

(vii) NEED TO INCREASE THE ROYALTY ON COAL BEING GIVEN TO BIHAR.

SHRI RAMASHRAY PRASAD SINGH (JAHANABAD) : Bihar is a backward state of India, though it is rich in mineral wealth. Bihar alone accounts for 35.8 percent of coal, 30.3 percent of iron-ore and 29 percent of silica sand reserves in the country. The state suffers losses worth crores of rupees every year on account of coal royalty and freight equalisation.

Therefore, the central Government is requested to increase the royalty on coal and compensate the state for losses it suffers on account of freight equalisation.

[English]

(viii) NEED TO TAKE STEPS FOR EARLY RETURN OF INDIAN LABOURERS DETAINED IN LABOUR CAMP IN ABUDHABI AND TO PROVIDE COMPENSATION TO THEM

SHRI V. S. VIJAYARAGHAVAN (PALGHAT)\* : Sixty-seven Indian labourers who were promised jobs by a UAE based Company have been held in a labour camp in Abudhabi for the last two months. These labourers who had to spend huge amounts like Rs. 40,000 and Rs. 50,000 in order to reach there, have not been given the promised jobs as yet by the said Company. For the last two months these labourers have been held up in the labour camp without proper food and medical facilities. They have already approached the Indian Embassy and the Ministry of Labour of UAE for help.

I request the Central Government to intervene in the matter and do the needful to bring them back to India. I also request that the steps may be taken to realise the amount spent by the labourers from the concerned recruiting agents.

15.37 hrs.

### **Workmen's Compensation (Amendment) Bill**

AS PASSED BY RAJYA SABHA

Mr. Chairman : Now we shall take up item no. 12 - Further consideration of the motion moved by Shri P.A. Sangma.

Shri George Fernandes.

\* English translation of the Matter originally delivered in Malayam.

[Translation]

SHRI GEORGE FERNANDES (MAZAFFARPUR) : Mr. Chairman, Sir, yesterday at the time of adjournment of the House, I was telling about the National Labour Commission which was headed by Justice Rajadhyaksh. I was presenting the recommendations, and comments made by the commission. I would like to read out something from page No. 165 of the Commission's report. It is not possible to read out the whole assessment made by this commission on Workmen's Compensation. Therefore, I would like to read out its important portions. While making assessment he has said that :

[English]

"The working of the Act has brought to light several shortcomings which impede speedy relief reaching the workers. Cases of evasion occur even though the enactment is over 45 years old. A weak feature of the measure is that the Act places the entire liability for compensation on the employer there being no obligation on the part of the employer to ensure his liability..."

Further it says :

"Delays and difficulties in getting compensation under the Act are not unknown. Workers' Organisations suggest that the rate of compensation should be increased. According to some, the Act does not meet present requirements and needs substantial changes....." this 1969

Further it says :

"The Employers' Organisations on the other hand are generally of the view that no special change in the Act is necessary. The delays according to them arise because the number of Workmen's compensation Commissioners are too few to ensure expeditious disposal of the compensation cases..."

[Translation]

I would like to seek a concrete reply from the hon. Minister on this issue. I am going to put forth the statistics from the Government's documents. He will have to give detailed clarification on them.

[English]

"A better enforcement of the Act is possible if rules are prescribed about the method of depositing money with the appropriate Workmen's Compensation Commissioner...."

[Translation]

I am again leaving some more paragraphs.

[English]

"The Act makes no provision for medical care and treatment which is the greatest need of the worker when he meets with an accident. There is also no provision for rehabilitation to restore the loss in his earning capacity."

[Translation]

I would like to read out as to why this recommendation was made. I am reading out some sentences from this recommendation because I want that my suggestion should be referred to the Select Committee. In my first sentence, I have stated that why I can not support this Bill and I want that the ground on which I am opposed to the Bill should be known to the Minister and this House.

[English]

Justice Gajendragadkar is one of the greatest judges this country has produced.

"We suggest - the National Labour Commission - that a scheme of Central Fund for Workmen's Compensation should be evolved. All employers should pay to this Fund a percentage of total wages as monthly contributions to cover the cost of the benefit and of administration. The Fund should be controlled by the employees' State Insurance Corporation. Periodic cash payments may be made to injured workers and their dependents by the Corporation through its local offices in the same way as payments are made at present for various benefits under the ESI scheme. Medical care to injured workers should be provided by the Corporation. A similar arrangement in respect of mines may be made by the Welfare Commissioners who control welfare funds for coal, mica and iron ore mines. Small employers may not find it difficult to pay such contributions since these will not be collected in bulk. This will also eliminate evasion of law and the workers, as also their dependents, will get periodic payments and injured workers will also get necessary medical treatment. The adjudication of claims can be entrusted to the tripartite regional Board set up under the Employees' State Insurance Act in various States. The Fund should cover all workmen specified in Schedule II of the Act irrespective of their wages. The scheme of a Central fund recommended above may take time. We suggest that pending preparation of such a scheme, the Act should be amended to give effect to the relevant recommendations."

[Translation]

I am going to read out any other recommendation but I would like to quote the following from one of the recommendation :-

[English]

"Under the existing provisions of law, while an able-bodied worker can claim and obtain compensation for being surplus" including a golden handshake now-a-days, - " an injured or because accident or disease has incapacitated him. This legal anomaly requires to be removed. Further we feel that a worker should be entitled to higher compensation for disablement resulting from industrial accidents. It may be in the form of subsistence allowance, if the worker remains unemployed as a result of the handicap. This will indirectly induce the employer to provide suitable employment to such a workman and, what is more important, to take adequate care to prevent such contingency."

[Translation]

Mr. Speaker, Sir, I am very sorry to say that even after 27 years we have not implemented any of these recommendation. I would like to tell the hon. Minister that we are not going to debate the issue that at which time, which Government or party was in power. Yesterday also, I had said that we are participating in this debate with a feeling of guilt. I have spent 47 years of my life in labour movement and 45 years back I had fought a case on this issue. That case was fought in Bombay. A labour while working at seaport was hurt and fell down. He was admitted to a hospital where he remained for one year. After coming from the hospital, he suffered from Tuberculosis. I files that case on behalf of Holson and Dinshaw Steevedoors Union. Almost 45 years have since passed. During the discussion on this case, it was argued from the other side that he was hurt, then how he became T.B. patient. I gathered information on this subject from the country and outside and fought the case for six months. Shri H. M. Seeruai was the layer against me. In spite of that we won the case. Later on, amendment was made in the Workmen's Compensation Act in which it was provided that a workman can Suffer T. B. during his work or when he is injured. It was done 45 years back. We all know the conditions of the Labourers and the problems beings faced by them. It is not that it is only my experience. Annual report of this Ministry also puts light on this aspect.

Sir, yesterday I had stated that this law is for the benefit of industrialists and not for labourers. I am going to give some evidence of this because I expect something in favour of labourers from the hon.

Minister. I do not intend to do any injustice to him but I expect something from him because he has made a deep study of these issues, so far as the existing system, goes he cannot do much to change it but there is need to make amendment in the law. If he takes appropriate steps to make amendments in this law or withdraws this law or sends it to Select Committee, the hon. Minister will earn the respect of labourers for ever. I am saying this because someone has to do this work.

I would like to know as to how many labourers are hurt every year who are covered under the Workmen's Compensation Act. I can say that the hon. Minister cannot reply to this question even in ten years. What information can he give when there is none with him. I would also like to know as to how many contractor labourers have been killed during last year. Does he has last year's figures with him in this respect. I can tell this from his own document. It is a separate thing if these are given to him.

*[English]*

Industrial Safety Statistical Tables. Ministry of Labour, Government of India, Annual Report, 1994-95, Page 355.

*[Translation]*

This report was presented during budget Session. According to this report, information regarding 12 States only is available with them. This too is provisional and pertains to 1992. Out of these 12 States also statistics have been given for 7 States only. 5 States have not submitted even provisional information of 1992. That is why, I am saying that you cannot provide any information. You do not have information about industrial accidents, then how you can tell about the contractor labourers and unorganised labourers. They are exploited by big industrialists through contractor labourers and unorganised labourers. They are exploited by big industrialists through contractors in Chhatisgarh. Shri Shankar Guha was murdered, who fought for labourers' cause but so far the criminals have not been caught. The big wigs involved in such incidents are awarded 'Padam Bhushan' in Delhi. So far the guilty persons have not been caught. The casual labourers are being exploited for Rs. 10 to 12. People are dying like insects there. Do you know that contract labourers are starving there. The concerned officials might have given you something in writing but they write imaginary things.

