

Mr. Speaker: I will now put all the other amendments to vote.

*Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 89, 90, 91, 92, 93, 94, 95, 96, 97, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 147, 148, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 162, 163, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, and 206 were put and negatived.

Mr. Speaker: I will now put the original motion to vote.

The question is:

"That the Members of Lok Sabha assembled in this session are deeply grateful to the President for the Address which he has been pleased to deliver to both the Houses of Parliament assembled together on the 9th February, 1959"

The motion was adopted

15.46 hrs.

WORKMEN'S COMPENSATION (AMENDMENT) BILL—contd.

Mr. Speaker: The House will now continue further discussion of the Workmen's Compensation (Amendment) Bill. Shri P. K. Deo

Shri P. K. Deo (Kalahandi): Mr. Speaker, Sir, in view of the rapidly expanding industrial activity in this country, the Workmen's Compensation Act needed a through change. Even

though such changes are long overdue, it is a pity that up till now Government has not come forward with a comprehensive legislation. At long last, Government comes forward with this amending Bill with slight improvements.

Though the amending Bill falls far short of the expectations of the workers and the prime needs of the day, I support it. It is not a fact that Government are not aware of the shortcomings of the original Act. It was in 1953 and again in 1955 that Government circulated certain memoranda suggesting amendments to the Workmen's Compensation Act. It was circulated to the various State Governments and the various employers' organisations and various trade unions for their reactions. I am surprised to find that most of those amendments which were suggested in those memoranda do not find a place in this amending Bill.

In the 1955 memorandum the maximum limit of wage to be eligible for compensation was suggested at Rs. 500/-. But, in this amending Bill I find that the maximum limit has been kept at Rs. 400/-. Of course, the memorandum was sent in December 1955 and 1955 was the pre-general election year. Like all election promises that are to be violated, naturally, those amendments which were suggested in 1955 do not find a place in this amending Bill.

In the original Act, the limit of wage was fixed at Rs. 300/- per month. With all humility, I beg to submit to this House that the maximum limit should be fixed at Rs. 500/-. What is after all Rs. 500/-? What is its value with the low purchasing power of the rupee when you compare it with Rs. 300/- of 1923? The payment of compensation arises mainly out of accidents and occupational diseases.

Our hon. Prime Minister has many a time rightly said that we are passing through two revolutions, that is the industrial revolution and the atomic revolution. With the increas-

*"The original Nos. of the amendments moved on 13.2.59 in brackets at the end of the text have alone been reproduced at the stage of final disposal."

[Shri P. K. Deo]

ed tempo of industrialisation the number of accidents and occupational diseases are growing in magnitude and are becoming more and more frequent. In the case of the industrial revolution in western countries it was a slow and a gradual process, whereas in this country it is a rapid stride. If the House will consider the number of accidents that have taken place or industrial injuries that have been inflicted on the workers, hon. Members will surely understand how the accidents and occupational diseases have increased. In 1939, the injury per thousand workers was 20.56 and in 1956, after 17 years, it was 44 per thousand workers. In 1956-57, the total amount of compensation paid was Rs 2.73 lakhs and in the next year, in 1957-58, it was Rs 4.42 lakhs. From this we can very well understand how these accidents have increased lately. The amendments proposed in the 1955 memorandum circulated by the Government do not find a place in this amending Bill.

Under the original Act to be eligible for compensation the period of waiting was seven days. The Government has now reduced it to three days. I cannot understand why there should be any waiting period at all. As soon as an injury is inflicted, compensation has to be paid then and there because the worker needs it for his medical expenditure. Even though it is mandatory on the part of the various concerns to submit various returns to the Government, they always neglect it. In the various reports supplied to us by the Government, you will find that these establishments do not submit their reports regularly. They even evade payment of Government dues, what to speak of the payment of compensation to the labourers especially when Indian labour has no bargaining power. I feel that every type of accident, whether it is minor or major, fatal or non-fatal, resulting in partial or total disablement should be reported to the Government and they should be compensated then and there.

Further the factory inspectors must inspect the factories at least three times in a year. In 1954, the total number of registered factories was about 33,722 and only 28,941 of them could be inspected. In my State of Orissa, in 1954, only 210 factories were inspected out of 449 registered factories. From this you can very well understand how effectively this Act is being worked out? Further, these inspectors are not also conversant with the labour laws nor are they well educated. They generally neglect to make periodical and regular visits to the factories. It should be the policy of the Government to have an adequate number of vigilant inspectors to visit these registered factories, at least three times a year. The compensation rates must be regularly paid and they should be calculated according to the earning capacity of the labourer. A younger worker who is naturally expected to put in more years of active service and earn more income for his dependents should be paid more in comparison to the other workers. The Second Five Year Plan suggests the expansion of the Central Labour Institute and the setting up of regional museums of industrial safety and welfare of labourers in the various regions of this country. I do not know what progress has been made in the construction of these labour museums and how far they have been able to obviate the various accidents that are taking place. I feel that these accidents have greatly increased in their magnitude and in their frequency of late. In this connection, I would be failing in my duty if I do not bring it to the notice of the House that such workmen's compensation cases had been dragging on for three or four years. I would like to cite case No. 105 of 1956 in the Rourkela steel plant—the case of Dhanmati and four other labourers *versus* the Hindustan Steel (Private) Limited. In this particular case, four labourers were killed at the time of the construction and the compensation has not been calculated so far because they were contractors' labourers and such labourers do not

