

11.46 hrs.

**WORKMEN'S COMPENSATION  
(AMENDMENT) BILL.**

**The Deputy Minister of Labour (Shri  
Abid Ali):** I beg to move:

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

A comprehensive revision of the Workmen's Compensation Act has been in contemplation for quite a long time now, and the various proposals for amendment have been considered and examined. Two important proposals for amendment relate to the revision of the current rates of compensation and an enhancement of the wage limit in the Act from Rs 400 to Rs 500. These two proposals were referred to an Actuarial Committee for assessing their impact on the finances of the industry. The Committee has submitted its report recently and it is being examined. The present Bill incorporates a number of other proposals for amendment. I do not propose to go into the details of all these proposals but will touch upon some of them only very briefly.

At present, a minor gets a relatively small fixed amount by way of compensation in the event of death or permanent total disablement resulting from employment injuries whereas the rates of compensation for an adult in similar circumstances are calculated on the basis of his monthly wages. The Bill seeks to remove this distinction and place adults and minors on the same footing in the matter of calculation of rates of compensation.

Now, a workman suffering temporary disablement is not entitled to compensation during the first seven days of disablement. This period is being reduced to three days.

The Bill provides that if the payment of compensation is delayed for more than one month, interest would be payable by the employer on the

amount due at the rate of 6 per cent. per annum. The Commissioner may also award penal compensation up to 50 per cent of the amount due if the delay in payment is, in his opinion, without justification. We hope that these provisions will go a long way in ensuring prompt payment, and the workers will be spared the hardship which is inevitably caused by undue delays in payment of compensation.

We also propose to extend the existing time-limit for filing claims from one year to two years. The limitation period of 6 months applicable in the case of masters and seamen is being increased to one year. The Commissioner for Workmen's Compensation is also being given further powers to condone delays in preferring claims in suitable cases in the case of masters and seamen also.

The present provision for the maximum penalty for failure on the part of employers to furnish reports, returns etc is Rs 100. This is being increased to Rs 500.

In order to make it easier for the workmen and their dependants to set the process of law in motion, the Bill provides that the inspectors of factories and mines would also be able to prefer claims on their behalf whenever authorised to do so in writing.

By another amendment, it is being provided that if the employer transfers his assets during the pendency of compensation proceedings or before the amount due by way of compensation has been actually paid, such amount would constitute the first charge on the assets of the employer.

As regards the three Schedules attached to the Act, the first one at present contains a list of 14 injuries which are deemed to result in permanent partial disablement. We propose to replace it by a more comprehensive Schedule which has been taken from the National Insurance (Industrial Injuries) Benefit Regulations of the United Kingdom.

[Shri Abid Ali]

Schedule II to the Act gives a list of persons included in the definition of 'Workmen'. We are amending this Schedule by enlarging the scope of some of the existing entries and adding some new ones.

Schedule III contains a list of 12 occupational diseases for which compensation is payable under the present Act. This is also being appropriately amended.

I do not propose to take the time of the House by going into the details of all the proposed amendments. It will be clear to the hon. Members that the main purpose of the amendments is to broaden the scope of the Act, remove some anomalies, discourage delay in payments, improve the procedure, minimise litigation and make it easier for the workmen to obtain compensation in good time. Even though we have not been able to bring forward any proposal for a general revision of rates of compensation, the workmen suffering injuries listed in Schedule I will receive compensation on a more liberal scale as a result of the present proposals.

I commend the Bill for the consideration of the House.

Mr. Speaker: Motion moved:

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

Shri L. Achaw Singh (Inner Manipur): I beg to move:

"That the Bill be referred to a Select Committee consisting of Shri T. B. Vittal Rao, Shri K. K. Warrior, Shri Yadav Narayan Jadhav, Shri Jagdish Awasthi, Shri S. M. Banerjee, Shri Bhakt Darshan, Shri D. R. Chavan, Shri Hem Raj and the mover with instructions to report by the 1st April, 1959."

Mr. Speaker: Has he taken the consent of all the Members?

Shri L. Achaw Singh: Yes, but I am sorry I could not contact the Members of the Treasury Benches.

Mr. Speaker: That is all right. Whichever names he has given he has taken their consent.

Shri L. Achaw Singh: Yes.

Shri V. P. Nayar (Quilon): There are persons to volunteer.

Shri L. Achaw Singh: I had taken enough care because of your ruling the other day.

Mr. Speaker: In all motions for reference to Select Committee, every section of the House must be represented; otherwise a few people alone can't give notice for themselves. The House sends it to a Select Committee so that when it comes back it may rely upon its report.

Shri Naushir Bharucha (East Khandesh): Sometimes it is not possible to approach Members opposite and get their consent; otherwise, it would defeat our own purpose of referring a Bill to Select Committee.

Mr. Speaker: Hon Members must make an attempt. If they refuse to be there, it is a different matter. They do not make an attempt at all. I will excuse him this time. But in future the rule is that a Member who moves a motion for reference to a Select Committee must approach all sections of the House, whichever may be the groups—according to the importance of it—and if they refuse to serve on the Committee, that is another matter.

Shri V. P. Nayar: All sections are represented in the proposed Select Committee. I find the names of Shri Hem Raj and Shri Bhakt Darshan also. So I think almost all the groups have been covered.

Mr. Speaker: That is all right.

Shri L. Achaw Singh: In moving this amendment, I want to speak on

some of the controversial clauses and points raised in the discussion and in the debate in the other House also. The existing Act is 35 years old. From time to time some amendments have been made here and there. But still the Act is outmoded and there has been a long-standing demand for modification of this Act. For example, there are a number of defects, namely, inadequate quantum of compensation, delay in settling cases and exclusion of a large category of occupational diseases. According to my information, 70,000 workers sustain injuries every month while at work. In view of the fact that India is being increasingly industrialised and more and more complicated machineries are being installed in the factories, occupational hazards are sure to increase till the workers have gained the required technical proficiency. So there is a greater need for having a very comprehensive legislation on the subject of compensation.

The purpose of successive amendments to the main Act is to enlarge its jurisdiction by enactment of employers' liability laws. In America, for example, the laws made the employer responsible not only for his own negligence, but also for that of his supervisory staff. Despite the broader responsibility under employers' liability laws, litigation over industrial injuries generally resulted unsatisfactorily for the employee. Persons injured by accident may have a remedy by a suit for damages against their employer in the civil court, but the law applicable there is inequitable because the employer may evoke defences to defeat the claims to compensation.

**Mr. Speaker:** The hon Member will have 20 minutes and other hon Members will have 15 minutes each.

**Shri L. Achaw Singh:** So the aim of a workmen's compensation law is to remove the uncertainties of litigation at common law and to ensure a definite scale of benefits regardless of fault

under employer's liability. Such benefits are, in part, indemnity for wages lost as a result of injury, in part medical services made necessary by the injury. Industrial injuries are now regarded as part of the productive process and their costs are, therefore, held a proper charge on the cost of production.

In the light of the latest developments in social security legislation, our law is most inadequate. It is not exhaustive. There are also a number of provisions in the existing law and the amending Bill which are controversial and need closer scrutiny at the hands of a Select Committee. First of all, the quantum of compensation was fixed in 1923. It has been related to wages and not to the cost of living index. In fact, the cost of living has increased and the earning capacity of the workers has also increased. Here no account has been taken of the increase in the price index in fixing the amount of compensation. So in this respect, a very careful study is required.

Regarding coverage, there is still an anomaly. The Statement of Objects and Reasons says that the wage limit has increased from Rs 300 to Rs 400 per month. But according to the Industrial Disputes Act, the definition of 'Workman' covers his salary upto Rs 500. But that definition is not here in this Act. So I ask, why this discrimination? There is every necessity to change the definition of 'Workman' in this Act so that he may come within the wage limit of Rs 500.

14 hrs.

I would like to say that the Act is not adequate to meet the needs of the day. This is a very important legislation dealing with social security. But it falls short of the ILO Convention, No 17, to which we are also a party. In this respect, the question of taking provident fund contribution and bonus as part of the wages and their inclusion in calculating compensation has not been decided. This is

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necessary because the wage level of the workers in India is very low and the various tribunals in our country have decided that provident fund should also be considered at the time of considering the wages and that bonus is nothing but deferred wages.

According to the Act, the State Governments are also empowered to extend the provisions of the Act to other classes of workers whose occupations are considered hazardous. But most of the State Governments do not go ahead because there is a Central Act. It is for Parliament to make a list of these occupations and the classes of workers as exhaustive and elaborate as possible.

I have observed a very notable omission in this Act and that is about transport workers. The Royal Commission on Labour in 1931 stated.

