

Mr. Deputy-Speaker: There are no amendments. I shall put all the clauses together. The question is:

"That clauses 1 to 4, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clauses 1 to 4, the Enacting Formula and the Title were added to the Bill.

Shri Manubhai Shah: Sir, I beg to move:

"That the Bill be passed."

Mr. Deputy-Speaker: Motion moved:

"That the Bill be passed."

Shri Ranga: Sir, I wish to repeat the suggestion made by my hon. friend Shri Harish Chandra Mathur and elaborated by myself. It is a pity that the hon. Minister would not take note of the suggestions we have made. We would like the Government to take as early an opportunity as possible to come forward with necessary legislative proposals for establishing the same kind of a board with similar functions as we find in the case of the Central Oilseeds Committee and the Indian Central Cotton Committee, so that whatever funds come to be collected as a result of this cess would come to be funded separately and would be utilised for the promotion of the purposes for which the Parliament under the inspiration of the then Congress leadership had given its sanction.

Shri Harish Chandra Mathur: I want to say a word. Whatever be the form of the 1953 Act, it is conceded even by the hon. Minister during his speech that the only justification for this cess was developmental purpose. May I know whether there was any other justification or they have justified the Act on the ground that they wanted something for the exchequer?

Shri Manubhai Shah: I read out the clause and, as to the intention of

Parliament, I also mentioned that it is in the nature of excise duty a revenue duty. There are some other developmental works, apart from the salt industry. For example, there is increase in transport, communication, electricity and other activities

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

15 41 hrs.

THE MATERNITY BENEFIT BILL

The Deputy Minister of Labour (Shri Abid Ali): Mr. Deputy-Speaker, I beg to move:*

"That the Bill to regulate the employment of women in certain establishments for certain periods before and after child-birth and to provide for maternity benefit and certain other benefits, as reported by the Joint Committee, be taken into consideration."

Hon. Members would have noticed that the Joint Committee has suggested a number of improvements. The scope of the Bill has been somewhat enlarged and the quantum of cash benefits increased by including incentive bonus in the definition of "wages", as also by raising the minimum to Re. 1/-. The calculation of "average daily wage" for three months instead of 12 months, as originally proposed, will also be to the advantage of the beneficiaries. The "qualifying period" has been changed to 100 days of actual work from 240 days of employment, as proposed in the original Bill. A special provision has been included so as to ensure a measure of relief to the child in the event of the mother's death during delivery or within six weeks thereafter. The clause concerning protection of employment during pregnancy has also been considerably

*Moved with the recommendation of the President.

[Shri Abid Ali]

strengthened. I have no doubt that these improvements will be welcomed by all sections of the House. I commend the Bill for consideration.

Mr. Deputy-Speaker: Motion moved:

"That the Bill to regulate the employment of women in certain establishments for certain periods before and after child-birth and to provide for maternity benefit and certain other benefits, as reported by the Joint Committee, be taken into consideration."

Shrimati Renu Chakravartty (Basirhat): Sir, this Maternity Benefit Bill has been long outstanding and, actually, for quite some time we had only a non-official Bill in my name. Later on, in answer to questions, the hon. Minister assured us that model rules have been framed and were being circulated throughout the country. That, again, took some time and, later on, this Bill has come, not a day too soon.

Though the Constitution has laid down equality of men and women, at the same time, it has provided that there will be certain circumstances in which special protection will have to be given to mother and child, and this Bill covers such contingencies. Now the complication arises because in the labour field what has happened in recent years is that in the traditional industries where women are employed, the more the social measures Government have passed for the working classes, the greater has been the attack on the employment of women because, till then, the employers looked upon women as a source of cheap labour. Therefore, it has to be very well guaranteed that the passing of this all India Maternity Benefit Bill will not further result in the lessening of the number of women employed.

As we all know, the International Labour Organisation had asked all its

member Governments to ratify Convention No. 103. But, up till now, Government have not ratified it. But, at least this much has been done that at long last we now have the all India labour legislation on this point while, in the case of equal pay for equal work, that is, Convention No. 100, whilst there has been ratification of the convention, the law which should be implemented has not been passed. So, in this particular case, though the convention has not been ratified, it is at least good that we have now an all-India labour legislation.

But one of the things that we had very much wanted was that this all India Maternity Benefit Bill should make available the benefits arising out of this legislation to those large sections of women who have not, up till now, been covered by it; that is to say, those large numbers of women who are working in commercial establishments, in educational institutions and hospitals, those who are well-known as white-collar workers. In recent years the Ministry of Labour has undertaken a survey of the number of women employed in various sectors and it has come to the conclusions that whereas, on the one hand, women who were working in the traditional factories of jute, textiles and mines has come down, the number of women white-collared workers has gone up. Yet, these very women who are working in commercial establishments as clerks, in hospitals as nurses and in schools as teachers, they are not going to be covered under the terms of the Maternity Benefit Bill which we are now passing. Therefore, this is one of the glaring defects of this Bill. We have pressed for it in the Joint Committee and we will press it again here, because there are large numbers of women working in the white-collared profession.

Then, we have made another suggestion that the workers working in the seasonal factories should also be

included within the province of this Bill. Because, out of the total labour force, there are some seasonal occupations or factories which employ a very large number of women workers. For example, take tobacco. The number of women working in the sugar industry is not very high, but the number of women employees in the tobacco industry is quite high. Therefore, we wanted that the women employees of seasonal factories and occupations should also be covered by this enactment. Therefore, during the clause by clause consideration, I propose to move an amendment suggesting that the women working in seasonal factories should also be made eligible, if not for the full benefits, at least for proportional benefits.

Then, it is a welcome thing, as the hon. Minister has pointed out, that the qualifying period has been reduced from 240 to 160 days. But I should like to point out that it should be only 150 days. Because, in the West Bengal Maternity Benefit Act, which applies to the tea plantations, it is already only 150 days. When such a benefit is available in some areas in some States to some industries, it should be made available to the rest of India. I have an amendment on this subject and, even though I have not moved it, I would like to place it before this House. Besides the seasonal factories, where we have stated that we would like the qualifying period to be lowered and the proportionate benefits, if not full benefits, given to the women workers, though I have not moved my amendment, I should like the House and the hon. Minister to consider once more whether in the case of those occupations where women have to work in rather inclement weather the qualifying period of 150 days is not rather high. For example, take the tea plantations, specially in Darjeeling area, where the women have to work in high hills in very inclement weather, specially during the monsoons when the first flush of tea picking takes place.

A very large percentage of women fall ill and cannot often qualify for this 150 days period. For this reason, it is really right to consider it from all points of view. I feel that I should urge upon the hon. Minister to consider that in industries where the women have to work in such inclement weather, for example, in plantations and in mines, it would be a good thing if we reduce the qualifying period for maternity benefit to 100 days so that they actually qualify for full benefits. This is one very important point which I wanted to place before this House.

