

Shukla, Shri Vidya Charan  
Shyamkumari Devi, Shrimati  
Siddananjappa, Shri  
Siddhanti, Shri Jagdev Singh  
Siddiah, Shri  
Sidheshwar Prasad, Shri  
Singh, Dr. B. N.  
Singha, Shri G.K.  
Sinha, Shrimati Ramdulari  
Sinha, Shrimati Tarkeshwari

Snatak, Shri Nardeo  
Subramanyam, Shri T.  
Sumat Prasad, Shri  
Surendra Pal Singh, Shri  
Surya Prasad, Shri  
Swaran Singh, Shri  
Thomas, Shri A. M.  
Tiwary, Shri D. N.  
Tiwary, Shri R. S.  
Tripathi, Shri Krishna Deo

Uikey, Shri  
Ulaka, Shri Ramachandra  
Upadhayaya, Shri Shiva Dutt  
Vaishya, Shri M.B.  
Varma, Shri Ravindra  
Veerabasappa, Shri  
Venkatasubbaiah, Shri P.  
Verma, Shri Balgovind  
Verma, Shri K.K.  
Vidyaiankar, Shri A. N.

### NOES

Alvares, Shri  
Bagri, Shri  
Banerjee, Shri S.M.  
Barua, Shri Hem  
Chakravarty, Shrimati Renu  
Elias, Shri Mohammad  
Gupta, Shri Kashi Ram  
Imbichibava, Shri  
Kachhavaiya, Shri Hukam Chand  
Kakkar, Shri Gauri Shankar

Kamath, Shri Hari Vishnu  
Kandappan, Shri S.  
Kar, Shri Prabhat  
Kripalani, Shri J.B.  
Lahri Singh, Shri  
Lakhan Das, Shri  
Limaye, Shri Madhu  
Lohia, Dr. Ram Manohar  
Maurya, Shri  
Muhammad Ismail, Shri

Mukerjee, Shri H.N.  
Nath Pal, Shri  
Pattnayak, Shri Kiaben  
Pottekka\*, Shri  
Samanta, Shri S.C.  
Shastri, Shri Prakash Vir  
Singh, Shri Y. D.  
Trivedi, Shri U.M.  
Warior, Shri  
Yajnik, Shri

**Mr. Speaker:** The result of the division is: Ayes: 153; Noes: 30.

*The motion was adopted.*

**Mr. Speaker:** The Leader of the House has not voted! (अवधान)

डा० राम मनोहर लोहिया (फर्रुखाबाद): अध्यक्ष महोदय, यह जो रियायत आप ने दी है अभी उसी तरह से मुझे भी बोड़ी रियायत दे दीजिये। श्री मोरारका को जो रपट यहां प्रस्तुत हुई है उसके बारे में खाली यह पूछना चाहता हू कि क्या वह इस सम्बन्ध में है कि हमारे सिपाहियों को हवाई जहाज से जो रसद और सामान भेजा जाने वाला था वह उन को नहीं मिला, और वह वाजार में बिक रहा है।

अध्यक्ष महोदय : वह तो टेबल पर आई है। क्या मैं अभी से उसका डिस्कशन शुरू कर दूँ।

डा० राम मनोहर लोहिया : रसद मिली नहीं है। इस से इतना खतरनाक मामला होता जा रहा है और इसी से रूम, चीन और अमरीका हमारे यहां धर करते जा रहे हैं।

अध्यक्ष महोदय : यहां पह रूस और चीन भी आ गया।

12.39-1/2 hrs.

### EMPLOYEES' STATE INSURANCE (AMENDMENT) BILL—contd.

**Mr. Speaker:** Mr. Narendra Singh Mahida to continue his speech.

**Shri Narendra Singh Mahida (Anand):** Yesterday I was referring to the new sub-section 51D proposed in clause 23 regarding accidents happening while meeting an emergency. If an employee renders emergency service to rescue or protect persons who are injured or imperilled or avert damage to property, he shall be protected.

