

SHRI SURINDRA PAL PATHAK (Shahabad): Mr. Deputy Speaker, Sir, famous American Chemist, Dr. Kamertwan had suggested production of petroleum by crushing the stems of wild sea-plants and bushes. Getting inspiration from this suggestion, many scientists have made commendable efforts in this direction.

Farming of petroleum plants is very important for our country which is pre-dominantly an agricultural country. Such farming is done on wasteland, which is abundantly available in our country. Secondly, its farming does not cost much because there is no need to sow it again upto twenty years, if once sowed. Therefore, the farming of petroleum producing plants will prove to be a boon to the farmers. At the same time, there cannot be a better use of wasteland also. It requires Governments efforts so that farmers can be provided with the related technique and other information.

Hardoi, Lakheempur khiri, Sitapur, Unnar, Farukhabad and Shahjahanpur districts of Uttar Pradesh have wasteland in abundance. Farming of petroleum producing plants may be beneficial there.

I, therefore, request the Central Government that a research Centre may be established in Shahabad city of this area so that the production of petroleum producing plants may be enhanced.

[English]

**(viii) Need to provide financial assistance to the Government of Andhra Pradesh for continuance of various subsidized rice schemes**

SHRI D. VENKATESHWARA RAO (Bapatla): Sir, the Government of Andhra Pradesh under various schemes, is supplying rice at subsidized rate to the people of Andhra Pradesh. The expenditure on these schemes during the year 1994-95 was about Rs. 1,115.00 crore. If the issue price is increased by the Food Corporation of India, it would rise to Rs. 1,265.00 crore per annum.

Hon'ble Chief Minister during his visit to Delhi has made a request to the Government of India to supply enough quantity of rice to the Government of Andhra Pradesh free of cost so as to continue the various subsidised schemes.

I request the Central Government to favourably consider the request of the Government of Andhra Pradesh and to release adequate funds to the Government of Andhra Pradesh.

[English]

15.05 hrs.

**WORKMEN'S COMPENSATION (AMENDMENT) BILL, 1995 - AS PASSED BY RAJYA SABHA...CONTD.**

MR. DEPUTY SPEAKER: Now, we shall take up item No. 8-further consideration of the motion moved by Shri P.A. Sangma on the 1st August, 1995. Shri Ram Kripal Singh Yadav was on his legs. Mr. Yadav, you can continue your speech.

[Translation]

SHRI RAM KRIPAL YADAV (Patna) : Mr. Deputy Speaker, Sir, before concluding my speech yesterday, I was saying that there is nobody to safeguard the interests and provide protection to the large number of poor labourers from Bihar who come here or go to other states in search of work. The principal factor responsible for this is that the Government pays no attention to the unorganised labour of the country and they do not get benefits under the existing rules of the Government. Therefore, the Government should devise a policy of getting unorganised labourers registered. They will definitely accrue the benefits extended by the Government under rules once they are registered. Here, I would also like to add that many policies of extending benefits to the labourers, granting them protection and all round co-operation are being formulated but despite all that the intention of the Government does not seem to be good. To my mind, the Government cannot do anything good for the labourers and the poor unless both its policies and intentions are good.

Since 1947 many labour laws and welfare schemes have been formulated for the labourers but is there proper vigil and monitoring of these policies? Have any measures been taken in the direction of accruing the benefits of the laws and Acts, formulated for the labour sector, to these labourers? The Government has been following the policy of liberalisation on a comprehensive basis whereunder the foreign companies are setting up their industrial units in India. I would like to draw the attention of the Government to the fact that, in the absence of such rules and their effective implementation, our labourers will be subject to exploitation by these foreign companies. Therefore, I wish that the laws proposed to be enacted for this purpose should be enforced strictly so that all the workers including those of MNCs may also get benefits of these laws.

Through you, I would like to submit to the hon. Minister that the labourers have made a great contribution to the national building but in today's situation, as all the hon. Members know, they are not able to feed their children with two square meals after the day's relentless toil.

They construct palatial buildings, mills and factories in the sweat of their brows but they do not possess even a jhuggi to live in. Therefore, there is a need to formulate a policy to providing housing facility to the labourers also.

Sir, there has been a long standing demand of enhancing the amount of bonus payable to the employees and the labourers but the Government is turning a deaf ear to it. There is the need to bring forward a fresh legislation to incorporate all these aspects so that the labour class and the Government employees are benefited.

Mr. Deputy Speaker, Sir, through you, I would like to draw the attention of the hon. Minister to the exploitation to which the women and child labourers working in private houses, Bidi factories and fireworks industries of this country are subjected on a large scale. We will really appreciate your concern for the poor and your zeal of doing something for the labourers if they are also covered by this law and in the purview of this Bill. Not only this, the Government also pays no attention to the large number of labourers and poor sections of the country who work abroad. Through you, I would like to draw the attention of the hon. Minister to this aspect also and urge him to take concrete measures to give relief to them so that their sufferings are mitigated.

Sir, I would like to submit to the hon. Minister that a large number of women workers working with the Government have to face many difficulties because they do not get leave at the time of their delivery. The Government should think about the women workers and make special provisions of granting them this specific facility. The casual labourers are subject to great exploitation. Such facilities should be extended to them also.

I would like to submit that medical facilities are not available to the workers here. There is need to extend such facilities to them because they are prone to various kinds of diseases and there is nobody to attend to them. The Government is blind to this fact. The wages which the workers of the poor sections of society get, are not adequate to meet their medical treatment expenses properly. Therefore, proper medical facility should be extended to them so that they can protect their lives. The Government and the hon. Minister will positively consider the suggestions put forth here if they are benefactors of the proletariat. While granting this compensation the Government should also keep in mind the pace of the inflation rate. Such a Bill is being brought forward after a long time and the hon. Minister should bring forward a similar Bill during next 2-3 years because the amount being fixed is not adequate. This amount should be increased. The amount of relief provided to the workers is not proportionate to the rate of inflation. The workers can be protected if facilities are granted to them in keeping with the inflation rate. There is

a large scale exploitation of the workers under the contract system in the country today. There is need to formulate a stringent legislation in order to do away with this contract system and to provide facilities to the workers. Some lacunae are left in the laws and the management takes advantage thereof. If the Government is the real benefactor of the proletariat, then it should remove these lacunae and take drastic action against the management if they do not implement these laws strictly. Then alone can the workers get the benefits of these laws. The workers' interests cannot be protected if there is no match between the policy and the intention. The proletariats can be benefited if policies are enforced with a strong will power.

With these words, I would like to reiterate that the amount provided in the Bill should be enhanced. The suggestions given by all the hon. Members should be considered and some concrete steps should be taken thereon, then alone can we appreciate that the Government and the hon. Minister want to help the poor workers' in the real sense of the word.

[*English*]

MR. DEPUTY-SPEAKER: Shri Shahabuddinji, before you start I want to bring to your notice that the time allotted for this Bill was one hour and we have already taken three hours and fifty-five minutes. So, kindly restrict yourself to the relevant points.

SHRI SYED SHAHABUDDIN (Kishanganj): Sir, I will be very brief.

SHRI SATYA DEO SINGH (Balrampur): But it affects the lives of the workers.

MR. DEPUTY-SPEAKER: My request is that you kindly raise only the relevant points so that the Government can apply its mind and try to implement your suggestions. Let them not unnecessarily search for a house of gold in a den of dust.

SHRI SYED SHAHABUDDIN: Mr. Deputy-Speaker, Sir...(*Interruptions*)..

[*Translation*]

SHRI KAMLA MISHRA MADHUKAR (Motihari): Mr. Deputy Speaker, Sir it is a very important issue. Therefore, its time should be extended so that everybody can put forth his points of view on it.

[*English*]

MR. DEPUTY-SPEAKER: You are right. But the time allotted for discussion in the Business Advisory Committee was one hour. But somehow you all felt that the matter is very important

...(*Interruptions*)...

[*Translation*]

SHRI DEVENDRA PRASAD YADAV (Jhanjharpur): Mr. Deputy Speaker, Sir. This is very important Bill. Therefore, more time should be allotted for this Bill.

[*English*]

MR. DEPUTY-SPEAKER: Kindly restrict yourselves to the relevant points as it will be easy for the hon. Minister to not down the points and he can apply his mind.

SHRI SYED SHAHABUDDIN: Mr. Deputy-Speaker, Sir. George Fernandes in his intervention has brought out in a very convincing manner and in his inimitable style, which speaks of his commitment as a trade unionist, the inadequacies of the present legislation.

Sir, the Bill before us is an amendment to a law which was originally enacted nearly 75 years ago under the British rule. I have a feeling, Sir, that the entire Bill was meant to protect the interests of the employer and not to promote the welfare of the workers. And, therefore, Sir, whenever we undertake or we have undertaken tinkering with the Bill or going in for piecemeal amendments here and there, that basic framework has continued to persist. What was, therefore, needed was that after 50 years, we should be in a position to apply the mind *de novo* on the subject and place before the House a more comprehensive piece of legislation worthy of the welfare State that we are trying to construct in our country.

Sir, in 1950, when we wrote our Constitution, we dreamt of a welfare State. We wrote certain provisions in our Constitution and we gave to ourselves the objective of trying to bring in a social order which would be based on social and economic justice. We inserted Article 21 which grants us the right to life and Articles 22 to 24 which guarantee against exploitation of labour. Not only that, in the Directive Principles of State Policy, a number of Articles are there which are worthy of note in this connection Articles 38, 39, 43 and 47. And I shall not take the time of the House to go into the details. But the point I am making is that we dreamt of a welfare State and that welfare State is yet far from being realised. Certainly, this legislation that is before us does not take us any further towards that national objective of constructing a welfare State in our country, and that is why, we felt that, perhaps, it would have been better if, instead of this piecemeal amendment, it should have been circulated to the public at large by means of a Select Committee so that all the ideas that are there would have been incorporated in the Bill and that would have been of use to the hon. Minister. But I would suggest a few things here. For example, the scope of the Bill. It has been expanded, no doubt, but it still does not cover the vast classes of unorganised labour; it does not cover the casual labour, and I am afraid that even the

Government Departments are guilty in that respect. I know of a specific case in which the Ministry of Railways terminated the services of a Stenographer no less than five times on completion of 179 days of work in order to deprive him of the benefit that would have flown from normal and regular employment. And of course, the cases of such casual workers, as they are called, in the other Departments are very well-know to you, Deputy-Speaker.

Therefore, the scope of the Bill should have been expanded to cover, at least, the casual labour, the contractual labour and basically the unorganised sector. I have a feeling, Mr. Deputy-Speaker, that the organised sector can take care of itself. My friends have spoken about the people who are employed by foreign companies. At least, in that respect, I would say that the foreign companies and the organised companies will be absolutely correct to the letter of the law, that they will not deviate. But it is really the unorganised labour which suffers in this country and which is far more in number than the organised labour. And, therefore, the Bill is not universal in scope. There is the immigrant labour not only from Bihar but from all States of the country to go and seek their livelihood in other parts of the country and they are totally unprotected. There is a law in which the parent State can appoint Inspectors with the help of the host Government, but obviously, they are not being employed and they are not being look after. Therefore, Sir, one specific suggestion that I would like to place before the hon. Minister is, please make sure that all the labour whom you wish to bring under the purview of this law does, in fact, receive the benefit of this law. And that is possible only if you insert a panel clause providing for compulsory registration of labour by the employers with the local labour authorities. Unless that is done, surely they can play ducks and drakes with the fortunes of the disabled working men.

The second point that I would like to make is that I have a feeling that between health and disability, there is a vast spectrum. There is a spectrum of what would call, creeping sickness, sickness like silicosis, sickness like fibrosis and tuberculosis in back. A man gradually dies and slowly his productivity goes down. He is debilitated and his energy ebbs. He cannot perform as well and sometimes the employer is good enough to let him carry on, on reduced wages, but sometimes he throws him out. After all, how has he come to this pass? He has come to this pass because of a particular occupation in which he has been engaged, to which at one time he was healthy enough to give all his energy and today he is not. What is the compensation that he is going to receive during that period when he is not totally disabled, when he is not really thrown out and yet, at the same time, he is not able to satisfy his employer? Will the employer then be prepared to give him the wages that were available to him when he was at the peak level of his energy? That is not ensured here in this Bill at all.

The third question that I have is the question of quantum of compensation. We are living in an economic environment where we are faced with a ten per cent inflation every year. I am always opposed to these specific digits and specific numbers because they become out of date by the time you have legislated a draft into law and, therefore, what should be done is a process of indexation. It should be built into the law that whatever is given there every year, automatically the Presiding Officer, the Commissioner, can add that additional element which would cover the extent of inflation. It should be indexed. Whatever is given here in this law should be automatically indexed according to the period at which the compensation is being determined and that power should be vested in the Commissioner.

The final point that I would like to make is — that point has already been made but I would like to add my word to it — that you must have a Central Fund. Just as you have got a Provident Fund, you should have a Compensation Fund. Let that Fund be partly contributed by the Government and partly contributed by the employers at say one per cent of what they are paying wages. Let that be pooled together so that immediately that money is available for the payment of compensation and the family does not have to run from door to door in order to get the compensation. Therefore, the creation of such a Fund is absolutely essential.

These are the four essential points that I would like to make here. But I would like to once again plead with the hon. Minister 'Do not tinker with the law. Apply your mind.' I know you have got a very gracious heart. I know you have sympathy for the workers. I know you from the long correspondence that we always had on so many subjects pertaining to the labour situation. But get your Department to work out a really comprehensive law for the workmen's compensation taking into account the most modern legislation that is obtainable anywhere in the world including the Western world.

With these words, I would once again suggest to the hon. Minister: Let him agree to this Bill being assigned to a Select Committee for public circulation and for incorporation of various views that have been placed in this country on the subject.

MR. DEPUTY-SPEAKER: Shri Chitta Basu has sent a slip where he says he has to attend a meeting. Shri Dattatraya Bandaru has also sent a slip that he has to catch a flight at 4.30 PM. This is just violating the norms that are before me. If the House were to agree, we can just permit. A number of individual slips are coming. It is made known that the Whips of the Party shall have to send the slips. If individual slips come, it becomes very difficult to accommodate. Hon. Members have already consumed so

much of time. Therefore, it is better you should limit your speeches to five minutes each. Shri Chitta Basu will now speak. Kindly limit it for five minutes so that more Members can participate.