I am really quite angry on this issue. I have told that this report has information about 12 States only. Leave aside the Poorvanchal region because it does not have any industry, though it should also have some industrial units but Assam is also one of the

States which has not given statistics and it is not an agricultural State. It has many industries. Orissa is also a big industrial State and it is backward like Bihar. There is no information about this State also. When any accident takes place in any brick kiln in Haryana, labourers are burnt in them. There is no account of number of accidents that have taken place there. This report does not have any information about it. Faridabad is a big industrial city but this report does not have any information about that also. In Delhi also, people are burnt in furnaces - burning in Tandoor has come only recently. I have fought a case of a labourer who was thrown in furnace after he was killed while working. I fought that case for three years in Delhi. But you do not have this information with you. You do not have statistics of Delhi, Jammu and Kashmir, Himachal and Goa. Of the 12 States, whose names have been mentioned here, Bihar and Kerala have not sent any information. Similarly, Tamil Nadu, Uttar Pradesh and West Bengal have also not sent any information. I have read out all this from your report. They have given figures of fatal accidents as 486 but I have counted the figures given here and that comes to 500. You will give information to me and this House, which will be given to you by your officials. You can see the figures given in regard to non-fatal accidents. These have been shown as 73,622 but I have counted these and this number comes to 66778. There is nothing tangible in this report. You may distribute reports with photographs printed on glossy paper no concrete information regarding accidents is given in these reports. This is the information which they have about accidents. On the next page is given the figures regarding strikes. These relates to all the States. The figures are upto 1994. He has complete figures where labourers are to be suppressed or punished. But when it comes to providing justice to the labourers who have been injured or who die due to the mistakes of the industrialists or the factory owners, then only the provisional figures upto 1992 are presented here.

Sir, Information regarding compensation given by him is very dismal. I would like the hon. Minister to reply to it. If he has no time today, he may reply it tomorrow. You have given complete information on page 330, Chapter-2, Roman 11, Social Security as to how many persons died, rendered permanently disabled or temporary disabled, and compensation given by you under Workman Compensation Act, 1923 to dependents of deceased persons, to those who were rendered permanently disabled and to those who became temporarily disabled. If you go through the information, you will be surprised. We are felicitating him here for the step taken by him for doing atleast something and for increasing the amount of compensation. But I was surprised to note that persons who became temporarily disabled and

who should have been paid compensation, were engaged in litigation and the total number of such cases under litigation in 1988 was 93008. On an average they reviewed Rs. 55 per head as compensation.

[English]

The total compensation paid in 1988 for temporary disablement is Rs. 51,83,000. It works out to Rs. 55 per head.

[Translation]

Sir, this is a joke. It is contained on page 330. In 1989 the total number of disabled persons was 1,67,583 and they received compensation at the rate of Rs. 100 per head.

[English]

The total compensation paid is Rs. 174,33,000. It works out to Rs. 100 per head.

[Translation]

In 1990 total number of temporary disabled persons was 12,615 but now the number is from 1,67,000 to 12,615. These cases have been settled. I know the number of cases settled and as per the settlement they received compensation at the rate of Rs. 900 per head. In 1990 they were paid Rs. 900 per head and in 1992, Rs. 1000 per head.

MR. CHAIRMAN : How much more time will you take?

SHRI GEORAGE FERNANDES : I will not take much time.

Mr. Chairman, Sir, so far as fatal accidents are concerned, hon. Minister has no facts and figures with him and even if he has, I am not ready to believe them. Better if he does not get into a mess by accepting the challenge thrown by me. Any figure given by hon. Minister will be proved incorrect by me, with a challenge. Therefore, hon. Minister should understand that Government cares a fig for it.

I would like to know the basis on which the compensation has been raised from Rs. 20,000 to 50,000. In some states the minimum wage is Rs. 60-70 whereas in some other states, it is even less. If average minimum wage is assumed Rs. 40, then Rs. 50,000 paid as compensation on the death of a worker, is equal to 1250 days' or 3 years and 6 months' minimum wage of a worker. If a worker dies at an age between 18-20-25 or 30, his mother, father, wife, children or other survivors are paid 3 years and 6 months' minimum wage. This is right in no way. Like wise, a worker, who becomes permanently

disabled and is rendered jobless due to any defect in machine, factory or construction, he would be paid Rs. 60,000 instead of Rs.24,000 which is equal to 4 years, 1 month and 10 days' statutory minimum wage. He has his parents, brothers, sisters, school going children to look after and rent to pay. Where will he go for money? Will any of you reply to it? Do you expect an applaud by raising this limit? Mill owners would not reply to it, as the rules have been framed in their favour. Mill owners in India, are earning boundless profit. First page of the news paper had news that I.T.C., the cigarette manufacturing company had declared 55 percent dividend. The Chief executive of Coca Cola, which is being sold for Rs. 6 per bottle, though I don't take it, received in Rs.15 crore last year as salary while you are paying a compensation of Rs.50,000 to the dependents of a worker who died in harness and Rs. 60,000 to a worker who has become permanently disabled.

16.00 hrs.

Only last year's salary of the Chief executive of Coca Cola was Rs.15 crore. We roll out red carpets for him. Then we equip them with exit policy to engage workers for Rs.500 and see them increasing their salaries and bonus with our money. But when we raise our voice to increase the minimum wage of our workers and enhance their compensation, it is deemed as a point sans essence. I would like to tell you about its statutory aspect. Yesterday, I had made a mention about Railways and today I would like to recite a sentence from the report on accidents presented with Budget in the House.

[English]

The payment of compensation is governed by the Railway Accidents Compensation Rules, 1990. Under these rules the compensations, payable in case of death and injuries which deprives a person of all capacity to do any work, is Rs.two lakhs.

[Translation]

Whatever his salary may be, if a worker dies or is rendered permanently incapacitated, he will get Rs. two lakhs and

[English]

for other injuries the amount varies from Rs 18,000 to Rs.1,80,000.

[Translation]

Here a statutory flaw surfaces that Indian Railways, pays this much amount for accident under its rules. then why this disparity exists?

If I die in harness in some factory, mine or port, my dependents will be paid Rs.50,000 or if I become permanently disabled, then the compensation would be Rs. 60,000. Speaker, Sir, this issue needs thorough consideration. I would like that hon. Minister should with old this Bill and bring it again with proper amendment or accept my proposal of referring this Bill to Select Committee.

The Hon. Minister, while bringing this Bill had stated that to bring, the pesticide-workers within the ambit of this act, it consists an amendment to cover some diseases or injuries which were not included earlier for compensation. But if a worker acquired any disease while handling a pesticide, then the pesticide handling worker will get compensation. But what will happen to a farmer of a village or any worker engaged in a garden or a farm, if he gets afflicted by pesticides? Will he get some compensation or not and if he gets, by when? This Act was enacted in 1923; the National Labour Commission had given its report in 1969 and we are breathing in 1995.

I would like to read out 2-3 sentences from I.L.O. Report. It reads-

*[English]*

The World Health Organisation estimates that between 3.5 million and five million people a year are poisoned by pesticides of whom 40,000 fatally.

*[Translation]*

These things do not occur in Europe or America. There, Government is changed on occurrence of any such incident but in India, hundreds of such things take place daily and still the Government goes on becoming stronger and stronger. All such deaths are taking place in the third World only and the Third World comprises of India, Pakistan, Bangladesh and some parts of China. No other country comes in the definition of the third world. Many persons must be dying in Bihar, Uttar Pradesh and Orissa due to pesticides. If some one has stomach ache, it is cured in 7 days only by one vaccine. There are 40-50 types of diseases caused by industries which are called,

*[English]*

accident while on duty arising out of and in the course of employment.