In clause 24 there is provision for dependents. Occupational disease will be considered as employment injury. In clause 26, there is provision for referring to medical boards and appeals to medical appeal tribunals and employees' insurance courts. While the scheme provides for medical relief, sickness and benefit during

[Shri Narendra Singh Mahida]

the period of sickness, maternity benefit for female workers and employment injury benefits, it leaves out an important contingency, namely, protection for old age. A beginning in the direction of making some provision for old age was made in 1948 itself, when the Government of India enacted the Coal Mines Provident Fund and Bonus Schemes Act. There is also no unemployment insurance scheme in existence. Provision exists in the Industrial Disputes (Amendment) Act, 1954 to provide for unemployment relief in case of retrenchment and lay-off.

May I draw the attention of the hon. Minister to PAC 54th report of 1965-66, page 138 where it says:

The Committee are constrained to note the delay in placing the Audit Reports on Employees' State Insurance Corporation on the Table of the House in time. This delay in presenting the report tantamounts to deprivation of the right of the Parliament to receive the accounts in time. The Committee take a serious view of this delay and hope that in future the Audit Reports will be presented to Parliament soon after they are submitted by Audit, so that, they are available to the members of Parliament and the Public Accounts Committee for examination without delay.

The Committee make another criticism on page 142 of the same report:

"It is all the more surprising that the Corporation has not been able to recover its dues even from a Government Body (Rajasthan State Electricity Board) which are pending for the last 14 years. The Committee would like to know the final decision in this respect."

Again, on page 149 of the same report:

"From the note submitted at the instance of the Committee it is clear that there was undue delay at every stage in this case which resulted in locking up of the amount of Rs. 1 lakh sanctioned for the construction of a hospital. What is more surprising is that all correspondence in adjusting this amount against the dues to be paid to Delhi Administration remain unattended to. The Committee would like that this matter be taken up at a higher level and finalised without further delay."

May I also know from the hon. Minister whether this Act is extended to the State of Jammu and Kashmir? In a nationwide scheme of this magnitude and size, complaints and criticism from various sources have to be expected. It must be said to the credit of the organisation that it has been taking notice of all complaints, criticisms and suggestions and problems that are brought to its notice from time to time and they have tried to solve and smoothen out as many of these as possible by means of administrative instructions and amendments to the regulations. The proposals mentioned in this Bill are likely to simplify the working of the scheme considerably and are likely to result in substantial savings in administrative costs. With these remarks I support the Bill.

Shri S. M. Banerjee (Kanpur): Sir, I want to know only one thing from you now, as you may not be in the Chair after some time. The next item on the agenda is the Banaras Hindu University Bill. I remember there was a request from us that the Aligarh Bill and the Banaras Bill be taken up together. As you know, the next item on the agenda is the further consideration—first stage—of the Banaras Hindu University (Amendment) Bill.

Even in the last session, it was promised by the Education Minister that he would see that both this Bill and the Aligarh Muslim University (Amendment) Bill are taken together.

**Mr. Speaker:** I cannot give any ruling or assurance on these things which are within the knowledge of the Minister only. How shall I be able to answer such things?

**Shri S. M. Banerjee:** At least on procedure.

**Shri Hari Vishnu Kamath** (Hoshangabad): You may kindly, before you leave the Chair, informally discuss it with whoever may be in the Chair and try to come to some agreed settlement and tell us.

**Mr. Speaker:** I am prepared to come again if I am wanted. Dr Melkote.

**Dr. Melkote** (Hyderabad): Mr. Speaker, Sir, I have very great pleasure in welcoming this Bill though it is a belated one. We were expecting the introduction of this Bill long back but anyway it has come and I welcome it heartily.

There are a number of points that have been detailed by the Minister while introducing the Bill. The Bill covers most of the points that we had expected to be covered up, and many of the hon. Members have already spoken on the Bill. I would like to say that the raising of the amount from Rs. 400 to Rs. 500 is particularly welcome, because it covers more workers than what we had expected so far. The definition of "dependent" has also changed. It now includes the parents of widows who are also among the working classes. That is also a very welcome feature, so far as the working classes are concerned. There are very many other points like the exemption limit which is being raised from Rs. 150 to Rs. 200. A benefit of Rs. 100 was accepted by all groups. In fact, so far nothing was being paid, and to say that much more

than that has to be paid is quite understandable; it was quite understandable that the amount should be raised. But this is an agreed formula which was accepted, that we should put it at least up to Rs. 100. I therefore welcome this feature also.

