

[Shri Sarjoo Pandey]

Page 8, line 32.—

for "three months" substitute
"one month" (8).

इस में यह कहा गया है कि एक तिहाई शेअरहोल्डर्स के रिक्विजिशन पर मीटिंग बुलानी चाहिये। फिर इस में टाइम दिया गया है। मैं इस सम्बन्ध में कहना चाहता हूँ कि अगर इस टाइम को २१ दिन का न रख कर १५ दिन कर दिया जाय तो ज्यादा अच्छा होगा। दूसरे इस में तीन महीने के भीतर मीटिंग को बुलाने का प्रोविजन है। यह एक महीने का होना चाहिये।

Shri A. M. Thomas: I do not accept the amendments. In fact, 21 days' time is the normal time that is laid down by other enactments also.

Mr. Deputy-Speaker: Does he press his amendments?

Shri Sarjoo Pandey: No, Sir; I would like to withdraw them.

Amendments Nos. 7 and 8 were, by leave, withdrawn.

Mr. Deputy-Speaker: The question is:

"That clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

Clauses 14 to 40 were added to the Bill.

Clause 41—(Power to make rules).

Mr. Deputy-Speaker: There is one amendment to clause 41. Does the hon. Member want to move it?

श्री सरजू पाण्डेय : मैं समझता हूँ कि उपमंत्री महोदय को कम से कम इस को तो मान ही लेना चाहिये क्योंकि इस में कोई हर्ज नहीं है। अगर इस को मान लें तो अच्छा ही है नहीं तो मुझे विधड़ा करना ही है।

Mr. Deputy-Speaker: Order, order. This amendment to clause 41 is not by him. It is by Shri Morarka—he is absent—and Shri Siddananjappa. Is it being moved?

Shri Siddananjappa (Hassan): No, Sir.

Mr. Deputy-Speaker: Then I will put the clause to the vote of the House.

The question is:

"That clause 41 stand part of the Bill.

The motion was adopted.

Clause 41 was added to the Bill.

Clauses 42 and 43 and the Schedule were added to the Bill.

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

Shri A. M. Thomas: Sir, I beg to move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

15.55 hrs.

WORKMEN'S COMPENSATION (AMENDMENT) BILL

The Deputy Minister in the Ministry of Labour and Employment and for Planning (Shri C. R. Pattabhi Raman): Mr. Deputy-Speaker, I beg to move:

"That the Bill further to amend the Workmen's Compensation Act, 1923, be taken into consideration."

As hon. Members are aware, the Workmen's Compensation Act, 1923, was one of the earliest legislations concerning social security. It was placed on the statute-book in 1924. The Act was being amended from time to time firstly in order to add to the list of occupational diseases and secondly to change the rates of compensation and raise the maximum wage limit for coverage. It was last amended in 1959.

At the time of moving the Bill, the Mover then thought that the aim throughout was to leave as little scope for litigation as possible. In consequence, therefore, the Bill tended to be rigid in character. The Act came into force on 1st July, 1924. Thereafter, there have been amendments in 1929, 1933, 1946 and 1959.

With the introduction of the Employees' State Insurance Scheme, the liability for the payment of compensation for industrial accidents and occupational diseases has been partly transferred from the employers to the Employees' State Insurance Corporation. In view, however, of the limited coverage and application of the Employees' State Insurance Scheme, a large body of workers have still to seek relief under the Workmen's Compensation Act. It has, therefore, been found necessary to keep the working of this Act under constant review and effect changes whenever circumstances warranted.

The most important change contemplated in the present Bill is, firstly, to enhance the rates of compensation for temporary disablement and secondly to double the rates of compensation payable in the case of death and permanent total disablement. This upward revision is justified by the increase in the cost of living since 1933, when the present rates were fixed.

Under the Act as it stands today, the wage limit for coverage is Rs. 400. It is now proposed to extend the

coverage to workers who fall within the wage group of Rs. 400 to Rs. 500. This extension was recommended by the Indian Labour Conference at its 17th session held in 1959.

Schedule III of the Act lists the occupational diseases in respect of which compensation is payable and the employments in which the diseases are likely to arise. The list is almost identical with the list appended to Convention No. 42 concerning workmen's compensation for occupational diseases adopted by the International Labour Conference in the year 1926. But the description of the employments in the Schedule to our Act does not exactly tally with the trades, industries or processes specified in the I.L.O. Convention. The proposed modifications in the Schedule will enable the Government of India to ratify the Convention as recommended by our tripartite committee on Conventions and endorsed by the Indian Labour Conference.

I do not propose enumerating all the minor or consequential changes which the Bill seeks to introduce. Such of the employment injuries specified in the First Schedule of the Act which result in cent per cent loss of earning capacity will, in future, be deemed to cause permanent total disablement and not partial disablement. Hon. Members will remember, the definition was there. Secondly, it is also proposed that the present time limits and conditions for preferring claims to compensation in respect of occupational diseases should be liberalised.

