

[Sh. Aziz Qureshi]

18.00 hrs.

[Translation]

Three years ago I had asked a few question through an unstarred question in this House. The questions were: How much funds have been given by EZE to remove poverty and to save the people from starvation; and whether this foreign agency has prepared the map of restricted areas and published them? The reply from the Government was in the affirmative. The details were also given.

[English]

MR. DEPUTY SPEAKER: You can continue next time.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE DEPARTMENT OF CHEMICALS AND PETRO-CHEMICALS IN THE MINISTRY OF INDUSTRY (SHRI P. NAMGYAL): Mr. Deputy-Speaker, Sir, I propose that the sitting of the House be extended by one hour.

THE MINISTER OF LABOUR (SHRI BINDESHWARI DUBEY): In that case, I can move the Employees' State Insurance (Amendment) Bill for consideration.

SHRI SOMNATH RATH (Aska): We can also pass it.

MR. DEPUTY-SPEAKER: Is it the sense of the House that we sit late by one hour?

SEVERAL HON. MEMBERS: Yes.

MR. DEPUTY-SPEAKER: The sitting of the House is extended upto 1900 hours.

We shall take up next item—No. 10.  
Shri Bindeshwari Dubey.

## EMPLOYEES' STATE INSURANCE (AMENDMENT) BILL

[English]

THE MINISTER OF LABOUR (SHRI BINDESHWARI DUBEY): I beg to move:

"That the Bill further to amend the Employees' State Insurance Act, 1948, as passed by Rajya Sabha, be taken into consideration."

As the hon. Members will be aware, the Employees' State Insurance Act, 1948 provides, inter-alia, for grant of cash benefits to the employees in the event of sickness, maternity and employment injury. In addition, medical care is provided to the insured person and his/her family in kind. The Act which is applicable, in the first instance, to non-seasonal factories employing 20 or more persons and using power in the manufacturing process, is now being gradually extended area-wise to certain new classes of establishments, in a phased manner. As on 31.12.1988, the Act covered about 61.68 lakh workers in 580 industrial centres in the country. The total number of beneficiaries including the family members for medical care was about 2.73 crores.

The working of the Employees' State Insurance Scheme has been reviewed from time to time. A sub-committee of the ESI Corporation had made an in-depth study of the various provisions of the Act and made certain recommendations in 1978. Another Committee was set up by the Ministry of Labour subsequently to review the working of the Scheme. This Committee had submitted its report to the Government in 1982. The two Committees together had made a number of recommendations involving amendment of the Act. These recommendations called for a comprehensive amendment Bill

As, however, drafting of a comprehensive amendment Bill was likely to take time, we had brought forward an amending Bill in 1984 for carrying out certain amendments such as raising the wage limit for coverage of employees from Rs. 1000/- to Rs. 1600/- per month, for which there was a pressing demand. The Act was accordingly amended in 1984. The other amendments suggested were not of a very pressing nature, and, therefore, all the pending recommendations were further reviewed and incorporated into a comprehensive amendment Bill which has now been introduced.

There are two amendments which are of particular interest to the workers. The first of these amendments relates to inclusion of children of insured persons upto the age of 21 years and infirm children without any age restriction in the definition of "family", so as to make them eligible for medical benefit under the Act.

At present, medical benefit is available only to minor children i.e. children upto the age of 18 years. The second amendment seeks to provide for continuance of medical benefit to the insured persons, who have to leave insurable employment due to employment injury, and retired insured persons and their spouses, subject to payment of contribution. At present, medical benefit is available to insured persons only so long as they are in insurable employment.

Under the existing provisions of the Act, the Act is made applicable in the first instance, to factories. The provisions of the Act are being extended area-wise, in a phased manner. Normally the provisions of the Act are implemented in areas with concentration of about 1000 employees for whom viable medical arrangements can be made. At present, some difficulty is being experienced in implementing the provisions of the Act in new areas, as the Act has to be made applicable in the first instance only to facto-

ries. The areas with concentration of factories have since been generally covered. It is, therefore, now necessary to cover other coverable establishments, along with factories. It is accordingly now proposed to make the Act applicable to other coverable establishments along with factories.