*[Translation]*

but nowhere they are being treated as this act is being implemented nowhere. Therefore I.L.O. in its report puts down,

*[English]*

The American Government estimates speak of 70,35,000 people a year throughout the World suffering from illnesses as result of long term exposure to pesticides. The Canadian source estimates that 10,000 people in developing countries die every year from pesticides and four million people show symptoms of poisoning.

*[Translation]*

Therefore this Act should be implemented in the sphere of handling of pesticides. Farm workers and marginal farmers use pesticides. They as well as casual workers should also be covered in the Bill. This Act should be amended as this will not serve any purpose. Therefore, this should be withdrawn and reviewed thoroughly. This is not going to harm you in any way. You may constitute a committee for this purpose.

LABOUR MINISTER (SHRI P.A.SAMGMA); We will not be affected but workers will definitely suffer.

SHRI GEORGE FERNANDES: Workers are being paid Rs.55/- per day. We have no right to cry here for them. We, of course, demand several facilities for them in our speeches, yet their condition is quite bad. Since you have asked twice about the time further required by me, I will not read it out any more here to give information to this House. Instead I will provide a written statement to the hon. Minister. Don't enforce this law, better withdraw it and bring it in the next session duly amended and in the event the next session is not called, then the next parliament and the next session is not called, then the next parliament and the next Government will make due amendments in this act.

I conclude now with the submission that it will be gross injustice to the labourers, rather a cruel joke with them if we support this bill in the present form. You think that you are doing a lot for them but in fact nothing is being done for them.

*[English]*

SHRI C. SREENIVAASAN (DINDIGUL): Mr. Chairman, Sir, I thank you for providing me this opportunity to speak on the Workmen's Compensation (Amendment) Bill, 1995, as passed by Rajya Sabha.

I would like to express my gratitude on behalf of my party and on behalf of the millions of workers who are going to be benefited by the provisions of the Bill, to the Government for bringing forward this Bill. However, I consider it my bounden duty to point out that this Bill is not a complete measure.

16.09 hrs

**(SHRI PETER G. MARBANIANG IN THE CHAIR)**

Though this Bill seeks to include within its application masters, seamen and other members of crews of ships and captains and other members of crews of aircrafts and also the drivers, helpers and other workmen, it leaves out several other needy categories of workers like the workers in the unorganised sector and the casual labourers. I need not point out that more than 90 percent who constitute the working class are in the unorganised sector who amount to 280 million or so.

Almost all of them are engaged in hazardous industries and the current amendments do not offer any protection to them. I would, therefore, like the Government to appoint a task force to assess the unfortunate contingencies to which they are exposed in the various categories of workers in all sectors, organised as well as unorganised and also to suggest a scale of compensation that can be reasonably provided to the workers.

Sir, it is high time that we concentrate on the statutory measures to insulate women against exploitation. It is a common knowledge that women are often subjected to sexual harassment at work places. Besides, the various laws that would take care of the situation, I would like the hon. Minister to bring in a provision in the Bill itself to adequately compensate women who are victims of such sexual harassment. In such cases, the compensation should be double the normal that is allowed in keeping with the dignity of women in our society.

Then there is the problem of migrant labourers. Workmen are lured to foreign countries particularly to gulf countries and they are being exploited. They are sometimes denied wages for a long time and in case of accidents, they are not taken care of. I would like the Government to treat such cases on a separate footing and, through treaties with host Governments, must bind the Governments so that whether they are working in private or Government institutions in foreign countries, the workmen at loss are properly compensated.

I would also like the Government to initiate all steps to protect the interests of the construction workers, female workers and the child labourers. The construction workers are constantly exposed to accidents and they should be included in the Act whether they are contractual or casual or regular employees. The female workers need very special attention. That is why, in Tamil Nadu our hon. Chief Minister, Dr. Puratchi Thalaivi has reserved 30 per cent of jobs for women and almost all the posts of primary teachers in favour of women. This shows the

concern of the Tamil Nadu Government towards achievement of social justice especially in according utmost dignity to women.

Abolition of child labour, though an avowed Government policy, is still confined to the statue book. The Government itself has admitted that child labour cannot be abolished in total. Keeping this practical situation in mind, it becomes all the more imperative that provisions should be made in the current Bill to effectively protect the interests of child labourers against accidents.

Lastly, Sir, the Bill is not in keeping with the time. With this high rate of inflation and increased money circulation, thanks to the New Economic Policy, it is not justified to make a paltry provision of Rs.50,000 and Rs. 60,000 as compensation under the Act. The minimum compensation offered should be Rs. 2,00,000 and the maximum offered should be Rs.30,000. Unless this is hiked, the enactment of the Bill is not going to serve any purpose.

With these words I conclude.

**SHRI SRIBALLAV PANIGRAHI (DEOGARH) :** Mr. Chairman, Sir, I rise to support the Workmen's Compensation (Amendment) Bill, 1995. Sir, whatever might be the criticism from the other side, certainly there are some welcome provisions in this amending Bill. Of course, Shri George Fernandes had made a scathing attack on the Government.

We know about the concern expressed by Fernandeesji for the labour class. He himself has stated here that he has devoted 47 long years to the cause of labour. Everybody here, in this House, is quite sympathetic to the labour class. Who is not sympathetic? But the views differ about the rate of compensation etc. In regard to what he has stated, I am also inclined to be in agreement with him in the matter of spirit of his speech. But I wonder about one thing. He made a long speech for about one hour--half-an-hour yesterday and another half-an-hour today. I can also appreciate the fact that as one who has spent all his life in trade union movement, he has his own views and he has his own experience about the plight of the labour class. But I wonder about one thing. George Fernandesji is not only a leading trade unionist of the country but he also had the rare opportunity of becoming a Cabinet Minister, not once but twice. Out of his 47 years spell in the trade unionism, at least, for four years he was there sitting on this side and that too in the front-bench. I was very attentively listening to his speech...

**MR. CHAIRMAN :** Please do not just talk about somebody else's speech; you just come out with your own.

**SHRI BALLAV PANIGRAHI:** Sir, what is this? He took one hour to make his speech; you have heard his speech. I am just beginning and I must take about 40 minutes minimum, otherwise I cannot do justice.

**MR. CHAIRMAN:** But where is the time?

**SHRI SRIBALLAV PANIGRAHI:** The time may be extended because this is a very important Bill. He referred to Shri Gajendra Gadkar, the former Chief Justice of the Supreme Court and the legal luminary. I was quite happy yesterday because there was a departure in Shri Fernandes' speech, and at least, on two occasions, he made references--not in his usual way, like what he was doing earlier--once to Madam Indiraji and another time to Rajivji. He made two references and he said that Madam Indiraji, out of her concern about the labour and to codify the labour laws, had appointed Gajendra Gadkar as the Chairman of the Labour Commission. Shri Fernandes has lamented that the Commission's recommendations are yet to be implemented. They should be implemented as far as possible and as early as possible. There are no two opinions about it. The recommendations of the Labour Commission's Report headed by Gajendra Gadkar date back to 1969. After that period, Shri Fernandes had become a Minister twice. What was he doing he was shedding here so much of tears for the labour class--and what prevented my learned friend, my good friend, Shri George Fernandes, from doing something in that direction?

Sir, this law was enacted in 1923 during the British days. Thereafter, if I am correct, as many as 21 amendments were made till date.

This is the 22nd amendment to this Act being moved and being proposed to this Act. That way, 22 amendments have been made and this Bill is 72 years old. On an average, one amendment has been made in about three years. But he has a point. Since 1984, there has been no amendment. For more than a decade, for about 11 years, there has been no amendment. In Orissa, the Jagannath culture is there. For every 12 years, there is the Avtar of Lord Jagannath. It is called Nav Avtar, an incarnation. That way, this is the 11th year.

Again after 1984, on the basis of the report or recommendation of the Law Commission which was submitted in 1989, and further on the recommendations made by some State Governments, now the Government in the Labour Ministry has come forward with this amendment.

Immediately after 1989 in 1990, whose Party was ruling the country at the Centre? It was again Mr. George Fernandes' party and he was the Cabinet

Minister. What was he doing then also? Now, when he sits that side, wisdom dawns on him. When he comes over there, he is expressing his sympathy. What should I say about the genuineness of his concern? This is a question mark. It is up to the House to analyse and answer. This is not the way one should be critical of the Government. You have a right to be critical.