Lastly, the Bill contemplates to cover not only persons employed within the premises or precincts of a factory but also persons outside the premises or normal place of work so long as they are employed for the purposes of the concerned employer's trade or business.

The proposed revisions in the rates of compensation and the extension of

[Shri C. R. Pattabhi Raman]

the coverage may, no doubt, place some additional burden on the employers both in the private and public sectors. But, hon. Members will agree that with the increased tempo of production and the intensive utilisation of the existing industrial plants and machinery, occasioned partly by the present emergency, the workers should have a guarantee of adequate compensation in the event of being injured or contracting diseases during their employment.

I commend the Bill for the consideration of the House. I have got an official amendment.

Mr. Deputy-Speaker: You may take it up later.

Shri C. R. Pattabhi Raman: I thought I might explain. It is a consequential amendment. Clause 11 relates to the Third Schedule. If hon. Members will turn to page 5, after the third line, the reference is to Part B of the Schedule III of the principal Act. Poisoning by lead, all these things are there. Entry No. 2 is poisoning by phosphorous or its compounds.

16 hrs.

As a result of study by us we now find that the disease may be contracted even within a period of less than six months. As it is, this item has been put in Part B of the Schedule; that would mean, that the schedule time is about six months which will entitle the worker to claim compensation if there is disablement due to this poisoning. Now, we are seeking to put the term 'Poisoning by organic phosphorus insecticides' in Part A of the Schedule, and, so I am moving an amendment to the effect that after the existing entries, the following entry shall be inserted namely 'Poisoning by Organic phosphorus insecticides'. If hon. Members will kindly turn to page 6 of the Bill, they will find that the very first line on that page is 'Poisoning by Organic phosphorus insecticides'. That item is now sought to be brought under

the other schedule, so that the person concerned will have immediate benefit. We now find as a result of study that these diseases can be contracted even before the six months' period is over which is prescribed at present. That is the significance of the formal amendment which I shall move.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Workmen's Compensation Act, 1923 be taken into consideration."

Time has not been allotted for this Bill. There are about five or six Members who want to speak. So, shall we have 2 hours?

Some Hon. Members: Yes.

Shri Warrior (Trichur): I welcome this amending Bill which has been long overdue. I congratulate the Labour Ministry also because in spite of the very emergent and perilous situation in which we are placed, they have not forgotten their duty to the workers employed in the different industries in India and have brought forward this amending Bill which will not only extend the benefits of the parent Act to a higher income group but has also taken advantage of this opportunity to amend certain other sections by which even the existing provisions are given wider scope and greater benefits may be derived by the working classes of this country.

The first point that I wish to mention, which the hon. Minister has also mentioned, is that the parent Act was of the year 1923, if I am right, and not of 1924. There had been about 19 amending Acts and adaptation orders to the parent Act. By this time, we have abundant experience of the working of the parent Act as well as the amending Acts. The Indian Labour Conference also had gone into this matter most thoroughly, as also the Study Group, and we have the report of the Study Group on Social Security on hand. We had this report in 1959, and now this Bill has come in

1962. Normally we should say that it is late. But I am glad that it has come at least now.

After having gained so much of experience in working the parent Act and the amending Acts which are about nineteen in number, it is now time to think of consolidating all this experience and giving it a wide scope for implementing the basic aims and objectives of the parent enactment. I mean to say that the trade itself has changed more or less basically from 1923 onwards. For instance, new automatic machines have come into use in our industry, new methods of working have been in vogue. The entire trade is undergoing fundamental changes. There is more scope for including items not covered by the parent Act. Not only that. The incidence of accidents is much more now, although the percentage may not disclose that state of affairs. The percentages given by the Labour reports are in a sense misleading. For instance, the percentage was 1:8 or so a few years back, say, in 1956; it may be 1:4 now. That does not mean anything in the sense that the aggregate number of workers employed in 1956 is not the same as in 1962. Day by day more and more workers are coming into the industry and into all sorts of trades so that the accidents in aggregate number will be much more, may be a staggering number at present, although the per thousand average may not be high. In view of this, it is highly necessary that more and more of these trades should be brought within the ambit of the enactment so that the benefits of compensation may be reaped by them also. So the old Schedule must be gone into more thoroughly and changes made according to the necessities of the present day.

The Schedule regarding rate of compensation is given in the Bill. When the hon. Minister said that Government are doubling the limit, we may think that the amount received by the incumbents will be a staggering amount. But no, because the minimum is Rs. 400 and what the

family of the worker is going to get by doubling is only Rs. 800 which is very low. The Schedule gives those incomes here. You will see that those averages will work out to only very meagre amounts when compared with the loss that the families are sustaining owing to the death or permanent disablement of their wage-earners. So the compensation in the case of the lower income groups must be sufficiently enhanced so that the bereaved families can depend on those annuities and live an honest life; otherwise, it will be a meagre help only. There are thousands of families in our country which, owing to the death of their wage-earners, are destitute and are taking to very many unsocial activities which can be curbed only if sufficient sustenance by way of compensation is given to them.

