

Mr. Deputy-Speaker: Even if there is one dissentient voice, I have to put the motion to vote.

The question is:

"That the Bill to regulate conversion and to provide for registration and licensing of persons aiding any person to become a convert be taken into consideration."

The motion was negatived.

Mr. Deputy-Speaker: So, the consideration motion is lost, and along with it the Bill is also lost.

WORKMEN'S COMPENSATION (AMENDMENT) BILL

(INSERTION OF NEW SECTION 3A)

Shrimati Renu Chakravartty (Basirhat): I beg to move:

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

Shri T. B. Vittal Rao (Khammam): May I know the time allotted for this Bill?

Mr. Deputy-Speaker: Two and a half hours.

Shrimati Renu Chakravartty: The Workmen's Compensation Act was formulated first in 1923. Since then slight amendments have been made from time to time but they have all been of a minor character, and have not substantially changed the main contents of the original Act of 1923. It is time now that we reconsider this Act and introduce certain amendments which incorporate within them the new concepts which are developing right throughout the world and also in our country, namely that the outmoded idea of 'no-work-and-no-pay under all circumstances' has to be changed and the worker, when he actually gets injured in the course of his duties or in the course of his employment, is assured his wages until such time as the compensation which is computed on the basis of his loss of earning capacity has been actually awarded. That sort of provision has

to be incorporated within this Workmen's Compensation Act.

Now, we are very glad to hear that after the introduction of this amending Bill, the Government have also woken up and made certain suggestions which they have circulated to the trade unions and to the Employers' Federations for their comments—certain amendments which they also think are rather necessary to this Workmen's Compensation Act. I have been able to get a copy of these suggested amendments and I will say something about them later. But I do hope that in view of the fact that Government also think that this Act is inadequate for the times, certain important changes are necessary and have been indicated by the very suggested amendments of the Government, they would see to it that this small amendment which is there in my name will be accepted by them, and that the more comprehensive amendments will be brought forward by them at the very earliest opportunity.

Now, this Act of 1923 actually awards compensation to a workman injured by accident in the course of his employment on the basis of his loss of earning capacity. Now, to an ordinary, initiated person, one would say that this terminology 'loss of earning capacity' would appear to mean that the daily labourer or weekly or monthly labourer or workman who, in the course of his duties became injured and could not earn his wages, would be compensated by being entitled to the days or months' wages during which he was incapacitated. But when you read through the sections of this Act, you find that this is not the meaning which is there in the Act. Loss of earning capacity, according to this Act, has been computed according to a rovel schedule. This schedule is actually the keynote of the Act, and I think I can say that it actually arose, as it did at that time, from a colonial system which really cared little for the lives and the livelihood of the cheap labour they exploited. For example, you will be

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surprised to see that a man who loses his right arm above or at the elbow is considered by this Act to have lost his earning capacity only up to 70 per cent, although we know that a labourer who loses his right arm is as good as dead, as far as his earning capacity goes. Loss of thumb, according to this schedule, is considered as loss only of 25 per cent of earning capacity. Permanent loss of hearing is only loss of 50 per cent of earning capacity, and so on. Even though these are major injuries which really incapacitate the man who has possibly no other means than working as a daily labourer carrying loads etc., this is only called permanent partial disablement, the theory being that he can still earn. Only if there is a combination of two categories of injuries—say, he loses his arm and he loses his leg—only if both go together, the case is regarded as permanent total disablement. I think these things will show how totally inadequate and wrong are the concepts of this Act. After having laid down what exactly is permanent total disablement and partial disablement, it grants a man compensation on an *ad hoc* basis. For instance, a man earning up to Rs. 10 per month gets actually for permanent total disablement, a lump sum of Rs. 700. If it is a partial disablement, he only gets a percentage of the compensation according to loss of earning capacity. So if he loses his right arm, he will get 70 per cent compensation only, and so on. For death, he gets even less, than Rs. 700, and for temporary disablement, an adult gets a half-monthly payment. For instance, those who earn up to Rs. 10 per month, get only half a month's wage, that is, a maximum of Rs. 5 per month. This is the compensation. But this is not the whole story, because often the compensation is paid after long litigation. According to this Act, the employer, after he has been asked to pay compensation, often goes to the court and right up to the High Court, because after the Commissioner has actually given the award, the employer

has a right to appeal to the High Court. There he goes and for months and months the case drags on; with the result that even this compensation on an *ad hoc* basis, according to this Act, is given at a time when we find that the man who has suffered the injury is either dead or, may be, he is in such a state of indebtedness that the entire amount which he actually gets as compensation is totally inadequate and is eaten up by him. I feel, therefore, that we have to change the concept behind this Act and we have to give up this outmoded idea 'no work, no pay under all circumstances.' The man who has been actually creating surplus value—profit—when he is well, which has been utilised for the personal ends of the employer, when that man can legitimately ask that when he is incapacitated, not for any fault of his own but due to an accident arising out of that employment, at a time when he needs the greatest of care, when he needs medical treatment, when he needs nourishment and when his family is already living on starvation level—because generally our wages are certainly not adequate to give them two square meals a day—he is fully and legitimately within his rights to demand that the wages should be paid to him up to such time as the compensation is awarded. This is the main idea behind the amendment which I have moved, and I think those who are boasting and talking about a socialistic pattern should not object to this small amendment of mine, although I do admit that many more amendments are necessary in the body of the Act itself. I think by accepting this amendment Government will be taking the right step and will be showing their desire really to stand by the concepts which they are so much propagandizing, saying that today the workmen's cause will be taken up first and those who are labouring will be first protected, and so on.

My amendment is to the effect that the injured workman who does not get any wages for the period from the date of accident to the date up to

which compensation is awarded should be given those wages. In the principal Act, further, the employer is not liable to pay compensation for any injury which does not result in total or partial disablement of the workman for a period exceeding seven days. So that if a workman is disabled for six days, he cannot claim any compensation, whether of the partial kind or of the total kind. My amendment reads thus:

"After section 3 of the Workmen's Compensation Act, 1923, the following new section shall be inserted, namely:—

"3A. Employer's liability to pay wages and medical expenses.—If a personal injury is caused to a workman arising out of and in the course of his employment, his employer shall be liable to pay him wages for the period or periods he has been forced to remain without work. The employer shall also bear all medical expenses for the period or periods of treatment of the injured workman".

Then in the Explanation, I have said:

"For the purposes of this section, the period or periods during which a workman has been forced to remain without work shall be deemed to commence,—

- (i) from the date of accident to the date up to which compensation is awarded to the injured worker; and
- (ii) in the case of any injury not amounting to partial or total disablement of the workman, from the date of accident to the date on which the injured worker has been declared medically fit to rejoin duty."

This, I think, is quite a simple amendment and something that has full justice behind it. I do not need to explain the legitimacy of this amendment, because already the wages which our workers get are all

too low and actually those wages can only give a worker and his family living conditions that are not enviable at all. He has a large number of dependants, who are dependant on one man, and how are they to live during the period when that man has been incapacitated and laid up? Where will he get money for his treatment? Because the majority of our employers do not give them that free treatment which they should in all fairness give. So long as the worker is on the register of the employer, so long as he is a workman there, the employer is bound to pay him his wages. This is the technical position, this is the legitimate position, this is a just position and I hope that the Government will accept this amendment.

