

(SHRI.M.V.CHANDRASHEKHARA MURTHY): Mr. Chairman the question is

"That new Clause 4 be added to the Bill."

The motion was adopted.

New Clause 4 was added to the Bill.

MR. CHAIRMAN: The question is:

"That Clause " The Enacting Formula and the long Title stand part of the Bill."

The motion was adopted.

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

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI M.V.CHANDRASHEKHARA MURTHY): Sir, I beg to move:

"That the Bill as amended, be passed."

MR. CHAIRMAN: The question is:

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

The motion was adopted.

16.35 hrs.

WORKMEN'S COMPENSATION (AMENDMENT) BILL
As passed by Rajya Sabha.

[English]

MR. CHAIRMAN : Now, we will take up the next item. Shri P.A. Sangma to move that the Bill further to amend the Workmen's Compensation Act, 1923, as passed by Rajya Sabha, be taken into consideration.

16.35 hours.

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

" That the Workmen's Compensation (Amendment) Bill 1995 further to amend the Workmen's Compensation Act, 1923 as passed by the Rajya Sabha be taken into consideration "

As the Hon. Member are aware, the Workmen's Compensation Act, 1923 provides for payment of compensation to workmen and their families in case of employment injury including certain occupational diseases resulting in disablement or death . The Act at present applies to certain categories of railway employees and to persons employed in hazardous employment specified in Schedule-II of the Act. Schedule-II includes persons employed in factories, mines, plantations, motor-vehicles, construction work etc.

With the gradual expansion of the coverage of the ESI Scheme, the area of application of the Workmen's

compensation Act has shrunk to some extent. The coverage under the ESI Scheme is, however, restricted to factories and certain other establishment located in the notified areas. The Workmen's Compensation Act continues to prevail in the remaining areas.

The Act was last amended in 1984. Based on the recommendations of the Law Commission and suggestions received from the State Government and other Central Ministers, it is proposed to carry out the following major amendments in the Act:—

(1) The provisions of the Act are being extended to drivers, cleaners and other workmen recruited by the employers registered in India and sent for work abroad.

(2) The rates of compensation were last revised in 1984. Since then, there has been a general increase in prices. It is, therefore, proposed to enhance the amount of compensation under Section 4 as given below:-

(a) The minimum amount of compensation is being enhanced from Rs 20,000/- to Rs.50,000/- in the case of death and from Rs.24,000/- to Rs.60,000/- in the case of permanent total disablement;

(b) The rates of compensation are being enhanced from 40 per cent to 50 per cent of the monthly wage in the case of death and from 50 per cent to 60 per cent of the monthly wage multiplied by relevant factor in the case of permanent total disablement. The proposed rates are in accordance with the ILO Convention No. 121 of 1964 concerning employment injury except that the amount of compensation shall continue to be paid in lumpsum, as at present.

(c) The wage ceiling on the monthly wage for working out the maximum amount of compensation is being enhanced from Rs.1,000/- to Rs.2,000/-.

(3) In addition to the amount of compensation, a provision for payment of Rs.1,000/- towards funeral expenses of the deceased workmen is also being made.

(4) Keeping in view the problems of the poor interstate migrant workers, a provision has been made in the Bill to facilitate filing of the claims for compensation also before the Commissioner for the area where the workmen or the dependants ordinarily reside.

The Standing Committee of Parliament on labour and Welfare has also cleared the Bill subject to certain observations/recommendations. The Government has noted them for further examination in consultation with sister Ministeries after the present Bill is cleared by the House.

These are, in short, the important amendments proposed through this Bill. I hope that the Members will welcome the proposed amendments. With these words, I commend the Bill for consideration of the House.

MR. CHAIRMAN : Motion moved:

That the Bill further to amend the Workmen's Compensation Act,

1923, as passed by Rajya Sabha, be taken into consideration."

SHRI GEORGE FERNANDES (Muzaffarpur) : I beg to move:

"That the bill further to amend the Workmen's Compensation Act, 1923, be referred to a Select Committee consisting of 7 members, namely:-

1. SHRI ABDUL GHAFOOR
2. SHRI SATYANARAYAN JATIAY
3. SHRI MANJAY LAL
4. SHRI HARI KEWAL PRASAD
5. SHRI MOHAN RAWALE
6. SHRI P.A. SANGMA; and
7. SHRI GEORGE FERNANDES

With instruction to report by the first day of the next session."

(Translation)

SHRI VIRENDRA SINGH (Mirzapur) : Madam Chairperson, the resolution moved to amend the Workmen's Compensation Act 1923, was long due, but the persons in the Government and the Government of India are trapped in such works which do not allow them to take up the issues of public interest. This Bill is related to the people at lower rung of our society and our villagers.

The objective behind this amendment is to envisage compensation for the labourers who get injured or die in the course of their duty, regardless of whichever industry they belong to. When the Bill was passed in 1923, the Compensation amount was fixed up commensurate to that period. Mr. Minister has said that an amendment resolution with regard to compensation was moved in 1984 and now the amendment is coming in 1995 to the effect that compensation amount be raised. I understand that it is a genuine resolution.

