

[Shri Rajiv Gandhi]

potential and to work for the conclusion of an International Convention banning the use or threat of use of nuclear weapons.

President Gorbachev's visit provided yet another opportunity for us to exchange views on regional and International issues. We both agreed that since my last meeting with him in July 1987, there has been a marked reduction in the tensions and suspicions which had bedevilled the world in the recent past. The signing of the INF Treaty, the Geneva Accords on Afghanistan, the cessation of hostilities in the Iran-Iraq war and the progress towards finding negotiated settlements to issues in South-East Asia and Southern Africa, are all manifestations of a new era emerging in international relations. President Gorbachev's bold and Imaginative initiatives are replacing confrontation by co-operation, suspicion by trust and doubt by hope. The Soviet Union highly appreciates India's active and constructive role in the Non-aligned Movement and our efforts to promote peace, disarmament and development.

As Hon'ble Members are aware, developments in Afghanistan had led to increasing tensions in our region and even threatened our security environment. It has been the hope of the international community that the Geneva Accords would usher in an era of peace and stability in the region and enable the Afghan people to determine their own destiny, free from all foreign interference and intervention. President Gorbachev informed me that while the Soviet Union supported the establishment of a broad based government in Afghanistan, it was concerned at the continuing violations of the Geneva Accords. It is our hope that these Accords would be implemented fully in letter and spirit, so that the people of Afghanistan, can devote their energies to the tasks of national reconstruction and economic development.

The House is aware that our bilateral relations with the Soviet Union have been growing from strength to strength. During President Gorbachev's visit we reviewed the

progress which has been achieved in implementing the various decisions and agreements which we had arrived at in our past meetings. Agreements were signed yesterday on the construction of a nuclear power station in India [Placed in Library. See No. LT 6745/88], on the exploration of outer space for peaceful purposes [Placed in Library. See No. LT 6744/88] on the setting up of the second stage of the Vindhyachal Thermal Power Station [Placed in Library. See No. LT 6742/88], on Avoidance of Double Taxation [Placed in Library. See No. LT 6743/88] as well as a Protocol on Economic and Technical Cooperation in Power Projects [Placed in Library. See No. LT 6746/88]. The texts of the Agreements and the Protocol are laid on the table of the House [Placed in Library. See No. LT 6742 to 6746/88]. These agreements will give an added impetus and new dimension to our already multifaceted economic, scientific and technical cooperation. We also signed an Indo-Soviet Summit Statement, whose text reflects our common commitment to strengthening peace, friendship and cooperation. The text of the statement is also laid on the Table of the House. [Placed in Library. See No. LT 6747/88].

May I add, Mr. Speaker, Sir, that our ties have been significantly strengthened by the unique exposure which people in India and the Soviet Union have had during the last year, to each other's ancient, rich and diverse cultural heritage.

Mr. Speaker, Sir, our friendship with the Soviet Union has stood the test of time. President Gorbachev's visit to India is second in the last two years, symbolises the desire of the Soviet leadership and people to further nurture, enrich, deepen and widen this friendship. This, we greatly cherish and fully reciprocate.

12.58 hrs.

MATERNITY BENEFIT (AMENDMENT) BILL Contd.

[English]

MR. SPEAKER: The House will now continue with the discussion on the Maternity Benefit (Amendment) Bill.

Shri Thampan Thomas

SHRI THAMPAN THOMAS (Mavelikara): Sir, though the Bill introduced by Shri Dubey to amend the Maternity Benefit Act, 1961 is an improvement, yet, I would like to mention that proper thought has not been given before bringing forward this Bill here. This is the first amendment of this Bill after 1961.

As has been pointed out, some new groups are sought to be included in the purview of the Maternity Benefit Act. There is still one main section of the society which is still unorganized, do the work under employers, but they will not come under the definition of either a factory, nor a mine, plantation or even shops and establishments. They work under contractors doing work in the houses, or in places where the work is allotted to them. Work is taken from them but they are not covered under this Act.

13.00 hrs.

So, as earlier pointed out by one of the Members from this side, care has to be taken to see that the women folks interest will have to be taken care of wherever they are because it is in the interest of the nation. A proper legislation should be passed in this regard. The working women, in whatever category they are working, are to be protected from the national angle.

The other thing mentioned by the Hon. Minister during the course of his speech was regarding the ESI Establishments. He said that ESI establishments are there to take care of the women employees in various industries. Sir, I would like to point out that the condition of the ESI hospitals is in the doldrums. They are not looked after properly. If a woman goes there....

MR. SPEAKER: You can continue after Lunch.

We shall adjourn for Lunch to meet again at 2.00 o'clock.

13.01 hrs.

The Lok Sabha adjourned for Lunch till fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at five minutes past Fourteen of the Clock.

[MR. DEPUTY SPEAKER in the Chair]

MATERNITY BENEFIT (AMENDMENT) BILL Contd.

[English]

MR. DEPUTY-SPEAKER: Mr. Thampan Thomas to continue.

SHRI THAMPAN THOMAS: Sir, I was mentioning about giving the maternity benefits to the entire working women in the country. Of course, there is some improvement from the earlier Act of 1961, to the extent that shops and establishments have been included. But more and more women workers are employed on jobs of casual nature, contract nature and agricultural fields. The Government should pay more attention to ensure that more help is given to the women workers. Our women Workers-not only on contract basis and in the agricultural fields but also are there in domestic employment. These are the fields where mostly women are employed. I do not know whether any thinking has been made on these lines to include them within the purview of the Maternity Act and to give them the benefits. I emphasise this point because it affects the whole nation and the benefits given under this Maternity Benefit Act will change the future of our nation. If the health of the child and the mother are given proper protection it will be in the best interests of the future of the nation. If we go through the statistics it is found that children and women are unhealthy and they are not taken proper care of. It is our obligation and the Government has the responsibility for ensuring the health of the mother and the child. Therefore, proper safeguards should be taken for that. Of course, I welcome the suggestions made in the amendment. I would like to mention that the entire working women should be brought under the purview of the Maternity Benefit

[Shri Thampan Thomas]

Act, and it should be ensured that they get all such benefits.

I also mention that whatever is suggested now is very meagre. Very little help is given through this amending bill. What is suggested is that instead of one rupee ten rupees will be given. Instead of Rs. 20/- Rs.250/- will be paid. This is no relief at all.

Recently, in Bombay I found that an undertaking has entered into a bi-partite agreement with a trade union for giving four months' leave thus increasing the benefit given under the Maternity Act. This is a contractual obligation which a trade union has entered into. This Bombay example shows that industry is also capable of giving more benefits of this nature. There is no question of any industry saying that it cannot do it.

Then there is another angle. We have to think about increasing the manpower also. We have to promote the measures taken by the industry to increase the manpower, while granting these maternity benefits. Such measures should not have effect on the manpower or such things.

Sir, what I feel is that much more benefits are to be given and this matter has to be looked in that perspective. This goes to raise another issue also. Before you think of it, I will say that these benefits will also affect the future population of the country. There is some co-relation between this and the population of India. In fact there are some incentives which are given under the Maternity Benefit Act but they are not giving the benefits to children. If you can find out the provisions made for the children according to the international standards, about providing for the cost of education and health of the children, that will be good. We have to provide for the children's education and better health. We are aiming at that. But there is no purpose in it because if we were 35 crores at the time of independence and now we have gone upto

80 crores, then in that case, nobody can save the situation. Along with providing more maternity benefits, if by such welfare measures we are able to have some sort of control on population, then they will have the desired effect. There was a circular in the Government of India that the Government employees, who are having two or less than two children, will be given some benefits. I do not know whether that circular is applicable to industrial workers also. There is no mention of it in the Bill or the Act. Bringing such an amendment after 1976, only shows that the Government has not given any thought to this problem as to how to give more incentives or benefits to those who are observing the family planning norms. I have such an experience. In a public sector undertaking of the State Government in Kerala, they started giving wages for abortion or some sort of benefits were extended for abortion. In a way, they have legalised abortion. Now, it is there officially. If you go to the Delhi Railway Station you see big boards about abortion. On every small shop there is a board about abortion in and around Delhi. With some agreement or executive order they started giving the benefit. It was found that if they could manage to get a certificate from the doctor, without working, they could get wages, plus all the entitlements and rights and other benefits. So this has to be taken note of that those who are sacrificing for the future of the nation, such difficulties are overcome in their case and they are provided a proper secured and better approach. A total study has to be made. Based on that a proper Bill having emphasis to the health of the nation and giving due respect to the mother and the child in the society, should be brought by the Government. What is there in this Bill is something routine, adopting ILO standards and conventions as to how special care has to be taken of the women especially in a society like India where woman is not given due status and recognition. I hope, the hon. Labour Minister will come with such an amending Bill because he has seen the trade union movement and he knows all those problems. I hope, without much delay, the hon. Minister will bring forward a proper Bill to safeguard the interests of the working women of this country.

SHRIMATI BASAVARAJESWARI (Bellary): I welcome this Bill whole-heartedly. The original Act was enacted in 1961 and after that it was amended in 1976. After that, there was no amendment to this Act. I am glad that the hon. Minister has brought before this House an amending Bill in order to extend the scope of the Act and give more maternity benefits to women.

As a whole, labour laws are taken very lightly in our country. We have passed so many labour laws for the benefit of the labour. But at the implementation stage, I doubt whether these laws are being implemented effectively. I also have a doubt whether the persons who are the beneficiaries of these laws, really know about the laws. We have to see that all the labour welfare measures are implemented properly and maximum benefits are given to the persons concerned. We have to have continuous watchdog to safeguard the interests of ladies who are going to get the benefit. I thank the hon. Prime Minister, Rajiv Gandhi Ji for having said, at the time of AICC session, that he is going to bring fifty per cent of the women folk into the mainstream. We would like to see that most of the women are brought into the mainstream and they are very much involved in the developmental activities. He also said that they also belong to the weaker section. That means our educational, social and moral evils should be removed and we should be given proper place in all the activities. He also said that he is going to give a perspective plan for the economic and moral benefit of the ladies of the country.

In this Amendment Bill they have said that the maternity benefit is going to be a little more than what they were giving. The number of days for which a lady should have worked are going to be reduced from 100 to 80. Why 80 days, Sir, we can easily make it two months. If a lady has worked for a period of two months she should become entitled to get the maternity benefit.

Here they have also said where ten or more persons are employed? Why would that restriction be there? Why should we fix the number as ten? It is the ladies who are

going to get these maternity benefits. So, whether one lady is working or ten ladies are working or a group of ladies is working, there should be no discrimination. This shows a lot of discrimination. Therefore, I appeal to the hon. Minister to remove such restriction and say that any lady who is working in a factory or in a public undertaking or in a shop or in an establishment, would be entitled to have such benefits. If you are really going to help such ladies, then I shall request you to remove that clause and see that all the working women become entitled to avail this benefit.

These benefits are going to be passed on to ladies. Here I would like to make one suggestion. If a lady has a normal delivery, she would be requiring very less amount. But if she undergoes a Caesarean operation or something like that, she will be requiring more days to heal. She would be needing more rest. Therefore in such cases the amount should be enhanced a little bit. When a lady produces a certificate that she has undergone a complicated delivery, the amount that you are giving towards maternity benefit should be enhanced accordingly. Otherwise she will be having lot of inconvenience. So, I would suggest that a lady who is having normal delivery should be discriminated from a lady who undergoes a Caesarean or any other complicated operation.

I would like to suggest one more thing. We have to restrict this benefit to maximum three or two children. If we go on giving such benefits without prescribing any limit, I do not think we can control the population of the nation. The population of our country is already exploding and if such benefits are there, then there are persons who can go on availing this benefit by producing more and more children. Therefore, if such a benefit is given, then some restrictions should also be imposed. I am not against giving this benefit but there should be some restriction also on them. Maximum it should be up to three children. We should not give this benefit for more than three children, otherwise if the population is going to increase like this, we shall be facing lot of problems.

[Shrimati Basavarajeswari]

Another thing is, here he has said employed'. The employee is going to be punished severely. I can understand an employee who is going to misuse this, she should be punished or in case it is restricted to a person who has been absent herself from work misusing the maternity benefit she should be punished. Here I would like to ask you one question. For the persons who have to implement such laws, what is it that you are going to tell? Are you sure that they are going to implement your laws? I am afraid they are not going to do it, they do not have so much involvement to do such implementation at the grass root level. I am afraid that they are not interested in doing such things. Therefore, I would like to tell on the floor of the House that at the time of writing their confidential report this should be taken care of how many cases they have projected, in how many cases punishments are given, how many persons they have informed, how much publicity they have given at the grass root level to the last amendment we are going to pass on the floor of this House. If such publicity is not given, if such officers are not involved, if they do not have the mind to implement these laws and pass on the benefits to the poorer section and persons who want to have such kind of benefits, there is no use passing such social laws on the floor of the House and clapping our hands.

With these words, Sir, I thank the honourable Chair for having given me this opportunity.

SHRI SRIBALLAV PANIGRAHI (Deogarh): Mr. Deputy-Speaker, Sir, I rise to support this Maternity Benefit (Amendment) Bill, 1988. In fact, there were different laws or Acts which were earlier dealing with the maternity benefits and all those were codified and integrated into this Act, viz. the Maternity Benefit Act, 1961. And since then this is in vogue, this is being implemented.

