

industries, it is essential that the financial institutions and the nationalised banks are directed by the Government of India, as a matter of policy, to make available easy credit on soft terms to genuine entrepreneurs in this region.

It is also necessary to give some special incentives for industrial units located in the Rayalaseema region.

**(vi) Need for cancellation of "Memorandum of Understanding" between the Government of India and M/S Samtel-Corning**

SHRI BASUDEB ACHARIA (Bankura): Sir, a serious situation has arisen as a result of the "Memorandum of Understanding" between the Government of India on one side and M/S. Samtel-Corning on the other side on 22.6.1988 on transfer of shares of Bharat Electronics Limited in which M/S. Samtel-Corning will have 40% shares each and Bharat Electronics Limited will have the remaining 20%.

This also stipulates plan for "setting up facilities elsewhere", causing apprehension amongst employees of gradual winding up of existing facilities for colourful pastures. The understanding will also drain out over 50% profits/gains out of the country besides in-gress in a profit earning unit by foreign units.

I request the Minister of Defence to cancel the Memorandum of Understanding to protect this public sector unit in the interest of the country.

**(vii) Need to increase the domestic production of Crude oil to meet the indigenous demand**

SHRI VIJAY N. PATIL (Erandol): It has been observed that production of crude oil has fallen short of planned targets during the last three years. It is doubtful if new finds in the Bombay High, Krishna-Godavari and Cauvery basins will meet the increasing demand of crude which is rising at an alarming rate. The gap between production and consumption has forced Government to

import crude oil even in the face of difficult foreign exchange position and fluctuations in the crude prices in international market.

I urge upon the Government to increase domestic production and curtail imports. At the same time, steps must be taken to make India self-sufficient and increase production of crude substantially by establishing geological reserves and then exploit them for future requirements.

[*Translation*]

**(viii) Need to impress upon hospitals the need to provide prompt attention to accident victims**

SHRIMATI USHA RANI TOMAR (Aligarh): Mr. Deputy Speaker, Sir, the number of people dying in the accidents is the maximum and that is only the next to the casualties being caused by the heart disease and the cancer. According to a report the accidents are increasing with the growing use of machines in the field of transport and agriculture, and industry due to which the death rate is also increasing rapidly. Due to accidents the number of the handicapped is increasing by 10 thousand every year. If the accident victim are given prompt attention, the number of people dying in accidents may be reduced. The members of the emergency medical. Year should be provided special training in this field. Hospitals and other medical institutes should be instructed to attend accidents cases immediately.

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12.18 hrs.

MATERNITY BENEFIT (AMENDMENT) BILL

[*English*]

MR. DEPUTY-SPEAKER: We shall now take up the next item-Maternity Benefit (Amendment) Bill. Shri Bindeshwari Dubey may now move for its consideration.

THE MINISTER OF LABOUR (SHRI BINDESHWARI DUBEY): Sir, I beg to move:\*

"That the Bill further to amend the Maternity Benefit Act, 1961, as passed by Rajya Sabha, be taken into consideration."

As the hon. Members will be aware, the Maternity Benefit Act 1961 regulates the employment of women in certain establishments before and after child birth and provides for maternity and certain other benefits. The Act applies in the first instance to factories, mines, plantations and the circus industry. It can be extended to other establishments by the State Governments. There is no wage limit for coverage under the Act.

With the gradual extension of coverage under the Employees' State Insurance Act, which also provides for maternity and certain other benefits, the area of application of the Maternity Benefit Act has shrunk to some extent. The coverage under the ESI Act is, however, at present restricted to factories and certain other specified categories of establishments located in specified areas. The Maternity Benefit Act is, therefore, still applicable to women employees employed in establishments which are not covered by the ESI Act, as also to women employees, employed in establishments covered by the ESI Act, but who are out of it because of the wage limit.

Under the Act, women employees are entitled to maternity benefit at the rate of average daily wages for the period of their actual absence upto 12 weeks due to delivery. In cases of illness arising due to pregnancy etc., they are entitled to additional leave with wages for a period of one month.

They are also entitled to six weeks maternity benefit in case of miscarriage. The Act also makes certain provisions to safeguard the interest of pregnant women workers.