generally get the benefit of compensation under this Act and in this particular case, the contractor, Mr R N Sinha, could not be found out as he has absconded. Lastly, I would submit that with our rapid programme of expansion of the atomic power houses and the various atomic reactors, we shall be exposing our labourers to radiation and to various amounts of radioactivity. They would be susceptible to various kinds of new types of diseases and so this should find a place in the list of occupational diseases. The Labour Minister must seriously consider that they should get adequate compensation at the right time.

Shri Jaganatha Rao (Koraput)
 Mr Speaker, this is a wholesome measure in the field of labour welfare. But I feel that this Bill does not go too far. For the last 30 years and more, the Government had been trying to come forward with an amending legislation but for some reason or the other this legislation could not be brought forward. But better late than never. The hon Minister has come forward with this amending legislation. But before we think of any cure, we have to think of prevention of crimes. We find in recent years there has been a steep increase in the accidents in the industries. I do not want to read the figures quoted by my hon friends on the other side but we find that there is an alarming increase in these accidents. Steps should therefore be taken to enforce safety measures in all these industries. We find that the factories situated in all these States are not inspected annually by the factory inspectors. Section 88 of the Act enjoins a duty on the employer to report to the authorities about accidents which occur in the factory. But these provisions are honoured more in the breach than in their observance. Strict enforcement of these provisions is necessary before we think of paying compensation. Section 3(1)(a)

is sought to be amended by reducing what is called the period of waiting. But I fail to understand why there should be any period of waiting at all. Section 3 in the parent Act says that in respect of any injury result which does not in the total or partial disablement of a workman for a period exceeding seven days, employer shall not be liable to pay compensation. The period is now reduced to three days. Does it mean that if a worker is not disabled for a period of three days, he is not entitled to compensation? Supposing he receives an injury, he may not be able to do his job, then should he not be paid compensation? Why should he be deprived of that? I think that view has not been canvassed, and I would request the hon Minister to consider that aspect of the matter.

16 hrs

In the amending Bill the period within which a claim can be preferred is increased from one year to two years. I have a feeling that this amendment does not go far in favour of the workmen. It is more advantageous and beneficial to the employers. Even under the parent Act there is a provision that if within this period of one year a claim is not preferred for sufficient reasons the Commissioner can condone the delay and admit the claim. Why should we extend it to two years? Again there is a provision for extending the period for sufficient causes. I would prefer lessening the period so that compensation claims can be preferred and compensation amount paid to labourers which will benefit them.

I quite appreciate clause 4(a) which enjoins the payment of interest on compensation that is due to the workmen if the amount is not paid in time. Likewise, I appreciate the penalty that is now sought to be imposed. But the basis of compensation in section 5 of the principal Act, which is not now touched in this Bill, seems to me to be rather strange.

[Shri Jaganatha Rao]

There is no valid or reasonable basis for calculating wages. Clause 5(a) of the principal Act reads :

"where the workman has, during a continuous period of not less than twelve months immediately preceding the accident, been in the service of the employer who is liable to pay compensation, the monthly wages of the workman shall be one-twelfth of the total wages which have fallen due for payment to him by the employer in the last twelve months of that period,"

Why should only one-twelfth of the total wages be taken into consideration, why not the total wages payable to him? Likewise, in sub-clause (b) it is said

"where the whole of the continuous period of service immediately preceding the accident during which the workman was in the service of the employer who is liable to pay the compensation was less than one month, the monthly wages of the workman shall be the average monthly amount "

In sub-clause (c), which is now sought to be amended, it is said

"in other cases, the monthly wages shall be thirty times the total wages earned in respect of the last continuous period of service "

There is no rational basis for this classification for calculating wages for payment of compensation

Clause 10 seeks to incorporate section 14A in the parent Act which, I think, is a very salutary provision—compensation to be first charge on assets transferred by the employer before the compensation is paid

Again, I cannot well appreciate the basis for the difference between Schedule I and Schedule II. In Schedule

I the percentage of loss of earning capacity is given for loss of arm above the elbow, loss of arm below the elbow etc I cannot understand the basis of this. If a worker loses his limb, he becomes unfit. Whether he loses his arm above the elbow or below the elbow that arm becomes useless I am afraid this aspect has not been considered by the hon. Minister while bringing forward this amending legislation. There are also several other items like loss of toe, amputation below the knee, amputation below middle thigh and so on. If there is amputation below the knee or above the knee, the leg becomes useless. Therefore, I think that aspect has not been considered