Now, there is the other reason why we have brought in this amendment. The reason is that generally the only point on which the employers can appeal is not on the point of fact as to whether there had been an injury caused or not but on the point of interpretation as to whether that injury had been incurred in the course of employment. That is why they go to court and they are able to challenge the Competent Authority's Award. Because they have the means they go on in the courts for years. It has been known that sometimes High Courts have continued the cases for two years. In Madras, for instance, many tile factory cases have been taken to Court and in those cases finally the award has been in favour of the worker. But, by the time the award is given, we have found that these long-drawn out proceedings have completely finished the man who was injured. Either he is no longer there to get that money or he is so much in debt that the entire compensation has gone for paying those debts. That is why I feel that if this amendment is accepted—this is a just amendment—it will act as a deterrent against long-drawn out proceedings. We do not argue that the employer has no right to go to court. He has a right to go to court to argue out the position as to whether the

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injury was caused to the worker actually in the course of his employment, but the worker has also a right to be guaranteed food and shelter for him and his family, some livelihood during the period when he is himself incapacitated and he is most down and out and needs protection.

There is another argument which the Government might bring forward and that is why I would like to put forward our position regarding the Employees State Insurance Scheme. The Government might say that they have put forward this Act. So that the period of incapacitation should be covered by the wages being paid to him so that he and his family may get food and shelter and can be guaranteed medical treatment as well. But, I would like to place before this House that although the Employees State Insurance Scheme has been there it is only a few States who up till now have accepted this.

Secondly, the scope of the Act itself is very restricted. If you see the schedule to which the Workmen's Compensation Act refers, you will find that it covers a very large number of industries, plantations, factories, mines, shipping companies and all sorts of industries. But we find in the Employees State Insurance Scheme, the mines are exempted, the plantations are exempted and a large number of them are exempted. It is only the places where they use power that this Act applies. Therefore, I feel that is a very restricted scheme and it does not cover the larger number of factories and industries covered by the Workmen's Compensation Act.

One of the welcome features of the amendment made by the Government to the Workmen's Compensation Act and sent to Trade Unions and Employees' Federations for their comments is that they desire to expand the number of industries and factories to which this will apply. But the other part which we should like to

point out again as being a shortcoming in the Employees State Insurance Scheme vis-a-vis the Workmen's Compensation Act is that here the worker has to contribute to the Employees State Insurance from his meagre income. I think it is quite right to cover cases of ordinary illness not only for himself but also for his family. You know that right through the country the big demand has been that even in the areas where the State Insurance has been promulgated it has not been given to workers' families and that is a lacuna which should be covered up. But the Government has not seen its way to grant that. I suppose the argument is that they do not have the resources etc. But, I think it is better that we should not burden the scheme further by asking it to pay also in cases where the incapacity is incurred in the course of work for the employer. There I feel that categorically the employer, and he alone, should pay; for after all does he not take the entire profit accrued by the efforts of that very man whom he exploits, as long as that man can stand on his legs and work with his hands? It is only right that in the period he falls ill, when he is injured in the course of his work, the employer should guarantee his treatment, should guarantee his wages because he is permanently on the register of that factory or establishment and it is only right that he should be guaranteed his wages so that his family need not starve and they need not be thrown out in the streets. I feel that this amending Bill is necessary and, though it is a very small amendment, yet it is a very important amendment.

In November 1954 the Labour Ministers' Conference sought to have an amendment liberalising the Workmen's Compensation Act in favour of the employees. I suppose some amendments were circulated to the Trade Unions and Employees' Federations and if it is amended as suggested, I would like to say that the Government has taken one step in the right direction. For instance, they have stated that they want to delete

Schedule IV and they want to provide payment of compensation at rates varying from 40 to 50 per cent. of the wages. Now, if it has been recognised that wages is a much more dependable basis on which to compute compensation, it is all the more necessary that during the period intervening between the date of disablement and the date of the award of compensation, full wages, not part of the wages, should be paid to the employee because even with those wages it will be difficult for him to keep himself and his family going.

Then again a suggested amendment sought that during the period from the date of disablement till the recovery of the workman he should be paid 50 per cent. of the wages in case of temporary disablement. In cases of temporary disablement it is accepted that at least half wages should be paid. Here, I feel that though it has been temporary disablement, it incapacitates him from going to his place of work and earning his meagre wages. I think it is a wrong idea to give him half wages. We should give him total wages until such time as he is able to go back. The question of compensation is something quite different. That should, of course, be rationalised and the basis should be much more broad. Certain good suggestions have been made in the proposed amendment and I think we could accept some of them.

Lastly, one lacuna in the suggested amendment is that the lump sum grant has been withdrawn and it is only both in the case of total disablement and partial disablement that periodical payments are being suggested. I feel that although there is some reason for it because it may be argued that the workman out of poverty may fritter away the amount of compensation paid, we as well feel that it should be left to the discretion of the Commissioner. There should be some clause whereby, if necessary, that lump sum grant should be given so that it may really rehabilitate the man to a certain extent as allowing

him to buy a piece of land or setting up a small shop and the granting of lump sum grant should not be totally debarred.

I think these are some of the most important amendments suggested by the Government but beyond that I would again urge upon the Government to accept this position that between the date of disablement and the date on which he actually gets compensation, the injured workman should be given his wages because without that his entire family and himself will be totally thrown to the dogs, he will starve and he will not be able to get his treatment.

The other point is that the total amount of expenditure for medical treatment should be borne by the employer; it should not be thrown on the State Insurance to which the employee himself is contributing.

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The third thing is that there should be no waiting period as suggested in the amendment which has been circulated by Government, that is, there will be a waiting period of only two days instead of seven days. I think there is no principle behind this suggested amendment, because even if it is two days, how can a worker having a hand to mouth existence carry on without any wages for two days? Therefore, there should be no waiting period at all. From the date of disablement to the date of compensation, the total period should be covered and he should be given wages. With these words I commend this amending Bill for the acceptance of the House.

Mr. Deputy-Speaker: Motion moved:

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

Shri T. B. Vittal Rao: I have great confidence and found hope that the hon. Minister will accept this amendment. Ever since the adoption of the convention by the International Labour Organisation in 1929.....

Mr. Deputy-Speaker: Are there any amendments Tabled? There are no amendments on the Order Paper.

Shri V. P. Nayar (Chirayinkil): The Bill itself is an amending Bill.

Mr. Deputy-Speaker: But are there any further amendments to the Bill? I am thinking in terms of allowing time for general discussion on the Bill.

Shri V. P. Nayar: The entire time may be allowed for general discussion.

Mr. Deputy-Speaker: Two and a half hours are allotted for the Bill. At the end of two hours, the general discussion will be over and the remaining half an hour may be devoted to the clauses and the third reading of the Bill.