The Act was last amended in 1976. Since then, certain suggestions for further amendments have been received. A work-

ing group of the Economic Administration Reforms Commission had reviewed the provisions of the Act in 1984 and made certain recommendations for amendment. The various suggestions/ recommendations have been considered and it is now proposed to carry out certain amendments to this Act. Some of the more important amendments are:-

- (i) The provisions of the Act are being extended to shops or establishments employing ten or more persons;
- (ii) The qualifying period for grant of maternity benefit is being reduced from 160 days of actual work in the preceding 12 months to 80 days of actual work in the preceding 12 months,
- (iii) The rate of maternity benefit payable to women employees for each day of absence due to maternity is being fixed at the average daily wages or the minimum rate of wages fixed or revised under the Minimum Wages Act or ten rupees, whichever is higher. The existing rate is average daily wage or one rupee a day, whichever is higher;
- (iv) The rate of medical bonus payable to women employees in case the employer does not provide pre-natal confinement and post-natal care free of charge, is being raised from twenty-five rupees to two hundred and fifty rupees;
- (v) A provision is being made for filing of complaint with the competent court by the aggrieved women or an office-bearer of a registered trade union of which such woman is a member or a voluntary organisation or an Inspector. At present, complaints can be filed only with the previous sanction of the Inspector.

\*Moved with the recommendation of the President.

These are, in short, some of the more important amendments proposed through this Bill. I hope the Members will welcome the proposed amendments, which are of non-controversial nature.

With these words, I commend the Bill for consideration of the House.

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill further to amend the Maternity Benefit Act, 1961, as passed by Rajya Sabha, be taken into consideration"

Shri G. Bhoopathy.

[*Translation*]

SHRI G. BHOOPATHY (Peddapalli): Mr. Deputy Speaker, Sir, I have gone through the Maternity Benefit Amendment Bill and have also listened to the statement of the hon. Minister carefully. But I do not see any benefit in it. You have stated that a new inspector is going to be appointed. It is the inspector who is going to be benefited the most. I am sorry to say that the pregnant ladies will not get much benefit. It is necessary for the Central Government to bring some changes. This benefit is meant for the Government and private sector employees. The agricultural labour working in the villages do not get any benefit out of it. Whenever the ladies working in the fields get pregnant, they have to depend on unqualified midwives who know nothing about this. They sometimes give wrong medicines. They do not know to administer injectives due to which many the pregnant ladies die. The Government should give proper attention towards the agricultural labour. One centre should be established for a circle of 20 to 25 villages in Andhra Pradesh and a maternity home should be set up at the headquarter of that circle. This will benefit the pregnant ladies to a large extent. Ladies have various sentiments during pregnancy and they want to see good things. They do not get those things in their diet due to lack of resources which they need. Therefore, it is necessary to make provision of good diet for pregnant ladies

because without this the child cannot have healthy growth. The Government has increased the amount of money given to its employees from Rs. 25 to Rs. 250. Since Government is going to implement the Family Planning Programmes, my suggestion is that there is no need to provide them any financial aid. The Government should change this policy since this will encourage many people to adopt family planning. No female should be given this facility after two children so that she may herself adopt family planning. You have also mentioned in this that this facility will be provided in a private establishment only if there are 10 or more female employees. My submission to the Government and to the hon. Minister is that this facility should be provided even if there is a single female employee.

SHRI VIRDHI CHANDER JAIN (Barmer): Mr. Deputy Speaker, Sir, I support the Maternity Amendment Bill 1988 presented in the House. This Bill was introduced in 1961 and was later amended. The Working Group on Economic and Administrative Commission after reviewing it made certain recommendations and on the basis of those recommendations this Bill has been introduced. In this bill the Shop and Establishment Act has been referred to in detail, according to which the provisions of this bill will be implemented only in a place where more than 10 women are employed. Moreover, earlier there was a provision of a leave for 160 days which have now been curtailed by 80 days. A provision of paying Rs. 10 per day for nutritious diet has been made. But it should be paid in accordance with the minimum wages applicable in the State Governments. The medical facility of Rs. 25 which used to be provided earlier was very less and has now been increased to Rs. 250. But in view of the rate at which the prices of medicines have increased, the Government should further increase this to Rs. 500. If such a provision is not made, these female workers cannot avail the medical facilities. Females need nutritious diet for which the Government is making a provision of paying Rs. 10 per day, which is very small amount. During pregnancy nutritious diet is an essential need for ladies and I feel that Rs. 10 is a very small amount to buy any nutritious diet. The female worker may be able to

[Shri Virdhi Chander Jain]

maintain her health. Therefore my submission is that this amount should be increased and made equivalent to the minimum wages fixed in that State. I would like this amount to be at least Rs. 20 per day. If this is not possible than at least it should be equal to minimum wages. I hope the Government will consider this suggestions.