At present, the Corporation has to make recruitment to all posts corresponding to group 'A' and 'B' posts under the Central Government through the UPSC. The experience over the years has shown that recruitment to posts through the UPSC generally takes considerable time. Delay in filling up of the posts of medical officers in ESI dispensaries/hospitals is bound to adversely affect the service provided to the beneficiaries. It is, therefore, now proposed to withdraw the 'medical posts' in the Corporation from the purview of the UPSC and to empower the Corporation to make direct recruitment to these posts through its own Selection Board, so as to ensure timely filling up of the posts.

An important aspect of the administration of the ESI Scheme relates to the autonomy of the ESI Corporation which is self-financing. The members of the ESI Corporation, particularly the representatives of the employers and employees have been pleading for greater autonomy and freedom of action for the Corporation. Considering the number of persons who contribute to the scheme and the vast amount of funds handled, a certain measure of Government control seems to be unavoidable. However, any rigid control of the organisation, with a view to safeguarding the funds and the interest of the workers, is bound to curb initiative and effect service. The Government has, therefore, after considering all aspects of the matter, decided to confer enhanced powers to the Corporation in the matter of creation of posts, appointment of officers and application of the Government rules relating to pay, allowances and other conditions of service to their officers and staff. It is also proposed

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to increase the number of representatives of employers and employees on the Corporation from five each to ten each, so as to give them greater representation.

Another major area of concern has been the mounting arrears of ESI dues. Contributions have to be collected from a large number of employers, some of whom default in payment of contribution. The Government has been rather concerned about the default in payment of contribution, which though small in relation to the total quantum of funds handled, is large enough in absolute terms to cause anxiety. The defaults may sometimes occur for economic reasons, but all defaults cannot be ascribed to this. In some cases, in particular, wilful default cannot be ruled out. Besides, whatever be the cause, the default in payment of contribution by an employer effects the financial position of the Corporation and consequently grant of benefit to the insured persons. As on 31.3.1989, the total amount of arrears of ESI dues (including interest) amounted to about Rs. 116.37 crores. The ESI authorities have been taking all possible legal and penal action for realisation of arrears but arrears have been gradually mounting. In order to ensure early recovery of the outstanding dues, it is now proposed to set up an independent recovery machinery of the ESI Corporation on the lines of the recovery machinery of the Income Tax Department. It is also proposed to plug the loopholes in the existing provisions of the Act and to make the various penal provisions in the Act more stringent.

There are certain provisions, such as, those relating to wage limit for coverage under the Act, wage limit for exemption of employees from payment of employees contribution, which require suitable enhancement. Similarly, the rates of various benefits may also have to be periodically enhanced to compensate for rise in the cost of living. At

present, all these provisions are governed by specific provisions of the Act. Any changes in these provisions require amendment of the Act, which usually takes time. It is, therefore, now proposed to provide for prescribing all these matters in the rules so that necessary changes may be effected as and when necessary. The copies of notifications carrying out amendments in the rules would, however, be laid before Parliament as already provided in the Act.

These are some of the more important amendments proposed. I hope that the Members will welcome the proposed amendments.

The Bill has been brought to improve the functioning of the Corporation to take care that more adequate facilities, like medical care, health and other facilities as provided in the original Act, are made available. I think the Members of the House have appreciated this Amending Bill and therefore they have not suggested any amendment. With these words, I commend the Bill for the consideration and passing by this august House. I hope the hon. Members will pass this Bill even without discussion as it is primarily aimed at enhancing the welfare measures of the E.S.I. Working class working in small factories and other shops.

