

tomorrow. That is why I thought we could release Mr. P. M. Sayeed from confinement in our House. Now, he is released. We have only Mr. Sangma's Bill with us.

SHRI MD. SALIM (West Bengal): What about the release of Dr. Silvera?

THE DEPUTY CHAIRMAN: We can release Dr. Silvera also from the House if he lays the statement on the Table of the House and you can withhold your right to seek clarifications.

SOME HON. MEMBERS: We are all agreeable to this.

THE DEPUTY CHAIRMAN: Yes, Mr. Minister, you may lay the statement on the Table of the House.

STATEMENT by Minister

SITUATION ARISING OUT OF STRIKE BY THE RESIDENT DOCTORS IN THE A.I.I.M.S. NEW DELHI

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (DR. C. SILVERA): Madam, I beg to lay on the Table of the House a statement on the situation arising out of the strike by the Resident Doctors of the All India Institute of Medical Sciences, New Delhi

THE DEPUTY CHAIRMAN: Now, on the Workmen's Compensation (Amendment) Bill, there are four names only... (*Interruptions*) Yes, Mr. Virumbi, your name is also there. Mr. Virumbi always speaks. So, we have the names of five Members to speak on this. Now, no time was allotted for this because it did not come before the Business Advisory Committee. So, it is entirely up to the Members to decide. Now, if you want to discuss it today, we can do so. Otherwise, we can discuss it tomorrow in the evening after we finish the listed business in the morning.

SHRI JIBON ROY (West Bengal): Madam, I have a submission on the Workmen's Compensation (Amendment) Bill. This Bill was brought forward in pursuance of the Law Commission's recommendations and was introduced in this House in June, 1994. After that, the Bill was referred to the Standing Committee. The Standing Committee made a number of recommendations. I would like to know from the Labour Minister whether he want us to discuss the Bill in the form in which it was introduced in June or whether he wishes to accept some of the recommendations of the Standing Committee and accordingly amend the Bill before we take it up for discussion in the House.

THE DEPUTY CHAIRMAN: Mr. Sangma, is it the same Bill which you had introduced in June, 1994 before it was referred to the Parliamentary Standing Committee or a new Bill incorporating the recommendations of the Standing Parliamentary Committee?

THE MINISTER OF LABOUR (SHRI P. A. SANGMA): What we are discussing is the same original Bill that I had introduced in June, 1994. If I come up with a new Bill, it will again have to be referred to the Parliamentary Standing Committee.

SOME HON. MEMBERS: No... (*Interruptions*)...

SHRI SATISH AGARWAL (Rajasthan): No, it is not necessary... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Please don't get agitated. Mr. Sangma is one of the competent Ministers. Let him make his statement.

DR. BIPLAB DASGUPTA: Madam, what do you mean by it?

SHRI TRILOKI NATH CHATURVEDI (Uttar Pradesh): Madam, are there different levels of competence

in the Government? ... (Interruptions) ...

THE DEPUTY CHAIRMAN: I did not say that he is 'the' only competent Minister. I said, he is one of the competent Ministers. There are many more. There might be a hundred people.

SHRI P. A. SANGMA: The House can discuss the original Bill and the recommendations of the Parliamentary Standing Committee together. I have an open mind on the recommendations made by the Committee and during my reply at the conclusion of the debate on this Bill, I will indicate openly what recommendations we have accepted and what we have not accepted.

SHRI SATISH AGARWAL: If you agree to some of the recommendations of the Parliamentary Standing Committee, what can be done after the debate is over?

SHRI P. A. SANGMA: I will move some amendments... (Interruptions)... Let us discuss the Bill first.

SHRI JIBON ROY: It will prolong the discussion.

SHRI P. A. SANGMA: No, it will not prolong the discussion.

SHRI SATISH AGARWAL: Madam, here I want to make a point in regard to conventions. When a Bill is introduced in the House and the same is referred to the Department-Related Parliamentary Standing Committee, the Government should come up with an amended Bill incorporating the recommendations accepted by them. The Government should consider the report of the Committee and come up with an amended Bill incorporating the recommendations of the Committee that they had accepted. Otherwise, the reference of a Bill to the Committee is absolutely of no use.

THE DEPUTY CHAIRMAN: What I understand from the response of the Minister is he says that while re-

plying to the debate after listening to the Members, he would indicate what recommendations the Government have accepted and what recommendations the Government have not accepted ... (Interruptions)... This is what I understand from his response.