Then there are other difficulties also which have been experienced in the working of the Compensation Act. For instance, in the Study Group's Report on Social Security which came in 1958, in the memorandum of the workers' organisations they have given very many difficulties experienced in implementing the Act. There are more evasions in the case of small backward employers or employers not in a financially good position. This is so especially in the case of unorganised industries. There are more unorganised industries in our country than organised ones and lakhs and lakhs of people are employed in those industries. I can give the instance of the coir workers in my part of the country. Ten to twenty people are employed by a small man who cannot invest much, and if this Act is going to be imposed upon such small investors, naturally they will go out of the trade. That will be the consequence. In such circumstances, both the employer and the employee should not be allowed to suffer; some assistance should be given, so that the employer also is not at the tender mercy of this Act. At the same time, there are other people employing 100 or 200 people in the same unorganised industry who take advantage of the fact that this Act is not applicable to them.

Shri Ranga: They are very few.

Shri Warior: The cashew nut industry is also unorganised, but at the same time, it is tending to become a monopoly industry in Kerala. The only people employed there are young girls, because the peeling must be done tenderly, and that is entrusted to the girls.

Shri P. K. Deo (Kalahandi): For tender hands?

Shri Warior: If it is not for the tender hands of the girl workers, this industry would have shifted much earlier to Africa, wherefrom we get the raw nuts. Though the industry is unorganised, there is a lot of harm and occupational disease involved in it. The hands of the girls get corroded by the acid content, there are no safety measures against that, and these workers become more or less like white lepers. This must be compensated for, and the workers must be given some protection.

There are other difficulties also, nine or ten of which have been scheduled here. There are employers who do not agree to make payment of compensation even according to the rules, and they resort to the courts. It is easier for the employers to engage brilliant lawyers to find out loopholes in the Act and defraud the workers of their rightful claims than for the workers in an unorganised industry to fight it out in the law court or tribunal. They are at the mercy of the employers. These cases must be taken into consideration by the Labour Ministry as early as possible, and proper enactments must be brought forward in the form of amending Bills or comprehensive fresh Bills, so that the workers are protected.

There are certain other conclusions arrived at by the sub-committee to which the hon. Minister was kind enough to refer when he spoke. The sub-committee has given about six conclusions of their study, and out of these six, only one item is being given effect to, and that is the enhancement

of the compensation basis from Rs. 400 to Rs. 500. At present employees who are getting Rs. 400 may get compensation but not those getting Rs. 500 and above. In this measure that is being enhanced to Rs. 500. That is well and good. But there are certain items also which are of paramount importance to the workers. For instance, take pensions. Even if it is a thousand rupees or more than that, even that amount will be frittered away in no time, and the family will be destitute again. It is in order to make the families secure that this compensation is paid, especially when the wage-earner is disabled permanently or death occurs.

In this connection, the pension scheme is difficult in certain respects. We know that. The difficulty is this. When the workers are engaged in organised industries, it is easier. That is, if you take the textile industry, the workers' contribution can be readily transferred from one factory to another. But there are so many other trades in which the workers, in order to get better prospects, change their employer more often: they change from one employer to another. In that case, it is very difficult for those contributions to be transferred to the new employer's account. This pension scheme is a very difficult thing to be implemented, but, at the same time, there are certain trades in which we can operate this more easily than in certain other unorganised industries. I think the Labour Ministry must take up this demand also as soon as possible.

Then there are certain other demands concerning those which are mentioned by the sub-committee. I hope that those also will be attended to. In this connection, I may refer also to what the hon. Minister had been pleased to suggest, namely, that the Government are only implementing certain recommendations contained in the 1934 convention. After that, so many conventions have been convened by the ILO and so many recommendations have been made, and we are lagging behind in certain respects with regard to the implementation of

those recommendations. In certain cases, we have already ratified them, but in many cases we have not ratified them. You will see that the ratification of those recommendations by the ILO conventions is essential in the building up of a proper atmosphere and a proper climate for our industries to grow and also to enable the workers to have a sense of social security in this country. In these respects, I hope the Labour Ministry will be more alert, or as alert as they have been at least now, as is shown at present, after three years, and take up these matters. With these words, I welcome this Bill.

Shri D. C. Sharma (Gurdaspur): Mr. Deputy-Speaker, I would not say that the Labour Ministry has not been alert all these days. I think the Labour Ministry is one of those Ministries in the Government of India which is very sensitive to public opinion, which is very careful in guarding the rights of the workers and which takes note not only of the conditions prevailing in our country but also has a good bias for incorporating into enactments those conditions and those provisions which are agreed to at international labour conferences.

It was a very happy idea of the Ministry that they appointed a study group on social security. I am glad that they have implemented some of those decisions. I think this Bill records an advance on our present labour legislation. It marks a step forward.