The conditions for eligibility of sickness and maternity benefits are being simplified. That is also good. The rate of disablement and dependence benefit is being modified. These and very many other features of the Bill are really most welcome. I would like to point out only one or two factors in this Bill which should be taken into account, because I was one of those Members who toured different parts of the country to know how the provisions of the Employees' State Insurance Act are being utilised by the people.

One of the factors is this; complaints are made by the doctors that a certain amount of pressure is used by the factory workers to certify that they are ill. The doctors have to comply with it; otherwise, they are attacked by a mob, and the workers go round and molest them. I have heard this in several places. It is not at all good to the workers. I would like to bring this especially to the notice of Parliament here, and request that they should all utilise their good offices to see that in the interests of the country, the workers do not take undue advantage and take this benefit. This is supposed to be one of the reasons why the management is complaining that the production in this country is going down, because this Bill is giving a great latitude to workers to absent themselves. In a country like ours, which is very poor, the workers should not take undue advantage of these provisions. I am speaking as a representative of the working class, and I hereby appeal to all the workers that they should not utilise the provisions in such a way that they compel the doctors to certify in the way the workers want them to. On the other hand, I have heard numerous complaints from the workers themselves that the benefit that they

[Dr. Melkote]

ought to get under this Bill is being denied to them because it is under the control of the State Governments to a large extent. That point is also quite correct. The workers pay for the benefit. So far, the Government was expected to look after the salary of the workers when they were ill, and today, the worker is paying for it; the employer is already paying. But then, as against the general benefit that the common man gets in the hospitals the worker is expected to get much more benefit because he is paying for it. The public also demand that if there is better treatment accorded to an ordinary worker, they should also not be denied the same. It only shows that the treatment which the Government is according to the public is not quite good. The point made by the worker that he should get special treatment because he is paying for it is also correct. I feel, therefore, some understanding should be arrived at between the State Governments and the Insurance Corporation to see that this discrepancy is removed in the minds of the people and the workers. Where the worker is paying money to get the necessary benefits and comforts, he should be accorded better benefits and comforts, even more than what a common man is getting. In this, the worker finds a lot of difficulty. There is a panel of doctors who prescribe the necessary medicines that ought to be kept in the hospital. But in spite of his paying for it, the worker is oftentimes denied the benefit of this due to one cause or the other. This has got to be gone into in detail. I have mentioned it to the Corporation also. It is absolutely correct to say that the benefits which the workers expect are not flowing to the extent they ought to. I personally feel that the Minister should look into it and if necessary set up a committee to deal with this particular aspect of the question.

I have nothing more to say. All the other speakers have spoken welcoming this Bill. I also welcome this Bill.

श्री मोहन स्वरूप (पीसीभीत) : अध्यक्ष महोदय, जो बिल हमारे मामले प्रस्तुत है, उस के द्वारा प्रिमियल एक्ट में बिल्कुल परिवर्तन कर दिया गया है। इस बिल की 42 क्लॉजिज - में पुराने एक्ट के 99 सेक्शन्ज में से करीब करीब सब को उलट-पलट पर दिया गया है। इस के अलावा मेक्शन 66, 68 और 73 एच वर्ग को ओमित भी कर दिया गया है।

श्री हरि विष्णु कामत : अध्यक्ष महोदय, मेरा नम्र निवेदन है कि कम से कम इस समय सदन में कोरम डोना चाहिए।

अध्यक्ष महोदय : घंटी बजाई जा रही है—कोरम हो गया है। माननीय सदस्य अपना भाषण जारी रखें।

श्री मोहन स्वरूप : मैं कह रहा था कि इस नये बिल के द्वारा पुराने एक्ट में बिल्कुल हेर-फेर कर दिया गया है। अच्छा होता कि इस एमेंडमेंट बिल के बजाये एक नया बिल लाया जाता, जिस में ये सब प्राविजन्ज होते। फिर भी मैं इस बिल का स्वागत करता हूँ, क्योंकि इस में वर्कज के लिए अच्छी व्यवस्था की गई है। मिसाल के तौर पर इस में यह व्यवस्था की गई है कि इस कानून से कवर होने के सम्बन्ध में जो 400 रुपये की वेज लिमिट रखी गई थी, उस को बढ़ा कर 500 रुपये कर दिया गया है। इस लिए इन्शोरेंस की सुविधायें और ज्यादा व्यापक हो जायेंगी।