Before I go on to other points, I should like to point out what is stated in Convention 103 of the International Labour Organisation. Clause 3 of this Convention says:

".....the term 'non-industrial occupations' includes all occupations which are carried on in or in connection with the following undertakings or services, whether public or private:

- (a) commercial establishments;
- (b) postal and telecommunication services;
- (c) establishments and administrative services in which the persons employed are mainly engaged in clerical work;
- (d) newspaper undertakings;
- (e) hotels, boarding houses, restaurants, clubs, cafes, and other refreshment houses;
- (f) establishments for the treatment and care of the sick, infirm or destitute and of orphans;
- (g) theatres and places of public entertainment;
- (h) domestic work for wages in private households;

and any other non-industrial occupations.....".

[Shrimati Renu Chakravartty]

In clause 4 it says:

".....the term 'agricultural occupations' includes all occupations carried on in agricultural undertakings, including plantations and large-scale industrialised agricultural undertakings."

So, from both these clauses it is clear that the Convention had aimed at applying the maternity benefits to the largest sections of women working in all these establishments. Specially for plantations I would urge once again that this qualifying period should be reduced particularly in areas where the women have to work in very inclement weather.

Regarding the rate of cash benefit there was the ILO Recommendation 95. Besides the Convention 103, there was Recommendation 95 concerning maternity protection. It shows that both regarding the rate of cash benefit and the type of medical benefit what we should try to make available. There it says:

"Wherever practicable the cash benefits to be granted.... should be fixed at a higher rate than the minimum standard provided in the Convention, equalling, where practicable, 100 per cent. of the woman's previous earnings taken into account for the purpose of computing benefits."

The hon. Minister has stated that the original Bill was even much worse from the point of view of the rates. Now at least a minimum of Re. 1/- has been proposed by the Joint Committee. It has also added incentive bonus for computing the total benefit which may be made available to the workers. But it is obvious when we see sub-clause (2) of I.L.O. recommendations recommendation of what medical benefits we should try to make available to women so that both the child and the

mother are well protected. It says in this sub-clause (2):

".....general practitioner and specialist out-patient and in-patient care, including domiciliary visiting; dental care; the care given by qualified midwives and other maternity services at home or in hospital; nursing care at home or in hospital or other medical institutions; maintenance in hospitals or other medical institutions;" etc.

But we see that we do not give 100 per cent even what medical benefits a woman earns at a period of time when she needs the greatest care both for herself and for her child. In any case, I feel that this minimum of Re. 1/- is still very low. Although in the Joint Committee we had moved for making it Rs. 2/-, I think there are nevertheless some industries which already pay more than Re. 1/- and I think that it would be but fair, if we want to guarantee some minimum health conditions for the child and the mother in these days when prices are high and when it is very difficult for women working in very outlandish places to get proper medical care and facilities, that we should at least move for the minimum daily rate to be increased to Rs. 1/8/-.

We have also felt that whilst it is welcome that we have added the incentive bonus for computing the amount of benefit to be given, it would be a good thing if we could also add overtime earnings, night allowance and similar allowances because, after all, these also are very legitimate parts of her wage which she has earned at great cost. Therefore, I think, that after bonus we should add the overtime earnings, night allowances, and similar allowances. That is a thing which, I think, we should provide for.

Regarding the question of medical benefit, in the original Bill as also in

the Joint Committee, we have recommended Rs. 25/- as medical bonus. I have before me the picture of the tea gardens. Originally in our Plantation Labour Act there was a labour welfare clause. There was also a clause which laid down that medical facilities should be made available. There was specially the question of group hospitals etc. The medical aid clause of the Plantation Labour Act had laid down certain treatment for certain diseases and there was a clear indication as to what a well-equipped hospital was. But take, for instance, the Duars which are in the foothills of the Himalayas in North Bengal where we have a very large number of tea gardens. Actually in the Nagarkata area there is only one hospital for 14 tea gardens in this whole area which has about 154 tea gardens. We are told that under the West Bengal Rules it is not necessary for the plantations to make available hospitals; rather, the Rules say that the civil hospitals will cater for this. In this whole area there is only one big civil hospital. That is in Jalpaiguri Town. The hon. Deputy Minister may have gone to those areas of ours in North Bengal and may have seen how farflung these places are and how it is an impossibility for these women to get any kind of maternity care in hospitals by coming down all the way to Jalpaiguri.

Therefore if medical facilities are not made available, according to the Plantation Labour Act, and as now that will be left as an optional thing for the employers, it is only right that we should increase this medical bonus from Rs. 25/- to a minimum of Rs. 100/-. Of course, there are other industries also about which we can talk. I can talk with some knowledge of the conditions in which women work, for example, right in the interior where iron ore and manganese ore etc. are being mined. There also it is very, very difficult to get medical facilities. Although these employers are actually making such profits and exports are going up, medical facilities

in the shape of hospitals or easily available medical facilities or medicines are almost non-existent in the very interior mines. Therefore this medical bonus, I feel, we should try to increase.

16 hrs.

Now I come to a very important point, namely, the question of dismissal. This question of dismissal is a key thing. What has happened in the past? We know that in the past there have been so many cases, even in our own Darjeeling area, in plantations and in other areas specially in the very interior areas where the trade union movement has not yet become very strong or vocal where women are denied this right. Through this Bill we have tried to tackle that question to a certain extent. In clause 12 we have said :

"When a woman absents herself from work in accordance with the provisions of this Act, it shall be unlawful for her employer to discharge or dismiss her during or on account of such absence or to give notice of discharge or dismissal on such a day that the notice will expire during such absence,.....".

But it has left one big loop-hole, we feel. And that is the proviso to sub-clause (2) where dismissal is permitted if by order in writing the woman is told that she is guilty of gross misconduct. I am reminded of a clause which we could not detect in the case of the Marriage and Divorce Bill where a woman need not be given alimony or the benefit of what is guaranteed by the law if anybody could prove that she is "unchaste." In the same way this question of 'gross misconduct' is a very vague thing. If there is gross misconduct, surely it is a matter for industrial dispute and it can be dealt with as an industrial dispute with all the machinery available to a man or a woman. On a charge of misconduct why should it be that the woman's right to

[Shrimati Renu Chakravartty]

have maternity benefits be jeopardised? If the employer in writing communicates to the woman that she is guilty of gross misconduct under such and such circumstances, then she need not be paid maternity benefit. Of course, it may be argued that if there is an industrial dispute and if later on it is proved that this was a wrong contention and that there was no case of gross misconduct, naturally the maternity benefit will be paid to her. But at the time when she needs the money she is not able to get it and the protection of the health of the mother and the child, which is the main object of this measure, is jeopardised. So, this is one loop-hole which we have left, and I feel it will be a loop-hole which will be seized upon by many employers to prevent the woman from getting maternity benefit or from applying for maternity benefit and putting pressure upon her.