Shri T. B. Vittal Rao: After the adoption of the convention for payment of compensation for injuries due to accidents in industrial undertakings, this aspect of payment of compensation has been taken very seriously in many countries, especially in those countries which are members of the International Labour Organisation. The recognition of the fact that an accident to a workman involves payment by the employer tends to encourage efforts on the part of the latter to prevent accidents. This is an additional benefit which the community gains from this law.

The rate of accidents in factories and in the mines has been increasing. According to the Labour Ministry's report for 1950-51—probably that is the latest publication in the Ministry—the number of non-fatal accidents has gone up to 75,366 in 1949, and to 72,168 in 1950. Of course, it is a little less in 1950 than in 1949, but compared with what it was in 1939, that is, 35,781, there has been a very big increase. Of course, the hon. Minister may say that the figures for 1939 pertained only to the so called British India and the other States were not included in it. But if you take the accident rate, which is calculated per

thousand employees, it is 30.96 in 1949, 29.11 in 1950 as against 20.43 in 1939. This amending Bill seeks to provide for the payment of compensation, that is, for the payment of wages due to absence consequent upon injuries. We were told that this amendment of the Act was engaging the attention of the Government since 1954 and then at the Labour Ministers' Conference. The Minister replied to one of the questions in these terms:

"Proposals are being finalised for the amendment of the Workmen's Compensation Act, 1923, and the Payment of Wages Act, 1936."

The decision to amend the Act was taken as long ago as November 1954, but I do not know what happened to Government after that. Only recently, after the introduction of this amending Bill in this House, they have circulated a note to the various Central organisations asking for their comments regarding the proposed amendments by the Government to this Act. They would not have taken action had this amending Bill not been introduced in the House. You, Sir, know the wages of the industrial workers in India. In some industries there are no minimum wages; in some industries the average earning of a worker is less than the per capita national income for a family. It is so in the coal mines and also in the gold mines and other establishments. There are several thousands of workers, as for example, engaged in the construction of buildings, who do not come under the purview of this Act. This amending Bill will only affect a very small number of workers. The workers who are covered by the Employees' State Insurance Act do not come under this Act. Today in the mines we have about eight lakhs of workers—they are in the iron mines, copper mines, coal mines and so forth—and they come under this Act. A portion of the factory workers do not come under

this Act because they are covered by the Employees State Insurance Act. Only about 8 to 10 lakhs of workers are governed by the Workmen's Compensation Act, not covered by the Employees State Insurance Act. So, this Act will only affect about 18 lakhs of workers in the mines and the factories.

What the amending Bill proposes is not only to ask for payment of compensation for the period he is disabled—even if it is less than 7 days, the wages should be paid—but also for one more thing. Suppose a worker is disabled partially or totally, then under the Workmen's Compensation Act, he is entitled to compensation. From that amount, the expenses for hospitalisation are deducted. I say that the expenses for hospitalisation should not be deducted; they should be paid for by the employer. As I have stated before, this extra payment to the worker will only make the employer more careful so that he will take additional precautions and provide adequate safeguards in the factory to minimise the accidents. In view of the fact that some of the employers carry the risk themselves and some pass on the risk to insurance companies, Government have got an easy task. Their decision at the Labour Ministers' Conference is there and there are also the representatives of the four central trade union organisations who have supported this measure and who have been demanding the amendment of this Workmen's Compensation Act in favour of the employees.

In the year 1923 when this Act was made the limit was fixed at 10 days and later on it was amended and made as 7 days. Now, what we seek is amendment of that particular time-limit so that the injured worker may get some payment. It is not a fancy for a worker to get injured. Nobody will say that a worker wantonly or deliberately got injuries upon him. Today on account of rationalisation and the various kinds of machineries introduced with a view to increasing the productivity of the workers these

accidents are on the increase—fatal as well as non-fatal. You will be surprised to know, Sir, that even though the productivity of a worker in the factory, according to the memorandum submitted by the Planning Commission to the members of the Labour Panel, has increased by 38 per cent. over that of 1939 the wages of the workers in the factories and the mines have not increased. According to their memorandum the real wages, as it is obtaining in 1955, is the same or a little near the wages they were getting in 1939. Therefore, though we may have some numerical increase in rupees, annas and pies, but actually according to their memorandum the real wages of the workers have not at all increased over the 1939 level.

Then, a worker today has nothing to fall back upon. We have got the Employees' Provident Fund Act which was enforced only very recently—in 1952—and according to the figures given by the hon. Minister for Labour yesterday in reply to a question, the benefit of that Act is taken only by 15 lakhs workers. There are 14 lakhs of workers who are not covered by this Provident Fund Act. In the mines I have seen that though the Provident Fund Act came into force as long ago as 1947 if we take the average figures it will be found that during the last few years some 20,000 workers or so have gone out of employment and the average amount they got from the Provident Fund is only hundred rupees. Therefore, a disabled worker has nothing to fall back upon. There is no scheme in the Government of India to help the disabled workers. At least a few years ago when a worker lost his limb he was able to get alternative employment in the factory as a chowkidar or in some other like job. Today no employer takes back a disabled worker. He is only given the compensation and he is thrown on the streets. We are hearing of some training being given but so far nothing has been done in the direction of the rehabilitation of these disabled workers. These are the several handicaps under which the

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workers in India have to put up with.

Therefore, as far as this Bill is concerned I hope the Minister will get up and say: "I accept it," because this Act was framed in the year 1923 and later on amended, but since the dawn of Independence this Act has not been amended. Now at least after the declaration of the party in power, accepting the socialistic pattern of society I hope he will, as an earnest of the comprehensive social security measures which will spring forth from the acceptance of the socialistic pattern of society, do well to accept this Bill. Let him not say that he will bring in a comprehensive measure. Once I had been talking to the Chief Minister of my State. He said: "Whenever these amending Bills are brought in from private members" my strategy is to say that I am going to get a comprehensive Bill." Therefore, you please withdraw." If he is really trying to get a comprehensive legislation let him accept this Bill as an earnest of what he is going to do.

With these remarks I commend this Bill for the acceptance of the House.

Shri N. Sreekantan Nair (Quilon *cum* Mavelikkara): This Bill, according to what has already been stated, here, is a very simple Bill. In fact, it is a Bill introduced to serve certain humanitarian purposes. It is from that point of view that this Bill has to be considered.

But, apart from that aspect there is also the aspect of human rights. The number of workers affected does not really come to such figures as has been represented by my friend Shri Vittal Rao because wherever the employer is sane, wherever the employer is decent, wherever a group of employers have accepted some of the standing orders, these provisions have already been given effect to, so much so, only the recalcitrant employers, only the employers who are scum of society would refuse to give this concession to the workers who build up their fortunes.

What is this concession after all? There is an accident and a man is wounded. Naturally, he has got to be removed to a hospital and treated. Why should any employer who is a human being deny this facility to a worker? No ordinary employer will deny this right to his worker. But, those recalcitrant employers who are prepared to deny this, who are prepared to refuse this human treatment to their employees get the support of the Government. They are favoured to avoid the payment for the first seven days. Sir, may I ask what is the most important period when a wounded man needs the help of his employer? It is immediately after the accident—the first seven days. As a matter of fact on the very first day of the accident he does not go to the factory taking some money, hoping that he would be wounded. He, naturally, will not have any provision to get him shifted to the hospital and to initiate treatment. He meets with the accident when he is not prepared for anything and at such a time to remove him to hospital and to give the necessary treatment is the most humanitarian thing which any human being can claim, much more so an employee in a factory.