Schedule II enumerates the classes of employment wherein occupational diseases are contracted. I quite see that some new employments have been included such as construction, maintenance, repairs, demolition of buildings, dams, embankments etc. But, again, there is a snag. In the case of a building, only where the building has a height of 12 feet or more from the ground the worker concerned will be entitled to compensation if he contracts an occupational disease. Likewise, if a dam or an embankment is 12 feet or more in height from the lowest to the highest point, only in such case, the worker is entitled to compensation if he contracts an occupational disease. I cannot understand this. What is the basis for this? Suppose a workman who is employed in the construction of a dam contracts an occupational disease, apart from the fact that the dam is 12 feet or 10 feet high, and if the conditions there are such that the workman contracts an occupational disease, he should be entitled to compensation irrespective of the fact that the dam measures 12 feet or more

Again, in Schedule III, Part B, some diseases have been enumerated. In the light of new industries that have come up and are likely to come

up in the near future, I think a thorough survey should be made to see what are the industries in which there is a vulnerability of an occupational disease being contracted by the workmen, and such diseases should be included in Schedule III.

Apart from this, I would like to point out that the Employees' State Insurance Scheme should be extended to all the industries. Now, it is applied only to some industries.

Schedule II describes the clauses of employment where the workman is entitled to compensation for contracting an occupational disease. But certain classes of employment have been excluded. For instance, I shall read sub-clause (1) of Schedule II:

"(1) employed, otherwise than in a clerical capacity or on a railway, in connection with the operation or maintenance of a lift or a vehicle...." etc.

In sub-clause (1), one finds "employed, otherwise than in a clerical capacity, in any premises" etc. Supposing a clerk is employed in a colliery or in a factory, he also works in the same surroundings as the other workmen, though the incidence or the chances of contracting the disease may be less. Nevertheless, the clerk also who is working within the premises or within the factory should have the same benefit as other workmen.

Again, the words "accidents arising out of the and in the course of employment" have not been defined. This clause has been the subject of divergent decisions of High Courts. Supposing the worker who is employed in a colliery is asked by the employer to do some other job; for instance, if he is asked to go to the railway station to get a parcel, and while going there on the way he meets with an accident, can it or can it not be said that he has met with an accident in the course of employment? Such contingencies have not been taken into consideration. I feel that in this matter of welfare legislation

we should have a more comprehensive measure. The workmen who have contracted occupational diseases or who have met with accidents should be rehabilitated.

My friend Shri Vittal Rao was suggesting that disabled workers should be supplied artificial limbs. That is quite correct. Supposing after medical treatment the worker is again found fit, he should be re-employed. Some such measures will have to be considered.

I hope the Labour Minister who is a labour leader will look into these matters. If I remember aright, I read in the press that he was himself some years ago a workman. So, he knows the conditions of labour much more than any one of us. I therefore hope that the hon. Minister would consider these aspects of the matter and come forward with a comprehensive legislation at the earliest possible time.

Shri S. M. Banerjee (Kanpur): My hon. friend, Shri Vittal Rao, pointed out that this House expected a comprehensive amending Bill and he had simply spoken about the defects of the existing Bill. I will confine myself to certain aspects of the original Act. Many speakers have spoken about the rates of compensation. In 1923, our country was ruled by the Britishers, who thought that the value of an Indian life can hardly be Rs. 3,000 or Rs. 4,000 at the most. I ask the hon. Minister, does our national Government also think on the same lines?

Throughout the country, in the industries, most of the workers are getting a salary between Rs. 28 to Rs. 50 or Rs. 60. What are the rates of compensation? Between Rs. 27 and Rs. 30, compensation for death is Rs. 900 and for permanent total disablement of adults Rs. 1,280. From Rs. 30 to Rs. 35, the rates of compensation are Rs. 1,050 and Rs. 1,470 respectively. So on it goes up to Rs. 50, at which the rates of compensation are Rs. 1,500 and Rs. 2,100 respectively.

[Shri S. M. Banerjee]

The maximum compensation for those who are getting Rs. 300 and above is Rs. 4,500 for death and Rs. 5,000 for those who are permanently disabled. I want to know from the hon. Minister whether we are not thinking in terms of increasing the quantum of compensation in view of the soaring prices and rising cost of living and in view of the fact that there are a large number of accidents and also it is on the verge of increase.

Let us see the alarming rise in accident rates in the mines. From 26.50 per thousand in 1954, it rose to 246.76 in 1956. In docks and ports, from 23.43 in 1954, it rose to 72.19 in 1956. In Posts and Telegraphs, from 0.19 in 1954 it rose to 10.96 in 1956 and in the miscellaneous group, from 12.82 in 1954, it rose to 24.18 in 1956. This clearly shows that the accidents are on the verge of increase. In 1957 or 1958, there might be a decrease in some industries and the hon. Minister has stated many times in this House that enough safety measures are being taken in mines and other industries.

When we discuss the amendment suggested by the Government, let us also discuss how the accidents take place in the mines. The example of Chinakuri disaster is before us. The other day, the hon. Deputy Minister defended the Chief Inspector of Mines and gave him a big certificate. That discussion is coming up in the House and I do not want to enter into that controversy now. But I must submit that the mine-owners are not being prosecuted. Considering the number of accidents and the number of violations of this Act, the number of prosecutions is far less. I do not know why Government is feeling shaky in punishing those who are guilty and who are responsible for these disasters in coal mines.