Because of this fear we have tabled an amendment by which we have tried to increase the powers of the Inspector. The duty of the inspector, as far as I can make out from what we have legislated over here, is chiefly to see that the benefits are paid properly and in time and he has the power to order that it be computed properly and paid. We have tabled an amendment suggesting that the Inspector should also have put before him all the cases of dismissal.

I presume that the hon. Minister will not yield on this point about 'gross misconduct'. Suppose dismissal takes place. At least let there be some speedy way in which this may be dealt with, whether there should be payment immediately or not. So it should be that every case of dismissal shall be referred to the Inspector for decision and the Inspector shall decide upon it and he may have the right of reinstating the woman and giving payment of the benefit to her. This we have tabled as an amendment.

Then, in clause 26 power is given to the State Governments to waive, by notification, the provisions of this Bill if they think that there are establishments which provide benefits which are not less favourable than those provided in this Bill. In the first place, it would probably be better that this at least is made subject to the sanction of the Central Government, so that there may not be any extraneous pressure from certain powerful establishments to prevent the clauses or the powers given under this Bill from being exercised or put into execution in their industries. But it says also that they can exempt "the establishment or class of establishments from the operation of all or any of the provisions of this Act". Maybe, in respect of one or two clauses it may be beneficial; but in respect of other clauses it may not be so beneficial. But the State Government may waive all the clauses, whereas one or two clauses may be permitted actually to help the workers more favourably. Therefore, while I do say that since we have not brought everything on par and we have not by this legislation given the best benefits which are available in some industries, it is better to have an exemption clause, I would like to say that this exemption should be done with the permission of the Central Government.

The last point which I would like to stress again is this. As it is, huge numbers of women are kept outside the purview of this measure because they are falling into the category of casual and temporary workers. A very large number of women work as casual and temporary workers. If you see in the railways or in the iron ore contract labour or in the building industries, you will find that a very large percentage of women are really working as casual labour and as temporary labour. And, as far as I can make out, they will not be qualified to get this benefit. As it is, this is what is happening. On top of

that, if we do not very carefully see and check this habit of the employers of retrenching women as soon as we pass social security laws, if Government does not keep a very strict watch on this, what is going to happen as we march along and as women demand more and more employment, because the economic conditions make it incumbent on them to take to some economic livelihood, we will find that they will be thrown out of their jobs and the social security measures will remain a dead letter; rather they will act against the interests of the women workers, because it will be a question of social security *versus* the retention of jobs.

Therefore this question has to be very carefully kept in view and we should impress upon the Government that whilst this Maternity Benefit Bill is a step in the right direction. Yet this has to be kept very close watch upon, that we do not permit the employers to retrench or to dismiss workers because they would rather have cheap labour than implementing the social security laws and that we secure for the women and children a healthy life as is the idea behind the passing of this Maternity Benefit Bill.

Shri Nanjappan (Nilgiris): I welcome the Bill as it has emerged from the Joint Committee because it is an improvement over the original Bill. Yet it is capable of further improvement.

On page 3 of the Bill "miscarriage" is defined. It says: "Miscarriage" means expulsion of the contents of a pregnant uterus at any period prior to or during the twenty-sixth week of pregnancy. "Miscarriage" itself is a loose term. There may be a case of abortion. But that word is omitted here. This cannot at all be utilised in the case of an abortion which takes place within three months of pregnancy. What is said here is miscarriage prior to or during the twenty-sixth week of pregnancy. I want a

clarification on this. In the very same clause, there is a penal clause—

"but does not include any miscarriage, the causing of which is punishable under the Indian Penal Code;"

I feel this should not be there. This should be omitted. Because, this clause does not apply to pregnancy terminating after 26 weeks. Normally pregnancy is for 280 days or 40 weeks. It does not apply to the latter portion of pregnancy when it is terminated, as it is illegal. This term 'miscarriage' is loosely used here and the penal clause is also not applied properly to any period of pregnancy. I want the hon. Minister to clarify these points in this clause. Again, this penal clause may be used as an instrument of harassment by any bad employer. When a woman in pregnancy deserves all sympathy, here is a penal clause put in so that any bad employer may harass a woman in difficulties. Even in that way, I think this last clause may be omitted.

Coming to page 4, clause 5, I have given an amendment to this clause. The Government has got a programme for family planning and they are going to spend nearly Rs. 25 crores for family planning. This clause here, I think, may contravene the programme of the Government. So, I have given this amendment that for the benefit, a woman should not have more than 4 children surviving. I think the Minister will agree. The family planners' limit is three children. But, I want to be a little more liberal and so I have given my amendment as four children surviving. If the House feels or the Minister feels that the number of children should be increased to five, I have no objection. Even if it is reduced to three children, I have no objection. I have given this amendment so that the programme of the Government should not be contravened by giving any amount of leniency to a woman to give birth to any number of children.

[Shri Nanjappan]

Next, I come to page 6, clause 8 which says provided that where the employer does not provide pre-natal or post-natal aids to a woman in pregnancy, Rs. 25 as medical bonus is to be given. I think for normal labour, this may be sufficient. But, in complicated cases, this may not be sufficient. Because, it is my experience in plantation labour, these workers work in very far-off remote places and they have to go very far, say nearly 50 or 60 miles, to get proper aid. In that case, even to convey a pregnant woman to such a long distance, Rs. 25 may not be sufficient. For medical aid, this will be very insufficient. By giving a sum of Rs. 25, the employer may think that he has done everything and he may not go to the help of a woman in labour, especially in difficult labour where she requires immediate attention by giving her all aid by way of transport and other facilities. That is why I have given an amendment even to this clause that in complicated cases, the actuals may be paid to the woman by way of transport and other expenses which she may incur during pregnancy. There may be cases which may require caesarian section, that is delivery by opening the abdomen. Such difficult cases have to be attended to in well equipped hospitals. The provision made here for Rs. 25 may not be sufficient. So, I say that the actuals may be paid to the lady in difficulty.

With these words, I conclude.

Shri Tangamani (Madurai): Mr. Deputy-Speaker, Sir, many of the points which I wanted to raise have already been covered by the hon. Lady Member Shrimati Renu Chakravarty. I would like to refer to certain points which she has left out, but for which I have also given notice of amendments.