This right has been denied due to certain misapprehensions. I think when the enactment was made, certain misapprehensions arose that the workers would fake accidents and try to get compensation. It was because of that suspicion, this clause has been introduced. This Section 3(i) (a) naturally has proved that the employers who are inhuman could utilise it to the detriment of the interests of workers.

As I have already pointed out, there are only very few employers who refuse to give compensation for the first seven days. As a matter of fact, there are some aspects of the Bill which I would like this House to concentrate upon. Actually, there are four aspects to the newly introduced amending Bill which will have to be considered. The first is to re-

move the seven days' interval between the accident and the date on which the worker is entitled to compensation as per the existing Act. The second is to provide full wages during the period of incapacitation. The worker gets an accident, but why should he be given half the wages during the period when he suffers? He suffers physical pain; he is suffering terrible physical pain and when he is undergoing this hardship and has to be taken to the hospital and be treated. When he is putting up with all this trouble and over and above all this, when his family is starving, why should he be given half wages? To say that during the period of the treatment he should be given full compensation is only to say that the worker should have the ordinary right of getting his legitimate due.

The third aspect is to differentiate between wages and compensation in the matter of minor injuries. Here, I have known of cases of workers whose hands have been chopped off. After two or three months, the payment excluding the first seven days, starts with 50 per cent. of the wages. By the time the compensation is decided, the poor worker runs out of his entire money so that he can get at the end only Rs. 10 or 15. That method is certainly wrong, because the lump sum payment is intended to be given to provide him a footing in some other sphere, so that the compensation must be different from the wages during the period of his incapacitation, and he should be assumed to be continuing in the service of his employer. So, if this compensation amount is not differentiated from the wages that he should get during the period of his incapacitation, there would be nothing for the worker to put off or to lay by at the end of his treatment.

The fourth aspect is to enforce the payment of the expenses of the treatment.

No reasonable employer would really object to these four aspects. De-

cent firms in India give these benefits though not compelled by law. The standing orders framed in most of the factories and most of the institutions accept these aspects, and where they are not accepted by the recalcitrant employers, they must be enforced, and that is why a Government is functioning. This Government which claims to be a Republic—I need not emphasise on it—and with the avowed object of the socialist pattern of society, should accept these measures. We know how the workers are moving. We know how the Government is also moving. It may be that at some future date, the socialist pattern of society may come into being. But what I say is, these measures to which I referred are being implemented by all reasonable employers. Therefore, it is absolutely necessary that the recalcitrant, anti-human element among the employers should not be permitted to benefit by their recalcitrancy and cruelty. So, this Bill must be accepted in its entirety by the Government, and I hope it will be accepted.

श्री आर० आर० शास्त्री (जिला कानपुर मध्य) : जो संशोधन विधेयक रुदन के मामले पेश किया गया है मैं उसका समर्थन करने के लिये खड़ा हुआ हूँ ।

अभी मेरे पूर्व वक्ताओं ने यह विश्वास प्रकट किया है कि चूंकि यह विधेयक इतना आवश्यक है और इतना साधारण है कि माननीय मंत्री जी इसको स्वीकार करने में किसी प्रकार से इन्कार नहीं कर सकते । मैं भी चाहता तो यही हूँ कि यह विधेयक स्वीकार कर लिया जाय, लेकिन मुझे इस बात में बड़ी आशंका है, और वह इसलिये कि आम तौर से यहां पर ऐसा होता नहीं है कि कोई भी चीज जो इधर से पेश की गयी हो वह उधर से स्वीकार कर ली जाय ।

शायद सरकार की तरफ से ही कोई ऐसी चीज आने तो वह चाहे स्वीकार कर ली जाये । तो अगर

[श्री आर० आर० शास्त्री]

आज यह विधेयक सरकार की तरफ से स्वीकार कर लिया जाता है तो मेरे लिये तो यह एक बहुत बड़ा मिरेकिल (आश्चर्य) ही होगा। लेकिन फिर भी हम यह चाहते हैं कि जो मुनासिब बात इधर से आवे उसे तो माननीय मंत्री जी स्वीकार कर लें। यह मुनासिब बात नहीं होगी कि किसी मुनासिब चीज को भी वे इसलिये अस्वीकार कर दें कि वह इस तरफ से पेश की गयी है। मैं उम्मीद करता हूँ कि जो विधेयक पेश किया गया है उसे वह स्वीकार करने की कृपा करेंगे।

जैसा कि अभी कहा गया है, चोट लगने पर मजदूरों को मुआवजा देने का कानून सन १९२३ में इस देश में बना था। तब से लेकर आज तक जमाना बहुत कुछ बदल चुका है। जब वह कानून बना था तब वह जमाना था जब कि कारखानों के मालिक मजदूर को मजदूर न समझ कर एक मशीन का पुर्जा समझते थे और उसके साथ सलूक भी वैसा ही होता था। मुझे वे दिन याद हैं जब कि इस कानून के होते हुये भी अगर कोई मजदूर कारखाने में मर जाता था और उसकी संतान की तरफ से इस बात का सवाल उठाया जाता था कि मजदूर को कानून के मुताबिक मुआवजा मिलना चाहिये, तो, विश्वास मानिये, मालिकों की तरफ से हमेशा इस बात की कोशिश होती थी कि जहाँ तक बस चल सके मुआवजा न दिया जाय। मैंने वर्कमैन्स कम्पेंसेशन ऐक्ट (कर्मकार प्रतिकर अधिनियम) के मातहत मजदूरों के बहुत से मुकदमें लड़े हैं, और दो चार मुकदमों में तो मुझे यहाँ तक तजर्बा हुआ कि एक मजदूर के मरने पर उसके नावालिग बच्चे की तरफ से जब हम लोग मुकदमा लड़ने गये तो मालिक ने यहाँ तक कहा कि चाहे हमारी फैक्टरी की एक एक इट वयों न बिक जायें, लेकिन हम किसी भी हालत में इस मुआवजे को देने के लिये