Many Members have mentioned about the occupational diseases.

According to a U.P. report as early as 1948, there was no suitable agency for reporting occupational diseases and no compensation is paid in deserving cases, merely because the cause of the disablement or death is not properly diagnosed. This is the condition and we want that something more should be done about the occupational diseases. Many diseases have not been included in the Schedule. I hope the hon. Minister himself will come before this House, if not today or tomorrow, at least after some time, with a comprehensive Bill which will have the support of all the Members of the House, irrespective of party affiliations.

About the non-submission of returns many figures have been mentioned. It is not only in Bengal, Madras and Bombay but in almost all the States the returns have not been submitted to the Government

Then there is the delay about the payment of compensation. There is the instance of an accident which took place in May 1957 in a particular mine in Andhra—the Universal Mineral Company. No compensation has been paid even till today in February 1959. The union representatives went even to the extent of requesting the owner to pay something less. But he did not agree. This is just one case which I wanted to bring to the attention of the hon. Minister. There are hundreds of thousands of such cases where even after such accidents as losing one's life or permanent disability, people are denied compensation. Now when people are denied compensation after some negotiation by the Union the case goes to the compensation court after six months. Then he is granted some compensation. But it takes one year or, in some cases, more than two years. I want to know from the hon. Minister the total figures of cases where compensation was sanctioned by the Compensation Commissioner before demands were made. Unless

we know these figures, it will be impossible for us to know whether there is proper vigilance on the part of the Government to see that the employers pay the compensation in due time or not.

Lastly, I would only request that the amendment of Shri T. B. Vittal Rao and Shri Warrior about changing the amount from Rs. 400 to 500 be accepted. In all fairness, Rs. 500 should be the limit. Already, it is there in some of our labour legislations. I hope this will be accepted, because today a middle class man gets only Rs. 500. We cannot term a man who is drawing only Rs. 500 as of the upper middle class because of the soaring prices and the increased cost of living index. So, this amendment should be accepted and the rate of compensation should be increased.

I would submit for the information of the hon. Minister that the figures given by me and by my friends clearly show that the rate of accidents is on the verge of increase and so there should be some check on the safety measures. Last but not least, the rate of compensation must be increased. The lives of Indians today in terms of money would be more than Rs. 3,000 to 4,000. Since our own Government is in power, I would request them to bring in another comprehensive Bill to meet all the requirements of the country.

Shri Aurobindo Ghosal (Uluberia): Though I do not expect that the workers will receive any tangible benefit from this amendment, still I am glad the Government, eleven long years after they came into power, have felt the necessity and the urgency to bring an amendment to a vital legislation like the Workmen's Compensation Act, which was originally passed in 1923.

Of course, it has already been mentioned that since 1953 attempts have been made several times to bring forward a comprehensive legislation

on the question of workmen's compensation. It has already been stated that in December, 1953, a memorandum was prepared by the Central Government and was circulated to the State Governments for their comments. On the basis of their comments, in 1955 again another memorandum was prepared. In 1956 a non-official Bill was also introduced in the Lok Sabha. In 1958 I myself had introduced a non-official Bill on the same subject. It is still pending.

Injuries for which compensation is granted arise out of accidents which may broadly be divided into three categories, namely, injuries arising in the process of normal work, injuries arising out of accidents which are solely due to the nature of the job and injuries arising out of accidents on account of other reasons. As regards the first type of accidents I would like to submit that they are large in number and can be avoided if two steps are taken. The first is that safety measures are taken and the second is that some training is given to the workers.

As regards safety measures, we know from our experience that safety measures are mostly violated by the employers and that there is a lack of vigilance by the Inspectorate of the Labour Department. Recently there was a conference on safety in mines and I had the opportunity to attend it. It is in our experience—we came to understand that—that so far as rules and regulations are concerned, they are quite adequate. If they are observed many of these accidents would have been avoided. But the difficulty is that there is a lack of vigilance on the part of the Inspectorate and there is also understaffing of the Inspectorate to carry on inspection of factories and mines. That is one point.

The second point is that some training in industry must be given. It is also prevalent in all other countries. In England in the coal mines some

[Shri Aurobindo Ghosal]

lectures are given before a worker is sent underground. There is also a provision that a new worker should be sent to work with a trained worker for giving him training. That sort of measures should also be adopted in our country. If the safety measures are observed and if some training in industry is given to the workers then many of the accidents can be avoided.

