

[Shri Anadi Charan Das]

way most of the works are getting delayed. As such, it is necessary not to telecast each cricket match on T.V. The Radio should not broadcast commentary of each cricket match.

SHRIMATI SHEILA DIKSHIT : I have heard the valuable submissions made by the hon. Members. I shall place them before the Business Advisory Committee.

12.20 hrs.

FACTORIES (AMENDMENT) BILL,
1986—Contd.

[English]

MR. CHAIRMAN : Shri P.A. Sangma may please continue his reply.

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI P. A. SANGMA) : I once again take opportunity of thanking all the hon. Members for having supported this important piece of legislation.

While the Bill has an over-whelming support of the House, the House in the course of the debate has expressed its concern about the implementation of the existing laws and also the apprehensions as to whether the law which is going to be passed today will be effectively implemented. Sir, since the Bill has got an overwhelming support, I will not go into the merits of the Bill. I would only try to submit a few things. The major point which has been raised by the hon. Members is about the implementation of the laws. Sir, it is true that the number of inspectors required for inspection of the factories and the number of inspections done by them in all the States are not adequate. According to the law, an Inspector is supposed to inspect 150 factories twice a year. But Sir, the number of Inspectors are not adequate in many States, these Inspectors are required to inspect more than 150 factories, that is, more than the number required to be inspected under the law. There are States where an Inspector may have to inspect about 600 units or even

700 units. Therefore, I will not agree with the opinion expressed by the hon. Members that the Inspectors are not doing their job and they have a collusion with the management and all that. I think they are doing their work with the best of their ability. They are required to inspect 150 factories and if they are to inspect more than this number, I think there is no use blaming our Inspectors. I think they deserve our encouragement. As far as the inspections are concerned, it was expressed by some hon. Members that the Inspectors are not able to inspect all the factories. Hon. Member, Shri Ajoy Biswas, was very emphatic on this point. But for your information, even in your own State, the State of Tripura, the inspection done last year was just 40% as against 90% in some States, 60% in some other States. But in Tripura and West Bengal 40% inspection is done. I am not blaming them. I am only saying that the inspection is not adequate. Therefore, what is required is....

SHRI AJOY BISWAS (Tripura West) : Inspection is not enough. But what I want to know is about the quantum of hazardous nature and all other things.

SHRI P.A. SANGMA : That is why I said that the inspections are less.

SHRI RAM PYARA PANIKA (Robertsganj) : The hon. Minister should be aware that all the State Governments are giving wrong figures about the number of Inspectors employed. In U.P. they have said that there are many Inspectors. But only half of them are appointed and half of the posts are lying vacant. So the State Government is giving wrong figures to the Central Government about the inspectors working there. So, you should also be a little careful.

SHRI P.A. SANGMA : I am only pointing out that even in the State from which the hon. Member comes, the inspection is only to the extent of 40%. Now, what is required is strengthening the inspection machinery and I believe the State Governments have their own problems and the normal complaint they make to me was that the Department of Labour was giving such a low priority when they go for plan allocation to the

Planning Commission. They normally cannot put across their view points. The State Governments, on a number of occasions, told me about the fund allocation. I have myself taken up the matter with the Planning Commission last year and I am happy to say that the Planning Commission was very kind to enhance the plan allocation for the Department of Labour, particularly in respect of the safety measures and hence with more plan allocation. I am confident that the State Governments will be able to strengthen their machinery and their performance will certainly improve.

As far as we are concerned, in the Central Government we have a very limited role to play, but then we have been trying to associate ourselves very actively with the State Governments. Now, one point which is very important here is, even if the Inspectorate is strong, even if we have adequate number of inspectors, now there is still another question whether these inspectors are properly trained, whether they are properly qualified. So, that question also comes. We feel the necessity of upgrading the knowledge of the inspectors, they should be given proper training and we have taken lot of steps to improve the performance of the inspectors in terms of giving training both at home and abroad. Sir, in the last two years we have been able to send about 27 factory inspectors for a specialist type of training in Australia. As far as the domestic training facilities are concerned, we have also tried to strengthen our institutions so that they will be able to give more and more training to our inspectors. Our training facilities at the Central Labour Institute and the Regional Labour Institutes have been considerably strengthened. The training not only involves training of factory inspectors, but also training of workers and management's representatives in the field of safety because we believe that it will not be enough to train the inspectors only. We need to train the management and we need to bring safety consciousness among the workers themselves. Workers themselves should be able to know what is the danger before them and they should be able to point out to the inspector and the management that such precautionary measures need to be taken and this they