So far as the implementation of this law is concerned, its responsibility lies with the inspectors. As such there is a provision for all the health related matters of the females working in shops or other establishments, but inspectors play an important role in implementing labour laws effectively. It has come to the notice that the sympathy of the inspectors lies mostly with the employer and they neglect the labourers and have no sympathy for them. Due to this the labourers are deprived of the facilities they should get. They do not even get the benefits which have been provided under law. I feel that the Government should also make such a provision so that a labourer may get whatever is his due according to law. Under this Bill the Labourers have also been given the right to file a complaint even without the prior permission of the inspector. This may be called a commendable step. Earlier a female had to take the permission of the inspector if she wanted to file a complaint for getting her rights. Under the present arrangements she does not need to take permission from the inspector and can fight for getting his rights directly. Now the question is that only factory workers, mine workers or industrial workers are going to be benefited by this amending Bill. Although we made these provisions in a way so that they may prove effective, yet the labourers will not be benefited by them unless our labour officers are dedicated and sincere to their work because the responsibility of implementing these provisions lies with the labour officers. I want that your Ministry should take vigilant action in this regard so that every labour officer may honestly to sincerely help the labourers in getting them the benefits of their rights, provision for which has also been made in this Bill. With these words I support this Bill.

[English]

SHRIMATI BIBHA GHOSH GOSWAMI (Nabadwip): Sir, the provisions of this Bill are extended to shops and establishments employing 10 or more persons now. Earlier, it was 20. This will benefit women who are in the organised sector. The work participation ratio of women in this country is very very low. According to the 1981 census only 14 per cent of women of the working age actually work as main workers.

The National Samples Survey have done some survey after the census and according to their survey this is a little bit higher. But anyway, the National Perspective Plan for women also has lamented this low participation rate. At present, 90 per cent of the women who are actually working, are in the unorganised sector-in the agricultural sector, in the rural unorganised sector. Therefore, these women will not get the benefit according to this Bill. That means, only ten per cent will get the benefit. This comes to 1.4 per cent of all the women in this country. So, only 1.4 per cent of mothers in India will be eligible for the benefits of this Bill. 98.6 per cent of mothers will remain outside the purview of this Bill.

Sir, after much fanfare, the National Perspective Plan for Women was released. Women hoped and expected some change in the attitude of the Government. But there is no change. They have not taken into consideration even all the working women-let alone all the mothers in India-for getting maternity benefit. Now the Government also showed extreme callousness towards the working women by changing the ESI provision in a retrograde manner. Earlier this provision was that anyone having paid the ESI contribution for 13 weeks was eligible to seek relief. This helped casual and Badli workers who having gone even for one day in a week for 13 weeks could get the benefit. Now this has been changed. Not in this. But before this, it has been changed. Only after she works for 91 days, she can claim the benefit. Now, this is really very unfortunate and sad. Maternity benefit is a right to motherhood. I demand that all working women in this country, in all sectors, whether it is organised or unorganised, agricultural, self-em-

ployed, rural and all others should get benefit of this Bill. If the Government is sincere regarding their concern for working mothers and babies, let them give this benefit to mothers and babies all over India.

I have already said before in this House that motherhood is a national responsibility. 65 per cent of all pregnant women are anaemic. By all counts, by all sources, including the national perspective plan, 65 per cent of all pregnant women are badly fed and they are anaemic. How are we going to help these women? I demand that all mothers in this country be made eligible to the medical bonus provided in this Bill.