SHRI CHITTA BASU (BARASAT): Sir, I felt it necessary for me to make the intervention only to reiterate the demand or request made from this side for referring it to a Select Committee for further incorporating many constructive suggestions.

This Bill is one of the important social security measures for the sweating workers and toiling workers of our country. What I say, I do not say from the labour laws. What I say now is not collected from any wisdom or wise person in our country. But what I say now is the practical experience of a person who has spent quite a considerable part of life in organising trade unions, the unorganised section of the society. It is very difficult today to draw a dividing line between the organised labour and unorganised labour because I feel that the unorganised labourers are those who are working in the rural areas or the urban areas in factories who have got no regularised service, who have not been brought under the laws of the country, particularly the labour laws. Therefore, certain special arrangements need to be made for the protection of their rights so that they may have an exploitation-free life. In every factory today, even in most highly organised industry, we shall get a large number of workers who are called the casual workers. Can the Labour Minister deny that the Jute Industry, the traditional industry in West Bengal, which was started in the late eighteenth century, has got a large number of casual workers? He was telling about the Cement Industry. Most of them are casual workers. I do not like to mention the names. Therefore, I request the hon. Minister to review the provisions on four grounds. The first ground is about the inadequacy of the coverage. The second ground of my request is the inadequacy of the quantum of compensation. The third ground is the absence of deterrent and penal measures against the defaulting employers and my fourth ground of request to the Government is that merely passing of a law is not enough. The implementation mechanism has to be restructured. I have seen it myself and it is the result of my own experience that I am suggesting this. There are compensation courts. I had to plead before them for getting the compensation to the injured workers. Not months but years elapsed. The injured worker did not get any benefit. I do not know whether he has ever got the benefit. First of all, they do not say that he is their employee. Mr. Labour Minister, first of all, you should understand one thing. The employer does not recognise that this particular worker was his employee. There is no method in our country to verify and say that such and such employee was working there; he met with an accident when he was in the course of discharging his duties.

1504 hrs

*(Shrimati Santosh Chowdhary in the Chair)*

Therefore these things are also manipulated. So, the main thing is the Inspectorate of the Labour Department require to be restructured and they should be given proper training. It is very much needed to give them social orientation. There is their responsibility to the social commitment. Anyway, I do not like to take much of your time. I think he understands the problem of social security. I have got great regards for the hon. Minister because you have got the understanding of the problem. You are not merely a law-maker; you are not merely a Minister but you have also got certain commitments towards the philosophy of the working-class movement.

I plead for referring this matter to the Joint Select Committee or any machinery you like because the fundamental principle demands it. The recommendations of the Law Commission are the source for having this kind of amendment of the Bill. It is because of these recommendations that you have decided to bring about amendments, I have read your speech made in the Rajya Sabha and I found that you yourself admitted it. It is not necessary for me to explain that all the recommendations of the Law Commission have not been incorporated in this Bill. You have been pleased to admit that certain recommendations made by the Standing Committee on Labour have also not been accepted. This House recommends sometimes certain measures which have been recommended by the Law Commission and certain recommendations which have been recommended by the Standing Committee. How do you try to defy the recommendations of the Law Commission? You can defy it. You rejected the recommendations of the Standing Committee; you rejected the recommendations made by the House. What is this democracy? Why are we here? I do not know why I am here. You do not accept the recommendations of the Law Commission fully. You show discrimination. You go by pick and choose method. You do not accept the recommendations of the Standing Committee on Labour. You also do not accept the recommendations made by the Members of this House. I do not challenge your bona fide. But it is not fair. It is not a fair labour practice. You accuse the employer; we accuse the employer saying that they are following unfair labour practices. You are not playing a fair game.

Lastly, the coverage is to be increased particularly in our country for agricultural workers. I can leave it provided you assure me that you would bring the Bill on Agricultural Workers incorporating these social securities for them. If you assure me that you would bring another Bill during this session, I am prepared to extend my support to you because this way, at least a wider section of our exploited

and sweated labour will be benefited by this. More than ten crore of our rural workers are now engaged in agriculture. They have got no protection, no social security and nothing of the sort. This is in contravention of the ILO convention. The ILO has also recommended for the inclusion of the rural labour. I had an opportunity of working in a Sub-Committee on this unorganised workers. There has been a model Bill. s this is a very important social security Bill, I think, he should agree to it.

Lastly, I also want you to say about the Pansions Bill. Of course, it is not directly related to it. But it is also a social welfare measure. I will be happy if you say something about it. The Bill is bending with the Government.

I do not take much of your time. I feel it is not necessary to explain it to him in a speech ranging from five minutes to two hours. it is an unnecessary wastage of energy. I think, he understands the subject. He would understand the feeling of the House and he will play fair with the working class of the country particularly the sweated and toiling labour force of our country for whose betterment of life, we are constitutionally committed.

Having regard to all these things, I once again plead that he may kindly either accept the suggestion for the improvement of the Bill or refer it to the Select Committee when we will be able to impress upon the Minister for its improvement.

SHRI DATTATRAYA BANDARU (Secunderabad): Madam Chairman, the Workmen's Compensation (Amendment) Bill was considered by the Standing Committee on Labour. I being a Member of the Standing Committee on Labour, I can say that the Standing Committee is also not unanimous on many points. Many meetings took place. Consensus had to be taken, but the Committee could not come to any consensus. In spite of that, our Minister has come up with the Bill. Though the Bill was enacted in early 1923, it was amended in 1984. After that now again this Bill to include some of the working classes in the provisions has come before this Parliament. This Bill is also not a complete and broad-based Bill because as many colleagues have mentioned much of the labour sections and working classes is left over and are not covered under this Bill.

Particularly under the ESI scheme, we got medical benefit, accident benefit, maternity benefit, death benefit and so on. All these things are there under the coverage of ESI. Now, the Government has come forward particularly for the separation of this Bill. Accident benefit is coming separately with the Compensation Bill. There may be temporary disability or permanent disability or partial or total. These things are there by my only plea is that this Bill should cover the labour class and workers of Andhra

Pradesh also. As my friend mentioned, Andhra Pradesh has a very large number of coconut labourers, cashewnut labourers and a large number of bidi workers. They are left over. They are very poor. Their health protection is essentially needed, particularly in the interest of their health. Another thing is that of cement factory workers. Andhra Pradesh is the biggest producer of cement. Large number of workers have died because of T.B. in the Andhra Pradesh. There is no protection for them. That is why I demand the hon. Minister that instead of going in a hurried way, the Bill must go to the Select Committee. Through that Select Committee again some broad-based ideas should come out for the implementation.

Another important thing is the implementation part. Labour Commissioners are not the proper authority. They are not properly visualizing the cases. A large number of cases are pending. That is why, I recommend that the Labour Commissioners, as District Collectors got the magisterial powers, should be empowered with some judicial powers so that some cases can be disposed of. Otherwise for the disposal of cases, as you have mentioned, time limitation should be there because all the employers are not even properly bringing more cases to the notice of the concerned police station. We must put a clause here that whenever accident take place, complaint must come to the police station. There are large number of cases of compromise. Many labourers do not have unions. They do not know the laws but the employers or industrialists are pressurizing the labour and they are making compromises therefrom the worker is getting very meager amount. That is why I say that you must keep time limitation on these things.

Another very important thing I want to mention is that in Andhra Pradesh itself there are eight zones. In all the eight zones only the Deputy commissioner is the competent authority for trial. All the industrialists say that only Deputy commissioners should take trial. They are not hearing even the Assistant Commissioners. So a large number of cases are pending.

Another important thing as mentioned by Shri Chitta Basu is that many of these employers are not properly looking after the workers. As per the Criminal Procedure Code attachment of property is there. Those laws should be reviewed and included in this Bill. Otherwise a large number of major accidents which are there, many of them will not be covered. That is why I request the hon. Minister that it should be included as a criminal offence. Whichever management is not properly giving compensation to the workers, it should be booked under this.

An important item here is what the Standing Committee on Labour has recommended. You have mentioned in the Bill enhancement of Rs. 20,000 to Rs. 50,000 as death

compensation and Rs. 24,000 to Rs. 60,000 as compensation for permanent disability. But the Committee has recommended Rs. 20,000 to Rs. 80,000 in the case of death and Rs. 24,000 to Rs. 90,000 in the case of permanent disability. But in spite of the Committee's recommendations the Minister has come forward only with Rs. 20,000 to Rs. 50,000 in the case of death and Rs. 24,000 to Rs. 60,000 in the case of permanent disability. I demand from the hon. Minister that he should provide at least for Rs. 2 lakh in the case of death and Rs. 3 lakh in the case of permanent disability. He must come forward to incorporate these two things.

My last point is about the funeral expenses. Here you have given only Rs. 1,000 for funeral expenses. Normally everywhere industrialists are paying Rs. 2,500, Rs. 3,000 like that. Now we only want its legality. Even for this the Government is not coming forward with a broad concept. You are giving only Rs. 1,000. Many managements themselves are giving Rs. 3,000 to Rs. 5,000. That is why I demand that at least Rs. 5,000 must be given for funeral expenses.

I cannot welcome this Bill because of the many lapses it contains with regard to compensation, with regard to implementation, etc. That is why I recommend to the hon. Minister that it must go to a Select Committee and there all the issues should be reviewed. All the important recommendations made by the hon. Members must be incorporated and then the Government should come with a fresh Bill making the base concerning majority of the workers broader.

SHRI N. DENNIS (Nagercoil): Madam Chairperson, welcoming the Workmen's Compensation (Amendment) Bill, I wish to make a few points. The Act was amended last in 1984. Naturally, several problems have surfaced in the mean time. So, to accommodate the changing circumstances and the problems, this amendment is necessitated to protect the interest of the workers. Enhancement of the quantum of compensation to cope up with the present price level is an important aspect which need immediate attention. I wish to point out some other important points in the Bill.

The minimum compensation is enhanced from Rs. 20,000 to Rs. 50,000 in the case of death and in the case of permanent disability it is enhance from Rs. 24,000 to Rs. 60,000. Moreover, the provision of the Act is extended to drivers, cleaners and other workers recruited by the employers registered in India and serving abroad. Those who work abroad are getting opportunities to get compensation.

There is the provision of Rs. 1,000 for funeral expenses. Though it is a meager amount, to perform the

last rites of the expired in poor families, this amount would be a great help. Moreover, facilities are extended to the migrant labourers to file the compensation claims before the Commissioners in whose areas the workers or their dependants ordinarily reside.

Extending the provision to the categories of agriculture and fisheries also has to be welcome. Many fishermen own mechanised boats and country-boats.

Now, I want to point out certain drawbacks in the Bill. Casual labourers have to be included in order so as to enable them to get the benefits. They are kept as casual labourers by the employers for long. They should get the benefits like the other labourers. So also, the contract labourers and the unorganised labourers are left out from the ambit of the Bill. They are large in number and they are not getting the opportunities of this benefit. The part-time workers have also been left out.

Sir, the quantum of compensation proposed in the amendment in respect of both the categories is inadequate. It should be proportionate to the price index at the time of the previous amendment of the Act, to that of the price index that is prevailing now. It can be on the basis of the last drawn salary and allowances. The employees working under private owners of factories and small establishments are left unnoticed. They meet with accidents, loss of legs, hands and are subjected to disfiguration of their bodies. But they are left out.

Sir, I would like to make one or two suggestions. The time limit should be fixed for the disposal of the claim petition for compensation that is pending before the Commissioner. Long delay will cause inconvenience and difficulties to the labourers who are financially very poor. So, the timely disposal will be helpful to the workers. Small industries may not be able to pay the compensation amount. In such cases, a remedy has to be found out. If it is insisted upon them to pay a heavy amount, the industry would collapse and that would lead to a lot of difficulties to their industries. So, the Government have to set up a fund for payment of compensation to such labourers. Another point is that the employer would evade payment of compensation. He would plead that the accident did not take place during the course of work or that the worker was not performing his duties to the employer. In such cases, protection has to be given to the labourers because the employers could engage able lawyers and the poor labourers cannot withstand the legal contentions that would be put before the Commissioner. In such cases the burden of proof should not be thrust on the labourers, on the whole this amendment would provide better relief, protection, safeguard and remedy to the workers and their families who are facing risks and accidents.

Finally, I would bring to the notice of the hon. Minister that the left-out categories, namely, unorganised labourers, agricultural labourers and casual labourers, should be included in Schedule II to cater their problems too, in this regard. With these words, I conclude.

[Translation]

SHRI MOHAN RAWLE (Bombay-South Central) : Mr. Chairman, Sir, the Workman Compensation Act was enacted in the year 1923 i.e. 72 years back. It has been amended 22 times so far, still it is incomplete. These people are working against the interest of the workers. This is Parliament; had we brought a No Confidence Motion, the government would have been collapsed...*(Interruptions)*...Parliamentary Committee, constituted by Government is a mini Parliament. Its Chairman, Smt. Chandra Prabha urs belongs to ruling party and majority of the members belong to ruling party. Why don't you consider the recommendations in the report presented by them. The conclusions made by the committee should be given due consideration for the benefit of the workers.

Shri Fernandes, Shri Chhedi Paswan and Shri Ramashray ji have expressed their views on casual workers. Shri Panigrahi, a member of ruling party has also opined that casual workers should be included in it. There are 70 percent unorganised workers in the country. Mr. Chairman, Sir, with your permission I would like to quote.

[English]

"The National Labour Commission has suggested in 1669 that safety should become a habit with employees and workers. At Present, it has assumed the form of a ritual. The employment provides safety devices, if he must; the worker uses safety equipment, if at all he does it, to complete a formality. This is particularly so in the case of smaller establishments and unorganised workers."

[Translation]

Unorganised workers are important in it. I would like to read out the reply given by hon. Minister in Rajya Sabha.

[English]

"So far as inclusion of casual labourers and contract labourers is concerned, I will reexamine this issue. The Government has been giving the utmost importance to the unorganised labour. I will have an exclusive discussion with the hon. Members who are interested. If it is necessary, after we have discussed, there is no difficulty in coming back to the House."

[Translation]

If you want to regain the power, please implement it without any delay...*(Interruptions)*...

THE MINISTER OF LABOUR (SHRI P.A. SANGAMA):  
Before taking any decision, please listen to me.

SHRI MOHAN RAWLE: Ruling party did not miss any chance to criticise here Shri George Fernandes but it was he who provided Rs. two lakhs to disabled persons and to kith and kins of the dead. Why do you not increase this amount? You should increase it atleast upto Rs. three lacks.