SHRI SOMNATH RATH (Aska): Mr. Deputy-Speaker, Sir, this is a Bill for the welfare of the workers. It is a progressive Bill. There is no doubt about it. It provides medical facilities for the family members of the workers and also the scope for insurance of the workers extended. While welcoming the measures taken by the Government for the benefit of workers, I would like to suggest one thing to the hon. Minister. Sir, the employers never contribute their share in right time and they are in arrears of contribution of the workers' provident fund. What they do is that in the Board, there are members who are actually not in existence. This Bill ex-

tends not only to factories but also to certain establishments. It is a very good measure. But the Members of the Board and of the Managing Committee are in many places fictitious and they have no property of their own and they do not contribute their share. Further, when the Government take efforts to realise the arrears from them, they go to the High Court and get a stay order and the stay orders continue for an indefinite time. On account of this, the workers are not able to benefit. So, I would request the hon. Minister to see that necessary legislations or amendments to existing law may be made to take away the jurisdiction of the High Court to grant stay orders. Let there be Tribunal. It should be decided by the Tribunal and no High Court should entertain these cases. There are many instances. In West Bengal, for factories, many cases are pending and crores and crores of rupees are not being realised from the employers. This is the main point to which attention should be given by the Government and necessary steps should be taken to see that employees don't cheat the workers and victimise the workers.

**SHRI CHINTAMANI JENA (Balasore):** Mr. Deputy-Speaker, Sir, I wholeheartedly support the Amendment to the Act brought by the hon. Minister. I would only request the hon. Minister that this facility may be extended to the workers who are working in the rural areas, and are handling the agricultural implements like tractors, water pump sets, etc. because in the rural areas there is no facility either medical or any other facility which is applicable for the welfare of the labour in the factories and industrial sectors. Those facilities are not available to the labourers or the workers who are working in the rural areas. So, my humble submission to the hon. Minister is that this facility may also be extended to the labour working with machines and also implements in rural areas because they are not organised and nobody cares for them. I would like to submit one more point. What we have noticed is that

E.S.I. Dispensaries and hospitals are limited in number. These institutions cannot provide medical facilities to all the workers. So, there should be one dispensary and hospital for a certain number of workers working in industries or factories. My suggestion would be that for 5,000 workers, one ESI dispensary should be established either by the Government of India or by the State Government and for 25,000 workers there should be one hospital. Besides, I fully appreciate the concept of the hon. Minister about child labour. We have discussed it several times here but unfortunately, nobody is looking after them. Even today, I can name many of the States, but I should not name them. Many small boys below 13 years are working in Beedi factories and in several industries. Nobody is looking after them and no facility is provided by the employers to these child workers. So, I would request that the Amendment should be such that stringent punishment should be given for violation of any welfare measures for the child workers sanctioned in this Act. With these words, I whole-heartedly support this Bill.

[*Translation*]

**SHRI AZIZ QURESHI (Satna):** Mr. Deputy Speaker, Sir, I support the Bill and congratulate the hon. Minister for introducing the Bill in the House. I won't take much time. I would like to draw his attention of the hon. Minister to the fact that there are a number of areas in the country where the laws meant for the protection of labourers have remained confined only to books and they are not implemented effectively. In my own constituency Satna, there is a factory named Satna Cemented Lime Factory, where thousands of labourers work. But the management neither got any dispensary or hospital constructed with their own expenses nor did they give permission to open these facilities by the Government on the land they acquired on lease basis. On the contrary, they closed the hospital which had already

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been functioning there. They are capitalists and that is why the voice of labourers is not heard. I represent that area in the House and I have been constantly trying for the last three years to provide facilities to them, but I did not succeed in my efforts. Neither there is any electricity nor drinking water. Health services and educational institutions are missing. They have not allowed any welfare work to be done on their land which they took on lease basis. The hon. Minister may note down that in Satna there is Satna Cement Lime Factory. The law should have a provision for stringent action to be taken against the owners of the factories who do not provide the basic facilities to the Labourers. Otherwise the laws will be of no use and they would remain confined only to statistic book.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI S. KRISHNA KUMAR): Sir, I would like to make this brief intervention to congratulate the hon. Labour Minister Shri Bhindeshwari Dubey as well as our Prime Minister for bringing forward this legislation which increases the benefits to different categories of workers all over the country, which proposes to rationalise the working of the Employees' State Insurance Scheme and give further devolution of powers and flexibility of working to the ESI Corporation. The hon. Labour Minister has, in his introductory statement, given a comprehensive picture of the benefits which are proposed to be given to the working class through this Bill. Sir, we in Kerala are particularly happy that the Government of India, particularly the hon. Labour Minister has taken the initiative to bring forward this amendment. This amendment will, *inter alia* give substantial benefits to one of the most important segments of the traditional work-