But there are one or two points to which I would like to draw the attention of the Labour Ministry. My hon. friend Shri Warior drew the attention of the House to two types of industries in this country—organised industries and unorganised industries. I think that is a very valid point and every Member of Parliament knows that perhaps in the unorganised industries the number of workers who are unprotected is much larger than the number of workers who get the social benefits in the organised industries. I feel that there should be a

committee formed to study what are the unorganised industries in this country which are not subject to that advanced and progressive labour legislation that we are enacting every day. In my constituency, there is one industry called bajri industry. There are humble workers mostly refugees from West Punjab, Harijans and members of the backward classes, who are engaged in breaking big stones into small stones, which are used by the railways and other departments. Those workers are not properly looked after. That industry employs hundreds of persons. I meet them if I go to Pathankot and other places. That is a kind of unorganised industry and the persons who run that industry are reaping huge profits. But no one bothers about the workers. That is an instance of unorganised industry into which the Government of India should look.

There is also the bidi industry. I do not know why this industry is left in an unorganised form. It is not subject to these regulations and enactments which are passed by this House. Bidi manufacturers and merchants are a very undesirable kind of profiteers.

Shri S. M. Banerjee: There are no accidents in that industry.

Shri D. C. Sharma: But there are occupational diseases. My friend is supposed to be a great friend of the workers. He must know there are occupational diseases—diseases of the lungs, of the heart, of the stomach and so on and sometimes those diseases are fatal. My friend presumes to be a great labour leader and yet he says, there is no accident there. I do not understand why he should think only in terms of accidents. Perhaps being an Independent and having his leanings towards a particular party, he thinks only in terms of accidents. I think in terms of accidents as well as occupational diseases and I want the people to be careful about both.

I am glad that the rate of compensation has been doubled and no one will take exception to that. Everyone

[Shri D. C. Sharma]

will feel happy about it. But I think this kind of blanket decision is not going to do good to anybody. You cannot measure everybody with the same rod. There should be a sliding scheme and you should give to the poor more, to the less poor less and so on. The total amount might have been there. Suppose there is a poor worker and he dies. You give him only Rs. 800. What is that amount worth for him? The Ministry should have devised a scale of payment according to which the lowest type of worker should have got more and the highest category of worker should have got less, though the total amount might have been the same. I believe in the socialist pattern of society, but it does not mean that you should give the same amount to the man who draws Rs. 500 as you give to the man who gets only Rs. 50. There should be some distinction between a man whose wage amounts to Rs. 50 and a man whose pay bill comes to Rs. 500.

Shri C. R. Pattabhi Raman: I did not want to interrupt Mr. Warrior. The coverage is quite clear. It goes up to Rs. 4500.

Shri D. C. Sharma: The compensation has been doubled, but I think the people who are in the lowest income group should have been given more than the persons who are in the higher income group. I am taking exception to the rule of doubling all along the line. Let a man who is in the highest income group get double. But why should a poor man in the lowest income group also get only double?

There is no doubt that certain provisions of this Bill have been liberalised. A few more diseases have been added to the list of occupational diseases. But, is the Ministry quite certain that these are the only diseases. The fact of the matter is, we are taking our cue from other countries, whereas in this country of ours there are so many other kinds of diseases. For this reason, I think, there should be a full table of those occupational

diseases to which the workers in different industries are exposed. Instead of taking the disease due to folidol because it happened in Kerala or some other disease because it happened in West Bengal, we should have a careful list, a well prepared list of those occupational diseases to which the workers in this country are exposed. I believe, this kind of piecemeal preparation of lists is not conducive to the welfare of the workers.

But the proof of the pudding lies in the eating, and the effect of a Bill is known by the way in which it is implemented. Here, I have the report on the working of the Workmen's Compensation Act in the State of Madras. I have specifically taken the State of Madras because the hon. Deputy Minister comes from that State—I have other reports also here. What does this report show? There are 9,078 factories and establishments and only 6000 factories and establishments gave their returns. You can understand how this Workmen's Compensation Act is going to be worked. Take references under Section 19, 29 references were received from the employees for the Commissioner's opinion as to the liability to pay compensation. About accidents reported fatal, 127 reports and petitions were pending at the beginning of the year. This is in respect of those who had met with fatal accidents. 99 reports were received during the year. 311 petitions were received from the dependants of the diseased workmen. Of these 537 reports and petitions, compensation was awarded or paid in respect of 126 cases. One case was transferred to another Commissioner. In another case the amount was refunded to the employers for want of dependants. Out of the remaining 129 pending cases 17 have since been disposed of. Sir, we all complain of delay in this country. We say that democracy means delay and our bureaucracy has got a good name for delay. From this report I see that so many fatal accidents have taken place and so many cases are still pending. I think

the Commissioner needs to be told that he must speed up the disposal of these cases.

Take the case of non-fatal cases. 272 reports and petitions were pending at the beginning of the year. What a sorry state of affairs! What a sad tale! What a disheartening account! What a dismal performance!

An Hon. Member: What an eloquence!

Shri D. C. Sharma: I think, while the Ministry of Labour means well, it should also see to it that the implementation of these Acts is done in as good a manner and in as speedy a manner as possible.