तैयार नहीं हैं। और एक दो बरस नहीं, लगातार पंच छ. साल तक मुकदमा लड़ा गया और जब तक हाई कोर्ट से मजदूर नहीं गीत गया तब तक मालिक ने उसको एक पैसा देने की कोशिश नहीं की। मैंने कहने का मतलब यह है कि कानून होते हुये भी यह उम्मीद नहीं करनी चाहिये कि कोई मालिक खुशी से मुआवजा दे देगा। केवल इसी देश में ऐसा नहीं होगा हमने और देशों में भी यही देखा है। और यही सारे ट्रेड यूनियन (कामिक संघ) आन्दोलन का आधार रहा है कि मजदूर अपने संगठन के बल पर जो कुछ ले पाता है वही मिलता है। कोई मालिक खुशी से देने को तय्यार नहीं होता। तो मैं यह कह रहा था कि कि सन् १९२३ से आज तक बहुत कुछ जमाना बदल चुका है। आज हमने समाजवादी व्यवस्था को अपने यहाँ लाने का ध्येय स्वीकार कर लिया है, और हमने इस बात को भी स्वीकार कर लिया है कि हमें उन्नति करनी है, इस के बाद दूसरी पंचवर्षिय योजनायें बनाना है, देश का उत्पादन बढ़ाना है और इस तरह हमें अपनी राष्ट्रीय आय बढ़ानी है। इस बात को भी आजकल हर व्यक्ति मानता है कि अगर हमको देश में व्यवसाय को बढ़ाना है, अगर हमको देश का उत्पादन बढ़ाना है और देश की उन्नति करनी है, तो इसमें सब से महत्वपूर्ण स्थान मजदूरों का होना चाहिये। बिना मजदूर की मेहनत के अगर हम चाहें कि हम देश का उत्पादन बढ़ालें तो यह असम्भव है। वह जमाना बदल गया है जब हम मजदूर को केवल एक पुर्जा समझते थे। अब वह जमाना आया है जब कि मजदूर को समाज में सर्वोच्च स्थान दिया जाना चाहिये। तो हम यह चाहते हैं कि इसी भावना से प्रेरित होकर मंत्री जी इस वक्त जो विधेयक सदन के सामने पेश है उस पर विचार करें।

जैसा कि अभी वर्कमैन्स कम्पेंसेशन ऐक्ट (कर्मकार प्रतिकर अधिनियम) से उदाहरण

देकर श्रीमती रेणु चक्रवर्ती ने बताया, यह सही है कि मुआवजा दिया जाता है, यह सही है कि कानून न यह स्वीकार कर लिया गया है कि अगर मजदूर का हाथ पैर कट जाये तो उसे मुआवजा दिया जाये। लेकिन आप उन दफाओं को देखें कि उनमें मुआवजे की रकम क्या लिखी हुई है, कि हाथ कट जाने पर इतना फी सैकड़ा दिया जाये और पैर कट जाने पर इतना फी सैकड़ा दिया जाये। इस रकम को देख कर आप अन्दाजा लगा सकते हैं कि मजदूर की क्या हैसियत समझी गयी थी। उदाहरण के लिए अगर एक मजदूर का दाहिना हाथ कट जाता है तो यह मान लिया जाता है कि सिर्फ इतनी ही पर सेंट का नुकसान हुआ है। यह बात तो बिल्कुल अमानुषिक मालूम होती है। मानी हुई बात है कि मजदूर काम करेगा अपने हाथ से। अगर उसका हाथ ही कट गया, तो जहां तक उसकी अर्निंग कैपे-सिटी (उपार्जन शक्ति) का ताल्लुक है वह तो सम्पूर्ण रूप से नष्ट हो गयी। तो जो पुराने जमाने में सिद्धांत माने गये थे उनको छोड़ कर और नये सिद्धांतों को लेकर हम अपने मजदूरों के साथ व्यवहार करना पड़ेगा। जब मैं इस पृष्ठभूमि में देखता हूं तो मुझे कोई वजह नहीं मालूम होती कि जो संशोधन विधेयक इस सदन में पेश किया गया है उसे क्यों न मंजूर किया जाये। मैं महसूस करता हूं कि सरकार भी इस उसूल को मान रही है कि यह कानून बहुत पहले बना था और अब उसमें सुधार की आवश्यकता है। जैसा कि अभी सदन के सामने सरकार की तरफ से बताया गया कि ट्रेड यूनियंस (कामिऊ संघ) के पास, प्रदेशों की सरकारों के पास, इसमें जो सरकार संशोधन करना चाहती है, उसके सम्बन्ध में लिखा पढ़ी की गई। इसके मानी यह है कि सरकार भी इस बात को महसूस करती है कि कानून पुराना हो चुका है और इसमें संशोधन की आवश्यकता है और मैं धाराशा करता हूं कि जहां और तमाम संशोधन गवर्नमेंट (सरकार) की तरफ से

पेश किये गये, वहां इस कानून में भी वह जरूरी संशोधन करेगी।

यह जो संशोधन विधेयक पेश किया गया है, इसमें खास तौर पर इस बात पर जोर दिया गया है कि अगर मजदूर काम करते वक्त घायल हो जाता है तो पुराने कानून में तो वेटिंग पीरियड (प्रतीक्षा काल) दस दिन का था जिसको कि घटा कर सात दिन का बाद में कर दिया गया। अब आप सोचिये कि अगर किसी मजदूर के चोट लग जाती है और जैसा कि अभी उदाहरण दिया गया कि वह ६ दिन तक कारखाने में काम पर नहीं जा पाता, उसको चोट लगी है, तो क्या सचमुच वह किसी पैसे के पाने का हकदार नहीं है, चूंकि कानून कहता है कि उसको इतना घायल होना चाहिए कि सात दिन तक वह काम पर नहीं आसके; तब तो उसे पैसा मिलेगा वरना पैसा पाने का उसको हक नहीं होगा यह भी क्या बात हुई कि ६ दिन तक घायल हो तो कोई पैसा नहीं मिले और जब सात दिन से ज्यादा घायल हो जाये तो उसको पैसा मिले। मान लीजिए कि एक मजदूर घायल हो गया है, आज वह काम पर नहीं आ सकता है, पैसा वह कमा नहीं सकता है और अपन बाल बच्चों की परवरिश नहीं कर सकता, तो उसे उस दिन का वेतन मिलना ही चाहिए। यह मानी हुई बात है कि और हम और आप जब जानते हैं कि मजदूर की हैसियत ऐसी नहीं है कि वह घायल होन पर अपने परिवार का भरण पोषण कर सके, न मजदूर के पास कोई बैंक बैलस (बैंक पूंजी) है और न ही उसके पास इतनी बचत का पैसा होता है कि वह कुछ दिन तक भी अपने परिवार के लोगों का पेट पाल सके और उसके और उसके समूचे परिवार का भरण पोषण उस मजदूरी पर निर्भर करता है जो उसे काम करने के एवज में मिलती है। वास्तव में मजदूर को अधिक से अधिक सहायता की आवश्यकता तब होती है जबकि उसको चोट लग जाती है

[श्री आर० आर० शास्त्री]