"The development of motor transport on an organised scale has given rise to another class of workers whose inclusion is necessary. We recommend the inclusion of all persons engaged in the operation and maintenance of mechanically propelled vehicles which are maintained for the transport of passengers or for commercial purposes."

Then comes the waiting period. According to some amendment the number of days in the waiting period has been reduced to three. In spite of that it has worked against the interests of the workers. You will find that burns and cuts in glass factories heal within the waiting period and there is no reason why they should not be paid compensation for those days for waiting.

I do not find that the list of occupational diseases is as exhaustive as it is necessary. It is necessary to amend that list.

Lastly there is the clause that seeks to protect the interests of the workmen entitled compensation in the event of the employer transferring his

assets before discharging his liability under the Act. The question is whether it is advisable to make it applicable only to immovable property. Some concerns generally do not have a substantial portion of their assets in immovable property. So, this is a loophole and the charge should be made applicable to movable property also.

Lastly, I would like to say that there is great scope for improving the working of this Act. In very small establishments, in the mofussil as well as the districts, it has been found that most of the claims for compensation have not been well attended to and there are no agencies also for rendering legal and other assistance to the worker in securing compensation in those areas.

I would like to mention also that in some of the distant areas, for example, in my own territory, the rules are not framed and in the Government P.W.D. in the Press and the State Transport and in other Government undertakings the workers are not conscious of the existence of these beneficial Acts. This is one of the defects.

In view of the statements and arguments put forward by me about some of the provisions of this Bill, I feel that this should go to a Select Committee consisting of the Members whom I have named.

Mr Speaker: Amendment moved

"That the Bill be referred to a Select Committee consisting of Shri T. B. Vittal Rao, Shri K. K. Warrior, Shri Yadav Narayan Jadhav, Shri Jagdish Awasthi, Shri S. M. Banerjee, Shri Bhakt Darshan, Shri D. R. Chavan, Shri Hem Raj and the Mover with instructions to report by the 1st April, 1959."

How long would the hon. Members like to spend with regard to the general discussion and clause by clause discussion?

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Shri Naushir Bharucha: Three hours and one hour.

Mr. Speaker: We shall see if there is any time left for the third reading.  
Shri Vittal Rao.

Shri T. B. Vittal Rao (Khammam)  
Mr. Speaker, Sir, there are a few amendments in favour of the workers in this amending Bill; but I must express my disappointment.

In 1955 when a non-official Bill by Shrimati Renu Chakravartty was discussed in this House, we were given to understand by the then Labour Minister that a comprehensive legislation was thought of and was being brought forward. But, today, we find that that comprehensive legislation has not been brought forward. In the informal talks we had with the Deputy Labour Minister we were told that a comprehensive legislation will be brought forward later on.

This Act which was amended last some 12 or 13 years ago ought to have been drastically amended. A new legislation should have been brought forward keeping in view the objective of socialist pattern of society.

14.58 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

The other day, I was reading a book *Labour Laws in India*. In the preface, Mr Menon, who was a former Secretary of the Government of India in the Ministry of Labour and who is today the Director of International Labour Organisation writes

"Any labour legislation would indicate the objective the Government has."

Keeping that as the test, I find that this Bill falls far short.

This Bill affects 34 lakhs of workers employed in the Railways and in the industrial establishments, mines and plantations. Therefore, this should seriously engage the attention of the hon. Minister and the Government.

The first time that I ever heard of workmen's compensation was when my hon. friend Shri Ramananda Tirtha addressed a meeting of workers which I attended some 20 years ago. There was an agitation for a drastic amendment of this legislation. Schedule IV of this Act is not at all amended. The maximum rate of compensation payable to the dependant of a worker in case of death of the bread-winner or the worker is Rs. 4,500. In case of permanent disablement it is Rs. 6,300—that is for one who is drawing a salary of Rs. 300 or so. Can anybody imagine that with the cost of living obtaining today it would be a sufficient protection for the family of the workers in case of disablement?

Looking to the figures of deaths in the industry, in the year 1954, for 1000 workers employed it was 31; 29 in 1955, 27 in 1956. The permanently disabled as a result of those accidents has been 1.20 in 1954, 1.24 in 1955 and 1.00 in 1956. The temporary disablement is 16.1 in 1954, 17.8 in 1955 and 16.76 in 1956 per thousand workers. This statement shows to what extent these workers are exposed to these risks. I have worked out the figures of compensation given by the Ministry of Labour in their annual report on the working of the Workmen's Compensation Act. The average compensation per death comes to about 2,000 per worker. That is the amount paid to the dependent. The average rate works out to Rs. 517 for permanent disablement and for temporary disablement, Rs. 34. We can understand how meagre this amount is. When we go deeper and analyse further the statistics, they are very revealing.

Now, 29 per cent. of the total accidents involves people who are getting below Rs 50 as their monthly earnings. It is 61 per cent. in the case of persons earning Rs 50—100 per month. It is 9 per cent. for those drawing between Rs. 100—200. It is one per cent. above Rs. 200. The schedule has to be seen in this context. Let me take the maximum slab in the lowest category; let me take the

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Rs. 45—50 category. What does the dependent of a worker get if the worker dies in an accident? He gets Rs 1,500/-. In case of permanent disablement he gets Rs 2,100. If he gets less salary, he will get less. This definitely shows that this Act is not a sufficient protection. In the next higher group of people getting Rs. 50—100, who account for 61 per cent. of the accidents, they get only Rs. 3,000 in case of death and Rs 4,200 in case of permanent disablement. This clearly shows that this Act does not afford the protection that a worker must get, a worker who is increasing the wealth of this nation is entitled to get more

With regard to this Act and various other amendments to this Act, we are told that the implication of the burden on the industry is being worked out. Let me turn to the total figures paid by way of compensation to the workers. In no year it works out to more than Rs 50 lakhs—that is, compensation paid to the workers under this Act for fatal accidents, permanent disability and temporary disability. But what is the total wealth that these people produce? In the mineral industry alone today we get more than Rs 100 crores, not to speak of other things. Sixty per cent of the total national income comes from the industrial and mineral production. We are told that the national income is about Rs 11,000 crores and so this share comes to about Rs 7,000 crores. Out of this, these people are getting Rs 50 lakhs. I do not know what implications are being worked out. This clearly indicates that our Government has a pro-employer attitude.

In the amending Bill, one most important thing that is the rehabilitation of the disabled is not provided. I am afraid that not much is being done in this direction—for instance, rehabilitation by providing artificial limbs for those who have lost their limbs and giving them some sort of a training so that in later years they may be gainfully employed. I come from the area of a

mine about which I have got intimate knowledge. There are several hundreds of workers who have either lost their hands above the arm or their legs. Unfortunately they get a very meagre compensation and some part of it is spent or deducted due to expenditure in the hospital during the period they are in the hospital. Thus they get very little and then they roam about unemployed and beg in the streets. I think those who produce our national wealth should be treated in a better way. Few had been sent to any artificial limb centres. So many years have passed. Only the other day in reply to a question the hon. Minister has said that 12 people had been sent to the artificial limb centre in Poona out of about 400 people who had lost their limbs during these 3—4 years, and that they will be sent in batches. This also has been expedited because probably a question was put in Parliament. But in this Bill, no provision is made for the rehabilitation of those people who lose their limbs.

Some increase in the percentage of compensation for the loss of limbs has been included in the schedule. The employment schedule has also been increased. But it does not cover all. Several workers are left out of this. I do not know why they should not be included. All the occupational diseases have not been included. I do not know why I cannot understand the non-inclusion, for instance, of the occupational disease to which the worker in a rayon factory is subject to. We have been urging for a speedy survey. A team has been appointed, they have gone into it and I do not know when they will submit their report. Working in such factories has a very deleterious effect on health. There are about 33,000 workers in these factories. Years pass by and nothing is done for them. Even in industries where a study has been made, it has not been done. For instance, there are the battery industries and so on. I do not know what implications on the industry should

have to be worked out if this schedule is enlarged. Simply because we have been asking the Government to bring forward legislation, they seem to have brought it forward with some amendments. There can be no explanation beyond that. An amendment of this Act was under contemplation and actually a memorandum was circulated to the State Governments as long ago as 1953. The comments of the State Governments have been received. They were before the Government for a pretty long time, and yet the Government have not thought it wise to amend it in a comprehensive way.

With regard to the submission of returns, their own report which has been published a few months ago in the *Indian Labour Gazette* reveals a very sorry state of affairs. Though a statutory obligation is placed on the employers for submission of these returns, they do not submit any returns. I can quote instances. To West Bengal alone 3315 forms for submission of returns were issued but only 800 returns were received—that is, less than 25 per cent. But, yet, these employers go scotfree and nothing is done. Very seldom any prosecution is launched. I do not want that there should be prosecutions, but you must have some measure by which you will be able to make these people submit these returns.