We should discover as to what kind of labourers should be given compensation and in what circumstances. I understand that next to the kin of the deceased or injured gets a job on commensurate grounds in the undertaking where the deceased or disabled worked. They get compensation as stipulated in the Act. Hon Minister is sitting here, I want to say to him most humbly that that kind of provision is not available in the Private Company. The private companies operating in the country do not provide this type of facility to those who are killed or injured in the factories, and the provisions seen in the Government Companies, Public undertakings are not available in the

private undertakings. They get their work done on contract basis. If any labour is killed, then they argue that the said labourer was not from the company but contractor's man. If anyone of them gets injured, then they say that he is not their labour, but a contractor's man. So the contract system that has been evolved with your Ministry's approval is the most controversial system.

Our labour leader is present here and when he speaks he will speak in detail. I want to say about the contract system that wherever that system has been in vogue the labourers are exploited. If any labour dies and gets injured, then no one is answerable for this. There is a company namely Hindal of Birla Sahib in my region. There is a Conodia's Chemical Company where in addition to regular employees 10 times workers work on contract basis. They have got power house. It is your Government only which gives sanction for Power House initially 50 megawatt electricity used to be generated and now 500 megawatts is being produced. Tehri labourers die and get injured daily and yet no law of India applies to Renu Power Company. This is because it is Birla Sahib's Company and also because people from your Government go and sit with Mr Birla. Who is there to listen to those labourers? What difference this Bill is going to make Hindal Company is there which produces Carbon. Mr. Dinanath Pandey of B.J.P. hailed from Bihar. One of his relatives used to work there, he was rendered disabled by heat of Aluminium and Carbon. He kept requesting time and again that he be transferred elsewhere but the management of Birla Company has never issued this kind of order. You have provided for compensation. With regard to profession born hazards but I want to ask from the Government of India that though time and again it is discussed that wherever industrial development took place, pollution increased and people suffered from consequent diseases. Those diseases could be included among profession born hazards. It could be said that germ of these diseases are inherent in these professions. Formulating a resolution, Act or law and diseases get eradicated as a result of that law, then I will definitely like to urge the Mr. Minister to make such laws daily. But nothing happens just by making laws. You go and see where there is Government undertaking, pollution is imminent. Their refuse fall into water and the inhabitants and labourers living around drink that water only and that is how they fall prey to the disease and slowly they die out. Nobody bothers for them and various families are forced to live there through their generations. Entire waste of Kanodia Chemicals falls in the ocean and lakhs of people stay there and drink that water only and that is how they are afflicted with various disease. They are patients and the same profession born diseases, which you have discussed in the Act, afflict them and soon they are rendered disabled or become blind.

There is no law for the protection of those who die here.

So my request is that the law that applies to lower level people, must apply to higher level people as well, only then such law will become significant and prove effective.

I want to speak about those working in agriculture sector. Those living in villages do fishing. A special caste has it as its profession. They fish out in ponds, rivers and sea. Today, foreign companies are entering into the contracts of fishing, but fishing job is entrusted to them only and that is how those big companies exploit those villagers and fishermen.

16.46hrs.

[SHRI NITISH KUMAR in the Chair]

No attention is paid to those who are injured or who are rendered disabled or are carried away in the sea storm or drowned while boating and fishing. My request is that such people should also be covered by the law.

My area is a carpet weaving area, where lakhs of weavers are engaged in carpet weaving. All kinds of misgivings are there all around the globe, these are discussed and child labour also is discussed. It is said that children do weaving during their student life. There are all discussed, but nobody pays any attention to solve their difficulties. So far as the question of their educationist concerned, acquiring the knowledge of words only is not considered sufficient but taking from it is also considered an education of its own type. Children make Potteries or learn weaving or iron work. This is also called translating knowledge into action if the study and conceiving knowledge go together in a coordinated way, then the problems of weavers can largely be solved. Today, children are engaged in weaving work, but the polluted atmosphere they work in, throw them open to diseases. If a dispensary is set up for keeping them free from these diseases, then they could do weaving work properly.

Similar is the condition of shoemakers, beltmakers and those working in leather industries. Those passing through this area know through odour that leather work is done here. The wastes of these factories keep piling up here and diseases are spread through it also and labourers working in the factory fall prey to the diseases. The Government must take appropriate measures to get the people rid of the disease afflicted system. Its example could be witnessed at Kanpur which is Dronjee's constituency. We need to pay attention to all these things and I understand that you could be doing a great work.

Similarly, those working in the agricultural field at times get injured. The carpenters get injured blacksmiths also get injured. So a provision must be made for those working in these small industries as well. If they become disabled or their hands severed, then some compensation is provided by the district administration but they do not have proper information as to where from they could get

medical facilities or compensation in the event of getting injured. I want to say that such kind of people should also get this type of facilities.

I will like to remind you that so many foreign companies are coming in India under the liberalisation policy of the Government such as Pepsi Cola or Indrani Company. Ours is a labour intensive country. We have got a huge labourers force here. Now these companies do not bother for them at all. They run their industries with machine only and do not engage labourers so that they could escape the applicability of labour welfare laws. They want to earn more and more profits. When you go to apply these laws on them, they can say that they are not trained labourers. I will like to request the Government of India. That it should be ensured while making such a law that we can make provision for appointing labourers also in our country the major population of which is formed by labour force, Whereby labourer could be saved from unemployment.