Amount provided for funeral ceremony is very less. Atleast Rs. 4 thousand should be provided for this purpose. We have unorganised sector in our mills where more than 12 lack powerlooms are functioning. You can imagine the large number of workers working there.

At the end, I could not make out what you mean by the sentences you have said.

[*English*]

"The working journalists are exposed to several hazardous conditions like political rallies, police firing and lathi-charge, etc. Therefore, I thought that it will be good for us to cover the working journalists including the cameramen also under the purview of this Act."

[*Translation*]

Working journalists work round the clock. They are always haunted by the fear whenever they go for news or they come with news. As their life is always in danger, they should be provided round the clock coverage. In the same way, mill workers too want to form union for their livelihood.

16.00 hrs.

I, therefore, demand, that they should be provided 24 hours coverage because they are killed while coming back from or going to their work place. At the time of strike in mills in 1982, workers intending to come to work, were killed. Therefore issue of providing 24 hours' coverage to them should be considered.

Labour commission has stated that

[*English*]

"In the wake of new type of industries coming up and continuing technological changes, it may become necessary to write into the law, additional safeguards and safety precautions to match new hazards."

[*Translation*]

latest and advance technologies are coming, therefore, through you, I urge upon the hon. Minister to think over it and bring the Bill for the workers of unorganised sector as Shri Ramashtray Prasad Singh has stated that you want to bring such a Bill. Therefore, please declare it, today itself. I urge upon the Government, through you, to bring a comprehensive Bill on this issue.

You provided me an opportunity to speak, (*English*)  
I am very much thankful to you Madam.

[*English*]

SHRI SIVAJI PATNAIK (Bhubaneswar): Madam Chairperson, although this Bill is paraded as a step in favour of workers, it is not really so. Hence, I am not able to support it.

The main structure of Workmen's Compensation Act of 1923 has remained the same in spite of a number of amendments during the past so many years. Now also, nothing much is proposed in this Bill. Even recommendations of the Law Commission and Standing Committees have not been accepted. In the earlier Act also it was there that if a worker was injured while at work, it was not compulsory for the employer to provide medical treatment. On the other hand if the employer had extended monetary assistance to the worker during the period of disablement, then after determination of the rate of compensation, the employer may deduct the same from the compensation amount. Such a provision was also there. Now, nothing is done about such a provision.

Much has been said about unorganised workers. I am not adding anything to it. I would only like to mention here that unorganised sector and casual workers are not really covered under this Bill. Much has been said about migrant labourers. Because of the absence of a proper mechanism, they would not be benefited by the provisions in this Bill. What will be the fate of construction workers? Will they be benefited? There is no provision that they will be benefited. There is no mechanism there by which they can be really benefited. They are left at the mercy of the contractors and employers also. We know that with growing privatisation, contract system is an increasing phenomenon. Leave apart the private sector and private employers, even the public sector industries engage casual workers through contractors for permanent nature of work. Sometimes, no record is kept about them. This happens in spite of the law prohibiting it.

The law enforcing authorities in the mines and quarries simply do not operate. This is the state of affairs. Now, the provisions of this Bill also does not clearly spell out anything in concrete terms as to what relief is being contemplated for the workers. What about the agricultural worker? No comprehensive legislation has been brought about for them. No real benefit is suggested for them in this Bill. In the provisions that contain the benefits that would accrue to the workers affected by the pesticides, in that provision, the agricultural labourers and the working farmers have not been included.

I fail to understand the rationale for the rate of compensation that is proposed to be offered in the case



of death or permanent disability of a worker. On what basis, the amounts have been calculated and fixed at Rs. 50,000 and Rs. 60,000 respectively? Is that the price of the life of a worker? It should have been calculated at least by keeping in view the earnings that the worker would have earned had he not died prematurely. But that has not been done. In such cases, there should also have been provision for appointment of a member of his family. There is no such provision in the present Bill. When the Government does not know as to how many workers are affected in accidents as there is no mechanism for it - the mechanism does not function - how could the workers get any benefit just out of some pious wishes? there must be some mechanism.

Madam, I do not want to take much time of the House, but my point is, the mechanism is not there; the rate of compensation is quite low; the enforcement authorities are not there; and the recommendations of the Standing Committee have not been taken into consideration. My view is that instead of pushing through this Bill, it should be sent to a Select Committee. A comprehensive legislation should be brought forward so that if the Minister really wants to give some benefits to workers, it could only be done by bringing in a comprehensive legislation.

SHRI BRAJA KISHORE TRIPATHY (Puri): Madam, I rise to oppose this Bill. I am opposing this Bill because it intends just to deprive the workers. No benefit is likely to accrue to the workers after the passing of this amendment Bill. Under the Constitution of India, social security, in its broad sense, is envisaged in terms of the Directive Principles of State Policy.

Sir, under article 41 of the constitution, it has been provided that:

"The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance, in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want".

Article 43 provides that:

"The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life..."

All these provisions of the Constitution have not been implemented so far.

India is a party to the decision of the International Labour Organisation. The decisions which have been taken in the ILO Convention relating to social security have not been ratified till the time of this Bill. The unanimous recommendations of the Standing Committee on Labour

Welfare have also not been incorporated and reflected in the present Bill.

The amount which is sought to be fixed in the case of permanent disablement or death is quite meagre and is not in consistence with the price rise and money devaluation since 1984. So, may I know under what circumstances or what is the modality for fixing of this proposed amount, that has been provided in this Amendment Bill, in the case of death or permanent disablement? If you take into account the position of money devaluation since 1984, the amount would have come to much more. The people, who are meeting with accidents in train or on road, are getting much more money through the claim Tribunal. Compared to that the amount that has been provided for death or permanent disablement in this present Bill is nothing. I think the Government was not serious in fixing the amount. I also think that the amount should be revised and that is the reason why I am opposing this Bill.

The Bill also provides for inclusion of certain other categories of workers but I feel it is not sufficient. Unorganised workers, agricultural workers, 'bidi' workers, all types of workers engaged by the Forest Department, Forest Corporation and Contractors engaged for collection of different forest materials, should also be included in this Bill. I request the hon. Minister, who is very sympathetic towards labour, to include those people, who are engaged in forest to collect forest material. The workers who are engaged in 'tendu' leave plucking are mostly tribals and down-trodden people. There is no provision in this Bill to include all these workers. I request the Minister to consider it sympathetically. Workers, who are engaged in forest work including plantation should also be included in this Bill.

The Contract Labour (Abolition and Regulation) Act is just a misnomer. I feel that the laws should be enforced strictly. The Contract Labour Act, which is now in force in our land, is not observed strictly. A person who is getting licence to become a Labour Contractor in any industry is engaging the workers without giving any name. They are not observing the provisions of law strictly. The Contract Labourer Abolition Act means to abolish the contract systems but that is not observed strictly. The Minister should take all steps to see that the industry which engages contract labourers, should strictly engage the contract labourers in the area which is casual in nature. The persons who are for all practical purposes working as permanent workers. But just to avoid the law, are treated as contract labourers and thus are deprived of the benefits for which the permanent workers are entitled to; should be protected without fail.

The safety measures that have been provided under the law are there just for name sake. The Labour

Department, both at the Centre and the State, is not working effectively to see that all safety measures are taken care in the industry. The Factory Inspectors are there and it is their duty to see that all the safety measures are taken care in the industry. But they are not serious about it. Of course, the responsibility is more of the State but the Centre should see that these safety measures that have been provided in the law should be observed strictly most of the accidents that occur in the industries are due to lack of proper safety measures. So, the safety measures should be observed strictly.

I would also like to request the hon. Minister that the Labour Courts, the Labour Tribunals and the Claims Tribunals should dispose of the cases that are referred to them quickly. They take years together to dispose of such cases, because the cases are so many and tribunals and courts are so less. It is not possible for the courts to dispose of the cases timely. So, the Government should take necessary steps to provide more courts and more claim tribunals for quick disposal of all these cases.

Madam, as requested by other hon. Members, I would also like to request the hon. Minister to bring another amendment for enhancing the amount of compensation and enlarge the scope of the Bill to cover all types of workers.

[*Translation*]

SHRI PRABHU DAYAL KATHERIYA (Firozabad): Mr. Chairman, Sir, this Bill to further amend the workman Compensation Act, 1923 has been brought in the House. This act was enacted in 1923 but it was amended in 1924, 1927, 1929, 1933, 1937, 1938, 1939, 1942 and 1946. It was last amended in 1984. It is very unfortunate for the country that even after independence, Government has neglected the workers. Perhaps this Government does not realise the fact that it has been ruling the country since last 47 years, with the support of these workers. I suppose, Congress Government is specially responsible for their deplorable condition. You touch any issue relating to workers, you will find that they are most neglected. Atrocities have been committed on them whether he is an agricultural labourers, industrial worker or employed in any department. Act was amended several times, but is could not be given desired effect. This Bill could not comprise of the workers' feelings. It is you who has to look after the workers since birth to death. Mr. Ministers, this question belongs to social order, so please pay attention to it. If a woman worker dies, no one bothers about her but the workers express sympathy for her and share the grief of the family of deceased. Millionaires do not extend their helping hand to console them. Therefore, the workers have been neglected very much.

Workers play an important role in nation-building. Workers manufacture from bicycle to aeroplane but he cannot afford to buy a bicycle to ride on. Though, he produces light but he himself remains in the dim light of oil-lamp and even it is also not available to him. He has to be content with a candle light only. He constructs the road to facilitate others but he himself walks on a track, still he feels happy. I, therefore, would like to say that Government is not at all caring for the feelings of the workers. In this Bill you are raising the limit from 24 thousand to 60 thousand and from 20 thousand to 50 thousand but I would like to ask you whether this amount is sufficient? You have fixed the amount of Rs. one thousand for funeral ceremony, but is this amount sufficient for this purpose? Do you know the price of fire wood? By making this provision, you have made a mockery of feelings of the workers. If anybody dies in the rail accident, he is provided Rs. 2 lakh but a poor, who works hard for nation building and preserves the culture of the country and is struggling for his rights even after attaining independence the country has been deprived of his rights and a mockery has been made with him by raising the limit from 24 thousand to 60 thousand. A few days back the Prime Minister wanted to know the reason of the natural calamities in the country. The country is suffering due to natural calamities so frequently because even after toiling hard nobody has cared for him and his welfare has not been worked into. The worker builds all the temples whether it is small or big but he has no right to enter the temple and only selected persons of the country go to worship there. It is worker who builds houses ranging from small one to Tajmahal and Parliament House, but he is denied an entry there. Only enacting laws on paper will not do. Therefore, I urge upon you to make them literate, if you really want to do something for them. Good primary schools should be opened in the rural areas where the son of a worker could get education.

Sir, education is soul of learning. In absence of proper education, he will not be able to fight for his rights. Therefore, good schools should be opened in every district of India where the son of a worker could get good education. Education should be fundamental right of every Indian. In lack of education from good school, the son of a farmer finds himself unable to compete in IAS or IPS. Therefore, I demand for a good school in every district, so that every child may get good education. Today, most of the leaders were shedding crocodile's tear in the House.

I urge upon the Government to add one more slogan in this Bill 'Jai Jawan, Jai Kishan, Is' Bharat ka Majdoor Hai Mahan' in tune with the slogan raised after independence 'Jai Jawan, Jai Kisan.'

Sir, I would like to submit one more thing. The goods

manufactured in the factories in Firozabad and exported also and we earn foreign exchange thereby for the country. The bangles of manufactured in this area are famous. The glass is melted in the furnace and if the melted glass falls on any labourer then his life is ruined. Not only in our area but throughout the country the labourers work in the factories. I had drawn the attention of the hon. Minister towards it that attention should be paid to the plight of the labourers. They should be provided proper facilities. Firozabad not only has a distinguished place in the country but in the entire world. The Government is capable and if the intentions are clear then we should work according to the policy, framed. I had suggested that the factory owners of our area should be called on the some arrangement should be made for the welfare of these poor labourers. Arrangement of gloves should be done so that they may not get injured and become handicapped. Likewise 35% of the labourers, who work in the funances suffer from Tuberculosis. My submission is that health centres should be set up near the colony of the labourers so that their health can be protected. Such sort of health centres should be set up in each district headquarters since the labourers in large number are suffering from T.B. and other fatal diseases. This sort of arrangements are must.

MR. CHAIRMAN: Please be brief.

SHRI PRABHU DAYAL KATHERIA: Reiterating may point I would like to say that the slogan "Jai Jawan, Jai Kisan" should be changed as "Jai Jawan, Jai Kisan, Hamara Majdoor Hai Mahan" and conclude.

SHRI KAMLA MISHRA MADHUKAR (Motihari): Mr. Chairman, Sir, I was laughing on hearing that the people of this party also talk about the labourers and "Jai Jawan, Jai Kisan and Hamara Majdoor Mahan." Alright, everyone has the right to speak, we are not denying the same.

Mr. Chairman, Sir, this Bill is related to the payment of compensation to the labourers. If its aim is the same then, the suggestion of the other friends that this Bill should be handed over to the select committee should be accepted. Keeping in view the election year, if you want to have the votes of the labourers then get it passed.

Myself and other hon. Members have drawn the attention of the Government towards the fact that many things related to the labourers have not been included in this Bill. I would like to draw your attention towards a special thing. There is a sugar mill at Champaran in Bihar. The labourers of that area, fall in which category, who will look after their problems. Likewise attention has been drawn towards the problems of casual labourers, the Bidi worker, the bangle labourers and the other labourers by many hon. Members. Their interests have not been included in this Bill. Even after this Bill is passed the whole category

of the labourers, the agricultural labourers and the rural labourer will not be benefited by it.

The Bidi workers, the coal mine workers and the casual labourers working in railway will not be benefited by it. Therefore, my objection is that the entire labourer category should be included in it.

My second objection is that perhaps the hon. Minister has thought to give something is charity. He might have thought to give 25,000, or 50000. What is the basis of this charity? The Government should have fixed this criteria on some scientific or economic basis and instead of giving 25 thousand or 50 thousand, it has been demanded in the House that the prices are rising day by day and some hon. Members have said that even for cremation more than one thousand rupees are required to buy woods. Therefore, this provision is not sufficient. Therefore, the clause of compensation should be made commensurate with the rising prices.

