important Bill, the Consumer Protection Bill, 2019.

At the outset, I would like to congratulate the hon. Prime Minister and also the hon. Minister for bringing this Bill to this august House for deliberation and discussion.

Sir, with all conviction at my command, I would definitely like to say that this particular Bill, with eight chapters and about 107 clauses, if implemented well, will be a game-changer for consumers and consumers' interests in our country. I would definitely say that this particular Bill is an expression of the fact that here is a smart Government which believes in smart governance.

Sir, this Bill is not new to Lok Sabha. This Bill had already been brought to Lok Sabha, and was cleared by the Lok Sabha on 20<sup>th</sup> of December, 2018. This Bill, if you go through, speaks of rigorous preparation, and all the concerns, issues and suggestions that had been put forth have been incorporated, as far as possible, by the hon. Minister and his Ministry. In fact, it was sent to the Parliamentary Standing Committee, and it was also sent to the group of Ministers. As has already been pointed out, the Parliamentary Standing Committee made 37 recommendations out of which 32 recommendations have been incorporated.

I also convey my very sincere appreciation to the hon. Minister and his Ministry for taking into account 80 official amendments; and they have left no stone unturned in ensuring that this Bill is enriched as far as possible.

Sir, there are three major goals, as we know, of this Bill. One is to prevent violation of consumer rights; two is, to check illegal trade practice, to check illegal business ethics; and of course, last but not the least, to prevent, to stop, to curb false, misleading advertisements.



*[Translation]*

This proposed bill is a strong step in the direction of promoting, protecting consumer rights, saving consumers from from unethical trading practices and stopping false and misleading advertisements.

*[English]*

Sir, if we go through this Bill, the consumer and the consumer's interests are the focal points. All the proposed actions are intended to protect, promote and enforce consumer's interests.

Now, there can be a question in the House -- and in fact, I have been sitting since this morning and I have heard about the need for this particular Bill when there is already the Consumer Protection Act, 1986. It is a very valid question. But here, there are two reasons, which I would just like to highlight very briefly. The first reason is this. In today's world, consumer markets and services have undergone drastic transformation. We are talking of 1986, and we are talking of 2019. The modern market place has a plethora of goods and services, and this kind of situation, at the moment, has made the consumers very vulnerable to new forms of unfair trade and unethical business practices. We have to agree to this. So, we have been talking about different kinds of marketing; and we have also talked about the kind of problems that are arising. Misleading advertisements, tele-marketing, multi-level marketing, direct selling and e-commerce pose new challenges to the consumers, and definitely, it stands in the way of consumer's interests. So, there is the need for this kind of a Bill. There is the need for amendment of the Act.

Now, second and most important reason is this. There have been District Consumer Forums, State Consumer Forums, National Consumer Forum but the

fact remains that there is very slow disposal of cases and that is detrimental to the interests of the consumers.

Sir, this issue has already been pointed out by my esteemed colleagues from this side and that side.

**HON. CHAIRPERSON:** The Consumer Commissions are taking more time than that of the courts.

**SHRIMATI APARAJITA SARANGI :** Absolutely, Sir.

So, 4,61,000 cases await disposal. This is extremely unfortunate. This is from the National Commission Website that all of us have actually got the information from.

So, we need quick disposal of cases; we need to enforce the rights of the consumers and that is why this Bill has come.

At the cost of being repetitive, I would just like to point out a couple of things, which are extremely important. It is about the salient features of this particular Bill, which has been tabled today. Number one, which is the most important thing, and many people, in fact, from my right side, have been speaking against it, is the CCPA, that is, the Central Consumer Protection Authority. We need swift Executive interventions. When something of this kind happens, violation of consumer rights take place or there is a misleading, false advertisement, we need to move swiftly. We have not been able to move swiftly, and this is the problem with all of us. That is why this Bill has come.

So, CCPA is a great thing, which has been conceptualised. It is a wonderful thing, in the sense that we are talking of Chief Commissioner and Commissioners, and we are talking of Regional Branches. So, there is no question of saying that everything is centralised.

Number two, the wonderful thing is the product liability concept. We have to have the product liability action, and this is a new thing, which is very much part of this Bill. There has to be product liability action in case a product is deficient or a product is going to be harmful to the consumer.

Number three, and the most important point is the issue of mediation, which has been brought in. Again, this is to speed up the disposal of cases.

We have to talk of alternative dispute resolution mechanism. The Bill provides for several provisions for simplifying the consumer dispute adjudication process.

Sir, our friends, who talked against the CCPA, I would, definitely, like to mention before them certain things. I will just take two or three minutes. I would, definitely, like to mention before them that other countries have certain best practices. It is always large-heartedness and broadmindedness which makes India adopt some of the best practices. USA has the Federal Trade Commission. Australia has the Competition and Consumer Commission and Finland has the Competition and Consumer Authority. This, particular, Bill is very much pro-consumer. We are talking of deemed admissibility of complaints in 21 days of the filing of the complaint by the opposite party. We are talking of ease in filing. The e-filing is there. The mediation and product liability is there.

**HON. CHAIRPERSON:** Please arrive at the concluding remarks.

**SHRIMATI APARAJITA SARANGI:** Yes, Sir. I would conclude with the words of Henry Ford – “Coming together is the beginning. Keeping together is progress. Working together is success.” We all need to work together. We all need to resolve today to support this comprehensive Bill which is very much in the interest of consumer and consumer interest.

Thank you so much.

**SHRI E.T. MOHAMMED BASHEER (PONNANI):** Thank you very much for giving me this opportunity.

Sir, this Bill is a welcome move. We call consumer a king. The rights of the consumer have been specifically defined such as the right to be protected against the marketing of goods and services, which are hazardous to life and property, the right to be informed about the quality, quantity, potency, purity, standard and price of goods or services, the right to be assured of access to a variety of goods and services at competitive prices and seek redressal against unfair trade practices or restrictive trade practices. These are all clearly defined in this Act.

It is suggested to have a Central Consumer Protection Authority to attain this goal. The powers of the same are elaborately mentioned in this Bill.

As far as the Consumer Dispute Redressal Commission is concerned, that is also specifically mentioned in this Bill. But as far as the Grievance Redressal Mechanism is concerned, I still have my own doubts that these provisions are insufficient. It is still very much delayed. It has again to be addressed seriously. This system is time-consuming. The Grievance Redressal Mechanism seems to be very poor. I hope these new suggestions will improve the situation. Anyhow, the Minister may apply his mind whether we can further improve this or not.

As far as the consumer education is concerned, that also is very important. I hope, the Government would give a lot of emphasis on this. I would like to know whether this Bill is up to the expectation of the people. I would like to say that it has to be further improved. The proposed Bill requires inclusion of more provisions to deal with fast-changing technological, market dynamics, e-commerce and things like that. We know that a lot of developments have taken place in the market. We have to apply those things. As far as the original Act of 1986 is concerned, at that time, it was sufficient. After that, in 1991, we improved

it. In 1993, we again improved it. In 2002 also, we had made some basic changes in this Act. But the problem still remains the same. It needs to be improved further. I hope that the Minister will also do that work.

As I mentioned, the Bill, in its present form, is an insufficient piece of legislation. It is not keeping pace with the new market dynamics and multi-layered delivery chains. It is unable to deal with often misleading advertisements and other magic remedies and things like that.

There is a procedural difficulty also. I would like to mention that also and then conclude. It is very difficult; it is a very cumbersome process. The main problem is with the implementation procedure. The Act does not grant the authority to proceed against any person guilty of violation under the Act or take *suo motu* cognizance of an unfair trade practice. At the same time, penal steps can be taken only through a judicial process before the State or the District Consumer Redressal Forums.

So, what I would like to suggest in brief is this. We have to streamline the grievance redressal mechanism and improve consumer education programmes.

With these few words, I conclude.

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**13.56 hrs**

**MESSAGES FROM RAJYA SABHA  
AND  
BILL AS PASSED BY RAJYA SABHA \***

*[English]*

SECRETARY-GENERAL: Sir, I have to report the following message received from the Secretary-General of Rajya Sabha: -

1. “In accordance with the provisions of Rule 111 of the Rules of Procedure and conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Insolvency and Bankruptcy Code (Amendment) Bill, 2019 which has been passed by the Rajya Sabha at its sitting held on the 29<sup>th</sup> July, 2019.”
  
2. Sir, I lay on the Table, the Insolvency and Bankruptcy Code (Amendment) Bill, 2019, as passed by Rajya Sabha on the 29<sup>th</sup> July, 2019.

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\*Laid on the Table.

**13.57 hrs**

**CONSUMER PROTECTION BILL, 2019 – Contd.**

*[English]*

**ADV. A.M. ARIFF (ALAPPUZHA):** Thank you, Chairperson, Sir for giving me an opportunity to speak on the Consumer Protection Bill, 2019. Due to paucity of time, I would not like to go into the details. The anxieties and the issues raised by the former speakers were especially about the products manufactured abroad, mainly the imported electronic items about which the Bill keeps silence.

I would like to raise my grave concern about the consumers from the rural areas. Most of our consumers come from villages who are not conscious about their rights as consumers. Who would like to consider the interest of rural consumers when 70 per cent of them are below poverty line and 80 per cent of their household consumption is on food items only? From whatever money is left, they can hardly buy other necessities like clothing, medicines etc. In such a situation, one can hardly insist on quality, price or measurement.

The per capita income of agricultural workers has been declining in comparison to what he used to get previously. They have no time to go through the procedures insisted upon by the Bill. So, we have to make more efforts to protect the interests of the poor rural consumers.

But, as far as the Bill is concerned, why does the Bill not take *suo motu* cognizance of an unfair trade practice or an action? Due to paucity of time, I would like to draw your attention to some specific points only.

My first concern is about the inefficiency of the Bill to keep pace with the new market dynamics, multi-layered delivery chains, and innovative and often misleading advertising and marketing machinery.

The Bill needs to consider the variety of products that are available through e-commerce. I am mentioning about the financial products such as insurance policies sold online or services such as housekeeping, pest control etc. which are excluded. The main problem is with the implementation procedure. The former speaker Shri E.T. Mohammed Basheer also spoke about it.

The Act does not grant the authority to proceed against any person guilty of a violation under the Act. Penal steps can be taken only through a judicial process before the State or District Consumer Redressal Forums.

Another issue is speedy disposal of cases due to complicated bureaucratic process. Quick disposal of cases is essential as justice delayed is justice denied.

I would like to seek a clarification from the Government on the average time taken to dispose of the cases. According to Clause 11, definition of deficiency has changed which can invite more cases against doctors for even small or post-surgery ailments on the point that doctors did not inform about the post-surgery precautions or risks to the patients and their relatives. The speakers from doctors community have already raised their apprehensions in this regard. This leads to a situation where doctors will not be ready to take risk and will deny treatment to the poor and the illiterate.

Another point is that the term 'illegally' has to be explained as whatever doctors do and practise, they do it as per books and standard operative procedures. Then he cannot be said to have acted illegally while deciding whether injury has been caused to the complainant or not under Clause 2 (23) of the Bill.



**14.00hrs**

I have another important point. I invite your attention to the RTI reply by the Reserve Bank of India. It says that the banks cannot be held responsible for the loss of valuables kept in bank lockers. This has put a big question mark over the safety of valuable documents stored in bank lockers for safe keeping. I request the Government of India to fill the gaps in the Bill with the most decent consultations to ensure the full protection of the rights of the consumer.

So, I request you to send the Bill to the Standing Committee which is going to be constituted.

**SHRI ASADUDDIN OWAISI (HYDERABAD):** Sir, I oppose this Bill. Why do I oppose this Bill? It is because as in the RTI Bill, the Government has diluted this Bill. I do not know how the Government has succumbed or the Government which has 280 seats ...(Interruptions)

**14.01 hrs**

(Dr. Kakoli Ghosh Dastidar *in the Chair*)

*[Translation]*

Sir, I am surprised that a Government which has its own 303 Seats in Lok Sabha is kneeling before the medical lobby. Why are you afraid of the medical lobby?

Madam, when this Bill was passed in this House in 2016, health care was mentioned in it but you removed it. Why are you so afraid of the medical lobby? Madam, now it will happen that if a woman become a widow then she will have to go to civil court for sustenance of her children. At that time who will pay lawyer's fees in civil court? Will you pay the lawyer? Who will pay the court fees, will you pay it? This is the success of the medical lobby.

Madam, it is good that you are sitting on this chair. There was a reservation for women in the Act of 2016, but you deleted it. The whole world knows that women are at the forefront of consumer protection, but you removed that reservation. It's weird. Danve Saheb, I can't believe it that this is happening in your presence.

Madam, my third point is that it was written in preamble of Act of 1986 that *[English]*an act to provide a better protection of consumer rights, *[Translation]*but you removed the word better? ....*(Interruptions)* I don't know why the word better is removed from preamble? Will you spoil it now? That's Why I am saying that you have diluted it.

Madam, My fourth point is that we are repealing act of 1986 but it has not been mentioned in section 107 that what will happen to the cases which are with District, State and National Commission during this period?

Madam, my fifth point is that there is a time period of 45 days in chapter 4, section 38, Sub –section 2. Whether it is mandatory or discretionally because today a constitutional Bench in Supreme Court will hear this point that whether this 45 days time will be mandatory or discretionary. Danve Sahab, when you will reply please let me know because constitutional Bench is hearing this Case.

Madam, my sixth point is that there is one provision in section 51, Sub-Section I and another provision in section 67. Now if any applicant wants to appeal then the would have to deposit 50 percent of award he has received before appealing. How is it possible? It is unnecessary. I think it will create hardship. It is better that you leave it to the state and National Commission instead of making it a mandatory condition.

Madam, my one more point is regarding central council in chapter 2, section 3, sub-section I. Danve Saheb how many people will be appointed as its members? Please tell us? You are not telling us, it means that it will depend on your mood and in the morning Danve Saheb will say that it is not like this but I will appoint 15 Members. Will you appoint 15 Members? Why don't you mention number in it. Now chapter-2, Section 3, Sub section B is very vague. What will be the criterion of these who will be appointed member in this? It is possible that you will make a duffer or a person, who likes your ideas, as its member. It is possible and that is what you want.

Madam, I want to say something about chapter 2, Section 6, Sub Section 2, Sub Section-B and C will you constitute it in state also. Why will you constitute it there? No doubt, your Government is in many places including Maharashtra, but also respect the state. Will you constitute it in Bengal also, then what will state do, will it sit and play the plate?

Chapter 3- Central Authority. They have not told or specified that who will be the *[English]* members of the chief commission which constitutes the Central consumer protection Authority? *[Translation]* You are also not telling it. Please see qualification in chapter 3, Section 11, I have already raised the point of qualification, recruitment.

Madam, now I come to 18 (2). *[English]* This can be used against companies. You will constitute an inquiry against any company which has not

given you electoral bonds. It is as simple as that. You are taking away every power, hats off to your vision and your foresightedness in getting electoral bonds. I do not know what it is. As per section 18(2), you can inquire or investigate anyone. That is why, I say I oppose this Bill on these issues.

My last point to the Government is that the pecuniary jurisdiction norms need to be corrected. You are saying in the Bill, 'the value of the goods or services paid'. May I request you to consider this? This is avoidable. You make it, 'on the value of claim, including the compensation claim'.

*[Translation]*I oppose this Bill and the basic of points which I have raised. It is not in the favour of consumer, rather you have made the medical lobby a success, you taking away the powers of the states, it will create so many issues.

جناب اسد الدین اویسی (حیدرآباد): سر مجھے اس بات کا تعجب ہے کہ ایک سرکار جس کے پاس اپنے خود کے 303 اراکین کو کسب ہا ہیں۔ میڈیکل لابی کے آگے گھٹنے ٹیکنے۔ آپ میڈیکل لابی سے کیونٹر رہے ہیں؟

میڈم، آپ دیکھئے کہ جیسا سیو ان مین سال 2016 مینی ہلپ اس ہو اتھا، اسمین ہلپ تھس رو سکاذکر تھا، لیکن آپ نے اس کو نکال دیا۔ آپ میڈیکل لابی سے اتنا ڈر کیون رہے ہیں؟ م میڈم، اب یہ ہو گا کہ جو کوئی بھی عورتیں ہو جائے گی، اپنے بچوں کی کفالت کے لئے اس کو سول کورٹ جانا پڑے گا۔ اب سول کورٹ مینو کی کیفیت کو ندے گا؟ کیا آپ کو کی کیفیت دینگے؟ کورٹ کی کیفیت کو جمع کرانے گا، آپ کرائینگے؟ یہ میڈیکل لابی کی کامیابی ہے۔

میڈم، یہ اپنی وپریٹھے کہ آپ اسکر سپر تشریف فرما نہیں۔ 86 کے ایکٹ مین خو اتین کے لئے ریزرویشن تھا، لیکن آپ نے اس کو ڈیلیٹ کر دیا۔ ساری دنیا جانتی ہے کہ کنزیومر پروٹیکشن مینسب سے آگے خواتین رہتی ہیں، لیکن آپ نے اس ریزرویشن کو نکال دیا۔ یہ عجیبو غریب ہے۔ دانوے صاحب، آپ کے رہتے ایسا ہو رہا ہے۔ یہ تو مجھے یقین نہیں ہو رہا ہے۔

میڈم، مینتیسریا تک ہنا چاہتا ہوں، 1986 کی ایکٹ کے پری مینٹ ہلکھا ہوا تھا کہ an Act to an act to provide a better protection an (مداخلت)۔ مجھے نہی معلوم کہ پری مینسب سے بیٹر کو کیون نکالا گیا؟ کیا ابھی آپ اس کو خراب کر دینگے؟ اس لئے میں کہہ رہا ہوں کہ آپ ڈائلوٹ کر دئے ہیں۔

میڈم، امیر اچوتھا پوانٹھی ہے کہ سیکشن 107 مینی ہلپ بتایا جاتا، ہم 1986 کا ایکٹ پیل کر نے جارہے ہیں، جو کیس سٹڈسٹریکٹس، اسٹیٹ اور نیشنل کمیشن کے پاس زیر دور انہی ناکا کیا ہوگا؟

میڈم، میرا چوانپوانٹھی ہے کہ چیپٹر 4 کے سیکشن 38 سب سیکشن 2 میں 45 دن کا ٹائم پیر یڈ ہے۔ کیا یہ مینڈیٹ ہے یا ڈسکریشن ہے؟ کیونکہ سپریم کورٹ مینا جایک کانسٹیٹیوٹو شل بینچاسی پوانٹھی پیر کرنے جارہے کہ یہ 45 دن کا ٹائم مینڈیٹ ہے یا ڈسکریشن ہے۔ دانوے صاحب، جب آپ ریپلائدینگے تو مجھے اس بارے میں بتائیے، کیونکہ اسے کانسٹیٹیوٹو شل بینچ پیر کر رہا ہے۔

میرا چھٹا پوائنٹ ہے کہ سیکشن 51 کے سب سیکشن 1 مینپروویز نہ ہے اور سیکشن 67 مینپروویز نہ ہے۔ اب اگر کسی ایلیٹ کو اپیل کرنا ہے، تو اس کو

50 فیصد اماؤنٹ کا جو ایوارڈ ملا ہے، اسے اپیل کرنے سے پہلے جمع کرنا پڑے گا۔ یہ کیسے ہوگا؟ بہت غیر ضروری ہے۔ اسمینیر رائے ہے کہ یہ ہار ڈش پیپید کرے گا۔ بہتر یہ ہے کہ آپ اس کو اسٹیٹ اور نیشنل کمیشن پر چھوڑ دیجیے، بجائے اس کو مینڈیٹر یکنڈ ڈیشن بنانے کے۔ میڈم، میرا ایک اور پوائنٹ یہ ہے کہ چیپٹر 2 مین سیکشن 3 سب سیکشن 1

مینسینٹر لگاؤ نسل ہے۔ دانوے صاحب آپ کتنے لوگوں کو اس کا ممبر بنائینگے۔ آپ مین بنائیں گے، آپ مین بننا نہیں ہے ہ میں، یعنی آپ کے موڈ پر منحصر ہوگا کہ صبحاٹھ کر دانوے صاحب کو لینگے کہ ایسا نہیں ہے، بلکہ 15 بنا دوں گا۔ کیا آپ 15 بنا دینگے؟ آپ اس مین ممبر نہیں لکھتے ہیں۔ اب چیپٹر 2، سیکشن 3، سب سیکشن 2، سب سیکشن B ہے، یہ بڑا ویگ ہے۔ اسمین جن کو ممبر بنایا جائے گا، ان کا انٹیئر یا کیا ہوگا؟ ایسا ہو سکتا ہے کہ آپ کسی ڈفریا تھم ساپ کو بنا دینگے۔ ایسا ہو سکتا ہے اس لئے وہ بیجا پاتے ہیں۔

میڈم، مین چیپٹر 2، سیکشن 6، سب سیکشن B اور C، کے بارے میں کچھ کہنا چاہتا ہوں۔ آپ اسے اسٹیٹ مین بھینا نینگے۔ آپ وہاں کیوں بنا نینگے؟ یقیناً ہمارا اسٹر سمیت ہتجگہ آپ کیس کر رہے، مگر اسٹیٹ کی تو عزت رکھئے۔ کیا آپ ہنگال مین بنا نینگے، پھر اسٹیٹ کیا کرے گا، کیا اسٹیٹ بیٹھ کر تھالیب جائیے گا؟ چیپٹر

3، سینٹر لاتھار ٹیہ پھر سے نہیں بتاتے، یہ سپیس فائین ہین کرتے کہ members of the Chief Commission which constitutes the Central Consumer Protection Authority, 11 ویکو نہ ہوگا؟ اسے بھی اپنہ بناتے ہیں۔ کو الیفیکیشن نا چیپٹر 3، سیکشن 11 دیکھئے، کو الیفیکیشن، ریکروٹ مینٹ کا پوائنٹ مینا پ کو بولچکا ہوں۔

میڈم، امیں (2) 18 پر آتا ہوں۔ This can be used against companies. You will constitute an inquiry against any company which has not given you electoral bonds. It is an simple as that. you are taking away every power, hats off to your vision and your foresightedness in getting electoral bonds. I do not know what it is. As per section 18 (2), you can inquire or investigate anyone.

That is why, I say I oppose this Bill on these issues.

My last point to the Government is that the pecuniary jurisdiction norms need to be corrected. You are saying in the Bill, 'the value of the goods or

**services paid'. May I request you to consider this? This is avoidable. You make it, 'on the value of calm, including the compensation claim'.**

جو پوائنٹ مینے سامنے رکھے ہیں، ان کی بنیاد پر مینا سب کی مخالفت کرتا ہوں۔ یہ کنزیومر کے حق میں نہیں ہے، بلکہ میڈیکل لابی کو اپنے کامیاب کر دیا، اسٹیٹس کی پاور سا آچھین رہے ہیں، اس سے بہت سے اور مسائل پیدا ہو سکتے ہیں۔ شکریہ

*[Translation]*

**SHRI JANARDAN MISHRA (REWA):** Thank you, Madam, for giving me an opportunity to speak. Many issues have been raised but I would like to mention those issues, points which have been left. Some people are saying that all the rights have been taken away. This provision was not included in the Act of 1986 but it has been added here that the consumer or any other party can go to the supreme Court against the decision of the Central Authority. They are saying that power is centralised. The Auditor General will audit all expenditures and activities, which are mentioned in clause 26.

It has been mentioned in clause 106 that if any difficulty arises in giving effect to the provisions of the Act, the central Government may by order published in Gazette, make such provisions which are not inconsistent with the provisions of that Act and which it seem necessary or expedient to remove that difficulty. In this way, whatever is required now or whatever circumstances will be created, they can also be amended in it within two years. It is written in clause 106 of this provision . These three points were not mentioned during the entire discussion, so I have mentioned them.

All the people of the opposition party said that this is ‘*Modikaran.*’ It is not ‘*Modikaran*’, It is for public welfare. We have fixed a limit of redressal of cases up to one crore rupees in the District court. They talk about the farmers, they talk about the poor. Earlier civil suits one crore rupees used to be presented in Bhopal. The District court had a limit of only upto 20 lakh rupees but now we have increased the limit upto 1 crore rupees.

Madam, they talk about advertisement . In whose regime did women advertisement start? It started when a leader wearing a khadi cap, dhoti and jacket lit a cigarette of a woman wearing an English T-shirt and skirt. It started from that day. It started on the day when khadi cap and jacket were taken off and British



coat was worn at midnight of 15 August and a rose flower was put in it. Indecency started from that day.

There seems to be no end to it. How will it stop? The culture you were born from, the culture you promoted for 70-72 years, you have created this culture and now you talk about culture inside the House. First you see that what have been your deeds? In what culture have you grown up. What do you do at night, what culture have you promoted, now you talk about advertisements and fool the country.

Just now Owaisi Saheb was saying that we kneeled. It niggles you because a provision has been made in this Act that if an appellant has to deposit half the amount to the consumer first, then his appeal will be entertained. Talking like this hurts people a lot. If we do not give it, the poor will die, provision has been made for the poor, give half the amount, then appeal would be entertained.

Our colleague from Tamil Nadu was telling that the entire activities whether its C.P.C. or code of procedure, I have practiced law for 22 years. I have worked in consumer forum. So it hurts me when people talk like this. He was resourceless and the procedure which was there earlier, he did not get justice by it in court. All these arrangements are made in it. They are demanding to include roads, hospitals and all the other activities in it and to abolish C.P.C., Cr, P.C., I.P.C. but what are there laws for. There are various laws in the country regarding crime, civil and also other provisions. You want to include all this in consumer forum. Why are they talking like this? They are using such language to divide the country whatever is there, it is according to present circumstances and modern market. If anything needs to be added, it can be added within two years with these words I conclude. Thank you.

Jai Hind.

*[English]*

**SHRIMATI ANUPRIYA PATEL (MIRZAPUR):** Thank you, Madam, Chairperson. I rise to speak in support of the Consumer Protection Bill, 2019 which is going to replace the 33-year old Act of 1986. Every year on March 15 we observe the World Consumer Protection Day and even in India we observe that day as the National Consumer Protection Day and we chant the usual mantra 'Consumer is the King'. But this is not really reflected in reality. With the rise in the number of consumers' complaints and the rise of pending cases in the consumer forums, there is really a need to have a new and a more dynamic law which is in tune with the changing times and needs. With the growing popularity of online purchases, we need a new law so that we are able to protect the rights of consumers in this digital environment.

I am glad today that the hon. Minister, who is sitting right in front of me has brought this new comprehensive Bill which has all the intention of protecting consumer rights and has several important provisions like setting up of Consumer Disputes Redressal Commissions at district, State and national levels to look into the consumers' complaints, and setting up of a Central Consumer Protection Authority to promote, protect and enforce consumer rights as a class and defining the unfair and restricted trade practices. The Bill also has a provision for the establishment of Consumer Protection Councils at district, State and the national levels to render advice on consumer protection. While I understand the goodness behind all these provisions, I have certain questions related to these provisions for which I seek clarifications from the hon. Minister.

Madam, my first question relates to the Consumer Disputes Redressal Commissions, which are supposed to function as civil courts. The Bill says, it is going to have a President and other members, but what the Bill does not specify

is the minimum judicial qualification which the President and other members should have.

So, what I want to understand from the hon. Minister is whether any minimum judicial qualifications are going to be prescribed by the Central Government or not. If, at all, we are not going to have judicial officers in these redressal commissions, which are going to function as civil courts, is it not violating the principle of separation of powers?

These Consumer Protection Councils are supposed to play an advisory role. They will render advice on how to protect the consumer rights better. These Consumer Protection Councils are going to be headed by the Ministers at the State and Central level and by the District Collector at the district level. Actually, the Ministers or the District Collectors are the implementing authority. So, what I fail to understand is who exactly the Consumer Protection Council is rendering advice to. I am not able to understand this and want the hon. Minister to clarify this.

My next question relates to the recommendations of the Standing Committee which have not been adhered to. The first one is regarding incorporating a provision to terminate a contract on the grounds of the quality of the service or the goods which are delivered. I do not find this having been included in the consumer rights which have been outlined in the Bill. Secondly, a provision has not been incorporated in the Bill to the effect that any misleading advertiser is being compelled to issue a corrective advertisement.

These are the three or four small issues which I want to ask the hon. Minister. I do support this Bill, but I want the hon. Minister to clarify these points while replying to the debate in the House.

Thank you very much.

**HON. CHAIRPERSON :** Shri P. Raveendranath Kumar – not present.

Shri Hanuman Beniwal – not present.

... (*Interruptions*)

**HON. CHAIRPERSON:** Okay, Shri Raveendranath Kumar has come.

**SHRI P. RAVEENDRANATH KUMAR (THENI):** Madam Chairperson, I thank you for giving me this opportunity to speak on behalf of my AIADMK party.

I appreciate our hon. Prime Minister and hon. Minister for Consumer Affairs, Food and Public Distribution for having brought this regulatory Bill with an aim to replace the Consumer Protection Act, 1986 and widen the ambit of consumer protection.

I welcome the positive features in this Bill and the statement of the hon. Minister. It is pertinent to mention that in my State of Tamil Nadu, as on 30.06.2019, there are 9,071 consumer cases pending in various district consumer disputes redressal forums and particularly in my Theni district, there are 101 cases pending as on 30.06.2019. Right from the inception of the said Consumer Protection Act, 1986, so far 1,22,373 consumer cases were filed all over the State, out of which 1,13,302 cases were disposed of as on 30.06.2019. In order to reduce the above number of prolonged pending cases as well as to curtail unwarranted litigation, a new chapter, Chapter V, has been added in this Consumer Protection Bill, 2019. This would enable settlement of disputes by a mediator upon reference by a consumer court and will reduce unnecessary litigations in future.

It is pertinent to mention here the volume of online trading which is increasing every year, but at the same time, steps should be taken by the Government to ensure the quality of products being sold through online mode since the number of substandard products in online marketing has also increased recently. There is no awareness among the public about the way to complain about it.

Madam, I want one clarification from the hon Minister. There is no awareness among the public about the way to complain against spurious products, if such products are supplied by online marketing firms.

So, I would request the hon. Minister to enlighten us what kind of actions he is going to take to create awareness among the public to file the complaints.

I need one more clarification. I wish to know as to what kind of monitoring system has been planned by the Government to prevent misleading advertisements. So, I request the Minister to inform this House about the steps taken for establishing a monitoring body on the lines of Advertising Standards Council of India to monitor and book complaints voluntarily against misleading advertisements.

One of my colleagues who is sitting on the other side has said that our Central Government, that is the Modi Government, has 'zero democracy'. This is not 'zero democracy', but a 'Hero Democracy'. It is accepted by the people of our country. People of India have shown who is zero and who is hero. In the elections everything was proved.

Keeping in view the good factors of the Bill that I have mentioned, I support the Bill. The vital need of the hour is to strengthen the rights of the consumers and to provide a mechanism for redressal of complaints effectively. So, I welcome this regulatory Bill. Thank you.

**SHRI N.K. PREMACHANDRAN (KOLLAM):** Madam Chairperson, thank you for giving me this chance to speak on the Consumer Protection Bill, 2019.

I rise to support the spirit of the Bill, but with certain reservations in regard to the contents of the Bill. I also want to put forth some suggestions.

The original Act of 1986 was enacted to protect the better interests of the consumers. Four institutions have also been established through that Act. They were the Consumer Dispute Redressal Commission at the district level; Consumer Dispute Redressal Commission at the State and national level; and also, as Madam has rightly said just now, Consumer Advisory Council.

After 33 years of experience regarding the impact of this Act, I think, this is the right time to review the COPRA, that is the Consumer Protection Act of 1986. So, I welcome the step taken by the hon. Minister as well as by the Government in repealing the entire Act of 1986 and coming out with a comprehensive legislation, that is the Consumer Protection Bill, 2019. Hence, I support the view and the vision of the Government in this respect.

When we are repealing and coming out with a new legislation, abundant care and caution should be taken so as to address the present situation which is prevailing in our country. The consumer markets for goods and services have drastically changed. Most of the hon. Members have already stated that there is emergence of global supply chains, and modern marketing technological tools, like on-line trading, e-commerce, e-trading, etc. have come into existence. So, we have to change the law according to the situation prevailing in our country. That means we have to change in tune with the changing market scenario or market conditions. This new comprehensive legislation has been brought in exactly to address that and has been brought to this House for our consideration.

The market forces have put the consumers in a very vulnerable position. Many innovative marketing technologies have been introduced. These innovative technologies are being used to cheat the consumers in different ways.

Coming to the review of 1986 Act, the sole intention of COPRA was to give immediate relief to the consumers. That is why the Consumer Dispute Redressal Commissions were formed at the district, State and national levels. The Consumer Advisory Council was also formed for the same purpose.

Madam Aparajita Sarangi has just now stated that justice delayed is justice denied. Why were these Dispute Redressal Commissions constituted? It is quite unfortunate to note that most of the Commissions are not delivering service as we expected them to do.

A number of cases is being lodged in the consumer courts. It is not because of the fault of the Central Commission alone. Most of the State Governments are not giving financial support for the functioning of the Commissions in the State.

So, my suggestion to the hon. Minister is to do something so that the States can be empowered or the Commissions can be empowered by providing some financial grant from the Central Government to make the Commissions at the State level and the district level more effective so that the relief can be given and the grievances can be redressed at the earliest.