**Shri Abid Ali:** What measure would you suggest?

**Shri V. P. Nayar:** Exchange places, and we shall do it.

**Shri T. B. Vittal Rao:** You grant loans and other things. They should be debarred from getting all these concessions if they do not submit their returns. This is the state of affairs, and the Labour Ministry, whether in the States or in the Centre, I am sorry to say, is not alive to this at all. Why can't they find out the reason why these employers are not submitting their returns? They must find out whether there are genuine reasons or they are doing it deliberately as they

evade in some cases the payment of compensation. Some sort of a penal provision should be there.

With regard to these occupational diseases, the State Governments are authorised to make rules. They take their own time to frame the rules. In Andhra Pradesh, silicosis is declared as a disease for workers in gold mines. There is a small gold mine in Andhra Pradesh; probably the Minister does not know. The rules for award of compensation under this Act have not been framed there, with the result that the workers in that gold mine are not eligible to any compensation though they suffer from silicosis. The Ministry has done nothing about it. I can quote several such instances. They say that labour legislation is a concurrent subject, we will have to leave it to the State Governments and they will make the rules. When they do not frame the rules, the Central Government also remains complacent.

**Shri Abid Ali:** What to do?

**Shri T. B. Vittal Rao:** Instead of asking that, if I were in your place, I would have quit that place. In case I am not able to make the State Governments do it, I would not occupy that place in the Labour Ministry.

**Mr. Deputy-Speaker:** Individuals can't change places; it is the whole block that has to be changed.

**Shri T. B. Vittal Rao:** If I were the Labour Minister or the Deputy Labour Minister and if I were not able to persuade or use my good offices for the speedy framing of the rules under this Act, I would have quit that office as Shri Giri did a few years ago and made Government to revise their attitude.

Sir, the Industrial Disputes Act was passed in a great hurry. We also agreed not to refer it to a Select Committee and allowed it to be passed in a hurry. It was passed in 1956. We are now in 1959. Still the rules under certain sections of that Act have not been framed by the Andhra Pradesh Government. We have asked for the

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intervention of the Central Government. We have asked them to use their good offices to persuade the Government of Andhra Pradesh to do that. We now understand that the rules have been drafted but they have not yet been finalised. Under the this Act also the State Governments are given powers to frame the rules

**Mr. Deputy-Speaker:** There is a Committee on Subordinate Legislation. If the hon. Member were to write to them they would at once proceed with it and see that the rules as required are framed.

**Shri T. B. Vittal Rao:** Even in respect of State Governments?

**Mr. Deputy-Speaker:** They will ask the Central Government to move in the matter.

**Pandit Thakur Das Bhargava (Hisar):** The law can be amended enjoining upon the Central Government to frame the rules

**Shri T. B. Vittal Rao:** I thought that we could approach that Committee only in regard to rules to be framed by Central Government.

**Mr. Deputy-Speaker:** Well, I shall look into it.

**Shri T. B. Vittal Rao:** On many occasions we have impressed upon the hon Minister the desirability of enhancing the rate of compensation payable to miners. The work in the mines is more arduous and hazardous. Barring, of course, some port and dock workers, the rate of accidents amongst the miners is nine times more than in other cases. Therefore, we requested the Government that at least in the case of miners who do an arduous nature of work they should be paid double the rate of compensation. This

is not a new demand. In U.K., in addition to the compensation under the law they get an equal amount as additional compensation. That is not being done here.

As has been mentioned by my hon. friend, Shri Achaw Singh, wages for the purpose of computing compensation includes all over-time allowance, dearness allowance, house rent allowance etc. that a worker is eligible to. I cannot understand why the employer's contribution to the provident fund should not be there. Employer's contribution to the provident fund is not taken into consideration for the purpose of computing the compensation to be paid. To include this, Sir, are the implications of financial liability on the industry to be worked out? Several industries have got their own insurance. There will not be any liability on the industry as such. Yet, this is not being done

There has been a reduction in the waiting period. Originally it was seven days, it is now being reduced to three days. I remember Government had taken a decision or they informed us through some of the papers circulated to the central trade union organisations while they invited comments on the draft amendments to the Workmen's Compensation Act in the year 1955, that they were going to reduce the waiting period from seven days to two days. I find that still the waiting period is put as three days.

Not only that. I can't understand why a worker who is involved in an accident should not be paid from the very date of the accident. Why should there be waiting period? For instance, in the amending Bill it is said that only if the injury is for more than 14 days he will be eligible from the date of the accident, and he will not be eligible if the period is less than that.



With these few words, Sir, I urge upon the hon. Labour Minister to bring forward at least a comprehensive legislation very soon, providing for a higher rate of compensation. At least Schedule 4 requires to be revised in favour of the workers. Not only that. In the Industrial Disputes Act they have put down "Workers who draw Rs. 500 and less". Why should they make it Rs. 400 in this Workmen's Compensation Act? Why should it not be Rs. 500? Why should there be different grades for different Acts? I hope, if he does not accept the motion for reference of the Bill to a Select Committee, at least he will accept the amendments that I have tabled.

श्री २० क० वर्मा (निमाड़) : उपाध्यक्ष महोदय, आज सदन के समक्ष जो बिल पेश किया गया है उसका समर्थन करते हुये जो अमेंडमेंट पेश किया है, उसका मैं विरोध कर रहा हूँ। कारण यह कि जो बिल पेश किया है इसके अन्दर कुछ ऐसी बातें हैं कि अगर आज ही हमारा यह बिल पास हो जाता है तो जैसे ही राष्ट्रपति की स्वीकृति इस बिल को मिल जायेगी, त्योही हमारे हजारों गरीब मजदूरों को तान्कादिक फायदा और लाभ मिलना शुरू हो जायेगा। इसलिये ऐसे पवित्र कार्य में देरी लगाना या सेलेक्ट कमेटी के सामने जो इसको ले जाने का सुझाव धाया है, मैं यह मन्ता हूँ कि जिन श्रमजीवियों के कल्याण के लिये एक अच्छी चीज सदन के अन्दर पेश की है, उसके अन्दर देरी लगाना है। इसलिये मैं इस बिल का समर्थन करते हुये मंत्री महोदय के समक्ष आपके द्वारा कुछ सुझाव रखना जरूरी समझता हूँ।

पहली बात तो श्रीमन् यह है कि हमारे शासन ने और श्रम विभाग ने अपनी यह नीति बना ली है कि श्रमजीवियों के लिये स्टेट इंश्योरेंस स्कीम शुरू करेंगे और उसकी जो

शुरुआत की गई है उसमें हमें बहुत जबर्दस्त सफलता मिली है हालांकि यह चीज विदेश की थी और हमारे देश की नहीं थी और उसको समझने में एम्प्लायर्स, एम्प्लायीज को और स्वयं गवर्नमेंट को भी बहुत ज्यादा डेर लगी क्योंकि श्रमिकों के हर सप्ताह के काम का रेकार्ड बगैरह रखना, यह एक बड़ी कम्प्लीकेटेड चीज थी लेकिन श्रीमन्, यह मानना होगा और गवर्नमेंट को इसके लिये मुबारकबाद देना होगा कि इसको लागू करने पर श्रमिकों को कुछ फायदा ही हुआ और जो रकम गई वह एम्प्लायर्स के पास से गई और आज गवर्नमेंट ने उसके द्वारा देश के अन्दर एक ऐसी चीज पैदा कर दी है कि लाइफ़ इंश्योरेंस कॉर्पोरेशन के पास सेविंग तो हुई ही है और साथ ही जो मेडिकल डिपार्टमेंट है उसको भी बड़ी तादाद में सहूलियतें मिली और उसका दूसरे लोगों को फायदा मिलना शुरू हो गया क्योंकि अस्पतालों में जगह नहीं रहती थी और उनका एक एक लिमिटेड बजट हुआ करता था लेकिन सस्टेंट एम्प्लायीज इंश्योरेंस की स्कीम होने के कारण वह जो कामन लाभ सब को मिलता था, उसमें श्रमिकों को भी मिलता था लेकिन अब उनको अलग लाभ मिलने के कारण यह हेल्थ डिपार्टमेंट का बजट बढ़ा है। श्रमजीवियों को एक तरफ़ निकाल दें तो उससे आम जनता को फायदा पहुंचा है। मैं मानता हूँ कि इस नीति को धागे बढ़ाना होगा और हर जगह इसे लागू करना होगा। यह वाकई एक बड़ी चीज है। लेकिन शासन के समक्ष कुछ कठिनाइयां हो सकती हैं। आज डाक्टर्स नहीं मिल रहे हैं। हमने यह जो स्टेट एम्प्लायीज इंश्योरेंस स्कीम लागू की, मैं अपने प्रदेश की बात करता हूँ जहाँ कि मैं स्वयं यूनियनों में काम कर रहा हूँ, हिन्दुस्तान भर में अगर कहीं यह स्कीम कामयाब हुई है तो वह मेरे प्रदेश के अन्दर हुई है। कोई डिस्प्यूट नहीं, कोई शगड़ा नहीं, कोई फसाद नहीं और सारे का सारा काम इस तरह से चल रहा है कि