One more thing is that this Bill should be passed and as the hon. Mishra ji has said that the mechanism should be limited. When the palms of the labour inspector or labour commissioner are greased then he gives the decision not in favour of the labourers but in favour of the mill owners and the farmers. There is no use of passing such a Bill. Therefore my submission is that if this Bill is passed then the cooperation of the organisation which are committed to the cause of the labourers should be taken to implement the law made here. If you will not involve them then the new Government officials and employees will not implement it to the true spirit of this Bill.

As the hon. Member has said and I am also saying that the Government of India makes so many laws and there are not implemented properly. Therefore, please try to implement there. I do not have any doubt on the intention of the Government but the result of what the hon. Minister is saying should not be that a petty thing is given to the labourer by Shri Sangma ji. Then the new Government will come and decide. If the Government is serious over it then send it to select committee after amending it and includes the suggestions of the labour commission, the Standing Committee, the hon. Members and Shri George Fernandes should be included in it. All of us will appreciate it. In the present circumstances there is no other option but to sent it to the select committee.

[English]

SHRI AJOY MUKHOPADHYAY (Krishnagar): Madam Chairperson, I rise not only to oppose this Bill in its present form but also to record my strongest protest against the attitude of the Government towards the unanimous recommendations of the Standing Committee.

This Bill is one of the glaring examples how this Government addresses itself to the Parliamentary norms and practices, how it treats the unanimous recommendations of the new system, the Standing Committee System, which has been introduced by the hon. Speaker. The system itself has no meaning now because all the unanimous recommendations made by the Standing Committee have been ignored and not a single recommendation has been accepted. So I would request not only to the Government but to the hon. Speaker also to kindly consider whether this Standing Committee is got any purpose. As a poor member of this Standing Committee, I feel frustrated. All the exercises are becoming completely futile. They have got no earing. It is a sheer wastage of time and energy. If the Government is not serious about the recommendations of the Standing Committee, then what is the necessity of this Committee, I do not know.

Anyway, coming to the Bill, this Amendment Bill has been prepared, it is said, on the basis of 62nd and 134th Reports of the Law Commission of India. But many a recommendation of the Law Commission have not been taken into consideration. The coverage of the Bill and the proposed enhancements of compensation suffer from serious limitations and those are far below the requirements. I would request the Labour Minister to kindly hear me...(Interruptions) Why do you entertain them? You should not entertain them.

Moreover, Madam, there is no new provision in the Bill to ensure the payment of compensation. Non-payment of compensation should be a cognizable offence. The employers, particularly, the private sector employers, are at liberty to violate the provisions of the law, but no new provision has been made for that. So, I would request the Labour Minister to think over this matter also.

Now, what have the Standing Committee stated in their recommendations? The Standing Committee felt that the definition under Section 2 of the Act should be amended so as to bring casual workers and contract labourers also within the ambit of the Act. Accordingly, it was recommended as follows, and I quote:

"the words...Other than a person whose employment is of a casual nature and who is employed otherwise, than for the purpose of the employer's trade or business should be deleted from the definition of the workmen in Section 2 (1) (n) of the Workmen's Compensation Act, 1923 so as to bring casual workers and contract labourers within the ambit."

The Committee also desired that all the exceptions applying to clerical staff are to be done away with...(Interruptions)

MR. CHAIRMAN: Try to finish it please.

SHRI AJOY MUKHOPADYAY: You must give some time to me, Madam.

As such it was recommended that any employee who is required to go to such a place of work and gets exposed to the same hazards as those already posted in it, should also be included in Schedule II.

That was the recommendation.

In this respect, I have gone through the debate of the other House. While replying to the debate the Labour Minister in the other House referred to a number of judgements of High Courts and the Supreme Court and he wanted to impress upon the Members of the House, that the casual workers were included in this definition. He wanted to impress this point. But I would ask him why he is not deleting those words and categorically stating that casual workers and the contract labourers will also be entitled to compensation? Why? I do not know what prevents him from bringing that amendment. The Labour Minister is well-conversant with the labour scenario of the country and of the world also. But is it not a fact that replacement of regular employees and workers by the casual and part-time and contract labourers is a growing feature of the so-called liberalised and globalised economy?

If the position is like that I want to ask why the Minister does not state clearly that those employees should come under the ambit of this Act for compensation? So far as the quantum of compensation is concerned.....

MR. CHAIRMAN: Thank you. Please take your seat now.

SHRI AJOY MUKHOPADYAY: Madam, I will conclude within two minutes.

MR. CHAIRMAN: There are so many Members who want to speak. I am very sorry. I cannot give you two minutes now.

SHRI AJOY MUKHOPADYAY: I am a poor Member of the Standing Committee. A number of Members of that Committee have already spoken.

MR. CHAIRMAN: I can give you only one minute.

SHRI AJOY MUKHOPADYAY: I will try to obey you.

The recommendation of the Law Commission was made in the year 1989 and keeping in view the growing trend of prices, will the Labour Minister tell this House clearly whether he wants to snatch away the compensation which the workers are already enjoying? The real value of Rs. 20,000 or Rs. 24,000 of 1984, if it is maintained, the amendment should have been for providing a sum of Rs. 80,000 or Rs. 90,000 as recommended by the Standing Committee. But he has not done that. In effect, the amount

of compensation which is being enjoyed by the workers is being reduced by this amendment if we think of the real value of the amount of the compensation. So, I request the Labour Minister to think over the matter very seriously because he should not neglect those who are responsible for the development and growth of this country. The achievements, the wealth and the growth which we boast of, could not have been possible but for the tireless labour of the workers of this country.

So, they should not be neglected.

So, I would request the hon. Minister of Labour to withdraw this Bill for the time being and bring a new Bill incorporating the recommendations of the Standing Committee. If that is not done, I can tell you that there will be serious repercussions on the working class of this country.

With these few words, I would like to conclude my speech.

*[Translation]*

\*SHRI C.K. KUPPUSWAMI (Coimbatore): Hon'ble Madam Chairman, I welcome and support the Bill to further amend the Workmen's Compensation Act and let me make certain observations from my point of view.

Majority of the work force in the country constituting about eighty per cent of the total labourers are from the unorganised sector, agricultural labourers, construction industry workers and the weavers in the handloom sector form the major chunk of the labourers left with the unorganised sector. They should also be covered by this Act and they will be getting compensation only when they are brought under the purview of this Act. I hope Hon'ble the Labour Minister will look in to this aspect.

Now we go about laying stress on export oriented industries and we have increased our export earnings. So I would like to suggest that a part of our export earnings should be earmarked for setting up a Labour Fund. Textile industry, handloom industry and garment industry are both labour intensive and export oriented. With these industries and with the manufacture of pumpsets, such units in my constituency alone are exporting goods worth Rs. 4,000 crore annually. A part of such export earnings should be set apart to provide several welfare measures and amenities like Housing, children's education, etc. that will greatly benefit the labour class. To effect this, a Labour Fund may be set up.

I would like to emphasize the need to adopt 'Same work, Same pay' policy. I hope you would consider

implementing this policy which would put an end to parity in payments to workers whether they are in Government units or public sector units or private sector units or multinational companies.

I cannot but point out the fact that the workers' compensation proposed in this Bill is not much, you may consider enhancing the same in the near future. There are workers toiling in the hazardous industries in the unorganised sector. Bidi workers, bleaching and dyeing industry workers, washermen etc. come under this category. They should also be paid compensation along with medical facilities.

Last but not the least, I would like to insist upon the need to bring all the workmen of the country under Pension Scheme. You may devise suitable Provident Fund Scheme to workers in various sectors. Such schemes would benefit mutually both the Government and the Labour Force. The Government would be able to give security to the Labour Force. This is a long pending and much felt demand of lakhs of labourers throughout the country.

I hope the Minister would consider implementing these suggestions if not now at least in the comprehensive Bill he may bring in due course. I request both the Finance Minister and the Labour Minister to evolve a way out and if possible to bring a comprehensive Bill in this Monsoon Session itself.

I would like to bring to your notice the sorry plight of textile workers in my constituency who are suffering due to the closure of textile mills. In my constituency alone there are about thirteen thousand textile workers left to fend for themselves. I have brought this to the notice of the Government several times and I request you to initiate action at the earliest to either nationalise or revitalise these mills. Many of my colleagues have shared their views. I request the Labour Minister to consider all their suggestions while formulating a comprehensive Bill.

With this, I thank the Chair and conclude.

*[Translation]*

SHRI GIRDHARI LAL BHARGAVA (Jaipur): Madam Chairman, I will not take much time of the House. This rule applies to both categories of workmen i.e. those working in the country or those working abroad. But I want to ask the hon. Minister as to why the powers of central and State Governments are different? Central Government says that their rules will be applicable where it exercises control. Will it apply to Delhi and Chandigarh only or to all over the country?

Madam Chairman, the second thing is that the workmen's compensation Bill is neither in the interest of mill

\* Translation of the speech originally delivered in Tamil.

owners nor the workers. I, therefore, would like to submit that this Bill is incomplete. It has been amended several times earlier. If it is amended once more, it should not be made a prestige issue.

Keeping in view all these things, you have amended 1st and 11nd schedule but I request that unorganised labourers may also be covered in it. It should also include the labourers engaged in Bidi industry, who are in large numbers in my constituency and Tonk. Besides this, there is also a need to include those unorganised labourers who are engaged in Sanganeri Printing, agricultural labourers, miners and casual labourers.

This Bill has some discrepancies such as different amount of compensations on the death of a labourer in a Railway accident or a plane crash. All these discrepancies are required to be removed. There is no mention of medical facilities and arrangements for rehabilitation of the family of the deceased labourer. Moreover, it is also not mentioned whether family member of a deceased labourer will get pension or not.

Madam Chairman, I have said in the amendment suggested by me that the relief amount which is given to the dependents of the deceased labourer is equal to the pay of 3 years and 5 months. Mr. George Fernandes had also touched upon this aspect yesterday. I think that this amount is not sufficient for his family. I have, therefore, suggested that the amount of compensation may be increased from Rs. 20 thousand to Rs. 50 thousand. Similarly, if a worker is injured permanently, he is given compensation equal to 4 years, one month and 10 days pay as per the existing rules. I think it is also not sufficient and this amount should also be increased. Apart from this, remaining labourers should also be included in this Bill. In the end, I request the hon. Minister that this Bill should not be passed in a haste. Instead, a consolidated Bill should be introduced in the House. The amount of compensation to the labourers should be increased and rest of the labourers should be included in the comprehensive Bill so that the families of the labourers can get some benefit, otherwise this will create dissatisfaction among labourers.

With these words, I thank you for giving me time to speak.

*[English]*

SHRI YAIMA SINGH YUMNAM (Inner Manipur): Madam Chairperson, I am opposing this Bill which proposes to amend the Workmen's Compensation Act. I would like to support the proposal put forth for the withdrawal of this Amendment Bill and to come forward with a fresh comprehensive Bill because the Workmen's Compensation Act, even though it is proposed to be amended, will become

outdated in the context of the present changes in the world of labour class because it is the fruit of the labour of the working class which provides comforts and well-being to the people. Even in the context of raising the status of the labourers and the dignity of labour as well, the present Act is very much outdated. In view of this changed outlook, I would like to request the hon. Minister in charge of this Bill to withdraw it and come forward with a Fresh Bill which may be in the interest of both, the common people as well as the labour class. That is my first suggestion.

Secondly, I also join my other colleagues in making the point that even though the Bill was referred to and examined by the Standing committee of the Parliament, the recommendations made by the Parliamentary Committee have not been accepted by the Government. That is unfortunate. So, I also join the other hon. Members in saying, what is the use of the Parliamentary Committee if the recommendations made by them are not examined and accepted by the Government.

It will only be a futile exercise as well as loss of energy and money. What is the use of this parliamentary Standing Committee if their proposals are not taken into account by the Government? I, therefore, join in protesting that the proposals of the Standing Committee are not accepted. With a fresh outlook and with a fresh consideration it is to be referred to the Standing Committee again and after considering the recommendation of the Standing Committee, a fresh Bill is to be brought out which will only serve the purpose.

Thirdly, I would like to come to the aspect of compensation itself and about the amount of compensation. I am prepared to agree for the enhancement of the rate of compensation but not agreeable to the rate that is now proposed. The compensation must not be less than Rs. one lakh in the prevailing circumstances. Even if a new Bill comes up, the amount of compensation should not be less than Rs. one lakh.

Lastly, I would like to bring to the kind attention of the hon. Minister about taking up programmes of awareness of this scheme to the people. Because of lack of awareness of the rights available to the labourers, many of the labourers in the remote corners of the country and in hilly areas who have to claim this compensation are not able to exercise that right and ask for compensation. An awareness programme is to be taken up by the Government and it should be extended to very remote areas and remote corners of the country. It should apply not only to the industrial workers but it should be extended to the agricultural workers and all other contract workers.

With these few words I conclude. I thank you for the opportunity given.

[Translation]

SHRI SATYA DEO SINGH (Balrampur): Madam Chairman, I, through you, want to draw the attention of the hon. Minister to the fact that this is the original Bill of 1923. Today, it is 1995 and we are fastly moving towards 21st century. When, this Bill was introduced in 1923 the reasons and requirements then were quite different from today. This Bill was drafted by Britishers. I do not understand as to why the Government bring it in the House again and again by making minor changes in it. My submission is that this Bill should be framed in a new perspectives and according to new responsibilities while keeping in view today's requirements, circumstances and environment. I think, it is not a proof of wisdom to amend this Bill again and again and bring in this House. The Government is neither thinking honestly of the labourers of this country nor doing any work for their welfare. It is following the policy of adhocism.

Madam Chairman, there is no relation between bonus and compensation in the existing circumstances. The amount of compensation was earlier increased from Rs. 24 thousand to Rs. 30 thousand and now it has been increased from Rs. 30 thousand to Rs. 50 thousand. In the case of permanently disabled labourers it has been increased to Rs. 60 thousand. Today, only those labourers engaged in organised sector can get its benefit.

17.00 hrs.

Today, there is economic reservation on a large scale in public as well as private sector. Only casual labourers and part-time labourers get work there. We do neither think, at any level, about those labourers who are engaged in unorganised sector like agriculture, shops and factories, nor make any laws for safeguarding their interests. Further, no consideration is given to the fact that what will be the plight of the families of labourers, in case they get seriously injured or die. We do not even discuss in this House the problems of lakhs of crores of labourers.