If you pass by a sugar mill, you will have to bear a stench emanating from it. There are several such mills in Bihar and Madhya Pradesh where they get licence for manufacturing wine. There is a Nandganj Sugar Mill in eastern U.P. I do not say where the wastes emanating from sugar mill will go to. What is the provision for tackling the stench emanating from the Mill and the resultant diseases. The compensation amount cannot enforce the system for ever. So Mr. Chairman, Sir, I will urge upon the Government to conduct a survey in these sugar mills, leather mills or the mills run by big industrialists. I have referred to the case of Hindal, Birla Chemicals, especially because the questions concerning these people have often sprung up and the assurance was also given by the Government. I want to say through you wherever the labourers live, the Government should carry out a survey there. Then it will come across thousands of patients amongst them and also those who are not capable of working. Despite all that Birla's Company force them to work. Today also, wastes from Kanodia mills is dropped into pant sugar and thousands of people drink its water you do not take any action against Birla and Kanodia. I have raised this issue time and again but you have never paid your attention to these facts. If you pay your attention towards this aspect, then this will benefit labourers and society. The people have lost their faith in the Government, if you take action against it. Then people's confidence will be restored to some extent. I conclude with these words.

[English]

MR. CHAIRMAN : Shri Basudeb Acharia to speak.

SHRI BASUDEB ACHARIA (Bankura) : Is nobody speaking from the Congress?

MR. CHAIRMAN : I have called your name. If you are

not prepared to speak, please sit down. Then I can see some other Member.

SHRI A. CHARLES (Trivandrum) : I am the first from this side. When one name from the Opposition Benches has been called, one from this side also should have been called.

MR. CHAIRMAN : I have called his name.

SHRI A. CHARLES : That is true. But he is casting aspersions on the members of the Ruling Party. We are equally or even more concerned about the workers. Why should he make such unnecessary comments?

[Translation]

SHRI BASUDEB ACHARIA : You have called me. So, I will speak.

MR. CHAIRMAN : What you speak will go on record.

[English]

SHRI BASUDEB ACHARIA : Mr. Chairman Sir, welcome the Workmen's Compensation (Amendment) Bill, 1995. But there are a number of lapses, a number of Limitations in this Bill. He has stated just now that this Bill was referred to the Standing Committee on Labour and Welfare. That Standing Committee deliberated upon the Bill and has made certain recommendations. He has also said when this Bill will be passed, then the Ministry will act upon the recommendations of the Standing Committee.

What was the purpose of referring the Bill to the Standing Committee? The Standing Committee deliberated upon the Bill and made certain recommendations. Why were those recommendations not incorporated in the Bill? That is why Shri George Fernandes has suggested an amendment that this Bill is a very important Bill. We consider this Bill as a very important Bill concerning thousands and thousands of workers.

The original Act was enacted in the year 1923. Then there had been a number of amendments. The last amendment was in the year 1984 when the amount of compensation to be paid to the workers in the case of death or permanent disablement was enhanced. Then again in 1989 the Law Commission also recommended for the enhancement of the amount of compensation.

17.00 hrs.

But the Ministry did not act then also. If we calculate what was the price index in the year 1984 and what is the price index now, the amount which is being enhanced from Rs.20,000 to Rs.50,000 and Rs.60,000 for permanent disablement is quite meagre. In any case, the amount should not be less than Rs. 2 lakh.

A mention has been made regarding the Indian Railways Act. This Indian Railway Act has been amended. In the Indian Railways Act, 1989, there are some categories of employees and railway workers, like drivers, assistant drivers, guards and ticket checking staff, who were working or performing duty in the trains, excluded from payment of compensation because of death due to railway accident. Previously, they used to get compensation as per the Workmen's Compensation Act. Now, if a guard is killed because of an accident, the guard gets compensation on a par with the passengers killed in the accident. This amendment was made when the Indian Railways Act of 1890 was amended and certain categories of workers were excluded from the payment of compensation because of accident. I was one of the Members of the Joint Committee which considered the amendments of the Indian Railways Act of 1890. We made certain suggestions that some other workers who are now getting compensation as per the Women's Compensation Act should also be included in that category of worker's like gangmen who have been included now after the amendment of the original Act. If because of a derailment of a coach or wagon, the engineering staff or gangmen working on the railway track are killed, they will not get the compensation as per the Indian Railways Act of 1890 where some categories of workers have been included. They get compensation under the Workmen's Compensation Act. So, there is a need for amendment of the Indian Railways Act Also.

We expected that when the Minister has brought this Amendment after eleven years, at least a comprehensive Bill would come. We expected that. Here, he has not changed the definition. Under the definition which was accepted in the original Act of 1923, I presume, "workman" means:

"Any person (other than a person, whose employment is of casual nature, who is employed otherwise than for the purposes of the employer's trade or business) who is-

(i) a Railway servant as defined in Section 3 of the Indian Railways Act of 1890 (9 of 1890)..."