*[Translation]*

**SHRI CHHEDI PAWSAN (SASARAM):** Mr. Chairman, Sir, whether the hon. Member is speaking on the Bill? (Interruption)

*[English]*

**SHRI SRIBALLAV PANIGRAHI:** You have not heard him. Truth pinches. This is enough now. I am coming to the Bill right now.

*[Translation]*

**SHRI RAM PRASAD SINGH (BIKRAMGANJ):** Mr. George Sahib had been the Minister only for 11 months while, the present Minister is holding this portfolio for four years.....(Interruptions)

**SHRI SRIBALLAV PANIGRAHI:** However generality of people say that a person forgets everything once he becomes a Minister. He finds himself busy in other activities. Whatever it may be....(Interruptions)

**SHRI DAU DAYAL JOSHI (KOTA):** Mr. Chintamani ji you are not a Minister. (Interruptions)\_

*[English]*

**SHRI SRIBALLAV PANIGRAHI:** I am not Chintamani ji. Whatever it may be, it is enough.

Shri Dau Dayal Joshiji, I was enjoying his speech as much as you were. This is also the other part. What he speaks here should have some relevance to our own conduct. We should not prove ourselves as bundles of contradictions. That is not the proper approach.

About the Bill, I would say there are certainly some welcome provisions. The scope has been extended with 16 categories of workers being added to it or 16 occupations now got enlisted. They find place in the List under Schedule II.

The scope is enlarged now and again the employees who are appointed here in India are sent abroad and besides railway employees other employees who are manning the ships like captains and other workers etc., are serving in Gulf countries.

Many people are serving in the Gulf countries. All those people will now get the benefit out of this. About jurisdiction also, there has been some advantage now to the working-class coming under this law. They can also take up the matter before the Commissioner concerned in their own area where they usually reside. All these things are there. Further, journalists are also added now. Journalists are also sent outside and sometimes they also fall victims to different types of accidents. They also become casualties. Now, they are also included.

Sir, there is one thing, it is about funeral expenditure. Earlier it was not there. That has been added there. This Bill was examined not only by the Law Commission in detail but also it was examined by the Parliamentary Standing Committee on Labour. They have come out with certain good recommendations which I do not find in this Bill. Government should try to do something in this regard. Always, in respect of labour laws - I will not be wrong if I say this - we are next to none in the world. We have very progressive laws. But regarding their implementation, there is a lot of scope for improvement. Sometimes, there is tardy implementation. Sometimes, the laws are not properly implemented. Sometimes, the spirit is defeated. This has to be looked into. Here also, I would like to say that there is a provision of paying a compensation to the extent of Rs.40,000 to 50,000/- in the event of a natural calamity. Accident is also a calamity. When accidents take place, people or workers on duty die. They meet with unnatural death, accidental deaths. It is very pathetic. Their cases should be considered with utmost sympathy and topmost attention should be paid. There is no doubt about it. There can be no two opinions about it. At the same time, we also have to have a practical approach. Otherwise what happens in this. As in the economic theory they say that if wishes were horses then beggars would ride, you must also have the resources to purchase the horses. You must know the art of riding also. Otherwise you will have a great fall leading your way to hospital. Even riding on horseback needs training. That way, we have to be practical. In a natural calamity, whatever we lose, we do not get everything. Before this discussion, we were having a discussion in the form of Calling Attention on drought and floods. So many thousands and lakhs of people and workers are affected when there is drought, when there are floods. At the time of floods, Government also come out with certain compensatory allowances to be paid in the form of relief. This applies to fire accidents also. Therefore, whatever you lose, whatever a poor man loses, you do not get just everything. It is a sort of a token compensation or relief. But here also, it should not be a token compensation or relief. It should be much more than that. If you just calculate in terms of what would have been the entire period of work had he not died, what

was his annual or monthly salary and how much would it have come to, this would not help. This is not the way of calculation of compensation etc. This is not a practical approach. But at the same time as much as possible can be given. There should be serious efforts to maximize these amounts. Of course, there has been a rise. The rise is from Rs.24,000 to Rs. 60,000 in the case of a workman's permanent total disablement, from Rs.20,000 to Rs.50,000 in the case of death of a workman. Of course, this should be the minimum rate. The figures also do find a place in the 89th Report.

Meanwhile a lot of water has flown down the Ganges. There has been inflation between 1989-95. That way, a calculation could be made and those figures could be revised accordingly. Certainly, on that plea, I do not say that this Bill should be withdrawn because in the absence of the provisions of this Amending Bill, whatever they are getting now at the existing rates, will be delayed.

In the matter of labour laws, there is a case for ourselves to address to the plight of the labourers and also come out with some comprehensive recommendations by up-dating our labour laws. These points should be taken care of in the light of these things, if not now at least in the days to come. I believe there is a process going on of up-dating the laws. This should be taken care of.

About this Rs.40,000 or Rs. 50,000, there are certain suggestions about the inclusion of casual labour and contract labour. This sounds very well. But the living conditions of the casual labours and contract labours are really miserable. Whenever we declare any incentive, these casual labours, contract labours, construction workers, agricultural labour in the unorganised sector do not get these benefits. Even when there is a pay revision or wage revisions, I find that their lots do not change. They are getting a monthly salary of Rs.500 or Rs. 600 from the contractors. And this system, of late, is being encouraged. I decry this. I do not appreciate that.

Even for jobs of permanent nature, casual labourers are being engaged. I would like to put this question to the hon. Minister for Labour. He is a progressive Labour Minister, a dynamic person. We know that this practice is rampant in the private sector. But there has been a growing tendency even in the public sector to engage casual labour for jobs of permanent nature. This is there even in Government offices. This should be discouraged. At the same time, I would say that, to start with, let them go on with this Rs. 50,000, Rs.64,000. They are in the process of up-dating it. This should be taken care of. At the same time, the provisions of the workmen's Compensation Act cannot wholly cure this malady. It has got to be coupled with insurance benefit.



Our hon. Prime Minister has elaborately mentioned about certain schemes in the last two or three days. There has been an emphasis on mass insurance, crop insurance for agricultural labour everywhere. If somebody dies or if somebody becomes permanently invalidated because of the accident, there should be an insurance scheme to supplement the income of the deceased or the person so affected. All this would go side. We have to encourage that also. When somebody dies while on duty, efforts should be made to provide alternative employment to his dependent

Besides making this payment, which is entitled under this Act, a job should be provided to his dependent or next to the kin of the deceased as far as possible.

About dealing with the casual labourers, mechanised agricultural labourers and domestic servants. I wish to tell that I have all my sympathies for them. As I go through the provisions of the amending Bill, casual labour and contract labour are included but with certain restrictions. If they are engaged in some domestic work, they are not covered but if they are engaged in some particular business or trade purposes, I think, they are covered.

Sir, then about the middle class farmers, when the ceiling law is seriously and sincerely implemented, there cannot be a big farmer. If land ceiling laws are properly implemented, there will not be big farmers. They cannot go beyond the ceiling. We are moving towards mechanised farming.

MR. CHAIRMAN: Please conclude.

SHRI SRIBALLAV PANIGRAHI: I am concluding, Sir, I can no more afford to dwell with the issue. Give me five minutes' time.

Of course, we are sympathetic towards domestic servants, drivers who drive our cars. As I said, if a middle class agriculturist engages somebody and if he dies while spraying pesticides or is killed while driving a tractors etc., wherefrom the employer will give Rs.50,000 or such amount to the dependent or to the next to the kin of the deceased? But I do not say that such payments should not be made to the relatives of the deceased. So, a Fund should be created for this purpose. The fund should be created at the Government level.

In today's newspaper I have come across the news that the hon. Prime Minister while discussing certain problems with the big industrial houses yesterday has made an appeal to them and they have also responded favourably that they will spend considerable amount for the territorial development of

those areas where they are setting up their industries etc. Accordingly, there should be a Fund contributed proportionately and considerably by the industrial houses and also supplemented by the Government. From that fund, payments should be made. Otherwise, it looks very reasonable, logistic and also we feel very happy that everybody should get the money. If that can be done, it would be very good. But coming to the practical side, if something happens to a cook while operating the gas in a private kitchen in a private house and if it attracts the provisions of this law, can any middle class person pay as per the specifications or requirements of this law? I am coming to the close, Sir.