और हमारे क़ानून भी कुछ विचित्र प्रकार के हैं कि जिस समय उस मज़दूर को सब से अधिक सहायता की आवश्यकता होती है, उस वक्त उस को पैसा नहीं दिया जाता है और मैं समझता हूँ कि आज जो संशोधन विधेयक पेश किया गया है, उसमें मूलभूत सिद्धान्त और मूलभूत भावना यही है कि जिस वक्त मज़दूर घायल हो जाता है, उस वक्त से जब तक वह अच्छा न हो जाये, उसको पैसा मिलना चाहिए। मुझ यह देख कर बड़ी खुशी हुई कि सरकार की तरफ़ से भी जो संशोधन आ रहा है, उसमें इस बात की कोशिश की जा रही है कि वेंटिंग पीरियड (प्रतीक्षा काल) को कुछ कम कर दिया जायें। सदन में जो विधेयक पेश है उसके अनुसार जब से उसको चोट लगती है, उसी वक्त से वह पूरा पैसा पाने का हक़दार होता है। यह चीज़ सही है कि हमारे देश में जो वरकर्स स्टेट इंडियोरस (कर्मकार राज्य बीमा) मज़दूरों के वास्ते बीमा योजना है, उससे मज़दूरों को बिमारी के वक्त में सहायता मिलती है लेकिन अभी तक जो हालत है वह यह है कि मज़दूर को तो आर्थिक सहायता मिलती है लेकिन मज़दूर का जो परिवार होता है, वह अभी उस सहायता से बाहर है। मज़दूर सिर्फ़ अपना ही अकेले का तो भरण पोषण नहीं करता, उसके साथ उसका परिवार होता है, उसके बीवी और बाल बच्चे होते हैं जिनका कि उसको भरण पोषण करना होता है। और इसलिए आज जब कि स्टेट इंडियोरस (राज्य बीमा) में मज़दूर का परिवार नहीं आता है तो यह बहुत आवश्यक हो जाता है कि ऐसी व्यवस्था हो कि उसको जब से चोट लगती है तब से उसे वेतन मिलना चाहिए और पूरा वेतन मिलना चाहिए। मैं चाहता हूँ कि यह क़ानून उन छोटे छोटे कारख़ानों में भी जहाँ मज़दूर काम करते हैं, वहाँ लागू होना चाहिए। उनको भी इस क़ानूनी सुविधा के दायरे के अन्दर लाने का प्रयत्न होना चाहिए। हमारे बहुत से ऐसे मज़दूर भाई हैं जो कि ठेकेदारों के अंटर (अधीन) काम करते हैं और ठेकेदारों

की सदैव यह चेष्टा रहती है कि किसी तरह वह अपने को ऐसे क़ानून से बचा ले जायें ताकि वे अपने यहाँ के मज़दूरों का अधिक-से-अधिक शोषण कर सकें और इसलिए हमें इस क़ानूनी सुविधा को ऐसे मज़दूरों के लिए भी सुलभ करना चाहिए। छोटे-छोटे कारख़ानों में काम करने वाले मज़दूरों को और ऐसे ठेकेदारों के नीचे काम करने वाले मज़दूरों को भी इस दायरे में लाया जाये और उनको भी इस तरीक़े से मुआवज़ा दिया जाये। जो हालात इस वक्त हमारे देश की हैं और जिस तरह से डेवलपमेंट के विकास के कामों में हम लगे हुए हैं, उन सारी चीज़ों को देखते हुये मैं सदन से इस बात की दरख़वास्त कर्हंगा कि वह इस संशोधन विधेयक को पास करने को कृपा करें।

Mr. Deputy Speaker: Shri S. L. Saksena.

Shri Achuthan (Crangannur): Members on this side also may be given a chance.

Mr. Deputy-Speaker: I have got the list of names; I will call them one by one.

श्री एस० एल० सक्सेना (जिला गोरखपुर उत्तर): मैं समझता हूँ कि यह जो संशोधन विधेयक पेश हुआ है वह बहुत ही उपयुक्त है और तत्काल स्वीकार किया जाना चाहिये।

अभी सरकार की ओर से कहा गया कि श्री राजाराम शास्त्री की तरफ़ से जो संशोधन आता है वह इस लायक नहीं होता कि स्वीकार किया जाये . . .

अम उपमंत्री (श्री आबिद अली) : मुनासिब हो तो स्वीकार किया जायेगा।

श्री एस० एल० सक्सेना : "दिट मीन्स, इट इज नोट मुनासिब"। वैसे हमारे श्री आबिद अली तो स्वयं मज़दूरों के क्षेत्र में काम करने वाले पुराने कार्यकर्ता हैं और उन्हें मज़दूरों की हालत का और उनकी कठिनाइयों का बख़ूबी अनुभव होगा

और उन्होंने स्वयं बहुत से मजदूरों को कम्पेंसेशन (प्रतिकर) दिलवाया होगा और वे जानते होंगे कि मुआविजा मजदूरों को कितने समय के बाद मिलता है। मजदूर को इस मुआविजे की सब से अधिक आवश्यकता तो उस समय होती है जब कि काम पर उसको चोट लग जाती है और जब कि वह अस्पताल में महीने या दो महीने पड़ा रहता है और आप समझ सकते हैं कि बीमार पड़ने पर और चोट लगने पर उसकी कितनी बुरी हालत होती होगी। उधर तो उस बेचारे मजदूर का हाथ पैर कट गया, काम पर जा नहीं सकता और उधर अस्पताल में इलाज कराने के लिये उसके पास पैसा नहीं होता। मैं समझता हूँ कि कम्पेंसेशन ऐक्ट के अन्दर बहुत सी त्रुटियाँ हैं और मैं समझता हूँ कि इस संशोधन विधेयक को लाकर एक बहुत बड़ी त्रुटि के अंश को पूरा किया गया है और इस नाते यह स्वागत योग्य है। साथ ही मैं समझता हूँ कि मंत्री महोदय को सन् २३ के ऐक्ट (आधिनियम) को एक सिरे से रिवाइज (पुनरीक्षित) करना चाहिये, उसको बने आज ३२ साल हो गये और इस असें में मुल्क में बहुत तबदीलियाँ आगयी हैं, हमारा मुल्क अब आजाद हो गया है और इस नाते भी हमें उस पुराने ऐक्ट में रद्दोबदल करना है और उसको मजदूरों के लिये अधिक से अधिक हितकारी बनाना है। जैसा हमारे भाई श्री राजाराम शास्त्री ने बतलाया हमें ऐसा कानून बनाना है जिसमें मजदूरों को चोट लगने पर उनकी उचित डाक्टरों देखभाल हो सके और जितने दिन वे काम पर न जा पाये, उतने दिन का वेतन उन्हें मिलता रहे। तो हमें इस तरह की तबदीली अपने कानून में करनी है। आजकल हम दुनिया में एक अहम् पोजीशन (महत्त्वपूर्ण स्थिति) हासिल कर चुके हैं और हमारे मुल्क में विदेशी लोग आये हुए हैं और हमें उनसे इस दिशा में सबक लेना चाहिये कि बाहर के देशों में मजदूरों की अवस्था यहां