[श्री र. क. शर्मा]

अफ्टर्स, मजदूर, एम्पलाई और गवर्नमेंट सब यह मांगते हैं कि मध्य प्रदेश के अन्दर जिस तरीके से यह स्कीम चला रही है उस तरीके से दूसरे प्रदेशों के अन्दर नहीं चला रही है। इस सफलता मिलने का कारण यूनियनों के कार्यकर्ताओं का सहयोग मिलना है। इस स्कीम का फायदा श्रमजीवियों को मिले उसके लिये जहाँ सहयोग चाहिये वहाँ लगन, तड़पन और तमन्ना भी चाहिये। केवल उद्बान चलाने से ही काम होने वाला नहीं है।

इसलिये मैं यह निवेदन करना चाहता हूँ कि इस बिल को सेलेक्ट कमेटी को सौंपने का जो सुझाव दिया गया है तो उसके पीछे बड़ी मामले को टालने की बात है और जैसे धाज विधेयक के ऊपर काफी बोल दिया और यदि उनका सुझाव मान लिया जाता है तो सेलेक्ट कमेटी से धाने के बाद भी उनको फिर इस पर बोलने का मौका मिल जायगा लेकिन वर्किंग के अन्दर इसका कोई लाभ नहीं है। यह बात जरूर है जैसे मैंने निवेदन किया स्टेट एम्पलायीज इन्वोर्गैस स्कीम को धाने बढ़ाना चाहिये लेकिन दूसरी तरफ यह भी नीति का है। श्रम विभाग ने जो नीति ठहराई है, उसके अनुसार एम्पलायीज और गवर्नमेंट के प्रतिनिधि बैठ कर कोई ऐग्रीड फारमूला तैयार कर सकते हैं। मैं तो यह देख रहा हूँ कि दो साल से बराबर लगातार हम बैठते हैं, तय करते हैं और ऐग्रीड फारमूला हर बात के अन्दर तय करते हैं, इस चीज को भी धाने बढ़ाया जाये और सेक्टर कान्फ्रेंस के अन्दर या स्टैंडिंग नेबर कमेटी के अन्दर इसको चर्चा के रूप में रक्खा जाये और जब हमारा ऐग्रीड फारमूला होगा वह बहुत अच्छा होगा। धाने इसमें बहुत सारी बातें हैं।

पहली बात तो यह है कि हमारे सामने कारखाने घाते हैं, रेलवे आ जाती हैं, माइनिंग

घाती है लेकिन मैं यह निवेदन करना चाहता हूँ कि हिन्दुस्तान में ऐसे श्रमजीवी जो कि कारखानों में काम नहीं करते हैं, उनकी संख्या कारखानों में काम करने वाले श्रमजीवियों से मेरे ख्याल में अधिक निकलेगी। अब ऐसे छोटे-छोटे घरेलू वर्गों में लगे मजदूर लोगों की जब दुर्घटना बंध भृत्य हो जाती है या उनको चोटें लग जाती हैं तब उनका विचार हमारे यह साथी कभी नहीं करते, उनका ध्यान तो कारखानों में काम करने वाले मजदूरों की ओर ही रहता है। मैं यह निवेदन करना चाहता हूँ कि बड़ी बड़ी फर्मों और दुकानों में काम करने वाले गुमास्तों के बारे में कभी भी नहीं सोचा गया। इस ऐक्ट को कारखानों, रेलवेज, माईंस और डोकस वगैरह में काम करने वाले मजदूरों के धलावा, इसको उन मध्यम वर्गीय लोगों की तरफ भी ले जाना होगा जिनको कि हम यह बता सकें कि तुम्हारे साथ भी हम सामाजिक न्याय करने के लिये तैयार हैं। धाज उन बेचारे गरीब लोगों की कोई नहीं सुन रहा है। इसलिये मैं निवेदन करना चाहता हूँ कि दुकानों में काम करने वाले गुमास्तों, होटलों और मन्जो मार्केट्स में बौझा डोने वाले मजदूर और वे लोग जो कि मंडी में कचड़ा और फलों सब्जी वगैरह का जो कूड़ा इकट्ठा हो जाता है उसको ढी कर बाहर फेंकते हैं और यदि वे केले नारंगी आदि का छिलका रास्ते पर से न उठाये तो लोगों के पैर फिसलने और चोट लगने का प्रवेशा रहता है, इस तरह का काम करने वाले लोगों का कभी कोई विचार ही नहीं किया गया। इसलिये मैं निवेदन करना चाहता हूँ कि सारी समस्या पर विचार करना होगा।

इसके धलावा मैं यह निवेदन करना चाहता हूँ कि बड़ी-बड़ी छुट्टी और श्रमजीवियों के कामों में जो काम करने वाले मजदूर

बोन है और जो बाइको सहीने काम पर बने रहते हैं और जब उनकी इयूटी के सिल-सिले में मृत्यु हो जाती है तो जो सहूलियतें सुगर फेक्ट्रीज वर्कर्स को मिलती हैं वह फार्म में काम करने वाले श्रमिकों के लिये नहीं होती है। इसी तरह खेतों की रखवाली पर जो मजदूर लोग तैनात होते हैं, बड़े बड़े खमीदार लोग उन मजदूरों को रात में अपने खेतों की रखवाली पर नीकर रख लेते हैं और रात के अन्दर चोर कपास आदि चुराने की बात में भा जाते हैं और उन बेचारे मजदूर और रखवाले को मार कर सारी फसल चुरा कर अपने साथ ले जाते हैं, ऐसे लोगों की ओर भी हमारा ध्यान जाना चाहिये। इसलिये जो घरों में काम करते हैं और दूसरों की मजदूरों करते हैं, उनको भी इस ऐक्ट का लाभ दिलाया जाय। मेरा कहना है कि इसका लाभ उन लोगों को भी मिलना चाहिये जो दूसरों के घर का काम करते हो, दुकानों में काम करते हो या फिर खेत की रखवाली का काम करते हो।

आज जब हम अपने देश में एक मजदूरी-वादी समाज की स्थापना के लिये प्रयत्नशील हैं तो हमें तमाम श्रमजीवियों को समान नजर से देखना चाहिये।

इसके अतिरिक्त मेरा निवेदन है कि जो ऐक्सीडेंट और मृत्यु की रकम श्रमिकों को दी जाती है उसमें भारी बाते एनक्लूड करनी चाहिये। अब उनकी आकस्मिक मृत्यु हो जाने अथवा चोट लग जाने पर जो केवल वेतन के आधार पर उनको रकम दी जाती रही है, वह आज के बदले हुए हालात में उपयुक्त नहीं है क्योंकि आज यहाँ एक श्रमिक को वेतन तो मिल रहा है केवल २८ रुपये वहाँ उसे डियरनेस एलाउंस ८८ रुपये मिल रहा है ..

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एक माननीय सदस्य : कहां मिल रहा है ?