ing class in Kerala, namely the cashew workers of the State.

The Employees State Insurance Act, 1948 has been amended several times. The working of the scheme has often been reviewed. Several committees have gone into the working of the scheme, started in 1948, various times. The last amendment was made in 1984 which gave certain additional benefits to the workers. For instance, the wage limit for coverage of employees was raised through that amendment from Rs. 1,000 to Rs. 1600 per month. But unfortunately, as far as the cashew workers of Kerala are concerned, a particular measure which sought to rationalise the working of the scheme had affected the cashew workers adversely. I am referring to the particular amendment made in 1984 which changed the definition of wage period for making workers eligible for benefit under the scheme from 13 week in a half year to 91 days in a half year. That amendment was brought by the Central Government with altogether good and *bona fide* intention. The purpose was to streamline the working of the scheme and to ensure that the eligibility criterion is not misused by any particular section of the employees. But technically up to that amendment, even though the cashew worker theoretically worked only one day a week, if he was able to put in 13 stamp cards under the ESI Act, within a half year, to the Corporation, that is, theoretically even if he worked for only 13 days in a half year, he would have been eligible for benefits under the ESI Scheme, though, of course, the quantum of benefits would only be proportionate to the number of days' contributions he had made to the Corporation. Because of the amendment of 1984 changing the 13 week wage period to 91 days, which was brought forward by the Central Government, based on the reports of the committee which went into the working of the ESI Scheme, a large section of the cashew workers who could not satisfy the criteria benefits of were denied of

the ESI Scheme from 1984 onwards. This is because the conditions in the cashew industry are such that it was rarely possible to give continued work of 91 days in a half year.

My constituency of Quilon in Kerala has more than 1 1/2 lakh cashew workers' families. Not only are they a very sizeable segment of the population of the area but they represent the most organised working class. Stalwarts of my own Party and of public life in India like late Shri C.M. Stephen were renowned trade unionists in the cashew field and it were they who organised the cashew workers behind the nationalist movement. The majority of the cashew workers are women and they include a large number of Harijans. Because of the nature of processing in the cashew industry which requires a specific talent which only women in certain areas such as Quilon, have able to develop over the years, cashew processing industry has tended to concentrate in that area. Many of the Opposition parties and Opposition trade unions have been making political capital out of the changed definition of the work period which denied some sections of the workers the benefit which were enjoying ever since the inception of the Act in 1938.

All the members of Parliament from Kerala including myself have been entreat- ing the Central Government to make a special exemption for cashew workers but obviously it was not possible to make an amend- ment in the ESI Act for cashew workers alone in a large country like India. There are many other areas of activity of organised working class such as sugar, jute mills where also the work is of a seasonal nature even though the workers work in registered facto- ries and they are eligible for the benefits under the ESI Act. Ultimately due to the sagacity of the Labour Minister and the kind- ness of our hon. Prime Minister, this problem is sought to be solved by not making a specific exemption in the case of cashew workers as such, but by Government through

this particular amendment, taking the power under its wings to regulate the wage period, the eligibility criterion and other parameters in the working of the ESI Scheme so that Government, in its wisdom and in its enlight- ened opinion, can regulate the working of the ESI Scheme in particular areas of our coun- try, for particular sections of the working class, taking into consideration the practical and realistic situation which exists in those segments of the working class.