can do only when they are properly trained. Under the present amendment we have given that power to every worker to bring it to the notice of the inspector and to the management that such dangers exist, and such rectifications need to be done. So, all these powers have been contemplated under this Act, but giving power alone is not enough, they need to be trained. Therefore, we are giving training not only to the inspectors, but also to the workers and the management and in that process we have also included a scheme as a subject of safety in the training of education officers conducted by the Central Board of Workers' Education and also we have strengthened the faculty of the D.G.

SHRI GIRDHARI LAL VYAS (Bhilwara): When there are no educational centres in Rajasthan what is the use? There are no educational centres for labourers except the one at Jaipur.

SHRI P.A. SANGMA: We have educational centres. In fact, the Central Board of Workers' Education is having 47 regional centres all over the country and so far they have been conducting educational programme only about their rights and duties.

SHRI GIRDHARI LAL VYAS: I am talking about Rajasthan. There is only one at Jaipur and nowhere else.

SHRI P.A. SANGMA: Well, that is a separate matter, I shall certainly look into as to whether it needs to be strengthened. But the fact is that we have 47 regional centres and so far they have not taken this as a subject. They have been only teaching them what are the rights and duties of the workers, but the safety was not included in the syllabus. We have included safety also now in the syllabus just to say that we are aware of the requirements in the country as far as safety is concerned.

We also tried to formulate some guidelines which we give to the State Governments and we have formulated a national programme for Safety And Health Accident Reduction Action programme. In short, it is known as SAHARA, and this programme has been accepted by the

[Shri P.A. Sangma]

State Governments where we are also actively involving the workers themselves. I am very happy to say that there has been a good response from all the State Governments in this regard. The Government also have formulated guidelines for on-the-spot and off-the spot emergency plan and circulated the same for adoption to the State Governments and the Union Territories. Even here also, we have a very good response. What was very important to start this programme of bringing about a consciousness in the safety affairs was first of all to know in every State, how many industries are there which are hazardous to the health and safety of the workers. So, we have requested the State Governments to make a survey of their own States to identify the number of industrial units whom they consider to be hazardous according to the guidelines we have issued. This exercise has been done by all the States. They have identified all those units which are dangerous and we have already started taking remedial measures as to how to improve it, so that even inspectors know to which units they have to go because they have that list of identified industries.

We also have a centrally sponsored scheme for strengthening the industrial hygiene laboratories and this has also commenced operation. This scheme envisages supply of equipment, books and chemicals to the industrial hygiene laboratories. A total outlay of this scheme is Rs. 106 lakhs in the 7th Plan. It is not a very big amount but we have just started it and this scheme will be 100% centrally assisted scheme. The State Governments have nothing to do here. It will be funded 100% by us. Then, we have also concluded the UNDP project for strengthening the industrial hygiene laboratories in all the States and UT administrations where chemical industries are concentrated. This is also a special programme. Under this UNDP programme, we have 18 industrial hygiene laboratories in various States and we have been able to strengthen all this. Therefore, we have started taking a number of steps as far as safety is concerned.

Hon. Member, Shri Ajoy Biswas mentioned that the rate of accidents and

injuries in the country was going up. But I don't think it is going up but it is certainly fluctuating. The position is that there was a decreasing trend between 1971 and 1975. Then, there was a rise from 1976 to 1978. From 1979 onwards, it came down and there was again a rise in 1981. But from 1982 onwards, it has considerably come down and I can give the figure of the last two years. The total number of injuries in 1984 was 3,02,726. In 1985, it came down to 2,79,126. The number of fatal injuries in 1984 was 824 and it came down in 1985 to 807. It is not a very small number. But the fact is that it has started coming down. But there are a few specific points raised by the hon. Members and on one or two, I would like to react. Some of the hon. Members have pointed out that the word "occupier" has to be enlarged as it has a very limited definition. If you look at the definition of "occupier" from the original Act and the amendment that we have brought in, you will see that we have tried to enlarge the definition of "occupier". In page 2, line 35 you will see thus :

"Provided that—

- (i) in the case of a firm or other association of individuals, any one of the individual partners or members thereof shall be deemed to be the occupier ;
- (ii) in the case of a company, any one of the director shall be deemed to be the occupier ;"

Like that, we have given. So, we have tried to enlarge the definition of "occupier" in order to bring many people under the purview of the Act and that we are able to fix the responsibility on a particular person.

