

doubtful mind, I cannot pronounce on that. I am in the hands of the House. I have no remedy.

SHRI SEZHIYAN : With your consent, I want to move under Rule 109 that the debate on the Bill may be adjourned till tomorrow.

SIIRI S. M. BANERJEE : The other day; Mr Raj Bahadur also moved for adjournment of the debate on the Bill on untouchability, under the same rule and it was adjourned.

MR. DEPUTY-SPEAKER : For the adjournment of a discussion on a Bill, there must be some valid reasons. In this case, the minister himself has said that he entertains some doubt. I think under these exceptional circumstances, I should give my consent for moving this motion. Under this rule, he can move that the debate be adjourned. That is all. Not till tomorrow or any such thing.

SHRI SEZHIYAN : I beg to move :

"That the debate on the Bill be adjourned."

MR. DEPUTY-SPEAKER : The question is :

"That the debate on the Bill be adjourned."

The motion was adopted.

MR. DEPUTY-SPEAKER : We will take up the next Bill. Shri Khadilkar.

**THE DEPUTY MINISTER IN THE
MINISTRY OF LABOUR AND REHABILITATION (SHRI BALGOVIND VERMA)**
rose—

SHRI S. M. BANERJEE : When Mr. Khadilkar is present in the House and the motion is in his name, can anybody else move it ?

MR. DEPUTY-SPEAKER : He has given the responsibility to his Deputy. It is all right.

SHRI S. M. BANERJEE : We accept it, as a special case.

15.06 hrs

**MATERNITY BENEFIT (AMENDMENT)
BILL**

**THE DEPUTY MINISTER IN THE
MINISTRY OF LABOUR AND REHABILITATION (SHRI BALGOVIND VERMA) :**
Sir, I beg to move * :

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

Sir, in 1961 the Maternity Benefit Act was enacted to secure uniformity in the payment of maternity benefit to women industrial workers throughout the country in certain industries. There is then also the Employees' State Insurance Act, 1948 which provides for the payment of maternity benefit.

Sub-section (2) of section 2 of the Maternity Benefit Act, 1961 provides that—

"Nothing contained in this Act shall apply to any factory or other establishment to which the provisions of the Employees' State Insurance Act, 1948 apply for the time being."

The intention is that a woman worker should cease to get maternity benefit under the Maternity Benefit Act, 1961 when she gets the same benefit under the Employees' State Insurance Act, 1948.

In accordance with the provisions of section 50 of the Employees' State Insurance Act, 1948 maternity benefit becomes payable after a period of about nine months from the date of application of the Employees' State Insurance Scheme to an area subject to the fulfilment of certain qualifying conditions in regard to payment of contributions.

The Government of Gujarat brought the Maternity Benefit Act into force in factories with effect from the 1st March, 1961. The Employees' State Insurance Scheme was extended to Ahmedabad with effect from the 4th October, 1964. Some employers in Ahmedabad stopped payment of maternity benefit to women workers to which they were entitled under the Maternity Benefit Act, 1961 before the 4th October, 1961 on the ground that they were not required to do so in view of section 2 (2) of the Act. To meet the situation, the Government of Gujarat amended the Maternity Benefit Act, 1961.

*Moved with the recommendation of the President.

[Shri Balgovind Verma]

In order to safeguard against the recurrence of such cases it is proposed, through this Bill to amend the Maternity Benefit Act, 1961 so as to provide that in the event of the application of Employees' State Insurance Scheme to any factory or establishment maternity benefit under the Maternity Benefit Act would continue to be available to women workers employed therein, until, they become qualified to claim similar benefits under the Employees' State Insurance Act.

Sir I commend the Bill for consideration.

MR. DEPUTY-SPEAKER : Motion moved :

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

श्री आर० बी० बड़ें (स्वर्गोन) : उपाध्यक्ष महोदय, जो मैटर्निटी बेनिफिट बिल पेश किया गया है वह बहुत अच्छा है और मैं इसको सपोर्ट करता हूँ। लेकिन साथ साथ इतना ही कहना है कि 1961 में मैटर्निटी बेनिफिट ऐक्ट बना, उस के बाद 1966-67 में भी यह कमी रह गई। गुजरात गवर्नमेंट ने जब इसको अमेड किया तो हमारी गवर्नमेंट का भी विचार हुआ कि इसके अन्तर्गत महिलाओं को भी मैटर्निटी बेनिफिट मिलना चाहिये।

"Every woman entitled to the payment of maternity benefit under this Act shall, notwithstanding the application of the Employees' State Insurance Act, 1948, to the factory or other establishment in which she is employed, continue to be so entitled until she becomes qualified to claim maternity benefit under section 50 of that Act."

गुजरात में इस प्रकार का प्रावधान था। उसी का आप यहाँ कापी कर रहे हैं। मैं समझता हूँ कि यह बहुत अच्छा एमेंडमेंट है जो आप करने जा रहे हैं। लेकिन मेरी शिकायत यह है कि इस एमेंडमेंट को आप देर से लाए हैं। इस चीज पर मैं टीका करना चाहता हूँ।

RHRI C. K. CHANDRAPAN (Telli-cherry) : Sir, I rise to support this Bill. I wonder why the government has come with such an amendment so late. If I remember correctly a similar amendment has been moved

in the Rajya Sabha a few years before and it has been adopted there. Now after four years the government is coming forward with an amendment to this Bill in the House.