"... not permanently employed in any administrative, district or sub-divisional office of a Railway and not employed in any such capacity as is specified in Schedule II."

Now, he has expanded the list. He has proposed to incorporate certain other categories of workers. But it is not sufficient.

In Factories Act, what is the definition of 'workers'? The term 'workers' means:

"A person employed directly or through any agency including a contractor with or without the knowledge of principal employer whether for remuneration or not, in a

manufacturing process or any other kind of work incidental to or connected with the manufacturing process, but does not include any member of the Armed Forces of Union."

This is the definition which is there in the Factories Act. But here the definition of worker is quite different. There are millions and millions of workers who are engaged in construction work. There is a great demand from various sections, from various people for this. A Campaign Committee has also been constituted three or four years back; and throughout the country there had been a campaign for a comprehensive legislation for construction workers. These construction workers are hapless, helpless and they are poor people. There is no law. We have the experience because there are a number of law regulating labour. We have the Contract Labour (Abolition and Regulation, Act which is a misnomer. It has no teeth. It can neither abolish nor regulate. If the workers do not the minimum wages, the Labour Ministry will be helpless and everybody will be helpless.

There are other Acts like Child Labour Act. It also has no teeth. Nothing can be done against the violation of the Act. In this case also, if the law is not enforced strictly, there is no provision to take care of it because there is no time limit fixed. In the case of Industrial Disputes Act, a time limit has been fixed under Section 10(2)(a), in regard to trial, adjudication, finalisation of cases, to retrenchment, suspension, nonpayment of wages and dismissal. But here in regard to payment of compensation for death and permanent disablement, there is no time limit fixed. The employer can take one year or two years or three years; and there is no time limit. No action can be taken against the employer for the violation of the provisions of this Act. There is no provision for the strict enforcement of the law. That could have been incorporated while bringing forward this amendment.

Now, the amount is being increased from Rs. 20,000 to Rs.50,000 and the percentage is being increased from 40 per cent to 50 per cent. I want to know whether this amount is being increased as recommended by the Law Commission in the year 1989. What was the price index in 1989 and what is the price index now? Some realistic calculations should also be made.

Similarly, the compensation paid to the workers because of permanent disablement was Rs.24,000. It is now being enhanced to Rs.60,000. The amount of Rs. 24,000 was fixed eleven years back. What was the price index at that time? What was the recommendation made by the Standing Committee? When the Standing Committee made this recommendation, they had suggested that the calculation should be made on the basis of the price index. Let us consider the Law Commission's recommendations as the basis which were made in 1989. But I would say that the increase in the price index should also be taken into

consideration. In this case, this has not been considered while enhancing the amount of compensation. The Hon. Minister, while replying to the debate, may kindly clarify this point as to why that has not been taken into consideration.

Mr. Chairman, Sir, I consider this as a very important day because this concerns thousands and thousands of workers.

[Translation]

MR. CHAIRMAN : Mr. Acharia, you have taken 18 minutes time.

SHRI BASUDEB ACHARIA (Bankura) : I have just started speaking.

MR. CHAIRMAN : You conclude within two minutes. Time allotted to your party was 4 minutes but you have already taken 18 minutes, so you conclude within two minutes.

SHRI BASUDEB ACHARIA : Our three speakers are yet to speak . . . (*Interruptions*)

[English]

There are unorganised workers, agricultural workers, bidi workers, Cigarette workers and such categories of workers who are working in hazardous conditions. Why have they been excluded here?

AN HON. MEMBER : What about political workers?

SHRI BASUDEB ACHARIA : Now-a-days, it is more hazardous than other categories of workers.

For bidi workers, we can only have tuberculosis hospital but you have no fund for that also. I have been demanding this for last three years. In my district, in one place, there are about 40,000 bidi workers.

I have been demanding a Tuberculosis(TB) hospital for the bidi worker and I am getting the reply from the Minister that there is no fund from the Government. I am asking for the money from the Bidi Workers Welfare Fund and not from the Government. There is a Fund for Bidi workers welfare and even from that fund money is not being made available for the welfare of the bidi workers.

SHRI ANIL BASU : This is the problem with the Congress.

SHRI BASUDEB ACHARIA : Similarly, Mr. Chairman, Sir there are thousands of workers engaged by the contractors in the Railways. Thousands of workers are there. There is no law to govern, to regulate these contract workers. Even the minimum wages which are required-which are there in the Contract Labour Regulations Act—for the senior workers are not being provided and the

Labour Minister is quite helpless. The Railway Ministry is not complying with the law. Even in the perennial nature of work these contract workers are being engaged and after completing 15 or 20 years of service suddenly they are being retrenched. No welfare measures are there for them.

Sir, he has included certain categories of workers in the Schedule 2. But I know a case of a young boy of 27 years of age. He was engaged by a Project under the Indian Statistical Institute. This Project was being funded by a foreign agency. He was to get a permanent employment under the Government of West Bengal. His appointment letter was received by his parents after seven days of his death. He died while going in a vehicle. He was performing his duties when he met with an accident and got killed. What was the reply of the Management, the Project authority? The reply was that there is no provision under the Workmen's Compensation Act and no compensation could be given for his death.