DR. G.S. RAJHANS (Jhanshpur) : Sir, on a point of order. In the case of "Director", it is not necessary that he should be a shareholder. An ordinary person can be a Director and in that case, if he becomes an occupier, the purpose will be lost.

MR. CHAIRMAN : There is no point of order.

DR. G.S. RAJHANS : Point of clarification.

MR. CHAIRMAN : This is not a point of order.

SHRI P.A. SANGMA : There was another suggestion by the Enquiry Committee. This Act is to be administered by the respective State Governments and, as I said, we have a very limited role from the Central Government. But we have under this Bill taken a power with us to deal with a situation in case there is an emergency like the Bhopal tragedy. We have also taken precaution to see that in case the State Governments do not act properly, in such emergency case, then Central Government will take up the problem and, in the process, we have provided for the constitution of an Enquiry Committee by the Central Government. The suggestions from the hon. Members were that we should give this Enquiry Committee full necessary power. It should not be an advisory power. I do not think it will be a sound proposition for the Government to give absolute power to any Enquiry Committee. Enquiry Committee is to enquire and submit the reports to the Government and it has to be left to the Government what action has to be taken. If we give that power to the Enquiry Committee to say that Government must do this as final authority, I do not think it will serve our purpose.

SHRI SRIBALLAV PANIGRAHI (Deogarh) : The provision of Enquiry Committee has two aspects. They can visit the factory after some major accidents take place or prior to that on information they can visit. In the latter case, if they find something lacking seriously and they observe it as a finding, that should be mandatory. I do not say about the punishment aspect. But some safety provisions are lacking. That part should be there.

SHRI P.A. SANGMA : Hon. Member raised a very pertinent question regarding Clause 23 :

"No female child shall be required or allowed to work in any factory except between 8.00 AM and 7.00 PM".

The question is why this provision has come after the Child Labour Prohibition

and Regulation Act has been passed. The difference is that under the Child Labour Prohibition and Regulation Act, we have defined a person who has not attained 14 years of age. Under the Factories Act, the child has been defined as a person who has not attained 15 years of age. So, there is a slight difference of one year. That is why, this is to be provided. But I wish that we could have a uniform thing. I tried to do it. But somehow I do not know it has happened. But there is a slight difference between 14 and 15 years. I do not think there has been any other pertinent point which has been raised.

I hope I have answered all the points.

I once again thank all the hon. Members.

SHRI AJOY BISWAS : A team of ILO came to India to investigate the situation of the safety conditions and they have submitted a report. Can you tell what they have said in the report ?

SHRI P.A. SANGMA : ILO team has not come. ILO has commissioned a study after the Bhopal incident. Two Members from ILO and one from India have made a study. They have submitted their recommendations and while we have finalised our thing, we have taken the recommendations into account. As I said yesterday, this is the result of two years of exercise of many studies and many Seminars at regional level and at national level and many articles. We have gone through all these things. We have come with this and we have taken into account all the suggestions that have come from various quarters.

SHRI DAMODAR PANDEY (Hazari-bagh) : About occupational disease, I want to know whether the occupational disease which is to be detected by a specialised agency is available with all the Undertakings or not. If it is not ensured, whether the Minister will ensure that such a system, either the ESI or some specialised agency, will at least be there which can detect the disease so that the workers are protected from major occupational diseases.

SHRI P.A. SANGMA : Occupational disease is certainly drawing our attention

[Shri P.A. Sangma]

very much. So far, we did not have the facility of looking into this occupational disease. As the hon. Member has pointed out, we have the ESI hospitals all over the country—of course they are nothing to do with the Factories Act. It is ESI. We are designating one particular hospital in each State of the ESI whose duty will be only to deal with occupational disease. It is a very difficult proposition. I cannot explain everything here. We need to have the cooperation from everybody.

MR. CHAIRMAN : All these points can be raised when there is discussion on the Demands of the Ministry of Labour.

DR. G.S. RAJHANS : I just want to know that if the State Governments do not implement these provisions, what can the Central Government do except writing letters and keeping quiet ?