As regards the accidents which arise out of the nature of the job, I submit that apart from the occupational diseases some disablement is caused which has a cumulative or a long effect. For example, blindness, deafness, asthma, tuberculosis and paralysis also occur because of the nature of the job. I would like to give one instance of that. A man used to work in dazzling light in the night. After 15 years of work he went blind. When we filed a case before the Workmen's Commissioner, he refused to give any compensation on the ground that it was the condition of his service. Fortunately enough in the High Court we got the decree and the High Court Judge was kind enough to extend his imagination to the point that there were accidents every day behind the retina of his eye and that blindness has a cumulative effect. So, he was granted compensation. So, my submission is that instead of leaving this things on the sweet discretion of the judge there should be a provision so that this type of disablement, like deafness in the case of those who work in unusual sound or who work in a place which is full of dust and thus contact diseases like paralysis and asthma, is also covered. There should be scope for giving compensation to those workers also.

As regards the third kind of accident, I beg to submit that these arise out of human fatigue. Because of the introduction of rationalisation and also because of the increased mechanisation of the works, the workload is being imposed on the workers

Naturally, due to human fatigue, workers are more prone to accidents, and no survey has been made of it, though we have referred to it several times in the labour consultative committees also. So, a survey should be made in order to evaluate the jobs and fix workloads so that accidents due to human fatigue can be avoided.

The number of accidents has been tremendously increasing day by day. Statistics have been already supplied, and I do not wish to deal with this point. But I may submit that previously in claim cases a quasi-judicial procedure was being followed, but nowadays the procedure of the civil court is creeping into it, and naturally there is undue delay in the disposal of the claim cases.

Rehabilitation of workers is also an important matter, because we find in our experience that a worker disabled in a factory is not found working in the same factory later on, though the nature of his injury is not very serious. So, in order to give employment to these disabled workers, a separate wing may be opened in the employment exchanges. This should be considered by the hon. Minister.

As regards the realisation of dues, it is very difficult. In my personal experience I have found that a worker who became blind got a decree for Rs. 1200 but as the employer did not pay, the decree was sent to the Collector for realising by certificate procedure, and it took four years to get it, and he had to spend about Rs. 400 on fees and other things for getting the amount. The provision of six per cent interest is not a sufficiently deterrent element in the matter of speedy realisation. So, I submit that aspect should also be considered.

As regards injuries mentioned in Schedule I, already Shri Jaganatha Rao has pointed it out, and I also do not understand the basis for computing the rate of compensation, whether it is the utility of the limb or the measurement of the limb. If the

limb is lost above the knee or below the knee, what is the difference at all? Therefore, our basis should be not the measurement but the utility of the limb. If the limb has lost its utility, it is no use having different percentages for computing compensation.

In the claims cases, the onus is on the worker to prove there was an injury. The onus should be shifted to the employer. In the West Bengal Labour Gazette issue of June 1957 in page 27, it has been stated

"In the matter of procedure for determination of claims under the Workmen's Compensation Act of 1923, some amendments might facilitate matters more to the benefit of the workmen and also of the employers. In claim cases the onus is on the applicant to prove the accident and the injury. It is difficult for the workmen or their dependants to find out witnesses. By law the onus might be placed on the employers to disclose all evidence as to how the employee was engaged during the period from his joining the work till he left the premises of employment or was removed to any hospital. If the disclosure *prima facie* makes out that the accident causing the injury did not arise out of and in the course of the employment, then the applicant would be asked to adduce evidence on the point."

There is also another passage in that same issue on page 26

"In cases before the Compensation Courts questions sometimes arise whether the accident to a workman during his journey to or from the place of work can be said to arise out of and in the course of employment."

There are judicial controversies and also confusion on this point. Therefore, this should also be clarified in the Act.

I also understand that this sort of an Act is a very important social measure. In spite of the improvements that are being made, I am afraid that Government are moving at such a slow pace that it would be difficult to cope with the present industrial expansion. I hope, therefore, that in the immediate future, a comprehensive Bill would be brought forward in this House.

Shri Warrior (Trichur) I have to make only two points. When we speak about industries, the most important industry that we have to take into account is agriculture, and plantations form a major part of the same. In the plantations, we are using all sorts of insecticides, pesticides, weedicides and fungicides. All these are poisonous. And people are affected by these poisons and gradually they succumb to various diseases, and at times, death also. Many cases have come to the notice of the Government of Madras as well as the Government of Kerala where the use of folidol has resulted in the death of some persons. But those workers are not covered by this Act.

There is also the work of palm tapping, in the agricultural sector. Of course, palm tapping is included in the schedule, but what about areca-nut tapping, coconut-tapping etc? Do these things come within the ambit of this Act or not? If they do not come, then they must also be included, because there are very tragic cases of accidents in which these labourers are involved. They fall down from the tall trees but there is no compensation paid to them, and there is no machinery also for that purpose. There are no trade unions of theirs to get them this compensation, and Government also do not come to their help. That is a very tragic thing indeed. Therefore, they must also be covered by this Act.

Then, I come to the quarries. Usually, there are mining inspectors in the quarries in the mining areas.