SHRI SATISH AGARWAL: But the Parliamentary Standing Committee is a composite one. It comprises both the Congress Members and the Opposition Members. The recommendations which the Government have accepted should be incorporated in the Bill. At least in future, the Government should follow this direction.

THE DEPUTY CHAIRMAN: I think there is a difference between a Bill referred to a Joint Committee of both the Houses of Parliament and a Bill referred to a Parliamentary Standing Committee which is a permanent body. When a Bill is referred to a Joint Committee, the Joint Committee will go into the Bill and come up with some amendments. But the permanent Parliamentary Standing Committee are not necessarily to send any amendments. They sometimes recommend some amendments. They sometimes make some suggestions. They may even, after examination of the Bill, send the Bill as it is. So, it is not correct to say that whatever the permanent Parliamentary Standing Committees say should be incorporated in the Bill and an amended Bill should be brought forward.

SHRI SATISH AGARWAL: That is why I talked of conventions. An amended Bill after incorporating the recommendations accepted by the Government should be brought before the House. I am talking of conventions.

THE DEPUTY CHAIRMAN: What I am saying and trying to make the Members understand is that the job of the Department-Related Parlia-

mentary Standing Committees is different. They have to go into the details thoroughly. They have to go into the pros and cons of the Bill. They will have to consider the Bill clause-by-clause. Now the concerned Parliamentary Standing Committee had gone into the Bill and they made a report. I am sure the Minister has gone through the report. He must have gone through the report and he says he has an open mind on the recommendations of the Committee. He also says that he will indicate what recommendations of the Committee he accepts and what he does not. You ask him tomorrow. Otherwise, what is the point in wasting the time now?

DR. BIPLAB DASGUPTA: Madam, please let me make a small point. After the Bill was introduced in the House in June, 1994, a number of recommendations had been made to the Government. Now we find that there are only three or four points on which the Bill departed from the recommendations of the Committee. Some of us have made some amendments. If the Minister likes to incorporate them in the Bill, it is all right. We are not asking for anything new. We are only asking that the recommendations made by the Committee and which have not been incorporated in the Bill, should be included in the Bill.

SHRI SATISH AGARWAL: We are not saying anything new there. What I am saying is this that it is like the earlier one which we have passed. (Interruptions). If the Minister goes through it and agree to what we are saying, again we can pass it without any discussion. What I am saying is we want to save the time of the House. (Interruptions)

THE DEPUTY CHAIRMAN: I don't think we can compel him.

SHRI P. A. SANGMA: Madam, I agree with the hon. Member, Shri Agarwal. I think the House should come out with a definite procedure as to what, after the Bill has been introduced in the Parliament and it is referred to the Standing Committee, the Government should do after getting the report. Should we come back with the amended form on the basis of the recommendations or the original Bill should be discussed along with the recommendations and whatever is possible for the Government to concede at the end, it can be considered or it cannot be considered. I think it should be settled once and for all. (Interruptions)

THE DEPUTY CHAIRMAN: Let Mr. Narayanasamy and Mr. Fernandes speak and then I will come to you. (Interruptions)

SHRI V. NARAYANASAMY (Pondicherry): Madam, I agree with the Minister. (Interruptions)

SHRI JOHN F. FARNANDES (Goa): Madam, whatever the Standing Committees decide is not binding on the House. The House has its own opinion. I think it would be proper for the Minister to hear the view of the House and then only go ahead with it. (Interruptions). The report of the Standing Committee is not binding on the House. (Interruptions).

THE DEPUTY CHAIRMAN: No, we are not starting a new discussion, I hope.

SHRI V. NARAYANASAMY: I am on a different point. I would like to make a point, Madam. When the Parliamentary Standing Committees were constituted, it was made clear and it is in the rules also, that the recommendations of the Standing Committees are recommendatory in nature and not mandatory. It is for the Government to either accept those recommendations or not accept those recommendations. Therefore,

Madam, the Opposition cannot compel the Minister to accept all the recommendations.

THE DEPUTY CHAIRMAN: Even the ruling party Members cannot compel the Minister. *(Interruptions)*

SHRI SATISH AGARWAL: Madam, that is not my point. I never said so. *(Interruptions)*

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): Madam, he is politicking it. *(Interruptions)*.