SHRI P.A. SANGMA : I don't think it is fair on our part to say that the State Governments will never act on it. In fact, for your information, I will tell the hon. Member.....(*Interruptions*) I have an answer for you

SHRI V. KRISHNA RAO (Chikballapur) : In Karnataka also the same thing is happening.

SHRI P.A. SANGMA : We have formulated a model form which we have circulated to the State Government for reporting back to the Central Government, as to how many inspections have been done ; how many prosecutions have been launched and how many people have been penalised. So, we have drawn up a team. We have circulated it to the State Governments. This is a method of monitoring. We are doing that. I am sure that things are going very well. Let us hope for the better. (*Interruptions*)

MR. CHAIRMAN : That is sufficient. Now, the question is :

“That the Bill to amend the Factories Act, 1948, be taken into consideration.”

The motion was adopted.

MR. CHAIRMAN : The House will now take up Clause-by-Clause consideration of the Bill.

Clause 2 (Amendment of Section 2)

MR. CHAIRMAN : There are notices of amendments given by Shri Ajoy Biswas. Do you want to move ?

SHRI AJOY BISWAS (Tripura West) : Yes, Sir, I want to move my amendments.

I beg to move :

Page 1, line 12,—

after “means” insert—

“a workers' safety counsellor or” (3)

Page 2,—

after line 17, insert—

“(ii) after clause (1), the following shall be inserted namely :

“(1a) “Workers' Safety Counsellors' in relation to any provision of this Act means persons elected through secret ballot by the workers at the following ratio—

- (i) one per hundred workers in the factories employing 1000 workers or less,
 - (ii) one per 250 workers in factories employing between 1001 to 5000 workers, and
 - (iii) one per 5000 workers in factories employing 5001 workers and more, subject to the condition that there should be at least one Safety Counsellor in each section or shop”.
- (4)

My amendments are that if the Government wants to implement the Act properly, then the involvement of the workers is a prime need. In the Act, there is a provision where the workers can be involved,

Provisions are there. But, I think that will not serve the purpose. All the hon. Members from this side and that side have expressed their anxiety about the implementation of the Act. Our experience also shows that during the past 30 years actually acts are there but they were not implemented properly. The Governments tried to defend the Government machinery only. Actually, the Government machinery is not equipped properly to implement the Act. So, it is not effective. My proposition is that if the workers are not involved in regard to the implementation of the Act, then, I think, this act also will be a futile exercise. So, my proposal is that the Workers' Safety Counsellor should be formed. The workers' representative should be elected through secret ballot. And, Workers' Safety Counsellors' in relation to any provision of this Act means persons elected through secret ballot by the workers at the following ratio ;

- (i) one per hundred workers in the factories employing 1000 workers or less ; and
- (ii) one per 250 workers in factories employing between 1001 to 5000 workers.
- (iii) one per 500 workers in factories employing 5001 workers and more, subject to the condition that there should be at least one Safety Counsellor in each section or shop.

If that is formed, then in every factory, the trade unions will be active and they will try to involve the workers ; and it will be easy for the Government also to implement the Act.

About factory inspectors, even the Minister has agreed that they are not able to inspect all the factories, sometimes they do 60 per cent, sometimes 50 per cent, and even if the inspectors inspect a hundred per cent, then I may tell you, in that case also, it is not possible for the inspector to report to the concerned authorities properly. If there is any collusion between the inspector and the owner, then the report which the inspector will submit will not be proper, there is a

possibility of his submitting a false report. What was done in the case of Gujarat Silk Mill. Every time the inspector visited the factory, he submitted the report that there was no health hazard....

MR. CHAIRMAN : You have made yourself clear.

SHRI AJOY BISWAS : I think, my amendments will be accepted. That will help to implement the Act.

SHRI P.A. SANGMA : Workers have been fully involved in this matter. If we look at page 12 of the Bill, under 41G, we have said that there shall be "a Safety Committee consisting of equal number of representatives of workers and management to promote cooperation between the workers and the management in maintaining proper safety and health at work." The only difference is that I have called it a 'Safety Committee' and the hon. Member wants to call it a 'Safety Council'. That is the only difference. Besides this, we have already made a provision in 111A, Clause 41, where we have given the right to every worker, whether he is a member of the Safety Committee or not ; the provision in the Bill reads :

"Every worker shall have the right to—

- (i) obtain from the occupier, information relating to workers' health and safety at work,
- (ii) get trained within the factory wherever possible, or to get himself sponsored..." etc.