{Shri Warrior}

But where there are no mining inspectors, the quarries are left free, and so many accidents are occurring in these quarries also on account of huge rocks falling down on the workers, or on account of the use of gun-powder and other things. Of course, they are in the schedule, but at the same time they are not given the benefit of the compensation, because there are no agencies to implement it, and to get relief for the workers who suffer as a result of these accidents or for their relatives as the case may be. Where there are mining inspectors, there also cases have come to the notice of the trade unions and others where quarries have been left free to operate in their own way. They must be brought within the rules and regulations of the mining Act so that the benefits coming out of the Mining Act and the Workmen's Compensation Act can be extended to the quarry workers also. There are innumerable quarry workers in the country, and their number is growing large because of the new constructions that are going on in the land. So, they must also be covered

In the final analysis, what I wish to observe is that apart from amendments being made in the body of the Act, it is the schedules which have to be mainly looked into and revised, in view of the expanding economy, and the expanding industries both on the agricultural side and on the mechanical side. If that is not done, then this Act will not be beneficial to the vast majority of the workers. Only the few categories mentioned in the schedules will be getting the benefit of this Act, if at all they get.

Lastly, the implementation of the Act is very important. The Deputy Minister intervened while my hon. friend Shri T. B. Vittal Rao was speaking, to say that the Central Government were unable to do anything in the matter, since the States did not co-operate by adapting the regulations.

Shri Abid Ali: I did not say that. I asked what should we do.

Shri Warrior: If they are not able to do that, then the Minister in the Central Government at least must be able to do that. According to the Constitution, in a concurrent subject, the Central Government can give a directive to the State Governments.

Shri Abid Ali: If it is not carried out?

Shri Warrior: If it is not carried out, then there must be some other measures which should be taken. I say this because when so many things are not carried out, the Central Government finds out ways and means to make them carry them out. It may not be coercion, it may not be sending their Army there, but it may be some other means.

Shri T. B. Vittal Rao: Labour Ministers' Conference.

Shri Warrior: Yes. This can be given publicity to.

Shri Braj Raj Singh (Ferozabad): His good offices may be utilised.

Shri Warrior: Good and bad offices also, bad offices in the sense that if they are recalcitrant, they can take some action against them.

So there is no gainsaying the fact that there is power vested in the Central Government or the State Governments. The State Governments must adhere to the principles enunciated in the Bill and it is up to them to carry them out. If they do not, there is the all-powerful Central Government. If the Central Government also finds it difficult and cannot do anything, where will the workers in between go? That is the whole trouble about it. They are quarrelling amongst themselves, the Central Government saying 'we have no power' and the State Governments saying 'we have no power'.

Shri Abid Ali: There is no quarrel.

Shri Warier: It seems there is quarrel; otherwise they will accede to it.

So it is up to the Central Government to take necessary action. We can appeal only to the Central Government. The Central Government has got more powers. It is a Concurrent Subject. It is up to the Central Government to see that these Acts are implemented and the benefits thereon go to the workers. That is why I appeal to Government that some measures should be taken either by persuasion or, if necessary, by some coercion. Lastly, I support the amendment of Shri L. Achaw Singh to refer the Bill to a Select Committee, because every time Government is evading the question of bringing in a comprehensive Bill. Only piecemeal amending Bills are brought forward. If these also are to be enacted in such a speedy manner without much consideration, whatever benefit even Government is considering to give the workers will not go to them. So at least this amending Bill, meagre as it is, little as it is in terms of benefits to the workers, should be made a proper Bill so that the actual benefit will go to the workers.

Shri Nanjappa (Nilgiris): I have two amendments to the Bill.

Mr. Speaker: I will allow the hon Member an opportunity in the next stage.

Shri Nanjappa: I will take only a few minutes. The first is relating to accidents occurring due to poisoning by sewer gas. In these days, not only big cities but even smaller cities have underground drainages. We read in newspapers a number of cases occurring due to exposure to sewer gas. They are not merely cases of poisoning, but there are cases of fatalities also. They are also not few. So such cases should be brought within the purview of the Bill.

The second is regarding workers in leather tanneries. These people develop certain skin diseases, eczema,

exfoliation of the skin, inflammation of the skin and other diseases. I am not exaggerating; one comes in one's daily practice of medicine across such cases for treatment. In these days they are not few; there are a number of tanneries in the country and the number of such cases is also great. These people must also be given protection under this Bill.

There are a few cases wherein there is delay in the payment of compensation. There is one case even now pending regarding the Electricity department of the Madras Government. They have awarded the payment a year and a half ago; but, yet, the party was not paid the amount. On some excuse or other the payment is delayed.

With these words I thank you for allowing me to make a few observations.

Shri Abid Ali: The discussion mostly centred round issues like returns not being submitted, the Rs. 400/- limit being increased to Rs. 500/-, the compensation to be liberal and the waiting period of three days and the delay in the payment of compensation and in deciding these cases. Some of the arguments advanced had nothing to do with the subject-matter of the Bill before the House and I was surprised to find some hon. Members going to the extent of saying that some of the clauses were detrimental to the interests of the workers and were more in favour of the employers.