इस के अतिरिक्त डिस्ट्रीब्यूशन और सेल में लगे लोगों को भी इस में सम्मिलित कर लिया गया है। पहलू बाग फ्यून्ड के लिए 100 रुपया देने की व्यवस्था की गई है। प्रिमियल एक्ट में जच्चा-बच्चा के लिए कोई व्यवस्था नहीं थी। लेकिन इस बिल में उस

के लिए कुछ प्रावधान किया गया है। इसी प्रकार डिसेबनमेंट बनिफिट की दर भी बढ़ा दी गई है। मॉटे वीर से मैं इस बिल का स्वागत करता हूँ, लेकिन इस बिल की कुछ बातों की तरफ मैं मंत्री मंडादय का ध्यान दिलाना चाहता हूँ।

पोर्ट-टाइम इंडस्ट्री के बारे में यह व्यवस्था की गई है कि जो इंडस्ट्री बरस में सात महीने से अधिक काम न करती हो, उस को पोर्ट-टाइम इंडस्ट्री में शामिल किया गया है। मैं चाहता हूँ कि इस अवधि को बढ़ा दिया जाये और जो इंडस्ट्रीज रीकिंग वर्ग के थोड़े से कामों के लिए 11 महीने तक चलती हैं, उन को भी इस में शामिल कर लिया जाये।

मैंने यह बात रखरती है कि इस मंहगाई के जमाने में एम्पलाई का कॉन्ट्रिब्यूशन पुराने एक्ट की तुलना में काफी बढ़ा दिया गया है। एम्प्लायर तो एम्पलाईज के श्रम में लाभ उठाता है और लाखों कराड़ों खर्च करता है। उस के अनुपात में एम्पलाई का जो कॉन्ट्रिब्यूशन रखा गया है, वह बहुत अधिक है। मैं दिवदन करना चाहता हूँ कि मंत्री मंडादय इस और ध्यान दें और एम्पलाईज के कॉन्ट्रिब्यूशन को कुछ कम कर दें।

मैं कुछ क्लेजिज का भी उल्लेख करना चाहता हूँ। पुराने एक्ट में कुछ क्लासिज ग्राफ पोस्ट्स की व्याख्या नहीं दी गई थी। क्लाज 11 में उन के बारे में पहिलवा सविस कमीशन से परामश की व्यवस्था की गई है। यह एक अच्छी बात है और मैं इस का स्वागत करता हूँ।

कापोरेशन में पालियामेंट के मेम्बरज की संख्या को दो से बढ़ा कर तीन कर दिया गया है। यह भी अच्छी बात है, लेकिन इस के साथ साथ यह भी व्यवस्था की गई है कि जो व्यक्ति पालियामेंट का मेम्बर न रहे, उस को वहाँ पर काम करने का अधिकार नहीं होगा। मैं नहीं समझता कि जब किसी पालियामेंट

के मेम्बर का टेन्चर खत्म नहीं हुआ है, तो उस को इस काम में क्यों बंचित रखा जा रहा है। जब हाई कोर्ट के जज रिटायर होने के बाद भी काम कर सकते हैं, तो पालियामेंट के मेम्बर क्यों नहीं कर सकते हैं? इस लिए बताया पीरियड में भी उन को काम करने देना चाहिए, जिस में उन को काम करने का अधिकार था।

**श्रम, रोजगार तथा पुनर्वास मंत्रालय में उपमंत्री (श्री शाहनवाज खाँ) :** जब कोई शरूस पालियामेंट का मेम्बर नहीं रह जाता है, तो वह कारपोरेशन का मेम्बर भी नहीं रह सकता है।

**श्री मोहन स्वरूप :** उस व्यक्ति को यह सोच कर मेम्बर बनाया गया था कि वह कारपोरेशन में जा कर काम करे। अगर वह किसी वजह से पालियामेंट का मेम्बर न रहे, तो उस को उस काम में क्यों बंचित रखा जाये ?