In the whole lot of this provision, power has been given not only to a member of the Safety Committee but also to every worker. So, the hon. Member's point has already been met. I do not think there is any necessity for any amendment.

MR. CHAIRMAN : Is the hon. Member withdrawing his amendments or is he pressing ?

SHRI AJOY BISWAS : I am pressing.

MR. CHAIRMAN : I now put the Amendments Nos. 3 and 4, moved by Shri Ajoy Biswas, to the vote of the House.

Amendment Nos. 3 and 4 were put and negatived.

MR. CHAIRMAN : The question is :

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

MR. CHAIRMAN : The question is :

"That Clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

MR. CHAIRMAN : The question is :

"That Clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clauses 6 to 19 were added to the Bill.

MR. CHAIRMAN : 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 29 were added to the Bill.

MR. CHAIRMAN : The question is :

"That Clause 30 stand part of the Bill."

The motion was adopted.

Clause 30 was added to the Bill.

MR. CHAIRMAN : 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 46 were added to the Bill.

Clause 1 (Short title and Commencement)

Amendment made :

Page 1, line 3,—

for "1986" substitute "1987" (2)

(SHRI P.A. SANGMA)

MR. CHAIRMAN : The question is :

"That Clause 1 as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made :

Page 1, line 1,—

for "Thirty-seventh"

substitute "Thirty-eighth" (1)

(SHRI P.A. SANGMA)

MR. CHAIRMAN : The question is :

"That the Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

MR. CHAIRMAN : The Hon. Minister may now move that the Bill, as amended, be passed.

SHRI P.A. SANGMA : I beg to move :

"That the Bill, as amended, be passed."

MR. CHAIRMAN : Motion moved :

"That the Bill, as amended, be passed."

Shri Shanti Dhariwal to speak.

[*Translation*]

SHRI SHANTI DHARIWAL (Kota) : Mr. Chairman, Sir, all the points raised have been replied to. I would like to speak on labour.

SHRI VIJOY KUMAR YADAV (Nalanda) : Mr. Chairman, Sir, this Bill which provides for the safety and health of the workers has been discussed in detail in the House. In the Schedule of the Bill a list has been given showing those industries in which it would be implemented. There are 40 lakh bidi workers in the country who have to work under hazardous conditions. 50 per cent of the workers of this industry are victims of T.B. and other diseases. I want to request that this industry should also be added to the list so that the bidi industry is also covered under this legislation.

[*English*]

SHRI P.A. SANGMA : The schedule is limited and we have empowered the State Governments under this Act to go on adding whatever they find hazardous. So, that power is already there under the Act.

MR. CHAIRMAN : The question is :

"That the Bill, as amended, be passed."

The motion was adopted.

12.54 hrs.

**CINE WORKERS WELFARE FUND
(AMENDMENT) BILL, 1987**

[*English*]

THE MINISTER OF STATE OF THE
MINISTRY OF LABOUR (SHRI P.A.
SANGMA) : I beg to move :

"That the Bill to amend the Cine-workers Welfare Fund Act, 1981, be taken into consideration."

Sir, The administration of Cine-Workers Welfare Fund Act, 1981, alongwith two other enactments relating to Cine Workers, was transferred from the Ministry of Information and Broadcasting to the Ministry of Labour with effect from 1st April, 1986. It provides for the following facilities :

Financing of activities to promote the Welfare of certain cine-workers and in particular—

- (a) to defray the cost of such welfare measures or facilities for the benefit of cine-workers as may be decided by the Central Government ;
- (b) to provide assistance in the form of grants or loans to indigent cine-workers ; and
- (c) to sanction money in aid of any scheme for the welfare of the cine-workers which is approved by the Central Government.

It is proposed to amend the provisions of this Act so as to make it more effective as also to enlarge its coverage. The proposed amendments are based on analogous provisions in other Welfare Fund Acts for Mica, Limestone and Dolomite, Iron Ore Miners etc. The amendments proposed are as under :

- (i) To amend Section 2(b)(ii) of the Cine-Workers Welfare Fund Act, 1981 to raise the present ceiling from Rs. 1000/- p.m. to Rs. 1600/- p.m. and where such a remunera-