Fatal train accidents are on the increase. In the first decade of this century, from 1901 to 1910, it was 76 per one thousand persons employed. Then it came down to 0.29 per cent in the decade 1941-50 during which we achieved independence. But in 1991-92, the latest year for which figures are available, it is 0.48 per cent. So, this is very much on the increase. It has got to be contained. The fatality rate has got to be contained.

As you know health is wealth. Healthy working conditions have to be created. This is the primary basic need in our industrial sector, including the mechanised farming sector. The safety standards should be very high. We should have better safety standards; we should have proper working conditions, so that the number of accidents is put at the minimum level and the fatality rate is brought down.

I give full support to this Bill. At the same time I understand that there is an exercise going on to update the labour laws. I plead with the Government and the hon. Minister that while considering them, due consideration should be given to the suggestions that I have made. I would reiterate my pleas about general insurance. On this also we should apply our mind. Otherwise the purpose cannot be achieved.

I would again say that death can never be compensated. Whatever may be the amount, as Mr. George Fernandes said, Rs.2 lakh or Rs.5 lakh, with this amount paid to the relatives or to the next of kin of the deceased, they can earn a small livelihood. But the loss the family has suffered due to the sudden demise, due to the accidental death of that particular person can never be compensated. Whatever financial provision is made, with that amount they should be able to meet the expenditure of their family. When a worker dies, the widow of the worker can never get back her husband. His unfortunate children cannot get back their father. That way death can never be compensated. We are doing only something; for that also sky is the limit. Whatever maximum can be given, our efforts should be made in that direction.

About pension, I think it is under the consideration of the Government. The pension scheme for every worker should be expedited. There is the question of bonus also. The Cabinet has taken a decision about bonus and a Bill has already been introduced in this regard. This also should be cleared on priority. About insurance and other labour laws, again I say with some reservation that when we are so sympathetic to the cause of labour because they are down trodden people and we are all interested in improving their lot, the Bills concerning the Welfare of labour should get priority for consideration and adoption in the Parliament.

For that, it takes several years. About the implementation part, I have already dealt with. Otherwise, we find that for years, there are Bills pending in Parliament for consideration and adoption.

With this, I once again support the Bill and take my seat. Thank you, Sir.

*[Translation]*

SHRI CHHEDI PASWAN (SASARAM): Mr. Chairman, Sir, hon leaders have expressed their views on Workmen's Compensation Act. Mr. Panigrahi has also expressed his views on this bill. I am also expressing my views on the issue on which discussion is going on. I do not want to go in the details. I would like to emphasise on two-three main points. The workers of this country had pinned a lot of hopes on the hon. Minister but he is conspicuous by his absence. Those who come from workers' class, they also can ameliorate the lot of the poor, they think a lot for them but their present condition is really full of sorrow. Hon. Minister, Sir, one poet has put down.

'Sholen Mein Jo Lagata Hai, Kanton Mein Jo Khilaata Hai

Vahi Phool Gulshan Ki Taqdeer Badalata Hai'.

But the hon. Minister has become merely a flower of Sh. P.V. Narasimha Rao's Jacket, instead of contributing towards betterment of the society. The Workmen's Compensation Act, 1923 aims at providing enhanced compensation to the dependents of such workers as die or are rendered incapacitated in industrial accidents or due to professionally acquired diseases. This is a very important proposal to amend this act to increase the amount of compensation but this not complete in itself. This is just like lending a straw to a drowning man or a drop in the ocean. This is what the Government is going to do with the workers. I am not satisfied with the increased amount of compensation. In public sector, the provisions of an Act are enforced to some extent,

but the private companies do not implement the provisions of such Acts. I request the Government to take steps to get the provisions of this Bill implemented in private companies and all the institutions in private sector. Contract system is prevailing in private institutions on a large scale and has been an issue of controversy. I request the Government to abolish contract immediately so that the workers, particularly those who are engaged in weaving and leather industry and whose conditions is very pitiable may get their legitimate rights.

They work in a polluted atmosphere in which they are prone to various diseases. The Government should take some preventive measures particularly as envisaged in the original Act of 1923 which was many a times amended later with a final amendment in 1984 in which the amount of compensation payable to the workmen in the event of their death or temporary physical disability was enhanced. Thereafter, the Law Commission also recommended further enhancement of the amount in 1989. There has been a steady cost escalation of all the commodities during the last six years. Yesterday, George sahib was giving a detailed description of the price rise registered by all eatables during the last six months. The hon. Minister is going to pay a compensation of Rs. 50,000 as enhanced from the earlier sum of Rs. 20,000 in the event of death and Rs. 60,000 as enhanced from the sum of Rs. 24,000 in the event of physical disability in harness to a workman which is very less, when compared to the present day price index..

An immediate and serious thought should be given to it and the amount should be enhanced to at least Rs. Two lakh. A compensation of Rs. Two lakh is paid to the next of kin of the deceased in a train accident. Similarly Rs. Five lakh are paid to the next of kin of an air passenger who dies in a plane crash but injustice is being meted out to a workmen who toils by the sweat of his brow day in and day out for nation building. To my mind, it is the proletariat alone, in which there is still a sense of nationalism left. I think that one can only afford to travel by air by means of Government facility or black-money. In the event of the death of such a person, a compensation of Rs. Five lakh is paid. On the other hand death compensation payable to a labourer working hard physically for constructing the roads of this country, the factories, the railway tracks, the mansions and in the fields is being raised from Rs. 20 to Rs. 50 thousand.

Without dwelling at length I would only request the hon. Minister to consider two-three things. Firstly, in the event of death of a workman in harness due to industrial or vocational sickness, his dependent should be given a job apart from raising the death compensation amount from Rs. 50,000 to

Rs. 2 lakh. Further the provisions of this Bill should be implemented in letter and spirit in the private sector in particular. The hon. Minister should make sincere efforts in this direction.

I would also like to add that the agricultural labourers or those of the unorganised sector or Beedi workers should also be brought under its purview with enhanced compensation amount. All such people have been ignored for countries in this country. A poet has said :

Foot Path Par Para Tha  
 Voh Bhookh Se mara Tha,  
 Kapara Utha Kar Dekha,  
 To Pet Par Likha tha,  
 Sare Jahan Se Achha Hindustan Hamara,  
 Ham Bulbulen Hain Iski,  
 Yet Gulistan Hamara.  
 Alwida !

But it is deplorable to find that in the name of giving compensation and facilities to the working class who work hard for nation building and who are not able to make their both ends meet, the approach of the Government seems to be increasing the amount payable to them little by little. On the other hand, it is easy to increase the allowances of luxurious people like us. Same is the case of Government Officers. I will give you an example. I went to see a Director - I will not name him - and on his office door I found written - 'Don't disturb'. I asked his messenger as to what was the officer busy in? He replied that he was busy in a meeting. I gate cras'ed into his chamber and saw that the officer was eating mangoes and that was the official duty he was performing with the sign board of 'Don't disturb' at the door. That is the system prevailing here when it is the question of granting facilities and comforts to them, we become too liberal. But on the question of granting facilities to the working class, we act with niggardliness. Therefore, my submission to the hon. Minister is that there is need to be more liberal in granting them facilities and the amount being raised from Rs. 20,000 to Rs.50,000 and Rs.24,000 to Rs. 60,000 should be further raised to Rs. two lakh. With these words, I conclude.

**SHRI DAU DAYAL JOSHI (KOTA):** Mr. Chairman, Sir, when George sahib was speaking it seemed as if he was not speaking from this side. We have seen how did the turn of events take place within these 40 to 45 years. The workers' movement is losing its ground. What fate is the workers's

movement, launched by your predecessors, meeting today?

I come from the industrial area of Kota, Rajasthan where there are big industries including J.K. Synthetic, the biggest synthetic factory of Asia; Sudarshan Textiles of Bangar, the Birla Cement factory, Shriram's Soda Ash Fertilizers and other big industries of Rayons. There is also an O.P.C. Power Cables factory of Somaiah Group. When George Sahib visited Kota some years back, he would have seen why the chimney of Sudarohan Textiles stopped emitting smoke, why O.P.C. factory lay closed? The Government of the day is reluctant to pay attention to the industries. The Government is not thinking in the right direction today. This Government thinks in terms of giving benefits to the industrialists in the name of globalisation and modernisation and making them prosperous. Who cares for the cause of the workers?