Sir, it was last amended in 1971 and over these years since 1976, there has been a period of more than 10 years, about 12 years, and so many suggestions have come forth.

Even this was reviewed by a Working Group. The suggestions that came from different quarters were reviewed by a Working Group of the economic Administrative Reforms Commission (ARC) and in turn they also suggested certain amendments to this Act. In fact, the amendment proposals are welcome and they are of non-controversial nature. They are thus quite welcome. It is definitely going to be an improvement on the existing Act.

Sir, I am not going into the details because the previous honourable speakers, the learned speakers, have dealt with the new provisions going to be included in the Act. But at the same time I would say that as in the case of other social labour legislation, we have also grave doubts, I mean, serious reservation about the right type of implementation achieving the underlying purpose. The purpose is noble, laudable, but who will implement? There is very meagre staff in the Department. The inspectors and other field staff who are given this job do not have time to devote to this type of work. I am afraid, some of them are hand in glove with the management. They do not even find fault with the management. This is another point.

It is good that it is now extended to shops and establishments for providing the maternity benefit to women workers. It is welcome. But it is stated, it is for shops and establishments having more than 10 persons. I would like to know, where is the registration of women workers and other workers? The shopkeepers and the management of the establishment do not keep proper register of the persons employed in their establishments. As things stand today, the State Government, the Labour Department, the labour machinery would deal with the situation. But where is the proper registration of women workers? For instance, Bidi workers and Kendu leaf workers are scattered all over. The leaves distributed and they prepare bidi roll bidi at their houses. They are employed by the contractors and factory owners. There is absolutely no register at many places. Therefore, I would say, unless there is sincerity of purpose on the part of the implementing ma-

chinery, nothing tangible is going to happen. The laws are good. But will they be implemented properly? That is why, I suggest that deterrant action, stringent action should be provided not only against the defaulting management, factory owners but also against the defaulting staff, against the defaulting labour inspector etc. A lot more has to be done in this respect.

As we know, according to the World Health Organisation, there are 417.6 deaths per one lakh at the time of new birth. This is the death rate. As against this, U.S.A., it is only 12.1. In a country like Thailand, it is 100. Naturally, our figure is still on the higher side and that calls for more serious efforts to be made and steps to be taken to bring down the figure further. A few suggestions were made by the earlier speakers including the woman Member who preceded me. In a country like India, we have to take a lot of care in the expectant mother and also after delivering the child and the child care. This is an important sector and this Bill deals with an important sector of our people, namely health of the child and mother. We have to give attention to it. But at the same time, you think of the fantastic population growth which is No.1 enemy. We are developing quite fast in the economic side, science side etc. But the progress and prosperity is eaten away by the abnormal population growth. How do you bring it down? Therefore, what the hon. woman Member suggested is, such benefits should be confined to two or three births. That would have a deterrant effect on this.

I would point out here that in some Government undertakings also, minimum wage is not paid. I was getting some complaints from the Government of India agricultural farm in Chippallima in Orissa where even minimum wage is not paid. Even in some sector, some contractors had come forward with some excuse. The contractors say that "because in our tender paper, the rates that were suggested do not conform to the minimum wage, we just cannot help paying less than that."

RLEGP is a scheme wherein 100 days of employment is given to women workers. It

is assured during one year. I would plead that this benefit should extend to schemes like RLEGP wherein women workers are engaged, in course of one year for a period of 100 days. It is a very good Bill. There should be seriousness and sincerity about implementation part of it. Otherwise, it will only be added to the statute book without being properly implemented. At the same time, in the method of implementation of labour laws and other laws, there should be proper and strict monitoring from the Centre.

With these words I conclude. I thank the hon. Minister for labour for having come forward with the Bill to the House. It is a progressive legislation. At the same time, the hon. Minister should see that it is properly implemented.

SHRIMATI GEETA MUKHERJEE (Panskura): Mr. Deputy Speaker, before I go to the merits and provisions of the Bill, I would like to remind the House about one important aspect of this Bill. As far as working women of India are concerned, maternity benefit Act has acted against them because the situation was like throwing the baby with the buck water. That was more or less the situation. Simply because maternity benefit may be awarded, women workers are being massacred in various organised industries like jute, coir and tea gardens and upto now they have not been able to make it up. That is very bad. This aspect of the matter must be remembered. Today, of course, it is not 1948. Women are also not in the same position. But with each such attempt which is not adequate, generally women had to bear the brunt of attack, instead of getting the benefit.

I would particularly remind the hon. Minister and the whole House and the society at large that such measures, however limited, must be taken positively and it must be seen that it does not drive out even one woman from industry. That is my first submission because without that, no amount of increase in the benefit will help.

Coming to the actual Bill, it is true that the rest of the provisions in the Bill are welcome and are definitely an improvement.

[Shrimati Geeta Mukherjee]

Since the hon. Minister himself has already illustrated those, I need not repeat all those Clauses in order to save time. But I would like to point out that despite the improvement that is being suggested in this Bill, even this Bill is deficient from certain points of view. Firstly, the categories that have been covered by the Bill. I feel that there are various other categories also which should be covered. I am coming back to that.

Secondly, the time period that has been suggested, has not been changed. I am also of the strong feeling that the time period for maternity benefit should not be three months but atleast one more month's time should be extended. The most important thing is that it should be as per the choice of the women and it is not that it must be given before and after the birth of the child. It so happens in our families that after the birth of a child, women are absolutely required to look after the baby and before the birth, it is naturally up to their aptitude. Therefore, this question of the choice of the mother is very important. It must be there.

Then, another aspect is about the implementation machinery. I will come to that aspect and give my suggestion. As far as categories are concerned, first of all, I would like to have a clarification. This category that has been suggested here is: "shops and establishments". Do the establishments cover the hospitals and nursing homes? If not, in my opinion it must be clearly written that "establishments" do cover hospitals and nursing homes. The theory is that if nurses are allowed to have children, then their attention will be diverted towards their children and they will not be able to look after the patients, and so on and so forth and this theory is thoroughly meaningless. Those who are mothers, they will have the best feeling for the children of other people. Here, it applies to the patients also. Therefore, this term "establishments", by explanation or by a notification, must cover the other categories which have not been included in the Bill so far. I have given my amendment to that effect but the time has lapsed. There is every possibility to extend

the scope of the word "establishments". It is up to the hon. Minister to do that. He can very well do that. Therefore, I would request him to consider this point.

Secondly, I would mention about the other categories. There are the agricultural workers and some other categories of people. Already, mention has been made about these things by my sister Smt. Bibha Ghosh Goswami, and she has given some amendments. Another hon. Member has also given a number of amendments about the categories. I will not repeat them. Therefore, I would say that those categories should be there. The agricultural labourers get Rs. 3/- as wages. Who will pay for their medical benefits? They must get benefit. If necessary, a national fund has to be created for that purpose where the employers must donate something and the Government must also do something. Something must be done in this regard because that has not been done. If that is not done, then the poor mothers and agricultural labourers cannot have any benefit. That situation must not be there.

Sir, a mention has been made about RLEGP, NREP etc.. These questions are very relevant, Category-wise certain extensions must be there either within the Bill itself specifically written or through Government circular, Government has every right to do this.

Sir, I have already spoken about the choice of the mothers to increase the time period. About the implementation machinery, I would like to say that it is not a new thing. All these kinds of laws, even the best of the laws, are really not implemented. Implementation is not properly done. Here, a new provision has been made to the effect that not only the women who can take up their case but also some voluntary organisation etc. can also take up the case. I welcome this wholeheartedly. But I would like to say that at the other end, i.e. implementation end, instead of one Inspector, there must be an Inspectorate. In such inspectorates, representatives of trade unions, representatives of organisations, should be accommodated. Because I may go and file a complaint. But who will take that com-

plaint? If you are alone and a man is there, you may not file a complaint - not necessarily all men are bad. That is not my contention. But the very idea is that voluntary organisation should lodge a complaint and it has its own automatic counterpart in the machinery which will implement. So, I would suggest, instead of single inspector, an inspectorate be made everywhere so that those complaints are tackled by the collective body. Otherwise social pressure will not be built up.

Coming to another very important point - this question is being raised by various Members in various ways - that is the question of barring women from getting maternity benefit if they have more than two or three children. Of course, the Fourth Pay Commission itself recommended last time that after two issues, women will be barred from maternity benefit. But I am yet to understand this. So far as I know, in the Fourth Pay Commission, there were no women. There were only men. But here there are many men but a women are also here. Just put your hand on your heart and ask yourself, who is the aggressive party in creating children. Is it women? Never. If that be so, how funny it is, if you have such a great worry for the population. You could have said : if there are more than two children, then man will not get his wage. I would have supported that. But from your point of view you would have said that in order to restrict it.

THE MINISTER OF LABOUR (SHRI BINDESHWARI DUBEY): I am not restricting.

SHRIMATI GEETA MUKHERJEE: I am for restriction, but not through panel provisions but through persuasion and through incentives... *(Interruptions)* ...

DR. G. S. RAJHANS (Jhanjharpur): Her point is the aggressive party should be punished.

SHRIMATI GEETA MUKHERJEE: If there is an aggressor, he should be punished, and not the victims. But unfortunately, how the mind works. When you make a recommendation, you immediately take that the

women must be punished for more than two children. It is absolutely wrong. This is what is called male-dominated society. And this kind of thing must not be done. There are other funny things. In 1986, there was a hullabaloo over a case. What was that? One tele-communication worker in Bhuj, she was denied maternity benefit. It was said that she was unmarried. So, immediately, in order to defend chastity, our Government Department quickly rushed with a circular that unmarried mothers cannot be given maternity benefits, as if unmarried mother has herself produced the child. This is very funny thing, doubtlessly. The ILO Convention never says that... *(Interruptions)*...

SHRI AJAY MUSHRAN (Jabalpur): Kunti produced a child by herself... *(Interruptions)*...

MR. DEPUTY-SPEAKER: That is one way of marriage.

SHRIMATI GEETA MUKHERJEE: You are right. In any case, this circular was issued in order to defend the chastity. Fortunately, for that girl, she again went to court and the point was, after her marriage, she did not change her surname. That was the case. It was not the case of actually unmarried mother. She was a married mother. But then her surname was not changed. But the Court while giving the verdict defended the status itself. They said, well, marriage is not the criterion for children. ILO convention does not say so. Of course, this girl is eligible and after that the circular had to be withdrawn. That happened after the court intervened in between. These are the kinds of machinery.

Even with regard to Maternity Benefit Act, in the implementation part of it, all the discussion tends to be leaning towards the men and not the women for whose benefits these Acts are passed. Therefore, I would request that categorywise - certain categories that we have already suggested - he should do.

Definitely in the establishment category nurses must be included. This is really ab-

[Shrimati Geeta Mukherjee]

solite cruelty on the part of the society if this section is kept like that.

If I say at the end something, please do not browbeat me. Housewives also have a right to the maternity benefits. As soon as the child is born, after two-three days those poor housewives must start work. Is the work at home not a work? According to ILO convention now, household work is to be paid work. So, some thought must be given to this question for non working housewives you should see what can be done to alleviate their difficulties immediately after she produces a child. I am not saying that immediately you should do something. But you keep this under consideration and let this also be calculated and included in the plans that you will be making.

I hope some of our suggestions which are constructive ones will be accepted. I also hope that the situation changes for the better. Thank you.

SHRI SOMNATH RATH (Aska): I rise to support the Bill. I have given an amendment. It is for the Hon. Minister to consider and accept my amendment. My amendment is in Clause 2(1)(1). After the words 'factory, mines or plantation', add 'or corporation'. There are corporations which are aided and assisted by the Government; there are also corporations by individuals. So, the word 'corporation' should be added or else there may be different interpretations in the Court. Specifically that word should be added.

Secondly as for the implementing authorities, in Clause 8(2) it is said:

"The Inspector may, of his own motion or on receipt of a complaint referred to in sub-section(1), make an inquiry or cause an inquiry to be made and if satisfied that - (a) payment has been wrongfully withheld, may direct the payment to be made in accordance with his orders;"

What will be his orders and how he will pass orders should be specifically mentioned in the Rules. Clause 8(2)(b) is also very important. It says:

"She has been discharged or dismissed during or on account of her absence from work in accordance with the provisions of this Act, may pass such orders as are just and proper according to the circumstances of the case;"

So, the discretion is left with the Inspector; but it must be specifically defined in the rules or else the Inspector will be practically the authority; he can do and undo things.

Similarly Clause 11, in section 23 there is a substitution. If a complaint is made, either a First Class Magistrate or a Metropolitan Magistrate tries the case; but the offences should be made cognizable. So there are two authorities. One is inspector and the other is court. There will be conflict between the two authorities. This should be looked into. If you want to make this Act an effective one then why not make the offence a cognizable offence. Why do you want that a complaint should be filed? The poor labour cannot file a complaint and also go to the court at her cost.

Some of us who had been to China have found that in factories at the notice board itself women workers names have been written mentioning the family planning method they adopt. In China there is one child norm. So when we talk of checking growth of population in our country we should have some dis-incentives too. We should make it mandatory in the rules that these provisions will not be applicable to a women worker having more than two children.