के मजदूरों के मुकाबले कितनी अधिक प्रगतिशील है। रूस के अन्दर मैंने देखा है कि वहां पर मजदूरों के साथ जो बर्ताव होता है, वैसा अच्छा बर्ताव शायद दुनिया में और कहीं नहीं होता है। रूस में अगर मजदूर बीमार पड़ता है तो दो चार साल तक जब तक कि वह अच्छा नहीं हो जाता, उसकी पूरी जिम्मेदारी सरकार पर होती है और जब तक डाक्टर कहें न दे कि यह आदमी अच्छा नहीं होगा, उस वक्त तक उसको कम्पेंसेशन नहीं मिलता। वहां मजदूर के बीमार पड़ने पर अच्छे से अच्छा डाक्टरों इलाज उसके लिये जुटाया जाता है और जरूरत पड़ने पर उसको सैनिटोरियम (आरोग्यशाला) में रक्खा जाता है और लग कर उसका वहां पर इलाज किया जाता है। अगर मजदूर के चोट लग जाये तो उसके लिये पूरे दवा दारू का इन्तजाम होता है और हर तरह से सरकार उसको मदद करती है। और वहां के मजदूर को दिल में यह यकीन रहता है कि मुझे कोई तकलीफ नहीं होने पावेगी और अगर होगी तो सरकार मेरी मदद करेगी और मेरी देखभाल की सारी जिम्मेदारी सरकार अपने ऊपर लेगी। अगर हम चाहते हैं कि हमारे मजदूर दिल लगा कर काम करें और ज्यादा काम करें तो जरूरी है कि उनके चोट लगने पर जो उन्हें तकलीफ या दुश्चारी पेश आये, उसे हमें दूर कर देना चाहिये। मैं चाहता हूँ कि चोट लगने पर मजदूर की सहायता वाली बात सिर्फ बड़े कारखानों में काम करने वाले मजदूरों तक ही सीमित नहीं रखनी चाहिये बल्कि ठेकेदारी मजदूरों के लिये और जितने और भी छोटे छोटे कारखाने हैं उनमें काम करने वाले मजदूरों को भी यह सुविधा या रिश्नायत मिलनी चाहिये कि चोट लगने पर उनके इलाज का माफूल (उपयुक्त) इन्तजाम हो और साथ ही चोट के दिनों का वेतन उन्हें पूरा मिले। आज हम देखते हैं कि चोट लगने पर मजदूरों के लिये माफूल डाक्टरों

[श्री एस० एल० सक्सेना]

चिकित्सा का प्रबन्ध नहीं है। कोई कायदे का अस्पताल नहीं है और मामूली कम्पाउंडर होता है जिसके पास पूरी दवा भी नहीं होती है। जब कि दूसरे मुक्तों में आप इसके विपरीत हालत पायेंगे। रूस में ताशकंद में आप देखिये, वहाँ पर एक बड़ी फ्रैक्टरी में मजदूरों के इलाज के लिये एक बड़ा अस्पताल बना हुआ है जहाँ पर ५ सौ, ६ सौ डाक्टर्स रहते हैं। वहाँ हर तरह का इन्तजाम है और सरकार मजदूरों के दवा दारू और इलाज और खर्चें वगैरह की पूरी जिम्मेदारी अपने ऊपर लेती है। जहाँ तक इस बिषयक का सम्बन्ध है यह बहुत आवश्यक है और मैं समझता हूँ कि मंत्री महोदय यह न कह कर कि यह उचित नहीं है, इसको स्वीकार कर लें।

Shri Achuthan: I support this Bill. To me, it seems to be a lacuna in the law. There should not be any loopholes which could be made use of by the employers. An employer is also a human being, and generally good employers will not say, I will not give any wages or the medical expenses, I will not give you compensation. In my part of the country, I have not come across any cases where an injured worker has been deprived of his wages until he gets compensation. If there is any lacuna in the law, it must be filled up by a legal provision. We are going through large schemes of industrialisation. Do we mean to say that the other sections of labour, and the agriculturists, are to be denied these benefits? No. All must be given. Especially, I must say, in the case of organised labour, it would be better if provision is made in the Workmen's Compensation Act. Government have been saying that they propose to bring a comprehensive measure touching all aspects of labour problems. It is good if such a measure comes before this House. We will debate on that and all loopholes will be plugged, all sections of the House contributing their thought

to the matter. It is a humanitarian measure. It simply says that if a worker gets a personal injury and is not able to do his work, he must be given his daily wages. The wages are not high. Any human being requires his wages for his maintenance and for the maintenance of his family. He has come by the injury by no fault of his. Nobody would welcome an injury. It is by an accident that a man comes by a personal injury. The employer also must be made liable to pay for the medical expenses of the worker. Otherwise, he will say, I will pay the wages, but I will not pay for the medical treatment. If there is a provision to the effect that the worker should be well looked after and treated and the expenses should be paid by the employer, the employer also will take care to see that all precautions are taken in the factory, so that these accidents will be less and less. Any way, it is only a precautionary measure. If the employer has to pay the wages and medical expenses if a worker is injured, the employer will also be guarded. Altogether, this is a good measure and I do not think that Government will have any objection to accept it. I whole-heartedly support it.

Shri Tushar Chatterjea: (Serampore): While supporting this Bill, I want to stress a few points that have not been put forward. I will draw the attention of the Deputy Minister to one very important aspect of this Bill, which though it looks small, is very important.

The Bill seeks to remedy two problems. Firstly, it demands that provision should be made that when a worker suffers an injury in the course of his work, he should be paid his wages till compensation is paid according to the rules. Secondly, under the principal Act unless the worker is disabled for more than 7 days, no compensation is to be paid. That defect is to be removed. I want to draw the attention of the hon. Deputy Minister to this second aspect, particularly. Being connected with many trade union organisations I know that

on account of this small loophole in the Workmen's Compensation Act, a large number of workers have suffered. Just consider this. A worker is slightly injured. Even on account of this slight injury, he has to absent himself from work for 3 or 4 days. For these 3 or 4 days, he cannot attend to his work and he is compelled to remain in his house. For these 3 or 4 days, he will neither get his daily wages, nor will he get any compensation, unless the disability is of such a nature as to demand absence for 7 days. Many workers have complained to me about this: I am really disabled: for these 3 or 4 days. I am deprived of my normal wages, and also I am not entitled to get any compensation. I know of a particular case. A worker came to me and showed his hand. His hand was slightly injured. Actually, he had to go to the doctor daily. The doctor wanted him to be at rest for 4 days. That worker, in spite of his hand being injured, requested the doctor to give him a fit certificate so that he could go back to his work and earn his daily wages. It is really a peculiar provision. Unless you remove this defect, unless you give the workers the right to get wages for these days, a very large number of workers will suffer under the present circumstances. While supporting this Bill while pleading for the acceptance of all the provisions embodied here, I particularly draw the attention of the Labour Minister to this aspect of the case and request him to accept this Bill.

So far as general compensation is concerned, I know a number of cases where it has been the effort of the employer, somehow or other, to delay the compensation case, or somehow or other defer the case, or somehow or other avoid payment of compensation. The poor workers who have to go to the court, if they have got to wait for months and months, find this an impossible thing. He is not able to support himself and his family. Therefore, this Bill removes a long-felt difficulty of the workers. I hope

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the Deputy Minister will accept this measure.

Shri N. B. Chowdhury (Ghatal): The necessity to bring this Bill has arisen because of the irrational and the anti-labour provisions made in the existing Workmen's Compensation Act of 1923. Here, the Bill makes three main provisions. The first is to see that the worker does not suffer during the period when the compensation is not settled and he has nothing to fall back upon. The second provision is that if any expenses are incurred on account of hospital charges, the employer will be held responsible, for the payment of these expenses. The third provision is that the injured workman will get his wages for the period for which he is not declared medically fit to work.