श्री रा० क० वर्मा : ग्रहमवावाद में। दुःख तो इस बात का है कि आप ध्यान से सारी समस्या को देखते नहीं हैं और स्थिति का ठीक से अध्ययन नहीं करते हैं। हा तो मैं बतला रहा था कि ग्रहमवावाद में टेक्सटाइल इंडस्ट्रीज में एक मजदूर की मिनिमम वेज २८ रुपये २ पैसे है और डियरनेस एलाउंस उसको ८८ रुपये मिलते हैं और इसलिये मैं चाहता हूँ कि जो रकम उसे उन हालात में मिले उसमें वे सब चीजें एनक्लूड होनी चाहियें। मजदूर को उस कम्पनी से क्या मिलता है। मैं तो यहाँ तक कहूँगा कि हालांकि उन्होंने उनको क्वार्टर्स दिये हैं और उनका किराया नहीं लेते हैं। अब क्वार्टर का किराया क्या हो सकता है और दूसरे कोई भी एम्पलायर इतना सज्जन और मजदूरों का भला चाहने वाला नहीं होगा जो कि मजदूरों को वह क्वार्टर्स बिल्कुल मुफ्त में दे देगा और वे एम्पलायर्स क्वार्टर्स इसलिये देते हैं चूँकि वह पहले से हिसाब दौड़ा लेते हैं कि इसको वेज में इतनी रकम कम देने से वह ऐडजस्ट हो जायेगा। इसलिये उसका भी बेनिफिट हमें मिलना चाहिये। तो मवाल यह आता है कि जो रकम श्रमिक को मिलनी चाहिए और मिल रही है उनमें यह जोड़ना चाहिए।

इमः माथ माथ में यह भी निवेदन करूँगा कि कारखाने के अन्दर आप मजदूरों को तो शारीक कर देने हैं लेकिन उनके अन्दर काम करने वाले क्लर्कों को क्या नहीं शामिल करते। जब इंडस्ट्रियल डिस्प्यूट्स ऐक्ट में अन्दर आप ५०० रुपये की ग्रामदानी वालों को शारीक करते हैं फिर वह चाहे मजदूर हो या क्लर्क सभी को उसके अन्दर शरीक करना चाहिए। और फिर जब इंडस्ट्रियल डिस्प्यूट्स ऐक्ट में आपने ५०० रुपया रखा है तो यहाँ ४०० रुपया रखना उचित नहीं दिखता

[श्री ए० क० वर्मा]

वेता। इसलिये मेरा निवेदन है कि जो आपने कारखाने के एम्प्लॉई की परिभाषा रखी है उसके अनुसार कम्पेन्सेशन भी ५०० रुपये बाने वाले सब लोगों को मिलना चाहिए।

दूसरी बात यह कहनी है कि आपने यह बड़ी कृपा की कि जो बेंटिंग पीरियड को सात दिन से बढ़ा कर तीन दिन कर दिया। लेकिन मेरा तो निवेदन यह है कि यह तीन दिन भी क्यों रहे। जब किसी मजदूर को चोट लगती है और वह उस कारण काम नहीं कर सकता और और हाजिर रहता है तो कम्पेन्सेशन के अन्दर यह तीन दिन की रियायत क्यों? इसका यह मतलब तो है नहीं कि चोट लगी है या नहीं यह देखना है। चोट तो लगी है और चोट लगने पर जो एक दिन में उसका नुकसान होता है उसी परिमाण में उसको कम्पेन्सेशन मिलना चाहिए। उसके नुकसान पर ही यह चीज आधारित है।

इसके साथ आपने यह ठहराया है कि चोट लगने के एक महीना हो जाने पर भी मालिक कम्पेन्सेशन की रकम जमा नहीं कराता तो उसको उम रकम पर ६ परसेंट ब्याज भी जमा करना होगा। श्रीमान् ब्याज हालत यह है कि कारखाने वालों को ६ परसेंट पर बैंकों से रुपया नहीं मिल रहा है और बहुत से कारखानेदार तो ६ परसेंट तक पर रुपया ले रहे हैं। इसलिये रखाने वाले किसी घर जाने वाले शकम के बनिफिट के रुपये पर ६ परसेंट ब्याज देने को तो बहुत जल्दी तैयार हो जायेंगे, इसलिये होना तो यह चाहिए कि वह रकम फौरन मिले, और देर होने पर जो भी ब्याज हो वह तो देना ही पड़े पर साथ ही उसको थोड़ी सजा भी अवश्य होनी चाहिए। केवल पैसे की सजा उसके लिए काफी नहीं है। चाहे आप उसको एक दिन के लिये ही बन्द कर दें लेकिन सजा जरूर होनी चाहिए। पैसे वाले के लिए पैसे की तो कोई बात नहीं है। जो जुरमाना वह जमा

करेगा वह तो उन्हीं लोगों से वसूल कर लेगा। इसलिये अगर २४ घंटे भी उसे किसी बन्द कोठरी में रखा जाये तो मैं मानता हूँ कि सुधार होने की भाषा की जा सकती है। मैं इसके बारे में बहुत कुछ नहीं कहना चाहता क्योंकि दूसरे माननीय सदस्यों को भी बोलना है। लेकिन मैं इस बिल का समर्थन करते हुए माननीय मंत्री जी से यह निवेदन करना चाहता हूँ कि जो बातें मैंने सुझायी हैं, उन्हें वह लेबर स्टैंडिंग कमेटी के सामने रखें या एम्प्लॉयर्स एसोसियेशन के सामने रखें या स्वयं ही उन पर विचार करके एक मुकम्मिल बिल लाये कि जो समानता वाला हो और सभी एम्प्लॉई पर लागू होता हो।

Shri Naushir Bharucha (East Khadesh). Mr Deputy-Speaker, Sir, I am not surprised at the discontent expressed against this Bill, because it was expected that when an amending Bill came, the quantum payable by way of compensation to workmen would be considerably enhanced. As several hon. Members have already mentioned, the quantum payable is so low that I am reminded of a poem which I learnt at the school:

"Alas, that bread should be so dear,  
And flesh and blood so cheap."

This quantum was fixed as far back as 1923. Certainly it was revised later on, but even today, having regard to the value of money in terms of commodities, what is the compensation that one gets? The maximum is Rs. 4,500. A railway driver earning round about Rs. 300 gets about Rs. 4,000 or Rs. 4,500 as compensation when he meets with an accident and it results in death. What his dependants can do with it can well be imagined. So, the most crying need is the revision of this scale of compensation.

I really fail to see in what respect the provisions have been made liberal.

Here and there, of course, an element of generosity has been introduced, but by and large, there is no modification of the original Act in a manner that will satisfy us. Take, for instance, the question of occupational diseases and hazards. No doubt the list has been made a little more comprehensive, but far more is left out of the occupational diseases and hazards. It is true that the State Government will be empowered to add to this schedule, but I would ask the hon. Minister-in-charge as to why a comprehensive study has not been made of the numerous industries, why medical opinion has not been consulted and a comprehensive list prepared and incorporated in this amending Bill. There is no answer to that. It is left indefinitely to the State Governments.

The only welcome feature of the Bill is that where a workman has worked under succeeding employers and when it becomes extremely difficult to find out whether he contracted the occupational disease under one employer or the other, they are all made collectively responsible. It is a good thing in so far as it goes. Of course, some employers will try to wriggle out of it. As soon as a workman is discharged, they will call upon him to submit himself to a medical examination and have him pronounced free from occupational disease in which case it becomes extremely difficult for the employee to obtain redress against that employer. Barring this one minor amendment, by and large, the workman does not get any benefit out of this amending Bill. In fact, I am inclined to think that this clause, as it is worded, is likely to create trouble, because how far back can one go? Simply because the man was employed 25 years ago in the same occupation, should that employer also be equally responsible? How far back one can go, one does not know. But even for that small mercy, one is grateful.

The most important thing is that compensation is so meagre today that it is really ridiculous. Today if you count the value of the rupee, it is equal

to four annas compared to pre-war prices. An hon. Member said that the compensation works out on an average to Rs. 2,000, which means Rs. 500 for a precious life in this age when our Government says that it is after a socialist pattern of society. The value of life is next to nil in this Workmen's Compensation Act. That is a tragedy which the House must view with human sympathy. In the BEST, where our buses used to knock down people, my main demand from the General Manager used to be that an adequate amount of compensation, apart from immediate medical treatment, must be given to the victim irrespective of whether it is his fault or anybody else's fault. After all, people do not rush into buses just for the fun of it, but in spite of their best care. So, they have to be adequately protected.

After all, what is going to be the total burden on the industry? Assuming for a moment that the rate of accidents resulting in death is three per 1,000 workmen and assuming that there are about 30 lakhs of people employed, the total number that will be killed in accidents in factories will be about 10,000 a year. So, the compensation will be round about Rs. 2 crores. Is it seriously contended that the industries in India cannot pay more than Rs. 2 crores by way of compensation for death? I certainly think that no serious attention has been paid to this aspect. It is simply stated that they have got to analyse the incidence of this burden on the various industries as if the industries are going to crack under the weight of this burden. I think a human approach is completely lacking in the amending Bill that has been placed before this House.

**Mr. Deputy-Speaker:** Order order. An hon. Member has passed four times between the hon. Member who is speaking and the Chair.