I expected that the hon. Deputy Minister, when he introduced this Bill, will also elaborate the purpose for

which this Bill was brought, the various State legislations which we have at present, how far we have deviated from the various State legislations, and how far our provisions are more favourable or less favourable than some of the State legislations. As the House is aware, originally, when this Bill was brought before this House, it was meant to reduce, as far as possible, the existing disparities in the various legislations in this country. The House knows that there are 13 legislations governing maternity benefits, from the year 1929 up to the year 1958: The Assam Maternity Benefit Act of 1944, the Bihar Maternity Benefit Act of 1947, the Bombay Maternity Benefit Act of 1929, the Kerala Maternity Benefit Act of 1957, the Madhya Pradesh Maternity Benefit Act of 1958, the Madras Maternity Benefit Act of 1934, the Mysore Maternity Benefit Act of 1959, the Orissa Maternity Benefit Act of 1953, the Punjab Maternity Benefit Act of 1943, the Rajasthan Maternity Benefit Act of 1953, the Uttar Pradesh Maternity Benefit Act of 1938, the West Bengal Maternity Benefit Act of 1939 and also the West Bengal Maternity Benefit (Tea Estates) Act of 1948. As I have stated, there are 13 State legislations governing maternity benefit. There are also certain Central legislation, namely the Mines Maternity Benefit Act of 1941, the Employees State Insurance Act of 1948 and the Plantation Labour Act of 1951. If we take all these 16 legislations into consideration and compare how far this particular piece of legislation is advanced, it will be not only helpful to the industry and helpful to the various State Governments but also it will be very helpful to the State Governments who are now enforcing these Acts.

I would mention only a few things. This particular provision about medical bonus was conceived by the various State legislations also. I remember the Bihar and Punjab legislations have provided for Rs. 25.

Rightly it was pointed out by the previous speaker that in the present context, Rs. 25 will not be sufficient. The idea was there. When this idea has been accepted, although an amendment has not been moved in this particular form, I expect, during the second reading, the hon. Minister will be pleased to bring of his own an amendment to increase this medical bonus to Rs. 100. That would mean taking the spirit of the various State legislations and amending them with a view to making the Act uniform in the light of the experience of the various State Governments, and also with a view to carrying out the purpose for which this legislation has been brought forward. That is the first point that I would like to make.

16.21 hrs.

SHRIMATI RENU CHAKRAVARTY in the Chair]

Next, I come to the question of misconduct. If you go through the discussions which took place in the Kerala Assembly with regard to the Kerala Maternity Bill, 1957, you will find that there also the question of misconduct was raised. Of course, I can anticipate the hon. Deputy Minister's reply; he might say that there is a remote reference to misconduct in the ILO Convention also. But that is not on all fours with the way the term 'misconduct' has been introduced here. I would like to refer to the Kerala Act in this connection. There it has been provided that the moment it is known that a woman worker is pregnant, the question of misconduct or the question of depriving her of any benefit does not arise, because the Kerala legislators have wanted to make it very clear that a woman worker must be treated in a more humane manner. That is the approach that they have adopted, and that was what I found when I had occasion to go through the debate that took place in the State Assembly when this particular Bill was before

it. So, in the context of Indian conditions, that aspect must be taken into consideration. I recall how vehemently Shrimati Uma Nehru fought when the Bill was being referred to the Joint Committee by this House. Here, we are trying to give some benefit to a woman worker which is more in the nature of social security. Why should this Damocles's sword of misconduct be hanging on her? Why should she always be under the fear that she may be deprived of the benefit for no fault of hers simply because the particular employer may think that she has committed misconduct?

Rightly, it was pointed out that misconduct was an issue which had to be treated as an industrial dispute. This maternity benefit has nothing to do with industrial dispute and it has nothing to do with industrial relations. It is a question of social security. Because this worker is employed in an industry, we say that the industrial list, whether he may be private industrialist, or Government, if the industry is in the public sector, must confer this benefit on the worker, which is rightly in the nature of a social security benefit.

I have pointed out these things only to show how when we are trying to make these legislations uniform, we have not gone to the extent to which the State legislations have gone.

Shri Abid Ali: This is an advance as compared to the Kerala Act.

Shri Tangamani: I shall presently show that it is not an advance.

Shri Abid Ali: Since the hon. Member has referred to Kerala, I may point out that in the Kerala Act, leave for miscarriage is three weeks, but here we have provided 6 weeks; in the case of medical bonus, they have provided for only Rs. 10, but here we have provided for Rs. 25.

Shri Tangamani: Then, I shall point out another thing. In the Kerala Act, the period is 150 days of service during the preceding nine months, and

[Shri Tangamani]

the woman should have been on the rolls for nine months immediately preceding the date of notice. But what we have now provided is 160 days. So, it is not an advance, over the Kerala Act.

Shri Abid Ali: The hon. Member may see the second item also.

Shri Tangamani: It is not only Kerala which has been progressive, but Assam also has been progressive. In Assam also, the qualifying period is not 160 days as we are seeking to legislate here. There also, the qualifying period is 150 days. I do not want the Deputy Minister to feel touchy when I am referring to Kerala. There has been very good legislation undertaken there because the Communist Party was in power. My only point in referring to these Acts was to bring out the salient features of the various legislations which have been passed by the State Governments and to point out how in trying to frame a uniform legislation, we are now legislating in a way which does not go far in advance of what the States have done. In the Assam Act also, the qualifying period is 150 days, but here we are providing for a qualifying period of 160 days. That was the only limited purpose for which I referred to these State Acts.

Coming to the Bill in detail, the first point that I would like to deal with is in regard to the date on which the Bill will come into force. Clause 1 (3) reads thus:

"It shall come into force on such date as may be notified in this behalf in the Official Gazette—

- (a) in relation to mines in the territories to which this Act extends, by the Central Government; and
- (b) in relation to other establishments in a State, by the State Government."

A similar provision was there when the legislation for motor workers

came up before the Joint Committee, and the Joint Committee rightly felt that this power should not be left in the hands of the State Governments only, but there must be some uniformity about it. That was why in the Bill that emerged from the Joint Committee in regard to the motor workers, it was decided that powers should be given to the Central Government to notify the date from which the Bill would come into force, and an amendment was made to that effect in the original Bill, so that the date from which the Bill would come into force would be a date which would be specified by the Central Government, whether or not the industry concerned came directly under the Central Government's jurisdiction. Likewise, when we are trying to bring forward a uniform Act applicable to the whole country, we could at least specify the date from which all the State Governments will start applying the benefits of this Act to the various beneficiaries.

My next point is in regard to seasonal factories. Enough has been said already about these seasonal factories. There is at least one salutary provision in the Bill as it has emerged from the Joint Committee. The original Bill gave absolute powers to the State Governments to exempt seasonal factories completely. Now, that provision is not there, because we have stated that the qualifying period is 160 days. As one of the previous speakers has pointed out, there are factories which are seasonal, as for instance, the coffee plantations. Tobacco plantations are also of a seasonal character. A large number of workers who are employed in the cotton ginning factories are also seasonal factories. Apart from the casual and other workers, there a large number of workers who are employed in these seasonal factories. In some places, we find that even sugar factories are seasonal factories. In the case of seasonal factories, it is impossible to expect the worker to com-

plete 160 days of service as the qualifying period. That is why we have suggested an amendment in this connection which can be taken up during the clause-by-clause consideration stage. We have suggested in that amendment that the qualifying period may be reduced to 100 days in the case of seasonal factories, instead of its remaining 150 or 160 as is proposed in the Bill as it has emerged from the Joint Committee.