**श्री शाहनवाज खाँ :** वह वतीर पालियामेंट का मेम्बर चुना गया था। अगर वह पालियामेंट का मेम्बर नहीं रह जाता है तो कोई दूसरा पालियामेंट का मेम्बर उस की जगह वहाँ पर काम करेगा।

**श्री मोहन स्वरूप :** मंत्री मंडादय का यह विचार होगा, लेकिन मैं ने अपना विचार व्यक्त कर दिया है।

क्लाज 12 के द्वारा संवर्गन 27 और 31 को अंग्रहित कर दिया गया है, क्या कि उन्हें बेकार माना गया है, लेकिन ऐसा नहीं है कि उन में कुछ अन्व था और इस लिये उन को रहने देना चाहिए था।

## [श्री मोहन स्वरूप]

क्लाज 15 में यह व्यवस्था की गई है कि उस व्यक्ति से कोई कान्ट्रीव्यूशन नहीं लिया जायेगा, जिसकी एंबरेज डेलीवेज डेढ़ रुपया होगी, जबकि पहले इस बारे में एक रुपया रखा गया था। मैं चाहता हूँ कि यह व्यवस्था कर दी जाये कि जिनकी बेजिज दो रुपये हों, उससे कोई कान्ट्रीव्यूशन न लिया जाये। क्योंकि आजकल महंगाई का जमाना है। इसलिए डेढ़ रुपये के स्थान पर मैं चाहता हूँ कि 2 रुपया कर दिया जाय। आजकल जो खेतीहर मजदूर है, मामूली मजदूर है वह भी दो रुपये पाता है तो जबकि भित्तों में जो काम करते हैं, जो स्पेशलाइज्ड काम करते हैं, उनको तो कम से कम दो रुपये होना चाहिए। इसी तरीके से क्लाज 17 है। उसमें दोष यह है कि एम्प्लाइज के लिए तो बताया गया कि अगर वह कान्ट्रीव्यूशन न दे अपना तो एरियर आफ रेवेन्यू की तरह से वसूलयाबी उससे की जाय। लेकिन जो एम्प्लायर है उसके लिए कोई व्यवस्था नहीं है कि एम्प्लायर अगर कान्ट्रीव्यूशन अदा नहीं करता है तो उस पर क्या कार्यवाही की जाय। इसकी कोई चर्चा बिल में नहीं आयी।

13 hrs.

**श्री शाहनबाज खाँ :** उस पर मुकदमा चलाया जायेगा।

**श्री मोहन स्वरूप :** उसमें होना चाहिए था कुछ। वह नहीं किया गया। इसी तरीके से क्लाज 21 है। उसमें व्यवस्था है कि मिक्नेस बेनिफिट 56 दिनों के लिए उपलब्ध होगी। मैं समझता हूँ कि बीमारी प्रोलांग भी कर सकती है और ऐसा भी हो सकता है कि कुछ दिनों में ही आदमी अच्छा हो जाय। इसलिए 56 दिन के स्थान पर यह रख दिया जाय कि जब तक कि वह तन्दुरुस्त न हो, उसको उस एनमेंट में छुटकारा न मिले, तब तक के लिए सुविधा मिलनी चाहिए। उसमें कोई दिन मकरंर करना या कोई लिमिट

मकरंर करना यह मैं अच्छी बात नहीं समझता क्योंकि बीमारी छूट भी सकती है और बढ़ सकती है।

इसी तरीके से मेडिकल बॉर्ड के फमले के विरुद्ध अपील की व्यवस्था क्लाज 26 में की गई है। यह एक अच्छी बात है और इसका भी इसमें जो प्रावधान किया गया है इस से लाभ ही होगा लोगों को और उनके हकूक बच जायेंगे। क्लाज 39 में ग्रान्ट आफ एजम्पशन की व्यवस्था की गई है। यह भी एक अच्छी बात है। क्लाज 41 भी अच्छा है और यह ऐक्ट को और ज्यादा व्यापक बनाता है।