Madam, I have already stated about reviewing of the Act. The salient feature of this new Bill is the constitution of a Central Consumer Protection Authority and an alternative dispute redressal mechanism through mediation. These are the two salient features of this Bill.

Madam, I am coming to Clause 10 of the Bill and also seeking some clarifications from the hon. Minister. I think Clause 10 is the heart and soul of this Bill. According to Clause 10, a Central Consumer Protection Authority is



being constituted and wide powers are being given to it. I am not reading the entire Clause. The Central Consumer Protection Authority, known as the Central Authority, is supposed to regulate matters relating to violation of rights of consumers, unfair trade practices, and false or misleading advertisements which are prejudicial to the interests of public and consumers and to promote, protect, and enforce the rights of consumers as a class. This is a general power which is being given to the Central Consumer Protection Authority. My point is that no specific power has to be given.

Regarding the constitution of the Authority, as most of the hon. Members have mentioned, I would like to say that now it has become the order of the day and it has become the usual practice that the service conditions, appointment, tenure of service – everything is being determined by the Government as per the rule prescribed by the Government from time to time. What is it? That is why in the Right to Information (Amendment) Bill, I put the same question. If you are determining the tenure, if you are determining the qualifications of the Chief Commissioner or the Central Consumer Protection Authority, then what is the Parliament for? That means it will be decided by the bureaucrats. What is the scope of the Parliament then? We do not know about the qualifications to be prescribed to become the Chief Commissioner of the Central Consumer Protection Authority. That means you are taking away the rights of the Parliament. That means legislative supremacy of the Parliament is being taken over. So, I have a strong objection for Clauses 10 and 11.

Madam, I will just mention about one very important point. I would like to draw the attention of the hon. Minister to Clause 18(1) (c) and Clause 24 and with that point I will conclude. I just read Clause 18(2) (c). It says that the Central Consumer Protection Authority will intervene in any proceedings of the State Commission, National Commission and the District Commission in respect of

any allegation of violation of consumer rights or unfair trade practices. Yes, I agree to that.

Madam, Clause 24 says that a person aggrieved by any order passed by the Central Authority under Sections 20 and 21 may file an appeal to the National Commission within a period of thirty days from the date of receipt of such order. What does it mean? The National Commission is acting as the Appellate Authority of the State and the Central Consumer Protection Authority is acting as the Central Authority and the Central Authority has the right to intervene in the proceedings of the National Commission. It is totally contradictory. How will this survive in a court of law? What kind of piece of legislation is being made? So, this has to be corrected or this has to be clarified by the hon. Minister. If I am wrong, I stand corrected. Otherwise, I am seeking a very specific clarification regarding Clause 18(2) (c) and Clause 24.

Madam, the last point I would like to raise is that stringent punishment has to be there for the misleading advertisements. The present punishment and the penal provisions are not sufficient. So, provisions for stringent punishment have to be made as far as the misleading advertisements are concerned. With these words, I am concluding. I support the Bill.

**\*DR. THOL THIRUMAAVALAVAN (CHIDAMBARAM)** : Hon. Chairperson. Vanakkam. Thank you for this opportunity to speak on the Consumer Protection Bill, 2019. The Consumer Protection Act of 1986 which was in practice for so long is now being totally replaced by a new Bill. I welcome this Bill as it is aimed to protect the consumers who are being affected by e-commerce, as the provisions relating to e-commerce have been included in the

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\* English translation of the Speech originally delivered in Tamil.

Bill. This Bill in its present form is taking away the rights of the State Government. As per the 1986 Act, which was in force, the State Governments can set up Consumer Protection Councils in different places. These powers were vested with the State Governments. But the Consumer Protection Councils or Courts to be set up at the District and State Levels will be governed by the Members to be appointed directly by the Union Government. As per the 1986 Act, these Councils had members of the Judiciary and therefore functioned as a quasi-judicial body. But this new Bill will pave way for a Bureaucratic body to be run by bureaucrats and politicians. In that way, this will totally loose the identity and recognition of a quasi-judicial body. Therefore it is shocking to say that this Bill has diluted the provisions of the earlier Act. This set up should be allowed to function as a quasi-judicial body. I request the Hon. Minister to make some amendments to this Bill in this regard. We are aware of the fact that how the consumers are being affected due to unfair trade practices followed by industrialists, businessmen, and brokers of the market, on a daily basis. It is the responsibility of the Union Government to protect the consumers from such unfair trade practices.

Although the present Bill is aimed to protect the consumers, it should never loose its identity of having the judicial powers or the quasi-judicial powers. It has raised a serious question whether this Bill will really protect the consumers and their rights?. This new Bill will create a big gap between the relations of the Union and State Governments. Therefore this Bill should have new provisions aimed at protecting the rights of the consumers, without taking away the rights of the State Governments, and providing judicial powers to the Consumer Protection Councils or Courts.

**14.31 hrs**

(Hon. Speaker *in the Chair*)

This Bill should have the powers to appoint District Judges, High Court judges and the Supreme Court Judges in the Consumer Protection Councils. Thank you for this opportunity.

*[Translation]*

**HON. SPEAKER:** Hon. Member can speak on any subject.

*...(Interruptions)*

**THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTRY OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES (SHRI ARJUN RAM MEGHWAL):-** Rotational system given in BAC should be implemented in future.

**HON. SPEAKER:-** Hon. Minister.

**SHRI RAM VILAS PASWAN:-** Hon. Speaker, I would like to thank all the honourable members. This bill has been debated here twice before I have been in this House since the year 1977 but this time the debate that has taken place under your leadership and the opinion given by hon. Members is based on an in-depth and thorough study.

**HON. SPEAKER:** Our new hon. Members are very intelligent.

**SHRI RAM VILAS PASWAN:-** They are very intelligent. This bill will be passed but I would like to discuss it once with the hon. Members who have expressed their views.

Hon. Members who wish to discuss can come. We are open for discussion. I want that this consumer protection Bill that is going to be passed should be historical in itself because it's coming after 33 years. All the hon. Members have expressed their views effectively, I have seriously deliberated upon it earlier also. For

example, in regard to doctor, one of our colleagues asked that why medical, health care is not included in it? I was also thinking that health care should be included. He said that in 1995 the Supreme Court ordered that it should be included.

Earlier in the year 2018 Bill this provision was there but this bill was not passed in Rajya Sabha. I called the hon. Members who were opposing it and asked them why they were doing so? They told me the reason and I also got convinced that we should consider them. They said that at present if someone visits a doctor then the doctor quickly prescribes him medicine for whatever disease he has whether its headache or cough. But the day doctors will feel that they have given cough medicine, but the disease is something else and in such a situation if a blame comes on them then no doctor will prescribe the medicine quickly and say that first diagnosis should be done. The tests will take so much time and money that the patient will have a lot of trouble.

At the outset, I thank Rajendra Agrawal ji, Ranjith Reddy ji, Durga Prasad ji, Vishnu Prasad ji, Veeraswamy ji, Pratima mondal ji, Rahul shewale ji, Chandeshwar Prasad ji, Saptagiri Ulaka ji, Ajay Misra ji, Jayadev Galla ji, Girish Bapat ji, Supriya Sule, Sarangi ji, Basheer ji, Owaisi ji, Janardan Mishra ji, Anupriya Patel ji, Raveendranath kumar ji, Premachandran ji and Thirumaavalavan ji for expressing their views. There are three to four main points in what they have said. Our main aim is to simplify the system. Earlier there was nothing like consumer court, the consumer forum was in the district and the state had a consumer commission and national commission but gradually they took the form of court. It's main purpose was left behind. You wonder why it takes so long. One of its reasons is that it becomes a court case and lawyers are also involved in it so we removed the lawyer. If someone gives a complaint and if it is not field then it will be filed automatically in 21 days. It is not necessary that only the lawyer will fight your case you can fight it yourself also. Earlier mostly

90 percent of the cases fall in the district and its limit was very low only upto 20 lakh rupees, we increased it to one crore rupees and in the state this limit was increased upto 10 crore rupees. Cases above 10 crore rupees were brought in the jurisdiction of national commission. Earlier it was not a subject of arbitration. Many of our colleagues have appreciated arbitration. Many Members of Parliament said that there is no transparency in it. While framing the rules we will consider it. The case of misleading advertisement is also involved in it, which is a serious matter. Some members stated that what is misleading in an advertisements? You go an road and see. It is written there that increase height in three months. If you are bald then you will have hair in three days what can be more misleading than this ?I have prepared it very carefully and it is provided for in the Bill that who ever advertises it will be accountable for giving misleading advertisement. We have not included media in it. We will hold then media persons liable when they say something and publish other thing that has never happened or should not happen.

Third point is regarding celebrities. A standing committee opined that there should be a provision of jail term for celebrities we have removed provision of jail term from it. We will punish the celebrities by banning them or imposing fines that is enough for them. You should read only what is given to you in writing. You said that case is delayed. I have written to state government at least two dozen times, last time also I had the same Ministry. Somewhere the post of chairman is vacant and somewhere else post of member is vacant. I have now written a personal letter. I have written it in simple language and told the government department that we will not write a three page letter, we will just write four lines that so and so post is vacant in your department, please fill the vacancies and if there is any problem then tell me.

A conference of Ministers of state has organised on 1 August but my younger brother and Member of Parliament Ram Chandra Paswan expired so it had to be postponed. We are trying to pass it. C.C.P.A. is a very effective act. We have given it neither absolute power nor divided it separately in the National commission, state commission or district commission. All we have done is that if there is any complaint, it can take immediate action. The most important thing in this is that till now the individual case was taken. Suppose you got a defective item like a defective car then you will take action against an individual but now class action will be taken. It means if engine of a car is defective then engine of not only that car but engines of all the cars manufactured in that lot would be defective so class action will be taken.

Similarly, if a person sells defective goods or provides poor service, it has been talked about many times, Premachandran ji and leader of congress party are sitting here. We have seriously considered the amendments given by you lost time as well as this time. We explained it in detail last time also. We prepared this Bill by taking a complete report from NGOs and media persons. I can assure you that whenever we will make rules in regard to what has been said on this Bill regarding central and state government, we would have no personal interest in it. We would try to include suggestions made in national as well as public interest....(Interruption)

I will not speak much today so I would request all the hon. Members to pass this Bill unanimously. Thank you very much.....(Interruptions)

**SHRI ADHIR RANJAN CHOWDHURY:-** Paswan ji, adulteration is also mentioned in it....(Interruptions) Whether food items are also included in it?...(Interruptions)

**SHRI RAM VILAS PASWAN:-** For food matters FSSAI is there. ...*(Interruptions)* There are different types of adulteration. ...*(Interruptions)* For example, the steep department looks after steel adulteration. ...*(Interruptions)* FSSAI looks after food adulteration.....*(Interruptions)* We coordinate with those people also....*(Interruptions)* For food adulteration, you can be sentenced to life imprisonment or hanged, so this subject is different. ...*(Interruptions)*

**SHRI ADHIR RANJAN CHOWDHURY:-** Section 90 and Section 91 of Chapter 7 of the Bill you are passing have mentioned about adulteration. ...*(Interruptions)* I think this is health related subject, how will you handle it?...*(Interruptions)* what arrangement have you made for coordination? ...*(Interruptions)* This is the biggest business in India...*(Interruptions)* You will be shocked to know that in Calcutta even the thrown dog meat is used in adulteration....*(Interruptions)* This news came a few months ago. ...*(Interruptions)* You see that they are both consumers...*(Interruptions)* The person who buys electronic goods is a consumer and the person who buys food is also a consumer...*(Interruptions)* How will you coordinate between them?

**SHRI RAM VILAS PASWAN:-** The matter of health will be dealt by the department to which it belongs. We will not interfere in it. Let me say this clearly. There are many things we could not say just now our colleagues were talking about M.R.P. We know about M.R.P., in hotels a bottle is sold at ten time the price. We took action against its double M.R.P. People moved the court but court rejected it. We are writing again that it is not a single matter but many things are involved in it like our sister mentioned that from peon to president, from children to old people all are consumers. We are unable to implement it strictly because people are selling goods on the road. If we will implement it strictly then all the shops on the road will have to be closed as per standard what has been said about



consumers, e-commerce all these things are in our mind. The hon. Member may to visit me in the ministry and have tea and I will do whatever is possible.

*[English]*

**DR. SHASHI THAROOR (THIRUVANANTHAPURAM):** Mr. Speaker, Sir, I would like to seek three clarifications from the Minister. The basic purpose of having a Consumer Protection Act is to redress the unequal balance of power between corporations on the one hand and consumers on the other. There are three ways in which the Bill fails to do that. I want to ask the Minister whether he can remedy this somehow in the Rules or whatever.

First, many companies do write an arbitration clause into a contract. So, if a consumer purchases a product and then if he has a dispute, he has to go to an arbitrator. An arbitration clause should not have been allowed to trump a Consumer Forum. Nothing in arbitration should be allowed to limit the power of the Consumer Forum to protect the consumer.

Second, similarly many companies write limited liability clauses. They write saying that if something goes wrong, they have a limited liability. Then the consumer is not protected because he may lose much more than the company is prepared to give him. Once again, Sir, we should have it in the law that the law takes precedence over limited liability clauses also so that the consumer is protected.

Thirdly, Sir, there is an omission which worries me. The definition of services in the Bill explicitly excludes free services. The poor people of our country very often use government hospitals for example where the service is free. But, if as a result of a hospital's negligence the poor patient dies, no compensation is given. That is because free services are excluded from the protection you have given.

These are very small changes the Minister can make to ensure that the law is interpreted in a way that protects the consumer. I have written to him on 27<sup>th</sup> February, 2018 when he first brought the Bill, to point these things out. They are unfortunately not reflected in the new Bill. But I would urge him to make sure that these protections are there at least in the Rules. Otherwise, the consumers will continue to be at the weaker end of the bargaining with the corporations. Thank you.

*[Translation]*

**HON. SPEAKER:** Hon. Minister please reply to all the question later at one go .

**SHRI RAM VILAS PASWAN:-** He had raised the issue of health care and I told him its plus and minces points. We had presented it and the Supreme Court had given a judgement in this regard in 1995 but our several honourable members did not let it pass in Rajya Sabha Doctors were also raising this issue. While framing rules we will consider all these things. You had raised this issue lost time also and given your amendments. I had gone through these amendments.

**SHRI RAJIV PRATAP RUDY (SARAN):-** Sir, I would like to give three examples. In this regard. It has been provided for through the provisions considering that protections. There are some services which are controlled by either the Government or by such persons who have got monopoly. For example if I do not pay the telephone bill for two months then they have the right to

disconnect my telephone connection. But if I want to talk to other person on phone and call him and the call drops through none of us has disconnected it then who do I contact? That being so if I am unhappy with telephone company and tell it that I will not pay them then it will cut my telephone connection. It is just an example. Neither he nor I disconnected the phone but the call was dropped four times, who will solve this problem?

Hon. Speaker, my second example is that electricity is my fundamental right. Hon. Minister is sitting here. There is power supply in my house, Lok Sabha proceeding are going an amidst such an engaging conversation the power suddenly goes out. I get angry at the electricity department and I tell them that I will not pay the electricity bill because electricity plays truant. The day I decide not to pay the bill, power connection in my house would be disconnected and we will not be able to take any action against the electricity department. But if it does not provide electricity for 24 hours, which is my right, then I am unable to do anything. The Airlines companies mention it on the ticket reporting time 45 minutes earlier. ....(Interruptions) Hon. Minister please sit down, here everyone from the Government side is waiting to speak. So please sit down now. ....(Interruptions) [English]I have not yielded. ...(Interruptions) Hon. Minister, I have not yielded. When it comes to your department, we will talk about it.

*[Translation]*

Thirdly, when we go the airport, it is written on the back of the ticket that reporting time is 45 minutes earlier, we take the ticket and reach there an hour before. The flight is delayed by two hours. My three hours are wasted what is my consumer protection there?

Hon. Speaker, there are so many situations about which nothing has been mentioned in the Bill. If we are not able to give protection to all of them. Then those who have monopoly will treat consumers as they want, this is a serious

subject . You will be aware of this, therefore attention should be paid to such subjects while making rules so that the achievements of the Government are recognized.

*[English]*

**DR. KALANIDHI VEERASWAMY (CHENNAI NORTH):** Sir, I would like to draw the attention of all the hon. Members, especially, the Congress Party. If you look into clause 62, it says:

“On the application of the complainant or of its own motion, the National Commission may, at any stage of the proceeding, in the interest of justice, transfer any complaint pending before the District Commission of one State to a District Commission of another State or before one State Commission to another State Commission.”

Sir, this is a very mischievous clause. When there is redressal for appellate to a National Commission, why should the National Commission intervene on the States' rights to investigate on a particular matter. So, I wish that everybody would agree on this that this clause should be struck off.

**DR. M.K. VISHNU PRASAD (ARANI):** The hon. Minister gave a very detailed reply. He mentioned about the advertisements. He said that if there is an advertisement about gaining height, which claims to increase 2 to 3 ft. height in one month, which of course, is not true, then, the problem is not with the media. That is what he has mentioned. So, in that case, is there any proposal to have a board, like Censor Board, for these advertisements? Is there any proposal for these electronic or print media advertisements to go through some kind of a board, so that, the authenticity and the effectiveness of the product can be determined then and there, and the people will not be misled? Is the Government having any proposal to have a special board for that.

Thank you, Sir.

*[Translation]*

**SHRI RAM VILAS PASWAN:-** All the consumer courts. ...*(Interruptions)*  
Now we have named them District Forum, State Forum and National Forum. Apart from these you can go to court also. You can go to civil court. If there is any aggrieved in the National commission, it can also go to the Supreme Court. But we are trying to simplify the judicial system, provide relief to the consumers at

the earliest and they are also getting relief. We are working for it. The more you discuss in detail the more time will be wasted and consumers will face more problems.

**HON. SPEAKER :**The question is :

“That the Bill to provide for protection of the interests of consumers and for the said purpose, to establish authorities for timely and effective administration and settlement of consumers disputes and for matters concerned therewith or incidental thereto be taken into consideration.”

*The motion was adopted.*

**HON. SPEAKER:** Now the House will take up Clause by Clause consideration of the Bill.

### **Clause 2 Definitions**

**HON. SPEAKER:** Shri Kodikunnil Suresh, do you wish to move your amendment?

[English]

**SHRI KODIKUNNIL SURESH (MAVELIKKARA):** I beg to move:

Page 2, for lines 2 to 5,--

*substitute* “(1) “advertisement” means commercial messages or endorsements or pronouncements or offer of services broadcast through the means of any audio or video publicity, representation or pronouncement, made by means of light, sound, smoke, gas, print, electronic media, internet enabled media including websites and social media and includes any notice, circular, label, wrapper, invoice or any such documents that contain a commercial message or any other form as deemed fit by the competent authority;”. (1)

Page 2, line 37,--

*after* “deficiency”

*insert* “or the rendering of services is inefficient or unsatisfactory as against the promised or offered or agreed upon or declared quality”. (2)

Page 4, line 32,--

*after* “digital products”

*insert* “, conventional manufactured products or any other listed products”. (3)

Page 5, line 13,--

*after* “illness”

*insert* ”, full or partial disability”. (4)

Page 5, *after* line 42,--

*insert* “(v) misleads the consumer by means of describing or alluding magical properties, remedies or supports any superstitious healing methodology which is in contravention to existing legal provisions;”. (5)

*[Translation]*

**HON. SPEAKER:** I shall now put Amendment nos. 1 to 5 to Clause 2 moved by Shri Kodikunnil Suresh to the vote of the House.

*Amendments were put to vote and negatived.*

**HON. SPEAKER:** Shri N.K.Premachandran, do you wish to move your amendment ?

*[English]*

**SHRI N. K. PREMACHANDRAN (KOLLAM) :** I beg to move:

Page 2, line 3,--

*after* “gas,”

*insert* “gestures, art forms,”. (6)



Page 2, line 9,--

*after* “Central Government”

*insert* “or a State Government”. (7)

Page 2, line 21,--

*after* “a consumer”

*insert* “or a person duly authorized by the consumer”. (8)

Page 2, line 35,--

*after* “one or more defects”

*insert* “or any delay or deficiency in service in connection with rendering service for rectifying the default or defects”. (9)

Page 2, line 37,--

*after* “any”

*insert* “delay or”. (10)

Page 3, line 24,--

*after* “commercial purpose”

*insert* “other than a capital investment of not more than 25 lakh rupees”.

(11)

*[Translation]*

**HON. SPEAKER:** I shall now put amendment nos. 6 to 11 to Clause 2 moved by Shri N.K. Premachandran to the vote of the House.

*Amendments were put to vote and negatived.*

**HON. SPEAKER:** Shrimati Pratima Mondal, do you wish to move your amendment ?

*[English]*

**SHRIMATI PRATIMA MONDAL :** Sir, I am not moving my amendment No. 12.

*[Translation]*

**HON. SPEAKER:** Dr. Shashi Tharoor, do you wish to move your amendment ?

*[English]*

**DR. SHASHI THAROOR :** Sir, if the Minister agrees with me, why not accept the amendment? He has agreed with me; he can accept my amendment.

**HON. SPEAKER:** Are you moving your amendment or not?

**DR. SHASHI THAROOR:** I beg to move:

Page 7, *after* line 37,-

*insert* ‘*Explanation.-* For the purpose of this clause, the expression “service free of charge” shall not include services provided by the State, such as the provision of services related to public healthcare, public education, etc.’. (19)

*[Translation]*

**HON. SPEAKER:** I shall now put amendment no. 19 to Clause 2 moved by Dr. Shashi Tharoor to vote of the House.

*Amendments were put to vote and negatived.*

**HON. SPEAKER:** The question is:

“That Clause 2 stands part of the Bill.”

*The motion was adopted.*

*Clause 2 was added to the Bill.*

*Clause 3 was added to the Bill.*

#### **Clause 4**

#### **Procedure for meetings of Central Council**

**HON. SPEAKER:** Prof. Sougata Ray, do you wish to move your amendment?

*[English]*

**PROF. SOUGATA RAY:** Sir, I am not moving my amendment No. 13....*(Interruptions)*

*[Translation]*

**HON. SPEAKER:** Is there any problem in putting across your views? ‘You are scared’ Why is it so? This House belongs to everyone. Why do you say such things?

*...(Interruptions)*

**HON. SPEAKER:** The question is:

“That Clause 4 stands part of the Bill.”

*The motion was adopted.*

*Clause 4 was added to the Bill.*

*Clause 5 was added to the Bill.*

#### **Clause 6**

#### **State Consumer Protection Councils**

**HON. SPEAKER:** Prof. Sougata Ray, do you wish to move your amendment?

*[English]*

**PROF. SOUGATA RAY:** Sir, I am not moving my amendment No. 14.

*[Translation]*

**HON. SPEAKER:** Dr. Shashi Tharoor, do you wish to move your amendment ?

*[English]*

**DR. SHASHI THAROOR:** The Minister has given his assurance that this will be in the rules. So, I am not moving my amendment No. 20.

*[Translation]*

**HON. SPEAKER:** Hon. Minister has already offered to sit down and discuss the issues. I do not think that Hon. Minister can offer anything else.

The question is:

“That Clause 6 stands part of the Bill.”

*The motion was adopted.*

*Clause 6 was added to the Bill.*

*Clauses 7 to 9 were added to the Bill.*

**Clause 10 Establishment of Central Consumer  
Protection Authority**

**HON. SPEAKER:** Prof. Sougata Ray, do you wish to move your amendment ?

*[English]*

**PROF. SOUGATA RAY:** I beg to move:

Page 11, lines 43 and 44,-

*for* “such number of other Commissioners as may be prescribed” (15)

*[Translation]*

**HON. SPEAKER:** I shall now put amendment no. 15 to Clause 10 moved by Prof. Sougata Ray to vote of the House.

*Amendment was put to vote and negatived.*

**HON. SPEAKER:** The question is:

“That Clause 10 stands part of the Bill.”

*The motion was adopted.*

*Clause 10 was added to the Bill.*

*Clauses 11 to 14 were added to the Bill.*

### **Clause 15      Investigation Wing**

**HON. SPEAKER:** Dr. Shashi Tharoor , do you wish to move your amendment ?

*[English]*

**DR. SHASHI THAROOR:** Sir, I am not moving amendment No. 21.

*[Translation]*

**HON. SPEAKER:** The question is:

“That Clause 15 stands part of the Bill.”

*The motion was adopted.*

*Clause 15 was added to the Bill.*

### **Clause 16                      Power of District Collector**

**HON. SPEAKER:** Dr. Shashi Tharoor, do you wish to move your amendment?

*[English]*

**DR. SHASHI THAROOR:** Sir, I am not moving amendment No. 22.

*[Translation]*

**HON. SPEAKER:** The question is:

“That Clause 16 stands part of the Bill.”

*The motion was adopted.*

*Clause 16 was added to the Bill.*

*Clause 17 was added to the Bill.*

**Clause 18                      Powers and functions  
of Central Authority**

**HON. SPEAKER:** Prof. Sougata Ray, do you wish to move amendment?

*[English]*

**PROF. SOUGATA RAY:** I beg to move:

*after*            “consumer rights”

*insert*            “with regard to price, weight or quality of goods and  
services”. (16)

*[Translation]*

**HON. SPEAKER:** I shall now put amendment no. 16 to Clause 18 moved by Prof. Sougata Ray to vote of the House.

*Amedment was put to vote and negatived.*

**15.00 hrs**

**HON. SPEAKER:** Dr. Shashi Tharoor, do you wish to move your amendment ?

*[English]*

**DR. SHASHI THAROOR :** Sir, I am not moving.

*[Translation]*

**HON. SPEAKER:** The question is:

“That Clause 18 stands part of the Bill.”

*The motion was adopted.*

*Clause 18 was added to the Bill.*

*Clauses 19 to 27 were added to the Bill.*

**Clause 28      Establishment of District Consumer  
Disputes Redressal Commission**

**HON. SPEAKER:** Shrimati Pratima Mondal, do you wish to move your amendment?

[English]

**SHRIMATI PRATIMA MONDAL :** I beg to move:

Page 16, *for* line 42,-

*substitute* “(a) a President, who shall be a retired High Court Judge; and”.

(17)

*[Translation]*

**HON. SPEAKER:** I shall now put amendment no. 17 to Clause 28 moved by Shrimati Pratima Mondal to vote of the House.

*Amedment was put to vote and negatived.*

**HON. SPEAKER:** Prof. Sougata Ray, do you wish to move your amendment ?



*[English]*

**PROF. SOUGATA RAY:** I beg to move:

Page 16, *for* lines 43 and 44,-

*substitute* “(b) not more than ten members to be appointed by the State Government”. (18)

*[Translation]*

**HON. SPEAKER:** I shall now put amendment no. 18 to Clause 28 moved by Prof. Saugata Ray to vote of the House.

*Amedment was put to vote and negatived.*

**HON. SPEAKER:** Dr. Shashi Tharoor, do you wish to move your amendment ?

*[English]*

**DR. SHASHI THAROOR:** I beg to move:

Page 16, *for* lines 41 to 44,-

*substitute* “(2) Each District Commission shall consist of-

- (a) a person who is, or has been, or is qualified to be a District Judge, who shall be its President;
- (b) two other members, one of whom shall be a woman, who shall have the following qualifications, namely:-
  - (i) be not less than thirty-five years of age,
  - (ii) possesses a bachelor’s degree from a recognised university, and

- (iii) be persons of ability, integrity and standing, and have adequate knowledge and experience of at least ten years in dealing with problems relating to economics, law, commerce, accountancy, industry, public affairs or administration.”.
- (24)

Page 16, *after* line 44,-

*insert* “Provided that any person shall be disqualified for appointment as a member, if he-

- (a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude; or
- (b) is an un discharged insolvent; or
- (c) is of unsound mind and stands so declared by a competent court; or
- (d) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or
- (e) has, in the opinion of the State Government such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member; or
- (f) has such other disqualifications as may be prescribed.
- (3) Every member of the District Commission shall hold office for a term of five years or up to the age of sixty-five years, whichever is earlier.”.
- (25)

*[Translation]*

**HON. SPEAKER:** I shall now put amendment nos. 24 and 25 to Clause 28 moved by Dr. Shashi Tharoor to vote of the House.

*Amendments were put to vote and negatived.*

**HON. SPEAKER:** The question is:

“That Clause 28 stands part of the Bill.”

*The motion was adopted.*

*Clause 28 was added to the Bill.*

*Clauses 29 to 38 were added to the Bill.*

### **Clause 39 Findings of District Commission**

**HON. SPEAKER:** Shri N.K. Premachandran, do you wish to move your amendment ?

*[English]*

**SHRI N. K. PREMACHANDRAN :** I beg to move:

Page 21, line 46,-

*for* “twenty-five per cent.”

*substitute* “fifty per cent.” (34)

*[Translation]*

**HON. SPEAKER:** I shall now put amendment no. 34 to Clause 39 moved by Shri N.K. Premachandran to vote of the House.

*Amendments were put to vote and negatived.*

The question is:

“That Clause 39 stand part of the Bill.”

*The motion was adopted.*

*Clause 39 was added to the Bill.*

*Clauses 40 and 41 were added to the Bill.*

**Clause 42**

**Establishment of State Consumer  
Disputes Redressal Commission**

**HON. SPEAKER:** Dr. Shashi Tharoor, do you wish to move your amendment ?

*[English]*

**DR. SHASHI THAROOR :** Sir, I am not moving.

*[Translation]*

**HON. SPEAKER:** The question is:

“That Clause 42 stand part of the Bill.”

*The motion was adopted.*

*Clause 42 was added to the Bill.*

**Clause 43****Qualifications, etc. of President  
and Members of State Commission**

**HON. SPEAKER:** Shri N. K. Premachandran, do you wish to move your amendment ?

*[English]*

**SHRI N. K. PREMACHANDRAN:** Sir, since the Minister has assured that it will be discussed with us, I am not moving any further amendments.

*[Translation]*

**HON. SPEAKER:** The question is:

“That Clause 43 stands part of the Bill.”

*The motion was adopted.*

*Clause 43 was added to the Bill.*

**Clause 44****Salaries, Allowance and other terms  
and conditions of service of President  
and Members of State Commission**

**HON. SPEAKER:** Shri N. K. Premachandran, do you wish to move your amendment ?

*[English]*

**SHRI N. K. PREMACHANDRAN :** Sir, I am not moving.

*[Translation]*

**HON. SPEAKER:** The question is:

“That Clause 44 stands part of the Bill.”

*The motion was adopted.*

*Clause 44 was added to the Bill.*

*Clauses 45 to 53 were added to the Bill.*

**Clause 54                      Composition of National  
Commission**

**HON. SPEAKER:** Dr. Shashi Tharoor, do you wish to move your amendment ?

*[English]*

**DR. SHASHI THAROOR :** I will move these amendments simply because the Minister has agreed with the substance of what I have said. [Translation] We seek the support of Hon’ble Minister.

*[English]*

I beg to move:

Page 25, *for* lines 27 to 29,—

*Substitute*      "(a) a person who is, or has been, a Judge of the  
Supreme Court, to be appointed by the Central  
Government, who shall be its President:

Provided that no appointment under this clause shall be  
made except after consultation with the Chief Justice of India.

(b) not less than four, and not more than such number of members, as may be prescribed, and one of whom shall be a woman, who shall have the following qualifications, namely:-

- (i) be not less than thirty-five years of age.
- (ii) possesses a bachelor's degree from a recognised university,
- (iii) be persons of ability, integrity and standing, and have adequate knowledge and experience of at least ten years in dealing with problems relating to economics, law, commerce, accountancy, industry, public affairs or administration:

Provided that not more than fifty per cent of the members shall be from amongst the persons having judicial background.”. (28)

Page 25, *after* line 29,-

*insert* ‘Explanation. – For the purposes of this clause, the expression “persons having judicial background” shall mean persons having knowledge and experience for at least a period of ten years as a presiding officer at the district level court or any tribunal at equivalent level:

Provided further that a person shall be disqualified for appointment, if he –

- (a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or
- (b) is an undischarged insolvent; or
- (c) is of unsound mind and stands so declared by a competent court; or
- (d) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or
- (e) has, in the opinion of the Central Government, such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member, or
- (f) has such disqualifications as may be prescribed.’. (29)

*[Translation]*

**HON. SPEAKER:** I shall now put amendment nos. 28 and 29 to Clause 54 moved by Dr. Shashi Tharoor to vote of the House.

*Amendments were put to vote and negatived.*

**HON. SPEAKER:** The question is:

“That Clause 54 stands part of the Bill.”

*The motion was adopted.*

*Clause 54 was added to the Bill.*

**Clause 55**

**Qualifications, etc. of President and  
Members of National Commission**

**HON. SPEAKER:** Dr. Shashi Tharoor, do you wish to move your amendment ?



*[English]*

**DR. SHASHI THAROOR:** One day if the Government would also listen to common-sense suggestions, the exercise would be more useful.

I am not moving.

*[Translation]*

**HON. SPEAKER:** Shri N.K. Premachandran, do you wish to move your amendment ?

*[English]*

**SHRI N. K. PREMACHANDRAN:** I am not moving.

*[Translation]*

**HON. SPEAKER:** The question is:

“That Clause 55 stand part of the Bill.”