After globalisation, foreign exchange in huge quantity is coming in the country. When infra-structure will be created from foreign exchange, casual labourers under contract system will be employed. If someone gets injured or dies while working in the company will say very easily that he is a casual labourer and hence, he does not come within the purview of Workmen's Compensation Act. The Government has shown great sympathy by adding that:

[English]

"If the injury of the workman result in his death, the employer shall in addition to the compensation under sub-section (i), deposit with the commissioner a sum of one thousand rupees for payment of the same to the eldest surviving dependent of the workman".

17.02 hrs.

[Mr. Deputy Speaker in the Chair]

[Translation]

The point is that a worker is considered employed round the clock. The Government has not made any provision for compensation if he sustains injuries on the way or at his home. The Government has said that one thousand rupees will be deposited with the Commissioner in case he gets injured while working. The first thing is whether the Government is making any provision to provide employment immediately according to qualifications, to one of the dependents of the deceased labourer? Compensation and all other things come later. I was not present when Shri George Fernandes was speaking on the Bill. Has the Government thought about the condition of the families of labourers, in case they get injured or die after rendering two to four years' service? There is no provision in the Compensation Act for those casual labourers who will be engaged in a large number by foreign companies.

A proposal has been put forward here that a Life provident Fund or Compensation Fund should be created and if considered proper, the employers and the employees can contribute to it. Central Government can also provide matching grant to this fund. I think the Government will not require to make any budgetary provision if a fund like this is created in this country. However, the labourers will be rest assured that they will be paid compensation, if they die or sustain injuries.

Today, when we are making rapid progress, we are talking about going into 21st century and bringing about economic renaissance in the country. For this, we need capital and technology but we must not forget that we also need the manpower. We should strengthen the hands of the workers so that they could work whole-heartedly and the country could repay them in lieu of their contribution to the country's basic development.

I urge upon you to withdraw this Bill, and either refer it to the Select Committee or reconsider it yourself. The British had formulated the Bill of 1923, prior to independence, in their own interest but, today, we should formulate this Bill in the interest of our country. The country's interest is directly linked with the workers' interests. We should not think of capitalists and industries alone and ignore the hands who run these industries. I do not oppose this Bill but urge you to withdraw it. This Bill brought forward in a haste safeguards nobody's interest. With these words I thank you.

DR. SATYNARAYAN JATIYA (Ujjain): Mr. Deputy Speaker, Sir.

"Kuchh aisa lagata hai  
 Jaise bandi jeevan ke  
 bandhan badle hain  
 Karagar vahi hai.  
 Badali man ki asha  
 Lekin jeevan ka vishwas na badla  
 kya badla job manavta ki  
 Peera ka itihaas na badla.  
 Badal gaya hai  
 Kuchh logon ka jeevan  
 Lekin ansoon peene walon ka  
 Parivar vahi hai  
 Kewal bandhan badle  
 karagar vahi hai."

After independence, we have not thought about the human being, the humanity and the labourious workers, as we should. We think of industry, its production and profit only. Suppose, we consider capital as production and the industry, as machinery, we should not forget that the power needed to run that machinery is the labour. Therefore, no production is possible in the absence of labourers. It is true that it is now the age of computerisation but we are ignoring our hard-working labourers in the name of computerisation and modernisation. We are deviating from this basic concept that our industry should be labour-oriented. Today, we are rendering mankind helpless in the name of globalisation, modernisation and computerisation. In view of this conspiracy, it seems that we are pushing our country into the morass of economic subjugation.

We have the largest manpower in the world today. We can go in for its optimum utilization. It is not proper to ignore them in order to increase production. The purview of Workman Compensation Act is very limited which in effect makes our scope of consideration also very limited. But this Government is not giving due importance to labour. Therefore, in such a situation, the definition of the worker under Workman Compensation Act is very limited. A person who works hard and earn by the sweat of his brow, be it physical or mental labour, should be called a workman. But we are talking on the presumption of repudiating some people at some places. When shall we make the Act more comprehensive? 40-50 years of independence have elapsed but we have given no all-encompassing thought to it. I believe that measures will be taken for all round development of the workers.

The Government have amended it by increasing the

amount in view of rising inflation. There is need for a remedy rather than this obligation. There is no need of giving assistance to them but they should be given full compensation. If a person is rendered physically handicapped can we evaluate this damage in terms of money? We have provided for compensation so that a person who falls pray to a mishap in harness can spend rest of his life with honour and feed his family properly. The intention behind it is good but we are not extending the right help.

It was said right now that in the event of death of a worker, Rs. 1000 will be given for his cremation. Suppose, the dead body of the worker is not completely burnt with a sum of Rs. 1000 should we leave him semi-cremated? No, therefore whatever we do, we should do whole heartedly. At least, we can consider cremation compensation aspect. The Parliamentary Standing Committee has also given certain suggestions in this regard. At least a provision should be made by which proper assistance can be provided to him under the present circumstances. Therefore, the compensation given to him should include all the post death expenses-be it Rs. 1000 or Rs. 2000. It is a question of humanity and we can consider it on humanitarian grounds. Many other suggestions have been given by the Committee on other related aspects and all these things are incorporated in the para of appendix to the Bill.

The discrimination between the casual and the permanent labourers should be dispensed with while defining the workman. How did the system of contract labour come into vogue? It is a blot on the face of free India. There should be no contract labour system at all. Aren't we exploiting and doing injustice to the freedom of a workman by not giving him adequate compensation for his labour and thus, treating him as a bonded labourer? This exploitation and injustice to him has given rise to discontentment in his mind. When a casual labourers sees that the regular employee of a factory gets good return of his work but he does not get that much for the same nature of work, this difference of wages makes him envious. Therefore, differentiating between two persons doing the same work at the same place of work is no freedom. The criterion of freedom implies equal treatment to all. The Preamble of the Indian Constitution also envisages that:-

"We the people of India, having solemnly resolved to constitute India into a Sovereign Socialist Secular Democratic Republic and to secure to all its citizens justice, liberty, equality and fraternity without and discrimination.

Justice, Liberty, Equality and Fraternity are not mere decorative terms of the Constitution. These are meant to be paractically applied and enforced. Now some people will become free when we will celebrate our independence day. While having a concern for maintaining the independence



of this country if we do not consider as to what will happen to others, certainly it is not going to benefit the nation.

There should not be any difference between casual and permanent employees. The concept of contract labour should also be abolished and it should not exist at the place where there is a work of regular nature. We should first implement it in public undertakings and thereafter we should look out for some measures the remaining fields. This will certainly benefit the commoners.

Another recommendation does not provide the status of worker to clerks who do writing jobs in the factories. But an employee of a factory working with mental ability is also a worker. When we calculate the bonus on the basis of standards in vogue, he should also be entitled for that. Only then he can be treated at par with others. Therefore, clerical as well as other works mentioned in the Act should be justified properly.

Further, the next para reads, "the Committee recommends that in case of death the rate of compensation should be revised and raised from Rs. 20,000 to Rs. 80,000 and in case of permanent and complete disability it should be raised from 20,000 to Rs. 90,000". We can at least discuss the recommendation of the committee. It is not going to provide full assistance. If a person is rendered disabled, he is not compensated. He becomes disabled for the rest of the life in harness. Therefore, I was requesting you to consider it in entirety. Normally, we value the life of a human being worth Rs. one, two or five lakh but we want to give him assistance on humanitarian ground and when it comes to assistance, it should be full as incomplete assistance has not value. If you invite anyone for feast, he should have full diet, if we have to welcome any one, the welcome should be warm. Likewise, if we want to help anyone, it should be full help.

In the days of such price hike upper limit of the income fixed, is also inadequate. The Dearness Allowance should be linked with price-index and it should be revised after every two year, so that workers can be benefited. It was recommended by Standing Committee also.

We get insufficient time to discuss the problems of labour and labourers in the House. Therefore, time allotted for it must be fully utilized by us and hon. Minister. If hon. Labour Minister does something good for workers, they must be benefited. Someone has told that several Governments were formed and Labour Ministers were made but no one benefited the labour. Now, our Government is doing this laudable job but if it is your achievement, it is your duty also. You have to fulfil your duty to save the worker from exploitation and injustice. In this Bill, full responsibility has not been carried out, therefore I suggest to refer this Bill to Select Committee for full consideration.

Industries, at present, are in a deplorable condition. Out of them the condition of textile industry has become very pitiable, textile mills are closing down. In my constituency, Vinod Mill and Vimal Mill have already closed down and N.T.C. Mills are in the process of closing down. It is resulting in helplessness and unemployment of millions of workers. They have no work to do, so they have taken the warpath and are wandering here and there. They are not being provided any assistance by the Government. I would like to request the Government to pay attention towards the problems of millions of workers of textile mills as well as other mills who have been rendered jobless. Likewise, you should take care of workers engaged in unorganised sector, since we don't give them status of workers, they have not trade union like Railways and Corporation workers. Therefore you should think for their welfare. Millions of Workers in unorganised sector, engaged in manufacturing of slates and pencils, suffer from silicosis disease but nobody thinks for their welfare. Therefore, this Bill should be referred to Select Committee for full consideration.

"Inshaniyat Ke Dayre Simatte Ja Rahe Hain,

Har Bat Ki Ham Keemat Laga Rahe Hain.

Insan Ko Insan Ki Tarah Kab Samjha Jayega,

Kshatipurti Ke Nam Par Kab Tak Chhala Jayega?

Ajadi Men Admi Ki Admiyat Ko Yadi Nahin Smjha Jayega.

Mehanatkash Ko Yadi Uska Haque Nahin Mil Payega,

To Yah Sunishchit Hai Anyay-Shoshan Se Mukti Ke Liye

Phir Se Ek Naya Inklab Ayega.

If the Government intends to bring this change, it should manage in such a way that everyone may get justice in the democracy.

I again request the Government to send this Bill to Select Committee for full consideration. With these words, I conclude.

SHRI GEORGE FERNANDES (Muzaffarpur): Mr. Deputy Speaker, Sir, I would like to raise the point of order. I shall recite clause H.I.J.K.L. and rule 331 N as the Standing Committees and their rights and the value of their report have not been discussed in the House so far. The price of the report is Rs. 10 and it is available for sale. We people do not consider it more than a bundle of paper. It must be properly replied to since it relates to public money. Crores of rupees are spent on the sittings of the committees as T.A., D.A. on staff and their over time etc. Therefore report is prepared and published. If it has no value in the House, merely quoting on it Rs. 10 as its price, hardly

matters. Therefore, I would like your ruling and before it comes, I will put this rule before you.

[English]

Rule 331H relates to the Procedure relating to Bills. It says:

"The following procedure shall be followed by each of the Standing Committees in examining the Bills and making report thereon:-

(a) the Committee shall consider the general principles and clauses of the Bills referred to them and make report thereon;"

You please see this:

"the Committee shall consider the general principles and clauses of the Bills referred to them and make report thereon;"

Now I take you further to Rule 331 I (1) on page 126. It says:

"The Reports of the Committees shall be based on broad consensus.

(2) A Member of a Standing Committee may give not of dissent on the report of the Committee.

(3) The note of dissent shall be presented to the House along with the report".

[Translation]

MR. DEPUTY SPEAKER, Sir, I would like to give thrust on consensus. Majority or Minority has not been mentioned here while it has been mentioned in rule 261 that:

[English]

"All questions at any sitting of a Committee shall be determined by a majority of votes of the members present and voting."

[Translation]

It has been mentioned in rule 262 -

[English]

"In the case of any equality of votes on any matter, the Chairman or the person acting as such, shall have a second or casting vote."

[Translation]

Now see the difference. There are several Standing Committees of the House. To look after the internal arrangements and functions of the House, there are several important committees like - Public Accounts Committee, Estimates Committee and Public Undertaking Committee. Rules about the committees say that the

decisions will be taken by majority of votes of the Members but this procedure does not apply to Standing Committees because Rule 331 H relates to procedure to bills only and is not applicable to other functions of the Standing Committees such as examining the reports and other works. This relates to Bills only and it is stated here that "The reports of the Committees shall be based on a broad consensus". Consensus means that some sort of compromise is reached between us. Some times, our opinions on any particular issue are at poles apart but we give regard to the committee and therefore, a consensus is reached. Mr. Speaker, Sir, Standing Committees of the House, are like mini Parliament where reports are prepared on the basis of consensus. Now, I would like to quote rule 331 N. It says —

[English]

"The report of the Standing Committees shall have persuasive value and shall be treated as considered advice given by the Committees".

[Translation]

Please try to understand the two words - 'persuasive value'. It means decision, taken by committee based on consensus or report prepared by consensus shall have persuasive value. Mr. Speaker, Sir, when an argument is put forth in a court, it has a value but that is not an order binding on Judge, that is only of persuasive value. You know what is right, what is wrong. You try to persuade;

[English]

You do not impose on the Bench.

SHRI PAWAN KUMAR BANSAL (Chandigarh): I did not want to interrupt at all. The point of order is not being raised.

[Translation]

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, Persuasive Value is not an ordinary thing. This is not right.

[English]

What is the procedure adopted in discussing the Bill here ?

[Translation]

I am not yielding. This is not right.

[English]

You try to persuade the Bench. You do not impose a view on the Bench. Persuasive value is not an ordinary thing. I am not yielding. You can certainly rebut me later.

SHRI PAWAN KUMAR BANSAL: Subsequently, I would like to do that, I would seek your indulgence to do that. But he has no point in raising this.

SHRI GEORGE FERNANDES: But you have no right of interrupting me. Sir, on one side, it has a persuasive value. How the hence would treat this persuasive value? The persuasive value shall be treated as the considered advice given by the committee. This is the considered advice.

[Translation]

After a deep thought and full discussion, considering every aspect, we come to a conclusion and submit the report. I would like to raise two issues. Firstly, Government presents a Bill before the House, keeping in view the considered advice given to it. What advice it had before presenting this Bill? You have not accepted the recommendations made. Since the Government has presented this report in the House, this is its duty to tell the House about the objective behind the Bill as I suppose for the Government, this report has no value or if it is of any importance to it, please let the House know about that. If the report is considered of no importance, then it is insult of the House. If you count the considered opinion of the committee good for nothing, then committee also has no importance. Then this House or any one else has got no right to spend crores of rupees on such unimportant committees. This is a mockery which must end. We have been facing this situation for the last two and a half year but now it has become unbearable. Reports presented by these committees do not get due attention. These committees should therefore, be dissolved. There is a T.A./D.A. committee which is simply a T.A./D.A. committee. I oppose it to be called as a Standing Committee. Whosoever wants to participate in it, he is most welcome and those who do not want to join it, may stay out. This mockery should be ended. I had raised this issue, when the issue of Standing Committee was taken up in the House. This issue was raised some two or two and a half year ago. At that time, I had ventilated all my feelings related to this issue for almost one hour. I will not have a mere rebuttal of this logic. Before this, I would like to raise another issue. Please see the same rule.-

(English)

331J. Except for matters for which special provision is made in the rules relating to the Standing Committees, the general rules applicable to other Parliamentary Committees in Rajya Sabha shall apply *mutatis mutandis* to the Standing committees specified in Part I of the Fifth Schedule and the general rules applicable to other Parliamentary Committees in Lok Sabha shall apply to Standing Committees as specified in Part II of the Schedule.