I have referred to fatal accidents and non-fatal accidents. I have also referred to the enquiries pending under the Workmen's Compensation Act which relate to the transfer of money etc. This whole report comes from the progressive State of Madras from which the Deputy Minister of Planning comes. It looks as if the Workmen's Compensation Act is in a state of suspension.

Therefore, I would request you to tell these people that it is not enough for us to pass this Bill and welcome it—I welcome it because it is a progressive legislation—and the very purpose of such liberal legislation is defeated if we work them like this. I believe that this is not the story of Madras alone. I think the same story you will find in UP and Bengal.

So, I would submit very respectfully that the Labour Ministry should not only specialise in passing Bills, which shows its awareness of the problems of workers, but it should also try to see that all its relevant bodies, all its auxiliary bodies, also take upon themselves the speedy implementation of these recommendations.

श्री बूटा सिंह (मोगा) : आनरेबिल डिप्टी स्पीकर साहब, जबकि सारा राष्ट्र

अपनी सीक्योरिटी और आजादी को बचाने में लगा हुआ है, मुझे बड़ी खुशी होती है कि हमारे मान्यवर लेबर मिनिस्टर साहब ने वर्कमैन्स कम्पेन्सेशन ऐक्ट में तरमीमी बिल पेश किया है। यह एक अच्छा कदम उठाया गया है जिस के वास्ते मैं सरकार की सराहना करता हूँ।

जो देश का मजदूर है वह किसी तरह से भी एक सिपाही से कम नहीं है। जैसे कि आज हम अपने मिपाहियों के हीसले बढ़ाने के लिये और उन को जोश देने के लिये उन की बेहतरी का खयाल करते हैं, ऐसे ही मैं समझता हूँ कि लोहे और कोयले की खानों में काम करने वाले, खेत में काम करने वाले, फ़ैक्टरियों में काम करने वाले मजदूरों की सोशल सीक्योरिटी की तरफ ध्यान देना चाहिये।

जैसाकि मिनिस्टर साहब ने बताया, यह जो वर्कमैन्स कम्पेन्सेशन ऐक्ट है, यह हिन्दुस्तान के सब से पुरातन ऐक्टों में से एक है। आज से तकरीबन चालीस साल पहले इस का आयाज हुआ। उस के बाद, जैसा मंत्री महोदय ने बताया, इस में यह कोई छठी बार तरमीम की जा रही है। अच्छा होता कि इस को अमेंड करने के लिये सरकार एक कम्प्रीहेन्सिव बिल हाउस के सामने पेश करती। यह ऐक्ट आज से ४० बरस पहले बनाया गया था जबकि हमारा देश एक और हालत में था जो हालत आज है उस वक्त वह हालत नहीं थी। उस समय से ले कर आज तक बहुत से परिवर्तन हुए हैं। बल्कि देश का जो पुराना प्रबन्ध था वह सारे का सारा बदल गया है। इसी तरह से चाहिये था कि उस के साथ ही साथ देश के मजदूरों की हालत

[श्री बूटा सिंह]

को सुधारने के लिये सरकार इस कानून को नये सिरे से एक कम्प्रीहेंसिव बिल की शकल में इस हाउस के सामने पेश करती ।

बहरहाल, जो यह वर्कमेंस कम्पेन्सेशन अमेंडमेंट बिल हमारे सामने है, उस में देखा जाय तो पता चलेगा, जैसाकि मेरे वुजुर्ग श्री दीवान चन्द जी शर्मा ने कहा है, कि जो कम आमदनी वाले मजदूर हैं उन को ज्यादा आमदनी वाले मजदूरों के बराबर रख कर उन के कम्पेन्सेशन को डबल किया गया है । मैं चाहता हूँ कि हमारी सरकार इस की तरफ और ज्यादा ध्यान दे क्योंकि इस देश में चीजों की कीमतें जिस रफ्तार से बढ़ रही हैं, उस हालत में जो कम तनखाह लेने वाले मजदूर हैं उन की सोशल सीक्योरिटी का सरकार को उसी रफ्तार से ध्यान रखना चाहिये था ।

डिप्टी स्पीकर साहब, मैं ने पिछली कुछ बरसों की रिपोर्ट पढ़ी हैं उन से पता चलता है कि जो पेरेंट ऐक्ट पर अब तक कम्पेन्सेशन देने के मामले में अमल हुआ है उसमें फ्रैक्टरियों, मिलों और इदारों के मालिक उस जग्जे का सबूत नहीं देते जिस का कि उन को देना चाहिये । जब कोई मजदूर किसी एक्सीडेंट से या किसी बीमारी से ना-काबिल हो जाता है तो उस के परिवार को बड़ी दिक्कत का सामना करना पड़ता है, और हम देखते हैं कि हमारे देश में जैसे जैसे तेज़ी से चीजों की कीमतें बढ़ती जाती हैं उसी तेज़ी से परिवार के सदस्यों की ख्या भी बढ़ती जाती है । इसलिये मैं चाहता था कि आज जो सरकार ने यह अमेंडमेंट पेश किया है इस में पेमेंट आफ कम्पेन्सेशन