Sir, the country's Prime Minister did not even once feel the need of meeting the poor workers of India during these four years in office and listening to their pains and predicaments. He only issues appeal as to the industrialists and holds meetings with them. We are equally to blame for this because we have not been able to organise the workers. Why did the workers' movement die down? It was because of a planned conspiracy hatched by the country's industrialists. In my constituency, Kota, thousands of workers took out big processions with red and saffron flags in their hands. Just three days ago, the workers of four unions staged a demonstration and I went to address them. There were only 150-200 workers present there. I told them that they were the workers of four unions- the Hind Mazdoor Union, the B.M.S., the CITU and one more union. The CITU people took money from the management on the question of bonus and arrived at a decision which was binding to all. This way, you prepared the workers of India for waging a fight.

It looks ridiculous that the labourers of other countries are united and the labourers of India are fighting among themselves. I asked the collector to investigate the facts and get the criminals punished. The mills are closing down because the labourers have abandoned their struggle. The hon. Labour Minister should let us know as to how many labourers and industries were in the country 20 years ago ?

**17.00 hrs**

Shri Mohan Rawale is sitting here. He usually talks of the workers of Textile Mills in Bombay. Today, mill workers are running from pillar to post for employment because the mills have closed down. Who is responsible for this situation? In my view, the Government and the hon. Labour Minister is

responsible for this. By declaring several mills sick, thousands of labourers have been rendered unemployed. Today, the world has switched over to cotton yarn from synthetic yarn but the mill workers are facing starvation. This is because our thinking was basically wrong. Our thinking should be to give work to both the hands. I do not say that we should not go in for new technologies but it should also be ensured that labourers are not rendered unemployed. Today, the number of labourers in mills is gradually dwindling. This aspect is also required to be considered seriously. As you have said that as per the report of Law Commission and the State Government compensation to the next kin of the deceased and those who got permanently disabled is being increased from Rs. 20,000 to Rs. 50,000 and from Rs. 24,000 to Rs. 60,000 respectively. Besides, Rs. 1000 will be provided at the time of cremation. Today, electric crematorium have come up in cities but it is not possible to perform cremation with Rs. 1000 on rural areas. You must be knowing that 12 maund wood is required for cremating a dead body and the price of wood is also high. Better you would have taken the decision after going through the Standing Committee's report. As you have not studied the recommendations of Standing Committee, this Bill is being opposed by all the parties and several members have suggested to refer this Bill to the Select Committee for reconsideration. Recently, when I had gone to Nagpur, I was total by one industrialist there that he wanted to set up a manless industry. If the industries will work without manpower then how and where the young educated generation will be absorbed? My party had raised a slogan "Give work to youth or relinquish office". But today youth are on the verge of starvation. We had also raised a slogan "Give unemployment allowances or relinquish office" but the Government has turned deaf ear to it. The Communist Government in West Bengal and the Janta Dal Government in Karnataka had given unemployment allowance to unemployed youth but they had to withdraw it within two years. It was done because there were a large number of unemployed youth and the entire money was spent on it and all the schemes had to be shelved..

**SHRI RAM KRIPAL YADAV (PATNA):** It is being provided in Bihar.

**SHRI DAU DAYAL JOSHI:** The youth are getting very nominal amount which is like a drop in the ocean.

There is also a need to consider the contract labour system seriously. Shri Panigrahi has expressed his views over it. If you have got any sympathy for labourers you will have to check the contract labour system. Providing Rs. 50,000/- to the next of kin of the deceased and Rs. 60,000 to the disabled will not suffice.

The things will not change unless contract labour system is checked. I would like to submit that as Shri George Fernandes had submitted that compensation amount should be revised after every two years on the basis of price-index, Does the hon. Minister know about the profits being earned by Lohia Scooters? When I had purchased a scooter, its price was Rs.3,500/- but today it is being sold out at Rs. 39,000/- . Now you may estimate the percentage of profits they have earned? The manufacturing cost of J.K. Synthetic yarn is Rs. 3/- only but it is sold at Rs. 78/- In such a situation if such industrialists will not become rich then who else? On the one hand, neither mining prices nor labour rates increase but the prices of Birla Cement increase.

I have written three letters but despite that Shrimati Pushpa Bai Bainva working in a mine, did not get maternity compensation. One labourer got seriously injured in my constituency. He wrote a letter to the SC and ST Commission. I had also forwarded his letter to you as well. In this letter he had complained that despite his several letters to the Labour Ministry, no response has been received. Four days back I received a letter from him he has quoted rules to the Collector and said that the Collector, Kota should give Rs. 10 thousand as compensation to his dependents in case he died. In this connection, I also telephoned the Collector before coming to the House. It is nowhere seen that maternity allowance do not reach the concerned woman even after three years and the compensation is not received by the labourer who has lost his leg. Poor people are deprived of their compensation amount on the ground that he was inebriated or fell down suddenly etc etc.

Orissa abounds in minerals. There is a large mining area in my constituency as well. You must include a clause in the Bill for the welfare of labourers working in the mining area.

The labourers working in a cement factory dies of tuberculosis I would like to quote an incident which took place, yesterday. The mill owner distributed gur among his workers. One labourer did not get it because, as stated, he had no right to it. So, he stabbed another labourers for his share of Gur. Later the injured labourer succumbed to his injuries.

Hon. Minister, Sir, if the owner will not give gur to his labourer then who will take care of him. Today, labourers are resorting to agitations. The persons like Shri George Fernandes has become old while talking of the Interest of Labourers. Who will flight for the welfare of these labourers? Today, the labourers have nowhere to go; their number is dwindling day by day. The Labour unions are fighting amount

themselves. The while collar people fight in the name of labourers today, they sit with you and undertake negotiations across of table. They only try to gain their profits. A very few people fight for the cause of poor farmers. If you work in the interest of labourers then only they will give their blessings otherwise they will be completely ruined. Whatever you have done for them is like a drop in the ocean.

Shri George Sahib has asked for sending the Bill to the Select Committee. Today, labourers have high expectations from the Government. The amount of Rs. 50,000/- or Rs. 60,000/- provided for compensation is almost negligible. Please add one more clause that the State Governments will consider sanctioning compensation on the basis of price index. This Bill is being reconsidered after 12 years. I hope that you would show some sympathy towards them. So, the interests of the labourers should be taken care of. With these words, I conclude.

[ English ]

SHRI RAMESH CHENNITHALA (KOTTAYAM):  
Mr. Chairman, Sir, I rise to support the workmen's Compensation (Amendment) Bill being introduced by our hon. Labour Minister.

Sir, the Parliamentary standing Committees were constituted by this august House with a view to scrutinise the financial Bills, and other such bills that are referred to it, effectively and give their suggestions. I would humbly like to submit that unfortunately the suggestions or the recommendations made by these Standing Committee are not taken up seriously. I am a Member of the Standing Committee on Labour. We held a number of sittings in which we had gone through the provisions of this Amendment Bill. We gave six important suggestions to the Labour Ministry. Of course, the officials of the Labour Ministry were also present in these meetings of the Standing Committee. I am very sorry to say that the recommendations of not only this Standing Committee but almost all the Standing Committees are not taken up seriously by the Government. A Standing Committee goes into the details of such Bills because the Parliament does not get enough time to go into them. I request the hon. Minister to kindly look into these six suggestions which were given by the Standing Committee on labour. The Committee gave these suggestions unanimously, cutting across the Party lines.

The hon. Members who have participated in this discussion, have very rightly mentioned about the plight of the labour force in our country. The labour force is the wealth of our nation. As mentioned by my colleague, they are working hard, in different work

places, to build a modern India. They are trying their level best to create more assets for the nation. But unfortunately this labour force is not getting the help which it ought to have got from different agencies.

This is the 22nd amendment to the Workmen's Compensation Act. The original Act came into force in the year 1923 when our country was under British rule. This law has certain impediments and problems, which were felt at the time of implementation. This is an important piece of welfare legislation. It is good that we are passing a legislation but when we go to the implementation part of these laws we find that we face a lot of difficulties.