*The motion was adopted.*

*Clause 55 was added to the Bill.*

*Clauses 56 to 99 were added to the Bill.*

**Clause 100      Act not in derogation  
of any other law**

**HON. SPEAKER:** Dr. Shashi Tharoor , do you wish to move your amendment ?

*[English]*

**DR. SHASHI THAROOR:** I am not moving.

*[Translation]*

**HON. SPEAKER:** The question is:

“That Clause 100 stand part of the Bill.”

*The motion was adopted.*

*Clause 100 was added to the Bill.*

*Clauses 101 to 107 were added to the Bill.*

*Clause 1, Enacting Formula and Long Title were added to the Bill.*

**SHRI RAM VILAS PASWAN :** Sir, I beg to move :

“That the Bill be passed.”

**HON. SPEAKER:** The question is:

“That the Bill be passed.”

*The motion was adopted.*

**SHRI RAM VILAS PASWAN:** I thank you all.

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**15.08 hrs**

**CODE ON WAGES BILL, 2019**

*(Translation)*

**HON. SPEAKER:** Item Number 7 - Code on Wages, 2019.

**THE MINISTER OF STATE OF MINISTRY OF LABOUR AND EMPLOYMENT (SHRI SANTOSH KUMAR GANGWAR):** Sir, I propose:

"That the Bill amending and consolidating the statutes relating to wages and bonuses and providing for matters connected therewith or incidental thereto be considered."

**HON. SPEAKER :** Hon. Minister, would you like to say something on the subject?

**SHRI. SANTOSH KUMAR GANGWAR:** Sir, I want to say something in this context.

Sir, for the first time in the 17th Lok Sabha in a dialogue with MPs, the Hon. Prime Minister had put before us many ideals in respect of the poor and poverty. I want to introduce this Code on Wages, Bill that fulfils the idea of these ideals. The present labour laws are very old, 17 of these labour laws are more than 50 years old and some laws were made before independence. In order to make these labour laws rational, accountable and transparent in accordance with the changing social and economic situation, the hon'ble Atal ji's government constituted the Second National Labour Commission. The Labour Commission gave its recommendations to the government in the year 2002-03, but I have to

say with regret that after that, after the change of government, these recommendations were ignored for the next ten years.

After the formation of the government of hon. Modi Ji in the year 2014, these labour reforms have been done to do the required work on priority basis. Today you can tell us that it has been five years for our government and yet why it is taking so long, in this context, I would like to tell you that to make any change at the level of Labour Ministry, discussions have to be held with all the major labour organizations, who are 13 in number, all employers and all the state governments. Only after reaching consensus it is possible for us to make any changes in it.

Hon. Speaker, the first tripartite dialogue took place on March 10, 2015, before the creation of this code, in which the labour organizations, employers and state governments, all three parties were involved. The second tripartite dialogue took place on 13 April 2015. Apart from this, informally, some delegation came to me daily in this context and we met and interacted with them. The government considered the suggestions given by the people.

Sir, I also want to mention that we first put a draft of this Code-on-Wages in the public domain on the Ministry's website from March 21, 2015 to April 20, 2015. And, the general public had also given their suggestions quite enthusiastically and we have also consider those suggestions in this code.

Hon. Speaker, after all these discussions, the Code-on-Wages was introduced in the Sixteenth Lok Sabha on August 10, 2017 by the then Labour Minister Shri Bandaru Dattatreya. Thereafter, the Standing Committee under the chairmanship of Shri Kirit Somaiya gave its detailed report on 18 December 2018. Therefore, this bill is now being introduced in the seventeenth Lok Sabha.

Hon. Speaker, the Standing Committee on Code-on-Wages made 24 recommendations. Out of them 17 recommendations have been accepted by the government. I would like to thank all the hon. members of the Standing Committee through you who made important suggestions in this Code-on-Wages.

Sir, we all know that the Ministry of Labour is incorporating 32 central labour laws into four codes. For this purpose, there is Code-on-Wages, under which all four acts related to wages are being incorporated. The first of these is the Payment of Wages Act, which was made in the year 1936 i.e. eleven years before the independence. The second is the Minimum Wages Act, 1948, which is about 71 years old. The third is the Payment of Bonus Act, 1965 and the fourth is the Equal Remuneration Act, 1976. In this context, I would like to tell you that we are actually going to do a big job for the workers of organized and unorganized sectors in our country through Code-on-Wages. At present, there are about 50 crore labourers. Our government is working to give legal right to minimum wages for all of them, which is historic and for the first time after independence, together we are taking this step.

Hon. Speaker, at present this minimum wage is available only in 45 types of scheduled employment at the center and 1709 in the states. After the enactment of this law, all brothers and sisters of labouring class will get the legal right to minimum wages. To all sections of society, who were hitherto outside the purview of the minimum wages, especially the people in the unorganized sector, whether they are agricultural workers, whether they are hawkers, headloaders working and painting in houses, working in dhabas, women working in homes - or watchmen guarding neighbourhoods and various establishments, all the workforce will get the right to minimum wages after the enactment of this law. . . . (Interruptions)

**PROF. SOUGATA RAY (DUMDUM):** In which act it is provided that all these people will be under it?

**SHRI SANTOSH KUMAR GANGWAR:** Sir, I will take only five minutes. Let me speak. You may speak after after this. . . . (Interruptions) You are absolutely right. . . . (Interruptions)

Hon. Speaker , I would like to tell you that I.L.O. had conducted a study in the years 2011 and 2012. According to this, only 32 percent of the workers in India came under the minimum wages. If we also assume that in seven-eight years, the number of additional workers has increased, then too this number is only 40 percent. I can say that today only about 40 percent of the workers are availing the minimum wages, and after getting legal recognition to this code, the remaining 60 percent, who are at least 30 crores, would also have legal right to the minimum wages. This is why our government is going to take this historic step.

Sir, the second main thing in this code, which we are bringing up, is that it is often seen that in many cases people do not get their salary or remuneration at the end of the month. Sometimes it takes two or three months and that labourer or worker does not get his wages. Now how many problems will be faced by his family, we can imagine it.

Hon. Speaker , everyone should get minimum wages and get it on time, it is the responsibility of our government and in this code we are ensuring this. Provisions are being made in this code that monthly salaried persons should get their salary by the 7th day of the next month, the persons working on weekly basis on the last day of week and the laborers working on daily basis should get their wages on the same day. Whether it is a daily labourer, weekly labourer or

monthly labourer, we are working to ensure through this code for the entire workforce that they get their wages on time.

The third most important thing I want to submit before you is that how much minimum wage will be fixed. Hon. Speaker, we all know that at present the central and state governments fix the minimum wages rates in their respective jurisdictions. In the year 2017, the central government covered all the PSUs in the central sector, under which rail, port, mines, oil sector, banking, insurance, etc fall. In terms of minimum wages, our government made a historic increase of 42% and it was indeed a historic step. I would like to mention a little bit about the minimum wage rates before 2017 and during 2017. The central government used to give Rs. 237 per worker before 2017 in the unskilled category, which increased to Rs. 333 after 2017. It used to give Rs. 312 to the highly skilled and after the year 2017 it became Rs. 438. In the non-agricultural i.e. construction sector, Rs. 374 was being given in the unskilled category and after the year 2017, it was Rs. 523. For highly skilled category it was Rs. 495 and after the year 2017 we are giving Rs. 693. Our government had indeed taken a historic decision.

States have the right to fix minimum wages in their jurisdiction, but many states have fixed very low minimum wages in schedule employment also. I do not want to mention their wages rates, rather I can only say that some states have given wages of Rs. 69 per day and some states have paid Rs. 115 per day. I do not find it appropriate to name those states, but in fact we are now working to remove this discrepancy.

A floor wage will be fixed under this code. This floor wage will be decided by a tripartite body, under which the decision will be taken after joint consultation with trade unions, employers and states and it will be determined. After the enactment of this code, only the tripartite body will recommend the floor wage

and the central government will notify this. Wages below the minimum wage in the floor wage will not be given to any labourer in any state.

I want to say once again in the House that the legal right to minimum wages and the provision of floor wages are being made by this code. I will take two or three minutes more. Right now we are not fixing any rates for minimum wages and floor wages. When we have a meeting about this, then we will decide that. In this regard, I want to make it clear to the House once again that this rate will be decided by a tripartite body consisting of representatives from trade unions, employers and state governments. What will be the minimum wage rate in the future? It will be decided by this system after implementation of this code. Similarly, the floor wage for wages will be like Rs. 100, 150 or 176. I urge all hon'ble members to give their suggestions. In fact, it is a historic decision. Some of my colleagues have always met me and discussed about this. I would like you to give us any other suggestions in this context. We will consider it further in that context.

**HON. SPEAKER:** The motion moved:

"That the Bill amending and consolidating the statutes relating to wages and bonuses and providing for matters connected therewith or incidental thereto be considered."

*[English]*

**SHRI KODIKUNNIL SURESH (MAVELIKKARA):** Sir, thank you for giving me this opportunity to take part in the discussion on this Wages Code Bill, 2019.

**15.19 hrs**

(Shrimati Meenakashi Lekhi *in the Chair*)



Madam, as I rise to elucidate my views and observations on the Wages Code Bill, 2019, I am certain of one aspect that looms large over the very existence of this Bill. There was no special circumstance or contingency to codify and amalgamate the existing labour laws. Apart from the hurry shown to bring this Bill, there has not been any discussion or consultation with different stakeholders concerned with this legislation, including trade unions and other representatives.

It shows an indifferent attitude and lack of democratic spirit of this Government.

The hurried promulgation, on the other hand exposes one factor that the Bill is designed to benefit the corporates. The vast labour and trade unions of the country have rejected the content and exposed the intent of the Bill and the trade unions are on a path of protest and agitation against the anti-labour approach of this Government.

While talking about the trade unions, I must mention about the BMS ... \*trade union is the BMS. Of course, what is the stand of the BJP Government about the Wage Code Bill and other labour reforms brought by this Government in Parliament? From the beginning, ... \*Trade Union, the BMS, strongly opposed it. They also joined the trade unions protest throughout the country. They also joined the *Bharat Bandh*. They also joined the nation-wide strike. Now, other trade unions are all united but the BMS has gone in their own way because of the compulsion of the Government, the compulsion of the BJP leadership and the compulsion of the RSS Sangh Parivar at the back. So, the BMS has come out from the joint protest.

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\* Not recorded.

What I am trying to say is that your trade union is also not supporting the Wage Code. The BMS leaders are also strongly opposing this Bill. All other trade unions stand united against this Wage Code. They called for *Bharat Bandh*. Even then, the Government is very much adamant to bring this Wage Code and other labour reforms.

All labour laws were promulgated by the Congress in this country. Our only aim is to protect the welfare and interests of the labourers and working class. Since 1947, from the era of Nehru ji to Dr. Manmohan Singh, no labour legislation was enacted that excluded the working class and labourers. The then Governments stood with the largest work force which built India brick by brick.

While speaking on the legislation for the poor, can the BJP show a single legislation that aims to protect the poor and the working class? Can they show a single piece of legislation that took away the burden of the labourers? No, they cannot show it. Whereas the Congress Governments promulgated the ESI Act, the PF Act, the Bonus Act, the Minimum Wages Act, etc. I am not mentioning other labour laws. Each of these legislations were stepping stones for the working class and enabled it to take another step towards prosperity, decent remunerations and benefits for them.

Now you are going to destroy the ESI. You are even objecting or opposing the PF pension. My friend introduced a Private Members Bill. You gave an assurance in this House but what have you done outside in the Supreme Court? You vehemently objected to the enhancement of the PF pension. This is your attitude against the poor workers.

The UPA Government enacted several landmark legislations that can be defined as Magna Carta-like declarations emancipating the poor including the Act for manual scavengers, Act for welfare of unorganised sector, and above all, the

MGNREGA in which the spirit of Gandhian ethos of reaching out to the last man standing and granting him his right to earn and life was promulgated.

I must thank the stellar efforts undertaken by the hon. UPA Chairperson, Madam Sonia Gandhiji in standing for the poor of this country, and endorsing MGNREGA that gave hope and help to many a family which were on the brink of poverty. Now, what are you going to do in MGNREGA? Your Government has declared a war against MGNREGA. After the Budget was presented in this House, I went to my constituency. Thousands of MGNREGA workers came to meet me. In my Constituency, in rural area, many MGNREGA workers work there. I met the poor women workers. They were very much afraid because of a rumour that you are going to stop MGNREGA, you are going to reduce the wages, and you are going to reduce the working days. This is the situation arising in our country as far as MGNREGA is concerned.

So, your Government, the Modi Government has declared a war against MGNREGA by cutting down allocations, stoppage of wages, and non-allocation of work days. Then, you say that this Government is pro-poor, this Government is pro-workers, and this Government is pro-people. How can you prove that? I have seen your attitude towards MGNREGA.

Madam Chairperson, I must say, the Government hates to see the poor prosper, and wishes well for the rich and powerful. By promulgating the code of wages, the Modi Government has decided to sow the seeds of unrest and frustration among the working class which will in turn consume the entire industrial sector, and that will drown this Government's plans with it.

The blatant support for the corporate is an indicator of the days to come where poor will be side-lined, and every single labourer will stand to lose his rights, his wages, his emoluments, and even rights to protest against discrimination in this code of oppression.

Madam Chairperson, such a situation, I must warn the House, will vitiate the investment atmosphere and disturb the harmonious existence of the working class and the employers in the country. In such a stage, the trade unions are on the war path. If you want to modify the existing labour laws, you can modify them with consultation of the trade unions and tripartite discussions. You had a discussion with the trade unions but it was an eye-wash. After that, you went your own way. You can say that the Government had discussion with the trade unions. Of course, it might be. But no conclusion was arrived at with the leaders of the trade unions, and during tripartite discussions. You are bringing this Bill without any conclusion.

How would the trade unions agree with this Code on Wages? That is why, they are aggressively going in for an agitation against this piece of legislation.

Our industrial sector is not peaceful today because the workers are unitedly against this act of the Government.

The Code on Wages, 2019 amalgamates four labour laws relating to wages and bonus, namely, Payment of Wages Act, 1936; Minimum Wages Act, 1948; Payment of Bonus Act, 1965; and Equal Remuneration Act, 1976 into a single Code, and provides for a National Minimum Wages for all workers.

While this might appear to be a grand decision, in fact and in reality, it is what you call 'to pull the wool over someone's eyes' and conceals one's vision away from the truth.

But the truth is that the country has witnessed the largest ever unemployment rate at a historical high of 46 per cent. The truth is that a hastily cooked up GST and demonetisation have broken the back of the small and medium scale entrepreneurs, of the farmers and of traditional businesses to a point of no recovery. The truth is that the opportunities in every other sector where people are employed starting from manufacturing to sales and services, are

getting dried up. Frustrated and disappointed people are ending their lives as they are unable to cope up with the loss of jobs.

It is against this context that the Code on Wages, 2019 must be read and studied.

Madam Chairperson, I would like to point out certain areas of concern as it affects the welfare of the labourers. The hon. Minister is very much aware that the Code on Wages has denied the agreed formula of wage calculation as per the 15<sup>th</sup> Indian Labour Conference, and add on 25 per cent as directed by the Supreme Court Judgment in *M/s.Raptakos Case*, and which was repeatedly and unanimously accepted by the 45<sup>th</sup> and 46<sup>th</sup> Indian Labour Conferences.

The recommendation of the Supreme Court was ignored by the Expert Committee appointed by the Central Government, which excluded any participation from the trade unions; and the Labour Minister on 10<sup>th</sup> July, 2019 unilaterally announced the National Minimum Wage as Rs. 4,628 per month whereas the 7<sup>th</sup> Central Pay Commission recommended Rs. 18,000 per month as the Minimum Wages with effect from 1<sup>st</sup> January, 2016.

Madam, clause 9(1) of the Bill says:

“The Central Government shall fix floor wage taking into account minimum living standards of a worker in such manner as may be prescribed:

Provided that different floor wage may be fixed for different geographical areas.”

This point is very important. While speaking about a National Minimum Wage, instead of providing for a uniform National Minimum Wage for the entire

country, the provisioning of different National Minimum Wages to be fixed for different States, is an attempt at hoodwinking the working class.

Madam, I am raising a very important point here. They have totally rejected the recommendations of their own Expert Committee – the Anoop Satpathy Committee -- on determining the methodology for fixing the National Minimum Wages.

It sets the single value of national minimum wage for India at Rs. 375 per day or Rs. 9,750 per month as of July, 2018 irrespective of sectors, skills, occupations and rural and urban locations along with an additional house rent allowance (city compensatory allowance), averaging up to Rs. 55 per day that is Rs. 1,430 per month for urban workers over and above the national minimum wage.

The hon. Minister for Labour, Shri Santosh Gangwar ji, had mentioned the preface of the Report in his letter that it will also be helpful for the National Advisory Board.

**HON. CHAIRPERSON :** Suresh ji, your Party's time was 23 minutes. You have another Member to speak. So, I am just informing you.

**SHRI KODIKUNNIL SURESH :** Madam, I am a former Labour Minister also.

**HON. CHAIRPERSON:** Please conclude.

**SHRI KODIKUNNIL SURESH :** I am concluding. I am only mentioning some points.

The hon. Minister is also very much aware of this. He mentioned the preface of the Report in his letter that it will also be helpful for the National

Advisory Board on Minimum Wages to take some firm decisions for the benefit of wage earners in the country, especially, workers in the unorganised sector. So, the Bill is against this decision. Hon. Minister, you have announced one decision and you are bringing another.

As one can observe, the Report had been a perfect excuse to divert the attention of the stakeholders while the Government silently went ahead with its plot to set a different agenda that upsets the welfare of the labourers.

Therefore, this Bill is anti-labour. This Bill is totally against the working class. You should understand the feeling of the working class of this country. All the trade unions are being ignored. Again, you have to go back to the trade unions. You should call them and take their opinion. There should be a tripartite discussion. You have to accept their suggestions and views. Then only, you can implement this Wage Code Bill.

With these words, I conclude.

*[Translation]*

**DR. VIRENDRA KUMAR (TIKAMGARH):** Thank you, Hon. Chairperson, for giving me the opportunity to speak on the Wage Code Bill, 2019. I would like to express my gratitude to the Hon. Prime Minister Narendra Modi ji and also to the Labour Minister Santosh Gangwar ji. Hon. Chairperson, we know that this Bill was introduced in the last Lok Sabha and was referred to the Standing Committee on Labour. This was discussed in the Standing Committee on Labour and they submitted their report in the House. It was discussed in the Lok Sabha and the Bill was also passed, but after the term of the Lok Sabha had ended, this bill has come back to us again. This time there is a difference in this Bill compared to the previous Bill. In the Bill that has come this time, 17 of the 24 suggestions made by the Standing Committee on Labour have been included in it. For this I want to thank the Minister of Labour and also thank him because he comes from a low profile family, he understands the problem of labours and workers very well.

Hon. Chairperson, the demand for reform of labour laws has been going on for a long time, which our Government has worked to push forward. There are four important Acts in the same series - Minimum Wages Act, 1948, Payment of Wages Act, 1936, Bonus Payment Act, 1965 and Uniform Remuneration Act, 1976, integrating all the provisions and arrangements of these Acts, with new reforms this Wage Code has been compiled. This Code will bring a new revolution in the labour sector, which will benefit workers and employers both. This important Bill will cover both organized and unorganized sectors of employment and will impose minimum wages on the workers-employments of all sectors.

The labour laws so far in India had provisions only for the organized sector. There were either no arrangements or very few arrangements for the workers of



the unorganized sector. This Code will prove to be a means of socio-economic revolution in the lives of about 50 crore workers. The unorganized sector is full of a lot of anomalies, they are heavily exploited. In order to overcome all these shortcomings, the Prime Minister of the country, the Honourable Narendra Modi Ji, is making this attempt to materialize the vision of '*Sabka Saath, Sabka Vikas and Sabka Vishwas*'. This effort is a welcome move, a much appreciated and welcome move. It is an effort that will pave the way for the economic-social advancement of workers in both organized and unorganized sectors, and this code does not divide the workers into organized and unorganized groups, but it will pave the way for only the economic-social advancement of the workers. The definitions in this Code make their subject more clear, which facilitates their interpretation.

Hon. Chairperson, I want to say that we see the skyscrapers of the country, the shining roads, but who works to build these skyscrapers? The labourers do this work. Who does the work of shining roads? The labourers do this work. We see big buildings like Civic Center, Hindustan Times Building, Statesman House, Palika Kendra in Delhi, World Trade Center in Mumbai, Imperial Tower etc., but the hard work of labourers in making these buildings, we do not see. By recognizing that hard work, he should get the right wages, he should get that part of what he has as the minimum wage, if anyone has done this work, then he is the Prime Minister of the country, Honourable Narendra Modi Ji. We have an example of Prayagraj Kumbha, in Prayagraj's Kumbha, we saw that millions of religious minded people went there from all over the country, overseas Indians also came there in large numbers, a large number of foreigners also came there, but in Prayagraj's Kumbh our cleaning staff brothers did the job of keeping that premises completely clean. Honouring such sweeper brothers by washing their feet, the Prime Minister of the country, Honourable Narendra Modi Ji, has

honoured everyone. This is the first time in the history of independent India that a Prime Minister has taken the step of honouring the labourers.

Hon. Chairperson, we saw '*Sabka Saath, Sabka Vikas aur Sabka Vishwas*' in Prayagraj. I would like to mention an incident. Once in my area, there were working sisters who go to sweep houses, go to clean utensils, wash clothes, to know the difficulties and troubles of such sisters I called them in large number. A large number of sisters came there. A sister came there, she told her pain. The sister used to work in two houses. Her husband worked as a labourer under a contractor, road construction work was going on. The poor labourer was carrying a bucket full of melted coal tar, stumbled into his foot and the bucket fell on his leg. It completely scorched his skin. Now the sister, who was working in two houses, faced double problem. On the one hand, she has to feed her children, on the other hand the husband is ill, injured, he has to be treated. The contractor admitted him for a few days, thereafter he refused. Now the sister who worked in two houses earlier, had to go to work in two other houses. He got work in two houses, but was forced to work on low wages.

Our sisters are exploited in this way and our labourers are exploited. They should get minimum wages. This initiative has been taken by the Labour Minister through this Code, it is a very welcome step.

Hon. chairperson, with the spirit of *Sabka Saath, Sabka Vikas aur Sabka Vishwas*, our Government is striving for the welfare of different sections of society. From time to time we talk about gender equality and we also oppose discrimination on the basis of gender, but we find many discrepancies in social life. In the Standing Committee on Labour, I have visited many places and there I have tried to know about wages. I have noticed that there are many inequalities based on gender in many places. Whether it is about wages, remuneration or IT sector, there is inequality everywhere. Many of our peers have tea gardens in their

areas. We have seen that a large number of our sisters work there. I have seen visiting the tea gardens that the sisters are discriminated against in matters of remuneration. They are not given equal wages. I have seen in Assam that they are given rice at some places in their wages and rice money is deducted from their wages. They are exploited in this way, but I want to thank the Government of Assam that the Government of Assam, our Government has taken initiative for them. The Assam Government has started giving five kilograms of rice to a person. This is a commendable step, but the rice and flour money is deducted from their wages, this is their exploitation. To prevent this exploitation, in the states where there are tea gardens, workers in the tea gardens where the workers are not getting the minimum wages, I would like to request the Honourable Labour Minister that for such misappropriation, steps should be taken against the owner, employer or contractor. When we talk about *Sabka Sath, Sabka Vikas*, then half of the population of our country should get their full remuneration. For this, an initiative is to be taken. A labourer worked at the brick kiln. He went to ask for his wages. There he was told that you come next day, next day you will be paid. When he went there the next day, the owner of the brick kiln, along with his comrades, beat him badly. Because of that the person succumbed to his injury. His wife came to me with a small child and placed her child in front of me. My soul trembled deep inside how to bring justice to this sister? Previously she had gone to the Police Station, but her report was not being registered in the Police Station. I took the sister along, got written her report and helped her. The fault of that worker was that he had gone to ask for his right. He had gone to ask for the price of the labour that he had worked. In this way, injustice should not be done to any worker. We have seen the inconsistency of the tea garden.

There are a large number of *Beedi* workers in our country. They work the same in the country, but the Bidi labour rate is different in Assam, it is different in Karnataka, it is different in Madhya Pradesh, it is different in Odisha and

different in Maharashtra. When there is the same type of work, then why should not the equal amount of remuneration be provided in the entire country for the equal work? There should also be a provision for giving minimum wages.

Workers who work in the field of construction are also discriminated against. I talked to a contractor. Women were being paid lesser remuneration than the remuneration paid to men. I talked to that contractor why is he paying such low wages to women? He said that women have less working power, so they are paid less. Sometimes women also agree that they are able to do less work than men. It has been brought to end this type of discrimination. Discrimination on the basis of gender is prohibited; the provision of that restriction is made in clause-three of the Bill. This is a welcome step and in the coming years, such discrepancies, which are discriminated against in paying wages to our sisters, are a very good step in that direction.

Madam, the most important objective of this bill is to fix the minimum wage. Clause-5 of the Bill will ensure that wages below the minimum rate notified by the Government will not be paid to an employee in a state or institution. Clause-6 of the Bill provides for fixation of minimum wages, prescribed wages will be fixed by the Central Government by notification for different geographical areas. The wages shall be fixed on the basis of minimum requirements of living of the worker and thereafter the minimum rates of wages fixed by the appropriate Government shall not be less than those wages. If the minimum rates of wages already fixed by the appropriate Government were higher than the fixed wages, they would not be reduced. The power to determine and modify the minimum wages and their allocation will continue to be with the State Governments. At present the non-statutory wage which is Rs 176 per day, which has been issued to all the states as an advisory, the minimum wage will be for time-bound work, for the proportionate work and as per the hour or day or month of the period of

work. It shall provide for the lowest wages for various geographical areas, to ensure that no State Government fixes the minimum wages below the minimum wages notified by the Central Government for that area. There has been a drastic reduction in the number of minimum wages on abolition of scheduled employment. With this, the present number of minimum wages will be reduced from 2000 in the whole country to about 10 in a State. Timely payment of wages up to the salary limit of 24 thousand rupees per month has been extended to all, instead of applying only to notified establishments. This provision is highly commendable and welcome.

Madam, clause-9 of the Bill provides that the Central Government will obtain the advice of the Central Advisory Board before fixing the minimum wages. This board will advise the respective Governments on the aspects of fixing the minimum wage and increasing the employment opportunities of women. Central Advisory Board will be formed with the representatives of the employers, representatives of the employees, independent persons and five representatives of the State Government. The most important thing is that this board will have one-third women Members. This is a very important step and will prove to be a milestone in the empowerment of almost half the working population of India i.e. women workers. Honourable Prime Minister Shri Narendra Modi Ji's objective of women empowerment will be fulfilled by this important provision. One such advisory board will be set up by the State Governments and one third of its Members will be women.

Madam, clause-14 of the Bill provides for payment of wages for overtime, in which if the number of hours constitutes a normal working day is more than the rate of overtime shall not be less than twice the normal rate of wages. This is a very welcome step and I want to thank the Honourable Labour Minister for this. It has often been observed that employers, especially contractors, take more work

from the workers than the hours prescribed for and are paid little in return. In many places we have found that the contractors make the workers to work for overtime, but do not give them their wages by intimidating them. Where it is opposed by the workers, they are threatened with being fired, and as a result, the rest of the workers work for more time because of fear that they will be fired. They do not ask for overtime remuneration from the contractor. At one place I met the labourers of glass related business. I saw that the labourers there work continuously for ten to twelve hours sitting in front of the furnace in a temperature above 1000°C, but they are paid only one day's wages. I also went to their homes, where bangles are being dyed and joined. I found that there were small children of those labourers who get this work done and their remuneration is not even a quarter of that of adults. By doing so the contractor promotes child labour and also discriminates in wages. Therefore, by identifying such places, there is a need to take strict measures against the officers working at that place.

Madam Chairperson, clause-17 of the Bill provides that in order to terminate any worker from service, he has left the company or because of the closure of the establishment, the wages due to the employee shall be paid within two weeks. And the appropriate Government may be able to provide a different time limit than the time limit provided in this clause which is indeed a very good move.

Hon. Chairperson, I would like to note that the jute mills which have been closed for years, the employees there have not yet been paid. One, the employee is distressed from loss to his job, on the other hand he has to visit there for years, but he is not paid. This Bill will ensure that the payment of the employee in any case should be done within two weeks.

Madam, clause 18 provides for the deductions that are made from the wages of the employee. This can be deducted only on certain basis, such as if the

employee is absent from duty or has taken advance or has been provided accommodation by the employer. The maximum limit for workers' deduction in a wage period will be fifty percent. Not more than fifty percent of this deduction will be made, but it is seen that employers deduct from the salary of the employee, but do not deposit that deduction in the fixed accounts. In many places, we have also found that there was a deduction from the salary of the employees, but their account was not open to the Government Fund and they were assured that they would get all their money where they would be relieved. This Clause will take care of the interests of workers in preventing such fraud.

Hon. Chairperson, Clause 21 is for the provision of deduction from loss or damage. The deductions in respect of loss from the employer due to ignorance or negligence of the employee will not be made until the employee is issued a show cause notice against the deduction. We found many places where the deductions were made from the salary of an employee by showing various losses. Many times, the employee did not even know that due to which mistake his salary has been deducted. In such a situation, this provision will provide an opportunity for the employee to put his point of view. Another important provision has been made in this Code that rates of minimum wage will be reviewed at intervals of more than five years. This is a very welcome move indeed.

The time frame of the claim was different with respect to the workers' claim, which is now being done for three years in all cases. That is, any worker can file his claims within three years. As far as employers are concerned, uniformity is being introduced in all types of definitions and activities. I want to tell the House that the labour law currently in place has a definition of 12 types of wages, which arouses suspiration. Therefore, uniformity is being introduced in all definitions. Penalty is being rationalized, compounding is being done, returns are also being greatly simplified, the role of Inspectors is being made transparent and

accountable and provision of jurisdiction-free investigation is being made to curb the possibilities of corruption. This is a very welcome move indeed.

Madam, Clause 43 of the Bill defines Principal Employer. In most places it is seen that the employer tells the contractor of a company, firm or association that he is responsible for everything, whether it is facilities for him, his salary or a subject to help him in case of an accident. In this way he wants to safeguard himself from this responsibility. Hence, the definition of principal amplifier has been simplified in this Clause. This is also a very welcome move indeed. Now the contractors and employers will not be able to protect themselves nor will they harm the interests of the workers.

Madam, Clause 51 of the Bill provides for the appointment and powers of Inspector-cum-Facilitators. Till now the term Inspector used to be referred to an Inspector Raj, which led to the misconception among the less educated or illiterate labourers that this is a member of management, why would he listen to us. If we look at it in reverse, the Management used to feel that it will put us in an unknown trouble. Adding the facilitators with the word gives itself a peaceful feeling that it will strike a synergy between the workers and the management and also remove the fear of the word Inspector from the workers' minds.

Madam, section 53 is also very important, which provides for the disposal of cases punishable by fines of up to 50 thousand rupees by the Gazetted Officers of the Government of India and the State Government. This Clause is a commendable step to reduce the increasing burden on today's judiciary. With this, it will also save from the long time it takes in this process, so that labourers will get relief in a very short time.

**16.00 hrs**



Clause 54 provides for enhancement of fine. Till now the provision of fine or punishment under various laws was very less. The penalty has been increased to 50 thousand rupees by this Clause. This penalty or punishment will be doubled if the employer repeats a violation of the same type again within five years. I think this will reduce the number of violations by employers. Clause 59 of the Bill puts part of the evidence on the employer. Now it used to be that if there was any dispute between the employer and the worker about the wages or bonus, then part of the evidence was on the employer. The labourer had to prove this, but now the interests of the labourer will be protected. This is a welcome move. Provision for payment in digital form will provide transparency, formalization and protection of workers' wages.

Banks were nationalized in the year 1969, with the objective of connecting the people of India to the banking system, but we all know how successful this objective was. The Jan Dhan Yojana, launched by the Prime Minister of the country, Honourable Shri Narendra Modi Ji in 2014, was indeed proved successful. The account of the poor, labourers, backward, deprived people was opened for the first time in life and the Honourable Minister said that on the daily and weekly basis wages should be paid. If the payment is to be made daily then it will be on the same day, if it is weekly then it will be till the end of the week and if the payment is to be made on the monthly basis, then it will be till the end of the month. The discrepancies that were in it have ended and the money will go to the labourer's account. In the era of economic revolution in India, it has been found that the rich have become richer, the poor have become poorer. Economically, labour is no less important than the capital in any industry or business. Labour is very important. Nobody paid attention to this labour, but the Prime Minister of the country, the Honourable Narendra Modi Ji, and his Government thought about the village, deprived and backward class labourers of

the society. In keeping with that, the task of making this Code has been done. That is why everyone is confident that *Modi Hai To Mumkin Hai*.