Sections 19, 20, 21 etc. of the new Amendments and sub-sections thereof enable the Central Government to fix eligibil- ity criteria for sickness benefit, conditions under which such benefit can be given, rate and period thereof, the qualification of the insured women to claimed maternity benefit, the rates and periods of disablement, rates and periods of the other benefits under the Act as may be specifically prescribed by Government. In the previous amendment and in the existing Act, these eligibility crite- ria were fixed in absolute terms. For in- stance, 91 days in a half year was fixed as the wage period making workers eligible for sickness benefits. It was not possible to fix different criteria for specific industry for specific reasons without amending the Act. It would have been too onerous and too diffi- cult and virtually impossible to amend the Act for each category of industry even though each category of industry and working class had a genuine case. By making this new amendment, the ESI Act will become flexible and the Government will be in a position to give relaxed conditions for availing of the benefits not only by cashew workers but by workers similarly situated in any other part of the country who have a genuine grievance with respect to any of the benefits under the Act.

Through the enacting provisions of the New Amendments, benefits such as Medical benefit, Sickness benefit, Extended Sick- ness benefit, Accident benefit, Permanent

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Disablement benefit, Maternity benefit, Funeral benefit, Dependent benefit and Rehabilitation benefit to which workers are eligible under the Act will be available to the cashew workers even though they are not able to fulfil 91 day in a half year criterion which was necessary under the previous Act. As soon as this Bill is passed, hon. Labour Minister has assured the Members of Parliament from Kerala and publicmen from Kerala that a separate administrative schemes will be promulgated making use of the provisions of this Act separately stipulating the eligibility criteria, taking into condition the practical reality of the number of days cashew workers are able to work in Kerala and elsewhere.

When the Congress Government was in power in Kerala, we were able to give to the cashew workers a minimum of 120 days work in a year because we are able to procure the lion's portion of the raw cashew which was produced in the whole of the country and make it available to our factories. We are also able to import substantial quantity of raw nut from abroad. But because of the unprincipled and negative policies being followed by the present Marxist Government in Kerala, last year, they were able to give work only for about fifty to sixty days. This year they may be able to give a little more. So, irrespective of the number of days, on the average, they can get only hundred days work because the total raw but production in the country is only one and a half lakh tonnes whereas it requires five lakh tonnes of raw material or raw cashew to give, say three hundred days work a year to the cashew workers of the State.

Therefore, I am sure, the hon. Labour Minister will fix the criteria on in such a way that not only will the cashew workers be able to get the benefit under this scheme but the limit should be fixed in such a manner that

these two lakh poor women, who depend on the cashew industry and who have been the beneficiaries of the ESI Act since 1938 onwards, ever since the ESI Act came into being, will get benefit which are not less than what they were enjoying all these years under the Act, under the previous legislation.

Hon. Prime Minister and the Labour Minister are taking the leadership in ensuring that working class of the country get a fair deal and all new labour legislation confer enhanced benefits and never curtail the existing benefit. The convention has also been, that whatever benefits, rightly or wrongly by sections of the working class have been enjoying for decades, by tradition, we do not take away from the existing benefits.

I am sure the hon. Minister will keep these things in mind. He has been extremely kind already in bringing the New amendment. When the administrative scheme is formulated, it may be got through the ESI Corporation and promulgated before *Onam*, our national festival in Kerala in September which is emotionally important to the cashew workers and the people of the State. I have no doubt in my mind that the Government of Shri Rajiv Gandhi will give this benefit as my leader in Kerala Shri K. Karunakaran and Kerala's PCC (I) President, Shri A.K. Antony have already requested anticipating Government's goodwill. as an *Onam* gift to the cashew workers of Kerala, that the new cashew workers ESI scheme will be announced before *Onam* season starts in the middle of September.