के बारे में ज्यादा निगरानी से काम लिया जाता ।

जैसाकि श्री के० के० वारियर ने कहा, हमारे देश में बहुत इण्डस्ट्रीज अन-आरगोनाइज्ड हैं जोकि इस ऐक्ट के नीचे नहीं आती । ऐसे अनआरगोनाइज्ड इदारों की तरफ सरकार को खास ध्यान देना चाहिये था ।

मैं चाहता हूँ कि सारे देश भर में फ्रैक्टरियों में और इंडस्ट्रीज में जो एक्सीडेंट होते हैं उन के बारे में पता चलाने के लिये केन्द्रीय सरकार एक रिसर्च सेंटर कायम कर दे, जिस का यह काम हो कि वह हर प्रकार की इण्डस्ट्री के बारे में जो एक्सीडेंट होते हैं उन की लिस्ट बनाये और उन के बारे में जो मुआवजा दिया जाना है उस के बारे में अपना फ़ैसला सरकार को दे । बड़े दुःख की बात है कि अभी तक सरकार ऐसी केन्द्रीय संस्था बनाने में सफल नहीं हुई है ।

जहां तक रिटर्न्स का तात्पर्य है, जैसा कि अभी शर्मा जी ने बताया, पहले तो मिल वाले ही सही रिटर्न्स नहीं देते, उस के बाद राज्य सरकारें उन को केन्द्रीय सरकार के पास भेजने में बहुत देरी कर देती है और उस का नतीजा यह होता है कि जिस वरकर को कम्पेन्सेशन मिलना है या तो वह खत्म हो चुकता है या उसको पीछे कोई ऐसा नहीं रह जाता जो उस कम्पेन्सेशन को ले सके ।

सब से अहम बात इस मामले में यह है कि कम्पेन्सेशन देने में जो इंडस्ट्रीज के या मिलों के मालिक हैं वे जो रक़ीय अख्तियार करते हैं वह बहुत ही निन्दनीय है । जैसाकि हमारे देखने में आया है, वरकर को अपना कम्पेन्सेशन लेने के वास्ते कचहरियों में जाना पड़ता है, ट्राइ-

बुनस के सामने जाना पड़ता है, जिस के वास्ते न तो उन के पास अच्छे अच्छे एडवोकेटों को फीस देने के लिये पैसा होता है और न उन के पास इतना समय होता है कि अपनी जिन्दगी के जरिये को छोड़ कर मुकदमात के पीछे फिरें और कम्पेन्सेशन हासिल करें। मेरा सुझाव है कि ऐसे मामलों में मजदूरों को सरकार अपनी तरफ से स्वीगल एड दे। सरकार उन को एसी सुविधायें दे जिस से कि वह कचहरी में जा कर अपना केस अच्छी तरह से लड़ सकें और अपना मुआविजा ले सकें।

एक बात में आप के जरिये मिनिस्टर महोदय के ध्यान में लाना चाहूंगा। जैसाकि शर्मा साहब ने बतलाया कि कुछ ऐसी बीमारियां हैं जोकि काम करते वक्त मजदूर को हो जाती हैं। जैसेकि आजकल मिर्कैनाइज्ड फार्मर्स चलते हैं, काश्तकारी के लिये अच्छे अच्छे तरीके देखे जाते हैं और फिर उन फसलों के ऊपर ऐसी एसी दवाइयां छिड़की जाती हैं जिन का कि सीधा असर उन छिड़कने वाले मजदूरों के ऊपर पड़ता है। ऐसी इंसेक्ट्रीसाइटिस हैं जिन का कि सीधा असर मजदूर की सेहत पर पड़ता है। ऐसी बीमारियों के लिये भी सरकार को चाहिये कि कानून में व्यवस्था करे।

Shri S. M. Banerjee: That has been provided for.

श्री बूटा सिंह : सरकार ने इसे प्रोवाइड करके में मानता हूं कि बहुत अच्छा काम किया है और मैं उस की इस बात के लिये सराहना करता हूं। मैं समझता हूं कि ऐसे संकट काल में सरकार ने मजदूरों की तरफ ध्यान दे कर बहुत अच्छा काम किया है और मैं इस बिल का समर्थन करता हूं।

Shri A. P. Sharma (Buxar): Mr. Deputy-Speaker, Sir, I rise to support this Workmen's Compensation (Amendment) Bill, 1962. While supporting this Bill, I would like to congratulate the Labour Ministry for the step that it has taken in spite

of the national emergency existing in the country.

16.42 hrs.

[MR. SPEAKER in the Chair]

The Ministry deserves more congratulations for doubling the rate of compensation for a certain category of workers. Shri D. C. Sharma has just now said that there is disparity in the rate of compensation so far as the high paid and low paid workers are concerned. I am of the opinion that whatever the Labour Ministry has decided in this respect is perfectly right. This has been decided as a result of a well calculated study by a technical body known as the Study group on social security scheme in 1958. While supporting this Bill, I have to make one or two suggestions which I did not like to move in the form of amendments.