**16.02 hrs**

(Shri N.K. Premachandran *in the Chair*)

The Bill that has been brought, this Bill is actually for the last person in the society, like I said that we come to the Parliament and go to the washroom, every person goes to the washroom, then we want the washroom should be clean. Who does the work of keeping the washroom clean? This is done by our employee brother. If he does not work for a day, we can not go and stand there. We go to the Central Hall Cafeteria. We have tea and snacks, we have coffee. We do not sit on the table where garbage is lying, We sit at the other table. We want a clean table. Who does the work of keeping that table clean? That work is done by our BVG employees. In various areas of social life, labour brothers are the most important. The work of identifying this trade union was done by the Prime Minister of the country, the hon. Narendra Modi Ji. Therefore, the Wages Code Bill, 2019 has been introduced. I once again express my heartfelt gratitude and thanks to the hon. Labor Minister Santosh Gangwar Ji and the hon. Prime Minister of the country, Narendra Modi Ji, with the words "If there were no labour in this country, then neither the Gateway of India nor would India Gate have been there". I conclude my speech in support of this Bill.

*[English]*

**\*DR. D. RAVIKUMAR (VILUPPURAM):** Hon. Chairman Sir, thank you for allowing me to speak on this Bill which will have an impact on the lives of crores of labourers and workers of this country. I appreciate and welcome two aspects of this Bill. First aspect is that all the labourers will get their minimum

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\*English translation of the Speech originally delivered in Tamil

wages fixed. Lakhs of domestic helpers particularly maids working in houses do not have a fixed wage. I welcome the provision for fixing their minimum wage and protection of their rights. Second point which I welcome in this Bill is that one-third of the members of the Boards to be set up in this regard by the Union and State Governments will be women. I am duty bound to appreciate the provision ensuring that these Board members should give suggestions with regard to employment generation for women. Another important provision mentioned in this Code is that the women should not be discriminated on the basis of gender. There should not be any gender discrimination. I welcome this aspect that there should not be any gender discrimination not only in terms of wage but in terms of employment. But at the same time, while providing wages or employment, there should not be gender discrimination and other forms like caste discrimination and religious discrimination. Former Chairman of UGC Shri S.K. Thorat conducted research on this subject. He has published detailed report on the basis of data collected by him stating how caste discrimination and religious discrimination pre-dominate the process of providing employment in private institutions. This Code should insist that all forms of discrimination including gender discrimination should not take place. While looking at this Code I am afraid that the rights won by Dr. Ambedkar to the labourers will gradually be snatched away. Earlier Indian labourers worked for 14 hours a day. Babasaheb Dr. Ambedkar brought this to 8 hours a day. Right to form a Trade Union by workers was provided by Dr. Ambedkar. Dr. Ambedkar only provided them the insurance facility called as ESI. He is the one who is responsible for paving the way for minimum wage in the country. While going through the Code, fear occupies our mind whether these safety measures would be lost one after the other gradually. Particularly I want to stress here the provisions relating to minimum wage. The Code says that minimum wage will be decided either on the basis of skill or the working condition of labourers. So far, minimum wages are fixed on

the basis of need of labourers. While deciding the minimum wage in the year 1957, besides the consumption of calories required by the labourer, the food, dress, and shelter needs of the labourer are also calculated and all these factors were kept in view. These things were calculated to be 20 per cent of the total wage of the labourer. In a verdict pronounced by the Hon. Supreme Court in the year 1992, the labourer, the festivals celebrated by his family, his medical needs, educational needs of his children, all these expenses are calculated. This should be 25 per cent of the wage of the labourer. The minimum wage was decided as need based so far. But in this Code, this has been changed as skill based. This brings a major change in the perspective for fixing the minimum wage. We have serious doubts that under the compulsion of the international corporate companies, whether these changes are being made to the Code on wages. When the corporate companies come to start business ventures in India, they want to appoint employees as per their whims and fancies, so that they can appoint or remove any employee as per their choice and wish. At present the labour protection laws in India are against the interest of these corporate companies. That is why we get fear that this Government is amalgamating our labour laws into four codes. Most importantly the provision which is relating to revision of wages. So far, this was revised once in 5 years. Now also it is proposed to be the same period. But as regards the agricultural labourers demands that their wages are to be revised once in two years. There is also a long pending demand for revision of wages for other labourers once in four years. After considering this request, I urge upon the Union Government that the minimum wage should be revised at least once in every three years. Although this wage revision is done once in five years, even the employees in the organised sector are not benefitted out of this. If you see the bank employees, the talks pertaining to their wage revision have been prolonged for the last 2 years. The talks have not concluded. Every time when the talks take place, there is a delay of at least two to three years

while making revision of wages. The delayed period was not considered. Whether it is weekly wage or the monthly wage, this code says that the salary should be given within one week after the month. I welcome this provision. But even the Governmental institutions do not follow this. There are thousands of temporary employees working in BSNL. Not only BSNL, if you take up any institution for that matter, salaries have not been paid to the temporary employees of BSNL for the last 6 months. I can cite several other institutions. This Code should be suitable to all fields and departments. I urge upon the Union Government to provide guarantee for such a provision. While bringing the Code, the Government said that since there are so many labour laws, they are amalgamating four labour laws. Why should we change only the labour laws? We have so many criminal laws. Besides these criminal laws we are bringing new legislations like NIA and UAPA. We are bringing bills and amendment bills one after the other. The Government is not making any effort to amalgamate these criminal laws into one law. But at the same time, if the Government says that the number of labour safety laws are being minimized and brought down as four. I want to register here that this will lead to snatching away the rights of labourers which they got after a long struggle. When we talk about the minimum wages, we come to know from the history that the first recommendation for minimum wage was made at the Geneva Convention held in the year 1928. But way back in 1920 Mr. K.G.R. Chowdry proposed the idea of minimum wage for labourers for the first time in India. Since then we have almost completed 100 years. Now the changes brought in the Code on Wages by this Government are dangerous and will affect crores of labourers and workers of the country. The Government should include the safety measures in this Bill for the labourers. Otherwise I urge that this Bill should be sent for the consideration of the Standing Committee. Thank you for this opportunity. Vanakkam.

**PROF. SOUGATA RAY (DUM DUM):** Sir, I rise to speak on Code of Wages, 2019. I will not speak on the Bill for long because it was placed in this House in 2017. It went to the Standing Committee, then It came back, and it was again placed in 2018. This is a codification of that Bill. Basically, it is an amalgamation of four bills, that is, the Minimum Wages Act, the Equal Remuneration Act, Payment of Wages Act, and the Payment of Bonus Act, 1965. Later, I will explain whether this Bill is an improvement of all these four Bills or not.

Now, the amalgamation has been done at the behest of the employers. In fact, the Government has proposed that they will put all the labour laws in five Codes. As per the CII statement, the employers want only one Code and the Government has somewhat bent down to assuage the feelings.

Sir, it is not the law that really matters. You come from Kollam, the centre of cashew industry. The condition of workers in this country is very bad. It is so bad that I was unable to do trade unionism anymore. The workers will have a bargaining power as long as the management is making profit.

But as soon as it starts making losses, ultimately, the question becomes how many jobs you may be able to save. I got tired of negotiating for retaining workers in a company, let alone talk about their wages in this pathetic situation. This has been happening ever since liberalisation started in the country in 1991 and this has been aggravated in the few years of NDA rule where the employers feel very strong.

There is the Minimum Wages Act and the Payment of Bonus Act. Which worker will calculate the allocable surplus from the profit by analysing the balance sheet? It is nobody. What help will the Government give them to calculate the allocable surplus? It is nothing. In the Payment of Bonus Act as also in the Code on Wages, the minimum of 8.33 per cent and maximum of 20 per cent is

fixed, but the Bill cannot help much as far as allocable surplus is concerned or productivity-linked bonus is concerned. The pathetic situation of workers in this country is that they are fighting with their back to the wall to save their existing privilege.

In trade union parlance we use the words 'existing benefits cannot be curtailed'. I can show you company after company where the existing benefits of workers have been curtailed or where employment has been curtailed, and neither the State Governments nor the Central Government have been able to prevent it. Now, the biggest thing is that it is said manufacturing is only 25 per cent of GDP of India as the main income comes from the service sector. How many unions are there in the Call Centres? There are none. How many unions are there in the IT industry? There are none. Women are working in the IT industry. What protection have you been able to give them through trade unions? There is none. The workers are caught in this whirlpool where they are losing their basics. It is for all those. I do not know, but even in BJP there may be some people who think of the workers and others are not much concerned. They are '*Jai Shri Ram*' people. So, they are not much concerned about them. ...(Interruptions)

**THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES (SHRI ARJUN RAM MEGHWAL):** We all are concerned about them.

**PROF. SOUGATA RAY:** But those who think about the organized working class will realise that there will be nothing unless the organized working class can survive.

Another thing is that formerly the public sector was there, which was seen as an ideal employer. Now, the public sectors are shutting down one by one. I just went to see Shri Sadananda Gowda to please save one company in my Constituency, namely, Bengal Chemicals from being strategically sold. So, public sector, which was an ideal employer, is now shrinking. There is no fallback for the working class as such. They are not getting wages, and they are being deprived of bonus.

If a company defaults on payment of wages, then one will have to go to the Payment of Wages court. Who will write the application for the workers? We, white-collared people, entered into trade unions because the workers cannot write an application in English. The Bill talks about appointing a facilitator. Will the facilitator help trade unions or the ordinary workers to draft petition or draft appeals to the different courts? These are matters to be thought over.

Today, having a Labour Code or not having a Labour Code, these laws were there earlier also. What else has Mr. Gangwar, after all his efforts, done? If you see this Bill and if go through the four Acts, namely, the Payment of Wages Act, the Payment of Minimum Wages Act, Equal Remuneration Act and Payment of Bonus Act, there is not much difference.

It is the same thing amalgamated into one. Only thing is that there are some good features. For the first time, floor wages for the whole country in different geographical areas have been fixed. It is a good thing. The new thing is, Inspectors-cum-Facilitators are being appointed to overcome the Inspection *Raj*. Inspectors only went to companies, took their money and returned. So, if the Facilitators help the working class, it would be a good thing.

There is an Appellate Authority against the order of Payment of Wages Court. Now, an Under Secretary level officer of the Government of India has been appointed to dispose of cases, punishable with a fine of Rs.50,000. That is a good



thing. Some cases will be disposed of. Advisory Board at the Central and State levels is being formed. It is a good thing though I know that the Advisory Board would meet once in one year, drink tea, eat some biscuits, and depart. I have been a member of many advisory boards in my life. They serve no purpose because they have got no Executive powers. So, some members in the board shout a little, others will sit quiet, have tea and *samosa* will come, they take that, and depart. That is no solution.

This Bill, as I said, amalgamates well. It provides all essential elements of wages, equal remuneration, payment, and bonus. Regarding minimum wages, I would say that even for implementing minimum wages we have to struggle. But at least minimum wages give some protection. In some organisations like the Central Government organisations, once the minimum wage is notified, it is paid. So, minimum wages are good.

You said that minimum wages would take into consideration skill differential. Skills require an awareness of the work and geographical location. It is a good formula for minimum wages. They would appoint as many committees as necessary. It is a good thing.

The Bill has included working journalists including TV journalists. Sales promotion employees will be covered. I think, the Labour Minister had gone to Kolkata and had a meeting with cine workers where the BJP had formed a union. You promised them that you would give them some relief. Please do. Whether it helps the BJP or not? Please do something for the cine workers. They are in a bad situation. But for a Central Minister to go to a few people in the sign industry does not behove. [Translation] Any junior leader may have been asked to attend. Where was the need for you to attend? Film actos met you.

**SHRI SANTOSH KUMAR GANGWAR :**No, I did not go there.

**PROF. SOUGATA RAY :** It is good if you did not go there. Please do not go.

*[English]*

Sir, the overtime has been fixed. It would be twice the normal rate of deduction. So, I shall speak again about the occupational issue. This Code of Wages makes the statute book only smaller. It does not solve any problems. Think of a way to give workers a little more strength; think of a way so that workers can lead their own unions, and do not need *babus* like me to write their petitions and letters. Think of a way where the workers can work without the help of advocates from outside, who make a killing out of their misery. We want wages; we want organised working class to survive. If they go, Ambanis and Adanis would be happy but the nation will be very unhappy. With these words, I would say that I have nothing against this Bill. I have 20 or so amendments but they are all procedural in nature. Basically, I am not objecting to the idea of having a single law. You have maintained the basic rights that workers do, so I have no objection to the Bill as such. With these words, I end my speech.

**HON. CHAIRPERSON:** Thank you, Prof. Sougata Ray ji. I think there is a good support for the Bill.

**SHRI N. REDDEPPA (CHITTOOR):** Hon. Chairman, at the outset, I would like to thank you for giving me an opportunity to speak on the Code on Wages Bill, 2019.

Sir, the Bill seeks to regulate wage and bonus payments in all employments where any industry, trade, business, or manufacture is carried out. It is good that universal minimum wages are there and transparent wage payment system is incorporated in the Bill. But my strong feeling is that it is better to have a revision in every two or three years. Five years' time is too long for revision since inflation is increasing year by year and the cost of living depends on the movements in the presidencies. The minimum wages often serve as the basis for wages bargain. Hence, it is very essential that the revision of minimum wages should not take place in very long intervals. Two or three years would be ideal.

The welcome features are proper wages, equal remuneration, timely payment, and bonus. The Bill provides basic rate of wages and cost of living allowance, and cash value concessions. The minimum wages should be revised and reviewed by the Central and State Governments. While fixing minimum wages, the Government may take into account factors such as skilled workers and difficulty of work.

Sir, periodically, the Central and State Governments, from time to time, constitute the Pay Commission to revise the salaries and allowances of all the concerned officials from top to bottom whereas there is no such provision for factory workers and daily wage workers. They also have to be taken care of by the Government alone.

Under our dynamic, hon. Prime Minister, Shri Narendra Modi ji, with a long-run ideology, this Government provided insurance to the workers which is a great boon to the workers besides providing facilities like medical aid and schemes for the welfare of the workers' children. It is greatly appreciated. This Bill contains fixation of wages for the workers which is invited with a good motive. Besides daily labour, factory workers have been given priority in the contents of the Bill. It is a part and parcel of my speech.

There are different classes of workers who depend upon wages. Their employer has to agree to extend the facilities mentioned under this Bill. Social security has to be given with a strong legislation. The minimum wages can vary from time to time as per the rates of the commodities. Fixing of minimum wages is based on the circumstances. Payment of bonus will be applicable for workers of the factory but if the worker is not permanent, what is the guarantee of the social security and bonus for him? Equal remuneration is possible for all the workers in a uniform manner. How to justify the manner and mechanism for this? The State Governments and the Central Government have been providing jobs to unemployed on daily wages, particularly, in the departments like municipalities, forests, revenue, and electricity departments for years together without making them permanent. This is nothing but bonded labour. Hence, I urge the Government to take appropriate steps to streamline the system

Sir, please remember those twenty Tamil coolies, red sandal workers, who were killed by the police during Telugu Desam Party regime in my State, particularly, in Chittoor District.

Those red sandal tree cutting coolies did not commit any crime. To safeguard their children and family members, they used to engage in coolie work. But unfortunately, those coolies were killed by the police. The Telugu Desam Party Government of the day cannot be excused for doing this.

Article 16 of the Constitution speaks about equality before law. All workers, men and women, are equal and they have to be provided equal wages without any discrimination. Article 24 speaks about prohibition of children from working in factories. No children below the age of 14 shall be employed as workers. This Parliament is empowered to make suitable laws to provide minimum wages to the concerned.

Sir, please remember the craftsmanship of weavers of Andhra Pradesh who could weave sarees that could fit in a match box. We have to remember the skills of those workers and provide proper identity and minimum wages to them.

Thank you very much ,sir.

**SHRI GAJANAN KIRTIKAR (MUMBAI NORTH-WEST):** Hon. Chairman, Sir, I thank you for allowing me to speak on the Code on Wages, 2019. I rise to support this Bill. While supporting this Bill, I congratulate the hon. Labour Minister Santosh Kumar Ji. *[Translation]* I personally congratulate you. *[English]*

The Second National Commission on Labour in its report in 2002 recommended that the existing state of labour laws should be broadly amalgamated among groups such as industrial relations, wages, social security, safety, and welfare and working conditions. I, a Member of Parliament from Shiv Sena Party, am closely associated with the trade union movement in the economic capital of the country Mumbai for the last five decades, especially in banking, insurance, oil companies, government and semi-government establishments including the airport and airline sectors. Colleague Member of Parliament Shri Vinayak Raut is also engaged in the trade union activities in airports.

Earlier it was difficult to refer to multiple laws to redress the grievances of workers. Now with the consideration and passing of this Bill, it would become much easier to simply refer to four labour codes as against existing 44 labour laws.

The Statement of Objects and Reasons says that the forthcoming Labour Code will be applicable to all employees covering both organised and unorganised sectors. My question is, are rikshaw pullers, cab drivers, temporary workers, contractual labour, hotel and restaurant employees, fireworks employees, seasonal industrial workers covered in this unorganised labour or not? I would like to place on record here that while we talk of the minimum wage here, employees of Government companies like BSNL and MTNL have not been able to get their salary for the last six months.

The provision relating to timely payment of wages and authorised deduction from wages shall be made applicable to employees irrespective of wage ceiling. These provisions will bring a great upliftment in the lives of labour especially the unorganised labour. I, therefore, stand in favour of this Bill.

As we all know, a small reform brings a great change in the lives of employees. In a similar way, the provision of Inspector-cum-Facilitator in the place of Inspectors is a very good suggestion. With this, I hope the Inspector raj would come to an end.

It provides equal remuneration to the employees irrespective of the gender for the same work or work of similar nature done by the employee. I am thankful to the hon. Minister for bringing in this reform. It will do justice to all the women of the nation working for the bread and butter for their loved ones.

Regarding National Minimum Wage, the Bill provides us with the factors to be taken into account while fixing the minimum wages, namely, the skill required; the arduousness of the work assigned; location of the workplace; and other aspects which the appropriate Government considers necessary.

While appreciating this reform, I would like to suggest an addition that the minimum wage structure proposed by the National Minimum Wage Commission should be taken into consideration – the higher rate of living in the metropolitan cities like Mumbai, Delhi, Kolkata, Chennai and Bengaluru. This will be a relief for the labourers engaged in small scale industries and a large section of the masses struggling for the requisite amount for their livelihood.

The Central and State Governments will constitute their respective advisory boards. The boards will have representation from employees, employers, and independent persons. Further, one-third of the total members will be women. The boards will advise the respective State Governments on aspects

including, fixation of minimum wages; increasing employment opportunities for women; and any other matter relating to this Code. The decision will enhance the coverage of safety, health, and working conditions provisions manifold.

Regarding claims under the Code, it is mentioned in the report that to hear and settle the claims, which arises under the provision of this Code, the Government may appoint one or more authorities. The application for such claims may be filed within a period of three years from the date on which claim arises. The existing time limit for filing such claims is varying from six months to two years. This will be an enormous relief to the workers to settle their claims.

It also talks about permitting women to work beyond 7 p.m. and before 6 a.m., subject to safety, holidays, working hours, and conditions as prescribed by the appropriate Government in respect of prescribed establishments and very importantly, only after taking their consent to work at night. This reform will take care of thousands of mothers and sisters working during night hours for the betterment of their families.

The Bill has provisions not only for the benefit of workers but it also aims to ensure ease of doing business for firms. It prescribes one registration for an establishment. The provision of 'one licence, one return' in place of multiple licences and returns in existing 13 labour laws is subsumed in the Code. One licence and one return will save time, resources and efforts of establishments and it will strengthen the business policy of the nation.

I would like to add that labour welfare is one of the major aspects of national programmes towards the betterment of the majority of society. Through these provisions, we have initiated a step towards the welfare of workers' lives. As our nation was taken to the path of economic growth under liberalisation and globalisation, there was a need of law for the welfare of labourers as well as trade union movement.



Lastly, development of any country mostly depends upon the growth of industries and business. This amendment will boost the morale of the worker and ultimately the productivity of industries and organisations. It will also help to reduce the chances of industrial disputes like strikes and lockouts. This will develop a sense of responsibility and dignity among the workers. It will also help to make workmen worthy citizens and an important part of national development.

I, on behalf of my party and all associated unions, once again congratulate you for this reform. Thank you.

**SHRI DULAL CHANDRA GOSWAMI (KATIHAR):** Hon. Chairperson, through you I want to heartily thank, on my behalf and on behalf of my party the Government of India, especially the Labour Minister Santosh Gangwar Ji, for bringing the Wages Code, 2019. You have done a heroic deed. No political party which came to power showed courage to change an old law which was already in place before independence. But, under the leadership of Narendra Bhai Modi ji, the Government at the Center, has worked out to change this ineffective law of pre-independence period. This law used to carry together 44 laws of the Code of Conduct relating to labour. Now this Law will work under 4 Codes.

Hon. Chairperson, sir, I want to tell you what was the circumstance that the pre-independence period the Payment of wages Act, 1936 was in force even after 70 years of independence in this country. Similarly, Minimum Wages Act 1950, Payment of Bonus Act 1965, Equal Remuneration Act 1976, till now we were following these laws. The workers who were working in different fields could not understand these legal complexities, due to which the workers did not get justice rightly. But, today it is a pleasure that the Government of India has done a commendable job by bringing all the labour laws together and bringing the just law into 4 Codes. For this, I again congratulate the Government of India.

Along with this, I want to say that the Government of India has constituted an advisory board to fix the wages of the workers, it is very good and in the interest of the workers. State Governments cannot fix the Wages below the Minimum Wages fixed by the Government of India. The advisory board will be formed for determining the wage, in which the representatives of the employees will be there, the representatives of the employer will also be there proportionately. There will be one general representative independently and one-third of women representatives from the State Government.

The best thing in this Act is that it has also taken into consideration increasing employment opportunities for women and protection of women. This is also an important point. I would also like to thank the Honourable Minister for this. Along with this, another relevant point included in that if the labourers work in addition to the scheduled time of their work, then they will have to be paid double the wages which are fixed for the hourly wages. This is a good point and is in the interest of the workers. I would also like to thank the Honourable Minister for this.

But, I want to draw your attention to some other things as well.

We cannot work for the benefit of labourers without the cooperation of all trade organizations, the Government should also work in this direction. There are all arrangements to work in the interests of the workers of organized sector, but I want to say that India is a very big country, it is also an agricultural country. According to various economic surveys, in the field of agriculture, in the field of domestic workers, and workers in the unorganized sector in various sectors, the Hon'ble Minister has said that there are about 30 crore unorganized sector workers, but on the basis of various economic surveys it has come to light that there are about 40 to 42 crore unorganized sector workers in the country. Protecting the interests of workers in the unorganized sector is a big challenge for the Government and for all of us in the country today. The effective law that you have brought will affect the workers in the unorganized sector as well and the Wages Code Bill 2019, which will surely benefit the workers in the unorganized sector as well. The Government should also seriously consider this. Many better efforts have been made for the workers in the unorganized sector in the Government sector of our country, but today I want to say that women also work in the unorganized sector. The way it has been taken care that no such system or provision for women workers has been made to check any misconduct in any field

of work safety matters, in this way those working in other organized sector or Government sector that women do not become victims of violence under the '*Beti Padhao, Beti Bachao*' campaign. Sir, this also needs attention.

Hon. Chairman , there is very little time. I will conclude my speech in a short time. The Government should focus on protecting the interests of workers especially in the unorganized sector, among those who come from the downtrodden, backward society and nomadic families. I would like to draw the attention of Hon. Minister to only two points. The first point is that the minimum wage in the Wage Code clauses is compulsory for all in the country. If we see this year's Economic Survey, one-third of the workers of the country have not received Minimum Wages. However, with the introduction of this Code, the minimum wage in about 10 states of the country, since I would not like to name those states, I have a list of them, but I believe that the workers in those states will get benefits of Equal Remuneration. If someone violates the formula you have drawn, there should be strict provision for it. If the provision is weak then the employer will be escaped by paying less salary, so there should be strict action and there should also be provision of punishment in it.

Secondly, I want to say that whatever is my concern and my party's concern, I think our trade organizations will also have the same concern . If less than 10 workers work in any organization, who are employs then they are not being brought under this Code. Right now there is a contract and contract labourer system and in the small companies which are there, they will try to employ seven to eight labourers in them and take rest from the contract labourers. If you do not think about these labourers, then companies will try to save themselves. You should pay attention to it. I have another concern, you have talked about ending Inspector Raj, talking about the facilitator, it is good. But I have also been a Labour Minister in Bihar, if the repretatives people of the Government and

Labour Department do not go there on a continuous basis, then sometimes the employers also become dictators. To encourage employers, you are doing this work, but there may be loss to labourers, so you will have to work for checks and balances.

Lastly, I would say that my party supports the Wages Code Bill, 2019 brought by the hon Minister, I support it and I believe that the labourers of the country will be benefited by it. I again thank the Hon. Minister and the Government for bringing this Bill.

*[English]*

**SHRI CHANDRA SEKHAR SAHU (BERHAMPUR):** Hon. Chairperson, I thank you for giving me this opportunity to present the views of our Biju Janata Dal Party on 'The Code on Wages, 2019, which has 69 Clauses and around 14 sub-clauses.

At the outset, I would like to say that reforms in labour laws are an ongoing process in the country and accordingly, the legislative mechanism is also being continuously updated to address the need of the time and make them more effective and contemporary to the emerging challenges and economic and industrial scenario. The amalgamation of four Acts will facilitate the implementation and also remove the multiplicity of definitions and authorities without compromising on the basic concept of welfare and benefits to workers in the country. I hope this Bill will address about 14 definitions of wages in the different laws which has a lot of litigation and also difficult in its implementation.

Sir, before I come to minimum wages, my hon. Chief Minister, Shri Naveen Patnaik has taken very many revolutionary steps for the welfare of labourers in the field of construction, agriculture, and general labour.

Clause 5 of the Bill states that no employer shall pay to any employee wages less than the minimum rate of wages notified by the appropriate Government.

Clause 6 (1) says that subject to the provisions of section 9, the appropriate Government shall fix the minimum rate of wages payable to employees in accordance with the provision of section 8, which states in (1) that in fixing minimum rates of wages for the first time or in revising minimum rates of wages under this Code, the appropriate Government shall either -- (a) appoint as many committees as it considers necessary, or -- (b) by notification, publish its proposals for the information of persons likely to be affected thereby.

Under Clause 42(1), the Central Government shall constitute the Central Advisory Board, which shall consist of persons to be nominated by the Central Government: representing employers; representing employees which shall be equal in number; independent persons; and five representatives of such State Governments as may be nominated by the Central Government.

Similar provision has been made for the State Advisory Board in this Bill. These Advisory Boards have a very important role in the Code of Wages Bill. They have to work in a vast area and for a huge number of employees.

So, my suggestion, through you, to the hon. Minister is that we can consider that there should be a provision for domain expert in these Advisory Boards who can know the issues on the field for which these advisory boards are working.

Sir, I would also like to suggest that revision of minimum rates of wages should be linked with 'Consumer Price Index' so that the workers or employers, covered under this Code, can be protected from rise in price and inflation in the market.

However, Sir, the implementation of this Code is very difficult because we have a huge labour force in our country and in the absence of reliable statistics on the size of our work force distribution or its contribution to the economy, the sector remains a poorly understood and a grossly neglected area.

According to the Economic Survey of 2018-19, almost 93 per cent of the total workforce is informal. However, the NITI Aayog's strategy for New India at 75 said by some estimates that India's informal sector employs approximately 85 per cent of all workers. What are the sources of this information, *the Economic Survey* has not disclosed, however, the Niti Aayog does cite a 2014 report of Organisation for Economic Co-operation and Development India Policy Brief: Education and Skills. But Sir, we have at present more than 97 per cent of the total labour force in unorganised sector. How is this Code on Wages Bill going to address the problems or issues being faced by them? The organised sector has only 3 per cent of labour force. In 2004, the organised sector had seven per cent whereas it was 93 per cent in unorganised sector. The trend of employment in the country has changed after the globalization and free economy. A lot of new type of job opportunities have come thereafter and it has also increased the strength of unorganised sector.

Sir, when we are not able to identify the exact number of our workforce in unorganised sector, how can we analyse their working conditions, social security, occupational safety, health and other benefits? So it is my request to the Government to strengthen the system for identification of our informal sector workforce first.

The trend of contractual employment has increased and these contractual employees are now engaged by contractors only. The organisations and companies authorise the contractors to provide manpower for them against the payment of prevailing wage rates but contractors do not give wages to the

workforce as per the norms fixed by the government or we can say the minimum wages are not being paid to them. The other benefits like bonus, insurance, provident fund, and medical facilities are also not being provided to these contractual workforce. We have started this practice of leaving our liability towards workforce but at the same time we have not made any provision to check the exploitation of contractual workers and labourers. I have a doubt how the Code on Wages Bill, 2019 is going to address these very much important issues.

The experience or length of service or expatriation of individual workers or labourers is also not considered by these contractors while engaging them. These issues of workers need to be addressed in the Code on Wages. The lack of consistency in definitions within the Code may lead to employers discriminating between workers and employees. Since minimum wage is a matter of right for every working person, a common and comprehensive definition of employees or workers should be given in the Code and experience and length of service and experience in the field or in the organisation or otherwise should also be taken into account while fixing minimum wages.

**HON. CHAIRPERSON:** You please conclude by placing your last sentence. You have been given ample time.

**SHRI CHANDRA SEKHAR SAHU :** Sir, please give me some more time.

I have to mention here one more thing that provision of bonus payment as recommended by the Standing Committee which were of the opinion that threshold for application of bonus payment will not apply as per the provisions of Code to the establishments in which ten or more persons are employed as per Wage Bill, 2017. In view of the present globalisation trend, the ceiling for minimum number of employees may be removed since there are institutions which took the benefit of this ceiling by reducing the number of employees in their books.



**17.00 hrs**(Shri P.V. Midhun Reddy *in the Chair*)

With regard to payment of wages in Chapter III under Clauses 15 and 16 it is stated that all wages shall be paid in current coin or currency notes or by cheques or by crediting the wages in the bank accounts of the employees or through electronic mode, provided that the appropriate Government, may by notification specify the industrial or other establishment, the employer of which shall pay to every person employed in such industrial or other establishment, the wages only by cheque or by crediting the wages in his bank account.

Sir, in this connection, our Biju Janata Dal is of the firm view that to bring in transparency as well as check in payment of wages by the employer, be it in the organised or in the unorganised, there should be no cash transaction on account of wages. ...(Interruptions)

Hon. Chairperson, Sir, through you I would like to urge upon the Government to incorporate the workforce engaged in providing domestic help in this Code on Wages Bill.

Sir, with these words, I support the Bill. ...(Interruptions)

*[Translation]*

**SHRI MALOOK NAGAR (BIJNOR):** Thank you very much, Chairperson sir, you have given me an opportunity to speak on such an important Bill. I also want to thank our sister Kumari Mayawati ji, because she takes great care of the workers, labourers and protects their interests at the national level and keeps raising the issues related to them.

Sir, we can divide the workers into two groups organized and unorganized. Many Hon'ble Members have said many things about organized labourers. Among the unorganized labourers, there are kiln labourers, agricultural labourers,

village gutters, drain cleaners and domestic labourers. Those who are kiln labourers, God forbid, if the kiln owner suffers losses in the kiln business, then infact the labourer who works there suffers losses, because his entire salary is withheld. I want that the Government should make a provision that every kiln owner should have a Government system through which Inspectors or Department officials keep talking to them from time to time and protect their interests.

Sir, many of our farmer colleagues are sitting here and there are big landlords as well. The labourers who work there, are especially from the *Bahujan* (backward castes)society. When they work, they do not have the courage to talk to their boss directly. When paddy is harvested, they work whole day by standing in water. Their feet are thawed, their toes thaw in the middle, they get allergic. After working for whole day, they are paid a hundred rupees, somewhere hundred and fifty rupees, somewhere seventy rupees or somewhere two hundred rupees. The matter of giving Minimum Wages is only raised in the House or applied to the organized sector. In an unorganized sector, where there is no other labourer standing with him, there is no Minimum Wage. I want to have such a system where at the village level, every Zamindar level it is known that these labourer are working and their interests should be protected.

Sir, many labourers who sweep the drains, gutters, etc. in the village, do not get money in the form of wages. People give them food or some other useful things. I want that there should be such a mechanism that the interest of those who are our sanitation workers should be protected when their interests get hurt or they do not get money or even have to listen to taunts for their food, then their interests are protected and attention is paid to them from time to time.

Sir, unorganized sector also includes domestic labourers. Many of my colleagues were also speaking about this. I would also like to draw your attention

to this. There is no time limit for these labourers. In their family, a person wakes up at four o'clock in the morning, some at five o'clock and some at six o'clock. After tea and breakfast, one of them will have dinner at nine o'clock at night, one at ten o'clock and one at twelve o'clock. Therefore, there is no time schedule for them. They are made to work from morning till late night, but their salary remains the same.

Sir, I am concluding my point. Such a system should be made for their salary, so that the people of these unorganized sector who work in the palatial houses of big people, go from house to house in the cities, their interests should be protected and their wages as per time limit should be fixed that the minimum wage from this time to this time is so and so, if they are made to work more than that time, then they should get twice as overtime salary.

Sir, now comes the organized sector. Many a time in this organized sector, after giving less money their signature is obtained for more money on the paper. An arrangement should also be made for this, this should be taken care of. I want to draw attention to minimum wages. There are many people who are willing to work even if they get employment at half the minimum wage. Not only should the Government protect their interests, the Government should also protect the interests of those who do not have employment.