One of the instances pointed out was that because we have increased the time limit for filing compensation claims by the workers, the employers will take advantage of it. It has also been said from the other side that we have been influenced by the employers and all that. I am sorry that friends who are responsible for giving too much of liberal facilities—maybe for good reason—to some well-known industrialists to the extent that their own party adherents have protested vehemently and held big demonstrations—rather their counterparts—come

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here and tell us that we are influenced by employers and, therefore, are not doing justice to the workers

It has been said that because of agitation from some of the trade union organisations belonging to the Opposition parties these amendments have been brought forward. It is far from the truth. The proposals originated from us and there were discussions. As hon Members know, detailed memoranda were formulated and circulated to all India organisations of workers and employers and State Governments also. After several discussions and conferences it was thought that, as the other two items about which I made mention in my opening remarks would take more time, this amending Bill may in the meantime, be brought forward and accepted by Parliament and be brought into force.

A suggestion has now been made that this should be referred to a Select Committee. I may inform the hon Members that a similar suggestion was made in the other House and, at that time, I was feeling that, perhaps during the last session this amending Bill may be passed by both the Houses and, therefore, requested hon Members of both Houses taking active interest in labour matters to sit in an informal committee. They were good enough to come. We had detailed discussions.

As it is known, the original amending Bill contained 5 days waiting period. That was on the basis of the ILO Convention. Most of the hon Members are asking us, Why have you fixed these 5 days? It is not our brain wave, it is the unanimous decision of the ILO. According to that we fixed five days. Subsequently during the course of the discussion in the committee, it was unanimously agreed to reduce it to three days and some hon Members who spoke today were present there and now they come here and criticise us. I leave it to

them to decide to what extent they are wrong or right.

Now about Rs 400-500 category, it was very unfortunate that some hon Members could not take the trouble to listen to the opening remarks. They would have saved a lot of the trouble they have taken in leveling so much criticism if they had been kind enough to listen to what I said in the morning while requesting the House to consider this Bill. I have said that two important proposals for amendment relate to the revision of current rates of compensation and an enhancement of the wage limit in the Act from Rs 400 to Rs 500 and that 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 intention is to examine this report with the utmost speed and decide the issue and submit a Bill for the consideration of Parliament as soon as possible.

With regard to returns, a large number of them are submitted and some are not submitted. It does not mean that where the returns are not submitted the workers do not get compensation. No worker goes without getting compensation which is due to him. What is the trade union organisation doing? When the returns were submitted last time, more than 30 lakhs of membership has been claimed by the four central trade union organisations. The hon Member has stated that about 32 lakhs of workers are covered by the Act. If so most of the workers are covered by the trade union organisations and certainly they should be taking care of this matter as well. The inspectorate, the factory department etc should be alert, about that nobody can say anything. But there is some responsibility on the trade unions officials as well. There may be some

delay in payment but no worker who is entitled to any compensation is denied even if the trade union does not take care of him. Our departments are there and we as individuals also take an active interest in these matters. Even a post-card received receives attention it deserves.

Shri Braj Raj Singh: Is it a fact that people get compensation sometimes after their death?

Shri Abid Ali: That is for God to decide, not for me, if somebody claims compensation and in the meantime dies, certainly his relations must get it.

Shri Braj Raj Singh: Matters are so delayed

Shri Abid Ali. Some cases are delayed. I have already mentioned the attempt is that these cases should be speedily disposed of. We make efforts, write to the State Governments and other departments which can be influenced by us. Whenever the Labour Ministers' Conferences are held and when these items are there, these matters are also discussed. The hon. Members have said that the State Governments are not doing their job well. It is not for us to decide whether they are doing their part of the job well. They are also democratically elected, by the same electorate that elected us. They have got their legislatures also. I expected the hon. Members to say that it is for those members. They have also got their members and these questions can be raised there. Suggestions can be made. Certainly, it is not that all the State Governments in all matters are negligent. There are some difficulties also. One hon. Member said that the Labour Minister should resign if any State Government is not carrying out any suggestion. Then, in that case, every day, the Labour Minister will have to resign.

Shri Hem Barua: We want you to continue and prosper

Shri Abid Ali: Certainly, the nation should prosper. Compensation should be liberal, and I have already mentioned about it.

My good friend from Bombay said that 6 per cent interest as compensation will not be enough. Six per cent compensation has been mentioned in addition to the 50 per cent penalty amount. If the Commissioner is satisfied that the employer has been neglecting the payment and is unduly delaying payment, then the amount that we have fixed is to the extent of 50 per cent of the amount due to the worker as compensation. So, the six per cent compensation is in addition to that. The Commissioner can allow that. So, that percentage has been fixed.

There have been prosecutions. We are not dictators here. The law has been passed by Parliament and is administered by the States. In case any employer or a large number of employers do not carry out their part of the job and where prosecutions are justified the prosecutions are launched. They take time, of course as everybody knows. But what else can we do?

One hon. Member said, "Stop all the help of Government". Can it be done? It is easy to make such a suggestion, but what will be the consequences? Suddenly, the factories will be closed. Do hon. Members seriously suggest that because some return has not been submitted, the factory should be closed and the workers, either should be laid off or retrenched or dismissed or discharged? What is the suggestion? I cannot understand how a responsible person belonging to a responsible trade union organization could go to the extent of saying that for a little default on the part of the employer all the workers in the factory should go home.