Sir, speaking from my own experience, Kerala is a State from where a large number of educated people go to other parts of the country for employment. For example, a large number of educated youth are working in Faridabad and NOIDA areas. They are working very hard in different private and Government companies there. They are facing a lot of problems. They are living in very difficult conditions. When any of these people meet with an accident, it takes a lot of time for them to get compensation. The procedures to be followed for payment of compensation are very difficult.

Of course, this is a welcome legislation. When these workmen meet with an accident during their work they do not get enough compensation which is duly entitled to them within a specific period of time. The undue delay in giving compensation is the major hurdle in this Act. When this Act. was being implemented, the people who were suffering were not getting the benefit in time.. Mere enactments of a law will not help the poor worker or the labourer of the country. I would request the hon. Minister to look into the implementation part of this is Act.

Sir, this act provides for payment of compensation to workmen in case of death or injury during the course of employment. In most of these cases there is inordinate delay in getting the compensation. The redtapism, the formalities, and the willful negligence on the part of the employer, all these aspects have been coming in the way of getting the compensation for the employees who are suffering.

As mentioned earlier, this Act follows the English Act of Workmen's Compensation but there is a difference. The English Act applied to all workmen while the Indian Act applies to only certain classes of workmen. These classes were given in Schedule-II of this Act. This Act was passed in 1923. We were under the British Rule then and Englishmen might

have had their own reasons for not applying the principles of Workmen's Compensation Act as in England to the Indian people. But after Independence we were able to frame a comprehensive legislation covering all workmen in our country.

Sir, the Law Commission as well as the State Government have put forwarded their views time and again and on the basis of those recommendations certain amendments were made in the Act by the Government. This is the 22nd amendment. On the basis of the recommendations, certain categories of Workmen were also included in this. Periodic amendments have been made to this Act. Schedule-II has been expanded. Besides, the State Governments have also been empowered to amend the Schedule-II and include workmen of certain categories. In this connection, I suggest that the Government must have a re-look at the Schedule in total and revise it.

During the last twenty years many industries with hazardous operations have come up and workers who are engaged in them are exposed to risk.

So, they should be fully covered under this Act.

A lot of new industries are coming up. Because of environmental pollution, a lot of new diseases are also coming up. The workers are exposed to these risks. So, they should also be covered by this Act.

Sir, the Act excludes the casual workers. This is a serious omission. Lakhs and lakhs of workers who are working in the industries and who have not been regularised, they have been kept out of the purview of this very important Act. So, an amendment should be made in this Act to cover the casual workers also.

Sir, I think this Bill covers only a limited number of workers. It should cover migrant workers also. Sir, in the Gulf and other countries also, a lot of Indian labourers are working. I do not want to discuss the plight of the Indian labourers who are working there. They are working in hazardous conditions. They have very stringent laws. The labourers cannot even raise their voice against their employers. If they do so, they will be severely punished. I would request the hon. Labour Minister to view this particular problem which is being faced by the Indian labourers there.

This Act covers those workmen who are getting Rs.1,000 per month as their wages. This ceiling is very low. This Amendment was made in 1975. Now, the situation has changed. The workmen who were eligible for compensation earlier have gone out of the

purview of this Act. Already twenty years have passed. So, the Workmen who were getting Rs.1,000 at that time, at least, their limit should be raised to Rs. 2,000. Therefore, there is an urgent need to raise this amount so that those people who are coming under this category also get the benefit of this Act.

Sir, Section 5 of the Act says that in order to become eligible for compensation, a workman has to be in continuous service for twelve months preceding the accident and if it is interrupted by more than fourteen days, he will not be so eligible. This will only be helpful for the employers. This provision works against the interest of the workmen. This will definitely be used by the employers to avoid payment of compensation. So, if a workman is there, he can be thrown out of employment for fifteen days in a year. The employer can very well escape the provisions of the Act.

So, I would request the hon. Minister to amend this Act so that these employees may also get the benefit of compensation.

Now, I will come to enhancement of compensation. The Standing Committee had recommended a substantial amount for compensation. The Law Commission had also recommended for a revision of minimum rates of compensation in the year 1989 keeping in view the trend of rise in prices and other factors. In case of death, they have recommended a very meagre amount. So, in the case of death, it may be raised from Rs.20,000 to at least Rs. 80,000. In case of permanent disablement, it may be raised from Rs.24,000 to at least Rs. 90,000.

Now, I will come to funeral expenses. This is a new Clause which is incorporated by the Labour Minister. A poor labourer and his family cannot afford this. So, the hon. Minister was very kind to introduce this funeral expenses in this Amendment Act.

But the amount stipulated is only Rs.1,000. I think this amount could be increased to Rs. 1,500 at least. The funeral expenses to be incurred by the suffering family after the death of the earning member should be met by the employer or the company which engages him for the work. I think the hon. Minister for Labour would look into all these aspects and look into the recommendations put forward by the Standing Committee on Labour, would assess the whole situation and would make necessary amendments in the Act. Sir, This is definitely a welcome step. After a very long time the Government has taken an initiative to amend this

Compensation Act. There are a lot of problems faced by the workers. By seeing the changing situation, by seeing the effect of liberalisation because of the entry of multinational companies and the resultant foreign investment, by seeing the overall situation in the country, and by seeing the overall industrial development of the country, the labour laws should be amended and the labourers' interest should be protected. Moreover the workmen's compensation should be protected and their rights should be protected so that our work force can work effectively in nation building activities.

SHRI G.M.C. BALAYOGI (AMALAPURAM): Sir, at the outset I want to give some suggestions to the hon. Minister for inclusion in the Workmen's Compensation Act. From time to time both the central Government and the State Governments are bringing Bills. But they are not properly implemented. Because of this the workers are facing a lot of problems from the owners, particularly in getting the compensation. There is abnormal delay in giving the compensation to the workers. Sometimes they are going to the courts and they are facing a lot of problems. I would like to suggest to the hon. Minister to amend the Bill in order to include a penal clause in this Bill. Whenever the owner fails to pay the compensation to the worker he can go to the court by charge sheeting the owner also. Then only the workers can get the compensation properly and in time. I also request the hon. Minister to include the private industries also in the Bill. In view of the liberalisation of industries a number of private industries are coming in this country. So, the Bill should be applicable to the workers in the private sector also.

I would like to submit that the amount of compensation is very low in view of the rising prices and it should be increased so that the poor workers can meet the basic necessities.

One more submission of mine in this. The hon. Minister has also said and has issued many Press statements that neither the Central Government nor the State Governments are bringing any legislation or any Act or any Bill to protect the interests of the workers in the unorganised sector in this country. My constituency is an agriculture-based constituency and there are no industries. Most of the workers in my constituency are coconut workers. In Andhra Pradesh more than one lakh workers are coconut workers, particularly in my constituency 65,000 workers are coconut workers. But neither the Central Government nor the State Governments are bringing any bill or Act to protect them.

I would like to draw the attention of the hon. Minister to one thing. I had seen a number of Press

statements by the hon. Minister from time to time and I request the hon. Minister to bring a comprehensive Bill for the welfare of the unorganised workers, particularly coconut workers. They are doing a very risky job because they are climbing the coconut trees, plucking the coconuts, processing them, earning a lot of foreign exchange for this country and also bringing so much of income to this country by coconut production. Whenever a coconut worker falls from a tree, he becomes permanently disabled and sometimes loses his life also but no compensation is given to him. There is no accident insurance scheme for the coconut workers. No compensation is given to them. More than one lakh coconut workers are there in Andhra Pradesh. At the same time whenever a toddy tapper in the State loses his life, a sum of Rs. 25,000 is given as compensation, whereas the coconut workers, who are doing the same work, are not getting any compensation either from the State Government or from the Central Government.

So, in this connection, I request the hon. Minister also to bring a comprehensive legislation for the welfare and protection of the unorganised workers, particularly the coconut workers and other types of workers in this country.

The coconut workers should also be included just as the industrial workers by amending the Bill. Then only they will get some compensation for their risky job.

With these words, I request the hon. Minister to pay some attention to the welfare of the workers employed in the unorganised sectors in this country.