While supporting this amendment I would like to take this opportunity to remind the government that the enforcement machinery with regard to the maternity benefit should be such that it will be given to the labourers or employees who deserve it. There are so many industries in the organised sector, like the collieries, where the management is scuttling the provision of maternity benefits to thousands of women in their own way. I hope this amendment will make the enactment fool-proof and it will ensure that the benefit will really be available to the women employees. With this hope that the government will ensure proper implementation, I support this amendment Bill.

SHRI BALGOVIND VERMA : This Bill has been brought forward with a limited purpose. By this amendment we want to ensure that where the maternity benefit is at present available, if the 'Employees' Insurance Act is brought into force on a future date, that should not put the employees to any difficulties. That is the object of this Bill, and it has been supported by hon. Members.

MR. DEPUTY SPEAKER : The question is :

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

The motion was adopted

MR. DEPUTY-SPEAKER : We will now take up clause-by-clause consideration. As there are no amendments, I will put all the clauses to the vote together. The question is :

"That clauses 2, 3, 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted

Clauses 2, 3, 1, the Enacting Formula and the Title were added to the Bill.

SHRI BALGOVIND VERMA : I beg to move :

"That the Bill be passed"

MR. DEPUTY-SPEAKER : The question is :

"That the Bill be passed"

The motion was adopted.

15.14 hrs.

DRUGS AND COSMETICS (AMENDMENT) BILL

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY PLANNING (PROF. D. P. CHATTOPADHYAYA) : Sir, I beg to move :

"That the Bill further to amend the Drugs and Cosmetics Act, 1940, as passed by Rajya Sabha, be taken into consideration".

This is a very small piece of legislation to extend the Drugs and Cosmetics Act to the State of Jammu and Kashmir. The whole purpose of the Drugs (Quality Control) Order is defeated if the legislation is not uniformly applicable throughout the country. Because of the constitutional limitation it could not be extended to Jammu and Kashmir. Now to see that this is extended to that part of the country as well, we have brought this legislation before the House.

The subject of the Drugs and Cosmetics Act falls under entry 19 of the Concurrent List which was made applicable to Jammu and Kashmir only in 1967. So, we have now brought this legislation to extend the provisions of that Act to Jammu and Kashmir. This is an enabling measure and I hope it will be passed unanimously. With these words, I move this motion.

MR. DEPUTY-SPEAKER : Motion moved :

"That the Bill further to amend the Drugs and Cosmetics Act, 1940 as passed by Rajya Sabha, be taken into consideration."

श्री आर० बी० बड़े (खरगोन) : ड्रग्स एंड कॉस्मेटिक्स एमेंडमेंट बिल केवल इस उद्देश्य से लाया गया है कि इसको जम्मू-काश्मीर पर भी एप्लाइ किया जा सके। मैं समझता हूँ कि आर्टिकल 370 जो है इसका सवाल जनसंघ ने तथा दूसरे लोगों ने भी उठाया था और इसके बारे में रेजोल्यूशन भी

रखा गया था कि इसको रिमूव किया जाए और इसको बड़ी भारी सपोर्ट भी मिली थी.....

MR. DEPUTY-SPEAKER : It is a separate thing. It is a larger thing.

SHRI R. V. BADE : I want to say that article 370 is there and that is why all this difficulty. That is my criticism.

यदि इस आर्टिकल को रिमूव कर दिया जाता तो इस प्रकार का बिल लाने की जरूरत नहीं पड़ती। जो भी बिल आप लाते हैं उसमें आप यह कह देते हैं एक्सैप्ट जम्मू एंड काश्मीर। जम्मू काश्मीर पर उसको लागू करने के लिए आप बाद में इस तरह से एमेन्डिंग बिल लाते हैं। जम्मू काश्मीर पर इसको लागू करने में हमें कोई आपत्ति नहीं है। लेकिन साथ साथ आपने स्टेटमेंट आफ आब्जेक्ट्स एंड रीजन में लिखा है :

The subject matter of that Act falls under entry 19 of the Concurrent List which has been made applicable to that State only in 1967 by the Constitution (Application to Jammu and Kashmir) Second Amendment Order, 1967.

कनकरेंट लिस्ट की एंट्री 19 को 1967 में जम्मू और काश्मीर पर एप्लाइ कर दिया गया था। 1967 से अब तक शासन चुपचाप सोता रहा है। मैं यह जानना चाहता हूँ कि इसकी क्या वजह है? इस बीच उसने एमेन्डमेंट लाने की सोची क्यों नहीं?

दवाइयों आदि में एडल्ट्रेशन होता था। इस वास्ते आपने इसको रोकने के वास्ते कानून बनाया। ड्रग्स एंड कॉस्मेटिक्स बिल का जिस प्रकार देश के अन्य भागों में परिपालन होता है उसी प्रकार का परिपालन जम्मू और काश्मीर में भी होगा तो भगवान ही भला करे। औषधियों की कीमतें बढ़ गई हैं। यहाँ अगर कीमतें बढ़ जाती है तो जम्मू और काश्मीर में आप इन कीमतों को कैसे कंट्रोल करेंगे। यही ही नहीं कर सकते हैं तो वहाँ कैसे करेंगे?

जितनी दवाइयाँ अमरीका से या फारेन से