**Shri Namshir Bharucha:** Then there is the question of liability of the

[Shri Naushir Bharucha]

employer Here the provision refers to 6 per cent interest and a penalty of 50 per cent As the hon Member who spoke before me said, who cares for 6 per cent interest? A workman who is injured needs money immediately and badly Even 12 per cent interest has no charm for him He needs money when he is ailing, when he has to incur medical expenses The value of money at that time is the greatest and this 50 per cent penalty, if he gets it after six months or one year, it has very little meaning for him I think some sort of penal provision must be attached to it that he is criminally liable to at least one month's simple imprisonment, though I am not sure even that type of provision will have any effect Because, I know it for a fact that in my constituency the mills are closed down where provident fund amounts have been swallowed by the employers No criminal action has been taken up till now even though I approached the Chief Minister of the State and the Labour Minister of the State, asking them to institute criminal proceedings This is the attitude of the Government towards the workers So, who is going to care for the payment of interest in the amount of compensation? I think these are palliatives which will have no effect whatsoever

Then, coming to another clause that compensation should be the first charge on assets transferred by an employer, so far so good I am glad that has been introduced But is the hon Minister aware of the fact that often fraudulent employers—I know it in my constituency—have created bogus mortgages and the whole company has been mortgaged to the hilt to the mortgagees? What happens to that? Accidents will take place in due course even if the assets are mortgaged the assets have been transferred long before What happens to such cases? I submit some way must be found whereby the employers must be made to deposit with the Commissioner for Workmen's Compensation certain amounts out of which workers ought

to be paid compensation. It should not be left to the vicissitudes or the financial fortunes of the undertakings where the employees are serving

There is one aspect to which a reference has been made by one of my friends here There is no provision regarding the supply of artificial limbs and there is no provision for compulsory costs by the employer for medical treatment Often it happens that the cost of medical treatment, if it is to be really adequate and efficient, far exceeds the amount of compensation that the worker can get, apart from the fact that subsequently he becomes more and more dependent I am of the opinion that the time has come when the entire cost, including the cost of artificial limbs, must be made a first charge on the working expenses of an undertaking Until we take firm steps and deal with accidents and loss of limbs in a very humane way I am afraid, merely tinkering with the Workmen's Compensation Act here and there is neither going to satisfy this House much less the workmen for whose benefit this Act is supposed to be enacted

I am not in favour of having different rates of compensation My hon friend Shri T B Vittal Rao said that there should be larger compensation for miners and others But that is likely to create complications in the working out of the compensation If the miners' occupation is hazardous—certainly it is—there are other occupations which are equally hazardous Therefore to reduce all those hazardous occupations to a common denominator to work out such a scheme would be extremely difficult The proper procedure would be for the miners to claim higher salaries in view of the greater risk that they are daily incurring

But apart from that I submit that the Bill, as it stands, merely tinkers with the Workmen's Compensation Act It does not amend it Not that we are not welcoming it, because

whatever small mercy is shown is certainly welcome. We shall certainly vote for it. But it falls far short of our demand. The Bill has not given anything new. Only the collective responsibility is introduced and a petty penalty of 6 per cent interest is imposed.

I, therefore, submit that the Workmen's Compensation Act, which was framed at a time when the rights of workmen were dimly understood, and even the very lenient provisions of the 1923 Act were resented by employers, an Act which was framed in those days 35 years ago, has to be changed and I think a time has come when we should completely re-orientate our outlook towards workmen working in our factories. And if the workmen are given a greater sense of security, I am sure they will be able to work better for the benefit of greater industrial production. In the light of this, while I say that though I am certainly disappointed with the Bill as it stands today because it does not touch the pressing problems facing the workmen, I do hope that in the near future the Government will bring in a more comprehensive amending Bill which they have promised so often in Parliament and for which this House has been waiting so long.

Shri Bose (Dhanbad) The Workmen's Compensation Amendment Bill, though it has defects and drawbacks as stated by my hon friends, is a great improvement on the original Act. It is a step forward and not backward, and I have no doubt that the workers all over India will welcome this Bill, for the benefits they will derive from it.

The Workmen's Compensation Act was originally passed at a time when people had no right to vote. It was really passed by the upper classes who were the owners of factories, mills etc. Therefore, it had many defects. It was confined to a few workers and there was no provision against industrial diseases. Although we were

shouting, we had no voice then. It is, therefore, natural that people should like to have this Act on the model of the advanced countries. But, at the same time, we must realise that we have to proceed step by step. All of a sudden we cannot burden the industry, which is also not as advanced as in the western countries, with the provisions of the Act which they have got in Europe.

As regards the rate of compensation, it was stated just now that it was very low. I know that in European countries and other advanced countries, the rate is calculated in different ways. Here it is on a slab basis, from Rs 250 or Rs 500 and so on. In the European countries it is calculated on the longevity basis. The calculation is on how long a worker is likely to live. Therefore, there was no difference between minors and adults, as it was here. Now that difference has been removed. I am grateful for that. This is an important point. The minors will get the same benefit as the adults.

15 hrs

There has been criticism on other points also. The Bill seeks to provide to remove the distinction between an adult and a minor for the purpose of compensation only and to bring down the waiting period from seven days to three days. In this regard I also feel as to why there should be a waiting period of three days. I think in the Employees Insurance Act there is no such waiting period mentioned. These daily wage earners have not enough money to carry on the maintenance of their family for three days. So, this may be removed, if not today gradually.

Then the question which Shri Bharucha pointed out is also a very important question, that is, if the payment is not made on due date the penalty that has been imposed, would not be enough. I quite agree, but then we cannot continue to disbelieve the owners as a set of scoundrels. We

[Shri Bose]

have also to believe that they also have a feeling for the workers who die or who are injured. They must provide for them. If there are some who have no feeling, I think, they will be penalised. If he does not improve matters then I think Government should take further action. But taking all the mill-owners and the mine-owners to be scoundrels and that they will deceive or cheat the labourers is also not good for the labourers. Ultimately the labourers will suffer if we take that attitude.

Shri M. C. Jain (Kaithal) In that case there was no necessity for this law.

Shri Bose. That will not help the labour. Even if they get after three or four months, they will get some more money. Meanwhile they can arrange for a loan from a union or from some other place. That is happening now-a-days. The union advances money to the families of the injured workers. When the money is received from the court they have to deposit the money with the union. They repay the money to the union. So this law as it is not bad. It should be accepted as it is. I think this penalty of interest will be sufficient to impress on the owners that they should pay their dues within due date.

Then the other things that have been done are that more workers and more diseases have been included. My hon friend talked of silicosis in mining. There is only one type of mine, that is mica mine, where this disease has so far been discovered. Medical opinion normally is asked for by Government. I was associated with some of the quarries. But medical men are not sufficiently trained in these industrial diseases. That is also one difficulty of the Government. Only in mica mines they have found that silicosis is there. It is the worker in mica mines who gets it. In coal mines silicosis is not there. There are one

or two other diseases. They are not mentioned there. Medical opinion also is that it is not due to the occupation of mining. It may be had anywhere, not in the mine alone but outside also. That cannot be taken as an industrial disease.

Under these circumstances I think the Bill should be accepted as it is without any amendment for the present. As I have said, the original Act was passed under a different condition and of course, it was a half-hearted measure. The rate was very low. But gradually it has been improved. The rate has been doubled. More workmen have been brought under it. More mines and more diseases have been brought under it. All these things have been done. This Bill as I have said before, in spite of its defects and drawbacks has removed many of the lacunae and workers all over India will welcome it. There is no doubt about it.

As regards the other demands put forward by my hon friends, I think, in every Bill there are defects and amendments have got to be carried out. But that should be done gradually. This is not the time for that. The industry, I think, is not in a position to pay as much as in the European countries. With this I support the Bill.

Shri Hem Barua (Gauhati) Sir enacting a labour legislation today is found to be a complicated thing—again the background of the developing industrial economy that we are having in this country. This is proved by the fact that the original Act of 1923 underwent three different stages of amendment. The first was in 1929, the second was in 1933 and the third was in 1946. Now we are having another amending Bill on this anvil of this House.

Because of this change in our industrial set up and the developing industrial economy, as I have already



said, this is bound to be a complicated thing. But at the same time the law has to be prepared according to the needs and situations of the times. One hon. Member said that this Bill is not a comprehensive Bill. I feel like agreeing with him because it has not seriously taken the new situation into account that exists in our country.

Now we are using new mechanical devices and new mechanical processes. There is development in technology and we are putting extra emphasis on the development programme of the industries of our country. These apparatuses or development in technology have affected our psychology in a sense. Since it has affected our psychology, it has produced a new set of social values and social ideas as well. So, whenever there is legislation regarding the welfare of the working class population in this country, it should be taken into account, that is, these mounting forces, the social ideas and the social values.

I want to congratulate the Government for one thing. They have amended section 18A of the principal Act. By an amendment they have to raise the wage limit to Rs 500. That is quite in the fitness of things in view of the fact that the working class population is becoming more and more conscious and is becoming greater in number. Their number is increasing. This Bill is welcome because of another thing, and that is, that it is going to embrace a wider range of workers. That is the crying need of the times and the Government would do well by raising the wage limit in the original Act to Rs 500 in this amending Bill.