Mr.Chairmen, Sir, we are surprised to know that the parents of that boy who was killed in an accident are now starving. Not a single paise has been paid to them because there is no provision for that.

So, there should be a clear definition of the workers. Why have the casual workers been excluded; why have the contract workers been excluded; why are the agricultural workers been excluded while the other categories of construction workers, bidi workers and the workers of unorganised sectors with millions of workers are there? What is the percentage of the organised sector in the whole labour class?

Sir, recently two or three months back, he also attended a Seminar at Durgapur. The subject of the Seminar was "Safety of Construction Workers." This Seminar was organised by the National Safety Council but there is no provision for the compensation for construction workers. The construction workers will not get any compensation as per this Act. If the employers violate the Act, where is the provision to act against the employers, to prosecute them? Is there any single case where the compensation due to the worker has been paid? No, What action has been taken by the Government to bring the employers to book?

Sir, we have the experience that in spite of having a number of labour laws, these laws are frequently violated and in such cases the Government, the Labour Commissioner and the concerned Ministry become helpless. So, some stringent provisions should be made in this Bill. Otherwise this same thing would happen to this Bill also. I would like to suggest that it would be better if it is referred to a Select Committee. There is no hurry in passing this Bill. The report of the Select Committee would come within 15 days or a month and then the Government could consider this Bill. Or else, the Government should either

bring forward suitable amendments or accept the amendments that are likely to be moved during the consideration stage of this Bill for enhancement of the compensation amount of Rs.50,000 for death of a worker. Rs. 50,000 as compensation for death of a worker is a very meagre amount.

MR. CHAIRMAN : Now, please wind up.

SHRI BASUDEB ACHARIA : Sir, Rs.62,000 as compensation for permanent disability of a worker is also a meagre amount.

MR.CHAIRMAN : You have made your point. Now, please take your sit.

SHRI BASUDEB ACHARIA : So, I would like to request the Hon.Minister to bring in an amendment for enhancing the amount of compensation and also for expanding the scope of the Bill so as to cover the workers of all sector-organised, unorganised, casual, contractor etc.

SHRI A.CHARLES (Trivandrum) : Sir, I rise to support the Workmen's Compensation (Amendment) Bill, 1995, as passed by the Rajya Sabha.

Sir, I had been listening to the speeches of the two previous Hon. Members from the other side. The first speaker has criticised that this is a Bill brought belatedly and that it should have been brought much earlier. It has been said that the parent Act was passed in 1923 and after several years only these changes are being brought forward. If my information is correct, this is one Act which has undergone a number of changes in the previous years - I am not quite sure about the number of amendments—and it is almost twenty to twenty one times that this parent Act had been amended according to the existing conditions, thereby amending the compensations and other benefits to those who had met with an injury or had been disabled or to the next of kin of the family who died as a result of accident. So, the amendment sought to be brought in through this Bill is the twenty-second or so. It may true that it is being brought forward the recommendations of the Law Commission and these changes could have been brought a little earlier but the charge that it has been 'so belated' is not true. Time and again, changes have been brought forward.

The Hon. Member, Shri Basudeb Acharia has made various suggestions. I agree with him in one of the suggestions made by him in regard to the definition of 'workmen'. It has been defined in one way in the Industrial Disputes Act, differently in the Factories' Act and differently here in this Bill.

I feel that especially the casual employees, contract labourers and apprentices should be brought within the ambit of the Bill. We know that recruitment even in the public undertakings have been stopped, for different reasons, for

the last few years. Thousands of workers are being engaged on daily wages or as casual workers. To say that if something happens to such workers, who are working got the last six-seven years, they will not be eligible for the legitimate compensate or in the eventually of their death the members of their family or the next of the kin will not get the compensation is very very unfortunate. So, I request the Hon. Minister to kindly look into this aspect.

I do not agree with the suggestion that it should be referred to the Select Committee. I am very sorry to say that this suggestion has come from a Member who belongs to a Party which is always weeping for the working classes. If it is set to the Select Committee, it will mean that even in the Tenth Lok Sabha it will not be passed. If this is the type of encouragement given to the workers, I am very sorry for the state of affairs in the State of West Bengal. We, who come from other States, strong support this Bill and say that it should be passed. This Bill has been amended 22 times before. So, there is no bar and it is considered necessary even in the Tenth Lok Sabha, in the Winter Session itself, another amendment can be brought about. I appreciate such remedial measures rather than blocking the workers from getting the benefits of this Bill.

Coming to some of the amendments that have been proposed congratulate the Minister for the way it has been brought forward. Shri Basudeb Acharia has said that the amount of Rs. 40,000 or Rs. 50,000 is not sufficient. I agree with him but I feel there is some confusion and I request the Minister to clarify it when he will reply to the debate. I understand that this is the minimum that one can get and the maximum can be more than Rs. 2 lakh. If this is correct, then I do not think this Bill deserves such a criticism. In certain cases the minimum amount that one can get is Rs. 50,000. So under the present circumstances, it is not correct to say that the amount is too low. Of course, we can improve upon this as this will only be to the advantage of the poor workers and their family. I commend that the criticism that it is too low gives an impression that this is the maximum which is eligible to any worker. That is not correct.