Much has been said about the implementation rightly. There are amendments also given by my friends about the implementation of this Act in respect of agricultural labour and labour in the unorganised sector. It is not possible because there is no data bank in the States or at the Centre about the women workers working in agricultural sector or in any un-organised sector. If you want to implement this Act sin-

cerely then the state Government in the Labour Department in cooperation with the BDOs must be asked to prepare the data bank of the workers working in the unorganised sector which constitutes 90 per cent of the total workers of our country. This Act as it stands will only help a minor section of the women workers in this country.

Further many members have spoken about implementation. At the implementation level-which is much talked of- it has been given goodbye. I would like to invite attention of the Hon. Minister to the State Labour Ministers Conference reported in the Labour Statistics Book circulated amongst us. There we find in the Labour Ministers' Conference, 1987 it had been decided to lay stress on the inter-state migrant workmen. I would like to know what steps have been taken in this respect. I say no steps have been taken. The consultative committee of the Labour Department visited some States and submitted reports about unorganised labour both in agriculture and non-agriculture sectors. We are sorry to find in the last Labour Ministers conference only the report on unorganised labour other than agriculture was laid but there being no scope in the agenda for discussion and as such it could not be discussed. The Secretary of the Department said that it would be discussed in coming January. Steps should be taken for a discussion on this important matter.

Similarly it has been said in the State Ministers' conference report that claims authorities and prosecuting authorities should be appointed at the block level. Stress has been given in Labour Ministers Conference on block level. What has been done at that level? The hon. Minister may clarify on that. When we decide things for the betterment of the workers it must be implemented in right earnest or else there is no use of only passing Acts. Again, the State Labour Ministers' Conference held in 1987 decided for regular review of implementation of legislation by State Labour Advisory Boards and Tripartite Bodies. I want to know from the hon. Minister whether any review has been done for implementation of the legislations by State Advisory Boards and Tripartite

Bodies. Are the Advisory Boards functioning? If there are Advisory Boards for review, what recommendations have they made to the Government? And what steps has the Government taken to implement those recommendations?

Another recommendation was that State Governments enforce payment of minimum wages. That is what the report says. As I have already stated, its proper implementation is very very important. Take, for instance, the emigration Act. It has not been implemented strictly. We cannot expect the workers to complain every time they are victimised. Thousands of workers belonging to Andhra Pradesh, Orissa, etc., have been victimised and brought to Delhi to be sent abroad. They have been exploited by the labour contractors extracting Rs. 10,000 to Rs. 15,000 from each of them. Under these circumstances, if the officer wants that some labourer should complain and then only the action will be taken, it would be futile. As soon as it is brought to the notice of the Labour Department either by the MPs, voluntary organisations or by the Press, the action should be initiated by the Labour Department without leaving it to the Police to take action only on the complaint of the workers. Otherwise, such victimisation and exploitation will not stop. Therefore, the Labour Department should come forward and take action when such instances are brought to its notice. In fact, I am thankful to the Department of Labour and particularly Mr. Tandon, who was Joint Secretary and Director of Immigration, for taking stringent action against some labour contractors who had exploited the workers. But what has been done after Mr. Tandon left that office? Those guilty persons have again raised their ugly heads. Has any further prosecution been launched by the Labour Ministry against those unscrupulous contractors? They have come back and again started cheating the people. Most of them are operating in Delhi. So, I would suggest that on receipt of any information from the MPs or otherwise, the initiative should be taken by the Labour Department itself. Implementation is the main factor. It should be done with sincerity and honesty so that the workers get the desired benefits.

[*Translation*]

SHRI SHANTI DHARIWAL (Kota): Mr. Deputy Speaker, Sir, I support this Maternity Benefit (Amendment) Bill - 87 which has been brought forward here and along with it, I thank the hon. Minister for including some other categories of women workers within the purview of the Maternity Benefit Act through this Bill... (*Interruptions*)

Mr. Deputy Speaker, Sir, two or three provisions of this Bill are very good.... (*Interruptions*)...

14.59 hrs.

[SHRI VAKKOM PURUSHOTHAMAN in the Chair]

Mr. Chairman, Sir, the Hon. Minister has got the provisions of this Bill made applicable to some more "shops and establishments." But if even a single woman worker is employed in an establishment, this Bill should be made applicable to it. Why this limit of 10 workers has been imposed? I cannot understand as to why should the provisions of this bill be made applicable only to those establishments where there are 10 or more workers.

THE MINISTER OF LABOUR (SHRI BINDESHWARI DUBEY): The total number of workers should be 10, irrespective of the number of women workers.

SHRI SHANTI DHARIWAL: This is what I have been pointing out. But if in an establishment, the number of women workers is only 5 or 6 and there are no male workers, then this Bill will be an instrument for their harassment.

15.00 hrs.

The women workers in such establishments should also get these benefits. If in an establishment there are a total number of 9 workers working in it with only one woman worker, then that woman worker should also get these benefits. There are several such establishments where the work force consists of only women workers, for instance, the electronic units. Again, there are many places where in fact 20 persons

are employed but the number shown in the register is only 9. Just now Dr. Rajhans has stated that the name of the same person is changed a number of times. You have always supported the workers' cause and therefore you will admit that the working woman should be given maternity benefits and if it is in our power to do so, we should make all out efforts in that direction. However, this limit of 10 or 15 persons should not exist. Besides this, maternity benefits should be restricted to the first child alone and should not be given for the second issue... (*Interruptions*)

SHRI INDRAJIT GUPTA (Basirhat): Is the woman alone responsible for this situation? Is not the man responsible at all?... (*Interruptions*)

SHRI SHANTI DHARIWAL: The population is increasing rapidly. Regardless of the question of man or woman, maternity benefits should be restricted to one child. If the woman is benefitting, the man is also similarly benefitting... (*Interruptions*)

SHRI INDRAJIT GUPTA: This cannot happen in our society.

SHRI SHANTI DHARIWAL: The society has to be changed... (*Interruptions*) you have taken a welcome step by increasing the amount of medical relief from Rs. 25 to Rs. 250. Our salaries have also increased. I mean that Rs. 250 is not adequate. In case of the birth of the first baby, the establishment should bear all the expenses till the lady leaves the maternity home and goes to her own house. You have framed a number of laws. But wherever the inspectors are involved in regard to their implementation, these laws are merely strengthening the hands of these inspectors. If the Government machinery can implement the provision of this Bill effectively, then I think justice will be done. With these words, I conclude after thanking you for giving me an opportunity to speak.

DR. CHANDRA SHEKHAR TRIPATHI (Khalilabad): Hon. Chairman, Sir, I support the Maternity Amendment Bill brought forward by the Labour Minister. This Bill was enacted in 1961. At that time it covered

only a few organisations and institutions. It was subsequently amended in 1976. Still, some areas were left out. The Hon. Minister who is an expert and an experienced person in this field, has made a considerable efforts to remove those drawbacks. It is correct that some institutions which had been mentioned therein have been covered by this amendment. Afterall, problems are solved and problems keep arising but it is true that amendments brought about in this Bill are praise worthy. A good number of women workers will get relief from it. In spite of the vastness of India, the Government is working for the welfare of the people. But in India, the mortality rate of women during the delivery period is the highest in the world. This has been stated by many Hon. Members also. According to a survey carried out by World Health Organisation, the death rate in India is about 417.6 per hundred thousand. This is 12.1 per hundred thousand in America and 100 in Bankok. This reveals that post and pre-natal care is not upto the mark and we are not providing enough care. It may be due to one or the other reasons. The women workers who are working in plantations or mines or at other places are not getting these benefits. The Ministry of Labour has done a good job through this Bill to safeguard their interest and provide maternity facilities. It is not so important that the period has been reduced from 160 days to 80 days or the coverage has been increased because mere enactment of an Act is not suffice. Unless the object of the law is fulfilled or the persons for whom the law is made are benefited, the law is nothing but only yet another addition to the statute book. The State Government will not implement this law. The Central Government has also not introduced any systems under which a register is maintained in every institution showing the number of women workers working there. In absence of any register, it is very difficult to ascertain whether the maternity benefit is being given or not. So this Bill is required to be implemented strictly and a comprehensive system is required to be formulated in which welfare organisations, Women Organisations; Central and State Governments should have some roles to play. The Ministry for Labour and the Central Government should formu-

late a scheme so that it is ensured that beneficiaries are getting the benefits. About the defaulters employees which have been mentioned by you, I want to submit to the Hon. Minister for Labour that it has been provided in the Bill that if an aggrieved lady does not submit her claim in one year, her claim is to be forfeited. To my view, if injustice is done to somebody, one should be given right to fight it out throughout one's life. So the provision with regard to restricting the period for submitting claim within one year is not in conformity with the spirit of the Bill. No time-limit is required to be fixed. They should be given the right to submit the claim as and when desired. Similarly, a provision has been made that if the aggrieved workers or women organisations think that the maternity benefits are not being given, they can go to the court and file a case in the court of Metropolitan Magistrate or submit their claims to the Inspector. In this regard Shri Shanti Dhariwalji has rightly stated that this provision is very time consuming and the matter would be linger on in the court of law for 20 years and by that time all her ornaments would be sold in fighting cases in the court. I, therefore, would like to submit that a provisions should be made making it as binding to settle the claims within 15 to 20 days. If a provision to this effect is not made, it is apprehended that a situation may be created in which she will not only lose her benefits but she has to sell her house also to meet the expenses incurred on visiting the courts a number of times at frequent intervals. The condition today is somewhat similar. Therefore, if you want to give real maternity benefit to the female workers, you must fix time limit for their disposal. The cases, whether they are pending with the Inspector or with the Magistrate or with the court should be settled in the possible minimum time.

Some time ago, an Hon lady Member has put forward a suggestion that the women workers who have already 2-3 children, should be deprived of the facilities under this Act, I totally disagree with her. The reason for this is that the Government of India has been spending thousands of crores of rupees on population control. Even then it is not yielding result in the

[Dr. Chandra Shekhar Tripathi]

quality it should have been. Secondly, punitive measures cannot be successful in democracy. So instead of resorting to said measure, population control could be achieved more effectively with the help of education, increasing public awareness and propagating the seriousness of the matter. If a women worker with advance stage of pregnancy is told to remain at work in the office lest she should be dismissed and benefits are denied to her, to my views, it will be an inhuman act. Is there any justifications in denying leave or benefits to such women workers. She would be in urgent need of rest at that time. There are no two opinions about the desirability of the population control, our whole development is becoming negative due to increase in population but I do not consider the above suggestion made in this House appropriate. Humanity demands that no limit should be fixed in such cases. If a women worker has become pregnant she should get all the reliefs.

In this connection, I would like to submit that a number of our Institutions or Organisations are governed by the provisions of State Employees Insurance Scheme wherein pre and post-natal care and other medical facilities are sufficiently available but once this Bill becomes an Act, it will apply to all institutions or organisations in which ten workers including 2-3 women are employed. Under this Act, a sum of Rs. 250 has been provided for post-natal care of such women workers. In view of prevailing high prices, this amount is insufficient. This will not even meet the expenditure incurred on lactose. Her health cannot recoupe with this meagre amount. Nutrition is a problem in India. Due to poverty and family burden, women are not getting sufficient food containing minerals i.e. iron, calcium and protein required for the body. You have increased this amount in this Bill from present Rs. 25 to Rs. 250. This will be considered a progressive step but the objective under which this sum has been increased, is not fulfilled in view of high prices. It is still inadequate. It should be enhanced further. In fact, women become anemic and develop

other complications in such conditions and for proper treatment during post delivery period, it is essential that they should get enough help. If a hungry man comes before us and we want to feed him, a spoon of rice will not satisfy his hunger. He should be provided in a required quantity to satisfy his hunger, lest he should not work.

There are some establishments and Institutions where it will be difficult for your department to ascertain as to whether the facilities are being provided to the female workers or not. For example, there are some industries where only women workers are employed. Just take the carpet industry, where the work is done through tender fingers, knotting and other work is also done by the women but there is no system of enrolment in those factories, no register is maintained there, only essential raw materials are supplied to them and they return the finished goods to the employer within one to four months working in their homes. How to safeguard their interest? The hon. Members have given some suggestions about Bidi workers whose number is in lakhs in India. They are also subjected to the same fate. Leaves are sent to their houses, ladies make bidies. How will they get maternity benefits?

Therefore, it is submitted that implementation aspect should be considered seriously, register should be maintained and those who violate the provisions of the Act should be punished under Cognisable Offences.

[English]

SHRI BHADRESWAR TANTI (Kaliabor): No doubt, this Bill is a progressive one compared to the original Act that is, the Maternity Benefit Act, 1961. Sir, my apprehension on this amendment is that, right from 1961 till date the original Act was sleeping in the files of the Government; it was never implemented. And I cannot say that the amendment which has been brought in this Bill will be nothing but a scrap of paper.