It is quite understandable that previously during the British regime, they did not have the necessary sympathy for the workers. They were only interested in exploiting the workers as much as they could. But now, after the attainment of independence it is naturally expected that the workers should be treated with sympathy and that they should get their dues. We hear from the hon. Prime Minister that we have to build the country from the base. Now, who forms the base? It is the workers and the peasants, the primary producers in our country. It is the workers who are creating the surplus, the profits for the industrialists. They are responsible for the capital formation of which they speak so much. Now, when these workers are in such difficulties, when they are incapacitated, the employers do not give them even the meagre amount of money which would somehow help them to keep the wolf out of the door. But here, according to the existing provisions, the workers continue to suffer. So, one of the primary tasks that the Government should have undertaken after the attainment of independence was to amend such Acts, but they have not done so. It is after the workers' struggle, it is after a lot of agitation throughout the country, after repeated demands by the different

[Shri N. B. Chowdhury]

central trade union organisations and after this Bill has been brought here in this House that they have circulated some sort of suggestions for the amendment of the existing Act.

In the existing Workmen's Compensation Act, 1923, under section 3 we find that the employer has the liability to pay compensation in certain circumstances. I am quoting here section 3 of the original Act:

"If personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this Chapter:

Provided that the employer shall not be so liable—

(a) in respect of any injury, not resulting in death, caused by an accident which is directly attributable to—

(i) the workman having been at the time thereof under the influence of drink or drugs, or

(ii) the wilful disobedience of the workman to an order expressly given, or to a rule expressly framed, for the purpose of securing the safety of workmen, or

(iii) the wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workman."

These provisions would indicate how it has become possible for the employers to evade the payment of compensation even under the provisions which have been provided under this Act.

We have received so many reports that particularly in mines attempts have been made even to tamper with the attendance register. There have been cases where the workers have been killed as a result of mine accidents, but it has been attempted by

the owners of the mines to show that those workers were not present there, that they did not attend duty on that particular day, in order to avoid payment of compensation, and in order to avoid this record of accidents.

Such things also happen with regard to the other provisions stated here, with regard to this drinking and the worker not obeying or flouting the orders etc. On frivolous pleas they have tried to avoid the payment of compensation. So, it is very necessary that, now that we are speaking of building the country from the very base, now that we say that the workers are responsible for running our industries and creating wealth, we should pay attention to them and see that they do not suffer from such handicaps.

We are providing a large amount of money for payment to the industrialists, sometimes even without interest, for carrying on rationalisation schemes. And these rationalisation schemes will be carried on particularly in the jute industry and in certain cases in the textile industry also. It has already been stated that though the worker's productivity has increased by 38 per cent. during these years, the real wages of the workers have not increased. As a result of the execution of these rationalisation schemes what will happen is that the intensity of work will increase and the risk also will increase. It has also been pointed out that in certain cases the number of accidents has also increased. So, in such circumstances, it is very necessary that there should be a proper compensation scheme which will satisfy the workers. But it is really surprising that the Government is sitting tight over the old provisions of the law, and have done nothing up till now. So, when this small amending Bill has been brought here, we all expect that the Government would not hesitate, would not stand on prestige, but would accept this Bill, and would bring forward a more comprehensive Bill whereby all the lacunae in the existing Act will be removed, and a reasonable, rational and proper

compensation scheme will be evolved so that the workers will be satisfied and there will be no scope for the employers to avoid the responsibility which is certainly theirs.

With these words, I support this Bill.

श्री आबिद अली : इस बिल के बारे में जो कुछ यहां पर कहा गया है उसके सम्बन्ध में मैं यह कहना चाहता हूँ कि जो उस तरफ से कहा गया है कि जो कुछ भी उनकी तरफ से पेश किया जाता है वह स्वीकार नहीं किया जाता, मेरे विचार में उचित न होगा। जो भी मुनासिब चीज होती है, चाहे वह कहीं से भी आये, उसको स्वीकार करना हमारा फर्ज है और हम ऐसा करते भी हैं। इस एमंडिंग बिल के बारे में तो मैं यह अर्ज करना चाहता हूँ कि इसमें जो कुछ भी कहा गया है उसमें से बहुत कुछ उचित है। लेकिन इस वक्त इसको स्वीकार कर लेना सम्भव नहीं है। इसकी वजह यह है कि जैसा कि लेडी मॅम्बर ने फरमाया कि न सिर्फ वह चीजें जो इस बिल में कही गई हैं बल्कि बहुत सी और एमंडमेंट्स (संशोधन) हम वर्कमज कम्पेंशन एक्ट (कर्मचारी प्रति-कर अधिनियम) में खुद ही कर रहे हैं और उसके लिये हम एक बिल यहां पेश करने वाले हैं। वह बिल इस बिल के इस सभा में पेश करने के बाद तैयार नहीं किया गया है। वह बिल तो जैसा कि एक आनरेबल मॅम्बर (माननीय सदस्य) ने फरमाया पिछले साल यानी सन् १९५४ में ही हम ने लेबर मिनिस्टर्ज कान्फ्रेंस (श्रम मंत्री सम्मेलन) में रखा था। लेकिन मुश्किल यह है कि इस किस्म के एक्ट्स (अधिनियमों) में यदि हम कोई एमंडमेंट्स करना चाहें तो जल्दी से हम कर नहीं पाते। बहुत सी रूकावटें हमारे रास्ते में आती हैं। पहले तो हमको स्टेट गवर्नमॅन्ट्स की सलाह लेनी होती है, उसके बाद लेबर कान्फ्रेंस में हमें रखना होता है, फिर मजदूरों और कारखानेदारों की जो संस्थाएँ हैं उनकी राय लेनी होती है और जो मिनि-

स्टरीज (मंत्रालय) मजदूरों को एम्पलाय (नियुक्त) करती हैं, उसकी राय भी लेनी जरूरी होती है। इन सब की राय आने के बाद हम इन सूचनाओं को फिर से इन सब संस्थाओं के पास भेजते हैं। तो इन सब चीजों को पूरा करने के लिये काफी समय लग जाता है इसमें करीब करीब डेढ़ साल लग गया। इसके बाद जब इन सब संस्थाओं के पास हमारी सूचनाएँ गईं.....

5 P.M.

Mr. Deputy-Speaker: The hon. Minister may continue on the next non-official day.

INDIAN TARIFF (THIRD AMENDMENT) BILL

The Minister of Commerce and Industry and Iron and Steel (Shri T. T. Krishnamachari): I beg to move for leave to introduce a Bill further to amend the Indian Tariff Act, 1934.

Shri Kamath (Hashangabad): It is now five o'clock. Can it be introduced now?

Shrimati Renu Chakravarty (Basirhat): It is there in the Order Paper.

Shri Kamath: I know it, but why this late hour?

Mr. Deputy-Speaker: This is a tariff Bill. So, advisedly it has been put down for introduction at this hour. Possibly they did not want to introduce it before the stock exchanges closed for the day. The hon. Member is well aware of it.

The question is:

"That leave be granted to introduce a Bill further to amend the Indian Tariff Act, 1934."

The motion was adopted.

Shri T. T. Krishnamachari: I introduce* the Bill.

The Lok Sabha then adjourned till Eleven of the Clock on Saturday the 3rd December 1955.

*Introduced with the recommendations of the President.