Now, I will quote Kaul and Shakhder, page 692, Edition 1991.

1. Reports which are discussed by the House.
2. Reports which are discussed and adopted by the House.
3. Reports which may or may not be discussed by the House.
4. Disagreement between a Committee and the Government.

"The recommendations of a parliamentary committee are normally accepted and implemented by the Government. If in regard to any recommendation the Government hold a view different from that of the committee, the Government have to apprise the committee of the reasons that might have weighed with them in not accepting or implementing the recommendation. The matter is considered by the committee and a further report, if deemed necessary, may be presented to the House."

[Translation]

I do not want to take more time in reading out the rule. I would like to ask the hon. Minister as to what difference he has from this report? If differences are there, I have just mentioned Rule 331-J which says other rules will apply here *mutatis Mutandis*, then why did you not made us and House aware of it? You often insult the House, but you could have informed us about this. There is a Committee, headed by Smt. Chandraprabha Urs which comprises of 45 Members of the House. A person of the stature of Shri Ramesh Chennithala is also a member of that Committee. Yesterday, he put forth his opinion in the House in a appreciable manner. I found him present in every sitting of the Committee. I mentioned his name since I did not have the report yesterday and I took this report from him. I would like to know. If the Government has different views and feels that instead of Rs. 80,000, it should be Rs. 86,000, instead of Rs. 60,000, it should be Rs. 85,000 and instead of Rs. 15,000 the amount should be one thousand rupees, then why did it not provide us report? What different opinion the Government has? Why did you not make us aware of your opinion? We, therefore, want your ruling on these issues. I think many of us would like to speak on this issue. You please listen to them but you must give your ruling on it because the fate of these committees will depend on ruling, given by you today.

(English)

SHRI PAWAN KUMAR BANSAL: Mr. Deputy Speaker Sir, with utmost respect to Mr. George Fernandes I have to submit that no point of order as such is involved in the matter raised by him. In a parliamentary system of Government, it is the Government of the day which is responsible for its actions both in the House and outside the House. If the Government comes out with a policy, the

Government holds itself responsible for the outcome thereof. If the Government initiates a legislation, it is for the Government really to face the consequences thereof - whether the people accept it, whether the people are against that particular piece of legislation.

Sir, it was with a pious intention that the rules relating to the Standing Committees were incorporated in the Rules of Business of the two Houses of Parliament because the Government, that is the present Government, the Congress Government headed by Shri Narasimha Rao, wanted to involve all sections of the House in an in-depth study of any matter that is referred to the Standing Committee in regard to any matter about which the Government initiates some action. It was after a number of meetings the Rules Committee of which I also had the privilege of being a member, that the rules which Mr. George Fernandes has referred to, were framed. I am grateful to him that he has referred to the provisions himself. Rule 331 <sup>4</sup> says that the Report of the Standing Committee shall have persuasive value and shall be treated as considered advice given by the Committee. Unlike him, I do not treat this Report to be just valued at Rs. 10. I consider it to be a very important Report and I am very confident that the Government has considered the Report. Then again, it is for the Government to accept it or not to accept it. It does not necessarily mean that the Government has closed its options for all times to come.

The Government came out with a particular proposition. And we have not yet heard the hon. Minister. He had to reply to the debate. If certain Members raised certain points referring to the Report, the Minister has to reply thereto. The Minister has not even made a mention of the Report. And the hon. Minister has not made a mention of what the hon. Member has spoken in the House...*(Interruption)*

SHRI BASUDEB ACHARIA (Bankura): He had made a mention but you were not there the day before yesterday...*(Interruption)*

SHRI PAWAN KUMAR BANSAL: Has he replied to the debate? He has not yet. It is only after the reply that possibly any hon. Member could have got up to raise certain objections here.

I would like to raise another very important point. Mr. George Fernandes was referring to the types of reports: the reports which could be discussed in the House and the report which could not be discussed in the House. I would just remind this hon. House of occasions in the recent past when Members from the Opposition, particularly the leaders of the Opposition, including Mr. George Fernandes have made demands for referring certain Bills not to the Standing Committees but to the Select Committees. What distinction

do they draw between the two? And they draw the right distinction, I would like to say, because it is only in the case of the Select or Finance Committees that the Government may again refer back the matter to them or the Government may be obliged to refer the matter back to them. The Standing Committees have been formulated to ensure that all pieces of legislation are routed via these Committees. It does not necessarily mean that every action that the Government wants to take has to be finally dictated - I would like to draw the distinction between 'dictated' and 'guided' - the decision of the Committee because in the Committees, - I am not undermining their importance, I have been a Member of the Committees myself - we cut across party lines to express certain things. That is of a persuasive value, that is of an advisory value to the Government.

Finally, when the Government comes to the Parliament with a Bill, there is no provision in the Rule that the Bill has to be passed in the Committee. In my view, we do not even report the Bill as the Select Committees do. The Standing Committees do not report the Bill with amendments. If a particular Committee follows that procedure, it may be doing so in the absence of a particular provision to that effect. But it is unlike the Select Committees that the Bills are not reported. You do not suggest amendments; you only present a report.

Given this scenario, to rise at this point and say that it is only the Standing Committee's Report which should be adopted by the Government and the Government should close its own options and again leave it to them to criticise it outside, I wish, we were to devise some means, we were to evolve a system, where all the people, all different sections of the House would sit together and work on certain things. That was the consensus that the Prime Minister wanted when he took over the reins of the Government. He began with that. There was no proper response, not really any reciprocation of that ideal way of his working. If we were to devise that, we would welcome that. And then, we need not even bring the Bills because the Bills could be discussed in the Committees. Why do we have the Bills here there? Precisely, to ensure that it is finally the Parliament as such, which has to discuss it.

With regard to this Bill, with upmost respect to what has been said in the Report, the Rajya Sabha has passed this Bill. After the Rajya Sabha has passed this Bill, this Bill has come to us now. We have to see what are the reasons why we differ with the views of the Rajya Sabha. And given the situation, I would submit that a point like this should not be and cannot be raised at this stage...*(Interruptions)*

MR. DEPUTY-SPEAKER: One minute, let us hear the Minister please.

...*(Interruptions)*...

SHRI BASUDEB ACHARIA: Sir, we would speak and then he can reply...*(Interruptions)*

MR. DEPUTY-SPEAKER: Mr. Basudeb Acharia, you have already participated in the debate. Mr. George Fernandes has raised one point. When the Standing Committee has recommended something, should it necessarily be incorporated in the Bill? Or, is it only of a persuasive value? Mr. George Fernandes has spoken exhaustively.

...*(Interruptions)*...

SHRI BASUDEB ACHARIA (BANKURA): I have a new point, Sir...*(Interruptions)*

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS) AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKUL WASNIK): Sir, Mr. George Fernandes has raised some points. Mr. Pawan Bansal has effectively placed his points of view, the spirit behind the Standing Committee and its recommendations...*(Interruptions)*

MR. DEPUTY-SPEAKER: The time allotted to this subject was one hour. And it has consumed more than four hours. Now, we are at the fag end of the debate. Mr. George Fernandes has raised one point. There was a Standing Committee. It has given a Report. That Report has not been adopted. That is the objection raised by Mr. George Fernandes.

SHRI BASUDEB ACHARIA: After hearing us, he will reply because I have certain new points.

MR. DEPUTY SPEAKER: No, no. Mr. Acharia, let us hear the hon. Minister.

SHRI BASUDEB ACHARIA: First, you allow us and then the Minister of Parliamentary Affairs can explain.

MR. DEPUTY SPEAKER: Mr. Acharia, it was referred to the Standing Committee. The Standing Committee has given a Report. Your objection is that the Government has not incorporated some of the relevant provisions that they have indicated.

SHRI BASUDEB ACHARIA: This is not the point.

SHRI GEORGE FERNANDES: There are various points...*(Interruptions)*...It is not a simple point.

MR. DEPUTY SPEAKER: All right.

SHRI SAIFUDDIN CHOUDHURY (KATWA): Shuklaji, you hear all the points.

SHRI BASUDEB ACHARIA: I participated and spoke for half-an-hour. But this is a very pertinent question.

MR. DEPUTY SPEAKER: Mr. Acharia, you hear the hon. Minister.

...*(Interruptions)*

MR. DEPUTY SPEAKER: You had been given an opportunity. At that time, you did not raise it. Mr. George Fernandes had raised it.

SHRI BASUDEB ACHARIA: I had raised this point while speaking. I have some new points here.

THE MINISTER OF WATER RESOURCES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA): Sir, this particular Bill was allotted about one hour by the Business advisory Committee. And we have already devoted about six hours...*(Interruptions)*...It may not concern you. But it concerns the whole House.

SHRI BASUDEB ACHARIA: It concerns the entire nation.

SHRI VIDYACHARAN SHUKLA: We cannot flout the decisions of the Business Advisory Committee which were endorsed by the House. Every Member of the House is bound by it...*(Interruptions)*...Let me complete my submission. The Standing Committee has been created by the House to give us guidance on various matters.

SHRI BASUDEB ACHARIA: Not only guidance...

SHRI VIDYACHARAN SHUKLA: Why do you give a running commentary on my submission? Let me say whatever I want to say. You should not be giving a running commentary in this manner.

I have been a great supporter of this Standing Committee. Therefore, I know that Standing Committees have been created to give guidance to this House as far as matters like Bills or policy documents which are referred to it by the Presiding Office are concerned. And they gave their opinion. In most of the cases, we are able to accommodate their wishes or we accept their guidance. In many cases, we are unable to do that. The Rules have been framed for the conduct of the business of the committee. And it is not binding on the Government. We are not bound to accept that.

The hon. Minister will explain the reasons why it is not possible to accept that. We are unable to accept it. Then, the House will have to take a decision on its own.

After having got the Bill passed in Rajya Sabha, it has come here. It will not at all be wise to refer it to a Select Committee. The House itself can take a decision and should take a decision.

I would submit to you that having spent six hours - we were supposed to spend one hour - we should not

waste any further time on this debate. After hearing the Minister's reply, you should put the question to the vote of the House and take a decision on this matter. But it is no use wasting time unnecessarily on this.

Should we sent it to the Select committee or not? It is absolutely unnecessary to do that. The House itself should take a decision in this matter. We will not agree to refer this Bill to the Select Committee.

SHRI BASUDEB ACHARIA: Sir, I entirely disagree with what hon. Minister of Parliamentary Affairs has stated. I will refer to what the Minister of Labour has said while moving this Bill. Regarding this Standing Committee, the Minister of Labour, while moving this Bill, said:

"The Standing Committee of Parliament of Labour and we Welfare has also cleared the Bill subject to certain observations and recommendations. The Government has noted them for further examination in consultation with sister Ministries after the present Bill is cleared by the House..."*(Interruptions)*...

SHRI MUKUL WASNIK: Sir, he has already spoken on the Bill. If we go on and on like this, this is not fair to the House. We strongly object to the practice which is followed by Mr. Basudeb Acharia.

SHRI BASUDEB ACHARIA: Sir, I am on my legs and you have allowed me to speak. I am speaking with your permission, Sir.

MR. DEPUTY-SPEAKER: I have allowed you but be brief.

...*(Interruptions)*...

SHRI BASUDEB ACHARIA: The Government has noted only certain observations. Why only certain recommendations have been noted? This Bill is pertaining to enhancement of the amount of compensation to be paid to workmen for death or permanent disability. That is the main purpose of the Bill. The recommendation of the Standing Committee is that the compensation amount should be Rs. 80,000 in the case of death and Rs. 95,000 in the case of permanent disablement.

MR. DEPUTY-SPEAKER: Mr. Acharia, all these points have been covered exhaustively. What is the need to repeat it once again?

SHRI BASUDEB ACHARIA: Sir, important points are not considered...*(Interruptions)*

MR. DEPUTY-SPEAKER: No, no.

...*(Interruptions)*...

SHRI BASUDEB ACHARIA: Not a single Minister is

able to tell as to what recommendations he has accepted or incorporated.

MR. DEPUTY-SPEAKER: I will give my ruling now as we would like to close the debate. I request you to kindly see Rule 331N.

...*(Interruptions)*...

SHRI BASUDEB ACHARIA: Why was the Bill referred to the Standing Committee? The Standing Committee examined and made certain recommendations.

MR. DEPUTY-SPEAKER: This is not a place where you have to question as to why it was sent to the Standing Committee. I shall ask the Minister to reply now.

...*(Interruptions)*...

MR. DEPUTY-SPEAKER: Rule 331N says:

"The report of the Standing Committees shall have persuasive value and shall be treated as considered advice given by the Committees."

So, it is not a must; it has got persuasive value.

...*(Interruptions)*...

SHRI BASUDEB ACHARIA: Report of the Standing Committee will have persuasive value and treated as considered advice...*(Interruptions)*

SHRI P.A. SANGMA: You will be convinced when I will be replying to the debate...*(Interruptions)*

SHRI BASUDEB ACHARIA: Sir, give your ruling.

SHRI SRIBALLAV PANIGRAH (Deegarth): Sir, I would just say one sentence...*(Interruptions)*

SHRI VIDYACHARAN SHUKLA: Why are you standing now? He has already given his ruling. Sir, he should not be allowed to make any submission as you have given your ruling. Nobody should speak on your ruling, Sir...*(Interruptions)*

MR. DEPUTY-SPEAKER: I have already given my ruling. If you have not properly heard it, once again, I will give it. Rule 331N says:

"The report of the Standing Committees shall have persuasive value and shall be treated as considered advice given by the Committee."

It is not a must. so, I will ask the hon. Minister to reply.