The founding father of the Constitution very rightly incorporated in the Constitution Article 42 under dealing with Directive Prin-

ciples of State Policy under the sub-heading 'Provision for just and human conditions of work and maternity relief'. This was a commitment given under the Constitution to the working people, particularly the women folk working in the various industries, public sector, private sector, agricultural sector and so on. And the problems of women were never looked into by the Government or the custodians concerned, as a result of which the people are still suffering. These measures have never been implemented.

I can cite one example. In my State, in the State of Assam, lakhs of people have migrated in those British days to work under the tea plantations and till today their position is the worst, compared to others in the country. If you go there you will be surprised to see the grim picture of the women workers there. Those women working in the tea industry get Rs. 2 per day. If you go to Silchar or Cachar district, you will find them and you can see their condition. What about the commitment of the Government to the working women, who are working on the PWD roads and the National Highways? What about the commitment to those working under the different Central Government establishments?

MR. CHAIRMAN: What about the State Governments?

SHRI BHADRESWAR TANTI: All right, if the State Governments sleep over the matter, can the Central Government also sleep over the matter? You can share the responsibility. If the State Governments sleep over the matter you must come forward to help them.

The Government has adopted the ILO Convention. But it has been adopted only on paper, not in practice. This law about the maternity benefits is implemented, no doubt, by the State Governments and not the Central Government. No doubt, the women those who are working in the Government departments are getting the benefits. I must be true and honest, I agree. But those who are rotting in the industry, their future is bleak. Their children have got no future. We have our commitment and the

Government must ensure that these benefits materialise in the working classes also. Here I find that it is not clear - I am surprised to see this - as to who will take cognizance under Section 23 of the old Act or even Clause 11 of the new Act. Who will take the cognizance? Only the Inspector, organisations and trade unions, and no other person. How is it that a citizen cannot take cognizance of the matter? Why can he not file a complaint before the Inspector or the court for violation of this particular provision of the Act? Under the Criminal Procedure Code, any person can arrest a criminal and hand him over to the police. But why under this Act, no citizen can file a complaint before the authority? Why these double standards? So far as the penalty is concerned, I have yet to come across a single case where the management has been punished or penalised under section 21 of the Original Act, for violating the law. In my State, the women workers are never regularised. After nine months their names are changed by the management so that they are deprived of all the benefits. This is happening throughout the country.

Today's baby may be tomorrow's Prime Minister. But what is the actual commitment to the born babies? They are dying for want of food, shelter, clothing. Although we call ourselves as a democratic, socialist, welfare country, the laws which have been enacted for the welfare of the working class, for the protection of the child of the worker, are never implemented. How can you expect that he will be a good citizen if he has to face all these troubles? In the private sector, maternity benefit and other facilities are never given to the ladies. There is no agency to see whether these laws are properly implemented or not. Even if it comes to the notice of the Inspector about non-implementation of the laws in the private sector, they are hardly punished. I request the hon. Minister to take concrete steps to protect the workers; otherwise, the phraseology of your Prime Minister ('Garibi Hatao') will remain only on paper.

SHRI VIJAY N. PATIL (Erandol): I support the Maternity Benefit (Amendment) Bill.

[Shri Vijay N. Patil]

The Central Government has adopted a number of welfare measures for the employees, whether they are working in the Central Government or State Government, public sector or private sector or small factories. But I will call this measure as one of the very good measures with noble purpose in mind.

Every human being takes care of his or her child. But the main thing to be considered is whether we are able to take care of that child or the man in his early childhood. With the development of science, we find a change in the society. What we see is that the earlier joint family pattern is disappearing. Now the concept of family is only husband, wife and children. Very small families are there now. Earlier there used to be families consisting of fifty or even seventy people, in majority of cases in almost every part of the country. The elderly people used to look after the children. But nowadays we see that even the mother has to work for earning the livelihood. Many women have now started working in factories, in government undertakings and in government offices. As far as the ladies working in the government departments are concerned, they are getting this benefit, but in small units, these benefits are not given properly. We see that many times the employers evade their responsibility. To stop that, to make them give leave for proper period and to make them give proper amount to the person going on leave, the Government has brought this Amendment Bill. All have applauded the Government's decision to increase the medical benefit from Rs. 25 to Rs. 250. But as we do in the case of Provident Fund Act where if the Provident Fund Act is not adhered to or if the amount of provident fund is not deposited, it is considered as a cognizable offence, or the employer is punished immediately, here that kind of punishment is not there. As my earlier friends have stressed, it is necessary to bring the evaders of the Maternity Benefit Act under the purview of cognisable offence.

Our Labour Ministers - both the Cabinet Minister and the State Minister - have got

lot of experience in the field of welfare of the labourers. But as far as the maternity benefit schemes are concerned, we would like to say that now with the dynamic thinking of Rajiv Ji, there is a proposal to give more incentives to women entrepreneurs. These incentives are in the form of cash subsidy or other concessions of the women start industries. What we mean by women entrepreneurs is that at least 50 per cent of the employees in their establishment should be women. So, in such cases if this figure of ten - which is the minimum requirement for the application of the provisions of this Act - is reduced to five, it would be more appropriate.

Plantations and other factories have been brought under the purview of this Act but what about the construction contractors? They employ women on daily wages but they employ large number of women. So, there should be some provision to bring this type of employers also under the purview of this Act, whether they are building construction contractors or road construction contractors or dam construction contractors. If it is more than Rs. ten lakhs contract and if women are working with the contractors, we should presume that at least ten ladies will be working there. So, the construction contractors should also be made to adhere to the provisions of this Act and they should also give the maternity benefits to the women working with them.

Some of my friends have referred to the restrictions that should be imposed if they have more number of children. As we see in Europe, the governments there encourage the couples to have more children. But here it is a reverse case. We have to discourage the couples from having more children. So, this discouragement can also be indirect. Ours is a welfare State, we want to have a socialistic pattern of society, but if a man is producing 10 children the question is whether all the 10 children should be given free education or if a man is producing 12 children, the question is whether all these children should be given food under ration cards. We have to re-think about this. Those who are producing less number of children should be able to get more incentives. Here, in this case also we can do

this. If it is a first child, the number of days of holidays should be more, if it is a second child, there should be a little curtailment and for a third child, a little more curtailment in the number of holidays should be there and for the fourth child, the employer may be asked to give leave, but he should not be compelled to pay the salary. If that is done, then there will be indirect restriction on producing more children. So, somewhere we have to start these things and this is the proper Bill where we can adopt these norms and we can give direct incentives and have indirect curbs on increasing the number of children.

In the end, I would say that this is a very good measure, but our friends are of the view that the bonus should be more because Rs. 250 and is not a sufficient amount.

With these words, Sir, I support the Bill and I thank you for giving me the time.

[Translation]

KUMARI MAMATA BANERJEE (Jadavpur):
Mr. Chairman, Sir, I would like to congratulate the hon. Minister for bringing this Maternity Benefit Bill, 1988, aimed at providing protection to the working women.

It is the achievement of Eighth Lok Sabha that during its tenure many Bills have been brought in this House for the welfare of women. This is a very good bill, but I would like to submit two-three points in this regard. I don't want to repeat what the other hon. Members have said. First of all I would like to say that it is very easy to make laws, but it is very different to implement them in letter and spirit. So many Bills, like Indecency to Women Bill, Dowry Prohibition Bill, Prevention of Sati Bill and the Bill to provide right to equal wages to women have been adopted in this House. But the main thing is that the laws passed by the Parliament are not being properly implemented in the country. It is correct that the Government alone cannot do it. We the individuals are also required to pay attention in this regard. It is the responsibility of the Government to ensure proper implementation of each Bill. I would like to submit that the implementation of this Maternity Benefit

Bill should be started right from Delhi. Many questions are raised about Delhi, Shrimati Vibha has said that medical benefits are not provided in Indian Medical Institute. Delhi is the capital of India. If laws enacted by the Parliament are not implemented in Delhi, how can we expect their implementation outside Delhi. The implementation of this Bill, therefore, should be start from here so that the other states may come to know all the details about its implementation.

It is good that the limit of 160 working days for maternity benefit has been reduced to 80 days. In our country, women are working in tea plantations, agriculture, constructions, bidi industries and in unorganised sectors. This limit of 80 days will help in exploitation of women. The employers will either terminate their service in 79 days or will maintain another register in which their employment will be shown afresh. In this way they will exploit the women. Why this limit of 80 days has been fixed? No limit should have been fixed when the Government intend to provide maternity benefit to the working women. Benefit should be provided to everyone. I request the Government to pay attention to it.

The Bill provides for maternity leave in those shops and establishments, where ten or more workers are working. There are certain small centres, which are manufacturing sophisticated goods and where 3 to 6 women worker are employed. They will not get this benefit. When the Government has fixed the limit to 10, the employer will reduce the number of employees to half. I want to say that there should be no discrimination at all. All women workers should be given this benefit.

There are no muster rolls of the working women maintained everywhere. There are no muster rolls from which it can be known that how many women workers are there in agriculture, in bidi industries, in constructions, in small scale industries and in cottage industries. I request that muster rolls should be maintained. The Government may, only then, may come to know the number of women working in various sec-

[Kumari Mamata Banerjee]

tors and women workers may also get the advantage of this Bill.

Our working women are getting negligible advantages. Employment opportunities for women workers are also negligible. You can verify it from the registers maintained in the employment exchanges in the country. You can get a survey conducted in this regard. It is a matter of shame that ladies are not provided full job opportunities. Where 100 males are recruited only two ladies get the opportunity of being recruited in an office. The position in every sector is the same. In private sector, the opportunity are very few. Ladies should be provided full opportunities of employment. A quota should be fixed for them as A.I.C.C. has fixed a quota of 30 per cent for ladies. You should see as to how this can be done. Another thing regarding the lady workers is that they are not getting even the minimum wages. There is an Act for it, but the provisions of the Act are not being followed. You have been a trade union leader and President of INTUC also. The exploitation of ladies in every sector is known to you. They are cheated to the maximum by the private sector. The Government should pay its attention towards this problem so that no one may exploit them in the matter of maternity leave and other advantages. It is good that you will appoint inspectors for it. Their claims should be passed immediately. This problem can be solved through Lok Adalat and their claims may be passed within the stipulated time. I would like to say something about our children as they are our national property. We should treat them as our national property. Those who have money and property, have no problem for their children. But the children of those parents have no face all the problems who have neither the money nor the property. Therefore, there should be a uniform policy in the country to bring up the children.

The Government of Gujarat provides assistance for maternity benefits. No Govt. provides such assistance. The Government of Gujarat provides this assistance to agriculture and to unorganised sectors. The

other State Governments should also give this benefit.

The Government should also pay attention to the women workers in unorganised sectors who are exploited as there are no muster rolls maintained. Attention should also be paid towards agricultural labourers. This is a very good Bill. I hope that this Bill be implemented properly so that the women workers may get the benefits.

SHRI MOHD. MAHFOOZ ALI KHAN (Etah): Mr. Chairman, Sir I would like to express my views on this Maternity (Amendment) Bill, which is being discussed here. My other friends have also expressed their views on this subject. I remember that once I was going with Chandhary Charan Singh in a car when he said that there are so many women who give birth to their children on roads. How pauper we are? This poverty should be kept in mind. Rich people may avail the services of the hospitals, as they can afford the expenditure. But on the other hand, there are women who give birth to them on roads. If you want to see the poverty, go to jhuggis in Delhi and see the condition of the people living there. Are these poor people aware about the maternity benefits. They do not know anything about the hospital facilities. I support some of the amendments moved whereas I do not agree with some of them. Shri Tripathi has given a good suggestion. A provision for providing Rs. 250 has been made. But this is not a sufficient amount. In the older days, people used to buy 10 kilograms of pure ghee for their wives who were in their family way. Today the cost of that 10 kg. ghee is Rs. 700. So, this amount of Rs. 250 is insufficient. The women should get full salary and full benefits for the period she is in hospital and remains at home after that for full rest.

I agree with Shri Tripathi and request that non-observance of this law should be made cognizable offence. Inspectors collude with the factory owners and don't submit correct report, because they make money.

15.45 hrs.

[SHRI VENKATARATANAM in the Chair]

It should be made compulsory for those factories also, where there are only four or five women workers. Only rich women may avail the benefit of big hospitals. No one cares for the poor women. Inspectors in collusion with the factory owners do not submit correct reports. Laws are made, but they are not properly implemented, they should be implemented in letter and spirit. I support the amendments moved in this Bill. Kumari Mamata is right in saying that there are no muster rolls, from where the number of working women may be ascertained. There should be muster rolls for the ladies working in private and public sectors. They should get maternity benefits. In foreign countries such as U.K. all responsibility is shouldered by the Government. At the time of birth, mother gets admitted in the hospital and after that whole responsibility lies with the Government. Parents do not bother the least. The Government gives allowances and looks after the breeding of the child. A healthy baby is born with good feeding.

[English]

SHRI BIPIN PAL DAS (Tezpur): Should that be made the responsibility of the State?

SHRI MOHD. MAHFOOZ ALI KHAN: Yes, of course, that should be done.

[Translation]

The same should be done here. Behaviour of doctors and nurses towards the women living in slums is very bad. No one cares for them. It is the rich people who get all the benefits. Inspectors should be instructed to perform their duties properly, because they act in collusion with the mill owners and do not submit correct reports. With these words I conclude.