The organized sector consists of two sectors, Private and Government. In the private sector too, there is a lot of abuses with the workers. There should be such a system for them, which is more efficient than the system that is prevailing now. It should be strictly implemented. As far as the Government sector, like the Ministry of Aviation, the Ministry of Telecommunication is concerned, the Government is looking at privatizing them. Those who work in these, who fall in the category of worker, if it is privatized, then capitalists like Adani will buy it.

In such a situation, the Hon'ble Minister should pay attention to how the interests of workers in these sectors is protected.

Sir, I will conclude my point in half a minute. I would like to say that this Bill should be sent again to the Standing Committee and the leaders of all the Parties should be invited and discuss over it and it should be amended accordingly. I partially oppose it. After amendment it should be brought again in the House.

**SHRI NAMA NAGESWARA RAO (KHAMMAM):** Thank you, hon. Chairperson . You are presiding over the House for the first time, so I have been given a chance. It is a matter of great pleasure that the Chairman of the Telugu State is sitting on the Chair.

Sir, the way the Hon. Minister has explained in the details about this Bill, the most important one is that you have included four Bills and consolidated them. You have included Payment of Wages Act, Minimum Wages Act, Payment of Bonus and Equal Remuneration Act. After clubbing them all together till now, after consolidating them, the Bill has not touched on the present issues which are present in this Act, which are different problems, how you will solve those problems.

Sir, I am saying this because earlier also both Indian Airlines and Air India were merged together. There were a lot of problems in synchronizing the employees of these two organizations for at least three to four years, so pay attention to this. Along with this, the provisions made for the people of the unorganized sector are welcome . It also has some more important factors. All the Government services are being given to the contract labourers. There is a lot of difference in the contract payment given to the contract labourers and the payment that the contractors are paying to the contract labourers. How will the Government control it? This gap should not be much. Along with this, the National Minimum Wages that you will make for the whole country, you told that you will make it in different states. This will also require a lot of attention. If there are more differences in these wages, then it will also create more problems.

Along with that there is a payment of Bonus. Minimum Bonus to be given is 8.33. My leader in Telangana K.C.R. Saheb said for Singareni Collieries that if the profit is high, then more bonus is also connected with it. Along with it, to partner with his employees by giving a minimum of 8.33 to the bonus, suppose

the profit is higher then the employees should also get a higher bonus. Along with that, after the formation of Telangana, our Government has given better salary to the employees than all over the country. In the same way, after the comparison it should also be given to other people . I want to tell the Hon. Minister through you that he has not included the states everywhere. Sir, consultation with the states is very important. Finally, an Advisory Board has been set up along with that the consultation with the state should be more, so that the employees should not face further trouble. The new code that has been introduced by combining older Acts, all the employees should be happy after its implementation. Thank you.

*[English]*

**SHRIMATI SUPRIYA SADANAND SULE (BARAMATI):** Thank you, hon. Chairman Sir, for giving me this opportunity.

I stand here, actually, with a heavy heart because I am actually confused about why this Government has brought this Bill. ...(Interruptions) Meghwalji, you are bullying me. ...(Interruptions)

On a very serious note, the hon. Minister who is a gentleman, said that it is a historical legislation. With your permission, I disagree with you for the reason that these are four Bills that you have put together. This is point No. 1. It is just re-organisation of Bills.

The Government has not paid salaries for BSNL, MTNL, and so many other people. In my own Constituency, Hindustan Antibiotics employees have not been paid for over five years. Considering this, even then to say that it is a historical Bill is really unfair. The Government should deliver this first. I know, the Labour Department is not involved in it. But these are major PSUs the salaries of which you have not paid. So, I really see a complete contrast. The Government is talking in two voices here. You do not pay salaries of the PSUs, while you are bringing something here to protect. It is actually a hypocritical situation, and the common man, at the bottom of the pyramid is really suffering.

In contrast, there is another point I would like to make which is about contract workers which was mentioned earlier also. Look at Air India as an example. A lot of Air India employees, for the last 20 years, are on contract. They are all young people who joined Air India hoping that one day, they will get better job and better salaries. But no salaries have been changed for several years. So, is there something pointed and specific that this Government would do to support, through this Bill? If you are really honest to the commitment which is why you

are bringing this Bill, will you make sure that the salaries are paid for all the PSUs and people who work in Air India, who work for the Government but do not get raises or any protection? This is an absolute pointed question that I would like to ask you. While codifying labour laws, labour interests should not be overlooked. So, I think, this is something very important point that this Government needs to understand.

You have talked about unorganised and informal sector. You said that in Clause 5, you have protected it. I just want to know, when there is a domestic worker working in somebody's house, how are you going to make sure that each one gets this benefit of minimum salary? How are you going to control it in such a big country as ours? So, I am still not convinced. It would be better if you kindly convince me and see what mechanism are you going to use for a country which has so much of unorganised sector. Just making rules is very easy. But how are you going to implement them, and what is the mechanism that you are going to use for this? I want to highlight something from the Economic Survey which is a part of this Government. The Economic Survey says: "The evidence comparing the Flexible States..." Now, which States are flexible and which are not, I will come to this point in a minute. But I would like to read it, and I have a pointed question again. The Economic Survey says:

"The evidence comparing the Flexible States to the Inflexible States with respect to the rigidity of their labour laws clearly shows that the Inflexible States are suffering in all dimensions. They are unable to create enough employment, cannot attract adequate capital into their States and their wages are lower as their productivity is lower. Furthermore, these parameters are either deteriorating or growing at a slower pace in the Inflexible States when compared to the Flexible States."



Sir, I represent a flexible State. Maharashtra is one of the best investment destinations in India for decades. There is nothing new about my State. But the economy of the country has slowed down. Today, jobs are a problem. When there are inflexible States, which have seen more poverty and are not as flexible as like flexible States are, what would be your minimum wages there?

NREGA is an example. In different States, what would be the minimum wages? I agree with you, Mr. Minister, and you would say that there is a Committee looking into this. But where would you draw the line? Then, it is going to hurt the migration. If you look at Maharashtra, we also paid better salaries compared to other States. So, how are you going to come to a common number, which is going to help it? I really do not see it idealistically happening.

There are two other points, I would like to make. Firstly, what are you going to do for SEZs? We have had problems about SEZs several times. So, how are you going to address it?

There is another programme of this Government, which is the National Employability Enhancement Mission, called as NEEM project. Now, there was already a National Apprenticeship Promotion Scheme. Are you going to integrate these programmes? There is very little awareness about the NEEM project. The young graduates get hired into the NEEM project but what happens after that? After two years, the company asks them to leave. So, what is there as protection of the job? The intent of your NEEM project may be very good, but it is not giving us the desired results in creating more jobs. So, how are you going to address this problem? I want a clear-cut answer on this because my State is suffering. The young students of my own Constituency come to me saying that 'XYZ company hired me, but because of this NEEM project, after two years they are leaving me.'

The problem with this NEEM project is that the youngsters are hired from campuses. Now, if I am hired in TY or in my last year, in a campus interview, I get a job in a great company or in an Infotech company. But what happens if I do a NEEM project? If I do a NEEM project, I get hired for two years only. But later when I look for an employment in TCS or Tech Mahindra, I do not get the job. So, can we find a way where the NEEM project gets interpreted? At least, let the best people get absorbed by the company. So, this is something, Mr. Minister, you really need to address because it does not seem to be addressing on the field right now.

There is another point regarding provident fund and pension, and I am not going to get into that; you are aware of it. Many of the hon. Members have already spoken about provident fund and pension. So, I would not take the time of the House to repeat them.

There are two more points that I would like to highlight. One is about bonus. With technology, jobs are shrinking. You have said that there would be bonus for 20 and more employees. The Standing Committee has recommended for 10 employees. So, I would urge you to reconsider 10 employees because if you are doing this for the bottom of the pyramid, I see no reason why this Government, which makes tall claims, should not do it. I would say, you should rather do it for even two employees. Why are you getting into a number? The Standing Committee, anyway, has recommended it.

So, I think, Mr. Minister, you should think of it and reconsider the 20 number. It would be highly appreciated.

Sir, there are two quick points which I would like to highlight, and they are very serious points. What has happened is that our country is very complex in regard to providing jobs. Today, there are nearly 429 scheduled employments and 1,915 scheduled job categories for unskilled workers. This massive

expansion of job categories has led to a major variation. This variation is not across the States but even within the States. So, how would you come to a Minimum Wage Programme when India is such a complex country? India is not like other foreign countries.

Then, there is discrimination against women. A lot of people have complimented you about supporting women's jobs. I am not so convinced through this Bill that women are going to get equal rights because of this. I would give you a very small example. There is a man working as a security guard and a woman working as a domestic help in a home. Their salaries are never the same. It is not possible. You can independently find out the data and make a survey. So, how will a woman be protected more than a man? I do not see how this is a complete guarantee to women and it is protecting women's interest.

Sir, my last point is on impact of wage inequality. This is all I am quoting from your Government's thinking – Economic Survey. It says:

“International experience suggests that greater compliance with minimum wages has led to a reduction in wage inequality. India's experience on the impact of minimum wages on wage inequality needs to be evaluated, keeping in mind the segmentation in the labour market and the differences across various categories of workers.”

So, the segmentation in India, as I said, is 119 with 46 types of categories. So, how are you going to put it all under one roof? I appreciate your intent. Your intent may be very good. But these are four Bills, which you have put together. Actually, if you ask me, I am still not convinced and I still think, it is an eyewash.

I take this opportunity again to request this Government. I am sure, everything that this Government is doing is historic! Good luck to you. But I

think, let us be a little serious about it ...(Interruptions) Bhaiya, this is sarcasm. There is a selective hearing in this Government!

All the PSUs are bleeding and suffering. Do not wind them up by bringing all these legislation when people today cannot pay for their children's education, their parents' medical bills. So, if you could kindly do something for them, it would be appreciated.

Sir, this Bill is a welcome step. You are trying to do innovative things in the Government. But you must pay salaries to the PSU employees and do think of thousands of workers in the Air India today, who are contractual workers and are not getting fair choice or salaries.

So, I would like to support this Bill but with a heavy heart, I see, too much contrast in this Bill. I urge you to reconsider them. I have my serious reservations unless you give clarifications on PSUs and other things. I am happy to support the Bill provided we get the clarifications.

Thank you.

**SHRI PRADYUT BORDOLOI (NAWGONG):** Sir, I rise to speak here in opposition of this Bill. The single and the most alarming aspect of this Bill is to undermine and erode the collective bargaining power of the working population articulated through our trade unions.

In the case of determining the floor wage – whether in the case of determining the minimum wages or even in the case of determining the rate of bonuses – the role of the trade unions is avoided and undermined. The articulation and wisdom of our trade unionists are carefully avoided. When you talk about floor wages, they will be decided taking into consideration their geographical differences. It is very strange to note that it is coming from a Government which talks about one nation-one tax, the Government which even propagates one nation-one election and very obliquely the understated motto of the spiritual headquarters of this Government, probably, is one nation-one faith. Then, why is there not one nation-one wage? Why is there difference in the wage structure?

Sir, when you talk about geographical differences and geographical differences in wages, it should not reflect the regional disparities that we get to see in the landscape of development of this country. Sir, you will be astounded to know that Assam produces 55 per cent of India's total tea. Also taking both, the unorganised sector and the organised sector of the labour force, nearly 19 lakh people are working in the tea industry. Sir, you will be very unhappy to know that even today the cash component of an average tea worker in the organised sector is barely Rs. 167 per day. What is very important to note here is that this Rs. 167, daily rated workers' wages, the owners of the organised sector are very carefully camouflage and load up certain elements, which, actually, should be avoided. That is the way, they, actually, inflate the rate of the wages. I just want to give you one example. The daily rated tea workers, along with Rs. 167 daily wages, load up non-statutory benefits like cost of food grains notwithstanding the

benefits given by the Food Security Act, the cost of firewood and the cost of tea that they produce, a small part of that is given to the employee. Even that is monetized and added in their wages.

The Plantations Labour Act, 1951 mandated that certain basic facilities have to be given to our tea workers like medical facilities, housing facilities, primary level education facilities, welfare facilities and leave with wages and holidays. Even those are monetized and added in the wages. Along with that, the statutory benefits like bonus, provident fund and gratuity is monetized and added in the daily wages. Sir, do you not think it a hoax? With this kind of hoax, will it raise the standard of living, as stated in the Statement of Objects and Reasons, of the most impoverished and the most backward working population of our country today, the tea industry of Assam?

Sir, I would like to just draw your attention to what our hon. Prime Minister boasts that at one point of time, he was selling tea; he was a *chaiwala*, and all that. Being a *chaiwala*, how can he be turning his back on the impoverished section of tea garden working population of the tea industry? He should come up and take notice.

What is again very important is the enforceability of the Bill. The enforceability of the Bill is very weak and feeble. I would like to give you one example. The big employers, the corporates whose annual turnover is probably more than Rs. 1000 crore, even if those people fail to provide the floor-level wages, what penalty are they giving? They have to pay a fine of maximum Rs. 50,000. Do you not think that such a feeble and weak penalty clause has been made? Even on multiple counts also, those people who fail to comply, for them the maximum period of imprisonment is three months and maximum amount of fine is Rs. 1,00,000. I think, the enforceability is a very, very weak spot in this Bill. So, I would request the Government to look into this matter.

This is an organised sector. But what about the unorganised sector? The working population of the unorganised sector is suffering. That is why, if this Bill, as it is presented here, as it is introduced here is passed, I am sure the working population of our country will have a very big raw deal.

Not only the tea industry, the public sector enterprises, the paper mills of Hindustan Paper Corporation have been shut. In 2015 the Hindustan Paper Mill at Panchgram, which was profitable otherwise, has been shut down. Then, in 2017 again, the Hindustan Paper Mill located in my constituency, Nawgong has been shut down. I would like to draw your attention to the fact that for the last 31 months the salaries of the employees have not been paid. Many of these poor employees have committed suicide. This angle must not be overlooked when you discuss and when you pass this Bill.

That is why, I would like to request the hon. Labour Minister to reconsider and bring back this Bill. These flaws have to be eliminated and then it should be brought back to the august House.

*[Translation]*

**SHRI PALLAB LOCHAN DAS (TEZPUR):** Sir, thank you for providing me the opportunity to speak at this historic juncture. I would also like to thank my party that I have been given the opportunity to speak.

Sir, all those members elected to this House represent the workers. Workers are employed in various sectors in our respective constituencies. What is the plight of our workers at present? We see that their condition is quite pathetic. Some of the workers are elderly as well, but still we call them by their names. There is an absence of Dignity of Labour. We feel that since they are Labourers, so they are not meant to be treated with respect. This type of mindset prevails in our society which needs to be changed.

Sir, after independence, the Minimum Wages Act was enacted in the year 1948 and during the same year a resolution to this effect was passed under the Minimum Wages Act. At the same time in the year 1957, the Indian Labour Conference adopted the Aykroyd formula. As per the Aykroyd formula, minimum food requirements of 2700 calories per average Indian adult worker and clothing requirements of 72 yards per annum per worker's family, needs to be ensured. This was the case earlier. Thereafter, the Labour Minister's conference was held where the cost of living index was taken into account and a provision to this effect was made in order to ensure adequate standard of living to the workers. In 1992, the Supreme Court in its judgement stated that the children's education and medical requirements should also be incorporated into in it.

Sir, we are now fixing minimum wages for workers in the country. How is its fixing mechanism? The mechanism for fixing minimum wages for workers is very complex in the country. There are four acts and in those four labour regulations the minimum wages has been defined in 12 different ways. No one is



aware about the fixation of minimum wages. Even the workers are not aware of the exact minimum wages fixed for them. It is quite complex.

Sir, let me tell you. At present, they are offered basic pay and variable dearness allowance (VDA) as minimum wages. There are many states which have not even increased VDA, and there are other states which have increased VDA but have not increased the basic pay. Kindly take into account the minimum wages. We have clarified that only the scheduled workers will be provided minimum wages. What is count of scheduled workers in our country? If one may pay heed to its categorization, there are 1,915 scheduled job categories and about 429 scheduled employments in our country. How many of them have been covered under our scheme so far? At present our coverage is mere 66 percent. We have not covered the rest yet.

Sir, today they are saying that it is such an appropriate act. You have ruled for so many years and still coverage rate is mere 66 percent. Why didn't you incorporate the rest of the workers under it?

They have just discussed about the plantation workers. What is the mechanism regarding the plantation workers? There is the cash and kind component. There is no specification regarding the amount of kind and cash component of wages. The kind component is already 51 percent at present. There is provision in the Bill to restrict the kind component of wages maximum up to 15 per cent for workers engaged in the plantation sector. Isn't it historical? This is indeed a historic step. We have introduced this change here. If you will consider the cost of production, there are many such systems. The scheduled employment in Mizoram is 3 whereas it is 102 in Assam. Both are located in north-east but scheduled employment in one state is 3 whereas it is 102 in the other. If you are considering the minimum wages then it is Rs 115 in Nagaland and Rs 538 in Delhi. There is sharp difference between the both. There is so much difference within the states. The difference between the maximum and minimum wage in

Kerala is Rs. 905. There is a difference within the categories formed by us. We ourselves are responsible for this alarming difference as we have made this mechanism so complex and complicated that the workers themselves do not understand how their minimum wages are fixed?

Sir, if you go through the economic survey of the year 2018-19, you will witness that the difference is evident even in the larger states of India for instance Madhya Pradesh has differentiated the skills in four ways. One may witness the amount of violation here. A number of minute changes have been made in the new Code on Wages. Now you may witness lot of difference if you are considering the minimum wages. As has been pointed out by Smt. Supriya Sule that gender discrimination is prevalent here. In the rates that we have fixed, we see that domestic workers are paid less whereas the security guards are comparatively paid higher amount. The issue of gender discrimination has been addressed in this code on Wages.

Sir, if you are considering the minimum wages then if you read the survey and view the graph of the 'Per capita net state domestic product, 2016-17 ', you will find that the minimum wages are very low in many big states. As in a state like Tamil Nadu, the minimum wages are extremely low. If you look at their GDP in the graph of the 'Per capita net state domestic product, 2016-17', it is 1.5 lakh, but their minimum wages are quite low. Minimum wages in Goa are very less. There is much dispute over the amount of minimum wages that we fix. As a result of which workers are not getting minimum wages and consequently this lack of minimum wages is causing disparity among the states, there is no uniformity among them. This code on the wages bill has been brought forth to ensure uniformity.

The enactment of Code on Wages Bill will blow a wind of change in the country. Every worker will be benefited from it and a new provision will be introduced to this effect.

Sir, I would like to speak a bit more on this issue. What has been discussed here? If a worker does not get the minimum wages, ....(Interruptions)

*[English]*

**HON. CHAIRPERSON :** Please conclude.

*[Translation]*

**SHRI PALLAB LOCHAN DAS:** Sir, let me speak for two more minutes. The workers had to approach multiple authorities in case of non-payment of minimum wages. There is no single window mechanism for them. Single window mechanism has not been ensured to the workers for so many years. Provision of single window mechanism has been introduced in this code on wages. There is no provision of Appellate Authority till date. There is nowhere any appellate authority. They have to approach directly. Provision for appellate authority has also been made in this bill. The workers will be benefited through this provision. If they need to approach someone they can. They have to approach the Tribunal as well.

Sir, what is being done at present? A gazetted officer will be appointed, if one has to pay fine, then one can pay fine amounting to Rs 50,000 to that officer. You do not have to approach the tribunal for this. Keeping in mind the provision of wage ceiling we had to make changes in the act and rules which was not possible through a notification so we have introduced this provision. Now we can also introduce changes in the wage ceiling through notification. The limitation period for filing the claims for minimum wages, bonus, equal remuneration etc., by workers has been raised to 3 years as against the varying period between 6 months, 12 months to 2 years. We have introduced changes with regard to the labor laws in the entire country in a very systematic manner. If we pay attention to the other large countries of the world they have the provision of equal minimum wages for all.

Sir, in this regard I would like to thank and express my heartfelt gratitude to the Honorable Labor Minister and the Hon. Prime Minister. They have introduced wage code to ensure certain minimum wages to the workers. I hope that this new wage code will prove to be beneficial for our workers and will bring a new change into their lives. I had a lot to say, but I wouldn't take much time.....

(Interruptions)

*[English]*

**HON. CHAIRPERSON:** Please conclude.

*[Translation]*

**SHRI PALLAB LOCHAN DAS:** Sir, I will only take a minute. The existing mechanism for inspection is also very bad. Provision for web based inspection has been made therein. I would like to thank the Honorable Minister for this.

Lastly, I would like to urge the Hon'ble Minister that during the fixation of wages presence of domain expert is necessary and needs to be ensured.....

*(Interruptions)*

*[English]*

**SHRI HASNAIN MASOODI (ANANTNAG):** Sir, I rise in support of the Code on Wages Bill, 2019.

This possibly is the first Bill where there is no effort to over-concentrate the powers in the Central Government. It is genuinely a Bill intended to give some relief to our workers. If not a pathbreaking legislation, it definitely is a leap forward. Consolidating four laws and coming up with this Bill is by itself a good achievement. The definitions are comprehensive. The definition of ‘worker’, ‘employee’, ‘employer’, and ‘establishment’ is comprehensive so that everybody has access to the benefits that are contemplated under the Bill.

For the first time, a concept of floor wages has been introduced. The problem that would plague wage payment, minimum wages and other issues, would be that every State would come up with its own wage structure and there used to be huge disparities amongst the wage structure of different States. This is a big, good achievement. The floor wages will give the base, the floor, and leave the ceiling for the States. But as regards floor wages, a second look deserves to be given. There is no need to have different floor wages for different geographical regions because there is possibility of a mischief. If the States have a right to fix minimum wages over and above the floor wages, then, there is no need to have four floor wages for the country.

There should be uniform floor wages across the board applicable to the entire country. The States will be free to fix their own minimum wages.

Now, I come to the new provision as regards payment of compensation. What does a worker or an employee need?*[Translation]* Firstly the employment, secondly adequate and reasonable wages and lastly recovery of wages, this is what an employee wants*[English]* Employment, adequate and reasonable wages,

and recovery of wages – this is what an employee wants. This Bill takes care of all the three aspects of the problem. Efficient mechanism is contemplated in the Bill for recovery of wage.

Section 45 of the Bill contemplates an authority which, for the first time, is given the power to order payment of compensation in addition to the claim determined, which may extend to ten times of the claim. This has happened for the first time. If we say that it is not a step forward, then I think that we are not fair to the Bill.

Secondly, a new concept of inspector-cum-facilitator has been introduced. This will help workers or employees having access to the authority. This provision has been provided in the Bill.

Then, there is Section 54 which is about penalties for offences. That again is quite adequate. One of the hon. Members has said that there is no scope for appeal. It is not so. The appeal for payment of wages would go to the district judge concerned from the Payment of Wages Authority. That would be dealt by the district judge. But here, instead of district judge, a provision is given for appointment of an Appellate Authority by the Government. But since most of the issues that are expected to be raised in an appeal would be legal issues, it would have been more appropriate if a person with law background had been appointed as appellate authority. He may be a judge or anybody with law background. ... (Interruptions)

**HON. CHAIRPERSON :** I request the hon. Member to take care of time and finish his speech.

**SHRI HASNAIN MASOODI :** Sir, I am winding up my speech.

By and large, this is a good Bill. We hope that the Government would take care of the suggestions given by the hon. Members during the discussion on the Bill and come up with an up to date labour legislation in the country.

Thank you, sir.

**SHRI E.T. MOHAMMED BASHEER (PONNANI):** Thank you very much, Sir, for giving me this opportunity. I myself was a factory worker and worked in a chemical factory for about 20 years. I also got actively involved in the trade union. Keeping this in my mind, I wish to react on this Code on Wages, 2019.

Sir, if we go through the past history of labour legislation in India, it has two very important aims. The first aim has been to free labour from exploitation and the second is to regulate their service conditions, wage structures, health and safety welfare measures, job security, etc.

The Industrial Disputes Act is treated as the mother of all labour laws. We may recall the historic struggle led by the working class in this country which was instrumental in bringing such a legislation. Pro labour government strategy has also contributed to a great extent in this regard.

Sir, what were our priorities? After Independence till the neo-liberal policies came into existence, our priorities were – man, that is, labour first, money second and machinery third. After neo-liberal policies came into existence, the priorities got upside down – money first, machinery second and man last. That is the situation now. All policies that are made now are in this direction. The policy of making 42 labour laws into five categories is also in this direction. It is because of that particular reason that I oppose this Bill.

This Code says that the minimum wages will be determined by the Government of India at the national level and at the State level as well as the regional level. A State can also have minimum wages for the State with the condition that it should not be lesser than the national minimum wages. When the law says that the Central Government may decide national minimum wages and set separate national minimum wages for different regions and States, there arise two questions. The first is whether the Government is going to have multiple



minimum wages. Second, what is the *modus operandi* that the Government wishes to use to implement this?

Then, there is the issue of period for revising the minimum wages. All the hon. Members know that it takes a lot of time. I am coming from Kerala. As far as Kerala is concerned, we can do it in a period of less than five years, but as per the Code, it is confined to five years.

Now, I come to gender discrimination. At present, gender discrimination is prohibited in recruitment, transfer, promotion etc., but as per this Code, it is confined to wage payment only. Thus, discrimination cannot be done on this issue, but it can be done in respect of other matters.

The next is the issue of inspection system. My learned friend was very joyfully saying that inspection system is abolished. What is the achievement he was talking about? The fact is that there is inspector of factories and boilers, inspector of plantations, inspector under Shops and Commercial Establishments Act. They used to go to institutions and verify the ground realities. Now, this Government says that they need not go there and inspector raj is abolished. In whose interest is it being done? The employers were fearing the inspectors. There may be corruption in that, but this is not the way of doing that. They are talking of web-based kind of an inspection. That is also a very objectionable kind of thing.

Another bottleneck in this Code is, as my learned friend was saying, that a scientific criterion has not been specified for preparing the norms for minimum wages.

Towards the end, I would like to say one more thing. In most of the cases, the minimum wages remain in dead letters only and the labour do not get it.

Revision of minimum wages takes years and years together. Timely revision is not taking place.

In the end, I may say only one thing. There should be equal wage for equal work. That is specified in the Constitution also, but what exactly is the ground reality? I would like to say that female workers are getting lesser wages than male workers. This is a ground reality.

I may speak about child labour also. You all know that we are all saying that child labour is abolished in our country, but it still remains.

In the Bonus Act, there is an upper ceiling of 20 per cent, which needs to be abolished. That is my humble submission.

In view of the particular reasons which I have stated, I vehemently object to the Bill.

**SHRI P. R. NATARAJAN (COIMBATORE):** Sir, the current Bill is just not an exercise of simple merger of the four laws – Minimum Wages Act, Payment of Wages Act, Payment of Bonus Act and Equal Remuneration Act; this Bill, while combining the above four laws, has, in a most unscrupulous manner, sought to dilute whatever pro-labour components were there in those four laws. In particular, the Bill seeks to dilute the enforcement mechanism in order to empower the employers to evade obligations under this wage-related Bill.

A detailed analysis of the proposed Bill does not exhibit any pro-labour intention. Rather at many places, anti-labour stand of the Government has been exposed. It is aimed at converting the law virtually into a toothless piece of legislation, making enforcement and implementation a casualty.

The word ‘worker’ has been replaced by ‘employee’ in some clauses. That is not acceptable.

Moreover, in the interest of fairness and propriety, the consensus recommendation of the 45<sup>th</sup> Indian Labour Conference should have been considered with regard to minimum wages, which has not been done. So, minimum wages have to be considered as per the recommendation of the Indian Labour Conference as well as the Supreme Court advice.

It is recommended that the minimum wages should be Rs. 18,000. That has to be considered. The Bill has not taken care of that. The decision taken by the Central Government regarding the minimum wages without consulting the State Governments cannot be implemented.

The third point is this. “Employer” is defined as the “Principal Employer”. It is the most important word in the Contract Labour Act. The word “Principal Employee” must be there in the Bill.

As regards the definition of the word “contractor”, that has to be clarified. Regarding the wages, the definition is quite confusing. We want to know whether it includes overtime wages, house rent allowance, bonus. That has to be clarified.

Altogether this is an unnecessary and unwanted Bill. It is part of the anti-labour policy of the Government. So, I oppose the Bill.

**SHRI JAYADEV GALLA (GUNTUR):** Mr. Chairman, Sir, thank you.

I rise to support the Code moved by Shri Gangwar as it benefits all the workers, working both in the organised as well as in the unorganised sectors. The Code is in pursuance to the recommendations made by the Second National Commission on Labour in 2002. The Code is going to merge four Labour Laws as everyone has already mentioned to make it a single Code. It mandates that wages have to be revised once in every five years. So, it is a welcome move.

I just want to make one observation based on our experience of running an industry. When MGNREGA was first introduced, it affected the labour supply in the country for us and for all the other industries as well. Many of the workers who had a choice of either sitting at home and get paid a monthly wage or going and working in an industry, chose to remain at home and get the MGNREGA benefit instead. So, it is very hard to actually get labour for several years. But interestingly what happened is that, this has forced the employers to re-look at their minimum wage and actually offer more lucrative wages to attract that labour force back to industry. So, unofficially it started to work to bring wages up, and, therefore, indirectly setting a minimum wage. So, my suggestion to the Minister of Labour is to please interact and work with the Minister of Rural Development also to ensure that the MGNREGA rate and the minimum wage are synchronised in such a manner that benefits both the sectors so that it does not create problem for one or the other. I think this is a very important point. I would like the Minister to consider this.

There is no doubt that the issue of minimum wages in the country is very complex, complicated and the same view has been subscribed to even by the Economic Survey 2018-19. We have 429 scheduled employments and 1,915 scheduled job categories for unskilled workers under the Minimum Wages Act.

The proposed Code removes the concept of scheduled employment in job categories. Industry bodies, including the CII, have welcomed this move.

I now come to some of the provisions of the Code. I will be very brief and pointed in this. So, please give me a few minutes to speak about them. The first one is related to clause 2 (Y) (F) which says wages do not include House Rent Allowance. It is in contravention to the parent Act, where section 2 (H) included House Rent Allowance also. Here, I would request that House Rent Allowance be included under wages since the minimum wages aim at minimum level of comfort which should be available to an employee, and accommodation is one such basic need.

Secondly, it is contrary to the interpretation by the Apex Court in its April, 2019, judgement in the case of *Hindustan Sanitaryware & Industries Limited and Faridabad Industries Association vs. State of Haryana*, wherein it was held that HRA is part of minimum wages, whereas the Code excludes HRA from wages. So, I suggest for consideration of the hon. Minister to revisit this Clause and reframe it accordingly.

The third point is relating to Section 5 of Equal Remuneration Act which prohibits discrimination in payment of wages and recruitment on the basis of gender. But, Sir, please look at the second proviso to Clause 2(K) of the Bill....(Interruptions)

**HON. CHAIRPERSON :** Please conclude now.

**SHRI JAYADEV GALLA :** Sir, one minute. I employ more than 15,000 people in this country. I am paying wages to them and they are also paying taxes. These are very few important points, not to be detrimental or anything but just to share with the Government to improve it.

**HON. CHAIRPERSON:** I think you have completed your time.

**SHRI JAYADEV GALLA** : Sir, both are contradictory to each other. One is prohibiting and the other is computing emoluments such as conveyance allowance, HRA, remuneration payable under any Award and overtime allowance. The Code is also silent about the discrimination in recruitment and I feel that it is a glaring gender discrimination towards women.

My fourth point is, under the Minimum Wages Act, it is mandatory to revise the minimum wages at intervals not exceeding five years. But, if you look at Sub-Clause (4) of Clause 8 of the Bill, it says that the appropriate Government shall review or revise minimum rates of wages ordinarily at an interval not exceeding five years. I feel that the wording in the Clause is loosely worded. Here you are using the word 'ordinarily' which is not proper. ...(Interruptions)

**HON. CHAIRPERSON**: Please conclude now.

**SHRI JAYADEV GALLA** : Hence, I request the hon. Minister to retain the original Section which is clear and does not beat around the bush.

Sir, my next point is, if you look at Clause 9 of the Bill, it is proposed that the Central government will fix floor wages and whatever is fixed by the Central Government is the benchmark for all the States. So, I ask the veracity and tenability of fixation. If one looks at Sub-Clause (3) to Clause 9, it says that the Central Government only consults the States in fixing the minimum wages. It means, the fixation will be thrust upon the States as you are only consulting them. I strongly feel that this amounts to taking away the rights of the States. So, I suggest for consideration of the hon. Minister to substitute the word 'consultation' with 'concurrence'. It is only then you get justified wages for the workers.

Sir, finally, Clause 26(2) says that in case of salary exceeding the threshold limit, the salary can be restricted to threshold limit or the minimum wages,

whichever is higher. Sir, I wish to submit that in case the wage ceiling is removed, all employees irrespective of their salary will become eligible for bonus as per the Act. This may defeat the purpose of the law to share profits among the working class.

With these observations and hoping that the hon. Minister will ponder over the issues raised by me and take remedial measures for giving a better structure and shape to the proposed Code on Wages, I conclude my speech.

**17.58 hrs** (Hon. Speaker *in the Chair*)

*[Translation]*

**SHRI ADHIR RANJAN CHOWDHURY (BAHARAMPUR):** Sir, I am always told that I will be called next but it does not seem the case.