I would also like to congratulate the Labour Minister because very major fresh benefit is also sought to be given by this amendment, that is now the children of the workers including cashew workers will be given the medical benefit to which they were not eligible before. The children of insured persons upto the age of 21 years and infirm

children without any age restriction have been included in the definition of the family of the worker, so that now they will also, as per this amendment, become eligible for medical benefits under the Act. This also is a very far-reaching benefits as far as the working class is concerned.

I do not want to take much of your time. I would like to congratulate the Labour Minister and the Ministry—not only Shri Dubey, but also his able junior colleague Shri Malaviya—for helping Kerala and the cashew workers, though this amendment is not for cashew workers alone, it is for all workers; yet the cashew workers probably stand to benefit most of all from this amendment.

The Opposition Parties in Kerala were mocking at us all these years. They said, our assurance that this ESI Act will be amended to give benefits to the cashew workers of Kerala will never be implemented. They were mocking at us saying that this is just an empty promise and such an amendment can never be made in an All India Act to benefit the cashew workers. The Marxist Government in Kerala has not taken any step in the last two years to persuade the Central Government to bring this amendment. It is the Congress MPs of the State who have been pursuing this amendment with single minded devotion and now made this enlightened legislation possible. I had promised the cashew workers that, before August 15 this legislation will be passed in the Rajya Sabha and the Lok Sabha. We are most grateful to the Hon. Prime Minister and the Hon. Labour Minister because this evening, the 14th of August, this Bill is being passed by this august House.

[*Translation*]

THE MINISTER OF LABOUR (SHRI BINDESHWARI DUBEY): Mr. Deputy-Speaker Sir, I thank all those hon. Members

who have not only supported this Bill but also appreciated its objective.

Shri Somnath Rath said in his speech that the arrears of the employers' contribution towards E.S.I. were increasing. He also asked the Government to take strict measures for the recovery of these arrears. There is a provision for this purpose in this Amending Bill and the Government will set up an independent machinery which will improve the recovery process. Apart from this, we are asking the State Governments to depute some judicial officers for our help to expedite the recovery cases which are pending. We shall also try to set up special courts if the need arises. Till now the E.S.I. has recovered about Rs. 3,350 crores. I agree that the entire amount should be recovered and arrears should be fully cleared. But there are some representatives of the employers who do not have any assets and, as such, they do not have any accountability or responsibility. This problem has to be solved. When the Corporation is reconstituted, we shall see to it that only those representatives find a place in it who plead the case of employees with full responsibility. This Bill provides for an increase in the number of representatives of the employers and employees in the Corporation. We shall prefer such representatives who can help us recover the arrears due from the employers and are aware of their responsibilities.

Expressing his support for the Bill, hon. Shri Jena said that there are a number of areas where the Corporation does not have any hospitals or dispensaries. For this purpose, there is a norm that dispensaries would be provided at places where there are at least 1000 insured workers of the Corporation. At these dispensaries, medicines, ambulance, doctors and pharmacists are available. At places where there are 12,000 insured workmen of the Corporation, an hospital is provided. There are 104 E.S.I. hospitals in the country. These are large

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hospitals and there are large hospitals and there are many dispensaries also. In the Corporation meetings, representatives of the employers and employees frequently complain that the medical facilities are not satisfactory. One of the main reasons for this is that vacancies of doctors were not filled up on time. When this Act was first passed we expected it to have a wide coverage that would benefit many people. It is believed that of all security schemes in the world, this social security scheme is the biggest. In course of time, it was felt that this Corporation is not really enjoying autonomy although it is an autonomous Corporation. So greater autonomy will be provided to this body so as to improve its functioning. One of the objectives of this Bill is to empower the Government to have an overall control over the Corporation but at the same time, it has to ensure that there is no impediments in its functioning and its objective of providing better medical facilities to insured workmen is fulfilled.

If hon. Shri Jena pinpoints a particular area which fulfill the prescribed norms, the Government would definitely help in setting up of dispensaries or hospitals over there. As a Chairman of the Corporation, I shall see that necessary approval is given in the meeting.