[English]

SHRI MAHABIR PRASAD YADAV (Madhopura): Mr. Chairman, Sir, in our

country and in our culture women have always been given an honoured place.

*"Yatra Naryastu Poojayantey Ramnante
Tatre Devta
Kuputro Jayate Pachidapi Kumata Ne
Bhavati."*

I will give the connotation: "It has rightly been said that God cannot go everywhere. Therefore, mother has been sent for the care of the children". But, with the onset of Western Culture, the poem of a poet is working now-a-days.

*'Woman, the dog, the walter tree, the
more we beat them the better they
be.'*

When the western culture is giving an attack on our culture, our women class are not being given so honoured a place as our forefathers gave them.

Now I come to the merits of this Bill. I was thinking that our Hon. Minister Dubeyji who was the Chief Minister in Bihar and is known to be very very liberal, would make 'Dubey' 'Choubey' and 'Choubey' 'Chhabey'. But when I read the Bill, I find otherwise. For the words "160 days" at both the places where they occur, words "80 days" shall be substituted meaning thereby Dubeyji had not made it 'Chhabeyji' but he has reduced it to be 'Dubeyji'. I thought, he will at least allow it to remain where it is and where it was. It was spoken as I took mistaken view of the Act.

One more thing that I have to say is this. I have heard so many Members speaking that haves are going to have it and havenots are not going to have it. It is the tragedy of our system that whatsoever laws are framed, whatsoever laws are enacted, the benefit accruing therefrom is not generally going to the beneficiary. The words of the Prime Minister are having an echo in the country that out of six rupees, one rupee is only going to the beneficiary. This echo of the Prime Minister's speech is having a very very important impact. I would draw the kind attention of our Hon. Minister to a story.

[Shri Mahabir Prasad Yadav]

[Translation]

There was a king. Doctors advised him to take one kilogram of butter everyday so as to improve his health. The king engaged an inspector for this work who would feed him one kilogram butter daily. But the inspector used to eat the half of it and the king ate just the half. When king's health deteriorated further, one more inspector was engaged. Now the king got only 1/4th of the one kilogram of butter and the two inspectors ate up the 3/4 quantity. In this way the king got quite a negligible quantity of the butter just to grease his mustaches and he was left with no chance of eating the butter.

[English]

Whatever the laws are framed either in this way or in any other way, beneficiary should get the benefit. That should be the real intention of the Government.

Another thing is that this Maternity Benefit Act in its amendable form should not be applied only to the Government servant class. I was just hearing Shri Mahfooz Ali Khan when he asked what would be the fate of that woman who is going to harvest after just one day's delivery. I have seen that after the delivery of the child, after one day, she has gone to the field to work. I was thinking that our liberal Labour Minister Shri Dubeyji will broaden the limit of this law. But I don't find it. He has only brought it to the level of every shop and establishment within the meaning of any law. Here also he is 'Dubey' and he has not broadened the ambit of the Act. I suggest that the limit of the law should be broadened and it should be brought to the level of the poor women who have to go to the field and factory after the delivery.

I just agree with Shri Mahfooz Ali Khan. There are hospitals where doctors and nurses are not taking care of the mothers who are to deliver the child. Therefore, I would suggest humbly and respectfully that the ambit of the Act should be broadened and whatsoever the benefits the Govern-

ment are proposing to give, the Government should see that the real beneficiaries get the benefit. Only framing of laws will not do.

Last but not the least, not only the mothers who are to be taken care of, but also the children should be taken care of and the Government should be particular about it.

With these words, Mr. Chairman, I conclude.

[Translation]

SHRI MANOJ PANDEY (Bettiah): Mr. Chairman, Sir, I rise to support the Maternity Benefit (Amendment) Bill, 1988. As a matter of fact, my earlier speakers dwelt on the Bill quite comprehensively and made very constructive suggestions. But I shall confine myself to two to three main points only.

First of all, I would like to draw your attention to sub-clause (iii) of clause 4(C) of this Bill which provides that:

[English]

"The maximum period for which any woman shall be entitled to maternity benefit shall be twelve weeks of which not more than six weeks shall precede the date of her expected delivery."

[Translation]

I myself come of the medical field and I also have some knowledge about it. Generally the period of maternity is of 40 weeks. The child in the mother's womb starts moving by 22nd to 24th week of the maternity period. That stage comes as a must by the 24th week. It is, therefore, essential that the provision of 12 week's time made in this Bill to give maternity benefits should be enhanced and raised to 16 weeks i.e. these benefits must be given 8 weeks before and 8 weeks after delivery, that too, when the delivery is a normal one. Perhaps you must be knowing that delivery is also of two types- normal and abnormal. In ab-

normal deliveries sometimes a situation comes when the complicated deliveries run for two to three days or five days and even for a week. In such circumstances, it is totally impossible for the poor women labourers especially those working in the agriculture sector or some other sector of the identical nature to meet the entire expenditure of delivery out of Rs. 250 only. I would, therefore, like to suggest that alongwith the extension of the present provision of 12 weeks to 16 weeks for the women workers, the Government should also make a provision for raising the limit of Rs. 250 by some more amount so that these poor women fold could meet the expenses of complicated deliveries. As a matter of fact this expenditure should be borne by the employers because there are some medicines which are used in such cases of complicated deliveries but cost more and an amount of rupees 250 is quite meagre for this purpose.

16.00 hrs.

The entire cost in such cases should be borne by the employer. Through you, I would like to make this demand to the hon. Minister. Secondly, the speakers who have spoken prior to me have already said it that we should concentrate our discussion on contract labour and the casual labour particularly those working in the unorganised sector. It is a fact that maternity benefits are mostly given in the organised sector. I would like to make a mention of those women labourers who are working in the unorganised sector especially the agriculture labour. I want to raise the issue of those women, a large number of which work in brick kilns. Their registration is the responsibility of the State Government. But the registers containing the details of such registrations are not maintained properly. There are establishments in the private sector located in rural areas where mostly women workers are engaged. That needs your attention. I have made a mention of the brick kilns. We should also include the word "quarries" in this Bill so that the scope of this provision might be wider. It is well known that a large number of women workers are there in the quarries. Half of the contract agricultural labourers coming to

Punjab and Haryana from Bihar, Orissa and Eastern part of Uttar Pradesh are women. The provisions of this Bill should also be made applicable to them.

Sir, it is a very good thing that the question of data bank has been raised here. In this connection, I would like to say in the first instance that until and unless we make efforts to organise this sector, it will not be possible for us to provide those very facilities in the unorganised sector which we talk of giving to the organised sector. I would, therefore, like to make a submission that this facility should also be extended to the unorganised sector, especially the agriculture labour alongwith the organised sector. The hon. Minister has a very good concept of the agriculture labour and his work on it is in very advanced stages. This facility may please be extended to the unorganised sector at the earliest possible and they must get those benefits.

Sir, thirdly and finally, I would like to make a few submissions about implementation. A lot of it has been said about the implementation. There are several irregularities in the work of implementation. There are certain things for which it would not be proper to blame the Government. Especially there are certain sectors in which the Government is not at all involved. These people run the establishments in collusion with others. There are a large number of industries which have not yet been registered and being run without registration. Such benefits will be given in those establishments, especially in the rural areas and in such industries which have the minimum of ten employees working with them. Then the minimum wages are not being paid in those industrial units which have not been registered. It will be better if the hon. Minister looked into these aspects as to how to apply the provisions of the Act to these areas and these industries.

[English]

DR. DATTA SAMANT (Bombay South Central): Sir, before coming to this amendment in this Act during the last four years a number of labour laws have been discussed

[Dr. Datta Samant]

in this House. They are: Child Labour Abolition Act, Five hours duty and over two hours rest, retiring places, sending them in the night schools, etc.etc. we talk high and high in the sky. I will not take your time. I know each word of the discussion that has taken place in this House as far as labour is concerned but there is not even 1 per cent implementation of that. The blame lies not only with the State Government but even the Central Government has not implemented though eight days' time of the House had been wasted.

The announcement raising the provident fund from 8.33 per cent to 10 per cent was made. There was a lot of clapping. Mr. Sangma was sitting here. Even we said that it was good. Workers will get something more guaranteed provident fund at the time of retirement. It was given publicity over the Radio, TV and other Government media. It was passed in March or April this year. Subsequently, I told all my workers in Maharashtra and Gujarat that they were going to get 10 per cent provident fund. Your Rajiv Gandhi is sitting in ** I would like to make the statement.

THE MINISTER OF LABOUR (SHRI BINDESHWARI DUBEY): I object to this.

DR. DATTA SAMANT: I stand by my point. (Interruptions). This Government has informed the industrialists. (Interruptions). I will expose your sins. What are you doing for the labour?

SHRI A. CHARLES (Trivandrum): It should not go on record. (Interruptions)

DR. DATTA SAMANT: This is not unparliamentary. (Interruptions). Sir, I will not yield. (Interruptions)

SHRI T. BASHEER (Chirayinkil): I am on a point of order. (Interruptions)

SHRI BASUDEB ACHARIA:
**(Interruptions)

MR. CHARIMAN: Please take your seats... (Interruptions) What is your objection?

SHRI SHANTARAM NAIK (Panaji): My objection is, I would like that the insinuation should be removed from the record. Kindly give your ruling on that... (Interruptions) These institutions are defamatory in character. Therefore, these insinuations must be removed.

MR. CHAIRMAN: I will consider this. Let him continue.

DR. DATTA SAMANT: I told all my workers in Bombay that this Government has raised the provident fund to 10 per cent. The employers are prepared to pay sometimes because of my pressure and not because of this Government's pressure. This Government has informed them. Although nine months have passed, the date has not been decided. These are just crocodile tears. I will also tell you what happened to the Gratuity Act which was passed in this House... (Interruptions). This Bill is also going to meet the same fate. The Gratuity Act was passed and everybody clapped in this House that the interest of the workers would be protected and the gratuity would be deposited with the LIC as per clause 4 of the Act. It was good because one hundred and fifty thousand factories are closed, the workers were not getting their gratuity and they would get interest. But this clause 4 was subsequently omitted from the Act. This is how workers' interests are being protected.

This is not the way of implementing the laws of the country. Have you been able to implement even a single legislation passed in this House regarding labour? It is just a propaganda. There is no love for the workers. The minimum wages have not been given. A commission was appointed. About two weeks ago, the Minister here called a meeting and many of the Congress Chief Ministers said that they were implementing the minimum wages and there was no need

for revision. But as you know, six to seven crores of agricultural labour are just suffering. Why don't you give them minimum wages and give them a little D.A., fifty per cent of the poverty will be removed. We have been shouting for four years. On the contrary, that Commission has appointed another fourteen enquiry commissions, one for bonded labour, the other for D.A. and like that. It is just to waste the time. If you want to do anything, do it seriously. Are you going to implement this Bill? What is the fate of the Shops and Establishments Act in this country? Does the Minister have any figures for shops and establishments in the country or even in Delhi? Nobody knows how many workers are there in the shops and establishments. Now, in Maharashtra for 8000 factories, there is one inspector, now for 10000 factories, there is going to be one inspector. I am not interested in anybody's personal criticism. But you do not want to do anything, that is my agony. There is no machinery for implementing the Shops and Establishment Act.

As per the Financial Memorandum of this Bill, you are not spending even a single naya paise. Here, you have mentioned about the appointment of the Inspectors. This is misleading. No Inspector will be appointed by you or anybody else. The existing State Government Inspectors are there. Certain State Governments will not bother. You only want some propaganda on the Television in the morning and evening and you have no love for the labour or the poor ladies.

You are not going to implement, you have no intention, you have no love for the workers; you will just pass the law and sit silently.

If you really want to do something for these workers, do it seriously. How many people are going to benefit by this legislation. In fact, you are going to decrease the employment of the lady workers. In Bombay, in the textile mills, the number of lady workers was 40000, today their number has gone down to 10000. The millowners do not want them because they do not work in the second shift. They are throwing them out. Because of the maternity benefit, the

enlightened industry, Britannia Biscuits, have issued a circular that not a single lady should be appointed. If the ladies in the shops and establishments are to be given maternity benefit under this law, they would not be appointed at all. Because of such legislations, these people will suffer. I never expected that the Labour Minister, who comes from the backward and down-trodden area would not take into consideration these aspects.

SHRI BINDESHWARI DUBEY: Sir, I am on a point of order. My point of order is whether all these things which he has spoken are relevant to this Bill. I think they are not relevant.

DR. DATTA SAMANT: Why are you feeling shy of it?

SHRI BINDESHWARI DUBEY: Sir, he has discussed all the Labour laws while discussing this Bill. He has talked about all the provisions of the labour laws. Is it relevant?

DR. DATTA SAMANT: You are not going to spend a single naya paise; this is my observation. If I am wrong you correct me. If this Bill is passed, I am sure tomorrow not many ladies will seek employment in the small factories. What is irrelevant in this? I am talking to the point. If you implement the provisions, I will be the first person to compliment you. There is nothing important in this Bill and that is why I am speaking like this.