SHRI P.A. SANGMA: Mr. Deputy-Speaker, Sir, I thank all the hon. Members for having exhibited such an interesting debate. As the hon. Minister for Parliamentary Affairs has pointed out, this Bill was supposed to be discussed for one hour and we have already spent six

hours. It could even become seven hours depending on the time I take and Mr. George Fernandes takes. I thank all the hon. Members for having participated in this debate. I would not be able to perhaps reply to each and every point raised by the hon. Members though all the points are very important ones. I will deal with some of the basic questions which have been raised by the hon. Members.

First of all, would come straightaway to the first recommendation of Standing Committee since we have discussed so much about it. The first recommendation of the Standing committee was that under the definition of 'workmen', the casual labourers should be included. That was the first recommendation. The stand of the Government is that the casual labour is already included under the existing definition. What is the existing definition? I will come to that...*(Interruptions)*...Please listen to me. Please have patience. I want to explain. If you have anything to say, please say later on. I would like to state my position.

Now, what is the definition of a 'workman'? A 'workman' means, any person other than a person whose engagement is of a casual nature - this is where every Member of Parliament is catching - and, the word 'and' is very important, who is employed otherwise than for the purpose of the employer's trade or business; which means, in order to exclude any worker from the purview of this Act, two conditions have to be fulfilled, not one. One is, the work has to be of a casual nature; and the second is, he should have been working there other than for the purpose of employer's trade or business. What is the reason? Why has it been so made? It is very simple. You have to go to the definition of 'employer', then you would understand the whole thing. This Act is not the same as that of the Industrial Disputes Act, or the Factories Act, where you generally understand the meaning of 'worker' and the meaning of 'employer'. The definition of 'worker' as well as 'employer' is much larger in this case than in any other industrial law.

"When you go to the definition of an 'employer', it says and I quote: "an 'employer' includes..."

It does not say 'means', every definition starts as, 'an employer means', but here the definition is:

"an 'employer' includes anybody or persons or Corporation etc. etc. etc.

It means any single individual is an employer under this Act. A person under the provision of this Act could be an employee as well as an employer.

DR. SATYANARAYAN JATIYA: What about the contract labour?\*

SHRI P.A. SANGMA: Everybody is included. The contract labourers are also included. You go to Schedule

II. There are hundreds of High Court and Supreme Court rulings on casual labourers and contract labourers. I have not gone through all the rulings. But I have gone through many rulings where the judgement is that casual labourer and the contract labourer are covered by this Act, Suppose, I accept the recommendations of the Standing Committee by removing the brackets "casual nature employed otherwise than for the employer's business or trade" - everyone of us becomes an employer...*(Interruptions)*...There is no limitation of workers here. Your cook is an employee, your *mali* is an employee, your driver is an employee if he/she has worked for twelve months. This qualifying period is there...*(Interruptions)*...It should be okay. I leave it to you.

Now, you want the compensation amount to be increased to Rs. 5 lakh or 8 lakh. Let me say frankly, how many of us are capable of paying that amount, God forbid, if that ever happens? ...*(Interruptions)*

Now, if you are constructing your house and because of the definition of an 'employer', if you are asking me to change the definition of 'worker', I think you have to ask me to change the definition of 'employer' also. Otherwise your purpose would not be achieved. Therefore, we have to be careful. You are constructing your own house, I am constructing my house, you are employing a person for your domestic work - everybody would be included here if I go by the recommendation of the Standing Committee.

Today the journalists come under the category of employees. Once I change the definition, they will also become the employer because they will have somebody to drive their cars, or somebody to look after their kitchens or kitchen gardens. I am telling the truth.

*[Translation]*

ONE HON. MEMBER: It is not so.

SHRI P.A. SANGMA: It is so.

*[English]*

Please listen to me. Please do not argue. You will have your chance.

There are two opinions of the courts. Some High Courts have held that the 36 employments enlisted in Schedule 2 are illustrative and others have held that they are exhaustive. It is a question which came up before the Court. Some Courts have said that it is exclusive. Please listen. I am speaking with responsibility. I have gone through the ruling.

SHRI CHITTA BASU: I am saying that when I have an employee, I must have a moral responsibility to take care of him. It cannot be said that you can be an employer but you should not take the responsibility of your employee...*(Interruptions)*

MR. DEPUTY-SPEAKER: Let us hear the hon. Minister. Let there be no interruptions.

SHRI P.A. SANGMA: There are certain Courts which have held that Schedule 2 of this Act is exhaustive. Some courts have held that it is illustrative and it can be extended. There is a specific case, in which the High Court has given its ruling, which I have gone through. A person brought somebody to water his garden. There was a short circuit in the electric post on the top roof of his house. This gentleman asked him to climb up the post and rectify it. The fellow went up the post, fell down and died. The Court said that he has to pay the compensation because the list is illustrative and it can include this case. But according to my humble view, I am not a very good lawyer but I am a lawyer, this should not have happened and this is what we are trying to avoid.

So, the demand of the House and the desire of the Standing Committee is met full under the existing provisions of the law because the casual labour and the contract labour have been brought under the purview of this law. There are certain areas which are debatable. One of the hon. Members said that the coconut workers should also be included. As far as agriculture is concerned, it says that those who are employed in horticulture operation, forestry, bee keeping or farming will be covered under this Act. I do not know whether the coconut workers can be brought under this description. This again is a matter of interpretation.

One of the reasons to amend this Act is to give the Central Government a similar power which we had given in the original Act saying that the State Governments are entitled to add any type of occupation to Schedule 2 of this Act. If any State Government wants to include coconut workers or Tendu leave workers, it is free to do so.

MR. DEPUTY SPEAKER: It is already six o'clock. Is it the desire of the House to sit for another half an hour and finish this item?

SEVERAL HON. MEMBERS: Yes.

SHRI LOKANATH COHODHURY (*Jagatsinghpur*): Sir, both the sides agree to it.

MR. DEPUTY-SPEAKER: MR. Lokanath Choudhury always agrees with the House.

SHRI P.A. SANGMA: I do not think I will take much time. Whatever new occupations have been suggested during the course of this debate, which are not included in Schedule 2 of the Act, I assure the Members that I will write to the State Governments to include them also in the list.

**18.00 hrs**

In the event of their not doing it, if the hon. Members want it, I assure you the Central Government will notify that, because that power is vested in us also.

As I said, through this amendment we are bringing in 16 more categories of employment adding to the 36 categories which are already there in the Act. The new categories of workers that are being included in this amendment are very important ones. For example, our migrant workers who work abroad do not get any protection or compensation. We are going to cover them under these provisions. Those Indian people who had gone to work abroad, recruited by companies which are registered in India, all of them are going to be covered for the first time. Yes, they are covered for the first time. Our journalist friends and cameramen sometimes come to cover our political meetings. Suddenly a lathi charge takes place and even a police firing takes place in which they also get injured but they are not covered under this Act. We are going to add them also in this Bill. Like this 16 more categories have been added. I must mention one thing.

*[Translation]*

SHRI MOHAN RAWALE (*Bombay South Central*): I would like to know as to whether journalists have been covered under it for 24 hours.

SHRI P.A. SANGMA: There is no question of hours. Whenever any accident takes place on duty.

SHRI MOHAN RAWALE: Because they have to go at any time to cover news.

SHRI P.A. SANGMA: Certainly, on duty.

SHRI MOHAN RAWALE: I would like to say that in the same way employees should also be covered.

SHRI P.A. SANGMA: Compensation will be given to every person working at any time there is no question of hours.

*[English]*

I do agree with all the hon. Members that implementation of our laws is very poor. This, I think, is what we should debate. This law is being amended today; 36 categories of people are being included, but I do not know how many of them will come to know about it. I cannot guarantee that. I know that the elite sections like journalists will come to know of it and will be happy about it. But what about the agricultural labourers? We are including fishermen in this amendment today. I do not know whether they will watch television tonight or read national newspapers tomorrow and find out that people who work in fishing industry have been included in this. I have my doubts about it. That is the point which, I think, we must emphasise. Every Member of Parliament, every politician, every political party, and every trade union leader must take the message to the people and make them realise this.



There are more than 100 labour laws in this country. People talk of unorganised sector which is governed 90 per cent by a law called the Minimum Wages Act, for ensuring their livelihood. Tomorrow you go to your constituency and ask the people there is they know about it. I have done it in many States whenever I travelled by road. You stop at a place where a road is being laid and ask the workers there if they know about it. You ask them, "Do you know what is the Minimum Wages Act? Do you know how much wage the Government has fixed for you?" I have tested it 100 times in every State. Whenever I go by road I stop at a place where bridges are being constructed and where a road is being laid. I ask the workers as to how much money they get. You know how much money they get. When I ask them "Do you know there is the Minimum Wages Act and the State Government has fixed a minimum wage for you?" they say that they do not know. They say

[Translation]

Sir we do not know to what is it?

[English]

If you ask as to how much wage is paid to a woman and how much is paid to a man, you will find that there is so much of difference between the two, in spite of the fact that we have got the Equal Remuneration Act.

Why do you demand for more and more here? How many people are going to get it? How many people are going to benefit from it? I think our target should be the number of beneficiaries and not a jump in the amount here. How many people are going to get it? My appeal to this House is, what is important is the workers have to be made aware of their rights, they have to be made aware of what is available to them.

This is what we should. This is very important.

Now, I will come to the quantum of compensation. It is very easy to say that Rs. 20,000 should be raised to Rs. 80,000 and Rs. 24,000 should be raised to Rs. 1 lakh.

SHRI SATYANARAYAN JATIYA: We are asking about the recommendations of the Committee,

SHRI P.A. SANGMA: I will explain that.

These are the recommendations of the Committee. I have explained that the casual labourers should be included.

Now, I will come to the quantum of compensation. I have proposed Rs. 50,000. They wanted Rs. 80,000. Here again I have increased it from Rs. 24,000 to Rs. 60,000. But the Standing Committee's recommendation was that it should be raised to Rs. 90,000. Here, of course, some hon. Members wanted that it should be increased to Rs. 1 lakh.

SHRI SIVAJI PATNAIK: Are you accepting it? We are very much quoting from the recommendations of the Committee.

SHRI P.A. SANGMA: We are not accepting it for the simple reason that here the definition of employer is such that anybody can become an employer. A *Pan-shopwalla* engages somebody to sit in his *Pan-shop* whenever the goes for lunch or some such thing. He is an employer under this Act. A man who is running a tea-shop on the road side also keeps two or three people for distributing tea. He is also an employer. They form a majority in this country. Even the smaller farmers, marginal farmers, self-employed people, the people who are running tiny industries, the people who are running *dhabas*, the people who are running *Pan-shops*, everyone of them is included here as an employer. Is it not the duty of the government of India to think about their paying capacity?

Mr. Shahabuddin said that this Bill is meant to protect the employers. Yes, I do agree with him. Why should we not protect the employers? The employers are also Indians. They are also contributing to the economy of this country. They are also doing their job. Why should we not protect them? Why should we condemn them? Even a Pan-shopkeeper is an employer under this Act. Is it not the duty of the Government and everyone of us to take care of them? How many *Pan-shopwallas* and how many *tea-shopwallas* will be able to give a minimum compensation of Rs. 80,000 or Rs. 90,000 or Rs. 1 lakh? I think, even the Members of Parliament would not be able to do it what to speak of *Pan-shopwallas* or *Dhabawallas* or *tea-shopwallas*. Therefore, we have to be reasonable. It has to be practicable. What is the meaning of making a law which cannot be implemented by you? It is better to enact a law which is implementable, rather than going on making one law after the other which people do not know and even if they know, they have no capacity to implement it. I do not subscribe to this view. I am absolutely for laws which can be implemented. It is much better. Therefore, the compensation, whether it is Rs. 60,000 or Rs. 50,000, is only a minimum. What we have prescribed is the minimum compensation. The maximum can go up. I have calculated it. I have got the calculations. The formula for calculation is in Schedule-I. Mr. George Fernandes said that the people are getting less. I would say it cannot be. It is because everything is calculated on the basis of a formula. There is a formula for an injury on a finger. The Commissioner has to go by that...*(Interruptions)*

DR. ASIM BALA (Nabadwip): Are you including the contract labourers also who are working in the Government organisations?

SHRI P.A. SANGMA: They are all included in it. Everybody is included here. For example, in case of death

by an accident, the minimum compensation is Rs. 50,000 and maximum can go upto Rs. 2,18,000. For a permanently disabled person, the minimum compensation is Rs. 60,000 and the maximum can go upto Rs. 2,70,000. The Government considers it adequate. It is strictly according to the Law Commission's Report.

But there is a second reason why we are sticking to this. Workmen's Compensation Act is only one of the Acts which regulate the social security measures in our country. It is only one of them. It is not that when the worker dies he gets only the workmen's compensation. No. There are so many other social security Acts. We have got ESI Act; we have got the Provident Fund Act; we have got the Gratuity Act; we have got the Bonus Act and we have got the Insurance Scheme. We are joint to give pension. Many hon. Members have mentioned about pension. I am given to understand by the Chairperson of the Standing Committee that in the next two or three days they would be able to finalise their Report on the Pension Bill. I hope and wish that the Pension Bill. I hope and wish that the Pension Bill is passed in this Session of Parliament itself. So, pension is going to be there. The Gratuity Act is there; the Bonus Act is there; and the Provident Fund Act is there.

[Translation]

SHRI MOHAN RAWALE: Mr. Deputy-Speaker, Sir it is not in the organisational sector.

[English]

SHRI P.A. SANGMA: Yes...(Interruption)

MR. DEPUTY SPEAKER: You kindly put your questions afterwards. Please note down whatever you want to ask.

SHRI P.A. SANGMA: Unorganised people are now being covered under the Provident Fund Act. Recently we have taken a decision to reduce the number of workers from twenty to ten in order to bring an establishment under the purview of the Provident Fund Act. We are going down gradually. So many people in the unorganised sector, like the bidi workers have been covered. For those who are not covered under the Provident Fund Act, the Government has introduced Group Insurance Scheme. So, there are a lot of social security measures available for them. So, this Women's Compensation Act is in addition to the other benefits which are accruing to the workers as a result of the social security Acts.