My other colleague hon. Shri Aziz Qureshi referred to the situation prevailing in Satna. I was pained to hear that there are many places which have industrial establishments but are not covered by the E.S.I. We shall take all the details from him and I assure him that if E.S.I. coverage has not been possible due to interference from any employer, appropriate action will be taken to

extend E.S.I. benefits to workers over there.

Hon. Shri Krishna Kumar expressed his support for the Bill and also thanked the hon. Prime Minister and myself for the same. Apart from what I discussed in my speech, he also read out a few clauses. All these points highlighted the increased benefits envisaged for insured persons their dependents and the disabled through improved medical facilities. He mentioned the case of cashew workers in particular. In fact, since the time I assumed charge as Minister of Labour, he has been regularly taking up the case of cashew workers with me. He discussed this matter with the hon. Prime Minister also and said that cashew workers were entitled to E.S.I. benefits. Through an amendment in 1984, some changes in the eligibility conditions deprived the workers of the benefits. Since then I have been thinking of a way to restore E.S.I. facilities to cashew workers of which they had been deprived through an amendment in 1984. This Bill will also empower the Corporation to read just the eligibility criteria so as to cover all workers. The eligibility criteria may be prescribed according to the prevailing situation. In this manner adequate medical facilities can be provided to workers and their dependents. As soon as this Bill is passed, it will become an Act and we shall immediately formulate a scheme, deliberations for which have already started. This Bill is related to essential welfare measures, and when the House passes this Bill it will become an Act. The draft for the scheme is under preparation. He said that if the scheme was launched on the auspicious occasion of Onam, the cashew workers and other workmen who had been deprived of benefits would be very happy. Hon. Shri Rajiv Gandhi's Government is committed to providing a respectable status in society to citizens of this country who sweat and toil to earn their daily bread. Any

worker can be included in this scheme and brought under the purview of social security measures. Our happiness lies in their being happy. We shall do our best to finalize the scheme before the festival of Onam so that we can share their happiness.

Hon. Shri Jena spoke about the problems being faced by the bidi workers. There is a separate scheme for bidi workers—Bidi workers Cess Act and Bidi Workers Fund Act through which separate medical and other facilities are being provided to them. It does not have any relation to the E.S.I. scheme. The hon. Member is requested to go through that Act. It provides for a wide range of medical and other facilities. If there are still places where bidi workers are not getting the facilities. We shall try to make these benefits available to them. Let me give an assurance that we are alive to any shortcomings in the implementation of labour laws, but as hon. Members are well aware the responsibility for their implementation lies with the State Governments. They have not taken up the task of implementation as seriously as they should have. This has resulted in shortcoming in implementation. To overcome this shortcoming, we are amending many of the labour laws to plug any legal loopholes that may exist. At the same time, employers who violate these laws would be given severe punishment. For this purpose the penal provisions are being made more stringent.

I hope the amendments in various laws will ensure their better implementation and thus provide better facilities to workmens.

With these words I express my gratitude to the hon. Members who have supported this Bill. With your permission, I propose that this Bill be passed.

[English]

MR. DEPUTY SPEAKER: The question is:

"That the Bill further to amend the Employees' State Insurance Act 1948, as passed by Rajya Sabha, be taken into consideration."

*The motion was adopted*

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

The question is:

"That Clauses 2 to 47 stand part of the Bill."

*The motion was adopted*

*Clauses 2 to 47 were added to the Bill*

MR. DEPUTY SPEAKER: The question is:

"That clause 1, the Enacting Formula and the Long Title stand part of the Bill.

*The motion was adopted*

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

SHRI BINDESHWARI DUBEY: I beg to move:

"That the Bill be passed."

MR. DEPUTY SPEAKER: The question is:

"That the Bill be passed."

*The motion was adopted*

**18.58 hrs.**

MR. DUPUTY SPEAKER: Now the House stands adjourned to meet at 11.00 hours on Wednesday, the 16th August, 1989.

*The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, August 16, 1989/Sravana 25, 1911 (Saka)*