Coming to some of these suggestions, on the face of it, it appears to be a lip service only and it seems that nothing will be done. I was not interested to express my opinion on this but as I have come to the House I thought of speaking on it. While giving leave usually the practice is that after three months the lady workers submits the medical certificate and other relevant documents, and after 10 months she gets the reimbursement. For the Government servants and the employees of the big factories it is all right but see the plight of the poor workers. They are already mal-nourished people. You are giving them Rs. 10 as an alternative to the minimum wages. So, I would say while you grant the leave at least

[Dr. Datta Samant]

give them 50 per cent of the money. I think at least this you can consider.

Then the total payment period is 12 weeks. Sometimes a compulsion is put that 6 weeks should be there prior to the delivery and 6 months should be there after the delivery. It is really pitiable. Who knows when she is going to deliver? Such types of loopholes are there and they should not be there.

I do not know why the Government is getting upset. Today, when we are in 1988 year, we are saying that they were paid Re. 1 before and Rs. 25 as delivery bonus. Sir, the world has gone to the moon and we are talking of nuclear weapon, but in this age the Indian ladies are getting just Re. 1 per day as the maternity benefit and Rs. 25 as the delivery bonus. We feel ashamed of our situation. What were you doing in these last 40 years? You are in power for the last 40 years. You show your love towards the workers; why are you getting upset? Though there is no need to increase Rs. 250 limit, I would like to ask what is the minimum wage for the shop and other establishments. In Bombay, it is Rs. 700. In Delhi it must be around Rs. 600 to Rs. 700. In no shops and establishments one gets a minimum wage, forget about the higher wages. I agree that the benefits are there but please do not put Rs. 250 as a limit. The workers who are covered under the Shops and Establishments Act, 90 per cent of them are not getting the benefits. Though Bombay is a very advanced city, the Shops and Establishments Act is not implemented properly there. Is there any record? 70 per cent of the contract labour is not enrolled. I am talking with some responsibility. The Hon. Minister can come with me and I can show him the position. This is my agony and it is not a political criticism. I agree with you that some of the State Governments are politically motivated and they are responsible for the non-implementation of this Act. I would request that instead of paying Rs. 250 as the delivery bonus you give them one month's salary and that can be done positively.

When you are going to give the medical benefit to the poor people, you must see the certificates given by the Doctors because these people may harass them.

We, in this House, discuss so many things and passed so many Bills. But even the minimum wage is not implemented in this country. There is no will to do it, as far as politicians are concerned. It is not linked even with D.A. The poverty is increasing. Even in industries like tea, sugar and coffee, the minimum wage is not implemented. If there is time, I can give figures to the hon. Minister. Again, I appeal to this government and the hon. Minister to look into their problems sympathetically, because he knows the plight of the workers. Let us be reasonable and use your down-trodden machinery for implementing these provisions; he can use police stations also for implementing these provisions.

Here they say that the unions can go to the court. It takes 15 years in Bombay to decide a case. I have got cases where 21 years have already been taken in the Bombay court which are about more than Rs. 1000/-. It is all right that my organisation is running. But who is going to file a case for Rs. 10? Nobody is going to certify it? In the last 40 years, is there any employer who has been prosecuted and gone to the jail because of this law? They think that they will give strict punishment for two years. Nobody is going to complain; nobody is going to prove it; nothing is going to happen. Only we talk something about the poor.

So many labour laws are passed in this House, but there is no intention on the part of the government to implement any of these provisions; it is just an academic discussion which can be seen from the Child Labour Bill or the Bonus Bill or the Gratuity Bill. So many Bills have been passed in this House but something has been done; and this Bill will also meet the same fate. Therefore, though your intention is good because you are talking about the labour in this House, what have you done in the last 40 years? I do not like such type of lip sympathy for the workers. If you say that you are for the employers, we don't mind.

But don't try to show such type of faces that you are for the workers and deceive the country.

[Translation]

SHRIMATI USHA THAKKAR (Kutch): Mr. Chairman, Sir, I would like to express my thanks to the hon. Minister for introducing this Bill in the House. I feel that there should be no such stipulation that minimum strength of female workers working in an establishment should be ten. I am of the view that even if there is only one female worker, she should be provided all the facilities. If the women are healthy, their children will also be healthy. If the children are healthy the country will prosper. Today the women are working and extending their financial contribution to the family maintenance. It is, therefore, essential that female workers should be given complete rest at the time of maternity irrespective of their number in any establishment. As in the case of Gujarat the female agricultural labourers get maternity benefits. Similarly this law should be made applicable throughout the country so that the unorganised female workers working in agriculture sector would get the benefits. I would even like to suggest further that women engaged as domestic servants in private houses for cleaning the houses and washing clothes should also get the benefits of this Act. They do not get anything till now. Several of our hon. colleagues raised the issue of bidi workers and working women, but the women engaged in private houses for cleaning etc also very much require money. They should also be given similar benefits. If we want that the children of all the women labourers should maintain good health, they will have to be given the benefits of this Act.

Several of our hon. colleagues said that this should not be linked with the family planning programme. But I am of the view that family planning programme is very significant for our country. If the women labourers are chastised that they will not be entitled to maternity benefits after two children, they will put pressure on their male partners not to have more than two children. It will also have a psychological ef-

fect. I, therefore, request that this programme must be compulsorily linked with the family planning programme. This programme is a major programme of our country. This will get pace to this programme.

Once again, I would like to request the hon. Minister to ensure that each and every women worker gets the maternity benefits as it affects children's health also. Poor health and increased death-rate of children are attributable to larger birth rate. People will not produce two or three children if their only one child is ensured good health. This Bill will enable in improving the children's health also.

In the end, I would like to say that every woman should get maternity benefit. In case of mis-carriage also, they should be provided maternity benefit because they become very weak after that.

Mr. Chairman, Sir, I have expressed my views on this Bill and I hope that my suggestions will be looked into.

SHRI RAMASHRAY PRASAD SINGH (Jahanabad): Mr. Chairman, Sir, I also join my hon. Colleagues in welcoming this Amending Bill, which has been termed as a welfare measure by them.

At the outset I would like to say that the population of our country is 70 crores with an annual addition of about one crore to it. The Government should frame a policy to check the growth of population. In order to achieve this goal, birth rate will have to be controlled as also proper attention is required to be paid towards good health of children and mothers as good health of the child will tempt a man to produce less children. As there is high death rate of children here, people think in terms of having at least 2 to 3 children. If one child will be in good health, people will not produce more than one child. So attention is required to be paid to it.

Mr. Chairman, Sir, many welfare measures have been passed in this House. Child Labour Act was passed. Was this Act implemented? Still small children are found to be working and they are being exploited.

[Shri Ramashray Prasad Singh]

Dowry Prevention Act was also passed, but every day cases of burning of brides for dowry are reported. Before enactment of this Act, dowry was taken in open, but now it is being taken surreptitiously. If dowry is not given, brides are subjected to humiliation. So, what I mean to say is this that mere enactment of laws will not solve the problem unless it is implemented strictly. Of course, sometimes, police registers cases and the guilty persons are awarded punishment, but people do not get its full benefit, because laws are not implemented properly. This House is generous in passing Bills. But the law enforcing agencies do not implement them. Why does such thing happen? It is a general principle that the Government of a country at a given time represents a particular class of the society and instead of protecting the interest of all sections of the society it protects the interest of the section to which it belongs. This Government is working for the interests of the rich people. Enactment of such welfare measures are an eye-wash and a crooked device to check resentment of the masses. The Government knows the knack of misleading the masses. The Government will give wide publicity to this Bill. The women workers in the establishments having men and women employees each five in number will not get the benefit. Similarly, if there are nine workers in a factory, they will also not get the benefit.

The law should apply to all the establishments irrespective of numbers of workers they employ. I belong to rural areas. I have seen women working in fields who give birth to their child at the site of work in the fields itself. It is a fact and a thought provoking matter. My colleagues have rightly said that women working on roads give birth to their child there itself. There is no facility of medical-check up for them. Once I went to a socialist country. On enquiry from an official, I came to know that in that country when a working women becomes pregnant, her salary is increased by 25 per cent. She is allowed to proceed on leave three months before delivery and till her child attains the age of one year, she

gets 50 per cent more salary. Mother and her child become so healthy that she does not find any problem in working. Thus they get 18 months extra salary. The hon. lady Member from Congress Party just said that the children are an asset to the nation. But children belonging to a particular section of the society to which the Government belongs are considered to be an asset to the nation, not all children of the country. You can yourself see the plight of children in the country. You are trying to mislead the masses, but now that will not be possible. Your law will be implemented in public sector only, but it will not be implemented in private sector. They will retrench workers, as a result of which workers will be rendered jobless. Factory owners of private sector are the supporter of the ruling party, so the provisions of this law will not apply to them. If this law is implemented strictly, the ruling party will lose its base. Land Ceiling Act was passed but it was not implemented because those landlords and rich people are with ruling party and you will not dare to touch them. So this is a good measure, but I would like to submit that a pregnant woman should be provided all facilities and she should be granted leave till her child attains the age of one year, only then mother and child can become healthy and can serve the Nation.

THE MINISTER OF LABOUR (SHRI BINDESHWARI DUBEY): Sir, I am happy that most of the hon. Members who participated in the debate welcomed this Bill and termed it as a welfare measure. The concern expressed by some of the hon. Members is quite natural. It is true that there will be no use of only making laws, if they were not implemented properly. Though this Bill is a welfare measure, it will prove beneficial only when it is implemented properly. We are making efforts to make the penalty clauses more stringent and to remove all the other drawbacks in the laws. That is why we are bringing amendments in various laws passed earlier. In the original law, it was provided that only an Inspector could file the case but now the aggrieved women herself or any member of women organisation of which she belongs and even a voluntary organisation can file a complaint to the effect that such and such

factories have violated the laws and such and such woman has not been given the maternity benefits and she has been deliberately removed from the job in order to deprive her from maternity benefit. Provision for strict punishments has been made so that no one dare to deprive any worker of the leave for 12 weeks as provided in the Bill.

Previously there was a provision for a fine upto Rs. 500 and for a term of imprisonment upto 3 months. But now the present Bill provides for a minimum fine of Rs. two thousand which may extend to five thousand, and a minimum imprisonment of three months which may extend to one year. Thus this contention that the Government does not want to implement it effectively does not carry any weight. We have introduced this Bill with a clear conscience and it will be implemented effectively.

Some of the hon. colleagues have suggested that those woman workers who already have two or more issues, should not be provided with the maternity benefit. Though Shrimati Geeta Mukherjee has given a very suitable and an apt reply in this connection and nothing more needs to be added yet I would like to submit that in order to implement the Family Planning programme effectively, we have formulated a new national policy in which it has been clearly provided that we should educate and motivate the people so that they may adopt this programme willingly without any sort of pressure or force. We do not believe in the principle of pressurising people. Since it is beyond the control of the woman workers in our country, the Government is, therefore, going to provide them incentives in another form and also to educate them to the effect that having a large number of children is not good for them. This also affects our national policy. It will be inhuman if the Government does not take care of a woman or provide her proper treatment if she happens to have more than two children. Therefore, making such a provision for limiting these facilities of maternity leave, etc. upto two children only does not seem proper. Therefore, we have not imposed any such restriction in this Bill.

I feel that many of the hon. Members have not read this Bill thoroughly. They have complained that we have made a provision for working out the maternity benefit on the basis of a minimum wage of Rs. 10. But this is not so. The provision in this Bill says that if a female worker is employed in piece-rate, she will be granted leave according to the average rate or the minimum wage fixed under the Minimum Wages Act or Rs. 10, whichever is higher. Now even the minimum wage goes on changing from time to time. I agree with what some of the hon. Members have said that this should be left to the choice of woman workers. The International Labour Organisation has adopted a convention which has been ratified by India too in its capacity as a member country. According to this convention it is more essential for a woman to take 6 weeks' leave before and 6 weeks' leave after delivery. She has every right to take leave for 11 weeks and 6 days after delivery if she takes one day's leave before delivery. In all no woman worker will be able to take leave for more than 12 weeks. In this way the Government has given her a choice. A suggestion has been made here as to why only 10 times increase has been allowed when the price index has increased enormously if we take into account 100 as the base in 1960. I do not want to go into all those details. This is quite adequate and we are going to shoulder the whole responsibility of providing treatment in all the maternity and other cases of woman workers as the coverage of Employees' State Insurance is going on increasing. Earlier this law was applicable only to mines, factories and plantations and this is for the first time that we are going to make it applicable to shops and establishments. As you know it is essential for these shops and establishments to maintain a register. All the labour laws and social security laws apply to only those establishments in which more than ten workers are employed. Because it is not possible to enforce these laws where the number is below ten. Some hon. Members said that instead of ten workers, there should be ten woman workers but we said that instead it should be ten persons.

One of the hon. Members has stated that the consumer price-index is wrongly

[Shri Bindeshwari Dubey]

calculated. I am saying this only to inform him that this is not so and not because that they should not be given more. It is going on increasing slowly and slowly. If some different provision is made it will be very difficult to implement it. An hon. Member sought to bring an amendment to the effect that it should be made applicable where there are only two workers. However, we know that in that case enforcement will not be possible.

SHRI BASUDEB ACHARIA: Why only ten and why can't it be eight or nine?