Now I come to the waiting period. There is a lot of controversy about the waiting period. In this amending Bill the Government has put it as three days. The ILO convention laid down the waiting period to be as three days. At the same time in the memorandum that the Government of India

prepared in 1955 and circulated in December of that year, also they said that the waiting period should be three days. As far as I remember the British law has a waiting period of three days. Now there is a serious attempt on the part of the Government, no doubt to fit itself to the standard laid down by the International Labour Conference. This is a welcome thing. But at the same time there is a hesitation all the country over today as the trade union organisations are engaged in an agitation. I think they are right to a very great extent when they say that the waiting period should go entirely. It must be abolished. That is what they say. The agitation is spreading and I think there is some reason, why some reason, there is positive reason in this demand of the working class population for the waiting period to go entirely. Let me quote from the report of the Rege Committee published in 1946, page 53.

"In the glass factories the commonest accidents are those arising from cuts and burns, most of which heal up within the waiting period."

They suffer from cuts and burns, and they heal within the waiting period, and because they heal up within the waiting period and because the Government has fixed a waiting period, these people are deprived of the benefit of this law. They are deprived of the benefit of getting compensation. It might so happen that during this waiting period they are confined to their beds they lose their daily wages, they suffer and they have to foot the medical bills and all sorts of things, but on the other hand, they are deprived of the benefits of compensation, and that is why the working population today, organised as it is under different trade union organisations, is rightly agitating for a total abolition of the waiting period, and I would request the hon. Minister to seriously consider this aspect of the question.

[Shri Hem Barua]

It is also true that occupational diseases and accidents are increasing. At the same time, there are new types of occupational diseases coming into the industrial map, and it is in the fitness of things that the new type of occupational diseases should emerge because there is a change in our climate because of industrialisation of our society; at the same time, new industries are springing up, new mills are springing up, new technology is springing up and a new set of social values is also springing up, and because of this, it is quite in the fitness of things that there would be new types of occupational diseases. I would say it is no use trying to borrow a list of occupational diseases that they have in foreign countries; it is no use transporting bodily a list of occupational diseases that obtain in the U. K. or the USA or in France, and superimpose it on our country without taking the needs of the country or the forces of the country into consideration.

There is another thing. In those countries industrialisation was a gradual process, and after a series of developments it has come to a pitch. In our country I would say industrialisation is not a gradual process in the sense that we are taking rapid strides in order to develop our industries, and so it is quite natural that new types of occupational diseases and accidents mount up.

I would ask the Government to have a research section in order to evaluate accidents and the causes of accidents as well.

In 1939 the number of accidents per thousand of workers employed was 20.56; in 1956 it is 44.56—it has more than doubled. In 1956-57 the compensation paid for death was Rs. 82,677 and the total compensation that was paid during 1956-57 was Rs. 2,73,180. In 1957-58 it was Rs. 4,42,425. Accidents are increasing, they are mounting up, there is no doubt about it, but then there might

be an argument that because of the efficiency in inspection accidents are discovered, or that the employees, the man-eaters, in order to adjust their psychology to the crying need of the times, have become more humanitarian and have taken to regular notification of accidents.

The administration of the Act also is a problem. You might ask me why I put any emphasis on the administration of the Act, but we have to consider the rule-making laws provided in the amending Bill itself. This is a fact that the employers do not notify the accidents, I would say in most cases. I do not say that every employer refuses to do it, but in most cases, according to statistics, the employers do not notify accidents at all. Even under the Factories Act it is obligatory that the employers must notify accidents, but it is generally honoured more in violation than in observance.

Now, I would like to quote once again from the Rege Committee about the working of the Act and the safety measures. It says:

"Secondly, in spite of the statutory obligation, a number of employers do not submit the annual returns and to that extent the statistics are incomplete."

This was published in 1948. For instance, in Madras in 1948 the total number of establishments was 5,717 and the returns that the Government got was only from 4,329 establishments. In this connection again I want to quote the Indian Labour Gazette, April 1948:

"Many State Governments, however, cannot be said to be reflecting the true position regarding industrial accidents occurring during any year."

In West Bengal, for instance, 2,315 returns were issued during that year and they got returns only from 800 establishments.

This Bill suffers from a lacuna also. It has not properly defined "serious bodily injury". This might be construed in any way. The purpose of the law must be to deter the employers from creating conditions where accidents might occur. This provision for compensation must work as a deterrent and must also be an encouraging factor to the employers to adopt more and more safety measures. There might be some people who might say that we have to depend on the goodness of the employers. We want to depend on their goodness, but at the same time the edge of goodness has to be sharpened by some sort of legislation and compulsion as well in this country.

When I say that the number of accidents is increasing, there might be some people who might say that it is due to the efficient working of the inspectorate that these are discovered. In 1954, according to the Indian Labour Year Book 1954-55, there were 33,772 factories and the factories that were inspected were 28,941. In the State of Assam, for instance, till the other day there was only one factory inspector against at least 1000 or 900 factories—I forget the exact number. That was the condition there. It is humanly impossible. But if Government argues that they suffer from lack of staff, that can be met by another argument. If they suffer from shortage of administrative staff, why not they man the inspectorate properly and with adequate personnel?

Now, what about these diseases about which I have already spoken? There must be some provisions for medical examination. The employers must be made to have these medical men even on a part-time basis, if necessary, for the discovery or for the examination of such occurrences. But we find that there is no provision like that.

There is another important thing in this connection. Whenever an occupational disease is discovered in the case

of a particular worker, he gets compensation. But how are we to rehabilitate him? There is the problem of rehabilitation also. It is said that when a worker works in a glass factory, he generally suffers from cataract in the eye. For instance, a man suffers from cataract in the eye; the cataract is removed, and he gains his eye-sight again; of course, his eye-sight might not be as powerful as he used to have before getting the disease. But then he gains his eye-sight, his limbs are all right; he is robust; he is capable of hard work, and he is energetic. So, he has to be rehabilitated; it may not be in a glass factory again, but in some other industrial concerns he can be employed. There must be some provision in that behalf also.

I find from the proposed amendment that clerical staff are being omitted from the purview of this compensation. The wording in clause 16 is as follows

"employed, in any mine as defined in clause (j) of section 2 of the Mines Act, 1952, in any mining operation or in any kind of work, other than clerical work, incidental or connected with any mining operation "

I cannot understand this, because as far as my knowledge goes, it very often happens in these mines that a man who has to work at the desk might have to go down into the pit and work there as well; and if he meets with an accident there, what happens to him? He is not covered by the provisions of this amending Bill. My own request is this that the provisions of this amending Bill must be made comprehensive, in order to make this piece of legislation a comprehensive one. Unless and until it is comprehensive, and meets the marching forces of the time and the needs of the time, it would be as it is, a bit of legislation that goes only half-way and does not go the whole way.

श्री मू० बं० जैन : डिप्टी स्पीकर साहब, मैं इस बिल की हिमायत के लिये श्री सिलेक्ट कमेटी को सुपुर्द करने की तहरीक की मुखा-लिकृत करने के लिये खड़ा हुआ हूँ। मैं समझता हूँ कि सिलेक्ट कमेटी में भेजने से इस बिल में कोई बुनियादी तब्दीली नहीं हो सकती। जिस बारे में मेरा इख्तिलाफ नहीं है कि यह बिल काम्पिन्हेसिव नहीं है इसमें प्रमेडमेट की जरूरत है और यह बिल आरिजिनल एक्ट की सब कामजोरियो और नकायस को दूर नहीं कर सका है। लेकिन इसको मिलेक्ट कमेटी के सुपुर्द करने का नतीजा सिवाये इसमें कुछ नहीं होगा कि इसमें जरिये वर्कर्स को जो फायदा पहुंचाने वाला है, उसमें देर हो।

जहां तक इस बिल की हिमायत का बाल्लुक है, मुझे दोहराने की जरूरत नहीं है। हाउस के हर मैकशन ने इस बिल की तारीफ की है, जिस हद तक यह जाता है। आरिजिनल कानून में जो कमिया थी, उनको दूर करने की कोशिश की गई है। मिसाल के तौर पर कम्पेन्सेशन देने के मामले में मेजर और माइनर के फर्क को उड़ा दिया गया है। इसके अलावा बिल में वोटिंग प्रिग्रिड पाच दिन रखा गया था। यह खुशी की बात है कि राज्य सभा ने उसको घटा कर तीन दिन कर दिया है। अगर एम्प्लायर वक्त पर कम्पेन्सेशन न दे, तो पिनान्टी रखी गई है। आरिजिनल एक्ट के मुकाबले में कुछ ज्यादा जिम्मेदारी एम्प्लायर पर इस बार म रखी गई है, यह एक काबिले-तारीफ बात है। १८९ क्लॉज में जो जूमनि की सजा रखी गई है, उसको भी बड़ा दिया गया है। इससे एम्प्लायर्स की जिम्मेदारी बढ़ जाती है।