Coming to the categories of workers, though I said that the definition should be changed, there are a number of changes in the Act bringing forward various categories of workers such as, Master, Seaman, Captain and Members of the Crew of a ship or an aircraft, a Driver, Helper, Cleaner and a person recruited for work abroad by a company. it is a welcome change to include a worker who is working abroad because there is no compensation for those who are recruited here but are working abroad. This aspect has also been taken care of in this Bill.

I now come to Clause 5 of the Bill. The Payment of compensation from the side of the employer is protected. The employer has to say the compensation within one month. If payment is not made within one month, there

is one enforcing section for the payment of interest. This is a very welcome change. If the payment is still delayed there is a penalty also. But there is no provision to ensure that the Commissioner will take a decision within a certain time frame.

It is true that there is an enforcing provision on the employer to pay compensation. If the employer does not say, he would have to pay interest and penalty. But what about the Commissioner? What would happen if he takes a long period like three years to five years? I feel that there should be some provision to avoid this. A specific period should be stipulated and it should be made incumbent on the Commissioner to make the payments within that period.

I have some difference of opinion in regard to one Clause, that is, Clause 5(3) (a). It provide that the interest payable shall be payable to the workman or his dependent as the case may be and the penalty shall be credited to the State Government. The Commissioner is an employee of the State Government and, therefore, it will be in the interest of the Government if he delays the payment indefinitely. To avoid this, a provision should be made that the penalty also shall be paid to either the workman or to his next of kin in the end.

Our Minister is very kind at heart. I have been Listening to him and following him. I attended his meeting in Trivandrum. A number of welfare schemes have been provided. The Minister is present here. I request him that if possible, this particular aspect be kindly taken into consideration. Possible changes may be made in this Act either now or along with other amendments in future.

As I stated earlier, a number of changes have been made in the Schedule II to enlarge the scope of the workman so that a number of categories of workers who are not paid compensation hitherto will get it.

Before concluding, I would like to make one appeal. There are a number of welfare schemes that are being envisaged and offered. The Hon. Minister has promised that pension shall be given to workers covered by the Provident Fund. Sir, it was assure in the last Session and in this Session also. Millions of workers are waiting for this. Several millions of family members of the workers will be benefited by this. The Bill being debated now will come into force only in the eventually of an accident. If somebody wants to get an amount of Rs.60,000, he has to involve himself in some accident. It is not fair. What about the workers who put in, say 30 to 40 years of committed service and who go without anything in the end? I know that the Hon. Minister is very much committed on the objective of this Bill. I want an assurance from the Hon. Minister that a Bill to that effect will also be passed in this very session of Parliament. It would go a long way in improving the conditions of workers' families.

With these words, I commend and support the Bill

[Translation]

SHRI GEORGE FERNANDES (Muzaffarpur) : Mr. Chairman Sir, I cannot support this Bill because we do not consider this Bill would be helpful in solving the problems faced by labourers.

In 1976, when this Bill i.e. 'Workmen' Compensation Act, 1923. was amended in this house, Shri Veerendra Patil, the then labour Minister had made a speech and I would like to quote a few lines from that speech. That time minimum wages were raised from Rs. 500/ to Rs. 1000 and now a proposal has come before this House to further raise this amount to Rs. 2000 He had said in the context:

[English]

"The proposed revised rates of compensation are based on the rates specified in the ILO Convention concerning the minimum standard of social security except that the compensation payable in respect of those drawing wages at existing Rs. 1,000 per month is proposed to be restricted to the amount payable on the wages to Rs. 1000 per month"

[Translation]

Whatever be the wages, we will presume it to be one thousand rupees per month. That was the limit fixed. Now I read out the next sentence which will clarify the Government intention and its thinking towards the labours. The Then Labour Minister said:

[English]

"The Proposal ceiling of one thousand rupees is mainly intended to ensure that the amount of compensation payable under the Act does not become unduly large which the employers, particularly, the smaller ones may find it difficult to pay.

[Translation]

This philosophy has been associated with this Bill since the first day of independence. I may be pardoned for saying that the one day we may be compelled to say that the pre independence period was better. This Act was passed in 1923. That time Britisher were ruling India. This Act was amended ten times between 1923 and 1946. Actually this Act was amended 11 times but one time that was merely a technicality, and it was not considered an amendment. I have not made any through study in this regard and therefore I seek Hon. Minister's help. When this Act was amended in 1924 for the first and thereafter in 1925, 1927, 1929, 1933, 1937, 1938, 1939, 1942 and 1946, those amendments were made because the prices of commodities in the market had gone up. The Britishers increased compensation to some extent by enacting law. In other words some people