अब शिड्यूल जो है प्रिंसिपल ऐक्ट में दो शिड्यूल थे जिसमें एक और दो को जोड़कर शिड्यूल 1 में सम्मिलित किया गया है और उसी के साथ साथ शिड्यूल 3 और एक बनाई गई है। उसमें शिड्यूल 3 में बीमारियों का तस्किरा किया गया है। मैं समझता हूँ कि आदमी को तीन तरह से इस बिल द्वारा लाभ होना है। एक तो यह कि चोट लग जाय, दूसरे यह कि उसको आक्पेशनल जो बीमारी होती है, उस कार्य में लगे रहने के बाद जो बीमारी होती है वह और तीसरे यह कि डिसेबिल हो जाय, हाथ पैर टूट जाय या और कुछ हो जाय तो इसमें बहुत सी बीमारियों का तस्किरा किया गया है और लम्बी लिस्ट उसकी है।

अन्त में मैं इस बिल का समर्थन करूंगा लेकिन मैं यह चाहता हूँ कि आज कल के इस महंगाई के युग में जबकि गरीब पिसता चला जा रहा है और जबकि एम्प्लायर जो कि पहले से ही धनाढ्य हैं और भी धनाढ्य होते चले जा रहे हैं तो उस सिलसिले में गरीब वर्कस के जो हकूक हैं, उनको जो तकलीफें हैं, उनके ऊपर अधिक से अधिक ध्यान दिया जाना चाहिए था जो इस में नहीं दिया गया है। इतना कहकर मैं अपनी बात खत्म करता हूँ।

**Shri Shah Nawaz Khan:** Mr. Speaker, Sir, I am deeply indebted to all the hon. Members who have taken part in this debate and expressed approval of the amendments that we wish to introduce. This is a measure for the social welfare and benefit of the working class and it is natural that it should have the approval of this august House.

During the discussions, some hon. Members, particularly from West Bengal, expressed their dissatisfaction over the working of the medical benefits and hospitals in that State. This scheme covers approximately 34 lakh workers in this country and it will go on increasing. It is inevitable that in a scheme of this magnitude there should be some weaknesses, some flaws, some drawbacks. But I can assure the hon. Members that we are keeping very strict watch over the working of hospitals, dispensaries and the panel of doctors. I have been taking a personal interest in this matter. I have personally visited a large number of hospitals, dispensaries and seen the working of the panel of doctors. We have instituted a number of teams of medical experts who are visiting different States. Sometimes they are going and carrying out surprise visits of various hospitals and dispensaries and suggesting various remedial measures. All I can do is to assure the hon. Members of this House that this very important aspect of the working of the ESI scheme shall receive our constant and continued attention.

And as has been provided for in this amending Bill, there is a provision that if this scheme does not function satisfactorily in any State then with the approval of that particular State Government the Centre can take over. There is that provision there. In fact, we are making an experiment in Delhi and we are watching the results. I can assure the hon. Members that if we find that in any place our workers are not getting the benefits in a way they ought

to get, then we shall not hesitate to take remedial steps. Firstly, of course, it is a big undertaking and we have to do it in cooperation with the State Governments. If any State Governments have any genuine difficulties we shall always be prepared to go to their assistance. But, there is that provision about which I have already made a mention.

Then my hon. friend, Shri Banerjee, who is, unfortunately, absent from the House at this moment—he takes very keen interest in all these matters—was of the view that the funeral benefit of Rs. 100 per individual was not sufficient. This is for the first time that a benefit of this nature has been provided for. As my hon. friend, Dr. Melkote, has said, this decision was taken after full consultation and discussion in the Standing Committee of the ESI at which all the representatives of the working class, the employers and the Government were all present. This decision was unanimously taken there. The hon. House would be interested to know that if this funeral grant, as some hon. Members suggested, is raised from Rs. 100 to Rs. 250, the additional expenditure for the present coverage would be about Rs. 36 lakhs per annum, and in a scheme of this nature in which we have to provide for various hospitals, dispensaries etc., and there is continuous expenditure going on, we felt initially we will fix it at Rs. 100 per head and if there is need for increasing it, later on a decision can be taken.