Coming to the cash benefits and the medical bonus, these have been raised ten fold. Now this barely compensates the price rise since 1961. There has been no change in the outlook of this Government since 1961. The consumer price index has risen around ten fold. And this barely compensates. For Rs.25, we have now Rs. 250 and for Rupee 1, we have Rs. 10. I agree with my colleague on the other side that this is a lamentable sum. It is not sufficient for the woman or the baby. For all these years, the price index has been rising and the women have been deprived. They were not given equal increase in their maternity benefit or their cash benefit. Now we expected that there will be some actual improvement. But that has not come. The cash benefit and the medical benefit should be raised substantially and also, after passing of this Bill, the cash benefit and the medical bonus should increase according to the increase in consumer price index. The medical bonus of Rs. 250 is very inadequate. Considering the present price, it should be made a minimum of Rs. 600 for pre-natal and post-natal care and also a 12 week/period is not sufficient either for the mother or for the baby.

Some time back, there was a talk that Government has been thinking of making this period longer. But there has been no trace of that thinking in this Bill. In the first Convention of Working Women in Madras in 1979, that is nine years back, all the working women there demanded that four months at least are required as maternity

leave for the mother to recoup and also for the baby. Considering the double burden at home and at work place, the period of leave should be four months and this should be according to the mother's choice. This is from the 'Voice of Working Women-March 1988'. To a deputation led by the All-India Coordination Committee of Working Women to Mr. Sangma in December 1987, when he was in the Labour Ministry, Mr. Sangma told that maternity leave will now be given according to the mother's choice as so many women prefer to have leave after the child birth. This was told to the deputation. But in this Bill it is not there. We have tabled an amendment and I think that will be accepted by the Minister so that the assurance of the earlier Minister Shri Sangma is fulfilled.

Another important point is that many are deprived of the maternity benefit and leave if they have miscarriages, abortions and premature deliveries inspite of the rules in this Act. The nurses of AIIMS under the Central Government are denied maternity leave and benefits when they had miscarriages even after many representations. I would demand that the nurses of the AIIMS be given the maternity benefits and leave even if they have miscarriages. The rules and regulations should be applied to those women who have abortions, miscarriages or premature delivery.

It is very shocking that the 4th Pay Commission's recommendation is being implemented in some States limiting the maternity benefit to two children without any consideration to the Women's problems. The decision maker in the family is not the women in this country; still the husband takes the decision mostly. Therefore to punish the women and the baby for the decision which is not in any way in her hands is really sad. This should not be the case.

In Orissa orders have been passed to implement the pay commission's recommendations. In Punjab, maternity leave has been made conditional on a certificate signed by a civil surgeon. Such coercive measures adopted in different parts of the country show that the governments con-

[Shrimati Bibha Ghosh Goswami]

cerned have no concern for women and they are making the babies suffer under the pretext of implementing the Government's norms of a small family.

We are always told that the Government is going to do family planning by persuasion and not by coercion. But we see in many States and establishments that women are being threatened with the 4th Pay-Commission's recommendations. I demand that these coercive measures be not taken and if these measures are being taken in any State, they be withdrawn.

I request the Minister to accept my amendments for medical bonus of Rs. 600, 4 months leave at the women's choice and to extend the benefits to the unorganised sector, all other sectors and to every mother in India.

[*Translation*]

DR. G.S. RAJHANS (Jhanjharpur): Mr. Deputy Speaker, Sir, our hon. friends in the opposition have stated that there is nothing new in this Bill. But I have gone through this Bill closely and as such, hon. Shri Dubey is a famous trade union leader and has brought forward this Bill after much deliberation which is indeed praiseworthy.

This law will be applicable to those shops and establishments where 10 or more persons are employed. But the eligibility period of service for this benefit has been reduced from 160 to 80 days. Minimum wages have been increased to Rs. 10 and the amount of medical bonus has been raised to Rs. 250. In addition to it, it has been provided that any person can lodge a complaint in this regard. Even the workers of the voluntary organisations if affected in any way, can lodge their complaints. Similarly, the penalty has been enhanced. I have made a close study of all the provisions of this Bill and I want to make one or two points. You may give one or two benefits but you should ensure that they are implemented. What is happening today? You have stated that this law will be applicable

to only those establishments where 10 or more women workers are employed. I can state from my practical experience that the names of 10 workers can never be found in their registers. The name of the same worker is changed every two months. What I mean is that the employers are more tactful than the stringent provisions of the law-framers. In this way, he never has the names of 10 workers in his register.