**HON. SPEAKER:** Shri Adhir Ranjan you will be allowed to speak next.

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17.58 ½ hrs

**BUSINESS ADVISORY COMMITTEE**

**6<sup>th</sup> Report**

*[English]*

**THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES (SHRI ARJUN RAM MEGHWAL):** Sir, on behalf of Shri Pralhad Joshi, I beg to lay the 6<sup>th</sup> Report of the Business Advisory Committee before the House.

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17.59 hrs

**CODE ON WAGES BILL, 2019 Contd...**

*[Translation ]*

**SHRI RAJU BISTA (DARJEELING):** Hon. Speaker , many members of opposition are opposing this bill. I would like to tell them that whenever you rise to oppose do keep in mind that at least 50 crore workers are watching you. I would like to start with a poem in Nepali, which was written by Mr. Siddhi Charan Shrestha, which be fits our workers.

*Mitho Khanu ra Ramro Lounu  
Pustak Chyapi Date Rehnu  
Babu Timile Paodei Nhai  
Manushya Ho Tar Janvar Hoin  
Timaro Bausit Paisa Chaen)*

That means eating good food, dressing well and getting quality education is not in your destiny dear, despite being a human you are living like animals, because your father has no money. Though it is a quondam poetry, but still seems precise for people working at Darjeeling Dooars and lowlands as well as those working in tea plantations, Cinchona plantations and people transporting sandstones especially those employed in the unorganized sector at many places in India. Now the first thing that pops up in mind is the necessity of this bill.

Even after 72 years of independence, crores of labourers are still deprived of a dignified life. There is tangled web of archaic laws in the country and we are still following the laws framed by the Britishers. We talk about Right to Education, Right to Health and Right to Information, but till date there is no provision for Right to Wages in our country. There is gender discrimination among the workers, dearth of technology with no access to existing technology, further workers are also being cheated in the name of amenities and welfare. There

is lack of transparency and there is hold of inspector Raj in many sectors even today which sought strict compliance and further complicate things. This reduces the efficiency and productivity of our industries which makes us less competitive worldwide. In order to save the industries, we have to impose safeguards and anti-dumping duty which increases the cost in our own country.

Rarely do in history the lawmakers like us have the privilege to help the exploited and the downtrodden people. I congratulate the Hon. Minister for bringing this Bill which will curb the exploitation of labourers. The Code on Wages Bill would abolish the exploitative labour laws of British era and will lay foundation for a new India. This Bill would be helpful in ensuring ease of doing business and will boost foreign investment in the country which in turn will give momentum to Modi's Make in India Programme.

I would like to put forth certain crucial points of this bill. The Right to Minimum Wages was conceived in the year 1990-91, but no government has been able to implement it till date. The most important point is that this Bill ensures minimum wages to the workers employed in organized and unorganized sectors across the country. After the passing of this bill, about 50 crore workers will get the benefit of National Minimum Wage. This Bill will increase the legislative protection of minimum wages from existing 40% to 100% work force. A simplified wage code has been prepared by subsuming the existing four Acts – the Payment of Wages Act, the Minimum Wages Act, the Payment of Bonus Act and the Equal Remuneration Act, 1976 into this one.

Sir, I would like to mention about my Parliamentary Constituency that tea gardens in this area especially in Bengal are facing lot of problems. Though Minimum Wage Act is implemented here, but about 50 percent of the money is deducted in the name of amenities and welfare consequently nothing comes in the hands of the workers. Tea gardens are on the verge of closure and the

condition of the workers employed in these gardens is very pathetic. ...  
(Interruptions)

**HON. SPEAKER:** Hon. Member, Kindly hold on for a while.

**THE MINISTER OF STATE OF THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE OF THE MINISTRY OF HEAVY INDUSTRIES AND PUBLIC ENTERPRISES (SHRI ARJUN RAM MEGHWAL):** Hon. Speaker , I would urge you to extend the timings of the House till the passing of this bill.

**HON. SPEAKER:** The timings of the House is extended till the zero hour and the passing of this bill as the bill is your subject but the zero hour pertains to all the honorable members.

**SHRI RAJU BISTA:** I would like to urge the Minister concerned that the PLA Act, 1951 needs to be changed in the light of present day India. Further I would like to say that The Code on Wages Bill is a historical bill which would ensure minimum wages and timely payment of wages to 50 crore labourers across the country and will also ensure ease of living while promoting ease of doing business. This Bill would help in abolishing gender discrimination in the country and would ensure equal pay for equal work without any discrimination.

Lastly, I would like to cite few lines:

"manavta ke liye aasha ki kiran jagane waale hum  
shoshit ,pidit bandhuon ke bhagya banana waale hum."

Thank you.

*[English]*

**\*DR. THOL THIRUMAAVALAVAN (CHIDAMBARAM):** Hon. Speaker Sir, thank you for allowing me to speak on this Code on Wages which is aimed at amalgamating four old labour laws into one. Although I welcome this Code being brought with a good intention and aim keeping in view the interests of the labourers and to fix the minimum wage on the basis of a law, I wish to register my concern that this is a move aimed to help the corporate and international companies. All those old laws ensured the safety and protection of rights of the labourers; besides they gave them the right to struggle for their cause. But now this Bill is drafted in such a way that these labourers and workers would not be allowed to go for such struggles in order to protect the interests of corporate and multi-national companies. I want to state one particular aspect. Clause 9 talks about floor wage and minimum wage. The State Governments have the rights to fix the minimum wages. But the floor wage will be decided only by the Union Government. I want to register here that the Union Government which has the right to fix floor wage does not talk about its revision anywhere in this Bill. The Government has fixed the time period for revision of minimum wages once in five years. But this Bill or the amendment Bill remains silent about revision of floor wage and the period of such a revision. If the revision about floor wage is not mentioned, the question arises on how will be the minimum wage revised? I want to say that since the time period for revision of floor wage is not provided, the revision of minimum wage cannot take place. If a State Government has fixed a minimum wage; it will be proper only when such a wage is not less than that of the floor wage. But the minimum wage will be fixed with respect to the fixation of the floor wage. Here will be no option to increase the minimum wage. Therefore, this amendment is against the labourers but in support of the corporate and multi-national companies. As this Bill is totally affecting the interests of the labourers and workers of the country, I request you to send this Bill for the review

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\* English translation of the Speech originally delivered in Tamil.

and consideration of the Standing Committee. Thank you for this opportunity.  
Vanakkam.

[Translation]

**SHRIMATI JASKAUR MEENA (DAUSA):** Hon. Speaker, I rise here to support the Code on Wages Bill, 2019. I am grateful to you that you have given me the opportunity to speak about the interest of the laborers of this country working at the grassroot level. This country is moving ahead at the accelerating pace of development by virtue of the labour of these labourers. Keeping in view the interests of labourers and considering the plight of those working at the grassroots level our glorious Prime Minister has introduced this Bill. As per the recommendations of the Special Committee of Experts appointed by the Government the proposal for minimum wages will prove beneficial for most of the workers. If we consider the minimum wages of 17-18 states then there are six such states where the minimum wage has been fixed at just Rs 69 only. I wonder with this minimal amount of Rs. 69 meeting their daily household expenses is a distant dream they would not be even able to meet their family expenditure by any means. It is the government or the lawmakers who fix such low prices but only the wearer knows where the shoe pinches (*Jaake paon na fati bivai, veh kya jane peer parai*). There are the ones who despite having ruled for a maximum period of 70 years and having enjoyed fruit of power, never thought about the interests of the poor. However, I would like to mention that the contribution of women labourers should also be considered while discussing labourers' issue. Whether it is NREGA or any other sector, women has the maximum contribution into it.

I would like to bring to the notice of the Minister, through you, that even today the contractors and the brokers act as mediators, who first grab their shares and then pay the rest to the labourers. The ugly garb of contract leads to barbarous exploitation of workers, thus the plight of women working in the unorganized sector should be kept in mind while formulating the policies. These women contribute to maximum in every sector, be it construction, agriculture, cattle

rearing or any other unorganized sector about 80% of the workers in all sectors are women, who always earn their livelihood with this passion and say-

*Mehnat kar jo manvi, mehnat sukh ki khan  
Aur bin mehnat reejhe nahi, dhani dharat bhagwan.”*

Sir, even then there are several such contractors who exploit and ignore the sentiments and spirit of women MNREGA workers who somehow nurturing their families. Through you, I would like to bring to the notice of hon. members that there are still some important provisions in this bill for the workers employed in various departments of central government, the railways, in the administrative machinery, food department or the ports etc. and they may be protected as well, but I would also like to mention that 80% of the labourers working in brick kilns are women who carry the load of bricks (both clay and concrete bricks) on their head. I request the Government to make such a provision in this Bill so that these women may not get exploited by the contractors.

Sir, in the present scenario the conditions of laborers is pathetic, I myself belong to the village and reside there. I have direct communication with the labourers. Our administrative machinery hinders the path of benefits guaranteed under various schemes launched by state government or the central government for the welfare of laborers, from reaching the genuine beneficiaries. Today, workers do not possess job cards because the employees appointed at the grassroots level to issue job cards, deceive them and do not accrue them the benefits of these schemes at any cost. The Central or the State Government formulates various welfare schemes for the labourers but it should take stringent steps to provide benefit of these schemes on grass root level. Thank you for providing me the opportunity to speak.

*[English]*

**\*SHRI M. SELVARAJ (NAGAPPATTINAM):** Hon. Speaker Sir, Vanakkam. This Government is trying to block the interest and rights of the labourers of the country through this Bill. I think that it is aimed to attract foreign investments to India. The basic intention is to support the corporate giants and businessmen. Before bringing a Bill on wages, the trade unions should have been consulted and their suggestions should have been included. Only then you can express concern about protecting the interests of labourers. This Bill should ensure industrial relations, wage act, safety of labourers, and social security of labourers. Hon. Finance Minister in the Budget Speech said that all these four aspects, as mentioned by me, will be ensured by the Union Government. But this Bill has taken into consideration only two aspects and the rest are left unattended. Wages differ from State to State. This Government talks of one nation; why should not it bring a uniform wage throughout the country? There are differences in wage structure from one State to another. A woman, who work in brick kiln, particularly women labourers are affected. Sir, I am, on behalf of Communist Party of India. The women labourers face extreme hardships and face difficulties. We should work in unison to mitigate their sorrows and sufferings. They have mentioned about wage revision. This revision will be done once in five years. The term of the Government is only five years. So, this five-year term cannot be taken as a feasible one. Therefore, the wage should be revised once in two years. The Government should revise this during its term. Whoever be in Government, the wage revision is not possible after completion of their five-year term. I want to say that the wage revision once in two years which will be treated as a right measure. Particularly there is no job security for the labourers who toil hard. The job security aspect should be included in this Bill. Otherwise their lives will not be protected. Rs25,000/- should be fixed as minimum wage per month. They should be provided with job security and equipment. If the labourers or workers

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\* English translation of the Speech originally delivered in Tamil.



end up in accidents at work places, an assistance of Rs.5 lakh should be provided. If a labourer dies due to an accident at work place, this Bill should ensure at least Rs. 10 lakh as compensation to his family members. Even if a labourer has served for a limited period, he should be provided bonus. Chapter 4 Part 2 talks about wrong measures. This should be corrected.

Thank you for this opportunity. Vanakkam.

*[Translation]*

**HON. SPEAKER:** Hon. Member, now kindly settle down.

*... (Interruptions)*

**HON. SPEAKER:** Hon. Minister, before framing rules to this effect, kindly contact and consult with the honorable member.

Hon. Member, Hon. Minister will contact you.

*.... (Interruptions)*

**HON. SPEAKER:** Shri N.K. Premachandran, you may speak now.

*.... (Interruptions)*

*[English]*

**SHRI N. K. PREMACHANDRAN (KOLLAM):** Mr. Speaker, Sir, this is a very important legislation which brings drastic changes to the labour sector in the country. This is the first code which the Government has brought before the House.

Sir, since Independence, all our labour legislations have been pro labour. You may kindly see that the concept of labour in India has been that labour is the weaker section of the society and, therefore, the interests of the labour have to be

protected. Labour is a class exploited by the employer. This is the basic concept of Indian labour.

Unfortunately, after liberalisation, privatisation and globalisation, that concept has changed drastically. As a part of that change now, labour becomes a commodity in the productive sector and employer becomes a facilitator without any social commitment. This is a paradigm shift from the original policy wherein labour is a weaker force and requires protection under the labour laws. This is the shift which has taken place in the country.

Sir, there are many positive suggestions in the Wage Code Bill and I do accept and recognise those positive formulations. At the same time, I strongly oppose the change that is sought to be brought in the concept of labour. Shifting the concept of labour from one side to the other side, has to be reconsidered by the Government. That is the first suggestion which I would like to make.

The salient features of the Bill are: (1) appropriate Government may declare the minimum wages; (2) national floor minimum wage will also be declared; (3) minimum wage must be revised every five years; (4) overtime allowance will be given to the extent of twice the wages; (5) gender discrimination is prohibited; (6) minimum bonus is 8.33 per cent and maximum is limited to 20 per cent. I am going by the bullet points. Please grant me some time so that I can highlight the drawbacks in the Bill.

The first drawback in the Bill is this. We are declaring the national minimum floor wages. However, though the Bill speaks about a uniform national minimum wage, that national minimum wage will vary from place to place. That means, there will be a multiplicity of national minimum wages. Having different floor wages for different geographical areas makes national rate a deceptive ploy to mislead the people. I suggest that there should be a single statutory national minimum wage applicable to all the workers and regional differences can be

adjusted by taking into account the cost of allowances. If you can add the cost of allowances along with the minimum wages, you can very well rectify the anomaly that arises because of regional differences. That is my first suggestion.

The second drawback is that the formula for fixing the minimum wages is kept out of the Bill. In the 46<sup>th</sup> Indian labour Conference in 2015, which was attended by hon. Prime Minister Narendra Modi also, there was unanimity on this. Everybody had unanimously agreed on this then. The norms were also accepted and adopted in that National Labour Conference.

Unfortunately, it is lacking in this Bill. The formula by which the minimum wages have to be given is missing in this Bill. That is one of the major drawbacks in this Bill. The Bill gives unfettered discretion or authority to the Government in fixing minimum wages. That is the second drawback which I would like to mention.

The third drawback is regarding clause 13 of the Bill, which states that, the appropriate Government may fix the number of hours for a normal working day. At present, the minimum working hours is eight. The appropriate Government may fix the number of hours for a normal working day – that has to be revisited.

The fourth drawback relates to employee and worker. This is the first time that in a Bill, employee and worker are defined simultaneously. Differentiating employee and worker and giving separate definition will give room for exploitation of workers. So, I suggest a comprehensive definition for employee and worker to avoid discrimination between worker and employee. That is my suggestion.

The fifth drawback is that the Bill is lacking credibility due to the weak enforcement mechanism. Just now, an hon. Member from the Treasury Benches

and also most of the Members spoke about inspector *raj*. Who is afraid of inspector *raj*? What does inspector *raj* mean? Whether the law is being further enforced; whether minimum wages are being provided; whether bonus is being provided; and whether all these benefits of the workers is being provided; if you do not have any inspector, who will look after all these things? Even BMS is opposing it and because of the stringent opposition made by the BMS, the facilitator has come into the Bill. You are all opposing inspector *raj*. Due to this the poor workers in the country will have to suffer. Who will look after them? So, here, the inspector should also be there. Facilitator has come, I do agree and I appreciate. This is a positive change the Government has taken. But the Bill lacks enforcement. If there is inspector-cum-facilitator in place of inspector, there will be a dilution of the enforcement mechanism. Liberalising labour inspection system is in utter violation of the International Labour Organisation, Labour Inspection Convention, 1947.

Sir, the systematic dilution and weakening of the labour law enforcement machinery and attempt aggressive de-unionisation will adversely affect the collective bargaining capacity of the workers. Hon. Minister, you may please look into the enforcement mechanism.

The fifth drawback is regarding the Equal Remuneration Act of 1976. It prohibits gender discrimination. But, at the same time, regarding recruitment, gender discrimination is still there. Regarding the wages and conditions of service, gender discrimination is prohibited. As far as recruitment is concerned, there is no provision for prohibition of gender discrimination.

With these observations and suggestions, I appeal to the hon. Minister that all the Codes, including the Labour Codes may be kindly sent to the Standing Committee for close scrutiny and it should also be invited for public debate. Only

after that, the Bill should be brought to the House. With these suggestions, I conclude my speech.

Thank you very much, Sir.

*[Translation]*

**THE MINISTER OF STATE OF THE MINISTRY OF LABOUR AND EMPLOYMENT (SHRI SANTOSH KUMAR GANGWAR):** Hon. Speaker, through you, I would like to thank the House that our 22 fellow members of Lok Sabha have made their points here. I would further like to add that all the Members have welcomed this Bill. Some fellow members have also offered their suggestions in this regard. We are in constant touch with Mr. Premachandran and hold discussions with him. I believe that we are taking a historic step to ensure minimum wages and timely payment for 50 crore labourers working in the organised and unorganised sector in the country.. ... (Interruptions) The minimum wages higher than the floor wage cannot be separately fixed by the central or state governments, they have to unanimously agree on this decision.

This Code provides for the determination of a floor wage by tripartite institution in consultation with trade unions, employers and states.... *(Interruptions)* As I have mentioned earlier the floor wage will be determined by the labour organisations, employers and the State Government. The Central Government will notify it later. We cannot act differently. The Code on Wages bill is an amalgamation of four labour regulations and keeping in line with the present scenario we have also considered the limitation period for filing the claims. We have come to the conclusion that on all matters time limit for filing claims be extended to three years and the workers can file their claims within three years. For this, they will also be provided suggestions.

All the Members have expressed their views in this regard and we completely understand their concern. We can assume that employees and

employers are the two sides of the same coin. They are in harmony with each other. The Bill has many beneficiary provisions for the workers. On the other hand, the need of doing business easily and simply has also been taken care of. It ensures that the possibilities of corruption are bare minimum. As far as employers are concerned, with an intent to have a uniform definition of wages across all legislations as well as to minimise litigation, the definition of “wages” has been unified. ... *(Interruptions)* Labor law consists of 12 different types of definitions of wages, which results in considerable confusion. Hence uniformity in all definitions.... *(Interruptions)*

**HON. SPEAKER:** Honorable Member, I will have to call your name. Don't get up from your seat. If you do, I will call your name and if your name is called over again, you will have to leave the house. ... *(Interruptions)*

**18.27hrs**

*(At this stage, Shri Bhagwant Mann left the House)*

**SHRI SANTOSH KUMAR GANGWAR:** Hon. Speaker sir, I would like to urge the hon. member that if he has anything specific to convey, he can come to my office and inform us about it. ... *(Interruptions)* Uniformity is being ensured in all definitions. The penalties are being rationalized. Compounding is also being ensured and filing of returns is also being simplified. The system of inspection has been made transparent and accountable. A provision for the jurisdiction free inspection is in line to check the possibilities of corruption. I am of the opinion that all the 22 members who have raised their points, will witness a lot of facilities in the ensuing time and will be convinced that we are working unanimously for the interests of the laborers. We are taking a historic decision.

I am saying so because about 50 crore laborers are engaged in various organized and unorganized sectors of the country and as some of our honorable members have pointed out that it is indeed no small feat to ascertain as to who is

engaged in what kind of unorganized labour such as a house maid, a shopkeeper's assistant or as a street vendor. We are aware of this concern. But there is general consensus over one point that Modi ji makes everything possible. I can only assure you that our government will not disappoint you and the Labourers from all over the country are paying attention to us. Workers from across the country interact with us and wonder over this bill as to how we understood their plight. I recall that our honorable Prime Minister had discussed about the lowest strata of the society in his first meeting itself and asked us to chalk out a plan to ensure benefits to them. Today we are presenting this bill before you. If anyone has any speculations regarding it then they can approach and inform us. We will try to resolve it.

I am of the view that once it becomes law, we will discuss the points raised by all our hon. members. We will interact with those members and resolve their queries whenever the need arises. Therefore, I request the House to pass this important bill, so that in the times to come, the workers will realise that we are working with one accord to address their concerns.

**HON. SPEAKER:** Shri M.K. Raghavan, would you like to seek any clarification?

*[English]*

**SHRI M. K. RAGHAVAN (KOZHIKODE):** Thank you, Speaker, Sir, for giving me this opportunity. I would like to highlight some points to get clarifications from the hon. Minister.

The Code outlines various deductions to be made and also indicates that the employee will not be responsible after the employer has deducted these, but not deposited with any Trust or Government fund. What action will be taken against the employer?

There is ambiguity in the definition of the term 'worker' and 'employee'. Lack of consistency will discriminate between the worker and the employee.

While defining the provisions of wage, length of service in an organisation should also be considered. This is not reflected in the Bill.

The definition of 'gender' also needs elucidation. This has not been properly defined anywhere in the Act. In fact, all the three, that is male, female, and transgender, should be included

The penalty imposed for the employer is too meagre.

*[Translation]*

**HON. SPEAKER:** Hon. Member, if you need any further clarification on this matter, you can take it from Honorable Minister, for this you don't need to provide that much detail.

**DR. SATYA PAL SINGH (BAGHPAT):** Hon. Speaker, firstly I would like to congratulate the Hon'ble Minister for introducing such an apt bill. Hon. Speaker, I have a chart of Ministry of Labor dated October 1, 2018, and in that chart the amount of minimum wages earmarked for sanitation workers, and for the labourers engaged in the farmer's farm are specified. I would like to bring to the



notice of all the honorable members that the sweeper gets Rs.558 as minimum wage and those engaged in the agricultural sector and are considered as semi-skilled gets Rs.389 as minimum wage and those regarded as unskilled gets Rs.355 as minimum wage, my question to the Hon'ble Minister is that on what grounds do we fix the minimum wages. The laborer engaged in agricultural activities gets Rs.355 and the sweeper gets Rs.558 and the lowest amount granted to unskilled is Rs.373. I am of the opinion that while calculating the minimum wage under CACP, bethinking on doubling the income of farmers, fixing their minimum support price, if less amount of minimum wage is offered to those engaged in agriculture, then it results in huge loss to the farmers. I would like to ask the Hon'ble Minister whether the labourers working in the farmer's field have less respect?

**HON. SPEAKER:** Shri Hanuman Beniwal. Honorable Minister, would respond to this later. You are an experienced person, there will not be any issue.

**SHRI HANUMAN BENIWAL (NAGAUR):** Hon. Speaker sir, I support this bill and this is the first time since 70 years of independence that the government has alluded to the laborer, the poor, and the person residing in the remotest area of the village. Sir, you seem a bit angry, so I would not seek much clarification. Under this bill, it has also been decided that no state government can fix the minimum wage less than the amount as notified by the Centre though the state government is allowed to fix minimum wage higher than as prescribed by the centre in case it wishes so. I would like to seek clarifications on two-three points. Separate provisions should be made for families engaged in sewage treatment as they do not exceed 50, 55 and 60 years of age. Secondly, as far as labourers employed in brick kilns, and those working in the cement companies are concerned, they are first assured of rehabilitation if their land is acquired but at the same time their wages, shares, etc., also needs to be ensured. Silicosis occurs most commonly as an occupational disease, and is prevalent in Rajasthan,

Madhya Pradesh, Maharashtra and Orissa among the workers engaged in mining as large scale mining activities is a common affair in these states. ... *(Interruptions)* Hon. Speaker, just a minute. I am concluding myself. There, the money granted to those dying of silicosis disease, should be increased. I would like to urge that even after 70 years of independence, despite ruling for around 50 years, they never thought about the workers. ... *(Interruptions)* Hon. Speaker, just give me a minute.

**HON. SPEAKER:** There is no need to take any clarification on this point as to who ruled the country. You may please sit down.

**SHRI HANUMAN BENIWAL:** Sir, I was just raising my point here. I urge that more than 50 crore laborers are looking forward to hear from you and from Modi ji, they are certainly hoping for guaranteed quality education for their children and adequate medical facilities for themselves in the light of the introduction of this bill. The worker's son will also be able to get admission in a reputed school and in a recognized university. The minister concerned should amply protect the interests of the laborers. We have been able to form the government because we always protect the interests of the workers and we shall remain in power if we continue to do so.

*[English]*

**SHRI BHARTRUHARI MAHTAB (CUTTACK):** My one quick question is this. This Code, after it is passed by both the Houses -- the Lok Sabha and the Rajya Sabha -- will definitely revolutionise the labour position.

But here, it has been very categorically mentioned that this will cover all sectors -- industries, trade and business, manufacturing, and occupation that is carried out. My question here is to a specific sector, that is, the film industry sector. A large number of people are engaged as technicians. They are all in the

unorganised sector. Nobody is confirmed. Of course, they get adequate wages, but no other facility is provided to that sector.

I would like to know from the hon. Minister whether that sector is coming under this Code or not. What specific provisions are you going to make for those technicians of film industry? Thank you, Sir.

*[Translation]*

**PROF. SOUGATA RAY (DUM DUM):** Sir, I have a small query. Hon. Minister, as per the definitions, [English] Clause 2(k) states "employee" means, any person other than an apprentice, etc., employed on wages by an establishment to do any skilled, semi-skilled or unskilled, manual, operational, supervisory, managerial, administrative, technical or clerical work for hire or reward. [Translation] This was the definition of employee. Then they say [English] a "worker" means any person except an apprentice employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied. [Translation] You have used two different connotations for the same term in the same bill. One word is employee and the other is worker. We will have to bear the brunt of owners for this. Similarly, the representatives of labourers are so handicapped, you shouldn't have coined two different terms, merge them both, there will not be any problem. This is all I have to say.

**HON. SPEAKER:** Hon. Member, Adhir Ranjan Chowdhury.

**ADHIR RANJAN CHOWDHURY:** Sir, I would like to seek clarification on two-three points.

**HON. SPEAKER:** Mr. Adhir Ranjan, don't beat about the bush. You may ask questions like Dada.

*[English]*

**SHRI ADHIR RANJAN CHOWDHURY** : The Universal Minimum Wage scheme is fine. There is no doubt about it. I would like to know from the hon. Minister whether you have the administrative wherewithal to enforce it or not. I would also like to know whether you have the enforcement mechanism to implement it or not.

The Code is silent on who constitutes the “employer”. The definition suggested in the Code fails to understand the range of “employer”, who falls outside the purview of employment laws and does not account for those employers who hire workers on oral contract. *[Translation]* They hire Labor on word of mouth and labourers start working with those employers, what will you do in such case?

*[English]*

As per the recently released PLFS, 71 per cent of regular and wage workers do not have written contracts and 64 per cent do not provide any form of social security to their workers. In this case, it is difficult to assign the accountability towards employers, who are nonetheless ‘ghost employers’, whose presence can be felt, but cannot be seen on the surface. *[Translation]* . I just meant that you are taking employee into consideration, but what about the employer what if they turn out to be a ghost employer. Those with salaries amounting to Rs. 16,000 have not been included under the definition of employee. At the same time, there is no clear definition of apprentices.

The last point is that *[English]* the Code dilutes the Equal Remuneration Act. *[Translation]* The participation of women in the Central Advisory Board constituted with regard to the minimum wages, have been reduced it to bare one-third as compared to that of 50 percent earlier. You have not given any clear definition about transgender in this and you have cornered them all. This slight discrimination should be put to an end.

The Pay Commission has earmarked Rs.18,000 as minimum wage. The Pay Commission has advised you to fix Rs.18, 000 as minimum wage. What is your opinion in this regard?

**SHRI PALLAB LOCHAN DAS (TEZPUR):** Honorable Speaker sir, I would like to ask the Honorable Minister, whether the government is planning to set up a technical committee with regard to the fixation of wages by the various officials of the government in consultation with the employers and the workers and can we discuss that formula of wage fixation?

Secondly, I am of the view that though the variable allowances and basic pay needs to be revised periodically, yet many states have not analysed the requirement of revision. I would like to know if there will be any mechanism to monitor that revision.

*[English]*

**SHRI M. SELVARAJ (NAGAPATTINAM):** Sir, a lot of skilled and unskilled workers are working in CPCL and ONGC, public sector undertakings which are situated in my constituency. They are working there for more than 10 years now. Will they be given confirmed jobs? I want to know this from the hon. Minister.

**SHRI P. P. CHAUDHARY (PALI):** Sir, even after so many years, the problem of contract labour is there. In this Code the 'establishment' includes 'Government establishment' also. Most of the times we see that the Government establishments employ people through contractors. But as per various decisions of the Supreme Court in the last 20 years, if the place of work, supervision, and payment of salary is done by the principal employer, *i.e.*, by the Government, he has to be paid equal pay. Is labour through contractor permissible under this Code? At the same time, he is not getting equal pay for equal work only on the ground that he is a labour of contractor and not the labour of the principal employer whereas he is working with the principal employer, salary is being paid

by the principal employer, the establishment is of the principal employer and supervision is also of the principal employer. What is the clarification on this issue?

*[Translation]*

**PROF. S.P. SINGH BAGHEL (AGRA):** Sir, I feel that the terms like 'worker' and 'labor' are laden with inferiority complex. I suggest that it would be better to address them as 'wage earners' as they survive on the strength of their hard work. We live in the magnificent houses because of the hard work of these laborers, our brick kilns run on and our crops flourish in the farms due to the toiling labor of these people.. 'Labourer' is not a respectable term. They should better be referred as 'Wage earners'. These are landless, homeless people and are alive by virtue of their labor, as we have stopped the usage of the terms like 'sweeper', 'peon' and have started referring them as 'assistants' in a similar manner labourers should also be addressed as wage earners. It will not cause any financial burden on us and they will like it too.

Thank you.

**SHRI BIDYUT BARAN MAHATO (JAMSHEDPUR):** Speaker sir, the wages of MNREGA workers of my Jharkhand Parliamentary Constituency are abysmally low. I would like to ask the Hon'ble Minister whether the provision of minimum wages will also apply to the MNREGA laborers across the country.

**SHRI SANTOSH KUMAR GANGWAR:** Sir, MGNREGA falls under the purview of the Ministry of Rural Development and to the best of my knowledge, the amount of funds earmarked to be granted under MNREGA is increasing on a yearly basis. There is a positive side to it. If the honorable member has any individual query, he may contact the Minister of Rural Development and discuss his issues with him.

Hon. Speaker sir, many fellow members have given their valuable suggestions. As far as the definition of employee and worker is concerned, one who falls under the supervisory category is tacitly inferred to be performing a completely different role, so there is a slight difference between both the terms.

The term employer is defined in section 2 (f). I can't read it to you right now, but of course, if you all go through it, you will get to know.

The term 'apprentice' is already not mentioned in our labour law and we are not going to include it either. So far as the term apprentice is concerned, we are not going to interfere with the provision made.

As far as the issue pertaining to MNREGA is concerned,... *(Interruptions)* all I have to say is that we are considering the suggestions given by Mr. P.P. Chaudhary. All the members have made their valid points, but I am of the opinion that we are going to take a historic step. You are expressing your concern now but no one has ever wondered about the 40 crore laborers of the country so far. Our Government and the Prime Minister are concerned about them. They are contemplating to ensure certain minimum wages to them. ... *(Interruptions)* After this bill is passed, we will hold discussions with everyone as per our prescribed procedure. We will fix the minimum wages in consultation with employers, employees and the state governments.

Now, I would like to thank all my fellow members and request the House with the hope, that the Bill be passed. The labourers across the country will definitely be benefited with this and will express their heartfelt gratitude towards you all.

*[Translation]*

**HON. SPEAKER :** The question is :

“That the Bill to provide for the amendment and consolidation of the laws relating to wages and bonus and matter connected therewith or incidental thereto be taken into consideration.”

*The motion was adopted.*

**HON. SPEAKER:** Now the House will take up clause by clause consideration.

Amendment numbers 13 to 15 and 49 to 57

**Clause 2**

**Definitions**

**HON. SPEAKER:** Prof. Sougata Ray, do you wish to move Amendment nos. 13 to 15 and 49 to 57?

**PROF. SOUGATA RAY:** Hon'ble Speaker, kindly take it up clause by clause and not altogether.

**HON. SPEAKER:** Your amendments have been clubbed. Please sit down and listen once again.

Amendment nos. 13 to 15 and 49 to 57

*[English]*

**PROF. SOUGATA RAY:** Sir, I have not completed my submission. Let us not make a mistake. I have given notices for moving amendments from 13 to 17 and 49 to 58. So, I have given notices for a number of amendments. Our normal process is to take up clause by clause. *[Translation]* The clause should be taken up and then the relevant amendment may be moved. It is not a personal issue. The amendment to every clause should be considered separately. If you want to make the process short, it will be a violation of parliamentary practice in my view. I do not want Hon'ble Speaker to violate the parliamentary practice.

**HON. SPEAKER:** Hon. Member, your amendments have been clubbed and they pertain to Clause 2.

Hon. Member, you have submitted amendments clause by clause to Clause 2 and that is why, they have been clubbed. We are not changing the practice. The



day we change the practice, it can be changed through Direction by the Speaker. You have given me this right. However, I am not changing the order today.

...(Interruptions)

**SHRI SANTOSH KUMAR GANGWAR:** I promise all those colleagues who have proposed amendments that I will sort out the issues after meeting them personally. I request you to kindly withdraw your amendments.