There is a mention about occupational diseases. I have the privilege to work in the public sector as a trade union worker, that is, the Indian Railways, which employ about 12 lakh workers in this country. There is a typical type of disease which particularly, the essential staff like the running staff develop in the course of their working, and that is, the loss of proper sight. At the time of recruitment, the essential staff like the loco running staff, namely the driver, fireman and cleaner, have to pass a particular standard of vision test, they are subjected to periodical tests from time to time as well. If they do not maintain that particular standard of vision test, they are disqualified for that particular job. To quote an example here in this House. I will mention about the C grade driver, the lowest grade of driver whose minimum earnings including salary and running allowances are near about, on an average, between Rs. 200 and Rs. 300. If a 'C' grade driver fails in the particular vision test, he is not paid any compensation, because that loss of vision test is not considered to be an occupational disease, and the only

[Shri A. P. Sharma]

compensation or concession which is given to him is that he is absorbed in a suitable alternative job; that suitable alternative job may be a job in the lowest category of workmen. I know of a large number of such people, and every year, we come across not one or two but a large number of people failing in this kind of test.

Therefore, I would request the Labour Minister to consider this matter. As I said earlier, I did not like to move any amendment regarding this particular disease even if it is not in the list of occupational diseases. But, I would request the hon. Minister to consider and see whether this also can be classified as an occupational disease or not.

I would also like to make a suggestion regarding the pay limit up to which workmen are covered under the Workmen's Compensation Act. A reference has been made already to the Study Group Report of the 1958. But most of the recommendations of the Second Pay Commission have been implemented in the year 1958-59 and onwards; and you will find that there is a large number of workers whose maximum salary is Rs. 575, ranging from Rs. 450 onwards as a result of the implementation of the Second Pay Commission report. It will be a very peculiar situation that a worker in the same scale will be covered under the Workmen's Compensation Act up to Rs. 500, and beyond that he will not be covered. Therefore, my suggestion is that all the workers drawing pay up to Rs. 575 instead of up to Rs. 500 may be covered by this Act.

I would once again congratulate the Labour Ministry on behalf of the INTUC in particular, which is the largest and the biggest labour organisation in the country, and also on behalf of the workers in general in this country, that in spite of the national emergency they have taken this step to improve the condition of the workers.

Shri A. N. Vidyalankar (Hoshiarpur): I join with my other hon. friends in congratulating the Labour Minister and his Ministry for having brought forward this legislation which has been awaited since very long. I also support the suggestion that has been made by some hon. Members that there is need for a comprehensive legislation in order to cover all the social security measures.

Yesterday also, while speaking on the Employees' Provident Funds (Amendment) Bill which dealt with the question of the provident funds for the workers, I had stated that there should be a comprehensive legislation, and there should be a single agency to implement all the social security measures. The Study Group that had been appointed by the Indian Labour Conference had also suggested this. I hope that Government will consider that suggestion seriously, because that will facilitate the implementation and it would also be possible thereby to cover a larger number of workers.

My hon. friend Shri D. C. Sharma has rightly complained that there are still a large number of workers who are not covered, under this legislation and they also deserve coverage. I am glad that under the proposed amendment, compensation would be paid not only when the accidents occurred within the premises of a factory but even outside, since accidents occurring outside the factory would also be covered. I hope that will cover all the workers working in the various irrigation projects. I know, for instance, that a long time ago, in Bhakra many such accidents took place, but it was become difficult to convince the authorities there to give them compensation because the Act did not cover those cases; but the Punjab Government kindly agreed to pay those persons the due compensation. But now this legislation also will cover all such workers. That is a really welcome decision.

The Study Group, to which I have referred, also suggested that instead of the system of lump sum payment, there should be a system of periodical payment. After all, when you pay some lump sum account to a person who has suffered from an accident you feel that you had done your duty, you had been fair to him. But this is not correct. The society is responsible for the well-being of the worker because he had been doing social service. As one hon. Member said, these workers in factories or peasants in the fields are soldiers on the home front just as our soldiers are fighting on the war front. So we should see that their interests are protected. If in the course of their service to society, they are disabled on account of some accident, the society has certain responsibilities towards them. Therefore, I think we should introduce the system of periodical payments. It has been introduced in the case of temporary disability, but it should have been introduced in the case of permanent disability also. Similarly, in case of death, some kind of the system whereby the dependents of deceased workers are paid for some time is also very necessary because once a lump sum is paid, it is spent easily. Also the amount that is paid in that manner is not much. So I think Government should consider this suggestion of the Study Group.