जहां तक इस बिल की कमियो का बाल्लुक है, हाउस के कई मेम्बरान ने उनकी तरफ तवज्जह दिलाई है। मैं उनको दोहराना नहीं चाहता हूँ, लेकिन मैं इस बात की तरफ डिप्टी लेबर मिनिस्टर साहब का ध्यान ख़ास तौर पर दिखाना चाहता हूँ कि हमारे

यहां सेंटर में या स्टेट्स में—जो प्रोविसिव सेजिस्नेशन पास होते हैं, उनके इम्प्लीमेंटेशन में बड़ी भारी कसर रहती है। हमारी हुकूमत पालिसी डिस्चिन्ज तो कर लेती है और उनके मूताबिक कानून भी बन जाते हैं—हालांकि उनमें कई बार कसर रह जाती है—लेकिन उन कानूनों के इम्प्लीमेंटेशन में बहुत ज्यादा कसर रह जाती है। सेंटर में मुझे एक श्री डिफीकल्टी नंबर आई है। कई ऐसे सबजेक्ट्स होते हैं, जिनके बारे में मिनिस्टर साहब—यहां पर एक्सक्यूट जैसे सख्त शब्द का इस्तेमाल शायद ठीक न हो—कह देते हैं कि यह कनकरेंट सबजेक्ट है या स्टेट सबजेक्ट है, इसमें हम क्या कर सकते हैं, अगर स्टेट गवर्नमेंट इस पर अच्छी तरह से धमल नहीं करती, क्योंकि ज्यादातर आफिसर्स उन्हीं के होते हैं। मैं डिप्टी मिनिस्टर साहब की सेवा में यह प्रार्थना करना चाहता हूँ कि इस एक्सक्यूट से वर्कर्स को कोई तसल्ली नहीं है। लेकिन मैं यह कहना चाहता हूँ कि यह कोई एक्सक्यूट भी नहीं है। इसके इलाज सेंट्रल गवर्नमेंट के पास है। सेंटर की तरफ से स्टेट गवर्नमेंट्स को मुस्तलिफ तरीके से प्रॉप्ट्स और सर्वासिडीज दी जाती हैं। यहां की लेबर मिनिस्ट्री की तरफ से स्टेट्स के लेबर डिपार्टमेंट्स का तरह तरह की मदद दी जाती है और इस अलावा काग्रेंस का सेंट्रल पार्लियामेन्ट्री बोर्ड भी मौजूद है, जिससे हम बाग़े में काफी मदद मिल सकती है। इस बात का ध्यान रखना चाहिए कि पार्लियामेंट जो भी कानून बनाए, उसमें मातहत रूल्ज दो महीने के अन्दर बना दिए गए हों या नहीं, जिनसे कि वर्कर्स को फायदा पहुंचता हो। मैं प्रार्थना करूंगा कि जब इस हाउस के माननीय मेम्बरान यह ऐतराज उठावें कि फना स्टेट में किसी कानून में रूल्ज नहीं बनाए गए हैं, जिसकी वजह से वर्कर्स उस कानून से फायदा नहीं उठा सकते हैं, तो मिनिस्टर साहब यह कह कर अपना पिण्ड खूड़ाने की कोशिश न करें कि हम क्या करें, यह तो कनकरेंट या स्टेट सबजेक्ट है।

एक बात की तरफ में धीर तबज्वह  
दिलाना चाहता हूँ। प्राप्रैसिव लेजिस्लेशन  
वर्कर्स के फायदे के लिए होते हैं, जैसे कि यह  
बिल भी है। जहाँ वर्कर्स ज्यादा भारगनाइज्ड  
हैं और ज्यादा तावाब में हैं, वहाँ मूस्तलफि  
पार्टियो—कम्प्यूनिस्ट पार्टी, आई० एन० टी०  
बू० सी० वर्ग—के जरिये उन तक लबरे  
पहुच जाती हैं और उनको मालूम हो जाता  
है कि पार्लियामेंट में उनके फायदे के लिये कानून  
पास किया गया है। लेकिन कितनी ही जगह  
वर्कर्स स्कैंडल हैं और उनको बड़ी देर के बाद  
इन कानूनों का पता चलता है। फिर इंडस्ट्री  
में तो वर्कर्स भारगनाइज्ड हैं, लेकिन टेनासी  
लेजिस्लेशन के बारे में—यहाँ उसका कोई  
वाल्यूक नहीं है, लेकिन मैं उदाहरण के तौर  
पर बताना चाहता हूँ—टेनाट्स का बहुत देर के  
बाद पता चलता है, क्योंकि वे डिस्ट्रिक्ट भर  
में फैले होते हैं और इम तरह वह उस नेजि-  
स्लेशन से फायदा नहीं उठा सकते हैं। लेकिन  
इस किस्म के कानूनों पर भी यह बात लागू  
होती है। इस में यह प्राविजन रखा गया है  
कि इस बिल के एम्बेड्डेड को फैंक्टरी में लगाया  
जाय। यह काफी नहीं है। मैं समझता हूँ कि  
कमिश्नर के स्टाफ और लेबर आफिसर्स की  
यह इयूटी है कि वे वर्कर्स में जायें—जो  
पार्टिया वर्कर्स में जाती है वे अपने मतलब के  
लिए जाती हैं—और उन लोगों को एक्सप्लेन  
करे कि यह कानून पास हुआ है आप इससे  
फायदा उठा सकते हैं। यह कोई ऐसी बात  
नहीं है, जो कि नहीं हो सकती है। आन्डि  
लेबर डिपार्टमेंट लेबर कमिश्नर और लेबर  
आफिसर्स वर्गह वर्कर्स के फायदे के लिये हैं  
इसलिये वर्कर्स को इन्फार्म करना उनका  
कर्ज होना चाहिए।

यह बताया गया है—और मुझे सुन कर  
बड़ी हैरानी हुई है—कि एम्प्लायर्स जो  
रिटर्न्स इनको भेजनी हानी है नहीं भेजते हैं।  
इस हाउस में फिगर्स दी गई है कि किसी  
स्टेट में ३३०० में से ८०० से भी कम रिटर्न्स

दी गई है, जिसका मतलब यह है कि सिर्फ  
पच्चीस परसेंट कम्प्लायर्येंस हुई और पचत्तर  
परसेंट नहीं हुई। मैं यह पूछना चाहता हूँ कि  
जिन पचत्तर परसेंट लोगों ने रिटर्न्स नहीं  
भेजी, उनके खिलाफ क्या एक्शन लिया गया।  
क्या उनके खिलाफ मुकदमे चलाए गए। यह  
हो सकता है कि जो पहला आफेंडर हो, उसको  
माफ कर दिया जाए, लेकिन क्या मिनिस्टर  
साहब बतायेंगे कि जिन लोगों ने रिटर्न्स  
नहीं भेजे उन में से कितनों को वार्निंग दी गई  
और उनका एक्सप्लेनेशन माग कर फिर  
उनको माफ किया गया। इस तरह की कोई  
बात नहीं है। इसीलिये मैंने अभी कहा है कि  
हमारे प्राप्रैसिव लेजिस्लेशन पास तो हो जाते  
हैं, लेकिन उन पर भ्रमल नहीं होता है, जिस  
की वजह से वर्कर्स भुगतते हैं।

जैसा कि मुझ से पहले भी कहा गया है,  
मूभावजे की जो लिमिट रखी गई है, वह बहुत  
कम है। मौन पर्सनॉट डिम-एबिलिटी और  
थोड़ी देर की डिम-एबिलिटी के लिये जो स्केल  
रखी गई है, उसमें पहले से तो कुछ सुधार  
हुया है, लेकिन अब भी उसमें कसर है। मुझे  
उम्मीद है कि जब इस सिलसिले में कोई  
काम्प्रिहेंसिव बिल आयेगा जिसकी तरफ  
डिप्टी लेबर मिनिस्टर साहब ने इशारा  
किया है तो उसमें इन बातों की तरफ ध्यान  
रखा जायेगा।

इन शब्दों के माध्यम में इस बिल की  
हिमायत करना हूँ।

15.23 hrs

MOTION ON ADDRESS BY  
PRESIDENT—contd

Mr. Deputy-Speaker We will now  
take up amendments to the motion of  
thanks to the President for his Ad-  
dress