My hon. friend, Shri Banerjee was also vehement in criticising the Corporation for not taking effective steps for effecting recoveries from the employers. I would like to inform him that legal action was taken and prosecution was launched against that mill he mentioned—Lakshmi Rattan Cotton Mills, Kanpur—on 13th May, 1966. This is not the only one case. The Corporation has never hesitated to take effective action even against

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the highest of the so-called capitalists and big mill-owners. As he knows, one of the biggest mill-owners of Kanpur was prosecuted and punished with imprisonment for three months. I can assure him that it will be our constant endeavour to go on effecting the recoveries. I may say for his information that our total income till 31st March 1966 was of the order of Rs. 131.30 crores out of which odd arrears amount to Rs. 2.1 crores odd which represent about 1.5 per cent. For Employees' Provident Fund and other funds the arrears are of a much higher magnitude. So, the arrears are by no means very high in this particular case.

Some of my hon. friends referred to the difficulties which the insured persons have in obtaining medicines. Except the specialist medicines, the rest are dispensed with by the ESI dispensaries. For the panel doctors there are three lists. In some cases the panel doctors provide medicines from their own stores; in some cases, they send them to the chemists. In those cases where some medicines have to be dispensed with only by the specialists, they send the patients to the specialists. If there is any need for streamlining the administration in any way, we shall take appropriate steps.

My hon. friend, Shri Pande who has very wide experience of the working of the scheme, talked about the extension of the scheme to seasonal factories. That is a point which we shall examine in detail. If it is possible, we shall take appropriate action.

I am glad, my hon. friend, Shri Banerjee, has come back. He talked about some assurance which I had given to my hon. friend, Shri Arora, who is a member of the Standing Committee of the ESI, regarding the strike which had taken place among the employees of the ESI. I may inform him that I gave no assurance of the nature he has mentioned. All I assured him was that if the employees have

any legitimate grievances, we shall always be prepared to sit across the table, discuss them and take remedial action. But, at the same time, I made it equally clear to him that we shall not tolerate indiscipline and misconduct, for which we propose to take firm action against those who are guilty.

**Shri S. M. Banerjee:** May I ask for a clarification? I raised two points. One was regarding the doctors. The second was about the employees. When the hunger strike was going on throughout the country, about 400 employees of the ESI were suspended. My hon. friend from Kanpur in the other House, Shri Arjun Arora, met Shri Shahnawaz Khan in the matter and he was given an assurance that all the legitimate demands of the employees will be properly redressed if the strike was withdrawn. I want to know what has happened to those who were suspended.

**Shri Shahnawaz Khan:** Shri Banerjee said that I told Shri Arora that if they withdraw the strike I will do this and that. I did not say anything of that sort.

**Mr. Speaker:** What is the position of those who were suspended? Has the suspension been withdrawn?

**Shri Shahnawaz Khan:** In a large number of cases the suspension has been withdrawn when the employees expressed regret for what they have done. In the case of other employees who are guilty of misconduct, violence and other objectionable activities, the suspension still stands; the charge-sheets are being served and proper action will be taken.

**Mr. Speaker:** The question is:

"That the Bill further to amend the Employees' State Insurance Act, 1948, be taken into consideration."

*The motion was adopted.*



**Mr. Speaker:** We will now take up clause by clause consideration. The question is:

"That clauses 2 to 40 stand part of the Bill".

*The motion was adopted.*

*Clauses 2 to 40 were added to the Bill.*

**Clause 41** (*Insertion of new section 99A.*)

*Amendment made:*

Page 21, line 24,—

for 'purposes' substitute—

"provisions" (3)

(*Shri Shahnawaz Khan*)

**Mr. Speaker:** The question is:

"That clause 41, as amended, stand part of the Bill".

*The motion was adopted.*

*Clause 41, as amended, was added to the Bill.*

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

**Clause 1—** (*Short title, commencement and application*)

*Amendment made:*

Page 1, line 4,—

for "1965" substitute—

"1966" (2)

(*Shri Shahnawaz Khan*)

**Mr. Speaker:** The question is:

"That clause 1, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 1, as amended, was added to the Bill.*

#### **Enacting Formula**

*Amendment made:*

Page 1, line 1,—

for "Sixteenth Year" substitute—

"Seventeenth Year" (1)

(*Shri Shahnawaz Khan*)

**Mr. Speaker:** The question is:

"That the Enacting Formula, as amended, stand part of the Bill."