The doubling of rates is welcome, but I think the rates are still inadequate. The cost of living is rising. Although we have not accepted fully and universally the system of linking wages to the cost of living indices, at least in the case of compensation we must adopt this formula. As the cost of living rises, correspondingly the rates of compensation should also be enhanced. Shri D. C. Sharma was suggesting some sliding scale. There is already sliding scale, but that scale is not enough. It is true that as the amount of wages rises, the ratio of compensation becomes less. I think in the case of the low income groups the ratio should be a little higher. At present, accord-

ing to the Schedule, it comes to about one-third. It is very inadequate. You will see that in certain cases, it is only a paltry sum that we pay. So in the case of low income groups, there should be a higher percentage.

I also wish that production bonus etc. should be included in wages for the purpose of compensation calculation so that the share of compensation is accordingly raised. At present, about 29 per cent workers are getting Rs. 50 or less, 60 per cent get Rs. 50—100 and 9 per cent only get Rs. 100—200. If we keep these figures before us, we realise what a low sum are being paid. So in the case of low-income groups, the percentage should be higher.

The Study Group suggested a scheme according to which 60 per cent of wages in the case of permanent as well as temporary workers was to be paid. I think we are much behind that so far as our proposals are concerned. The Study Group had recommended a much higher percentage—60% of total wage paid as compensation.

With regard to occupational diseases, the list is not exhaustive or comprehensive. In modern times, when the mode of an industry changes, conditions change and therefore it is very difficult to prepare an exhaustive list. I would therefore suggest that Government should take powers to include other occupational diseases that come to their notice as and when necessary. Government should also institute research into this because I know there are many occupational diseases that come to the notice of the doctors, which are not mentioned here. For instance, workers who deal with bagasse in the sugar industry, contract a disease called bagassosis. As it will take a long time to bring an amendment every time, Government should arm themselves with the power to include such diseases so that the affected workers may be compensated.

[Shri A. N. Vidyalankar]

I also feel that claims are not properly attended to. They should be properly attended to, and for that the implementation machinery should be strengthened. The procedure which is very long at present should be made simple. Especially when somebody dies, his dependents find it extremely difficult to get compensation.

While providing for compensation, we should also take measures to introduce safety measures. Those that are provided in the Factories Act are not properly followed. I know many industries where these are not followed, with the result that the number and incidence of accidents goes on increasing. Therefore, the Labour Ministry at the Centre and in the States should take steps to reduce the number of accidents by the introduction of safety measures. Preventive measures should be introduced, and preventive education should be given, so that occupational diseases are not contracted by workers. Facilities and equipment to protect the workers themselves from poisonous gases, dust etc., should also be provided.

I again congratulate the Ministry for bringing forward this very useful and long-awaited measure.

Mr. Speaker: Shri Soy.

Shri H. C. Soy (Singhbhum) rose—

Mr. Speaker: But why did he not rise if he wants to speak?

Shri H. C. Soy: Others did not rise even when they were called. I thought I would be called.

Mr. Speaker: He ought to rise even though he has sent in his name.

श्री ह० च० सोय (सिंहभूम) : अध्यक्ष महोदय, मैं इस बिल का स्वागत करता हूँ। इस में कई नये संशोधन लाये गये हैं और आक्यूपेशनल डिजीज के नाम पर कई और चीजें शामिल की गई हैं।

जैसाकि और माननीय सदस्यों ने कहा है, उचित यह होता कि एक कम्प्रिसिव जांच होती और दूसरी तरह की आक्यूपेशनल डिजीज को भी शामिल किया जाता। अभी माननीय सदस्य श्री शर्मा न लोको ड्राइवज की ओर इशारा किया है। इस ओर मैं भी सदन का ध्यान आकर्षित करना चाहता हूँ। मुझे खुद ऐसे लोगों की बहुत बड़ी संख्या का पता है साउथ ईस्टर्न रेलवे में, कि जो काम करने के लिये आते हैं लेकिन जिन की कुछ दिनों के बाद आँखें खराब हो जाती हैं। उस के बाद उन की हालत यह होती है कि उन्हें कम्पेन्सेशन तो नहीं लेकिन सब से छोटे दर्जे का काम दे दिया जाता है।

हम को पूरा विश्वास है कि जिस हालत में वे काम करते हैं उस से उन की आँखें खराब हो जाती हैं। तो मैं चाहता हूँ कि इस को भी इस में शामिल किया जाये।

दूसरी बात में यह कहना चाहता हूँ कि जो मजदूर सीमेंट के कारखानों में पैकिंग और लोडिंग अनलोडिंग का काम करते हैं उन को यह देखा गया है कि टी० बी० की बीमारी बहुत ज्यादा हो जाती है। इतना ही नहीं सीमेंट के लिये जो पत्थर निकाला जाता है और उस में जो मजदूर काम करते हैं—वहाँ काम बुलडोजर्स के द्वारा होता है—उन को भयानक धूल के भीतर काम करना पड़ता है।

अध्यक्ष महोदय : माननीय सदस्य क्या इस को कल जारी रखना चाहते हैं ?

श्री ह० च० सोय : जी।

The Lok Sabha then adjourned till Twelve of the Clock on Friday, the 30th November, 1962/Agrahayana ५, 1884 (Saka).

17.02 hrs.