I have also pointed out in my dissenting note that there are certain States like Yugoslavia, the Netherlands, Japan and China where there is no question of seasonal factories at all, and there is no question of any qualifying period at all.

I would like to mention also another lacuna in this Bill. There is absolutely no protection to a permanent worker. Although there is a worker who has been in service for several years, if she does not come within the qualification mentioned in the Bill, she will be deprived of the maternity benefit. The four States that I have mentioned have seen to it that irrespective of the qualifying period, provided that a worker can show that she is a permanent worker on the rolls, she will be entitled to the maternity benefit. So that provision is not here. Ours is only a very moderate demand that in the case of seasonal factories, the period should be 100 days, and it will meet the ends of justice.

There is one important point in regard to which there is not much scope in the Bill itself, namely, security of service. In the matter of security of service, all that we could provide for in the Joint Committee was clause 21 which says:

"If any employer contravenes the provisions of this Act or the rules made thereunder, he shall be punishable, with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or

with both; and where the contravention is of any provision regarding maternity benefit"—

here the following provision has been added by the Joint Committee—

"or regarding payment of any other amount and such maternity benefit or amount has not already been recovered, the court shall, in addition recover such maternity benefit or amount as if it were a fine and pay the same to the person entitled thereto."

This is a welcome provision. Under the original Bill, the maximum punishment for a defaulter was Rs. 500 or three months imprisonment. Now he has to pay the fine or undergo imprisonment, in addition to paying this benefit which is due to her under law. This is an important change which the Joint Committee has made. But what I was pointing out was that there is nothing in the Bill to met out any punishment to the employer if it is shown that the dismissal took place in order to avoid giving this benefit to the woman worker. It has to go as an industrial dispute and there may be rigmarole and other things there. Assuming that a particular worker was dismissed and a dispute was raised, probably the dispute will be resolved after two or three years. Now, will or will not the employer be compelled to pay the maternity benefit as if she were in employment? That is the point. I do not know if any tribunal has gone into this. There is no protective clause in this Bill which says that in case the dismissal has been proved to be vindictive or unjustified, the benefit to which she is entitled will be paid in any event, in which case it will have to be in the form of an advance payment to the aggrieved worker.

Another point on which I would like to seek information from the hon. Minister is whether in those industries where normally women are employed there is or there is not a ten-

[Shri Tangamani]

dency to reduce the number of women workers. In the part of the country from which I come, normally in the reeling and spinning departments, hundred per cent. complement will be women. But we find that from 100 per cent. it is in some units going down to 10 per cent. There are some units which do not employ women at all. The employer would openly ask: 'Why should I take another risk?', the risk being that in case of maternity, he will have to pay extra benefit.

There is something inherent in the national tradition of our country. In other countries, the cotton textile industry is looked upon as a light industry where 80—90 per cent. of the workers are women. In several parts of our country not developed industrially, where we do not have heavy industries, the textile industry appears to be a very heavy industry—although it is a very light industry. More than 60—70 per cent. of the workers are men. At least one or two departments were reserved for women; women having been used to hand-spinning and reeling, these departments were reserved for them. So women felt that they had a right to be employed in these departments. I know how in places like Coimbatore and Madurai there is anger when others are taken in the reeling department. So we find that women are being removed from a department which had been set apart for them for a number of years. Hence I would like to know from the hon. Minister whether he could give us data regarding the trend in the employment of women in the departments which were, if I may say so, traditionally women's departments.

Shri Abid Ali: It is sufficiently known that they are decreasing.

Shri Tangamani: I would like to know in respect of certain departments which were exclusively reserved for women.

Shri Abid Ali: It is all published in the Labour Gazette.

Shri Tangamani: I would like to know whether after this Bill was introduced, there has been a tendency to decrease the complement of women labour.

Shri Abid Ali: I do not think there is such a substantial change.

Shri Tangamani: If that is so, I will be grateful. If there is a change, there is something seriously wrong in that we enact legislation here and those workers who are likely to be benefited are being retrenched in this way. If this comes about, it will be a serious matter. I know after this retrenchment is taking place. Large numbers of women workers are being retrenched. I can mention certain units. So in respect of one or two units, I wanted some information.

Shri Tyagi (Dehra Dun): How does it matter either way? Instead of the wife, the husband or the son comes in. We see that every time the number of women in Parliament is rising and that of men is going down.

Shri Tangamani: Unfortunately, with the present cost of living, I do not think a family will be able to maintain itself with only the male member working. That is why the wife and daughter are compelled to work to make both ends meet. We have our joint family system. We are more or less forced to send our daughters and wives also for work and cumulatively we are able to make a living. That is why there is not much grumbling. We will find that in many of the units in this country, no man gets a minimum living wage. The hon. Deputy Minister also knows that. But the gap is being made in this way; in respect of one worker having to look after three or four people, two workers look after three people and balance the budget. This is beside the point. But I would like to know whether this tendency has been noticed by Government, that because of this legislation, many of the employers are resorting to retrenchment of women workers.

About the minimum rate of benefit, I must congratulate the Joint Committee on the norm adopted. This norm has been followed in some of the State legislations. Many State legislatures provided only 7/12th of the average wage or 5/12th of the average wage to be paid to the worker concerned. Although I would like the minimum to be raised to Rs. 2 or at least Rs. 1-8, I would congratulate the Joint Committee on fixing the average wage at the daily rate for the purpose of benefit to the women workers.

Another salutary provision in this Bill is the fixing of the average daily wage. Even in the Industrial Disputes Act the average is over a period of twelve months, but here it is over a period of three months prior to the worker claiming the benefit. Certain subsequent benefits extended to the workers are also salutary. There are many other points which I shall raise at the time of the second reading.

While I congratulate the Government for having brought this piece of legislation, I would like the hon. Minister and the House to pay attention to the fact that certain provisions which I have already indicated are not very progressive and that State legislations are much more progressive. I hope the Government will see to it that some of the amendments which have been tabled by hon. Members—and more amendments are likely to come—are accepted, so that more benefits as envisaged in certain States legislations will be extended to the workers and they would also not be deprived of whatever benefits they are now enjoying as a result of this legislation.