**HON. SPEAKER:** Hon. Members, Hon. Minister has requested you. The rest is up to you. It is your right to move amendment. Hon. Minister has made a personal request that he will hold extensive discussion with all the Hon. Members regarding the Bill at the time of framing rules, however, it is your right.

...(Interruptions)

**HON. SPEAKER:** Shri N.K. Premchandranji, do you wish to move your amendment?

[English]

**SHRI N. K. PREMACHANDRAN (KOLLAM):** I beg to move:

“Page 2, for lines 22 to 24,--

*substitute* “(i) undertakes to produce a given result for the establishment including a person supplying goods or articles of manufacture to such establishment through contract labour; or” (30)

[Translation]

**HON. SPEAKER:** I shall now put Amendment no. 30 to Clause 2 moved by Shri N.K. Premchandran to the vote of the House.

*Amendment was put to vote and negatived.*

**HON. SPEAKER:** The question is:

“That Clause 2 stand part of the Bill.”

*The motion was adopted.*

*Clause 2 was added to the Bill.*

*Clause 3 and 4 were added to the Bill.*

**Clause 5                      Payment of minimum  
rate of wages**

**HON. SPEAKER:** Shri P.R. Natarajan , do you wish to move your amendment?

*[English]*

**SHRI P. R. NATARAJAN:** I beg to move:

“Page 6, line 3,--

*after*                      “employee”

*insert*                      “and/or/worker”. ”                      (1)

*[Translation]*

**HON. SPEAKER:** I shall now put amendment no. 1 to Clause 5 moved by Shri P.R. Natarajan to the vote of the House.

*Amendment was put to vote and negatived.*

**HON. SPEAKER:** N.K.Premchandran ji, do you wish to move your amendment ?

[English]

**SHRI N. K. PREMACHANDRAN:** I beg to move:

“Page 6, line 3,--

*after* “wages”

*insert* “less than eight hundred rupees per day or the wages”.

” (31)

[Translation]

**HON. SPEAKER:** I shall now put amendment no. 31 to Clause 5 moved by Shri N.K. Premchandran to the vote of the House.

*Amendment was put to vote and negatived.*

**HON. SPEAKER:** The question is:

“That Clause 5 stands part of the Bill.”

*The motion was adopted.*

*Clause 5 was added to the Bill.*

### **Clause 6**

### **Fixation of minimum wages**

**HON. SPEAKER:** Shri Sougata Ray ji, do you wish to move your amendment?

**PROF. SOUGATA RAY:** Sir, I am not moving.

**HON. SPEAKER:** Shri N.K.Premchandran, do you wish to move your amendment?

[English]

**SHRI N. K. PREMACHANDRAN:** I beg to move:

“Page 6, line 6,--

*after* “wages”

*insert* “not less than eight hundred rupees per day”. (32)

Page 6, line 8,--

*after* “wages”

*insert* “not less than eight hundred rupees per day”. (33)

Page 6, line 20,--

*after* “prescribed”

*insert* “but not less than eight hundred rupees per day”. (34)

Page 6, line 25,--

*after* “or both; and”

*insert* “the minimum rate of wages for unskilled workers shall be not less than eight hundred rupees per day, for skilled and semi-skilled workers not less than one thousand five hundred rupees per day and one thousand two hundred rupees per day, respectively, and for highly skilled not less than two thousand rupees per day”.” (35)

*[Translation]*

**HON. SPEAKER:** I shall now put amendment nos. 32 to 35 to Clause 6 moved by Shri N.K.Premchandran to the vote of the House.

*Amendments were put to vote and negatived.*

**HON. SPEAKER:** The question is:

“That Clause 6 stands part of the Bill.”

*The motion was adopted.*

*Clause 6 was added to the Bill.*

#### **Clause 7                      Components of minimum wages**

**HON. SPEAKER:** Shri P.R.Natarajan, do you wish to move your amendment?

*[English]*

**SHRI P. R. NATARAJAN:** I beg to move:

“Page 6, *after* line 44,--

*add* “(1A) The component of minimum wages as specified in clauses (a), (b) and (c) of sub-section (1) shall be computed on the basis of the norms/criteria recommended by the 15<sup>th</sup> Indian Labour Conference (1957) and the directions of the Supreme Court in the Repttakos Co. Vs Workers’ Union (1992) and also as unanimously recommended by the 44<sup>th</sup> (2012), 45<sup>th</sup> (2013) and 46<sup>th</sup> (2014) Indian Labour Conferences”.”                      (2)

*[Translation]*

**HON. SPEAKER:** I shall now put amendment no. 2 to Clause 7 moved by Shri P.R.Natarajan to the vote of the House.

*Amendment was put to vote and negatived.*

**HON. SPEAKER:** Sougata Ray ji, do you wish to move your amendment?

**PROF. SOUGATA RAY :** Sir, I am not moving.

**HON. SPEAKER:** The question is:

“That Clause 7 stands part of the Bill.”

*The motion was adopted.*

*Clause 7 was added to the Bill.*

“

**Clause 8**

**Procedure for fixing and  
revising minimum wages**

**HON. SPEAKER:** Shri P.R. Natarajan, do you wish to move your amendment?

*[English]*

**SHRI P. R. NATARAJAN :** I beg to move:

“Page 7, line 7,--

*Omit* “either”. (3)

Page 7, *after* line 7,--

*insert* “(a) ensure that the fixation of minimum wage is as per the norms/criteria recommended by the 15<sup>th</sup> Indian Labour Conference (1957) and the directions of the Supreme Court in the Repttakos Co. Vs Workers’ Union (1992) and also as unanimously recommended by the 44<sup>th</sup> (2012), 45<sup>th</sup> (2013) and 46<sup>th</sup> (2014) Indian Labour Conferences”. (4)

Page 7, *for* lines 8 and 9,--

*substitute* “(aa) appoint as many committees as it considers necessary to implement the norms/criteria as specified in clause (a) of this sub-section and shall also take into consideration the basis of the price-level (Consumer Price Indices) prevalent at the time of appointment or as per the terms of reference on the period decided by the Government to arrive at the minimum wage figures;”. (5)

Page 7, *for* lines 20 to 25,--

*substitute* “(3) After examining the figures of minimum wage arrived at by the committee appointed under clause (aa) of sub-section (1), the appropriate Government shall by notification fix or, as the case may be, revise the minimum rates of wages and unless such notification otherwise provides, it shall come into force on the expiry of three months from the date of its issue”. (6)

Page 7, line 29,--

*omit* “ordinarily”. (7)

*[Translation]*

**HON. SPEAKER:** I shall now put Amendment nos. 3 to 7 to Clause 8 moved by Shri P.R. Natrajan to the vote of the House.

*Amendments were put to vote and negatived.*

**HON. SPEAKER :** Shri Kodikunnil Suresh, do you wish to move your amendment?

[English]

**SHRI SURESH KODIKUNNIL(MAVELIKKARA):** I beg to move:

“Page 7, line 30,--

for “five years”

substitute three years”. ” (18)

[Translation]

**HON. SPEAKER:** I shall now put amendment no. 18 to Clause 8 moved by Shri Kodikunnil Suresh to the vote of the House.

*Amendment was put to vote and negatived.*

**HON. SPEAKER:** Shri N.K. Premchandran, do you wish to move your amendment?

[English]

**SHRI N.K. PREMACHANDRAN :** Sir, I am not moving amendment No. 36.

[Translation]

**HON. SPEAKER:** Prof. Sougata Ray, do you wish to move your amendment?

[English]

**PROF. SOUGATA RAY:** Sir, I am not moving amendment Nos. 59 and 60.

[Translation]

**HON. SPEAKER:** The question is:

“That Clause 8 stand part of the Bill.”

*The motion was adopted.*



*Clause 8 was added to the Bill.*

**Clause 9**

**Power of Central Government  
to fix floor wage**

**HON. SPEAKER:** Shri P.R. Natarajan, do you wish to move your amendment ?

*[English]*

**SHRI P.R NATARAJAN:** Sir, I beg to move:

Page 7, line 32,--

*after*            “in such manner as may be prescribed”

*insert*            “and on the basis of the norms/criteria recommended by the 15<sup>th</sup> Indian Labour Conference (1957) and the directions of the Supreme Court in Reptakos Co. Vs Workers’ Union (1992) and also as unanimously recommended by the 44<sup>th</sup> (2012), 45<sup>th</sup> (2013) and 46<sup>th</sup> (2014) India Labour Conferences.”.            (8)

*[Translation]*

**HON. SPEAKER:**I shall now put amendment no. 8 to Clause 9 moved by Shri P.R.Natarajan to the vote of the House.

*Amendment was put to vote and negatived.*

**HON. SPEAKER:** Prof. Sougata Ray, do you wish your amendment ?

*[English]*

**PROF. SOUGATA RAY:** Sir, I am not moving amendment No. 61.

*[Translation]*

**HON. SPEAKER:** The question is:

“That Clause 9 stands part of the Bill.”

*The motion was adopted.*

*Clause 9 was added to the Bill.*

**Clause 10**

**Wages of employee who works  
for less than normal working day**

**HON. SPEAKER:** Shri N.K. Premchandran, do you wish to move your amendment ?

*[English]*

**SHRI N.K. PREMACHANDRAN:** Sir, I am not moving amendment No. 37.

*[Translation]*

**HON. SPEAKER:** The question is:

“That Clause 10 stands part of the Bill.”

*The motion was adopted.*

*Clause 10 was added to the Bill.*

**Clause 11**

**Wages for two or more  
classes of work**

**HON. SPEAKER:** Prof. Sougata Ray, do you wish to move your amendment ?

*[English]*

**PROF. SOUGATA RAY :** Sir, I am not moving amendment No. 62.

*[Translation]*

**HON. SPEAKER:** The question is:

“That Clause 11 stands part of the Bill.”

*The motion was adopted.*

*Clause 11 was added to the Bill.*

*Clause 12 was added to the Bill.*

**Clause 13      Fixing hours of work for  
normal working day**

**HON. SPEAKER:** Prof. Sougata Ray, do you wish to move your amendment?

*[English]*

**PROF. SOUGATA RAY:** Sir, I am not moving amendment No. 63.

*[Translation]*

**HON. SPEAKER:** The question is:

“That Clause 13 stand part of the Bill.”

*The motion was adopted.*

*Clause 13 was added to the Bill.*

*Clause 14 was added to the Bill.*

**Clause 15                      Mode of payment of wages**

**HON. SPEAKER:** Shri N.K.Premchandran, do you wish to move your amendment ?

*[English]*

**SHRI N.K. PREMACHANDRAN :** Sir, I am not moving amendment No. 38.

*[Translation]*

**HON. SPEAKER:** Prof. Sougata Ray, do you wish to move your amendment ?

*[English]*

**PROF. SOUGATA RAY :** Sir, I am not moving amendment No. 64.

*[Translation]*

**HON. SPEAKER:** The question is:

“That Clause 15 stands part of the Bill.”

*The motion was adopted.*

*Clause 15 was added to the Bill.*

*Clause 16 was added to the Bill.*

**Clause 17                      Time limit for payment of wages**

**HON. SPEAKER:** Shri N.K.Premachandran, do you wish to move your amendment ?

*[English]*

**SHRI N.K. PREMACHANDRAN:** Sir, I am not moving amendment Nos. 39 and 40.

*[Translation]*

**HON. SPEAKER:** Prof. Sougata Ray, do you wish to move your amendment?

*[English]*

**PROF. SOUGATA RAY :** Sir, I am not moving amendment Nos. 65 and 66.

[Translation]

**HON. SPEAKER:** The question is:

“That Clause 17 stand part of the Bill.”

*The motion was adopted.*

*Clause 17 was added to the Bill.*

**Clause 18                      Deductions which may be  
made from wages**

**HON. SPEAKER:** Shri Kodikunnil Suresh, do you wish to move your amendment ?

*[English]*

**SHRI KODIKUNNIL SURESH:** Sir, I beg to move:

Page 10, line 4,--

*after*                      “absence from duty”

*insert*                      “after it is proved that the absence is in contravention  
of employment conditions agreed upon and laid down”.

(19)

*[Translation]*

**HON. SPEAKER:** I shall now put amendment no. 19 to Clause 18 moved by Shri Kodikunnil Suresh to the vote of the House.

*Amendment was put to vote and negatived.*

**19.00 hrs**

**HON. SPEAKER:** Shri N.K.Premachandranji, do you wish to move your amendment?

*[English]*

**SHRI N. K. PREMACHANDRAN:** Sir, I beg to move:

Page 11, line 10,-

*for* “fifty per cent.”

*substitute* “thirty-five per cent.”. (41)

Page 11, line 11,-

*for* “fifty per cent.”

*substitute* “thirty-five per cent.”. (42)

Page 11, line 16,-

*insert* “Provided that the deductions under clauses (m)

and (n) are affected only after proving the loss under

the due process of law.”. (43)

*[Translation]*

**HON. SPEAKER:** I shall now put amendment nos. 41 to 43 to Clause 18 moved by Shri N.K. premachandran to the vote of the House.

*Amendments were put to vote and negatived.*

HON. SPEAKER: Prof. Sougata Ray ji, do you wish to move your amendment ?

*[English]*

**PROF. SOUGATA RAY:** Sir, I am not moving my Amendment No. 67.

*[Translation]*

**HON. SPEAKER:** The question is:

“That Clause 18 stand part of the Bill.”

*The motion was adopted.*

*Clause 18 was added to the Bill.*

*Clause 19 was added to the Bill.*

**Clause 20**

**Deductions for absence from duty**

**HON. SPEAKER:** Shri P.R. Natarajan ji, do you wish to move your amendment ?

*[English]*

**SHRI P. R. NATARAJAN:** Sir, I had given only selected amendments. I beg to move:

Page 11, *omit* lines 46 to 48 (9)

Page 12, *omit* lines 1 to 7 (10)

*[Translation]*

**HON. SPEAKER:** I shall now put amendment nos. 9 and 10 to Clause 20 moved by Shri P.R.Natarajan to the vote of the House.

*Amendments were put to vote and negatived.*

**HON. SPEAKER:** Shri N.K. Premachandranji, do you wish to move your amendment ?

*[English]*

**SHRI N. K. PREMACHANDRAN:** Sir, I beg to move:

Page 11, *omit* lines 46 to 48 (44)

Page 12, *omit* lines 1 to 7 (45)

*[Translation]*

**HON. SPEAKER:** I shall now put amendment nos. 44 and 45 to Clause 20 moved by Shri N.K. Premachandran to the vote of the House.

*Amendments were put to vote and negatived.*

**HON. SPEAKER:** The question is:

“That Clause 20 stand part of the Bill.”

*The motion was adopted.*

*Clause 20 was added to the Bill.*

*Clauses 21 to 25 were added to the Bill.*

**Clause 26**                      **Eligibility for bonus, etc.**

**HON. SPEAKER:** Shri Suresh Kodikunnil ji, do you wish to move your amendment ?

*[English]*

**SHRI KODIKUNNIL SURESH:** I beg to move:



Page 13, line 16,-

*for* “twenty per cent.”

*substitute* “twenty-five per cent”. (20)

*[Translation]*

**HON. SPEAKER:** I shall now put amendment no. 20 to Clause 26 moved by Shri Suresh Kodikunnil ji to the vote of the House.

*Amendment was put to vote and negatived.*

**HON. SPEAKER:** The question is:

“That Clause 26 stand part of the Bill.”

*The motion was adopted.*

*Clause 26 was added to the Bill.*

*Clauses 27 to 30 were added to the Bill.*

**Clause 31                      Payment of bonus out of  
allocable surplus**

**HON. SPEAKER:** Shri P.R.Natarajan ji, do you wish to move your amendment ?

*[English]*

**SHRI P. R. NATARAJAN:** Sir, I beg to move:

Page 14, lines 45 and 46,-

*omit* “,but the authority shall not disclose any information

contained in the balance sheet unless agreed to by  
the employer”. (11)

*[Translation]*

**HON. SPEAKER:** I shall now put amendment no. 11 to Clause 31 moved by Shri P.R.Natarajan ji to the vote of the House.

*Amendment was put to vote and negatived.*

**HON. SPEAKER:** The question is:

“That Clause 31 stand part of the Bill.”

*The motion was adopted.*

*Clause 31 was added to the Bill.*

*Clauses 32 to 38 were added to the Bill.*

**Clause 39                      Time limit for payment of bonus**

**HON. SPEAKER:** Shri Suresh Kodikunnil ji, do you wish to move your amendment ?

*[English]*

**SHRI KODIKUNNIL SURESH:** Sir, it is regarding bonus. I beg to move:

Page 17, line 3,-

*for*                      “eight months”

*substitute*          “six months”.                      (21)

*[Translation]*

**HON. SPEAKER:** I shall now put amendment no. 21 to Clause 39 moved by Shri Suresh Kodikunnil ji to the vote of the House.

*Amendment was put to vote and negatived.*

**HON. SPEAKER:** The question is:

“That Clause 39 stands part of the Bill.”

*The motion was adopted.*

*Clause 39 was added to the Bill.*

*Clauses 40 to 41 were added to the Bill.*

**Clause 42**

**Central Advisory Board and  
State Advisory Boards**

**HON. SPEAKER:** Shri N.K. Premachandranji, do you wish to move your amendment ?

*[English]*

**SHRI N. K. PREMACHANDRAN :** Sir, I beg to move:

Page 19, *for* lines 5,-

*substitute* “(a) three representing employees;”. (46)

Page 19, *for* lines 6 and 7,-

*substitute* “(b) seven representing employees from  
seven different trade unions; and”. (47)

*[Translation]*

**HON. SPEAKER:** I shall now put amendment nos. 46 and 47 to Clause 42 moved by Shri N.K. Premachandran to the vote of the House.

*Amendments were put to vote and negatived.*

**HON. SPEAKER:** The question is:

“That Clause 42 stand part of the Bill.”

*The motion was adopted.*

*Clause 42 was added to the Bill.*

*Clauses 43 to 50 were added to the Bill.*

### **Clause 51**

### **Appointment of inspector-cum-facilitators and their powers**

**HON. SPEAKER:** Shri P.R.Natarajan ji, do you wish to move your amendment ?

*[English]*

**SHRI P. R. NATARAJAN :** Sir, I beg to move:

Page 23, lines 21 and 22, –

*for* “as assigned to him by the appropriate Government”

*substitute* “at a regular interval, as part of the mandated duty and initiate appropriate measures on the basis of the findings of inspection”. (12)

*[Translation]*

**HON. SPEAKER:** I shall now put amendment no. 12 to Clause 51 moved by Shri P.R. Natarajan to the vote of the House.

*Amendment was put to vote and negatived.*

**HON. SPEAKER:** Shri Adhir Ranjan Chowdhury, do you wish to move your amendment ?

*[English]*

**SHRI ADHIR RANJAN CHOWDHURY(BAHARAMPUR):** Sir, I beg to move:

Page 23, *after* line 43, –

*insert*           “(a) If the Inspector-cum-Facilitator fails to perform his duty in accordance with the provisions of the code, he shall be punishable with imprisonment for a term not less than six months.”.           (48)

*[Translation]*

**HON. SPEAKER:** I shall now put amendment no. 48 to Clause 51 moved by Shri Adhir Ranjan Chowdhury to the vote of the House.

*Amendment was put to vote and negatived.*

**HON. SPEAKER:** The question is:

“That Clause 51 stand part of the Bill.”

*The motion was adopted.*

*Clause 51 was added to the Bill.*

*Clauses 52 and 53 were added to the Bill.*

**Clause 54                      Penalties for offences**

**HON. SPEAKER:** Shri Suresh Kodikunnil ji, do you wish to move your amendment ?

*[English]*

**SHRI KODIKUNNIL SURESH:** Sir, I beg to move:

Page 24, lines 25 and 26, –

*for*                      “fifty thousand rupees”

*substitute*      “one lakh rupees”.                      (22)

Page 24, *for* line 31, –

*substitute*      “extend to six months or with fine which may extend to three lakh rupees, or with”.                      (23)

Page 24, lines 34 and 35, –

*for*                      “twenty thousand rupees”

*substitute*      “fifty thousand rupees”.                      (24)

Page 24, line 37, –

*for*                      “five years”

*substitute*      “three years”.                      (25)

Page 24, *for* line 40, –

*substitute* “term which may extend to three months or with fine which  
may extend to fifty thousand”. (26)

Page 24, line 49, –

*after* “time period”

*insert* “of three weeks”. (27)

Page 25, line 4, –

*for* “five years”

*substitute* “three years”. (28)

*[Translation]*

**HON. SPEAKER:** I shall now put amendment nos. 22 to 28 to Clause 54 moved by Shri Suresh Kodikkunil to the vote of the House.

*Amendment was put to vote and negatived.*

**HON. SPEAKER:** The question is:

“That Clause 54 stands part of the Bill.”

*The motion was adopted.*

*Clause 54 was added to the Bill.*

*Clauses 55 to 69 were added to the Bill.*

**Clause 1****Short title extent  
and commencement**

**HON. SPEAKER:** Shri N.K. premachandran, do you wish to move your amendment ?

*[English]*

**SHRI N. K. PREMACHANDRAN :** Sir, I am not moving the amendment.

*[Translation]*

**HON. SPEAKER:** The question is:

“That Clause 1 stands part of the Bill.”

*The motion was adopted.*

*Clause 1 was added to the Bill.*

*Enacting Formula and Long Title were added to the Bill.*

**SHRI SANTOSH KUMAR GANGWAR:** Hon’ble Speaker, I beg to move:

“That the Bill be passed.”

**HON. SPEAKER:**The question is :

“That the Bill be passed.”

*The motion was adopted.*

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*[Translation]*

**HON. SPEAKER:** Today only listed zero hour will be taken up .Other Hon. Members shall be given opportunity tomorrow.

**SH. SUSHIL KUMER SINGH (AURANGABAD):** Hon. Speaker, Sir, thank you for giving me an opportunity to raise a very importance issue in this zero hour. Sir, I have been elected from Bihar and there is an O.T.A of Indian Army in the Gaya Headquarters of Magadh Division in Bihar where the cadets are given get training and are appointed as Officers in Indian Army after training. It's training is conducted there.

Recently, we got information that this Officers Training Academy is being transferred from there. As soon as this information came before the people they got angry and were very upset. This Academy is a pride of Bihar. Gaya is a place which has got international acclaim and is also a centre of Buddhism Cadets from countries like Vietnam, Myanmar, Sri Lanka Bhutan etc. Also come to this OTA. It is also a centre of Buddhism. It is also associated with people's faith. This institute is situated at a very ideal place just in the lap of Nature. If it gets transferred somewhere also or is closed then there may have huge ill effects and side effects on the city's economy .Gaya has rail connectivity to every part of the country. Right next to it is an international airport and it is also very well connected by road. I am unable to understand the attitude and what army officers think this pride of Bihar, therefore I through you would like to request the Hon'ble Minister of Defence, that this OTA should not be transferred or closed at any cost.

Hon. Speaker, I would like to inform you that this Institute was established on 2011 and thousands of crore rupees have been spent on it so far. After spending such a huge amount and having so well-established OTA, transferring or closing it is incomprehensible.

Therefore, through you, I request the Government that this OTA should not be closed rather it should be managed with higher standards so that it gets world

rewoned and this institute continues to remain the same intact. I am thankful to you that you gave me the opportunity to speak.

**SHRI KULDEEP RAI SHARMA (ANDAMAN AND NICOBAR ISLANDS)**

: Thank you Hon. Speaker.

Speaker sir, I have got, I am really thankful to you for giving me an opportunity to speak for the very first time in this August House of the biggest democracy of the world .

Sir, I represent Andaman and Nicobar Islands. All of you are aware that Andaman and Nicobar Islands are the land of brave persons. Thousands of freedom fighters of the country sacrificed their lives in Andaman and Nicobar. I would like to request everyone in this House that they must visit Andaman and Nicobar Islands once in their life time, which is a land of pilgrimages. I would like to greet all the Members of Parliament present in this House of the biggest democracy of the world, on behalf of the people of Andaman and Nicobar. I would also like to thank my leaders Sonia ji and Rahul ji. Besides this, through this House, I would also like to thank all the people of Andaman and Nicobar with the blessings of whom I have reached this House.

Sir, today through you I would like to inform the Government about a serious problem which is a burning issue in Andaman and Nicobar. Andaman and Nicobar is a remote area and the biggest issue there today is unemployment. There are thousands of educated youth there but they do not have jobs. Today, Andaman and Nicobar Administration has approximately eight thousand to ten thousand government jobs whose recruitment is being done through online system. When recruitment is done through online system then problem is encountered. As I have said earlier Andaman and Nicobar is a remote area, the phone network also does not work there properly. There is a big issue of internet and broadband there. At a place, where 547 islands are in the remote area and

which is spread over 700 kilometers from Andhra Pradesh to Kanyakumari and has no connectivity between the islands, if recruitment is done there through online system by Andman and Nicobar Islands Administration then children living there do not get an opportunity to apply.

Therefore, through you, through this House, I would like to request to the Government of India and to the Minister of Home Affairs that the Online recruitment system which has been implemented in Andaman and Nicobar should be stopped and instead the recruitment should be done by old system .

Besides this , there is another issue. It is a pity for the youth there that when there is job through online system then youth of other states get the opportunity to apply and get the job but the native youth don't get the job.

I, through you, request the Government of India that this system should be stopped in Andaman and Nicobar and the old system should be adopted again. The local youth should be given jobs there.

*[English]*

**SHRIMATI SUPRIYA SADANAND SULE (BARAMATI):** Sir, we associate with the matter raised by him.

**SHRI KODIKUNNIL SURESH (MAVELIKKARA):** Sir, the hon. Minister of State for Home Affairs is here. He can respond to this.

*[Translation]*

**HON.SPEAKER :** He has noted.

Shri Sunil Soren.

**SHRI SUNIL SOREN (DUMKA) :** Hon. Speaker, the commencement of studies in the Medical College of the Headquarters of Santhal Pargana Division of Jharkhand State is very essential. The Santhal Pargana Division of the

Jharkhand is a Tribal dominated extremely backward area . The majority of the population of Santhal Pargana is economically weaker.

Here, tribal and meritorious students of other castes are deprived of the study in Medical College due to poor financial condition. Also, there is acute shortage of proper medical facilities in this region. The Medical College is completely well-developed and ready in Dumka. The Building of the Medical College has also been inaugurated. Not only the teaching- learning activity has commenced there. Dumka is the sub-capital of Jharkhand but it is a backward area from the perspective of medicine.

Sir, through you, I would like to demand Hon. Health Minister that the teaching-learning activities should commence in Dumka Medical College as soon as possible so that the future of economically backward students can be bright.

**HON. SPEAKER :** Ravneet Singh Ji, , please move ahead from what you said yesterday .

**SHRI RAVNEET SINGH (LUDHIANA) :** Hon. Speaker, you gave me an opportunity to speak yesterday also. You always give me an opportunity to speak and today also you gave me one, for this I am thankful to you.

Sir, I am specifically talking about CBI today, which is our premiere agency and the country has faith in it. When state mechanism is not able to conduct an inquiry into any case , then State refers that case to CBI. Three cases were referred to CBI. In Punjab, it is disrespect, and is called sacrilege. We believe in all religions. We talk about Geeta, we talk about Quran Sharif and for Sikhs, there is nothing bigger than Guru Granth Sahib. Punjab Government referred the case to CBI in 2015. It is the work of CBI, to prosecute, to build a case, that's why the case was assigned to it, but it acted as defence. We reported

that Shri Guru Granth Sahib was stolen, it was stolen and there is no doubt about it. They said that they would tear its pages, they did that and put up posters about it. And the MSG picture of Baba was being released there. You know about that Baba, who produced pictures also....*(Interruptions)* Am I naming anyone?...*(Interruptions)*

Sir, what shall be bigger issue than that of Shri Guru Granth Sahib?...*(Interruptions)* It is my turn to speak right now...*(Interruptions)* I am not taking your turn. ...*(Interruptions)* Am I taking your turn? I have also been elected like you and elected for the third time...*(Interruptions)*

Sir, that Baba, who disrespected Shri Guru Granth Sahib, committed a sacrilege it , trial is going on against him at three places in Punjab. The charges are surely going to be framed against them.

Sir, I intend to say that CBI is a world renowned investigating agency and this belief has to be reinstated. You are going to give closure report on fourth stating that nothing has happened. How can it happen? The DIG of CBI has done investigation there and all three persons Mahendra Pal Bittoo, Shakti Singh and Sunny have conferred to their crime. What kind of closure report is CBI giving ? After that man is killed in the jail, and now you are saying Guru Granth Sahib was not disrespected and that Shri Guru Granth Sahib was not stolen. Can we have this expectation from CBI? Amit Shah is a capable Home Minister and is also my dear friend. You kindly get this case reopened and get to the bottom of it.

The 550<sup>th</sup> Prakash Parv of Guru Nanank Dev Ji is around the corner and we are going Kartarpur Sahib in Pakistan . Shall we go with this faith there? This day is being celebrated across the world. If you wish that the CBI is acknowledged, government is acknowledged and we can all go to Kartarpur

Sahib, then CBI should look into it this work. I would keep requesting for the same till the truth comes out.

**HON.SPEAKER** : Shri Kuldeep Rai Sharma and Smt. Supriya Sadanand Sule are permitted to associate themselves with the matter raised by Shri Ravneet Singh.

**SHRIMATI KIRRON KHER (CHANDIGARH)** : Hon. Speaker , I am standing here to give a clarification on one thing. In the zero hour on 17 July 2019 ,Congress MP from Khadoor Sahib ,Sh.Jasbir Singh Gill had made an objectionable comment on Chandigarh. I was not present at that time, otherwise I would have taken permission to speak at the same time. He said that in the Reorganisation Act of 1966,when multiple states were formed from Punjab and Haryana region and Chandigarh became a Union territory ,at that time it was decided that 60 percent people in Chandigarh shall be from Punjab and rest 40 percent people shall be from Haryana. It was not decided anywhere. Infact there was a one Judgement of Supreme court regarding Swarnlata versus Union of India, Supreme Court. Under that, Hon.Supreme Court had said that we should let it continue now, we should take 60 percent people from Punjab and 40 percent people from Haryana and later UT Cadre shall be made by itself. Jasbir Ji said that they have made UT cadre illegally and the most objectionable thing was that without any evidence of corruption he accused Respected Chief Engineer and Chief Architect of Chandigarh and said that they should be removed. This is quite unfair.....(*Interruptions*). Bittoo Ji, I have heard the whole speech, you please let me speak. I have also been elected twice , and even you have been elected three times. I intend to say that this remark should be expunged, otherwise Jasbir Ji should produce some evidence in this regard on the table of the House because I cannot listen to any misrepresentstion about my city in the House.

**SHRI REBATI TRIPURA (TRIPURA EAST) :** Hon. Speaker , I, through you would like to inform that momentum has been provided to the development of Tripura under the leadership of Prime Minister Narendra Modi and CM of Tripura Viplav Kumar Ji. My request to the Union Government is that Dhalai is one of the Aspirational Districts. Due to Dhalai District being aspirational is very backward in education sector. My demand, through you, is that Central Government should establish a Medical College in the Dhalai district. If Medical College is established in Dhalai district, then it shall also benefit health treatment alongwith the Health education.

**HON. SPEAKER :** Hon. Member, you have raised the matter of International Airport in the House three times.

**SHRI VIJAY KUMAR DUBEY (KUSHINAGAR) :** Hon. Speaker , the issue I am going to raise today is for the first time. I would like to thank you for giving me the opportunity to speak in the first session of the house dozen of times.

Hon. Speaker , I would like to draw your attention towards the land of Lord Buddha in the Kushinagar Lok Sabha Constituency adjacent to the Nepal border.

Five years ago Hon. Prime Minister had launched the construction work of an International Airport here with the objective of putting this region on the map domestically as well as globally and promoting it as a worldwide tourist site. Today, by drawing your attention to the work progress of that International Airport I would like to state that regarding the Run-way , Boundary wall, Apron, Turning Pad, Run-way shoulder, Isolation, Boundary wall completed, ATC tower and fire station ,it was informed that they shall be completed by April,2019.[English] It was said that the work of runway lighting would be completed by April, 2019. *[Translation]*

Till date only 80 percent work is completed. Due to lack of progress of the remaining work, today the leaders of my Opposition Party have got the opportunity for protest and demonstration.

Therefore, through you, I would like to draw the attention of the Hon. Aviation Minister of the Government of India and request that the remaining 20 percent work should complete of this international airport and establish the name of Kushinagar Lok Sabha in the whole world and also provide employment to thousands of families.

Speaker Sir, with this I would like to thank you.

**HON. SPEAKER :** Dr. Sanjay Jaiswal is permitted to associate himself with the matter raised by Sh. Vijay Kumar Dubey.

**SHRI HARISH DWIVEDI (BASTI) :** Hon. Speaker, thanks a lot. Speaker Sir, my Parliamentary Constituency Basti is an important centre of East Uttar Pradesh. It is a commisionary headquarter and centre of four-five districts, Siddharth Nagar, Ambedkar Nagar, Sant Kabir Nagar, and Gonda. Thousands of people from Basti live in Delhi, visit here and also stay in Mumbai. There is no direct train from Basti to Delhi or Mumbai . It is difficult to get reservation in



those trains which run from Gorakhpur or Bihar, due to which people have to face problems. On this basis, I, through you request to the Minister of Railways through you is that a train should be run from Basti to Delhi and Mumbai. Thank you.