These are the two main points which have been raised by the hon. Members. I do not say that the benefits will accrue to the workers in the bit way. But, I think, this is certainly an improvement over the existing law. So, why should we delay this law referring it to a Select Committee? The hon. Member Shri George Fernandes is a very senior

Member and champion of the working class. The first time I came to know him was as a leader of the Railways Trade Union. He has already stated that the Law Commission has given this report in 1989 and why did you delay in bringing this Bill before this House. I admit that there has been a delay and I am sorry for that. Mr. Fernandes was also a Minister twice. He also knows about the procedure followed in the Government. We had to send this to the State Governments because they are the authority to implement it. We had to wait for their comments. After we received their comments we sent them to the sister Ministries. So, there was a delay. I must point out that this Bill was introduced in the House on 13th June, 1994 and today it is 3rd of August, 1995. So, even in Parliament it has taken more than one year. So, delays do occur. Why should we delay it more? So, I appeal to all the Members to pass this law today...(Interruptions)

MR. DEPUTY SPEAKER: He has exhaustively dealt with the subject. What is remaining there to ask?

[Translation]

DR. SATYNARAYAN JATIYA: Mr. Deputy Speaker, Sir, I would like to draw your attention towards that just now you have said that several measures have been taken for welfare of labourers especially from the viewpoint of Workmen's Compensation. But conditions is that labour courts set up to decide all these matters are not functioning properly for want of judges. Madhya Pradesh is in deplorable condition. Most of the courts are functioning there without judges and owing to this position labourers could not get justice at proper time.

Therefore, I request you that some arrangements should be made to avoid delay in meting out justice to them and arrange timely payment of the prescribed amount of compensation to them.

SHRI PRABHU DAYAL KATHERIA: Mr. Deputy Speaker, Sir, I have raised a point and know that hon. Minister is unable to do that. I would like to say that sentiments of crores of labourers are linked with this question. You have been unable to implement the provisions proposed by me. I would like to say that this issue of providing rights to labourers should be raised in the cabinet meeting which is to be attended by hon. Prime Minister also if you share the sentiments of Indian Labourers and want to continue with the slogan of 'Jai Jawan Jai Kisan' would you raise this issue in cabinet meetings or not?...(Interruptions)

SHRI P.A. SANGMA: For the last ten years I am Labour Minister in this Government and fully aware of the feelings of labourers and thus there is no need to tell us about that.

SHRI PRABHU DAYAL KATHERIA: This issue should be placed in cabinet Committee as crores of labourer are attached with it...*(Interruptions)*...Our sentiments should be conveyed to them...*(Interruptions)*

[*English*]

MR. DEPUTY SPEAKER: Shri Virendra Singhji, kindly excuse me. There is a limit for that. You should have some patience...*(Interruptions)*

DR. ASIM BALA: During the reply the Minister has explained that the contract labourers are not aware of the rules. I would like to know from the hon. Minister whether the Government is having any plans or programme for creating awareness to the workers and contract labourers...*(Interruptions)*

MR. DEPUTY-SPEAKER: Mr. Upadhyay please.

SHRI AJOY MUKHOPADHYAY: Sir, Mukhopadhyay.

MR. DEPUTY-SPEAKER: Not ordinary Upadhyay but Mukhopadhyay!

SHRI AJOY MUKHOPADHYAY: Mr. Minister, you have not replied why there is absence of any new provision to ensure the compensation. Non-payment has become a regular feature. Sir there is no penal provision for the defaulting employers. You have not replied why ?

This second point is that the Law Commission had recommended in 1959. What will be the real value of that amount at present. Have you not reduced the value of that amount by raising it only to Rs. 50,000 ? Have you not reduced it in terms of the real value of Rs. 20,000 of 1984?...*(Interruptions)*

SHRI RAMESH CHENNITHALA (Kottayam): The Minister has rightly pointed out about the delay. Sir, the point is that the compensation is not received by the people who deserve it in time. That is the main problem.

Secondly, the Minister has rightly pointed out that if the people who are working abroad and their companies are registered in India, they will be covered by this Act. But, unfortunately 90 per cent of the workers from India are working abroad and their companies are not registered in India. I want to know from the hon. Minister whether he can devise some mechanism so that these workers are also covered by this Act?

[*Translation*]

SHRI GEORGE FERNANDES: Mr. Deputy Speaker, Sir, I object to some parts of hon. Minister's speech. I had never thought that a Minister will say in this August House that life of a person employed with a betel leaf vendor or a driver of someone or a domestic cook is just worthless. It is zero...*(Interruptions)*

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT (SHRI P.K. THUNGAN): No, it is not said.

*(Interruptions)*

[*English*]

THE MINISTER OF STATE OF THE MINISTRY OF STEEL (SHRI SONTOSH MOHAN DEV): The Minister has said that it should be a reasonable amount...*(Interruptions)*

[*Translation*]

SHRI GEORGE FERNANDES: It was told exactly in the same words. The hon. Minister has tried today to frighten the Members. What will happen if your cook or a person employed at betel leaf shop dies...*(Interruptions)*...You have said so. It means that you want to say that compensation for an accident will be payable only to those employees who work in an organisation where more than 10 or 20 persons are employed and no accident compensation will be paid to a person who works in an organisation where employees are less than 10 or 20. You said so. What will happen to their children. Who will look after them...*(Interruptions)*...This is not a subject of this debate. You have raised it. Not even in dreams I ever expected to hear this from a representative of the Government in this House. We object to it and condemn it.

[*English*]

MR. DEPUTY SPEAKER: How long do you want to carry on this debate? There is a limit for all these things. I think, it is not fair to drag on the time unnecessarily. After all, he had answered on that point.

[*Translation*]

SHRI VIRENDRA SINGH (MIRZAPUR): During the debate it was said that compensation will be paid to labourers if they contracted a disease due to the occupational hazards. I am surprised to know that hon. Minister has not said anything about the disease acquired due to occupational factors whereas I had quoted and name out particular factories in this context. A large number of labourers have been engaged in Birla's Hindalco and Kanodia's Chemicals set up at Singrauli and Renukoot, whose waste water containing hydrocarbons goes into Pansagar and labourers are compelled to drink this contaminated water and acquire all sort of diseases. Thousands of persons have been rendered disabled and lame. You have not discussed that.

MR. DEPUTY SPEAKER: Please sit down.

[*English*]

There is a limit to all these things. There is a system for conducting the House. Nobody is bothered for this.

[Translation]

SHRI MOHAN RAWALE: Mr. Deputy Speaker, Sir, the 12 lakh powerlooms are registered with the Government but as the hon. Member has mentioned just now, they are not paid Gratuity Provident Fund and medical leave is not granted to them. As compared to the organised mills only 1/3 salary is paid to them. The statement made by the hon. Minister is misleading.

I would like to make a request that Journalists are covered under it for 24 hours. Then why other employees are not covered on the same lines. When employees go to constitute unions they are killed. Several such persons have been killed during strikes of mills in Mumbai city.

[English]

MR. DEPUTY-SPEAKER: Your time is over. I will call the hon. Minister to speak.

[Translation]

SHRI MOHAN RAWALE: I am telling you that they also face dangers to their lives. They are killed while going to their place of work therefore they should be covered under it.

[English]

MR. DEPUTY SPEAKER: Your time is over. I have called the hon. Minister to speak. Kindly take your seat or otherwise.

...(Interruptions)...

MR. DEPUTY SPEAKER: Please be time conscious. I have called the hon. Minister. If he wants to reply, he can reply. Or we can proceed.

[Translation]

SHRI RAM KRIPAL YADAV: What will you say about the fact that laws enacted here are not implemented properly. You should reply to that.

[English]

MR. DEPUTY-SPEAKER: No, probably, we have not heard him. We have passed a number of laws but the laws are not effectively implemented. It is the responsibility of every representative of this House, the lower House to see that they are properly implemented and properly propagated. The people should know that we have made it absolutely very clear.

SHRI P.A. SANGMA: As far as Shri Virendra Singh's specific question is concerned — I thought I would reply all these general question together — I will separately discuss with the hon. Member.

Now, as far as Shri George Fernandes is concerned, I never said anything about the life of those who are working in *pan* shop and all. To me, it actually appears, that no life of a person can be equated by any amount of money, whether it is Rs. 100/- crore or rupees two billion or twenty billion. Can the life of a person be valued in terms of money?

SOME HON. MEMBERS: No.

SHRI P.A. SANGMA: Then, why are we talking about the value of life in terms of money, saying, 'increase it to Rs. 5/- lakh, increase it to Rs. 8/- lakh'? I do not agree to that philosophy at all. We are giving compensation as an assistance...(Interruptions)

[Translation]

SHRI RAM KRIPAL YADAV: Are you giving them alms.

[English]

THE MINISTER OF LABOUR (SHRI P.A. SANGMA): You see, when I was talking about them, I was only talking about their paying capacity. So we must take into consideration the paying capacity of the people. Therefore, while fixing the quantum of compensation at the minimum rate, I only said that the Government have to think - because the tendency of the trade union leaders, you know, while suggesting this quantum, is to keep in view the Birlas and to keep in view these Tatas. So all these people are in their own mind. Therefore, the demand is that it should be upped, not knowing that the *panwala* is also included here.

Therefore, we have to be objective. We have to be reasonable. That is why I said, "Paying capacity".

As far as Shri Ramesh Chennithala's point is concerned, for those workers working in companies which are not registered in India, we cannot do it because we do not have territorial jurisdiction of legislation beyond the territory of India. I do not think that it can be done.

As far as non-payment and delayed payment is concerned, which is raised by Shri Ajoy Mukhopadhyay, it is a law which is being implemented by the respective State Governments. It is they who appoint the compensation commissioners. If I have to apply my mind to this question, I will have to find out from the West Bengal Government first...(Interruptions)

MR. DEPUTY-SPEAKER: I shall now put Amendment No. 13 to the Motion for Consideration moved by Shri George Fernandes to the vote of the House.

**Amendment No. 13 was put and negatived.**

MR. DEPUTY-SPEAKER: The question is:

"That the Bill further to amend the Workmen's Compensation Act, 1923, as passed by Raja Sabha, be taken into consideration."

*The motion was adopted.*

MR. DEPUTY-SPEAKER: the House will now take up clause by clause consideration of the Bill.

**Clause 2 Amendment of Section 2**

SHRI GEORGE FERNANDES: I beg to move:

Page 2,-

omit lines 37 to 40. (1)

MR. DEPUTY-SPEAKER: Shri Haradhan Roy — absent.

Shri Girdhari Lal Bhargava— absent.

I shall now put Amendment No. 1 moved by Shri George Fernandes to the vote of the House.

**Amendment was put and negatived.**

MR. DEPUTY-SPEAKER: The question is:

"The Clause 2 stand part of the Bill"

*The motion was adopted.*

Clause 2 was added to the Bill.

MR. DEPUTY SPEAKER: The question is:

"That Clause 3 stand part of the Bill

*The motion was adopted*

Clause 3 was added to the Bill.

**Clause 4 — Amendment of Section 4**

MR. DEPUTY-SPEAKER: There are amendments Nos. 2, 3, 4 and 5 to Clause 4 by Shri George Fernandes and No. 16 by Shri Ramashray Prasad Singh.

SHRI GEORGE FERNANDES: I beg to move:

Page 3, line 17,—

for "fifty thousand" substitute—"four lakh"

Page 3, lines 20 and 21,— (2)

for "sixty thousand rupees" substitute—"five lakh rupees" (3)

Page 3, lines 23 and 24,—

for "two thousand rupees" substitute—"five thousand rupees" (4)

Page 3, line 39,—

for "one thousand" substitute "four thousand" (5)

SHRI RAMASHRAY PRASAD SINGH (Jahanabad): I beg to move:

Page 3, line 39,—

for "one thousand" substitute—"two thousand" (16)

MR. DEPUTY-SPEAKER: I shall now put amendments Nos. 2, 3, 4 and 5 moved by Shri George Fernandes and amendment No. 15 moved by Shri Ramashray Prasad Singh to Clause 4 to the vote of the House.

**Amendments No. 2, 3, 4, 5 and 16 were put and negatived.**

MR. DEPUTY-SPEAKER: The question is:

"The Clause 4 stand part of the Bill".

*The motion was adopted.*

**Clause 4 was added to the Bill.**

MR. DEPUTY-SPEAKER: Shri Haradhan Roy - absent.

The question is:

"That Clauses 5, 6 and 7 stand part of the Bill."

*The motion was adopted.*

Clauses 5, 6 and 7 were added to the Bill.

MR. DEPUTY-SPEAKER: SHRI Mohan Singh - absent.

The question is:

"The Clauses 8 to 14 stand part of the Bill."

*The motion was adopted.*

**Clauses 8 to 14 were added to the Bill.**

**Clause 15 - Amendment of Schedule II**

SHRI RAMASHRAY PRASAD SINGH (Jahanabad): I beg to move:

Page 8, lines 30 and 31,—

omit "or the Major Port Trusts Act, 1963" (19)

MR. DEPUTY-SPEAKER: I shall now put amendment No. 19 moved by SHRI Ramashray Prasad Singh to the vote of the House.

**Amendment No. 19 was put and negatived.**

MR. DEPUTY-SPEAKER: The question is:

"The Clause 15 stand part of the Bill."

*The motion was adopted.*

**Clause 15 was added to the Bill.**

MR. DEPUTY-SPEAKER: The question is:

"That clause 16 stand part of the Bill."

**The motion was adopted clause 16 was added to the Bill.**

MR. DEPUTY-SPEAKER: The question is:

"That clause 1, the Enacting formula and the long little stand part of the Bill."

*The motion was adopted.*

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

SHRI P.A. SANGMA: I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill be passed."

Shri George Fernandes, have you given a notice for the Third Reading?

[Translation]

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, I had made this speech to oppose this Bill. I am sorry to say that I could not make the Government and persons of political parties understand as to what are the benefits or disadvantages this law to labourers. Mr. Speaker, Sir, at the time of adopting this Bill we would not like to remain in the House and we stage a walkout.

**18.34 hrs.**

[English]

Shri George Fernandes and some other hon. Members then left the House.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

*The motion was adopted.*

MR. DEPUTY-SPEAKER: There is another item which will have to be dealt with by Shri Sangma. Are we prepared to sit for some more time?

SOME HON. MEMBERS: That can be taken up tomorrow, Sir.

MR. DEPUTY-SPEAKER: All right, it will be taken up tomorrow.

The House stands adjourned to meet tomorrow, the 4th August, 1995 at 11.00 A.M.

**18.35 hrs**

**The Lok Sabha then adjourned till  
Eleven of the Clock on Friday,  
August 4, 1995/Sravana 13, 1917 (Saka)**

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