SHRI SATISH AGARWAL: Mr. Narayanasamy, you have not followed me. *(Interruptions)*.

SHRI V. NARAYANASAMY: Madam, what he meant was that the Minister has to incorporate all the recommendations. *(Interruptions)*.

THE DEPUTY CHAIRMAN: No, he did not say that. *(Interruptions)*. Let me explain. Let me explain *(Interruptions)*

Let me explain, please. *(Interruptions)*. Let me explain, please. *(Interruptions)*. Mr. Virumbi, let me explain. I request you to please take your seat. *(Interruptions)*. Mr. Virumbi, let me explain once again.

These Standing Committees are of a permanent nature and as I said very clearly, they have to go through each and every aspect of a legislation and come before the House—not only legislation, but to go into the working of every Ministry and Department of the Government. They have to make their own observations. They submit the report to the Parliament. Now, they are represented by a cross section of the House belonging to all the parties. It is not that there is only one party there. The thing is that their recommendations are not mandatory. But, definitely, their recommendations, as the Minister said, are of a serious nature because they have gone into the details, they have studied them and they have applied their mind to

it. The Ministers mind is totally open, as he has said. But he would still like the Members to deliberate on this issue on the floor of the House. He would take the sense of the House as to what the Members feel. May be, he will agree to what you say and also what the Committee says. But let there be an open mind. If you want to start the discussion now, I don't mind it. But if you feel that you would like to think of it tonight and take it up tomorrow or the day after, you can think of it because there is no immediate hurry for this.

SHRI P. A. SANGMA: I only want to point out one thing. In the event of the House deciding that after the recommendations of the Standing Committee, the Government should re-examine it and come with the necessary amendments, if it is possible, it may cause delay because in certain matters the recommendations of the Committee are such that the Ministry will have to go back to the Cabinet. There are also certain recommendations where a legal opinion is required to be sought. For example, in this particular recommendation, which Shri Jibon Roy has made, it is that the Act should be made applicable to casual labour. That is one recommendation. But the Supreme Court has ruled in some judgement that it is applicable to the casual labour also. It is now a debatable point. The Standing Committee wants that it should be done like this and the Supreme Court has interpreted a particular provision of the Act, and, ultimately, I will have to go to the Law Ministry for a final opinion. This will delay the whole process of passing the law. As a result the workers who would be benefited by the passing of the Bill will be deprived of that. That should be kept in mind. I just wanted to point out that... *(Interruptions)*...

THE DEPUTY CHAIRMAN: Why should we discuss this issue?

SHRI SATISH AGARWAL: Madam my only submission was for laying down a certain procedure for future. A report should be submitted to the

House. Then it should go to the Government. The Government should apply its mind and then it should come before the House when piloting a particular Bill saying that these are the recommendations which they have accepted and have incorporated our amendments and these are the recommendations which they cannot accept on account of the Supreme Court decision. The Government should apply its mind. The same Bill will be there but with certain amendments which you are accepting on account of the Parliamentary Committee's recommendations. There may be certain recommendations to which you will not be able to...

SHRI P. A. SANGMA: That is what I have said in the beginning, that whatever is possible at the conclusion of the debate... (*Interruptions*)...

THE DEPUTY CHAIRMAN: I am not allowing any discussion on this ... (*Interruptions*)...

SHRI P. A. SANGMA: If you want me to do it earlier, then I will have to follow a certain procedure which will delay the matter.

THE DEPUTY CHAIRMAN: That matter is closed because first we have to see whether we are getting

this matter to be discussed today or we are deferring it for tomorrow or day after. This is entirely up to the House. We will be discussing Patents tomorrow. So, we can't take it up tomorrow. We can take it up next week. (*Interruptions*)...

SHRI JIBON ROY: You have said that there are a number of legal and other complications in it. Without clearing those things you are coming to the House and you will be imposing whatever you have in your mind today.

SHRI P. A. SANGMA: I have an open mind today and I will have an open mind tomorrow and the day after also. I know what I can conceive and I know what I can't conceive. Even if you want to pass it today, I am ready for that. I am ready for everything.

SHRI SATISH AGARWAL: You are ever ready... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Now, on this happy note I adjourn the House till 11.00 A.M. tomorrow.

The House then adjourned at thirty-eight minutes past five of the clock till eleven of the clock on Thursday, the 23rd March, 1995.