wanted to cover more number of labourers under this Act. At that time there were about leaders like Varah Giri Venkat Giri and Pandit Nehru was the Chairman of AICC. These people might have placed a proposal in this regard and consequently amendments were made in this Act. Then in 1947 our country got independence. During the period of 16 Years between 1947 and 1962, this Act had been amended. Pardon me, this had been amended only four times during 29 years between 1947 and 1975. Prices continued to rise and the value of rupee continued to decline. Your document reveals that the value of a rupee which was equal to hundred paise in 1950-51, today it is not even one paise. This process continued after independence but nobody thought about the labourer who has been anguishing who has been toiling and who is becoming handicapped and unemployed. The actual idea behind this Act was to protect the employer who would not be able to pay the compensation. All this was done to protect the employer. That is why I have said in the begging that I can not support this Bill. This Act has been amended twice during the period of 20 years between 1976 to 1995 and now the proposal for amendment has been placed for the third time. The Hon. Minister has stated that the rate of compensation is being raised about three times from Rupees twenty four thousand to Rs. 60 thousands. The compensation is also being rased from Rupees twenty thousands to Rs. 50 Thousands which comes to about two and half times increase. Mr. Chairman, Sir, we are making fun of the labourers and poor people of this country. You are fixing a price to Rs. 50 Thousands for his life. I know that now you will tell that 50 thousands rupees is the minimum amount taking into account his age, salary etc. But in this country we have to start with the minimum. If the same labourers travels by train after purchasing ticket and meets with an accident, he would be paid Rupees two lakhs as compensation. In other words, if a mistake is committed while running a train the cost of life of a labourer is fixed at Rs. 2 lakhs. This was done by us, when I was the Minister of Railways, and here you are fixing to the cost of his life at Rs. 50 thousands only. A compensation of Rs. 60 thousands is paid if the victim is rendered permanently disabled which is legitimate because one is declared permanently disable if a person loses both hands or both feet or one foot. Therefore it is necessary to give him sufficient amount of compensation because he has to lead his life and subsist his family as well. We are therefore, opposing this with great dilemma because I think that it will be better if we call this Act as 'Employees Protection Act' instead of Workmen's compensation Act. So I request that the worker should be protected at any cost. And this fact is evident from every angle. Today those people who claim that the amount of compensation has been raised to this extent are making a false claim. I am not saying that the Hon. Minister has made a false statement. I do not mean that some one is telling a lie. The false statement is that this Act was not

amended in 1984. Eleven years have elapsed and now it is twelve year. This was amended in 1976 and it was withheld for 8-9 years. Now you are amending it in 1995 but the prices of all the commodities during the last 10-12 years have increased. You are presenting it today and stating that since 1984 when we last amended this Act, the prices of commodities have increased to this extent and taking into account the increase in the cost of living price index and other factors we are going to raise the rate of compensation by two and a half times. But in this regard the false claim is that during the next 12 years the price of commodities will increase sharply. So, this is a false claim. This is joke played with the poor who is exposed to all sorts of hazards to fall, to be crushed, or to get his hands and feet broken any where. You are telling him something false during the next 10 years, the prices and salaries will register an enormous increase. I give two examples in this regard. If you see the Economic Survey of India, 1994-95, you will find that per capita emoluments of public sector, employees and the consumer price Index was when amended in 1976, the average salary of the employees working in Central Government Undertaking was Rs. 8,940 per annum. Per-capita emoluments means an average which has become Rs.72,151/ in 1993-94.

[English]

The increase is 700 per cent. Between 1976-77 and 1993-94, the increase in the per capita emoluments of public sector employees is 700 per cent

[Translation]

This was not merely a one time increase during the ten years. This increase was given to them year after year in the form of dearness allowance, increase in Bonus and three years agreement and the arrears and other benefits accrued as a result thereof. Organised labour sustains itself and gets the pay increase on the basis of struggle.

[Synopsis]

There are workers both in the organised and unorganised sectors. Here a reference was made to the construction workers in the unorganised sectors. The number of such workers whether they are in the railways, dockyards or construction sites, could be not lakhs but crores. Mr. Minister, Sir, if this Act is implemented in the right earnest, the provisions of pages 29 to 32 in schedule II of the 1992 edition of this manual will apply to crores of people. But this is not being done. The Government is not doing anything in this regard when the owner is pressurised, he finds some way out. This is the position.

Under this Act the ceiling is being raised from Rs. 1000 to Rs.2000 in the event of death the compensation amount is being increased from 40 to 50 per cent. In the case of total permanent disability it is being raised to 60 per cent from the existing limit of 50 per cent. While in the event of death the compensation to be provided is Rs.50,000, in the case of permanent disability the amount will be Rs. 60,000. Wages have also been increased in different sectors. The other aspect to be considered is that the prices of commodities are rising. This aspect is not being taken into account by the Government.

Today morning question No 39. was stated for answer, but it could not be put up due to paucity of time. Let us have a look at the price list of foodgrains and vegetables furnished by the Government. After a gap of 12 years the amount is being raised from Rs. 10,000 to Rs. 20,000 and from Rs. 20,000 to Rs. 50,000. But the enhanced prices of foodgrains during the last six month, from February to July should also be seen. The prices of 'Jawar', bajara', ground-nut oil and 'arhar dal' have gone up by 14.7 per cent 13.8 per cent, 45.8 per cent and 18.4 per cent respectively. The prices of vegetables have increased by 58.3 per cent. The price of salt has increased by 47.1 per cent during the last six months. These are Government figures and Shri Buta Singh is the Minister of this department. This legislation has been brought forward by the Government and we are welcoming it in the house. . . . (Interruptions). We are doing a great injustice to the labourers who build this country by putting up hard labour. Today, I am very much distressed to see their plight because I have spent my entire life among them and spent my times for raising their organisations and struggling for them. This is the first time that I am speaking on this point in this House but it does not mean that we will not put up struggle for it. I am ashamed because in spite of whole life struggle I have not been able to do anything. I am ashamed that my life has not been of any use. I do not agree to what the Government is doing now. The Government is misleading the house. If this law is passed by the house, it will be an atrocity on labourers and an injustice to them.