A question was asked as to why more industries are not being included. I may request the hon. Members to glance over the Act again. They

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will find that the State Governments by notification can apply the Act to industries, as it has been provided for in the Act. That can be done. For that purpose, it is not necessary to amend the Act

Mention was made about transport workers: I myself belonged to the transport workers' union. The transport workers are covered by the Act. They get compensation under the Payment of Wages Act.

Shri S. M. Banerjee: To which union does the Minister belong?

Shri Abid Ali: In 1952, before I came here, I belonged to the BEST Workers' Union in Bombay.

Shri S. M. Banerjee: Ex-President.

Shri Abid Ali: I am very happy. Then, about quarries, the workers in the quarries also are covered by the Act. About sewage workers a suggestion was made that these are employees of municipalities. But the municipalities do pay compensation. About the Mines Department, the hon. Members said that I gave a good certificate to that department the other day. Certainly, if they deserve a certificate it must be given.

Shri S. M. Banerjee: At the cost of human life.

Shri Abid Ali: Not certainly at the cost of human life. One hon. Member said that when he attended a Safety Conference it was felt there that the accidents were increasing and the inspectors of the Mines Department were not doing their job. I do not know about it although I presided at that conference. Nothing of the kind happened in that conference at least. The reports which were placed before that conference were up to the year 1957, and certainly 1957 was a year which had the least number of deaths in the coal mines particularly. Some figures were mentioned here. But I have also got some

figures. The total number of accidents in the year 1955 was 75,793, in 1956, the number was 61,816.

Shri T. B. Vittal Rao: What is the figure for 1954?

Shri Abid Ali: That can be seen from the books. I have quoted these two figures to show whether the accidents were increasing or decreasing.

Shri T. B. Vittal Rao: In 1955, the figure was the highest. That is why I wanted the 1954 figure. There was no other motive.

Shri Abid Ali: I am not attributing any motive. I am only placing the correct figures before the House. The number of accidents in factories was 36,741 in 1955 and 29,446 in 1956. Similarly in plantations, the number of accidents was 3659 in 1955 and 915 in 1956; similarly, in railways, the number was 19,931 in 1955 and 12,619 in 1956.

Shri Braj Raj Singh: The credit goes to the Ministry.

Shri Abid Ali: Certainly, to the workers and to the public also. Everybody is contributing to all that happens, good and bad. If some friends are determined to be unreasonable and say everywhere everything is bad, nobody can help it.

About artificial limbs, that is not the function of this Act. This Bill does not deal with that. The hon. Members know that the Employees' State Insurance Corporation have opened a department. In regards to the coal mines also, they have got a regular department. Some people have been sent to Poona in the military section and they are to be trained there. Hon. Members will be happy to know that in every sphere, an attempt is made to do all that is possible. But we cannot mention everything in any Bill that is brought before the House. How can that be possible?

I have already mentioned about increasing the limit from Rs. 400 to Rs. 500. I have said that this will be taken up in a separate Bill. As the method of lump sum payment is not satisfactory, we have been considering whether it can be replaced by a system of monthly payment. This will require a different set of machinery and the liability will also increase two or three times.

Then, I do not remember ever using the expression "comprehensive legislation".

Shri S. M. Banerjee: All-embracing.

Shri Abid Ali: Wherever amendments are necessary, we bring before Parliament amending Bills. I do not know from where the hon. Members have got this idea that for everything there should be a comprehensive Bill. Nobody has told me up to this time what that comprehensive Bill should contain. Everybody says that a comprehensive Bill is not coming. When some other Bill comes, they will again say that it is not comprehensive. So, it should be known that there is nothing of that kind which is known as a comprehensive Bill, in this connection at least.

About shops and commercial establishments, I have already submitted that State Governments are empowered according to the main Act to add to the schedule whenever they think it is necessary.

17 hrs.

My hon. friend from Kanpur said that we have not collected information with regard to the amount not paid. Now, how can that be possible? If in case any amount has not been paid, then certainly trade

union organisations should collect information and bring that to our notice. And when complaints come to us that amount has not been paid, our efforts are in the direction of getting the amount due to the workers paid. And that is the end of it. We are not maintaining figures of amounts not paid. It is not possible, nor is it necessary.

Therefore, I would request hon. Members not to criticise the working of these laws but to have a little more connection with the trade union organisations and be more interested in the welfare of the workers. Then I am sure that 90 per cent of the things said today will not be repeated and everybody will be thankful to them.

Mr. Speaker: I think the Minister has covered all the points. Now is it necessary to refer it to the Select Committee. Is the hon. Member pressing his amendment?

Shri L. Achaw Singh: I am not pressing my amendment.

The amendment was, by leave, withdrawn.

Mr. Speaker: I will now put the motion to the vote of the House. The question is:

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

The motion was adopted.

17.02 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, February 20, 1950/Phalguna 1, 1950 (Saka).