श्री रामसिंह भाई वर्मा (निमाड़) :
श्रीमती जी, ज्वाइंट कमेटी की जो रिपोर्ट हाउस में पेश की गई थी और आज उस पर विचार किया जा रहा है। मैं उसका हादिक समर्थन करने के लिए खड़ा हुआ हूँ।

इस लोकसभा के अन्दर अभी तक मजदूरों के सम्बन्ध में जितने भी कानून बने

हैं उनको जब हम अपने सामने रखते हैं तो इतना प्रोग्रेसिव कोई कानून नहीं है जितना कि यह बिल सिलेक्ट कमेटी से आया है और जिसको हम कानूनी रूप देने जा रहे हैं। जो सेंटर के लेबर लाज में है बहुत से राज्यों के लेबर लाज उनसे आगे बढ़े हुए हैं और बहुत प्रोग्रेसिव हैं। लेकिन आज जिस कानून पर हम विचार कर रहे हैं इसके सम्बन्ध में कहा जा सकता है कि यह केन्द्र का कानून उद्योग व्यवसाय में काम करने वाली बहनों के प्रति न्याय करने के लिये लाया गया है और इसके द्वारा यह सदन इन बहनों के प्रति पूरा न्याय करने जा रहा है। और उनके प्रति पूरी सहानुभूति इस बिल के द्वारा दिखाई गई है। वैसे तो अभी तक सेंटर का ऐसा कोई कानून नहीं था कि उद्योग व्यवसाय में काम करने वाली बहनों को प्रसूति का लाभ मिले। राज्यों में अपने-अपने कानून थे और उन कानूनों के अनुसार उनको कुछ लाभ मिल जाता था। आम तौर से देखते हैं कि जो लाभ इसमें दिये गये हैं और बताए गए हैं वह अन्य राज्यों के अन्दर बहनों को कम मिलते थे उन्हें अधिक मिलेगा। लेकिन साथ ही इसमें यह ठहरा दिया गया है कि अगर किसी को जहाँ ज्यादा मिलता हो तो उसे वह तो मिलता ही रहेगा लेकिन जो इसमें दिया गया है उसमें कम किसीको नहीं मिलना चाहिये।

अभी हमारे कम्युनिस्ट भाई ने और उनके पहले हमारी कम्युनिस्ट बहिन ने कुछ बात कही। उन्होंने कहा कि १६० दिन की हाजिरी के बजाय उनको यह लाभ १५० दिन की हाजिरी पर ही मिलना चाहिए। वैसे जितने भी सेंटर के कानून हैं जिनमें श्रमिकों को लाभ देने की बात आयी है उनमें २४० दिन की हाजिरी होने पर ही उनको लाभ देने की व्यवस्था है। लेकिन यह पहला बिल है मैटरनिटी बेंनीफिट देने के बारे में जिसको हम कानूनी रूप देने जा रहे हैं और जिसके अन्दर १६० हाजिरी के दिन रखे गये हैं। लेकिन हमारे साथी ने और उनके पहले हमारी बहिन ने १५० दिन बताए हैं। मैं यह निवेदन करना चाहता

[श्री रामसिंह भाई वर्मा]

हूँ कि ज्वाइंट कमेटी में ये दोनों कम्प्युनिस्ट सज्जन विराजमान थे और दोनों सज्जनों ने भी जो नोट आफ डिस्सेंट दिया है उसमें १६० जो हाज़री के दिन रखे हैं उसका स्वागत किया है। यह तो ज्वाइंट कमेटी की रिपोर्ट में नोट आफ डिस्सेंट देने के बाद आफ्टर थाट है कि १५० दिन हों। यह तो उनको बाद में विचार आया कि १५० दिन होने चाहिए। १५० दिन का कानून बनने के बाद उनको यह विचार भी आ सकता है कि १०० दिन ही क्यों न होने चाहिए। मैं यह निवेदन करना चाहता हूँ कि जब इस बिल पर ज्वाइंट कमेटी में विचार हुआ तो ये सज्जन वहाँ उपस्थित थे और जो नोट आफ डिस्सेंट दिया है उसमें भी बराबर १६० दिन का स्वागत किया गया है। तो इनके द्वारा नोट आफ डिस्सेंट में उसका स्वागत करने के बाद अब उसका विरोध करना तो न्यायसंगत नहीं मालूम देता। दूसरी बात यह है कि बेनीफिट की दर क्या होनी चाहिए। ज्वाइंट कमेटी ने यह रखा है कि जो उनका तीन महीने का एवरेज वेतन हो उसके हिसाब से उन्हें ६ हफ्ते इधर और ६ हफ्ते उधर दिया जाए। यह भी न्यायसंगत बात है। दूसरे राज्यों के अन्दर जो बेनीफिट की रकम दी जाती है कहीं १२ आने है, कहीं दस आने है कहीं आठ आने है। यह नहीं देखा जाता कि उनका एवरेज वेतन क्या आता है। लेकिन इसके अन्दर यह ठहरा दिया गया है कि कम से कम एक रूपया तो प्रति दिन मिलना ही चाहिए। मैं मानता हूँ कि यह न्यायपूर्ण बात है और बहुत ही अच्छी चीज है इस बिल के अन्दर जो कि हमारे हाउस के अन्दर आया है। इसलिए मुझे कहना पड़ता है कि जो १६० दिन रखे हैं वह बराबर है।

अभी भाषण में और नोट आफ डिस्सेंट में हमारे कम्प्युनिस्ट साथियों ने जापान और चीन की बात कही है। मैं तो

कहता हूँ कि आप रूस का उदाहरण लीजिए। वहाँ क्या है? ६५ परसेंट बहिनें उद्योग में काम करती हैं और ६५ परसेंट में से लगभग ६० परसेंट क्वारिका हैं और जापान के अन्दर तो इन ६० परसेंट में से ६० परसेंट ही क्वारिकाएँ मिलेंगी। क्वारिकाओं को रखने में एक मकसद है। वह मकसद यह है कि एक तो उनको मैटरनिटी बेनीफिट नहीं देना पड़ता। इसके अलावा बच्चों के लिए पालनधर होता है, बच्चों को माताएँ बार बार दूध पलाने जाती हैं उसमें समय लगता है। क्वारिकाओं को रखने में यह समय बच जाता है। लेकिन हिन्दुस्तान की टैक्सटाइल इंडस्ट्री के अन्दर श्री अटेरा ने टाइम एंड मोशन स्टडी करके यह निकाला है कि ८ घंटे में पुरुषों को ८० या ७५ परसेंट एफिसियेंसी होती है। लेकिन जो बहिनें वाइडिंग और रीलिंग का काम करती हैं उनकी एफिसियेंसी मुकिल से ६० परसेंट आती है। हमारे देश के अन्दर यह एक प्रथा चली आयी है कि हम क्वारिकाओं को कारखाने में काम करने के लिए नहीं भेजते। लेकिन वह बहिनें जिनके कोई कमाने वाला नहीं होता उनको ही काम करने के लिए भेजा जाता है। जो विवाहिता बहिनें होती हैं उनको ही कारखानों में काम करने के लिए भेजा जाता है, लेकिन उनकी उतनी एफिसियेंसी नहीं होती। नोट आफ डिस्सेंट में कहा गया है कि जापान में जो बहिनें काम करती हैं वह इसलिए हड़ताल करती हैं कि हमें शादी करने दो और वहाँ शादी इसलिए नहीं करने देते कि अगर वे शादी करेंगी तो उनके बच्चे होंगे, तो जो एफिसियेंसी उद्योग के अन्दर मिलती है वह कम मिलेगी और दूसरे बेनीफिट भी देने होंगे। तो यह विचार करने की बात है।