*[Translation]*

SHRI RAMASHRAY PRASAD SINGH (JAHANABAD): Mr. Chairman, Sir, I am speaking here on the Workmen's Compensation (Amendment) Bill. At the outset I would like to submit that this Bill is for the labourers. Though, this bill is for the labourers, the Government took 48 years after independence to amend this Bill. This Bill was amended once in October 1984. After that two reports of the Law Commission came in 1989 and the State Governments also submitted their recommendations and only then this amendment has been brought. It has also taken six long years. In this way, the fact is that taking such a long time for the labour class is justified, since throughout the world, if a Government is set up, it is to safeguard a particular class and it does so. In our country also the Government is safeguarding the interests of the class, for which it has come to power. Since it is not meant for safeguarding the interests of the labour class, it is but natural that delay will be there for

enacting a law for safeguarding the interests of the labourers. This Government has no concern for the Welfare of the labour class.

Mr. Chairman, Sir, the child Labour Law has been amended twice in this House, but till date it has not been implemented properly. Therefore, this law will also meet the same fate as that law had met. I would like to know from the hon. Labour Minister that he might be knowing about the plight of lakhs of labourers working in small and big industries in Delhi. He might be well aware that how they are being exploited under his very nose. It is totally wrong to give them compensation if they die or if they meet an accident. There are a number of people working at the monthly salary of Rs.400-500. Please tell if someone can survive in Delhi on a mere earning of Rs.400-500 per month? Even after that he is sacked from his job after 5-6 years. Such labourers come to visit us. Some one says that he has come from Uttar Pradesh and the other says that he has come from Bihar we send them to you. I had also send them to the previous Government in which Shri Ram Vilas ji was the Minister. But what was the outcome? When the Government is unable to get the proper wages paid to the labourers, then where will they work. The Government is projecting itself to be their wellwisher.

Joshi ji has rightly said that the Government is thinking in terms of bringing an end to the workers movement. If the workers fight for their rights, a law is enacted. I have read in the newspaper that Shri Jagannath Mishra has praised the Government of West Bengal and Kerala for the land reforms. What comes under the purview of the State Government has been done by them, but did not it take place in other States? It did not take place in other States because the Government there are in favour of the landlords. What has been done by the Government by enacting laws for years? It is going to be amended that the amount of compensation in case of death will be raised from 20,000 to 50,000 and in case of accident they will be paid 24,000 to 60,000. Hon. Minister Sir, please ponder over it as to how, a poor person, who has become handicapped totally and is to survive for 20 more years, can live on 60,000 rupees. The Government is no more concerned with the welfare of the labourers....(Interruptions) If something for the welfare of the landlords was there, it was done immediately.

Today, the children are working in the houses of the political leaders are officers. The are involved in the petty work of picking up tea cups but what has been done for them by enacting laws? While I was on a walk, I saw that in the winter season, a six years old child was working in Lion Hotel, I stopped there. It was 5 O'clock early in the morning. I took pity on

him., as from the beginning I have pity for the poor and today also I am opposing this Bill for that reason only. When I asked him, he told me that he belonged to the Yadav Community and the owner is also a Yadav.

Recently, in my Constituency, I came to know that a person belonging to the Yadav Community has pawned his six years old child with someone for 5,000 rupees. There is a village Loni in Jahanabad, he has been pawned there with some. His father was demanding 5,000 rupees but the person refused to give the amount, therefore he pawned his child for 5,000 rupees. He said that if he wanted to keep the child, he could do so but he would not repay the amount. So what does the Government think? The law for those children is enacted by this Government.

When you have framed a law then why did you not make arrangements for their study. If this cannot be done then by merely making another law. We are not going to achieve anything because there are so many laws. Many a time I have suggested that a survey be conducted regarding such children and start Residential schools for them. Even then, if his father is not willing to keep him there, he should be punished. But I do not expect any such action.

Today, in India Children even at the age of five are supporting their father by earning Rs.100-200 per month..(Interruptions)\_ Then this question is also related to labour. You have done this for unorganised labour, but how they will be benefited. They work at Brick Kiln and contractors engage them. Today, lakhs of labourers work at kilns but what is being done for them. If a labourer fall while working at the kiln he is not provided any medical help. He is sent back to his home.

Now as far as the law made by you is concerned you have brought this after so many years and in that you have made a provision for 50 thousand to 60 thousand. This matter needs serious consideration as has been asked by all the people. Our learned leader Shri George Fernandes has said much about yesterday and today also. You should learn from him because we have not that much intelligence but this we understand. The law that has been framed for giving something to labourers is not sufficient. The labourers cannot survive with this only. So you are requested to increase it for them.

Suppose, BJP forms its Government here. Then whether it will not talk about the welfare of the labourers? They have to keep the welfare of labourers in their mind, but it would not be the Government of labourers. It would not be the Government of labourers rather it would prove the



Government of capitalists and big-wigs. But if they will not talk of labourers, then how they would mislead them, so they will have to think of labourers in order to mislead them. They would never leave it.

So we would like to request you that it is proper to refer it to select committee. This is because it may reconsider it. What is the harm in it. When nothing happened to you in 100 years then what would happen in 4-6 months. You will be in power for the next six months, then please bring this bill once again. If you are bringing it as a last time effort and want to show that you are doing something for the labourers then you are not going to get any benefit out of it. The labourers are not happy with you and they are distancing themselves from you. You have not done anything for the labourers and poor. It is the poor people who retained you in power for the last 47 years and not rich people but when they came to know that it is not their Government rather the Government of a particular class, rich people's Government they feel dejected. That is why they are distancing themselves from you.

With these words I conclude my speech and request that this bill should be referred to the select committee.

DR. RAM KRISHNA KUSMARIA (DAMOH): Mr. Chairman Sir, while quoting the following lines I want to put forth my views:

"Khooon Dekar Bhi Jab Passene Ki Keemat Na Mile,

Aise Halat Bagawat Ke Hua Karte Hain."

You have taken about raising the amount of compensation from Rs.20 thousand to Rs.50 thousand and from Rs.24 thousand to Rs.60 thousand. The Government has tried to get cheap popularity and to earn sympathy of the poor at the last moment. Birla's diamond Cement Factory is located in Damoh district in Madhya Pradesh. On 3rd of June when the session of the Parliament was about to end 100 people died there due to an accident which cause by bursting of chimney. I had raised the issue during zero hour at that time. Those killed in that accident were put in the chimney to destroy the evidence so that the case could be made and to evade payment of compensation. I want to request in this House whether your concerned bill or law can protect the rights of the families of those 100 persons who were killed in that accident? Such accidents have taken place various times.

The labourers there are brought from some other states on contract basis and registration is done. There 100 people died, and have been reduced to

ashes, but their families have been given any assistance. This is the conditions of the labourers.

Today you are not doing any extraordinary thing or doing great justice by raising the amount of compensation from Rs.20 thousand to Rs. 50 thousand. So my request, is that the bill referred to select committee and be reconsidered.

Bidi workers work at Panna, Chhatarpur and Jabalpur adjacent to my constituency Damoh. No reference of Bidi workers has been made in this bill. Their entire family work there. Most of them become patients of tuberculosis because of tobacco's smell. The rich people are running their industries at the cost of these workers only and living a luxuries life. But those workers are falling prey to diseases and their life has become miserable. Similarly most of them fall victim to diseases like Asthma, T.B., but no security measures have been taken for them.

Mr. Chairman, Sir, you have given your consent to set up industries in the name of liberalization and globalization. They all will exploit them on the basis of contract, this is also for you to look it.

You have brought the amendment bill in which you have to decide that day to today's price index should serve as basis for fixation of compensation amount. If you present it after considering this aspect, only then it would benefit poor people. I oppose the bill with these words and propose to send it to the select committee.

[English]

MR. CHAIRMAN: All the parties have taken much more time than was allotted to them. There are five more speakers now. So, I request the hon. Members to kindly limit their time.

Shri Ram Kripal Yadav.

17.51 hrs.

#### STATEMENT BY MINISTER

[English]

#### Classifying of certain Points Pertaining to Vohra Committee Report

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN) : Sir, may I request you to please allow me to lay one paper on the Table of the House? Or, if you allow me, I shall read it out in just five minutes. This pertains to some of the points which were raised about the Vohra Committee Report. I have given notice for the same.