*The motion was adopted.*

*The Enacting Formula, as amended, was added to the Bill.*

*The Title was added to the Bill.*

**Shri Shahnawaz Khan:** I beg to move:

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

**Mr. Speaker:** Motion moved:

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

**Shri S. M. Banerjee:** Sir, I want a clarification.

**Mr. Speaker:** He has already spoken.

**Shri Dinen Bhattacharya** (Serampore): Even though there are charges against the employees who were suspended, is it impossible on the part of the Government to condone those charges and withdraw the charge-sheets? Since the Labour Minister has a feeling for the down-trodden people, will he kindly do this out of magnanimity? Then, in the Reviewing Committee there was a dissenting minute by all the representatives of the employees that the limit for contribution may be raised to Rs. 3, so that those who are earning less than Rs. 3 will be exempted from making contributions.

**Mr. Speaker:** That has been dealt with by him in his speech.

**Shri Dinen Bhattacharya:** But the explanation is not satisfactory.

**Mr. Speaker:** If the explanation is not satisfactory, that is a different thing altogether.

**Shri Dinen Bhattacharya:** Then, there is another small point about the no-claim rebate. Government

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will not lose much if it is given to a healthy insured man who does not claim anything from you. He is contributing regularly to the insurance scheme but he never falls sick nor does he ever ask for any accident compensation. Why should some rebate not be given to that particular worker who never comes to you for anything? That is a very justified thing and Government must accept it.

**Shri S. M. Banerjee:** Since the strike was withdrawn by all the employeés and now there is no trouble in the Corporation, may I take this opportunity for requesting the hon. Labour Minister, Shri Jagjivan Ram, and the Deputy Minister kindly to see that the cases are reviewed with more sympathy and that all people are taken back.

**The Minister of Labour, Employment and Rehabilitation (Shri Jagjivan Ram):** The cases will be reviewed with the utmost sympathy. As regards the point raised by Shri Dinen Bhattacharya, I will consider a scheme of rewarding those workers for very good health.

**Mr. Speaker:** The question is:

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

*The motion was adopted.*

13.22 hrs.

MOTION RE: BANARAS HINDU UNIVERSITY (AMENDMENT) BILL

**Mr. Speaker:** The Education Minister.

**Shri Priya Gupta (Kaihar):** What is the time left for this?

**Mr. Speaker:** The time originally fixed for this was 5 hours and only ten minutes are left.

**Shri Priya Gupta:** Are you going to allow more time in view of the importance of the Bill?

**Mr. Speaker:** I will allow one hour more.

**Shri S. M. Banerjee (Kanpur):** I have a submission. The debate on the Bill further to amend the Banaras Hindu University Act, 1915, as passed by Raja Sabha, was adjourned because, as you know, it became a serious controversy in this House and a motion was moved by my hon. friend, Shri Raghunath Singh, on which it was adjourned. Whenever the question arose whether this Bill should be taken up either in that session or in another session, we definitely pleaded that to avoid any further controversy the Banaras Hindu University (Amendment) Bill and the Aligarh Muslim University (Amendment) Bill should be taken up simultaneously or we should be told definitely that the Aligarh Muslim University (Amendment) Bill would be taken into consideration. The Minister assured this House that he would see to it—he did not give any categorical assurance to the effect that it would be done—that this request was accepted. So, before the hon. Minister starts the debate, I would like to have a definite answer to this.

**Mr. Speaker:** The Minister is not to start.

**Shri Hari Vishnu Kamath (Hoshangabad):** While supporting my hon. friend, Shri Banerjee, I think the Minister definitely told the House, though he did not say that he would ensure the discussion of both the Bills together, that he would see to it that the Aligarh Muslim University (Amendment) Bill would be introduced in the House before discussion of this Bill is taken up.

**Mr. Speaker:** They say, that earlier this House had been given to understand that some motion would also be