मैं निवेदन करना चाहता हूँ कि मैटरनिटी बेनीफिट का कानून बनने के पहले भी हमारे यहां राजबीमा योजना शुरू हुई, उसके अन्दर

भी अच्छा सेफगार्ड रखा गया था । मैं निवेदन करना चाहता हूँ कि सारे उद्योग के अन्दर काम करने वाली हमारी बहनें कितनी हैं । लगभग ६८ हजार हमारी बहनें हैं और उनमें मैटरनिटी बेनीफिट कितनी क्लेम करती हैं । जिन्होंने यह बेनीफिट क्लेम किया है उनकी संख्या ६५२३ है और उनमें से जितनों को यह बेनीफिट मिला उनकी संख्या ६०६६ है । तो मैं निवेदन करना चाहता हूँ कि अगर तथ्यों को देखा जाए तो उद्योग व्यवसाय के अन्दर टोटल स्ट्रेंथ में से १० परसेंट बहिनें आती हैं जब कि दूसरे देशों में टोटल स्ट्रेंथ के अन्दर बहिनें ६० परसेंट आती हैं । इसलिए दूसरे देशों से हम अपने देश की तुलना नहीं कर सकते । अगर हम अपनी माताओं और बहिनों के साथ सहानुभूति रखते हैं तो हमें यह मानना चाहिए कि हमारे देश के रीति रिवाज और संस्कारों के अनुसार हमें विचार करना होगा और हमें ऐसा रख नहीं अपनाना चाहिए कि जिन बहिनों के घर में कोई कमाने वाला नहीं, जिनका पति अग्रग है, वह बहिनें काम करती हैं उन्हें भी कारखाने के बाहर जाना पड़े ।

16.50 hrs.

[MR. DEPUTY-SPEAKER in the Chair]
देश की टेक्सटाइल इण्डस्ट्री में रीलिग और वाइंडिंग के अन्दर जहां पहले सेंट परसेंट बाईयां रहती थी आज उनकी तादाद घट कर पचास परसेंट रह गयी है और वहां पर यह एक ट्रेंड चल गया है कि बजाय औरतों के पुरुषों को रक्खा जाये । एम्पलायर्स अक्सर यह कोशिश करते हैं कि बाईयों की जगह मर्दों को रखते ह। मेरा यह निवेदन है कि आज यह बिल और ज्वाएंट कमेटी की रिपोर्ट हमारे सामने आई है मैं मानता हूँ कि बहनों के साथ पूर्ण न्याय किया गया है । इसमें कोई शंका नहीं है ।

इसके बाद मैं यह निवेदन करना चाहूंगा कि जब हम बहनों के प्रति जो कि उद्योग व्यवसाय में काम करती हैं, न्याय

करने के लिए गये हैं तो ऐसा न हो कि किसी के साथ अन्याय हो जाये । मैं सीजनल फैक्टरीज की बाबत कहना चाहूंगा कि वहां पर काम करने वाली बहनों के लिए भी यह नियम रखना कि उन्हें मैटरनिटी बेनीफिट तभी मिलेगा जब साल में १६० दिन की उनकी काम पर हाजिरी होगी उचित न होगा । अब इसके लिए माननीय मन्त्री को यह विचार करना होगा कि जो कारखाने १२ महीने चलते हैं उनके अन्दर काम करने वाली औरतों के वास्ते तो मैटरनिटी बेनीफिट देने के लिये १६० दिन की हाजिरी की शर्त समझ में आ सकती है लेकिन यह सीजनल फैक्टरीज कोई साल के बारह महीने तो चलती नहीं है साल में करीब ५ महीने चलती हैं तो उनके वास्ते भी यह १६० दिन की हाजिरी कहां तक न्यायसंगत होगी ? उनके लिए हाजिरी की शर्त १६० दिन से कम होनी चाहिए और १२ महीने के वास्ते जो आपने यह १६० दिन की हाजिरी की शर्त रक्खी है तो ५ महीने जो फैक्टरीज चलती हैं उनमें हाजिरी की शर्त उसी अनुपात से रखनी चाहिए और जाहिर है कि वहां के वास्ते यह १६० दिन की हाजिरी नहीं हो सकती है क्योंकि अगर सीजनल फैक्टरीज जो कि साल में पांच महीने चलती हैं उनमें काम करने वाली औरतों के वास्ते भी आप यह १६० दिन की हाजिरी की कंद रखते हैं तो जाहिर है कि वहां पर उनकी १६० दिन की हाजिरी होना असम्भव है और उनको मैटरनिटी बेनीफिट नहीं मिल सकेगा । इसलिए मेरा निवेदन है कि उनके वास्ते हाजिरी की शर्त भी उसी अनुपात से होनी चाहिए ताकि उनको भी इसका फायदा मिल सके ।

मैं यह निवेदन करना चाहता हूँ कि जीनिंग फैक्टरीज की संख्या हमारे देश में कम नहीं है और हम इस पोजीशन में हैं कि कोर्स और मीडियम काउंट का कौटन अपनी जूरुरत के लिये रखकर हम एक्सपोर्ट भी करते हैं । देशकी जितनी भी जीनिंग

[श्री रामसिंह भाई वर्मा]

फैक्टरीज हैं उनकी चखियां के ऊपर काम करने वाली सेंट परसेंट महिलाएं हैं और चूकि वह फैक्टरीज ५ महीने चलती हैं और यदि हम यह कैद १६० दिन की हाजिरी की उनके लिए भी रखते हैं तो यह उन बाईयों के साथ अन्याय होगा और १६० दिन की हाजिरी की शर्त लगी होने के कारण उनको मेट्रनिटी बेनीफिट मिलने में दिक्कत पड़ेगी और कठिनाई पेश आयेगी। हमारी बहनें जो वहां पर काम करती हैं उनको कपास की रुई बनाने में स्वास्थ्य बिगड़ जाता है और हम देखते हैं कि पांच महीने जो वहां पर वे काम करती हैं तो वह पांच महीने की कमाई १२ महीने के अन्दर दवादारू में खर्च कर देती हैं। यह देखने में आया है कि उनको क्षय रोग हो जाता है और उनके फेफड़े खराब हो जाते हैं लेकिन विवश होकर उन को उन फैक्टरीयों में काम करना होता है क्योंकि खेत पर उनको काम मिलता नहीं है और दूसरा रोजी का साधन सुलभ नहीं है।