SHRI BINDESHWARI DUBEY: Ten has been provided because it is based on those labour laws passed so far under which the minimum number laid down is ten. This is so because there is a certain proforma prescribed for that and it is essential to maintain a record of that. If record is not maintained, it will also amount to violation of the Act. We cannot make such a radical provision which cannot be implemented. Earlier this law was applicable to factories and mines only but now it is being made applicable to shops and establishments too and that is why it has been made applicable where the number of workers is ten or more. Secondly ours is a poor country and the beneficiaries under I.R.D.P. and self-employment scheme normally engage some of their own family members besides one or two persons from outside. If we make it applicable to those with less than 10 workers then it will become applicable to these beneficiaries as well to whom we have provided these facilities to raise them above the poverty line and ensure their progress and this will prove harmful for them. Therefore we have adopted a practical approach as there will be no need to maintain a separate record of it. A record is maintained where ten workers are engaged and we will have to add simply one more column.

Just now Professor Mahavir Prasad said that "*Chaubeyji gaye chhabeyi banane ko aur ve dubeji ban kar aa gaye*" (an ass went to ask for horns but lost his ears). This is not so. Perhaps he has not gone through it

properly. The Government has now fixed her qualifying period as 80 days. Dr. Manoj Pandey mentioned something regarding the medical side. This is good. When a woman gets pregnant she is not given any such work which may put any pressure or cause abortion. There is a provision in the law under which she is not given any such heavy work. This is in addition to the maternity leave granted under the Maternity Act. Even there is no need for a medical certificate for leave upto 12 weeks. But apart from that there is a provision under which another month's leave with pay may be granted to her if her health does not improve even after 6 weeks of her delivery and a certificate to that effect is issued by a doctor. In this way there is a provision for 4 months' leave with pay and a medical bonus of Rs. 250 which is granted for pre-natal and post-natal treatment wherever such facilities do not exist. Thus there is a provision for the 12 weeks leave with pay and for another month's leave if her health does not improve and for 6 weeks' leave if she suffers an abortion in the meantime.

Some points have rightly been made about the construction workers and other unorganised workers. These relates to an ideal condition and I feel it necessary that every man and woman should be given social security. But we have not been able to come out of the conditions we met with during our days of slavery when our country became poor and economically backward. It is not easy to bring all the people of a developing country under the cover of social security.

One of our colleagues said that the condition of 10 workers will result in lesser employment opportunities and it will further aggravate the situation in the unorganised sector. Till the Government becomes capable of providing social security to all the people of the country, it is very difficult to ensure good relations between the employer and the employee in the unorganised sector, especially the agricultural sector where no record can be maintained.

DR. DATTA SAMANT: Set the unorganised sector right.

SHRI BINDESHWARI DUBEY: You talk about what is impossible and not about what is possible. You say that in Maharashtra Rs. 4 or 5 are paid as minimum wage. What are you doing there? *(Interruptions)*

Are you indulging in trade unionism? You only know one art. I know that you can generate heat anywhere and even melt snow. But I would have appreciated you if you had generated this heat there.

(Interruptions)

We both have spent our lives and I wish that you do not tell me about poverty since I have myself faced it and worked for its eradication. What will you, a resident of Bombay, tell me about poverty? We should rise above politics to discuss such issues. We can think about my suggestions you have but there is nothing which can be implemented there.

Mr. Chairman, Sir, I do not know about him but, I have been participating in the task of workers' movement and their progressive development since pre-independence days. It is right that everything cannot be achieved simultaneously but the labourers have achieved progressive development through workers' movement, workers' organisations and the organised power of the people. All the desired things cannot be achieved in a day but you will have to agree that.

All the required things do not come up the same day. But you will agree that the purview of this Act has been extended to cover those shops and establishment where at least 10 persons are employed. The qualifying service period for this benefit has been drastically reduced from 160 to 80 working days in 12 months. Besides this, the earlier and old rate of payment of maternity benefit has also been revised. The E.S.I. coverage is also being extended and we are confident that this coverage will be further extended. Presently, seven million people have come under its coverage and we are increasing its coverage very fast.

There have also been complaints that the E.S.I. hospitals are not functioning

properly. Recently we had convened a meeting of the Labour Ministers to which the hon. Member was also invited but he did not turn up. Members of the consultative committee were also invited. I had moved a resolution and said one thing on behalf of the Government that...

DR. DATTA SAMANT: Nothing substantial is done in these meetings. It is only meant for enjoying the facility of tour.

SHRI BINDESHWARI DUBEY: I had invited, but you did not come... *(Interruptions)* Both of us belonged to the same profession, but we had divergent ways. If we are to move in the same direction, we could have worked in cooperation. But it is not possible to go hand to hand with divergent views. I do not want to make any personal aspersion on any one. The question of ruling party or any other party also does not arise in this matter. In the Labour Ministers' conference held recently, it was dwelt upon as to how to streamline the working of the E.S.I. hospitals and extend their coverage. We had discussed the issue with them. The E.S.I. hospitals are being run by the Corporation and the State Governments which are contributing 7/8 and 1/8 of its establishment expenditure respectively. The entire administrative and financial administration of the corporation is under the exclusive control of the State Governments. I request the Labour Ministers to make the administrative and the financial administration efficient which are under their control and also streamline the working of the hospitals about which most of complaints are being received or to constitute joint boards. I had also made an offer to the extent that if they find it burden-some to meet even 1/8th of the expenditure and also do not want to set aside the responsibility, they are discharging, nobody is going to take away the rights they are enjoying and the corporation is prepared to meet the entire expenditure on that account. But to manage the affairs they should constitute a joint board so that the corporation may develop and provide the best possible medical facilities there. The Government strongly desires that the labourers should be provided the best medical facilities for treatment and maintaining their health.

DR. DATTA SAMANT: What decisions were taken in the meeting?

SHRI BINDESHWARI DUBEY: So far as decisions are concerned, no decision is taken in a day or two. It is the age of persuasion. But you have adopted all the conceivable coercive methods... *(Interruptions)*

DR. DATTA SAMANT: You come to Bombay. Our labourers draw Rs. 4000 towards their salary in Premier Mills. There is no doubt that the owner can afford to pay, but if they are befooling you, we cannot do anything... *(Interruptions)*

SHRI BINDESHWARI DUBEY: My sense of decency prevents me from giving a reply to these things. I am bound by my ethical sense... *(Interruptions)*

[English]

SHRIMATI GEETA MUKHERJEE (Panskura): May I seek two clarifications from the hon. Minister?

(Interruptions)

SHRI BINDESHWARI DUBEY: I am giving way to Smt. Geeta Mukherjee.

SHRI BINDESHWARI DUBEY: I am giving way to Smt. Geeta Mukherjee... *(Interruptions)*

SHRIMATI GEETA MUKHERJEE: I seek two clarifications from the hon. Minister. One is, in the course of his speech, the hon. Minister has stated that not only this 12 weeks but another 4 weeks time can be given. Maybe, it is my ignorance. I am not able to find that Clause which gives that explanation. So, this is one.

17.00 hrs.

And the other thing is, amendments etc., on agricultural labour will be discussed at that time. But on hospitals, when we were speaking, I saw that you were nodding your head. After all, hospitals and nursing homes are not galore.

THE MINISTER OF LABOUR (SHRI BINDESHWARI DUBEY): I am coming to that.

(Interruptions)

I have not ended my speech.

[Translation]

Now I am coming to the unorganised labour. Just now Shrimati Geeta Mukherjee raised a point to know as to whether the main Act contains any provision regarding the period after 12 weeks or not. In this connection, I would like to tell her that there is a provision of maternity leave for 12 weeks or 3 months in the law i.e. an expectant woman worker can avail maternity leave of 6 weeks before and 6 weeks after the delivery or for a total period of 12 weeks. Apart from this, she will be granted one month leave on full pay on production of medical certificate in support of her sickness. It is so provided there in the original Act. She has further sought to know if these provisions will be applicable to hospitals. The female employees or nurses working in the hospitals will also be covered under the provisions of this law and these provisions will also be applicable in their case. You will be glad to know about it.

17.01 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Deputy-Speaker, Sir, everybody will be glad and would like that the provisions of social security should be made applicable to all in the country. But it is an appalling fact that the people living in our villages do not get minimum wages and a large number of people live below the poverty line. It is a problem as to how to provide them employment and bring them above the poverty line. Therefore, the entire scheme cannot be applied at a stroke. The National Commission on Rural Workers which has been set up by the Hon. Prime Minister, bears a reference that whether some sort of social security could be provided for them. The Commission will scrutinise the matter and consider it in an integrated way. If the commission deems it fit, it can make a rec-

ommendation in regard to the provision of social security.

(Interruptions)*

[English]

MR. DEPUTY-SPEAKER: I am not allowing it to go on record.

[Translation]

SHRI BINDESHWARI DUBEY: He does not know the definitions of white collar and yellow collar. I will request him to go to Shri Somnath Chatterjee and learn these definitions. What more could I say than this?... (Interruptions)*

[English]

MR. DEPUTY-SPEAKER: Nothing will go on record. The Minister is not yielding.

[Translation]

SHRI BINDESHWARI DUBEY: He does not know what is white collar and what is yellow collar. As I was saying its procedure has been further simplified. These provisions are already applicable to factories and mines and now these have been extended to establishments or shops which will render themselves liable to imprisonment of one year period if they do not produce the document and do not maintain the muster rolls or maintain the record of names. They can also be penalised for that. The amount of fine also may extend to five thousand rupees.

Employers remove the expectant female workers from service. This act has been treated as a serious violation in this Bill. The Bill also provides punishment for this. Such women workers will have to be reinstated and the employer shall have to render themselves liable to punishment.

With these words, I am hopeful that this welfare and beneficial Bill which has been specially introduced for the women workers

will be adopted by the august House. It is not possible for me to reply to the various suggestions offered on this Bill. But I am sure that these suggestions will prove beneficial in future.

With these words, I express my thanks to you.

[English]

MR. DEPUTY-SPEAKER: The question is:

"That the Bill further to amend the Maternity Benefit Act, 1961, 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.

Clause 2 - (Amendment of Section 2)

SHRI ANADI CHARAN DAS (Jajpur): I beg to move:

Page 1, line 11, -
after "Plantation" insert "or agriculture farm" (2)

Page 1, line 12, -
after "Government" insert "or private" (3)

Page 1, line 17, -
for "ten" substitute "two" (4)

Page 1, -
after line 18, insert -
"(c) to women beneficiaries working under R.L.E.G.P. and N.R.E.P. schemes of the Government. (5)

Page 1, -
after line 18, insert -
"(c) to women beneficiaries working under R.L.E.G.P. and N.R.E.P. construction work, beedi binding work and stone-work engaged by Government or private firms or persons or contractors." (8)

SHRIMATI GEETA MUKHERJEE: I beg to move:

Page 1,—

after line 18, insert -

"(c) to every woman who is working as an agricultural labourer;

(d) to every woman who is working as rural labourer engaged in occupations other than agriculture." (11)

SHRIMATI BIBHA GHOSH GOSWAMI (Nabadwip): I beg to move:

Page 1,—

after line 18, insert -

"(c) to every working woman in the unorganised sector, agricultural and rural sector, home-based sector informal sector and self-employment sector." (12)

[Translation]

SHRI ANADI CHARAN DAS (Jajpur): Mr. Deputy Speaker, Sir, it is all right that the hon. Minister has given some reply to the various amendments moved by me on this Bill. But I would like to say that women working in those establishments which are paying income tax in lakhs of rupees, must get the benefits of this Bill. There should be no such stipulation in these cases that the minimum number of workers should be such and such. Even if two persons are employed there, they must get the benefits. Women working in establishments of high income must get the benefits.

I congratulate you for reducing the eligibility period of service for such benefits from 160 days to 80 days. But how you are going to extend the benefits of this Bill to those people who are working under the I.R.D.P. Will they be brought under the purview of this Bill or not.

There are also private agricultural farms. People also work in these farms. I would like to have a reply from you also whether you are going to bring them within the ambit of E.S.I.

Large number of people in the sweepers community are engaged in scavenging work. Now-a-days we find that contractors have also entered this field. Previously some people who were working in the Palika Bazar were getting all the benefits. Now they have been removed and contractors have been brought in their place. Could I know the procedure by which the people who were already working, are being removed in order to favour some other person? I would like the hon. Minister also to cover it in his reply.

[English]

SHRIMATI BIBHA GHOSH GOSWAMI:

Sir, as far as my amendment is concerned and as I have already said only 10 per cent of the working women come under this provision. That way more than 98 per cent of all mothers in India will be outside the purview of this Bill. So as has already been said by me provision of this Bill should be extended to cover every working woman in the un-organised sector, agriculture and rural sector, home sector and self-employment sector. So I will once-again request the hon. Minister to accept my amendment which is very reasonable.

SHRIMATI GEETA MUKHERJEE: As far as I am concerned I also fully endorse the point put forth by her. The only point I would like to stress that the hon. Minister said that when the National Commission on Rural Labour will produce its child then only after that it can be taken up. My submission would be given the present situation probably if Minister's own department can take it up at the moment that will be a welcome step.