I would like to state further that now the Government is following its policy of liberalisation and globalisation which means giving our production units on contract basis and privatising them. All this is going on. A few days ago the Minister of Railways announced that we are going to privatise 26 railway stations immediately and 100 big Railway stations including Delhi railway station will also be privatised next year. What will happen in that case. A contractor will sell the tickets outside the railway station and charge commission. The workers employed in the Railway Canteen will be removed from services and the job will be entrusted to contractor. The Government records show that 1.5 lakh employees have been removed from

service in the public sector during the last 3 years. These public undertakings are being run by private persons. All the foreign companies coming to India are looking for contractors. The companies like coca-cola and Pepsi Cola which have been mentioned here are running their business with the help of contractor. Pepsi Cola claims that it has provided employment to 6 lakh people in the world. If a regular employee of the Railways is placed at the disposal of a contractor. What will happen to him? The employees entitled to a salary of Rs. 2000/P.M. an 8 hours working in a day, 1 day's weekly off, 30 days of leave in a year sick leave, casual leave which are our general demands will be on the roads under the circumstances, the employees will have to work for 12 hours a day instead of 8 hours. All the facilities which were available to them will be stopped. Mr. Minister, Sir, after passing the Workmen's Compensation Act a railway employee who, is getting a remuneration of Rs. 2000/- will get Rs.. 500/ only under the liberalisation policy. Then how can the Government expect our support for the increasing the minimum compensation? Mr. Chairman, Sir, we have given this amendment so that the Bill is referred to a Select Committee because it needs to be amended considerably. We want to give a chance to the Government as this is also the year of election. The day before yesterday the Hon. Minister announced several schemes. It is understood that several schemes involving an expenditure of Rs. 4799/ crores were announced in the last budget. These have been reannounced day before yesterday in the style of fire side chat as President Roosevelt used to do. Fire side chat was done first day in Hindi and second day in English and it had been stated that is going to be done and what amendment are going to be carried out. As a matter of fact the public sector undertakings are giving a number of advertisement's which should be opposed. It is being said that whatever is going on in the country is being done under the leadership of Shri Narasimha Rao and at the instance of so and so minister. It means that the prices are also increasing due to them. If I say something in this regard. I know you will expunge it. There was a time when a great writer, dramatist, editor, activist and first winner of gold medal from the Hon. President in indian cinema Achariya Atre was in our Party who got very much annoyed when it was said that all is going on due to him. He used to say that when everything is being done at his instance in the vicinity of his house. **

As a matter of fact there is nothing unparliamentary in it. I very often remember Achariya Atre's those words that when everything is being done at his instance then whatever happening in his street is also happening at his instance. There should therefore, be some limit. This is not good.

Some times there may be counter productive but in that case positive expectation become negative. And it begins

to seem like a sun. (Interruptions) Everybody is being exposed, all are after their own interests.

I, would therefore, like to tell the Hon. Minister that this Legislation should be seriously discussed in the House. The Government makes publicity by spending public sector money on advertisements that production of iron and coal has increased on account of their efforts. But the fact remains that it not due to their efforts that the production has increased, but due to hard labour put by labourers. When there is a fall in production, the Government should not put the blame on others. It should not say that the fall in production was caused during the 9 months, V.P. Singh Government. Instead of doing all this it would be better if we amended this labour law honestly.

Mr. Chairman, Sir, The National labour Commission came into existence in 1967 and Mrs. Indira Gandhi herself appointed Shri Gahendra Gadkar as its chairman who was the Chief Justice of Supreme Court and one of the renowned Chief justice. This commission released its report in 1969 in which this law was discussed at length had made certain recommendations also. I want to read out those recommendations to the Hon. Minister because officers will not read out those recommendations to him and he has no time to read them. There is a lot of time while he is in the opposition but while in the Government he has no time because there is always one or the other committee or scandal. In their report they said that:-

[English]

"The working of the Act has brought to light several shortcomings: - and this report is of 1969 - " Which impede speedy relief reaching the workers. Cases of evasion occur even though the enactment is over 45 years old".

[Translation]

MR. CHAIRMAN : It is Six O'Clock now. How much more time you will take ? Can you conclude within 5 minutes?

SHRI GEORGE FERNANDES : No Sir, it cannot be concluded within five minutes.

[English]

MR. CHAIRMAN : The House stands adjourned to meet again tomorrow, the 2nd August, 1995 at 11.00 A.M.

18.00 Hrs.

The Lok Sabha then adjourned till Eleven on Wednesday, August 2, 1995 / Sravana 11, 17 (Saka).

** Expunged as ordered by the chair.