There are several industrial units where even 10 workers are not required. For instance, there are several ready-made garment export units in Delhi where a large number of women/workers are employed. But few companies give maternity benefits to their workers. They take full work from them but at the time of giving them benefits, they say that those woman workers were employed on contract basis and they are not aware as to who has done their work. What I mean is that the provision making the maternity benefits admissible in those establishments where at least 10 workers are employed, should be done away with and if, there is even a single woman worker and it is proved that she is working in that organisation, she should be given the maternity benefits.

12.48 hrs.

[MR. SPEAKER *in the Chair*]

Similarly, in the beedi industry, thousands of people are employed but there is absolutely no record maintained as to who have done the work because the work is given to them at their home and delivery is also taken from their houses. Consequently, the workers are not able to get any benefits. Therefore, this act should be implemented strictly. We cannot get away from our responsibility by saying that this is the responsibility of the State Government. Delhi is the capital of India. We should be able to check whatever is happening under our very nose. When we see the plight of the women workers engaged in construction activities in Delhi, it is hair raising. They work throughout the year but their names do not exist in the register. When the question of giving maternity benefits

arises, it is stated that they haven't been working for them. At least in Delhi you can set the things right then other states may be asked to follow the example stating that when this facility can be given in Delhi, it should be made available in other states as well.

There are several teaching shops in the capital. People have opened tuition and coaching centres where the lady teachers are employed. But how many of these teaching shops give maternity benefits to their women workers? What I mean to say is that this law should be got implemented strictly and effectively. As one hon. Member has submitted that even the nurses working in the All India Institute of Medical Services are not getting maternity benefits which is most unfortunate. You should conduct a comprehensive survey to find out the places where these benefits are not being given and ensure that they are given to them. It is a welcome step that you have reduced the period of eligibility for the maternity benefits from 160 to 80 working days. In rural areas the women workers on the agricultural farms can easily achieve this mark of 80 days. Government should ensure that a proper register is maintained so that the woman worker who has worked for 80 days may be given maternity benefits.

I agree with the point that the maximum of maternity benefits should be given only upto two children but it should not be discontinued after this limit is crossed, rather it may be lessened. I want to submit that not only the women and the voluntary agencies should have the power to complain but also any individual. For example, if a newspaper reporter comes to know of the exploitation of women in the construction industry, he should have the power to file a complaint in this regard and there should be hearing on this case and it should be implemented properly.

Finally, this is a very good and progressive Bill. Government should make their all out efforts to implement it effectively.

STATEMENT REGARDING THE VISIT OF  
MR. GORBACHEV, GENERAL SECRETARY  
OF THE CENTRAL COMMITTEE OF THE  
CPSU AND PRESIDENT OF THE  
PRESIDIUM OF SUPREME  
SOVIET TO INDIA

[English]

THE PRIME MINISTER (SHRI RAJIV GANDHI): Sir, as the House is aware, Mr. Gorbachev, General Secretary of the Central Committee of the CPSU and Chairman of the President of Supreme Soviet, came as our honoured guest to receive the Indira Gandhi Prize for Peace, Disarmament and Development, President Gorbachev's contribution towards making our world free of nuclear weapons and strengthening the force of peace, cooperation, goodwill and understanding has brought about a unique and qualitative change in the international environment. In our honouring him with the Indira Gandhi Prize, we are paying tribute to a person who symbolises the passionate yearning for peace, progress and prosperity to which Indira Gandhi dedicated her life. President Gorbachev's visit was a reaffirmation of the high regard which the Soviet Government and the people have for the values which motivated our freedom struggle under the leadership of Mahatma Gandhi and for the vision of a strong and self-reliant India, which Jawaharlal Nehru and Indira Gandhi espoused.

Sir, the Delhi Declaration which President Gorbachev and I signed during his last visit to India in November 1986, embodied the commitment of our two countries to rid the world of the threat of a nuclear holocaust and to build a nuclear weapon free and non-violent world order. The Action Plan which I presented to the Third Special Session of the United Nations General Assembly on Disarmament in June this year, spelt out to the world community, the concrete steps which could be taken to achieve the goals enshrined in the Delhi Declaration. Honourable Members will be pleased to note that President Gorbachev has supported our Action Plan. India and the Soviet Union have agreed on the need for immediate measures to end the nuclear arms race, to establish international control over emerging new technologies with a military