इसी प्रकार से बीड़ी बनाने का व्यवसाय है। इस उद्योग में भी काफी तादाद में हमारी बहनें लगी हुई हैं। लेकिन वहां पर बीड़ी व्यवसाय के मालिकान लेबर लाज से बचने के लिए बाईयों को बीड़ी और तम्बाकू बांट देते हैं और वह अपने घरों पर यह बीड़ियां बनाती हैं। यह मालिकान लाखों रुपये की बीड़ियां बनाते हैं और बहुत महंगे दामों पर बेच कर भारी मुनाफा कमाते हैं लेकिन बाईयों को बीड़ी और तम्बाकू बांट देने से और बाईयों द्वारा बीड़ी घरों पर तैयार करने से फैक्टरी ऐक्ट, पेमेंट आफ वेजेज मेट्रनिटी बेनीफिट ऐक्ट और गवर्नमेंट के किसी भी लेबर कानून का फायदा उन बीड़ी वर्कर्स को नहीं मिल पाता है। मैं यह निवेदन करना चाहता हूँ। कि यह उनके साथ सरासर अन्याय है और उनको यह सब बेनीफिट्स मिलने चाहियें। हमारी लाखों बहनें जो बीड़ी वर्कर्स के तौर पर काम करती हैं उन्हें प्राविडेंट फण्ड का

फायदा नहीं मिलेगा और मैं समझता हूँ कि सरकार को इस खामी को दूर करना चाहिए।

इसके साथ ही साथ यह हैलथ इंश्योरेंस का जो कि हम जनता को फायदा पहुंचाने जा रहे हैं उसका फायदा उन वर्कर्स को नहीं पहुंचेगा और मैं चाहता हूँ कि उनको भी प्राविडेंट फण्ड का फायदा मिले। जो उनके कण्ट्रीव्यूशन की रकम है वह इस स्कीम में आनी चाहिए और हमारे बीड़ी वर्कर्स को भी प्राविडेंट फण्ड का बेनीफिट मिलना चाहिए।

सीजनल फैक्टरीज और बीड़ी वर्कर्स के अलावा धान कुटाई के धंधे में भी हमारी बहनें काफी तादाद में लगी हुई हैं। धान कुटाई के कारखाने हमारे मध्य प्रदेश के अन्दर बहुत हैं। धान कुटाई के कारखाने १२ महीने नहीं चलते हैं। जब धान आता है जमा होता है तो धान कुटाई का काम उन कारखानों में शुरू होता है और उस समय काफी तादाद में हमारी बहनें उस काम को करने जाती हैं। मैं चाहता हूँ कि उन हमारी बहनों को भी लेबर कानूनों का बेनीफिट मिले। अब होता यह है कि जो ज्यादा दुखी हैं, और जिनकी आमदनी बहुत थोड़ी है उन्हें कोई फायदा नहीं मिलता है और जिनकी आमदनी ज्यादा है और जो अपेक्षाकृत अपने पैरों पर खड़े हैं उनको ज्यादा बेनीफिट मिले यह कहा तक ठीक और बाजिब होगा? मन्त्री महोदय को आज नहीं तो कल इस चीज पर विचार करना होगा और मैं चाहता हूँ कि वे इस बात को अपने सामने रखें कि सीजनल फैक्टरीज में काम करने वालों और धन धान कुटाई या बीड़ी वर्कर्स को भी सेंटर के जो लेबर लाज हैं उनका फायदा किस प्रकार से मिले।

मैं सरकार लेबर डिपार्टमेंट और ज्वान्ट कमेटी को धन्यवाद देता हूँ कि उन्होंने एक ऐसा लेजिस्लेशन वर्कर्स के फायदे के वास्ते रक्खा है और यह सही है कि दूसरी

स्टेट्स की वनिस्वत सबसे अधिक प्रोग्रेसिव कानून आप बनाने जा रहे हैं और जिस के जरिए हमारे देश की लाखों माताओं और बहनों को फायदा मिलेगा और इसके लिये मैं उनको मुबारकबाद देता हूँ और इस बिल का समर्थन करता हूँ।

Shri Aurobindo Ghosal (Uluberia): Sir, I hope this Bill will go a long way to meet the needs of the female workers who were suffering for a long time. But I would like to point out certain things in this Bill. Firstly, in sub-clause (2) of clause 12 it has been stated:

"The discharge or dismissal of a woman at any time during her pregnancy, if the woman but for such discharge or dismissal would have been entitled to maternity benefit or medical bonus referred to in section 8, shall not have the effect of depriving her of the maternity benefit or medical bonus."

But this benefit is being taken away by the proviso:

"Provided that where the dismissal is for any prescribed gross misconduct, the employer may, by order in writing communicated to the woman, deprive her of the maternity benefit or medical bonus or both."

This gross misconduct is a difficult thing to define, anything can be included in gross misconduct. So far this has not been defined correctly in any piece of legislation.

Shri Abid Ali: It says 'prescribed misconduct'.

Shri Aurobindo Ghosal: We do not know. Whatever be the offence, that may be included in this gross misconduct.

Shri Abid Ali: Government will prescribe under the rules.

Shri Aurobindo Ghosal: Rules are made by the executive authority.

771(Ai) LSD—10.

Gross misconduct is a wide enough term.] Any offence which may not be considered by others as gross misconduct may be considered as gross misconduct by the executive authority. That is why most of the troubles in regard to labour arise due to this term 'gross misconduct'

17 hrs.

The second point that I would like to mention, Sir, is that wide powers are being given to the State Governments in the matter of exempting industries from the purview of this Act. The State Governments sometimes, may be under pressure of circumstances, may exempt some important industries from the operation of this Act. Naturally, I would like to point out that these wide powers which have been given to the State Governments in the matter of exemption should be taken away or at least restricted so that this Act can be implemented at all levels.

Mr. Deputy-Speaker: Is the hon. Member likely to finish in a minute or two, or would he like to continue tomorrow?

Shri Aurobindo Ghosal: I will take only five minutes.

An Hon. Member: Let him continue tomorrow.

Mr. Deputy-Speaker: All right. The hon. Member may continue tomorrow. Now we will take up the other business.

17.01 hrs.

DISCUSSION RE: PRODUCTION, DISTRIBUTION, EXPORT AND PRICE-FIXATION OF SUGAR—
contd.

Mr. Deputy-Speaker: The House will now resume further discussion on the production, distribution, export and price fixation of sugar raised by