**SHRI BHANU PRATAP SINGH VERMA (JALAUN) :** Hon. Speaker , there is district headquarter Orai under my Parliamentary Constituency Jalaun Garautha Bhognipur ,from which a canal goes through . This canal goes through Umrao Khera and Karsaan,as well as Lahriya Purva and it goes on to meet Yamuna river at Churkhi Marg in the middle of Orai City.

Sir, similarly the Malanga Nala in Konch Tehsil of District Jalaun goes through the middle of the city to meet Yamuna river. The land smugglers protected by the previous State Governments have encroached these canals along with other canals of the district. These land mafias have misused the stay orders of the court to save themselves from any action and built several establishments and buildings.

Hon. Speaker, recently the route of canal adjacent to Lahriya Purva in Orai was closed to diverted by construction of 500 feet long wall and state property worth crores of rupees was illegally encroached. If due to any reason water accumulates there then many families will be directly affected. Water accumulation may cause loss of life and property.

Therefore, my demand to the Union Government is that the action towards removing the permanent and temporary encroachments on the above said Govt. land should be expedited so that the river and canal of this region remain in their natural state, and these people along with the people living in their vicinity can be saved from loss of life and property in the future. Thank you.

**SHRI CHANDRA PRAKASH CHOUDHARY (GIRIDIH) :** Hon. Speaker sir, I thank you for giving me an opportunity to speak in the zero hour.

I would like to some important points in the House related to Rail in my Parliamentary constituency Giridih. There is a need to make a rake loading point at Giridih railway station. There is a need to add two coaches in the Express coach which goes from Giridih to Kolkata.

In the recently started Girdih-Koderma new railway line, there is a need to extend the direct service to Ranchi, Howrah, Patna, and Delhi. There is a need to accelerate speed on Giridih to Parasnath, Dhanbad to Giridih, and Ghagra to Giridih railway lines. Along with this there is a need to complete the Parasnath-Madhuban-Giridih railway line project on priority basis within the prescribed time limit and there is a need to construct road over bridge at Malkera of Baghmara market.

*[English]*

**SHRI HEMANT TUKARAM GODSE (NASHIK):** Hon. Speaker, Sir, thank you. I want to raise an issue related to establishing a Central Government Health Scheme unit with some Wellness Centres at Nashik.

Nashik is the fastest growing District and is also Divisional Centre of North Maharashtra. In Nashik various Central Government offices are situated and thousands of serving and retired Central Government employees are residing there.

At present, the Central Government civil servants are not able to avail the services and benefits of CGHS as there is no CGHS dispensary or Wellness Centre at Nashik and they have to travel to Pune or Mumbai to get the benefits of

CGHS schemes for their health-care. Every Central Government office has framed the rules and regulations for the treatment of OPD and indoor treatment. The OPD claims are very cumbersome, involving a lot of red tape and out-dated rules.

It is pertinent to say that in Nashik District the total CGHS card holders may be around 25,000 and the beneficiaries will be around one lakh. This is a substantial ground to open one independent CGHS unit with some Wellness Centre in Nashik.

So, through you, I would like to request the hon. Minister to ask the authorities concerned to take immediate action to establish a CGHS unit with some Wellness Centres at Nashik. Thank you.

*[ Translation ]*

**SHRI PRAVESH SAHIB SINGH VERMA (WEST DELHI):** Speaker Sir, thank you. I would like to raise a very important matter before you. Just now the Hon. Minister of home affairs was also sitting here. Recently, our Government has implemented N.R.C. in the country. It has been implemented in all the states except Delhi. My demand is that N.R.C. should be implemented in Delhi. We are witnessing many such incidents daily in Delhi. Recently a Prostitution racket was busted in a massage parlour in Delhi. The Delhi Police raided that place and caught 35 people from there. All those people were Bangladeshis. Rohingyas and Bangladeshis are in such large numbers in Delhi that Delhi Police has sent 16,785

Rohingyas and Bangladeshis out of country. But unfortunately there is so much infiltration of them in Delhi and country that by the time Police returns back to Delhi from the border , the Bangladeshis and Rohingyas return before them. In a reply to a question asked on 16<sup>th</sup> July my Government, had stated that we have taken a lot of steps but till the time we do not get the support of State Government in this matter nothing can be done. This matter has been raised in the Delhi Legislative Assembly many times but the support of Delhi Government has not been received because whether it is the Government of the Congress or the Government of Aam Aadmi Party, they have always found them as easy vote bank. They get their ration card made and also get their documents ready. When Police goes to check them then they have all the documents. Due to this, Police also faces a lot of problems. The Government should start an Intensive Campaign, to search them and them outside the country. A person Dhruv Tyagi, was killed in Basai Darapur in my constituency in Delhi, when he was opposing the harassment of his daughter. When I went there I found that the person who killed him was a Rohingya. I to the Government that Rohingyas and Bangladeshis should be expelled out of Delhi and N.R.C. should be implemented in Delhi.

*[English]*

**SHRI K. MURALEEDHARAN (VADAKARA):** Sir, I want to raise an important matter regarding the privatisation of Trivandrum Airport. Hon. Civil Aviation Minister told this august House that six airports including the Trivandrum Airport are going to be privatised. But, due to the strong objection by the State Government and Members of Parliament, privatisation of Trivandrum Airport has been postponed. But the decision for privatisation will be taken by today or tomorrow.

Sir, Kerala Government has floated a company, Trivandrum International Airport Limited (TIAL). It also participated in bidding. Unfortunately, the Adani

Group got the first position in bidding and the TIAL was in second position and the Adani Company got three airports.

So, my request is to consider the statement made by the Kerala Government that the Trivandrum Airport should be handed over to TIAL Company. This Airport was started in 1932 by the then Travancore Government. After Independence, it was given to the Civil Aviation Department.

So, it is our humble request is that the Trivandrum Airport should be handed over to Trivandrum International Airport Limited. Thank you.

*[Translation ]*

**SH.B.B.PATIL (ZAHIRABAD)** : Speaker Sir, Thank you very much. I represent the State of Telangana. 24 hour free electricity is provided to the Farmers in the State of Telangana. Along with this, 24 hours quality control is provided to the Industries by the Government and 24 hours electricity is also GIVEN to the Homes. We have taken a loan of 20,000 crores to do this work. We are also working upon providing additional electricity of 1,300 Megawatts. Recently, the LC system has been installed by the Union Government from 1 August,2019 due to which a burden of 130 crore rupees will be put on the State Government. I through you would like to request the Hon. Minister that Telangana should be given exemption from this. Our State is the state with the largest power consumption in our country.

*[English]*

**SHRI NITESH GANGA DEB (SAMBALPUR)**: Hon. Speaker, Sir, I thank you for allowing me to speak in the Zero Hour.

Sir, Jharsuguda Airport is the only airport in Western Odisha region which has started commercial flights recently to Delhi and Kolkata. Sir, the people of Western Odisha and myself would like to thank the hon. Prime Minister for

providing air connectivity to Bhubaneswar, Raipur and Ranchi under the UDAN Scheme.

Sir, I am very sorry to inform you that the passengers are facing a lot of difficulties when the flight gets delayed or cancelled due low visibility and bad weather condition. I caught a flight from Delhi to Jharsuguda. But I landed up in Banaras. It was a distance for one and a half hour only. But it took six hours to reach Jharsuguda.

Sir, I would like to state for your kind information that the flight from Delhi to Jharsuguda and *vice-verse* has been cancelled on Monday, 29<sup>th</sup> July, 2019 for every Monday for the next two months.

Sir, I request the Ministry of Civil Aviation to immediately provide state of art Instrument Landing System (ILS) in Jharsuguda Airport in order to provide uninterrupted Air service to the people of Sambalpur and other adjoining districts of Western Odisha.

Sir, I further request the Government of India to provide air connectivity to Mumbai and Bengaluru from Jharsuguda Airport at the earliest. Thank you.

[ Translation ]

**SHRIMATI GOMATI SAI ( RAIGARH ) :** Hon.Speaker, Thank you very much. I represent Raigarh (Chhattisgarh) Lok Sabha Constituency. There is an urgent need for a Trauma Center in Jashpur district of my constituency. Prior to this, approval was granted for the establishment of a Trauma Center in Jashpur with the efforts of the respected former late MP Dilip Singh Judevo Ji but it has been established in the another city. In such situation doctors are compelled to refer the patients of accidents that y happen in the district to Ranchi. Many a times, the patients lose their lives as well. Till now operations are also not possible there because of the lack of resources. Due to this, the people of the Jashpur district have to face various problems every now and then.

I would like to request Respected Health Minister that a Trauma Center be established in my Jashpur district as soon as possible so that the people there get some respite. Along with this, I would like to make one more request that an emergency unit or center be established in Raigarh as well.

**SHRI DHAIRYASHEEL SAMBHAJIRAO MANE (HATKANANGLE) :**

Hon. Speaker , I would like to thank you whole-heartedly that you always encourage the new MPs to speak as well as raise their determination. This is why all the new people are able to have a say .

Respected Speaker Sir, I would like to draw your attention towards one issue. I come from Hatkanangle Lok Sabha constituency and one of its important city is Ichalkaranji, which is also known as the Manchester city of the country. A big Textile industry is established there. The Ichalkaranji city is going through a very bad phase of recession today. It is a city of small weavers. Its necessities are also very small. Despite of presence of such a big industry, no financial assistance is provided by the Government. I would definitely say that if food, clothing and shelter are the basic necessities of man today, then Government has brought the Food Security Bill for fulfilling the basic necessity of food.

Then there is an ambitious scheme like Pradhan Mantri Awas Yojana for Housing but the government definitely needs to be more aware about the clothing. I through you would like to demand a special package for Ichalkaranji in my constituency. My second demand is that under the International Policy of SAFTA our import-export business operates. The material brought under that is the material of China and the material of Pakistan being brought here via Bangladesh. Due to that, our artisans and our people, who are working in the right manner, they have to pay the cost and good people have to definitely face problems while doing this work. I would like to demand the Government that the way Maharashtra government has waived off the loans of farmers and the Central

government has also recommended it. Based upon that, the Government should work for the waiving off their loans for all the small weavers also so that much good people are encouraged and aspire should also keep aspiring to join this field. I conclude my speech with these words.

**SHRI JANARDAN SINGH SIGRIWAL (MAHARAJGANJ) :** Hon. Speaker , for centuries Our country has been a country of Sages and great saints. Among one of these Saints, is a very respectable Saint Swami Advaitanand Ji Maharaj, who is known by the name of Paramhans Dayal Ji ,belonged to Chhapra in my home district in Bihar. He was born in 1846. The life, thoughts and works of Paramhans Dayal Ji Maharaj were not related to any caste, region, language or religion. Therefore, they selected their expertise in the non-religious region Teri which is now a town in Khyber Pakhtunkhwa in present day Pakistan as there working ground, far away from his language, religion and religious place. After propagating knowledge & religion took Samadhai itself in 1919.

To encourage the principles, thoughts and works of Paramhans Dayal ji Maharaj, his disciples established many Ashrams in which Nangli Sahib of Meerut, the famous Gadwaghat Ashram of Varanasi and Anandpur Ashram are the important ones. Our country is being benefitted by the respectable activities of these Ashrams.

Sir, today when our society is weakening the national sentiments by getting divided on the lines of caste and communal and regional basis, its very essential to propagate the principles, thoughts, works and the life-sketch of Saints like Paramhans Dayal Ji Maharaj . Sir, today the whole world is worshipping this great Saint. Across the world there are thousands of followers, hermits and crores of devotees of him. Therefore, it is very essential for the society and the country to establish an institution to spread his thoughts, and principles for the interest of public as well as the nation interest.



Therefore Hon. Speaker I through this House would like to demand that the Government should establish a Paramhans Dayal Centre of Thoughts at his birthplace Chhapra....(*Interruptions*)

**HON.SPEAKER :** Advocate Adoor Prakash please speak.

...(*Interruptions*)

**SHRI JANARADN SINGH SIGRIWAL:** Sir, please give half a minute.

**HON.SPEAKER:** Advocate Adoor Prakash Ji,one minute. Let him make his submission.

**SHRI JANARDAN SINGH SIGRIWAL :** Sir, people having such ideologies are there. I through you would like to say this to the Government that by knowing the ideologies of such saints, we can make the country more empowered. Whatever malpractices are there in the country, they can be removed. Therefore, I through you would like to demand that to spread the ideologies of such saints , a Paramhans Dayal Centre of Thoughts should be established at his birth place. The Government of India should work to manage it at its level . Sir, thank you so much for providing time .

*[English]*

**ADV. ADOOR PRAKASH (ATTINGAL):** Sir, I would like to draw the urgent attention of this House to an important matter regarding the proposed setting up of waste energy plant at Peringamala in Trivandrum district, Kerala.

Peringamala is a part of the Agasthyamala Biosphere Reserve, a UNESCO-recognised region of tropical evergreen forests in the Western Ghats. It was listed as an ecologically sensitive area by the Kerala State Biodiversity Board. The plant will be set up near a tribal settlement in the area.

According to the local residents, no public consultations were done for the project. The unilateral manner in which the project undertaken has irked the local

community. They are in protest against the establishment of plant since last one year.

Peringamala is home for many diverse plant species and medicinal plants. Polluting the Vamanapuram river will adversely affect the drinking water needs of people living in the surrounding areas.

I would like to request the Government to examine the matter and take an appropriate decision considering the concerns of local people.

*[Translation]*

**SHRI RAJENDRA AGARAWAL (MEERUT)** : Hon. Speaker due to establishment of 'Passport Sewa Kendra' in every district and Lok Sabha constituency by the Government of India, there has been significant improvement in these services. More than 419 Passport Sewa Kendras have been established throughout India which provide easy and accessible Passport service to the people in every corner of the country. But Hon. Speaker basic facilities are not made available in the Passport Sewa Centre at Meerut due to negligence of the Officers. There are news reports of frequent power cuts, which sometimes get stretched for 5 hours at one go. Even basic facilities like provision of drinking water, fans etc. have also not been provided in this Service Centre.

Many a time applicants from the far-off areas are also asked to go back due to lack of facilities. Speaker Sir, an M.O.U. regarding these Passport Sewa Centres was signed between the Ministry of Foreign Affairs and Department of Posts under which the Department of Posts had the responsibility to provide a Complex for Posts and other infrastructural facilities and Department of Posts is provided 300 rupees per file for all these works. The Department of Posts is paid approximately 2.50 lakh rupees per month by the Passport Sewa Kendra situated in Meerut on the basis of nearly 40 files amended by this centre on daily basis,

but despite the constant appeal made to the Officers of Department of Posts at the local level, due attention has not been given by them.

I, request through you to the government is to establish an effective coordination centre between the Post Office and Passport Offices by taking cognizance of the negligence being shown by the Officers of the Department of Posts so that basic essential facilities can be made available to the Passport Sewa Kendras and the applicants don't have to face inconvenience.

**SHRI ABDUL KHALEQUE (BARPETA) :** Hon. Speaker I am grateful to you for providing me the opportunity to speak. I am standing here to talk about the karate game. Earlier, the Karate game was not included in Olympic, but now its included in the Olympic that is scheduled to be organized at Tokyo in the year 2020. There is no representation of India in the Tokyo Olympics but eight players from India in the junior and sub-junior category won gold in the Commonwealth Karate Championship which was organized at Durban in South Africa during last year 2018.

Sir, the Hon. Minister is from North-East. Three Sportsperson from Assam namely Karate Player Nishad Ali, Hemphu Bongjung, and Panchmita Bardolayi won gold in that event. The Hon. Minister of Youth-Affairs and Sports Kiren Rijiju, who hails from Arunachal Pradesh from there also Raja Yangfo and Mojum Dodum won gold. The eight gold medal which we won in junior and sub-junior level. Out of them five golds are bagged by players from North-East.

We have no representation at Senior level because we have not been given coaching in that and all that what should have been done to encourage this Sports was not done. I have been to Legislative Assembly before. I had also requested to the Chief Minister there in this regard but nothing was given to encourage these players. I request the Minister of Youth Affairs and Sports to encourage the Karate game.

Sir, I have been in Legislative Assembly twice. I have been in both the Ruling Party and the Opposition party but there I have seen that you provide the opportunity to speak both listed and unlisted speakers during the zero hour. You have also given us an opportunity to speak. I hope that you would provide this opportunity to us in the future as well. I also hope that the Hon. Minister Youth-Affairs and Sports would take the Karate game to new heights. Thank you.

*[English]*

**SHRI BHARTRUHARI MAHTAB (CUTTACK):** I am raising a matter which has been already pending for last fifteen years. I had tried to raise this matter during Sixteenth Lok Sabha. Again, I have got the chance today.

It is about 455 casual labourers who are working in Bharat Sanchar Nigam Limited. On 3<sup>rd</sup> October, 2003, the Corporate Office directed the Odisha Telecomm Circle to regularise the services of 455 out of 1437 casual labourers who were found eligible for regularisation on the basis of information provided by the Odisha Telecomm Circle itself. However, this Order has been kept in abeyance by the Corporate Office, BSNL, *vide* its letter dated 4<sup>th</sup> March, 2004 on the basis of some observation made by Central Administrative Tribunal while deciding the applications of other casual labourers.

Sir, the Central Administrative Tribunal had allowed the CGMT Odisha Circle to complete the process of regularisation of 455 casual labourers *vide* its Order dated 29<sup>th</sup> March, 2004 and 5<sup>th</sup> April, 2004 but till date, no action has been taken by the competent authority in this regard.

I, therefore, urge upon the Government through you, Sir, to issue necessary directions to the Corporate Office, BSNL, to set aside its Order of 4<sup>th</sup> March, 2004 restricting regularisation of 455 casual labourers and take up the issue with the CGMT Odisha Circle to regularise the services of such casual labourers at the earliest. They are still working in BSNL and they need to be regularised. They

are still fighting for their cause for last fifteen years. Therefore, I urge upon the Government through you, Sir, to regularise their services.

*[Translation]*

**HON.SPEAKER :** I request all the Hon. Members that if they agree to raise their matter in one minute, then I will provide them the opportunity to speak and after one minute I will call out the name of the other member.

Shri Rampriti Mandal Ji.

Rampriti Mandal Ji is speaking in this House for the first time.

**SHRI RAMPRITI MANDAL (JHANJHARPUR) :** Sir, I consider myself very fortunate that I have been provided me an opportunity to speak for two minutes during the Zero hour ...(Interruptions) I would like to thank you for the same.

Sir, I represent from Jhanjharpur in Madhubani district. There are two Parliamentary Constituencies. There is no Kendriya Vidyalaya there and a demand for it has been is going on since years. Letters have been written many a time from there but no reply has been received till date.....

Prior to this I met the District Collector, he told that I have written letter to Department of Human Resource development two-four times, but I have not received any reply for that.

Sir, I through you would like to inform that our constituency is located at the border of Nepal. There are two battalions of SSB, Custom Officials, and Officials of IB. Children face a lot of difficulties there in studying.

I, through you would like to request the Hon. Minister of Education that atleast one Kendriya Vidyalaya should be established there. Thank you.

**SHRI BHOLA SINGH (BULANDSHAHR):** Hon. Speaker I represent Bulandshahr. It is merely 70 km from here. There is huge harvest of wheat,

sugarcane, and mango here. Many religious places are also located here but there is no direct route to commute from Bulandshahr to Delhi. The Government had conducted a survey three years ago, to lay a railway line from Dadri via Sikandarabad, Bulandshahr, Jahangirabad, Anupshahr to Aligarh-Moradabad. That work is still incomplete.

Sir, I, through you would like to request the Government that, a train should be started from Delhi to Bulandshahr after completing that survey at the earliest.

*[English]*

**DR. R.K. RANJAN (INNER MANIPUR):** Thank you, Sir, for giving me this opportunity to raise an important issue pertaining to my mother tongue Manipuri. I may be permitted to speak in Manipuri also as I have already requested.

\*.....\* In the year 1992, Manipuri Language was included in the Eight Schedule of the Constitution with the script of Bengali.

But now, after 20 years, we have learned our old script. A newspaper is being published and all the textbooks are transcribed into Meitei script. I, therefore, would request the Government of India to make a small amendment in the Indian Constitution and replace the Bengali script with the Meitei script, the script for Manipuri language so that Manipuri script may be printed on the Indian currency notes. Also, our language is about 3,000 years old and, therefore, it may be declared as a classical language of India. Thank you.\*

**SHRI KODIKUNNIL SURESH (MAVELIKKARA):** Sir, more than 11,000 Indians including 500 Keralites who lost their jobs after the shutting down of Saudi Oger company in 2016 are in distress and are suffering due to non-availability of their genuine legal dues including the end-of-service benefits. The stranded Indians were not getting food, accommodation or medicines and finally

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\*.....\* English translation of this part of the Speech originally delivered in Manipuri.

they returned to India on the assurance given by the Union Minister of State for External Affairs promising that the Union Government will do the needful in getting back their legal dues. Even after three years, none of the Indian workers received any genuine legal benefit. I urge upon the Government of India to intervene in this serious matter which is affecting the lives of thousands of Indians and resolve the same at the earliest and help the workers get their legal dues and benefits from the Saudi Oger company. Thank you.

*[Translation]*

**SH. BASANT KUMAR PANDA (KALAHANDI):** Sir, the constituency that I belong to is extremely backward. I have already spoken about this matter. There are two major industries— Vedant Limited and Utkal Alumina. An Airport by the name of Utkela is also there, where people from Raigarh, Nabarangpur, Kalahandi, Kandhmal, and Bolangir commute. My demand is that the Utkela Airport should be included in the ‘UDAAN’ scheme.

Sir, my another request to the Ministry of Civil Aviation through you is that 6 lakh people from Odisha reside in Surat, one and half lakh people reside in Ahmedabad, one and half lakh people reside in Pune. They belong to service class. They can afford flight charges. So arrangements for direct air connectivity from Bhubaneshwar to Ahmedabad, Surat and Pune should be made. That is my only request through you.

**HON.SPEAKER:** Shri Saptagiri Ulaka is permitted to associate himself with the matter raised by Sh. Basant Kumar Panda .

**SHRI SUBHASH CHANDRA BAHERIA (BHILWARA) :** Hon. Speaker , I would like to draw the attention of the Government towards the difficulties being faced by the common man in regard to enrolment for new Aadhaar Cards and to update Old Aadhaar cards.

**HON. SPEAKER :** Hon. Minister, please listen into this matter very carefully. It is a very important matter. The Government should pay attention to this matter. Many Hon. Members have brought this matter to my knowledge.

*[Translation]*

**SH.SUBHASH CHANDRA BAHERIA :** Speaker Sir, Earlier Aadhaar cards enrolment could be done in all the E-Mitra Kendras and updation could be done therein. However, after the Government order, this work is now being done only in the E-Mitra Kendra located in Banks or the Government Offices while there is very large number of Aadhaar card applicants.

**20.00 hrs**

While there is a very large number of Aadhaar Card applicants. Lines are queued up inside the Banks from 8 o'clock in the morning. Even after wasting the whole day, Aadhaar card is not generated till the evening. My request to the Government through you is that this work should be started at all E- Mitra Kendras .

**HON. SPEAKER :** I will talk about this matter tomorrow. You stay assured.

Dr. Sanjay Jaiswal is permitted to associate himself with the matter raised by Shri Subhash Chandra Baheria.

*[English]*

**SHRI T. N. PRATHAPAN (THRISSUR):** Hon. Speaker, Sir, mob lynching in the name of *Jai Shri Ram* and *gau rakshaks* is increasing. ... \* is leading all these attacks. After the BJP ... \* came to power, attacks against Muslims and *Dalits* have increased.

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\* Not recorded.



Yesterday, a 15-year-old Muslim boy was burnt alive in Chandauli village of Uttar Pradesh. No case was registered. Criminals are being protected. ...*(Interruptions)\**

*[Translation]*

**HON. SPEAKER :** This may be expunged from the proceedings.

....*(Interruptions)\**

**SHRI T. N. PRATHAPAN (THRISSUR):** This is dangerous to our country. ...  
\*is destroying the pluralism of our country. This is a shame for us. Where is our Prime Minister? He is busy with shooting. There is no use talking about anything if we lose the tradition of pluralism.

*[Translation]*

**SHRI.SANGAM LAL GUPTA (PRATAPGARH):** Hon. Speaker , Pratapgarh is one of the extremely backward districts of Uttar Pradesh , where there is no industry at all. This is a jobless district, where the ony A.T.L. Factory established nearly 30 years ago has been shut down. Hundreds of acres of land there adjoining to the city is lying vacant.

Hon. Speaker , the only main production locally is that of Indian Gooseberry. Even the agricultural laborers producing Gooseberry are now replacing their plantations because of non-receipt of appropriate price for their produce, let alone receiving adequate production cost. They are facing food scarcity food . On the other hand, due to rising prices and owing to non-production of any commercial crops from farming ;the Youth is resorting to taking up arms due to lack of jobs at the local level. Incidents such as kidnapping, murder, ransom every other day have become a norm there. Unfortunately, Pratapgarh is one of the most crime affected district in the country. Desired improvement could not be made in the situation there till date.

Hon. Speaker, I through you, would like to request the Government that considering sympathetically over the present circumstances of the Pratapgarh and to bring the youth in the mainstream of society the Pratapgarh District should be included in the list of extremely backward districts. Kindly grant permission for establishment of Big Power Plant, Fertilizer Factory and Gooseberry based Food Park in Pratapgarh District. Thankyou very much. Kindly grant permission for establishment of big power plant, fertilizer factory and gooseberry based Food Park IN Pratapgrah District. Thank you very much.

*[English]*

**DR. G. RANJITH REDDY (CHEVELLA):** Thank you very much, Sir. I come from Hyderabad city which has about 600 pharma companies and 200 bio-tech companies worth of 50 billion dollars and they contribute to Rs. 22,000 crore of exports, which accounts to one-third of the country's exports. Looking into all this, our hon. Chief Minister has announced that a pharma city will be developed in my constituency by allocating 19,300 acres of land for manufacturing R&D with zero liquidity discharge. There will be an investment of Rs. 60,000 crore and the exports will be worth of Rs. 50,000 crore. Also, it will generate 4.2 lakh jobs. The Government of India, in principle, has approved this and the Government of Telangana has also given all the statutory clearances.

Sir, through you, I request the hon. Minister of Commerce and Industry to declare this pharma city as national investment and manufacturing zone in Hyderabad.

*[Translation]*

**KUNWAR DANISH ALI (AMROHA) :** Hon. Speaker , I would like to raise a very important matter related to my constituency. As you are aware that Amroha is my Lok Sabha Constituency. Amroha is a two-thousand year old city. It is also a heritage city, but even if there is a drizzle of rain there then the whole city gets

flooded. There is no arrangement of drainage. Although it is a state subject, it has been a of time writing it to the State government but nothing is happening there.

Secondly, the cotton based industry was a very important means of employment ther but it has completely collapsed. The people working in the trade of Cotton based Industry are victims of starvation today. They are also provided electricity at high costs. The raids are conducted upon them daily by the Department of Electricity. My request to the Government through you is that some schemes should be formulated to smoothly manage the business of such an old city and the Government should do something for Amroha City as well. Thank you very much.

## .....Urdu.....

کنور دانشعلی

(امروہ): محترم اسپیکر صاحب، میناپنے پارلیمنٹ میں حلقہ ہمارو بہ سے جڑا ایک بہت ہی اہم مند عہدہ اٹھانا چاہتا ہوں۔ جی سا کہ آپ جانتے ہیں کہ ہمارو بہ میرا لوک سبھا حلقہ ہے۔ امر و بہ دو بزار سال پُرانا شہر ہے۔ یہاں ایک ہیریتھ جی سٹیٹ ہے، لیکنو بانیر زر اسٹیٹ ہے، شہر تو پورا شہر پائیمینٹڈ و جاتا ہے۔ وہاں پائیکینکاسی کا کوئی انتظام نہیں ہے۔ حالانکہ یہاں اسٹیٹ کاس بھجی گئی ہے، اسٹیٹ گورنمنٹ کو لکھتے لکھتے بہت زماں ہو گیا، لیکنو بان کچھ نہیں ہو رہا ہے۔

دوسرا، وہاں کوئی بیسٹ انڈسٹریں وزگار کی بہت بڑی سادہ انتہی، لیکنو پور بیٹر ح سے چر مر اگنی ہے۔ کوٹن بیسٹ انڈسٹری کی تجارت کرنے والے لوگ آج بھوکھ مریکا شکار ہیں۔ ان کو بجلی بھی بہت منگید جا رہی ہے۔ روزانہ کے اوپر بجلے محکمہ کے ذریعہ چھاپے مارے جاتے ہیں۔ میری آپ کے ذریعہ سرکار سے گزارش ہے کہ اتنے پُرانے شہر کے کاروبار کو سہی طریقے سے چلانے کے لئے کچھ ایوانی بنائیں، اور سرکار امر و بہ شہر کے لئے بھی کچھ کرے بہت بہت شکر ہے۔۔۔

*[English]*

**DR. T. R. PAARIVENDHAR (PERAMBALUR):** Hon. Speaker, Sir, I am glad to get this opportunity to speak in the Zero Hour. My representation is about the farmers of Tamil Nadu. In the Budget 2019-20, the Government spoke very much about the farmers. In the circumstances, the sugarcane growers in Tamil Nadu launched an agitation from 16<sup>th</sup> July 2019 against the State Government for their genuine grievances. More than 500 farmers were arrested. The reason for their agitation was that the special support price announced by the Government from 2013-14 has not been paid so far. The private sugar mills, public sector sugar mills and cooperative sugar mills have to pay Rs. 1017 crore to the farmers. The Central Government has instructed the State Government to pay the arrears within 14 days but the State Government has failed to pay the amount. So, I want to know whether the Central Government can urge the State Government to solve this issue.

**SHRI H. VASANTHAKUMAR (KANYAKUMARI):** Sir, the district of Kanniyakumari has only one general hospital. Lakhs of people come here from all over India and abroad. But the hospital is not fully equipped. My request is that a multi-speciality hospital may be sanctioned and constructed by the Central Government in Phase-IV upgradation under the Pradhan Mantri Swasthya Suraksha Yojana. The people of Kanniyakumari go to other States for medical treatment. The State Government has already sent a proposal to the Central Government for a seven-storey building with estimated cost of Rs. 170 crore, two oxidation ponds for waste disposal with approximate cost of Rs. 8 crore and one casualty block worth Rs. Rs. 1.5 crore. The Central Government should upgrade our general hospital as super-speciality hospital to safeguard the people of Kanniyakumari and the southern region of the country.

**\*SHRI B. MANICKAM TAGORE (VIRUDHUNAGAR):** Hon. Speaker Sir, Vanakkam. Today is the 133<sup>rd</sup> birth anniversary of Dr. Muthulakshmi Reddy. She was born in Pudukkottai of Tamil Nadu in the year 1886. Dr. Muthulakshmi Reddy got the distinction of being the first girl student to study medicine in India and the first female doctor of India; after being graduated in the year

1912. She also became the first female surgeon of the country. She was the first woman to become a legislator in India as she was a legislator in the Madras Legislative Council. Having been attracted by Gandhian principles Dr. Muthulakshmi Reddy took part in salt satyagraha and in protest against the British she resigned her post as MLA of the Madras Legislative Council. She instituted the Madras Institute of Cancer in the year 1954. The Nehru Government awarded her the Padma Bhushan in the year 1956. The Tamil Nadu Government led by Dr. Kalaignar added glory by starting a pension scheme in her name as Dr. Muthulakshmi Reddy Pension Scheme. I urge upon the Union Government to confer Bharat Ratna on Dr Muthulakshmi Reddy. Thank you for this opportunity. Vanakkam.

*[Translation]*

**HON. SPEAKER:** Senior Advocate Sh.P.P.Chaudhary.

**SHRI P.P. CHAUDHARY (PALI) :** Sir, I am grateful to you for providing me the opportunity to speak. Sir, I think that you will not hold anyone back as you are providing an opportunity to all.

Sir, I would like to speak on the problem of Jodhpur Airport .It is a big city, whose population is nearly 20 lakhs. As per the norms of the Government of India, there should be a minimum of 10 flights from here every day. There is a day which is No Flight Day .

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\* English translation of the Speech originally delivered in Tamil.

Sir, my request to the Hon. Minister of Civil Aviation and the Government of India, through you, is that the number of flights to Jodhpur should be increased because it is a very important city. There is also a big handicraft business and handicrafts worth nearly 3 thousand crore rupees export is being from there every year is being done.

Those who come from outside, whether they are from America or imports from those countries they face a lot of problem.. My request to the Government, through you, is that the number of flights to Jodhpur should be increased so that the export business may flourish and be facilitated commuting passengers. Thank you very much.

**HON. SPEAKER:** The House stands adjourned to meet again on Wednesday, July 31, 2019 till 11 o' clock.

**20.11 hrs**

*The Lok Sabha then adjourned till Eleven of the Clock on  
Wednesday, July 31, 2019/ Shravana 9, 1941 (Saka).*

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Published under Rules 379 and 382 of the Rules of Procedure and Conduct of Business in  
Lok Sabha (Sixteenth Edition)

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