[Translation]

SHRI BINDESHWARI DUBEY: Mr. Deputy Speaker, Sir, the movers of the proposed amendment have stated that this Act should be implemented even in those establishments where only two persons are employed. If this is done enforcement will become extremely difficult. Let us take the example of a tea-stall where only two persons work - a woman sweeper and a waiter. If we start giving social security to all of

them the women employees in particular will face employment problems. Regarding the various labour laws, barring the Mines Act and the laws governing the Circus Industry, the State Government is responsible for the enforcement of all other laws and it has to be found out whether the State Governments have adequate infrastructure or not. This amendment was brought only after taking the views of the States during the conference of State Labour Ministers. Now-a-days a large number of women are working in shops and therefore, it is essential to provide maternity benefits to them. Hence, problems will arise if it has to be enforced in establishments where only 2 persons are working.

Similarly, it has been suggested that these benefits should be given to workers under RLEGP and other programmes. These benefits can be given in those areas where the nature of work is permanent. Through this amendment the qualifying period for grant of maternity benefits in the main Act is being reduced from 160 days in a year to 80 days in a year. The provisions of this Act cannot be implemented on employments which are of casual nature. Under RLEGP and other Schemes, there are several workers working on casual basis. They work for sometime at one place and then move on to another. This is known as floating working population. It is therefore, not possible to maintain any records at the Panchayat or the block level. Hence, it is not possible to provide benefits to everyone. We can think of an integrated social security scheme. Therefore, I have stated that the National Commission on Rural workers will consider it seriously. Shrimati Geeta Mukherjee is the Member of this Commission herself. Instead of putting pressure here, she can get the work done quicker through that Commission.

SHRIMATI GEETA MUKHERJEE: I know what is happening there and that is why I am making this submission.

SHRI BINDESHWARI DUBEY: You are a very learned lady. You are committed to the cause and can get the work done by putting pressure. You get it done there.

SHRIMATI GEETA MUKHERJEE: If I cannot put pressure on you how can I do it on them.

SHRI BINDESHWARI DUBEY: The scope of this Bill cannot be increased because in that case it will not be possible to enforce it. Therefore, I am not in a position to accept the proposed amendment. I will request the movers of the amendment to withdraw their amendments.

[English]

MR. DEPUTY SPEAKER: If the House agrees, I shall put all the amendments moved to clause 2 together to the vote of the House. Now I put all the amendments moved to clause 2 together to the vote of the House.

Amendments Nos. 2 to 5, 8, 11 and 12 were put and negatived.

MR. DEPUTY SPEAKER: The question is—

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

MR. DEPUTY SPEAKER: The question is—

"That clause 3 stand part of the Bill."

Clause 3 was added to the Bill.

Clause 4 - (Amendment of Section 3.)

SHRIMATI BIBHA GHOSH (POSWAMI): I beg to move:

Page 2,—

for lines 32 to 35, substitute —

"(3) The maximum period for which any woman shall be entitled to maternity benefit shall be four months including the date of delivery and may be availed of according to the woman's choice;" (6)

SHRI BASUDEB ACHARIA: I beg to move:

Page 2,—

for lines 32 to 35, substitute —

"(3) The maximum period for which any woman shall be entitled to maternity benefit shall be twelve weeks including the date of delivery and may be availed of according to the woman's choice;" (9)

SHRIMATI BIBHA GHOSH GOSWAMI: Sir, the Minister has said that in the original Act, the woman can get four more weeks - may be as medical leave, not as maternity leave. But all the women workers and their organisations demand that at least four months should be there to look after the child. At least they can have 2 1/2 or 3 months after the delivery to look after the child. The child also requires its mother very much. Therefore, I request the Minister that he should accept the four months' maximum period for maternity leave and that also at the woman's choice.

In the Bill, it has been written that not more than six weeks should be before delivery. What all the women workers and we also want to pinpoint is that it should be the woman's choice whether they can take more leave before delivery or more leave after delivery. Including the day of delivery, they should be given the choice how to avail of the leave of four months. So, I request the Minister to accept it.

SHRI BASUDEB ACHARIA: Sir, my amendment is also very simple. I think, he will accept it. When I met Shri Sangma alongwith representatives of working women, when the draft of this Bill was being finalised, we were told that this particular amendment which I have tabled, and other good suggestions would be incorporated and that 12 weeks' maternity leave would be the choice of the mother. Maybe she may take two weeks before delivery. And after delivery, she may take four weeks. This is a simple amendment and there is no financial involvement. I hope that the Minister will accept my amendment.

[Translation]

SHRI BINDESHWARI DUBEY: I have already stated that we have ratified the convention of the ILO. She is eligible to take leave for a maximum period of 6 weeks before delivery. She cannot take any leave before that. The lady worker can take leave for two weeks before her delivery and she may take 10 weeks' leave after the delivery. This depends on her.

[English]

DR. DATTA SAMANT: The delivery may take place after four weeks it may take seven weeks. You make it aggregate 12 weeks.

[Translation]

The leave is cancelled even if it exceeds by one week.

SHRI BINDESHWARI DUBEY: The aggregate is of 12 weeks. In the main Act the period was 6 weeks before and 6 weeks after.

SHRI BASUDEB ACHARIA: Why cannot she take leave before 6 weeks?

SHRI BINDESHWARI DUBEY: This is an I.L.O. convention which we have ratified. The I.L.O. resolution States. That

[English]

She can enjoy leave only to the extent of 6 weeks before delivery. That is the I.L.O. convention which we have ratified.

[Translation]

According to I.L.O. post-natal care is more important. Therefore, putting a restriction of 6 weeks' leave before delivery and 6 weeks after it is not right. And hence, this convention of I.L.O. is in the interest of the people and is advantageous for them. Another point raised by the hon. Member was why have we not provided for more than 4 weeks of leave? I want to bring to your notice that while making this provision we have followed the I.L.O. convention.

The word "minimum" is mentioned therein which means that the minimum period of leave has to be 12 weeks. In other words, it can be more than this stipulated period. But today the Indian Employer is not in a position to pay more than this. Another reason behind it is that we are not going to implement the provisions of this bill on big factories and mill owners alone but on such small shops and establishments also which are employing 10 or more workers. These workers will also get full benefits under this Bill. Suppose in a shop or establishment there are seven women workers out of ten. If we insist that 4 months maternity leave must be given to the women workers then there is every possibility of its having adverse effect on production. As a result, these small shops and establishments will refrain from recruiting women workers and it will lead to employment problems for women. Apart from this there is a provision that if a women worker is not medically fit even after the stipulated period, she is eligible to one more month's leave with full pay.

DR. DATTA SAMANT: This is not obligatory for the employer. Sometimes the employers refuse it.

SHRI BINDESHWARI DUBEY: No, no, the employer can never refuse. The provisions in this bill are such that no one can refuse to grant it. The employer has to grant one month's medical leave if necessary after her 3 months' leave is over.

DR. DATTA SAMANT: If a worker wants to extend her leave on medical grounds after having availed 3 month's maternity leave it is upto the employer to accept her medical certificate.

SHRI BINDESHWARI DUBEY: I want to assure you that it will not depend on the employer. If we make a provision for 5 months' leave that is 4 months plus 1 month, it will become disadvantageous for the women workers. It will not be in their interest because the employers will refrain from recruiting women. Keeping this in view, I would request the movers of the amendments to withdraw their amendments.

[English]

MR. DEPUTY SPEAKER: Madam, are you withdrawing your amendments?

SHRIMATI BIBHA GHOSH GOSWAMI: No, Sir.

MR. DEPUTY SPEAKER: I put the amendments moved by Shrimati Goswami and Shri Acharya to Clause 4 to the vote of the House.

Amendments Nos. 6 and 9 were put and negatived

MR. DEPUTY SPEAKER: Since there is no amendment to Clause 5, I put both Clauses 4 and 5 to the vote of the House.

The question is:

"That clauses 4 and 5 stand part of the Bill."

The Motion was adopted

Clauses 4 and 5 were added to the Bill

Clause 6 -- Amendment of Section 8

SHRIMATI BIBHA GHOSH GOSWAMI: I beg to move:

Page 3, line 7, —

for "two hundred and fifty rupees" substitute "six hundred rupees" (7)

Sir, many of the hon. Members from the other side said that according to the new price index Rs. 250 is nothing. Sir, about 65 per cent of our pregnant women are anaemic and they require nutritious food. They require more nutritious food than an ordinary woman. Then after delivery also she requires a healthy diet. She also has to spend a lot on the child afterwards. So, my amendment is that the medical bonus should be Rs. 600. I think it does not require more elaboration and more explanation. I think the Hon. Minister will accept my amendment.

[Translation]

SHRI BINDESHWARI DUBEY: As I have stated earlier there was a provision of Rs. 25 only in the past which has been enhanced 10 times to Rs. 250. Now every woman worker will get a medical bonus of Rs. 250. Some hon. Members have suggested that Rs. 600 should be paid as medical bonus, some one else may suggest Rs. 1000. But this amount has been fixed after taking into consideration the various aspects of the matter as we thought it was practicable. Therefore, I would request you to withdraw your proposed amendments.

[English]

MR. DEPUTY SPEAKER: Are you withdrawing your amendment?

SHRIMATI BIBHA GHOSH GOSWAMI.
No, Sir

MR. DEPUTY SPEAKER: I put amendment no. 7 moved by Shrimati Bibha Ghosh Goswami to Clause 6 to the vote of the House

Amendment No. 7 was put and negatived

Since there are no amendments to clauses 7 and 8, I put clauses 6 to 8 to the vote of the House.

"That Clauses 6 to 8 stand part of the Bill."

The motion was adopted.

Clauses 6 to 8 were added to the Bill.

Clause 9—(Substitution of new Section for Section 21)

SHRI HAROOBHAI MEHTA
(Ahmedabad): I beg to move:

Page 4, —

for lines 10 to 12, substitute—

"Provided that the accused has not committed any previous offence punishable under this Act and that he has since paid the amount payable to the

woman concerned under this Act or as the case may be, has since rescinded the discharge or dismissal order and re-instated her with full back wages, impose a sentence of imprisonment for a lesser term or fine only in lieu of imprisonment, for sufficient reasons to be recorded in writing." (1)

At least, I want to persuade the Minister and see his reaction to my amendment. In a democracy, the government should be responsive to the amendments suggested by the MPs. My experience is very unfortunate that by large amendments placed by MPs on either side are ignored by the government; that should not be there. In a democracy, government must be responsive to the amendments placed by the MPs, from whichever side they may be; it should not be a matter of prestige that the government will not accept any amendment. My submission is that the court should not be given so much discretion in waiving the minimum punishment. The hon. Minister knows about it. We have noticed that the courts are over liberal towards economic offenders, and the employers, because of total lack of commitment to the social justice. Therefore, I have suggested in the amendment that the discretion should be available to the court only when it is a first offence, the minimum punishment can be waived, that means the court can give a liberal treatment only when the workman concerned is re-instated and the amount payable has been already paid, that means only when the offending conduct should not be continuing the legal dues should be paid first; wherever the discharge termination etc. has been effected during the maternity period, it should be rescinded; she should be re-instated with back wages. If the court finds that all these things have been done—that means the law is complied with now at least—then only the minimum punishment should be waived; and that also when only it is a first offence. I request that the Minister may accept my amendment.

[Translation]

SHRI BINDESHWARI DUBEY: Mr. Deputy Speaker, Sir, there is no doubt that

the intention of Shri Haroobhai Mehta is good, but we cannot restrict the jurisdiction of the court. What I am stating is that

[English]

"Provided that the court may, for sufficient reasons to be recorded in writing, impose a sentence of imprisonment for a lesser term or fine only in lieu of imprisonment."

There should be sufficient reasons in writing.

[Translation]

We have said "for sufficient reasons in writing." Had we gone beyond this it would have meant imposing too much restrictions on the judiciary process, which would not have been proper. This is against judicial norms and therefore, it is not right. There is no question of prestige here. It is not possible to accept this amendment. Therefore, it is my humble request to him to withdraw it.

[English]

MR. DEPUTY SPEAKER: Are you withdrawing your amendment?

SHRI HAROOBHAI MEHTA (Ahmedabad): I do not agree with the reasoning of the Minister. But since the Rajya Sabha has already passed the Bill, I want to withdraw the amendment.

MR. DEPUTY SPEAKER: Has Shri Mehta leave of the House to withdraw his amendment?

SEVERAL HON. MEMBERS: Yes.

Amendment (No. 1) was, by leave, withdrawn

MR. DEPUTY SPEAKER: Since there are no amendments to clauses 10 and 11, I would put clauses 9 to 11 to the vote of the House. The question is:

"That Clauses 9 to 11 stand part of the Bill."

The motion was adopted.

Clauses 9 to 11 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 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.

17.35 hrs.

MONOPOLIES AND RESTRICTIVE TRADE PRACTICES (AMENDMENT) BILL

[English]

THE MINISTER OF INDUSTRY (SHRI J. VENGAL RAO): I beg to move:**

"That the Bill further to amend the Monopolies and Restrictive Trade Practices Act, 1969 be taken into consideration."

The Monopolies and Restrictive Trade Practices(Amendment) Bill, 1988 is a short

**Moved with the recommendation of the President.